From: s9(2)(a)
To: takutaimoana
Subject: Durville Island
Date: Tuesday, 17 January 2023 1:08:29 pm

Hi
I'm writing in opposition to the Ngati Koatas trust application for customary marine title at Durville Island.
It is for all New Zealanders to enjoy and needs to be held under the government to control.
I want to be updated via email as to any decisions re this matter.

Regards
s9(2)(a)
Okiwi Bay resident

From: s9(2)(a)
To: takutaimoana
Subject: Tearawhiti
Date: Tuesday, 17 January 2023 1:03:43 pm

Hi
I'm writing in opposition to the Ngati Koatas trust application for customary marine title at Durville Island.
It is for all New Zealanders to enjoy and needs to be held under the government to control.
I want to be updated via email as to any decisions re this matter.

Thanks

s9(2)(a)
Okiwi Bay resident

From: s9(2)(a)
To: takutaimoana
Subject: Submission against the change of marine title
Date: Tuesday, 17 January 2023 7:59:04 am

I am completely against this. It should stay as it is now. ‘Period’

There is no reason to change something that is not broken. It is simply a theft in my eyes and should not proceed.

Leave the bloody area in everyone in NZs name. How would they like it if some pakeha turned up and wanted to take it all over. All this does is creates divide between our races.

Leave it alone.
Thanks

Sent from my iPhone

From: s9(2)(a)
To: takutaimoana
Subject: D"urville Island
Date: Monday, 16 January 2023 7:25:34 pm

I would object to this application of a customary title as I do not see evidence given that shows Ngāti Koata iwi should have privileged interests in this area.

From: s9(2)(a)
To: takutaimoana
Subject: FW: Customary Marine Title of D'Urville Island
Date: Monday, 16 January 2023 9:11:15 am

To whom it may concern,

I would like to put forward my response to the application for Customary Marine Title of D'Urville Island and the surrounding areas. I do not agree to this application and do not provide my consent.

My name is s9(2)(a) and we hold property within the area under application.

Sincerely,
s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Cc: s9(2)(a)
Subject: Customary Marine Title of D'Urville Island
Date: Sunday, 15 January 2023 7:19:41 pm

To whom it may concern,

I would like to put forward my response to the application for Customary Marine Title of D'Urville Island and the surrounding areas. I do not agree to this application and do not provide my consent.

My name is s9(2)(a) and we hold property within the area under application.

Sincerely,
s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Customer Te Takutai Moana Act 2011 submission
Date: Tuesday, 17 January 2023 11:33:09 pm

I am against this customary marine title application as it's clearly another way to divide our nation.

Keep this area the way it is so that ALL New Zealanders can enjoy the freedom of our beautiful country and water, not just a select group.

We express those worlds loud and clear in our National Anthem when we sing - "God defend our FREE land". It does not say - "God defend our free land with the exception of areas where a title has been granted to The Ngaki Koata Trust who can and will decide if and when the public can freely enjoy that area.

I hereby lodge my submission AGAINST this application.

Regards,
s9(2)(a)
Marlboroug

From: s9(2)(a)
To: takutaimoana
Subject: Unbelievable!
Date: Wednesday, 18 January 2023 11:37:39 am

Good Morning,

I've gotta say I am horrified at seeing such an application, yet again.
Why should such a tiny minority even suggest they should have rights to CONTROL 'OUR' marine areas.
What ever happened to this country being 'one for all' New Zealanders.
I'm totally and utterly against this application.
Please keep me informed

Thank you

Regards

s9(2)(a)

[redacted]

[redacted]

From:	s9(2)(a)
To:	takutaimoana
Subject:	Submission RE Ngati Koata application for customary marine title
Date:	Thursday, 19 January 2023 6:15:27 pm

Simple question
Why should any New Zealander have more rights than any other New Zealander.
I live in the Marlborough Sounds, I love my fishing and respect the environment and ecology of our beautiful country.
I accept the abuse of our environment by those that hold a little piece of paper that allows them to plunder without question, in the name of tradition, and cultural rights.
But for Maori to claim exclusive rights is totally unacceptable, un democratic and will only further the division between Maori and Pakeha that is currently building in this country.

Regards
s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Durville Island consultation
Date: Thursday, 19 January 2023 10:22:04 pm

Dear Mr Little
I want to object to the planned change to Durville Island ownership being gifted to Māori interests. The current situation where ALL New Zelanders have equal ownership and access to this wonderful area should not be changed. We are one nation and as such should not allow a small minority to have special treatment over such a wide area.
Yours faithfully
s9(2)(a)
Mapua
Nelson

From: s9(2)(a)
To: takutaimoana
Subject: Durville island potition
Date: Friday, 20 January 2023 1:11:35 am

I disagree about the whole idea

From: s9(2)(a)
To: takutaimoana
Subject: Submission
Date: Sunday, 22 January 2023 11:11:33 am

Ngāti Koata's application to gain customary marine title surrounding Rangitoto-ki-te-Tonga (D'Urville Island). This is a definite NO. We are one people and special rights/privilege should not be granted by race.

Regards
s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Durville island submission
Date: Monday, 23 January 2023 8:32:53 am

Please submit my submission on the Ngati Koata application for customary marine title.

I am opposed to granting customary title to Durville island as I believe this change of ownership will lead to ordinary New Zealanders being excluded from the area.

I have a lifetime of fishing and camping around Durville island and don't see any need for the status of equal-access-for-all to be changed, it has been working well, if it's not broken don't fix it.

Please don't allow the greed of a few to take away rights from the rest of us, all New Zealanders have customary fights to the foreshore and sea bed.

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: I object to all proposals regarding an area of 12 nautical miles around Durville Is . Durville Is land owner.
Date: Monday, 23 January 2023 9:44:25 am

---

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: D"Urville Island Customary Rights Claim
Date: Tuesday, 24 January 2023 10:03:45 am

I strongly object to the customary rights claim over D'Urville Island out to 12 nautical miles, including the common marine and coastal area surrounding related gazetted islets and rocks.

This area belongs to all New Zealand citizens who all have equal rights to access; not one greedy and selfish group.

I do not believe that public access, recreation use, fishing, and navigation will be unaffected. The lack of public access and destruction of DOC huts in Te Urewera is a recent example of what will occur around D'Urville.

Regards,

s9(2)(a)

[redacted]

From: s9(2)(a)
To: takutaimoana
Subject: D"Urville Island Public submission
Date: Tuesday, 24 January 2023 2:25:27 pm

I oppose the idea of granting a customary right for the area around D'Urville Island as I strongly believe it is an area for all New Zealanders to have equal rights over the ownership. We are all ONE don't segregate us.

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Public submission- Durville Island
Date: Tuesday, 24 January 2023 2:39:45 pm

I wish to oppose the customary right over Durville Island, this is a resource for all to enjoy and protect for future generations.

s9(2)(a)

From:	s9(2)(a)
To:	takutaimoana
Subject:	Submission regarding the Application for Customary Marine Title by Ngati Koata
Date:	Friday, 27 January 2023 10:44:03 am
Attachments:	Ngati Koata customary claim - Submission.docx

Please see attached document containing my submission on this application
Rgds
s9(2)(a)

Kia ora koutou katoa,

Thank you for the opportunity to make a submission on the Ngati Koata application for customary marine title. My submission is ***against*** the application. This is for a number of reasons

- The settlement treaty and legislation that relates to this claim was setup in 2011 from memory under the then National Govt with Chris Finlayson as the main Govt representative. The actual legal documentation that underpins this is highly complex and very few people could claim that they have in depth knowledge to all aspects of it (I certainly do not).
- As an example in this case customary marine title might seem fairly innocuous but the complexities of the settlement could mean that there are other aspects that most of the public would not have knowledge of. Ngati Koata have had a number of years to get ready for this claim through their lawyers and other '*experts*'. We (the general public) have had just over one month to get acquainted with a great deal of legalise which most of us are not in a position to do so. Many do not have the means to gain a lawyer who is sufficiently skilled in this area and equally, a lawyer who is currently available?
- Reading through the Ngati Koata available documentation I believe that there is no substance to the claim as it is not clear what the claim is based on.
- The claim says that it related to *Tikanga* but *Tikanga* is in itself vague and can have multiple meanings, to this end it is unclear what affects this claim could have on existing landowners, and access for the general public. There is valid concern that Tikanga in this instance could be expressed in part through the concepts of '*ownership', 'property', 'title' or 'stewardship.*
- There is no clarity in the claim around what it means towards current commercial and non-commercial arrangements in the area. It should be noted that Ngati Koata has substantial shareholdings with numerous fishing and aquacultural companies. Only people that are well versed in the treaty settlements could explain whether there will be any affects or not *and whether this will be at the expense of the general population or at the expense of other commercial organisations not involved with Ngati Koata*. To fully understand this will take time?
- I believe that Ngati Koata are claiming customary right but historically they are only recent arrivals in the Nelson/Marlborough area, they arrived as part of a larger raiding force with Ngati Toa in the 1820s and essentially wiped out much of the existing local population either by conflict or taking them away as slaves. There was evidence of some European habitation in parts of the area under this claim that *pre-dated* Ngati Koata arrival, and of course there are the descendants of the aforementioned Maori population *who are not* part of this claim. The question could be asked why should Ngati Koata have a claim over these other groups?
- Finally, if as Ngati Koata state that this claim will have no impact over existing landowner or other's rights why make the claim at all? they have gone through an expensive and time consuming process which on the face of their claim serves no real purpose?

Nga Mihi

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Submission - Customary Marine Title for Rangitoto ki te Tonga
Date: Tuesday, 31 January 2023 7:13:34 pm

To whom it may concern,

I am writing a submission on behalf of my family to oppose the application by the Ngati Koata for a customary marine title around Rangitoto ki te Tonga (d'Urville Island).

I am a 4th generation d'Urville Islander and my family history is bound and defined by this area. Through this long association of living on the land and surrounding waters, my family shares the dedication towards protecting its unique attributes for future generations of New Zealanders to enjoy freely in a respectful manner.

It is my understanding that Ngati Koata settled their Treaty of Waitangi grievances and claims with the crown in September 1992. It was a full settlement that included an apology to Ngati Koata, and acknowledgements of cultural, financial and commercial redress. It is also my understanding that both parties agreed and the deed of settlement was passed into law.

The Maori Kaitiaki role has been, and is, recognised by the Crown in the coastal environment (South island Customary Fishing Regulations, dated 1999) and plays an important consultation and advisory role in any decision making and or activities in and around the marine coastal environment.

It is therefore our opinion that Ngati Koata have already received reasonable customary rights over the area-specified (Rangitoto ki te Tonga) regarding marine and coastal environments and this makes an additional title an unnecessary step.

For these stated reasons we are in opposition of the application by Ngati Koata for a Customary Marine Title.

Yours sincerely,
s9(2)(a)
s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Submission - Ngāti Koata to have customary marine title recognised for the area surrounding Rangitoto ki te Tonga (D'Urville) Island.
Date: Thursday, 2 February 2023 9:47:25 pm

I am against the Ngāti Koata having customary marine title recognised for the area surrounding Rangitoto ki te Tonga (D'Urville) Island.
In this day and age Customary marine titles should not be given to any organisation that can make decisions about these marine areas , by creating rules and regulations that are not consistent throughout New Zealand.
All New Zealand citizens should have equal rights and say into the control of use in these marine areas.
Marine areas should be under control of the New Zealand government who act for the interests of all New Zealand citizens as one identity.

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Objection to application and request to clarify.
Date: Saturday, 4 February 2023 6:05:55 pm

Hi there.

I am getting in touch over Ngāti Koata application to have customary marine title recognised for the area surrounding Rangitoto ki te Tonga (D'Urville) Island.

Can you please advise, if successful:

What rights they will have over determining closing any particular fishery in the area?

If they deem the fishery in decline do they have the power to close an area from recreational and/ or commercial groups?

If an area can be closed are they still able to gather seafood themselves ?

Can fees be charged for commercial activities within the said area?

Do they recieve any fees or consulting monies from persons or companies applying for resource consents? Or any form of compensation resulting from granting a RC within the area?

Why do we need an extra layer or hurdle for any applicants to jump, when applying for a resource consent in the area?

I do not understand how the application (if granted) may impact me as a local of Elmslie Bay resident. Which causes fear from not having an understanding of the potential implications (I have struggled to find literature that clearly answers my questions)

There are a large number of concerned residents. However nobody seems to understand the impacts or limitations if an application is granted. Or even how to object to the application. And on what grounds.

It seems the unknown is extremely terrifying for alot of residents in the area.

Is there any other rights or privileges that go with an approved application that could adversely affect the residents, or users currently undertaking commercial activities in the area?

Much appreciated you reply with a simple response to the above. Rather than sending through a 100 page document that hides everything within legal talk....

Much appreciated.

Regards,

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Ngati Koata application for Customary Marine Title
Date: Monday, 6 February 2023 2:35:36 pm

Dear Sir/Madam,

Regarding the Ngati Koata Trust having customary marine title I am strongly against this.

As a user of the area surrounding D'Urville Island I do not want to see Ngati Koata Trust having customary marine title, so please register my opposition to this.

We have a government representing all persons in NZ/Aotearoa and it is their responsibility to look after the coastal areas and not award the title to an unelected minority.

Kind regards,

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Customary Title
Date: Monday, 6 February 2023 4:11:10 pm

MPI....
Personally I feel that Iwi are an integral part of the Area in question. For me, the Title belongs to New Zealanders, especially for unrestricted access. Any significant areas to Takutai, must be recognized and respected.
Thankyou,
s9(2)(a)
s9(2)(a)
s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Customary Marine title Ngati Koata Submission
Date: Tuesday, 7 February 2023 11:06:38 am

Submission

Objection to Ngati Koata Customary Marine title following a quote from the Nelson Mail dated 23 January 2023.

Marine section.

" Holders of a marine title will have the right to say yes or no to activities that need resource consents or permits in the area."

This would/could be perceived to be nepotistic in favoring one party over another and surely the existing RMA covers these activities as stated.

s9(2)(a)
DUrville Island

From: s9(2)(a)
To: takutaimoana
Subject: customary area
Date: Tuesday, 7 February 2023 12:20:07 pm

Kia Ora
I object to any one entity given a marine title,
may have been used the area previously i dont think anyone should be the title owners.
Our elected government should be well enough informed to make decisions for the area without having IWI having rights to say what should be permitted in the area.
The area belongs to all new Zealanders, and collectively we should be the owners not just the customary owners

10th February 2023

Te Kahui Takutai Moana,

Te Arawhiti,

19 Aitken Street,

SX1011'

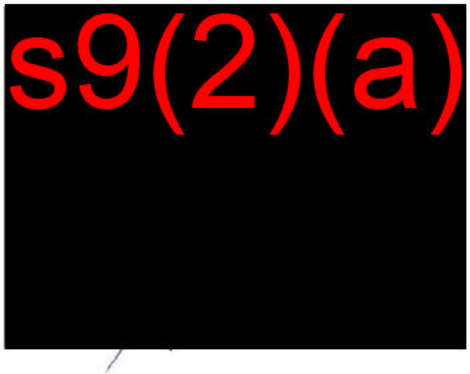
Wellington 6011

NGATI KOATA APPLICATION FOR CUSTOMARY MARINE TITLE

We the undersigned totally appose this application.

As New Zealanders we maintain the right to recreationally fish the waters surrounding D'Urville Island out to 12 Nautical miles.

We have fished these waters in a sustainable way for many years, enjoying the area with our families. This is a tradition we wish to carry on to our Grandchildren and beyond.



From:	Emma Deason | Gascoigne Wicks
To:	takutaimoana
Cc:	PALMS LTD; s9(2)(a) [redacted])
Subject:	Submission on Ngāti Koata Trust Application (MAC-01-12-007)
Date:	Thursday, 9 February 2023 11:00:26 am
Attachments:	image001.jpg Aroma Submission on Ngati Koata MACA Application Marlborough.pdf

Good morning,

Please find the **attached** submission lodged on behalf of Aroma (N.Z.) Limited and Aroma Aquaculture Limited.

Kind regards,
Emma

GW Logo - Email

Emma Deason | Associate | **Gascoigne Wicks**
Tele: 03 578 4229 | **DDI:** 03 520 5011 | **Mobile:** 021 202 6295 | **Email:** edeason@gwlaw.co.nz
P O Box 2 | Blenheim | 7240

Website: http:/www.gascoignewicks.co.nz

SUBMISSION ON MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011 APPLICATION MAC-01-12-007 NGATI KOATA TRUST (AREA 1) RANGITOTO KI TE TONGA (D'URVILLE ISLAND) AND SURROUNDS OUT TO 12 NAUTICAL MILES

To Te Kāhui Takutai Moana
Te Arawhiti
Level 3
The Justice Centre
19 Aitken Street
SX1011
WELLINGTON 6011

Sent Via E-Mail: takutaimoana@tearawhiti.govt.nz

Name of submitter: AROMA (N.Z.) LIMITED and AROMA AQUACULTURE LIMITED

1. Aroma (N.Z.) Limited and Aroma Aquaculture Limited (referred to collectively as 'Aroma')[1] acknowledge the mana of Ngāti Koata as tangata whenua and kaitiaki. This is a submission on Ngāti Koata's application for Area 1, MAC-01-12-007.

2. Aroma understand that what Ngāti Koata seek in their application does not affect Aroma's interests or existing marine farms. Aroma is neutral on Ngāti Koata's application and believes that marine farming and exercise of customary rights and title can co-exist.

3. Aroma have existed since 1962. Aroma is an innovative forward-thinking company, recognising the unique health properties of our humble Greenshell mussel and turning them into several different forms of health food supplements for human arthritic and veterinary consumption.

4. Aroma farms Greenshell mussels and operates factories in Havelock and Christchurch. In Marlborough, we currently own 12 farms, lease 6 farms and have 26 contract farms. Our farming methods vary significantly from the industry norm, s9(2)(b)(ii) [redacted]. The shortfall in tonnage from harvesting smaller product can be compensated by seeding at slightly heavier densities.

[1] Aroma Aquaculture Ltd is a subsidiary company of Aroma (N.Z.) Ltd.

5. Aroma currently employ s9(2)(b)(ii) on water in Marlborough, and s9(2)(b)(ii) in its processing factories.

6. Aroma own marine farm 8631 in eastern Catherine Cove, Rangitoto ki te Tonga / D'Urville Island. In addition, Aroma have interests (contract growers) in three farms in Admiralty Bay: 8016 (Rerekarua Bay), 8026 (Elsie Bay) and 8038 (Island Bay).

