

## **PART D: CHAPTER 2 - OVERVIEW**

1. Chapter 2 deals with Ngai Tahu and the management of natural resources.
2. The first section deals with tangata whenua, and recognises that in the South Island Ngai Tahu occupies all but the most northern part of the island. It addresses mana whenua, and Te Runanga O Ngai Tahu's position as the tribal collective of Ngai Tahu Whanui. It also recognises the papatipu runanga in the Canterbury region.
3. A separate section deals with Ngai Tahu and the management of natural resources, and in particular comments on mauri and kaitiakitanga. There is also discussion on rangitiratanga, taonga, mahinga kai, and wahi tapu.
4. There is a further section dealing with the management of matters of natural resource significance to Ngai Tahu, and with resource management issues and desired outcomes for the tangata whenua within the Canterbury region. There is a schedule of issues and the various outcomes for each issue sought by tangata whenua.
5. There are then various appendices dealing with -
  - (a) runanga takiwa in the Canterbury region,
  - (b) instruments from the Ngai Tahu Claims Settlement Act 1998,
  - (c) Ngai Tahu statutory acknowledgement areas,

- (d) topuni areas and descriptions,
  - (e) sites over which nohoanga entitlements exist in the Canterbury region,
  - (f) taonga species list, and
  - (g) the relevant sections for tangata whenua taken from Part II of the Act, and a brief description of the principles of the Treaty of Waitangi.
6. There is also an appendix containing suggested further reading for those who would like to know more about Ngai Tahu and its management of natural resources.

## **PART E: RECOMMENDATIONS ON CHAPTER 2 - NGĀI TAHU AND THE MANAGEMENT OF NATURAL RESOURCES**

### **General Submissions ## 02-000 00 00**

<b>Number</b>	<b>Name of Submitter</b>	<b>Summary of Submission</b>
<b>155 (point 1)</b>	Federated Farmers Of New Zealand Inc, Mackenzie Branch	Re-appraise Chapter 2 to limit Ecan's responsibilities under the RMA. No decision is requested.
<b>155 (point 2)</b>	Federated Farmers Of New Zealand Inc, Mackenzie Branch	Environment Canterbury needs to take more cognisance of parties who have demonstrated recent or potential use and/or management of a resource. No decision requested.
<b>215</b>	Canterbury Aoraki Conservation Board	The spirit and intent of Chapter 2 should be adequately reflected in all subsequent chapters of the NRRP. No decision is requested.
<b>338</b>	Transit New Zealand, Christchurch	Supports Chapter 2 overall
<b>347 (point 1)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Delete Chapter 2. No s32 analysis completed for Chapter 2.
<b>347 (point 2)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Beyond the reasonable requirements of consultation, additional costs should be met by the Council.
<b>347 (point 3)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Ensure that mandatory consultation with Maori does not become vexatious.
<b>347 (point 4)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete Chapter heading and add 'Tangata Whenua'.
<b>347 (point 5)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Amend to clarify the relationship between Chapter 2 and the rest of the NRRP e.g. Is Chapter 2 a stand alone chapter or is it read into each of the NRRP chapters? No decision is requested.
<b>347 (point 6)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	The significant omission of any detail about tangata whenua values, provides no indication to others interested in resource management about how tangata whenua references in the NRRP are going to be interpreted in practice. No decision requested.

<b>347 (point 7)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	It is not made explicit in Chapter 2 that the dominant values and historic use in virtually every tribal area seems to be mahinga kai (food gathering). No decision requested.
<b>347 (point 8)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Clarify how Environment Canterbury proposes to incorporate consideration of other like belief systems or religions on the management of Canterbury natural resources into the NRRP.
<b>347 (point 9)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Ecan's chapter is more restrictive than Ngai Tahu iwi management plan on water; clarify where these restrictions came from.
<b>348</b>	Environment Canterbury	Add an introduction to Chapter 2, as '2.1 Introduction' as follows: 'The purpose of this section is to: - Help inform users of the Proposed Canterbury Natural Resources Regional Plan of Ngai Tahu values as they relate to the resources being managed by the Proposed Canterbury Natural Resources Regional Plan, and the outcomes being sought by them. - Provide information and guidance to applicants for resource consents as to why and how to involve tangata whenua through the development of their application. - Fulfil Environment Canterbury's obligations under the Ngai Tahu Claims Settlement Act 1998 to note in relevant plans the existence and location of Statutory Acknowledgments. This will also assist resource consent applicants. This section contains no objectives, policies or methods. Tangata whenua issues and outcomes are addressed throughout Chapters 3 to 8 of the Proposed Canterbury Natural Resources Regional Plan as part of the process of dealing with all resource management issues covered by the chapters in an integrated manner.' And renumber consequential sections accordingly.
<b>359</b>	West Eyreton Residents Association	Amend Chapter 2 to show where Ngai Tahu interests are in West Eyreton area, and explain the relationships so that applicants can better consult with Ngai Tahu, or remove the obligation for local residents to consult with Ngai Tahu on resource management applications.
<b>365</b>	Meridian Energy Limited	Extend the submission period to ensure that an overlapping submission period is provided for all chapters of the proposed NRRP. Make any consequential amendments to the plan where necessary. Renotify Chapters 1 and 2.

<b>379 (point 1)</b>	Christchurch City Council, Civic Offices	Include the relevant definitions either as footnotes or list separately within the Chapter to which they apply.
<b>379 (point 2)</b>	Christchurch City Council, Civic Offices	Avoid using the term 'Precautionary Principle' throughout the entire NRRP, or include a new definition for 'Precautionary Principle'. (Refer 1-9-1.)
<b>386</b>	Te Runanga O Ngai Tahu	Add an introductory section which explains the purpose and content of Chapter 2. Include the statutory basis for its inclusion and how the particular concepts and perspectives contained in it will be integrated throughout the rest of the plan. Also explain the statutory provisions from the Ngai Tahu Claims Settlement Act 1998 that are contained in the appendices of Chapter 2. Make any other consequential amendments to the Plan.
<b>404</b>	AgResearch Ltd, Lincoln	Retain Chapter 2.
<b>413 (points 1 to 9)</b>	A Gillanders	Supports the submission made by Federated Farmers of NZ.
<b>418</b>	A & N Chalmers	Amend the Plan to show where the tangata whenua areas of regional importance are.
<b>904</b>	Federated Farmers Of New Zealand Inc, Banks Peninsula Branch	Requests meetings with Ecan and runanga to explain the reasons for having Chapter 2. Does not want a plan that is directive without consultation. No decision is requested.
<b>F328 (point 1)</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347 (point 1)
<b>F328 (point 2)</b>	New Zealand Historic Places Trust, Southern Region	Support submission 348
<b>F328 (point 3)</b>	New Zealand Historic Places Trust, Southern Region	Support submission 386
<b>F347</b>	Federated Farmers of New Zealand	Oppose submission 348
<b>F365</b>	Meridian Energy Limited	Oppose submission 347 (point 1)

<b>F386 (point 1)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 215
<b>F386 (point 2)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 338.
<b>F386 (point 3)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 1)
<b>F386 (point 4)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 2)
<b>F386 (point 5)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 3)
<b>F386 (point 6)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 4)
<b>F386 (point 7)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 347 (point 5)
<b>F386 (point 8)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 9)
<b>F386 (point 9)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 348
<b>F386 (point 10)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 359
<b>F386 (point 11)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 404
<b>F386 (point 12)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 413

<b>F386 (point 13)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 418
<b>F386 (point 14)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 904
<b>F401</b>	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Support in part submission 348
<b>F3004</b>	J H Gardiner	Support submission 347 (point 6)
<b>F3005</b>	I A Upston	Support submission 347 (point 6).
<b>F3006</b>	K Turpin	Support submission 347 (point 6).
<b>F3007</b>	J C Stewart	Support submission 347 (point 6).
<b>F3008</b>	P I Bruce	Support submission 347 (point 6).
<b>F3009</b>	R and A Leckey	Support submission 347 (point 6).
<b>F3010</b>	S Anderson	Support submission 347 (point 6).
<b>F3011</b>	N Dalley	Support submission 347 (point 6).
<b>F3012</b>	R Kerr	Support submission 347 (point 6).
<b>F3013</b>	C Robertson	Support submission 347 (point 6).
<b>F3014</b>	M Robertson	Support submission 347 (point 6).
<b>F3015</b>	A McDowell	Support submission 347 (point 6).
<b>F3016</b>	RH Friedman	Support submission 347 (point 6).
<b>F3017</b>	B Shepherd	Support submission 347 (point 6).
<b>F3018</b>	PG Morrison	Support submission 347 (point 6).
<b>F3019</b>	P & S M Turnbull	Support submission 347 (point 6).
<b>F3020</b>	M Robertson	Support submission 347 (point 6).
<b>F3021</b>	N Robertson	Support submission 347 (point 6).
<b>F3022</b>	N Stott	Support submission 347 (point 6).

<b>F3023</b>	WS Rowe	Support submission 347 (point 6).
<b>F3024</b>	A D Cullen	Support submission 347 (point 6).
<b>F3025</b>	P J Croft	Support submission 347 (point 6).
<b>F3026</b>	B Parsons	Support submission 347 (point 6).
<b>F3027</b>	A W Andrews	Support submission 347 (point 6).
<b>F3028</b>	I & H O Handy	Support submission 347 (point 6).
<b>F3029</b>	D Davison	Support submission 347 (point 6).
<b>F3030</b>	I C Bruce	Support submission 347 (point 6).
<b>F3031</b>	E Bruce	Support submission 347 (point 6).
<b>F3032</b>	D McAughtrie	Support submission 347 (point 6).
<b>F3037</b>	L Donaldson	Support submission 347 (point 6).
<b>F3039</b>	M Robertson	Support submission 347 (point 6).

### **Consideration**

Submissions 347 (point 1) and 413 (point 1), Further submission F328 (point 1), F386 (points 3 and 12), and F365

The submitters, who are opposed by the further submitters, sought the deletion of Chapter 2. The submitters challenge Chapter 2 on both vires and procedural grounds.

As noted in Chapter 2 – Overview, there are five parts to Chapter 2:

1. The first part ('2.1 Tangata Whenua') describes who the tangata whenua are in the Canterbury Region, and culminates with a statement about consultation. Appendix TGW1 relates to this part.
2. The second part ('2.2 Ngai Tahu and the management of natural resources') describes important resource management concepts for Ngai Tahu, and contains information about what is important to Ngai Tahu.
3. The third part ('2.3 Matters of resource management significance to Ngai Tahu') describes resource management issues and outcomes Ngai Tahu is seeking. The majority of this information is in Table TGW2-1 (Issues and outcomes sought by tangata whenua). It is noted that at the start of this table it is stated that it will

- be updated for chapter 4 to 9 (*sic*) once they have reached Proposed NRRP stage.
4. The fourth part (Appendices TGW 2 to TGW 6) contains matters from the Ngai Tahu Claims Settlement Act 1998 (NTCSA), including; 'statutory acknowledgement areas' (Appendix TGW3), topuni (landscape features of special importance or value) areas (Appendix TGW4), nohoanga (temporary fishing camps) sites (Appendix TGW5), and taonga species list (Appendix TGW6).
  5. The fifth part (Appendices TGW 7 and TGW8) contains information about the RMA and Treaty of Waitangi principles, and references that may assist a reader.

Chapter 2 has three purposes, all of which potentially assist the NRRP user. The first is to identify who are the relevant organisations representing whenua in the Canterbury Region, and the geographical extent of the authority of those organisations. The second is to record matters of significance to Ngai Tahu in the management of natural resources. The third is to record matters from the NTCSA that may assist in the administration of the NRRP, including those matters that NTCSA requires to be referred to in the NRRP

Turning first to the issue of vires. The submitters object on the grounds that Chapter 2 goes beyond Environment Canterbury's statutory functions.

As clearly noted the purpose of regional plans is set out in section 63 of the RMA. Regional councils' functions are set out in section 30 of the RMA. Section 65(1) of the RMA empowers regional councils to prepare a regional plan for the whole or part of its region for any function specified in section 30(1)(c), (e), (f), (g), or (ga) of the RMA. Section 65(3) sets out the circumstances when a regional council should consider the desirability of preparing a regional plan. These circumstances include any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources (section 65(3)(e)).

Chapter 2 of the NRRP is intended to inform. It forms part of the administrative introduction to chapters 3 to 8 of the NRRP. Chapters 3 to 8 are empowered by section 65(1) of the RMA. Section 67 of the RMA controls the contents of a regional plan. While for regional plans there is no equivalent to the regional policy statement section 62(1)(b) – *“the resource management issues of significance to iwi authorities in the region”* - section 67(b) provides for *“any other information required for the purpose of the regional council's functions, powers, and duties under this Act.”* Chapter 2 contains no issues, objectives, policies or methods, but in a broad sense it provides information on how objectives, policies and methods were established and how they may be implemented – see section 30 (1) (a) and (b).

Section 220(1) of the NTCSA requires Environment Canterbury to record all statutory acknowledgements affecting statutory areas in a regional plan either by way of reference to the relevant part of the NTCSA or by in full. Section 205 of the NTCSA defines 'statutory acknowledgement' as *“means an acknowledgement made by the Crown by virtue of section 206 or section 313 or section 332 in respect of a statutory area, and except as expressly provided, on the terms set out in sections 206 to 220”*. Further, 'statutory areas' *“means the areas, rivers, lakes, and wetlands described in Schedules*

14 to 77, 100 to 104, and 108, the general locations of which are indicated on the SO plans referred to in those schedules, and “statutory area” means any one of them” (section 205). All the areas identified in Appendix TGW3 are required to be recorded. Environment Canterbury chose to set them out in full, although it moved the duplicated ‘purposes’ and ‘limitations’ sections in each schedule to the preamble to Appendix TGW3.

With respect to Appendices TGW4 and TGW6, the matters all fall outside the requirement contained in section 220(1) of the NTCSA. Each appendix is derived from schedules in the NTCSA. These schedules are subject to sections in the NTCSA which state that neither the declaration of the area nor the acknowledgement of the Ngai Tahu values, affects or may be taken into account in the exercise of any power, duty, or function of any person or entity under any statute, regulation, or bylaw (see section 250(a) (topuni areas - Appendix TGW4), and section 290(a) (taonga species) and section 300(a) (customary fisheries) (both Appendix TGW6)). It may be arguable that by recording these schedules in a regional plan, which is a statutory document, Environment Canterbury has taken the existence of the schedules into account. However, the purpose of these appendices is to assist the NRRP user and administrator by providing an easy reference to potentially relevant matters in the NTCSA. If people wish to use the topuni and taonga information they must do so in a manner consistent with the qualifiers found in the relevant sections of the NTCSA (NTCSA sections 250(b), 290(b) and 300(b) respectively).

Appendix TGW5 is not subject to section 220(1), nor the equivalent of sections 250, 290 or 300, of the NTCSA. Therefore, Environment Canterbury is not required to record this information in Chapter 2 of the NRRP. However, the Commissioners accept that the information will assist NRRP administrators and users.

