



## **TO THE MAYOR AND COUNCILLORS OF THE MACKENZIE DISTRICT COUNCIL**

### **Membership of the Planning and Regulation Committee:**

Cr Murray Cox (Chairman)  
Claire Barlow (Mayor)  
Cr Noel Jackson  
Cr Evan Williams  
Cr Russell Armstrong  
Cr James Leslie  
Cr Graham Smith

*Notice is given of the Meeting of the Planning and Regulation Committee to be held on Tuesday, October 13, 2015, at 9.30am.*

**VENUE:** Council Chambers, Fairlie.

**BUSINESS:** As per agenda attached

WAYNE BARNETT  
CHIEF EXECUTIVE OFFICER



## PLANNING AND REGULATION COMMITTEE

Agenda for Tuesday, October 13, 2015

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### APOLOGIES

### DECLARATIONS OF INTEREST

### VISITOR:

**At 9.30am** Rob Hands from South Canterbury Rural Fire will attend to speak to the report "SCRFA Amendment to Charter".

### CONFIRM MINUTES:

Confirm and adopt as the correct record the minutes of the Planning and Regulation Committee meeting held on July 23, 2015, including those parts taken in public excluded.

Confirm and adopt as the correct record the minutes of the Extraordinary Planning and Regulation Committee meeting held on September 3, 2015, including those parts taken in public excluded.

### REPORTS:

1. SCRFA Amendment to Charter (attached)
2. Proposed Private Plan Change – Lake Tekapo (attached).
3. Relocated Dwellings In Res 1 And Res 2 Zones (attached).

### PUBLIC EXCLUDED REPORTS:

1. Cleansing Order – Health Act 1956 (attached)

### PUBLIC EXCLUDED RESOLUTION:

Resolve that the public be excluded from the following part of the proceedings of this meeting namely:

1. Planning and Regulation Committee minutes from the meeting July 23, 2015.
2. Planning and Regulation Committee minutes from the extraordinary meeting September 3, 2015.
3. Cleansing Order – Health Act 1956.

**General subject of each matter to be considered**

**Reason for passing this resolution in relation to each matter**

**Ground(s) under section 48(1) for the passing of this resolution**

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Planning and Regulation Committee minutes from the meeting July 23, 2015.	Maintain legal professional privilege	48(1)(a)(i)
Planning and Regulation Committee minutes from the extraordinary meeting September 3, 2015	Maintain legal professional privilege	48(1)(a)(i)
Cleansing Order – Health Act 1956.	Protect the privacy of persons	48(1)(a)(i)

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This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *Minutes of Planning and Regulation Committee on July 23 and September 3 under section 7(2)(g). Cleansing Order under the Health Act 1956 under section 7(2)(b)(ii).*

**ADJOURNMENTS:** 10.30am - Morning Tea  
12pm - Lunch

## **MACKENZIE DISTRICT COUNCIL**

### **MINUTES OF A MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON THURSDAY, JULY 23, 2015, AT 11.16AM**

**PRESENT:**

Cr Murray Cox (Chairman)  
Mayor Claire Barlow  
Cr Graham Smith  
Cr Evan Williams  
Cr Noel Jackson

**IN ATTENDANCE:**

Wayne Barnett (Chief Executive Officer)  
Nathan Hole (Planning and Regulations Manager)  
Julie Jongen (Committee Clerk)

**APOLOGIES:**

Apologies received from Cr James Leslie and Cr Russell Armstrong.

**Cr Jackson/Cr Smith**

**DECLARATIONS OF INTEREST:**

There were no declarations of interest.

**MINUTES:**

Resolved that the minutes of the meeting of the Planning and Regulation Committee meeting held on March 17, 2015, including those parts taken in public excluded be confirmed and adopted as the correct record of the meeting.

**Mayor/Cr Jackson**

**REPORTS:**

**PROPOSED LOCAL ALCOHOL POLICY**

Purpose of Report:

For the Committee to adopt the amended Provisional Local Alcohol Policy (PLAP), taking into account the recommendations of the Alcohol Regulatory and Licensing Authority (ARLA) following the resolution of appeals by consent order.

Resolved

1. That the report be received.

**Cr Smith/Cr Jackson**

Nathan Hole spoke to his report.

2. That the Committee adopts the amended Provisional Local Alcohol Policy.

**Mayor/Cr Williams**

**FIRE SERVICE SUBMISSION REVIEW**

Purpose of Report:

For the Committee to receive the Council's submission on the Government's review of the Fire Service in relation to rural fire.

Resolved

1. That the report be received.

**Cr Smith/Cr Jackson**

Nathan Hole spoke on this report.

The submission questioned why would we change what we do now?  
It seemed that the smaller councils had more to lose than the bigger districts.

2. That the Committee notes the submission made to the Department of Internal Affairs on Council's behalf.

**Mayor/Cr Smith**

**MANAGERS ACTIVITY REPORT (verbal)**

Nathan Hole spoke on this report, he spoke about staff changes and resignations. He is currently short listing for the building administration role. He has advertised for three planning positions and has received a number of suitable applications.

LIMS - 96 processed so far this year, at the same time last year there were 77.

Resource Consents are similar to last year.

Building consents lodged are similar to last year 176 since Feb to mid-July, last year was 173. However, the value of this year's building work is \$26 million as opposed to \$13 million last year. (This includes the Aorangi Crescent hotel development worth \$9 million).

**PUBLIC EXCLUDED:**

Resolve that the public, be excluded from the following part of the proceedings of this meeting namely:

1. Plan Change 13 – Verbal Report

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
Plan Change 13	Maintain legal Professional privilege	48(1)(a)(i)

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This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *All items under section 7(2)(g).*

**Cr Smith/Mayor**

**THERE BEING NO FURTHER BUSINESS THE  
CHAIRMAN DECLARED THE MEETING CLOSED AT 11.56AM**

**CHAIRMAN:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**MACKENZIE DISTRICT COUNCIL  
MINUTES OF AN EXTRAORDINARY MEETING OF THE PLANNING  
AND REGULATION COMMITTEE HELD IN THE COUNCIL  
CHAMBERS, FAIRLIE, ON THURSDAY, SEPTEMBER 3, 2015, AT  
12.15PM**

**PRESENT:**

Cr Murray Cox (Chairman)  
Mayor Claire Barlow  
Cr Graham Smith  
Cr James Leslie  
Cr Evan Williams  
Cr Noel Jackson

**IN ATTENDANCE:**

Wayne Barnett (Chief Executive Officer)  
Nathan Hole (Planning and Regulation Manager)  
Toni Morrison (Senior Planner)  
Arlene Goss (Committee Clerk)

**APOLOGIES:**

Resolved that an apology be received from Cr Russell Armstrong.