7. As above, Aroma has a neutral position on this application, on the basis that it does not consider the application will affect Aroma's interests. Aroma wishes to be involved in this application process due to its interests in this area, and wishes to speak in support of this submission should the opportunity arise.

.....

E L Deason

Solicitor for Submitter

Date: 9 February 2023

Address for service of Submitter:

Gascoigne Wicks

79 High Street, Blenheim 7201

PO Box 2
BLENHEIM 7240

Telephone: 03 578 4229

Fax: 03 578 4080

Contact person/s: Emma Louise Deason

Email: edeason@gwlaw.co.nz

From:	Emma Deason | Gascoigne Wicks
To:	takutaimoana
Cc:	BBN@unitedfisheries.co.nz
Subject:	Submission on Ngāti Koata Trust Application (MAC-01-12-007)
Date:	Thursday, 9 February 2023 11:10:32 am
Attachments:	image001.jpg KPF and UFL Submission on Ngati Koata MACA Application Marlborough.pdf

Good morning,

Please find the **attached** submission lodged on behalf of KPF Investments Limited and United Fisheries Limited.

Kind regards,
Emma

GW Logo - Email

Emma Deason | Associate | **Gascoigne Wicks**
Tele: 03 578 4229 | **DDI:** 03 520 5011 | **Mobile:** 021 202 6295 | **Email:** edeason@gwlaw.co.nz
P O Box 2 | Blenheim | 7240

Website: http:/www.gascoignewicks.co.nz

SUBMISSION ON MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011 APPLICATION
MAC-01-12-007 NGATI KOATA TRUST (AREA 1)
RANGITOTO KI TE TONGA (D'URVILLE ISLAND) AND SURROUNDS OUT TO 12 NAUTICAL MILES

To Te Kāhui Takutai Moana
Te Arawhiti
Level 3
The Justice Centre
19 Aitken Street
SX1011
WELLINGTON 6011

Sent Via E-Mail: takutaimoana@tearawhiti.govt.nz

Name of submitter: KPF INVESTMENTS LIMITED and UNITED FISHERIES LIMITED

1. KPF Investments Limited (KPF) and United Fisheries Limited (UFL) acknowledge the mana of Ngāti Koata as tangata whenua and kaitiaki. This is a submission on Ngāti Koata's application for Area 1, MAC-01-12-007.

2. KPF and UFL understand that what Ngāti Koata seek in their application does not affect KPF and UFL's interests or existing marine farms. KPF and UFL are neutral on Ngāti Koata's application and believe that marine farming and exercise of customary rights and title can co-exist.

3. KPF and UFL are family owned seafood companies, which are both based out of Christchurch. KPF currently owns 31 marine farm resource consents in the Marlborough Sounds, which have been developed and operated by UFL. Those farms are located in various bays in the Sounds, with several in the Admiralty Bay area.

4. UFL also have a processing factory in Christchurch, which employs s9(2)(b)(ii) [redacted] in the mussel section of the plant. Both fish and mussels are processed at this factory.

5. UFL are active participants of the Marine Farming Association's (MFA) Environmental Programme. They support the beach clean-up programme and follow the various industry codes of practice. KPF (as resource consent owner) fully supports these initiatives.

6. UFL directly employs s9(2)(b)(ii) [redacted] The company's employees live in various towns in the region, such as

s9(2)(a) [redacted] In addition to this, UFL use local contractors for specific parts of their operations such as harvesting, anchor installations and engineering support.

7. UFL's onshore marine farm facilities are based in Havelock. The land is leased from Port Marlborough Limited. UFL has two servicing vessels operating out of Havelock, with berth and wharf facilities leased off Port Marlborough.

8. KPF/UFL own the following farms that are located within the area of Ngāti Koata's application:

Marlborough Marine Farm Identifier	Location
Farm 8015	Admiralty Bay
Farm 8018	Garden Bay, Admiralty Bay
Farm 8019	Garden Bay, Admiralty Bay
Farm 8022	Deep Bay, Admiralty Bay
Farm 8025	Elsie Bay, Admiralty Bay
Farm 8028	Else Bay, Admiralty Bay
Farm 8031	Hamilton Bay, Admiralty Bay
Farm 8033	Hamilton Bay, Admiralty Bay
Farm 8045	Pukatea Bay, Admiralty Bay
Farm 8047	Pukatea Bay, Admiralty Bay
Farm 8049	Pukatea Bay, Admiralty Bay
Farm 8051	Kokowhai Bay, Admiralty Bay
Farm 8055	Kokowhai Bay, Admiralty Bay
Farm 8496	Island Bay, Admiralty Bay

9. As above, KPF and UFL have a neutral position on this application, on the basis that they do not consider the application will affect their interests.

10. KPF and UFL wish to be involved in this application process due to their interests in this area, and wish to speak in support of this submission should the opportunity arise.

.....

E L Deason

Solicitor for Submitter

Date: 9 February 2023

Address for service of Submitter:

Gascoigne Wicks

79 High Street, Blenheim 7201

PO Box 2
BLENHEIM 7240

Telephone: 03 578 4229

Fax: 03 578 4080

Contact person/s: Emma Louise Deason

Email: edeason@gwlaw.co.nz

From: s9(2)(a)
To: takutaimoana
Subject: Customary title claim Rangitoto ki te Tonga - Durvielle island
Date: Friday, 10 February 2023 4:48:52 pm

To whom it may concern,
We are residents s9(2)(a)
My husband and I oppose this claim for the following reasons :
According to the Te Takutai Moana Act 2011 - no one can own the sea. Except if customary title is allowed - which in essence will hand ownership to one group of people only.

Who can then place a wahu tapu effectively banning all other groups from use of activities around and on these areas. As their are numerous historical sites (documented?) across the island and surrounding areas this is of prime concern to us as it would impact on our ability to access fishing, transport and indeed beach access to our own property and neighbour's. This would also have a direct monetary impact on the value of our property.

This would be effectively cutting off a food supply and hampering our ability to travel freely in our own country. Also the ability to access medical help as well as the ability to visit and being visited by friends and family.

This would also have a direct impact on people being able to access the island for recreational use, maintainence of roads power supply etc. This in turn will impact our local businesses.

Also of concern will be the future pushes to have monetary gain from privately owned wharf, jetties and moorings as well as the possibility of being told to remove them.

Lastly the lack of time, publicity and consultation around this claim is of huge concern - we were only made aware of this claim by a concerned family member.

Please respect our wishes for privacy and concern for our well being by not making our details known.

Regards s9(2)(a)
s9(2)(a)

From:	s9(2)(a)
To:	takutaimoana
Subject:	Durville Island Marine Title
Date:	Friday, 10 February 2023 9:11:12 pm

I fully oppose this happening, the marine area as described is for all people to enjoy and is owned by all New Zealanders, not just one iwi group, and should always remain this way .

Fishing grounds are plentiful, and have been for many years . I have fished this area for over 20 years and have seen an increase in Snapper and King Fish over the years .

Many people fish and enjoy this area , to close and limit this to all is absolutely a disgrace to us all .

I strongly oppose this request from this iwi .

Please email to me any further information following my Submission.

Thank you

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: CMT
Date: Saturday, 11 February 2023 10:15:25 am

---

*Application by Nagati Koata for customary marine title of the area surrounding DUrville Island.

s9(2)(a)

*Resident of s9(2)(a) Marine Farm owner. Pest controller and wildling pine remover.

*I oppose this application.

I object to the application for customary marine title by Nagti Koata of the area surrounding DUrville Island.

I object to the need of any person or persons to have ownership of any marine area.

New Zealand is used by all New Zealanders whether you were here since 1840 or after. There is no reason why anyone should have more rights than any other New Zealander. The time has come for us to move forward and create all as equal. There is a growing feeling of racial unrest in NZ brought on by these inbalances that are being favoured towards Maori.

I do agree that Maori were treated very badly many years ago but I didn't do it nor my family so why are we continuously being made to feel guilty for the past treatments and why do governments continue with pay outs that are crippling the country.

We live in s9(2)(a) and have a marine farm in s9(2)(a) We fish and dive in the area mainly in the summer with our children, their partners and the grand children. I object to Iwi putting a Wahi Tapu on an area which was done in the recent floods forbidding any marine activity. The restricition at that time when all roads were closed meant marine activities for food and transport were banned.

s9(2)(a)

From:	s9(2)(a)
To:	takutaimoana
Subject:	Submission: Application for Customary Marine Title Rangitoto ki te Tonga.
Date:	Saturday, 11 February 2023 8:49:48 pm
Attachments:	ObjectionMarineTitleDurvilleForPDF.pdf

Hi. My submission is attached as a PDF file. Thank you for this opportunity to express my views.

Yours sincerely, s9(2)(a)

Saturday, 11 February 2023

OBJECTION TO NGĀTI KOATA APPLICATION FOR CUSTOMARY MARINE TITLE
(Under te Takutai Moana Act 2011)

1. I object to the granting of the Customary Marine Title for the Rangitoto ki te Tonga area to this small group. There are many stakeholders involved in this area beside the official members of Ngati Koata.

2. There were earlier 'landowners'. Before Ngāti Koata 'owned' Rangitoto ki te Tonga, there were other owners if we are to believe experts like I.W Keyes and G.L. Adkin (see The Journal of the Polynesian Society Vol. 69, No 3 "The Cultural Succession and Ethnographic Features of D'Urville Island"). While we can never be absolutely sure of all the details of history, it is likely that some sort of pressure was used in order to gain ownership. It seems fair that the people displaced from Rangitoto ki te Tonga should have some sort of a claim for recognition and rights.

3. Fairness and justice. I may have some Māori ancestry, but I have not yet been able to confirm it. All I know is that we allegedly had a photograph of a matriarch who looked like a Māori, and we had a male relative named Kawatiri. My point in stating this is to show that there may be dozens of individuals who may have Māori ancestry, but who can't prove it and so can't get "a piece of the action". Although I am not Ngāti Kuia, I identify with them a little because my s9(2)(a) s9(2)(a) s9(2)(a) I understand that Ngātu Kuia occupied Rangitoto ki te Tonga before Ngāti Koata took over. Why shouldn't Ngāti Kuia have a say in what happens around the Island? However it isn't that simple…. there were evidently others before Ngāti Kuia. When certain rights are bestowed on a group, it is likely that it would be mainly the elite, powerful or popular people within the group who wield the most power and reap the most benefits. This is not fair.

4. Long-term stakeholders. s9(2)(a) have occupied land on Rangitoto ki te Tonga. They have worked to conserve what they can and they care deeply about the plants, the wildlife and sustainable use of resources. The definition of 'Kaitiaki' fits them and their activities and they would be wonderful caretakers of the region. There are other non-Iwi locals who are similar. They may consult with Iwi at any time, but they could be vetoed by any title-holder irrespective of the merits of their views. None of us bear any animosity toward our Ngāti Koata neighbours and acquaintances. We think that our input is as valid as anybody's.

5. We are one people. Bestowing significant rights to a minority (and excluding all others) leads to division and discontent. And it doesn't necessarily ensure the best results. (The timing of this application is not good considering the major discontent generated by some current governmental policies. Hard-working taxpayers are not pleased to have their tax dollars spent on things they never asked for).

s9(2)(a)

From: Rebecca Clarkson
To: takutaimoana
Subject: Submission on Ngāti Kōata application for Customary Marine Title
Date: Monday, 13 February 2023 12:07:11 pm
Attachments: image001.jpg
image002.png
Submission to Ngati Koata MACA Application.pdf

Kia ora, please find attached a submission from Clearwater Mussels Limited and Talley's Group Limited on the Ngāti Kōata application for Customary Marine Title

Please let me know the process from here, whether any further information is required, and include me on any related correspondence.

Ngā mihi nui, Rebecca

REBECCA CLARKSON | **Principal Advisor**

M: s9(2)(a) [redacted]
E: [redacted]
W: [redacted]

Aquaculture Direct Limited

AQUACULTURE DIRECT

13 February 2023

To: Te Arawhiti

From: Rebecca Clarkson of Aquaculture Direct Limited on behalf of Clearwater Mussels Limited and Talley's Group Limited

Tēnā koutou,

Submission on Ngāti Kōata Application for Customary Marine Title

Clearwater Mussels Limited (Clearwater) and Talley's Group Limited (Talley's) wish to provide a submission regarding the Ngāti Kōata application for customary marine title (ref: MAC-01-12-007[1]).

They acknowledge the mana whenua of Ngāti Kōata and are familiar with Ngāti Kōata's statements of particular cultural, spiritual, historical and traditional association with identified areas[2]. Clearwater and Talley's are aware that Ngāti Kōata's Iwi Management Plan[3] includes anticipated environmental results such as maintenance and enhancement of the mauri of the coastal environment, preservation of kaimoana, and the continuation of activities that do not adversely alter the environment. Clearwater and Talley's do not oppose the granting of Ngāti Kōata's application for their interests to be recognised.

Clearwater and Talley's are neutral on the Ngāti Kōata application on the basis that their interests as responsible and sustainable aquaculture operators are protected.

Clearwater and Talley's have a long history of marine farming in the Marlborough Sounds and recognise the special relationship that Ngāti Kōata have with the application area.

Clearwater and Talley's are making this submission to respectfully record their existing interests in the application area, particularly the long history and economic importance of their combined marine farming operation.

Overview of Clearwater and Talley's Operation

Clearwater is owned by John Young, Lyn Godsiff and Talley's Group Limited. John Young and Lyn Godsiff are long term residents of the Sounds and reside in Goulter Bay. John has been involved in the mussel industry since 1974 and won the 2015 Lincoln University Foundation's South Island Farmer of the Year award which recognised his excellence in marine farming practices.

[1] https://www.tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/ng/
[2] http://www.nelson.govt.nz/assets/Environment/Downloads/TeTauIhu-StatutoryAcknowledgements.pdf
[3] https://www.nelson.govt.nz/assets/Our-council/Downloads/Iwi-Management-Plans/Ngati-Koata-Trust-IMP-Iwi-Management-Plan-24May2002-A1133068.pdf

Clearwater is a fully integrated company, engineering, float and seeding cotton manufacture, spread from East Bay (Queen Charlotte Sound) to Collingwood. For continuity of work and processing and because of the various criteria for rain closures, Clearwater has to maintain this diverse growing water footprint. They operate a major shore base at Havelock employing s9(2)(b)(ii) [redacted]. They harvest some 20,000 tonnes of mussels per annum.

Clearwater was the first Marlborough company to be awarded MFA Environmental Certification[4] and adheres to the Aquaculture New Zealand's A+ Sustainable Management Framework for New Zealand Greenshell Mussels[5].

Talley's process approximately 30,000 tonnes of mussel product annually and employ s9(2)(b)(ii) [redacted] in Blenheim where double shifting occurs during the peak season. Their Motueka plant employs 280 on day and night shifts, including packers, while there are 40 staff involved in producing marinades.

The product lines include half shell, meat and marinades, and a large proportion of product is exported worldwide including to USA, China, Europe, and the United Kingdom.

As an integrated business, Clearwater and Talley's are conscious of the need to at least maintain the current quantum and range of its marine farming sites. Not all water-space is the same. Like any business, diversification is crucial for success. Loss of space or diversity would have downstream effects on the business including Clearwater and Talley's employees and their families.

Clearwater and Talley's appreciate the relationship they have built with Ngāti Kōata over the years and note that many of their farms have been installed with the support of the iwi and some which are operated in partnership with members of Ngāti Kōata. They value the commitment to ongoing engagement regarding mussel farming in the region.

Clearwater and Talley's Farms in the Application Area

Clearwater and Talley's have interests in the following mussel farms in the application area.

Farm	Size (Ha)	Location	Consent Holder
8002	6	Cherry Tree Bay	Shane Gerard Thomas McCarthy and Tui Rose Elkington
8003	8.1	Catherine Cove	Talley's Group Limited
8004	4.125	Catherine Cove	Shane Gerard Thomas McCarthy
8005	3.48	Catherine Cove	Kapua Marine Farms Limited (Rangitoto Trust)
8006	10.82	Catherine Cove	Talley's Group Limited
8007	9	Catherine Cove	Talley's Group Limited
8008	6.174	Catherine Cove	Kapua Marine Farms Limited (Rangitoto Trust)
8009	2.5	Okuri Bay	Clearwater Mussels Limited
8013	5	Waiua Bay	Talley's Group Limited
8020	3	Admiralty Bay	Talley's Group Limited
8041	9.556	Admiralty Bay	Talley's Group Limited
8057	4	Admiralty Bay	Clearwater Mussels Limited

[4] https://www.marinefarming.co.nz/environment/
[5] www.aplusaquaculture.nz

Clearwater and Talley's have also made submissions to Variation 1 of the Proposed Marlborough Environment Plan (PMEP) that the characteristics of Okuri Bay make it an appropriate location to accommodate mussel farms which have been identified for relocation from other Outer Sounds areas. These submissions have been made with the intention of ensuring that productivity and resilience of the existing operation can be retained.

Clearwater and Talley's Response to Ngāti Kōata's Application

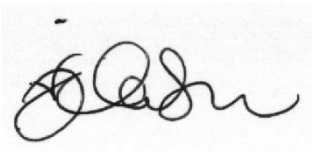
Clearwater and Talley's believe that their best practice aquaculture operations, neither impact on nor are impacted by the protected customary rights or customary marine titles sought by Ngāti Kōata. The farming operations are carefully managed and regulated to ensure that they have a minimal impact on the marine environment, access is enabled through and around the marine farms, and Clearwater and Talley's are committed to working in a responsible and sustainable manner.

However, it is important to Clearwater and Talley's, that their interests as a substantive contributor to the Marlborough economy are recognised and protected, and that the granting of customary marine title to Ngāti Kōata does not compromise their ability to continue operations in the area. This is including through the anticipated reconsenting, and realignment processes proposed in Variation 1 to the Proposed Marlborough Environment Plan (PMEP).

In light of these considerations, Clearwater and Talley's are neutral on the Ngāti Kōata application for customary marine title, provided that their interests as responsible and sustainable aquaculture operators are protected.

Thank you for considering our submission. We wish to be heard in support of this submission, should the opportunity arise.

Nāku iti noa, nā



Rebecca Clarkson
Principal Advisor

From: s9(2)(a)
To: takutaimoana
Subject: Ngati koata application
Date: Tuesday, 14 February 2023 11:39:42 am

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*application by Ngati Koata for customary marine title of the area surrounding d'urville Island.

* s9(2)(a)

* My Family lives in s9(2)(a) and have done for 30 plus years.

* I appose this application.

