

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 – Infrastructure, Energy and Waste Section

HEARING DATE

3 September 2008

**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 Consultant 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 8 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 Horizons One Plan (*One Plan*) to which these proceedings relate.
5. 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.

Higgins submission to the One Plan

6. The One Plan will have a significant impact in directing Higgins resource use activities for the next 10 years. Higgins main interests in relation to the One Plan include:
 - (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 One Plan 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 One Plan.
 - (c) Higgins is committed to sustainable resource management and sound environmental practice and seeks to ensure that the One Plan sufficiently facilitates that company aim.
7. Higgins considers that the One Plan is essentially a constructive effort to simplify and streamline the management of the region's resources and the consenting process for activities. Higgins generally supports that overall intent.
8. However, for Higgins core business activities, that streamlining process has resulted in the loss of some enabling provisions of the operative plans, the carry over of some poor or lacking provisions of the operative plans, and the introduction of new policies and methods that are of concern. The details of these concerns have been outlined in Higgins submission, further summarised during Higgins presentation at the Overall Plan hearing, and will be considered at each relevant hearing.
9. These matters of concern that Higgins raise are not restricted to Higgins activities alone, but have wider implications to other organisations involved with the development and maintenance of infrastructure. Higgins work with and service a wide range of public and private sector clients, undertaking regionally significant works that include roading, rail, airports, windfarms river works and flood control.
10. Higgins is concerned that if Horizons does not sufficiently plan for and protect the region's gravel resource there could be significant negative regional impacts, from needing to source gravel from outside the region, resulting in additional transport costs, resulting in increased

infrastructure costs, an increased carbon footprint, possibly the loss of local employment, and a reduction in the supply of gravel and aggregate for construction and infrastructure development. This impact will flow on to all aggregate users and producers.

11. My evidence to follow covers the detail of Higgins submission in relation to the proposed Infrastructure, Energy and Waste Section, specifically proposed Objective 3-1: Infrastructure and Energy.

Infrastructure, Energy and Waste Section: Planning Officer's Report

12. Two of Higgins submission points are dealt with in the Planning Officer's Report on the Infrastructure, Energy and Waste Section, as follows:

- (a) Higgins sought that Objective 3-1 be retained as proposed [*Submission 153/2*]. This has been *accepted* by the Planning Officer's recommendation.
- (b) Higgins sought to include specific reference and provision for the region's gravel resource and the extraction of that resource in Chapter 3 of the Proposed One Plan [*Submission 153/3*]. This has been *rejected* by the Planning Officer's recommendation.

13. I will address each submission point below.

Objective 3-1: Infrastructure and Energy.

14. Objective 3-1 as proposed reads:

Resource use activities associated with the provision, maintenance and upgrading of infrastructure, and/or with the use of renewable energy, will be recognised and enabled.

15. Higgins seeks for Objective 3-1 to be retained as proposed because the wording seeks to recognise and enable, amongst other relevant activities, Higgins resource use activities associated with the provision, maintenance and upgrading of infrastructure, and/or with the use of renewable energy. Higgins core resource use activities are the extraction and processing of the region's gravel resource, which is predominantly used for the provision, maintenance and upgrading of infrastructure, and to a lesser but growing extent with the use of renewable energy (i.e. windfarm construction).

16. I share that opinion. Objective 3-1 seeks that Higgins core resource use activities are recognised and enabled.
17. For example, the gravel extraction and processing activities undertaken by Higgins are critical to provide, maintain and upgrade infrastructure. Higgins manufacturing division supply materials such as aggregate, concrete, asphalt and bitumen, to Higgins contracting division as well as to a range of public and private sector clients for infrastructure works. A significant part of Higgins contracting business is the maintaining and resurfacing of existing roads on behalf of Transit New Zealand and local authorities. Higgins contracting division is heavily involved in the provision, maintenance and upgrading of infrastructure, including constructing and maintaining roads, constructing windfarm infrastructure, and maintaining and upgrading airport infrastructure. Higgins estimates that upwards of 80% of Higgins Aggregates sales are used for infrastructure.
18. Higgins supports the Officer's recommendation to retain Objective 3-1 as proposed, on the understanding that this objective does propose to recognise and enable Higgins resource use activities associated with the provision, maintenance and upgrading of infrastructure, and/or with the use of renewable energy.
19. I share that support and understanding. The region's gravel resource is a key starting point when considering the steps to recognise and enable resource use activities associated with the provision, maintenance and upgrading of infrastructure, and/or with the use of renewable energy.
20. I would expect that when the hearings on later relevant chapters, such as Chapters 6 (Water) and 16 (Beds of Rivers and Lakes) take place, Objective 3-1 can be cross-referenced with a view to strategically recognise and enable gravel extraction activities and the sustainable management of the region's gravel resource in those chapters.

Specific recognition for the gravel resource and the extraction of that resource in Chapter 3

21. Higgins seeks the inclusion of a specific reference and provision for the region's gravel resource and the extraction of that resource in Chapter 3 of the One Plan.

22. Specific reference is sought to provide certainty and clarity that the One Plan recognises the inextricable link between the gravel resource, its extraction and processing and infrastructure provision, maintenance and upgrade. I share Higgins opinion that a clear reference to this essential link should be provided in Chapter 3.
23. Objective 3-1 provides a ‘catch-all’ provision for resource use activities associated with the provision, maintenance and upgrading of infrastructure, and/or with the use of renewable energy. For the avoidance of doubt, Higgins seeks specific reference to ensure Objective 3-1 does recognise and enable gravel extraction and associated activities as an essential part of the provision, maintenance and upgrade of infrastructure.

