

BEFORE THE FRESHWATER HEARING PANEL OF GREATER WELLINGTON
REGIONAL COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 1 to the Regional Policy
Statement for the Wellington Region (Hearing Stream 3)

STATEMENT OF EVIDENCE BY CLAIRE HUNTER

14 AUGUST 2023

INTRODUCTION

QUALIFICATIONS AND EXPERIENCE

- 1 My full name is Claire Elizabeth Hunter. I am a resource management consultant and Director of Mitchell Daysh Limited, a nation-wide resource management and environmental planning consultancy firm. I have over 18 years' experience in this field. I hold a first-class Honours degree in Environmental Management from the University of Otago. I am a member of the Resource Management Law Association and an Associate Member of the New Zealand Planning Institute.
- 2 DairyNZ has asked my firm to review its submissions and further submissions which relate to Hearing Stream 3 (Climate Change) for Proposed Plan Change 1 (PC1) to the Regional Policy Statement for the Wellington Region (**RPS**). In preparing this statement of evidence I have reviewed the section 42A reports prepared on behalf of the Wellington Regional Council (**s42A**). I have also reviewed the technical evidence which has been prepared on behalf of the Council, as well as the evidence that has been prepared on behalf of DairyNZ by Mr Cooper and Mr Lincoln.
- 3 In this evidence I will specifically address DairyNZ's submission points on Objective CC.1, Objective CC.3, Policy CC.5, Policy CC.13, and Method CC.5.

CODE OF CONDUCT STATEMENT

- 4 While this is not an Environment Court hearing, I nonetheless confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I agree to comply with the Code and I am satisfied that the matters which I address in my evidence are within my field of expertise. I am not aware of any material facts that I have omitted which might alter or detract from the opinions I express in my evidence.

CLIMATE CHANGE – OVERVIEW OF DAIRYNZ'S SUBMISSION

- 5 In its submission DairyNZ explained that it is committed to dairy farming in New Zealand playing its part in transitioning to a low emissions economy. It explained that the sector has active programmes in place to support farmers and landowners to assist in this transition and build their resistance to a changing climate.

- 6 As explained by Mr Cooper in his evidence for DairyNZ this will require a combination of changes to on-farm practices and land use, as well as advancements in research and technology. Mr Lincoln further explains that many of these changes are already advancing, whether through industry organisations, processing companies, or government - supporting farmers through this period will be paramount.
- 7 Mr Cooper on behalf of DairyNZ submits that regulation has a role to play in supporting emissions reductions, but it needs to be practical, pragmatic, fair, underpinned by sound science and focused on achieving the desired outcomes in an efficient manner. It should also not be inconsistent with national direction.
- 8 It is against this background which made submissions on the climate change provisions proposed as part of PC1.

GENERAL CLIMATE CHANGE PROVISIONS

OBJECTIVE CC.1

- 9 This objective seeks to support the Wellington region as a low emission and climate-resilient region. DairyNZ sought that this objective be deleted because it sought greater assurance that it would be consistent with latest science and will achieve community objectives. The s42A report recommends rejecting this objective and retaining it.
- 10 As notified the objective sought that "*By 2050 the Wellington Region is a low emission and climate resilient region...*". The objective now seeks that the Wellington Region is a low emission and climate resilient region. While I support this as an outcome, I am concerned that without specifying a timeframe this objective implies achievement of the outcome with immediate effect. It also appears to go further than other RMA based legislation which seeks to acknowledge that there is a transitional period before this outcome can be fully achieved. For example, the National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023, as its primary objective seeks *to reduce emissions of greenhouse gases by managing the discharges of air of greenhouse gases, from the production of industrial process heat...*
- 11 It does not require immediate removal of all greenhouse gas emissions associated with process heat activities and industries. Instead, it acknowledges that there will be a transitional period in which this can sustainably occur.
- 12 Given the above, and to suitably recognise that there will necessarily need to be a transitional phase - where activities reduce emissions as technology advances and become more technically and financially feasible; and where additional timeframes may allow increased investment to be set aside to enable assets and activities within the Wellington region to become more resilient to the effects of climate change, I consider that the objective should be amended as follows:

*The Wellington Region is able to **sustainably transition** to a low-emission and climate-resilient region...*

OBJECTIVE CC.3

- 13 This objective seeks to support the global goal of limiting warming to 1.5 degrees Celsius, and that net greenhouse gas emissions from transport, agriculture, stationary energy, waste and industry in the Wellington region are reduced to specified levels by 2030, and again in 2050 to achieve net zero emissions.
- 14 DairyNZ, alongside a number of submitters, questioned the extent to which the objective is achievable within the scope of an RMA document.
- 15 I agree that it is unclear how this objective will be able to be achieved within context of the lower order regional and district plans which must give effect to this provision. It is also particularly unclear to me how an individual activity will demonstrate compliance with this objective via a consenting process and what might be expected of a project proponent to be able to demonstrate that a project is aligned with this objective.
- 16 In other words, it is not clear to me if all transport, agriculture, stationary energy, waste and industry activities will need to be able to demonstrate a 50% reduction in emissions by 2030; or whether this is a target that will be assessed on a region-wide scale with "overs and unders" still expected across various activities and industry groups. I am unclear how this provision will be applied to real world situations.
- 17 The national climate change policy framework is complex and requires consideration of a number of present and future factors that will influence the path New Zealand takes to achieve the required level of carbon emissions reductions to meet its ultimate net-zero emissions target, and five-yearly emissions budgets on the way to 2050. This means that the path is not expected to be linear, and there is uncertainty around the pace and extent of future technological developments needed in each sector. Therefore, the policy steps taken to meet the 2050 net-zero target and associated emissions budgets must be sensitive to such uncertainties and weigh up what is achievable and economically viable in each period.
- 18 There is also a different target specifically for methane and national targets seek to achieve a 24% to 47% reduction below 2017 levels of biogenic methane emissions by 2050, and a 10% reduction by 2030.
- 19 In response to issues raised in submissions the s42A report acknowledges at [210] that further work needs to be undertaken to develop a regional emissions plan to assess the best approach to achieve GHG emission reduction for each sector, including

agriculture, and that this work may result in changes to the targets in Objective CC.3 over time.

- 20 In my view the objective is not sufficiently nuanced and once it forms part of the RPS, without further plan change processes, it will not be able to be readily adapted to meet the individual needs of sectors and will potentially become out of step with national imperatives. These national imperatives are constantly evolving and adapting New Zealand's response to climate change. I question whether regional policy making is sufficiently agile to keep pace.
- 21 In my view the objective needs to be deleted, or alternatively it is amended to ensure there is no inconsistency with national requirements, and so that it provides sufficient flexibility in how the regional and national targets are achieved:

To support New Zealand's pathway to net zero emissions of all greenhouse gases (except biogenic methane) and to reduce emissions of biogenic methane to 24 – 47% below 2017 levels by 2050, align Wellington's regional responses to national legislation and expectations regarding emissions budgeting and outcomes.

CLIMATE CHANGE – AGRICULTURAL EMISSIONS

POLICY CC.5

- 22 As notified, Policy CC.5 sought that regional plans include objectives, policies and rules / methods to avoid changes to land use activities and/or management practices that increase gross greenhouse gas emissions.
- 23 DairyNZ submitted that while it understood the intent of this provision, it was concerned about the potential inconsistencies and duplication of the work underway through He Waka Eke Noa partnership and the Government's pricing proposal for agricultural greenhouse gas emissions. DairyNZ sought to delete the provision, preferring to pause this process until such time as a full review of the RPS could be undertaken in light of developing Government policy and direction on this issue.
- 24 The s42A report acknowledges that Policy CC.5 provides new, and potentially unprecedented, direction to manage agricultural greenhouse gas emissions under the RMA. The s42A report also acknowledges that while a reduction in agricultural greenhouse gas emissions is necessary, the key questions are what level of reduction is needed, when, and how this is best achieved. Further, these complex questions will require detailed policy work and ongoing conversations with all relevant stakeholders to develop fair, equitable, and cost-effective regional policy that complements national policy. This is consistent with the position of DairyNZ.