With respect to section 32 of the RMA, at the time that Chapter 2 was notified, section 32 had not been amended by section 11 of the Resource Management Amendment Act 2003. It is the original version of section 32 that is relevant. It is clear that Environment Canterbury did not undertake a section 32 analysis or prepare a record of any consideration undertaken in terms of section 32(1) for Chapter 2. Further, there is no evidence, apart from records of consultation undertaken with tangata whenua and other clause 3(1) first schedule consultees, of any Consideration in terms of section 32(1) being undertaken for Chapter 2.

Chapter 2 does not contain any objective, policy or method and it is these provisions that section 32(1) requires be evaluated. Any information in Chapter 2 will need be given effect to by separate provisions in chapters 3 to 8 of the NRRP. These have been the subject of separate detailed section 32 analysis. Therefore, the Commissioners accept that no separate section 32 analysis for Chapter 2 is required.

Therefore, in conclusion the Commissioners recommend that the submissions are rejected and, that the further submissions are accepted and that there is no change in response to these submissions.

### Submission 155 (point 1)

The submitter is concerned that Chapter 2 is beyond the responsibilities of Environment Canterbury, and it is drafted in such a way that Environment Canterbury can no longer be considered neutral. In terms of responsibilities, the discussion about vires discussed immediately above is relevant and is adopted. As for the issue of neutrality, the purpose of regional plans is to assist a regional council to carry out any of its functions in order to achieve the purpose of the RMA (section 63(1) of the RMA). Establishing what will achieve the purpose of the RMA is informed by the matters contained in sections 6, 7 and 8 of the RMA. All these sections include matters relevant to tangata whenua. Further, the statutory purpose refers to the enablement of cultural well-being. The benefit of Chapter 2 (aside from fulfilling a statutory obligation under the NTCSA) is that it assists NRRP users in understanding how the tangata whenua of Canterbury view resource management matters and who should be talked to (if necessary). The Commissioners consider that Chapter 2 does not advocate for one party on resource management issues; rather it assists Environment Canterbury in fulfilling its functions in a way that may give effect to the purpose of the RMA, and has benefits to the NRRP user. It is recommended that the submission be rejected and no change is recommended by the Commissioners.

### Submission 155 (point 2)

The submitter appears to be concerned that nine of the areas within the NTCSA are modified and are 'within our members' areas'. Statutory acknowledgement areas' in the NTCSA are not specifically recognised in the RMA. They are a matter that a consent authority must have regard to in forming an opinion (in accordance with sections 93 to 94C of that RMA) as to whether Te Runanga o Ngai Tahu is an entity who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, a statutory acknowledgement area (section 208 of the NTCSA). However, the statutory acknowledgement is not be treated as a 'deemed fact' (section 211(2) of the NTCSA). Chapter 2 of the NRRP contains no resource management objectives or policies. These are found in chapter 3 (and any future chapters). No change is recommended by the Commissioners.

### Submissions 347 (points 2 and 3), and 413 (points 2 and 3), Further submission F386 (points 4, 5 and 12)

The submitters are concerned with consultation, and who should bear the cost of any additional consultation required by Chapter 2. They argue that any consultation should not become vexatious. Chapter 2 does not require consultation with tangata whenua – the need for consultation is derived from the RMA. Rather, it attempts to assist parties who wish to (or need to) consult with tangata whenua by providing information that will help define who to consult with and provide some preliminary indication about what may be at issue. If the submitter considers that some funding from Environment Canterbury is appropriate in regard to this issue, the appropriate forum to pursue this is through Environment Canterbury's Long Term Council Community Plan and Annual Plan processes. In terms of consultation becoming vexatious, consultation by definition

requires two willing parties. If one party is unwilling consultation cannot occur. This will be a matter for the consent authority to consider when determining any resource consent application. It is recommended that the primary submissions are rejected and that further submissions are accepted. No change is recommended by the Commissioners.

Submissions 347 (point 4) and 413 (point 4), Further submission F386 (points 6 and 12)

The submitters sought the chapter heading be changed from ‘Ngai Tahu and the resource management of natural resources’ to ‘Tangata Whenua’. Tangata whenua is defined in the RMA as follows; *“in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area”*. For the Canterbury Region, given the Te Runanga o Ngai Tahu Act 1996 and NTCSA, Ngai Tahu, and its Papatipu Runanga, is the tangata whenua. The submitters’ point, if understood correctly, is that in the future this may not prove to be an accurate reflection of the situation. Given the current situation it is recommended that the primary submissions are rejected, and that the further submission is accepted. No change is recommended by the Commissioners.

Submissions 347 (point 6), 359, 413 (point 6), and 418, Further submissions F386 (points 10, 12 and 13), F3004, F3005, F3006, F3007, F3008, F3009, F3010, F3011, F3012, F3013, F3014, F3015, F3016, F3017, F3018, F3019, F3020, F2021, F3022, F3023, F3024, F3025, F3026, F3027, F3028, F3029, F3030, F3031, F3032, F3037, F3039

These submitters sought that more detail about the location of tangata whenua areas should be provided in Chapter 2. The chapter reflects the outcome of consultation with Te Runanga o Ngai Tahu and the Papatipu Runanga. Given its high level of generality and the fact that no additions to Chapter 2 were specifically identified by the submitters, it is recommended by the Commissioners that the primary and supporting further submissions be rejected.

Submissions 347 (point 7) and 413 (point 7), Further submission F386 (point12)

The submitters are concerned that Chapter 2 does not reflect their understanding that mahinga kai is the dominant concern of runanga. Chapter 2 was developed in close consultation with the Papatipu Runanga and Te Runanga O Ngai Tahu. While mahinga kai is a major focus on the values identified in the NTCSA, it is not the sole focus, and in any event this does not limit the application of the RMA. No change is recommended by the Commissioners.

Submissions 347 (point 8) and 413 (point 8), Further submission F386 (point12)

The submitters sought clarification of how other belief systems and religions will be incorporated into the NRRP. Chapter 2 is intended to assist Environment Canterbury giving effect to the purpose of the RMA. The Act requires that special attention be focused on Maori and treaty issues. Other peoples, regardless of their belief system or

religion, are free to participate in the development of the NRRP. No change is recommended by the Commissioners.

Submissions 347 (point 9), 413 (point 9) and Further submission F386 (points 8 and 12)

The submitters are concerned that Chapter 2 is more restrictive than the Ngai Tahu Iwi Management Plan on water – however the submitters do not provide details. It is assumed that the submitter is referring Te Runanga o Ngai Tahu *Fresh Water Policy*. The focus of Chapter 2 is wider than water. Further, Environment Canterbury's responsibility is to 'take into account' the *Fresh Water Policy* (section 662A of the RMA) – this will mainly occur through other chapters of the NRRP which have recently been public notified. No change is recommended by the Commissioners.

Submissions 347 (point 5), 348, 386, and 413 (point 5), Further submissions F328 (points 2 and 3), F386 (points 7, 9 and 12), F347, F401

These submitters sought that the purpose and content of Chapter 2 should be explained. Submitter 348 (opposed by submitter F347) provides the following text for the change sought.

*“2.1 Introduction*

*The purpose of this section is to:*

- *Help inform users of the Proposed Canterbury Natural Resources Regional Plan of Ngai Tahu values as they relate to the resources being managed by the Proposed Canterbury Natural Resources Regional Plan, and the outcomes being sought by them.*
- *Provide information and guidance to applicants for resource consents as to why and how to involve tangata whenua through the development of their application.*
- *Fulfil Environment Canterbury's obligations under the Ngai Tahu Claims Settlement Act 1998 to note in relevant plans the existence and location of Statutory Acknowledgments. This will also assist resource consent applicants.*

*This section contains no objectives, policies or methods. Tangata whenua issues and outcomes are addressed throughout Chapters 3 to 8 of the Proposed Canterbury Natural Resources Regional Plan as part of the process of dealing with all resource management issues covered by the chapters in an integrated manner.”*

The Commissioners agree that providing further explanation will assist. It is considered that Chapter 2 fulfils three purposes, identification of organisations representing tangata

whenua, a record of matters of significance to Ngai Tahu in the management of natural resources, and recognition of the NTCSA and its obligations.

Further submitter F347's objection appears to be procedural – that is that Environment Canterbury should not have lodged a submission to the NRRP. Under clause 6 of the First Schedule of the RMA, any person can make a submission on a proposed plan. It is not considered to be a breach of natural justice as all submissions are available to the public for further submissions of support or opposition. They are open to the same process as all submissions received and can be accepted or rejected through the due process. The Commissioners therefore do not accept the objection raised in the further submission F347.

Submitter 386 sought that the statutory basis for Chapter 2 should be explained. In the Commissioners' view this is unnecessary. There are challenges on this matter (e.g. Submitter 347 (point 1)). The statutory basis either exists or it does not – and Chapter 2 is either *intra vires* or *ultra vires*.

Submitter 348 recommended that a new section should be included in Chapter 2 explaining its purpose and relationship with other parts of the NRRP, modelled on the text provided in submission 348 with some rewording.

The Commissioners agree that an introduction is helpful and they recommend one below. It incorporates elements of various of the submissions and it is recommended that they be accepted in part.

#### Submission 365

The submitter raises a procedural point with regard to the time for the public to make submissions to the chapters of the Proposed NRRP. This matter is one for Environment Canterbury, not the Commissioners, to determine. No change is required in Chapter 2.

#### Submission 379 (point 1)

This submission is a general submission to proposed chapters 1, 2 and 3. It has been considered as part of the Commissioners' recommendations on Chapter 1 ## 01-000 00 00, 379 (point 1). No change is recommended.

#### Submission 379 (point 2)

This submission is a general submission to proposed Chapters 1, 2 and 3. It has been considered as part of the Commissioners decision on Chapter 1 where they recommended that it was not appropriate to try to define the term 'precautionary principle' (## 01-009 01 00, 5, 8, 285, 379 (points 1, 1a, and 4), 411, 416, 432, F365 (points 1 and 17), F338 (point 3) and F391 (point 2)).

Submission 904, Further submission F386 (point 14)

This submitter sought meetings with Ecan and runanga to discuss the reasons for having Chapter 2. This is beyond the scope of the Commissioners to recommend.

Submissions 215, 338, 404, Further submission F386 (point 1, 2 and 11)

Given the above recommendation these submissions can be accepted in part.

**Recommendation**

**Reject**

Submission 155 (point 1), 155 (point 2), 347 (points 1, 2, 3, 4, 6, 7, 8 and 9), 359, 365, 379 (point 1), 379 (point 2), 413 (points 1, 2, 3, 4, 6, 7, 8, 9), 418 and Further Submission F347, F3004, F3005, F3006, F3007, F3008, F3009, F3010, F3011, F3012, F3013, F3014, F3015, F3016, F3017, F3018, F3019, F3020, F2021, F3022, F3023, F3024, F3025, F3026, F3027, F028, F3029, F3030, F3031, F3032, F3037, F3039.

**Accept in part**

Submission 215, 338, 347 (point 5), 413 (point 5), 404, 348, 386 and Further Submission F328 (points 2 and 3), F386 (points 1, 2, 7, 9, 11 and 12), F401,

**Accept**

Further Submission F328 (point 1), F386 (points 3, 4, 5, 6, 8, 10, and 13), F365, F386

**No recommendation required.**

Submission 365, 904 and Further Submission F386 (point 14).

**Amendments Required**

1. Add the following prior to the existing '2.1 Tāngata Whenua' and renumber Chapter 2 accordingly:

"2.1 Introduction

The purpose of this section is to assist in the administration, and to help inform users, of the Canterbury Natural Resources Regional Plan by:

- identifying who are the relevant organisations representing tāngata whenua in the Canterbury Region, and the geographical extent of the authority of those organisations;
- setting out natural resource values and the outcomes being sought by tāngata whenua, as identified by Te Rūnanga o Ngāi Tahu and the Papatipu Rūnanga of the Canterbury Region; and

- setting out the relevant matters recognised in Part 12 of the Ngāi Tahu Claims Settlement Act 1998, including fulfilling Environment Canterbury's obligations to note in the Canterbury Natural Resources Regional Plan the existence of statutory acknowledgments of statutory areas.

This section contains no objectives, policies or methods. Tāngata whenua issues and outcomes are addressed where required in Chapters 3 to 8 of the Canterbury Natural Resources Regional Plan as part of the process of dealing with all resource management issues covered by the chapters in an integrated manner.”

**Preface (Tauparapara) ## 02-001 01 00**

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete the preface to Chapter 2 (page 2-1).
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

**Consideration**

Submission 347 Further submission F386

The submitter sought that the preface (Page 2-1) be deleted as it is not required as a decision making tool and is legally binding. The submitter is correct in that a regional plan has statutory effect. However, the effect depends on both its context within the NRRP and on the issue in question.

The further submitter stated at the hearing the Tauparapara was not a preface, rather it is a karakia, and to remove it from the plan would remove the very spirit of the intent that Ngai Tahu had in developing Chapter 2 with Ecan. The Commissioners are sure that the reporting officers did not intend to demean the use of Tauparapara through reference to it as the preface. Tauparapara is akin to a Ngai Tahu 'vision' for natural resource management. It is Ngai Tahu kawa (traditional protocol) to include such a statement. It acknowledges Ngai Tahu place in the natural and spiritual world.

When the karakia is read closely, the first six verses describe the relationship of Ngai Tahu with the natural environment. There is nothing in these verses in conflict with the RMA. The last four verses are more akin to political vision. This part of the statement could be viewed as being in conflict with the purpose of the RMA, the functions of local government, and accordingly other provisions of the NRRP.

It is understood by the Commissioners that Tauparapara cannot be truncated - it is an all or nothing. It is considered that inserting a qualification on the source of the statement would not be effective in addressing the submitter's concern.

The statutory effect of the Tauparapara will be minimal. The Tauparapara was intended to be an acknowledgement of the process used to develop Chapter 2. However, this needs to be balanced against the ‘political’ nature of the final four verses and the potential conflict this creates with the RMA. The NRRP must assist Environment Canterbury to carry out its functions in order to achieve the purpose of the RMA. Given this overriding consideration, the Commissioners recommend that the Tauparapara be deleted.

## Recommendation

### Reject

Further submission F386.

### Accept

Submission 347.

