



TO THE MAYOR AND COUNCILLORS OF THE MACKENZIE DISTRICT COUNCIL

MEMBERSHIP OF THE PLANNING COMMITTEE

John Bishop (Chairman)

Claire Barlow (Mayor)

Graham Smith

Peter Maxwell

Annette Money

Graeme Page

Evan Williams

*Notice is given of a meeting of the Planning Committee
to be held on Tuesday 23 April 2013 at 1pm*

VENUE:

Council Chambers, Fairlie

BUSINESS:

As per agenda attached

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

17 April 2013



PLANNING COMMITTEE

Agenda for Tuesday 23 April 2013

I APOLOGIES

II DECLARATIONS OF INTEREST

III MINUTES

Confirm and adopt as the correct record the Minutes of the meeting of the Planning Committee held on 19 March 2013 including such parts as were taken with the Public Excluded.

IV REPORTS

1. South Canterbury Rural Fire Committee 2013/2014 Draft Statement of Intent
2. Sale and Supply of Liquor Act 2012
3. Lake Tekapo Enterprises – Reserves Contribution

V PUBLIC EXCLUDED

That the public be excluded from the following part of the proceedings of this meeting namely:

1. Previous Minutes Planning Committee Meeting 19 March 2013

Reason for passing General subject of each matter to be considered	Ground(s) under this resolution in relation to each matter	Section 48(1) for the passing of this resolution
---	---	---

Previous Minutes Planning Committee
Meeting 19 March 2013

Commercial Sensitivity

48(1)(a)(i)

This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *Previous Minutes Planning Committee Meeting 19 March 2013* section 7(1)(g)

MACKENZIE DISTRICT COUNCIL

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON TUESDAY 19 MARCH 2013 AT 11.41 AM

PRESENT:

John Bishop (Chairman)
Crs Graham Smith
Mayor Claire Barlow
Peter Maxwell
Annette Money
Graeme Page
Evan Williams

IN ATTENDANCE:

Paul Morris (Manager – Finance and Administration)
Nathan Hole (Manager – Planning and Regulations)
Keri-Ann Little (Committee Clerk)

I APOLOGY

There were no apologies.

II DECLARATIONS OF INTEREST:

There were no Declarations of Interest.

III MINUTES:

Resolved that the Minutes of the meeting of the Planning Committee held on Tuesday 4 December 2012 to be confirmed and adopted as the correct record of the meeting.

Mayor Barlow/ Graham Smith

Study of the Value of Water from Lake Tekapo:

Cr Williams referred to a study to be undertaken by Environment Canterbury and Meridian Energy Ltd of the value of water from Lake Tekapo. He considered that the Council should contribute to the study, which would enable it to be a party to the Terms of Reference and secure co-ownership of the resulting information.

IV REPORTS:

1. SUBDIVISION SERVICING REQUIREMENTS FOR RURAL ZONE:

The Manager – Planning and Regulations circulated a hand out and spoke to this report.

- *Mayor Barlow requested hand outs be circulated the day before the meeting so committee members are able to read the document and note any questions they would like to ask.*

This hand out is Appendix A of this record.

V PUBLIC EXCLUDED

That the public be excluded from the following part of the proceedings of this meeting namely:

Annette Money/Graham Smith

1. Misrepresentation Claim.
2. Royal Forest and Bird Judicial Review (Verbal Report).

<u>Reason for passing General subject of each matter to be considered</u>	<u>Ground(s) under this resolution in relation to each matter</u>	<u>Section 48(1) for the passing of this resolution</u>
Misrepresentation Claim	Maintain Legal Professional Privilege	48(1)(a)(i)
Royal Forest and Bird Judicial Review	Maintain Legal Professional Privilege	48(1)(a)(i)

This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:
Misrepresentation Claim and Royal Forest and Bird Judicial Review section 7(1)(g)

**THERE BEING NO FURTHER BUSINESS THE
CHAIRMAN DECLARED THE MEETING CLOSED AT 12:24 PM**

CHAIRMAN: _____

DATE: _____

SECTION 13– SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS

Introduction

The control of subdivision is a specific matter of relevance to District Plans. The principal feature of subdivision is that it produces a framework of land ownership which assists development, activities and conservation.

Subdivision and development provides the framework of service provision for land use including roading, water supply, sewage disposal, energy, telecommunication, stormwater and trade waste. Subdivision is also a mechanism for the provision of esplanade reserves, and strips and access strips and is therefore significant in the context of providing public access to waterways.

Issues

Issue 1 - Site Suitability

The underlying objective is to ensure that the allotments created by subdivision are suitable for the anticipated use, that the land is serviceable and developable and that it is not subject to any unacceptable man-made or natural hazard.

Issue 2 - Future Land Uses

There is an expectation by land purchasers that the effects of any proposed land use will have been examined before a new land parcel is allowed to be created. This includes the framework of services, access, water supply and sewerage disposal where appropriate.

Issue 3 - Costs of Infrastructure

It is recognised that development facilitated by subdivision adds incrementally to demands on the infrastructure of the District. The Plan's rules need to be designed to require each new development to contribute a fair and reasonable sum towards the cost of that demand unless it is replacing an existing development. A fair and reasonable share of costs needs to recognise:

- That to manage and develop land (a natural resource) in an orderly and efficient way, it is appropriate to install public utility services (a physical resource) for whole catchments in anticipation of development.
- That there is a need to provide for people and communities economic and social well-being by equitable sharing of costs of utility services over time.
- That works and the costs required for servicing specific areas or developments should be borne by the developers to the extent attributable to the development.

Issue 4 - Marginal Land

The opportunity to subdivide and develop marginal land will exist and may require significant infrastructure works. Where land, or any structure on that land is likely to be subject to damage by erosion, subsidence, or inundation from any source, the Act provides that the Council shall not grant a subdivision consent unless the effects can be avoided, remedied or mitigated.

Issue 5 - Esplanade Provision

There is a public desire to have access to many lakes and rivers throughout the District. However access is only available if there is a legal road, reserve or other formal arrangement such as an access easement, or if private arrangements can be made with landowners. The importance of access to waterways is recognised in the Resource Management Act 1991 where:

The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers" S6(d)

is specified to be a matter of national importance which is to be recognised and provided for by local authorities.

To obtain public access to waterbodies the Council must either purchase land for that purpose or use powers available to it under the Resource Management Act. These powers permit the Council to require that an esplanade reserve or strip be created at the time of subdivision. If the part being created by subdivision is less than four hectares then there is an automatic power to take a 20 metre esplanade reserve for which no compensation is payable. If however the allotment created is four hectares or more the power to require esplanade provision must be in the District Plan and the owner must be compensated for the land taken or the loss in value associated with creating an easement for public access.

An esplanade reserve or strip is a strip of land that lies along a waterbody and is measured landward from the bank of a lake or river or from mean high water springs on the coast. It can have the purposes of:

- maintaining or enhancing the natural functioning of the adjacent waterbody
- maintaining or enhancing water quality or aquatic habitats
- protecting the natural values of the area
- enabling public access to or along any waterbody
- enabling public recreational use of the area that is compatible with conservation values.

A difficulty in achieving an effective system of access to and along waterbodies is the cost involved. Prior to any rules being included in the District Plan providing for esplanade provision it is necessary for the Council to survey the District's waterways to ascertain the values of these to determine whether esplanade provision is required. If provision is considered desirable and incorporated into the Plan and a subdivision occurs the Council must compensate the owner for the loss of lands or its value.

A second difficulty is that rules requiring esplanade provision are likely to be of a general nature even though they apply to specifically identified areas. There needs therefore, to be some mechanism available to the Council to consider whether a reduction in the width of an esplanade reserve or strip or even complete waiver of the requirement is appropriate in particular circumstances, e.g. where there is a minor boundary adjustment or where access to the waterbody would be difficult or dangerous.

Under the provisions of the Conservation Act 1987 and subsequent amendments, marginal strips

are set aside on disposition of Crown land, under circumstances where the legislative requirements are met. Disposition includes renewal of pastoral leases, and changes in tenure of pastoral leases as a result of tenure review. Council will take into account the requirement for marginal strips before determining whether further esplanade provisions are required.

Issue 6 – Subdivision Design and Location

It is recognised that poor subdivision design and location can result in adverse effects on landscape, natural conservation values and amenity values. Because these factors vary from site to site, it may be appropriate for the Council to have the discretion to consider these impacts in relation to each proposed subdivision.

Objectives And Policies

Objective 1 - Subdivision Servicing

The provision of necessary services including safe and efficient access to subdivided allotments in anticipation of the likely effects of land use on those allotments.

