

# MACKENZIE DISTRICT COUNCIL

## MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD IN THE SERVICE CENTRE, TWIZEL, ON TUESDAY 6 MAY 2008 AT 9.30 AM

### **PRESENT:**

Mayor John O'Neill (Chairman)	
Dave Pullen	Pukaki Ward
Leon O'Sullivan	Pukaki Ward
Simon McDermott	Pukaki Ward
Graeme Page	Opuha Ward

### **IN ATTENDANCE:**

Glen Innes (Chief Executive Officer)  
 Paul Morris (Manager – Finance and Administration)  
 Craig Lyon (Manager – Planning and Regulations)  
 Bernie Haar (Asset Manager) for parts of the meeting  
 Andrew Hall (Engineer) for parts of the meeting  
 Sarah Bevin (Planning Officer)  
 Rosemary Moran (Committee Clerk)

### **I APOLOGIES:**

Resolved that apologies be received from Crs Williams and Smith.

**Simon McDermott/Leon O'Sullivan**

### **II MINUTES:**

Resolved that the Minutes of the Planning Committee Meeting held on 26 March 2008, including such parts as were taken with the Public Excluded, be confirmed and adopted as the correct record of the meeting.

**Dave Pullen/Leon O'Sullivan**

### **MATTERS UNDER ACTION:**

#### **Colour palette**

It was requested that 'Colour Palette' be reinstated on the list of Matters under Action. The Manager – Planning and Regulations undertook to provide further information on the subject.

### **III REPORTS:**

#### **1. CONFLICTS OF INTEREST:**

This report from the Manager – Planning and Regulations sought to endorse a Conflict of Interest policy to address community concerns.

Resolved that the report be received.

**Graeme Page /Dave Pullen**

Resolved:

1. That provision be made at each Hearing to provide the opportunity for elected members to declare their interest (if any) in the matters to be considered at the Hearing.
2. That, where the Council itself is the applicant or a potentially affected party, the Chief Executive Officer be empowered to obtain an Independent Commissioner pursuant to Section 34 A of the Resource Management Act 1991.

**Simon McDermott Graeme Page**

The meeting was adjourned at 10.15 am for morning tea and reconvened at 10.32 am.

Resolved that a meeting of the Hearing Panel be convened.

**Simon McDermott/Dave Pullen**

4. RESOURCE CONSENT APPLICATION RM050078, SUBDIVIDE LOT 64 DP 372 424 (25 LOTS – THE DRIVE EXTENSION), THE DRIVE, TWIZEL – RUATANIWHA FARM LIMITED:

This report from the Planning Officer assessed an objection to the above resource consent decision. The report was accompanied by the Proposed Subdivision Plan for RM050078, the Consent Decision issued on 23 November 2007 and the Notification of Objection received from the applicant dated 6 December 2007.

#### **Conflicts of Interest**

The Mayor asked the members of the panel to declare any conflicts of interest with the application.

No conflicts of interest were declared.

The Mayor welcomed Andrew Hocken, who appeared for the applicant Ruataniwha Farm Limited, to the hearing.

The Mayor outlined the procedure for the hearing and invited Mr Hocken to speak to his objection.

#### **Stage 1 Condition (g) and Stage II condition (e) regarding the provision of a pedestrian/cycle accessway.**

Mr Hocken made the following comments:

- The District Plan did not require the provision of such accessways for subdivisions in the rural zone.
- It would be subject to ongoing maintenance issues.
- He doubted that it would be used
- Because of the 7m wide road there as no need to have a separate accessway
- Council has required Ruataniwha Farm to provide an accessway for Ostler Road to the Drive. How can it retrospectively force developers to do more work on land that has already been divested?

The Asset Manager and Council's Resource Consents Engineer, Andrew Hall, joined the meeting at 10.39 am.

The Planning Office reiterated the comment in her report that the controlled nature of the proposed activity provided for accessways for pedestrians and cyclists and that was the reason for recommending the path be developed. She said that, given the prospect of further development in the area, it was likely that the accessway would be used by the public to get to the Lake. A further 30 Lots were proposed for The Drive, another 60 Lots further to the north and another 50 Lots in the general area.

She said that while there were no footpaths in the area currently, the Community had expressed a desire for the provision of a network of pathways in the Twizel area. The proposed path would represent a good start. It would also be a safety measure, taking people off roads where traffic movements would steadily increase with new developments.

