

Form 5
**SUBMISSION ON NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN,
CHANGE OR VARIATION UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE
RESOURCE MANAGEMENT ACT 1991**

To: Mackenzie District Council

Details of submitter:

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This is a submission on changes proposed to the following plan (the proposal):
Proposed Plan Changes 23 and 27 to the Mackenzie District Plan.

Trade Competition

We could not gain an advantage in trade competition through this submission.

Submission Details

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

The plan changes in their entirety, including the s32 reports, and the relevant planning maps.

We support and oppose these provisions in part.

The reasons for our submission are outlined in Appendix 1 below.

We seek the following decision from Mackenzie District Council (the detailed decisions sought are outlined in Appendix 2):

1. Rezoning of existing rural zoned land legally described as Lot 2 DP 487658 to industrial as per the outcome identified in the Mackenzie Spatial Plans with accompanying objective, policy and rule framework applying to the land (draft provisions are included within Appendix 3).
2. Provision for quarrying activities as a controlled activity within the General Rural Zone within a specified area of Lot 2 DP 487658 where permitted quarrying activities have previously taken place.
3. Consequential changes as a result of the above submission points.

We wish to be heard in support of our submission.

If others make a similar submission I would be prepared to consider presenting with them at any hearing.

Appendix 1 – Road Metals submission

Our submission is:

Industrial Rezoning of Road Metals land

Road Metals Company Limited (Road Metals) owns a parcel of land on the Twizel-Tekapo Road (SH8) legally described as Lot 2 DP 487658 comprising an area of approximately 220 hectares.

The site is shown in Appendix 3.

Background

The Mackenzie Spatial Plans, adopted in 2021, were designed to outline a vision of a 30-year concept for the growth in the townships of Fairlie, Tekapo and Twizel. The purpose of these Spatial Plans was to inform the District Plan Review and to provide guidance on growth patterns for each area. The Spatial Plan for Twizel identified a need for additional areas for industrial growth. Multiple scenarios were included in the Twizel Spatial Plan that included consideration of industrial zoning on the eastern side of SH8, recognising that the availability of land within Twizel is constrained, and amenity concerns with industrial development within the township. The Twizel Spatial Plan identified industrial zoning within this Site. The Twizel Spatial Plan is included in Figure 2 (attached as **Appendix 4**) to this submission.

The process for rezoning this land to industrial to give effect to the Twizel Spatial Plan has been the subject of much discussion between Road Metals and the Mackenzie District Council (MDC) and was considered as part of Stage 2 of the District Plan Review.

As the commissioners will be aware the MDC District Plan Review included Plan Change 21 (Spatial Plan Implementation) at Stage 2. Plan Change 21 introduced rezoning to give effect to parts of the Spatial Plan. Rezoning part of the Site to industrial was not included within Plan Change 21. Road Metals submitted on Stage 2 seeking the rezoning of the Site to industrial, in accordance with the outcome sought in the Twizel Spatial Plan. Only one further submission was received on this submission, from NZ Transport Agency/Waka Kotahi, seeking particular outcomes in relation to access from the proposed industrial site to SH8. Road Metals considered that the matters in that submission could be resolved.

MDC refused to consider the submission in Stage 2 as it was considered (including by the Panel), after legal submissions, to be out of scope. Road Metals indicated an intention to appeal this decision. Following a meeting on 17th March between Road Metals and MDC, Road Metals chose not to appeal, on the basis that the MDC agreed to promote a Plan Change for the Industrial Rezoning during Stage 3 of the Plan Review.

MDC asked Road Metals for assistance with the preparation of the s.32 analysis for the Industrial Rezoning Plan Change, and to engage experts to prepare relevant specialist reports in preparation for its notification in Stage 3. Consultation with key stakeholders (e.g. NZ Transport Agency Waka Kotahi) commenced. Road Metals submitted draft plan provisions for review to MDC to facilitate its readiness for Stage 3.

Road Metals sent staff along to the information evenings run by MDC where the proposal for Stage 3 was being consulted on including the Industrial Rezoning Plan Change (draft Plan Change 28). There was no opposition to the proposal

from the community, as far as we are aware, and the proposal was widely supported.

MDC subsequently decided on 4 September to move the Industrial Rezoning proposal to Stage 4. This was determined with no prior discussion with Road Metals, who were only informed once the decision had been made. MDC informed that the proposal had been moved to Stage 4 because the evidential requirements to be met by a plan change had not been met, and referral to Stage 4 would ensure adequate time to address evidential deficiencies.

The National Policy Statement for Indigenous Biodiversity (NPS-IB) came into force on 4 August 2023. Road Metals acknowledges that the NPS-IB will be relevant to decision making within the Mackenzie District.

On 22 September 2023 MDC advised via email that:

“As per our phone, we are very happy to include the industrial zoning (with appropriate ODP etc) as a stage 4 plan change.”

MDC subsequently updated their website to show the Industrial Rezoning Plan Change occurring as part of Stage 4.

Stage 3 was notified on 4 November 2023. Road Metals and MDC have had several meetings, including with the MDC consultants managing this part of the District Plan Review, outlining information requirements, timeframes for obtaining that information, discussions with NZ Transport Agency Waka Kotahi and meetings between the two parties' ecologists to resolve outstanding evidential issues.

These conversations occurred in good faith and on the understanding that all parties were working towards preparing a suite of documents that would support the Council putting forward the Industrial Rezoning Plan Change at Stage 4.

At a regular progress update meeting on Wednesday 29 November 2023 to discuss progress to date, and next steps, the MDC advised Road Metals that the MDC did not intend to continue with an Industrial Rezoning Plan Change at Stage 4 and suggested Road Metals make a submission at Stage 3 seeking the rezoning of their land.

Procedural unfairness and Road Metal's legitimate expectations

Road Metals considers that the Council's indicated decision to pull the industrial rezoning proposal from Stage 4 and their suggestion that Road Metals seek the industrial rezoning through a submission on Stage 3 is inappropriate and unfair and failed to apply the principles of natural justice.

Stage 3 was notified on 4 November 2023. Road Metals has been working with MDC towards a November 2024 notification date of the Industrial Rezoning Plan Change at Stage 4. Submissions on Stage 3 close on 26 January 2024. Road Metals has essentially lost three and a half weeks preparation time for drafting a submission, in addition to the considerable “change in goalposts” for the delivery of an industrial rezoning proposal from November 2024 to January 2024.

Additional ecology work required to be undertaken in January 2024 could not be completed by the closing date for submissions.

Road Metals have relied on a legitimate expectation arising from communication from the MDC as to how this rezoning proposal was to proceed.

