

S42A Report Paragraph	Panel Questions	Response
13 & 27	<p>Transpower is the only further submitter who is not also a primary submitter.</p> <ul style="list-style-type: none"> <li>▪ In your assessment, does Transpower's further submission meet the requirements under RMA Schedule 1 Clause 8(2) for a further submission?</li> </ul>	<p>Clause 8(2) limits any further submission to being in support of or in opposition to the relevant submission. I am comfortable that Transpower's further submission meets this requirement as it clearly identifies the relief sought by various submitters, whether the further submission is in support or opposition, and whether they seek that the submission point is allowed or not. While in some cases, additional or alternate changes are sought, in my view, the changes sought are within the scope of the original submission, as they relate to issues raised in the original submission.</p> <p>For completeness, I also confirm that I consider Transpower meets the requirements of clause 8(1)(a).</p>
31, 32, 33	<p>Where you refer to Nova as submitter (15) should that read (17)?</p>	<p>Yes, reference to Nova is correct, but reference to (15) is an error; it should have been to (17).</p>
38	<p>Introduction and General Provisions</p> <p>You state that the short introductory section to the Plan is focussed on specific natural resources of importance, rather than the use of those resources. However, the specific submission point of Nova (17), Appendix 1, page 6 appears to seek recognition of energy resources as being central to the identity of the District and does not refer to the use of energy resources.</p> <ul style="list-style-type: none"> <li>▪ Are energy resources (water, wind, sunshine) natural resources?</li> <li>▪ Can you please clarify your reason for recommending the rejection of Nova's relief?</li> </ul>	<p>Yes I agree that energy resources are natural resources and I accept that Nova has not explicitly sought reference to resource use. However, the reason for recommending rejection of the relief is that in my view referring to "<i>energy resources</i>" is inherently linking different resources (wind, water, sunshine) with their use for a particular purpose, i.e. for energy generation.</p>
41	<p>Introduction and General Provisions</p> <p>You reach a view that the term 'consultation' is more appropriate and note that 'collaboration' is not precluded by this term. Section 18A(c) of the RMA promotes</p>	<p>The examples I refer to are those discussed in the CRPS, and which are described as "<i>tools that local authorities may use to address cross-boundary issues and to coordinate processes</i>". They were not intended to provide examples of either collaboration or consultation, and in my view, their use</p>

S42A Report Paragraph	Panel Questions	Response
	<p>collaboration. A district plan may (under s75(2)(f)) state the processes for dealing with issues that cross territorial authority boundaries.</p> <ul style="list-style-type: none"> <li>▪ Are the examples you refer to “working groups, delegation, joint management and joint processing of resource consents” collaboration or consultation?</li> <li>▪ Does the word “consultation” sufficiently promote collaborative processes and approaches?</li> <li>▪ Can you advise of any situation where the word “collaboration” would not be appropriate in the context of cross-boundary matters, given one ordinary meaning of collaboration is “work with someone to produce something”?’</li> <li>▪ Is there scope to use both terms?</li> </ul>	<p>as a tool could be undertaken in either a collaborative or consultative way. A working group, for example, may be a way of consulting with other parties while retaining decision-making, or it may be set up in a way that is more collaborative, with a working party being used to (say) prepare a plan change.</p> <p>While, in my view, reference to consultation does not preclude collaboration, I accept that it does not explicitly “promote” collaborative processes and approaches.</p> <p>In my view, an example where collaboration might not be appropriate is where Mackenzie District is seeking input into a process, but where the other party does not bear the responsibility for the process. An example being a plan change where the Council may seek input from the regional council or the relevant rūnanga, but where the intent is not to jointly prepare the plan change.</p> <p>While I consider that there is scope to use both terms, having reviewed the wording proposed in this chapter I note that the listed methods to addressing cross-boundary issues refer to:</p> <ol style="list-style-type: none"> <li>1. Maintaining a dialogue with other local authorities;</li> <li>2. Ensuring consistency between plans; and</li> <li>3. Consulting with other local authorities and runanga on resource management matters like plan changes and resource consents.</li> </ol> <p>In my view, reference to consultation in the context in which it is used remains appropriate. If the Hearing Panel considers that explicit reference should be included in relation to promoting collaboration, then in my view this might be better addressed by either adding the following to clause 1: <i>“Maintaining an ongoing dialogue, <u>and collaborating with</u>, the Regional Council ...”</i></p>
66	Introduction to the Strategic Direction Section	Yes – to be consistent with the final paragraph, it would be appropriate to capitalise ‘Strategic Objectives’.

