

**BEFORE THE HEARING PANEL
CONSTITUTED BY THE MACKENZIE DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions on Proposed Plan Change
20 to the Mackenzie District Plan

AND

IN THE MATTER of submissions and further submissions
by Meridian Energy Limited

**STATEMENT OF EVIDENCE BY SUSAN RUSTON FOR MERIDIAN
ENERGY LIMITED**

DATED 15th NOVEMBER 2022

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EXECUTIVE SUMMARY

- [1] This statement of planning evidence has been prepared at the request of Meridian Energy Limited in respect of Plan Change 20 to the Mackenzie District Plan.
- [2] Mackenzie District Council is reviewing the Mackenzie District Plan in stages, with Plan Change 20 addressing ‘Part 1 – Introduction and General Provisions’ and ‘Part 2 – District-Wide Matters, Strategic Direction’.
- [3] The requirements of the Resource Management Act 1991, National Policy Statement for Renewable Electricity Generation 2011, National Policy Statement for Freshwater Management 2020 and the Canterbury Regional Policy Statement clearly establish a requirement for decisions makers, including those making decisions on district plan provisions, to provide for the development, operation, maintenance and upgrading of existing and new renewable electricity generation activities. Driving this requirement is the undeniable relationship between renewable electricity generation and New Zealand’s ability to reduce carbon emissions and mitigate the impacts of climate change.
- [4] The Mackenzie District is not immune to the potential impacts of climate change and the Waitaki Power Scheme, being New Zealand’s largest hydroelectricity scheme, is located in the district. For these reasons the Mackenzie District Plan has a key role to play in ensuring that the Scheme can continue to successfully operate and in providing for development of new renewable electricity generation activities.
- [5] On this basis it is essential, in my opinion, that the Strategic Direction provisions in Plan Change 20 set expectations and provide clear direction to the remaining parts of the plan on how the ongoing operation, maintenance and upgrading of the Scheme is to be provided for. It is equally essential for the Strategic Direction provisions in Plan Change 20 to set expectations and provide direction on how new development of renewable electricity generation can be provided for in the district, and

how protection should be provided to renewable electricity assets to avoid reverse sensitivity effects on such assets.

- [6] While the notified version of Plan Change 20 went some way to achieving this, in my opinion it has not gone far enough to provide strategic direction or to be consistent with the statutory planning requirements.
- [7] In many places in the s42A Report for Plan Change 20 the author refers to relief sought by submitters being better addressed in the later sections of the plan that are yet to be notified. While this may be appropriate for some matters, I do not agree with this with respect to renewable electricity generation matters. In my opinion, providing for existing and new renewable electricity generation activities in the Mackenzie District is of such strategic importance that it warrants thorough inclusion in the Strategic Direction provisions in Plan Change 20.
- [8] The assessment that follows in this evidence evaluates the provisions that Meridian has submitted on. My recommended changes to the provisions are set out in Annexure 1 of this evidence. I consider that these changes are needed to strengthen the Strategic Direction of the plan and to better meet the statutory planning requirements with respect to the renewable electricity generation activities.

INTRODUCTION AND SCOPE OF EVIDENCE

Name, Qualifications, and Experience

- [9] My full name is Susan Clare Ruston. I am a resource management and planning consultant. I am currently employed by PPM Consulting Limited where I am a Director and majority shareholder.
- [10] For over 30 years I have provided resource management and planning services to a range of sectors, for example agriculture, forestry, horticulture, energy generation, aggregate extraction, waste management, hazardous substances, irrigation, roading, tourism, property development, and central and local government (with PPM Consulting Ltd 2020-2022, Enspire Consulting Ltd 2017-2020, Pure Savvy Ltd 2008-2009, Meritec Limited 1998 to 2002, and PF Olsen and Company Ltd 1994 to 1997).
- [11] I have led policy development in the areas of resource management reform, environmental risk, and hazardous substances and new organisms at the Ministry for the Environment (during the periods 2002 to 2005 and 2009 to 2012), and I have provided resource management policy and risk management expertise to large private sector organisations such as Fonterra Co-operative Group Ltd (as Environmental Policy Manager for the South Island 2013 to 2017).
- [12] Core areas of my expertise include policy development and design of regulatory frameworks, evaluation of planning documents, preparation and evaluation of resource consent applications, and the preparation of expert planning evidence for council and Court hearings.
- [13] I hold a Bachelor of Forestry Science Degree (Hon) and an Executive Masters in Public Administration. I am a member of the Resource Management Law Association, the New Zealand Planning Institute, and the Resolution Institute.

Code of Conduct

- [14] While this is not an Environment Court hearing I have met the standards in that Court for giving expert evidence.
- [15] I have read the Code of Conduct for expert witnesses issued as part of the Environment Court Practice Note 2014 (Part 7). I agree to comply with the Code of Conduct. I am satisfied that the matters addressed in this statement of evidence are within my expertise. I am not aware of any material facts that have either been omitted or might alter or detract from the opinions expressed in this statement of evidence.

Scope of Evidence

- [16] This evidence addresses Proposed Plan Change 20 (**PC20**) to the Mackenzie District Plan (**MDP**).
- [17] I have been asked by Meridian Energy Limited (**Meridian**) to evaluate, under the Resource Management Act 1991 (**the Act**), the following provisions in PC20 Part 2 – District Wide Matters:
- a) Section: Strategic Direction, Introduction;
 - b) Chapter: ATC – A Thriving Community, Introduction;
 - c) ATC-O1 Live, Work, Play and Visit
 - d) ATC-O2 Rural Areas;
 - e) ATC-O3 Infrastructure
 - f) ATC-O4 Renewable Electricity;
 - g) ATC-O6 relief sought by Environment Canterbury;
 - h) MW-O2 Mana Whenua Involvement;
 - i) Chapter: NE – Natural Environment;
 - j) UFD-O1 Urban Form and Development;

[18] **Annexure 1** to this evidence provides a summary of my recommended changes to the provisions listed in a) to j) of the preceding paragraph.

[19] In preparing this evidence, I have considered the following documents:

- a) PC20;
- b) Relevant sections of the Act;
- c) National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**);
- d) National Policy Statement for Freshwater Management 2020 (**NPSFM**);
- e) National Planning Standard, November 2019 (**NPS**);
- f) Canterbury Regional Policy Statement (**CRPS**);
- g) PC20 Section 32 Report (10 December 2017);
- h) Submissions and further submissions of Meridian;
- i) Submissions and further submissions of other submitters;
- j) Section 42A Hearings Report (19 October 2022) prepared by Liz White (**the s42A Report**);
- k) Statement of evidence of Ms Erin Whooley for Meridian.

RELEVANT STATUTORY PLANNING REQUIREMENTS

[20] The following paragraphs summarise the key statutory and planning requirements that are relevant to the matters that Meridian submitted on. The specific provisions referred to are provided in full in Annexure 2 of this evidence.

The Act

[21] The Mackenzie District Council must promote the sustainable management of natural and physical resources, as defined in section 5 of the Act (see Annexure 2 of this evidence). While doing so, they must have particular regard to the effects of climate change and to the benefits to be derived from the use and development of renewable energy (section 7(i) and 7(j) respectively), amongst other matters.

[22] The functions of territorial authorities, for the purpose of giving effect to the Act, include (amongst other functions):

- a) establishing, implementing, and reviewing objectives, policies, and methods to:
 - i) achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;
 - ii) ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district; and
- b) controlling any actual or potential effects of the use, development, or protection of land; and
- c) controlling the emission of noise and mitigation of the effects of noise; and

d) controlling any actual or potential effects of activities in relation to the surface of water in rivers and lakes.¹

[23] The purpose of district plans is to assist territorial authorities to carry out their functions to achieve the purpose of this Act (section 72 of the Act). A district plan must give effect to any national policy statement, any New Zealand coastal policy statement, a national planning standard; and any relevant regional policy statement (section 75(3) of the Act).

