

**IN THE MATTER OF:** the Resource Management Act 1991

**AND**

**IN THE MATTER OF:** Proposed Plan Change 13 (Mackenzie Basin) to the Mackenzie District Plan.

## **EVIDENCE OF ROBERT BRUCE WILLIS FOR THE CANTERBURY REGIONAL COUNCIL**

**Hearing of Deferred Submissions Relating to Twizel - Proposed Plan Change 13.**

### **1.0 INTRODUCTION**

- 1.1 My name is Robert Bruce Willis. I am employed as a Senior Resource Management Planner by the Canterbury Regional Council (Environment Canterbury – ECan<sup>1</sup>) and am based in Timaru. I hold the Degree of Bachelor of Resource Studies from Lincoln University. Since 1995, my work has been focussed primarily in the areas of District Plan development, the interpretation and application of Regional Policy, and input into statutory processes under the Resource Management Act.
- 1.2 My evidence today deals with the deferred submissions relating to Twizel and will set out ECan's position on Proposed Plan Change 13 (Mackenzie Basin) to the Mackenzie District Plan as it relates to this discrete area. It will also provide the basis for the further submissions lodged by the Regional Council, the primary submissions from ECan having been addressed at the main hearing of submissions held during September 2008. ECan's further submissions are identified in the Consultant Planner's Report.

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<sup>1</sup> Environment Canterbury is the promotional name for Canterbury Regional Council.

- 1.3 Having previously set out the background to ECan's submissions and the general basis for the Council's involvement in this process at the earlier hearing, I propose to confine my evidence to the specific matters addressed in the "Twizel submissions" to avoid unnecessary repetition. I would, however, record that the basis for ECan's involvement and nature of submissions are equally relevant matters at this hearing.
- 1.4 I can advise that I am familiar with the Twizel area, and the broader patterns of land use at Twizel and the surrounding area. Additionally, I have participated in the earlier RMA processes that underpin the current Mackenzie District Plan and related issues. This includes provisions dealing with the Twizel Water Supply Protection Area and a working party to provide for the reticulation of sewerage servicing to the North West Arch area. In both of these cases, issues associated with the servicing of new subdivision and development to manage sewage effluent discharges were resolved.

## 2.0 ECAN'S ROLE

- 2.1 ECan's role in relation to the Proposed Plan Change is prescribed by the Resource Management Act 1991 (the RMA), principally through section 30 – Functions of Regional Councils. The context and rationale for this involvement was comprehensively set out in my evidence of 10<sup>th</sup> September 2008. Rather than repeat these matters, reference to this earlier evidence is recommended, if necessary, to better understand the principles underpinning this.
- 2.2 In total 15 further submissions by ECan are identified in the Consultant Planner's Report<sup>2</sup>. These are in opposition to 10 submissions. In general, these further submissions were intended to support the provisions of the Proposed Plan Change, or to oppose the introduction of additional matters that were considered contrary to Regional Policy and/or sound RMA practice. I would note that the Report identifies, in error, further submissions from ECan opposing submissions 89/2 and 89/4 by Mr. Frank Hocken<sup>3</sup>. ECan is, however, a further submitter in opposition to submissions 90/2 and 90/4 by Mr. Hocken<sup>4</sup>; this is not identified in Attachment A.

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<sup>2</sup> These are recorded in Attachment A (Deferred Submissions) to the Consultant Planner's Report.

<sup>3</sup> Identified on page 4 of Attachment A, and discussed, in error, on page 11 of the Consultant Planner's Report.

<sup>4</sup> Recorded on pages 4 and 5 of Attachment A.

