

under: the Fast-track Approvals Act 2024

in the matter of: an application by Genesis Energy Limited for
replacement resource consents in relation to the
Tekapo Power Scheme

Comment on behalf of Te Rūnanga o Arowhenua, Te Rūnanga o
Waihao, and Te Rūnanga o Moeraki

Dated: 25 August 2025

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COMMENTS ON BEHALF OF TE RŪNANGA O AROWHENUA, TE RŪNANGA O WAIHAO, TE RŪNANGA O MOERAKI

- 1 The Panel has invited Te Rūnanga o Arowhenua, Te Rūnanga o Waihao, and Te Rūnanga o Moeraki (collectively, *Kā Rūnaka*) to comment on the application by Genesis Energy Limited (*Genesis*) for replacement resource consents in relation to the Tekapo Power Scheme under sections 53 and 54 of the Fast-track Approvals Act 2024.
- 2 Kā Rūnaka are the three Papatipu Rūnanga of Ngāi Tahu that represent mana whenua in the project area and wider Waitaki catchment. Ngāi Tahu has a long association and involvement with the Waitaki catchment, including Lake Takapō and tributaries, and it remains of paramount importance to the iwi. The Crown has recognised this significance in the Ngāi Tahu Claims Settlement Act 1998.
- 3 The Waitaki catchment holds immense significance to Kā Rūnaka:
 - 3.1 The takiwā of Te Rūnanga o Arowhenua centres on Arowhenua and extends from Rakaia to Waitaki, sharing interests with Ngāi Tūāhuriri ki Kaiapoi between Hakatere and Rakaia, and thence inland to Aoraki and the Main Divide (Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001). Arowhenua marae is located near Te Umu Kaha (Temuka) and is situated near the historic Ngāi Tahu kāinga of Te Waiateruati and the well-known Arowhenua bush that sustained local Ngāi Tahu. Arowhenua connects ancestrally to the waka Takitimu and Ārai-te-uru, the maunga Tarahoua and the awa Waitaki and Opihi. The Ngāi Tahu name for The Main Divide is Kā Tiritiri-o-te-moana.
 - 3.2 The takiwā of Te Rūnanga o Waihao centres on Wainono, sharing interests with Te Rūnanga o Arowhenua to Waitaki, and extends inland to Omarama and the Main Divide (Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001). Manawhenua within the Waihao rohe whakapapa to Waitaha, Kāti Māmoe and Kāi Tahu. To these people Waihao is their tūrakawaewae; their home. The name Waihao refers to the hao eel, an important food resource obtained from the Waihao River that has its beginnings in the upland country behind the hills, Te Tari-a-Te-Kaumira (Hunter Hills). The hao eel, the life-stage of the short-fin eel, was and still is a delicacy to whanau who gather mahika kai from the Wainono Lagoon and the Waihao River.
 - 3.3 The takiwā of Te Rūnanga o Moeraki centres on Moeraki and extends from Waitaki to Waihemo and inland to the Main Divide (Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001). The interests of Te Rūnanga o Moeraki are concentrated in the Moeraki Peninsula area and surrounds,

including Te Rakahineatea Pā, Koekohe (Hampden Beach), and Te Kai Hinaki (the Boulders Beach) with its boulders. In addition, the interests of the Rūnaka extend both north and south of the Moeraki Peninsula, within their takiwā.

- 4 As mana whenua, the members belonging to the three Papatipu Rūnanga have a responsibility to the Waitaki, and to engage in the processes affecting the awa and their relationship with it.

- 5 Kā Rūnaka is grateful for the opportunity to comment on the application by Genesis. This response outlines:

- 5.1 Ngāi Tahu relationship with the Waitaki catchment;
- 5.2 engagement with Genesis;
- 5.3 the Treaty Impact Assessment prepared on behalf of Kā Rūnaka for the application;
- 5.4 the Manawhenua baseline and existing environment;
- 5.5 Te Mana o Te Wai and freshwater caucusing; and
- 5.6 consent conditions and mitigations.

