

**BEFORE AN INDEPENDENT HEARING PANEL
APPOINTED BY THE QUEENSTOWN LAKES DISTRICT COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER of a Variation to Proposed Queenstown Lake District Plan for
Te Pūtahi Ladies Mile Zones

STATEMENT OF EVIDENCE OF MICHAEL JOHN BATHGATE

**ON BEHALF OF
KĀI TAHU KI OTAGO, NGĀI TAHU KI MURIHIKU AND
TE RŪNANGA O NGĀI TAHU**

(collectively, Kāi Tahu)

20 October 2023

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INTRODUCTION

1. My name is Michael John Bathgate. I hold the qualifications of a Bachelor's Degree in Economics from the University of Canterbury and a Masters of Regional and Resource Planning (with Distinction) from the University of Otago.
2. I have been employed since February 2020 as a Senior Planner at Aukaha, a consultancy based in Otago and owned by Te Rūnanga o Waihao, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga.
3. Prior to joining Aukaha, I worked for seven years as a planner and senior planner at Dunedin City Council and was involved in the development of the second generation Dunedin City District Plan. I previously had seven years' experience as a research planner with Dunedin City Council undertaking district plan monitoring and research. I have a further 15 years' experience in a range of other policy and research positions not directly related to the Resource Management Act (RMA), in central and local government and the private sector.
4. My evidence addresses the combined submission of the following parties in respect to the Variation to the Proposed District Plan for Te Pūtahi Ladies Mile Zones:
 - a. Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively Kāi Tahu ki Otago);
 - b. Waihōpai Rūnaka, Te Rūnanga Ōraka Aparima and Te Rūnanga o Awarua (collectively Ngāi Tahu ki Murihiku); and
 - c. Te Rūnanga o Ngāi Tahu.
5. When referring to the submitters collectively in my evidence, I have used the form Kāi Tahu, which is most commonly used by mana whenua in Otago.
6. I had some involvement in the Master Plan process for Te Pūtahi Ladies Mile, as an Aukaha representative at Project Working Group meetings during 2021. Along with staff from Te Ao Marama Inc. (acting on behalf of Ngāi Tahu ki Murihiku), I also provided feedback on draft Plan Variation provisions in early 2022, particularly in relation to the key topics in the Kāi Tahu submissions and discussed in this evidence - namely Kāi Tahu values, blue-green networks and stormwater management. As stated in the Section 42a report,¹ on 31 May 2023 there was a meeting between Kāi Tahu representatives, the

¹ At para 15.26

Council and Council stormwater experts, specifically to discuss the proposed approach toward stormwater management.

7. Although this is a Council hearing, I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it. I confirm that the issues addressed in this statement are within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted to consider material facts known to me that might alter or detract from the opinions expressed.
8. The key documents that I have referred to in preparing my evidence include:
 - a. Te Pūtahi Ladies Mile Plan Variation, Masterplan Report 2022, s32 materials, s42A report and relevant QLDC expert evidence
 - b. National Policy Statement for Freshwater Management 2020
 - c. National Policy Statement on Urban Development 2020
 - d. National Policy Statement for Indigenous Biodiversity 2023
 - e. Kāi Tahu ki Otago Natural Resource Management Plan 2005
 - f. The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008
 - g. Partially Operative Regional Policy Statement for Otago 2019 (PORPS19)
 - h. Proposed Regional Policy Statement for Otago 2021 (PORPS21)
 - i. Regional Plan: Water for Otago 2004
 - j. Queenstown Lakes Proposed District Plan (PDP)
 - k. Queenstown Lakes Spatial Plan 2021
 - l. Parks and Open Spaces Strategy for the Queenstown Lakes District 2021
 - m. Cultural Values Statement: Waiwhakaata 2023, Aukaha (1997) Ltd
 - n. Ngāi Tahu ki Murihiku Environmental Statement of Expectation Waiwhakaata / Lake Hayes 2023, Te Ao Marama Inc and Kauati Ltd.
9. In preparing this evidence, I have reviewed the statement of cultural evidence of Jana Davis. For the purposes of my planning evidence, I adopt and rely on the cultural evidence prepared by Mr Davis.

SCOPE OF EVIDENCE

10. As set out in the submission, Kāi Tahu are generally supportive of the Variation, in recognition of its development as part of a broader spatial and master planning process. A number of amendments were sought by the submission, to better integrate the broader aspirations and values of Kāi Tahu and to improve outcomes for te taiao (the natural environment). My evidence focuses on these amendments, and will address the following matters:
- a. Statutory and Planning Framework
 - b. Kai Tahu Values
 - c. Blue-Green Network
 - d. Stormwater Management

STATUTORY AND PLANNING FRAMEWORK

11. The Section 32 report includes an overview of the relevant statutory and planning framework, and the Section 42a report discusses this framework in relation to tests to be used in the analysis of submissions and the rezoning proposal as a whole. It is not necessary to repeat these provisions or the related Section 42a discussion – rather, I focus on what I consider to be any gaps in the analysis, or where matters of particular relevance to the Kāi Tahu submissions require emphasis.

Statutory Framework

12. The Section 32a analysis of relevant RMA s6 matters of national importance to be recognised and provided for omits s6(e) “the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga”.² This significant omission is rectified by the section 42a author, who includes s6(e) and states that water quality is a significant issue for Kāi Tahu.³
13. Conversely, the S42a author does not include RMA s7(a) kaitiakitaka in the relevant matters to which particular regard must be had, whereas this is detailed in the Section 32a report.⁴

² Section 32 Report, Appendix 2A, page 82

³ Section 42a Report, paras 7.7-7.8

⁴ Section 42a Report, paras 7.9-7.10, Section 32 Report, Appendix 2A, page 82

14. The requirement to take the principles of Te Tiriti o Waitangi into account is considered, including a case law summary of the principles as they relate to resource management.⁵ I note that these principles are also articulated at regional policy statement level,⁶ although neither the s32 nor the s42a report draw on this policy framing. I consider this further in paragraph 19 below.

