

S42A Report Paragraph	Panel Questions	Response
31	<p>With reference to Submission 84, when will the Council give effect to the NPS implementation timeframe requirements for definitions for those District Plan chapters not being reviewed across the proposed three stages?</p>	<p>The MDPR has been split into five stages:</p> <ul style="list-style-type: none"> • Stage 1 – Strategic Directions (PC20) • Stage 2 – Spatial Plan Implementation (PC21) and Light (PC22) • Stage 3 – Rural, Rural Lifestyle, Energy, Infrastructure and Transport, Hazards and Risks, Natural Environmental Features and Landscapes, Sites and Significance to Māori, Subdivision and Earthworks • Stage 4 – Special Purpose Zones, Open Space Zones, Designations, historic heritage, other district wide matters • Stage 5 – Remaining Provisions <p>All zone and district wide chapters are scheduled to be reviewed in accordance with the NP Standards implementation requirements. Mackenzie District Council has five years to adopt the NP Standards (1 November 2024), and seven years for the definition’s standards (1 November 2026).</p>
65	<p>Paragraph 65 says “...allowing minor units to be multi storey will have no impact on the outcomes and amenity values sought in the LRZ, with one and two story detached residential units being the predominant building type anticipated in the zone”.</p> <p>Would you consider it appropriate to limit a two-story minor unit to sites where the principal residential unit is also two story?</p>	<p>Limiting two storey minor units to sites where the principal residential unit is also two storeys will ensure the minor unit complements the existing dwelling on a site in terms of building design and scale. It does not however allow for minor units above garages or lofts or flexibility in building design. It also does not allow for the character of an area/site to change over time to include two storey units. For these reasons I do not consider it appropriate to limit two-storey minor units to sites where the principal residential unit is also two storeys.</p>
92	<p>You state that <i>“the way in which “avoid” is used in the policy is not to avoid particular land use activities full stop, but rather to avoid unless the listed criteria are met”</i>.</p>	<p>To ensure a consistent and clear approach to plan drafting is undertaken in the MDPR, a Drafting Guide was prepared that includes general direction for drafting of objectives, policies, and rules which includes the use of the words “avoid...unless” in policies. As detailed in the Drafting Guide this wording</p>

S42A Report Paragraph	Panel Questions	Response
	<p>In your review of other district plans, and in your understanding of case law, is it typical for the word “avoid” to be used in this way?</p>	<p>should be used for “policies seeking to prevent something, except in specially defined circumstances.” Several policies in PC21 have therefore been drafted using this terminology.</p> <p>While I understand from case law that the use of the word ‘avoid’ means to ‘not allow’ or ‘prevent the occurrence of’¹ I consider the use of the word in this policy is appropriate as it provides clear direction on when avoidance is required, as well as a clear pathway for where avoidance is not required:</p> <ul style="list-style-type: none"> a) The activity is an expansion of an existing activity; and/or b) Any adverse effects of the activity do not compromise the amenity values of the surrounding area; and c) The nature, scale and intensity of the activity is compatible with the character and purpose of the zone. <p>This direction, in my view, makes it clear what outcomes are sought in the zone and addresses the issue identified in the Section 32 Report regarding the lack of clear policy direction.²</p> <p>This approach has been used in the Proposed Timaru District Plan. I also note that the Proposed Porirua District Plan uses a similar approach using “only allow...where.”</p>
118-121	<p>Boffa Miskell’s advice was that building up rather than out would provide an increased opportunity for onsite open space/amenity.</p>	<p>While I took into account the advice from Boffa Miskell the other standards in the MRZ, in my view, (MRZ-S5 Coverage, MRZ-S6 Landscaping, MRZ-S7 Outdoor Living Space, MRZ-S8 Minimum Outlook Space and MRZ-S9 Fencing) will ensure sufficient onsite open space/amenity for residents.</p>

¹ Environmental Defence Society Inc v New Zealand King Salmon Company Limited

² Section 32A Report, paragraphs 4.14 and 5.2.

S42A Report Paragraph	Panel Questions	Response
	Is this a factor you considered when arriving at the view that a reduction to the maximum height limit is appropriate?	
130	<p>If the Hearing Panel decided to include the height in relation to boundary requirement within MRZ-S3, what level of detail would be appropriate to be included within that provision?</p> <p>If the height in relation to boundary requirement was included within MRZ-S3, would that provision then be inconsistent with other provisions that reference APP1?</p>	<p>If the Hearing Panel decide to include the height in relation to boundary requirement within MRZ-S3, I recommend the following amendments:</p> <ol style="list-style-type: none"> 1. <u>Any building or structure shall comply with the Height in Relation to Boundary requirements in APP1, where the boundary adjoins any residential zone must be contained within a building envelope created by recession planes from points 2.5m above ground level at all points along the boundary of the site adjoining a LLRZ or LRZ.</u> 2. <u>Any building or structure must be contained within a building envelope created by recession planes from points 3.5m above ground level at all points along the boundary of the site adjoining a MRZ.</u> 3. <u>The method for calculating the recession planes and the exemptions to the recession planes are set out in APP1.</u> <p>If the height in relation to boundary requirement is included within MRZ-S3, it would be inconsistent with the other zone chapters that refer expressly to APP1. If this approach is taken it is therefore recommended that consequential amendments are made to LLRZ-S3, LRZ-S3, NCZ-S2, LFRZ-2, MUZ-S3, TCZ-S2 and GIZ-S2.</p>
137	Would 'structure' include such things as a boundary fence, a private footpath, a freestanding letterbox or a clothesline?	Structure as defined in the NP Standards means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