The timeline set out above paints a picture that over the course of several years, the MDC has supported (and indeed suggested by way of its spatial plan and subsequent discussions) that industrial zoning is appropriate for this Site. The community has supported the industrial rezoning and MDC has also in the interim removed 12 ha of industrial zoned land from the Twizel town centre when it rezoned it to large format retail through Stage 2 of the District Plan Review.

Road Metals (and its consultants) have had ongoing communication with MDC about how the rezoning proposal would be structured, and evidence required to support it. There was no indication before their decision to remove the rezoning from Stage 4 that this position had changed.

Road Metals was denied a fair hearing at Stage 2, promised that the matter would be deferred to the Stage 3 hearing; then diverted to a Stage 4 hearing; with that being then withdrawn, with little time for the preparation of a submission and evidence for the Stage 3 hearing.

Road Metals deserved a fair process to be adopted during the District Plan Review, allowing for the timely preparation of supporting evidence. In our view the vacillations of the Council has significantly adversely affected Road Metals' position.

The MDC has provided no rationale for removing the Industrial Rezoning from Stage 4 in a way that establishes that a public interest test is met and is proportionate. The community involvement in the spatial plan, and submissions on Stage 2 of the District Plan Review, established that the community supported industrial development in a way that didn't adversely impact on sensitive activities. No fair process has been followed in making or communicating the changed approach.

Road Metals considers that the MDC has committed, at several stages, to work with them towards a rezoning proposal. Road Metals has reasonably relied on this position and engaged consultants and experts at significant costs to prepare the reports and s32 assessment that the MDC required. To have the 'rug pulled out' at this late stage goes against the legitimate expectations of Road Metals.

Despite this submission, Road Metals would prefer to continue working with the Council towards the Site being included for rezoning in Stage 4. The rezoning proposal reflects the desires of the community (as obtained during the consultation for the Spatial Plan), provides valuable room for growth of the Twizel township and the wider Mackenzie district through the provision of industrial land within Twizel.

Notwithstanding this, Road Metals considers that as it cannot have confidence that Council will continue with the Plan Change for inclusion of a proposal at Stage 4 as previously promised, it has no choice but to lodge a submission seeking this industrial rezoning in Stage 3 with indicative provisions, to be finalised when the necessary expert reports are complete. This involves the identification of an industrial zoning on the Site and

accompanying provisions should Road Metals need to pursue this zoning through the hearings for Stage 3.

Proposed rezoning provisions

There are a number of key features of this rezoning proposal including:

- Amendments to Planning Maps to show the Site as rezoned to an industrial zoning;
- Draft provisions applying to the rezoning Site are included in the attached submission table and accompanying pages (Appendix 2 and 3).
- An Outline Development Plan will need to be prepared to guide development of the industrial area, including ways in which landscaping will occur to ensure no adverse effects on the Outstanding Natural Landscape. .

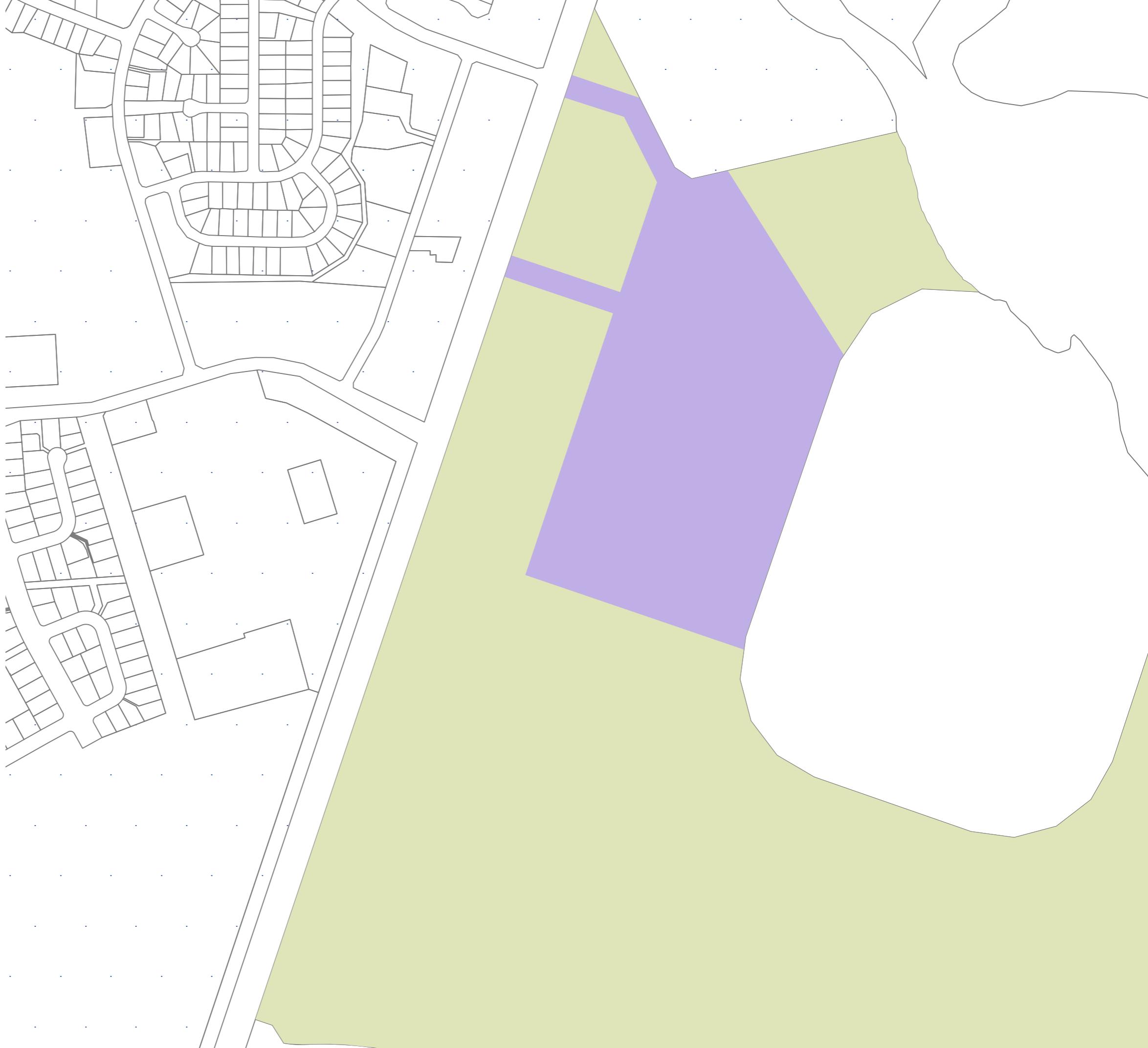
Road Metals is requesting that the industrial rezoning applies to the whole Site to ensure adequate scope is provided for transport, utilities, landscaping and environmental provisions, however it would be appropriate for the developable industrial area exclusive of roading, transport connections, utilities and any planting areas to not exceed 17 ha. It is likely that the rezoning would focus on the area shown in the figure on the following page.