S42A Report Paragraph	Panel Questions	Response
	<ul style="list-style-type: none"> <li>▪ In your Appendix 1, in the first inserted paragraph in this section, should the term “strategic objectives” be capitalised?</li> <li>▪ In the recommended new second paragraph in this section, would it be appropriate to replace the final word “considered” with the words “had regard to” given RMA guidance for decision-makers in section 104(1) uses the words “have regard to” and section 171(1) uses the words “have particular regard to”?</li> </ul>	<p>Noting the direction in s104(1) and 171(1) I agree that “<i>had regard to</i>” would be more consistent with the direction in RMA.</p>
79	<p>ATC-01</p> <ul style="list-style-type: none"> <li>▪ If the objective was to include “anticipated” amenity values are maintained or enhanced, would this preclude maintaining or enhancing “existing” amenity values and the character of different areas?<sup>1</sup></li> <li>▪ Drawing on wording used in national policy direction, would it be appropriate to use an alternative phrase “the <u>planned for</u> amenity values ...”?</li> </ul>	<p>In my view, reference to “anticipated” amenity values and character would only preclude maintenance or enhancement of existing amenity values and character, where these differ. For example, the existing amenity values and character of an area that has a mixed use character might be different from those anticipated under its commercial zoning. The intent is to allow for the amenity values and character to change over time rather than maintain the existing values/character.</p> <p>While I accept the NPSUD uses the word “planned” – this is more specifically in relation to “urban built form”, rather than amenity values and character more broadly, or outside urban areas where amenity and character might not relate so specifically to built form. Given the NPSUD also does not apply to the Mackenzie District, I prefer retaining reference to “anticipated”.</p>
83	<p>ATC-02</p> <p>You state that the objective is not seeking to provide for ‘activities’ but for ‘areas’.</p> <ul style="list-style-type: none"> <li>▪ Can you further explain why you consider it is the rural ‘area’ rather than rural ‘activities’ that contribute to the social, economic and cultural wellbeing of the District?</li> </ul>	<p>The rural area contains a range of activities that are not necessarily what would be considered to be “rural” activities. As such, there are a range of activities, including but not limited to rural activities, located in rural areas that contribute to the wellbeing of the District. In this context, reference to ‘rural areas’ takes into account not only land zoned ‘Rural’, but also land within the wider rural area that may have another zoning (e.g. Specific</p>

<sup>1</sup> This same query relates to Paragraph 146 b.

S42A Report Paragraph	Panel Questions	Response
	<ul style="list-style-type: none"> <li>▪ Does the District Plan manage activities?</li> <li>▪ Is your conclusion consistent with the Introduction to the NE chapter which states “<i>Economic value is derived from these natural resources, for example from tourism that is based on the natural resources within the District and from hydro-electric power generation.</i>”</li> </ul>	<p>Purpose). I therefore consider that it is the contribution of rural land (including its associated natural and also physical resources, along with rural and non-rural activities) that the objective is aiming to recognise and provide for.</p> <p>Yes – the District Plan manages subdivision and land use activities to achieve the purpose of the RMA.</p> <p>No, I do not consider my conclusion to be inconsistent with the introduction to the NE chapter, as they relate to different things. The NE Chapter relates to the values of natural resources, including economic values – and applies in rural areas where such values are located. The focus of ATC-O2 is on the importance of rural land to the District’s well-being.</p>
84	<p>ATC-02</p> <p>It is arguable that it is both natural resources and their use that contributes to the social, economic and cultural wellbeing of the District.</p> <ul style="list-style-type: none"> <li>▪ Is there any disadvantage from referring to both natural resources and how they are used in ATC-02?</li> </ul>	<p>As noted above, the focus of ATC-O2 is on the importance of rural areas to the District’s well-being; rather than on natural resources. Referring to natural resources and how they are used would in my view shift the focus of the objective. I also note that rural areas contain important physical resources which would not be acknowledged if the objective is recast to focus on natural resources and their use.</p>
89	<p>ATC-03</p> <p>The definition of infrastructure in both the RMA and PC20 is broad.</p> <ul style="list-style-type: none"> <li>▪ Do you consider that infrastructure such as a postal distribution centre, farm drains, domestic septic tanks and foot paths meet the infrastructure definition, and if they do, do they need to be recognised as important to the District?</li> <li>▪ Can you advise what ‘recognising and providing for’ the ‘importance’ of infrastructure entails?</li> </ul>	<p>I consider that postal distribution centres are covered in (h) of the definition, farm drains (where part of a system) in (f) and footpaths in (g). I do not consider domestic septic tanks would be captured on the basis that they are not a ‘system’.</p> <p>I consider all infrastructure to be important in terms of providing for people and community’s wellbeing, but the level of importance is of a varying degree.</p> <p>Recognising and providing for the importance of infrastructure is intended to entail identifying the level of importance of different types of infrastructure, and then recognising and providing for those differing levels of importance in the relevant chapters. As noted in the s32 report, consideration was given to differentiating between different levels of</p>