S42A Report Paragraph	Panel Questions	Response
	<p>If yes, should these require resource consent to locate within 2m of the road or an internal boundary?</p>	<p>Equipment, device and facility are defined in the Oxford Dictionary as follows:</p> <ul style="list-style-type: none"> • Equipment – necessary items for a particular purpose • Device – a thing made or adapted for a particular purpose • Facility – a place, amenity, or piece of equipment provided for a particular purpose <p>In my view, the definition of structure would therefore include a boundary fence, a freestanding letterbox and a clothesline as they are all designed for a particular purpose, have been made by people and are fixed to land. Based on this broad interpretation I consider it appropriate to include a new subcategory definition of structure to exclude boundary fencing, freestanding letter boxes and clotheslines as, in my view, they are appropriate within the minimum setbacks given their purpose and small size. I also consider it appropriate to exclude small decorative structures, raised garden beds and decking as follows:</p> <p><i>ancillary structure: means any:</i></p> <ol style="list-style-type: none"> a) <u>boundary fences less than 2m in height;</u> b) <u>decking less than 1m in height;</u> c) <u>free standing mailboxes;</u> d) <u>washing lines;</u> e) <u>raised garden beds; and</u> f) <u>other small decorative structures less than 1m² in gross floor area and 2m in height.</u> <p>Amendments to MRZ-S4 to exclude ancillary structures from the minimum setback requirements are also recommended as follows:</p>

S42A Report Paragraph	Panel Questions	Response
		<ol style="list-style-type: none"> 1. Any building or structure, <u>excluding ancillary structures</u>, shall be setback a minimum of 2m from any road, shared accessway or reserve. Except any site with road frontage to Lakeside Drive, Takapō / Lake Tekapo shall have any building or structure, <u>excluding ancillary structures</u>, setback a minimum of 4.5m. 2. Any building or structure, <u>excluding ancillary structures</u>, shall be setback a minimum of 2m from any internal boundary, <u>except for buildings that share a common wall with a building on an adjoining site.</u> 3. Any building or structure, <u>excluding ancillary structures</u>, on the true right bank of the Tekapo River shall be setback a minimum of 6m from the edge of the upper terrace. <p>To provide consistency consequential amendments to LLRZ-S4, LRZ-S4, NCZ-S3, LFRZ-S3, MUZ-S3, TCZ-S3 and GIZ-S3 to exclude ancillary structures from the setback requirements are also recommended.</p> <p>A private footpath, while having a clear purpose, in my view falls under the definition of impervious coverage and/or landscaping (ground cover) and would not meet the definition of a structure.</p>
149	<p>TL&GL seek amendments to MRZ-S9 to require all fencing to be visually permeable; not just 1.2m fencing.</p> <p>Would that suggestion be consistent with the MRZ Design Guide?</p>	<p>In my view, requiring all fencing to be visually permeable in isolation is consistent with Page 43, Design Element B of APP2 that stipulates that “<i>low planting or visually open fencing within the front yard to create an important buffer between the street and accessway and the private home can enhance the safety and comfort of residents.</i>”</p>

S42A Report Paragraph	Panel Questions	Response
		The overall intent of the fencing standard however is to allow for a level of privacy within the front yard as <i>“it is likely that lots on the northern side of blocks will result in front yards being the primary open space for residents”</i> ³ while maintaining an open feel and good urban design outcomes.
153	Should the phrase “visually permeable” be defined in the Definition section, or is it capable of consistent interpretation based on a common understanding of the phrase?	Whether the phrase “visually permeable” should be defined in the Definition Section was considered when drafting the provisions. In my view, a specific definition is not required. It is not something I have seen in other district plans reviewed and is capable of a consistent interpretation based on a common understanding of the phrase.
183	Please can you explain why you do not consider it to be necessary to limit the scale of showrooms?	GIZ-R4 applies to ancillary activities, and therefore a showroom cannot be established in its own right under this rule and must be ancillary to a permitted activity. As noted in para 183 of the s42A report, there is the potential for an office, even where ancillary, to become a more dominant component of the overall activity on the site. Showrooms, by their nature, may require a larger floor area, but unlike offices would, in my view, be of a similar scale and nature to industrial activities, and therefore, like yard-based and trade-based retail (Rule GIZ-R3), align with GIZ-P1. I also do not consider that a large showroom (which is ancillary to a permitted activity) would detract from the character, amenity values or purpose of the Town Centre Zone (GIZ-P2.2), whereas in my view a larger office has greater potential to. I therefore consider that a limit on showrooms is not necessary to implement the policy direction.
230	What were the resource management issues identified from permitting visitor accommodation in the residential zones?	As detailed in the Section 32 Report ⁴ there are a range of issues associated with visitor accommodation. The Plan currently treats residential visitor accommodation (e.g. holiday homes) the same as other more commercial forms of visitor accommodation such as motels and hotels. The effects of