## Amendments Required

Delete the Tauparapara from Chapter 2 as follows:

~~Mātakitaki au ki te tukutai o te raki  
Ki te pōkaikura mai~~

~~Where the heavens that embrace us  
glow a sacred red,~~

~~Uenuku e tiwhanawhana ai ki ruka  
Ko te Rau o Titapu ki mua~~

~~‘Tis Uenuku that arches on high  
and our leaders move to the fore.~~

~~Ka whakapiki te hā ki te taumata  
kōrero  
Kia whakapuakiakihia mai kā  
mauka pepeha~~

~~The breath of our ancestors give  
rise to the pinnacle of speech  
making,  
As our mountains are recalled to  
remind us from whence we came.~~

~~Ko tōku mauka kākāpō e tūake rā  
Ko ahau te takata e whakatika ki  
rukā~~

~~“There stands the mountain of the  
treasured kakapo. It is I that can  
stand and claim my place”.~~

~~Tū te ihiihi  
Tū te wanawana  
Tū te mauri ki waho  
Tū te mauri ki roto~~

~~I feel the dread  
I feel the awesome prestige  
As the life force is established  
From outside and within.~~

~~Tāpuketia au kia mārama ai taku  
titiro ki aku umu tākata~~

~~“Bury me so that I may look upon  
those lands which are mine  
through the strength of my people”.~~

~~Puritia tāwhia kia ita~~

~~Hold fast and firm~~

~~Te mana tūpuna  
Te mana whenua  
Te mana tākata~~

~~To my inherited authority  
To my right to this land  
To my freedom and right to self~~

*Kia turuturu  
Ka whakamaua  
Kia tina*

*Tina!*

*Rona  
Tāi-e!*

~~*determination.*~~

~~*Make these things permanent,  
Fix them  
So that they are realised.*~~

~~*It will be so!*~~

## 2.1 Tangata Whenua ## 02-003 01 00

<b>338</b>	Transit New Zealand, Christchurch	Consider transferring the key matters into objectives and policies by means of a variation to the plan and include methods and monitoring.
<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.

### Consideration

#### Submission 338

The submitter essentially sought that the material in Chapter 2 should be restructured (by variation) to provide greater statutory effect – at present the information is presented to assist the plan administrator and user only. It is apparent that Chapter 2 has been deliberately structured so as not to include objectives, policies and methods. That is not the purpose of the chapter (see Chapter 2 - General Submissions ## 02-000 00 00). The request to instigate a variation is a matter outside the submission process and the Commissioners make no such recommendation.

#### Submission 908

The submitter sought that the relationship between tikanga maori and mana whenua should be clarified. They did not provide a description of the clarification sought. Section '2.1.1 Manawhenua' of Chapter 2 describes mana whenua as whanau or hapu who hold traditional authority. Section '2.2 Ngai Tahu and the management of natural resources' describes tikanga as 'management framework', and this is shown in Figure TGW2-3. Given the manner in which this chapter was developed – that is in close consultation with Te Runanga o Ngai Tahu and the Papatipu Runanga - no change is recommended by the Commissioners.

## Recommendation

### Reject

Submissions 338, 908.

### Amendments Required

None Required.

## 2.1 Tangata Whenua - Paragraph 1 ## 02-003 02 00

<b>295</b>	J H Don	Amend paragraph to read: '...Ngai Tahu along with many others occupies...'
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 295

## Consideration

### Submission 295 Further Submission F386

The amendment sought by the submitter is to clarify that other people besides Ngai Tahu occupy most of the South Island. The submitter is factually correct. However, the purpose of the introduction is to describe the tangata whenua who occupy the Canterbury Region. Section 15(2) of the Te Runanga o Ngai Tahu Act 1996 confirms that the tangata whenua are those represented by Te Runanga o Ngai Tahu. Given the heading '2.1 Tangata Whenua', the meaning of this first paragraph is clear. No change is recommended by the Commissioners.

## Recommendation

### Reject

Submission 295.

### Accept

Further submission F386.

### Amendments Required

None Required.

### 2.1.1 Manawhenua ## 02-003 05 00

<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.
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#### Consideration

#### Submission 908

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The recommendation is repeated here – that no change be made.

#### Recommendation

#### Reject

Submission 908.

#### Amendments Required

None Required.

### 2.1.1 Manawhenua - Paragraph 2 ## 02-003 14 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), add the word 'their' between the words 'characteristics of' and 'kaitiakitanga'.
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

#### Submission Clarification

Submission 347 opposes the second paragraph as this is a tangata whenua activity and not that of the Council.

#### Consideration

#### Submission 347 Further submission F386

The submission seeks to change the sense of the use of the word 'kaitiakitanga' in the last paragraph of section 2.1.1 from a term specifically referring to tangata whenua guardianship, to a term that can also be applied to guardianship by those who aren't

tangata whenua. 'Kaitiakitanga' has specific meaning in the RMA (section 2), being: "*Kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship*". The change sought is not appropriate. No change is recommended by the Commissioners.

### Recommendation

#### Reject

Submission 347.

#### Accept

Further submission F386.

#### Amendments Required

None Required.

### 2.1.2 Te Runanga o Ngai Tahu ## 02-003 16 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), add after paragraph 3 a new paragraph to read: 'The Council's specific NTCSA obligations in relation to taonga species is to recognise and make provisions for plans and recovery plans of the Department of Conservation in relation to the listed species.'
<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.
<b>F386 (point 1)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 908
<b>F386 (point 2)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

### Consideration

#### Submission 347 Further submission F386 (point 2)

The submitter sought the inclusion of a new paragraph after the third paragraph in section 2.1.2 to clarify Environment Canterbury's obligations to taonga species identified in the NTCSA. The sentence is a factual statement about the NTCSA. The Commissioners agree that clarification is appropriate but consider that it should not be at this location - some rewording is required to reflect section 66(2)(c)(i) of the RMA. The

appropriate place for the clarification is in appendix TGW2, which discusses the relevant instruments of the NTCSA.

Submission 908, Further submission F386 (point 1)

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The recommendation is repeated here – no change be made.

**Recommendation**

**Reject**

Submission 908, Further submission F386 (point 2).

**Accept in part**

Submission 347

**Accept**

Further submission F386 (point 1).

**Amendments Required**

Amend 'Appendix TGW2: Instruments from the Ngāi Tahu claims Settlement Act 1998 (NTCSA 1998) relevant to this plan, 'Taonga Species Management' by adding the following statement at the end of paragraph 1:'

*Environment Canterbury's obligation in the preparation of the NRRP in relation to the taonga species listed in Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 is to have regard to strategies and plans in relation to the listed species prepared by the Department of Conservation under other Acts of Parliament.*

**2.1.2 Te Runanga o Ngai Tahu - Paragraph 1 ## 02-003 19 00**

<b>429</b>	Selwyn District Council	Delete the sentence 'This Act also... Act (1991)' and replace with 'The RMA requires local authorities to consult with tangata whenua through iwi authorities and tribal runanga. Ngai Tahu Whanui holds mana whenua in Canterbury and is therefore tangata whenua as defined in section 2 of the RMA. Any consultation over matters affecting Ngai Tahu Whanui is undertaken with Te Runanga O Ngai Tahu under section 15 of Te Runanga O Ngai Tahu Act 1996.' Make any other consequential amendments as necessary.
<b>F347</b>	Federated Farmers of New Zealand	Support submission 429

<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 429.
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## Consideration

### Submission 429, Further submissions F347, F386

The submitter, supported by further submitter F347, but opposed by further submitter F386, sought that Paragraph 1 of 2.1.2 should be rewritten as follows:

*“Te Rūnanga o Ngāi Tahu represents the tribal collective of Ngāi Tahu Whānui<sup>2</sup>. It was established by the Te Rūnanga o Ngāi Tahu Act (1996) to give a legal identity to the tribe. ~~This Act also establishes Te Rūnanga o Ngāi Tahu as the ‘iwi authority’ for the purposes of the Resource Management Act (1991)<sup>3</sup>. The RMA requires local authorities to consult with tangata whenua through iwi authorities and tribal runanga. Ngai Tahu Whanui holds mana whenua in Canterbury and is therefore tangata whenua as defined in section 2 of the RMA. Any consultation over matters affecting Ngai Tahu Whanui is undertaken with Te Runanga O Ngai Tahu under section 15 of Te Runanga O Ngai Tahu Act 1996.~~ (footnotes excluded)*

The Commissioners do not accept that the amended sentence is an accurate reflection of section 15 of Te Runanga o Ngai Tahu Act 1996. Section 15(2) only refers to the recognition of Te Runanga o Ngai Tahu in circumstances where enactments require consultation with an ‘iwi’ or with any ‘iwi authority’. Under the RMA there are circumstances where consultation will be appropriate with other tangata whenua representatives (e.g. runanga, hapu or whanau). The Commissioners recommend that no change be made.

## Recommendation

### Reject

Submission 429 and Further submission F347.

### Accept

Further submission F386.

### Amendments Required

None Required.

**2.1.2 Te Runanga o Ngai Tahu - Paragraph 3 ## 02-003 29 00 - 02-003 31 00**

<b>347 (point 1)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), replace the word 'shown' with 'indicated'.
<b>347 (point 2)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), make the statement 'There are also...the statutory areas' into two sentences. Also make the statement 'There are also...Papatipu Runanga' into a separate paragraph.
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 1)
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 2)

**Consideration**Submission 347 (point 1), Further submission F386 (point 1)

The submitter seeks editorial changes to the seventh line of the third paragraph of section 2.1.2. In terms of deleting 'shown' and substituting 'indicate', the Commissioners agree that this is sensible because of the scale of Figure TGW2-1.

Submission 347 (point 2), Further submission F386 (point 2)

The ninth sentence in the third paragraph that is the subject to the submission reads: *"There are also other sites of significance that are important to local Rūnanga, but are not included in statutory areas"*. With respect to the last part of Paragraph Three, this is no longer describing the NTCSA, but rather explains that other values exist outside those identified in that Act. Consequently, the Commissioners agree that the splitting of the sentence as sought is appropriate and that a new paragraph as sought is desirable.

**Recommendation****Reject**

Further submission F386 (points 1 and 2).

**Accept**

Further submission F347 (points 1 and 2).

## Amendments Required

Amend '2.1.2 Te Rūnanga o Ngāi Tahu', Paragraph Three as follows:

*"In 1998 the Ngāi Tahu Claims Settlement Act was passed to achieve full and final settlement of historical Ngāi Tahu claims against the Crown. This Act, amongst other things, identifies taonga species and establishes tōpuni, statutory acknowledgements and nohoanga sites.<sup>4</sup> These instruments recognise the special association of Ngāi Tahu with these areas and species for the purpose of improving the effectiveness of Ngāi Tahu participation in resource management, specifically building on Part II of the Resource Management Act (1991). The location of these areas in the Canterbury region are ~~shown~~ indicated on Figure TGW2-1 and information relating to these statutory areas is included in appendices TGW2 to TGW4 of the plan. ~~There are also other sites of significance that are important to local Rūnanga, but are not included in the statutory areas. This highlights the need for consultation with Papatipu Rūnanga.~~*

*There are also other sites of significance that are important to local Rūnanga. These are not included in the statutory areas. This highlights the need for consultation with Papatipu Rūnanga."*

<sup>4</sup> See Appendix TGW2 for definitions.

### 2.1.2 Te Runanga o Ngai Tahu - Paragraph 4 ## 02-003 36 00

<b>347 (point 1)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), replace 'obligate' with 'oblige', and add the qualifier 'variously' before the word 'oblige'.
<b>347 (point 2)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete 'and consider resource management decisions from the perspective of'.
<b>F386 (point 1)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 1)
<b>F386 (point 2)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 2)

## Consideration

### Submission 347 (points 1 and 2), Further submission F386 (points 1 and 2)

The submitter seeks changes to paragraph 4 in order to correct an alleged grammatical error and to distinguish the RMA from the NTCSA. The first issue is the word used to describe Environment Canterbury's requirement to consult with both Papatipu Runanga and Te Runanga o Ngai Tahu. 'Obligate', in the sense of bind in the Commissioners'

view is appropriate – and no change is recommended. They agree however that the word “variously” should be inserted. In terms of the phrase ‘considering resource management decisions from the perspective of’, a consent authority must consider resource management decision in terms of the purpose of the RMA. The ‘values’ that a party brings to the table are only legitimised (or otherwise) in terms of this purpose. The further submitter recommended to the Commissioners at the hearing that this submission should be rejected as more than “mere consultation” between tangata whenua and Ecan is required. While acknowledging this point, the Commissioners are of the view that the phrase can be deleted. The change is therefore recommended.

### Recommendation

#### Reject in part

Further submissions F347 (point 1), and F386 (point 2).

#### Accept in part

Further submissions F347 (points 1 and 2), and F386 (point 1).

### Amendments Required

Amend ‘2.1.2 Te Rūnanga o Ngāi Tahu’, Paragraph Four as follows:

*“The Treaty of Waitangi, and legislative responsibilities under the Resource Management Act 1991, the Te Rūnanga o Ngāi Tahu Act 1996, and the Ngāi Tahu Claims Settlement Act 1998 variously obligate Environment Canterbury to consult with ~~and consider resource management decisions from the perspective of Papatipu Rūnanga as well as Te Rūnanga o Ngāi Tahu, the iwi authority.~~”*

### 2.1.2 Te Runanga o Ngai Tahu - Paragraph 5 ## 02-004 01 00

<p><b>347</b></p>	<p>Federated Farmers Of New Zealand Inc, North Canterbury Branch</p>	<p>If Chapter 2 is not deleted (refer 2-0-0), delete the contents of pages 2-4 to 2-17, and replace with the following text, including policies, as follows: 'A) The Ngai Tahu Claims Settlement Act i) The Ngai Tahu Claims Settlement Act - The NTCSA, in general application to the Canterbury region primarily relates to the historical and remaining mahinga kai values of statutory areas described in the schedules of the NTCSA which have been reproduced in full as a part of this chapter. Where activities on the subject of a resource consent application may be reasonably be expected to impact on mahinga kai (as defined in NTCSA section 167) in any statutory areas, the Act requires the Council to take into account the statutory acknowledgements in deciding whether Ngai Tahu is a person who may be adversely affected (section 208). (ii) Policy 1 Assessment of resource consent applications in terms of the Ngai Tahu Claims Settlement Act 1. All resource consent applications will be assessed in the procedure outlined in Figure x (refer</p>
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		<p>to submitter's submitted Figure, Appendix 1). 2. Council will decide whether Ngai Tahu is an affected person in terms of NTCSA section 208. 3. Where Ngai Tahu is considered an affected party in (2) above, the applicant will be required to recognise Ngai Tahu as a party likely to be affected. 4. Council will provide Ngai Tahu with summaries of consent applications which the Council considers may affect NTCSA statutory areas.</p> <p><b>Explanation and reasons</b> Where activities which are the subject of a resource consent application may reasonably be expected to impact on mahinga kai, (as defined in section 167 NTSCA) in a statutory area, the NTCSA requires the Council to consider whether Ngai Tahu is to have standing as a person likely to be directly affected by the granting of the consent. The NTCSA also requires the Council to supply Ngai Tahu with a summary of consent applications that may affect certain values in statutory areas. (iii) Policy 2 Property Rights In recognising Ngai Tahu standing in certain matters in Policy 1, 1) The NTCSA and Council do not confer any particular property rights to Ngai Tahu 2) Except for its duties in terms of NTCSA section 206 -220 the Council does not remove any lawful rights or interests of any person who is not a party to the Ngai Tahu claim settlement. <b>Explanation and reasons</b> This restates the principles of recognising Ngai Tahu as a party likely to have standing in a matter as set out in NTSCA sections 208, 218 and 219, as they affect the Council. (iv) Policy 3 Statutory Acknowledgements Ngai Tahu may cite a relevant statutory acknowledgement in its submissions to and proceedings before the Council. For the avoidance of doubt, the form of the association is not by virtue of the statutory acknowledgement but is that which is set out in the specific submission being presented.</p> <p><b>Explanation and reasons</b> This reaffirms NTCSA section 211 B In terms of the Resource Management Act In order to re-affirm the general application of the RMA in relation to tangata whenua issues where the NTCSA does not specifically apply the following policies apply: (i) Policy 4 Decisions on resource consent issues which include tangata whenua issues: 1) The Council will be guided by the RMA and associated case law when considering consent applications 2) In all consent application decisions relating to the RMA and the subservient NTCSA involving tangata whenua issues, the Council retains to itself sole authority as the consent issuing authority. <b>Explanation and reasons.</b> The Council is the regulatory authority for the issue of consents under this plan and this section re-affirms their exclusive role. The Council has duties to consult and, in some</p>
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		instances, to decide the standing of tangata whenua and to access the effects of an application on their relationships. The weight and relevance given to tangata whenua relationship lies exclusively with the Council with the right to appeal to the Environment Court.’
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347.
<b>F401</b>	NZ Vegetable & Potato Growers Fed. Inc. and NZ Fruitgrowers' Fed Inc.	Support in part submission 347.