Cr Williams/Cr Smith

**DECLARATIONS OF INTEREST:**

There were no declarations of interest.

**PUBLIC EXCLUDED:**

Resolved that the public be excluded from the following part of the proceedings of this meeting namely Plan Change 13.

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
Plan Change 13	Maintain legal professional privilege	48(1)(a)(i)

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This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *Plan Change 13 under section 7(2)(g)*.

**Mayor/Cr Jackson**

*The Planning and Regulation Committee continued in open meeting.*

**THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE  
MEETING CLOSED AT 12.20PM**

**CHAIRMAN:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## **MACKENZIE DISTRICT COUNCIL**

**REPORT TO:** PLANNING & REGULATION COMMITTEE

**SUBJECT:** SCRFC – AMENDMENT TO CHARTER

**MEETING DATE:** 13 OCTOBER 2010

**REF:** LAN 14/4

**FROM:** NATHAN HOLE, PLANNING & REGULATIONS MANAGER

### **PURPOSE OF REPORT:**

For the Committee to consider a proposed amendment to the South Canterbury Rural Fire Committee (SCRFC) Charter to provide for a second independent director.

### **STAFF RECOMMENDATIONS:**

1. That the report be received.
2. That the Committee agrees to amending Clause 4.1(g) of the SCRFC Charter to state: “Two people appointed by the committee as independent members with recognised governance experience, and having the same rights as other members of the Committee. The term of appointment will be in accordance with the Forest and Rural Fires Regulations 2005.”

**WAYNE BARNETT**  
**CHIEF EXECUTIVE OFFICER**



## **ATTACHMENTS:**

1. Letter from SCRFC dated 31 August 2015.
2. SCRFC Charter showing the proposed changes to Clause 4.1(g) as track changes.

## **BACKGROUND:**

The forthcoming inclusion of Ashburton District Council (ADC) into SCFRC will change the balance of voting control of Council members to non-council members from less than 50% to 50%, making SCRFC a council controlled organisation (CCO) under the Local Government Act 2002.

The Committee has expressed a desire not to become a CCO to avoid the additional costs associated with being a CCO, and has resolved to amend the Charter to provide for the inclusion of an additional independent director to ensure that prior to ADC becoming a member, council members have less than 50% of voting control, and this would remain the case following the inclusion of ADC. This would enable SCRFC to remain as a council organisation, and not a CCO.

## **POLICY STATUS:**

N/A

## **SIGNIFICANCE OF DECISION:**

This is not a significant decision in terms of Council's Significance and Engagement Policy.

## **ISSUES & OPTIONS:**

SCRFC has already passed a resolution agreeing to amend its Charter to include an additional independent director. For the amendment to proceed, the amended Charter will need to be signed/sealed by each of the seven member agencies. The purpose of this report is for Council to consider whether or not to sign the amended Charter.

Council's representative on SCRFC is Mr Alistair Munro. Mr Munro was present when the Committee resolved to amend the Charter.

SCRFC's proposal to amend its Charter will only succeed if all member agencies (including non-council members) agree to sign/seal the amendment.

ADC has been involved in discussions with SCFRC on this matter and their preference is that SCRFC does not become a CCO following their inclusion.

Council also has the option of not supporting the amendment.

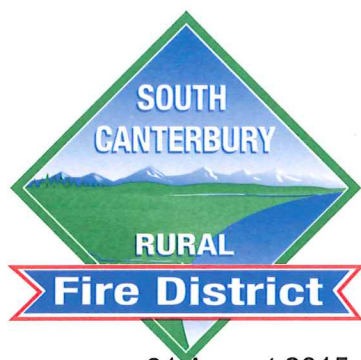
**CONSIDERATIONS:**

Council should consider that all SCRFC member representatives have considered and agreed to the proposed amendment.

There will be a financial cost to including an additional independent director, this was considered by SCRFC when making its decision. That additional cost would be met by all members, not just the council members.

**CONCLUSION:**

Agreeing to the proposed amendment will enable SCRFC to continue as a non-CCO following the inclusion of ADC. Including an additional independent director is SCRFC's preferred option of maintaining its non-CCO status.



2 King George Place  
PO Box 522  
TIMARU

Phone 03 687 7200  
DDI 03 687 7293  
FAX 03 687 7209

31 August 2015

Mackenzie District Council  
P O Box 52  
FAIRLIE 7949  
Attn: Mr Nathan Hole

Dear Nathan

### **Amendment to South Canterbury Rural Fire District (SCRFD) Charter**

I am writing to advise that at the meeting of the South Canterbury Rural Fire Authority held on Thursday 27 August 2015 the Committee agreed to recommend to the member organizations that the South Canterbury Rural Fire District Charter be changed.

The reason for the change is to reflect the forthcoming inclusion of Ashburton District Council as a member of the Enlarged SCRFA and the desire of the Committee to ensure that this addition to the Committee does not change the status quo of the governance structure of the Committee.

The proposed change is to Membership Clause 4.1(g). The current Charter reads:

**"One person appointed by the Committee as an independent member** with recognized governance experience, and having the same rights as other members of the Committee. The term of appointment will be in accordance with the Forest and Rural Fires Regulation 2005"

The change to Clause 4.1 (g) that is recommended by the South Canterbury Rural Fire District Committee is:

**"Two people appointed by the Committee as independent members** with recognized governance experience, and having the same rights as other members of the Committee. The term of appointments will be in accordance with the Forest and Rural Fires Regulations 2005"

The South Canterbury Rural Fire District Committee requests that Mackenzie District Council approve the proposed change to the Charter. Please reply in writing by 15 September 2015

Yours sincerely

  
Chris English  
**Secretary**  
**South Canterbury Rural Fire District Committee**



# **SOUTH CANTERBURY RURAL FIRE DISTRICT CHARTER**

**2 August 2012**

## CHARTER OF SOUTH CANTERBURY RURAL FIRE DISTRICT COMMITTEE

### 1. INTRODUCTION :

The Timaru District Council, the Mackenzie District Council and the Waimate District Council, each being a Fire Authority in its own right pursuant to the provisions of the Forest and Rural Fires Act 1977 agree to combine and establish together with the New Zealand Fire Service and the Department of Conservation and other Forest owners a Rural Fire Committee to be known as the “South Canterbury Rural Fire Committee” to administer the rural fire district known as the “South Canterbury Rural Fire District”.

### 2. INTERPRETATION:

**“the Act”** means the Forest and Rural Fires Act 1977 together with any amendments thereto, any Regulations there under and any Acts passed in substitution therefore.

**“Administration account”** means those income and expense items not identifiable to a single Local Authority and to be shared amongst members by an agreed allocation process.

