

IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY

I TE KŌTI MATUA O AOTEAROA
ŌTEPOTI ROHE

CIV-2021-412-00089

IN THE MATTER of an application under the Declaratory Judgments Act
1908

BETWEEN **OTAGO REGIONAL COUNCIL** a regional council under
Schedule 2 of the Local Government Act 2002

Plaintiff

AND **ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND INCORPORATED** an incorporated
society having its registered office at 205 Victoria Street,
Wellington

Defendant

**AFFIDAVIT OF ANDREW KENNETH PARRISH IN SUPPORT OF NOTICE OF
APPEARANCE ON BEHALF OF CANTERBURY REGIONAL COUNCIL
26 October 2021**

Canterbury Regional Council's Solicitor
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WYNNWILLIAMS

Solicitor: P A C Maw
(philip.maw@wynnwilliams.co.nz)

I, **ANDREW KENNETH PARRISH**, Regional Planning Manager, Christchurch, affirm:

- 1 I am currently employed as the Regional Planning Manager at the Canterbury Regional Council (**CRC**).
- 2 I have worked as a planner for local authorities for approximately 16 years and I am currently the Regional Planning Manager at the CRC, responsible for the entire Regional Planning Section.

Qualifications and experience

- 3 I have a Bachelor of Science majoring in Geography and a Bachelor of Arts majoring in Political Science from Canterbury University.
- 4 The Regional Planning Section develops the regulatory framework for natural resource use in Canterbury. The Section is responsible for administering the Canterbury Regional Policy Statement (**CRPS**), and regional plans such as the Canterbury Land and Water Regional Plan (**CLWRP**), Canterbury Air Regional Plan (**CARP**), and Regional Coastal Environment Plan for the Canterbury Region (**RCEP**). In addition, CRC also manages several catchment-specific plans.
- 5 I have worked at the CRC for the past twelve years. Prior to my role as Regional Planning Manager, I was the Team Leader of the Integrated Planning Team, responsible for the administering the CRPS and regional air and coastal plans. This team was also responsible for working in a collaborative advisory capacity with territorial authorities in relation to planning matters, including district plan review processes.
- 6 Prior to undertaking that role, I was involved in various planning work streams at CRC including environmental flows and water allocation plans for the Hurunui and Waiau, Waipara, Pareora, Conway, and Waitaki catchments and many other catchments in Canterbury. I also have first-hand experience in district plan reviews and district plan changes, having worked as a planner at Ruapehu and Hurunui District Councils.
- 7 I have read the High Court Code of Conduct for Expert Witnesses. My evidence complies with the Code in all respect and the opinions herein are within my area of expertise.

BGA

- 8 I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of affidavit

- 9 In this affidavit, I address the following matters:
- (a) CRC's submission on the Proposed Otago Regional Policy Statement (**PORPS**);
 - (b) CRC's future planning workstreams;
 - (c) Kī uta ki tai and integrated management in CRC's planning processes; and
 - (d) CRC's interest in the declarations sought.

CRC's submission on the PORPS

- 10 The CRC lodged a submission (largely in support) on the PORPS. Where amendments were sought, these were largely in relation to potential cross-boundary issues (between the Canterbury and Otago regions, to ensure that matters are consistently managed between the two regions as much as possible).
- 11 CRC also submitted in support of provisions in the notified PORPS that sought to ensure the co-ordinated management of natural and physical resources across jurisdictional boundaries, including boundaries shared with neighbouring regions.
- 12 A copy of that submission is attached to this affidavit as **Exhibit A**.

CRC's future planning workstreams

- 13 As noted in CRC's Long-Term Plan, in the next ten years the CRC is committed to continuing to partner with Ngāi Tahu and engage with communities to implement the Government's Essential Freshwater package, including Te Mana o Te Wai, and improve freshwater outcomes.¹
- 14 As part of that process, the CRC has planned to notify a land and water regulatory framework that provides for a Ngāi Tahu and community vision when giving effect to the Essential Freshwater package across the

¹ Canterbury Regional Council Long-Term Plan 2021-31, adopted 17 June 2021, at p 21 (page included in **Exhibit B**).

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region. This is scheduled to occur by December 2024, with the design of the regulatory framework commencing in the current year.² The relevant pages of the Long-Term Plan are attached to this affidavit as **Exhibit B**.

- 15 The CRPS is the key document setting the strategic direction for the rest of the Canterbury planning documents (as regional and district plans must give effect to the CRPS).³ Regional policy statements are required to be reviewed every ten years.⁴ The current CRPS became operative on 15 January 2013.
- 16 A review of the CRPS is in the early planning stages, with feedback from Papatipu Rūnanga and the wider community on issues and options to be sought in the coming year.⁵ Following that, work will continue on preparation of a draft CRPS and section 32 report, before the reviewed draft CRPS is notified prior to 31 December 2024, alongside a new CLWRP and RCEP.⁶ The CLWRP and the RCEP are intended to be amalgamated into a single document.
- 17 This review of the regulatory planning framework includes a review of the entire CRPS. As the CRPS provides the strategic framework for all resource management issues in the region, much of the document is anticipated to "relate" to freshwater, such that it should proceed through the freshwater planning process set out in the RMA.⁷
- 18 While the CRC anticipates that there may be parts of its reviewed CRPS (and regulatory framework as a whole) that do not relate to freshwater, it is currently unclear where the line should be drawn to determine which provisions do relate to freshwater, given the integrated management philosophy underpinning the RMA and the CRC's approach to planning processes.

² Canterbury Regional Council Long-Term Plan 2021-31, adopted 17 June 2021, at p 25 (page included in **Exhibit B**).

³ RMA, ss 67 and 75.

⁴ RMA, s 79.

⁵ Canterbury Regional Council Long-Term Plan 2021-31, adopted 17 June 2021, at p 90 (page included in **Exhibit B**).

⁶ Canterbury Regional Council Long-Term Plan 2021-31, adopted 17 June 2021, at p 90 (page included in **Exhibit B**).

⁷ RMA, s 80A.

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Ki uta ki tai and integrated management in CRC's planning processes

- 19 Integrated management is one of the key responsibilities of a regional council, with one of its functions being to establish, implement and review objectives, policies and methods to achieve integrated management of the natural and physical resources of the region.⁸
- 20 Recent planning practice to promote integration has looked to reduce the number of separate planning documents in the planning framework. For example, it would be much easier to explicitly link the quality of water in our rivers, estuaries, and oceans if they were dealt with holistically rather than in separate planning documents.
- 21 This is supported by clear direction in the National Planning Standards which indicate that provisions dealing with land, water, air and the coastal environment should be contained in a single resource management document.⁹ This standard is attached to this affidavit as **Exhibit C**.
- 22 In Canterbury (and Otago), the way this has been expressed in planning documents more recently is through the concept of ki uta ki tai. As noted by the CRPS:¹⁰
- Ki Uta Ki Tai is a term that has become synonymous with the way Ngāi Tahu thinks about natural resource management. Ki Uta Ki Tai is the concept used to describe the overall approach to natural resource management by Ngāi Tahu – from the mountains to the sea.
- Ki Uta Ki Tai is a Ngāi Tahu paradigm and ethic – it is the Ngāi Tahu way of understanding the natural environment, including how it functions, how people relate to it and how it can be looked after appropriately. It involves not only a planning and policy framework, but also the development of monitoring, reporting, geographical information system analysis, information databases, area management and succession tools for natural resource management.
- 23 Relevant pages of the CRPS referred to in this affidavit are attached to this affidavit as **Exhibit D**.
- 24 This philosophy is reflected in many of the objectives and policies of the CRPS (for example Objective 7.2.4) and other planning documents, such as the CLWRP (of which the relevant page is attached to this

⁸ RMA, s 30(1)(a).

⁹ National Planning Standards, November 2019, 3 – Regional Plan Structure Standard (**Exhibit C**).

¹⁰ Canterbury RPS, Chapter 2 – Issues of Resource Management Significance to Ngāi Tahu – 2.2.2 (at p 26) (**Exhibit D**).

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affidavit as **Exhibit E**). The CLWRP gives effect to the CRPS in respect of ki uta ki tai with the following objective:¹¹

Water management applies the ethic of ki uta ki tai – from the mountains to the sea – and land and water are managed as integrated natural resources recognising the connectivity between surface water and groundwater, and between fresh water, land and the coast.

- 25 Notably, ki uta ki tai has also been referenced in the National Policy Statement for Freshwater Management 2020 (**NPSFM**), as part of Te Mana o te Wai. The NPSFM clarifies that an integrated approach (ki uta ki tai) is required by Te Mana o te Wai (which is the fundamental concept identified in the NPSFM). Clause 3.5 of the NPSFM provides:

(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.

