

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

**AT CHRISTCHURCH**                      **ENV-2018-CHC-29, 30, 37, 38, 39, 40, 47, 50**

**IN THE MATTER**                              of the Resource Management Act 1991

**AND**    of appeals under clause 14 of the First Schedule of  
the Act

**BETWEEN**                                      **Aratiatia Livestock Limited**  
(ENV-2016-CHC-29)  
Appellant  
[Continued on next page]

**AND**    **Southland Regional Council**  
Respondent

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**EVIDENCE OF DONNA LYNLEY SHEPARD  
FOR DIRECTOR-GENERAL OF CONSERVATION  
AS A SECTION 274 PARTY (Topic A Hearing)**

Dated 1 March 2019

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**BETWEEN**

**Wilkins Farming Co. Limited**

Appellant

(ENV-2016-CHC-30)

**Southland Fish and Game Council**

(ENV-2016-CHC-37)

**Meridian Energy Limited**

(ENV-2016-CHC-38)

**Alliance Group Limited**

(ENV-2016-CHC-39)

**Federated Farmers of New Zealand**

(ENV-2016-CHC-40)

**Te Rūnanga o Ngāi Tahu and Others**

(ENV-2016-CHC-47)

**Royal Forest and Bird Protection Society of New Zealand Inc.**

(ENV-2016-CHC-50)

Appellants

**AND**

**Southland Regional Council**

Respondent

## **Introduction**

1. My name is Donna Lynley Shepard
2. I hold the position of Statutory Manager (Southern South Island) for the Department of Conservation's Southern South Island Region. I have been in this position since July 2016
3. I am presenting this evidence for the Director-General of Conservation (the Director-General) to outline the functions of the Department of Conservation (the Department), and the Department's 'on the ground' interests including land tenure and work programmes in the Southland Region.
4. The Department's Southern South Island Region includes all the Southland region under the jurisdiction of the Southland Regional Council as well as large parts of the Otago region.

## **Purpose and Scope**

5. The purpose of my evidence is to provide the Court with information about the Department's interests in the Southland Region, setting some of the context for the Director-General's concerns in the proposed Southland Water and Land Plan.
6. My evidence covers the following matters:
  - a. The Department's Functions and International Obligations;
  - b. the Department's relationships;
  - c. Lands and waters managed by the Department in Southland; and
  - d. Department led conservation programmes in Southland.
7. In preparing my evidence I have considered the following:
  - a. The Southland Murihiku Conservation Management Strategy 2016
  - b. Fiordland National Park Management Plan 2007
  - c. Stewart Island /Rakiura Conservation Management Strategy and Rakiura National Park Management Plan 2011-2021

## **Department of Conservation Functions**

8. The Department functions under section 6 of the Conservation Act 1987 include:

### ***6 Functions of Department***

*The functions of the Department are to administer this Act and the enactments specified in Schedule 1, and, subject to this Act and those enactments and to the directions (if any) of the Minister,—*

- (a) to manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act, and all other land and natural and historic resources whose owner agrees with the Minister that they should be managed by the Department:*
- (ab) to preserve so far as is practicable all indigenous freshwater fisheries, protect recreational freshwater fisheries and freshwater fish habitats:*
- (b) to advocate the conservation of natural and historic resources generally:*
- (c) to promote the benefits to present and future generations of—*
  - (i) the conservation of natural and historic resources generally and the natural and historic resources of New Zealand in particular;*
  - ...
- (d) to prepare, provide, disseminate, promote, and publicise educational and promotional material relating to conservation:*
- (e) to the extent that the use of any natural or historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of natural and historic resources for recreation, and to allow their use for tourism.*

...

9. The Acts referred to in Schedule 1 include the National Parks Act 1980, the Reserves Act 1977, the Marine Mammals Protections Act 1978, the Tutae-Ka-Wetoweto Forest Act 2001, the Waitutu Block Settlement Act 1997, the Wild Animal Control Act 1977 and the Wildlife Act 1953.

### **Treaty Partnership with Ngai Tahu and other statutory relationships**

10. Effective engagement with tangata whenua enhances the conservation of natural resources and historical and cultural heritage. The Department has a statutory responsibility under Section 4 of the Conservation Act 1987 to give effect to the principles of the Treaty of Waitangi. This also applies to the Acts listed in Schedule 1. The Southern South Island region works very closely with the eight Papatipu Rūnanga, and Te Rūnanga o Ngāi Tahu and Te Ao Marama.
11. Other statutory relationships the Department has include, the Southland Conservation Board, Guardians of Lakes Manapouri, Monowai and Te Anau and Southland Fish and Game Council.

### **Other Relationships**

12. The Department works alongside local and territorial authorities such as Environment Southland (Southland Regional Council), Southland District Council, Invercargill City Council and Gore District Council.

