

**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

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF TREENA LEE DAVIDSON
ON BEHALF OF NGĀ RŪNANGA ON APPENDIX N**

Planning

19 MAY 2023

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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 and am required to be impartial and unbiased in my professional opinions expressed.

SCOPE OF EVIDENCE

5. This statement of evidence relates to Topic B, Tranche 3 Provisions which specifically relate to Appendix N and in particular Clauses 7(k) and (l). My intention is to provide additional clarity to the words “if known” within these two clauses.
6. In preparing this evidence I have reviewed:
 - (a) The Sixth Interim Decision of the Environment Court dated 23 March 2023;
 - (b) Environment Court Minute dated 28 April 2023;

- (c) Mr McCallum-Clark's responses to planning questions and Dr Monaghan's responses to farm systems expert questions in response to the Minute, dated 28 April 2023; and
- (d) The modified response of Mr McCallum-Clark and Dr Monaghan's in response to comments from the parties, dated 17 May 2023.

Appeal and section 274 interest of Ngā Rūnanga

- 7. The Ngā Rūnanga appeal sought the following in relation to Topic B, Tranche 3 with regard to Appendix N:

Retain Appendix N as provided for in the Section 42A Report with the following amendments:

Part B: Retain clause relating to Farm Environmental Plans including known and recorded heritage sites and significant biodiversity. Include in Part B(5) the following:

A good management practices section which identifies: The range of good management practices that minimises the effects on taonga species listed in Appendix N and any significant indigenous biodiversity.

- 8. Ngā Rūnanga sought these changes because it considered the amendment to Appendix N had become so broad as to provide no certainty to Ngāi Tahu as to what activities farmers will be implementing to achieve good management practice on their farms. In addition, there was no provision for showing how a farm will protect taonga species that the proposed plan has identified as important.
- 9. Ngā Rūnanga is also a section 274 Party on the appeal by Heritage NZ that sought the inclusion of heritage sites in Appendix N.

Clarification of "if known"

- 10. The currently proposed wording in Appendix N for clauses 7(k) and (l) is as follows:

The FEMP shall contain a map(s) or aerial photograph(s) of the landholding at a scale that clearly shows the locations of ...

- (k) *the presence of taonga species listed in Appendix M of the Southland Land and Water Plan within water bodies on the farm (if known); and*
- (l) *other significant values and uses (if known) of nearby land and waters including mahinga kai and nohoanga*

11. I agree with Mr McCallum-Clark that it is appropriate to provide guidance as to what is meant by “if known” in an advice note, rather than re-draft the wording to provide for the concerns around lack of clarity in the Joint Witness Statement (**JWS**) of participants in the Appendix N Sense Check.

12. Mr McCallum-Clark seeks that this clarity is provided through an advice note that refers to:

- Personally held local knowledge of the landowner or agent,
- the catchment context documentation prepared by the regional council,
- information prepared by a catchment group, and
- information from the Council’s on-line mapping system that is relevant to the management of risks addressed by the FEMP.

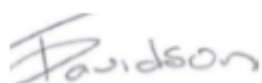
13. While these sources of information are acceptable, I consider that they are incomplete and can be readily supplemented by other relevant information. Because the subject matter of the clauses deals with the presence of taonga species and the significant values and uses of nearby land and waters, I am of the opinion that this information should also be informed also by the knowledge held by Papatipu Rūnanga. It is my understanding that:

- (a) engagement of Papatipu Rūnanga in catchment management groups is varying;
- (b) the Regional Council does not hold, at a catchment level, all catchment context information; and
- (c) not all mahinga kai and nohanga sites are found on the Council’s online mapping.

14. For those reasons, my suggested wording is:

*Personally held local knowledge of the landowner or agent, **information formally obtained from Papatipu Rūnanga (directly or through their environmental entity)**, the catchment context documentation prepared by the regional council, information prepared by a catchment group, and information from the Council’s on-line mapping system that is relevant to the management of risks addressed by the FEMP.*

15. I consider this wording reduces the risks to mahinga kai and nohoanga sites from someone simply stating that they did not know about the presence of this information. By introducing clarity that this information needs to be formally obtained from Papatipu Rūnanga, it reduces the risks of the landowner being provided incomplete, confused or conflicting information about a particular site.
16. I consider this approach better meets the intent of Objective 4 which is to ensure that “tangata whenua values and interests are identified and reflected in the management of freshwater and associated ecosystems”. This is because farm environment management plans are part of the management structure for freshwater and associated ecosystems, and I would observe that significant reliance is being placed on them by numerous parties as an effective method of achieving the objectives of the proposed plan. Similarly, this approach would provide for Policies 1 and 2, which are designed to enable Papatipu Rūnanga to participate in relevant processes and also to take into account iwi management plans. Both of these policies also anticipate that Rūnanga are enabled to undertake their kaitiaki responsibilities.
17. The uncertainty of the words “if known” was also raised as a possible concern regarding Clause 7(k). I consider that the same advice note could apply here as Papatipu Rūnanga may be best placed to advise on what taonga species might be present, for example species such as kanakana which are evasive.



Treena Davidson

19 May 2023