

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of submissions on Proposed Change 1 to the
Regional Policy Statement for the Wellington
Region under Part 4 of Schedule 1 of the Act

AND

IN THE MATTER The report pursuant to Section 42A of the Act on
behalf of Wellington Regional Council for
Hearing Stream 1 on Proposed Change 1

BETWEEN

WELLINGTON REGIONAL COUNCIL

WAIRARAPA FEDERATED FARMERS

**STATEMENT OF EVIDENCE OF PETER MATICH ON BEHALF OF WAIRARAPA
FEDERATED FARMERS**

(PLANNING)

13 June 2023

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Contents

1. Introduction	3
2. Scope of evidence	3
3. Synopsis of Wairarapa Federated Farmers concerns with RPS PC1	4
4. Council Planner’s recommendations on Wairarapa Federated Farmers submission	4
National direction on indigenous biodiversity	4
Definitions of Metropolitan Centre Zone, Relevant Residential Zone, Rural areas and Tier 1 Urban Environments	5
Definitions of Domestic fires, Regional form, and Small scale (in relation to electricity generation)	6
Allocation of provisions between Freshwater Plan and normal Schedule 1 processes	7
The Scope of RPS PC1.....	8

1. Introduction

- 1.1 My name is Peter Match. I am a planner for Wairarapa Federated Farmers ('WFF').
- 1.2 I hold a Bachelor of Planning Degree and a Bachelor of Arts Degree from the University of Auckland and a Master of Environmental Studies Degree from Victoria University. I have 32 years' experience in resource management planning in New Zealand in a variety of public and private sector roles, including a range of work on rural and farming issues. I am a Member of the New Zealand Planning Institute.
- 1.3 I have read, and am familiar with, the Environment Court's Practice Note 2023 for expert witnesses. Other than where I state that I am relying on the evidence of another person or publication, 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.

2. Scope of evidence

- 2.1 I address the report of Sarah Jenkin. ('the reporting Planner') that has been prepared under Section 42A ('Section 42A report') of the Resource Management Act 1991 ('the Act') on behalf of Wellington Regional Council for this topic.¹
- 2.2 I focus on aspects of the reporting Planner's recommendations where our opinions differ. Any omission to specifically respond to matters contained in the report should not be interpreted as agreement with that matter. My response to the report is set forth below under the topic sections to which the report relates.
- 2.3 I have read the following documents:
- Section 42A Hearing Report Hearing Stream 1 by Sarah Jenkin (and appendices) dated 26 May 2023²
 - RPS PC1 and accompanying reports and memoranda submitted under Section 32 of the Act.
 - The National Coastal Policy Statement 2010.
 - The National Policy Statement for Freshwater Management 2020.
 - The National Policy Statement for Urban Development 2020.
 - The National Policy Statement for Renewable Electricity Generation 2011.
 - The National Policy Statement on Electricity Transmission 2008.
 - The National Planning Standards 2019.
 - The Greater Wellington Proposed Natural Resources Plan.
 - The National Emissions Reduction Plan 2022³ ('ERP').


¹ <https://www.gw.govt.nz/assets/Documents/2023/05/RPS-Change-1-Section-42A-Report-General-Submissions-FINAL.pdf> accessed 31 May 2023

² *ibid.*

³ *Te hau mārohi ki anamata: Towards a productive, sustainable and inclusive economy* AOTEAROA NEW ZEALAND'S FIRST EMISSIONS REDUCTION PLAN. May 2022. <https://environment.govt.nz/assets/publications/Aotearoa-New-Zealands-first-emissions-reduction-plan.pdf>

- The National Adaptation Plan 2022⁴ ('NAP').
- Wairarapa Federated Farmers Submission on RPS PC1

3. Synopsis of Wairarapa Federated Farmers concerns with RPS PC1

- 3.1 Wairarapa Federated Farmers lodged a submission pursuant to Schedule 1 of the Act.
- 3.2 Wairarapa Federated Farmers are concerned that labelling of various provisions with the moniker FW, will mean that some provisions that should not be considered under the Freshwater Planning Process in Schedule 1 Part 4 of the Act ('FPP'), risk not being properly scrutinised.
- 3.3 In regard to provisions in RPC PC1 relating to climate change, Wairarapa Federated Farmers are further concerned that these were notified in advance of intended Government direction on Climate Change, and so may be somewhat superfluous and lacking in rigorous analysis.
- 3.4 In regard to biodiversity protection, Wairarapa Federated Farmers' concern with the provisions in RPS PC1 relates to the fact that the Government has yet to formalise any national policy statement or environmental standard on this topic and may lack consideration of important matters addressed in national direction.
- 3.5 These concerns have implications for which provisions get assigned to the FPP, which I address in my evidence.

