



Mackenzie DISTRICT PLAN REVIEW

TOMORROW'S MACKENZIE
KA AWATEA HŌU

Section 32 Report:

Plan Change 27 – Earthworks, Subdivision, Public Access and Transport

Final for Notification

4 November 2023

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Appendix 1: Operative District Plan Review and Gap Analysis, Novo Group, May 2023

1. Introduction

Purpose of this Report

- 1.1. Section 32 ('s32') of the Resource Management Act 1991 ('the RMA') requires an evaluation to be undertaken of the changes proposed to the Mackenzie District Plan ('District Plan') through Plan Change 27 ('PC27'). The evaluation must be provided in a report which examines whether the objectives are the most appropriate in achieving the purpose of the RMA, and whether the policies and methods, taking into account their costs, benefits, efficiency, and effectiveness, are the most appropriate way to achieve the objectives. The report must also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. The analysis set out in this report is to fulfil the obligations of the Council under s32 of the RMA.

Topic

- 1.2. This s32 report relates to the management of transport, public access, subdivision and earthworks within the District. It proposes to largely replace Sections 13 (Subdivision) and 15 (Transport) of the Operative Plan ('Operative Plan') with new chapters pertaining to these. Provisions controlling earthworks and public access are proposed to be within their own chapters, rather than within each zone framework, as directed through the National Planning Standards.
- 1.3. It should be noted that a general premise of the District Plan review is to not change the key objectives, policies and rules arising from Plan Change 13 ('PC13'), which primarily apply to Te Manahuna / the Mackenzie Basin Outstanding Natural Landscape (ONL). These provisions are being predominantly integrated into the new NFL District Wide Chapter consistent with the National Planning Standards. In addition, one policy is being carried over into the new Subdivision Chapter (SUB-P8) which relates to subdivision in the Te Manahuna / the Mackenzie Basin Outstanding Natural Landscape (ONL). This policy is beyond the scope of PC27. On that basis SUB-P8 is not evaluated further as part of this section 32.

District Plan Review Process

- 1.4. The introduction of chapters relating to Transport, Public Access, Subdivision and Earthworks is part of Stage 3 of the overall review of the District Plan.
- 1.5. The background technical work undertaken for PC27 involved:
 - a review of the Operative Plan provisions relating to earthworks, subdivision (including esplanade provisions) and the transport network;
 - identification of key issues arising from the current provisions;
 - a review of relevant planning documents;
 - a review of the approach taken in other district plans;
 - technical input relating to the transport provisions, including a review of the current Transport provisions and standards by Nova Group (refer **Appendix 1**).

1.6. Engagement with the community was then undertaken on the key issues identified from the background work undertaken, as well as potential options to address those issues, and the feedback received was then used to inform a ‘Preferred Approach’ to Transport, Public Access, Subdivision and Earthworks within the District. The Preferred Approach was then used to draft the proposed provisions, which are evaluated in this report.

Provisions

1.7. This s32 report relates to the following chapters proposed within Part 2 - District-Wide Matters of the District Plan:

- Energy, Infrastructure, and Transport:
 - Transport
- Natural Environment Values:
 - Public Access
- Subdivision
- General District-Wide Matters:
 - Earthworks

1.8. The new chapters will replace various sections in the Operative Plan that relate to earthworks, subdivision, public access, and transportation matters.

1.9. PC27 also proposes to introduce the following new definitions:

- accessway
- allotment
- arterial road
- bore
- boundary adjustment
- contaminant
- cleanfill material
- collector road
- discharge
- drinking water
- dust
- earthworks
- esplanade reserve
- esplanade strip
- greywater
- healthcare facility
- heavy vehicle
- industrial and trade waste
- land disturbance
- landscaping
- land transport corridor
- land transport infrastructure
- local road
- national grid subdivision corridor

- national grid yard
- network utility operator
- place of assembly
- sensitive material
- state highway
- stock tracks and crossings
- stormwater
- subdivision
- transport network
- territorial authority
- wastewater
- wetland
- wilding conifer species

1.10. PC27 proposes to amend the Planning Maps to:

- delete the Twizel Water Supply Protection Area
- apply a new Community Drinking Water Supply Protection Areas overlay, which includes the current Twizel Water Supply Protection Area, as well as an expansion to it, and other additional areas.

Relationship with Other Stages

1.11. Stage 3 of the District Plan Review also includes Plan Change 23 - Rural and Natural Environment ('PC23'), Plan Change 24 - Sites and Areas of Significance to Māori ('PC24'), and Plan Change 26 – Energy and Infrastructure ('PC26'), all of which also contain provisions relating to earthworks which apply in addition to those in the proposed Earthworks Chapter.

1.12. Plan Change 21 (part of Stage 2 of the Mackenzie District Plan Review) included a review of the density standards applying to urban zones. The subdivision provisions included in PC27 seek to align with the density provisions determined through PC21 with respect to these zones. A review of the density provisions in relation to the General Rural (PC23) and Rural Lifestyle Plan Change 25 ('PC25') zones is similarly addressed in those plan changes, with the proposed density reflected in the subdivision provisions included in PC27.

1.13. Financial contributions, which form part of the current Section 13, are not being reviewed as part of this stage of the Mackenzie District Plan Review.

2. Statutory Context

2.1. Sections 74 and 75 of the RMA set out legal obligations when changing a District Plan. Consideration needs to be given to matters including whether the plan accords with the Council's functions under Section 31 of the RMA and the provisions of Part 2 of the RMA. They also direct how the plan is to be drafted/considered in relation to a range of other statutory documents. The following section sets out those matters addressed in sections 74 and 75 that are relevant to this topic.

Functions Under s31

2.2. Section 31 sets out the functions given to territorial authorities for the purpose of giving effect to the RMA in their district. Of relevance to this topic, territorial authorities have the function of establishing, implementing, and reviewing objectives, policies, and methods to: achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources in the district (s31(1)(a)); and control the actual and potential effects of use, development, or protection of land (s31(1)(b)). Under s31(2), the methods used to carry out the above functions may include the control of subdivision.

Part 2 of the RMA – Sections 5, 6, 7 and 8

2.3. Section 5 of the RMA sets out the purpose of the RMA as being to promote the sustainable management of natural and physical resources. The transport, public access, subdivision and earthworks provisions of this Plan Change are to give effect to this purpose.

2.4. Sustainable management, as defined in section 5, relates to how natural and physical resources are managed so as to provide for the well-being and for the health and safety of people and communities while also managing the adverse effects of activities on the environment. This is relevant to PC27, as the Transport, Public Access, Subdivision and Earthworks chapters provide a framework for how potential adverse effects on the environment of activities relating to these matters are to be managed in a way that provides for the wellbeing and health and safety of the community.

2.5. Section 6 contains a number of matters which requires persons exercising functions under the Act to recognise and provide for, as matters of national importance. Matters of national importance relevant to PC27 are:

- Sections 6(a) and (b). Values associated with the natural character of the district's waterbodies and margins as well as outstanding natural features and landscapes are to be protected from inappropriate earthworks and subdivision.
- Section 6(c). Areas of significant indigenous vegetation and significant habitats of indigenous fauna are to be protected, which includes from the adverse effects of earthworks and subdivision.
- Section 6(d). Subdivision provides opportunities to maintain and enhance public access to and along lakes and rivers.
- Section 6(e). The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga are to be provided for when considering transport, public access, subdivision and earthworks activities.
- Section 6(f). Historic heritage values are to be protected from inappropriate subdivision and earthworks activities.
- Section 6(h). Significant natural hazard risks that may arise from earthworks activities, namely land stability and flooding risks, are to be managed. Additionally, subdivision is to be managed to avoid increasing significant risk or damage from natural hazards in accordance with Section 106(1)(a).

2.6. Section 7 includes other matters to which particular regard must be had and relevant to the PC27 provisions, includes:

- Sections 7(a) and (aa). Kaitiakitanga and the ethic of stewardship in relation to the district's land resource are to be reflected in the District Plan provisions for transport, public access, subdivision and earthworks.
- Section 7(b). Activities relating to the transport network, as well as subdivision and earthworks activities, subject to appropriate restriction and control provisions in the District Plan, are to provide for the efficient use and development of resources, namely the land and built resources of the district.
- Section 7(c). Potential adverse amenity effects from activities associated with the transport network, subdivision and earthworks activities, including effects of visual amenity and from noise or dust, are to be managed to ensure that amenity values in the district are maintained or enhancement.
- Section 7(d). Plan provisions for transport, public access, subdivision and earthworks activities are to recognise the intrinsic values of ecosystems.
- Section 7(f). Potential adverse effects from earthworks activities are to be managed to ensure that the quality of the district's environment is maintained and enhanced.

2.7. Section 8 requires that the principles of Te Tiriti o Waitangi / the Treaty of Waitangi shall be taken into account when exercising powers and functions under the RMA. As Te Manahuna / Mackenzie District has special significance to Ngāi Tahu and Papatipu Rūnaka, these principles are considered to be relevant to PC27 and have been applied through the development of the proposed plan change.

National Planning Standards

2.8. Section 75(3)(ba) of the RMA requires the District Plan to give effect to any National Planning Standard ('NPS').

2.9. The District Plan Structure Standard provides for an Energy, Infrastructure, and Transport section. However, there is discretion as to what specific chapters are included within this section. PC27 proposes a separate chapter within this section for Transport.

2.10. If provisions to maintain and enhance public access to and lakes and rivers are addressed, they must be located in the Public Access chapter.

2.11. If provisions for managing subdivision are addressed, they must be included in one or more Subdivision chapters, may include technical subdivision requirements and material incorporated by reference, such as Codes of Practice, and must include cross references to any relevant provisions under the Energy, Infrastructure, and Transport heading.

2.12. The District Plan Structure Standard provides for a chapter on earthworks, to be contained in the General District-Wide Matters section, in Part 2 – District-Wide Matters. If provisions for managing earthworks are addressed, they must be included in the Earthworks chapter and must include cross reference to any relevant earthworks provisions under the Energy, Infrastructure, and Transport heading.

Other Statutory Documents

Earthworks

Table 1: Planning Documents - Earthworks

Heritage New Zealand Pouhere Taonga Act 2014 ('HNZPTA')		
Relevance: District Plan must have regard to any relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014 (s74(2)(b)(iia)).		
Document	Summary	Relevance
Heritage New Zealand Pouhere Taonga Act 2014	The HNZPTA makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. HNZPTA applies regardless of whether the site has been previously identified or what a District or Regional Plan permits or whether a consent has been granted.	The HNZPTA promotes the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. The historically transient nature of Ngāi Tahu compared to their North Island counterparts meant that temporary encampments were common, and many remain unknown. Additionally, there is significant colonial history in the district. This provides increased potential for earthworks to uncover previously unidentified sensitive materials.
National Policy Statements		
Relevance: District Plan must give effect to (Section 75(3)(a))		
Indigenous Biodiversity 2023	The National Policy Statement for Indigenous Biodiversity ('NPSIB') recognises both the intrinsic values of indigenous biodiversity, as well as its value to people and communities. Its objective is to maintain indigenous biodiversity so that there is at least no overall loss in indigenous biodiversity in accordance with Clause 1.7 and Objective 2.1. Policy 7 directs protection of Significant Natural Areas ('SNAs') by avoiding or managing adverse effects from new subdivision, use	Indigenous biodiversity is predominantly managed in Section 19 of the District Plan. Any earthworks which result in the clearance of indigenous vegetation are subject to the rules in Section 19. These rules were introduced through PC18, which is currently before the Environment Court and was promulgated before the NPSIB was released. Section 19 will need to be reviewed and brought in line with the NPSIB

	<p>and development. Policy 15: directs that areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range.</p> <p>Clause 3.5(1)(b) requires consideration that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms. Clause 3.10 requires specified adverse effects on an SNA from new subdivision, use and development to be avoided; and other adverse effects to be managed through application of the effects management hierarchy.</p>	<p>within the timeframe specified within it.</p>
<p>National Policy Statement on Electricity Transmission 2008 ('NPSET')</p>	<p>Objective 1 The NPSET recognises the national significance of electricity transmission network and seeks to facilitate the operation, maintenance, upgrade, and development of the network while management of adverse environmental effects of the activity, and other activities on the network.</p> <p>Polices 2 and 5 Requires that the operation, maintenance, upgrading and development of the electricity network are recognised and provided for.</p> <p>Policies 10 and 11 Requires activities in the vicinity of the transmission network to be managed to avoid reverse sensitivity effects on the network and not compromise its operation, maintenance, upgrading, and development. Additionally, district councils must consult Transpower to identify appropriate corridors where sensitive activities will not be</p>	<p>The NPSET requires that activities in the vicinity of the network are to be managed so that they do not compromise its operation. This is relevant to earthworks activities in the vicinity of the network.</p> <p>Earthworks required for the operation, maintenance, upgrading and development of the electricity network must also be recognised and provided for.</p>

	provided for in plans or resource consent granted.	
Regional Policy Statements Relevance: District Plan must give effect to (Section 75(3)(c))		
Canterbury Regional Policy Statement ('CRPS')	<p>Chapter 9 – Ecosystems and Biodiversity (Objective 9.2.3) Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected.</p> <p>Chapter 12 – Landscape (Objective 12.2.1 and Policy 12.3.2) The values of outstanding natural features and landscapes are specifically recognised and protected from inappropriate subdivision, use, and development.</p> <p>Chapter 13 – Historic Heritage (Policy 13.3.1) Seeks to protect historic and cultural heritage items, places, and areas.</p> <p>Chapter 15 – Soils (Objective 15.2.2 and Policy 15.3.2) Identifies the need to prevent new significant induced soil erosion, and the reduction of significant existing induced erosion from the use of land with particular focus on maintaining vegetative cover on non-arable land.</p>	The CRPS requires territorial authorities to set out objectives, policies, or methods in district plans to avoid, remedy or mitigate adverse effects of subdivision, use and development of land, including earthworks, to ensure that potential adverse effects associated with earthworks activities in the district are minimised. The provisions proposed as part of the District Plan Review will need to ensure that the direction in relation to particular values or resources in Chapter 12 of the CRPS are protected.
National Environmental Standards Relevance: District Plan must not duplicate or conflict unless specified in NES (Sections 43B and 44A of the RMA))		
Telecommunication Facilities 2016 ('NESTF')	<p>The NESTF establishes a regulatory framework for the installation and operation of telecommunications facilities.</p> <p>Regulation 53 contains earthworks controls that apply to 'regulated activities' provided for by the NESTF. This regulation identifies</p>	District Plan rules may be more stringent than those of the NESTF but only as they relate to 'special places'. These include areas identified within the plan as trees in the road reserve, significant trees, heritage areas, visual amenity landscapes, indigenous flora and fauna

