



Mackenzie

DISTRICT PLAN REVIEW

TOMORROW'S MACKENZIE
KA AWATEA HŌU

Plan Change 20 – Decision Report

19 December 2022

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Appendix 1: Amended Provisions
Appendix 2: Appearances

List of submitters addressed in this Report:

| Ref | Further Submitter | Submitter Name | Abbreviation |
|-----|-------------------|---|---------------|
| 01 | | New Zealand Pork | NZ Pork |
| 02 | | Heritage New Zealand Pouhere Taonga | HNZPT |
| 03 | | Ministry of Education | MoE |
| 04 | | Chorus NZ, Spark NZ and Vodafone NZ | The Telcos |
| 05 | Y | Royal Forest and Bird Protection Society of New Zealand | Forest & Bird |
| 06 | Y | Federated Farmers | |
| 07 | Y | Genesis Energy Limited | Genesis |
| 08 | | EnviroWaste Services Ltd | EnviroWaste |
| 09 | Y | Opuha Water Ltd | Opuha |
| 10 | | Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Ltd | PTH & PVH |
| 11 | Y | Meridian Energy Limited | Meridian |
| 12 | Y | Waka Kotahi New Zealand Transport Agency | Waka Kotahi |
| 13 | | Road Metals | |
| 14 | | Environment Canterbury | ECan |
| 15 | | Retirement Villages Association | RVA |
| 16 | | Department of Conservation/Te Papa Atawhai | DOC |
| 17 | Y | Nova Energy Ltd | Nova |
| | Y | Transpower New Zealand Limited | Transpower |

Abbreviations used in this report:

| Abbreviation | Full Text |
|--------------|--|
| Council | Mackenzie District Council |
| CRPS | Canterbury Regional Policy Statement |
| MDPR | Mackenzie District Plan Review |
| NP Standards | National Planning Standards |
| NPS-ET | National Policy Statement on Electricity Transmission |
| NPS-FM | National Policy Statement for Freshwater Management |
| NPS-HPL | National Policy Statement for Highly Productive Land |
| NPS-REG | National Policy Statement for Renewable Electricity Generation |
| NPS-UD | National Policy Statement for Urban Development |
| PC20 | Plan Change 20 |
| PDP | Proposed District Plan (in reference to subsequent chapters of the MDPR) |
| RMA | Resource Management Act 1991 |

1. Purpose of Report

1. Pursuant to section 43(1) of the Resource Management Act 1991 (RMA), the Mackenzie District Council (Council) has appointed a combined Hearings Panel of five independent commissioners¹ to hear and decide the submissions and further submissions on the Plan Changes which form the Mackenzie District Plan Review (MDPR).
2. This Decision Report sets out the Hearings Panel's decisions on the submissions and further submissions received on Plan Change 20 comprising Part 1- Introduction and General provisions and Part 2 – District Wide Matters Strategic Direction (PC20).
3. The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for PC20 were:
 - Section 42A Report: Plan Change 20 – Strategic Chapters, Report on submissions and further submissions, Author: Liz White, Date: 19 October 2022
 - Section 42A Report: Plan Change 20 – Strategic Chapters, Reply Report, Author: Liz White², Date: 6 December 2022
4. In our Minute 2 dated 1 November 2022 we posed a number of questions to the PC20 Section 42A Report author (hereafter referred to as Ms White). We received written answers to those questions on 16 November 2022.
5. The Hearing Panel's amendments to the notified provisions of PC20 are set out in Appendix 1. Amendments recommended by Ms White that have been adopted by the Hearing Panel are shown in ~~strike out~~ and underlining. Further or different amendments made by the Hearing Panel are shown in **red font** as ~~strike-out~~ and underlining.

2. Hearing and Submitters Heard

6. There were 17 primary submitters of whom seven lodged further submissions. There was one submitter (Transpower) who only lodged a further submission. In our assessment sections the further submissions are generally not discussed, because they are either accepted or rejected in conformance with our decisions on the primary submissions to which they relate.
7. The hearing for PC20 was held on Tuesday 29 November 2022. By the time of the hearing only eight submitters wished to be heard:

| Submitter Ref | Submitter Name |
|---------------|---|
| 02 | Heritage New Zealand |
| 05 | Royal Forest and Bird Protection Society of New Zealand |
| 07 | Genesis Energy Limited |
| 08 | EnviroWaste Services Ltd |
| 11 | Meridian Energy Limited |
| 14 | Environment Canterbury |
| 16 | Department of Conservation/Te Papa Atawhai |
| 17 | Nova Energy Ltd |

8. The counsel and witnesses we heard from are listed in Appendix 2. The submitters who tabled evidence but did not appear at the hearing are also listed in Appendix 2. A copy of the legal submissions and evidence (both precirculated and tabled) is held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Decision Report. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.
9. We also received what we call 'scene setting' evidence and legal submissions on behalf of the Council. The evidence was presented by Aaron Hakkaart (Manager Planning), Vivian Karl Russell (speaking on

¹ Andrew Willis, Megan McKay, Raewyn Solomon, Rob van Voorthuysen and Ros Day-Cleavin.

² With input from Ms Kylie Hall, Aoraki Environmental Consultants Ltd, working as project partner in the MDPR.

behalf of Kāti Huirapa with the unconditional support of Te Rūnanga o Arowhenua and Ngāi Tahu), and legal counsel Michael Garbett.

10. The evidence of Mr Hakkaart and Mr Russell did not address the submissions and further submissions.
11. Mr Garbett submitted:³
 - *The Council has elected to review the District Plan in a staged manner by a series of plan changes;*
 - *This requires submitters and the Panel to have patience because when considering the strategic directions in PC20, the other chapters of the District Plan that will follow are not available yet for review to see how the strategic directions are implemented;*
 - *The obligation is for the district plan as a whole to give effect to higher order documents, rather than each provision or each chapter needing to do so in a standalone fashion; and*
 - *There will be aspects of higher-order documents that need to be implemented via subsequent chapters when those are arrived at.*
12. We acknowledge and agree with those submissions.

3. Our Approach

13. To assist readers, we have structured this Decision Report using the same headings that were used in the initial Section 42A Report. For the sake of brevity, we adopt Ms White's summaries of the matters raised by submitters under each of those headings, but we do not repeat those summaries here.
14. We also adopt Ms White's summary of the statutory framework that was set out in section 6 of the initial Section 42A Report. We note that to be consistent with the framework described by Mr Garbett.⁴
15. There were a number of proposed deletions of text from the Operative District Plan that were not opposed. Similarly, there were a number of PC20 provisions that did not attract submissions. Those deletions and unopposed provisions were set out in section 8 of the initial Section 42A Report. We do not discuss those deletions and unopposed PC20 provisions further.
16. Where, having read the submissions and any submitter legal submissions and evidence lodged in support of those submissions, we agree with Ms White's analysis, we generally state that we adopt her analysis without repeating it in this Report. However, in some cases we discuss the submitters' legal submissions and evidence, even if we agree with and adopt Ms White's analysis, so that our consideration of submitters' concerns and evidence is clearly recorded
17. Having regard to the requirements of section 32AA of the RMA, where we reach a different conclusion to that of Ms White, we provide a more fulsome assessment of the legal submissions and evidence received. Having said that, in light of the nature of the 'higher order' provisions in PC20, our assessments are qualitative rather than quantitative.