(2) Every regional council must make or change its regional policy statement to the extent needed to provide for the integrated management of the effects of:

- (a) the use and development of land on freshwater; and
- (b) the use and development of land and freshwater on receiving environments.

- 26 This demonstrates that a broad range of activities can be considered to “relate” to freshwater, and must be managed in accordance with the NPSFM, in order to give effect to the NPSFM. This includes aspects which may not be traditionally thought of as relating to freshwater, such as the co-ordination and sequencing of regional or urban growth.

- 27 I note that this clause of the NPSFM refers to recognising the interconnectedness of rivers to hāpua (lagoons), wahapū (estuaries) and

¹¹ Canterbury LWRP, Objective 3.2 (**Exhibit E**).

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to the sea. However, the RMA provides that a proposed regional coastal plan is not a freshwater planning instrument.¹²

- 28 Ki uta ki tai is not solely applicable to freshwater management. The CRPS utilises it also in respect of indigenous biodiversity, as noted in the explanation to Policy 9.3.3, seeking to adopt an integrated and co-ordinated management approach to halting the decline in Canterbury's indigenous biodiversity:¹³

Halting the current decline in biodiversity will only be achieved by adopting an integrated and coordinated management approach. Such an approach will recognise that Canterbury's ecosystems and indigenous biodiversity must be managed within and across catchments so that the interconnectivity of species and habitats is provided for. The Ngāi Tahu philosophy of Ki Uta Ki Tai (from the mountains to the sea) will be an integral feature of this process.

- 29 In adopting a planning approach consistent with ki uta ki tai, the CRC has a responsibility to ensure that the effects of activities are managed holistically, and to recognise that the interconnectedness of the environment as a whole means that some activities (although they may not seem on their face to relate to freshwater) do have impacts on freshwater. As such, I anticipate that it would be difficult to determine specifically which parts of a document such as a regional policy statement "relate" to freshwater within the terms of the RMA.

CRC's interest in the declarations sought

- 30 As noted above, CRC is in the process of reviewing its regulatory planning framework. CRC seeks further clarity as to how to determine whether a document (or part of a document) "relates" to freshwater, such that it is considered a freshwater planning instrument.
- 31 In addition, CRC also seeks guidance as to whether the "part" of a planning instrument that does not relate to freshwater and must be prepared separately under the usual Schedule 1 process, refers to a chapter of a planning instrument, or whether this analysis must be undertaken on a provision-by-provision basis.
- 32 While the declarations sought are specific to the PORPS, given the CRC will also be seeking to notify new planning instruments in the near future,

¹² RMA, s 80A(8).

¹³ Canterbury RPS, Chapter 9 – Ecosystems and Indigenous Biodiversity, Policy 9.3.3, at p 146 (included in **Exhibit D**).

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the CRC expects to look to other planning processes around the country for guidance as to the appropriate approach.

- 33 As I understand that the PORPS is the first freshwater planning instrument to have been notified under the recently introduced freshwater planning process, I anticipate that the CRC and other regional councils around the country will look to this process for guidance on how the freshwater planning process can be implemented in practice, both for regional policy statements and all other planning documents.

AFFIRMED at Christchurch

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this 26th day of October 2021

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before me:

) Andrew Kenneth Parrish

B Paris

Deputy Registrar

High Court, Christchurch

~~A Solicitor~~/Deputy Registrar of the High Court of New Zealand

"A"

Notice of Submission on Proposed Otago Regional Policy Statement 2021

Resource Management Act 1991 - Form 5

Name of Submitter: Canterbury Regional Council (Environment Canterbury)

Physical Address: 200 Tuam Street, Christchurch, 8011

Address for service: Canterbury Regional Council

PO Box 345

Christchurch 8140

Contact Person: Paul Thompson

Email: paul.thompson@ecan.govt.nz

Telephone: 027 314 0397

EXHIBIT NOTE

This is the annexure marked "A" referred to in the Affidavit of Andrew Kenneth Parrish sworn at Christchurch this 26th day of October 2021 before me.


A Solicitor of the High Court of New Zealand
B Paris
Deputy Registrar
High Court, Christchurch

This is a submission on the Proposed Otago Regional Policy Statement 2021

Environment Canterbury thanks the Otago Regional Council (the Council) for the opportunity to provide a formal submission on the Proposed Otago Regional Policy Statement 2021. We wish to acknowledge the extensive work that has been undertaken by the Council in preparing the Proposed Regional Policy Statement, including the early engagement with Environment Canterbury.

Environment Canterbury is supportive of the Regional Policy Statement review process the Council has undertaken and the proposed provisions are generally consistent with the regional planning framework in Canterbury. In acknowledgement of this the Environment Canterbury submission contains many submission points in full support of the proposed provisions, particularly in relation to the identification of cumulative effects and the co-ordinated management of natural and physical resources for the management of cross boundary issues.

Our submission also contains a number of submission points that seek amendments to the proposed provisions. The submission points support the intent of the proposed provisions but are seeking amendments to better recognise the potential for cross boundary issues and the need to involve local authorities in neighbouring regions where this may occur.

These submission points have been included as a table in **Appendix A** to indicate the relevant provisions submitted on, the relief sought, and our reasons for seeking amendments. The order of the table follows the same structure of the Proposed Statement.

Where amendments have been sought, we have used underlined text to indicate recommended additions to the provisions and ~~striketrough~~ to indicate recommendations for the removal of the proposed text. Please note to avoid the potential for confusion, we have removed in **Appendix A** any hyperlinks (which also appear as underlined text) from the proposed provisions.

Appendix A can be provided in MSWord format if this would be more useful to the Hearing Officers or to the Panel.

Thank you again for this opportunity to provide a submission. For any clarification on the submission points contained within **Appendix A**, please contact Paul Thompson (paul.thompson@ecan.govt.nz) and he will be happy to assist the Hearing Officers.

We wish to retain the opportunity to speak in support of our submission.

A handwritten signature in black ink, appearing to be 'AP' followed by a long horizontal stroke.

Andrew Parrish

Planning Section Manager

(Authorised under delegated authority from the Canterbury Regional Council)

Date: 25/08/2021

Appendix A – Table of Submission Points

The specific provisions of the proposal that my submission relates to are:	Support or oppose or amend	Reasons	Decision requested
Part 1 Introduction and General Provisions ... How the policy statement works ... Cross-boundary matters	Amend under the heading 'Cross-boundary matters'	<p>The identification of Otago's cross-boundary matters as including those situations where adverse effects in one jurisdiction arise due to the activities in another (particularly where territorial authority boundaries do not match catchment boundaries) is supported. In connection with this type of cross-boundary matter, the reference to the Waitaki River catchment (which Otago and Canterbury Regionals share jurisdiction for) is also supported.</p> <p>For similar reasons an amendment is proposed in connection with the subsequent reference made to Otago's coastal environment. The proposed amendment seeks to ensure adequate recognition is given to the potential for cross-boundary matters in the coastal environment to occur between the Otago and Canterbury region as well as between territorial authorities (within the Otago region).</p> <p>The proposed relief is consistent with the Regional Coastal Environment Plan for the Canterbury Region (RCEP) which identifies (at Chapter 10.1) the need for integrated resource management in the coastal environment. The RCEP identifies this arises from, inter alia, the need to ensure consistent management of resource issues occurs along the entire coast of the region and with adjacent territorial local authorities and between regions. The RCEP identifies (at Chapter 10.2) that a principal cross boundary</p>	<p>Cross-boundary matters Ecosystems and human activities cross jurisdictional boundaries. When different jurisdictions manage similar activities or resources in different ways there is potential for inconsistent outcomes, resulting in inefficient and ineffective management.</p> <p>To achieve integration, those involved in resource management need to coordinate their policies, plans and actions. This is encompassed by the philosophy "ki uta ki tai" – from the mountains to the sea. Accordingly, section 62 of the RMA 1991 requires regional councils to include in the RPS the processes to be used to deal with issues that cross <i>local authority</i> boundaries, and issues between <i>territorial authorities</i> or between regions.</p> <p>Cross-boundary issues can arise in several ways, and generally manifest in issues for either plan preparation and review, or plan</p>

		<p>issue for the Canterbury region in this regard is the effect on coastal water quality from land areas and for Tāngata whenua, Otago Regional Council and Marlborough District Council.</p>	<p>administration and the processing of applications for resource consents. Otago's cross-boundary matters include:</p> <ul style="list-style-type: none"> • adverse <i>effects</i> in one jurisdiction due to the activities in another, particularly where <i>territorial authority</i> boundaries do not match catchment boundaries, as with the Clutha Mata-au, or the Waitaki River catchment over which Otago and Canterbury Regional Councils share jurisdiction, or Otago's coastal environment, which covers three <i>territorial authorities'</i> jurisdictions, and may be affected by <i>land uses</i> in the other two (through sediment flowing down the Clutha Mata-au, for instance) <u>and which may also have adverse effects on the Canterbury coastal environment;</u> • ...
<p>Part 1 Introduction and General Provisions ... How the policy statement works ...</p>	<p>Support under the heading 'Cooperation and partnerships with other</p>	<p>The recognition that the processes that can be used to address cross boundary matters includes cooperation and partnerships with other local authorities such as the sharing information to ensure natural resources are not artificially fragmented is consistent with the Canterbury regional planning framework.</p>	<p>Retain as notified or preserve the original intent.</p>

