

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-26 to 50

Under	the Resource Management Act 1991 (RMA)
In the matter of	appeals under clause 14 of Schedule 1 of the RMA relating to the proposed Southland Water and Land Plan (pSWLP)
Between	Gore District Council, Southland District Council and Invercargill City Council (TLAs)
	Appellants in ENV-2018-CHC-31, and section 274 party to appeals: ENV-2018-CHC-37 Southland Fish & Game Council; ENV-2018-CHC-39 Alliance Group Limited; ENV-2018-CHC-40 Federated Farmers of New Zealand; ENV-2018-CHC-50 Royal Forest and Bird Protection Society of New Zealand; ENV-2018-CHC-41 Heritage New Zealand Pouhere Taonga; ENV-2018-CHC-47 Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Waihopai Rūnaka, Te Rūnanga o Awarua & Te Rūnanga o Oraka Aparima
And	Southland Regional Council (Environment Southland)
	Respondent

Further evidence of Janan Dunning

8 May 2019

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Introduction

- 1 My name is Janan Saul Dunning.
- 2 I am a Principal Planner with Stantec New Zealand.
- 3 I prepared evidence dated 22 March 2019 and refer to my background and qualifications set out in that evidence. This evidence has also been prepared in accordance with the Environment Court's Expert Code of Conduct.

Scope of evidence

- 4 In the Court's Interim Decision of 20 December 2019, it directed at paragraph 347:

'Specifically, the parties are to address the interpretation and implementation of Te Mana o te Wai and ki uta ki tai in this plan and any other matter they consider relevant to the scheme of the plan in general. Secondly, the parties are to address how the plan is to take into account the principles of the Treaty. Finally, they will indicate whether they wish to be heard on these matters.'

- 5 A prehearing conference was held on 10 February 2020 where the Court paragraph 4¹ set out its interpretation of the National Policy Statement for Freshwater Management 2014 (NPS-FM amended 2017)², and in particular Te Mana o te Wai and ki uta ki tai in the pSWLP (the Plan). The Court noted that:

'... if our interpretation is not available and/or the scheme of the plan does not implement the NPS in the manner we suggest, this has implications for the drafting of the higher order provisions which are in many respects weakly drawn.'

- 6 In paragraph 5 of the pre-hearing conference record the Court noted that the parties had been asked how the Plan takes into account the principles of the Treaty of Waitangi.
- 7 In responding to the Court's directions, I have read and considered:
 - (a) The Court's Interim Decision
 - (b) The Joint Witness Statements, September and October 2019
 - (c) The NPS-FM 2014 (amended 2017)
 - (d) The appeals version of the Plan

¹ Record of Pre-hearing Conference pSWLP (Topic A), 14 February 2020

² The NPS-FM

- (e) The Southland Regional Policy Statement 2017
 - (f) The evidence of Treena Davidson for Ngā Rūnanga;
 - (g) The evidence of Ailsa Cain for Ngā Rūnanga; and
 - (h) The evidence of Matthew McCallum-Clark for Environment Southland.
- 8 I have been asked to prepare evidence on behalf of the Southland District Council, Gore District Council and the Invercargill City Council collectively (the **TLAs**) to:
- (a) Respond to the Court's questions, namely:
 - (i) Address the interpretation and implementation of Te Mana o te Wai and ki uta ki tai in this plan and any other matter considered relevant to the scheme of the plan in general.
 - (ii) Address how the plan is to take into account of the principles of the Treaty of Waitangi.
 - (b) Respond to the evidence filed in April 2020 by Ngā Rūnanga and Environment Southland.

Te Mana o te Wai and Ki Uta ki Tai in the Plan

- 9 I agree with the Court's view³ that the NPS-FM requires users of fresh water to recognise, through Te Mana o te Wai the connection between water and the health (hauora) of the environment, the waterbody and people. Te Mana o te Wai is central to managing freshwater in a way that protects the mauri of a waterbody, thereby sustaining hauora.
- 10 Section 67(3)(a) of the Resource Management Act 1991 (RMA) directs that a regional plan must give effect to a national policy statement. I agree with the Court's conclusion⁴ that the provisions of the Plan should be interpreted and applied in a way that gives effect to Te Mana o te Wai and that they should be implemented in accordance with ki uta ki tai.
- 11 It is clear from the preamble of the Plan that the intention in drafting the plan was to give effect to the NPS-FM by recognising the national significance of Te Mana o te Wai. As is set out in the plan's preamble, Te Mana o te Wai has the following functions:

³ Paragraph 17, Interim Decision

⁴ Paragraph 56, Interim Decision

- (a) *it is a korowai (cloak) or overarching statement associating the values relating to a particular waterbody and freshwater management unit;*
- (b) *it provides a platform for tangata whenua and the community to collectively express their values for fresh water; and*
- (c) *it aligns management tools with values and aspirations to maintain and improve both water quality and quantity.*

12 In this respect, the text in the Plan's preamble reflects the recognition of Te Mana o te Wai as a matter of national significance and a guiding principle in achieving the purpose of the NPS-FM. In my opinion in adopting the philosophy into the Plan as a founding principle, the Plan gives effect to the NPS-FM.

Objectives 1 and 3 as Korowai Objectives

13 In preparing my evidence (22 March 2019), I was of the view that the Plan provisions were to be read and considered as a complete suite, and that all relevant objectives would be given equal weight as is common in drafting plan provisions. I understood that the Plan was drafted with the intention that provisions were not to be read in isolation of each other, but as a set of objectives that collectively give effect to Te Mana o te Wai as the founding principle.

14 I had considered that Objective 1 gives effect to ki uta ki tai, and Objective 3 gives effect to Te Mana o te Wai and that these principles permeate throughout the policies and rules of the Plan. I did not interpret the objectives as solely reflecting tangata whenua values, particularly given the national significance of Te Mana o te Wai in the NPS-FM and explicit reference to it as incorporating:

'the values of tangata whenua and the wider community in relation to each waterbody'⁵.

[my emphasis]

15 I understood that the Plan had been drafted to give effect to Te Mana o te Wai through a 'golden thread'⁶ throughout the Plan's provisions that reflect tangata whenua and wider community values throughout, in preference to the Plan having a separate 'tangata whenua' section. This would also accord with Te Mana o te Wai being at the forefront of all discussions and decisions about freshwater management.

⁵ NPS-FM, Page 7, *National significance of fresh water and Te Mana o te Wai*

⁶ Paragraph 58, Interim Decision

- 16 In my view the 'golden thread' approach is an effective way to incorporate concepts such as Te Mana o te Wai and ki uta ki tai throughout the fabric of a Plan. If these concepts were instead expressed in a separate tangata whenua chapter in the plan, I agree with Mr McCallum-Clark's view⁷ that that such provisions may more readily be passed over as limited to tangata whenua matters, or be afforded less weight than perhaps matters that are more tangible in the context of the decision being sought when implementing the plan.
- 17 On the basis of my understanding, I support the reordering of Objectives 1 and 3 to be Objectives 1 and 2, and their role as strategic or 'korowai' objectives being explicitly noted immediately prior to the Objectives. Doing so will help to emphasise the importance of Te Mana o te Wai and ki uta ki tai in the fabric of the Plan and how the Plan gives effect to the NPS-FM.
- 18 However I do not support Objectives 1 and 3 holding priority over all other Plan objectives as suggested by Ms Davidson⁸. In considering the provisions from an implementation perspective and their role in a resource consent process, I am of the view that decision makers would be required under s104(1)(b) of the RMA to have regard to all relevant provisions of the Plan. One objective therefore should not be elevated or superior to any other objective if the integrated management of land and water envisaged by implementing the Plan in accordance with ki uta ki tai, and the purpose of the RMA is to be achieved. Prioritising Objectives 1 and 3 would, in my view risk diminishing the importance of the matters addressed by the other objectives in the Plan.
- 19 Elevating Objectives 1 and 3 to hold priority over the remaining objectives would, in my view require considerable rethinking of the Plan, as I understand that it was not the intention that the objectives would hold priority over the other objectives when the original Plan was drafted. Rather, I understand the intention was for the principles in Objectives 1 and 3 to be reflected as a 'golden thread' throughout the Plan's provisions as indicated by Mr McCallum-Clark⁹, which is more subtle than making all other provisions subservient.
- 20 In my view a clear statement preceding the objectives as suggested by Mr McCallum-Clark¹⁰ would help to avoid the need to substantially revisit the wording of the objectives as developed by the Court. It would also provide the clarity needed to appropriately emphasise the significance of Te Mana o te Wai and ki uta ki tai, particularly if accompanied by the additional explanatory text proposed in

