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To: [Mailroom Mailbox](#); [Runanga, Te Ngai Tuahuriri Runanga Inc](#)
Subject: Plan Change 7 to the LWRP submission
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Kia ora tatou

please find attached, Te Ngai Tuahuriri Runanga submission to Plan Change 7 to the LWRP

Heoi ano

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13 September 2019

Submission on publicly notified proposal for policy statement or plan

To Canterbury Regional Council

Name of submitter: Ngāi Tūāhuriri Rūnanga

This is a submission on proposed Plan Change 7 (**PC7**) to the Canterbury Land and Water Regional Plan (**LWRP**) and Plan Change 2 to the Waimakariri River Regional Plan (**PC2**).

Ngāi Tūāhuriri Rūnanga wishes to be heard in respect of its submission.

This submission is structured in two parts:

- Part one outlines the broad interests of Ngāi Tūāhuriri Rūnanga regarding PC2 and PC7; and
- Part two and the Appendix to this submission details the specific relief sought by Ngāi Tūāhuriri Rūnanga.

Ngāi Tūāhuriri seeks the relief set out below, including such other additional, alternative or consequential relief as may be necessary to give effect to the changes sought.

At the outset, Ngāi Tūāhuriri Rūnanga wishes to emphasise a number of key points that must be central to the PC7 and PC2 process and outcomes:

- to date, the Canterbury Regional Council has failed to act consistently with its obligations and responsibilities to Ngāi Tūāhuriri;
- water was not sold by Ngāi Tūāhuriri in the Canterbury Deed of Purchase, therefore Ngāi Tūāhuriri Rūnanga retains a proprietary interest in freshwater in its takiwā;
- the expectations on Canterbury Regional Council to join Ngāi Tūāhuriri in partnership to give effect to the Rūnanga vision for its takiwā is longstanding;
- the Resource Management Act 1991 is not compliant with the Treaty of Waitangi; and
- greater Māori participation in freshwater management is required in order for the resource management framework to be consistent with the Treaty of Waitangi.

In light of this, Ngāi Tūāhuriri would support a review of PC7 as notified in order to determine the extent to which PC7 does not comply with the Treaty of Waitangi. This submission is otherwise provided as feedback on the proposed provisions to hold its position while giving the Canterbury Regional Council an opportunity to consider the impact of the recently released Stage 2 WAI2358 Report.

Part One

Te Ngāi Tūāhuriri Rūnanga

Ngāi Tūāhuriri is the Papatipu Rūnanga holding mana whenua over the area to which PC7 Part C and PC2 applies. The takiwā of Te Ngāi Tūāhuriri Rūnanga centres on Tuahiwi and extends from the Hurunui to Hakatere, sharing an interest with Arowhenua Runanga northwards to Rakaia, and thence inland to the Main Divide.

Mana whenua in respect of Canterbury Deed of Purchase and mahinga kai

The Crown secured actual sovereignty in the South Island in 1848 with the Canterbury Deed of Purchase (otherwise known as 'Kemp's Deed'). This Deed saw the Crown purchase 20,000,000 acres of land in Canterbury and Otago for £2000.

With this purchase Deed the Crown secured the right to govern the land of Canterbury. The Crown did not purchase water in the Canterbury Deed and certain other rights and obligations were promised. The degree to which Crown sovereignty extends to water, and whether there is a legitimate basis for the Canterbury Regional Council to manage water, is a matter for discussion elsewhere. Regardless, the historical context emphasises the importance of the Crown and Canterbury Regional Council in actively recognising and protecting cultural interests.

Tino Rangatiratanga recognised under the Ngāi Tahu Settlement

The Ngāi Tahu Claims Settlement Act 1998 (Settlement Act) gives effect to the Deed of Settlement signed by the Crown and Te Rūnanga o Ngāi Tahu on 21 November 1997. The purpose of these documents was to:

- confirm the Treaty relationship, obligations and responsibilities between Ngāi Tahu and the Crown;
- achieve a final settlement of the Ngāi Tahu historical claims against the Crown; and
- confirm Ngāi Tahu 'tino rangatiratanga'. This includes an express acknowledgement (in both the Settlement Act and the earlier Deed) that:

"The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui."