National Policy Statement for Freshwater Management 2020

15. The National Policy Statement for Freshwater Management 2020 (NPS-FM) is very briefly summarised in both the Section 32 and Section 42a reports.⁷ In Appendix 1 to this evidence, I have provided what I consider the most relevant provisions of the NPS-FM that this Variation must give effect to. In my opinion, several concepts are particularly worth highlighting:
- a. The Te Mana o te Wai concept recognises that protecting the mauri and health of freshwater protects the health and well-being of the wider environment, and is about restoring the balance between water, the wider environment and the community. The hierarchy of obligations in Objective 2.1 prioritises the health and well-being of water bodies and freshwater ecosystems. Policies 5 and 13 seek to improve the health and well-being of degraded water bodies and ecosystems, and maintain or improve all other water bodies and freshwater ecosystems.
 - b. Policy 3 requires an integrated, whole-of-catchment approach to freshwater management and the use and development of land, including consideration of the effects on receiving environments. This ki uta ki tai approach is articulated in more detail in clause 3.5, which emphasises the range and breadth of environmental connections to be considered.
 - c. Clause 3.5(4) requires territorial authorities to include provisions in their district plans to manage the effects of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments. This includes not only provisions to avoid, remedy or mitigate adverse effects, but also to promote positive effects.
 - d. The role of mana whenua is greater and deeper than consultation or involvement in decision making (*mana whakahaere*). Te Mana o te Wai principles include *kaitiakitaka*

⁵ Section 42a Report, paras 7.11-7.13

⁶ PORPS19 Policy 2.1.2, PORPS21 Policy MW-P2

⁷ Section 32 Report, paras 1.40-1.42; Section 42a report paras 7.47-7.49

and *manaakitaka* which convey a cultural duty to protect, restore and enhance freshwater environments for use and enjoyment by all, including future generations.

16. I consider the section 32 analysis of the NPS-FM to be limited, and the notified Variation deficient in giving effect to the NPS-FM in its approach toward stormwater management. The Section 42a, in responding to submissions, has at least addressed the NPS-FM requirement for improved water in its assessment that an integrated stormwater management approach would provide an improvement in water quality in this part of the Lake Hayes catchment.⁸ In my opinion, this approach is required by Clause 3.5(4) of the NPS-FM.

Planning Context

Iwi Management Plans

17. An analysis of the Iwi Management Plans is provided in the section 32 report,⁹ discussing certain wai māori objectives and policies. A number of iwi management plan provisions of relevance to the Kāi Tahu submission have been omitted from that analysis. These omitted provisions are listed in Appendix 2 and must be taken into account, as per RMA s74(2A)(a). In summary, these provisions recognise:
- a. the relationship between Kāi Tahu and wai māori, including the kaitiaki role of mana whenua;
 - b. the need to protect and restore the mauri of water;
 - c. the need for a catchment-based or ki uta ki tai approach to management;
 - d. the need for linked ecosystems for use by indigenous biodiversity; and
 - e. the need for restoration and enhancement of indigenous biodiversity, including where important for mahika kai.
18. Iwi management plan provisions are excluded from the tests set out in parts 7 and 14 of the section 42a report. I acknowledge that the section 42a author cites the case law from which these tests are derived.¹⁰ In my opinion, there is an omission from these tests in

⁸ Section 42a report paras 14.29-14.31

⁹ Section 32 Report, Appendix 2B, pages 99-101

¹⁰ Section 42A report, para 7.2

terms of those matters to which territorial authorities must either have regard, per RMA s74(2),¹¹ or take into account, per s74(2A) for iwi management plans.

Regional Policy Statements

19. As stated in paragraph 14 above, both the partially operative and proposed regional policy statements articulate Treaty principles within policies, as set out in Appendix 3 below. Neither the section 32 nor the section 42a refer to these. In fact, both reports exclude any analysis of the Kāi Tahu provisions of the pORPS19 or the Mana Whenua chapter of the pORPS21.
20. Appendix 3 to this evidence sets out the provisions of both regional policy statements in relation to Treaty principles and the related area of Kāi Tahu well-being in relation to the natural environment. These include requirements to:
 - a. recognise and provide for Kāi Tahu values in decision-making,
 - b. recognise and provide for the relationship between mana whenua and their taoka, including wai māori;
 - c. have particular regard to the exercise of kaitiakitaka by Kāi Tahu;
 - d. support Kāi Tahu well-being by safeguarding the mauri and life-supporting capacity of natural resources, and by protecting Kāi Tahu values and relationships to areas of significance, including restoration where degraded by human activities.
21. The relevant freshwater provisions of PORPS19 and PORPS21 are set out in the section 32 report.¹² I consider this an accurate representation of those freshwater provisions that must be either given effect to (PORPS19) or had regard to (PORPS21).
22. The Section 42a report, in summarising the various regional provisions, states that the PORPS21 natural resources-based provisions mirror the national instruments and their intent is very similar to PORPS19.¹³ In my opinion, this statement seems incongruous in relation to freshwater, given that PORPS21 articulates at a regional level Te Mana o Te Wai (LF-WAI-O1), the prioritisation hierarchy (LF-WAI-P1), the mana whakahaere

¹¹ Including management plans and strategies prepared under other Acts, which includes the Spatial Plan. The section 42a does include an analysis of the proposed regional policy statement, per s74(2)(a), at paras 7.19-7.23 and 14.17-14.24.

¹² Refer pages 103-104, 110-112 Appendix D to Section 32 report

¹³ Section 42a Report, para 7.22

principle (LF-WAI-P2), ki uta ki tai (LF-WAI-P3)¹⁴ and a vision for the Clutha Mata-au catchment (LF-VM-O2) - none of which are articulated in PORPS19. PORPS21 also contains a detailed policy relating to stormwater and wastewater discharges (LF-FW-P15) that is not available in PORPS19.

23. Method LF-FW-M7 is not referred to in the s32 or s42a reports, but clauses 3 and 4 are particularly relevant to the Kāi Tahu submission:

LF-FW-M7 – District plans

Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to: ...

