

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

UNDER The Resource Management Act 1991
(RMA)

IN THE MATTER Appeals under clause 14(1) of the First
Schedule of the Act in relation to the
Proposed Southland Water and Land Plan

BETWEEN **MERIDIAN ENERGY LIMITED**
Appellants

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

STATEMENT OF EVIDENCE OF ANDREW BAZEL CONRAD FEIERABEND

FOR

MERIDIAN ENERGY LIMITED

8 May 2020

Judicial Officer: Judge Borthwick

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(ENV-2018-CHC-50)

Appellants

AND SOUTHLAND REGIONAL COUNCIL

Respondent

QUALIFICATIONS AND EXPERIENCE

- 1 My name is Andrew Bazel Conrad Feierabend.
- 2 I am employed by Meridian Energy Limited (Meridian). My qualifications and position with Meridian are described in my primary statement of evidence dated 15 February 2019.
- 3 This statement is made with the benefit of information I have acquired because of my position with Meridian and my involvement in the development of the proposed Southland Water and Land Plan (pSLWP). It is observational and factual in nature rather than being an expression of expert opinion.

SCOPE OF THIS EVIDENCE

- 4 The purposes of my statement are:
 - (a) to describe the information communicated or available to Meridian in relation to the position taken by Council to the construction of the pSLWP with reference to:
 - (i) Te Mana o te Wai and ki uta ki tai, and
 - (ii) the relationship of those concepts to other important matters addressed in the pSLWP;
 - (b) to outline how Meridian, as an important stakeholder in the pSLWP because of its ownership and operation of the nationally significant Manapouri Power Scheme (**MPS**), approached its involvement in the preparation of the pSLWP considering the information that was communicated or made available as referred to above;
 - (c) to explain Meridian's concern at the possible implications of a significant change in how the pSLWP is constructed as appears to be promoted in the evidence dated 17 April 2020 of Treena Davidson and Ailsa Cain (for Ngā Runanga) and Matthew McCallum-Clark (for Council); and
 - (d) to confirm that for the reasons set out in this evidence Meridian's position is now not to pursue reference to "enhancement" of the MPS

within Objective 10 in the pSLWP as provided for in the Interim Decision of the Court dated 20 December 2019¹ (**Interim Decision**).

- 5 I am authorised to present this evidence as a representative of Meridian and on behalf of the Company.
- 6 In preparing this evidence I have reviewed:
 - (a) The Interim Decision;
 - (b) The National Policy Statement for Freshwater Management 2014 as originally gazetted (**NPSFM 2014**) and as subsequently amended in 2017 (**NPSFM**);
 - (c) The National Policy Statement for Renewable Electricity Generation 2010 (**NPSREG 2010**);
 - (d) The Southland Regional Policy Statement (**SRPS**);
 - (e) All appeals lodged on the pSLWP;
 - (f) The evidence dated 17 April 2020 prepared by Matthew McCallum-Clark on behalf of Council;
 - (g) The evidence dated 17 April 2020 prepared by Treena Davidson and Ailsa Cane on behalf of Ngā Runanga;
 - (h) The evidence dated 15 February 2019 prepared by Michael Skerrett for Ngā Runanga as submitted in respect of Topic A;
 - (i) The evidence dated 15 February 2019 of Guy Meredith Te Puka Waipara for Meridian as submitted in respect to Topic A;
 - (j) The evidence of Margaret Jane Whyte for Meridian dated 15 February 2019 and 8 May 2020; and
 - (k) Various documentation prepared as part of the section 32 analysis to support the notification of the pSLWP.

A MERIDIAN PERSPECTIVE ON ENGAGEMENT, PLAN DEVELOPMENT AND THE IMPLEMENTATION OF TE MANA O TE WAI AND KI UTA KI TAI IN THE PSLWP

- 7 I have been responsible for Meridian's response to and participation in the development of the SRPS, Plan Change 13 (New Dairy Farming) to the

¹ [2019] NZEnvC 208

Operative Regional Water Plan (**PC13**) and more recently the pSLWP. This has included oversight of the preparation of all submissions, further submissions, appeals and evidence associated with these proceedings.

- 8 The SRPS and PC13 processes have both contributed to the development of the pSLWP and have played a role in establishing the Objectives, Policies and Rules in the pSLWP, including both those provisions that are subject to appeals, and those that are not.
- 9 The SRPS was notified in 2012 and made operative in October 2017. The operative SRPS considers and gives effect to the NPSFM 2014. The SRPS was notified before the NPSFM 2014 was notified and the subsequent submissions, hearings and appeals processes enabled it to be given effect to.
- 10 The SRPS “encourages people to work together and recognises our connections to our environment by encompassing the Ngāi Tahu philosophy of “ki uta ki tai” – from the mountains to the sea”². The SRPS also contains a range of Objectives, Policies and Methods relating to Tangata Whenua participation in decision making and partnerships³ that flow through into the pSLWP. The pSLWP must give effect to the SRPS. I note the SRPS was progressed in parallel with the development of the pSLWP (i.e. 2012–2017).
- 11 My experience from my interactions with Council is consistent with Mr McCallum-Clark’s assessment of the key driver relating to the development of the pSLWP. He describes this in paragraph 11 of his evidence as “... a focus on how to “fix” the big issues facing Southland at the time. This included recognition that Plan Change 13 in relation to new dairy farming was not necessarily delivering the intended outcomes, a recognition that intensive winter grazing was often poorly managed, and sedimentation and run-off were constant issues from development of hill country land”⁴.
- 12 This approach is reflected in various communications and updates Council shared with stakeholders during the Plan development stage. An example of this communication is a letter dated 10 December 2015 to all consent holders titled, “Water and Land 2020 & Beyond Update”. A copy is attached to my evidence as **Appendix 1**.

² SRPS Foreword, page 5

³ These provisions are summarized in SRPS Table 1, Overview of Tangata Whenua provisions, page 21

