

BEFORE THE HEARINGS COMMITTEE

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

**Introductory Statement and
Supplementary Recommendations
of Helen Marr
for the Biodiversity hearing**

This report is prepared in three parts:

- Part One covers a brief introduction to the biodiversity hearings.
- Part Two covers further recommendations in response to the evidence received on the “Biodiversity: Planning Evidence and Recommendations Report”, the pre-hearing meetings and expert caucusing, and as a result of planning and legal reviews.
- Part Three provides some corrections to recommendations omitted from the original planning report.

PART ONE: INTRODUCTORY STATEMENT

1. The purpose of this introductory statement is to summarise and draw your attention to key information that is relevant to this hearing. I will briefly set out the relevant provisions of the Proposed One Plan (POP) that are the subject of this hearing, and set out their role, and how they are connected to other chapters in the POP. I will also summarise the information that has been pre-circulated to you.
2. This is a hearing into the Biodiversity and Heritage provisions of the Proposed One Plan. My statement and evidence is concerned with the Biodiversity provisions contained in Chapters 7 and 12. Chapter 7 sets out the RPS framework for managing biodiversity, and Chapter 12 contains the rules relating to biodiversity in the Regional Plan.
3. **Key RMA provisions:** John Maassen has provided a comprehensive overview of the provisions of the RMA as they apply to the management of biodiversity. His report should be referred to for more detail, but in summary they are:
 - a. s6(c) - which states that “the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna” is a matter of national importance which the Regional Council must recognise and provide for.
 - b. s30(1)(ga) sets out one of the functions of the Regional Council as “the establishment, implementation and review of objectives, policies and methods for maintaining indigenous biological diversity”.
 - c. The maintenance of indigenous biological diversity is also a function of territorial authorities as set out in s30(1)(b)(iii).
 - d. S62 (1) sets out that the Regional Policy Statement must state how this shared function is to be apportioned between the Regional and Territorial Authority, that is which authority is to be responsible, in whole or in part, for maintaining indigenous biological diversity.
 - e. Indigenous biological diversity is defined in s2 as “the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species and of ecosystems.”
4. **National guidance:** There is no National Policy Statement for Biodiversity, nor any National Environmental Standards which relate to biodiversity protection. However, in April 2007 the Government released its Statement of National Priorities for Protecting Rare and Threatened Biodiversity on Private Land. This outlines the national priorities as:
 - (a) To protect indigenous vegetation associated with land environments that have 20% or less remaining indigenous cover.
 - (b) To protect indigenous vegetation associated with sand dunes and wetlands.

- (c) To protect indigenous vegetation associated with originally rare terrestrial ecosystem types.
 - (d) To protect habitats of acutely and chronically threatened indigenous species.
5. Fleur Maseyk outlines in her evidence, paragraphs 38 and 39, that the framework proposed in the POP for the protection of biodiversity aligns with these national priorities.
 6. A summary of how the One Plan relates to the national priorities is shown in the table below:

National Priority	One Plan classification
1. 20% or less remaining indigenous cover	'Threatened'
2. Sand dunes and wetlands	Wetland and dune habitats classified as rare or threatened in Schedule E
3. 'Originally rare' terrestrial ecosystem types	'Rare'
4. Habitats of acutely and chronically threatened indigenous species	Habitats identified in Schedule E as supporting threatened species, including Powelliphanta habitat and divaricating plant species as 'at risk'

APPROACH TAKEN TO THE BIODIVERSITY PROVISIONS IN THE POP:

7. The loss of indigenous biodiversity is one of the four priority areas for Horizons. It was identified as a priority by the Regional community during the Long Term Community Plan (LTCCP) processes of the Regional Council and it is reflected in funding provided for biodiversity work in the Annual Plan.
8. Because of the organisational focus and capability on protecting biodiversity it was decided early on, in consultation with Territorial Authorities, that the Regional Council should be the 'lead' agency for biodiversity protection in the Region.
9. Therefore the approach taken to protecting biodiversity in the POP is both comprehensive and integrated. It applies to the entire Region (excluding the coastal marine area, but including the coastal environment) and both terrestrial and aquatic biodiversity is considered. This approach has advantages over the split between regional and district plans, terrestrial and aquatic, and regulatory and non regulatory functions which currently exists. The more comprehensive approach allows for integrated management to occur across the Region's resources.
10. The POP contains both regulatory and non-regulatory methods to give effect to this integrated approach.
11. The regulatory approach consists of rules which are included in Chapter 12. Schedule E identifies the habitats which have been identified as 'significant' in terms of s6(c) RMA. The rules then 'protect' these habitats by controlling all activities which pose a threat to the identified habitats. This includes vegetation clearance as well as discharges of contaminants and diversion and drainage.
12. The POP also contains consideration of biodiversity in other rules which are not the subject of this hearing. For example discharges of dairy shed effluent are required to setback from areas identified as rare, threatened or at risk habitats.