Policies

- 1 To integrate subdivision roading with the existing roading network in an efficient manner which reflects expected traffic levels and the safe management of vehicles and pedestrians.
- 2 To achieve safe and effective vehicular access to properties in subdivisional developments.
- 3 To achieve provision of pedestrian and amenity linkages where useful linkages can be further developed.
- 4 To minimise the adverse visual and physical effects of subdivision roading.
- 5 To require that water supplies to subdivided allotments are of a sufficient capacity and of a drinkable standard.
- 6 To require upon subdivision, that all new lots be provided with a means of connection to a reticulated water supply system, where water from such a system is available.
- 7 To require that the provision of any necessary additional water supply, stormwater control or sewage disposal infrastructure and the upgrading of existing infrastructure is undertaken or contributed to by subdividers where appropriate, in recognition of the scale and nature of the anticipated land users.
- 8 To encourage the retention of natural open waterways for stormwater to ensure disposal in a manner which maintains or enhances the quality of surface and ground water.
- 9 To require that stormwater is disposed of in a manner that avoids inundation of land within or adjoining the subdivision.
- 10 Land modification, development and subdivision in the Residential zones and the Rural-Residential 1 & 2 zones in Twizel should occur in a way that:

- (a) protects the performance of natural overland flowpaths and open watercourses;
 - (b) protects water quality by the use of filtering mechanisms where necessary such as stormwater treatment ponds; and
 - (c) provides stormwater management in an integrated and cost effective manner.
- 11 For subdivision and development in Twizel, to require where appropriate/necessary a comprehensive stormwater management plan which addresses stormwater runoff and management of its effects.
- 12 To encourage the harvesting and/or re-use of stormwater for non-potable uses where appropriate.
- 13 To require, upon subdivision, that anticipated development is provided with a means of disposing of sanitary sewage in a manner which is consistent with maintaining public health and minimises adverse effects on the environment.
- 14 To require upon subdivision, that all new lots be provided with a means of connection to a reticulated sanitary system, where such a system is available. Where a reticulated system is not available, on site or stand alone communal treatment systems may be installed, subject to any discharge consents required.
- 15 To require that provision be made for trade waste disposal upon subdivision of land for anticipated industrial use.
- 16 To require that adequate provision is made for the supply of reticulated energy and communication facilities and that the method of reticulation is appropriate to the amenities of the area.

Explanation and Reasons

High vehicle ownership requires consideration of access to newly created lots. Only in a very restricted set of circumstances would vehicular access be impracticable and pedestrian access is always essential. Rooding and access standards are a reflection of anticipated traffic be it volume or type. Rooding and access can also have a major visual impact and as such both the location in terms of the topography and landscape, and the design of access routes, should enhance the natural environment and minimise any visual intrusion. It is important that access to all subdivisions, in particular from the state highway, is appropriately located and is formed to an all weather standard to ensure the efficiency and safety of the rooding network is not compromised.

The subdivision of land is often followed by intensification or changes in land use that subsequently increase the demand for water usage. Where the proposed subdivision creates new allotments, and where the users will require water for human consumption, then that supply must be potable and reliable. In addition, where life and property needs to be protected, ready access to sufficient water supplies must be available for fire fighting purposes. Unless the water supply system has an excess of capacity, subdivision and development leads to the need for the water supply system to be upgraded. Some land use activities may place heavy demands upon a water supply system to enable their processes to function, and consideration must be given to their location to ensure the sustainability and wise use of the water resource.

Notwithstanding regular monitoring and testing programmes, individual wells run higher risks of contamination. The water resource can be better managed if a public supply system is installed wherever practicable. Having as many water users as is possible connected to the public water supply system increases the efficiency of use of the whole system, including management of both the natural water resource and the physical resources involved in water supply. When land is subdivided new connections to the system will be required by the activities to be established on these allotments. The ability to connect to the water supply system at the property boundary must be provided by the subdivider. Where the public system is physically not available, then the subdivider or developer must provide a connection to that system as the Council requires, or to an individual on-site system of sufficient capacity and a potable quality.

The design of stormwater systems and the capacity of existing systems must be adequate to achieve satisfactory disposal. It is the responsibility of the person who changes the existing land and water surfaces to investigate the effects of the proposal and if any adverse effects will or could result from the subdivision of land, then mitigating measures must be carried out. Any possible adverse effects on land surrounding a subdivision are also to be prevented by remedial works installed by the subdivider.

Given the potential for development within the residential and rural-residential zones at Twizel, it is important to ensure that stormwater management is provided for appropriately. Policies 10 and 11 require appropriate assessment of and planning for stormwater, and sets standards for its management.

Where it is safe and cost-effective, stormwater harvesting and re-use via rainwater tanks is considered to be a sustainable method of water management. It involves re-use of a resource that would otherwise run to waste, and it reduces the demands on the mains supply. It also provides added protection against loss or reduction of supply in a drought, and assists in providing for more resilient communities in emergency situations.

Recognition and enhancement of the values of natural waterways and receiving waters is a necessary part of planning subdivision and subsequent land use developments. Open waterways can be visually attractive and generally provide an opportunity for enhancement through suitable landscape treatment. Preservation of the natural system is ecologically and environmentally more acceptable.

Disposal and proper treatment of sanitary sewage is a matter of vital importance. This is particularly significant in terms of the protection of the quality of the surface and groundwaters and that of receiving waters. Adequate treatment of sewage effluent requires adequate provision for treatment works and means of disposal for the waste waters generated in the system. In the urban areas where density of development precludes individual disposal systems, it is a Council function to provide sewage treatment and reticulation ensuring a safe means of disposal of the large quantities of urban sewage, treating it and discharging the waste water.

In rural areas where connection is impracticable, care must be exercised to ensure the individual treatment plant does not cause pollution of any adjoining waterways or the underground aquifers, that could affect the quality of the District's or a locality's water supply. Subdivision for new industrial activities has to anticipate trade waste disposal needs which are often much higher than most other land use activities.

The supply of electric power and telecommunications to all sectors of the community can readily be regarded as an essential service. It includes any upgrading or establishment of a system to service an area, and supply to individual users of sites created upon subdivision. The provision of reticulated supplies will of necessity involve reticulation systems which can be either above or below ground, as well as (in some cases) substation structures. The widespread use of electric power means a provision of power lines and their associated structures. However, with appropriate planning, adverse effects of overhead lines can be mitigated to a certain degree, while for most properties in the residential, rural-residential, town centres and special conservation

areas, provision of new reticulation is required to be by underground reticulation. The much higher cost of underground reticulation is recognised, and underground reticulation is not required in all rural and industrial areas where environmental and economic considerations may be differently balanced.

Objective 2 - Cost Of Services To Be Met By Subdividers and Developers

The costs of the provision of existing services, new services or the upgrading of services which are necessitated by subdivision or development, is to be met by the subdividers and/or developers.

Policies

- 1 To require subdividers and developers to meet the costs of new or upgraded services (including head works), which are attributable to the impacts of the subdivision or development, including where applicable:
 - roading and access;
 - water supply;
 - sewage disposal;
 - stormwater disposal;
 - trade waste disposal;
 - provision of electricity; and
 - provision of telecommunications.
- 2 To require contributions for creation of new allotments and multi-unit residential development for the purpose of recouping costs of existing public utility services provided by the Council that serve the land in the subdivision or development.
- 3 To provide for any contributions to be in accordance with the methods of determination specified in the Rules.

Explanation and Reasons

Subdivision of land provides a framework of services for subsequent purchasers of new allotments who have an expectation that services will be available. New subdivision may also give rise to demands for upgrading of existing services which is a direct consequence of the subdivision.

The provision of services within the subdivision is a cost recoverable from the sale of allotments and can be imposed on a subdivider at the time of subdivision development. Furthermore, where a subdivision creates a demand for upgrading services outside of the subdivision, the Council is justified in recovering costs attributable to the subdivision itself.

Where adequate public utilities are already in place it is considered appropriate, to enable people and communities to provide for their social and economic benefit, that all users of public utility services (e.g. water supply, sewerage and stormwater drainage) contribute to these services. New ratepayers otherwise “freeload” on the value and capacity of the asset provided by earlier generations and developers. In this way the Council can confidently plan its servicing to provide for the reasonably foreseeable needs of current and future generations. Financial contributions towards existing infrastructure are based on a “recognised equity” model involving contributions by developers equivalent to the equity held by existing ratepayers in the existing utility service infrastructure. If new reticulated areas are created by the Council beyond the existing systems at Twizel, Lake Tekapo or Fairlie the equity formula shall apply and a new cost structure added to the newly created assets in these areas.

Contributions are set according to rules to ensure a reasonable degree of certainty for developers.

OBJECTIVE 3 - RECREATION AND RESERVES

A conveniently distributed and accessible range of public open space and recreational areas and facilities to meet the diverse needs of residents and visitors to the District.

