
DIRECTIONS OF THE HEARINGS PANEL**MINUTE 2**

- [1] The Panel members have read the Section 42A Report: Plan Change 20 – Strategic Chapters dated 19 October 2022.
- [2] We have a number of questions for the authors of that Report that are attached to this Minute.
- [3] We would appreciate written answers being provided to those questions on or before Friday 18 November 2022 to enable us to consider the authors' responses prior to the hearing scheduled to commence on 29 November 2022.
- [4] We would appreciate it if the authors' written response repeats each question and provides the answer immediately below the question.
- [5] We direct that:
 - a) this Minute and the authors' written answers are posted on Council's Plan Change 20 webpage; and
 - b) the Hearings Administrator alerts submitters on Plan Change 20 to the posting of both the Minute and the written answers.
- [6] The Panel may of course have further questions for the Section 42A Report authors that will be posed verbally at the hearing.



Rob van Voorthuysen

Independent Commissioner – Chair - on behalf of the DPR Hearings Panel members

1 November 2022

Paragraph	Panel Questions
13 & 27	<p>Transpower is the only further submitter who is not also a primary submitter.</p> <ul style="list-style-type: none"> ▪ In your assessment, does Transpower’s further submission meet the requirements under RMA Schedule 1 Clause 8(2) for a further submission?
31, 32, 33	Where you refer to Nova as submitter (15) should that read (17)?
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"> ▪ Are energy resources (water, wind, sunshine) natural resources? ▪ Can you please clarify your reason for recommending the rejection of Nova’s relief?
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 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"> ▪ Are the examples you refer to “working groups, delegation, joint management and joint processing of resource consents” collaboration or consultation? ▪ Does the word “consultation” sufficiently promote collaborative processes and approaches? ▪ 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”? ▪ Is there scope to use both terms?
66	<p>Introduction to the Strategic Direction Section</p> <ul style="list-style-type: none"> ▪ In your Appendix 1, in the first inserted paragraph in this section, should the term “strategic objectives” be capitalised? ▪ 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”?
79	<p>ATC-01</p> <ul style="list-style-type: none"> ▪ 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?¹ ▪ Drawing on wording used in national policy direction, would it be appropriate to use an alternative phrase “the <u>planned for</u> amenity values ...”?
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"> ▪ 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? ▪ Does the District Plan manage activities?

¹ This same query relates to Paragraph 146 b.

Paragraph	Panel Questions
	<ul style="list-style-type: none"> 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>
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"> Is there any disadvantage from referring to both natural resources and how they are used in ATC-02?
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"> 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? Can you advise what ‘recognising and providing for’ the ‘importance’ of infrastructure entails?
104	<p>ATC-05</p> <ul style="list-style-type: none"> In the amended version of ATC-05, is it clear what the integration refers to? 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?
116	5 th line – should “persevered” be “preserved”?
125	<p>NE-01</p> <ul style="list-style-type: none"> 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? If so, would it be helpful for plan users to explicitly state that in the Introduction section of the NE – Natural Environment Chapter? 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?
126	<p>Natural Environment</p> <p>You reach a neutral view as to whether the Introduction should be amended to refer to irrigation.</p> <ul style="list-style-type: none"> Is irrigation an appropriate example of how economic value can be derived from natural resources? Does irrigation ever degrade or adversely affect natural resources?
	<p>Natural Environment</p> <p>The Introduction section refers to tourism as an example of economic value derived from natural resources.</p> <ul style="list-style-type: none"> As there are many examples that could have been used, can you advise why tourism was selected for the Mackenzie District? Do you consider the tourism example as the most relevant for this District? If so, why?
129	<p>NE-01</p> <p>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>

Paragraph	Panel Questions
	<ul style="list-style-type: none"> ▪ 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?
139	<p>Urban Form and Development</p> <ul style="list-style-type: none"> ▪ 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. ▪ Is it because no single urban area exceeds 10,000 people, even temporarily during holiday periods? ▪ Have you sought legal advice on your presumption and if so, may we please have a copy of it?
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"> ▪ 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’. ▪ Are you referring here to RMA Part 2 obligations?
142	<p>UDF-01</p> <p>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>
153	<p>UDF-01</p> <p>If your recommended version of UFD-01 clause 3 was amended to refer to “... which support the <u>well-being and</u> functioning of the community” would that then arguably include matters such the housing and care needs of the ageing population?</p>
154	<p>Additional Provisions</p> <p>In case the Panel is minded to include a specific reference to historic heritage, can you please draft specific wording for our consideration?</p>
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"> ▪ 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? <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"> ▪ Does the Section 32 Report: Strategic Direction Chapters for ATC-02 Rural Areas refer to cultural well-being? ▪ 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?