

**IN THE ENVIRONMENT COURT
AT WELLINGTON**

ENV-2019-WELLINGTON-

IN THE MATTER OF

of the Resource Management
Act 1991

AND IN THE MATTER OF

an appeal to the Environment
Court under clause 14(1) of
the First Schedule of the Act to
the Proposed Taranaki
Regional Plan

BETWEEN

**GRANT KNUCKEY OF TE
ATIAWA**
Appellant

AND

**TARANAKI REGIONAL
COUNCIL**
Respondent

NOTICE OF APPEAL ON BEHALF OF GRANT KNUCKEY OF TE ATIAWA

Dated 18 November 2019



To: The Registrar
Environment Court
WELLINGTON

INTRODUCTION

1. My name is Grant Knuckey, I am tangata whenua and live in my rohe of Puketapu hapu of Te Atiawa, Taranaki.
2. I have a strong relationship with the moana (marine environment) around Taranaki. I have grown up with close and intimate connection to the marine space and particular places. Not just to access taonga and kaimoana but also to exercise spiritual wellbeing. It is important that the marine environment is healthy for our whanau, iwi, and wider community. It is appropriate that the coastal environment plan expresses values of significance to tangata whenua - to me, my whanau and iwi.
3. I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**RMA**).
4. I received notice of the decisions on 5 November 2019.
5. The decision was made by the Respondent.

PARTS OF THE DECISION APPEALED

6. The parts of the decision that this appeal relates to are:
 - (a) *Relevant to policies 1, 3, 5, 9, 10, 15, 16, 18, 21, 23 and 24.*
 - (b) *Schedules 5, 6A and 6B*
 - (c) *Mapping.*

REASONS FOR APPEAL

General Reasons

7. Failure to provide for Part II Resource Management Act 1991 (RMA), New Zealand Coastal Policy statement (NZCPS) including (but not limited to) Objective 3 and Policy 2, and relevant provisions of the operative and proposed Regional Policy Statement in relation to:
 - (a) tino rangitiratanga
 - (b) kaitiakitanga
 - (c) customary values
 - (d) application of matauranga Maori
 - (e) tikanga

8. Active protection of taonga moana;
 - (a) The proposed Coastal environment plan does not represent best resource management practices and spatial approach to the appropriateness of activities, including effects of fishing on cultural and ecological values.

PARTICULAR REASONS FOR APPEAL

9. I seek the active protection of our Traditional Rohe and coastal marine area by the coastal environment plan.

10. This includes natural and cultural character of the marine space. We cannot exercise tikanga with our taonga if the environment does not support its ability to exist in our traditional rohe.

11. Māori connection to the marine environment is encapsulated in knowledge, beliefs and practices of intergenerational relationships, it is an unbroken connection.

12. The proposed plan does not adequately provide for cultural wellbeing, relationship of mana whenua with ancestral and contemporary lands, waters, taonga and rohe; and does not actively

protect taonga within the coastal environment of Taranaki and rohe of mana whenua

13. Recent Court of Appeal case law *Attorney General v The Trustees of the Moana Trust & Ors* [2019] NZCA 532 upheld the management of the marine environment to protect areas of outstanding value could include restrict activities which had adverse impacts of the flora and fauna in those areas.

14. Recent Supreme Court Decision in *King Salmon* is also relevant:

"Moreover, the obligation in s 8 to have regard to the principles of the Treaty of Waitangi will have procedural as well as substantive implications, which decision-makers must always have in mind, including in giving effect to the NZCPS." (SC 82/2013 [2014] NZSC 38 EDS v King Salmon, para [88]).

Marine Spatial Management

15. We wish to see a plan, that at its heart protects and enhances the natural character and state of the marine environment over all other uses, and where degradation and depletion has occurred take concerted steps and measures to restore the marine environment, and its surrounding environments and habitats.

16. Marine spatial management is a tool to implement mautauranga maori value structures, identify cultural and historical values, intrinsic nature of the environment and enhance and maintain biodiversity in the marine space that support community wellbeing.

Relief

Mapping

17. The Plan provides a limited overview through coastal management area mapping, however fails to identify all significant areas in the coastal marine area. There is also a failure to provide for the spatial extent of intrinsic relationships.
18. The coastal plan is the appropriate place to express these values.
 - (a) Intrinsic Values;
 - (b) Maori Cultural Values;
 - (c) Landscape Values
 - (d) Biodiversity and Habitat Values;
 - (e) Safety and navigation Values;
19. The proposed model and additions give expression to community and indigenous Maori cultural values such as tapu and taonga, providing a pathway to matauranga, and enabling the opportunities for the whole community share in and give effect to restoration of marine spaces.

