

IN THE MATTER

of Hearings on Submissions
concerning the proposed One
Plan notified by the
Manawatu-Wanganui
Regional Council

MEMORANDUM OF COUNSEL FOR TERRITORIAL LOCAL AUTHORITIES

MAY IT PLEASE THE COMMITTEE:

1. At the "land hearings" held in Ohakune on 14 July a statement by Richard Kirby, Assets Group Manager, Manawatu District Council was tabled.
2. In response to that statement members of the panel raised three matters for comment by Mr Kirby. We set those out below:
 - The evidence of David Le Marquand given on behalf of Transpower discussed the concepts of "maintenance" and "minor upgrades". He also offered amended plan provisions as part of his evidence.
 - Whether Mr Kirby's preference was for the large scale consents to which he referred in his statement or the permitted activity approach?
 - The chairperson raised an issue concerning roads and forestry codes of practice. We have taken the query to relate policy 12-2 Recognition of Industry Standards which is referred to on page 38 of Manawatu District Council's submission.
3. With regard to bullet point one, we are instructed that current practice with regard to minor upgrading and maintenance is governed by a global consent. This has been acceptable to Horizons. The collective would like that practice to continue and to be provided for as a permitted activity in the One Plan. It would be difficult to suggest limits based on volumes or cost.
4. With regard to bullet point two, Mr Kirby's response is that it is all dependent on what is being dealt with and the scale involved:
 - (a) for general day to day maintenance – no consent is required other than consents for approved dump sites.

- (b) for one off projects or minor improvements – no consents are required up to a value that aligns with expenditure limits of LTNZ funding for minor improvements. Improvements under \$150,000 are regarded as permitted. Above that they are treated like any other project i.e. discretionary activities depending upon the type of work.
- (c) For emergency responses and subsequent reinstatement – no consent is required for events that are declared or result from an event with a severe weather warning issued by MetService. Any follow on reinstatement could be covered by one blanket consent as these are of short duration i.e. one to two years. One way of addressing consequential reinstatement would be via a long term large scale consent with appropriate conditions attached. This would be similar to the current consents held by the councils for bridges and culverts which provide flexibility to work on those assets for a 35 year term.

5. With regard to Policy 12-2 we are instructed as follows:

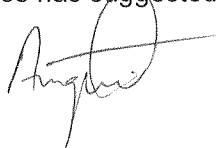
The "industry standards" and "codes of practice" for day to day maintenance largely exist as specifications and methodologies within roading contracts. There are some industry standards that are accepted nationally, however the forestry codes of practice focus more on how and when logging occurs for the protection of roading from the stresses of potentially significant loadings over a short period of time.

Where forestry companies are involved in either, say forestry or land clearance and follow industry standards the collective territorial authorities are not opposed to such activities being classified as permitted. If there is to be a shift of responsibility to the territorial authorities to ensure that such standards are adhered to in a particular area, then the territorial authorities should be able to require modifications to the standards and practices where appropriate so that roading is protected. The territorial authorities acknowledge the need to consult with Horizons to ensure that the permitted activity status is not compromised and still complies with the One Plan's overall objectives. Past experience has suggested that this is achievable.

DATED the

19th

day of



2008



A F D Cameron/A M B Green
(Counsel for Territorial Local Authorities)