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**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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**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. My evidence relates to infrastructure and, more specifically, to whether the adverse effects of infrastructure should be addressed in Chapter 3 of the One Plan. This matter remained unresolved despite being the subject of pre-hearing consultation. I was asked by Horizons officers to give my opinion on the pros and cons of addressing the adverse effects of infrastructure in Chapter 3 and, on the basis of this evaluation, to make recommendations on the wording of Objective 3-1 and Policy 3-3. In my evidence I summarise my evaluation and set out my recommendations for Objective 3-1 and Policy 3-3. It should be noted that I did not participate in the pre-hearing consultation, and so have not had heard first-hand the opinions of submitters. However, Horizons officers have described to me the discussions that took place.
3. In the brief for my evidence, Horizons officers stated that they wished to include adverse effects in Objective 3-1 to provide more clarity and certainty about how infrastructure will be managed differently to other activities. Officers also stated that they intended to revise Policy 3-3, in order to:
  - (a) In Policy 3-3(a), provide for the establishment of new infrastructure, and allow the maintenance, upgrading and operation of existing infrastructure in the special areas outlined in the resource based chapters of the One Plan, e.g., biodiversity in Chapter 7 and 12; and
  - (b) In Policy 3-3(b), indicate how infrastructure might be treated differently to other activities in areas not addressed in clause (a).
4. Following a pre-hearing meeting, the management of the adverse effects of infrastructure remained the primary issue of contention. Horizons officers were still of a view that references to the adverse effects of infrastructure should be included in Chapter 3, while some submitters held the view that all references to the adverse effects of infrastructure should be deleted from Chapter 3 on the basis that adverse effects are addressed in other chapters of the One Plan.
5. In my opinion, the pros and cons of retaining an objective and policy dealing with the adverse effects of infrastructure in Chapter 3 are as follows:

<b>Approach of retaining an objective and policy dealing with adverse effects of infrastructure in Chapter 3</b>	
<b>Pros</b>	<b>Cons</b>
<ul style="list-style-type: none"> <li>• The approach would set up the overarching framework for managing adverse effects of infrastructure; which would direct later chapters of the Regional Policy Statement, and be given effect to in the Regional Plan and District Plans.</li> <li>• The approach would enable a clear statement that the adverse effects of infrastructure may be treated a little more leniently than the adverse effects of other activities, in recognition of the importance of infrastructure. As noted above, this must then be given effect to in all subordinate planning documents.</li> <li>• The approach would ensure that Chapter 3 is balanced: recognising the benefits of infrastructure, ensuring that other activities do not cause problems for infrastructure, and greasing the rails for the treatment of adverse effects arising from infrastructure while ensuring there are no unacceptable effects.</li> </ul>	<ul style="list-style-type: none"> <li>• If the words “managing [infrastructure’s] adverse environmental effects and the adverse effects of other activities on it” were included in Objective 3-1 (as proposed by Horizons’ officers), these would not clearly communicate a resource management outcome to be achieved or direction to be followed. Nor would they add much value to the RMA.</li> <li>• If <u>specific</u> adverse effects were dealt with in Policy 3-3, this would risk overlaps and inconsistencies with the way specific effects were dealt with in later chapters of the One Plan.</li> <li>• Policy 3-3, as written in the Proposed One Plan and as presented to the pre-hearing meeting, would only deal with consent decision-making. By comparison, Policies 3-1 and 3-2 are not restricted to consent decision-making.</li> </ul>

6. On the basis of this evaluation, I have reached the following conclusions:

- (a) Objective 3-1 should not be amended to include a reference to managing adverse effects.
- (b) Policy 3-3 should be retained but amended to remove all references to specific effects. Policy 3-3 should also be broadened to encompass all decision-making regarding the adverse effects of infrastructure, rather than be restricted to decision-making on consent applications.

7. My suggested wording for Objective 3-1 and Policy 3-3 are set out below. (Objective 3-1 only deals with infrastructure as Horizons officers have recommended that energy be the subject of a separate objective.)

**Objective 3-1: Infrastructure**

The benefits of infrastructure will be recognised by providing for the establishment of new infrastructure and allowing the operation, maintenance and upgrading of existing infrastructure.

### **Policy 3-3: Adverse effects of infrastructure on the environment**

In managing any adverse environmental effects arising from the establishment, operation, maintenance or upgrading of infrastructure, the Regional Council and territorial authorities shall:

- (a) Allow the operation, maintenance and upgrading of all infrastructure once it has been established, no matter where it is located;
  - (b) Allow minor adverse effects arising from the establishment of new infrastructure; and
  - (c) Avoid, remedy or mitigate more than minor adverse effects arising from the establishment of new infrastructure in the same manner as these effects would be avoided, remedied or mitigated for other types of activities unless this is impracticable due to functional, operational or technical constraints, in which case the following matters shall be taken into account:
    - (i) The need for the infrastructure;
    - (ii) The extent to which adverse effects can be practicably avoided, remedied or mitigated, including whether there are any practicable alternatives to the proposed location and design of the infrastructure; and
    - (iii) Whether a financial contribution should be sought to offset or compensate for adverse effects that cannot be adequately avoided, remedied or mitigated.
8. I have discussed my recommendations with Mr Gilliland, who has incorporated them in his supplementary evidence. That brings my evidence to an end.

**Andrea Bell**

**20 May 2009**