

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

**UNDER** the Resource Management 1991

**IN THE MATTER** of 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)

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

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

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**STATEMENT OF EVIDENCE OF REBECCA ROBERTSON ON BEHALF OF  
THE SOUTHLAND REGIONAL COUNCIL  
14 December 2018**

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Judicial Officer: Judge Borthwick and Judge Hassan

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**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 Act 1991**  
(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, SOUTHLAND  
PLANTATION FOREST COMPANY OF NZ,  
SOUTHWOOD EXPORT LIMITED**  
(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

- 1 My full name is Rebecca Anne Robertson.
- 2 I am a resource management consultant and director of Southern Land and Water Planning Limited.
- 3 I hold a Bachelor of Landscape Architecture (Hons) from Lincoln University and a Master of Resource and Environmental Planning (Hons) from Massey University. I am an Associate Member of the New Zealand Planning Institute.
- 4 I have eight years planning experience in Southland. I was a member of the Southland Regional Council's (**Council**) Policy and Planning Team from 2013 to 2018. Over this time, I worked on a range of regional planning matters including the implementation of the National Policy Statement for Freshwater Management 2014 (**NPS-FM**), the Water and Land 2020 & Beyond Project, and the Southland Regional Policy Statement review. I have also worked for three years as a planner at the Department of Conservation in the Southland Conservancy from 2009 to 2013.
- 5 During my time employed by the Council I have been involved in aspects of the Proposed Southland Water and Land Plan (**pSWLP**) process. Prior to the development of the pSWLP, I was involved in the Water and Land 2020 & Beyond Project which was focused on developing responses to a range of focus activities for example hill country development and agricultural manures and slurries. I was involved in the consideration of submissions and drafting of some sections of the Section 42A report for the pSWLP hearing process. Further, I was involved in the Council's preparation for catchment limit setting in accordance with the NPS-FM, including the process to develop Southland's Freshwater Management Units (**FMUs**).
- 6 I have been engaged by the Council to prepare evidence for these proceedings.

## Code of Conduct

- 7 I confirm that I have read the Code of Conduct for expert witnesses as contained in the Environment Court Practice Note 2014. I have complied with the Code of Conduct when preparing my written statement of evidence, and will do so when I give oral evidence.

- 8 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence. The reasons for the opinions expressed are also set out in my evidence.
- 9 Other than where I state I am relying on the evidence of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 10 My evidence presents my knowledge of the process to develop Freshwater Management Units within Southland. For the avoidance of any perceived conflicts, I advise that I live and farm with my husband in the Waiau Catchment.

### **Scope**

- 11 I have been asked by the Council to provide evidence in relation to the development and delineation of the FMUs in Southland, specifically relating to:
- (a) How the FMUs in Southland were developed and delineated; and
  - (b) The approach taken in relation to the Waituna Lagoon.
- 12 In preparing this evidence, I have read and considered the following documents:
- (a) New Zealand Government (2014). National Policy Statement for Freshwater Management (and 2017 amendments).
  - (b) New Zealand Government (2016). A Guide to Identifying Freshwater Management Units, Under the National Policy Statement for Freshwater Management 2014.
  - (c) Environment Southland (2014). Meeting of Council, 12 November 2014, Agenda item 7 – Water and Land 2020 & Beyond.
  - (d) Environment Southland (2014). Minutes of the Meeting of Council, 12 November 2014, Agenda item 7 – Water and Land 2020 & Beyond.
  - (e) Environment Southland (2018). Updated Evaluation Report: Proposed Southland Water and Land Plan (the “Initial Planning Statement”).