	<p>that earthworks are to be carried in accordance with a management plan and that the regulation is complied with if: in 'special places' the district plan earthworks are complied with; and, in rural zones the earthworks for each facility do not exceed 450m³.</p>	<p>habitat, and outstanding natural features or landscapes.</p>
Plantation Forestry 2018 ('NESPF')	<p>Regulation 23 Provides for earthworks as a permitted activity on a district level.</p> <p>Regulation 29 Earthworks must not be within 10m of rivers, lakes, or wetlands.</p> <p>Regulation 73 Mechanical land preparation is a permitted activity.</p>	<p>In relation to earthworks the NESPF puts in place rules that cannot be duplicated in a District Plan. District Plan rules may be more stringent than those of the NESPF but only for areas with outstanding natural features and landscapes, and significant natural areas.</p>
Electricity Transmission Activities 2009 ('NESETA')	<p>Regulations 33-36 Regulations 33 to 36 provide for earthworks associated with existing transmissions lines. Conditions attached to the permitted activity rule (Regulation 33) specify: annual volume limits; a range of management controls in relation to erosion and sediment control as well as land stability and flood risk considerations; site stabilization requirements; and identifies areas where permitted earthworks cannot occur. Regulation 34 (controlled activities) applies to earthworks not provided for by Regulations 33, 35 and 36. Regulations 35 and 36 (restricted discretionary activities) relate to earthworks in historic heritage areas and where there is potentially contaminated land.</p>	<p>The NESETA establishes a regulatory framework that relates to the operation, maintenance, upgrading, relocation, or removal of existing transmissions lines. The District Plan provisions for earthworks cannot duplicate or conflict with the provisions in the NESETA.</p>
Assessing and Managing Contaminants in Soil to Protect Human Health 2011 ('NESCS')	<p>In the context of potential District Plan provisions for earthworks in the district, the NESCS establishes a regulatory framework for the sampling of and disturbance (i.e., earthworks) of contaminated soils.</p>	<p>The NESCS sets out that its regulations deal with territorial functions (Part 4). As such, it sits alongside the District Plan and its provisions should not be duplicated in the District Plan.</p>

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('NESFW')	<p>Regulation 54 (b)</p> <p>Earthworks within, or within a 10 m setback from, a natural wetland are a non-complying activity.</p>	The NESFW is regulated by the Canterbury Regional Council, but this rule needs to be considered to ensure integration between regional and district plans and to avoid duplication.
Regional Plans		Relevance: District Plan must not be inconsistent with (Section 75(4)(b))
Canterbury Air Regional Plan ('CARP')	<p>The CARP seeks to maintain or improve air quality and provide for people's health and cultural well-being. Rules 7.3 to 7.5 provide for the discharge of odour, dust and smoke as permitted, restricted discretionary and non-complying activities where the discharges are not managed by other rules in the CARP. Rule 7.3 (permitted activity) requires the discharges to not cause an adverse effect or an offensive or objectionable effect beyond the property boundary. Rules 7.32 to 7.34 provide for the discharges to air beyond the boundary of the property of origin from dust generating activities, including land development activities, as permitted, restricted discretionary and non-complying activities, respectively.</p>	While the CARP is the principal plan for the management of discharges to air the proposed District Plan can support the CARP in relation to managing the effects of dust beyond the boundary.
Land and Water Regional Plan ('LWRP')	<p>The LWRP provides direction on land and water management and identifies that discharges from earthworks are a regional responsibility. The plan includes provisions for earthworks that regulate the suspended sediment in stormwater from earthworks, earthworks over aquifers, earthworks within proximity to a</p>	Provisions cannot duplicate or conflict with the LWRP. However, the District Plan can manage the scale and location of earthworks to provide for amenity and landscape values not addressed by the LWRP.

	lake or river in certain circumstances and earthworks in erosion prone land.	
Iwi Management Plans Relevance: District Plan must take into account (Section 74(2A))		
Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy for the Canterbury Region 1990	Provides Ngāi Tahu views on resource management in Canterbury.	This document focuses more on regional council issues. However, policies relevant to earthworks include protection of wāhi tapu sites and other sites of significance identified by Papatipu Rūnanga.
Iwi Management Plan of Kati Huirapa 1992	Describes the values of Kati Huirapa (hapū), issues relating to environmental matters of concern. It contains policies that seek to protect hills and mountains with no scarring by tracks and roads, and if bones or artifacts are disturbed that rūnanga are contacted and Tikanga Māori observed.	This document focuses more on regional council issues. However, the themes and principles it contains around protection of waterways, indigenous areas and mahika kai sites have been given regard as part of reviewing the earthworks chapter of the Operative Plan.
Waitaki Iwi Management Plan 2019	Describes the values of the Te Papatipu Rūnaka (Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki) in relation to the Waitaki River and the wider catchment that provides a life source to the river (Aoraki / Mount Cook to the sea). The plan outlines the issues relating to the area, and direction for how these are addressed and how their relationship with the identified resource can be provided for. There is little specific to earthworks in this plan but reference to requirement for management plans for activities that create a discharge, revegetation and remediation to pre-development condition, and protection of mahika kai habitat and species are made.	As for other the Iwi Management Plans noted above this plan has a focus on regional council issues. However, issues associated with discharges from earthworks, site remediation and mahika kai are addressed through the proposed provisions.

Subdivision

Table 2: Planning Documents - Subdivision

National Policy Statements Relevance: District Plan must give effect to (Section 75(3)(a))		
Document	Summary	Relevance
Indigenous Biodiversity 2023	<p>The NPSIB recognises both the intrinsic values of indigenous biodiversity, as well as its value to people and communities. Its objective is to maintain indigenous biodiversity so that there is at least no overall loss in indigenous biodiversity in accordance with Clause 1.7 and Objective 2.1.</p> <p>Policy 7 directs protection of SNAs by avoiding or managing adverse effects from new subdivision, use and development. Policy 15: directs that areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range.</p> <p>Clause 3.5(1)(b) requires consideration that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms. Clause 3.10 requires specified adverse effects on an SNA from new subdivision, use and development to be avoided; and other adverse effects to be managed through application of the effects management hierarchy.</p>	<p>Indigenous biodiversity is predominantly managed in Section 19 of the District Plan. These provisions were introduced through PC18, which is currently before the Environment Court. The provisions, including any relating to subdivision, will need to be reviewed and brought in line with the NPSIB within the timeframe specified within it. This is outside the scope of PC27.</p>
Electricity Transmission 2008	<p>Objective 1</p> <p>The NPSET recognises the national significance of electricity transmission network and seeks to facilitate the operation, maintenance, upgrade, and development of the network while management of adverse environmental effects of the activity, and other activities on the network.</p>	<p>The NPSET requires that activities in the vicinity of the network are to be managed so that they do not compromise its operation. This is relevant to subdivision, primarily due to the potential effects of reverse sensitivity that may arise following subdivision and the impact that subdivision and subsequent development could</p>

	<p>Polices 2 and 5 Requires that the operation, maintenance, upgrading and development of the electricity network are recognised and provided for.</p> <p>Polices 10 and 11 Requires activities in the vicinity of the transmission network to be managed to avoid reverse sensitivity effects on the network and not compromise its operation, maintenance, upgrading, and development. Additionally, district councils must consult Transpower to identify appropriate corridors where sensitive activities will not be provided for in plans or resource consent granted.</p>	have on the continued operation, maintenance and upgrading of the network.
<p>National Policy Statement for Highly Productive Land ('NPSHPL')</p>	<p>Objective: Highly productive land is protected for use in land-based primary production, both now and for future generations.</p> <p>Policy 1: Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.</p> <p>Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.</p> <p>Policy 8: Highly productive land is protected from inappropriate use and development.</p> <p>Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.</p>	<p>The NPSHPL places various statutory obligations on the Mackenzie District Council to include objectives, policies, and rules in the district plan to:</p> <ul style="list-style-type: none"> a) Manage the subdivision, use and development of highly productive land, whilst recognising the extensive list of exceptions included in the NPSHPL; b) Allow the continuation of existing activities; c) Enable productive use of the land identified; d) Manage the use of land for productive land use from reserve sensitivity; and e) Manage cumulative loss of highly productive land through resource consent processes.
<p>Regional Policy Statements</p> <p>Relevance: District Plan must give effect to (Section 75(3)(c))</p>		
<p>Canterbury Regional</p>	<p>Chapter 5 – Land-Use and Infrastructure</p>	<p>The CRPS directs territorial authorities within the region to set objectives, policies and/or methods</p>

Policy Statement	<p>Objective 5.2.1 Location, Design and Function of Development (Entire Region) Sets out that development is located and designed so that it functions in a way that it achieves consolidated, well designed and sustainable growth in and around existing urban areas.</p> <p>Objective 5.2.2 Integration of land-use and regionally significant infrastructure (Wider Region) Calls for integrated patterns of land use with regionally significant infrastructure so as to avoid reverse sensitivity.</p> <p>Policy 5.3.1 - Regional growth (Wider Region) Seeks development patterns that ensure any urban growth and limited rural residential development occurs in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development.</p> <p>Policy 5.3.2 - Development conditions (Wider Region) Seeks that substantial developments are designed and built to be of high quality, robust and resilient.</p> <p>Policy 5.3.5 - Servicing development for potable water, and sewage and stormwater disposal (Wider Region) Seeks to ensure development is appropriately and efficiently serviced by avoiding development that will not be served in a timely manner, and requiring infrastructure services to be designed, built, and upgraded to ensure their on-going effectiveness.</p> <p>Policy 5.3.6 - Sewerage, stormwater, and potable water infrastructure (Wider Region)</p>	in district plans that ensure appropriate servicing by transport, stormwater, and wastewater infrastructure. There are also a range of specific directions relation to subdivision located in particular areas or which has certain features, which the District Plan must align with.
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	<p>Avoid development that constrains the ongoing ability for infrastructure to be developed and used.</p> <p>Policy 5.3.8 - Land Use and Transport Integration Integration of land use and transportation planning.</p> <p>Policies 5.3.9 and 5.3.10 -Regionally significant infrastructure and Telecommunication infrastructure (Wider Region) Avoid development that constrains the use or development of regionally significant infrastructure and telecommunication infrastructure and provide for its expansion and development.</p> <p>Policy 5.3.12 -Rural production (Wider Region) Maintain and enhance resources contributing to Canterbury's rural productive economy by avoiding development or fragmentation that inhibits the ability to make appropriate use of that land for primary production, or results in reverse sensitivity effects that limit or preclude primary production.</p> <p>Chapter 7 – Freshwater</p> <p>Objective 7.2.1 Sustainable management of fresh water Seek to protect the natural character values of wetlands, lakes, and rivers, including from inappropriate subdivision.</p> <p>Policy 7.3.4 - Water Quantity Council must consider access to and availability of fresh water in catchments for individual domestic or stock water supply, when setting provisions for subdivision in rural areas in district plans.</p>	
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	<p>Chapter 9 - Ecosystems and Indigenous Biodiversity</p> <p>Objective 9.2.1 - Halting the decline of Canterbury's ecosystems and indigenous biodiversity.</p> <p>Seek to halt the decline of and restore or enhance ecosystems and indigenous biodiversity.</p> <p>Policy 9.3.1 Protecting Significant Natural Areas</p> <p>Council should consider use of incentives for protection of significant indigenous vegetation and significant habitats of indigenous fauna in relation to subdivision.</p> <p>Chapter 10 – Beds of Lakes and Rivers</p> <p>Objective 10.2.1 – Provision for activities in beds and riparian zones and protection and enhancement of bed and riparian zone values</p> <p>Enable subdivision of river and lake beds and their margins, while protecting significant values, and enhancing values in appropriate locations.</p> <p>Policy 10.3.1 - Activities in river and lake beds and their riparian zones</p> <p>Requires the Council to set out objectives and policies to control effects of inappropriate subdivision to avoid, remedy or mitigate adverse effects on riparian zones.</p> <p>Policy 10.3.2 - Protection and enhancement of areas of river and lake beds and their riparian zones</p> <p>Preserve the natural character of rivers and their margins and protect them from inappropriate subdivision. Riparian zones should be a priority for enhancement or environmental</p>	
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	<p>mitigation where development, subdivision or changes in use occur.</p> <p>Policy 10.3.3 - Management for flood control and protecting essential structures Manage activities in riverbeds, banks, and margins, including subdivision, to avoid exacerbating flood risk or causing adverse effects to infrastructure.</p> <p>Policy 10.3.5 - Maintenance and enhancement of public and Ngāi Tahu access Seeks that subdivision does not result in inappropriate loss of public or Ngāi Tahu access to and along beds or rivers and lakes.</p> <p>Chapter 11 – Natural Hazards</p> <p>Objective 11.2.1 - Avoid new subdivision, use and development of land that increases risks associated with natural hazards Seeks to avoid subdivision of land that increases risks associated with natural hazards.</p> <p>Policy 11.3.1 - Avoidance of inappropriate development in high hazard areas Avoid inappropriate subdivision and development in high hazard areas.</p> <p>Policy 11.3.2 - Avoid development in areas subject to inundation Avoid development in areas subject to inundation unless there is no increased risk to life, the development will not suffer material damage, or the risks are mitigated.</p> <p>Policy 11.3.3 - Earthquake hazards Manage subdivision of land on or close to active earthquake fault traces, or in areas subject to liquefaction or lateral spread to mitigate effects.</p>	
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	<p>Policy 11.3.5 - General risk management approach Avoid subdivision where the risk from natural hazards is unacceptable, considering the likelihood of an event and its potential consequences.</p> <p>Chapter 12 – Landscape</p> <p>Objective 12.2.1 - Identification and protection of outstanding natural features and landscapes Seeks to identify and protect outstanding natural features and landscapes.</p> <p>Policy 12.3.2 - Management methods for outstanding natural features and landscapes Manage subdivision, to protect outstanding natural features and landscapes from inappropriate subdivision. This may include provisions that provide for covenanting, pest management or revegetation.</p> <p>Policy 12.3.3 - Identification and management of other important landscapes Manage other landscapes for natural character, historic cultural, historic heritage and amenity purposes including by not allowing inappropriate subdivision.</p> <p>Chapter 13 – Historic Heritage</p> <p>Objective - 13.2.1 Identification and protection of significant historic heritage</p> <p>Objective 13.2.2 - Historic cultural and historic heritage landscapes</p> <p>Policy 13.3.1 - Recognise and provide for the protection of significant historic</p>	
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	<p>and cultural heritage items, places, and areas</p> <p>Policy 13.3.2 - Recognise places of cultural heritage significance to Ngāi Tahu</p> <p>All seek to protect significant heritage items, places and areas and landscapes from inappropriate subdivision.</p>	
<p>National Environmental Standards</p> <p>Relevance: District Plan must not duplicate or conflict unless specified in NES (Sections 43B and 44A of the RMA))</p>		
Assessing and Managing Contaminants in Soil to Protect Human Health 2011	<p>The NESCS imposes additional requirements for the subdivision of land where land contamination may be a concern. As such, the District Plan provisions for subdivision do not need to address the potential for land contamination.</p>	<p>The district plan provisions for subdivision do not need to address the potential for land contamination.</p>
<p>Regional Plans</p> <p>Relevance: District Plan must not be inconsistent with (Section 75(4)(b))</p>		
Canterbury Air Regional Plan	<p>The CARP manages discharges to air within the Canterbury Region, seeking to manage them in the best practicable manner. This includes provisions relating to discharges of contaminants to air broadly, as well as specific provisions relating to dust.</p>	<p>The District Plan must not be inconsistent with the CARP. If a subdivision activity involves the discharge of contaminants to air, the discharge will also be regulated under the CARP, for example, land disturbance or earthworks that generate dust.</p>
Land and Water Regional Plan	<p>The LWRP directs how land and water is managed in the Canterbury region in relation to the regional council's functions for those activities.</p> <p>Policy 4.15</p> <p>Seeks that in urban areas adverse effects on water quality, aquatic ecosystems, existing land uses, and public health are avoided by requiring all sewage to be discharged into a reticulated system where available. Stormwater is to be discharged into land or a reticulated system where available.</p>	<p>The District Plan must not be inconsistent with the LWRP. Some aspects of activities associated with subdivision may also be regulated under the LWRP, for example, in relation to stormwater discharges.</p> <p>Managing subdivision so that it does not impact upon community drinking water supply areas to align with, but not duplicate the rules in the regional plan.</p>