## Consideration

### Submission 347, Further Submissions F386 and F401

Submitter 347, supported by further submitter F401, and opposed by further submitter F386, sought that pages 2-4 to 2-17 should be deleted (sections 2.1.3 through to the start of section 2.4) and replaced by the specified provisions set out in the relief. The sections in question describe Papatipu Runanga, concepts (or values) of resource management important to Ngai Tahu, and matters of resource management significance to Ngai Tahu. The substituted provisions are essentially a restatement of the limitations and obligations contained in the NTCSA and RMA. In the Commissioners’ view the effect of the change would be to strip from Chapter 2 much of its value to plan administrators and users. This is derived from the understanding provided of the Papatipu Runanga in Chapter 2 and of the way Ngai Tahu views certain matters. Simply repeating obligations and constraints contained in legislation has no material benefit – they are matters that have to be complied in terms of the relevant legislation. No change is recommended by the Commissioners.

## Recommendation

### Reject

Submission 347, Further submission F401.

### Accept

Further submission F386.

### Amendments Required

None Required.

### 2.1.3 Papatipu Runanga in the Canterbury region ## 02-004 06 00

<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.
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#### Consideration

##### Submission 908

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The recommendation is repeated here – that no change be made.

#### Recommendation

##### Reject

Submission 908.

#### Amendments Required

None Required.

### Figure TGW2-1: Areas Affected by Ngai Tahu Claims Settlement Act 1998 ## 02-005 01 00 - 02-005 02 00

<b>125 (point 1)</b>	Waimakariri District Council	Include the following sites on the map Fig TGW2-1: Te Ihuitai, Taerutu, Waimaiaia, Torotoroa, and Te Akaaka.
<b>125 (point 2)</b>	Waimakariri District Council	Add the words 'and Ngai Tahu, (Tutaepatu Vesting) 1998' to the title.
<b>125 (point 3)</b>	Waimakariri District Council	Identify Tutaepatu lagoon and the Tuhaitara Coastal Reserve on the map.
<b>338</b>	Transit New Zealand, Christchurch	Supports FigureTGW2-1.
<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Amend map to a scale of 1:50,000.
<b>365</b>	Meridian Energy Limited	Include known silent file areas and archaeological sites within the Canterbury region on the planning maps. Make any consequential amendments to the plan where necessary.

<b>386 (point 1)</b>	Te Runanga O Ngai Tahu	Add the Coastal Statutory Acknowledgements of Te Tai o Marokura (Kaikoura Coastal Marine Area) and Te Tai o Mahaanui (Banks Peninsula Coastal Marine Area) to Figure TGW2-1. Make any other consequential amendments to the Plan.
<b>386 (point 2)</b>	Te Runanga O Ngai Tahu	Add macrons to words in a manner consistent with the rest of Chapter 2. Make any other consequential amendments to the Plan.
<b>386 (point 3)</b>	Te Runanga O Ngai Tahu	Add Kura Tawhiti (Castle Hill) to the map in Figure TGW2-1. Make any other consequential amendments to the Plan.
<b>429</b>	Selwyn District Council	Add Kura Tawhiti (Castle Hill) to the Areas of Statutory Acknowledgement shown on Figure TGW2-1. Make any other consequential amendments as necessary.
<b>F347</b>	Federated Farmers of New Zealand	Support submission 429
<b>F386 (point 1)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 125 (point 1)
<b>F386 (point 2)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 365
<b>F386 (point 3)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 429
<b>F386 (point 4)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 125 (point 2)
<b>F386 (point 5)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 338
<b>F386 (point 6)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 125 (point 3)

### Submission Clarification

#### Submission 125 (point 1)

Although the chapter clearly refers to the NTCSA, the following ancillary claims sites, all of which are Fenton and fishing entitlements in the Waimakariri District have not been included on map Figure TGW2-1. Also there is no information about these sites in

Appendices to Chapter 2. The submitter sought the changes be made ‘with the agreement of Te Ngai Tuahuriri Runanga and Te Runanga o Ngai Tahu.’

Submission 125 (point 2)

Land involved with the Ngai Tahu (Tutaepatu Vesting) Act 1998 should be identified on Figure TGW2-1, and in the Appendices to Chapter 2, in addition to those associated with the Ngai Tahu Settlement Act (1998). The submitter sought the changes be made ‘with the agreement of Te Ngai Tuahuriri Runanga and Te Runanga o Ngai Tahu.’

Submission 125 (point 3)

The submitter sought the changes be made ‘with the agreement of Te Ngai Tuahuriri Runanga and Te Runanga o Ngai Tahu.’

Submission 347

Currently the maps being promoted in the first 3 chapters are impossible to read with any certainty.

Submission 386 (point 1),

The Coastal Statutory Acknowledgements contained in Schedules 100 and 101 of the NTCSA have not been included in the map showing areas in Canterbury affected by this Act or in the appendix that describes the areas in Canterbury affected by this Act.

**Consideration**

Submission 125 (point 1), Further submission F386 (point 1)

The submitter sought allegedly with the agreement of Te Ngai Tuahuriri Runanga and Te Runanga o Ngai Tahu, Te Ihuitai, Taerutu, Waimaiaia, Torotoroa, and Te Akaaka, that sites be added on map Figure TGW2-1: Te Ngai Tuahuriri Runanga and Te Runanga o Ngai Tahu do not however agree. They filed a further submission in opposition. Figure TGW 2-1 seeks to show areas affected by the NTCSA. It is understood that the sites sought to be shown are not detailed in the NTCSA. To insert additional sites from a source outside the NTCSA would require a comprehensive region wide process. No change is recommended by the Commissioners.

Submissions 125 (point 2), and 125 (point 3), Further submissions F386 (point 4) and F386 (point 6)

The submitter, supported by the further submitter, sought that Tutaepatu lagoon and the Tuhaitara Coastal Reserve are identified on TGW2-1 and that the title be amended by adding 'and Ngai Tahu, (Tutaepatu Vesting) 1998'. Again, the purpose of TGW2-1 is to show areas affected by the NTCSA. It is understood that these sites are not detailed in the NTCSA. No change is recommended by the Commissioners.

Submission 347

The maps in chapters 1, 2 and 3 of the Proposed NRRP are drawn at a variety of scales as appropriate for the information of an area in which they are depicting. Figure TGW2-1 is a map showing the entire region and in the Commissioners' view it is not necessary to produce it at a 1:50,000 scale. Such a scale would result in a map so large that its usefulness in this context would be reduced. At its present scale the map indicates the areas affected by the NTCSA. The user is alerted to areas affected by the NTCSA so that he or she can make further enquires.

Submission 365, Further submission F386 (point 2)

The submitter sought that known silent file areas and archaeological sites within the Canterbury region should be shown on the planning maps. This is opposed by further submitter F386 (point 2) on grounds of sensitivity. It is not clear what the submitter means by 'on the planning maps'. The submission clearly refers to Chapter 2. Figure TGW2-1 is the only map that seems to be appropriate. However, it is at such a scale to make any representation meaningless. Therefore, for this reason, and because of the sensitivity noted by Te Runanga o Ngai Tahu and the Papatipu Runanga, no change is recommended by the Commissioners.

Submission 386 (point 1)

The submitter sought that the statutory acknowledgements for Te Tai o Marokura (Kaikoura Coastal Marine Area) and Te Tai o Mahaanui (Banks Peninsula Coastal Marine Area) should be added to 'Figure TGW2-1 Areas Affected by Ngai Tahu Claims Settlement Act 1998'. Further, the submitter has separately sought that these areas be added to in 'Appendix TGW3: Ngai Tahu statutory acknowledgement areas' (see Appendix TGW3: Ngai Tahu statutory acknowledgement areas ## 02-021 01 00 submission 386 (point1)). Due to the interlinked nature of these submissions, they are considered at this time.

The statutory acknowledgements of the statutory areas referred to are found in Schedules 100 and 101 of the NTCSA.

They are not recorded in Appendix TGW3. There are three issues with these submissions.

First, section 220(1) of the NTCSA requires Environment Canterbury to record all statutory acknowledgements affecting statutory areas covered wholly or partly by the NRRP, either by way of reference to 'Part 12 - Mahinga Kai General' of the NTCSA or by the setting out of the statutory acknowledgements in full. The two coastal areas fall either in whole or in part outside the area covered by the NRRP – see the description of the area covered by the NRRP in section '1.1.3 Area covered' (*“Except where it may be expressly provided otherwise, this plan applies to the whole of the Canterbury region, apart from the coastal marine area (see Figure OVR1-1)”*). The coastal marine area statutory acknowledgements are shown in the Regional Coastal Environment Plan.

Secondly, section 3(1) of the Ngai Tahu Claims (Resource Management Notification) Regulations 1999 provides that Ngai Tahu or its representatives must be notified of resource consents for activities within, adjacent to, or directly impacting on a statutory area. There are situations where activities that may require a resource consent in terms of the NRRP (including through future chapters) are either adjacent to, or directly impact, the coastal marine area subject to these two statutory acknowledgements.

To assist the NRRP user, it is recommended that Figure TGW2-1 be amended by adding the statutory areas for Te Tai o Marokura (Kaikoura Coastal Marine Area) and Te Tai o Mahaanui (Banks Peninsula Coastal Marine Area). Amendments to Appendix TGW 3 are dealt with below at ##02-020-05-00.

#### Submission 386 (point 2)

The submitter sought that macrons to words in a manner consistent with the rest of Chapter 2 be added. This submission is dealt with above at ##00-000-00-00, 386.

#### Submissions 386(point 3) and 429, Further submission F347, F386 (point 3)

The submitters sought Kura Tawhiti (Castle Hill) be added to Figure TGW2-1. Kura Tawhiti is a Topuni area found in Schedule 82 of the NTCSA. Therefore, the Commissioners recommend the change sought.

#### Submission 338 Further submission F386(point 5),

Given the above considerations, these submissions can be accepted in part.

### **Recommendation**

#### **Reject**

Submissions 125 (points 1, 2 and 3), 347, 365, and 386 (point 4), Further submission F386 (points 3,4 and 6).

**Accept**

Submissions 386 (points 1, 2 and 3), and 429, Further submissions F347 and F386 (points 1 and 2).

**Accept in part**

Submission 338, Further submission F386 (point 5).

**Amendments Required**

Amend 'Figure TGW2-1: Areas Affected by Ngāi Tahu claims Settlement Act 1998' by:

1. adding the statutory acknowledgements for Te Tai o Marokura (Kaikōura Coastal Marine Area) and Te Tai o Mahaanui (Banks Peninsula Coastal Marine Area); and
2. adding the Tōpuni area of Kura Tāwhiti (Castle Hill).

**Figure TGW2-2: Marae locations and runanga boundaries for the purpose of resource consent ## 02-007 01 00**

<b>5</b>	Rangitata Diversion Race Management Ltd	Clarify boundaries to which Runanga to consult with over issues related to 'boundary rivers', to avoid confusion.
<b>338</b>	Transit New Zealand, Christchurch	Supports Figure TGW2-2.
<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Amend map to a scale of 1:50,000.
<b>365</b>	Meridian Energy Limited	Include any known silent file areas and archaeological sites within the Canterbury region on the planning maps. Make any consequential amendments to the plan where necessary.
<b>386</b>	Te Runanga O Ngai Tahu	Add macrons to words in a manner consistent with the rest of Chapter 2. Make any other consequential amendments to the Plan.
<b>432</b>	Land Information NZ	Clarify whether the boundaries run through the centre-line of a river, or on a riverbank. If the former, it is suggested that both Papatipu Runanga should be consulted with.
<b>F386 (point 1)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 5
<b>F386 (point 2)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 365

<b>F386 (point 3)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 432
<b>F386 (point 4)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 338

## Consideration

### Submission 347

The maps in chapters 1, 2 and 3 of the Proposed NRRP are drawn at a variety of scales as appropriate for the information they are depicting. Figure TGW2-2 is a map showing the entire region and in the Commissioners' view it is not necessary to produce it at a 1:50,000 scale. It indicates marae locations and runanga boundaries to assist the resource consent process. The runanga boundaries are derived from Schedule 1 of the Te Runanga o Ngai Tahu Act 1996. Given the 'generality' of the description of the runanga boundaries in that Act, it is the Commissioners view that it is not necessary to make the figure larger.

### Submissions 5 and 432, Further submission F386 (points 1 and 3)

These submitters sought clarification over who to consult with, particularly where two or more Papatipu Runanga have a common river boundary. They are supported by F386. No submitter indicates the form of the appropriate 'clarification'. However, The Papatipu Runanga boundaries are defined by Schedule 1 of the Te Runanga o Ngai Tahu Act 1996. In the absence of any detailed working proposal, further clarification cannot be provided. No change is recommended by the Commissioners at the present point of time. If it is thought that there may be confusion in the future, Environment Canterbury can consider a variation.

### Submission 365, Further submission F386 (point 2)

These submissions are considered above (see Figure TGW2-1: Areas Affected by Ngai Tahu Claims Settlement Act 1998 ## 02-005 01 00 - 02-005 02 00). The Consideration is relevant to Figure TGW2-2. The Commissioners' recommendation is the same – no change be made.

Submission 386

The submitter sought that macrons be added to words in a manner consistent with the rest of Chapter 2. The Commissioners dealt with this issue above - ##00-000-00-00, 386.

The submitter requested at the hearing that the title to Figure TGW2-2 be changed to “Runanga Resource Consent Administrative Areas”, however there are no submissions that provide the Commissioners with the scope to recommend such a change.

Submission 338 Further submission F386 (point 4)

Given the above recommendations, these submissions can be recommended for acceptance.

**Recommendation****Reject**

Submissions 347, 365.

**Accept in part**

Submissions 5, 432 and Further Submission F386 (points 1 and 3).

**Accept**

Submissions 338, 386 and Further submission F386 (points 2 and 4).

**Amendments Required**

None Required.

