

Corrections Sought to Parts of Plan Change 21 – Decision

Pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 the Mackenzie District Council on 1 May 2023 gave public notice of the decision of the Independent Hearing Panel on Plan Change 21 to the Mackenzie District Plan. Following this decision some small errors have been identified by either submitters or by me that the Panel is asked to consider. I have set out the issue, and a proposed solution to correct the issue.

It is considered the Panel can make such corrections under its power to issue a decision in Clause 10, First Schedule. This is the preferable approach to ensure that minor errors are corrected, or to ensure the plan provisions in some cases properly reflect the clear intent of the decision made. This is recommended to be achieved by the Panel issuing a "Correction Decision" assuming it is considered these are appropriate to make.

Submission 72 – Grant Payne

1. Grant Payne (72) in his submission requested that 56-74 North West Arch be excluded from Specific Control Area 4 (SCA 4) as these allotments were purposely created and controlled with covenants to maintain a rural feel by way of a minimum allotment size of 4,000m². At the hearing it became evident that Mr Payne is more concerned with 56-74 North West Arch being upzoned to LRZ with an associated minimum lot size of 400m² as opposed to the application of SCA 4. Mr Payne, at the hearing, advised that he would be satisfied with a minimum lot size of 2,000m². Coincidentally, that is what is provided for in LLRZ-S1. The Hearing Panel therefore amended the zoning of 56-74 North West Arch to LLRZ as shown in Appendix 2.

Mr Payne has since emailed Council advising that his preference is for a minimum allotment size of 2,000m² but only in the absence of SCA 4 which imposes a minimum allotment size of 4,000m². SCA 4 can no longer be applied to 56-74 North West Arch as it relates specifically to the LRZ provisions. To alleviate the concern from Mr Payne it is therefore recommended that SCA 1 (applying to the LLRZ) is applied to 56-74 North West Arch. By applying SCA 1 to this area the minimum allotment size will be retained at 4,000m² until such time the servicing constraints have been addressed as preferred by Mr Payne.

2. Relating to this, an error has been made to the map in Appendix 2. The LLRZ has been applied to 56-74 North West Arch as well as 48-54 North West Arch. An amendment is therefore required to retain 48-54 North West Arch as LRZ and SCA 4.

Overall, it is recommended that the Panel:

- Amend the map in Appendix 2 to retain 56-74 North West Arch as LLRZ and to zone 48-54 North West Arch LRZ; and
- Amend the map in Appendix 2 to apply SCA 1 to 56-74 North West Arch and to apply SCA 4 to 48-54 North West Arch.

Lots 56-74 North West Arch are highlighted in yellow and Lots 48-54 are highlighted in red in Figure 1 below.



Figure 1- North West Arch Zoning

LRZ-R5 and MRZ-R4

3. Pursuant to Clause 16(2) of the Resource Management Act 1991 minor amendments to LRZ-R5 and MRZ-R4 have been made to delete the activity status when compliance is not achieved with LRZ-R5.3 and MRZ-R4.3.

This decision was made on the basis that there was no Rule 3. The 1. in the right-hand column however has been made in error and should read as a 3. as per LRZ-R5. The Discretionary Rule is therefore recommended to be reinstated. Minor amendments to LRZ-R5 and MRZ-R4 are therefore recommended as set out below:

LRZ-R5	Residential Visitor Accommodation	
Low Density Residential Zone	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. No more than one residential unit on a site is used for residential visitor accommodation, including a minor residential unit; and 2. The maximum occupancy of a site the unit used for residential visitor accommodation does not exceed six guests per night. 	<p>Activity status when compliance is not achieved with R5.1: DIS</p> <p>Activity status when compliance is not achieved with R5.2: RDIS</p> <p>Where:</p> <p>4.3. The maximum occupancy of a residential unit used for residential visitor accommodation exceeds six guests but does not exceed 12 guests per night.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. The location, design and appearance of buildings on the site.,

		<ul style="list-style-type: none"> b. The traffic impacts including the provision of adequate onsite parking. c. Effects on amenity values of adjoining residential sites including noise. d. The adequacy of any mitigation measures. <p>Activity status when compliance is not achieved with R5.3: DIS</p>
MRS-R4	Residential Visitor Accommodation	
Medium Density Residential Zone	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. No more than one residential unit on a site is used for residential visitor accommodation, including a minor residential unit; and 2. The maximum occupancy of a site <u>the unit</u> used for residential visitor accommodation does not exceed six guests per night. 	<p>Activity status when compliance is not achieved with R5.1: DIS</p> <p>Activity status when compliance is not achieved with R4.2: RDIS</p> <p>Where:</p> <p>4-3. The maximum occupancy of a residential unit used for residential visitor accommodation exceeds six guests but does not exceed 12 guests per night.</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. The location, design and appearance of buildings on the site., b. The traffic impacts including the provision of adequate onsite parking. c. Effects on amenity values of adjoining residential sites including noise. d. The adequacy of any mitigation measures. <p>Activity status when compliance is not achieved with R5.3: DIS</p>

