

Planning Evidence and Recommendations Report

***Horizons Regional Council's Senior Consultant
Planner's Report on Submissions to the
Proposed One Plan –
Setting the Scene (Chapter 1);
Administration (Chapter 2);
Introduction to Rules (Chapter 11); and
Financial Contributions (Chapter 18).***



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Reporting on the Financial Contributions Section

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INTRODUCTION

CHAPTER 1: SETTING THE SCENE

CHAPTER 2: ADMINISTRATION

CHAPTER 11: INTRODUCTION TO RULES

CHAPTER 18: FINANCIAL CONTRIBUTIONS

*This report contains the recommendations from Horizons Regional Council's Senior Consultant Planner on submissions to the Proposed One Plan. These recommendations are **NOT** Council recommendations or final decisions.*

Horizon Regional Council's Proposed One Plan was notified on Thursday 31 May 2007. The closing date to lodge submissions on the document with Horizons Regional Council was Friday 31 August 2007; late submissions were accepted through to Sunday 30 September 2007. Further submissions were accepted from 17 November 2007 through to Wednesday 19 December 2007.

During the submission period 467 submissions and 62 further submissions were received from individuals (314), organisations/companies (149), iwi (18), Territorial Authorities (15), interest groups (10), Central Government organisations (19), District Health Boards (2) and Regional Councils (2). The submissions addressed a large number of matters in the Proposed One Plan and associated Section 32 report. This document is the Planning Evidence and Recommendations Report; it contains the recommendations made by Horizons Regional Council's Senior Consultant Planner to the Hearings Panel, having considered the submissions received to the Proposed One Plan.

The submissions and further submissions to the Proposed One Plan have been assessed by Horizons Regional Council's Senior Consultant Planner having regard to:

- The One Plan philosophy and intent
- Section 32 Report
- Technical evidence
- Resource Management Act responsibilities
- Case law

Horizons Regional Council staff met with some submitters to clarify points raised or negotiate potential outcomes, and they sought advice from technical advisors as appropriate. As noted in the readers' guide, the recommendations on submissions do not have any statutory weight. Instead, they are intended to assist the Hearing Panel to:

- (a) consider the merits of the Proposed One Plan in light of submissions received; and
- (b) assist submitters by setting out responses to the points raised.

Part Four presents the evaluation of submissions along with the technical and planning evidence considered by the Horizons Regional Council Senior Consultant Planner and Policy Advisor in making recommendations to the Hearing Panel. Tables are presented showing whether a submission point are

recommended to be accepted, accepted in part or rejected as a consequence of these recommendations. Accept in part means that only part of the decision requested in that submission is recommended to be accepted. Unless detailed otherwise where the primary submission are recommended to be accepted it follows that the further submissions supporting the primary submission are recommended to be accepted, and that the further submissions opposing the primary submitter are recommended to be rejected.

PART ONE: READERS' GUIDE

1. Structure of Report

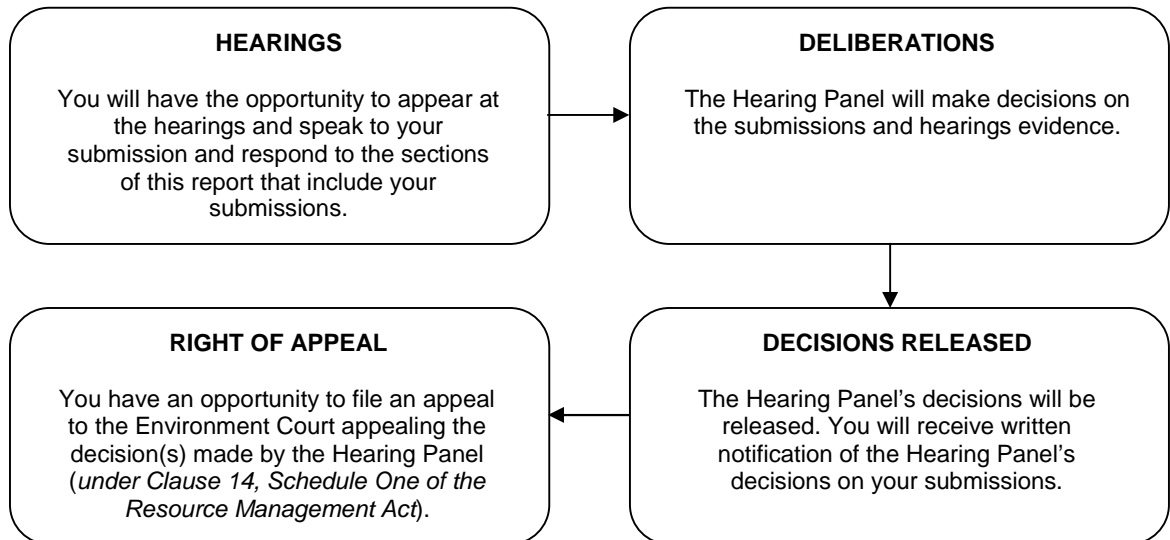
The Planning Evidence and Recommendations Report on submissions relating to Chapter 1: Setting the Scene, Chapter 2: Administration, Chapter 11: Introduction to Rules and Chapter 18: Financial Contributions includes:

- Part 1 Readers' guide
- Part 2 Statement of qualifications and experience
- Part 3 Summary of key themes and recommendations
 - Provides a summary of the key submission themes and recommendations relating to Chapter 1: Setting the Scene, Chapter 2: Administration, Chapter 11: Introduction to Rules and Chapter 18: Financial Contributions.
- Part 4 Recommendations on submissions on Chapter 1: Setting the Scene, Chapter 2: Administration, Chapter 11: Introduction to Rules and Chapter 18: Financial Contributions, of the Proposed One Plan; includes tables indicating whether a submission point has been recommended to be accepted, accepted in part or rejected as a consequence of Horizons Regional Council's Senior Consultant Planner's recommendation. The technical and planning assessment is presented along with the Planner's evaluation, recommendation and proposed wording changes to implement that recommendation:
 - Recommendation STS 1: Chapter 1 General Overview
 - Recommendation STS 2: Chapter 1 Paragraph 1.1 Scope and Introduction
 - Recommendation STS 3: Chapter 1 Paragraph 1.2 What is in the One Plan?
 - Recommendation STS 4: Chapter 1 Paragraph 1.3 Our Challenges "The Big Four"
 - Recommendation STS 5: Chapter 1 Issue 1 Surface Water Quality Degradation
 - Recommendation STS 6: Chapter 1 Issue 2 Increasing Water Demand
 - Recommendation STS 7: Chapter 1 Issue 3 Unsustainable Hill Country Land Use
 - Recommendation STS 8: Chapter 1 Issue 4 Threatened Native Habitats
 - Recommendation STS 9: Chapter 1 Paragraph 1.4 Adapting to Climate Change
 - Recommendation STS 10: Chapter 1 Paragraph 1.5 Working Towards a Better Future
 - Recommendation STS 11: Chapter 1 Paragraph 1.6 Codes of Practice and other Good Practice Initiatives
 - Recommendation ADM 1: Chapter 2 General Overview

- Recommendation ADM 2: Chapter 2 Paragraph 2.1 Cross-Boundary Issues
- Recommendation ADM 3: Chapter 2 Paragraph 2.2 Plan Monitoring
- Recommendation ADM 4: Chapter 2 Paragraph 2.3 Plan Review
- Recommendation ADM 5: Chapter 2 Issue 2-1 Consent Duration, Review and Enforcement
- Recommendation ADM 6: Chapter 2 Objective 2-1 Consent Duration, Review and Enforcement
- Recommendation ADM 7: Chapter 2 Objective Policy General
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- Recommendation ADM 12: Chapter 2 Policy 2-5 Enforcement Procedures
- Recommendation ADM 13: Chapter 2 Anticipated Environmental Results Table Row 2
- Recommendation ADM 14: Chapter 2 Explanations and Principal Reasons
- Recommendation ITR 1: Chapter 11 General
- Recommendation ITR 2: Chapter 11 Table 11.1 Summary of Regional Rules
- Recommendation ITR 3: Chapter 11 Paragraph 11.2 General Objectives and Policies
- Recommendation ITR 4: Chapter 11 Paragraph 11.2.1 Scope and Background
- Recommendation ITR 5: Chapter 11 Objective 11-1 Resource Management in the Manawatu-Wanganui Region
- Recommendation ITR 6: Chapter 11 Policy 11-1 Regional Rules for Restricted Activities
- Recommendation ITR 7: Chapter 11 Policy 11-2 Regional Rules for Unrestricted Activities
- Recommendation ITR 8: Chapter 11 Policy 11-3 Conditions, Standards, and Terms in Regional Rules
- Recommendation ITR 9: Chapter 11 Policy 11-4 Common Catchment Expiry or Review Date
- Recommendation ITR 10: Chapter 11 Table 11.2 Common Expiry Dates for Consents in Water Management Zones
- Recommendation FC 1: Chapter 18 General
- Recommendation FC 2: Chapter 18 Paragraph 18.1 Scope and Background
- Recommendation FC 3: Chapter 18 Policy 18-1 Purpose of financial contributions
- Recommendation FC 4: Chapter 18 Policy 18-2 Amount of contribution
- Recommendation FC 5: Chapter 18 Policy 18-3 Matters to be considered for financial contributions

1.1 Process from here

This Hearing Evidence Report has been written to assist the Hearing Panel in the decision-making process. The process for the decision-making is set out below for submitters' information:



PART TWO: STATEMENT OF QUALIFICATIONS AND EXPERIENCE

2.1 Clare Barton

My name is Julie Clare Barton and I am a Senior Consultant Planner and Director of the consulting firm Environments by Design Limited (EBD). EBD consults predominantly in Palmerston North, Horowhenua, Taranaki and Wellington in relation to a range of resource management matters. I hold a Bachelor of Regional Planning degree (Honours) from Massey University, Palmerston North.

I have 19 years experience in New Zealand in the profession of planning. I have worked both as employee and consultant to local government authorities, the Ministry for the Environment and private consultancy firms. I worked in the Resource Management Directorate of the Ministry for the Environment from 1991 to 1994 and worked on preparing recommendations to select committees on both the Resource Management Act and its first amendment. I have been involved in the development of District Plans and in various Private Plan Change applications. I have assessed and reported on many applications for Resource Consent including matters that have been decided in Hearings and in the Environment Court.

I have been engaged by the Manawatu-Wanganui Regional Council (trading as Horizons Regional Council) to report on the submissions to Chapters 1, 2 and 11 of the Proposed One Plan. I have only been directly involved with the specific development of the Proposed One Plan in preparation for the Hearing on the submissions. I have, however, been working for the Regional Council on a consultancy basis within the Consents Section since December 2006. I am therefore generally familiar with the issues and process involved in the development of the Proposed One Plan and I have a good understanding of the issues that have arisen in the implementation of the provisions of the Proposed One Plan.

I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Notes. I agree that the overriding duty of the Environment Court expressed in paragraph 5.2.1 of that code of conduct will be treated as a duty to the Hearing Panel.

2.2 Barry Gilliland

My name is Barry William Gilliland. I am employed as a Policy Advisor in the Policy Team at Horizons Regional Council. I carried out the review, evaluation and made recommendations on Chapter 18: Financial Contributions.

I hold the following qualification:

- 1975 Bachelor of Technology (Biotechnology) Hons

I have 33 years experience working for Horizons Regional Council and its former authorities in the area of resource management.

- 2003 to now – Member of Policy Team contributing to Horizons regional and corporate planning and providing water quality assistance to the Science Team.
- 1990 to 2003 – Manager at Horizons Regional Council overseeing the Laboratory, Consents, Compliance and Science teams at Horizons Regional Council and its former authorities.
- 1975 to 1990 – Experience at Horizons Regional Council and its former authorities as the organisation's lead advisor on water quality matters including: planning, field work, laboratory, data analysis, reporting and consent conditions. Worked as Team Leader of the Compliance Monitoring Team.

I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Notes. I agree that the overriding duty of the Environment Court expressed in paragraph 5.2.1 of that code of conduct will be treated as a duty to the Hearing Panel.

PART THREE: SUMMARY OF KEY THEMES AND RECOMMENDATIONS

The purpose of this summary is to provide an overview of the submissions received to Chapter 1: Setting the Scene, Chapter 2: Administration, Chapter 11: Introduction to Rules and Chapter 18: Financial Contributions, of the Proposed One Plan, and the recommendations to the Hearing Panel. Due to the significant number of submissions received and the complexity of the issues raised, the Planning Evidence and Recommendations Report is a large document and submitters may wish to have a short summary of the issues raised and the action that Horizons Regional Council's Senior Consultant Planner and Policy Advisor have recommended in response to each issue. The following summary attempts to provide such an overview.

Chapter 1: Setting the Scene

The Four Key Regional Issues

The four key issues identified in Proposed One Plan for the Region are:

- (a) Surface water quality degradation;
- (b) Increasing water demand;
- (c) Unsustainable hillcountry land use;
- (d) Threatened native habitats.

Some submitters seek to have the scope of the issues altered or additional key issues identified in Chapter 1. The four key issues are a signal of the strategic programme for the Regional Council and do not in any way mean other issues are not covered in the Plan. I do not consider the Council is abrogating its functions. I recommend that the general approach taken in Chapter 1 be retained, with some minor wording changes to provide greater clarity.

Chapter 2: Administration

Recommended Changes to the Structure of Chapter 2

A key recommendation in Chapter 2 is the relocation of many of the objectives from this Chapter into Part II of the Plan. These changes are signalled in an earlier s 42A report prepared by Ms Andrea Bell in relation to Chapter 5: Land. The relocation is also supported by Territorial Authorities in their submissions. The following table summarises these changes and the reasons for recommending the changes:

Recommended Change	Reason for Change
Move the general administration provisions in Chapter 2 (covering administration, cross-boundary issues, plan monitoring and plan review (being Sections 2, 2.1, 2.2 and 2.3) to a new Chapter 10A at the rear of Part I of the	It is considered more appropriate to have the implementation methods at the end of Part I rather than at the beginning, to allow for a more logical flow, ie. issues, objectives, policies and then the methods.

Plan to become to become Sections 10A to 10A.3.	
Delete Section 2.4 (Issue 2-1).	As a result of moving the objective and policies to the new Chapter 11A in the Plan section an issue statement is no longer necessary, as issues do not need to be identified in the Plan.
Move the objective and policies from Chapter 2 (Objective 2-1 and Policies 2-1 to 2-5 in Sections 2.5 and 2.6) to a new Chapter 11A, which is located within Part II of the Plan, to become Objective 11A-2 and Policies 11A-4, 11A-5, 11A-6, 11A-7 and 11A-8.	<p>The objectives and policies relate to resource consent and compliance matters which more appropriately sit in the Regional Plan. The rules will then follow these general objectives and policies.</p> <p>Note: The Māori wording included under Objective 2-1 has been removed in relocating the objective into the Plan section. Te reo text is not included anywhere within the Plan section and therefore, to be consistent, the text has been removed.</p>
Delete Section 2.8 (Anticipated Environmental Results) and Section 2.9 (Explanation and Principal Reasons).	The objective and policies have been moved into Part II and the Anticipated Environmental Results and Principal Reasons are associated with the objective and policies. Anticipated Environmental Results and Principal Reasons are not required by the Act to be included in a Regional Plan.

Apart from the key changes mentioned above, I recommend that the general approach taken in Chapter 2 be retained, with some minor wording changes.

Compliance and enforcement

Tararua District Council, Horowhenua District Council and Rangitikei District Council seek to have a policy included which sets a process whereby consent holders can challenge and revoke non-compliance assessments. I consider that the question as to whether a consent holder is in compliance or not is a matter for the Courts to determine. The Regional Council's Compliance Team is developing a guideline which I consider is appropriate and therefore I do not recommend any changes on this matter. I do recommend the addition of the following words within Policy 11A-8, "Any defences the person may rely upon" to clarify that this is a matter that will be taken into account when considering enforcement procedures.

Chapter 11: Introduction to the Regional Plan

It is recommended to separate Chapter 11 into two chapters. Chapter 11 will provide the introduction to the Regional Plan and Chapter 11A will contain the General Objectives and Policies for the Regional Plan. As outlined above, these includes some provisions from Chapter 2.

The recommended changes are to enable Chapter 11 to focus on the introduction to the Regional Plan and cover how the Plan is set out, how it will work and provide a guide to the rules. Chapter 11A will then focus on the General Objectives and Policies within the Regional Plan and provide policy guidance for Plan users and Plan administrators regarding consent duration, review and enforcement, regional rules, consent conditions and duration, consents review, sites with multiple activities and enforcement procedures.

Consent duration and common catchment expiry dates

Many submissions, including those from the Territorial Authorities, seek to have more certainty around consent terms. I recommend changes to a relocated and amended Policy 11A-5 to provide greater certainty and guidance around the issue of consent duration.

Multiple activities and activities covering multiple sites

It is proposed to add a provision into Policy 11A-7 to clarify that there may be circumstances where umbrella consents may result in consents being considered at their given status rather than the status of the most stringent consent.

Chapter 18: Financial Contributions

Financial contributions

Decisions requested by submitters to Chapter 18 range from deletion of the entire chapter to retention of the chapter as proposed. An underlying theme of submission points appears to be a concern that financial contributions will be used routinely and indiscriminately by decision-makers. These concerns are mainly related to the potential costs to applicants, but one submitter is concerned about the potential environment damage that financial contributions may allow.

Horizons has chosen to make financial contributions available as a decision-making option in consent processes. Financial contributions can only be imposed if they are provided for in a plan or a proposed plan (RMA section 108(10)), so deleting Chapter 18 is not recommended.

The policies are provided to meet the requirements of RMA section 108 (10) and provide guidance for decision-makers. A number of submissions seek clarification of policies to provide more certainty about when financial contributions will be imposed (and not imposed) and how the amount will be determined. Recommendations are made in response to these submissions where this will assist clarity and certainty.

Several submitters seek changes to Policy 18-2 that would result in identification of fixed amounts or use of specific methodologies so amounts can be calculated by consent applicants. Although this approach may be practical in the context of the reasonably predictable need for infrastructure in a Territorial Authority, it is not considered a practical approach in the regional context. This is because of the nature of the consent applications dealt with and the benefit of considering them on a case-by-case basis, should financial contributions be an appropriate way of dealing with significant adverse effects that can not be adequately avoided, remedied or mitigated.

PART FOUR: RECOMMENDATIONS ON SUBMISSIONS

4.1 STS 1 – Chapter 1 General Overview

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
PALMERSTON NORTH CITY COUNCIL	241	4	That Horizons notes the support of PNCC on a number of matters included in Chapter 1: Setting the Scene, in particular the commentary on climate change, working with people and communities, affordable solutions and use of industry developed codes of practice.	Accept
	X 500	59	TARARUA DISTRICT COUNCIL - Support	Accept
	X 507	59	MANAWATU DISTRICT COUNCIL - Support	Accept
	X 515	59	HOROWHENUA DISTRICT COUNCIL - Support	Accept
	X 517	195	RANGITIKEI DISTRICT COUNCIL - Support	Accept
	X 532	59	WANGANUI DISTRICT COUNCIL - Support	Accept
WATER AND ENVIRONMENTAL CARE ASSN INC	311	2	Insert Issue 5 Coastal Dune Systems	Reject
			The Problems	
			Historically there has been unsatisfactory management of the foredunes. The early pioneers ruined them with indiscriminate grazing and burning. The off-road vehicle activities, pests (rabbits) and marram are the current problems. The western coastline is prograding, yet inappropriate placement of hard structures has been permitted.	
			Examples	
			The Foxtangi Dune System management ceased in the	

Submitter	Number	Point	Decision Sought	Recommendation
			1990"s.	
			Marram has been planted in preference to spinifex with the inevitable formation of upright dunes that collapse.	
			Off-road vehicle activity has very significantly increased since the 1970"s and in the Horowhenua District is encouraged by the issuing of permits for the use of the MacKenzie Trail (paper road) which is entirely unfenced and has never been accurately surveyed. The Horowhenua District Council has also allowed indiscriminate use of Zone Three of the Foxton Beach Coastal Reserves Management Plan as an off-road area. This has resulted in a spillover into the entire foredune system with loss of vegetation and subsequent sandblow. This affects residential and farming properties and is perceived as affecting the mudflat ecology in the Manawatu Estuary, which is now recognised as a Ramsar Wetland of International Significance.	
			The Foxton Beach Surf Club building should be re-located inland as it is causing a groyne effect	
			The proposed Foxton Beach sea wall is unnecessary on a prograding coast.	
			Proposed Approach	
			Horizons will be the lead agency in ensuring that:	
			management of the coastal reserves is removed from irresponsible territorial local authorities	
			paper roads are either eliminated or retained for emergency management purposes only	

Submitter	Number	Point	Decision Sought	Recommendation
<p>no sacrificial off-road areas will be permitted in any dune system.</p> <p>No more inappropriate hard structures will be permitted on a prograding coastline</p> <p>The option of creating a Regional Park for the Horowhenua/Manawatu coastline is actively pursued</p> <p>Please find attachment to this submission supporting the proposed approach.</p> <p>Look for</p> <p>Any objectives, policies and methods that address this issue. Currently there are none that adequately support the Proposed Approach for off road vehicle control and they will have to be initiated and implemented by the One Plan by way of additions to the proposed Vehicle By-law project on page 9-8.</p> <p>The NZ Coastal Policy Statement must be given more recognition in order to prevent any more haphazard hard structure installations on a prograding coast.</p>				
	X 490	15	TARANAKI / WHANGANUI CONSERVATION BOARD – Support	Reject
	X 492	27	MINISTER OF CONSERVATION - Support	Reject
	X 529	9	ENVIRONMENT NETWORK MANAWATU - Support	Reject
MANAWATU ESTUARY TRUST	312	12	Insert Issue 5 Coastal Dune Systems	Reject
<p>The Problems</p> <p>Historically there has been unsatisfactory management of the foredunes. The early pioneers ruined them with</p>				

Submitter	Number	Point	Decision Sought	Recommendation
			<p>indiscriminate grazing and burning. The off-road vehicle activities, pests (rabbits) and marram are the current problems. The western coastline is prograding, yet inappropriate placement of hard structures has been permitted.</p> <p>Examples</p> <p>The Foxtangi Dune System management ceased in the 1990"s.</p> <p>Marram has been planted in preference to spinifex with the inevitable formation of upright dunes that collapse.</p> <p>Off-road vehicle activity has very significantly increased since the 1970"s and in the Horowhenua District is encouraged by the issuing of permits for the use of the MacKenzie Trail (paper road) which is entirely unfenced and has never been accurately surveyed. The Horowhenua District Council has also allowed indiscriminate use of Zone Three of the Foxton Beach Coastal Reserves Management Plan as an off-road area. This has resulted in a spillover into the entire foredune system with loss of vegetation and subsequent sandblow. This affects residential and farming properties and is perceived as affecting the mudflat ecology in the Manawatu Estuary, which is now recognised as a Ramsar Wetland of International Significance.</p> <p>The Foxton Beach Surf Club building should be re-located inland as it is causing a groyne effect</p> <p>The proposed Foxton Beach sea wall is unnecessary on a prograding coast.</p> <p>Proposed Approach</p>	

Submitter	Number	Point	Decision Sought	Recommendation
			<p>Horizons will be the lead agency in ensuring that:</p> <p>management of the coastal reserves is removed from irresponsible territorial local authorities</p> <p>paper roads are either eliminated or retained for emergency management purposes only</p> <p>no sacrificial off-road areas will be permitted in any dune system.</p> <p>No more inappropriate hard structures will be permitted on a prograding coastline</p> <p>The option of creating a Regional Park for the Horowhenua/Manawatu coastline is actively pursued</p> <p>Please find attachment to this submission supporting the proposed approach.</p> <p>Look for</p> <p>Any objectives, policies and methods that address this issue. Currently there are none that adequately support the Proposed Approach for off road vehicle control and they will have to be initiated and implemented by the One Plan by way of additions to the proposed Vehicle By-law project on page 9-8.</p> <p>The NZ Coastal Policy Statement must be given more recognition in order to prevent any more haphazard hard structure installations on a prograding coast.</p>	
	X 500	207	TARARUA DISTRICT COUNCIL - Oppose	Accept

Submitter	Number	Point	Decision Sought	Recommendation
	X 500	209	TARARUA DISTRICT COUNCIL - Oppose	Accept
	X 507	207	MANAWATU DISTRICT COUNCIL - Oppose	Accept
	X 507	209	MANAWATU DISTRICT COUNCIL - Oppose	Accept
	X 515	207	HOROWHENUA DISTRICT COUNCIL - Oppose	Accept
	X 515	209	HOROWHENUA DISTRICT COUNCIL - Oppose	Accept
	X 517	116	RANGITIKEI DISTRICT COUNCIL - Oppose	Accept
	X 532	207	WANGANUI DISTRICT COUNCIL - Oppose	Accept
	X 532	209	WANGANUI DISTRICT COUNCIL - Oppose	Accept
GEORGE & CHRISTINA PATON	313	12	Insert Issue 5 Coastal Dune Systems	Reject
<p>The Problems</p> <p>Historically there has been unsatisfactory management of the foredunes. The early pioneers ruined them with indiscriminate grazing and burning. The off-road vehicle activities, pests (rabbits) and marram are the current problems. The western coastline is prograding, yet inappropriate placement of hard structures has been permitted.</p> <p>Examples</p> <p>The Foxtangi Dune System management ceased in the 1990"s.</p> <p>Marram has been planted in preference to spinifex with the inevitable formation of upright dunes that collapse.</p> <p>Off-road vehicle activity has very significantly increased since the 1970"s and in the Horowhenua District is encouraged by the issuing of permits for the use of the MacKenzie Trail (paper road) which is entirely unfenced and</p>				

Submitter	Number	Point	Decision Sought	Recommendation
			<p>has never been accurately surveyed. The Horowhenua District Council has also allowed indiscriminate use of Zone Three of the Foxton Beach Coastal Reserves Management Plan as an off-road area. This has resulted in a spillover into the entire foredune system with loss of vegetation and subsequent sandblow. This affects residential and farming properties and is perceived as affecting the mudflat ecology in the Manawatu Estuary, which is now recognised as a Ramsar Wetland of International Significance.</p> <p>The Foxton Beach Surf Club building should be re-located inland as it is causing a groyne effect</p> <p>The proposed Foxton Beach sea wall is unnecessary on a prograding coast.</p> <p>Proposed Approach</p> <p>Horizons will be the lead agency in ensuring that:</p> <p>management of the coastal reserves is removed from irresponsible territorial local authorities</p> <p>paper roads are either eliminated or retained for emergency management purposes only</p> <p>no sacrificial off-road areas will be permitted in any dune system.</p> <p>No more inappropriate hard structures will be permitted on a prograding coastline</p> <p>The option of creating a Regional Park for the Horowhenua/Manawatu coastline is actively pursued</p>	

Submitter	Number	Point	Decision Sought	Recommendation
			<p>Please find attachment to this submission supporting the proposed approach.</p> <p>Look for</p> <p>Any objectives, policies and methods that address this issue. Currently there are none that adequately support the Proposed Approach for off road vehicle control and they will have to be initiated and implemented by the One Plan by way of additions to the proposed Vehicle By-law project on page 9-8.</p> <p>The NZ Coastal Policy Statement must be given more recognition in order to prevent any more haphazard hard structure installations on a prograding coast.</p>	
HORTICULTURE NEW ZEALAND	357	36	Decision Sought: Where changes sought to the Plan require consequential amendments that such changes be made as a consequence of this submission.	Accept (in part)
TRUST POWER LIMITED	358	1	<p>(i) Retain Section 1 on significant resource management issues as written.</p> <p>(ii) Any similar provisions with like effect.</p> <p>(iii) Any consequential amendments that stem from the retention of Section 1 as proposed in this submission.</p>	Accept
	X 522	15	MERIDIAN ENERGY LIMITED - Support in Part	Accept in part
J M & L C WHITELOCK & B J & C J WHITELOCK	371	14	That a collaborative 'Group' say Council plus 6 representing local authorities, business interest, Federated Farmers and Fonterra with power to co-opt. To work with Council and report to stakeholders and public within 12 months.	Reject
J M & L C WHITELOCK & B J & C J WHITELOCK	371	3	Request - Reference to the total buy-in principle and the importance of the cooperative approach.	Reject

Submitter	Number	Point	Decision Sought	Recommendation
TARANAKI / WHANGANUI CONSERVATION BOARD	374	2	No specific decision, but submitter notes: We consider that our previous feedback to officers and also in submissions, about the need to future-proof the One Plan and ensure that it is a document that will be relevant to issues emerging during the coming ten years, has not been satisfactorily addressed in the Proposed One Plan.	Reject
ENVIRONMENTAL WORKING PARTY	386	7	Submitter notes: we are particularly interested in partnering with Council to undertake environmental initiatives, starting with programmes being developed for schools and Marae in our rohe. We seek Council support and assistance with these.	Accept in part
ENVIRONMENTAL WORKING PARTY	386	8	We ask that Council work with Ngati Whitikaupeka and Ngati Tamakopiri towards fulfilling the broad objectives and policies outlined in Chapter 1	Accept in part
TARANAKI FISH & GAME COUNCIL	406	1	Retain this section.	Accept
NEW ZEALAND FERTILISER MANUFACTURERS RESEARCH ASSOCIATION INCORPORATED	415	1	No specific decision requested but Fert Research state that they support the approach of using output targets which allow flexibility and innovation to achieve production goals while meeting the effects based approach of the RMA.	Accept
NGA PAE O RANGITIKEI	427	7	Submitter notes: we are particularly interested in partnering with Council to undertake environmental initiatives, starting with programmes being developed for schools and Marae in our rohe. We seek Council support and assistance with these.	Accept in part
NGA PAE O RANGITIKEI	427	8	We ask that Council work with Ngati Whitikaupeka and Ngati Tamakopiri towards fulfilling the broad objectives and policies outlined in Chapter 1	Accept in part
LANDLINK LTD	440	1	No clear decision has been requested here, however Landlink do note their concern that the One Plan is too unwieldy and overly complex but commend the council on their focused approach with the 'big four'.	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
TE IWI O NGATI TUKOREHE TRUST	461	2	Te Iwi o Ngati Tukorehe Trust supports the positive initiatives laid out in the One Plan especially for plans and action taken to mitigate adverse environmental damage in the region- to improve, maintain and sustain fresh air, clean water, productive land and natural ecosystems. The Trust agrees that these four areas are extremely important environmental issues identified for the Region.	Accept
	X 490	14	TARANAKI / WHANGANUI CONSERVATION BOARD – Support	Accept
	X 529	8	ENVIRONMENT NETWORK MANAWATU - Support	Accept

4.1.1 Summary of submissions

The submissions from the Palmerston North City Council, Trustpower, Taranaki Fish and Game, Landlink Limited and Te Iwi o Ngati Tukorehe Trust support the approach taken in Chapter 1 including the commentary on climate change, working with people and communities and the use of codes of practice, and the focus on the four key issues for the Region, being:

- (a) Surface water quality degradation;
- (b) Increasing water demand;
- (c) Unsustainable hillcountry land use;
- (d) Threatened native habitats.

Water and Environmental Care Association Inc, Manawatu Estuary Trust and George and Christina Paton submit that Chapter 1 should identify a fifth key issue, being the coastal dune systems.

The Whitelocks seek to have Council establish a group that, as I read it, would act in a monitoring role to report to the public regarding progress on the four key issues.

The Environmental Working Party and Nga Pae o Rangitikei seek to establish partnerships with the Council to work towards fulfilling the objectives in relation to the four key issues within the Proposed One Plan.

The Taranaki/Whanganui Conservation Board comments that the Proposed One Plan is not responsive enough to dealing with issues that will emerge over the next 10 years.

4.1.2 Legislative assessment

Chapter 1 sets out what the Regional Council is required to do in terms of the legislation concerning a Regional Policy Statement and Regional Plans. Chapter 1 sets the overarching purpose of the objectives and policies which follow in the Proposed One Plan. Chapter 1 "Setting the Scene" sets out the Regional Council's approach to developing the policy framework and resourcing over the life of the Plan.

4.1.3 Evaluation

The support for Chapter 1 by Palmerston North City Council, Trustpower, Taranaki Fish and Game, Landlink Limited and Te Iwi o Ngati Tukorehe Trust is noted.

Water and Environmental Care Association Inc, Manawatu Estuary Trust and George and Christina Paton seek to have Chapter 1 identify a fifth key issue, being the coastal dune systems. It is noted and accepted that the coastal dune systems are important within the Region. The rules contained within the Proposed One Plan do provide for the control of any development within coastal dune areas. Thus, the Proposed One Plan does deal adequately with the protection of these dune areas. The intention of Chapter 1 is to signal the four key areas on which strategically the Council wishes to focus resources (financial and other) across the Region. This focus does not in any way

diminish the value of the coastal dune systems but simply records the Council's strategy. Regardless, there are objectives, policies and rules which provide for the protection of these coastal dune systems. I recommend that no further changes be made to the strategy outlined in Chapter 1.

The Whitelocks seek to have the Council establish a group that would to report to the public regarding progress on the four key issues. The Environmental Working Party and Nga Pae o Rangitikei also seek to establish partnerships with the Council. These matters fall for consideration outside of the Proposed One Plan Hearing process. The Council is always open to working with iwi on matters that arise across the Region and will continue to work with iwi, including in a more formal manner as necessary. Chapter 4 of the Proposed One Plan sets out mechanisms by which the Council will engage with iwi. In terms of the establishment of what essentially would be a liaison group, whilst this might have merit it is a matter that needs to be considered outside of the Hearing process and would involve time and cost commitments from the Council. It would also potentially necessitate Annual Plan/Long-term Council Community Plan (LTCCP) approval. The Council is required to monitor policy effectiveness. Annual Plan reporting will show annual progress with regards to environmental targets and results. State of the Environment type monitoring will also occur during the lifetime of One Plan. On the basis that work is occurring outside of the Plan and these matters are more appropriately dealt with outside of the Plan, I recommend that no change is made to the Plan.

I disagree with the Taranaki/Whanganui Conservation Board comment that the Proposed One Plan is not responsive enough to dealing with issues that will emerge over the next 10 years. Chapter 1 sets an appropriate level of guidance as to the matters of importance across the Region and provides a starting point, with changes able to be made in the future, as they arise, through the plan change process.

4.1.4 Recommendation STS 1

- (a) Accept in part the submissions of the Environmental Working Party and Nga Pae o Rangitikei to the extent that the Council will continue to work with iwi.
- (b) Accept the submissions from Palmerston North City Council, Trustpower, Taranaki Fish and Game, Landlink Limited and Te Iwi o Ngati Tukorehe Trust in support of Chapter 1.
- (c) Reject the submission from the Whitelocks to establish a formal liaison group. It is acknowledged that the Council does regularly report to the public through environmental reporting requirements and is always open to discussing particular matters with any party.
- (d) Reject the submission from the Taranaki/Whanganui Conservation Board as the Proposed One Plan can be changed as necessary and be responsive to emerging issues over a 10 year period.

4.1.4.1 Recommended changes to provision

- (a) No changes are recommended.

4.2 STS 2 – Chapter 1 Paragraph 1.1 Scope and Introduction

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	11	(a) Withdraw the One Plan unless an alternative mechanism can be identified to resolve the issue above; and (b) Address all issues falling within the Regional Council's functions under Section 30 of the RMA. (c) That a description is provided in Section 1.1 and/or 1.3 as to the remaining environmental issues identified for the region, together with statements as to their priority, how these priorities were determined, and how these issues are to be managed.	Reject
	X 481	76	PALMERSTON NORTH CITY COUNCIL - Support	Reject
TARARUA DISTRICT COUNCIL	172	4	[Particular reference to RPS and Sections 1.1 and 1.3] - Withdraw the whole plan; and - Address all issues falling within the Regional Councils functions under section 30 of the Resource Management Act.	Reject
	X 481	275	PALMERSTON NORTH CITY COUNCIL - Support	Reject
WANGANUI DISTRICT COUNCIL	291	5	[Particular reference RPS and Sections 1.1 and 1.3] - Withdraw the whole plan; and - Address all issues falling within the Regional Councils functions under section 30 of the Resource Management Act.	Reject
	X 481	465	PALMERSTON NORTH CITY COUNCIL - Support	Reject
MANAWATU DISTRICT COUNCIL	340	4	Describe in Section 1.1 and/or 1.3 the remaining environmental issues identified for the region (including, but not limited to, loss of soils for reasons other than erosion), together with statements as to their priority, how these priorities were determined, and how these issues are to be managed.	Reject

Submitter	Number	Point	Decision Sought	Recommendation
	X 481	560	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	39	RUAPEHU DISTRICT COUNCIL – Support	Reject
	X 531	9	HORTICULTURE NEW ZEALAND - Oppose in Part	Accept in part
RANGITIKEI DISTRICT COUNCIL	346	4	[Particular reference to RPS and Sections 1.1 and 1.3] Address all issues falling within the Regional Councils functions under section 30 of the Resource Management Act.	Reject
	X 481	709	PALMERSTON NORTH CITY COUNCIL - Support	Reject
ENVIRONMENT NETWORK MANAWATU	356	1	That guidance is given in Section 1.1 and/or 1.3 about the priority of all environmental issues identified throughout the region.	Reject
MANAWATU BRANCH OF N Z GREEN PARTY	433	4	Change wording to to strike the balance between using natural resources for economic activity while maintaining the well-being of people and the environment.	Reject
	X 495	44	RUAPEHU DISTRICT COUNCIL – Support	Reject
	X 527	414	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject

4.2.1 Summary of submissions

The submissions in large part seek to have Chapter 1 provide an outline as to all the functions of the Regional Council, and provide a priority weighting for each of these functions.

The submission from the Manawatu Branch of the NZ Green Party seeks a wording change to balance the use of resources for economic benefit with maintaining the well-being of people and the environment.

4.2.2 Legislative assessment

The submissions make reference to section 30 of the Resource Management Act 1991, which sets out the functions of the Regional Council. These functions are reflected in the various chapters of the Proposed One Plan and the rules and other methods within each chapter. The general functions include:

- (a) integrated management of natural and physical resources
- (b) manage potential effects on land of regional significance
- (c) control and use of land for specified purposes
- (d) investigation of contaminated land
- (e) the control of certain matters within the coastal marine area
- (f) the control of the taking, use, damming and diversion of water and the control of the quantity, level and flow of water in any water body
- (g) the control of the discharge of control of contaminants
- (h) maintaining indigenous biological diversity
- (i) the strategic integration of infrastructure.

These functions in some cases require the establishment of objectives, policies and rules, and these are specified in section 30. In other cases these functions can be achieved through non-regulatory approaches, including through direct involvement such as with soil conservation programmes.

4.2.3 Evaluation

Chapter One is an overview section. The section does not contain any objectives or policies but rather signals a strategic direction as to the priority for Council resource allocation.

I consider that the submissions from Ruapehu District Council, Tararua District Council, Wanganui District Council, Manawatu District Council, Rangitikei District Council and Environment Network Manawatu miss the intention of Chapter 1. Chapter 1 is signalling the Regional Council's own strategic approach and identifying that the Council has four particular issues of concern across the Region which have been identified as being of particular concern through research work undertaken and the knowledge gained and expressed from the community. The Council is signalling that resourcing will focus on these four key issues but the other matters are still being dealt with in a "business as usual" approach.

Chapter 1 in no way means the Regional Council is abrogating its functions identified in section 30 of the Resource Management Act 1991. Indeed the Proposed One Plan carefully considers each matter raised in section 30 and reflects the Council's response through the chapters in both the Regional Policy Statement (RPS) and Regional Plan sections.

The Manawatu Branch of the NZ Green Party seeks a wording change to balance the use of resources for economic benefit with maintaining the well being of people and the environment. I consider the chapter, as currently worded recognises both the environment and the needs of people including economic need and therefore I do not recommend any changes.

4.2.4 Recommendation STS 2

- (a) Reject the submissions of Ruapehu District Council, Tararua District Council, Wanganui District Council, Manawatu District Council, Rangitikei District Council and Environment Network Manawatu which seek to have Chapter 1 altered to describe all Regional Council functions and to set out the priority for all environmental issues.
- (b) Reject the submission from the Manawatu Branch of NZ Green Party.

4.2.4.1 Recommended change to provisions

- (a) No change is recommended.

4.3 STS 3 – Chapter 1 Paragraph 1.2 What is in the One Plan?

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
MINISTER OF CONSERVATION	372	1	Retain plan structure and issues-based approach as proposed.	Accept
	X 495	45	RUAPEHU DISTRICT COUNCIL – Oppose	Reject
DIANA BAIRD	443	1	Paragraph 3 Therefore, my submission is that the justification for this Plan has no basis in law, and is contrary to the interests of the people of Manawatu /Rangitikei, and Planning should revert back to earlier formats.	Accept in part

4.3.1 Summary of submissions

The Minister of Conservation supports the structure of the Proposed One Plan and the issues-based approach.

Diana Baird considers that the Proposed One Plan has no basis in law and the format of the current Regional Plan should be adopted in the Proposed One Plan.

4.3.2 Evaluation

The support of the Minister of Conservation for the structure of the Proposed One Plan and issues-based approach is noted.

The integrated approach taken in the Proposed One Plan to containing the Regional Policy Statement and Plans is not prevented by the Resource Management Act. Indeed, the Act aims to achieve integrated management and this is what the Proposed One Plan endeavours to do. There has been further consideration given to the approach to objectives and policies in the Proposed One Plan and changes are recommended to include further objectives and policies within the Regional Plan section.

4.3.3 Recommendation STS 3

- (a) Accept in part the submission from Diana Baird to the extent of the recommendations made in relation to altering the format of the Proposed One Plan by introducing objectives and further policies into the Regional Plan Section.
- (b) Accept the submission from the Minister of Conservation in support.

4.3.3.1 Recommended changes to provision

- (a) No change is recommended.

