

From: letstalk@mackenzie.govt.nz
To: [Charmaine Duffell; jsygrove@rationale.co.nz](mailto:Charmaine.Duffell@jsygrove@rationale.co.nz)
Subject: Anonymous User completed Submission Form - Plan Change 23: General Rural Zone, Natural Features and Landscapes, and Natural Character
Date: Friday, 26 January 2024 11:16:51 am

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Anonymous User just submitted the survey Submission Form - Plan Change 23: General Rural Zone, Natural Features and Landscapes, and Natural Character with the responses below.

Full Name

Helen Mary Johnson and Philip Roger McCabe

Contact person (if different from above)

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Do you believe you could gain an advantage in trade competition through this submission?

No

The specific provisions of the proposal that my submission relates to are as follows:

See attached report

**I support/oppose these provisions:
(include whether you support or oppose in full or in part)**

See attached report

**The reason(s) for my submission are:
(state in summary your reasons, and whether you seek any amendments)**

See attached report

I seek the following decision from the Mackenzie District Council: (give precise details)

The submitter asks that 14.5 hectares along the road frontage and immediately adjacent to the residential zone boundary, identified in figure 1, is rezoned to Large Lot Residential with the controls of the Specific Control Area 2 overlay also applied to the site.

Do you wish to be heard in support of your submission?

I do

If others make a similar submission would you be prepared to consider presenting a joint case with them at any hearing?

I would

If you have any additional supporting information as part of this submission please attach it here.

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/d9f98144c6a013e1a18f47b95a804bbbd2901af6/original/1706220974/a19944153b1763069ab6dcd1ceb043b0_Submission_Johnson_-_Final.pdf?1706220974

milward finlay lobb



Submission on the Mackenzie District Plan Change 23

Client	H Johnson and P McCabe
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Address	34 Albury-Fairlie Road, Fairlie
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File Number	182500/03
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Date	January 2024
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Submission on the Mackenzie District Plan Change 23

On behalf of Helen Johnson and Phil McCabe, we submit the following to Mackenzie District Council for their consideration as part of the consultation on the Mackenzie District Plan Change 23.

Introduction

- 1.0 This submission is prepared on behalf of the submitter to ask for part of the Rural Zoned land to be rezoned to the Large Lot Residential zone with the Specific Control 2 overlay provisions to reflect better peri-urban development on the outskirts of Fairlie.

Site description

- 2.0 The subject site comprises a total area of 49 hectares adjacent to the Fairlie township. The Fairlie cemetery, Mackenzie A and P Showgrounds, St Josephs School all share a boundary with the subject site. Farms are situated to the south and west and on the opposite side of the Albury-Fairlie Road. The site has one residential dwelling, the original homestead, and a collection of sheds and stock yards. The site has variation in topography across the site. An aerial view of the subject site is provided below in Figure 1.



Figure 1 - aerial view of the subject site.

Planning status of the site

- 3.0 The site is zoned Rural in the Operative District Plan. A portion of the site was rezoned to Low Density Residential as part of Plan Change 21. Part of the site is also subject to the potential flooding hazard notation. The subject site has road frontage to Albury-Fairlie Road which is lined by Peace Avenue Trees. Plan Change 23 proposes to rezone the Rural Zoned portion of the land to General Rural Zone with the Specific Control Area 13 - Eastern Plains overlay. A portion of the site is also classified as LUC 3 land.

Proposed zoning

- 4.0 It is proposed to rezone the 14.5 hectares that has road frontage to Albury-Fairlie Road and borders the Low Density Residential land to Large Lot Residential with the same restrictions used as seen in Specific Control Area 2. It is considered possible that it is better to refer to this area with a different specific control area number. This would see the residential density of the site be restricted to one residential dwelling per 1 hectare – with the ability for the density to increase to one residential dwelling per 2,000m² once the requisite servicing is provided. It is noted that there is no intention by the submitter to develop 2,000m² sites, however it may provide for future growth as demand and servicing upgrades are completed. This is considered to be a long term issue as roading development will need to be carried out in conjunction with meeting the requirements of Waka Kotahi NZ Transport Agency. There is no intention to develop to this density in the short to medium term. The area that is proposed to be rezoned to Large Lot Residential with the Specific Control Area 2 overlay is shown below in Figure 2.



Figure 2 – Aerial of the subject site, the 14.5 hectares to be rezoned to Large Lot Residential is shaded a light purple.

