



## **Plan Change 27**

# **Earthworks, Subdivision, Public Access and Transport**

## **Decision Report**

**31 July 2024**

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**Appendix 1:** Amended Provisions  
**Appendix 2:** Appearances and Tabled Evidence

**List of submitters addressed in this report:**

Submitter	Further Submitter	Submitter Name	Abbreviation
1	FS1	Robin McCarthy	
2	FS3	Bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited	Fuel Companies
4		Springwater Trust	
5		Fire and Emergency New Zealand	FENZ
6		Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	The Telcos
7		Director General of Conservation	DOC
8		Helios Energy Limited	Helios
9		Tekapo Landco Limited and Godwit Leisure Limited	TLGL
10	FS13	Nova Energy Limited	Nova
11	FS7	Transpower New Zealand Limited	Transpower
12	FS5	Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Limited	PTHLP and PVHL
14	FS4	New Zealand Transport Agency, Waka Kotahi	NZTA
15		Chorus New Zealand Limited	Chorus
16		Chris and Rachael Pudney	
17		PF Olsen	PFO
18		Timothy Bartlett	
19		Te Rūnanga o Ngāi Tahu	TRoNT
20		New Zealand Pork	NZ Pork
21		South Canterbury Province, Federated Farmers of New Zealand	Fed Farmers
22		Lake Alexandrina Outlet Hutholders Society	LAOHS
23	FS2	Port Blakely	PB
24		Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Limited	Telco Companies
25*		Road Metals Company Limited	Road Metals
26	FS14	Lisburn Farm Limited	Lisburn Farm
27		Ministry of Education	MoE
28	FS9	Genesis Energy Limited	Genesis
29	FS15	Opuha Water Limited	OWL
30	FS6	Meridian Energy Limited	Meridian
31	FS10	Canterbury Regional Council	CRC
33	FS16	The Wolds Station Limited	Wolds Station
35	FS11	Milward Finlay Lobb Limited	MFL
36		Grampians Station Limited	Grampians Station
37		Mackenzie Properties Limited	MPL
38	FS12	New Zealand Defence Force	NZDF
	FS8	Davis Ogilvie (Aoraki) Limited	
	FS17	Mt Gerald Station Limited	

**Abbreviations used in this report:**

Abbreviation	Full Text
AECL	Aoraki Environmental Consultancy Limited
CON	Controlled activity
MDC	Mackenzie District Council
CRPS	Canterbury Regional Policy Statement
DIS	Discretionary Activity
District Plan	Mackenzie District Plan
EW Chapter	Earthworks Chapter
INF Chapter	Infrastructure Chapter
LUI	Lifeline Utility Infrastructure
MDPR	Mackenzie District Plan Review
NC	Non-Complying Activity
NES	National Environmental Standard
NESCF	National Environmental Standard for Commercial Forestry
NESCS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
NESET	National Policy Statement on Electricity Transmission
NP Standards	National Planning Standards
ONL	Outstanding Natural Landscape
PA chapter	Public Access chapter
PC13	Plan Change 13 – Rural Zone – Mackenzie Basin
PC18	Plan Change 18 – Indigenous Biodiversity
PC23	Plan Change 23 - General Rural Zone, Natural Features and Landscapes, Natural Character
PC24	Plan Change 24 - Sites and Areas of Significance to Māori
PC25	Plan Change 25 – Rural Lifestyle Zones
PC26	Plan Change 26 - Renewable Electricity Generation and Infrastructure
PC27	Plan Change 27 – Earthworks, Subdivision, Public Access and Transport
PER	Permitted activity
RDIS	Restricted Discretionary Activity
REG activities	Renewable electricity generation activities
REG chapter	Renewable Electricity Generation Chapter
RMA	Resource Management Act 1991
SUB chapter	Subdivision chapter
TRAN chapter	Transport chapter

## 1. Purpose of Report

1. Pursuant to section 43(1) of the Resource Management Act 1991 (RMA), the Mackenzie District Council (MDC) has appointed a combined Hearings Panel of four independent commissioners<sup>1</sup> to hear and decide the submissions and further submissions on Plan Change 27 - Earthworks, Subdivision, Public Access and Transport which forms part of the Mackenzie District Plan Review (MDPR).
2. The content of Plan Change 27 was set out in the MDC Overview Report<sup>2</sup>, which was four pages long. We do not repeat that information here for the sake of brevity but note that the Overview Report is available on the MDC webpage.
3. This Decision sets out the Hearings Panel's decisions on the submissions and further submissions received on Plan Change 27.
4. The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for PC27 were:
  - Section 42A Report: Plan Change 27 – Earthworks, Subdivision, Public Access and Transport, Report on submissions and further submissions, Author: Rachael Willox, Date: 19 April 2024.
  - Section 42A Report: Plan Change 27 – Earthworks, Subdivision, Public Access and Transport, Reply Report, Author: Rachael Willox Date: 14 June 2024
5. In our Minute 12 for PC27 dated 6 May 2024 we posed a number of questions to the PC27 Section 42A Report author (hereafter referred to as Ms Willox or the Section 42A Report author). We received written answers to those questions on 15 May 2024.
6. The Hearing Panel's amendments to the notified provisions of PC27 are set out in Appendix 1. Amendments to the Definitions are included in Appendix 1 to the PC23 Decision. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in ~~strike out~~ and underlining. Further or different amendments made by the Hearing Panel are shown in red font as ~~strike out~~ and underlining. There are no amendments to the District Plan planning maps as a result of PC27.

