

**BEFORE THE INDEPENDENT COMMISSIONERS**

**UNDER** the Resource Management Act  
1991

**AND**

**IN THE MATTER** of the proposed Canterbury  
Land and Water Regional Plan

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**SUPPLEMENTARY EVIDENCE OF PHILIPPA ALISON LYNCH  
ON BEHALF OF NGĀ RŪNANGA OF CANTERBURY, TE RŪNANGA O NGĀI  
TAHU AND NGĀI TAHU PROPERTY LIMITED**

**4 April 2013**

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## 1. INTRODUCTION

- 1.1 My name is Philippa Alison Lynch.
- 1.2 I hold the position, qualifications and experience outlined in paragraphs 1.2 to 1.4 of my evidence in chief dated 4 February 2013.
- 1.3 I have prepared this supplementary evidence in response to questions asked by the Hearing Commissioners in relation to my evidence in chief that was presented as part of Ngāi Tahu's case in Hearing Group 1.
- 1.4 I am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note (2011) and have complied with it in preparing this supplementary evidence.
- 1.5 I have been asked to provide a definition for the following terms:
  - a. 'site of cultural significance'; and
  - b. 'inanga spawning site'.
- 1.6 I was also asked a question about the legality of conditioning permitted activity rules based on obtaining written approvals. This matter is dealt in the submissions in reply by counsel for Ngāi Tahu. I have identified in this supplementary statement an example of where this approach has been taken by the Regional Council elsewhere, which was one of the reasons I considered that a similar approach would be appropriate for this matter.

## 2. SITE OF CULTURAL SIGNIFICANCE

- 2.1 Having considered this matter, I propose the following definition for a 'site of cultural significance':

Site of cultural significance means a site listed as a heritage or cultural site or a silent file area (or wording to this effect) in any relevant Regional Plan, District Plan or Ngāi Tahu Iwi Management Plan.

### 3. **INANGA SPAWNING SITE**

- 3.1 Having taken technical advice, I propose the following definition of 'inanga spawning site' to replace the reference to the list in Schedule 17:

Inanga spawning site means any site within 1000 metres of the upstream extent of tidal influence in a river or wetland, or any site within a waterway which is within 1000 metres of a lake, estuary or hāpua (coastal lagoon). Tidal influence means the extent of a river or wetland which shows some level of response to the daily oscillation of the tides. This includes areas affected by the backing-up of freshwater as well as those inundated by brackish or saline water.

### 4. **PERMITTED ACTIVITIES – WRITTEN APPROVAL**

- 4.1 Te Rūnanga's submission at point 15 – Ngāi Tahu Values in Rules (page 20 of the submission as lodged) raises a concern about the processing of certain consents on a non-notified basis. It is questioned how the consent authority is able to make an informed assessment of the effect on Ngāi Tahu values without any input from Ngāi Tahu on the application.
- 4.2 In my evidence in chief (at para 2.12), I proposed two alternatives for dealing with activities that affect culturally sensitive sites. One option I proposed was to impose a condition by which the activity is permitted if the applicant has the written approval of the appropriate Papatipu Rūnanga.
- 4.3 In reaching this view, I considered whether a similar approach was adopted in other rules in the pLWRP. Rule 5.126, page 5-29 of the pLWRP deals with gravel extraction. The rule provides for permitted activity status, provided that it is undertaken either by the Regional Council or by persons acting under written authority from the Regional Council. I interpret the last part of that condition as being similar to the condition proposed by Ngāi Tahu, in that it required documentary evidence of authority (approval) from another party than the person wishing to undertake an activity pursuant to that rule.

- 4.4 If the Commissioners decide that such an approach is not appropriate, a further option to consider would be to impose controlled activity status with a condition to this effect. Another option which is less favoured by Ngāi Tahu would be to require a condition in the rules that prevents the activity from occurring as a permitted activity if the site is a culturally significant site and then to insert the definition proposed in paragraph 2.1 into the pLWRP to provide certainty around what a site of cultural significance is.



**Philippa Lynch**

**4 April 2013**