Resource Management (Form, Fees and Procedure) Regulations –
Schedules 2003

1 August 2016

SUBMISSION ON SOUTHLAND WATER AND LAND PLAN

To: Water and Land Plan
   Environment Southland
   Private Bag 90116
   Invercargill 9840
   Submission lodged by email – policy@es.govt.nz

Name of person making submission:

Ngā rūnanga – Waihopai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima, and Hokonui Rūnaka

Te Rūnanga o Ngāi Tahu (Te Rūnanga)
Collectively referred to as Ngāi Tahu.

These are submissions in support or opposition to: Proposed Southland Water and Land Plan.

1. Introduction and Background

1.1 Ngāi Tahu is Tangata Whenua of Southland Region. Ngāi Tahu means “people of Tahu”. Ngāi Tahu is the iwi comprised of Ngāi Tahu Whānui; that is the collective of the individuals who descend from the five primary hapu; Ngāti Kuri, Ngāti Irakehu, Kati Huirepa, Ngāi Tūahuriri and Ngāi Te Ruahīkikōkī. The Ngāi Tahu takiwā extends over 80 per cent of Te Waipounamu. Te Waipounamu has been home to Ngāi Tahu for over 800 years.

1.2 Te Rūnanga o Ngāi Tahu (Te Rūnanga) is statutorily recognised as the representative tribal body of Ngāi Tahu whānui and was established as a body corporate on 24th April 1996 under section 6 of Te Rūnanga o Ngāi Tahu Act 1996 (the Act).

1.3 We note for the Southland Regional Council (Environment Southland) the following relevant provisions of the Act:

Section 3 of the Act States:

This Act binds the Crown and every person (including any body politic or corporate) whose rights are affected by any provisions of this Act.

Section 15(1) states:

Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.

1.4 The Charter of Te Rūnanga o Ngāi Tahu established under the Act constitutes Te Rūnanga as the kaitiaki of the tribal interests.
1.5 Te Rūnanga respectfully requests that Southland Regional Council accord this response the status and weight due to the tribal collective, Ngāi Tahu whānui, currently comprising over 55,000 members, registered in accordance with section 8 of the Act.

1.6 Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses in relation to this matter.

1.7 It should be noted that in Section 15 (2) of the Act, the provision provides for; where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whānui, be held with Te Rūnanga o Ngāi Tahu. Section 15 (3) of the Act requires that in carrying out any consultation Te Rūnanga o Ngāi Tahu shall in turn consult with Papatipu Rūnanga. In practice, Te Rūnanga takes into account the views of Papatipu Rūnanga when determining its position. In the case of issues of local significance only, Te Rūnanga may defer a response completely to Papatipu Rūnanga.

1.8 Papatipu Rūnanga are defined in section 9 of the Act. This includes Te Rūnanga o Ōraka-Aparima, Te Rūnanga o Awarua, Waihōpai Rūnaka and Hokonui Rūnaka.

2. Manawhenua Statement

2.1 This is a submission from the representative bodies of the tangata whenua who hold manawhenua in their traditional takiwā of Murihiku (includes the Southland Region), to which this proposed Plan relates. Te Rūnanga o Ōraka-Aparima, Te Rūnanga o Awarua, Waihōpai Rūnaka and Hokonui Rūnaka.

2.2 The submission is supported by Te Rūnanga o Ngāi Tahu.

3. Te Rūnanga and Papatipu Rūnanga Interests in the Proposed Southland Water and Land Plan

3.1 Te Rūnanga notes the following particular interests in the Proposed Southland Water and Land Plan:

Treaty Relationship

- Te Rūnanga o Ngāi Tahu have an expectation that the Crown will honour Te Tiriti o Waitangi (the Treaty) and the principles upon which the Treaty is founded. Environment Southland, as the delegated representative of the Crown, is required to take into account the principles of the Treaty of Waitangi in exercising its functions.
- Te Rūnanga is reliant upon Council decision-makers understanding the Treaty context in which they operate and the need to uphold Crown responsibilities that have been delegated to them. The Productivity Commission summed up this extension of the Treaty relationship in its 2013 report Towards Better Local Regulation:
if the Crown chooses to delegate to local authorities responsibility for the control of natural resources, it must do so in terms which require local authorities to afford the same degree of protection as is required by the Treaty to be afforded by the Crown. [p179]

- The Waitangi Tribunal Ngāi Tahu Report 1991 investigated the “nine tall trees” of Te Kerēme (Wai 27, the Ngāi Tahu claim), namely the eight regional purchases of Ngāi Tahu lands over two decades between 1844 and 1864, and Ngāi Tahu claims to mahinga kai resources (the “ninth tree”). This was the culmination of a claims process unfolded over 140 years. Section 4.7.11 of the 1991 Report records the following excerpt from the Court of Appeal ruling of Sir Robin Cooke:

the duty of the Crown is not merely passive but extends to active protection of Maori people in the use of their lands and waters to the fullest extent practicable.

- The Charter of Understanding was signed by Ngāi Tahu ki Murihiku and Environment Southland, Invercargill City Council, Southland District Council, Gore District Council, Queenstown Lakes District Council, Clutha District Council, and Otago Regional Council. The common goal of the Charter of Understanding is:

The signatory Councils and the tangata whenua of Murihiku have a common goal. It is the sustainable management of the region’s environment and for the social, cultural, economic, and environmental needs of communities, for now and into the future.

- All signatories agree that Councils and tangata whenua will work in good faith, cooperation and understanding in pursuit of the aforementioned goal.

Kaitiakitanga

- In keeping with the kaitiaki responsibilities of Ngāi Tahu whānui, Te Rūnanga has an interest in ensuring sustainable management of natural resources, including protection of taonga species and mahinga kai for future generations.