4. New Chapters proposed in Part 1 – Introduction and General Provisions

4.1 Assessment

18. We agree with the submission and evidence⁵ of ECan that 'collaboration' with other councils and mana whenua can assist with addressing cross-boundary issues. In her answers to our questions Ms White suggested inserting a reference to 'collaborating' in the chapter on 'Cross Boundary Matters'. We adopt her recommendation.
19. We agree with the evidence of Christopher Pye⁶ (representing Nova) that paragraph four of the 'Description of the District' chapter should be amended to refer to 'renewable energy resources'.
20. EnviroWaste sought that the definition of infrastructure was amended to add 'waste processing and disposal facilities', so that ATC-O3 applies to these facilities and acknowledges that they are an essential part of the

³ Legal submissions of Counsel for Mackenzie District Council, Michael Garbett, 22 November 2022, paragraphs 1, 3 and 5.

⁴ Ibid, paragraphs 7 to 9.

⁵ EIC Geddes, paragraph 24.

⁶ EIC Pye, paragraph 36.

services needed for a society to function. Ms White's preference was to not include a definition that differs from that of the RMA. We agree, and note that at the hearing Ms Rosser advised that there were no landfills in the Mackenzie District, only transfer stations. We discuss EnviroWaste's submission further in section 16 of this Decision Report that deals with UFD-O1.

4.2 Decisions

21. The 'General Approach', 'Definitions' and 'National Environmental Standards' chapters are retained as notified.
22. The 'Statutory Context' chapter and section MW3.2 Statutory Acknowledgments of the 'Mana Whenua' chapter are amended to correct a grammatical and geographical error respectively.
23. The 'Cross Boundary Matters' chapter is amended to include a reference to 'collaborating' in the first cross-boundary method; and paragraph four of the 'Description of the District' chapter is amended to refer to 'renewable energy resources'.
24. Our decisions on the individual submission points relating to the new chapters proposed in Part 1 are:

| Number | Submitter Name | Decision |
|--------|---|----------------|
| 04 | Chorus NZ, Spark NZ and Vodafone NZ | Accept |
| 05 | Royal Forest and Bird Protection Society of New Zealand | Accept in part |
| 06 | Federated Farmers | Reject |
| 08 | EnviroWaste Services Ltd | Reject |
| 09 | Opuha Water Ltd | Reject |
| 12 | Waka Kotahi | Accept in part |
| 14 | Environment Canterbury | Accept |
| 16. | Department of Conservation/Te Papa Atawhai | Accept in part |
| 17 | Nova Energy Ltd | Accept in part |

5. Reverse Sensitivity

5.1 Assessment

25. Submitters ECan, Genesis and Meridian sought to amend ATC-O3 or ATC-O4 to refer to incompatible activities and protecting existing activities from reverse sensitivity effects. Ms White was initially of the view that protection from reverse sensitivity effects should not explicitly be included in the Strategic Direction objectives. However, the day before the hearing she advised that she had changed her view and recommended the inclusion of a new objective for the ATC chapter.
26. We asked Ms White whether that was an appropriate outcome for all activities or whether it should be limited to infrastructure or renewable electricity generation and electricity transmission activities. She considered the objective should apply to all activities as local matters were also important. We also asked her what the verb 'reduce' would mean in practice and whether it would be better to use the verb 'minimise' instead of 'reduce'.
27. In her Reply Report⁷ Ms White advised "The outcome sought should relate to existing activities that are important rather than all existing activities. What is 'important' (and therefore necessitates protection) will then be determined through future chapters of the Plan". She also agreed that the word 'minimise' was more suitable. Ms White recommended the following wording for a new objective (ATC-O6):

The location, type and nature of activities are managed, to:

1. *minimise conflicts between incompatible activities; and*
2. *protect important existing activities from reverse sensitivity effects.*

28. We find that wording to be generally appropriate and we also adopt Ms White's s32AA analysis⁸ of that new objective. However, we consider that it is the 'location and effects' of activities that should be managed. As Ms White alluded to, the potential adverse effects of incompatible activities can sometimes be managed through the adoption of mitigation measures.

⁷ Paragraph 9(c).

⁸ Reply Report, paragraph 12.

29. Ms White suggested that the title of ATC-O6 be “Compatibility and Conflict”. However, we consider that “Incompatible Activities” is preferable.
30. We discuss ATC-O3 in section 12 of this Decision Report.

5.2 Decisions

31. A new objective (ATC-O6) is inserted to deal with incompatible activities and reverse sensitivity effects on existing activities.
32. UFD-O1 is not amended to explicitly include reference to reverse sensitivity.
33. Our decisions on the individual submission points relating to incompatible activities and/or reverse sensitivity are:

| Number | Submitter Name | Decision |
|--------|--------------------------|----------------|
| 01 | New Zealand Pork | Reject |
| 07 | Genesis Energy Limited | Accept in part |
| 08 | EnviroWaste Services Ltd | Accept in part |
| 11 | Meridian Energy Limited | Accept in part |
| 14 | Environment Canterbury | Accept in part |

6. Managing Adverse Effects

6.1 Assessment

34. We agree with and adopt Ms White’s analysis of the submissions of ECan relating to objectives (including ATC-O1, ATC-O2, ATC-O3, ATC-O4). We also agree with and adopt her analysis of the request for an additional stand-alone objective relating to adverse effects. However, we have included a new ATC-O6 (as discussed in section 5 of this Decision Report) which does refer to “effects” in terms of incompatible activities and reverse sensitivity.
35. At the hearing we asked Mr Geddes if managing adverse effects was a ‘strategic matter’ or a routine resource management requirement. He replied that it was an ‘important matter’. That is true, but it does not mean that it needs to be included in a strategic objective because it is axiomatic that district plan provisions and resource consent decisions ‘manage’ adverse effects, as required by section 5 of the RMA.

6.2 Decisions

36. ATC-O1, ATC-O2, ATC-O3 and ATC-O4 are not amended to include references to managing adverse effects.
37. An additional standalone objective relating to managing general adverse effects is not required.
38. Our decisions on the individual submission points relating to managing adverse effects are:

| Number | Submitter Name | Decision |
|--------|------------------------|----------|
| 14 | Environment Canterbury | Reject |

7. Strategic Direction Introduction

7.1 Assessment

39. We agree with and adopt Ms White’s analysis in relation to the specific wording sought by Forest & Bird. In particular we agree it is appropriate to separate the paragraph of concern to Forest & Bird into two paragraphs, one relating to plan development and the other to plan implementation.

