

Under the Resource Management Act 1991 (RMA)

In the matter of Plan Change 20 to the Mackenzie District Council District Plan

Canterbury Regional Council

Evidence of Mark William Geddes on behalf of Canterbury Regional Council in support
of their submission on Plan Change 20 to the Mackenzie District Plan

14 November 2022

INTRODUCTION

- 1 My name is Mark William Geddes and I am a director and planning consultant at Perspective Consulting Ltd.
- 2 My qualifications include a Bachelor of Resource Studies from Lincoln University, New Zealand, and a Master of Science (Spatial Planning) from Dublin Institute of Technology, Ireland (first class honours).
- 3 I have worked for over 22 years in planning, in New Zealand, Ireland and Australia in both the private and public sectors. I have significant experience in consenting, plan making, enforcement and policy analysis. This experience includes leading major plan making and policy projects (including the recently notified Proposed Timaru District Plan); providing expert planning evidence in the Environment Court and Council hearings; consenting a range of developments; and making submissions on national legislation, and national and regional policy.
- 4 I am a full member of the New Zealand Planning Institute.
- 5 Canterbury Regional Council (hereafter **Environment Canterbury**) authorised the lodgement of a submission in respect of plan change 20 (**PC20**) to the Mackenzie District Council (**MDC**) District Plan under Clause 6, Schedule 1 of the Resource Management Act 1991 (**RMA**).
- 6 I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2014, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

SUMMARY OF THIS EVIDENCE

- 7 This evidence is filed in support of Environment Canterbury's submission on Plan Change 20 to the MDC's District Plan (hereafter PC20).
- 8 In summary, this evidence:

- (a) Generally, supports the majority of PC20 but requests several amendments.
- (b) Identifies that some of the objectives are not clear and do not provide sufficient direction to the remaining parts of the district plan. This creates some issues, as unclear objectives can create unintended consequences. These unintended consequences include being interpreted too narrowly to justify a particular outcome or interpreted too broadly so that they do not provide any meaningful direction. It is also somewhat challenging for Environment Canterbury to determine whether the CRPS is given effect to or not and what influence the strategic objectives will have on the remaining parts of the district plan.
- (c) Suggests amendments to PC20 in line with Environment Canterbury's submission and in response to the Section 42A report. A complete set of recommended amendments is attached as **Appendix 2**.

ENVIRONMENT CANTERBURY'S ROLE

- 10. Environment Canterbury has responsibilities relating to the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region; and has functions under section 30 of the RMA to administer the Canterbury Regional Policy Statement (**CRPS**). The purpose of the CRPS is to establish policies and methods to achieve integrated management of the region's natural and physical resources.
- 11. The principal reason for Environment Canterbury's submission on PC20 is to ensure it gives effect to the CRPS as required by section 75 of the RMA.

SUMMARY OF ENVIRONMENT CANTERBURY'S SUBMISSION

- 12. Environment Canterbury's submission on PC20 states that the Strategic Directions chapter generally implements the CRPS. However, some amendments were requested to help implement specific aspects of the CRPS and to ensure the integrated management of natural and physical resources throughout the Proposed District Plan (**PDP**). While specific

amendments were requested, the submission notes that there is more than one way to achieve the intent of the requested amendments. Key aspects of the relief sought in the submission are in summary:

- a. The cross boundaries section to have a stronger focus on collaboration.
- b. The mana whenua section to include the Hakataramea statutory acknowledgement area.
- c. Amend ATC-O1 (or add a new strategic objective) to ensure public access is addressed and environmental effects are managed appropriately.
- d. Amend ATC-O2 to focus on maintaining and enhancing the natural and physical resources of rural areas.
- e. Amend ATC-O3 to:
 - i. Emphasise regionally significant infrastructure.
 - ii. Ensure infrastructure occurs without major constraints from other activities.
 - iii. Ensure the adverse effects of infrastructure are managed appropriately.
- f. Delete ATC-O5 and replace with two objectives that address climate change and natural hazards.
- g. Amend NE-O1 to address historic heritage and ensure the objectives focus on the district's significant natural values and are not limited by the gateway criteria contained within NE-O1.
- h. Amend UFD-O1 to ensure that:
 - i. natural values, community drinking water supplies and highly productive land are protected,
 - ii. natural hazards are addressed, and
 - iii. infrastructure is provided in an integrated manner.

SCOPE AND PURPOSE OF THIS EVIDENCE

- 14 The purpose of this evidence is to provide an evidential basis for Environment Canterbury's submission.
- 15 The scope of this evidence includes:
- (a) Summarising the relief sought by Environment Canterbury and the reasons for that relief.
 - (b) Summarising the S.42A report's response to the relief sought.
 - (c) Addressing any issues raised in the S.42A report with the relief sought.
 - (d) Providing a comparison of PC20's provisions with the provisions of other second-generation district plans.
 - (e) Suggesting amendments to PC20 provisions to address the matters raised in the Environment Canterbury submission and the S.42A report.

PART 1 INTRODUCTION

Typo

- 16 The Environment Canterbury submission requests the replacement of the word 'permitted' with the word 'prohibited' within the Activity Status section of the General Approach Chapter. The S.42A report recommends accepting this request. This recommendation is supported.