⁷ Paragraph 28, McCallum-Clark Statement of evidence, April 2020

⁸ Paragraph 39, Davidson Statement of evidence, April 2020

⁹ Paragraph 28, McCallum-Clark Statement of evidence, April 2020

¹⁰ Paragraph 31, McCallum-Clark Statement of evidence, April 2020

paragraph 33 of Mr McCallum-Clark's evidence (with my suggested addition shown in underlining), such that it would read:

Korowai Objectives

Objectives 1 and 2 are a korowai, meaning they provide a cloak or overarching statement on the management of water resources. The korowai is always to be considered during resource consent decision-making and the development of future plan changes; and the subsequent objectives are to be interpreted alongside, and in the context of this korowai.

- 21 This proposed statement, along with the change underlined, would adequately embed the prominence of the objectives in the scheme of the Plan but would not afford them greater weight than any other objective in its implementation. Nor would it diminish the intent of the Plan in giving effect to the NPS-FM and other national policy statements and higher order documents¹¹, or undermine its role in achieving the broader sustainable management purpose of the RMA. All Plan provisions would be considered and interpreted in the context of the korowai objectives (i.e. viewed through the lens of Te Mana o te Wai) but would not be subservient to them or given less weight in decision-making processes.
- 22 Ms Davidson¹² considers that if Objectives 1 and 3 are made 'korowai objectives' that consequential changes will be needed to some of the current Objectives. I have considered the amendments Ms Davidson proposes in Appendix A of her evidence. I agree with Ms Davidson's statement in paragraph 10 of her evidence that some of the matters raised may be beyond the scope of the appeals, and therefore any jurisdictional matters would need to be resolved before amendments could be made. I have limited my evidence below to the matters I consider most significant. For clarity, I provide my preferred wording in Attachment A to this statement.

Objective 2

- 23 I consider that Objective 2 should be retained as set out in the Court's Interim Decision.
- 24 It is clear that the use and development of water and land enables communities to provide for their economic and social wellbeing. Objective 2 also reflects the direction in Objectives A4 and B5 of the NPS-FM to enable communities to provide

¹¹ Such as NPS for Urban Development Capacity, Renewable Electricity Generation, Electricity Transmission, the New Zealand Coastal Policy Statement, and the operative Southland Regional Policy Statement.

¹² Paragraph 38, Davidson Statement of evidence, April 2020

for their economic wellbeing including productive economic opportunities, which in turn enable social, economic and cultural wellbeing.

- 25 Objective 2 explicitly refers to the use of both land and water, better recognising the relationship between the two in line with implementing ki uta ki tai than the remaining Plan objectives alone. For example, Objective 13 enables the use of land and soil to support economic, social and cultural wellbeing. There is no similar objective recognising the value of using and developing water to support community wellbeing which in my view is important, as the Court notes¹³ in reference to Objective 13:

The above objectives concern the outcomes of land and soil use. Together with water, land is also an enabler of economic, social and cultural wellbeing (Objective 2).

[My emphasis]

- 26 If the use and development of water and land is undertaken in line with the principles of Te Mana o te Wai and ki uta ki tai (as reflected in Objectives 1 and 3 as korowai) then the wellbeing of the environment and the cultural wellbeing of the community will be provided for. Retaining Objective 2 in my view assists with maintaining a broader view of the importance of sustainably using land and water in an integrated way that provides for social and economic wellbeing, without undermining environmental or cultural wellbeing, all of which are inextricably linked. Retaining Objective 2 would also reflect the role of the Plan in achieving sustainable management as expressed in s5 of the RMA, by explicitly referencing the use of land and water to enable the economic, social and cultural wellbeing of people and communities.

Objective 6

- 27 I support the Court's amended version of Objective 6 as set out in the interim decision. In my view the amendment addresses the uncertainty surrounding the term 'overall' in the decisions version, and more simply reflects the intent of Objective A2 of the NPS-FM in regard to maintaining water quality where it meets a specified standard, or improving it where it fails that standard and is therefore considered degraded by human activity. The amended objective gives clear reference to the NPS-FM and in doing so gives better effect to it than the decisions version.
- 28 I agree with the Court's conclusion in paragraph 106 of the Interim Decision that the 'no reduction' requirement in the decisions version of Objective 6 was

¹³ Paragraph 227, Interim Decision

unachievable, noting that all discharges and many land use activities will have some form of unavoidable effect on water quality. I support its deletion, and the rationale for inserting 'each freshwater body'¹⁴. I consider that the uncertainty generated by the term 'overall' in respect of the spatial scale of the consideration of the effects of activities on water quality is addressed by the Court's amendments.