### 3.0 PRELIMINARY MATTERS

- 3.1 Prior to detailing the specific aspects of PC13 subject to submission, I would identify three preliminary matters that I consider are important to provide context to the discussion which follows. Firstly, I would record that ECan endorses the Mackenzie District Council's recognition of the outstanding landscape status of the Mackenzie Basin. The District Council's initiative in seeking to better manage the effects of development on this outstanding landscape (particularly that arising from rural subdivision and residential development) is also supported. As the Proposed Plan Change acknowledges, built development, if not adequately managed, presents a very real risk to these important landscapes; the principle of managing pressures for development through nodes and "clustering" in discrete and compact areas provides a valuable tool to manage built change within this context.
- 3.2 The second matter relates to the wider issues arising from residential – and in this case township – development and expansion. The Mackenzie District Council has been actively engaged in community consultation regarding the future development of Twizel and environs<sup>5</sup>. I understand that this is intended to support the development of a future Plan Change to specifically address the management of growth in and adjacent to Twizel. Unfortunately, this process has not been progressed at the same pace as Proposed Plan Change 13. Consequently, the wider range of issues arising from urban expansion at Twizel (that is, including matters such as servicing, patterns of development, green areas, natural hazards, etc.) have not been developed to the degree of sophistication or analysis to ensure that the effects of such development is sustainable. It is not sufficient, in my view, to simply provide for development on the basis of effects on landscape, without considering the broader range of issues raised by development of this type. I will expand on this in my evidence to follow.
- 3.3 Finally, it is also pertinent to note that the Regional Policy Statement (RPS) is in the preliminary stages of review. This will inevitably result in some refinement of Policies and provisions to improve relevance and effectiveness. While this process inevitably

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<sup>5</sup> Community consultation has been on-going for several years. The "*Twizel – the future starts today*" and Twizel Development Plan process has provided the Council with some "themes" from the 43 responses received.

throws up a degree of uncertainty as to the final form of the revised RPS, I do not anticipate that a significant departure from the current Policy regime is likely. In any event, the statutory processes that are a precursor to the formalisation of the review will provide for the involvement of the Mackenzie District Council as necessary.

- 3.4 That said, the requirement that District Plans must give effect to the Regional Policy Statement and must not be inconsistent with a Regional Plan<sup>6</sup> is relevant to decisions affecting the Proposed Plan Change. I will identify where I consider that this presents relevant matters for consideration in the evidence which follows.

#### **4.0 ECAN'S FURTHER SUBMISSIONS**

- 4.1 Turning to the specific further submissions by ECan, I propose to address these in the order that they appear in the Consultant Planner's Report. As noted, and to avoid repetition, I will focus principally on those matters that deserve particular emphasis or where alternative relief is sought from that contained in the Officer Report recommendations.

#### **Deferred Submissions – Submissions Relating to Twizel**

##### **4. Twizel Submissions – Mackenzie Basin Subzone Issues**

##### **Pages 6 – 10 of the Officer's Report**

##### **Pages 1 – 7 of Attachment A**

- 4.2 ECan is a further submitter on 15 submissions considered in this "block". Submissions opposed are:
- Phil Rive (1/1)
  - Ruataniwha Farm Limited (11/1, 11/2 and 11/6)
  - Grant and Natasha Hocken (47/1)
  - N and C Lyons Family Trust (55/1, 55/2, and 55/3)
  - Frank Hocken (90/1 and 90/2)
  - Simon and Priscilla Cameron (122/5)
  - Twizel Community Board (127/1)

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<sup>6</sup> Set out in section 75 (3) and (4) of the RMA.

- CS and PJ Stott (9/1)
- Martin Galley (16/1)
- B Agnew (111/1)

4.3 Two key "themes" are encompassed in these submissions. The principal focus of submissions request that the Twizel township area should be substantially increased in size to provide for future subdivision and residential development of either urban or "rural residential" nature. The land area sought for this ranges from discrete areas (submissions 55/2 and 55/3) to extensive land areas (e.g. submissions 127/1 and 55/1). The second matter seeks that the requirement to obtain Resource Consent to build on established (or proposed future) allotments should be removed (e.g. submissions 90/1, 127/1). ECan has opposed these submissions for a number of reasons.