	<p>Policy 4.17</p> <p>Seeks that stormwater run-off volumes and peak flows are managed so that they do not cause or exacerbate the risk of inundation, erosion or damage to property or infrastructure downstream or risks to human safety.</p>	
<p>Iwi Management Plans</p> <p>Relevance: District Plan must take into account (Section 74(2A))</p>		
<p>Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy for the Canterbury Region 1990</p>	<p>Provides Ngāi Tahu views on resource management in Canterbury.</p>	<p>This document focuses primarily on regional council issues. However, policies relevant to subdivision include protection of wāhi tapu sites and other sites of significance identified by Papatipu Rūnanga.</p>
<p>Iwi Management Plan of Kati Huirapa 1992</p>	<p>Describes the values of Kati Huirapa (hapū), issues relating to environmental matters of concern. It contains policies that seek recognition of the originally intended purposes of Māori Reserve land and that the original purpose should be generously interpreted.</p>	<p>This document predominantly applies to regional council issues. However, the themes and principles it contains around protection of waterways, indigenous areas and mahika kai sites are relevant to the Subdivision chapter of the Plan.</p>

Public Access

Table 3: Planning Documents - Public Access

Document	Summary	Relevance
<p>Iwi Management Plans</p> <p>Relevance: District Plan must take into account (Section 74(2A))</p>		
<p>Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy for the Canterbury Region 1990</p>	<p>Provides Ngāi Tahu views on resource management in Canterbury.</p>	<p>This document focuses more on regional council issues. However, policies relevant to public access include protection of wāhi tapu sites and other sites of significance identified by Papatipu Rūnanga.</p>

Iwi Management Plan of Kati Huirapa 1992	Describes the values of Kati Huirapa (hapū), issues relating to environmental matters of concern. It contains policies that seek to protect hills and mountains with no scarring by tracks and roads, and if bones or artifacts are disturbed that rūnanga are contacted and Tikanga Māori observed.	The themes and principles it contains around protection of waterways, indigenous areas and mahika kai sites have been given regard as part of reviewing the Public Access chapter of the Plan.
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Transport

Table 4: Planning Documents - Transport

Regional Policy Statements Relevance: District Plan must give effect to (Section 75(3)(c))		
Document	Summary	Relevance
Canterbury Regional Policy Statement	<p>Objective 5.2.1(2)(f)andg) Location, Design and Function of Development (Entire Region) Enable the provision of social, economic, and cultural wellbeing by locating and designing development that is compatible with and will result in the continued safe, efficient, and effective use of regionally significant infrastructure and which avoids significant adverse effects on it.</p> <p>Objective 5.2.2 Integration of land-use and regionally significant infrastructure (Wider Region) Calls for patterns of land use with regionally significant infrastructure so as to avoid reverse sensitivity.</p> <p>Objective 5.2.3 Transport Network (Wider Region) Seeks a safe, efficient, and effective transport system that meets transport needs and accessibility at a local as well as broader level while maintaining consistency with the regional roading hierarchy.</p>	<p>The CRPS directs territorial authorities within the region to set objectives, policies and/or methods in district plans that give effect to the following:</p> <ul style="list-style-type: none"> • Avoid land uses that may result in adverse reverse sensitivity effects on transport infrastructure; • Enable the appropriate upgrading of existing and establishment of new transport infrastructure; • Address the interaction between land use and the transport system, including high traffic generators and the promotion of accessibility and modal choice as appropriate; and • Promote transport modes which have low adverse environmental effects.

	<p>Policy 5.3.7 Strategic land transport network and arterial roads (entire region)</p> <p>Focuses on the avoidance of development that adversely effects the safety and effectiveness of the transport network and arterial roads, and avoidance of development that inhibits the potential for future development of the transport network.</p> <p>Policy 5.3.8 Land Use and Transport Integration (Wider Region)</p> <p>Directs the integration of land use and transport in a safe, efficient, and effective way that promotes transport modes that have a low environmental effect. Adverse effects from the transport system on significant resources and cultural values should be avoided, or appropriately controlled.</p> <p>Policy 5.3.9 Regionally significant infrastructure (Wider Region)</p> <p>Seeks to avoid other development which obstructs or constrains future regionally significant infrastructure development, its operation, maintenance, or expansion.</p>	
Plans or strategies prepared under other legislation		
	<p>Relevance: District Plan must have regard to (Section 74(2)(b)(i))</p> <p>Government Policy Statement on Land Transport 2021/22 – 2030/2031 ('GPSLT')</p> <p>The GPSLT outlines the Government's strategy to guide land transport investment over the next 10 years. It also provides guidance to decision-makers about where the Government will focus resources. The GPSLT operates under the Land Transport Management Act 2003 and is important in signalling the Government's funding commitment to create an efficient, modern, and resilient transport system. The strategic priorities in the GPSLT are:</p> <ul style="list-style-type: none"> • Safety: Developing a transport system where no-one is killed or seriously injured. 	Section 1.2 Responsibilities, outlines the need for councils, including territorial authorities, to support the GPSLT as they lead long term planning and more detailed land use and transport planning for their districts.

	<ul style="list-style-type: none"> • Better Travel Options: Providing people with better transport options to access social and economic opportunities. • Improving Freight Connections: Improving freight connections for economic development. • Climate Change: Developing a low carbon transport system that supports emissions reductions, while improving safety and inclusive access. 	
Canterbury Regional Land Transport Plan 2021-2031 ('RLTP')	The RLTP sets out the context in which the transport system operates, the vision and strategic objectives for the transport system, the priorities for investment – key areas where further investment is required in order to achieve the vision and objectives and a prioritised regional programme of transport activities.	The RLTP has been taken into account when preparing the Transport provisions to support the vision and priorities in the RLTP.
Mackenzie Spatial Plans 2021	Set a 30-year vision for the future of the District's towns and settlements, including identification of locations for growth and changes of zoning/ land use within the District's townships.	Enhancing transport connectivity and mobility for all modes and users was identified as an opportunity through the Spatial Plan.
Long Term Plan 2021-31	Identifies the activities Council intends to carry out over the next ten years, their cost, and how they will be funded.	The transportation functions of Council support the provision of the district's roading network, which is vital infrastructure for the community, underpinning the district's economic wellbeing and supporting significant activities such as farming, tourism, and development. Appropriate planning mechanisms can help to support Council's activities in this space.
Te Manahuna Ki Uta / Destination Mackenzie	Is intended to provide strategic direction on how tourism within the Te Manahuna / Mackenzie District will be managed, to guide planning within and across agencies.	The potential for more sustainable travel and transport options utilising mechanisms to reduce private vehicle dependency such as park and ride facilities, public transit stations and electric charging stations is seen as strategic

		initiatives that the District Plan could support.
Economic Development Strategy 2021 - 2025	Sets out the criteria that Council uses to guide decision making relating to the District's economic and business sector development. It expresses a desire for decarbonisation, particularly of tourism transport in environmentally sensitive areas such as Aoraki/Mt. Cook National Park. Additionally, traffic planning and management improvements to enhance pedestrian safety and improve pedestrian movements in town centres.	The Economic Development Strategy has been taken into account when preparing the Transport provisions.
Iwi Management Plans Relevance: District Plan must take into account (Section 74(2A))		
Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy for the Canterbury Region 1990	Provides Ngāi Tahu views on resource management in Canterbury.	This document focuses on regional council issues. However, policies relevant to transport include protection of wāhi tapu sites and other taonga sites identified by Papatipu Rūnanga.
Iwi Management Plan of Kati Huirapa 1992	Describes the values of Kati Huirapa (hapū), issues relating to environmental matters of concern.	This document focuses more on regional council issues. However, the themes and principles it contains around protection and maintenance of waterways, indigenous areas and mahika kai sites, including access to these sites, should still be regarded as part of reviewing the transport chapter of the Plan.

3. Strategic Directions

3.1. The following proposed Strategic Directions are relevant to these topics:

ATC-01 Live, Work, Play and Visit

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.

ATC-O2 Rural Areas

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

ATC – O3 Infrastructure

The importance to the District and beyond of infrastructure, particularly nationally and regionally significant infrastructure, is recognised and provided for.

ATC-O6 Incompatible Activities

The location and effects of activities are managed to:

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

MW-O1 Mana Whenua Values

The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.

MW-O2 Mana Whenua Involvement

Mana whenua are able to:

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

NE-O1 Natural Environment

The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with the following important natural resources:

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.

UFD-O1 Urban Form and Development

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

1. *is integrated into, and respects the values of the surrounding natural and physical environment;*
2. *achieves good connectivity with other parts of the urban area;*
3. *is integrated with the provision of infrastructure and facilities which support the functioning of the community;*
4. *maintains the anticipated character of each township, and its attractiveness to residents, businesses and visitors;*
5. *responds to the needs of the community, including diversity in housing and business opportunities; and*
6. *protects highly productive land.*

3.2. The relevant aspects of these Strategic Objectives seek to ensure that the amenity values and character of different areas are maintained or enhanced, that the values associated with the natural environment are recognised and provided for, and as appropriate, protected and enhanced. It also acknowledges that these values contribute to the District's uniqueness, character, identity, and wellbeing.

4. Current Approach

Transport

- 4.1. Roads in Te Manahuna / Mackenzie District are zoned according to the zoning on either side of the road. The Transport provisions are district wide provisions which apply in addition to any relevant zone provisions. Section 15 (Transportation) includes the district wide transport rules. Section 13 (Subdivision) outlines the road design attributes for each road type and zone.
- 4.2. Section 15 identifies three issues (providing for vehicle parking loading and access; ensuring cost efficient road maintenance; and environmental effects of transportation), and contains two objectives, each with a related policy.
 - Objective 1 and Policy 1a seek to manage the effects of vehicle parking and loading on each zone within the District while having regard for the District's roading hierarchy, and particularly the State Highway network.
 - Objective 2 and Policy 2a relates to the equitable sharing of road maintenance costs and seeking compensation for damage to the transport network that is not related to expected wear and tear.
- 4.3. With only two objectives and policies, which have a narrow focus, the direction provided by the Operative Plan is limited.
- 4.4. The approach taken to managing transportation with the Operative Plan is through the use of performance standards. The performance standards contain direction related to:
 - Parking: Number and size of parks as they relate to activity type (including for disabilities), reverse manoeuvring, and the potential for cash in lieu of providing parking.
 - On road queuing.

- Loading areas.
- Surface and drainage of parking and loading areas.
- Landscaping.
- Vehicle crossings: required standards, length, and their distance from intersections.
- Access on to State Highways.
- Private vehicle accesses: required standards, and visibility from accesses.
- Compensation for damage to roads.

4.5. Section 15(3) provides an explanation of the road hierarchy, which includes three classifications: Arterial, Collector and Local Roads. The definition of each road type is based on the function of the road, with Arterial Roads being the State Highways through the District and Local Roads serving a, mostly, property access function. There are no roads that meet the definition of a Collector Road in Te Manahuna / the Mackenzie District. Within the Operative Plan Provisions the Road Hierarchy is used to determine the distance from which a vehicle crossing may be located in relation to intersections.

4.6. Section 13 – Subdivision, outlines the road design attributes for each road type and zone (either rural and rural residential or other zones). It is noted that footpaths are required on both sides in all zones except in Rural and Rural Residential Zones.