13. The rules in the POP allow the Regional Council to ensure that habitats that currently exist within the Region are not lost due to the action of an individual. They do not prevent the loss of habitat due to pests, grazing by animals or decline over time. Protecting biodiversity from this type of loss, and improving the condition of habitats, is achieved by the other functions of the Regional Council which are set out in the non-regulatory policies and methods of the POP.
14. The pro-active non-regulatory work undertaken by the Regional Council in partnership with landowners and other interested groups is detailed in the evidence of Alistair Beveridge, Manager – Biodiversity and Water Quality.

EVIDENCE FROM SUBMITTERS WHO HAVE ALREADY PRESENTED ALL OR PART OF THEIR SUBMISSION

15. On Tuesday 8 July 2008 a number of submitters presented all or part of their submissions and will not be attending the individual topic hearings, including this Biodiversity hearing.
16. The following submitters raised matters in relation to the Biodiversity chapters. I draw the Panel’s attention to this previous presentation because they will not be repeated at the Biodiversity hearing:

Submitter Name	Submitter number, further submission number
Environment Network Manawatu	356, X529
Powerco	272, X528

INFORMATION PROVIDED TO THE HEARING PANEL

17. The Hearing Panel has been provided with the **Planning Report** prepared by myself which summarises the submissions on this chapter 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.
18. The Hearing Panel has also been provided with expert evidence from Fleur Maseyk, Senior Scientist Ecology, Alistair Beveridge Manager – Biodiversity and Water Quality, and a s42A report by John Maassen.
19. **Pre-circulated evidence** from submitters has also been provided to the Panel. I have reviewed the evidence that is relevant to planning matters.
20. **Pre-hearing Meeting and expert caucusing reports.** Three pre-hearing meetings have been held in relation to the biodiversity provisions of the POP. Five meetings of experts have been held, three between ecologists relating to Schedule E and two between Regional Council and District Council planners. In addition to this, the planning experts for the electricity generators have met, in accordance with the minute from the Chair, to see if agreement could be reached on their requested changes. These meetings are summarised in the table in Appendix One, and the relevant reports have been circulated to the Hearing Panel separately.
21. The circulation of evidence by experts, the pre-hearing meetings and the caucusing between experts has been a very constructive process. A large number of matters

have been able to be resolved and agreement reached between the parties. A small number of matters remain outstanding. Where possible the pre-hearing and caucusing process has been used to narrow and refine those issues.

22. The results of this work are reflected in Part 2 of this report. Some changes to my original recommendations are made, and these are also reflected in revised track changes version ('pink version') of Chapters 7 and 12

PRELIMINARY QUESTION FROM THE HEARING PANEL

23. 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.

PART TWO: FURTHER RECOMMENDATIONS IN RESPONSE TO THE EVIDENCE RECEIVED ON THE BIODIVERSITY: PLANNING EVIDENCE AND RECOMMENDATIONS REPORT

INTRODUCTION

24. The purpose of Part Two of this report is to identify the changes sought by submitters in their pre-circulated evidence, and at pre-hearing meetings and caucusing for the Biodiversity hearing, and to indicate whether and where I wish to alter any of my initial recommendations in light of this new information.
25. I have also prepared and made available a further track changes version of Chapters 9 and 17 (the 'pink version') which shows any supplementary recommendations contained in this report.

PRE-CIRCULATED EVIDENCE AND LETTERS

26. Pre-circulated planning evidence was received from the following parties:
 - David Forrest for TA Collective (comprising Horowhenua, Wanganui, Rangitikei, Ruapehu, Manawatu and Tararua District Councils);
 - Robert J Schofield for TrustPower Ltd;
 - David R Murphy for Palmerston North City Council;
 - Emily S Grace for NZ Defence Force;
 - Julian Watts for Minister of Conversation;
 - Richard Z Peterson for Mighty River Power;
 - David Le Marquand for Transpower NZ Ltd;
 - Richard Matthews for Genesis Power;
 - Mary O'Callahan for Meridian Energy Ltd; and
 - Campbell Speedy of Genesis Power.
27. Letters were received from:
 - Mr John Dobson;
 - Te Peka Reserve Land Care; and
 - Chris Hansen for Ravensdown.
28. In the following sections of this report I identify those matters that have been raised in expert planning evidence and in pre-hearing meetings and expert caucusing, and identify for the Hearing Panel where there are areas where I would like to change my recommendations to accept the recommendations of the expert, or to reflect the outcomes of pre-hearing meetings and expert caucusing.
29. For the experts that represent energy generators I have used the agreed statement of issues and track changes they forwarded to me as a result of their caucusing, rather than the original evidence, as I believe the more recent statements to be the most relevant.
30. I have not dealt with the expert evidence of the ecologists in my report; this evidence is covered by Fleur Maseyk in her supplementary report.
30. I have prepared the following summary table to identify issues raised by each of the planning experts. There are a number of recommendations that they make which I agree with and consider it appropriate to advise the Hearing Panel that my

