



DECISION OF THE MACKENZIE DISTRICT COUNCIL

DISTRICT PLAN CHANGE 9 – LANDSCAPING IN INDUSTRIAL, TOURIST AND SERVICE ZONES

INTRODUCTION

1. The District Plan currently requires a standard of landscaping on all Industrial, Service and Tourist Zoned sites for the purposes of preserving amenity values within these Business Zones, ensuring that the environment is visually attractive and providing screening of areas with significant visual impacts when viewed from public and residential areas (see Issue 2 – Amenity Values p. 5-2).
2. The current rules require that a minimum percentage of each site is landscaped (10% for Service Zones and 15% for Industrial Zones) and also require a landscape strip and the planting of trees along road boundaries in all three zones. Other than the strict requirement for “trees” there is no other guidance on what the Plan means by “landscaping” (i.e. no definition).
3. Proposed Plan Change 9 aims to clarify the rules for landscaping in the Service, Industrial and Tourist Zones by:
 - Adding a definition of “landscaping”;
 - Providing more practical rules on the height and location of landscaping;
 - Providing flexibility in the types and scale of landscaping established on different sites;
 - Providing screening for all public roads and possible residential areas;
 - Giving a clear time frame for all landscaping to be undertaken.

THE HEARING

4. A hearing on the proposed plan change was held on Tuesday 20 June 2006 in the Mackenzie District Council Chambers, Fairlie. The hearing panel was made up of Mayor John O’Neill and Councillors Dave Pullen, Graeme Page, Barry Stringer, Simon McDermott, Evan Williams and John Gallagher. The Council staff attending the hearing were Glen Innes (Chief Executive Officer), Martin King (Manager – Planning & Regulations), Hayley Shearer (Senior Planner) and Jason Beck (Manager – Finance & Administration and Acting Committee Clerk).

5. The hearing was not attended by any of the submitters. An email communication from the legal representative of submitters Black, Burtscher and Murray outlining some further requested amendments to the wording was tabled at the hearing and considered by the panel in making its decision.

SUBMISSIONS AND FURTHER SUBMISSIONS RECEIVED

6. The Council received submissions from 5 submitters to the proposed Plan Change, 1 generally in support and 4 generally in opposition. One further submission was received. Attached is the full list of submitters with a summary of their submissions.

DECISION

7. In response to each of the submissions received and decisions sought, the hearing panel has made the following decisions:

Submitter	Further Submitter	Decision Sought	Decision
Aoraki Smokehouse Salmon Ltd (1.1)		Amend the plan with the term “landscaping” more defined.	ACCEPTED
C J Black (on behalf of the Mt Cook Collection/ Godley Resort Ltd) (2.1)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.1)	Broaden the definition of landscaping as follows (or like effect): “Landscaping: means the planting of live plant materials such as trees, shrubs, grasses, groundcover or other horticultural material and also includes lawn, water features, rocks, paved areas or other features, the aim of which is to improve visual amenity and/or human use or enjoyment and/or to partially or wholly screen activities or buildings and/or to provide protection from the climate.”	ACCEPTED
(2.2)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.2)	Delete Rule 2.3.5 (f) (v)	ACCEPTED IN PART
(2.3)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.3)	Amend Rule 2.3.5 (f) (vi) as follows (or to like effect): “All landscaping required by this rule shall be undertaken and completed by the end of the first planting season (May 1 to 31 October) following completion of the construction of any buildings on the site.”	ACCEPTED IN PART
(2.4)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.4)	Amend Rule 3.3.6 (f) (v) as follows (or to like effect): “A landscaped area of a minimum depth of 1 metre shall be established along all zone boundaries. All landscaping required to be established along all zone boundaries in	ACCEPTED