- Ngāi Tahu whānui are both users of natural resources, and stewards of those resources. At all times, Te Rūnanga is guided by the tribal whakataukī “mō tātou, ā, mō kā uri, ā muri ake nei” (for us and our descendants after us).

Whanaungatanga

- Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.

3.2 Te Rūnanga has a specific interest in this proposed plan by virtue of the Ngāi Tahu Claims Settlement Act 1998 (the NTCSA). The NTCSA provides for Ngāi Tahu and the Crown to enter an age of co-operation. An excerpt of the Act is attached as Appendix One, as a guide to the basis of the post-settlement relationship, which underpins this response.

3.3 The Crown apology to Ngāi Tahu is a recognition of the Treaty principles of partnership, active participation in decision-making, active protection and rangatiratanga.
3.4 With regards to the Ngāi Tahu takīwā, Section 5 of the Te Rūnanga o Ngāi Tahu Act 1996 statutorily defines the Ngāi Tahu takīwā as those areas “south of the northern most boundaries described in the decision of the Māori Appellate Court...” which in effect is south of Te Parinui o Whītī on the East Coast and Kāhurangi Point on the West Coast of the South Island.

3.5 Section 2 of the NTCSA statutorily defines the Ngāi Tahu claim area as being:

*the area shown on allocation plan NT 504 (SO 19900), being—*

a) *the takīwā of Ngāi Tahu Whānui; and*
b) *the coastal marine area adjacent to the coastal boundary of the takīwā of Ngāi Tahu Whānui; and*
c) *the New Zealand fisheries waters within the coastal marine area and exclusive economic zone adjacent to the seaward boundary of that coastal marine area;—*

and, for the purposes of this definition, the northern sea boundaries of the coastal marine area have been determined using the equidistance principle, and the northern sea boundaries of the exclusive economic zone have been determined using the perpendicular to the meridian principle from the seaward boundary of the coastal marine area (with provision to exclude part of the New Zealand fisheries waters around the Chatham Islands).

[Refer map attached as Appendix Two]

3.6 The Southland Region is within the Ngāi Tahu takīwā

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4. Submissions – General

Our submission is:

4.1 Appendix 3 sets out our submission. We broadly support the Proposed Plan except where we ask for specific amendments or additions in Appendix 3.

Our reasons are:

4.2 The amendments and additions we seek to this plan are to better incorporate the broader interests and aspirations of Ngāi Tahu in managing the impacts of farming activities across the region and addressing rights and interests in Murihiku. We consider these change are necessary to:

- achieve the purpose of the Resource Management Act 1991;
- give effect to the National Policy Statement for Freshwater 2014;
- give effect to the operative Southland Regional Policy Statement 1997;
- appropriately have regard to the Proposed Southland Regional Policy Statement 2012;
- take into account relevant iwi management plans.
- recognise protected customary rights.

4.3 These reasons apply to every decision requested in this submission, along with any additional specific reasons listed under each submission point.
Decisions sought:

4.4 The specific decisions sought are listed in Appendix 3. Text to be deleted is either described narratively or shown as strikethrough (except where whole sections are to be replaced). Replacement text is either described narratively or shown as underlined.

4.5 We also seek any consequential amendments necessary to give effect to the decisions sought.

4.6 The reasons for our support or opposition are also set out in Appendix 3.

We DO wish to be heard in support of our submission.

[Signature]

Kara Edwards  
General Manager | Te Ao Tūroa  
Te Rūnanga o Ngāi Tahu

Date: 1 August 2016

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APPENDIX ONE: TEXT OF CROWN APOLOGY

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

Part One – Apology by the Crown to Ngāi Tahu

Section 6 Text in English

The text of the apology in English is as follows:

1. The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb “He mahi kai takata, he mahi kai hoaka” (“It is work that consumes people, as greenstone consumes sandstone”). The Ngāi Tahu understanding of the Crown’s responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

This was the command thy love laid upon these Governors ... that the low be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.

2. The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.

3. The Crown acknowledges that it acted unconsiously and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu’s use, and to provide adequate economic and social resources for Ngāi Tahu.

4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu’s use and ownership of such of their land and valued possessions as they wished to retain.

5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying “Te Hapa o Niu Tirenii” (“The unfulfilled promise of New Zealand”). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb “Te mate o te iwi” (“The malaise of the tribe”).

6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of
the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.

7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects on the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.

