

BEFORE THE Canterbury Regional Council

IN THE MATTER OF: The Resource Management Act 1991

AND

IN THE MATTER OF: The Proposed Canterbury Land and Water Regional Plan

Evidence of Matthew McCallum-Clark

Qualifications and Experience

1. My full name is Matthew Eaton Arthur McCallum-Clark. I am a resource management consultant and a director of the firm Incite, which has offices in Auckland, Wellington, Nelson and Christchurch.
2. I hold a Bachelor of Laws from Canterbury University, a Bachelor of Commerce (Economics) from Otago University and have undertaken a postgraduate diploma in Environmental Auditing through Brunel University in the UK.
3. Apart from a short episode at a city council, I have been a resource management consultant for about 20 years. Over this time I have worked on a range of district and regional plans, lodged submissions and presented evidence for a range of clients, and worked on a number of large scale projects. Over the last 10 years my experience has focused on policy development, at a district and regional plan level, along with central government policy development projects, including work on the on-going review of the RMA, national environmental standards and the integration of planning with other local government responsibilities.

4. I was engaged by the Canterbury Regional Council to assist with the development of the Land and Water Regional Plan at an early stage. I was initially engaged as the principal “drafter”. The development of the Proposed Land and Water Regional Plan was very much a team effort and principally involved Tami Woods and Peter Constantine from the Canterbury Regional Council and myself, iteratively drafting and re-drafting provisions. It would be fair to say that my tasks were prioritised towards the rules, schedules and policies, roughly in that order.

Conflicts of Interest

5. As a consultant planner and a resident of Canterbury it is inevitable that I will have some conflicts of interest with respect to the development of the Proposed Land and Water Regional Plan and the s42A Report. As has been outlined in the preface to the s42A Report, the authors of the Report, including myself, take responsibility for the entirety of the Report, and I confirm I have reviewed the entire Report, and have ensured that the sections I am responsible for have similarly been reviewed by others. For the avoidance of any doubt, I confirm I have not advised any of my clients on the Proposed Land and Water Regional Plan, nor have I been involved in the development of any submissions, except that of the Canterbury Regional Council.
6. For the avoidance of any perceived conflicts, I advise that I am a resident of Canterbury, I live on a small farm and am a trustee of a family trust that has interests in residential and industrial properties in Christchurch and a moderate sized farm on the Canterbury Plains. The small farm I live on is subject to a number of the provisions of the Proposed Land and Water Regional Plan, as it has on-site effluent disposal, a bore, a small water take, a wetland and a local authority administered surface water drain. Certainly, experience of these issues and discussion of practical examples with my colleagues has assisted in the drafting of relevant provisions. While self-analysis is fraught with difficulty, I am confident that my own situation has not influenced my drafting of or reporting on these provisions.
7. As has been stated in the Preface to the s42A report, I confirm I have read part 5 of the Environment Court of New Zealand Practice Note 2011 and agree to comply with it.

Plan Sections and Key Issues

8. In arriving at this summary of key issues I have undertaken a preliminary review of the expert evidence. I have compared the relevant conclusions reached in that evidence with the submissions received and the conclusions reached in the s42A Report
9. While there are a great many issues in contention, below I have attempted to identify the more challenging and challenged matters. I am aware that many parties will not agree with my drawing your attention to issues that do not coincide with their concerns. This may be particularly so for the submitters that have sought a “light-handed” or even a “hands-off” approach across much of the Proposed Plan.

Section 1

10. Section 1 of the s42A Report outlines the background and context of the Proposed Land and Water Regional Plan. It sets out the context, the structure of the Proposed Land and Water Regional Plan and the development process that led to the notified document.

Section 2

11. Section 2 of the s42A Report addresses the submissions received with respect to Sections 1 and 2 of the Proposed Land and Water Regional Plan. These two sections of the Proposed Land and Water Regional Plan set out the issues and key responses, how the plan works and the definitions and abbreviations. The submissions on these sections are not extensive. Often they relate to specific wording changes or relatively minor additions or deletions.
12. In my opinion, the issue in contention is the relationship of “region-wide” provisions to “sub-regional” provisions and Tables 1a-1c in particular. Several parties seek to make the region-wide provisions a base-line from which the sub-regional sections can only improve environmental performance, or to otherwise restrict what the sub-regional sections can introduce.