S42A Report Paragraph	Panel Questions	Response
		importance, but this was not considered to acknowledge that for the local community, all infrastructure is important to their well-being regardless of its wider significance in the region or at a national level.
104	<p>ATC-05</p> <ul style="list-style-type: none"> <li>▪ In the amended version of ATC-05, is it clear what the integration refers to?</li> <li>▪ For example, is it only the integration of natural hazard risks and the effects of climate change with each other, or is it the integration of those two aspects with all other aspects of the management of natural and physical resources?</li> </ul>	I consider that ‘integration’ in ATC-05 as recommended refers to ensuring the approach taken to management of natural hazard risk is integrated with other aspects of resource management, and similarly that the approach taken to climate change effects is integrated with other aspects of resource management, including that they are both approached in an integrated way.
116	5 <sup>th</sup> line – should “persevered” be “preserved”?	Yes, this is a typo.
125	<p>NE-01</p> <ul style="list-style-type: none"> <li>▪ Are we to understand that subsequent chapters of the District Plan already (or will do through subsequent plan changes) identify the values of the District’s natural environment that are unique; contribute to its character, identity and well-being; or have significant or outstanding intrinsic values?</li> <li>▪ If so, would it be helpful for plan users to explicitly state that in the Introduction section of the NE – Natural Environment Chapter?</li> <li>▪ In NE-01 as notified, does the word “includes” mean that the list of values 1 to 5 is not exclusive, but states values that the community might readily identify with?</li> </ul>	<p>Yes, some existing chapters of the District Plan already identify the values of the District’s natural environment referred to; or these will be identified through subsequent plan changes.</p> <p>I agree that explicitly stating that in the Introduction section of the NE – Natural Environment Chapter would assist plan users and may also further address the concerns raised by Forest &amp; Bird. This could be addressed by the following wording being added to the recommended additional paragraph:</p> <p><i><u>The way that the important values of natural resources are managed through the District Plan, including how they are recognised and provided for, and which require protection and enhancement, will be consistent with the more specific direction relating to different resources in other relevant statutory direction, including section 6 of the RMA, national and regional policy statements and iwi management plans. <b>These values are identified and addressed in other chapters of this District Plan.</b></u></i></p> <p>Yes, NE-01 as notified was intended to provide a non-exclusive list of values, on the basis that it identified values of known importance to the community, but was not intended to suggest that there may not be other values of</p>