recommendations would change as a result, I have noted these as 'agree'. Where I do not agree with the recommendation put forward I have indicated that I disagree. I have noted where a matter has been 'resolved' as a result of pre-hearing meetings, which may mean an outcome has been agreed between parties which differs from their original recommendation. Where the matter is complex and requires further consideration of hearing evidence, or the matter has been partly resolved but without the agreement of all parties, I have indicated that the issue remains outstanding. This is not an indication that I necessarily disagree with the recommendation of the experts, but that the hearing committee may wish to explore these matters in more detail.

31. Recommended changes to the provisions of the POP as a result of these recommendations have been included in the most recent version of the track changes; the 'pink version'.

SUMMARY TABLE OF EXPERT EVIDENCE

Notes:

Expert Evidence from:

- Julian Watts = **JW** (Department of Conservation for Minister of Conservation)
- Energy companies agreed statement of issues and track changes = **Energy**
- David Le Marquand = **DLM** (Transpower)
- Emily Grace = **EG** (Defence Force)
- Matters agreed at pre-hearing meeting = **Pre-hearing**

Plan heading	S42A Planning report reference	Experts	Matter raised	Degree of agreement	Comment
Issue 7-1	BIO 4	JW	Include adverse effects of vehicles on dunes as an issue of Regional significance.	Outstanding	
Objective 7-1	BIO 5	Energy	Remove clauses (a), (b) and (c)	Resolved	Wording of this objective was agreed at the pre-hearing Report 26
		EG JW	Agree with BIO 5		
		DLM	Refer to 'inappropriate' activities in rare and threatened habitats and 'remedy or mitigate' effects in at risk habitats	Outstanding	
Policy 7-1	BIO 6	DF DM JW	Requested changes to policy to clarify split of responsibilities	Resolved	Explanation and agreed revised policy included in circulated meeting notes.
Policy 7-2	BIO 7	Pre-hearing	Wording discussed at pre-hearing.	Outstanding	Some agreement on wording of policy at pre-hearing (Report 26)
		Energy	State that habitats are 'naturally occurring' Remove reference to financial contributions	Resolved	Agreed at pre-hearing that 'naturally occurring' may not be necessary if appropriate exclusions for man-made or altered habitats are included in Schedule E.

		JW	Remove reference to Policy 3-1 and instead rely on wording 'infrastructure of national/Regional importance'	Disagree	Recommend retaining reference to Policy 3-1. These policies are a key way in which the provisions of Chapter 3 relating to infrastructure are given effect to.
		EG	Add 'and related facilities' to the exclusion in clause (d)		I do not recommend extending the scope of Policy 3-1 beyond what is currently provided for in that Policy.
		DLM Energy	Remove requirement to avoid significant adverse effects.	Resolved	Wording agreed at pre-hearing meeting (Report 26)
Policy 7-3	BIO 8	Energy	Add reference to 'including for infrastructure of national and Regional importance' to clause (d) Remove reference to financial contributions	Agreed	Wording agreed at pre-hearing meeting (Report 26)
		DLM	Insert new clause to allow activities for infrastructure with significant effects avoided as far as practicable otherwise remedied or mitigated		
		JW	Delete clause (d) OR limit financial contributions to infrastructure of Regional or national importance or other exceptional circumstances		
Policy 7-4	BIO 9	Energy	Refer to 'naturally occurring' habitats and agreement of 'relevant consent holders' as well as landowners.	Resolved	Agreed at pre-hearing that 'naturally occurring' may not be necessary if appropriate exclusions for man-made or altered habitats are included in Schedule E.
		JW EG	Support changes recommended	Agree	
Policy 7-5	BIO 10	JW EG	Support changes recommended	Agree	
Policy 7-6	BIO 11	Energy	Add reference to 'naturally occurring' habitats.	Resolved	Agreed at pre-hearing that 'naturally occurring' may not be necessary if appropriate exclusions for man-made or altered habitats are included in Schedule E.
Table 7.1	BIO 12	Energy	Make table 7.1 an assessment policy and make technical changes.	Agree	
Methods	BIO 13 – BIO 19	JW EG	Support changes recommended	Agree	
		Energy	Seek inclusion of reference to 'other relevant consent holders' in methods Seek reference to Regional Council seeking	Agree	