Cross boundary issues

- 17 In respect of the cross-boundary issues section, the Environment Canterbury submission requests to:

“Amend the Cross Boundary Matters chapter to specifically refer to collaboration on common resource management issues as required under

Section 18A of the RMA and consider processes for collaboration and the matters under Section 3.1 of the CRPS.”

- 18 The S.42A report states that section 18A of the RMA does not require collaboration, rather it promotes it. It also suggests that Section 3.1 of the CRPS does not require collaboration and only provides tools that local authorities may use to address cross boundaries issues.
- 19 I agree that section 18A of the RMA does not require collaboration. However, section 18A of the RMA is one of the RMA’s “procedural principles” and states that *“every person exercising powers and performing functions under this Act must take all practicable steps to...”, “...promote collaboration between or among local authorities on their common resource management issues”*.
- 20 Section 18A of the RMA was inserted in 19 April 2017 by section 9 of the Resource Legislation Amendment Act 2017 and supports the general trend of the 2017 amendments to minimise the costs of using the RMA’s processes. After several years as the District Planning Manager at Timaru District Council, I confirm there are significant cost savings in collaboration with stakeholders as opposed to taking a traditional approach relying on the statutory processes. It is also a much more effective way of making decisions on resource management matters as it informs the Council of a broader range of viewpoints.
- 21 In terms of what section 18A of the RMA requires, I interpret the use of the phrase *‘must take all practical steps to promote collaboration’* as a very strong statutory directive that collaboration on common resource management issues is the expectation, although not necessary required in every instance.
- 22 In respect of the CRPS, its Section 3.1 states that:

“The Canterbury Regional Council seeks to establish and build upon working relationships with other resource management stakeholders. The desired outcome is that as new issues emerge in the region, they are managed through effective collaborative work between all relevant stakeholders.” [Emphasis added]

23 Although this is not listed as a specific objective in the CRPS, it makes it clear that collaboration is a desired outcome.

24 PC20's cross-boundary matters section does not mention section 18A of the RMA or collaboration. Therefore, it is not clear whether the RMA's and CRPS's direction concerning collaboration is promoted or not. While the three methods listed in the cross-boundary section are all methods that can be used to promote collaboration, I consider it would be more appropriate to preface that list with the following:

"In accordance with s18A RMA, Council will take all practical steps to promote collaboration with other local authorities on cross boundary issues including by, but not limited to:

a. ..."

25 Given that MDC are proceeding with a rolling plan review, this amendment will be helpful in providing guidance regarding how any remaining cross boundary issues are addressed.

Mana Whenua

26 In respect of the mana whenua section, the Environment Canterbury submission requests the amendment of MW3.2 to include the Hakataramea Statutory Acknowledgement Area as identified within Appendix 1 of the CRPS. This amendment is recommended by the s. 42A report and is supported.

PART 2- STRATEGIC DIRECTIONS

Role and Function of the Strategic Directions Chapter

27 The role and function of the strategic direction chapter is briefly addressed as it informs some later comments I make in this evidence.

28 The National Planning Standards 2019 provides the only statutory guidance regarding the role and function of strategic direction chapters. Its section 7 states that *"if the following matters are addressed, they must be located under the Strategic Direction heading"*:

- a. *“an outline of the key strategic or significant resource management matters for the district.*
- b. *issues, if any, and objectives that address key strategic or significant matters for the district and guide decision making at a strategic level.*
- c. *policies that address these matters, unless those policies are better located in other more specific chapters.*
- d. *how resource management issues of significance to iwi authorities are addressed in the plan.”*

29 Pertinent aspects of the above quote are that the strategic directions address key strategic or significant matters for the district and guide decision making at a strategic level. I considered that the key strategic or significant matters for the district, would at a minimum, include all the matters under section 6 RMA that all people exercising powers and functions under the RMA have to recognise and provide for as matters of national importance. I have concerns that some of these matters are not addressed in the strategic directions chapter.

30 I also consider that guidance for decision making is an important function of a strategic direction chapter, particularly as it helps provide for integrated management throughout the district plan of a strategic or significant matter. To achieve this, it is my experience that the strategic directions must be sufficiently clear and detailed to provided adequate guidance. There is a risk that a strategic direction that is too generic is interpreted narrowly to justify a particular outcome or is so broad that it does not provide any meaningful guidance.

31 In respect of the PC20 Strategic Direction chapter, I understand that brevity was a key objective that was used to inform drafting of PC20. The use of clear and concise wording is something that is a procedural principle stated by section 18A of the RMA. However, it is important to note that ‘clear and concise’ are both required and therefore go hand in hand. In this regard, my opinion is that parts of the strategic directions chapter are not sufficiently clear as to provide adequate strategic direction to subsequent plan chapters.

- 32 The PC20 strategic direction chapter makes it clear that “...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”. This is important guidance as to the relationship of other chapters and raises two challenges.
- 33 First, it presents a risk that a strategic objective could have unintended consequences in that it directs an outcome in another part of the district plan that was not originally intended. This reinforces the need for clear strategic directions that are well justified. In terms of the latter, Strategic Direction chapters are no different to other plan chapters and are subject to section 32 of the RMA that requires an evaluation report to justify its provisions. Therefore, the sufficiency of the evaluation report is an important consideration in determining the appropriateness of the provisions.
- 34 Second, because of the staged approach to the MDC plan review, submitters cannot read the strategic objectives in combination with other plan chapters. This raises uncertainty as to the exact influence over other provisions these strategic directions will have. While proposed PC21 has mitigated some of those concerns, uncertainty still remains.
- 35 Finally, I acknowledge there is a reasonable degree of variability of how strategic directions chapters are written in second generation district plans around the country, particularly in relation to the level of detail provided and subsequently the guidance provided to other district plan chapters. It is still an area of plan making that is developing, which therefore presents some challenges in terms of being consistent with best practice.

