



FORM 5



SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE/ VARIATION

CLAUSE 6 OF FIRST SCHEDULE RESOURCE MANAGEMENT ACT 1991

To: Mackenzie District Council
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(name and designation, if applicable)

This is a submission on:
Proposed Plan Change 15 (Twizel) and/or Variation 1 to Plan Change 13, Mackenzie District Plan

The specific provisions of the proposal that my submission relates to are:
(give details)

See items (a) -> (o) on attached document, Pg 1.

My submission is:
(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

See section titled "Our Submission is" on attached document, Pgs 2 -> 7.

We seek the following decision from the Mackenzie District Council:
 (give precise details)

See Section titled "We seek the following decision from MDC" on attached document; Pg 8.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission

(tick one box)

If others make a similar submission I **would / would not** (*delete one*) be prepared to consider presenting a joint case with them at any hearing.

[Signature] Andrew Hoeker. Company Director.

Signature of submitter or person authorised to sign on behalf of submitter
 (A signature is not required if you make your submission by electronic means.)

12/11/10 *Set 2.45pm 12/11/10* *[Signature]*

Date

If you have any queries about this form or the proposed plan change or variation, please contact Nathan Hole, Planning Manager, Mackenzie District Council on (03) 685 9019.

Submission on Proposed Plan Change 15 to the Mackenzie District Plan and Variation 1 of Proposed Plan Change 13 to the Mackenzie District Plan.

Submitter: Mackenzie Properties Ltd
Contact: Andrew Hocken

1. The specific provisions of the Proposal our submission relates to are:

- (a) Ruataniwha Rowing Zone. Support in general with suggested amendments.
- (b) Special Travellers Accommodation Zone; Twizel. Support in general with suggested amendments.
- (c) Twizel Rural-Residential 1 & 2 zones. Support in general with suggested amendments.
- (d) Hocken Lane Rural Residential Zone. Support in part and object in part.
- (e) Residential 3 & 4 zones. Support in general with suggested amendments. Object to one particular zone change and suggest an alternative.
- (f) Mackenzie Park. Support in general with suggested amendment.
- (g) SH 8/Ostler Road corner rezoning. Support with suggested amendment.
- (h) Twizel Village Centre Business Zone Amendments. Object to proposed changes.
- (i) Rezoning existing Tourist Zones. Support in part with suggested amendments.
- (j) Additional Recreation Active and Passive areas. Support.
- (k) Deferred Industrial Zones. Support.
- (l) Additional storm-water and sewage provisions. Support with suggested amendment.
- (m) Extension of Outdoor Lighting Restriction Area. Support.
- (n) Extension of the Mackenzie Basin Sub-zone boundary. Support.
- (o) Introduction of the Ostler Fault Hazard Area. Support with suggested amendment.

2. Our submission is:

- (a) Ruataniwha Rowing Zone (RRZ). We support the proposed plan change in respect of this new proposed zone. The existing rural zone has no logical sense given the current use of this land. We are encouraged by the introduction of section 9.2 in which the objective and policies clearly state the desire to ensure public access to the lake and the rowing area remains. We are also pleased to see an updated development site plan has been appended to the District Plan.

We would however like to ensure that policy 4 ie: ensuring that any development in the RRZ is adequately serviced is indeed carried out. In section 9.4.9 Conditions on Permitted Activities, clarity should be given to effluent disposal; 9.4.9.i. This condition says all effluent disposal shall be reticulated and that no treatment shall occur onsite. We submit that consideration should be given to Environment Canterbury's proposed Natural Resources Regional Plan (NRRP) & currently in use Transitional Regional Plan (TRP). Currently effluent from the rowing facilities (and nearby camping ground) is pumped into an open oxidation pond situated nearby. This pond has an existing use right however any increase in discharge to this pond (caused by any new development) will ensure these rights are rescinded and that the owner of the Oxidation ponds must then apply for resource consent to continue its operation. There is no guarantee that these ponds would obtain resource consent and this possibility should be reflected in your section 9.4.9.i whereby reticulated should mean "to the existing Council operated sewage ponds".