Figure showing indicative industrial rezoning extent

Possible Zone Plan

Legend

	Rural Zone
	Industrial Zone



Scale: 1:5,000

Data Source: data.linz.govt.nz

6591 State Highway 8, Twizel

Suitability of the proposed industrial zone

The proposed industrial zone is entirely suitable, in the context of the immediate surrounds and also the wider district. In particular:

- The wider site is located immediately adjacent to the township of Twizel, but the intervening State Highway 8 (**SH8**) provides a clear boundary between the residential area and the industrial uses. This ensures the new industrial site has proximity to the township, without introducing reverse sensitivity issues (e.g. from overnight vehicle movements). It also dovetails in with the current industrial structures already on the eastern side of SH8 such as the Meridian compound and the sewerage treatment ponds.
- Direct access to SH8 to minimise heavy vehicle traffic within the township. An accessway has already been formed on the site to the NZTA required standard.
- The proposed industrial site is located close to the sewerage treatment ponds, and is set back approximately 200m from SH8. Road Metals acknowledge the importance of landscape values in the Mackenzie Basin, and this site provides adequate space for landscape measures to ensure these values are maintained or enhanced.
- Services are generally already available at the proposed industrial site.
- The proposed industrial site allows for economic growth of the Mackenzie District, and meets the needs of industrial users.

Quarrying on Road Metals land

Quarrying has occurred under the permitted activity rules of the MDP on the Site as well as on the adjoining MDC owned land on the adjacent wastewater treatment plant site.

Separately, a resource consent application has been lodged with MDC by Road Metals for a quarry on part of the Site and the controls sought through this submission are supported by expert assessments as being appropriate for quarrying in this general location as determined through the consenting process.

Having this aggregate source continuing to operate within an existing quarry area near Twizel will provide for new development and infrastructure needs in a location where transportation distances will be minimised.

Road Metals seeks controlled activity status and any necessary overlay to be included in the MDP for quarrying within the already disturbed area. These new provisions will ensure effects associated with quarrying activity on this Site are managed in a more comprehensive manner than existing use rights under the permitted activity rule of the operative MDP and provide for a rehabilitation management plan to be supplied to Council.

Other submission points

In addition to the above submission points, Road Metals has also drafted a number of other minor amendments to the Plan Changes 23 to 27 provisions. These are included in the Table included in Appendix 2.

Appendix 2 – Submission point table

ID	Section of Plan	Specific provision proposed	Support/ Oppose/ Neutral/ New provision	Reasons for submission	Decision sought
01	Part 3 General Rural Zone	<p>GRUZ-P1</p> <p><i>Enable a range of primary production activities to occur in the General Rural Zone, while maintaining the character and amenity of the Zone, by:</i></p> <ol style="list-style-type: none"> <i>Managing the adverse effects from intensive primary production to minimise effects on the surrounding area; and</i> <i>Providing for quarrying activities in the rural area to meet local demand and the anticipated amenity of the receiving environment.</i> 	Support in part.	<p>Road Metals supports providing for quarrying activities in the GRUZ.</p> <p>Providing for aggregate resources close to where they are needed is important for the wellbeing of communities, particularly in a district such as Mackenzie which has a large area and a small rating base and needs to supply small amounts of aggregate across a large area.</p> <p>The reference to '<u>anticipated</u>' amenity of the receiving environment should be deleted.</p> <p>Amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.</p>	<p>Amend clause 2 to read:</p> <p><i>Providing for quarrying activities in the rural area to meet local demand in a way which maintains amenity values and the anticipated amenity of the receiving environment.</i></p> <p>Add a new clause 3:</p> <p><i>(3) Provide for quarrying activities on Lot 2 Deposited Plan 487658 where it has already occurred while minimising adverse amenity effects on the surrounding environment.</i></p>

ID	Section of Plan	Specific provision proposed	Support/ Oppose/ Neutral/ New provision	Reasons for submission	Decision sought
				<p>As such amenity values are appreciated by people in the present rather than being 'anticipated'. The policy is also unclear about what outcome is trying to be achieved around amenity – such as maintaining.</p> <p>It is also considered appropriate to provide for quarrying on Lot 2 Deposited Plan 487658 , where this has previously occurred and continues to occur under the operative MDP (where it was provided for as a permitted activity).</p>	
02	Part 3 General Rural Zone	<p>GRUZ-R12</p> <p><i>The Establishment of a New, or Expansion of an Existing Conservation Activity</i></p>	Support	Provision for conservation activities within the GRUZ is supported.	Retain the provision as notified.

ID	Section of Plan	Specific provision proposed	Support/ Oppose/ Neutral/ New provision	Reasons for submission	Decision sought
03	Part 3 General Rural Zone	<p>GRUZ-R17</p> <p><i>Quarrying Activities</i></p> <p><i>Activity Status: PER</i></p> <p>Where:</p> <ol style="list-style-type: none"> <i>The area of the quarry does not exceed 5,000m².</i> <i>The extraction activity does not include the use of any blasting and/or explosives.</i> <i>No part of the quarry is located closer than 200m from a site boundary.</i> <i>No part of the quarry is located closer than 500m from a sensitive activity located on another site, any Residential Zone, Rural Lifestyle Zone, or Open Space and Recreation Zone.</i> <i>All material removed is for use on the site of extraction and restricted to activities that support primary production (e.g., farm and forestry tracks, accessways and hardstand areas on the property of origin).</i> <i>The quarry is rehabilitated following completion of extraction activity.</i> <i>The extraction of material does not take place within a geopreservation site identified on the planning maps.</i> <p><i>Advice Note: this rule does not apply to Forestry Quarrying as regulated under the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2023.</i></p>	Support in part Oppose in part	<p>While the intent to provide for quarrying activities in the General Rural Zone is supported (and appropriate within this zone), the provision as worded has very limited use and will be ineffective as it can only provide for very small volumes for onsite use, on very large sites.</p> <p>This provision appears to replace Rule 10.1.2 in the operative MDP which permits extraction of gravel not exceeding 2000m³ per hectare and 2 metres depth in any continuous period of 5 years which complies with several standards.</p> <p>The intent of that provision was to provide for access to gravel across the MDC district where it was needed to minimise costs and meet demand from Council and other parties.</p> <p>MDC has long had concerns with the interpretation of this rule that it could allow for large quarries to develop on</p>	<p>Replace the proposed rule with the existing rules contained in Section 10 of the Rural Chapter of the Operative MDP.</p> <p>Add the following standard to the existing rule of the Operative MDP:</p> <p><u><i>The quarry is rehabilitated following completion of extraction activity or upon cessation of quarrying activities for a period in excess of 12 months.</i></u></p> <p>Add other necessary or consequential amendments as required.</p>