Strategic Objective ATC-O1

- 36 The Environment Canterbury submission supports clauses ATC-O1.1 and ATC-O1.3 as notified but requests amendments to ATC-O1 to:
- a. Address public access; and
 - b. Manage the environmental effects of activities.

Public Access

- 37 Public access is not addressed in the section 42A report probably because the submission did not specify the exact relief sought. However, paragraph 18 of Environment Canterbury's submission states that "*Public access could either be addressed in ATC-O1 or by a separate strategic objective*". Therefore, I consider it is within the scope of the submission. The submission makes the following points about public access:
- a. The strategic objectives are silent on the issue of public access.
 - b. While ATC-O1 does address 'recreation activities' it is not clear if public access is included or not.
 - c. The maintenance and enhancement of public access to lakes and rivers has to be recognised and provided for under section 6 of the RMA and is addressed by the CRPS (policy 10.3.5).
 - d. 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.
 - e. It is important that the strategic directions chapter acknowledges the national importance of maintaining and enhancing public access so that this can be addressed in an integrated manner across the PDP.
- 38 Public access should be considered a 'significant resource management issue' in that it is considered highly important by the public and several stakeholders. This is reflected by its inclusion under section 6 RMA. It is also a 'strategic issue' as public access routes, can in some instances, extend over large parts of the district and landholdings.
- 39 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. Accordingly, I consider that public access should be addressed in the strategic directions chapter. The Environment Canterbury submission suggested it could either be identified in the ATC-O1, or by a new strategic objective such as:
- "Public access to and along the margins of identified rivers and lakes is recognised and provided for"*.

Managing Environmental Effects

- 40 The Environment Canterbury submission requests the amendment of ATC-O1.2 to manage environmental effects or the addition of a new objective focused on managing environmental effects.
- 41 The S.42A report does not support this proposal on the basis that:
- a. the strategic objectives should be read as a whole; and
 - b. the inclusion of the phrase '*amenity values and character of different areas are maintained or enhanced*' in ATC-O1.3 means effects on amenity and character will have to be managed.
 - c. Other district plan's strategic objectives that enable an outcome do not seek to manage the effects of these activities.
 - d. Section 5(2)(c) RMA applies regardless and repeating it would be duplication.
- 42 I agree the strategic objectives should be read as a whole and that ATC-O1.3 helps ensure that effects on amenity and character will be addressed. Further certainty is provided by NE-O1. Notwithstanding, I consider it is not sufficiently clear, as required by section 18A of the RMA, as to how adverse effects are to be managed strategically across the PDP.
- 43 I disagree that the other district plan's strategic objectives manage the effects of activities. **Appendix 1** provides a list of strategic objectives from several second-generation district plans that do. However, I acknowledge there is varying practice, with some plans providing strategic objectives that seek to manage effects and others that do not.
- 44 I agree that Section 5(2)(c) RMA applies regardless but disagree that providing a strategic objective in relation to managing effects would be duplication. For instance, a strategic objective could state a more specific outcome for managing effects for the district or for certain activities.
- 45 The management of adverse effects of activities on the environment is a significant issue for any district plan and is a major focus of the RMA and the CRPS. This is reflected by the inclusion of the need to avoid, remedy,

or mitigate effects in the purpose of the RMA and its use in many of CRPS's objectives. It is also a major strategic issue that informs every chapter of the district plan including the location and extent of zonings.

- 46 Given its significance, I consider that an explicit strategic objective that addresses the strategic approach of managing adverse effects on the environment is useful to plan readers, particularly considering that one of the key approaches of an activity-based district plan is to use zones to separate incompatible activities.
- 47 Strategic objective 3.3.14 of the Christchurch City District Plan provides a useful example stating:

"Incompatible activities

- *The location of activities is controlled, primarily by zoning, to minimise conflicts between incompatible activities; and*
- *Conflicts between incompatible activities are avoided where there may be significant adverse effects on the health, safety and amenity of people and communities."*

47. This strategic objective does not repeat section 5(2)(c) RMA but is consistent with it and explains how it is to be achieved at a strategic level across the plan. I consider this provides a useful addition to the strategic directions chapter in that it will provide useful guidance for the development of the remaining district plan chapters.

Appropriate Economic Development Opportunities

48. The reason for deleting the words '*including appropriate economic development opportunities*' from ATC-O1 was not explained in Environment Canterbury's submission. The reason for this request was that it added unnecessary duplication to ATC-O1 because activities important to the community's economic wellbeing are mentioned earlier in the sentence. There was also a perception that the repetition served to increase the priority of economic matters over other matters. I agree with the submission and consider that the words '*including appropriate economic development opportunities*' are not necessary and should be deleted.