**2.2 Ngai Tahu and the management of natural resources ## 02-009 01 00**

<b>328</b>	New Zealand Historic Places Trust, Southern Region	Supports Te Runanga o Ngai Tahu to continue to be/manage the kaitiakitanga / kaitiaki of natural resources of their rohe.
<b>338</b>	Transit New Zealand, Christchurch	Consider transferring the key matters into objectives and policies by means of a variation on the plan and include methods and monitoring.
<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 328

## Consideration

### Submission 328, Further submission F386

The submitter supports the role of Ngai Tahu as kaitiaki. This is taken as support for section 2.2 of Chapter 2. This submission can be accepted. No change is required.

### Submission 338

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The consideration is relevant here. The recommendation is the same – no change be made.

### Submission 908

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The recommendation is repeated here – no change be made.

## Recommendation

### Reject

Submissions 338 and 908.

### Accept

Submission 328, Further submission F386.

### Amendments Required

None Required.

## 2.2 Ngai Tahu and the management of natural resources – Paragraphs 1,2 and 3 ## 02-009 03 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete the first three paragraphs - 'Ngai Tahu ...all aspects.'
<b>F328</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347.

## **Submission Clarification**

### Submission 347

This submission opposes the first three paragraphs and seeks their deletion. The first paragraph has some significant variations from the NRRP definition. The tangata whenua concept is not binding on the Council or non-tangata whenua in terms of the RMA. In terms of the second paragraph, it is Federated Farmers of New Zealand Inc, North Canterbury Branch view that this is a Ngai Tahu position and not necessarily that of the Council, which is bound by the RMA and Court precedent. In Federated Farmers of New Zealand Inc, North Canterbury Branch view it is more appropriate to express these views in a non-statutory explanatory document on tangata whenua issues. Paragraph three is opposed for the same reasons as paragraph two as this is not an issue Council can take account of or be governed by.

### Further submission F328

This opposes submission 347 as Council has statutory responsibilities to recognise and provide for matters relating to the relationship of Maori and their culture and traditions with their ancestral lands and taonga.

### Further submission F386

This opposes submission 347 as the existing wording is appropriate and should be retained in the plan.

## **Consideration**

### Submission 347, Further submissions F328 and F386

The submitter, opposed by both further submitters, sought that the first three paragraphs of section '2.2 Ngai Tahu and the management of natural resources' should be deleted. The paragraphs provide the framework for the rest of this section by describing how Ngai Tahu views the interconnectivity of resources and their relationship with those resources. It introduces concepts and their interrelationship that are elaborated on in the remainder of the section. The Commissioners consider that deleting the first three paragraphs would diminish the value of section 2.2 to plan administrators and users. There is no resource management reason that requires the deletion sought. No change is recommended by the Commissioners.

## Recommendation

### Reject

Submission 347.

### Accept

Further submissions F328 and F386.

### Amendments Required

None Required.

#### 2.2.1 Mauri ## 02-009 22 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete section 2.2.1 Mauri.
<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.
<b>F328</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347.

## Submission Clarification

### Submission 347

Mauri is not an RMA term and duplicates some RMA factors. Because the term is not widely know or understood it will invariably lead to conflicts of interpretation. The term also interchanges a number of concepts including tangible environmental factors, social well-being and religious principles. The NRRP can function without this section and in Federated Farmers of New Zealand Inc, North Canterbury Branch view the ideas are better suited to a non-statutory document.

#### Further submission F328

Opposes submission 347 as Council has statutory responsibilities to recognise and provide for matters relating to the relationship of Maori and their culture and traditions with their ancestral lands and taonga.

#### Further submission F386

Opposes submission 347 as the existing wording is appropriate and should be retained in the plan.

### **Consideration**

#### Submission 347, Further submissions F328 and F386

Submitter 347, opposed by both further submitters, sought that section 2.2.1 Mauri be deleted. Section 2.2.1 describes the concept of Mauri and its importance to Ngai Tahu. While the term 'Mauri' is not found within the RMA, for Ngai Tahu it is important and goes to matters contained in sections 5, 6(e), 7(a) and section 8 of the RMA. In the Commissioners' view, deleting section 2.2.1 would diminish the overall value of Part 2.2 to plan users. There is no resource management reason that requires the deletion sought. No change is recommended by the Commissioners.

#### Submission 908

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The recommendation is repeated here – that no change be made

### **Recommendation**

#### **Reject**

Submissions 347 and 908.

#### **Accept**

Further submissions F328 and F386.

#### **Amendments Required**

None Required.

### 2.2.1 Mauri - Paragraph 1 ## 02-009 23 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If section 2.2.1 Mauri - is not deleted (refer 2-9-22), delete the first paragraph.
<b>F328</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347.

#### Consideration

#### Submission 347, Further Submissions F328 and F386

Submitter 347, opposed by both further submitters, sought that the first paragraph of section 2.2.1 Mauri should be deleted as this paragraph has some significant variations from the NRRP definition. Section 2.2.1 describes the concept of Mauri and its importance to Ngai Tahu. While the term 'Mauri' is not found within the RMA, for Ngai Tahu it is important and goes to matters contain in sections 5, 6(e), 7(a) and section 8 of the RMA. In the Commissioners' view, deleting the first paragraph of section 2.2.1 would diminish the overall value of Part 2.2 to plan users. There is no resource management reason that requires the deletion sought. No change is recommended by the Commissioners.

#### Recommendation

##### Reject

Submission 347.

##### Accept

Further submissions F328 and F386.

#### Amendments Required

*None Required.*

### 2.2.1 Mauri – Last Paragraph ## 02-010 05 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If section 2.2.1 Mauri - is not deleted (refer 2-9-22), delete the sentence 'Spiritual indicators... and hapu' in the last paragraph.
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<b>F328</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347
<b>F386</b>	Te Runanga O Ngai Tahu	Oppose submission 347.

### Consideration

#### Submission 347, Further Submissions F328 and F386

The submitter, opposed by both further submitters, sought that the last sentence of the fifth paragraph of section '2.2.1 Mauri' be deleted as this paragraph has some significant variations from the NRRP definition. This sentence describes the spiritual indicators of environmental health. The statement is supported in a broad sense by section 6(e) of the RMA. There is no resource management requirement for its deletion and it assists in understanding Chapter 2. No change is recommended.

### Recommendation

#### Reject

Submission 347.

#### Accept

Further submission F328 and F386.

### Amendments Required

None Required.

#### 2.2.2 Kaitiakitanga ## 02-010 07 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), add new points: 'The exercise of kaitiakitanga does not of itself constitute a power of veto in decisions on resource management issues.' 'Kaitiakitanga is not a practice which can be picked up or put down at will but requires ongoing involvement.'
<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

## Consideration

### Submission 347, Further submission F386

The submitter seeks that the additional information should be inserted in section '2.2.2 Kaitiakitanga' that further describes the role of kaitiakitanga in decision making. They state that this can be provided by reference to RMA s6 and to recent Court rulings, noting that where there has been little or no active involvement by tangata whenua in the recent management of a resource, the Council will be able to take this into account in weighing up the matters to be addressed in assessing a resource consent application. The further submission asserts that the existing wording is appropriate and should be retained in the plan.

The Commissioners note that the first paragraph, second sentence, accurately describes the position of kaitiakitanga in decision making – a consent authority is required to 'have particular regard to' it. No further explanation is required. No change is recommended by the Commissioners.

### Submission 908

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The recommendation is repeated here – no change be made.

## Recommendation

### Reject

Submissions 347 and 908.

### Accept

Further submission F386.

### Amendments Required

None Required.

### **2.2.2 Kaitiakitanga - Paragraph 1 ## 02-010 08 00 - 02-010 11 00**

<b>347 (point 1)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete 'Kaitiaki are... exercise of Kaitiakitanga.'
<b>347 (point 2)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Replace first paragraph with the RMA definition of Kaitiakitanga.

<b>347 (point 3)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-2-0) delete 'The definition are... pure guardianship'.
<b>F328 (point 1)</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347 (point 1)
<b>F328 (point 2)</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347 (point 2)
<b>F328 (point 3)</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347 (point 3)
<b>F386 (point 1)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 1)
<b>F386 (point 2)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 2)
<b>F386 (point 3)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 3)

### Submission Clarification

#### Submission 347 (points 1 and 2)

The submitter opposes the text in the first paragraph which it says exceeds the RMA definition. The RMA definition is notable for its avoidance of spiritual issues. The 'relief sought' is 'replace with RMA definition'. It is not clear whether this relates solely to paragraph one as summarised or all paragraphs in the section.

#### Further submission F328 (points 1, 2 and 3)

Opposes submission 347 (points 1, 2, and 3) as Council has statutory responsibilities to recognise and provide for matters relating to the relationship of Maori and their culture and traditions with their ancestral lands and taonga.

Further submission F386 (points 1, 2 and 3)

Opposes submission 347 (points 1, 2 and 3), as the existing wording is appropriate and should be retained in the plan.

**Consideration**

Submission 347 (point 1), Further submissions F328 (point 1) and F386 (point 1)

Submitter 347, opposed by the further submitters, sought that the first two sentences of the first paragraph should be deleted. These are: *“Kaitiaki are the interface between the physical and spiritual worlds. Observing kawa and tikanga is part of the ethic and exercise of kaitiakitanga.”* The reasoning given by the submitter is that the sentences go beyond the definition of Kaitiakitanga in the RMA. That definition is; *“Kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship”*. While there is a spiritual dimension to the statements in section ‘2.2.2 Kaitiakitanga’, in the Commissioners’ view this is not inconsistent with the definition provided in the RMA. The sentence describes how kaitiakitanga is exercised by Ngai Tahu Kaitiaki. The first sentence should however be considered to be a definition. A minor change is recommended by the Commissioners.

Submission 347 (points 2 and 3), Further submissions F328 (points 2 and 3) and F386 (points 2 and 3)

Submitter 347, opposed by the further submitters, sought that the first paragraph of section ‘2.2.2 Kaitiakitanga’ should be replaced with the RMA definition of kaitiakitanga (see the above). Again the reasoning given is that the definition of kaitiakitanga in the RMA is exceeded. Within section 2.2.2 the statement about the definition of kaitiakitanga is found in the third sentence of the first paragraph, which reads: *“[t]he definition of kaitiakitanga given in the Resource Management Act 1991<sup>7</sup> however, is a starting point only and Ngāi Tahu consider kaitiakitanga as a much wider cultural concept than pure guardianship”* (footnote excluded). While Ngai Tahu considers kaitiakitanga goes beyond that defined in the RMA, in the Commissioners’ view Environment Canterbury should, for the NRRP, limit itself to the definition given in the RMA. The Commissioners recommend that this be amended in Paragraph One.

**Recommendation**

**Accept in part**

Submission 347 (points 1, 2 and 3), Further submissions F328 (points 1, 2 and 3) and F386 (points 1, 2 and 3).

**Amendments Required**

Amend Paragraph One of section 2.2.2 Kaitiakitanga as follows:

*“Kaitiaki ~~are~~ is concerned with the interface between the physical and spiritual worlds. Observing kawa and tikanga is part of the ethic and exercise of kaitiakitanga.*

*Section 7(a) of the Resource Management Act 1991 requires Environment Canterbury to have particular regard to kaitiakitanga when exercising its functions and powers. Ngāi Tahu consider kaitiakitanga as a much wider cultural concept than pure guardianship. Nevertheless, the definition of kaitiakitanga used within the Canterbury Natural Resources Regional Plan is that given in the Resource Management Act.*

<sup>7</sup> Section 2, Resource Management Act 1991. See “Definition of Terms”

### 2.2.2 Kaitiakitanga - Paragraph 2 ## 02-010 14 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete the entire paragraph 'To Ngai Tahu ... resources.'
<b>F328</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347: If Chapter 2 is not deleted (refer 2-0-0), delete the entire paragraph 'To Ngai Tahu ... resources.'
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347.

### Consideration

#### Submissions 347 and Further Submissions F328, F386

Submitter 347, opposed by the further submitters, sought that paragraph two of section '2.2.2 Kaitiakitanga' should be deleted. The reason given is that it contains information that Environment Canterbury cannot take into account or be governed by. The statements made in paragraph two describe how Ngai Tahu understands kaitiakitanga. Kaitiakitanga is a matter to be had particular regard to in terms of section 7(a). What the ultimate expression of this will be in the context of the RMA, if any, will need to be considered by Environment Canterbury and any consent authority on a case by case basis. No change is recommended by the Commissioners.

### Recommendation

#### Reject

Submission 347.

## Accept

Further submissions F328 and F386.

## Amendments Required

None Required.

### 2.2.2 Kaitiakitanga - Paragraph 5 ## 02-010 30 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete Kaitiakitanga is also linked to rangatiratanga.'
<b>F328</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347.

## Submission Clarification

- F328 Opposes submission 347 as Council has statutory responsibilities to recognise and provide for matters relating to the relationship of Maori and their culture and traditions with their ancestral lands and taonga.
- F386 Opposes submission 347 as the existing wording is appropriate and should be retained in the plan.

## Consideration

### Submissions 347 and Further Submissions F328, F386

Submitter 347, opposed by the further submitters, sought that the last paragraph be deleted, being: “[k]aitiakitanga is also linked to rangatiratanga” as this is not an issue Council can take account of or be governed by. This explicit link is not made in the definition of kaitiakitanga in section 2 of the RMA. The Regional Policy Statement however states that: “Rangatiratanga and Kaitiakitanga are the practical expression of the cultural and traditional relationship of Tangata Whenua with their ancestral lands, water sites, wahi tapu and other taonga (see section 6(e) of the RM Act)” (page 41). The connection between rangatiratanga and kaitiakitanga has already made. Deleting the last paragraph would serve no useful purpose. However, it is appropriate to qualify the last sentence, by making it clear that the link is important for Ngai Tahu, and not necessarily for Environment Canterbury.

## Recommendation

### Accept in part

Submission 347, Further submissions, F328 and F386.

### Amendments Required

Amend the final paragraph of ‘2.2.2 Kaitiakitanga’ as follows:

*“For Ngāi Tahu, ~~K~~kaitiakitanga is also linked to rangatiratanga.”*

### 2.2.3 Rangatiratanga ## 02-010 31 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete section 2.2.3 Rangatiratanga.
<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.
<b>F328</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347
<b>F386</b>	Te Runanga O Ngai Tahu	Oppose submission 347.

## Consideration

### Submission 347, Further submissions F328 and F386

Submitter 347, opposed by both further submitters, sought that section ‘2.2.3 Rangatiratanga’ should be deleted. Extensive reasoning is given, including that rangatiratanga is a matter between central government and tangata whenua and that the NRRP is not weakened by deletion of the section.

The RMA is not about the exercise of rangatiratanga, but rather the promotion of the sustainable management of natural and physical resources. The role of tangata whenua values is detailed by the Act, and particularly in sections 5, 6(e), 7(a) and 8. The process by which sustainable management can be promoted may include consideration of rangatiratanga. It is noted that the RMA provides opportunities for the transfer of power to an iwi authority (section 33 of the RMA).

Section ‘2.2.3 Rangatiratanga’ sets out the view of Ngai Tahu on this matter. Any response by Environment Canterbury to this view must be within its functions and powers under the RMA and Local Government Act 2002. Nothing in proposed Chapter 2

commits Environment Canterbury to action as it contains no objectives, policies or methods.