		accordance with this provision shall include species capable of creating a continuous screen with a minimum height of 1.8 metres at maturity.”	
(2.5)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.5)	Amend Rule 3.3.6 (f) (vi) as follows (or to like effect): “All landscaping required by this rule shall be undertaken and completed by the end of the first planting season (May 1 to 31 October) following completion of the construction of any buildings on the site.”	ACCEPTED IN PART
(2.6)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.6)	Delete Rule 3.3.6 (f) (viii)	ACCEPTED IN PART
(2.7)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.7)	Amend Rule 4.3.1 (g) (ii) as follows (or to like effect): “A landscaped area of a minimum depth of 1 metre shall be established along all zone boundaries. All landscaping required to be established along all zone boundaries in accordance with this provision shall include species capable of creating a continuous screen with a minimum height of 1.8 metres at maturity.”	ACCEPTED
(2.8)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.8)	Delete Rule 4.3.1 (g) (iii)	ACCEPTED IN PART
(2.9)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.9)	Amend Rule 4.3.1 (g) (iv) as follows (or to like effect): “All landscaping required by this rule shall be undertaken and completed by the end of the first planting season (May 1 to 31 October) following completion of the construction of any buildings on the site.”	ACCEPTED IN PART
Michael Burtscher (on behalf of LTP Number 2 Ltd and Coldwater Properties Ltd) (3.1)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.10)	Broaden the definition of landscaping as follows (or like effect): “Landscaping: means the planting of live plant materials such as trees, shrubs, grasses, groundcover or other horticultural material and also includes lawn, water features, rocks, paved areas or other features, the aim of which is to improve visual amenity and/or human use or enjoyment and/or to partially or wholly screen activities or buildings and/or to provide protection from the climate.”	ACCEPTED
(3.2)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.11)	Delete Rule 2.3.5 (f) (v)	ACCEPTED IN PART
(3.3)	Grants Motels Ltd, Mackenzie	Amend Rule 2.3.5 (f) (vi) as follows (or to like effect):	ACCEPTED IN PART

	Experience Ltd, Wairepo Developments Ltd (F.1.12)	“All landscaping required by this rule shall be undertaken and completed by the end of the first planting season (May 1 to 31 October) following completion of the construction of any buildings on the site.”	
(3.4)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.13)	Amend Rule 3.3.6 (f) (v) as follows (or to like effect): “A landscaped area of a minimum depth of 1 metre shall be established along all zone boundaries. All landscaping required to be established along all zone boundaries in accordance with this provision shall include species capable of creating a continuous screen with a minimum height of 1.8 metres at maturity.”	ACCEPTED
(3.5)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.14)	Amend Rule 3.3.6 (f) (vi) as follows (or to like effect): “All landscaping required by this rule shall be undertaken and completed by the end of the first planting season (May 1 to 31 October) following completion of the construction of any buildings on the site.”	ACCEPTED IN PART
(3.6)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.15)	Delete Rule 3.3.6 (f) (viii)	ACCEPTED IN PART
(3.7)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.16)	Amend Rule 4.3.1 (g) (ii) as follows (or to like effect): “A landscaped area of a minimum depth of 1 metre shall be established along all zone boundaries. All landscaping required to be established along all zone boundaries in accordance with this provision shall include species capable of creating a continuous screen with a minimum height of 1.8 metres at maturity.”	ACCEPTED
(3.8)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.17)	Delete Rule 4.3.1 (g) (iii)	ACCEPTED IN PART
(3.9)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.18)	Amend Rule 4.3.1 (g) (iv) as follows (or to like effect): “All landscaping required by this rule shall be undertaken and completed by the end of the first planting season (May 1 to 31 October) following completion of the construction of any buildings on the site.”	ACCEPTED IN PART
Grants Motels Ltd, Mackenzie Experience Ltd & Wairepo Developments Ltd (4.1)		The Council should stay out of saying what the landowner should do.	REJECTED
J G Murray (on behalf of Ailsa	Grants Motels Ltd, Mackenzie	Broaden the definition of landscaping as follows (or like effect):	ACCEPTED