4. Council Planner's recommendations on Wairarapa Federated Farmers submission

National direction on indigenous biodiversity

- 4.1 Having reviewed paragraphs 31-42 inclusive of the s42A Report concerning relevant national direction, it appears that the reporting Planner is asserting (by way of paragraphs 31 and 39 of the s42A Report) that the Exposure Draft NPSIB, which was released in June 2022, should be included in the relevant matters. I disagree with this. At the time of preparing this statement of evidence, neither the Exposure Draft NPSIB, nor any derivative form of this, had been published in the Gazette. As such, I would not place much weight on the Exposure Draft NPSIB.
- 4.2 At such future time as a national policy statement on this topic is forthcoming, there may be more clarity on matters such as targets for revegetation or the types of values to prioritise for indigenous biodiversity. In the absence of that, more care should be taken with regional policy settings, lest these result in over-ambitious directives about regional afforestation, or prioritising specific values to the detriment of others. In this

⁴ *Urutau, ka taurikura: Kia tū pakari a Aotearoa i ngā huringa āhuarangi Adapt and thrive: Building a climate-resilient New Zealand* AOTEAROA NEW ZEALAND'S FIRST NATIONAL ADAPTATION PLAN. August 2022. <https://environment.govt.nz/assets/publications/climate-change/MFE-AoG-20664-GF-National-Adaptation-Plan-2022-WEB.pdf>

regard, care needs to be taken with slotting RPS provisions into the FPP if they include an aspect relating to indigenous biodiversity.

Definitions of Metropolitan Centre Zone, Relevant Residential Zone, Rural areas and Tier 1 Urban Environments

- 4.3 Having reviewed the Reporting Planners' report and recommendation for definitions on Metropolitan Centre Zone, Relevant Residential Zone, Rural areas, Tier 1 Urban Environment, and Urban Environment in paragraphs 60-69 of the s42A report., I note the following:
- The definition of *Metropolitan centre zone* has the same meaning as Standard 8 of the National Planning Standards. Therefore, I agree with the reporting Planner that this definition should be used as directed by Mandatory Directions in Standard 14 of the National Planning Standards.
 - The definition of *Relevant Residential Zone* has the same meaning as in Section 2 of the Act
 - The definition of *Tier 1 Urban Environment* has the same meaning as in subpart 1.4 of the NPSUD, with an added interpretation note that "*In the Greater Wellington Region this is Wellington City Council, Hutt City Council, Upper Hutt City Council, Porirua City Council and Kapiti Coastal District Council.*"
 - The definition of *Urban Environment* has the same meaning as in subpart 1.4 of the NPSUD
- 4.4 I somewhat disagree with the reporting Planner's assertions at paragraphs 66, 68 and 69 of the S42A Report, concerning the need for the RPS PC1 to repeat definitions which are in the Act or in the NPSUD. I cannot see any need to repeat legislative definitions in policy statements and plans unless legislation requires it.
- 4.5 With respect to the reporting Planner's recommendation at paragraph 67 on the proposed definition of *Rural Areas*, I note that the phrase 'The region's rural areas include rural zones identified in...' ⁵ means the definition is not exhaustive. This may result in unnecessary argument/litigation around plan implementation in situations where regional and district plans are being prepared and/or implemented, where users and the relevant consent authority may lack sufficient clarity or certainty about what other zones or areas might be also included in rural areas.
- 4.6 If the combined Hearing Panels are of a mind to consider that this definition is important to keep in RPS PC1, I recommend replacing the word 'include' with the words 'consist of'. Otherwise, I consider the definition should be deleted because the term 'rural areas' is somewhat vague and is more appropriately used as a colloquial phrase contextually within a policy, rather than as a definition in itself.

⁵ Underline emphasis is mine.