			plan changes to ensure that district plan rules do not duplicate the biodiversity rules in the One Plan		
Chapter 12 Policies 12-1 to 12-5	BIO 24 and BIO 25	Energy	Inclusion of reference to 'naturally occurring' habitats.	Resolved	Agreed at pre-hearing that 'naturally occurring' may not be necessary if appropriate exclusions for man-made or altered habitats are included in Schedule E.
			Include reference to 'nationally and regionally important infrastructure' Delete 'within rare and threatened habitats activities will not generally be allowed'.	Outstanding	See notes on Chapter 12 Policies below.
		JW	Ensure that decision making policies are subject to policies in chapter 7		
New Rule	BIO 26	Energy	Agree	Agree	
Rule 12-7	BIO 27	Energy	Change activity status to restricted discretionary Do not control discharges of contaminants or diversions of water	Disagree	See notes on activity status below See notes on controlling discharges and diversions below.
		JW	Support changes recommended	Agree	
		EG	Narrow live fire exclusion to not apply to built shooting ranges	Disagree	I do not consider that a further rule is required to deal with this activity. The establishment of new firing ranges is likely to be an infrequent occurrence with contained adverse effects on defence force land
Rule 12-8	BIO 28	Energy	Change activity status to discretionary Do not control discharges of contaminants or diversions of water	Disagree	See notes on activity status below See notes on controlling discharges and diversions below.
		EG	Narrow live fire exclusion to not apply to built shooting ranges	Disagree	See notes on firing ranges above
		JW	Support changes recommended	Agree	
Other	Not in original report	DM	Include new permitted activity rule	Resolved	
		EG	Include new controlled activity rule for establishing shooting range	Disagree	See notes on firing ranges above
		Pre-hearing	Include a method to provide advice and information to landowners to use and implement the rules in the POP.	Agree	New method included in track changes version

32. I have considered the evidence from the above parties and the discussions held at pre-hearing meetings and expert caucusing. I have incorporated changes I agree with into this report and into the track changes version of the chapters. I have done this to assist the Hearing Panel to narrow the areas of disagreement that may need to be considered at the hearing.
33. To assist the Hearing Panel, where I do not agree with a recommendation of the submitter, I briefly explain why. Where I do agree with the recommendation of the submitter it can be inferred that I also agree with the reasoning they provided in their evidence.

ACTIVITY STATUS OF ACTIVITIES AFFECTING RARE AND THREATENED AND AT RISK HABITATS

34. In the Proposed One Plan, activities affecting at risk habitats are classified as discretionary activities, and activities affecting rare and threatened habitats are classified as non-complying activities. My original officer's report recommended retaining these activity classifications¹; the reasoning is set out in BIO 28, section 4.28.2 page 109.
35. I also agree with the evidence of Mr Watts in paragraphs 56-60 in relation to the appropriate activity status for these significant habitats.
36. In their agreed statement of issues the energy generators raised an issue regarding the activity status of rare and threatened habitats. Their concern is that if part of an energy development requires resource consent for activities in a rare or threatened habitat, then because of the 'bundling' principle all resource consents associated with that development will become non-complying activities. Their concern appears to be that an otherwise minor component of a project will mean that the overall status of a project will be overly restrictive.
37. Bundling of resource consents is a principle that the resource consents for all interrelated aspects of a project should be considered as a whole, and be assessed under the most restrictive activity status for which resource consent is required. However the principle should not be universally applied; if an activity is distinct, in that there are no consequential or flow-on effects, then there may be no need for a holistic approach.
38. Without going into too much detail regarding the caselaw surrounding bundling, it is fair to summarise that while bundling of consents is often the most appropriate way to deal with a project, it is not compulsory. It is impossible to say in advance of a specific project being proposed whether or not bundling would apply to a specific energy generation proposal. I do not consider that the possibility of bundling being applied is an overwhelming reason to change the activity status to a less restrictive one.
39. The energy companies further raise a concern that the bundling principle would mean "that some objectives and policies would have wider implications than was otherwise anticipated". I have considered the other objectives and policies in the POP. I consider the biodiversity objectives and policies which would relate to consideration of an activity to be sufficiently focussed so that their consideration would not intrude on

¹ I recommended one change to the activity status by introducing a new rule to provide for activities affecting treeland (scattered bush remnants in a predominantly pastoral landscape) as a restricted discretionary activity. I believe that change to be appropriate for the small subset of habitats it provides for.

the consideration of other parts of a project. I believe the same to be true of other policies and objectives within the Plan. I do not think that the risk the energy generators refer to is of concern.