Ltd (5.1)	Experience Ltd, Wairepo Developments Ltd (F.1.19)	“Landscaping: means the planting of live plant materials such as trees, shrubs, grasses, groundcover or other horticultural material and also includes lawn, water features, rocks, paved areas or other features, the aim of which is to improve visual amenity and/or human use or enjoyment and/or to partially or wholly screen activities or buildings and/or to provide protection from the climate.”	
(5.2)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.20)	Delete Rule 2.3.5 (f) (v)	ACCEPTED IN PART
(5.3)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.21)	Amend Rule 2.3.5 (f) (vi) as follows (or to like effect): “All landscaping required by this rule shall be undertaken and completed by the end of the first planting season (May 1 to 31 October) following completion of the construction of any buildings on the site.”	ACCEPTED IN PART
(5.4)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.22)	Amend Rule 3.3.6 (f) (v) as follows (or to like effect): “A landscaped area of a minimum depth of 1 metre shall be established along all zone boundaries. All landscaping required to be established along all zone boundaries in accordance with this provision shall include species capable of creating a continuous screen with a minimum height of 1.8 metres at maturity.”	ACCEPTED
(5.5)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.23)	Amend Rule 3.3.6 (f) (vi) as follows (or to like effect): “All landscaping required by this rule shall be undertaken and completed by the end of the first planting season (May 1 to 31 October) following completion of the construction of any buildings on the site.”	ACCEPTED IN PART
(5.6)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.24)	Delete Rule 3.3.6 (f) (viii)	ACCEPTED IN PART
(5.7)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.25)	Amend Rule 4.3.1 (g) (ii) as follows (or to like effect): “A landscaped area of a minimum depth of 1 metre shall be established along all zone boundaries. All landscaping required to be established along all zone boundaries in accordance with this provision shall include species capable of creating a continuous screen with a minimum height of 1.8 metres at maturity.”	ACCEPTED
(5.8)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo	Delete Rule 4.3.1 (g) (iii)	ACCEPTED IN PART

	Developments Ltd (F.1.26)		
(5.9)	Grants Motels Ltd, Mackenzie Experience Ltd, Wairepo Developments Ltd (F.1.27)	Amend Rule 4.3.1 (g) (iv) as follows (or to like effect): “All landscaping required by this rule shall be undertaken and completed by the end of the first planting season (May 1 to 31 October) following completion of the construction of any buildings on the site.”	ACCEPTED IN PART

REASONS FOR DECISIONS

General Submissions

8. The hearing panel noted that some of the comments made by Grants Motels Ltd, Mackenzie Experience Ltd and Wairepo Developments Ltd (4.1) are in fact the reasons why the Council is undertaking this plan change. The Council agrees that developers of sites should decide what landscaping should be undertaken on their own sites and has added provision into the plan accordingly. The new rules give owners flexibility to choose an appropriate type of landscaping rather than insisting on trees (as per the existing rules) and, in most cases, do not require more landscaping to be undertaken than the existing plan rules. The panel therefore rejected this submission.
9. The submission of Aoraki Smokehouse Salmon Ltd (1.1) supported the intention of the plan change and its general requirements and was accepted by the panel.

Definitions

10. The panel considered that the submissions of C J Black (2.1), M Burtscher (3.1) and J G Murray (5.1), requesting an amendment to the wording of the definition to widen the scope of what type of landscaping is acceptable, were appropriate to accept. The amendment to the wording will have a positive effect as it gives site owners a wider scope in what type of planting is acceptable.

Requirement for Landscaping Plan

11. The panel accepted in part the submissions of C J Black (2.2, 2.6, 2.8), M Burtscher (3.2, 3.6, 3.8) and J G Murray (5.2, 5.6, 5.8). These submissions requested deletion of the requirement to submit a landscaping plan at the time of building consent, as this is not a matter which is relevant under the provisions of the Building Act, and suggested that landscaping requirements should be specified in the rules.
12. The panel considered that, while the submission of a landscaping plan as part of a Building Consent application is inappropriate in terms of the purpose of the

Building Act, the matters which it sought to address do still need to be specified in the rules. The panel amended the wording of the plan change so that a landscaping plan is no longer required at the time of building consent but all landscaping undertaken in accordance with the specific rules is designed and established to soften the visual impact of the activity, provide partial screening and maintain traffic safety.

