

BEFORE THE MANAWATU-WANGANUI REGIONAL COUNCIL

In the matter of the Resource Management Act 1991

and

In the matter of Submissions and further submissions made by
TRUSTPOWER LIMITED to the Manawatu-
Wanganui Regional Council on the Proposed Horizons
One Plan – Te Ao Maori Provisions.

STATEMENT OF EVIDENCE OF ROBERT JOHN SCHOFIELD
Environmental Planner

25 July 2008

Introduction

- 1.1 My name is Robert John Schofield, and I am a Senior Principal of Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I hold the qualifications of BA (Hons) and Master of Regional and Resource Planning (Otago). I am a Member of the New Zealand Planning Institute, and a Past President (1998-2000). I have been a planning consultant based in Wellington for over 23 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the infrastructure and power sectors.
- 1.2 My experience includes the writing and preparation of Plan Changes for Councils and private clients, as well as work on the preparation of District and Regional Plans, including formulating provisions for infrastructure and energy development and distribution.
- 1.3 In this matter, I have been commissioned by TrustPower Limited ('TrustPower') to prepare its submissions on the proposed One Plan and to present planning evidence on its points consistent with the purpose and principles of the Resource Management Act 1991 ('RMA'). I have worked closely with both TrustPower and with other generators as part of my involvement in submissions on the proposed One Plan.
- 1.4 In preparing my evidence, my approach was to:
- Consider the provisions of the proposed One Plan of consequence to TrustPower, having regard to the purpose and principles of the RMA and other relevant national policies and strategies; and
 - Recommend appropriate changes that would give effect to the amendments requested by TrustPower in a way that is consistent with the RMA and my duties as an independent planning expert.
- 1.5 I have been engaged by TrustPower to provide an analysis of the proposed One Plan in terms of the relevant statutory considerations and obligations, taking into account those issues raised by TrustPower in relation to Te Ao Maori. I do not intend to address many of the matters of other submitters' concerns in TrustPower's submission in detail, unless specifically relevant. Rather, the purpose of my evidence is to review the principal matters of concern to TrustPower within the Chapter on Te Ao Maori against the purpose and principles of the RMA and good planning practice.
- 1.6 My evidence takes into account the section 42A report recommendations on the Te Ao Maori-related provisions of the proposed One Plan.
- 1.7 My evidence is structured according to the following format:
- Statutory considerations, particularly the purpose and principles of the RMA.
 - An analysis of the section 42A report's recommendations into the submissions and further submissions on the proposed One Plan as they relate to the concerns of TrustPower.
- 1.8 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. 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.

2 Primary Issues for TrustPower

- 2.1 As outlined in its primary submission, TrustPower generally supports the intent of the proposed One Plan, which seeks to ensure an integrated approach to resource management in the Manawatu-Wanganui Region. In a large measure, TrustPower either supports or does not oppose the general direction and approach of the One Plan. However, the proposed One Plan introduces a number of changes to policy that have the potential to adversely affect the ability to maintain and enhance effective and efficient electricity generation within the Region.
- 2.2 In relation to the notified version of the plan, TrustPower's key concern was that the provisions would make it unreasonably and unnecessarily onerous to develop or maintain energy generation facilities in areas identified as having significant value to Maori. Similarly, TrustPower was also concerned about ensuring legally established water users remained involved in the decision-making process with respect to suspending takes of water in times of low flow or during rahui – temporary cessation of resource activities. I am satisfied however, that the section 42A report recommendations regarding the Te Ao Maori chapter of the plan adequately address TrustPower's concerns and give appropriate recognition to resource activities and uses.

3 The Proposed One Plan – Te Ao Maori Provisions

- 3.1 First, I would note that if any matter raised in TrustPower's submission is not discussed in my evidence, then it should be inferred that I agree with the relevant recommendations in the section 42A report.
- 3.2 To assist the Committee, I have attached as Appendix 1 a summary table of TrustPower's submissions and further submissions, whether the officer's recommendation is to accept or reject these submissions, and my comments on the recommendations in respect of the provisions on Te Ao Maori.