I am writing to appose Ngati Koatas application for customary marine title. The D'urville area is a key part of the upbringing of my family and means a great deal to everyone who lives in the surrounding areas, with recent wildling pine removal and bird sanctuarys on the various islands it is obvious that the area is being well look after and preserved for future generations to come. Ngati Koata has no more right to the water and land than any other New Zealand citizen at this stage and I find it hard to believe that any entity that has one of its primary income from leasing land will not look to profiteer off the surrounding marine and land areas in the future.

I feel it is a great overstep letting one of New Zealands last marine wildernesses be moved into private hands to do with what they want in future years, let's learn from the past and not recreate devision base on race or religion. The d'urville area should always be accessible to all whanau regardless of background without the risk of private rights taking that away from generations to come.

Regards s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Ngati Koata application
Date: Tuesday, 14 February 2023 11:41:24 am

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* Application from Ngati Koata for customary marine title of the area surrounding D'Urville Island.

* s9(2)(a) [redacted]

* I was raised in s9(2)(a) and sounding areas. My family have been living there permanently for about 35 years.

* I oppose this application

I object to this application. I do not think that one entity needs to claim ownership over a piece of New Zealand that is public. The ocean should be all of ours to protect and harvest food from.

I do not believe that this is rightful, or, that it is in the best interest for this area. This will lead to restrictions for the residents and any whanau that would like to use this area in future. This claim is purely selfish and only for future gains and control.

Claiming of parts of the world because people think they are entitled is ridiculous and outdated.

I was raised off the land and sea in Marlborough from birth. My mother and father still live full time in the area, still living off the land and sea. My husband and I have a son who we take out there regularly to see his Grandma and Grandad and learn what it is to be a human living remotely in New Zealand. Teaching him to fish for the future and to conserve our wildlife, only taking what we need.

Over the 35 years of being in this area I'm amazed to see what the community is capable of in protecting this beautiful area. Slowly restoring it to native trees, eradicating pests, killing wilding pines. This area is more native than it has been since the introduction of such species. This area is best left in the care of the people of New Zealand, not a company.

Thank you for your time and the careful consideration of the risk this could have.

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Ngati Koata CMT application
Date: Tuesday, 14 February 2023 12:53:30 pm

This is my submission on the Ngati Koata CMT application for the area surrounding D'Urville island.

I oppose this application.

We own a large conservation area within s9(2)(a) and we also have a mussel farm , 2 moorings and a jetty in s9(2)(a)
We have lived and farmed the sea in this area for about 35 years and our children and grandchildren are very much involved in our operations and recreational fishing throughout this area.

I am concerned about the possible impacts on marine farming re costs added layers of bureaucracy and the possible added complications and costs to retain and renew our resource consents,
To insinuate that this application will have no impact on marine farming is a lie as the financial and resource costs have already started .
The industry is currently spending a lot of time and money making submissions to this application.

This is an application by one exclusive race/ religious group for title over a large expanse of ocean which should be controlled by all New Zealand citizens .
The application should be made on behalf of all New Zealanders , we are one people.
This type of race based activity is dividing our country racially.
I believe that this will also result in different size and quota being allocated to recreational fishers based on their race/religion.

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Submission
Date: Tuesday, 14 February 2023 11:11:00 pm

I totally disagree with this submission.
Regards s9(2)(a)

Sent from my iPhone

From: s9(2)(a)
To: takutaimoana
Subject: Submission
Date: Wednesday, 15 February 2023 7:01:41 am

Hi
I disagree about the customary marine title application for D'Urville island and surrounding areas.

s9(2)(a)

Sent from my iPhone

From: s9(2)(a)
To: takutaimoana
Subject: Submission
Date: Wednesday, 15 February 2023 9:29:31 am

I'm against the submission being proposed and think it's a disgrace to the country, no one should have the rights in this country,

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Against submission
Date: Wednesday, 15 February 2023 9:38:09 am

I disagree and firmly are against ngati koata trust application

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Disagree with customary marine title
Date: Wednesday, 15 February 2023 9:38:53 am

I am firmly against the Ngati Koata application and do not agree with the submission.

s9(2)(a)

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Kindest,

s9(2)(a)

From:	oliver sutherland
To:	takutaimoana
Cc:	frenchpasswebbers@gmail.com; "Joanne Webber"; anthonypatete@gmail.com; "George Elkington"
Subject:	Ngati Koata MACA application
Date:	Wednesday, 15 February 2023 9:51:28 am
Attachments:	MACA submission.docx

Tēnā koutou

Ngā mihi o te wā me ngā manaakitanga a te runga rawa

Please find appended a third party submission made on behalf of the French Pass Webber family by myself and my two cousins Bill and John Webber, both resident at French Pass, on the application by Ngāti Koata for customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011. As you will see, our submission strongly supports Ngāti Koata's application.

Regrettably, we are technically unable to add our electronic signatures to the submission – we trust that this is no impediment to it being accepted and would appreciate your reassurance on this point.

Thank you for your consideration.

Nākū noa, nā

Oliver Sutherland

73 Bishopdale Avenue, Nelson, 7011

03 545 6510; 021 336 103

Third party submission: Ngāti Koata application for customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011

Whakapapa and Standing

We make this third-party submission on the basis of our family's 166 years of continuous occupation of 'Anaru' the farm based at Elmslie Bay, French Pass. Our forebear, Arthur Cruickshank Elmslie, settled at French Pass in the bay - since named after him - in 1857.[1] In around 1868 he was joined in his enterprise first by William Webber and shortly after by William's younger brother Wallace Thomas Webber – our great-grandfather. Wallace was aged 14 years at the time and with all others of his and his brother's family being in England, Elmslie became young Wallace's de facto father. Our parents, Nancy Sutherland (nee Webber) (mother of Oliver) and Roy Webber (father of Bill and John) were offspring of Wallace Webber's son George.

The two Webber boys, William and Wallace, had emigrated to New Zealand and French Pass in the 1860s to assist Arthur Elmslie in his farming, fishing and commercial shipping venture at French Pass. But, in 1871 William drowned during a boating mishap when entering Nelson harbour at the end of a trip from French Pass. This left Wallace Webber, aged 17 years, as partner to Arthur Elmslie in the *Anaru* farming and trading enterprise. In due course, Wallace and his young wife Maria, looked after Elmslie until his death in 1893. With no descendants or other family In New Zealand, Elmslie left the farm and all his other assets to Wallace and Maria. The farm passed to Wallace's son George, then to George's son Wallace and then to Wallace's nephews John and his brother Bill. The farm stayed continuously in the Webber family until John and Bill sold it in 2019. Both Bill and John still retain land, and live, in Elmslie Bay.

Elmslie and Webber – stalwarts of the French Pass District from 1857

The progressive clearing and then stocking of land ultimately resulted in the major sheep-farming operation, *Anaru*, but this took 25 or more years. Although farming eventually became the principal source of income, Elmslie's venture at French Pass was at first sustained by shipping goods around the Marlborough Sounds, particularly to Nelson. Fishing was the other major source of income - he sold vast amounts of fresh and salted fish from 1857 onwards. For instance, Elmslie records that in 1877 he and Wallace Webber sold 34 dozen moki, 11 dozen barracouta, 12 dozen hapuka, and 15 dozen cod to Nelson. Recreational fishing was always important to this isolated family, but fishing commercially supplemented the venture's income for at least the first 100 years.

Meanwhile, as *Anaru* developed, Wallace and Maria Webber established local schooling for their own children and those of the Scandinavian fishing families who lived in the bay. The Webber family assisted with the introduction of telephone, wharfage and ultimately a road through to Rai Valley. They undertook responsibility for years for running and maintaining the beacon in the Pass as well as being contracted to deliver mail to isolated D'Urville Island residents, including the light house keepers on Takapourewa. [It should be noted that for the first almost 50 years of the enterprise known as *Anaru*, all boating to Nelson, Havelock and around D'Urville Island was undertaken by sailboats – the first motor launch, the Webbers' boat *Namu*, came to the bay in 1904]. At the same time, the early Webber family provided land for a school and for a shop in the bay, the latter being run for many years by Roy Webber. Elmslie, and later Wallace Webber, shipped produce from their own enterprise and also fish and other perishable goods from Māori and Pākehā settlers on the island.

It is true to say that the settlement at French Pass, which soon included a guest house and post office, became a social and commercial hub for the French Pass/D'Urville island district.

Relationships with Ngāti Koata

A poupou honouring Wallace Thomas Webber stands in 'Kākati', the whare at Whakatū marae, Nelson. It's inclusion marks the respect that the iwi held for Wallace Webber and his family and symbolises the deep and enduring relationship between the Elmslie/Webber whānau and Ngāti Koata of Rangitoto ki te Tonga. It is a relationship grounded in generations of close association and friendship. Fourteen-year-old Wallace Thomas Webber grew up with Māori boy- and men-friends from the island, soon learning and ultimately becoming proficient in te reo and familiar with elements of Māoritanga. In particular, as a young man he formed a close friendship with Peter Smith of Kapowai and fished commercially with him. Later he became close to the Rangatira of the island, Turi Pātete. To symbolise that relationship, poupou of the two men stand facing each other in the whare at Whakatū marae. Wallace Webber took his three-year-old son George to the tangi of Pātete at Ōhana in 1879. It was an occasion George never forgot.

During the later 1880s, Elmslie traded with Māori on the island, purchasing corn (for stock feed), from 'local Maori', and sheep and wool from farmers on Tinui island as well as from Roma Ruruku and 'Turi' on D'Urville island. From the earliest days of *Anaru*, as the farm developed, Ngāti Koata men were employed by Arthur Elmslie and the Webber brothers to help clear the land.

Beyond that, the relationship included marriage. By all accounts, during the 1930s and 40s, when he was living as a whaler in Tory Channel and Queen Charlotte Sound, Arthur Elmslie had two wives of chiefly Ngāti Koata descent. Much more recently, two sons of Roy Webber, (Bill and John) and one son of Nancy Sutherland (Wallace) have wives of Ngāti Koata descent – Ngawai Hippolite, Joanne Elkington and Mamae Elkington respectively.

From Elmslie's arrival at French Pass in 1857 until well into the 1900s, he and later Wallace and George Webber and their families lived and worked alongside the iwi from the island –

if for no other reason, the extreme isolation from commercial, social and medical services demanded it. The wild, if narrow, passage between the island and the mainland was no barrier to social and commercial intercourse between the Elmslie/Webbers and their near Māori neighbours.

Relationship with the foreshore and seabed

It will be obvious from the foregoing, and from the fact that for 100 years until the French Pass road opened in 1957, our family and Ngāti Koata have relied totally on the sea for sustaining our families and livelihoods. Sailing boats, then launches, barges, scows and ultimately steamers were the only means of transport for people and goods to and from Nelson, Wellington and beyond. Fishing was always a continuous activity, whether to provide food for family and guests or for principal or back-up income; and certainly the waters of French Pass were, at least initially, teeming with fish and other kai moana. Wharves and jetties soon became essential to get the bags of fresh blue cod and other fish to Nelson and Wellington but it is worth remembering, however, that for more than 50 years, Arthur Elmslie and Wallace & Maria Webber shipped everything for their farming and trading enterprises over the beach – the first wharf was not built until 1910. Equally, on the island, Ngāti Koata farmers and fishers relied on their own beaches and then jetties, as well as utilising the wharf at French Pass, for shipping goods, stock and people to Nelson, Havelock and Wellington.

The advent of the nightly ferries between Nelson and Wellington in the 1940s, which transited French Pass, provided a reliable, if occasionally hazardous, service for mail, other goods and passengers; but the demands placed on the French Pass and Ngāti Koata boatmen were considerable. The ferries could not berth at the wharf and so, in the dead of night, would stop briefly in Elmslie Bay and the family launches, and those of Māori from the island, were taken alongside for passengers (adults, children and babies) and goods to transfer down (or up) rope ladders to (or from) the launch often heaving below.

In fact, on the mainland and on D'Urvillle Island, the adjoining sea was as much an essential part of the farming enterprise as was the land.

Submission on the Ngāti Koata application

We fully support the application. Through our 166 years of association with Ngāti Koata we know the reality of and the continuity of the iwi's customary use of the common marine and coastal area (CMCA) in their takiwā. From time to time over the past one and a half centuries, our families have in fact shared that use with Ngāti Koata, so close and long-standing has been the relationship between us. Throughout this period, the Webber whānau have always acknowledged and accepted the mana of Ngāti Koata in Area 1.

Oliver Sutherland Bill Webber John Webber

73 Bishopdale Avenue, Nelson

03 545 6510; 021 336 103

15 February 2023

[1]This submission draws heavily on Oliver Sutherland, *Arthur Elmslie, sailor and gentleman, and Anaru, the farm at French Pass*, Oliver Sutherland, 2006; and on G.W.W. & E.A. Webber, *The history of the French Pass,* 1967.

From: Alison Undorf-Lay
To: takutaimoana
Subject: Ngati Koata application for customary marine title
Date: Wednesday, 15 February 2023 3:36:12 pm
Attachments: image001.jpg
image002.png
image003.png
image004.png
image005.png
image006.png
Ngati Koata Trust applicaiton for customary marine title, submission by Sanford Ltd.pdf

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Tēnā koe

Please find attached a submission by Sanford Ltd in relation to the application by Ngāti Koata Trust for customary marine title.

Nga mihi nui, Alison

Alison Undorf-Lay

Industry Liaison Manager

s9(2)(a) [redacted]

22 Jellicoe Street, Freemans Bay, Auckland, 1011, New-Zealand
PO Box 443 - Shortland Street 1140

Te Kāhui Takutai Moana
Office of Māori Crown Relationships - Te Arawhiti

By email: takutaimoana@tearawhiti.govt.nz

Tēnā koutou

NGĀTI KOATA APPLICATION FOR CUSTOMARY MARINE TITLE

Thank you for seeking public views on the application of Ngāti Koata for customary marine title to the coastal marine area surrounding Rangitoto ki te Tonga (D'Urville) Island from Mean High Water Spring out to 12 nautical miles.

This submission expresses the views of Sanford Limited (***Sanford***). I am authorised by Sanford to make this submission.

Sanford

Sanford is a publicly listed New Zealand seafood company. Sanford owns a significant number of coastal permits issued by the Marlborough Council authorising our marine farming of Greenshell mussel and associated activities including spat catching and spat holding within the coastal marine area enclosed by the red line in the Ngāti Koata application.

For ease in understanding where Sanford's coastal permits are located within the application area, please refer to Appendix One, these areas include Admiralty Bay and French Pass. Admiralty Bay is a significant marine farming location within the Marlborough region of great regional economic importance. In total Sanford has 15 marine farming licences within Admiralty Bay, please see attached map Appendix Two.

Submission

Sanford is silent on the Ngāti Koata application and the grant of customary marine title; we are apprehensive about what this may mean to the continuation of our marine farming business that occurs within the applicant's red line and our ongoing use and occupation of our farm sites. We seek an opportunity to talk to these uncertainties.

Relief Sought

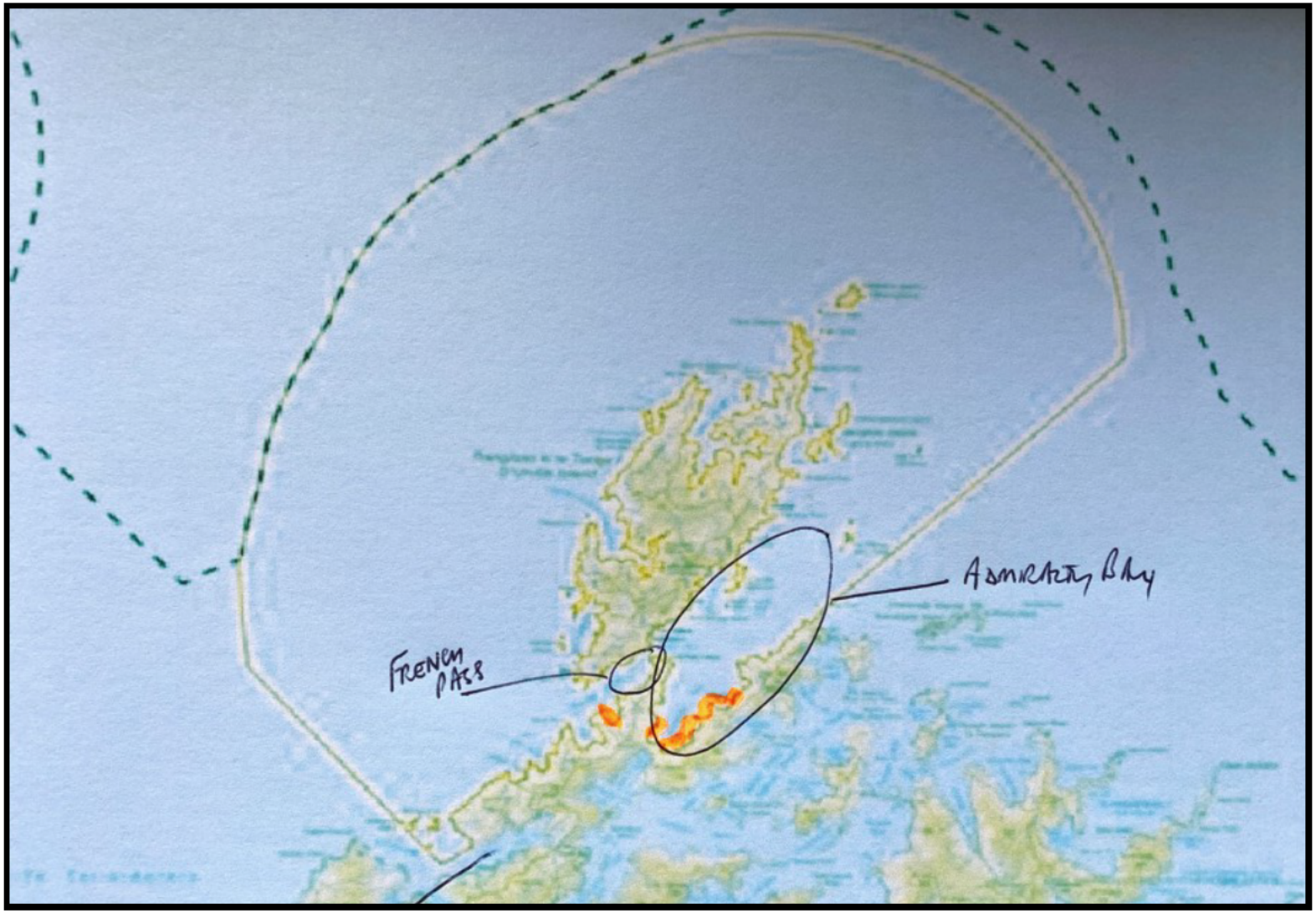
While it is my understanding that aquaculture is an accommodated activity within customary marine title there is still much learning occurring.