#### 4.4 Theme 1: Expansion of Township

Beginning with the requests to increase the land area of Twizel, or associated with the township, to provide for residential or rural-residential development, I would identify that the Consultant Planner's Report makes a preliminary analysis and recommendation (section 3, pages 2 – 6) of the merits of expanding the area of the Rural Zone around Twizel. This recommendation is encapsulated in a Map attached to the Report as **Attachment B**, and recommends the exclusion of approximately **2220 ha** of land surrounding Twizel township (approximately **465 ha**) from the provisions contained in Proposed Plan Change 13<sup>7</sup>. **This is an area nearly five times larger than the existing township.** The analysis contained in part 4 of the Report and subsequent analysis also refers to this initial conclusion and recommendation. Unlike later analysis dealing with Hocken Lane<sup>8</sup>, this assessment is preoccupied exclusively with landscape effects, and largely ignores other equally relevant issues associated with subdivision and development (for example, natural hazards and servicing).

<sup>7</sup> Note, also, that the Consultant Planner's report alludes to the need for a different regime of control for this land, but does not specifically identify what those controls should be (see, for example, the last paragraph on page 5).

<sup>8</sup> See, for example, discussion contained in pages 10 – 14 of the Consultant Planner's Report addressing flooding hazard, sewage disposal and water supply protection.

- 4.5 ECan's further submissions opposing this change record that the changes sought are not supported by an assessment of effects on landscape. The request to include a substantial additional area of land beyond the current Twizel Residential Zones into the existing township do not adequately recognise or address issues such as landscape and amenity effects, efficient urban form, servicing needs and effects, and effects on infrastructure, such as the State Highway. These effects are likely to be significant and adverse under the relief sought.
- 4.6 I would identify that the RPS contains a range of Policies relevant to landscape. These are, however, cross-referenced to other issues in the interests of integrated and sustainable management. The RPS notes that sustainable management involves managing the resources of the Canterbury Region in ways which provide for the needs of current and future generations. Integrated management involves taking an holistic approach to the management of natural and physical resources. Such an approach acknowledges the links between the resources and recognises that decisions on any particular resource may have effects on other resources.
- 4.7 To this end, while Chapter 8 of the RPS (Landscape, Ecology and Heritage) is particularly relevant to decisions on Proposed Plan Change 13, other Chapters – for example, Chapter 9 (Water)<sup>9</sup>, Chapter 12 (Settlement and the Built Environment)<sup>10</sup> and Chapter 16 (Natural Hazards)<sup>11</sup> – all contain provisions that are equally relevant to built development as anticipated by the Proposed Plan Change.
- 4.8 In recommending the removal of this land from the Mackenzie Basin Subzone, the Consultant Planner fails to recognise or have regard to these other matters. I would reiterate that it is not considered sufficient that decisions on submissions are predicated on landscape effects alone; more prosaic issues, such as amenity, efficiency, servicing and hazards, and the need for integrated and sustainable management must be considered as well. Further, the requirement to give effect to the RPS and to have regard to Regional Plans must also be given consideration.

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<sup>9</sup> Refer to RPS Chapter 9, Issue 3, Objective 3, and Policies 9, 11 and 12.

<sup>10</sup> Refer to RPS Chapter 12, Issues 1 and 3, Objectives 1, 4, and 5, and Policies 2, 6, and 7.

<sup>11</sup> Refer to RPS Chapter 16, Issue 1, Objective 1, and Policies 1 and 4.

4.9 On this basis, I would identify that Policy WQL6 (Point source discharges onto or into land which affect soil or groundwater quality) from the Proposed Natural Resources Regional Plan – Chapter 4 – Water Quality<sup>12</sup> seeks to avoid adverse effects on water quality from the cumulative effects of discharges into land from individual on-site or small scale community sewage effluent, stormwater or wastewater treatment and disposal systems. The Explanation and principal reasons supporting this Proposed Policy note that (inter alia):

*“The purpose of Policy WQL6(3) is to reduce the cumulative impact on groundwater quality from numerous point source discharges by establishing network systems for a settlement that collect sewage effluent, wastewater or stormwater, and treat the contaminants in a single, managed system. Some existing settlements in Canterbury do not have adequate services or network systems, and are likely to be affecting groundwater quality. The development of new residential or rural residential areas or expansion of existing settlements should include provision for network services instead of individual site treatment systems, especially where monitoring has shown that groundwater is already contaminated, or an assessment by accepted techniques predicts that the additional discharge of microbiological and chemical contaminants will affect groundwater quality. Network and centralised systems have economies of scale which mean they can be designed, operated and maintained to achieve a consistently higher level of treatment for a discharge, thus minimising the effects on groundwater quality, compared to the effects of discharges from numerous small systems.”*