Recommendation TAM 8

Objective 4-1 Environmental Management

- 3.3 I support the section 42A report recommendations to amend Objective 4-1 to 'recognise and provide for' the mauri of natural and physical resources in order to provide for the social, economic and cultural wellbeing of hapu and iwi, as opposed to stating that it will be 'protected'. The terminology 'recognise and provide for' is consistent with the intent of Part II RMA and is therefore supported.

Recommendation TAM 9

Chapter 4 - Policy 4-1 Hapu and iwi involvement in resource management

- 3.4 TrustPower originally supported the submissions of Genesis Energy Limited¹ seeking clarification as to how hapu and iwi will be involved in the consent decision making process, such as for non-notified consents or prior to a hearing taking place. However, I am satisfied at the rejection of this relief by the section 42A report as the recommended changes seek to reflect that this policy is about clarifying the relationship between Horizons Regional Council and iwi and hapu (as opposed to providing a steer to a resource user).

Recommendation TAM 10

Chapter 4 - Policy 4-2 Waahi tapu, waahi tupuna and other sites of significance

- 3.5 Similarly to Policy 4-1, TrustPower also supported the submission of Genesis Energy Limited² seeking clarification on sites of significance to Maori. I support the section 42A report's recommendations to insert the terms 'inappropriate' and 'co-operatively' in terms of consultation and the development of minimisation protocols where it is likely such sites will exist. This relief satisfactorily addresses the relief sought by TrustPower.

Recommendation TAM 11

Chapter 4 - Policy 4-3 Protection of mauri of waterbodies

- 3.6 TrustPower originally sought amendments to Policy 4-3 to include a cross-reference to the policies and objectives of Chapter 3 in relation to providing for infrastructure and energy development (including renewable energy generation).³ This relief was aimed at ensuring legally established water users were involved in the decision-making process with respect to suspending takes of water in times of low flow or during rahui – temporary cessation of resource activities. TrustPower also supported similar submissions of Genesis Energy Limited and Horticulture NZ seeking similar relief.⁴
- 3.7 Although this relief was rejected by the section 42A report, I am satisfied that the proposed amendments to the policy satisfactorily address TrustPower's concerns regarding the potential importance of these lawfully established resource uses. Similar to my evidence above regarding the wording of Objective 4-1, I am satisfied that the revised Policy 4-3(a), which relates to the mauri of waterbodies, now refers to 'recognise and provide for' as opposed to 'protect' and also includes an appropriate cross-reference to Policy 6-19 (apportioning of takes of water in times of low), subject to TrustPower's relief in regard to Policy 6-19 to be addressed at a later hearing.
- 3.8 I also support the proposed amendments to Policy 4-3(b), which relates to a rahui being initiated, to include the need for the Regional Council to consult with

¹ Refer submissions 268 10, supported by X 511 112; and 268 9; supported by X 511 111

² Refer submission 268 11; supported by X 511 113

³ Refer submission 358 22

⁴ Refer submission 268 12; supported by X 511 116; submission 268 13, supported by X 511 117; and submission 357 48, supported by X 511 120

‘potentially affected resource users’ and consider this addresses the intent of TrustPower’s submission in a manner consistent with the RMA.

Recommendation TAM 14

Chapter 4 - Method - Memorandum of Partnership (MoP)

- 3.9 TrustPower originally supported the submission of Genesis Energy Limited seeking that this Method be amended to enable more transparency in the identification of sites of significance to hapu and iwi by making this information available in accordance with Policy 4-2 (a).⁵ Having read the section 42A report evaluation, however, I am satisfied that this Method is more about the development of memoranda of understanding and forming working relationships with iwi generally as opposed to identifying sites of significance. Accordingly, I accept the recommendation in part, subject to the amendments to Policy 4-2 as discussed above.

