



Mackenzie

DISTRICT PLAN REVIEW

TOMORROW'S MACKENZIE
KA AWATEA HŌU

Section 42A Report: Plan Change 20 – Strategic Chapters

Report on submissions and further submissions

Author: Liz White

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List of submitters addressed in this report:

Submitter Ref	Further Submitter?	Submitter Name	Abbreviation
01		New Zealand Pork	NZ Pork
02		Heritage New Zealand	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		Enviro Waste Services Ltd	Enviro Waste
09	Y	Opuha Water Ltd	Opuha
10		Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Limited	PTH & PVH
11	Y	Meridian Energy Limited	Meridian
12	Y	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
MDP	Mackenzie District Plan
MDPR	Mackenzie District Plan Review
NP Standards	National Planning Standards
NPSET	National Policy Statement on Electricity Transmission
NPSFM	National Policy Statement for Freshwater Management
NPSHPL	National Policy Statement for Highly Productive Land
NPSREG	National Policy Statement for Renewable Electricity Generation
NPSUD	National Policy Statement for Urban Development
PC21	Proposed Plan Change 21
RMA	Resource Management Act 1991

1. Purpose of Report

1. This report is prepared under s42A of the RMA in relation to Plan Change 20 (Strategic Chapters) to the MDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this plan change and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.
2. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and Experience

3. This report has been prepared by Liz White, with input from Kylie Hall. Our qualifications and experience are set out separately below. The input provided by Kylie reflects that mana whenua, via Aoraki Environmental Consultants Ltd, are working as partners in the MDP as part of the project team, and as such, were involved in the drafting of PC20 and s32 evaluation report. Kylie's input into this report reflects the continuation of this partnership approach.
4. My full name is Elizabeth (Liz) Jane White. I am an independent planning consultant, and have been self-employed (trading as Liz White Planning) for 18 months. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.
5. I have over 15 years' planning experience, which includes experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents, and preparing and processing resource consent applications and notices of requirements for territorial authorities. I am assisting the Mackenzie District Council in the MDP process, and was the main author of the plan change provisions and s32 report.
6. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I have complied with it when preparing this report. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the

submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

7. My full name is Kylie Susan Hall. I hold a Master of Environmental Policy with Honours from Lincoln University and a Bachelor of Arts degree majoring in Geography and Sociology from Canterbury University. I am a full member of the New Zealand Planning Institute.
8. I have over 18 years' experience in planning and policy with a predominant focus on land development and the resource consent applications, designations, private plan changes, structure plans for significant growth areas and submissions on planning instruments.
9. I have been in the role of Principal Planner with Aoraki Environmental Consultancy Limited (AEC) for three and a half years. AEC act on behalf of Te Rūnanga o Arowhenua (Arowhenua) in relation to environmental matters, including resource consents, private and Council initiated plan changes, District Plan reviews, Environment Court hearings and the preparation of cultural impact assessment reports. I am assisting the Mackenzie District Council in their District Plan Review process by providing cultural planning advice on behalf of Arowhenua, Te Rūnanga o Waihao (Waihao) and Te Rūnanga o Moeraki (Moeraki). I also assisted Liz White with the preparation of the plan change provisions and s32 report.
10. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I have complied with it when providing input into this report. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. I note that whilst I am employed by AEC which has the mandate to represent Arowhenua, Waihao and Moeraki, I am bound by the Code of Conduct and professional ethics of NZPI and am required to be impartial and unbiased in my professional opinions expressed.

3. Scope and Format of Report

11. This report considers the submissions and further submissions that were received in relation to PC20. It includes recommendations to either retain provisions without amendment, delete, add to or amend the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendix 1** to this Report. Footnoted references to the relevant submitter(s) identify the scope for each recommended change.
12. The assessment of submissions generally follows the following format:
 - a. An outline of the relevant submission points
 - b. An analysis of those submission points
 - c. Recommendations, including any amendments to plan provisions (and associated assessment in terms of s32AA of the RMA where appropriate).

13. Further submissions have been considered in the preparation of this report, but are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. All but one further submitter (Transpower) is also a primary submitter and in broad terms the reasons given in further submissions are consistent with the views set out in the original submissions.
14. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.

4. Plan Change Overview

15. PC20 relates to the strategic and introductory chapters of the District Plan review. This includes the introduction of Strategic Direction chapters, as well as the replacement of the majority of the introductory chapters. All chapters included in PC20 follow the structure required by the NP Standards.
16. The introductory chapters are included within Part 1 – Introduction and General Provisions, and replace Sections 1, 2 and 4 of the Operative District Plan.¹ As a new Interpretation chapter is proposed, there are some consequential amendments proposed to Section 3 (Definitions), but the majority of Section 3 is unaffected by PC20. As none of introductory chapters contain any ‘provisions’ - defined in s32(6) of the RMA as policies, rules or other methods - a s32 evaluation report was not prepared for these chapters.
17. The proposed Strategic Direction chapters in PC20 are ‘new’ in the sense that the Operative MDP does not include a strategic chapter, nor are there any provisions within it which are strategic or overarching in nature; rather, each current section provides a set of objectives and policies that are largely self-contained to the matters set out in that section.
18. The Strategic Direction chapters provide overarching direction to be achieved through the remainder of the District Plan and as such, they are intended to guide the review of provisions within other chapters, as the MDPR progresses.
19. The drafting approach taken to these chapters was to identify and respond to those resource management issues considered to be of particular importance to the Mackenzie District, including matters of national and regional importance that are particularly relevant within the District, or issues that traverse more complex matters which affect more than one chapter of the Plan. As such, the content of these chapters intentionally did not traverse every matter of national importance, and replication of the wording in the RMA and higher order documents was specifically avoided.

¹ Section 1 – Introduction; Section 2 – Policy and Legal Framework; and Section 4 – Takata Whenua.

5. Procedural Matters

20. At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
21. For completeness I note that when the summary of submission was notified, two submitters (Opuha and Meridian) raised concerns around inconsistencies between their submissions and the summary of submissions. These inconsistencies were subsequently corrected, along with several other minor corrections. I do not consider the corrections to be material, or of an extent that it may have influenced a party's decision about whether to further submit. For the avoidance of doubt, I confirm that the analysis in this report is based on my review of the full submissions lodged with the Council, not the summary of submissions.

6. Statutory Framework

22. The assessment under the RMA for this Plan Change includes whether:
 - a. it is in accordance with the Council's functions (s74(1)(a));
 - b. it is in accordance with Part 2 of the RMA (s74(1)(b));
 - c. it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
 - d. the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
 - e. the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).
23. In addition, assessment of the plan change must also have regard to:
 - a. any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
 - b. the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
 - c. in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect (s76(3)).
24. The assessment of the plan change must also take into account any relevant iwi management plan (s74(2A)).

25. Specific provisions within the RMA and in other planning documents that are relevant to PC20 are set out in the Section 32 Report. These documents are discussed in more detail within this report where relevant to the assessment of submission points.
26. The assessment of submission points has also been undertaken in the context of the Section 32 report prepared for PC20. All recommended amendments to provisions since the initial Section 32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken, where required, in this report.

7. Assessment of Submissions

Overview of Submissions

27. Seventeen submissions and eight further submissions were received on PC20. No submitters opposed PC20 as a whole. In general, submissions are reasonably supportive of the approach taken, but seek changes to improve the drafting and outcomes sought at the Strategic Direction level.

