

**BEFORE THE HEARINGS PANEL**

**IN THE MATTER** of hearings on submissions  
concerning the proposed One Plan  
notified by the Manawatu-  
Wanganui Regional Council

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**Supplementary Recommendations  
of Clare Barton and Barry Gilliland  
for the General Hearing  
relating to  
Setting the Scene (Chapter 1);  
Administration (Chapter 2);  
Introduction to Rules (Chapter 11);and  
Financial Contributions (Chapter 18).**

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## INTRODUCTION

1. This report covers further recommendations made after evaluation of evidence received in response to the Planning Evidence and Recommendations Report on the Setting the Scene (Chapter 1), Administration (Chapter 2), Introduction to Rules (Chapter 11), and Financial Contributions (Chapter 18) chapters of the Proposed One Plan (POP) (2009/EXT/1012).
2. The report also provides corrections to recommendations omitted from the Planning Evidence and Recommendations Report.

## BACKGROUND

3. The Hearing Panel has been provided with the **Planning Evidence and Recommendations Report** (2009/EXT/1012) prepared by Clare Barton and myself which summarises the submissions on these chapters and makes recommendations on whether those submissions should be accepted in whole, or in part, or not at all, and how the provisions of the POP should be changed to reflect those submissions.
4. **Pre-circulated evidence** from submitters has also been provided to the Panel.
5. **Pre-hearing Meeting and expert caucusing reports.** No pre-hearing meetings or caucusing meetings have been carried out. It appeared to us that there were no issues where holding one of these meetings would have been helpful in resolving or narrowing the scope of issues raised in the evidence.
6. A number of meetings have been held with the representatives of the Territorial Authority (TA) Collective as part of ongoing engagement with them around all POP matters. These have been very successful in clarifying positions and reaching agreement where possible.
7. Some changes to my original recommendations for Financial Contributions (Chapter 18) are made and these are reflected in revised track changes version ('green version') of Chapter 18.
8. No **preliminary questions** were raised by the Hearing Panel. Any questions that arise during the course of the hearing can be dealt with during the hearing, or, if a more detailed response is necessary, answered at the end of the hearing.

## FURTHER RECOMMENDATIONS IN RESPONSE TO THE EVIDENCE RECEIVED

9. Pre-circulated planning evidence relating to the Setting the Scene, Administration, Introduction to Rules, and Financial Contributions chapters was received from the following parties:
  - Robert J Schofield for TrustPower Ltd;
  - Emily S Grace for NZ Defence Force;
  - Richard Z Peterson for Mighty River Power Ltd;
  - David Le Marquand for Transpower NZ Ltd;
  - Richard Matthews for Genesis Power; and
  - Catherine Clarke for Meridian Energy Ltd.
10. Pre-circulated non-expert evidence relating to the Setting the Scene, Administration, Introduction to Rules, and Financial Contributions chapters was received from:

- Richard Kirby for TA Collective (comprising Horowhenua, Wanganui, Rangitikei, Ruapehu, Manawatu and Tararua District Councils); and
  - Joan Leckie for Royal Forest and Bird Protection Society of NZ.
11. Pre-circulated tabled evidence relating to the Setting the Scene, Administration, Introduction to Rules, and Financial Contributions chapters was received from:
    - Tomkins Wake for Winstone Pulp International Ltd;
    - Lisa Hooker for Ministry of Education; and
    - Gemma Moleta for Poultry Industry of NZ & Others
  12. In this report I identify those matters that have been raised in expert planning evidence where we wish to change recommendations to accept the recommendations of the expert.
  13. No changes to recommendations for the Setting the Scene, Administration or Introduction to Rules are recommended.
  14. After reviewing the evidence provided on the Financial Contributions chapter, in particular that from Catherine Clarke for Meridian Energy Ltd and Richard Petersen for Mighty River Power Ltd, changes to recommendations FC 1, FC 3, FC 4 and FC 5 of the Planning Evidence and Recommendations Report are recommended. It is considered that these changes are consistent with the Regional Council's approach to the use of financial contributions and will provide more clarity and certainty for decision-makers and resource users.
  15. These recommendations have been included in the most recent 'green' version of the 'track changes' for Chapter 18.