The Deed of Settlement and Settlement Act also acknowledge the requirement for Ngāi Tahu to express its traditional relationship with the natural environment and to exercise its kaitiaki responsibilities. The Ngāi Tūāhuriri Rūnanga experience is that obligations and responsibilities have not been given effect to by the Crown or the Canterbury Regional Council to date.

In this respect, Ngāi Tūāhuriri Rūnanga considers that the findings of the Waitangi Tribunal in the Stage Two report from its recent investigation into the National Freshwater and Geothermal Resources (WAI 2358) are highly relevant. The Waitangi Tribunal found that:

- the Resource Management Act 1991 (RMA) is not Treaty compliant;
- greater Māori participation in freshwater management is required and future decision-making needs to be enhanced; and
- there is further discussion to be had regarding:
 - the economic dimension of Māori interest in water;
 - property interests in water; and

- the possible need for a Water Act.

It is the Ngāi Tūāhuriri Rūnanga view that, taking into account:

- the principle of active protection;
- the 1997 Deed of Settlement; and
- the 1998 Ngāi Tahu Claims Settlement Act;

there is an onus on the Canterbury Regional Council to recognise and give effect to Ngāi Tūāhuriri tino rangatiratanga over freshwater.

Mahinga kai

Mahinga kai refers to the tribe's lands and waterways where they procured, produced and traded its foods and other natural resources. These sites were to be protected by the Crown in the Canterbury Deed of Purchase.

The term mahinga kai was a significant focus of Ngāi Tahu before the Waitangi Tribunal and is now engrained in Canterbury resource management. Ngāi Tūāhuriri moved developed a working relationship with the Canterbury Regional Council in 1990 with the publication of Te Whakatau Kaupapa. Of this publication, the Tribunal noted:

*“Ngai Tahu are to be commended for the detailed study that they have conducted into resource management since the end of the Ngai Tahu land claim and the issue of the Tribunal's first report. Te Whakatau Kaupapa: Ngai Tahu Resource Management Strategy for the Canterbury Region was published in December 1990 and has been referred to earlier. In it, Ngai Tahu recommend policies aimed at creating and expanding wetlands as an important part of fishing and plant resources as well as the involvement of the tribe in consultation and management. The Tribunal sees this policy statement not only as a corollary arising from the Tribunal's statement on Maori participation in environmental matters, **but also as an invitation to the Crown and the Canterbury Regional Council to join Ngai Tahu in partnership to implement the strategy.**”*

The Canterbury Regional Council should therefore be well aware of mahinga kai and the views of the Waitangi Tribunal.

Interest in PC7 and PC2

Ngāi Tahu has historically taken active steps to protect their lands and waters. Prior to European settlement, the Ngāi Tūāhuriri interest in the area subject to PC7 and PC2 were extensive. Only a brief number of examples of the significance PC7 and PC2 for Ngāi Tūāhuriri are outlined briefly below.

Rakahuri (Ashley River) and Te Aka Aka

The coastal and estuarine areas in the Waimakariri sub-area have long been a significant resource for Ngāi Tūāhuriri. In 1868, Judge Fenton made an order for water flow to be maintained to four native reserves in the Kaiapoi area, being Taerutu, Waimaiaia, Torotoroa, and Te Aka Aka to ensure on-going access by the beneficial owners to the associated waterways and their mahinga kai.

Te Aka Aka was the name of an island located in the Rakahuri estuary, which was used as an outpost for mahinga kai and tauranga waka for the Kaiapoi pā. Today the reserve is landlocked as a result of land reclamation and river management. The Rakahuri catchment has experienced a significant loss of mahinga kai values. Drainage of wetlands, abstractions

and the physical modification of waterways through stop banks, groynes, flood gates and channelisation have had significant effects on the physical and cultural connectivity of the river with its tributaries and coastal lagoons and wetlands.