3. require, wherever practicable, the adoption of water sensitive urban design techniques when managing the subdivision, use or development of land, and

4. reduce the adverse effects of stormwater discharges by managing the subdivision, use and development of land to:

- a. minimise the peak volume of stormwater needing off-site disposal and the load of contaminants carried by it,*
- b. minimise adverse effects on fresh water and coastal water as the ultimate receiving environments, and the capacity of the stormwater network,*
- c. encourage on-site storage of rainfall to detain peak stormwater flows, and*
- d. promote the use of permeable surfaces.*

24. The Section 42a evaluation summarises together the regional policy statement provisions for integrated management and natural resources and ecosystems.¹⁵ It concludes that integration between development and stormwater infrastructure and consideration of the wider effects of activities achieves integrated management, and that the stormwater response will achieve the natural resources and ecosystems requirements. In the case of freshwater, I disagree with the Section 42a conclusion that the key aspects of the PORPS19 and PORP21 are 'very similar'. In my opinion, in responding to submissions on this Variation, close regard must be had to the regional interpretation of the NPS-FM, including the articulation of Te Mana o te Wai and the approach toward stormwater management.

¹⁴ LF-WAI-P3(4) is of particular relevance, in seeking an integrated approach that “*manages the effects of the use and development of land to maintain or enhance the health and well-being of fresh water and coastal water.*”

¹⁵ Section 42a Report, paras 14.18-14.21

Regional Plan: Water for Otago

25. Neither the section 32 nor section 42a report include the Regional Plan: Water for Otago 2004 (RPW) in their evaluations.¹⁶ I draw attention to two sets of provisions in the RPW as follows.

26. Some of the margins of Waiwhakaata Lake Hayes are mapped in this plan as Regionally Significant Wetlands,¹⁷ including those at the southwestern extent towards which the Te Pūtahi Ladies Mile Variation area drains. Relevant RPW provisions are:

Objective 10.3.2

Otago's Regionally Significant Wetlands and their values and uses are recognised and sustained.

Policy 10.4.2

Avoid the adverse effects of an activity on a Regionally Significant Wetland or a regionally significant wetland value, but allow remediation or mitigation of an adverse effect only when the activity:

(a) Is lawfully established; or

(b) Is nationally or regionally significant infrastructure, and has specific locational constraints; or

(c) Has the purpose of maintaining or enhancing a Regionally Significant Wetland or a regionally significant wetland value.

27. The distance of this area from the Variation area means that national freshwater regulations do not apply directly. However, I consider that the policy direction within the NPS-FM, including that relating to wetlands,¹⁸ dictates that particular attention must be taken towards the avoidance of adverse effects on an area identified as a regionally significant wetland. I note also LF-FW-O9(4) of PORPS21, which seeks that:

Otago's natural wetlands are protected or restored so that: ...

3. there is no reduction in their ecosystem health, hydrological functioning, amenity values, extent or water quality, and if degraded they are improved, ...

28. The RPW provisions relating to water quality are also relevant, as follows:

¹⁶ Under RMA s75(4)(b) a district plan must not be inconsistent with a regional plan.

¹⁷ Schedule 9, Map F7 to the Regional Plan: Water for Otago 2004

¹⁸ For example, NPS-FM Policy 6 requiring the protection of values and promotion of restoration of values, of natural inland wetlands.

7.A Objectives

7.A.1 *To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.*

7.A.2 *To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.*

7.A.3 *To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.*

Policy 7.C.5

Avoid significant adverse environmental effects and minimise other adverse effects on water bodies, with respect to discharges from any new stormwater reticulation system, or any extension to an existing stormwater reticulation system, by requiring:

- (a) The separation of sewage and stormwater; and*
- (b) Measures to prevent contamination of the receiving environment by industrial or trade waste; and*
- (c) The use of appropriate techniques to trap debris, sediments and nutrients present in runoff; and*
- (d) Consideration of appropriate measures to reduce and/or attenuate stormwater being discharged from rain events; and*
- (e) Consideration of appropriate measures for discharging to land, in preference to discharging directly to water, to address adverse effects on Kāi Tahu cultural and spiritual beliefs, values and uses.*

29. Again, these provisions provide a strong policy directive to manage stormwater to maintain or preferably improve water quality and to address the potential for adverse effects on Kāi Tahu cultural values.

Queenstown Lakes District Plan (PDP)

30. The Section 42a report considers the settled higher order objectives and policies of the strategic chapters of the PDP.¹⁹ Several strategic directions relevant to the Kāi Tahu submissions that were cited in the section 32 consideration of PDP provisions²⁰ are not in this Section 42a analysis, as follows:

SO 3.2.4.1 Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.

¹⁹ Section 42a Report, paras 7.65-7.71.

²⁰ Refer pages 117-122, Appendix D to Section 32 report

SO 3.2.7.2 The expression of kaitiakitanga is enabled by providing for meaningful collaboration with Ngāi Tahu in resource management decision making and implementation.

SP 3.3.20 Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life supporting capacity is safeguarded; and natural character is maintained or enhanced as far as practicable.

31. While I generally agree with the Section 42a broad summary of strategic imperatives at paragraph 7.70, in my opinion these omit the need to provide for the expression of kaitiakitaka and the need to safeguard the mauri or life-supporting capacity of wai māori. These are important imperatives, particularly in supporting the changes sought by Kāi Tahu submissions in relation to integrated stormwater management and the promotion of ecological corridors.²¹

32. While not at the strategic level, the proposed district plan also contains Policy 24.2.4.2 in the Wakatipu Basin chapter:

Restrict subdivision, development and use of land in the Lake Hayes catchment, unless it can contribute to water quality improvement in the catchment commensurate with the nature, scale and location of the proposal.

33. This policy, which is beyond appeal, contributes to Objective 24.2.4, which seeks that subdivision and development maintain or enhance water and ecological quality. While the policy applies to a rural zone environment, in my opinion, the re-zoning of the Te Pūtahi area should also be seeking outcomes with similar water quality improvements, consistent with the Te Mana o te Wai concept and requirements.

Summary of Statutory and Planning Framework

34. In my opinion, some aspects of the statutory and planning framework relevant to the Kāi Tahu submission are either under-emphasised or omitted in the section 32 and section 42a evaluations. These include:

- a. The expression of Treaty of Waitangi principles at a regional level;

²¹ At paras 14.40-14.41 the Section 42a report evaluates related amendments to objectives relating to stormwater management (and ecological outcomes) to better achieve the purpose of the RMA.