4.10 Method WQL6(j) – Territorial Authorities - from this Proposed Plan requires that:

*“Territorial authorities in the preparation, variation, change or review of their district plans or the exercise of their functions:*

*(a) shall undertake measures to avoid or remedy the cumulative effects of individual on-site sewage effluent discharges:*

*(i) by requiring community sewerage reticulation (private or public schemes) in new residential, rural residential or urban subdivisions of more than ten lots, or an increase to the area or density of an existing settlement, where:*

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<sup>12</sup> Refer to page 4-56 from Chapter 4, PNRRP for Policy WQL6(3), and page 4-60 for Method WQL6(j).

- (1) *the separation distances in Regional Rule WQL8 will not be complied with, on land over an unconfined or semi-confined aquifer; or*
- (2) *poorly draining soils or subsoils are likely to limit the effectiveness of subsurface effluent disposal systems; and*
- (ii) *to support the implementation of Policy WQL6(2) and (3).*

*(b) should prepare an integrated management plan to manage current and future stormwater discharges in a stormwater catchment area where more than 30 percent of the land area of the catchment is used, or proposed for use, for industrial, commercial or residential activities.”*

- 4.11 An example of the difficulties of providing servicing post-development exists in the development of the North West Arch subdivision, at Twizel. In this case, rural-residential sized allotments (around 1 ha in size) were created by the Mackenzie District Council adjacent to the Twizel urban boundary. These were not serviced for sewage disposal. Following the identification of issues arising from the lack of services, and because of demand to further subdivide many of these allotments, the Council retrospectively consulted with the community and raised funding to reticulate this area to sewer. Not only was this process costly and time-consuming – occurring as it did following subdivision and sale of many allotments - but it also demonstrated the critical importance of strategic planning for infrastructure and servicing of multiple-lot development in the urban and peri-urban setting.
- 4.12 The “*New Zealand Urban Design Protocol*”, which has been prepared by the Ministry for the Environment<sup>13</sup> as part of the Government’s *Sustainable Development Programme of Action* **also contains advice relevant to this matter**. This protocol recognises that urban design applies at all scales, is an essential component of successful towns and cities, and needs to be an integral part of all urban decision-making. It notes that in some smaller towns, some issues include insufficient funding base to maintain and renew urban infrastructure, and pressure to accept poor quality design to secure economic development opportunities. **It recommends** a proactive strategy to ensure quality urban (including low density development) design to help

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<sup>13</sup> Refer to the “New Zealand Urban Design Protocol” (March 2005), Ministry for the Environment number ME 579.



address some of these issues. This protocol reinforces the need for structured, careful and considered decision-making **to manage change, including** the size, layout, servicing, etc. of future subdivision and development adjacent to Twizel. It highlights the need for a more sophisticated approach than recommended in the Consultant Planner's Report; an Outline Development Plan and Plan Change focussed specifically on managing the future growth of Twizel would produce a more integrated and sustainable outcome than that proposed.

- 4.13 In addition to the Proposed Regional Plan provisions and Central Government initiatives, I would identify that the Ostler Fault traverses this area. This is described as a "significant fault system"<sup>14</sup> whose existence and extent should be identified and assessed prior to any decision to endorse subdivision and residential development, consistent with RPS Policies on natural hazards. In this regard, I would reiterate my earlier contention that the integrated and sustainable management of this area requires careful and comprehensive assessment of a broader range of issues than simply effects on landscape. Such a considered approach should, more properly, be undertaken in the development and promulgation of a Plan Change specific to the growth of Twizel, rather than in the apparent *ad-hoc* manner of the current recommendations.
- 4.14 I would observe, also, that while the Consultant Planner's Report identifies a number of statements contained in the Landscape Report<sup>15</sup> attached to the notified Plan Change, this does not, in my view, paint a full picture of the conclusions in this Report. I acknowledge that the Report does comment specifically on aspects such as Omahau Station (see page 9 of the Officer's Report). Other statements germane to the issue of the expansion of Twizel are also pertinent. For example, at paragraph 3.95 (page 28), in reference to development adjacent to Twizel, Mr. Densem notes that "*The Council should continue to plan for a controlled edge and linkages between Twizel and its western and southern surrounds*". I would suggest that an arbitrary and essentially uncontrolled expansion of the Twizel area, as promoted in the Officer's Report, hardly fits this description.