**“the Chairperson”** means the Chairperson duly appointed in accordance with this Charter as well as any alternate Chairperson appointed in the absence of the Chairperson.

**“The Committee”** means the South Canterbury Rural Fire Committee.

**“The District”** means the South Canterbury Rural Fire District, an area which is more particularly described and shown on the current approved and gazetted map of the fire district.

**“Fire Authority”** shall have the meaning given in the Forest and Rural Fires Act 1977.

**“Forest Owners Group”** means the body that represents all forest owners contributing to the District’s funding by annual invoiced levy.

**“Local Authorities”** means the Timaru District Council (TDC), the Mackenzie District Council (MDC), the Waimate District Council (WDC).

**“Member” and “Members”** means those entities represented on the Committee.

**“Member Agent”** means an individual on the Committee representing a Member.

**“NRFA”** means the National Rural Fire Authority.

**“Operating account”** means all income and expenses identifiable to a single Local Authority member that are not to be shared among all the members collectively.

**“PRFO”** means the Principal Rural Fire Officer appointed by the South Canterbury Rural Fire Committee pursuant to Section 13 of the Forest and Rural Fires Act 1977.

**“Zone”** Those areas of land which have from time to time been identified by each Member as being land which is either owned by them or which they, for the purposes

of this committee, have the administrative responsibility for. These zones shall be recorded in the District Fire Plan.

### 3. PURPOSE:

- 3.1 The Committee shall assume and carry out the responsibilities, duties, and have the powers of a Rural Fire Committee and of a Fire Authority in the District and in accordance with the provisions of the Act and for the good of the local community in general.

### 4. MEMBERSHIP:

- 4.1 The Committee shall consist of the following:
- (a) One person appointed by the Timaru District Council, in writing under the signature of the Chief Executive
  - (b) One person appointed by the Mackenzie District Council, in writing under the signature of the Chief Executive
  - (c) One person appointed by the Waimate District Council, in writing under the signature of the Chief Executive
  - (d) One person appointed by the Department of Conservation, in writing under the signature of its Director-General
  - (e) One person appointed by the New Zealand Forest Owners Association as a representative of forest owners in the District, in writing under the signature of its President
  - (f) One person appointed by the New Zealand Fire Service, in writing under the signature of the Chief Executive
  - (g) Two people ~~One person~~ appointed by the committee as ~~an~~ independent members with recognised governance experience, and having the same rights as other members of the Committee. The term of appointment will be in accordance with the Forest and Rural Fires Regulations 2005.
- 4.2 In the event of the Committee wishing to increase the number of its membership then that may only be done if the proposal receives the unanimous support of all the then current members of the Committee and shall be upon such terms and conditions as so agreed upon and in accordance with the Act.
- 4.3 The Committee will elect a Chairperson from its membership at the Annual General Meeting of the Committee. The Committee may resolve to appoint such Chairperson for a term not exceeding three years. In the anticipated absence of such a Chairperson the Committee may appoint an alternate Chairperson to act in the capacity of Chairperson during the absence of the Chairperson.

### 5. POWERS:

- 5.1 Pursuant to the provisions of Section 8(2) of the Act the Committee is a body corporate.

- 5.2 The Committee shall have all of the powers given to a Rural Fire Committee and a Fire Authority by statute including those set out in the Act.

## **6. MEETINGS:**

- 6.1 The Annual General Meeting of the Committee shall be held during August of each year.
- 6.2 General Meetings may also be convened at any time by the Chairperson and shall be convened by the Chairperson (subject to the requirements of notice set out in the Charter) upon his/her receiving the written request of any Member to do so.
- 6.3 At all meetings of the Committee more than 50% of Members shall form a quorum and no business shall be transacted at any meeting unless a quorum is present.
- 6.4 Notice of all Meetings, (other than those called to consider matters set out in clause 12 and 13 herein) including the Annual General Meeting, shall be conveyed or given to the Members in writing at least five working days before the date of that meeting either by forwarding such notice to the address given by that Member for notices or by facsimile to the address contained in this Charter for service of notices.
- 6.5 At each meeting all Members will have one vote. In the event of an equality of voting on any question the Chairman shall have a casting vote.
- 6.6 If any Member or Member Agent is unable to attend any meeting the Member may appoint any individual to attend a meeting of the Committee on the Member's behalf. An individual appointed as above must be treated for all purposes as a member of the Committee while attending any meeting of the Committee.

## **7. FINANCES:**

- 7.1 The Committee shall arrange for Annual Accounts to be prepared, including financial statements, showing all income and expenditure of the Committee since the preceding statement, as well as a general statement of assets and liabilities of the Committee and such account shall be subject to audit by an auditor appointed by the Committee.
- 7.2 Draft Annual Accounts shall be presented at the August Annual General Meeting for review and approval.
- 7.3 The Committee is neither established nor operated for the profit of any Member and no money or property is to be distributed to any of its Members. Any distribution of property or money must be to another non profit organisation approved by the Committee.
- 7.4 The financial year of the Committee shall end each 30<sup>th</sup> day of June.
- 7.5 All monies received by the Committee shall be paid into such Bank Account as the Committee may from time to time direct. The account to be called the "South Canterbury Rural Fire District Committee Account". No monies shall be paid out of such account except by way of cheque or bank draft signed or

authorised by any two signatories approved by the Committee in writing. The list of signatories shall be reviewed annually or sooner if required.

- 7.6 The Committee shall issue in writing the Financial Delegation limits for its officers.

## **8. FUNDING:**

- 8.1.1 The annual administrative budgeted costs of the Committee shall be provided by the Local Authorities as to 25% each and by the Forest Owners Group as to the remaining 25%.
- 8.1.2 The contributions as between the individual entities within Forest Owners Group shall be determined by apportioning on a pro rata basis each owner's area of forest as against the whole District's forest area assessed by the Committee annually.
- 8.1.3 The annual operating budgeted costs of the South Canterbury Rural Fire Committee shall be levied on the relevant Local Authority in whose district the costs are forecast.
- 8.1.4 The Committee shall arrange for a draft annual budget to be tabled in December of each year showing forecasts for the next full financial year. This budget after amendment and approval by the Committee shall be the basis of levies invoiced to Members. Invoices shall be paid by Member by the 20<sup>th</sup> of the month following invoice.
- 8.2 The Committee shall seek such other funding as may be available from time to time including funds under the National Rural Fire Authority Grant Assistance Scheme.
- 8.3 In the event of income from budgeted administrative costs levied exceeding the actual administrative costs for the accounting year then the excess shall be shared equally by the Local Authorities as a discount on their previous levies. The Forest Owners Group shall not share in the discount.  
In the event of income from budgeted administrative costs levied being less than the actual administrative costs then the shortfall shall be shared equally by the Local Authorities as a surcharge on their initial levies for that year. The Forest Owners Group shall not contribute to the shortfall.
- 8.4 Each Local Authority shall have an operating account for the reporting of activities within its area. The Committee shall invoice each Local Authority net annual budgeted expenses after the Committee has approved the annual budget. Each local authority shall be due a credit note if net annual expenses are lower than budgeted. No cash refund shall be made. Each Local Authority shall be additionally invoiced if net annual expenses exceed those budgeted and already invoiced. Such invoices shall be payable by the 20<sup>th</sup> of the month following issue.
- 8.5 Where the Committee is requested to purchase assets on behalf of Local Authorities, invoices for expected project costs shall be raised before work commences. After assembly of the asset, and after receipt of any NRFA subsidy, an additional invoice or credit note shall be issued so that the appropriate Local Authority is charged the net completed cost of the asset. Such invoices shall be payable by the 20<sup>th</sup> of the month following issue.