The management of the river today is at the expense of mauri and mahinga kai, and the ability of Tāngata Whenua to exercise cultural values such as manaakitanga. Despite the significant loss and degradation of mahinga kai values, the importance of the river and its tributaries for mahinga kai has not diminished.

Ngāi Tūāhuriri are committed to restoring this wāhi taonga for future generations, and to teaching the tamariki and mokopuna about the river and associated waterways, springs, wetlands and lagoons, and the mahinga kai traditions associated with those places. PC7 and PC2 are essential for restoration. Low flows affect mahinga kai and the ability to access mahinga kai. Some reaches of the Rakahuri run dry in the summer, impeding the migration of tuna and other native fish.

Waimakariri and Ruataniwha (Cam) Rivers

The Waimakariri and its tributary the Ruataniwha were two of three waterways alongside the Rakahuri that continued to sustain Ngāi Tūāhuriri even after the land purchases in Canterbury. The area between the Waimakariri and Rakahuri River is particularly important, both for mahinga kai and as the centre of the Ngāi Tūāhuriri Rūnanga takiwā.

The cultural, spiritual, historical and traditional significance of this area is acknowledged in the Ngāi Tahu Claims Settlement Act 1998. Tributaries of the Waimakariri are all considered wāhi taonga, but the Kaiapoi, Ruataniwha, Pūharakekenui and Otukaikino are of particular cultural significance. These lowland streams are spring fed and have strong mahinga kai and wāhi tapu values.

Silverstream Mahinga Kai Reserve

The Waimakariri Residential Red Zone Recovery Plan was approved by Hon Gerry Brownlee, the Minister supporting Greater Christchurch Regeneration and was gazetted on 15 December 2016. It was the first of several major future use decisions in the region.

About 100 hectares of mainly residential land in Kaiapoi, The Pines Beach and Kairaki sustained severe land damage in the 2010 and 2011 earthquakes.

Approximately 7.0 hectares has been set aside for Heritage and Mahinga Kai purposes. The land borders both the Courtney Stream and Kaiapoi River. The Courtney flows into the Kaiapoi passing through flood gates. The land is a kilometer north east of Māori Reserve 877 Kaikanui, land set aside for Wereta Tainui and others.

The Regeneration Steering Group has asked their Mana Whenua representative to take the lead on developing a Mahinga Kai Plan for the land. They are supportive of the idea of creating spawning areas for Inanga/whitebait and other native species including Kekewai/freshwater crayfish. However, in order to restore a mahinga kai environment it requires water from the Courtney Stream to pass through the land and eventually entering the Kaiapoi river. This water would be consistent with other request water allocations for cultural purposes.

Part 2

Ngāi Tūāhuriri Rūnanga holds significant concerns regarding the state and continued decline of freshwater in its takiwā. The Rūnanga is concerned that PC7 and PC2 will not result in substantive improvement in water quality and quantity within an appropriate timeframe, and is not consistent with the principles of Partnership and Active Protection under the Treaty of Waitangi.

Without diminishing the generality of these concerns, the specific submissions that Ngāi Tūāhuriri Rūnanga wishes to make are set out below and in the Appendix attached to this submission.

Environmental flows

Ngāi Tūāhuriri Rūnanga has significant concerns regarding the proposed minimum flows and maximum allocation in PC7. The current framework is inconsistent with the Treaty of Waitangi, National Policy Statement for Freshwater Management, the Canterbury Regional Policy Statement, Ngāi Tahu Claims Settlement Act 1998 and Deed of Settlement, Mahaanui Iwi Management Plan, and the objectives and policies of the LWRP. Te Mana o Te Wai requires that the needs of the river are met first, therefore the basing of some allocations on existing consents and minimum flows set below cultural and ecological recommendations is not consistent with Te Mana o Te Wai.

Environment Canterbury's 'Canterbury Water Management Strategy' prioritised ten key targets. These first order priorities included: Ecological/Environmental, Cultural, Community Drinking Water and Stock Water, which are further elements that need to be addressed during the creation of the Zone Implementation Plans for each Water Zone.