[24] Given the location of the Mackenzie District, the New Zealand Coastal Policy Statement does not apply to the content of the Mackenzie District Plan.

[25] Beyond the New Zealand Coastal Policy Statement, there are four national policy statements in effect. These address freshwater management, renewable electricity generation, electricity transmission and urban development. With respect to the PC20 matters that were submitted on by Meridian, the NPSREG and NPSFM are relevant.

[26] The relevant national planning standard is the National Planning Standard November 2019. This standard prescribes (amongst other matters) a nationally consistent structure, format, and set of definitions for district plans.

[27] The relevant regional policy statement for the Mackenzie District is the Canterbury Regional Policy Statement 2013 (republished in July 2021).

National Policy Statement for Renewable Electricity Generation 2011

[28] The NPSREG sets out objectives and policies to enable sustainable management of renewable electricity generation (**REG**) under the Act. It recognises the growing demand for energy in New Zealand; the importance of responding to the risks of climate change by reducing greenhouse gas (**GHG**) emissions caused by the production and use of

¹ The Act, s31

energy; and the importance of providing clean, secure, and affordable energy while treating the environment responsibly.

[29] The NPSREG identifies the matters of national significance as “*the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand*” and “*the benefits of renewable electricity generation*”.² The objective of the NPSREG is to recognise these matters by “*providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities*” so that the New Zealand Government’s national target for REG is met or exceeded.

[30] The New Zealand Government’s current national target for REG is “*100 per cent renewable electricity by 2030*”.³

[31] Policy A of the NPSREG requires that the national significance of REG activities, including the national, regional, and local benefits of such activities, are recognised and provided for by decision makers, including by district plan makers. In summary, these benefits are listed in Policy A of the NPSREG as:

- a) maintaining or increasing REG capacity while avoiding, reducing or displacing GHG emissions;
- b) maintaining or increasing the security of electricity supply by diversifying the type and location of electricity generation;
- c) using renewable natural resources rather than finite resources; the ability to reverse adverse effects on the environment from some REG technologies; and
- d) avoiding reliance on imported fuels for electricity generation purposes.

² NPSREG, Page 4, Matters of National Significance

³ Te hau mārohi ki anamata Towards a productive, sustainable and inclusive economy Aotearoa New Zealand’s First Emissions Reduction Plan, May 2022 (revised June 2022), Action 11.5.1 on Page 220

[32] Policies B and C1 of the NPSREG require that decision makers have particular regard to the following matters:

- a) protection of REG assets and operational capacity, and the availability of the renewable energy resource, may be needed to maintain the generation output of existing REG activities;
- b) minor reductions in the generation output of REG activities can cumulatively adversely affect REG output (nationally, regionally and locally);
- c) significant new development of REG activities is needed to achieve (or exceed) the Government's national target for REG
- d) the need to locate REG activities where the renewable energy resource is available;
- e) the logistical or technical practicalities associated with developing, upgrading, operating, or maintaining REG activities;
- f) the location of existing structures related to REG activities and the need to connect REG activities to the national grid;
- g) designing measures that allow operational requirements to complement and provide for mitigation opportunities; and
- h) adaptive management measures.

[33] Policy C2 of the NPSREG requires that when considering any residual environmental effects of REG activities that cannot be avoided, remedied or mitigated, decision makers must have regard to offsetting measures or environmental compensation.

[34] Policy D of the NPSREG requires that decision makers must manage activities to avoid reverse sensitivity effects on consented and existing REG activities, to the extent that is reasonably possible.

[35] Policies E1, E2, E3 and E4 of the NPSREG require that district plans (along with regional policy statements and regional plans) must include

objectives, policies, and methods (including rules) that provide for the development, operation, maintenance and upgrading of new and existing REG activities using solar, biomass, tidal, wave, ocean current, wind, geothermal and hydro-electricity generation resources, to the extent that is applicable to the district.

- [36] Policy G of the NPSREG requires that district plans (along with regional policy statements and regional plans) must include objectives, policies, and methods (including rules) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for REG.

National Policy Statement for Freshwater Management

- [37] The objective of the NPSFM is to ensure that natural and physical resources are managed in a way that prioritises first, the health and well-being of water bodies and freshwater ecosystems; second, the health needs of people (such as drinking water); and third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

- [38] To achieve this objective, the NPSFM adopts several policies. Policy 4 recognises the importance of managing freshwater as part of New Zealand's integrated response to climate change.

- [39] Clause 3.31, while not setting requirements for district councils, recognises the national significance of five of New Zealand's largest hydroelectricity generation schemes, including the Waitaki Power Scheme (**WPS, or the Scheme**). This clause requires regional councils to have regard to the importance of the WPS's contribution to meeting New Zealand's GHG emission targets and to New Zealand's security of electricity supply. It also requires that regional councils have regard to the importance of the WPS's generation capacity, storage and operational flexibility.

[40] Policy 4 and clause 3.31 of the NPSFM reflect the national significance of REG activities, as established in the NPSREG, and in particular recognise and provide for the national significance of the WPS.

Canterbury Regional Policy Statement

[41] The CRPS recognises that energy is a critical factor in enabling the community to provide for their well-being, health, and safety; the demand for energy from all sectors is expected to continue to grow; the contribution of REG is of national significance; and REG can avoid, reduce or displace GHG emissions.⁴ The CRPS also acknowledges that to meet the Government's REG targets, development of new REG activities is necessary, and such development faces difficulty in securing access to natural resources and functional, operational and technical factors that constrain the location, layout, design and generation potential of REG facilities.⁵

[42] With respect to REG, Objective 16.2.2 of the CRPS is to promote a diverse and secure supply of energy for the region and beyond, with a particular emphasis on REG that is diverse in location, type and scale. The objective recognises the locational constraints of REG and seeks to manage the potential adverse effects of REG activities.

[43] To achieve this objective, Policy 16.3.3 of the CRPS requires that the local regional and national benefits of REG are recognised and provided for when considering proposed or existing REG facilities; and Policy 16.3.2 seeks to encourage and provide for the operation, maintenance and development of small and community scale distributed REG, while managing potential adverse effects of such activities.

Summary

[44] In summary, the Act, NPSREG, NPSFM and CRPS clearly establish a requirement for decisions makers (including those making decisions on

⁴ CRPS, page 212

⁵ CRPS, page 213

district plan provisions) to provide for the development, operation, maintenance and upgrading of new and existing REG activities.

NATIONAL SIGNIFICANCE OF THE WAITAKI POWER SCHEME

[45] Ms Whooley has described in her evidence the substantive infrastructure of the WPS, including the WPS's existing footprint, core sites and areas covered by an operating easement. I understand from Ms Whooley's evidence that the WPS is New Zealand's largest generator of electricity; that it provides on average approximately 18% of New Zealand's annual electricity generation requirements; and that at times the Scheme contributes approximately 30% of New Zealand's total generation during peak demand periods. Further to this, Lakes Tekapo and Pukaki together provide approximately 60% of New Zealand's active hydro storage, and this storage is critical to enabling the traditionally higher summer inflows into these lakes to be retained so that hydroelectricity can be reliably generated during winter when consumer demand is highest. Given the large storage and generation capacity of the WPS, I understand that there is no readily available alternative generation in New Zealand that could substitute the volume of electricity produced by the Scheme.

[46] As previously discussed, the WPS is recognised in the CRPS as being "*nationally significant*", and the NPSFM identifies the WPS as one of New Zealand's large hydroelectricity generation schemes that warrant particular regard for their contribution to meeting New Zealand's GHG emissions targets and to maintaining the security of New Zealand's electricity supply).