Section 5.4(c) of Chapter 5 of the Regional Policy Statement contains a discussion of rangatiratanga (pgs 41 and 42). The material in the RPS is focussed on Environment Canterbury maintaining a consultative relationship with tangata whenua.

Clarifying that the material in section '2.2.3 Rangatiratanga' is the view of Ngai Tahu, as opposed to Environment Canterbury, is recommended by the Commissioners. Unfortunately no submitter expressly sought this. The Commissioners would recommend the Environment Canterbury consider a variation in this regard.

#### Submission 908

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The recommendation is repeated here – no change be made.

#### **Recommendation**

##### **Reject**

Submission 908.

##### **Accept in part**

Submission 347, Further submissions F328 and F386.

#### **Amendments Required**

None required.

#### **2.2.4 Taonga ## 02-011 05 00**

<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.
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#### **Consideration**

#### Submission 908

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The recommendation is repeated here – no change be made.

**Recommendation****Reject**

Submission 908.

**Amendments Required**

None Required.

**2.2.4 Taonga - Paragraph 1 ## 02-011 06 00 - 02-011 08 00**

<b>347 (point 1)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete the opening statement and replace with: 'taonga are particularly highly valued resources.'
<b>347 (point 2)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete 'Taonga include... mountains and rivers' and replace with: 'For the purposes of this plan taonga may include specific sites or natural and physical resources such as mahinga kai. While Taonga species are recognised in the NTCSA, this Act specifically states that this reference does not grant or create any evidence of any estate or interest in, or any rights of any kind. The NTCSA directs any entity considering any matter, or making any decision or recommendation under any statute, not to give any greater or lesser weight to Ngai Tahu association to the taonga species than that entity would give under that statute if no acknowledgement had been made of that association to the taonga species.'
<b>F328</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347 (point 2)
<b>F386 (point 1)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 1).
<b>F386 (point 2)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 2).

**Consideration**Submission 347 (point 1), Further submission F386 (point 1)

Submitter 347, opposed by submitter F386, sought the deletion of the first sentence of the first paragraph of section '2.2.4 Taonga' which reads: "*All natural resources – air, land, and water – are taonga*". The submitter states that this is inconsistent with the

RMA. The submitter also opposes the second sentence, which reads: “[t]aonga are treasures, things highly prized and important to tāngata whenua, derived from the gods and left by the ancestors to provide and sustain life”. From the point of view Ngai Tahu the sentences are correct. In terms of section 6(e) of the RMA the issue is not the taonga, but rather recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The first paragraph of section ‘2.2.4 Taonga’ accords recognition to taonga – and it is based on an intensive consultation programme with Te Runanga o Ngai Tahu and Papatipu Runanga. In the Commissioners’ view it is important to clarify that paragraph one reflects the views of Ngai Tahu. Unfortunately no submitter sought this. Again it is recommended that Environment Canterbury consider a variation in this regard.

Submission 347 (point 2), Further submission F328 and F386 (point 2)

The submitter sought that the last sentence in paragraph one should be deleted, being: “[t]aonga include both tangible and intangible things such as tikanga (Māori protocol and customs), te reo (Māori language) and natural and physical resources, such as mahinga kai (e.g. food resources), mountains and rivers.” The reasoning provided by the submitter is to ‘give effect to the provisions and qualifications of the NTCSA’. This change is opposed by the further submitters. The provisions and qualifications of the NTCSA have limited relevance to the management of taonga under the RMA. The issue is whether the statement is appropriate in terms of the RMA. It is understood by the Commissioners that the statement reflects the views of Ngai Tahu. Again this should be recorded – however that will require a variation as no submitter specifically sought this.

**Recommendation**

**Accept in part**

Further submissions F347 (points 1 and 2), F328 and F386 (points 1 and 2).

**Amendments Required**

None Required.

**2.2.4 Taonga - Paragraph 3 ## 02-011 14 00**

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete the paragraph 'To ensure ... after us.'
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

## Consideration

### Submission 347, Further submission F386

Submitter 347, opposed by the further submitter, sought the deletion of the third paragraph of section '2.2.4 Taonga'. The reason given is that the paragraph is a statement of Ngai Tahu position not that of Environment Canterbury. That is correct. It clearly reads that the position is that of Ngai Tahu. The statement was developed through consultation with Ngai Tahu and Papatipu Runanga. In the Commissioners' view this is appropriate. The information may help plan administrators and users when considering matters in Part II of the RMA. The change in emphasis would detract from the information presented in Chapter 2. There is no RMA requirement to make the change. No change is recommended by the Commissioners.

## Recommendation

### Reject

Submission 347.

### Accept

Further submission F386.

## Amendments Required

None Required.

### 2.2.4 Taonga - Paragraph 4 ## 02-011 18 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), reword to read: 'Environment Canterbury in preparing and implementing this plan will have regard to the habitat requirements of taonga species.'
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

## Submission Clarification

347 There is need to more closely reflect the Council's statutory obligation to take into account all relevant factors in preparing and implementing plans. As a consent authority, the Council is required to balance and weight the interests and requirements of a number of factors.

F386 Opposes submission 347 as the existing wording is appropriate and should be retained in the plan.

## Consideration

### Submission 347, Further submission F386

Submitter 347, opposed by the further submitter, sought that paragraph four should be rewritten. The principal effect of this rewrite would be to change the focus of the statement from Environment Canterbury 'helping to ensure' to Environment Canterbury 'having regard to'. 'Have regard to' has a recognised meaning, and it is different from the language in sections 6, 7 and 8 of the RMA. The protection of significant habitats of indigenous species is a section 6(c) matter – that is something to 'recognise and provide for'. This language is stronger than 'have regard to'. Ideally the Commissioners would prefer that paragraph four should be deleted. It does not assist - and arguably confuses. Environment Canterbury as a consent authority has specific obligations and they shouldn't be confused by ambiguous statements in a plan. However this was not specifically sought. Environment Canterbury may consider it helpful to consider a variation in this regard.

## Recommendation

### Accept in part

Submission 347 and Further submission F386.

### Amendments Required

None required.

**Boxed text "In the management of resources it is important to Ngai Tahu that the habitats and wider needs of taonga are protected and sustainably managed and enhanced" ## 02-011 20 00**

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), amend the highlighted sentence to read: 'In the management of resources, there is a requirement of the Council to have particular regard to the relationship of Maori to their culture, traditions and taonga.'
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

## Consideration

Submission 347, Further submission F386

Submitter 347, opposed by the further submitter, sought an amendment to the wording of the 'bold' typeface statement in section '2.2.4 Taonga'. The effect of the amendment of the statement would be to change the focus from a statement of Ngai Tahu's position, to something more akin to an RMA policy. The purpose of Chapter 2 is not to set out RMA policy. Rather its purpose is, to provide information to plan administrators and users on Ngai Tahu values. The information will in the Commissioners' view help plan administrators and users when considering matters under Part II of the RMA. The proposed change in emphasis would detract from the information presented in Chapter 2. There is no RMA requirement to make the change. No change is recommended by the Commissioners.

**Recommendation**

**Reject**

Submission 347.

**Accept**

Further submission F386.

**Amendments Required**

None Required.

**2.2.5 Mahinga kai ## 02-011 32 00 – 02-012 15 00**

<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.
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**Consideration**

Submission 908

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The recommendation is repeated here – no change be made.

**Recommendation**

**Reject**

Submission 908.

**Amendments Required**

None Required.

**2.2.5 Mahinga kai - Paragraph 2 ## 02-011 26 00 - 02-011 28 00**

<b>347 (point 1)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), replace the word 'resources' with 'materials'.
<b>347 (point 2)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete 'As well as the process... resource itself.' and replace with: 'The NTCSA defines mahinga kai as 'the customary gathering of food and natural materials and the places where those resources are gathered.'
<b>F386 (point 1)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 1)
<b>F386 (point 2)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 2)

**Consideration**Submission 347(point 1), Further submission F386 (point 1)

Submitter 347, opposed by the further submitter, sought that the word 'resources' be deleted and replaced by the word 'materials' in the second line of paragraph two. The word 'resources' appears twice in this line – it is not clear which instance the submitter is referring to. It is understood the submitter is attempting to achieve greater consistency between the language in the NRRP and that in the NTCSA. Such consistency is not strictly required albeit that it may be desirable. However, the RMA focuses on natural and physical resources, not 'materials'. No change is recommended by the Commissioners.

Submission 347 (point 2), Further submission F386 (point 2)

Submitter 347, opposed by the further submitter, sought that the words in paragraph two *“as well as the process of food gathering. It includes the way it is gathered, the place where it is gathered from, and the actual resource itself”* be replaced by the definition of mahinga kai from the NTCSA. The NTCSA definition of mahinga kai is different from that quoted by the submitter, who has excluded the words *“for the purposes of a joint management plan”*. The full definition provided in section 167 of the NTCSA is *“Mahinga kai” means, for the purposes of a joint management plan, the customary gathering of food and natural materials and the places where those resources are gathered.* Three observations are made. The first is that the definition provided in section 167 of the NTCSA is for a specific purpose – a joint management plan. Secondly, the change sought would not narrow the discussion of mahinga kai in paragraph two, as the previous sentence would remain. Thirdly, the words that are sought be deleted are consistent with the definition in the NTCSA, as they carry the meaning that mahinga kai

includes the three things: the process of food gathering, the place it is gathered from and the resource itself. No change is recommended by the Commissioners.

**Recommendation**

**Reject**

Submission 347 (points 1 and 2).

**Accept**

Further submission F386 (points 1 and 2).

**Amendments Required**

None Required.

**2.2.5 Mahinga kai - Paragraph 2 ## 02-011 32 00**

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), take the sentence 'There are many ... Runanga' from the second paragraph and treat it as a separate issue in a separate paragraph.
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

**Consideration**

Submission 347, Further submission F386

Submitter 347, opposed by the further submitter, sought that the second paragraph in section '2.2.5 Mahinga Kai' be amended by moving the last sentence to a new paragraph. The reason given is to clarify that NTCSA considerations do not apply. It is clear that the matters in the sentence do not apply to NTCSA considerations. In the Commissioners' view the sentence fits within the existing paragraph. No change is recommended by the Commissioners.

**Recommendation**

**Reject**

Submission 347.

**Accept**

Further submission F386.

## Amendments Required

None Required.

### 2.2.5 Mahinga kai - Paragraph 3 ## 02-011 35 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete the third paragraph 'Manaakitanga ...
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

## Consideration

### Submission 347, Further submission F386

Submitter 347, opposed by the further submitter, sought that the third paragraph of section '2.2.5 Mahinga Kai' should be deleted. The reasons given are that the content of the paragraph extends beyond the functions of Environment Canterbury and would be better included in a non statutory document. The Commissioners disagree. The paragraph explains, in part, why mahinga kai is important to Ngai Tahu. It will assist the NRRP user. No change is recommended by the Commissioners.

## Recommendation

### Reject

Submission 347.

### Accept

Further submission F386.

## Amendments Required

None Required.

### Boxed text " The maintenance of the diversity, quality and quantity of resources, especially mahinga kai, is important to Ngai Tahu" ## 02-012 05 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), reformat the highlighted sentence to normal type face and include in main body of section and remove emphasis markers.
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

## Consideration

### Submission 347, Further submission F386

The submitter, opposed by the further submitter, sought a reformatting of the highlighted sentence in section 2.2.5 of Chapter 2. What is sought is that the boxed, bolded statement be de-emphasised by putting it in normal type. As stated above (see Chapter 2 - General Submissions ## 02-000 00 00) Chapter 2 does not contain any objectives, policies or methods. The boxed statements are summaries of Ngai Tahu's position on various matters. It is useful to draw the NRRP users' attention to this by placing the text in bold.

The Commissioners do not recommend that the box or bold text be removed.

## Recommendation

### Reject

Submission 347.

### Accept

Further Submission F386.

### Amendments Required

None Required.

### 2.2.5 Mahinga kai - Paragraph 5 ## 02-012 12 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete the last paragraph 'Given that ... mahinga kai.'
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

## Consideration

### Submission 347, Further submission F386

The submitter, opposed by the further submitter, sought that the last paragraph of section '2.2.5 Mahinga Kai' should be deleted. The reasons given include that the paragraph is a statement of position by one party in an RMA process, and not the

position of Environment Canterbury. The reasoning is correct. The statement belongs to Ngai Tahu, and the paragraph should be clarified to reflect this. The focus of the paragraph is both access to, and the use of, mahinga kai. Access *per se* is outside the issues being directly dealt with by a regional council in a regional plan – it is perhaps a regional policy statement and probably a district plan matter. However, the management of ecosystems to support healthy mahinga kai is influenced by the resources being managed through the NRRP. The Commissioners recommend that the first part of the sentence is deleted and that it is made clear that the views expressed are those of Ngai Tahu. Only the first point can be dealt with in the content of the submissions made. Environment Canterbury may want to consider a variation to deal with the second point.

## Recommendation

### Accept in part

Submission 347, Further submission F386.

### Amendments Required

Amend the last paragraph of section 2.2.5 Mahinga Kai as follows:

*; it is of paramount importance to Ngai Tahu that the environment is managed to ensure access to and use of mahinga kai. Natural resources should be managed to support healthy mahinga kai."*

**Boxed text "It is important for Ngai Tahu that wahi tapu sites are protected from inappropriate activity and that there is continued access to such sites for Ngai Tahu" ## 02-012 28 00**

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), reformat the highlighted sentence to normal type face and remove emphasis markers. Also add to the text: 'The RMA obliges the Council to recognise and provide for wahi tapu as part of the overall consideration of resource consent applications.'
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

## Consideration

### Submission 347, Further submission F386

The submitter, opposed by the further submitter, sought a reformatting of Chapter 2. What is sought is that the boxed, bolded statements be de-emphasised by returning them to normal type. The Commissioners repeat their views set out above at ##02-012-05-00.

Turning to the additional text sought. This has been taken presumably from section 6(e) of the RMA and rephrased. It would be useful to draw the NRRP user’s attention to this requirement. Accordingly, it is recommended that this change be accepted.

### Recommendation

#### Reject in part

Submission 347 and Further submission F386.

#### Accept in part

Submission 347; Further Submission F386.

### Amendments Required

Add after the final statement in section 2.2.6 Wāhi Tapu as follows:

*“... and waiwhakaheke tūpāpaku (water burial sites).*

*The RMA obliges the Council to recognise and provide for Wāhi tapu as part of the overall consideration of resource consent application.*

### 2.3 Matters of resource management significance to Ngai Tahu ## 02-013 01 00

<b>386</b>	Te Runanga O Ngai Tahu	Add macrons to words in a manner consistent with the rest of Chapter 2. Make any other consequential amendments to the Plan.
<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.

### Consideration

#### Submission 386

The submitter sought that macrons be added to ‘Figure TGW2-3: An example of how concepts in Māori resource management apply to protecting the mauri of a resource’ in a manner that is consistent with the rest of Chapter 2 of the NRRP. This is appropriate as noted above at ##00-000-00-00, 386. There is no technical reason not to add the macrons. The change is recommended by the Commissioners.

