

Submission on publicly notified plan change

Clause 6 of First Schedule, Resource Management Act 1991

To: Mackenzie District Council

Name of Submitter: Hocken Lane Land Owners Association

This is a submission on the following proposed plan change (the proposal):
Mackenzie District Council, Plan Change 13, Rural Zone - Mackenzie Basin.

Our submission is:

The Hocken Lane Land Owners Association ("HLLA") is an informal association consisting of the current land owners on Hocken Lane. A list of the members of the Hocken Lane Land Owners Association is attached and marked 'A'.

HLLA recognises the need to protect the landscapes of the Mackenzie Basin but has specific concerns in relation to the effect of PC13 on existing and future development down Hocken Lane. In particular:

- 1) We do not agree with classifying the Hocken Lane landscape in the same way as the open tussocky vistas characteristic of the Mackenzie Basin.
- 2) We do not agree with the imposition of a 200Ha minimum allotment size in the Hocken Lane area.
- 3) We do not agree with the failure to identify the Hocken Lane area as an "existing homestead node" nor with its exclusion as a suitable "new development node".
- 4) We believe that the Hocken Lane area should be excepted from the PC13 rules relating to the Mackenzie Basin generally and should be treated in a similar fashion as the Manuka Terrace Rural Residential Zone.
- 5) We do not agree with the identification of the Water Supply Protection Area (WSPA) as including part of the Hocken Lane area, nor with the PC13 conclusions as to what inclusion in the new WSPA would mean in relation to sewage disposal for Hocken Lane.
- 6) We do not agree with the application of a new standard in relation to access as it affects the Hocken Lane right of way.
- 7) We strongly object to the lack of adequate consultation with Hocken Lane land owners prior to the notification of the plan change.

HLLA therefore opposes Plan Change 13 with particular reference to these matters.

1) The Inclusion of the Hocken Lane Area within the Mackenzie Basin Sub-zone

HLLA accepts that the open, tussocky vistas characteristic of the Mackenzie are unique and need to be protected. PC13 proposes a new “Mackenzie Basin Sub-zone” with its own set of rules as the mechanism to achieve this. However HLLA submits that the boundaries of this Sub-zone are entirely arbitrary and in particular we oppose the inclusion of the Hocken Lane area within this “Sub-zone”. The landscape characteristics of the Hocken Lane Area are not the same as, nor similar to, the Mackenzie landscapes that PC13 is seeking to protect. The following points are noted:

- The Hocken Lane area has already been subject to substantial subdivision development over the past 5 years – the scale of the approved allotments and consent notice restrictions registered on the pertinent certificates of title clearly indicate that residential land use of these allotments has been previously anticipated and approved by Council. If the rationale for the Sub-zone is founded in the protection of outstanding natural landscapes, it is considered nonsensical to include within the Sub-zone an area such as Hocken Lane where significant residential subdivision and built development has already been approved by Council.
- The environment in the Hocken Lane area has already been significantly modified through the number of existing residential houses (and houses that will be built in the future) as well as by intensive grazing and the spread of exotic species. Indeed part of it is affectionately referred to as “the swamp” by Twizel locals; it is in no way typical of the “unspoilt tussocky vistas” of the Mackenzie Basin as a whole (that are identified as needing protection). In addition, the existing vegetation largely screens this whole area from view from the State Highway, thus already complying with the PC13 principle of minimal public visual impact.
- The plan change documentation does not adequately acknowledge or discuss the effect of these factors in its determination of the relevant landscape classification and Sub-zone boundary (given its purported recognition of Outstanding Natural Landscapes).
- Ultimately, the plan change documentation also fails to take account of the proximity of the Hocken Lane area to the Twizel township and the extent to which the outer edge of Twizel town logically extends north of Glen Lyon Road to incorporate this area.
- HLLA therefore submit that these characteristics mean that the Hocken Lane area is capable of absorbing future residential subdivision and built development without compromising acceptable landscape settings and accordingly this area should be excluded from the Mackenzie Basin Sub-zone.

2) The prescribed 200Ha minimum allotment size

PC13 imposes a minimum subdivision allotment size of 200ha in the Sub-zone and this would therefore include the Hocken Lane area. HLLA consider this to be completely ridiculous as the Hocken Lane area is already characterised by Council approved, resource-consented low density rural residential development with the predominant section size being 2 – 4 hectares. HLLA accepts this 2- 4 hectare allotment size as appropriate and in keeping with the “look and feel” of Hocken Lane. Being on the periphery of the Twizel township, it makes sense for the plan to allow for minimum allotment sizes that fall somewhere between the open rural farming areas and those applicable in the more dense residential areas of Twizel. For this reason, HLLA submit that the Hocken lane area should be distinguished from the wider rural area and a minimum allotment size of 2 – 4 hectares should apply. This should also be applicable to potential future subdivision for current Hocken Lane land owners with larger blocks.