## 2. Hearing and Submitters Heard

7. There were 38 primary submissions and 17 further submissions on PC27. Of the 38 primary submissions, four submissions were subsequently withdrawn prior to the hearing<sup>3</sup>. Further submissions are generally not discussed in this Decision, because they are either accepted or rejected in conformance with our decisions on the primary submissions to which they relate.
8. The hearing for PC27 was held on Wednesday 22 to Friday 24 May 2024 in Fairlie. 16 submitters were heard:

Submitter Ref	Submitter Name
1	Robin McCarthy
6	Telcos
7	Department of Conservation
10, FS13	Nova Energy
11	Transpower
20	NZ Pork
21	South Canterbury Province Federated Farmers of New Zealand
22	Lake Alexandrina Outlet Hut Holders Society
25	Road Metals Ltd
26, FS14	Lisburn Farms Ltd
28, FS09	Genesis Energy
29, FS15	Opuha Water Ltd
30	Meridian Energy Limited
31, FS10	Canterbury Regional Council
33, FS16	The Wolds Station
35	Milward Finlay Lobb

<sup>1</sup> Andrew Willis, Megan McKay, Rob van Voorthuysen and Ros Day-Cleavin.

<sup>2</sup> Mackenzie District Plan, Plan Change 27 – Earthworks, Subdivision, Public Access and Transport, Final for Notification, 4 November 2023.

<sup>3</sup> Submitters PC27.03, PC27.13, PC27.17, PC27.32.

9. The people we heard from are listed in Appendix 2. Submitters who tabled evidence but did not appear at the hearing are also listed in Appendix 2.
10. Copies of any legal submissions or evidence (either pre-circulated or tabled at the hearing) are held by the MDC. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Decision. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.
11. We received opening legal submissions from MDC's legal counsel Michael Garbett who addressed the statutory framework, moving provisions from operative PC13 into the proposed PC format; the scope of changes to definitions; the relationships between District Plan chapters; DOC's submission relating to the status of Section 19 of the District Plan (the EIB chapter post- mediation version); and minor changes to be made under Clause 16 of Schedule 1 of the RMA.
12. We also received 'overview' evidence from Rachael Willox regarding the current stage of the MDP, the PCs notified as part of Stage 3 and their integration with existing operative District Plan provisions. Michael McMillan gave evidence regarding Kati Huirapa's and AECL's involvement in the drafting of the PCs, particularly the Mana Whenua and SASM chapters that are addressed in PC24.
13. We note the tabled evidence from TRoNT dated 2 May 2024 stated that having considered the recommendations in the Section 42A Report relating to PC27, it accepted the position of the Section 42A Report author and provided no further evidence to the Panel.

### **3. Our Approach**

14. We have decided to structure this Decision in the following manner.
15. Ms Willox's initial Section 42A Report sequentially addressed the provisions in the MDP's proposed Earthworks, Subdivision, Public Access and Transport chapters. For the ease of readers of our Decision, we have adopted the same approach here and mimic the headings used in the Section 42A Report.
16. The submissions received on the provisions covered by each of these headings were summarised in the initial Section 42A Report. We adopt those summaries, but do not repeat them here for the sake of brevity.
17. Where, having considered the submissions and the submitters evidence and legal submissions, we nevertheless agree with Ms Willox's final recommendations, we state that we adopt her analysis and recommendations as our reasons and decisions. Where we disagree with Ms Willox's final recommendations, we set out our own reasons based on the evidence received and state our decisions on the relevant submissions.
18. The consequence of our approach is that readers of this Decision should also avail themselves of the Section 42A reports listed in paragraph 4 above.

#### **3.1 Statutory Framework**

19. We adopt the statutory framework assessment set out in section 6 of the initial Section 42A Report. We note that to be consistent with the framework described by Mr Garbett in paragraphs 4 to 14 of his opening legal submissions.

#### **3.2 Out of Scope Submissions**

20. We adopt the scope assessment set out in section 7 paragraph 22 of the Section 42A Report. The consequence of that is that we decline to consider the following submission points:
  - TRoNT (19.16) in relation to SUB-P8
  - TRoNT (19.20) in relation to SUB-R4
  - MFL (35.05) in relation to SUB-S1<sup>4</sup>.

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<sup>4</sup> However, we note a Clause 16(2) amendment has been made to SUB-S1 to correct the drafting error identified by MFL.

### **3.3 Uncontested Provisions**

21. As discussed in section 8 of the Section 42A Report, PC27 proposes to delete various provisions of the Operative District Plan as well as Appendix C and Appendix D. No submitters opposed those deletions. Accordingly, we adopt the Section 42A Report author's recommendation that those provisions be deleted.
22. There were a large number of provisions that were either not submitted on or were supported by submitters. Accordingly, we adopt the Section 42A Report author's recommendation that those provisions be retained as notified (except where a clause 16(2) amendment is recommended). Those provisions are listed in tabular form under paragraph 27 of the Section 42A Report; however, we do not repeat that table here for the sake of brevity.
23. We also adopt the Section 42A Report author's recommendation in paragraph 30 of the Section 42A Report that the operative definitions contained in the District Plan proposed to be applied to the PC27 provisions are applied (where relevant) to the provisions contained within PC27 (noting that no submissions were received opposing that).

### **3.4 Section 32AA Assessments**

24. Where we adopt the Section 42A Report author's recommendations we also adopt her section 32AA assessments. For those submissions we are satisfied that Ms Willox's recommendations are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of the District Plan and for giving effect to other relevant statutory instruments
25. Where we differ from those recommendations, we set out our own assessment or reasons at a level of detail that corresponds to the scale and significance of the changes we recommend to the provisions. We are satisfied that those amendments are a more efficient and effective means of giving effect to the purpose and principles of the RMA and the higher order statutory instruments, for the reasons set out in the body of this Decision.