Policies

- 1 To encourage, and where possible, provide for a range of recreation opportunities within the District.
- 2 To ensure the provision of open spaces and recreational areas within or in reasonable proximity to new residential subdivisions to meet the needs of the future community.
- 3 To require contributions towards public open space and recreation areas from residential subdivision and from any major residential, business or community development to provide for:
 - i Additional parks, walkways and cycleways needed as a result of additional household and/or visitor growth.
 - ii Additional open space needed for visual relief or enhancement.
 - iii Development and maintenance of neighbourhood parks and local open space to a level at which they are useable and enjoyable.

Explanation and Reasons

The use of contributions by way of land or cash at the time of subdivision or development will assist the Council in acquiring further reserves to improve the availability of these or to improve and maintain the quality and facilities of existing recreation and open space areas. These new or improved recreation areas and facilities will serve the people who will be housed or work in the new subdivisions or developments.

The basis for the reserve contribution is the additional, actual or potential demand anticipated for recreational and open space land consequent to subdivision and development - that is, its “effects” in terms of land and use intensification. Contributions are not imposed as a tax on development, but can be in the form of land (where provision is practicable such as from larger “green field” sites) or cash.

Objective 4 - Esplanade Provision

Development of a system of esplanade areas adjacent to important waterways, and access strips to these esplanade areas, which:

- *enables protection of the margins and retaining of the natural character of lakes and rivers;*
- *maintains or enhances the natural functioning of lakes and rivers, their water quality and aquatic habitats;*
- *provides for public access to and along, and the recreational use of the margins of lakes and rivers, where it is appropriate in terms of conservation values and public safety; and*
- *mitigating natural hazards.*

Policies

- 1 Where appropriate, taking into account the requirements of Section 6(d) of the Act, and the purposes of esplanade provision contained in Section 229, to require esplanade strips or esplanade reserves along waterways when allotments are created.

Explanation and Reasons

- The public desire a reasonable level of access to waterways within the District, particularly for recreational purposes.
- There are areas adjacent to waterways within the District which have significant conservation value or which contribute to the maintenance and enhancement of water quality and aquatic habitats. It is desirable that these areas receive protection to retain those conservation values.
- Esplanade strips (which are created by easements over private property) enable public access onto properties while permitting existing land uses to continue.
- Some waterways and their margins have significant conservation values which require protection that can only be achieved if the land is reserved for that purpose.
- It is not practical at this stage for the Council to identify all areas where esplanade provision is desirable given the extensive length of riparian areas within the District. As this District Plan contains detailed assessment matters to guide the Council in its decisions upon appropriate esplanade provision consistent decisions can be made as and when subdivision occurs. The provisions of the Conservation Act 1987 and subsequent amendments ensure that where pastoral lease land is renewed, or freeholded as a result of tenure review, appropriate marginal strips will be created. This effectively ensures riparian protection throughout most of the high country.
- To enable the public to enjoy esplanade areas and the District's waterways it is necessary that access to these areas and waterways be made available. The Council is authorised under the Act to negotiate access arrangements across private land for the purpose of public access to waterways.

Objective 5 - Avoidance Of Natural Hazards

The avoidance of subdivision in localities where there are significant natural hazards, unless these can be mitigated without significant adverse effects on the environment.

Policies

- 1 To ensure that subdivision is either restricted, subject to mitigation measures, or avoided in areas subject to risk from flooding, subsidence or slippage, or from hazards associated with active faults.
- 2 To ensure that mitigation measures do not give rise to unnecessary adverse impacts on the environment.
- 3 Require esplanade provision be made to mitigate natural hazards.

Explanation and Reasons

There are areas within the District which because of risk of natural hazards including flooding and active geological faults would be unsuitable for development, or require specific measures to be undertaken to overcome these hazards. Risk from flood hazard in some areas may include inundation associated with the unforeseen and uncontrolled release of water from the Waitaki hydro electric power scheme. The Council has an obligation under Section 106 of the Act to decline consent to any subdivision in areas where these hazards cannot be adequately mitigated, in addition to ensuring that any mitigation measures are in fact adequate to overcome the hazard. It is also necessary to consider the effects of the mitigation measures themselves which may also create adverse environmental effects.

Objective 6 – Design And Location

The avoidance of adverse environmental effects associated with subdivision design and location.

Policies

- 1 To require that the creation of new allotments take into account as far as possible underlying topography and the maintenance of the integrity of any significant nature conservation site; and that any adverse effect on landscape, nature conservation values and amenity are avoided or mitigated.
- 2 To ensure subdivision and development in the Residential zones and the Rural-Residential 1 & 2 zones in Twizel have regard to community coherence and linkages with Twizel.

Explanation and Reasons

There are areas within the District where subdivision has the potential to create adverse visual effects because boundaries are poorly located in relation to topography. In addition subdivision in the vicinity of important habitat or vegetation areas can impact on those values of these areas.

Other relevant objectives and policies that the Council shall refer to in considering subdivision are:

Rural Objective 1-	Indigenous Ecosystems, Vegetation and Habitat
Policy 1C -	Natural Character and Ecosystem Functions
Rural Objective 2-	Natural Character of Waterbodies and their Margins
Policy 2A -	Controlling Adverse Effects
Policy 2B -	Riparian Margins

Rural Objective 3-	Landscape Values
Policy 3D -	Impacts of Subdivision Use and Development
Rural Objective 4-	High Country Land
Policy 4A -	Vegetation Cover
Policy 4B -	Ecosystem Functioning, Natural Character and Open Space Values
Policy 4C -	Soils and Water.

Policy 2 seeks to ensure that development in the residential and rural-residential areas of Twizel is designed to provide for integration with the town, including linkages with the town and its services and facilities. These linkages can include roading, open spaces and greenways including cycleways and/or pedestrian walkways.

Implementation Methods

Rules in the Plan stating development standards for subdivision relating to and including:

- site suitability assessment;
- shape and dimension;
- effluent disposal;
- water supply;
- energy and telecommunications servicing;
- area and frontage requirements for each zone;
- access requirements and standards;
- financial contributions;
- reserve requirements or contributions;
- esplanade requirements;
- the subdivision of special allotments; and
- subdivisions including existing buildings or structures.

Investigate options for obtaining information on the values of waterways in order to undertake an overall assessment of the need for esplanade provision within the district to achieve the purposes of esplanade provisions set out in section 229 of the Resource Management Act 1991.

Environmental Results Anticipated

- Safe, convenient access to and from subdivided allotments.
- Enhanced and extended patterns of vehicular, cycle and pedestrian linkages.
- Water supplies which are sufficient in volume to meet reasonable needs and of potable quality.
- Adequate disposal of stormwater, sewage and trade wastes.
- Retention and enhancement of natural drainage systems.
- Adequate provision for energy supplies and telecommunications.
- Cost effective provision of services for redevelopment and growth without additional financial burdens on District rate payers.
- Continued provision of esplanade reserves or strips in appropriate locations where enhancement of habitats and/or access can be achieved.
- Avoidance of potential risk to property and people from flooding, erosion or subsidence.
- Maintenance of visual amenity and coherence of indigenous vegetation and habitat.

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING COMMITTEE

SUBJECT: SOUTH CANTERBURY RURAL FIRE COMMITTEE – 2013/14
DRAFT STATEMENT OF INTENT

MEETING DATE: 23 APRIL 2013

REF: LAN 14/4

FROM: MANAGER – PLANNING AND REGULATIONS

ENDORSED BY: CHIEF EXECUTIVE OFFICER

PURPOSE OF REPORT:

To report to the Committee for adoption the South Canterbury Rural Fire District Committee (SCRFC) draft statement of intent for 2013/14.

STAFF RECOMMENDATIONS:

1. That the report be received.
2. That the Committee agrees to adopt the SCRFC's 2013/14 draft statement of intent subject to confirming the proposed capital expenditure for Mackenzie District Council.

NATHAN HOLE
MANAGER – PLANNING & REGULATIONS

WAYNE BARNETT
CHIEF EXECUTIVE
OFFICER

ATTACHMENTS:

The draft 2013/14 statement of intent.

BACKGROUND:

The SCRFC is no longer a council controlled organisation (CCO) in term of the Local Government Act, but is a Council organisation. Even though the SCRFC is not a CCO, the Committee resolved to abide by recommended local government practice and continue to produce an annual Statement of Intent. Doing so maintains transparency and describes reporting procedures and timelines.

POLICY STATUS:

N/A

SIGNIFICANCE OF DECISION REQUESTED:

This is a routine decision.

