

BEFORE THE INDEPENDENT COMMISSIONERS

UNDER the Resource Management Act
1991

AND

IN THE MATTER of the proposed Canterbury
Land and Water Plan

**SUPPLEMENTARY EVIDENCE OF TE MARINO LENIHAN
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 Te Marino Lenihan.
- 1.2 I hold the position, qualifications and experience outlined in paragraphs 1.2 and 1.3 of my evidence in chief.
- 1.3 I have prepared this supplementary evidence in response to questions asked by the Hearing Commissioners in relation to the issue of discharge of contaminants to water.

2. DISCHARGE OF CONTAMINANTS TO WATER

- 2.1 In response to questions asked by the Hearing Commissioners, I stated clearly that Ngāi Tahu are opposed to the direct or indirect discharge of contaminants to water as a matter of first principle.
- 2.2 In addition, I also stated that it is my understanding and belief that Ngāi Tahu are also necessarily practical in respect of how best to respond to such issues.
- 2.3 I have prepared this supplementary evidence in order to clarify and give further context to my response in order to avoid any potential misunderstanding that Ngāi Tahu's wish to be practical in respect of such issues therefore means that Ngāi Tahu is relaxed about the discharge of contaminants to water. This is not the case.

3. MATTERS OF FIRST PRINCIPLE

- 3.1 As a matter of first principle, Ngāi Tahu clearly opposes the direct or indirect discharge of contaminants into water. As stated in my evidence in chief, "contaminated water contaminates life in that water (e.g. mahinga kai species), as well as those who may drink that water, whether by accident (e.g. while swimming) or by design (e.g. via domestic water supply)." This position is supported by the following tribal policies.
- 3.2 "Te Whakatau Kaupapa: Ngāi Tahu Resource Management Strategy for the Canterbury Region" (1990) states:

- a. That no discharge into any water body should be permitted if it will result in contamination of the receiving water. (General Water Policy 1, page 4-20);
 - b. That the Canterbury Regional Council should actively encourage the disposal of effluent onto land rather than into water, provided that the groundwater is not polluted in the process. (General Water Policy 4, page 4-20);
 - c. That when water rights to discharge effluent come up for renewal, investigations should be undertaken to determine if more modern technology would permit an improvement in the quality of any discharge. (General Water Policy 6, page 4-20); and
 - d. That agricultural and chemical spraying be prohibited in any case where the effects of such spraying will be to degrade the quality of any water body or affect the flora and fauna in the immediate vicinity of such water bodies. (General Water Policy 14, page 4-21).
- 3.3 Te Whakatau Kaupapa has, since the preparation of my evidence in chief, been succeeded by the “Mahaanui Iwi Management Plan”, which came into force on March 1, 2013. With respect to discharges, the Mahaanui IMP sets out the following policies:
- a. To continue to oppose the discharge of contaminants to water, and to land where contaminants may enter water. (Policy 6.8, page 81);
 - b. To require that local authorities work to eliminate existing discharges of contaminants to waterways, wetlands and springs in the takiwā, including treated sewage, stormwater and industrial waste, as a matter of priority. (Policy 6.9, page 81);
 - c. To require that regional council classify the following discharge activities as prohibited due to significant effects on water quality: (Policy 6.10, page 81);
 - i. Activities that may result in the discharge of sewage (treated or untreated), stormwater, industrial waste,

animal effluent or other contaminants to water, or onto land where contaminants may enter water; and

- ii. Stock access to waterways and water bodies (including drains and stock races), regardless of the size of the waterway and type of stock.
- d. Consented discharge to land activities must be subject to appropriate consent conditions to protect ground and surface water, including but not limited to: (Policy 6.11, page 81)
- i. Application rates that avoid over saturation and nutrient loading;
 - ii. Set-backs or buffers from waterways, wetlands and springs;
 - iii. Use of native plant species to absorb and filter contaminants; including riparian and wetland establishment and the use of planted swales; and
 - iv. Monitoring requirements to enable assessment of the effects of the activity.

3.4 Te Rūnanga o Ngāi Tahu's Freshwater Policy states:

- a. Point Source Discharges.
- b. Councils should prohibit the direct discharge of contaminants, particularly human effluent, to waterways. Discharges to land should be encouraged. (Policy 31, page 37)

4. **PREFERENCE FOR PRACTICAL SOLUTIONS**

4.1 While any discharge of contaminants to water is clearly offensive to core Ngāi Tahu values and contrary to established Ngāi Tahu policies, I do acknowledge (a) that it will not be possible to prevent on-going discharges to waterways 'overnight', and (b) that there is a need to be practical in terms of finding solutions and prioritising actions.

5. AMENDMENTS TO MIXING OF WATERS POLICY

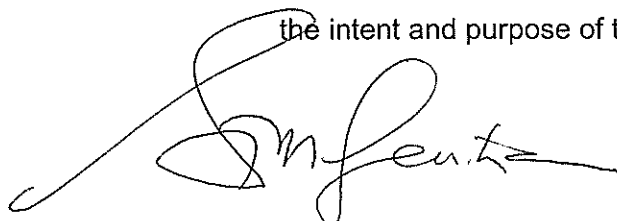
- 5.1 There were also questions raised during the hearing regarding the policy requested by Ngāi Tahu regarding the mixing of waters in relation to the use of the term "whakapapa". Ngāi Tahu planners and I have prepared following amended wording for the policy.

The transfer of water from one catchment or water body to another, either directly or through the discharge of water onto land where it may enter water:

(a) Will be undertaken in locations and ways which are acceptable to Ngāi Tahu considering any potential effects of transferring or mixing waters on Ngāi Tahu cultural values including any traditional uses of the water bodies; the origins of the water source; the natural character the catchment and its associated ecosystems; and, the effectiveness of any mitigation measures;

(b) (...)

- 5.2 I have relied on the advice of the planning experts in reviewing the proposed amendments and, based on my understanding of the values of concern to Ngāi Tahu, I am comfortable that they capture and clarify the intent and purpose of the original draft.



Te Marino Lenihan

4 April 2013