Rohe of Te Atiawa

20. Relief in regards to our rohe of Te Atiawa:
 - (a) Marine spatial plan for Te Atiawa rohe moana and whenua incorporating matauranga Maori in collaboration.
 - (b) Apply Maori attributes of mana, mauri, tapu, taonga to assessment of natural character and biodiversity in particular to the reefs and waters of Te Atiawa rohe moana and whenua. Incorporate those values already identified in schedules 5, 6A and 6B.

Objectives and Policies

21. Objectives and policies should provide for and support the application of marine spatial management as an appropriate approach for management of the Coastal Marine Area, including:

Policy 1

(a) Use mana whenua values from proposed Policy 18, schedules 5, 6A and 6B and include in Policy 1 and schedules 1 and 2 so that mana whenua values are integrated into the currently named coastal marine management regime.

(b) Add wording to Policy 1:

Manage the coastal marine area in a way that recognises that some areas have values, characteristics or uses that are more vulnerable or sensitive to the effects of some activities, or that have different management needs than other areas.

In managing the use, development and protection of resources under the Plan, recognition will be given to the following ~~coastal~~ marine spatial management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:

(c) Identify new marine spatial management areas:

1. Wahi Tapu Areas, and
2. Wahi Taonga Areas.

Add New Policy

(d) Maintain, enhance and restore mauri of Wahi Tapu and Wahi Taonga areas.

Rules

22. Rules should enable activities to take place in appropriate areas which reflect the values that have been identified through mapping and control or prohibit other activities to reduce the impacts and effects on the environment, cultural wellbeing.

23. Draft rules as appropriate to:

(a) Wahi Tapu - Within significant areas of sacred relationship for maori there should be the removal of activities which diminish the life-force capacity of tangaroa.

(b) Wahi Taonga - These areas should have restriction on activities which degrade the interconnected ability of the community to have enduring relationships with the rohe.

(c) Rahui (*for spiritual and cultural protection*) - The ability to manage from time to time more than minor effects of activities to restore the marine environment and cultural association with the natural character of the coastal marine area.

Methods of Implementation

6.2 Management of the Coastal Environment

8. Implement Plan objectives, policies and methods and Rules to achieve marine spatial planning ~~the implementation~~ that recognise different coastal processes, values and uses and which allow, regulate or prohibit activities in the following coastal management areas:

- (a) Wahi Tapu
- (b) Wahi Taonga
- (c) *Outstanding Value*
- (d) *Estuaries unmodified*
- (e) *Estuaries Modified*
- (f) *Open Coast*
- (g) *Port*

Further relief:

Insert Issues, objectives, policies, methods (including rules) to address the general and specific issues identified above.

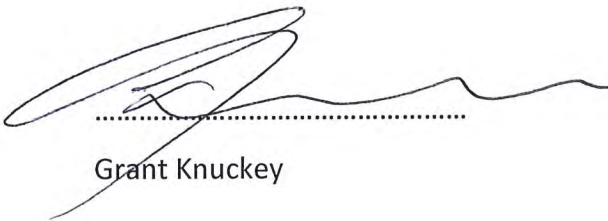


ATTACHMENTS

24. attach the following documents to this notice:

- (a) Copy of Mr Knuckey submission and further submission;
- (b) Copy of relevant Council Decisions on submissions;
- (c) Schedule of names and addresses of persons to be served.

Dated 18 November 2019



Grant Knuckey

Basil Chamberlain
Chief Executive, Taranaki Regional Council
coastal@trc.govt.nz

Submission to the Proposed Taranaki Coastal Environment Plan

27 April 2018

Name: Grant Knuckey

Organisation (if applicable)

Address: Tiromoana Crescent, Bell Block, NP 4312

Daytime phone number: (06) 755 0458

Email address: Grant@teatiawabusiness.co.nz

Could you gain an advantage in trade competition through this submission? No

Do you wish to be heard in support of your application? Yes

My submission on the Proposed Plan

1. My name is Grant Knuckey, I am tangata whenua and live in my rohe of Puketapu hapu of Te Atiawa, Taranaki.
2. I have a strong relationship with the moana (marine environment) around Taranaki. I have grown up with close and intimate connection to the marine space and particular places. Not just to access taonga and kaimoana but also to exercise spiritual wellbeing. It is important that the marine environment is healthy for our whanau, iwi, and wider community. It is appropriate that the coastal environment plan expresses values of significance to tangata whenua - to me, my whanau and iwi.