## International Obligations

13. As outlined in the Southland Murihiku Conservation Management Strategy 2016<sup>1</sup>, New Zealand is a signatory to many international agreements of which the Department of Conservation implements. The agreements most relevant to the Southland region and the proposed Southland Water and Land Plan include the:
- a. Convention on Wetlands of International Importance (the Ramsar Convention);
  - b. Convention Concerning the Protection of the World's Cultural and Natural Heritage (World Heritage Convention).
14. I discuss the relevance of these agreements below.

### ***Awarua Wetland - Wetland of International Importance***

15. The Awarua Wetland of International Importance is the only wetland subject to the Ramsar Convention in the Southland region. The Awarua Wetland includes both public conservation lands and waters, and private land. Mr Rance provides further information of the importance of Awarua. The Awarua Wetland is about 19,200 ha and includes public conservation lands and waters in the Waituna Wetlands Scientific Reserve; Waituna and Waghorn Scenic Reserves; Seaward Moss, Awarua Plains, Awarua Bay, Tiwai Spit and Toetoes Conservation Areas, Awarua Bay and New River Estuary.



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<sup>1</sup> Refer: <https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/statutory-plan-publications/conservation-management-strategies/southland-murihiku/> at page 16 for Department's international obligations

***Te Wāhipounamu South West New Zealand World Heritage Area***

16. This World Heritage Area covers all of Fiordland National Park including Lakes Manapōuri and Te Anau and Monowai, in South Westland the Pyke and Arawhata Conservation Areas, and the Dean and Rowallan Forests in Western Southland. The criteria qualifying these areas for World Heritage status include its outstanding ice carved lakes with pristine water quality.

**Public Conservation Lands and Waters**

17. Public conservation lands and waters such as National Parks, Conservation Areas, Marginal Strips and Reserves are held by the Department of Conservation and managed on behalf of the Crown for the people of New Zealand. Public conservation land covers more than half the Southland Region.
18. The map attached at Appendix A shows the location and type of public conservation lands and waters managed by the Department in the Southland Region. This map does not show lands owned under the Tutae-Ka-Wetoweto Forest Act 2001 and the Waitutu Block Settlement Act 1997 which lands are managed as public conservation land, subject to those Acts.

***National Parks***

19. The Southland region includes two national parks held under the National Parks Act 1980 – Rakiura (established in 2002) and Fiordland (established in 1952). The national parks cover 1,447,436 ha<sup>2</sup> in the Southland Region.

***Conservation Areas***

20. 358,117 ha of the Southland Region is covered by conservation areas. These are lands and waters held under the Conservation Act 1987 for conservation purposes. The following are examples of some conservation areas in the Southland Region.

**Marginal Strips**

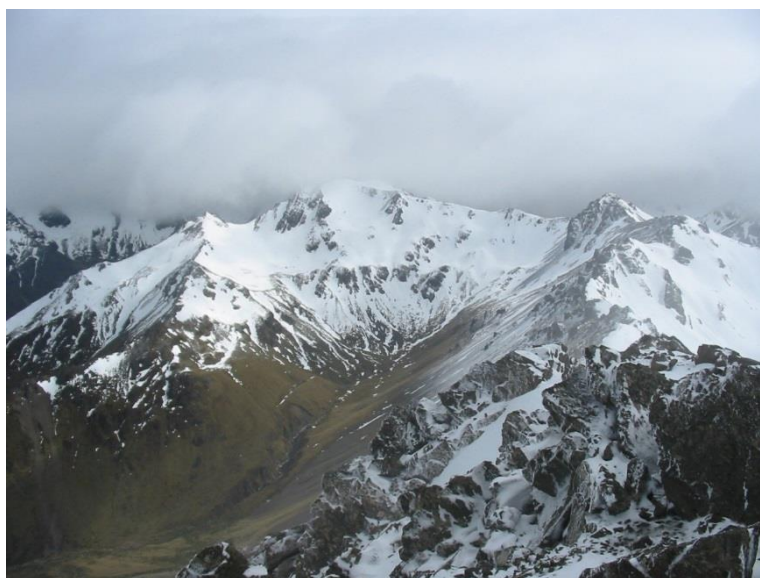
21. Marginal Strips are held as deemed conservation areas for conservation purposes including the maintenance of water quality and the maintenance of aquatic life. In the Southland Region 6,770 ha are covered by marginal strips.

