BEFORE THE HEARING PANEL

UNDER THE	Resource Management Act 1991
IN THE MATTER OF	Submissions on the Exemptions Version of the Proposed Waitaki District Plan
BETWEEN	**WAITAKI DISTRICT COUNCIL** Local authority
AND	**HAMPDEN COMMUNITY ENERGY Inc** Submitter number 232

EXEMPTIONS VERSION OF THE PROPOSED WAITAKI DISTRICT PLAN

ORAL SUBMISSION BY DUGALD MACTAVISH ON BEHALF OF HAMPDEN COMMUNITY ENERGY SOCIETY INC

Hearing Stream 2
Energy - Infrastructure - Stormwater - Transport - Earthworks - Designations

25 SEPTEMBER 2026

Rachel Welton
Secretary/Treasurer
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Introduction

1. We have for your consideration today:

    - Climate evidence from Professor James Renwick who will be available to speak to it.
    - A legal submission based on that evidence using AI.
    - A table containing our final relief sought after consideration of the s42A assessment and feedback from other further submitters.

2. In the interests of resolution, and where the intent could be retained, we have made compromises to final wording of that relief.

Sustainable management of resources under Climate Change

3. First and foremost, we submit that Professor Renwick's evidence establishes, beyond doubt, climate change is a pressing and genuine threat to our society requiring urgent action if social collapse is to be avoided.

4. The RMA's definition of sustainable management relies on the ability of natural and physical resources to sustain their life-supporting capacity, and the ability of ecosystems to maintain their health and functioning.

5. The core issue is that the RMA was designed for a relatively stable climate, where past environmental data was a reliable predictor of future conditions. Climate change breaks this link, rendering "sustainable" a moving target.

6. However, Professor Renwick's evidence also makes it clear that we can stop climate change if we take appropriate action. Our legal submission identifies provisions in a range of statutory instruments that enable objectives and policies in plans to require such action.

7. Should such policy not be adopted and warming continue unchecked, the Act's purpose becomes unachievable, because the natural systems it is mandated to protect will have fundamentally changed or collapsed, making "sustainable management" no longer a practical reality.

8. Our submission is intended to address those points in strategic objectives, but they need to be reflected in policies to be given effect. Should it so determine, we understand that is within the powers of the Panel.

9. We are not familiar enough with the plan and planning to make such proposals ourselves.

10. This also means that some of our recommendations may be addressed in objectives in other parts of the plan. However, if those matters were properly addressed in the Strategic Direction objectives, it's clear its important and the plan is to be integrated in its climate response.

Wording of Strategic Direction Objectives

11. The s42A report (and some other submitters) have suggested that our proposals would be better placed as policies or that other statutes already require them. e.g. see s42A at SD-UFD-01

12. On the contrary, we submit that given the all-encompassing nature of climate change and the foundation concept of sustainability in the RMA, the Strategic Direction section is the very place for such high-level objectives and for identifying "desired outcomes" (as referred to in the introduction to the SD chapter).

13. We also note that objectives are "strategic directions" not "targets" which means they can be aspirational, not just be "flexible" or able to "respond" (see s42A at SD-IEE-03).

Responses to s42A Assessment

Legal Submission

14. Our legal submission suggests the following objective:

    Urban growth and land use are managed in a way that reduces adverse effects on the climate, supports energy efficiency and renewable-energy development, and maintains the resilience of communities to climate-related hazards.

15. It is a concise statement which integrates a number of climate-related matters that might be considered of an appropriate objective or policy.