## **9. GENERAL:**

- 9.1 The Committee shall appoint, on such terms and conditions it may from time to time decide, a Principal Rural Fire Officer in terms of the Act and may contract for services to provide for such an officer.
- 9.2 The Committee shall appoint a Secretary to keep all the necessary records and books of account and to carry out such duties and to have such powers and other duties as the Committee shall from time to time determine.
- 9.3 The Committee may employ such other person or persons as from time to time it may decide.
- 9.4 An annual report shall be prepared by the Committee and presented to the Annual General Meeting. This report shall contain the draft financial statements of the Committee for subsequent independent audit, a report on the out-puts achieved for the period reported on including those required to comply with the NRFA grant assistance scheme. This annual report shall be provided to the Local Authorities within eight weeks of the balance date.
- 9.5 The Committee shall arrange for an Annual Business Plan and Statement of Intent to be prepared.
- 9.6 In accordance with the provisions of the Act a Fire Plan shall be prepared and approved by the Committee and also forwarded to the National Rural Fire Authority.
- 9.7 All other reports prepared by the Committee to satisfy any funding criteria during the year shall be as determined from time to time by the Committee.
- 9.8 The Members will carry out all fire control measures in accordance with the Fire Plan agreed to and meet their own cost of training, equipping and maintaining resources within their allocated areas.
- 9.9 The costs of fire suppression shall lie with the Member in whose zone of responsibility the fire originated:
  - (a) Claims for the recovery of costs associated with the control, restriction, suppression or extinction of fire within any area may be made pursuant to the provisions of the Act by the Committee.
  - (b) Eligible claims against the Rural Fire Fighting Fund pursuant to Section 46B of the Fire Service Act 1975 shall be lodged with the National Rural Fire Authority by the Committee. The costs of any deductions from such claims as applied by the National Rural Fire Authority shall be directed to the applicable funding organisation of the Rural Fire District Committee.

## **10. FOREST OWNERS GROUP:**

- 10.1 The Forest Owners Group will consist of all forest investors within the District that contribute by way of levy.

- 10.2 Forest Owners Group members will contribute to the Administration Account of the District via a levy based on the hectares assessed by the Committee.
- 10.3 Forest Owners Group members will be represented by a person appointed by the New Zealand Forest Owners Association or the National Rural Fire Authority Officer. Refer to section 4.1(e) herein.
- 10.4 Forest Owners Group members will be supplied minutes of Committee meetings on request.

## **11. ALTERATION OF RULES:**

- 11.1 This Charter may be amended by the Committee recommending a change to each Member and a majority of the Members agreeing to that change in writing.

## **12. DISSOLUTION:**

- 12.1 The Committee may be dissolved if a Resolution to that effect is passed by a majority present at a General Meeting of the Committee and in accordance with the Act. For any such Resolution to be presented to a General Meeting it shall be necessary for at least 21 day's written notice of the meeting and of the proposed Resolution to have been given to all Members.
- 12.2 Should the Committee be dissolved and after the satisfaction of all of the Committee's liabilities, any property then remaining, real or personal, will be distributed to another non-profit organisation or body approved of by the Committee. In meeting its liabilities it is noted that the Committee may use and hold records and assets belonging to one of the Local Authorities which in fact retains ownership of those record or assets and those records and/or assets shall be returned to that Local Authority prior to distribution of assets.

#### 14. ADDRESS FOR NOTICES:

- 14.1 The address for service of notices for the Committee member agent appointed by the Timaru District Council is:  
PO Box 522  
Timaru 7940  
Fax (03) 687 7209
- 14.2 The address for service of notices for the Committee member agent appointed by the Mackenzie District Council is:  
PO Box 52  
Fairlie 7949  
Fax (03) 685 8533
- 14.3 The address for service of notices for the Committee member agent appointed by the Waimate District Council is:  
PO Box 122  
Waimate 7960  
Fax (03) 689 8075
- 14.4 The address for service of notices for the Committee member agent appointed by the New Zealand Fire Service is:  
PO Box 683  
Timaru 7940  
Fax (03) 684 1209
- 14.5 The address for service of notices for the Committee member agent appointed by the Department of Conservation is:  
Private Bag 4715  
Christchurch 8140  
Fax (03) 371 3700
- 14.6 The address for service of notices for the Committee member agent appointed by the New Zealand Forest Owners Association is:  
Blakely Pacific Limited  
PO Box 139  
Timaru 7940  
Fax (03) 688 2176
- 14.7 The address for service of notices for the Independent Director is  
79 Hunter Hills Drive  
Gleniti  
Timaru 7940

THE COMMON SEAL of the )  
**TIMARU DISTRICT COUNCIL** )  
was hereunto affixed in the )  
presence of: )

.....

.....  
Name

.....  
Title

.....  
Date

.....

.....  
Name

.....  
Title

.....  
Date

THE COMMON SEAL of the )  
**MACKENZIE DISTRICT COUNCIL** )  
was hereunto affixed in the )  
presence of: )

.....

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Name

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Title

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Date

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Name

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Title

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Date

THE COMMON SEAL of the )  
WAIMATE DISTRICT COUNCIL )  
 was hereunto affixed in the )  
 presence of: )

.....

.....  
Name

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Title

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Date

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Name

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Title

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Date

SIGNED for and on behalf of the )  
NEW ZEALAND FIRE SERVICE )

.....

.....  
Name

.....  
Title

.....  
Date

SIGNED for and on behalf of the )  
DIRECTOR GENERAL OF CONSERVATION )  
 by the Conservator of the )  
 Canterbury Conservancy )

.....

.....

Name

.....

Title

.....