Cr Pullen suggested that if the process was to become the norm it would be timely to consider changing the rules in the District Plan.

The Manager – Planning and Regulations said that the current rules for subdivisions and assessments were quite specific with regard to footpaths and cycleways.

The Asset Manager said that the applicant's proposals for subdivision had been piecemeal and it was only as each one was submitted that a total picture began to emerge. He expressed concern because, as the only access in to the area to the Lake, the roadway would be used by increasing numbers of pedestrians, cyclists and vehicles.

Cr Pullen suggested that Ruataniwha Farm Ltd be asked to provide walkways and cycleways as alternatives to the roading network.

It was advised that, in spite of his requests, the Manager – Planning and Regulations had yet to see a comprehensive traffic management plans showing linkages.

The Asset Manager said the Council was not seeking a sealed accessway over long lengths, rather a simple gravelled path which would be sprayed on an annual basis to control weeds. He pointed out that it was normal for there to be significant weed growth in the first year after construction.

Mr Hocken then referred to **Stage I condition (h) – widening of the south bound lane on Ostler Road.**

He said the road had been built to the standard required by the Council at the time. He suggested that moving the traffic islands back would improve the intersection. He said he would be open to a cost sharing arrangement with Council to do the work.

Mr Hocken said that it was intended to make provision for additional roadways in future subdivision applications, which would take pressure of the intersection.

The Asset Manager noted that the Council could only assess information which was currently placed before it.

Mr Hocken then referred to **Stage I condition (m) and Stage II condition (j) – restricted water supply.**

Mr Hocken said that the Jeff Booth report had indicated there would be no negative effect on Twizel's water supply if a full on-demand service was provided to The Drive. He claimed that the original consent for The Drive permitted an on-demand supply.

The Asset Manager said the engineering approval for the original consent was on a restricted basis. The relevant condition for The Drive Stage I referred to unrestricted water 'for fire fighting purposes'. He noted that the engineering analysis referred to by Mr Hocken had not been completed to the extent required, which was why the engineer was not longer working for the Council.

The Asset Manager said the Council needed to develop policy with regard to water supplies. He considered supplies to sections of 2,000 sq metres or more should be restricted, not only because Twizel's consent to take water was consistently exceeded during the summer months, exposing the Council to further restrictions from Environment Canterbury and through the Waitaki Water Allocation Plan, but also because an unrestricted supply required larger more expensive pipes. The funding of depreciation on the more expensive assets would need to be subsidised by other ratepayers because insufficient funds would be raised from the large allotments.

**Stage I Condition (q) Stormwater Flowpaths.**

Mr Hocken considered that the requirement for consent notices to be attached to each title was ridiculous because there were no stormwater issues and a report to that effect could be obtained.

The Asset Manager said it was important that stormwater flows through the area were understood to ensure that roading did not redirect stormwater elsewhere. The Council needed to ensure that sound processes were in place to make sure that further adverse effects were not created.

Mr Hocken said that a meeting had been arranged for later in the day to address the issue.

**Stage I Condition (af) Maintenance of Works and Vesting Timetable:**

Mr Hocken submitted that the wording of the condition was too open-ended.

The Asset Manager said that the condition was standard and the intent was for the Council to take over the assets in the year rates were raised, subject to the engineering standards being met. He suggested that the applicant make formal application to the Council to take over the assets at the appropriate time.

Mr Hocken said that if further explanation was included in the condition to that effect, he was happy with the condition.

**Stage I Conditions (ah) and (ai) and Stage II conditions (ag) and (ah) Capital Works Contributions:**

Mr Hocken referred to the decision 'Neil Construction vs the North Shore City Council' of 21 March 2007 which said some councils had been abusing their ability to raise development contributions under the Local Government Act 2002 and were using the funds for other purposes. To this end he was proposing that Ruataniwha Farm Limited paid no capital contributions in relation to the subdivision.

The Chief Executive Officer explained that the Council had not used the Local Government Act 2002 to charge development contributions. Council's policy – District Plan Change 7 - was developed under the Resource Management Act 1991.

He said the court case referred to by Mr Hocken was therefore not relevant.

The Chief Executive Officer said that if Ruataniwha Farm Ltd presented a comprehensive development plan in a unified way, there could be the opportunity for a reasonable capital contributions arrangement to be negotiated.

The Mayor clarified that the Panel could expect to hear more from Mr Hocken in regard to the stormwater issue.