CONSIDERATIONS

The only consideration to note is the Mackenzie District Council budget in the document. This provides for the replacement of the Albury fire tanker in this budget, and also a vehicle to be purchased for rural fire use in the Mackenzie District. Both of these items are in accordance with the Long Term Plan.

CONCLUSION:

The recommendation provides for the Council to adopt the draft Statement of Intent, while providing for further discussion on capital expenditure if necessary.



DRAFT

South Canterbury
Rural Fire District
Committee

Statement of Intent

2013/2014

February 2013

South Canterbury Rural Fire District

PURPOSE

Partnering with communities to protect what they value

SOUTH CANTERBURY RURAL FIRE DISTRICT GOALS AND OBJECTIVES

GOAL 1

The communities of South Canterbury are engaged on the subject of rural fire.

Objectives

1. Communities recognise the South Canterbury Rural Fire Authority brand and understand the purpose of the South Canterbury Rural Fire Authority.
2. Communities aspire to participate as rural fire volunteers.
3. Promote a culture of awareness and responsibility.

GOAL 2

The South Canterbury Rural Fire Authority is operationally safe and effective

Objectives

1. All operational equipment is maintained to the required state of readiness.
2. All staff are trained for their role and functions in rural fire management.

GOAL 3

The South Canterbury Rural Fire Authority is able to maintain business continuity.

Objectives

1. Ensure that the South Canterbury Rural Fire Authority can access resources from outside the region if required.

TABLE OF CONTENTS

1	INTRODUCTION.....	5
2	RURAL FIRE AUTHORITY GOVERNANCE AND MANAGEMENT.....	6
3	BUSINESS PLAN.....	7
4	FINANCIAL.....	8
5	TIMETABLE.....	10
6	REPORTING.....	10
7	MEETINGS.....	11
8	APPENDICES.....	12
1	APPENDIX 1 – MEMBERS.....	12
2	APPENDIX 2 – CASH FLOW.....	13
3	APPENDIX 3 - STATEMENT OF ACCOUNTING POLICIES.....	13
4	APPENDIX 4 - STATEMENT OF STRATEGIC INTENT 2012/2015.....	15
5	APPENDIX 5 - BUSINESS PLAN 2013/2014.....	17

1 **INTRODUCTION**

The Territorial Local Authorities (TLA's) are the key organisations responsible for Rural Fire to the extent that they are rural fire controlling authorities.

The obligations are contained in the Forest Rural Act 1977 and Forest and Rural Fires Regulations 2005 and the Fire Service Act 1975.

Rural Fire can be categorised into four major elements-:

Reduction	Policies and procedures in place that reduce the likelihood and consequences of fire in the district.
Readiness	Implementation of policies and procedures in relation to readiness for fire suppression in its district.
Response	The implementation of policies and procedures for responding to fire incidents within the district.
Recovery	The implementation of policies and procedures it has for activities it undertakes following fire events in its district.

The South Canterbury Rural Fire Authority is a legal entity created by the three Territorial Local Authorities (TLA's) of Mackenzie, Waimate and Timaru District Councils, Forest Managers of Blakely Pacific Limited and Waimate Forest Group, (now represented as the New Zealand Forest Owner's Association) and Department of Conservation and New Zealand Fire Service.

The South Canterbury Rural Fire Authority is responsible for the funding for rural fire management. They have chosen to form the South Canterbury Rural Fire District Committee to meet its obligations in a combined manner.

The obligations of the Committee are as follows:

- 1 Implementing the projects approved and funded by South Canterbury Rural Fire District.
- 2 Providing a forum for rural fire contributors
- 3 Co-ordinating rural fire issues and programmes
- 4 Carrying out any other rural fire initiatives.

Performance of these obligations by the Committee is achieved by the appointment of a Principal Rural Fire Officer who is employed to manage the district to achieve the key objectives.

2 *RURAL FIRE AUTHORITY GOVERNANCE AND MANAGEMENT*

The South Canterbury Rural Fire District Committee set up to administer the fire district is made up of appointees of each of the Territorial Local Authorities, a representative of New Zealand Fire Service, a representative of the Department of Conservation, a representative of the New Zealand Forest Owner's Association, and an independent director appointed by the Committee. The Committee will meet at least quarterly and has governance responsibilities.

The Committee employs a Principal Rural Fire Officer who has management responsibility and is also responsible to assist the Committee in meeting its objectives and obligations.

While the Principal Rural Fire Officer is employed by the Committee and is responsible directly to the Chairman, the Fire Authority will be administratively supported by either one of the constituent Territorial Local Authorities on a cost recovery basis.

A Secretary will be appointed by the South Canterbury Rural Fire District Committee who will be responsible to ensure:

- Management advice
- Committee Secretary duties including meetings co-ordination, agenda preparation and minute taking for the South Canterbury Rural Fire District Committee (SCRFD).
- Supporting the Chairman as the Employer's representative including formulation of an employment contract, arranging performance appraisal, monitoring work attendance, leave etc.
- Corporate support including office, typing, reception and clerical (mail, filing, etc), accounting services, audit, payroll and information technology (phone, fax and computer)

3 ***BUSINESS PLAN***

Each year a business plan and annual programme is to be formulated for the approval of the Fire Authority and will be drafted by the Principal Rural Fire Officer and outline:-

- What is to be done
- How it is to be done
- Who is to do it
- Performance measures both qualitative and quantitative (What will be achieved, by when and at what cost).

The Business Plan will include reference to project funding and to Territorial Local Authority administration funding.

The Business Plan will utilise data from the following sources

- Standards set by the National Rural Fire Authority
- Results of investigations carried out locally
- Input from contributing groups including Federated Farmers
- Corporate members

Following Fire Authority approval, applications are made to the financial members and to the National Rural Fire Authority for capital projects where appropriate.

- General maintenance
- Principal Rural Fire Officer's salary and Administration Assistant's salary
- Capital purchases
- Fire Fighting costs

The current Business Plan is attached in Appendix 6.

4 **FINANCIAL**

Income

The core funding of the Fire Authority's activities comes from the financial members of the South Canterbury Rural Fire District Committee (salary and administration) and from the Local Authorities (operations). From this the Fire Authority employs the Principal Rural Fire Officer and the Administration Assistant, meets administration costs, and funds operational projects

Fire Fighting Costs

As per the Committee charter each member will be required to fund firefighting activities for fire incidents that occur within their management zone until the cost recovery action is complete.

Budget

This year the South Canterbury Rural Fire District is seeking funding from the following members over the next three years:

TIMARU DC	2013- 2014	2014 - 2015	2015 - 2016
Administration	\$42,000	\$44,200	\$44,200
Operations	\$86,000	\$86,000	\$86,000
Capital Works	\$8,000	\$93,000	\$8,000
TOTAL	\$136,000	\$223,200	\$138,200

WAIMATE DC	2013 - 2014	2014 -2015	2015 - 2016
Administration	\$42,000	\$44,200	\$44,200
Operations	\$52,000	\$52,000	\$52,000
Capital Works	\$55,600	\$5,600	\$5,600
TOTAL	\$149,600	\$101,800	\$101,800

MACKENZIE DC	2013 - 2014	2014 -2015	2015 - 2016
Administration	\$44,200	\$44,200	\$44,200
Operations	\$54,000	\$54,000	\$54,000
Capital Works	\$91,000	\$8,000	\$95,000
TOTAL	\$187,000	\$106,200	\$193,200

NEW ZEALAND FOREST OWNER'S GROUP	2013 - 2014	2014 -2015	2015 - 2016
Administration	\$42,000	\$44,200	\$44,200

NATIONAL RURAL FIRE AUTHORITY	2013 - 2014	2014 -2015	2015 - 2016
Enlarged Rural Fire District Administration Grant	\$72,539	\$72,539	\$72,539

National Rural Fire Authority pays monies direct to the Fire Authority (for each Territorial Local Authority) once the National Rural Fire Authority has approved the project.

Expenditure

Expenditure is controlled by the Principal Rural Fire Officer based on the Business Plan and agreed programme under specified delegated authority limits as set by the Fire Authority in accordance with the Fire Authority charter.

It is recognised that the Fire Authority may also directly fund capital projects of their own. Usually this would relate to specific projects within a district. Normally it is expected that all programmes would be co-ordinated through the Principal Rural Fire Officer.

GST and Audits

The Fire Authority is GST registered. Independent audits of the Committee's accounts are carried out annually. The current auditor is Audit New Zealand.

Distributions to Members

No dividend or return of members' capital is envisaged as members' annual contributions are set at a level to cover costs net of grants and receipts from sales.