Cross-boundary matters ... Cooperation and partnerships with other <i>local authorities</i>	<i>local authorities'</i>		
How the policy statement works ... Interpretation Definitions ... Local authority	Support the definition of 'Local authority'	The proposed definition of 'Local authority' is supported in connection with the other relief sought in this submission.	Retain as notified or preserve the original intent.
Part 2 – Resource management overview ... IM – Integrated Management ... Policies ... IM-P7 – Cross boundary management	Support IM-P7	The co-ordinated management of natural and physical resources across jurisdictional boundaries is necessary for the management of cross boundary issues, including boundaries shared with neighbouring regions.	Retain as notified or preserve the original intent.
Part 2 – Resource management overview ... IM – Integrated Management	Support clause 4 of IM-P12	The recognition provided by clause 4 of Policy IM-P12 that the objectives of regional policy statements in neighbouring regions may also be relevant to activities under this policy is supported.	Retain as notified or preserve the original intent.

... Policies ... IM-P12 – Contravening environmental bottom lines for climate change mitigation			
Part 2 – Resource management overview ... IM – Integrated Management ... Policies ... IM-P13 – Managing cumulative effects	Support IM-P13	The management of cumulative effects may be necessary for the management of cross boundary issues, including boundaries shared with neighbouring regions.	Retain as notified or preserve the original intent.
Part 2 – Resource management overview ... IM – Integrated Management ... Methods ... IM-M1 – Regional and district plans	Support clause 5 of IM-M1	Clause 5 of Method IM-M1 requires a ki uta ki tai approach to resource management is adopted and should involve collaboration between local authorities to achieve consistent management of resources or effects that cross jurisdictional boundaries. The proposed definition of 'local authorities' includes a regional council or territorial authority and as such clause 5 recognises that such collaboration may involve local authorities in neighbouring regions. This matter is necessary as the Method IM-M1 implements in part the management of cumulative effects (as proposed by Policy IM-P7) and the co-ordinated management of natural and physical resources (as proposed by Policy IM-P13) which may involve cross boundary matters including boundaries with neighbouring regions.	Retain as notified or preserve the original intent.

Part 2 – Resource management overview ... IM – Integrated Management ... Methods ... IM-M2 - Relationships	Amend clause 2 of IM-M2	The intent of IM-M2 is supported. The proposed amendment seeks to give stronger recognition to working with local authorities in neighbouring regions to enable IM-M2 to implement in part the management of cumulative effects (as proposed by Policy IM-P7) and the co-ordinated management of natural and physical resources (as proposed by Policy IM-P13) which may involve cross boundary matters including boundaries with neighbouring regions. The proposed amendment is consistent with IM-M1.	IM-M2 – Relationships Starting immediately, <i>local authorities</i> must: <ol style="list-style-type: none"> 1. partner with Kāi Tahu to ensure mana whenua involvement in resource management, 2. work together and with other agencies <u>including local authorities in neighbouring regions</u> to ensure consistent implementation of the objectives, policies and methods of this RPS, and 3. ...
Part 3 - Domains and Topics Domains ... CE - Coastal Environment ... Methods CE-M1 – Identifying the coastal environment	Amend clause 1 of CE-M1	<p>The intent of CE-M1 is supported. The proposed amendment seeks to ensure the identification of the coastal environment across regional boundaries takes place in an integrated form. The proposed amendment gives stronger recognition to the need to work collaboratively with regional and territorial councils in neighbouring regions when identifying the landward extent of the coastal environment.</p> <p>This relief acknowledges that while NZCPS Policy 1 recognises the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities, NZCPS Policy 1 recognises the coastal environment includes a variety of areas and features including, inter alia, elements and features that contribute to the natural character, landscape, visual qualities or amenity values (NZCPS Policy 1 clause (2)(f)). Proposed Policy CE-P2(1)(f)</p>	CE-M1 – Identifying the coastal environment <i>Local authorities</i> must: <ol style="list-style-type: none"> 1. no later than 31 May 2023, work collaboratively, <u>including with local authorities in neighbouring regions</u>, to <ol style="list-style-type: none"> a. identify the landward extent of the coastal environment, in accordance with CE-P2(1), b. map the landward extent of the coastal environment area in the

		<p>also recognises that these features are to be taken into account when identifying the landward extent of the coastal environment.</p> <p>The potential for natural character to involve cross boundary matters with neighbouring regions is recognised by clause 5(c) of ECO-M2 which identifies the lower Waitaki River as a significant natural area noting that Part 1 - <i>Introduction and General Provisions</i> recognises that the Otago and Canterbury Regional Councils share jurisdiction of the Waitaki River catchment.</p> <p>The potential for landscape, visual qualities and amenity values to involve cross boundary matters with the Canterbury region can also be found in connection with the relief sought to clause 3 of Method NFL-M1.</p> <p>The proposed relief is consistent with the Canterbury regional planning framework. Policy 8.3.2 of the Canterbury Regional Policy Statement (CRPS) provides for the integration of management of natural and physical resources and activities in the coastal environment, including those that cross administrative boundaries.</p>	<p>relevant <i>regional</i> and <i>district plans</i>.</p>
<p>Part 3 - Domains and Topics</p> <p>Domains</p> <p>...</p> <p>CE - Coastal Environment</p> <p>...</p> <p>Methods</p>	<p>Amend clause 1 of CE-M2</p>	<p>The intent of CE-M2 is supported. The proposed amendment seeks to ensure the identification of 'other areas' in the coastal environment takes place in an integrated form. The proposed amendment gives stronger recognition to the need to work collaboratively with regional and territorial councils in neighbouring regions when identifying 'other areas' in the coastal environment.</p> <p>The proposed relief is consistent with the identification of Otago's cross-boundary matters in Part 1 – <i>Introduction and General Provisions</i> which recognises resources that cross local</p>	<p>CE-M2 – Identifying other areas</p> <p><i>Local authorities</i> must work collaboratively together, <u>including with local authorities in neighbouring regions</u>, to:</p> <ol style="list-style-type: none"> 1. identify areas and values of high and outstanding natural character within their jurisdictions in accordance with CE-P4(1), map the areas and describe their values in the