Timing of Completion of Landscaping

13. The panel accepted in part the submissions of C J Black (2.3, 2.5, 2.9), M Burtscher (3.3, 3.5, 3.9) and J G Murray (5.3, 5.5, 5.9) which referred to difficulties in interpreting when landscaping must be completed and also practical difficulties in undertaking landscaping if a building is established prior to the winter period and requested amendments to the rules.
14. The panel did not consider it appropriate for the trigger point for undertaking the landscaping to be amended to “construction of the building” as requested by the submitters. The timing for completion of landscaping was set at the “commencement of an activity” because it was considered that the effects which the landscaping is seeking to mitigate will arise from the activity rather than the building/s. In addition, there might be some timing issues when developers construct smaller accessory buildings first with a view to building the main buildings associated with the activity at a later time.
15. The panel agreed with the submitter’s concerns that the defined period within which the landscaping must be completed could be impractical if the 6 months expires during a time of year when it is not practical to plant. The panel accepted that the landscaping should be completed by the end of the next planting season, being 1 May to 30 November. They noted that there may be practical timing difficulties in meeting this requirement when activities commence towards the end of the defined planting period and added an exception clause allowing sites where activities establish during the latter part of the planting season (October and November) to have until the end of the next planting season to undertake and complete landscaping.

Landscaping Along Zone Boundaries

16. The submissions of C J Black (2.4, 2.7), M Burtscher (3.4, 3.7) and J G Murray (5.4, 5.7) requested clarification of the wording of the rule relating to the landscape strip along zone boundaries and an amendment to make it clear that the 1.8 metre continuous screen is only required in respect to the landscaping strip along zone boundaries. The panel accepted these submissions as a way of ensuring there would be no interpretation difficulties.

AMENDMENTS TO DISTRICT PLAN

17. The following are amendments to the District Plan resulting from the hearing panel's decision:

Note: Additions to plan shown as **bold underlined**

Deletions from plan shown as ~~strikethrough~~

Amend Definitions Section (page 3-6) as follows:

....

Landscaping: means the planting of live materials such as trees, shrubs, grasses, ground cover or other horticultural materials and also includes lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity and/or human use and enjoyment and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.

....

Amend Service Zone Rule 2.3.5.f (page 5-15) as follows:

2.3.5.f Visual Amenity and Landscaping

Outdoor Storage

- i All outdoor storage of goods (excluding vehicles or the display of goods for sale) shall be screened from public view by a fence of not less than 1.8m in height, or dense planting to the same height.
- ii No outdoor storage shall be located within the minimum setback from road boundaries.

Location of Offices and Showroom

- iii All offices and showrooms (except on rear sites) shall be sited at the front of buildings.

Landscaping

- ~~iv The minimum percentage of the site to be set aside as landscaped area (including any screening of outdoor storage as required above) shall be 10%.~~
- iv** A landscaped **area** of an average depth of 3m and a minimum depth of 1m shall be established along all road boundaries, except across entranceways. **For the**

purposes of this rule, at least 50% of the landscaped area shall be planted with trees and shrubs.

~~vi~~ Road frontages of less than 10m must be planted with at least one tree. Road frontages of 10m or more must be planted with one tree per 10m of frontage or part thereof.

~~vii~~ All trees for the purpose of this rule shall be a species capable of reaching a minimum height of 3 metres by 10 years after planting.

v All landscaping undertaken in accordance with (iv) shall be designed and established to:

- **Soften the outline and visual impact of the use or building, so that the visual character of the locality is not degraded, particularly as viewed from adjoining residential sites, roads and public places.**
- **Provide partial screening and privacy between residential and non-residential activities. Total screening of an activity or building is not required by these rules.**
- **Maintain traffic safety.**

vi All landscaping required by these rules shall be undertaken and completed by the end of the first planting season (1 May to 30 November) following any activity commencing on site. Notwithstanding this, when an activity commences during the months of October or November, the landscaping shall be undertaken and completed within 12 months of the activity commencing on the site.

vii All landscaping required by these rules shall remain on the site for the duration of the activity, shall be maintained by the site occupier and, if such landscaping dies or becomes diseased or damaged, shall be replaced.