3) The relationship of Hocken Lane to “Nodes”

We believe that the PC13 identification of landscape sub areas, development node limits and areas where no development is appropriate, is arbitrary and lacks sufficient justification in the plan change documentation, with particular reference to Hocken Lane:

- The identification of “existing homestead nodes” is inconsistent across the Sub-zone. There are a number of properties and areas within the Sub-zone that exhibit characteristics that are consistent with the proposed homestead node concept but have not had an existing node identified including Hocken Lane.
- PC13 fails to identify and differentiate areas within the District that are appropriate for future low density rural living opportunities. Pages 57 through 62 of the Densem Report, November 2007, provide significant discussion on exceptions to the “nodal policy” in relation to towns, hut settlements and rural lifestyle subdivisions. Due to the proximity of the Hocken Lane Area to the Twizel township these comments are relevant and applicable to future development within this area and this should be reflected in the relevant provisions of PC13.
- The proposed provisions relating to the identification of new nodes including references to prescribed nodal thresholds, landscape sub areas and areas where no nodes are suitable is overly restrictive. This regime effectively assumes that areas of outstanding natural landscape beyond identified nodes and landscape sub areas have no capacity to absorb change (non-complying activity status is attributed to residential subdivision and land use activities outside of identified and approved nodes). It is impossible to see how this conclusion can be reached without thorough and detailed analysis of all of the landscapes units within the District. We do not think that this approach should apply to Hocken Lane.

Therefore the HLLA believes that the Hocken Lane area should be reclassified as an “existing node” or alternatively as a “new node” entirely suitable for low density rural subdivision.

4) Similarity with Manuka Terrace

You have already accepted that the Manuka Terrace area should be subject to alternate provisions compared with the balance of the Mackenzie Basin Sub-zone. We believe that the same consideration should be given to the Hocken Lane area, as many of the same arguments apply. Therefore we suggest that a separate Hocken Lane Rural Residential Zone be identified, and a land use and subdivision regime similar to that proposed for Manuka Terrace be formulated for this zone – except that residential buildings be allowed as a **permitted** activity within the Hocken Lane Rural Residential Zone (subject to compliance with the relevant building standards).

5) The identification of the Water Supply Protection Area (“WSPA”)

PC13 introduces a change to the location of the Twizel Water Supply Protection Area and includes part of the Hocken Lane area in this WSPA. All of us agree with the necessity to preserve the Twizel Water Supply wells from effluent disposal contamination but we have significant reservations as to the necessity to do this in the Hocken Lane area. Council has already consented to a significant amount of residential subdivision on Hocken Lane and as part of the consent process, has imposed consent notices requiring the disposal of effluent to be undertaken on-site via either an approved package treatment plant or engineered site specific system (a sophisticated modern sewage system is currently quoted as \$15,000.00 to install). The retrospective identification of the new WSPA that by implication, requires all residential units within it to also connect to reticulated sewage infrastructure is unreasonable and inappropriate for the following reasons:

- The plan change report provides no justification for the identification of the WSPA in this location. In particular it fails to establish that residential development and associated on-site effluent disposal on Hocken Lane poses a risk of groundwater contamination. In fact, previous decisions issued by Council requiring on-site effluent disposal systems in this location suggest the opposite.
- The bores servicing the Twizel Water Supply were in the current position at the time all of the approved residential subdivision on Hocken Lane was considered and consented to by Council. The relevant provisions of the operative District Plan indicate that Council has the ability to (and presumably did) consider the effects of on-site sewage disposal methods and the potential for ground water contamination as part of that process. To now revisit those consent decisions without any apparent justification is unfair and unacceptable.
- Many Hocken Lane landowners are now in a position whereby a consent notice already registered on their certificate of title requires them to provide an on-site effluent disposal system to service a residential unit. Conversely the new rules in the District Plan require them to connect to reticulated sewage infrastructure. This situation is confusing and indicative of the lack of research and consultation that informs this aspect of PC13.
- The cost of installing the required sewage infrastructure is significant and not commensurate with, or required in order to achieve, the desired environmental outcomes in terms of groundwater contamination. In particular, the proposed

change fails to take into account the extent to which current on-site effluent disposal systems generally available on the market are able to treat effluent to such a high level that no risk of groundwater contamination would arise on a site specific or cumulative basis in this location.

