

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

UNDER the Resource Management Act 1991

IN THE MATTER of appeals under Clause 14 of the First Schedule of the Act

BETWEEN **TRANSPOWER NEW ZEALAND LIMITED**
(ENV-2018-CHC-26)

FONTERRA CO-OPERATIVE GROUP
(ENV-2018-CHC-27)

HORTICULTURE NEW ZEALAND
(ENV-2018-CHC-28)

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**WILL SAY STATEMENT OF LAUREN MACIASZEK ON BEHALF OF
SOUTHLAND REGIONAL COUNCIL IN ANTICIPATION OF EXPERT
CONFERENCING**

PLANNING

11 November 2021

Judicial Officer: Judge Borthwick

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ARATIATIA LIVESTOCK LIMITED
(ENV-2018-CHC-29)

WILKINS FARMING CO
(ENV-2018-CHC-30)

**GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT
COUNCIL & INVERCARGILL DISTRICT COUNCIL**
(ENV-2018-CHC-31)

DAIRYNZ LIMITED
(ENV-2018-CHC-32)

H W RICHARDSON GROUP
(ENV-2018-CHC-33)

BEEF + LAMB NEW ZEALAND
(ENV-2018-CHC-34 & 35)

DIRECTOR-GENERAL OF CONSERVATION
(ENV-2018-CHC-36)

SOUTHLAND FISH AND GAME COUNCIL
(ENV-2018-CHC-37)

MERIDIAN ENERGY LIMITED
(ENV-2018-CHC-38)

ALLIANCE GROUP LIMITED
(ENV-2018-CHC-39)

FEDERATED FARMERS OF NEW ZEALAND
(ENV-2018-CHC-40)

HERITAGE NEW ZEALAND POUHERE TAONGA
(ENV-2018-CHC-41)

STONEY CREEK STATION LIMITED
(ENV-2018-CHC-42)

THE TERRACES LIMITED
(ENV-2018-CHC-43)

CAMPBELL'S BLOCK LIMITED
(ENV-2018-CHC-44)

ROBERT GRANT
(ENV-2018-CHC-45)

**SOUTHWOOD EXPORT LIMITED, KODANSHA
TREEFARM NEW ZEALAND LIMITED, SOUTHLAND
PLANTATION FOREST COMPANY OF NEW ZEALAND**
(ENV-2018-CHC-46)

**TE RUNANGA O NGAI TAHU, HOKONUI RUNAKA,
WAIHOPAI RUNAKA, TE RUNANGA O AWARUA & TE
RUNANGA O ORAKA APARIMA**
(ENV-2018-CHC-47)

PETER CHARTRES
(ENV-2018-CHC-48)

RAYONIER NEW ZEALAND LIMITED
(ENV-2018-CHC-49)

**ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND**
(ENV-2018-CHC-50)

Appellants

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

Introduction, qualifications and experience

- 1 My name is Lauren Rachel Maciaszek. My qualifications will be set out in full in my evidence in chief, however, in brief: I am employed by the Southland Regional Council (Council) as a Principal Policy Planner. I hold the qualifications of Bachelor of Environment Management from Lincoln University and Master of Natural Resources Management and Ecological Engineering, jointly awarded by Lincoln University and BOKU University in Austria.

Code of conduct

- 2 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and agree to comply with it. The contents of 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 in this statement.
- 3 I acknowledge that I am an employee of the Respondent, Southland Regional Council. Notwithstanding that, I confirm that I prepared and will present my evidence as an independent expert and in compliance with the Code of Conduct.

Scope of will say statement

- 4 I have prepared this will say statement in anticipation of facilitated expert conferencing on Topic B3.
- 5 This statement addresses the Council's preferred "tracked changes" relief, prepared in response to the tracked changes relief provided by the parties on 29 October 2021. A table showing which parties have lodged relief for each provision is attached as Annexure 1 to the Will Say Statement of Matthew McCallum-Clark dated 11 November 2021. Specifically, this statement addresses Topic B3 – Wetlands.
- 6 I will prepare a second will say statement in relation to Topic B1 following the receipt of will say statements from Wilkins Farming Company Ltd's experts, which are due on 12 November 2021.

Rule 51

- 7 In my evidence, I intend to say:

- (a) I agree with Mr Farrell that the decisions version of Rule 51 does not align with the National Environmental Standards for Freshwater (**NES-F**) in the context of wetlands. I consider that the changes proposed in the Council's preferred relief better aligns with the provisions of the NES-F, insofar as there is scope within the appeals to do so.
- (b) The preferred relief for Rule 51 will provide better protection for natural wetlands under the pSWLP by applying a non-complying activity status for any diversion from a natural wetland for the purposes of land drainage. In addition to better aligning with the NES-F, Council's preferred relief will also better implement the National Policy Statement for Freshwater Management 2020 (**NPSFM**), and Objectives 1, 2, 9/9A, 13, 14, 15, and 17 and Policies 20, 32, and 33 of the proposed Southland Water and Land Plan (**pSWLP**). Policy 34 also relates to wetlands, but the Council's preferred relief is not likely to affect the implementation of the policy as the relief is specific to natural wetlands and the purpose of land drainage.

Rule 74

8 My evidence will say:

- (a) Council does not propose any changes to Rule 74 beyond those agreed at mediation. However, as other parties have sought changes, I have discussed these briefly below.
- (b) Rule 74 is a land use rule, while the drainage of a wetland is a diversion of water. I consider that the relief sought by Ngā Rūnanga and Fish and Game is more appropriately addressed through Rule 51, which relates to the diversion of water.
- (c) The diversion of water within a natural wetland is a prohibited activity under the NES-F if it results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland. This means that while I do not support the relief sought by Ngā Rūnanga and Fish and Game in relation to including reference to drainage in Rule 74, I consider that the outcome they are seeking is already addressed in the planning framework.

- (d) The relief sought by Fish and Game by reference to stock grazing within Rule 74 is better addressed through Rule 70. Rule 70 relates specifically to stock exclusion from water bodies, including natural wetlands. I consider that Council's preferred relief for Rule 70 provides for the outcome sought by Fish and Game. Stock exclusion is further addressed in the will say statement by Matthew McCallum-Clark.



Lauren Maciaszek

11 November 2021