4.4 STS 4 – Chapter 1 Paragraph 1.3 Our Challenges “The Big Four”

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	12	(a) Withdraw the One Plan unless an alternative mechanism can be identified to resolve the issue above; and (b) Address all issues falling within the Regional Councils functions under Section 30 of the RMA. (c) That a description is provided in Section 1.1 and/or 1.3 as to the remaining environmental issues identified for the region, together with statements as to their priority, how these priorities were determined, and how these issues are to be managed.	Reject
	X 481	77	PALMERSTON NORTH CITY COUNCIL - Support	Reject
NGATI PARERAUKAWA	228	17	We suggest that the One Plan include an addition to the Big Four as follows: "Social Development".	Reject
BRUCE & MARILYN BULLOCH	237	4	"Addressing Climate Change" to the "Big Four" list ie. "Big Five"	Reject
	X 522	17	MERIDIAN ENERGY LIMITED – Support	Reject
PALMERSTON NORTH CITY COUNCIL	241	5	That Horizons notes that while PNCC supports the identification of the "big four" issues, PNCC has some concern regarding the policies and methods adopted by the One Plan with respect to each issue.	Accept in part
	X 500	60	TARARUA DISTRICT COUNCIL – Support	Accept in part
	X 507	60	MANAWATU DISTRICT COUNCIL – Support	Accept in part
	X 515	60	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	196	RANGITIKEI DISTRICT COUNCIL – Support	Accept in part
	X 532	60	WANGANUI DISTRICT COUNCIL – Support	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
MANAWATU DISTRICT COUNCIL	340	5	Describe in Section 1.1 and/or 1.3 the remaining environmental issues identified for the region (including, but not limited to, loss of soils for reasons other than erosion), together with statements as to their priority, how these priorities were determined, and how these issues are to be managed.	Reject
	X 481	561	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 531	10	HORTICULTURE NEW ZEALAND - Oppose in Part	Accept in part
ENVIRONMENT NETWORK MANAWATU	356	2	That guidance is given in Section 1.1 and/or 1.3 about the priority of all environmental issues identified throughout the region.	Reject
	X 495	40	RUAPEHU DISTRICT COUNCIL – Support	Reject
HORTICULTURE NEW ZEALAND	357	33	Decisions Sought: Amend 1.3 so the language reflects a better balance between all contributors to the issues.	Reject
MIGHTY RIVER POWER	359	11	The addition of a new paragraph following paragraph two and before Issue 1 in 1.3 as follows: The Council will manage the Big Four" issues within a sustainable management framework. This follows that the benefits people and communities obtain from the use and development of natural and physical resource will be given due regard in the approaches identified to manage these issues.	Reject
	X 511	22	TRUST POWER LIMITED – Support	Reject
	X 521	50	Allco Wind Energy N Z Ltd – Support	Reject
ENVIRONMENTAL WORKING PARTY	386	1	No decision requested, but submitter notes: We agree with the Councils focus on the four keystone environmental issues	Accept
ENVIRONMENTAL WORKING PARTY	386	2	We ask that Council do not lose sight of other less prominent or 'fashionable' environmental concerns with the focus on these four 'big issues'	Accept in part
ENVIRONMENTAL WORKING	386	3	No decision requested, but submitter notes: We agree with	Accept

Submitter	Number	Point	Decision Sought	Recommendation
PARTY			Council's rationale for focusing on the above issues [Big four]	
NEW ZEALAND PORK INDUSTRY BOARD	409	1	Delete use a mixture of persuasion, advice and rules to manage agricultural run-off in these water management zones	Accept in part
NEW ZEALAND PORK INDUSTRY BOARD	409	2	Insert: "work with landowners and primary sector agencies to promote and support sustainable farming systems" (or similar).	Reject
	X 487	20	FONTERRA CO-OPERATIVE GROUP LIMITED – Support	Reject
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	1	Section 1.3 is supported and we wish it be retained.	Accept
NGA PAE O RANGITIKEI	427	1	No decision requested, but submitter notes: We agree with the Councils focus on the four keystone environmental issues	Accept
NGA PAE O RANGITIKEI	427	2	We ask that Council do not lose sight of other less prominent or 'fashionable' environmental concerns with the focus on these four 'big issues'	Accept in part
	X 495	42	RUAPEHU DISTRICT COUNCIL – Support	Accept in part
NGA PAE O RANGITIKEI	427	3	No decision requested, but submitter notes: We agree with Council's rationale for focusing on the above issues [Big four]	Accept
MANAWATU BRANCH OF N Z GREEN PARTY	433	3	Add Addressing Climate Change to the Big Four list, ie. Big Five.	Reject
	X 522	16	MERIDIAN ENERGY LIMITED – Support	Reject
DIANA BAIRD	443	2	Therefore, my submission is that Horizons give better region-wide examples of problems if a region-wide application is proposed.	Reject

4.4.1 Summary of submissions

Palmerston North City Council supports the identification of the “Big Four” issues but raises concerns regarding policies and methods elsewhere in the Proposed One Plan.

The Environmental Working Party, Fish and Game New Zealand and Nga Pae o Rangitikei support the identification of the four issues.

The submissions of the Environmental Working Party and Nga Pae o Rangitikei seek to have other issues not left out.

Ruapehu District Council, Manawatu District Council and Environment Network Manawatu seek to have all the priorities within the Region listed in Chapter 1.

Ngati Pareraukawa seeks to have social development added to Chapter 1.

The submissions from Bruce and Marilyn Bulloch and the Manawatu Branch of NZ Green party seek to have climate change added to make the list the “Big Five”.

Horticulture New Zealand seeks to amend Section 1.3 to include statements that there are other contributors to the problem of surface water quality degradation.

Mighty River Power seeks to provide additional wording within Section 1.3 which specifically outlines that the benefits people gain from the use of natural and physical resources will be given due regard.

The New Zealand Pork Industry Board seeks to alter the provision in Section 1.3 which outlines that a mixture of persuasion, advice and rules will be used by replacing it with “work with landowners and primary sector agencies to promote and support sustainable farming systems.”

Diana Baird seeks to have Chapter 1 contain better region-wide examples of problems being experienced in the Region.

4.4.2 Evaluation

The support from the Palmerston North City Council, the Environmental Working Party, Fish and Game New Zealand and Nga Pae o Rangitikei for the identification of the “Big Four” issues is noted.

The Palmerston North City Council raises concerns regarding policies and methods elsewhere in the Proposed One Plan and these matters will be dealt with in the reports dealing with each specific chapter.

The Environmental Working Party and Nga Pae o Rangitikei seek to have other issues not left out. To the extent that the other chapters in the Proposed One Plan deal with all issues then I suggest that other issues are not being left out.

Ruapehu District Council, Manawatu District Council and Environment Network Manawatu seek to have all the priorities within the Region listed in Chapter 1. I deal with this matter in Section 4.2.3 above.

The addition of social development to Chapter 1 as sought by Ngati Pareraukawa is considered inappropriate. The chapter outlines the strategic direction being sought in relation to the four big environmental concerns. Social development is a factor that would need to be considered in relation to individual resource consent applications and in a consideration of Part 2 matters (under the Resource Management Act 1991). I do not recommend any changes as a result of this submission.

The submissions from Bruce and Marilyn Bulloch and the Manawatu Branch of NZ Green party seek to have climate change added to make the list the “Big Five”. Climate change is identified and discussed in Chapter 1 as an overarching issue that really influences all matters. The key four issues and the responses to them will assist in providing for climate change mitigation and resilience, eg. growing trees on erosion-prone hillcountry. Climate change is not a matter that the Regional Council can prevent. The intent with the identification of the four big issues is that these are matters the Regional Council can influence. Certainly the objectives, policies, rules and methods have been framed with the knowledge that climate change is a factor that needs to be considered, particularly in coastal situations. I do not consider it appropriate that climate change be altered to become the “Big Five” but rather it is appropriate to retain the current wording, which reflects the influence climate change is having in decision-making.

Horticulture New Zealand seeks to amend Section 1.3 to include statements that there are other contributors to the problem of surface water quality degradation. Section 1.3 deliberately is focused on farm contributions to surface water quality degradation. The section focuses on the significant shift towards managing run-off as well as point sources. The primary use of land where run-off occurs is farming, particularly intensive farming. In setting the scene Chapter 1 needs to acknowledge this is an effect that needs to be considered. I do not consider any change to the Plan is necessary.

Mighty River Power seeks to provide additional wording within Section 1.3 which specifically outlines that the benefits people gain from the use of natural and physical resources will be given due regard. Certainly, as Mighty River Power is aware, Part 2 of the Resource Management Act 1991 requires that the broad consideration be given to sustainable management including enabling people and communities to provide for their social, economic and cultural well-being. Chapter 1 focuses on the environmental effects that are at issue. Part 2 consideration can be provided through the resource consent application process. If Mighty River Power wishes to see recognition given to sustainable energy projects then there are objectives and policies in the Proposed One Plan to provide for this. [For example, Chapter 3, Objective 3-1, Policies 3-1, 3-2, 3-3, 3-4 and 3-5.] I do not recommend any changes as a result of this submission.

The New Zealand Pork Industry Board seeks to alter the provision in Section 1.3 which outlines that a mixture of persuasion, advice and rules will be used by replacing it with “work with landowners and primary sector agencies to promote and support sustainable farming systems”. It is

appropriate to retain the wording as currently contained within Section 1.3, which purposively focuses on the range of mechanisms that are available to achieve change, including the use of regulatory and non-regulatory mechanisms. The proposed change focuses too narrowly on only non-regulatory mechanisms, ie. persuasion and advice and therefore I do not consider changes to be appropriate.

Diana Baird seeks to have Chapter 1 contain better region-wide examples of problems being experienced in the Region. The intent with the examples given within the chapter is to provide an introduction to the problems being experienced. It was never the intent that the chapter provide an extensive list of examples. To do this would unnecessarily clutter the chapter and detract from the focus which is the outline of the issues and the mechanisms proposed to deal with them. I do not recommend any changes as a result of this submission.

4.4.3 Recommendation STS 4

- (a) Accept in part the submission of Palmerston North City Council to the extent that the support for the “Big Four” issues is noted. The matters raised regarding policies and methods elsewhere in the Proposed One Plan are dealt with in separate reports.
- (b) Accept the submissions of the Environmental Working Party, Fish and Game New Zealand and Nga Pae o Rangitikei where they support the identification of the “Big Four” issues.
- (c) Accept in part the submissions of the Environmental Working Party and Nga Pae o Rangitikei where they request other issues are not left out. The submissions are accepted in part to the extent that the other issues are dealt with in the Proposed One Plan.
- (d) Reject the submissions from Ruapehu District Council, Manawatu District Council and Environment Network Manawatu which seek to have all the priorities within the Region listed in Chapter 1.
- (e) Reject the submission from Ngati Pareraukawa which seeks social development being added to Chapter 1.
- (f) Reject the submissions from Bruce and Marilyn Bulloch and the Manawatu Branch of NZ Green party who seek to have climate change added to make the list the “Big Five”.
- (g) Reject the submission from Horticulture New Zealand which seems to propose by amending Section 1.3 to reflect that there are other contributors to the problem.
- (h) Reject the submission from Mighty River Power which seeks to provide additional wording within Section 1.3.
- (i) Reject the submission from the New Zealand Pork Industry Board regarding the replacement of the words “a mixture of persuasion, advice and rules...”

- (j) Reject the submission from Diana Baird who seeks to have Chapter 1 contain better region-wide examples of problems.

4.4.3.1 Recommended changes to provision

- (a) No change is recommended.

4.5 STS 5 – Chapter 1 Issue 1 Surface Water Quality Degradation

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
WATER AND ENVIRONMENTAL CARE ASSN INC	311	1	Proposed Approach Ultimate sentence INSERT: Use a mixture of persuasion, advice and rules to manage agricultural run-off and all point source discharges in these management zones.	Reject
MANAWATU ESTUARY TRUST	312	1	Proposed Approach Ultimate sentence INSERT: Use a mixture of persuasion, advice and rules to manage agricultural run-off and all point source discharges in these management zones.	Reject
GEORGE & CHRISTINA PATON	313	1	Proposed Approach Ultimate sentence INSERT: Use a mixture of persuasion, advice and rules to manage agricultural run-off and all point source discharges in these management zones.	Reject
HORTICULTURE NEW ZEALAND	357	155	Rename Issue 1 as Surface water quality.	Reject
KELVIN DOUGLAS LANE	364	1	Under the heading Proposed Approach - Ultimate Sentence Insert: "Use a mixture of persuasion, advice and rules to manage agricultural run-off AND ALL POINT SOURCE DISCHARGES in these management zones"	Reject
MINISTER OF CONSERVATION	372	2	Retain the general approach outlined in this section and amend the details of the plan as sought elsewhere in this submission.	Accept in part
TARANAKI / WHANGANUI CONSERVATION BOARD	374	3	No specific decision requested, however submitter notes: The Board strongly supports your concerns with water quality and degradation due to contaminants from run-off.	Accept

Submitter	Number	Point	Decision Sought	Recommendation
	X 529	5	ENVIRONMENT NETWORK MANAWATU - Support	Accept
RAVENSDOWN FERTILISER CO-OPERATIVE LIMITED	379	4	Ravensdown seeks for Council to clarify the issue and identify where this issue is regionally significant, the options/methods available to address the issue in these areas, and the option to be adopted.	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	2	Reword Issue 1 as follows: Runoff of Nutrients, sediment and bacteria contamination is the largest threat to water quality in the Region. [remove 'In some waterways it is risky to swim or gather food, and aquatic life is being damaged'] (or words to this effect)	Reject
	X 487	21	FONTERRA CO-OPERATIVE GROUP LIMITED – Support	Reject
	X 506	37	MANAWATU BRANCH OF N Z GREEN PARTY – Oppose	Accept
	X 531	11	HORTICULTURE NEW ZEALAND - Support	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	3	Reword example to better provide the overall context of nutrient contamination within the region.	Reject
MANAWATU BRANCH OF N Z GREEN PARTY	433	5	In Issue 1, Proposed Approach paragraph, change wording to Set water quality standards within water management zones according to priority of use eg., for ecosystem, recreational, cultural or specific water-use. In Issue 1, Proposed Approach paragraph, Line 2, include in laymans language a short explanation of the relationship between catchments and water management zones. Water management zones are and these may include one or more catchments. Repetition here	Reject
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	1	Amend title to: Water Quality Degradation	Reject
	X 490	19	TARANAKI / WHANGANUI CONSERVATION BOARD – Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
	X 529	11	ENVIRONMENT NETWORK MANAWATU - Support	Reject
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	2	Use a mixture of persuasion, advice and rules underpinned by enforcement to manage agricultural run-off in these water management zones.	Reject
	X 490	20	TARANAKI / WHANGANUI CONSERVATION BOARD – Support	Reject
	X 529	12	ENVIRONMENT NETWORK MANAWATU - Support	Reject

4.5.1 Summary of submissions

The submission from the Taranaki/Whanganui Conservation Board is in support.

The Minister of Conservation supports the section but seeks amendments to other sections of the Proposed One Plan.

Water and Environmental Care Association Inc, Manawatu Estuary Trust, George and Christina Paton and Kelvin Lane seek to expand Section 1.3 to include reference to all point source discharges and not just non-point discharges from farms.

Horticulture New Zealand seeks to have the title for Section 1.3 renamed to Surface Water Quality rather than Surface Water Quality Degradation. Royal Forest and Bird Protection Society seeks to amend the title to Water Quality Degradation. This submission also seeks to add enforcement to the methods to be used.

Federated Farmers of New Zealand Inc wants the words “in some waterways it is risky to swim or gather food and aquatic life is being damaged” removed from Section 1.3.

Ravensdown Fertiliser Co-Operative Ltd wants the issue clarified and identification of where the issue is important.

The Manawatu Branch of the NZ Green Party wants words to be added outlining that there will be a priority given for water use and an explanation of the water management zones.

4.5.2 Evaluation

The submission from the Taranaki/Whanganui Conservation Board in support is noted.

The support of the Minister of Conservation for this section is noted. In terms of the amendments sought in the submission to other sections of the Proposed One Plan, these matters will be dealt with in the separate reports on each chapter.

Water and Environmental Care Association Inc, Manawatu Estuary Trust, George and Christina Paton and Kelvin Lane seek to include reference to all point source discharges within Section 1.3, rather than as currently worded which refers to non-point sources from farms. I do not wish to denigrate the submission in any way, as it is accepted that potential contamination can also occur from point source discharges, but the intent of the section is to highlight that in terms of the identified four issues the Regional Council has signalled require the greatest input is non-point source contamination of water from nutrient, sediment and bacteria from farm run-off. This signals a change in focus to managing intensive land uses whilst continuing to manage point sources. Certainly, rules in the Proposed One Plan clearly signal that point source discharges will be subject to close scrutiny through the resource

consent application process. I do not therefore recommend any changes in relation to this submission.

The submission from Horticulture New Zealand seeks to have the title for Section 1.3 renamed to Surface Water Quality rather than Surface Water Quality Degradation, and the submission of the Royal Forest and Bird Protection Society seeks to amend the title to Water Quality Degradation. As outlined above the focus has been deliberately placed on surface water quality degradation rather than water quality generally. In my opinion, the title is clear and it accurately reflects the content of the section, therefore remain.

The Royal Forest and Bird Protection Society also seeks to have the word “enforcement” added to the words “persuasion, advice and rules”. Enforcement is a consequence of non-compliance with rules and I do not consider it necessary to add the word to this section as it would not achieve clarity about the tools that will be used to manage agricultural run-off.

Federated Farmers of New Zealand Inc wants the following words removed from Section 1.3 “in some waterways it is risky to swim or gather food and aquatic life is being damaged”. The wording is provocative but it is also accurate. Different watercourses, including the Manawatu River, can be unsuitable for swimming at different times. I understand that technical support for this matter will be presented to the Hearing Panel during the Hearing for Chapter 6.

The submission from Ravensdown Fertiliser Co-Operative Ltd seeks to have the issue clarified in terms of where surface water quality degradation is occurring. The issue covers the broad matters of concern across the Region. If the issue were to specify which surface water features are degraded, this would change over time and the list would no longer be current. It is appropriate in my opinion that the issue identifies the problem.

The Manawatu Branch of the NZ Green Party seeks to have the section specify that priority will be given to different water use activities. Any explanation of the water management zones, as sought by the submitter, best sits within Schedule D, which contains the zones. In section 14 of the Resource Management Act 1991 there is an indication of likely priorities, eg. water for an individual’s drinking needs. In addition, there are allocation and restriction policies that effectively prioritise water use activities for water allocation (refer to Policy 6 contained within Chapter 6).

4.5.3 Recommendation STS 5

- (a) Accept in part the submission of the Minister of Conservation in so far as the submission supports the section but seeks amendments to other sections of the Proposed One Plan. The matters in relation to the other sections will be dealt with in the separate reports on each chapter.
- (b) Accept the submission from the Taranaki/Whanganui Conservation Board in support.
- (c) Reject the submissions from Water and Environmental Care Association Inc, Manawatu Estuary Trust, George and Christina Paton and Kelvin

Lane that seek to include reference to all point source discharges within section 1.3.

- (d) Reject the submission from Horticulture New Zealand which seeks to have the title for Section 1.3 renamed to Surface Water Quality rather than Surface Water Quality Degradation.
- (e) Reject the submission from Federated Farmers of New Zealand Inc regarding the removal of the words "in some waterways it is risky to swim or gather food and aquatic life is being damaged".
- (f) Reject the submission from Ravensdown Fertiliser Co-Operative Ltd.
- (g) Reject the submission from the Manawatu Branch of the NZ Green Party regarding specifying there will be a priority given for water use and an explanation of the water management zones.
- (h) Reject the submission of the Royal Forest and Bird Protection Society which seeks to amend the title of Section 1.3 to Water Quality Degradation and to add enforcement to the methods to be used.

4.5.3.1 Recommended changes to provision

- (a) No change is recommended.

4.6 STS 6 – Chapter 1 Issue 2 Increasing Water Demand

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	156	Rename Issue 2 as Demand for water resources	Reject
MINISTER OF CONSERVATION	372	3	Retain the general approach outlined in this section and amend the details of the plan as sought elsewhere in this submission.	Accept in part
MINISTER OF CONSERVATION	372	7	Add the following sentence (or wording to a similar effect) to The Problem after some waterways in the Region can supply...: . As a result, there is evidence of, and an increasing risk of, adverse effects on the life supporting capacity, natural character or other matters in Part 2 of the Act of some water resources in the Region. To sustainably manage these resources, controls need to be put in place to ensure that the life supporting capacity, natural character or other matters in Part 2 of the Act of these resources are not compromised.	Reject
	X 487	22	FONTERRA CO-OPERATIVE GROUP LIMITED – Oppose	Accept
	X 531	12	HORTICULTURE NEW ZEALAND - Oppose	Accept
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	3	The amount of water used from ground and surface water resources increases each year. At certain times of the year public water supply and irrigation demand exceeds what some waterways in the Region can supply and can damage freshwater ecosystems.	Reject
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	4	Horizons has set minimum (environmental) flows and defined core allocation volumes for water management zones under pressure from surface takes. These will be used to manage and allocate water. Horizons is also working with water users to encourage water-use efficiency and accurately define abstraction rates using telemetered water meters.	Reject

4.6.1 Summary of submissions

Horticulture New Zealand seeks to change the issue name to Demand for Water Resources rather than Increasing Water Demand.

The Minister of Conservation supports the section and seeks amendments to other sections of the Proposed One Plan. The Minister also seeks to have words added to the Problem paragraph in Issue 2 to identify potential adverse effects on the life-supporting capacity and natural character of water resources.

The submission of the Royal Forest and Bird Protection Society seeks to have the words “and can damage freshwater ecosystems” added to the Problem paragraph. The submission also seeks to have the word “environmental” added to the Proposed Approach paragraph in Issue 2.

4.6.2 Evaluation

Horticulture New Zealand seeks to change the issue name to Demand for Water Resources rather than Increasing Water Demand. The current title reflects the issue, which is that there increasing demand for water. I consider that no change is necessary.

The support of the Minister of Conservation for the section is noted. Submission points seeking amendments to other sections of the Proposed One Plan are addressed as they arise in the separate reports on each chapter.

The remaining part of the submission from the Minister of Conservation seeks to have words added to the Problem paragraph In Issue 2. The overall thrust of the wording change would be to highlight potential adverse effects on the life-supporting capacity and natural character of water resources. The submission of the Royal Forest and Bird Protection Society likewise seeks to have the words “and can damage freshwater ecosystems” added to the Problem paragraph. The issue is the demand for water, and the current wording of this section clearly articulates this. Adverse effects on life-supporting capacity and natural character are a potential consequence of over-allocation of water and are matters for which policies and rules are framed within the Regional Plan section. The addition of such wording deflects from the issue being discussed and therefore I do not recommend any changes in relation to the submissions.

The remainder of the submission from the Royal Forest and Bird Protection Society seeks to have the word “environmental” added to the Proposed Approach paragraph in Issue 2, to then read “Horizons has set minimum environmental flows...”. The addition of the word environmental is inaccurate as the sentence is dealing with minimum water flows not minimum environmental flows and therefore I do not recommend any changes.

4.6.3 Recommendation STS 6

- (a) Reject the submission from Horticulture New Zealand which seeks to change the issue name to Demand for Water Resources rather than Increasing Water Demand.
- (b) Accept in part the submission of the Minister of Conservation in so far as the submission supports the section but seeks amendments to other sections of the Proposed One Plan. The matters in relation to the other sections will be dealt with in the separate reports on each chapter.
- (c) Reject the submission from the Minister of Conservation which seeks additional wording within the Problem paragraph in Issue 2.
- (d) Reject the submission from the Royal Forest and Bird Protection Society which seeks to have the words “and can damage freshwater ecosystems” added to the Problem paragraph.
- (e) Reject the submission from the Royal Forest and Bird Protection Society which seeks to have the word “environmental” be added to the Proposed Approach paragraph in Issue 2 to read “Horizons has set minimum environmental flows...”

4.6.3.1 Recommended changes to provision

- (a) No changes are recommended.

4.7 STS 7 – Chapter 1 Issue 3 Unsustainable Hill Country Land Use

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
GRANT JOHN STEPHENS	369	23	Include some mention of new practices with the potential to affect hill country eg. Need some reference to land-use other than pasture based farming as evidenced by the increasing pressure to utilise hill country land for large scale wind farm developments	Reject
	X 527	144	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
MINISTER OF CONSERVATION	372	4	Retain the general approach outlined in this section and amend the details of the plan as sought elsewhere in this submission.	Accept in part
MASON STEWART	394	23	Include some mention of new practices with the potential to affect hill country eg. Need some reference to land-use other than pasture based farming as evidenced by the increasing pressure to utilise hill country land for large scale wind farm developments	Reject
	X 527	215	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
TARARUA – AOKAUTERE GUARDIANS INC (T A G)	395	23	Include some mention of new practices with the potential to affect hill country eg. Need some reference to land-use other than pasture based farming as evidenced by the increasing pressure to utilise hill country land for large scale wind farm developments	Reject
SUE STEWART	396	23	Include some mention of new practices with the potential to affect hill country eg. Need some reference to land-use other than pasture based farming as evidenced by the increasing pressure to utilise hill country land for large	

Submitter	Number	Point	Decision Sought	Recommendation
			scale wind farm developments	
	X 527	274	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
ALISON MARGARET MILDON	401	23	Include some mention of new practices with the potential to affect hill country eg. Need some reference to land-use other than pasture based farming as evidenced by the increasing pressure to utilise hill country land for large scale wind farm developments	Reject
	X 509	4	WANGANUI BRANCH OF THE NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND - Oppose	Accept
	X 527	340	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	4	Reword Issue 3 as follows: Issue 3 Hillcountry Land Use Land use activities can damage soil structure and accelerate erosion causing muddy waterways, increased river siltation downstream and reduced the protection level of flood control schemes (or words to this effect)	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	5	Reword example to better reflect the nature of erosion on hillcountry.	Reject
ROBERT LEENDERT SCHRADERS	442	23	Include some mention of new practices with the potential to affect hill country eg. Need some reference to land-use other than pasture based farming as evidenced by the increasing pressure to utilise hill country land for large scale wind farm developments	Reject
	X 527	447	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
PAUL & MONICA STICHBURY	452	23	Include some mention of new practices with the potential to affect hill country eg. Need some reference to land-use	Reject

Submitter	Number	Point	Decision Sought	Recommendation
			other than pasture based farming as evidenced by the increasing pressure to utilise hill country land for large scale wind farm developments	
	X 527	507	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	5	Generally support approach for 'Issue 3 - Unsustainable Hillcountry Land Use'	Accept
SHONA PAEWAI	467	23	Include some mention of new practices with the potential to affect hill country eg. Need some reference to land-use other than pasture based farming as evidenced by the increasing pressure to utilise hill country land for large scale wind farm developments	Reject
	X 527	570	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
TONY PAEWAI	468	3	Include some mention of new practices with the potential to affect hill country eg. Need some reference to land-use other than pasture based farming as evidenced by the increasing pressure to utilise hill country land for large scale wind farm developments	Reject
	X 527	608	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject

4.7.1 Summary of submissions

Many submissions on this section seek to have specific mention made of other activities that have the potential to adversely affect hillcountry, eg. wind farms.

The Minister of Conservation supports the section and seeks amendments to other sections of the Proposed One Plan.

The submission from the Royal Forest and Bird Protection Society supports the section.

Federated Farmers of New Zealand Inc seeks to reword Issue 3 to more broadly refer to land use activities rather than unsustainable pasture based farming activities, and also seeks to change the example given.

4.7.2 Evaluation

As has already been discussed, the intent of Chapter 1 is to provide a clear indication as to the four key issues that face the Region. That does not in any way mean that other issues are not important and this is reflected, eg. in the fact that different activities are required to make resource consent applications to address potential and actual adverse effects on the environment. Over the last 12 months the Regional Council has received three applications for wind farm proposals and the effects on the environment have been thoroughly traversed through Hearing processes. To include specific mention to other activities that have the potential to adversely affect hillcountry, eg. wind farms as requested by a number of submitters would dilute the intent of the issue which clearly relates solely to unsustainable pasture-based farming practices. I therefore consider it inappropriate to change the provisions as sought by the submitters.

The support of the Minister of Conservation and the Royal Forest and Bird Protection Society is noted. Amendments to other sections of the Proposed One Plan, as requested by the Minister, are addressed in the separate reports on each chapter.

Federated Farmers of New Zealand Inc want Issue 3 reworded to more broadly refer to land use activities rather than unsustainable pasture-based farming activities. As I have commented in relation to the inclusion of wind farms in this section, such a change would dilute the intent of the issue which clearly relates solely to unsustainable pasture-based farming practices. The issue is intended to send a clear signal that some farming practices are unsustainable and need to be changed.

The submission from Federated Farmers of NZ Inc also seeks to change the example given. The example given relates to the soil lost in hillcountry during the February 2004 storm events. Whilst the example is at the extreme and the nature of the storm so severe that it would be inevitable that soil would be lost, I think it is useful to show the potential scale of the problem. The example used achieves this.

I recommend minor changes to the provision wording to ensure consistent terminology with that recommended for other chapters of the Proposed One

Plan by replacing the term “highly erodible land” with “hillcountry land that is vulnerable to erosion.”

4.7.3 Recommendation STS 7

- (a) Accept in part the submission of the Minister of Conservation in so far as the submission supports the section but seeks amendments to other sections of the Proposed One Plan. The matters in relation to the other sections will be dealt with in the separate reports on each chapter.
- (b) Accept the submission from the Royal Forest and Bird Protection Society which supports this section.
- (c) Reject the submission from Federated Farmers of New Zealand Inc which seeks to reword Issue 3 and change the example given.
- (d) Reject the submissions from Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Alison Mildon, Robert Schraders, Paul and Monica Stichbury, Shona Paewai and Tony Paewai which seek to have mention made of other practices which potentially adversely affect hillcountry, eg. wind farms.

4.7.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Issue 3 as follows:

Issue 3: Unsustainable Hillcountry Land Use

The Problem:

Unsustainable pasture-based farming practices in our Region’s fragile hillcountry damage the soil and accelerate erosion and muddy waterways, increasing river siltation downstream and reducing the protection level of flood control schemes.

An Example: February 2004 Storm

The Region has 300,000 hectares of hillcountry land at risk of moderate to severe erosion. In the severe storm events of February 2004, huge quantities of soil poured off the hills of the middle catchments west of the Ruahine Ranges and into waterways such as the Whanganui, Rangitikei, Oroua and Pohangina rivers. Many areas of the Region were badly affected, with severe hillside scarring and valley in-filling often reported in national media coverage.

Proposed Approach:

Implementation of a Sustainable Land Use Initiative on highly erodible hillcountry land that is vulnerable to erosion within the Region in combination with rules where appropriate. The initiative is underpinned by the development of whole farm business plans. These voluntary plans provide paddock-scale best land management advice while optimising economic return to the landowner. The first whole farm business plan was

piloted on a farm in the Pohangina Valley in 2005 and the programme is currently being rolled out in priority areas.

The Sustainable Land Use Initiative has the additional benefit of assisting the Region to adapt to the effects of climate change.

Look For:

Objectives, policies and methods that address this keystone issue in Chapter 5 and rules in Chapter 12.

4.8 STS 8 – Chapter 1 Issue 4 Threatened Native Habitats

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
WATER AND ENVIRONMENTAL CARE ASSN INC	311	3	Issue 4: Threatened Native Habitats is Supported.	Accept
MANAWATU ESTUARY TRUST	312	23	Issue 4: Threatened Native Habitats is Supported.	Accept
GEORGE & CHRISTINA PATON	313	23	Issue 4: Threatened Native Habitats is Supported.	Accept
MIGHTY RIVER POWER	359	13	Amend 1.4 by amending the words under the heading "Look" for as follows Look for: Objectives, policies and methods that directly or indirectly address climate change effects in Chapters 3, 5, 6 and 10.	Reject
	X 511	23	TRUST POWER LIMITED - Support	Reject
MINISTER OF CONSERVATION	372	5	Retain the general approach outlined in this section and amend the details of the plan as sought elsewhere in this submission.	Accept in part
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	6	However, we consider the wording should be amended to include a statement that the biophysical context in which threatened habitats occur will also be protected. It may be argued that this is implicit in the wording, but if the importance of wider biophysical landscape is not explicitly acknowledged there is a danger that habitat fragments will be managed in isolation without consideration of the ecological and physical landscape in which the exist.	Reject

4.8.1 Summary of submissions

The Minister of Conservation supports the section but seeks amendments to other sections of the Proposed One Plan.

The submissions from Water and Environmental Care Association Inc, the Manawatu Estuary Trust and George and Christina Paton support this section.

The Royal Forest and Bird submission wants the wider biophysical landscape acknowledged within the issue.

Mighty River Power seeks to directly refer to the climate change objectives and policies in other chapters of the Proposed One Plan (ie. chapters 3, 5, 6 and 10)

4.8.2 Evaluation

The submissions from Water and Environmental Care Association Inc, the Manawatu Estuary Trust and George and Christina Paton in support of this section are noted.

The Royal Forest and Bird Protection Society submission wants the wider biophysical landscape acknowledged within the issue. I consider the wording of the issue is broad enough that biodiversity management in the broadest sense is covered, not only in relation to isolated pockets of habitat.

The support of the Minister of Conservation is noted. Amendments to other sections of the Proposed One Plan, as requested by the Minister, are addressed in the separate reports on each chapter.

Mighty River Power seeks to directly refer to the climate change objectives and policies in other chapters of the Proposed One Plan (ie. Chapters 3, 5, 6 and 10). Whilst it is always preferable and good practice to cross-reference different sections for ease of use, I consider this to be an exception. The intent of this section is to set the scene, ie. tell the story and not specifically reference other sections. It is the strategic section which sets the parameters. If such a cross-reference was to be added then others would likewise need to be added. I consider it would not aid in the ease of use of the Proposed One Plan and dilutes the intent of setting the scene. Recommendations have been made in other sections to include appropriate policy linkages as recommended in Andrea Bell's section 42A report.

I recommend minor changes to the provision wording to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan and a correction to the percentage of wetland habitat remaining in the region.

4.8.3 Recommendation STS 8

- (a) Accept in part the submission from the Minister of Conservation in so far as the submission supports the section but seeks amendments to other

sections of the Proposed One Plan. The matters in relation to the other sections will be dealt with in the separate reports on each chapter.

- (b) Accept the submissions from Water and Environmental Care Association Inc, the Manawatu Estuary Trust and George and Christina Paton in support of this section.
- (c) Reject the submission from the Royal Forest and Bird Protection Society.
- (d) Reject the submission from Mighty River Power which seeks to directly refer to the climate change objectives and policies in other chapters of the Proposed One Plan.

4.8.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Issue 4 as follows:

Issue 4: Threatened Native Habitats

The Problem:

Due to more than a century of landscape modification, our Region has lost much of its native habitat. Habitat remnants continue to be threatened by land development and by plant and animal pests.

An Example: Vanishing Wetland Habitats

The Manawatu Plains were once covered by a mosaic of wetland habitats. Large-scale drainage has reduced this wetland habitat to about 23% of its former area and, although drainage has mostly stopped, the few remaining wetland habitats are still vulnerable.

Proposed Approach:

Horizons Regional Council will be the lead agency for biodiversity management for the Region by controlling activities in rare habitats, ~~and~~ threatened habitats, at-risk habitats, and working with landowners to protect and enhance these habitats.

Horizons has identified the Region's top 100 wetland habitats and is encouraging their owners through advice and financial incentives to actively manage these habitats. The objective of the programme is to have all 100 wetlands under active management within 10 years.

Look For:

Objectives, policies and methods that address this keystone issue in Chapter 7 and rules in Chapter 12.

4.9 STS 9 – Chapter 1 Paragraph 1.4 Adapting to Climate Change

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	13	(a) That there is recognition in the One Plan that climate change is the most significant resource management issue facing the region, by providing a separate section in the RPS (Part I) for climate change and providing appropriate objectives, policies and rules in the Regional Plan (Part II) section of the Plan to give effect to the policies set out in the RPS. (b) Withdraw the One Plan unless an alternative mechanism can be identified to resolve the issue; and (c) Renotify having addressed all issues falling with Regional Councils functions under Section 30 of the RMA.	Reject
	X 481	78	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 522	21	MERIDIAN ENERGY LIMITED - Support	Reject
TARARUA DISTRICT COUNCIL	172	5	[Particular reference to Section 1.4] - Withdraw the whole plan; and - Renotify having addressed all issues falling with the Regional Councils functions under section 30 of the Resource Management Act.	Reject
	X 481	276	PALMERSTON NORTH CITY COUNCIL - Support	Reject
HOROWHENUA DISTRICT COUNCIL	280	5	[Particular reference to Section 1.4] Fully address all issues falling with the Regional Councils functions under section 30 of the Resource Management Act.	Reject
	X 481	366	PALMERSTON NORTH CITY COUNCIL - Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
MANAWATU DISTRICT COUNCIL	340	6	Recognition in the Plan that climate change is the most significant resource management issue facing the region, by providing a separate section in Part I of the Plan for climate change, with appropriate objectives, policies and rules in Part II to give effect to the policies set out in the RPS.	Reject
	X 481	562	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	36	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 522	19	MERIDIAN ENERGY LIMITED - Support	Reject
MANAWATU DISTRICT COUNCIL	340	7	At the very least, the heading to Section 1.4 ought to be "Planning for Climate Change" not merely 'adapting' to it, as planning is a mandatory function of all local authorities.	Accept
	X 481	563	PALMERSTON NORTH CITY COUNCIL - Support	Accept
	X 495	37	RUAPEHU DISTRICT COUNCIL - Support	Accept
RANGITIKEI DISTRICT COUNCIL	346	5	[Particular reference to Section 1.4]	Reject
			Address all issues falling with the Regional Councils functions under section 30 of the Resource Management Act.	
	X 481	710	PALMERSTON NORTH CITY COUNCIL - Support	Reject
ENVIRONMENT NETWORK MANAWATU	356	3	That climate change is recognised significant resource management issue facing the globe, our nation and our region and should be giving sufficient weight in the RPS to become the 'big five'. The issue is such that is warrants a distinct section in the RPS with clear objectives and policies, along with adequate rules in the Regional Plan to give effect to the policies set out in the RPS.	Reject
	X 495	35	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 522	18	MERIDIAN ENERGY LIMITED - Support	Reject
	X 531	13	HORTICULTURE NEW ZEALAND - Oppose	Accept

Submitter	Number	Point	Decision Sought	Recommendation
MIGHTY RIVER POWER	359	12	<p>The amendment of 1.4 as follows under the Proposed Approach:</p> <p>1.4 Climate Change</p> <p>Horizon's primary focus is to help the Region to adapt to the effects of climate change and to wherever possible avoid additional effects by for example recognising the benefits to be derived from the use and development of resources for renewable energy and by:</p> <ul style="list-style-type: none"> - [...] - recognising the nationally significant renewable energy resources in the region - recognising the benefits that the use and development of the natural resources of the region has - [...] 	Reject
	X 487	23	FONTERRA CO-OPERATIVE GROUP LIMITED – Oppose	Accept
	X 511	24	TRUST POWER LIMITED - Support	Reject
	X 521	51	Allco Wind Energy N Z Ltd - Support	Reject
	X 522	20	MERIDIAN ENERGY LIMITED - Support	Reject
	X 525	96	GENESIS POWER LTD – Support	Reject
MERIDIAN ENERGY LIMITED	363	11	<p>Meridian opposes in part Section 1.4 and requests the following amendments or similar:</p> <p>Delete Section 1.4; and</p> <p>Any consequential amendments necessary to give effect to this submission</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
MERIDIAN ENERGY LIMITED	363	12	Meridian opposes in part Section 1.4 and requests the following amendments or similar: Amend Section 1.3 to include climate change as one of the big challenges facing the Region; Any consequential amendments necessary to give effect to this submission	Reject
	X 495	38	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 511	26	TRUST POWER LIMITED - Support	Reject
MERIDIAN ENERGY LIMITED	363	13	Meridian opposes in part Section 1.4 and requests the following amendments or similar: Include a much fuller description and explanation of the effects of climate change and the regional and national importance of adopting measures to reduce our greenhouse gas emissions is included Any consequential amendments necessary to give effect to this submission	Reject
	X 495	43	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 511	27	TRUST POWER LIMITED - Support	Reject
MERIDIAN ENERGY LIMITED	363	14	Meridian opposes in part Section 1.4 and requests the following amendments or similar: Amend the heading to Adapting to and limiting the effects of climate change. Any consequential amendments necessary to give effect to this submission	Accept in part
	X 511	28	TRUST POWER LIMITED - Support	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
GRANT JOHN STEPHENS	369	34	Decision not requested, however it seems submitter wishes to link Paragraph 1.4 on climate change with Para 5.1.2 on accelerated erosion and the placing of wind mills on hillcountry	Reject
	X 527	155	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
ENVIRONMENTAL WORKING PARTY	386	4	We also support the Council's focus on climate change	Accept
MASON STEWART	394	34	Decision not requested, however it seems submitter wishes to link Paragraph 1.4 on climate change with Para 5.1.2 on accelerated erosion and the placing of wind mills on hillcountry	Reject
	X 527	226	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
TARARUA - AOKAUTERE GUARDIANS INC (T A G)	395	34	Decision not requested, however it seems submitter wishes to link Paragraph 1.4 on climate change with Para 5.1.2 on accelerated erosion and the placing of wind mills on hillcountry	Reject
SUE STEWART	396	34	Decision not requested, however it seems submitter wishes to link Paragraph 1.4 on climate change with Para 5.1.2 on accelerated erosion and the placing of wind mills on hillcountry	Reject
	X 527	285	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
ADRIAN L COOKSON	397	2	Decision not requested, however it seems submitter wishes to link Paragraph 1.4 on climate change with Para 5.1.2 on accelerated erosion and the placing of wind mills on hillcountry	Reject
	X 527	312	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
ALISON MARGARET MILDON	401	34	Decision not requested, however it seems submitter wishes to link Paragraph 1.4 on climate change with Para 5.1.2 on accelerated erosion and the placing of wind mills on hillcountry	Reject
	X 527	351	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
NGA PAE O RANGITIKEI	427	4	We also support the Council's focus on climate change	Accept
ROBERT LEENDERT SCHRADERS	442	34	Decision not requested, however it seems submitter wishes to link Paragraph 1.4 on climate change with Para 5.1.2 on accelerated erosion and the placing of wind mills on hillcountry	Reject
	X 527	458	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
DIANA BAIRD	443	3	Therefore, my submission is that Horizons actively seek wider scientific views on this matter: and not just feed off the government line.	Reject
PAUL & MONICA STICHBURY	452	34	Decision not requested, however it seems submitter wishes to link Paragraph 1.4 on climate change with Para 5.1.2 on accelerated erosion and the placing of wind mills on hillcountry	Reject
	X 527	518	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	7	Support the inclusion of adapting climate change and proposed approach	Accept
TONY PAEWAI	468	4	Decision not requested, however it seems submitter wishes to link Paragraph 1.4 on climate change with Para 5.1.2 on accelerated erosion and the placing of wind mills on hillcountry	Reject
	X 519	437	MIGHTY RIVER POWER – Oppose	Accept
	X 527	609	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
COLIN BOND	470	9	No specific decision requested, however submitter notes: The "Climate Change" title has been adopted in preference to the more extreme view of "global warming" but regrettably some of the rationale and inflexibility of the earlier title and viewpoint remains. "Global Warming" may prove to have been the correct title but proof will be evident long after all of those involved in the debate have departed this life.	Reject

4.9.1 Summary of submissions

Manawatu District Council seeks to alter the heading for the section to Planning for Climate Change rather than Adapting to Climate Change.

The submissions from the Environmental Working Party, Nga Pae o Rangitikei and the Royal Forest and Bird Protection Society are in support.

The submissions from Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Adrian Cookson, Alison Mildon, Robert Schraders, Paul and Monica Stichbury and Tony Paewai seek to link Section 1.4 on climate change with the section on unsustainable hillcountry farming practices.

The submissions from Ruapehu District Council, Tararua District Council, Horowhenua District Council, Manawatu District Council, Rangitikei District Council and Environment Network Manawatu seek to have the Regional Council functions listed in section 30 of the Resource Management Act 1991 addressed in this section, and they also want specific objectives and policies included in Part II of the Proposed One Plan.

The submission from Mighty River Power seeks to add the benefits of renewable energy to this section.