7.2 Decisions

40. The introduction to the Strategic Direction chapters is amended to:
- provide separate paragraphs relating to plan development and plan implementation, and
 - refer to other requirements in the RMA as also being relevant.

41. Our decisions on the individual submission points relating to the Strategic Direction introduction are:

| Number | Submitter Name | Decision |
|--------|---|----------------|
| 05 | Royal Forest and Bird Protection Society of New Zealand | Accept in part |
| 16 | Department of Conservation/ Te Papa Atawhai | Accept in part |

8. Introduction Section to ATC Chapter

8.1 Assessment

42. We adopt Ms White's analysis of the minor amendments sought to the fourth paragraph to:
- refer to both "existing and new" renewable electricity generation and transmission assets;
 - refer to maintenance and upgrade activities; and
 - add "District" and "Region" to references to Mackenzie and Canterbury.
43. Ms White recommended including a reference to the Waitaki Power Scheme which we also agree with. However, we find that reference should also be made to Opuha Scheme's Hydro-electric Power Scheme, as was sought in the tabled evidence of Opuha.
44. For Meridian, Susan Ruston⁹ suggested that there is merit in identifying, in the "Introduction to the ATC" chapter, the significant contribution of renewable energy generation to decarbonising the economy, mitigating the effects of climate change and reducing the District's reliance on non-renewable energy sources. A similar point was made by counsel for Genesis.¹⁰ While we do not question those benefits, we agree with Ms White that those details are better placed in the PDP's Energy chapter.

8.2 Decisions

45. The fourth paragraph of the Introduction to the 'ATC - A Thriving Community' chapter is expanded to refer to maintenance and upgrading, and explicitly reference the Waitaki Power Scheme and the Opuha Scheme's Hydro-electric Power Scheme.
46. Our decisions on the individual submission points relating to the introduction section to the ATC Chapter are:

| Number | Submitter Name | Decision |
|--------|-------------------------|----------------|
| 01 | New Zealand Pork | Accept in part |
| 07 | Genesis Energy Limited | Accept in part |
| 11 | Meridian Energy Limited | Accept in part |
| 12 | Waka Kotahi | Accept in part |

9. ATC-01

9.1 Assessment

47. For ECan Mr Geddes¹¹ addressed the issue of public access to rivers and lakes. He considered that was a 'significant resource management issue' and noted that "Public access is not something that is solely dealt with by the esplanade provisions or public access chapter of the District Plan. It can inform development area plans, the public open space chapter, the light chapter, and the location and extent of specific zones." We initially found that evidence to be compelling as the Mackenzie District contains a number of significant lakes and rivers.
48. However, in her Reply Report¹² Ms White advised:

"I accept Mr Geddes' comment that "Public access is a very 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. However, I note that recreation is already addressed in clause (1) which refers to there

⁹ EIC Ruston, paragraph 66.

¹⁰ Legal Submissions on Behalf of Genesis Energy Limited, David Allen, 22 November 2022, paragraph 36.

¹¹ EIC Geddes, paragraphs 38 and 39.

¹² Paragraph 14.

being a range of recreation activities. This is broader than, but would also encompass, access to lakes and rivers for such activities. Access to rivers and lakes is also relevant in terms of the relationship of Māori with these water bodies. However, this is also already reflected in the wording of MW-O1, which seeks to recognise and provide for the relationship of mana whenua with the District's water bodies."

49. We accept that advice.
50. Mr Geddes referred to CRPS Policy 10.3.5 titled "Maintenance and enhancement of public and Ngāi Tahu access." However, that Policy has seven caveats and in response to our questions Mr Geddes conceded that those caveats might need to be reflected in any strategic objective that might address public access. That would make the objective unwieldy and out of context with the remaining ATC objectives.
51. On balance we decline to refer to 'public access' in ATC-O1.
52. Mr Geddes¹³ also suggested that ATC-O1 should 'manage adverse effects', citing as an example objective 3.3.14 of the Christchurch City District Plan which addresses 'incompatible activities'. We are not persuaded that is necessary. Section 5 of the RMA imposes a requirement on all decision-makers to 'avoid, remedy or mitigate' adverse effects and there is no need to 'parrot' that in ATC-O1.
53. We agree with Ms White that the words "appropriate economic opportunities" should be retained in ATC-O1.2 (ECan sought their deletion) as that wording aligns with the Council's Economic Development Strategy 2021 – 2025. We do not agree with Mr Geddes¹⁴ that the wording creates 'unnecessary duplication'.
54. We agree with and adopt Ms White's analysis of the submission of RVA relating to amenity values and character.

9.2 Decisions

55. ATC-O1 is amended to refer to 'anticipated' amenity values and character, to reflect that in some cases these will be different to the current amenity values and character.
56. Our decisions on the individual submission points relating to ATC-O1 are:

| Number | Submitter Name | Decision |
|--------|---|----------------|
| 03 | Ministry of Education | Accept in part |
| 05 | Royal Forest and Bird Protection Society of New Zealand | Accept in part |
| 09 | Opuha Water Ltd | Accept in part |
| 10 | Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Ltd | Accept in part |
| 14 | Environment Canterbury | Reject |
| 15 | Retirement Villages Association | Accept |
| 16 | Department of Conservation/Te Papa Atawhai | Accept in part |

10. ATC-O2 Rural Areas

10.2 Assessment

57. The Mackenzie District is predominantly rural. We consequently agree with Ms White that ATC-O2 as notified explicitly and importantly recognises the importance of rural areas to the District's wellbeing. Mr Geddes¹⁵ and Ms Ruston¹⁶ both recommended an alternative objective, but we consider their wording to be less helpful than the notified wording. Mr Geddes' wording referred to a range of activities¹⁷ and would introduce some unclear and subjective phrases.¹⁸ Ms Ruston's wording is simpler than Mr Geddes' wording, but we do not consider that it improves the outcome sought by ATC-O2 as notified.

¹³ Ibid, paragraphs 46 and 47.

¹⁴ Ibid, paragraph 48.

¹⁵ EIC Geddes, paragraph 53.

¹⁶ EIC Ruston, paragraph 89.

¹⁷ Primary production activities and sensitive activities.

¹⁸ Such as "undermining natural and physical resources"

58. In that regard we accept Ms White's Reply Report¹⁹ advice that "... the drafting intent was not to focus on primary production activities in rural areas over and above other activities. ... a large proportion of the District is rural in nature. However, there are a range of activities in these areas, and unlike other districts, there is not such a focus on the productive capacity of these areas. For example, there is a large amount of conservation land that is not used for primary production activities, but which is still important to the District's wellbeing in terms of the contribution to well-being in terms of tourism and recreation activities ..."
59. We agree with and adopt Ms White's analysis of the submissions of PTH & PVH relating to ATC-O2.