- 6 In preparing this comment, Kā Rūnaka have drawn on experiences and material from the *procedurally* separate consent renewal applications by Meridian Energy Limited (*Meridian*) (which are currently being considered through a direct referral to the Environment Court). Kā Rūnaka have approached the two applications as essentially two parts of one whole, recognising the interconnectedness between the two Schemes and consistent with the kaupapa of *ki uta ki tai*.¹

Ngāi Tahu relationship with the Waitaki

- 7 To Ngāi Tahu, rangatiratanga means chiefly sovereignty, authority and autonomy. Rangatiratanga is exercised by leaders (rangatira) of an iwi or hapū and is closely related to and derived from the concept of mana. In exercising rangatiratanga, leaders must make decisions that consolidate and improve the mana of the wider whānau, hapū and iwi.
- 8 Kaitiakitanga is an inherited obligation on mana whenua to maintain the hauora of the taiao and the mauri of the resources of the takiwā to sustain current and future generations. Rangatiratanga and kaitiakitanga go hand-in-hand: only those who hold rangatiratanga can and must exercise kaitiakitanga.

¹ Ki uta ki tai is based on the idea that if the realms of Tāwhirimātea, Tāne, Papatūānuku and Tangaroa are sustained, then the people will be sustained. The kaupapa reflects the knowledge that resources are connected, from the mountains to the sea, and must be managed as such.

- 9 Wai māori is a key taonga for Ngāi Tahu and, as guaranteed by Te Tiriti o Waitangi, Ngāi Tahu continues to hold rangatiratanga over wai māori, which includes rights, responsibilities and obligations. Importantly, the Ngāi Tahu Claims Settlement Act 1998 recognised Ngāi Tahu as tāngata whenua of, and holding rangatiratanga within, the Ngāi Tahu takiwā (Ngāi Tahu Claims Settlement Act 1998, section 6):

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

- 10 The Waitaki lies under the cloak of Ngāi Tahu rangatiratanga and is cared for and managed by Kā Rūnaka to the greatest extent possible, in a manner consistent with kaitiakitanga.
- 11 In the Waitaki today, Ngāi Tahu, as rangatira and kaitiaki, are faced with an increasingly complex set of problems related to the construction and ongoing operation of hydro-electricity generation infrastructure. Ngāi Tahu accept this challenge as the identity of the iwi remains situated in a strong connection to Waitaki. Through this commitment, the iwi and culture will endure - *mō tātou, ā, mō kā uri ā muri ake nei*.

Engagement with Genesis

- 12 Kā Rūnaka desire a strong and constructive relationship that furthers the practical recognition of their rights, responsibilities and obligations to wai māori. The approach taken to the applications for replacement resource consents for the Tekapo Power Scheme reflects the desire of Kā Rūnaka to fulfil obligations and responsibilities to freshwater across the catchment to the extent currently possible.
- 13 Extensive engagement took place between Genesis, Meridian and Kā Rūnaka between 2021 and October 2023. The process included a series of hui, presentations and offers, culminating in the signing of a 35-year commitment and joint approach to managing the environmental impacts of the Waitaki and Tekapo hydroelectric schemes (*the Kawenata*) in October 2023.
- 14 In working with Meridian and Genesis, and signing the Kawenata, Kā Rūnaka have recognised the significance of the Waitaki and Tekapo power schemes to the nation. The Kawenata, approach of Kā Rūnaka to their relationship with Genesis, and this Fast-track consenting process, acknowledges the previously significant mahika kai resource sustained Ngāi Tahu tīpuna over eight centuries, and that the waterways have been significantly altered by hydro generation. Many wāhi tapu and wāhi taoka have been lost due to

raised lake levels, and the connection to whenua and awa has been weakened.