- b. The need to recognise and provide for the relationship between mana whenua and wai māori, including the effects on Kāi Tahu well-being where resources and values are degraded;
- c. The need to have particular regard to the ability for Kāi Tahu to exercise kaitiakitaka;
- d. The need to protect and restore the mauri of water, including the NPS-FM policy emphasis on improvement to water bodies and freshwater ecosystems;
- e. The policy imperatives in higher order documents relating to stormwater management;
- f. The mapping of the south-west margins of Waiwhakaata Lake Hayes, towards which the Te Pūtahi Variation area naturally drains, as a regionally significant wetland;
- g. A ki uta ki tai or broader approach toward integrated management of all natural resources, noting also that the PORPS21 has articulated a (proposed) vision for the Clutha Mata-au freshwater management unit.

KĀI TAHU VALUES

- 35. The Queenstown Lakes Spatial Plan 2021 contains a set of Kāi Tahu values used to guide its direction and implementation.²² While some values are specific to the mana whenua relationship (rakatirataka, kaitiakitaka), they broadly articulate what are considered 'tika' or appropriate approaches towards managing growth, development and effects on the natural environment.
- 36. These values fed into the Te Pūtahi master planning process and development of the Variation. The Zone Purpose (49.1) sets out whanaukataka (family and community focused development), haere whakamua (considering the needs of future generations) and mauri as important considerations. The new Urban Development Policy 4.2.2.21 articulates ways in which Kāi Tahu values should be provided for, including in relation to climate change mitigation; protecting the mauri of water; stormwater management and preference for the use of indigenous vegetation. In my opinion, the first iteration of the Master Plan and Structure Plan which detailed a centralised and integrated stormwater system, also having potential functionality as an ecological corridor, was more effective in providing for these values than the notified Variation and Structure Plan.

²² Queenstown Lakes Spatial Plan 2021, p17

37. The PORPS21 provides a synopsis of over-arching Kāi Tahu environmental management perspectives and values.²³ Included are some key concepts relevant to this Variation:
- a. The nurturing of all natural resources and protection of their mauri (or life force) is a prime concern for Kāi Tahu as mana whenua and an expression of rakatirataka.
 - b. Ki uta ki tai is a concept used to describe holistic natural resource management, recognising all environmental elements are interconnected and must be managed as a whole.
 - c. Kaitiakitaka, as an expression of rakatirataka and mana, is a fundamental Kāi Tahu duty to protect the mauri and life supporting capacity of the environment and to pass it on to future generations in an enhanced state.
38. The evidence of Mr Davis provides an articulation of these core Kāi Tahu values of mauri, kaitiakitaka and ki uta ki tai – particularly as they relate to the Waiwhakaata Lake Hayes catchment.
39. As part of the Otago Regional Council-led Waiwhakaata Lake Hayes Rehabilitation project, two studies into cultural values and mana whenua expectations in relation to the lake and its catchment have been undertaken.²⁴ These have found that the Kāi Tahu relationship to Waiwhakaata has altered over time as the lake has been degraded, and the mauri of the lake may take generations to be restored. Restoration of mauri requires a ki uta ki tai approach to management across its entire catchment, as well as resetting priorities for the lake as per Te Mana o te Wai. It is the Kāi Tahu expectation that indigenous biodiversity and mahika kai values will be restored, and, in so doing, the mana of Kāi Tahu as kaitiaki will be upheld.
40. I make no further recommendations in relation to the direct expression of Kāi Tahu values in the Variation provisions (in the Zone Purpose (49.1) and Policy 4.2.2.21.f, which I support). However, I consider the values to be used in evaluating any relief sought by the Kāi Tahu submission are broader than what is included in the Variation, and must include those articulated in iwi management plans and at national and regional policy statement level. I reiterate my opinion, provided in paragraph 34 above, that the statutory and policy evaluation of the Variation (and submissions on it) has either under-emphasised or omitted key elements relating to the expression of Kāi Tahu values.

²³ PORPS21, Mana Whenua chapter, Environmental management perspectives and values of Kāi Tahu

²⁴ Cultural Values Statement: Waiwhakaata 2023, Aukaha (1997) Ltd; Ngāi Tahu ki Murihiku Environmental Statement of Expectation Waiwhakaata / Lake Hayes 2023, Te Ao Marama Inc & Kauati Ltd.

BLUE-GREEN NETWORKS

41. Strategy 13 of the Queenstown Lakes Spatial Plan is to “Enhance and protect the Blue-Green Network”. The Blue-Green Network is described as “the compilation of all the parks, open spaces, streets and accessible waterways that deliver a variety of educational, recreational, ecological, cultural, landscape and health benefits”.²⁵ While blue corridors are not mapped, existing and potential green corridors are mapped in the Spatial Plan and in many cases adjoin major waterways.²⁶
42. As part of the implementation of the Spatial Plan and development of a Future Development Strategy²⁷/Spatial Plan Gen 2.0, Aukaha and Te Ao Marama have been working with Queenstown Lakes District Council to articulate what a blue green network looks like through a Kāi Tahu lens. While this mahi is on-going, early findings include:
 - a. the prominence (through whakapapa connection) that Kāi Tahu place on wai māori, with the ‘blue’ aspects nurturing and sustaining the ‘green’ aspects;
 - b. the need to bring Te Mana o Te Wai concepts into land use management and its interaction with the blue-green network;
 - c. the need for ‘ki uta ki tai’ thinking that extends throughout entire catchments and across land and water in all its forms, rather than a focus on site-specific approaches; and
 - d. the shortage of clear delivery mechanisms to achieve Spatial Plan Strategy 13 around enhancing the blue-green network.
43. Kāi Tahu provided input into the QLDC Parks and Open Spaces Strategy 2021 which, as well as including the Kāi Tahu values from the Spatial Plan, has an objective that “Open spaces contribute to enhanced biodiversity, improved water quality and reduced Green House Gas emissions”.²⁸ There are a range of actions in the Action Plan,²⁹ including:
 - a. Work with Kāi Tahu on integrating values framework into future park provision;
 - b. Where possible, use reserves to create wildlife corridors;

²⁵ Queenstown Lakes Spatial Plan 2021, page 101

²⁶ Ibid, pp.103-104

²⁷ As required by the National Policy Statement on Urban Development 2020

²⁸ Parks and Open Spaces Strategy for the Queenstown Lakes District 2021, p 26.