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

9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.”
APPENDIX TWO: NGĀI TAHU KI MURIHIKU TAKIWĀ
APPENDIX 3: SUBMISSION
<table>
<thead>
<tr>
<th>Plan Provision</th>
<th>Reason for Amendment</th>
<th>Relief Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whole of Proposed Plan - overall approach</td>
<td>Ngāi Tahu supports the overall approach that Environment Southland has taken to maintain and improve water quality as an interim step to the more specific management of water bodies through the Freshwater Management Unit (FMU) process.</td>
<td>The provisions of the Plan do not result in further deterioration of water quality and that any provisions introduced or amended do not lock out the ability for greater regulation to be placed on water bodies where necessary through the FMU process.</td>
</tr>
<tr>
<td>Whole of Proposed Plan - use of physiographic zones</td>
<td>Ngāi Tahu supports the Plan being based on physiographic zones as it is important to match land use with land capability. Ngāi Tahu seeks an approach that applies consideration of physiographic zones to all land uses, not just agricultural, for example mining, milk processing plants, chemical storage, forestry and sewerage discharges. Environment Southland should build on the considerable work undertaken to develop physiographic zones in order to promote and foster a strong understanding of the approach within the wider community. Consistent use of physiographic zones throughout the Plan is important as this both provides a strong basis for the rationale for the rules structure and also makes it more user friendly for Plan users.</td>
<td>Apply consistent use of physiographic zones throughout the Plan as a strong basis for the rationale for the rules structure. This includes providing for large scale consents that are not required to prepare management plans, or are not captured by provisions relating to land use rules within the Plan, for example mining, milk processing factories, sewerage discharges, chemical storage and forestry.</td>
</tr>
<tr>
<td>Whole of Proposed Plan - rights and interests of Ngāi Tahu</td>
<td>In addition to the Resource Management Act 1991, Ngāi Tahu Whānui, including hapū and whānau, have their rights and interests to lands, water, sites, wāhi tapu, and other taonga, and customary rights protected in other legislation. Other Legislation includes: Treaty of Waitangi Act 1975, Ngāi Tahu Claims Settlement Act, various Māori Land acts, Fisheries Act, Te Runanga o Ngāi Tahu Act, Ngāi Tahu (Pounamu Vesting) Act, Conservation Act, Local Government Act, Heritage New Zealand Pouhere Taonga Act, etc. There are also agreements and historic decisions that embed Ngāi Tahu’s rights and interests throughout the Ngāi Tahu takitāwā, including the Southland region.</td>
<td>No part of this Plan should ignore, erode or impede the rights and interests of Ngāi Tahu whānui. Rights negotiated between the Crown and Ngāi Tahu, and recognised in law, are not to be renegotiated at the regional or local level nor ignored by Resource Management Act plans. Mahinga kai is the basis of the settlement and we expect that this will be provided for through the provisions within and the implementation of the Plan.</td>
</tr>
<tr>
<td>Whole of Proposed Plan - reliance on permitted activity rules</td>
<td>Ngāi Tahu is concerned that there is considerable reliance in the Plan on permitted activity rules. It is accepted that permitted activities are necessary to allow activities to be undertaken but these should only be used in situations where the environmental effects are assessed to be no more than minor. Ngāi Tahu have suggested amendments to some rules. We would be very concerned if there was any further shift towards permitted activities in the Plan.</td>
<td>The provisions in the Plan are not made more permissive in any way, including through the introduction of any new Permitted Activities or amendments to other rules making them more permissive in substance.</td>
</tr>
<tr>
<td>Whole of Proposed Plan - maintain and improve</td>
<td>Ngāi Tahu is concerned about the date at which maintain and improve is being derived from for the purposes of the Plan. The</td>
<td>The requirement to maintain and improve water quality be established from Regional Water Plan for Southland being January</td>
</tr>
<tr>
<td>Section</td>
<td>Text</td>
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<tr>
<td>Improve</td>
<td>Regional Water Plan for Southland 2010 was approved and made operative in January of 2010. It is considered that this date, not the date of notification of the Plan review should be the date from which water quality is maintained or improved.</td>
<td></td>
</tr>
<tr>
<td>Whole of Proposed Plan – linkages between objectives, policies and rules</td>
<td>The Plan contains strong objectives and policies, however these are not always reflected in the rules. Ngāi Tahu want consistency in the objectives, policies, and rules as to the level of regulation. Ngāi Tahu want to see the rules strengthened to better reflect the objectives and policies, and not vice versa.</td>
<td></td>
</tr>
<tr>
<td>Whole of Proposed Plan – cumulative effects</td>
<td>Ngāi Tahu supports the proposed Plan in-sofar as it addresses cumulative effects. Ngāi Tahu do however seek that when making decisions on the Physiographic Zones the cumulative effects of any activities are taken into account. Ngāi Tahu is concerned, for example, that the downstream effects from the Riverine Physiographic Zone have not been taken into consideration within the rules structure.</td>
<td></td>
</tr>
<tr>
<td>Whole of Proposed Plan – preferential treatment of existing users</td>
<td>Ngāi Tahu is concerned that the rules give preferential treatment to existing users. Ngāi Tahu seeks that the provisions acknowledge and provide for the need for some activities to improve their practices over time in order to reduce the effects on water bodies resulting from the discharge of sediments, microbes, and nutrients. The provisions in this Plan do not limit the ability for new provisions introduced through the FMU process to provide for the management of sediments, microbes, and nutrients. The Plan should also recognise that better than good management practice will be needed to maintain or improve water quality.</td>
<td></td>
</tr>
<tr>
<td>Introduction Partnership between Environment Southland and Ngāi Tahu ki Murihiku</td>
<td>Support. Some amendments are suggested to ensure that the information is both accurate and reads clearly.</td>
<td></td>
</tr>
<tr>
<td>Region-wide Objectives</td>
<td>Support. The region wide objectives offer a strong directive for shaping the policies and rules that follow: Ngāi Tahu support Objectives and corresponding Policies and Rules that strengthen Environmental, Human health and wellbeing</td>
<td></td>
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</table>