⁴ Evidence of Matthew McCallum-Clark, 17 April 2020, para 11

- 13 The foundation on which the pSLWP was constructed is the operative Regional Water Plan (**RWP**). Significant parts of the RWP have effectively been carried over into the notified pSLWP. As noted by Mr McCallum-Clark at paragraph 13 of his evidence the need to give effect to the NPSFM 2014 accounted for the most significant additions and changes between the RWP and the pSLWP.
- 14 The position as I understood it as a participant and from a stakeholder engagement perspective was that the purpose of the pSLWP was to set in place a transitional plan that provided a mechanism to guide limit setting as part of the FMU process. It also provided the means to address gaps relating to the need to manage deteriorating water quality across the Southland Region as required by the NPSFM 2014. **Appendix 2** is a process diagram circulated by Council to stakeholders in June 2015 contextualising the Water and Land 2020 & Beyond process, and the role of the SWLP within that.
- 15 At paragraph 15 of Mr McCallum-Clark's evidence he confirms the Council's intention during development of the pSLWP was that "limit setting" as required by the NPSFM 2014 was subject to a separate process to continue once the pSLWP was in place. He further confirms at paragraph 15 that the Council and Te Ao Marama Incorporated (**TAMI**) agreed an overall guidance framework for the development of the Plan based on maintaining water quality, improving it where degraded through good management practices, and further improving it through other mechanisms via the FMU process. One of the guiding principles as to how the guidance framework was to be achieved is "Ki uta ki tai – from the mountains to the sea – integrated management". The framework agreed between Councillors and TAMI as described in paragraph 15 of Mr McCallum-Clark's evidence includes no reference to Te Mana o te Wai.
- 16 At paragraph 21 Mr McCallum-Clark makes a number of observations with respect to the Council, the Plan drafting process, and the involvement of TAMI in the context of consciously implementing the concept of Te Mana o te Wai. From this description it appears to me that although the Council and its plan drafters engaged on the matter of Te Mana o te Wai prior to notification, the way Te Mana o te Wai is reflected in the Interim Decision is not what they anticipated.
- 17 Ailsa Cain notes in her evidence at paragraphs 27, 36 and 38 that Te Mana o te Wai has been part of the pSLWP throughout the consultation and plan

development process. My understanding is that the agreed framework between TAMI and the Council for the management of natural resources within the region gave effect to the concept of Te Mana o te Wai. It was on that basis the pSLWP was notified. This is also consistent with the evidence in chief of Michael Skerrett for Ngāi Tahu as part of the Topic A hearing to which I refer to later in this evidence.

- 18 This understanding appears to be further reinforced with documentation prepared by TAMI and used by the Council in preparing its section 32 analysis for the pSLWP. This documentation undertakes an assessment of the pSLWP prior to notification from a Ngāi Tahu perspective and grades the degree to which the provisions met Ngāi Tahu aspirations and amongst other things gave appropriate recognition to Te Mana o te Wai. I have attached a copy of the assessment prepared by TAMI as **Appendix 3** to my evidence.
- 19 My clear understanding, and Meridian's position at notification of the pSLWP, is that the pSLWP's provisions had to be read as a whole. My understanding is that this meant the concepts of Te Mana o te Wai and ki uta ki tai would be considered and recognised via the proper administration of the Plan, the use of physiographic units as a primary management tool to achieve better management, and through limit setting under the freshwater management unit process (**FMU**).
- 20 The extent to which these concepts contributed to decisions on the way particular resources are to be managed would be determined on a case by case basis. In relation to Te Mana o te Wai this is clearly set out in the pSLWP's Preamble which describes the three functions of Te Mana o te Wai and five key factors that influence it. One of those factors is the values that are determined for a waterbody and how those values are weighed locally.
- 21 In the context of the FMU processes, which is where important policy decisions of relevance to Meridian's interests in the Waiau catchment will be made, it is clear and uncontested⁵ that Te Mana o te Wai must be recognised and that a range of values associated with that concept must be given particular regard alongside other regional and local values identified for each FMU. Meridian accepts Policy 44 and Policy 47 as currently drafted set the appropriate framework against which each FMU will be assessed.

⁵ Policy 44 – Implementing Te Mana o te Wai. I understand this policy is not subject to any appeals

- 22 Meridian's approach throughout to participation in the pSLWP's development to date has been based on the facts set out in paragraphs 18–21 above. These facts informed Meridian's original submission, subsequent evidence it presented at the Council hearings, and its participation in the appeals process in this Court.
- 23 What now appears to be being debated is whether the concept of Te Mana o te Wai has been properly considered and recognised via changes made through the Council hearing and decision-making process in light of the amendments made to the NPSFM 2014 in 2017.
- 24 Under the amendments to the NPSFM in 2017 I note there is a changed emphasis to Te Mana o te Wai in that this concept is now recognised through its own objective and policy (Objective AA1 and Policy AA1) which require regional plans such as the pSLWP to "consider and recognise" Te Mana o te Wai.
- 25 It is not apparent to me why a fundamental change to the architecture of the pSLWP as appended to the planning evidence of Ms Davidson is required or appropriate. As Ms Davidson notes at paragraph 39 of her evidence, if the changes she now proposes were to be made "Objectives 1 and 3 will have a priority and the other Objectives should not be considered as having the same status. The elevation of Objectives 1 and 3 to Korowai Objectives will affect the other objectives because, as a result, they will all need to "put the needs of the waterbody first".
- 26 It may be appropriate to make Objective 1 and 3 "Korowai Objectives" and "korowai be defined as a method of Plan interpretation" as proposed by the Court⁶ to articulate the importance of the concept of Te Mana o te Wai in decision making. However, that is potentially a different proposition than establishing a hierarchy of objectives with the result that other objectives, including Objective 10, which recognises the national importance of the MPS, become subordinate or relatively weaker objectives. This is discussed further in Ms Whyte's planning evidence along with the alternative wording to that proposed by Mr McCallum-Clark and Ms Davidson.
- 27 I can say with confidence that if the approach that is signalled in the 17 April 2020 Ngā Runanga planning evidence had been the starting point when the pSLWP was notified, it would have resulted in a different response in the

⁶ Interim decision paragraph 80

content and direction of Meridian's original or further submissions on the pSLWP.

- 28 Meridian would have sought more enabling provisions in the pSLWP in the context of strategic objectives relating to the need to respond to climate change and an elevation of Objective 10 in the context of preserving the generation of the MPS. In effect Meridian would have requested that Objective 10 would need to be reworded so that it was not a second-tier objective and so could be read and applied alongside Te Mana o te Wai. Meridian would have submitted that such an approach would be necessary to ensure the balancing of values at the FMU process stage (as anticipated in Policy AA1(b) of the NPSFM and Policy 44 and 47 of the pSLWP) was not skewed, and that the higher order SRPS and NPSREG were properly given effect to.
- 29 It is clear to me that the pSLWP has been developed through a period where the application of the concept of Te Mana o te Wai has been evolving at a national policy level.
- 30 At the time of notification of the pSLWP both the Southland Regional Council and TAMI had an agreed position as to the application of Te Mana o te Wai for the purposes of the pSLWP.
- 31 Mr Skerrett for Ngai Tahu described the notification of the pSLWP in his evidence dated 15 February 2019 at paragraphs 17, 110 and 121, in the following terms: the pSLWP wasn't perfect but from a Ngā Runanga perspective the plan was appropriate for notification. He confirmed Ngā Runanga policies were threaded throughout the Plan (presumably giving effect to Te Mana o te Wai) but that there were problems with the rules in the Plan. It was expected these would be addressed through the hearing process. This is consistent with my reading of the TAMI contribution to the section 32 analysis (see Appendix 3).
- 32 As an observer of the plan process it appears to me that Ngā Runanga's position on the pSLWP has changed because of a number of perceived adverse changes made to the plan provisions by the Council via the statutory hearing and decision-making process. Ngā Runanga consider these changes dilute or undermine their preferences for how the pSLWP should consider and recognise Te Mana o te Wai. The decisions relating to the way physiographic units were to be used under the Plan is a clear example of this.