10.3 Decisions

60. ATC-O2 is retained as notified.
61. Our decisions on the individual submission points relating to ATC-O2 are:

| Number | Submitter Name | Decision |
|--------|---|----------------|
| 01 | New Zealand Pork | Accept |
| 05 | Royal Forest and Bird Protection Society of New Zealand | Accept |
| 06 | Federated Farmers | Accept |
| 09 | Opuha Water Ltd | Accept |
| 10 | Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Ltd | Accept in part |
| 14 | Environment Canterbury | Reject |
| 16 | Department of Conservation/Te Papa Atawhai | Accept |

11. ATC-O3 Infrastructure

11.1 Assessment

62. Mr Geddes²⁰ suggested that non-regionally significant infrastructure was not a strategic or significant issue and so, in accordance with section 7 of the National Planning Standards, it should not be addressed in the Strategic Directions chapter. He considered 'non-regionally significant infrastructure' could be addressed in the infrastructure chapter of the PDP. Ms Ruston²¹ suggested 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." We largely agree with that evidence and find that ATC-O3 should be qualified to refer to "particularly nationally and regionally significant infrastructure".
63. In her written answers to our questions²² Ms White advised "Recognising and providing for the importance of infrastructure is intended to entail identifying the level of importance of different types of infrastructure, and then recognising and providing for those differing levels of importance in the relevant chapters." We acknowledge that, but consider our amendment will not preclude that occurring.
64. Mr Geddes²³ also suggested that there was a need to explicitly provide for infrastructure without major constraints from other activities. That relates to both avoiding conflicts between incompatible activities and avoiding 'reverse sensitivity', which we discussed in section 5 of this Report. We address 'reverse sensitivity' in relation to the NPS-ET and NPS-REG and ATC-O4 in section 12 of this Report.
65. Mr Geddes also suggested that it was appropriate to refer to the operation, development, maintenance, and upgrade of infrastructure, but we consider that level of detail is best provided in subsequent chapters of the PDP. Nor do we consider that there is a need to specify that the adverse effects of infrastructure are managed, as that is required by section 5 of the RMA and we understand that 'effects management' provisions will be included in the policies of other PDP chapters.
66. We agree with Ms White that it is not necessary to refer to "existing and appropriate future infrastructure" either here or in ATC-O4, as that is implicit already.

¹⁹ Paragraph 18.

²⁰ EIC Geddes, paragraph 60.

²¹ EIC Ruston, paragraph 93.

²² Section 42A author's written response to Minute 2 dated 1 November 2022

²³ Ibid, paragraph 65.

11.2 Decisions

67. ATC-O3 is amended to refer to “particularly nationally and regionally significant infrastructure”.
68. Our decisions on the individual submission points relating to ATC-O3 are:

| Number | Submitter Name | Decision |
|--------|---|----------------|
| 04 | Chorus NZ, Spark NZ and Vodafone NZ | Accept in part |
| 05 | Royal Forest and Bird Protection Society of New Zealand | Accept in part |
| 07 | Genesis Energy Limited | Accept in part |
| 09 | Opuha Water Ltd | Accept in part |
| 14 | Environment Canterbury | Accept in part |
| 16 | Department of Conservation/ Te Papa Atawhai | Accept in part |
| 17 | Nova Energy Ltd | Reject |

12. ATC-O4 Renewable Electricity

12.1 Assessment

69. We agree with Ms White that regarding the alternate objective proposed by Genesis²⁴ and Meridian²⁵:
- clauses (a) and (b) are largely captured in ATC-O4 as notified;
 - there is no need to refer to “*reducing greenhouse gas emissions*” as that is one of the benefits to be recognised and provided and does not need to be singled out;
 - there is no need to specifically refer to the “*nationally significant Waitaki Power Scheme*”, particularly as the NPSREG relates to all renewable electricity generation activities;
 - including a new clause referring to “*the current and future energy needs of the District’s communities and economy*” would be problematic because that is not something that can be achieved through the District Plan; and
 - it is appropriate to refer to the Waitaki Power Scheme in the introduction of the chapter.
70. Having said that, we agree with counsel²⁶ for Genesis that using the word ‘activities’ in ATC-O4 would imply a much broader objective than the word ‘assets’. In answer to our questions, Mr Allen’s advice was that the word ‘activities’ would encompass ‘facilities’. However, to ensure a more certain outcome, we find that the phrase ‘activities and assets’ is preferable.
71. This leaves the matter of ‘reverse sensitivity’ which was raised by ECan, Genesis and Meridian. The NPS-REG has a very directive Policy D which states “Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.” The NPS-ET similarly has directive Policy 10 which states “In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.”
72. In her Reply Report²⁷, Ms White noted the strong direction in relation to reverse sensitivity in the NPS-REG and NPS-ET, however remained of the view that this is reflected in the recommended wording in Clause 2 of the recommended new objective ATC-O6 whereby the level of their significance will influence the level of protection through the provision in other plan chapters.
73. We have carefully considered Ms White’s advice, along with Mr Garbett’s legal submissions²⁸ where he advised that the obligation is for the District Plan as a whole to give effect to higher order documents, rather than each provision or each chapter needing to do so, however we are mindful that as a result of *King Salmon* it is common knowledge that “avoid” means “do not allow”. Consequently, we find that to give effect

²⁴ EIC Mitchell, paragraph 17 Table 2.

²⁵ EIC Ruston, paragraph 108.

²⁶ Paragraph 38.

²⁷ Reply Report, paragraph 10.

²⁸ Legal submissions of Counsel for Mackenzie District Council, Michael Garbett, 22 November 2022, paragraphs 4-6.

to the NPS-REG and NPS-ET and CRPS Method 3,²⁹ ATC-O4 should be amended to refer to avoiding reverse sensitivity effects on renewable energy generation and electricity transmission activities and assets. Having made that finding, we see no need to duplicate that requirement in UFD-O1 (as was sought in the submissions of Genesis and Meridian).

74. At the hearing Mr Allen submitted that amending ATC-O4 to refer to avoiding reverse sensitivity effects while maintaining Ms White's wording for the new ATC-O6 (protecting existing activities from adverse effects) provided a suitable distinction between those objectives. Dr Mitchell agreed with that proposition and so do we.