24. This has been *rejected* by the Planning Officer's recommendation, with the following explanation:

In terms of the submission from Higgins Group (153/2 & 3), I do not consider that gravel and aggregate extraction meets the definition of infrastructure and therefore is not a matter to be addressed in Chapter 3. This matter is more appropriately dealt with in Chapters 6 and 16, which deal with gravel extraction and other activities in the beds of rivers and lakes. The hearing panel should consider if those activities are appropriately enabled through the policies and rules when hearing submissions on those chapters. [page 90]

25. I do not support this recommendation.
26. Higgins submission point is that gravel extraction is an essential resource use activity associated with the provision, maintenance and upgrading of infrastructure, and to a lesser extent with the use of renewable energy.
27. In relation to infrastructure, in my opinion the fundamental point of Chapter 3 is to:
- (a) Recognise that some infrastructure, such as roading, is regionally and nationally important; and
 - (b) As a consequence of that importance, set provision ‘upfront’ in the One Plan that resource use activities associated with the provision, maintenance and upgrading of infrastructure will be recognised and enabled. That upfront provision of Chapter 3 will direct the following resource-based chapters, with a view to ensuring that the benefits of

infrastructure and the environmental effects of infrastructure are balanced and managed appropriately.

28. Likewise, Chapter 3 seeks to recognise ‘upfront’ the benefits to be derived from the use and development of renewable energy in a similar manner.
29. Certainly, the recognition and enablement of regionally important resource use activities such as gravel extraction can be reinforced and further provided for in later chapters, such as Chapter 6 and 16. However, I do not support the Planning Officer’s recommendation that Chapter 3 should be silent on the region’s gravel resource and the extraction of that resource. The gravel resource and its extraction underpin the region’s infrastructure, and to a lesser extent the use and development of renewable energy.
30. Consistent with the purpose of Objective 3-1, specific reference and provision for the region’s gravel resource and the extraction of that resource should be provided in Chapter 3 of the One Plan.
31. There are a number of ways this could be achieved. I consider the following means would address Higgins concern in a feasible manner:

- (a) Including specific reference to the gravel resource in Objective 3-1, such as:

Resource use activities, including the use of the gravel resource, associated with the provision, maintenance and upgrading of infrastructure, and/or with the use of renewable energy, will be recognised and enabled.

Alternatively, and/or in support of the above:

Provide an explanation to Objective 3-1 in Section 3.7.1 that ‘resource use activities’ comprise, but are not limited to, the use of the gravel resource including gravel extraction.

- (b) Including a specific policy to support Objective 3-1, similar to proposed Policy 3-1(b), such as:

In making decisions about the use of the region's gravel resource, the benefits derived from the final use of the gravel at a local, regional and national level, such as its use for infrastructure, shall be taken into account.

- (c) Explanation supporting the above provisions can be provided in Section 3.7.1 accordingly.

Concluding Statement

32. To put the request above in context, some of Higgins specific concerns of the One Plan are:

- (a) Proposed Policy 6-32 sets allocation limits only, rather than seeking to enable and facilitate appropriate gravel extraction. There are no enabling objectives, policies, methods or rules in the One Plan specific to large-scale gravel extraction. This is likely to be an issue for Horizons also if there is a move towards global consent for gravel extraction, with the consent holder being Horizons.
- (b) Gravel extraction has a number of social, economic and environmental benefits, with relatively minor adverse environmental effects in comparison. If the One Plan does not adequately recognise and provide for gravel extraction, there could be significant negative regional impacts, from needing to source gravel from outside the region, resulting in additional transport costs, resulting in increased infrastructure costs, an increased carbon footprint, possibly the loss of local employment, and a reduction in the supply of gravel and aggregate for construction and infrastructure development.. Higgins considers, at the very least, there must be a supporting policy for Policy 6-32 to provide some flexibility and facilitation for gravel extraction.
- (c) Higgins considers there is a significant omission from the river values identified in the One Plan - the value of the gravel resource. Schedule D and Table 6.2 provide for social/economic values, however the social and economic value of the region's gravel resource is not provided for. Higgins seeks the recognition of the gravel resource as a regionally significant river value, incorporated into proposed Section D and Table 6.2 (social and economic).

33. The detail of these concerns will be addressed at the relevant hearings to follow. However, Higgins considers that the concerns above are to some extent related to the fact that the One Plan does not adequately recognise the regional significance of the gravel resource and Higgins' core resource use activities, which are predominantly focussed on the ongoing sustainable management of infrastructure.
34. The inclusion of specific recognition for the region's gravel resource and the extraction of that resource in Chapter 3 of the One Plan is needed to:
- (a) Recognise and enable such resource use activities, which are associated with the provision, maintenance and upgrading of infrastructure, and/or with the use of renewable energy.
 - (b) Establish in the One Plan the link between infrastructure and the use of the gravel resource, to direct future relevant sections of the Plan, such as Chapters 6 and 16.
35. This can be achieved in a number of ways as suggested above, including via Objective 3-1, policies supporting Objective 3-1 and the explanation to these provisions in Section 3.7.1. Higgins is committed to working with Horizons on this matter, and would be happy to assist further to ensure that the relief sought is achieved.

Relief Sought

36. The following relief is sought:
- (a) That Objective 3-1 be retained as proposed [*Submission 153/2*].
 - (b) That specific reference and provision be included in Chapter 3 of the One Plan for the region's gravel resource and the extraction of that resource [*Submission 153/3*].
37. Should the Commissioners consider revision to Objective 3-1 is necessary to achieve (b), then (b) will over-ride (a).
38. I am happy to answer any questions the Commissioners may have.