Structure of Report

28. This report is largely structured on a provision-by-provision basis, starting with the introductory chapters and then each of the Strategic Direction objectives, followed by additional provisions sought. However, some submissions raised matters - relating to reserve sensitivity and management of effects – across more than one provision, and these submissions have been grouped and assessed together.

8. Provisions where no Change Sought

29. The deletion of Section 1 – Introduction, Section 2 – Policy and Legal, Section 4 – Taka Whenua and the definitions of ‘lake’ and ‘river’ from Section 3 – Definitions in the Operative District Plan were supported by Nova (17) and no submitters opposed these deletions. I therefore recommend these provisions be deleted.
30. The following provisions included within PC20 were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified:

Section	Chapter(s)	Provisions	Supporting Submitters
Introduction	Mihi	All	DOC (16), Nova (17)
	Purpose		DOC (16), Nova (17)
How the Plan Works	General Approach	All	DOC (16), Nova (17)
	Relationship Between Spatial Layers	All	DOC (16), Nova (17)
Interpretation	Definitions	All (excluding definition of ‘infrastructure’ – refer further below)	Forest & Bird (5), PTH & PVH (10) ² , DOC (16), Nova (17)

² In relation to the definitions of ‘amenity values’, ‘effect’, and ‘natural and physical resources’.

	Abbreviations	All	DOC (16), Nova (17)
	Glossary	All	DOC (16), Nova (17)
National Direction Instruments	National Policy Statements and New Zealand Coastal Policy Statement	All	DOC (16), Nova (17)
	Regulations	All	The Telcos (4), DOC (16), Nova (17)
	Water Conservation Orders	All	DOC (16), Nova (17)
Strategic Direction	Mana Whenua	MW-01	Forest & Bird (5), Opuha (09), ECan (14), DOC (16), Nova (17)

9. Introductory Chapters

New Chapters proposed in Part 1 – Introduction and General Provisions

Submissions

31. Nova (15) seeks a minor amendment to the ‘Description of the District’ chapter to refer to energy resources in the list of national resources of significance, on the basis that they are central to the identity of the district. DOC (16) supports this chapter.
32. Federated Farmers (6) seeks minor changes to the ‘Statutory Context’ chapter which it considers is clearer in relation to how section 31 is summarised. Nova (15) and DOC (16) both support the chapter as notified.
33. ECan (14) note that the ‘General Approach’ chapter incorrectly refers to a permitted activity as being one that cannot proceed and seek that this is amended to refer to prohibited activities. Nova (15) and DOC (16) both support the chapter as notified.
34. Waka Kotahi (12) DOC (16) and Nova (17) support the ‘Cross Boundary Matters’ chapter. ECan (14) requests that the chapter is amended to refer to collaboration, rather than consultation, on common resource management issues, as required under Section 18A of the RMA, and to provide greater detail as to the process of collaboration and the tools that could be used, having regard to the matters outlined in Section 3.1 of the CRPS. It notes that s18A was inserted into the RMA in 2017, after the CRPS was made operative, and state that, *“if the CRPS was reviewed today, it is likely that it would contain stronger policies regarding collaboration than it currently does.”*
35. Forest & Bird (5), Waka Kotahi (12) and Nova (17) support the definition of ‘infrastructure’. Enviro Waste (08) seek that the definition of infrastructure is amended to add *“waste processing and disposal facilities”*, so that ATC-03 applies to these facilities and acknowledges that they are an essential part of the services needed for a society to function.
36. The Telcos (4), DOC (16) and Nova (17) support the ‘National Environmental Standards’ chapter. Opuha (09) consider that it is appropriate for the list of standards to be noted as those in force at the time PC20 was notified, rather than referring to those *“currently in force”*.

37. ECan (14) seek that the 'Mana Whenua' chapter is amended so that section MW3.2 includes the Hakataramea Statutory Acknowledgement Area, on the basis that the Hakataramea River upper reach extends into the Mackenzie District.

Analysis

38. I do not agree with adding references to energy resources in the 'Description of the District' chapter. While I do agree that the District contains important energy generation facilities, the paragraph in this short introductory section to the Plan is focused on specific natural resources of importance, rather than the use of those resources.
39. I do not agree with the changes sought to the explanation of section 31 in the 'Statutory Context' chapter, as the wording used reflects that set out in s31(1)(aa)), with the exception of amending 'meeting' to 'meet' so that it aligns with s31(1)(aa)) and is grammatically correct.
40. I agree with ECan that prohibited activities should be referred to as those that cannot proceed. It appears that this is stated correctly in the e-Plan version of this chapter, but within the PDF version notified, the final sentence under 'Step 5' of the table included in the sub-section 'Activity Status' refers to 'permitted' rather than 'prohibited'. I agree that this should be corrected, noting this is already the case in the e-Plan version.
41. In relation to cross boundary matters, I note that Section 18A seeks to promote, rather than require collaboration, in relation to common resource management issues. I do not consider that it is appropriate to pre-suppose what a review of the CRPS might alter in relation to direction on cross-boundary matters. The District Plan is not required to, but under s75(2)(f), may state, the processes for dealing with issues that cross territorial authority boundaries. Similarly, section 3.1.1 of the CRPS sets out "*tools that local authorities may use to address cross-boundary issues and to coordinate processes...*" As such, this chapter is not 'required' but can be used to provide general direction regarding coordination on cross-boundary issues. My reading of the CRPS is that it summarises various ways in which the regional and district councils may work together depending on the situation, including, for example, through working groups, delegation, joint management and joint processing of resource consents – rather than being directive on specific processes that must be used. In my view, the current drafting in the Cross Boundary Matter chapter is consistent with this and I do not consider it necessary or appropriate that the District Plan chapter re-state what is in section 3.1.1 of the CRPS. I also consider use of the term 'consultation' to be more appropriate as depending on the circumstances, collaboration may not be appropriate; noting that collaboration is of course not precluded.
42. The proposed definition of 'infrastructure' is taken from the RMA, but is not a compulsory definition from the NP Standards. My preference is not to include a definition that is different from that of the RMA, as the intent behind the inclusion of definitions within the NP Standards is to avoid unnecessary differentiation between different plans. I have, however, considered elsewhere in this report the alternate relief sought by Enviro Waste in relation to the provisions which rely on this definition.

43. In relation to the wording of the 'National Environmental Standards' chapter, I note that the wording proposed is specifically directed to be included in Table 10 of Standard 6 – Introduction and General Provisions Standard of the NP Standards. I therefore do not consider there is scope to amend this as sought by Opuha.
44. In relation to the inclusion of the Hakataramea River in the 'Statutory Acknowledgement' list within section MW3.2, it is acknowledged that the northern upper reach of the Hakataramea River is located within the Mackenzie District. The exclusion of the Hakataramea River from section MW3.2 was an oversight at the time of drafting.

Recommendation

45. I recommend, for the reasons given above, that the 'General Approach', 'Cross Boundary Matters', 'Definitions' and 'National Environmental Standards' chapters are retained as notified.
46. I recommend, for the reasons given above, that:
 - a. The 'Statutory Context' chapter is amended to correct the grammatical error; and
 - b. Section MW3.2 Statutory Acknowledgments of the 'Mana Whenua' chapter is amended to correct the geographical error.
47. The amendments recommended are set out in **Appendix 1**.
48. The scale of change does not require a section 32AA evaluation because the provisions in these chapters are not 'provisions' in terms of how these are defined in s32(6) of the RMA, and therefore a s32 evaluation report was not prepared or required for these chapters.

