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SUBMISSION ON PUBLICLY NOTIFIED PROPOSED PLAN CHANGE 15 (TWIZEL) OF THE MACKENZIE DISTRICT PLAN

UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

To: Mackenzie District Council
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Name: Firth Industries (a division of Fletcher Concrete and
Infrastructure Limited)

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(Please note the different address for service on page 5)

**A. SUBMISSION BY FIRTH INDUSTRIES (a division of Fletcher Concrete
and Infrastructure Limited)**

Pursuant to Clause 6 of the First Schedule of the Resource Management Act ("the Act"), Firth Industries (a division of Fletcher Concrete and Infrastructure Limited) ("Firth") hereby lodges a submission on proposed Plan Change 15 to the Mackenzie District Plan ("PC15").

Background

Firth occupies a site in Hooker Crescent, Twizel identified as Lot 4 DP 51770 with a net area of 6,906m² ("the site"). The site is utilised for the production of concrete (concrete batching) and serves the wider Twizel area with ready-mix concrete for the building and construction industry.

The site was established as a concrete batching plant by Firth in 1986. It is believed that this occurred as a permitted activity under the then rural zone provisions of the



operative Mackenzie County District Scheme. The use of the site for the purpose of a concrete batching plant has not changed since the time of establishment.

The site is zoned Industrial in the Operative District Plan (“the District Plan”). This zone anticipates industrial activities in a consolidated manner where adverse effects are controlled. Concrete batching is a permitted activity within the Industrial Zone subject to compliance with various performance standards.

B. SPECIFIC PLAN CHANGE PROVISIONS SUBMITTED TO

The specific provisions of the Plan Change that the Firth submission relates to are:

(a) Section 5 – Business Zones Industrial Zone Rules

Rule 3.3.2 Permitted Activities

(b) The Plan Change as notified

C. NATURE OF AND REASONING FOR SUBMISSION

The Firth Submission is that:

- (a) It **opposes** the inclusion of Travellers Accommodation as a permitted activity (subject to compliance with zone standards) to establish in the Industrial Zone in Twizel.

Issue/Concern:

PC 15 seeks to amend Rule 3.3.2 Permitted Activities to identify ‘Travellers Accommodation’ as a permitted activity, subject to compliance with zone standards. The term Travellers Accommodation is not defined by either PC15 or the District Plan. It is however noted that there is a Travellers Accommodation Zone included in the District Plan. This zone enables the activity ‘Visitor Accommodation’ which includes the use of land and buildings for short term, commercial, living accommodation for periods no greater than three months. PC15 seeks to extend the Travellers Accommodation Zone to include the Lake Ruataniwha Holiday Park.

The inclusion of Travellers Accommodation to rule 3.3.2 leads to uncertainty in regard to the type of activities that are anticipated to establish in the Industrial Zone.

Reason:

The purpose of the Industrial Zone is:

“...to appropriately provide for industrial development in those areas by consolidating their development and ensuring their adverse effects of these activities on the physical environment are suitability controlled.”¹

This is emphasised in the existing policies of the District Plan which seek

Business Policy 1A – New Business

“To encourage the establishment of new businesses primarily within areas where similar types of business activities already exist” [my emphasis added]

and

Business Policy 2C – Industrial Service Opportunity

“To enable industrial and service activity to establish and operate in business centres without being adversely affected by activities which require a higher standard of amenity” [my emphasis added]

The District Plan identifies the reasoning for the above policies is primarily the benefits of establishing similar industrial activities (as applicable in this submission) in close proximity of each other, consequently reducing wider environmental effects. In addition, the establishment of industrial activities can be inhibited by other activities that require a higher standard of amenity.

By enabling Travellers Accommodation to establish in an Industrial Zone there is the potential to:

- enable the establishment of an activity that is inconsistent with the receiving environment anticipated in an Industrial Zone;
- raise issues of reverse sensitivity;
- compromise the underlying principles of both the Industrial and Travellers Accommodation zones

On the basis that Travellers Accommodation will have the same meaning as Visitor Accommodation (or similar) this activity is considered inappropriate for an industrial zone. Travellers Accommodation, and by de facto Visitor Accommodation, is already been accommodated within the District Plan via appropriate zoning controls. Enabling a similar activity to establish in the Industrial Zone is contrary to the purpose and policies of that zone. Furthermore, it will undermine the purpose of the Travellers Accommodation zone anticipated to accommodate Visitor Accommodation activities.

The relief sought is outlined in Part D (a) of the submission.

¹ Clause 3.1 Zone Statement of the Mackenzie District Plan (page 5-22)

(b) It seeks the Plan Change is adopted as notified with the exception of relief otherwise sought.

Reason:

The Firth site is located within the Industrial Zone which enables concrete batching and product manufacturing activities. The Plan Change does not seek to alter the zoning for the Firth site.

The Plan Change does seek alternative rezoning of land in the proximity of Firth. The proposed rezoning results in an appropriate buffer i.e. separation distance from the Firth site and potential sensitive activities. Firth supports the rezoning and amendments to the zone standards as notified with the exception of the relief in relation to Travellers Accommodation.

The relief sought is outlined in Part D (b) of the submission.

D. RELIEF SOUGHT FROM SUBMISSION

Firth seeks the following relief:

(a). Rule 3.3.2 Permitted Activities

That Travellers Accommodation is deleted from Rule 3.3.2 Permitted Activities including any relevant references to the establishment of Travellers Accommodation in the Industrial Zone as part of the Plan Change.

(b). Other than the relief sought in Submission (a) the Plan Change is adopted as notified.

There may, however, be other methods of achieving the desired relief listed in Submissions (a) and (b).

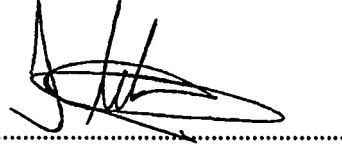
E. HEARING

Firth wishes to be heard in support of its submission.

If others make similar submissions, Firth may be prepared to consider presenting a joint case with them at any Hearing.

SIGNED for and on behalf of

Firth Industries (a division of Fletcher
Concrete and Infrastructure Limited)



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John Scheele

Authorised agent for, and on behalf of Firth
Industries (a division of Fletcher Concrete
and Infrastructure Limited)

Dated 11 November 2010

Address for service of person making the submission:

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