Meridian Energy and Environment Network Manawatu seek to identify climate change as one of the key issues, ie. the “Big Five” issues.

Diana Baird seeks scientific input on the matter of climate change and wants this reflected in the section rather than touting the Government’s position.

The submission from Colin Bond outlines that while the term global warming is not used the section is inflexible.

4.9.2 Legislative Assessment

Section 7(i) of the Resource Management Act 1991 requires that particular regard is given to the effects of climate change.

4.9.3 Evaluation

The submission from Manawatu District Council seeks to alter the heading for the section to Planning for Climate Change rather than Adapting to Climate Change. I have read the content of the section carefully, I consider the proposed change to the title would more accurately reflect the content of the section.

The submissions from the Environmental Working Party, Nga Pae o Rangitikei and the Royal Forest and Bird Protection Society in support are noted.

Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Adrian Cookson, Alison Mildon, Robert Schraders, Paul and Monica Stichbury and Tony Paewai seek to link Section 1.4 on climate change with

the section on unsustainable hillcountry farming practices. These submissions seek to have wind farms specifically identified as a practice that is problematic on the hillcountry. For the reasons outlined in Section 4.7.2 I consider that the sections accurately reflect what is intended for the Region.

The submissions from Ruapehu District Council, Tararua District Council, Horowhenua District Council, Manawatu District Council, Rangitikei District Council and Environment Network Manawatu which seek that all section 30 matters be addressed and specific objectives and policies in Part II of the Proposed One Plan. For the reasons outlined in Section 4.2.3 I consider that the provisions of Chapter 1 are appropriate to retain.

Mighty River Power seeks to add the benefits of renewable energy to the section which outlines the Regional Council's proposed approach to adapting to the effects of climate change. The focus in this section is about managing the adverse effects of certain activities which are contributing to the problems being experienced in relation to climate change, eg. planning for changes to the scale and frequency of natural hazards. There are specific objectives and policies in Chapter 3 of the Proposed One Plan which cover the benefits of renewable energy and I consider these are adequate and appropriate to cover the issue.

Meridian Energy and Environment Network Manawatu seek to identify climate change as one of the key issues. For the reasons outlined in Section 4.4.2 I consider that no change is appropriate.

Diana Baird seeks scientific input into the wording of the section rather than touting the Government position. I consider that the wording of the section clearly articulates the concerns for this Region in terms of climate change and the matters on which the Regional Council wishes to focus. I do not consider the wording of the section, with the exception of altering the wording in the heading, needs to be changed.

Colin Bond supports the fact that the term global warming is not used in the section but considers the section to be inflexible. I note the submission. I consider the section to be adequate and appropriate.

4.9.4 Recommendation STS 9

- (a) Accept the submission of Manawatu District Council which seeks to alter the heading for the section to Planning for Climate Change rather than Adapting to Climate Change.
- (b) Accept the submissions from the Environmental Working Party, Nga Pae o Rangitikei and the Royal Forest and Bird Protection Society in support.
- (c) Reject the submissions from Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Adrian Cookson, Alison Mildon, Robert Schraders, Paul and Monica Stichbury and Tony Paewai which seek to link Section 1.4 on climate change with the section on unsustainable hillcountry farming practices.
- (d) Reject the submissions from Ruapehu District Council, Tararua District Council, Horowhenua District Council, Manawatu District Council,

Rangitikei District Council and Environment Network Manawatu which seek that all section 30 RMA matters be addressed and specific objectives and policies on climate change be included in Part II of the Proposed One Plan.

- (e) Reject the submission from Mighty River Power which seeks to add the benefits of renewable energy.
- (f) Reject the submission from Meridian Energy and Environment Network Manawatu which seek to identify climate change as one of the key issues.
- (g) Reject the submission from Diana Baird which seeks scientific input rather than touting the Government position.
- (h) Reject the submission from Colin Bond which, while accepting the term global warming is not used, considers the section is inflexible.

4.9.4.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Paragraph 1.4 heading as follows:

1.4 ~~Adapting to~~ Planning for ~~C~~climate ~~C~~change

4.10 STS 10 – Chapter 1 Paragraph 1.5 Working Towards a Better Future

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
WINSTONE PULP INTERNATIONAL LTD	288	1	WPI requests Section 1.5 of the POP be retained.	Accept
	X 501	34	ERNSLAW ONE LTD – Support	Accept
WATER AND ENVIRONMENTAL CARE ASSN INC	311	4	INSERT (vii) ensure that coastal management of physical features and pest control is attended to so that past neglect is remedied.	Reject
MANAWATU ESTUARY TRUST	312	34	INSERT (vii) ensure that coastal management of physical features and pest control is attended to so that past neglect is remedied.	Reject
	X 490	16	TARANAKI / WHANGANUI CONSERVATION BOARD – Support	Reject
GEORGE & CHRISTINA PATON	313	34	INSERT (vii) ensure that coastal management of physical features and pest control is attended to so that past neglect is remedied.	Reject
HORTICULTURE NEW ZEALAND	357	34	Decision Sought: Amend 1.5 by deleting the 2nd sentence of the 1st paragraph. Make amendments as sought in this submission to give effect to the approach outlined in 1.5.	Reject
MINISTRY OF AGRICULTURE & FORESTRY – WITHDRAWN	373	2	Retain Section 1.5	WITHDRAWN
MINISTRY OF AGRICULTURE & FORESTRY -WITHDRAWN	373	56	Add the following sentence at the end of section 1.5 paragraph two of the Proposed One Plan. "The Council recognises the need to build capacity at all levels (within the council and across the wider rural and urban community), in order to achieve the desired outcome."	WITHDRAWN

Submitter	Number	Point	Decision Sought	Recommendation
RAVENSDOWN FERTILISER CO-OPERATIVE LIMITED	379	5	Ravensdown supports the provisions that promote the use of Code of Practice and Good Practice Initiatives and seeks for Council to retain the intent and approach as it is currently written.	Accept
ENVIRONMENTAL WORKING PARTY	386	5	No decision requested, but submitter notes: We are committed to working with Council to achieve progress towards addressing the above issues. We also endorse the Council's approach to dealing with issues in the plan: to use methods which encourage responsible resource use, benefit responsible resource users and punish irresponsible resource users.	Accept
ENVIRONMENTAL WORKING PARTY	386	6	No decision requested, but submitter notes: We endorse council's view that: working with people and communities to evaluate and deliver local solutions for local issues is the preferred approach to resource management	Accept
NEW ZEALAND PORK INDUSTRY BOARD	409	3	Delete the title "Working towards a better future" Replace with "Working with the community" (or similar)	Reject
NEW ZEALAND PORK INDUSTRY BOARD	409	4	Delete the first paragraph (with its references to "responsible" and "irresponsible" resource "users").	Reject
NEW ZEALAND PORK INDUSTRY BOARD	409	5	Delete the second paragraph (with its assurances of support through the "daunting" changes that lie ahead).	Reject
NEW ZEALAND PORK INDUSTRY BOARD	409	6	Retain the third paragraph about working with people to develop practical, affordable solutions.	Accept
NEW ZEALAND PORK INDUSTRY BOARD	409	7	Delete the fourth paragraph (which adds very little of any substance). Replace with new paragraph more explicitly stating and describing Horizons commitment to a concrete set of non-regulatory initiatives in key areas; or at the minimum to explore new options in collaboration with key agencies.	Reject

Submitter	Number	Point	Decision Sought	Recommendation
	X 487	24	FONTERRA CO-OPERATIVE GROUP LIMITED – Support	Reject
NEW ZEALAND PORK INDUSTRY BOARD	409	8	Delete the final paragraph (re being "forced" to use rules). Replace with assurance of Horizons commitment to seriously work with the primary sector to develop, test and prove new non-regulatory models of council/community collaboration.	Reject
	X 487	25	FONTERRA CO-OPERATIVE GROUP LIMITED – Support	Reject
NEW ZEALAND FERTILISER MANUFACTURERS RESEARCH ASSOCIATION INCORPORATED	415	2	Retain the stated approach of working with communities to deliver local solutions which are practical, appropriate to the scale of the problems, and affordable to the ratepayers and the community.	Accept
FEDERATED FARMERS OF NEW ZEALAND INC	426	6	Retain as written.	Accept
NGA PAE O RANGITIKEI	427	5	No decision requested, but submitter notes: We are committed to working with Council to achieve progress towards addressing the above issues. We also endorse the Council's approach to dealing with issues in the plan: to use methods which encourage responsible resource use, benefit responsible resource users and punish irresponsible resource users.	Accept
NGA PAE O RANGITIKEI	427	6	No decision requested, but submitter notes: We endorse council's view that: working with people and communities to evaluate and deliver local solutions for local issues is the preferred approach to resource management	Accept
RACHEL CVITANOVICH	430	5	I would like more information on how Horizons intends to ensure responsible resource users benefit, and how irresponsible resource users will be punished. [not stated explicitly as decision requested]	Reject
BALLANCE AGRI-NUTRIENTS LTD	454	1	(i) and (ii) Retain and emphasise the need to have affordable and practical solutions that have measurable outcomes.	Accept
BALLANCE AGRI-NUTRIENTS	454	2	Retain - "our preference in this Plan is to use approaches that promote and encourage voluntary adoption of	Accept

Submitter	Number	Point	Decision Sought	Recommendation
LTD ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	8	environment friendly resource use practices" ... Forest and Bird is very unhappy with the suggestion that a change in policy emphasis, if needed, will only come in to affect at the time of the next plan review. We have been assured on numerous occasions that the One Plan is a living document and assert that if monitoring demonstrates the current approach is not working action should be taken immediately!	Accept

4.10.1 Summary of submissions

The Royal Forest and Bird Protection Society seeks to alter the wording in the last sentence to clarify that where there is a need for rules rather than promotion and encouragement to achieve the stated policy outcomes, this will not only occur at the next Plan review.

Winstone Pulp International Ltd, Ravensdown Fertiliser Co-Operative Ltd, Environmental Working Party, Federated Farmers of New Zealand Inc, New Zealand Fertiliser Manufacturers Research Association Inc, Nga Pae o Rangitikei and Ballance Agri-Nutrients Ltd support the intention of this section and seek their retention.

The submissions by Water and Environmental Care Association Inc, Manawatu Estuary Trust and George and Christina Paton seek the addition of a new clause referring to coastal management of physical features and pest control.

Horticulture New Zealand seeks the deletion of the second sentence in the first paragraph which refers to responsible resource use and the punishment of irresponsible resource users.

The submission from the New Zealand Pork Industry Board wants various changes made to the section to focus more on working with the community and taking away references to responsible and irresponsible resource users.

Rachel Cvitanovich seeks clarification as to how responsible users will benefit and irresponsible users will be punished.

4.10.2 Evaluation

The clarification sought by the Royal Forest and Bird Protection Society seeks that where alterations are required to the Plan this will not only occur at the next Plan review. The addition of words within the sentence to clarify that changes can also occur through the plan change process (both privately initiated and Council initiated) would be helpful as the Council does see the Plan as being a living and responsive document. I therefore recommend changes to achieve this.

The support of Winstone Pulp International Ltd, Ravensdown Fertiliser Co-Operative Ltd, Environmental Working Party, Federated Farmers of New Zealand Inc, New Zealand Fertiliser Manufacturers Research Association Inc, Nga Pae o Rangitikei and Ballance Agri-Nutrients Ltd for this paragraph is noted.

Water and Environmental Care Association Inc, Manawatu Estuary Trust and George and Christina Paton seek the addition of a new clause referring to coastal management of physical features and pest control. The intent of the bullet points in this section is to highlight those activities that will be encouraged. The management of the coast and the control of pests are not matters that fit comfortably with the approach taken in this section. These matters are, however, important and are reflected in the provisions of

Chapters 12 and 17 of the Plan. I do not recommend any changes in response to this submission.

Horticulture New Zealand seeks the deletion of the second sentence in the first paragraph, which refers to responsible resource use and the punishment of irresponsible resource users. The inclusion of these terms has been deliberate. The wording reflects the Council's policy and stated approach to those who non-comply with conditions of consent or who breach standards in the Plan. I consider that any watering down of the statements would lead to less clarity as to the approach the Council will follow where there is a clear abuse of the environment and I therefore do not recommend any changes.

The various changes sought by the New Zealand Pork Industry Board aim to place the focus of the section on working with the community and deleting references to terms such as responsible and irresponsible resource users. For the reasons outlined in the previous paragraph I consider the wording sends a clear signal which is the intent of the section.

Rachel Cvitanovich seeks clarification as to how responsible users will benefit and irresponsible users will be punished. It is not considered necessary to specify further in the Plan what the benefits might be or what the punishment might involve, as these will range across a number of approaches including setting Permitted Activity rules, taking enforcement action or setting longer consent terms, eg. where water is being harvested.

4.10.3 Recommendation STS 10

- (a) Accept the submission of the Royal Forest and Bird Protection Society which seeks to alter the wording in the last sentence to clarify that changes will not only occur at the next Plan review.
- (b) Accept the submissions of Winstone Pulp International Ltd, Ravensdown Fertiliser Co-Operative Ltd, Environmental Working Party, Federated Farmers of New Zealand Inc, New Zealand Fertiliser Manufacturers Research Association Inc, Nga Pae o Rangitikei and Ballance Agri-Nutrients Ltd which support and seek the retention of this section.
- (c) Reject the submissions by Water and Environmental Care Association Inc, Manawatu Estuary Trust and George and Christina Paton which seek the addition of a new clause referring to coastal management of physical features and pest control.
- (d) Reject the submission of Horticulture New Zealand which seeks the deletion of the second sentence in the first paragraph.
- (e) Reject the submission from the New Zealand Pork Industry Board which seeks various changes to the section.
- (f) Reject the submission from Rachel Cvitanovich which seeks clarification as to how responsible users will benefit and irresponsible users will be punished.

4.10.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Paragraph 1.5 last paragraph as follows:

“If this emphasis on promoting and encouraging change is not effective, Horizons will be forced to switch its policy emphasis to using rules to require appropriate changes either at the time of the next Plan review or through the Plan Change process.

4.11 STS 11 – Chapter 1 Paragraph 1.6 Codes of Practice and other Good Practice Initiatives

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HOANE TITARI JOHN WI	2	5	Inclusion of the recognised Iwi Authorities or representative hapu Marae based Committees.	Reject
RUAPEHU DISTRICT COUNCIL	151	14	(a) Redraft the above provisions in compliance with Part 3 of the First Schedule to the RMA. (b) Amendment to relevant provisions to ensure that the use of codes of practice, standards or guidelines as elements of rule compliance are lawful, enforceable and certain in terms of both interpretation and application, or otherwise remove them from the Plan (Part II).	Reject
	X 481	79	PALMERSTON NORTH CITY COUNCIL - Support	Reject
TARARUA DISTRICT COUNCIL	172	6	- Withdraw the whole plan; and - Redraft the above provision in compliance with Part 3 of the First Schedule to the Resource Management Act.	Accept in part
	X 481	277	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 495	48	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
NGATI KAHUNGUNU IWI INCORPORATED	180	2	Amend to, "[While promoting sustainable management] Horizons will recognise codes of practice and other good practice initiatives in one or more of the following ways:"	Reject
HOROWHENUA DISTRICT COUNCIL	280	6	Redraft the provisions in compliance with Part 3 of the First Schedule to the Resource Management Act.	Accept in part
	X 481	367	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 495	49	RUAPEHU DISTRICT COUNCIL - Support	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
WINSTONE PULP INTERNATIONAL LTD	288	2	WPI requests Section 1.6 of the POP be retained.	Accept
	X 501	45	ERNSLAW ONE LTD – Support	Accept
WANGANUI DISTRICT COUNCIL	291	7	- Withdraw the whole plan; and - Redraft the above provisions in compliance with Part 3 of the First Schedule to the Resource Management Act	Accept in part
	X 481	467	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
RAYONIER N Z LIMITED	310	2	No specific decision sought however Rayonier support the inclusion and recognition of industry best practice guidelines and codes of practice.	Accept
	X 501	123	ERNSLAW ONE LTD – Support	Accept
	X 520	41	N Z FOREST MANAGERS LTD - Support	Accept
HANCOCK FOREST MANAGEMENT (N Z) LTD	331	4	Retain and give effect to the statements in section 1.6 of the Plan.	Accept
	X 501	182	ERNSLAW ONE LTD – Support	Accept
	X 520	58	N Z FOREST MANAGERS LTD - Support	Accept
MANAWATU DISTRICT COUNCIL	340	8	Redraft the above provision in compliance with Part 3 of the First Schedule to the Resource Management Act.	Accept in part
	X 481	564	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
RANGITIKEI DISTRICT COUNCIL	346	6	Redraft the provision in compliance with Part 3 of the First Schedule to the Resource Management Act.	Accept in part
	X 481	711	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
ENVIRONMENT NETWORK MANAWATU	356	4	An explanation of how the codes of practice will be applied and an assurance that their use is enforceable. An explanation of how updates or new codes, standards or guidelines will be incorporated (is it anticipated that will have to undergo process as described in Schedule 1 of the RMA).	Reject
	X 490	17	TARANAKI / WHANGANUI CONSERVATION BOARD – Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
	X 495	47	RUAPEHU DISTRICT COUNCIL - Support	Reject
HORTICULTURE NEW ZEALAND	357	35	Decision Sought: Retain Section 1.6 but add reference to NZ Standards as well as Codes of Practice and Good Practice Initiatives.	Reject
GRANT JOHN STEPHENS	369	45	If it is intended that wind farming [or subdivisions] are activities that will have a code of practice then these should be added to the final paragraph on Page 1-6 - the pressure of these land use activities has increased to the point that they require substantial recognition throughout the Plan in terms of land use activities and effects on the Land	Reject
GRANT JOHN STEPHENS	369	55	Amend 1.6 (iv) From Reducing compliance monitoring, especially where the codes of practice or other good practice initiatives include a component of independent audit To Read If compliance monitoring is reduced because codes of practice or other good practice initiatives include a component of independent audit, audits must be assessed by Horizons to ensure standards are being met.	Reject
	X 525	37	GENESIS POWER LTD – Oppose	Accept
J M & L C WHITELOCK & B J & C J WHITELOCK	371	13	That the principle "Best Practice" be built on	Accept in part
MINISTRY OF AGRICULTURE & FORESTRY – WITHDRAWN	373	20	Enable the use of codes of practice and other sector-based initiatives for sustainable land use, construction, production and operating methods as part of a catchment focused FARM Strategy.	WITHDRAWN
	X 487	29	FONTERRA CO-OPERATIVE GROUP LIMITED – Support	No recommendation

Submitter	Number	Point	Decision Sought	Recommendation
	X 495	52	RUAPEHU DISTRICT COUNCIL - Support	as the submission has been withdrawn No recommendation as the submission has been withdrawn
RAVENSDOWN FERTILISER CO-OPERATIVE LIMITED	379	6	Ravensdown supports the provisions that promote the use of Code of Practice and Good Practice Initiatives and seeks for Council to retain the intent and approach as it is currently written.	Accept
RAVENSDOWN FERTILISER CO-OPERATIVE LIMITED	379	7	Ravensdown suggests a website link and seeks particular reference to the Code of Practice for Nutrient Management Use (2007).	Reject
MASON STEWART	394	45	If it is intended that wind farming [or subdivisions] are activities that will have a code of practice then these should be added to the final paragraph on Page 1-6 the pressure of these land use activities has increased to the point that they require substantial recognition throughout the Plan in terms of land use activities and effects on the Land	Reject
	X 522	59	MERIDIAN ENERGY LIMITED - Oppose	Accept
	X 527	237	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
MASON STEWART	394	55	<p>Amend 1.6 (iv) From</p> <p>Reducing compliance monitoring, especially where the codes of practice or other good practice initiatives include a component of independent audit</p> <p>To Read</p> <p>If compliance monitoring is reduced because codes of practice or other good practice initiatives include a component of independent audit, audits must be assessed by Horizons to ensure standards are being met.</p>	Reject
	X 501	221	ERNSLAW ONE LTD – Oppose	Accept
	X 520	112	N Z FOREST MANAGERS LTD - Oppose	Accept
	X 527	247	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
TARARUA - AOKAUTERE GUARDIANS INC (T A G)	395	45	<p>If it is intended that wind farming [or subdivisions] are activities that will have a code of practice then these should be added to the final paragraph on Page 1-6 - the pressure of these land use activities has increased to the point that they require substantial recognition throughout the Plan in terms of land use activities and effects on the Land</p>	Reject
TARARUA - AOKAUTERE GUARDIANS INC (T A G)	395	55	<p>Amend 1.6 (iv) From</p> <p>Reducing compliance monitoring, especially where the codes of practice or other good practice initiatives include a component of independent audit</p> <p>To Read</p> <p>If compliance monitoring is reduced because codes of practice or other good practice initiatives include a component of independent audit, audits must be assessed by Horizons to ensure standards are being met.</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
SUE STEWART	396	45	If it is intended that wind farming [or subdivisions] are activities that will have a code of practice then these should be added to the final paragraph on Page 1-6 - the pressure of these land use activities has increased to the point that they require substantial recognition throughout the Plan in terms of land use activities and effects on the Land	Reject
	X 527	296	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
SUE STEWART	396	55	Amend 1.6 (iv) From Reducing compliance monitoring, especially where the codes of practice or other good practice initiatives include a component of independent audit To Read If compliance monitoring is reduced because codes of practice or other good practice initiatives include a component of independent audit, audits must be assessed by Horizons to ensure standards are being met.	Reject
	X 527	306	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
ALISON MARGARET MILDON	401	45	If it is intended that wind farming [or subdivisions] are activities that will have a code of practice then these should be added to the final paragraph on Page 1-6 - the pressure of these land use activities has increased to the point that they require substantial recognition throughout the Plan in terms of land use activities and effects on the Land	Reject
	X 527	362	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
ALISON MARGARET MILDON	401	55	Amend 1.6 (iv) From Reducing compliance monitoring, especially where the codes of practice or other good practice initiatives include a component of independent audit To Read If compliance monitoring is reduced because codes of practice or other good practice initiatives include a component of independent audit, audits must be assessed by Horizons to ensure standards are being met.	Reject
	X 527	372	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
NEW ZEALAND PORK INDUSTRY BOARD	409	10	Add the statement: "Industry led EMS initiatives have been shown to be effective at delivering desired environmental outcomes".	Reject
	X 487	27	FONTERRA CO-OPERATIVE GROUP LIMITED – Support	Reject
NEW ZEALAND PORK INDUSTRY BOARD	409	11	Add a statement acknowledging the importance of capable, credible extension services to support uptake of new sustainable farming initiatives; and noting Horizons willingness to support effective extension and facilitation programmes.	Reject
	X 487	28	FONTERRA CO-OPERATIVE GROUP LIMITED – Support	Reject
NEW ZEALAND PORK INDUSTRY BOARD	409	12	Add a paragraph noting the identification of eleven "water management zones"; briefly describing recent or current ICM initiatives, regionally and nationally; and stating Horizons willingness to support collaborative, community-led ICM initiatives in designated water management zones	Reject
NEW ZEALAND PORK INDUSTRY BOARD	409	9	Delete the title: "COPs and other good practice initiatives" Replace with: "Industry-led initiatives" (or similar).	Reject
	X 487	26	FONTERRA CO-OPERATIVE GROUP LIMITED – Support	Reject
NEW ZEALAND FERTILISER	415	3	Use of Codes of Practice be promoted in the One Plan particularly as a requirement for permitted activity status where compliance	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
MANUFACTURERS RESEARCH ASSOCIATION INCORPORATED			with an industry code is a condition of this status . Codes where-ever possible, should be the basis of rules.	
NEW ZEALAND INSTITUTE OF FORESTRY	419	2	Retain and give effect to the statements in section 1.6 of the Plan.	Accept
	X 501	234	ERNSLAW ONE LTD – Support	Accept
	X 520	115	N Z FOREST MANAGERS LTD - Support	Accept
FEDERATED FARMERS OF NEW ZEALAND INC	426	7	Note concern. Retain 1.6 as written.	Accept
MANAWATU BRANCH OF N Z GREEN PARTY	433	6	Clarification. [of what is meant by 'initiatives of others']	Reject
ROBERT LEENDERT SCHRADERS	442	45	If it is intended that wind farming [or subdivisions] are activities that will have a code of practice then these should be added to the final paragraph on Page 1-6 - the pressure of these land use activities has increased to the point that they require substantial recognition throughout the Plan in terms of land use activities and effects on the Land	Reject
	X 527	469	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
ROBERT LEENDERT SCHRADERS	442	55	Amend 1.6 (iv) From Reducing compliance monitoring, especially where the codes of practice or other good practice initiatives include a component of independent audit To Read If compliance monitoring is reduced because codes of practice or other good practice initiatives include a component of independent audit, audits must be assessed by Horizons to ensure standards are being met.	Reject
	X 527	479	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
PAUL & MONICA STICHBURY	452	45	If it is intended that wind farming [or subdivisions] are activities that will have a code of practice then these should be added to the final paragraph on Page 1-6 - the pressure of these land use activities has increased to the point that they require substantial recognition throughout the Plan in terms of land use activities and effects on the Land	Reject
	X 527	529	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
PAUL & MONICA STICHBURY	452	55	Amend 1.6 (iv) From Reducing compliance monitoring, especially where the codes of practice or other good practice initiatives include a component of independent audit To Read If compliance monitoring is reduced because codes of practice or other good practice initiatives include a component of independent audit, audits must be assessed by Horizons to ensure standards are being met.	Reject
	X 527	539	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
BALLANCE AGRI-NUTRIENTS LTD	454	3	Retain Section 1.6	Accept
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	9	Forest and Bird is very unhappy with the suggestion that a change in policy emphasis, if needed, will only come in to affect at the time of the next plan review. We have been assured on numerous occasions that the One Plan is a living document and assert that if monitoring demonstrates the current approach is not working action should be taken immediately	Accept
SHONA PAEWAI	467	45	If it is intended that wind farming [or subdivisions] are activities that will have a code of practice then these should be added to the final paragraph on Page 1-6 - the pressure of these land use activities has increased to the point that they require substantial	Reject

Submitter	Number	Point	Decision Sought	Recommendation
			recognition throughout the Plan in terms of land use activities and effects on the Land	
	X 527	592	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
SHONA PAEWAI	467	55	Amend 1.6 (iv) From	Reject
			Reducing compliance monitoring, especially where the codes of practice or other good practice initiatives include a component of independent audit	
			To Read	
			If compliance monitoring is reduced because codes of practice or other good practice initiatives include a component of independent audit, audits must be assessed by Horizons to ensure standards are being met.	
	X 527	602	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
TONY PAEWAI	468	5	If it is intended that wind farming [or subdivisions] are activities that will have a code of practice then these should be added to the final paragraph on Page 1-6 - the pressure of these land use activities has increased to the point that they require substantial recognition throughout the Plan in terms of land use activities and effects on the Land	Reject
	X 519	261	MIGHTY RIVER POWER – Oppose	Accept
	X 527	610	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
TONY PAEWAI	468	6	Amend 1.6 (iv) From	Reject
			Reducing compliance monitoring, especially where the codes of practice or other good practice initiatives include a component of independent audit	
			To Read	

Submitter	Number	Point	Decision Sought	Recommendation
			If compliance monitoring is reduced because codes of practice or other good practice initiatives include a component of independent audit, audits must be assessed by Horizons to ensure standards are being met.	
	X 519	262	MIGHTY RIVER POWER – Oppose	Accept
	X 527	611	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
WARREN DAVIDSON	469	1	1. Give greater weight to the value of codes, standards and guidelines, in the statement 1.6.	Reject
WARREN DAVIDSON	469	2	2. Eliminate duplication of compliance processes from the One Plan.	Reject
COLIN BOND	470	11	While all of the objectives are highly desirable, surely "health and safety" have to be near the top of the list, either as an extension of the first objective or reinforcing it. I further submit that it is incumbent on the Council to protect the interests of the ratepayers, who are not even referred to in these objectives. No ratepayer should be unreasonably disadvantaged by activities designed to protect others.	Reject

4.11.1 Summary of submissions

Horticulture NZ supports paragraph 1.6 but seeks reference to New Zealand Standards as well.

The Whitelock submission wants the best practice principle to be built on.

The Royal Forest and Bird Protection Society of NZ has concerns regarding Plan Reviews.

Winstone Pulp International Ltd, Rayonier NZ Ltd, Hancock Forest Management (NZ) Ltd, Ravensdown Fertiliser Co-Operative Ltd, New Zealand Fertiliser Manufacturers Research Association Inc, New Zealand Institute of Forestry, Federated Farmers of NZ Inc and Ballance Agri-Nutrients Ltd support paragraph 1.6

Ravensdown Fertiliser Co-Operative Ltd seeks specific reference to the Code of Practice for Nutrient Management Use.

Environment Network Manawatu seeks an explanation as to how the codes of practice will be used and confirmation that their use is enforceable.

Hoane Titari John Wi seeks to have recognised iwi authorities included.

Ruapehu District Council, Tararua District Council, Horowhenua District Council, Wanganui District Council and Manawatu District Council want the Plan to be withdrawn and redrafted.

Ngati Kahungunu Iwi Inc seeks to include the words “While promoting sustainable management” before “Horizons will recognise codes of practice” in the third paragraph in section 1.6.

Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Alison Mildon, Robert Schraders, Paul and Monica Stichbury, Shona Paewai and Tony Paewai state that if wind farming or subdivision are to be covered by codes of practice then the Plan needs to specify the adverse effects of these activities and that any independent audit be assessed by Horizons.

The New Zealand Pork Industry Board seeks various changes to the section.

The Manawatu Branch of NZ Green party seeks clarification of what is meant by initiatives of others.

Warren Davidson seeks that greater weight be given to the value of codes, standards and guidelines in paragraph 1.6 and the elimination of compliance processes.

Colin Bond seeks health and safety matters to be included and that the Council needs to protect the interests of ratepayers.

4.11.2 Evaluation

The support for paragraph 1.6 by various industry based submitters is noted.

The matters raised by Royal Forest and Bird Protection Society of New Zealand regarding Plan reviews have been dealt with in Recommendation STS 10, which is where the reference to Plan reviews appears in Chapter 1.

Horticulture NZ supports paragraph 1.6 but seeks reference to New Zealand Standards as well. The intent of paragraph 1.6 is to signal that initiatives other than regulation can be effective in achieving good environmental outcomes. Codes of Practice are an accepted non-regulatory method which can assist in working towards these environmental outcomes. New Zealand Standards set benchmarks that are better reflected in conditions of consent or in rules as rather than being a non-regulatory method for improving performance, they are a bottom-line standard that must be achieved. I therefore do not recommend any changes in relation to this submission.

The Whitelock submission seeking to have the best practice principle built on is acknowledged and the Council will be endeavouring, through various means including through the methods in the Plan, to work towards best practice.

Ravensdown Fertiliser Co-Operative Ltd seeks specific reference to the Code of Practice for Nutrient Management Use. The section does not specify the codes of practice that will be considered as it is only intended to be a broad statement of intent. I consider that the inclusion of one specific standard is inappropriate as it would unfairly single out one particular code.

Environment Network Manawatu seeks an explanation as to how the codes of practice will be used and confirmation that their use is enforceable. The codes of practice are implemented through the rules and with adequate referencing and appropriate conditions of consent their use is enforceable and therefore I do not consider any change is necessary.

Hoane Titari John Wi seeks to have recognised iwi authorities included in paragraph 1.6. The content of the section is such that there is no need to refer specifically to iwi authorities. Consultation with iwi is covered through Chapter 3 of the Plan and I do not consider any change to paragraph 1.6.

Ruapehu District Council, Tararua District Council, Horowhenua District Council, Wanganui District Council and Manawatu District Council seek the Plan be withdrawn and redrafted. To the extent that the recommendations of my reports on Chapters 2 and 11 are accepted regarding providing greater clarity around the two parts of the Proposed One Plan, I consider the matters raised by the Councils have been addressed. I therefore recommend no further change to paragraph 1.6.

Ngati Kahungunu Iwi Inc seeks to include the words “While promoting sustainable management” before “Horizons will recognise codes of practice” in the third paragraph in paragraph 1.6. In my view the inclusion of these words will not add to the clarity of the sentence.

Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Alison Mildon, Robert Schraders, Paul and Monica Stichbury, Shona Paewai and Tony Paewai state that if wind farming or subdivision are to be covered by codes of practice then the Plan needs to specify the adverse effects of these activities and that any independent audit be assessed by Horizons. In terms of independent audits, where these are undertaken through the consent process they will be assessed by the Council. Subdivision is not a function of the Regional Council. There are currently no known codes of practice specifically for wind farms (with the exception of noise standards) and the potential effects associated with the activities associated with wind farms, including vegetation clearance and land disturbance, are covered through rules in the Proposed One Plan. I do not consider it appropriate therefore to make any changes as a result of the matters raised by these submitters.

The New Zealand Pork Industry Board seeks various changes to the section, including:

- (a) Add that industry-led environmental management systems can lead to desired environmental outcomes;
- (b) Acknowledge the need for extension services to support these farming initiatives;
- (c) State the Council will support collaborative initiatives in water management zones; and
- (d) Replace the title with Industry-Led Initiatives.

The changes being sought by the New Zealand Pork Industry Board would inappropriately “slant” the content of the section towards industry. The section does outline that other good practice initiatives will be encouraged and this needs to be recognised in the title of the section and the content.

The Manawatu Branch of NZ Green party seeks clarification of what is meant by “initiatives of others”. I can find no specific reference to this term in paragraph 1.6.

Warren Davidson seeks greater weight to the value of codes, standards and guidelines in paragraph 1.6 and the elimination of compliance processes. Compliance processes cannot and should not be eliminated as otherwise there would be little in the way of mechanisms to achieve and enforce compliance with consent conditions. Unfortunately the stick has to be used in certain situations as the carrot does not always work. I do not consider that greater weight could be given to the value of codes in this section as the wording is clear that the Council is encouraging the use of these non-regulatory approaches.

Colin Bond seeks health and safety matters to be included and that Council needs to protect the interests of ratepayers. Health and safety matters do not relate to paragraph 1.6. The interests of ratepayers have been considered in relation to the matters of importance to the Region that are reflected in the content of the Proposed One Plan. I do not consider any change is necessary.

I recommend minor changes to the provision wording to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.11.3 Recommendation STS 11

- (a) Accept in part the submission from Horticulture NZ to the extent that it supports paragraph 1.6 but reference to New Zealand Standards is rejected.
- (b) Accept in part the submission of the Whitelocks which seeks the best practice principle built on.
- (c) Accept in part the submission of the Royal Forest and Bird Protection Society of NZ to the extent that its concerns regarding plan reviews are dealt with in recommendation STS 10 Section 4.6.
- (d) Accept the submissions from Winstone Pulp International Ltd, Rayonier NZ Ltd, Hancock Forest Management (NZ) Ltd, Ravensdown Fertiliser Co-Operative Ltd, New Zealand Fertiliser Manufacturers Research Association Inc, New Zealand Institute of Forestry, Federated Farmers of NZ Inc and Ballance Agri-Nutrients Ltd in support of Section 1.6.
- (e) Reject the submission from Ravensdown Fertiliser Co-Operative Ltd that seeks specific reference to the Code of Practice for Nutrient Management Use.
- (f) Reject the submission of Environment Network Manawatu which seeks an explanation as to how the codes of practice will be used and that their use is enforceable.
- (g) Reject the submission of Hoane Titari John Wi which seeks the inclusion of iwi authorities.
- (h) Accept in part the submissions of Ruapehu District Council, Tararua District Council, Horowhenua District Council, Wanganui District Council and Manawatu District Council seeking that the Plan be withdrawn and redrafted.
- (i) Reject the submission from Ngati Kahungunu Iwi Inc which seeks to include the words "While promoting sustainable management" before "Horizons will recognise codes of practice ...".
- (j) Reject the submissions from Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Alison Mildon, Robert Schraders, Paul and Monica Stichbury, Shona Paewai and Tony Paewai which outline that if wind farming or subdivision are to be covered by codes of practice that the Plan specifies the adverse effects and that any independent audit be assessed by Horizons.
- (k) Reject the submission from the New Zealand Pork Industry Board seeking various changes to the section.
- (l) Reject the submission from the Manawatu Branch of NZ Green Party which seeks clarification of what is meant by "initiatives of others".

- (m) Reject the submission from Warren Davidson which seeks that greater weight be added to the value of codes, standards and guidelines in Section 1.6 and the elimination of compliance processes.
- (n) Reject the submission from Colin Bond which seeks health and safety matters to be included and that Council needs to protect the interests of ratepayers.

4.11.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Paragraph 1.6, last paragraph as follows:

In keeping with its focus on the Big Four issues, Horizons has a particular interest in collaborating with resource users undertaking such activities as forestry, pastoral farming on ~~highly erodible~~ hillcountry land ~~that is vulnerable to erosion~~, dairy farming, pig farming, Territorial Authority utilities and river and drainage scheme works. The purpose of this collaboration is to develop and recognise codes of practice, training programmes and other good practice initiatives that complement changes needed to make progress on the Big Four issues. Horizons will also willingly be involved in the preparation of any code of practice or other good practice initiative that is likely to be of environmental benefit in the Region.

4.12 ADM 1 – Chapter 2 General Overview

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HOANE TITARI JOHN WI	2	6	To evaluate the remuneration cost towards lwi participating in the process.	Accept in part
HOANE TITARI JOHN WI	2	7	For Horizons Regional Council to provide Education Programmes for hapu, marae and lwi.	Accept in part
TARARUA DISTRICT COUNCIL	172	13	<p>Section 2.6 [Matters referred to in Submission as follows:</p> <p>A new policy is required to enable a process whereby consent holders can challenge and, if appropriate, have revoked, non-compliance assessments. There have been numerous instances in the past where Regional Council officers have incorrectly assessed activities as non-complying either through an incorrect understanding of the activity, the consent condition being assessed, or attempting to impose a higher standard than required under the consent. At present, the consent holder has no right-of-objection to non-compliance assessments and, although agreement may be reached with the officer that the non-compliance assessment was in error, this is not recorded in the Regional Council's consent database. This has significant implications at the time of consent renewal as the Regional Council's consent database identifies a compliance history which could impact on consent duration.</p> <p>The policy provisions also need to distinguish between a technical or administrative non-compliance which does not result in an adverse environmental effect and non-compliances which result in adverse environmental effect.]</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
A new policy to address the above				
	X 481	284	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	53	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 503	3	NEW ZEALAND PORK INDUSTRY BOARD - Support	Reject
	X 514	3	VELMA JUNE SIEMONEK - Support	Reject
	X 525	214	GENESIS POWER LTD – Support	Reject
TARARUA DISTRICT COUNCIL	172	14	<p>Section 2.6 A new policy be added to describe how existing consents will be dealt with under the proposed plan. The following is suggested (from HBRC, Section 8.2.8)</p> <p>"Any environmental guidelines introduced in this Regional Plan, or by way of later changes to this Regional Plan, apply to both existing and new resource consent holders. However, in the event that existing consent holders do not comply with new environmental standards (introduced by way of rules), they will be given a period of time within which to achieve compliance. Any such period of time will be decided after discussion with the consent holder, but will generally be in the order of 5 to 10 years, or at the time of granting a new consent upon expiry.</p> <p>The following factors will be taken into account when deciding an appropriate timeframe for any required improvement:</p> <p>(a) The degree of non-compliance with the new standards.</p> <p>(b) The degree of adverse effects on the environment caused by non-compliance with the new standards.</p> <p>(c) The availability of technology which will allow the new standards to be met, and</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
<p>(d) The financial implications of meeting the new standards.</p> <p>It is important to note that the Regional Council cannot review the conditions of existing resource consents to recognise new environmental standards, unless the standards are introduced by way of rules in a Plan in accordance with section 128 (1) (b) of the RMA or the resource consent expressly allows such a review."</p>				
	X 481	285	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	56	RUAPEHU DISTRICT COUNCIL - Support	Reject
TARARUA DISTRICT COUNCIL	172	8	- Withdraw the whole plan; and	Accept in part
			- Relocate Sections 2.4 to 2.9 to an appropriate section of Part II of the Plan, such as Section 11.	
	X 481	279	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
HORIZONS REGIONAL COUNCIL	182	3	Insert into Chapter 2 'Administration' a paragraph or policy which clarifies that district plans will not have to be changed to give effect to the RPS section of the One Plan until the first review or change of the district plan, or within 5 years, following the One Plan becoming operative, which ever is the earliest.	Accept
	X 500	159	TARARUA DISTRICT COUNCIL - Support in Part	Accept in part
	X 507	159	MANAWATU DISTRICT COUNCIL - Support in Part	Accept in part
	X 515	159	HOROWHENUA DISTRICT COUNCIL - Support in Part	Accept in part
	X 517	69	RANGITIKEI DISTRICT COUNCIL - Support	Accept
	X 532	159	WANGANUI DISTRICT COUNCIL - Support in Part	Accept in part
HORIZONS REGIONAL COUNCIL	182	4	Insert into Chapter 2 a paragraph or policy which clarifies that in the case of any disagreement of the meaning of an objective in Maori or English, then the English interpretation	Accept

Submitter	Number	Point	Decision Sought	Recommendation
PALMERSTON NORTH CITY COUNCIL	241	6	<p>is to be taken as the correct one.</p> <p>That Horizons notes the support of PNCC on a number of matters included in Chapter 2: Administration, in particular the commentary on cross-boundary issues, plan monitoring and review, and Objective 2-1.</p>	Accept
	X 500	61	TARARUA DISTRICT COUNCIL - Support	Accept
	X 507	61	MANAWATU DISTRICT COUNCIL - Support	Accept
	X 515	61	HOROWHENUA DISTRICT COUNCIL - Support	Accept
	X 517	197	RANGITIKEI DISTRICT COUNCIL - Support	Accept
	X 532	61	WANGANUI DISTRICT COUNCIL - Support	Accept
HOROWHENUA DISTRICT COUNCIL	280	14	<p>Section 2.6 [Matters referred to in Submission as follows:</p> <p>A new policy is required to enable a process whereby consent holders can challenge and, if appropriate, have revoked, non-compliance assessments. There have been numerous instances in the past where Regional Council officers have incorrectly assessed activities as non-complying either through an incorrect understanding of the activity, the consent condition being assessed, or attempting to impose a higher standard than required under the consent.</p> <p>At present, the consent holder has no right-of-objection to non-compliance assessments and, although agreement may be reached with the officer that the non-compliance assessment was in error, this is not recorded in the Regional Council's consent database. This has significant implications at the time of consent renewal as the Regional Council's consent database identifies a compliance history which could impact on consent duration.</p> <p>The policy provisions also need to distinguish between a</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
			technical or administrative non-compliance which does not result in an adverse environmental effect and non-compliances which result in adverse environmental effect.]	
			A new policy to address the above	
	X 481	375	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	55	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 525	51	GENESIS POWER LTD – Support	Reject
HOROWHENUA DISTRICT COUNCIL	280	15	<p>Section 2.6 A new policy be added to describe how existing consents will be dealt with under the proposed plan. The following is suggested (from HBRC, Section 8.2.8)</p> <p>Any environmental guidelines introduced in this Regional Plan, or by way of later changes to this Regional Plan, apply to both existing and new resource consent holders. However, in the event that existing consent holders do not comply with new environmental standards (introduced by way of rules), they will be given a period of time within which to achieve compliance. Any such period of time will be decided after discussion with the consent holder, but will generally be in the order of 5 to 10 years, or at the time of granting a new consent upon expiry.</p> <p>The following factors will be taken into account when deciding an appropriate timeframe for any required improvement:</p> <p>(a) The degree of non-compliance with the new standards.</p> <p>(b) The degree of adverse effects on the environment caused by non-compliance with the new standards.</p> <p>(c) The availability of technology which will allow the new</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
			standards to be met, and	
			(d) The financial implications of meeting the new standards.	
			It is important to note that the Regional Council cannot review the conditions of existing resource consents to recognise new environmental standards, unless the standards are introduced by way of rules in a Plan in accordance with section 128 (1) (b) of the RMA or the resource consent expressly allows such a review.	
	X 481	376	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 484	26	MINISTRY OF AGRICULTURE & FORESTRY - Support	Reject
	X 492	29	MINISTER OF CONSERVATION - Oppose	Reject
	X 495	58	RUAPEHU DISTRICT COUNCIL - Support	Reject
HOROWHENUA DISTRICT COUNCIL	280	8	Relocate Sections 2.4 to 2.9 to an appropriate section of Part II of the Plan, such as Section 11.	Accept in part
	X 481	369	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
WANGANUI DISTRICT COUNCIL	291	15	Section 2.6 A new policy be added to describe how existing consents will be dealt with under the proposed plan. The following is suggested (from HBRC, Section 8.2.8)	Reject
			Any environmental guidelines introduced in this Regional Plan, or by way of later changes to this Regional Plan, apply to both existing and new resource consent holders. However, in the event that existing consent holders do not comply with new environmental standards (introduced by way of rules), they will be given a period of time within which to achieve compliance. Any such period of time will be decided after discussion with the consent holder, but will generally be in the order of 5 to 10 years, or at the time of granting a new consent upon expiry.	