Proposal within PC23

- 5.0 At the time of PC21 sites that were to be retained as Rural Zone were precluded from requesting rezoning and submissions that did request this were considered to be out of scope. The land that was rezoned to Low Density Residential on the subject site was initiated by Mackenzie District Council and was not sought by the submitter. The Spatial Plans that informed the zoning in Plan change 21 were considered to take into account the future projected growth of the townships within the Mackenzie District. However, since Plan Change 21 has been notified and a decision has been adopted by Mackenzie District Council there has been reporting that additional studies are likely to be required to manage the housing crisis within the Mackenzie District. An article published on 29 October 2023 on Stuff highlighted the various pressures that exist within each township (<https://www.stuff.co.nz/timaru-herald/133191729/mackenzie-council-boss-pushes-for-20000-to-study-districtwide-housing-crisis>). While the proposal will unlock 6 additional sections in the short term, the ability to potentially subdivide further if the servicing and roading matters can be resolved means the proposal creates the potential for future development that is connected to the Fairlie township. It is also noted that the land zoned Low Density Residential is currently landlocked, and providing a roading connection to this parcel of land may also circumvent the need to access the land from the Highway. It is noted this is entirely theoretical, and it is again stressed that there is no intention by the submitter to service the proposed Large Lot Residential Area in the short to medium term.

Effects on the environment

Tangata Whenua

- 6.0 There are no identified SASM notations on the site, and accordingly no engagement has been undertaken with local rūnanga.

Amenity Values

- 7.0 What has precluded the site being developed in this manner at this time, as there are currently no minimum allotment sizes in the Rural Zone, is the difficulties that have arisen in the last 12 months in relation to obtaining wastewater discharge consents from Environment Canterbury. It is also noted there is a limit on the number of users who can utilise a right of way to 6 residential dwellings. Suppliers of septic tank systems such as Wright Tanks Limited are continually working on development of new and updated systems, and it is noted that there has been movement in recent months from Environment Canterbury in terms of softening the approach. Under the Operative District Plan if a right of way is to service more than 6 residential dwellings a road is to be provided rather than a right of way with non-compliance classified as a Discretionary Activity. Therefore there is a consenting pathway to allow more than 6 users on a right of way if the adverse effects that might arise from such a proposal can be adequately mitigated, remedied or avoided. It is noted that in the rules proposed by Plan Change 27 the activity status for this is a Restricted Discretionary Activity. All of this is to say, that the outcome that will come from rezoning the land would be able to be achieved today,

were it not for matters outside of the submitters control (namely the difficulties in obtaining a wastewater discharge consent from Environment Canterbury). Therefore the outcome sought and subsequent impact on the amenity of the surrounding site is already expected.

Furthermore, the site is situated on the edge of the residential zoned land of Fairlie. These areas are typically expected to be peri-urban zones as they represent the areas of transition between residential and rural activities. Naturally these see a mixture of allotment sizes and a proliferation of larger residential sites in order to soften the change from residential to rural. The site is uniquely placed to achieve this, as it sits alongside the Peace Avenue trees which form a part of the entrance to the Fairlie township. Therefore development of this type is expected and should be encouraged in these areas.

With additional development this will inevitably change the landscape. It is noted in the proposed rules for the General Rural Zone that buildings with a Road Boundary that is a State Highway are proposed to have a setback of 50 metres. This is also supported by the Reverse Sensitivity Buffer and Effects Area GIS from Waka Kotahi NZ Transport Agency. This demonstrates a 50m effects area applying to the site. This is demonstrated in Figure 3 below.



Figure 3 – Screenshot from Reverse Sensitivity Buffer and Effects Area GIS from Waka Kotahi NZ Transport Agency, the boundary of the subject site is shown in blue. The yellow area is the “effects” area.

Natural Hazards

- 8.0 The only identified hazard notation on the site is a Potential Flooding Hazard Notation. However it is noted that this notation also applies to the entire Fairlie township and any building consent application is supported by a Flood Hazard Assessment from Environment Canterbury which recommends a minimum finished floor height. This is not considered sufficient to preclude the proposed rezoning from being carried out.

Soil Contaminants

- 9.0 The site is not registered on the Listed Land Use Register administered by Environment Canterbury. Therefore there should not be any reason to preclude the proposed zone change to Large Lot Residential on the basis of soil contamination.

Statutory Planning Assessment

Regional Policy Statement

- 10.0 Policy 5.3.1 of the Canterbury Regional Policy Statement (**CRPS**) states:

5.3.1 Regional growth (Wider Region)

To provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that:

- 1. ensure that any
 - a. urban growth; and*
 - b. limited rural residential development*occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;*
- 2. encourage within urban areas, housing choice, recreation and community facilities, and business opportunities of a character and form that supports urban consolidation;*
- 3. promote energy efficiency in urban forms, transport patterns, site location and subdivision layout;*
- 4. maintain and enhance the sense of identity and character of the region's urban areas; and*
- 5. encourage high quality urban design, including the maintenance and enhancement of amenity values.*

- 11.0 Comment: As previously discussed the subject site is immediately adjacent to the residential zone boundary of Fairlie, with some of the site already rezoned to Low Density Residential. Therefore, by rezoning the site the proposal is in accordance with Policy 5.3.1 as it is a practical use of the land in close proximity to the town boundary which allows for choice and it will not have a detrimental impact on amenity values. Furthermore, Policy 5.3.1(1) also refers to a coordinated pattern of development. It is considered that the proposed rezoning of the site is practical when taking the surrounding environment and need for future growth in Fairlie is taken into account.