S42A Report Paragraph	Panel Questions	Response
		importance; and allows for the possibility that further stages of the review will identify others.
	<p>Natural Environment You reach a neutral view as to whether the Introduction should be amended to refer to irrigation.</p> <ul style="list-style-type: none"> <li>▪ Is irrigation an appropriate example of how economic value can be derived from natural resources?</li> <li>▪ Does irrigation ever degrade or adversely affect natural resources?</li> </ul>	<p>Irrigation is an example of how economic value can be derived from natural resources.</p> <p>Yes I consider that irrigation, like other types of resource use, can degrade or adversely affect natural resources.</p>
126	<p>Natural Environment The Introduction section refers to tourism as an example of economic value derived from natural resources.</p> <ul style="list-style-type: none"> <li>▪ As there are many examples that could have been used, can you advise why tourism was selected for the Mackenzie District?</li> <li>▪ Do you consider the tourism example as the most relevant for this District?</li> <li>▪ If so, why?</li> </ul>	<p>Yes there are other examples that could have been used of where economic value is derived as a resource. Tourism and hydro electric power generation were included because they are of particular relevance to this District. As noted in the s32 report, the Strategic Direction chapters relate to matters which have largely been identified from community feedback on other strategic documents, and which reflect previous community feedback.<sup>2</sup> Te Manahuna Ki Uta / Destination Mackenzie was adopted in September 2020. It acknowledges tourism as being a key contributor to Te Manahuna’s prosperity and wellbeing, the uniqueness of Te Manahuna’s natural environment as a tourist attraction, and is aimed at identifying tourism opportunities which will also sustain the natural environment. Tourism is acknowledged in the Mackenzie Spatial Plans in terms of both its current role and anticipated growth. I therefore consider that tourism is a particularly relevant example for the Mackenzie District.</p>
129	<p>NE-01 By recommending the removal of the list of resources from the objective, you note this will affect the visibility of these values to a plan user.</p>	<p>The introduction to the Natural Environment Chapter continues to refer to the list of resources that were notified within NE-01 itself. I support the retention of these examples in the introduction as a signal to plan users of important resources that the Plan manages.</p>

<sup>2</sup> Paragraph 6.2, bullet point 2.

S42A Report Paragraph	Panel Questions	Response
	<ul style="list-style-type: none"> <li>▪ Is there scope to assist plan users in this regard, for example by including a short paragraph in the Introduction to this chapter that serves as a ‘way finder’ for plan users to access information about the various resources within other chapters of the Plan?</li> </ul>	
139	<p>Urban Form and Development</p> <ul style="list-style-type: none"> <li>▪ Can you explain your presumption that “the NPSUD does not apply to the Mackenzie District, because it does not fall within the NPSUD’s definition of an urban environment” when the District clearly contains areas of land (regardless of their size) that are predominantly urban in area.</li> <li>▪ Is it because no single urban area exceeds 10,000 people, even temporarily during holiday periods?</li> <li>▪ Have you sought legal advice on your presumption and if so, may we please have a copy of it?</li> </ul>	<p>The definition of urban environment in the NPS-UD refers to land that is, or is intended to be, predominantly urban in character AND which is, or is intended to be, part of a housing and labour market of at least 10,000 people. The areas of the district that are considered to be (or intended to be) urban in character are not considered to be part of a housing or labour market of this size. Specifically, the usually resident population across the whole District was only 5,010 in 2018, with growth projections remaining less than 10,000 (9,050) in total by 2050.<sup>3</sup></p> <p>This was discussed with legal counsel early in the drafting phase, who provided the following advice:</p> <p><i>The NPS-UD applies only to territorial authorities with all or part of an "urban environment" as defined in the NPS-UD. An "urban environment" must have, or be intended to have, a housing and labour market of at least 10,000 people. No area within MDC's territory fulfils this requirement. The NPS-UD does not apply to the McKenzie District and it should not be considered here.</i></p>
140	<p>UDF-01</p> <p>You conclude that an additional clause relating to indigenous biodiversity is neither required nor necessary.</p> <ul style="list-style-type: none"> <li>▪ Can you please expand on your reasoning where you state ‘...I do not consider that it is something that should be required, as it extends beyond the maintenance of indigenous biodiversity’.</li> </ul>	<p>Section 31(1)(b)(iii) of the RMA provides the Council with the function of controlling any actual or potential effects of the use, development, or protection of land, for the purpose of the maintenance of indigenous biological diversity. This is different to the obligation in Part 2 of the RMA to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Taking into account that these are addressed in the Plan through the changes proposed through</p>

<sup>3</sup> Rationale Ltd. *Mackenzie District Growth Projections – 2020*, August 2020, p. 7.