ID	Section of Plan	Specific provision proposed	Support/ Oppose/ Neutral/ New provision	Reasons for submission	Decision sought
				<p>larger sites or quarries to pop up all over the district.</p> <p>This concern has not eventuated as Rule 10.1.2 is limited in that it does not provide for processing activities which limits the potential for large operations to establish, while any such quarrying would still be subject to rules such as those contained within Chapter 19 Indigenous Biodiversity (Plan Change 18).</p> <p>It is suggested that the existing rules in the MDP are retained but provision is made for rehabilitation of such sites if they are to be left for more than 12 months without extraction occurring.</p>	

ID	Section of Plan	Specific provision proposed	Support/ Oppose/ Neutral/ New provision	Reasons for submission	Decision sought
04	Part 3 General Rural Zone		New provision	<p>Quarrying has occurred previously under the permitted activity rules of the MDP on Lot 2 Deposited Plan 487658. The rules provide for 2000 m³ of extraction per hectare of site area but do not control other potential effects on the site. A resource consent application has been prepared for a similar quarry area on the site and the controls proposed are supported by expert assessments as being appropriate for quarrying in this general location.</p> <p>Having an aggregate source within an existing quarry area in close proximity to Twizel will provide for new development and infrastructure needs in a location where transportation distances will be minimised.</p> <p>Controlled activity status will ensure effects are managed in a more comprehensive manner than existing use</p>	<p>Add a new rule <u>GRUZ-R17A</u> to provide for:</p> <p><u>Quarrying activities</u> <u>Activity status: CON</u></p> <p><u>Where quarrying activity is located on Lot 2 Deposited Plan 487658 in the area where soil has already been disturbed for quarrying as shown on GRUZ-SCHED 2.</u></p> <p><u>And where the activity complies with the following standards:</u></p> <ol style="list-style-type: none"> 1. <u>Extraction does not exceed 30,000 tonnes per annum;</u> 2. <u>Heavy vehicle access must be provided from the approved existing access point onto State Highway 8 .</u> 3. <u>The consent holder shall seal a minimum of 100 m of the access way into the site.</u> 4. <u>Heavy vehicle movements shall not exceed 40 movements per day.</u> 5. <u>Establishment of 1.5 - 2 metres (m) high earth bunds along the quarry's west and southwest sides, with the exception of site accessways.</u> <u>The bunds must have a profile with an outside slope no steeper than 1V:3H (one metre vertical to three metres horizontal) and a flat top of 0.5m.</u>

ID	Section of Plan	Specific provision proposed	Support/ Oppose/ Neutral/ New provision	Reasons for submission	Decision sought
				rights under the permitted activity rule.	<p>6. <u>Within 4 weeks following construction of the bunds, the bunds are to be sown with sweet vernal and brown top grass and thereafter watered regularly to ensure grass cover is established and maintained.</u></p> <p>7. <u>The hours of operation for the quarry shall be limited to 6.00 am to 6.00 pm Monday to Friday and 7.00 am to 1.00 pm on Saturday. No quarry operations will be carried out on Sundays or public holidays.</u></p> <p>8. <u>The total maximum volume of diesel stored on site must not exceed 5,000 litres (L). Diesel storage must have a Stationary Container Certificate and the storage of all hazardous substances on site must be in accordance with the requirements of the Hazardous Substances and New Organisms Act 1996.</u></p> <p>9. <u>All rehabilitated surfaces must be designed and constructed to be free draining and the final rehabilitated ground level will be no deeper than 3.5 m below the ground level that existed prior to quarrying commencing.</u></p> <p>10. <u>An accidental discovery</u></p>

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				<p><u>protocol is in place.</u></p> <p><u>For the avoidance of doubt, Chapter 19 Ecosystem and Indigenous Biodiversity (Plan Change 18) and Chapter X - Natural Features and Landscapes (including Plan Changes 23 and 27) do not apply to GRUZ-R17A.</u></p> <p>Matters for control:</p> <ul style="list-style-type: none"> a. <u>The scale and duration of the operation.</u> b. <u>Effects on amenity values during the establishment, operation and rehabilitation of the site.</u> c. <u>The location, design and appearance of buildings on the site.</u> d. <u>The safety and efficiency of the surrounding roading and other infrastructure.</u> e. <u>The preparation of a Quarry Management Plan, including the site rehabilitation proposal (methods, end use and final landform).</u> f. <u>The adequacy of any mitigation measures.</u> <p><u>Where compliance is not achieved with GRUZ-R17A: DIS</u></p>	

ID	Section of Plan	Specific provision proposed	Support/ Oppose/ Neutral/ New provision	Reasons for submission	Decision sought
					<p>Add the following schedule or alternatively a spatial layer to identify the spatial extent of this area:</p> <p><u><i>GRUZ-SCHED 2</i></u> <u><i>Introduction</i></u> <u><i>This schedule includes a map showing the location of the extent of existing soil disturbance for quarry activities on Lot 2 Deposited Plan 487658.</i></u></p> <p>Alternatively provide for the same outcome through use of a Development Area or Special Control Area which provides for the quarrying on similar terms and conditions.</p>