33 These largely relate to matters still to be addressed by the Court as part of Topic A and Topic B. In my view this is not a reason to elevate the Korowai Objectives to the point that gives them primacy and makes all other objectives “second-tier” objectives without a wider evaluation of the effects of such an action on the rest of the Plan. As I noted earlier, had Meridian been properly made aware of the potential for this to happen, either through the wording of the pSLWP as notified, or through a submission on the notified plan that raised the issue, the company would have responded to that.

ISSUES THAT COME INTO PLAY THROUGH ESTABLISHING PRIORITY TE MANA O TE WAI KOROWAI OBJECTIVES

34 Meridian’s view is that the pSLWP in its current form⁷ considers and recognises Te Mana o te Wai through Objective 1 and Objective 3 as required under the NPSFM 2014 as amended in 2017.

35 Meridian accepts Te Mana o te Wai is a key concept that must be considered and recognised in the pSLWP. However, the way in which it is cast must take into account and properly provide for the existing operations of the MPS.

36 A tension clearly exists between full achievement of Te Mana o te Wai, (particularly in the context restoring the mauri of the water of the Waiau FMU), and the ongoing operation of the MPS. Meridian is asking that the resolution of that tension should not be predetermined by treatment of Objectives 1 and 3 in a manner that was not contemplated when the pSLWP was notified.

37 Mr McCallum-Clark has identified this issue in part at paragraphs 35 to 38 of his evidence and he points to the lack of ability to reconcile such objectives within the current plan framework (particularly Objectives 6 and 10). In addition, in my view new objective 9B as it applies to the MPS potentially has the same problem.

38 I note Mr McCallum-Clark does not proffer a view as to how this difficulty should be resolved, whereas Ms Davidson at paragraph 63 appears to think that without prioritising the Korowai Objectives in the way she proposes, ki uta ki tai and the mana of the Waiau River will not be considered in the

⁷ That is, without the amendment proposed in Mr McCallum-Clark’s evidence, and especially without the suite of changes to the objectives proposed in Ms Davidson’s evidence

context of limits and flow regime for the Waiau River. That is not my understanding. Policy 44 seems directly relevant in this regard, and requires a range of matters, including the health and mauri of water, to be given regard in the FMU limit setting process alongside other values identified in the process (which in the case of the Waiau FMU will include the MPS – Policy 26).

- 39 Leaving to one side the question of whether there is scope to make the changes to the objectives Ms Davidson suggests, it is my view that demoting recognition of the national significance of the MPS to a second-tier consideration does not give effect to those provisions in the SRPS that require regional plans to recognise and provide for renewable electricity generation generally, and the MPS specifically⁸.
- 40 In my view the problems with the approach Ms Davidson takes are further exacerbated when considering this issue under the National Policy Statement for Renewable Energy Generation 2010 (**NPSREG**) with its focus on reducing the effects of climate change and maintaining existing forms of renewable energy generation. The importance of the contribution of the MPS to New Zealand's total generation and decarbonisation of the electricity system was outlined extensively in Mr Waipara's uncontested evidence as part of the Topic A hearing. I am very aware just how important the MPS is to Southland and New Zealand as a 100% renewable energy source currently contributing on average 11% of the nation's electricity.
- 41 Mr McCallum-Clark notes in his evidence at paragraph 38 that the MPS has significantly impacted on the Waiau Catchment through its structures, (noting these are authorised under the Manapouri Te Anau Development Act 1963), diversions and discharges.
- 42 My concern is that without proper guidance and limits on what Te Hauora o te Wai means in the context of the Waiau FMU, in which the major diversion of the MPS operates to produce renewable electricity for the national benefit, the result could be to significantly constrain the operations and generation of the MPS.
- 43 This outcome could result if the national importance of the MPS as set out in Objective 10 is made a second-tier objective, with the intent being that

⁸ These provisions are discussed in the evidence in chief of Ms Whyte dated 15 February 2019 and include Objective WQUAN.2; Policy WQUAN.3; Policy WQUAN.5 Method WQUAN.1; Objective ENG.4; Policy ENG.2; Policy ENG.7 and Method ENG.1

the benefits of renewable electricity should only be realised after the mauri of the Lower Waiau River is fully restored in accordance with the value Te Hauora o te Wai as part of the “priority” korowai principle of Te Mana o te Wai.

- 44 To put this concern in context, the cultural experts’ “Final report on cultural indicators of health” provided to the Court as an attachment to a memorandum of counsel for Ngā Runanga dated 29 November 2019 says that “Te Mana o te Wai puts the mauri and needs of the waterbody first. When a waterbody is no longer in the state of hauora, then it is degraded”⁹. In relation to the Waiau Catchment the report goes on to say¹⁰:

“The Manapouri and Monowai power schemes have altered the function and characteristics of the waterbodies in the Waiau Catchment, e.g., river flows have greatly reduced. The resulting diversions of water and fluctuations in lake levels have altered the hydrology of the waterbodies, freshwater/saltwater ratios and changed the characteristics of this catchment. Fish passage at these in river structures relies on human intervention. As such, the waters of the Waiau catchment are considered degraded due to the overall impacts of large-scale modifications.”

- 45 The effects referred to in the above quotation, which result in the waters of the Waiau River being culturally degraded in the opinions of the cultural experts, cannot be avoided and are an inevitable result of the way the MPS is designed to operate. I described this at some length in my evidence in chief.
- 46 Put simply, if the Korowai Objectives are made priority objectives and Objective 10 is made a second-tier objective, then I am concerned that Meridian could find itself confronted with an argument that the clear national benefit in preserving the MPS’s significant renewable electricity output counts for little in the face of an inflexible requirement to “put the mauri and needs of the waterbody first”.
- 47 Te Runanga o Ngāi Tahu was a signatory to the Heads of Agreement between ECNZ and the members of the Waiau Working Party as I described in my evidence in chief dated 15 March 2019 at paragraphs 47–49. That

⁹ Final report on cultural indicators of health, para 14

¹⁰ Ibid, at para 56

Heads of Agreement was entered in the context of the previous resource consenting process for the MPS. The Heads of Agreement records that¹¹:

“The Waiau Working Party has identified a series of provisions and conditions which they believe, if applied to ECNZ’s resource consent conditions as conditions where legally possible and otherwise incorporated into binding agreements...will provide recognition of the various values and opportunities and mitigate the adverse effects of ECNZ’s operations and represent an acceptable outcome by retaining or enhancing the values identified while recognising the importance of the resource for the generation of electricity”

- 48 That “acceptable outcome” continues today (in a modified context following the granting of consent for Manapouri Te Anau Amended Discharge in 2010 to enable the discharge into Doubtful Sound to be increased to 550 cumecs) and is represented in a balanced position where both the need for renewable electricity and the need to protect and maintain other values, including values that are important to Te Runanga o Ngāi Tahu, are recognised.
- 49 While I and Meridian have always anticipated that the freshwater objective and limit setting process for the Waiau FMU would provide an opportunity to reconsider whether the status quo represents the best balance of all values going forward, it has not been my understanding that this reconsideration could take place in the context of the national interest in providing for the MPS being regarded as a second-tier objective and consideration.
- 50 My personal dealings with Ngā Runanga representatives over the years have never caused me to think that such a profound shift in approach was being proposed, and even in the context of the pSLWP process I had not understood that to be the case until I heard with some surprise Ngā Runanga’s closing legal submissions on Topic A where it was stated that Meridian has received “significant and unjustified benefits” at the expense of Ngā Runanga¹². If a hierarchical approach to implement Te Mana o te Wai was applied without recourse to further evaluation of other objectives in the Plan I would have significant reservations in respect of what this might

¹¹ Recital H

¹² Closing Submissions on Behalf of Ngā Rūnanga Regarding Topic A Hearing, 29 July 2019, paragraph 20

mean with respect to allocation of water for electricity production through the FMU process.

