

BEFORE THE MANAWATU-WANGANUI REGIONAL COUNCIL

In the matter of the Resource Management Act 1991

and

In the matter of Submissions and further submissions made by
RIVERCITY PORT LIMITED to the Manawatu-
Wanganui Regional Council on the Proposed
Horizons One Plan – Coast.

BRIEF STATEMENT OF EVIDENCE OF BEN FARRELL
Environmental Planner

29 AUGUST 2008

1 Introduction

- 1.1 My name is Ben Farrell and I am a Senior Environmental Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I hold the qualifications of Bachelor Resource Studies and Master of Environmental Policy (*Hons*), from Lincoln University. I am a Member of the New Zealand Planning Institute. I have been a planning consultant based in Wellington and Christchurch for some 5 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and power sectors, including port companies.
- 1.2 My experience includes the preparation of Plan Changes for Councils and private clients, as well as work on the preparation and administration of District and Coastal Plans, including formulating provisions for port and boating activities in the coastal marine area (CMA).
- 1.3 In this matter, I have been commissioned by River City Port Limited to prepare its submissions on the proposed One Plan and to present planning evidence on its submission points and the Reporting Officer's report and recommendations. I attended the two pre-hearing meetings held by the Council.
- 1.4 In preparing my evidence, my approach was to consider the provisions of the proposed One Plan of consequence to River City Port Limited, having regard to the purpose and principles of the Resource Management Act (RMA) and the New Zealand Coastal Policy Statement, and recommend appropriate changes that would give effect to the amendments requested by River City Port Limited in a way that is consistent with the RMA and my duties as an independent planning expert.
- 1.5 My evidence provides an analysis of the section 42A report's recommendations into the submissions and further submissions on the proposed One Plan as they relate to the concerns of River City Port Limited.
- 1.6 I do not intend to address many of the matters of other submitters' concerns in River City Port Limited's submission in detail, unless specifically relevant. Rather, the purpose of my evidence is to review the principal matters of concern to River City Port Limited, within the Chapter on Coast, against the purpose and principles of the RMA and my experience in administering District and Regional Plans.

- 1.7 I note the second pre-hearing meeting was held on 27 August 2008 and there are some outstanding matters arising from this meeting, as summarised in section 2 of my evidence. In this regard, my evidence is based on agreements in principle that the Reporting Officer will provide supplementary evidence to change some of her recommendations, in support of various amendments to the activity status of certain activities in the Port Zone. Therefore, until I review this additional information and consult with River City Port Limited, I cannot complete my evidence and I reserve the right to amend or clarify matters raised in the pre-hearing meetings and any discussions, reports or other evidence provided before or during the hearing.

2 Primary Issues for River City Port Limited

- 2.1 As outlined in its primary submission, River City Port Limited seeks that the One Plan suitably recognises the regional significance of the Port, and does not overly restrict port maintenance and development activities.
- 2.2 For this hearing (on those provisions relating to Coast), River City Port Limited is concerned that the proposed One Plan can better recognise and take into account the range of activities associated with the Wanganui Port, and better enable effective and efficient development within the port.
- 2.3 To address these matters, I agree with River City Port Limited that some amendments should be made to the proposed One Plan, and I have advised the company on the form and detail of such changes that are appropriate in my opinion.
- 2.4 In summary, the relief sought by River City Port Limited and the changes that I am recommending seek to ensure that the provisions contained in the proposed One Plan provide the recognition of and provision for appropriate resource activities and uses through a balanced approach to achieving sustainable management.
- 2.5 As noted in my introduction, there are some outstanding matters arising from the pre-hearing meetings. These matters are:
- Confirmation by the Reporting Officer that wharf extensions shall be permitted, to a degree, in the Port Zone
 - Confirmation by the Reporting Officer that small reclamations shall be a Controlled Activity in the Port Zone
- 2.6 I will respond to these matters in supplementary evidence at the hearing, if required.

3 Section 42A Report – Coast Provisions

Recommendation COA 8

Chapter 9 Objective General

- 3.1 River City Port Limited's submission requested that the Port should be specifically recognised in the coastal objectives. This relief was sought to further affirm the significance of the Wanganui Port. In this regard, River City Port Limited acknowledges and supports the recommended changes by the Reporting Officer to section 3.1, which, when read in conjunction with Policy 9-2, recognises the Wanganui Port as being a regionally and nationally significant infrastructure.
- 3.2 Therefore, changes to the current objectives in Chapter 9 are no longer sought by River City Port Limited.

Recommendation COA 13

Chapter 9 Policy 9-2 Zones

- 3.3 In general, River City Port Limited is supportive of this policy as it specifically recognises and provides for the maintenance and facilitation port related activities in the Wanganui Port. However, this policy does not specifically recognise or provide for development within the port zone.
- 3.4 In this regard, it is likely the port will need to extend existing facilities in the future to meet and provide for the socioeconomic wellbeing and growth of the community on a local and regionally basis, particularly as demands for water transportation methods increase. In addition, the general shift to more environmental sustainable transport methods is anticipated to further increase the demand for water transportation and associated facilities in the future.
- 3.5 It is therefore considered appropriate that Policy 9-2 recognises that development of the CMA is appropriate in the port zone. This policy amendment would align with the controlled activity status for new structures within the Port Zone and in addition, be consistent with the direction of the NZCPS in that any development of the CMA should be in existing developed areas, and where natural character has already been modified.

