

BEFORE THE HEARING PANEL

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

AND

IN THE MATTER OF submissions on Proposed Plan Change 1 to the Natural Resources Plan for the Wellington Region under Part 4 of Schedule 1 of the Act

AND

IN THE MATTER OF The reports on the topic of *Rural Land Use* and *Earthworks* pursuant to Section 42A of the Act on behalf of Wellington Regional Council for Proposed Plan Change 1 Hearing Stream 3.

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

(PLANNING)

29 April 2025



Federated Farmers of New Zealand
Level 11, 38 Waring Taylor Street, Wellington
PO Box 715
WELLINGTON 6140
Contact: Peter Matich
Phone: 027 240 9997
Email: pmatich@fedfarm.org.nz

1. Introduction

- 1.1 My name is Peter Matich. I am an employee of Federated Farmers of New Zealand (Inc) and am presenting evidence as 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 34 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 aspects of the following reports prepared under Section 42A ('Section 42A report') of the Resource Management Act 1991 ('the Act') on behalf of Wellington Regional Council ('the Council') for Hearing Stream 3.
- Report by Gerard Willis subtitled *Rural Land Use* dated 15 April 2025¹
 - Report of Alisha Vivian subtitled *Earthworks* dated 15 April 2025²
- 2.2 I focus on aspects of the reporting planners' recommendations that I agree with as well as those aspects where our opinions differ. Any omission to specifically respond to matters contained in these reports should not be interpreted as agreement with such matters. My responses are set out below under the topic sections to which the reports relate.

¹ <https://www.gw.govt.nz/assets/Plans-policies-bylaws/PNRP/Hearing-Documents/HS3/RLU/HS3-S42A-Hearing-Report-Rural-Land-Uses.pdf> Accessed 15 April 2025

² <https://www.gw.govt.nz/assets/Plans-policies-bylaws/PNRP/Hearing-Documents/HS3/EW/HS3-S42A-Hearing-Report-Earthworks.pdf> Accessed 15 April 2025

2.3 I have read the following documents:

- The hearing reports pursuant to section 42A of the Act mentioned above.
- Proposed Plan Change 1 to the Natural Resources Plan ('NRP PC1') for the Wellington Region and accompanying reports and memoranda submitted under Section 32 of the Act.
- The National Policy Statement for Freshwater Management 2020 as amended in October 2024 ('NPSFM').
- The National Planning Standards 2019.
- Wellington Regional Policy Statement ('RPS')
- Wairarapa Federated Farmers' Submission on NRP PC1.

2.4 The evidence of Mr. Les Basher on behalf of WFF addresses the erosion risk classification system and maps proposed in the section 42A reporting.

3. Wairarapa Federated Farmers concerns with NRP PC1

3.1 WFF lodged a submission pursuant to Schedule 1 of the Act. WFF's concerns for this hearing stream topic can be summarised into the following broad aspects:

- a. There is too much uncertainty and error in the dSedNet catchment load modelling to be used as a basis for policy decisions that will affect farming. Therefore, the Council should focus on improving the quality and quantity of monitoring data before any changes to policies and rules are made in the NRP; and
- b. The blanket approach to sediment reduction adopted by the Council in NRP PC1 does not go into enough detail to effectively target causes of sedimentation at a local scale and therefore is as likely as not to result in unnecessarily onerous mitigation requirements (with associated costs) for little or no environmental benefit; and
- c. The surficial erosion management regime in NRP PC1 does not align with the aims of the RPS for *highly erodible land*, and in the absence of more detailed monitoring to investigate causes of sedimentation is likely to result in stricter controls on land use in the NRP that may otherwise be necessary.