2010. |
<p>| Unless otherwise indicated in this submission, retain objectives and policies as drafted. Ensure that the rules achieve the intent of the objectives and policies. |
| The provisions address cumulative effects on the receiving environment. |
| No change is sought to the provisions in the Plan in-sofar as they introduce provisions for nutrient management. However, Ngāi Tahu seeks that the provisions in this Plan do not do not limit the ability for new provisions to provide for the management of sediments, microbes, and nutrients through the FMU process. |
| Retain this section but amend the text as appended as (A) to this table. |
| Retain objectives as proposed. |</p>
<table>
<thead>
<tr>
<th>Policies general</th>
<th>Support. Unless otherwise stated support the policies in that they give effect to the objectives within the Plan and shape the rules that follow.</th>
<th>Retain policies as proposed, unless otherwise indicated.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 1</td>
<td>Support. This policy is important as it reflects the Iwi Management Plan and acknowledges that Pepepitu Rūnanga are kaitiaki of Southland/Murihiku and have a role in freshwater and land management in Southland/Murihiku.</td>
<td>Retain policy as worded.</td>
</tr>
<tr>
<td>Policy 2</td>
<td>Support. The policy requires that the assessment of an activity must take into account any relevant Iwi management plan, and assess water quality and quantity based on Ngāi Tahu indicators of health. This policy gives effect to Objective D1 of the National Policy Statement for Freshwater. To assist with this policy and general understanding of Ngāi Tahu Indicators of Health a new definition is proposed.</td>
<td>Retain policy as worded.</td>
</tr>
<tr>
<td>Policy 3</td>
<td>Support in part. Taonga species are of great significance to Ngāi Tahu, and for this reason any activity which may adversely affect Taonga species must be properly managed.</td>
<td>Amend policy to read: To avoid as a first priority or otherwise manage activities that adversely affect taonga species, identified in Appendix M.</td>
</tr>
<tr>
<td>Policies 4 – 12 general</td>
<td>The physiographic zone approach should be the basis from which decision making on discharges, water take and use and land-use (eg earthworks and vegetation clearance) are based, not just those associated with agricultural activities. Ngāi Tahu considers that the provisions should be expanded to include controls for risks specific to these zones from discharges, water take and use and land-use. This would help in simplifying how the rules are used and provide a clearer link to the FMU decision making process that follows.</td>
<td>Amend the policies to include controls for risks specific to these zones from all discharges, water take and use and land use including soil health.</td>
</tr>
<tr>
<td>Policy 4</td>
<td>Support in part. Much of the water in the Alpine Physiographic Zone is in pristine condition. Protecting the alpine zone also recognises its influence on cumulative effects on the lower catchment and receiving environment. Support prohibiting of dairy farming and intensive winter grazing within this Zone. To ensure the water quality does not degrade, it is important that good management practices are not limited just to managing effects from overland flow, but should also include lateral drainage.</td>
<td>Amend policy to read: In the Alpine physiographic zone, avoid, remedy, or mitigate erosion and adverse effects on water quality from contaminants, by: 1. requiring implementation of good management practices to manage erosion and adverse effects on water quality from contaminants transported via overland flow and lateral drainage; 2. having particular regard to adverse effects of contaminants</td>
</tr>
</tbody>
</table>
| Policy 5 | Support in part. To comprehensively protect water quality in the Central Plains physiographic zone, Ngāi Tahu want good management practices to include lateral drainage. It is important that lateral drains are included and required to operate at or above Good Management Practice as they convey untreated wastewater. If the infrastructure was to fail it would have a significant adverse effect on water quality. | Amend policy to read:  
In the Central Plains physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:  
1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, and deep drainage and lateral drainage;  
2. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, and deep drainage and lateral drainage when assessing resource consent applications and preparing or considering management plans. |
| Policy 8 | Support in part. Deep drainage and lateral drainage should be included as they can be a pathway for contaminants in this zone. | Amend policy read:  
In the Lignite–Marine Terraces physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:  
1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via overland flow, and artificial drainage, deep drainage and lateral drainage where relevant;  
2. having particular regard to adverse effects on water quality from contaminants transported via overland flow, and artificial drainage, deep drainage and lateral drainage where relevant when assessing resource consent applications and preparing or considering management plans. |
| Policy 10 | Support in part. Point 3 of Policy 10 is especially important to Ngāi Tahu, as it discourages granting consents for additional dairy farming and additional intensive grazing. Soils and aquifers in the Oxidising Zone have a high risk of nitrogen build-up and as such provision needs to be in place to protect it. | Amend to read:  
In the Oxidising physiographic zone, avoid or remedy, or mitigate adverse effects on water quality from contaminants, by:  
1. requiring implementation of good management practices to |
| Policy 12 | **Support in part. Policy 12 is supported with the exception of the words “where relevant”.** The Riverine Physiographic Zone is predominately adjacent to the Alpine Zone and near the top of the hydrological system. Ngāi Tahu is concerned these are a major pathway for contaminants and as such influences the cumulative effects in the lower catchment and receiving environments. | **Amend to read:**

In the Riverine physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:

1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant;
2. having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering management plans;
3. **Discouraging the granting of resource consents for new or additional dairy farming of cows and additional winter grazing.** |

| Policies 13 - 15 | **Support. Ngāi Tahu seeks all point and non-point source discharges are to land. However, recognise that as a suite of policies point and non-point source discharges preference is given to land and the protection of water quality.** | **Retain policies as worded.** |

| Policy 16 | **Oppose in part. Discouraging practices is not considered strong enough.** Ngāi Tahu would prefer new dairy farming is avoided while wintering activities, not just new wintering, is strongly discouraged as these waterbodies have high cultural value to Ngāi Tahu. | **Amend to read:**

(1) Minimising the environmental effects (including on the quality of water in rivers, coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands, and groundwater) from farming activities by:

(a) **Avoiding strongly discouraging the establishment of new dairy farming and strongly discouraging intensive** |
| Policy 17 | Oppose in part. *Ngāi Tahu view all environmental systems as interconnected. For this reason it is considered important to avoid adverse effects on the whole of the environment, not just on water quality.*  
wintering activities in close proximity to sensitive waterbodies identified in Appendix Q.  
Retain (b) as worded.  
Retain 2 as worded. | Amend to read:  
1. Avoid adverse effects on water quality, and avoid as far as practicable other adverse environmental effects of the operation of, and discharges from, effluent management systems.  
Avoid as far as practicable adverse environmental effects of the operation of, and discharges from, effluent management systems.  
Retain 2 as worded. |
<table>
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<tbody>
<tr>
<td>Policy 18</td>
<td>Support. It is important to exclude stock from water bodies including sheep. While sheep spend less time in waterbodies than other forms of livestock, they still adversely affect water quality. When sheep drink from the waterbody they pug the ground on the banks, leading to more sediments entering the water. Additionally, sheep deposit faecai contaminants around the waterbody which eventually enter the water.</td>
</tr>
</tbody>
</table>
| Policy 29 | Support in part. *Mahinga kai is more than a food species which is implied by the structure of this sentence. Please see the paragraph on Mahinga kai in the ‘Partnership between Environment Southland and Ngāi Tahu ki Murihiku’ section, as well as our proposed definition of mahinga kai.* | Amend clause (4) to read:  
...does not adversely effect the Ngāi Tahu values associated with the river, including mahinga kai and tāonga species, habitat, mahinga kai, mātai and taipure; and  
Retain remainder of policy as worded. |
| Policy 39A | Support. The inclusion of Policy 39A is in line with our philosophy of *Kū tō ki tai* ("from mountains to the sea"). We support the inclusion of and recognition of estuaries as their protection is essential. | Retain Policy as worded. |
| Policy 42 | Oppose in part. Allowing resource consents to renew where a waterbody is over allocated does not give effect to Objective B3 of the National Policy Statement for Freshwater Management.  
Objective B3 requires that any further over allocation of freshwater is avoided and existing over allocation phased out. The existing wording which states that water takes in over-allocated waterbodies may be granted “with a lesser volume and rate or take" is not enough. | Amend policy to read:  
When considering resource consent applications for water permits:  
1. a consent for a new water take will not be granted if a waterbody is fully allocated, or to do so would result in a waterbody becoming over allocated or over allocation being |
to stop over-allocation. It needs to be specified what proportion of the original water take is to be surrendered in the replacement take.

