

# Notice of Submission on Plan Change 20 to the Mackenzie District Plan

*Submission made by electronic means*

## 1. SUBMITTER DETAILS

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## 2. SUBMISSION DETAILS

This is a submission on Plan Change 20 to the Mackenzie District Plan.

The relief sought by Environment Canterbury for each provision is addressed below.

Environment Canterbury could not gain an advantage in trade competition through this submission.

**The reasons for our submission are:**

### General comments

1. Canterbury Regional Council (hereafter Environment Canterbury) thanks the Mackenzie District Council (MDC) for the opportunity to comment on Plan Change 20 (PC20) to the Mackenzie Proposed District Plan (PDP), and the engagement with Environment Canterbury on PC20 prior to notification. Environment Canterbury supports MDC in seeking to improve the clarity of the Operative District Plan (ODP) and make amendments to better give effect to the objectives, policies and methods of the Canterbury Regional Policy Statement 2013 (CRPS) and national direction. Particularly, Environment Canterbury supports the introduction of the Strategic Direction chapter to provide overarching direction to the rest of the PDP.
2. Environment Canterbury administers the CRPS, the purpose of which is to establish policies and methods to achieve the integrated management of the natural and

physical resources of the region. Both Environment Canterbury and MDC have responsibilities under the CRPS to achieve integrated management of the natural and physical resources within their jurisdictional area.

3. The principal reason for Environment Canterbury's submission on PC20 is to ensure Part 1 and the strategic objectives give effect to the CRPS as required by section 75 of the Resource Management Act 1991 (RMA).
4. Overall, Environment Canterbury has found the Strategic Directions chapter well drafted and generally implements the CRPS. However, some amendments are requested to help implement specific aspects of the CRPS and ensure the integrated management of natural and physical resources throughout the PDP. While amendments have been requested, we note there is more than one way to achieve the intent of our request and accordingly Environment Canterbury are happy to work with MDC on any amendments.

#### Chapter: Cross Boundary Matters

5. Environment Canterbury supports in part the Cross Boundary Matters chapter in Part 1 of PC20. Environment Canterbury considers that the promotion of collaboration between local authorities on common resource management issues will better implement the intention of Section 18A of the RMA and the CRPS as opposed to the consultation provided for in the Cross Boundary Matters chapter.
6. Section 18A of the RMA states that every person exercising powers and performing functions under the Act must take all practicable steps to promote collaboration between or among local authorities on their common resource management issues. This section provides a strong requirement for collaboration between local authorities and was inserted into the RMA in 2017 post the CRPS being made operative. Accordingly, if the CRPS was reviewed today, it is likely that it would contain stronger policies regarding collaboration than it currently does.
7. Chapter 3 of the CRPS identifies that collaboration will help to ensure that matters addressed in the CRPS are efficiently and effectively implemented, particularly for emerging issues, cross-boundary issues and matters administered by two or more Councils (for example resource consenting).
8. With these matters in mind, Environment Canterbury considers that the Cross Boundary Matters chapter should focus on collaboration (as opposed to consultation) and should provide greater detail as to the process of collaboration and the tools that could be used, having regard to the matters outlined in Section 3.1 of the CRPS. The Cross Boundary Chapter also provides an opportunity to acknowledge the non-regulatory collaboration methods currently used such as the Mackenzie Basin Alignment Programme and Te Mōkihi.

9. Environment Canterbury are committed to working closely with MDC on resource management matters and welcomes further discussion about how collaboration could occur.
10. Environment Canterbury notes a typographical error within the 'Activity Status' section of the General Approach Chapter regarding prohibited activities where it incorrectly refers to the nature of a permitted activity, 'If the activity is permitted, you cannot proceed with the activity'.

*Relief sought*

11. Amend the Cross Boundary Matters chapter to specifically refer to collaboration on common resource management issues as required under Section 18A of the RMA and consider processes for collaboration and the matters under Section 3.1 of the CRPS.
12. The prohibited activity status sentence within the 'Activity Status' section of the General Approach Chapter is amended to:  
    'If the activity is ~~permitted~~prohibited, you cannot proceed with the activity'.