Submitter	Number	Point	Decision Sought	Recommendation
			<p>The following factors will be taken into account when deciding an appropriate timeframe for any required improvement:</p> <p>(a) The degree of non-compliance with the new standards.</p> <p>(b) The degree of adverse effects on the environment caused by non-compliance with the new standards.</p> <p>(c) The availability of technology which will allow the new standards to be met, and</p> <p>(d) The financial implications of meeting the new standards.</p> <p>It is important to note that the Regional Council cannot review the conditions of existing resource consents to recognise new environmental standards, unless the standards are introduced by way of rules in a Plan in accordance with section 128 (1) (b) of the RMA or the resource consent expressly allows such a review.</p>	
	X 481	475	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	30	MINISTER OF CONSERVATION - Oppose	Reject
WANGANUI DISTRICT COUNCIL	291	9	<p>- Withdraw the whole plan; and</p> <p>- Relocate Sections 2.4 to 2.9 to an appropriate section of Part II of the Plan, such as Section 11.</p>	Accept in part
	X 481	469	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
MANAWATU DISTRICT COUNCIL	340	10	Relocate Sections 2.4 to 2.9 to an appropriate section of Part II of the Plan, such as Section 11.	Accept in part
	X 481	566	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
MANAWATU DISTRICT COUNCIL	340	17	Section 2.6 Introduce a graduated scale for non-compliances similar to what is applied for compliance with drinking water	Reject

Submitter	Number	Point	Decision Sought	Recommendation
			standards. Instead of simply being compliant or not, incidences are rated in terms of the degree of non-compliance or in relation to absolute "maximum allowable values" that cannot be exceeded because of consequential and unacceptable environmental damage.	
	X 481	573	PALMERSTON NORTH CITY COUNCIL - Support	Reject
MANAWATU DISTRICT COUNCIL	340	18	<p>Section 2.6 A new policy be added to describe how existing consents will be dealt with under the proposed plan. The following is suggested</p> <p>Any environmental guidelines introduced in this Regional Plan, or by way of later changes to this Regional Plan, apply to both existing and new resource consent holders. However, in the event that existing consent holders do not comply with new environmental standards (introduced by way of rules), they will be given a period of time within which to achieve compliance. Any such period of time will be decided after discussion with the consent holder, but will generally be in the order of 5 to 10 years, or at the time of granting a new consent upon expiry.</p> <p>The following factors will be taken into account when deciding an appropriate timeframe for any required improvement:</p> <p>(a) The degree of non-compliance with the new standards.</p> <p>(b) The degree of adverse effects on the environment caused by non-compliance with the new standards.</p> <p>(c) The availability of technology which will allow the new standards to be met, and</p> <p>(d) The financial implications of meeting the new standards.</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
<p>It is important to note that the Regional Council cannot review the conditions of existing resource consents to recognise new environmental standards, unless the standards are introduced by way of rules in a Plan in accordance with section 128 (1) (b) of the RMA or the resource consent expressly allows such a review.</p>				
	X 481	574	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	60	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 531	14	HORTICULTURE NEW ZEALAND - Oppose and Support	Reject
RANGITIKEI DISTRICT COUNCIL	346	13	<p>Section 2.6 [Matters referred to in Submission as follows:</p> <p>A new policy is required to enable a process whereby consent holders can challenge and, if appropriate, have revoked, non-compliance assessments. There have been numerous instances in the past where Regional Council officers have incorrectly assessed activities as non-complying either through an incorrect understanding of the activity, the consent condition being assessed, or attempting to impose a higher standard than required under the consent. At present, the consent holder has no right-of-objection to non-compliance assessments and, although agreement may be reached with the officer that the non-compliance assessment was in error, this is not recorded in the Regional Council's consent database. This has significant implications at the time of consent renewal as the Regional Council's consent database identifies a compliance history which could impact on consent duration.</p> <p>The policy provisions also need to distinguish between a technical or administrative non-compliance which does not result in an adverse environmental effect and non-compliances which result in adverse environmental effect.]</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
A new policy to address the above				
	X 481	718	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	54	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 525	171	GENESIS POWER LTD – Support	Reject
RANGITIKEI DISTRICT COUNCIL	346	14	<p>Section 2.6 A new policy be added to describe how existing consents will be dealt with under the proposed plan. The following is suggested (from HBRC, Section 8.2.8)</p> <p>"Any environmental guidelines introduced in this Regional Plan, or by way of later changes to this Regional Plan, apply to both existing and new resource consent holders. However, in the event that existing consent holders do not comply with new environmental standards (introduced by way of rules), they will be given a period of time within which to achieve compliance. Any such period of time will be decided after discussion with the consent holder, but will generally be in the order of 5 to 10 years, or at the time of granting a new consent upon expiry.</p> <p>The following factors will be taken into account when deciding an appropriate timeframe for any required improvement:</p> <p>(a) The degree of non-compliance with the new standards.</p> <p>(b) The degree of adverse effects on the environment caused by non-compliance with the new standards.</p> <p>(c) The availability of technology which will allow the new standards to be met, and</p> <p>(d) The financial implications of meeting the new standards.</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
It is important to note that the Regional Council cannot review the conditions of existing resource consents to recognise new environmental standards, unless the standards are introduced by way of rules in a Plan in accordance with section 128 (1) (b) of the RMA or the resource consent expressly allows such a review."				
	X 481	719	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	28	MINISTER OF CONSERVATION - Oppose	Reject
RANGITIKEI DISTRICT COUNCIL	346	8	Relocate Sections 2.4 to 2.9 to an appropriate section of Part II of the Plan, such as Section 11.	Accept in part
	X 481	713	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
ENVIRONMENTAL WORKING PARTY	386	10	The submitter encourage Council to consider and implement the following recommendations on tangata whenua participation in environmental management. They were made to local authorities from the parliamentary Commissioner for the Environment (1998).	Accept in part
ENVIRONMENTAL WORKING PARTY	386	12	We urge Council to seriously consider this proposed model as a means of creating sustainable partnerships with Maori in the region.	Accept in part
ENVIRONMENTAL WORKING PARTY	386	14	No decision requested, however submitter notes: We also wish to reiterate the consultation requirements of the Resource Management Act (1991) regarding the involvement of tangata whenua in the consent (and planning) processes of Council.	Accept in part
ENVIRONMENTAL WORKING PARTY	386	15	A greater Council presence is needed in our rohe to undertake the much needed monitoring identified in the Plan	Accept in part
ENVIRONMENTAL WORKING PARTY	386	16	We encourage the Council to consider the use and support of community monitoring programmes (as outlined in Chapter 4).	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
ENVIRONMENTAL WORKING PARTY	386	28	We encourage Council to promote and encourage the continued upgrade of these [Sewerage] systems and to promote 'best practice principles' for sewerage effluent treatment and disposal.	Accept in part
ENVIRONMENTAL WORKING PARTY	386	9	The submitter encourage Council to work with tangata whenua to fulfil the various requirements of the Resource Management Act (1991).	Accept in part
PROPERTY RIGHTS IN NEW ZEALAND INC	393	2	That a further chapter be added to Chapter 2, where the Council undertakes to fulfil its obligations as described above.	Reject
NGA PAE O RANGITIKEI	427	10	<p>The submitter encourage Council to consider and implement the following recommendations on tangata whenua participation in environmental management. They were made to local authorities from the parliamentary Commissioner for the Environment (1998).</p> <p>Encourage and invest in appropriate initiatives to improve tangata whenua participation in environmental management, including:</p> <p>strategic training programmes and practical guidelines to improve skills and understanding amongst elected councillors, council personnel, resource consent applicants, and tangata whenua</p> <p>establishment grants or other assistance for the establishment of iwi and hapu resource management units and for the development of iwi and hapu resource management plans</p> <p>identification and facilitation of opportunities for the transfer of council functions to tangata whenua under section 33 of the RMA.</p>	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
			<p>We ask that Council work with us towards fulfilling the above requirements. We propose to build a strong and collaborative relationship with Council to help you achieve and fulfil our common objectives and obligations. We also endorse Council's plans to enable and foster increased hapu /iwi involvement in resource management as outlined in section 4.4, policy 4-1. We specifically support these initiatives:</p> <p>(a) memoranda of partnerships to set clear relationship and communication parameters to address resource management objectives</p> <p>(b) development of catchment-based forums for information sharing, planning and research</p> <p>(c) development of hapu and iwi monitoring programmes</p> <p>(d) assistance to facilitate iwi-based research, projects, seminars and training</p> <p>(e) development of joint management agreements where appropriate</p> <p>(f) recognising and taking into account iwi management plans lodged with council</p> <p>(g) involvement in consent decision-making processes.</p>	
NGA PAE O RANGITIKEI	427	12	We urge Council to seriously consider this proposed model as a means of creating sustainable	Accept in part
NGA PAE O RANGITIKEI	427	14	<p>partnerships with Maori in the region.</p> <p>No decision requested, however submitter notes: We also wish to reiterate the consultation requirements of the Resource Management Act (1991) regarding the involvement</p>	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
			of tangata whenua in the consent (and planning) processes of Council.	
NGA PAE O RANGITIKEI	427	15	A greater Council presence is needed in our rohe to undertake the much needed monitoring identified in the Plan	Accept in part
NGA PAE O RANGITIKEI	427	16	We encourage the Council to consider the use and support of community monitoring programmes (as outlined in Chapter 4).	Accept in part
NGA PAE O RANGITIKEI	427	28	We encourage Council to promote and encourage the continued upgrade of these [Sewerage] systems and to promote 'best practice principles' for sewerage effluent treatment and disposal.	Accept in part
NGA PAE O RANGITIKEI	427	9	The submitter encourage Council to work with tangata whenua to fulfill the various requirements of the Resource Management Act (1991).	Accept in part
LANDLINK LTD	440	2	We suggest that a monitoring strategy be prepared external to the One Plan and State of the Environment reporting to monitor the environmental outcomes sought.	Accept
LANDLINK LTD	440	3	We suggest that monitoring for the One Plan should therefore be biannually coinciding with the LTCCP monitoring only once within its ten year life	Accept in part
LANDLINK LTD	440	4	References to specific sections of any legislation should be removed	Reject

4.12.1 Summary of submissions

The submissions from Hoane Titari John Wi, the Environmental Working Party and Nga Pae o Rangitikei seek to have a closer relationship between iwi and the Regional Council, financial recognition for iwi input, and mechanisms put in place to achieve greater consideration of Māori values including mauri.

Horizons Regional Council seeks a statement regarding the interpretation of the Māori and English text.

Part of the Palmerston North City Council submission supports the content of Chapter 2.

Tararua District Council, Horowhenua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council seek to have the whole plan withdrawn and relocation of the policies in Chapter 2 to the Plan section.

Landlink Ltd seeks the development of a monitoring strategy outside of the Plan and that this be prepared to coincide with the timing for the Long-term Council Community Plan (LTCCP). The submission also seeks to have references to specific legislation removed.

The submission from Property Rights New Zealand Inc seeks that a further chapter be added where the Regional Council undertakes to fulfil its obligations.

Tararua District Council, Horowhenua District Council and Rangitikei District Council seek to have a policy included which sets a process whereby consent holders can challenge and revoke non-compliance assessments. The Manawatu District Council wants a graduated scale for non-compliances in relation to absolute maximum allowable values

Tararua District Council, Horowhenua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council seek a policy that would allow existing consent holders who do not comply with new environmental standards, a time period within which to achieve compliance, eg. 5 to 10 years or on expiry of any current consent.

4.12.2 Legislative Assessment

Section 9 of the Resource Management Act 1991 deals with restrictions on the use of land and states:

- (3) *No person may use any land in a manner that contravenes a rule in a regional plan or a proposed regional plan unless that activity is –*
- (a) *Expressly allowed by a resource consent granted by the regional council responsible for the plan; or*
 - (b) *Allowed by section 20A (certain existing lawful uses allowed).*

Section 9 then enables certain land use activities to continue to operate after a proposed Regional Plan is made operative, so long as they have previously obtained resource consent approval or are allowed under section 20A.

Section 20A of the Resource Management Act states:

Certain Existing Lawful Activities Allowed

- (1) *If, as a result of a rule in a proposed regional plan being notified, an activity requires a resource consent, the activity may continue until the rule becomes operative if, -*
 - (a) *before the rule was notified, the activity –*
 - (i) *was a permitted activity or otherwise could have been lawfully carried on without a resource consent; and*
 - (ii) *was lawfully established; and*
 - (a) *the effects of the activity are the same or similar in character, intensity, and scale to the effects that existed before the rule was notified; and*
 - (b) *the activity has not been discontinued for a continuous period of more than six months (or a longer period fixed by a rule in a regional plan in any particular case or class of case y the regional council that is responsible for the proposed plan) since the rule was notified.*
- (2) *If, as a result of a rule in a regional plan becoming operative, an activity requires a resource consent, the activity may continue after the rule becomes operative if, -*
 - (a) *before the rule became operative, the activity –*
 - (i) *was a permitted activity or allowed to continue under subsection (1) or otherwise could have been lawfully carried on without a resource consent; and*
 - (ii) *was lawfully established; and*
 - (b) *the effects of the activity are the same or similar in character, intensity, and scale to the effects that existed before the rule became operative; and*
 - (c) *the person carrying on the activity has applied for a resource consent from the appropriate consent authority within six months after the date the rule became operative and the application has not been decided or any appeals have not been determined.*

Section 20A applies to all other consents/permits (other than land use consents) that are required from the Regional Council, eg. discharge permits and water permits. What section 20A means is that where a rule becomes operative which requires an activity to apply for a resource consent, then an application must be made within six months of the rule becoming operative.

Section 73 of the Resource Management Act 1991 deals with preparation and changes to District Plans and states:

- (4) *A local authority must amend a proposed district plan or district plan to give effects to a regional policy statement, if –*
 - (a) *The statement contains a provision to which the plan does not give effect; and*
 - (b) *one of the following occurs:*
 - (i) *the statement is reviewed under section 79 and not changed or replaced; or*
 - (ii) *the statement is reviewed under section 79 and not changed or replaced and the change or replacement becomes operative; or*

- (iii) *the statement is changed or varied and becomes operative.*
- (5) *A local authority must comply with subsection (4) –*
 - (a) *within the time specified in the statement, if a time is specified; or*
 - (b) *as soon as reasonably practicable, in any other case.*

The section then requires that where the Regional Policy Statement (RPS) is made operative a District Plan must be amended to give effects to the RPS, either within the time specified in the RPS or as soon as practicable where the RPS does not specify a time period.

4.12.3 Evaluation

Hoane Titari John Wi, the Environmental Working Party and Nga Pae o Rangitikei seeking closer relationships between iwi and the Council, financial recognition for iwi input, and mechanisms put in place to achieve greater consideration of Māori values including mauri. These are important matters for consideration and action. Chapter 4 (Te Ao Māori) of the Proposed One Plan specifically details resource management issues of significance to hapu and iwi. Chapter 4 includes a section outlining the methods of implementation to deal with the matters of concern. These methods include, eg. memoranda of partnerships between iwi and the Regional Council and assistance with developing iwi management plans. I consider that Chapter 4 is the most appropriate section for these provisions to be located rather than in Chapter 2, which is a general section. To the extent that the matters raised in the submissions are covered in Chapter 4 of the Proposed One Plan I recommend that the submissions be accepted.

The submission from Horizons Regional Council seeks to add two statements to Chapter 2 covering:

- (a) the review of District Plans to give effect to the Regional Policy Statement; and
- (b) the interpretation of the Māori and English text contained within the Proposed One Plan.

As outlined above in the legislation section, section 73 of the Resource Management Act 1991 requires that where the Regional Policy Statement (RPS) is made operative, a District Plan must be amended to give effect to the RPS. The District Plan must be amended, either within the time specified in the RPS or as soon as practicable where the RPS does not specify a time period. The Proposed One Plan does raise some different policy directions for the Region, which are matters that need to be reflected in district plans. Where implementation is wholly or partly by way of District Plan provisions an appropriate timeframe for amendment is required to implement the changes. It is also recognised that the review of District Plans can be a costly and time consuming process and therefore any constraints around when RPS provisions need to be considered for inclusion in a District Plan requires careful balance. It is preferable that reviews are done at the normal review of District Plans but timing is not always appropriate. I consider that a five year time period is appropriate and achieves a balance. I recommend additional methods to cover this matter.

The clarification sought regarding the Māori and English text is to outline to Proposed One Plan users that if there is any difference in interpretation of meaning between the English and Māori versions, the English version will be used. The addition of such a clause through a method assists in clarifying matters to avoid any difficulties in Plan interpretation and it seems a sensible addition. I recommend a method be added in Section 10A as Method 10A-3.

The support from Palmerston North City Council for parts of Chapter 2 is noted.

Tararua District Council, Horowhenua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council seek to have the whole plan withdrawn or relocation of the policies in Chapter 2 to the Regional Plan section. The Panel has already heard evidence from the Regional Council as to why withdrawing the Plan is not recommended. I do not support the withdrawal of the Plan. I do, however, make recommended changes to relocate many of the objectives and policies from Chapter 2 into new chapters that sit in both the Regional Policy Statement (Part I) and Regional Plan (Part II) sections. These changes aim to provide greater policy guidance for Plan users.

The specific changes in terms of moving and deletion of the provisions of Chapter 2 and the reasons for the changes are as follows:

Recommended Change	Reason for Change
Move the general administration provisions in Chapter 2 (covering Administration, Cross-Boundary Issues, Plan Monitoring and Plan Review, being Sections 2, 2.1, 2.2 and 2.3) to a new Chapter 10A at the rear of Part I of the Plan to become sections 10A to 10A.3.	It is considered more appropriate to have the implementation methods at the end of Part I rather than at the beginning to allow for a more logical flow ie. issues, objectives, policies and then the methods.
Delete Section 2.4 (Issue 2-1). [Refer to recommendation ADM5.]	As a result of moving the objective and policies to the new Chapter 11A in the Regional Plan section, an issue statement is no longer necessary as issues do not need to be identified in the Plan.
Move the objective and policies from Chapter 2 (Objective 2-1 and Policies 2-1 to 2-5 in Sections 2.5 and 2.6) to a new Chapter 11A which is located within Part II of the Plan. They then become Objective 11A-2 and Policies 11A-4, 11A-5, 11A-6, 11A-7 and 11A-8.	The objective and policies relate to resource consent and compliance matters which more appropriately sit in the Regional Plan. The rules will then follow these general objective and policies. Note: The Māori wording included under Objective 2-1 has been removed in relocating the objective into the Plan section. Te reo text is not included anywhere within the Plan section and

	therefore to be consistent the text has been removed.
Delete Section 2.8 (Anticipated Environmental Results) and Section 2.9 (Explanation and Principal Reasons).	The objective and policies have been moved into Part II and the Anticipated Environmental Results and Principal Reasons are associated with the objective and policies. Anticipated Environmental Results and Principal Reasons are not required by the Act to be included in a Regional Plan.

Landlink Ltd seeks the development of a monitoring strategy outside of the Plan and that this be prepared to coincide with the timing for the Long-term Council Community Plan (LTCCP). These matters are provided for in section 2.2 (new 2.4) Plan Monitoring and no further change is considered necessary. Landlink Ltd also seeks to have references to specific legislation removed from Chapter 2, eg. Foreshore and Seabed Act 2004. I consider that the references to the legislation add clarity for Plan users.

The submission from Property Rights in New Zealand Inc seeks a further chapter be added where the Council undertakes to fulfil its obligations. I consider the Proposed One Plan outlines the mechanisms to be adopted by the Regional Council in meeting the environmental results sought through the Plan. The changes outlined in relation to the Territorial Authority submissions seek to provide further clarity and certainty of outcomes sought. No further changes are recommended.

Tararua District Council, Horowhenua District Council and Rangitikei District Council seek to have a policy included which sets a process whereby consent holders can challenge and revoke non-compliance assessments. The Manawatu District Council wants a graduated scale for non-compliances in relation to absolute maximum allowable values. These assessments are undertaken by the Compliance Team at the Regional Council and relate to consent holders' compliance with conditions imposed on consents/permits. I understand the Compliance Team is currently preparing a guideline which will assist consent holders as to the situations where enforcement action might be taken. Ultimately however, the question as to whether a consent holder is in compliance or not is a matter for the Courts, having carefully considered the evidence before them. To develop some type of policy with any meaning would in my opinion be impossible as every situation is different and the facts of each case would need to be considered.

Tararua District Council, Horowhenua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council seek a policy that would allow existing consent holders who do not comply with new environmental standards a time period within which to achieve compliance, eg. 5 to 10 years or on expiry of any current consent. I consider that this is already provided for in terms of section 20A of the Resource Management Act 1991. Only where an activity does not have a resource consent would they need to apply within six months of the rule becoming operative. I do not

consider that a provision can be added into the Proposed One Plan which would override a legislative requirement.

I recommend minor changes to the policy wording (within Chapters 1, 2 (now 10A) and 11 and 11A) to clarify the level of obligation and appropriate policy framework linkages to be consistent with recommendations in Andrea Bell's section 42A Report on Chapter 5: Land and ensure consistent terminology with other chapters of the Proposed One Plan.

4.12.4 Recommendation ADM 1

- (a) Accept in part the submissions from Hoane Titari John Wi, Environmental Working Party and Nga Pae o Rangitikei which seek to have a closer relationship between iwi and the Council, financial recognition for iwi input and mechanisms put in place to achieve greater consideration of Māori values including mauri.
- (b) Accept the submissions from Horizons Regional Council that seek to add statements regarding the review of district plans to give effect to the regional policy statement and the interpretation of the Māori and English text (new methods 10A-1 to 10A-3).
- (c) Accept the submission from the Palmerston North City Council insofar as it supports the content of Chapter 2.
- (d) Accept in part the submissions from Tararua District Council, Horowhenua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council which seek to have the whole plan withdrawn and relocation of the policies in Chapter 2 to the Plan Section to the extent that objectives and policies have been moved into Part II of the Proposed One Plan.
- (e) Accept in part the submission from Landlink Ltd which seeks a monitoring strategy be prepared coinciding with the timing for the LTCCP and that references to specific legislation be removed.
- (f) Reject the submission from Property Rights New Zealand Inc.
- (g) Reject the submissions from Tararua District Council, Horowhenua District Council and Rangitikei District Council that seek to have a policy included which sets a process whereby consent holders can challenge and revoke non-compliance assessments.
- (h) Reject the submission from Manawatu District Council which seeks a graduated scale for non-compliances in relation to absolute maximum allowable values.
- (i) Reject the submissions from Tararua District Council, Horowhenua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council which seek to allow existing consent holders that do not comply with new environmental standards a time period within which to achieve compliance, eg. 5 to 10 years or on expiry of any current consent.

4.12.4.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Paragraph 2.7 Methods (Note recommended relocation of Chapter 2 to Chapter 10A) as follows:

2.7-10A.4 Methods

The policies in ~~this chapter~~ Parts I and II of this plan will be implemented through the exercising of ~~Horizons~~ the Regional Council's functions as a consent authority, and through the policies and methods of Part II of this Plan.

<u>Method 10A-1</u>	<u>Regional and District plans</u>
<u>Description</u>	<u>Regional Plans including statutory plans and Regional Land Transport Plans and Regional Pest Management Plans and District Plans are methods to implement this Plan.</u>
<u>Who</u>	<u>The Regional Council and Territorial Authorities</u>
<u>Links to Policy</u>	<u>[Once decisions are made on this Plan, the relevant objectives and policies will be specifically identified here.]</u>
<u>Targets</u>	<u>Ongoing</u>

<u>Method 10A-2</u>	<u>Regional and District plans</u>
<u>Description</u>	<u>Regional Plans (except for Part II of this Plan which already gives effect to Part 1) and District Plans shall be changed to give effect to Part 1 – Regional Policy Statement of this Plan on the first review or change or variation to the plan or within five years, whichever is the earliest</u>
<u>Who</u>	<u>The Regional Council and Territorial Authorities</u>
<u>Links to Objectives, Policies and Methods</u>	<u>Part 1 – Objectives, policies and methods</u>
<u>Targets</u>	<u>Within five years all plans give effect to Part I of the Plan.</u>

<u>Method 10A-3</u>	<u>Plan interpretation</u>
<u>Description</u>	<u>In any case where the meaning of the Maori and English text used in this plan differs, the English interpretation shall be taken as the correct one.</u>
<u>Who</u>	<u>All Plan users.</u>
<u>Links to Objectives and Policies</u>	<u>In all locations in the Plan where Te Reo is used.</u>
<u>Targets</u>	<u>Clear and consistent interpretation of this Plan.</u>

- (b) Also note that consequential changes as a result of Recommendation ADM 1 are:
 - (a) relocation of Sections 2, 2.1, 2.2 and 2.3 covering Administration, Cross-Boundary Issues, Plan Monitoring and Plan Review into a new Chapter 10A to become Sections 10A, 10A.1, 10A.2 and 10A.3.
 - (b) deletion of Section 2.4 (Issue 2-1). As a result of moving the objective and policies to the new Chapter 11A in the Plan section an issue statement is no longer necessary.
 - (c) relocation of Sections 2.5 to 2.6 (objective and policies) into Chapter 11A to become Objective 11A-2 and Policies 11A-4, 11A-5, 11A-6, 11A-7 and 11A-8.
 - (d) delete Sections 2.8 (Anticipated Environmental Results) and Section 2.9 (Explanation and Principal Reasons) as these matters are not required in a Plan.

4.13 ADM 2 – Chapter 2 Paragraph 2.1 Cross-Boundary Issues

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
VISIT RUAPEHU	152	2	Suggested Plan Amendment	Accept in part
			Add to the list of organisations:	
			Regional Tourism Organisations	
WATER AND ENVIRONMENTAL CARE ASSN INC	311	5	INSERT - volunteer environmental care groups	Accept in part
MANAWATU ESTUARY TRUST	312	45	INSERT - volunteer environmental care groups	Accept in part
GEORGE & CHRISTINA PATON	313	45	INSERT - volunteer environmental care groups	Accept in part
NEW ZEALAND HISTORIC PLACES TRUST - CENTRAL REGION	353	1	Include reference to the NZHPT under the list of other organisation Horizons Council has identified to achieve its objectives within Section 2.1 of the proposed One Plan.	Accept
TRUST POWER LIMITED	358	2	(i) Retain Section 2.1 on cross-boundary issues as read.	Accept
			(ii) Any similar provisions with like effect.	
			(iii) Any consequential amendments that stem from the retention of Section 2.1 as proposed in this submission	
KELVIN DOUGLAS LANE	364	2	Add to bullet points under the paragraph beginning Horizons acknowledges that it needs to work with other organisations.....	Accept in part
			Federated Farmers	
			Fertiliser Consultant	

Submitter	Number	Point	Decision Sought	Recommendation
GRANT JOHN STEPHENS	369	56	<p>Member of Irrigation New Zealand</p> <p>Add to bullet point examples (first set of bullet points on page 2-1)</p>	Reject
GRANT JOHN STEPHENS	369	57	<p>A development such as a wind farm is visible across local authority boundaries within the Region or across Regional Council boundaries</p> <p>Add to following bullet point list (second bullet point list on page 2-1):</p> <p>Community environmental protection groups</p> <p>The public</p>	Accept in part
J M & L C WHITELOCK & B J & C J WHITELOCK	371	2	Request - Some acknowledgement of steps taken and targets set in place by industry (which is more productive than painting distortions)	Reject
ENVIRONMENT WAIKATO	385	6	Environment Waikato requests that a method is developed and added to chapter two that identifies a mechanism to identify, discuss and address cross-boundary issues with neighbouring regional councils	Accept
ENVIRONMENTAL WORKING PARTY	386	20	<p>The use of the term 'iwi authorities' in the following excerpt (page 2-1) should be amended:</p> <p>Horizons acknowledges that it needs to work with other organisations with resource management responsibilities or interests to achieve its objectives. These include:</p> <p>iwi authorities</p> <p>The use of the term 'iwi authorities' assumes that iwi, hapu , whanau, marae or other Maori groupings are represented by an 'iwi authority'. Some tangata whenua do not have such structures in place. Furthermore, these authorities do not</p>	Accept

Submitter	Number	Point	Decision Sought	Recommendation
MASON STEWART	394	56	always have the representation and/or mandate for dealing with all 'tangata whenua' issues. A term like 'tangata whenua' or a sentence such as 'iwi authorities, marae and other Maori organisations ' should be used they are more inclusive and appropriate for use in the Plan.	Reject
			Add to bullet point examples (first set of bullet points on page 2-1)	
			A development such as a wind farm is visible across local authority boundaries within the Region or across Regional Council boundaries	
	X 527	248	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
MASON STEWART	394	57	Add to following bullet point list (second bullet point list on page 2-1):	Accept in part
			Community environmental protection groups	
			The public	
	X 527	249	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Accept in part
TARARUA - AOKAUTERE GUARDIANS INC (T A G)	395	56	Add to bullet point examples (first set of bullet points on page 2-1)	Reject
			A development such as a wind farm is visible across local authority boundaries within the Region or across Regional Council boundaries	
	X 521	33	Allco Wind Energy N Z Ltd – Oppose	Accept
	X 525	211	GENESIS POWER LTD – Oppose	Accept
TARARUA - AOKAUTERE GUARDIANS INC (T A G)	395	57	Add to following bullet point list (second bullet point list on page 2-1):	Accept in part
			Community environmental protection groups	

Submitter	Number	Point	Decision Sought	Recommendation
			The public	
	X 521	34	Allco Wind Energy N Z Ltd – Oppose	Reject in part
SUE STEWART	396	56	Add to bullet point examples (first set of bullet points on page 2-1)	Reject
			A development such as a wind farm is visible across local authority boundaries within the Region or across Regional Council boundaries	
	X 525	9	GENESIS POWER LTD – Oppose	Accept
	X 527	307	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
SUE STEWART	396	57	Add to following bullet point list (second bullet point list on page 2-1):	Accept in part
			Community environmental protection groups	
			The public	
	X 527	308	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Accept in part
ADRIAN L COOKSON	397	3	Add to bullet point examples (first set of bullet points on page 2-1)	Reject
			A development such as a wind farm is visible across local authority boundaries within the Region or across Regional Council boundaries	
	X 527	313	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
ADRIAN L COOKSON	397	4	Add to following bullet point list (second bullet point list on page 2-1):	Accept in part
			Community environmental protection groups	
			The public	

Submitter	Number	Point	Decision Sought	Recommendation
	X 527	314	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Accept in part
ALISON MARGARET MILDON	401	56	Add to bullet point examples (first set of bullet points on page 2-1) A development such as a wind farm is visible across local authority boundaries within the Region or across Regional Council boundaries	Reject
	X 525	3	GENESIS POWER LTD – Oppose	Accept
	X 527	373	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
ALISON MARGARET MILDON	401	57	Add to following bullet point list (second bullet point list on page 2-1): Community environmental protection groups The public	Accept in part
	X 527	374	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Accept in part
TARANAKI FISH & GAME COUNCIL	406	2	Retain this section.	Accept
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	2	Section 2.1 is supported and we wish it be retained.	Accept
FEDERATED FARMERS OF NEW ZEALAND INC	426	8	Amend bullet point list in paragraph to include: -Industry/agricultural organisation s (or words to this effect)	Accept in part
	X 487	30	FONTERRA CO-OPERATIVE GROUP LIMITED – Support	Accept in part
	X 531	15	HORTICULTURE NEW ZEALAND – Support	Accept in part
NGA PAE O RANGITIKEI	427	20	The use of the term 'iwi authorities' in the following excerpt (page 2-1) should be amended: Horizons acknowledges that it needs to work with other organisations with resource management responsibilities or interests to achieve its objectives. These include:	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
ROBERT LEENDERT SCHRADERS	442	56	<p>iwi authorities</p> <p>The use of the term 'iwi authorities' assumes that iwi, hapu , whanau, marae or other Maori groupings are represented by an 'iwi authority'. Some tangata whenua do not have such structures in place. Furthermore, these authorities do not always have the representation and/or mandate for dealing with all 'tangata whenua' issues. A term like 'tangata whenua' or a sentence such as 'iwi authorities, marae and other Maori organisations ' should be used they are more inclusive and appropriate for use in the Plan.</p>	Reject
			Add to bullet point examples (first set of bullet points on page 2-1)	
			A development such as a wind farm is visible across local authority boundaries within the Region or across Regional Council boundaries	
ROBERT LEENDERT SCHRADERS	442	X 525	179 GENESIS POWER LTD – Oppose	Accept
		X 527	480 TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
		57	Add to following bullet point list (second bullet point list on page 2-1):	Accept in part
DIANA BAIRD	443	4	Community environmental protection groups	Reject
			The public	
DIANA BAIRD	443	5	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Accept in part
			Therefore, my submission is that Horizons also consult with landowners (and provide the resources to do so!) directly affected by such issues and not rely on industry or government agencies alone.	Reject
DIANA BAIRD	443	5	Therefore, my submission is that Horizons this provisions	Reject

Submitter	Number	Point	Decision Sought	Recommendation
PAUL & MONICA STICHBURY	452	56	would benefit from the words "With Territorial Authority agreement"	Reject
			Add to bullet point examples (first set of bullet points on page 2-1)	
			A development such as a wind farm is visible across local authority boundaries within the Region or across Regional Council boundaries	
	X 525	163	GENESIS POWER LTD – Oppose	Accept
	X 527	540	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
PAUL & MONICA STICHBURY	452	57	Add to following bullet point list (second bullet point list on page 2-1):	Accept in part
			Community environmental protection groups	
			The public	
	X 527	541	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Accept in part
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	10	With over 30,000 members we believe Forest and Bird should be listed, along with those already identified, as an organisation with resource management interests that Horizons should work with to achieve its objectives.	Accept
SHONA PAEWAI	467	56	Add to bullet point examples (first set of bullet points on page 2-1)	Reject
			A development such as a wind farm is visible across local authority boundaries within the Region or across Regional Council boundaries	
	X 525	205	GENESIS POWER LTD – Oppose	Accept
	X 527	603	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
SHONA PAEWAI	467	57	Add to following bullet point list (second bullet point list on page 2-1):	Accept in part
			Community environmental protection groups	
			The public	
	X 527	604	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Accept in part
TONY PAEWAI	468	7	Add to bullet point examples (first set of bullet points on page 2-1)	Reject
			A development such as a wind farm is visible across local authority boundaries within the Region or across Regional Council boundaries	
	X 527	612	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Reject
TONY PAEWAI	468	8	Add to following bullet point list (second bullet point list on page 2-1):	Accept in part
			Community environmental protection groups	
			The public	
	X 519	263	MIGHTY RIVER POWER – Oppose	Reject in part
	X 527	613	TARARUA - AOKAUTERE GUARDIANS INC (T A G) – Support	Accept in part

4.13.1 Summary of submissions

The submissions from Visit Ruapehu, NZ Historic Places Trust, Royal Forest and Bird Protection Society of NZ, Water and Environmental Care Association Inc, Environmental Working Party, Manawatu Estuary Trust, George and Christina Paton, Kelvin Lane, Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Adrian Cookson, Alison Mildon, Federated Farmers of NZ Inc, Robert Schraders, Paul and Monica Stichbury, Shona Paewai and Tony Paewai seek to have various additional organisations added or changed within Section 2.1 (new 10A-1) Cross-Boundary Issues.

Trustpower Ltd, Taranaki Fish and Game Council and Fish & Game NZ support Chapter 2.

Environment Waikato Regional Council seeks to have a method to deal with cross-boundary issues between Regional Councils.

Diana Baird seeks to have landowners added to the list in Section 2.1 (new 10A-1) and adding the words "With Territorial Authority agreement".

The submissions from Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Adrian Cookson, Alison Mildon, Robert Schraders, Paul and Monica Stichbury, Shona Paewai and Tony Paewai seek to have a wind farm visible across boundaries added as an example of cross-boundary issues.

The submission from the Whitelocks wants recognition given to the targets set by industry in relation to the environment.

4.13.2 Evaluation

Various submissions seek to have various additional organisations added or changed within Section 2.1 (new 10A-1) Cross-Boundary Issues. I agree with the Environmental Working Party that the term iwi authority unnecessarily restricts the consultation and does not recognise those iwi not represented by iwi authorities. The NZ Historic Places Trust and Royal Forest and Bird Protection Society of NZ should be specifically listed as Fish & Game NZ and Department of Conservation currently are. I consider that the remaining submitters can be grouped into farming, environmental and tourism interests. Therefore, rather than try to specifically list every group I recommend the inclusion of an umbrella term which covers all of these groups.

Environment Waikato Regional Council seeks to have a method to deal with cross-boundary issues between regional councils. In my opinion, Section 2.1 (new 10A-1) outlines the approaches that are proposed with regard to working with Territorial Authorities in detail but is somewhat light in regards working with adjoining regional councils. I recommend the inclusion of an additional sentence within Section 2.1 (new 10A-1) to recognise the need for working with other adjoining regional councils.

Diana Baird seeks to have landowners added to the list in Section 2.1 (new 10A-1) and the words "With Territorial Authority agreement" added. The list is intended to cover other organisations with specific resource management

objectives. Landowners are potentially affected parties who will be identified as appropriate for individual resource consent applications. I do not consider it appropriate to include landowners within the list. And adding the words "With Territorial Authority agreement" will not assist in the clarity of the issue.

The submissions from Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Adrian Cookson, Alison Mildon, Robert Schraders, Paul and Monica Stichbury, Shona Paewai and Tony Paewai seek to have a wind farm visible across boundaries added as an example of cross-boundary issues. I am of the opinion that the examples included in the Plan covering for example, water diversions for electricity generation across regional boundaries, are appropriate. Further examples are considered unnecessary.

The submission from the Whitelocks wants recognition given to the targets set by industry in relation to the environment. No change is specifically sought. It is unclear what could be usefully added to the Plan to acknowledge the targets being set by industry itself.

I recommend minor changes to the provision wording to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.13.3 Recommendation ADM 2

- (a) Accept in part the submissions from Visit Ruapehu, Water and Environmental Care Association Inc, Environmental Working Party, Manawatu Estuary Trust, George and Christina Paton, Kelvin Lane, Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Adrian Cookson, Alison Mildon, Federated Farmers of NZ Inc, Robert Schraders, Paul and Monica Stichbury, Shona Paewai and Tony Paewai seek to have various additional organisations added or changed within section 2.1 (new 10A-1) Cross-Boundary Issues.
- (b) Accept the submissions from Taranaki Fish and Game Council and Fish & Game NZ which support Chapter 2.
- (c) Accept the submissions from the NZ Historic Places Trust and Royal Forest and Bird Protection Society of NZ which seek to be added to the list of organisations with resource management responsibilities in Section 2.1 (new 10A-1) Cross-Boundary Issues.
- (d) Accept the submission from Trustpower Ltd in support of Chapter 2.
- (e) Accept the submission from Environment Waikato that seeks to have a method to deal with cross-boundary issues between Regional Councils.
- (f) Reject the submission from Diana Baird.
- (g) Reject the submissions from Grant Stephens, Mason Stewart, Tararua-Aokautere Guardians Inc, Sue Stewart, Adrian Cookson, Alison Mildon, Robert Schraders, Paul and Monica Stichbury, Shona Paewai and Tony Paewai which seek to have a wind farm visible across boundaries added as an example of cross-boundary issues.

- (h) Reject the submission from the Whitelocks which wants recognition given to the targets set by industry.

4.13.3.1 Recommended changes to provisions

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Paragraph 2.1 Cross-Boundary Issues as follows:

~~2.1~~ 10A.1 Cross-Boundary Issues

Ruapehu, Wanganui, Rangitikei, Manawatu, Tararua and Horowhenua districts are all contained within the Manawatu-Wanganui Region, along with small parts of Waitomo, Stratford and Taupo districts. ~~Horizons~~ The Regional Council also shares boundaries with Greater Wellington Regional Council, Hawke's Bay Regional Council, Taranaki Regional Council and Environment Waikato.

The environmental effects of some resource uses in the Region's catchments and coastal marine area are experienced by more than one local authority. This can happen when:

- a property straddles a boundary between local authorities, for example, when a dairy shed located in one local authority discharges waste into another
- the effects of an activity cross district council boundaries – for example, when hillcountry erosion in one district adversely affects water quality in the district downstream
- an activity crosses Regional Council boundaries – for example, water is taken and diverted from the Manawatu-Wanganui Region for electricity generation and discharged into the Environment Waikato Region.

~~Horizons~~ The Regional Council acknowledges that it needs to work with other organisations with resource management responsibilities or interests to achieve its objectives. These include:

- ~~iwi authorities~~ hapu and iwi
- Department of Conservation
- Ministry for the Environment
- district health boards
- Fish and Game
- Maritime Safety Authority
- Ministry of Fisheries
- New Zealand Historic Places Trust
- Royal Forest and Bird Protection Society of New Zealand
- Non-governmental organisations including environmental, tourism and farming groups
- other Government departments.