General themes, issues & relief sought to the Plan as a Whole

3. The proposed plan does not adequately provide for cultural wellbeing, relationship of mana whenua with ancestral and contemporary lands, waters, taonga and rohe; and does not actively protect taonga and tapu spaces within the coastal environment of Taranaki or provide for management of the rohe in partnership with mana whenua (co-governance/management provisions).
4. General relief sought below is in addition to specific relief requested.

Issue:

5. Failure to provide for Part II Resource Management Act 1991 (RMA), New Zealand Coastal Policy statement (NZCPS) including (but not limited to) Objective 3 and Policy 2, and relevant provisions of the operative and proposed Regional Policy Statement in relation to:
 - a) tino rangitiratanga
 - b) kaitiakitanga
 - c) customary values
 - d) application of matauranga Maori
 - e) tikanga
 - f) active protection of taonga

Relief sought:

6. Engage with hapu to ensure Treaty of Waitangi principles are observed; to be proactive in respect of active protection, restoration and redress; and to recognise and to ensure RMA Part II, RPS & PRPS framework is implemented to address cultural wellbeing, Treaty principles and settlement outcomes.
 - a) Amend to provide implementation methods directed at providing reports mandated by mana whenua and including cultural dimensions applying matauranga Maori.
 - b) Enter into memoranda of understanding with manawhenua.
 - c) Add policies for regional council to partner with manawhenua to maintain and enhance coastal values of the coastal marine area.
 - d) Add, refine or clarify policies to work with tangata whenua to establish ecological bottom line or agreed target for managing the natural (character and biodiversity) and cultural resources of the coastal marine area and whenua which will:
 - i. provide greater certainty in sustaining marine environments and ecosystem services.
 - ii. avoid degradation of natural character, biodiversity and habitat.
 - iii. monitoring protection and enhancement measures implemented
 - iv. establish a baseline for monitoring changes
 - v. expanded network of restored islands islets and marine spaces with protected areas where ecological health and indigenous biodiversity will be protected, enhanced and restored
 - vi. Add Implementation Methods for Plans:
7. Add implementation Methods for all applications for resource consent policy; or plan changes; or variations are to be reported on by cultural adviser(s) mandated by tangata whenua of Taranaki with costs to be borne by proponents.
8. Add content to Objectives and Polices amending or refining as required to integrate matauranga Maori into the Plan to provide Maori world views as it applies to Taranaki rohe moana and whenua.

9. Management and decision making to take into account historic, cultural and spiritual relationships of tangata whenua with the islands, reefs and waters of Taranaki and the ongoing capacity to sustain these relationships.

Matauranga Maori

Issue:

10. I support the inclusion of matauranga Maori in integrated management process. However, we consider there needs to be specific provision for its implementation:

Relief sought

11. Marine spatial plan for Taranaki rohe moana and whenua incorporating matauranga Maori in collaboration with manawhenua
12. Apply Maori attributes of mana, mauri, tapu, taonga to assessment of natural character in particular to the reefs and waters of Taranaki rohe moana and whenua.

Integrated management – coastal marine area

Issue:

13. The purpose of the RMA and RPS is to achieve integrated management. Methods need to be implemented to achieve integrated management for the marine environment facilitated by marine spatial planning. The integrated management of marine resources in terms of an ecological management approach has been developed in the international context and must be applied to the Taranaki rohe moana and the CMA to give effect to Objective 1 of the NZCPS.

Relief sought:

14. Integrated marine management implemented through integrated management of fisheries resources.
15. The proposed model gives effect to the Taranaki Regional Policy Statement objectives and policies
16. The general and specific proposed relief gives effect to the Regional Policy statement objectives and policies. Notably RPS Part C, chapter 16; Statements of resource management issues of significance to iwi authorities including: Biodiversity (BIO Obs and Pols), Coastal environment (CNV Obs and Pols) Treaty of Waitangi (TOW Obs and Pols) Kaitiakitanga (KTA Obs and Pols), Recognition of Maori relationships (REL Obs and Pols), Cultural and spiritual values (CSV Obs and Pols) .

