

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**

**MEMORANDUM FOR FEDERATED FARMERS OF NEW ZEALAND
IN RELATION TO REQUESTED AMENDMENT
TO THE TITLE OF POLICY KR 7B**

13 October 2022



PO Box 447
Hamilton
Contact: Jesse Brennan
Telephone: 027 226 5585
Email: jbrennan@fedfarm.org.nz

MEMORANDUM FOR FEDERATED FARMERS

MAY IT PLEASE THE HEARING PANEL

1. Federated Farmers (**FFNZ**) refers to the hearing for submissions on Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement (**Change 5**) that was held on 11 October 2022.
2. During FFNZ's oral presentation, the Chair, Mr Antoine Coffin, commented that FFNZ had not provided a section 32AA evaluation in respect of the amendment it seeks to the title of Policy KR 7B. Mr Coffin provided FFNZ with the opportunity to provide a written response on this matter by 14 October 2022.
3. The purpose of this memorandum is to clarify the relief sought by FFNZ and to explain why FFNZ considers that this does not require a further evaluation under section 32AA if the RMA.

Relief sought

4. The title of Policy KR 7B is "enabling economic development opportunities for iwi and hapū in the Kaituna River". FFNZ's concerns with these words are:¹
 - a. If the title is read on its own, it creates the impression that the intention is to enable *any* economic development opportunity. However, this is not the intention of the policy (nor is it the intention of Objective 8 of the Kaituna River Document). The wording of the policy and the explanation make it clear that is only economic development opportunities that "respect and promote greater understanding of cultural associations with the Kaituna River and restore, protect or enhance the river's well-being" that are to be enabled.
 - b. There are two places in Change 5 where only the title of Policy KR 7B is quoted – alongside Objective 46 on page 10 and in the list of policies on page 15. When viewed in isolation like this, FFNZ

¹ Hearing Statement for Jesse Mackayla Brennan on behalf of Federated Farmers of New Zealand dated 21 September 2022 at [39] to [42].

considers that the title erroneously creates the impression that the intention is to enable *any* economic development opportunity.

5. FFNZ seeks an amendment to the title so that it better reflects and is consistent with the wording of the policy and explanation. FFNZ does not consider this to be a substantive change and considers the change sought to be consistent with the intention of the notified version of Change 5.
6. FFNZ proposes that the title could be amended as follows (or some other wording that would indicate that there are limits to or qualifications on the types of economic development opportunities that are to be enabled):²

Policy KR 7B: Enabling certain economic development opportunities for iwi and hapū in the Kaituna River

Or, alternatively: Policy KR 7B: Enabling sustainable economic development opportunities for iwi and hapū in the Kaituna River

Section 32AA

7. Section 32AA of the RMA requires a further evaluation to be undertaken for any changes that have been proposed since the original evaluation report was completed. It must be undertaken at a level of detail that corresponds to the scale and significance of the proposed changes.³
8. As identified in the section 32AA report prepared by the Council in August 2022, many of the changes sought in submissions on Change 5 sought to clarify the intent or remove potential confusion or ambiguity, and few submissions sought to substantively change the objectives and provisions of Change 5 in a way that could be characterised as a different approach from the evaluation report.⁴ For this reason, the author of that report considered that, for most of the proposed changes, the underlying costs and benefits of the objectives and provisions did not vary from those previously discussed in the section 32 report dated June 2021.

² Hearing Statement for Jesse Mackayla Brennan on behalf of Federated Farmers of New Zealand dated 21 September 2022 at [41].

³ Section 32AA(1)(c) of the RMA).

⁴ Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement: Section 32AA evaluation of changes, dated August 2022 under heading 3, at page 3.

9. FFNZ considers that the change it seeks to the title of Policy KR 7B is in the nature of clarification and removing potential confusion or ambiguity. The change does not seek to substantively change the intent of Policy KR 7B. For these reasons, FFNZ considers that the costs and benefits of Policy KR 7B have not changed and therefore there is no need to undertake a further evaluation.
10. FFNZ thanks the Panel for the opportunity to clarify its position on section 32AA.



J Brennan

Senior Policy Advisor, Federated Farmers