Appendix A: Hampden Community Energy Society Response to s42A Assessment

(5 number A3 Pages of tables)

Identifier	Provision	Support/Oppose	Reasons	Suggested Changes	s42A	Recom.	HCE response	Revised position/Relief sought
Community facilities and open space								
SD-CFOS-O1	Open Space and Recreation Areas							
	Provide a network of public open space and recreation areas with a diversity of type and size and associated public amenities, recreational facilities, and infrastructure to meet the current and future recreation, cultural, health and well-being needs of the community.	Support with adjustment	This objective is too open ended and with no benchmark	Provide a network of public open space and recreation areas with a diversity of type and size and associated public amenities, recreational facilities, and infrastructure to meet **sustainably,** the current and future recreation, cultural, health and well-being needs of the community.		?	The PDP uses the word sustainable "The national significance of the National Grid and electricity transmission of the Waitaki Power Scheme and **sustainable**, secure and efficient electricity transmission is recognised and provided for through and within the district"	No change to submission point
Historical and cultural identity and values								
SD-CHI-O1	Character and Identity							
	Waitaki's character, historic and cultural heritage, and identity is recognised and protected throughout the District.	Support	Complements SD-CFOS-O1			Accept		
SD-CHI-O2	Recognition, protection, and future opportunities for Waitaki's heritage	Support	Complements SD-CFOS-O1 and SD-CHI-O1			Reject		
	Recognise the outstanding contribution that historic heritage makes to the Waitaki district by protecting buildings, items, areas and features and providing opportunities for the ongoing use and adaptive re-use of our heritage buildings and areas.	Support with adjustment	Some key buildings in the heritage quarter that have been modified need to be at least refaced to inhance the street scape in keeping with the Victorian theme.	Recognise the outstanding contribution that historic heritage makes to the Waitaki district by protecting buildings, items, areas and features and providing opportunities for the ongoing use, **refurbishment** and adaptive re-use of our heritage buildings and areas.	Including a broad term like 'refurbishment' risks uncertainty, inappropriate outcomes, and inconsistent decision-making...adding as specific terms such as 'refurbishment' would create an enabling signal without sufficient safeguards..	Reject	HCE accept s42A recommendation	Withdraw request
SD-CHI-O3	Waitaki's cultural heritage							
	Wāhi tūpuna places, landscapes and features which are significant to mana whenua are identified, recognised for their values and protected for future generations.	Support	Mana Whenua have greater interest than the general public in certain cultural elements that must be respected and supported under the Treaty.					No change to submission point
Mana whenua								
SD-MW-O1	Active participation							
	Promote active participation with mana whenua in all aspects of District Plan implementation.	Support	Mana Whenua have greater interest than the general public in certain cultural elements that must be respected and supported under the Treaty.					No change to submission point
SD-MW-O2	Mana whenua values, rights, and interests							
	Protect and recognise mana whenua values, rights, and interests.	Support	`-ditto					No change to submission point
Risk, resilience, and natural hazards								
SD-RRNH-O1	Natural hazards	Support with adjustment		**Responding to** Natural hazards				
	Improve the District's resilience to natural hazards, and where possible, avoid or, where avoidance is not possible, mitigate the risks to people, communities, property, and infrastructure.	Support with adjustment	As hazardous events, largely driven by climate change, are becoming more frequent and significant, it must be clear this will be an ongoing process for the forseeable future.	**Continually strengthen** ~~**Improve**~~ the District's resilience to natural hazards, and where possible, avoid or, where avoidance is not possible, mitigate the risks to people, communities, property, and infrastructure.				No change to submission point