Additionally, Ngāi Tahu request the alignment of all water permit expiry dates so that all water users can be managed at the same time. By doing it this way it is not just those water users whose consents are coming up for renewal who stand to lose rights to the most water, everyone will proportionally lose the same amount.

- increased;
- 2. consents replacing an expiring resource consent for an abstraction from an over-allocated waterbody or where it would result in over allocation of a waterbody if approved will only be granted at a reduced rate, may be granted with a lesser-volume and rate or the reduction being taken proportional to the amount of over-allocation and previous use;

| Policy 44 | Support. The inclusion of Te Mana o te Wai in the Plan is important. The approach puts the mauri (inherent health) of water and its ability to provide for te hauora o te tangata (the health of the people), te hauora o te tāiao (health of the environment) and te hauora o te wai (the health of the waterbody) to the forefront of freshwater management.
Applying this approach will also give effect to the National Policy Statement for Freshwater Management. | Retain policy as worded. |
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<tr>
<td>Policy 47</td>
<td>Support. This provision provides for Manawhenua values such as mahinga kai.</td>
<td>Retain policy as worded.</td>
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| Policy 47 | Support in part. Add new provision so that the Plan paves the way for the Freshwater Management Unit process which will be able to facilitate maintenance and improvement of freshwater quality. | Add new clause:
5. Where there is evidence of a decline in the health of a waterbody over time an approach must be taken to reduce contaminates, sediments and point source discharges over time. |
| Rules general | Unless otherwise indicated, Ngāi Tahu broadly supports the rules in the Plan as it provides for Te Mana o Te Wai. Ngāi Tahu are concerned that the rules do not achieve the objectives or policies as they are more permissive in nature. Ngāi Tahu would be concerned if the rules were amended to make them more permissive. | Unless specific changes are sought retain rules as worded. |
| Rule 5 | Support. Ngāi Tahu supports the inclusion of (b)(ii) as the discharge of raw sewage is offensive to Ngāi Tahu. The discharge of raw sewage is also both biologically and chemically harmful to receiving environments. | Retain rule as worded. |
| Rules 9, 10, 11, 15, 26-29 | Support in part. Ensure consistency in applying rules by providing for mitatai and tāiapūrea reserve areas. | (g) the discharge does not take place into water within natural state waters, into waters subject to a water conservation order or mataiātei reserve or tāiapūrea. |
| Rule 11 | Support the submission of the Rakura Titī Islands Administering Body (RTIAB), established by and in accordance with the NTCSA, to control and manage the Rakura Titī Islands as if they were a nature reserve. RTIAB seek that this rule remain a permitted activity so that a swift response to any pest re-infestation on the Titī Islands is possible. | Retain rule as worded. |
| Rules 20 – 23 use of hectares | Oppose in part. Ngāi Tahu is concerned that the use of the hectare permitted activity triggers within the Plan do not reflect the attributes that influence water quality within the physiographic zone. | Ensure that where a hectare limit trigger is used within a permitted activity rule in rules 20-23 the limit set is reflective of the attributes of the Physiographic Zone. |
| Rule 20 | Support in part. For reasons set out with regard to the whole of the plan approach | Retain rule as worded with the exception of amendments to Rule 20(a) – see directly below. |
| Rule 20(a) | Oppose in part. Concern that as worded intensive winter grazing could still occur on a landholding of less than 20ha. | Amend to read:  
The use of land for a farming activity other than intensive winter grazing on a landholding that is less than 20 hectares is a permitted activity. |
| Rule 21 | Oppose in part. If the water quality in some physiographic zones is to be maintained or improved existing farming activities, particularly those with high sediment, microbe and nutrient losses, should be required to show how they reduce their effects on waterbodies over time.  
Support prohibiting dairy farming of cows in Alpine Physiographic Zone. | Retain rule as worded. However, implement measures in Appendix N requiring Management Plans to show how they will reduce contaminate levels over set timeframes.  
Within the FMU process ensure the provisions, where it is shown existing farming practices have an effect, require existing farmers to reduce sediments, microbes, and nutrients levels. |
| Rule 22(a) | Support in part. The soils and underlying aquifers in the Oxidising Physiographic Zone have very little ability to remove nitrogen. The soils absorb significant quantities of water and any nutrients in the water not taken up by plants enter the aquifer. Soils in the Riverine zone are well drained but the aquifers are also very susceptible to nitrogen contamination. In addition, contaminated groundwater from adjacent zones diminishes the quality of groundwater in the Riverine zone, which in turn flows into several of the larger rivers in Murihiku/Southland. This leads to pollution of downstream estuaries and lagoons. Given the susceptibility of water in these zones to contamination, it is important that they are non-complying. | Amend as follows:  
(a) The use of land for dairy farming of cows that did not exist as at 30 May 2016 or does not comply with Rule 21(a) or 21(b) in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones, is a discretionary activity, provided the following condition is met: ...  
Retain remainder of 22(a) as worded. |
| Rule 22(b) | Same reason as for 22(a). | Amend as follows:  
b) The use of land for dairy farming of cows that did not ... |