4. Council Planner's recommendations on Wairarapa Federated Farmers submission in the section 42A report subtitled 'Rural Land Use'

Issue 8 Managing Erosion Risk

- 4.1 WFF seek non-regulatory means to achieve revegetation planting, preferring that voluntary planting be encouraged, and that compensation should be payable to private landowners who lose ability to utilise land for farming because of mandatory requirement for revegetation.
- 4.2 In this regard, Mr. Willis (in paragraph 306b) of the s42A report) acknowledges that public investment has a role to play in delivering outcomes which result in a public benefit from planting to reduce multiple sediment sources. Nevertheless, he points to the requirement in Clause 3.12 of the NPSFM (to set limits on resource use that will achieve TAs, which includes rules) as justification for not relying on non-regulatory measures alone.
- 4.3 I agree that non-regulatory measures alone may not be sufficient to achieve TAs. However, in my view the Council should also be satisfied that a rules-based regime will have a reasonable prospect of resulting in attainment of TAs if rules are followed, lest pursuit of rules incurs costs and delays for little or no environmental benefit.
- 4.4 Mr. Willis (at paragraph 313 of the s42A report) has recommended that management of erosion risk should be a matter for the Farm Environment Plan ('FEP') process, and that erosion maps in the NRP should act as a trigger for including an *Erosion Risk Treatment Plan* in the respective FEP. I agree with this suggested approach, with the provisos in paragraphs 4.8 and 4.13 of my evidence below.
- 4.5 At paragraphs 311-314 of the s42A report, Mr. Willis summarises difficulties with the erosion risk classification adopted in the notified version of NRP PC1 and analyses these. In proposing a resolution, Mr. Willis seeks to distinguish between the RPS's concept of *Highly Erodible Land* and the need to manage 'surficial' erosion, which he concludes can be a significant source of sediment in PC1 catchments, and which he attributes to activities involving 'shallow disturbance of the soil' such as grazing or cultivation. Mr. Willis proposes deleting the notified 'high erosion risk' maps and (supported by Mr. Nation) running with an alternative erosion risk classification in which *hill slope* has been adopted as a proxy for 'potential erosion risk land'.

- 4.6 While I agree that the erosion risk classification system notified in NRP PC1 is highly problematic from a plan implementation point of view, I consider there is room for further refinement of the alternative proposed by Mr. Willis. The evidence of Mr. Basher for WFF highlights that sources of sediment from erosion in these two Whaitua is an amalgam of landslide and surface erosion, and that surface erosion is poorly connected to streams and a small contributor to sediment load. Mr. Basher opines that surface erosion is a very minor source of sediment in the two Whaitua.
- 4.7 Based on Mr. Basher's evidence, my conclusion is that hill slope is a somewhat crude proxy for erosion risk. Mr. Basher's evidence highlights the need for more nuance in the erosion risk evaluation framework, and to further pin-down cause and effect relationships that may not be well understood. I support Mr. Basher's approach.
- 4.8 In my opinion, this is germane to minimising needless delays and costs associated with trialling the effectiveness of a potential environmental management framework. Besides this, where assessment of overall environmental harm is consigned to a Farm Plan approval process, there is also a risk of needless capture of mundane or relatively benign farm activities in a general milieu of uncertainty. Therefore, instead of relying solely on case-by-case scrutiny of farming activity through farm plans, identification of low risk activities could be enabled through a permitted activity pathway (with appropriate conditions). This could eliminate at least some of the interpretational variance that can arise from oversimplifying complex cause-effect relationships within a one-size-fits-all farm plan pathway.

Establishment of woody vegetation

- 4.9 Mr. Willis discusses requirement for woody vegetation in paragraphs 319 – 329 of the s42A report and concludes that erosion management provisions should not specify the type of erosion control treatment that may be used, and that all options should be available to be considered in the preparation of the FEP/ERTP. I agree with this suggested approach.

Necessity for erosion management provisions

- 4.10 In assessing the need for erosion management provisions, Mr. Willis concludes (at paragraph 334 of the s42A report) that the sediment load reduction approach in NRP PC1 is more onerous than necessary, even though there is some need to further reduce sediment load. At paragraph 335 of the s42A report, he proposes a 3-pronged

approach that includes focusing on pastoral farmland parcels 20ha+ in area to be managed through the farm planning process. I agree that this is a more pragmatic approach than what was proposed in NRP PC1.

- 4.11 Nevertheless, in my view, where capability to implement improvements is limited, it is preferable to spend time and resources focusing on managing those aspects of land use that are more likely to contribute to adverse effects. There is not necessarily a need to micromanage every aspect of land use. In my opinion, farm activities with low sediment impact, such as fencing, direct seed drilling, farm track maintenance and pasture maintenance could be enabled through permitted activity pathways (and thereby also reduce assessment requirements in farm plans).