[47] On this basis, I understand that the Scheme is a key contributor to achieving the Government's target to have 100% of electricity generated from REG by 2030; and to achieving New Zealand's international commitment under the Paris Agreement to achieve net zero carbon emissions by 2050.

[48] Together the Act, the NPSREG and the CRPS require that the Mackenzie District Plan recognise and provide for the national significance of the

Scheme's REG activities. Meridian's submissions on PC20 focus on the consistency of PC20 with respect to the higher order documents (i.e., the Act, the NPSREG and the CRPS). Meridian submitted that PC20 does not adequately provide for the national significance of the Scheme and sought changes to PC20 to ensure that the Scheme can continue to be operated, maintained, upgraded and developed.

ASSESSMENT OF PC20 PROVISIONS

Context

[49] Mackenzie District Council is reviewing the MDP in stages. Stage One of the MDP review addresses the 'Part 1 – Introduction and General Provisions' and 'Part 2 – District-Wide Matters, Strategic Direction' requirements of district plans that are set by the NPS.

[50] In a number of instances in the s42A Report, matters that submitters have requested be addressed in the Strategic Direction section have been considered by Ms White to be better addressed in the later sections of the plan that are yet to be notified. While this may be the case in some instances, I consider that the appropriate test is whether the matter is of a sufficiently strategic nature to warrant a strategic objective to guide the content of the later chapters of the plan. Further to this, if it is of a sufficiently strategic nature to warrant a strategic objective, then in my opinion it is important that the objective is written as an outcome (or state) that is to be achieved by the plan.

[51] I address these matters further in the following sections of this evidence.

Strategic Direction, Introduction

[52] The notified version of the 'Introduction' to 'Part 2 – District-Wide Matters, Strategic Direction' states that this section "*sets out the overarching strategic direction for the District Plan*". With this, the last paragraph of the Introduction states that:

For the purposes of preparing, changing, interpreting, and implementing the District Plan, all objectives and policies in other chapters of this District Plan are to be read and achieved in a manner consistent with the strategic objectives. There is no hierarchy between the stated objectives. No one Strategic Objective has primacy over another strategic objective and the Strategic Objectives should be read as a whole.

- [53] The Royal Forest and Bird Protection Society of New Zealand (**Forest & Bird**) has sought that this paragraph be deleted from PC20 and be replaced with the following:

For the purpose of plan implementation (including in the determination of resource consent application and notices of requirement):

- a. The strategic objectives in this chapter may provide guidance on what the related objectives and policies in other chapters of the Plan are seeking to achieve in relation to the Strategic Issues;*
- b. The relevant objective and policies of the plan (including Strategic Objectives and Strategic Policies in this Chapter) are to be considered together and no fixed hierarchy exists between them.*

- [54] Meridian opposed the relief sought by Forest & Bird. Meridian expressed concern that Forest & Bird's submission strayed from the purpose of the strategic objectives that is described in the NPS. Standard 7.1.b of the NPS refers to the strategic objectives addressing key strategic or significant matters for the district and guiding decision making at a strategic level. In contrast, Forest and Bird's submission treated the application of the strategic objects as optional.

- [55] Ms White, in paragraph 64 of the s42A Report, states that "*The Strategic Direction chapters are explicitly intended to provide overarching outcomes which are to be achieved through the other chapters of the District Plan*"; the strategic objectives "*need to be read in conjunction with other higher order documents*"; and "*as further provisions in the District Plan are reviewed, the requirement to achieve the objectives within the Strategic Direction chapter will not conflict with the requirement that they also achieve the broad purpose of the RMA and give effect to various NPS' and the*

CRPS”.⁶ With this, Ms White recommends amending the Introduction to provide separate paragraphs on the application of the strategic objectives during plan making and plan implementation.

[56] I agree with Ms White’s assessment and her recommended amendments to the Introduction. As previously discussed, Section 7 of the NPS states that the Strategic Direction chapter (of district plans) is the place for locating key strategic or significant resource management matters for the district, and any objectives that address such matters, and guide decision making at a strategic level.⁷ On this basis, PC20’s strategic objectives provide overarching outcomes that are to be achieved through the provisions in the rest of the district plan, and in my opinion, it would not be appropriate to be able to opt out of adopting such ‘guidance’ as is proposed by Forest & Bird’s relief.

[57] With respect to Forest & Bird’s request that the Introduction state that “*The relevant objective and policies of the plan (including Strategic Objectives and Strategic Policies in this Chapter) are to be considered together and no fixed hierarchy exists between them*”, I agree that all plan provisions should be considered together, however in the absence of decisions on plan changes addressing the rest of the objectives and policies in the MDP (that is plan changes that have not yet been notified), it is premature to state that there is, or will be, no hierarchy between them.

[58] Ms White’s recommended changes to the Introduction, in my opinion, improve the clarity of the described application of the strategic objectives during plan making and during plan implementation.

[59] Based on the preceding assessment, I recommend the same amendments to the Introduction as are recommended by Ms White, subject to some minor edits, and these are set out in Annexure 1 of this evidence.

⁶ S42A Report, paragraph 64

⁷ NPS, page 32

ATC A Thriving Community, Introduction, Fourth Paragraph

[60] The fourth paragraph of the notified version of ‘Chapter ATC – A Thriving Community, Introduction’ refers to the “*the contribution that renewable electricity generation and transmission assets located in the District make to the nation*”.

[61] Meridian’s submission sought to amend these words to clarify that it is both existing and new REG assets that is important to the nation.

[62] Ms White, in paragraph 70 of the s42A Report, states that she is “*comfortable with the addition of reference to “existing and new” in the introduction*” as she considers this to be consistent with other parts of the same paragraph, and she recommends their inclusion.

[63] I also recommend including the words “*existing and new*”. I consider that this is more consistent with Policy B of the NPSREG. Policy B requires that decision makers (including during plan making) have particular regard to the importance of maintaining generation output from existing REG activities and that this can require the protection of REG assets and operational capacity (amongst other matters); and that to meet or exceed the New Zealand Government’s national target for REG will require significant development of REG activities.

[64] Meridian’s submission also sought to add the following new paragraph after the fourth paragraph:

Part of the nationally significant Waitaki Power Scheme (WPS) is located within the district. The WPS is the largest hydro-electric power scheme in New Zealand and significantly contributes to decarbonising New Zealand’s economy, mitigating the potential effects of climate change and reducing the District’s reliance on non-renewable energy sources.

[65] Ms White, in paragraph 70 of the s42A Report, considers that “*it is appropriate to specifically acknowledge the Waitaki Power Scheme*” in the fourth paragraph, however she does not support inclusion of an additional

paragraph or “*the detailing of specific benefits of the scheme*”. Ms White considers that such details would be better located in the Energy chapter.

[66] In my opinion, there is merit in identifying, in the Introduction to the ATC Chapter, the significant contribution of REG to decarbonising the economy, mitigating the effects of climate change and reducing the District’s reliance on non-renewable energy sources. This provides context to strategic objective ATC-O4 and reflects the national significance of REG activities that is identified in the NPSREG.

[67] The fourth paragraph of the notified version of ‘Chapter ATC – A Thriving Community, Introduction’ also states that “*the continued ability for...infrastructure to operate, as well as development of new infrastructure is important to the well-being of the community of the Mackenzie, Canterbury and nationally*”.

[68] Opuha Water Limited submitted that it is not only the continued operation of existing infrastructure and development of new infrastructure that is important to community well-being, but also the ability to maintain and upgrade such infrastructure. Opuha Water Limited sought amendments to the paragraph to reflect this and Meridian supported these amendments.

[69] Ms White, in paragraph 70 of the s42A Report, supports the changes sought by Opuha Water Limited on the basis that they better align with the wording used in Objective ATC-O4.