Section 3

13. Section 3 of the s42A Report covers the objectives and strategic policies of the Proposed Land and Water Regional Plan. There are numerous submissions on the objectives and strategic policies, many of which seek substantial changes and re-orientation of these provisions. Further, there is a significant volume of evidence lodged on the objectives and strategic policies. In general, the submissions on the objectives and strategic policies either focus on individual objectives and strategic policies or propose an entire replacement set of objectives and policies. For all objectives and policies, there are multiple requests for changes, usually covering wide spectrum of points of view. There are also a significant number of additional objectives or strategic policies sought. The analysis sought to bring the various viewpoints and requests to a cohesive revised set of objectives and strategic policies. However, it is clear that many submitters do not agree with the recommendations or the reasoning to get to those recommendations.
14. In reviewing the evidence, it is clear that several submitters also take issue with the nature of the s42A Report in general, in that it does not separately analyse each and every submission received on a particular topic. Rather, the submissions are often identified and grouped together, analysed as a group and a recommendation made. The concern about this process first become apparent in evidence received on the objectives, but is a theme that recurs throughout the evidence. In response, I confirm that the s42A Report analysis method was chosen to be most efficient in terms of the analysis required and in terms of the length of the s42A Report. I fully support the analysis methodology. I also confirm that while a particular submission point may not have been separately analysed in the text, the submissions were thoroughly considered both in terms of the summary of submissions prepared by the Council and the as-lodged submissions and further submissions prepared by the submitters.
15. In my opinion, the key matters in contention include:
 - the appropriate “balance” of economic, social, environmental and cultural values inherent in the objectives and strategic policies, with many submitters seeking specific recognition of certain industries, resources or prioritisation between competing values;
 - the appropriateness of single issue, forward looking outcome statements as objectives, especially the “bluntness” of the wording of these where few exceptions or softening is

provided for. In addition, the undefined nature of some concepts referred to, particularly “good practice”, continues to concern many submitters; and

- the water quality outcomes set out in Tables 1a-c of the Plan. This includes the achievability and appropriateness of the values contained in those Tables, whether Tables 1a-c should be a minimum standard for sub-regional sections of the Plan to improve upon, or whether the Tables should be abandoned in favour of development of location-specific tables in the sub-regional sections.

Section 4

16. The majority of the definitions are addressed in Section 4 of the s42A Report. The definitions that are addressed in Section 4 are those that are more general in nature, and do not relate to a specific set of provisions or topic area in the Plan. Definitions that relate to specific topic areas are dealt with within the topic areas in the s42A report. For example, the definition of “vegetation clearance” is dealt with alongside the policies and rules on vegetation clearance, rather than in Section 4 of the Report. At the beginning of the definitions section, there is an index showing where each definition has been addressed. A small number of definitions will be addressed in the second group of hearings on farming matters, and again these are specifically identified. As I perceive it, the issues raised with respect to definitions dealt with in Section 4 of the s42A report are relatively modest.

Section 5

17. As has been stated above, I am responsible for a small part of Section 5 of the s42A Report, relating to on-site wastewater disposal. On-site wastewater disposal is a significant and on-going issue in Canterbury, and generates a significant volume of resource consent applications, as well as requiring monitoring and on-going commitment to education and other non-regulatory approaches. The Proposed Land and Water Regional Plan sets out a new framework for managing on-site effluent disposal, including the mapping of areas considered to be less appropriate for “off the shelf” solutions.

18. In my opinion, the key matters in contention include:

- the appropriateness of the Proposed Plan approach compared to alternative methods, particularly a return to the Natural Resources Regional Plan approach and abandonment of the NZ Standard and mapping approach; and
- the relatively detailed management of new systems compared with the potentially questionable logic of significantly lesser involvement in existing, potentially poorly performing onsite effluent disposal systems.