I raise the Sanford hand on this issue and ask that Sanford be heard should a public hearing be organised. Sanford will speak to the significance, value and strategic importance of the Admiralty Bay and our French Pass farms to our business and Marlborough marine farming more generally. We seek confidence and security of tenure.

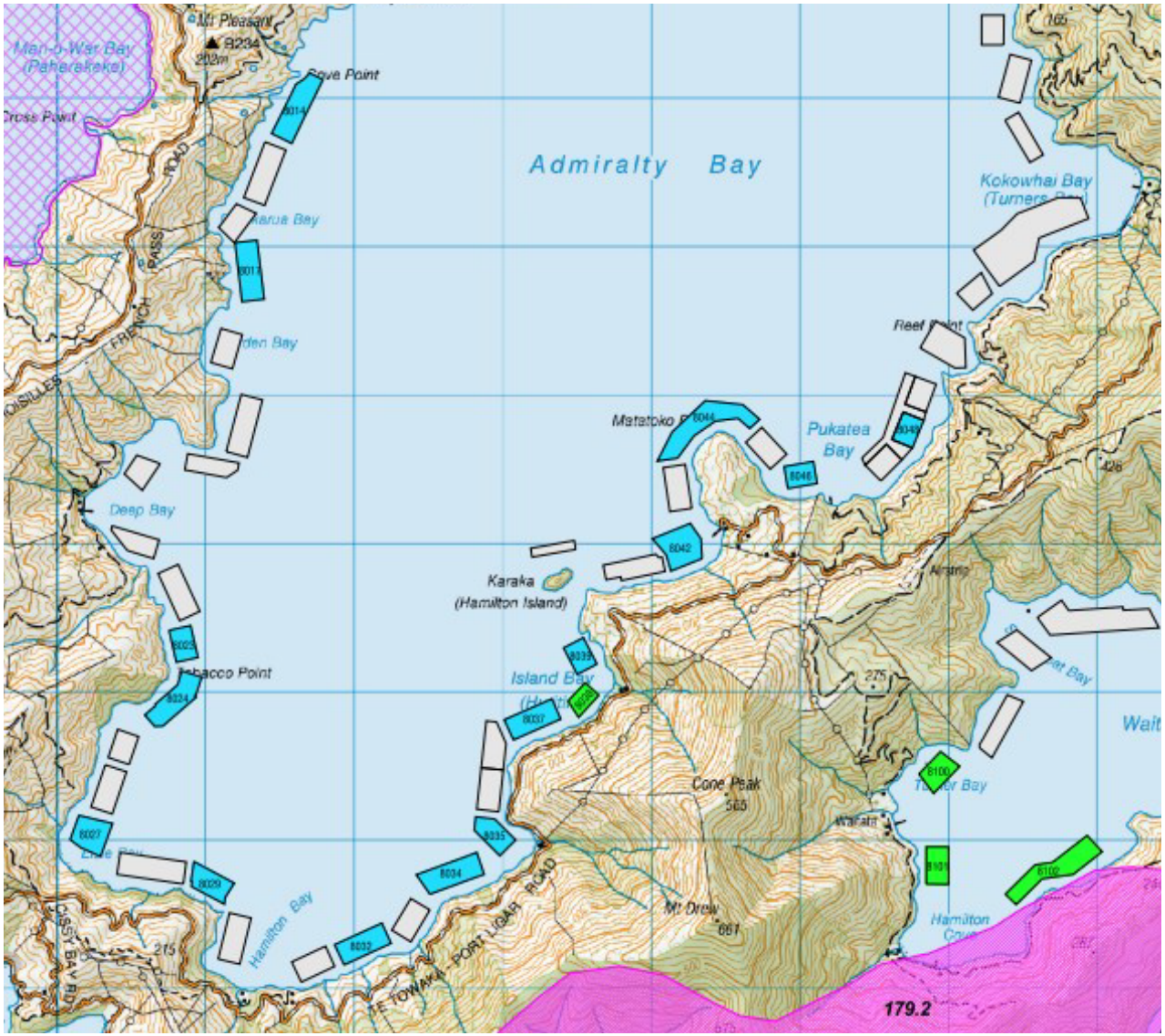
Ngāi mihi nui

Alison Undorf-Lay | Sanford Industry Liaison Manager | aundorf-lay@sanford.co.nz | 027 293 7795

Appendix One: Chart of the Ngāti Koata application for Customary Marine Title out to 12 nm as shown by the red line and the marine farming areas where Sanford has RMA coastal permits. The Sanford areas are shown by orange highlight and include Admiralty Bay and French Pass.



Appendix Two: Sanford owned marine farming coastal permits inside Admiralty Bay are depicted by blue squares.



From:	Carol Scott
To:	takutaimoana
Subject:	Submission on CMT application Ngati Koata DUrville Island Feb 2023.docx
Date:	Thursday, 16 February 2023 9:18:22 am
Attachments:	Submission on CMT application Ngati Koata DUrville Island Feb 2023.docx

Please find attached a submission from Southern Inshore Fisheries Mgt Co Ltd in respect of the CMT application from Ngati Koata.

Kind regards
Carol Scott

Carol Scott
Chief Executive
Southern Inshore Fisheries Management Co. Ltd
PO Box 175, Nelson, 7040
(side office suite, 98 Vickerman Street)
Email: cscott@southerninshore.co.nz
Mobile: 0274 536602

SOUTHERN INSHORE FISHERIES
MANAGEMENT COMPANY LIMITED

p 0274 536 602
e cscott@southerninshore.co.nz
a PO Box 175 Nelson 7040

Ngati Koata for D'Urville Island

1. Southern Inshore Fisheries Management Co. (Southern Inshore) represents 110 inshore fishstocks throughout the Fisheries Management Areas 3,5,7 & 8. In addition to representation and advocacy for shareholders the Company also invests in annual research projects, for additional monitoring of key stocks, over and above the cost recovery process.

2. This submission is made in respect of the application by Ngati Koata for Customary Marine Title for D'Urville Island, South Island. The application reference is MAC-01-12-007 and lodged with the High Court under CIV-2017-485-218.

3. The Marine and Coastal Area (Takutai Moana) Act 2011 (The Act) provides for recognition of customary interest of iwi, hapu and whanau in the common marine and coastal area of New Zealand and its offshore islands.

4. Whilst the legislation notes that it provides "*for the right of all New Zealanders to access and use the common marine and coastal area (subject to any lawful restriction, including the protection of wahi tapu and wahi tapu areas*", there is concern around the protected customary rights and the fact that some of these can restrict commercial fishing.

5. The Ngati Koata application includes a number of protected customary rights that include:

   a. The exercise of kaitiakitanga;
   b. Rahui;
   c. Waka navigation, landing, anchoring and mooring;
   d. Whare waka/boat sheds;
   e. The gathering of traditional foods/medicines/other resources (including taonga raranga);
   f. Non-commercial aquaculture; and
   g. Access to wahi tapu.

6. Whilst The Act provides for fishing rights to be preserved and that "*Nothing in this Act prevents the exercise of any fishing rights conferred or recognised by or under an enactment or by a rule of law",* it is unclear to what degree of impact the implementation of rahui or wahi tapu may have on commercial fisheries within the application area. These protected customary rights would see an exclusion to commercial fishing.

7. We recognise that Ngati Koata have traditional fishing grounds dating back to 1840 (as per the application) but it should be recognised that commercial fishing has also been an integral part of the D'Urville Island and wider Marlborough Sounds area for a significant part of that same timeframe. This presence has provided economic support to many local communities and national productivity as a whole.

8. Figures 1 and 2 show the spatial extent of bottom trawl. Setnet, Danish seine, oyster and scallop dredging and cod potting also occur in the same spatial range to varying degrees of effort or with some level of restriction e.g scallop dredging closures still require access to be maintained for when the fishery rebuilds.

9. Figure 2 shows a number of spatial closures in and around the D'Urville Island area and Tasman and Golden Bays. These figures do not include the Hector dolphin restrictions that exclude setnet out to 4Nm within the bays and a 2Nm closure on the west coast South Island. Further closures will only increase the shift of effort to other areas and must be given careful consideration when reviewing this application.

10. Information relating to cod potting and some set netting are commercially sensitive and generally would not meet the required release protocols for the small number of vessels to plot and show that data publicly. Fine scale data from logbooks and more recently ER/GPR data can be provided by Fisheries New Zealand to show the extent of fishing effort for all fishing methods within the Marlborough Sounds and D'Urville Island proposed CMT area.

11. We do not agree with this application. There is minimal evidence or data in the application to warrant approval.

12. The contact for this submission is Carol Scott.

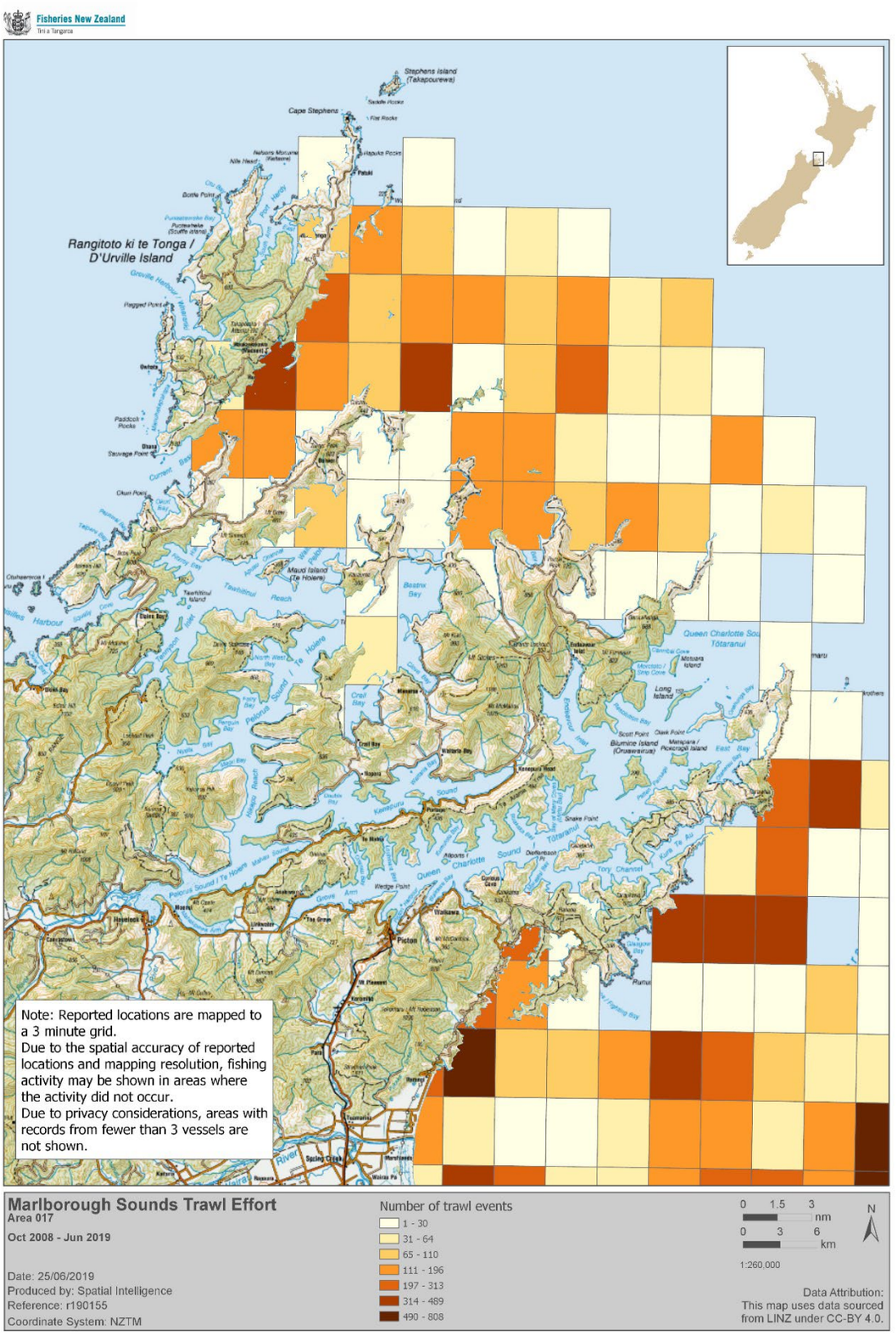


Figure 1. Commercial trawl events in the Marlborough Sounds including the eastern side of D'Urville Island within the MACA application area.

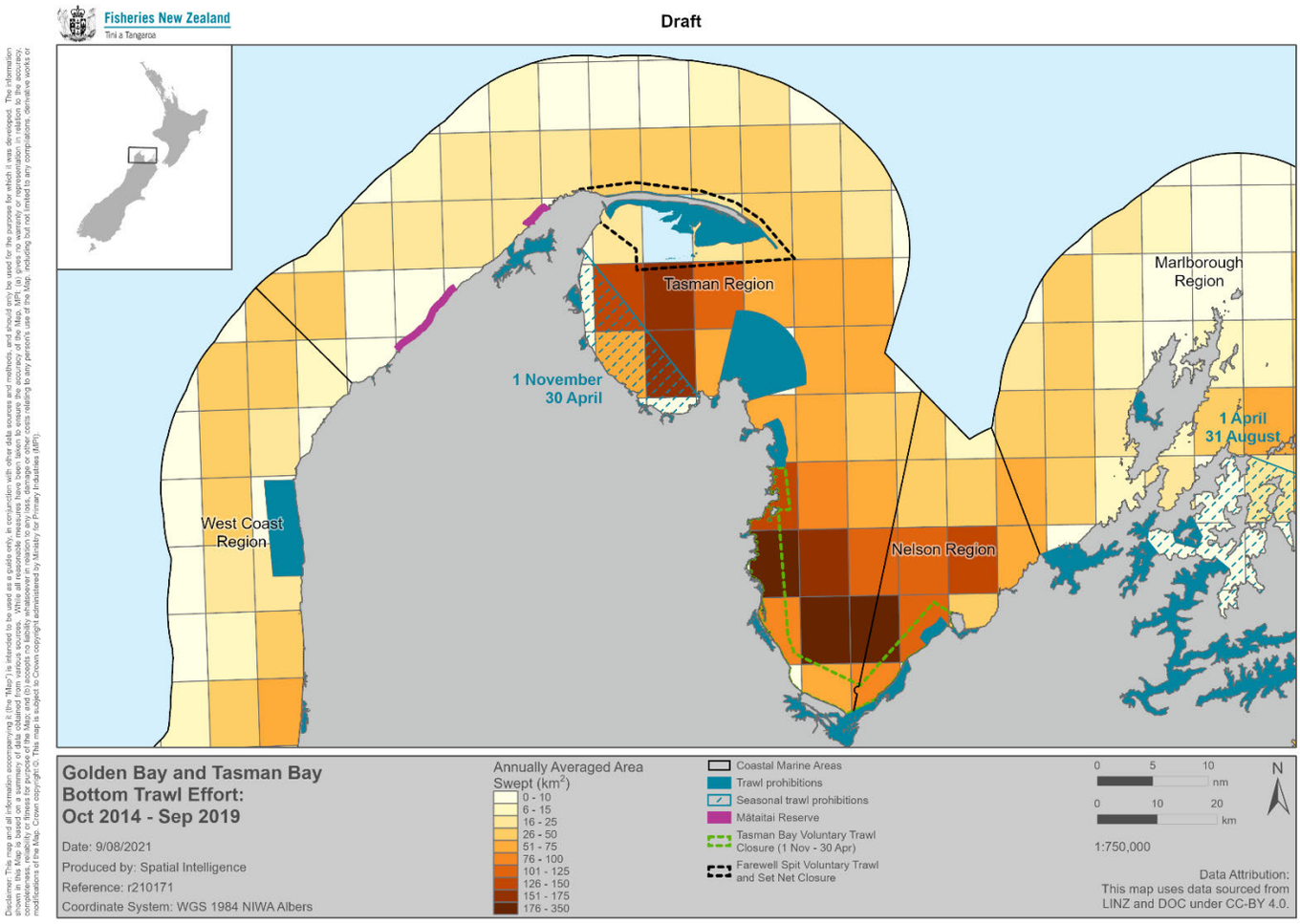


Figure 2. Commercial trawl effort on the western and eastern side of D'Urville Island within the MACA application area and including spatial closures and trawl effort in the wider Tasman and Golden Bays are shown.

From: s9(2)(a)
To: takutaimoana
Subject: Submission against Ngati Koata Customary Marine Title
Date: Thursday, 16 February 2023 10:34:45 am
Attachments: Submission Ngati Koata.docx

Please find attached my submission. Could you please send confirmation you have received this.
s9(2)(a)

14th February 2023

To:
Te Kahui Takutai Moana
Te Arawhiti

From:
s9(2)(a)

Objection to Ngati Koata Application for Customary Marine Title for area surrounding D'Urville Island (Rangitoto ki te Tonga)

Tena Koutou

My husband and I live and work on the land we own s9(2)(a) We have raised our two children on t s9(2)(a) who are now adults and they consider this their home. We have a grandchild who visits he will be the fourth generation of the family to have ties to s9(2)(a).

Our family have had property on t s9(2)(a)

We consider ourselves to be part of the community of D'Urville Island and know most of the residents here. Some of the resident families have been here many generations and do not belong to Ngati Koata. We also know Ngati Koata members who live here. We have great respect for our whole community who care for each other and look after the environment. D'Urville is of course an Island- therefor anybody who lives here must use the ocean to get to their homes and workplaces.

I object to the handing out of a Customary Marine Title to Ngati Koata for the following reasons.

I don't believe any sector of the Community should be given Title over the ocean surrounding D'Urville Island. All of the community use the resource and have done since before 1840. Titleship given to any one sector of the Community will likely cause division and change the way the community behaves towards each other. For a community to be prosperous everyone need to feel they have equal standing not having to prove they have a right to have their ideas and opinions heard. If Ngati Koata are granted Titleship over the Ocean there is a real chance that others in the community will feel like they have no stake over their own backyard. If there is no unity there is no path for opportunities to improve and care for this resource.

I have seen no evidence that Ngati Koata have done more for the protection and improvements of the surrounding oceans, foreshore and resources around the area they are claiming Titleship over, than any other group in the community. Shouldn't the idea of Kaitiaki be something that should come from the heart and be paramount for a group that wants to claim ownership? Have Ngati Koata restricted the use of customary fishing permits

within the area knowing that fish and shellfish resources are dwindling? Have they invested any resources in studies to help improve the quality of the water and habitat? Have they chosen to educate people on ways to improve the resource? How many members of the Ngati Koata Trust have lived on Rangitoto ki te Tonga and understand and care for the area like the current community does? There seems to be an unwillingness for Ngati Koata to be open about what their plans are for the area and their reasons for the application. Why are we not able to see the evidence that Ngati Koata has gathered for this application?

