

Treena Lee Davidson on behalf of Ngā Rūnanga (Waihopai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima and Hokonui Rūnaka) and Te Rūnanga o Ngāi Tahu

Summary of Evidence, 27 September 2017

Presented at hearing on Proposed Southland Water and Land Plan

1. I have provided evidence and rebuttal evidence on behalf of Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima, and Hokonui Rūnaka (**Papatipu Rūnanga**) and Te Rūnanga o Ngāi Tahu (collectively referred to as **Ngā Rūnanga**). My evidence relates to planning matters.
2. As a starting point my evidence generally supported the recommendations and the rationale provided in the s42A report. My evidence in chief and rebuttal evidence also made suggestions to aid with the clarity of relevant parts of the proposed Southland Water and Land Plan (**SWLP**). In this summary I would like to distil key points from my evidence and draw the Panel's attention to:
 - (a) Use of physiographic zones;
 - (b) Intensive winter grazing;
 - (c) Recorded historic heritage sites; and
 - (d) Retention of Policy 2.

Use of Physiographic Zones

3. As outlined in the evidence of Ms Cain and Dr Kitson, the concept of physiographics reflects well the concept of ki uta ki tai. My evidence discusses the concern about physiographics being undermined because of the recommended change to Rule 20 to apply a Freshwater Management Unit (**FMU**) approach instead of physiographics, on the basis that it would provide greater certainty to farmers. It appears to create at least the same level of uncertainty as the original approach, as properties may also cross FMU boundaries. I therefore consider that, rather than replacing physiographics with FMUs in Rule 20, the use of site specific information should be applied on properties where there is uncertainty.

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Intensive winter grazing

4. My evidence also raises concern with the s42A report recommending increasing the permitted use of land for intensive winter grazing in Old Maitaura and the Peat Wetlands from 20ha to 50ha. The s32 report describes Old Maitaura as being highly susceptible to nitrate loss, and that intensive winter grazing in the Peat Wetlands should be avoided. There is no logical explanation nor evidence that I have considered which clarifies how permitting more intensive winter grazing could result in water quality being maintained or improved within these two physiographic zones, which appears to remain the thrust of the relevant objectives and policies which relate to this rule.
5. Ngā Rūnanga raises, in its submission, a similar concern with regard to permitting intensive winter grazing in the Oxidising and Riverine zones. The s32 report shows that these zones are similar in susceptibility to Peat Wetlands and Old Maitaura. It may be that these zones can be farmed at 50ha as a permitted activity, but again only if it will maintain or improve water quality in these zones. However, the sensitivity of these physiographic zones suggests to me that they should be actively managed through resource consents rather than permitted activity rules.

Historic heritage

6. I would like to start by clarifying a point made in paragraph 5.25 of my evidence. I seek that reference is made to Te Tangi a Tauira, the Ngāi Tahu Murihiku Natural Resource and Environmental Iwi Management Plan 2008 if, as recommended in the s42A report, reference to the New Zealand Archaeological Association (NZAA) Site Recording Scheme is removed from the definition of "recorded historic heritage sites". The list in Te Tangi a Tauira contains a list of NZAA sites of significance to Ngā Rūnanga. These sites are not part of the NZ Heritage List nor are they recorded within district or regional plans. Reference to sites recorded in Te Tangi a Tauira would therefore significantly narrow and confine the scope of the notified definition. It is therefore within scope to refer to Te Tangi a Tauira, as it does not introduce any new information, but instead provides clarity on Ngā Rūnanga concerns.
7. I consider that the evidence of Ms Cain and Mr Whaanga, that was not finalised and which I could not refer to in my evidence in chief at the time of writing, highlights the importance of triggers for a permitted activity for archaeological and

important cultural heritage sites near water [paragraphs 6.20 – 6.22]. This shows the importance of water bodies to Ngā Rūnanga and, due to the historical and traditional cultural use of water bodies throughout Murihiku, there are also known sites of significance which it is appropriate to recognise and protect.

8. I understand the approach taken in the s42 report with regard to the definition of recorded historic heritage sites" and the suggested removal of permitted activity conditions in relation to impacts on such sites, but I stand by my evidence in chief and consider the redrafting to trigger a consent if the activity was to damage, modify or destroy an archaeological site (namely a site recorded in Te Tangi a Tauira) to be appropriate. I do not believe that reliance alone on the more narrowly-focused archaeological authority controls administered by Heritage New Zealand Pouhere Taonga is sufficient to address the broader cultural issues and effects associated with the impacts on such sites.

Retention of Policy 2

9. Ms Wharfe's planning evidence on behalf of Horticulture NZ seeks that Policy 2 is deleted. I agree with Ms Wharfe to the extent that she states that the RMA requires that iwi management plans must be taken into account when preparing regional plans. Where I differ from her is that she goes on to say that individual applicants should not be required to take iwi management plans into account when preparing an assessment of environmental effects.
10. In my opinion, retention of Policy 2 is important to meet sections 6(e), 7(a) and 8 of the RMA. It would also assist consent applicants in providing sufficient and relevant information and assessments, such as that required by Clauses 2(1)(f) and 6(1)(h) of Schedule 4 of the RMA, and to appropriately satisfy the Schedule 1 RMA process in relation to preparation of plans.
11. It is difficult to see how relevant matters could be appropriately assessed if an iwi management plan was not taken into account. Te Tangi a Tauira aids plan users by providing clear policies and explanations to assist users to both navigate the document and to understand what matters are important to Ngā Rūnanga in the resource management context.
12. I consider that retaining Policy 2 as proposed would provide a clear and transparent direction on how Environment Southland will address not just plan

changes, but also consent applications when undertaking its RMA functions and responsibilities.

13. For the same reasons that apply to retaining Policy 2 and its reference to iwi management plans, I also consider that it is appropriate for the proposed SWLP to refer to Ngāi Tahu Indicators of Health. Reference to Ngāi Tahu indicators of health shows how Environment Southland will fulfil its RMA functions and responsibilities, and this would also give effect to Policy D1 of the National Policy Statement for Freshwater Management and to the Policies in the proposed Southland Regional Policy Statement. Clarity about the relevance of these indicators can also be seen as a guide to plan users as to the matters that the Council will be considering when assessing applications which deal with water quality and quantity.
14. As shown in the evidence of Ms Cain, Dr Tipa and Dr Kitson, Ngāi Tahu Indicators of Health capture information that is culturally significant to rūnanga, are not vague or uncertain, and are a matter that is widely used and capable of clear interpretation and application.