29 I do not agree with Ms Davidson that Objective 6 should be further amended to only apply to degraded water¹⁵. As a core objective of the Plan in giving effect to the NPS-FM, I do not consider that the intent of Objective A2 of the NPS-FM would be so clearly articulated by the change Ms Davidson proposes.

30 I do, however accept the points made by Ms Davidson¹⁶ and Mr McCallum-Clark¹⁷ that in making Objective 3 a korowai, there could be some uncertainty generated in how degraded water quality is to be defined in the context of hauora, versus water quality standards or such other measures of degradation. There would likely need to be further development of the understanding of how the quality of water in a waterbody is to be determined to be in a state of hauora and how that corresponds to 'degraded' in the context of, for example the receiving water quality standards in Appendix E of the Plan or national bottom lines. As noted by the science expert witnesses involved in the Court's expert conferencing and as expressed in the respective Joint Witness Statements, there would appear to be a gap between when a water body is not degraded, and when that water body is in a state of hauora. This is reflected in Paragraph 17 of the September 2019 Joint Witness Statement:

'The experts will further explain this interpretation when discussing the specific attributes in later stages of the conference. The experts note that this interpretation of degraded is not the same as the hauora of the waterbodies as described in paragraph 12 above.'

[My emphasis]

31 Further, the experts noted in Paragraph 24 of the October 2019 Joint Witness Statement:

'The experts have used coarse water body classifications for the purposes of defining regional thresholds of degradation. They consider that

¹⁴ Paragraph 107, Interim Decision

¹⁵ Paragraph 52, Davidson Statement of Evidence, April 2020

¹⁶ Paragraph 50 and 52, Davidson Statement of Evidence, April 2020

¹⁷ Paragraph 37, McCallum-Clark Statement of Evidence, April 2020

noncompliance with the thresholds clearly identifies a degraded state. Compliance with the threshold does not necessarily mean that a water body is in a state of hauora as discussed below.

[My emphasis]

Objective 8

- 32 Objective 8 is not under appeal. I am not clear why Ms Davidson raises it as an issue now, nor what her proposed reordering of the Objective as set out in her Appendix A achieves.
- 33 I understand that under the National Environmental Standard for Sources of Human Drinking Water¹⁸, regional councils have an obligation to protect the quality of source water (rivers, lakes or groundwater) where it is used for registered water supply for public consumption. On the basis of evidence presented by Susan Bennett¹⁹ to the Hearings Panel however, I understand that the New Zealand Drinking Water Standards 2005 (Revised 2008) apply not to raw water, but to potable water supplied through private or public supply schemes following multibarrier treatment. While I acknowledge the benefits to protecting source water quality, I consider it would be inappropriate to apply standards intended for treated potable water to raw (untreated) groundwater sources, and that it is not how the NZDWS are intended to be applied.
- 34 On that basis I consider that, if there be scope to do so Objective 8 should be reworded to remove reference to the NZDWS in raw water sources as suggested in Ms Bennett's evidence. As Objective 8 is not under appeal however, I do not believe there is scope to consider this further.

Objective 9B

- 35 The Court proposed amending the decisions version of Objective 9B such that it gives better (full) effect to Objective INF.1 of the Southland Regional Policy Statement (RPS), to Te Mana o te Wai, and may better be implemented in accordance with ki uta ki tai, as:

The importance of Southland's regionally and nationally significant infrastructure is recognised and its sustainable and effective development, operation, maintenance and upgrading enabled.

¹⁸ Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007.

¹⁹ Evidence of Susan Bennett on behalf of Southland District Council (SDC), Gore District Council (GDC) and Invercargill City Council (ICC), 11 May 2017, Paragraphs 35 to 40

36 I agree with the Court²⁰ that the development and operation of infrastructure needs to be integrated with land use activities and the environment. In my view it also needs to be cognisant of, and accord with social, economic and cultural values. I also agree that the *'sustainable and effective development, operation, maintenance and upgrading'* will apply to the effects of infrastructure development as well as its operation, with economic, social, cultural and environmental considerations informing determinations on what is 'sustainable' in any given context.