## Executive Summary

- 13 I have been asked by the Council to provide an overview of the process undertaken by the Council to identify the five FMUs detailed in the pSWLP. I was involved in the process to develop the FMUs.
- 14 The FMUs were developed over a series of staff discussions and two Council and Te Ao Marama Inc workshops. The five FMUs for Southland are primarily based on the four main surface water catchments being the Waiau, Aparima, Ōreti and Mataura rivers, and the principle of ki uta ki tai (mountains to the sea). The following matters were also considered: the requirements of the NPS-FM and the New Zealand Coastal Policy Statement 2010; communities of interest; land use; and implications for the community process.
- 15 The approach taken with respect to Waituna Lagoon was discussed throughout the process. In particular, whether Waituna Lagoon should be its own FMU or part of a larger FMU. It was recommended by staff, myself included that Waituna Lagoon be a discrete ‘sub-unit’ of the Mataura because: this is consistent with the treatment of other smaller surface water catchments, it was considered Waituna is more closely aligned with the Mataura FMU, a ‘sub-unit’ approach allows for catchment specific objectives and limits if required, and the opinion it will result in a more efficient process.

## Freshwater Management Units

### *Development of FMUs*

- 16 The FMUs for the Southland region were originally developed under the NPS-FM.
- 17 The NPS-FM seeks (among other things) to provide a nationally consistent approach to establish freshwater objectives, which recognises regional and local circumstances.<sup>1</sup>
- 18 The NPS-FM defines a freshwater management unit as follows: “*is the water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting*”

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<sup>1</sup> Section CA of the NPS-FM.

*and management purposes.*" I note this definition has not been amended during the 2017 amendments to the NPS-FM.

- 19 The NPS-FM does not mandate a single method for identifying FMUs. Rather the NPS-FM allows flexibility for councils to determine, at their discretion, the appropriate spatial scale for best managing fresh water within their regions.
- 20 The NPS-FM requires all freshwater bodies in a region to be included within an FMU<sup>2</sup>. Further, it requires for each FMU:
- a) The maintenance or improvement of the overall water quality<sup>3</sup>;
  - b) The improvement of fresh water so it is suitable for primary contact more often<sup>4</sup>;
  - c) The establishment of a freshwater quality and quantity accounting system to be used when setting or reviewing limits<sup>5</sup>;
  - d) The identification of values and development of freshwater objectives and setting of limits and targets to achieve those objectives<sup>6</sup>; and
  - e) Development of a monitoring plan to monitor progress towards the FMUs' freshwater objectives<sup>7</sup>.
- 21 As set out above, I was involved in the Council's preparation for the implementation of the NPS-FM within Southland. My responsibilities included co-ordinating the development of Southland's FMUs.
- 22 Southland's proposed FMUs were initially developed during across-division Council staff meetings. These meetings included staff from the Science, Land Sustainability, and Policy and Planning teams.
- 23 As a starting point, staff looked at the major surface water catchments in Southland, specifically the four main rivers, being the Waiau River,

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<sup>2</sup> Policy CA1 of the NPS-FM.

<sup>3</sup> Objective A2 of the NPS-FM.

<sup>4</sup> Objective A3 of the NPS-FM.

<sup>5</sup> Policy CC1 of the NPS-FM.

<sup>6</sup> Policy CA2 of the NPS-FM.

<sup>7</sup> Policy CB1 of the NPS-FM.

Aparima River, Ōreti River, and the Mataura River. The approach developed was based on these four surface water catchments and the philosophy of ki uta ki tai (mountains to the sea). Staff also considered political and administrative boundaries, for example the boundaries of the three territorial authorities in the Southland region, being the Gore District, the Southland District, and Invercargill City, as well as land use and communities of interest.

- 24 Smaller surface water catchments were considered on a case-by-case basis for example Haldane Estuary, Lake Brunton and Waituna. These smaller catchments were recommended for inclusion into the four main surface water catchments dependant on their land use and community of interest. These smaller catchments are identified in **Appendix 1** as the lighter shaded areas (the majority of these lighter shaded areas subsequently became the FMU sub units, as discussed further below).
- 25 Staff initially proposed five FMUs (shown in **Appendix 1**), they were:
- (a) Fiordland and Islands;
  - (b) Jacobs River Estuary – Aparima;
  - (c) New River Estuary – Ōreti;
  - (d) Toetoes (Fortrose) Harbour – Mataura; and
  - (e) Waiau Lagoon – Waiau.
- 26 These five FMUs were proposed as they are reflective of the connections between the region’s surface waterbodies as well as the interconnection between freshwater ecosystems and their corresponding coastal receiving environments.
- 27 Proposed FMUs were then discussed at two Council and Te Ao Marama Inc Executive workshops. These workshops took place on 16 September 2014 and subsequently on 16 October 2014.
- 28 The FMU proposal included five ‘sub-units’. These ‘sub-units’ were developed to reflect the smaller surface water catchments in Southland. The five ‘sub-units’ are:
- (a) Lake George;
  - (b) Waimatuku;
  - (c) Bluff Harbour;