Cr Pullen referred to street lighting and a suggestion that developers should be asked to use bollards rather than lamp posts to reduce the impact of lighting.

The Planning Officer said the lighting conditions (j) and (k) did not specify the type of lighting to be installed.

The Asset Manager agreed and said there would be an opportunity to discuss the issue with the developers in the future.

Mr Hocken referred to headworks charges and suggested that Ruataniwha Farms had been overcharged and that Council needed to reconsider the charges.

The Mayor thanked Mr Hocken and advised that the Panel's decision would be issued in due course.

Mr Hocken left the hearing at 11.57 am.

3 RESOURCE CONSENT APPLICATION RM070085 – SUBDIVIDE SEC 2 SO 357850 AND SEC 4 SO 353746 (LOTS 2 AN 3 OF APPLICATION RM070071) – STATE HIGHWAY 8 TWIZEL, RIVERSIDE ESTATES LIMITED.

This report from the Planning Officer assessed an objection to the above resource consent decision.

The report was accompanied by the Consent Decision issued on 7 November 2007, Notification of objection received from the applicant on 19 November 2007, Application Plan – RM070071, Application Plan – RM 070085 and Amended Plan – RM070085 (dated 19 November 2007).

**Conflicts of Interest**

The Mayor asked the members of the panel to declare any conflicts of interest with the application.

No conflicts of interest were declared.

The Planning Officer spoke to her report.

Resolved:

1. That the report be received.
2. That the objection to condition (h) be rejected and remains as written on the original consent issued 7 November 2007 as follows:
  - (h) There shall be no additional habitable residential buildings erected on Lots 1, 3 and 4, effective from the date of this consent.

This condition shall be the subject of a consent notice registered on the titles of Lots 1, 3 and 4 pursuant to Section 221 of the Resource Management Act 1991.

3. The objection relating to Condition (i) be accepted in part and the condition be amended as follows:
  - (i) Prior to the issue of a building consent in respect of future residential development of the existing dwellings on Lots 3 and 4, the property owner shall supply to Council the written approval of Environment Canterbury, and a detailed flood hazard assessment in relation to the specific site and proposed development.

This condition shall be the subject of a consent notice registered on the titles of Lots 3 and 4 pursuant to Section 221 of the Resource Management Act 1991.

4. The amended plan dated 19 November 2007 be accepted and condition (a) of RM070085 be amended as follows:
  - (a) The subdivision shall be undertaken in accordance with the subdivision consent plan of Paterson Pitts Partners Ltd No. 20873 dated 19/11/07

**Dave Pullen/Simon McDermott**

4. RESOURCE CONSENT APPLICATION RM060113, SUBDIVIDE PT RS 32380, CLAYTON ROAD, FAIRLIE, NICK EMPSON

This report from the Planning Officer assessed an objection to the above resource consent decision.

The report was accompanied by the Proposed subdivision plan for RM060113, Consent Decision issued 1 April 2008 and Notification of Objection received from the Applicant on 22 April 2008.

**Conflicts of Interest**

The Mayor asked the members of the panel to declare any conflicts of interest with the application.

No conflicts of interest were declared.

Resolved:

1. That the report be received.
2. That the objection relating to Condition (g) on RM060113 be rejected and the condition remains as written on the original consent granted 1 April 2008:
  - (g) The 370 metre length of Monument Road with which the development has frontage shall be sealed to a width of 5.6 metres and to the satisfaction of the Asset Manager, prior to the issue of a completion certificate under Section 224 of the Resource Management Act 1991.

**Dave Pullen/Leon O'Sullivan**

5. RESOURCE CONSENT APPLICATION RM080026, LIQUOR LICENCE AS PART OF EXISTING SPRINGS AND SPA AND WINTER PARK – 6 LAKESIDE DRIVE, LAKE TEKAPO – ALPINE SPRINGS AND SPA, LAKE TEKAPO LTD:

This report from the Planning Officer provided background to the issues involved in the above application.

