

NZ Transport Agency Waka Kotahi Reference: 2023-1598

28 February 2024

Mackenzie District Council
PO Box 52
Main Street
Fairlie 7949

Via email: districtplan@mackenzie.govt.nz

Further Submission on Proposed Change 23 to the Mackenzie District Plan

The NZ Transport Agency Waka Kotahi (NZTA) thanks Mackenzie District Council for the opportunity to engage in this Mackenzie District Plan Review process. Please find attached our further submissions on Proposed Change 23 to the Mackenzie District Plan.

These further submissions focus on ensuring that the NZTA state highway assets are adequately provided for in the draft provisions, as sought to be amended by other submitters, that the approach to the transport planning in the Mackenzie District align with the NZTA strategic direction, and that NZTA delivers on the mandate from Central Government to promote best practice transport solutions across the country.

We welcome the opportunity to discuss the contents of our further submissions with council officers as required.

If you have any questions, please contact me.

Yours sincerely / nāku noa, nā



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Form 6

NZ Transport Agency Waka Kotahi Further Submission on the notified Plan Change 23: General Rural Zone, Natural Features and Landscapes, Natural Character under Clause 8 of Schedule 1 of the Resource Management Act 1991

To: Mackenzie District Council

Name of Submitter: NZ Transport Agency Waka Kotahi
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This is a further submission in support of, and in opposition to, submissions on a change proposed to the following plan:

Mackenzie District Plan – Plan Change 23: General Rural Zone, Natural Features and Landscapes, Natural Character

The NZ Transport Agency Waka Kotahi (NZTA) is a Crown entity representing a relevant aspect of the public interest, and which has an interest in the proposal that is greater than the interest the general public has for the following reasons:

The provisions of the proposed Plan Change 23 have the potential to have a direct effect on the ability of NZTA to carry out its statutory functions under the Land Transport Management Act 2003 (LTMA). These are set out in Section 95 of the LTMA and include, amongst others, the requirements to contribute to an effective, efficient, and safe land transport system in the public interest and to manage the state highway system in accordance with LTMA and the Government Roading Powers Act 1989.

Overall, NZTA has an interest in the Proposed Mackenzie District Plan Change process as a result of its role as a transport investor; a planner of land transport networks; a provider of access to, and the use of, the land transport system; and a manager of the state highway network.

NZTA supports or opposes the submissions on Plan Change 23 as detailed in Table 1 (attached). Table 1 clearly indicates which parts of the original submissions NZTA supports or opposes, and the reasons for the support or opposition. It also details which submissions NZTA seeks to be allowed or disallowed.

NZTA requests to be heard in support of its submissions and further submissions.

Signature of person authorised to sign on behalf of Waka Kotahi:



Nick Reuther

Senior Planner – Poutiaki Taiao | Environmental Planning
NZ Transport Agency Waka Kotahi

Table 1: Decisions Sought on the Proposed Mackenzie District Plan Change 23

Submitter Name/Contact	Submission Number	Chapter / Provision	Support or oppose	The particular parts of the submission NZTA supports or opposes are:	The reasons for our support or opposition are:	NZTA seeks that the whole or part (describe part) of the submission be accepted or rejected:
Part 2 – District Wide Matters						
Natural Environment Values						
NATC – Natural Character						
Policies, Rules and Standards						
Canterbury Regional Council	PC23.45	NATC-P2 / new rule	Support	The Canterbury Regional Council seeks the addition of a rule to the NATC Chapter to allow for restoration and rehabilitation of riparian margins as a permitted activity to better give effect to Policy 10.3.2 of the Canterbury Regional Policy Statement. This is also seen as giving effect to point 3 of Policy NATC-P2.	NZTA is supportive of the relief sought. Adding a permitted activity rule will enable NZTA to carry out non-indigenous vegetation removal and planting of indigenous species in riparian margins, should these form part of a works or project along the state highway network.	The submission should be accepted.
Fire and Emergency New Zealand	PC23.04	NATC-R4 & MAC-S2	Oppose	Fire and Emergency seek provision for firefighting water supply to be included within the rule where no connection to a reticulated supply network exists. The suggested performance standard would require non-reticulated water supply to be provided in accordance with SNZ PAS 4509:2008.	NZTA does not oppose the principle of what is being requested by the submitter, but there are concerns around the practicality of the provision of firefighting water and the impacts of this request on small scale gravel extractions or small / temporary quarrying operations needed for day-to-day maintenance activities on the state highways. If the panel is of a mind to accept this submission, NZTA requests that the submission point be clarified and that small scale gravel extractions or small / temporary quarrying operations that are associated with state highway	The submission should be rejected.