Date

SIGNED for and on behalf of the )  
NEW ZEALAND FOREST OWNERS )  
ASSOCIATION )

.....

.....

Name

.....

Title

.....

Date

SIGNED by the INDEPENDENT DIRECTOR )

.....

.....

Name

.....

Title

.....

Date

## **MACKENZIE DISTRICT COUNCIL**

**REPORT TO:** PLANNING & REGULATION COMMITTEE

**SUBJECT:** PROPOSED PRIVATE PLAN CHANGE – LAKE TEKAPO

**MEETING DATE:** 13 OCTOBER 2015

**REF:** REG 6/6/1

**FROM:** NATHAN HOLE, PLANNING & REGULATIONS MANAGER

### **PURPOSE OF REPORT:**

For Council to consider accepting an application for a private plan change to rezone land from Special Travellers Accommodation Zone (STAZ) to Residential 1 and 2 zones, and to remove the Camping Ground Sub-zone from within the STAZ zone.

### **STAFF RECOMMENDATIONS:**

1. That the report be received; and
2. That the Committee accepts Tekapo Landco Ltd's request pursuant to Clause 25(2)(b) and proceed to publicly notify the request under Clause 26 of the First Schedule of the Resource Management Act 1991.

**WAYNE BARNETT**  
**CHIEF EXECUTIVE OFFICER**

**ATTACHMENTS:**

- Please find attached a detailed report from planning consultants Patricia Harte and Arlene Baird of Davie Lovell-Smith.

As the report sets out all the information requirements for Council to consider I have not repeated these separately.

- There are also separate maps attached showing the existing zones, and the proposed zones.





**REPORT TO:** Mackenzie District Council

**SUBJECT:** Plan Change application – To rezone land from Special Travellers Accommodation Zone to Residential 1 and 2 and to remove the Camping Ground Sub-zone within the Special Travellers Accommodation Zone

**LOCATION:** Lakeside Drive, Lake Tekapo

**DATE:** 24<sup>th</sup> September 2015

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### 1. RECOMMENDATION

In respect of Private Plan Change 16, submitted to Mackenzie District Council on 13th March 2015 by Planz Consultants on behalf of Tekapo Landco Limited, the Council resolves:

- To accept the request pursuant to Clause 25(2)(b) and proceed to notify the request under clause 26 of the First Schedule of the Resource Management Act 1991.
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### 2. PURPOSE OF REPORT

Tekapo Landco Limited ('the applicant') have requested a change to the Operative Mackenzie District Plan in accordance with Clause 21 of Part 2 of the First Schedule to the Resource Management Act 1991 ('the RMA').

This report assesses the applicant's Private Plan Change request to rezone land from Special Travellers zone to Residential 1 and 2 and to remove the Camping Ground Sub-zone within the Special Travellers Accommodation zone, against the relevant Resource Management Act 1991 provisions. This assessment has been provided to assist Council to make a decision on how to process the request. This is a mandatory decision that, in accordance with clause 25(1) of Part 2 of the First Schedule, must occur within 30 working days of receiving the request and any subsequent additional information necessary to enable a reasonable understanding of what is being proposed.

### 3. SIGNIFICANCE POLICY

The Council's Significance Policy has been established to enable the Council to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities. On every issue requiring a policy or strategy decision the Council will consider the degree of significance of the issue and the corresponding level of engagement.

The issue of significance of this zone change has been considered. The thresholds of cost and disposal of strategic assets are not exceeded by this request, and the level of significance in relation to any of the associated criteria is considered to be low if any.

This Private Plan Change request is not therefore considered to be significant in the terms set out by this policy.

#### 4. HISTORY/BACKGROUND

##### ***Application***

A draft of the Plan Change request was submitted to the Council in September 2014 for comments. This was reviewed in terms of the adequacy and content of the information submitted. Comments and recommendations were provided to the applicant, followed by a subsequent meeting. Several amendments have been made to the application in response to the above comments and meeting including rezoning the steeper parts of the site and Recreation P (Passive) which limits development in this area. We confirm that all information necessary to understand the request has now been provided to the extent that a decision can be made on how to process PPC16.

##### ***The Site***

The site is located at the western end of Tekapo Township between Lakeside Drive, State Highway 8 and a legal 'paper road' which extends in a north-westerly direction from State Highway 8.

The site comprises sloping land with a total area of approximately 24 hectares in four legal lots as follows:

LEGAL DESCRIPTION	AREA
Lot 1 DP455053	4.2530ha
Lot 2 DP455053	19.3350ha
Lot 3 DP455053	0.5850ha
Lot 4 DP455053	0.0242ha

The site is currently zoned Special Travellers Accommodation zone (STAZ) except for a small portion at the eastern end which is zoned Residential 2. It includes the existing Lake Tekapo Motels and Holiday Park, areas of well-established exotic trees such as larches and pines, and open areas where trees have been removed. The Lake Tekapo Motels and Holiday Park occupies the existing Camping Ground Subzone (which sits within the Special Travellers Accommodation zone) and extends into a small part of the Special Travellers Accommodation zone and the adjacent Residential 2 Zone along Lakeside Drive.

To the north of the site is the Tekapo Springs development, beyond this is forested rural land extending up the southern slopes of Mount John. Beyond the paper road is rural land, across State Highway 8 to the southeast is a mix of residential and rural land, while towards the township to the east is an existing Residential 2 zoning between the State Highway and Lakeside Drive. To the north of the site there is a strip of land between Lakeside Drive and the lakeshore zoned Recreation P, which contains a mixture of grass, play equipment, gravel lakeshore, and scattered trees.



The site falls completely within areas which are already currently zoned for development within Lake Tekapo township and does not extend into the rural area. The site has been in the applicant's ownership since 2012.

## 5. PROPOSAL

### Description

As described within the applicant's documentation, the Private Plan Change proposal consists of the following:

1. Amend Planning Map 44 to show proposed amendments to the zoning:
  - (a) Rezone the majority of the Special Travellers Accommodation zone to Residential 1 with smaller areas to Residential 2 and Recreation P;
  - (b) Remove the 'Camping Ground Subzone' and apply amended provisions of the existing Special Travellers Accommodation zone within the subzone.
2. Amend the existing Special Travellers Accommodation zone Plan Change provisions to provide for a number of permitted activities and enable visitor accommodation and restaurant or café buildings as a controlled activity.
3. Retain the existing area at the eastern end of the Plan Change site as Residential 2 zone.
4. Retain control over design and appearance in the balance of the STA Zone and in the Residential 2 Zone (Lake Tekapo Design Guide).
5. Incorporate an exterior colour palette for buildings to be constructed in the proposed Residential 1 Zone.
6. Restrict access directly to State Highway 8

Full details of planning map changes and text changes are included within the applicant's documentation and are **attached**.