- 15 It is only through working together with Meridian and Genesis, as they continue their operations to provide electricity to the nation, that Kā Rūnaka can begin to address the ongoing impacts in the Waitaki. Kā Rūnaka consider it is their duty as mana whenua to protect the awa for future generations.
- 16 Kā Rūnaka are building a strong partnership with Meridian and Genesis, working collectively to achieve positive outcomes for the Waitaki, Ngāi Tahu and all of Niu Tirenī. The Kawenata includes support for rock art conservation, tuna management and environmental restoration in the Waitaki catchment.
- 17 The Kawenata has been fundamental for mana whenua to support the granting of resource consents to enable the continued operation of the Tekapo power scheme for the next 35 years. The Kawenata is intended to be an intergenerational legacy, where Kā Rūnaka can reassert and reaffirm their identity and mana into the Waitaki catchment.
- 18 Kā Rūnaka support of the Applications is on the basis of:
 - 18.1 the proposed consent conditions as included in the Applications that *inter alia* provide for the implementation of the flow regime and other requirements of the Waitaki Catchment Water Allocation Regional Plan (for completeness, it is noted that Kā Rūnaka also support the limited number of amendments that have been provided by Genesis prior to the provision of these comments);
 - 18.2 the management package proposed in the Applications, including without limitation, actions in relation to:
 - (a) Tuna trap and transfer;
 - (b) indigenous biodiversity enhancement;
 - (c) restoration of identified sites and water bodies;
 - (d) wetland enhancement;
 - (e) island creation; and
 - (f) targeted weed and predator control.
 - 18.3 a compensation package (outside of the conditions of consent) that appropriately recognises that not all effects can be appropriately mitigated without reducing the importance of the Waitaki Power Scheme to the nation's security of

electricity supply and as a part of New Zealand's climate change response.

- 19 Since the signing of the Kawenata, Kā Rūnaka have demonstrated a commitment to working with Genesis and Meridian on implementing the agreed initiatives across the catchment. This arrangement appropriately recognises Ngāi Tahu rangatiratanga over the Waitaki Catchment and its taonga, including wai māori, and enables greater economic, spiritual and cultural connections for mana whenua.
- 20 The four components of this package recognise that restoring the Waitaki, and Ngāi Tahu mana in the catchment, requires time, capacity, commitment, collaboration and importantly resourcing. Collectively the components adopt an intergenerational response and recognise that Kā Rūnaka are realistic in moving towards realising their aspirations, without compromising on eventual outcomes. The package enables Kā Rūnaka to derive benefits while the nation retains access to the use of freshwater for renewable electricity generation.
- 21 The overall approach of Kā Rūnaka is to carefully balance and manage the effects they are concerned about while New Zealand retains access to the use of freshwater for renewable electricity generation.

"Ko tā te Waitaki mahi he manaaki i te motu"

"The generosity of the Waitaki provides for the nation"

Treaty Impact Assessment

- 22 The Treaty Impact Assessment was prepared for Kā Rūnaka and provided to Genesis who included the assessment in the substantive application.
- 23 The purpose of the Treaty Impact Assessment was to identify the effects of the Schemes on the cultural beliefs, values and practices of Ngāi Tahu. It is important to recognise that the losses experienced by Ngāi Tahu are ongoing, continuing to be experienced by whānau when travelling through the catchment, where the ongoing operation of the Power Schemes perpetuates the sense of loss.
- 24 Before identifying the impacts associated with the schemes, the Treaty Impact Assessment stresses that:
 - 24.1 Ngāi Tahu have one river that unites all 70,000 iwi members – Ko Waitaki te awa. Ngāi Tahu tūpuna go back untold generations and many leaders are buried on lands within the catchment. Today's generation, their children's children and all the children of the generations to follow will mihi to Aoraki and the Waitaki River and will continue to identify with the

importance of this particular catchment within the wider Ngāi Tahu rohe;