## **4. Relationship between the EW, SUB and PA Chapters and the REG and INF Chapters**

### **4.1 Assessment**

26. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the relationship between the EW, SUB and PA chapters and the REG and INF chapters.
27. Having said that, we record our finding that the approach taken to the MDPR is consistent with the NP Standards; namely the INF and REG chapters are standalone, with provisions across the remainder of the District Plan not applying to the activities addressed therein unless explicitly stated.
28. However, we note that the Section 42A Report author for PC26 has helpfully recommended the insertion of a Table into the Introduction sections of the INF and REG chapters that lists the provisions in other chapters that apply to infrastructure and renewable energy activities in addition to the INF and REG chapter provisions themselves.

### **4.2 Decision**

29. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on the relationship between the EW, SUB and PA chapters and the REG and INF chapters.

## **5. Earthworks (EW)**

### **5.1 EW-Introduction and Advice Note Assessment**

30. Having considered the submissions received and any evidence presented at the Hearing, we generally agree with Ms Willox's analysis and recommendations on the EW-Introduction and Advice Note, however we note that in response to Minute 12, Ms Willox recommended that the Introduction to the EW Chapter be amended to refer to important natural environmental values to provide greater clarity to Plan users. We find this to be appropriate and consider this change can be made as a minor amendment under clause 16(2) Schedule 1 of the RMA.



**5.2 Decision**

31. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on the EW-Introduction and Advice Note. The amended EW Introduction text is set out in Appendix 1 to this Decision.

**5.3 EW-O1 Assessment**

32. In response to DoC and NZTA submissions, Ms Willox recommended amendments to EW-O1 to include adverse effects on 'natural values' and to include the 'safe and efficient operation of infrastructure'. In response to Minute 12, Ms Willox also recommended that the amendment to EW-O1 related to 'natural values' should use wording that was more clearly aligned with the provisions in the EIB and NATC chapters of the MDP, thus addressing the submission from DoC. We find the recommended amendments to be appropriate.
33. We heard from Ms McLeod, planner for Transpower, who disagreed with the Section 42A Report author's recommendation for EW-O1. She explained that the proposed amendment put forward by Ms Willox does not give effect to Policy 10 of the NPSET which directs decision-makers *"to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised."* In her view, the addition of 'the safe and efficient operation of' to EW-O1 as recommended by Ms Willox inappropriately confines the Objective and does not achieve consistency or alignment with the relevant provisions in the Infrastructure chapter. Ms McLeod put forward two drafting options for our consideration. Ms Willox provided no further comment on this matter in her Reply Report and did not offer any amendments to the provision in response to Transpower.
34. Having considered Ms McLeod's evidence we are satisfied that EW-O1 is more appropriately amended as outlined above, noting Ms Willox's assessment that her recommended amendments align with the terminology used in the TRAN chapter and are therefore consistent with the approach applied to INF activities in the MDP, with the EW provisions generally only applying to infrastructure for the construction of new roads, and access tracks.

**5.4 Decision**

35. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-O1. The amendments to EW-O1 are set out in Appendix 1 to this Decision.

**5.5 EW-P1 Assessment**

36. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on EW-P1. In that regard we find it appropriate to amend EW-P1 to enable earthworks that are small in scale or limited to the maintenance and repair of existing activities as sought by NZTA, and we note that this change also addresses concerns raised by NZ Pork in its submission. NZ Pork raised no further matters or concerns with regard to EW-P1 at the Hearing.

**5.6 Decision**

37. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-P1. The amendment to EW-P1 is set out in Appendix 1 to this Decision.

**5.7 EW-P2 Assessment**

38. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendation that EW-P2.2 is amended in response to Transpower's submission.

**5.8 Decision**

39. We adopt Ms Willox's analysis and recommendation as our reasons and decision to amend EW-P2.2 to ensure the stability of adjoining land, infrastructure, buildings and structures is not compromised. The amendment to EW-P2.2 is set out in Appendix 1 to this Decision.

**5.9 Rules and Standards Assessment**

40. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the Management of Silt and Sediment Loss in the EW chapter and the Relationship between the EW chapter and the NESCF. In particular we agree that a note for plan users will provide clarity regarding the relationship between the EW chapter and relevant higher order documents, and to inform plan users that any activity managed in the EW chapter are also required to comply with the NESCS.

**5.10 Decision**

41. We adopt Ms Willox's analysis and recommendations to add a note for Plan users to the EW chapter (that outlines the relationship between the earthworks provisions and the NESCF and informs plan users that any activities managed in the EW chapter must also comply with the NESCS) as our reasons and decisions on Rules and Standards. The added Note is set out in Appendix 1 to this Decision.

**5.11 EW-R1 Assessment**

42. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations that the activities listed in EW-R1 are also required to comply with EW-S6.

**5.12 Decision**

43. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-R1. The amendment to EW-R1 is set out in Appendix 1 to this Decision.

**5.13 EW-R2 Assessment**

44. We heard evidence from NZ Pork at the Hearing in support of the relief sought to extend the permitted activity list to include earthworks associated with the burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer and as directed by a person authorised under the Biosecurity Act 1993. Vance Hodgson, in his planning evidence for NZ Pork, helpfully provided the example of the Ōpōtiki District Plan where the permitted activity pathway provides for earthworks ancillary to the removal and disposal of plants and plant material infected by unwanted organisms.
45. In her Reply Report, Ms Willox stated that although in her view, burying of material infected by unwanted organisms falls within the realm of an offal or farm rubbish pit, for the avoidance of doubt she recommended that EW-R2 be amended to permit any earthworks associated with the burying of material infected by unwanted organisms as sought by NZ Pork. We agree and find the recommended amendment to be appropriate.
46. Ms McLeod, planner for Transpower, explained to us at the Hearing that while she supported the recommended amendments to EW-R2, she was concerned that the 'nesting' solution put forward (i.e. the definition of 'land disturbance' as a subset of the definition of 'earthworks') was problematic. In her view, the definitions of 'land disturbance' and 'earthworks' are both NP Standards definitions and the proposed solution may be inconsistent with the Definitions Standard mandatory directions.
47. Ms Willox, in her response to Minute 12 and having considered the evidence of Ms McLeod, agreed that including 'land disturbance' as a subset of the definition of 'earthworks' may be inconsistent with the mandatory direction in the NP Standards. On that basis she recommended that the definition of 'land disturbance' not be included as a subset of 'earthworks' in the Definitions Nesting Table, and consequently recommended amendments to EW-R2 to refer directly to land disturbance.
48. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations to refer to both earthworks and land disturbance in EW-R2, and to add clause (g) to EW-R2 to permit any earthworks associated with the burying of material infected by unwanted organisms as declared by the Ministry of Primary Industries and carried out as directed by a person authorised under the Biosecurity Act 1993.