- 51 To guard against this possible outcome Meridian's strong view is that if the types of changes promoted by Ms Davidson were within scope and accepted, Objective 10 in relation to the MPS would need to be re-addressed so that providing for the MPS was not seen as a "second-tier" objective.

A REVIEW OF APPEALS REQUESTING AMENDMENTS TO THE KOROWAI OBJECTIVES

- 52 As part of preparing this evidence I have completed a review of all appeals on the pSLWP. I have found no appeal by any party seeking changes in relation to Objectives 1, 3, 4 or 5.

- 53 The only party to address Te Mana o te Wai in its appeal is Ngāi Tahu. The appeal contains a table some 10 pages in length that details the specific parts of the decision appealed, the reasons for the points of appeal, and the relief sought¹³. I can find no reference in that table to any request to prioritise some objectives at the expense of others. I can find no suggestion in the appeal that Objective 10 should be regarded as a second-tier objective, and I can find no reference to Policy 44 which ensures that Te Mana o te Wai and related values must be given particular regard in FMU limit setting processes. The appeal does discuss Te Mana o te Wai in the context of "The general reasons for the Ngai Tahu appeal...". The appeal says¹⁴:

"The concept of "Te Mana o te Wai" puts the mauri of the waterbody and its ability to provide for te hauora o te tangata, te hauora o te taiao, and te hauora o te wai, to the forefront of freshwater management. Te Mana o te Wai is fundamental to the integrated framework for freshwater management in Southland. NGĀI TAHU is committed to this approach and wants to ensure that Te Mana o te Wai is at the forefront of this proposed plan, from the objectives through to the rules. Of particular concern are decisions to redraft policies and rules in a way that provides only for the wellbeing of people, especially at the expense of the water and/or environment."

¹³ Notice of Appeal dated 17 May 2018, paragraph 9

¹⁴ Ibid, paragraph 8(d)

54 As with other parties Meridian is conscious that if the Court chooses to consider substantive changes to the objectives beyond what is contemplated in the appeals, it will need to decide the process steps required to do this and will need to address the implications on the remainder of the pSLWP objectives, policies and rules, and any consequential changes to these that may be necessary.

OBJECTIVE 10 – ENHANCEMENT V ONGOING OPERATION OF MPS

55 In the Interim Decision the Court has sought further clarification of Meridian's request that Objective 10 provides for enhancement of the MPS. I have always understood that any future enhancement of the way the MPS uses water would have to be considered in the context of whatever water allocation is provided for generation via the FMU process, and in accordance with the pSLWP's rule framework.

56 For clarification, those activities associated with structures or land uses associated with the MPS would not be subject to Objective 10 but rather be authorised under the Manapouri–Te Anau Development Act 1963.

57 Policy WQUAN.3 of the SRPS requires regional plans to identify management regimes in accordance with the NPSFM 2014 that:

“(h) recognise the need for availability of water to enable the Monowai and nationally significant Manapouri hydro-electricity power generation activities in the Waiau catchment to continue, and be enhanced where over-allocation will not occur”.

58 Meridian's request that Objective 10 refer to enhancement was intended to ensure the pSLWP gave effect to this requirement in the SRPS. In light of the confusion this reference to enhancement in Objective 10 has caused as set out in the Interim Decision, and in light of the Court's proposed wording of Objective 9B, Meridian is content to rely on Objective 9B as providing a suitable basis from which any future MPS enhancement proposal can be assessed, thereby giving effect to the SRPS's requirement. On this basis Objective 10 will not need to refer to enhancement, and Policy 26 will be implementing Objective 9B in part, as well as implementing Objective 10.

59 The reason for raising this matter with the Court now is also in part to provide the context for the alternative wording options for Objective 10 discussed by Ms Whyte through her planning evidence.

CONCLUSION

60 In conclusion I make the following observations with respect to the pSLWP architecture in relation to Te Mana o te Wai and the NPSFM:

- (a) The pSLWP was developed in response to changes in land use development and intensification, deteriorating water quality across the region, and a new NPSFM gazetted in 2014.
- (b) The pSLWP was designed largely as a transition plan with a focus on giving effect to the NPSFM 2014 as then gazetted. The focus was to establish a process for setting limits at an FMU level and putting in interim arrangements to address deteriorating water quality. The transitional nature of the pSLWP is reflected in the large amount of carryover of provisions from the Operative Regional Water Plan.
- (c) The Regional Council collaborated with TAMI in describing and positioning Te Mana o te Wai and ki uta ki tai in the pSLWP and those parties appear to have agreed on the way these concepts were addressed in the notified version. The documentation prepared by TAMI and used to support the Regional Council's Section 32 analysis, and Mr Skerrett's evidence appear to me to confirm this.
- (d) As Mr Skerrett on behalf of Ngāi Tahu identified, the primary concern with the notified plan was the lack of adequate rules to manage the effects of land use intensification and development on deteriorating water quality as opposed to those objectives and policies giving effect to Te Mana o te Wai.
- (e) From a Ngāi Tahu perspective the pSLWP as amended by Council decision appears to have moved too far from what was agreed to at notification stage, and an appeal has been lodged to address that. The appeal does not seek any amendments to Objectives 1, 3, 4 or 5.
- (f) I have not been able to identify any other appeals seeking any amendments to the above objectives. If there had been such submissions or appeals, Meridian would have approached matters differently. Meridian has relied on the process described earlier.
- (g) The NPSFM 2014 as amended in 2017 provides specifically for decision makers to consider and recognise Te Mana o te Wai in the management of fresh water in Objective AA1. Policy AA1 describes the three "healths" that Te Mana o te Wai recognises and notes that

values identified through engagement and discussion with the community, including tangata whenua, must inform the setting of freshwater objectives and limits.