<p>CE-M2 – Identifying other areas</p>		<p>authority boundaries must be managed in a uniform manner, such as outstanding natural features, outstanding natural landscapes and significant natural areas. The potential for natural character to involve cross boundary matters with neighbouring regions is recognised by clause 5(c) of ECO-M2 which identifies the lower Waitaki River as a significant natural area noting that Part 1 - <i>Introduction and General Provisions</i> recognises that the Otago and Canterbury Regional Councils share jurisdiction of the Waitaki River catchment</p> <p>The proposed relief is consistent with the Canterbury regional planning framework. Policy 8.3.2 of the CRPS provides for the integration of management of natural and physical resources and activities in the coastal environment, including those that cross administrative boundaries. CRPS Policy 12.3.4 <i>Consistency of identification and management of outstanding natural features and outstanding natural landscapes</i> recognises that although a uniform management framework is not expected, widely varying methods of management in adjacent districts or regions have the potential to create different outcomes for the same outstanding natural landscape area. This may create inequalities for landowners and resource users across local authority boundaries. It is appropriate that landscape management is addressed as a cross-boundary issues requiring some consistency in their identification and management.</p>	<p>relevant <i>regional</i> and <i>district plans</i>, and identify their capacity to accommodate change through use or development while protecting the values that contribute to the natural character of the area being considered high or outstanding,</p> <ol style="list-style-type: none"> 2. identify areas and values of outstanding natural features, landscapes, and seascapes (in the coastal environment) within their jurisdictions in accordance with CE-P6(1), map the areas and describe their values in the relevant <i>regional</i> and <i>district plans</i>, and identify their capacity to accommodate change through use or development while protecting the values that contribute to the natural features, landscapes, and seascapes being considered outstanding, 3. identify areas and values of indigenous <i>biodiversity</i> within their jurisdictions in accordance with CE-P5, map the areas and describe their values in the relevant <i>regional</i> and <i>district plans</i>, and
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			<div>4. prioritise identification under (1) – (3) in areas that are:</div> <div><div>a. likely to face development or growth pressure over the life of this RPS, or</div><div>b. likely to contain outstanding natural character areas, outstanding natural features or landscapes, and areas of significant indigenous biodiversity, including the areas in the table below:</div></div> <div>Table 2: Areas likely to contain significant values</div> <table><tr><td>Oamaru Harbour</td><td>Te Whakarekaiwi</td></tr><tr><td>Breakwater</td><td>Papanui Inlet</td></tr><tr><td>Moeraki Beach</td><td>Hoopers Inlet</td></tr><tr><td>Moeraki Peninsula</td><td>Kaikorai Estuary</td></tr><tr><td>Shag Point & Shag</td><td>Brighton</td></tr><tr><td>River Estuary</td><td>Akatore Creek</td></tr><tr><td>Stony Creek Estuary</td><td>Estuary</td></tr><tr><td>Pleasant River</td><td>Tokomairiro Estuary</td></tr><tr><td>Estuary</td><td>Wangaloa</td></tr><tr><td>Hawksbury Inlet</td><td>Clutha River Mata-</td></tr><tr><td>Waikouaiti River</td><td>au, Matau Branch</td></tr><tr><td>Estuary</td><td>Nugget Point</td></tr><tr><td>Karitane Headland</td><td>Surat Bay</td></tr><tr><td>Puketeraki</td><td>Catlins Lake Estuary</td></tr></table>	Oamaru Harbour	Te Whakarekaiwi	Breakwater	Papanui Inlet	Moeraki Beach	Hoopers Inlet	Moeraki Peninsula	Kaikorai Estuary	Shag Point & Shag	Brighton	River Estuary	Akatore Creek	Stony Creek Estuary	Estuary	Pleasant River	Tokomairiro Estuary	Estuary	Wangaloa	Hawksbury Inlet	Clutha River Mata-	Waikouaiti River	au, Matau Branch	Estuary	Nugget Point	Karitane Headland	Surat Bay	Puketeraki	Catlins Lake Estuary
Oamaru Harbour	Te Whakarekaiwi																														
Breakwater	Papanui Inlet																														
Moeraki Beach	Hoopers Inlet																														
Moeraki Peninsula	Kaikorai Estuary																														
Shag Point & Shag	Brighton																														
River Estuary	Akatore Creek																														
Stony Creek Estuary	Estuary																														
Pleasant River	Tokomairiro Estuary																														
Estuary	Wangaloa																														
Hawksbury Inlet	Clutha River Mata-																														
Waikouaiti River	au, Matau Branch																														
Estuary	Nugget Point																														
Karitane Headland	Surat Bay																														
Puketeraki	Catlins Lake Estuary																														

			Blueskin Bay Orokonui Inlet Mapoutahi Purakanui Inlet Aramoana Otago Harbour Historic Walls Otakou & Taiaroa Head Pipikaretu Point	Jacks Bay Waiheke Beach Tahakopa Estuary Oyster Bay Tautuku Estuary Waipati Estuary & Kinakina Island
Part 3 - Domains and Topics Domains ... LF – Land and freshwater ... LF-VM – Visions and management Objectives ... LF-VM-03 – North Otago FMU vision	Support clause 1 of Objective LF- VM-03	The reach of the lower Waitaki River within the Otago region is located within the North Otago FMU. The recognition that the Waitaki River in Otago is influenced in part by catchment areas within the Canterbury region is supported.	Retain Objective LF-VM-03 clause 1 as notified or preserve the original intent.	
Part 3 - Domains and Topics Domains ...	Amend clause 1 and clause 3 of LF–FW–M5	The intent of LF–FW–M5 is supported. The proposed amendment to clause 3 of LF–FW–M5 seeks to require consultation with local authorities in the identification outstanding water bodies. The intent of the proposed relief is to promote integrated management of any outstanding water bodies that cross local authority	LF–FW–M5 – Outstanding water bodies No later than 31 December 2023, Otago Regional Council must:	

<p>LF – Land and freshwater</p> <p>...</p> <p>LF-FW - Freshwater</p> <p>...</p> <p>Methods</p> <p>...</p> <p>LF-FW-M5 – Outstanding water bodies</p>		<p>boundaries. The proposed relief recognises that the criteria for identifying outstanding water bodies (contained in proposed Appendix APP1) includes, inter alia, ecology, landscape and natural character matters. The proposed relief is consistent with the relief sought in relation to CE-M1, CE-M2 and NFL-M1 in connection with the identification of the coastal environment, ‘other areas’ in the coastal environment and natural features and landscapes outside of the coastal environment respectively and recognition that these features may span jurisdictional boundaries. Part 1 – <i>Introduction and General Provisions</i> recognises that Otago’s cross-boundary matters include resources that cross local authority boundaries, and these are to be managed in a uniform manner, such as outstanding natural features, outstanding natural landscapes and significant natural areas.</p> <p>The proposed relief is consistent with the Canterbury regional planning framework. CRPS Policy 12.3.4 seeks to ensure consistency in the identification and management of outstanding natural features and outstanding natural landscapes. This policy recognises that these features do not always begin and end within regional or district boundaries.</p> <p>A minor correction is also proposed in connection with an incorrect cross-reference in clause 1 of LF-FW-M5. It is proposed the cross reference in clause 1 to Policy LF-VM-P6 <i>Relationship between FMUs and rohe</i> is amended to Policy LF-FW-P11 <i>Identifying outstanding water bodies</i>.</p>	<ol style="list-style-type: none"> 1. in partnership with Kāi Tahu, undertake a review based on existing information and develop a list of <i>water bodies</i> likely to contain outstanding values, including those <i>water bodies</i> listed in LF-VM-P6, <u>LF-FW-P11</u>, 2. identify the outstanding values of those <i>water bodies</i> (if any) in accordance with APP1, 3. consult with the public during the identification process, <u>and local authorities</u>, 4. map <i>outstanding water bodies</i> and identify their outstanding and significant values in the relevant <i>regional plan(s)</i>, and 5. include provisions in regional plans to avoid the adverse <i>effects</i> of activities on the significant and outstanding values of <i>outstanding water bodies</i>.
<p>Part 3 - Domains and Topics</p> <p>...</p> <p>Topics</p>	<p>Support clause 3 of ECO-M2</p>	<p>The direction under clause 3 of ECO-M2 that identification of significant natural areas (that span jurisdictional boundaries) by local authorities must involve collaborative working to ensure</p>	<p>Retain as notified or preserve the original intent.</p>

<p>ECO - Ecosystems and indigenous biodiversity</p> <p>...</p> <p>Methods</p> <p>...</p> <p>ECO-M2 – Identification of significant natural areas</p>		<p>areas identified by different local authorities are not artificially fragmented is supported.</p> <p>Clause 5(c) of ECO-M2 identifies the Lower Waitaki River as a significant natural area. Part 1 – <i>Introduction and General Provisions</i> recognises that the Otago and Canterbury Regional Councils share jurisdiction of the Waitaki River catchment. The identification of Otago’s cross-boundary matters (also in Part 1) includes resources that cross local authority boundaries which must be managed in a uniform manner, such as outstanding natural features, outstanding natural landscapes and significant natural areas. Clause 3 of ECO-M2 is consistent with ECO-M6.</p> <p>Clause 3 of ECO-M2 is consistent with the Canterbury regional planning framework. CRPS Policy 9.3.3 <i>Integrated Management Approach</i> which adopts an integrated and co-ordinated management approach to halting the decline in Canterbury’s indigenous biodiversity through, inter alia, collaboration between key agencies and individuals. The Canterbury Biodiversity Strategy recognises that biodiversity crosses regional authority boundaries and it will be necessary to work with adjacent Regional Councils (and relevant District Councils).</p>	
<p>Part 3 - Domains and Topics</p> <p>...</p> <p>Topics</p> <p>ECO - Ecosystems and indigenous biodiversity</p> <p>...</p>	Support	<p>The direction in ECO-M6 that local authorities will work collaboratively with other local authorities to adopt an integrated approach to manage biodiversity across administrative boundaries is supported.</p> <p>Clause 5(c) of ECO-M2 identifies the Lower Waitaki River as a significant natural area. Part 1 – <i>Introduction and General Provisions</i> recognises that the Otago and Canterbury Regional Councils share jurisdiction of the Waitaki River catchment. The</p>	Retain as notified or preserve the original intent.