In general, ~~Horizons~~ the Regional Council will deal with cross-boundary issues through consultation, collaboration and continuing to build relationships with other resource management organisations. Specific approaches include:

- (a) using the protocols for communication and co-ordination with Territorial Authorities outlined in the Triennial Agreement for the Manawatu-Wanganui Region (LGA 2002, s15)
- (b) clearly defining the responsibilities of ~~Horizons~~ the Regional Council and Territorial Authorities for:
 - (i) maintaining indigenous biological diversity (refer Policy 7-1)
 - (ii) managing coastal resources (refer Policy 9-1)
 - (iii) managing natural hazards (refer Policy 10-1)
 - (iv) managing hazardous substances (refer Policy 3-10).
- (c) transferring functions to Territorial Authorities in the Manawatu-Wanganui Region when this is agreed to be appropriate
- (d) providing Regional Council resources to manage the relationship between the Regional Council and Territorial Authorities within the Region
- (e) using the protocol for joint applications and hearings set out in the Horizons Regional Council Protocol Manual – Consents Section
- (f) encouraging consultation and submissions from other resource management organisations to ~~Horizons~~ the Regional Council's planning documents
- (g) consulting with and making submissions to the planning documents of other resource management organisations
- (h) participating in Regional Council peer group forums
- (i) participating in other inter-agency forums where this will enhance relationships with resource management organisations.
- (j) developing protocols with adjoining regional councils to facilitate communication.

4.14 ADM 3 – Chapter 2 Paragraph 2.2 Plan Monitoring

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
TARANAKI FISH & GAME COUNCIL	406	3	Retain this section.	Accept
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	3	Section 2.2 is supported and we wish it be retained.	Accept
MANAWATU BRANCH OF N Z GREEN PARTY	433	7	In the Monitoring and reporting process (Page2-2), insert a new section (c): evaluation of record-keeping systems relating to environmental monitoring.	Reject
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	11	No decision requested, however submitter notes: Support approach monitoring and plan review (but wish to emphasise Forest and Birds expectation that Horizons will, as stated, treat the document as living and update and modify it as necessary to ensure that anticipated environment outcomes are achieved.	Accept in part

4.14.1 Summary of submissions

The Royal Forest and Bird Protection Society support the monitoring and plan review sections but wants the Plan to be a living document subject to change as appropriate.

Taranaki Fish & Game Council and Fish & Game NZ support Section 2.2.

The Manawatu Branch of NZ Green Party seeks a new section regarding the evaluation of record-keeping systems relating to environmental monitoring.

4.14.2 Evaluation

The support of the Royal Forest and Bird Protection Society for the Plan monitoring and Plan Review sections is noted. Section 4.6 of my report covers the issue of the Plan being the subject of review. I consider that the Plan provisions, in conjunction with the changes I recommend, acknowledge the Plan is a living document subject to change as appropriate.

The support of Taranaki Fish & Game Council and Fish & Game NZ for Section 2.2 is noted.

The Manawatu Branch of NZ Green Party seeks a new paragraph within Section 2.2 (new 10A-2) Plan Monitoring outlining the need to evaluate record keeping systems relating to environmental monitoring. This section deals with the links between Plan monitoring and the Long-term Council Community Plan process, therefore any change as sought by the submitter would be inconsistent with the focus of this section. Evaluating record systems is a detailed method which will form part of any work programme in relation to monitoring. The intent of the wording in this section is to outline in general terms how Plan monitoring will be approached.

I recommend minor changes to the Issue wording to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.14.3 Recommendation ADM 3

- (a) Accept in part the submission from Royal Forest and Bird Protection Society insofar as there is support for monitoring and plan review, and that changes recommended acknowledge that the Plan is to be a living document subject to change as appropriate.
- (b) Accept the submissions of Taranaki Fish & Game Council and Fish & Game NZ in support of Section 2.2.
- (c) Reject the submission of the Manawatu Branch of NZ Green Party, which seeks a new section regarding the evaluation of record-keeping systems relating to environmental monitoring.

4.14.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Paragraph 2.2 Plan Monitoring as follows:

2.2-10A.2 Plan Monitoring

~~Horizons~~ The Regional Council will regularly check the effectiveness of the policies and methods in this Plan in achieving anticipated environmental results. This will be done every three years at the same time as reporting progress made by the community in achieving community outcomes for the Region (LGA 2002, s92). This amalgamation of reporting is logical because:

- (a) the anticipated environmental results in this Plan and the community outcomes developed for the ~~Horizons'~~ Regional Council Community Plan (LTCCP) under the Local Government Act 2002 are very similar
- (b) there is a strong connection between the policies and methods in this Plan and the projects and targets identified in ~~Horizons'~~ the Regional Council's Community Plan. The methods in this Plan are identified as projects in ~~Horizons'~~ the Regional Council's Community Plan.

This means that information needed for plan effectiveness monitoring is almost identical to that needed to evaluate progress toward achieving community outcomes.

Monitoring and reporting on the effectiveness of this Plan will be based on the following process:

- (a) evaluation of ~~Horizons'~~ the Regional Council's Annual Reports (LGA 2002, s98) and the policies and methods in this Plan to assess which policies and methods have been implemented
- (b) evaluation of ~~Horizons'~~ the Regional Council's Community Plan and Annual Reports to assess actual work done to implement this Plan compared to the intended level of work each year, including consent, compliance and environmental incident response activity
- (c) evaluation of the results of environmental monitoring carried out under the Regional Monitoring Strategy to assess the condition and trends of the Region's environment, with an emphasis on those parts of the environment where specific work has been done to make improvements. (Note that a state of the environment report or update will be required every three years to meet the information requirements of this process)
- (d) assessment of whether changes need to be made to policies and methods where there is slow or no progress toward achieving anticipated environmental results.

4.15 ADM 4 – Chapter 2 Paragraph 2.3 Plan Review

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	37	Decision Sought: Retain Section 2.3 c).	Accept
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	4	Section 2.3 is supported and we wish it be retained.	Accept
ANDREW EDWARD DAY	421	1	Expand on the concept of "living document" to ensure that this plan is able to address other landuse issues as Council resources allow.	Accept in part
DIANA BAIRD	443	6	Therefore, my submission is that Horizons specifically include scientific advances as a trigger for Plan changes.	Accept in part
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	12	No decision requested, however submitter notes: Support approach monitoring and plan review (but wish to emphasise Forest and Birds expectation that Horizons will, as stated, treat the document as living and update and modify it as necessary to ensure that anticipated environment outcomes are achieved.	Accept in part

4.15.1 Summary of submissions

Andrew Day and the Royal Forest and Bird Protection Society of NZ seek to have the Plan be a living document subject to change as appropriate.

Diana Baird seeks to have scientific advances included as a trigger for Plan changes.

Horticulture NZ and Fish & Game NZ – Wellington Region support Section 2.3.

4.15.2 Evaluation

This section has been recommended to be included in Section 10A, as Section 10A-3, in accordance with the recommendation for ADM1.

The support of Horticulture NZ and Fish & Game NZ – Wellington Region for Section 2.3 is noted.

Andrew Day and the Royal Forest and Bird Protection Society of NZ seek to have the Plan be a living document subject to change as appropriate. Section 4.6 of my report covers the issue of the Plan being the subject of review and I consider that the Plan provisions, in conjunction with the changes I recommend, acknowledge the Plan is a living document subject to change as appropriate.

Diana Baird seeks to have scientific advances included as a trigger for Plan changes/reviews. Section 2.3 Plan Review specifically outlines that the results of new scientific work will provide a trigger for a review/change to the Plan. No specific change is considered necessary. In relation to the full review of the Plan it is noted that this section states the review will occur on the ninth anniversary of the Plan being made operative. I recommend that the term refer to tenth anniversary, to be consistent with the Act.

I recommend minor changes to provision wording to clarify the level of obligation and to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.15.3 Recommendation ADM 4

- (a) Accept in part the submissions of Andrew Day and Royal Forest and Bird Protection Society of NZ which seek that the Plan be a living document subject to change as appropriate.
- (b) Accept in part the submission of Diana Baird which seeks to have scientific advances included as a trigger for Plan changes.
- (c) Accept the submissions of Horticulture NZ and Fish & Game NZ – Wellington Region in support of Section 2.3.

4.15.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Paragraph 2.3 Plan Review as follows:

2.3-10A.3 Plan Review

~~Horizons~~ The Regional Council intends to manage this Plan as a living document and to ensure its content is responsive to the performance of policies and methods in achieving anticipated environmental outcomes. Changes to the Plan will be sought when:

- (a) plan effectiveness monitoring identifies the need to enhance progress toward achieving anticipated environmental results
- (b) major resource management developments arise such as significant amendments to the RMA or the adoption of national policy statements or national environmental standards by Government that have major implications for the contents of this Plan
- (c) the results of new scientific work enhance this Plan and make plan provisions more certain for resource users.

Changes to Part I (the Regional Policy Statement) of this Plan may be started by a Minister of the Crown, the Regional Council or any District Council within, or partly within, the Region. Changes may also be triggered after a review of Part I of this Plan, initiated because an approved management plan for a foreshore and seabed reserve has been lodged with ~~Horizons~~ the Regional Council (Foreshore and Seabed Act 2004, ss 43 and 44).

Changes to Part II (the Regional Plan) of this Plan may be requested by any person.

The process used to review and change this Plan is set out in the First Schedule of the Resource Management Act 1991.

A full review of Parts I and II of this Plan ~~will~~ shall be initiated by ~~Horizons~~ the Regional Council on the ~~ninth~~ tenth anniversary of the Plan being made operative, unless there has been reason to do so earlier.

4.16 ADM 5 – Chapter 2 Issue 2-1 Consent Duration, Review and Enforcement

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	3	Amend to, "The provisions of the RMA dealing with the duration of resource consents, review of consent conditions, and enforcement procedures will be implemented in a manner that provides the maximum reasonable certainty to resource users [while ensuring sustainable management practices are maintained]	Reject
HORTICULTURE NEW ZEALAND	357	38	Decisions Sought: Retain Issue 2-1.	Reject
ENVIRONMENTAL WORKING PARTY	386	13	No decision requested however submitter notes their support for the 2001 Ministry for the Environment publication titled: Effective and enforceable consent conditions -A guide to drafting conditions under the Resource Management Act 1991.... [and] the advice provided by the Quality Planning website on consent conditions	Accept in part
NEW ZEALAND FERTILISER MANUFACTURERS RESEARCH ASSOCIATION INCORPORATED	415	4	One Plan requirements for fertiliser application and use, should be based on conditions required, (eg. compliance with the Code of Practice for Nutrient Management, 2007) for a Permitted Activity, and not a Controlled Activity.	Reject
	X 531	16	HORTICULTURE NEW ZEALAND – Support	Reject
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	5	Insert into Issue 2-1: "and adversely affected or interested parties" after "resource users" and before "regarding". Insert "and contribute constructively to the process" after "efficiently"	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	9	Retain issue 2-1 and Objective 2-1 as written.	Reject

Submitter	Number	Point	Decision Sought	Recommendation
NGA PAE O RANGITIKEI	427	13	No decision requested however submitter notes their support for the 2001 Ministry for the Environment publication titled: Effective and enforceable consent conditions -A guide to drafting conditions under the Resource Management Act 1991.... [and] the advice provided by the Quality Planning website on consent conditions	Accept in part

4.16.1 Summary of submissions

The submissions from the Environmental Working Party and Nga Pae o Rangitikei do not seek any specified relief, but outline the Ministry for the Environment's guidelines on consent conditions as a matter to be considered in drafting conditions

Fish & Game NZ – Wellington Region seeks to include reference to affected parties within the issue.

Horticulture NZ supports Issue 2-1.

NZ Fertiliser Manufacturers' Research Association Inc comments that the requirements for fertiliser application and use should be based on conditions.

Ngati Kahungunu Iwi Inc seeks to amend the wording of Issue 2-1.

4.16.2 Evaluation

I comment specifically on the matters raised by each submitter below. As a result of recommending the relocation of the objective and policies contained within Chapter 2 into the Regional Plan section, I recommend Issue 2-1 be deleted because the Resource Management Act 1991 does not require issue identification in a Regional Plan.

The submissions from the Environmental Working Party and Nga Pae o Rangitikei do not seek any specified relief but outline the Ministry for the Environment's guidelines on consent conditions as a matter to be considered in drafting conditions. These guidelines are noted and would form part of the developing good practice processes being adopted by the Consents Team at the Regional Council. No change to the Plan is considered necessary.

Fish & Game NZ – Wellington Region seeks to include reference to affected parties within the issue. Currently the focus of the issue is on the ability for resource users to continue to do business with the potential uncertainty around consents. I agree that the consent process can be just as fraught for affected parties and submitters. I therefore recommend expanding the scope of the objective to deal with affected parties and submitters and to deal with this in relation to the proposed changes to Objective 11A-2 as contained in Section 4.16.

The support of Horticulture NZ for Issue 2-1 is noted.

NZ Fertiliser Manufacturers' Research Association Inc comments that the requirements for fertiliser application and use should be based on conditions. I consider that the provisions of the Proposed One Plan allow for appropriate conditions regarding fertiliser application.

Ngati Kahungunu Iwi Inc seeks to amend the wording of Issue 2-1. The Issue is recommended to be deleted.

4.16.3 Recommendation ADM 5

- (a) Accept in part the submissions from the Environmental Working Party and Nga Pae o Rangitikei in so far as the submitters do not seek any specified relief but outline the Ministry for the Environment's guidelines on consent conditions as a matter to be considered in drafting conditions.
- (b) Reject the submission of Fish & Game NZ which seeks to include reference to affected parties within the issue.
- (c) Reject the submission of Horticulture NZ in support of Issue 2-1.
- (d) Reject the NZ Fertiliser Manufacturers' Research Association Inc submission.
- (e) Reject the submission from Ngati Kahungunu Iwi Inc which seeks to amend the wording of Issue 2-1.

4.16.3.1 Recommended changes to provision

- (a) Delete Issue 2-1.

4.17 ADM 6 – Chapter 2 Objective 2-1 Consent Duration, Review and Enforcement

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
PALMERSTON NORTH CITY COUNCIL	241	7	PNCC submits that a similar approach to that outlined in Objective 2-1 that endeavours to provide maximum reasonable certainty to resource users should be applied by Horizons as part of the overall review of the One Plan.	Accept in part
	X 500	62	TARARUA DISTRICT COUNCIL - Support	Accept in part
	X 507	62	MANAWATU DISTRICT COUNCIL - Support	Accept in part
	X 515	62	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	198	RANGITIKEI DISTRICT COUNCIL - Support	Accept in part
	X 532	62	WANGANUI DISTRICT COUNCIL - Support	Accept in part
RANGITIKEI AGGREGATES LTD	279	1	That an appropriate Policy be included under Objective 2-1 giving direction as to the term of consent for gravel extraction on the beaches of the Regions rivers.	Accept in part
WINSTONE PULP INTERNATIONAL LTD	288	3	WPI requests that Objective 2-1 is retained.	Accept
	X 501	56	ERNSLAW ONE LTD – Support	Accept
TRUST POWER LIMITED	358	3	(i) Retain Objective 2-1 in relation to consent duration, review and enforcement as read. (ii) Any similar provisions with like effects. (iii) Any consequential amendments that stem from the retention of Objective 2-1 as proposed in this submission.	Accept
MINISTER OF CONSERVATION	372	8	Add 'affected parties and the wider community' after 'resource users'.	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
ENVIRONMENTAL WORKING PARTY	386	21	"Maximum reasonable certainty" should be provided to the community, not resource users - 'resource user' should be replaced with 'the community'. The wording used in the Plan does not outline the responsibility of consent holders to the wider community.	Accept in part
	X 501	200	ERNSLAW ONE LTD - Oppose	Reject in part
ENVIRONMENTAL WORKING PARTY	386	22	The Council should not assume or portray a default position of "long duration consents". We suggest that the excerpt [2nd paragraph of objective 2-1] is reworded like so: Horizons will provide user, friendly consents of appropriate duration and will carefully monitor and manage compliance.	Reject
	X 501	201	ERNSLAW ONE LTD - Oppose	Accept
NEW ZEALAND FERTILISER MANUFACTURERS RESEARCH ASSOCIATION INCORPORATED	415	5	Retain the provision of certainty for land-users through the provision of permitted activity status where compliance with an industry code (Code of Practice for Nutrient Management, 2007) is a condition of this status.	No recommendation
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	6	Add "and adversely affected or interested parties" following "resource users".	Accept in part
	X 519	126	MIGHTY RIVER POWER - Oppose	Reject in part
FEDERATED FARMERS OF NEW ZEALAND INC	426	10	Retain issue 2-1 and Objective 2-1 as written.	Accept
NGA PAE O RANGITIKEI	427	21	"Maximum reasonable certainty" should be provided to the community, not resource users - 'resource user' should be replaced with 'the community'. The wording used in the Plan does not outline the responsibility of consent holders to the wider community.	Accept in part
NGA PAE O RANGITIKEI	427	22	The Council should not assume or portray a default position of "long duration consents". We suggest that the excerpt [2nd paragraph of objective 2-1] is reworded like so:	Reject

Submitter	Number	Point	Decision Sought	Recommendation
			Horizons will provide user friendly consents of appropriate duration and will carefully monitor and manage compliance.	

4.17.1 Summary of submissions

The Palmerston North City Council seeks to have maximum certainty for Plan users as well as resource users.

The Minister of Conservation, Environmental Working Party, Fish & Game NZ – Wellington Region and Nga Pae o Rangitikei seek to include reference to affected parties within the Objective.

Winstone Pulp International Ltd, Federated Farmers of NZ Inc and Trustpower Ltd support Objective 2-1.

Rangitikei Aggregates Ltd seeks a policy setting out the consent terms that will be granted for gravel extraction.

Environmental Working Party and Nga Pae o Rangitikei want to change the objective so there is no assumption that the default position is for, ie. consents of long duration.

NZ Fertiliser Manufacturers' Association Inc seeks Permitted Activity status for compliance with the Code of Practice for Nutrient Management.

4.17.2 Evaluation

I recommend Objective 2-1 be relocated within Chapter 11A as Objective 11A-2 in accordance with the recommendation contained in ADM1. I note that, unlike Part I of the Proposed One Plan, objectives in Part II do not have a companion translation into Te Reo Māori. I therefore recommend that the Māori translation not be carried over into Chapter 11A and that it be deleted from the Plan.

The support of Winstone Pulp International Ltd, Federated Farmers of NZ Inc and Trustpower Ltd for Objective 2-1 is noted.

The Palmerston North City Council seeks to have maximum certainty for Plan users as well as resource users. I have endeavoured to provide greater clarity for Plan users by relocating objectives and policies from the Regional Policy Statement Section into the Regional Plan section.

The Minister of Conservation, Environmental Working Party, Fish & Game NZ and Nga Pae o Rangitikei seek to include reference to affected parties within the Objective. I agree that the consent process can be just as fraught for affected parties and submitters. Widening the scope of the Objective is therefore considered appropriate.

Rangitikei Aggregates Ltd seeks a policy setting out the consent terms that will be granted for gravel extraction. The recommended changes to the proposed Policy 11A-5 seek to provide greater certainty regarding consent durations. To that extent the changes meet the concerns raised by Rangitikei Aggregates Ltd.

The Environmental Working Party and Nga Pae o Rangitikei want to change the Objective so there is no assumption that the default position is for

consents of long duration. The wording of the Objective is such that it outlines that where appropriate, long duration consents will be granted. Certainly this should be the starting point in relation to a resource consent application. It does not in any way however, signal that in all cases long duration consents will be appropriate. I consider the wording adequately qualifies that long duration consents will only be granted where this is appropriate.

NZ Fertiliser Manufacturers' Association Inc seeks Permitted Activity status for compliance with the Code of Practice for Nutrient Management. I make no recommendation on this submission as it is a matter that needs to sit within the rules section and I understand is to be reported on in the reports on the Land chapter.

I also recommend minor changes to provision wording to clarify the level of obligation and to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.17.3 Recommendation ADM 6

- (a) Accept in part the submission from the Palmerston North City Council seeking to have maximum certainty for Plan users as well as resource users.
- (b) Accept in part the submissions of the Minister of Conservation, Environmental Working Party, Fish & Game NZ – Wellington Region and Nga Pae o Rangitikei which seek to include reference to affected parties within the objective.
- (c) Accept the submissions from Winstone Pulp International Ltd, Federated Farmers of NZ Inc and Trustpower Ltd which support Objective 2-1.
- (d) Accept in part the submission from Rangitikei Aggregates Ltd seeking a policy setting out the terms that will be granted for gravel extraction.
- (e) Reject the submissions from Environmental Working Party and Nga Pae o Rangitikei to change the objective so there is no assumption that the default position is for long duration consents.
- (f) No recommendation is made in relation to the submission of NZ Fertiliser Manufacturers' Association Inc which seeks Permitted Activity status for compliance with the Code of Practice for Nutrient Management.

4.17.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Objective 2-1 to New Chapter 11A and amend as follows:

Objective 2-1-11A-2:Consent duration, review and enforcement

The provisions of the RMA dealing with the duration of resource consents, review of consent conditions, and enforcement procedures shall ~~will~~ be

implemented in a manner that provides the maximum reasonable certainty to resource users, affected parties and submitters.

Where appropriate, Horizons the Regional Council shall ~~will~~ provide user friendly, long duration consents and shall ~~will~~ carefully monitor and manage compliance.

~~Whāinga 2-1: Te roa o te whakaaetanga, te arotake me te whakaū~~

~~Ka whakatinanahia ngā wāhanga o te RMA — e pā ana ki te roa o te whakaaetanga, te arotake i ngā āhuatanga o ngā whakaaetanga, me ngā tikanga whakaū — i runga i te tuku whakatau āhua tūturu ki te hunga whakamahi rauemi.~~

~~I ngā wā e tika ana, mā Horizons ngā whakaaetanga ngāwari noa te whakamahi — roa hoki te whakatau e tuku, e āta aroturuki tautukunga — whakahaere tautukunga hoki.~~

4.18 ADM 7 – Chapter 2 Objective Policy General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
NEW ZEALAND PHARMACEUTICALS LIMITED	274	5	A new policy to address the above	Reject
			[A new policy is required to enable a process whereby consent holders can challenge and, if appropriate, have revoked, non-compliance assessments. At present, the consent holder has no right-of-objection to non-compliance assessments and, although agreement may be reached with the officer that the non-compliance assessment was in error, this is not recorded in the Regional Council's consent database. This has significant implications at the time of consent renewal as the Regional Council's consent database identifies a compliance history which could impact on consent duration.	
			The policy provisions also need to distinguish between a technical or administrative non-compliance which does not result in an adverse environmental effect and non-compliances which result in adverse environmental effect.]	
	X 480	3	WINSTONE PULP INTERNATIONAL LTD - Support	Reject
	X 525	148	GENESIS POWER LTD - Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
NEW ZEALAND PHARMACEUTICALS LIMITED	274	6	<p>A new policy be added to describe how existing consents will be dealt with under the proposed plan.</p> <p>[A new policy in respect of existing consented takes and discharges is required to provide certainty as to how the introduction of new environmental standards via the proposed plan will impact on existing resource consents. Existing consents have been authorised via a statutory process with, in many cases, the consent holder then investing in significant upgrades in order to achieve consent compliance. If the provisions of the proposed plan were to be imposed on these existing consents, then significant additional investment may be necessary. The consent holders require some certainty that the standard imposed by the proposed plan will not have an immediate impact on rights currently held by way of existing consents.]</p>	Reject
	X 481	14	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 500	50	TARARUA DISTRICT COUNCIL - Support	Reject
	X 507	50	MANAWATU DISTRICT COUNCIL - Support	Reject
	X 515	50	HOROWHENUA DISTRICT COUNCIL - Support	Reject
	X 517	58	RANGITIKEI DISTRICT COUNCIL - Support	Reject
	X 532	50	WANGANUI DISTRICT COUNCIL - Support	Reject

4.18.1 Summary of submissions

The submission from New Zealand Pharmaceuticals Ltd seeks to have a policy included setting a process whereby consent holders can challenge and revoke non-compliance assessments.

New Zealand Pharmaceuticals Ltd also seeks to have the Plan clarify that new standards will not be imposed on rights currently held by existing consents.

4.18.2 Evaluation

In relation to the inclusion of a policy setting a process whereby consent holders can challenge and revoke non-compliance assessments, I consider that this is inappropriate for the reasons outlined in Section 4.12.3.

In relation to certainty that new standards will not be applied to existing consent holders I outline in Section 4.12.3 that the provisions of section 20A of the Resource Management Act mean that existing consents are not caught. I do not consider that a provision can be added into the Proposed One Plan which would override a legislative requirement.

4.18.3 Recommendation ADM 7

- (a) Reject the submission from New Zealand Pharmaceuticals Ltd which seeks to have a policy included setting a process whereby consent holders can challenge and revoke non-compliance assessments.
- (b) Reject the submission from New Zealand Pharmaceuticals Ltd seeking to have the Plan clarify that new standards will not be imposed on rights currently held by existing consents.

4.18.3.1 Recommended changes to provision

- (a) No changes are recommended.

4.19 ADM 8 – Chapter 2 Policy 2-1 Consent Conditions

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORIZONS REGIONAL COUNCIL	182	5	Add to Policy 2-1 (b) a new sub-clause "(v) - the conditions are enforceable".	Accept
PALMERSTON NORTH CITY COUNCIL	241	8	That Horizons adopt Policy 2-1.	Accept
	X 500	63	TARARUA DISTRICT COUNCIL - Support	Accept
	X 507	63	MANAWATU DISTRICT COUNCIL - Support	Accept
	X 515	63	HOROWHENUA DISTRICT COUNCIL - Support	Accept
	X 517	199	RANGITIKEI DISTRICT COUNCIL - Support	Accept
	X 532	63	WANGANUI DISTRICT COUNCIL - Support	Accept
ENVIRONMENT NETWORK MANAWATU	356	5	An amendment to Policy 2-1(b)(i) to recognise the applicant and affected parties/submitters interested in compliance.	Reject
	X 495	64	RUAPEHU DISTRICT COUNCIL - Oppose	Accept
	X 500	29	TARARUA DISTRICT COUNCIL - Oppose	Accept
	X 507	29	MANAWATU DISTRICT COUNCIL - Oppose	Accept
	X 515	29	HOROWHENUA DISTRICT COUNCIL - Oppose	Accept
	X 517	37	RANGITIKEI DISTRICT COUNCIL - Oppose	Accept
	X 532	29	WANGANUI DISTRICT COUNCIL - Oppose	Accept
TRUST POWER LIMITED	358	4	Retain Policy 2-1 in relation to granting of consents with conditions identified as necessary during the resource consent process as read.	Accept
			Any similar amendment with like effect.	

Submitter	Number	Point	Decision Sought	Recommendation
MINISTER OF CONSERVATION	372	9	Any consequential amendments that stem from the amendments proposed in this submission.	Accept in part
			Add additional criteria:	
			'(v) the conditions will ensure that the provisions of this plan are implemented (vi) the conditions are enforceable'	
	X 511	33	TRUST POWER LIMITED - Unknown	
ENVIRONMENTAL WORKING PARTY	386	24	We ask that these additional conditions are add to this policy [2-1]:	Reject
			That the applicant is aware of relevant Maori representatives or Maori organisation that needs to be contacted with regard to the application.	
			That the applicant is aware of the relevant process to be taken with regard to the interests of Maori including Chapter 4.	
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	7	Add to Policy 2-1(b)	Accept in part
			(v) Consent conditions will ensure the provisions of this Plan are met.	
			(vi) Consent conditions will be enforceable.	
	X 511	29	TRUST POWER LIMITED - Unknown	

Submitter	Number	Point	Decision Sought	Recommendation
NGA PAE O RANGITIKEI	427	24	<p>We ask that these additional conditions are add to this policy [2-1]:</p> <p>That the applicant is aware of relevant Maori representatives or Maori organisation that needs to be contacted with regard to the application.</p> <p>That the applicant is aware of the relevant process to be taken with regard to the interests of Maori including Chapter 4.</p>	Reject
LANDLINK LTD	440	5	<p>A fifth criteria could be added to [section] 2.6;[policy] 2-1;- (b) as follows:</p> <p>(v) the conditions are consistent with nationwide and/or international best practice.</p>	Reject

4.19.1 Summary of submissions

The Minister of Conservation and Fish & Game NZ – Wellington Region want two further bullet points added referring to the need for conditions to be enforceable and that the conditions ensure the provisions of the Plan are implemented. Horizons Regional Council wants one further bullet point referring to the need for conditions to be enforceable.

The Palmerston North City Council and Trustpower Ltd support Policy 2-1.

Environment Network Manawatu seeks the inclusion of affected parties and submitters in relation to how compliance will be achieved.

The Environmental Working Party and Nga Pae o Rangitikei seek additional provisions within the policy regarding the involvement of Māori and the need for contact with iwi in relation to consent applications.

Landlink Ltd wants a bullet point added to require that the conditions are consistent with nationwide and/or international best practice.

4.19.2 Evaluation

I recommend that Policy 2-1 be relocated to new Chapter 11A as Policy 11A-4 in accordance with the recommendation in ADM1.

The support of the Palmerston North City Council and Trustpower Ltd for Policy 2-1 is noted.

The inclusion of a bullet point noting that conditions need to be enforceable is appropriate and would result in the policy being consistent with the Newbury Principles for setting conditions.

A bullet point requiring that conditions achieve the implementation of the Plan is inappropriate. In any consideration of a resource consent application the objectives and policies must be considered and the implementation of the Plan is achieved through various regulatory and non-regulatory methods. Conditions of consent cannot achieve the implementation of the Plan, but in setting the conditions the content of the Plan will be considered.

Conditions are specific to a particular application. The best mechanism to achieve consistency with nationwide and/or international best practice is to follow the Newbury Principles³, which are already reflected in the policy.

Environment Network Manawatu seeks the inclusion of affected parties and submitters in relation to how compliance will be achieved. The policy currently states that the applicant is to be certain as to how compliance will be achieved and monitored. The responsibility for meeting the conditions of consent rests with the consent holder. If conditions are not complied with enforcement action might be taken against the consent holder. I consider the emphasis in the wording on the applicant rather than any other party is appropriate.

The Environmental Working Party and Nga Pae o Rangitikei seek additional provisions within the Policy regarding the involvement of Māori and the need

for contact with iwi in relation to consent applications. The provisions of Chapter 4 specifically deal with Te Ao Māori and include the need for iwi consultation regarding resource consent applications. It is therefore not considered necessary to include anything further in this policy.

I also recommend minor changes to provision wording to clarify the level of obligation, provide appropriate policy linkages consistent with recommendations in Andrea Bell's section 42A report on Chapter 2: Land, and to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.19.3 Recommendation ADM 8

- (a) Accept in part the submissions of the Minister of Conservation and Fish & Game NZ – Wellington Region to add in two further bullet points referring to the need for conditions to be enforceable and that the conditions ensure the provisions of the plan are implemented.
- (b) Accept the submissions from the Palmerston North City Council and Trustpower Ltd in support of Policy 2-1.
- (c) Accept the submission from Horizons Regional Council to add a further bullet point referring to the need for conditions to be enforceable.
- (d) Reject the submission from Environment Network Manawatu seeking the inclusion of affected parties and submitters in relation to compliance.
- (e) Reject the submissions from Environmental Working Party and Nga Pae o Rangitikei which seek additional provisions within the policy regarding the involvement of Māori.
- (f) Reject the submission from Landlink Ltd to add a bullet point requiring that the conditions are consistent with nationwide and/or international best practice.

4.19.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Policy 2-1 to New Chapter 11A and amend as follows:

Policy ~~2-1~~ 11A-4: Consent conditions

- (a) ~~Horizons~~ The Regional Council shall ~~will~~ grant consents with conditions identified as necessary during the resource consent process, including conditions proposed by the applicant as a result of pre-application consultation agreements.
- (b) In respect of (a) above, ~~Horizons~~ the Regional Council shall ~~will~~ draft consent conditions that ensure:
 - (i) the applicant is certain how compliance shall ~~will~~ be achieved and monitored
 - (ii) the conditions are specific to the activity being undertaken

- (iii) the conditions are fair, reasonable and practical
- (iv) the conditions are in plain English.
- (v) The conditions are enforceable

This Policy implements Objective 11A-1

4.20 ADM 9 – Chapter 2 Policy 2-2 Consent Durations

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	18	<p>(a) Withdraw the plan unless an alternative mechanism can be identified to resolve the issue; and amend</p> <p>(b) Policy 2-2 to provide indicative consent terms for common activities. For all community infrastructure recognised under Policy 3-1, the default consent duration is to be 35 years with review of consent conditions throughout the term of the consent;</p> <p>and amend Policy 2-2(b) to read:</p> <p>"Unless the application is by a local Authority for an infrastructure activity identified under Policy 3-1, consent expiry dates will be set to the closest common catchment expiry or review date to the date identified in (a)"</p>	Reject
	X 481	83	PALMERSTON NORTH CITY COUNCIL - Support	Reject
RUAPEHU DISTRICT COUNCIL	151	19	(a) Withdraw the plan unless an alternative mechanism can be identified to resolve the issue; and delete (c) Policy 2-2(c)(iv)	Reject
	X 481	84	PALMERSTON NORTH CITY COUNCIL - Support	Reject
RUAPEHU DISTRICT COUNCIL	151	20	<p>(a) Withdraw the plan unless an alternative mechanism can be identified to resolve the issue</p> <p>(d) Amend Policy 2-2(c)(vi) to read:</p> <p>"in the case of existing activities, whether there is a good or poor compliance history relating to environmental effects for</p>	Accept

Submitter	Number	Point	Decision Sought	Recommendation
			that same activity"	
	X 481	85	PALMERSTON NORTH CITY COUNCIL - Support	Accept
RUAPEHU DISTRICT COUNCIL	151	21	<p>(a) Withdraw the plan unless an alternative mechanism can be identified to resolve the issue;</p> <p>(e) Amend Policy 2-3(c) to read:</p> <p>"reviewing the conditions of a consent at the same time as review of other consents within the same water management zone - for example, at a common catchment expiry or review date, unless the consent is for an infrastructure activity identified under Policy 3-1".</p>	Reject
	X 481	86	PALMERSTON NORTH CITY COUNCIL - Support	Reject
RUAPEHU DISTRICT COUNCIL	151	22	<p>Policy 2-2 (c) (vi)</p> <p>(a) The consideration of compliance history needs to be specific to the activity being consented, not the consent holder. When considering compliance history only significant environmental effects should be taken into account.</p>	Accept
	X 481	87	PALMERSTON NORTH CITY COUNCIL - Support	Accept
	X 514	4	VELMA JUNE SIEMONEK - Support	Accept
RUAPEHU DISTRICT COUNCIL	151	23	<p>Policy 2-2 (c) (vi)</p> <p>(b) Council also submits there should be common guidelines of how the compliance of a consent is achieved. There should be certainty about the maintenance of the database and how abatement notices or infringement fines are withdrawn from the process.</p>	Reject
	X 481	88	PALMERSTON NORTH CITY COUNCIL - Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	24	Policy 2-2 (c) (vi) (c) Council would like to engage with Regional Council in the development of compliance methods and measurements or have this removed.	Reject
	X 481	89	PALMERSTON NORTH CITY COUNCIL - Support	Reject
TARARUA DISTRICT COUNCIL	172	10	Amend Policy 2-2(c)(vi) to read: "in the case of existing activities, whether there is a good or poor compliance history relating to environmental effects for that same activity"	Accept
	X 481	281	PALMERSTON NORTH CITY COUNCIL - Support	Accept
TARARUA DISTRICT COUNCIL	172	9	- Withdraw the whole plan; and amend - Policy 2-2 to provide indicative consent terms for common activities. For all community infrastructure recognised under Policy 3-1, the default consent duration is to be 35 years with review of consent conditions throughout the term of the consent; and amend Policy 2-2(b) to read: "Unless the application is by a local authority for an infrastructure activity identified under Policy 3-1, consent expiry dates will be set to the closest common catchment expiry or review date to the date identified in (a)"	Reject
	X 481	280	PALMERSTON NORTH CITY COUNCIL - Support	Reject
NGATI KAHUNGUNU IWI INCORPORATED	180	4	Add (c) [(vii) The inclusion of a review clause to allow cumulative effects from the use or development of a resource to be determined, and identified problems rectified.]	Reject
HORIZONS REGIONAL COUNCIL	182	6	Add a second sentence to Policy 2-2 (b) "Common catchment expiry or review dates are set out in Policy 11-4".	Accept
	X 495	61	RUAPEHU DISTRICT COUNCIL - Oppose	Reject

Submitter	Number	Point	Decision Sought	Recommendation
HORIZONS REGIONAL COUNCIL	182	7	Add the word 'approach' after the word 'precautionary'.	Accept
TANENUIARANGI MANAWATU INC	238	23	The applicant requests that Policy 2-2: Consent Durations, page 2-4, be amended to bring the maximum consent term in line with the term of this plan.	Reject
	X 487	32	FONTERRA CO-OPERATIVE GROUP LIMITED – Oppose	Accept
PALMERSTON NORTH CITY COUNCIL	241	10	That community assets such as such as wastewater treatment plants be excluded from the common catchment expiry dates identified in Policy 11-4 of the One Plan and referred to in Policy 2-2.	Reject
	X 500	65	TARARUA DISTRICT COUNCIL - Support	Reject
	X 507	65	MANAWATU DISTRICT COUNCIL - Support	Reject
	X 515	65	HOROWHENUA DISTRICT COUNCIL - Support	Reject
	X 517	201	RANGITIKEI DISTRICT COUNCIL - Support	Reject
	X 532	65	WANGANUI DISTRICT COUNCIL - Support	Reject
PALMERSTON NORTH CITY COUNCIL	241	9	That Horizons amend Policy 2-2 to provide greater certainty to resource consent applicants.	Accept in part
	X 500	64	TARARUA DISTRICT COUNCIL - Support	Accept in part
	X 507	64	MANAWATU DISTRICT COUNCIL - Support	Accept in part
	X 515	64	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	200	RANGITIKEI DISTRICT COUNCIL - Support	Accept in part
	X 532	64	WANGANUI DISTRICT COUNCIL - Support	Accept in part
BYFORD'S QUARRIES LTD	252	3	Byford's would wish to see consents being issued for longer periods such as twenty years with perhaps reviews at five yearly intervals	Accept in part
	X 494	4	RANGITIKEI AGGREGATES LTD - Support	Accept in part
RUAHINE WHITE WATER CLUB	261	1	This clause is incomplete, presuming it should be finished as: ...precautionary approach.	Accept

Submitter	Number	Point	Decision Sought	Recommendation
RUAHINE WHITE WATER CLUB	261	2	Therefore we request that the clause be replaced with (or reworded to provide the same meaning and effect as): (v) that the environment will be protected or improved	Reject
	X 502	2	NEW ZEALAND DEFENCE FORCE - Oppose	Accept
NEW ZEALAND PHARMACEUTICALS LIMITED	274	3	Policy 2-2 to provide indicative consent terms for common activities.	Accept in part
	X 531	17	HORTICULTURE NEW ZEALAND - Oppose	Accept in part
HOROWHENUA DISTRICT COUNCIL	280	10	Delete Policy 2-2(c)(iv)	Reject
	X 481	371	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	33	MINISTER OF CONSERVATION - Oppose	Accept
HOROWHENUA DISTRICT COUNCIL	280	11	Amend Policy 2-2(c)(vi) to read: "in the case of exiting activities, whether there is a good or poor compliance history relating to environmental effects for that same activity"	Accept
	X 481	372	PALMERSTON NORTH CITY COUNCIL - Support	Accept
HOROWHENUA DISTRICT COUNCIL	280	12	Amend Policy 2-3(c) to read: "reviewing the conditions of a consent at the same time as review of other consents within the same water management zone - for example, at a common catchment expiry or review date, unless the consent is for an infrastructure activity identified under Policy 3-1".	Reject
	X 481	373	PALMERSTON NORTH CITY COUNCIL - Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
HOROWHENUA DISTRICT COUNCIL	280	9	Amend Policy 2-2 to provide indicative consent terms for common activities. For all community infrastructure recognised under Policy 3-1, the default consent duration is to be 35 years with review of consent conditions throughout the term of the consent; and amend Policy 2-2(b) to read: "Unless the application is by a local authority for an infrastructure activity identified under Policy 3-1, consent expiry dates will be set to the closest common catchment expiry or review date to the date identified in (a)"	Reject
	X 481	370	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	39	MINISTER OF CONSERVATION - Oppose	Accept
WINSTONE PULP INTERNATIONAL LTD	288	4	WPI requests that Policy 2-2 be amended as follows: Horizons will generally grant resource consents for the term sought by the applicant unless it is identified during the consent process that a shorter or longer consent will more appropriately enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, WPI request any similar amendments with like effect. WPI request any consequential amendments be made that stem from the amendment as proposed in this submission.	Accept in part
	X 501	67	ERNSLAW ONE LTD – Support	Accept in part
	X 522	22	MERIDIAN ENERGY LIMITED - Support	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
WANGANUI DISTRICT COUNCIL	291	10	Policy 2-2 to provide indicative consent terms for common activities. For all community infrastructure recognised under Policy 3-1, the default consent duration is to be 35 years with review of consent conditions throughout the term of the consent; and amend Policy 2-2(b) to read: "Unless the application is by a local authority for an infrastructure activity identified under Policy 3-1, consent expiry dates will be set to the closest common catchment expiry or review date to the date identified in (a)"	Reject
	X 481	470	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	40	MINISTER OF CONSERVATION - Oppose	Accept
WANGANUI DISTRICT COUNCIL	291	11	Delete Policy 2-2(c)(iv)	Reject
	X 481	471	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	34	MINISTER OF CONSERVATION - Oppose	Accept
WANGANUI DISTRICT COUNCIL	291	12	Amend Policy 2-2(c)(vi) to read: "in the case of exiting activities, whether there is a good or poor compliance history relating to environmental effects for that same activity"	Accept
	X 481	472	PALMERSTON NORTH CITY COUNCIL - Support	Accept
NEW ZEALAND DEFENCE FORCE	330	5	Retain policy 2-2 (c)(v) presented in the Proposed One Plan	Accept
MANAWATU DISTRICT COUNCIL	340	11	Amend Policy 2-2 to provide indicative consent terms for common activities. For all community infrastructure recognised under Policy 3-1, the default consent duration is to be 35 years with review of consent conditions throughout the term of the consent.	Reject
	X 481	567	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	41	MINISTER OF CONSERVATION - Oppose	Accept

Submitter	Number	Point	Decision Sought	Recommendation
MANAWATU DISTRICT COUNCIL	340	12	Amend Policy 2-2(b) to read: "Unless the application is by a local authority for an infrastructure activity identified under Policy 3-1, consent expiry dates will be set to the closest common catchment expiry or review date to the date identified in (a)"	Reject
	X 481	568	PALMERSTON NORTH CITY COUNCIL - Support	Reject
MANAWATU DISTRICT COUNCIL	340	13	Delete Policy 2-2(c)(iv);	Reject
	X 481	569	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	35	MINISTER OF CONSERVATION - Oppose	Accept
MANAWATU DISTRICT COUNCIL	340	14	Amend Policy 2-2(c)(vi) to read: "in the case of existing activities, whether there is a good or poor compliance history relating to environmental effects for that same activity";	Accept
	X 481	570	PALMERSTON NORTH CITY COUNCIL - Support	Accept
RANGITIKEI DISTRICT COUNCIL	346	10	Amend Policy 2-2(c)(vi) to read: "in the case of exiting activities, whether there is a good or poor compliance history relating to environmental effects for that same activity"	Accept
	X 481	715	PALMERSTON NORTH CITY COUNCIL - Support	Accept
RANGITIKEI DISTRICT COUNCIL	346	7	Delete Policy 2-2(c)(iv)	Reject
	X 481	712	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	32	MINISTER OF CONSERVATION - Oppose	Accept