Resolved:

1. That the report be received.
2. That consent be granted to the application for resource consent for an on licence in conjunction with the Alpine Springs and Spa located on Lakeside Drive, Lake Tekapo, subject to the following conditions:
  - (a) The activity shall proceed in accordance with the plans and details supplied with the application entered on Council's records as RM080026 and stamped as approved.
  - (b) Liquor shall be sold solely within the area indicated on the plan marked EXHIBIT RM080026 dated 09/04/08 and approved on 30/04/08.
  - (c) Liquor shall be sold during the hours of 8 am – 10 pm only.
  - (d) Only liquor purchased on-site shall be consumed on-site and within the area indicated on the plan marked EXHIBIT RM080026 dated 09/04/08 and approved on 30/04/08.
  - (e) Food shall be available for purchase at all times liquor is for sale.
  - (f) Liquor shall not be offered for sale at times the kitchen is closed.
  - (g) That the Mackenzie District Council, on any of the last five working days of March and/or August each year, or following receipt of complaints, may serve notice of its intention to review the conditions of this consent for the purpose of dealing with any adverse effects on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

**Simon McDermott /Dave Pullen**

The meeting was adjourned at 12.30 pm for lunch. The Panel then visited The Drive subdivision, the site of RM0500078, Ruataniwha Farm Ltd

The meeting was reconvened at 2.13 pm.

**IX PUBLIC EXCLUDED:**

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

1. RM 050078
2. Mt Cook Fire

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
RM 050078	The Right of Appeal Lies to the Tribunal	48(1)(d)
Mt Cook Fire	Legal Professional Privilege	48(1)(a)(i) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

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: *RM 050078*, *Section 48(2)(a)(i)* and *Mt Cook Fire – Section 7(2)(g)*.

**Graeme Page/Simon McDermott**

The Committee continued in Open Meeting.

**RESOURCE CONSENT APPLICATION RM050078, SUBDIVIDE LOT 64 DP 372 424 (25 LOTS – THE DRIVE EXTENSION), THE DRIVE, TWIZEL – RUATANIWHA FARM LIMITED**

Resolved that the following decision taken with the Public Excluded be confirmed:

1. The objection relating to Condition (g) of Stage I and Condition (e) of Stage II is accepted and the conditions removed from the consent.



**Reasons:**

The Hearing Panel considered the provision of a pedestrian walkway/cycleway unnecessary. The Hearing Panel considered the carriageway of “The Drive” has sufficient width to cater for all vehicles, pedestrians and cyclists in this location. The Hearing Panel considered the proposed location of the walkway/cycleway resulted in a lack of possible future linkages with future walkways/cycleways in the area, and there was no proof that future linkages would occur.

The Hearing Panel recognises that walkways/cycleways have been requested by the Twizel community as part of the Twizel development study – ‘Twizel – The Future Starts Today’. Given the proposed additional development to the north of this site subject to this application, the Hearing Panel considered it more appropriate that an overall proposal for walkways/cycleways be prepared in conjunction with this additional development. This additional development is yet to obtain resource consent.

2. The objection relating to Condition (h) of Stage I is rejected and the condition remain as written on the original consent granted 23 November 2007 as follows:

(h) The southbound lane of Ostler Road shall be widened to a width of 6 metres in accordance with Austroads Intersections at Grade Manual’s Figure 6.27, for a distance of 30 metres with 17 metre tapers required on each end, in order to ensure a through vehicle is able to pass a vehicle waiting to turn right into The Drive, as specified in the attached diagram, marked as Attachment B.

**Reasons:**

The Hearing Panel visited the site as part of deliberations and considered it appropriate that the southbound lane of Ostler Road be widened as recommended in the Opus International Traffic Assessment. The total works required are 64 metres in length and fall within the road reserve. Widening of this lane assists with maintaining the flow of southbound traffic on this section of Ostler Road, while improving traffic safety. The Hearing Panel agreed that the additional traffic resulting from these additional allotments is not sufficient to warrant the installation of an auxillary lane for turning traffic. However the Hearing Panel also noted that traffic assessments in this area are being provided as part of the subdivision applications currently being processed by Council. Additional works may be required in the future as a result of development across this wider area.

3. The objection relating to Condition (m) of Stage I and Condition (j) of Stage II is rejected and the condition remains as written on the original consent granted 23 November 2007 as follows:

## Stage I

(m) Each allotment shall be connected to a restricted water supply from the Twizel Water Supply.

## Stage II

(j) Each allotment shall be connected to a restricted water supply from the Twizel Water Supply.

**Reasons:**

The Hearing Panel considered a restricted supply is appropriate for these allotments. There is an anticipated increase in demand associated with larger lots, particularly with regards to irrigation. The Hearing Panel considered possible options to control water use on these sites, including the installation of water meters, with the land owners paying for additional water over a particular threshold. The main concern of the Hearing Panel was that urban residents should not be penalised for the increased usage of water on these allotments, particularly for irrigation. The Hearing Panel agreed with the comments contained in the 'Twizel Water Supply Investigation Issues and Options Report' prepared by Opus in August 2007. This report states that the appropriate and economic method of servicing a development with larger lots is with a restricted supply.