### Supporting documents

The Private Plan Change request has been accompanied by the following supporting information:

- Statutory Assessment prepared by Planz Consultants
- Landscape Assessment prepared by Earthwork Ltd.
- Traffic Assessment prepared by TDG Ltd.
- Geotechnical and Services Assessment prepared by Tonkin and Taylor Ltd.

### Cultural Impacts

In response to initial consultation with Iwi, a Cultural Impact Assessment was prepared on behalf of Te Runanga o Arowhenua. This report provided information on the nature and extent of cultural interests in the areas where the Plan Change will have effect; identified impacts associated with the proposal that are of concern; and identified mitigation measures. Issues of concern include stormwater treatment and protecting the quality of waters of Lake Tekapo, rehabilitation and landscaping, protecting the lake shore and views of the lake and protecting indigenous biodiversity. Tekapo Landco provided comments to Iwi on these matters which are recorded in the Assessment. For the most part these issues will be addressed fully at the subdivision consent stage.

## 6. STATUTORY REQUIREMENTS

Under the RMA any person may request a change to a district plan and the Council must consider that request. Clause 25 of the First Schedule of the RMA states that the local authority may either 2(a) adopt, 2(b) accept, (3) deal with as an application for resource consent, or (4) reject the request. An assessment of each of these options is considered next.

### ***Option 1 – Adopt the Private Plan Change request***

Should the PPC request be adopted, the Council would effectively take over the request so that it becomes a Council-initiated plan rather than a private application. In our opinion there is no obvious policy reason to initiate this rezoning and no public benefit from the proposed rezoning as the land is already zoned for development. In addition adopting the request would result in the Council having to fund the remainder of the process, relinquishing the ability to recover costs from the applicant.

There is therefore no beneficial reason for the Council to take over this process and it is **not** therefore recommended that the Council adopt the request.

### ***Option 2 – Accept the Private Plan Change request***

It has been established that sufficient information has been provided to accept the Private Plan Change request. Accepting the request will enable the application to be publicly notified which will allow the request to be subject to the participatory processes provided within the RMA. This will provide the Council with a more informed understanding of the community's opinions regarding the proposal. The Council have the right to lodge submissions to a plan change to ensure there is sufficient scope for decision makers to amend the Plan to address any concerns raised. The RMA however provides for the Council to work with the application prior to public notification of a plan change to "iron out" any issues and amend the plan change accordingly. As this is a Private Plan Change request, no direct cost will be incurred by the Council or rate payers in accepting the request.

It is recommended that the Council should accept the request.

### ***Option 3 – Deal with the request as an application for resource consent***

The local authority has the option to decide to deal with the request as if it were an application for a resource consent and if so the provisions of Part 6 of the RMA shall apply accordingly. This Private Plan Change request seeks to alter the current zoning which will affect future land use and subdivision applications. It will have an impact upon the Special Travellers Accommodation and Residential 1 and 2 zones. Due to the broad potential implications of the change and the amount of land involved, it is considered that these matters are best addressed through a comprehensive plan change process rather than a single or series resource consent applications.

It is **not** therefore recommended that the Council deal with the request as an application for resource consent.

### ***Option 4 – Reject the Private Plan Change request***

Clause 25(4) of the First Schedule of the RMA states that the local authority may reject the request in whole or in part, but only on the following grounds:

(a) *The request or part of the request is frivolous or vexatious*

The proposed Private Plan Change is not considered to be frivolous (i.e. senseless or ill-considered) or vexatious (i.e. annoying or troublesome). The request is considered and fully explained in the application documents. It has a clear purpose and supporting documentation has been provided.

(b) *Within the last 2 years, the substance of the request or part of the request has been considered*

The draft proposal was submitted to the Council in September 2014 for consideration and comment as detailed previously. Prior to that, the rezoning of this specific area of land was not considered by the Council or the Environment Court.

(c) *The request or part of the request is not in accordance with sound resource management practice*

The purpose of the RMA, as set out in Part II is *“to promote the sustainable management of natural and physical resources...sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –*

*(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*

*(c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.”*

The result of any changes or rezoning therefore needs to provide for the use and development of this land resource in a way that will enable the community to continue to provide for their social, economic and cultural wellbeing. The subject site is already zoned as part of the Tekapo township within the District Plan. The proposed plan change is not therefore considering extension into rural land but rather land that has been identified for development and where a change of use is already anticipated by the District Plan. It is not considered that the acceptance of this request will in any way compromise the purpose of the RMA.

In terms of a regional framework, we can consider the Canterbury Regional Policy Statement, as well as the Land and Water Regional Plan and the Canterbury Regional Land Transport Strategy.

The Regional Policy Statement provides the overall strategic direction for growth and development within the region by identifying issues for which strategic objectives and policies are detailed. The statement includes parameters for identifying suitable locations, design and function of development including the need for sites to avoid certain constraints and satisfy servicing requirements. The general focus is on consolidated, well designed and sustainable regional growth in and around existing urban areas in a way that exhibits a coordinated pattern of development. With regard to infrastructure, the expert documentation which has accompanied the plan change request confirms that services can be provided in terms of both



capacity and efficiency. The applicant fully addresses the plan change in relation to the Regional Policy Statement within their application. The Private Plan Change request is not considered to be contrary to these requirements.

The Land and Water Regional Plan promotes outcomes for managing land and water resources and provides direction in terms of the processing of resource consent applications. The applicant confirms that should the subject site be re-zoned and subsequently developed in the intended manner, then resource consents will be required under the LWRP provisions, relating to earthworks and discharge of stormwater from the site. We agree that the detailed engineer design required is at a level far beyond what is required to support a plan change request. It is noted that resource consents under the LWRP would also need to be obtained were the site to be developed for travellers' accommodation under the existing zoning framework.

The Canterbury Regional Land Transport Strategy covers the period between 2012 and 2042 and provides visions and objectives to ensure a safe and resilient, environmentally sustainable and integrated transport system for the region which assists economic development and improves levels of accessibility for all. A Traffic Assessment has accompanied the private plan change request and details implications on State Highway 8 and Lakeside Drive. It is not considered that the acceptance of this request will in any way compromise the purpose of the Land and Water Regional Plan.

Having considered the objectives of the RMA and regional policy guidance, it is considered that accepting this Private Plan Change request and proceeding with public notification accords with sound resource management.