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<sup>14</sup> Refer to "*Earthquake Hazard Assessment for Waimate, Mackenzie and part Waitaki Districts*", September 2008, ECan Report Number U 08/18 (page 8).

<sup>15</sup> Refer to "*The Mackenzie Basin Landscape – Character and Capacities*" Graham Densem (November 2007)

4.15 At paragraphs 6.33 to 6.38 (pages 61 and 62), Mr. Densem accepts that some lifestyle subdivision might occur in the area promoted by the Consultant Planner. A cautionary note is provided, however, about the management of subdivision into the future, and Mr. Densem advocates the structured development of this area. I would identify that my interpretation of paragraph 6.38 is that it clearly signals the expectation that structured planning for, and control of, development in this area is a prerequisite anticipated by Mr. Densem. Such an approach would be consistent with current RMA planning practices, and would fit within the ambit of a future Plan Change to manage the growth of Twizel.

4.16 In summary, then, I would identify that the submissions seeking to exempt large areas of land surrounding Twizel from controls on development are opposed. Additionally, the Consultant Planner's recommendation that more than 2000 hectares of land be removed from these controls is also opposed. This change is considered to fail to give effect to Regional Policy, and to be inconsistent with the Proposed Natural Resources Regional Plan. A carefully considered and structured approach – such as that based on an Outline Development Plan – would allow the full range of issues arising from development of this area to be addressed in an integrated and sustainable manner; a specific and targeted Plan Change for the Twizel area would be the most appropriate vehicle to give effect to this.

**4.17 Theme 2: Existing Subdivisions and Development**

Turning to the second "theme" identified previously, which is to allow or permit buildings (residential development) on land that has been previously subdivided and/or is less than 200 ha in area, and/or where subdivision applications were lodged (but not granted) prior to the notification of the Proposed Plan Change, these are opposed by ECan. The reasons for this are straightforward.

4.18 The submissions could be interpreted to apply to the entire Mackenzie Basin Subzone. In that case, the relief sought is not effects-based and has potential to significantly undermine the purpose of the Proposed Plan Change, and to conflict with the Objectives and Policies of the District Plan (for example, Objectives 3 and Policies 3A – O) and RPS. Should such an approach be allowed, there is potential for significant adverse effects to be generated through the unconstrained development of

sub-200 ha allotments across the Mackenzie Basin and within outstanding landscapes. This would be contrary to the principles of sustainable management.

4.19 Further, the presumption that as-yet-incomplete applications to subdivide will be approved and should therefore be exempted from building controls is presumptive in the extreme. Due to the liberal provisions within the Mackenzie District Plan, the inability of the Council to adequately control the effects of sporadic subdivision and development was a prime driver of Proposed Plan Change 13<sup>16</sup>. As the primary purpose of the Plan Change is to provide greater protection of the landscape values of the Mackenzie Basin from inappropriate subdivision, development and use, the premise that all existing or proposed residential buildings will automatically ensure that this is achieved is flawed. Accordingly, those submissions seeking such changes should be rejected.

## 5.0 CONCLUSION

5.1 This concludes my evidence on Proposed Plan Change 13. Thank you for the opportunity to present my evidence today. The Mackenzie District Council is to be congratulated for undertaking what was inevitably going to be a controversial, but nevertheless necessary, Plan Change process. These submissions reflect the importance that ECan places on the District Plan as a means of promoting the sustainable management of natural and physical resources; in this case both the iconic Mackenzie Basin landscapes and the environs of Twizel township. I look forward to receiving the outcome of your deliberations in due course.

R B Willis  
**SENIOR RESOURCE MANAGEMENT PLANNER**  
3 November 2008

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<sup>16</sup> Refer to the "Background" to Proposed Plan Change 13, page 1 of the notified Plan Change.