12.2 Decisions

75. ATC-O4 is amended to require the avoidance of reverse sensitivity effects on renewable energy generation and electricity transmission activities and assets.
76. Our decisions on the individual submission points relating to ATC-O4 are:

| Number | Submitter Name | Decision |
|--------|---|----------------|
| 05 | Royal Forest and Bird Protection Society of New Zealand | Accept in part |
| 07 | Genesis Energy Limited | Accept in part |
| 09 | Opuha Water Ltd | Accept in part |
| 11 | Meridian Energy Limited | Accept in part |
| 14 | Environment Canterbury | Reject |
| 16 | Department of Conservation/ Te Papa Atawhai | Accept in part |
| 17 | Nova Energy Ltd | Reject |

13. ATC-O5 Adaption and Resilience

13.1 Assessment

77. Ms White recommended amendments to ATC-O5 to address the submission of ECan. Mr Geddes responded to those amendments, suggesting that the amended objective did not state what outcome(s) managing natural hazards and climate change would be integrated to achieve. We expressed similar concerns in our questions to Ms White. In her Reply Report Ms White advised³⁰ "... the matters encompassed by ATC-O5 are more broadly about how management of natural hazard risk is integrated with the effects of climate change; and relate more broadly to community adaption and resilience." We accept that advice.
78. Mr Geddes suggested replacing ATC-O5 with two objectives, one that addressed climate change and one that addressed natural hazards. We do not consider that to be necessary as those matters can be dealt with in a single objective, but we have made minor improvements to Ms White's wording. We note our wording improvements are similar to those suggested by Ms Ruston.³¹
79. Regarding other matters raised by ECan, we agree with Ms White that ATC-O5 does not need to address wider CRPS matters such as 'energy efficiency in urban form' and the 'efficient use of natural and physical resources'.

13.2 Decisions

80. ATC-O5 is amended to include integrating the management of natural hazard risks with the effects of climate change.
81. Our decisions on the individual submission points related to ATC-O5 are:

| Number | Submitter Name | Decision |
|--------|---|----------------|
| 04 | Chorus NZ, Spark NZ and Vodafone NZ | Accept in part |
| 05 | Royal Forest and Bird Protection Society of New Zealand | Accept in part |
| 09 | Opuha Water Ltd | Accept in part |

²⁹ That follows CRPS Policy 16.3.5.

³⁰ Paragraph 25.

³¹ EIC Ruston, paragraph 113.

| Number | Submitter Name | Decision |
|--------|---|----------------|
| 10 | Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Ltd | Accept in part |
| 12 | Waka Kotahi | Accept in part |
| 14 | Environment Canterbury | Accept in part |
| 16 | Department of Conservation/ Te Papa Atawhai | Accept in part |

14. Mana Whenua Chapter (Introduction and MW-O2 Mana Whenua Involvement)

14.1 Assessment

82. We agree with and adopt Ms White's analysis of submissions on MW-O2.

14.2 Decisions

83. The introduction to the MW – Mana Whenua Chapter is amended as sought by Opuha.

84. MW-O2 is retained as notified.

85. Our decisions on the individual submission points relating to the introduction to the MW chapter and MW-O2 are:

| Number | Submitter Name | Decision |
|--------|---|----------------|
| 05 | Royal Forest and Bird Protection Society of New Zealand | Accept |
| 09 | Opuha Water Ltd | Accept in part |
| 14 | Environment Canterbury | Accept |
| 16 | Department of Conservation/ Te Papa Atawhai | Accept |
| 17 | Nova Energy Ltd | Accept |

15. Natural Environment (NE-O1 Natural Environment)

15.1 Assessment

86. In her answers to our written questions, Ms White recommended the insertion of an additional sentence to the new paragraph she had recommended for the "Chapter: NE – Natural Environment Introduction" section. We find that to be appropriate.

87. Ms White initially recommended deleting the list of five values in NE-O1. In her written answers to our questions³², Ms White advised "NE-O1 as notified was intended to provide a non-exclusive list of values, on the basis that it identified values of known importance to the community, but was not intended to suggest that there may not be other values of importance; and allows for the possibility that further stages of the review will identify others." However, in her Reply Report³³ she recommended reinstating the list of values.

88. We find it would be inappropriate to omit the notified list of values and in that regard we agree with the following witnesses. For ECan Mr Geddes³⁴ considered that "... the list helps clarify the important values of the district. There are other ways to ensure the list is not interpreted as being exhaustive, for instance, inserting the words 'but not limited to'." For DOC Lisa Thorne³⁵ recommended that "the term 'important'³⁶ be removed, and the list of values in the notified version of the objective be retained". She considered "... the deletion of the listed values strips out any reference in the objective to those values that are unique and relevant to the Mackenzie District." In her evidence for Forest and Bird, Nicky Snoyink³⁷ considered "... that without the list of special factors which make the Mackenzie District unique, NE-O1 loses specificity."

89. We find that the list of values should be retained, but be qualified with the wording "... but is not limited to ...".

90. Ms Snoyink suggested that the word 'important' should be omitted from the chapeau of the objective. Ms Thorne³⁸ similarly considered that "... the addition of the term 'important' is unnecessary and implies a

³² Section 42A Report author's written response to Minute 2 dated 1 November 2022

³³ Paragraph 28.

³⁴ EIC Geddes, paragraphs 86 and 87.

³⁵ EIC Thorne, paragraph 16.

³⁶ Which Ms White had recommended for inclusion in the chapeau of NE-O1.

³⁷ EIC Snoyink, paragraph 9.

³⁸ EIC Thorne, paragraph 23.

hierarchy of natural values, whereby they must be considered ‘important’ in order for this objective to apply.” We agree with Ms Thorne and Ms Snoyink and consider that with the other changes we have found to be appropriate for NE-O1, there is no need to include the word “important” in the chapeau.

91. However, having decided that the notified list of values should be retained, in response to the issues raised by Ms Snoyink and Ms Thorne, we find it would be appropriate to denote those listed values as being associated with ‘important’ natural resources. Doing so will lend weight to their future favourable consideration by decision-makers.
92. Ms Snoyink suggested that the list of values should include ‘natural character’. We agree with Ms White³⁹ that that natural character is generally understood to be a combination of factors that are already encompassed by the other values listed. Consequently, we find it is not necessary to separately list ‘natural character.’
93. We also agree with Ms White that NE-O1 need not refer to the ‘historic environment’ or ‘historic heritage’ because those terms are related to physical resources and their use, whereas NE-O1 focusses on the natural rather than the physical environment.
94. As a consequence of our decision on the Description of the District (section 4 of this Decision Report) we find that the “Introduction to the NE – Natural Environment” chapter should also refer to ‘renewal energy resources’. In other respects, we agree with and adopt with Ms White’s analysis of amendments sought by Nova, ECan and PTH & PVH.
95. In their tabled evidence Opuha sought to include ‘irrigation’ in the Introduction’s discussion of how economic value is derived from natural resources. We find that to be appropriate as it merely states a factual reality. Ms White was initially neutral on that matter, but in her answers to our written questions⁴⁰ she advised that irrigation was an example of how economic value could be derived from natural resources.