40. The energy generators further request that activities in at-risk habitats be considered a 'restricted discretionary' activity. When considering a resource consent application for a restricted discretionary activity, the consent authority must only consider the matters specified in the plan to which it has restricted its discretion. Thus a restricted discretionary activity status is appropriate for activities where the matters which may be relevant are well understood and relatively limited. I do not consider this to be the case for activities in at risk habitats. At risk habitats may be part of a complex ecological landscape. It may be appropriate to take into account not just the effects on the site itself, but also on the wider landscape, for example effects on natural character, or even the significance of the site to the local community, as well as wider Part 2 RMA matters. I consider that a wider consideration of effects than that possible under a restricted discretionary activity may be needed, and that the discretionary activity status as proposed is most appropriate.

CONTROLLING DISCHARGES AND DIVERSIONS

41. Rules 12-7, 12-8 and the new proposed Rule control all activities within an identified habitat that would have an adverse effect upon this habitat. This includes discharges of contaminants and diversions of water within the habitat. Because of the adverse effects that these activities may have, I believe that these activities should be controlled by the Plan.
42. It is a principle of the rules within the POP that where possible all restriction relating to a specific activity should be included in the same rule. This means that Plan users do not need to search through all the rules to discover which rules their activity may need consent for. For example, filling in a part of a wetland for the purpose of creating a road, will likely involve vegetation clearance and diversion of water. It is most efficient for these to be provided for in the same rule, than in different parts of the Plan.

CHAPTER 12 POLICIES

43. A number of the matters that remain outstanding relate to the policies in Chapter 12. These are the decision-making policies of the Regional Plan part of the One Plan. Outstanding issues following consideration of the expert evidence and pre-hearing meetings relate to the policies providing appropriate decision-making guidance, with appropriate linkages back to policies in Chapter 7, and adequate recognition of the provision of nationally and Regionally important infrastructure as identified in Policy 3-1.
44. In response to submissions (primarily from the territorial authorities) relating to the structure of the One Plan, which were considered at the Overall Plan hearing, the Chapters of the POP are subject to an ongoing review. Part of this review is to identify which policies or parts of policies are more strictly resource consent decision-making focussed, and to move these matters to the Regional Plan chapters. Another part of this review is to incorporate specific objectives into the Regional Plan chapters. Changes which result from this review are reflected in the 'pink version' track changes which accompany this report. I believe these changes will resolve the issues that remain outstanding relating to appropriate linkages and decision-making guidance.

The revised policy framework should also adequately provide for consideration of the benefits of infrastructure identified in Policy 3-1.

DEFINITION OF VEGETATION CLEARANCE

45. The original definition of vegetation clearance has been significantly reviewed as part of the revisions to the land provisions. The recommended revisions contain a number of exclusions that are appropriate to apply to the land rules, but are inappropriate for activities in rare, threatened and at risk habitats, for example the exclusion to allow for the collection of firewood. As a result a new definition specifically for use within the biodiversity rules is recommended and this is reflected in the track changes version of the glossary. Horticulture New Zealand raised at the pre-hearing meeting on 22 October 2008, that the definition should provide for crops to be planted and harvested in riparian areas that would otherwise be controlled by the rules. This is a reasonable request and has been incorporated into the new definition.

PART THREE: CORRECTIONS TO ORIGINAL OFFICERS REPORT

46. 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 2.