- (h) Certainly, in the case of setting freshwater objectives and limits at the FMU stage, I consider that Policy 44 and Policy 47 of the pSLWP are quite deliberate in their approach and require values associated with Te Mana o te Wai to be given regard alongside other values identified through engagement and discussion with the community, including tangata whenua. It is my view that this gives effect to the requirements of Objective AA1 and Policy AA1 of the NPSFM.
- (i) I accept that the effectiveness of the FMU process will to some degree be dependent on the outcome of a number of appeals relating to matters that have not yet been either determined or still need to be heard by the Court.
- (j) It is clear to me in my role at Meridian that if the pSLWP had been notified on the basis that matters relating to Te Mana o te Wai were to be given automatic priority and that recognition of the nationally important MPS and its contribution to New Zealand's climate change response was to be a second-tier objective, then the starting point for Meridian's submissions on the notified pSLWP would have been substantially different.
- (k) In the event the Court considers it necessary to provide additional clarity on this issue, it will need to consider the process to achieve this in a way that does not create an inappropriate imbalance between Objective 1, Objective 3 and Objective 10 as they relate to the ongoing operations of the MPS in the national interest.
- (l) Ensuring the appropriate balance may require some amendment to Objective 10 so that it is clearly not considered a second-tier objective.

61 Meridian has reviewed its position on the need to provide for enhancement under Objective 10. While enhancement within limits does need to be provided for in the pSLWP to give effect to the SRPS, this can be achieved through Objective 9B, Policy 26 and the subsequent methods. On that basis

Objective 10 does not need to refer to enhancement, and it is not a matter Meridian proposes to pursue further.



Andrew Feierabend

Statutory and Compliance Strategy Manager, Meridian Energy

8 May 2020

Appendix 1 – Environment Southland Communication – Water and Land 2020 & Beyond Update



**environment
SOUTHLAND**

Te Taiaro Tonga

10 December 2015

Dear Consent Holder

Water and Land 2020 & Beyond Update

We recently completed an intensive engagement period to seek community views on Environment Southland's proposals for maintaining water quality, outlined in the document "Towards a new plan – water and land" as part of the *Water and Land 2020 & Beyond* project.

It was a busy time of year, and I really appreciate the time and effort people put into providing feedback. We gathered hundreds of ideas, comments and suggestions on post-it notes from our drop-in sessions and received over 200 written feedback forms.

Environment Southland Councillors and Te Ao Marama Inc Board members have begun working through the ideas and feedback received. They have also agreed on some key principles that will be in the front of their minds when considering solutions and making decisions. The principles are:

- we are aiming to maintain and improve water quality through the adoption of good management practices and/or similar. Additional improvements to water quality where it is degraded will be required through the limit setting process;
- there are declining trends in water quality and increasing pressure on both quality and quantity which means we need to intervene now, rather than wait for the limit setting process;
- the plan change will be fundamentally underpinned by the physiographic zone work. This will allow us to respond to the various risks/issues we face in a more targeted manner;
- we favour a "Ki uta ki tai" (mountains to the sea) approach, using industry support, where possible.

The first Council/Te Ao Marama Inc workshop to consider the feedback and issues was held in early December 2015 and covered the following five key issues outlined in the engagement document:

- Cultivation
- Intensification
- Wintering
- Tile drains
- Stock access to water



for now and your future

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You can view the feedback summaries and full details of *Water and Land 2020 & Beyond* project online at www.es.govt.nz/waterandland/

Next steps

A second workshop will be held prior to Christmas to discuss onsite wastewater management, wetlands, water takes and some other smaller issues. Potential alternative options – based on the discussions and taking into account the feedback – for the five issues covered in the first workshop, will be considered.

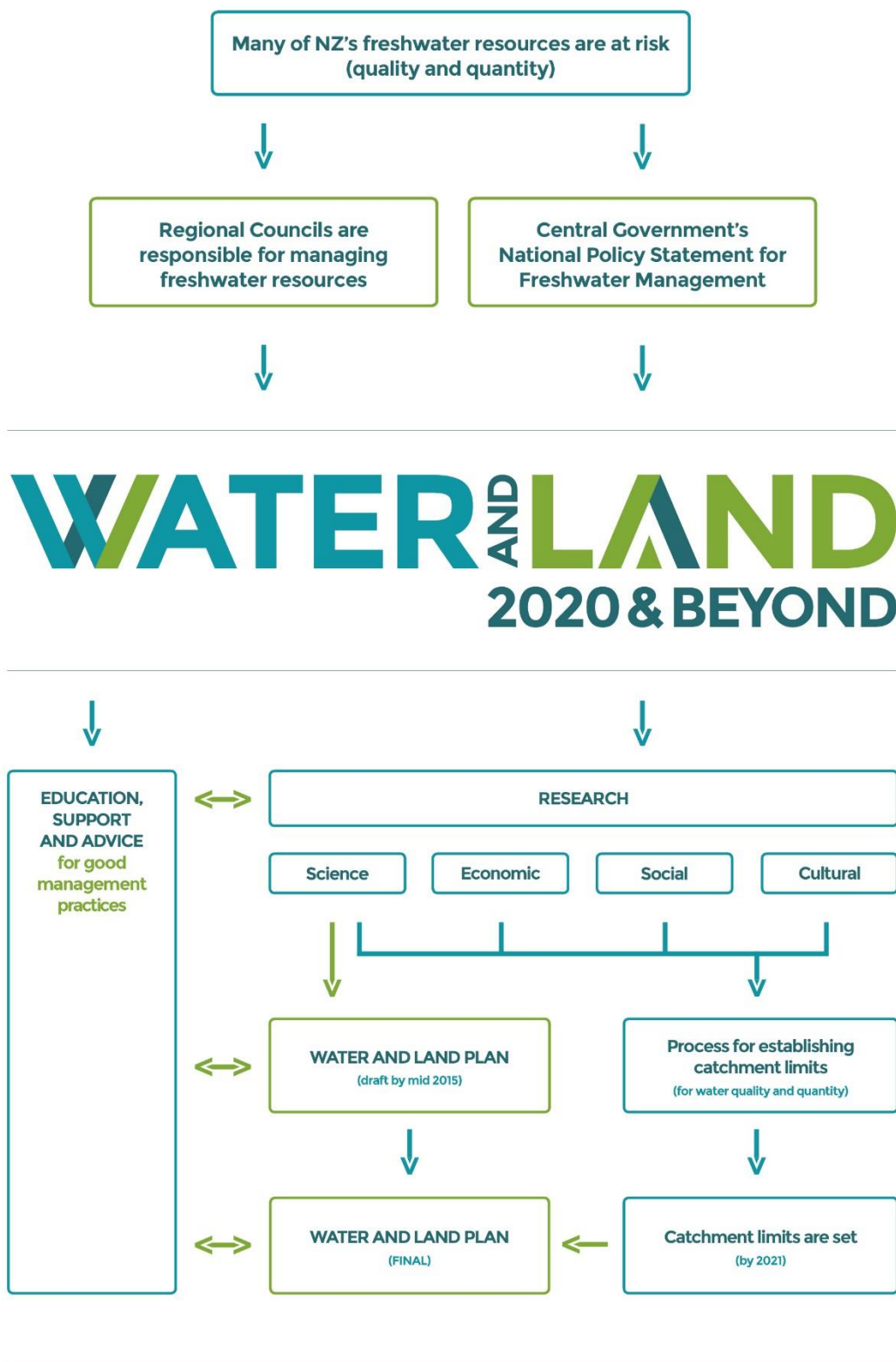
Early in the New Year, further workshops will be held to refine the plan change, with a view to notifying a proposed Water and Land Plan in May 2016.