10. Strategic Directions

Reverse Sensitivity

49. Several submitters sought changes to various provisions within the strategic direction chapters in relation to reverse sensitivity. As they relate to the same underlying issue, they have been collectively addressed in this section.
50. Enviro Waste (08) seeks that ATC-O3, which relates to infrastructure, is amended to add "*Regionally significant infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development*". It notes that some regionally significant land uses are difficult or impossible to establish in alternate locations, and as such, considers they should be protected from reverse sensitivity to ensure their ongoing operation.
51. Genesis (7) is concerned that the provisions do not sufficiently address potential conflict between important infrastructure, which is required to have a certain location, and incompatible activities on other sites. It considers that explicit policy direction is required to avoid potential reverse sensitivity effects that adversely impact on renewable electricity generation. Meridian (11) similarly seeks to ensure that renewable electricity generation and

other significant infrastructure is protected from reverse sensitivity. Both seek that this is addressed through the inclusion within ATC-O4 and UFD-O1 of a clause directing protection from reverse sensitivity effects.

52. ECan (14), in relation to ATC-O3 and ATC-O4, seek that the objectives are amended to manage the adverse effects of other activities and development on significant infrastructure, noting that this is consistent with direction in the CRPS in Chapters 5 & 16.
53. In relation to UFD-O1, NZ Pork (1) considers that the objective would be improved if it recognised that growth and intensification where urban areas interface with the rural environment can affect primary production through the loss of access to the resources required to sustain primary production and through conflict and reverse sensitivity. As such they seek that the following additional clause is added *“responds to the rural/urban interface to maintain primary production and avoid reverse sensitivity effect.”*

Analysis

54. I accept that reverse sensitivity is a relevant issue to the District, particularly given the District’s predominantly rural nature and significant energy resources have the potential to be affected by reverse sensitivity. However, the difficulty I have with what is sought by submitters is that protection from reverse sensitivity is, in my view, not an outcome in itself, but rather an action undertaken to appropriately recognise and provide for: the significant contribution of rural areas to the District’s well-being; the importance of the District’s infrastructure; and the development, operation, maintenance and upgrade of renewable electricity generation and electricity transmission assets. In the same vein, managing potential reverse sensitivity effects is part of ensuring urban growth is integrated with the surrounding environment.
55. I therefore do not consider that protection from reverse sensitivity should explicitly be included in the Strategic Direction objectives. Rather, I consider that it is more appropriate to include direction relating to reverse sensitivity in other chapters within the District Plan, including where such direction is appropriate to achieve the Strategic Objectives. For example, I note that direction is included in GIZ-P2 (proposed in PC21) in relation to managing reverse sensitivity in relation to the proposed General Industrial Zone. I also note that the CRPS, where it refers to reverse sensitivity, similarly includes direction relating to this at a policy, rather than objective level. For example, Objective 5.2.1 seeks that development is located and designed to be compatible with, and result in the continued safe, efficient and effective use of regionally significant infrastructure – rather than referring to reverse sensitivity in particular.

Recommendation

56. I recommend, for the reasons given above, that ATC-O3, ATC-O4 and UDF-O1 are not amended to explicitly include reference to reverse sensitivity.

Managing Adverse Effects

Submissions

57. ECan (14) is concerned that various objectives (including ATC-O1, ATC-O2, ATC-O3, ATC-O4) seek to provide for various activities, but that there is no strategic objective that seeks to manage the effects of allowing these activities on the environment. It is concerned that enabling these activities will therefore be prioritised over managing their adverse effects and seeks that either additional wording is added to these objectives in relation to appropriately managing adverse environmental effects, or that a new objective is added which seeks to avoid significant adverse effects on the environment and avoid, remedy or mitigate other adverse effects.

Analysis

58. In considering these submission points, I consider it important to note that the objectives are to be read as a whole. ATC-O1 seeks that the District is a desirable place to live, work, play and visit, and explicitly refers to the maintenance and enhancement of the amenity values and character of different areas. To achieve this outcome, it will be necessary, in my view, to include controls in the District Plan to manage adverse effects. The outcome sought, however, is not the management of effects – but that the District is desirable and its amenity values and character are maintained and enhanced. This distinction is perhaps reflected in the wording of the proposed alternate objective sought by ECan which in my view is written as a policy, rather than an objective, because it directs a course of action, rather than stating an outcome sought. While various objectives do seek to provide for activities, when read in conjunction with ATC-O1, they do not provide a carte blanche without any regard for management of effects.
59. In addition to the above, I note that in the drafting of the content of the Strategic Direction chapters, replication of the wording in the RMA was specifically avoided. In my view, there is limited value to be gained from adding “*while managing adverse effects*” to various objectives, as this simply reflects s5(2)(c) of the RMA. In my view, seeking to recognise and provide for the matters reflected in these objectives does not override the requirement to avoid, remedy or mitigate environmental effects, which will be more specifically outlined in other provisions throughout the Plan (and as part of achieving ATC-O1). These objectives, in my view, seek to more clearly articulate how community well-being is to be provided for through the District Plan, in the context of the Mackenzie District. As part of the background work undertaken on PC20, I also reviewed a range of operative or proposed strategic directions from other district plans.³ In no other plans I reviewed, where provisions enable/provide for/facilitate certain outcomes or activities, is wording relating to managing effects added. In addition, none included a standalone provision relating to management of effects.
60. I therefore do not consider that additions to these objectives, nor a standalone objective relating to managing adverse effects, which largely repeats s5(2)(c) of the RMA, is necessary or

³ Including the Proposed New Plymouth District Plan; Proposed Porirua District Plan; Proposed Selwyn District Plan; Proposed Waimakariri District Plan; Christchurch District Plan and Proposed Queenstown Lakes District Plan.

would assist in providing direction on how the purpose of the RMA is to be achieved within this District. For completeness I also consider that if the Hearing Panel are minded to include a new objective in line with the ECan submission, it should be reworded from that proposed by ECan to explicitly state the outcome sought, rather than being written as a policy.

Recommendation

61. I recommend, for the reasons given above, that ATC-O1, ATC-O2, ATC-O3 and ATC-O4 are not amended to include reference to managing adverse effects. Similarly, I do not recommend the addition of a standalone objective relating to managing adverse effects.

Strategic Direction Introduction

Submissions

62. DOC (16) supports the introduction text on the basis that it clearly sets out how the strategic objectives are to be applied and interpreted.
63. Forest & Bird (5) disagrees with the introduction stating that objectives found in other chapters are subservient to the strategic objectives and are concerned that such an approach may not allow the plan to give effect to higher order documents, nor protect or maintain indigenous biodiversity within the District. It states that the detail found in other chapters is where the plan gives effects to these higher order documents and ensures indigenous biodiversity is protected and maintained. It seeks deletion of the second paragraph in the introduction and its replacement with direction that in terms of plan implementation, the strategic objectives 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, and that all relevant objective and policies of the plan are to be considered together, with no fixed hierarchy between them. It considers this particularly important given the simplistic approach taken to drafting in these objectives, with the intention that further detail is left for other chapters.