- (d) Waituna; and
  - (e) Haldane and Waikawa.
- 29 The purpose of these 'sub-units' is to recognise the differences between these smaller catchments and the larger FMUs they are a part of. The approach enables 'sub-unit' specific development of freshwater objectives/limits were required. However, it also recognises there may be similarities of values and or management across the larger FMUs that can be dealt with more efficiently at a larger FMU scale. Any differences and similarities will become evident through the catchment limit setting process as community values are identified.
- 30 A Council item was put to the 12 November 2014 Council meeting (refer to **Appendix 2**), where the Council carried the following motion:
- (a) confirm the five freshwater management units to be used for Catchment Limit Setting (as per the map appended to the staff report), including:
    - (i) the coastal extent of the freshwater management units being the mouth of the estuaries; and
    - (ii) the Waituna Lagoon Catchment as a discrete sub-unit of the Maitua-Toetoes<sup>8</sup> Harbour freshwater management unit.
- 31 Accordingly, the FMUs are as set out in the map in **Appendix 2**. These FMUs are set out in Map Series 6 of the pSWLP (Part B – Maps).
- 32 I discuss below the approach taken by the Council with respect to the coastal extent of the FMUs.

#### *Coastal boundary*

- 33 The NPS-FM requires consideration of the connections between freshwater and the coastal environment. In particular, Objective C1 seeks “*to improve the integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment*”. The NPS-FM does not require coastal water to be included within FMUs.

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<sup>8</sup> Footnote added to clarify Toetoes is also known as Fortrose.

- 34 As detailed in the updated Evaluation Report: Proposed Southland Water and Land Plan (the Initial Planning Statement) the Southland region contains a range of estuaries, coastal lagoons and wetlands which are connected to the region's freshwater systems. Estuaries are located at the bottom of Southland's large rivers and are some of Southland's more sensitive receiving environments.<sup>9</sup> As such, the coastal extent of FMU boundaries was an important consideration during the development of Southland's FMUs.
- 35 Options considered were primarily whether the boundary of the FMUs should be located at the opening/mouth of the estuaries or further out in open coastal water to capture the plume that occurs from the discharge from the catchment system into the coastal waters.
- 36 Consideration was given to existing monitoring undertaken within the coastal environment, the integration of the NPS-FM and the New Zealand Coastal Policy Statement 2010, and implications for the catchment limit-setting process, including potential implementation costs and time. It was recommended, by Council staff myself included, and endorsed by Council, that the boundary of Southland's FMUs be located at the mouth of the estuaries, with regard given to the wider coastal environment for the following reasons:
- (a) The approach recognises ki uta ki tai (mountains to the sea). Further, it enables the catchment limit setting process to consider the values of the coastal receiving environments and establish methods, if required, to manage adverse effects on these values in accordance with regional and national policy instruments;
  - (b) It enables an efficient and effective process, if a wider coastal extent was implemented there is potential for time delays to the FMU process and cost implications; and
  - (c) Regard will be given to the wider coastal environment through the utilisation of results of existing and future coastal monitoring programmes, which will enable consideration of plumes.
- 37 The FMUs therefore cover both terrestrial and coastal marine area. However, as detailed in its introduction, the pSWLP does not apply to

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<sup>9</sup> Environment Southland (2018). Section 32 Report (Updated Oct 2018 for Environment Court) Proposed Southland Water and Land Plan. Page 57.

the coastal marine area. The coastal marine area is managed under the Regional Coastal Plan for Southland 2013. As a result, the administrative planning boundaries Map Series 6 in the pSWLP shows the coastal marine area (including estuaries) component of each of the FMUs. This is shown on the map attached as **Appendix 2**, where the coastal marine area is coloured dark grey.