*Chapter: Mana Whenua*

13. Environment Canterbury supports the Mana whenua section in part. The matters identified within section MW2 of the Mana whenua Chapter align with the matters identified within Chapter 2 of the CRPS. The Statutory Acknowledgements listed under MW3.2 align with those identified in Appendix 1 of the CRPS for the Mackenzie District. However, the CRPS Appendix 1 also identifies the Hakataramea River as a Statutory Acknowledgement Area. The Hakataramea River upper reach extends into the Mackenzie District but is not identified within proposed section MW3.2 of the introductory chapters.

*Relief sought*

14. Amend section MW3.2 to include the Hakataramea Statutory Acknowledgement Area as identified within Appendix 1 of the CRPS.

*ATC-O1 (Live, work, play and visit)*

15. Environment Canterbury supports Strategic Objective ATC-O1 in part. Environment Canterbury supports clauses ATC-O1.1 and ATC-O1.3 as notified.
16. Environment Canterbury notes that the strategic objectives are silent on the issue of public access. While ATC-O1 does address 'recreation activities' it is not clear if public access is included or not.
17. The maintenance and enhancement of public access to lakes and rivers is an important component of Section 6 of the RMA and Policy 10.3.5 of the CRPS. Public access is

also a relevant issue to the Mackenzie District given its extensive area of lakes and rivers and the high public use of the district for recreation activities. Public access could either be addressed in ATC-O1 or by a separate strategic objective. Either way, it is important that the strategic directions acknowledge the national importance of maintaining and enhancing public access so that this can be addressed in an integrated manner across the PDP.

18. Environment Canterbury supports ATC-O1.2 in part. ACT-O1.2 seeks to provide for activities important to the community's social, economic and cultural well-being. Environment Canterbury is concerned that these activities can result in adverse effects on the environment and there is no strategic objective that seeks to manage the effects of allowing these activities on the environment. In this regard, we note NE-O1 does not address effects on non-significant parts of the environment and the way in which it manages effects on significant parts of the environment is uncertain. We also note that the strategic directions chapter states that subservient chapters need to comply with the Strategic Directions objectives, and therefore we are concerned that enabling these activities will be prioritised over managing the adverse effects of these activities.
19. Accordingly, Environment Canterbury requests the strategic directions are amended to either amend ATC-O1.2 to ensure adverse effects from these activities can be appropriately managed, or that the adverse effects of activities are addressed somewhere else in the strategic directions.
20. This request is made to give effect to CRPS Objective 5.2.1 and Policy 5.3.2 that enable people and communities to provide for their wellbeing but requires the management of a range of environmental effects. It is also consistent with Section 5 of the RMA that includes managing adverse effects on the environment as a key component of sustainable management. Accordingly, Environment Canterbury considers that the appropriate management of environmental effects should be a key strategic direction of PC20.

#### *Relief sought*

21. Retain Strategic Objective ATC-O1.1 and ATC-O1.3 as notified or preserve the original intent.
22. Amend Strategic Objective ATC-O1.2 as follows:  
'Activities that are important to the community's social, economic and cultural well-being, ~~including appropriate economic development opportunities,~~ are provided for, while ensuring adverse environmental effects are managed appropriately; and',  
Or alternatively add a new Strategic Objective that seeks:  
'Avoid significant adverse effects on the environment and avoid, remedy or mitigate other adverse effects'.