[70] I also see merit in the relief sought by Opuha Water Limited, on the basis that it better reflects the matters of national significance that are set out in the NPSREG (i.e., “*the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand*”). Further to this, I consider that maintaining and upgrading other infrastructure (beyond REG) is also key to achieving ‘a thriving community’ and therefore warrants discussion in the fourth paragraph.

[71] Based on the preceding assessment, I recommend the changes to the fourth paragraph of ‘Chapter ATC – A Thriving Community, Introduction’ that are set out in Annexure 1 of this evidence.

ATC-O1 Live, Work, Play and Visit

- [72] The notified version of ATC-O1 reads “*The Mackenzie District is a desirable place to live, work, play and visit*” and the subclauses of ATC-O1 set out the components that are needed to reach the ‘desired’ state.
- [73] Environment Canterbury’s submission sought to ensure that ATC-O1 acknowledge the national importance of maintaining and enhancing public access to lakes and rivers so that this can be addressed in an integrated manner in other chapters of the plan. However, the submission did not seek any specific drafting in this regard.
- [74] Meridian opposed Environment Canterbury’s submissions on maintaining and enhancing public access. Meridian’s further submission accepted that public access to and along the coastal marine area, lakes and rivers is a matter of national importance that must be provided for under s6 of the Act, and that Policy 10.3.5 of the CRPS promotes such access. However, Meridian noted that the promotion of such access under Policy 10.3.5 is subject to conditions such as “*protecting public health and safety*”, “*protecting the stability, performance and operation of essential structures in, on, under and over the beds*”, and “*avoiding conflicts with the legal rights and lawful activities of owners/occupiers of the river or lake beds and adjacent land, or of the owners/operators of infrastructure in, on, under or over the bed*”.
- [75] On this basis, Meridian sought that if public access was to be added to ATC-O1, or provided for in a separate strategic objective, then the conditions of Policy 10.3.5 of the CRPS should be reflected in the objective. I concur with this position. If a strategic objective is included in PC20 that refers to maintaining and enhancing public access to lakes and rivers, in my opinion, it needs to reflect (succinctly) the limitations that are identified in Policy 10.3.5 of the CRPS.
- [76] As no drafting was provided by the submitter to address public access to waterbodies, and no drafting on the same matter has been recommended in the s42A Report, I have not provided any recommended drafting changes in this regard.

- [77] Environment Canterbury also sought that subclause 2 of ATC-O1 be amended by adding the words “*while ensuring adverse environmental effects are managed appropriately*”, or alternatively that a new strategic objective be adopted that reads “*Avoid significant adverse effects on the environment and avoid, remedy or mitigate other adverse effects*”.
- [78] Meridian opposed this submission, noting that such words were not appropriate in strategic objectives and were better placed in the policies and rules of other chapters that will follow the strategic objectives. Meridian also noted that Environment Canterbury’s proposed new strategic objective was not consistent with the NPSREG (with respect to REG activities) since the NPSREG provides for offsetting and compensation when residual environmental effects cannot be avoided, remedied or mitigated.⁸
- [79] Ms White, in paragraphs 58 to 61 (inclusive) of the s42A Report, also does not support Environment Canterbury’s submission on this matter. Rather Ms White considers that ATC-O1, and the other strategic objectives, state an outcome and not how the outcome is to be achieved. To achieve ATC-O1, Ms White considers that the later provisions of the plan will need to manage adverse effects of activities, and that such controls will sit better in policies and rules within the plan. That is, the management of adverse effects is not, in itself, considered to be an outcome.
- [80] I agree with the submissions of Meridian and the position of Ms White. On this basis, I recommend that ATC-O1 is not amended to include reference to managing adverse effects, and consistent with this, I also recommend not adopting a standalone objective in PC20 addressing the management of adverse effects.

⁸ NPSREG, Policy C2.

ATC-O2 Rural Areas

[81] The notified version of ATC-O2 is that:

The significant contribution of rural areas to the social, economic and cultural well-being of the District is recognised and provided for.

[82] Environment Canterbury sought that the notified version of ATC-O2 be deleted and that it be replaced by the following:

The natural and physical resources of rural areas that contribute to the wellbeing of the district are maintained and enhanced.

[83] Environment Canterbury's submission sets out their concern that contrary to Policy 5.3.12 of the CRPS, 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. They consider that it is important to distinguish that natural and physical resources underpin the activities that occur in rural areas and contribute to the wellbeing of the district, otherwise, there is a risk that ATC-O2 can be interpreted to mean any activity in the rural area should be recognised and provided for. Environment Canterbury also notes that the notified version of ATC-O2 recognises and provides for a range of activities within the rural area, without providing any guidance regarding the management of environmental effects. By refocusing the objective on the *natural and physical resources of rural areas* they consider that they have addressed this latter concern.

[84] With respect to Policy 5.3.12 of the CRPS, (which seeks to maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production) in my opinion, this connects the *resource* to its *use* for productive purposes. Environment Canterbury's relief for ATC-O2 does not make the same connection, rather their relief is only part of what Policy 5.3.12 of the CRPS addresses.

- [85] Meridian opposed Environment Canterbury’s submission. Meridian considered that the outcome sought by ATC-O2 is the recognition of and provision for the contribution of activities in the rural area to the well-being of the district.
- [86] Ms White, in paragraphs 83 and 84 of the s42A Report, states that ATC-O2 is not intended to provide for activities, rather it intends to focus on the contribution that rural areas make to the district.
- [87] In my opinion, it is not the *rural area* that contributes to the social, economic and cultural wellbeing of the community, rather it is the *activities that are undertaken in rural areas* that contribute to the community’s wellbeing. With this, I understand that primary production is not the only form of activities undertaken in the rural area. For example, a large number of tourism and recreational activities along with REG activities are undertaken in the rural area, and each of these contribute to the District’s wellbeing.
- [88] Further to this, in my opinion, ATC-O2 is not written as an outcome, rather it is written as a means to achieve an outcome.
- [89] On this basis, I recommend that ATC-O2 be amended as follows:

Activities in the rural area, and the natural and physical resources that they rely on, significantly contribute ~~The significant contribution of rural areas~~ to the social, economic and cultural well-being of the District ~~is recognised and provided for.~~

ATC-O3 Infrastructure

- [90] The notified version of ATC-O3 reads:

The importance of infrastructure to the District and beyond is recognised and provided for.

- [91] Enviro Waste Services Ltd sought that ATC-O3 be extended to protect regionally significant infrastructure from “*reverse sensitivity effects caused by incompatible subdivision, use and development*”. Meridian supported this

insertion and requested that it be further extended to also protect nationally significant infrastructure from reverse sensitivity.

[92] Environment Canterbury also requested that changes be made to ATC-O3 to protect regionally significant infrastructure from reverse sensitivity, and to manage the potential adverse effects of such infrastructure. Meridian supported Environment Canterbury's relief with respect to managing the potential for reverse sensitivity and opposed their relief with respect to managing the potential adverse effects of the infrastructure.

[93] Ms White, in paragraph 89 of the s42A Report, considered that infrastructure, regardless of its significance to the region or nation, is important at the local level. On this basis, Ms White considered that references to the infrastructure being of regional or national significance is less relevant. I generally agree with Ms White's position, that is, I recommend that ATC-O3 either address *infrastructure* generally, or if *regionally significant* infrastructure is referred to then *nationally significant infrastructure* should also be addressed in the objective.

[94] With respect to addressing the potential for reverse sensitivity in ATC-O3, Ms White, in paragraph 54 of the s42A Report, accepts that reverse sensitivity is a relevant issue to the District, however she considers that protecting activities from reverse sensitivity is not an outcome in itself, rather it is an action that is undertaken to appropriately recognise and provide for certain values or activities.