Submitter Name/Contact	Submission Number	Chapter / Provision	Support or oppose	The particular parts of the submission NZTA supports or opposes are:	The reasons for our support or opposition are:	NZTA seeks that the whole or part (describe part) of the submission be accepted or rejected:
					maintenance activities are excluded from this requirement.	
NFL – Natural Features and Landscapes						
Policies						
Simpson Family Trust	PC23.16	NFL-P1	Oppose	An addition to the policy is sought to address earthworks, including formation of tracks and paths, and for providing for these works in a way that does not detract from or damage the unique landforms and landscape features.	<p>NZTA is generally supportive of this submission insofar as the additional requirements do not prevent or hinder the efficient and effective operation and maintenance of the state highway network. However, the current drafting of the suggested addition to Policy NFL-P1 does not reflect this requirement.</p> <p>If the panel is of a mind to accept this submission, then NZTA seeks the following changes to the suggested provision:</p> <p><i>providing for earthworks, including <u>the formation of</u> tracks and paths, that do not detract from or damage the unique landforms and landscape features, unless it is for the purpose of maintaining, repairing, and/or protecting regionally significant infrastructure.</i></p>	The submission should be rejected.
Rules						
Director-General of Conservation	PC23.07	NFL-R1 to NFL-R9	Oppose	The submission seeks to either amend the rules to manage vegetation clearance or insert new specific rules to manage and control vegetation clearance.	NZTA is opposed to such amendments or additional rules without further consideration of the potential effects on its	The submission should be rejected.

Submitter Name/Contact	Submission Number	Chapter / Provision	Support or oppose	The particular parts of the submission NZTA supports or opposes are:	The reasons for our support or opposition are:	NZTA seeks that the whole or part (describe part) of the submission be accepted or rejected:
					<p>ability to efficiently and effectively operate and manage the state highway network.</p> <p>If the panel is of a mind to accept this submission, NZTA requests that any additional or amended rules provide for vegetation clearance associated with the operation and maintenance of regionally significant infrastructure, similar to the relief sought by NZTA in the submissions on NFL-R1, NFL-R4, NFL-R5 and NFL-R9.</p>	
Herman Frank	PC23.06	NFL-R5	Oppose	<p>The submission seeks that no earthworks be allowed in ONFs as this would seriously affect the values of these smaller areas. The submission requests that only Point 1 should be provided for as a permitted activity and that earthworks be made a non-complying activity. Permitted earthworks volumes and areas are requested to be reduced, and any earthworks beyond these are requested to be a discretionary activity.</p>	<p>NZTA opposes this submission as it has the potential to significantly impact on the efficient, effective and safe operation and maintenance of state highway infrastructure.</p> <p>If the panel is of a mind to accept this submission, then NZTA requests that the overly restrictive requirements sought by the submitter do not apply to regionally significant infrastructure, as per the NZTA submission on this rule.</p>	The submission should be rejected.
Herman Frank	PC23.06	NFL-R9	Oppose	<p>The submission suggests that Non-Farm Buildings including Residential Units should not be allowed within an ONF.</p>	<p>NZTA opposes this submission as there may be instances where buildings ancillary to regionally significant infrastructure may need to be located within an ONF. A permitted activity pathway should be available for buildings ancillary to regionally significant infrastructure, as per the NZTA submission on this rule.</p>	The submission should be rejected.

Submitter Name/Contact	Submission Number	Chapter / Provision	Support or oppose	The particular parts of the submission NZTA supports or opposes are:	The reasons for our support or opposition are:	NZTA seeks that the whole or part (describe part) of the submission be accepted or rejected:
Standards						
Herman Frank	PC23.06	All standards	Oppose	The submission requests that no buildings should be allowed within an ONF.	NZTA submitted on Standard NFL-S5, seeking that buildings ancillary to the state highway network be allowed to be located within a 100m setback from state highways. NZTA opposes this submission as there may be instances where buildings ancillary to regionally significant infrastructure may need to be located within an ONF.	The submission should be rejected.
Part 3 – Area-Specific Matters						
Rural Zones						
GRUZ - General Rural Zone						
Policies						
Simpson Family Trust	PC23.16	GRUZ-P8	Oppose	Both submissions appear to be in support of commercial use of airfields and helicopter landing areas, which is not intended under the current drafting of the policy.	NZTA is concerned about enabling airfields and helicopter landing areas for commercial use without a better understanding of the scale of such commercial operations (e.g., flight numbers per day, operational requirements, nature of operations, etc.). Depending on scale of commercial use of airfields and helicopter landing areas, they could create a potential transport safety risk. NZTA considers that commercial aircraft operations are best conducted from existing commercial facilities at Takapō / Tekapo, Glentanner or Pūkaki - Twizel Airports. NZTA notes that a consenting pathway for larger scale /	The submissions should be rejected.
Aviation New Zealand on behalf of the New Zealand Helicopter Association	PC23.19					