#### ATC-O2 (Rural areas)

23. ATC-O2 recognises the significant contribution rural areas make to the wellbeing of the district. Environment Canterbury has two concerns with ATC-O2.
24. The first concern is that ATC-O2 does not explicitly refer to the natural and physical resources that underpin the contribution the rural area makes to the district's wellbeing. This is addressed in CRPS Policy 5.3.12 that seeks the maintenance and enhancement of natural and physical resources that contribute to Canterbury's rural productive economy in areas valued for existing or foreseeable future primary production.
25. It is important to distinguish that natural and physical resources underpin the activities that occur in rural areas that contribute to the wellbeing of the district. Otherwise, there is a risk that ATC-O2 is interpreted narrowly to mean any activity in the rural area should be recognised and provided for. This concern is reflected in the PC20 section 32 report that identifies that the permissive regime of the ODP has led to the occurrence of perverse and undesirable outcomes, particularly within the rural environment.
26. Environment Canterbury's second concern relates to the drafting of ATC-O2 that recognises and provides for a range of activities within the rural area, without providing any guidance regarding the management of environmental effects. Again, ATC-O2 could be amended to address this concern, or it could be dealt with by a separate objective. Notwithstanding, as the suggested amendment below focuses on natural and physical resources, there is no need to deal with effects management within the objective. However, if this amendment was not accepted, the appropriate management of the adverse effects of allowing activities in rural areas is requested to be addressed.

#### *Relief sought*

27. Replace Strategic Objective ATC-O2 with:  
'The natural and physical resources of rural areas that contribute to the wellbeing of the district are maintained and enhanced.'

#### ATC-O3 (Infrastructure)

28. Environment Canterbury supports ATC-O3 in part. Environment Canterbury's first concern with ATC-O3 is that it does not differentiate between significant infrastructure and less significant types of infrastructure. The discussion within the PC20 section 32 report notes that all infrastructure is important to well-being regardless of whether it is recognised regionally or nationally, and therefore the preferred approach is to acknowledge infrastructure more generally within ATC-O3. However, the drafting of the objective including the words 'recognised and provided for' elevates the status of relatively insignificant infrastructure (i.e. on site wastewater management systems, drains or public walkways) to the same level of importance as aspects of the environment addressed under Section 6 of the RMA. Environment Canterbury is

concerned that this approach may lead to perverse and unintended outcomes whereby less significant infrastructure is prioritised over important aspects of the environment. Environment Canterbury acknowledges the strategic importance of regionally significant infrastructure, but requests that other infrastructure is not afforded the same level of importance.

29. CRPS Objective 5.2.2 recognises the benefits of regionally significant infrastructure. The CRPS definition of regionally significant infrastructure focuses on large or network infrastructure assets that serve the public/community and are therefore strategically important. It is on this basis that CRPS Policy 5.3.9 and other policies in chapter 5 seek to protect regionally significant infrastructure from adverse effects and accepts that there are operational, locational and functional constraints that mean that avoiding all adverse effects is impractical. However, it does not attribute the same importance to less significant forms of infrastructure. Accordingly, Environment Canterbury requests that ATC-O3 only recognises the importance of Regionally Significant Infrastructure.
30. It is also noted that CRPS Chapter 5 contains several provisions that seek to protect regionally significant infrastructure from the adverse effects of other activities and development. This is an important component of the management of these strategic assets that needs to be recognised and provided for in an integrated manner across the PDP. Accordingly, Environment Canterbury requests that ATC-O3 is amended to make it clear that the adverse effects of other activities and development on significant infrastructure is managed appropriately.
31. Several provisions of the CRPS Chapter 5 also seek to manage the effects of infrastructure on the environment. Accordingly, Environment Canterbury requests that is also provided for in ATC-O3.
32. Two different objectives are recommended, the second on the basis that it is considered crucial to recognise the importance of regionally significant infrastructure as is implicit in the term.

*Relief sought*

33. Replace ACT-O3 with either of the following:  
'The importance of regionally significant infrastructure is recognised and provided for without major constraints from other activities, while managing its adverse effects.'

Or alternatively:

'Regionally significant infrastructure is provided for without major constraints from other activities, while managing its adverse effects'.