[95] As previously discussed, in my opinion, the test for whether reverse sensitivity should be addressed in the strategic objectives is whether the matter is of a sufficiently strategic nature to be needed to guide the content of the later chapters of the plan.

[96] The District cannot fully function (economically, socially or culturally) without key infrastructure, and the Mackenzie District includes significant infrastructure that the district, region and nation rely on. Ongoing growth and development in the District can lead to reverse sensitivity towards such infrastructure and restrict or prevent its development and use. For

this reason, I consider it to be reasonable to consider that the management of reverse sensitivity is strategically important and can be addressed in ATC-O3.

[97] At the same time, I consider that the notified version of ATC-O3 is not a strategic objective. Rather ‘recognising and providing’ for the importance of infrastructure is a step towards ensuring that the District, and those who rely upon the infrastructure within the District, have their infrastructure needs met.

[98] Based on the preceding assessment, I recommend the following changes to ATC-O3:

The ~~importance of infrastructure to~~ needs of the District and beyond are provided for and are protected from reverse sensitivity is recognised and ~~provided for~~.

ATC-O4 Renewable Electricity

[99] The notified version of ATC-O4 Renewable Electricity reads:

The local, regional and national benefits of the District’s renewable electricity generation and electricity transmission assets are recognised and their development, operation, maintenance and upgrade are provided for.

[100] Meridian (and Genesis Energy Limited) considered that this objective was lacking, particularly with respect to recognising the national significance of the WPS and the need to protect the generation capacity and output of the Scheme. Meridian (and Genesis) sought that the notified version of ATC-O4 be replaced with the following:

ATC-O4 Renewable Electricity

Renewable electricity generation activities, including the nationally significant Waitaki Power Scheme, and the electricity transmission network:

- a) *are recognised for their local, regional and national benefits, including reducing greenhouse gas emissions;*
- b) *are provided for, including their development, operation, maintenance and upgrade;*
- c) *are protected from reverse sensitivity effects; and*
- d) *provide for the current and future energy needs of the District's communities and economy.*

[101] Environment Canterbury supported that part of the notified ATC-O4 that recognises the benefits of REG and transmission activities, however they were concerned that these activities can result in adverse effects on the environment and that there is no strategic objective that seeks to manage such potential effects. Environment Canterbury sought that management of the potential adverse effects of REG activities be addressed in ATC-O4 along with management of potential reverse sensitivity. They also considered that there is some duplication between ATC-O3 and ATC-O4 and that these objectives could be combined into one objective.

[102] Meridian opposed Environment Canterbury's suggestion that ATC-O4 could be deleted and merged with ATC-O3. Meridian considered that REG activities are recognised through the NPSREG as being of national significance, and the NPSREG establishes a different framework for the management of such activities than is provided to other infrastructure. Given the importance of the WPS in the district, Meridian supported retaining a standalone objective for REG activities.

[103] Ms White, in paragraph 96 of the s42A Report, considered that clauses a) and b) of Meridian's version of ATC-O4 were largely captured in the notified version, and that there is no need to:

- a) Refer to reducing GHG emissions as a benefit of REG activities;
- b) Specifically refer to the WPS in ATC-O4;

- c) Manage the potential adverse effects of REG activities or reverse sensitivity in ATC-O4.

[104] In my opinion, the Meridian and Genesis version of ATC-O4:

- a) Is more consistent with the NPSREG;
- b) Is strategic in nature given the national and local importance of the WPS in terms of both generation of electricity and its contribution to reducing GHG emissions and the associated effects of climate change; and
- c) Improves on the notified version of ATC-O4 by recognising the importance of meeting the community's current and future energy needs.

[105] With respect to addressing the matter of reverse sensitivity, as previously discussed, Ms White (in paragraph 54 of the s42A Report) accepts that reverse sensitivity is a relevant issue to the District, however she considers that protecting activities from reverse sensitivity is not an outcome in itself, rather it is an action that is undertaken to appropriately recognise and provide for certain values or activities.

[106] In my opinion, protecting something from reverse sensitivity is an action, while achieving a state where REG activities are protected from reverse sensitivity is an outcome. On this basis, and given the national, regional and local significance of REG activities, I recommend including Meridian's subclause c) in ATC-O4.

[107] With respect to Environment Canterbury seeking to amend ATC-O4 to ensure that adverse effects arising from REG activities are managed, I agree with Ms White's comments in paragraphs 58 to 61 of the s42A Report, and I recommend not adopting the relief sought by Environment Canterbury on this matter.

[108] Bases on the preceding assessment, I recommend adopting the version of ATC-O4 that is sought by Meridian and Genesis.

ATC-O5 and a new ATC-O6

[109] Environment Canterbury's submission states that they are concerned that ATC-O5 does not address natural hazards that can result from climate change or natural hazards that are independent of climate change (such as earthquakes). On this basis, they consider that PC20 is not consistent with Chapter 11 of the CRPS. To resolve this, Environment Canterbury sought insertion of a new ATC-O6 that reads:

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.*

[110] Meridian supported Environment Canterbury's new ATC-O6, in part. Meridian noted, with respect to subclauses 2) and 3) of new ATC-O6, that some REG activities may at times have a technical, functional, or operational need to be located in an area that is subject to natural hazard risk. Meridian's submission advises that in many instances such infrastructure can be designed to safely function despite the natural hazard. On this basis, Meridian sought that new ATC-O6 be amended to read as follows:

Natural hazard risks are addressed so that:

- 1. areas subject to natural hazard risk are identified;*
- 2. development within areas subject to natural hazard risks are managed so that natural hazard risks on people, property and infrastructure are avoided, remedied or mitigated.*

[111] Ms White, in the s42A Report, does not directly comment on the content of Environment Canterbury's new ATC-O6, rather she focuses on

possible improvements to ATC-O5. In this regard, Ms White recommends amending ATC-O5 as follows:

The approach to managing natural hazard risks and the effects of climate change resources is integrated and allows the community to be resilient and adapt appropriately to change, ~~including the effects of climate change.~~

[112] Of the three recommendations (i.e., that of Environment Canterbury, Meridian's and the s42A Report) I consider that Environment Canterbury's version is problematic for the reasons given by Meridian.

[113] With respect to the recommendation in the s42A Report to amend ATC-O5, rather than inserting a new ATC-O6, I consider these amendments to be vaguer than the new ATC-O6 sought by Meridian. Notwithstanding this, it can provide strategic direction to the chapters of the plan that are yet to be developed. If the version of ATC-O5 in the s42A Report is to be adopted, I consider that it needs further adjustments to be an objective (i.e., an outcome) and these are shown below (with the s42A Report's amendments shown in red and my amendments shown in blue):

~~The approach to managing~~ Management of natural hazard risks and the effects of climate change resources is integrated and allows the community to be resilient and adapt appropriately to change.

[114] With respect to the new ATC-O6 that Meridian supported, I consider that this is also strategic in nature and therefore could be adopted as a strategic objective (with some amendments to make it into an outcome). However, if the s42A Report's version of ATC-O5 is adopted, I consider that Meridian's version of ATC-O6 could helpfully fit within the objectives and policies of a later Natural Hazards chapter.

[115] Based on the preceding assessment, I recommend adopting the changes to ATC-O5 as set out in the s42A Report together with my amendments shown in blue in Annexure 1; and not adopting Environment Canterbury's new ATC-O6 or Meridian's version of new ATC-O6.

MW-O2 Mana Whenua Involvement

[116] Opuha Water Limited have requested that MW-O2 be amended as follows:

Mana whenua are able to:

1. *be actively involved in decision making that affects their values and interests;*
2. *exercise their kaitiakitaka responsibilities; and*
3. *carry out customary activities in accordance with tikanga where reasonably practicable.*

[117] They have sought these changes on the basis that there may be situations where carrying out customary activities may not be appropriate. For example, when there are health and safety risks associated with existing infrastructure.

