

**BEFORE THE HEARINGS COMMITTEE**

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

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**SECTION 42A REPORT OF  
ANDREA RUTH BELL ON BEHALF OF  
THE MANAWATU-WANGANUI REGIONAL COUNCIL**

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1. My name is Andrea Ruth Bell. I am a self-employed environmental consultant. I have previously described my qualifications and experience to the Hearing Panel for the Proposed One Plan (“One Plan”). I have also previously stated that I have read the Environment Court’s practice note “Expert Witnesses – Code of Conduct” and agreed that the overriding duty to the Environment Court expressed in paragraph 5.2.1 of that code of conduct will be treated as a duty to the Hearing Panel.
2. The purpose of my evidence is to recommend some overall changes to the One Plan. These changes are in response to, and are within the scope of, submissions on the One Plan made by the Horowhenua, Manawatu, Rangitikei, Ruapehu, Tararua and Wanganui District Councils and by Mighty River Power. My recommended changes are described in the following paragraphs.
3. **Respective roles of Regional Policy Statement and Regional Plan:** The One Plan has been written with a view to providing a single, clear framework for resource management within the Manawatu-Wanganui Region. Within the One Plan, Part I comprises the Regional Policy Statement (RPS) and Part II comprises the Regional Plan. At present the bulk of the policy framework resides within the RPS. I recommend that the roles of the RPS and Regional Plan are changed slightly such that:
  - (a) The RPS establishes the overall resource management objectives, together with policies and methods that identify and guide the principal means by which those objectives will be realised; and
  - (b) The Regional Plan contains the detail on how activities will be controlled, including the specification of quantitative sustainable limits and policies directing decision-making for particular activities.

The main implication of this recommendation is that some policies (or parts of policies), which fulfil the purposes noted under (b) above and are presently located within the RPS, would be moved to the Regional Plan. This would remove any confusion about how district plans would be expected to “give effect to” such policies under section 75(3) of the Resource Management Act (RMA). It would also open up such policies to requests for plan changes from any person under the First Schedule to the RMA.

4. **Objectives in Regional Plan:** I recommend that additional objectives be included in Chapters 12 to 17 of the One Plan, for the sake of providing a subject-by-subject application of the overarching Objective 11-1 and avoiding any doubt about whether the Regional Plan complies with section 67 of the RMA. However, in my opinion such objectives should be written in a manner that does not confuse, or militate against, the goals and directions set by the objectives of the RPS.
5. **Giving effect to the RPS:** Regional plans and district plans are required to “give effect to” a regional policy statement (in accordance with sections 67(3) and 75(3) of the RMA). In order to be clearer about how this is to be achieved, I recommend that the policies of the RPS state who they are targeted at, and what the level of obligation is. Two tiers of obligation are recommended: “shall” and “may”.
6. **Methods:** The methods of the RPS comprise non-statutory “projects”. The full range of methods to be used to implement the policies of the RPS is not presently identified. In particular, statutory mechanisms such as regional and district plans are not listed as methods in the RPS. I recommend that the RPS is amended to identify the role of statutory methods. This could be done within each Chapter of the RPS. Alternatively methods such as regional and district plans, which are relevant to a wide range of policies, could be listed just once and then cross-referenced to each relevant Chapter of the RPS.

7. **Linkages:** I recommend that the One Plan is amended to show how the various provisions within the Plan are linked together as follows:
- (a) *Linkages between issues and objectives in RPS:* By stating at the end of each objective in the RPS which issue (or issues) the objective relates to;
  - (b) *Linkages under section 62 RMA:* By identifying linkages between issues, objectives, policies, methods and anticipated environmental results in the RPS in accordance with section 62 of the Act;
  - (c) *Linkages under section 67 RMA:* By identifying linkages between objectives, policies and rules in the Regional Plan in accordance with section 67 of the Act;
  - (d) *Linkages between RPS and Regional Plan:* By citing, within each policy of the Regional Plan guiding how decisions will be made on consent applications for certain activities, which objectives and policies of the RPS (if any) are of primary relevance to the control of those activities. This would stop short of comprehensively listing all RPS objectives and policies that might be relevant; and
  - (e) *Cross-references to policies within rules:* By including in rules for controlled, restricted discretionary, discretionary and non-complying activities a cross-reference to the main policies guiding how decisions will be made on consent applications under each rule.
8. I have discussed the matters listed in paragraphs 3 to 7 of my evidence with territorial authority representatives. And, with the exception of listing statutory methods that have widespread relevance to the RPS (such as regional and district plans), I have recommended changes to the land management chapters of the One Plan along the lines of those described. That brings my evidence to an end.

Andrea Bell  
4 November 2008