*(d) The request or part of the request would make the policy statement or plan inconsistent with Part 5*

This Private Plan Change request is considered to be generally in accordance with Part 5 of the RMA which addresses Standards, Policy Statements and Plans. The request incorporates matters which are within the scope of the District Plan and the applicant has addressed district policy as well as regional policies and strategies. The application has sufficient supporting documentation to ensure the request is full and comprehensive. This includes the provision of a Geotechnical, Ground Contamination and Services Capacity Assessment prepared by Tonkin and Taylor Ltd., which satisfies the National Environmental Standard for assessing and managing contaminants in soil to protect human health. It is considered that the acceptance of this Private Plan Change request will not make the policy statement or plan inconsistent with Part 5.

*(e) In the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years*

The Mackenzie District Plan was made operative in 2004 with a number of plan changes being made operative since that time. This ground for rejection is therefore not applicable as the Plan has been operative for more than 2 years.

Having assessed the above five criteria, it is concluded that there are no sound reasons to reject the Private Plan Change request.

## 7. RECOMMENDATION

The RMA affords the opportunity for the applicant to request changes to the District Plan. The consideration of this Private Plan Change request, within this report, is limited to an assessment of the contents of the request to ensure that it can be understood and that it does not conflict with existing planning processes and statutory instruments.

As detailed in section 6 above, there are not considered to be sufficient grounds to reject the Private Plan Change request when assessed against the statutory powers available to the Council under the RMA. The most appropriate course of action is therefore to accept PPC16 for notification under Clause 25(2)(b). This will enable the request to be publicly notified, submissions and further submissions received and for the merits of the request to be considered at a public hearing.

**Accepting this Private Plan Change request does not signal that the Council support the proposal.**

On the basis that the request is accepted we recommend it be referred to from this point onwards as Private Plan Change 16 of PPC 16.

## 8. PUBLIC NOTIFICATION AND CONSULTATION

### Public Notification

The recommendation to accept this Private Plan Change request requires the Council to publicly notify PPC 16 and to serve notice on all directly affected parties and organisations, who will then have the opportunity to participate in the ongoing process.

### Consultation

Within their application the applicant has confirmed that, in addition to the Council (as previously discussed), consultation has also taken place with the following:

- Adjacent land owners, Tekapo Springs and Andrew Simpson who have provided generally supportive responses;
- Canterbury Regional Council who have raised issues of scale; removal of trees; ecological implications in regard to development adjacent to the lake; and a question over cultural values. The applicant has responded directly addressing these issues.
- Iwi – letters were sent to Te Runanga o Arowhenua, Te Runanga o Moeraki and Te Runanga o Waihao. They raised concerns and indicated that they wish to see a cultural impact report and have further consultation. Since then a Cultural Impact Assessment has been prepared on behalf of Te Runanga o Arowhenua and is discussed previously in section 5.
- NZTA who have indicated that they do not have any major concerns with the proposed Private Plan Change but are interested in the formation of the Lakeside Drive/SH8 intersection. The applicant has since forwarded a copy of the Traffic Assessment onto NZTA.

- Mt John Observatory (University of Canterbury) who confirmed that they believe the Private Plan Change would not impact upon the operation of the Mt John Observatory.

The recommendation to accept PPC16 will advance the request to the point where members of the public and interested parties can participate in the process through submissions, further submissions and the hearing process.

## **9. RELEVANT STRATEGY AND POLICIES**

This Private Plan Change request is generally in accordance with the Regional Policy Statement, in particular Chapter 5 *Land Use and Infrastructure* which focuses on the strategic integration of land use and the need to provide for a community's economic and social wellbeing, health and safety. It also considers how development results in changes to urban and rural areas and the resultant infrastructure needed to service these changes.

The request is also in accordance with relevant District Council plans. The Long Term Plan 2015-2025 addresses the issue of promoting the social, economic, environmental and cultural wellbeing of their communities, taking into account the needs of both present and future generations. Six outcomes were thought to represent the aspirations of the community including an attractive natural environment, a thriving economy, a democracy, a fit and healthy community, a sustainable infrastructure and a supportive and contributing community.

In terms of the District Plan, the request is generally in accordance with its objectives and policies. In particular in relation to location, density and scale it provides for higher densities of residential and visitor accommodation development around the periphery of the Lake Tekapo town centre.

It is therefore considered that the request generally aligns with the strategies and policies for the area.

## **10. LEGAL IMPLICATIONS**

The Private Plan Change request process is set out in Part 2 of the First Schedule to the Resource Management Act 1991. The Council's decision can be appealed to the Environment Court.

## **11. FUNDING IMPLICATIONS**

The applicant is responsible for the costs associated with processing a Private Plan Change request, with all Council costs being fully recoverable. Council would be responsible for the cost of defending its decision should it be appealed to the Environment Court.







# PROPOSED ZONING

## THE SITE:

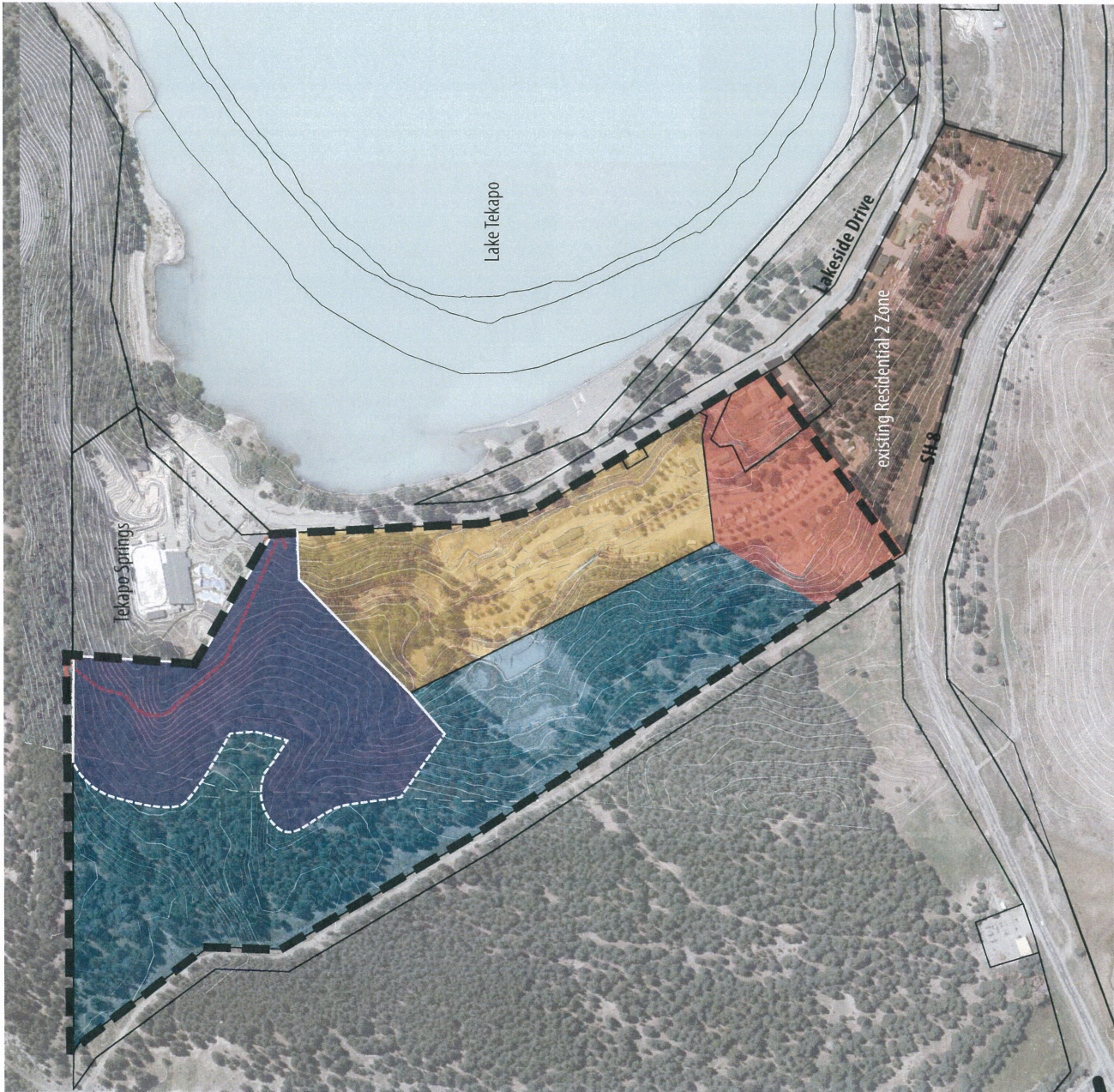
- Plan Change Area
- Existing Residential 2 Zone