4 Conclusion

- 4.1 In conclusion, I support the overall intent and approach of the One Plan to provide a strong framework for promoting the integrated management of the Region’s natural and physical resources, focusing on key regional assets and issues. In particular, the recognition of other legally established resource users within the Te Ao Maori provisions of the Plan is supported.
- 4.2 The focus of TrustPower’s submission was on ensuring that the management framework provided for by the Te Ao Maori provisions did not impact on other legally established resource users, particularly those providing national or regional benefits in the Manawatu-Wanganui Region.
- 4.3 Accordingly, I would recommend that the relief sought by TrustPower be accepted, according to the manner outlined in my evidence.



Robert Schofield
Senior Principal, Boffa Miskell Limited | Environmental Planner
25 July 2008

⁵ Refer submission 268 15 Genesis; supported by X 511 121

Appendix 1: Horizons Proposed One Plan
Summary of primary and further submissions of TrustPower Limited on those provisions relating to Te Ao Maori

Submitter number / Submitter	Relief Sought	Officer's recommendation	Comments on Officer's recommendation
Recommendation Te Ao Maori 5 - Paragraph 4.1.4 Environmental Issues of Concern to Hapu and Iwi			
359 28 Mighty River Power (MRP) X 511 108 (Support)	Retain this section of the Plan subject to the amendments specified elsewhere in this submission.	359 28 Accept in part X 511 108 Accept	Support
Recommendation Te Ao Maori 8 - Objective 4-1 Environmental Management			
358 21 TrustPower (TPL) X X527 38 Tararua Aokautere Guardians (TAG) (Oppose)	Amend Objective 4-1 to appropriately qualify the reference to 'the mauri of natural and physical resources' to address TPL's concerns. Any similar amendment with like effect.	358 21 Accept X 527 38 Reject	Support
359 29 MRP X 511 109 (Support)	The amendment of (a) so that it provides for circumstances where the values associated with mauri may be affected but there is the opportunity to provide for the relationship through other means.	359 29 Accept X 511 109 Accept	Support
363 49 Meridian Energy Limited (MEL) X 511 110 (Support)	Meridian opposes Objective 4-1 and requests clause (a) is amended as follows or similar: (a)The mauri of natural and physical resources will be recognised and provided for in order to provide for the social, economic and cultural wellbeing of hapu and iwi. Any consequential amendments necessary to give effect to this submission	363 49 Accept X 511 110 Accept	Support
Recommendation Te Ao Maori 9 - Policy 4-1 Hapu and iwi involvement in resource management			
268 10 Genesis Power Limited (Genesis) X 511 112 (Support)	Clarification as to how hapu and iwi will be involved in the consent decision making process, such as for non notified consents, or prior to a hearing taking place.	268 10 Reject X 511 112 Reject	Accept recommendation, as it is proposed to clarify this policy to reflect its actual intent: i.e. this policy is about clarifying the relationship between HRC and iwi and hapu (as opposed to providing a steer to a resource user).
268 9 Genesis X 511 111 (Support)	Wording changes to address reflecting the above concerns as follows: Kaitiakitanga and the relationship between hapu, iwi and ancestral taonga will be enabled and fostered through encouraging increased involvement in resource management including:	268 9 Reject X 511 111 Reject	Support, as above.