Strategic Objective ATC-O2

49. The Environment Canterbury submission seeks to replace ATC-O2 with an objective that focuses on maintaining and enhancing the natural and physical resources of rural areas as opposed to recognising the significant contribution rural areas make to the district as provided in ATC-O2.
50. The rationale for Environment Canterbury's request is that CRPS Policy 5.3.12 seeks the maintenance and enhancement of natural and physical resources that contribute to Canterbury's rural productive economy in areas valued for existing or foreseeable future primary production. The submission states it is important to distinguish that natural and physical resources underpin the activities that occur in rural areas. The submission also states that there is a risk that ATC-O2 is interpreted narrowly to mean any activity in the rural area should be recognised and provided for.
51. In response the S.42A report states that:
 - a. Environment Canterbury are interpreting ATC-O2 too narrowly.
 - b. ATC-O2 seeks to recognise and provide for the contribution of rural areas.
 - c. The contribution of rural areas will be considered when determining the management of activities in the rural chapter.
52. Despite the comments in the S.42A report, I have the following concerns about ATC-O2:
 - a. Its meaning lacks clarity and subsequently does not provide suitable direction for subsequent chapters, particularly in relation to providing for the significant contribution of rural areas. For example, if the intention is to allow primary production, then this could be explicitly stated.
 - b. Providing for the contribution of rural areas could be interpreted or used to counter the protection of natural environment values and cultural values under NE-O1, MW-O1 and MW-O2. These objectives

deal with section 6 RMA matters, that have significant priority and cannot merely be an equal part of a general balancing exercise¹. They are environmental bottom lines that have to be provided as part of sustainable management.

- c. The enabling aspect of ATC-O2 and lack of specificity regarding what activities it seeks to allow seems to be counter to the PC20 section 32 report that identifies the permissive regime of the ODP has led to the occurrence of perverse and undesirable outcomes, particularly within the rural environment².
- d. It does not recognise the activities in the rural areas that provide a significant contribution to the district are underpinned by natural and physical resources.
- e. There is no guidance about the management of adverse effects. Although this has been addressed above, there is merit in providing direction within ATC-O2 as to key aspects of adverse effects management in rural areas.

53 To address these concerns, I suggest that ATC-O2 is amended with a new objective. The new objective proposed below combines aspects of ATC-O2 as originally drafted, but is amended to address the Environment Canterbury submission and subsequently my concerns:

Objective ATC-O2

The significant contribution of rural areas to the district is recognised and a range of primary productive activities occur in the rural areas, without:

- comprising the natural environment and sensitive activities;
- constraints from new sensitive activities;

¹ Bleakley v Environmental Risk Management Authority [2001] 3 NZLR 213(HC)

² See paragraphs 4.8 and 4.9 of the Section 32 Report: Strategic Direction Chapters Plan Change 20 Mackenzie District Plan, July 2022.

- undermining the natural and physical resources that underpin primary production.

Strategic Objective ATC-O3

54 Environment Canterbury supports ATC-O3 in part. Environment Canterbury's concerns with ATC-O3 are in summary:

- a. It does not differentiate between significant infrastructure and less significant infrastructure.
- b. It does not protect infrastructure from the adverse effects of other activities.
- c. It does not seek to manage the adverse effects of infrastructure.

55 In my view, ATC-O3 does not provide sufficient direction to subsequent district plan chapters. I address these matters in turn below.

Significant versus non-significant infrastructure

56 In response to the first matter, the S.42A report considers:

- a. That all infrastructure is important and therefore should be recognised as such.
- b. The approach to non-significant infrastructure can be differentiated in the plan.
- c. The CRPS does not prevent a plan recognising the importance of less significant infrastructure.

57 I agree that all infrastructure is important in a local context but disagree all that infrastructure has the same level of importance and should be treated the same in district plans. For example, an electricity transmission line that supplies the national grid is nationally important and therefore has far more importance than an accessway, drainage ditch, private irrigation infrastructure or wastewater treatment system. Regionally significant infrastructure also has functional or operational needs for its location which means its adverse effects cannot always be avoided, remedied, or mitigated.

- 58 I agree with the S.42A report that the approach to infrastructure can be differentiated in the subsequent chapters of plan. However, I remain concerned that recognising and providing for non-significant infrastructure will direct other parts of the plan into perverse outcomes and elevate its status to the same level as section 6 RMA matters. For example, the ATC-O3 could be used to justify a private irrigation infrastructure through a Significant Natural Area (SNA). The irrigation infrastructure has private significance, while the SNA has national importance. ATC-O3 therefore creates confusion as to what is given priority.
- 59 I also agree in part that the CRPS focus on regional significant infrastructure does strictly prevent the district plan recognising the importance of all infrastructure. However, the CRPS has been through a statutory process and if the intention was to recognise the importance of all infrastructure, it would have done so. It has not and that provides some direction for the development of the PDP.
- 60 I also consider that non-regionally significant infrastructure is not a strategic or significant issue. Therefore, in accordance with section 7 of the National Planning Standards, it should not be addressed in the strategic directions chapter. The importance of non-regionally significant infrastructure can be addressed in the infrastructure chapter.
- 61 In terms of other district plans, I note there is some variability on this matter with some district plans recognising the importance of all infrastructure and others focusing on significant infrastructure.
- 62 In conclusion, I do not support ATC-O3 as it relates to all infrastructure.