Accounting Policies

Refer to Appendix 4 – Statement of Accounting policies

Cash Flow

Refer to Appendix 3

Profits

Nil

5 ***TIMETABLE***

Annual funding approval process for the following financial year is as follows:-

July	Request funding from members as appropriate for the New Year
September	Prepare Annual Accounts for Audit and forward to corporate members
September	Draft Annual budget for next financial year for members to consider for approval at December Board meeting
November	Liaise with corporate members re content of both Administration and Operations Budgets
December	Board approval of the Administration Budget
February	Confirm Budgets
February	Confirm Business Plan for next year
May	Apply for National Rural Fire Authority Assistance

6 ***REPORTING***

The Principal Rural Fire Officer will report in writing to each quarterly meeting of the Fire Authority as per the Local Government Act schedule. The reports are to contain information on progress against the Business Plan and information on the activities of the Officer.

The Principal Rural Fire Officer will prepare an annual report for the Fire Authority annual meeting.

Reporting to each Territorial Local Authority will be carried out as arranged by that Territorial Local Authority Fire Authority member.

Written reports to the Fire Authority are to be circulated at least five working days prior to the meeting and unconfirmed minutes of all meetings are to be distributed to members prior to the next meeting.

At the half year meeting a Balance Sheet and Profit and Loss Account including budget figures is to be tabled. Explanations of major deviations from budget, and their implications shall be explained to members in the Principal Rural Fire Officer's report.

7 MEETINGS

Fire Authority – South Canterbury Rural Fire District Committee

The South Canterbury Rural Fire District Committee's Annual General Meeting shall be held prior to 30 September of each year.

General meetings shall be held at least quarterly but may also be convened at any time by the Chairperson (subject to the requirements of notice set out in the Charter) or upon receiving a request of any member to do so.

At all meetings of the South Canterbury Rural Fire District Committee a quorum shall be as identified in the Charter.

The South Canterbury Rural Fire District shall meet a minimum of four times per year. Normally meetings are held every three months. This committee provides opportunity for sharing information, discussing problems and issues and co-ordinating activities. It can also act to lobby organisations for particular rural fire safety outcomes.

8 *APPENDICES*

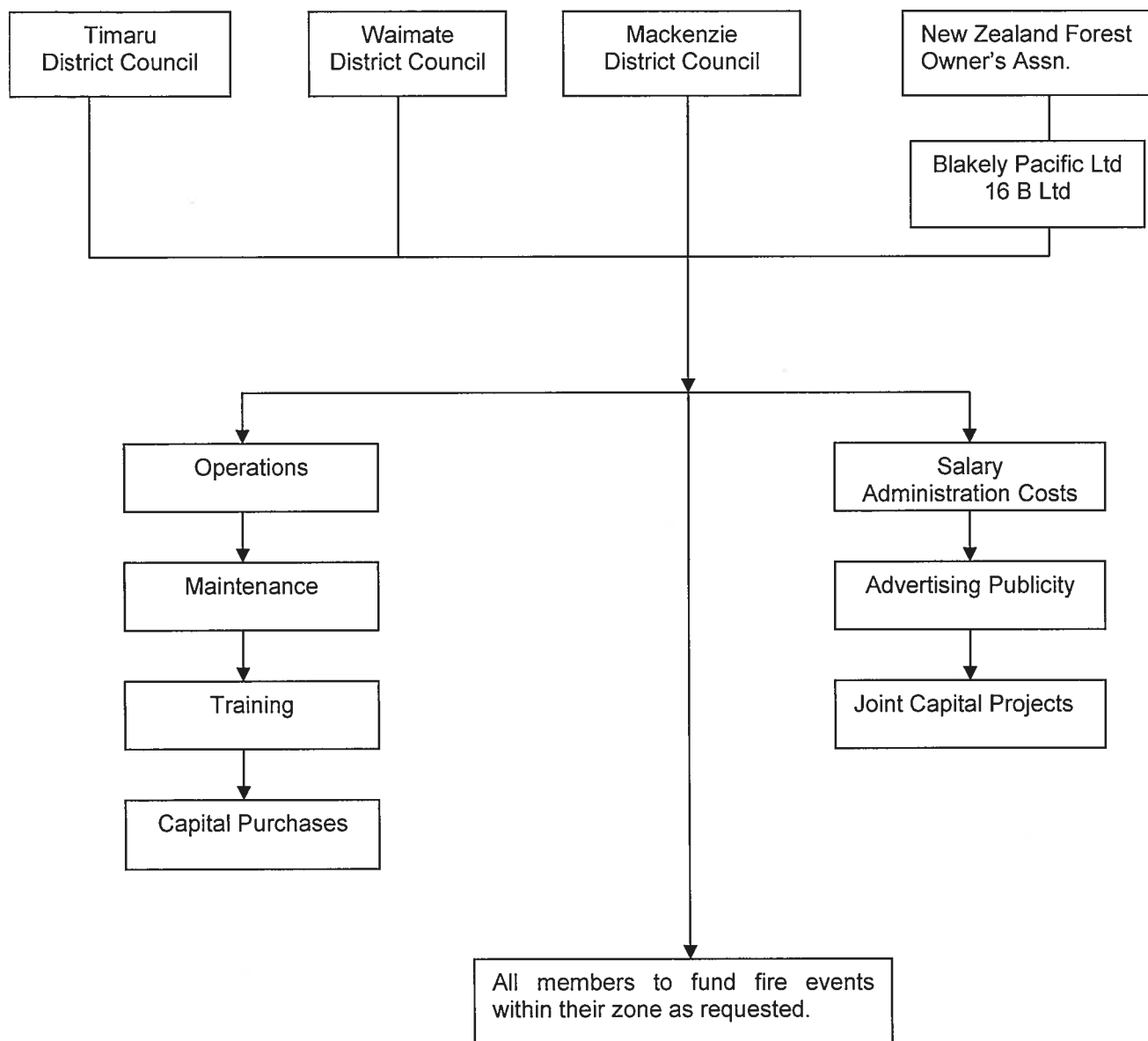
1 APPENDIX 1 - MEMBERS

South Canterbury Rural Fire District Committee – Members

Timaru District Council
Waimate District Council
Mackenzie District Council
Department of Conservation
New Zealand Fire Service
New Zealand Forest Owner's Association
Independent Director appointed by the Committee

Standing invitation to attend all Committee Meetings

- Principal Rural Fire Officer
- SCRFD Administration Assistant
- Blakely Pacific Ltd (Timaru Manager and Forest Managers)
- Waimate Forest Group members
- Advisory Staff from each Territorial Local Authority

2 APPENDIX 2 – CASH FLOW

3 APPENDIX 3 - STATEMENT OF ACCOUNTING POLICIES

Reporting Entity

The South Canterbury Rural Fire Authority was incorporated in 1998 under the Forest Rural Fire Act 1977 for the purpose of fire protection in South Canterbury.

The South Canterbury Rural Fire Authority is a council organisation as per the Local Government Act 2002.

The Financial Statements form a General Purpose Financial Report that is prepared in accordance with the Framework for Differential Reporting issued by the Institute of Chartered Accountants of New Zealand.

Measurement Base

The Financial Statements are prepared on the basis of historical cost, with the exception of those items for which specific accounting policies are identified.

Specific Accounting Policies

The following specific accounting policies which materially affect the measurement of the financial performance and the financial position are applied:

Funding

South Canterbury Rural Fire District is a Council organisation. Original funding was sourced from three District Councils by non recoverable loans. Current practice is to invoice Council and Corporate members for maintenance by annual invoicing in advance. Capital projects are invoiced to members when approved. Additional funding is obtained from third parties by donations, National Rural Fire Authority subsidy, and fire fighting charges.

Goods and Services Tax (GST)

Items of income and expenditure are stated exclusive of GST. Accounts Receivable and Payable are stated inclusive of GST.

Taxation

The Authority is taxed as a company, but currently no income tax is payable due to accumulated losses.

Fixed Assets

(Non Current assets)

All fixed assets are initially recorded at cost.