Definitions of Domestic fires, Regional form, and Small scale (in relation to electricity generation)

- 4.7 In respect of the definition of *Domestic fires*, the Reporting Planner has recommended rejection of Wairarapa Federated Farmers' requested relief to delete the definition, signalling rejection of the related relief sought with respect to deletion of the climate change provisions in RPS PC1⁶.
- 4.8 The Reporting Planner does not address any specific issue related to Wairarapa Federated Farmers' relief sought on this definition. Whereas the submission raises a question about why domestic fires are being singled out for elimination of coal burning, when the use of coal burning for other than domestic fires does not appear to be targeted, and the definition forms an intrinsic part of this curtailment. In my opinion, the definition, and the related Policy 2, create an inconsistency in the regional policy framework for regulating coal burning, which may undermine, or create confusion in, the implementation of the policy.
- 4.9 I suggest the combined Hearing Panel may consider deferring any decision on this definition until the question of the appropriateness of the policy framework for climate change is considered.
- 4.10 I note that the Reporting Planner has endorsed support for deletion of the definition of *Regional form*⁷ and I agree with that recommendation.
- 4.11 The Reporting Planner has recommended rejecting Wairarapa Federated Farmers' submission on the definition of *Small scale (in relation to electricity generation)*⁸. I note that the submission on this point stems from the request to delete the Climate Change Chapter, whereas there isn't any specific reference to this definition (or related Policy 11) in the submission. Having regard to the direction on small and community scale renewable electricity generation in Objective E of the *National Policy Statement for Renewable Electricity Generation 2011*, I somewhat agree with the Reporting Planner's recommendation to dismiss the submitter's relief sought on this specific definition (and on Policy 11).
- 4.12 In this regard, if the Hearing Panel is of a mind to reject the related Climate Change Objective, they may wish to consider retaining this policy and associated definition and Methods 1 and 10 in the RPS. However, if this were to be the outcome, it may be appropriate to include a modified overarching objective that is more generally aimed at supporting appropriate forms of renewable electricity generation without specifying targets. This could be separate from any objective or policy aimed at regional interpretation of target-setting under the ERP and NAP (assuming that would be within the scope of submissions and further submissions).

⁶ Op cit. Para 87 S42A hearing report.

⁷ Op cit. Para 88. S42A hearing report.

⁸ Op cit. Para 89. S42A hearing report.

Allocation of provisions between Freshwater Plan and normal Schedule 1 processes

- 4.13 In respect of the issue of RPS PC1 provisions identified with the **≈FW** moniker as needing consideration under the Freshwater Planning Process ('FPP'), and which provisions are not, the reporting Planner has summarised this issue as "*concern about the reduced appeal rights.*"⁹
- 4.14 While reduced appeal rights are of concern, from a planning perspective I also have concerns with the fitness for purpose of provisions that have been identified with the **≈FW** moniker as needing consideration under the FPP. Some provisions are plainly about matters other than solely freshwater management. To include these in the FPP would be at odds with the intent of expediting freshwater provisions through the FPP, and risk capturing other matters without recourse to further appropriate scrutiny. I return to this in subsequent paragraphs of my evidence.
- 4.15 The reporting Planner has referred to the assessment in Table E-3 of the Council's section 32 report for the RPS PC1¹⁰ and reliance on the High Court decision *Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated* [2022] NZHC 1777 as the basis for recommending rejection of the submissions on this matter.
- 4.16 I have reviewed the assessment in Table E-3 in the Council's s32 assessment. This table identifies each provision of RPC PC1 and provides a brief summary assessment 'justification' for each. This has resulted in 174 provisions identified as needing consideration under the FPP, 76 provisions under the P1S1 process, with two provisions that could be either or both processes.
- 4.17 In my opinion, many of the 174 provisions identified for the FPP address more than simply the maintenance and enhancement of water quality and quantity. In several instances, provisions address a range of concerns relating to indigenous biodiversity, urban development and climate change (alongside freshwater management). The range of provisions include aspects that are more directive and plainly fit within the ambit of the NPSFM and the FPP, and other aspects that are somewhat aspirational and are not imperative for maintenance and enhancement of water quality or quantity. This range of provisions stem from multiple legislative requirements and planning instruments that include, but are not solely based upon, the NPSFM (for example, the NPSUD). Many of these provisions are therefore applicable beyond the freshwater context.
- 4.18 In my opinion, the reporting Planner has omitted an important planning consideration, namely, how the various RPS provisions being considered under different processes are supposed to be developed into an integrated resource management policy framework. In following different processes, some provisions in one process might get altered in ways that don't align with provisions being developed in the other process. I note that plan integration is a topic for Hearing Stream 2. Nevertheless, the choice of

⁹ Op cit. Para 100. S42A hearing report.

¹⁰ <https://www.gw.govt.nz/assets/Documents/2022/08/RPS-Change-1-Section-32-Report-August-2022.pdf> Pp 390 to 407. Accessed 31 May 2023

Schedule 1 process is being considered in Hearing Stream 1, and the two matters, i.e., plan integration and choice of plan-making process, are proverbial 'flip sides of the same coin'.