4.7. A cash payment may be made in lieu of part or all of the parking requirement in areas where the Council is anticipating creation of public parking that would serve the area of the development.

4.8. There are permitted activity standards in both the Residential (3.1.1.f) and Rural (3.1.1.d) Sections which require each residential unit to have access to a formed road.

4.9. The subdivision standards:

- Require new roads to be vested in the Council and provides details of requirements.
- Specify the standards for new carriageways, footpaths, and the process for road naming.
- Require land with frontage to a State Highway to provide access via an alternative road if available.
- Limit the number of lots serviced by a right of way to five.

Public Access

4.10. The current provisions that make reference to facilitating or providing for public access are included within Section 13 – Subdivision and Development Rules and specifically in relation to the provision of esplanade reserve and strips as an assessment matter for subdivision consent applications.

4.11. Esplanade provisions are listed as a standard (7.c) and outline that an esplanade reserve or strip may be required.

4.12. Matters of assessment for esplanade reserves are laid out in 10.2.e Esplanade Provision.

Subdivision

4.13. The subdivision provisions are contained in Section 13 of the Operative Plan.

4.14. The objectives and policies of the Subdivision Chapter are split into six themes:

- The provision of services including roading and access.
- The cost of services including the payment of financial and recreation contributions.
- Public open space and recreation areas and facilities.
- Esplanade areas and esplanade access strips.
- The avoidance of natural hazards.
- Design and location.

4.15. There is no provision for a permitted activity subdivision in the Operative Plan.

4.16. Any subdivision outside Te Manahuna/ the Mackenzie Basin Subzone which complies with all Subdivision Standards is a Controlled Activity. The matters to which the Council has reserved control are extensive and relate to the following matters:

- Allotment Size and Dimensions
- Subdivision Design
- Property Access
- Esplanade Provision
- Natural and Other Hazards
- Earthworks
- Water Supply
- Stormwater Disposal
- Sanitary Sewage Disposal
- Trade Waste Disposal
- Energy Supply and Telecommunications
- Vegetation and Landscape
- Easements
- Building Location
- Design within 20m of Transmission Lines

4.17. The Operative Plan (1.c) makes reference to Council's Code of Practice when considering residential subdivision. This is based on the Code of Practice for Urban Land Subdivision NZS 4404 1981. The Code is referred to in the assessment matters for resource consents and relates to the various engineering requirements but is not strictly part of the District Plan. The District Plan states that from time to time the Council will adopt modifications to the Code.

Earthworks

4.18. The Operative Plan has provisions relating to earthworks located in several chapters.

4.19. Section 7a – Rural Residential Zone - Manuka Terrace and Section 7b – Ōhau River Rural-Residential Zones

4.20. Sections 7a and 7b contain earthworks activity thresholds for volume and bare soils:

Table 5: Operative Plan, Section 7a Earthworks Thresholds

Earthworks Volume (m ³ /site)	Bare soil (m ² /site)	Activity Status
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300m ³ or less	1000m ² or less	Permitted
More than 300m ³ but less than 1000 m ³	More than 1000m ² and less than 2500m ²	Controlled
More than 1000 m ³	More than 2500m ²	Discretionary

4.21. Council's control is limited to:

- Siting, slope, camber, and manner of formation of any track.
- Terrain disturbance including vegetation clearance.
- Rehabilitation of the site post excavation.

4.22. There is also a list of exceptions where the volumes and area do not apply, such as for maintenance of tracks, fence lines, utilities, or where the works are approved via a subdivision, resource consent or building consent.

4.23. Section 7 - Rural Zones

The policies in the Rural Zone chapter seek to manage earthworks by:

- Applying standards, guidelines, and good management techniques to control earthworks (Rural Policy 2A).
- Limiting earthworks in identified areas (steeper slopes, high altitude areas and geo-preservation sites) to maintain their landforms and character (Rural policy 3A1).
- Controlling the effects of development on Outstanding Natural Features in Farm Base Areas (Rural Policy 3B3).

Part 4 - Earthworks and Tracking, contains the rules relevant to earthworks in the Rural Zone and contains earthworks activity thresholds for volume and bare soils. The thresholds in Table 2, below, are subject to standards (Table 3).

Table 6: Operative Plan, Section 7, Part 4 -Earthworks Thresholds

Earthworks Volume (m ³ /site)	Bare soil (m ² /site)	Activity Status
300m ³ or less	1000m ² or less	Permitted
More than 300m ³ but less than 1000 m ³	More than 1000m ² and less than 2500m ²	Controlled
More than 1000 m ³	More than 2500m ²	Discretionary

Council's control is limited to:

- Siting, slope, camber, and manner of formation of any track.
- Terrain disturbance including vegetation clearance.

- Rehabilitation of the site post excavation.
- Visual impact of stockpiles.
- Impact on landscape, amenity, and indigenous ecosystems.

The thresholds in the table above are subject to the following standards. Where a standard cannot be met the activity is Discretionary.

Table 7: Operative Plan, Section 7, Part 4 - Standards

Area	Standard
Sites of Natural Significance ('SONS')	20m ³ and/or 50m ² per hectare in any 5-year period
Slope	Less than 25 degrees
Riparian Areas	20m ³ and/or 50m ² per hectare in any 5-year period within listed setbacks from rivers, lakes, and wetlands
Geopreservation sites	20m ³ and/or 50m ² per hectare in any 5-year period
High-altitude Areas (above 900m)	20m ³ and/or 50m ² per hectare in any 5-year period
Scenic Viewing Areas	No earthworks permitted.
Scenic Grasslands	No earthworks permitted.

Earthworks or tracking which are not provided for as a Permitted or Controlled Activity are Discretionary under the Operative Plan.

Exemptions exist for maintenance of tracks, levelling of fence lines; and utilities, where the works have been approved via a subdivision, resource consent or building consent.

4.24. Section 16 – Utilities

The rules contained in Section 16 take precedence over any other rules that may apply to utilities in the Operative Plan, unless stated to the contrary. This allows for many essential services to undertake works in a less constrained manner than the general public.

Earthworks are permitted for a range of utility activities (supply of electricity, underground pipes etc.), subject to standards. Within the standards earthworks are restricted to 20m³ or 50m² per hectare in any continuous period of 5 years when they are located within:

- Sites of Natural Significance;
- Lakeside Protection Areas;
- Scenic Viewing Areas;
- Above 900 metres in altitude; or
- Within 50m of a wetland, or 20m of a river.

Noting that this restriction does not apply where a resource consent from the Canterbury Regional Council has been obtained.

5. Issues

Transport

Investment Logic Map

5.1. The Investment Logic Mapping undertaken for the District Plan review identified four key problems which the District Plan review should address. This included the outdated nature of the Plan. Many of the standards contained within the Operative Plan are based on engineering standards that no longer apply or have been replaced. While not necessarily permissive, the current transport rules are outdated and need to be brought into a contemporary framework. This is illustrated by the objectives and policies in the Operative Plan (Section 15) that are limited to vehicle parking and loading, and the equitable sharing of road maintenance costs. Other district plans contain objectives and policies that cover a broader range of transport related topics such as integration and compatibility of land use with the adjacent roading type, multi modal linkages and access, environmental effects of the transport network and providing for the operation, maintenance and upgrading of the existing transport network.

Integrated Transport Assessments

5.2. Larger developments, or those in sensitive locations on the transport network are more likely to be high trip generating activities and have the potential to cause significant transport effects. Integrated Transport Assessments ('ITA's) can be used to consider the proposed impact of a development on the network and the effectiveness of any mitigation measures that are proposed to address potential impacts.

Modal Shift

5.3. The Operative Plan currently focuses on vehicles, rather than road use / road users. There are no identified issues or associated objectives and policies related to sustainable transport modes and/or non-vehicle road users. The District Plan Review provides an opportunity to consider policy direction relating to a range of transport options and review standards relating to cycling and pedestrian facilities, to help make the built environment safer and more convenient for pedestrians and cyclists and to better encourage people to consider these modes of travel.

Roading Hierarchy

5.4. Technical advice recommends some updating of the existing roading hierarchy. Maintaining a simple approach is appropriate given the small number of roading types in the district.

Public Access

Investment Logic Map

5.5. The ILM development for the District Plan review identified four key problems which the Plan Review should address, including the following:

- *Failure to protect our natural landscapes, water and indigenous biodiversity, erodes Mackenzie's unique environment.*

- *Mana whenua values and footprint are missing, reducing the strength of the plan and inhibiting the ability of our tangata and mokopuna to thrive.*
- *The outdated and permissive nature of the plan, results in inconsistent and ad hoc decision making, creating perverse and undesirable outcomes.*

5.6. The District Plan can facilitate increased public access along and provide protections for waterways of the district that are valued by the community. The current public access provisions, while giving effect to the Act, are dated and need to be brought into a contemporary framework.

Subdivision

Investment Logic Mapping

5.7. The Investment Logic Mapping undertaken for the District Plan review identified four key problems which the District Plan review should address. This included uncoordinated and fragmented development is enabled, disrupting social and economic wellbeing, putting pressure on infrastructure. Additionally, that the outdated and permissive nature of the Operative Plan resulted in inconsistent and ad hoc decision making, creating perverse and undesirable outcomes. The current subdivision rules were enacted in 2004 when the current District Plan became operative. Therefore, aspects of the Operative Plan are out-of-date.

Minimum Density Standards

5.8. As previously outlined density controls are being revised as part of the review for each zone. This process has already begun with the density provisions for different residential zones addressed in the now operative PC21, and Rural (PC23) and Rural Lifestyle (PC25) Zone densities being reviewed in parallel as part of this Stage 3 process. There is a need to ensure that these are aligned with the subdivision controls.

Engineering and Servicing Standards

5.9. The subdivision provisions are outdated, and the District Plan Review provides an opportunity to bring them into a contemporary form, consistent with best practise.

Earthworks

Investment Logic Map ('ILM')

5.10. The ILM development for the District Plan review identified four key problems which the Plan Review should address, including the following:

- *Failure to protect our natural landscapes, water and indigenous biodiversity, erodes Mackenzie's unique environment.*
- *Mana whenua values and footprint are missing, reducing the strength of the plan and inhibiting the ability of our tangata and mokopuna to thrive.*
- *The outdated and permissive nature of the plan, results in inconsistent and ad hoc decision making, creating perverse and undesirable outcomes.*

5.11. Earthworks, while necessary, have the potential to adversely affect aspects of the Te Manahuna / Mackenzie District that are valued by the community. The District Plan needs to ensure that earthworks are enabled where appropriate but that adequate controls are in place to protect the areas of the district that are special and unique. While not permissive, the current earthworks rules need to be brought into a contemporary framework.

Thresholds

5.12. The current rules do not differentiate between rural and urban environments with regard to volume and area.

5.13. The Operative Plan sometimes uses volume and area ‘per hectare in any continuous 5-year period’ and sometimes ‘per site in any continuous 5-year period’. Community consultation feedback raised concerns about interpretation issues in the instance of ‘per hectare’ leading to unintended and unwanted cumulative effects. An example being that ‘per hectare’ could be interpreted by a landowner with ten hectares to mean they can take the permitted volume ten times from the same site.

Depth of Works

5.14. The Operative Plan does not currently include provisions relating to depth and height of earthworks to provide for land stability and visual amenity. Other district plans consistently utilise a standard cut height or fill depth to 1.5m.

Accidental Discovery

5.15. Earthworks have the potential to uncover and thus adversely affect recorded or unrecorded sensitive material.

Exemptions

5.16. The Operative Plan has some exemptions to earthworks rules to allow for reasonably anticipated activities where they are not expected to have adverse environmental impacts. However, these exemptions are considered to be incomplete and require updating.

6. Consultation

6.1. In accordance with Schedule 1, clause 3(1), consultation was undertaken with the regional council, and tangata whenua.

6.2. Mana Whenua, via Aoraki Environmental Consultants Limited (AEC) staff being part of the project team, have assisted with the drafting of these chapters. Specifically, this collaboration has led to the inclusion of a permitted activity standard relating to accidental discovery of sensitive material within the proposed Earthworks provisions and helped to identify priority waterways as part of the proposed schedules in the public access provisions.

6.3. A part of community engagement on Stage 3 of the District Plan Review, drop-in days (evenings and weekends) and targeted stakeholder meetings were held in March 2023. In addition, an online survey including specific questions regarding Transport, Public Access, Subdivision and Earthworks, was available through the Mackenzie District Council website. The first round of engagement assisted with the drafting of the Preferred Approach report.

- a. Earthworks comments were received stating:
 - Concern over cumulative effects of permitted earthworks i.e., continually taking below the permitted volume from the same site year on year.
 - Concern about stockpile height and appearance.
- b. Subdivision comments related to:
 - Providing clear standards.
 - Important to expand the walkway areas and to have more foot/push bike access through appropriate green areas in any subdivision.
 - Subdivisions should be responsible for increasing the capacity of the associated infrastructure.
- c. Transport matters raised were:
 - Desire to see modern transport options and reduced vehicle trips.
 - More provision for active travel options within and between towns, particularly Twizel.
 - More consideration around transport and infrastructure impacts of new subdivisions
 - Parking issues and road planning (Twizel and Takapō / Tekapo).
- d. Public access feedback related to:
 - Maintaining shared use (pedestrian, cycle and equestrian) on the Fairlie River Trail.
 - Prioritising access along the Ōpihi River and its tributaries.

6.4. In August 2023, additional community engagement was undertaken, similar to the first round, and also included circulation of draft chapters to interested parties. A summary of the broad themes raised in this engagement is set out in the table below, along with a response to the feedback.

6.5. In addition to the broader themes set out below, some parties sought specific changes to the drafting to improve the readability and clarity of provisions, better align with the direction of the CRPS, or correct errors to improve the provisions. Where these were considered to improve the drafting, they have been included in the drafting process for PC27.