[118] On this matter, Meridian agreed with the concerns raised by Opuha Water Limited but did not agree with their relief sought for MW-O2 subclause 3. Rather Meridian noted that the term *where reasonably practicable* has been accepted, in plan making, to mean being technically feasible while also being of a reasonable cost relative to the effect being managed. Meridian prefers that *where appropriate* be used instead of *where reasonably practicable*. With this, Meridian acknowledged that *where appropriate* lacks specificity but considered that details on *where it is not appropriate* could be provided in later sections of the plan.

[119] Ms White, in paragraph 111 of the s42A Report does not support the relief sought by Opuha Water Limited. Ms White notes that the MDP does not override other legal obligations, such as property and health and safety laws, and therefore considers that the words *where reasonably practicable* are not necessary in MW-O2 subclause 3.

[120] I agree with Ms White's assessment and recommend no change to MW-O2 subclause 3.

NE Natural Environment, Introduction, NE-O1 and new NE-O2

- [121] Forest & Bird sought insertion of the following new paragraph into the Introduction of Chapter: NE – National Environment (after the second paragraph):

It is important to maintain indigenous biodiversity that may not of itself be significant. The Mackenzie's biodiversity in general contributes to the District's social and cultural well-being. A failure to protect or maintain indigenous biodiversity could adversely affect the community's environment, social, cultural and economic well-being.

- [122] Forest & Bird also sought that the values of the natural environment that are listed in the notified version of NE-O1 be deleted, and that a new list of outcomes for 'natural values' be inserted as new NE-O2.

- [123] Meridian opposed the changes sought by Forest and Bird. While Meridian agreed that it is important to maintain indigenous biodiversity within the District, and that there is merit in enhancing indigenous biodiversity in some circumstances, Meridian considered that not all indigenous flora and fauna need to be protected to maintain and enhance indigenous biodiversity. Meridian was concerned that Forest & Birds change to the Introduction, in conjunction with their new list for insertion as NE-O2, could lead to all indigenous plants and fauna being protected.

- [124] Ms White, in paragraph 123 of the s42A Report, does not agree with insertion of the additional paragraph in the Introduction to the NE section. Ms White considers that this level of detail on indigenous biodiversity is better placed in the relevant later chapter of the plan, however she also notes that the Introduction could be amended to recognise that indigenous biodiversity that may not be significant can still be important. On this basis, Ms White recommends the following changes to the Introduction:

The District contains many natural resources of ~~importance~~ significance. These include ~~(but are not limited to)~~: resources valued by mana whenua for mahika kai; the Aoraki Mackenzie International Dark Sky

*Reserve; those landscapes; ~~and features that are considered outstanding,~~
~~and indigenous biodiversity that are considered significant;~~ and the
District's wetlands, lakes and rivers and their margins.*

[125] I agree with Ms White's reasoning and recommendation.

[126] Forest & Bird also sought to delete the list that follows the chapeau of NE-O1 and to insert a new list as NE-O2 that identifies how certain values will be managed in the District.

[127] Ms White, in paragraph 123 of the s42A Report, considered that the level of detail in Forest & Bird's new NE-O2 would sit better in the later chapters of the plan, and that it was better for the NE section to set strategic objectives for those values that are of particular relevance to the District. On this basis, Ms White recommended deleting the list in the notified version of NE-O1 (noting that it is already included in the Introduction) and adding a paragraph at the end of the Introduction stating that:

The way that the important values of natural resources are managed through the District Plan, including how they are recognised and provided for, and which require protection and enhancement, will be consistent with the more specific direction relating to different resources in other relevant statutory direction, including section 6 of the RMA, national and regional policy statements and inwi management plans

[128] I agree with Ms White's reasoning and recommendations.

[129] Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Limited (**PTH & PVH**) considered that NE-O1 was too vague and that all relevant values associated with the objective should be identified (i.e., it should be closed list).

[130] Meridian opposed the relief sought on the basis that the list within NE-O1 does not in itself identify values, rather it identifies features within the district to which values can be attributed.

[131] Ms White, in paragraph 122 of the s42A Report, considers that other values may be identified during development of the later chapters in the plan and that these can be addressed in the later chapters. I agree with Ms White and consider that it is not helpful to make the list in NE-O1 a closed list, rather if the list was to remain, it should be indicative only. The leading sentence of the chapeau is the outcome to be achieved, and the list provides further detail to the outcome. On this basis, I recommend that the relief sought by PTH & PVH be declined.

[132] Environment Canterbury sought the following changes to NE-O1:

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:

[133] Meridian agreed that it is the *important* values that need to be recognised, provided for and where appropriate protected or enhanced. Meridian also agreed with deleting the words *and have significant intrinsic values* on the basis that it is unclear what values this would include. Further to this, Meridian also noted that where an *important value* warrants protection, it does not necessarily warrant enhancement. On this basis, Meridian supported the changes sought in Environment Canterbury's relief (with the exception of adding the words *and historic* which Meridian remained silent on), and sought the following additional change to NE-O1:

...and where appropriate protected ~~and~~ or enhanced.

[134] Ms White, in paragraph 122 of the s42A Report, agreed that the changes proposed by Environment Canterbury (with the exception of adding the words *and historic*) improve the objective. Ms White considers that the amended words reflect that not all important natural values that contribute to the character, identity and wellbeing of the District are unique to the District, but that they should still be recognised and provided for.

[135] I agree with the position of Ms White, for the same reasons as Ms White's; and I agree with Meridian that where an important value warrants protection, it does not necessarily warrant enhancement.

[136] Based on the preceding assessments, I recommend the amendments to NE-O1 that are set out in Annexure 1 of this evidence.

UFD-O1 Urban Form and Development

[137] The outcome sought by the notified version of UFD-O1 is consolidated growth and development in the District. The subclauses of UFD-O1 identify the characteristics of the consolidated growth and development that PC20 aims to achieve.

[138] Meridian's submission looked to ensure that urban development does not result in reverse sensitivity on significant infrastructure. On this basis, Meridian sought that a new subclause be added to UFD-O1 as follows:

protects significant infrastructure and associated activities from reverse sensitivity

[139] As previously discussed, Ms White considers that protecting activities from reverse sensitivity is not an outcome in itself, rather it is an action that is undertaken to appropriately recognise and provide for certain values or activities.

[140] In my opinion, achieving a state of growth and development that protects significant infrastructure and associated activities from reverse sensitivity is an outcome. This differs from *protecting* something from reverse sensitivity, which is an action (or policy).

[141] Given the national significance of the WPS, the potential for new growth and development in the District to result in reverse sensitivity on WPS activities, and Policy D of the NPSREG, I consider that it is appropriate to include words to the same effect as was sought in Meridian's submission.

[142] In my opinion, the chapeau of UFD-O1 focuses on the outcome of having consolidated growth and development, while the subclauses identify the characteristics of the outcome. I consider that inclusion of “*protects significant infrastructure and associated activities from reverse sensitivity*” is in keeping with the existing subclauses 1 to 5 of UFD-O1, and better reflects the national importance of protecting REG assets and operational capacity.

[143] On this basis, I recommend adopting the relief sought by Meridian, that is the inclusion of new subclause 6 to UFD-O1 that reads “*protects significant infrastructure and associated activities from reverse sensitivity*”.

[144] Meridian also supported Environment Canterbury’s submission that sought to amend UFD-O1 subclause 3 as follows:

is integrated with the efficient and effective provision of ~~is supported by~~ appropriate infrastructure.

[145] Meridian considers that Environment Canterbury’s relief recognises the importance of effective and efficient infrastructure; that in some instances such infrastructure will be located within township and settlement areas; and that successful integration is key to achieving the urban form and function objective.