This should also be reflected in Restricted Discretionary Activity criteria 9.5 and Assessment Matters 9.7.7. The sole environmentally friendly manner for effluent discharge in this locality would be reticulating it to the existing Council operated facility on the eastern side of SH8.

- (b) Special Travellers Accommodation Zone (STAZ). We support the proposed plan change in respect of this new proposed zone. The existing rural zone has no logical sense given the current use of this land. We are pleased to see this land is proposed to be re-zoned in a manner befitting its current use.

We would like to see a standard introduced for permitted activities that takes into account servicing, including sewage treatment and disposal. This standard should reflect the current position in respect of sewage discharge to an open oxidation pond that has no current resource consent to operate (but instead has an existing use right). Once Environment Canterbury's NRRP becomes operative there will be a requirement for this oxidation pond to obtain resource consent from Environment Canterbury. Introduction of such a standard in proposed plan change 15 seems an appropriate way of dealing with this issue.

In respect of restricted discretionary activities, section 8.6, clarity should be given here to sewage treatment and disposal. If any new developments (or refurbishments of existing facilities) are proposed for the camping ground, we submit that Council should consider Environment Canterbury's NRRP and TRP. As stated above in respect of the proposed RRZ, any existing use right for the nearby oxidation ponds that currently may exist will be rescinded once any new development (that leads to increased demand on the existing sewage treatment system) is completed. We submit that Council use this plan change to resolve this potentially undesirable situation. We suggest Sections 8.6.1 and 8.6.2 be amended by having a requirement that all new development have reticulated sewage disposal to "the existing Council operated sewage ponds".

This requirement should also be reflected in Assessment Matters 8.8.9. More detail must be added here so as to eliminate confusion around the term "adequately serviced". If, for example, development was consented to by Mackenzie District Council which created the situation where the existing use rights for the nearby oxidation ponds were no longer available does that fall within the definition of adequately serviced? More clarity should be provided for here to take into account the unusual situation of the non-consented oxidation ponds utilised by the camping ground.

(c) Twizel Rural-Residential (RR) 1 & 2 Zones. We support the objectives, policies and rules of the proposed plan change in respect of these new rural-residential zones. We do however suggest minor amendments to various rules which we believe will support the objectives and policies in a more efficient and effective manner.

1. Farming activities 1.3.7 (Permitted activities) and 1.4.3 (Discretionary activities). Farming activities in the RR 2 zone are permitted whilst such activities in the RR 1 zone only have a discretionary status. We submit that given residential 4 zone properties have a permitted farming activities status it seems inconsistent to NOT allow larger lots, such as those in the RR 1 zone, the same status. We request farming activities in the RR 1 zone have permitted activity status.
2. Site standards 1.7.2, building setbacks. It is proposed the minimum setback from roads and internal boundaries be 10m. Given this distance and the fact farming operations on RR2 sites are permitted activities, there may be the potential for reverse sensitivity. We submit that Council look to increase this setback to 20m from the road and internal boundaries.
3. Site standards 1.7.3, building coverage. The proposed maximum site coverage for the RR 1 zone is 500m² and for the RR 2 zone is 700m². We submit that given the residential 4 zone will have a maximum building coverage of at least 600m² (compared with the minimum lot size of 4,000m²) these rural-residential limits are set too low. We propose they be lifted to be 700m² for RR 1 sites and 1,200m² for RR 2 lots.
4. Non Complying activities subdivision, chapter 13, section 5(a). This says any subdivision outside of the Mackenzie Basin Subzone that does not comply with all of the subdivision standards shall be a non complying activity. Primary subdivision standard 6.a.i.(e) says where public reticulation is available, no lot created by subdivision shall have a net area of less than 1 hectare. This subdivision rule is therefore saying that any subdivision in the RR 1 zone must have reticulated sewage disposal otherwise the subdivision will be a non complying activity. We submit that the activity status be amended to be discretionary as there is no sound environmental reason to preclude onsite sewage disposal.
5. Primary subdivision standards 6.f, Concept plan. It is proposed that as part of any planned subdivision within the RR 1 & 2 zones a concept plan be developed and submitted with the resource consent application for subdivision. We support this requirement as long as the plan itself (and associated requirements) is restricted to the subdivision in isolation and does not require an analysis of cumulative effects or areas of land not subject to the subdivision application. We submit that clarification of this point is made within standard 6.f.