Helen Marr
24 October 2008

APPENDIX 1: PRE-HEARING MEETINGS

Date	Who	Subject	Outcome	Report number
5 June 2008	Matiu Park (Boffa Miskell) (Acting for Trust Power Ltd and Meridian Energy) Alanya Limmer (Meridian Energy) Fiona Hill (Mighty River Power) Peter Taylor and Corina Jordan (Fish & Game New Zealand, Wellington Region) Julie Ireland (Federated Farms of NZ, Palmerston North) Amy Hawcroft and Julian Watts (Department of Conservation) Donald Kerr (Royal Forest & Bird Protection Society of New Zealand) Helen Marr, Fleur Maseyk (Horizons Regional Council - HRC)	General Biodiversity provisions including Schedule E	HRC agreed to consider a number of changes to Schedule E and provisions. Agreements are reflected in original officers' reports.	19
7 August 2008	Corina Jordan (Fish & Game New Zealand, Wellington Region) James Griffiths (Royal Forest & Bird Protection Society of New Zealand) Julie Ireland* (Federated Farmers of NZ, Palmerston North, and representing all branches of Federated Farmers) Greg Carlyon*, Helen Marr, Fleur Maseyk, Natasha James - Horizons Regional Council	Schedule E Policy 7-2	Agreed to revise definition of kanuka forest to ensure that it is clear that regrowth scrub is not captured, only climax kanuka forest. Revised Schedule E supported in principle by Fish and Game and Forest and Bird. Federated Farmers had to refer back to organisation before confirming. Changes to Policy 7-2 were discussed (Federated Farmers had left meeting): <ul style="list-style-type: none"> • Changing "Net conservation gain" to "net biodiversity gain". • Provision for an offset being narrowed down to within a local area. • Offset only being available if there is no other reasonable location. 	24
16 July 2008	Amy Hawcroft (DoC), Graeme La Cock (DoC), Fleur Maseyk (HRC)	Schedule E	Agreed on: <ul style="list-style-type: none"> • Inclusion of additional habitat types in Table E.1 and consequential additional criteria in Table E.2 • Editing of definitions of Rare Habitat Types. Some but not full agreement on: <ul style="list-style-type: none"> • Species to be included in or deleted from Table E.3 	Experts meeting report circulated
5 August 2008	Graeme La Cock (DoC), Fleur Maseyk (HRC)	Schedule E, specifically duneland	Agreed: <ul style="list-style-type: none"> • on the ecological value of duneland habitat (including 	Experts meeting report circulated

Date	Who	Subject	Outcome	Report number
		habitat	bare sand) <ul style="list-style-type: none"> • that Foxtangi and DoC or TLA reserves are the only key areas that met the criteria for inclusion as proposed by DoC • that additional regulatory control is not the best approach, but in its absence a non-regulatory approach will be essential. Report attached.	
11 August 2008	William Shaw (Acting for Mighty River Power) Maiti Park (Acting for Meridian and Trust Power) Amy Hawcroft (DoC) Graeme La Cock (DoC) Fleur Maseyk (HRC)	Caucusing on expert evidence in relation to Chapter 7 and Schedule E	A number of matters relating to assessment of significance, inclusion of habitats in Schedule E and the structure of Schedule E were discussed. Agreements made are reflected in the revised version of Schedule E circulated to experts and attached.	Experts meeting report circulated
22 July 2008	Tony Thomas (Horowhenua DC.), David Forrest of Good Earth Matters (Combined TAs), David Murphy (Palmerston North CC), Helen Marr and Fleur Maseyk (Horizons RC)	Schedule E Policy 7-1	Agreed that TAs support approach in revised Schedule E. Agreed that HRC should have lead role in biodiversity rules. Agreed to meet again to discuss wording of Policy 7-1	Experts meeting report circulated
10 th September 2008	Helen Marr, Horizons Regional Council John Maassen, Cooper Rapley (Acting for Horizons Regional Council) David Forrest, Good Earth Matters (Acting for Territorial Authority Collective) David Murphy, Palmerston North City Council	Policy 7-1	Agreed revised wording of Policy 7-1, reflected in revised version attached.	Experts meeting report circulated
Energy companies	Energy company planners	Chapter 7 and 12	Planners acting for energy companies met in accordance with the Chairs minute encouraging them to look for common ground regarding their requested changes to Chapter 7 and 12. The requests are reflected for discussion in the summary attached.	Outcomes and requested changes circulated

APPENDIX 2: CORRECTIONS TO ORIGINAL OFFICER'S REPORT

Pages 27 - 32

Submitter	Number	Point	Decision sought	Recommendation
TRUST POWER LIMITED	358	51	Delete clauses (a) and (b) of Objective 7-1 from the Proposed Plan. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Section 7.1.2 and Objective 7.1 as proposed in this submission.	<u>Reject</u>
	X 506	25	MANAWATU BRANCH OF N Z GREEN PARTY - Oppose	<u>Accept</u>
	358	53	Retain Objective 7-1(c) as read. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Section 7.1.2 and Objective 7.1 as proposed in this submission.	<u>Accept in part</u>
	X 522	209	MERIDIAN ENERGY LIMITED - Oppose	<u>Accept in part</u>
MIGHTY RIVER POWER	359	74	The amendment of Objective 7-1 (a) so that it reads as follows: Rare and threatened habitats, as defined in Schedule E, are protected from activities that may cause loss or modification to the features that make the habitat significant [as defined using criteria such as representativeness, distinctiveness, and ecological context] to these areas. Where activities identified as essential infrastructure in Chapter 3 are proposed, provision is made for remedying or mitigating adverse effects on the environment including where appropriate the ability to offset any residual adverse effect by way of a financial contribution.	<u>Reject</u>
	X 506	24	MANAWATU BRANCH OF N Z GREEN PARTY - Oppose	<u>Accept</u>
	X 511	319	TRUST POWER LIMITED - Support	<u>Reject</u>
	X 527	53	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Oppose	<u>Accept</u>