- 12.0 Policy 5.3.12 which relates to Rural production, is also relevant. As the site is zoned Rural, Policy 5.3.12 has been considered as the development will remove some rural land from contributing to the rural productive economy. Policy 5.3.12 states:

5.3.12 Rural production (Wider Region)

Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:

1. *avoiding development, and/or fragmentation which;*
 - a. *forecloses the ability to make appropriate use of that land for primary production; and/or*
 - b. *results in reverse sensitivity effects that limit or precludes primary production.*
 2. *enabling tourism, employment and recreational development in rural areas, provided that it:*
 - a. *is consistent and compatible with rural character, activities, and an open rural environment;*
 - b. *has a direct relationship with or is dependent upon rural activities, rural resources or raw material inputs sourced from within the rural area;*
 - c. *is not likely to result in proliferation of employment (including that associated with industrial activities) that is not linked to activities or raw material inputs sourced from within the rural areas; and*
 - d. *is of a scale that would not compromise the primary focus for accommodating growth in consolidate, well designed and more sustainable development patterns.*
- and;*
3. *ensuring that rural land use intensification does not contribute to significant cumulative adverse effects on water quality and quantity.*

13.0 Comment: While the site is currently zoned Rural, it is not practical to maintain the subject site as a productive piece of land as it is not a feasible parcel of land to support a family. By developing the land in the proposed manner no significant reverse sensitivity effects will arise due to the surrounding environment which contains a number of Fairlie township amenities and residential allotments.

14.0 In conclusion, the proposed rezoning of the site is considered to be consistent with the Canterbury Regional Policy Statement.

National Policy Statements

15.0 The following National Policy Statements are currently in operative in New Zealand:

- National Policy Statement for Freshwater Management 2020
- National Policy Statement for Greenhouse Gases from Industrial Process Heat 2023
- National Policy Statement for Highly Productive Land
- National Policy Statement for Indigenous Biodiversity 2023
- National Policy Statement for Renewable Electricity Generation 2011
- National Policy Statement on Electricity Transmission
- National Policy Statement on Urban Development 2020
- New Zealand Coastal Policy Statement

16.0 The National Policy Statement for Freshwater Management 2020 (NPS-FM) and National Policy Statement for Highly Productive Land (NPS-HPL) are relevant to the proposal. These will now be assessed in turn.

- **National Policy Statement for Freshwater Management (NPS-FM)**

17.0 The fundamental concept of the NPS-FM is Te Mana o te Wai and is defined as: *a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health*

and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. The purpose of this is to place the health of the waterway at the top of the hierarchy of obligations. There are no waterways identified that will be affected by an increase in residential density. It is also noted that any future residential development will need to address servicing and this will be subject to consenting requirements from Environment Canterbury. Accordingly the proposal is considered to be consistent with the National Policy for Freshwater Management.

- **National Policy Statement for Highly Productive Land (NPS-HPL)**

18.0 The NPS-HPL is applicable to the site as there is an identified area of LUC 3 land within the property boundaries. The extent of the LUC 3 land is identified below in Figure 4.



Figure 4 – The extent of the LUC 3 land across the subject site.

19.0 The NPS-HPL directs that subdivision and development of identified LUC1-3 land should be avoided and if this is not possible it should be mitigated. However in this instance the land that would be lost is less than 2 hectares of a paddock that has differences in topography, and the disposal field of the house septic tank also drains into (outside of the identified area of LUC 3 land), therefore the paddock has challenges in itself that do not make it an appropriate paddock to use for productive purposes. It is noted the remaining land is to be retained as General Rural Zone land and will therefore be protected by the proposed minimum allotment sizes that exist in the zone. Therefore no further assessment of the NPS-HPL is considered necessary. The area to be rezoned could be reviewed in consultation with Mackenzie District Council if there are sufficient concerns about the LUC 3 land currently included within the Large Lot Residential Zone.

Decision sought by submitter

20.0 The submitter asks that 14.5 hectares along the road frontage and immediately adjacent to the residential zone boundary, identified in figure 1, is rezoned to Large Lot Residential with the controls of the Specific Control Area 2 overlay also applied to the site.

General

21.0 An invitation is extended to Council staff to visit the subject land as part of this submission. In the first instance site access can be co-ordinated through Milward Finlay Lobb, phone 03 684 7688 or email admin@mflnz.co.nz

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26 January 2024