(d) Hocken Lane Rural Residential Zone (HLRRZ). We support the objective of avoiding unsustainable expansion and development within the HLRRZ. Furthermore we support many of the policies and rules proposed for HLRRZ. However we do oppose other proposed rules that we believe will be ineffective in achieving the stated policies.

1. Non complying activities 2.5.1 buildings. Residential buildings erected within the Twizel Water Supply Protection Area (WSPA) that do not connect to a reticulated sewage disposal system are treated as non complying activities. This rule is draconian in the extreme. Council are aware that no sewage reticulation exists within the Twizel WSPA (apart from along Glen Lyon Road) and that many of the properties within the HLRRZ fall within the WSPA. As a result of this rule these properties will have to apply for resource consent to build a house where the effluent discharge will be via septic tank. There will be minimal chance of any such consent being granted (given the objectives of this zone) and therefore they will have to look at installing a reticulated system all the way back to Glen Lyon Road. This is totally inefficient.

Furthermore this rule lacks effectiveness as farming activities are allowed for as a permitted activity in the HLRRZ, rule 2.3.7, and there is no restriction on farming activities within the Twizel WSPA. We would like to submit to Council that farm animals, in particular cattle, are more likely to create a potential for contamination of the Twizel water supply than human habitation. Animal

effluent will not be contained whereas human effluent can be held in holding tanks (and taken away) if septic tanks are not allowed. This concept has been completely overlooked by Council.

There is no logic to this rule and at the very least the activity status for residential dwellings within the Twizel WSPA, whom are not on a reticulated sewage system, should change from non-complying to discretionary. An appropriate resource consent application will discuss the many septic tank systems that are available which would at the very least contain such effluent and restrict any such potential for contamination of the Twizel water supply.

2. Site standards 2.7.1, Residential density. We submit that in addition to one residential unit per site, one minor unit per site also be permitted. It is inefficient to have such an allowance within the RR 1 and RR 2 proposed zones and not within the HLRRZ.
 3. Site standards 2.7.2, Building setbacks. We recommend given the size of the lots and the rural nature of the area that these be increased to a minimum of 20m from roads and internal site boundaries.
 4. Site standard 2.7.11, Riparian areas. We seek clarification of the definition of wetland. For example does wetland include streams? If so then we submit that this setback distance for buildings are reduced to 20m for streams.
 5. Site standard 2.7.12, Twizel WSPA. We recommend this be amended to read "all residential units, visitor accommodation and home stays within the Twizel WSPA shall connect to the Council reticulated sewage disposal system if it is within 25m of the property concerned".
- (e) Residential 3 & 4 Zones. We support the objectives, policies and rules of the proposed plan change in respect of these new residential zones. We do however suggest minor amendments to two rules which we believe will support the objectives and policies in a more efficient and effective manner. We also object to a proposed zone change for land in the Tussock bend subdivision and surrounds.
1. Site standard 3.1.1.b, Building coverage. It is proposed that the maximum building coverage for permitted residential activities be 25% within the residential 3 zone and 15% within the residential 4 zone. Furthermore site standard 3.4.3 (iii) & (iv) proposes that for residential activities, if the building coverage exceeds 40% within the residential 3 zone and 30% within the residential 4 zone, then this will be non complying. We suggest these limits be lifted as the areas are large enough to absorb increased site coverage.

We propose that for permitted status the residential 3 limit be increased to 35% and the residential 4 limit be increased to 25%. We also suggest the activity status is changed from non-complying to discretionary for those instances when building coverage exceeds 40% within the residential 3 zone and 30% within the residential 4 zone.

