

# Plan Changes 23 - 27

## Rezoning submissions and further submissions

### Summary of Changes in Response to Rebuttal Evidence – Lisa Thorne

27 May 2024

The Hearings Panel have requested a summary of any changes to recommendations/conclusions as a result of rebuttal evidence provided by submitters. A summary in relation to each submission is provided below. It is not my intention to provide a view on all matters as I wish to hear the evidence presented and questions from the Hearings Panel, and I understand that I will have the opportunity to provide a formal response following the close of the hearing.

Johnson and McCabe (23.23) - rezone approximately 14.5ha of land from GRUZ to LLRZ with a specific control area, at 34 Albury Fairlie Road, Fairlie
My conclusions and recommendations in the section 42A report remain unchanged other than as specified below:
<ul style="list-style-type: none"><li>• Ms McMullan confirms in her rebuttal evidence that the proposed SCA is intended to work in the same manner as SCA2. SCA2 provides for a density of 1ha, with the density being DIS where compliance is not achieved under LLRZ S1. I now understand from the rebuttal evidence that a density of 1ha is sought, and the flexibility for a higher density in the future is not sought. Clarifying this with Ms McMullan would be helpful.</li><li>• Flood hazard risk associated with the proposed rezoning is assessed and ECan's response is that risk will be very low. I no longer consider this a concern.</li><li>• As outlined in Paragraph 8 of Ms McMullan's rebuttal evidence, there is an error in my Section 42A report where I incorrectly refer to the existing urban zoned land in the northern area of the site as being LLRZ. This should be corrected to refer to the Low Density Residential Zone (LDRZ).</li><li>• Ms McMullan's rebuttal evidence concludes that the rezoning has a functional need to unlock the LDRZ land in the northern part of the site. My view is that access to that land and the development of that land is a separate matter to the rezoning sought in this area of the site. Rezoning 14.5ha of GRUZ to LLRZ is not necessary to facilitate that access.</li></ul>
Morelea Farm (23.31) – rezone approximately 23.5ha of land from GRUZ to GIZ at the corner of Geraldine-Fairlie Highway and Clayton Road, Fairlie
No rebuttal evidence to respond to, and no change to recommendations.
Road Metals (23.35) - rezone approximately 17.4ha of land at 6591 State Highway 8 from GRUZ to a Twizel Industrial Special Purpose Zone and other changes to the Plan
No rebuttal evidence has been provided. I make the following comments in relation to the Planning JWS and legal submissions: <ul style="list-style-type: none"><li>• Whilst I acknowledge that NZTA are in agreement with Mr Metherell's evidence and the proposed transport provisions, I remain of the view that the provisions will not be effective for the reasons set out in my s42A report. My view is that how the transport</li></ul>

<p>outcomes are secured through plan drafting is a planning issue and the rules must be able to be clearly understood and applied by plan users and MDC.</p> <ul style="list-style-type: none"> <li>• The ecology experts are not agreed that there will be ‘no net loss’. Mr Morris’s view is that there remains to be a net loss of outwash plain habitat. While the EMA area is a closer step to achieving the objectives, outwash plain habitat loss remains a key issue in contention, and would not achieve the EIB Chapter objective, CRPS Objective 9.2.3 and NPSIB Policy 7 to protect areas of significant indigenous vegetation and significant habitat<sup>1</sup>.</li> <li>• Industrial land supply needs remains a key matter of contention between the economic experts.</li> <li>• I have been advised by Council’s legal Counsel that to amend either the Te Manahuna / Mackenzie Basin Outstanding Natural Landscape overlay or EIB Chapter of the District Plan, or to exempt these from the TISPZ, is out of scope of Plan Change 23. Accordingly, the provisions in the NFL Chapter and EIB Chapter would continue to apply to the site, regardless of any change of zoning from GRUZ.</li> <li>• I remain of the view that should the Hearings Panel be minded to accept the rezoning, the provisions proposed require reframing to achieve the outcomes sought in the submission, for the reasons set out in my s42A report. Rezoning the entirety of the TISPZ, EMA, OSSA areas as TISPZ with an appropriate rule and policy framework would be more effective than that proposed by Mr Bligh in Appendix 1 to the Planning JWS.</li> </ul>
<p>Mackenzie Properties Limited (23.33) - rezone approximately 120ha of land from GRUZ to RLZ at the western end of the Drive, Twizel</p>
<p>My conclusions and recommendations in the section 42A report remain unchanged and I make the following comments in relation to the rebuttal evidence of Mr Ross:</p> <ul style="list-style-type: none"> <li>• Whilst I agree with Mr Ross in paragraph 10 that management and mitigation are appropriate pathways to dealing with natural hazard risks, I disagree with the rest of his assessment regarding the appropriateness of rezoning the site under the hazard objectives and policies of the CRPS and Plan for the reasons provided in my s42A report. Mr McLachlan’s response outlines issues associated the proposed mitigation approach in terms of infrastructure and roading.</li> <li>• I acknowledge that the Eastern Mackenzie Rural Character Report and Macfarlane Rural Business Ltd Report relate to the Eastern Basin as outlined by Mr Ross in paragraph 28. However the site meets the minimum lot size for GRUZ and my view in paragraph 208 of my s42A report remains unchanged.</li> <li>• Whilst I acknowledge the somewhat fragmented spatial context of the site and surrounding area as outlined in paragraphs 35-38, I do not agree that the proposed RLZ would achieve spatial cohesiveness, and would instead proliferate the fragmentation of land that the Plan seeks to address. The conclusions in my s42A report remain unchanged.</li> </ul>

<sup>1</sup> Noting CRPS Policy 9.3.1.3 requires “areas identified as significant will be protected to ensure no net loss...” and EIB Chapter Policy 2 seeks to “protect areas of significant indigenous vegetation and significant habitats of indigenous fauna by ensuring that land use and development...a) avoids the clearance of indigenous vegetation or any reduction in its extent (including through edge effects); and b) avoids adverse effects on those habitats”.