	<p>(a) protocols or other types of arrangements 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 with local authorities 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>		
Recommendation Te Ao Maori 10 - Policy 4-2 Waahi tapu, waahi tupuna and other sites of significance			
268 11 Genesis X 511 113 (Support)	<p>Amend Policy 4-2 as follows:</p> <p>(a) Waahi tapu, waahi tupuna and other sites of significance to Maori identified:</p> <p>(i) in district plans.</p> <p>(ii) as historic reserves under the Reserves Act 1977.</p> <p>(iii) as Maori reserves under the Te Ture Whenua Maori Act 1993.</p> <p>(iv) as sites recorded in the New Zealand Archaeological Associations Site Recording Scheme.</p> <p>(v) as registered sites under the Historic Places Act 1993 shall be appropriately managed to recognise the qualities and features which contribute to the values of these sites.</p> <p>(b) Sites not identified (for confidentiality and sensitivity reasons) by hapu and iwi under (a), above, shall be protected from potential damage or disturbance by:</p> <p>(i) Encouraging resource consent applicants, resource users or contractors to undertake early and meaningful consultation with hapu and iwi, such that cooperatively, damage minimisation protocols are developed where it is likely that such sites might exist.</p> <p>(ii) Regional Council facilitating the compilation of a database with hapu and iwi to map the locations of waahi tapu and other historic sites of special significance.</p> <p>(iii) developing a code of practice whereby resource users and contractors have clear guidelines in the event rua koiwi or waahi tapu are discovered.</p>	268 11 Accept in part X 511 113 Accept in part	Accept recommendation, as it is proposed to insert the term 'inappropriate' and the term 'co-operatively' in terms of consultation and development of minimisation protocols where it is likely such sites will exist.
357 47 Horticulture New Zealand Limited (Hort NZ) X 511 115 (Support)	Decision Sought: Amend Policy 4-2 b) i) to read: Council will undertake consultation with iwi to develop minimisation protocols where a resource consent application may impact on a site.	357 47 Reject X 511 115 Reject	Support the addition of the term 'co-operatively'.
359 30 MRP X 511 114 (Support)	The amendment of (a) so that it provides for circumstances where the associated values may be adversely affected.	359 30 Accept X 511 114 Accept	Support the addition of the term 'inappropriately'.
Recommendation Te Ao Maori 11 - Policy 4-3 Protection of mauri of waterbodies			
268 12 Genesis X 511 116 (Support)	In Policy 4-3 (a) the policy reference should read Policy 6-19 in Chapter 6. (a) The Regional Council will protect the mauri of waterbodies by encouraging the implementation of Policy 4-1 a-g above and by restricting and suspending water takes in times of low flow consistent with Policy 6-21 in Chapter 6.	268 12 Accept X 511 116 (Presumed accept)	Support
268 13 Genesis X 511 117 (Support)	Delete Policy 4-3 (b) unless the specificity required by the RMA is provided.	268 13 Reject X 511 117 Reject	Accept recommendation which requires consideration of other consented resource users

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			(this is in relation to rahui and temporary cessation of activities).
357 48 Hort NZ X 511 120 (Support)	Decision Sought: Amend Policy 4-3 to: Recognise and provide for the mauri of waterbodies.	357 48 Accept X 511 120 Accept	Accept recommendation, given change from 'protect' to 'recognise and provide for'.
358 22 TPL X 527 39 TAG (Oppose)	Amend Policy 4-3 to include a cross-reference to the policies and objectives of Chapter 3 in relation to providing for infrastructure and energy development (including renewable energy generation). Any similar amendment with like effect. Any consequential amendments that stem from the amendment of Policy 4-3 as proposed in this submission.	358 22 Reject X 527 39 Accept	Accept recommendation, as the section 42A report notes that each policy and objective of the RPS stands and has equal weight in its own chapter. The policy now includes the appropriate cross-reference to Policy 6-19 (apportioning of takes of water in times of low).
Recommendation Te Ao Maori 14 - Method - Memorandum of Partnership (MoP)			
268 15 Genesis X 511 121 (Support)	Enable more transparency in the identification of sites of significance to hapu and iwi by making this information available in accordance with Policy 4-2 (a).	268 15 Reject X 511 121 Reject	Accept recommendation in part, subject to the amendments to policy 4-2 (this method is more about memoranda of understanding and forming working relationships with iwi generally as opposed to identifying sites of significance).