Analysis

64. 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 proposed wording in the introduction is also consistent with that in the Proposed New Plymouth District Plan; Proposed Porirua District Plan; Proposed Selwyn District Plan; operative Christchurch District Plan and Proposed Queenstown Lakes District Plan. As such, I do not consider that the approach proposed is inconsistent with current planning practise. However, I agree that they need to be read in conjunction with other higher order documents, and importantly, that provisions in other chapters will also need to give effect to higher order documents. Importantly though, submitters have not generally identified concerns that the objectives are inconsistent with higher order documents (albeit some submitters have sought that the objectives are expanded, for example, to cover more matters required/addressed in the CRPS). Therefore, I consider that 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. However, this could be made explicit in the introductory wording.

65. I also note that the specific wording sought by Forest & Bird relates to plan implementation. The wording in the proposed Queenstown Lakes District Plan to which the submitter refers also includes the following wording relating to plan development: *“For the purpose of plan development, including plan changes, the Strategic Objectives and Strategic Policies in this Chapter provide direction for the development of the more detailed provisions contained elsewhere in the District Plan...”*

In my view, it would be appropriate, particularly given the nature of this District Plan review being undertaken through a series of plan changes, to separate the paragraph of concern to Forest & Bird into two paragraphs, one relating to plan development and the other to plan implementation. In relation to plan development, this would include reference to other requirements in the RMA as well as the strategic objectives, which I consider would assist in addressing the submitter's concerns.

Recommendation

66. I recommend, for the reasons given above, that the introduction to the Strategic Direction chapters is amended to provide separate paragraphs relating to plan development and plan implementation, and to refer to other requirements in the RMA as also being relevant. The amendments recommended are set out in **Appendix 1**.

Introduction Section to ATC Chapter

Submissions

67. NZ Pork (01) and Waka Kotahi (10) support the wording of the introduction to the ATC chapter.
68. Genesis (07) and Meridian (11) seek a minor amendment to the fourth paragraph to refer to both *“existing and new”* renewable electricity generation and transmission assets. Opuha (09) considers that the fourth paragraph should refer to not only operation and development, but also maintenance and upgrade activities. In its view, this is consistent with the wording of ATC-O4. It also suggests minor amendments to add *“District”* and *“Region”* to references to Mackenzie and Canterbury.
69. Genesis (07) and Meridian (11) also seek the addition of a further paragraph that refers to the location of the Waitaki Power Scheme (WPS) within the District and its contribution to a range of matters.

Analysis

70. I am comfortable with the addition of reference to *“existing and new”* in the introduction, given the fourth paragraph refers to both ongoing operation of assets as well as development of new infrastructure. I also agree that the changes to this paragraph sought by Opuha are appropriate and better align with the wording used in ATC-O4. In terms of the additional paragraph sought,

I consider that it is appropriate to specifically acknowledge the Waitaki Power Scheme, but do not consider that an additional paragraph is required, nor the detailing of specific benefits of the scheme. In my view this detail is better left to the Energy chapter, with additions instead made to the fourth paragraph to acknowledge the location of part of the WPS within the District.

Recommendation

71. I recommend, for the reasons given above, that 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 WPS. The amendments recommended are set out in **Appendix 1**.
72. The scale of change does not require a section 32AA evaluation because the wording provides additional information about the provisions contained within the chapter but does not change the provisions themselves, or their intent.

ATC-O1

Submissions

73. MoE (03), Forest & Bird (5), Opuha (09), PTH & PVH (10) and DOC (14) all support the objective.
74. As noted earlier, ECan (14) seeks changes to the objective to refer to management of adverse effects in clause (2), if a separate objective relating to this is not. It also seeks the deletion of reference to "*including appropriate economic development opportunities*" in this clause, although the reason for this is not stated.
75. RVA (15) are concerned that clause 3 does not adequately recognise that amenity values and character evolve over time and in response to changes in society, with these changes not in themselves being an adverse effect. They are also concerned that the objective fails to recognise that specialised accommodation, such as retirement villages, are different from standard residential typologies. Amendments are therefore sought to ensure the planned character (not existing character) of different areas is the key consideration and to enable the housing choice needs of the community to be met.

Analysis

76. While the reasons for the deletion of the text sought by ECan are not specified, I do not agree with its removal. I note that this text takes into account and aligns with the Council's Economic Development Strategy 2021 – 2025, providing for, in my view, an appropriate level of integration between the District Plan and this strategy.
77. I agree with the point made by RVA, that amenity values and character evolve over time, and in many cases, the District Plan may seek amenity values and character that differ from those currently existing. For example, where a higher density living environment may be anticipated, this is likely to have a different character to what may currently be associated with an existing lower density scale of development within an area. I therefore agree with amending clause 3 to

refer to the anticipated amenity values and character. Given the objective already refers to providing for a range of living options to meet community needs, I do not consider that further amendments are required to specifically recognise retirement villages, which in my view are already captured by the proposed wording.

Recommendation

78. I recommend, for the reasons given above, that 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. The amendments recommended are set out in **Appendix 1**.
79. In terms of section 32AA, I consider that the amendment better aligns with section 7(c) and 7(f) of the RMA by being more explicit about what amenity values and character are to be maintained and enhanced, recognising that these may change over time in order to better provide for the community's well-being.

ATC-O2 Rural Areas

Submissions

80. NZ Pork (1), Forest & Bird (5), Federated Farmers (6), Opuha (09), and DOC (14) all support the objective.
81. PTH & PVH (10) support the intent of the provision but seeks that it recognises and provides for the range of activities that are presently undertaken within the zone, on the basis that the objective will provide the foundation to the Rural Zone provisions and therefore it is important to ensure their diverse nature is recognised.
82. ECan (14) is concerned that ATC-O2 does not explicitly refer to the natural and physical resources that underpin the contribution the rural area makes to the district's wellbeing, and as such, there is a risk that the objective may be interpreted narrowly to mean any activity in the rural area should be recognised and provided for. It seeks that the objective is deleted and replaced by "*The natural and physical resources of rural areas that contribute to the wellbeing of the district are maintained and enhanced.*"

Analysis

83. While I do not disagree in principle with the point made by PTH & PVH, I do not agree that the change they seek is necessary or appropriate. This is because the objective is not seeking to provide for *activities*. It relates to recognising and providing for the contribution that rural *areas* make to the District – which is particularly important in the Mackenzie District, given the size of the rural area. In recognising and providing for this contribution, consideration of the management of activities in these areas (which are not necessarily limited only to the current Rural Zone) will be required – and will necessarily include consideration of the range of activities that contribute to the District's well-being. I therefore do not consider that any changes are required in response to this submission.

84. In a similar vein, I consider that ECan’s concern seems to be based on interpreting the objective as providing for ‘activities’, which as noted above, is not the case. In addition, I consider that the alternate wording changes the focus to simply maintaining and enhancing resources in rural areas, rather than more explicitly recognising the importance of rural areas to the District’s wellbeing. As noted in the introduction to the ATC Chapter, the scale of the rural area located within the District means it is very important to the District’s economy and its social fabric. In my view, the proposed wording better reflects this, which in turn means that it better articulates an important part of the well-being within the District, that the management of resources through the District Plan should be cognisant of. For these reasons, I prefer to the current drafting as being a better way to articulate the purpose of the RMA in the context of this District.