2. Primary subdivision standards 6.f, Concept plan. It is proposed that as part of any planned subdivision within the residential 3 & 4 zones a concept plan be developed and submitted with the resource consent application for subdivision. We support this requirement as long as the plan itself (and associated requirements) is restricted to the subdivision in isolation and does not require an analysis of cumulative effects or areas of land not subject to the subdivision application. We submit that clarification of this point is made within standard 6.f.
3. Planning map 53, 54 & 56. Proposed zone change from rural to residential 3 zone. We object to this proposal and instead suggest the new residential 4 zone is a more appropriate fit for this land. Rezoning this area residential 3 contravenes new policy 1D (e) which says "the provision of low density residential areas in the Twizel township that are healthy, environmentally sustainable and functionally efficient".

A large part of this land has already been developed, with services built and vested to Council, to an average allotment size of between 5,000m² and 6,000m². The residential 3 zone reduces the

required allotment size for new lots to a minimum of 2,000m². If subdivisions were to be proposed on land already subdivided there will be immediate pressure on the services put into the ground which were only ever designed on the basis of a maximum number of larger sized lots. It is inefficient and environmentally unsustainable to rezone this area of land to a lower density with the rate payers having to fund any upgrade work that would be necessary. We know of one major bottleneck in respect of the existing reticulated sewer network, Harris Place, where no increased capacity can flow through here unless this piece of sewer main is upgraded.

A second argument against a residential 3 zoning is the fact that much of this land sits in close proximity to the main Twizel industrial zone. Part of this zone contains the Twizel rubbish dump and there is no land set aside to screen the residential area from this. There have already been many complaints raised from residents of the Tussock Bend subdivision in respect of noise and smell emanating from this activity. If more intensive development of this land were allowed to occur there will most probably be an increase in reverse sensitivity concerns. Council must also concern themselves with the likelihood of demand for residential lots bordering the Twizel rubbish dump. Larger sites with appropriate setbacks should be provided for here, not smaller more intensive lots.

We submit that the use of the residential 3 zone is neither effective nor efficient in achieving the stated residential Objective 1 Amenity. We believe the residential 4 zone is a far more effective tool in achieving this.

- (f) Mackenzie Park Rezone. We support the objectives, policies and rules of the proposed plan change in respect of the Mackenzie Park area. We believe the concept plan as proposed and its appendix to the District Plan will provide assurance to Council and the community that the stated objectives and supporting policies of the District Plan in respect of subdivision servicing, recreation, avoidance of hazards, non-residential activities and amenity values are achieved in an efficient and effective manner. We do however suggest a minor amendment to one of the proposed rules.
1. Section 8, Recreation Active Zone. Earthworks conditions 5.4.11 (e) and 5.5.4. Firstly it seems clumsy to have rule 5.4.11 (e) inserted as a contrary rule to a permitted earthwork activity. Secondly we submit that rule 5.5.4 be amended to a restricted discretionary activity status (from discretionary), with Council discretion restricted to the assessment matters outlined in 5.7.d. We further submit that we be able to consult with Council over these particular assessment matters, using our own soil engineer experts, in order to determine what matters are considered appropriate and what matters could be added or deleted.
- (g) SH 8/Ostler Road corner rezoning. We support the rezoning of this area as it consolidates the existing multiple zonings into one zone that is more reflective of the current usage. We would however like to retain an area for commercial activity so that we can capitalise on the sites strategic advantage which we believe would benefit the town.

We submit that the area of land to the east of Benmore Place (including the existing Poppies building and Mackenzie Park Shopping Centre) and bordered by Alpine Energy's electricity sub- station to the south be re-zoned for commercial activities. We suggest an appropriate zone would be the tourist zone. This would partly alleviate for the lack of tourist zones within Twizel after this plan change, as discussed in detail in point (i) below, compensate for the loss of tourist zone within this block of land, and would encapsulate the existing tourist activities that occur here, namely Poppies Cafe and the Ihub information centre, into a more appropriate zone.

- (h) Twizel Village Centre Business Zone amendments. We object to a specific rule brought in to limit commercial development within the Industrial zones of Twizel. We also object to the proposed assessment matters and seek amendments.
1. Rule 3.3.2, permitted activities and rule 3.5.3, discretionary activities. These rules are proposed to limit the range of commercial activities that are able to be developed within the industrial zones

of Twizel. Any commercial activity that is not listed in rule 3.3.2 (a) will require discretionary resource consent from Council. We object to these rules and request their deletion.