**5.13 Decision**

49. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on "EW-R2". The amendments to EW-R2 are shown in Appendix 1 to this Decision.

**5.14 EW-R3 & EW-R4 Assessment**

50. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on EW-R3 and EW-R4. In particular, we are satisfied that:
- there is a clear rationale for deleting EW-R3 as recommended and ensuring any earthworks to facilitate subdivision are assessed under EW-R4;
  - it is appropriate to have activities that do not comply with what is now EW-R4.1 and 4.2 to default to RDIS, as opposed to firstly CON and thereafter DIS as notified;
  - it is appropriate to increase the permitted activity thresholds to 1500m<sup>3</sup> by volume and 2500m<sup>2</sup> by area in the GRUZ and to 1000m<sup>3</sup> by volume and 2500m<sup>2</sup> by area in other zones;
  - the time period applying to the EW-R4 is reduced from 5 years to 12 months.
51. In Minute 12 we asked Ms Willox questions about EW-R4 and the recommended matters of discretion. In response, Ms Willox recommended further amendments to EW-R4, including:
- removal of the reference to 'landscape context' in what are now EW-R4.1 and 4.2 matters of discretion (a), along with a consequential Clause 16 amendment to EW-S2 matter of discretion (a) on the basis that the term 'landscape context' is essentially the same as an assessment of 'landscape character';
  - deletion of her previously recommended matters of discretion (b) in what are now EW-R4.1 and 4.2, for the reason that the effects of vehicle movements are already managed under TRAN-R7; and
  - amendment to matters of discretion in what are now EW-R4.1 and 4.2 to refer more directly to the effects resulting from or associated with the earthworks.
52. Having considered Ms Willox's response to Minute 12, we are satisfied that while the matters of discretion listed in EW-S1 and EW-S4 are similar to the matters listed in EW-R4, the context in which the matters of discretion are to be assessed are clearly different.

**5.15 Decision**

53. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-R3 and EW-R4. The amendments to those rules are set out in Appendix 1 to this Decision.

**5.16 Relationship between the EW Matters of Discretion and SASM-MD1 Assessment**

54. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the matters of discretion in what are now EW-R4.1 and 4.2 relating to activities in a SASM. In reaching this view we note TRoNT's tabled evidence stated acceptance of the recommendations in the Section 42A Reports in response to its submissions. On this basis we find it appropriate to amend EW-S1 and EW-S3 to include additional matters of discretion which require an assessment of those matters listed in SASM-MD1 for any earthworks within an SASM.

**5.17 Decision**

55. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on the relationship between the EW matters of discretion and SASM-MD1. The amendments are set out in Appendix 1 to this Decision.

**5.18 Standards EW-S4 and EW-S5 Assessment**

56. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on EW-S4. In reaching this view we note TRoNT submitted in support of EW-S4 as notified.

57. We also agree with Ms Willox's analysis and recommendations on EW-S5. We note that submitters on EW-S5 including Mr Murray of Wolds Station, and Ms Johnson and Mr Anderson for Fed Farmers, attended the Hearing and neither party raised any concern in response to Ms Willox's recommendation in this regard.

#### **5.19 Decision**

58. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-S4 and EW-S5.

#### **5.18 Standard EW-S6 Assessment**

59. We discussed the inclusion of the definition of 'land disturbance' as a subset of the 'earthworks' definition in response to Transpower's submission on EW-R2 and make the same finding for EW-S6.

#### **5.19 Decision**

60. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-S6. The amendments to EW-S6 are set out in Appendix 1 to this Decision.

#### **5.20 Definitions Assessment**

61. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on Definitions.

#### **5.19 Decision**

62. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

### **6. Subdivision**

#### **6.1 SUB-O1 Assessment**

63. Ms McLeod for Transpower provided clear reasoning for why Ms Willox's proposed amended wording to clause 5 of the SUB-O1 was inappropriate. In her view, Ms Wilcox's wording does not give effect to Policy 10 of the NPSET or CRPS Policy 16.3.4(2), is inconsistent with the CRPS Method associated with Policy 16.3.4 and inconsistent with PC27 Policies SUB-P3 and SUB-P10 that implement SUB-O1. Ms McLeod offered alternative wording for clause 5 of the objective.
64. In her Reply Report, Ms Willox agreed that SUB-O1.5 should be amended to include different approaches to achieve the District Plan Strategic Directions and to give effect to higher order documents. On that basis she recommended that SUB-O1.5 be amended to avoid reverse sensitivity effects on renewable electricity generation activities and electricity transmission activities (in line with ATC-O4), noting the previously recommended additional clause<sup>5</sup> to minimise conflicts between other incompatible activities (ACT-O6).
65. We were provided a copy of correspondence between Ms Willox and Ms McLeod on the recommended amendment to SUB-O1.5. We are satisfied that there is no need to expand the objective to incorporate any effects resulting from the subdivision itself, with the purpose of the objective being in relation to the outcome of the subdivision, as opposed to the subdivision process. We agree with Ms Willox that SUB-P3 already deals with these effects by only allowing subdivision within the National Grid Corridor where it can be demonstrated that any adverse effects will be appropriately managed and that the operation, maintenance, repair, upgrading and development of the National Grid will not be compromised.
66. In a response to Minute 12, Ms Willox agreed that as notified, SUB-O1 was general and would be clearer if SUB-O1.4 was amended to include a reference to servicing. We find that to be appropriate.
67. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to submissions on SUB-O1.