Providing for infrastructure without major constraints from other activities

- 63 The S.42A report considers that there is no need to deal with reverse sensitivity in ATC-O3 as it is implicit in recognising and providing for infrastructure. The S.42A report also states that protecting infrastructure from reverse sensitivity is not an outcome.
- 64 It should be noted that the Environment Canterbury submission did not use the words 'reverse sensitivity', but rather the need to provide for regionally significant infrastructure without major constraints from other activities. This

is similar to reverse sensitivity, but broader, potentially including non-sensitive activities that could affect infrastructure. Accordingly, the S.42A report has slightly misinterpreted Environment Canterbury's submission in this regard.

- 65 I disagree that protecting infrastructure from other activities is implicit in 'recognising and providing for infrastructure' as suggested in the S.42A report. I interpret 'providing for' to mean to permit or allow to happen. It is a very broad interpretation to say that 'providing for' also means to protect from the adverse effects of other activities. It is certainly not clear whether it does or not and therefore fails to provide clear direction on this matter for subsequent chapters. Accordingly, I consider there is a need to provide for infrastructure without major constraints from other activities explicit in ATC-O3.
- 66 I am satisfied that the need to provide for infrastructure without major constraints from other activities is an outcome, it is just a more detailed outcome than the current wording. It is not policy wording as suggested in the S.42A report.
- 67 The S.42A report notes that where the CRPS addresses reverse sensitivity, it provides direction at policy level, rather than at objective level. However, that comment is not reflected in CRPS Objectives 5.2.1 and 5.2.2 that state:

Objectives 5.2.1

"Development is located and designed so that it functions in a way that:

....

- f. is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;*

- g. avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure" [Emphasis added]*

Objective 5.2.2

“...development does not result in adverse effects on the operation, use and development of regionally significant” (infrastructure).

- 68 The fact that the CRPS includes objectives that seek to avoid the effects of other activities on regionally significant infrastructure is an indication that it should be addressed in the MDC strategic directions chapter.
- 69 I also consider it important to address this matter in the strategic directions chapter as it informs several other district plan chapters including:
- a. The infrastructure and energy chapters, including the airport provisions.
 - b. The location and extent of zones.
 - c. Zone chapter rules.
 - d. The earthworks chapter.
 - e. The noise Chapter.
- 70 All these chapters need clear direction on the need to protect infrastructure from the major constraints of other activities rather than having to interpret ‘recognising and providing for infrastructure’ as implicitly protecting infrastructure.
- 71 It is acknowledged that planning practice varies in relation to whether reverse sensitivity is included in the strategic objectives of other district plans. For example, the Christchurch City District Plan deals with it at length. The Waimakariri and Selwyn District Plan also include reverse sensitivity or something similar in their strategic objectives. However, there are other district plans that do not deal with reverse sensitivity.
- 72 Several other submitters (that are infrastructure operators) have requested reverse sensitivity to be addressed in ATC-O3. I agree that it should and the fact that infrastructure operators have requested it is evidence that it is an important issue that needs to be addressed and clarified.

Managing the effects of infrastructure

73 As stated in Environment Canterbury’s submission, several provisions of Chapter 5 of the CRPS seek to manage the effects of infrastructure on the environment. Notably this includes the following CRPS objectives:

Objective 5.2.2 2.b

“...adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable”

Objective 5.2.3 2

“....avoids, remedies or mitigates the adverse effects of transport use and its provision”

74 In respect of other second-generation district plans, the Selwyn, Timaru, Christchurch City and Waimakariri plans have strategic directions that seek to manage the adverse effects of infrastructure. Notably most of these plans seek to manage the adverse effects of infrastructure while having regard to the functional, technical, and operational needs of infrastructure. This is an infrastructure specific aspect of effects management that provides useful high-level direction. It is also noted that Objective 1 of the National Policy Statement on Electricity Transmission (**NPS-ET**) includes the requirement to manage the adverse environmental effects of the network.

75 As both the NPS-ET and the National Policy Statement for Renewable Energy Generation (**NPS-REG**) include objectives to facilitate the operation, development, maintenance, and upgrade of the relevant infrastructure, I have included similar wording in the suggested amendment to ATC-O3.

Suggested amendments to ATC-O3

76 Having regard to the above discussion and the need for ATC-O3 to provide greater direction to the remaining district plan chapters, I suggest the following objective to replace ATC-O3:

The benefits of regionally significant infrastructure are recognised and:

- its development, operation, maintenance and upgrade are provided for;
- it occurs without major constraints from other activities;
- its effects are managed having regard to its functional and operation needs.

Strategic Objective ATC-O4

- 77 The Environment Canterbury submission supports that part of ATC-O4 that recognises the benefits of renewable electricity generation and transmission, but requests either that ATC-O4 is deleted (as it is addressed by the replacement wording of ATC-O3) or replaced with an amended objective that addresses reverse sensitivity and the effects of renewable electricity generation.
- 78 The S.42A report recommends the retention of ATC-O4 on the basis that the alternative wording is not well aligned with the NPS-REG and NPS-ET. My view is that the amendments suggested to ATC-O3 above would address any alignment issues with the NPS-REG and NPS-ET and would avoid more or less duplicating ATC-O3.