## PROPOSED ZONES:

- Residential 1 Zone
- Residential 2 Zone
- Special Travellers Accommodation Zone

Recreation P Zone - Note: The western boundary (shown as dashed line) is approximate and will be confirmed based on more detailed survey information and amended pursuant to clause 16(2) of the first schedule of the RMA.

Easement (existing)



## **MACKENZIE DISTRICT COUNCIL**

**REPORT TO:** PLANNING & REGULATIONS COMMITTEE

**SUBJECT:** RELOCATED DWELLINGS IN RES 1 AND RES 2 ZONES

**MEETING DATE:** 13 OCTOBER 2015

**REF:** REG 6/6/1

**FROM:** NATHAN HOLE, PLANNING & REGULATIONS MANAGER

### **PURPOSE OF REPORT:**

For the committee to discuss the issue used buildings being relocated into the Residential 1 and 2 zones, and how the rules in the District Plan manage this.

### **STAFF RECOMMENDATIONS:**

1. That the report be received.

**WAYNE BARNETT**  
**CHIEF EXECUTIVE OFFICER**

**ATTACHMENTS:**

No attachments.

**BACKGROUND:**

Council has received a lot of negative public feedback in relation to another second hand dwelling being relocated to Regent Street, Fairlie.

Local residents requested a meeting with the Mayor, CEO and myself to discuss the Regent Street house. This occurred on Wednesday 30 September, and one of the outcomes of that meeting was that a paper was put to this Committee discuss issue and how this was managed in the District Plan, and what changes Council could make if it chose to do so.

**POLICY STATUS:**

The District Plan is Council's policy document in relation to this matter.

**SIGNIFICANCE OF DECISION:**

No decision is requested. If Council did decide to proceed with making changes to the District Plan in relation to relocated dwellings, then a public consultation process would occur in accordance with Schedule 1 of the Resource Management Act 1991.

**ISSUES & OPTIONS:**

The District Plan provides for second hand dwellings to be relocated into Residential 1 and 2 zones as a controlled activity. Controlled activities must be granted, and Council can only impose conditions on the matters it has reserved control over.

The relevant rule in the District Plan is Rule 3.2.1 of the Residential Section. Further to the rule being a controlled activity, there is only one matter Council has reserved control over, being external appearance of the building. The rule also states that an application will not require written approvals of other persons and shall be non-notified. Essentially the rule specifies that a resource consent for this activity will be easily obtained. The control on external appearance is to ensure the building looks well maintained, not neglected. It is not a design guideline control, or an ability to impose other conditions in relation to the section, such as landscaping.

To comply as a controlled activity, the relocated building is still required to meet all permitted activity standards such as setback from boundaries, height etc, as if were a new building.

In 2009 when Council drafted PC15 and proposed two new residential zones, Res 3 and Res 4, the community asked for greater controls on relocated buildings as there were concerns regarding the effect of old villas being relocated into the Twizel township. The proposal was to make relocated dwellings a discretionary activity, which was confirmed in the Commissioners' decision. This only applies to Res 3 and



4 zones, the reason being that to make changes to Res 1 and 2 would have had a district wide effect, when the plan change was intended to only affect Twizel.

Council has the ability to propose a change to its District Plan if it considers a controlled activity rule is no longer appropriate, or if it considers that additional matters of control are required.

## **CONSIDERATIONS:**

### ***Legal***

There is a prescribed process under the RMA for Council to follow when proposing a change to its District Plan.

### ***Financial***

There is potentially a significant cost associated with undertaking a change to the District Plan. A confined change would mean less staff time, and potentially less cost. However, overall time and cost would be dependent on the number of submissions received, whether or not a hearing was held, and whether any appeals were received. Council should assume at the very least that a hearing would be held. I would estimate that such a plan change would cost approximately \$15,000 - \$20,000.

### ***Other***

Council should also consider the impact of any proposed change. The enabling provisions at present provide opportunities for landowners. Imposing restrictions will provide limitations for landowners. This is the most significant consideration for Council, and strikes at the balance of Council and the community managing the look and feel of the District through its District Plan, while recognising the rights of property owners.

## **ASSESSMENT OF OPTIONS:**

Council should firstly consider whether or not a change to the District Plan is required.

If so, Council can then decide whether it is a matter it wishes to progress immediately, or whether it forms part of the District plan review.

A separate plan change would be unbudgeted expenditure.

## **CONCLUSION:**

Council introduced changes to its District Plan through PC8 as a result of a number of Wigram homes being relocated to Regent Street, Fairlie. This plan change introduced changes in relation to residential density, but not whether or not buildings could be relocated. The controlled activity Rule 3.2.1 remained unchanged.

It is entirely appropriate for Council to consider whether or not the current rules in its District Plan are sufficient to manage the effects of second hand homes being relocated into the District.