²⁹ Ibid, pp 44-48

- c. Protect and restore Regionally Significant Wetlands³⁰ and Lake Islands;
 - d. Identify key biodiversity and ecological restoration areas;
 - e. Develop Revegetation and Enhancement Plans.
44. The ecological evidence of Dawn Palmer for QLDC supports a number of the Kāi Tahu amendments to emphasise the role that landscaping, parks open space and integrated stormwater management systems can play in ecological form and function.³¹
45. The parks and open spaces evidence of Jeannie Galavazi for QLDC also notes the ecological functions that open spaces, parks and reserves can and should fulfil.³² Ms Galavazi states that “sufficient land needs to be provided for a range of reserve types and experiences including recreation, ecology, and stormwater, to ensure a quality open space network”.³³ Ms Galazi also states “The TPLM Structure Plan provides for sufficient open space that will provide for a range of reserve types, functions and experiences including recreation, community facilities, ecology, and connections that are needed to ensure a quality open space network”.³⁴
46. While I agree with Ms Galavazi’s comments about the range of functions that the parks and open space network within Te Pūtahi should perform, and do not dispute her expert opinion that sufficient open space will be provided, I consider that opportunities for ecological connectivity have been lost from the Structure Plan with the removal of the integrated stormwater network, particularly the swales and detention areas. There is little sense of ecological connectivity across the separated open space areas in the Structure Plan. It is my opinion that the amendments resulting from the Kāi Tahu submissions, discussed at paragraph 48 below, add an ecological lens that was largely missing from the notified Variation, with its focus on open space provision.
47. I note the inclusion of amenity access areas in the Structure Plan running along SH6 and Lower Shotover Road. I understand that these areas provide a landscaped setback and need to maintain significant views and passive surveillance, as well as provide for walkway and cycleway linkages.³⁵ While these amenity access areas may have potential for ecological connectivity, this does not appear to be part of their function and there may

³⁰ Note that the margins of Waiwhakaata Lake Hayes are identified as a Regionally Significant Wetland.

³¹ Evidence of Dawn Palmer, paras 124, 131, 133, 136, 165-167.

³² Evidence of Jeannie Galavazi, paras 14, 32, 42-44.

³³ Ibid, para 61

³⁴ Ibid, para 62

³⁵ Policies 27.3.24.2.e, 27.3.24.4.c, f.

be limitations in terms of the height and coverage of trees and shrubs through the need to maintain surveillance and views.

48. The relief sought by the Kāi Tahu submission in relation to the enhancement and protection of the Blue-Green Network has been largely supported by the Section 42a author, with the following recommendations:
- a. Amendment to 3rd paragraph of 49.1 Zone Purpose to emphasise the importance of the open space network for enhancing ecological values;
 - b. Amendment to Objective 49.2.7 to include ecological outcomes and the incorporation of indigenous biodiversity in design;
 - c. Amendment to matters of discretion 49.5.12 and 49.5.47 to include ecological health effects from lighting and glare;
 - d. A link in assessment matter 49.7.1.f to the Kāi Tahu values in Policy 4.2.2.21.f, which include a preference for the use of indigenous vegetation;
 - e. Amendment to assessment matter 49.7.1.f.ii to include consideration of the form and functioning of ecological corridors;
 - f. Amendment to subdivision Objective 27.3.24 and Policy 27.3.24.3 to emphasise that open spaces should act as ecological corridors; and
 - g. Amendment to subdivision matter of discretion 27.7.28.1 to add blue-green or ecological corridors as a consideration.
49. In my opinion, these amendments are clearly in line with the ki uta ki tai management approach sought more broadly by Kāi Tahu, noting also the iwi management plan imperative for linked ecosystems for use by indigenous biodiversity.³⁶ They align with the Kāi Tahu kaitiaki duty to not only protect the environment but to pass it on in an enhanced state.³⁷ They are consistent with the implementation of the Spatial Plan Blue-Green Network strategy, and also the Parks and Open Spaces Strategy which seeks to enhance biodiversity and use reserves as wildlife corridors.
50. The following amendments from the Kāi Tahu submission appear to be supported by the Section 42a author, but have not been included in the marked-up amendments in section 13 of the Section 42a report:

³⁶ As set out in paragraph 17 above.

³⁷ Refer cultural evidence of Jana Davis, also paragraph 35(c) above.

- a. Policy 49.2.1.1 – addition of ‘blue networks’;³⁸
- b. Objective 49.2.7 – Kāi Tahu submission for amendment to ‘An attractive built and natural environment...’;³⁹
- c. Rule 49.5.25 – addition of ‘ecological health’ to matters of discretion;⁴⁰
- d. Policy 27.3.24.1 – while ‘stormwater management’ has been added to the policy, the submitted amendment to ‘...blue-green networks’ has not, and clarity is sought on whether this is supported.⁴¹

51. Recommended amendments:

- a. Amendments to Policy 49.2.1.1, Objective 49.2.7, Rule 49.5.25 and Policy 27.3.24.1 as per the Kāi Tahu submission, as outlined in paragraph 50 above.

STORMWATER MANAGEMENT

52. The approach toward stormwater management across the Te Pūtahi Ladies Mile masterplan area was a key theme of the Kāi Tahu submission. The submission sought changes to the zone purpose, objectives, policies and assessment rules to emphasise the need for an integrated approach toward stormwater management and give effect to the NPS-FM and Te Mana o te Wai. As outlined in paragraph 57 below, these changes have largely been accepted by the Section 42a author. However, the Kāi Tahu submission to reinstate an integrated stormwater management network in the Structure Plan has not been accepted by the Section 42a author.
53. The cultural evidence of Jana Davis highlights the following:
- a. The Kāi Tahu relationship to wai māori and biodiversity;
 - b. The kaitiaki obligations to protect the mauri of wai māori and other taoka;
 - c. The connections between mahika kai, mātauranga and Kāi Tahu identity;
 - d. Based on his on-going involvement in restoration work across the Waiwhakaata/Lake Hayes catchment, the effects that environmental degradation have caused on

³⁸ Refer page 9, Appendix D to Section 42a report

³⁹ Refer Section 42a report para11.227(c), also page 29, Appendix D

⁴⁰ Refer page 84, Appendix D to Section 42a report

⁴¹ Ibid, page 145

Waiwhakaata and associated waterways, along with the need for a ki uta ki tai, catchment-based and collaborative approach to addressing these issues.