<p>| Rule 22(c) – (g) | Support the precautionary approach within this rule. Agree with Rule 22(e) regarding farms in two or more physiographic zones requiring all land to comply with the rules for the zone it falls under. This will help to maintain water quality on properties covering zones with varying degrees of permissiveness. Rule 22(f) is also important and stops the rules becoming too onerous for farmers. | Retain 22(c) – (g) as proposed. |
| Rule 23(a) | Support the use of a timeframe to allow farmers to adapt to the need to require a resource consent. | Retain (a) as worded. |
| Rule 23(b) | Support in part. Change to Rule 23(b)(iii) due to the Old Mataura soil and aquifers being at high risk of nitrogen buildup. Unsuitable environment for intensive winter grazing to be permitted. All provisions after Rule 23(b)(iv) will require consequential renumbering. Agree with Rule 23(b)(viii) as lakes are particularly sensitive to pollution as they are closed systems. | Amend (b) to read: From 30 May 2018, the use of land for intensive winter grazing is a permitted activity, provided the following conditions are met: ... (iii) not more than 20 hectares of intensive winter grazing is undertaken on a landholding within the Old-Mataura or Peat Wetlands physiographic zones; (iv) the intensive winter grazing does not take place within the Old Mataura physiographic zone. Retain remainder of (b) as worded. |
| Rule 23(c) | Support in part. For Rule 23(c) we want the Riverine and Oxidising Physiographic zones to be amended from 50ha intensive grazing to 20ha intensive grazing. Soils and aquifers in these zones are at high risk of nitrogen build up due to the lack of denitrification ability in the soil. | Amend (c) to read: From 30 May 2018, the use of more than 20 hectares of a landholding for intensive winter grazing in the Old Mataura, Oxidising, Riverine, or Peat Wetlands physiographic zones or 50 hectares in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains or Lignite-Marine Terraces physiographic zone is a restricted discretionary activity, provided the following conditions are met: |
| Rule 23(d) | Support in part. Due to the sensitive nature of the environment the Oxidising Physiographic Zone requires a higher level of protection. Discretionary activity status is more appropriate | Amend to read: From 30 May 2018, the use of land for intensive winter grazing in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces |</p>
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<tr>
<th>Rule</th>
<th>Description</th>
<th>Amendment/Retain</th>
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<tr>
<td>Rule 23(e)</td>
<td>Support in part. Due to the sensitive nature of the environment, the Oxidising Physiographic zone requires a higher level of protection. Non-complying status is more appropriate.</td>
<td>Amend to read: (e) From 30 May 2018, the use of land for intensive winter grazing in the Old Mataura, Oxidising, or Peat Wetlands physiographic zones that does not meet conditions (i) to (iii) of Rule 23(c) is a non-complying activity.</td>
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<td>Rule 23(f) and (g)</td>
<td>Support rules.</td>
<td>Retain rules as worded.</td>
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<td>A test Rule 27(f)</td>
<td>Support. The discharge of raw sewage into water is offensive to Ngāi Tahu and compromises both water quality and mahinga kai.</td>
<td>Retain this rule as worded.</td>
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<tr>
<td>Rule 30</td>
<td>Support. The discharge of human waste to ground untreated is not only unsanitary but offensive to Ngāi Tahu.</td>
<td>Retain this rule as worded.</td>
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<td>Rule 35(a)(viii)</td>
<td>Oppose in part. The limit of 150kg N/ha/year is too high. This rule could undermine the work being done by Environment Southland on the Physiographic zones with regard to nutrient management. Instead of proposing a limit in terms of kg of N/ha/year Ngāi Tahu is satisfied that discharges of N to land of animal and vegetative waste can occur subject to the capacity of the Physiographic zone to accommodate it.</td>
<td>Amend rule to reflect the approach taken in the physiographic zones so that the permitted rate of nitrogen onto any land area from agricultural effluent or water containing agricultural effluent does not exceed the capacity of a specific physiographic zone to accommodate the nitrogen loss.</td>
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<tr>
<td>Rule 35(a) new clause</td>
<td>This new provision links to Rule 35(a)(viii). In order to assist the Council to know how much N can be applied to land from animal and vegetative waste it is suggested that this information is recorded. It is proposed the approach used for the Physiographic zones is applied here and that this information forms a part of the content of a Management Plan or they are registered as independently audited self-management participants.</td>
<td>Add new clause: A Management Plan is prepared and implemented in accordance with Appendix N, including the mitigations relevant to the farming activity being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</td>
</tr>
<tr>
<td>Rule 38(c)</td>
<td>Oppose in part. The limit of 150kg N/ha/year is considered to be too high. This rule could undermine the work being done on the Physiographic zones with regard to nutrient management. Instead of proposing a limit in terms of kg of N/ha/year we are satisfied that discharges of N to land of animal and vegetative waste can occur</td>
<td>Amend rule to reflect the approach taken in the physiographic zones so that the permitted rate of nitrogen onto any land area from agricultural effluent or water containing agricultural effluent does not exceed the capacity of a specific physiographic zone to</td>
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| Rule 38(e) - new clause | This new provision links to Rule 38(c). In order to assist the Council to know how much N can be applied to land from animal and vegetative waste it is suggested that this information is recorded. It is proposed the approach used for the Physiographic zones is applied here and that this information forms a part of the content of a Management Plan or they are registered as independently audited self-management participants. | Add new clause:

A Management Plan is prepared and implemented in accordance with Appendix N, including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants. |
| Rule 41(a)(iv)(3) | Oppose in part. The limit of 150kg N/ha/year is considered to be too high. This rule could undermine the work being done on the Physiographic Zones with regard to nutrient management. Instead of proposing a limit in terms of kg of N/ha/year we are satisfied that discharges of N to land of animal and vegetative waste can occur subject to the capacity of the Physiographic zone to accommodate it. | Amend rule to reflect the approach taken in the physiographic zones so that the permitted rate of nitrogen onto any land area from agricultural effluent or water containing agricultural effluent does not exceed the capacity of a specific physiographic zone to accommodate the nitrogen loss. |
| New Rule 41(a)(v) | This new provision links to Rule 41(a)(iv)(3). In order to assist the Council to know how much N can be applied to land from animal and vegetative waste it is suggested that this information is recorded. It is proposed the approach used for the Physiographic Zones is applied here and that this information forms a part of the content of a Management Plan or they are registered as independently audited self-management participants.
Refer also to the submission on Appendix N, below. | Add new clause:

A Management Plan is prepared and implemented in accordance with Appendix N, including the mitigations relevant to the farming activity being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants. |
| Rule 41(b) | Oppose in part. The word 'not' is missing from the rule. It appears its exclusion was likely in error. | Amend to read:

The discharge of silage leachate to land that does not meet the conditions in Rule 41(a) is a discretionary activity. |
| Rule 70(a)(vi) | Support in part. Strongly support the move to exclude stock from water bodies over time. Ngāi Tahu are however concerned about the adverse effects sheep can have on water quality. While they are less likely to spend time in waterbodies, they still do pug the margins, which increases both sediment and phosphorous run-off into the | Retain rule as proposed but add new clause (vii) as follows:

despite (i) to (v), sheep are to be excluded from 1 May 2018 from all natural state waters, natural wetlands, nohoanga sites, mātai, taipure, and estuaries and by 1 May 2020 from all water bodies within the Peat Wetlands, Lignite- |
<table>
<thead>
<tr>
<th>Rule 70(b) and (c)</th>
<th>Support.</th>
<th>Retain clause (b) and (c) as proposed.</th>
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</table>
| Rule 74           | Support in part. Wetlands play a key role in filtering contaminants from water, as well as act as habitat for mahinga kai. For this reason Ngāi Tahu seeks the addition of d.) to rule 74. | Amend clause:  
  Wetlands  
  d.) The draining of any natural wetland is a prohibited activity. |
| Rule 78(a)(xv)-(xv) – new clauses | Support in part. Drains are connected to waterbodies so any sediment release would adversely affect waterbodies downstream. Drains also provide habitat for many aquatic species including taonga species, some of which are endangered. It is essential these habitats are maintained. | Amend to read:  
  Weed and sediment removal for drainage maintenance  
  a.)  
  (xiv) No activity in relation to drainage maintenance shall result in greater sediment loss to the drain.  
  (xv) No activity in relation to drainage maintenance shall significantly adversely affect the habitat or health of any taonga species as identified in Appendix M. |
| Glossary definition of “Mahinga Kai” | Support in part. Mahinga kai is more than just food and areas from which food can be harvested, it encompasses all natural resources associated with the harvest and preparation. For example, the harakeke (flax) where food may be stored, the wood used as fuel for the fire to cook the food, stone adze heads which were used to carve waka which were then taken out to collect kaimoana – all of these things and more are part of mahinga kai. Additionally, mahinga kai extends beyond the above to the broader sustenance of the people from the natural environment. | Amend to read:  
  Mahinga kai is central to the Ngāi Tahu ki Murihiku way of life and a principal component of environmental management. Mahinga kai is about places, ways of doing things, and resources that sustain people. |
| Glossary definition of “Habitat” | Support in part. Large-scale human development in Murihiku/Southland has altered many habitats resulting in many species being forced to adapt as best they can to unnatural habitats. An example of this can be found in farm drains. Many freshwater species live in these man-made habitats. | Amend to read:  
  Habitat –  
  The place or type of place where an organism or population naturally lives. |
| Glossary definition of “Surface waterbody” | Oppose. Artificial watercourses tend to have more permissive rules than surface waterbodies, however, as many artificial watercourses | Amend to read: |
| New Definition | Provide guidance to plan users as to the use of the term Ngāi Tahu Indicators of Health as it applies to policies in the Plan by including a new definition of what this is. The definition is adapted from Te Tangi e Turia Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008. | Add a new definition that reads: 
Ngāi Tahu Indicators of Health 
The Ngāi Tahu Indicators of Health is a tool being developed by Papatūī Rūnanga to facilitate monitoring and provide long term data that can be used to assess land, water and taonga species health over time. The long term aspirations of the Indicators are linked to mahinga kai and the realisation of the Ngāi Tahu Treaty Settlement. 
The indicators could include, but are not limited to, those provided on page 150 of Te Tangi Te Tangi a Turia Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008. |
| Appendix N | Support in part. General support for Appendix N however consider it is important that Good Management Practice is not static. If it is updated with the most up to date and efficient practices it is more likely to have positive water quality outcomes. Management Plans should be expanded to include the effects of farming activities on the land, including soil health and also on indigenous biodiversity, taonga species and indigenous wetlands. | Add new clause: 
(vii) Information on what comprises Good Management Practice is reviewed and updated accordingly on a five yearly basis to ensure it is up to date with the latest farming technology and practices, as well as the latest environmental data. 
Add new Management Plan context as follows: 
Taonga Species and significant indigenous biodiversity 
Within the Management Plan provide a section which show how farming activities will be undertaken in a manner that minimises adverse effects on: 
- taonga species in Appendix M; 
surface waterbody; |
|          | • natural wetland,  
|          | • riparian area, and  
|          | • significant indigenous biodiversity. |
Appendix A

Amended text for Partnership between Environment Southland and Ngāi Tahu ki Murihiku

**Partnership between Environment Southland and Ngāi Tahu ki Murihiku**

As tangata whenua of Murihiku/Southland\(^1\), Ngāi Tahu share a strong connection to the natural environment (including lands, coasts, water, air and biodiversity) of the area.