## **GLOSSARY REFERENCES**

16. The Hearing Panel has requested that defined terms in the One Plan be italicised and referenced with a ...^... if an RMA definition and a ...\*... if a Glossary definition. These references have been made in the most recent 'green' version of the 'track changes' for all chapters covered in this report.

## **CORRECTIONS TO ORIGINAL OFFICER'S REPORT**

17. Some of the submissions in the original officer's report did not have a recommendation as to whether they should be accepted, accepted in part or rejected. To correct this omission I have included them, with the appropriate recommendation, in Appendix 1.

Barry Gilliland  
21 May 2009

## APPENDIX 1: CORRECTIONS TO ORIGINAL OFFICER’S REPORT

### Recommendation STS 7, page 49

Submitter	Number	Point	Decision Sought	Recommendation
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 scale wind farm developments	<u>Reject</u>

### Recommendation ADM 8, page 144 (Greyed out text for context reference only)

Submitter	Number	Point	Decision Sought	Recommendation
MINISTER OF CONSERVATION	372	9	Add additional criteria:  '(v) the conditions will ensure that the provisions of this plan are implemented  (vi) the conditions are enforceable'	Accept in part
	X 511	33	TRUST POWER LIMITED - Neutral	<u>Noted</u>
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	7	Add to Policy 2-1(b)  (v) Consent conditions will ensure the provisions of this Plan are met.  (vi) Consent conditions will be enforceable.	Accept in part
	X 511	29	TRUST POWER LIMITED - Neutral	<u>Noted</u>

**Recommendation FC 2, page 233**

<b>Submitter</b>	<b>Number</b>	<b>Point</b>	<b>Decision Sought</b>	<b>Recommendation</b>
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>90</b>	<b>Section 18.1 is supported and we wish to have this retained.</b>	<b><u>Accept</u></b>

**Recommendation FC 3, pages 236 to 237**

<b>Submitter</b>	<b>Number</b>	<b>Point</b>	<b>Decision Sought</b>	<b>Recommendation</b>
<b>TRANSPower NEW ZEALAND LTD</b>	<b>265</b>	<b>51</b>	<b>A. Retain policy 18-1 without further modification except delete 18-1 (a).</b>	<b><u>Accept in part</u></b>
<b>WINSTONE PULP INTERNATIONAL LTD</b>	<b>288</b>	<b>41</b>	<b>WPI requests that Policy 18-1 be retained.</b>	<b><u>Accept</u></b>
	<b>X 501</b>	<b>69</b>	<b>ERNSLAW ONE LTD - Support</b>	<b><u>Accept</u></b>
<b>MANAWATU DISTRICT COUNCIL</b>	<b>340</b>	<b>133</b>	<b>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.</b>	<b><u>Accept in part</u></b>
	<b>X 481</b>	<b>689</b>	<b>PALMERSTON NORTH CITY COUNCIL - Support</b>	<b><u>Accept in part</u></b>
<b>TRUST POWER LIMITED</b>	<b>358</b>	<b>131</b>	<b>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.</b>  <b>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.</b>	<b><u>Accept</u></b>

Submitter	Number	Point	Decision Sought	Recommendation
<b>TRUST POWER LIMITED</b>	<b>358</b>	<b>132</b>	<b>Delete clauses (a) - (g) of Policy 18-1 from the Proposed Plan.</b>  <b>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.</b>	<b><u>Accept in Part</u></b>
<b>MIGHTY RIVER POWER</b>	<b>359</b>	<b>130</b>	<b>Retain the policy as proposed.</b>	<b><u>Accept</u></b>
	X 511	525	TRUST POWER LIMITED - Oppose	<u>Reject</u>
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>192</b>	<b>Meridian opposes Policy 18-1 in its entirety and requests its deletion.</b>  <b>Refer to Meridian’s primary submission to Chapter 18 above.</b>  <b>Any consequential amendments necessary to give effect to this submission</b>	<b><u>Reject</u></b>
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>91</b>	<b>Policy 18-1 is supported and we wish to have this retained.</b>	<b><u>Accept</u></b>
	X 492	339	MINISTER OF CONSERVATION - Support	<u>Accept</u>
	X 511	526	TRUST POWER LIMITED - Oppose	<u>Reject</u>