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<sup>2</sup> Areas based on Geo Spatial Analysis  
SAR 04-83-117 SWLP Donna Shepard Evidence - DOC-5715978

### Takitimu Conservation Area

22. Takitimu maunga (mountains) is of special significance to Ngai Tahu and is covered by Topuni. The maunga (mountains) were named by the legendary Tamatea, the captain of the Takitimu waka, in memory of the waka after it struck trouble in Te Waewae Bay and was eventually wrecked. The Takitimu maunga are symbolic reminders of the famous exploits of Tamatea in the south and the tūpuna waka Takitimu; The Takitimu Conservation Area is a total of 45 510 ha. Mountains contain extensive indigenous forest areas, with intact altitudinal sequences evident, and alpine tussocklands, shrublands, wetlands, screes, rocky areas and fellfields. Many indigenous animals are found throughout these forest systems, including threatened and at risk species such as the Nationally Critical pekapeka/long-tailed bat (South Island), the Nationally Endangered barrier skink, the Nationally Vulnerable Takitimu gecko, the Naturally Uncommon endemic ngaokeoke/velvet worm, and the Recovering kārearea/eastern falcon<sup>3</sup>.



*Takitimu Mountains, Southland View into Redcliff 2004 Wayne Baxter*

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<sup>3</sup> Southland Murihiku Conservation Management Strategy [2016](#), SAR 04-83-117 SWLP Donna Shepard Evidence - DOC-5715978



*Aparima River Feb04 Wayne Baxter*

Eyre Mountains/Taka Ra Haka Conservation Park,

23. The Eyre Mountains /Taka Ra Haka Conservation Park is a total of 65,160 hectares. Within this park of the headwaters of the Windley River and Acton, Cromel and Irthing Streams all tributaries of the Oreti River. It has natural eroding mountain tops that receive winter snows which melt in in the spring, upland snow tussock grasslands and beech forest. On valley floors fescue and copper tussock are the dominant indigenous grasses
24. Further to the East, the Eyre Creek and part of Roberts Creek and the Mataura River itself all flow from the Eyre Mountains.

Mavora Park Conservation Area and Snowdon Forest Conservation Area.

25. The Mavora Lakes Conservation Area includes South and North Mavora Lakes. Its total area is 36,119 hectares. It is a place where Department provides limited facilities for people to camp fish and kayak. Wetland communities are found on its valley floors.
26. The Snowdon Forest Conservation Area is 50,880 hectares in area. Its tributaries feed the Mavora Lakes, Mararoa River and a few small tributaries flow into the Oreti River. There are a number of wetlands in this area of various types.





*Crossing Mavora River Sally Chesterfield*



*Mavora wetland 2003 DOC*

### **Reserves**

27. The Department administers many reserves in the Southland Region, covering 37,562 ha. Reserves are held for purposes including scientific, historic, scenic and recreational.
28. The region is fortunate to retain a diversity of wetlands that have intact hydrological functions and integrated ecological settings. Some of these are protected as reserves including Bayswater Peatland Scenic Reserve, Borland

Mire Scientific Reserve and the recently protected 539 ha Castle Downs Peatbog in Northern Southland.

#### Bayswater Peatland Scenic Reserve

29. This peatbog although modified by fire is by far the largest remaining raised dome mire and largest remnant of natural vegetation on the Southland Plains. It is important wetland for wildlife, including some threatened bird species.



*Bayswater Bog East 1993 K Blaas*

#### **Current Conservation Programmes**

30. The focus of the Living Water partnership between DOC and Fonterra is finding game changing and scalable solutions that will enable farming, freshwater and healthy ecosystems to thrive side by side. Waituna Lagoon (part of the Awarua Wetland of International Importance) is one of the five sites which makes up this partnership. The site focus at Waituna is to design and implement a catchment wide approach to nutrient and sediment management. This programme is largely running through the Whakamana te Waituna programme.
31. Whakamana te Waituna is a multi-agency partnership between Ngai Tahu, Awarua Runanga, Environment Southland, Department of Conservation, Southland District Council, Living Water and Fonterra. Whakamana te Waituna is a five year multi partner project aimed at improving the health of Waituna Lagoon in Southland.

### Arawai Kākāriki wetland restoration programme

32. Arawai Kākāriki is a large-scale national wetland restoration programme led by DOC. Of which Awarua Waituna is one of three sites. The programme undertakes research to improve understanding of wetland restoration issues and develop best practice wetland management and monitoring tools. One site where this is being undertaken is in the Waituna Lagoon Catchment.



*Waituna Wetland 2009 DOC*

### **Weed Control**

33. There are a number of weeds that can impact on the values of the protected areas. Therefore, weed control is one of the major conservation programmes the Department undertakes. One example being the spartina eradication programme.
34. In New River Estuary, Spartina was planted to reclaim the mudflats. Its vigorous growth resulted in the loss of large areas of tidal mudflats. The Spartina trapped the mud in the water which flows into New Estuary via the Oreti and Waihopai Rivers. Because of the loss of feeding areas for the waders including migratory waders the Department has undertaken a large scale operation to eradicate this pest plant.



