

Before the Independent Hearing Panel
Appointed by the Mackenzie District Council

Under

The Resource Management Act 1991 (**RMA**)

In the matter of

proposed Plan Changes 23-27 to the Mackenzie District Plan

Statement of evidence of Rachael Lorraine Willox

1 May 2024

Council's Solicitor:

Michael Garbett

Anderson Lloyd

Level 12, Otago House, 477 Moray Place, Dunedin 9016

Private Bag 1959, Dunedin 9054

DX Box YX10107 Dunedin

p + 64 3 477 3973

michael.garbett@al.nz

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lloyd.**

Qualifications and experience

- 1 My full name is Rachael Lorraine Willox.
- 2 I am the Team Leader Planning at Mackenzie District Council (MDC).
- 3 I hold a Master of Planning and Bachelor of Arts from the University of Otago. I am an intermediate member of the New Zealand Planning Institute.
- 4 I have over seven years' experience working in local government. My experience includes processing resource consent applications, preparation of Council's policies and bylaws and input into the preparation of, and reporting on, the various plan changes forming part of the Plan Review process. In addition to this evidence, I have also prepared the s42A Report in relation to Plan Change 27.
- 5 I have recently been appointed in the role of Team Leader Planning at MDC. In this role I oversee all resource consenting functions as well as being responsible for managing and progressing the review of the Mackenzie District Plan.

Scope of evidence

- 6 My evidence is on behalf of Mackenzie District Council. I address the current stage of the District Plan review, the plan changes which have been notified as part of Stage 3 of the review and the integration between them and with existing operative provisions. This includes:
 - (a) What topics are included in the Stage 3 Plan Changes;
 - (b) The drafting approach taking to the Stage 3 Plan Changes; and
 - (c) What topics are yet to be reviewed (as part of Stage 4).

Staged Review

- 7 The background to the Plan Review was set out in the evidence for Plan Change 20 of Aaron Hakkaart, the Planning Manager at MDC at the time. I do not repeat that detail here, but note that Plan Changes 18 & 19 were notified in December 2017 as Stage 1 of the District Plan review, but for various reasons, further review of the remainder of the Plan did not commence in earnest until 2022, following a spatial planning exercise. The continuation of the review process (commencing with notification of Plan Change 20 as the remainder of Stage 1) followed agreement by the Council to adopt an approach that results in the plan being reviewed in stages

based on chapters and issues. Plan changes notified so far as part of the review are:

(a) Stage 1:

- (i) Plan Change 18 – Indigenous Biodiversity (notified 20 December 2017 and subject to appeal in the Environment Court);
- (ii) Plan Change 19 – Activities on or within Waterbodies (notified 20 December 2017 and now operative);
- (iii) Plan Change 20 - Strategic Chapters, covering a new Strategic Direction section and various introductory chapters (notified 15 July 2022 and now operative);

(b) Stage 2:

- (i) Plan Change 21 – Spatial Plan Implementation, relating to the application of residential, commercial and industrial zoning and the frameworks applying to each (notified 27 September 2022 and now operative); and
- (ii) Plan Change 22 – Lighting, relating to a review of the lighting provisions (notified 27 September 2022 and now operative).

Plan Changes 23 - 27

8 Stage 3 of the District Plan review encompasses a review of rural zones, as well as various district-wide matters. These have been separated into five plan changes, which were notified concurrently, being:

- (a) Plan Change 23 (PC23) – General Rural Zone, Natural Features and Landscapes, Natural Character;
- (b) Plan Change 24 (PC24) – Sites and Areas of Significance to Māori;
- (c) Plan Change 25 (PC25) – Rural Lifestyle Zones;
- (d) Plan Change 26 (PC26) – Renewable Electricity Generation and Infrastructure; and
- (e) Plan Change 27 (PC27) – Subdivision, Earthworks, Public Access and Transport.

9 Each plan change includes those provisions that are considered to be particularly interrelated, or which are logically grouped together, or

conversely, are largely standalone. Notwithstanding this, all Stage 3 plan changes have been prepared on an integrated basis, both in terms of the relationships between them, as well as with the wider operative Plan. I return to this further below.

10 The following table provides a brief summary of what each plan change addresses:

Plan Change	Summary
PC23	<p>Largely replaces the operative Rural Zone section (Section 7) with a new General Rural Zone chapter (GRUZ), Natural Features and Landscapes chapter (NFL) and Natural Character chapter (NATC). This reflects that landscape provisions are currently contained in Section 7 of the Plan, rather than sitting in a District-wide chapter. Similarly, the proposed NATC provisions encompass provisions relating to water bodies and their riparian margins which currently sit within zone sections.</p> <p>PC23 also includes the identification of additional ONLs and ONFs to those contained in the operative Plan.</p>
PC24	<p>Introduces a new chapter pertaining to Sites and Areas of Significance to Māori (SASM), including the mapping of such sites. The Operative Plan does not identify such sites or provide a framework relating to them.</p>
PC25	<p>Replaces various Rural Residential sections (7A, 7B and 8) with a new Rural Lifestyle Zone chapter (RLZ), and applies RLZ to these areas.</p>
PC26	<p>Replaces Section 16 – Utilities of the operative Plan (as well as some discrete provisions within other sections of the Plan) with new chapters for Renewable Electricity Generation (REG) and Infrastructure (INF).</p>
PC27	<p>Largely replaces the Subdivision¹ (13) and Transportation (15) sections with corresponding Subdivision (SUB) and Transport (TRAN) chapters, with esplanade provisions shifted into a separate Public Access chapter.</p>

¹ Excluding financial contribution provisions which have not been included in this Stage of the review.