Recommendation FC 4, pages 241 to 243

Submitter	Number	Point	Decision Sought	Recommendation
<b>RUAPEHU DISTRICT COUNCIL</b>	<b>151</b>	<b>195</b>	<b>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.</b>	<b><u>Reject</u></b>
	X 481	260	PALMERSTON NORTH CITY COUNCIL - Support	<u>Reject</u>
	X 531	123	HORTICULTURE NEW ZEALAND - Support	<u>Reject</u>

Submitter	Number	Point	Decision Sought	Recommendation
<b>RUAPEHU DISTRICT COUNCIL</b>	<b>151</b>	<b>198</b>	<b>Rewrite Policy 18-2 so that an applicant can quantify the level of contribution, likely to be payable.</b>	<b><u>Reject</u></b>
	X 481	263	PALMERSTON NORTH CITY COUNCIL - Support	<u>Reject</u>
	X 531	124	HORTICULTURE NEW ZEALAND - Support	<u>Reject</u>
<b>TARARUA DISTRICT COUNCIL</b>	<b>172</b>	<b>92</b>	<b>Rewrite Policy 18-2 so that an applicant can quantify the level of contribution, likely to be payable.</b>	<b><u>Reject</u></b>
	X 481	12	PALMERSTON NORTH CITY COUNCIL - Support	<u>Reject</u>
	X 528	21	POWERCO LIMITED - Support	<u>Reject</u>
<b>TRANSPower NEW ZEALAND LTD</b>	<b>265</b>	<b>52</b>	<b>A. Retain policy 18-2 without further modification.</b>	<b><u>Accept</u></b>
	X 495	378	RUAPEHU DISTRICT COUNCIL - Oppose	<u>Reject</u>
	X 522	427	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
<b>HOROWHENUA DISTRICT COUNCIL</b>	<b>280</b>	<b>101</b>	<b>Rewrite Policy 18-2 so that an applicant can quantify the level of contribution, likely to be payable.</b>	<b><u>Reject</u></b>
	X 481	21	PALMERSTON NORTH CITY COUNCIL - Support	<u>Reject</u>
	X 495	383	RUAPEHU DISTRICT COUNCIL - Support	<u>Reject</u>
	X 528	22	POWERCO LIMITED - Support	<u>Reject</u>
<b>WINSTONE PULP INTERNATIONAL LTD</b>	<b>288</b>	<b>42</b>	<b>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.</b>	<b><u>Accept</u></b>
			<b>WPI request any similar amendments with like effect. WPI request any consequential amendments that stem from the amendment as proposed in this submission.</b>	
	X 495	381	RUAPEHU DISTRICT COUNCIL - Support	<u>Accept</u>
	X 501	70	ERNSLAW ONE LTD - Support	<u>Accept</u>
<b>WANGANUI DISTRICT COUNCIL</b>	<b>291</b>	<b>98</b>	<b>Rewrite Policy 18-2 so that an applicant can quantify the level of contribution, likely to be payable.</b>	<b><u>Reject</u></b>
	X 481	23	PALMERSTON NORTH CITY COUNCIL - Support	<u>Reject</u>
	X 495	382	RUAPEHU DISTRICT COUNCIL - Support	<u>Reject</u>