We will keep you posted in the New Year with further updates. I hope you have a safe and happy holiday season.

A handwritten signature in black ink, appearing to read 'Anita Dawe', written in a cursive style.

Anita Dawe
Policy and Planning Manager

**Appendix 2 – June 2015 Environment Southland Communication – Water and Land
2020 & Beyond Update – Process Diagram**



Appendix 3 – Te o Marama Assessment 2016 of Proposed Southland Water & Land Plan Provisions

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Southland Water and Land Regional Plan - Assessment of Plan in meeting Ngāi Tahu aspirations to assist Environment Southland in informing its S32 Analysis

The table below has been prepared by Te Ao Marama Inc., on behalf of Ngai Tahu ki Murihiku, as an indicative guide to how the draft proposed Southland Water and Land Regional Plan (the “Plan”) meets key outcomes and aspirations of Ngāi Tahu. The table provides a ‘high level’ assessment of the aspirations of Ngai Tahu against the Plan’s provisions, and was designed to assist Environment Southland in drafting its Section 32 Report for the Plan. This document is not to be read as, or used as the formal position of Ngāi Tahu, including Papatipu Runanga and their environmental entities, on the Plan. It is a basic analysis of the extent to which the Plan incorporates elements beneficial to Ngāi Tahu rights, interests and values, as well as highlighting areas where costs to the tribe are associated with adverse environmental conditions.

In its assessment, Te Ao Marama Inc has used aspirations Ngai Tahu has previously articulated in the Ngai Tahu Deed of Settlement 1997, and in its strategic and Resource Management Act 1991 recognised documents and tools. The aspirations and legislative provisions in this table are from:

- Ngai Tahu Claims Settlement Act 1998
- Fisheries Act 1996
- Ngai Tahu 2025
- Ngai Tahu Freshwater Policy 1996
- Te Tangi a Taurira – the Cry of the People: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

As indicated by Environment Southland the Plan combines two operative regional plans and moves to implement the National Policy Statement for Freshwater Management. In its analysis Te Ao Marama Inc has looked at the Plan in its entirety but noting that there are three groups based on the significance of the change from the operative regional plans. Environment Southland has indicated that the matters that require more significant changes and that have been analysed in more depth are:

- Diffuse nutrient discharges/farming
- Incorporating Ngai Tahu values
- Stock exclusion
- Cultivation
- Effluent systems (commercial/community and domestic)
- Water takes (permitted activity thresholds and schedules)
- Wetlands

The mid-level changes seek are:

- Vertebrate pest control
- Tile drains
- Dust Suppressants
- Minor discharges (cemeteries, solid animal and vegetative wastes, horticultural washwater)

The minor changes are not substantive and are generally technical corrections of omissions, improvements to certainty and clarity, and drafting improvements.

Legend – Contribution of Plan towards meeting Ngāi Tahu Objectives and Outcomes	
	Optimum
	Good
	OK – could go further
	A lot more required
	No contribution

Ngai Tahu 2025 - Outcomes

Outcomes	Specific provisions in Plan that address outcomes				Contribution of Plan towards meeting outcomes	Explanation of assessment
	Objective	Policy	Rule	Other		
The abundance of, access to and use of mahinga kai is increased	5	18, 22, 29 and 44		Glossary Appendix K		Where the Plan provides for maintenance and improvement of water quality, and matters such as the protection of estuaries and riparian habitats, this progresses towards improved abundance of mahinga kai.
Councils have adopted in their everyday practice Ngai Tahu philosophies such as Ki Uta Ki Tai planning.	2, 3, 4, 5, 6, 9, 13 and 15	1, 2, 3, 39A, 44 and 45				The Plan incorporates concepts of Ki uta ki tai and Te Mana o te Wai.
All wahi tapu, mahinga kai and other taonga tuku iho are adequately and appropriately protected according to Ngai Tahu values and interests	5, 9, 13 and 15	1, 2, 3, 20, 22, 24 28 and 29	9, 32, 40, 42 - 44, 49, 51, 53, 55, 57 - 64, 66 - 68, 70, 72, 73 and 75 - 78	Glossary Appendices E, K and M		The Plan provides some protection for wāhi tapu, mahinga kai and other taonga tuku iho although not all objectives and policies are carried through into rules
Te Rūnanga o Ngāi Tahu is actively managing a number of sites, resources and areas either in joint partnership with another agency or as the sole manager. Iwi members are employed in the management of these sites, resources and areas.	4 and 5	1, 2, 20, 24, 28, 40, 44, 45 and 47	57, 58, 59, 63, 64, 67, 68, 72 and 73	Financial Contributions Glossary		The Plan improves upon existing plan provisions, increasing the ability for Ngāi Tahu ki Murihiku to exercise rangatiratanga. The Plan refers to the Charter of Understanding in Policy 1 and recognises nohoanga, mātaihai taiapure and marae.
All waterways are enhanced and restored meeting cultural standards, being void of weeds, having indigenous riparian corridors, with water quality and quantity sufficient to support healthy populations of species of cultural significance.	2, 3, 4, 6, 7, 8, 9, 14, 15, 17 and 18	1 - 25, 27 - 35, 39 - 42, 44, 45 and 47				The Plan incorporates mechanisms that are intended to maintain and improve water quality. However, links between water quality and matching land type with land use activities in high risk areas or high risk activities have not been adequately achieved.
Te Rūnanga o Ngāi Tahu fully participates in the decision-making processes of resource management agencies	4 and 5	1, 2, 20, 24, 28, 40, 44, 45 and 47	57, 58, 59, 63, 64, 67, 68, 72 and 73.	Financial Contributions Glossary		The Plan improves upon existing plan provisions, increasing the ability for Ngāi Tahu ki Murihiku to exercise rangatiratanga

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Tikanga is applied in caring for our wāhi taonga and the use of well-nurtured and maintained mahinga kai.	Reflected in 1, 2, 3, 4, 5 and 15	Reflected in 1, 2, 3, 44 and 45				The plan recognises and provides opportunities in the management of tribal assets and freshwater quality.
Systems are in place to ensure the ongoing protection of taonga and access to these by all Ngāi Tahu Whānui.	3, 5, 9, 13 and 15	3, 20, 22, 24, 28 and 29	9, 32, 40, 42 - 44, 49, 51, 53, 55 - 64, 66 - 68, 70, 72, 73, 75 - 78	Glossary Appendices E, K and M Financial contributions		The Plan provides some protection for wai and taonga species
Māori property rights are recognised by the Crown and customary management regimes are in place.	4	No specific provisions	No specific provisions	No specific provisions		Recognition of Māori property rights is not provided for in the Resource Management Act 1991 and therefore not addressed in the Plan.
Papatipu Rūnanga have a strong influence in their takiwā.	Reflected in 4 and 5	Reflected in 1, 2, 20, 24, 28, 40, 44, 45 and 47	Reflected in 57, 58, 59, 63, 64, 67, 68, 72 and 73	Reflected in Financial Contributions		The Plan includes provisions for the ability for Ngāi Tahu ki Murihiku to exercise rangatiratanga
Te Rūnanga o Ngāi Tahu is consulted in the development of all government social, environmental and other policy impacting on Ngāi Tahu Whānui.	Reflected in 4 and 5	Reflected in 1, 2, 20, 24, 28, 40, 44, 45 and 47	Reflected in 57, 58, 59, 63, 64, 67, 68, 72 and 73	Reflected in Financial Contributions		The Plan provides for engagement with Ngāi Tahu ki Murihiku.