Submitter	Number	Point	Decision Sought	Recommendation
RANGITIKEI DISTRICT COUNCIL	346	9	Amend Policy 2-2 to provide indicative consent terms for common activities. For all community infrastructure recognised under Policy 3-1, the default consent duration is to be 35 years with review of consent conditions throughout the term of the consent; and amend Policy 2-2(b) to read: "Unless the application is by a local authority for an infrastructure activity identified under Policy 3-1, consent expiry dates will be set to the closest common catchment expiry or review date to the date identified in (a)"	Reject
	X 481	714	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	38	MINISTER OF CONSERVATION - Oppose	Accept
ENVIRONMENT NETWORK MANAWATU	356	10	Policy 2-2(c)(iv) be finalised.	Accept in part
ENVIRONMENT NETWORK MANAWATU	356	14	ENM seek further explanation as to the reasoning behind common catchment expiry dates	Reject
ENVIRONMENT NETWORK MANAWATU	356	6	ENM seek further explanation as to the reasoning behind common catchment expiry dates	Reject
	X 495	65	RUAPEHU DISTRICT COUNCIL - Oppose	Accept
	X 500	30	TARARUA DISTRICT COUNCIL - Oppose	Accept
	X 507	30	MANAWATU DISTRICT COUNCIL - Oppose	Accept
	X 515	30	HOROWHENUA DISTRICT COUNCIL - Oppose	Accept
	X 517	38	RANGITIKEI DISTRICT COUNCIL - Oppose	Accept
	X 532	30	WANGANUI DISTRICT COUNCIL - Oppose	Accept
ENVIRONMENT NETWORK MANAWATU	356	7	ENM support the use of the precautionary approach and taking into account compliance history as outlined.	Accept
	X 495	66	RUAPEHU DISTRICT COUNCIL - Oppose	Reject
	X 500	31	TARARUA DISTRICT COUNCIL - Oppose	Reject
	X 507	31	MANAWATU DISTRICT COUNCIL - Oppose	Reject

Submitter	Number	Point	Decision Sought	Recommendation
	X 515	31	HOROWHENUA DISTRICT COUNCIL - Oppose	Reject
	X 517	39	RANGITIKEI DISTRICT COUNCIL - Oppose	Reject
	X 532	31	WANGANUI DISTRICT COUNCIL - Oppose	Reject
ENVIRONMENT NETWORK MANAWATU	356	8	ENM seek what constitutes "inappropriate" reasons, with regards to granting shorter consent durations.	Reject
	X 495	67	RUAPEHU DISTRICT COUNCIL - Oppose	Accept
	X 500	32	TARARUA DISTRICT COUNCIL - Oppose	Accept
	X 507	32	MANAWATU DISTRICT COUNCIL - Oppose	Accept
	X 515	32	HOROWHENUA DISTRICT COUNCIL - Oppose	Accept
	X 517	40	RANGITIKEI DISTRICT COUNCIL - Oppose	Accept
	X 532	32	WANGANUI DISTRICT COUNCIL - Oppose	Accept
ENVIRONMENT NETWORK MANAWATU	356	9	Clear statements and guidelines as to what activities would only be granted short term consents.	Accept in part
	X 495	68	RUAPEHU DISTRICT COUNCIL - Oppose	Accept in part
	X 500	33	TARARUA DISTRICT COUNCIL - Oppose	Accept in part
	X 507	33	MANAWATU DISTRICT COUNCIL - Oppose	Accept in part
	X 515	33	HOROWHENUA DISTRICT COUNCIL - Oppose	Accept in part
	X 517	41	RANGITIKEI DISTRICT COUNCIL - Oppose	Accept in part
	X 532	33	WANGANUI DISTRICT COUNCIL - Oppose	Accept in part
HORTICULTURE NEW ZEALAND	357	159	Amend Policy 2-2 so that consents issued within 3 years of the relevant common catchment expiry date will be issued to align with the second common expiry date (that is the number of years up to the closest expiry date plus ten years.)	Accept
	X 484	48	MINISTRY OF AGRICULTURE & FORESTRY - Support	Accept
	X 511	37	TRUST POWER LIMITED - Oppose	Reject

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	39	Decisions Sought: Review common expiry dates policy and approach to provide for flexibility in terms of duration of consents to ensure that the term reflects the effects of the activity, not the requirements of a common expiry date.	Reject
	X 511	36	TRUST POWER LIMITED - Support	Reject
TRUST POWER LIMITED	358	5	Amend Policy 2-2 (b) as follows (or words to similar like effect) "(b) Consent expiry dates will be set to the closest common catchment expiry or review date to the date identified in (a), except for consents which primarily enable electricity generation." Any similar amendment with like effect. Any consequential amendments that stem from the amendments proposed in this submission.	Reject
	X 492	31	MINISTER OF CONSERVATION - Oppose	Accept
MIGHTY RIVER POWER	359	14	- The amendment of (a) as follows (or words to similar effect): Horizons will generally grant resource consents for the terms sought by the applicant unless the term sought is inappropriate due to the potential for significant adverse effects that are not able to be avoided, remedied or mitigated through conditions of consent;	Accept in part
	X 492	42	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 511	30	TRUST POWER LIMITED - Support	Accept in part
	X 521	52	Allco Wind Energy N Z Ltd - Support	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
MIGHTY RIVER POWER	359	15	- The amendment of (b) as follows (or words to similar effect): (b) For the taking, diversion and use of surface water, consent expiry dates will be set to the closest common catchment expiry or review date to the date identified in (a) except those consents that have the primary purpose of electricity generation;	Reject
	X 487	31	FONTERRA CO-OPERATIVE GROUP LIMITED – Oppose	Accept
	X 492	43	MINISTER OF CONSERVATION - Oppose	Accept
	X 511	31	TRUST POWER LIMITED - Support	Reject
	X 521	53	Allco Wind Energy N Z Ltd - Support	Reject
	X 525	98	GENESIS POWER LTD - Support	Reject
ENVIRONMENTAL WORKING PARTY	386	23	We ask that Council add the following amendment to policy 2-2 (c) (consent duration): (vii) Adequate time to contact and consult with affected iwi/hapu/relevant Maori organisations has been allowed.	Reject
FONTERRA CO-OPERATIVE GROUP LIMITED	398	8	Fonterra considers that Policy 2-2(b) should be deleted in its entirety.	Reject
	X 492	36	MINISTER OF CONSERVATION - Oppose	Accept
	X 506	62	MANAWATU BRANCH OF N Z GREEN PARTY – Oppose	Accept
	X 511	32	TRUST POWER LIMITED - Oppose	Accept
FONTERRA CO-OPERATIVE GROUP LIMITED	398	9	Fonterra considers that Policy 2-2(c) should be deleted in its entirety.	Reject
	X 492	37	MINISTER OF CONSERVATION - Oppose	Accept
	X 494	7	RANGITIKEI AGGREGATES LTD - Oppose	Accept
	X 506	63	MANAWATU BRANCH OF N Z GREEN PARTY – Oppose	Accept
	X 511	34	TRUST POWER LIMITED - Oppose	Accept

Submitter	Number	Point	Decision Sought	Recommendation
FEDERATED FARMERS OF NEW ZEALAND INC	426	11	Retain 2-2(vi) as written	Accept in part
	X 511	35	TRUST POWER LIMITED - Support	Accept in part
NGA PAE O RANGITIKEI	427	23	We ask that Council add the following amendment to policy 2-2 (c) (consent duration):	Reject
			(vii) Adequate time to contact and consult with affected iwi/hapu/relevant Maori organisations has been allowed.	
WARREN DAVIDSON	469	3	I support Policy 2.2.	Accept
	X 488	1	TARANAKI FISH & GAME COUNCIL - Support	Accept
	X 491	1	FISH & GAME NEW ZEALAND - WELLINGTON REGION – Support	Accept

4.20.1 Summary of submissions

Ruapehu District Council seeks to have:

- (a) the Plan withdrawn;
- (b) the indicative consent term for infrastructure activities be 35 years;
- (c) the common catchment expiry dates not apply to infrastructure activities;
- (d) the deletion of Policy 2-2(c)(iv) relating to the risks of long term allocation;
- (e) amendments made to Policy 2-2(c)(vi) to specify that the poor compliance history would be considered only where the environmental effects are for the same activity, or have this removed;
- (f) guidelines on how compliance is achieved and how abatement notices and infringement fines are withdrawn from the process.

Tararua District Council also raises points (a), (b), (c), and (e) listed above. Palmerston North City Council wants infrastructure activities excluded from common catchment expiry and consent duration requirements. Horowhenua District Council, Manawatu District Council, Rangitikei District Council and Wanganui District Council also support points (b), (c), (d) and (e) above and that the consent review provisions not apply to infrastructure activities.

Trustpower Ltd and Mighty River Power seek to have electricity generation activities not subject to the common catchment expiry or review dates. Fonterra Co-Operative Group Ltd wants deletion of Policies 2-2(b) and (c), which refer to consent expiry dates aligning with the common catchment dates and guidance for consent duration.

Ngati Kahungunu seeks an additional clause within Policy 2-2 to allow cumulative effects to be determined and problems rectified.

Horizons Regional Council's submission seeks to have wording clarification and a cross-reference added into Policy 2-2. Ruahine White Water Club and Environment Network Manawatu identify the omission raised in Horizons Regional Council's submission regarding the omission of the word "approach" after the word "precautionary" in Policy 2-2(c)(iv). The Ruahine White Water Club also seek to have Policy 2-2(c)(v) replaced with "that the environment will be protected or improved."

The Environmental Working Party and Nga Pae o Rangitikei want an additional sub clause within Policy 2-2 regarding adequate time being given in consent durations to consult with iwi.

Tanenuiarangi Manawatu Inc wants the maximum consent term to be 10 years, in line with the life of the Plan. Byford's Quarries Ltd want consents issued with longer terms. NZ Pharmaceuticals Ltd wants the Policy to indicate consent terms for common activities.

Winstone Pulp International Ltd wants the wording in Policy 2-2 altered to specify that the term sought by the applicant will generally be granted, unless a different term is required to provide for social, economic and cultural well-being and health and safety. Mighty River Power wants greater flexibility built

into Policy 2-2 to highlight that generally the term sought by the applicant will be granted unless there are significant adverse effects.

New Zealand Defence Force supports Policy 2-2(c)(v). Environment Network Manawatu supports the precautionary approach being taken and taking into account compliance history. Federated Farmers of NZ Inc support Policy 2-2(c)(vi). Warren Davidson supports Policy 2-2.

Environment Network Manawatu seeks clarification as to the rationale for the common catchment expiry dates, what the term “inappropriate” means in Policy 2-2(a) with regards to consent term and clarification as to what activities would be granted shorter terms.

Horticulture NZ seeks clarification that where consents are issued within three years of the common catchment expiry date they will be extended to the second catchment date. Horticulture NZ wants the approach to common catchment expiry dates reviewed so that the term granted reflects the effects of the activity.

4.20.2 Evaluation

I recommend that Policy 2-2 is relocated to new Chapter 11A in Part II of the Proposed One Plan, as a consequence of the amendments included in Recommendation ADM1. The new Policy is 11A-5. Policy 2-2 deals with consent durations and it is recommended to combine the provisions into Policy 11A-5. This recommended change is supported by the Territorial Authorities. The change aims to bring matters related to resource consent applications together in one section.

The support of the New Zealand Defence Force, Environment Network Manawatu, Federated Farmers of NZ Inc and Warren Davidson is noted.

The support of Federated Farmers of NZ Inc for Policy 2-2(c)(vi) is noted.

The inclusion of a cross-reference within Policy 2-2 to the common catchment or review dates set out in Policy 11-4, as sought by Horizons Regional Council, is a sensible cross-reference to assist in the ease of use of the Proposed One Plan.

The addition of the word “approach” after “precautionary” in Policy 2-2(c)(iv) as sought by Horizons Regional Council, Ruahine White Water Club and Environment Network Manawatu, corrects an omission and is therefore supported. I have also recommended a spelling correction for the word “predictable” within Policy 2-2(c)(iii) as a minor amendment.

The Territorial Authorities seek to have Policy 2-2(c)(vi) amended to require good or poor compliance history to be a factor in considering consent duration only where the effects relate to the same activity. Generally past compliance history should not be a factor when considering a resource consent application although it could be another matter that could be taken into account. It is considered that the policy could be clarified to make it clear that compliance history should only be taken into account where the effects are in relation to the same activity.

The submission from Byford's Quarries Ltd seeks to have longer consent terms. The current policy wording makes it clear that the term sought by the Applicant (which is generally going to be longest possible) is the starting point in the consideration of consent term. The Policy specifies that shorter terms will be imposed where there might be specific issues.

Environment Network Manawatu seeks further explanation regarding the common catchment expiry dates. Chapter 11A provides this explanation.

The Territorial Authorities seek to have a term specified for infrastructure projects. Likewise, New Zealand Pharmaceuticals Ltd seeks to have indicative consent terms for common activities added to the Policy. Palmerston North City Council seeks to have the Policy provide greater certainty concerning expected duration. The recommended changes aim to provide greater certainty.

Tanenuiarangi Manawatu Inc seeks to have a maximum consent term of 10 years, in line with the life of the Plan. A blanket term for all consents would be inappropriate as each particular activity differs. For example, where conditions can be met then a discharge of dairy shed effluent to land can be granted for a longer term as the environmental effects will vary little over the longer term. But an application to discharge contaminants to air could be problematic, particularly where air quality in the area is poor, and a longer term consent would therefore be inappropriate. Terms need to be tailored to the activity.

Horticulture NZ seeks to have the policy specify that where consents are issued within three years of the relevant common catchment expiry, the term be extended out to the second 10 year term. The recommended changes aim to provide greater certainty.

The Territorial Authorities, Trustpower and Mighty River Power seek to have infrastructure and electricity generation activities exempt from the common catchment expiry and review dates. The recommended changes aim to provide greater certainty.

Common catchment expiry dates have been formulated as a mechanism to guide appropriate consent terms. This mechanism achieves fairness amongst applicants as like applications can be treated the same in relation to consent duration. The mechanism allows for potential cumulative effects to be considered together as future applications are considered at a similar time, eg. water takes. They also provide for the integration of water use management, eg. the impacts of water takes on dilution available for assimilation of treated waste, to be considered holistically.

A common catchment expiry date also allows the Regional Council to plan water resource assessments to coincide with the expiry dates.

The research undertaken by the Science Team at Horizons Regional Council provides a sound basis for the catchment dates, whilst assisting in avoiding ad-hoc investigations of what might be a suitable consent duration on a case-by-case basis. This approach provides certainty for an applicant and is efficient.

Other options to deal with setting consent terms/consent duration include:

- (a) A case-by-case assessment: Consent duration would be assessed on a case-by-case basis as each application is received. I am sure that over time a consistent approach would be taken by the Consents Team, but there is no clear policy guidance or certainty for an applicant and no overall guarantee of outcome.
- (b) Specifying terms related to activity types: Currently within Policy 34.1 in the Operative Regional Policy Statement there is a guide as to the consent terms for particular activities, eg. dairy shed discharges to water, of up to 15 years. This approach would provide a certainty of outcome for an applicant. However, the approach, does not recognise that different areas across the Region require different policy responses and the effects of, eg. water takes and discharges to water within a particular catchment area would not be able to be considered as a whole and the potential cumulative effects would be more difficult to assess.

Having considered these other options I consider the common catchment expiry date approach to be more efficient and cost effective as the assessment of water resources is done once for all applications. The opportunity for an integrated approach to managing water takes and discharges is also reduced. I acknowledge that where an applicant seeks to alter a consent term then the Policy (Policy 11A-5) allows for guidance to determine shorter or longer term durations.

Fonterra Co-Operative Group Ltd seeks the deletion of Policies 2-2(b) and 2-2(c). These policies refer to common catchment expiry dates and to the extent that the Policies are altered I consider that they provide greater clarity, but I do not consider it appropriate to delete the policies.

Horowhenua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council seek to delete Policy 2-2(c)(iv). This policy requires that in considering consent duration the risks of long term allocation where resource availability is unpredictable should require careful consideration, and the precautionary approach should be adopted. I consider the Policy clearly establishes that there will be circumstances where a precautionary approach is necessary to ensure the natural resource is protected, eg. gravel extraction within certain rivers where the long term replenishment of the gravel which provides for fish habitat might be uncertain. I consider the Policy should be retained as it provides clear guidance to Plan users as to one of the matters that needs to be considered in relation to consent duration.

Ruapehu District Council seeks to understand how abatement notices are withdrawn from the database and for common guidelines to be established as to how consent compliance will be achieved. Consent compliance is very much a case-by-case matter as conditions on different consents will differ. A policy could say that compliance action will be taken where consent conditions are not followed. However in my opinion this achieves little. In terms of the abatement notice process I would encourage Ruapehu District Council to meet with Horizons Regional Council's Compliance Team to discuss this matter further.

Ngati Kahungunu seeks an additional clause within Policy 2-2 to cover cumulative effects. The addition of reference to cumulative effects is a matter that can be considered through the consent process, but a change to the Policy is not considered necessary to achieve this.

The submission from the Ruahine White Water Club which seeks to have Policy 2-2(c)(v) replaced with “the environment will be protected or improved”. The Policy as proposed to be reworded sets out the matters associated with consent durations, and the risks to the environment are dealt with in the policy. No further change is recommended.

The submissions from Winstone Pulp International Ltd and Mighty River Power want Policy 2-2 to be reworded to specify that the term sought will be granted unless there are significant adverse effects. To the extent that the proposed changes to the Policy set out to clarify that the starting point is that consent will be granted, I consider the content of the submissions has been dealt with.

The submission from Environment Network Manawatu seeks to have what constitutes inappropriate reasons for granting shorter term consents and clarification as to what activities would be granted shorter term consents. Clarification has been added into the policy and to the extent that the changes clarify the policy, the submitter’s concerns have been met.

The submissions from the Environmental Working Party and Nga Pae o Rangitikei seek to have an additional policy added to the consent duration policy requiring adequate time for consultation with iwi. Where iwi are involved in a consent application then consent duration would be a matter that would be considered. I do not consider it appropriate to add provisions regarding consultation with iwi, into the consent duration policy. This is not the place to deal with consultation. Policy 10A-1 does require consultation with iwi.

I also recommend minor changes to provision wording to clarify the level of obligation, provide appropriate policy linkages consistent with recommendations in Andrea Bell’s section 42A report on Chapter 2: Land, and to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.20.3 Recommendation ADM 9

- (a) Accept in part the submission from Byford’s Quarries Ltd seeking consents be issued for longer terms. The submission is accepted in part to the extent that the intent of the current policy wording is that longer terms are the norm with shorter terms being granted where there might be specific issues.
- (b) Accept in part the submission from the Palmerston North City Council seeking to have the Policy provide greater certainty. The submission is accepted in part to the extent that the suggested changes do provide greater certainty.
- (c) Accept in part the submission from Environment Network Manawatu seeking further explanation regarding the common catchment expiry

dates. The submission is accepted to the extent that Chapter 11 provides this explanation.

- (d) Accept in part the submissions from Ruapehu District Council, Tararua District Council, Palmerston North City Council, Horowhenua District Council, Manawatu District Council, Rangitikei District Council and Wanganui District Council seeking to have a term specified for infrastructure projects.
- (e) Accept in part the submission from Federated Farmers of NZ Inc seeking the retention of Policy 2-2(c)(vi) as written. The submission is accepted to the extent that some modification is proposed to this Policy.
- (f) Accept the submissions of New Zealand Defence Force, Environment Network Manawatu, Federated Farmers of NZ Inc and Warren Davidson in support of the whole or parts of the Policy.
- (g) Accept the submission from Horizons Regional Council seeking a cross-reference to the common catchment or review dates set out in Policy 11-4.
- (h) Accept the submissions from Horizons Regional Council, Ruahine White Water Club and Environment Network Manawatu seeking the addition of the word “approach” after “precautionary” in Policy 2-2(c)(iv).
- (i) Accept the submissions from Ruapehu District Council, Tararua District Council, Palmerston North City Council, Horowhenua District Council, Manawatu District Council, Rangitikei District Council and Wanganui District Council seeking to have Policy 2-2(c)(vi) amended to require good or poor compliance history considered only where the effects relate to the same activity.
- (j) Accept in part the submission from New Zealand Pharmaceuticals Ltd seeking to have indicative consent terms for common activities added to the Policy.
- (k) Accept the submission from Horticulture NZ seeking that consents issued within three years for the relevant common catchment expiry be extended out to the second 10 year term.
- (l) Accept in part the submissions from Winstone Pulp International and Mighty River Power seeking Policy 2-2 to be reworded to specify that the term sought will be granted unless there are significant adverse effects.
- (m) Accept in part the submission from Environment Network Manawatu seeking further explanation of what constitutes inappropriate reasons for granting shorter term consents and clarification as to what activities will be granted shorter term consent.
- (n) Reject the submissions from Ruapehu District Council, Tararua District Council, Palmerston North City Council, Horowhenua District Council, Manawatu District Council, Rangitikei District Council, Wanganui District Council and Mighty River Power seeking to have infrastructure and

electricity generation activities exempt from the common catchment expiry and review dates.

- (o) Reject the submissions from Horowhenua District Council, Wanganui District Council, Manawatu District Council, Rangitikei District Council seeking to delete Policy 2-2(c)(iv).
- (p) Reject the submissions from Trustpower Ltd and Mighty River Power seeking to have electricity generation activities not subject to the common catchment expiry or review dates.
- (q) Reject the submission from Ruapehu District Council which seeks to understand how abatement notices are withdrawn from the database and that there be common guidelines as to how consent compliance be achieved.
- (r) Reject the submission from Ngati Kahungunu seeking an additional clause within Policy 2-2 to cover cumulative effects.
- (s) Reject the Tanenuiarangi Manawatu Inc submission seeking the maximum consent term to be 10 years in line with the life of the Plan.
- (t) Reject the submission from the Ruahine White Water Club seeking to have Policy 2-2(c)(v) replaced with "that the environment will be protected or improved".
- (u) Reject the submission from the Environmental Working Party and Nga Pae o Rangitikei which seeks to have an additional policy added to the consent duration policy requiring adequate time for consultation with iwi.
- (v) Reject the submission from Fonterra Co-Operative Group Ltd which seeking the deletion of Policies 2-2(b) and 2-2(c).

4.20.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Policy 2-2 to new Chapter 11A and amend as follows:

Policy 2-2 11A-5: Consent durations

- (a) ~~Horizons~~ The Regional Council shall ~~will~~ generally grant resource consents for the term sought by the applicant unless reasons are identified during the consent process that make this inappropriate.
- (b) ~~Consent expiry dates~~ Resource consent terms shall ~~will~~ be set to the closest common catchment expiry or review date* to the date identified in (a). Dates can be extended in 10 year increments where a longer term can be granted after considering the criteria in (c).

The dates listed in Table 11A.-2 1 show the initial expiry or review date for all consents within the catchment. Future dates for expiry or review of consents within that catchment shall occur again every ten years thereafter.

For a consent which has duration longer than ten years, review of the consent shall occur on the review date in Table 11A.2 1 and every ten years thereafter until consent expiry. Extra review dates may be set in accordance with Policy 2-3 11A-6

- (c) Matters to be considered in determining a shorter or longer ~~consent duration~~ resource consent term than requested under (a):
- (i) whether it is necessary for an activity to cease at a specified time
 - (ii) the extent to which an activity is carried out in accordance with a recognised code of practice, environmental standard or good practice guideline
 - (iii) whether the activity has effects that are ~~unpredictable~~ unpredictable and potentially serious for the locality where it is undertaken and a precautionary approach is needed
 - (iv) the risks of long-term allocation of a resource whose availability changes over time in an unpredictable manner, requiring a precautionary approach
 - (v) the most appropriate balance between environmental protection and investment by the applicant
 - (vi) in the case of existing activities, whether the consent holder has a good or poor compliance history in relation to environmental effects for the same activity.

This Policy implements Objective 11A-2

4.21 ADM 10 – Chapter 2 Policy 2-3 Consent Review

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	25	Exclude infrastructure and community assets or activities from the review clause (c).	Reject
	X 481	90	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	54	MINISTER OF CONSERVATION - Oppose	Reject
TARARUA DISTRICT COUNCIL	172	11	- Withdraw the whole plan; and amend	Reject
			- Policy 2-3(c) to read:	
			"reviewing the conditions of a consent at the same time as review of other consents within the same water management zone for example, at a common catchment expiry or review date, unless the consent is for an infrastructure activity identified under Policy 3-1".	
	X 481	282	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	49	MINISTER OF CONSERVATION - Oppose	Reject
HORIZONS REGIONAL COUNCIL	182	8	Amend Policy 2-3 to read (in part): "In addition to the reasons specified in s 128 RMA, Horizons will impose consent conditions that specify a review of consent conditions during the term of the consent for:..."	Accept
	X 487	33	FONTERRA CO-OPERATIVE GROUP LIMITED – Oppose	Reject
	X 492	44	MINISTER OF CONSERVATION - Support	Accept
	X 495	62	RUAPEHU DISTRICT COUNCIL - Oppose	Reject
	X 531	18	HORTICULTURE NEW ZEALAND - Oppose	Reject

Submitter	Number	Point	Decision Sought	Recommendation
HORIZONS REGIONAL COUNCIL	182	9	Amend Policy 2-3 to insert a new subclause: 'reviewing the effectiveness of consent conditions to avoid, remedy or mitigate any adverse effects of the activity on the environment'.	Accept in part
	X 487	34	FONTERRA CO-OPERATIVE GROUP LIMITED – Oppose	Accept in part
	X 492	45	MINISTER OF CONSERVATION - Support	Accept in part
	X 495	63	RUAPEHU DISTRICT COUNCIL - Oppose	Accept in part
	X 500	160	TARARUA DISTRICT COUNCIL - Oppose	Accept in part
	X 507	160	MANAWATU DISTRICT COUNCIL - Oppose	Accept in part
	X 515	160	HOROWHENUA DISTRICT COUNCIL - Oppose	Accept in part
	X 517	70	RANGITIKEI DISTRICT COUNCIL - Oppose	Accept in part
	X 531	19	HORTICULTURE NEW ZEALAND - Oppose	Accept in part
	X 532	160	WANGANUI DISTRICT COUNCIL - Oppose	Accept in part
PALMERSTON NORTH CITY COUNCIL	241	11	That a statement be added to Policy 2-3 of the One Plan clarifying that Horizons will endeavour to provide maximum reasonable certainty to resource users as part of a review of consent conditions.	Accept in part
	X 500	66	TARARUA DISTRICT COUNCIL - Support	Accept in part
	X 507	66	MANAWATU DISTRICT COUNCIL - Support	Accept in part
	X 515	66	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	202	RANGITIKEI DISTRICT COUNCIL - Support	Accept in part
	X 532	66	WANGANUI DISTRICT COUNCIL - Support	Accept in part
PALMERSTON NORTH CITY COUNCIL	241	12	That Horizons amend Policy 2-3(c) to exclude common catchment expiry dates for community assets.	Reject
	X 500	67	TARARUA DISTRICT COUNCIL - Support	Reject
	X 507	67	MANAWATU DISTRICT COUNCIL - Support	Reject
	X 515	67	HOROWHENUA DISTRICT COUNCIL - Support	Reject
	X 517	203	RANGITIKEI DISTRICT COUNCIL - Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
	X 532	67	WANGANUI DISTRICT COUNCIL - Support	Reject
WINSTONE PULP INTERNATIONAL LTD	288	5	WPI requests that Policy 2-3 be deleted. WPI request any similar amendments with like effect. WPI request any similar amendments be made that stem from the amendment as proposed in this submission.	Reject
	X 492	46	MINISTER OF CONSERVATION - Oppose	Accept
	X 494	6	RANGITIKEI AGGREGATES LTD - Support	Reject
	X 501	73	ERNSLAW ONE LTD - Support	Reject
WANGANUI DISTRICT COUNCIL	291	13	Amend Policy 2-3(c) to read: "reviewing the conditions of a consent at the same time as review of other consents within the same water management zone - for example, at a common catchment expiry or review date, unless the consent is for an infrastructure activity identified under Policy 3-1".	Reject
	X 481	473	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	50	MINISTER OF CONSERVATION - Oppose	Accept
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN1 LTD AND O'HAGAN CONTRACTING LTD	303	3	Deletion of Policy 2-3 in its entirety.	Reject
	X 494	8	RANGITIKEI AGGREGATES LTD - Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
MANAWATU DISTRICT COUNCIL	340	15	Amend Policy 2-3(c) to read: "reviewing the conditions of a consent at the same time as review of other consents within the same water management zone for example, at a common catchment expiry or review date, unless the consent is for an infrastructure activity identified under Policy 3-1".	Reject
	X 481	571	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	51	MINISTER OF CONSERVATION - Oppose	Accept
RANGITIKEI DISTRICT COUNCIL	346	11	Amend Policy 2-3(c) to read: "reviewing the conditions of a consent at the same time as review of other consents within the same water management zone for example, at a common catchment expiry or review date, unless the consent is for an infrastructure activity identified under Policy 3-1".	Reject
	X 481	716	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 492	52	MINISTER OF CONSERVATION - Oppose	Accept
	X 495	403	RUAPEHU DISTRICT COUNCIL - Support	Reject
ENVIRONMENT NETWORK MANAWATU	356	11	ENM support the use of review conditions	Accept
HORTICULTURE NEW ZEALAND	357	157	Include in Policy 2-3 that review of consent conditions cannot render a consent inoperable or amend the duration of the consent.	Reject
	X 487	36	FONTERRA CO-OPERATIVE GROUP LIMITED – Support	Reject
	X 511	41	TRUST POWER LIMITED - Oppose	Reject
HORTICULTURE NEW ZEALAND	357	158	Amend the last paragraph in Policy 2-3 by adding the words: Horizons will initiate reviews of consent conditions, as provided for in the consent notice, if monitoring results or other evidence demonstrates a review is required."	Reject

Submitter	Number	Point	Decision Sought	Recommendation
	X 511	42	TRUST POWER LIMITED - Oppose	Accept
	X 525	53	GENESIS POWER LTD - Support	Reject
TRUST POWER LIMITED	358	6	Delete Policy 2-3. Any similar amendment with like effect. Any consequential amendments that stem from the amendments proposed in this submission.	Reject
	X 492	47	MINISTER OF CONSERVATION - Oppose	Accept
MIGHTY RIVER POWER	359	16	The deletion of Policy 2-3.	Reject
	X 492	53	MINISTER OF CONSERVATION - Oppose	Accept
	X 511	38	TRUST POWER LIMITED - Support	Reject
FONTERRA CO-OPERATIVE GROUP LIMITED	398	10	Fonterra considers that Policy 2-3 should be deleted in its entirety and replaced by the following: Horizons may initiate a review of consent conditions in circumstances as provided for in section 128 of the RMA.	Reject
	X 484	64	MINISTRY OF AGRICULTURE & FORESTRY - Support	Reject
	X 492	48	MINISTER OF CONSERVATION - Oppose	Accept
	X 506	64	MANAWATU BRANCH OF N Z GREEN PARTY – Oppose	Accept
	X 511	39	TRUST POWER LIMITED - Support	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	12	Rewrite Policy 2-3 to ensure consistency with section 128 of the Act.	Reject
	X 487	35	FONTERRA CO-OPERATIVE GROUP LIMITED – Support	Reject
	X 511	40	TRUST POWER LIMITED - Support	Reject
WARREN DAVIDSON	469	4	I support Policy 2.3.	Accept
	X 488	2	TARANAKI FISH & GAME COUNCIL - Support	Accept
	X 491	2	FISH & GAME NEW ZEALAND - WELLINGTON REGION – Support	Accept

4.21.1 Summary of submissions

Environment Network Manawatu and Warren Davidson support the policy.

Ruapehu District Council seeks to have infrastructure and community assets excluded from the review clause.

Tararua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council seek to have the common catchment expiry or review dates not apply to infrastructure activities.

Horizons Regional Council wants to amend the wording in the introduction to the Policy and insert a new subclause dealing with reviewing conditions to avoid, remedy or mitigate adverse effects on the environment.

Palmerston North City Council want a statement added to outline that maximum reasonable certainty will be given to resource users as part of the review.

Horticulture New Zealand wants the policy to specify that a review cannot render a consent inoperable or amend the duration of the consent. It also wants the wording to specify that a review will be initiated if monitoring results or other evidence demonstrates a review is required.

Winstone Pulp International Ltd, Pirie Consultants Ltd et al, Trustpower Ltd and Mighty River Power want Policy 2-3 deleted.

Fonterra Co-Operative Group Ltd wants Policy 2-3 deleted and replaced with general wording.

Federated Farmers of NZ Inc wants the Policy re-written to ensure consistency with section 128 of the RMA.

4.21.2 Evaluation

I recommend that Policy 2-3 be relocated to new Chapter 11A in Part II of the Proposed One Plan, as a consequence of the amendments included in Recommendation ADM1. The new Policy is 11A-6.

The submissions from Environment Network Manawatu and Warren Davidson in support of the Policy are noted.

The submissions from Winstone Pulp International Ltd, Pirie Consultants Ltd et al, Trustpower Ltd, Mighty River Power and Fonterra Co-Operative Group Ltd wanting Policy 2-3 deleted are noted. Federated Farmers of NZ Inc wants the Policy re-written to ensure consistency with section 128 of the RMA. The Policy is important as it sets out the general matters that will be considered in specifying a review condition. I consider the policy to be in accordance with section 128 of the RMA.

Ruapehu District Council seeks to have infrastructure and community assets excluded from the review clause. Tararua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council seek to

have the common catchment expiry or review dates not apply to infrastructure activities. The potential for review of consent conditions should apply to infrastructure activities, just as for any other activity. I recommend no change to this policy. I have considered the matter of duration of consent in relation to infrastructure activities and recommended a change in Section 4.19 of my report.

Horizons Regional Council wants to amend the wording in the introduction to the Policy and insert a new sub clause dealing with reviewing conditions to avoid, remedy or mitigate adverse effects on the environment. I consider the amended wording in the introduction to provide greater clarity and therefore recommend the wording be changed. In terms of an additional sub clause, I recommend the wording be added but I have also added a further statement at the end of the sub clause in response to matters raised by the Palmerston North City Council. The City Council wants a statement added to outline that maximum reasonable certainty will be given to resource users as part of the review and I consider the addition of the words will assist in the guidance given by the Policy.

Horticulture New Zealand want the policy to specify that a review cannot render a consent inoperable or amend the duration of the consent. It also wants the wording to specify that a review will be initiated if monitoring results or other evidence demonstrates a review is required. Section 132(1) of the RMA specifies that the duration of the consent cannot be dealt with in a review. I do not consider it necessary to duplicate the statutory requirements within the Policy.

I also recommend minor changes to provision wording to clarify the level of obligation, provide appropriate policy linkages consistent with recommendations in Andrea Bell's section 42A report on Chapter 2: Land, and to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.21.3 Recommendation ADM 10

- (a) Accept the submissions from Environment Network Manawatu and Warren Davidson in support of the policy.
- (b) Accept the submission from Horizons Regional Council to amend the wording in the introduction to the Policy, and accept in part the submission regarding the insertion of a new sub clause dealing with reviewing conditions to avoid, remedy or mitigate adverse effects on the environment.
- (c) Accept in part the submission from Palmerston North City Council wanting a statement added to outline that maximum reasonable certainty will be given to resource users as part of the review.
- (d) Reject the submission from Ruapehu District Council seeking to have infrastructure and community assets excluded from the review clause.
- (e) Reject the submissions from Tararua District Council, Wanganui District Council, Manawatu District Council and Rangitikei District Council

seeking to have the common catchment expiry or review dates not apply to infrastructure activities.

- (f) Reject the submissions from Horticulture New Zealand wanting the Policy to specify that a review cannot render a consent inoperable or amend the duration of the consent, and also wanting the wording to specify that a review will be initiated if monitoring results or other evidence demonstrates a review is required.
- (g) Reject the submissions from Winstone Pulp International Ltd, Pirie Consultants Ltd et al, Trustpower Ltd and Mighty River Power seeking that Policy 2-3 be deleted.
- (h) Reject the submission from Fonterra Co-Operative Group Ltd wanting Policy 2-3 deleted and replaced with general wording.
- (i) Reject the submission from Federated Farmers of NZ Inc wanting the Policy re-written to ensure consistency with section 128 of the RMA.

4.21.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Policy 2-3 to new Chapter 11A and amend as follows:

Policy 2-3-11A-6: Consent review

In addition to the reasons specified in s 128 RMA, ~~Horizons~~ the Regional Council shall ~~will use impose consent conditions that specify~~ a review of consent conditions during the term of the consent for:

- (a) reviewing the appropriateness of any condition requiring the consent holder to supply the consent authority with information relating to the exercise of the resource consent
- (b) reviewing any unknown or uncertain adverse effects caused as a result of planned or required changes or upgrades to the activity
- (c) reviewing the conditions of a consent at the same time as review of other consents within the same water management zone - for example, at a common catchment expiry or review date*.
- (d) Reviewing the effectiveness of consent conditions to avoid remedy or mitigate any adverse effects of the activity on the environment whilst providing certainty to resource users.

~~Horizons~~ The Regional Council shall ~~will~~ initiate reviews of conditions when monitoring results or other evidence demonstrates a review is required.

This Policy implements Objective 11A-2

4.22 ADM 11 – Chapter 2 Policy 2-4 Sites with Multiple Activities and Activities Covering Multiple Sites

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORIZONS REGIONAL COUNCIL	182	10	Add a new sub-part to Policy 2-4 which states that when considering these umbrella consents, that the bundling process will result in consents being considered at their given status, rather than at the status of the most stringent consent.	Accept
	X 500	161	TARARUA DISTRICT COUNCIL – Oppose	Reject
	X 507	161	MANAWATU DISTRICT COUNCIL - Oppose	Reject
	X 515	161	HOROWHENUA DISTRICT COUNCIL - Oppose	Reject
	X 517	71	RANGITIKEI DISTRICT COUNCIL - Oppose	Reject
	X 532	161	WANGANUI DISTRICT COUNCIL - Oppose	Reject
PALMERSTON NORTH CITY COUNCIL	241	13	That Horizons adopt Policy 2-4.	Accept in part
	X 500	68	TARARUA DISTRICT COUNCIL – Support	Accept in part
	X 507	68	MANAWATU DISTRICT COUNCIL - Support	Accept in part
	X 515	68	HOROWHENUA DISTRICT COUNCIL - Support	Accept in part
	X 517	204	RANGITIKEI DISTRICT COUNCIL - Support	Accept in part
	X 532	68	WANGANUI DISTRICT COUNCIL - Support	Accept in part
WINSTONE PULP INTERNATIONAL LTD	288	6	WPI requests that Policy 2-4 be retained.	Accept in part
	X 501	74	ERNSLAW ONE LTD – Support	Accept in part
RAYONIER N Z LIMITED	310	3	No specific decision sought however Rayonier support the combining of activities with similar effects under umbrella resource consents for the reasons stated in the section. This	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
			helps with the practicality of administration by both parties and makes good sense when management across multiple sites is the same.	
	X 501	129	ERNSLAW ONE LTD – Support	Accept in part
ENVIRONMENT NETWORK MANAWATU	356	12	ENM support the use of umbrella consents	Accept in part
TRUST POWER LIMITED	358	7	Retain Policy 2-4 as read.	Accept in part
			Any similar amendment with like effect. Any consequential amendments that stem from the amendments proposed in this submission.	
MIGHTY RIVER POWER	359	17	The addition of a further sentence as follows (or words to similar effect): - Consent applicants may combine some or all activities or sites under umbrella consents, and Horizons will establish consent conditions, durations and review provisions which enable an integrated approach to be taken for managing environmental effects from the site or activity as a whole. The potential for reverse sensitivity effects will need to be identified in any application and assessed on a site basis	Reject
	X 511	43	TRUST POWER LIMITED – Support	Reject
NEW ZEALAND CONTRACTORS FEDERATION	458	2	NZCF requests that council liaise with them to develop protocols for a qualification scheme which will allow them to carry out discretionary activities under umbrella consents without having to apply for individual consents on a regular basis.	Noted

4.22.1 Summary of submissions

Horizons Regional Council wants an additional statement regarding potentially not bundling consents and instead applying their individual consent status, eg. Controlled and Non-Complying, in considering any application.

Palmerston North City Council, Winstone Pulp International Ltd, Rayonier NZ Ltd, Environment Network Manawatu and Trust Power Ltd support the policy.

Mighty River Power seeks the addition of wording to cover the matter of reverse sensitivity effects.

The New Zealand Contractors' Federation asks that the Regional Council liaise with the Federation regarding protocols for qualification schemes allowing umbrella consents to be obtained without having to apply for individual consents on a regular basis.

4.22.2 Evaluation

I recommend that Policy 2-4 is relocated to new Chapter 11A in Part II of the Proposed One Plan, as a consequence of the amendments included in Recommendation ADM1. The new Policy is 11A-7.

The support for the Policy is noted.

The change sought by Horizons Regional Council would outline that where there are individual consent categories, eg. Controlled and Non-Complying, then the activities may not be bundled in terms of the decision. The applications would still be processed and considered together but in any decision there would be the ability not to apply the toughest category of consent where this might not be appropriate. Bundling is the practice utilised whereby the most restrictive Resource Management Act (RMA) status is applied where different activities associated with the same project have differing RMA status. It is considered that adding to the Policy will provide for greater ease of interpretation of the practices that could be adopted by the Regional Council.

The addition of wording to cover reverse sensitivity effects as sought by Mighty River Power does not sit well within the Policy, which covers applications for multiples activities and multiple sites.

The submission from the New Zealand Contractors Federation asking that the Regional Council liaise with the Federation regarding protocols is noted.

I also recommend minor changes to provision wording to clarify the level of obligation, provide appropriate policy linkages consistent with recommendations in Andrea Bell's section 42A report on Chapter 2: Land, and to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.22.3 Recommendation ADM 11

- (a) Accept the submission from Horizons Regional Council.
- (b) Accept in part the submissions from Palmerston North City Council, Winstone Pulp International Ltd, Rayonier NZ Ltd, Environment Network Manawatu and Trust Power Ltd to the extent that they support the Policy, but noting that some changes are recommended.
- (c) Reject the submission from Mighty River Power seeking to deal with reverse sensitivity effects within the Policy.
- (d) The submission from the New Zealand Contractors' Federation is noted.

4.22.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Policy 2-4 to new Chapter 11A and amend as follows:

Policy ~~2-4~~ 11A-7: Sites with multiple activities, and activities covering multiple sites

For applications made to ~~Horizons~~ the Regional Council for either:

- (a) a site with a number of different activities requiring consent, or
- (b) a particular type of activity that will be undertaken by the consent holder at a number of sites.

consent applicants may combine some or all activities or sites under umbrella consents, and ~~Horizons~~ the Regional Council shall ~~will~~ establish consent conditions, durations and review provisions which enable an integrated approach to be taken for managing environmental effects from the site or activity as a whole. There may be circumstances where umbrella consents may result in consents being considered at their given status rather than the status of the most stringent consent.