- 24.2 The issues and impacts presented in the Treaty Impact Assessment are not concerned with maintaining the current environment. Maintaining the current state of a highly modified catchment is not an option as Kā Rūnaka firmly believe that the lands and waters of the Waitaki need to be restored, enhanced and protected. However, the concern is that a narrow focus on the rivers most affected by infrastructure and its operation to produce electricity, could result in many of the opportunities for mana whenua and options for restoration and enhancement of mahika kai and Ngāi Tahu connections with whenua and wai in the catchment as a whole, being lost or limited; and
- 24.3 When assessing the impacts of the Schemes on their rights beliefs and practices, Ngāi Tahu cannot only focus on the impact of the Schemes on today's generation. Using mahika kai as an example; Ngāi Tahu have the right to benefit from mahika kai sourced from the catchment as long as they protect forever the integrity of what makes the Waitaki a mahika kai. A key focus therefore had to be how to enable future generations to thrive in the catchment.
- 25 Ngāi Tahu, and Kā Rūnaka in particular, have to take an intergenerational approach in the Waitaki. Acknowledging the Power Scheme operations in Waitaki have resulted in intergenerational harm to the health and wellbeing of Ngāi Tahu whānau, Ngāi Tahu have adopted an intergenerational approach to implementing Te Mana o Te Wai, recognising the scale of the challenge in the Waitaki and the need to start on a pathway.
- 26 The vision across Kā Rūnaka in the medium to long term is to have water returned to the braided rivers of the Upper Waitaki, most notably the Takapō and Pūkaki Rivers. However, Waitaki Rūnaka agree that an intergenerational perspective is required.
- 27 The Treaty Impact Assessment records the aims that Ngāi Tahu seek to achieve through working with the Generators in developing initiatives. This approach recognises that, as a controlled activity, the Waitaki and Tekapo power schemes will be reconsented.

Manawhenua baseline and existing environment

- 28 The Treaty Impact Assessment adopts a "Manawhenua baseline", referring to the mana whenua view of the baseline condition of a catchment at the time of the signing of Te Tiriti in 1840. The Assessment recognises that other baselines may include the state of the catchment now, or how it may be in the future with all consented development occurring and all resulting changes becoming apparent in the catchment.

- 29 While this is the basis for the identification of effects, the Assessment adopts an intergenerational approach of:
- 29.1 Identifying that whānau are concerned by the ongoing effects of the Schemes, and taking a catchment wide approach to restoration and enhancement and priority setting;
 - 29.2 Acknowledging that the consenting is a controlled activity, meaning the Schemes will be consented;
 - 29.3 Refusing to limit discussions of effects to minimum flows in specific reaches of three rivers – the Takapō, the Pūkaki and the Lower Ōhau;
 - 29.4 Focusing on maintaining the status quo with respect to Scheme operations to result in no further dewatering or loss of tributaries, wetlands, side braids, springs, backwaters;
 - 29.5 Recognising that the dams and power stations have made profound changes to the Waitaki and reversing those changes within the next 35-years is simply not feasible;
 - 29.6 Recognising that in this consenting process, reverting back to the seasonal pattern of historic flows may not be feasible until a replacement energy source for part or all of the generation from the dams and powers stations in the Waitaki is found;
 - 29.7 Recognising that simply reinstating a minimum flow does not always equate to restoring the health and wellbeing of the rivers. To be very clear, mana whenua aspire to more than minimum flows, hence the need for a longer-term perspective;
 - 29.8 Identifying a risk that minimum flows could do damage (such as riverbed armouring) that could undermine a return, in the future, to a river state sought by mana whenua; and
 - 29.9 Notes concern of a risk that agencies and interests in the Waitaki could equate Te Mana o Te Wai as requiring the reinstatement of flows to the Takapō and Pūkaki River resulting in a “we’ve done it” philosophy not consistent with the mana whenua view of an intergenerational, long term, holistic and encompassing catchment wide perspective.
- 30 Kā Rūnaka acknowledge the importance of hydro generation as a source of renewable energy, and the benefits it has provided to past, current and future generations.
- 31 What is legally considered to be the “*existing environment*” is fundamentally different to the cultural context and the cultural baseline that was described in the Treaty Impact Assessment for this application. It is important for mana whenua as rangatira and

kaitiaki to identify the baseline from which whānau identify the impacts of an activity.