In a time when the community struggles with bureaucracy when trying to improve their own private property or business we would now be faced with more.

I feel it is an injustice that I have given part of my small income to taxes that enabled this claim to come about when I did not ask or want for it. I fear that should this be granted I could in the future have more restrictions placed on my own private property and access to my own private property.

The concept of inherited privilege for Ngati Koata to have title over the area does not sit well with me and the only way forward is equal citizenship and rights to all groups.

Before Ngati Koata had any ties to Rangitoto ki te Tonga there were others in the area according to some Geologists and Historians. While there is no way to prove 100 percent of the facts of history according to some, Rangitoto Ki te Tonga was taken by force and handed to Ngati Koata and other groups. Just as there is no way to prove 100 percent that Ngati Koata have inhabited the area since 1840.

I fail to see how Ngati Koata can prove that they have exclusively occupied the area without interruption since 1840. There are certainly other groups and Iwi living here and have been for some time. Perhaps if there was publicly available evidence that Ngati Koata have gathered it would make more sense.

In my opinion fairness and justice are at stake here. Just because you are legally able to do something does not necessarily make it morally right.

Nga mihi
Thankyou for considering my submission.
s9(2)(a)

From:	Jensy Moyle
To:	takutaimoana
Cc:	Sarah Wadworth; Steve Neal
Subject:	Application by Ngāti Koata Trust for Customary Marine Title
Date:	Thursday, 16 February 2023 3:21:31 pm
Attachments:	image001.jpg 16022023145303-0001.pdf

Good afternoon,

We act for Marlborough Lines Limited.

Please find **enclosed** for filing Submission of Marlborough Lines Limited to Application by Ngāti Koata Trust for Customary Marine Title.

Thanks and kind regards,

Jensy Moyle for Sarah Wadworth
Administrator
Radich Law

21 Bells Road, PO Box 842, Blenheim 7240, New Zealand
Tel: 64 3 577 8450 Fax: 64 3 577 8451
Website: www.radichlaw.co.nz

Submission of Marlborough Lines Limited
to Application by Ngāti Koata Trust for Customary Marine Title
(Submitter)

1. The Submitter is a duly incorporated company which manages Marlborough's electricity distribution network and is responsible for the sub-transmission and distribution of electricity to over 26,000 beneficiaries within the top of the South Island.

2. The Submitter is owned by the Marlborough Electric Power Trust. The beneficiaries of the Trust are electricity consumers.

3. In broad terms, the area for which customary marine title is sought by Ngāti Koata Trust **(Applicant)**, is the coastal marine area (out to 12 nautical miles) surrounding Rangitoto ke te Tonga/D'Urville Island including the common marine and coastal area surrounding related gazetted islets and rocks **(Application Area)**.

4. The Submitter has commercial interests and carries out activities within the Application Area.

5. The Submitter has aerial electrical crossings (and associated utility poles) which pass over the French Pass and Greville Harbour areas and which require electrical line maintenance and others works to be undertaken from time to time. These aerial crossings are situated within the Application Area.

6. Further, the Submitter is the holder of a coastal permit, permit number 950591.01, at Kapowai Bay, D'Urville Island (on the North-Eastern side) which was granted on 24 June 1996, and which will expire on 23 June 2031. 950591.01 permits the Submitter to operate a swing mooring suitable for a vessel length up to 9 metres within the Application Area so that various launches contracted to the Submitter can access the area for the purposes of undertaking electrical line surveys and maintenance.

7. The Submitter wishes to be heard in respect of the Application on the basis that the granting of customary marine title to the Applicant may affect its ability to continue its operations and to provide services to consumers within the Application Area.

From: s9(2)(a)
To: takutaimoana
Subject: Submission Ngati Koata Customary Marine Title
Date: Thursday, 16 February 2023 3:30:24 pm
Attachments: JC Submission.docx

My submission against the claim is attached.

14th February 2023

To:
Te Kahui Takutai Moana
Te Arawhiti

From:
s9(2)(a)

Objection to Ngati Koata Application for Customary Marine Title for area surrounding D'Urville Island (Rangitoto ki te Tonga)

Tena Koutou

I have strong ties to Rangitoto ki te Tonga. s9(2)(a)
My father was a regular visitor here since the early 1940's where local farmers, the Hope family would have him stay after his Father died tragically in the Marlborough Sounds when he was just 8 years old. The Hopes become a second family to him and he adored life on the Island.
He and my mother purchased their first block of land here s9(2)(a)
Since that time I have been on the Island regularly and haven't spent longer than a few months away. I bought my own block of land here in the early 1990's which adjoins the family land.
I have mostly lived and worked from (and on) here since my early twenties. My wife & I raised our two children here and now have a grandchild that we hope will share the passion for the area that the rest of the family do.
We treasure the area and have invested a great deal effort & money into preserving and enhancing it.

I object to the granting of Customary Marine Title to Ngati Koata for the following reasons.

The entire concept of Customary Marine Title has never been explained to me and this application comes as somewhat of a surprise. The area applied for is huge and has the potential to impact upon thousands of people, many of whom will be unaware of what it is or even happening!

I consider everyone is created equal and therefore deserve equal rights.
It is not in dispute the marine area is public property, giving Marine title over this area to a small group is highly likely to cause upset & division. I am annoyed a taxpayer funded body has been established to enable and encourage this. Most New Zealander's have been through a lot in the last few years and true leadership would attempt to unite not divide its people.
My opposition is not aimed directly at Ngati Koata but Customary Marine Title being granted to any small portion of the community.

The preservation & accessibility of and through the surrounding coastal area is essential and of utmost importance to me (as it is for most other residents) and I use my conscience as a guide.
I consider myself a good steward for the area and do not want the possibility of having further restrictions placed upon me.
I am in full support of protecting and enhancing the area. I'm not certain as to how this could be best achieved on a holistic level, but don't believe a small sector of the community should have the right of veto on this.

I fear that should Customary Marine Title be granted, in the future more restrictions could be placed on my own private property and access.

The concept of inherited privilege for any small part of the community to have title over the area is unjust, and the only way forward is equal citizenship and rights to all groups that are connected to and show respect for the area.

Before Ngati Koata had any ties to Rangitoto ki te Tonga there were others in the area.
It is thoroughly documented that Rangitoto Ki te Tonga was taken by force and handed to Ngati Koata around 1828. Surely the Iwi living here up to then should be considered.
There is also much documentation of folk of all backgrounds residing and using the area since 1840 so of course no one group has had exclusive use of D'Urville Island and the surrounding area.
This is perfect grounds for not giving Customary Marine Title to any group.

Perhaps if there was publicly available information of the goals Ngati Koata has for the area also the (apparent) evidence they have gathered to their exclusive occupancy and use since 1840, their application would make more sense and strike up less opposition.

In my opinion fairness and justice are at stake here. Just because you are legally able to do something does not necessarily make it morally right.

Nga mihi
Thankyou for considering my submission.
s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Public submissions
Date: Thursday, 16 February 2023 3:36:50 pm

To whom it may concern, my name is s9(2)(a) and I am recreational fisher of the waters around D'Urville and the greater Marlborough sounds area. I oppose this application for customary marine title based on the fact that are we not ALL entitled to fish or recreationally use the mentioned areas, why does anybody or race get preferable access to something nobody owns, the sooner we accept that any natural landscapes and resources have been here long before and long after any human existence and we are merely looking after it in the meantime, therefore is it not in everyone's interest to have any natural resources managed by a duly elected governing body, elected by us the general public.
Thanks s9(2)(a).
Get Outlook for Android

From:	Ned Wells
To:	takutaimoana
Subject:	MFA Submission on MAC-01-12-007
Date:	Thursday, 16 February 2023 4:37:51 pm
Attachments:	image001.jpg MFA Submission on Ngati Koata CMT Application - 16 February 2023.pdf

Good afternoon,

Please find attached a submission from The Marine Farming Association on Ngati Koata's application for CMT (MAC-01-12-007).

Kind regards,

Ned.

Ned Wells
General Manager
s9(2)(a) [redacted]
[redacted]
[redacted]
Web: www.marinefarming.co.nz

16 February 2023

Attention: Te Arawhiti via takutaimoana@tearawhiti.govt.nz

From: Ned Wells – on behalf of The Marine Farming Association

Tēnā koutou,

Subject: Ngāti Kōata Application for Customary Marine Title MAC-01-12-007

Introduction:

MFA acknowledges the mana whenua of Ngāti Koata and the cultural, spiritual, traditional and historical association with Rangitoto and the Te Aumiti area. MFA also acknowledges Ngāti Koata's Iwi Management Plan and the role of Iwi in managing our natural and physical resources.

The Marine Farming Association (MFA) is an industry body representing the rights and interests of marine farmers in Te Tau Ihu. MFA has 132 ordinary members and represents approximately 98% of the Te Tau Ihu industry. MFA is also a marine farm consent holder and leases waterspace back to the industry.

Interest in the CMT Application Area:

The New Zealand aquaculture industry was born in Marlborough and today the growing area is recognised globally as a leading producer of healthy, high quality, and environmentally sustainable seafood products.

Many of MFA's members hold marine farm consents within the application area. Some of these members rely on MFA to help them navigate the complex regulatory environment associated with participation in the aquaculture industry.

MFA is also a submitter/appellant on the Proposed Marlborough Environment Plan (PMEP) and Variation 1 processes. These processes may require changes to the location/footprint of some marine farms within the application area.

MFA has also enjoyed working with Ngāti Koata to research and protect kawau pāteketeke/King Shag. The research into this taonga species was co-funded by MFA and undertaken under the guidance of the King Shag Working Group. With Ngāti Koata's support, the efforts included the observation and GPS tracking of kawau pāteketeke from the Kuru Pongi/Trio's colony.

MFA's Position on the Ngāti Koata Application:

MFA is making this submission to ensure that we have a common understanding with Ngāti Koata about the rights and responsibilities of marine farmers who operate within the CMT application area. MFA believes that the best practice aquaculture techniques used by Te Tau Ihu marine farmers will not impact on the customary rights sought by Ngāti Koata.

Access to the coast is still possible through marine farms, and in many cases the ability to gather kaimoana is enhanced by the presence of the farms (i.e. farms attract tamure/snapper). Furthermore, the industry is environmentally conscious and operates in a sustainable manner, as evidenced by the range of MFA initiatives that are well supported by the industry.

For example, MFA runs a comprehensive Environment Programme which includes coordinating 2000+ hours of industry beach cleaning each year, the development of best practice guidance, auditing of onwater performance, and facilitating an Environment Committee dedicated to minimising industry impacts.

MFA understands that existing aquaculture is an accommodated activity under the Marine and Coastal Area Act 2011 (MACA) and that this accommodation also extends to the renewal of existing space. It is important to MFA that the right to continue farming operations in the CMT area is protected. This also extends to any relocation and/or realignment required under the PMEP/Variation 1 process.

Conclusion:

Many of the farms in Te Tau Ihu have been developed in partnership with members of Ngāti Koata. Iwi are important members of the aquaculture industry and will only become more prominent as further settlement obligations are realised.

MFA is neutral on the Ngāti Koata application on the grounds that the rights and interests of marine farmers are protected. Thank you for considering the MFA position - we would appreciate the opportunity to be heard in support of this submission.

Nāku noa, nā

Ned Wells
General Manager
The Marine Farming Association

Address for service: ned@marinefarming.co.nz

From: D"Urville Association
To: takutaimoana
Subject: Fwd: Submission to email
Date: Thursday, 16 February 2023 8:21:56 pm
Attachments: DIRRA submission.docx

Please receive this submission on behalf of the D'Urville Island Ratepayers & Residents Association.
Nga Mihi,
Jane Sorensen
DIRRA Secretary

---------- Forwarded message ---------
From: s9(2)(a)
Date: Thu, Feb 16, 2023 at 11:02 AM
Subject: Submission to email
To: D'Urville Association <durvilleassociation@gmail.com>

Hi Jane
Here is the updated submission.

Can you please email it today from the DIRRA email to takutaimoana@tearawhiti.govt.nz and then email the members list with the auto response message to say it's been done.
Much appreciated
s9(2)(a)

14th February 2023

To: Te Kahui Takutai Moana
Te Arawhiti

From: D'Urville Island (Rangitoto ki te Tonga) Residents and Rate Payers Association.(DIRRA)

Re: Ngati Koata Application for Customary Marine Title for area surrounding D'Urville Island (Rangitoto ki te Tonga) 12nm.

Tena koutou
We the D'Urville Island Residents and Rate Payers Association referred to as DIRRA, are opposed to the granting of Customary Marine Title to the Ngati Koata, some of those reasons will be outlined below.

DIRRA as the name implies have members who reside or own properties on D'Urville Island. The objective of DIRRA is to (a) promote and to further all matters pertaining to the welfare of the area and people of D'Urville Island. (b) To co-ordinate and express to the Unitary authority, the views of the community on any matter of concern. There are approximately 80 DIRRA members.

On the 12th of February a meeting was held and there was a majority vote to object to the granting of a Customary Marine Title to Ngati Koata. There were 9 members present 8 voted for and one abstained. Nil against.

Members of DIRRA are all users of the Marine environment surrounding the Island. It is their "driveway" to their homes and businesses. Some members have had generations of families residing on the Island. All members have strong ties to the surrounding marine environment and take care to ensure the area is cared for and improved.

It is our view that granting a single section of the community Title over this environment will have no benefit to them or the natural environment. There is a risk that the granting of one group "Title" over a community resource will cause division in the community. Community division hinders positive outcomes for the care and improvement of this marine resource.

It is the view of some members that the customary rights of Ngati Koata and other Iwi are recognised already in the Treaty of Waitangi and implemented by local Councils. The Resource Management Act also caters for Customary rights. Ngati Koata are respected in the area and are consulted with for issues regarding the Marine area around the Island. Therefore there is no need or benefit to grant complete title to this one group when others rightly feel they should also be consulted.

There is a fear that should a Title be issued to this one group, individual property rights could be infringed on either now or in the future.

Nga Mihi,
Thankyou for your consideration of this submission

From: s9(2)(a)
To: takutaimoana
Subject: Submission re:Ngati Koata customary marine title claim
Date: Thursday, 16 February 2023 8:45:47 pm
Attachments: Ngati Koata Submission.pdf

We attach our submission.

Can we please confirmation of receipt of email asap.

Kindest Regards

s9(2)(a)

16th February 2023

To: Te Kahui Takutai Moana

Te Arawhiti

From: s9(2)(a) [redacted].

Re: Ngati Koata Application for Customary Marine Title for area surrounding D'Urville Island (Rangitoto ki te Tonga) 12nm.

Tena koutou

As the current business owners of s9(2)(a) [redacted] t we are wishing to oppose the granting of Customary Marine Title to Ngati Koata

We will outline our concerns and reasons below.

Firstly and more importantly we feel this application is already creating a division in our small community.

We are all linked by the ocean here and we are concerned that the granting of this title could hinder our access to our business and the access of many people, groups and families who enjoy the special environment we all share.

In our opinion a separate Title over the environment creates the ability for one group to have a greater input into the management of natural resources.

We understand the preservation of our natural resources must be the most important consideration here. The current Ministry of Primary Industries does a great job in creating laws and also education programs so this can be achieved. It is an issue that needs to be tabled to all groups and we feel that a customary title hinders a fair and equitable process.

Recreational fishing is a pastime enjoyed by many. It is a healthy pursuit which is beneficial to the health of all New Zealanders. Weather this is just the experience of getting out in the fresh air or providing healthy food. Our concern is that a Customary Title is the first step to exclude the basic right of all New Zealanders to access the great outdoors.

It is also our view that the customary rights of Ngati Koata and other iwi are recognised in the Treaty of Waitangi .

We have only been made aware of this application thru neighbours. We live in an isolated area and we do not receive any newspapers and we feel we have been disadvantaged in the consultation process.

We apologise as this submission has been put together in a hurry as we were never consulted in the first instance we feel this has severely disadvantaged us. We would have

expected a letter from Ngati Koata as a sign of good faith in consideration of the fact we operate one of a mere handful of businesses on D'Urville.

We strongly feel this has been dealt with in a secretive manner and this submission we table today at the last hour has not even allowed us the time to consult or engage legal services.

Thank you for taking the time to consider our submission.

Nga Mihi

s9(2)(a) [redacted]

[redacted]

[redacted]

[redacted]

From:	s9(2)(a)
To:	takutaimoana
Subject:	Customary Marine Title submission - Ngāti Koata
Date:	Thursday, 16 February 2023 9:52:17 pm
Attachments:	Customary Marine Title - Hannah Coote .docx

Kia Ora,

Please refer to my attached submission opposing the Customary Marine Title application.

Thank you for your consideration.

Ngā mihi,

s9(2)(a)

16 February 2023

Te Kāhui Takutai Moana
Te Arawhiti

Objection to Customary Marine Title sought by Ngāti Koata Trust for the common marine and coastal area surrounding Rangitoto ki te Tonga (D'Urville Island)

Tēnā koutou,

s9(2)(a) [redacted]

Spending my childhood living off the land and appreciating what this delicate but bountiful land has to offer. With my parents still making the island their home and deeply involved with the close-knit community.

I am against the Customary Marine Title for Ngāti Koata for a variety of reasons, with some of these listed below. Given the short time frame allocated for public submissions and no public consultation to have questions answered my responses are limited to the lack of education made available at this point of time.

Using the example of the Fisheries (South Island Customary Fishing) Regulations 1999 not allowing overlap of different iwi for the same Rohe Moana. With the top of the South Island (which includes the proposed Customary Marine Title), having at least 7 iwis connected to the area there was no agreement between the iwi on the Rohe Moana. Due to lack of information, I view it to be the same with the one iwi, Ngāti Koata, being the only kaitiaki of the Rohe Moana if this application is accepted. Which has not been agreed upon by the other iwi with invested interest within the area given the outcome of the South Island Customary Fishing Regulations.

For a small, isolated community like D'Urville Island equality is paramount not only to be prosperous but for survival. Resources are limited and you rely heavily on one another which was clear in the recent major flooding event in August 2022. With the whole community doing their bit to work together towards the common goal of safety and rebuilding the land. For this reason, I do not believe one part of the community should have sole title over the area important for so many.

I believe this would have a significant negative impact on not only the immediate community but the wider community as well. Causing a great divide and a "every man for himself" mentality. Which would be detrimental for the natural environment if people no longer feel they are apart of the community and have an equal standing for decisions surrounding the future of the island.