Farm Environment Plans ('FEPs')

- 4.12 At paragraphs 342-345 of the s42A report, Mr. Willis concludes that FEPs can provide sufficient control over environmental risks of farming in the Porirua and Wellington Whaitua catchments without resorting to additional rules, and that FEPs are necessary due to the absence of other controls over farming because of NRP PC1 unhooking various farming rules in the NRP. I agree with Mr. Willis that the Council needs to satisfy various legal and policy requirements regarding NRP PC1 as notified.
- 4.13 However, in my view the Council should proceed cautiously with rules for FEPs in NRP PC1 in view of the impending Government review of the Freshwater Farm Plan regime in the Act. In this regard, if the latter regime ends up being changed in a way that affects the FEP regime in NRP PC1, then adjustments may be needed in relation to 'turning off' other NRP rules relating to farming - to prevent a lacuna in the NRP around management of effects associated with farming. Notwithstanding this however, my opinion is that low-impact farming activities could be enabled by way of permitted activity rules, which would simplify the approval of such activities either way.

5. Council Planner's recommendations on Wairarapa Federated Farmers submission in the section 42A report subtitled 'Earthworks'

Policies WH.P29 and P.P27

- 5.1 WFF seeks deletion of these policies citing matters already previously resolved through mediation of the original NRP rules. Ms. Vivian (at paragraph 101 of the s.42A report) recommends rejecting this submission point because the scheme of NRP PC1

is to replace the operative NRP rules with catchment specific rules for the Whaitua in question.

- 5.2 I understand that the Council's intention with NRP PC1 is to replace certain rules in the NRP with bespoke catchment-based provisions. Nevertheless, as I have noted above, I think it prudent to proceed cautiously with rules for FEPs in NRP PC1 in view of the impending Government review of the Freshwater Farm Plan regime in the Act.

Construction of Farm Tracks and Earthworks in general

- 5.3 WFF oppose un-coupling NRP rules R102 and R103 from the Porirua and Wellington Whaitua, which has the effect of decreasing the permitted activity area of farm track construction from 10,000m² to 3,000m² per 12-month period (provided the latter is part of FEP approval). Under NRP PC1, earthworks that are not permitted become a restricted discretionary activity subject to (inter alia) a ban between 1st June and 30th September each year.
- 5.4 Ms. Vivian (at paragraph 149 of the S42A report) has recommended declining WFF's submission point on the basis that earthworks required for construction of farm tracks do not pose any lesser risk to the environment than other earthworks of similar scale.
- 5.5 Based on Mr. Basher's evidence that surface erosion is a very minor component of erosion risk within the two Whaitua, I consider there is some doubt about Ms. Vivian's appraisal of overall risk to the environment from new farm track construction (or indeed from any other earthworks).
- 5.6 WFF oppose NRP PC1 Rule WH.R20, which makes activities associated with plantation forestry (including earthworks) a controlled activity, preferring operative NRP rules to remain in place. I note that under Regulation 24 of the *Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017* (NES-CF), earthworks are permitted subject to conditions which are much less stringent from those set forth in NRP PC1.
- 5.7 Depending on how the Council resolves submissions on forestry earthworks, Ms. Vivian's conclusion about the risk of new farm track construction may need revisiting.

- 5.8 WFF oppose the new definition of *earthworks* in NRP PC1 that applies to the Wellington and Porirua Whaitua. WFF's preference is that the operative definition agreed during Environment Court mediation on the pNRP should be retained.
- 5.9 The NPR PC1 definition of earthworks for *Whaitua Te Whanganui-a-Tara and Te Awarua-o-Porirua Whaitua* is:
- The alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. Except that, for the purposes of Rules WH.R20, WH.R21 and P.R19, P.R20, 'earthworks' has the same meaning as given in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.*
- 5.10 In my opinion, this definition is somewhat 'urban-centric' and does not sufficiently account for earthworks associated with day-to-day farming in the manner recognised in the operative NRP definition of earthworks, and I prefer the definition in the operative NRP (which has been arrived at through litigation).