Table 8: Consultation Feedback

Matter Raised	Response
Earthworks	
In relation to EW-R1, seek the addition of walking and cycling tracks within the exemption list.	Considered appropriate and included within EW-R1, as there are multiple established walking and cycling tracks within the district. The repair and maintenance of these tracks is

	unlikely to cause adverse effects to the extent that resource consent is required.
Exemption sought in EW-R1 in relation to the removal or replacement of underground fuel storage systems as the activity is managed under NESCS.	Considered appropriate and included within EW-R1. As noted in the feedback, requiring resource consent under the EW chapter in addition to the NESCS would be inefficient and duplicitous.
In relation to EW-R1.1.c (roads), the addition of 'and associated infrastructure' is sought.	Considered appropriate and EW-R1.1.c amended to include this.
Earthworks volumes, specifically within the GRUZ, seen as limiting and too restrictive.	Volume reconsidered and increased to 1000m ³ in the GRUZ, in line with the Queenstown Lakes District which shares a similar geographic profile.
Sedimentation not adequately addressed within the provisions.	Sedimentation added to the matters of discretion.
Exemption for temporary military training activities sought.	It is considered that temporary military training activities are best addressed in Stage 4 of the Mackenzie District Plan review when the Temporary Activities chapter is reviewed.
Subdivision	
Change sought to the activity status for the Ōhau River Rural Residential Zone from discretionary to restricted discretionary, as well as change to the provisions.	The zone was established through PC13 to the Operative Plan and the provisions for this zone are a direct rollover. No change is proposed.
Any General Rural Zone subdivision should be required to provide telecommunications.	Considered appropriate and SUB-S8 amended to 'All Zones'.
SUB-S8 should be amended to require connections to an 'open access fibre network' to be provided at the boundary of all allotments in zones other than the GRUZ.	Considered to be too prescriptive and not allow for other or future options. No change proposed.
SONS and Outstanding Natural Landscapes ('ONLs') be identified as sensitive environments.	SONS are managed through the rules in Section 19, and it is appropriate to leave their management within this section. Other rules proposed through PC23 adequately manage ONLs and to do so in through PC27 would create duplication. No change proposed.
That any new subdivision or land use that does not have access to a reticulated water supply has access to an adequate firefighting water	The feedback has been accepted, to a degree. SUB-S3 Water Supply requires that water be supplied to each allotment from a self-sufficient

<p>supply of some kind. This essential emergency supply will provide for the health, safety and wellbeing of people and the wider community, and therefore achieves the purpose of the RMA.</p> <p>Adequate access to both the source of a fire and a firefighting water supply is also essential to the efficient operation of Fire and Emergency.</p>	<p>supply where reticulated services are not available. This has been amended to include reference firefighting water supply. SUB-MD3 Water Supply contains a matter of discretion relating to the method by which water for firefighting purposes will be supplied and accessed.</p> <p>It is noted that the upcoming review of the Natural Hazards chapter in Stage 4 of the Mackenzie District Plan Review will allow for a more comprehensive approach to the matters raised in this feedback. The provisions in the subdivision chapter are sufficient to address the concerns outlined without running the risk of duplicating what is likely to be adopted through the later stage of the District Plan review.</p>
<p>SUB-S2 – Property Access for RESZ – every township (apart from Twizel) has State Highway transecting the township, due to the small size of each township it is restrictive to have a Non-Complying Activity Status if a site does not have legal access to a road that is not a State Highway. Waka Kotahi control connections therefore if anything, a Restricted Discretionary or Discretionary Activity status would be the most appropriate response to this.</p>	<p>SUB-S2 amended to be restricted discretionary.</p>
<p>Having a minimum allotment size of 100ha in the General Rural zone is not consistent with neighbouring Councils (40ha in Timaru, 50ha in Ashburton). With the upcoming reform it would be more prudent to have standards in alignment with neighbouring Councils.</p>	<p>This approach does not provide for the landscape character anticipated within this zone, in the context of the Mackenzie District. The proposed density is supported by technical advice from Boffa Miskell, Landscape Architects.</p>
<p>Include a policy in the subdivision chapter to protect renewable electricity generation activities from reverse sensitivity. While acknowledged that it is implemented in other chapters it should be clearly defined as other rules may not be referenced to make it clear to plan users.</p>	<p>New policy included with suggested wording.</p>
<p>SUB-R1 and SUB-R3 does not include the reverse sensitivity matter of discretion. We consider this is required in those Rules to be able to consider any land use consequences from the proposed boundary adjustment or</p>	<p>Partially agree with the feedback provided. SUB-R1 already provides for reverse sensitivity. Reverse sensitive matter of discretion added to SUB-R3 as requested.</p>

<p>subdivision to create access, reserve, or infrastructure sites on the water quality of Lake Opuha. We note such consideration is included in SUB-R2, but amendment may be required to ensure the reverse sensitivity effects of activities associated with the Opuha Dam, associated infrastructure and Lake Opuha are provided for.</p> <p>Furthermore, it would be beneficial to expand SUB-MD8 to include whether there is a need to provide a separate distance from regionally significant infrastructure (clarifying this includes Opuha Lake, Opuha Dam and weir and associated structures), or other mitigation measures, to minimise potential for reverse sensitivity conflicts (which could relate to water quality of the lake or the normal operating or upgrading activities OWL could do).</p>	<p>SUB-M8 Reverse sensitivity amended to include regionally significant infrastructure. However, the further clarification sought is considered unnecessary.</p>
<p>Transport</p>	
<p>Would like to see provision for public transport included to fully give effect to CRPS Policy 5.3.8.</p>	<p>TRAN-P3(1) promotes 'a range of transport options...'. The nature of Te Manahuna / Mackenzie District (population size, density, and geography) is such that there is less opportunity for public transport than other districts and specific provision for public transport is not required in the way that it is for districts with larger towns and cities.</p>
<p>Need to comply with the requirements of the NPSUD.</p>	<p>The population of the district and its townships means the NPSUD does not apply to the Mackenzie District.</p>
<p>Suggested that a specific rule in the Transport Chapter is drafted which enables Electric Vehicle Charging Infrastructure ('EVCI') as a permitted activity in all zones, subject to compliance with specific standards.</p>	<p>Agree that this is an appropriate. Policy and rule have been added in relation to EVCI.</p>
<p>There will be circumstances where an addition to an existing building does not change traffic movements / generation or the parking layout of an established site. Currently, Rule TRAN-R7 states "The development of a new, or expansion of an existing activity which generates vehicle trips that meet or exceed the thresholds outlined in TRAN-TABLE 2". The</p>	<p>Existing use rights still apply. It is appropriate to require assessment of expansion activities.</p>

<p>thresholds in the table relating to service stations is a Basic ITA with 2 or more filling points and Full ITA with 6 or more filling points. These thresholds are supported insofar as the expansion relates to filling points but the Fuel Companies consider that it should not apply to other 'expansion' activities, such as where the existing activity already meets or exceeds the thresholds in the table. That is, it needs to be made clearer how Rule TRAN-R7 and TRAN-TABLE 2 applies to existing lawfully established activities.</p>	
<p>Waka Kotahi provided valuable feedback. Their feedback sought an additional clause be added to TRAN-P1 relating to safe entry and exit for vehicles to the road corridor, suggested amendments to some wording, provided technical advice relating to some aspects of the standards, and noted support for some aspects of the provisions.</p>	<p>Agree with all aspects. Additional clause to TRAN-P1 included, some slight wording amendments, and updated standards based on the advice received.</p>
Public Access	
<p>Concerns with vehicle access to waterbodies, especially where there is habitat for river birds, and/or indigenous vegetation. Vehicle access needs to be controlled, and the District Plan should identify which water bodies are and aren't appropriate for vehicle access. This has not occurred.</p>	<p>This is something that can be addressed on a case-by-case basis when public access is provided for and sits outside the scope of PC27.</p>
<p>Doesn't refer to compensation, although this is covered by the RMA it might be good to include some reference somewhere.</p>	<p>Compensation is addressed in the introduction to the chapter.</p>
<p>20m everywhere? Other councils have different widths for different environments – rural vs urban etc.</p>	<p>The size of an esplanade reserve can be negotiated. 20m, as set out in the Act, is considered to be an appropriate starting point.</p>

7. Scale and Significance

7.1. Section 32(1)(c) of the RMA requires that the s32 evaluation report contains a level of detail that corresponds with the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

Transport

7.2. The key changes proposed in PC27 are:

- Revised policies and objectives.
- Updated technical standards in line with best practice.
- Inclusion of a new rule for high trip generating activities.
- Inclusion of a new rule for electric charging stations.

7.3. The changes seek to better provide for a safe and efficient transport network and manage potential adverse effects of transport infrastructure.

7.4. Having considered the above matters, the scale and significance of the provisions is considered to be low-medium. This reflects that in general, the proposed provisions are largely updates of the existing standards and will better align with higher order policy direction and best practice. However, the proposed introduction of rules relating to high trip generating activities is a more significant change from the status quo.

Public Access

7.5. The Operative Plan already contains provisions managing public access. The key changes proposed in PC27 are:

- Inclusion of two schedules, one identifying areas where there is an expectation that an esplanade reserve will be taken, and the second identifying areas where Council may have an interest in securing land for esplanade purposes when subdivision of land greater than 4ha occurs, if the site is seen as sufficiently valuable to the community for public access.

7.6. Having considered the above matters, the scale and significance of the provisions is considered to be low. This reflects that in general, the degree of change proposed, from the way the topic is managed under the Operative Plan, is limited to providing more direction on when esplanade reserves will be taken.

Subdivision

7.7. The key changes proposed in PC27 related to subdivision are:

- Revised policies and objectives.
- For subdivision within the Residential, Commercial and Mixed-Use, General Industrial, and General Rural Zones, change the activity status from Controlled, as it is in the Operative Plan, to Restricted Discretionary.

7.8. The changes seek to provide Council with the ability to decline inappropriate subdivision, whilst still ensuring matters to be considered are focused.

7.9. Having considered the above matters, the scale and significance of the provisions is considered to be low-moderate. This reflects that in general, the degree of change proposed, from the way the topic is managed under the Operative Plan, is limited to small adjustments and modernisation of provisions consistent with other second-generation district plans. The exception to this is the change in activity status for subdivision in many zones, which has a greater impact where subdivision is proposed in those zones.

Earthworks

7.10. The Operative Plan already contains provisions managing earthworks. The key changes proposed in PC27 are:

- Revised policies and objectives.
- Increased permitted volume in the General Rural Zone from 300m³ to 1000m³.
- Consistent use of 'per site in any continuous 5-year period' rather than the sometimes used 'per hectare in any continuous 5-year period'.
- Inclusion of a standard cut height or fill depth to 1.5m.
- Inclusion of a permitted activity standard relating to accidental discovery to manage potential effects of the earthworks on historic heritage or cultural values.
- Updated list of exemptions for earthworks activities that would normally be undertaken as matter of course in the district, and which have effects that are limited and do not warrant controls. The proposed list of exemptions is primarily drawn from those established in Plan Change 18 (Indigenous Biodiversity) to the Mackenzie District Plan.

7.11. The changes seek to further enable appropriate earthworks, stem potential adverse cumulative and land stability effects, and manage potential effects when sensitive materials are discovered.

7.12. Having considered the above matters, the scale and significance of the provisions is considered to be low. This reflects that in general, the degree of change proposed, from the way the topic is managed under the Operative Plan, is limited to small adjustments and modernisation of provisions consistent with other second-generation district plans.

8. Evaluation of Objectives

Introduction

8.1. Section 32(1)(a) requires an evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. PC20 (which is operative) determined that the Strategic Directions are the most appropriate way to achieve the purpose of the RMA. This section of the report therefore considers whether the objectives relating to this topic are the most appropriate way to achieve the Strategic Directions and the purpose of the RMA.

Transport

Table 9: Transport Objective

Proposed Objective
<p>TRAN-O1 Safe and efficient transport network</p> <p><i>The transport network is a safe, well-connected, integrated, resilient and accessible system that:</i></p> <ol style="list-style-type: none"><i>1. meets and is responsive to current and future needs;</i><i>2. promotes the use of alternative modes of transport;</i>

<ol style="list-style-type: none"> 3. is efficient and effective in moving people and goods within and beyond the district; and 4. is protected from reverse sensitivity effects.

Relevant Strategic Directions

ATC-O1 Live, Work, Play and Visit

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.

ATC-O3 Infrastructure

The importance to the District and beyond of infrastructure, particularly nationally and regionally significant infrastructure, is recognised and provided for.

ATC-O6 Incompatible Activities

The location and effects of activities are managed to:

1. Minimise the conflicts between incompatible activities; and
2. Protect important existing activity from reverse sensitivity.

Assessment

The objective is considered the most appropriate way to achieve the purpose of the Act because it:

- Will facilitate the control of any actual or potential effects of the subdivision, use and development of land.
- Appropriately reflects Council's obligations under s31 of the RMA, and gives effect to the relevant Part 2 matters, specifically 7(b) the efficient use and development of natural and physical resources, 7(c) the maintenance and enhancement of amenity values, and 7(f) maintenance and enhancement of the quality of the environment.
- In relation to ATC-O1(2), it seeks to appropriately manage transport to provide for social and economic wellbeing, and economic opportunities.
- Aligns with ATC-O3 and ATC-O6 in recognising the importance of infrastructure and ensuring that activities are appropriately located in relation to it.
- Aligns with the CRPS, specifically Objective 5.2.1(2)(f and g) Location, Design and Function of Development, and Policy 5.3.8 Land Use and Transport Integration, that seek safe, efficient, and effective transport infrastructure that encourages varied transport modes.
- Addressing transport in the District Plan falls within the Council's powers under the RMA. There is sufficient skills and resourcing within Council as transport activities are already addressed within the Operative Plan.

- Is consistent with feedback from consultation with the community and with iwi.
- Will not result in unjustifiably high costs on the community or parts of the community.
- There is a good understanding of the nature of transport activities and their potential effects on the transport network, with the chapter aimed at ensuring safety and efficiency within the network. As such the objective is of low risk.

Retaining the objectives in the Operative Plan was considered as an option. The current objectives are particularly limited, focussing on parking, loading and maintenance costs. The proposed objective provides more clarity and is broader in scope in terms of the outcomes sought relating to transport in Te Manahuna / the Mackenzie District, introducing a focus on alternative modes of transport, effects of high trip generating activities and protection from reverse sensitivity.