54. I consider the approach to stormwater sought by Kāi Tahu, in line with Te Mana o te Wai, can be summarised as the protection of mauri; improvement to degraded water bodies; the management of Te Pūtahi stormwater as part of a far wider catchment that includes upstream areas as well as Waiwhakaata and eventually the Mata-au; the use of natural or water-sensitive methods to attenuate and treat stormwater;⁴² and the use of the stormwater system to provide ecological benefits as part of a blue-green network.
55. This intended approach broadly aligns with the guiding principles for stormwater management that were developed as part of the Te Pūtahi Master Plan process, which contribute to Design Principle 3: Support a Healthy Environment and Ecology.⁴³
56. Kāi Tahu was highly supportive of an integrated stormwater management system being included in the Structure Plan for Te Pūtahi. The reasons for its non-inclusion, set out in paragraph 11.216 of the Section 42a report, are not compelling, in my opinion. I note the support of the QLDC stormwater expert for an integrated stormwater management system.⁴⁴ It remains the position of Kāi Tahu that inclusion of an integrated stormwater management system in the Te Pūtahi Structure Plan is the most certain and effective means of giving effect to Te Mana o Te Wai and the NSP-FM more broadly.
57. In response to Kāi Tahu and other submissions, the Section 42a author has recommended a range of amendments to embed integrated stormwater management into Chapter 49 and Chapter 27 (Subdivision) provisions. The crux of this approach is the addition of a new matter of discretion at time of subdivision (under Rule 27.7.28.1), an associated information requirement and the addition of the guiding principles for stormwater management as an assessment matter.
58. As an (in my opinion, less effective) alternative to a structure plan, I support in principle this approach of seeking to mandate an integrated solution over the other options considered (and not preferred) by the QLDC stormwater experts.⁴⁵ I note the cultural evidence of Mr Davis challenges developers and the wider community to seek collaborative solutions to protect Waiwhakaata and all water bodies.⁴⁶ I concur with the expert evidence of Ms Prestidge that an integrated solution would give effect to Te Mana

⁴² In line with PORPS21 Policy LF-FW-P15

⁴³ Te Pūtahi Ladies Mile Final Masterplan Report 2022, p65.

⁴⁴ Evidence of John Gardiner, paras 93- 96, 102(b)

⁴⁵ Ibid, paras 14, 55-69, 83-95

⁴⁶ Evidence of Jana Davis, paras 35, 38-39

o te Wai,⁴⁷ providing it adequately demonstrates compliance with matters set out in the new information requirement (under 27.7.28.1) and is in line with the guiding principles for stormwater management (under 27.9.8.1).

59. In my opinion, there is far less certainty around delivery of an integrated solution as a matter of discretion for a restricted discretionary subdivision activity, rather than via inclusion as part of the Structure Plan. Subdivision consenting for Te Pūtahi could occur in a piecemeal manner across different properties over multiple years. Landowners may change, along with level of ‘buy-in’ to an integrated solution. As extreme weather events increase in frequency, pressure from landowners and residents may be for solutions that divert water more quickly. QLDC staff or consultants who assess any applications may also change over time. Delivery of an integrated system seems uncertain when faced with a (potentially) staged consenting approach over time at individual property level.
60. I note that Rule 27.7.28.2 makes subdivision that is inconsistent with the Structure Plan a non-complying activity, with no equivalent approach toward stormwater management that fails to be part of an integrated solution. To address this, I recommend the addition of a new rule as follows:

<p><u>27.8.28.X Subdivision of land within the Te Pūtahi Ladies Mile Zone, north of SH6, that cannot demonstrate how stormwater will be managed as part of a centralised, integrated stormwater managment system</u></p>	<p><u>NC</u></p>
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61. After reviewing the expert stormwater evidence, and acknowledging my non-expertise in this area, I have several questions as to how this advice has been incorporated in the Variation (as amended by the Section 42a recommendations), as follows:
- a. How the four subcatchments identified in Mr Gardiner’s evidence⁴⁸ and his recommendation for 1 to 4 stormwater facilities (detention basins and/or soakage devices) align with the new subdivision information requirements under 27.7.28.1? Should ‘and subcatchments’ be added to clause ii after ‘development blocks’?
 - b. Mr Gardiner considers that “an integrated solution (which may include up to 4 stormwater basins/detention basins) could be designed in a way so that it can accommodate stormwater for a 1 in 100 ARI event via soakage. This would avoid any discharge or overflow to Lake Hayes in such rainfall events.”⁴⁹ The subdivision

⁴⁷ Evidence of Amy Prestidge, paras 52-53

⁴⁸ Evidence of John Gardiner, paras 86-89

⁴⁹ Ibid, para 91.

information requirement does not express any preference at clause (iv) between a 1% and a 5% AEP event being soaked to ground. There is also no consideration as to how any overland or secondary flow paths towards Lake Hayes should be managed, or preference for avoiding these. Should these matters be addressed, either at policy level or within the subdivision rules?