Recommendation

85. I recommend, for the reasons given above, that ATC-O2 is retained without amendment.

ATC-O3 Infrastructure

Submissions

86. The Telcos (04), Forest & Bird (05), Genesis (07), Opuha (09) and DOC (14) all support the proposed objective.
87. ECan (14) is concerned that the objective does not differentiate between significant infrastructure and less significant types of infrastructure and are concerned that recognising and providing for all infrastructure will elevate the status of “*relatively insignificant infrastructure*” to the same level of importance as aspects of the environment addressed under s6 of the RMA. It also notes provisions in the CRPS that refer to regionally significant infrastructure. As such, it seeks that the objective is deleted and replaced with wording focussed on providing for regionally significant infrastructure without major constraints from other activities and managing its adverse effects.
88. Nova (17) seeks that the objective refers to “*existing and appropriate future infrastructure*”, on the basis that it is important that the proposed plan recognises and enables development of new infrastructure, where appropriate.

Analysis

89. I accept that the District Plan must give effect to the CRPS. However, it must also address resource management issues of relevance at a District level. Infrastructure, regardless of its significance to the region or nation, is still important at the local level, and the current drafting of ATC-O3 reflects that. In my view, this is not inconsistent with the CRPS, nor do the NP Standards direct that strategic objectives are limited only to regionally significant matters. The nature of the overarching objective does not, in my view, mean that all infrastructure will be treated the same, and rather, how this infrastructure is recognised and provided for can be targeted differently between nationally, regionally and locally significant infrastructure. This is

a common approach in District plans where, for example, specific provisions are included in relation to nationally significant infrastructure, such as the National Grid, which are different to those applying to local infrastructure.

90. I do not consider that it is necessary to add “*existing and appropriate future infrastructure*”, as this is implicit already. This is also made clear in the introduction, which refers to both operation of existing infrastructure as well as the development of new infrastructure.

Recommendation

91. I recommend, for the reasons given above, that ATC-O3 is retained without amendment.

ATC-O4 Renewable Electricity

Submissions

92. Forest & Bird (5), Opuha (09) and DOC (14) all support the proposed objective.
93. Genesis (07) supports recognition of benefits but considers this recognition should be further strengthened to better reflect the direction of higher order planning documents. Meridian (11) states that the objective does not go far enough in terms of recognising the national significance of the WPS and protecting its generation capacity and output. They both seek deletion of the objective and replacement with a new objective. The proposed drafting is stated by Genesis as being intended to provide explicit references to: the contribution of renewable energy infrastructure in reducing greenhouse gas emissions and mitigating the potential effects of climate change; and the national significance of the Waitaki Power Scheme. In relation to the latter, they state that this will ensure consistency with higher order documents and the specific reference made to the Aoraki Mackenzie International Dark Sky Reserve in the Natural Environment Chapter. As noted earlier in relation to reverse sensitivity, the replacement objective sought also includes a clause relating to protection from reverse sensitivity effects.
94. For the reasons set out earlier (in terms of managing effects and managing reverse sensitivity) ECan (14) seeks that the objective is deleted and focussed instead on providing for renewable electricity generation and electricity transmission assets without major constraints from other activities, while managing their adverse effects. They note that as this is essentially captured in their suggested re-wording of ATC-O3, ATC-O4 could alternatively be removed in its entirety.
95. Nova (17) seeks that the objective refers to “*existing and appropriate future*” assets, on the basis that it is important that the proposed plan recognises and enables development of new energy facilities where appropriate.

Analysis

96. In terms of the alternate objective proposed by Genesis and Meridian, clauses (a) and (b) are, in my view, largely captured in the proposed drafting in any case. I do not consider it necessary to add “*including reducing greenhouse gas emissions*” given this is one of the benefits to be recognised and provided and in my view does not need to be singled out. Similarly, I do not

consider that specifically referring to the “*nationally significant Waitaki Power Scheme*” is necessary, particularly given the NPSREG relates to all renewable electricity generation activities. However, I have recommended specific reference to Waitaki Power Scheme be added to the introduction of the chapter, and this may go some way towards the relief sought by the submitters. For the reasons set out earlier, I do not consider that specific reference to protection from reverse sensitivity is appropriate at the Strategic Objective level. In terms of clause (d) I consider what is sought is problematic as in my view it is not something that can be achieved through the District Plan.

97. For the reasons set out earlier, I do not agree with ECan that it is necessary or appropriate for the objective to manage effects or reverse sensitivity. In addition, I consider that the alternate wording – referring only to providing for these activities - is not well aligned with the NPSET or NESREG. As recorded in the s32 report, consideration was given to not including a specific objective relating to these particular forms of infrastructure, instead relying on ATC-O3. However, given the specific direction in the NPSET, NESREG and the CRPS relating to these particular activities, it was considered more appropriate to include a direction specific to renewable electricity, that also includes greater specificity as to what aspects of this infrastructure are to be recognised and provided for. I agree with this, and therefore do not consider that ATC-O4 should be deleted.
98. As with my assessment of ATC-O3, I do not consider that it is necessary to add “*existing and appropriate future infrastructure*”, as this is implicit already.

Recommendation

99. I recommend, for the reasons given above, that ATC-O4 is retained without amendment.

ATC-O5 Adaption and Resilience

Submissions

100. The Telcos (4), Forest & Bird (5), Opuha (09), PTH & PVH (10), Waka Kotahi (12) and DOC (14) all support the objective.
101. ECan (14) considers that the scope of the objective is too broad, particularly in terms of its enabling nature and could therefore lead to the use of resources in any way to enable the community to be resilient, without any consideration of the environment. It is also concerned that the objective does not address the breadth of matters relating to climate change that are included in the CRPS. It is also concerned that ATC-O5 does not address natural hazards comprehensively, including natural hazards emanating from climate change, or the consideration of natural hazards independent of climate change. It considers that the objective therefore does not give effect to the CRPS direction relating to natural hazards. It therefore seeks that the objective is deleted and replaced with two objectives – one focussed on climate change effects and another on natural hazard risks.

Analysis

102. Similar to earlier comments, I disagree with ECan that the current wording of the objective could lead to the use of resources in any way to enable the community to be resilient, as this does not take into account the direction in other objectives that also needs to be achieved.
103. In terms of the CRPS direction, my understanding is that the District Plan as a whole is required to give effect to the CRPS. As such, provided that the objectives in the Strategic Direction chapters are not in conflict with the CRPS, I do not agree with ECan that ATC-O5 needs to be broader to address wider matters set out in the CRPS. More specifically, in regards to natural hazards, when the natural hazard provisions in the District Plan are reviewed, they will need to be drafted to give effect to the specific direction in the CPRS and in my view this does not 'need' to be included in the strategic objectives in order for the plan as a whole to give effect to the CRPS. More specifically, I consider that the separate objective proposed by the submitter does not provide any particular overarching direction across the Plan as a whole, and that an objective focussed solely on natural hazard risks would be more usefully located within the (as yet to be reviewed) Natural Hazards chapter. In my view, the submitter's proposed drafting in any case strays into policy territory in that it in essence directs actions (identification, avoidance and mitigation) rather than being more outcomes-focussed. In my view, the overarching outcome sought is better captured in ATC-O5, albeit I consider that changes to it would be appropriate to more explicitly reference natural hazard risk.
104. I also consider that some aspects of the alternate drafting proposed by ECan in relation to climate change effects would improve the objective, and provide greater guidance for the rest of the District Plan. In particular, I agree with including reference to adopting an integrated approach. By including explicit reference to natural hazard risk as well as climate change effects, in combination with seeking an integrated approach, this would ensure consideration of climate change in natural hazards management without the need for a further explicit reference to this. I note the submitters' proposed objective also refers to energy efficiency in urban form, and if included, I consider that it is better located in UFD-O1. In terms of inclusion of reference to energy efficient infrastructure, while this is something that could be facilitated through the District Plan, in my experience it would be unusual for this to be a requirement of it. In particular, Objective 16.2.1 of the CRPS seeks that development is located and designed to *enable*, not require, the efficient use of energy, and I could not find any direction in the CRPS specifically relating the energy efficiency of infrastructure. In any case, I consider that this is better left to the consideration in the Energy and Infrastructure chapters, which will be guided in any case by the overarching outcome sought in ATC-O5.