15.2 Decisions

96. The introduction to the NE – Natural Environment chapter is amended to:
 - a. better reflect NE-O1;
 - b. refer to irrigation and renewable energy resources; and
 - c. include a new paragraph noting that the management of specific resources/values will need to be consistent with s6 of the RMA, the CRPS, NPS’ and iwi management plans.
97. NE-O1 is amended to:
 - a. provide greater clarity in the wording of the chapeau that all natural values should be recognised and provided for; and
 - b. refer to outstanding as well as significant intrinsic values; and
 - c. retain the list of example values and state that they are associated with important natural resources, but clarify that the list is not exhaustive.
98. Our decisions on the individual submission points relating to the National Environment chapter are:

| Number | Submitter Name | Decision |
|--------|---|----------------|
| 05 | Royal Forest and Bird Protection Society of New Zealand | Accept |
| 09 | Opuha Water Ltd | Accept |
| 10 | Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Ltd | Reject |
| 14 | Environment Canterbury | Accept in part |
| 16 | Department of Conservation/ Te Papa Atawhai | Accept |
| 17 | Nova Energy Ltd | Accept in part |

³⁹ Reply Report, paragraph 31.

⁴⁰ Section 42A Report author’s written response to Minute 2 dated 1 November 2022

16. Urban Form and Development (UFD-O1 Urban Form and Development)

16.1 Assessment

99. Mr Geddes⁴¹ helpfully conceded that "...many of Environment Canterbury's suggested amendments to UFD-O1 may be unnecessary due to the matters being addressed elsewhere in the strategic directions chapter...". He did however suggest⁴² an amendment to refer to the protection of highly productive land, noting "... that the NPS-HPL is highly directive and that there is LUC 1-3 land in or close to the urban edges of Albury, Fairlie, Burkes Pass and Twizel."
100. We acknowledge the concerns expressed by Ms White regarding Policy 3.6(4) of the NPS-HPL, which directs that urban rezoning of highly productive land is only allowed if it is required to provide sufficient development capacity to meet expected demand for housing or business land in the District; there are no other reasonably practicable and feasible options for providing the required development capacity; and the benefits of rezoning outweigh the costs. However, we find that in order to give effect to Objective 2.1 of the NPS-HPL (as we are required to do within the scope of submissions), an objective is required to protect highly productive land from urban growth. Implementing that objective will of course need to occur within the caveats identified by Ms White.
101. Having made that finding, we understand that there is not a large amount of highly productive land in the District and where that land exists on the margins of existing townships, there is not a significant amount of development pressure on it. We also understand that the Council's Spatial Plans have already identified where urban growth should occur.
102. We agree with Ms White that UFD-O1.3 is limited to infrastructure as defined in the RMA and not more broadly to other facilities that growth and development may equally need to be supported by – including not only waste facilities, but also schools. While we do not find it appropriate to deviate from the RMA definition of infrastructure,⁴³ we do agree with her recommendation to amend UFD-O1.3 to refer to "and facilities which support the functioning of the community". That broad additional phrase would be inclusive of "waste facilities", "educational facilities"⁴⁴ and the housing and care needs of the ageing population.⁴⁵ Ms Rosser⁴⁶ (appearing for EnviroWaste) advised that she considered the above additional phrase to be appropriate should the Panel not accept the inclusion of waste facilities in the definition for infrastructure.
103. Ms Snoyink⁴⁷ recommended omitting the word 'surrounding' from UFD-O1.1. However, we do not find that to be appropriate because the issue that we understand UFD-O1.1 is intended to address is the integration of an urban area with its surrounding (or 'adjoining' in other words) natural environment.
104. In their tabled evidence the Telecoms supported Ms White's recommendation to commence UFD-O1.3 with the wording "is integrated with the provisions of appropriate...".
105. Ms White retained her initial recommendation to not introduce a new clause in UFD-O1 that deals with 'reverse sensitivity' (as was sought by NZ Pork) because "... managing potential reverse sensitivity effects is part of ensuring urban growth is integrated with the surrounding environment." We agree and note that when we put that issue to Ms Ruston, she advised that if we adopted Ms White's recommended new objective ATC-O6 and if we also amended ATC-O3 to refer to 'reverse sensitivity', there was no need to refer to 'reverse sensitivity' by way of a new UFD-O1.6. Similarly, in their tabled evidence, Transpower agreed that it was not necessary to refer to 'reverse sensitivity' in UFD-O1.⁴⁸
106. In her post-hearing evidence⁴⁹ Ms Ruston suggested that the use of the qualifier 'appropriate' with regard to infrastructure does not assist with the objective. Instead, she considered that Ms White's recommended

⁴¹ EIC Geddes, paragraph 97

⁴² Ibid, paragraph 94.

⁴³ EnviroWaste sought to add the words "waste processing and disposal facilities" to the definition.

⁴⁴ Ministry of Education sought to expand UFD-O1.5 to include "provisions of education facilities".

⁴⁵ Ms White's answers to our written questions.

⁴⁶ EIC Rosser, paragraph 1.4.

⁴⁷ EIC Snoyink, paragraph 10.

⁴⁸ Transpower letter to MDC dated 25 November 2022.

⁴⁹ Email correspondence filed in response to a request from the Panel 1 December 2022.

insertion of “which support the functioning of the community” sufficiently improved the clarity of subclause UFD-O1.3. We agree and have omitted the word ‘appropriate’.

107. Other than as outlined above, we agree with and adopt Ms White’s analysis regarding the submissions of MoE, NZ Pork, Road Metals and Forest and Bird. In relation to Forest and Bird,⁵⁰ we observe that Plan Change 18 comprehensively addressed indigenous biodiversity and we understand that PC18 will not be revisited as part of the current District Plan review.

16.2 Decisions

108. UFD-O1 is amended:

- a. in UFD-O1.3, to refer to integration with infrastructure, and to extend it to also refer to other facilities which support the functioning of the community;
- b. in UFD-O1.4, to refer to ‘anticipated’ character; and
- c. to insert a new UFD-O1.6 that refers to protecting highly productive land.

109. The introductions to the ATC – A Thriving Community and UFD – Urban Form and Development chapters are amended to include a paragraph referring to the NPS-HPL and outlining its relevance to the matters addressed in the chapter.