Public Access

Table 10: Public Access Objective

Proposed Objective
PA-O1 Provision of Public Access <i>Access to and along surface waterbodies with recreational, scenic, ecological, indigenous biodiversity, conservation, mana whenua or amenity values is maintained or improved.</i>
Relevant Strategic Directions
ATC-O1 Live, Work, Play and Visit <i>The Mackenzie District is a desirable place to live, work, play and visit, where:</i> <ol style="list-style-type: none"> 1. <i>there are a range of living options, businesses, and recreation activities to meet community needs;</i> 2. <i>activities that are important to the community's social, economic and cultural well-being, including appropriate economic development opportunities, are provided for; and</i> 3. <i>the anticipated amenity values and character of different areas are maintained or enhanced.</i>
MW-O1 Mana Whenua Values <i>The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.</i>
MW-O1 Mana Whenua Involvement <i>Mana whenua are able to:</i> <ol style="list-style-type: none"> 1. <i>be actively involved in decision making that affects their values and interests;</i>

2. exercise their kaitiakitaka responsibilities; and
3. carry out customary activities in accordance with tikanga.

NE-O1 Natural Environment

The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with the following important natural resources:

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.

Assessment

The objective is considered the most appropriate way to achieve the purpose of the Act because it:

- Addresses the identified issues relating to public access as it seeks to maintain or enhance public access to and along lakes and rivers.
- Responds to the purpose of the RMA as it directly responds to a matter of national importance set out in section 6(d) of the Act to maintain and enhance public access to and along the district's lakes and rivers.
- In relation to ATC-O1, it seeks to maintain amenity values.
- In relation to MW-O1 and MW-O2 it recognises and provides for the relationship of Mana Whenua and their traditions relating to waterways.
- When considering NE-O1 it seeks to ensure that the values associated with waterbodies and their margins are recognised and protected. The approach also contributes to character, identity and well-being of the District.
- The objective gives effect to the CRPS by ensuring that the District Plan provides for a co-ordinated approach to the provision for public access.
- Is consistent with feedback from consultation with the community and iwi.
- Will not result in unjustifiably high costs on the community or parts of the community.
- Is within the jurisdiction of the Council and is able to be achieved within the exercise of its functions, meaning the objective is of low risk.

The Operative Plan contains no objectives relating specifically to public access. However, the National Planning Standards require provisions for public access to be contained in their own chapter. Maintaining the status quo of the Operative Plan and having no specific public access objective would result in less effective public access provisions. The proposed objective addresses this issue and provides a clear approach to the management of public access issues in the District.

Subdivision

Table 11: Subdivision Objectives

Proposed Objective
<p>SUB-O1 Subdivision Design</p> <p><i>Subdivision is designed to:</i></p> <ol style="list-style-type: none">1. <i>align with the purpose and character of the zone in which it occurs;</i>2. <i>maintain the values of any overlays within which it is located;</i>3. <i>achieve integration and connectivity with surrounding neighbourhoods; and</i>4. <i>provide infrastructure that is appropriate for the intended use of the subdivision, which is integrated with existing infrastructure.</i>
<p>Relevant Strategic Directions</p>
<p>ATC-O1 Live, Work, Play and Visit</p> <p><i>The Mackenzie District is a desirable place to live, work, play and visit, where:</i></p> <ol style="list-style-type: none">1. <i>there are a range of living options, businesses, and recreation activities to meet community needs;</i>2. <i>activities that are important to the community's social, economic and cultural well-being, including appropriate economic development opportunities, are provided for; and</i>3. <i>the anticipated amenity values and character of different areas are maintained or enhanced.</i>
<p>UFD-O1 Urban Form and Development</p> <p><i>The District's townships and settlements grow and develop in a consolidated way that:</i></p> <ol style="list-style-type: none">1. <i>is integrated into, and respects the values of the surrounding natural and physical environment;</i>2. <i>achieves good connectivity with other parts of the urban area;</i>3. <i>is integrated with the provision of infrastructure and facilities which support the functioning of the community;</i>4. <i>maintains the anticipated character of each township, and its attractiveness to residents, businesses and visitors;</i>5. <i>responds to the needs of the community, including diversity in housing and business opportunities; and</i>6. <i>protects highly productive land.</i>
<p>Assessment</p>
<p>The objective is considered the most appropriate way to achieve the purpose of the Act because it:</p>

- Appropriately reflects Council's functions under s31 of the RMA, as it will assist the Council in controlling actual or potential effects of the subdivision, use and development, of land.
- Appropriately reflects Council's obligations under s31 of the RMA as it will achieve integrated management of the effects of use and development of resources in the district, and facilitate the control of any actual or potential effects of the subdivision, use and development, of land.
- Addresses infrastructure required for subdivisions including transport networks, water supply and wastewater management, which are resource management issues.
- Is focussed on achieving Section 5 of the Act. Providing wastewater and stormwater infrastructure provides for the communities health and safety and overall wellbeing. It also achieves section 7(b), as planned, integrated and co-ordinated infrastructure aids in enabling efficient land use and use of other resources, including water and energy. Managing effects on the purpose and character of the relevant zone and achieving integration and connectivity will also assist in maintaining and enhancing amenity values (section 7(c)).
- In relation to ATC-O1, seeks to appropriately manage subdivision activities consistent with clauses 1, 2 and 3 of that objective.
- Aligns with UFD-O1 in relation to integration, connectivity, anticipated character, community need, and land use outcomes.
- Aligns with Policy 5.3.5 of the CRPS, which is to ensure that development is appropriately serviced.
- Falls within the Council's powers under the RMA in relation to managing subdivision. There is sufficient skills and resources in the Council to achieve this objective, as subdivision is already addressed in the Operative Plan.
- Is consistent with feedback from consultation with the community, and with iwi.
- Will not result in unjustifiably high costs on the community or parts of the community.
- The nature of subdivision activities and the effects of subdivision are well understood. The objective is therefore low risk.

Other options considered were retention of the existing objectives in the Operative Plan. It is noted that the intent of the current objectives is largely still reflected in the proposed Objective. However, the proposed Objective is considered to provide greater clarity in terms of the outcomes sought relating to subdivision in Te Manahuna / Mackenzie District and is therefore more appropriate.

Earthworks

Table 12: Earthworks Objective

Proposed Objective

EW-O1 Earthworks

Earthworks to facilitate subdivision, land use and development are undertaken in a way that minimises adverse effects on landscape values, visual amenity and mana whenua values and protects the safety of people, property and infrastructure.

Relevant Strategic Directions**ATC-O1 Live, Work, Play and Visit**

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.*

MW-O1 Mana Whenua Values

The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.

NE-O1 Natural Environment

The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with the following important natural resources:

- 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.*

Assessment

The objective is considered the most appropriate way to achieve the purpose of the Act because it:

- Addresses the identified issues relating to earthworks as they have the potential to create adverse effects.
- Responds to the purpose of the RMA as the objective is focused on sustainably managing earthworks, particularly their contribution towards people's economic well-being, while ensuring their adverse effects on the surrounding environment are appropriately managed.

- Appropriately reflects Council's functions under s31 of the RMA, as it will facilitate the control of any actual or potential effects of the subdivision, use and development, of land.
- Gives effect to the relevant Part 2 matters, namely sections 7(a) and 7(aa) Kaitiakitanga and the ethic of stewardship in relation to the district's land resource, 7(b) to provide for the efficient use and development of resources, 7(c) to ensure that amenity values in the district are maintained or enhancement, 7(d) to recognise the intrinsic values of ecosystems and 7(f) to ensure that the quality of the District's environment is maintained and enhanced.
- In relation to ATC-O1, seeks to appropriately manage earthworks for a range of activities and to maintain amenity values, consistent with clause 2 and 3 of that objective.
- When considering MW-O1, provides for mana whenua's relationship with the land.
- Is consistent with feedback from consultation with the community, and with iwi.
- Will not result in unjustifiably high costs on the community or parts of the community. While it is acknowledged that implementation of the objective will result in additional controls in some instances, these are not considered to impose unreasonable costs, nor be out of step with the Operative Plan controls.
- There is a good understanding of the nature of earthworks activities and their potential effects on the environment to mean the objective is of low risk.

The Operative Plan contains no objective relating specifically to earthworks. An alternative option of maintaining the status quo of the Operative Plan and having no specific earthworks objective is considered inappropriate as the National Planning Standards require a separate chapter for earthworks. As such, there is a need for an objective that clearly outlines the outcome sought through the provisions contained within the Earthworks chapter. Having an objective for earthworks that applies to all zones is also considered more appropriate than managing these through multiple zone provisions, as potential effects exist regardless of zone, and relying on zone objectives is less suitable than a specific objective in the earthworks chapter.

Summary

8.2 The proposed objectives establish the resource management outcome sought in relation to transport, public access, subdivision and earthworks activities throughout the district. The goal of these objectives is to establish a clear approach in providing for transport, public access, subdivision and earthworks activities, while also establishing how potential adverse effects of such activities are managed, and in the case of transport, how effects on the transport network are to be addressed. The proposed objectives address the identified resource management issues in a way that is consistent with the Strategic Objectives that are relevant to these topics and the direction in the CRPS.

9. Evaluation of Proposed Policies, Rules, and Other Methods - Transport

Introduction

- 9.1. Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.
- 9.2. The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.
- 9.3. All of the proposed provisions in the Transport Chapter (and related definitions) have been grouped together for this assessment.

Transport Provisions

- 9.4. The provisions assessed in this section are:

Table 13: Transport Provisions

Policies	<p>TRAN-P1 Integrated Land Use and Transport Planning</p> <p><i>Maintain the safety and efficiency of the District's land transport network by:</i></p> <ol style="list-style-type: none">1. <i>ensuring integration with land use;</i>2. <i>managing the levels of service, formation standards, and types of land transport infrastructure by compliance with design and operational standards and road hierarchy classifications;</i>3. <i>providing land transport infrastructure that is consistent with the zone in which it is located.</i>4. <i>providing for safe entry and exit for vehicles to and from a site to a road without compromising the safety or efficiency of the road corridor.</i>5. <i>ensuring appropriate sightline visibility is provided to road users.</i> <p>TRAN-P2 High Traffic Generating Activities</p> <p><i>Require high trip generating activities to prepare an Integrated Transport Assessment including provision for pedestrians, cyclists, public transport users, freight, and motorists in order to manage adverse effects of such activities.</i></p> <p>TRAN-P3 Safe Active Transport</p> <p><i>Promote a range of transport options and enable safe multi modal connections that support walking and cycling.</i></p> <p>TRAN-P4 Managing Land Transport Infrastructure</p> <p><i>Enable works to be carried out by infrastructure operators to construct, renew, improve, and operate infrastructure within land transport corridors.</i></p>
Rules	<p>TRAN-R1-TRAN-R8, TRAN-S1-TRAN-S14, TRAN-MD1-MD3</p>

Definitions	<i>accessway, arterial road, collector road, healthcare facility, heavy vehicle, landscaping, land transport corridor, land transport infrastructure, local road, place of assembly, state highway, stormwater, transport network</i>
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9.5. The following table identifies the strategic directions and objectives that are relevant to the assessment of this group of provisions and provides an assessment of the effectiveness and efficiency of the proposed provisions in achieving those objectives. The assessment includes identification and assessment of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

Table 14: Transport - Assessment Against Relevant Objectives

Relevant Strategic Directions
ATC-O1 Live, Work, Play and Visit <i>The Mackenzie District is a desirable place to live, work, play and visit, where:</i> 1. <i>there are a range of living options, businesses, and recreation activities to meet community needs;</i> 2. <i>activities that are important to the community's social, economic and cultural well-being, including appropriate economic development opportunities, are provided for; and</i> 3. <i>the anticipated amenity values and character of different areas are maintained or enhanced.</i>
ATC-O3 Infrastructure <i>The importance to the District and beyond of infrastructure, particularly nationally and regionally significant infrastructure, is recognised and provided for.</i>
ATC-O6 Incompatible Activities <i>The location and effects of activities are managed to:</i> 1. <i>minimise conflicts between incompatible activities; and</i> 2. <i>protect important existing activities from reverse sensitivity effects.</i>
UFD-O1 Urban Form and Development <i>The District's townships and settlements grow and develop in a consolidated way that:</i> 1. <i>is integrated into, and respects the values of the surrounding natural and physical environment;</i> 2. <i>achieves good connectivity with other parts of the urban area;</i> 3. <i>is integrated with the provision of infrastructure and facilities which support the functioning of the community;</i> 4. <i>maintains the anticipated character of each township, and its attractiveness to residents, businesses and visitors;</i> 5. <i>responds to the needs of the community, including diversity in housing and business opportunities; and</i> 6. <i>protects highly productive land.</i>
Relevant Objective

TRAN-O1 Safe and Efficient Transport Network

The transport network is a safe, well-connected, integrated, resilient, and accessible system that:

1. meets and is responsive to current and future needs;
2. promotes the use of alternative modes of transport;
3. is efficient and effective in moving people and goods within and beyond the district; and
4. is protected from reverse sensitivity effects.