Submitter	Number	Point	Decision sought	Recommendation
MERIDIAN ENERGY LIMITED	363	110	Meridian opposes Objective 7-1 and requests the following or similar:	<u>Reject</u>
			(a) Remove reference to Schedule E;	
			Any consequential amendments necessary to give effect to this submission	
	X 506	26	MANAWATU BRANCH OF N Z GREEN PARTY - Oppose	<u>Accept</u>
	X 511	320	TRUST POWER LIMITED - Support	<u>Reject</u>
MERIDIAN ENERGY LIMITED	363	111	Meridian opposes Objective 7-1 and requests the following or similar:	<u>Reject</u>
			Amend objective to refer to "significant indigenous vegetation or significant habitats of indigenous fauna as opposed to rare and threatened habitats".	
			Any consequential amendments necessary to give effect to this submission	
	X 511	321	TRUST POWER LIMITED - Support	<u>Reject</u>
MERIDIAN ENERGY LIMITED	363	112	Meridian opposes Objective 7-1 and requests the following or similar:	<u>Reject</u>
			Amend objective to ensure that these values are only protected to the extent appropriate;	
			Any consequential amendments necessary to give effect to this submission	
	X 506	28	MANAWATU BRANCH OF N Z GREEN PARTY - Oppose	<u>Accept</u>
	X 511	322	TRUST POWER LIMITED - Support	<u>Reject</u>
MERIDIAN ENERGY LIMITED	363	113	Meridian opposes Objective 7-1 and requests the following or similar:	<u>Reject</u>
			(a) Adopt Meridian's submission with regard to Schedule E; or	
			(b) Delete Objective 7.1	
			Any consequential amendments necessary to give effect to this submission	
	X 511	323	TRUST POWER LIMITED - Support	<u>Reject</u>
GRANT JOHN STEPHENS	369	27	No change required as submitter agrees	<u>Accept</u>
			X 502	92

Submitter	Number	Point	Decision sought	Recommendation
	X 522	200	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
	X 527	148	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	<u>Accept</u>
MINISTER OF CONSERVATION	372	100	Retain existing wording.	<u>Accept in part</u>
	X 502	103	NEW ZEALAND DEFENCE FORCE - Oppose	<u>Reject</u>
	X 522	211	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
TARANAKI / WHANGANUI CONSERVATION BOARD	374	17	7.3 7-1 Objectives Add or insert to actively promote the retention of threatened habitat, the following (c) The region's best representative examples of rare, threatened and at-risk habitats shall be prioritised based on their values and threats. Management of these areas will be proactively managed in order to improve their function	<u>Reject</u>
WELLINGTON CONSERVATION BOARD	375	3	Add part (d): the conservation status of species listed in Schedule E is improved.	<u>Reject</u>
MASON STEWART	394	27	No change required as submitter agrees	<u>Accept</u>
	X 502	93	NEW ZEALAND DEFENCE FORCE - Oppose	<u>Reject</u>
	X 522	201	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
	X 527	219	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	<u>Accept</u>
TARARUA - AOKAUTERE GUARDIANS INC (T A G)	395	27	No change required as submitter agrees	<u>Accept</u>
	X 502	94	NEW ZEALAND DEFENCE FORCE - Oppose	<u>Reject</u>
	X 522	202	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
SUE STEWART	396	27	No change required as submitter agrees	<u>Accept</u>
	X 502	95	NEW ZEALAND DEFENCE FORCE - Oppose	<u>Reject</u>
	X 522	203	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
	X 527	278	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	<u>Accept</u>
ALISON MARGARET	401	27	No change required as submitter agrees	<u>Accept</u>