*Spartina Control DOC*



*Live spartina New River Estuary DOC*

**Protection of wetlands and riparian areas by Waiau Fisheries and Wildlife Enhancement Trust**

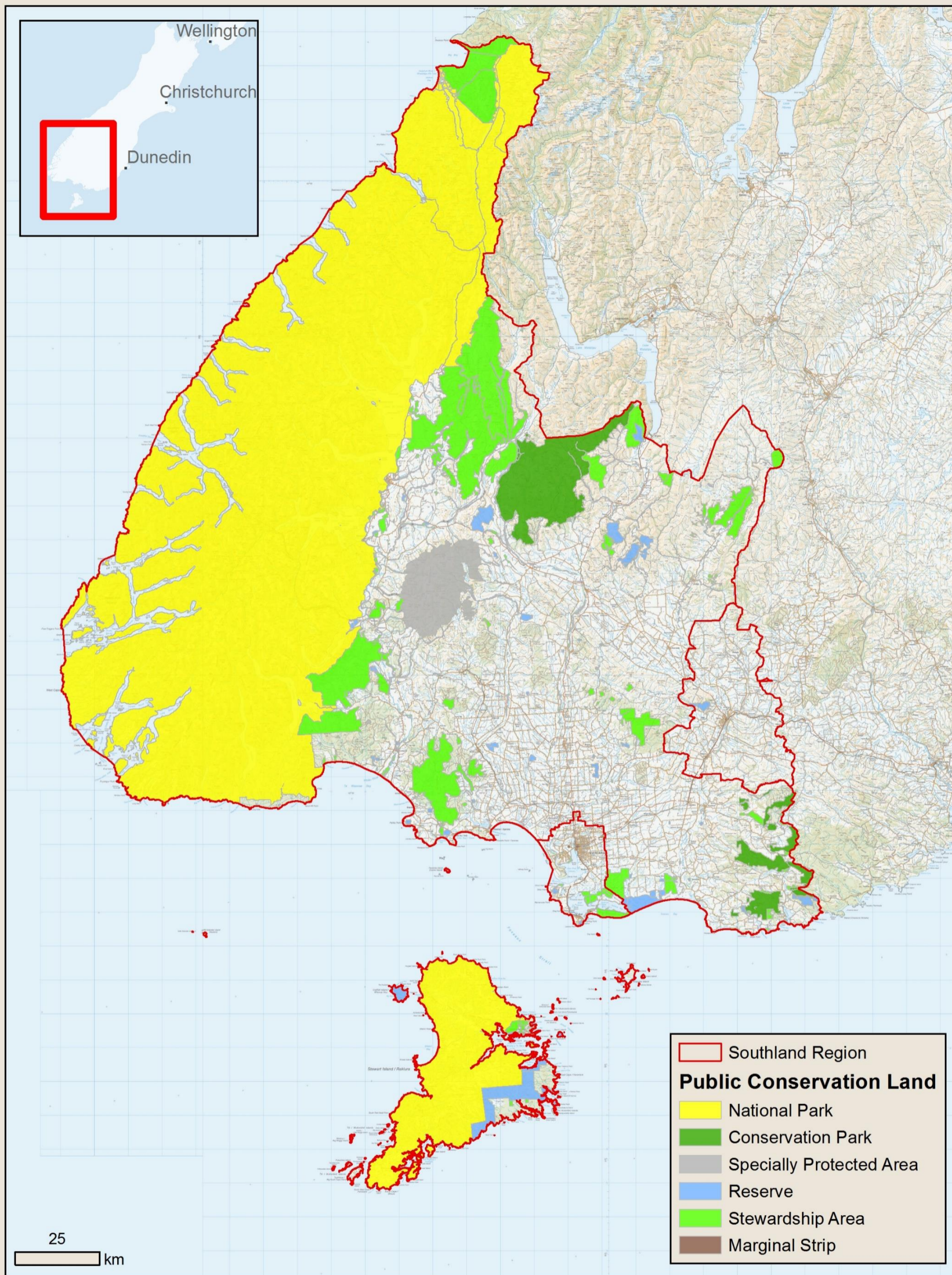
35. Another example of wetland and riparian rehabilitation is in Western Southland. The Waiau Fisheries and Wildlife Enhancement Trust manages a large scale program of riparian protection and wetland restoration in the Waiau River Catchment. It has an independent Trustees, with representatives nominated by Fish and Game, the Department of Conservation and Meridian Energy. Its original funding came from a settlement with Electricity Corporation of New Zealand with regard to some adverse effects on the Manapōuri Power Scheme in particular the loss of flow in the Lower Waiau River.

**Conclusion**

36. As this evidence demonstrates, the Department manages a great deal of lands and waters and works with many partners to achieve good outcomes in the Southland Region. This sets the context for the many and varied interests of the Director-General in the current proceedings.

Donna Shepard

1 March 2019



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 DOC, Geospatial Services



## Public Conservation Land Southland Region



Department of  
**Conservation**  
*Te Papa Atawhai*

New Zealand Government