- 32 Accordingly, the cultural baseline is not intended to define an existing environment or be a strict legal or Resource Management Act 1991 concept. It is how the impact assessment has been structured, recognising that Ngāi Tahu live their culture, that their everyday behaviour is shaped by a past – present – future continuum that means that the placenames, sites in the valley and other wāhi taonga are as much part of their lives and culture today as they were in the past. Written records and the paintings from early surveyors (such as those included in the Assessment) give glimpses of the past and provide a context for discussing the impacts that generations of whānau have witnessed and experienced.
- 33 Kā Rūnaka are also conscious of living their culture within a shifting environment. The Waitaki catchment is now recognised as being nationally significant for irrigation/agriculture, electricity generation, recreation and tourism. Kā Rūnaka are aware of the changes to the catchment over time from a multitude of activities associated with these uses of lands and waters.
- 34 Similarly, living their culture does not equate to an “*existing environment*” argument. The use of this cultural context is clearly set out as the vision for our Waitaki Iwi Management Plan,² which states that the vision is “To walk in the footsteps of our tūpuna and in doing so, set a future pathway for our moko. *Ka whakawhārikitia e tātou te huarahi mō rātou ā muri ake nei, kia takahia kā tapuwae o kā tūpuna*”.³
- 35 The discussion of impacts in the Treaty Impact Assessment only provides the context for subsequent discussions on appropriate mitigation. It was not the intention in preparing the Assessment or Kā Rūnaka participation in the wider consent process to seek mitigation based on a cultural baseline of 1840.
- 36 The Treaty Impact Assessment records that whānau want, in the future, to see flows into the diverted rivers (Tekapo, Pukaki and Lower Ohau). However, the TIA states that flows in these rivers are a medium to long term aspiration. This recognises that:

36.1 Ngāi Tahu whānau have been in the valley for hundreds of years and will continue to be active in the valley as

² KTKO Ltd (2019) *The Waitaki Iwi Management Plan*, ISBN: 978-0-473-41411-5 downloaded from <https://aukaha.co.nz/wp-content/uploads/2024/02/WaitakiIwiManagementPlan2019TeRunangaoMoerakiInc.pdf>

³ As above, page XI.

rangatira and kaitiaki for the next thousand and beyond;
and

36.2 Te Mana o Te Wai does not have to be delivered next year – with Kā Rūnaka believing Te Mana o te Wai requires an intergenerational and a catchment-wide commitment, which will extend well beyond the current consent process.

37 Set out in section 6.4 of the TIA is a detailed explanation of why, at this point in time, Manawhenua are not requesting flows in the diverted rivers.

Te Mana o te Wai and freshwater caucusing

38 As rangatira and kaitiaki, Ngāi Tahu have a right and responsibility to define how Te Mana o te Wai is interpreted in the context of their rights and interests. Further, it is for mana whenua to determine the timeframe and priorities for implementing the initiatives that they believe are necessary to give effect to the hierarchy and principles of Te Mana o te Wai.

39 Chapter 6 of the Treaty Impact Assessment explains how Kā Rūnaka considered Te Mana o te Wai in its decision-making process with respect to these consents.

40 Rūnaka are concerned by the request of the Royal Forest and Bird Protection Society of New Zealand Incorporated (*Forest & Bird*) by way of memorandum of counsel (dated 30 July 2025) that the Panel issue directions in relation to expert conferencing on freshwater matters. While the Panel has declined to grant this request, Kā Rūnaka are concerned that Forest & Bird may make a further, similar request following this process.

41 Even if caucusing does not occur, Kā Rūnaka also consider the position is highly relevant to the possible implementation of alternative flow regimes.

42 In this regard, the key question to be asked is what useful purpose can be served by freshwater caucusing and/or requesting the Panel consider what are the “*appropriate environmental flows in the Takapō River*”.⁴

43 Kā Rūnaka are strongly of the view that if there is to be a departure from the flow regime applied for, then determining alternative flows could only occur after a significant consultative process that took into account all relevant considerations and perspectives from Kā Rūnaka and the community alike. This process would need to be supported by detailed technical assessments, many of which may require a number of years to complete. Kā Rūnaka consider it is

⁴ Memorandum of counsel for Forest & Bird in response to minute 2 of the expert panel, 30 July 2025, paragraph 1(b).

simply not appropriate - or possible – for alternative flows be derived within the confines of either freshwater expert caucusing or the determination of these applications.