Identifier	Provision	Support/Oppose	Reasons	Suggested Changes	s42A	Recom.	HCE response	Revised position/Relief sought
SD-RRNH-O2	Adapting to climate change							
	The effects of climate change are recognised, and an integrated management approach is adopted, including through:	Support						No change to submission point
	1. taking climate change into account in natural hazards management; and	Support						No change to submission point
	2. enabling the community to adapt to climate change; and	Support with adjustment	Evidence is that climate change is upon us and its severity is on a compound path. The time for useful adaptation is limited	2. **actiively facilitating** ~~**enabling**~~ the community to adapt to climate change; and	I consider that this does not provide a substantive improvement. The term 'enable' is already sufficiently directive, aligns with national direction, and better reflects the role of the planning framework. Replacing 'encouraging' with 'actively facilitating' overstates the level of control a district plan has and reduces precision.	Reject	HCE do not agree that it reduces precision, rather that it increases it. These are strategic direction statements not targets that need "control".	No change to submission point
	3. encouraging efficiency in urban form, settlement and development patterns to support a low emissions environment; and	Support with adjustment	_ditto	3. **actively facilitating** ~~**encouraging**~~ efficiency in urban form, settlement and development patterns to support a low emissions environment; and	ditto	Reject	ditto	No change to submission point
	4. supporting natural functioning ecosystems and processes to help build resilience into the natural and built environments.	Support with adjustment	Given so many of our natural ecosystems have been distroyed or compromised by human activity this process must be actively reversed if life is to continue for decades to come.	4. **Protection, restoration and enhancement of** ~~**supporting**~~ natural functioning ecosystems and processes to help build resilience into the natural and built environments.	While the emphasis on protecting, restoring and enhancing ecosystems is generally consistent with national direction, it is not supported here due to the withdrawal of the Ecosystems and Indigenous Biodiversity chapter, leaving no implementation framework.		We submit that this more strongly worded objective can anticipate determination of the environmental and rural sections of the plan and thus set the expectation and tone for their development.	No change to submission point
Infrastructure and energy efficiency								
SD-IEE-O1	**Infrastructure**	Support with adjustment		**Sustainable** infrastructure				
	The significant benefits and local, regional and national importance of the use and development of regionally and nationally significant infrastructure are recognised and provided for.	Support with adjustment	We can not afford to build infrastructure of a nature or scale that perpetuates or encourages unsustainable practice.	The significant benefits and local, regional and national importance of the use and development of regionally and nationally significant infrastructure are recognised and provided for **when shown to be sustainable and consistent with the prevailing national policy for emission reduction.**			I do not support the relief sought by HCES [232.13] to qualify infrastructure by requiring it to be "sustainable" or "consistent with the prevailing national policy for emission reduction". While reducing greenhouse gas emissions is an important national objective, infrastructure performs a wide range of essential social, economic and community functions that extend beyond climate change mitigation. The District Plan already contains objectives and policies addressing emissions reduction, renewable energy and climate resilience, and I consider the proposed qualification would unnecessarily constrain the broader purpose of this objective.	•All activities are subject to successfully controlling climate change. So any constraint imposed by achieving national emissions reduction and renewable energy goals better provides for the "social, economic and cultural wellbeing of people and communities" eg NPSREG Objective (c) and Policy A (2) (c) •The •The significant benefits and local, regional and national importance of the use and development of regionally and nationally significant infrastructure are recognised and provided for **while sustainable and consistent with achieveing New Zealand's climate mitigation and renewable energy targets.**