ID	Section of Plan	Specific provision proposed	Support/ Oppose/ Neutral/ New provision	Reasons for submission	Decision sought
05	Part 3 General Rural Zone	<p>GRUZ-S6</p> <p><i>Sensitive Activity Setback from Quarrying Activities and Mining</i></p> <p>1. Any sensitive activity shall be setback from any lawfully established operational quarry or mine by:</p> <ul style="list-style-type: none"> a. 200m to any excavation; and b. 500m to any processing; and c. 500m to any activity that involves blasting. <p><i>Advice Note: The establishment of residential units, or minor residential units on the same site as the mine or quarry are exempt from this standard.</i></p> <p><i>Existing residential units or minor residential units within the specified setback that are rebuilt on their existing site but no closer to the mine or quarry are exempt from this standard.</i></p>	Support in part	<p>The provision is supported but the 500 m setback for quarries without blasting seems excessive.</p> <p>In developing setback standards or effects management area distances for planning documents around the country, these distances have commonly ranged from 200 m to 500 m, depending often on whether a quarry involves blasting, in which case the 500 m standard is typically used.</p> <p>The processing of aggregates would typically not require more than a 200 m setback particularly for the size of quarries likely to be envisaged in Mackenzie.</p>	<p><i>Amend standard GRUZ-S6 as follows:</i></p> <p>1. Any sensitive activity shall be setback from any lawfully established operational quarry or mine by:</p> <ul style="list-style-type: none"> a. 200m to any <u>excavation activity</u> not involving blasting; and b. 500m to any processing; and c. 500m to any activity that involves blasting.
07	Part 2 NFL - Natural Features and Landscapes	<p>NFL-R12</p> <p><i>Quarrying activities and Mining</i></p> <p><i>Activity Status: NC</i></p>	Oppose	<p>The non-complying activity status will make quarrying anywhere within the Mackenzie Basin non-complying. If this change is to proceed together with Rule GRUZ-R17, it will be difficult to source aggregate resource in close proximity to any areas within the</p>	<p>Make the changes sought in relation to GRUZ-R17 above and delete Rule NFL-R12.</p>

ID	Section of Plan	Specific provision proposed	Support/ Oppose/ Neutral/ New provision	Reasons for submission	Decision sought
				<p>basin without substantial transport of aggregates.</p> <p>The ONL has not traditionally prevented quarrying activities in accordance with the permitted activity rule.</p>	
08	Part 2 NFL - Natural Features and Landscapes	<p><i>Standards</i></p> <p><i>NFL-S1</i></p> <p><i>Height</i></p> <p>1. <i>The maximum height of any building or structure shall not exceed 4m above natural ground level.</i></p> <p>2. <i>The highest point of any building or structure is to be located:</i></p> <p>a. <i>at least 20m vertically below any ridgeline; or</i></p> <p>b. <i>at least 100m horizontally from any ridgeline.</i></p>	Oppose	<p>These do not differentiate between zones of high and low visual vulnerability etc.</p>	<p>Amend Standard NFL-S1so that it differentiates between zones of visual vulnerability, allowing more height where visual vulnerability is lower.</p>
11	Part 2 Subdivision	<p><i>SUB-P8</i></p> <p><i>In order to minimise its adverse effects, subdivision in the Te Manahuna / Mackenzie Basin Subzone ONL will not be encouraged except:</i></p> <p>a. <i>in Farm Base Areas;</i></p> <p>b. <i>where subdivision is for the purposes of enabling the recognition</i></p>	Oppose in part	<p>It is necessary to provide for subdivision activities in the proposed TISPZ to enable development of this site.</p>	<p>Add new clause c. as follows:</p> <p>c. <u><i>Where necessary to enable the development of the TISPZ</i></u></p>

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		<p><i>of and provision for the Ngāi Tahu relationship with Te Manahuna/the Mackenzie Basin;</i></p> <p><i>Further subdivision of Lakeside Protection Areas, Scenic Viewing Areas and Scenic Grasslands, Sites of Natural Significance, and areas above 900 masl should be avoided;</i></p> <p><i>All subdivision shall address the need to remove exotic wildlings from the land being subdivided;</i></p> <p><i>All subdivision should have regard to topographical and ecological constraints.</i></p>			
12	Part 2 Subdivision	<p>Standards</p> <p><i>SUB-S1 Allotment Size and Dimensions</i></p> <p><i>GRUZ within Outstanding Natural Landscape (except Te Manahuna / Mackenzie Basin ONL)</i></p> <p>9. <i>The minimum allotment area is no less than 200ha.</i></p>	Oppose.	<p>A subdivision size of 200 ha is very restrictive.</p> <p>100 ha would be more appropriate and still provide opportunities for building platforms which do not compromise landscape values.</p> <p>A 200 ha size also means boundary adjustments would become difficult, particularly if an averaging concept is not provided for.</p>	<p>Change the minimum lot size to 100 ha or provide an RDIS activity status for subdivision between 100 and 200 ha.</p>
13	New zoning General Rural General Industrial Earthworks		New provision	<p>A rezoning and associated provisions are necessary to give effect to the Twizel Spatial Plan and to provide for adequate industrial land in Twizel following the</p>	<p>Rezone the Site and include associated provisions to enable the development of the Twizel Industrial Special Purpose Zone (TISPZ) which are outlined in Appendix 3.</p>

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	Subdivision			<p>rezoning of Industrial land to Large Format Retail through Stage 2 of the District Plan review.</p>	<p>Include a zone statement, objectives and policies and any other provisions throughout the MDP to provide for this rezoning.</p> <p>Amend other chapters as proposed and provide for any other necessary or consequential changes to give effect to the rezoning.</p> <p>Alternatively, rezone the Site General Industrial with appropriate development areas and amendments to the General Industrial provisions to reflect the values of the Site.</p>

Appendix 3 – Changes sought to the MDP text/ planning maps

Insert the following text or similar into a new chapter and the appropriate chapters of the MDP, together with any other necessary or consequential amendments as needed and the appropriate changes to the planning maps.

Proposed New Zone applying to Lot 2 DP 487658

Twizel Industrial Special Purpose Zone (TISPZ)

Introduction

The Twizel Industrial Special Purpose Zone (TISPZ) is located to the east of the Twizel Township and State Highway 8 adjacent to the Twizel River and adjoining the Twizel wastewater treatment plant. Because of its separation from the residential areas of the township, the TISPZ is intended to be used for a range of industrial activities.

Because of the scale and nature of activities anticipated within this zone, a greater level of adverse effects is expected within the zone than in non-industrial zones, including visual amenity effects associated with larger-scale buildings and structures, as well as noise, dust, lighting and transport effects. These effects need to be managed to maintain an appropriate level of amenity within the zone, whilst ensuring that the adverse effects are also managed in a way that maintains and protects the ecological, landscape, open space, cultural and amenity values of the surrounding General Rural Zone, Open Space Zone, and the Te Manahuna / Mackenzie Basin Outstanding Natural Landscape, while integrating with the transport network.

Note for Plan Users: For certain activities, consent may be required under rules in this Chapter as well as other District-Wide Matters Chapters in the Plan.

Unless expressly stated otherwise, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1 - How the Plan Works.

For the avoidance of doubt, Chapter 19 Ecosystem and Indigenous Biodiversity (Plan Change 18) and Chapter X - Natural Features and Landscapes (including Plan Changes 23 and 27) do not apply to the land zoned TISPZ.

