

**BEFORE THE COMMISSIONERS APPOINTED ON BEHALF OF THE  
OTAGO REGIONAL COUNCIL**

**UNDER** The Resource Management Act 1991  
(the **Act** or **RMA**)

**IN THE  
MATTER** of an original submission on the  
Proposed Otago Regional Policy  
Statement 2021 (pORPS)

**BETWEEN** **OTAGO WATER RESOURCE USER  
GROUP**  
**Submitter OS00235 and FS00235**  
**FEDERATED FARMERS NZ INC**  
**Submitter OS00239 and FS00239**  
**DAIRYNZ**  
**Submitter FS00601**

**AND** **OTAGO REGIONAL COUNCIL**  
**Local Authority**

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**SUMMARY OF EVIDENCE OF MIKE FREEMAN**

**DATED 2 MAY 2023**

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### **Summary of evidence**

1. My full name is Michael Conrad Freeman. I am a Principal Environmental Consultant at Landpro Limited, a firm of consulting planners, scientists, surveyors, and engineers. I refer to my full experience and expertise outlined in my evidence-in-chief.
2. My evidence is consistent with the new 2023 Environment Court Code of Conduct for Expert Witnesses
3. There is a small error in paragraph 21 of my evidence where the reference to RMA Section 61(b) should be 61(1)(a), i.e., an RPS must be prepared in accordance with a regional council's functions under Section 30 that are relatively broad.
4. There is also a small error in my recommended changes caused by an RMA amendment. For IM-04 – Climate change. I stated that clause 2 would conflict with RMA Section 104E. This section was repealed in November 2022. Therefore, the clause would not be in conflict now and should be retained.
5. I briefly highlight the key points of my evidence and comment on the planning implications of the two JWSs (infrastructure and natural and physical resource users) that I was involved with.

### *The Development and Impartial Assessment of the pORPS*

6. There is a lack of a robust evaluation in the section 32 report of the economic implications of some of the key transformations anticipated and therefore how to develop realistic timeframes and mechanisms to facilitate the transition. The lack of this evaluation partly explains why appropriate mechanisms have not been incorporated into the pORPS. The section 32 report also includes contradictory statements that economic consequences are “*unable to be quantified*” and they will be addressed in relevant regional plans.
7. It is unsettling that not all the 42A reporting appears to be independent of the s 32 reports. There is no formal direction that makes common authorship inappropriate. However, many of the s 42A reports cannot

be considered fully independent assessments. I am very conscious that when I review my own work, I can be subject to confirmation bias.

#### *Certainty and significance*

8. There is a need for the pORPS to provide clear direction and certainty. It should not attempt to re-write or tweak existing higher order policy provisions and should provide 'purposive courses of action'. As an example, some objective/policy packages simply have an objective framed with a passive verb and a key policy effectively restating the objective with an active verb. There is a lack of policies that provide clear direction on how an objective should be achieved.
9. There is a need for the Otago RPS to include the broad planning scope that is anticipated by section 61(1)(a) of the RMA. This appears to be linked to the narrow interpretation of what constitutes "significant resource management issues for the region" (s 62(1)). I am familiar with the Southland and Canterbury regional policy statements and neither of those documents have such a narrow interpretation.
10. There is a need for complementary objectives and policies to demonstrate how communities would make the transitions envisaged in the Proposed Otago RPS. It appears to be a significant gap that clear, realistic and achievable implementation routes have not been identified.

#### *Giving effect to the National Policy Statements*

11. The proposed Otago RPS does not fully "give effect to" the NPSFM. It currently does not include provisions that would give effect to the third obligation, namely "*the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*" There is a clear hierarchy but there still is an obligation to the third hierarchy. There is inadequate policy provision for these matters, for example, specifying how and over what time scale critical changes would occur.
12. The proposed Otago RPS does not appear to give full effect to at least one important NPS i.e., the NPS for Renewable Electricity Generation.

For example, singling out of the Clyde Dam and lack of measures that “recognise and provide for” other renewable electricity generation in Otago (e.g., Hawea, Falls, Roxburgh, Fraser, Roaring Meg, Teviot, Wye Creek, etc.).

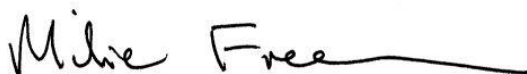
*Recommended changes to the pORPS*

13. The need to improve several important technical definitions and alignment of some policies with the underlying science e.g., use of the word “flourish”.
14. I have suggested a series of changes to the wording proposed in the primary s 42A report and am happy to answer any questions on the high-level issues or any specific recommendation.

*Joint Expert Witness Statements*

15. The two joint expert witness statements that I have been involved with identify two significant resource management issues for the region (infrastructure and users of natural and physical resources) that have not been adequately addressed by the existing provisions. Further assessment is needed to assess the options to appropriately address and incorporate these issues into the Otago RPS.
16. I would be happy to answer any of the Panel’s questions.

Dated 2 May 2023

A handwritten signature in black ink that reads "Mike Freeman". The signature is written in a cursive style with a long horizontal line extending to the right.

Mike Freeman