#### **6.2 Decision**

68. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-O1. The amendments are set out in Appendix 1 to this Decision.

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<sup>5</sup> Section 42A Report paragraph 169

**6.3 SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P7, SUB-P10, and New Policy Assessment**

69. Having considered the submissions received and any evidence presented at the hearing, we agree with Ms Willox's analysis and recommendation to delete SUB-P2 and merge the requirement (from SUB-P2) for subdivision to follow natural and physical features into SUB-P1. Having heard from Mr Murray for Wolds Station at the Hearing we agree that deleting SUB-P2 provides a clearer pathway for obtaining a subdivision resource consent. We note that while TRoNT supported the provision as notified, their tabled evidence to the Hearing panel signalled support for the recommendations in the Section 42A Report in response to submissions.
70. With regard to SUB-P3, we agree with Ms Willox's analysis and recommendation in response to the submission from Transpower to amend SUB-P3 to give effect to the policy direction in the NESET.
71. We generally agree with Ms Willox's analysis and recommendations on SUB-P4. However, we note that in response to Minute 12, she recommended an amendment to SUB-P4 to provide greater clarity for Plan users on what specific natural values the policy is intended to capture. We agree with the recommended change and note that Mr Murray of Wolds Station attended the Hearing and raised no concern with Ms Willox's recommendation.
72. We generally agree with Ms Willox's analysis and recommendations on SUB-P7. However, we note that in response to Minute 12 Ms Willox confirmed she no longer considered that the term 'sufficient' properly allowed an assessment of the quality of the infrastructure being installed as intended, and on that basis revised her recommendation so that the term 'adequate' was retained as notified. We agree.
73. Mr Anderson, planner for the Telcos, spoke to us at the Hearing and remained of the view that the subdivision chapter should require sufficient infrastructure to service the scale of development. In his view SUB-P7 should be amended to include 'integration' into the title as this would support an integrated outcome and better achieve Strategic Direction UFD-O1. At the Hearing we asked Mr Anderson if the insertion of the words 'Provision of' to the title of SUB-P7 would address his concern, which he confirmed it would.
74. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-P10, noting an error in the Section 42A Report at paragraph 200, which should read that the submission from NZDF is recommended to be accepted in part.
75. Having considered the submission received by OWL, we agree with Ms Willox's analysis and recommendation to not include a new policy for subdivisions to create access, reserves, or to house infrastructure. We note that OWL attended the Hearing and did not raise any concerns regarding that recommendation.

**6.4 Decision**

76. We generally adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P7, SUB-P10, and New Policy.
77. However, we have amended the title of SUB-P7 so that it reads "Provision of Infrastructure". The Telcos submission (6.02) is therefore now accepted in part. We consider this change can be made as a minor amendment under clause 16(2) Schedule 1 of the RMA.

**6.5 Rules, Standards and Matters of Discretion Assessment**

78. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to DoC's submission on Recognition of the Quality of the Environment, Amenity Values and Public Open Space in the SUB chapter. We note that at the Hearing DoC raised no further matters or concerns in response to the recommendations presented in the Section 42A Report relating to its submission.

**6.6 Decision**

79. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Recognition of the Quality of the Environment, Amenity Values and Public Open Space.

**6.7 Subdivision Activity Status Assessment**

80. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to MPL's submission on subdivision activity status.

**6.8 Decision**

81. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Subdivision Activity Status.

**6.9 Application of the SUB Standards to SUB-R3 Assessment**

82. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the Application of the SUB Standards.

**6.10 Decision**

83. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Application of the SUB Standards to SUB-R3.

**6.11 SUB-R3 and SUB-R5 Assessment**

84. The Telcos and Transpower submissions opposed SUB-R3 on the basis that the RDIS status is overly onerous in situations where subdivision is for infrastructure. Both submitters requested the activity status be changed to CON. Ms Willox disagreed and recommended that the RDIS activity status was retained. We are not persuaded by the evidence presented by Transpower and the Telcos and instead are satisfied that the RDIS activity status in SUB-R3 is appropriate.
85. In response to Minute 12 Ms Willox agreed that where property access is to a State Highway, SUB-S2.2 is not met, and that the matters of discretion in SUB-S2 are sufficient to address the matters raised in SUB-R3(a). On that basis she recommended that SUB-R3 matter of discretion (a) can be deleted as a Clause 16 (2) amendment.
86. In all other respects, having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-R3 and SUB-R5.

**6.12 Decision**

87. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-R3 and SUB-R5.

**6.13 SUB-R6 and Standard SUB-S8 Assessment**

88. As discussed in our Decision on PC25 in relation to the Ōhau River Precinct PREC4, we heard from Mr Brass, planner for DoC. We accept his evidence that the CRPS provisions relating to ecosystems and indigenous biodiversity are directly relevant to our consideration of PC27, namely CRPS Objective 9.2.1, Objective 9.2.3, and Policy 9.3.1.
89. Mr Brass pointed out that building platforms would be established through subdivision Rule SUB-R6 and Standard SUB-S8. Matters of discretion under the Rule address a range of matters, but in terms of biodiversity only relate to vegetation management within the site. Standard SUB-S8 is specific to the Ōhau River Precinct, and covers a range of matters, but in terms of biodiversity also only relates to vegetation management within the Precinct. While the Section 42A Report for PC27 recommended additions to SUB-S8 to address significant indigenous vegetation and significant habitats of indigenous fauna, Mr Brass noted that (as currently drafted) would only apply to the location of building platforms and the content of a Vegetation Management Plan within the Precinct.
90. In his view, there is a gap in the rule framework in PC25 and PC27 as the rules would not allow control or discretion over effects of development on indigenous biodiversity values outside the footprint of the Precinct. He emphasised that PC18 would not close this gap as the rules in the EIB Chapter 19 only related to vegetation clearance, and not the offsite effects of land use. In his view, this would fail to give effect to the CRPS, particularly Policy 9.3.1.3, as it would allow a net loss of indigenous biodiversity values within the tern colony and skink habitat to occur as a result of land use within the Precinct. It would also fail to achieve District Plan Objective PREC4-O1.