Identifier	Provision	Support/Oppose	Reasons	Suggested Changes	s42A	Recom.	HCE response	Revised position/Relief sought
SD-IEE-O2	**National Grid and the Waitaki Power Scheme**							
	The national significance of the National Grid and the Waitaki Power Scheme and sustainable, secure and efficient electricity transmission is recognised and provided for through and within the district.	Support with adjustment	Household PV is now commercially the cheapest option for electricity generation. The national grid must accommodate any home or community level generation with smart metering and feed in tariffs. That way the national electricity supply will become more resilient in accordance with Objective SD-RRNH-01.	The ~~**national significance of the**~~ National Grid and **electricity transmission** of the Waitaki Power Scheme ~~**and sustainable, secure and efficient electricity transmission**~~ is recognised and provided for through and within the district **when it is efficient, sustainable and accomodating local renewable generation initiatives**.	….level of detail that is more specific which is more appropriately addressed in the ENG Chapter rather than Strategic Direction, particularly noting ENG-O1 – ENG-O3.	Reject	•The electricity system as a whole have shown scant interest in divesting to or supporting the decentralization of the electricity generation and supply and need to be incentivised if we are to get the most efficient and robust electricity system. •The statutory framework clearly permits climate-related objectives and policies. Section 7(i) expressly requires regard to the effects of climate change, while sections 7(ba) and 7(j) specifically support energy-efficiency and renewable-energy provisions	•Meridians alternative proposal could be modified to accommodate HCE submission point. i.e. 2. providing for the development, operation, maintenance and upgrade of new renewable electricity generation activities **both for the national grid and to support independent local generation initiatives**; and ... •HCE supports the Runaka proposed additions: **1. the efficient use of energy in how the district is developed; and 2. encouragement of energy conservation**
SD-IEE-O3	Energy							
	Use our energy resources efficiently in how we live, work and move through the district.	Support with adjustment	We can no longer afford to use energy in a way that perpetuates or encourages unsustainable practice.	**Source and** Use ~~**our**~~ energy resources efficiently in how we live, work and **travel consistent with the prevailing national policy for emission reduction.** ~~**move through the district**~~.	The proposed amendment would broaden the scope of SD-IEE-O3 by introducing a direct reference to national emissions reduction policy, which is more appropriately addressed in SD-RRNHO2. The wording is also uncertain, as it refers to the "prevailing national policy for emission reduction" without identifying a specific statutory instrument, which may create implementation uncertainty. The existing objective provides sufficient strategic direction to support efficient energy use while maintaining flexibility to respond to changing technologies and future national direction.	Reject	•The statutory framework clearly permits climate-related objectives and policies. Section 7(i) expressly requires regard to the effects of climate change, while sections 7(ba) and 7(j) specifically support energy-efficiency and renewable-energy provisions •The objectives in the NPS for Electricity Network supports linking the use of our energy resources to a national climate change policy. ie states that the electricity network **support achievement of NZs climate mitigation and renewable energy targets.** •We accept that using the phrase “prevailing national policy statement” might introduce doubt so have adopted the wording from the NPS for Electicity Networks (Objective 1(c)	**Source** transmit **and** Use ~~**our**~~ energy resources efficiently in how we live, work and travel **while consistent with achieveing New Zealand's climate mitigation and renewable energy targets.**
SD-IEE-O4	**Renewable energy**							
	There is reduced reliance on non-renewable sources of energy and encouragement of increased use of renewable sources and energy conservation.	Support with adjustment		There is reduced reliance on non-renewable sources of energy and encouragement of increased use of renewable sources and energy conservation **consistent with the prevailing national policy for emission reduction.**			The objectives in the NPS for Electricity Network supports linking the use of our energy resources to a national climate change policy. ie states that the electricity network support achievement of NZs climate mitigation and renewable energy targets.	•HCE revise submission to use the wording in the NPS for Electricity network. I.e. There is reduced reliance on non-renewable sources of energy and encouragement of increased use of renewable sources ~~and energy conservation~~ **consistent with achieving New Zealand's climate mitigation and renewable energy targets.** •HCE support the Kā Rūnaka [251.49] proposal to move energy conservation from SD-IEE-04 to 03