44 Further, Kā Rūnaka take the position that:

- 44.1 The determination of what is the existing environment is a legal question. It would be conjecture for technical experts to be 'guessing' or 'asserting' what the existing environment *could* be for the purpose of then discussing what the effects of such flows could be. Equally, the Panel does not have anywhere near the substantial body of information before it to determine what an alternative flow regime would like;
- 44.2 Any consideration of an alternative flow regime would need to be undertaken in the context of Table 3B (which sets the flow regime for the wider catchment) and Rule 15A. Matters of control 15A (a) and (b) both identify the need to include consideration of the "*effects on Ngāi Tahu culture, traditions, customary uses and relationships with land and water*". As is consistent with those express references, Kā Rūnaka consider it would be impossible for caucusing (or any consideration of alternative flows) to make meaningful progress without a proper understanding of those matters;
- 44.3 Further, as to any such alternative Rule 15A flow regime, the blunt position is that Kā Rūnaka are not seeking an alternative flow regime. Were caucusing to occur, Kā Rūnaka would need to engage their own freshwater expert or otherwise be excluded from this process. Kā Rūnaka have previously considered that no freshwater expert is required, which was a considered decision recognising what was applied for, their own position on flows, and the reality that any determination of alternative flows would require a separate process well beyond the scope of this current Fast-track process;
- 44.4 Methodologies proposed by Forest & Bird like ELOHA methodologies (and any other assessment approaches that would be required to determine a flow regime) explicitly require communities of interest to set objectives to be met by a "holistic" flow regime. It is **not** a matter of expert technical opinion alone – but rather a holistic process including communities (including mana whenua) and would likely require years of discussion, consideration and assessment. Again, that is well beyond the scope of the current Fast-track process and expert caucusing is unable to provide meaningful outcomes; and
- 44.5 Freshwater experts have no ability or qualifications to consider cultural effects (as contemplated by Rule 15A) or

other effects and community/mana whenua considerations that will be relevant to any alternative flows.

- 45 Kā Rūnaka therefore respectfully ask that the Panel both continue to refuse any further requests for freshwater caucusing and to grant consent only on the basis of the flow regime sought by the applicant.

Consent conditions

- 46 Kā Rūnaka had input into the original draft conditions and have been consulted on all subsequent changes. Kā Rūnaka are comfortable with the current draft conditions.
- 47 The general approach of Kā Rūnaka to the consent conditions is to ensure that the consent conditions are appropriate for:
- 47.1 managing the impacts of hydro-electricity in the Waitaki Catchment in a consistent and cohesive manner ki uta ki tai, regardless of ostensibly arbitrary boundaries between the Tekapo / Genesis and Waitaki / Meridian Schemes;
 - 47.2 enabling flexibility and innovation over the proposed 35-year term of the consent;
 - 47.3 mandating the involvement of, and provision of information to, Kā Rūnaka, although much of this is intended to occur outside the consent condition framework; and
 - 47.4 ensuring that there are no significant changes to the way in which the Scheme can operate.
- 48 Kā Rūnaka are concerned by indications from other parties to date, namely Forest & Bird and the Canterbury Regional Council, regarding proposed further amendments to the consent conditions. These conditions have been the subject of years of discussions and negotiations. The primary concern of Kā Rūnaka in this Fast-track process and the Meridian direct-referral process is to ensure that the resulting consent conditions do not hinder or prohibit the management of effects and implementation of mitigations ki uta ki tai.
- 49 Recognising that there will be a further opportunity to comment on the conditions proposed later in the process, the following comments are intended to make clear the position of Kā Rūnaka regarding what they see is the 'key' conditions relating to their involvement in the consents.
- Mahika kai, tuna trap and transfer***
- 50 Mahika kai lies at the heart of Ngāi Tahu culture. There were in excess of 30 different species taken from the Waitaki catchment. Taonga species included tuna, weka, turnip/potato, aruhe (bracken fern) kōaeraere (raupō), birds, kākāpo and kāuru (from cabbage

trees). Tuna were a particularly important mahika kai, being sourced from approximately 69% of sites in the catchment.