	Benefits	Costs
Environmental	<p>Supports the need to maintain the safety and efficiency of land transport corridors and infrastructure by promoting accessible and connected land transport corridors and encouraging walking and cycling through these same networks. This in turn can assist in reducing travel times and the number of single occupancy private vehicles there are on the roads.</p> <p>Increased efficiency by ensuring that any extensions or renewals to the network are consistent with the minimum design and formation standards and are appropriate for the environments in which they are to be established.</p>	<p>There may be environmental costs associated with promoting more accessible and connected transport corridors and infrastructure due to the establishment and maintenance required for walkways, cycleways and public transport facilities on land that was previously undeveloped.</p>
Social	<p>An increased emphasis on promoting active multi-modal travel options will promote 'liveability' through increased accessibility and connection to places where people live, work, and recreate, and provide people with the opportunity to improve their health and wellbeing. It will also enable people living, working, and visiting the district to travel to and from a greater number of destinations using walking and cycling.</p>	<p>Potential increase to the occurrence of nuisance and reverse sensitivity effects through loss of privacy of private landowners who directly adjoin a walkway or cycleway.</p>
Economic	<p>Integrated and efficient land transport corridors and infrastructure can deliver cost savings and efficiencies through gains in the movement of people,</p>	<p>The proposed policies and methods have the potential to increase the upfront costs required to integrate land use activities and subdivision development with appropriate land</p>

	<p>goods, and services across the district via an integrated road, walking and cycling network, potentially reducing travel delays. The capital investment required for land transport corridors and infrastructure, improve safety and convenience, and provide options for how people, goods and services are transported across the district are better able to be allocated through a combination of integrated development and long-term strategic planning</p>	<p>transport corridors and infrastructure. These costs would apply to land developers (including Council), people seeking resource consent and the future purchasers of property, and any activities established on this land. The requirement for ITAs will introduce additional resource consenting costs.</p>
Cultural	Requiring more accessible and well-connected land transport corridors and infrastructure have some cultural wellbeing benefits as they support community well-being.	None identified.
Efficiency		
<p>The proposal is efficient in that it maintains the framework for managing land transport corridors and infrastructure under the District Plan, while addressing the issues identified through revised rules. This includes amendments to the rules and methods relating to managing High Trip Generating Activities. Activities, such as large retail format, might be permitted under the relevant zone framework but the requirement for an ITA will ensure the consideration of traffic effects where it is appropriate. ITA requirements would provide developers and Council consent planners with certainty as to when ITAs are required and the level of detail that is expected.</p> <p>The proposed option achieves more sustainable outcomes by seeking better support for modal choice to reduce the numbers and distances travelled in private single occupancy motor vehicles, promote more vibrant communities and liveable residential neighbourhoods.</p>		
Effectiveness		
<p>The proposed provisions are considered to be the most effective means of achieving the objective as together they will:</p> <ul style="list-style-type: none"> • Ensure that potentially adverse effects associated with activities that fail to integrate with the district's land transport corridors and infrastructure are avoided, remedied, or mitigated. • Ensure that the provisions for managing activities to achieve an integrated land transport network are consistent with current best practice district plans and transport engineering, and new rules or amendments ensure they effectively achieve the outcomes expressed in the objective. 		
Alternative Approach		
Maintain the status quo of the current rules.		

Appropriateness Assessment

The current provisions are not considered the most appropriate way in which to achieve the objective. Proposed ITA requirements provide plan users with certainty as to when ITAs are required and the level of detail that is expected in order to address potential transport effects. The Operative Plan lacks provisions relating to alternate modes of transport and does not achieve TRAN-O1(2). Additionally, the current provisions are outdated, as identified through transport engineering review.

Risk of Acting or Not Acting

- 9.6. Section 32(2)(c) of the RMA requires that the efficiency and effectiveness assessment also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- 9.7. For matters relating to the Transport Chapter, the Council has sufficient information to determine the provisions and achieve the purpose of the Act. The background reporting, engagement with land transport agencies, best practice review of other District Plans, and transport engineering advice provided by Novo Group Consultants, ensures that the issues have been identified and addressed.

Overall Evaluation of Appropriateness

- 9.8. Overall, the proposed changes are an appropriate way to achieve the desired outcomes. The proposed policies and rules will address the identified resource management issues and assist to deliver the outcomes expressed in the Transport and Strategic Direction Objectives by promoting safe and efficient land transport networks systems that support the needs of the district.

10. Evaluation of Proposed Policies, Rules, and Other Methods – Public Access

Introduction

- 10.1. Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.
- 10.2. The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.
- 10.3. All of the proposed provisions in the Public Access Chapter (including related definitions) have been grouped together for this assessment.

Public Access Provisions

10.4. The provisions assessed in this section are:

Table 15: Public Access Provisions

Policies	<p>PA-P1 Requirement for Public Access <i>Require the provision of appropriate public access to and along surface waterbodies listed in PA-SCHED1.</i></p> <p>PA-P2 Consideration for Further Public Access <i>Encourage opportunities and mechanisms to maintain and enhance public access to and along surface waterbodies, including for mahika kai, when a land use or subdivision consent application provides an opportunity for access, with special consideration given to:</i></p> <ol style="list-style-type: none"> 1. <i>those waterbodies listed in PA-SCHED2; and</i> 2. <i>the creation of any allotment smaller than 4ha which adjoins a waterbody.</i>
Standards	PA-S1
Schedules	PA-SCHED1, PA-SCHED2
Definitions	<i>esplanade reserve, esplanade strip, territorial authority</i>

10.5. The following table identifies the strategic directions and objectives that are relevant to the assessment of these provisions and provides an assessment of the effectiveness and efficiency of the proposed provisions in achieving those objectives. The assessment includes identification and assessment of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

Table 16: Public Access - Assessment Against Relevant Objectives

Relevant Strategic Directions
<p>ATC-O1 Live, Work, Play and Visit <i>The Mackenzie District is a desirable place to live, work, play and visit, where:</i></p> <ol style="list-style-type: none"> 1. <i>there are a range of living options, businesses, and recreation activities to meet community needs;</i> 2. <i>activities that are important to the community's social, economic, and cultural well-being, including appropriate economic development opportunities, are provided for; and</i> 3. <i>the anticipated amenity values and character of different areas are maintained or enhanced.</i> <p>MW-O1 Mana Whenua Values <i>The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.</i></p> <p>MW-O2 Mana Whenua Involvement</p>

Mana whenua are able to:

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

NE-01 Natural Environment

The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with the following important natural resources:

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.*

Relevant Objectives

PA-01 Provision of Public Access

Access to and along surface waterbodies with recreational, scenic, ecological, indigenous biodiversity, conservation, mana whenua or amenity values is maintained or improved.

	Benefits	Costs
Environmental	Provision of public access offers an indirect mechanism to protect water quality, riparian vegetation, and natural character values.	No costs identified.
Social	The ability of people to gain greater access to rivers and the lakes is a benefit to the wider community through both active and passive recreation pursuits.	Change in approach from the status quo may be of concern to some landowners and there is potential frustration if esplanade reserves are taken that do not seemingly provide for realistic public access.
Economic	Provision of public access increases people's ability to visit and recreate in appealing locales within the district, in turn adding an additional incentive when promoting tourism opportunities.	Potential costs to subdividing landowners of losing land, and restriction of use of land taken for esplanade purposes.
Cultural	Provision of access to the district's water bodies and the consequent enabling of cultural practices such as mahika kai.	No costs identified.
Efficiency		

The benefits of the provisions relating to public access outweigh the potential costs, and the possibility that providing for public access will cause adverse effects on values. Costs to landowners already exist as esplanade provisions are not new in the RMA context and will therefore not increase as a result. Providing for the provision of public access is at the discretion of the Council. This allows for an appropriate weighing of the benefits in each circumstance against the costs, and potential risk of adverse effects on values to be undertaken.

Effectiveness

The proposed provisions are considered to be the most effective means of achieving the objectives as together they will:

- Allow for the incorporation of cultural values and access to cultural resources.
- Provide clarity to plan users as to where and when public access will be required through policy wording, standard and the use of a related schedule.
- Signal, through policy wording and use of a schedule of waterways, where there is a community interest in potentially providing for public access where it cannot be taken as of right.

Alternative Approach

Maintain the status quo of the current rules.

Appropriateness Assessment

Retaining the current approach is not considered to be as effective at achieving the outcomes sought. The revised provisions provide clearer direction about when access should be provided or encouraged, and this more targeted approach will be more efficient at achieving the outcome sought

Risk of Acting or Not Acting

- 10.6. Section 32(2)(c) of the RMA requires that the efficiency and effectiveness assessment also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- 10.7. There is sufficient information available about the effects of public access, and the approach that the Council has taken to date to provide a foundation for the objective, policies and rules proposed. There is low risk of acting in the proposed manner to update the provisions to appropriately manage public access.

Overall Evaluation of Appropriateness

- 10.8. Overall, the proposed provisions related to managing public access are considered the most appropriate in achieving the relevant objectives. The benefits of these are considered to outweigh the costs and are consistent with the approach taken to managing public access in other district plans.

9. Evaluation of Proposed Policies, Rules, and Other Methods - Subdivision

Introduction

- 9.1. Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.
- 9.2. The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.
- 9.3. The proposed provisions relating to Subdivision have been grouped, for the purposes of this assessment, as follows:
 - Policies and rules relating to subdivision as a precursor to future development.
 - Policies and rules relating to the need for integrated and shared infrastructure.

Subdivision Prior to Further and Future Development

- 9.4. The provisions assessed in this section are:

Table 17: Subdivision Provisions

Policies	<p>SUB-P1 Subdivision Design <i>Require subdivision design to accord with the purpose and character of the applicable zone.</i></p> <p>SUB-P2 Environment and Amenity <i>Require subdivision to maintain and enhance the amenity values and the quality of the environment by following natural and physical features such as the landscape, topography, and established vegetation of the site.</i></p> <p>SUB-P3 National Grid Subdivision Corridor <i>Only allow subdivision within the National Grid Corridor where it can be demonstrated that any adverse effects on and from the National Grid, including public health and safety, will be appropriately avoided, remedied, or mitigated.</i></p> <p>SUB-P4 Natural and Cultural Values <i>Only allow subdivision within areas that have important natural and cultural values where it will not compromise the identified values.</i></p> <p>SUB-P5 Safe Access <i>Ensure subdivision result in safe and efficient access for motorists, pedestrians, and cyclists.</i></p> <p>SUB-P6 Public Open Space <i>Provision of public open spaces and connections at the time of subdivision for urban zones.</i></p>
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	<p>SUB-P10 Reverse Sensitivity <i>Avoid reverse sensitivity effects of subdivision on existing renewable electricity generation assets and activities.</i></p>
Rules	SUB-R1, SUB-R2, EW-R4, SUB-R5, SUB-R6, Sub-R7, SUB-R8, SUB-R9, SUB-R10, SUB-R11, SUB-R12, SUB-S1, SUB-S2, SUB-S6, SUB-S7, SUB-S9, SUB-S10, SUB-MD1, SUB-MD7, SUB-MD8, SUB-MD9
Definitions	<i>accessway, allotment, boundary adjustment, national grid subdivision corridor, national grid yard, network utility operator, subdivision, wetland, wilding conifer species</i>

9.5. The following table identifies the strategic directions and objectives that are relevant to the assessment of this group of provisions and provides an assessment of the effectiveness and efficiency of the proposed provisions in achieving those objectives. The assessment includes identification and assessment of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

Table 18: Subdivision - Assessment Against Relevant Objectives

Relevant Strategic Directions
<p>ATC-O1 Live, Work, Play and Visit <i>The Mackenzie District is a desirable place to live, work, play and visit, where:</i></p> <ol style="list-style-type: none"> <i>there are a range of living options, businesses, and recreation activities to meet community needs;</i> <i>activities that are important to the community's social, economic, and cultural well-being, including appropriate economic development opportunities, are provided for; and</i> <i>the anticipated amenity values and character of different areas are maintained or enhanced.</i> <p>ATC-O6 Incompatible Activities <i>The location and effects of activities are managed to:</i></p> <ol style="list-style-type: none"> <i>minimise conflicts between incompatible activities; and</i> <i>protect important existing activities from reverse sensitivity effects.</i> <p>UFD-O1 Urban Form and Development <i>The District's townships and settlements grow and develop in a consolidated way that:</i></p> <ol style="list-style-type: none"> <i>is integrated into, and respects the values of the surrounding natural and physical environment;</i> <i>achieves good connectivity with other parts of the urban area;</i> <i>is integrated with the provision of infrastructure and facilities which support the functioning of the community;</i> <i>maintains the anticipated character of each township, and its attractiveness to residents, businesses and visitors;</i> <i>responds to the needs of the community, including diversity in housing and business opportunities; and</i> <i>protects highly productive land.</i>

Relevant Objective		
SUB-O1 Subdivision Design		
<i>Subdivision is designed to:</i>		
	<ol style="list-style-type: none"> 1. align with the purpose and character of the zone in which it occurs; 2. maintain the values of any overlays within which it is located; 3. achieve integration and connectivity with surrounding neighbourhoods; and 4. provide infrastructure that is appropriate for the intended use of the subdivision, which is integrated with existing infrastructure. 	
	Benefits	Costs
Environmental	<p>Enables subdivision design and amenity to be addressed.</p> <p>Reduces the risk of reverse sensitivity effects on established legal activities.</p> <p>Provides for appropriate protection of identified strategic infrastructure, natural and cultural features, and landscapes.</p>	Temporary construction effects, and increased demand on services as a result of subdivision.
Social	<p>Well planned subdivision creates improved 'live, work, play and visit' amenity to the district enhancing the wellbeing of current future residents and visitors.</p>	Potential that subdivision does not provide for the needs of those that live within the community and changes the 'feel' of the community for existing residents.
Economic	<p>More residential and business activity, aided by subdivision, has the potential to add to the economic performance of the district.</p>	Requiring the installation of common infrastructure at subdivision stage is a cost on developers that must then be recouped through site sales.
Cultural	<p>Areas with cultural significance can be protected.</p>	None identified.
Efficiency		
Benefits to the environment significantly outweigh costs, which are principally economic. Updated provisions will be easier to navigate for plan users.		
Effectiveness		
<p>The proposed provisions are considered to be the most effective means of achieving the objective as together they will:</p> <ul style="list-style-type: none"> • Ensure that adverse effects on the environment are managed appropriately by rules and assessment matters that result in the creation and location of sites that are suitable for their intended use. 		
Alternative Approach		

Maintain the status quo of the current rules.
Appropriateness Assessment
Retaining the current approach is not considered to be as effective at achieving the outcomes sought. The current provisions do not give effect to the relevant Strategic Objectives and higher order documents. While the general tenor and themes of the Operative Plan are being maintained some revision is required due to the Operative Plan's age. The introduction of a restricted discretionary status for subdivision activities previously given a controlled status allows Council the capacity to decline inappropriate subdivision while still limiting the matters of discretion.