Objectives and Policies

Objectives	
TISPZ-O1	Zone Purpose
The Twizel Industrial Special Purpose Zone provides primarily for industrial activities, and other compatible activities, necessary for the growth and development of Twizel.	
TISPZ-O2	Zone Character and Values
Activities and built form within the Twizel Industrial Special Purpose Zone are comprehensively developed in accordance with the Twizel Industrial Outline Development Plan in a way that:	
1. <u>recognizes the functional and operational requirements of industrial activities and maintains a reasonable level of amenity within the TISPZ and ensuring reverse sensitivity effects are avoided or mitigated;</u>	

2. maintains transport safety and efficiency of the surrounding road network, and provides shared path connections for pedestrians and cyclists;
3. protects and enhances the landscape character, biodiversity and open space values of the General Rural land adjacent to the highway;
4. maintains the ecological, landscape, cultural, and open space values of the surrounding environment, and the amenity values anticipated in adjacent zones; and
5. maintains the outstanding natural landscape values of the Te Manahuna / Mackenzie Basin Outstanding Natural Landscape.

Policies	
TISPZ -P1	Industrial Activities
Enable a range of industrial activities and ancillary activities that support the functioning of the zone for industrial purposes, to establish and operate within the TISPZ.	
TISPZ -P2 Other Activities within TISPZ	
Avoid the establishment of non-industrial activities within the TISPZ, unless they:	
<ol style="list-style-type: none"> 1. <u>will not result in reverse sensitivity effects on industrial activities; and</u> 2. <u>have a functional need or operational need to establish in the zone.</u> 	
TISPZ -P3	Protection and Enhancement of State Highway Frontage
Protect and enhance the landscape character, biodiversity and open space values of the land adjacent to the highway.	
TISPZ-P4	Outline Development Plan
Manage activities in the Twizel Industrial Special Purpose Zone, in general accordance with the Twizel Industrial Outline Development Plan, to:	
<ol style="list-style-type: none"> 1. <u>require that infrastructure, roading, public access, is in place prior to the establishment of industrial land use and development activities in the TISPZ.</u> 2. <u>ensure that built form is of a scale and design that is compatible with the purpose of TISPZ and the landscape character, natural environment, and open space values of the surrounding area, including the Te Manahuna / Mackenzie Basin Outstanding Natural Landscape;</u> 3. <u>provide for a reasonable level of amenity for workers within the TISPZ; and</u> 4. <u>provide for the open space, landscape and biodiversity values of the land along the State Highway 8 frontage.</u> 	

Rules

Note for Plan users: Chapter 19 Ecosystem and Indigenous Biodiversity (Plan Change 18) and Chapter X - Natural Features and Landscapes (including Plan Changes 23 and 27) do not apply to the land zoned TISPZ.

This chapter may also refer to standards within other chapters of the District Plan. If there is a different rule requirement in the other District-Wide Matters chapters, the applicable rule in this zone applies and the rule in the district-wide chapter does not apply.

Insert a rule table to give effect to the objectives and policies outlined above, as follows.

TISPZ-R1	Buildings and Structures		
TISPZ	Activity Status: CON	Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).	Matters of control are restricted to:

	<p>TISPZ-S2 Setbacks TISPZ-S3 Coverage TISPZ-S4 Exterior Cladding of Buildings and Structures TISPZ-S5 Outdoor Storage TISPZ-S6 Landscaping</p>	<ol style="list-style-type: none"> <u>The location, design and scale of the building with respect to landscape values.</u> <u>External appearance of the building, including colours and materials.</u> <u>Light spill.</u> <u>The effectiveness of any landscaping proposed in mitigating effects.</u>
TISPZ-R2	Industrial Activities	
TISPZ	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <u>The activity is not a heavy industrial activity.</u> <u>Where the activity is in accordance with the Twizel Industrial Outline Development Plan.</u> <p>And the activity complies with the following standards:</p> <p>TISPZ-S1 Height TISPZ-S2 Setbacks TISPZ-S3 Coverage TISPZ-S4 Exterior Cladding of Buildings and Structures TISPZ-S5 Outdoor Storage TISPZ-S6 Landscaping</p>	<p>Activity status when compliance is not achieved with R2.1 and R2.2: DIS</p> <p>Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).</p>
TISPZ-R3	Conservation Activities	
TISPZ	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <u>The activity is in accordance with the Twizel Industrial Outline Development Plan.</u> 	<p>Activity status when compliance is not achieved with R3.1: DIS</p>
TISPZ-R4	Primary Production Activity	
TISPZ	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <u>The activity is not intensive primary production, mining, quarrying or commercial forestry.</u> 	<p>Activity status when compliance is not achieved with R4.1 and R4.2: DIS</p>
TISPZ-R5	Activities Not Otherwise Listed	
TISPZ	Activity Status: DIS	
TISPZ-R6	Educational Facilities	
TISPZ	Activity Status: NC	
TISPZ-R7	Residential Activities	
TISPZ	Activity Status: NC	

TISPZ-R8	Commercial Visitor Accommodation	
TISPZ	Activity Status: NC	
TISPZ-R9	Planting of any Wilding Conifer Species	
TISPZ	Activity Status: PR	

Standards

TISPZ-S1	Height	Activity Status where compliance not achieved:
	1. <u>The maximum height of any building or structure shall not exceed 8m above ground level.</u>	<p>RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. <u>The location, design and appearance of buildings on the site.</u> b. <u>The visual impact of the built form on streetscape and surrounding environment.</u> c. <u>The extent and quality of any landscaping proposed to soften the built form.</u> d. <u>The adequacy of any mitigation measures.</u>
TISPZ-S2	Setbacks	Activity Status where compliance not achieved:
	1. <u>Any building or structure, excluding ancillary structures, shall be setback a minimum of 5m from any road boundary.</u>	<p>RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. <u>The location, design, scale and appearance of the building or structure.</u> b. <u>Adverse effects on the streetscape and surrounding environment.</u> c. <u>Landscape values, cultural values, ecological values and open space values of the surrounding area.</u> d. <u>The adequacy of any mitigation measures.</u>
TISPZ-S3	Coverage	Activity Status where compliance not achieved:
	1. <u>The maximum building coverage of any site shall not exceed 50%.</u>	<p>RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. <u>The location, design and appearance of buildings on the site.</u> b. <u>The visual impact of the built form</u>