Depreciation is provided on a diminishing value basis at rates that will write off the cost of the assets to their estimated residual values over their useful lives. The depreciation rates of major classes of assets have been applied as follows:

- | | |
|----------------------------------|-----------|
| • Plant | 25% |
| • Furniture and office equipment | 15% – 30% |
| • Motor Vehicles | 33% |



South Canterbury Rural Fire District

Statement of Strategic Intent 2012 - 2015

APPENDIX 4 SCRFA STATEMENT OF STRATEGIC INTENT 2012-2015

Vision –			
Purpose – partnering with communities to protect life and property from the threat of fire			
Goal 1	Goal 2	Goal 3	
<p>The communities of South Canterbury are engaged on the subject of rural fire</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. Communities recognise the SCRFA brand and understand the purpose of the SCRFA 2. Communities aspire to participate as rural fire volunteers 3. Promote a culture of awareness and responsibility <p>Business plan actions</p> <ol style="list-style-type: none"> 1. Develop Community Engagement and Education Plan 2. Develop a rural fire volunteer recruitment 3. Implement the strategic tactical plans with communities (2012 – 2015) 	<p>The SCRFA is operationally safe and effective</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. All operational equipment is maintained to the required state of readiness 2. All staff are trained for their role and functions in rural fire management <p>Business plan actions</p> <ol style="list-style-type: none"> 1. Maintain the 10 year rolling programme of capital maintenance and replacement (2012 – 2015) 2. Maintain an effective Health & Safety Employment system 3. Undertake a feasibility analysis for a full time training resource for the SCRFA 	<p>The SCRFA is able to maintain business continuity</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. Ensure that the SCRFA can access resources from outside the region if required <p>Business plan actions</p> <ol style="list-style-type: none"> 1. Maintain strong regional and national relationships (2012 – 2015) 2. Document key processes and systems 3. Undertake a feasibility analysis for expanding the SCRFA (2012 – 2015) 4. Maintain mutual assistance agreements 5. Develop and maintain a current Business Continuity Plan 	
<p>Measurement</p> <ol style="list-style-type: none"> 1. The understanding of rural fire matters is increased 2. The number of rural fire volunteers is maintained or increased 3. The readiness level of communities is improved 	<p>Measurement</p> <ol style="list-style-type: none"> 1. The SCRFA meets the NRFA minimum standards 2. All SCRFA staff are appropriately trained for their roles 3. SCRFA is adequately resourced for threat (includes funding, equipment, people) 	<p>Measurement</p> <ol style="list-style-type: none"> 1. The SCRFA is prepared for extreme events or constraints to local resource availability 	



South Canterbury Rural Fire District Business Plan 2013/2014

APPENDIX 5

SOUTH CANTERBURY RURAL FIRE DISTRICT BUSINESS PLAN 2013/2014

Goal	Objective	Strategic Intent Business Plan Action	Intended Action	Measurement	Target Date by
The communities of South Canterbury are engaged on the subject of rural fire	Communities recognise the South Canterbury Rural Fire Authority brand and understand their purpose		Review Statement of Intent. Set Business Plan to identify the key projects set for the following year.	A Statement of Intent and Business Plan for the following year is approved by SCRFD stakeholders	February 2014
		Goal 1. Action 3 Implement the strategic tactical plans with communities	Prioritise the mitigation action for each of the 3 Plan Areas. Budget to carry out mitigation actions.	Carry out mitigation actions as agreed by the Board for 2013 – 2014 year	June 2014
	Promote a culture of awareness and responsibility		Educate the rural communities via the Fire permit system	Survey 20 % of the Fire Permit System users to measure uptake of education messaging	March 2014
			Educate key groups within the rural sector i.e. Federated Farmers	Attend Federated Farmers Committee Group meeting	May 2014
			Develop and provide the education material to meet the need of the current situation	Attend Canterbury Regional Coordinating Committee meetings and Publicity Sub Committees. Educational publications are available to the public.	June 2014

Goal	Objective	Strategic Intent Business Plan Action	Intended Action	Measurement	Target Date by
The South Canterbury Rural Fire Authority is operationally safe and effective	All operational equipment is maintained to the required state of readiness		Compliance with the Forest and Rural Fire Act, New Zealand Fire Service Act and the Rural Fire Regulations	Meet Audits and assessments carried out by National Rural Fire Authority	June 2014
			Carry out audits to ensure all Fire Units have the required operational equipment and that it is to the Industry standard	Audit will meet industry national standards	August 2014
			Carry out annual testing as required by the National Rural Fire Authority standards	Will meet National Rural Fire Authority Equipment Audit	June 2014
			Maintain the communication network to ensure it meets the needs of both the Fire District and the New Zealand Fire Service	Effective turnout systems are maintained and communication networks link the Rural Fire Authority and New Zealand Fire Service	June 2014
			Maintain a register of all equipment and test results	Equipment test results are recorded	All year
		Goal 2. Action 1 Maintain the 10 year rolling programme of capital maintenance and replacement	Develop equipment and fleet to ensure that all equipment is of a high standard and meet the changing needs of the industry	Build a water tanker to the SCRFD standard for the Albury station.	March 2014
				Purchase a medium appliance as per the National Rural Fire Authority specifications for the Waihaorunga unit at Hunter Hills Rural Fire Team.	March 2014

Goal	Objective	Strategic Intent Business Plan Action	Intended Action	Measurement	Target Date by
			Supply all tanker units with portable dams.	Purchase of 5000 litre portable dams for all tanker units as budget allows	March 2014
				Replacement of hose stock that has failed the annual testing	February 2014

Goal	Objective	Strategic Intent Business Plan Action	Intended Action	Measurement	Target Date by
The South Canterbury Rural Fire Authority is operationally safe and effective	All staff are trained for their role and functions in rural fire management		Carry out training to New Zealand Qualification Authority unit standards	All staff are trained in a minimum of Unit Standard 3285	June 2014
				Train a minimum of 10 Fire fighters in the basic fire fighter unit standards	Minimum 10 people gain Unit Standard June 2014
			Maintain a register of all training carried out for both currency and unit standards achieved	All Rural Fire Officers or trainer are to process training forms	All year
			Carry out an annual Rural Fire Officers course to educate all Rural Fire Officers in the correct procedures surrounding coordinated response	15 Rural Fire Officers attend annual training	July 2014
			To provide training to administration staff, contractor volunteers that would normally be involved in fire incidents	50% of staff to attend annual regional training and regional exercise	October 2013
			Arrange quarterly operation meetings to address operational issues in a timely manner. Maintain a Duty Roster system to ensure response requirements are met	A minimum of 4 operation meetings are held a year. A Duty Roster is maintained throughout the year	August November February May

Goal	Objective	Strategic Intent Business Plan Action	Intended Action	Measurement	Target Date By
			Purchase insurance cover to provide adequate protection for Rural Fire Officers of South Canterbury Rural Fire District	Insurance cover is in place that includes public liability, professional indemnity, death and disability, personal effects and private vehicles for members of the Voluntary Rural Fire Federations within South Canterbury Rural Fire District	July 2013

Goal	Objective	Strategic Intent Business Plan Action	Intended Action	Measurement	Target Date By
The South Canterbury Rural Fire Authority is able to maintain business continuity	Ensure that the South Canterbury Rural Fire Authority can access resources from outside the region if required		Review the fire plan as required by the Forest & Rural Fire Regulations	The Fire Plan is approved by the SCRFD Board and is accepted by the National Rural Fire Authority	October 2014
		Goal 3. Action 3 Undertake a feasibility analysis for expanding the SCRFA	SCRFA will participate in the Canterbury ERFD Steering Group Committee and/or engage with neighbouring rural fire authorities.	The SCRFD Board will make an informed decision on the way forward when the Option Analysis Report is received from the Canterbury ERFD Steering Group Committee	December 2014
		Goal 3. Action 1 Maintain strong regional and national relationships	Have agreement in place with the New Zealand Fire Service, the Canterbury Regional Coordinating Committee, Contractors	Agreements are in place and reviewed annually	October 2013

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING COMMITTEE

SUBJECT: SALE AND SUPPLY OF LIQUOR ACT 2012

MEETING DATE: 23 APRIL 2013

REF: REG 2/4

FROM: MANAGER – PLANNING AND REGULATIONS

ENDORSED BY: CHIEF EXECUTIVE OFFICER

PURPOSE OF REPORT:

For the Committee to consider a joint Local Alcohol Policy (LAP) with Timaru, Waimate and Waitaki district councils.

STAFF RECOMMENDATIONS:

1. That the report be received.
2. That the Committee agrees to the development of a joint LAP with neighbouring local authorities.

NATHAN HOLE
MANAGER – PLANNING & REGULATIONS

WAYNE BARNETT
CHIEF EXECUTIVE
OFFICER

ATTACHMENTS:

No attachments

BACKGROUND:

The Sale and Supply of Alcohol Act 2012 came into effect in December 2012. Under the new Act, Council has the choice of either having or not having a Local Alcohol Policy (LAP) relating to the sale, supply and consumption of alcohol within the district. Such a policy can provide the basis for local licencing decisions reflecting local issues and concerns. There is a detailed process for the creation of a LAP, including special consultative procedure, specific notification requirements, and the right of appeal to the licensing authority and the High Court.

Councils can also have joint LAPs with other local authorities. It is suggested that Mackenzie District Council considers developing a joint LAP with neighbouring Councils which would involve sharing the workload and cost of developing the policy. In the Act, when developing an LAP, councils must consider the nature and severity of alcohol related problems in their district(s). They must consult with Police and Medical Officers of Health before producing a draft policy.