Proposed Relief

Mapping

17. The Plan provides a limited overview through coastal management area mapping, however fails to identify all significant areas in the coastal marine area. There is also a failure to provide for the spatial extent of intrinsic relationships.

18. The coastal plan is the appropriate place to express these values.

- a) Intrinsic Values;
- b) Maori Cultural Values;
- c) Landscape Values
- d) Biodiversity and Habitat Values;
- e) Safety and navigation Values;

19. The proposed model and additions give expression to community and indigenous Maori cultural values such as tapu and taonga, providing a pathway to matauranga, and enabling the opportunities for the whole community share in and give effect to restoration of marine spaces.

Objectives

Relevant objectives

20. Objective 2: Appropriate use and development

- a) Natural and physical resources of the coastal environment are used efficiently, and;
- b) activities that depend on the use and development of these resources are provided for in;
- c) appropriate locations.

21. Objective 4: Life-supporting capacity and mauri, the life-supporting capacity and mauri of coastal water, land and air are safeguarded from the adverse effects, including cumulative effects, of use and development of the coastal environment.

22. Objective 9: Relationship of tangata whenua with the coastal environment, traditional, continuing and enduring relationships of tangata whenua and their cultures and traditions with the coastal environment, including the role of tangata whenua as kaitiaki, are recognised and provided for.

Policies

Relevant Policies

23. Policy 2 and Policy 5(g) helpful.

24. Suggested Changes in red

Policy 1

25. Alleviate mana whenua values from proposed Policy 16 to be included in proposed Policy 1 so that mana whenua values are integrated into the coastal marine management regime.

Policy 1: Coastal management areas

26. Manage the coastal marine area in a way that recognises that some areas have values, characteristics or uses that are more vulnerable or sensitive to the effects of some activities, or that have different management needs than other areas.
27. In managing the use, development and protection of resources under the Plan, recognition will be given to the following coastal marine spatial management areas (identified in Schedule 1) and their distinguishing values, characteristics and uses:
 1. Wahi Tapu Areas, and
 2. Wahi Taonga Areas.
28. Identify two new marine spatial management areas:
 1. Wahi Tapu Areas, and
 2. Wahi Taonga Areas.

Add Policy 14

29. Maintain, enhance and restore mauri of Wahi Tapu and Wahi Taonga areas.

30. Rules

- a) Draft rules as appropriate to:
 - a. Wahi Tapu
 - b. Wahi Taonga

Examples:

- b) Removal, damage or destruction of any indigenous flora or fauna including taonga species, unless for the purpose of scientific or resource consent monitoring; or
 - c) Structures or Occupation (whether temporary or permanent) of the Conservation Management Area for the purpose of removal, damage or destruction of any indigenous flora or fauna including taonga species, unless for the purpose of scientific or resource consent monitoring.
 - d) Sediment on or in the conservation management area which cause adverse effects to indigenous flora or fauna including taonga species, unless for the purpose of scientific or resource consent monitoring.
 - e) Consideration of activities outside of the CMA that influence or impact the Wahi taonga area.
31. Prohibited status expires on completion of programme of monitoring that establishes to biological diversity vitality, health and wellbeing of ecosystem sufficient to sustain taonga species; then reverts to Discretionary status within thresholds established to ensure

activities meet “restoration of mauri” performance standards put in place by tangata whenua based on results of monitoring.

Methods of Implementation

Management of the Coastal Environment

32. Implement Plan objectives, policies and methods to achieve marine spatial planning the implementation that recognise different coastal processes, values and uses and which allow, regulate or prohibit activities in the following coastal management areas:
- a) Wahi Tapu
 - b) Wahi Taonga
 - c) Outstanding Value
 - d) Estuaries unmodified
 - e) Estuaries Modified
 - f) Open Coast
 - g) Port

33. Further relief: Insert Issues, objectives, policies, methods (including rules) to address the general and specific issues identified above.

34. I make this submission on behalf of myself in my own right, and the whakapapa of my tupuna and the Wellbeing of future generations of Mokopuna o Taranaki.

Nga Mihi,

Grant Knuckey
Bell Block, Taranaki

35. Comment on documents incorporated by reference in the Proposed Plan, as detailed in Schedule 9 (comment optional)