- c. Mr Gardiner recommends construction of a bund or swale at the eastern boundary of the Te Pūtahi area, to trap any overland flow and to prevent discharge or runoff of Waiwhakaata Lake Hayes.⁵⁰ Why has this not been reflected in the Variation provisions?
 - d. In response to concerns about water quality effects on Waiwhakaata, Ms Prestidge recommends a number of sediment control measures on Slope Hill and water quality improvement features.⁵¹ These seem well-aligned with a ki uta ki tai approach, but do not appear to be strongly reflected in the Variation provisions.
62. The relief sought by the Kāi Tahu submission in relation to an integrated approach to stormwater management has been largely supported by the Section 42a author, with the following recommendations:
- a. Amendment to 49.1 Zone Purpose to add a paragraph on the appropriate management of stormwater;
 - b. Adding the need for integrated approaches to stormwater management, including through the use of open spaces, to Objective 49.2.8, Objective 27.3.24 and policies 27.3.24.1 and 27.3.24.3; and
 - c. Amendment to assessment matter 49.7.1.f to reference Kāi Tahu values set out in Policy 4.2.2.21.f and, in clause (iv), to include giving effect to the Guiding Principles for Stormwater Management (newly added to Chapter 27 assessment matters at 27.9.8).
63. I support these recommended amendments, except as detailed in the following paragraphs.
64. A new paragraph in 49.1 Zone Purpose 49.1 concerning stormwater management is recommended in response to the Kāi Tahu submission. I consider the concerns in relation

⁵⁰ Ibid, para 102(c), 106

⁵¹ Evidence of Amy Prestidge, paras 50-51, also attached WSP report sections 6.5.2 and 6.6

to effects on Waiwhakaata are broader than direct discharges, and recommend a further amendment to the last sentence of this paragraph as follows:

These solutions must include attenuation and treatment and avoid direct discharges to Waiwhakaata Lake Hayes, and avoid adverse effects of discharges to Waiwhakaata Lake Hayes, Kimiākau/Shotover River or the Kawarau River.

65. An amendment from the Kāi Tahu submission to Policy 49.2.1.1 to add 'stormwater management' appears to be supported by the Section 42a author,⁵² but has not been included in the marked-up amendments in section 13 of the Section 42a report.
66. An amendment to Policy 27.3.24.7 to add the word 'direct' in reference to stormwater discharges to Lake Hayes has been attributed to the Kāi Tahu submission, but this change was not sought by Kāi Tahu and therefore should be rejected.
67. In my opinion, the amendments sought are necessary to give effect to RMA Part 2 (particularly s6(e), s7 and s8), Te Mana o Te Wai and the NPS-FM, and regional policy statement requirements. They will be more effective in achieving the outcomes of the PDP, particularly in relation to strategic direction for environmental outcomes and the expression of kaitiakitanga. I note also the support of the QLDC stormwater⁵³ and ecological⁵⁴ experts for an integrated stormwater management system for Te Pūtahi. I consider the amendments proposed by Kāi Tahu provide greater certainty and clarity to the Variation regarding the requirement for an integrated solution.
68. Recommended amendments:
 - a. The primary relief sought by Kāi Tahu, namely the inclusion of an integrated stormwater network in the Structure Plan - based on, or similar to, the April 2021 Masterplan version.
 - b. Amendments to 49.1 Zone Purpose as set out in paragraph 64 above.
 - c. Amendment to Policy 49.2.1.1 to add 'stormwater management', as outlined in paragraph 65 above.
 - d. Amendment to Policy 27.3.24.7 remove the word 'direct', as set out in paragraph 66 above.

⁵² Refer page 9, Appendix D to Section 42a report

⁵³ Evidence of John Gardiner, paras 93- 96, 102(b)

⁵⁴ Evidence of Dawn Palmer, paras 122-129

- e. The addition of a new activity status rule for subdivision that does not provide an integrated stormwater solution, as set out in paragraph 60 above.
- f. Any relief as necessary to respond to the matters raised in paragraph 61 above, including provision of a bund or swale or other detention mechanism at the eastern boundary of the Te Pūtahi Ladies Mile Variation area.

CONCLUSION

- 69. Drawing on his extensive involvement in ecological and cultural restoration activities across the Waiwhakaata Lake Hayes catchment, the cultural evidence of Mr Davis issues a strong challenge. Mr Davis challenges all parties involved in the wider catchment to work collaboratively to protect the mauri of all water bodies so that the catchment can thrive. An integrated stormwater management system, forming part of a blue-green network that emphasises ecological connectivity, seems well-aligned with such a collaborative approach.
- 70. The Section 42a author has approved many of the amendments sought by Kāi Tahu relating to blue-green networks and integrated stormwater networks. As outlined in this evidence, in my opinion these will be more effective than the notified provisions in giving effect to higher order provisions, including the Te Mana o te Wai concept and principles.
- 71. Kāi Tahu are still seeking the inclusion of an integrated stormwater management system into the Structure Plan for Te Pūtahi Ladies Mile. I support this relief, as I consider there is too much uncertainty around reliance on a restricted discretionary consenting situation, where consenting may be piecemeal and sporadic, and obstacles created to provision of an integrated solution.



Michael Bathgate

20 October 2023

Appendix 1. National Policy Statement for Freshwater Management 2020

1.3 Fundamental concept – Te Mana o te Wai

Concept

- (1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
- (2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.

Framework

- (4) The 6 principles are:
 - (a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater
 - (b) *Kaitiakitanga*: the obligations of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations
 - (c) *Manaakitanga*: the process by which tangata whenua show respect, generosity, and care for freshwater and for others
 - (d) *Governance*: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future...
- (5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises:
 - (a) first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water)
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

2.1 Objective

- (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:
 - (a) first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water)
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

2.2 Policies

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 5: Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.

3.5 Integrated Management

(1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:

(a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and

(b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and

(c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and

(d) encourage the co-ordination and sequencing of regional or urban growth.

(3) In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.

(4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

Appendix 2. Iwi Management Plan Provisions

The table below includes relevant iwi management objectives and policies omitted from the Section 32 analysis, which should be taken into account alongside those set out in the Section 32.