A LAP can:

- Limit the location of licences in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches.
- Limit the density of licences by specifying whether new licences or types of licences should be issued in a particular area.
- Impose conditions on groups of licences, such as a “one-way door” condition that would allow patrons to leave premises but not enter or re-enter after a certain time.
- Restrict or extend the maximum opening hours set in the Act:
 - 8am -- 4am for on licences (such as hotels and restaurants)
 - 7am -- 11pm for off-licences (such as bottle stores and supermarkets).

A LAP must be reasonable and consistent with the object of the Act. The first two bullet points above will not apply to special licences and LAPs cannot include policies on matters unrelated to licensing.

LAPs have legal standing and licencing bodies will have to consider LAPs when they make decisions about licence applications.

POLICY STATUS:

This is a new requirement specific to the Sale and Supply of Liquor Act 2012.

SIGNIFICANCE OF DECISION REQUESTED:

This is significant in that special consultative procedure is required.

CONSIDERATIONS

An LAP is not necessary, or alternatively Mackenzie could develop its own LAP as compared to a joint LAP. As discussed above, if an LAP is not developed, the policy defaults to that in the Act which may be less restrictive than that of neighbouring local authorities. With no LAP the risk is that the District could see an influx of drinkers if hotels and bars in Mackenzie remain open after similar businesses in neighbouring districts have closed because of their tighter opening hours due to their more restrictive LAP.

A joint LAP will maintain consistency across South Canterbury.

CONCLUSION:

The development of a joint LAP with neighbouring local authorities makes good sense in that expertise, advice and costs can be shared. In addition having a consistent approach to the sale of liquor across South Canterbury is beneficial.

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING COMMITTEE

SUBJECT: LAKE TEKAPO ENTERPRISES – RESERVES CONTRIBUTIONS

MEETING DATE: 23 APRIL 2013

REF: RM070125 (25300-15905)

FROM: MANAGER – PLANNING AND REGULATIONS

ENDORSED BY: CHIEF EXECUTIVE OFFICER

PURPOSE OF REPORT:

For the Committee to consider the approving the issue of a section 224 certificate for Lot 73 of the Cairns subdivision prior to the reserve contribution condition being fulfilled.

STAFF RECOMMENDATIONS:

1. That the report be received.
2. That the Committee agrees to issue a section 224 certificate for Lot 73 of the Cairns subdivision provided an undertaking is received from Lake Tekapo Enterprises Ltd to fulfill Condition 26 of RM070125 or pay the equivalent cash contribution by 20 December 2013.

NATHAN HOLE
MANAGER – PLANNING & REGULATIONS

WAYNE BARNETT
CHIEF EXECUTIVE
OFFICER

ATTACHMENTS:

- Subdivision consent RM070125.
- Letter from Lake Tekapo Enterprises dated 17 April 2013.

BACKGROUND:

The Committee may recall discussing a similar this matter in July 2011. That discussion was around the completion of stage 1 (11 lots) of the Cairns subdivision in Lake Tekapo, and whether the Council would accept land in lieu of a cash reserves contribution. The Planning Committee resolved to accept additional land to vest adjoining Lot 1000 DP 352127 behind the Lake Tekapo primary school instead of a cash contribution.

Lake Tekapo Enterprises was advised of the Committee's resolution immediately following the meeting, and condition 26 of RM070125 was subsequently amended to reflect the Committee's resolution.

The reserve land for stage 1 has yet to be determined and therefore has not yet vested with Council. In addition I have been asked by Lake Tekapo Enterprises to provide a section 224 certificate to allow for title to issue for one additional allotment (Lot 73). Condition 26 of RM070125 requires the land to vest as reserve to have been determined already at the time of signing of the 224 certificate. The Council is being asked to issue a section 224 prior to condition 26 being complied with. As Planning and Regulations Manager I am not prepared to sign this 224 certificate unless the Planning Committee authorises me to do so.

POLICY STATUS:

N/A

SIGNIFICANCE OF DECISION REQUESTED:

This decision does not trigger the significance criteria.

OPTIONS

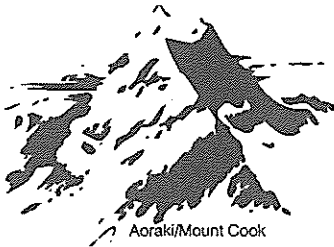
1. The first option is not to sign a 224 certificate until condition 26 has been complied with. This is standard procedure and is what is required of all other subdivisions.
2. Agree to issue the 224 certificate but have a requirement around when the reserve land must vest with Council. Lake Tekapo Enterprises has given an undertaking that this work will be completed by 20 December 2013, and this will also include reserve land for the 11 allotments of stage 1.

CONSIDERATIONS

The immediate matter only relates to one additional allotment, being Lot 73. For this reason I believe the risk to Council is low.

CONCLUSION:

The request is in breach of standard procedure and is very much taking Lake Tekapo Enterprises at their word, not having any security in the form of a bond in place.



Mackenzie District Council

SUBDIVISION CONSENT – RM070125

- 1 This resource consent is granted by the Mackenzie District Council pursuant to sections 104 & 104C of the Resource Management Act 1991 and is subject to the attached conditions imposed in accordance with sections 108 and 220 of the Act.
- 2 This consent is granted to: Lake Tekapo Enterprises Ltd
- 3 Application description: Subdivide Lot 3000 DP 352127
- 4 Property location: Corner Sibbald Lane & D'Archiac Drive, Tekapo
- 5 Legal description: Subdivide Lot 3000 DP 352127
- 6 Valuation reference: 25300 15905
- 7 Date of decision: 11 February 2010
- 8 Date of variation 1 (RM110042) 29 July 2011
- 9 Date of variation 2 (RM120061) 2 November 2012

*Note: deletions marked in
strikethrough, additions marked in
bold*

NATHAN HOLE
PLANNING & REGULATIONS MANAGER

SCHEDULE OF CONDITIONS

Pursuant to sections 108 and 220 of the Resource Management Act 1991 this resource consent is subject to the following conditions.

GENERAL

1. The subdivision shall proceed in general accordance with the application and plan (reference: **22561-300/L**) received ~~25 January 2010~~ **4 October 2012** and held on Council records as **RM070125**, except where inconsistent with any of the following conditions.
 - **Stage A: Lots 75-85**
 - **Stage B1: Lot 73**
 - **Stage B2: Lots 67-72 & 74**
 - **Stage C: Lots 50-66**
2. The subdivision plan (reference **22561-300/L**) that was received **4 October 2012** as part of the **variation** application **RM120061** is attached and marked 'A'.

ROADING AND ENTRANCEWAYS

3. Plans for forming and sealing of all new and extended carriageways, right of ways and footpaths are to be submitted to the Mackenzie District Council's engineering department for approval.
4. The applicant shall undertake the forming and sealing of all new roads, right of ways and footpaths associated with this consent to a standard approved by the Mackenzie District Council Asset Manager prior to physical work commencing.
5. Entranceways to each of the 36 Lots shall be formed and sealed to the Mackenzie District Council standard, at full cost to the consent holder.
6. Turning areas, designed to the satisfaction of the Council's Asset Manager, shall be provided at the end of the right of way extending from Cul-de-sac 'C' and the right of way from Sibbald Lane opposite Walter Black Place.
7. Physical measures shall be put in place to prevent vehicle access over Lot 3001, between the right of way extending from Cul-de-sac 'C' and the right of way from Sibbald Lane. This design shall be to the satisfaction of the Council's Asset Manager.
8. *Note: Any new entranceways to be formed on existing formed and maintained Council roads or new connections to existing Council maintained water supply, stormwater and effluent collection systems will need to comply with the requirements of the Assets Division of Council.*

SERVICES

9. *Note: Any connections to Council water supply, stormwater and effluent disposal systems will need to comply with the requirements of the Assets Management and Engineering Division of Council. This includes, but is not limited to, completing service connection forms and submitting design plans for any new infrastructure to be connected into Council's reticulated systems.*

Water reticulation

10. Water reticulation shall be provided to the boundary of Lots 50-85, and easements created for the provision of these services where necessary.
11. A full high-pressure water reticulation to the Council's specifications and approval is to be installed at the consent holder's expense. Engineering drawings for the water supply are to be sent to the Council's Asset Manager for approval prior to work commencing. The engineering designs shall provide for sufficient capacity to meet the likely future demand generated by the lots created by this subdivision and any future infill subdivision and, in addition, the irrigation requirements of the proposed landscaping.
12. Fire hydrants are to be installed in general accordance with the Fire Service Code of Practice (NZS PAS 4509:2003) for Fire Fighting Water Supplies to the satisfaction of the Asset Manager.