In particular, and as discussed further below, the allocations for the Cust, Cust Main Drain, Waikuku and Saltwater Creek all exceed 200% of the Mean Annual Low Flow (**MALF**). The minimum flows for these four waterbodies are significantly below the cultural recommendations by Gail Tipa, which are strongly supported by Ngāi Tūāhuriri Rūnanga. Additionally, many were also significantly below the Environmental Flows presented to the Waimakariri Water Zone Committee. Such allocations are inconsistent with the direction and legal requirements from the documents listed above. Ngāi Tūāhuriri Rūnanga seek amendments to minimum flows and maximum allocation to at least the ecological recommendation,¹ as discussed further below.

Aka Aka zone

The inclusion of the Ashley Estuary (Te Aka Aka) and Coastal Protection Zone and associated policies and rules is strongly supported by Ngāi Tūāhuriri Rūnanga. The importance of this area for mahinga kai cannot be understated, being a kōhanga for many taonga species. It is therefore appropriate for the protection, enhancement and restoration of this wāhi taonga to be provided for in a separate zone. Ngāi Tūāhuriri is concerned about the continuing degradation of water quality in this area, and the impact of potential intensification of land use, both from farming and other activities. As outlined above, this area is highly valued by Ngāi

¹ As set out in Table 5-2 and Table 5.3 of Arthur J.; L Bolton-Ritchie and A Meredith (May 2019)
Options and Solutions Assessment Water Quality, Aquatic Ecology and Biodiversity Report
No. R19/76

Tūāhuriri and the Rūnanga is committed to protection of this areas as a taonga to the hapū. The inclusion of the zone in PC7 is supported as an important step towards this goal.

Cam/Ruataniwha zone

As outlined above, the Ruataniwha is a significant waterbody for Ngāi Tūāhuriri and has historically been significant for sustaining the hapū. Given that the cultural, spiritual, historical and traditional significance of this area has long been acknowledged and supported in various planning documents, it is necessary for this waterbody and tributaries adjacent to Tuahiwi marae and the reserve to receive special protection and acknowledgement through the creation of a zone, similar to that for Te Aka Aka.


Kaiapoi Māori Reserve MR873 was granted to Ngāi Tūāhuriri as part of Kemp's Deed. The reserve was set aside to allow tangata whenua to have kāinga nohanga (place of residence) and mahinga kai. MR873 and the waterways that flow within have important cultural, spiritual and historical associations for Ngāi Tūāhuriri. In light of the importance of this area, Ngāi Tūāhuriri are seeking that the Canterbury Regional Council include a specific zone incorporating MR873, shown in the map attached to this submission. Ngāi Tūāhuriri also seeks a policy and rule framework that restricts the use of land for intensive farming within this area.

Mahinga kai allocations

As discussed in more detail below, Ngāi Tūāhuriri welcomes the mahinga kai allocations included in PC7, but considers that these allocations and the policy and rule framework does not go far enough to be consistent with the kaitiakitanga responsibilities of Ngāi Tūāhuriri.

PC2 to the Waimakariri River Regional Plan

Ngāi Tūāhuriri Rūnanga supports the intention of PC2 that complexity is reduced and there is only one regulatory framework for the Waimakariri sub-region. Ngāi Tūāhuriri is concerned to ensure that there are no gaps left with the transfer of management from one plan to the other, and seeks confirmation from the Canterbury Regional Council of this.