110. Our decisions on the individual submissions are:

| Number | Submitter Name | Decision |
|--------|---|----------------|
| 01 | New Zealand Pork | Accept in part |
| 03 | Ministry of Education | Accept in part |
| 04 | Chorus NZ, Spark NZ and Vodafone NZ | Accept in part |
| 05 | Royal Forest and Bird Protection Society of New Zealand | Reject |
| 08 | EnviroWaste Services Ltd | Accept in part |
| 10 | Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Ltd | Accept in part |
| 13 | Road Metals | Reject |
| 14 | Environment Canterbury | Accept in part |
| 15 | Retirement Villages Association | Accept in part |
| 16 | Department of Conservation/ Te Papa Atawhai | Accept in part |
| 17 | Nova Energy Ltd | Accept in part |

17. Additional Provisions Sought

17.1 Assessment

111. HNZPT sought⁵¹ an additional strategic objective “... to provide high level direction regarding the identification, recognition and protection of places, structures and features which are significant to Mackenzie’s wider character and cultural heritage.” MW-O1 already refers to mana whenua’s historic and contemporary relationship with sites and areas of significance and that appropriately responds to RMA section 6(e). We therefore turned our minds to whether a strategic objective was required to address other historic heritage, noting that to be an RMA s6(f) matter.
112. Ms White advised that heritage was not something that had been raised as a particular strategic issue at a local level. She considered that an additional objective relating to historic heritage within the Strategic Direction chapters was unnecessary.
113. Ms Wykes⁵² advised that the primary means for giving effect to the protection of historic heritage was to schedule items of historic heritage in the District Plan following the Schedule 1 process, but the recognition of heritage in a strategic objective would provide a level of protection for a heritage site or area that was not scheduled. She supported⁵³ additional wording for ATC-O1 that Ms White developed in response to a

⁵⁰ Forest and Bird sought a new clause 6 for UFD-O1 that would read “incorporates and sustains indigenous biodiversity”.

⁵¹ EIC Fiona Wykes, paragraph 2.1.

⁵² Ibid paragraphs 6.7 and 6.8.

⁵³ Ibid, paragraph 7.3.

question from us. That wording was “the significance of heritage resources to the community’s character and cultural heritage is recognised and provided for”.

114. However, we observe that the 31 heritage sites recorded on the New Zealand Heritage List / Rārangī Kōrero and the 86 heritage sites scheduled in Operative Mackenzie District Plan⁵⁴ are already “recognised and provided for”. Consequently, we do not consider that an additional strategic objective is required to provide for any unscheduled historic sites.
115. We agree with and adopt Ms White’s analysis of other submissions seeking additional provisions. In that regard Ms Ruston stated “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”. As we outlined in our assessment of submissions on ATC-O5, our recommended wording is similar to that suggested by Ms Ruston.

17.2 Decisions

116. No additional objectives are included, other than ATC-O6 as recommended by Ms White.
117. Our decisions on the individual submission points relating to additional provisions sought are:

| Number | Submitter Name | Decision |
|--------|---------------------------------|----------|
| 02 | Heritage New Zealand | Reject |
| 14 | Environment Canterbury | Reject |
| 15 | Retirement Villages Association | Reject |

18. Section 32AA

118. Where we have adopted Ms White’s analysis of submissions and her recommended amendments to the provisions, we also adopt her section 32AA assessments.
119. Where we have decided on different amendments to those recommended by Ms White, we are satisfied that those amendments are a more efficient and effective means of giving effect to the purpose and principles of the RMA and the higher order statutory instruments, for the reasons set out in the body of this Decision Report.

19. Other Matters

120. No other matters were brought to our attention.



Rob van Voorthuysen (Chair)



Andrew Willis

⁵⁴ Ibid, paragraphs 5.4 and 5.5.



Megen McKay



Raewyn Solomon



Ros Day-Cleavin

APPENDIX 1: AMENDED PROVISIONS

Part 1 – Introduction and General Provisions

...

Chapter: Description of the District

...

The District contains many natural resources of significance, including mahika kai resources, night sky darkness, outstanding natural features and landscapes, significant indigenous biodiversity, [renewable energy resources](#)⁵⁵ and a range of water bodies.

Chapter: Statutory Context

Resource Management Act 1991 (RMA)

...

| | |
|------------|---|
| Section 31 | Sets out MDC's functions under the RMA, which include achieving integrated management of the effects of the use, development, or protection of land and associated natural and physical resources; ensuring there is sufficient development capacity in respect of housing and business land to meeting ⁵⁶ the demands of the district; controlling the effects of the use, development, or protection of land; controlling the emission of noise and the mitigation of the effects of noise; and controlling any actual or potential effects of activities in relation to the surface of water in rivers and lakes. |
|------------|---|

...

Chapter: General Approach

...

Activity Status

...

| | |
|---------------|---|
| Step 4 | Check the rules and applicable standards for the activity to see if you need a resource consent. |
| Step 5 | If the activity is permitted, you can proceed without obtaining a resource consent, provided you undertake it in accordance with the permitted activity rules and standards. If the activity is controlled, restricted discretionary, discretionary or noncomplying, you need to apply to the Council for a resource consent. If the activity is prohibited permitted, ⁵⁷ you cannot proceed with the activity. |

...

Chapter: Cross Boundary Matters

...

The Council will address cross-boundary issues by:

1. Maintaining an ongoing dialogue, and collaborating with,⁵⁸ the Regional Council and neighbouring territorial authorities to ensure ...

⁵⁵ Nova (17).

⁵⁶ Federated Farmers (06)

⁵⁷ ECan (14) – Note that this correction already appears in the e-Plan version.

⁵⁸ ECan (14)

Section: Mana Whenua**Chapter: Mana Whenua**

...

MW3.2 Statutory Acknowledgements

In recognition of ... the Mackenzie District are:

- Aoraki / Mount Cook (Schedule 14);
- Hakataramea River (Schedule 16)⁵⁹;
- Lake Ōhau (Schedule 32);

...

Part 2 – District-Wide Matters**Section: Strategic Direction Section****Introduction**

...

~~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 had regard to.~~⁶⁰

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.

Chapter: ATC – A Thriving Community**Introduction**

...

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,⁶¹ as well as development of new infrastructure is important to the well-being of the community of the Mackenzie District, the Canterbury Region and nationally.⁶² This includes the contribution that existing and new renewable electricity generation and transmission assets located in the District make to the nation, including parts of the nationally significant Waitaki Power Scheme which is the largest hydro-electric power scheme in New Zealand, and the Opuha Scheme's Hydro-electric Power Scheme.⁶³

...