- 38 The inclusion of coastal receiving environments in Southland's FMUs means the intended outcomes for the coastal receiving environments (for example estuaries) can be considered during the Southland catchment limit setting process. Therefore, the Council, tangata whenua and the community can ensure any decisions made regarding the development of freshwater objectives and setting of freshwater limits and targets are consistent with the intended outcomes for the coastal receiving environments. Objectives and limits for water quality and quantity within the coastal marine area will need to be considered through coastal plan process.

#### *Waituna Lagoon*

- 39 The approach taken with respect to Waituna Lagoon was discussed throughout the process, including at initial staff discussions, and at both joint Council and Te Ao Marama Inc Workshops, and the Council Meeting on 12 November 2014.
- 40 The specific issue considered was whether Waituna Lagoon should be a standalone FMU or whether it should be incorporated into a larger FMU and if so, which larger FMU (i.e., Ōreti or Mataura) is more appropriate. Throughout these discussions an assessment of the risks and benefits of each approach was undertaken.
- 41 With respect to the Waituna Lagoon Catchment (refer to **Appendix 3**) being a stand-alone FMU, the following benefits were considered:
- (a) Greater recognition of the RAMSAR status of the Lagoon;
  - (b) The Waituna working group was already established;
  - (c) Good freshwater data knowledge of the Waituna catchment already exists; and

- (d) The process to establish freshwater objectives and limits for the Waituna Lagoon catchment would not be constrained by a wider FMU process.
- 42 A number of risks were also identified these were:
- (a) More resources and time required to run an additional process;
  - (b) The RAMSAR site would be split between different FMUs (Ōreti and Waituna);
  - (c) It would result in the different treatment of Waituna to other similar catchments; and
  - (d) It may have potential impacts on existing community relationships.
- 43 An assessment of the risks and benefits of the inclusion of the Waituna Lagoon Catchment as a 'sub-unit' within the Maitara–Toetoes Harbour FMU was also undertaken.
- 44 The following benefits were identified:
- (a) The groundwater connections between the Waituna Lagoon catchment and the Maitara FMU would be reflected;
  - (b) Reflection of existing community relationships (Gorge Road);
  - (c) It could provide for a more efficient and manageable limit-setting process; and
  - (d) Less risk to existing community relationships.
- 45 The risks identified for the inclusion of the Waituna Lagoon catchment in the Maitara FMU included:
- (a) The RAMSAR site would be split between FMUs (Ōreti and Maitara); and
  - (b) The biophysical data for Maitara catchment is not as advanced as for the Waituna Lagoon catchment and therefore there is the potential for the limit-setting process to be delayed by the larger limit-setting process.
- 46 As a result of the further discussion and assessment, staff including myself, recommended the Waituna Lagoon catchment be incorporated as a 'sub-unit' within the Maitara FMU, for the following reasons:

- (a) The opinion that the Waituna Lagoon catchment is more closely aligned with the Maitaura FMU than the Ōreti, from a community and geology perspective;
- (b) The approach would result in a more manageable and efficient process to implement the NPS-FM across the Southland region;
- (c) The “sub-unit” approach recognises the significance of Waituna Lagoon and enables, where required, the development of Waituna Lagoon-specific freshwater objectives and/or limits under Policy CA2 of the NPS-FM. However, it also recognises there may be similarities of values and or management across the larger Maitaura FMU that can be dealt with more efficiently at a larger FMU scale. Any differences and similarities will become evident through the catchment limit setting process as values are identified; and
- (d) The approach treats the Waituna Lagoon catchment the same as other similar smaller catchments (for example Lake Brunton which is also an Intermittently Closed and Opened Lagoon and within the Maitaura FMU).