Methods ... ECO-M6 – Engagement		<p>identification of Otago’s cross-boundary matters (also in Part 1) includes resources that cross local authority boundaries which must be managed in a uniform manner, such as outstanding natural features, outstanding natural landscapes and significant natural areas..</p> <p>Clause 3 of ECO-M2 is consistent with the Canterbury regional planning framework. CRPS Policy 9.3.3 <i>Integrated Management Approach</i> which adopts an integrated and co-ordinated management approach to halting the decline in Canterbury’s indigenous biodiversity through, inter alia, collaboration between key agencies and individuals. The Canterbury Biodiversity Strategy recognises that biodiversity crosses regional authority boundaries and it will be necessary to work with adjacent Regional Councils (and relevant District Councils).</p>	
Part 3 - Domains and Topics ... Topics ... HAZ – Hazards and risks ... Methods ... HAZ-NH-M2 – <i>Local authorities</i>	Amend clause 1(a) of HAZ-NH- M2	<p>The intent of HAZ-NH-M2 is supported. The proposed amendment seeks to require consultation with local authorities in neighbouring regions when identifying the level of natural hazard risk (in the event they are not otherwise deemed to be a partner organisation).</p> <p>The proposed relief is consistent with the implementation methods to CRPS Policy 11.3.9 <i>Integrated management of, and preparedness for, natural hazards</i> which identifies within the Canterbury region that the Canterbury Regional Council is to work as a coordinating agency in partnership with others to address natural hazards and this extends across local and regional boundaries and involves working other regional councils.</p>	<p>HAZ-NH-M2 – <i>Local authorities</i></p> <p><i>Local authorities</i> must:</p> <ol style="list-style-type: none"> 1. assess the level of <i>natural hazard risk</i> in their region or district in accordance with HAZ-NH-P2 and APP6, including by: <ol style="list-style-type: none"> a. consulting with communities, stakeholders and partners, <u>including with local authorities in neighbouring regions, regarding risk levels</u>

			thresholds, and b.
Part 3 - Domains and Topics ... Topics ... NFL – Natural features and landscapes ... Methods NFL-M1 – Identification	Amend clause (3) of NFL-M1	<p>The intent of clause 3 of NFL-M1 which seeks to ensure the identification of outstanding and highly valued natural features and landscapes that span jurisdictional boundaries are treated uniformly across district boundaries, is supported.</p> <p>An amendment is proposed to require consultation with local authorities in neighbouring regions in support of this intent consistent with the identification of Otago’s cross-boundary matters in Part 1 – <i>Introduction and General Provisions</i> which recognises resources that cross local authority boundaries must be managed in a uniform manner, such as outstanding natural features, outstanding natural landscapes and significant natural areas.</p> <p>The proposed relief is consistent with the Canterbury regional planning framework. Appendix 4 of the CRPS identifies the following Canterbury outstanding natural features and landscapes (ONFLs) of potential relevance to both the Canterbury and Otago regions:</p> <ul style="list-style-type: none"> • Lindis and Ahuriri – Waitaki District: with recognition given as an important connection to the Otago region; and the • Hawkdun and St Marys Ranges (Oteake Conservation Park): as a mountainous border between the Canterbury and Otago regions. <p>CRPS Policy 12.3.4 <i>Consistency of identification and management of outstanding natural features and outstanding natural</i></p>	<p>NFL-M1 – Identification</p> <p><i>Territorial authorities</i> must:</p> <ol style="list-style-type: none"> 1. include in their district plans a map or maps and a statement of the values of the areas of outstanding and highly valued natural features and landscapes in accordance with NFL-P1, 2. include in their district plans a statement of the capacity of outstanding and <i>highly valued natural features and landscapes</i> to accommodate change in use and development without their values being materially compromised or lost, in accordance with NFL-P1, 3. recognise that natural features and landscapes may span jurisdictional boundaries and work together, including with the Regional Council <u>and local authorities in neighbouring regions</u>, to identify areas under (1) to ensure that the identification of

		<p><i>landscapes</i> recognises that although a uniform management framework is not expected, widely varying methods of management in adjacent districts or regions have the potential to create different outcomes for the same outstanding natural landscape area. This may create inequalities for landowners and resource users across local authority boundaries. It is appropriate that landscape management is addressed as a cross-boundary issues requiring some consistency in their identification and management.</p>	<p>natural features and landscapes are treated uniformly across district boundaries, and</p> <p>4. prioritise identification under (1) in areas that are likely to contain outstanding natural features or landscapes and are likely to face development or growth pressure over the life of this RPS.</p>
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"B"

What success looks like

In the next 10 years, we will:

- continue to partner with Ngāi Tahu and engage with communities to implement the Government's Essential Freshwater package, including Te Mana o te Wai, and improve freshwater outcomes
- protect and restore priority aquatic ecosystems and habitats and create opportunities for mahinga kai through regulation and other initiatives to improve water quality and flow
- accelerate actions to improve and protect drinking water sources, and set standards for effective management of stormwater and wastewater
- support water users to develop infrastructure and practices (including exploring the role of environmental infrastructure) to access water sources and use them sustainably
- support improved land use management practices, through a mix of education, regulation and targeted compliance monitoring to reduce environmental impacts and enhance the environment.

Our commitments

This portfolio helps us fulfil the following functions that are statutory obligations:

- having a Regional Policy Statement required under the Resource Management Act 1991, which is then given effect to through the Canterbury Land and Water Regional and Sub-Regional Plans
- implementing the regional plans through granting consents and undertaking compliance monitoring and enforcement to manage discharges to land, air or water
- meeting the requirements of the National Policy Statement for Freshwater Management and National Environmental Standards, including environmental monitoring.

This portfolio has the following external commitments:

- supporting the work of the Canterbury Water Management Strategy (CWMS) Regional Water Management Committee and Zone Committees to implement Zone Committee Action Plans

- reporting on progress of the CWMS to the Canterbury Mayoral Forum, which provides governance oversight
- supporting the delivery of the work programme Whakaora Te Waihora
- membership of, and support for, the Whakaraupō Governance Group to implement the Whakaraupō/Lyttelton Harbour Catchment Management Plan
- a partner in the Mackenzie Basin Agency Alignment Programme
- working in partnership on joint work programmes with a range of parties including Ngāi Tahu, Fish & Game, the primary industry sector, Irrigation NZ and the Canterbury District Health Board.

Key assumptions

- the CWMS approach continues to support the Canterbury response to implement new national directions
- partners and the community continue to support the collaborative framework through tangible actions
- community expectations on progress on environment improvement are aligned with Environment Canterbury's capability
- the community's capacity to respond to climate change improves, leading to enhanced water resilience
- implementation of the Essential Freshwater programme is achieved by 2024.

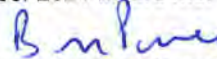
Programmes

- Working together for healthy water and land
- Monitoring and understanding our environment
- Freshwater regulatory framework
- Healthy waterways actions
- Stewardship of water and land
- Freshwater resilience.

An overview of what we do and why for each of these programmes is outlined in the following pages. Our commitment to the community is demonstrated through our Levels of Service, which include annual performance measures and targets.

EXHIBIT NOTE

This is the annexure marked "B" referred to in the Affidavit of
Andrew Kenneth Parrish sworn at Christchurch this 7th day of
October 2021 before me.



A Solicitor of the High Court of New Zealand

B. Paris
Deputy Registrar
High Court, Christchurch

Freshwater regulatory framework

Overview

We are ensuring our freshwater regulatory framework is compliant with statutory requirements and national direction; embeds and articulates Ngāi Tahu vision and interpretation of Te Mana o te Wai; and is effective and responsive to changes in the environmental outcomes sought.

What we do and why

Plan administration – we administer and provide a regulatory framework which accurately represents the decisions made by Environment Canterbury, gives effect to central government direction, and is delivered in a format which achieves the requirements of the national planning standards.

Region wide changes to deliver Essential Freshwater Package – we review and amend our regulatory framework to give effect to the Government’s Essential Freshwater package, the Resource Management Act and our Regional Policy Statement.

Ground and surface water science advice – we provide science support and advice for the amendment of our regulatory framework to give effect to the Government’s Essential Freshwater package.

Sub regional changes – we adapt our regulatory framework in response to changes identified through monitoring and review.

Future planning work programme beyond and Essential Freshwater compliant framework Te Mana o te Wai – we continue to amend our plans as required under legislation.

Section 35 reviews – we assess the efficiency and effectiveness of our planning framework as required under Section 35 of the Resource Management Act.

LoS 4: Partner with Papatipu Rūnanga and engage with the community to inform amendments to the regulatory framework (to give effect to the Government’s Essential Freshwater package, achieving Te Mana o te Wai)

Performance measures		Targets			
		Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4-10 2024+
4.1	Notify a land and water regulatory framework that provides for a Ngāi Tahu and community vision when giving effect to the Government’s Essential Freshwater package across the region	Design a programme to develop a compliant regulatory framework	Report on progress of the programme to develop a compliant regulatory framework	Report on progress of the programme to develop a compliant regulatory framework	Notify a regulatory framework that complies with the National Policy Statement for Freshwater Management 2020 by December 2024

Leading regional planning, consenting and compliance

Overview

We are delivering regulatory services (planning, consents and compliance) to sustainably manage our natural resources, and to build confidence and trust in our work.