91. Mr Brass sought that the gap be addressed by either extending the recommended additions to Standard SUB-S8 so that they can apply outside the Precinct or adding to the matters of control in Rule PREC4-R1.
92. In response to a Panel question, Ms Willox confirmed that the EIB chapter of the District Plan makes it clear that land use and development activities are to be managed to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. On that basis, she recommended that the reference to “if necessary” be removed from SUB-S8(3).
93. In her Reply Report, Ms Willox agreed with the evidence of Mr Nelson and Mr Brass that additional provisions are required to protect identified nearby significant indigenous fauna (black-fronted tern and Lakes skinks) which could be adversely affected by development in the Ōhau River Precinct. She agreed that the rules to manage indigenous vegetation clearance (in EIB chapter 19), which apply when development occurs within the Precinct, may not allow control or discretion over the actual and potential effects of development and associated land uses on indigenous biodiversity values outside the footprint of the Precinct. She therefore recommended an additional matter of discretion in SUB-R6, that applies exclusively to Tern Island and the Ōhau River margin. This will enable conditions of consent (and as appropriate, consent notices) to be imposed on any subdivision consent, to manage potential effects arising from subdivisions and future land use on these identified species.
94. We are satisfied that the amendments recommended by Ms Willox to SUB-R6, together with Meg Justice’s recommended amendment to PREC4-R1 as set out in our PC25 Decision, will protect the identified nearby significant indigenous fauna (black-fronted tern and Lakes skinks) from development in the Ōhau River Precinct. We note that the recommended amendments to these provisions (including SUB-R6, and PREC4-R1 (PC25)) were accepted by Mr Brass as addressing the relief sought by DoC.

#### **6.1.1 Decision**

95. We adopt Ms Willox’s analysis and recommendations on SUB-R6 and SUB-S8 as our reasons and decisions. The amendments to those provisions are set out in Appendix 1 to this Decision.

#### **6.15 SUB-R13 Assessment**

96. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox’s analysis and recommendations that SUB-R13 be retained as notified.

#### **6.16 Decision**

97. We adopt Ms Willox’s analysis and recommendations as our reasons and decisions on SUB-R13.

#### **6.18 SUB-S1 and Table SUB-Table 1 Assessment**

98. Several submitters opposed SUB-S1 and requested amendments to the minimum allotment sizes. We acknowledge the views of the submitters who spoke to us at the Hearing, however, we are not of the view that any amendments to the minimum allotment sizes are required. In reaching this position, we note that the approach taken in the District Plan is that the minimum allotment size and minimum density applying in each zone is determined at the time the review of each zone chapter is undertaken. We further note that for PC23 we have decided that no amendments to the SUB-S1/SUB-Table 1 are made to reduce the minimum allotment sizes in the GRUZ. We also record that the 200ha minimum allotment size applying to the Te Manahuna / Mackenzie Basin ONL (SUB-S1.10) is outside the scope of PC27.
99. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox’s analysis and recommendations on SUB-S1 and Table SUB-Table 1.

#### **6.19 Decision**

100. We adopt Ms Willox’s analysis and recommendations as our reasons and decisions on SUB-S1 and Table SUB-Table 1, including her recommendation to amend the chapter introduction to make it clear that the underlying zone chapters may also contain provisions that are relevant to subdivision.

#### **6.18 SUB-S2, SUB-S3 Assessment**

101. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox’s analysis and recommendations on SUB-S2 and SUB-S3.

102. We were not persuaded by Ms McMullen's view that amendments should be made to SUB-S3 to provide for alternative firefighting solutions that are approved by FENZ. We note that in its tabled evidence, FENZ did not pursue this matter further.

#### **6.19 Decision**

103. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-S2 and SUB-S3.

#### **6.20 SUB-S7 Assessment**

104. At the Hearing we heard from the Telcos who considered that all allotments created by subdivision in SUB-S7 should be provided with a connection to a telecommunication systems network and, where available, an open access fibre connection. Ms Willox agreed, recommending SUB-S7 be amended to require all allotments (other than allotments for access, roads, utilities, or reserves) be provided with a connection to a telecommunication system network at the boundary of the allotment. She further noted that, while she initially considered it more efficient to remove the requirement for telecommunication connections in the RLZ and GRUZ, advancements in alternative satellite telecommunication solutions meant that when a connection to the boundary is not available the activity status should remain RDIS. In her view, the matters of discretion, provided a clear consent pathway in absence of a specific boundary connection by allowing the consideration of alternative methods (SUB-S7.b) and methods to be used to inform prospective purchasers of an allotment that these connections are not installed (SUB-S7.c). Ms Willox recommended that the amendments sought by the Telcos to SUB-S7 be adopted, with minor amendments.
105. Based on the evidence we heard at the Hearing, along with Ms Willox's discussion in her Section 42A Reply Report, we agree with the recommended amendments to SUB-S7. We were provided a copy of correspondence confirming that the Telcos have no concerns with the recommendation.

#### **6.21 Decision**

106. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-S7. The amendments to SUB-S7 are set out in Appendix 1 to this Decision.

