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**BRIEF OF SUPPLEMENTARY EVIDENCE OF FELICITY ANN BOYD  
LF – LAND AND FRESHWATER (LF-WAI-P3)**

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**Qualifications and Experience**

- 1 My qualifications and experience are set out in paragraphs 13 to 15 of my section 42A report titled *Chapter 9: LF – Land and Freshwater* and dated 4 May 2022.

**Code of Conduct**

- 2 I have read and agree to comply with the Environment Court’s Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2014. I have complied with the Code in preparing my evidence. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are 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.

**Scope of Evidence**

- 3 This supplementary statement of evidence addresses an unintentional omission from my first statement of supplementary evidence.<sup>1</sup> In paragraph 5.1 of that statement I reference an amendment to LF-WAI-P3(6) and in the accompanying version of the Proposed Otago Regional Policy Statement 2021 (pORPS)<sup>2</sup> I recommend the following amendment:

**LF-WAI-P3 – Integrated management/ki uta ki tai**

Manage the use of *freshwater* and *land*, in accordance with tikanga and kawa, using an integrated approach that:

...

- (6) has regard to foreseeable *climate change* risks and the potential effects of climate change on water bodies, including on their natural functioning,<sup>3</sup> and

...

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<sup>1</sup> Brief of Supplementary Evidence of Felicity Ann Boyd, LF – Land and Freshwater. 11 October 2022.

<sup>2</sup> Available on the Council’s website at <https://www.orc.govt.nz/media/13073/porps-supplementary-evidence-version-se-1-and-2.pdf>

<sup>3</sup> 00226.161 Kāi Tahu ki Otago, 00234.027 Te Rūnanga o Ngāi Tahu

- 4 However, my statement unintentionally omitted the supporting analysis and recommendations regarding this change. This supplementary statement of evidence provides that reasoning.

#### **Amendment to LF-WAI-P3(6)**

- 5 In paragraph 232 of my section 42A report, I recommended accepting in part the submissions by Kāi Tahu ki Otago and Te Rūnanga o Ngāi Tahu seeking to include amendments recognising the potential effects of climate change on the natural functions of water bodies.<sup>4</sup> Both submissions are supported in a further submission by Ngāi Tahu ki Murihiku.<sup>5</sup>
- 6 While I accepted the need to consider future changes resulting from climate change, I considered that the reference to “natural functioning” could introduce ambiguity into the clause as many water bodies in Otago are highly modified and ‘natural functioning’ may be difficult to determine. Therefore, my recommendation was to accept the submissions, excluding the “natural functioning” component. The provision as I recommended it to be amended is set out in paragraph 251 of my section 42A report.
- 7 I continue to consider that there are difficulties with referring to the natural functioning of water bodies in the way sought by Kāi Tahu ki Otago and Te Rūnanga o Ngāi Tahu in their original submissions. However, following discussion at the pre-hearing meeting, I accept that some of the potential effects of climate change on water bodies will also be effects on their natural functioning and therefore it is appropriate to reference these in an inclusive but non-exhaustive way.
- 8 My recommendation remains to accept the submissions in part, however I now recommend an additional amendment as follows:

#### **LF-WAI-P3 – Integrated management/ki uta ki tai**

Manage the use of *freshwater* and *land*, in accordance with tikanga and kawa, using an integrated approach that:

...

- (6) has regard to foreseeable *climate change* risks and the potential effects of climate change on water bodies, including on their natural functioning,<sup>6</sup> and

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<sup>4</sup> 00226.161 Kāi Tahu ki Otago, 00234.027 Te Rūnanga o Ngāi Tahu

<sup>5</sup> FS00223.065 Ngāi Tahu ki Murihiku, FS00223.165 Ngāi Tahu ki Murihiku

<sup>6</sup> 00226.161 Kāi Tahu ki Otago, 00234.027 Te Rūnanga o Ngāi Tahu

...

*Section 32AA evaluation*

- 9 Clause (6) as I recommended it be amended in my section 42A report included reference to the potential effects of climate change on water bodies. The additional amendment I now recommend seeks to highlight one of those effects. This does not change the scope of the clause or its application and is primarily an amendment for clarity. For these reasons, I do not consider a further evaluation under section 32AA is necessary.

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Felicity Ann Boyd

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21 October 2022