37 As currently drafted, I consider that Objective 9B would need to be considered in the context of Objectives 1 and 3 when determining an infrastructure proposal's sustainability, whether Objectives 1 and 3 are korowai objectives or not. However, if they do become korowai objectives, the principles of Te Mana o te Wai could more explicitly permeate decisions that relate to the development, use and provision of infrastructure, and infrastructure activities would more clearly need to be implemented in accordance with ki uta ki tai. When making decisions regarding the development, maintenance and operation of infrastructure, there are many often competing matters to take into account; the need to provide reliable potable water for stock and community supply while also safeguarding water quantity and quality to support cultural, recreational and environmental values for example. While these matters should be viewed through the lens of Te Mana o te Wai, the weight and relevance of other relevant objectives should not be relegated.

38 I support the Court's proposal to amend the definitions in the plan to include Regionally Significant Infrastructure' as:

Infrastructure in the region which contributes to the wellbeing and health and safety of the people and communities of the region, and includes all critical infrastructure.

39 In my view this definition adequately encapsulates the type and purpose of infrastructure provided by the region's infrastructure providers. As the above definition includes reference to 'critical infrastructure' the definition of that term should also be retained in the Plan definitions.

Objective 13

40 I agree with the redrafting of Objective 13 as proposed by the Court²¹. The redrafted objective focusses on the appropriate use and development of land and soils in a way that enables the community to provide for their wellbeing, while also requiring activities to take appropriate account of soil integrity, and human and

²⁰ Paragraph 180, Interim Decision

²¹ Paragraph 251 and 253, Interim Decision.

ecosystem health. The objective therefore takes a more holistic approach to these matters than the decisions version, thereby giving better effect to Te Mana o te Wai and implementing ki uta ki tai.

Objective 15

- 41 I do not support the amendment of Objective 15 as proposed by Ms Davidson²². In providing for the health and mauri of people, water and the environment as required by Objective 3, and achieving Objectives 4 and 5, access for Ngā Rūnanga to taonga species will be provided for, and taonga species will be a consideration in any use or development of land or water. Objectives 3 to 5 work together with Objective 15 to recognise the importance of taonga species and their habitats and their importance in making decisions that may affect those values.
- 42 I understand that to protect is the same as 'to not allow' and in that sense is absolute. In my view, the proposed absolute protection of taonga species as defined in Appendix M of the Plan, and their related habitats (which are not defined at all) would preclude any activity which may adversely affect those species or habitats, regardless of extent or significance. This is particularly problematic in that the related habitats have not been defined, but I understand may be extensive depending on the habitat.
- 43 If the objective is rephrased as proposed by Ms Davidson, decisions that allow an activity that results in an adverse effect on those values, regardless of whether an effect may be appropriate in the circumstances, would be contrary to the objective, and yet there is no corresponding prohibited activity rule in the plan. It may also inadvertently create tension with Objective 5 in respect of providing for Ngāi Tahu's access to and customary use of mahinga kai resources, which include taonga species.
- 44 I prefer the retention of the decisions version of the Objective. The current wording directs decision makers to 'recognise and provide for' taonga species and their related habitats, requiring a deliberate and specific action to do so in order to achieve that objective. The current wording is also consistent with the direction in Objective 3 that the mauri of waterbodies is to provide for the health and mauri of people, the environment and waterbodies.

Treaty of Waitangi

- 45 The Court has requested the parties to address how the Plan will take into account the principles of the Treaty of Waitangi (the Treaty). I am not an expert in the interpretation of Treaty matters and limit my evidence to my understanding of the

²² Paragraphs 71 and 72, and Appendix A, Davidson – Statement of evidence, April 2020

principles of the Treaty as referenced by section 8 of the RMA (which is something that I am more qualified to do), and as they relate to the proposed Plan.

46 I understand that section 8 of the RMA requires that the principles of the Treaty are taken into account in exercising functions and powers under the RMA, such as preparing statutory plans, or making resource management decisions under the RMA. From my reading of *He Tirohanga o Kawa ki te Tiriti o Waitangi*²³, a guide to the principles of the Treaty as interpreted by the Waitangi Tribunal and the Courts, I understand this to be based on and involve:

(a) Partnership:

- (i) enabling the active participation by tangata whenua in RMA decision-making processes
- (ii) acting reasonably, honorably and in good faith when engaging with tangata whenua; and
- (iii) reciprocity and mutual benefit, such as expressed as equal status of the treaty partners.