#### **6.22 Matters of Discretion SUB-MD2, SUB-MD7 Assessment**

107. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-MD2 and SUB-MD7.

#### **6.19 Decision**

108. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-MD2 and SUB-MD7.

#### **6.23 Definitions Assessment**

109. Having considered the submission received by Meridian, we agree with Ms Willox's analysis and recommendations relating to including the definition of reverse sensitivity and lifeline utility infrastructure in PC27.
110. In response to Minute 12, Ms Willox confirmed that in her view the definition of telecommunications used in PC26 should also be applied to PC27. We have made a minor Clause 16(2) in Appendix 1 to the Definitions chapter to reflect this.

#### **6.24 Decision**

111. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

### **7. Public Access**

#### **7.1 Health and Safety in the PA Chapter Assessment**

112. Ms McLeod, for Transpower, stated that in her view PA-O1, as recommended by Ms Willox, did not recognise situations where it is necessary to restrict public access to protect public health and safety. John Sutherland (Transpower Environmental Planner) described where transmission lines in Mackenzie District



intersect with areas likely to be subject to Objective PA-O1. He provided examples of works to maintain, upgrade and develop the National Grid that may require public access to be prevented to protect the health and safety of people and communities, including the stringing of new conductors, transmission line tower refurbishment or replacement, urgent emergency repairs and the replacement of insulators. In his view, there are situations where access (to and along surface waterbodies with recreational, scenic, ecological, indigenous biodiversity, conservation, mana whenua or amenity values) would present a health and safety risk or constrain Transpower's ability to undertake the works otherwise enabled by the NPSET (being Policies 1, 2 and 5). Ms McLeod provided an amended Objective PA-O1 and the inclusion of a new policy to implement the objective.

113. Similarly, we heard from OWL who considered that PA-O1 does not recognise that access restrictions on access may be appropriate in some instances due to the health and safety obligations of infrastructure providers. Julia Crossman (OWL Environmental and Regulatory Manager) explained her concerns with PA-O1, PA-P1 and PA-P2 and provided an amended objective along with amended policies PA-P1 and PA-P2.
114. In her Reply Report, Ms Willox stated that while she agreed with Transpower that public access may need to be restricted within an esplanade reserve or strip to protect public health and safety, she did not agree that amendments to the PA chapter are necessary.
115. Having heard the evidence presented at the hearing by Transpower and OWL, we agree that the District Plan provisions do not override legal requirements for access or prevent access under other legislation. We are not persuaded by the evidence of Transpower or OWL and accept the advice of Ms Willox that the PA chapter has a narrow focus, applying only to future subdivision adjoining a waterbody listed in PA PA-SCHED1 and PA-SCHED2. The provisions set out the procedure to be followed at the time of subdivision as opposed to on-going management. On this basis we find there is no need to amend PA-O1, PA-P1, PA-P2 and PA-S1 in response to the submissions from Transpower or OWL.

## **7.2 Decision**

116. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Health and Safety in the PA chapter.

## **7.3 Indigenous Biodiversity and Cultural and Historical Values in the PA Chapter Assessment**

117. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to DoC's submission points on PA-P1 and PA-P2. We agree that PA-P1 only requires 'appropriate' public access. This allows for situations where public access may not be appropriate to protect the natural values associated with the esplanade reserve or to protect conservation values as directed in Section 229 of the RMA. The direction in PA-P2 only encourages opportunities and mechanisms to enhance public access.

## **7.4 Decision**

118. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on PA-P1 and PA-P2 with regard to Indigenous Biodiversity and Cultural and Historical Values in the PA chapter.

## **7.5 PA-O1, PA-P1, PA-P2, Standard PA-S1 Assessment**

119. With regard to PA-S1, we note that OWL confirmed acceptance of Ms Willox's recommendation that the Public Access chapter provides a mandatory requirement for public access only for allotments less than 4ha created by future subdivisions adjoining a waterbody listed in PA-SCHED1. No OWL infrastructure exists in the section of waterbodies identified in PA-SCHED1, and accordingly, Ms Crossman indicated OWL no longer pursued changes to PA-S1.
120. We were not persuaded by Ms McMullen's justification for requiring an esplanade strip as opposed to an esplanade reserve or to reduce the esplanade strip from 20m to 5m. We accept Ms Willox's assessment and recommendation in this regard.
121. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on PA-O1, PA-P1, PA-P2 and PA-S1.

**7.6 Decision**

122. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on PA-O1, PA-P1, PA-P2 and PA-S1.

**7.7 PA-SCHED2 Assessment**

123. Having considered the submission received and any legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on PA-SCHED2.

**7.8 Decision**

124. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on PA-SCHED2.

**7.9 Definitions Assessment**

125. Having considered the submission received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on Definitions.

**7.8 Decision**

126. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

**8. Transport****8.1 TRAN-P1 and TRAN-P4 Assessment**

127. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-P1 and TRAN-P4.
128. We note that in its tabled evidence, FENZ acknowledged Ms Willox's recommendation in response to its submission points and raised no further concerns.

**8.2 Decision**

129. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-P1 and TRAN-P4.

**8.3 TRAN-R1, TRAN-R2, TRAN-R4, TRAN-S11 and TRAN-Table 10 Assessment**

130. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R1, TRAN-R2, TRAN-R4, TRAN-S11 and TRAN-Table 10.
131. We note that in its tabled evidence, FENZ acknowledged Ms Willox's recommendations in response to its submission points and raised no further concerns.

**8.4 Decision**

132. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R1, TRAN-R2, TRAN-R4, TRAN-S11 and TRAN-Table 10.