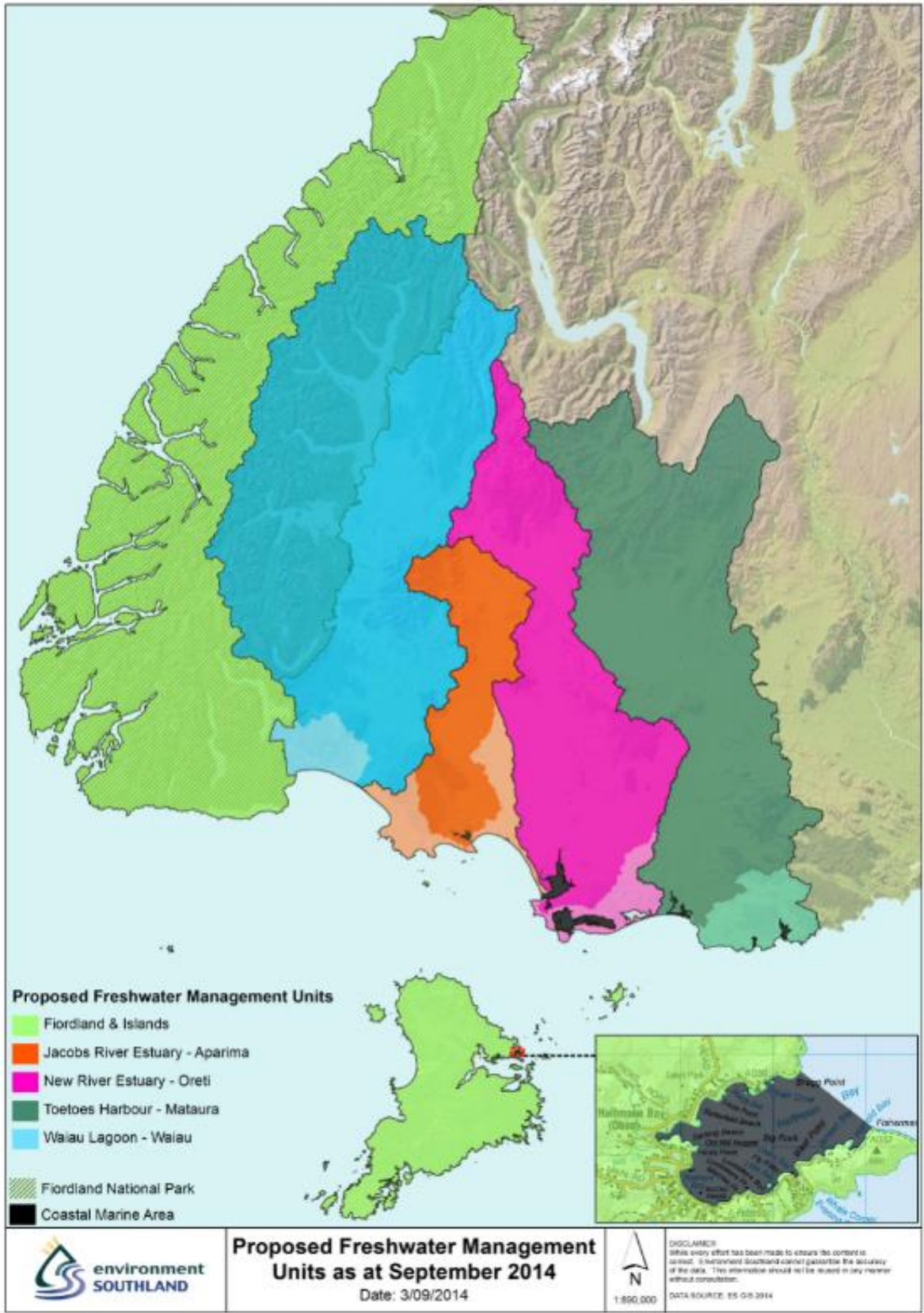
**DATED** this 14<sup>th</sup> day of December 2018