- 25 The s42A report recommends an amendment to the policy to require regional plans “to support reductions in agricultural greenhouse gas emissions from 2019 levels to continue to the Objective CC.3 2050 net zero emission target”.
- 26 The s42A report also recommends removing the words “avoid changes in land use activities and/or management practices” on the basis that it:
- *Assumes the regional plan change will include rules to manage changes in land use activities and management practices, but it is not clear yet whether this is the most efficient or effective approach to achieve the intended outcome.*
 - *The direction to ‘avoid’ any changes in land-use activities and management practices that increase gross agricultural greenhouse gas emissions, regardless of scale, is likely to be overly onerous and restrictive for some land-use activities. There should be more flexibility for the regional plan change process to determine what scale ‘avoid’ direction should apply to and how to best achieve a reduction in agricultural emissions at a regional scale.*
- 27 While I generally agree with the thrust of these statements and resulting amendments to Policy CC.5, I am not convinced that this policy is now necessary. Given that the amendments now specifically reflect that central government is taking the lead on the policy approach to reduce agricultural greenhouse gas emissions, I do not think that this policy will result in any additional benefit that will not otherwise be achieved as a result of these broader national initiatives and legislative requirements. For this reason it should be deleted.

POLICY CC.13

- 28 As notified Policy CC.13 seeks to ensure that agricultural greenhouse gas emissions are assessed when considering a resource consent application required for a ‘change in intensity or type of agricultural land use’. Policy CC.13 also sets out a ‘hierarchy’ for considering agricultural GHG emissions which prioritises reducing gross agricultural GHG emissions, followed by achieving a net reduction in agricultural GHG emissions, with the last step of the hierarchy providing direction to avoid any increase in gross agricultural GHG emissions.
- 29 For reasons which are similar to those set out above, DairyNZ opposed this policy and sought its deletion. A number of submitters raised similar concerns with regard to this policy, as summarised in s42A report at paragraph 95 as follows:
- *Applying this policy at a ‘farm level’ will result in a sinking lid on agricultural activities and will force afforestation on rural communities to offset emissions.*

- *Policy CC.13 is not sufficiently robust to protect rural environments, communities, and economies from inequitable allocation of the costs of avoiding, remedying or mitigating the effects of climate change.*
- *Policy CC.13 may lead to outcomes that are inconsistent with national approaches to reduce agriculture GHG emissions.*
- *There is a lack of detail in how this policy will be implemented through the resource consent process, including what information will be accepted by Council.*
- *Policy CC.13 only focuses on penalising increases in agriculture GHG emissions rather than rewarding reductions.*
- *The Section 32 Report fails to justify why regulatory intervention of this type is warranted, and whether the benefits of the policy will outweigh the costs.*

30 Several territorial authorities also submitted that this provision should only apply to regional council air discharge consents and not agricultural land use changes triggering a land use consent from the district or city councils.

31 The s42A report acknowledges the intent of this policy, but like a number of the submitters, agrees that there could be a number of practical challenges and issues with implementing it. At paragraph [100] the s42A report goes on to say:

"Related to this is the question of scale and how to assess changes in gross and net agriculture GHG emissions, particularly for smaller scale changes in land-use. While I understand the agricultural sector is broadly moving towards a system of accounting on-site GHG emissions and there are a range of tools to assist, my understanding is that there is no agreed method at this point of time. I also agree with submitters that it could be overly onerous to assess changes in gross and net GHG emissions (where applicable) for small scale and potentially beneficial changes in the intensity and type of agricultural land-use".

32 On balance, the s42A report author concludes that the costs will likely outweigh the benefits that will likely accrue from implementing this policy and recommends its deletion. In my view, this is an appropriate outcome and is also supported by DairyNZ.