LRZ-R2 and LRZ-R3

4. Minor Units (LRZ-R2) and Buildings and Structures Not Otherwise Listed (LRZ-R3) in the LRZ are required to comply with the Servicing Standard (LRZ-S7). Both rules however only require compliance with Standards LRZ-S2 to LRZ-S6. Minor amendments to LRZ-R2 and LRZ-R3 are therefore recommend to ensure compliance with the Servicing Standard is achieved:

LRZ-R2	Minor Residential Units	
Low Density Residential Zone	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. There is a maximum of one minor residential unit per site; 2. The maximum <u>gross</u> floor area of the minor residential unit is 65m² excluding garaging; <u>and</u> The minor unit does not exceed one storey; and 	<p>Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).</p> <p>Activity status when compliance is not achieved with R2.1 to R2.34: DIS</p>

	<p>3. The minor residential unit is ancillary to or for the purpose of residential activity.</p> <p>And the activity complies with the following standards: LRZ-S2 to LRZ-S765</p>	
LRZ-R3	Buildings and Structures Not Otherwise Listed	
Low Density Residential Zone	<p>Activity Status: PER</p> <p>Where the activity complies with the following standards: LRZ-S2 to LRZ-S765</p>	<p>Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).</p>

LRZ-S7

5. A minor amendment to LRZ-S7 is recommended to delete the word Environment as set out below:

LRZ-S7	Servicing	
Low Density Residential Zone in Kimbell and Albury	<p>1. <u>All residential units and buildings requiring wastewater disposal which are not connected to a reticulated sewer network, but which involve the discharge of wastewater, shall be provided with an on-site wastewater treatment and disposal system, authorised by Environment the Canterbury Regional Council by way of a rule <u>in a regional plan</u> or a resource consent.</u></p>	DIS

MRZ-R1 and MRZ-R2

5. Residential Units (MRZ-R1) and Buildings and Other Structures Not Otherwise Listed (MRZ-R2) in the MRZ are required to comply with Standard MRZ-S10. Both rules however only require compliance with Standards MRZ-S1/MRZ-S2 to MRZ-S9. Minor amendments to MRZ-R1 and MRZ-R2 are therefore recommend as set out below:

MRZ-R1	Residential Units	
Medium Density Residential Zone	<p>Activity Status: PER</p> <p>Where:</p> <p>1. There is a maximum of one residential unit per site; and</p> <p>2. The site has a minimum site area of 400m².</p> <p>And Where the activity complies with the following standards: MRZ-S12 to MRZ-S109</p>	<p>Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).</p> <p>Activity status when compliance is not achieved with R1.1 or R1.2: RDIS</p> <p>Where: the activity complies with MRZ-S1 to MRZ-S9</p> <p>Matters of discretion are restricted to:</p> <p>a. Consistency with the Mackenzie Medium Density Design Guidelines (Appendix APP2).</p>

MRZ-R2	Buildings and Structures Not Otherwise Listed	
Medium Density Residential Zone	Activity Status: PER Where the activity complies with the following standards: MRZ-S2 to MRZ-S 10 <u>9</u>	Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).

MRZ-S10

6. MRZ-S10 should refer to Specific Control Area 3 as opposed to Specific Control Area 5. A minor amendment is therefore recommended to MRZ-S10 as follows:

MRZ-S10	Access	
Medium Density Residential Zone Specific Control Area 5<u>3</u>	1. All activities shall obtain vehicular access to State Highway 8 from Lakeside Drive. No direct access from State Highway 8 is permitted.	NC

APP2 – Medium Density Residential Design Guide

7. Minor amendments have been made to the configuration of the Medium Density Residential Design Guide to facilitate the addition of Design Element I (as recommended in the PC21 Section 42A Reply Report). Design Element H relating electric vehicles and bikes on page 46 has been relocated to page 50 as Design Element J under the ‘Around the House’ heading. Design Elements (A-H) on pages 45 and 46 under the ‘On the Side’ heading have also be rearranged. For completeness Design Element I, recommended in the Section 42A Reply Report, is now Design Element H. No changes to the text have been made.

Rachael Willox – Senior Planner
Mackenzie District Council
Date: 5 May 2023