Submitter	Number	Point	Decision Sought	Recommendation
	X 528	23	POWERCO LIMITED - Support	<u>Reject</u>
<b>MANAWATU DISTRICT COUNCIL</b>	<b>340</b>	<b>134</b>	<b>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.</b>	<b><u>Accept</u></b>
	X 481	690	PALMERSTON NORTH CITY COUNCIL - Support	<u>Accept</u>
	X 495	386	RUAPEHU DISTRICT COUNCIL - Support	<u>Accept</u>
<b>RANGITIKEI DISTRICT COUNCIL</b>	<b>346</b>	<b>102</b>	<b>Rewrite Policy 18-2 so that an applicant can quantify the level of contribution, likely to be payable.</b>	<b><u>Reject</u></b>
	X 481	807	PALMERSTON NORTH CITY COUNCIL - Support	<u>Reject</u>
	X 495	384	RUAPEHU DISTRICT COUNCIL - Support	<u>Reject</u>
	X 528	24	POWERCO LIMITED - Support	<u>Reject</u>
<b>TRUST POWER LIMITED</b>	<b>358</b>	<b>133</b>	<b>Amend Policy 18-2 to more appropriately define the method for calculating the amount of financial contributions.</b>  <b>Any similar amendments to like effect.</b>  <b>Any consequential amendments that stem from the amendment of Policies 18-1 - 18-3 as proposed in this submission.</b>	<b><u>Reject</u></b>
<b>MIGHTY RIVER POWER</b>	<b>359</b>	<b>131</b>	<b>Retain the policy as proposed</b>	<b><u>Accept</u></b>
	X 495	380	RUAPEHU DISTRICT COUNCIL - Oppose	<u>Reject</u>
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>193</b>	<b>Meridian opposes Policy 18-2 in its entirety and requests its deletion.</b>  <b>Refer to Meridian's primary submission to Chapter 18 above.</b>  <b>Any consequential amendments necessary to give effect to this submission</b>	<b><u>Reject</u></b>
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>92</b>	<b>Policy 18-2 is supported and we wish to have this retained.</b>	<b><u>Accept</u></b>
	X 492	340	MINISTER OF CONSERVATION - Support	<u>Accept</u>
	X 495	379	RUAPEHU DISTRICT COUNCIL - Oppose	<u>Reject</u>
	X 511	527	TRUST POWER LIMITED - Oppose	<u>Reject</u>

Submitter	Number	Point	Decision Sought	Recommendation
<b>LANDLINK LTD</b>	<b>440</b>	<b>121</b>	<b>[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</b>	<b><u>Reject</u></b>
	X 495	385	RUAPEHU DISTRICT COUNCIL - Support	<u>Reject</u>

Recommendation FC 5, page 246 to 248

Submitter	Number	Point	Decision Sought	Recommendation
<b>TRANSPower NEW ZEALAND LTD</b>	<b>265</b>	<b>53</b>	<b>A. Retain policy 18-3 without further modification.</b>	<b><u>Accept</u></b>
	X 522	436	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
<b>WINSTONE PULP INTERNATIONAL LTD</b>	<b>288</b>	<b>43</b>	<b>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.</b>	<b><u>Reject</u></b>
			<b>WPI request any similar amendments with like effect. WPI request any consequential amendments that stem from the amendment as proposed in this submission.</b>	
	X 501	71	ERNSLAW ONE LTD - Support	<u>Reject</u>
<b>MANAWATU DISTRICT COUNCIL</b>	<b>340</b>	<b>135</b>	<b>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.</b>	<b><u>Reject</u></b>
	X 481	691	PALMERSTON NORTH CITY COUNCIL - Support	<u>Reject</u>

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>	<u>Reject</u>
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>	<u>Reject</u>
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.	<u>Reject</u>
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.	<u>Reject</u>
	X 527	57	TARARUA - AOKAUTERE GUARDIANS INC ( T A G ) - Oppose	<u>Accept</u>
MIGHTY RIVER POWER	359	134	Retain (g) as proposed.	<u>Accept</u>

Submitter	Number	Point	Decision Sought	Recommendation
<b>MERIDIAN ENERGY LIMITED</b>	<b>363</b>	<b>194</b>	<b>Meridian opposes Policy 18-3 and requests its deletion.</b>	<b><u>Reject</u></b>
			<b>Refer to Meridian's primary submission to Chapter 18 above.</b>	
			<b>Any consequential amendments necessary to give effect to this submission</b>	
<b>DAVID LEONARD HOPKINS</b>	<b>382</b>	<b>8</b>	<b>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?</b>	<b><u>Accept</u></b>
<b>FISH &amp; GAME NEW ZEALAND - WELLINGTON REGION</b>	<b>417</b>	<b>93</b>	<b>Policy 18-3 is supported and we wish to have this retained.</b>	<b><u>Accept</u></b>
	X 492	341	MINISTER OF CONSERVATION - Support	<u>Accept</u>
	X 511	528	TRUST POWER LIMITED - Support	<u>Accept</u>