Section 6

19. I am also responsible for a small section of the water take regime in Section 6 of the s42A Report. This matter related to “flow sensitive catchments”. The Proposed Land and Water Regional Plan seeks to introduce a considerably simplified framework for managing these catchments, compared to that in the Natural Resources Regional Plan. In the Proposed Plan approach, the simplification potentially goes too far and loses valuable elements developed through the Natural Resources Regional Plan process. There has been considerable resistance from the forestry industry to the Proposed Plan approach, and something of a middle-ground has been recommended in the s42A Report. There are a number of submissions both for and against the Proposed Plan approach and the evidence would suggest it remains unsettled.

Section 9

20. Section 9 of the s42A Report addresses wetlands, vegetation in lakes and riverbeds; earthworks and vegetation clearance in riparian areas, vegetation and earthworks in erosion prone areas and excavation and deposition over aquifers. There is an even spread of submissions across these issues, with a variety of viewpoints raised. In addition, there have been important policy changes in the National Policy Statement on Freshwater Management¹ and the Regional Policy Statement² that have influenced the way these matters are managed in the Proposed Land and Water Regional Plan.

21. In my opinion, the key matters in contention include:

- the perennial issues of defining, identifying and protecting wetlands arise in numerous submissions, along with conflicts due to the multiple uses and values of riparian areas.

¹ Primarily Objective A2, Objective B2 and Objective C1

² See Chapter 9

The submissions and evidence cover the full spectrum of positions. Particular reference is made to the Department of Conservation's evidence and the contrast with the evidence of Federated Farmers;

- land management practices and the need for a pragmatic rule regime, particularly for activities in the hill and high country, riparian areas and identified erosion-prone areas;
- how forestry activities can operate within the vegetation management and erosion-prone areas frameworks; and
- the need for excavation, both to obtain gravel resources and to undertake building and land repair in Christchurch.

Section 11

22. Section 11 of the s42A Report addresses a range of matters that do not fit easily in any of the sections above. These include the general rules at the beginning of the rule section of the Proposed Plan, the policies and rules that relate to natural hazards, Schedules 18-23, which mainly relate to statutory acknowledgements and similar issues, and various mapping changes. As I perceive it, the issues raised are relatively modest.

“Tracked Changes” Version of the Recommended Alterations to the Proposed Plan

23. I am responsible for the recently circulated version of the Proposed Land and Water Regional Plan that contains all of the recommendations from the s42A Report. No additions or changes have been made from the s42A Report recommendations – it is merely a condensing of the recommendations. Notable factors include:
- schedules that have not been submitted on, such as Schedules 19, 20, 21 and 22 have not been included in this version;
 - those sections of the Proposed Plan that are to be addressed in subsequent hearing reports have either been highlighted in grey (such as the farming provisions) or have been omitted (such as the sub-regional sections); and
 - a number of cross-references have been added to this version of the Proposed Plan. These are not specifically identified in the text of the s42A Report, but it is variously noted in the Report that cross-references and notes will be added “as appropriate”.

Conclusion

24. The scale of the Proposed Land and Water Regional Plan, in combination with the compressed timeframe under which it has been developed has inevitably led to some economies being necessary and assumptions being made, particularly in terms of reliance on the science and policy and rule positioning of the Natural Resource Regional Plan. The submissions lodged have challenged those economies and tested those assumptions. Some submitters have clearly sought greater alignment with “agreed” positions reached through the Natural Resource Regional Plan process and have expressed frustration that there is a need address the same issues again. Others have sought a clear departure from previous policy and rule frameworks. It is my view that the s42A Report process has sought to provide an analysis and a set of recommendations that:
- better give effect to Part 2 of the RMA, the National Policy Statement on Freshwater Management and the Regional Policy Statement 2013;
 - better achieves the aspirations of the Canterbury community; and
 - tidy up and improve a myriad of wording issues, at both a technical and policy level.
25. There remain a wide range of issue that are contested by submitters in their evidence.



Matthew McCallum-Clark

20 February 2013