Ngāi Tahu Freshwater Policy 1996 - Objectives

Objectives	Specific provisions in Plan that address objectives				Contribution of Plan towards meeting objectives	Explanation of assessment
	Objective	Policy	Rule	Other		
To afford total protection to waters that are of particular spiritual significance to Ngāi Tahu	3, 4, 9, and 17	1 - 25, 27 - 35, 39 - 42, 44, 45 and 47				The Plan does not afford total protection for waters of particular spiritual significance to Ngāi Tahu. The Plan incorporates mechanisms that are intended to maintain and improve water quality. However, links between water quality and matching land type with land use activities in high risk areas or high risk activities have not been adequately achieved.

Restore, maintain and protect the mauri of freshwater resources	3 and 4	1 - 25, 27 - 35, 39 - 42, 44, 45, 47				The Plan incorporates mechanisms that are intended to maintain and improve water quality. However, links between water quality and matching land type with land use activities in high risk areas or high risk activities have not been adequately achieved.
To maintain vital, healthy mahinga kai populations and habitats capable of sustaining harvesting activities	5 and 15	Policies 18, 22, 29, 44		Glossary Appendix K		Where the Plan provides for maintenance and improvement of water quality, and matters such as the protection of estuaries and riparian habitats, this progresses towards improved abundance of mahinga kai.
To promote collaborative management initiatives that enable the active participation of Ngai Tahu in freshwater management	4 and 5	1, 2, 20, 24, 28, 40, 44, 45 and 47	57, 58, 59, 63, 64, 67, 68, 72 and 73	Financial Contributions Glossary		The Plan improves upon existing plan provisions, increasing the ability for Ngāi Tahu ki Murihiku to exercise rangatiratanga

Te Tangi a Taura – the Cry of the People Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – Outcomes

Outcomes	Specific provisions in Plan that address outcomes				Contribution of Plan towards meeting outcomes	Explanation of assessment
	Objective	Policy	Rule	Other		
That Ngāi Tahu ki Murihiku is involved at a level that allows for effective and proactive management of natural resources, wāhi tapu and wāhi taonga in a manner that upholds the kaupapa of this Plan.	4 and 5	1, 2, 20, 24, 28, 39A, 40, 44, 45 and 47	57, 58, 59, 63, 64, 67, 68, 72 and 73	Financial Contributions section Glossary		The Plan improves upon existing plan provisions, increasing the ability for Ngāi Tahu ki Murihiku to exercise rangatiratanga
That there is mutual understanding of iwi and local authority values and responsibilities with respect to the environment, effective management of resources by councils, and effective performance of kaitiaki by Ngāi Tahu ki Murihiku.	4 and 5	1, 2, 20, 24, 28, 40, 44, 45 and 47	57, 58, 59, 63, 64, 67, 68, 72 and 73	Financial Contributions section Glossary		The Plan improves upon existing plan provisions, increasing the ability for Ngāi Tahu ki Murihiku to exercise rangatiratanga
That the principle of Tino Rangatiratanga is enhanced and partnerships formed and extended.	Reflected in 4 and 5	Reflected in 1, 2, 20, 24, 28, 40, 44, 45 and 47	Reflected in 57, 58, 59, 63, 64, 67, 68, 72 and 73	Reflected in Financial Contributions		The Plan improves upon existing plan provisions, increasing the ability for Ngāi Tahu ki Murihiku to exercise rangatiratanga

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That users of this Plan understand the principles of the Treaty of Waitangi and that the interests and values of Ngāi Tahu ki Murihiku are protected and enhanced. This includes the safe guarding of all cultural heritage and significant sites and places.	Reflected in 3, 4, 5, 9, 13, and 15	Reflected in 1, 2, 3, 44 and 45				The Plan being structured around Te Mana o Te Wai and ki uta ki tai show an understanding of the principles of the Treaty of Waitangi and the interests and values of Ngāi Tahu ki Murihiku.
That territorial, regional and central government authorities foster the development of Ngāi Tahu ki Murihiku capacity to contribute to decision making processes, including involvement in long term community strategies across Murihiku.	Reflected in 4 and 5	Reflected in 1, 2, 20, 24, 28, 40, 44, 45 and 47	Reflected in 57, 58, 59, 63, 64, 67, 68, 72 and 73	Reflected in Financial Contributions		The Plan improves upon existing plan provisions, increasing the ability for Ngāi Tahu ki Murihiku to exercise rangatiratanga
That the level of trust and collaboration that is identified between Murihiku councils and Ngāi Tahu ki Murihiku continues as part of normal daily business.	Reflected in 4 and 5	Reflected in 1, 2, 20, 24, 28, 40, 44, 45 and 47	Reflected in 57, 58, 59, 63, 64, 67, 68, 72 and 73	Reflected in Financial Contributions		The Plan improves upon existing plan provisions, increasing the ability for Ngāi Tahu ki Murihiku to exercise rangatiratanga
That it becomes the norm for Ngāi Tahu ki Murihiku values to become embedded in planning documents and management practices used by all agencies working with natural and physical resources and developing environmental policy.	3, 4, 5 and 15	1, 2, 3, 44 and 45				The Plan provides for Ngāi Tahu ki Murihiku values including Te Mana o te Wai and Ki uta ki tai. Through the inclusion of such values, this will assist in ensuring these are applied and used.
To ensure that this Plan is used in a consistent manner in respect to Ngāi Tahu ki Murihiku response to natural resource and environmental management policy development and consent applications.	Reflected in 4 and 5	Reflected in 1, 2, 20, 24, 28, 40, 44, 45 and 47	Reflected in 57, 58, 59, 63, 64, 67, 68, 72 and 73	Reflected in Financial Contributions		The Plan provides for Ngāi Tahu ki Murihiku values including Te Mana o te Wai and Ki uta ki tai. Through the inclusion of such values this will assist in ensuring these are applied and used.
To ensure environmental outcomes accommodate for cultural and traditional spiritual values held by Ngāi Tahu ki Murihiku.	2, 3, 4, 5, 9, 13 and 15	1, 2, 3, 44 and 45				The Plan provides for Ngāi Tahu ki Murihiku values including Te Mana o te Wai and Ki uta ki tai. Through the inclusion of such values this will assist in ensuring these are applied and used.
That integrated management of natural and physical resources is encouraged and that existing relationships with and between local agencies are maintained and enhanced to ensure collaborative goals are set and worked toward.	1, 2, 3, 4, 9 and 13	Referenced in 1, 2, 3, 44 and 45				The Plan provides for integration through provisions relating to Te Mana o te Wai and Ki uta ki tai. The Plan also refers to the Charter of Understanding in Policy 1. Through the inclusion of such values this will assist in ensuring these are applied and used

