



Oral submission
to the
Independent
Hearings Panel

Stream 3

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30 August 2023

A woman wearing a grey raincoat, a wide-brimmed hat, and gloves is smiling as she pushes a blue wheelbarrow filled with dark soil through a field of tall, dry grass. The scene is outdoors, and the lighting suggests an overcast day. The text is overlaid on the left side of the image.

The quality of regulation is
judged by how it works in the
real world for real people



Our family's journey

- Our 4 ha on the Mangaroa Peatland was to be a slice of rural paradise – but turned into a nightmare.
- GWRC weaponised regulatory and legal procedure against landowners on the Peatland by:
 - Taking us to court over imaginary wetlands.
 - Telling the freshwater whaitua that the Peatland should be flooded to gain carbon storage benefits (without consulting the people whose homes and land would be rendered uninhabitable).
 - Trying to get the Mangaroa Peatland designated as a Significant Natural Area – while we were all still in court.

And now here we are again...

Three key points

- The hierarchy of planning instruments under the RMA matters.
- “Maintaining peatland as a carbon store” is unhelpful – it conflates carbon sequestering peatlands that are wetlands with land like ours – non-functional peatland with unknown amounts of peat.
- The *Climate resilience* report’s proposed redraft goes further than I think the author intends. It effectively directs the use of nature-based solutions across all contexts unless they can be shown to be inappropriate – it effectively creates a rebuttable presumption and potentially significantly increases compliance costs

There are more points in my hearing submission. Other people from my community will speak to some of them



1. Hierarchy matters...

- The RMA planning system cascades planning instruments from national to local levels to create vertical consistency in the rules.
- The RPS is restricted to matters within Part 2 and s 30 of RMA.
- RPS PC1 sets climate change goals without necessary RMA-based national level guidance.
- RPS PC1 sets climate change goals with insufficient attention to the RMA's definition of the environment as including people and communities. It needs to consider effects on communities both now and in the future.



1. Hierarchy matters (2)...

- A regional approach risks:
 - Creating uncertainty and probably a race to leave the region for businesses, creating hardship and reducing the ratings base.
 - Creating a race to the bottom amongst regional regulators competing for businesses (to increase their ratings base).
 - Reducing central government incentives to provide national policy direction.
 - Increasing compliance and transaction costs without creating a correspondingly proportionate reduction in greenhouse gas emissions. Cost benefit analysis?
- Will regional rules really make a difference to climate change?

Unlikely: consistent national approach is needed.



I suggest the Panel...

- Narrow the scope of the RPS by putting the climate change provisions on hold pending government has issued national-level policy.



2. Maintaining peatland as a carbon store

- Peatland as a passive carbon store is not a nature-based solution in the true sense of the term - unlike a wetland peat bog that is actively sequestering carbon
 - Mangaroa Peatland ≠ QEII Park peat bog
- This problem is definitional in nature, so needs to be addressed by clearly stating assumptions and defining terms
- “Maintain” v “protect” – there’s no material difference for the Peatland community



I suggest the Panel...

EITHER

- Redraft the peatland example as “protect natural wetlands with peat soils”

OR

- Add a specific exclusion to make it clear that the Mangaroa Peatland is not a peatland for the purposes of the “nature-based solutions” provisions and Method CC.6

OR

- Remove all references to peatland from RPS PC1



3. Direction for use of nature-based solutions...

- Combined redraft of CC.4, CC.4A, CC.14 and CC.14A:
 - Increases scope and application of nature-based solutions
 - Effectively directs their use except when shown to be inappropriate
- Tantamount to a rebuttable presumption that creates potentially significant new compliance costs
- One size fits all approach not ideal. Better for GWRC to focus on working with applicants to identify where nature-based solutions are both desirable and feasible – use regulatory carrots rather than regulatory sticks.



A landscape photograph showing a field of tall, golden-brown grasses in the foreground. In the middle ground, there are rolling hills covered in dense green trees and shrubs. The sky is a clear, deep blue. The overall scene is a natural, rural setting.

I suggest the Panel...

- Consider introducing a method requiring GWRC to develop performance measures and indicators for Objective CC.4 in consultation with the community and territorial authorities.
- Revert the drafting of Policies CC.4, 4A, 14 and 14A to the notified version so that nature-based solutions are enabled rather than directed

Whakawhetai koutou mo te
whakarongo. Any patai?