- 3.6 To achieve this, River City Port Limited's original submission requested that specific reference be given to a Port Development Plan, which could permit certain developments in the Port Zone. It was intended by River City Port Limited that such a Port Development Plan would be prepared in consultation with key stakeholders, including Horizons to provide a clear long term strategic direction for development of the Port, while avoiding the need to obtain numerous resource consents for individual components of future development originally anticipated to be required for such development. However, through the pre-hearing meetings, it was identified that a long term Port Development Plan could be granted resource consent. Notwithstanding this, through the pre-hearing meetings it was established that, on consensus, the type of activities sought to be permitted, could be permitted, if they were better defined and were provided for within specific parameters, as required.
- 3.7 In this regard, I understand there is agreement in principal to amend the existing rules so that:
- Extending the length of the existing wharf facility by up to 57m would be a permitted activity
 - Small reclamations and associated retention structures (i.e. reclamations up to 1ha in area or 100m in any one direction), within a generally defined area, would be a controlled activity.
- 3.8 Subject to these conditions being introduced elsewhere in the One Plan Provisions, River City Port Limited accepts the Reporting Officer's recommendation to reject the request for a Port Development Plan to be referred to in Policy 9-2.
- 3.9 For these reasons, relief is sought as follows:

Amend policy 9-2 as follows:

Activities and important values in the CMA shall be managed in accordance with the following zones:

(iii) involve the maintenance and extension of existing structures.

Recommendation COA 37 and 43

Chapter 17 New Rules and Chapter 17 Rule 17-9, 17-16, 17-17, and new rules for port maintenance in the protection zone

- 3.10 The Reporting Officer disagrees with River City Port Limited's submission to make non-port related activities Restricted Discretionary Activities (this was the intention of the original submission although it is acknowledged the original submission was not clear on this) citing that the effects of "any other" activities cannot reasonably be predicted. I agree the relief as worded may not be appropriate and some large scale activities should be discretionary activities.
- 3.11 However, within the Port Zone, I consider it inappropriate for new structures associated with bank protection and small reclamations to be discretionary activities and consider that the permitted or controlled activity status is more appropriate.
- 3.12 Through the pre-hearing meetings, River City Port Limited understands:
- Resource consent will not be required to maintain, restore, and upgrade [lawfully established] existing structures within the CMA (provided the works retain existing character, scale and intensity of those structures)
 - Resource consent will be required for a discretionary activity (or restricted discretionary if the Reporting Officer's recommendation for new rule 17-12 is accepted), to construct new structures including the expansion of existing structures outside the Port Zone, including the Coastal Protection Zone
- 3.13 This matter was discussed at the pre-hearing meeting on 18 July and it was clarified that port related structures would not be Prohibited in the CPZ. However, Rule 17.5 still appears to specifically prohibit Port related structures, including marinas, from being established in the Protection Zone. I considered there is no apparent reason, or at least a lack of justification, for making port related structures and marinas prohibited in the Protection Zone at the mouth of the Whanganui River, particularly when they could be discretionary or non-complying activities. In the unlikely event of a marina or port related activity being proposed in the protection zone in Whanganui River, a discretionary or non-complying activity status would enable a full assessment of environmental effects to be carried out prior to the determination of any resource consent. Overall, the prohibited activity status is considered overly restrictive and is not considered to be in accordance with the principle of sustainable management. Therefore, it is considered "port structures" and "marinas" should be removed from Rule 17.5.

3.14 For the above reasons, relief is sought as follows:

Relief Sought

Amend existing rules or include new rules to;

- i. Permit extensions to the length of the existing wharf by up to 10% or 57m*
- ii. Enable reclamations of up to 1ha in area and no more than 100m in any direction to be carried out as a controlled activity within the Port Zone.*
- iii. Remove “port structures” and “marinas” from Rule 17.5*

Note: more specific wording will be confirmed upon confirmation of the agreed outcome of the pre-hearing meeting on 27 August.

Recommendation COA 63

H: 10 Port Zone

3.15 River City Port Limited acknowledges and supports the Reporting Officer’s recommendation to identify the third discharge zone.

3.16 While I disagree with the Reporting Officer’s statement that there is “*no advantage for extending the port zone*” (extending the Port Zone provides for potential port expansion), River City Port Limited no longer requests changes to the location of the Port Zone as shown in figure H:10.

Relief Sought

- 1. Identify the third discharge zone as recommended by the Reporting Officer*
- 2. Retain the Port Zone boundaries as shown on Figure H:10*



4 Conclusion

- 4.1 In conclusion, the majority of River City Port Limited's original concerns have been clarified and have been met. In this regard I support the intent of the One Plan provisions to recognise and provide for the Wanganui Port and the general enabling nature of port related developments.
- 4.2 However, I feel this recognition can be extended to acknowledge the regional significance of the port and to acknowledge that development is anticipated within the CMA in the Port Zone.
- 4.3 I also feel that the proposed rules and standards should be amended to:
- (a) Permit the extension of the existing wharf facility
 - (b) Enable small reclamations as controlled activities
 - (c) Ensure that the construction of port related structures are not prohibited activities in the Protection Zone
- 4.4 Accordingly, I would recommend that the relief sought by River City Port Limited be accepted, according to the manner outlined in my evidence and to be confirmed at the hearing.



Ben Farrell
Senior Environmental Planner, Boffa Miskell Limited
29 August 2008