This Policy implements Objective 11A-1

4.23 ADM 12 – Chapter 2 Policy 2-5 Enforcement Procedures

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	26	A new Policy in respect of existing consented community infrastructure is required to provide certainty as to how the introduction of new environmental standards via the proposed plan will impact on existing resource consents. Existing consents have been authorised via a statutory process with, in many cases, the consent holder then investing in significant upgrades in order to achieve consent compliance. If the provisions of the proposed plan were to be imposed on these existing consents, then significant additional investment may be necessary. The consent holders require some certainty that the standard imposed by the proposed plan will not have an immediate impact on rights currently held by way of existing consents.	Reject
	X 481	91	PALMERSTON NORTH CITY COUNCIL - Support	Reject
RUAPEHU DISTRICT COUNCIL	151	27	(b) Water Quality Standards as set out in the One Plan are goals to be worked towards over the life of the One Plan. Currently the ambient water quality does not meet the standards at certain flows. Any discharge will need to be of greater quality than the receiving environment to meet the One Plan standards. A transitional period is required to implement the One Plan Standards, (given that changes to water quality will take over 30 years to give effect, increasing discharge standards in 10 year bites should be considered). In this regard, Table 16 of Schedule D of Part II of the One Plan is unnecessary. While the water quality standards may be relevant to the preparation of an AEE, it is the effects on receiving environment, which should be assessed.	Reject

Submitter	Number	Point	Decision Sought	Recommendation
	X 481	92	PALMERSTON NORTH CITY COUNCIL - Support	Reject
RUAPEHU DISTRICT COUNCIL	151	28	<p>(c) Enforcement procedures should not be used for Water Quality Standards.</p> <p>A new Policy to address point 6.16 (ii) The following is suggested (from HBRC, Section 8.2.8)</p> <p>Any environmental guidelines introduced in this Regional Plan, or by way of later changes to this Regional Plan, apply to both existing and new resource consent holders. However, in the event that existing consent holders do not comply with new environmental standards (introduced by way of rules), they will be given a period of time within which to achieve compliance. Any such period of time will be decided after discussion with the consent holder, but will generally be in the order of 5 to 10 years, or at the time of granting a new consent upon expiry.</p> <p>The following factors will be taken into account when deciding an appropriate timeframe for any required improvement:</p> <p>(a) The degree of non-compliance with the new standards.</p> <p>(b) The degree of adverse effects on the environment caused by non-compliance with the new standards.</p> <p>(c) The availability of technology which will allow the new standards to be met, and</p> <p>(d) The financial implications of meeting the new standards.</p> <p>It is important to note that the Regional Council cannot review the conditions of existing resource consents to</p>	Reject

Submitter	Number	Point	Decision Sought	Recommendation
			recognise new environmental standards, unless the standards are introduced by way of rules in a Plan in accordance with Section 128 (1) (b) of the RMA or the resource consent expressly allows such a review.	
	X 481	93	PALMERSTON NORTH CITY COUNCIL - Support	Reject
TARARUA DISTRICT COUNCIL	172	12	- Withdraw the whole plan; or delete Policy 2-5(a).	Reject
	X 481	283	PALMERSTON NORTH CITY COUNCIL - Support	Reject
HORIZONS REGIONAL COUNCIL	182	11	Add a new sub-clause to Policy 2-5(b) "any defences the person may rely upon"	Accept
	X 495	404	RUAPEHU DISTRICT COUNCIL - Support	Accept
RUAHINE WHITE WATER CLUB	261	3	That the options considered for breaches in consent conditions be selected from enforcement and/or prosecution - removing abatement and infringement notices as these approaches appear to be ineffectual.	Reject
NEW ZEALAND PHARMACEUTICALS LIMITED	274	4	Delete Policy 2-5(a).	Reject
HOROWHENUA DISTRICT COUNCIL	280	13	Delete Policy 2-5(a).	Reject
	X 481	374	PALMERSTON NORTH CITY COUNCIL - Support	Reject
WANGANUI DISTRICT COUNCIL	291	14	- Withdraw the whole plan; or delete Policy 2-5(a).	Reject
	X 481	474	PALMERSTON NORTH CITY COUNCIL - Support	Reject
MANAWATU DISTRICT COUNCIL	340	16	Delete Policy 2-5(a).	Reject
	X 481	572	PALMERSTON NORTH CITY COUNCIL - Support	Reject
RANGITIKEI DISTRICT COUNCIL	346	12	Delete Policy 2-5(a).	Reject
	X 481	717	PALMERSTON NORTH CITY COUNCIL - Support	Reject
ENVIRONMENT NETWORK MANAWATU	356	13	ENM support the use of enforcement options available under legislation	Accept
	X 495	69	RUAPEHU DISTRICT COUNCIL - Oppose	Reject

Submitter	Number	Point	Decision Sought	Recommendation
	X 500	28	TARARUA DISTRICT COUNCIL - Oppose	Reject
	X 507	28	MANAWATU DISTRICT COUNCIL - Oppose	Reject
	X 515	28	HOROWHENUA DISTRICT COUNCIL - Oppose	Reject
	X 517	36	RANGITIKEI DISTRICT COUNCIL - Oppose	Reject
	X 532	28	WANGANUI DISTRICT COUNCIL - Oppose	Reject
ENVIRONMENTAL WORKING PARTY	386	17	We encourage Council to use enforcement action as a means of ensuring compliance	Accept
ENVIRONMENTAL WORKING PARTY	386	18	We also encourage the Council to proactively advertise where enforcement action has been used	Accept in part
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	8	Policy 2-5(a) is supported and we wish it be retained.	Accept
	X 511	44	TRUST POWER LIMITED - Support	Accept
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	9	That the Enforcement Matrix above (or similar) be adopted as Policy 2-5(b) Re-name the proposed Policy 2-5(b) as Policy 2-5(c) and reword "In determining what enforcement tool will be used within the Discretionary category of the Enforcement Matrix, the following factors will be taken into account: [(i) through (viii)]	Reject
	X 511	45	TRUST POWER LIMITED - Support	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	13	Delete Policy 2-5 (b) (viii)	Reject
NGA PAE O RANGITIKEI	427	17	We encourage Council to use enforcement action as a means of ensuring compliance	Accept
NGA PAE O RANGITIKEI	427	18	We also encourage the Council to proactively advertise where enforcement action has been used	Accept

Submitter	Number	Point	Decision Sought	Recommendation
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	13	<p>No decision requested, however submitter notes: (a) Horizons have historically been weak in the area of enforcement. Consequently, Forest and Bird is concerned that enforcement is carefully monitored and transparent.</p> <p>While we recognise the benefits of a discretionary approach to determining which enforcement methods will achieve the best outcome, we would only support this approach if the decision-making process is accurately documented and open to public scrutiny.</p>	Noted

4.23.1 Summary of submissions

Environmental Network Manawatu and Nga Pae o Rangitikei support the use of enforcement options and seek to have enforcement action advertised

Fish & Game NZ – Wellington Region supports the Policy and seeks that an enforcement matrix be added.

Ruapehu District Council wants a new policy regarding existing consented infrastructure, and that new standards will not be applied to these consents. The Ruapehu District Council also considers that Table 16 of Schedule D is unnecessary and that water quality standards should be assessed on a case-by-case basis through the consent process. The Council also seeks a new policy specifying that existing consent holders will be given a period of time in which to comply with the new standards.

Tararua District Council, New Zealand Pharmaceuticals, Horowhenua District Council, Wanganui District Council, Manawatu District Council, Rangitikei District Council and Federated Farmers of NZ Inc want the Policy deleted.

Ruahine White Water Club wants abatement and infringement notices removed.

Horizons Regional Council seeks an additional sub clause regarding any defences the person may rely upon.

The Royal Forest and Bird Protection Society does not seek a decision but states that Horizons Regional Council has been historically weak in enforcement.

4.23.2 Evaluation

I recommend that Policy 2-5 is relocated to new Chapter 11A in Part II of the Proposed One Plan, as a consequence of the amendments included in Recommendation ADM1. The new Policy is 11A-8.

The support of Environmental Network Manawatu, Nga Pae o Rangitikei and Fish & Game NZ – Wellington Region is noted.

The Tararua District Council, New Zealand Pharmaceuticals, Horowhenua District Council, Wanganui District Council, Manawatu District Council, Rangitikei District Council and Federated Farmers of NZ Inc want the Policy deleted. I consider the Policy assists a Plan User to understand enforcement procedures in broad terms and it is therefore useful to retain the Policy.

Fish & Game NZ – Wellington Region wants an enforcement matrix added to the Policy. The Regional Council is in the process of developing a guideline regarding enforcement processes. I consider that the existing Policy provides a clear outline of the enforcement procedures available and to be used.

Ruapehu District Council wants a new policy regarding existing consented infrastructure and that new standards will not be applied to these consents. The Council also seeks a new policy specifying that existing consent holders

will be given a period of time in which to comply with the new standards. For the reasons outlined in Section 4.12 I consider that the provisions of the RMA already cover existing consent holders.

The Ruapehu District Council also considers that Table 16 of Schedule D is unnecessary and that water quality standards should be assessed on a case-by-case basis through the consent process. The approach taken in the Proposed One Plan is to define water quality standards applying within certain rivers. I consider the approach to be both robust and certain and therefore I do not recommend deletion of the provisions.

Ruahine White Water Club seeks that abatement and infringement notices be removed. Both these mechanisms for enforcement are available to the Regional Council and it would be inappropriate to remove them from the Policy.

Horizons Regional Council seeks an additional sub clause regarding any defences the person may rely upon. This is a matter that case law under the Resource Management Act 1991 contemplates and therefore the addition of the term assists the Policy.

The Royal Forest and Bird Protection Society does not seek a decision but states that Horizons Regional Council has been historically weak in enforcement. The comment is noted.

I also recommend minor changes to provision wording to clarify the level of obligation, provide appropriate policy linkages consistent with recommendations in Andrea Bell's section 42A report on Chapter 2: Land, and to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.23.3 Recommendation ADM 12

- (a) Accept the submissions from Environmental Network Manawatu and Nga Pae o Rangitikei regarding enforcement options.
- (b) Accept the submission from Horizons Regional Council.
- (c) Accept in part the submission from Environmental Network Manawatu seeking to have enforcement action advertised insofar as newspaper coverage is currently undertaken.
- (d) Accept the submission from Fish & Game NZ supporting the policy.
- (e) Reject the submission from Fish & Game NZ seeking the addition of an enforcement matrix.
- (f) Reject the submission from Ruapehu District Council.
- (g) Reject the submissions from Tararua District Council, New Zealand Pharmaceuticals, Horowhenua District Council, Wanganui District Council, Manawatu District Council, Rangitikei District Council and Federated Farmers of NZ Inc wanting the Policy deleted.

- (h) Reject the submission from Ruahine White Water Club.
- (i) The submission from the Royal Forest and Bird Protection Society is noted.

4.23.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Policy 2-5 to new Chapter 11A and amend as follows:

Policy ~~2-5~~ 11A-8: Enforcement procedures

- (a) ~~Horizons~~ The Regional Council shall ~~will~~ generally use abatement notices, infringement notices, enforcement orders or prosecution in response to non-compliance with this Plan or the RMA, unless an alternative approach will achieve a better outcome.
- (b) In determining the type of enforcement tool to be used, the following factors shall ~~will~~ be taken into account:
 - (i) the environmental outcome or behaviour change required
 - (ii) the cause or non-compliance
 - (iii) the actual or potential scale of the adverse effects
 - (iv) whether the non-compliance is due to an ongoing activity or an isolated incident
 - (v) any proactive response by the person who has committed the offence
 - (vi) the person's previous compliance history
 - (vii) whether urgent remedial action is required
 - (viii) which enforcement tool is most likely to produce the desired environmental outcome or change in behaviour
 - (ix) Any defences the person may rely upon

This Policy implements Objective 11A-1

4.24 ADM 13 – Chapter 2 Anticipated Environmental Results Table Row 2

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	5	Add, [State of the Environment Monitoring] to the Data Source column in the AER chart.	Reject
HORTICULTURE NEW ZEALAND	357	40	Decision Sought: Amend AER 2 to read: Compliance with the Plan will ensure that the objectives of the Plan are met.	Reject

4.24.1 Summary of submissions

Both Ngati Kahungunu and Horticulture NZ seek changes to the Anticipated Environment Results Table.

4.24.2 Evaluation

It is recommended that the Anticipated Environment Results (AER) Table be deleted as a result of moving the objectives and policies into the Regional Plan section, where AER are not required under the provisions of the Resource Management Act 1991.

4.24.3 Recommendation ADM 13

- (a) Reject the submissions from Ngati Kahungunu Iwi Inc and Horticulture NZ.

4.24.3.1 Recommended changes to provision

- (a) Delete the Anticipated Environmental Results Section 2.8 contained within Chapter 2.

4.25 ADM 14 – Chapter 2 Explanations and Principal Reasons

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	6	Substitute the word [sustainable] for the word "good" so that the last sentence, second paragraph reads; The policies are intended to give the maximum reasonable certainty to resource users while maintaining [sustainable] environmental outcomes.	Reject

4.25.1 Summary of submissions

Ngati Kahungunu Iwi Inc seeks to alter the wording within the explanation section.

4.25.2 Evaluation

As a result of my recommendation in ADM1 to relocate Chapter 2 Objective and Policies into the Part II Plan section, the explanation and principal reasons sections are no longer required. Explanation and principal reasons are not requirements in Regional Plans and therefore I recommend they be deleted.

4.25.3 Recommendation ADM 14

- (a) Reject the submission from Ngati Kahungunu Iwi Inc.

4.25.3.1 Recommended changes to provision

- (a) Delete the Explanations and Principal Reasons contained within Section 2.9 in Chapter 2.

4.26 ITR 1 – Chapter 11 General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	101	Decision Sought: Amend 3rd and 4th sentences of Section 11.2.1 as follows: By contrast, land use activities are allowed under the Act unless restricted by a rule. Some land use activities may require a level of control to ensure adverse effects are adequately managed so the activity may be a permitted activity with conditions or require a resource consent.	Reject
TARANAKI FISH & GAME COUNCIL	406	69	Retain this section.	Accept
	X 495	199	RUAPEHU DISTRICT COUNCIL - Oppose	Reject
LANDLINK LTD	440	77	Submitter does not request a decision, however they note: "there is too much repetition between Policy 11- 1 and section 11.1.2 . Both are unnecessary" and to instead use "A supplementary guide to the One Plan (non-statutory)"	Accept in part

4.26.1 Summary of submissions

Taranaki Fish & Game supports the section.

Horticulture New Zealand wants to amend the wording referring to land use activities.

Landlink Limited does not seek a specific decision but considers that there is repetition between the policy and section.

4.26.2 Evaluation

As recommended in ADM1 the objective and policies from Chapter 2 (Objective 2-1 and Policies 2-1 to 2-5 in Sections 2.5 and 2.6) have, generally been recommended to be moved to a new Chapter 11A, which is located within Part II of the Plan, to become Objective 11A-2 and Policies 11A-4, 11A-5, 11A-6, 11A-7 and 11A-8.

As a consequence of these recommended changes the provisions within paragraphs 11.2, 11.2.1, 11.2.2 and 11.2.3 have been recommended to be relocated and combined with those from Chapter 2 into a new Chapter 11A.

It is recommended that the front part of Chapter 11 (being paragraphs 11, 11.1, 11.1.1, 11.1.2, 11.1.3, and 11.1.4) be retained as Chapter 11, but focus on the matters that cover what becomes an Introduction to Part II: The Regional Plan part. The reasoning for relocating all consent-related objectives and policies into the new Chapter 11A are outlined in the evaluation for Recommendation ADM 1.

The changes proposed in this recommendation are to enable Chapter 11 to focus on the introduction to the Regional Plan and cover how the Plan is set out, how it will work and provide a guide to the rules. Chapter 11A would then focus on the general objectives and policies within the Regional Plan. It would also provide policy guidance for Plan users and Plan administrators regarding consent duration, review and enforcement, regional rules, consent conditions and duration, consents review, sites with multiple activities and enforcement procedures. As a consequence of the recommended re-focus of the chapters it is proposed to change the chapter heading for Chapter 11 from "Introduction to Rules" to "Introduction to Regional Plan".

The support of Taranaki Fish & Game Council is noted.

Horticulture New Zealand wants to amend the wording referring to land use activities to specify that land use activities may require a level of control so they may be permitted or require a consent. The wording is a more watered down version of what is contained in the Proposed One Plan, which states that where there are significant effects then land use activities will require consent. I consider the wording in the Proposed One Plan is direct, to the point and certain and therefore I do not consider any change is necessary.

Landlink Limited does not seek a specific decision but considers that there is repetition between the policy and section. The comment is noted. To the

extent that the sections have been moved and altered the concerns have been addressed.

Minor changes to the Guide to Rule tables to add in a Link column are recommended in order to be consistent with recommendations in Andrea Bell's Section 42A Report on Chapter 5: Land. In addition, the Summary of Rules tables will be updated when decisions have been made regarding all chapters.

4.26.3 Recommendation ITR 1

- (a) Accept in part the submission of Landlink Ltd.
- (b) Accept the submission of Taranaki Fish & Game Council.
- (c) Reject the submission of Horticulture New Zealand.

4.26.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) The provisions of Chapter 11 paragraphs 11, 11.1, 11.1.1, 11.1.2, 11.1.3, and 11.1.4 be retained as Chapter 11, with the focus being on the introduction to the Regional Plan.
- (b) Amend the chapter heading for Chapter 11 to read as follows:

11 Introduction to Rules Regional Plan

- (c) Add an additional column to right hand side of table in paragraph 11.1.3 Guide to Rule Tables as follows:

<u>Links</u>
<u>This column contains a cross-reference to the policies set out in each rule chapter.</u>
<u>For controlled, restricted discretionary, discretionary and non complying activities the cross-reference shows the policy which will guide how decisions will be made on consent applications under each rule.</u>
<u>For permitted and prohibited activities the cross-reference shows which policy the rule is implementing.</u>

- (d) The provisions within paragraphs 11.2, 11.2.1, 11.2.2 and 11.2.3 have been recommended to be relocated into Chapter 11A. The specific changes are outlined in the recommendations within the ITR section of this report.

4.27 ITR 2 – Chapter 11 Table 11.1 Summary of Regional Rules

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
LANDLINK LTD	440	76	We support the use of a Summary of Rules	Accept

4.27.1 Summary of submissions

Landlink Ltd supports the use of the summary table for the rules.

4.27.2 Evaluation

The support of Landlink Limited is noted.

4.27.3 Recommendation ITR 2

- (a) Accept the submission from Landlink Ltd.

4.27.3.1 Recommended changes to provision

- (a) No change is recommended. It is noted that Table 11.1 will need to be updated, once the decisions regarding the Proposed One Plan are made, to refer to the correct cross-referencing to the rules.

4.28 ITR 3 – Chapter11 Paragraph 11.2 General Objectives and Policies

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	128	Re-draft Section 11.2 as an explanatory statement rather than as objectives and policies.	Accept in part
	X 481	193	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
TARARUA DISTRICT COUNCIL	172	59	- Withdraw the whole plan; or Re-draft Section 11.2 as an explanatory statement rather than as objectives and policies.	Accept in part
	X 481	330	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 495	202	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
HOROWHENUA DISTRICT COUNCIL	280	62	Re-draft Section 11.2 as an explanatory statement rather than as objectives and policies.	Accept in part
	X 481	423	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 495	204	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
WANGANUI DISTRICT COUNCIL	291	18	- Withdraw the whole plan; or Re-draft Section 11.2 as an explanatory statement rather than as objectives and policies.	Accept in part
	X 481	478	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 495	201	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
MANAWATU DISTRICT COUNCIL	340	81	Re-draft Section 11.2 as an explanatory statement rather than as objectives and policies.	Accept in part
	X 481	637	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 495	205	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
RANGITIKEI DISTRICT COUNCIL	346	59	Re-draft Section 11.2 as an explanatory statement rather than as objectives and policies.	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
	X 481	764	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 495	203	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	66	These are all supported and we wish to have them retained.	Accept in part
	X 495	206	RUAPEHU DISTRICT COUNCIL - Oppose	Accept in part

4.28.1 Summary of submissions

The six Territorial Authorities seek to have Section 11.2 re-drafted as an explanation rather than as objectives and policies.

Fish & Game New Zealand supports the section.

4.28.2 Evaluation

Section 11.2 contains guiding objectives and policies, which are not appropriate to be re-drafted as an explanation. To the extent that the recommended changes now mean the objectives and policies target the matters within the Regional Plan section, the concerns of the submitters are met.

4.28.3 Recommendation ITR 3

- (a) Accept in part the submissions from Ruapehu District Council, Tararua District Council, Horowhenua District Council, Wanganui District Council, Manawatu District Council, Rangitikei District Council and Fish & Game New Zealand to the extent that the objectives and policies will now sit in the Regional Plan section.

4.28.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Paragraph 11.2 to new Chapter 11A and amend as follows:

11A ~~11.2~~ General Objectives and Policies

4.29 ITR 4 – Chapter 11 Paragraph 11.2.1 Scope and Background**Table of Submitters, Submission Points and Recommendations**

Submitter	Number	Point	Decision Sought	Recommendation
POWERCO LIMITED	272	30	Q1 – Powerco supports the approach set out in 11.2.1 Scope and Background, p11-10.	Accept in part

4.29.1 Summary of submissions

Powerco Ltd supports paragraph 11.2.1.

4.29.2 Evaluation

The support of Powerco Ltd is noted.

It is recommended that a consequential change be made to Section 11.2. The change would be to delete the last sentence in Section 11.2, which refers to general rules serving as a default for other rules in this Plan. The chapter does not set out general rules.

4.29.3 Recommendation ITR 4

- (a) Accept in part the submission from Powerco Ltd to the extent the provisions it supports remain but are contained within Part II of the Proposed One Plan.

4.29.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) That Paragraph 11.2.1 be relocated into new Chapter 11A as Paragraph 11A and amended as follows:

11A.1 ~~11.2.1~~ Scope and Background

Under the RMA most activities affecting air quality, water quality and quantity, the beds of rivers and lakes and the coastal marine area are restricted unless allowed by a rule or resource consent. Many such activities have only minor effects and requiring a resource consent in every case would be unduly bureaucratic and costly. By contrast, land-use activities are allowed under the Act unless restricted by a rule. Some land-use activities can have very significant effects which should not be allowed without restriction. Through rules the Regional Council can both free up as many minor activities as possible, thereby minimising costs on resource users, and restrict activities that might otherwise cause significant effects. This chapter describes the Regional Council's overarching objective and policies for regulating activities. ~~It then sets out general rules that serve as a default for other rules in this Plan.~~

4.30 ITR 5 – Chapter 11 Objective 11-1 Resource Management in the Manawatu-Wanganui Region

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	57	Add the words "the environment" to clause (a) (a) The regulation of activities in a manner which maximises certainty and avoids unnecessary costs on [the environment,] resource users [or] other parties.	Reject
POWERCO LIMITED	272	31	Q1 – Powerco supports the approach set out in 11.2.2 Objective 11-1 Resource management in the Manawatu-Wanganui Region, p11-10.	Accept in part
	X 495	208	RUAPEHU DISTRICT COUNCIL - Oppose	Reject
WINSTONE PULP INTERNATIONAL LTD	288	30	WPI requests that Objective 11-1 be retained.	Accept in part
	X 495	207	RUAPEHU DISTRICT COUNCIL - Oppose	Accept in part
	X 501	57	ERNSLAW ONE LTD - Support	Accept in part
HORTICULTURE NEW ZEALAND	357	102	Decision Sought: Make changes as sought to Part I of the Plan and ensure that consequent changes are made to Part II to give effect to such changes	Accept in part
FEDERATED FARMERS OF NEW ZEALAND INC	426	119	Reword Objective 11-1 as follows: (a) Appropriately manage activities in a manner which maximises certainty and avoids unnecessary costs on resource users and other parties. (b) Manage activities to give affect to the provisions of Part I of this Plan, the Regional Policy Statement. (or words to that effect)	Reject
	X 487	119	FONTERRA CO-OPERATIVE GROUP LIMITED - Support	Accept

4.30.1 Summary of submissions

Powerco Ltd and Winstone Pulp International Ltd support Objective 11-1.

Horticulture NZ seeks to amend the Proposed One Plan to give effect to such changes as necessary in Part II of the Proposed One Plan.

Ngati Kahungunu Iwi and Federated Farmers of NZ Inc seek to alter the wording of Objective 11-1.

4.30.2 Evaluation

It is recommended that Objective 11-1 be moved to Chapter 11A and become Objective 11A-1. The Objective sets out that in terms of dealing with resource management matters, regulation will be used to achieve certainty and give effect to the provisions of Part I whilst avoiding unnecessary costs. The Objective gives clear guidance as to the way in which regulation will be used and provides a framework for the rules that follow.

The support of Powerco Ltd and Winstone Pulp International Ltd for Objective 11-1 is noted.

To the extent that changes are recommended, the submission of Horticulture NZ is met.

Ngati Kahungunu Iwi and Federated Farmers of NZ Inc seek to alter the wording of Objective 11-1 to refer to the management of activities and the environment. The intent of the Objective is to refer to the regulation of activities which, by its nature, is a mechanism for dealing with the avoidance, remediation or mitigation of adverse effects on the environment. No change is considered necessary.

4.30.3 Recommendation ITR 5

- (a) Accept in part the submissions from Powerco Ltd and Winstone Pulp International Ltd in support of Objective 11-1, in so far as it is to be retained but is proposed to be relocated into Part II of the Proposed One Plan.
- (b) Accept in part the submission from Horticulture NZ insofar as changes have been made to include specific objectives and policies in Part II of the Proposed One Plan.
- (c) Reject the submissions from Ngati Kahungunu Iwi and Federated Farmers of NZ Inc which seek to alter the wording of Objective 11-1.

4.30.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Objective 11.1 into new Chapter 11A and amend as follows:

**Objective 11.1 11A-1: Resource management in the
Manawatu-Wanganui Region**

- (a) The regulation of activities in a manner which maximises certainty and avoids unnecessary costs on resource users and other parties.
- (b) The regulation of activities in a manner which gives effect to the provisions of Part I of this Plan, the Regional Policy Statement.

4.31 ITR 6 – Chapter 11 Policy 11-1 Regional Rules for Restricted Activities

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
NGATI KAHUNGUNU IWI INCORPORATED	180	58	Amend Policy 11-1 (c) to read: - "(c) classify as permitted those activities that either are unlikely to have more than minor adverse effects on the environment, or may have more than minor adverse effects [but these effects can be remedied or mitigated] and do not require any site-specific regulation by way of resource consents."	Accept in part
HORTICULTURE NEW ZEALAND	357	103	Decision Sought: Amend Policy 11-1 c) as follows: Classify as permitted those activities that either are unlikely to have more than minor adverse effects on the environment or may have more than minor adverse effects but these effects are able to be managed through permitted activity conditions so do not require any site specific regulation by way of resource consents.	Accept in part
	X 484	43	MINISTRY OF AGRICULTURE & FORESTRY - Support	Accept in part
	X 503	1	NEW ZEALAND PORK INDUSTRY BOARD - Support	Accept in part
MINISTER OF CONSERVATION	372	131	Policy 11-1 (a) Change reference from Minister of Conservation to 'the New Zealand Coastal Policy Statement.'	Accept in part

4.31.1 Summary of submissions

Ngati Kahungunu Iwi and Horticulture New Zealand seek to alter the wording within Policy 11-1(c) to refer to adverse effects on the environment.

The Minister of Conservation wants the reference to the Minister within Policy 11-1 changed to the New Zealand Coastal Policy Statement.

4.31.2 Evaluation

It is recommended that Policy 11-1 be moved to Chapter 11A and become Policy 11A-1. The Policy sets out the categories of consent provided for in the Resource Management Act 1991, provides guidance as to what these categories mean in terms of the rules that follow, and provides a rationale for why activities have been categorised as they have in the rules.

Ngati Kahungunu Iwi and Horticulture New Zealand seek to alter the wording within Policy 11-1(c) to refer to adverse effects on the environment. The changes are considered more in keeping with the provisions of the Act and therefore I suggest amended wording.

The Minister of Conservation wants the reference to the Minister within Policy 11-1 changed to the New Zealand Coastal Policy Statement within Policy 11-1. The change will provide for a more accurate reference within the Policy and it is therefore considered appropriate to make the change.

Where appropriate, I also recommend minor changes to provision wording to clarify the level of obligation, provide appropriate policy linkages consistent with recommendations in Andrea Bell's section 42A report on Chapter 2: Land, and to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.31.3 Recommendation ITR 6

- (a) Accept in part the submissions from Ngati Kahungunu Iwi and Horticulture New Zealand which seek to alter the wording within Policy 11-1(c).
- (b) Accept the submission from the Minister of Conservation.

4.31.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Policy 11-1 into new Chapter 11A and amend as follows:

Policy 11A-1: Regional rules for restricted activities

For activities that are restricted under Part III of the RMA, pursuant to Sections 12(1), 12(2), 13(1), 14(1), and 15(1), regional rules shall ~~will~~ be adopted which:

- (a) classify as **permitted** those activities that ~~either~~ are unlikely to have more than minor adverse effects on the environment, ~~or may have more than minor adverse effects but these effects are acceptable~~ and do not require any site-specific regulation by way of resource consents
- (b) classify as **controlled** those activities that can have more than minor adverse effects on the environment, but where the need for site-specific management can be confined to a narrow list of matters that can be addressed by way of consent conditions on a consent that must be granted
- (c) classify as **restricted discretionary** those activities for which the Regional Council needs to retain its discretion to decline consent owing to the potentially significant level of adverse effects, but it is possible to restrict the exercise of the Regional Council's discretion to a specified list of matters
- (d) classify as **discretionary** those activities for which the Regional Council needs to retain its discretion to decline consent owing to the potentially significant level of adverse effects, and it is not practicable to restrict the exercise of the Regional Council's discretion to a specified list of matters
- (e) classify as **non-complying** those activities for which the Regional Council would generally not grant a resource consent owing to the potential for very significant adverse effects on the environment
- (f) classify as **prohibited** those activities for which there is clear evidence that the activity is likely to have adverse effects that are so significant that they could not be adequately avoided, remedied or mitigated under any circumstances
- (g) classify as a **restricted coastal activity** (in addition to being classified as discretionary or non-complying) those activities in the coastal marine area that are required to be so classified by the ~~Minister of Conservation~~ New Zealand Coastal Policy Statement.

This Policy implements Objective 11A-1

4.32 ITR 7 – Chapter 11 Policy 11-2 Regional Rules for Unrestricted Activities

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	104	Decision Sought: Amend Policy 11-2 by replacing "is likely to cause" with "is causing".	Reject
LANDLINK LTD	440	78	"In particular Policies 11-2 ..[is]..unnecessary."	Reject

4.32.1 Summary of submissions

The submission from Horticulture New Zealand seeks to alter the wording within Policy 11-2.

The submission from Landlink Limited outlines that Policy 11-2 is not necessary.

4.32.2 Evaluation

It is recommended that Policy 11-2 be moved to Chapter 11A and become Policy 11A-2.

Policy 11-2 is considered necessary as it sets the framework for the rules. Altering the wording of the Policy in the manner sought by Horticulture NZ would mean that the activity would have to cause significant adverse effects, which means the effects would have to be certain. There are situations where rules should be applied to cover the precautionary principle, where potential adverse effects are not fully understood.

Where appropriate I also recommend minor changes to provision wording to clarify the level of obligation, provide appropriate policy linkages consistent with recommendations in Andrea Bell's section 42A report on Chapter 2: Land, and to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.32.3 Recommendation ITR 7

- (a) Reject the submission from Horticulture New Zealand.
- (b) Reject the submission from Landlink Ltd.

4.32.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Policy 11-2 into new Chapter 11A and amend as follows:

Policy 11A-2: Regional rules for unrestricted activities

For activities that are allowed under Part III of the RMA, pursuant to Sections 9(3), 12(3), 13(2), 14(2), and 15(2), the Regional Council shall ~~will~~ intervene by way of regional rules only where:

- (a) any such activity is likely to cause significant adverse effects on the environment, and
- (b) regional rules are the best means of addressing those adverse effects.

For any rules adopted for these activities, activities shall ~~will~~ be classified in the same manner as that set out under Policy 11A-1.

This Policy implements Objective 11A-1

4.33 ITR 8 – Chapter 11 Policy 11-3 Conditions, Standards, and Terms in Regional Rules

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
HORTICULTURE NEW ZEALAND	357	105	Decision Sought: Retain Policy 11-3.	Accept in part
	X 526	28	POULTRY INDUSTRY OF N Z; TEGAL FOODS LTD; TURKS POULTRY & MAINLAND POULTRY GROUP – Support	Accept in part
FEDERATED FARMERS OF NEW ZEALAND INC	426	120	Retain as read	Accept in part
	X 495	200	RUAPEHU DISTRICT COUNCIL - Oppose	Accept in part
	X 526	29	POULTRY INDUSTRY OF N Z; TEGAL FOODS LTD; TURKS POULTRY & MAINLAND POULTRY GROUP – Support	Accept in part
LANDLINK LTD	440	79	In particular Policies 11-3 ..[is].. unnecessary.	Reject

4.33.1 Summary of submissions

Horticulture New Zealand and Federated Farmers of NZ Inc support Policy 11-3.

Landlink Ltd wants Policy 11-3 deleted.

4.33.2 Evaluation

The support for Policy 11-3 is noted. The Policy has been recommended to be changed in terms of its location and is now 11A-3.

Policy 11A-3 deals with the conditions, standards and terms in regional rules and specifies they will be measureable and enforceable. As with the other policies it sets the framework for the Plan and I therefore consider it appropriate to retain the Policy albeit in a different location (ie. moved from Chapter 11 to 11A).

Where appropriate I also recommend minor changes to provision wording to clarify the level of obligation, provide appropriate policy linkages consistent with recommendations in Andrea Bell's section 42A report on Chapter 2: Land, and to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.33.3 Recommendation ITR 8

- (a) Accept in part the submissions from Horticulture New Zealand and Federated Farmers of NZ Inc.
- (b) Reject the submission from Landlink Ltd.

4.33.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Policy 11-3 into new Chapter 11A and amend as follows:

Policy 11A-3: Conditions, standards and terms in regional rules

Regional rules shall ~~will~~ contain measurable and enforceable conditions, standards and terms so that there is certainty for both resource users and other interested parties.

This Policy implements Objective 11A-1

4.34 ITR 9 – Chapter 11 Policy 11-4 Common Catchment Expiry or Review Date

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
MINISTRY OF EDUCATION	43	2	The Ministry of Education supports Policy 6-19 that lists schools and other education facilities as "essential takes". The Ministry asks that first priority be given to schools and other education facilities when water take consents are being reviewed. The Ministry requests that a condition be included under Rule 15-5 relating to essential water takes having priority.	Noted.
RUAPEHU DISTRICT COUNCIL	151	130	That the Policy 11-4 be amended to read: "Consent expiry dates will be set to the closest common catchment expiry or review date as outlined below in Table 11.2, unless any of the circumstances described in Policy 2.2 apply, or unless the activity is for infrastructure provided for under Policy 3-1...."	Accept in part
	X 481	195	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 492	184	MINISTER OF CONSERVATION - Oppose	Accept in part
TARARUA DISTRICT COUNCIL	172	61	- Withdraw the whole plan; or amend - Policy 11-4 to read: "Consent expiry dates will be set to the closest common catchment expiry or review date as outlined below in Table 11.2, unless any of the circumstances described in Policy 2.2 apply, or unless the activity is for infrastructure provided for under Policy 3-1. ..."	Accept in part
	X 481	332	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 492	180	MINISTER OF CONSERVATION - Oppose	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
	X 495	210	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
NEW ZEALAND PHARMACEUTICALS LIMITED	274	16	Policy 11-4 to read: "Consent expiry dates will be set to the closest common catchment expiry or review date as outlined below in Table 11.2, unless any of the circumstances described in Policy 2.2 apply,	Accept in part
	X 492	178	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 495	209	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
HOROWHENUA DISTRICT COUNCIL	280	64	Amend Policy 11-4 to read: "Consent expiry dates will be set to the closest common catchment expiry or review date as outlined below in Table 11.2, unless any of the circumstances described in Policy 2.2 apply, or unless the activity is for infrastructure provided for under Policy 3-1. ..."	Accept in part
	X 481	425	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 492	182	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 495	212	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
WINSTONE PULP INTERNATIONAL LTD	288	31	WPI requests that Policy 11-4 be deleted. WPI request any similar amendments with like effect. WPI request any consequential amendments be made that stem from the amendment as proposed in this submission.	Accept in part
	X 492	179	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 501	58	ERNSLAW ONE LTD - Support	Accept in part
	X 522	290	MERIDIAN ENERGY LIMITED - Support	Accept in part
MANAWATU DISTRICT COUNCIL	340	83	Amend Policy 11-4 to read: "Consent expiry dates will be set to the closest common catchment expiry or review date as outlined below in Table 11.2,	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
			unless any of the circumstances described in Policy 2.2 apply, or unless the activity is for infrastructure provided for under Policy 3-1...."	
	X 481	639	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 492	183	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 495	213	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
RANGITIKEI DISTRICT COUNCIL	346	61	Amend Policy 11-4 to read: "Consent expiry dates will be set to the closest common catchment expiry or review date as outlined below in Table 11.2, unless any of the circumstances described in Policy 2.2 apply, or unless the activity is for infrastructure provided for under Policy 3-1. ..."	Accept in part
	X 481	766	PALMERSTON NORTH CITY COUNCIL - Support	Accept in part
	X 492	181	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 495	211	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
HORTICULTURE NEW ZEALAND	357	106	Decisions Sought: Review common expiry dates policy and approach to provide for flexibility in terms of duration of consents to ensure that the term reflects the effects of the activity, not the requirements of a common expiry date. Amend Policy 11-4 so that consents issued within 3 years of the relevant common catchment expiry date will be issued to align with the second common expiry date (that is the number of years up to the closest expiry date plus ten years.)	Accept in part
	X 492	185	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 495	214	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
	X 510	1	NEW ZEALAND POLICE - Support	Accept in part

Submitter	Number	Point	Decision Sought	Recommendation
	X 511	380	TRUST POWER LIMITED - Support	Accept in part
	X 519	103	MIGHTY RIVER POWER - Oppose	Accept in part
	X 522	291	MERIDIAN ENERGY LIMITED - Support	Accept in part
	X 533	3	FEDERATED FARMERS OF NEW ZEALAND INC – Support	Accept in part
FEDERATED FARMERS OF NEW ZEALAND INC	426	121	Amend Policy 11-4 as follows: provide for review of common expiry dates policy and approach to provide for flexibility in terms of duration of consents to ensure that the term reflects the effects of the activity, not the requirements of a common expiry date.	Accept in part
	X 478	6	MINISTRY OF EDUCATION - Support	Accept in part
	X 492	186	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 495	215	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
	X 511	381	TRUST POWER LIMITED - Support	Accept in part
	X 519	96	MIGHTY RIVER POWER - Oppose	Accept in part
	X 522	292	MERIDIAN ENERGY LIMITED - Support	Accept in part
FEDERATED FARMERS OF NEW ZEALAND INC	426	122	Amend Policy 11-4 so that consents issued within 3 years of the relevant common catchment expiry date will be issued to align with the second common expiry date (that is the number of years up to the closest expiry date plus ten years.)	Accept in part
	X 492	187	MINISTER OF CONSERVATION - Oppose	Accept in part
	X 495	216	RUAPEHU DISTRICT COUNCIL - Support	Accept in part
	X 519	97	MIGHTY RIVER POWER - Oppose	Accept in part
LANDLINK LTD	440	80	The review date in Policy 11.4 for Oroua should not extend beyond the anticipated life of the One Plan (2018?).	Reject

4.34.1 Summary of submissions

The Ministry of Education asks that schools be given priority in terms of water use, and seeks an addition to Rule 15-5.

Ruapehu District Council, Tararua District Council, Manawatu District Council and Rangitikei District Council want the Plan withdrawn or infrastructure activities exempt from the common catchment expiry dates.

New Pharmaceuticals Ltd wants Policy 11-4 amended to refer to Policy 2-2.

Winstone Pulp International Ltd requests any consequential amendments to this section.

Horticulture NZ and Federated Farmers of NZ Inc want consents to align with the second common catchment expiry where the dates are close to the first expiry date. Horticulture NZ and Federated Farmers of NZ Inc also seek to have more flexibility for consent duration.

Landlink Limited wants the review date for the Oroua Management Zone not extended beyond the life of the One Plan (the date is 2018).

4.34.2 Evaluation

It is recommended that Policy 11-4 be relocated and become Policy 11A-4 in Section 11A.

The comments made by the Ministry of Education that schools be given priority in terms of water use in relation to Rule 15-5 are noted.

Common catchment expiry dates are a mechanism by which the effects of the activities can be assessed holistically, ie. when consents expire at a common date the potential cumulative effects can be assessed together.

Ruapehu District Council, Tararua District Council, Manawatu District Council and Rangitikei District Council want the Plan withdrawn or infrastructure activities exempt from the common catchment expiry dates. I have recommended that Policy 11A-5 recognise infrastructure in terms of setting a consent duration.

New Pharmaceuticals Ltd wants Policy 11-4 amended. To the extent that proposed Policy 11A-5 has provided more detail regarding common catchment expiry dates and consent duration, I consider the submission from NZ Pharmaceuticals Ltd has been addressed.

Horticulture NZ and Federated Farmers of NZ Inc want consents to align with the second common catchment expiry where the dates are close to the first expiry date. Provisions have been added to allow for 10 year incremental increases in the dates. Horticulture NZ and Federated Farmers of NZ Inc also seek to have more flexibility for consent duration. The provisions of Policy 11A-5(c) aim to achieve this through recognising that common catchment expiry dates can be extended in 10 year increments where this is appropriate. I recommend that the issue of what is and isn't appropriate be clarified and I

consider the recommended wording in the amended Policy 11A-5 (c) will achieve this. The rationale for common catchment expiry dates and their use in guiding consent duration, is set out in relation to the evaluation on ADM9.

Winstone Pulp International Ltd requests any consequential amendments to this section.

Landlink Limited wants the review date for the Oroua Management Zone not extended beyond the life of the One Plan (the date is 2018). It is now 2009 and the Plan is not yet operative, and therefore the review date for the Oroua Management Zone does not extend beyond the 10 year life of the Plan.

I also recommend minor changes to provision wording to clarify the level of obligation, provide appropriate policy linkages consistent with recommendations in Andrea Bell's section 42A report on Chapter 2: Land, and to ensure consistent terminology with that recommended for other chapters of the Proposed One Plan.