#### Submission 908

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The recommendation is repeated here – no change be made.

## Recommendation

### Reject

Submission 908.

### Accept

Submission 386.

### Amendments Required

Amend 'Figure TGW2-3: An example of how concepts in Māori resource management apply to protecting the mauri of a resource' by adding macrons consistent with the remainder of Chapter 2.

#### 2.3.1 Resource management issues and desired outcomes for tangata whenua ## 02-013 16 00

<b>338</b>	Transit New Zealand, Christchurch	Supports in part as it relates to air. Other sections of the plan will be addressed when they are notified. No relief sought.
<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), delete section 2.3.1. Pre-emption and procedural reasons support this submission. Section will become redundant as other chapters notified.
<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.
<b>F328</b>	New Zealand Historic Places Trust, Southern Region	Oppose submission 347
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347.

## Consideration

### Submission 338, Further submissions 347, F328 and F389

Submitter 347 seeks that section '2.3.1 Resource management issue and desired outcomes for tangata whenua' should be deleted. This submission is opposed by further submitters F328 and F386. Submitter 338 seeks the section 2.3.1 be retained. As stated above, it is considered that there is good reason for including Chapter 2 in the NRRP (see Chapter 2 - General Submissions ## 02-000 00 00, 347 (point 1), 413 (point

1), F328 (points 3 and 12), F365). Given that Chapter 2 contains information, it will need to be incorporated expressly in other chapters of the NRRP. That is appropriately recorded in the NRRP. Clause 1(d) of the First Schedule of the RMA requires Environment Canterbury in the development of a regional plan to consult with the tangata whenua of the area who may be affected, through iwi authorities and tribal runanga. Good faith consultation requires Environment Canterbury to actively consider the outcomes of that consultation in the plan development process. Further, many of the matters listed can be found, in 'Chapter 5 Matter of Resource Management Significance to Tangata Whenua' of the Canterbury Regional Policy Statement. Therefore, the inclusion of section 2.3.1 is considered by the Commissioners to be appropriate as it provides information to users and administrators of the NRRP of the issues and outcomes sought by tangata whenua. How these issues and outcomes sought are addressed in specific chapters will be considered through provisions in specific chapters of the NRRP. These provisions must be considered in terms of the requirements of the RMA and they will go through the public submission process. No change is recommended by the Commissioners.

#### Submission 908

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The recommendation is repeated here – no change be made.

#### **Recommendation**

##### **Reject**

Submissions 347, 908.

##### **Accept**

Submission 338, Further submissions F328 and F386.

#### **Amendments Required**

None Required.

**Table TGW2-1: Issues and outcomes sought by Tangata Whenua - Issues - Air ## 02-014 09a01**

<b>386</b>	Te Runanga O Ngai Tahu	Add an additional issue - 'natural darkness'. Make any other consequential amendments to the Plan.'
<b>F347</b>	Federated Farmers of New Zealand	Oppose submission 386

## Consideration

### Submission 386, Further submission F347

The submitter sought an addition to 'Table TGW 2-1 Issues and outcomes sought by Tangata Whenua' under the subheading Mahinga Kai relating to natural darkness and the adverse effects caused by artificial lighting. The further submitter opposes this. Without further information, it is difficult to assess the substantive merits on the change sought – for example: what habitats are said to be affected where are they, what is the impact of the effect, how significant is the effect, what is the source of the light, why is the light present, what are of possible solutions, etc?

Under section 30 of the RMA, lighting is not a function of a regional council. The erection of lights is a use of land. The direct control of the effects of the use of land is a function for territorial authorities. Environment Canterbury does have functions in relation to 'integrated management' and 'any actual or potential effects of the use, development, or protection of land which are of regional significance'. However, it is not clear whether 'lighting' is an issue of regional significance, and no clear evidence was presented to the Commissioners that 'light' or 'the loss of darkness' is a matter that a regional plan can, and should, deal with. It is noted that 'natural darkness' is not identified as an issue of significance to tangata whenua in chapter 5 of the Regional Policy Statement.

No change is recommended by the Commissioners.

## Recommendation

### Reject

Submission 386.

### Accept

Further submission F347.

## Amendments Required

None Required.

### **Table TGW2-1: Issues and outcomes sought by Tangata Whenua - Outcomes sought ## 02-014 09b01**

<b>386</b>	Te Runanga O Ngai Tahu	Add an additional outcome sought - that appropriate measures are put in place to avoid, remedy or mitigate potential adverse effects of artificial lighting on natural darkness and in turn on the harvesting of mahinga kai. Make any other consequential amendments to the Plan.
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<b>F347</b>	Federated Farmers of New Zealand	Oppose submission 386
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### Consideration

#### Submission 386, Further submission F347

These submissions are considered above (see Table TGW2-1: Issues and outcomes sought by tangata whenua - Outcomes sought ## 02-014 09a01). The recommendation is repeated here – that no change be made.

### Recommendation

#### Reject

Submission 386.

#### Accept

Further submission F347.

### Amendments Required

None Required.

**Table TGW2-1: Issues and outcomes sought by Tangata Whenua - Issues - Harvesting of mahinga kai ## 02-016 11a29**

<b>432</b>	Land Information NZ	Add a statement under 'harvesting of mahinga kai' to refer to a section on "standards for discharge of herbicides for weed control into or near waterways". These standards should encompass the provisions outlined in a Land Information NZ resource consent, as follows: 'LINZ or its agents(s) shall consult with Kaikoura Runanga and Te Runanga o Ngai Tahu during the development of spray programmes to identify areas important to eels and whitebait spawning sites that should be avoided during spray operations at certain times of the year. LINZ or its agent(s) shall consult with Kaikoura Runanga and Te Runanga o Ngai Tahu (amongst others) to be notified in the case of accidental discharge in to waterways or riparian areas.' along with the following: 'The person (LINZ) shall consult with Te Runanga o Ngai Tahu and associated Papatipu Runanga when preparing a spray programme in relation to areas under statutory acknowledgement in the Ngai
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		Tahu Claims Settlement Act.'
<b>F347</b>	Federated Farmers of New Zealand	Oppose submission 432
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 432

### Consideration

#### Submission 432, Further submissions F347 and F386

Submitter 432 seeks an addition to Table TGW2-1 that would effectively incorporate into the plan a condition which might be attached to a resource consent to spray weeds in the beds, and on the margins, of Crown waterways. This level of detail is not appropriate in Table TGW 2-1. It is more suited to permitted activity conditions or conditions of resource consents. The Commissioners recommend that no change be made.

### Recommendation

#### Reject

Submission 432, Further submission F386.

#### Accept

Further submission F347.

### Amendments Required

None Required.

**Table TGW2-1: Issues and outcomes sought by Tangata Whenua - Issues - Harvesting of mahinga kai - (Spraying of vegetation in streams) ## 02-017 12a05**

<b>432</b>	Land Information NZ	Include other areas where Ngai Tahu may wish to be consulted over weed spraying operations - Topuni, Nohoanga and Waahi Tapu areas.
<b>F347</b>	Federated Farmers of New Zealand	Oppose submission 432
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 432

## Consideration

### Submission 432, Further submissions F347 and F386

The submitter sought that other areas are added in which Ngai Tahu may wish to be consulted over weed spraying operations - Topuni, Nohoanga and Waahi Tapu. This is opposed by the further submitters. At present in Table TGW 2-1 under the heading 'Mahinga Kai' the following outcome is identified: *Tangata whenua are consulted before waterways are sprayed*. This outcome has been identified through consultation with the tangata whenua. A waterway could affect topuni, nohoanga, or be a waahi tapu area. Further, the representative bodies of the tangata whenua have submitted in opposition to this submission. The Commissioners recommend that no change be made.

## Recommendation

### Reject

Submission 432.

### Accept

Further submissions F347 and F386.

## Amendments Required

None Required.

### 2.4 Ngai Tahu and the management of natural resources appendices ## 02-018 01 00

<b>125 (point 1)</b>	Waimakariri District Council	Add information on these sites in an appendix to Chapter 2: Te Ihuitai, Taerutu, Waimaiaia, Torotoroa, and Te Akaaka.
<b>125 (point 2)</b>	Waimakariri District Council	Add information on these sites in an appendix to Chapter 2: Tutaepatu lagoon and the Tuhaitara Coastal Reserve.
<b>338</b>	Transit New Zealand, Christchurch	Supports section 2.4.
<b>F386 (point 1)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 125 (point 1)
<b>F386 (point 2)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 125 (point 2)

## Consideration

### Submissions 125 (point 1) and 125 (point 2), Further submissions F386 (point 1) and F386 (point 2)

These submissions are considered above (see Figure TGW2-1: Areas Affected by Ngai Tahu Claims Settlement Act 1998 ## 02-005 01 00 - 02-005 02 00). The recommendation is repeated here – that no change be made.

### Submission 338

Given the above recommendation, it is recommended that this submission be accepted.

## Recommendation

### Reject

Submissions 125 (point 1), 125 (point 2), Further submission F386 (point 2).

### Accept

Submission 338 and Further Submission F386 (point 1).

## Amendments Required

None Required.

### Appendix TGW1: Runanga Takiwa in the Canterbury region ## 02-018 03 00

<b>386</b>	Te Runanga O Ngai Tahu	Identify (in consultation with Ngai Tahu) a separate schedule of waterways and sites of cultural significance to Ngai Tahu and include this in Appendix TGW 1. Make any other consequential amendments to the Plan.
<b>F347</b>	Federated Farmers of New Zealand	Support submission 386
<b>F365</b>	Meridian Energy Limited	Support submission 386

## Consideration

### Submission 386, Further submissions F365 and F347

Submitter 386, supported by the further submitters 365 and 347, sought that a separate schedule of waterways and sites of cultural significance to Ngai Tahu should be

identified in consultation with Ngai Tahu and included in Appendix TGW 1. No specific schedule was included in the submission.

Further submitter F347 did not support this schedule being prepared after the closing of submissions.

A separate schedule of waterways and sites of cultural significance to Ngai Tahu does not exist at present. However, the Commissioners were told that work is underway to develop such a schedule. Once complete, it is intended to introduce this work to the NRRP by a variation. This work is not sufficiently advanced to allow the Commissioners accept these submissions in their totality, and even if it was, the Commissioners consider the variation process is more appropriate. It is recommended that no change be made.

### **Recommendation**

#### **Accept in part**

Submission 386, Further submissions F347 and F365.

#### **Amendments Required**

None Required.

### **Appendix TGW2: Instruments from the Ngai Tahu Claims Settlement Act 1998 (NTCSA 1998) relevant to this plan ## 02-020 01 00**

<b>338</b>	Transit New Zealand, Christchurch	Supports Appendix TGW2.
<b>386</b>	Te Runanga O Ngai Tahu	Identify (in consultation with Ngai Tahu) a separate schedule of waterways and sites of cultural significance to Ngai Tahu and include this in Appendix TGW 2. Make any other consequential amendments to the Plan.
<b>F347</b>	Federated Farmers of New Zealand	Oppose submission 386
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 338

### **Consideration**

#### Submission 338, Further submission F386

Given their following recommendation – this submission can be accepted.

### Submission 386 and Further Submission F347

The substance of these submissions is considered above (see Appendix TGW1: Runanga Takiwa in the Canterbury region ## 02-018 03 00). The recommendation there made is adopted – no change needs to be made.

#### **Recommendation**

##### **Reject**

Further submission F347.

##### **Accept**

Submission 338 and Further submission F347, F386.

##### **Accept in part**

Submission 386 and Further Submission F347.

#### **Amendments Required**

None Required.

### **Statutory Acknowledgements ## 02-020 05 00**

<b>201</b>	Minister For The Environment	Add a new sentence to the first section with (or similar): 'There are also two Coastal Statutory Acknowledgements, Te Tai o Marokura (Kaikoura Coastal Marine Area) and Te Tai O Mahaanui (Banks Peninsula Coastal Marine Area) in the Canterbury Region, details of which will be included in the Regional Coastal Environment Plan.'
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Support submission 201

#### **Consideration**

### Submission 201, Further submission F386

Submitter 201 sought that a descriptive sentence be added to the first section of 'Appendix TGW3: Ngai Tahu statutory acknowledgement areas' pointing plan users towards the statutory acknowledgements in the coastal marine area. The merits of adding these two statutory acknowledgement is considered above (see Figure TGW2-1:

Areas Affected by Ngai Tahu Claims Settlement Act 1998 ## 02-005 01 00 - 02-005 02 00, 386 (point 1)). The addition to the opening statement in Appendix TWG3 is supported. The Commissioners recommend the change sought be made.

## Recommendation

### Accept

Submission 201, Further submission F386.

### Amendments Required

Add a new section to 'Appendix TGW3: Ngāi Tahu statutory acknowledgement areas' following the section entitled 'Limitations on effect of statutory acknowledgements' as follows:

**“Coastal marine area statutory acknowledgements**

*There are also two statutory acknowledgements within the Canterbury Region in the Coastal Marine Area. These are Te Tai o Marokura (Kaikōura Coastal Marine Area) and Te Tai o Mahaanui (Banks Peninsula Coastal Marine Area). Details of these statutory acknowledgements are recorded in the Regional Coastal Environment Plan.”*

## Taonga species management ## 02-020 23 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), amend to read: ' Recognition by respectively the Minister of Conservation and the Director General of Conservation as part of a duty of consultation, the Ngai Tahu association...'
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

## Consideration

### Submission 347, Further submission F386

With respect to taonga species, the submitter seeks that Appendix TGW2 is qualified to the effect that any direct duty as a result of the recognition of these species in the NTCSA falls on the Minister of Conservation and the Director General of Conservation, not Environment Canterbury. The submitter is correct (see the Consideration above in 2.1.2 Te Runanga o Ngai Tahu ## 02-003 16 00, 347 F386(point 1)). Section 289 of the NTCSA defines the purpose of the acknowledgement of taonga species. This relates to the Minister of Conservation, with respect to all taonga species, including those subject to recovery plans or species recovery groups (section 293 of the NTCSA), and the Director-General to the extent that a taonga species is or becomes the subject of a

recovery plan or species recovery group (section 294 of the NTCSA). Consequently, the Commissioners recommend the change.

### Recommendation

#### Accept in part

Submission 347.

#### Reject

Further submission F386.

### Amendments Required

Amend 'Appendix TGW2 Instruments from the Ngāi Tahu Claims Settlement Act 1998 (NTCSA 1998) relevant to this plan' as follows:

***“Taonga species management***

~~*Recognition of Ngāi Tahu association with certain bird, plant and marine mammal species.*~~

Recognition by respectively the Minister of Conservation and the Director General of Conservation of Ngāi Tahu association with certain bird, plant and marine mammal species. The aim is to improve Ngāi Tahu involvement in the management of these species through increased consultive requirements with Ngāi Tahu.