**8.5 TRAN-R3, TRAN-R4, TRAN-S9, TRAN-S10, TRAN-Table 7, TRAN-Figure 3 and TRAN-Figure 7 Assessment**

133. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R3, TRAN-R4, TRAN-S9, TRAN-S10, TRAN-Table 7, TRAN-Figure 3 and TRAN-Figure 7.
134. We note that in its tabled evidence, FENZ acknowledged Ms Willox's recommendations in response to its submission points and raised no further concerns.

**8.6 Decision**

135. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R3, TRAN-R4, TRAN-S9, TRAN-S10, TRAN-Table 7, TRAN-Figure 3 and TRAN-Figure 7.

**8.7 TRAN-R3 to TRAN-R6 Assessment**

136. Having considered the submission received, we agree with Ms Willox's analysis and recommendations on TRAN-R3 to TRAN-R6.
137. We note that in its tabled evidence, TRoNT accepted Ms Willox's recommendations and raised no further concerns.

**8.8 Decision**

138. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R3 to TRAN-R6.

**8.9 TRAN-R5, TRAN-R6 and TRAN-S8 Assessment**

139. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R5, TRAN-R6 and TRAN-S8.
140. In response to Minute 12, Ms Willox provided a detailed account of how other Councils manage trees adjacent to roads. We accept that while the recommended approach removes the prescriptive tree requirements, it still achieves the purpose of the standard by requiring a combination of trees, shrubs and groundcover.
141. We acknowledge that while FENZ, in its tabled evidence, appeared to reiterate the relief sought in its submission relating to TRAN-S8, TRAN-R5 and TRAN-6, no additional analysis was provided to support its position. Further, FENZ did not specifically respond to Ms Willox's analysis of the FENZ relief sought nor to her recommendations in relation to that relief. On this basis, we do not consider these matters further.

**8.10 Decision**

142. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R5, TRAN-R6 and TRAN-S8.

**8.11 TRAN-R7, TRAN-Table 1 and TRAN-Table 2 Assessment**

143. We heard from the Fuel Companies who did not oppose the recommended amendments to TRAN-Table 1, and instead sought clarity on how TRAN-R7 and TRAN-Table 1 would apply in the context of other provisions in the Transport chapter (most notably TRAN-R8). The Fuel Companies sought clarification of what constituted an expansion for TRAN-R7.
144. In her Section 42A Reply Report, Ms Willox noted that the Oxford Dictionary defines an expansion as "*the action or process of causing something to occupy or contain a larger space, or of acquiring a greater volume or capacity.*" In her view, TRAN-R7 would not apply to activities permitted under TRAN-R8 because that rule is specific to existing, permitted or consented vehicle parking spaces and therefore does not constitute an expansion (occupying the same space as an existing activity i.e., not creating additional parking spaces). But, the installation of additional parking spaces (not otherwise provided for) specifically for electric vehicle charging stations would constitute an expansion and need to be assessed against TRAN-R7, which is provided for in the rules as notified. Ms Willox did not recommend any amendments to TRAN-R7 and TRAN-R8 in response to the Hearing statement of the Fuel Companies. We accept her analysis in this regard.
145. While we acknowledge that FENZ, in its tabled evidence, appeared to reiterate the relief sought in its submission relating to TRAN-R7, TRAN-Table 1 and TRAN-Table 2, no additional analysis was provided to support its position. Further, FENZ did not specifically respond to Ms Willox's analysis of their relief sought nor her recommendations in relation to that relief. On this basis, we do not consider these matters further.
146. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R7, TRAN-Table 1 and TRAN-Table 2 including the consequential amendments to TRAN-P2, TRAN-R7, TRAN-Table1, TRAN-Table 2 and TRAN-S9 to remove the reference to 'vehicle trips' from the provisions.

**8.12 Decision**

147. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R7, TRAN-Table 1 and TRAN-Table 2.

**8.13 TRAN-R8, TRAN-S3, TRAN-S6, TRAN-Figure 2, TRAN-Table 3 Assessment**

148. The MoE tabled evidence and asked that should their submissions on TRAN-S1 and TRAN-Table 3 be rejected, TRAN-Table 3 be amended to remove the requirement for educational facilities to provide one parking space per 10 students over 15 years of age. Ms Willox in her Section 42A Reply Report advised that Ashley McLachlan (MDC Engineering Manager) did not support the suggested changes to TRAN-Table 3 because, based on current school rolls, the number of carparks required under that standard was not overly onerous. In his view, carparks for students old enough to drive, are necessary to ensure an efficient transport network (TRAN-O1). He recommended that the driving age be changed to 16 years to align with the correct driving age in New Zealand. We accept Ms Willox's recommendation that TRAN-Table 3 is amended to increase the age of students from 15 years to 16 years of age.
149. We were not persuaded by Ms McMullen's (for MFL) justification to amend TRAN-Table 3 to make specific provision for residential accommodation activity.
150. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R8, TRAN-S3, TRAN-S6, TRAN-Figure 2, and TRAN-Table 3.

**8.14 Decision**

151. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R8, TRAN-S3, TRAN-S6, TRAN-Figure 2, and TRAN-Table 3.

**8.15 Definitions Assessment**

152. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on Definitions.

**8.16 Decision**

153. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

**8.17 Other submissions Assessment**

- Having considered the submissions received and any evidence presented at the Hearing we agree with Ms Willox's analysis and recommendations on Other Submissions. In particular, while we acknowledge the concerns of Robin McCarthy as presented to us at the Hearing, the relief he sought sits outside the jurisdiction of the MDP, so we are unable to consider his submission as part of this Decision.
154. With regard to the submission and tabled evidence of Springwater Trust, we are satisfied that there are already appropriate measures in place to protect the Twizel community water drinking supply from the effects of subdivision and that there is no need to prohibit further subdivision of any land that relies on the Twizel water supply.

**8.18 Decision**

155. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Other Submissions.



Rob van Voorthuysen (Chair)



Megan McKay



Andrew Willis



Ros Day- Cleavin