

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**ENV-2009-CHC-175,  
181,183,184,187,  
190,191,192,193**

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

**AND**

**IN THE MATTER** appeals pursuant to clause 14 of  
Schedule 1 to the Act

**BETWEEN**

**HIGH COUNTRY ROSEHIP  
ORCHARDS LIMITED AND  
MACKENZIE LIFESTYLE  
LIMITED and others**  
Appellant

**AND**

**MACKENZIE DISTRICT  
COUNCIL**

Respondent

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**REBUTTAL STATEMENT OF TANYA JANE STEVENS ON BEHALF OF TE RŪNANGA O  
NGĀI TAHU, AND TE RŪNANGA O AROWHENUA**

**7 October 2016**

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## 1. INTRODUCTION

1.1 My full name is Tanya Jane Stevens. My experience and qualifications are set out in my evidence in chief dated 9 September 2016.

1.2 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

## 2. SCOPE

2.1 My rebuttal evidence is provided in response to the evidence filed by the following parties:

- (a) Matthew McCallum-Clark on behalf of the Canterbury Regional Council dated 9 September 2016; and
- (b) Lynda Murchison on behalf of Federated Farmers dated 9 September 2016.

## 3. Evidence of Matthew McCallum-Clark

3.1 I am in general agreement with the evidence of Mr McCallum-Clark. However, in the interests of completeness I do wish to refer to the points made in my evidence in chief dated 9 September. At paragraphs 4.9 to 4.11 of my evidence in chief I discuss the relevant parts of the Canterbury Regional Policy Statement (**CRPS**) in detail with regard to the consideration of Ngāi Tahu values and interests in the context of an Outstanding Natural Landscape.<sup>1</sup> I do not repeat the assessment contained within my evidence in chief, but I note that this assessment is absent from the evidence of Mr McCallum-Clark.

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1 Evidence in chief of Tanya Stevens, dated 9 September, paragraphs 4.9 – 4.11.

#### 4. Evidence of Lynda Murchison

##### *Objective 3B(3)*

- 4.1 At para 4.7 of Ms Murchison's evidence in chief she notes the absence of the recognition of the relationship between Ngāi Tahu and the Mackenzie Basin/Te Manahuna in both Plan Change 13 and the section 293 Report. In response to this Ms Murchison proposes an amendment to Objective 3B(3) which reads:

*To recognise and provide for the relationship of Ngāi Tahu with their ancestral lands, waters, sites, wāhi tapu and other taonga in the Mackenzie Basin.*

- 4.2 The proposed amendment is similar to the amendments proposed in my evidence to Objective 3B(1) which reads:

(1) *Subject to (2)(a), to protect and enhance the outstanding natural landscape of the Mackenzie Basin Subzone in particular the following characteristics and/or values:*

- (a) *the openness and vastness of the landscape;*
- (b) *the tussock grasslands;*
- (c) *the lack of houses and other structures;*
- (d) *residential development limited to small areas in clusters;*
- (e) *the form of the mountains, hills and moraines, encircling and/or located in, the Mackenzie Basin;*
- (f) *undeveloped lakesides and State Highway 8 roadside;*
- (g) ***the relationship of Ngāi Tahu with their ancestral lands, waters, wāhi tapu and taonga.***

- 4.3 I consider that it is important to state that the relationship of Ngāi Tahu is one of the values to be protected within the Basin, and this is achieved through my proposed amendment to 3B(1) as set out above. Without this, it will make it difficult to assess resource consent applications and to understand what may or may not be inappropriate subdivision and development.

- 4.4 I note that Objective 3B(3) is about what can be enabled within the Basin. Consistent with my evidence in chief, part of the relationship between Ngāi Tahu and Te Manahuna is the ability to foster and express that relationship. I consider that Ms Murchison's proposed amendments correctly acknowledge and provide for this relationship.

**4.5** I consider that the amendment proposed by Ms Murchison works together with my proposed amendment to ensure that the relationship between Ngāi Tahu and Te Manahuna is both recognised as a value within the Outstanding Natural Landscape, and also that that the expression of that relationship is provided for at an objective level more explicitly than in my evidence in chief. The amendments of Ms Murchison are consistent with my proposed amendments to policies and rules.

*Integrated Farm Management Plans*

**4.6** Ms Murchison proposes the introduction of an Integrated Farm Management Plan.<sup>2</sup> She acknowledges that there may be issues of scope in relation to this proposal, but in any event I wish to comment briefly on the proposed approach.

**4.7** Ms Murchison proposes a new policy 3B15, and amendments to rules which result in various activities requiring restricted discretionary or discretionary consent, rather than non-complying activity consent, if the activity has been approved by an Integrated Farm Management Plan.

**4.8** The approach provides for the comprehensive assessment of activities on a particular farm, which in many cases in this area, could be substantial in size. In principle, a consenting pathway to enable the comprehensive assessment of the effects of farm activities on the environment does have merit from my perspective. However, I consider that such an application should be notified to Te Rūnanga o Ngāi Tahu and Te Rūnanga o Arowhenua and the proposal should provide for any sites or areas of significance to manawhenua, including wāhi tapu or wāhi taonga.

**4.9** As part of the Integrated Farm Management Plan pathway, Ms Murchison proposes amendments to Rule 3.1.1.h Lakeside Protection Area, and Rules 3.4.4 and 3.4.5 Non Complying activities - buildings. As set out in my evidence in chief<sup>3</sup> the retention of Lakeside protection areas was informed by the Mackenzie Basin Proposed Plan Change 13 – Cultural Impact Assessment dated May 2008. Buildings outside Farm Base Areas within Lakeside Protection Areas are non-complying activities under rules 3.4.4 and 3.4.5. The amendment proposed by Ms Murchison to Rule 3.1.1.h and Rule

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<sup>2</sup> Evidence in chief of Lynda Murchison, dated 9 September 2016, section 9.

<sup>3</sup> Evidence in chief of Tanya Stevens, dated 9 September 2016, paragraph 5.10.

3.4.4 as I understand it, would require a discretionary activity consent for development approved in an Integrated Farm Management Plan within Lakeside Protection Areas. In light of the values and recognition associated with the Lakes<sup>4</sup> and the role of the Lakeside Protection Areas in assisting to maintain and protect those values, I am of the view the a non-complying activity status is the most appropriate within the Lakeside Protection areas. For the same reasons, I do not consider that the Integrated Management Plan pathway is appropriate in this instance.



**Tanya Jane Stevens**

7 October 2016

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4 See evidence in chief of Mandy Waaka-Home, section 8 and evidence in chief of Tanya Stevens, paragraphs 4.4-4.7, 4.10, 4.12, 4.14-4.15, 5.8, 5.10, 5.37-5.39.