#### Customary fisheries management ## 02-020 33 00

<b>347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), add to the second bullet point, after the words 'had regard to' the words 'by the Minister of Fisheries and the Minister of Conservation...'
<b>F386</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347

### Consideration

### Submission 347, Further submission F386

Submitter 347, opposed by the further submitter, sought that the second bullet point be amended. The effect of the amendment would be to identify who must have regard to the advice of Ngāi Tahu in terms of Customary Fisheries – the Minister of Fisheries and Minister of Conservation. The submitter is correct. The purpose of the acknowledgement (section 299 of the NTCSA) is set out in sections 303 and 304 of the NTCSA. These deal with the powers of the Ministers of Fisheries and Conservation respectively. Section 300 of the NTCSA makes it clear that the acknowledgement itself may not be taken into account, and the association of Ngāi Tahu with the acknowledged customary fisheries must be considered on its merits in terms of the provisions of the RMA, as if no acknowledgement was made. Consequently, the Commissioners recommend the change.

### **Recommendation**

#### **Accept in part**

Submission 347.

#### **Reject**

Further submission F386.

### **Amendments Required**

Amend 'Appendix TGW2 Instruments from the Ngāi Tahu Claims Settlement Act 1998 (NTCSA 1998) relevant to this plan' as follows:

#### ***“Customary fisheries management***

*Acknowledgement of the special relationship of Ngāi Tahu with a number of taonga fish species. Customary Fisheries Management includes control mechanisms for greater Ngāi Tahu involvement through the Fisheries Act 1996 such as:*

- *Ngāi Tahu must be consulted as an advisory committee to the Minister of Fisheries and the Minister of Conservation;*
- *the advice of Ngāi Tahu must be had regard to by the Minister of Fisheries and the Minister of Conservation in the management of taonga fish species;*
- *regulations for freshwater fisheries;*
- *sets out some species that are not to be fished commercially;*
- *reintroduces provisions in the Fisheries Act for rāhui.*

*A list of customary fish species is provided in Appendix TGW6.”*

**Appendix TGW3: Ngai Tahu statutory acknowledgement areas ## 02-021 01 00**

<b>347 (point 1)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), amend Appendix TGW3 to include NTSA s211(2).
<b>347 (point 2)</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	If Chapter 2 is not deleted (refer 2-0-0), amend the list of statutory acknowledgement to include NTSCA s220 and the purpose and limitations section.
<b>386 (point 1)</b>	Te Runanga O Ngai Tahu	Add a description of the Coastal Statutory Acknowledgements of Te Tai o Marokura (Kaikoura Coastal Marine Area) and Te Tai o Mahaanui (Banks Peninsula Coastal Marine Area) to Appendix TGW3. Make any other consequential amendments to the Plan.
<b>386 (point 2)</b>	Te Runanga O Ngai Tahu	Add a description of the Statutory Acknowledgement for Punatarakao Wetland to Appendix TGW3. Make any other consequential amendments to the Plan.
<b>386 (point 3)</b>	Te Runanga O Ngai Tahu	Identify (in consultation with Ngai Tahu) a separate schedule of waterways and sites of cultural significance to Ngai Tahu and include this in Appendix TGW 3. Make any other consequential amendments to the Plan.
<b>908</b>	Mana Whenua	Clarify the intent of the relationship between Tikanga Maori and Mana whenua.
<b>F347</b>	Federated Farmers Of New Zealand Inc, North Canterbury Branch	Oppose submission 386 (point 3)
<b>F386 (point 1)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 1): If Chapter 2 is not deleted (refer 2-0-0), amend Appendix TGW3 to include NTSA s211(2).
<b>F386 (point 2)</b>	Te Runanga O Ngai Tahu and Canterbury Runanga	Oppose submission 347 (point 2)

**Consideration**

Submission 347 (point 1), Further submission F386 (point 1)

Submitter 347, opposed by the further submitter, sought that section 211 (Use of statutory acknowledgement with submissions) of the NTCSA be set out in full in Appendix TGW3 to assist applicants and consent authorities. Section 211 is as follows:

*“211. Use of statutory acknowledgement with submissions*

- (1) Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui may cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a consent authority, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or impacting directly on a statutory area as evidence of Ngai Tahu's association with the statutory area.*
- (2) For the avoidance of doubt, the content of the association, as recorded in a statutory acknowledgement, is not by virtue of the statutory acknowledgement binding as deemed fact upon consent authorities, the Environment Court, the Historic Places Trust, parties to proceedings before those bodies, or any other person able to participate in those proceedings, but the statutory acknowledgement may be taken into account by them.*
- (3) Neither Te Runanga o Ngai Tahu nor any member of Ngai Tahu Whanui is precluded from stating that Ngai Tahu has any association with the statutory area not described in the relevant statutory acknowledgement, nor does the content or existence of the statutory acknowledgement derogate from any such statement.”*

In the Commissioners view Appendix TGW3 sets out in summary form the purpose of statutory acknowledgments, what the effect of them may be in processing a resource consent application, and what their limitations are. Section 211 is important and it adds to plan administrators' and users' understanding. However, the section need not be quoted verbatim, but rather can be referred to in the style of the rest of the text in Appendix TGW3. The Commissioners recommend that such a change be made.

Submission 347 (point 2), Further submission F386 (point 2)

The submitter, opposed by the further submitter, sought that section 220 of, and the purpose and limitations from, the NTCSA should be included. The reasoning given is that Environment Canterbury has a duty to set out in full the statutory acknowledgements.

Three observations are made.

First, there is no duty to set out section 220 of the NTCSA in full in Appendix TGW3. Section 220 contains requirements for local authorities. Appendix TGW3 is designed to fulfil those requirements. It does not need to be recorded verbatim.

Secondly, the submitter is correct with respect to the ‘purpose’ and ‘limitation’ provisions. Each statutory acknowledgement in the NTCSA includes sections entitled ‘Purpose of Statutory Acknowledgement’ and ‘Limitations on Effect of Statutory Acknowledgement’. The wording in these sections is ‘generally’ common to each statutory acknowledgement. Within Chapter 2, this common wording has been cited in the preamble. However, the instruction given in section 220 is to record all statutory acknowledgements affecting statutory areas covered wholly or partly by such policy statements or plans, either by way of reference or by setting out the statutory acknowledgements in full. Environment Canterbury has not set out the statutory acknowledgement in full, and the Commissioners recommend it do so. It is also recommended that the common wording preamble be retained as it provides a useful introduction to the plan user.

#### Submission 386 (point 1)

This submission is considered above (see Figure TGW2-1: Areas Affected by Ngai Tahu Claims Settlement Act 1998 ## 02-005 01 00 - 02-005 02 00, 386 (point 1)). That consideration is relevant here and it is adopted. The Commissioners recommend that no change be made.

#### Submission 386 (point 2)

This submitter sought that a description of the statutory acknowledgement for Punatarakao Wetland should be added in Appendix TGW3. Punatarakao Wetland is subject to Schedule 54 Statutory Acknowledgement for Punatarakao Wetland of the NTCSA. The description of the statutory acknowledgement indicates that the wetland lies near the mouth of the Waihao River (near Waimate). It is recommended by the Commissioners in response to this submission, that the change should be made.

#### Submission 386 (point 3), Further submission F347

These submissions are considered above (see Appendix TGW1: Runanga Takiwa in the Canterbury region ## 02-018 03 00). The Commissioners’ recommendation is repeated here – that no change be made.

#### Submission 908

This submission is considered above (see 2.1 Tangata Whenua ## 02-003 01 00). The Commissioners’ recommendation is repeated here – no change be made.

## Recommendation

### Reject

Submissions 347 (point 2 in part), 386 (points 1 and 3), and 908, Further submission F386 (points 1 and 2 in part).

### Accept

Submission 386 (point 2) and Further submissions F347 and F386 (point 2).

### Accept in part

Submission 347 (points 1 and 2).

### Amendments Required

Amend Appendix TGW3: Ngāi Tahu statutory acknowledgement areas as follows:

#### ***“What happens when you apply?”***

*If you are applying for a resource consent for an activity within, adjacent to, or directly impacting on a statutory area:*

- *Environment Canterbury must send a summary of your resource consent application to Te Rūnanga o Ngāi Tahu, and*
- *Environment Canterbury must have regard to the statutory acknowledgement in going through the decision-making process on whether Te Rūnanga o Ngāi Tahu is an affected party in relation to the resource consent application.*

#### **How can statutory acknowledgements be used in submissions?**

*How statutory acknowledgements can be used in submissions is set out in section 211 of the Ngāi Tahu Claims Settlement Act 1998. Pursuant to section 211:*

- *Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui may cite the relevant statutory acknowledgement in submissions to, and in proceedings before a consent authority or the Environment Court concerning activities within, adjacent to, or impacting directly on a statutory area as evidence of Ngāi Tahu's association with the statutory area.*
- *The content of the association, as recorded in a statutory acknowledgement, is not by virtue of the statutory acknowledgement binding as deemed fact upon consent authorities, the Environment Court, parties to proceedings before those bodies, or any other person able to participate in those proceedings, but the statutory acknowledgement may be taken into account by them.*
- *Neither Te Rūnanga o Ngāi Tahu nor any member of Ngāi Tahu Whānui is precluded from stating that Ngāi Tahu has any association with the*

statutory area not described in the relevant statutory acknowledgement, nor does the content or existence of the statutory acknowledgement derogate from any such statement.”

### **Purpose of statutory acknowledgements**

*Pursuant to section 215, and without limiting sections 216 to 219 of the Ngāi Tahu Claims Settlement Act 1998 ...”*

### **Section 220(2) of the NTCSA additions (no formality)**

1. Add for each ‘Statutory Acknowledgement’ the specific ‘Purpose of Statutory Acknowledgement’ and ‘Limitations on Effect of Statutory Acknowledgement’ sections from the Ngāi Tahu Claims Settlement Act.
2. Add between the ‘Statutory Acknowledgement for Mahi Tikumu (Lake Aviemore)’ and ‘Statutory Acknowledgement for Waitaki River’, the following:

#### **STATUTORY ACKNOWLEDGEMENT FOR PUNATARAKAO WETLAND**

From Schedule 54 – refer to sections 205 and 206 of the Ngāi Tahu claim Settlement Act 1998.

#### **Statutory Area**

The statutory area to which this statutory acknowledgement applies is the Wetland known as Punatarakao, the location of which is shown on Allocation Plan MD 137 (SO 19858).

#### **Preamble**

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Punatarakao, as set out below.

#### **Ngāi Tahu Association with Punatarakao**

The Punatarakao wetland near the mouth of the Waihao river was a noted mahinga kai and traditional Ngāi Tahu occupation site. One of the principal traditions relating to the area tells that it is guarded by the taniwha, Tu Te Rakiwhanoa, who was said to appear as a sign of death.

For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

Punatarakao was the site of a Ngāi Tahu village, and was also famous for its Whare Wananga, where tohunga went to learn. As a result of this history of occupation, there are a number of urupā and wāhi tapu in the area. Urupā are the

resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. Urupā and wahi tapu are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

It was the mahinga kai of the Punatarakao wetland area which made it attractive as an occupation site. The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the area, the relationship of people with the area and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The mauri of Punatarakao represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the area.

### **Purposes of Statutory Acknowledgement**

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) To require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement);
- (b) To require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Punatarakao, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement);
- (c) To empower the Minister responsible for management of Punatarakao or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) To enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Punatarakao as provided in section 211 (clause 12.2.5 of the deed of settlement).

### **Limitations on Effect of Statutory Acknowledgement**

Except as expressly provided in sections 208 to 211, 213, and 215,—

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and

(b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Punatarakao (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Punatarakao.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Punatarakao.

#### Appendix TGW4: Topuni areas and descriptions ## 02-043 01 00

<b>386</b>	Te Runanga O Ngai Tahu	Identify (in consultation with Ngai Tahu) a separate schedule of waterways and sites of cultural significance to Ngai Tahu and include this in Appendix TGW4. Make any other consequential amendments to the Plan.
<b>F347</b>	Federated Farmers of New Zealand	Support submission 386

#### Consideration

Submission 386. Further submission F347

These submissions are considered above (see Appendix TGW1: Runanga Takiwa in the Canterbury region ## 02-018 03 00). The Commissioners' recommendation is repeated here – no change be made.

#### Recommendation

##### Accept in part

Submission 386 and Further Submission F347.

#### Amendments Required

None Required.

**Appendix TGW5: Sites over which nohoanga entitlements are to be granted in the Canterbury region ## 02-047 01 00**

<b>386</b>	Te Runanga O Ngai Tahu	Identify (in consultation with Ngai Tahu) a separate schedule of waterways and sites of cultural significance to Ngai Tahu and include this in Appendix TGW5. Make any other consequential amendments to the Plan.
<b>F347</b>	Federated Farmers of New Zealand	Support submission 386

**Consideration**
Submission 386, Further submission F347

These submissions are considered above (see Appendix TGW1: Runanga Takiwa in the Canterbury region ## 02-018 03 00). The Commissioners' recommendation is repeated here – no change be made.

**Recommendation**
**Accept in part**

Submission 386 and Further submission F347.

**Amendments Required**

None Required.

**Appendix TGW6: Taonga species list ## 02-049 01 00**

<b>386</b>	Te Runanga O Ngai Tahu	Identify (in consultation with Ngai Tahu) a separate schedule of waterways and sites of cultural significance to Ngai Tahu and include this in Appendix TGW6. Make any other consequential amendments to the Plan.
<b>F347</b>	Federated Farmers of New Zealand	Support submission 386

**Consideration**

Submission 386, Further submission F347

These submissions are considered above (see Appendix TGW1: Runanga Takiwa in the Canterbury region ## 02-018 03 00). The Commissioners' recommendation is repeated here – no change be made.

**Recommendation**

**Accept in part**

Submission 386, Further Submission F347.

**Amendments Required**

None Required.

**Appendix TGW7: Relevant sections for Tangata Whenua from Part II of the Resource Management Act 1991 and description of the Principles of the Treaty of Waitangi ## 02-054 01 00**

<b>386</b>	Te Runanga O Ngai Tahu	Identify (in consultation with Ngai Tahu) a separate schedule of waterways and sites of cultural significance to Ngai Tahu and include this in Appendix TGW 7. Make any other consequential amendments to the Plan.
<b>F347</b>	Federated Farmers of New Zealand	Support submission 386

**Consideration**

Submission 386, Further submission F347

These submissions are considered above (see Appendix TGW1: Runanga Takiwa in the Canterbury region ## 02-018 03 00). The Commissioners' recommendation is repeated here – no change be made.

**Recommendation**

**Accept in part**

Submission 386, Further Submission F347.

**Amendments Required**

None Required.

**Appendix TGW8: Suggested further reading ## 02-056 01 00**

<b>386</b>	Te Runanga O Ngai Tahu	Identify (in consultation with Ngai Tahu) a separate schedule of waterways and sites of cultural significance to Ngai Tahu and include this in Appendix TGW 8. Make any other consequential amendments to the Plan.
<b>F347</b>	Federated Farmers of New Zealand	Support submission 386

**Consideration**

Submission 386, Further submission F347

These submissions are considered above (see Appendix TGW1: Runanga Takiwa in the Canterbury region ## 02-018 03 00). The Commissioners' recommendation is repeated here – no change be made.

**Recommendation**

**Accept in part**

Submission 386, Further Submission F347.

**Amendments Required**

None Required.