[146] Ms White, in paragraph 142 of the s42A Report, states that she is comfortable with inserting the reference to growth and development being integrated with the provision of appropriate infrastructure, however she considers that the reference to ‘efficient and effective provision’ of appropriate infrastructure is not necessary as the focus of the objective is about ‘township growth’. Ms White has instead recommended that UFD-O1 subclause 3 be amended as follows:

is ~~supported by~~ integrated with the provision of appropriate infrastructure and facilities which support the functioning of the community

- [147] While I agree that the focus of UFD-O1 is generally about urban growth, UFD-O1 rightly, in my opinion, identifies the characteristics of the consolidated growth and development that is sought by PC20. With respect to subclause 3 of UFD-O1, I consider that it is both appropriate and helpful to elaborate on the type of infrastructure that is to be part of the urban form and development, and that a reference to ‘efficient and effective infrastructure’ is strategic in its focus and will guide development of the objectives, policies and rules that are yet to be notified in other sections of the plan. I also consider that Ms White’s reference to ‘infrastructure and facilities which support the functioning of the community’ helpfully clarifies what is considered to be ‘appropriate’ infrastructure and facilities.
- [148] For clarity, I consider that ‘the provision of effective and efficient infrastructure’ is appropriate in a strategic objective, while ‘the effective and efficient provision of infrastructure’ would, in my opinion, sit better in a later chapter of the plan. The former is an outcome, while the latter is a means to achieve an outcome.
- [149] On this basis, I recommend the amendments to subclause 3 of UFD-O1 that are set out in Annexure 1 of this evidence.

CONCLUSIONS

- [150] Having assessed the provisions of interest to Meridian, with respect to the statutory planning requirements, I consider that substantive changes are needed to strengthen the Strategic Direction of the plan and to better meet the statutory planning requirements for REG activities.
- [151] In my opinion, the national significance of REG that is established in the Act, NPSREG, NPSFM and CRPS is not sufficiently reflected or provided for in the strategic direction set by PC20.
- [152] Based on the undeniable relationship between REG and New Zealand’s ability to reduce carbon emissions and mitigate the impacts of climate change, decisions makers, including those making decisions on district

plan provisions, are required to provide for the development, operation, maintenance and upgrading of existing and new REG activities. Given that the Mackenzie District is not immune to the potential impacts of climate change and that the WPS (New Zealand's largest hydroelectricity scheme) is located in the district, the MDP has a key role to play in ensuring that the Scheme is able to continue to successfully operate and in providing for renewable electricity generation development.

[153] While the notified version of Plan Change 20 went some way to achieving this, in my opinion it has not gone far enough to provide strategic direction or to be consistent with the statutory planning requirements.

[154] I do not agree with the s42A Report where it recommends that some of the relief sought by Meridian is better addressed in later sections of the plan that are yet to be notified. Rather I consider that providing for existing and new renewable electricity generation activities in the Mackenzie District is of such strategic importance that it warrants thorough inclusion in the Strategic Direction provisions in PC20.

[155] On this basis, I recommend the changes to the provisions that are set out in Annexure 1 of this evidence. I consider that these strengthen the Strategic Direction of the plan and better meet the statutory requirements with respect the REG activities.

Susan Ruston

15th of November 2022

ANNEXURE 1: RECOMMENDED DRAFTING SOLUTIONS

Based on the assessment within this evidence, the following provides my recommended drafting solutions.

In preparing these solutions, I have added my recommended amendments to the recommendations of the s42A Report. Accordingly, the officers' recommended changes are shown in red and my recommended changes are shown in blue.

Strategic Direction, Introduction

This section of the District Plan sets out the overarching strategic direction for the District Plan. This strategic direction responds to those resource management issues that are of particular importance to the Mackenzie District, matters of national and regional importance that are particularly relevant within the District, or issues that traverse more complex matters. The matters addressed in these chapters are then responded to, in an integrated and more detailed manner, across multiple chapters of the District Plan.

~~*For the purposes of preparing, changing, interpreting, and implementing the District Plan, all objectives and policies in other chapters of this District Plan are to be read and achieved in a manner consistent with the strategic objectives.*~~

For the purpose of plan development, including plan changes, the strategic objectives in this section, as well as other requirements in the RMA, provide direction for the development of the more detailed provisions contained elsewhere in the District Plan.

For the purpose of plan implementation (including in the determination of resource consent application and notices of requirement), all relevant objectives and policies in the Plan should be considered.

There is no hierarchy between the stated Objectives i.e. no one Strategic Objective has primacy over another Strategic Objective and the Strategic Objectives should be read as a whole.

ATC A Thriving Community, Introduction, Fourth Paragraph

...

There is a range of locally, regionally and nationally important infrastructure located within the District. Infrastructure is necessary to support the functioning of the community, both within and beyond the District, but its establishment and operation can have adverse effects. While needing to appropriately manage its effects, the continued ability for this infrastructure to operate, be maintained and upgraded, as well as development of new infrastructure is important to the wellbeing of the community of the Mackenzie District, the Canterbury Region and nationally. This includes the positive contribution that local existing and new renewable electricity generation and transmission assets, located in the District including the nationally significant Waitaki Power Scheme, located in the District make to the nation. Such benefits include decarbonising the economy, mitigating the potential effects of climate change, and reducing the District's reliance on non-renewable energy sources. including parts of the nationally significant Waitaki Power Scheme which is the largest hydro-electric power scheme in New Zealand

ATC-O3 Infrastructure

The ~~importance of infrastructure to~~ needs of the District and beyond are provided for and are protected from reverse sensitivity is recognised and provided for.

ATC-O4 Renewable Electricity

~~The local, regional and national benefits of the District's renewable electricity generation and electricity transmission assets are recognised and their development, operation, maintenance and upgrade are provided for.~~

Renewable electricity generation activities, including the nationally significant Waitaki Power Scheme, and the electricity transmission network:

- a) are recognised for their local, regional and national benefits, including reducing greenhouse gas emissions;*
- b) are provided for, including their development, operation, maintenance and upgrade;*
- c) are protected from reverse sensitivity effects; and*

~~d) provide for the current and future energy needs of the District's communities and economy~~

ATC-O5 Adaptation and Resilience

~~The approach to managing Management of natural hazard risks and the effects of climate change resources is integrated and allows the community to be resilient and adapt appropriately to change, including the effects of climate change.~~

NE-O1 Natural Environment

~~The important values of the natural 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 are protected and or 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. waterbodies and their margins.~~

UFD-O1 Urban Form and Development, Subclause 3

is ~~supported by~~ integrated with the provision of ~~appropriate~~ effective and efficient infrastructure ~~and facilities that support the functioning of the community~~

UFD-O1 Urban Form and Development, new Subclause 6

protects significant infrastructure and associated activities from reverse sensitivity

ANNEXURE 2: KEY STATUTORY AND PLANNING REQUIREMENTS

Resource Management Act 1991

S5	<p>(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.</p> <p>(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—</p> <p>(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and</p> <p>(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and</p> <p>(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.</p>
S7(i) & S7(j)	<p>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to...</p> <p>(i) the effects of climate change:</p> <p>(j) the benefits to be derived from the use and development of renewable energy.</p>
S31	<p>(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:</p> <p>(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or</p>

	<p>protection of land and associated natural and physical resources of the district:</p> <ul style="list-style-type: none"> (aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district: (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of— <ul style="list-style-type: none"> (i) the avoidance or mitigation of natural hazards; and (ia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land: (iii) the maintenance of indigenous biological diversity: (d) the control of the emission of noise and the mitigation of the effects of noise: (e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes: (f) any other functions specified in this Act. <p>(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision</p>
S72	<p>The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.</p>
S75(3)	<p>A district plan must give effect to—</p> <ul style="list-style-type: none"> (a) any national policy statement; and