Amend Industrial Rule 3.3.6.f (pages 5-18 – 5-19) as follows:

3.3.6.f **Visual Amenity and Landscaping**

Outdoor Storage

i All outdoor storage of goods (excluding vehicles or the display of goods for sale) shall be screened from public view by a fence of not less than 1.8m in height, or dense planting to the same height.

ii No outdoor storage shall be located within the minimum setback from road boundaries.

Location of Offices and Showroom

- iii All offices and showrooms (except on rear sites) shall be sited at the front of buildings.

Landscaping

~~iv The minimum percentage of the site to be set aside as landscaped area (including any screening of outdoor storage as required above) shall be 15% which shall include a landscape strip of an average depth of 3 metres and a minimum depth of 1m to be established along all road boundaries, except across entranceways. Any landscape strip created by the Council in Ostler Road shall constitute landscaping for the purpose of this rule.~~

~~v Road frontages of less than 10m must be planted with at least one tree. Road frontages of 10m or more must be planted with one tree per 10m of frontage or part thereof. All trees for the purposes of this rule shall be a species capable of reaching a minimum height at maturity of 5m and be not less than 1.5m high at the time of planting.~~

iv A landscaped area of an average depth of 3 metres and a minimum depth of 1m shall be established along all road boundaries, except across entranceways. For the purposes of this rule, at least 50% of the landscaped area shall be planted with trees and shrubs.

v A landscaped area of a minimum depth of 1 metre shall be established along all zone boundaries. All landscaping required to be established along zone boundaries for the purpose of this rule shall include species capable of creating a continuous screen with a minimum height of 1.8 metres at maturity.

viii All landscaping undertaken in accordance with (iv) or (v) shall be designed and established to:

- Soften the outline and visual impact of the use or building, so that the visual character of the locality is not degraded, particularly as viewed from adjoining residential sites, roads and public places.**
- Provide partial screening and privacy between residential and non-residential activities. Total screening of an activity or building is not required by these rules.**
- Maintain traffic safety.**

vi All landscaping required by these rules shall be undertaken and completed by the end of the first planting

season (1 May to 30 November) following any activity commencing on the site. Notwithstanding this, when an activity commences during the months of October or November, the landscaping shall be undertaken and completed within 12 months of the activity commencing on the site.

- vii All landscaping required by these rules shall remain on the site for the duration of the activity, shall be maintained by the site occupier and, if such landscaping dies or becomes diseased or damaged, shall be replaced.

Amend Tourist Zone rule 4.3.1.g (page 5-25) as follows:

4.3.1.g Landscaping

- i A landscaped area of an average depth of 3m and a minimum depth of 1m shall be established along all road boundaries, except across entranceways. For the purposes of this rule, at least 50% of the landscaped area shall be planted with trees and shrubs.
- ~~ii Road frontages of less than 10m must be planted with at least one tree. Road frontages of 10m or more must be planted with one tree per 10m of frontage or part thereof.~~
- ~~iii All trees for the purpose of this rule shall be a species capable of reaching a minimum height at maturity of 5m and be not less than 1.5m high at the time of planting.~~
- ii A landscaped area of a minimum depth of 1 metre shall be established along all zone boundaries. All landscaping required to be established along zone boundaries for the purpose of this rule shall include species capable of creating a continuous screen with a minimum height of 1.8 metres at maturity.
- iii All landscaping undertaken in accordance with (i) or (ii) shall be designed and established to:
- Soften the outline and visual impact of the use or building, so that the visual character of the locality is not degraded, particularly as viewed from adjoining residential sites, roads and public places.
 - Provide partial screening and privacy between residential and non-residential activities. Total screening of an activity or building is not required

by these rules.

- Maintain traffic safety.

iv All landscaping required by these rules shall be undertaken and completed by the end of the first planting season (1 May to 30 November) following of any activity commencing on the site. Notwithstanding this, when an activity commences during the months of October or November, the landscaping shall be undertaken and completed within 12 months of the activity commencing on the site.

v All landscaping required by these rules shall remain on the site for the duration of the activity, shall be maintained by the site occupier and, if such landscaping dies or becomes diseased or damaged, shall be replaced.

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Martin King
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Mackenzie District Council
7 July 2006