Strategic Objective ATC-O5

- 79 Environment Canterbury's submission seeks to delete Strategic Objective ATC-O5 and replace it with two objectives. The first of which would recognise the effects of climate change and take an integrated approach to its management. The second would seek to add a new Strategic Objective as 'ATC-O6' to address natural hazards. In summary, the issues the Environment Canterbury submission raises with ATC-O5 are that:
- a. Its scope is too broad, particularly regarding its enabling nature that could justify the management of resources in any way to enable the community to be resilient and potentially lead to perverse outcomes.
 - b. It does not address the breadth of matters the CRPS addresses in relation to climate change.
 - c. It does not address natural hazards comprehensively and does not give effect to the CRPS direction relating to natural hazards.

80 The S.42A report makes several comments about this, including in summary:

- a. The ATC-O5 should be interpreted in the context of the other strategic objectives and therefore should not enable perverse outcomes.
- b. The strategic objectives do not need to be broader to address the CRPS as it is the approach of the whole plan to natural hazards that will give effect to the CRPS.
- c. The natural hazards chapter can deal with natural hazards comprehensively and therefore it does not need to be dealt with by the strategic directions.
- d. Environment Canterbury's drafting of natural hazards objective is like a policy.
- e. Energy efficient urban form can be dealt with in the urban form objective.
- f. There is no direction in the CRPS regarding energy efficient infrastructure.

81 Despite these reservations, the S.42A report makes some amendments to ATC-O5 to include reference to natural hazards and climate change.

82 I address the concerns of the S.42A report in turn below:

- a. I disagree that the strategic objectives should not address natural hazards/climate change on the basis stated in the S.42A report, that the whole plan can give effect to the CRPS. This is because we do not know what is in the rest of the district plan at this stage and ATC-O5 provides no certainty that climate change and natural hazards will be addressed.
- b. I disagree that natural hazards should only be dealt with in the natural hazards chapter, as it is a matter that needs to inform several other chapters including natural hazards; subdivision; zone boundaries; hazardous substances; historic heritage; earthworks; and future

development areas. Including it in the strategic directions chapter therefore provides useful direction to these chapters.

- c. I agree that Environment Canterbury's drafting of the natural hazard objective is too much like a policy and it could be more concise. I have suggested some alternative wording to address that issue.
- d. I agree that energy efficient urban form can be dealt with in the urban form objective. However, Environment Canterbury's suggested amendment also refers to 'energy efficient settlement patterns' which includes settlements in rural areas and therefore I consider it still relevant to include.
- e. I disagree there is no direction in the CRPS regarding energy efficient infrastructure. 'Efficiency' which includes energy efficiency is addressed in several CRPS provisions³. However, considering section 7(b) of the RMA that requires 'particular regard' to be had to the efficient use of natural and physical resources, I consider 'energy efficient infrastructure' should be replaced with efficient use of natural and physical resources.

83 I acknowledge the amendments made to ATC-O1 but raise the following concerns with those amendments:

- a. The effects of climate change are not 'recognised' in the amendments. Other objectives in the strategic directions use the term 'recognise' to draw attention to its significance and therefore in the interests of consistency, and due to the importance of climate change, I consider the term 'recognised' should be used.
- b. The amended objective does not state what outcome(s) that managing natural hazards and climate change will be integrated to achieve.
- c. Climate change and natural hazards are both significant strategic issues and therefore should be dealt with comprehensively.

^{3 3} Objective 5.2.3, Policies 5.3.1, 5.3.2, 5.3.5, 5.3.8, 5.3.11,

- 84 Considering the above comments, I recommend replacing ATC-O5 with the following two objectives:

Climate Change:

The effects of climate change are recognised, and an integrated management approach is adopted, that ensures:

1. climate change is considered in natural hazard management;
2. the community can adapt to climate change;
3. energy efficiency in urban form and settlement patterns;
4. efficient use of natural and physical resources.

Natural Hazards:

Natural hazard risks are managed to avoid unacceptable risks and mitigate other risks.

Strategic Objective NE-O1

- 85 The Environment Canterbury submission on NE-O1:
- a. Supports its recognition of significant natural values.
 - b. Is concerned that the inclusion of the words ‘*unique, character and identity*’ provides gateway criteria, that if not met, will not be recognised and provided for.
 - c. Is concerned that some of these gateway criteria are inconsistent with the CRPS criteria for identifying significant aspects of the environment (e.g., SNAs, ONL/Fs).
 - d. Requests the breadth of NE-O1 is expanded to include the historic environment on the basis that heritage values will have to be addressed in various chapters.
- 86 The S.42A report recommends amendments to NE-O1 to address the gateway criteria issue and I agree with those amendments.
- 87 I do not agree with the removal of the list of values from NE-O1 as providing 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'.

- 88 I disagree with the S.42A report that historic heritage should not be addressed in the NE-O1. As stated in the submission, historic heritage is a section 6 RMA matter and therefore highly significant. Although the Mackenzie District may not be well endowed with built heritage, historic heritage is a matter dealt with by several plan chapters. While the historic heritage chapter primarily deals with historic heritage, it is also used to identify the districts outstanding natural landscape and sites and areas of significance to Māori. Historic heritage can also be relevant to the town centre, public access, subdivision, and earthwork chapters.
- 89 The S.42A report raises concerns about Environment Canterbury's suggested use of term 'historic environment'. However, that issue could be resolved by referring to the defined term 'historic heritage' or adding a definition of '*historic environment*' that refers to an '*environment including historic heritage*'.
- 90 With these matters in mind, I suggest NE-O1 should read as follows:

Natural Environment and Historic Heritage

The important values of the natural environment and historic heritage, including those that make the District unique, contribute to its character, identity and wellbeing, or—~~and~~—have significant intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes values associated with, but not limited to:

- 1. mahika kai resources;*
- 2. night sky darkness;*
- 3. outstanding natural features and landscapes;*
- 4. significant indigenous biodiversity;*
- 5. water bodies and their margins; and*
- 6. historic sites, buildings, structures and landscapes.*

Strategic Objective UFD-O1

- 91 Environment Canterbury generally supports UFD-O1 but requests some amendments to address:
- a. The protection of significant natural environment values, community drinking water supplies and highly productive land.
 - b. Natural hazard risks.
 - c. The integrated, effective and efficient provision of infrastructure.
- 92 The S.42A report does not accept Environment Canterbury's suggested amendment to UFD-O1.1 in relation to protecting significant natural environments on the basis that it is covered by NE-O1. I agree that it is covered by NE-O1 but still consider it should also be dealt with in UFD-O1.1 in the interests of clarity.
- 93 The S.42A report recommends accepting part of Environment Canterbury's suggested amendments in relation to UFD-O1.3 regarding the integration of infrastructure. I support that amendment. I also support the other amendments proposed in the S.42A report in relation to UFD-O1.3 concerning community facilities. However, in hindsight I do not consider that the other amendments proposed to UFD-O1.3 in Environment Canterbury's submission are necessary.
- 94 The S.42A report recommends some amendments to the introduction section of UFD-O1 to refer to the National Policy Statement for Highly Productive Land (NPS-HPL). The S.42A report suggests that Environment Canterbury's amendment does not align with the NPS-HPL and also suggests that any plan change would have to give effect to the NPS-HPL. However, while the S.42A report's recommended amendments to UFD-O1 regarding the NPS-HPL are helpful and are supported, I disagree that UFD-O1 should not specifically refer to the highly productive land. Doing so would make it more prominent and ensure it was a key matter that must be considered in urban form decisions. This view is supported by the fact that the NPS-HPL is highly directive and that there is LUC1-3 land in or close to the urban edges of Albury, Fairlie, Burkes Pass and Twizel. An acceptable alternative would be to amend NE-O1 to include highly productive land.

- 95 In respect of Environment Canterbury's suggested amendment regarding natural hazards, I accept that it is unnecessary, subject to the amendment of ATC-O5 suggested in this evidence, to state that '*Natural hazard risks are managed to avoid unacceptable risks and mitigate other risks*'. However, while not necessary, it would be my preference to include reference to natural hazards in UFD-O1, as it is an important consideration in any urban form decision and as such it should be clearly stated in any strategic direction regarding urban form.
- 96 In relation to Environment Canterbury's proposed amendment regarding drinking water supplies, the S.42A report suggests that this is covered at a broad level in UFD-O1.1. I agree but consider it very unclear and hence my suggestion would be to provide more clarity by including the need to protect drinking water supplies in the list of UFD-O1.
- 97 In summary, while 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, my preference would be to include those amendments in the interests of clarity. Ideally this strategic objective should be clear and self-evident without the need to refer to several other policies or for example deeply consider whether the protection of drinking water supplies would be covered as part of respecting the surrounding natural and physical environment. However, I acknowledge MDC's vision to keep the strategic directions concise and therefore have recommended some amendments that hopefully address Environment Canterbury's concern but also provide more clarity in a concise manner.
- 98 With these matters in mind, I consider that UFD-O1 should read as follows:

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

- 1. is integrated into, and respects the surrounding natural and physical environment and protects significant natural values;*
- 2. achieves good connectivity with other parts of the urban areas;*
- 3. avoids areas of unacceptable natural hazard risk;*

- ~~3.4.~~ *is supported by integrated with the provision of appropriate infrastructure and facilities which support the functioning of the community;*
- ~~4.5.~~ *maintains the character of each township, and its attractiveness to residents, businesses and visitors; and*
- ~~5.6.~~ *responds to the needs of the community, including diversity in housing and business opportunities; and*
7. *protects highly productive land and community drinking water supplies.*

CONCLUSION

97. The strategic directions chapter is one of the most important chapters of a district plan. It sets out the district plan's key strategic objectives, provides direction to the remaining chapters and guides how conflicting objectives can be resolved.
98. The key issue with the strategic directions is that some of its objectives are not clear and do not provide sufficient direction to the remaining parts of the district plan. This creates some issues, as unclear objectives can create unintended consequences. These unintended consequences include being interpreted too narrowly to justify a particular outcome or interpreted too broadly that they do not provide any meaningful direction. It also presents a challenge for Environment Canterbury, as it is difficult to see whether the CRPS is given effect to or not and what influence the strategic objectives will have on the remaining parts of the district plan.
99. Amendments have been suggested to PC20 in line with Environment Canterbury's submission and in response to the S.42 report. A complete set of recommended amendments is attached as **Appendix 2**.

A handwritten signature in black ink, appearing to read 'Mark William Geddes'.