(b) Active Protection:

- (i) active protection by the Crown of Māori rights to tribal self-governance, access to and the use of resources that are important to tangata whenua, and protection of those resources.

47 My understanding of the process of developing and drafting the proposed plan as set out by Mr McCallum-Clark in his evidence²⁴ is that tangata whenua involvement was a fundamental part of the plan process from inception, and that there was a strong partnership between tangata whenua and the Regional Council throughout the process of developing the plan, as well as the hearing of submissions on the plan. In my view, and to the extent that I am aware of the process taken, the Council has taken into account the Treaty principle of partnership in developing the Plan and has established an expectation that this partnership will continue through the implementation of it. I consider however that in plan implementation, this principle is largely reflected by how the Council actively involves and engages with tangata whenua in decision-making processes, rather than being something that is or can be directed through the provisions of a regional Plan.

²³ Te Puni Kōkiri *He Tirohanga o Kawa ki te Tiriti o Waitangi: A Guide to the Principles of the Treaty of Waitangi as expressed by the Courts and the Waitangi Tribunal* - 2001

²⁴ From Paragraph 44, McCallum-Clark Statement of evidence, April 2020

- 48 The duty to actively protect Māori interests is, in my view inherently linked to the drafting of the Plan, from Te Mana o te Wai and ki uta ki tai as founding principles to the form of the objectives, policies and rules. The Plan's provisions are intended to work together to help manage the use, development and protection of natural and physical resources, including in respect of matters of value to tangata whenua. The Plan includes clear statements in the preamble and introduction that set out the role of Te Mana o te Wai and ki uta ki tai, describe the partnership between the Council and Ngāi Tahu ki Murihiku and the cultural value of land and water to Ngāi Tahu, the role of the Ngāi Tahu Claims Settlement Act 1998 and mechanisms under it, and the provision made for Ngāi Tahu values in the objectives and policies. This is further supported by specific reference to Ngāi Tahu Statutory Acknowledgement Areas (Appendix B) and the Taonga Species List (Appendix M), and specific reference to these values throughout the Plan, particularly within the policy framework.
- 49 In my view the Plan framework requires decision-makers and resource users to address the effects of activities on Māori interests when making decisions that determine how natural and physical resources are used, developed or protected. Involving tangata whenua in those decision-making processes provides opportunity for both partnership and active protection of those interests, thereby recognising and taking account of the principles of the Treaty. In my view, whether the Plan does this adequately is a matter for tangata whenua to determine.

Janan Dunning

Attachment A

The wording of the following objectives is that of the Court in its Interim Decision, other than where changes are shown as underlined or struck-through text.

If Objectives 1 and 3 become 'Korowai Objectives', reorder to be Objectives 1 and 2 and insert the following text immediately prior:

Korowai Objectives

Objectives 1 and 2 are a korowai, meaning they provide a cloak or overarching statement on the management of water resources. The korowai is always to be considered during resource consent decision-making and the development of future plan changes; and the subsequent objectives are to be interpreted alongside, and in the context of this korowai.

Objective 2 – as proposed in the Court's interim decision:

Water and land are recognised as enablers of the economic, social and cultural wellbeing of the region.

Objective 6 – as proposed in the Court's interim decision:

Water quality in each freshwater body will be:

(a) *maintained where the water quality is not degraded; and*

(b) *improved where the water quality is degraded by human activities.*

Objective 9B – as proposed in the Court's interim decision:

The importance of Southland's regionally and nationally significant infrastructure is recognised and its sustainable and effective development, operation, maintenance and upgrading enabled.

Add the following RPS definition:

Regionally significant infrastructure:

Infrastructure in the region which contributes to the wellbeing and health and safety of the people and communities of the region, and includes all critical infrastructure.

Objective 13 - as proposed in the Court's interim decision:

Provided that:

(a) *the quantity, quality and structure of soil resources are not irreversibly degraded through land use activities or discharges to land; and*

(b) the health of people and communities is safeguarded from the adverse effects of discharges of contaminants to land and water; and

(c) ecosystems (including indigenous biological diversity and integrity of habitats), are safeguarded:

then land and soils are used and developed to enable the economic, social and cultural wellbeing of the region.

Objective 15 – as proposed in the Court's interim decision:

Taonga species, as set out in Appendix M, and related habitats, are recognised and provided for.