		<p><u>on streetscape and surrounding environment.</u></p> <p>c. <u>The extent and quality of any landscaping proposed to soften the built form.</u></p> <p>d. <u>The adequacy of any mitigation measures.</u></p>
TISPZ-S4	Exterior Cladding of Buildings and Structures	<p>Activity Status where compliance not achieved:</p> <p>RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <u>The location, design and appearance of buildings on the site.</u> <u>The visual impact of the built form on streetscape and landscape values.</u> <u>The adequacy of any mitigation measures.</u>
TISPZ-S5	Outdoor Storage	<p>Activity Status where compliance not achieved:</p> <p>RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <u>The design, size and location of any outdoor storage area.</u> <u>The visual impact of the outdoor storage on the streetscape and surrounding environment.</u> <u>The landscaping provided on the site.</u> <u>The adequacy of any mitigation measures.</u>
TISPZ-S6	Landscaping	<p>Activity Status where compliance not achieved:</p>

	<p>1. <u>A landscaped area shall be established in accordance with the Twizel Industrial Outline Development Plan.</u></p>	<p>Activity Status where compliance not achieved with S6.1: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. <u>The location, design and appearance of buildings and other activities on the site.</u> b. <u>The extent of visual impacts on the streetscape and surrounding environment as a result of the reduced landscaping.</u> c. <u>Whether a reduction in road boundary landscaping is appropriate to address a traffic safety matter.</u> d. <u>The overall landscaping in the vicinity of the site.</u> e. <u>The adequacy of any mitigation measures.</u>
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Matters of control

TISPZ-MC1 Twizel Industrial Special Purpose Zone

- a. Mechanisms to require that the infrastructure, roading and public access are in place prior to the establishment of industrial land use activities.
- b. The management of construction effects, including dust, earthworks and silt and sediment, noise, and transport.
- c. Consideration of natural hazards, including overland flow paths and flooding.

TISPZ-MC2 Infrastructure

- a. The design, siting, layout, and construction of any infrastructure or facility which is proposed to:
 - i. Vest in Mackenzie District Council as owner or manager; or
 - ii. Connect to any road, reserve or other infrastructure which is owned, managed by, or otherwise vested in Mackenzie District Council.
- b. For other infrastructure:
 - i. the method(s) by which the operation, maintenance, repairs, and any upgrades to that infrastructure shall be managed; and
 - ii. the method(s) by which prospective purchasers of sites are to be informed of any fiscal or managerial responsibilities they have for that infrastructure.
- c. The appropriateness of any proposed staging, with respect to the timing of the provision of infrastructure to service each stage.
- d. The suitability of the water supply for the intended activities on the site.
- e. The method by which water will be supplied to each allotment for firefighting, taking into account a risk-based assessment. The assessment shall include (but need not be limited to) the:
 - i. type of the water source;

- ii. available water pressure;
- iii. volume of any water storage; and
- iv. method of accessing the water for firefighting purposes.
- f. The ability to treat and dispose of the stormwater on-site, including the use of low impact design principles. This may include the use of swale drains, rain gardens, rain tanks, detention tanks, and re-use systems and methods to minimise stormwater runoff such as by the use of rainwater.
- g. The method(s) for retaining stormwater on-site for re-use.
- h. The method(s) for the disposal and treatment of wastewater.
- i. The capacity and suitability of the wastewater disposal system for the intended activities.
- j. Where wastewater disposal is to Council's urban reticulated wastewater network, the capacity of the wastewater network.
- k. Where wastewater disposal is not via a connection to a reticulated wastewater network:
 - i. The ability to treat and dispose of the wastewater on-site;
 - ii. The design and siting of wastewater treatment and disposal;
 - iii. Health, safety, and wellbeing of people; and
 - iv. Any adverse effects on natural and cultural values within sensitive environments and the degree to which they can be avoided, remedied or mitigated.
- l. Where no on-site connection or disposal is available, the suitability of alternative wastewater disposal methods.

MC3 – Form and Function

- a. The extent to which the size, shape and layout of sites enable activities to take place in accordance with the function, role, amenity and character of the TISPZ.
- b. Whether the size, shape and layout of sites relate well to the proposed roads and public access linkages, and maintains the ecological, landscape, cultural, and open space values of the surrounding environment, the outstanding natural landscape values of the Te Manahuna / Mackenzie Basin Outstanding Natural Landscape, and the amenity values anticipated in adjacent zones.
- c. The anticipated level of built form on the sites.
- d. Landscaping of the sites.

MC4 – Landscape

- a. The suitability of the species proposed for the Landscape Strip and open space areas to the climate and conditions of the site to avoid irrigation of planting and plant loss;
- b. The planting density and suitability of the species to screen built form;
- c. The ecological suitability of species;
- d. Pest control measures to manage wilding conifer spread and the spread of other plant and animal pests;
- e. The design of shared path public access linkages for public safety, access and amenity; and
- f. Methods to secure permanent public access.

Outline Development Plan

Insert an appropriate ODP to provide for the development of the TISPZ above.

Part 2 – District Wide Matters

SUB Subdivision

Rules

SUB-R2	Subdivision not Otherwise Listed (including in ONL)	
TISPZ	<p>Activity Status: RDIS</p> <p>Where the activity complies with the following standards:</p> <p>...</p> <p><u>SUB-S11 TISPZ</u></p> <p>...</p> <p><u>Matters of discretion are restricted to:</u></p> <p>...</p> <p><u>Where located in the TIPSZ:</u></p> <p><u>SUB-MD10</u></p>	<p>Activity status when compliance with standard(s) is not achieved:</p> <p>Refer to the relevant standard(s).</p>

Standards

SUB-S11	Twizel Industrial Special Purpose Zone	Activity status when compliance is not achieved:
	<ol style="list-style-type: none">1. <u>Industrial development and associated landscaping, road connections to State Highway 8, pedestrian and cycle connections and environmental management shall be provided in general accordance with the details and standards included in the Twizel Industrial Outline Development Plan.</u>2. <u>The minimum distance from the Twizel River to the boundary of any allotment used for industrial purposes shall be 200 metres.</u>	DIS

Matters of discretion

SUB-MD10 Twizel Industrial Special Purpose Zone

- a. The form of the SH8 access from a road safety management perspective, including SH8 speed environment, suitability of intersection delineation, lighting, and roadside hazard mitigation for the expected levels of traffic to be generated.
- b. The suitability of infrastructure for providing safe crossing of SH8 taking account of the existing and proposed speed environment, and level of demand for active mode users to cross SH8.
- c. The ability of the site access road to be realigned to connect as a fourth leg to SH8/Ruataniwha Road if it was to be formed as a roundabout in the future.
- d. The suitability of the site access road to accommodate expected traffic safely, and provisions for active mode access to the zoned site.