- 4.19 The authors of the Council's section 32 report did acknowledge the issue of plan integration and they suggest that the risk of omitting important linkages that may occur from misplacing provisions in the wrong process can be mitigated through overlapping membership of the hearing panels¹¹. With respect, I have concerns with reliance on a combined Hearing Panel to mitigate the risks of misalignment of provisions following different Schedule 1 processes. I think more of an effort could have been made in drafting the RPS to facilitate the assignment of provisions to the respective Schedule 1 processes to save the Hearing Panel from this headache.
- 4.20 The section 32 report threshold for including a provision in the FPP is if each provision directly relates to matters impacting freshwater quality or quantity. Yet the findings in Table E-3 in the Council's section 32 assessment appears to extend this 'direct relationship' to objectives and policies that are less directive and more aspirational relating to improved freshwater management. This includes aspirations about benefits that might be obtained from giving effect to Mana whenua / tangata whenua values relating to indigenous biodiversity, particularly taonga species, and the important relationship between indigenous ecosystem health and well-being. While there may be benefits relating to freshwater quality, that is as a consequence of pursuing some other goal. In my opinion, the relationship between such policies and freshwater management and outcomes is not necessarily always a direct relationship.
- 4.21 Further, some aspects addressed in these provisions are even less about water quality and/or quantity and more about other matters, such as efficient provision of infrastructure or general community resilience. In my opinion, a more thorough planning evaluation could have been undertaken to inform the decision about which provisions ought to be considered under which process prior to notification of RPS PC1.
- 4.22 Given that the RPS objectives and policies are intended to be implemented through a range of methods, including regional plan and district plan provisions and rules, as well as, in some cases, through individual resource consents, more attention should be paid to how each RPS provision will be implemented, rather than relying on an oversimplistic judgement about direct (and indirect) relationship to water management. The Council has assessed implementation in the section 32 report, but they appear not to have carried this across to assignment of provisions into the FPP in Table E-3.

The Scope of RPS PC1

- 4.23 The Reporting Planner has recommended rejecting Wairarapa Federated Farmers' request for relief to limit the scope of RPS PC1 to matters requiring consideration under the NPSUD¹².

¹¹ Op cit. Para 27. Council's S32 Assessment

¹² Op cit. Para.137

- 4.24 I have already addressed the submission on provisions in relation to indigenous biodiversity.
- 4.25 In regard to the RPS PC1 provisions relating to climate change, Wairarapa Federated Farmers are concerned that the provisions in RPC PC1 were notified in advance of intended Government direction on Climate Change, and so may be somewhat superfluous and lacking in rigorous analysis to justify these.
- 4.26 On 30 November 2022, section 61 of the RMA was amended so that preparation of regional plans and policy statements need to take account of any ERP and NAP, having noted the Government documents for these earlier in my evidence.
- 4.27 The ERP sets out a road map for Aotearoa New Zealand's 'contribution to the global effort' to limit temperature rise to a maximum of 1.5 degrees Celsius¹³. It is comprised of 348 pages in 16 Chapters and additional notes. It was published in May 2022 and revised in June 2022. It sets out high-level actions such as 'Introduce an agricultural emissions pricing mechanism by 2025', and 'support early adopters of low-emissions practices' and 'Establish a new *Centre for Climate Action on Agricultural Emissions* to drive a step change in mitigation technology innovation and uptake on farms'¹⁴.
- 4.28 The Centre for Climate Action on Agricultural Emissions has a website¹⁵ which references two components, namely: *The Centre for Climate Action Joint Venture*, and the *New Zealand Agricultural Greenhouse Gas Research Centre*, both of which have specific research functions in relation to reducing agricultural greenhouse gas emissions. All of which is to say, the focus of the ERP is not solely to inform regulation, but also to enable non-regulatory supporting measures.
- 4.29 The Council has relied partly on the RMA s32 assessment and partly on a brief 'technical memo' on options for setting greenhouse gas reduction targets that was prepared by a GWRC council officer, to justify the climate change provisions in RPS PC1¹⁶. This memo refers to ERP budgets by sector¹⁷, although sector targets in the Government budgets are in dispute from parties within the various sectors cited. The memo concludes that the ERP targets are not a sufficient contribution to limiting global heating to 1.5°C, and that 'it is not necessary for every sector's target to follow the science-based reduction pathway' and that 'authorities may choose to have one sector more and another less for strategic and practical reasons'¹⁸.
- 4.30 With respect, I have serious concerns with asserting that 'authorities may choose' which sector(s) to assign a heavier burden for achieving emissions reduction targets. For any plan to work, it needs to work for plan users that are expected to use the plan.