What we do and why

Canterbury Regional Policy Statement review – the Canterbury Regional Policy Statement (RPS) must be reviewed every 10 years to ensure our plans are relevant for our communities and give effect to national direction.

Integrated planning – we support district and city councils to develop District Plans and Plan Changes, which are aligned with national and regional requirements and give effect to the RPS.

Consent processing – we provide pre-application advice and process resource management consent applications to fulfil our role as a consent authority and ensure resource management in Canterbury is consistent with the Resource Management Act 1991 (RMA).

Dam building consents – we provide advice and process building consents for large dams to fulfil requirements of the Building Act 2004.

Compliance monitoring and enforcement – we review and monitor consent holder's activities to fulfil requirements of the RMA as a consent authority.

Innovative regulator – we are continually improving our regulatory practices, processes and systems to ensure we can meet the resource management demands of the community and central government now and in the future.

LoS 34: Provide and implement a Regional Policy Statement to achieve integrated management of natural and physical resources in Canterbury – in partnership with Ngāi Tahu and the Canterbury region's territorial authorities

Performance measure		Targets			
		Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 4-10 2024+
34.1	Progress a review of the Canterbury Regional Policy Statement	Seek feedback from Papatipu Rūnanga and the wider community on issues and options in the Canterbury Regional Policy Statement	Prepare draft Canterbury Regional Policy Statement and Section 32 report	Prepare draft Canterbury Regional Policy Statement and Section 32 report	Notify the reviewed draft Canterbury Regional Policy Statement by 31 December 2024
34.2	Work collaboratively with the region's district and city councils to implement and give effect to the Regional Policy Statement	Provide planning support for Canterbury territorial authorities completing District Plan Reviews and Plan Changes on issues of regional significance	Provide planning support for Canterbury territorial authorities completing District Plan Reviews and Plan Changes on issues of regional significance	Provide planning support for Canterbury territorial authorities completing District Plan Reviews and Plan Changes on issues of regional significance	Provide planning support for Canterbury territorial authorities completing District Plan Reviews and Plan Changes on issues of regional significance

"C"



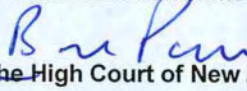
Ministry for the
Environment
Manatū Mō Te Taiao

National Planning Standards

November 2019

EXHIBIT NOTE

This is the annexure marked "C" referred to in the Affidavit of
Andrew Kenneth Parrish sworn at Christchurch this ^{26th} day of
October 2021 before me.


B Paris
Deputy Registrar
High Court, Christchurch

A Solicitor of the High Court of New Zealand

3. Regional Plan Structure Standard

Mandatory directions

Directions for all parts

1. All parts and their titles in table 3 must be included, in the order shown. Additional parts must not be included.
2. Chapters and sections that are black in table 3 must be included, in the order shown.
3. Unless otherwise specified, chapters and sections that are grey in table 3 must be included if relevant to the regional plan, in the order shown.
4. If a chapter in table 3 is included, its associated heading must also be included.
5. Local authorities must add sections and subsections within chapters where appropriate to organise related provisions.

Directions for Part 2

6. Objectives addressing the integrated management of resources or providing strategic direction on resource management, must be located in the *Integrated objectives* chapter.
7. Policies addressing the integrated management of resources or providing strategic direction on resource management, must be located in the *Integrated policies* chapter.
8. The *Coastal environment* chapter must set out the approach to managing the coastal environment and giving effect to the New Zealand Coastal Policy Statement.
9. Any specific provisions relating to the coastal environment which are located in other topic chapters must be cross-referenced in the *Coastal environment* chapter.
10. The *Coastal marine area* section must be included unless a separate regional coastal plan or proposed regional coastal plan exists for the region.
11. If a regional plan does not include the *Coastal environment* chapter but includes the *Coastal marine area* section, that section becomes a chapter.
12. The *Coastal marine area* section must contain all coastal marine provisions, except for any coastal marine provisions under the *integrated management* heading, in the *Coastal zones* chapter or in the *Coastal precincts (multi-zone)* chapter.
13. Provisions that apply to the coastal marine area as a whole must be located in the *Coastal marine area* section and not in a zone.
14. Provisions (excluding the provisions under the *Integrated management* heading) that:
 - a. apply only to a freshwater management unit, catchment, identified area, coastal zone or coastal precinct must be located in the relevant chapter under the *Area-specific matters* heading
 - b. apply predominantly to only one topic (but not only to a freshwater management unit, catchment, identified area, coastal zone or coastal precinct) must be located in the relevant chapter under the *Topics* heading
 - c. apply to more than one topic must be located in the relevant chapter under the *Domains* heading.
15. Any other matter addressed by the regional plan not covered by the structure in table 3 must be included as a new chapter, inserted alphabetically under the *Topics* heading in Part 2. Additional chapters must not be synonyms or subsets of the chapters in table 3.

16. Each catchment, freshwater management unit, identified area, coastal zone and multi-zone precinct under the *Area-specific matters* heading must have its own chapter.
17. If overlays are used, their provisions must be located in the relevant *Domain, Topic, Freshwater management unit, Catchment, and Area* chapters and sections.

Directions for Part 3

18. Part 3 must be titled Appendices and Maps, or Appendices, or Maps, depending on whether it contains appendices (including schedules and appendices not located within the relevant chapter) or static maps (in addition to or instead of a GIS viewer) or both.

Table 3: Regional plan structure

PART 1 – INTRODUCTION AND GENERAL PROVISIONS	
INTRODUCTION	
Chapters:	Foreword or mihi
	Contents
	Purpose
	Description of the region
HOW THE PLAN WORKS	
Chapters:	Statutory context
	General approach
	Cross boundary matters
	Relationships between spatial layers
INTERPRETATION	
Chapters:	Definitions
	Abbreviations
	Glossary
NATIONAL DIRECTION INSTRUMENTS	
Chapters:	National policy statements and New Zealand Coastal Policy Statement
	National environmental standards
	Regulations
	Water conservation orders
[TANGATA WHENUA/MANA WHENUA]	
Chapter:	[Tangata whenua/mana whenua]
PART 2 – MANAGEMENT OF RESOURCES	
INTEGRATED MANAGEMENT	
Chapters:	Integrated objectives
	Integrated policies
DOMAINS	
Chapters:	Air

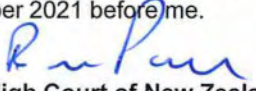
	Coastal environment	Section: Coastal marine area ¹
	Geothermal	
	Land and freshwater	
TOPICS		
Chapters:	Ecosystems and indigenous biodiversity	
	Energy and infrastructure	
	Historic heritage	
	Natural character	
	Natural features and landscapes	
	Natural hazards	
	Sites and areas of significance to Māori	
AREA-SPECIFIC MATTERS		
Chapters:	[Insert name of freshwater management unit] freshwater management unit	
	[Insert name of catchment] catchment	
	[Insert name of area] area	
	Coastal zones	Section: [Insert name of coastal zone] zone
	Coastal precincts (multi-zone)	Section: [Insert name of coastal multi-zone precinct] precinct
PART 3 – [APPENDICES AND MAPS]		
Chapters:	Appendices	
	Maps	

¹ Refer to direction 10 in this standard.

"D"

EXHIBIT NOTE

This is the annexure marked "D" referred to in the Affidavit of
Andrew Kenneth Parrish sworn at Christchurch this ^{26th} day of
October 2021 before me.


A ~~Solicitor~~ of the High Court of New Zealand

B Paris
Deputy Registrar
High Court, Christchurch

CANTERBURY REGIONAL POLICY STATEMENT 2013

July 2021



2.2 NGĀI TAHU AND THE MANAGEMENT OF NATURAL RESOURCES

Ngāi Tahu do not see their existence as separate from Te Ao Tūroa (the natural world), but as an integral part of it. Through whakapapa (genealogy), all people and life forms descend from a common source. Whakapapa binds Ngāi Tahu to the mountains, forests and waters and the life supported by them, and this is reflected in traditional attitudes towards the natural world and resource management.

Whānaukatanga embraces whakapapa, through the relationship between people, and between people and the environment. The nature of these relationships determines people's rights and responsibilities in relation to the use and management of taonga of the natural world.

All things have the qualities of wairua (spiritual dimension) and mauri (life force), are living, and have a genealogical relationship with each other. Mauri provides the common centre between the natural resources (taonga), the people or guardians who care for the taonga (the kaitiaki), and the management framework (tikanga) of how taonga are to be managed by the kaitiaki. It is through kawa (protocol) that the relationship between taonga, tikanga and kaitiakitanga is realised.