Signature of submitter
(or person authorised to sign on behalf of submitter)

Date 13 September 2019

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Appendix – Table of Relief Sought

	Provision	Relief sought	Reasons
PC7 – Part A			
1	Definitions	<p>Include the following taonga species, in the definition of “Indigenous Freshwater Species Habitat”:</p> <ul style="list-style-type: none"> • Long-finned eel/Tuna (<i>Anguilla dieffenbachia</i>) • Short-finned eel/Tuna (<i>Anguilla australis</i>) • Flounder/Pātiki (<i>Rhombosolea</i>) 	<p>Tuna and pātiki are taonga species and significant for mahinga kai. These species should be afforded the same protection as the species listed as they are indigenous freshwater species, and their habitat requires protection in order to preserve mahinga kai values.</p> <p>Consequential amendments to the planning maps are required to the habitats to be protected.</p>
2	Schedule 6 Areas on rivers or lakes commonly used for freshwater bathing	<p>Add the following sites to Schedule 6:</p> <ul style="list-style-type: none"> • “Three Streams” confluence of Cust Main Drain, Kaiapoi-Silverstream & Mill Creek. 43°22'25.3"S 172°38'06.0"E • Kaiapoi/Silverstream River just above Butchers Road Foot Bridge. 43°22'56.2"S 172°37'51.8"E • Cust Main Drain at Threlkelds Road. 43°21'41.2"S 172°36'27.9"E • Cust Main Drain at Plaskett Road. 43°20'47.4"S 172°33'46.8"E 	<p>These sites are significant to the Ngāi Tūāhuriri hapū and continue to be used extensively for whanau today.</p> <p>It is therefore appropriate for these sites to be added to Schedule 6.</p>
3	Livestock Exclusion from Water bodies,	Retain livestock exclusion from water bodies.	The policy and rule framework for excluding livestock from water bodies is supported.
4	Earthworks over aquifers	Retain the proposed changes	The policy and rule framework for restricting earthworks over aquifers is supported, due to concerns about contamination of aquifers, and also the effect of noise, and dust issues on the wider community.
5	Managed Aquifer recharge New policy	Include a policy where the take of the majority of surrendered consents is delegated to the managed aquifer recharge process. Additionally, the	Ngāi Tūāhuriri is concerned that there is the potential for MAR to require the granting of large takes, and wishes to make sure that the allocation of unused consents is utilised for this process, in addition to some remaining in the stream and for cultural allocation.

	Provision	Relief sought	Reasons
		remaining consents should remain in the stream and be made available for cultural allocation.	Ngāi Tūāhuriri wishes to have its concerns noted that the MAR process should avoid a 'robbing Peter to pay Paul' approach.
PC7 – Part C			
6	New Policy Future increases in minimum flows	Include a policy under 'Tangata Whenua' in section 8 in to direct a future increase in minimum flows for the Silverstream, Cam River, Waikuku Stream, and Saltwater Creek	A new policy is required to support the intention that minimum flows will increase for these waterbodies in the future as indicated in the Waimakiriri Zone Implementation Programme Addendum. As well as providing certainty to future abstractors, including these values in the plan also provides certainty to Ngāi Tūāhuriri that values will be better provided for into the future.
7	Surface and groundwater allocation limits Tables 8-1 to 8-8	<p>The current proposed surface and groundwater allocation limits are opposed</p> <p>Substantially reduce the allocation limit and/or raise the minimum flow consistent with cultural flow recommendations for waterbodies listed in Tables 8-1 and 8-2, particularly for the Saltwater Creek, Waikuku Stream and Cust River.</p> <p>Allocation limits need to be reduced to an amount relative to the size of the waterbody, on the basis of how often cultural flow is achieved. In the alternative, the limits should be replaced by figures calculated relative to the MALF or natural average recharge of the waterways.</p>	<p>Ngāi Tūāhuriri understands that recognition of Te Mana o Te Wai should start with an understanding of the waterway and how much abstraction it can support. The approach of using the existing allocation as the allocation limit is not supported. The current limits are inconsistent with the requirement to protect Te Mana o Te Wai.</p> <p>The current allocation for Saltwater Creek, Waikuku Stream, Cust River, and the Cust Main Drain exceeds 200% of naturalised MALF and the notified minimum flow on these rivers is below preferred ecological minimum flow¹. Minimum flows for the Waikuku Stream, Cust River, Cust Main Drain, Cam River, North Brook, South Brook and Silverstream are below the recommended cultural flow recommendations.</p> <p>The Cust Main Drain minimum flow is supported, as this is set at or above the ecological recommendation.</p> <p>As a minimum Ngāi Tūāhuriri submits that the minimum flows on Saltwater Creek, Waikuku Stream and the Cust River should be raised at least to the ecological recommendation. An allocation limit could be set so that cultural flows are achieved on 95% of days that they would be naturally during the harvest season (August to March). This would be similar to the concept of setting a limit to provide reliability of 95% for irrigation.</p>