Need for Integrated and Shared Infrastructure

9.6. The provisions assessed in this section are:

Table 19: Subdivision Provisions

Policies	<p><i>SUB-P7 Infrastructure</i> <i>Require infrastructure with adequate capacity to service the scale of the development, in an integrated manner.</i></p> <p><i>SUB-P9 Protection of Community Drinking Water Supplies</i> <i>Protect community drinking water supplies from subdivision which has the potential to adversely affect water quality.</i></p>
Rules	<i>SUB-R3, SUB-R2, SUB-R7, SUB-S2, SUB-S3, SUB-S4, SUB-MD2, SUB-MD3, SUB-MD4, SUB-MD5</i>
Definitions	<i>allotment, bore, boundary adjustment, drinking water, greywater, industrial and trade waste, subdivision, wastewater</i>

9.7. The following table identifies the strategic directions and objectives that are relevant to the assessment of this group of provisions and provides an assessment of the effectiveness and efficiency of the proposed provisions in achieving those objectives. The assessment includes identification and assessment of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

Table 20: Subdivision - Assessment Against Relevant Objectives

Relevant Strategic Directions
<p><i>UFD-O1 Urban Form and Development</i> <i>The District's townships and settlements grow and develop in a consolidated way that:</i></p> <ol style="list-style-type: none"> <i>1. is integrated into, and respects the values of the surrounding natural and physical environment;</i> <i>2. achieves good connectivity with other parts of the urban area;</i> <i>3. is integrated with the provision of infrastructure and facilities which support the functioning of the community;</i>

<p>4. <i>maintains the anticipated character of each township, and its attractiveness to residents, businesses and visitors;</i></p> <p>5. <i>responds to the needs of the community, including diversity in housing and business opportunities; and</i></p> <p>6. <i>protects highly productive land.</i></p>
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Relevant Objective

SUB-O2 Subdivision Design

<i>Subdivision is designed to:</i>

<ol style="list-style-type: none"> <i>align with the purpose and character of the zone in which it occurs;</i> <i>achieve integration and connectivity with surrounding neighbourhoods; and</i> <i>provide infrastructure that is appropriate for the intended use of the subdivision, which is integrated with existing infrastructure.</i>

	Benefits	Costs
Environmental	<p>The provision of shared infrastructure before sites are further developed allows their installation to be managed to reduce effects by enabling a coherent approach. Piecemeal provision of shared infrastructure would result in more people being adversely affected.</p> <p>Managing subdivision activities within Community Drinking Water Supply Protection Areas will protect the water quality and the health and safety of communities relying on this water.</p>	<p>The provision of shared infrastructure can have temporary adverse effects during the construction phase.</p>
Social	<p>Purchasers can be confident that the site they purchase will be appropriate for the zone, and that wider community facilities are able to be provided</p>	<p>Purchasers have less opportunity to provide on-site servicing, as money has already been spent on common infrastructure, which is reflected in the purchase price.</p>
Economic	<p>Requiring the installation of common infrastructure (such as roads, pipes, and wires) at subdivision stage is more efficient and cost effective than relying on their installation by individuals.</p>	<p>Requiring the installation of common infrastructure (such as roads, pipes, and wires) at subdivision stage is a cost on developers that must then be recouped through site sales.</p> <p>Some development may not be appropriate within Community Drinking Water Supply Protection Areas where potential adverse effects</p>

		on the water supply cannot be appropriately managed. This may prevent some subdivision occurring.
Cultural	None identified	None identified
Efficiency		
Benefits to the environment outweigh costs, which are principally economic. Environmental benefits are greater than and outweigh any increase in compliance costs for developers.		
Effectiveness		
The proposed provisions are considered to be the most effective means of achieving the objective as together they will: <ul style="list-style-type: none"> require consideration of servicing and network capacity for reticulated areas and on-site servicing for non-reticulated areas to be undertaken for all subdivisions. provide for clear policy direction to be given through subdivision specific policies and gives a consistent approach to enabling subdivision across the District, with appropriate controls to manage environmental effects, including effects on community drinking water supplies. 		
Alternative Approach		
Maintain the status quo of the current rules.		
Appropriateness Assessment		
Retaining the current approach is not considered to be as effective at achieving the outcomes sought. The current provisions do not give effect to the relevant Strategic Objectives and higher order documents. The proposed provisions ensure that servicing constraints are considered at the time of subdivision and that infrastructure supporting subdivision is planned in an integrated and comprehensive manner, provided at the time of subdivision.		

Risk of Acting or Not Acting

- 9.8. Section 32(2)(c) of the RMA requires that the efficiency and effectiveness assessment also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- 9.9. For matters relating to the Subdivision Chapter, the Council has sufficient information to determine the provisions. As the District Plan Review provisions are largely a continuation of the Operative Plan provisions, the Council has a good understanding of the nature of subdivision activities, their operational requirements, and their associated effects on the environment. Some additional controls on subdivision within community drinking water supply protection areas are proposed to manage potential adverse effects on these important community assets.

Overall Evaluation of Appropriateness

9.10. Overall, the proposed changes are an appropriate way to achieve the desired outcomes. Although this option involves some additional costs for developers due to increased regulation, it offers more benefits, specifically environmental, than retaining the status quo.

10. Evaluation of Proposed Policies, Rules, and Other Methods - Earthworks

Introduction

10.1. Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

10.2. The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

10.3. All of the proposed provisions in the Earthworks Chapter (and related definitions) have been grouped together for this assessment.

Earthworks Provisions

10.4. The provisions assessed in this section are:

Table 21: Earthworks Provisions

Policies	<p>EW-P1 Enable Earthworks <i>Enable small-scale earthworks.</i></p> <p>EW-P2 Manage Earthworks <i>Manage the adverse effects of earthworks, including their scale and nature, to:</i></p> <ol style="list-style-type: none"> 1. <i>minimise adverse effects on the character, values and qualities of the surrounding environment, relative to the sensitivity of the surrounding environment;</i> 2. <i>avoid unreasonable effects on stability of adjoining land, infrastructure, buildings, and structures;</i> 3. <i>minimise silt and sediment loss from the site; and</i> 4. <i>ensure that sites are appropriately rehabilitated following completion of earthworks.</i>
Rules	EW-R1, EW-R2, EW-R3, EW-S1 to EW-S6
Definitions	<i>cleanfill material, contaminant, discharge, dust, earthworks, land disturbance, sensitive material, stock tracks and crossings</i>

10.5. The following table identifies the strategic directions and objectives that are relevant to the assessment of these provisions and provides an assessment of the effectiveness and efficiency of the proposed provisions in achieving those objectives. The assessment includes identification and assessment of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

Table 22: Earthworks - Assessment Against Relevant Objectives

Relevant Strategic Directions		
ATC-O1 Live, Work, Play and Visit <i>The Mackenzie District is a desirable place to live, work, play and visit, where:</i>		
<ol style="list-style-type: none"> <i>there are a range of living options, businesses, and recreation activities to meet community needs;</i> <i>activities that are important to the community's social, economic, and cultural well-being, including appropriate economic development opportunities, are provided for; and</i> <i>the anticipated amenity values and character of different areas are maintained or enhanced.</i> 		
Relevant Objective		
EW-O1 Earthworks <i>Earthworks to facilitate subdivision, land use and development are undertaken in a way that minimises adverse effects on landscape values, visual amenity and mana whenua values and protects the safety of people, property and infrastructure.</i>		
	Benefits	Costs
Environmental	Maintains a level of amenity that is appropriate to the environment where the activity is to take place. Where resource consents are required, ensures that the potential adverse effects are considered, namely potential effects on amenity, cultural or ecological values or the exacerbation of natural hazards risks.	Although increasing the permitted earthworks volume in the General Rural Zone from 300m ³ to 1,000m ³ has the potential to generate additional adverse effects on the receiving environment, the earthworks standards will ensure that adverse effects are appropriately managed.
Social	Ensures that the scale and nature of earthworks reflect the nature of the environment within which they are occurring, including by providing higher permitted activity thresholds in rural areas as opposed to the thresholds for urban or sensitive areas.	No costs identified.
Economic	Enables activities that have economic benefits (subdivision, land use, and development activities) by recognising that earthworks are a	The time and financial cost of obtaining an earthworks consent when required, that would not be under the current rules, such as for a

	necessary aspect of these activities, and by not putting unnecessary limitation on earthworks activities, and increasing the permitted earthworks volume in the General Rural Zone.	breach of the proposed thresholds for earthworks cut and fill.
Cultural	Potential effects of earthworks on sites of cultural value will be addressed by the earthworks provisions through an accidental discovery protocol permitted activity standard that applies across all zones.	Although increasing the permitted earthworks volume in the General Rural Zone from 300m ³ to 1,000m ³ has the potential to generate additional adverse effects on cultural values, the accidental discovery standard will protect cultural values in the event of accidental archaeological discovery.
Efficiency		
<p>The proposed provisions are considered to be an efficient way to achieve the objectives. The environmental, economic, social, and cultural benefits outweigh the costs and are greater than those associated with retaining the status quo. When compared to the status quo, the increase to the permitted volume in the General Rural Zone provides landowners with the ability to undertake a greater amount of earthworks before resource consent is required, while still maintaining a sufficient level of control that to achieve the outcomes sought.</p> <p>Additionally, relatively small-scale earthworks or earthworks managed by other processes are exempt, thus ensuring that undue constraints are not placed on district land use development activities where the potential effects of those activities are minor and/or controlled by other mechanisms.</p>		
Effectiveness		
<p>The proposed provisions are considered to be the most effective means of achieving the objective as they will:</p> <ul style="list-style-type: none"> • facilitate earthworks that support the district's land use development activities while ensuring that adverse effects are managed appropriately by requiring compliance with applicable standards and assessment of potential effects as part of the resource consent process where the development standards are not met. • ensure that the potential effects of earthworks on cultural values are appropriately recognised and managed. 		
Alternative Approach		
Maintain the status quo of the current rules.		
Appropriateness Assessment		
<p>Retaining the current approach is not considered to be as effective at achieving the outcomes sought. There is a lack of policy direction that leads to inconsistent decision making and lack of control. The proposed earthworks provisions (which increase the permitted earthworks volume in the General Rural Zone, introduce a cut and fill limit, include a standard relating to accidental</p>		

discovery, and provide an updated list of exemptions) better ensures that the positive effects of earthworks are recognised and that potential adverse effects on amenity, heritage, cultural and natural values and identified, and hazards are addressed, through a clear policy framework.

Risk of Acting or Not Acting

- 10.6. Section 32(2)(c) of the RMA requires that the efficiency and effectiveness assessment also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- 10.7. Council has sufficient information available to determine the appropriateness of the proposed chapter and related provisions as they have a good understanding of the nature of earthworks activities and the associated effects on the environment in the context of the differing locations where earthworks can take place. The risk of not acting and retaining the status quo is that the resource management issues that have been identified during the District Plan Review will continue. The proposed provisions are expected to address the identified issues. Therefore, there is a low risk of acting in the manner proposed.

Overall Evaluation of Appropriateness

- 10.8. Overall, the proposed provisions related to managing earthworks are considered the most appropriate in achieving the relevant objectives. While they introduce some new controls, the benefits of these are considered to outweigh the costs and are consistent with the approach taken in many other second-generation district plans to managing earthworks.

11. Conclusion / Reasons

- 11.1. This evaluation has been undertaken in accordance with Section 32 of the RMA. It has provided an assessment of the appropriateness of the provisions within PC27 relating to transport, public access, subdivision and earthworks at achieving the purpose of the Act. This has included considering their efficiency and effectiveness, their alignment with relevant direction in other statutory documents, and their contribution towards achieving the Strategic Directions.
- 11.2. Overall, the objectives have been determined to be the most appropriate option available to address the identified resource management issues, achieve the Strategic Directions and give effect to the relevant provisions in the CRPS. The policies, rules and other methods are considered to be the most appropriate approach to achieve the proposed objectives, having identified why alternative options are less appropriate in meeting the desired outcomes and responding to the identified issues in comparison to the provisions proposed through PC27.
- 11.3. In considering the transport provisions, the proposed chapter builds upon the current framework to support the District's land transport networks and systems. It places a greater importance on integrating land use and development with land transport corridors and infrastructure and promoting more active modes of travel through improved connectivity and accessibility. The primary changes proposed through PC27 are the introduction of policies and

rules relating to high trip generating activities. Other proposed changes largely seek to bring the chapter into a contemporary context with updates and revisions reflecting best practice.

- 11.4. The changes in PC27 relating to public access from the Operative Plan approach are to introduce objectives and policies specific to public access and to provide schedules identifying key areas in the district where either esplanade provision will be required or may be sought due to the values possessed. The proposed provisions address the issues associated with the status quo and are consistent with the relevant Strategic Objectives. The social, cultural, and environmental benefits of developing public access in the locations identified are expected to outweigh the costs to landowners and Council. The specific chapter and provisions for Public Access are expected to provide greater clarity and be more directive in terms of the location of, and when public access will be required.
- 11.5. The review of the subdivision provisions has determined that the existing provisions are, by and large, still appropriate. PC27 proposes to generally retain the current provisions, while amending them to better address some issues and bring them into a contemporary context. More directive objectives and policies will also clarify the outcomes sought from subdivision.
- 11.6. The main change in PC27 relating to subdivision is to change the activity status within the Residential, Commercial and Mixed-Use, General Industrial, and General Rural Zones from Controlled under the Operative Plan to Restricted Discretionary, to provide Council the ability to better regulate subdivision within the district. While there are costs associated with the increased level of control, they are considered necessary to address the issues identified and overall are expected to better achieve the objectives.
- 11.7. The proposed earthworks provisions ensure that the positive effects of earthworks are recognised and that potential adverse effects on amenity, heritage, cultural and natural values and identified hazards are addressed, through a clear policy framework. The proposed provisions address the issues associated with the status quo and are consistent with the relevant Strategic Objectives.
- 11.8. The key changes in PC27 relating to earthworks are to introduce objectives and policies specific to earthworks, increase the permitted earthworks volume in the General Rural Zone, introduce a cut and fill limit, include a standard relating to accidental discovery, and provide an updated list of exemptions. While there are minor costs associated with the increased level of control, they are considered necessary to address the issues identified and overall are expected to better achieve the objectives.