As noted above, each papatipu rūnanga has its own rohe, carefully determined by natural boundaries such as mountain ranges and rivers. This political and occupational authority over an area is mana whenua and encompasses kaitiakitanga and rangatiratanga.

An integral element of the concepts of kaitiakitanga and rangatiratanga is the recognition that Ngāi Tahu have their own traditional means of managing and maintaining resources and the environment. This system of rights and responsibilities is inherited from previous generations and has evolved over time. The resources in any given area are representative of the people who reside there and are a statement of identity. Traditionally, the abundance or lack of resources directly determines the welfare of every tribal group, and so affects their mana.

2.2.1 Tikanga

Tikanga Māori encompasses the beliefs, values, practices and procedures that guide appropriate codes of conduct, or ways of behaving. It seeks to unify the three planes of reality in a holistic way: te taha tinana (the physical plane), te taha hinengaro (the intellectual plane), and te taha wairua (the spiritual plane).

In the context of natural resource management, observing tikanga is part of the ethic and exercise of kaitiakitanga. It is underpinned by a body of Mātauranga Māori (Māori knowledge), and based on a general understanding that people belong to the land and have a responsibility to care for and manage the land. It incorporates forms of social control to manage the relationship of people and the environment, including concepts such as tapu, noa and rāhui.

Tikanga is based on traditional practices, but is dynamic and continues to evolve in response to different situations. One example of tikanga is the concept of kanohi ki te kanohi, or meeting face-to-face. For consultation on some natural resource management issues, kanohi ki te kanohi may be the appropriate tikanga. Tikanga may also limit public access to wāhi tapu sites or require that certain protocols are observed before entering a site.

2.2.2 Ki Uta Ki Tai

Ki Uta Ki Tai is a term that has become synonymous with the way Ngāi Tahu thinks about natural resource management. Ki Uta Ki Tai is the concept used to describe the overall approach to natural resource management by Ngāi Tahu – from the mountains to the sea.

Ki Uta Ki Tai is a Ngāi Tahu paradigm and ethic – it is the Ngāi Tahu way of understanding the natural environment, including how it functions, how people relate to it and how it can be looked after appropriately. It involves not only a planning and policy framework, but also the development of monitoring, reporting, geographical information system analysis, information databases, area management and succession tools for natural resource management.

2.2.3 Mauri

The overall purpose of resource management for Ngāi Tahu is the maintenance of the mauri of natural and physical resources, and to enhance mauri where it has been degraded by the actions of humans.

1. Set out objectives and policies, and may include methods in regional plans for the purpose of maintaining the indigenous vegetation and habitats of those areas that meet the priorities for protection. These may control the use of the coastal marine area, control the use of land in wetlands and in river and lake beds.

Should:

2. Investigate the range of effective options for the protection of areas that meet the priorities for protection, including controls, best management practices, codes of practice, covenants, incentives, subsidies and other forms of assistance to provide for the long-term ecologically sustainable management of these areas.
3. Include provisions in a pest management strategy, prepared under the Biosecurity Act 1993, which gives priority to the control of pests located in areas and habitats that meet the priorities for protection.

Territorial authorities:

Should:

4. Recognise the national priorities for the protection of biodiversity through objectives, policies or methods in district plans.

Local authorities:

Should:

5. Maintain the indigenous vegetation of those areas or habitats, where they meet the priorities for protection, in undertaking their own operations and activities. This should apply except in those situations where vegetation removal cannot be avoided, and is necessary, for example, for the maintenance of erosion or flood protection structures or for the prevention of damage to human life, health or property by floods or fire.
6. Work together with other local authorities, Ngāi Tahu, local communities and key stakeholder groups to identify those species/habitats/ecosystems that are most vulnerable to disturbance and need to be given legal protection to provide for their long-term survival.

Principal reasons and explanation

The policy recognises the national priorities established by the government in the National Priorities for Protecting Rare and Threatened Native Biodiversity on Private Land (2007). The government recognises that councils have the lead role in putting the statement of national priorities into practice in line with their functions under Sections 30 and 31 of the RMA. The government's expectation is that the priorities will be used to support and inform councils' responsibilities under the RMA through a co-operative framework.

The Land Environments of New Zealand (LENZ) land classification system provides a framework for identifying areas of indigenous vegetation at greatest risk. Environments with less than 30% of their original vegetation remaining and/or with less than 20% of their area protected are considered to be at risk. The 20% protection threshold has been chosen in the LENZ system because below 20% the momentum of decline of indigenous vegetation becomes much more difficult to reverse. A significant proportion of land environments in Canterbury fall below this threshold, in particular the Canterbury Plains. This increases the significance of any remaining areas of indigenous vegetation or habitat, particularly on the plains.

Wetlands and dune vegetation are recognised as being of high national priority as ecosystems that have become uncommon due to human activity, and remain at a high risk of being lost due to continuing human intervention. The national priorities identify wetlands as ecosystems and habitats in most need of protection wherever they remain. The priorities are not intended to cover constructed dunes or wetlands where these did not previously exist.

"Originally rare" terrestrial ecosystems, as defined in the definitions, are a high priority as they encompass ecosystems that are of very limited extent, and are very unusual, and are therefore important in terms of the proportion of rare and threatened species they support.

9.3.3 Integrated management approach

To adopt an integrated and co-ordinated management approach to halting the decline in Canterbury's indigenous biodiversity through:

1. working across catchments and across the land/sea boundary where connectivity is an issue for sustaining habitats and ecosystem functioning
2. promoting collaboration between individuals and agencies with biodiversity responsibilities
3. supporting the various statutory and non-statutory approaches adopted to improve biodiversity protection
4. setting best practice guidelines for maintaining indigenous biodiversity values, particularly maintaining conditions suitable for the survival of indigenous species within their habitats, and safeguarding the life-supporting capacity and/or mauri of ecosystems

This policy implements the following objectives:

Objective 9.2.1 and Objective 9.2.3

Methods

The Canterbury Regional Council:

Will:

1. Set out objectives and policies, and may include methods in regional plans to provide for an integrated approach to biodiversity management across the Canterbury region.
2. Promote and support collaboration between key agencies and individuals with responsibilities for the management of ecosystems and indigenous biodiversity.

Should:

3. Support the vision, goals and priorities of the Canterbury Biodiversity Strategy 2008 in protecting areas of indigenous vegetation and habitats of indigenous fauna through its own operations and activities.

Territorial authorities:

Will:

4. Set out objectives and policies, and may include methods in district plans to achieve the integrated management of the actual or potential effects of land use on the life-supporting capacity and/or mauri of ecosystems and the protection of indigenous biodiversity.

Should:

5. Establish best practice guidelines and monitoring systems for land use activities that avoid, remedy or mitigate adverse effects on the life-supporting capacity of ecosystems and contribute to the effective maintenance of indigenous biodiversity.
6. Identify cross-boundary issues for the maintenance of indigenous biodiversity and establish protocols for inter-agency cooperation to address these issues.

Local authorities:

Will:

7. Engage with Ngāi Tahu as tāngata whenua, and use iwi management plans to help identify areas and habitats that have particular significance to Ngāi Tahu and to protect them in a manner consistent with Ngāi Tahu cultural values and principles.

Should:

8. In undertaking their own operations and activities, protect the life-supporting capacity and/or mauri of ecosystems. This should apply except in those situations where the adverse effects on ecosystems cannot be avoided, and are necessary, for example, for the maintenance of erosion or flood protection structures or for the prevention of damage to human life, or property by floods or fire, or for the safeguarding of public health.
9. Recognise potential effects of climate change on the life-supporting capacity and/or mauri of ecosystems and species distribution.
10. When developing and implementing programmes to safeguard the life-supporting capacity of ecosystems, take into account the vision, goals, targets and outcomes of the Canterbury Water Management Strategy (2009).

11. Through their Water Zone Committees take a strategic approach to the setting of priorities and targets for biodiversity improvement in the development of their Regional and Zone Implementation Programmes (RIPs and ZIPs).

Principal reasons and explanation

Halting the current decline in biodiversity will only be achieved by adopting an integrated and coordinated management approach. Such an approach will recognise that Canterbury's ecosystems and indigenous biodiversity must be managed within and across catchments so that the interconnectivity of species and habitats is provided for. The Ngāi Tahu philosophy of Ki Uta Ki Tai (from the mountains to the sea) will be an integral feature of this process.

Increased extreme weather (rainfall, drought) events, temperature changes and sea level rises as a result of global climate change will place greater natural stresses on Canterbury's ecosystems and indigenous biodiversity. Potential effects on biodiversity are expected to include gradual changes in the nature of existing habitats, changes in species distribution, and increased threats from pests and disease. Simply protecting habitats may not be sufficient if these habitats are going to change. As part of a more co-ordinated approach to biodiversity management, local authorities and others need to anticipate such possible changes to habitats and provide long-term protection to those areas where species are likely to relocate in response to these changes.