*ATC-O4 (Renewable Energy and Electricity Transmission Infrastructure)*

34. Environment Canterbury supports that part of ATC-O4 that recognises the benefits of renewable electricity generation and transmission.
35. However, Environment Canterbury is concerned that these activities can result in adverse effects on the environment and there is no strategic objective that seeks to manage the effects of allowing these activities on the environment. Specifically, CRPS Objective 16.2.2 and Policies 16.3.2, 16.3.4 and 16.3.5 all seek that adverse effects arising from renewable energy facilities are appropriately managed. Accordingly, Environment Canterbury requests that this is provided for in ATC-O4, or through another strategic objective.
36. Additionally, CRPS Chapters 5 and 16 seek to manage the effects of development on renewable electricity generation and transmission infrastructure. This is not addressed within ATC-O4. Accordingly, Environment Canterbury request this is also addressed within ATC-O4.
37. Despite requesting two separate objectives to address infrastructure and renewable and electricity generation/transmission activities in pre-notification consultation, Environment Canterbury acknowledge the duplication in ATC-O3 and ATC-O4 and agree that in interests of conciseness they could be combined, with no need for ATC-O4.

#### *Relief sought*

38. Delete ATC-O4 or replace with:  
'Important renewable electricity generation and electricity transmission assets are provided for without major constraints from other activities, while managing their adverse effects.'

#### *ATC-O5 (Adaptation and resilience)*

39. Environment Canterbury has some concerns with ATC-O5.
40. First, its scope is considered too broad, particularly regarding its enabling nature. For instance, the beginning of the objective could justify the management of resources in any way to enable the community to be resilient, without any consideration of the environment. Environment Canterbury are concerned that this could lead to perverse environmental outcomes and therefore requests that ATC-O5 is amended to address this issue.
41. Second, Environment Canterbury is concerned that ATC-O5 does not address the breadth of matters the CRPS addresses in relation to climate change. The CRPS addresses climate change in the following ways:
  - enables communities to be resilient and adapt to the effects of climate change while also recognising the influence of climate change effects on natural hazard risk (Objective 11.2.3);

- requires energy efficient urban form (chapter 5);
  - requires energy efficient infrastructure (chapter 5).
42. Accordingly, Environment Canterbury requests that ATC-O5 is amended to give effect to these matters. We note this would also set MDC up well to address new national direction, as signalled by the National Adaption Plan.
43. Environment Canterbury's third concern regarding ATC-O5 is that it does not address natural hazards comprehensively. The PC20 section 32 report notes that ATC-O5 is consistent with the CRPS natural hazards Objective 11.2.3. However, while Objective 11.2.3 relates to climate change and the impact climate change can have on the frequency and severity of natural hazards, ATC-O5 does not consider natural hazards emanating from climate change, or the consideration of natural hazards independent of climate change (ie. earthquakes, tsunami, liquefaction).
44. CRPS Chapter 11 recognises the importance of managing the risks from natural hazards and the impact natural hazards can have on people and communities. Chapter 11 seeks that natural hazard risk is both not exacerbated by development and that adverse effects of development within high hazard areas is avoided, and other hazard effects are avoided or mitigated.
45. ATC-O5 therefore does not give effect to the CRPS direction relating to natural hazards. Accordingly, Environment Canterbury requests that a new strategic objective is included in PC20 to address natural hazards. The risk of not providing strategic direction relating to natural hazards is that it:
- a. may mean that natural hazards and climate change will not be addressed in an integrated manner across the PDP;
  - b. loses the opportunity to provide guidance in relation to conflicting objectives of the PDP (i.e. the need to enable infrastructure versus the need to avoid natural hazards);
  - c. loses the opportunity to ensure that management of natural hazards is a key part of the PDP strategic directions.
46. Environment Canterbury is willing to provide support to MDC regarding the identification and management of natural hazard risk. This will assist both Environment Canterbury and MDC meeting the CRPS requirements under Objective 11.2.4 and Policies 11.3.5 and 11.3.9.

*Relief sought*

47. Delete Strategic Objective ATC-O5, and replace with the following:
- The effects of climate change are recognised and an integrated management approach is adopted, that ensures:
1. climate change is considered in natural hazards management;
  2. the community can adapt to climate change;
  3. energy efficiency in urban form and settlement patterns;

4. energy efficient infrastructure.

48. Add the following new Strategic Objective as 'ATC-O6' to address natural hazards:

'Natural hazard risks are addressed so that:

1. areas subject to natural hazard risk are identified;
2. development is avoided in areas where the risks of natural hazards to people, property and critical infrastructure are assessed as being unacceptable; and
3. for other areas, natural hazard risks are appropriately mitigated.'