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20 May 2016

To ensure the protection, restoration and enhancement of the productivity and life supporting capacity of mahinga kai, indigenous biodiversity, air, water, land, natural habitats and ecosystem, and all other natural resources valued by Ngāi Tahu ki Murihiku.	1, 2, 3, 5 - 9, 13 and 15	1, 2, 3, 44 and 45				The Plan incorporates mechanisms that are intended to maintain and improve water quality. However, links between water quality and matching land type with land use activities in high risk areas or high risk activities have not been adequately achieved.
That Ngāi Tahu ki Murihiku become actively involved in the delivery and awareness of the kaupapa of this Plan with respect to protection and enhancement of the natural environment. This includes the delivery of programmes that promote awareness and provide education regarding the environment to achieve environmental outcomes.	Reflected in 4 and 5	Reflected in 1, 2, 20, 24, 28, 40, 44, 45 and 47	Reflected in 57, 58, 59, 63, 64, 67, 68, 72 and 73	Reflected in Financial Contributions		The Plan includes provisions for the ability for Ngāi Tahu ki Murihiku to exercise rangatiratanga
That Ngāi Tahu ki Murihiku capacity is enhanced to become more involved in “on the ground” monitoring of environmental ecosystems.	Recognised in 3	Recognised in 2				The Plan provides for the assessment of water quality and quantity based on Ngāi Tahu indicators of health.
That the planning and delivery of council's regulatory roles in achieving outcomes will take into account and recognise for the potential positive or negative effects that such actions may have on the health and well-being of the Murihiku community.	Recognised in 1, 2, 3, 4, 5, 9 and 13	Recognised in 1, 2, 3, 44 and 45				The Plan recognises and provides for the health and wellbeing of the Murihiku community.
That a sense of belonging and social responsibility with respect to the surrounding environments is encouraged. This includes supporting activities and events that engage communities with their local environments.	Recognised in 1, 2, 3, 4, 5, 9 and 13	Reflected in 1, 2, 20, 24, 28, 40, 44, 45 and 47				The Plan provides for Ngāi Tahu ki Murihiku values including Te Mana o te Wai and Ki uta ki tai.
Ensure that agencies with a statutory role representing our communities recognise Ngāi Tahu ki Murihiku relationships and act in a manner whereby processes and the decisions affecting social well-being are transparent and open.	4 and 5	Reflected in 1, 2, 20, 24, 28, 40, 44, 45 and 47				The Plan provides for Ngāi Tahu ki Murihiku values including Te Mana o te Wai and Ki uta ki tai.

Appendix 3 – Te o Marama Assessment 2016 of Proposed Southland Water & Land Plan Provisions

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To ensure that the diversity of our communities is represented in forums and elected bodies to ensure awareness and understanding of differing views and values held.	Reflected in 4 and 5	Reflected in 1, 2, 20, 24, 28, 40, 44, 45 and 47				The Plan establishes the Freshwater Management Unit process that is intended to provide for Ngāi Tahu and community aspirations and include catchment specific provisions. This implies the need for Environment Southland to engage with Ngāi Tahu and the community to determine these aspirations.
That information presented to the community with respect to aspects of community life including social, economic, environmental and cultural well-being is carried out in a format that is understood by its intended audience, including actions and/or decisions that may result.		1, 2, 3, 44 and 45				The Plan provides for Ngāi Tahu ki Murihiku values including Te Mana o te Wai and Ki uta ki tai.
To ensure that economic development and growth do not have implications for Ngāi Tahu ki Murihiku in exercising kaitiakitanga, or have adverse impacts on the environment and communities.	1, 2, 4, 5 and 13	1, 2, 3, 44 and 45				The Plan seeks to maintain or improve water quality and establishes a process for refinement of provisions through Freshwater Management Units and requiring Good Management Practice.
To ensure that Te Ao Mārama Inc. is supported through succession to maintain partnerships between local authorities and to assist in the understanding and appreciation of Tikanga Māori throughout Murihiku communities.		Reflected in 1, 2, 20, 24, 28, 40, 44, 45 and 47				The Plan provides for Ngāi Tahu ki Murihiku values including Te Mana o te Wai and Ki uta ki tai.

Legislative requirements – Ngāi Tahu Claims Settlement Act 1998 and Fisheries Act 1996

Legislative requirements	Specific provisions in Plan that address legislative requirements				Contribution of Plan towards meeting requirements	Explanation of assessment
	Objective	Policy	Rule	Other		
Protections for, and condition of, Statutory Acknowledgements	5	1		Appendix B		The Plan affords some protection to these areas. All applications that may affect a Statutory Acknowledgement Area are sent to Te Rūnanga o Ngāi Tahu and relevant papatipu rūnanga, in accordance with regulations established following Ngāi Tahu Settlement with the Crown.

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20 May 2016

Protections for, and condition of, Nohoanga	5	1 and 20	57 – 61 and 63	Glossary		The Plan affords protection through requiring that all applications that may affect a Nohoanga are sent to Te Rūnanga o Ngāi Tahu and relevant papatipu rūnanga.
Protections for, and condition of, Tōpuni	5	1				The Plan affords protection through requiring that all applications that may affect a Tōpuni are sent to Te Rūnanga o Ngāi Tahu and relevant papatipu rūnanga.
Management of habitat for, and condition of, taonga species	5 and 15	3, 22, 28, 29	49, 51, 55 - 63, 66 - 68, 70, 73 and 75 - 77	Appendices E and M		Parts of the Plan provide for taonga species. There are inconsistencies between protections given to trout and those given to taonga species. There are also no general provisions about the nesting/spawning/breeding of these species as well as harvesting times.
Management of habitat for, and condition of, Non-Commercially Harvested Species	5 and 15	Not specifically referenced, but covered by protection measures for taonga species.	Not specifically referenced, but covered by protection measures for taonga species.	Not specifically referenced, but covered by protection measures for taonga species.		Parts of the Plan provide for taonga species. There are inconsistencies between protections given to trout and those given to taonga species. There are also no general provisions about the nesting/spawning/breeding of these species as well as harvesting times.
Protections for, and condition of, mātaimai and taiapure	5	1, 20, 28 and 29	57 – 61 and 63			The Plan affords protection to these areas by providing for them within the Plan and requiring that all applications that may affect a mātaimai or taiapure are sent to the trustees or tāngata tiaki/kaitiaki.
The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga are recognised and provided for	2 – 5, 13 and 15	1, 2, 3, 44 and 45				The Plan provides for wāhi tapu, mahinga kai and other taonga tuku iho. The objectives and policies are carried through into some rules but not all.