Sewerage

13. Reticulated sanitary sewer laterals are to be laid to at least 600mm inside the boundary area of each of Lots 50-85. The laterals are to be installed at a sufficient depth to ensure fall is available to serve the furthestmost part of the lot.
14. Engineering plans for the provision of full sewage reticulation system connecting to the Council's reticulated system are to be submitted to the Mackenzie District Council's Asset Manager for approval prior to work commencing. The engineering designs shall provide for sufficient capacity to meet the likely future demand generated by the lots created by this subdivision and any future infill subdivision.

Electricity and Telecommunications

15. Telephone and power reticulation shall be provided underground to the boundary of Lots 50-85. The consent holder shall provide written certification from the appropriate network supplier that these services have been provided to the boundary of each allotment.

Outdoor lighting

16. Prior to any lighting work occurring, an appropriate plan is to be submitted for approval to the Mackenzie District Council's Asset Manager. The plan shall indicate the locations of proposed street lighting within the subdivision.

17. Once installed, all street lighting shall be certified by an appropriately qualified engineer as complying with the requirements of the Mackenzie District Plan. Certification is required prior to the illumination of the street lighting, other than for the purposes of testing the effectiveness of the lights.

Earthworks

18. All earthworks are to comply with NZS4431:1989. A producer statement for the earthworks undertaken during construction shall be provided by a suitably qualified engineer.

ENGINEERING REQUIREMENTS

Plans

19. Plans for all engineering, servicing and lighting work shall be submitted to Mackenzie District Council for approval, prior to any works occurring on the site. All designs shall comply with the District Plan and the Council's subdivision code of practice, unless otherwise approved by the Council's Asset Manager.

Engineering Fee

20. The Mackenzie District Council's Asset Manager shall review and approve the engineering plans prior to any works commencing. An engineering fee of 2% (including GST) of the estimated value of the physical works is payable when the plans are submitted for approval.
21. When the Council's Asset Manager is satisfied that the plans meet the engineering requirements the applicant will be notified that the design has been approved. The engineering plans shall be endorsed accordingly.

Producer Statements

22. Producer Statements shall be submitted upon completion of the separate work components from suitably qualified engineers associated with each relevant aspect of the development.

Note: for the purpose of this consent a suitably qualified person for engineering works is defined as a Chartered Professional Engineer. However if the Institute of Professional Engineers New Zealand (IPENZ) change the grading system then this shall be adhered to for any further work on the site.

23. The developer shall give the network utility operator 5 working days notice of intention to connect to existing services. New services shall be tested in the presence of an authorised Council officer.

Maintenance Period

24. The consent holder shall maintain the completed works for a period of 12 months following the issue of a section 224 certificate by Council.

25. Upon completion of the development the consent holder shall provide the Council with As Built plans of all infrastructure and earthworks in both paper form and electronic form compatible with Council GIS and RAMM database. Evidence that testing has been carried out and compliance has been met with Asset Manager's requirements shall also be provided.

FINANCIAL CONTRIBUTIONS

Reserves contribution

26. a) **The Council will accept land in lieu of cash a reserves contribution for RM070125, so that additional land is vested to adjoin Lot 1000 DP 352127; and**

b) That the area of land to vest with the Council is of the same value or greater than the cash equivalent that would have been paid as 5% of the value of each residential lot created by RM070125; and

c) That the value of the land to be vested shall be determined by a registered valuer.

~~The consent holder shall pay the Council reserve contributions for 36 additional residential lots payable at the rate of 5% of the value of each lot. The amount payable shall be determined by a registered valuation, no older than 6 months from the section 224 application. The Council will obtain this valuation on behalf of the consent holder at the time of s224 application, the cost of which will be met by the consent holder.~~

EASEMENTS

27. All easements shown on the plan, and any other easements considered necessary to complete the subdivision shall be duly granted or reserved.

AMALGAMATION

28. The consent holder shall ensure that the following amalgamation condition be included and shown on the face of the Title Plan.
- That Lot 3001 hereon be amalgamated with Lot 3002 and one computer freehold register issue to include both parcels (Request number 896706).

REVIEW

29. Pursuant to section 128(1) of the Resource Management Act 1991, the consent authority may, at or within a period of 6 months following any anniversary of the date of consent, and prior to survey plan approval, review the conditions for any of the following purposes:

- a. To deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and is such that it is necessary to apply more appropriate conditions.

30. Any such notice of the review of the conditions will be served in accordance with section 129 of the Act.

COSTS

31. All actual and reasonable costs incurred by the Council in monitoring, enforcement and administration of this resource consent shall be met by the consent holder.

Reasons for decision pursuant to section 113 of the Resource Management Act 1991

1. The reasons for this decision are described in the officer's section 42A report which I concur with. Overall I consider the proposal to be consistent with the objectives and policies in the District Plan, and that granting this consent will achieve Part II of the Act.

NOTES TO THE CONSENT

General

1. *The New Zealand Building Code requires that there is a minimum clear width of 4 metres to provide access for fire fighting vehicles to buildings. This includes any private right-of-way.*
2. *The consent holder shall comply with all statutory requirements, bylaws, Acts, ordinances and lawful directions of officers of the Council.*

Roading

3. *All works on public road reserve will require a road works consent from the Assets Management Division of the Mackenzie District Council. This will include any connection to Council services.*
4. *Any damage to the Mackenzie District Council's infrastructural assets as part of the development of the new allotment shall be repaired to Council standard at full cost to the consent holder.*

Legal Boundaries

5. *This resource consent does not legalise distances from boundaries and/or any other encroachments of buildings over boundaries that may arise.*

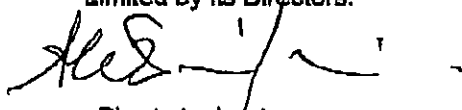
To: The Mackenzie District Council
PO Box 52
Fairlie 7940

RESERVES CONTRIBUTION – CAIRNS SUBDIVISION (RM070125)

Lake Tekapo Enterprises Limited undertakes that it will vest in the Mackenzie District Council the areas of land referred to in the annexed letter dated 29 April 2011 from the Mackenzie District Council to Lake Tekapo Enterprises Limited by 20 December 2013. If for any reason the vesting cannot be completed by this date Lake Tekapo Enterprises Limited undertakes it will on 20 December 2013 pay to the Mackenzie District Council the reserve contribution calculated pursuant to condition 26A of Resource Consent RM070125 and in accordance with the conditions set out in the annexed letter dated 29 April 2011.

Dated this 17th day of April 2013

Signed by Lake Tekapo Enterprises
Limited by its Directors:



Director's signature
A W Simpson



Director's signature
K F Simpson



Mackenzie District Council

29 April 2011

A & K Simpson
Lake Tekapo Enterprises Ltd
PO Box 91
LAKE TEKAPO

Dear Andrew and Karen

Reserves Contributions – Cairns Subdivision (RM070125)

As discussed briefly on the phone yesterday, the Council's Planning Committee resolved to grant your application to vary condition 26 of the Cairns subdivision consent.

The Committee resolution is as follows:

1. The Committee accepts land in lieu of cash a reserves contribution for RM070125, so that additional land is vested to adjoin Lot 1000 DP 352127; and
2. That the area of land to vest with the Council is of the same value or greater than the cash equivalent that would have been paid as 5% of the value of each residential lot created by RM070125; and
3. That the value of the land to be vested shall be determined by a registered valuer.

The Planning Committee also requested that I state for clarity that their decision is only in relation to subdivision consent RM070125 (stages 1a to 1c). However, this does not preclude you from applying to vest land in lieu of cash for reserves contributions for future subdivisions. It is just that each application would be considered on its merits and would not be considered in relation to any previous land in lieu of cash decisions.

In normal circumstances the Council would not sign the section 224 certificate until the land to be taken for reserves had vested with the Council. As you have indicated that you will ensure that the land vests in accordance with the Planning Committee's resolution in this circumstance, I am prepared to sign the section 224 certificate.

If you accept the Committee's decision and undertake to complete the work necessary to for the reserve land to vest as soon as you are able, then could you please sign this letter and return it to me for our records. Once received, I will undertake to issue the section 224 certificate.

P.O. Box 52, Main Street, Fairlie 7949. Tel 03 605 9010 : Fax 03 605 8533
Marble Plains, Twizel 7901. Tel 03 435 0737 : Fax 03 435 0537
South Canterbury, New Zealand : www.mackenzie.govt.nz : email: info@mackenzie.govt.nz

Handwritten signature: A & K Simpson

If you wish to discuss this further then please contact me on (03) 685 9019.

Yours sincerely



Nathan Hole
PLANNING & REGULATIONS MANAGER

REF: 25300-15905 (RM070125)

Handwritten signature: *Handwritten signature, possibly KJ Simpson*