Ngāi Tahu have a tribal council, Te Rūnanga o Ngāi Tahu, which is made up of 18 Papatipu Rūnanga who hold the rights and responsibilities to defined areas of land and waters within the takitū (area) of Ngāi Tahu. The following four papatipu rūnanga in Murihiku/Southland are the principal mana whenua and kaitiaki for the Southland region and make up Ngāi Tahu ki Murihiku:

- Waikōpāl Rūnaka;
- Te Rūnanga o Ōraka-Aparima;
- Hokonui Rūnaka;
- Te Rūnanga o Awarua.

By exercising kaitiakitanga (guardianship), Ngāi Tahu ki Murihiku actively work to ensure that spiritual, cultural and Mahinga kai values are upheld and sustained for future generations. Kaitiakitanga in this context includes: ensuring the protection, restoration and enhancement of the productivity and life-supporting capacity of mahinga kai, indigenous biodiversity, air, water, land, natural habitats and ecosystems, and all other natural resources valued by Ngāi Tahu ki Murihiku.

Environment Southland and Ngāi Tahu ki Murihiku have an enduring and legitimate relationship, established over a number of years. Environment Southland is an active participant and signatory to, Charter of Understanding – Hs Huaraki mā Ngā Uri Whakatupu, signed by the southern councils and Ngāi Tahu ki Murihiku. The Charter sets out the common goal of "the sustainable management of the region’s environment and for the social, cultural, economic and environmental wellbeing of the community, for now and into the future".

The Charter provides for an on-going relationship to assist in developing the capacity of Māori to contribute to the decision-making processes. Additionally, the Resource Management Act (RMA) has specific obligations for regional councils regarding: kaitiakitanga, the principles of the Treaty of Waitangi, Māori in decision making as well as the relationship between Māori and their culture and their traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.

For Ngāi Tahu, the management of the natural resources in the region is dealt with in a holistic way and this Plan reinforces that approach. There is no specific or separate section in this document that deals with tangata whenua matters. Rather, tangata whenua themes and issues have been integrated through this Plan to reinforce the Ngāi Tahu philosophy of ki uta ki tai.

Water, and land, like all things in the natural world, are seen by Māori as having the spiritual qualities of mauri (life force) and wairua (spiritual dimension). The continued wellbeing of these qualities is dependent on the physical health of the water and land, which in turn affects the mana of the kaitiaki. These spiritual qualities can both be adversely affected by activities such as: taking and using water, discharges of contaminants to land and water, the diversion of water from one catchment to another and the clearance of vegetation, wetlands and drains.

\(^1\) Te Rūnanga o Ngāi Tahu Act 1996
The principal elements identified as being of importance to tangata whenua in relation to waterbodies and land include:

**Mauri and wairua** - Protection of the mauri and wairua of rivers, lakes and wetlands;

**Mahinga kai** - Adverse effects on mahinga kai and harvested aquatic species, including tuna (eel), kanakana (lamprey), inanga (whitebait), wāikōura (freshwater crayfish), wakākahī (freshwater mussels) and wātakirihī (watercress);

**Wāhi tapu and other taonga** - The protection of wāhi tapu and areas or resources associated with water and the beds of rivers and lakes that are of special significance;

**Special significance of particular waterbodies and Ngāi Tahu landscapes** - Recognition of the special significance of particular rivers and lakes to iwi and the aspirations of iwi to develop, use and protect water.

**Treaty of Waitangi**

The Ngāi Tahu Claims Settlement Act passed in 1998 put into effect the terms and redress package agreed to by Ngāi Tahu and the Crown to mitigate and remedy breaches of the Treaty of Waitangi. The Act includes several mechanisms specifically designed to be used in implementing other legislation such as the RMA and Fisheries Act 1996. These mechanisms legally recognise the importance of natural resources to Ngāi Tahu.

This Act sets out legal requirements within the RMA that this plan must follow. These areas are known as statutory acknowledgment areas, tōpuni features, nohoanga (campsites alongside specified rivers and lakes), mahinga kai, and taonga (treasured or valued) species of plants and animals. Appendix B sets out the full details of each of these.

**Mahinga Kai**

Mahinga kai is central to the Ngāi Tahu way of life and a principal component of environmental management. Mahinga kai is about places, ways of doing things, and resources that sustain the people.

**Whenua**

Ngāi Tahu cultural landscapes, nohoanga, tribal properties and Māori lands maintain continuity between the past, the present and the future, binding Ngāi Tahu to the whenua. Respect for the places that are important to Ngāi Tahu includes actively managing uses and activities on those lands. Reconnection with lands through access and customary use recognises the mana of Ngāi Tahu on the landscape, and restores the ability of Ngāi Tahu to give practical effect to kaitiaki responsibilities.

**Mātaitai and Talāpūre**

Mātaitai reserves and talāpūre are part of the suite of management tools created under Part IX of the Fisheries Act 1996. Mātaitai are designed to give effect to the Treaty of Waitangi Fisheries Claims Settlement Act 1992 by developing policies to help recognise use and management practices of Māori in the exercise of non-commercial fishing rights. The tools provide practical recognition of the rights guaranteed to tangata whenua under the Treaty of Waitangi.

While mātaitai are predominantly in coastal marine areas legislatively there can be freshwater mātaitai. Within Southland, mātaitai comprise of coastal and inland areas with the Mataura River Mātaitai Reserve being the first freshwater mātaitai in New Zealand. The quality and quantity of freshwater, and the use of land, have direct and indirect effects on the regulations of all mātaitai and on the customary rights of Ngāi Tahu.