	Introduces a new Earthworks chapter (EW) which combines earthwork provisions which currently sit in various zone sections.
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11 As was noted by Mr Hakkaart in his PC20 evidence, the provisions introduced through Plan Change 13 (PC13) do not need to be reviewed as they are less than ten years old. However, these provisions currently sit within the Rural Section. Because they relate to an Outstanding Natural Landscape, they are generally required² under the National Planning Standards to be included in a separate Natural Features and Landscapes chapter. Because PC23 includes a review of the remainder of the Rural Section, as well as introducing new ONLs and ONFs and provisions pertaining to them, the PC13 provisions have been “shifted” into the new NFL chapter (or where relevant, the REG and SUB chapters) to show them in context. However, as set out in the notification documents, a review of the content of the PC13 provisions themselves is not within the scope of any of plan changes. To clearly delineate the PC13 provisions which are outside the scope of these plan changes, they were shaded in grey in the relevant chapters.

Integration

12 As noted above, each plan change includes chapters that are logically grouped together. However, in order to ensure that the District Plan framework as a whole is integrated, the provisions contained all Stage 3 plan changes have not been prepared or considered in isolation. There are also important interrelationships between them, as well as with the wider operative Plan, including:

- (a) Use of the same proposed definition across two or more plan changes;
- (b) Provisions relating to and implementing Objectives and Policies in the SASM chapter are included in other chapters of the Plan (for example rules to manage Natural Character, Natural Features and Landscapes, Public Access and Earthworks are located in these chapters and include matters of discretion relating to SASM);

² “Generally required” takes into account that the National Planning Standards allows for some provisions relating to ONLs can be included in other chapters such as subdivision, energy and infrastructure.

- (c) Inclusion of some earthwork provisions relating to ONLs and ONFs being included in the NFL chapter, in addition to the provisions in the EW chapter;
- (d) Application of identified provisions to activities otherwise managed in the REG and INF chapters; and
- (e) Alignment of density provisions within the zone frameworks with those contained in the SUB chapter.

13 As much as possible, the drafting approach taken in the Stage 3 chapters has also sought to remain consistent with the drafting approach applied in the Stage 2 chapters.

14 To properly resource the reporting on these chapters, separate section 42A reports have been prepared for each of the plan changes. The planners authoring these reports have taken care to identify any cross chapter issues and ensure there is integration. A clear example of this is to ensure the defined terms are used appropriately in each chapter. The clear planning preference is to use a common defined term (often from the Planning Standard) where at all possible.

Partnership with Mana Whenua

15 Throughout the plan review process and following the approach taken in the development of the Spatial Plans, the Council has been working alongside mana whenua, through Aoraki Environmental Consultants, in the review process.

16 For the SASM provisions in particular, iwi themselves have identified those sites and areas of significance to them, which are proposed to be identified within the District Plan. Consideration of provisions applying to the identified SASMs (not only within the SASM chapter, but within other chapters of the Plan) has been undertaken on a collaborative basis with involvement from runaka, AEC planners and other planners working on the District Plan review.

17 As noted earlier, the SASM chapter has not been approached in isolation, with provisions in other chapters relied on to assist in achieving the outcomes sought in the SASM chapter objectives, while avoiding duplication.

Stage 4

18 Stage 4 of the District Plan review encompasses those remaining sections of the Plan that are intended to be reviewed, comprising:

- (a) Hazards and Risks
- (b) Historical Heritage and Notable Trees
- (c) Noise, Signs and Temporary Activities
- (d) Open Space and Recreation Zones
- (e) Special Purpose Zones
- (f) Designations³

19 Stage 4 of the Plan Review is well advanced, with the background and preferred approach phases completed. Targeted consultation and refinement of the intended approach is currently occurring. It is currently intended that further community engagement will be undertaken in July and August, with provisions workshopped with Councillors in September, and notification (subject to Council approval) occurring in November 2024.

20 The Project Team is cognisant of the need to ensure that these Stage 4 provisions are integrated into the Plan, including with respect to the Stage 3 Plan Changes. For example, there will be a need to review aspects of the earthworks and subdivision provisions as they relate to the Stage 4 zones. It is anticipated that a further plan change may be required as part of Stage 4, to make changes to chapters introduced in Stages 1-3, to ensure full alignment across the Plan, but these will be limited in scope so as not to relitigate the substantive content.

Conclusion

21 Mackenzie District Council has been progressing its review of the District Plan in a staged manner to modernise its Plan and place it into the National Planning Standard format, in a manner that meets its legal obligations and the requirements of the community, while taking into account the resources available to Council.

22 Stage 3 is an important stage in the review process and reflects the Council's continued commitment to completing a review of the District Plan.

³ Note that provisions relating to financial contributions and surface of water are intended to be carried over to the National Planning Standard framework (i.e. the e-plan) in the coming months without review.



Rachael Willox

1 May 2024