Recommendation

105. I recommend, for the reasons given above, that the objective is expanded to include reference to adopting an integrated approach, and explicitly referring to natural hazard risk management. The amendments recommended are set out in **Appendix 1**.

106. In terms of s32AA of the RMA, in my view, the changes better align with section 7(i) of the RMA, as they further articulate how the District Plan is to have regard to the effects of climate change, and with section 6(h), as they are more explicit in relation to natural hazard risk. As such, I consider the changes are more appropriate in achieving the purpose of the RMA, while retaining the original intent of the objective.

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

Submissions

107. Opuha (09) supports Mana Whenua's aspirations for the Mackenzie District as set out in the introduction to this chapter, but considers that the matters listed are "aspirations" rather than values, and therefore suggests that the wording read "*Mana Whenua seeks the following for the Mackenzie District*".
108. In terms of the objectives, Forest & Bird (5), ECan (14), DOC (14) and Nova (17) support MW-O2. Opuha (09) accepts it is appropriate to provide strategic direction in relation to Mana Whenua's involvement in resource management processes in the Mackenzie District. However, they are concerned that clause 3 of MW-O2 could preclude future zone provisions from placing what they consider to be necessary limitations, for example, on the provision of access to waterways to enable Mana Whenua to carry out customary activities. In Opuha's view, there may be situations where it is not possible for Mana Whenua to carry out customary activities, such as where there is a health and safety risk for ongoing infrastructure operation and/or maintenance. As such they seek that the clause is amended to reflect that it may not always be practicable for customary activities to be carried out, and to enable future zone provisions to determine the circumstances where such activities may be appropriate.

Analysis

109. I agree with Opuha's comment that the bullet point list is framed as if the listed matters are values, when they are more about outcomes. I therefore agree with the change sought, noting that the amended wording does not diminish the intent behind it.
110. In terms of MW-O2, I do not consider that the current wording seeks that customary activities are to be enabled in any circumstances. I understand that Arowhenua, Waihao and Moeraki rūnanga have been unable to partake in customary activities because they have been alienated from their traditional lands within the Mackenzie District, limiting the ability of kaitiaki to pass on matauranga māori (traditional knowledge) to the next generation.
111. The purpose of MW-O2 is therefore to recognise that these rūnanga should not be precluded from the ability to carry out customary activities in accordance with tikanga. It may, for example, be appropriate to include provisions encouraging the establishment of esplanade reserves for the harvesting of kai species, when the subdivision provisions are reviewed. It is anticipated that during the drafting of subdivision and esplanade provisions that greater discussion will be had as to the appropriateness of providing opportunities for customary activities. For this reason, I do not consider it is necessary to include "where reasonably practicable". I also note that the

District Plan does not, in any case, override other obligations, such as property or health and safety laws, which appears to be the concern of the submitter.

Recommendation

112. I recommend, for the reasons given above, that:

- a. The introduction to the MW – Mana Whenua Chapter is amended as sought by Opuha; and
- b. MW-O2 is retained without amendment.

113. The scale of change does not require a section 32AA evaluation because it is a minor change to provide greater clarity.

Natural Environment (NE-O1 Natural Environment)

Submissions

114. Opuha (9) and Nova (17) support the objective as notified.

115. Opuha (09) does however seek that the introduction refer to irrigation as an example of where economic value is derived from natural resources. Forest & Bird (5) are concerned that the introduction implies that only significant natural features are worthy of protection and consider that this is inconsistent with section 6(a) of the RMA, which does not require a waterbody to be significant to be afforded protection; and does not recognise that given the loss of indigenous biodiversity across the District, it is critical to at least maintain other biodiversity that is not significant, and assist in giving effect to the Objective 9.2.1 of the CRPS in this regard. DOC (14) seeks a minor change to the introduction to this chapter to correct a grammatical error.

116. In terms of the objective, while supporting its intent, Forest & Bird (5) considers that the chapeau (introductory wording) creates ambiguity and does not give effect to the RMA, if it is intended to apply to all values listed in the sub-clauses. They suggest removing the list of values from the objective, and adding these as a new objective, with specific direction in relation to what is protected/enhanced/persevered etc for each sub-clause. This includes adding a clause in relation to preservation of natural character. It considers that this better aligns with s32 Report which acknowledges that s6 requires the protection of some natural values but not all of them. Its preference is for some of the different requirements or outcomes sought for different values to be teased out now, at the Strategic Direction level, with the direction accurately reflecting the RMA requirements.

117. PTH & PVH (10) are concerned that the objective is too vague and that all relevant values associated with the objective should be clearly set out, through amending the last sentence to read "*These associated values are:...*"

118. ECan (14) notes that the different resources referred to in the objective are addressed in the CRPS with specific guidance applied to each and notes that the current drafting of the objective

will allow for the direction in the CRPS to be implemented in relation to each through the review of other resource-specific chapters of the District Plan review. However, it is concerned that the inclusion of the words 'unique', 'character' and 'identity' are used in a way that provides gateway criteria that the listed values must meet to be recognised and provided for, and also considers that some of the criteria are inconsistent with the CRPS criteria for some aspects of the environment, such as those applying to significant indigenous vegetation. It seeks amendment to clarify that these criteria are one way in which important values can be identified, while allowing breadth to apply other criteria.

119. ECan (14) also seeks that the objective is extended to include historic heritage, noting that it is a matter of national importance under the RMA and a matter subject to direction in the CRPS. It considers that the protection of historic heritage is not solely a matter for the historic heritage chapter, for example noting that cultural and heritage values are often expressed in a landscape setting.
120. DOC (16) also seeks that the objective is amended to clarify that the objective applies to all natural environment values, while still ensuring that the more significant values are explicitly considered.