¹ As set out in Table 5-2 and Table 5.3 of Arthur J.; L Bolton-Ritchie and A Meredith (May 2019)
Options and Solutions Assessment Water Quality, Aquatic Ecology and Biodiversity Report No. R19/76

	Provision	Relief sought	Reasons
		Where efficiency improvements are achieved, that unutilised water allocation should be returned to the environment until the allocation is appropriate for Te Mana o Te Wai, and then used to provide water to provide cultural flows or allocation to cultural uses.	Many farmers, including Ngāi Tahu Farming, have reported efficiency gains from the installation of more sophisticated monitoring and irrigation technology. If the allocation limits remain at the existing allocation despite the efficiency gains, that water would be available for reallocation on application for resource consent or transfer. This approach is inconsistent with Te Mana o Te Wai. Any water gained through efficiency improvements should be returned to the environment to address other needs such as cultural flows.
8	Surface water - Minimum flows and allocation limits Tables 8-1 and 8-2	Remove the 'B' allocation for the Cust River	The environmental limits for the Cust River are substantially below that needed to protect Te Mana o Te Wai, therefore the continued allocation of a 'B' permits from this river is opposed. A 'B' permit would only be supported if it were used similar to the 'T' groundwater allocation, as a block accessible when 'A' water is surrendered.
9	Groundwater allocation limits Policies 8.4.15, 8.4.38, Rule 8.5.12, Table 8-4	Retain policy, rule and 'T' groundwater allocation for transfer from stream-depleting surface water.	The policy and rule framework for replacing stream-depleting groundwater takers with deeper groundwater is supported.
10	Table 8-4	Retain the reduced groundwater allocation limits for the Ashley and Cust Groundwater Zones.	The Cust Groundwater Zone is connected to the Cust River that is highly allocated and has a low minimum flow. The Ashely Groundwater Zone feeds into the important mahinga kai area of the Te Aka Aka/Ashley estuary. Ngāi Tūāhuriri is concerned that the Ashley groundwater zone is experiencing declining water levels, and supports the overall reduction in groundwater allocation in Table 8-4.
11	Nitrogen loss reductions Policies 8.4.25-8.4.27, 8.4.29, Rules 8.5.22, 8.5.26, 8.5.30, Table 8-9	Retain requirements for staged reductions in Nitrogen Loss in Table 8-9 and policy and rule support for reductions.	Ngāi Tūāhuriri is concerned about the time taken to return to reasonable water quality outcomes. The Rūnanga considers that land-use change and substantial changes in farm practice are needed and that the scale of change needed should be strongly indicated to existing landowners. Being explicit about the ongoing need for improvement and giving the future reductions regulatory weight will provide certainty both for Ngāi Tūāhuriri and landowners.