³ Section 42A Report - Appendix 1

⁴ Section 32A Report Paragraph 5.7 to 5.10

S42A Report Paragraph	Panel Questions	Response
		<p>standalone house are however considered to be different to the effects of multiple purpose built visitor accommodation facilities (in terms of appearance, traffic volumes and car parking). Another issue is that there has been a significant increase in the amount of housing stock being used for short term visitor accommodation in residential areas which if unmanaged can have adverse effects including:</p> <ul style="list-style-type: none"> • Multiple purpose-built visitor accommodation buildings on a site tend to have a different appearance to residential units and can appear more motel like and repetitive in nature. • The intensification of visitor accommodation in residential areas can result in poor design outcomes including limited or low-quality landscaping. • Visitor accommodation has different characteristics when compared to residential activities. Visitors can be more social, noisy and inconsiderate of neighbours compared to occupiers of permanent residential development. • Residential zones can become dominated by visitor accommodation activities and are no longer an area of permanent residents eroding the feeling of being in a neighbourhood. • Visitor accommodation can result in increased traffic movements or a lack of sufficient on-site parking.
232	Which sub-clause(s) of MRZ-P2 do you consider would enable residential visitor accommodation to be provided?	<p>In my view, sub-clauses 1 and 3 of MRZ-P2 enable residential visitor accommodation to be provided in the MRZ. Accommodation for up to six guests is considered to be comparative to a residential household and therefore consistent with the character, amenity values and purpose of the zone. The effects of the accommodating up to six guests is also considered to be compatible with the amenity values of adjoining residential sites. Providing for seven to 12 guests is therefore provided for through the consent pathway provided the applicant can demonstrate the effects of the</p>

S42A Report Paragraph	Panel Questions	Response
		activity are compatible with the amenity values of adjoining residential sites consistent with sub-clause 3.
277	Does the Mackenzie District Council Solid Waste Bylaw 2021 come up as a relevant matter in PIMs? If not, how would a developer be aware of these requirements?	The Solid Waste Bylaw 2021 does not currently come up as a relevant matter in PIMs. I have discussed this with Council’s Community Services and Waste Officer, Ms Angie Taylor, who considers reference to the Bylaw in PIMs to be appropriate.
328	You refer to MUZ-R6.2. Should this be MUZ-R5.2?	Yes, the reference in para 328 should be to MUZ-R5.2. The recommendation set out in para 327 f) correctly references MUZ-R5, and the recommended change to MUZ-R5.2 is correctly set out in Appendix 2.
336 337	Paragraph 336 says that “...control is applied to buildings and structures within 30m of a residential zone boundary, rather than 50m.” However, GIZ R1.1 refers to “ at least 50m from the boundary ..”. Is GIZ R1.1 correct?	There is currently a discrepancy between the conclusion I have reached in para 336, and then the recommendation in para 337, bullet point 3, and the tracked changes to GIZ-R1.1 in Appendix 2. My recommendation is for a 30m setback, and therefore para 337, bullet point 3 should also refer to 30m, and the tracked changes to the rule in Appendix 2 should; read: <i><u>Where:</u></i> <i><u>1. The building or structure is located at least 30m from the boundary of any residential zone</u></i>
	Should MUZ-R6 matter of discretion R6.3(c) refer to the TCZ?	Yes, it relates back to MUZ-P2.1 which directs that activities should be provided for in the MUZ where they are not of a scale or nature which would detract from the character, amenity values or purpose of the Town Centre Zone.

Minor Errors in Section 42A Report

In considering Addendum 1 to the Section 42A Report I have re-read all submissions to PC21 and wish to note the following errors:

1. Submission 36, in Footnote 29 of the Section 42A Report (Page 82) has been referred to as Andrew Shaw instead of Andrea Shaw.

2. Submissions 85 and 89 have not been listed in Footnote 29. A minor amendment to the footnote to include Lizz Carrington (85) and Shaun Norman (89) is therefore required. This does not affect the analysis made in paragraph 358 to which Footnote 29 relates.
3. Submission 56 has not been listed in Footnote 30. A minor amendment to the footnote to include Bruce Mincham (56) is therefore required. This does not affect the analysis made in paragraphs 364-367 to which Footnote 30 relates.