Submitter Name/Contact	Submission Number	Chapter / Provision	Support or oppose	The particular parts of the submission NZTA supports or opposes are:	The reasons for our support or opposition are:	NZTA seeks that the whole or part (describe part) of the submission be accepted or rejected:
					<p>commercial operations on small-scale airfields is available.</p> <p>If the panel is of a mind to accept these submissions, NZTA seeks the inclusion of a requirement to manage the location and scale of airfields and helicopter landing areas to ensure adverse effects from the commercial use on the state highway network are avoided, or where they cannot be avoided, the effects are remedied or mitigated.</p>	
Rules						
Simpson Family Trust	PC23.16	GRUZ-R16	Oppose	The submission seeks a change to the activity status for non-compliance with Condition 4 of Rule GRUZ-R16.	NZTA considers the non-complying activity status for commercial use of airfields and helicopter landing areas to be appropriate. Commercial aircraft operations are best conducted from existing commercial facilities at Takapō / Tekapo, Glentanner or Pūkaki - Twizel Airports.	The submission should be rejected.
Aviation New Zealand on behalf of the New Zealand Helicopter Association	PC23.19	GRUZ-R16	Oppose	The submission seeks that helicopter landing areas can be set back from a state highway <i>“at a safe distance to not cause distraction to road users”</i> and the deletion of the requirement for the airfield and helicopter landing area to be used for non-commercial aviation activity only.	NZTA opposes this relief sought. Condition 4 is considered important to manage the scale of activities occurring on these small-scale airfields and helicopter landing areas. NZTA notes that a consenting pathway for larger scale / commercial operations on small-scale airfields is available.	The submission should be rejected.

Submitter Name/Contact	Submission Number	Chapter / Provision	Support or oppose	The particular parts of the submission NZTA supports or opposes are:	The reasons for our support or opposition are:	NZTA seeks that the whole or part (describe part) of the submission be accepted or rejected:
John Evans	PC23.30	GRUZ-R16	Oppose	The submission seeks the deletion of the setback requirements of airfields and helicopter landing areas from state highways.	NZTA opposes the relief sought. NZTA notes that a consenting pathway for smaller setbacks from state highways is available, which would result in the activity being restricted discretionary. The associated matters of discretion, GRUZ-MD1, require consideration of the activity on the safe and efficient operation of the road network. This approach is considered appropriate for non-commercial aircraft or helicopter use in proximity to state highways.	The submission should be rejected.
Standards						
Mitch Taylor	PC23.55	GRUS-S2	Oppose	The submitter requests that the 100m minimum setback from state highways is revised to match the minimum setback from other roads.	NZTA opposes this submission. The setback protects the state highway infrastructure from reverse sensitivity effects and future residents from health effects and is therefore considered appropriate. If the necessary setbacks cannot be met, then a consenting pathway is available where effects can be considered.	The submission should be rejected.
Zoning						
Morelea Farm Holdings Limited	PC23.31	Re-zoning	Oppose	The submission seeks that Lot 5 of RM220008 is re-zoned General Industrial Zone.	NZTA considers that if the panel is of a mind to accept the submission and re-zone Lot 5 into General Industrial Zone, then this should only occur following an integrated transport assessment and ensuring that effects on the adjacent state highway (and other zones) have been considered.	The submission should be rejected.

Submitter Name/Contact	Submission Number	Chapter / Provision	Support or oppose	The particular parts of the submission NZTA supports or opposes are:	The reasons for our support or opposition are:	NZTA seeks that the whole or part (describe part) of the submission be accepted or rejected:
Road Metals Limited	PC23.35	Re-zoning	Oppose	The submission proposes re-zoning and associated provisions to give effect to the Twizel Spatial Plan and to provide for adequate industrial land in Twizel following the rezoning of Industrial land to Large Format Retail through Stage 2 of the District Plan review.	<p>NZTA considers that if the panel is of a mind to accept the submission, then this should only occur following an integrated transport assessment and ensuring that effects on the adjacent state highway (and other zones) have been considered.</p> <p>NZTA also understand that the proposed re-zoning of the Road Metals site will be addressed as part of Plan Change 28 within Stage Four of the Mackenzie District Plan Review process, which is where the re-zoning of this site should be addressed.</p>	The submission should be rejected.