	Provision	Relief sought	Reasons
12	Consent expiry and reduction Policies 8.4.36-8.4.37	Retain common expiries and durations to resource consents.	Ngāi Tūāhuriri supports the policy direction that resource consents should have common expiry dates and shorter durations. Such expiry dates and durations will support the need to change farming practice over time to achieve water quality outcomes.
13	Ashley Estuary (Te Aka Aka) and Coastal Protection Zone Policies 8.4.28, 8.4.28A, Rule 8.5.24	Retain zone and associated provisions as notified.	The inclusion of the zone and associated planning framework is an appropriate, and necessary, acknowledgement of the importance and sensitivity of Te Aka Aka. The coastal area of the Waimakariri zone is very highly valued by Ngāi Tūāhuriri and requires protection as a taonga to the hapū. Ngāi Tūāhuriri particularly supports the inclusion of Policy 8.4.28A directing that discharges of contaminants are eliminated. Such discharges have a significant impact on water bodies, and discharges for activities such as earthworks have significant effects on sediment inflows into Te Aka Aka.
14	Cam/Ruataniwha River Zone	Include a new zone and associated provisions in Section 8 Waimakariri and changes to the planning maps to include the area within the Cam River, North Brook, South Brook and Middle Brook Surface water zones that is shown as wetland on the Black Maps.	A protection zone associated with Tuahiwi marae is required to recognise the importance of mahinga kai to the exercise of manaakitanga and whanaungatanga. Greater policy and rule protection is required for activities that increase E.coli levels in waterbodies used, or historically able to be used, for mahinga kai. Such controls are required for all activities, not just farming. A protection zone would endorse the importance of the Cam River as a source of mahinga kai close to Tuahiwi marae, aid in the protection of Ngāi Tūāhuriri values and be consistent with the NPS-FM, Canterbury Regional Policy Statement, and Mahaanui Iwi Management Plan.
15	Policies and rules for Cam/Ruataniwha River Zone	Include a policy and rule framework for the Cam/Ruataniwha River Zone that provides for Ngāi Tūāhuriri to have rangatiratanga over Māori Reserve MR873 and that restricts the use of land for intensive farming activities within the zone.	Ngāi Tūāhuriri have rangatiratanga over MR873 and wish to reduce the effect of intensive farming on the land and waterways within the Reserve, consistent with the kaitiakitanga responsibilities of Ngāi Tūāhuriri. Recognising Ngāi Tūāhuriri rangatiratanga over this zone, and including policies and rules in PC7 consistent with the kaitiakitanga responsibilities, is consistent with the Treaty of Waitangi, RMA, Ngāi Tahu Claims Settlement Act 1998 and Deed of Settlement, and the Mahaanui Iwi Management Plan.
16	Mahinga kai enhancement Policies 8.4.6-8.4.9, 8.4.13,	Retain policy and rule support for mahinga kai and mahinga kai use of water. Replace reference to Cultural Impact Assessment (CIA) In Policy	Ngāi Tūāhuriri supports allocations for mahinga kai enhancement and the requirement that any consent granted is consistent with our kaitiakitanga responsibilities.

	Provision	Relief sought	Reasons
	8.4.16, 8.4.32, Rules 8.5.6-8.5.8 Table 8-3	<p>8.4.13 and Rule 8.5.6 with the following text: to include a Cultural Impact Assessment and a description of how the proposal is consistent with the Ngāi Tūāhuriri kaitiakitanga responsibilities for upholding Te Mana o Te Wai and will protect or enhance mahinga kai values.</p> <p>Provide for the mahinga kai enhancement allocation from the Ashley/Rakahuri River to move into the A block over time. Include an allocation of 200l/s for mahinga kai enhancement from Courtney Stream.</p>	<p>As part of these responsibilities, it would not be appropriate to require every consent application to obtain a Cultural Impact Assessment, drawing out the consent process and placing reliance on the relatively small number of CIA overly onerous or long, or placing significant pressure on the relatively small number of CIA writers available to carry out this work. Including such a requirement will be an inappropriate barrier to Ngāi Tūāhuriri exercising its kaitiakitanga responsibilities. Instead, Ngāi Tūāhuriri recommends a co-granting process for mahinga kai use, where we should be the lead in granting or not at all such applications.</p> <p>Consistent with submission point 4 above, if there are efficiency improvements in 'A' permit allocations then, once the river has sufficient water, the mahinga kai enhancement water should be able to be taken from A block. A mahinga kai reserve is being made available to Ngāi Tūāhuriri through ReGenerate plans for the earthquake red zone. The Courtney Stream runs adjacent to the site and is close to the pa site of Wereta Tainui. Given the cultural significance of this site and the introduction of a mahinga kai reserve, it would be appropriate to include an allocation from Courtney Stream consistent with this.</p>
PC2			
17	Whole of PC2	Retain as notified.	Ngāi Tūāhuriri Rūnanga supports PC2 and seeks that it is retained as notified.