Submitter	Number	Point	Decision sought	Recommendation
MILDON				
	X 502	96	NEW ZEALAND DEFENCE FORCE - Oppose	<u>Reject</u>
	X 522	204	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
	X 527	344	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	<u>Accept</u>
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	54	Objective 7-1 is supported and we wish it to be retained.	<u>Accept</u>
	X 502	101	NEW ZEALAND DEFENCE FORCE - Oppose	<u>Reject</u>
	X 522	210	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
FEDERATED FARMERS OF NEW ZEALAND INC	426	95	Delete Objective 7-1	<u>Reject</u>
	X 522	212	MERIDIAN ENERGY LIMITED - Support	<u>Reject</u>
FEDERATED FARMERS OF NEW ZEALAND INC	426	96	Or in the alternative, Amend Objective 7-1 to refer to areas of significant indigenous vegetation and significant habitats of indigenous fauna	<u>Reject</u>
	X 522	213	MERIDIAN ENERGY LIMITED - Support	<u>Reject</u>
MANAWATU BRANCH OF N Z GREEN PARTY	433	45	List in Schedule E the specific locations of rare and threatened habitats, or refer to where the information is held.	<u>Reject</u>
LANDLINK LTD	440	44	The submitter did not specifically request a decision; however they did note: they commend the thorough approach taken but are concerned that "the level of detail is such that it will be extremely difficult to implement".	<u>Accept in part</u>
ROBERT LEENDERT SCHRADERS	442	27	No change required as submitter agrees	<u>Accept</u>
	X 502	97	NEW ZEALAND DEFENCE FORCE - Oppose	<u>Reject</u>
	X 522	205	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
	X 527	451	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	<u>Accept</u>
PAUL & MONICA STICHBURY	452	27	No change required as submitter agrees	<u>Accept</u>

Submitter	Number	Point	Decision sought	Recommendation
	X 502	98	NEW ZEALAND DEFENCE FORCE - Oppose	<u>Reject</u>
	X 522	206	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
	X 527	511	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	<u>Accept</u>
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	64	Amend (c) to read "the best representative examples of rare and threatened habitats* and at-risk habitats* are proactively managed to enhance their conservation status".	<u>Reject</u>
	X 506	13	MANAWATU BRANCH OF N Z GREEN PARTY - Support	<u>Reject</u>
SHONA PAEWAI	467	27	No change required as submitter agrees	<u>Accept</u>
	X 502	99	NEW ZEALAND DEFENCE FORCE - Oppose	<u>Reject</u>
	X 527	574	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	<u>Accept</u>
TONY PAEWAI	468	33	No change required as submitter agrees	<u>Accept</u>
	X 502	100	NEW ZEALAND DEFENCE FORCE - Oppose	<u>Reject</u>
	X 522	208	MERIDIAN ENERGY LIMITED - Oppose	<u>Reject</u>
	X 527	638	TARARUA - AOKAUTERE GUARDIANS INC (T A G) - Support	<u>Accept</u>

Page 42

Submitter	Number	Point	Decision sought	Recommendation
TRUST POWER LIMITED	358	56	Delete Policy 7-3 from the Proposed Plan or amend the provisions to only make provision for appropriately identified species and habitats of ecological significance. Any similar amendments to like effect. Any consequential amendments that stem from the amendment of Policies 7-2, 7-3 and Schedule E as proposed in this submission.	<u>Accept in part</u>
	X 522	237	MERIDIAN ENERGY LIMITED - Support in Part	<u>Accept in part</u>

Page 73

Submitter	Number	Point	Decision sought	Recommendation
WELLINGTON CONSERVATION BOARD	375	9	Either add eels to the inanga project or set up a parallel project for eel restoration.	<u>Reject</u>
FISH & GAME NEW ZEALAND - WELLINGTON REGION	417	113	Method is supported and we wish it to be retained.	<u>Accept</u>
NEW ZEALAND INSTITUTE OF FORESTRY	419	13	Retain methods under section 7.5.	<u>Accept</u>
	X 501	227	ERNSLAW ONE LTD - Support	<u>Accept</u>
	X 502	113	NEW ZEALAND DEFENCE FORCE - Support	<u>Accept</u>
ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND	460	76	Submitter supports Method: Inanga Spawning and Native Fishery Sites - Biodiversity.	<u>Accept</u>
	X 492	144	MINISTER OF CONSERVATION - Support	<u>Accept</u>

Page 82

Submitter	Number	Point	Decision sought	Recommendation
DONALD LESLIE SIEMONEK	168	2	Reduce the 30% threshold to 10% and in so doing bring the policy statement in line with current scientific thinking	<u>Reject</u>

Page 145

Submitter	Number	Point	Decision sought	Recommendation
MINISTER OF CONSERVATION	372	224	Add the following rare habitat types to table E1: Calcareous cliffs and bluffs, for example	<u>Reject</u>

Submitter	Number	Point	Decision sought	Recommendation
			<ul style="list-style-type: none"> - areas of calcareous bedrock (limestone, calcareous mudstone) creating karst landscape features - wet cliffs (vertical wetlands") - calcareous coastal cliffs <p>Cave entrances and cave systems (eg. Puraroto caves near Pipiriki; Piripiri caves near Pohangina)</p>	