- 51 Historically for many whānau, tuna were a staple and consumed all year round. Tuna stocks have declined in recent years, an impact that Ngāi Tahu contend has resulted from a combination of factors. However, within the Waitaki the adverse impact of infrastructure on the tuna population is overwhelming.
- 52 The Waitaki Dam is an impassable barrier to tuna reaching habitats upstream. For tuna, more than 80% of the catchment is above Waitaki Dam. Through a co-operative relationship between Meridian and Kā Rūnaka, restoration of the tuna fishery has been underway for many years, with relocation of elvers from a trap at the Waitaki Dam to the upper catchment, principally Lake Benmore and tributaries of the Ahuriri catchment. The programmes that are proposed in the Meridian renewal consent conditions represents a "scale up" from the existing programme. Kā Rūnaka continue to support the consent conditions proposed by Meridian and consider that, due to the significance of the Waitaki Dam as a barrier for passage, it is appropriate for the consent conditions to sit with the Meridian consents, with Genesis providing financial support for the programme led by Kā Rūnaka and Meridian.
- 53 Over the years Kā Rūnaka have reviewed initiatives from around the world to see if they were an option for the Waitaki. Given the size of the dams in the Mid Waitaki and the fact that there are multiple barriers, at this point in time Ngāi Tahu supports an enhanced tuna management program for the Waitaki as part of the initiatives that have been negotiated with the Generators. This will include an expanded trap and transfer program that starts to include active restoration.
- 54 Kā Rūnaka strongly oppose any suggestion that locations where elver are to be transferred to should be defined as a condition of consent. Under the existing customary fishing regulations, Kā Rūnaka are able to transfer eels to any part of a catchment that Tangata Tiaki permit them to do so. Imposing conditions restricting eel transfer would be inconsistent with those customary fishing regulations.

Indigenous Biodiversity Enhancement Programme.

- 55 The Indigenous Biodiversity Enhancement Programme (IBEP) provided for in the consent conditions proposed by Genesis has been gifted the name 'Kahu Ora' by Justin Tipa. Kahu Ora is a cloak woven in Kotahitanga, representing the togetherness, collaboration and coming together for a shared purpose between Papatipu Rūnanga, Te Papa Atawhai and the Generators.
- 56 Kahu Ora builds upon the legacy of Project River Recovery, however this new iteration significantly extends the spatial extent of the

programme and enhances the role of Kā Rūnaka, ensuring the cultural importance to Ngāi Tahu whānui is preserved.

- 57 Kahu Ora takes a whole-of-catchment approach. Its core objective is to restore and enhance the ecological integrity and cultural values of braided rivers, lakes, wetlands and taonga species within the Waitaki catchment.
- 58 Kā Rūnaka were involved in the governance group that had oversight of the preparation of the 2025 10-year strategic action plan, which will be the first of three 10-year strategic action plans. The strategic action plan records that Kahu Ora will take a collaborative, inclusive approach to the mahi, and will aim to support and grow the involvement of others alongside its work.
- 59 Kahu Ora is managed by the Department of Conservation (DOC) with the support of Kā Rūnaka alongside Meridian and Genesis, ensuring that cultural values and mahinga kai aspirations are integrated with ecological outcomes.
- 60 Kā Rūnaka continue to support the consent conditions proposed by Genesis with respect to the indigenous biodiversity enhancement programme. Specifically, Kā Rūnaka support:
 - 60.1 the objectives of the programme;
 - 60.2 the geographic scope of the programme as defined by the conditions;
 - 60.3 the proposed processes to have 10 year strategic and annual plans; and
 - 60.4 the proposed governance of the programme.
- 61 Kā Rūnaka are strongly opposed to the suggestion that Environment Canterbury should certify the plan. The plan has been developed outside of the consent process and Manawhenua see their involvement in the ongoing implementation of the plan on that basis.

Dated: 25 August 2025



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