There is little evidence made publicly available to show the reasoning behind the application and why Ngāti Koata should have sole customary rights over the proposed area. Within my current role I deal with a significant amount of customary fishing. I've seen first-hand the good mahi other iwi not just Ngāti Koata have contributed to ensure the continual education towards the sustainability of our natural resources and kaimoana. Proving the collaborative approach to be highly effective and have the greatest impact.

From the multiple hui's that I have been privy to over the last month the viewpoint has been the same – opposed to the granting of this Customary Marine Title. Believing it to be unnecessary and not have the best interest for all users of the area at heart. With many not having the time to write a submission given the short time frame and lack of public notice.

Ngā mihi,

s9(2)(a) [redacted]

From: s9(2)(a)
To: takutaimoana
Subject: Submission on the Ngati koata customary claim
Date: Thursday, 16 February 2023 10:25:29 pm
Attachments: s9(2)(a) submission on Ngati Koata Customary Area Claim as per the MACA.pdf

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Kia ora,
Please find attached as submission on the Ngati koats customary claim.
Nga mihi
s9(2)(a) Rangtoto ki te tonga

SUBMISSION on **NGATI KOATA APPLICATION FOR CUSTOMARY TITLE..**

TO Te Kāhui Takutai Moana
Te Arawhiti
Level 3
The Justice Centre
Aitken Street
SX1011
WELLINGTON 6011

date:15 February 2023

email takutaimoana@tearawhiti.govt.nz

From: s9(2)(a)

contact s9(2)(a)

address s9(2)(a)

for service s9(2)(a)

contact No s9(2)(a)

contact email s9(2)(a)

[I'm available for further comment, if needed]

Introduction and context

Tēnā koe, thank you for the opportunity to be able to make this submission to the NGATI KOATA APPLICATION FOR CUSTOMARY TITLE..

My name is s9(2)(a) **and my whanau own land and have land interests; on Durvile Island and in the the Islets around durville island. Our existance here has been and have done so, without substantial interruption, from 1840 to the present day, and continues to be exercised in a particular part of the common marine and coastal area in accordance with tikanga by the applicant group, and we are permanent residents.**
Such lands are lands that directly abut the specific area.
We are a member of the applicant group.and we are a whanau who have a cultural association, and that association is manifested by the relevant group in a physical activity or use related to a natural or physical resource (within the meaning of section 2(1) of the current Resource Management Act 1991)

Issue
Our concerns are related to our land interests, which are lands that directly abut the specified area and have done so, without substantial interruption, from 1840 to the present day,
and the future impacts of the 'yet to be discussed' management agreements, related to s6(g) RMA 1991, of which may further impact upon the property rights of those property rights holders, of land which abuts the claimant area, by overlaying of a new spatial area, landward above the area of MHWS.
Whilst it is understood that that the application for customary rights is a process furnished throught the MACA, and is a claim for customary rights, which is applicable in any such area, between MHWS and out to the 12mile limit of the Territorial sea.

It is however, it is part of a integral process, where the management of the area, which is to be processed under the (current) RMA 1991, pursuant to physical activity or use related to a natural or physical resource (within the meaning of section 2(1) of the current Resource Management Act 1991) and in relation to s6(g);
where the concerns are of major discernment, for those that have land that directly abut, the claimant area. As currently those land owners currently have access to a voice, in the current Resource Management Act 1991.....Where the 'primary' purpose of that Act is to promote the sustainable management of natural and physical resources.Sustainable management promoting the spatial areas for (1)nature purposes and and also (2) 'land use' purposes . For spatial areas , promoted for 'land use activities' there will also other attributes known as existing property rights. Those existing property rights will have been existant, since the creation of such property boundaries.
There are the references such as to the matters of the current RMA 1991, being noted as in
MACA 85 (3)(a) promoting the sustainable management of the natural and physical resources... and 85 5(d)

With the pending changes to the Resource Management Act, to the Natural and Built Environment Act and the Spatial Planning Act and others, it does appear that access to 'natural and physical resources', has been precluded to be a dinasaur, and hence its dilution(physical resources) as of the origional function(promote the sustainable management of natural and physical resources) of an integral component of the 'primary' Purpose of the New act namely the Natural and Built Environment act;
will leave those land owners with land abutting the claimant area, devoid of a defence, against management plans which may seek to promote public access to areas, inland from MHWS, by potentially overlaying a new resource management plan(with an unfetted right to public access) up and over privately owned land.

The above issues do raise huge concerns. And whilst there is no concern about the Ngati Koata customary claim, as per the MACA, there is concern about the 'permission rights' especially the 'conservation permission right', as it is seen, not to be limited to stay, within the CMCA, as a management plan.

Such a Recommendation

that a preclusionary management agreement should be considered

(1)that 'conservation permission right' not to be allowed, to be sought, in a resource management plan, for the area of the Koata customary claim.

Grounds for concerns re (1)above:
"conservation protected area—
(a) means a part of the marine and coastal area that is protected, primarily for the purposes of conserving natural resources or the historical and cul- tural heritage of the area, under 1 or more of the following Acts: (i) the Conservation Act 1987: (ii) the National Parks Act 1980: (iii) the Reserves Act 1977: (iv) the Wildlife Act 1953; and (b) includes any adjoining land that may become part of that conservation protected area, whether or not it is within the marine and coastal area "

or where the conservation processes are—
applications made under section 5 of the Marine Reserves Act 1971 for the purpose of declaring or extending a marine reserve,
may become an unfetted process for access, over landowners, who have land abutting the claimant area, and where it it the vicinity of any adjoining land held in private ownership is in

and where the following, clauses will promote areas of concern

"Conservation permission right
71 Scope and effect of conservation permission right
(1) A conservation permission right enables a customary marine title group to give or decline permission, on any grounds, for the Minister of Conservation or the Director-General, as the case requires, to proceed to consider an application or proposal for

a conservation activity specified in subsection (3).

(2) A conservation permission right applies only in the case of an application or proposal made on or after the effective date.

(3) The conservation activities to which a conservation permission right applies are activities wholly or partly within the relevant customary marine title area and for which—

(a) an application is made under section 5 of the Marine Reserves Act 1971 to declare or extend a marine reserve:

(b) a proposal is made under the enactments relevant to a conservation protected area to declare or extend a conservation protected area:

(c) an application for a concession is made.

(4) Permission given by a customary marine title group cannot be revoked.

(5) A conservation permission right, or permission given under such a right, does not limit—

(a) the discretion of the Minister of Conservation or Director-General, as the case may require,—

(i) to decline an application or a proposal; or

(ii) to impose conditions, including conditions not sought by the customary marine title group, or more stringent conditions than those it may have sought; or

(b) the matters provided for in sections 74 and 75.

(6) Nothing in this section or sections 72 or 73 applies to an accommodated activity. "

"72 Obligation to refer proposals for conservation activity if conservation permission right applies

(1) The Minister of Conservation or Director-General, as the case requires,—

- must refer an application or a proposal for a conservation activity to the relevant customary marine title group for its consideration, unless the Version as at 28 October 2021 Marine and Coastal (Takutai Moana) Act 2011

The person making the proposal has already sought permission from the customary marine title group; and

(b) must not proceed to consider the application or proposal until the written permission of the group for the proposed activity is received by the Minister or Director-General; and

- must not approve an application or a proposal except to the extent that any permission given by the customary marine title group covers the application or proposal.

(2) In referring an application in respect of a marine reserve under subsection (1), the Director-General must include information on—

(a) any boundary markers that may be placed in the reserve under section 22 of the Marine Reserves Act 1971; and

(b) any signs that may be erected, or any management that may be carried out, in the reserve under that Act.

(3) Permission given under section 71 is to be treated as including permission for the placement of boundary markers, signs, and management activities disclosed to the customary marine title group under subsection (2). "

"73 Obligations when conservation permission right is exercised

(1) A customary marine title group must, not later than 40 working days after it receives an application or a proposal for its consideration under section 72,—

(a) decide whether to give or decline permission for the Minister of Conservation or Director-General, as the case requires, to proceed to determine the application or proposal; and

(b) give written notice of that decision to the Minister of Conservation or Director-General, as the case requires.

(2) The group is to be treated as having given permission if advice of its decision under subsection (1)(a) is not received under subsection (1) (b) within the stated time.

(3) To avoid doubt,—

(a) the group is not obliged to comply with any obligations arising under the enactments listed in section 71(3); and

(b) there is no right of appeal against the decision of a customary marine title group in the exercise of its conservation permission right. "

(2) a 'RMA permission right', is recommended, for those landholders, that have land abutting the claimant area, for the purpose of a mooring, a wharf, a boat ramp

some background info on the planning documents

Planning document 85 Planning document

(1) A customary marine title group has a right to prepare a planning document in accordance with its tikanga.

(2) The purposes of the planning document are—

(a) to identify issues relevant to the regulation and management of the customary marine title area of the group; and

(b) to set out the regulatory and management objectives of the group for its customary marine title area; and

(c) to set out policies for achieving those objectives.

(3) A planning document may include any matter that can be regulated under the enactments specified in subsection (5), including matters that are relevant to—

(a) promoting the sustainable management of the natural and physical resources of the customary marine title area; and

(b) the protection of the cultural identity and historic heritage of the group.

(4) A planning document may relate—

(a) only to the customary marine title area of the group; or

(b) if it relates to areas outside the customary marine title area, only to the part of the common marine and coastal area where the group exercises kaitiakitanga.

(5) The planning document may include only matters that may be regulated under—

(a) the Conservation Act 1987 or the Acts listed in Schedule 1 of that Act:

(b) the Heritage New Zealand Pouhere Taonga Act 2014:

(c) the Local Government Act 2002:

(d) the Resource Management Act 1991.

Statement:

I am a member of the applicant group, and did support the MACA claim, in principle; and still do HOWEVER;
It is a integral process, involving MACA 2011 and the Provisions of the (current) RMA 1991.
That support was appropriate under the current RMA 1991 HOWEVER with changes to the RMA due to happen, there is the need to be cautious about further impacts, as a result of such pending changes, on promoting "public access to private land" , as an unfetted process, of 'resource management act' changes.
I do believe that the intent of the 'content' of the MACA 2011, is valid. Again However, it is the changes to the RMA (to be replaced by the Natural and Built Environment Act[the Bill is currently before select committee]) , that raises new concerns, about the probable 'dilution' of capacity of landowners, to have a say, on affects, on their land tenure, in respect of a 'Resource Management Plan' , for the Ngati Koata claimant area....

Matters of Reverse sensitivity due to potential 'shifting of the Goal Posts', as per the RMA 1991

The above are my concerns as a landowner of lands abutting the ngati Koata customary claim area, in terms of the respective 'permision rights' and the implications as per any any impacts on any ' private property rights' of the landowners by virtue of a resource management plan, for the area, of Ngati Koata Customary Claim

and there is the current statutory changes which has also caused a rethink, being due to the changes pending to the Resource Management Act 1991, and others...and to which it appears, in the restructure, will give unfetted public access to private lands, without access to a defence for the landowners on the use of their existing property rights.
Albeit not directly via the MACA application but more concerns, with the intent to repeal of the RMA 1991 and to replace it with new provisions as per the NBA and the SPA and other acts, and hence dilute, any access via the Natural and Built Environment Bill, to any defence against the promotion of, unfetted 'Public Access, over private lands' . That may be owned by current landowners, whanau, maori and non-maori.

s9(2)(a) **Durville Island - Rangitoto Ki Te Tonga**

From: s9(2)(a)
To: takutaimoana
Subject: Submission Regarding Application number MAC-01-12-007 Ngāti Kōata Trust
Date: Thursday, 16 February 2023 11:48:07 pm
Attachments: s9(2)(a) Submission Application number MAC-01-12-007 Ngāti Kōata Trust.pdf

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Kia ora please find my submission attached .....
s9(2)(a)

15 February 2023

Submission regarding Application number MAC-01-12-007 Ngāti Kōata Trust

Ko s9(2)(a) **tōku ingoa**

Nō Rangitoto Ki Te Tonga ahau

Kei Waiharakeke au e noho ana

Kia Ora,

I would like to discuss the above application.

My father's whānau has been associated with Rangitoto for over 100 years with land being owned for over 60 years. My mother's whānau has been involved since the early 1950s.

I grew up with the family farm at s9(2)(a) being my second home. My family is still on the island.

Everything I have done in my life has stemmed from this area: from my interest in geology and history, to my occupation as an Archaeologist, now as Museum Collections Manager here in Marlborough. My Master's thesis was based on site-recording on the Island.

I grew up as a neighbour to two of the loveliest people I have ever met, s9(2)(a) and s9(2)(a) and their families. s9(2)(a) showed me so many things as we discussed the history, geology and archaeology of the Island. He believed that everyone should care for and protect this treasure we share. My grandfather, s9(2)(a), also believed this. He even went out of his way to spearhead the group that prevented overseas development at Hopai which is in reality a long way from D'Urville Island.

This brings me to the coastline. When I was a child the term 'Queens Chain' was thrown around a lot as was 'Riparian Rights'. This did not mean anything to me at the time but after being away from the Island for a while I realised the coast is there to be shared by everyone. From the high water mark or even the foreshore reserve to low tide mark and then out to sea, so many things happen. It's a magical place.

I fully support local Iwi involvement in the decision-making process within their rohe. I also believe that the whole community in our multicultural society should be able have a voice in

how and what happens to these special areas in all New Zealander's lives. The Treaty principle of partnership along with mahi tahi (working together) is what we need for our country to grow and go forward.

Here are some of my thoughts on the role of Customary Marine Title in the Rangitoto Ki Te Tonga area:

- the right to say yes or no to certain activities that need resource consents or permits (RMA permission right)
- the right to say yes or no to certain conservation activities (conservation permission right)

Any decisions made should have community involvement especially regarding resource consents and conservation decisions. With an emphasis on the local community.

- the right to be notified and consulted when other groups apply for marine mammal watching permits
- the right to be notified and consulted about changes to Coastal Policy Statements

Notifying and consulting Iwi on the above issues should be carried out regardless. So, these are very fair points.

- the right to seek recognition of wāhi tapu and wāhi tapu areas and restrict access if this is necessary (a protection right)

This principle in theory I agree with; the problems arise when the boundaries are unclear to what a wāhi tapu site consists of (in most cases like burials and other very important sites is straight-forward). But there may well be grey areas which again need community consultation as to how they are managed especially in areas that are used often by the community.

- the right to ownership of minerals other than petroleum, gold, silver, uranium and, if the Ngai Tahu (Pounamu Vesting) Act 1997 applies, pounamu

This principle is the hardest to comprehend for myself, and, after much thought I am against it. I am very interested in the geology of Rangitoto Ki Te Tonga and its precious minerals, as well as being a rock and mineral collector. The idea of all the minerals on the beach area, which is washed by the tides and changes daily, belonging to one small group may not allow for some peoples hobbies and interests. The ultramafic belt makes the beaches of the area some of the most interesting beaches in New Zealand to view, learn, and collect from. It is the only place in the country that many of the rock specimens can be found. Currently under

the Council legislation (MDC and NCC) people are allowed to collect a certain amount of rocks from the beach as long as there is no mechanical means and no selling.

It is stated in regard to Customary Marine Title "*that fishing and other recreational activities in a customary marine title area are unaffected*". I would say that the recreational activity of amateur geology and rock and mineral collecting will be affected as the Ngati Koata Trust will own all minerals on the beach and sometime in the future will make this known.

- the right to ownership of newly found taonga tūturu (unless the Māori Land Court decides otherwise)

I believe the local Iwi should be entitled to ownership of newly found taonga tūturu. However, as an Archaeologist with an MA in Anthropology and an active interest in the role of the public in Archaeology (see my Honours dissertation, 'The Role of Public Archaeology', if required) I believe that most taonga tūturu that are found would have been made by a previous Iwi that resided there. By the 1820s stone tools were phased out. I feel that all local Iwi should have the right to claim taonga tūturu if they believe they associate to them. Ngāti Kōata did not use the Ohana and Mt Ears pakohe quarries after settling on Rangitoto, however their ancestors probably did from other Iwi. I am also of the opinion that the local community is interested in what is found and where it is stored and would love to see these taonga on display locally.

- the right to create and lodge a planning document for management of natural and physical resources, which then must be taken account of by local authorities and relevant government agencies

In today's world this point allows for full control by the party creating the management plan. This is where laws start to change slowly, affecting one party over another party. The term "*must be taken account of*" is a hard one to get around. This can slowly creep into becoming full control by one small group if not kept in check.

Conclusion

Te Tai Ihu has multiple local Iwi groups. Kaitiakitanga of the coastal area by local Iwi is important. However, all New Zealanders deserve to be able to use and enjoy the areas they have loved doing so since 1840. Naturally, the local community are interested in having a say in how things are managed as well. Ngāti Kōata came from up north to settle the area a little over 200 years ago. Pakeha and later Settlers all moved to New Zealand from somewhere else originally. Management of this coastal marine area should be done through co-operation by all parties involved. This is how we move forward together.

Nga mihi nui,

s9(2)(a)

Blenheim

s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Ngati Koata Application for Customary Marine Title Submission
Date: Friday, 17 February 2023 12:00:13 am

To Te Kahui Takutai Moana Te Arawhiti,

Re: Ngati Koata Application for Customary Marine Title for the area surrounding D'Urville Island up to 12 nautical miles.

I would like to make a submission opposing Ngati Koata's application for customary marine title.

I do not feel there has been adequate information provided to residents on D'Urville Island as to how they will be effected by this application. We have not been provided with any consultation or had enough time to thoroughly look over this matter. As residents of D'Urville Island why were we not contacted or consulted on this matter? We only found out about it through a photo of a newspaper advert that was shared on Facebook. We don't receive the newspaper here, so how did you plan on informing us as residents and rate payers of D'Urville Island about this matter?

I don't see any need for Ngati Koata to hold customary marine title over the marine area surrounding D'Urville Island. This marine area is how we get to our home, where we fish, where we operate a business, and where we educate our young children. We love and care for this marine area as does everyone else that uses it. This area should not be given solely to one group of the community. This marine area is always in use by the public, recreational fishers, businesses (including but not limited to fishing charter companies, tour companies, water taxi's, barge service's, mussel boats, Department of Conservation, NIWA), property owners, residents, etc. It should remain a public marine area and open for all to use and enjoy. Is this application really in the best interest of all New Zealanders or does it solely benefit one group of people and the rest of us are left to deal with the fall out from it.

How many people affiliated with Ngati Koata actually even still live on D'Urville Island or carry out activities, business, etc within 12 nautical miles around D'Urville Island?