Part 3 – Area-Specific Matters

GRUZ - General Rural Zone

Insert note for plan users:

Chapter 19 Ecosystem and Indigenous Biodiversity (Plan Change 18) and Chapter X - Natural Features and Landscapes (including Plan Changes 23 and 27) do not any General Rural zoned land on Lot 2 Deposited Plan 487658.

GRUZ- R12	The Establishment of a New, or Expansion of an Existing Conservation Activity	
GRUZ	<p>Activity Status: PER</p> <p>Where the activity complies with the following standards:</p> <ol style="list-style-type: none"> 1. GRUZ-S10 Airport Height Restrictions 2. Where the activity occurs with the special control area on Lot 2 Deposited Plan 487658 and is in general accordance in accordance with the ODP for the TISPZ. 	<p>Activity status when compliance with standard(s) is not achieved with R12.2: DIS</p> <p>Activity status when compliance with standard(s) is not achieved with R12.1: Refer to relevant standard(s).</p>

Part 2 – District-Wide Matters

EW-Earthworks

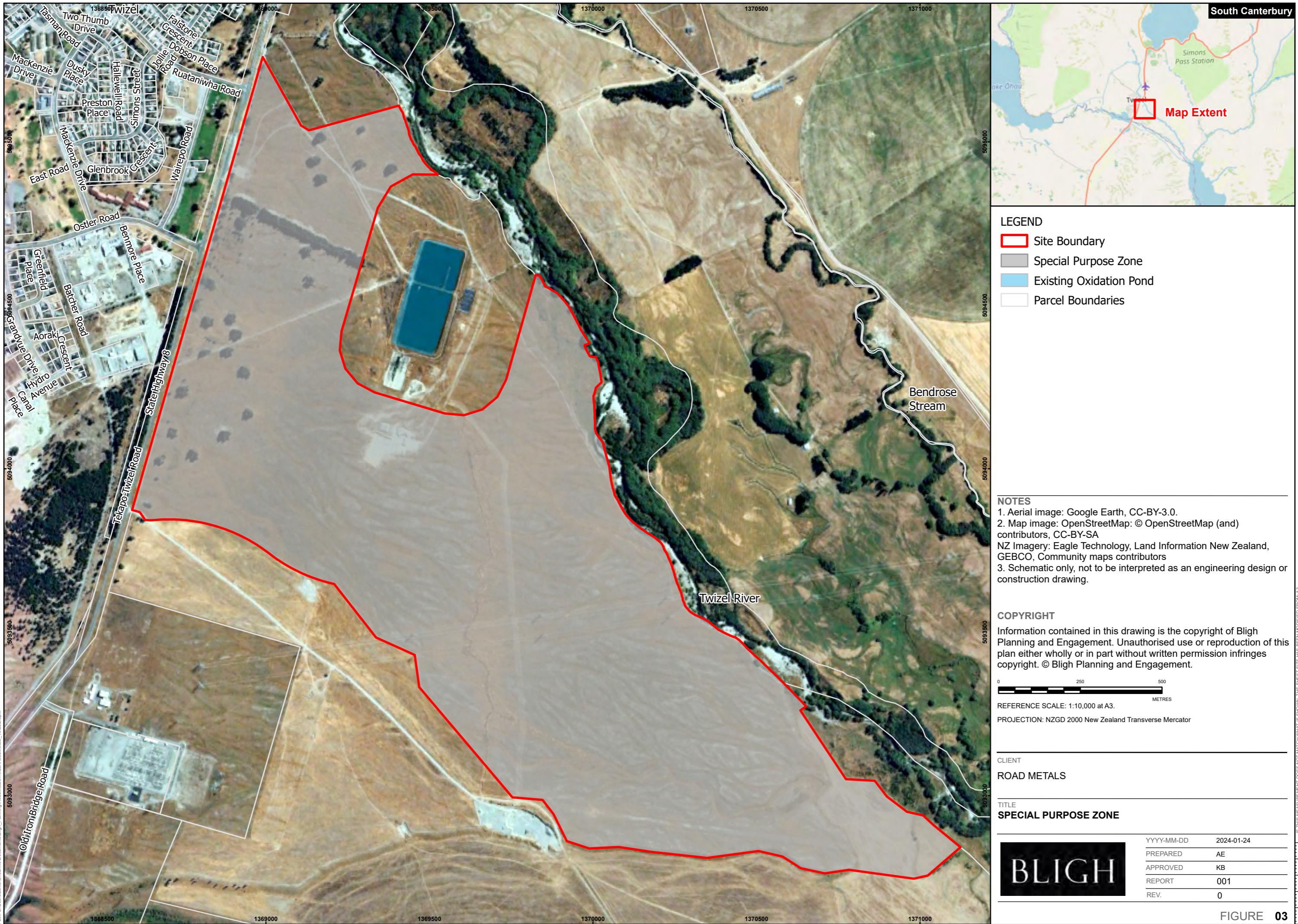
Rules

EW-R4	Earthworks not Specified in EW-R1, EW-R2 or EW-R3	
GRUZ
RESZ RLZ CMUZ GIZ TISPZ	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 3. Earthworks on any site shall not exceed 300m³ by volume 	<p>Activity status when compliance is not achieved with R4.2: CON</p> <p>Where:</p>

	<p>and 1000m² by area per site in any 5-year period.</p> <p>And the activity complies with the following standards:</p> <p>EW-S1 – Maximum slope Gradient</p> <p>EW-S2 – Excavation and Filling</p> <p>EW-S3 – Rehabilitation and Reinstatement</p> <p>EW-S4 – Accidental Discovery</p> <p>EW-S5 – Specific Locations</p> <p>EW-S6 – Proximity to the National Grid</p>	<p>4. Earthworks on any site is more than 300m³ but less than 1000m³ by volume, and is more than 1000m² and less than 2500m² by area per site in any 5-year period.</p> <p>And the activity complies with the following standards:</p> <p>EW-S1 – Maximum slope Gradient</p> <p>EW-S2 – Excavation and Filling</p> <p>EW-S3 – Rehabilitation and Reinstatement</p> <p>EW-S4 – Accidental Discovery</p> <p>EW-S5 – Specific Locations</p> <p>EW-S6 – Proximity to the National Grid</p> <p>Matters of control are limited to:</p> <ul style="list-style-type: none"> a. The effects of stockpiling. b. The visual effects on landscape values. c. Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM. <p>Activity status when compliance is not achieved with R4.4: DIS</p> <p>Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).</p>
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Appendix 3 - Changes to Planning Maps

Rezone the site to TISPZ or General Industrial with appropriate amendments



Appendix 4 - Twizel Spatial Plan

