

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on **Proposed Change 5 (Kaituna River)** to the Bay of Plenty Regional Policy Statement

BETWEEN: **FEDERATED FARMERS OF NEW ZEALAND**

Submitter/FS No. 13/FS07

AND: **BAY OF PLENTY REGIONAL COUNCIL**

**STATEMENT OF REBUTTAL EVIDENCE
OF JESSE MACKAYLA BRENNAN ON BEHALF OF
FEDERATED FARMERS OF NEW ZEALAND**

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Introduction

1. My full name is Jesse Mackayla Brennan. I am a Senior Policy Advisor (Regional) at Federated Farmers of New Zealand (**FFNZ**).
2. On 19 September 2022, I filed a Hearing Statement in support of FFNZ's submission on Change 5 to the Bay of Plenty Regional Policy Statement (**Change 5**). The purpose of this statement of rebuttal evidence is respond to a matter raised about Policy KR 7B in the evidence of Mr Matthew Leighton on behalf of Western Bay of Plenty District Council (**WBOPDC**) that was not addressed in my Hearing Statement.

Policy KR 7B

3. At paragraphs 2.10 and 2.11 of his Statement of Evidence, Mr Leighton expresses WBOPDC's disappointment that Policy KR 7B has not been split into two policies.
4. Policy KR 7B says:

Enable economic development opportunities for iwi and hapū which respect and promote greater understanding of cultural associations with the Kaituna River and restore, protect or enhance the river's well-being.
5. Mr Leighton says that Policy KR 7B should be split into two policies so that there is one policy which enables economic development opportunities for iwi and hapū in the Kaituna River Area, and another policy which encourages economic development that enhances the Kaituna River and acknowledges its cultural connections. FFNZ does not support this proposal.

Economic development opportunities

6. FFNZ does not agree that the intent of Policy KR 7B is to enable *any* economic development opportunity for iwi and hapū.
7. FFNZ's submission sought the deletion of Policy KR 7B because it was concerned that "economic development opportunities for iwi and hapū" ought to be considered at a national level. It was concerned about the potential implications of an unqualified, economic development policy in terms of what it would mean for the achievement of water quality

improvements and whether it would mean existing farming activities would have to reduce water takes or diffuse discharges of contaminants beyond what was required to achieve environmental outcomes (in order to “enable” economic development opportunities for iwi and hapū).

8. As stated at paragraph 40 of my Hearing Statement dated 19 September 2022, FFNZ was comfortable with Policy KR 7B being retained on the basis that it was not *any* economic development opportunity but it was instead those that had cultural associations and that also restored, protected and enhanced the river’s wellbeing.

Scope of Change 5

9. FFNZ considers that the scope of Change 5 is narrow. The purpose of the plan change is to fulfil Council’s obligations under the Tapuika Claims Settlement Act 2014, which requires it to recognise and provide for the vision, objectives and desired outcomes under Kaituna He Taonga Tuku Iho – A Treasure Handed Down (**Kaituna River Document**).¹

10. Objective 8 of the Kaituna River Document refers to Te Maru o Kaituna enabling economic, social, educational and cultural aspirations for restoration, protection and enhancement of the Kaituna River. Desired outcome b states:

Economic development opportunities for iwi and hapū which respect the cultural associations they have with the Kaituna River; promote greater understanding of those associations; and restore, protect or enhance the well-being of the Kaituna River.

11. Given that the scope of Policy KR 7B is to implement the Kaituna River Document, FFNZ says that Policy KR 7B ought to focus on economic development opportunities with cultural associations and which restore, protect and enhance the Kaituna River. A wider policy that enabled *any* economic development would go beyond the scope of the Kaituna River Document and is therefore outside the scope of Change 5.

12. FFNZ considers that changes to the Regional Policy Statement to provide for *any* economic development opportunities ought to be considered as

¹ See paragraph under the heading “What this Change does not do” on page i of the Redline Amendment Version 5.0 of Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement.

part of a review of the Iwi Resource Management Chapter (particularly Policies IW 1B, 2B and 6B) and in the context of the implementation of the National Policy Statement for Freshwater Management 2020 (**NPSFM**) (particularly the setting of environmental outcomes, attribute states, limits etc). There also ought to be a robust section 32 assessment of the likely costs, risks and benefits of such a proposal.

Ambiguity and uncertainty

13. At paragraph 2.11 of his evidence (quoting WBOPDC's submission), Mr Leighton says that bundling economic development with cultural associations and enhancing the Kaituna River is confusing. He says that there is a lack of clarity about what is required through the District Plan e.g. zoning (but no further details are provided).
14. FFNZ's concern is that splitting the policy as Mr Leighton proposes would likely create greater ambiguity and uncertainty because it would not be clear whether Policy KR 7B was to be read in the context of the Kaituna River Document or more widely.
15. FFNZ is also concerned that Policy KR 7B will have much wider implications than District Plan zoning. For example, a policy that said enable *any* economic development opportunities will likely create unnecessary ambiguity and uncertainty about what that means for setting water quality and quantity limits under the NPSFM. It is also likely to cause ambiguity and uncertainty at the time of consent processing where decision makers will have to decide in the context of renewals of existing water take consents or consideration of new consents in overallocated catchments, for example, will give effect to policy that is wide and ambiguous.
16. All of this will likely impose significant cost on the Council, resource users and the community, which has not be considered as part of a section 32 assessment and for which there is insufficient evidence to do a section 32AA assessment.
17. For all of these reasons FFNZ opposes the proposal to split Policy KR 7B into two policies.



J Brennan

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