Ngati Koata should not be granted customary marine title for the area surrounding D'Urville Island up to 12 nautical miles, the rights that could be granted to them by doing this are unjust and unfair. Ngati Koata will be given the rights to consult on resource consents and permits, and certain conservation activities, what implications will this have on our moorings, wharves, boat ramps, properties?

Thank you for your consideration of my submission and I look forward to hearing from you.

Kind regards
s9(2)(a)

From: s9(2)(a)
To: takutaimoana
Subject: Ngati Koata Application for Customary Marine Title Around D'Urville Island Submission
Date: Friday, 17 February 2023 12:13:46 am

To Te Kahui Takutai Moana Te Arawhiti,

Re: Ngati Koata Application for Customary Marine Title for the area surrounding D'Urville Island up to 12 nautical miles.

I would like to make a submission opposing Ngati Koata's application for customary marine title surrounding D'Urville Island up to 12 nautical miles.

This process has not been carried out well and there has been a major lack of communication and consultation around this application. You should have done the right thing and individually informed all residents about this application and provided us with full details of this application. It has been difficult to find information surrounding this application and the future impacts it will have on the area surrounding D'Urville Island. It has major implications on my home, where I carry out business, and where I raise my children and for this reason I believe the customary marine title surround D'Urville Island should not be granted to Ngati Koata.

If Ngati Koata has no intention of changing anything within the area surrounding D'Urville Island then why do they need this application for customary marine title?

No one group should have more rights over the area (12 nautical miles surrounding D'Urville Island) then anyone else.

Thank you for accepting my submission and I look forward to hearing from you.

Cheers
s9(2)(a)

From:	Sarah Woodhouse-8607
To:	Burr, Conor
Cc:	takutaimoana
Subject:	Letter Customary Marine Title process written submission.pdf
Date:	Friday, 17 February 2023 11:32:08 am
Attachments:	image001.jpg Letter Customary Marine Title process written submission.pdf Ngati Koata application area analysis.pdf Ngati_Koata_analysis.xlsx

Kia ora Conor,

Please find attached a written submission for Anna Galvin, from Mark Wheeler CE MDC, for the Customary marine title process for the common marine and coastal area around Rangitoto ki te Tonga (D'Urville Island). The two enclosures are also attached.

Ngā mihi,

Sarah Woodhouse
EA to Mayor & Events Coordinator

MDC logo

Te Kaunihera ā-Rohe o Wairau

My hours are Mon, Wed, Thu and Fri 8.00 am to 4.30 pm
Phone: (03) 520 7400 ext 8607
Mobile: 027 215 6683
DDI: (03) 520 7448

15 Seymour Street, PO Box 443
Blenheim 7240, New Zealand
Sarah.woodhouse@marlborough.govt.nz
www.marlborough.govt.nz

MARLBOROUGH DISTRICT COUNCIL
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WEB www.marlborough.govt.nz

MARLBOROUGH DISTRICT COUNCIL

Only Marlborough

17 February 2023

Record No: 2334484
File Ref: D050-006-06
Ask For: Mark Wheeler

Anna Galvin
Manager, Te Kāhui Takutai Moana
Level 3, Justice Centre
19 Aitken Street
SX10111
Wellington 6011

By email: conor.burr@tearawhiti.govt.nz

Dear Anna

Customary marine title process for the common marine and coastal area around Rangitoto ki te Tonga (D'Urville) Island – written submissions

Thank you for the opportunity to make a submission on the application by the Ngāti Koata Trust for recognition of customary marine title for the common marine and coastal area around Rangitoto ki te Tonga/D'Urville Island.

The Marlborough District Council is a Unitary Authority and has the functions of both a regional council and a territorial authority.

Under the Resource Management Act 1991, this means that the Council prepares a full suite of resource management plans. The current resource management framework consists of an operative regional policy statement, operative Marlborough Sounds Resource Management Plan and operative Wairau/Awatere Resource Management plan. The two operative plans are combined regional coastal, regional and district plans.

In 2016, the Council publicly notified the Proposed Marlborough Environment Plan to replace the current operative policy statement and plans. The new plan is nearing the completion of the First Schedule process, with appeals currently being addressed through Environment Court assisted mediation. Ngāti Koata Trust is a Section 274 party to some of the appeals.

Reflecting its unitary status, the Council processes applications for all classes of resource consent (coastal permit, water permit, discharge permit, land use consent and subdivision consent) required as a result of rules in the above plans or as a result of central government regulations. Coastal permits authorise activities in the coastal marine area.

Due to the enclosed nature and sheltered waters of the Marlborough Sounds, the Sounds is an area with a high level of resource use occurring within the coastal marine area.

The Council is submitting on the application to provide the Minister with information on the nature of that resource use. There are a total of 273 active coastal permits within the application area, authorising 87 marine farms, 131 moorings, 40 other coastal structures and 15 other activities. The spatial location of the coastal permits is shown on the attached map. More information on each of the coastal permits is provided in the attached spreadsheet.

If more information is required on any, or all, of the coastal permits, the Council would be happy to assist Te Arawhiti further.

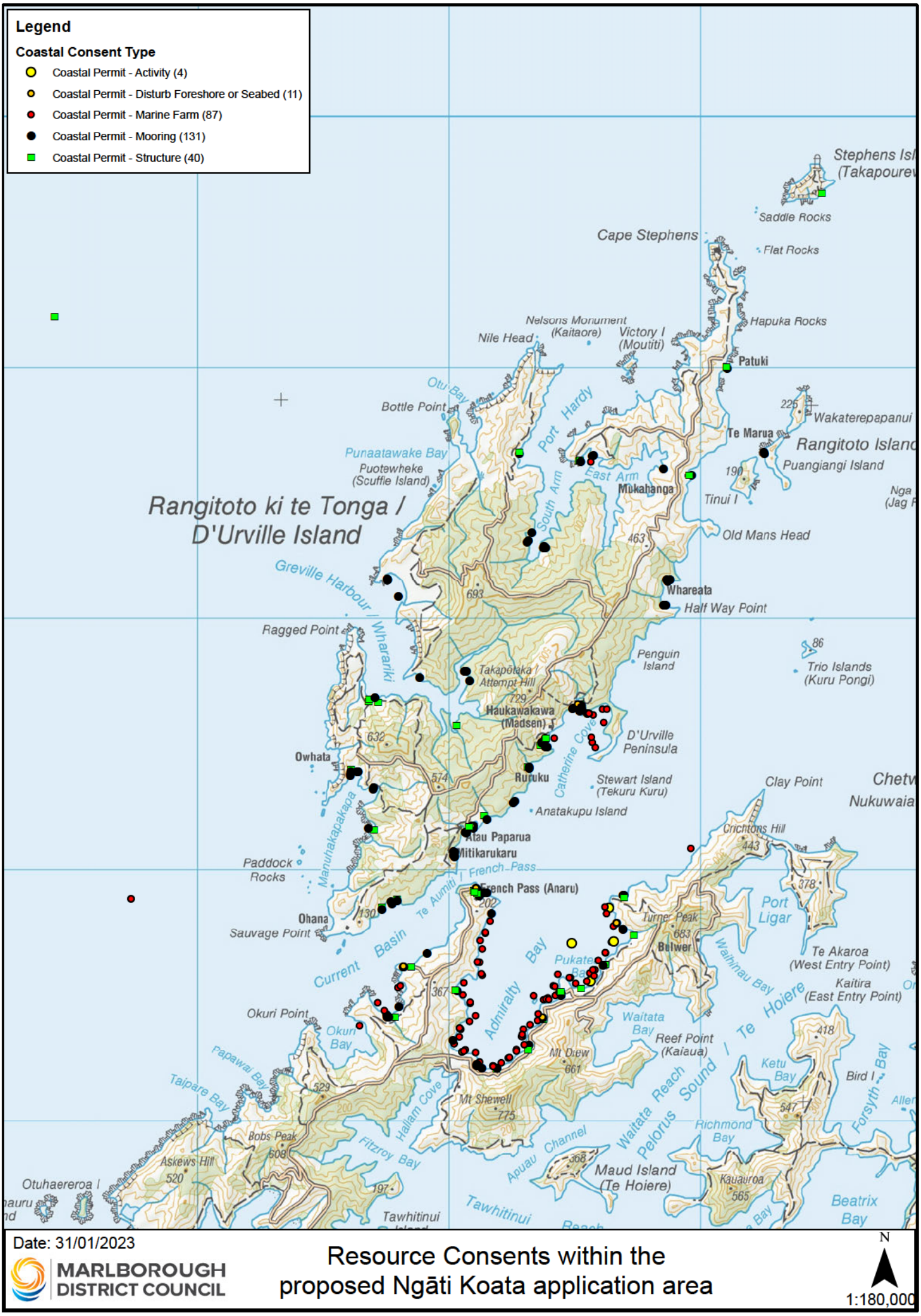
Again, thank you for the opportunity to make a submission.

Ngā mihi

Mark Wheeler
CHIEF EXECUTIVE

Encl:

1. Map of spatial locations of permits
2. Information on coastal permits - spreadsheet



Date: 31/01/2023

MARLBOROUGH DISTRICT COUNCIL

Resource Consents within the proposed Ngāti Koata application area

N

1:180,000

From:	Luke Acland
To:	takutaimoana
Cc:	Rob Fitchett; andrew.irwin@cliftonchambers.co.nz
Subject:	Marine and Coastal Area (Takutai Moana Act) 2011
Date:	Friday, 17 February 2023 12:27:18 pm
Attachments:	110997-v1-Submission to Minister - D"Urville Island.pdf Te Arawhiti"s public advertisement, Nelson Mail & Marlborough Express, 9 & 16 January 2023.pdf

Sir/Madam,

Please see the **attached** submission made on behalf of those persons listed in the Schedule.

Please confirm receipt of this submission at your earliest convenience.

Kind regards
Rob

Luke Acland
Partner
luke.acland@rmf-law.co.nz

Rout Milner Fitchett, 167 Hardy Street, PO Box 580, Nelson 7040, New Zealand
Phone: (03) 548 0064
Fax: (03) 546 9107
www.nelsonlaw.co.nz

ROUT MILNER FITCHETT
BARRISTERS & SOLICITORS

17 February 2023

Te Kāhui Takutai Moana
Te Arawhiti
19 Aitken Street
SX1011
WELLINGTON 6011

AND BY EMAIL

Dear Sir/Madam,

RE: NGĀTI KOATA APPLICATION FOR CUSTOMARY MARINE TITLE

Introduction

1. We write to make a submission on the above application pursuant to the advertisements calling for submissions from the general public.

2. Our submissions present the views of a number of landowners and rights holders of the local community and who use the marine and coastal area surrounding D'Urville (Rangitoto ki te Tonga) Island. Contact details for those persons are recorded in Schedule 1 hereto. A number of them recorded in Schedule 1 may also make further submissions of their own, in addition to supporting the submissions made herein.

The Application

3. Ngāti Koata Trust made an application (the "**Application**") under the Marine and Coastal Area (Takutai Moana) Act 2011 (the "**Act**") by an amended originating application dated 13 April 2017 in the name of Hori Elkington as trustee of Ngāti Koata Trust.

4. It is unclear from the Application who the beneficiaries of the Ngāti Koata Trust are, or whether they are related to Ngāti Koata Iwi. A search of the Charities Services Register records that the Ngāti Koata Trust was registered on 23 May 2007 for the purpose of receiving, holding, managing and administering a Trust Fund for every charitable purpose benefiting Ngāti Koata whether it relates to the relief of poverty, the advancement of education or religion or any other matter beneficial to the community of Ngāti Koata irrespective of where those beneficiaries reside and the community generally. Another purpose of the Trust is to establish separate companies to undertake fishing and fisheries-related activities including but not limited to any activity related to the seafood industry including, fishing operations.

5. The Application claims:

   (a) customary marine title over all of the coastal and marine area surrounding Rangitoto ki te Tonga [D'Urville] Island out to 12 nautical

▪ **Craig Morice** (Partner)
▪ **Robert Fitchett** (Partner)
▪ **Luke Acland** (Partner)
▪ **Lucy Ingham** (Solicitor)
▪ **Phoebe Venz** (Solicitor)
▪ **Selena Roberts** (Legal Executive)
▪ **Sophie Ennor (Legal Executive)**
▪ **John Fitchett** (Consultant)

Marble Arch Arcade
167 Hardy St, Nelson
PO Box 580,
Nelson7040
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miles, including the common marine and coastal area surrounding related gazetted islets and rocks (the "**Area**"); and

(b) protected customary rights of Ngāti Koata in that area.

6. The Application claims the following (non-exclusive) list of protected customary rights including:

(a) the exercise of kaitiakitanga;

(b) rahui;

(c) waka navigation, landing, anchoring and mooring;

(d) whare waka / boat sheds;

(e) gathering traditional foods / medicines / and other resources (including taonga raranga);

(f) non-commercial aquaculture; and

(g) access to wāihi tapu.

7. If those claimed protected customary rights are accepted there could be wide reaching interferences on the rights and interests of landowners and the general public in the area. For example, Ngāti Koata Trust could have:

(a) the right to say yes or no to certain activities that need resource consents or permits (RMA permission right);

(b) the right to say yes or no to certain conservation activities (conservation permission right);

(c) the right to be notified and consulted when other groups apply for marine mammal watching permits;

(d) the right to be notified and consulted about changes to Coastal Policy Statements;

(e) the right to seek recognition of wāhi tapu and wāhi tapu areas and restrict access if this is necessary (a wāhi tapu protection right);

(f) the right to ownership of minerals other than petroleum, gold, silver, uranium and, if the Ngāi Tahu (Pounamu Vesting) Act 1997 applies, pounamu;

(g) the right to ownership of newly found taonga tūturu (unless the Māori Land Court decides otherwise);

(h) the right to create and lodge a planning document for management of natural and physical resources, which then must be taken account of by local authorities and relevant government agencies.

Failure to meaningfully consult

8. The Crown has provided no detail on the Application for submitters to meaningfully engage despite significant potential interference with the interests of landowners and rights holders of the local community.

9. Notices calling for public submissions appeared in the Nelson Mail newspaper on 9 and 16 January 2023 during the height of the summer holidays. The advertisements were small and located in the classified-ads section of the newspaper. There was no explanation what the process or purpose of submissions was and it is not known what timeframe or terms of reference the Minister is working under in considering the Application.

10. Your Te Arawhiti website only states "*The Ngāti Koata Trust have applied for Ngāti Koata to have customary marine title recognised for the area surrounding Rangitoto ki te Tonga (D'Urville) Island.*" For this engagement/consultation to be meaningful submitters need to know what specific interests are claimed in which precise areas and what is the intended exercise of customary rights in those areas. Without that, submitters have no ability to provide feedback relevant to their interests.

11. Ngāti Koata provided the Crown with evidence in support of its Application nearly three years ago (before 5 June 2020) but the Crown has withheld it from submitters. There is real concern submitters are being kept in the dark.

12. This consultation is a flawed process. Without submitters being informed on implications for their rights and interests they will be unable to raise relevant issues. This will inevitably lead to the Minister taking into account irrelevant matters and failing to take into account those relevant issues which would have been raised by submitters had they been given a meaningful opportunity to engage with the Application.

Crown representing public's interest?

13. It is not clear what standing submitters have to raise objections and evidence against the Application where the rights claimed impinge on the rights and interests of landowners and rights holders of the local community. Ostensibly the Crown is negotiating with Ngāti Koata Trust with a view to the interests of the local community, but because that is happening behind closed doors - without transparency on the Application, the evidence, and implications for affected parties – there is a real lack of confidence in the Crown's process.

14. The Applicant has advised the Court that evidence has been provided to the Crown yet no such evidence has been made available to the Public or to those persons who have entered appearances in the judicial process. We question

what right the Crown has to withhold such evidence when seeking to consult with the public and also raise our concerns that it is procedurally incorrect to seek submissions but not make readily available to the public all information and evidence in possession of the Crown.

15. The parties we represent wish to have meaningful input on the Application and they do not have it with this consultation / submission process.

16. The persons we represent also have concerns about the possible conflict (whether actual or perceived) arising from the Crown funding the evidence gathering activities of Ngāti Koata. The general public is being asked to rely on the Crown to protect its interests in negotiating with claimants, but the Crown is also providing significant funding to the applicants entering into Crown engagement – funding matrices show up to $458,000.00 is available for Crown engagement in addition to a further $75,244.00 to resolve overlapping claims.

17. The fact that such significant funding is available to Applicants seeking to obtain rights which place those special interest groups in a position of power is concerning. The fact that no similar funding is being made available to persons who may oppose these applications shows a perceived bias and tilts the scales in favour of the Applicant.

18. It is also unclear whether the Crown itself is undertaking its own research as to the claims (and this Application in particular), and if it is, why it is also necessary to fund research on behalf of the Applicants rather than make decisions based on its own research.

Loss of Standing

19. We are aware that there are at least two additional parties that have recorded appearances as interested parties in respect of this Application. The actual number of persons who have entered such appearances is understood to be higher. Such parties lose the ability to have meaningful involvement in the process and resolution of the Application if this matter is resolved via Crown Engagement.

20. This concern is amplified by the fact that as matters stand, interested parties are being required to submit without having the ability to review the specifics of the Application or the evidence supporting the Application. If the matter were to proceed through the Court, the interested parties would have the ability to review evidence, make submissions and present their own evidence. This opportunity is being taken away under this process.

21. Ngāti Koata has confirmed that it has made evidence supporting its Application available to the Crown but this information has never been provided to the interested parties (two of which are supporters of this submission).

Sham Process and Lack of Accountability

22. The failure to provide relevant information as to the nature of the Application, the specific areas in which specific rights are claimed, or any evidence supporting the Application leads to a loss of confidence in the process.

23. The fact that the notices advertising the consultation in relation to the Application were placed at a time that many New Zealanders were on holiday adds to the concern that the process has not been entered into in good faith. We also note that the notices were available in a small geographic area when the Applicant and Crown should be aware that the area claimed is used, and adjoining land owned, by persons who primarily reside outside of these areas. Further, the isolated nature of the area subject to the claim means that newspapers are not readily available to those living in the area.

24. Of particular concern is the fact that, a person being made aware of the consultation process on the date of the first notice (9 January 2023) could not reliably make and receive an Official Information request in relation to the Application; the time frame provided for submissions simply does not allow it. Assuming that a person made an Official Information request on the following day, the time limit for the decision as to whether or not to make the information would expire on 13 February 2023. Once the decision is made, there may be conditions in relation to the manner in which the information is provided and the charges on such information, and there is further delay in the notification of the decision (which may be by post) and the provision of the information.