MW-O1 and MW-O2 (Mana whenua)

49. Environment Canterbury supports Strategic Objective MW-O2, particularly the recognition of mana whenua, and their relationship with the district's land, water bodies, indigenous species and other sites and areas of significance. This gives effect to CRPS Method 4.3.15.

50. Environment Canterbury supports Strategic Objective MW-O2 as notified. CRPS Chapters 2 and 4 relate to values of significance to Ngāi Tahu and seek the meaningful engagement with Ngāi Tahu regarding the management of natural and physical resources within Canterbury. Accordingly, Environment Canterbury is supportive of strengthening the involvement of mana whenua within decision making processes and enabling their ability to exercise kaitiakitaka responsibilities and undertake customary practices.

*Relief sought*

51. Retain Strategic Objectives MW-O1 and MW-O2 as notified or preserve the original intent.

NE-O1 (Natural Environment)

52. Strategic Objective NE-O1 identifies five natural resources, and their values, that are important to the Mackenzie District. Environment Canterbury supports recognising natural resources and values of significance to the district at a strategic level, particularly as each of these values are recognised within Section 6 of the RMA. The PC20 section 32 report acknowledges that not all natural resources listed need to be protected in every instance, and this is noted within the drafting of NE-O1. Each of the resources identified within NE-O1 are addressed within the CRPS and specific policy guidance applies to each. While protection is often sought as the primary management method for these resources within the CRPS, in many cases, a level of use and development is allowed for where it is deemed appropriate, and adverse effects can be avoided or mitigated.

53. The section 32 report notes that the level of change deemed appropriate for each resource will be teased out within the Part 2 chapters of the PDP. While this approach

raises some challenges as the other chapters are not presently available for review of suitability, Environment Canterbury notes that the relevant CRPS matters can be implemented through the current drafting of NE-O1.

54. Environment Canterbury's main concern with NE-O1 is that the inclusion of the words *'unique, character and identity'* in NE-O1 are used in a way that provides gateway criteria that the listed values must meet to be recognised and provided for. The concern is that if the values do not meet these criteria, they will not be recognised and provided for. Environment Canterbury is also concerned that some of these criteria are inconsistent with the CRPS criteria for some aspects of the environment. For example, 'unique', 'character' and 'identity' are not included in CRPS Appendix 3 *'criteria for determining significant indigenous vegetation and significant habitats of indigenous biodiversity'*. As the inclusion of the subject criteria in NE-O1 could create confusion as drafted, Environment Canterbury seeks amendment to clarify that these criteria are one way in which important values can be identified, while allowing breadth to apply other criteria, such as those within Appendix 3 of the CRPS.

55. Environment Canterbury requests that the breadth of NE-O1 is expanded to include the historic environment. Historic heritage is not specifically referred to in the PC20 strategic directions. The protection of historic heritage from inappropriate subdivision, use, and development is a matter of national importance under s.6 RMA that has to be recognised and provided for. Similarly, CRPS Objective 13.2.1 provides for the identification and protection of significant historic heritage items, places and areas, and their values that contribute to Canterbury's distinctive character and sense of identity from inappropriate subdivision, use and development. CRPS Objective 13.2.2 is also noteworthy and recognises that cultural and heritage values are often expressed in a landscape setting and that provision should be made for the protection of such landscapes from inappropriate subdivision, use and development. Accordingly, the protection of historic heritage is not solely a matter for the historic heritage chapter. It may also be relevant to the landscape chapters and the sites and areas of significance to Māori chapters.

#### *Relief sought*

56. Amend ATC-O4 as follows:

NHE-O1 Natural and Historic Environment

The important values of the natural and historic environment, including those that make the District unique, contribute to its character, identity and wellbeing, ~~and have significant intrinsic values~~, are recognised and provided for, and where appropriate protected and enhanced. This includes values associated with:

1. mahika kai resources;
2. night sky darkness;
3. outstanding natural features and landscapes;
4. significant indigenous biodiversity; ~~and~~

5. water bodies and their margins;
6. historic heritage.