We have participated in consultation with Council prior to this plan change and have stated many times that in order for Twizel to grow appropriate development must occur around the entranceways to the town. Such development will act as a magnet to draw in passing motorists from SH 8 and get them to explore what Twizel has to offer. We know that currently many of these motorists continue driving straight past Twizel as they do not see any reason to stop. Without such magnets the town of Twizel, including the Village Centre, will not grow and will lose any vitality it currently has.

Rule 3.3.2 and the associated assessment matters are misplaced. They refer to a report prepared by Planit Associates however this report fails to acknowledge the unique nature of Twizel and appears to be more relevant to a big city environment such as Christchurch CBD. We do not agree with this report that “distributional effects” are likely to affect Twizel if there were increased commercial development away from the Village Centre. This report underpins Business Objective 6 – Twizel Village Centre. Therefore its lack of relevance to Twizel’s unique situation weakens Councils argument to implement new policies and rules that provide no sound support for the stated objective.

We are aware that our developments on Ruataniwha Road (LJ Hooker and The Musterers Hut) and Ostler Road (Poppies Cafe & Ihub) have benefitted the town of Twizel (including the Village Centre) immensely. Even though we are in the midst of a recession, more and more people have discovered Twizel with most businesses doing better than they had in previous years. Much of this “discovery” is due to the magnets that now attract people off SH 8, giving people a reason to stop and spend their money.

We are firmly of the view that the proposed restrictions on commercial development will in fact work against the Village Centre, leading to its vitality being diminished. Council must understand the following analogy; it is not about splitting the existing sized pie into more pieces but in growing the pie to a bigger size. We feel this concept is completely lost on Council given their insistence of these new rules for the Industrial zones of Twizel.

2. Rule 3.5.3, discretionary activities. If Council decide not to delete rule 3.3.2 we submit that the activity status be amended from discretionary to restricted discretionary. If the status quo remains then Councils control may not be limited to the relevant assessment matters and unrelated external factors may be taken into account in determining any resource consent application.
 3. Assessment matters 7.2 (n). We submit in opposition to these assessment matters and believe they are an overly simplistic view and fail to take into account the unique location of Twizel’s Village Centre in respect of through traffic. We request that if rule 3.3.2 is not deleted then the assessment matters used in any discretionary resource consent and detailed in 7.2 (n) incorporate the following points.
 - (a) The availability of land/space for commercial development within the Twizel Village Centre zone.
 - (b) The complementary nature of the activity proposed and how its existence may well work in conjunction with existing businesses within the Twizel Village Centre.
 - (c) The degree of vibrancy and attractiveness, leading to increased well being for existing residents of Twizel, which any new commercial development brings with it.
- (i) Rezoning existing Tourist zones. Whilst we support the tidying up of the multitude of strangely located Tourist zones throughout Twizel as shown on the current planning maps, we feel that after this exercise Twizel will be left with no undeveloped Tourist zone for which future tourist activities could be developed.

The Section 32 report is incorrect when it says in paragraph 2 on page 27 (and again in the second last paragraph on page 28) that *“the loss of this site to potential tourist development is not considered significant, as there are other areas of land zoned for tourist use that are as yet undeveloped”*. We would like to know where those other areas are. As far as we can see the entire currently unused tourist zoned land is being taken away via this proposed plan change. There will only be four sites in Twizel that will be zoned tourist after this plan change. All of them have been developed. They are the High Country Holiday Lodge, Aspen Court Motel, Mackenzie Country Motor Inn and the LJ Hooker/Musterers Hut site.

We submit that a further area be rezoned tourist zone so that future tourist based activities have an area that they can be located within. In addition to the area discussed in point (g) above ie: Benmore Place, a logical area would be the land to the west of Wairepo Road. This is currently zoned Travellers Accommodation and sits between two of the areas mentioned above that will retain their tourist zone. It seems appropriate to have tourist based activities visible from SH 8 especially given the possibility of new tourism business opportunities resulting from the Ocean to Alps cycle trail.