Analysis

121. With respect to the additional references to the "*historic environment*" I do not think it is appropriate to add "*and historic*" in this context, as it is not clear to me what a "*historic environment*" entails. Historic heritage is also generally more related to physical resources, whereas this objective is intentionally focussed on the natural rather than physical environment. I therefore do not agree with adding historic heritage to this objective. However, the more substantive question raised by ECan regarding whether the Strategic Directions should more broadly include historic heritage is also discussed in the 'Additional Provisions Sought' section of this report.
122. In relation to the other wording changes sought by ECan, I agree that these improve the objective. In particular, I consider that their suggested wording changes overcome the potential that not all natural values of importance may necessarily be unique, or contribute to the character, identity and wellbeing of the District, but should still be recognised and provided for. I consider these changes are consistent with the intent of the change sought by DOC. While I understand that the preference of PTH & PVH would be for all relevant values to be clearly set out, in my view this is something that needs to be fleshed out through other chapters of the District Plan, i.e. it is through more specific direction in other chapters (including those yet to be reviewed) that values of importance will be identified and direction included on how they are to be recognised and provided for.
123. With respect to Forest & Bird's concerns, I note ECan's view that the current drafting of the objective will allow for the direction in the CRPS to be implemented in relation to each through the review of other resource-specific chapters of the District Plan review. In my view, this similarly applies to consideration of each on terms of the more specific direction in section 6 of

the RMA. While I acknowledge the submitter's preference for some of the different requirements or outcomes sought for different values to be teased out now, I consider that their proposed objective does not align with the drafting intent, in that it would, in effect, provide a specific outcome for various different resources that would more appropriately sit in the chapter specific to that resource. In addition, the range of matters covered would look to traverse every matter of national importance – rather than those considered particularly relevant within the District - and in some cases would simply replicate the wording in the RMA. I therefore do not agree with the additional objective sought by Forest & Bird.

124. I similarly do not consider that it is appropriate for an additional paragraph in the introduction to discuss indigenous biodiversity in detail, given this is addressed in a separate section in the District Plan⁴. However, I consider that changes can be made to the introduction to note that indigenous biodiversity that may not be significant can still be important, which I consider are appropriate to address the concerns raised by Forest & Bird.
125. However, having considered the concerns raised by Forest & Bird, I consider it more appropriate to delete the list of resources from the objective itself, particularly given the list is intended to be inclusive rather than exhaustive. The particular resources currently noted are in any case referred to in the introduction, as an indication of those which have important values. I also recommend that the introduction be amended to explicitly note that the way each resource is to be managed will need to align with any more specific direction in section 6 of the RMA and within the CRPS. This is intended to at least partially address the concerns of Forest & Bird.
126. In terms of amending the introduction to refer to irrigation, I do not consider this to be necessary, given the intention of the sentence is to provide examples. In saying that, I am relatively neutral on whether it is added or not.

Recommendation

127. I recommend, for the reasons given above, that the introduction to the NE – Natural Environment Chapter is amended (as set out in **Appendix 1**) to:
- a. better reflect that indigenous biodiversity need not be 'significant' to be of importance; and
 - b. 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.
128. I recommend, for the reasons given above, that NE-O1 is amended to:
- a. provide greater clarity in the wording of the chapeau that not all natural values of importance may necessarily be unique, or contribute to the character, identity and wellbeing of the District, but should still be recognised and provided; and

⁴ Section 19, which was introduced through Plan Change 18 as part of the first stage of the District Plan review.

- b. refer to outstanding as well as significant intrinsic values; and
- c. delete the list of examples.

129. In terms of section 32AA, while I have recommended a number of changes, in my view these largely relate to providing greater clarity, rather than altering the intent of the objective. With respect to deletion of the list of resources from the objective, I note that its removal results in values which have already been identified as having particular importance to the Mackenzie District being less 'visible' to a Plan user. It also means that identification of important values is effectively pushed out into other chapters. However, I consider that in identifying some of the values within the objective itself, that there is a risk that their inclusion may be seen to elevate these particular matters. In my view, achievement of the objective will not be limited to these matters and identification/confirmation of all important values will necessarily be undertaken through the subsequent stages of the MDP. In my view, this better aligns with the consideration of the direction in sections 6 and 7 of the RMA. Noting that the Strategic Direction chapters are intended to respond to those resource management issues of particular importance to the Mackenzie District, and matters of national and regional importance that are particularly relevant within the District, I consider that there is value however in retaining reference to such known values in the introduction. Overall, I consider the changes provide a more appropriate balance in achieving the purpose of the RMA.

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

Submissions

130. The Telcos (04), Waka Kotahi (10), DOC (14) and Nova (17) seek retention of the objective.
131. NZ Pork (01) considers that the objective would be improved if it recognised that growth and intensification where urban areas interface with the rural environment can affect primary production through the loss of access to the resources required to sustain primary production and through conflict and reverse sensitivity. As such they seek that the following additional clause is added "*responds to the rural/urban interface to maintain primary production and avoid reverse sensitivity effect.*" I note that the reverse sensitivity aspect has been considered earlier in this report.
132. MoE (03) seeks that clause 5 is extended to specifically refer to the provision of educational facilities. It considers that the Council has an obligation under the NPSUD to ensure sufficient additional infrastructure, including schools, is provided in urban growth and development. It further notes the potential for development to impact on school capacity.
133. Forest & Bird (5) submits that the objective lacks recognition of the importance of indigenous biodiversity in relation to urban development which it considers is not only appropriate within urban areas for its own sake but also to provide for social and cultural wellbeing and making these environments attractive. As such it seeks that the following additional clause is added "*incorporates and sustains indigenous biodiversity.*"

134. Enviro Waste (08) seeks that clause 3 is amended to add reference to waste facilities, should the definition of infrastructure not be amended to include these.
135. Road Metals (13) seeks that additional text is added to the UFD chapter to note that the Mackenzie Basin subzone is a broad-scale ONL, which in their view needs refinement, so that areas around urban areas such as Tekapo and Twizel are not precluded or unduly constrained in terms of providing for urban growth.
136. ECan (14) is concerned that the objective does not address the protection of community drinking water supplies, the avoidance of land uses that increase natural hazard risks, or protection of the productive capacity of soil, and therefore seeks that these matters are added as additional clauses. It is also concerned that reference in clause 1 to respecting values does not give effect to the provisions of the CRPS that seek specific outcomes concerning the management of significant natural values and instead refers to the protection of significant natural values. With respect to clause 3, it seeks amendments to refer to integration with *“the efficient and effective provision”* of, rather than to being *“supported by”* appropriate infrastructure to align with direction in the CRPS.
137. RVA (15) are concerned that clause 4 does not adequately recognise that amenity values and character evolve over time and in response to changes in society, with these changes not in themselves being an adverse effect. They also consider it important that this clause does not limit retirement living options in a way that would lead to people needing to move away from their existing communities.

Analysis

138. In my view, no change is required to the objective to address the matter raised by NZ Pork. This is because clause 1 already refers to integration into the surrounding environment, which would include consideration of any surrounding rural area. Seeking that any growth is consolidated will also avoid sporadic growth which might have greater impacts on surrounding rural activities. It is also not clear to me what is meant by *“responding to the rural/urban interface to maintain primary production”*.
139. As noted in the introduction to the chapter, the NPSUD does not apply to the Mackenzie District, because it does not fall within the NPSUD’s definition of an urban environment. Regardless, I do not consider it necessary to add reference to educational facilities in clause 5, because this is a sub-set of responding to the needs of the community and in my view need not be singled out. The other examples provided in the clause – in relation to housing and business opportunities – refer specifically to a *diversity* of those opportunities, rather than simply the provision of housing and business opportunities more broadly. I also consider that the drafting of the addition does not really appear to address the concern of the submitter in terms of how urban development can impact on school capacity. However, I note Enviro Waste’s concerns that what is covered by clause 3 is limited to infrastructure as that is 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. I therefore consider it

appropriate to amend clause 3 to refer to “*and facilities which support the functioning of the community*”. This may go some way to addressing the concern of MOE as well as Enviro Waste.