Mark William Geddes

14 November 2022

**APPENDIX 1 – LIST OF STRATEGIC DIRECTION OBJECTIVES IN OTHER
SECOND-GENERATION DISTRICT PLANS THAT MANAGE ADVERSE
EFFECTS**

Emphasis has been added to highlight the provisions that seek to manage adverse effects

SELWYN PROPOSED DISTRICT PLAN

SD-IR-O2

The development, upgrade, maintenance, and operation of all important infrastructure is enabled in a way that minimises adverse effects, while having regard to the practical constraints and the logistical and technical practicalities associated with important infrastructure.

SD-DI-O2

Selwyn's prosperous economy is supported through the efficient use of land, resources, and infrastructure, while ensuring existing activities are protected from incompatible activities.

NEW PLYMOUTH PROPOSED DISTRICT PLAN

UFD-13

The district develops in a cohesive, compact and structured way that:

1. maintains a compact urban form that provides for connected, liveable communities;
2. manages impacts on the natural and cultural environment;

CHRISTCHURCH CITY COUNCIL OPERATIVE DISTRICT PLAN

3.1.12

53. The adverse effects of infrastructure on the surrounding environment are managed, having regard to the economic benefits and technical and operational needs of infrastructure.

3.3.14 Objective - Incompatible activities

54. The location of activities is controlled, primarily by zoning, to minimise conflicts between incompatible activities; and
55. Conflicts between incompatible activities are avoided where there may be significant adverse effects on the health, safety and amenity of people and communities.

TIMARU PROPOSED DISTRICT PLAN

Infrastructure

The benefits of regionally significant infrastructure and life utilities are recognised and their safe, efficient and effective establishment, operation, maintenance, renewal and upgrading and development is enabled while managing adverse effects appropriately

Rural

A range of primarily productive activities are enabled in the rural environment to enable the ongoing use of land for primary production for present and future generations, while:

- protecting versatile soils for productive uses;
- managing the adverse effects of intensive activities on sensitive activities;

Urban form

Controls the location of activities, primarily by zoning, to minimise conflicts between incompatible activities and avoid these where there may be significant adverse effects.

WAIMAKARIRI PROPOSED DISTRICT PLAN

SD-03

Infrastructure, including strategic infrastructure, critical infrastructure and regionally significant infrastructure:

- a. is able to operate efficiently and effectively; and
- b. is enabled, while:
 - i. managing adverse effects on the surrounding environment, having regard to the social, cultural and economic benefit, functional need and operational need of the infrastructure; and

APPENDIX 2 – RECOMMENDED AMENDMENTS TO PC20

PART 1 - INTRODUCTION

General Approach Chapter

Activity Status

Replace the word 'permitted' with the word 'prohibited' within the Activity Status section of the General Approach Chapter.

Cross boundary

Replace the third paragraph with:

"In accordance with s18A RMA, Council will take all practical steps to promote collaboration with other local authorities on cross boundary issues including by, but not limited to:"

Mana Whenua

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

PART 2 (STRATEGIC DIRECTIONS)

ATC-O1

Amend ATC-O1 as follows:

The Mackenzie District is a desirable place to live, work, play and visit, where:

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 anticipated amenity values and character of different areas are maintained or enhanced; and

4. public access to and along the margins of identified rivers and lakes is recognised and provided for.

ATC-O2

Replace ATC-O2 with:

The significant contribution of rural areas to the district is recognised and a range of primarily productive activities occur in the rural areas, without:

- comprising the natural environment and sensitive activities;
- constraints from new sensitive activities;
- undermining the natural and physical resources that underpin primary production.

ATC-O3

Replace ATC-O3 with:

The benefits of Regionally significant infrastructure are recognised and:

- its development, operation, maintenance and upgrade are provided for;
- it occurs without major constraints from other activities;
- its effects are managed having regard to its functional and operation needs.

ATC-O4

Delete ATC-O4

ATC-O5

Replace ATC-O5 with:

Climate Change:

The effects of climate change are recognised, and an integrated management approach is adopted, that ensures:

- climate change is considered in natural hazards management;

- the community can adapt to climate change;
- energy efficiency in urban form and settlement patterns;
- efficient use of natural and physical resources.

ATC-O6

Add the following as new strategic objective ATC-O6

Natural Hazards:

Natural hazards risks are managed to avoid unacceptable risks and mitigate other risks.

ATC-O7

Add the following as new strategic objective ATC-O7

“Incompatible activities

- The location of activities is controlled, primarily by zoning, to minimise conflicts between incompatible activities; and
- Conflicts between incompatible activities are avoided where there may be significant adverse effects on the health, safety and amenity of people and communities.”

NE-O1

Amend NE-O1 as follows:

Natural Environment and Historic Heritage

The important values of the natural environment and historic heritage, including those that make the District unique, contribute to its character, identity and wellbeing, or ~~and~~ have significant intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes values associated with, but not limited to:

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; and
6. historic sites, buildings, structures and landscapes.

UFD-O1

Amend UFD-O1 as follows:

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

1. is integrated into, and respects the surrounding natural and physical environment and protects significant natural values;
2. achieves good connectivity with other parts of the urban areas;
3. avoids areas of unacceptable natural hazards risk;
- ~~3.4.~~ is supported by integrated with the provision of appropriate infrastructure and facilities which support the functioning of the community;
- ~~4.5.~~ maintains the character of each township, and its attractiveness to residents, businesses and visitors; ~~and~~
- ~~5.6.~~ responds to the needs of the community, including diversity in housing and business opportunities.; and
7. protects highly productive land and community drinking water supplies.