

**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 DR JANE CATHERINE KITSON
ON BEHALF OF NGĀ RŪNANGA ON POLICIES 15A AND 15B**

Environmental science / Mātauranga Māori

20 May 2022

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INTRODUCTION

1. My full name is Dr Jane Catherine Kitson.
2. My whakapapa, 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 21 December 2021. I further updated these matters in my statement of evidence dated 4 February 2022.

CODE OF CONDUCT

3. I refer 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 of evidence 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. The data, information, facts and assumptions I have considered in forming my opinions are set down below and in my evidence to follow.
4. As a member of the New Zealand Freshwater Sciences Society, a constituent organisation of the Royal Society of New Zealand - Te Apārangi, I also agree to be bound by the Royal Society of New Zealand Code of Professional Standards and Ethics in Science, Technology, and the Humanities.
5. I am a member of Te Rūnanga o Ōraka-Aparima and also whakapapa to Te Rūnanga o Awarua and Waihōpai Rūnaka. My expertise is partially derived from those cultural associations. I note that whilst I am of Ngāi Tahu descent, I am required to be impartial and unbiased in my professional opinions expressed.
6. For the avoidance of any perceived conflicts, I advise that my husband, Zane Moss, is the manager of Fish and Game New Zealand - Southland Region.

SCOPE OF EVIDENCE

7. This statement of evidence responds to the Court's directions at paragraph 14(b) of the Minute dated 2 May 2022.
8. This evidence will address Policies 15A and 15B.

9. In preparing this evidence I have reviewed:
- (a) The supplementary statement of evidence of Mr McCallum-Clark in response to the Court's minute dated 25 March 2022 (dated 6 April 2022).
 - (b) The Court's minutes dated 10 March 2022 and 25 March 2022.
 - (c) Joint Witness Statements: Water Quality and Ecology, 22 November 2019; Science/Water Quality, 26 November 2021.
 - (d) Memorandum of Counsel for Ngā Rūnanga regarding cultural indicators of health (dated 29 November 2019) and the final report on cultural indicators of health appended to that memorandum (**Report on Cultural Indicators of Health**).
 - (e) The supplementary statement of evidence of Treena Davidson (dated 20 May 2022);
 - (f) My statements of evidence for Topics A and B (dated 15 February 2019, 20 December 2021 and 4 February 2022).

Water quality and sediment standards are not thresholds for degradation (ecological and cultural)

10. The standards referred to in Policy 15A and 15B are not equivalent to the thresholds of degradation that have been provided to the Court in the Water Quality and Ecology JWS (22 November 2019) and the Report on Cultural Indicators of Health. The Appendices E and C do not contain the complete range of measures (including nutrients), and thresholds that would need to be considered to determine if the waterbody is degraded; both ecologically and culturally.
11. Because Policies 15A and 15B rely solely on comparison with Appendices E and C, they may fall short of maintaining water quality where it is not degraded and /or improving water quality where it is degraded. There is also a possibility that discharges could degrade waterbodies further, if the standards in Appendices E and C are the only considerations for discharges.

12. As highlighted in the Science JWS (26 November 2021), there is considerable gap between the current water quality and that which would achieve National Policy Statement for Freshwater Management 2020 (**NPSFM**) national bottom lines.
13. There is an even larger difference between the current water quality, and water quality that provides for hauora (see Science JWS 26 November 2021 and my statement of evidence dated 4 February 2022).
14. Therefore, managing water quality to the standards required by Policies 15A and 15B is unlikely to improve water quality towards hauora or Te Mana o te Wai.

Improvement in water quality required for new and renewal of discharges

15. Te Mana o te Wai requires consideration of a waterbody's health before any use is considered.¹ In terms of what this means in the context of applications for new discharges, new discharges may be able to occur, but it will require strong direction to implement appropriate methods to enable the hauora of the waterbody.
16. Mr McCallum-Clark's hypothetical examples² are not considered within the construct of Te Mana o te Wai, where consideration of use requires consideration of ki uta ki tai and hauora. Nor do they consider alternatives to discharges to water, such as disposal to land.
17. Te Mana o te Wai and the Objectives of the Plan require there to be strong policy direction away from the discharge of unwanted contaminants to water, particularly where waterbodies are degraded or not in a state of hauora.
18. There are examples where consent renewals for replacement discharges to water have become discharges to land, in areas where diffuse discharge to water does not occur, in response to the need to avoid cultural and ecological contaminants continuing to degrade the waterbody. Currently, Hokonui Rūnanga

1 See Statement of Evidence of Alisa Cain (dated 15 February 2019) and *Aratiatia Livestock Limited and Ors v Southland Regional Council* [2019] NZEnvC 208 – the First Key Understanding at [17]. Te Mana o te Wai refers to the integrated and holistic wellbeing of a freshwater body. Upholding Te Mana o te Wai acknowledges and protects the mauri of the water. The implication of the Court's first key understanding is that water bodies themselves must be in a state of hauora before use can be considered.

2 Discussed at paragraph [16] of his supplementary statement of evidence (dated 6 April 2022).

and Gore District Council are working together in the renewal of the Gore and Mataura Wastewater consent renewal. Options for disposal of wastewater to land, rather than continued disposal to the river, are being investigated.

19. In my view, this is the kind of shift in thinking and policy that will be needed to maintain or improve water quality, and perhaps more importantly, the kind of shift in thinking and policy that is required by Te Mana o Te Wai and the Objectives of the Plan.



Dr Jane Kitson

20 May 2022