Kāi Tahu ki Otago Natural Resource Management Plan 2005	
5.3.3 Wai Māori General Objectives	<ul style="list-style-type: none"> i. The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management. ii. The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs.
5.3.4 Wai Māori General Policies	<ul style="list-style-type: none"> 4. To protect and restore the mauri of all water. 10. To encourage all stormwater to be treated before being discharged.
5.5.3 Mahika Kai and Biodiversity Objectives	<ul style="list-style-type: none"> ix. To create a network of linked ecosystems for the retention of and sustainable utilisation by native flora and fauna.
5.5.4 Mahika Kai and Biodiversity General Policies	<ul style="list-style-type: none"> 1. To promote catchment-based management programmes and models, such as Ki Uta Ki Tai.
Te Tangi a Taurira – The Cry of the People 2008	
3.4.12 Mahinga kai – mahi ngā kai	<ul style="list-style-type: none"> 3. All Ngāi Tahu Whānui, current and future generations, must have the capacity to access, use and protect high country landscapes, wāhi tapu and mahinga kai sites and the history and traditions that are linked to these landscapes. 4. Promote the protection, restoration and enhancement of indigenous biodiversity.
3.5.10 General Water Policy	<ul style="list-style-type: none"> 1. The role of Ngāi Tahu ki Murihiku as kaitiaki of freshwater must be given effect to in freshwater policy, planning and management. 3. Protect and enhance the mauri, or life supporting capacity, of freshwater resources throughout Murihiku.

	<p>6. Promote catchment management planning (ki uta ki tai), as a means to recognise and provide for the relationship between land and water.</p>
3.5.12 Discharge to Water	<p>1. Avoid the use of water as a receiving environment for the direct, or point source, discharge of contaminants. Even if the discharge is treated and therefore considered “clean”, it may still be culturally unacceptable. Generally, all discharge must first be to land. This general policy is a baseline or starting point. From this point, the Rūnanga can assess applications on a case by case basis.</p> <p>7. Any discharge activity must include a robust monitoring programme that includes regular monitoring of the discharge and the potential effects on the receiving environment.</p>
3.5.13 Water Quality	<p>1. The role of Ngāi Tahu ki Murihiku as tangata whenua and kaitiaki of water must be recognised and provided for in all water quality management.</p> <p>9. Require the use of buffer zones, riparian areas, bunds and other mechanisms to prevent stormwater and other wastewater from entering waterways.</p>
5.5.16 Mahinga Kai	<p>2. Work towards the restoration of key mahinga kai areas and species, and the tikanga associated with managing those places and species.</p>
3.5.17 Ngā Pononga a Tāne a Tangaroa – Biodiversity	<p>1. Use planning, policy and resource consent processes to promote the protection and, where necessary, enhancement, of native biodiversity of Murihiku, specifically:</p> <ul style="list-style-type: none"> a. enhancement and restoration of degraded areas; b. planting of native species to off set or mitigate adverse effects associated with land use activities; c. the incorporation of biodiversity objectives into development proposals;

	<p>d. prohibiting the use of pest plant species in landscaping.</p> <p>5. Use as a consent condition, when applicable, the enhancement of indigenous biodiversity as a means to remove adverse impacts of proposed activities.</p> <p>12. Make full use of the knowledge of tangata whenua with regards to indigenous biodiversity, and the value of such knowledge in understanding how to protect and enhance biodiversity</p>
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Appendix 3. Regional Policy Statements - Treaty and Kāi Tahu Wellbeing Provisions

Partially Operative Regional Policy Statement for Otago 2019	
Objective 2.2	Kāi Tahu values, interests and customary resources are recognised and provided for
Policy 2.1.2 Treaty principles	<p>Ensure that local authorities exercise their functions and powers, by:</p> <ul style="list-style-type: none"> a) Recognising Kāi Tahu's status as a Treaty partner; and b) Involving Kāi Tahu in resource management processes implementation; c) Taking into account Kāi Tahu values in resource management decision-making processes and implementation; d) Recognising and providing for the relationship of Kāi Tahu's culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka; e) Ensuring Kāi Tahu have the ability to: <ul style="list-style-type: none"> i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka; ii. Determine how best to express that relationship; f) Having particular regard to the exercise of kaitiakitaka; g) Ensuring that district and regional plans: <ul style="list-style-type: none"> i. Give effect to the Ngāi Tahu Claims Settlement Act 1998; ii. Recognise and provide for statutory acknowledgement areas in Schedule 2; iii. Provide for other areas in Otago that are recognised as significant to Kāi Tahu; h) Taking into account iwi management plans.
Policy 2.2.1 Kāi Tahu wellbeing	<p>Manage the natural environment to support Kāi Tahu wellbeing by all of the following:</p> <ul style="list-style-type: none"> a) Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and, b) Safeguarding the life-supporting capacity of natural resources.
Proposed Regional Policy Statement for Otago 2021	
MW-O1 Principles of Te Tiriti o Waitangi	The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising a partnership approach between councils and Papatipu Rūnaka to ensure that what is valued by mana whenua is actively protected in the region.

<p>MW-P2 Treaty principles</p>	<p><i>Local authorities</i> exercise their functions and powers in accordance with Treaty principles, by:</p> <ol style="list-style-type: none"> 1. recognising the status of Kāi Tahu and facilitating Kāi Tahu involvement in decision-making as a Treaty partner, 2. including Kāi Tahu in resource management processes and implementation to the extent desired by mana whenua, 3. recognising and providing for Kāi Tahu values and resource management issues, as identified by mana whenua, in resource management decision-making processes and plan implementation, 4. recognising and providing for the relationship of Kāi Tahu culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka by ensuring that Kāi Tahu have the ability to identify these relationships and determine how best to express them, 5. ensuring that regional and district plans recognise and provide for Kāi Tahu relationships with Statutory Acknowledgement Areas, tōpuni, nohoaka and customary fisheries identified in the NCTSA 1998, including by actively protecting the mauri of these areas, 6. having particular regard to the ability of Kāi Tahu to exercise kaitiakitaka, 7. actively pursuing opportunities for: <ol style="list-style-type: none"> a. delegation or transfer of functions to Kāi Tahu, and b. partnership or joint management arrangements, and 8. taking into account iwi management plans when making resource management decisions.
<p>MW-P3 Supporting Kāi Tahu well-being</p>	<p>The natural environment is managed to support Kāi Tahu well-being by:</p> <ol style="list-style-type: none"> 1. protecting customary uses, Kāi Tahu values and relationships of Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities, 2. safeguarding the mauri and life-supporting capacity of natural resources, and 3. working with Kāi Tahu to incorporate mātauraka in resource management.