S42A Report Paragraph	Panel Questions	Response
	<ul style="list-style-type: none"> <li>▪ Are you referring here to RMA Part 2 obligations?</li> </ul>	<p>PC18, I consider that it is not necessary, in relation to the growth and development of urban areas, to <i>require</i> that it incorporates and sustains indigenous biodiversity in order to discharge the Council's functions.</p>
142	<p>UDF-01 Would drinking water more properly be considered under clause 3 (rather than clause 1) given that the provision of drinking water is primarily an infrastructural issue in urban areas?</p>	<p>The submission from ECan relates to the protection of community drinking water supplies, rather than the provision of drinking water. This relates to Policy 5.3.2(1)(d) of the CRPS which directs that development is enabled, where it ensures that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose the protection of sources of water for community supplies. I therefore understand the intent behind ECan's submission is to ensure that growth takes into account such supplies and ensures their protection, for example by not proposing extension of areas which are not serviced by reticulated wastewater and where individual septic tanks may compromise a community water supply. As noted in the s42A report, I consider that this is broadly covered in clause (1).</p>
153	<p>UDF-01 If your recommended version of UFD-01 clause 3 was amended to refer to "... which support the <u>well-being and functioning of the community</u>" would that then arguably include matters such the housing and care needs of the ageing population?</p>	<p>Yes I consider that the addition would include matters such as the housing and care needs of the ageing population; however I do not consider specific reference to these matters to be necessary given the reference in clause (5) to the needs of the community and to diversity in housing.</p>
154	<p>Additional Provisions In case the Panel is minded to include a specific reference to historic heritage, can you please draft specific wording for our consideration?</p>	<p>Draft wording is set out below. To assist the Panel I provided the wording to HNZPT who confirmed that the drafting would address the concerns raised in their submission.</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"> <li>1. <i>there are a range of living options, businesses, and recreation activities to meet community needs;</i></li> </ol>

S42A Report Paragraph	Panel Questions	Response
		<ol style="list-style-type: none"> <li>2. <i>activities that are important to the community's social, economic and cultural well-being, including appropriate economic development opportunities, are provided for; <del>and</del></i></li> <li>3. <i>the <u>anticipated</u> amenity values and character of different areas are maintained or enhanced; <u>and</u></i></li> <li>4. <i><u>the significance of heritage resources to the community's character and cultural heritage is recognised and provided for.</u></i></li> </ol>
Other	<p>The submission by Environment Canterbury (14) (their paragraph 16) notes that ACT-01 is silent on the issue of public access.</p> <ul style="list-style-type: none"> <li>▪ While there is no specific relief sought by the submitter, did you consider this submission point and if so, do you have any response to it?</li> </ul>	<p>Yes I did consider this point, but given no specific relief was sought, I did not address it specifically in the s42A Report. However, I do not consider it necessary for the objectives to refer to public access, because as noted, the intent of the chapters is not to traverse every matter of national importance and public access is not a matter that has been identified as being of particular importance to the Mackenzie District, nor does it traverse a more complex matter affecting more than one chapter of the Plan.</p>
Other	<p>The submission by Federated Farmers (6) (their paragraph 2.3) notes that the Section 32 Report: Strategic Direction Chapters for ATC-02 Rural Areas has no reference to cultural well-being, only social and economic wellbeing.</p> <ul style="list-style-type: none"> <li>▪ Does the Section 32 Report: Strategic Direction Chapters for ATC-02 Rural Areas refer to cultural well-being?</li> <li>▪ While there is no specific relief sought by the submitter, did you consider this submission point and if so, do you have any response to it?</li> </ul>	<p>No, the s32 report did not refer to cultural well-being in the assessment of ATC-02; cultural wellbeing is however referenced in the objective itself. Yes, I considered the submission point, but noted that the submitter supported the objective referred to (being ATC-02) and sought that it be adopted as notified. I therefore understood the criticism to be with the s32 assessment rather than the provision itself. Given the reference within the objective to cultural well-being I consider it would have been appropriate for the s32 assessment to refer to cultural well-being as well as social and economic well-being.</p>