The National Policy Statement for Highly Productive Land also includes direction applying to any land which falls within the definition of the highly productive land. Management of rural areas containing such land will also need to give effect to this direction.⁶⁴

⁵⁹ ECan (14)

⁶⁰ Forest & Bird (05)

⁶¹ Opuha (09)

⁶² Opuha (09)

⁶³ Genesis (07), **Opuha (9)** and Meridian (11)

⁶⁴ Consequential amendment (relating to ECan (14))

| Strategic Objectives | |
|--|-----------------------------------|
| ATC-01 | Live, Work, Play and Visit |
| The Mackenzie District is a desirable place to live, work, play and visit, where: <ol style="list-style-type: none"> 1. there are a range of living options, businesses, and recreation activities to meet community needs; 2. activities that are important to the community's social, economic and cultural well-being, including appropriate economic development opportunities are provided for; and 3. the <u>anticipated</u>⁶⁵ amenity values and character of different areas are maintained or enhanced. | |
| ATC-03 | Infrastructure |
| The importance <u>of infrastructure</u> to the District and beyond <u>of infrastructure, particularly nationally and regionally significant infrastructure</u> , ⁶⁶ is recognised and provided for. | |
| ATC-04 | Renewable Energy |
| The local, regional and national benefits of the District's renewable electricity generation and electricity transmission <u>activities</u> ⁶⁷ <u>and</u> assets are recognised and their development, operation, maintenance and upgrade are provided for <u>and reverse sensitivity effects on those activities and assets are avoided</u> . ⁶⁸ | |
| ATC-05 | Adaption and Resilience |
| The <u>approach to managing</u> Management of natural hazard risks <u>is integrated with</u> the effects of climate change <u>resources</u> <u>and</u> allows the community to be resilient and adapt appropriately to change. ⁶⁹ | |
| ATC-06 | Incompatible Activities |
| The location <u>and effects</u> of activities are managed, to: <ol style="list-style-type: none"> 1. <u>minimise conflicts between incompatible activities; and</u> 2. <u>protect important existing activities from reverse sensitivity effects</u>.⁷⁰ | |

Chapter: MW – Mana Whenua

Introduction

...

The following values for the Mackenzie District are sought by Mana Whenua seek the following for the Mackenzie District⁷¹:

- Practice and protect ...

...

Chapter: NE – Natural Environment

Introduction

The District contains many natural resources of importance significance.⁷² These include (but are not limited to)⁷³: resources valued by mana whenua for mahika kai; the Aoraki Mackenzie International Dark Sky Reserve; outstanding these natural features and landscapes features, and indigenous biodiversity that are considered significant; renewable energy resources⁷⁴ and the District's wetlands, lakes and rivers and their margins.⁷⁵

While these resources have intrinsic values, they are also important to the District's social and cultural well-being in terms of the contribution they make to the District's character and identity, and its desirability as a place to live in and visit. Many of the District's natural resources are also significant to mana whenua and their connection with

⁶⁵ RVA (15)

⁶⁶ ECan (16), Meridian (11)

⁶⁷ Genesis (07), Meridian (11).

⁶⁸ Genesis (07), Meridian (11).

⁶⁹ ECan (14)

⁷⁰ Genesis (07), Meridian (11).

⁷¹ Opuha (09)

⁷² Consequential amendment (relating to ECan (14)).

⁷³ Relates to Forest & Bird (05)

⁷⁴ Nova (17).

⁷⁵ Forest & Bird (05)

their takiwā. Economic value is derived from these natural resources, for example from tourism that is based on the natural resources within the District and from hydro electric power generation and irrigation⁷⁶. A failure to protect the values of these resources could therefore adversely affect the community's environmental, social, cultural and economic well-being.

...

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 iwi management plans. These values are also identified and addressed in other chapters of this District Plan.⁷⁷

| Strategic Objectives | |
|--|---------------------|
| NE-O1 | Natural Environment |
| <p>The values of the natural environment, including those⁷⁸ that make the District unique, contribute to its character, identity and well-being, and or have significant or outstanding⁷⁹ intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, <u>but is not limited to</u>,⁸⁰ values associated with <u>the following important natural resources</u>:⁸¹</p> <ol style="list-style-type: none"> 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 | |

Chapter: UFD – Urban Form and Development

Introduction

...

To understand and plan for this growth and development, the Council prepared Spatial Plans for Fairlie, Tekapo/Takapō, Twizel, Burkes Pass/Te Kopi-O-Ōpihi, Kimbell and Albury. These identified and responded to specific problems identified with the current form of each township. These Spatial Plans provide a starting point for how the District Plan, together with other documents, manages growth and change within Mackenzie's townships.

The National Policy Statement for Highly Productive Land also includes direction regarding rezoning of highly productive land for urban development. Any potential rezoning outside the current urban area or any growth area identified within the Spatial Plans is subject to this NPS.⁸²

While there is a National Policy Statement on Urban Development, it does not apply to the Mackenzie District, because the size of the District's urban areas is below the threshold at which this Policy Statement applies.

⁷⁶ Opuha (9)

⁷⁷ Relates to Forest & Bird (05)

⁷⁸ ECan (14), Forest and Bird (05)

⁷⁹ Forest & Bird (05)

⁸⁰ ECan (14)

⁸¹ Relates to Forest & Bird (05)

⁸² Relates to ECan (14)

| Strategic Objectives | |
|--|----------------------------|
| UFD-01 | Urban Form and Development |
| <p>The District's townships and settlements grow and develop in a consolidated way that:</p> <ol style="list-style-type: none"> 1. is integrated into, and respects the values of the surrounding natural and physical environment; 2. achieves good connectivity with other parts of the urban area; 3. is supported by <u>integrated with the provision of</u>⁸³ appropriate infrastructure <u>and facilities which support the functioning of the community;</u>⁸⁴ 4. maintains the <u>anticipated</u>⁸⁵ character of each township, and its attractiveness to residents, businesses and visitors; and 5. responds to the needs of the community, including diversity in housing and business opportunities; and 6. <u>protects highly productive land.</u>⁸⁶ | |

⁸³ ECan (14)

⁸⁴ Enviro Waste (08), also relates to MOE (03)

⁸⁵ RVA (15)

⁸⁶ ECan (16)

APPENDIX 2: APPEARANCES

| | Submitter | Name | Role |
|----|---|----------------------------------|---------------------------------|
| 02 | Heritage New Zealand Pouhere Taonga | Fiona Wykes | Area Manager |
| 05 | Royal Forest and Bird Protection Society of New Zealand | Nicky Snoyink | Representative |
| 07 | Genesis Energy Limited | David Allen Dr Philip Mitchel | Counsel Planning |
| 08 | EnviroWaste Services Ltd | Kaaren Rosser | Planning |
| 11 | Meridian Energy Limited | Erin Whooley Susan Ruston | Representative Planning |
| 14 | Environment Canterbury | Mark Geddes | Planning |
| 16 | Department of Conservation/ Te Papa Atawhai | Don Nelson Lisa Thorne | Biodiversity Ranger Planning |
| 17 | Nova Energy Ltd | Stephen Quinn Christopher Pye | Counsel Representative |

Tabled Evidence

| | Submitter | Name | Role |
|----|--------------------------------|----------------|----------------|
| 09 | Opuha Water Limited | Julia Crossman | Representative |
| FS | Transpower New Zealand Limited | Ainsley McLeod | Planning |