Identifier	Provision	Support/Oppose	Reasons	Suggested Changes	s42A	Recom.	HCE response	Revised position/Relief sought
Urban form and development								
SD-UFD-O1	Integrated management							
	Urban form comprises good quality design and integration with infrastructure.	Support with adjustment	Current wording is too weak and unqualifed	Urban form ~~comprises~~ **is based on sustainable ~~good quality~~** design and integration with infrastructure.	While sustainability is an important outcome supported 36 PROPOSED WAITAKI DISTRICT PLAN – Section 42A Report – Strategic Direction – 21 July 2026 elsewhere in the plan and higher order direction, the proposed amendment would narrow the focus of the objective and elevate a particular design outcome without a clear implementation framework. The notified reference to 'good quality design' is broader and more flexible, encompassing sustainability alongside other outcomes such as functionality, amenity, and integration with infrastructure. As a strategic objective, SD-UFD-O1 is intended to provide high-level direction rather than prescribe specific design outcomes. Sustainability is more appropriately addressed through other Plan provisions and national direction.	Reject	• HCE disagree with the s42A assessment. Requiring sustainability is essentially ensuring the "life supporting capacity" of the plan or proposal. And we submit that under the RMA the concept of sustainability is the "highest level" direction possible. The obvious question is when would you not want sustainable design underpinning all the other wants in a house or urban development. • Good quality and sustainable are not mutually exclusive and we would be happy to reinstate good quality alongside sustainability in the objective.	Urban form ~~comprises~~ **is based on sustainable, good quality** design and integration with infrastructure.
SD-UFD-O2	Housing choice and intensification							
	A variety of housing types, sizes, and tenures are available across the District including:	Support with adjustment	It needs to be clear that all parts this objective must be consistent with SD-UFD-O1	**Within a framework of sustainable design** A variety of housing types, sizes, and tenures are available across the District including:		Reject	As it is the DPDP does not set any strategic direction.	No change to submission point
	1. housing that meets the community's diverse social, cultural and economic housing needs; and	support with the above amendments to SD-UFD-02 and SD-UFD-01				Reject		No change to submission point
	2. provision for higher density housing in locations:	support with the above amendments to SD-UFD-02 and SD-UFD-01				Reject		No change to submission point
	a. where there is access to infrastructure, the transport network, multi-modal transport options; and	support with the amendments, including to SD-UFD-02 and SD-UFD-01		a. where there is access to infrastructure, the transport network, multi-modal transport options, **including the 15minute walking principle to essential services and highly convenient public transport**; and	I consider that these amendments introduce unnecessary prescription within a strategic objective and rely on concepts that are not defined or supported elsewhere in the Plan. The notified objective provides an appropriate level of high-level direction, while retaining flexibility for different parts of the district.	Reject	Priority for walking and public transport in urban and periurban settings is the response that a climate emergency requires. We accept that the "15 minute walking principle" is probably too presciriptimve for an objective so have revised our wording recommendation.	a. where there is access to infrastructure, the transport network, multi-modal transport options, ***including easy walking distance*** **to essential services and highly convenient public transport**; and
	b. within or near the Town Centre or a Local Centre where there is access to commercial services, community activities and public open space.	support with the amendment, including to SD-UFD-02 and SD-UFD-01	This is about creating housing where access to important services and amenity can be very easy for certain citizens.	b. within or near the Town Centre or a Local Centre where there is **ready** access to commercial services, community activities and public open space.	ditto	Reject	As it is the DPDP does not set any strategic direction.	No change to submission point
SD-UFD-O3	Location of activities					Accept		
	The location of activities is managed to:							
	1. ensure the efficient use of land, resources, and infrastructure; and	Support						No change to submission point
	2. maintain the character and amenity values of different parts of the District; and	Support						No change to submission point
	3. establish compatible activities with similar effects and functions together in	Support						No change to submission point
	4. avoid potential reverse sensitivity effects and otherwise minimise adverse effects from	Support						No change to submission point