METHOD CC.5

33 Method CC.5 as notified seeks to monitor the changes in agricultural land use and land management practices and review the regional policy approach by 31 December 2024, responding to any predicted changes in greenhouse gas emissions from the agricultural sector in the Wellington Region and any new national policy direction.

34 DairyNZ opposed this method, and sought its deletion on the basis that the issue in its entirety should be deferred to a later review of the RPS. In seeking such a deferral DairyNZ noted that this would enable the RPS review to leverage DairyNZ's existing rural networks, databases and environmental expertise to achieve the ambitious approach to climate change mitigation.

35 The s42A report appears to agree somewhat with this position, noting at paragraph 124 its linkage with Policy CC.5, and the work that needs to be undertaken to develop an appropriate regional plan change to effect this policy and achieve the intended outcome efficiently and effectively. In this context, the author reports that it seems premature for Method CC.5 to focus on reviewing the regional response to reducing agricultural emissions by December 2024, and it would be more effective to focus on undertaking the necessary technical and policy work and stakeholder engagement to inform the regional plan change to give effect to Policy CC.5 (if this is to remain in the RPS).

36 The author expects that this work "*would include a more detailed review of GHG emissions from rural land-use in the region, an evaluation of regulatory and non-regulatory methods to reduce GHG emissions, stakeholder engagement, and identification of ways to best complement national policy and initiatives*".

37 A number of amendments are therefore recommended to this provision, as follows:

Method CC.5: Confirm Review regional response to reducing agricultural greenhouse gas emissions

Monitor changes in agricultural land use and land management practices and review the regional policy approach by By 31 December 2024, Wellington Regional Council confirm the preferred option to implement Policy CC.5, taking into account changes in agricultural land use and land management practices, responding to any predicted changes in greenhouse gas emissions from the agricultural sector in the Wellington Region, regulatory and non-regulatory responses, and relevant any new national policy direction and initiatives.

38 While I understand the intent of these amendments (and generally agree with the s42A report's rationale for making changes), I think there is a disconnect between Policy CC.5 (as it is now amended) and how this method has been drafted. I also note that if Policy CC.5 is to be deleted in its entirety, then it would be necessary to delete Method CC.5.

39 Policy CC.5 does not set a timeframe, nor does it set out that a preferred and mandatory option will be selected to support landowners/farm managers to reduce agricultural greenhouse gas emissions. Instead, (as amended by s42A report) it seeks that provisions will be developed to *support* a reduction.

- 40 I am also of the view that the deadline of 31 December 2024 does not set a realistic timeframe for this sector, as I understand that work such as the He Waka Eke Noa will not have developed its full framework until at least 2025. The information and data that will be obtained from this programme will provide critical information that will assist in the RPS and regional plans review. According to this framework some of the key actions that will either be initiated by 2025, include:
- By 2025, a system for farm-level accounting and reporting of agricultural emissions will be in place at farm level.
 - By 2025, all farms will have a farm environment plan in place.
 - By 2025, all farms will have planting opportunities identified in Farm Environment Plans, including recognition of small-scale sequestration.
 - By 2025, all farmers are prepared for the effects of climate change through identifying strategies and planning for adverse weather events in their farm environment plans.
 - By 2025 there are appropriate pricing frameworks that can be practically implemented at farm level.
 - As part of the Dairy Tomorrow sector strategy a commitment for all farms to implement and report under a certified farm sustainability plan (including GHG emissions) by 2025.
- 41 Setting an arbitrary date of 31 December 2024 appears against this framework to be premature. It will likely lead to provisions and methodologies which may soon become outdated, particularly if they are locked into a 10 year RPS or regional plan cycle with insufficient flexibility to respond as the framework above is further embedded and results are known.
- 42 I therefore consider that the wording of this method where it sought to monitor progress and then initiate a review by a certain date was preferable and either that should be retained, or the method deleted as sought by DairyNZ in its submission and as a corollary to the deletion of Policy CC.5.

Claire Hunter

14 August 2023