

BEFORE THE ENVIRONMENT COURT

ENV-2016-

AT WELLINGTON

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application for declarations under sections 310 and 311 of the Act

BETWEEN **WELLINGTON REGION FISH AND GAME COUNCIL and ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED**

Applicants

AND **MANAWATU-WANGANUI REGIONAL COUNCIL**

Respondent

AFFIDAVIT OF HELEN MARIE MARR

14 September 2016

Counsel instructed

For the Wellington Fish and Game Council:	For Environmental Defence Society Inc:
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I, **HELEN MARIE MARR**, of Masterton, Planner swear:

INTRODUCTION

1. My full name is Helen Marie Marr.
2. I am a planning consultant at Perception Planning Limited, of which I am also a Director.
3. This affidavit is filed in support of the application by the Wellington Region Fish and Game Council (**Fish and Game**) and Environmental Defence Society (**EDS**) for declarations filed with the Environment Court on 16 September 2016.
4. Fish and Game and EDS are concerned that the Manawatu-Wanganui "Horizons" Regional Council (**Council**) is making decisions on resource consent applications for existing intensive farming under Rules 14.2 of the Manawatu-Wanganui One Plan (**One Plan**) *ultra vires* the One Plan and the Resource Management Act 1991 (**RMA**).

Qualifications and Experience

5. I have a Bachelor of Resource and Environmental Planning (specialising in Environmental Science) with Honours from Massey University. I am also a qualified RMA decision-maker under the 'Making Good Decisions' programme.
6. I have over 15 years' experience in resource management and planning. My particular areas of expertise are in policy and plan development and natural resource management, particularly issues relating to biodiversity and fresh water management.
7. Since 2010 I have worked as a planning consultant for Perception Planning Limited, a specialist planning consultancy, of which I am

also a Director. My role involves working with a range of clients, including regional councils, special interest groups, and developers, to assist them in creating or working with regional planning documents. For example, I have recently worked with Greater Wellington Regional Council to assist its staff in preparing its second generation regional plan.

8. I am also currently engaged by the New Zealand Planning Institute to deliver a series of full day training courses on fresh water management planning under the RMA.
9. I recently presented evidence on behalf of Hawkes Bay and Eastern Fish and Game Councils to the Board of Inquiry on the Tukituki Catchment Proposal. My evidence focused on appropriate plan provisions for fresh water allocation, quality, values, and land use controls for the Plan Change 6 part of the Proposal.
10. Prior to joining Perception Planning I worked for the Council for four years. I began working on the One Plan in August 2006, first as Senior Policy Analyst and Project Manager, and later as One Plan Manager. I was involved in the final stages of the consultative process prior to notifying the One Plan, managed the One Plan through the formal RMA First Schedule process, and worked with other planners, technical experts, and consultants to assess the One Plan in response to submissions.
11. I presented expert planning evidence to the Environment Court on appeals to the One Plan, on the topics of biodiversity and water quality, including on the provisions relating to the control of farming activities.
12. I have also worked for the Ministry for the Environment (**MfE**) in the RMA Policy team. There I worked on recommendations to the

Select Committee on the 2005 RMA Amendments and on the early stages of development of a number of national policy statements and national environmental standards. I have also worked for Greater Wellington Regional Council as the Policy Section Leader for the Wairarapa Division.

Code of Conduct

13. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This affidavit has been prepared in accordance with it and I agree to comply with it. It is within my area of expertise, except where I state that I am relying on other evidence. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

14. I have been engaged by Fish and Game and EDS to provide expert planning evidence in relation to declaration proceedings relating to the correct decision-making process for applications for existing intensive farming as a restricted discretionary activity under Rule 14-2 of the One Plan.
15. In this affidavit I give my expert planning opinion, based on the information that has been provided to me, in relation to:
 - a. Determining that resource consent applications under Rule 14-2 are complete pursuant to s88 and Schedule 4 RMA;
 - b. Assessing resource consent applications for intensive farming activities under Rule 14-2 One Plan and s104 and s104C RMA; and

- c. Setting resource consent conditions for intensive farming activities under s108 RMA if consent is granted.
16. For each of the topics above, I set out:
 - a. The relevant statutory context; and
 - b. My analysis of whether or not the consent and decision examples provided by the Council follow the statutory requirements.
17. My analysis is confined to the process for resource consent applications for existing intensive farming that is a restricted discretionary activity under Rule 14-2 of the One Plan. I do not comment specifically on the process for assessing existing intensive farming as a controlled activity under Rule 14-1. However, some of my comments relating to completeness, assessment process and resource consent conditions may also be applicable to applications under Rule 14-1.
18. I also do not specifically address the correct process for conversions to intensive farming as a restricted discretionary activity under Rule 14-4. However, because these activities are subject to the same controls and planning framework this assessment also applies to them.

Information basis

19. My analysis is primarily based on the resource consent applications to which EDS was granted full access to the file held by the Council in response to Local Government Official Information and Meetings Act 1987 (**LGOIMA**). 5 consents processed in 2015 were provided. I refer to these in this affidavit as '**the 2015 consents**' and relevant documents relating to these consents are attached in **Annexure A**. 5 consents processed in

2016 were provided. I refer to these as **'the 2016 consents'** and relevant documents relating to these consents are attached in **Annexure B**. When a point is relevant to the application documents for both the 2014 and 2016 consents I refer to these collectively as **'the Applications'**. Table 1 below summarises the Applications, including location and activities.