140. In terms of adding a clause relating to indigenous biodiversity, I do not consider this is necessary to achieve the purpose of the RMA in relation to urban areas. In particular, while I consider it appropriate to encourage the incorporation of indigenous biodiversity, I do not consider that it is something that should be required, as it extends beyond the maintenance of indigenous biodiversity. Existing indigenous biodiversity is, in my view, already captured in clause 1. Should the Hearing Panel consider that an additional clause be included along the lines of that sought by the submitter, I suggest that “*where appropriate*” should be added, or else the clause worded along the lines of “*encourages the incorporation of indigenous biodiversity*”.
141. In my view, it is not clear where the additional wording sought by Road Metals would fit in the UFD chapter. In my view, the purpose of the Strategic Direction chapters is to outline the high-level outcomes sought for the District through the District Plan. The wording suggested by the submitter is not however an outcome. In addition, the view expressed by the submitter is one which would need to be substantiated by technical experts. For completeness, I note that the growth of the District’s current urban areas is a matter being progressed through PC21, and in line with UFD-O1(1), consideration of this includes how such growth is integrated into, and respects the values of the surrounding natural and physical environment, which will necessarily need to consider the surrounding ONL.
142. In terms of the changes sought by ECan, I do not think adding “*efficient and effective provision*” to clause 3 is appropriate, as in my view the efficiency and effectiveness of the provision of infrastructure is a separate matter (i.e. it is about how infrastructure is provided) and this does not relate to the focus of this objective (which is about township growth). In terms of township growth, I consider the key matter is that growth is supported by infrastructure. However, I am comfortable with the clause referring to integration with the provision of appropriate infrastructure. In relation to drinking water, I consider that this is covered, at a broad level, by clause 1 already. As noted earlier, the objectives are required to be read together and therefore I do not consider it appropriate to refer to protection of significant natural values because NE-O1 already provides the overarching outcome sought in relation to natural values. In addition, section 6 of the RMA and the CRPS contains more specific direction in relation to different values that does not, in all cases, require protection.
143. Similar to earlier comments, I consider that the proposed drafting in relation to the additional natural hazards clause is more suited to policy direction rather than being an outcome. Given the changes I have recommended to ACT-O5, I do not consider that further reference to natural hazards is required in this objective in any case.
144. With respect to highly productive land, I note that since the close of submissions the NPSHPL was approved, and came into force on 17 October 2022. Policy 5 directs that the urban rezoning of highly productive land is avoided, except as otherwise provided within the NPS itself. Highly productive land is (until mapped in an RPS) land zoned general rural or rural production and

LUC Class 1, 2 or 3 land and which is not identified for future urban development or subject to a Council initiated or adopted plan change.⁵ For completeness I note that the Council has adopted the Mackenzie Spatial Plans, which identify areas for future urban growth, which would meet the definition of land “*identified for future urban development*” and as such, these areas are not subject to the direction in the NPSHPL. Policy 3.6(4), which is relevant to the Mackenzie District Council, 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. The additional clause sought by ECan does not align with the more specific direction of the NPSHPL. In terms of alternate direction relating to highly productive land that could be included in the objective, I note that any rezoning of such land would in any case need to give effect to the NPSHPL, and given the direction in clauses 1 and 5, I do not consider that additional specific direction is required. However, for consistency with other chapters, I recommend additional text is added to the introduction referring to the NPSHPL to provide clarity. I consider this addition to be within the scope of ECan’s submission. As a consequential amendment, I recommend that this is similarly included in the introduction to the ATC chapter.

145. For the reasons set out earlier in relation to ATC-O1, I agree that it is appropriate to amend clause 4 to refer to anticipated character. I do not consider that the outcome sought in this clause limits retirement living options and therefore do not consider that further changes are necessary.

Recommendation

146. I recommend, for the reasons given above, that UFD-O1 is amended:

- a. in relation to clause 3, to refer to integration with infrastructure, and to extend it to also refer to other facilities which support the functioning of the community; and
- b. in relation to clause 4, to refer to anticipated character.

147. I also recommend that the introductions to the ATC – A Thriving Community and UDF – Urban Form and Development chapters are amended to include a paragraph referring to the NPSHPL and outlining its relevance to the matters addressed in the chapter.

148. The amendments recommended are set out in **Appendix 1**.

149. In terms of section 32AA, I consider that the additions to clause 3 are more appropriate to achieve the purpose of the RMA as they acknowledge additional matters that are relevant in providing for the wellbeing of people and communities in relation to the development and growth of the District’s urban areas. I consider that the amendment to clause 4 better aligns with section 7(c) and 7(f) of the RMA by being more explicit about what amenity values and

⁵ Policy 3.5(7).

character are to be maintained and enhanced, recognising that these may change over time in order to better provide for the community's well-being.

150. Given the changes to the introduction sections do not alter the provisions or their intent, these changes do not require a section 32AA evaluation.

Additional Provisions Sought

Submissions

151. HNZPT (2) notes that the Strategic Direction chapters sets out the overarching strategic direction for the District Plan and in its view, should identify the resource management issues, including matters of national and regional importance, that are of particular importance to the Mackenzie District. While noting that section 6(f) of the RMA will mainly be achieved through provision within the Historic Heritage chapter, it seeks that an objective is included in regards to the identification, recognition and protection of places, structures and features which are significant to Mackenzie's wider character and cultural heritage, given that the Strategic Directions set the scene in terms of the most important issues within the District and due to the important contribution that historic heritage makes to the district's character and identity.
152. As noted earlier, ECan (14) seeks that NE-O1 is extended to include historic heritage, noting that it is a matter of national importance under the RMA and a matter subject to direction in the CRPS. It considers that the protection of historic heritage is not solely a matter for the historic heritage chapter, for example noting that cultural and heritage values are often expressed in a landscape setting.
153. RVA (15) seek a new objective to support the provision of housing for the ageing population of the Mackenzie District as follows: "*Recognise and enable the housing and care needs of the ageing population*". They consider this is necessary to "*reflect the Spatial Planning Principle on Housing Choice*".

Analysis

154. As noted earlier, the drafting approach taken to the strategic objectives was to identify and respond to those resource management issues considered to be of particular importance to the Mackenzie District, or issues that traverse more complex matters which affect more than one chapter of the Plan. They intentionally do not traverse every matter of national importance. While heritage is a matter of national importance, it is not something that has been raised as a particular strategic issue at a local level. As noted by HNZPT, the provisions relating to historic heritage will be contained in the Historical Heritage chapter rather than traversing various chapters of the District Plan. I note in relation to ECan's reference to landscapes, that this is a particular matter that would need to be considered in relation to the Natural Features and Landscapes chapter, but in my view this does not make it a complex matter that requires overarching direction. While I do not consider an additional objective relating to historic heritage within the Strategic Direction chapters is necessary to achieve the purpose of the RMA, should the Panel be minded to include specific reference to historic heritage, my view is that

this should be included as part of clause 3 in ATC-O1, or as a separate clause within that objective, rather than as a standalone objective.

155. I do not consider it appropriate to include a specific objective relating to housing needs for a particular portion of the population. ATC-O1 already seeks a range of living options to meet community needs and UFD-O1 seeks to respond to community needs, including diversity in housing opportunities. In my view, this already appropriately covers the aging population, as well as the housing needs of other members of the community.

Recommendation

156. For the reasons given above, I do not recommend that additional objectives are added to the Strategic Direction chapters.