13 ERP p13

14 ERP p247

15 <https://www.ccaae.govt.nz/>

16 <https://www.gw.govt.nz/assets/Documents/2022/08/Evaluation-of-the-preferred-regional-greenhouse-gas-target-August-2022-with-calculations-attached.pdf> Accessed 30 May 2023.

17 *ibid.* p3.

18 *ibid* p4

The topic of climate change is a complex topic that affects everyone, and the question of shouldering the burden for responding to the challenges presented by global warming necessitates setting aims that are achievable for all plan users. If Climate Change provisions in RPS PC1 are considered through the FPP, that will limit the ability of everyone to participate in this important decision.

- 4.31 The NAP was published several months after the ERP. Whilst shorter than the ERP, the NAP is nevertheless a fairly extensive document, being some 178 pages in eleven Chapters plus a further 18 pages of Appendices. The NAP ambitiously addresses 43 priority risks from climate change and outlines 10 ‘most significant’ risks across five domains (natural, human, economy, built and governance)¹⁹. In order to address ‘specific realms of risk’, the NAP includes actions relating to system-wide issues, and five outcome areas that ‘broadly align’ with the domains of natural environment, homes, buildings and places, infrastructure, communities, and economic and financial systems²⁰. The fact that the NAP refers to these as ‘realms of risk’, alludes to what is a very broad and complex set of interrelated issues.
- 4.32 I note that the NAP was published on 3 August 2022, i.e., some 10 working days prior to notification of RPS PC1 on 19 August 2022, but about 1 month after the Council’s brief ‘technical memo’ on options for setting greenhouse gas reduction targets, which is dated July 2022²¹. The Council’s RMA s32 report is dated ‘August 2022’. The technical memo doesn’t make any mention of economic and financial systems within the Wellington Region, and nor in relation to rural areas, yet this is one of the five outcome areas in the NAP. Plainly, the provisions of the RPS PC1 have been prepared in advance of the NAP.
- 4.33 The Council’s s32 report summarises costs and efficiencies of implementing the proposed climate change provisions as:

“The costs and disruption are not unreasonable in the context of the significant predicted effects of climate change for the region, such as the increasing cost of natural hazards to individuals, businesses, local and central government, and the predicted disruption to rural land use in the face of increasing extreme climate events. There are also efficiency gains to be realised through reducing emissions, such as significant health benefits, more efficient and sustainable land management practices, and reduced urban congestion.”²²

- 4.34 Further, the s32 assessment relies on the New Zealand Climate Change Commission’s conclusion that :

“... the technology and the tools New Zealand needs to reach its climate targets already exist and that climate action is affordable.”²³

¹⁹ NAP p14

²⁰ *ibid.*

²¹ *Op. cit.* technical memo on preferred regional GHG reduction targets

²² Section 32 report Climate Change Provisions evaluation table at page 77.

²³ *ibid.*

- 4.35 With respect, this sort of conclusion is not sufficient alone to justify a regional approach to targeting emissions reduction that is more ambitious than the ERP.
- 4.36 In my opinion, any regional policy statement provisions that are intended to take account of high-level targets in the ERP and the wide ranging 'realms of risk' in the NAP, warrant careful and extensive analysis.
- 4.37 I note that the conclusions in the technical memorandum imply that the Council needs to task itself to do more than what's in the ERP, and so the recommendations in the memorandum are somewhat ulterior to what is set out in the ERP. Given the relatively short timeframe between the publication of the ERP and the notification of the RPS PC1, I doubt there has been a sufficiently rigorous analysis of costs and benefits to substantiate the need to pursue a more rigorous set of emissions reduction targets in the region.
- 4.38 In my opinion, merely asserting that the targets in the ERP won't do enough to limit global heating to 1.5⁰C by 2050, is not enough to warrant more restrictive regional GHG reduction measures. Consideration needs to be given to the practical capability of the regional community to be able to comply with stricter regional targets to 'litmus test' how 'real' stricter targets might be.
- 4.39 Similarly, based on the Council's brief supporting memo in support of RMA s32, I highly doubt that the provisions in RPS PC1 have anticipated the NAP with sufficient rigour to be justifiable as RPS provisions. For example, I cannot find any analysis of the economic impacts across the region of implementing the RS PC1 provisions relating to climate change. I consider that such an analysis ought to be provided under the broad remit of the ERP and NAP. The economic resilience of communities would be germane to climate change adaptation.