25. Assuming that the timeframes were strictly adhered to, and the information was provided on the business day following notification of the decision, the requester would have only three days in which to review the information and make a meaningful submission on it. Such timeframe is not feasible for a matter of this magnitude.

26. The timeframes for making an appropriately drafted Official Information request are even tighter in regards to the second advertisement in relation to which, if a member of the public made the request on the very next working day, the date of the decision would only be 15 February 2023 leaving only one clear business day for the information to be considered and a submission drafted.

27. In all cases, we also note that it is unrealistic to expect a member of the public to be able to draft an appropriately worded request for information under the Official Information request in less than one day, and it is inconceivable that the information could be received, reviewed, comprehended and commented on in the timeframes allowed.

28. The closed door nature of the negotiations, to which those interested parties who have entered appearances have not been invited, furthers the concern that the process is not being undertaken in god faith.

Loss of Appeal Rights

29. Because of the manner of Crown negotiation interested parties lose the ability to appeal the decision as it will ultimately be codified by statute. This is in stark contrast to the Applicant who, if not satisfied with negotiation, can revert to the Court process and advance its Application. The Applicant then has potential appeal rights following a substantive (or procedural) decision; all of which are denied to interested parties and the public at large in the engagement process.

30. There is also a significant lack of accountability in the process being resolved by legislation – again, no appeal rights.

Example of the Tikanga practices claimed?

31. Related to the lack of evidence of specific uses or areas, there is no evidence of the Tikanga practices in accordance with which the claimed area was held. The Act itself provides no guidance on what can be considered Tikanga, and to our knowledge the Applicant has not provided any evidence of what may or may not constitute exclusive use of the area in accordance with Tikanga.

32. Without this information, it is impossible for the public to make any meaningful submission as to their use of the area claimed, as they have no guidance as to what use may or may not be relevant. Ultimately this will lead to the Minister making decisions based on irrelevant information and/or failing to give recognition to relevant matters.

Request for Immediate Provision of Engagement Road Map

33. Having made the decision to enter into direct engagement with the Applicant, we presume that the Crown has a detailed road map of the process being undertaken, including time periods allowed for each step, and dates for the provision of further information to the public and requests for further submissions on proposals.

34. Please provide detailed information as to the process being undertaken by the Crown including all steps proposed, key dates and time periods.

Request meaningful engagement

35. The landowners and rights holders of the local community we represent ask that this consultation / submission process stop so that meaningful engagement with those parties can take place. In our view that requires public access to:

    (a) identification of the applicants;

    (b) detail of what specifically the Application seeks such as locations of claimed protected customary rights and intended area of exercise of those rights;

    (c) evidence supporting the Application;

    (d) evidence describing the Tikanga principles in accordance with which the area has been held by the Applicant;

    (e) explanation of the Crown's engagement process with affected parties including: the timeframe, stages and process being followed; the standing of interested parties to oppose the Application and present opposition (and evidence) to the Minister for consideration prior to determination.

Seeking public submissions and curtailing the judicial process without provision of this information to the public and interested parties is a breach of natural justice.

Reversion to Judicial Process

36. Given the distinct lack of consultation and dearth of information provided to both members of the public and (especially) interested parties who have recorded appearances (and incurred costs) in the Court Proceedings, this matter is not suitable for Crown engagement and should be pursued through the Judicial process.

Other

37. Should this submission be subject to a request under the Official Information Act, we ask that you protect the privacy of the supporters of this submission, by deleting their details.

Yours faithfully
Rout Milner Fitchett

Luke Acland
Partner
luke.acland@rmf-law.co.nz

cc: Ngati Koata
c/- Andrew Irwin
Clifton Chambers
BY EMAIL: andrew.irwin@cliftonchambers.co.nz

Schedule of Supporters

Name	Contact Details	Other
Bruce Mercer	Mercfull68@gmail.com	
Mike Granger	Mikegranger70@yahoo.co.nz	
Jane Thorn	Jana-t@windowslive.com	
Haydn Andreassen	027 310 7593	
Angus & Bex Forgan	027 716 3497	
Verity Farms	Patuki@verityfarms.co.nz	
Catherine & Craig Tatnell	durvillewilderness@gmail.com 035765 268	
D'Urville Island Wilderness Resort	durvillewilderness@gmail.com 03 5765 268	Commercial tourism operation which utilises the Marine and Coastal Area
Kerry & Carol Robbins	robroyfarms@xtra.co.nz	
The trustees of the Robroy Trust	craig.morice@rmf-law.co.nz	
Jonathan Coote	jrcoote@gmail.com 021 160 1383	Landowners who live and work on D'Urville Island permanently with combined family land of 1,100 acres.
Karina Coote	Kcoote73@gmail.com 021 252 5826	Landowners who live and work on D'Urville Island permanently with combined family land of 1,100 acres.
Port Hardy Farms Limited	c/- darren.mark@findex.co.nz	
The trustees of the Pitapisces Trust	c/- darren.mark@findex.co.nz	
Lois Bowers	Lobo0607@gmail.com 027660 9908	
Jude Atkins	Beeproducts5337@gmail.com 027 450 4348	Kapowai Bay land owner
John & Lyn Denby	Ljdenby2@gmail.com	

From: s9(2)(a)
To: takutaimoana
Subject: Submission
Date: Friday, 17 February 2023 5:49:37 pm

To whom it may concern

* I am making a submission on Ngati Koata seeking Customary Marine Title for the water surrounding Rangitoto/D'Urville Island

* My interest in the area is my family who have been living and are still farming near this area since 1882

* I oppose this application

* s9(2)(a)

From:	Mitch Campbell
To:	takutaimoana
Subject:	CRAMAC5 Submission om Koata CMT application...
Date:	Friday, 17 February 2023 6:21:55 pm
Attachments:	image.png image.png CMT D"Urville - Koata.pdf

Please find attached our comments.

I have tried to send this earlier, but it kept bouncing back.

I hope this works,

Nga Mihi

Mitch
For CRAMAC5
021 552 151

Kind regards,

Mitch Campbell
General Manager
The New Zealand Honey Bee Company Limited
e: mitch@3bee.co.nz
p: 021 552 151

CRAMAC 5

Canterbury Marlborough Rock Lobster
Industry Association Inc.

68 Leicester Street
Stoke
Nelson
New Zealand
C: 021 552 151
E: mitch.kiwi@gmail.com

30th January 2023

Te Kahui Takutai Moana
Te Arawhiti
Level 3
The Justice Centre
19 Aitken Street
SX1011
WELLINGTON 6011

takutaimoana@tearawhiti.govt.nz

CRAMAC 5 submission on Ngati Koata application for Customary Marine Title – D'Urville Island

CRAMAC5 is the Canterbury/Marlborough commercial rock lobster stakeholder group for QMA CRA5. We are mandated to manage the CRA5 region on behalf of our Shareholders and ACE holders, to undertake elective research, implement management measures for the benefit of our members and the rock lobster resource. The industry is funded through a commodity levy which is raised each year and has provided a high mandate since quota was introduced.

The CRA5 QMA covers the coastal area from the Farewell Spit in the northwest, across to Cape Komaru and South to the Waitaki River mouth.

CRAMAC5 remain committed to ensuring a healthy rock lobster stock for all those that access the fishery.

CRAMAC5 supports and also refers you to the submission from the NZ Rock Lobster Industry Council (RLIC).

Introduction

The Marine and Coastal Area (Takutai Moana) Act 2011 (MACA Act) allows iwi or hapu to apply for Customary Marine Title (CMT) Ngati Koata has applied for an area around D'Urville Island mainland coastal marine area. This submission relates to application: MAC-01-12-007: Ngati Koata Trust who are one of the eight iwi that make up Te Tauihu (top of the south iwi).

CRAMAC 5 have concerns around any spatial exclusion within CRA5. The benefits of CMT to the applicant (Ngati Koata) are not yet known. Notwithstanding, it would be remise of

advocacy groups like CRAMAC5 not to ere on the side of caution and expect that some form of fisheries restriction may eventually be imposed, i.e. wahi tapu or RMA decisions that could potentially restrict access to fish stocks and that has a propensity to undermine quota owners property rights and ACE holders entitlement.

It is widely known that restrictions or closures simply transfer harvesting effort from one fishing ground to another. For rock lobster these areas are already being managed at sustainable (optimal) levels. The amount of displacement will vary along the coast depending on fish species, habitat, and environmental limitations.

CRAMAC5 holds the opinion that there will be a time that displacement cannot be managed and a reduction in the TACC is inevitable and this will impact on all quota owners (including those created through the Maori Fisheries Settlement). This will also displace and impact ACE holders and coastal communities.

Conclusion

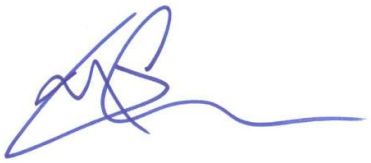
The coastal area surrounding D'Urville Island, including the reefs, islands and foul grounds, form part of the CRA5 QMA. It has been, and continues to be, a suitable marine habitat for puerulus settlement and recruitment. The area of Coastline from Delaware Bay, North to Stephens Passage produces economic catches of rock lobster. There are various commercial fishing companies that utilise rock lobster resources in the application zone and it continues to provide productive catches and CRAMAC5 members reserve the right to access such fishing grounds and undertake associated activities (mooring and navigation).

CRAMAC5 have been led to believe that the approval of Customary Marine Title (CMT) is unlikely to have any effect on current and historic commercial fishing practices and this application will not undermine established CRA5 property rights, nonetheless (without prejudice) we feel a position needs to be presented on behalf of our members.

CRAMAC5 do not know the effect of approval of CMT on commercial fishing, including access to water and infrastructure, but we are concerned that this application may undermine established CRA5 property rights.

CRAMAC 5 will work with Te Tauihu to work through any spatial allocation issues into the future.

Yours sincerely



Mitch Campbell
Executive Officer
CRAMAC 5

From: Mitch Campbell
To: takutaimoana
Subject: PAUAMAC7 SUBMISSION - NGATI KOATA CMT
Date: Friday, 17 February 2023 6:30:42 pm
Attachments: image.png
image.png
PAUAMAC7 KOATA CMT COMMENTS.pdf

Kind regards,

Mitch Campbell
General Manager
The New Zealand Honey Bee Company Limited
e: mitch@3bee.co.nz
p: 021 552 151


25 January 2023

Submission on Ngati Koata application for Customary Marine Title – D'Urville Island

PauaMAC7 and PAU7 Fisheries Plan (2022)

PauaMAC7 is the pāua industry organization that represents the interests of, and acts on behalf of, the Quota Share Owners, harvesting crews and other industry participants in the PAU7 fishery.

It is mandated to undertake elective research and implement devolved management measures for the benefit of the fishery and the industry and is funded through a commodity levy.

The PAU7 QMA covers the coastal area from the Clarence River on the east coast of the South Island northwards around the top of the South Island and down to Kahurangi Point on the West Coast.

Attached is a letter of endorsement (dated 21 April 2021) from the Minister of Oceans and Fisheries supporting the PauaMAC7 management framework and PAU7 Fisheries Plan (attached as Appendix 1).

PauaMAC7 acknowledge that pāua is Taonga. We acknowledge that pāua stocks belong to all, but equally those who come after us. PauaMAC7 undertake to ensure that this deeply valued fishery resource will provide for our current needs without compromising the ability of our Tamariki to meet theirs.

PauaMAC7 Staff often engage with Te Tau Ihu Fisheries representatives and share commercial harvest and stock assessment research with them, as they are a crucial Stakeholder in this shared fishery. Ngati Koata's Customary values and requirements are considered and incorporated when developing commercial harvest and fishery enhancement measures, on an annual basis. This process forms

part of our PAU7 fisheries plan. Consultation with representative Customary fishers is a legal requirement of the crown, before any harvest measures are developed for PAU7 stocks.

Introduction

The Marine and Coastal Area (Takutai Moana) Act 2011 (MACA Act) has allowed application (to the Crown) for Customary Marine Title (CMT) for the D'Urville Island marine area by Ngati Koata and other Te Tau Ihu based Iwi. This submission relates to application: MAC-01-12-007: Ngati Koata Trust.

The risk of partitioning New Zealand Coastal areas to favor just one user-group, or a subset of society, is discriminatory and has historically proven to be a poor fisheries management tool (sometimes resulting with an undermining of the QMS and the sustainability functions of catch spreading, resulting in localized depletion, e.g. mataitai reserves). We hope this is not an externalty of any CMT application.

Current and historic fishing activity within the application zone

The coastal area surrounding D'Urville Island, including the reefs, islands and foul grounds, form part of the PAU7 QMA. It has been, and continues to be, a suitable marine habitat for pāua spawning and recruitment. Through the 90s and early 2000s it supported an average of 20 metric green-weight tonne of commercial pāua.

The application area has great potential for stock enhancement, like larval release, spat reseeding and translocation operations as described in the PAU7 Fisheries Plan.

Conclusion

From a fisheries management perspective, customary fishing rights can be given effect through the current legislative framework and more specifically the consultation and regulatory measures contained within the 1996 Fisheries Act (FA96). They can also be given effect more efficiently and locally through the Customary fishing provisions within the PAU7 Fisheries Plan (attached as Appendix 2)

The FA96 and the PAU7 Fisheries Plan provides for Tangata Whenua to have input and participation into fisheries management decisions. The Minister is currently required to consult with organizations that are representative of Maori interests,

this includes the Te Tau Ihu (TTI) Fisheries Forum, of which Ngati Koata are a member iwi.

The Minister has a range of powers to protect Maori Customary fisheries and traditional practices:

1. by declaring areas of our coastline mataitai reserve (PauaMAC7 are opposed to this measure, unless commercial access is maintained or provided with Kaitiaki oversight)

2. appointing Kaitiaki to manage their fisheries according to their own traditional practices and customs

3. and, implementing Customary fisheries regulation (for Ngati Koata the applicable regulation is the *South Island Customary Fishing Regulations 1999*)

From a fisheries management perspective, PauaMAC7 believe current measures adequately provide for Customary access around D'Urville Island. We understand CMT is not a customary fisheries issue, however our views are obviously developed from a fisheries management mandate.

Current environmental limitations within the Northern Faces, including D'Urville Island, are concerning for all marine users (high sea temperatures, ocean acidification and the prevalence of more and more kina barons). However, research initiatives are currently being developed and implemented by various entities to investigate such ecosystem changes:

These include:

1. Sustainable Food and Fibre Fund (SFFF) research into the factors that are limiting productivity

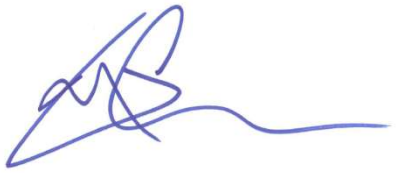
2. Kina Baron removals and translocation of resilient seaweed species

3. Translocation of pāua stocks and pāua larval release trails

These groups need a secure base on which to invest and continue these initiatives. The granting of title to one user group *could* be to the detriment of any future research initiatives and furthermore has the propensity to undermine the rights-

based incentives of the QMS for all stocks that have overlapping QMAs within the application's jurisdiction.

Sincerely,



Mitch Campbell
Executive Officer
PauaMAC7
021 552 151

From: s9(2)(a)
To: takutaimoana
Subject: RE Ngāti Koata Marine Title Claim. Support for Rout Milner Fitchett Submission.
Date: Friday, 17 February 2023 6:49:20 pm
Attachments: 110997-v1-Submission to Minister - D"Urville Island.pdf

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The purpose of this email is to declare my support for the 7-page submission created by Rout Milner Fitchett (dated 17 February 2023) in regard to the Ngāti Koata customary marine title claim for the Rangitoto ki te Tonga area. (copy of RMF submission is attached).

I am a trustee of the s9(2)(a) which 'own' land on Rangitoto ki te Tonga. Our family association with the island began nearly 100 years ago.

I have respect for the Ngāti Koata, and I bear no ill-will toward them. We are all inhabitants of the same planet.

While I do have concerns about the power that a small group may gain regarding the sea around the island, I am more concerned about the haste of this process, the lack of proper consultation, and the lack of details regarding the claim that are available for NZ tax-paying citizens to scrutinize. And I wonder why we should be doing this type of thing at all. I realise that some of the content of this email may not be regarded as legally relevant, but it provides some context. I estimate that 80% of my fellow citizens are not of Maori origin, and many of us are a little weary of funding exercises like this.

It is said that great wrongs were done to Maori by white people. That is probably true. But according to recorded history, great wrongs were done to Maori by Maori. And great wrongs were committed by people of European origin against all races. It isn't about races. The wrongs were done to individuals by individuals and organisations. None of us today were the direct victims or the actual villains. In summary, I question the premise of the Ngāti Koata claim and others like it.

Here are some words I resonate with. They were written by a leading Nelson artist. I think he has succinctly expressed the way many Kiwis may feel:

"I absolutely reject the concept of group guilt and blood libel. I also reject the concept of inherited privilege. The only way forward is equal citizenship under a common law. All property rights must be respected and if disputed settled in a properly constituted court of law. At present what I see seems to be close to favouritism towards selected groups. This can only lead to resentment in our communities."

Thank you for considering my views.

Best wishes... s9(2)(a)

s9(2)(a)

Friends of Nelson Haven & Tasman Bay Inc.

www.nelsonhaven.org.nz em@nelsonhaven.org.nz

Submission to National Office, Ministry of Justice, SX10088, Wellington

33 Bowen Street, Wellington 6011

contactus@justice.govt.nz

Friends of Nelson Haven & Tasman Bay Inc would like to submit and be heard in relation to the Ngaati Koata application to gain customary marine title surrounding Rangitoto-ki-te-Tonga (D'Urville Island).

In 2003, Friends of Nelson Haven & Tasman Bay Inc (Friends) lodged an appeal against a decision by Marlborough District Council granting Wakatu Inc. consent to establish a marine farm in Tasman Bay. The consent issued 26 March 2013 allows a 450 hectare farm west of D'Urville Island subject to certain conditions in four stages. The permit expires 15 years after the commencement of the consent, i.e. 26 March 2028. Stage one of the conditions has not been met, so only the two initial mussel lines are in place. Stage one requires establishing a baseline for the status of the water column and benthic before stage two can be actioned.

The Takutai Moana Act 2011 states:

"20 Act does not affect existing resource consents or lawful activities. Nothing in this Act limits or affects (a) any resource consent granted before the commencement of this Act..."

Friends would like the status of our appeal clarified so that the ten year effort leading to the conditions will continue to be honoured into the future.

Respectfully submitted,

Dr. G. J. Struik co-chair Friends of Nelson & Tasman Bay Inc.

February 13, 2023