An integrated and coordinated management approach will also recognise that there is a need for cooperation between the many statutory and non-statutory agencies and organisations within the Canterbury region that have biodiversity related responsibilities and objectives. This will be complemented by the adoption of a collaborative relationship between the many communities, individuals and landowners across the region who have biodiversity related interests.

Various agencies are involved in maintaining, enhancing or restoring indigenous ecosystems and indigenous biodiversity or in funding such activities. They include Te Rūnanga o Ngāi Tahu and papatipu rūnanga, government and statutory agencies at national, regional and local levels and a wide range of voluntary organisations, professional groups, and biodiversity resource users. These include environmental and community trusts, environmental organisations, industry groups, private companies, landowners and occupiers, and individual citizens.

Ngāi Tahu as Tāngata whenua have a strong interest in the management of activities which affect ecosystems. This is both as traditional users of many indigenous species, including mahinga kai species, and as significant landowners and commercial fishers. It is important that in safeguarding the mauri (the spiritual life force) and life-supporting capacity of ecosystems, we identify the potential for activities to have adverse effects on ancestral lands, water, and sites, and on the relationship Ngāi Tahu as tāngata whenua have with those lands, waters and sites.

To Ngāi Tahu as tāngata whenua, indigenous vegetation and biodiversity provide a vast range of natural resources, important for mahinga kai and a wide range of natural remedies or rongoā. Mahinga kai refers to Ngāi Tahu interests in traditional food and other natural resources and the places where those resources are obtained. Rongoā is the Māori term for medicines that are produced from indigenous plants in New Zealand. The use of these medicines prevented and provided remedies for many sicknesses. Rongoā is still being practised and is used extensively by Māori today.

Canterbury Regional Council projects that support a collaborative approach to the protection of ecosystems and biodiversity include those under its "Living Streams", "Improving Urban Waterways" and "Integrated Catchment Management" programmes, and work undertaken in establishing, maintaining and improving its regional parks.

Finally, the need for a strategic approach will be vital. Given the decline that has already occurred, the first priority must be protecting and sustaining those habitats and ecosystems that are the most threatened and significant. The second priority will be protecting a representative range of indigenous habitats and ecosystems characteristic of the Canterbury region, and encouraging the restoration of those habitats that have been lost or severely degraded. While the protection of these habitats is the first step, the management of the habitat will also be crucial to the long-term survival of the component species. The development of best practice guidelines for maintaining indigenous biodiversity values, particularly for species that are threatened or at risk, within these habitats will enable landowners to make informed decisions on the future management of these areas.

"E"

Canterbury Land and Water Regional Plan

Volume 1

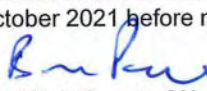
EXHIBIT NOTE

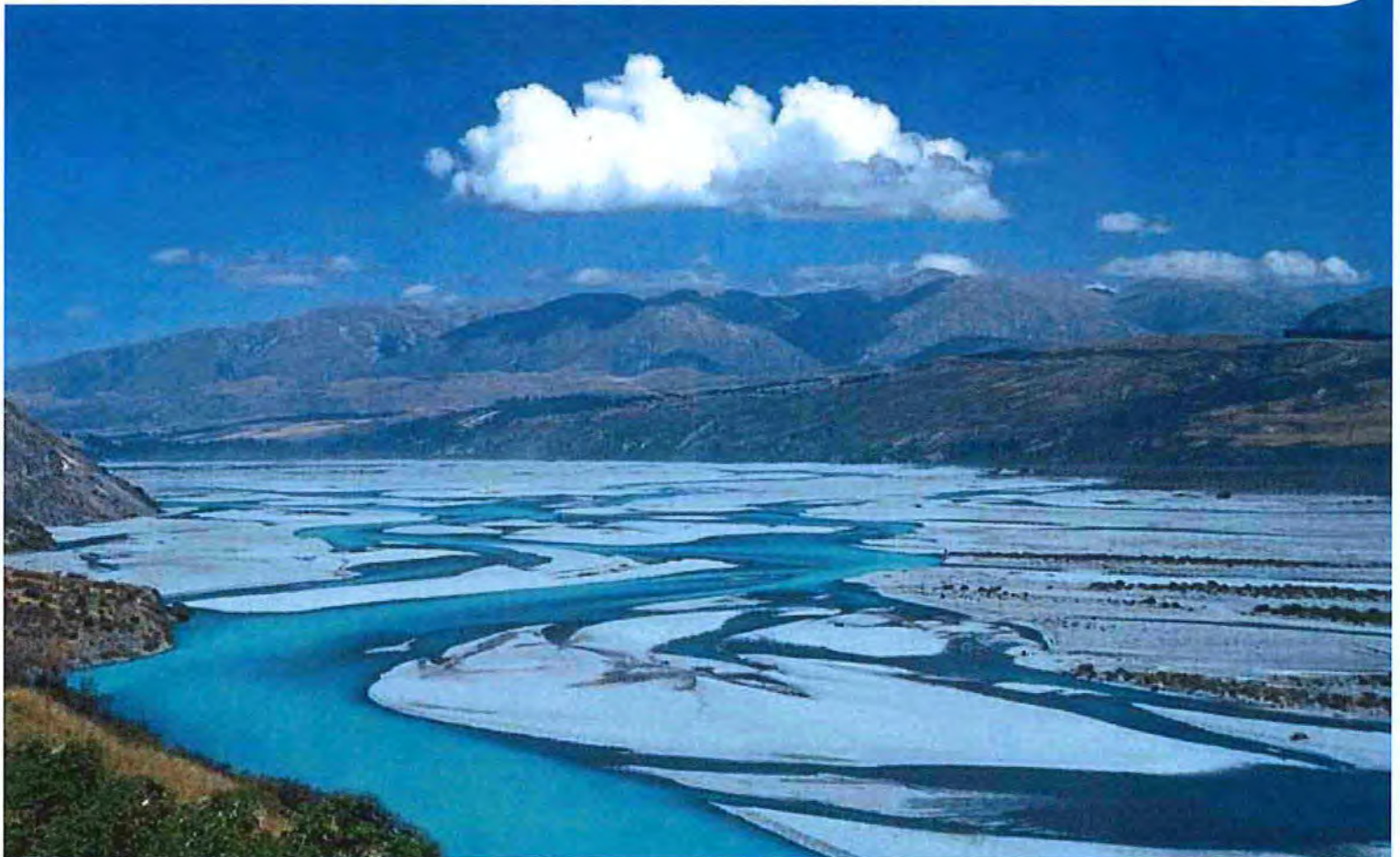
This is the annexure marked "E" referred to in the Affidavit of
Andrew Kenneth Parrish sworn at Christchurch this 26th day of
October 2021 before me.

B Paris

Deputy Registrar

High Court, Christchurch


A Solicitor of the High Court of New Zealand



Section 3 Objectives

The Objectives of this Plan must be read in their entirety and considered together. In any particular case some Objectives may be more relevant than others, but in general no single Objective has more importance than any other.

- 3.1 Land and water are managed as integrated natural resources to recognise and enable Ngāi Tahu culture, traditions, customary uses and relationships with land and water.
- 3.2 Water management applies the ethic of ki uta ki tai – from the mountains to the sea – and land and water are managed as integrated natural resources recognising the connectivity between surface water and groundwater, and between fresh water, land and the coast.
- 3.3 Nationally and regionally significant infrastructure is enabled and is resilient and positively contributes to economic, cultural and social wellbeing through its efficient and effective operation, on-going maintenance, repair, development and upgrading.
- 3.4 A regional network of water storage and distribution facilities provides for sustainable, efficient and multiple use of water.
- 3.5 Land uses continue to develop and change in response to socio-economic and community demand.
- 3.6 Water is recognised as essential to all life and is respected for its intrinsic values.
- 3.7 Fresh water is managed prudently as a shared resource with many in-stream and out-of-stream values.
- 3.8 The quality and quantity of water in fresh water bodies and their catchments is managed to safeguard the life-supporting capacity of ecosystems and ecosystem processes, including ensuring sufficient flow and quality of water to support the habitat and feeding, breeding, migratory and other behavioural requirements of indigenous species, nesting birds and, where appropriate, trout and salmon.
- 3.8A High quality fresh water is available to meet actual and reasonably foreseeable needs for community drinking water supplies.
- 3.9 Abstracted water is shown to be necessary and reasonable for its intended use and any water that is abstracted is used efficiently.
- 3.10 Water is available for sustainable abstraction or use to support social and economic activities and social and economic benefits are maximised by the efficient storage, distribution and use of the water made available within the allocation limits or management regimes which are set in this Plan.
- 3.11 Water is recognised as an enabler of the economic and social wellbeing of the region.