4. The objection relating to Condition (q) of Stage I and Condition (n) of Stage II is rejected and the condition remains as written on the original consent granted 23 November 2007 as follows:

**Stage I:**

**(q)** Stormwater flowpaths shall be identified on the lot and no buildings or any modification or development to any degree shall occur within these swales.

This condition shall be the subject of a consent notice registered on the titles of Lots 1 - 11 pursuant to Section 221 of the Resource Management Act 1991.

**Stage II:**

**(n)** Stormwater flowpaths shall be identified on the lot and no buildings or any modification or development to any degree shall occur within these swales.

This condition shall be the subject of a consent notice registered on the titles of Lots 12-25 pursuant to Section 221 of the Resource Management Act 1991.

**Reasons**

The Hearing Panel considered it appropriate that comprehensive information on stormwater flow paths be obtained for both this site and the wider area. At the Hearing the consent holder confirmed that these report were currently being obtained. During the site visit the Hearing Panel noted that, while this subject site is elevated above the neighbouring land to the north, there are a number of swales in this location. The Hearing Panel considered it appropriate to retain the consent condition as written on the original consent granted 23 November 2007. The Hearing Panel also considered it appropriate to include a note on the consent advising the consent holder of the procedure to vary or cancel a consent condition or consent notice. The Council will consider the alteration of this consent condition following provision of the stormwater flow path reports currently being obtained by the consent holder.

5. That the objection relating to Condition (af) on RM050078 Stage I and Condition (ae) on RM050078 Stage II is rejected and the condition remains as written on the original consent granted 23 November 2007 as follows:

**Stage I**

**(af)** The developer shall maintain the works until they are formally taken over by Council. This date shall be agreed by the developer and Council.

**Stage II**

**(ae)** The developer shall maintain the works until they are formally taken over by Council. This date shall be agreed by the developer and Council.

**Reasons**

Council's policy states that the Council takes over the works in the year that rates are first raised on the relevant titles. The condition imposed on the consent allows for negotiation to take place between the Council and the consent holder in regards this date. The consent holder is required to make a formal request to Council to take over the works. The Hearing Panel agreed that this consent condition could be open to interpretation. The appropriate method of dealing with this is considered to be through an advice note, advising the consent holder that a formal request should be made to Council to formally take over the works, and that this usually occurs in the year rates are first raised on the relevant titles.

6. The objection relating to Conditions (ah) and (ai) on RM050078 Stage I and Conditions (ag) and (ah) on RM050078 Stage II be rejected and the conditions remain as written on the original consent granted 23 November 2007 as follows:

**Stage I**

(ah)The consent holder shall pay the water supply capital works contribution of \$2,239.22 plus GST per lot for 11 lots.

(ai)The consent holder shall pay the sanitary sewage capital works contribution of \$2,345.48 plus GST per lot for 11 lots.

**Stage II**

(ag)The consent holder shall pay the water supply capital works contribution of \$2,239.22 plus GST per lot for 14 lots.

(ah)The consent holder shall pay the sanitary sewage capital works contribution of \$2,345.48 plus GST per lot for 14 lots.

**Reasons:**

The Hearing Panel considered the amounts stated in the consent conditions were appropriate and in accordance with Council's resolution passed on 8 May 2007. The issue of applying discretion when charging capital works contributions was discussed with reference to Plan Change 7. It was considered that such a discussion can only occur when raised by an applicant with sufficient information detailing what works have been provided/are anticipated to make an informed decision on any reduction in fees. As this has not occurred, it was considered there were no grounds for any reduction in fees on the basis of this application alone.

This is a matter outside of this objection and requires discussion between the relevant parties. The Hearing Panel recommends the consent holder discuss alternative payment amounts for future or past capital works contributions payments with Council in order to assess this issue in a holistic manner.

**Simon McDermott /Dave Pullen**

**LEAVE OF ABSENCE:**

Cr Pullen was granted Leave of Absence from 17 May to 31 May 2008.

**MAYOR DECLARED THE MEETING CLOSED  
AT 4.15 PM**

**CHAIRMAN:** \_\_\_\_\_

**DATE:** \_\_\_\_\_