	<p>(b) any New Zealand coastal policy statement; and</p> <p>(ba) a national planning standard; and</p> <p>(c) any regional policy statement.</p>
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National Policy Statement for Renewable Electricity Generation 2011

Matters of national significance	<p>The matters of national significance to which this national policy statement applies are:</p> <p>a) the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and</p> <p>b) the benefits of renewable electricity generation.</p>
Objective	<p>To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation.</p>
Policy A	<p>Decision-makers shall recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities. These benefits include, but are not limited to:</p> <p>a) maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;</p> <p>b) maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;</p>

	<ul style="list-style-type: none"> c) using renewable natural resources rather than finite resources; d) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies; e) avoiding reliance on imported fuels for the purposes of generating electricity.
Policy B	<p>Decision-makers shall have particular regard to the following matters:</p> <ul style="list-style-type: none"> a) maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and b) even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and c) meeting or exceeding the New Zealand Government's national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities.
Policy C1	<p>Decision-makers shall have particular regard to the following matters:</p> <ul style="list-style-type: none"> a) the need to locate the renewable electricity generation activity where the renewable energy resource is available; b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity; c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution

	<p>network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;</p> <p>d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and</p> <p>e) adaptive management measures.</p>
Policy C2	<p>When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.</p>
Policy D	<p>Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.</p>
Policy E1	<p>Regional policy statements and regional and district plans shall include objectives, policies and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities using solar, biomass, tidal, wave and ocean current energy resources to the extent applicable to the region or district.</p>
Policy E2	<p>Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.</p>
Policy E3	<p>Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance</p>

	and upgrading of new and existing wind energy generation activities to the extent applicable to the region or district.
Policy E4	Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing electricity generation activities using geothermal resources to the extent applicable to the region or district.
Policy G	Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators.

National Policy Statement for Freshwater Management 2020

Clause 2.1	<p>(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</p> <ul style="list-style-type: none"> (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
Clause 2.2 Policy 4	Freshwater is managed as part of New Zealand’s integrated response to climate change.

<p>Clause 3.31</p>	<p>(1) This clause applies to the following 5 hydro-electricity generation schemes (referred to as Schemes):</p> <ul style="list-style-type: none"> (a) Waikato Scheme (b) Tongariro Scheme (c) Waitaki Scheme (d) Manapouri Scheme (e) Clutha Scheme. <p>(2) When implementing any part of this National Policy Statement as it applies to an FMU or part of an FMU affected by a Scheme, a regional council must have regard to the importance of the Scheme's:</p> <ul style="list-style-type: none"> (a) contribution to meeting New Zealand's greenhouse gas emission targets; and (b) contribution to maintaining the security of New Zealand's electricity supply; and (c) generation capacity, storage, and operational flexibility. <p>(3) Subclause (4) applies if:</p> <ul style="list-style-type: none"> (a) an FMU or part of an FMU is adversely affected by an existing structure that forms part of a Scheme; and (b) the baseline state of an attribute in the FMU or part of the FMU is below the national bottom line for the attribute; and (c) achieving the national bottom line for the attribute would have a significant adverse effect on the Scheme, having regard to the matters in subclause (2). <p>(4) When this subclause applies, the regional council:</p> <ul style="list-style-type: none"> (a) may set a target attribute state that is below the national bottom line for the attribute, despite clause 3.11(4); but
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	<p>(b) must still, as required by clause 3.11(2) and (3), set the target attribute state to achieve an improved attribute state to the extent practicable without having a significant adverse effect on the Scheme having regard to the matters in subclause (2) of this clause.</p> <p>(5) In this clause, existing structure means a structure that was operational on or before 1 August 2019, and includes any structure that replaces it, provided the effects of the replacement are the same or similar in character, intensity and scale, or have a lesser impact</p>
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National Planning Standard 2019

Standard 7.1.b	<p>1. If the following matters are addressed, they must be located under the Strategic direction heading: ...</p> <p>b. issues, if any, and objectives that address key strategic or significant matters for the district and guide decision making at a strategic level</p>
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Canterbury Regional Policy Statement

Policy 5.3.12	<p>Maintain and enhance natural and physical resources contributing to Canterbury’s overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:</p> <p>1. avoiding development, and/or fragmentation which;</p> <p>a. forecloses the ability to make appropriate use of that land for primary production; and/or</p> <p>b. results in reverse sensitivity effects that limit or precludes primary production.</p> <p>2. enabling tourism, employment and recreational development in rural areas, provided that it:</p>
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	<ol style="list-style-type: none"> a. is consistent and compatible with rural character, activities, and an open rural environment; b. has a direct relationship with or is dependent upon rural activities, rural resources or raw material inputs sourced from within the rural area; c. is not likely to result in proliferation of employment (including that associated with industrial activities) that is not linked to activities or raw material inputs sourced from within the rural areas; and d. is of a scale that would not compromise the primary focus for accommodating growth in consolidate, well designed and more sustainable development patterns. and; <p>3. ensuring that rural land use intensification does not contributed to significant cumulative adverse effects on water quality and quantity.</p>
<p>Policy 10.3.5</p>	<p>To promote the maintenance and enhancement of public and Ngāi Tahu access to and along the beds of rivers and lakes, and to ensure that subdivision use and development does not result in inappropriate loss of existing access, subject to:</p> <ol style="list-style-type: none"> 1. protecting public health and safety, and avoiding conflict between different types of access; 2. avoiding adverse effects on the values of the beds, or stability of banks; 3. protecting Ngāi Tahu cultural values and sites of significance from inappropriate public access; 4. protecting the stability, performance and operation of essential structures in, on, under or over the beds; 5. ensuring the integrity of flood-protection vegetation is maintained;

	<ol style="list-style-type: none"> 6. avoiding conflicts with the legal rights and lawful activities of owners/occupiers of river or lake beds and adjacent land, or of the owners/operators of infrastructure in, on, under or over the bed; and 7. engaging with the Walking Access Commission to identify and negotiate issues around public access.
Objective 16.2.2	<p>Reliable and resilient generation and supply of energy for the region, and wider contributions beyond Canterbury, with a particular emphasis on renewable energy, which:</p> <ol style="list-style-type: none"> 1. provides for the appropriate use of the region’s renewable resources to generate energy; 2. reduces dependency on fossil fuels; 3. improves the efficient end-use of energy; 4. minimises transmission losses; 5. is diverse in the location, type and scale of renewable energy development; 6. recognises the locational constraints in the development of renewable electricity generation activities; and <ol style="list-style-type: none"> a. avoids any adverse effects on significant natural and physical resources and cultural values or where this is not practicable, remedies or mitigates; and b. appropriately controls other adverse effects on the environment
Policy 16.3.2	<p>Encourage and provide for the operation maintenance and development of small and community scale distributed renewable electricity generation provided that:</p> <ol style="list-style-type: none"> 1. any adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable, remedied or mitigated; and

	<ol style="list-style-type: none"> 2. other adverse effects on the environment are appropriately controlled.
<p>Policy 16.3.3</p>	<p>To recognise and provide for the local, regional and national benefits when considering proposed or existing renewable energy generation facilities, having particular regard to the following:</p> <ol style="list-style-type: none"> 1. maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions; 2. maintaining or increasing the security of supply at local and regional levels, and also wider contributions beyond Canterbury; by diversifying the type and/or location of electricity generation; 3. using renewable natural resources rather than finite resources; 4. the reversibility of the adverse effects on the environment of some renewable electricity generation facilities; 5. avoiding reliance on imported fuels for the purposes of generating electricity; and 6. assisting in meeting international climate obligations.