- If there is a real risk of groundwater contamination in this area, it is non-sensical to restrict on-site effluent disposal from residential units without addressing potential contamination of groundwater from permitted farming activities also.
- If connection to the Council reticulated sewage infrastructure in Glen Lyon Road is still required then it is respectfully suggested that Council should itself install the appropriate pipeline down Hocken Lane. It is understood that funds already exist in the Council coffers for exactly this kind of purpose. It is also suggested that Council would be able to defray some of the cost involved by the imposition of a suitable connection fee on the residential owner in the future.
- It is understood that Council is considering the relocation of the existing Twizel Water Supply Wells to a new location. In which case any action on a new WSPA should be deferred indefinitely.

6) The Application of Standard 12.7.b.x in Relation to the Hocken Lane Right of Way

PC13 proposes an additional subdivision standard relating to access - Standard 12.7.b.x. This rule places significant restrictions on future rural residential development on Hocken Lane. Existing residential development on Hocken Lane far exceeds the 6 residential unit threshold proposed. The topographical constraints on the existing right of way (Hocken Lane itself) make the formation level required by this new standard 12.7.b.x difficult (if not impossible) to achieve. The plan change report provides no useful discussion on, or rationale for this new rule. HLLA submit that the effect of this rule in terms of restricting future residential development on Hocken Lane is unreasonable. Many of the Hocken Lane landowners specifically find the admittedly narrow but tree-lined avenue very attractive and would be loath to see it changed significantly. Some Hocken Lane landowners also have children and grandchildren and none of us want any accidents. To this end everybody recognises that we have a responsibility to minimize hazard from the Lane, and we have established a Roding Committee that effectively manages the maintenance and general functioning of the laneway including relative speed limits, building extra passing lanes, as well as reducing "blind spots". The ability of this right of way to service future development in this area needs to be considered in this context.

7) The Lack of Adequate Consultation Prior to Notification

HLLA note that Council did not consult with, nor contact Hocken Lane landowners in relation to PC13 prior to notification. In light of the significant effect of PC13 in relation to existing and future residential subdivision and land use in this area, this is disappointing. If this consultation had been undertaken, affected land owners and Council would have had the opportunity to discuss and possibly find acceptable solutions to these issues without the need for the expense and stress of the formal plan change process.

HLLA seek the following relief from the local authority:

HLLA seek that the relevant provisions of the District Plan (as modified by PC13) be amended in an appropriate manner that takes account of and responds to the issues arising for determination as a consequence of this submission including (but not limited to):

1. Amendments to the boundary of the Mackenzie Basin Sub-zone (or the Twizel township boundary) to exclude the Hocken Lane area from the Sub-zone thereby reinstating the current (operative) rural subdivision and land use regime; or
2. The identification of a separate Hocken Lane Rural Residential Zone, and the formulation of a land use and subdivision regime for this zone - similar to that proposed for Manuka Terrace except that residential buildings be allowed as a permitted activity within the Hocken Lane Rural Residential Zone (subject to compliance with the relevant building standards); or
3. Acceptance and identification of an “existing node” or of a “new node” suitable for low density rural subdivision that incorporates the Hocken Lane area.
4. The deletion of the Twizel Water Supply Protection Area from Hocken Lane, or alternatively, Council fund and install a suitable reticulated sewage system down Hocken Lane.
5. Deletion of new subdivision standard 12.7.b.x regarding access; or alternatively an exemption from the application of this standard to Hocken Lane.
6. Any consequential amendments to any relevant part of the District Plan considered necessary to address the issues and concerns raised in this submission.

HLLA wishes to be heard in support of this submission. If others make a similar submission, HLLA will consider presenting a joint case with them at a hearing.

Signed on behalf of the Hocken Lane Landowners Association
(Please refer to attachment ‘A’ for membership list)

Date

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Attachment A

Membership List – Hocken Lane Landowners Association

Josh Billings and Ann Barton

Al and Antigone Shearer

Dave and Ro Ryder

Malcolm and Karan McDiarmid (Dry Creek Properties Limited)

Bruce and Jane White

Tony Wassell

Doug and Pam Aitcheson

Craig and Bridget Lambert

Suzanne Lane

John and Pauline Beekhuis

Frank and Lee Hocken (Ruataniwha Farm Limited)

Dave and Janice Rayner

Dawn and Sam Ghoorah

Dave and Sue Campbell

Gary Rowe

Kaylene Holland

Gina Miller and Dwayne Cadigan