

UNDER THE

Resource Management Act 1991 (RMA)

IN THE MATTER

hearings on submission concerning the proposed
One Plan notified by the Manawatu-Wanganui
Regional Council – Air Section

DATE SUBMITTED

17 April 2009

**Statement of Evidence of Nathan Neill Baker on behalf of
Higgins Group (Submitter 153)**

Introduction

1. My full name is Nathan Neill Baker. I appear on behalf of Higgins Group (*Higgins*).
2. I am a Senior Resource Management Planner for Tonkin & Taylor Ltd in its Wellington Office. I am a full member of the New Zealand Planning Institute. I hold a Master of Environmental Science degree from the University of Otago. I have 9 years experience in New Zealand and the United Kingdom in the profession of planning. I have worked for both local government and private consultancy firms.
3. As part of my role at Tonkin & Taylor Ltd, I regularly make submissions on a wide variety of proposed District and Regional Plans and other policy initiatives, for a number of clients.
4. I am familiar with the Proposed One Plan (*POP*) to which these proceedings relate. I prepared the submission and further submission to the POP on behalf of Higgins. The key concerns and interests of Higgins in relation to the POP are outlined in those submissions and were further introduced at the Overall Plan hearing, summarised as follows:
 - (a) Higgins is very active in the Manawatu-Wanganui region, each year undertaking an extensive programme of works with associated interaction with natural and physical resources. Higgins seeks to ensure that the POP provides for that interaction in a practical and pragmatic way.

- (b) Higgins core activities involve the provision, maintenance and upgrading of the region's infrastructure. This is a regionally significant activity that must be recognised and enabled in the POP.
 - (c) Higgins is committed to sustainable resource management and sound environmental practice and seeks to ensure that the POP sufficiently facilitates that company aim.
5. Higgins recognises that the POP seeks to simplify and streamline the management of the region's resources and the consenting process for activities. Higgins generally supports that overall intent.
6. However, for Higgins core business activities, that streamlining process has resulted in the loss of some enabling provisions of the operative plans, the carryover of some poor provisions of the operative plans, and the introduction of new policies and methods that are of concern. My evidence to follow covers the detail of Higgins submission in relation to the proposed Air Section of the POP.
7. I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court. The evidence in my statement is within my area of expertise, except where I state that I am relying on the evidence of another person. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

Air Section: Planning Officer's Report

8. Three of Higgins submission points are dealt with in the Planning Officer's Report on the Air Section, as follows:
- (a) Higgins sought less restrictive air quality rules. More specifically that all of Higgins air discharge operations should be tested against the permitted activity standards of the POP rather than defaulting straight to a Discretionary Activity requiring resource consent. Remove asphalt plants from the Rule Guide to Rule 14-13 [**Submission 153/13**]. This has been **accepted** in the Planning Officer's Report.
 - (b) Higgins sought that the specific provision of the operative Regional Air Plan relating to mobile sources of air discharge as a permitted activity be adopted in the POP [**Submission 153/14**]. This has been **accepted** by the Planning Officer's recommendation.

- (c) Higgins sought that Policy 8-4 be retained as proposed [*Submission 153/15*]. This has been *accepted* in the Planning Officer's Report.

9. I will address each submission point below.

Submission 153/15: That Policy 8-4 be retained as proposed

10. Higgins supports preventing the future establishment of potentially incompatible land-use activities near their lawfully established sites. I consider proposed Policy 8-4 provides some assistance to achieve that outcome and support the Officer's recommendation to accept Submission 153/15. Higgins has no objection to the Officer's recommended revision to add reference that Policy 8-4 implements Objective 8-1.

Submission 153/14: That Air Discharges from Mobile Plants be provided for as a Permitted Activity

11. I share the Officer's concern that the POP has omitted to deal with mobile asphalt plants. Mobile plants are essential elements of Higgins operation and are currently provided for as a permitted activity under Rule 13 of the operative Regional Air Plan.
12. I support new Rule 14-13b as recommended by the Officer to provide for discharges from specified mobile sources as a permitted activity subject to standards. The recommended standards 14-13b (a)-(e) provide a level of environmental protection that is generally consistent with the current standards for Rule 13 of the operative RAP. Higgins has advised that their mobile plant activities can meet standards 14-13b (a)-(e).

Submission 153/13: Remove Asphalt Plants from the Rule Guide to proposed Rule 14-13

13. Higgins request to remove asphalt plants from the Rule Guide to Rule 14-13 and provide for air discharges from asphalt plants as a permitted activity, subject to standards, has been *accepted* in the Planning Officer's Report.
14. However, it appears that asphalt plants are still 'black-listed' under Discretionary Activity Rule 14-13 (Rule Guide (a)(ii)). Higgins seeks clarification that this is not the case, consistent with the Officer's recommendation to accept Submission 153/13.

15. If there remains any doubt regarding this matter, in my opinion discharges to air from non-mobile asphalt plants should be treated in a similar manner to proposed new Rule 14-13b for mobile asphalt plants. Rather than defaulting straight to a Discretionary Activity under Rule 14-13, discharges to air from non-mobile asphalt plants should first be tested against permitted activity standards of the POP. I consider that the permitted activity standards for proposed Rule 14-12 (Miscellaneous discharges into air from industrial and trade premises) or similar would provide an appropriate set of standards for non-mobile asphalt plants. I do not support black-listing asphalt plants under proposed Rule 14-13 and giving that activity a more onerous consenting test than those activities listed in proposed Rule 14-12(a)-(u).

Conclusion: Relief Sought

16. The following relief is sought:

- (a) That Policy 8-4 is accepted as recommended in the Officer's Report [*Submission 153/15*].
- (b) That Rule 14-13b is accepted as recommended in the Officer's Report [*Submission 153/14*].
- (c) That asphalt plants are removed from the Rule Guide to Rule 14-13. That asphalt plants be first tested against permitted activity standards rather than defaulting straight to a Discretionary Activity. That the permitted activity standards for proposed Rule 14-12 or similar be applied for non-mobile asphalt plants [*Submission 153/13*].

17. I am happy to answer any questions the Commissioners may have.