Identifier	Provision	Support/Oppose	Reasons	Suggested Changes	s42A	Recom.	HCE response	Revised position/Relief sought
SD-UFD-O4	The urban environment							
	The District has urban environments and rural settlements that are liveable, connected, accessible, safe and well-designed for the community to live, work and play.	Support with adjustment	With the uncertainties around the global economy, supply chains and even democracy, each community should, as far as possible, be empowered to manage its own affairs as the most reliable organisational level.	The District has urban environments and rural settlements that **as far as possible** are **self-supporting, vibrant, resilient** , ~~**livable,**~~ **well-**connected, ~~**accessible**~~, safe and well-designed for the community to live, work and play **in**.	I consider that the inclusion of 'vibrant' and 'resilient' would strengthen the objective and aligns with well-functioning urban environments. However, I consider the term 'as far as possible' would reduce the certainty of the objective, and 'self-supporting' is unclear, undefined, and difficult to implement through the District Plan framework.	Acceept in part	Strictly speaking, self supporting is implied by resilience so it could be viewed as redundant. But resilience is so open to interpretation that qualifying it with self supporting provides more strategic direction. An analogy could be encouraging a child to become more independent and able to look after its self. These are all objectives concerning strategic direction. So challenging communities to be come more self-reliant is entirely appropriate.	The District has urban environments and rural settlements that are **supported and designed to become more self-reliant, resilient, vibrant,** , ~~**livable,**~~ accessible, connected, ~~**accessible**~~, and safe ~~**and well-designed**~~ for the community to live, work and play **in**.
SD-UFD-O5	District-wide growth							
	Waitaki grows in a cohesive, compact, and structured way while ensuring a sufficient supply of land is available for the community's housing, commercial, industrial, and social infrastructure needs.	Support with adjustment	With the growing list of existential threats, "growth" as an objective in and of its self is no longer appropriate. Any growth that does occur should be coherent and sensible at landscape scale and be at a rate and of a kind that makes us better prepared for the future, not less so. "Space" is a broader term than than land, as building refurbishment may be an option and avoid loosing land useful for growing food.	**Any district wide growth and development in** Waitaki **follows integrated land management principles, grows in a cohesive, compact, and** ~~**structured way**~~ while ensuring ~~**a**~~ sufficient ~~**supply of land**~~ **space** is available for the community's **sustainable** housing, commercial, industrial, and social infrastructure needs.	. The notified objective already provides clear direction for cohesive, compact, and structured growth while ensuring a sufficient supply of land to meet the district's needs. The proposed changes would introduce undefined terminology, reduce the clarity of the objective, and weaken the existing focus on growth management and development capacity. The notified wording is therefore considered the most effective and appropriate approach.	Reject	The idea was to reduce the implication that growth is a necessary and good thing and make it more neutral. It was also intended to make sure that planning takes into account the wider catchment context when it comes to considering the location and type of develoment to ensure it is integrated as required under the Act. That is integration at catchment level not just in relation to infrastructure as in SD-UFD-01. Again we think it its important to keep repeating the concept of sustainability (which incorporates climate mitigation) as the overriding consideration for all activities and developments. Revised submission point based on s42A assessment.	**Any district wide growth and development in** Waitaki is **well integrated at scale, g**rows in a cohesive, compact, and structured way while ensuring ~~**a**~~ sufficient ~~**supply of land**~~ **space** is available for the community's **sustainable** housing, commercial, industrial, and social infrastructure needs.
SD-UFD-O6	Urban growth							
	Future urban growth is appropriately located and serviced with relevant infrastructure, and areas within the Future Urban Growth Overlay remain available for future urban residential development.	Support with adjustment	With the growing list of existential threats, "growth" as an objective in and of its self is no longer appropriate. Any growth that does occur should be coherent and sensible at landscape scale.	**Any** Future urban growth **and development** is appropriately located and serviced with relevant infrastructure, and areas within the Future Urban Growth Overlay remain available for future urban residential development.	The notified wording already clearly captures future urban growth as the focus of the objective, and the addition of 'any' and 'development' is unnecessary. These changes do not materially alter the meaning of the provision but introduce redundancy and reduce the precision and conciseness of the wording. In particular, the inclusion of 'development' broadens the scope beyond the intended focus on urban growth,	Reject	Again the aim was to not imply we should encourage growth. You cant have growth without development even in an urban setting .	Future urban growth **and development** is appropriately located and serviced with relevant infrastructure, and areas within the Future Urban Growth Overlay remain available for future urban residential development.