

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-CHC-26 to 50

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of appeals under clause
14 of Schedule 1 to the
Act relating to the
proposed Southland
Water and Land Plan

BETWEEN **WAIHOPAI RŪNAKA,
HOKONUI RŪNAKA,
TE RŪNANGA O
AWARUA, TE
RŪNANGA O ORAKA
APARIMA, and TE
RŪNANGA O NGĀI
TAHU (collectively
NGĀ RŪNANGA)**

**Appellants in ENV-
2018-CHC-47**

AND **SOUTHLAND
REGIONAL COUNCIL**

Respondent

**STATEMENT OF EVIDENCE OF TREENA LEE DAVIDSON
ON BEHALF OF NGĀ RŪNANGA AS A SECTION 274 PARTY**

Planning

4 February 2022

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INTRODUCTION

1. My full name is Treena Lee Davidson.
2. My qualifications and experience are set out in my statement of evidence (Topic A), dated 15 February 2019, and updated in my statement of evidence (Topic B) dated 20 December 2021.

CODE OF CONDUCT

3. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and I agree to comply with it. I confirm that the issues addressed in this statement are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
4. I note that whilst I am engaged by Te Rūnanga o Ngāi Tahu, I am bound by the Code of Conduct and professional ethics of the New Zealand Planning Institute (NZPI) and am required to be impartial and unbiased in my professional opinions expressed.

SCOPE OF EVIDENCE

5. I have provided my evidence on section 274 party matters on a topic basis, organised by policy and rule. The evidence I have responded to is the evidence of Mr Gerard Willis on behalf of Fonterra Cooperative Group Limited and DairyNZ Limited (dated 20 December 2021) and Mr Peter Wilson on behalf of Federated Farmers on the issue of intensive winter grazing (Rule 20A).
6. Ngā Rūnanga is a section 274 party to the appeal by DairyNZ opposing the removal of the restriction of 120 stocking numbers for cattle in Rules 20A and Rule 35A.
7. Ngā Rūnanga is not a section 274 party to the appeal of Fonterra.
8. Ngā Rūnanga is not a section 274 party to Federated Farmers on Rule 20A.

INTENSIVE WINTER GRAZING RULE 20A

9. Mr Willis proposes (at paragraph 6.4) that the 120 mob size limit is removed from Rule 20A. His rationale for the removal is that limiting mob size is not important for managing the effects of intensive winter grazing, as contaminant risks related to density rather than the number of cows.
10. Mr Wilson proposes a different approach to Rule 20A by altering condition (a)(iii)(1) of the proposed Southland and Water Plan (**pSWLP**) which states:

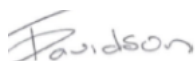
...from 1 May 2019, intensive winter grazing does not occur on more than 15% of the area of the landholding or 100 hectares, whichever is the lesser area...
11. Mr Wilson instead proposes an approach which he considers is more in line with the National Policy Statement for Freshwater 2020 (**NPSFM**) by adding the following clause:¹

(aa) Intensive winter grazing is a permitted activity if it occurs on more than 50 ha and on more than 10% of the landholding and a certifier certifies, in accordance with Appendix N Part C, that the adverse effects (if any) allowed by the winter grazing plan in a Farm Environment Management Plan are no greater than those allowed by 20A(i)-(v).
12. Alternatively, Mr Wilson appears to be happy to support a reduction to 10% of the land area or 100ha if this clause is agreed. Alternatively, he would support the retention of 15% as it is in the pSWLP.
13. My concern with the recommendations of Mr Willis and Mr Wilson is that if both points of relief are granted, the permitted activity rule would not contain conditions that restrict density or area that can be grazed. Reduction in effects on the environment would be restricted to setbacks from waterways and the effectiveness of the Farm Environment Plan (**FEP**). I do not consider this is appropriate - intensive winter grazing is a significant contributor to contaminants in Southland and that means a conservative approach is warranted.
14. I am more inclined to adopt an approach which retains, at least, an upper area limit in the permitted activity rule. I am concerned that while FEPs in Southland may over time become a means by which effects could be mitigated, the

¹ Paragraph [6.4].

proposed approach to FEPs in Southland is currently novel and requires considerable establishment and testing.

15. The intent and use of Appendix N in the pSWLP is a considerable step forward. However, it is my understanding that the Appendix N approach was intended to get farmers accustomed to the concept of preparing an FEP. FEPs are not required to be audited and would, as part of a permitted activity rule, be provided to Environment Southland on request.
16. My understanding is that some councils, such as Canterbury Regional Council, have robust auditing systems and require an approved person to author an FEP. In my view, such measures are needed in order for FEPs to be effective.
17. I therefore consider that a rule regime which provides for smaller scale winter grazing as a permitted activity and requires a resource consent for larger scale winter grazing to be appropriate. I do not agree with Mr Wilson's suggested approach of allowing more than 50ha or 10% of the area of the landholding as a permitted activity, as I do not consider sufficient processes are in place to reduce and monitor contaminant risks.



Treena Lee Davidson

4 February 2022