- (j) Additional Recreation Passive and Active areas. We support this proposal as it provides necessary linkages to the existing greenway network as well as providing for the expected increase in residents given the proposed rezoning for residential activity.
- (k) Deferred Industrial Zones. We support this proposal as it provides areas where industrial activity can grow into given any necessary future requirement. The concept of deferment seems logical given there is currently no pressing requirement. The area of land in question is appropriate given its proximity to Hooker Crescent, past history (Twizel landfill) and accessibility.
- (l) Additional storm-water and sewage provisions. We support this proposal however in respect of storm-water requirements we request the implementation of the new policies and rules (via the subdivision concept plan) are relative only to the subdivision itself. We request clarification be given to primary subdivision standards 6.f, Concept plan, showing that any such provision solely relates to the subdivision in question. We request clarification that no cumulative storm-water analysis be required for areas of land not subject to the subdivision application.

We support the rules in respect of the STEP sewage systems located within North West Arch and Ostler Road/Max Smith Drive.

- (m) Extension of Outdoor Lighting Restriction Area. We support this proposal as it helps to protect the night sky. The current application by Lake Tekapo for World Heritage Status will have huge positive ramifications for the Mackenzie area. We fully support anything that can be done to help achieve this heritage status.
- (n) Extension of Mackenzie Basin Subzone boundary. We support this proposal as it provides a natural boundary to the proposed new areas of future development. Much of this land sits higher than the areas proposed for rural residential 1 and 2 development and in essence has more of a rural feel. We question whether the landscape character is any different to the rest of the land surrounding Twizel but concur that it should be within the Mackenzie Basin Sub Zone.
- (o) Introduction of the Ostler Fault Hazard Area (OFHA). We support the introduction of this overlay on land located to the West and North West of Twizel. We do however request that Council take into account existing consented subdivisions and compliance certificates for buildings that we currently hold. We seek the following amendments to the rural zone rules.
 1. Under permitted activities rule 3.1.2(g) says there shall be no residential buildings within the OFHA as shown on planning maps 33, 38, 53, 55. Furthermore rule 3.3.4 says residential buildings in the OFHA are discretionary activities. We hold a certificate of compliance that allows for residential dwellings to be built upon lots created by subdivisions RM050059 & RM050060. We submit that these proposed rules take into account not only our subdivisions but also the rights we hold to construct residential dwellings within the OFHA.

3. We seek the following decisions from the Mackenzie District Council:

- (a) That Council ensure all future development within the Ruataniwha Rowing Zone be serviced by a fully reticulated sewage system back to the existing Council operated sewage ponds. Appropriate amendments to the relevant policies, rules and assessment matters as suggested above in 2 (a) should be implemented.
- (b) That Council ensure all future development within the Special Travellers Accommodation Zone be serviced by a fully reticulated sewage system back to the existing Council operated sewage ponds. Appropriate amendments to the relevant policies, rules and assessment matters as suggested above in 2 (b) should be made.
- (c) That Council implement the suggested amendments made above in 2 (c) points 1-5 for the new Twizel Rural Residential 1 & 2 zones.
- (d) That Council delete rule 2.5.1 and implement the suggested amendments made above in 2 (d) points 2-5 for the new Hocken Lane Rural Residential zone.
- (e) That Council implement the suggested amendments made above in 2 (e) points 1-3 for the new Residential 3 & 4 zones.
- (f) That Council amend rule 5.5.4 as detailed in 2 (f) and also consult with us in determining the appropriate assessment matters for earthwork activity within the Recreation A zone of Mackenzie Park.
- (g) That Council allow for a small area of tourist zone within the SH8/Ostler Road area as detailed in 2 (g).
- (h) That Council delete rule 3.3.2 in respect of the Twizel Industrial zone. If they choose not to do so then we ask that Council amend rule 3.5.3 and assessment matter 7.2 (n) as discussed in 2 (h) points 2-3.
- (i) That Council rezone Travellers Accommodation zoned land on the western side of Wairepo Road to tourist zone in order to offset a shortage of tourist zoned land in Twizel as a result of this plan change.
- (j) That Council amend rules 3.1.2 (g) and 3.3.4 as detailed in 2 (o) point 1 to take account of issued subdivision consents and building certificates of compliance for the area of land to the West of Twizel that will be overlaid with the OFHA.