UFD-O1 (Urban form and development)

57. Environment Canterbury generally supports UFD-O1 but requests some amendments.

58. CRPS Chapter 5 seeks consolidated and integrated urban growth that promotes effective and efficient infrastructure while ensuring adverse effects are appropriately managed. This includes effects on urban character, soil health, natural hazard risk, soil productive capacity, drinking water quality, historic heritage and cultural and natural landscapes.

59. Currently UFD-O1 does not address:

- the protection of community drinking water supplies (Policy 5.3.2.1(d)).
- the avoidance of land uses that increase natural hazard risks (Policy 5.3.2.2(a)).

Accordingly, Environment Canterbury requests that UFD-O1 is amended to address these matters.

60. In relation to protecting the productive capacity of soil, we suggest consideration of the need to give effect to the Proposed National Policy Statement for Highly Productive Land that is scheduled for imminent release. We note that there are not class I or II versatile soils presently identified in the vicinity of the settlements in the Mackenzie District and therefore this matter will depend on the exact requirements of the Proposed National Policy Statement for Highly Productive Land.

61. UFD-O1.1 seeks that townships and settlements grow and develop in a consolidated way that is integrated into and respects the values of the surrounding natural and physical environment. Environment Canterbury is concerned that the use of the words 'respects the values' does not give effect to the provisions of the CRPS that seek specific outcomes concerning the management of significant natural values. For instance, the following provisions of the CRPS are relevant:

- Objective 5.2.1.2(a) and (g) require that adverse effects on significant natural and physical resources are avoided in the first instance, and then remedied or mitigated only where adverse effects cannot be avoided.
- Objectives 12.2.1, 9.2.3, 7.2.3 and 7.2.1.2 and Policy 7.3.1.1 seek the protection of outstanding natural features and landscapes, significant indigenous biodiversity, the intrinsic values of waterbodies, and fresh water bodies and their margins where there is a high state of natural character.

62. Accordingly, Environment Canterbury requests that UFD-O1.1 is amended so that the growth and development of settlements gives effect to the relevant CRPS direction.

63. UFD-O1.3 seeks that urban form and development is supported by appropriate infrastructure but is unclear whether this clause is meant to relate primarily to three

waters services or apply more broadly to include infrastructure associated with energy, telecommunications and transport. Regarding the former, CRPS Policy 5.3.5 seeks that development is not only appropriately supplied with three waters services, but that it is also served in an efficient and timely manner. If UFD-O1.3 is to relate primarily to three waters services, then the clause should include wording to ensure that it is efficiently provided to implement CRPS Policy 5.3.5.

64. Environment Canterbury supports UFD-O1.4 and UFD-O5 as notified.

*Relief sought*

65. Environment Canterbury suggest Strategic Objective UFD-O1 is amended as follows:

'The district's townships and settlements grow and develop in a consolidated way that:

1. is integrated with into, and respects the surrounding natural and physical environment in a way that protects significant natural values;
2. achieves good connectivity with other parts of the urban areas;
3. avoids increasing the risk of natural hazards within high hazard areas and avoids or mitigates other hazards;
- ~~3.4.~~ is integrated with the efficient and effective provision of is supported by appropriate infrastructure;
- 4.5. maintains the character of each township, and its attractiveness to residents, businesses and visitors; and
- ~~5.6.~~ responds to the needs of the community, including diversity in housing and business opportunities;:
7. protects community drinking water supplies;
8. protects the life supporting capacity, health and productive capacity of highly productive land.

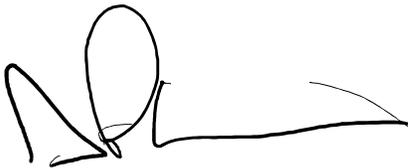
**3. SUBMISSION AT THE HEARING**

We wish to be heard in support of our submission.

**4. SIGNATURE**

**Regional Planning Manager**

**9 September 2022**



Andrew Parrish