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**Rebecca Robertson**

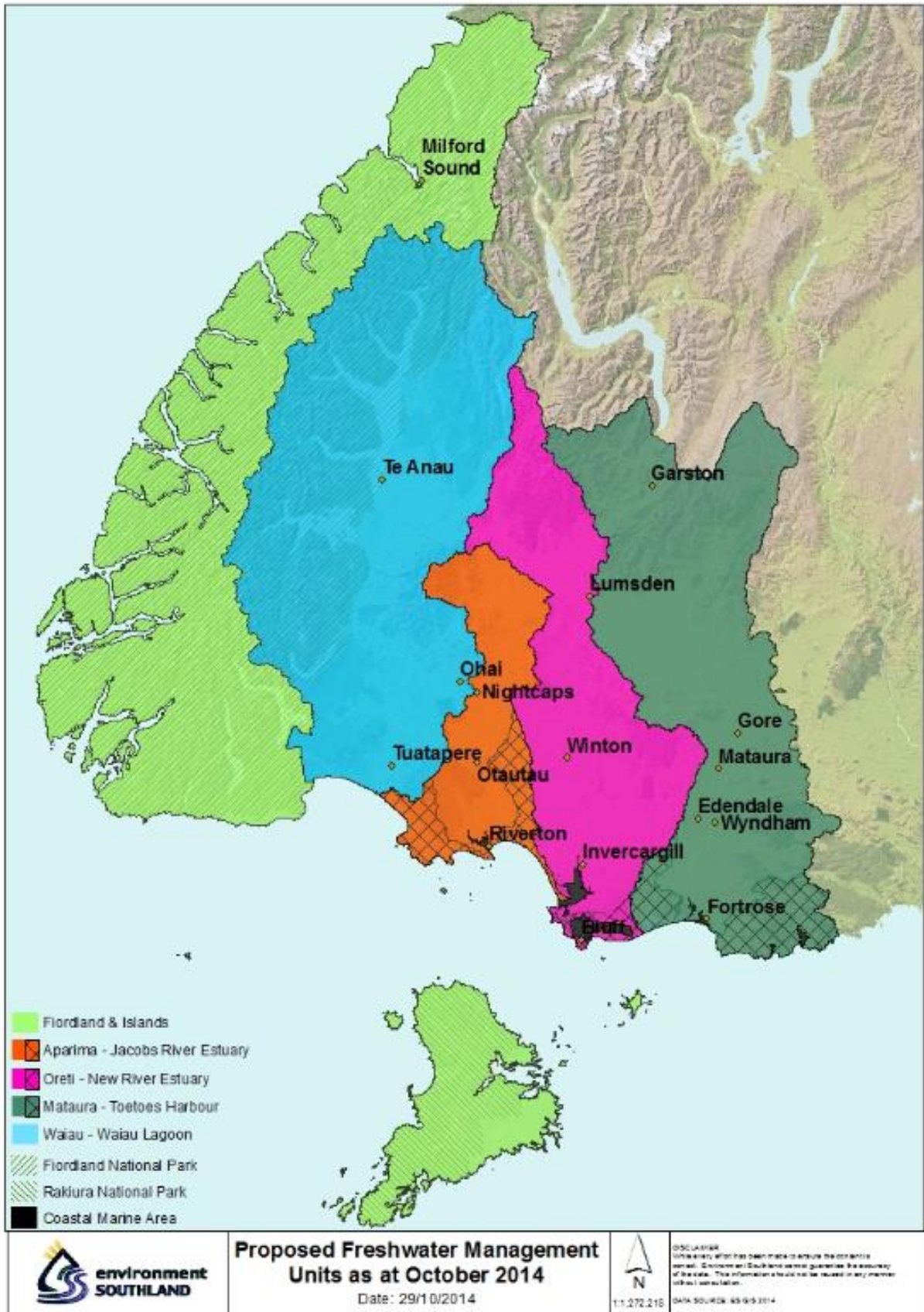
### Appendix 1

## Map of Proposed FMUs proposed by staff at the 16 September 2014 workshop



Appendix 2

Map showing FMUs approved by Council at its meeting on 12 November 2014



### Appendix 3 Map of the Waituna Lagoon catchment