4.34.3 Recommendation ITR 9

- (a) The content of the submission from the Ministry of Education is noted.
- (b) Accept in part the submissions from Ruapehu District Council, Tararua District Council, Manawatu District Council and Rangitikei District Council, to the extent that Policy 11A-5 proposes recognising infrastructure.
- (c) Accept in part the submission from Winstone Pulp International Ltd to the extent that consequential changes have been made.
- (d) Accept in part the submission from New Pharmaceuticals Ltd.
- (e) Accept in part the submissions from Horticulture NZ and Federated Farmers of NZ Inc.
- (f) Reject the submission from Landlink Ltd.

4.34.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Relocate Policy 11-3 into new Chapter 11A (Policy 2-2 and 11-3 have been combined) and amend as follows:

Policy ~~2-2~~ 11A-5: Consent durations

- (a) ~~Horizons~~ The Regional Council shall ~~will~~ generally grant resource consents for the term sought by the applicant unless reasons are identified during the consent process that make this inappropriate.
- (b) ~~Consent expiry dates~~ Resource consent terms shall ~~will~~ be set to the closest common catchment expiry or review date* to the date

identified in (a). Dates can be extended in 10 year increments where a longer term can be granted after considering the criteria in (c).

The dates listed in Table 11A.2 1 show the initial expiry or review date for all consents within the catchment. Future dates for expiry or review of consents within that catchment shall occur again every ten years thereafter.

For a consent which has duration longer than ten years, review of the consent shall occur on the review date in Table 11A.2 1 and every ten years thereafter until consent expiry. Extra review dates may be set in accordance with Policy 2-3 11A-6

- (c) Matters to be considered in determining a shorter or longer ~~consent duration- resource consent term~~ than requested under (a):
- (i) whether it is necessary for an activity to cease at a specified time
 - (ii) the extent to which an activity is carried out in accordance with a recognised code of practice, environmental standard or good practice guideline
 - (iii) whether the activity has effects that are ~~unpredictable~~ unpredictable and potentially serious for the locality where it is undertaken and a precautionary approach is needed
 - (iv) the risks of long-term allocation of a resource whose availability changes over time in an unpredictable manner, requiring a precautionary approach
 - (v) the most appropriate balance between environmental protection and investment by the applicant
 - (vi) in the case of existing activities, whether the consent holder has a good or poor compliance history in relation to environmental effects for the same activity.

This Policy implements Objective 11A-2

4.35 ITR 10 – Chapter 11 Table 11.2 Common Expiry Dates for Consents in Water Management Zones

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
FONTERRA CO-OPERATIVE GROUP LIMITED	398	43	Fonterra considers that Table 11.2, which sets out common expiry dates for consents in water management zones, should be deleted in its entirety.	Reject
	X 492	188	MINISTER OF CONSERVATION - Oppose	Accept
	X 506	79	MANAWATU BRANCH OF N Z GREEN PARTY – Oppose	Accept
	X 522	293	MERIDIAN ENERGY LIMITED - Support	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	123	Delete Table 11.2	Reject
	X 492	189	MINISTER OF CONSERVATION - Oppose	Accept
	X 522	294	MERIDIAN ENERGY LIMITED - Support	Reject

4.35.1 Summary of submissions

Both Fonterra Co-Operative Group Ltd and Federated Farmers of NZ Inc consider that Table 11-2, which refers to the common expiry dates for water management zones should be deleted.

4.35.2 Evaluation

It is recommended that Table 11-2 become Table 11A-1 in Section 11A. Table 11A-1 is necessary to set the expiry dates for management zones, upon which the remainder of the rules relating to this matter rest.

4.35.3 Recommendation ITR 10

- (a) Reject the submissions from Fonterra Co-Operative Group Ltd and Federated Farmers NZ Inc.

4.35.3.1 Recommended changes to provision

- (a) Relocate Table 11-2 into new Chapter 11A directly following new Policy 11A-5
- (b) No changes are recommended to the Table except that Table 11-2 will be titled Table 11A-1.

4.36 FC 1 – Chapter 18 General

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	196	That the definition of infrastructure in the proposed plan and, in particular, Policy 3-1, only recognises some infrastructure assets, and needs to be widened to include all assets supporting communities. Therefore there should not be any financial contribution imposed for infrastructure assets and assets supporting communities.	Reject
	X 481	261	PALMERSTON NORTH CITY COUNCIL - Support	Reject
RUAPEHU DISTRICT COUNCIL	151	197	Incorporation of a Policy in Part I of the One Plan recognising:	Reject
			(i) that the RMA is effects based and in terms of s.5(2)(c) adverse effects on the environment are to be avoided, remedied or mitigated;	
			(ii) that there is no bias in favour of avoidance;	
			(iii) that off-set mitigation is acceptable;	
			(iv) that environmental compensation is acceptable.	
	X 481	262	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 522	373	MERIDIAN ENERGY LIMITED - Support in Part	Accept in Part

Submitter	Number	Point	Decision Sought	Recommendation
TARARUA DISTRICT COUNCIL	172	91	[Reference to Policy 18-2] Incorporation of a policy in Part I of the One Plan recognising: (i) that the Resource Management Act is effects based and in terms of s.5(2)(c) adverse effects on the environment are to be avoided, remedied or mitigated; (ii) that there is no bias in favour of avoidance; (iii) that off-set mitigation is acceptable; (iv) that environmental compensation is acceptable.	Reject
	X 481	362	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	372	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 522	368	MERIDIAN ENERGY LIMITED - Support in Part	Accept in part
SUSTAINABLE WHANGANUI	176	29	Climate change should be factored into Financial Contributions when resource consents are in areas which are likely to be adversely affected by climate change.	Reject
SUSTAINABLE WHANGANUI	176	30	Market based Instruments as developed by the Department of Agriculture Forestry and Fisheries of Australia, should be adopted as part of the "carrots, sticks and sermons" policy.	Reject
TANENUIARANGI MANAWATU INC	238	24	No decision specified, but submitter makes it clear that it's preference is for financial contributions to be deleted from the plan where they are made as an alternative to avoiding adverse effects or other forms of mitigation.	Reject

Submitter	Number	Point	Decision Sought	Recommendation
HOROWHENUA DISTRICT COUNCIL	280	100	[Reference to Policy 18-2]	Reject
			Incorporation of a policy in Part I of the One Plan recognising:	
			(i) that the Resource Management Act is effects based and in terms of s.5(2)(c) adverse effects on the environment are to be avoided, remedied or mitigated;	
			(ii) that there is no bias in favour of avoidance;	
			(iii) that off-set mitigation is acceptable;	
			(iv) that environmental compensation is acceptable.	
	X 481	461	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	374	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 522	370	MERIDIAN ENERGY LIMITED - Support in Part	Accept in part
WANGANUI DISTRICT COUNCIL	291	97	[Particular reference to Policies 18-1, 18-2 and 18-3]	Reject
			Incorporation of a policy in Part I of the One Plan recognising:	
			(i) that the Resource Management Act is effects based and in terms of s.5(2)(c) adverse effects on the environment are to be avoided, remedied or mitigated;	
			(ii) that there is no bias in favour of avoidance;	
			(iii) that off-set mitigation is acceptable;	
			(iv) that environmental compensation is acceptable.	
	X 481	557	PALMERSTON NORTH CITY COUNCIL - Support	Reject

Submitter	Number	Point	Decision Sought	Recommendation
	X 495	373	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 522	369	MERIDIAN ENERGY LIMITED - Support in Part	Accept in part
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN1 LTD AND O'HAGAN CONTRACTING LTD	303	36	Require consideration of charges imposed by TAs.	Reject
PIRIE CONSULTANTS LTD, PACIFIC FARMS LTD, HOULT CONTRACTORS LTD, KEEGAN CONTRACTORS LTD, PARANUI CONTRACTORS LTD, RYMAN HEALTHCARE LTD, M & M EARTHMOVERS LTD, TITAN1 LTD AND O'HAGAN CONTRACTING LTD	303	37	Delete the Chapter entirely or provide definite and specific charges and the situations where these are proposed.	Reject
MANAWATU DISTRICT COUNCIL	340	132	[Reference to Policies 18-1 to 18-3] Incorporation of a policy in Part I of the One Plan recognising: (i) that the Resource Management Act is effects based and in terms of s.5(2)(c) adverse effects on the environment are to be avoided, remedied or mitigated; (ii) that there is no bias in favour of avoidance; (iii) that off-set mitigation is acceptable;	Reject

Submitter	Number	Point	Decision Sought	Recommendation
			(iv)that environmental compensation is acceptable.	
	X 481	688	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	377	RUAPEHU DISTRICT COUNCIL - Support	Reject
	X 522	372	MERIDIAN ENERGY LIMITED - Support in Part	Accept in part
RANGITIKEI DISTRICT COUNCIL	346	101	Incorporation of a policy in Part I of the One Plan recognising:	Reject
			(i) that the Resource Management Act is effects based and in terms of s.5(2)(c) adverse effects on the environment are to be avoided, remedied or mitigated;	
			(ii)that there is no bias in favour of avoidance;	
			(iii)that off-set mitigation is acceptable;	
			(iv)that environmental compensation is acceptable.	
	X 481	806	PALMERSTON NORTH CITY COUNCIL - Support	Reject
	X 495	375	RUAPEHU DISTRICT COUNCIL - Support	Reject
MERIDIAN ENERGY LIMITED	363	191	Meridian opposes Chapter 18 and requests the following amendments or similar:	Reject
			Delete Chapter 18 in its entirety; and	
			Create a new chapter in Part 1 of the Plan entitled "Environmental Compensation", which expressly recognises that adverse effects may be avoided, remedied or mitigated through actions undertaken off-site (not limited to money or land) that achieve the relevant environmental objectives contained in the other chapters of Part 1;	
			Or, in the alternative but without prejudice to the relief set out above:	

Submitter	Number	Point	Decision Sought	Recommendation
			<p>Add an appropriate objective, policy and supporting explanation to every relevant chapter in Part 1 of the Plan (ie., all chapters that require the avoidance, remediation or mitigation of adverse effects) expressly recognising the concept of environmental compensation and its legitimacy in the context of resource consent applications.</p> <p>Any consequential amendments necessary to give effect to this submission</p>	
	X 511	524	TRUST POWER LIMITED - Support	Reject
FEDERATED FARMERS OF NEW ZEALAND INC	426	213	Delete Chapter 18	Reject
LANDLINK LTD	440	119	The Regional Plan does not need to repeat the Resource Management Act 1991. Definitions and powers are subject to legislative change.	Reject
LANDLINK LTD	440	120	<p>We suggest that the Council remain focused on the Big Four:</p> <ul style="list-style-type: none"> - Water Quality - Water Demand - Hill Country Land Use - Native Habitats <p>The financial contributions should be framed around these issues to ensure that the Objectives and Policies are being appropriately pursued.</p>	Reject
	X 495	376	RUAPEHU DISTRICT COUNCIL - Support	Reject
BALLANCE AGRI-NUTRIENTS LTD	454	17	Amend or delete as Council have never imposed financial contribution (See Page 18-1)	Reject

4.36.1 Summary of submissions

There are 17 submission points to consider in this recommendation. All submission points are generally opposed to, or seek amendment to, Chapter 18.

Two submitters seek deletion of Chapter 18 entirely. One of these submitters (Meridian Energy Limited,) suggests two alternative approaches. Both of these would result in the addition of provisions in Part I of the Proposed One Plan recognising “environmental compensation” (not limited to money or land) as a legitimate way of offsetting adverse effects that cannot be avoided, remedied, or mitigated.

Seven of the submission points are from Territorial Authorities seeking “incorporation of a policy in Part I of the One Plan” to emphasise that “there is no bias toward avoiding adverse effects” and to make it transparent that offset mitigation and environmental compensation are acceptable.

An underlying theme of submission points appears to be a concern that financial contributions will be used routinely and indiscriminately by decision-makers. These concerns are mainly related to the costs to applicants, but one submitter (Tanenuiarangi Manawatu Inc) is concerned about the potential environmental damage that financial contributions may allow.

4.36.2 Legislative Assessment

Section 108 of the RMA allows financial contributions to be imposed as conditions of consent. Subsection (9) states:

In this section, “financial contribution” means a contribution of –

- (a) *Money; or*
- (b) *Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Māori land within the meaning of the Māori Land Act 1993 unless that Act provides otherwise; or*
- (c) *A combination of money or land.*

Financial contributions can only be used if they are specified in the consent authority plan or proposed plan. Subsection (10) states:

A consent authority must not include a condition in a resource consent requiring a financial contribution unless –

- (a) *The condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and*
- (b) *The level of contribution is determined in the manner described in the plan or proposed plan.*

The RMA also gives guidance on the use of money contributions. Section 111 states:

Where a consent authority has received a cash contribution under section [108(2)(a)], the authority shall deal with that money in accordance with the requirements of and in reasonable accordance with the purposes for which the money was received.

4.36.3 Evaluation

The RMA provides for financial contributions as an option for conditions of consent, including for the purpose of ensuring positive effects on the environment to offset any adverse effect. Financial contributions can only be an option as a consent condition if they are provided for in a plan or proposed plan (RMA section 108(10)). Chapter 18 in Part II: Regional Plan of the Proposed One Plan exists because Horizons has chosen to make financial contributions available as an option for decision-makers and consent applicants.

Including additional policy to Part I: Regional Policy Statement as requested in some submission points does not appear to add value to the Proposed One Plan, given the requirements of RMA section 108(10) that financial contribution be provided for in a plan or proposed plan. Financial contributions are referred to in some chapters of Part I (Refer to Policies 3-3, 6-8, 6-29, 6-30 and 7-3). These are not the significant changes sought by some submitters but simply links or cross-references to Chapter 18. These policy references in Part I are subject to submissions and may change or be removed as a result of the hearing process.

In its submission, Meridian Energy Limited states financial contributions are an inherently restrictive tool and supports the wider concept of "environmental compensation" (including actions such as works, services and restrictive covenants) to offset adverse effects of an activity that cannot be avoided, mitigated or remedied. The relief sought is deletion of Chapter 18 and the addition of new provisions for "environmental compensation" in Part I. I do not consider that Chapter 18 will preclude an applicant from selecting and voluntarily offering the "non-financial" contributions as part of the general benefits that may accrue from an activity and consider these can be included in assessing the net adverse effects under Policy 18-2. Although I do not recommend Meridian Energy Limited's submission be accepted in full, there is value in ensuring non-financial contributions are taken into account if a financial contribution is determined. I recommend an amendment to this effect in Policy 18-2(b) as part of Recommendation FC 4.

Horizons has existing provisions for financial contributions in its operative Regional Coastal Plan and Regional Plan for the Beds of Lakes and Rivers and Associated Activities. These provisions have not been used in a consent condition to date. One submitter (Ballance Agri-Nutrients Ltd) argues this lack of use is a reason to delete Chapter 18 from the Proposed One Plan. However, I consider their lack of use entirely consistent with Horizons' intent to use them appropriately, sparingly and after the potential for other consent conditions to avoid, remedy or mitigate adverse effects has been exhausted.

I am aware that four regional councils (Auckland, Hawkes Bay, Canterbury and Southland) have included provisions for financial contributions in Regional Plans. The Auckland and Canterbury plans are currently proposed plans and the Hawkes Bay plan, although operative, restricts financial contributions to

resource consents granted for gravel extraction. Environment Southland has provided for financial contributions in its operative Regional Coastal Plan and Proposed Regional Water Plan.

I note that there is a general consistency in the approaches taken by these councils. I understand the content of the Proposed One Plan Chapter 18 was modelled on the provisions of the Proposed Auckland Regional Plan: Air, Land and Water Plan. The general approach taken by Regional Council is not inconsistent with those of the other councils as a result of this.

The Canterbury and Hawkes Bay plans simply provide for financial contributions in the text of the plan. Auckland provides for financial contributions in policy, but specifies the circumstances, purpose and method of determining the amount as “methods of implementation”. Southland provides for financial contributions with a mixture of policies and implementation methods in its Regional Coastal Plan, but simply makes provision for them in the text of its more recent Proposed Regional Water Plan.

The approach taken by Horizons is to provide for financial contributions as policies in Chapter 18 of the Proposed One Plan. This means consideration of financial contributions will be a matter decision-makers must have regard to under section 104 of the RMA. This will provide more certainty for decision-makers in considering financial contributions as an option during resource consent processes.

Horizons’ intent is to provide financial contributions as an option in those rare situations where significant adverse effects cannot be avoided, remedied or mitigated by other consent conditions, but inclusion of a condition requiring a financial contribution may promote the purpose of the RMA better than modifying or declining the application. If Horizons were to bypass the opportunity to provide for financial contributions, it may unnecessarily restrict its ability to grant some resource consent applications. Consent applicants would also lose a potential opportunity to obtain resource consent when one might otherwise be declined. This means that deleting Chapter 18 as sought in some submission points is not an appropriate option.

I consider it is clear from Chapter 18 that it is not Horizons’ intention to use financial contributions widely. I note that the “Regional Council envisages making only limited use of financial contributions” (Proposed One Plan Scope and Background, page 18-1) and that this philosophy is supported by Policy 18-3(a) which states that “for most consent applications the Regional Council will place primary emphasis on requiring the adverse effects of an activity be adequately avoided, remedied or mitigated by way of other types of consent conditions”. Furthermore, the policy states that financial contributions will “...only be considered as a secondary measure”.

I note that conditions relating to financial contributions are subject to the same limitations in scope known as the ‘Newbury tests’ as apply to all conditions, in that they must:

- (a) be for a resource management purpose, not an ulterior one,
- (b) fairly and reasonably relate to the development authorised by the consent to which the condition is attached, and

- (c) not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties, could not have approved it.

Finally, the imposition of financial contributions as condition of consent can be challenged in the normal way that any condition may be challenged through objection to the Council or appeal to the Environment Court.

4.36.4 Recommendation FC 1

- (a) Accept in part Meridian Energy Ltd's submission to the extent that an amendment to Policy 18-2(b) is made to recognise other forms of environmental compensation as a matter to be taken into account when setting the level of financial contribution (See Recommendation FC 4).
- (b) Reject all other submission points seeking deletion of, or changes to, Chapter 18.

4.36.4.1 Recommended changes to provision

- (a) No changes to this provision are recommended.

4.37 FC 2 – Chapter 18 Paragraph 18.1 Scope and Background

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	90	Section 18.1 is supported and we wish to have this retained.	

4.37.1 Summary of submissions

There is one submission point to consider in this recommendation and it supports the content of paragraph 18.1.

4.37.2 Evaluation

No evaluation is required because the submission point supports the paragraph as written.

I also note that a consequential amendment to Paragraph 18.1 Scope and Background needs to be made if the recommended change to the title of Policy 18-1 is accepted by the Hearing Panel. The recommended change is stated below.

4.37.3 Recommendation FC 2

- (a) Accept submission seeking retention of paragraph 18.1 as written.
- (b) That paragraph 18.1 be amended as a consequence of Recommendation FC 3 (d)

4.37.3.1 Recommended changes to provision

Words to add are shown in underline, words to delete are shown in ~~strike through~~

- (a) Amend paragraph 18.1 as follows:

Scope and Background

Where the Regional Council grants a resource consent, it may impose a condition requiring that a financial contribution be made. The term “financial contribution” is defined in s 108(9) of the RMA to mean a contribution of:

- (a) money
- (b) land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Māori land within the meaning of the Māori Land Act 1993 unless that Act provides otherwise, or
- (c) a combination of money and land.

Under s 109(10) of the Act a consent authority must not include a condition in a resource consent requiring a financial contribution unless:

- (a) the condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect), and
- (b) the level of contribution is determined in the manner described in the plan or proposed plan.

Prior to this Plan, the Regional Council had provisions in former regional plans enabling the imposition of financial contributions on activities in the coastal marine area and on activities in the beds of rivers and lakes. At the time of writing this Plan, however, the Regional Council had never imposed a financial contribution on any consent.

To date, financial contributions have largely been used by Territorial Authorities as a mechanism for funding the infrastructure required as a consequence of land development (for example, roads, drainage, water supply and parking). By contrast, financial contributions have only been used to a very limited extent by regional councils. This is not surprising as regional councils are usually able to impose other types of consent conditions to adequately avoid, remedy or mitigate adverse effects of those activities that they control. The need for a separate financial contribution does not usually arise.

The Regional Council envisages making only limited use of financial contributions in the future. The policies that follow provide the Regional Council with the option of imposing financial contributions, should this be appropriate, on some resource consents. The policies below satisfy the requirements of the RMA regarding financial contributions, setting out:

- (a) Situations when financial contributions may be required and the purpose of obtaining financial contributions
- (b) the manner in which the level of contribution will be determined
- (c) matters to be considered by the Regional Council when deciding whether to impose a financial contribution, and how to use any financial contributions that are collected.

4.38 FC 3 – Chapter 18 Policy 18-1 Purpose of financial contributions

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
TRANSPower NEW ZEALAND LTD	265	51	A. Retain policy 18-1 without further modification except delete 18-1 (a).	
WINSTONE PULP INTERNATIONAL LTD	288	41	WPI requests that Policy 18-1 be retained.	
	X 501	69	ERNSLAW ONE LTD - Support	
MANAWATU DISTRICT COUNCIL	340	133	That Policy 18-1 be re-drafted into a clear and certain rule that meets the requirements of Section 108 (10) and other relevant provisions of the Act.	
	X 481	689	PALMERSTON NORTH CITY COUNCIL - Support	
TRUST POWER LIMITED	358	131	Amend Policy 18-1 to provide adequate and appropriate clarification in relation to consideration of infrastructure development and energy generation of regional and national interest.	
			Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Policies 18-1 - 18-3 as proposed in this submission.	
TRUST POWER LIMITED	358	132	Delete clauses (a) - (g) of Policy 18-1 from the Proposed Plan.	
			Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Policies 18-1 - 18-3 as proposed in this submission.	
MIGHTY RIVER POWER	359	130	Retain the policy as proposed.	
	X 511	525	TRUST POWER LIMITED - Oppose	

Submitter	Number	Point	Decision Sought	Recommendation
MERIDIAN ENERGY LIMITED	363	192	Meridian opposes Policy 18-1 in its entirety and requests its deletion.	
			Refer to Meridian's primary submission to Chapter 18 above.	
			Any consequential amendments necessary to give effect to this submission	
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	91	Policy 18-1 is supported and we wish to have this retained.	
	X 492	339	MINISTER OF CONSERVATION - Support	
	X 511	526	TRUST POWER LIMITED - Oppose	

4.38.1 Summary of submissions

There are eight submission points to consider in this recommendation.

Three submission points support Policy 18-1 as written. Four submission points seek amendments to provide “clarification”, especially in terms of infrastructure development and energy generation of regional and national interest.

Meridian Energy Ltd seeks deletion of Policy 18-1 entirely. This is consistent with its overall submission to Chapter 18.

4.38.2 Evaluation

Section 108 (10)(a) of the RMA requires that if a financial contribution is sought, it must be in accordance with the purposes specified in the plan or proposed plan. Policy 18-1 is drafted to fulfil that requirement by specifying those purposes.

I do not recommend Policy 18-1 be deleted as sought by the Meridian Energy submission point, because the Regional Council wishes to provide for financial contributions as an option for decision-makers. The reasons are the same as those presented in Recommendation FC 1 for not deleting Chapter 18 entirely from Part II of the Proposed One Plan.

I consider that the wording of Policy 18-1 can be improved to provide more clarity and certainty in decision-making processes:

- (i) I recommend the policy title be amended to read “Situations when financial contributions may be required and the purpose of obtaining financial contributions.” This better reflects the content of the policy.
- (ii) The current wording of Policy 18-1(a) implies financial contributions are an “option” for consent applicants to consider, however it is clear from RMA section 108, that they are imposed as a condition of consent. I have provided an amendment to clarify this in the policy description.

I also note that a consequential amendment to paragraph 18.1 Scope and Background needs to be made if the recommended changes to the title are accepted by the Hearing Panel.

The purpose of clauses (b), (c) and (d) of Policy 18-1 are clearly stated. It is to offset the adverse effects of an activity where these cannot be adequately avoided, remedied or mitigated. These paragraphs also list the uses to which financial contributions will be put. This appears entirely consistent with the requirements of section 108(10)(a) of the RMA and I recommend no changes to these paragraphs.

Policy 18-1(e) appears to be a “catch-all” clause intended to capture activities that may have been inadvertently omitted from Policies 18-1(a) to (d). I consider the unavoidably general nature of Policy 18-1(e) to lack appropriate

certainty for both consent applicants and decision-makers. I therefore recommend that it be deleted.

I consider that the submissions seeking more clarity in the wording of Policy 18-1 provide scope for these amendments.

I have also recommended minor changes to the policy wording to clarify the level of obligation and provided appropriate policy framework linkage consistent with recommendations in Andrea Bell's section 42A Report on Chapter 5: Land.

4.38.3 Recommendation FC 3

- (a) Accept submissions supporting retention of Policy 18-1.
- (b) Accept submission points seeking clarification of Policy 18-1 to the extent that amendments to the title and clause (a) are recommended.
- (c) Accept submission points seeking deletion of Policy 18-1 to the extent that deletion of clause (e) is recommended.
- (d) That an amendment to Paragraph 18.1 be made as a consequence of recommendation (b) above.

4.38.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Policy 18-1 as follows:

Policy 18-1: Situations when financial contributions may be required and the purposes of obtaining financial contributions

A financial contribution may be imposed as a condition of consent for the following types of activities and for the following purposes:

- (a) **Infrastructure** – A financial contribution may be imposed as a condition of consent for the establishment, maintenance, alteration, upgrading, or expansion of infrastructure*. The purpose shall be to offset significant adverse effects on the environment to fund positive effects of an equivalent or similar character, nature and scale as the adverse effects. ~~would be to provide consent applicants with the option of providing a financial contribution to offset or compensate for adverse effects in circumstances where this is more cost-effective than directly avoiding, remedying or mitigating adverse effects by way of other consent conditions, and where a financial contribution can be used to achieve an equivalent environmental outcome.~~
- (b) **Aquatic ecosystems and rivers** – A financial contribution may be imposed as a condition of consent for any type of activity that has significant adverse effects on aquatic ecosystems, fish passage, riverbank erosion, flow regimes or riparian vegetation, in circumstances where such adverse effects will not be adequately avoided, remedied or mitigated. The purpose of the financial contribution shall ~~would~~ be to offset the adverse effects by providing for the restoration or enhancement of aquatic ecosystems, fish

passage, riverbank stability or riparian vegetation in the general area affected by the activity or, where this is not practical or desirable, in another location.

- (c) **Biodiversity** – A financial contribution may be imposed as a condition of consent for any type of activity that has significant adverse effects on biodiversity, in circumstances where such adverse effects will not be adequately avoided, remedied or mitigated. The purpose of the financial contribution ~~shall~~ would be to offset the adverse effects by providing for the protection, restoration or enhancement of biodiversity, in a location with similar biodiversity values.
- (d) **Public access to and along the coastal marine area, lakes and rivers** – A financial contribution may be imposed as a condition of consent for any type of activity that will restrict or prevent public access to or along the coastal marine area, a lake or a river, except in circumstances where such restrictions are necessary for public safety or are in accordance with the River Works Code of Practice (Horizons Regional Council, 2006). The purpose of the financial contribution ~~shall~~ would be to provide for alternative public access in the vicinity of the activity or at another similar location.
- ~~(e) **General environmental compensation** – A financial contribution may be imposed as a condition of consent for any type of activity that will have adverse effects that will not be adequately avoided, remedied or mitigated, and where those effects can be offset or compensated for by positive effects elsewhere. The purpose of the financial contribution would be to fund the works required to offset or compensate for the adverse effects.~~

This Policy relates to Objective 11A-1.

4.39 FC 4 – Chapter 18 Policy 18-2 Amount of contribution

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
RUAPEHU DISTRICT COUNCIL	151	195	Policy 18-2 is nebulous. No transparent formula is provided by which an applicant might calculate the amount of financial contribution payable. As it is drafted the Policy does not enable the imposition of a financial contribution condition under s.108(2) which itself is subject to s.108(10). There is no linkage to Part I of the One Plan.	
	X 481	260	PALMERSTON NORTH CITY COUNCIL - Support	
	X 531	123	HORTICULTURE NEW ZEALAND - Support	
RUAPEHU DISTRICT COUNCIL	151	198	Rewrite Policy 18-2 so that an applicant can quantify the level of contribution, likely to be payable.	
	X 481	263	PALMERSTON NORTH CITY COUNCIL - Support	
	X 531	124	HORTICULTURE NEW ZEALAND - Support	
TARARUA DISTRICT COUNCIL	172	92	Rewrite Policy 18-2 so that an applicant can quantify the level of contribution, likely to be payable.	
	X 481	12	PALMERSTON NORTH CITY COUNCIL - Support	
	X 528	21	POWERCO LIMITED - Support	
TRANSPower NEW ZEALAND LTD	265	52	A. Retain policy 18-2 without further modification.	
	X 495	378	RUAPEHU DISTRICT COUNCIL - Oppose	
	X 522	427	MERIDIAN ENERGY LIMITED - Oppose	
HOROWHENUA DISTRICT COUNCIL	280	101	Rewrite Policy 18-2 so that an applicant can quantify the level of contribution, likely to be payable.	
	X 481	21	PALMERSTON NORTH CITY COUNCIL - Support	

Submitter	Number	Point	Decision Sought	Recommendation
	X 495	383	RUAPEHU DISTRICT COUNCIL - Support	
	X 528	22	POWERCO LIMITED - Support	
WINSTONE PULP INTERNATIONAL LTD	288	42	WPI requests that Policies 18-2 and 18-3 are amended such that they provide clearer guidance for resource users as to the nature and amount of financial contributions that may arise. WPI request any similar amendments with like effect. WPI request any consequential amendments that stem from the amendment as proposed in this submission.	
	X 495	381	RUAPEHU DISTRICT COUNCIL - Support	
	X 501	70	ERNSLAW ONE LTD - Support	
WANGANUI DISTRICT COUNCIL	291	98	Rewrite Policy 18-2 so that an applicant can quantify the level of contribution, likely to be payable.	
	X 481	23	PALMERSTON NORTH CITY COUNCIL - Support	
	X 495	382	RUAPEHU DISTRICT COUNCIL - Support	
	X 528	23	POWERCO LIMITED - Support	
MANAWATU DISTRICT COUNCIL	340	134	That Policy 18-2 be re-drafted into a clear and certain rule that meets the requirements of Section 108 (10) and other relevant provisions of the Act.	
	X 481	690	PALMERSTON NORTH CITY COUNCIL - Support	
	X 495	386	RUAPEHU DISTRICT COUNCIL - Support	
RANGITIKEI DISTRICT COUNCIL	346	102	Rewrite Policy 18-2 so that an applicant can quantify the level of contribution, likely to be payable.	
	X 481	807	PALMERSTON NORTH CITY COUNCIL - Support	
	X 495	384	RUAPEHU DISTRICT COUNCIL - Support	
	X 528	24	POWERCO LIMITED - Support	

Submitter	Number	Point	Decision Sought	Recommendation
TRUST POWER LIMITED	358	133	Amend Policy 18-2 to more appropriately define the method for calculating the amount of financial contributions. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Policies 18-1 - 18-3 as proposed in this submission.	
MIGHTY RIVER POWER	359	131	Retain the policy as proposed	
	X 495	380	RUAPEHU DISTRICT COUNCIL - Oppose	
MERIDIAN ENERGY LIMITED	363	193	Meridian opposes Policy 18-2 in its entirety and requests its deletion. Refer to Meridian's primary submission to Chapter 18 above. Any consequential amendments necessary to give effect to this submission	
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	92	Policy 18-2 is supported and we wish to have this retained.	
	X 492	340	MINISTER OF CONSERVATION - Support	
	X 495	379	RUAPEHU DISTRICT COUNCIL - Oppose	
	X 511	527	TRUST POWER LIMITED - Oppose	
LANDLINK LTD	440	121	[Policy 18-2] We suggest that either a formula or fixed amounts are necessary for each category under which financial contributions are to be taken	
	X 495	385	RUAPEHU DISTRICT COUNCIL - Support	

4.39.1 Summary of submissions

There are 14 submission points to consider in this recommendation.

Three submission points support Policy 18-2 as written. Ten submission points seek amendments or a methodology so that an applicant can quantify the level of contribution (see for example Ruapehu District Council, 151/195 & 198).

Meridian Energy Ltd seeks deletion of Policy 18-2 entirely. This is consistent with its overall submission to Chapter 18.

4.39.2 Evaluation

Section 108 (10)(b) of the RMA requires that if a financial contribution is sought, the level of contribution must be determined in a manner described in the plan or proposed plan. Policy 18-2 is drafted to specify how the level of contribution will be determined.

I do not recommend Policy 18-2 be deleted as sought by the Meridian Energy Ltd submission point because the Regional Council wishes to provide for financial contributions as an option for decision-makers. The reasons are the same as those presented in Recommendation FC 1 for not deleting Chapter 18 entirely from Part II of the Proposed One Plan.

There is a significant difference between Regional Council and Territorial Authority financial contributions. Typically Territorial Authority financial contributions are for the purpose of financing major infrastructure as a result of the relatively predictable cumulative effects of growth, eg. industrial or residential development. Financial contributions of this nature lend themselves to specific methodologies that calculate how contributions are assessed. The nature of Regional Council business, in which development activity is unpredictable and resource consents tend to be received in isolation, lends itself to consideration of financial contributions on a case-by-case basis.

In my opinion the best results from use of financial contributions in the Regional Council context will come from the normal approach of assessing each consent application on its own facts. This would also allow positive factors such as proposed consent conditional and other forms of environmental compensation proposed during the consent process to be taken into account if a financial contribution is considered. If a financial contribution is considered as an option, the dollar amount would be set during the consent process in the knowledge that the usual legal challenges can be mounted if it is seen as unreasonable. Under these circumstances it would be good practice for the parties to have discussed the matter before final decisions are made.

Policy 18-2 does provide certainty to the extent that it sets the upper limit for financial contributions as "...the amount not exceeding the reasonable expenditure required to offset the net adverse effects caused directly by the activity." I acknowledge this does not specify a dollar amount, but it does in effect cap the amount of financial contribution in any particular case.

I do consider there is an opportunity to improve the wording of the policy and provide an amendment to the introductory paragraph for this purpose. The change will make it clear that the amount relates to the reasonable “cost of funding positive environmental effects” required to offset the net adverse effect caused directly by the activity.

I note here that a consequential amendment to clause (b) is recommended as a result of Recommendation FC 1 (a) regarding recognition of forms of environmental compensation other than financial contributions.

I have also recommended minor changes to the policy wording to clarify the level of obligation and provided appropriate policy framework linkage consistent with recommendations in Andrea Bell’s section 42A Report on Chapter 5: Land.

4.39.3 Recommendation FC 4

- (a) Accept submission points seeking retention of Policy 18-2.
- (b) Accept Winstone Pulp International Ltd’s submission to the extent that changes are recommended to Policy 18-2 to improve clarity.
- (c) Reject submission points seeking deletion or amendment of Policy 18-2 to allow quantification of the level of contribution.
- (d) A consequential amendment be made to Policy 18-2(b) as a result of Recommendation FC 1

4.39.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Policy 18-2 as follows:

Policy 18-2: Amount of contribution

The amount of contribution ~~shall will~~ be an amount determined by the Regional Council to be fair, proportional and reasonable. ~~—, subject to t~~The amount shall not exceeding the reasonable cost of funding positive environmental effects expenditure required to offset the net adverse effects caused directly by the activity. For the purposes of this policy, the “net adverse effects” shall be a reasonable assessment of the level of adverse effects after taking into account:

- (a) the extent to which significant adverse effects will be avoided, remedied or mitigated by other consent conditions
- (b) the extent to which ~~there~~ other environmental compensation is offered as part of the activity to ~~will be positive effects of the activity which~~ offset adverse effects.

This Policy relates to Objective 11A-1

4.40 FC 5 – Chapter 18 Policy 18-3 Matters to be considered for financial contributions

Table of Submitters, Submission Points and Recommendations

Submitter	Number	Point	Decision Sought	Recommendation
TRANSPower NEW ZEALAND LTD	265	53	A. Retain policy 18-3 without further modification.	
	X 522	436	MERIDIAN ENERGY LIMITED - Oppose	
WINSTONE PULP INTERNATIONAL LTD	288	43	WPI requests that Policies 18-2 and 18-3 are amended such that they provide clearer guidance for resource users as to the nature and amount of financial contributions that may arise.	
			WPI request any similar amendments with like effect. WPI request any consequential amendments that stem from the amendment as proposed in this submission.	
	X 501	71	ERNSLAW ONE LTD - Support	
MANAWATU DISTRICT COUNCIL	340	135	That Policy 18-3 be re-drafted into a clear and certain rule that meets the requirements of Section 108 (10) and other relevant provisions of the Act.	
	X 481	691	PALMERSTON NORTH CITY COUNCIL - Support	

Submitter	Number	Point	Decision Sought	Recommendation
GORDON MCKELLAR	354	4	<p>(a) . . .to be deleted: Financial contributions, designed to offset or compensate for adverse effects, will only be considered as a secondary measure.</p> <p>To be added:</p> <p>(i) Voluntary financial contributions made by a consent holder or applicant to be given full consideration by the Regional Council before imposing conditions of any Regional Plan or Regional Policy Statement rules relating to the consent. Provided the financial contribution made relates to Section 108 of the RMA and the consent applied for.</p> <p>OR WORDS TO THAT EFFECT</p>	
TRUST POWER LIMITED	358	134	<p>Amend Policy 18-3 clause (a) to appropriately and adequately set out the possible circumstances when financial contributions, designed to offset or compensate for adverse effects, will be considered as a secondary measure.</p> <p>Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Policies 18-1 - 18-3 as proposed in this submission.</p>	
MIGHTY RIVER POWER	359	132	Amend (a) to be consistent with Policy 18-1 (a) in particular recognise that in some instances financial contributions may be a more appropriate or cost-effective measure in lieu of avoiding, remedying or mitigating adverse effects while achieving a similar environmental outcome.	
MIGHTY RIVER POWER	359	133	Add an example to (b) for instance where a wind farm is found to be an appropriate development within an area identified as an outstanding landscape.	
	X 527	57	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Oppose	
MIGHTY RIVER POWER	359	134	Retain (g) as proposed.	

Submitter	Number	Point	Decision Sought	Recommendation
MERIDIAN ENERGY LIMITED	363	194	Meridian opposes Policy 18-3 and requests its deletion.	
			Refer to Meridian's primary submission to Chapter 18 above.	
			Any consequential amendments necessary to give effect to this submission	
DAVID LEONARD HOPKINS	382	8	No decision specifically requested but states no financial costings. What are the costings excluding inflation for the ten years that the plan is to run?	
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	93	Policy 18-3 is supported and we wish to have this retained.	
	X 492	341	MINISTER OF CONSERVATION - Support	
	X 511	528	TRUST POWER LIMITED - Support	

4.40.1 Summary of submissions

There are 11 submission points to consider in this recommendation.

Two submission points support Policy 18-3 as written. The decisions sought by those opposed to Policy 18-3 are diverse. Winstone Pulp International Ltd seeks amendment of the whole policy, Manawatu District seeks redrafting of the policy into a rule, Mighty River Power seeks addition of an example to paragraph (b) and three submitters seek amendments to paragraph (a) (see for example Trust Power Ltd.).

Meridian Energy Ltd (363/194) seeks deletion of Policy 18-2 entirely and this is consistent with its overall submission to Chapter 18.

4.40.2 Evaluation

Financial contributions can only be sought as conditions of resource consents. The intent of Policy 18-3 is to provide guidance to decision-makers on matters that they need to consider when making decisions about the imposition and use of financial contributions as consent conditions. Policy 18-3 also provides some certainty for resource consent applicants in this respect.

I do not recommend Policy 18-3 be deleted as sought by the Meridian Energy Ltd submission point, because the Regional Council wishes to provide for financial contributions as an option for decision-makers. The reasons are the same as those presented in Recommendation FC 1 for not deleting Chapter 18 entirely from Part II of the Proposed One Plan.

Paragraphs (a), (b), (c), (d) and (g) give guidance for deciding whether or not a financial contribution will be imposed. Paragraphs (e) and (f) give guidance on matters to be taken into account once a decision is made to use them. Submission points relating to the detail of Policy 18-3 generally focus on changes to paragraph (a) only.

Three submitters seek changes to paragraph (a). They seek amendments to “appropriately and adequately set out the possible circumstances when financial contributions, designed to offset or compensate for adverse effects, will be considered as a secondary measure”. When read in context with the other policies, I consider the circumstances are clear. For example, in the case of infrastructure the circumstances would be “...where this is more cost-effective than directly avoiding, remedying or mitigating adverse effects by way of other consent decisions, and where a financial contribution can be used to achieve an equivalent environmental outcome” (Policy 18 (a)).

I do not consider the addition of examples in policy is necessary (Mighty River Power). At face value it appears helpful, but begs the question, “Why has Horizons singled out this example for attention?” In my view either an exhaustive list of examples should be provided or none at all. In this case the number of possible examples is a very large list, so I conclude it is better to provide none.

When Policies 18-1, 18-2 and 18-3 are read as a whole, I consider that sufficient certainty is provided by Horizons Regional Council about the use

and implementation of financial contributions. Therefore no changes to Policy 18-3 are recommended.

Minor changes to the policy wording to clarify that the level of obligation and appropriate policy framework linkages have been consistent with recommendations in Andrea Bell's section 42A Report on Chapter 5: Land are recommended.

4.40.3 Recommendation FC 5

- (a) Accept submission points seeking retention of Policy 18-3 as written.
- (b) Reject submission points seeking deletion or amendment of Policy 18-3.

4.40.3.1 Recommended changes to provision

[Words to add are shown in underline, words to delete are shown in ~~strike through~~]

- (a) Amend Policy 18-2 as follows:

Policy 18-3: Matters to be considered for financial contributions

The Regional Council shall ~~will~~ take into account the following matters when making decisions about the imposition and use of financial contributions.

- (a) For most consent applications the Regional Council shall ~~will~~ place primary emphasis on requiring the adverse effects of an activity to be adequately avoided, remedied or mitigated by way of other types of consent conditions. Financial contributions, designed to offset or compensate for adverse effects, shall ~~will~~ only be considered as a secondary measure.
- (b) Financial contributions shall ~~will~~ not be used where the effects of activities are generally consistent with the purpose of the RMA and the resource management objectives and policies in this Plan.
- (c) Financial contributions shall ~~will~~ be used where granting a consent subject to a financial contribution would be more effective in achieving the purpose of the RMA (including recognition of the social, economic and cultural benefits of the activity) and the resource management objectives and policies of this Plan, as opposed to declining consent or granting a consent without requiring a financial contribution.
- (d) Financial contributions shall ~~will~~ not be used where a more suitable revenue collection power is available to the Regional Council.
- (e) The Regional Council shall ~~will~~ take into account cumulative effects in the financial contribution assessments under Policies 18-1 and 18-2.
- (f) The Regional Council shall ~~will~~ generally ensure that a financial contribution is used to fund measures as close as possible to the site where the adverse effects occur, or at one or more sites similar to that where the adverse effects occur, having regard to the location of any affected community.
- (g) The Regional Council does not intend that net adverse effects must be fully offset in every case by way of a financial contribution.

This Policy relates to Objective 11A-