



TO THE MAYOR AND COUNCILLORS OF THE MACKENZIE DISTRICT COUNCIL

Membership of the Planning and Regulation Committee:

Cr Murray Cox (Chairman)
Claire Barlow (Mayor)
Cr Noel Jackson
Cr Evan Williams
Cr Russell Armstrong
Cr James Leslie
Cr Graham Smith

*Notice is given of the Meeting of the Planning and Regulation
Committee to be held on Tuesday, November 24, 2015,
following the conclusion of the Asset and Services Committee
meeting.*

VENUE: Council Chambers, Fairlie.

BUSINESS: As per agenda attached

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER



PLANNING AND REGULATION COMMITTEE

Agenda for Tuesday, November 24, 2015

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRM MINUTES:

Confirm and adopt as the correct record the minutes of the Planning and Regulation Committee meeting held on October 13, 2015, including those parts taken in public excluded.

REPORTS:

1. Verbal Report on Planning Activity.
2. Submission on Plan Change 4, Canterbury Land and Water Regional Plan (attached).

PUBLIC EXCLUDED RESOLUTION:

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

1. Planning and Regulation Committee minutes from the meeting October 13, 2015.

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Planning and Regulation Committee minutes October 13, 2015.	Protect the privacy of persons	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: *Minutes of Planning and Regulation Committee on October 13 under section 7(2)(b)(ii).*

ADJOURNMENTS: 12pm - Lunch

**MACKENZIE DISTRICT COUNCIL
MINUTES OF A MEETING OF THE PLANNING AND REGULATION
COMMITTEE HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON
TUESDAY, OCTOBER 13, 2015, AT 9.30AM**

PRESENT:

Cr Murray Cox (Chairman)
Cr Graham Smith
Cr James Leslie
Cr Evan Williams
Cr Russell Armstrong

IN ATTENDANCE:

Wayne Barnett (Chief Executive Officer)
Nathan Hole (Planning and Regulation Manager)
Arlene Goss (Committee Clerk)
Rob Hands (SC Rural Fire Chief)
Ashlee Dolamore (Planning staff)
Katherine Hill (Planning staff)

APOLOGIES:

Resolved that an apology be received from Mayor Claire Barlow and Cr Noel Jackson.

Cr Smith/Cr Armstrong

DECLARATIONS OF INTEREST:

There were no declarations of interest.

WELCOME:

The chairman welcomed Ashlee Dolamore and Katherine Hill as new staff in the planning department.

VISITOR AND REPORT: SCRFA AMENDMENT TO CHARTER:

Rob Hands from South Canterbury Rural Fire was at the meeting to speak to the report "SCRFA Amendment to Charter". The purpose of his report was for the committee to consider a proposed amendment to the South Canterbury Rural Fire Committee (SCRFC) Charter to provide for a second independent director.

Resolved that the report be received.

Cr Williams/Cr Armstrong

Rob Hands introduced the amendment to the charter and explained that it was being finalised prior to a possible merger of the fire authority with Ashburton. He said under the amendment there would still be regular

reporting to Council, including monthly reports and an annual report. Nathan Hole added that the South Canterbury Rural Fire Authority has already confirmed the amended charter but it now needs to circulate it to member agencies for approval. Mackenzie District Council is a member agency. Councillors agreed to support the amendment.

Resolved that the Committee agrees to amend Clause 4.1(g) of the SCRFC Charter to state: "Two people appointed by the committee as independent members with recognised governance experience, and having the same rights as other members of the Committee. The term of appointment will be in accordance with the Forest and Rural Fires Regulations 2005."

Cr Smith/Cr Williams

Rob Hands said further changes to the charter are coming regarding the inclusion of Ashburton district. These will be circulated to Council in the near future. He believes joining with Ashburton will strengthen what they are doing. The Department of Conservation will also join as a financial member. The result of this will be the employment of two additional staff. He is looking forward to the challenge and change in direction. Further discussion was held on national changes to funding of rural fire, and other matters. Rob Hands also said he expects the district to go into a restricted fire season fairly soon this summer. The chairman thanked Rob Hands for attending.

CONFIRM MINUTES:

Resolved that the minutes of the Planning and Regulation Committee meeting held on July 23, 2015, including those parts taken in public excluded, be confirmed and adopted as a correct record of the meeting.

Cr Smith/Cr Williams

Resolved that the minutes of the Extraordinary Planning and Regulation Committee meeting held on September 3, 2015, including those parts taken in public excluded, be confirmed and adopted as a correct record of the meeting.

Cr Smith/Cr Williams

REPORTS:

PROPOSED PRIVATE PLAN CHANGE – LAKE TEKAPO:

Nathan Hole said this is a private plan change concerning land adjacent to the current campground at Lake Tekapo. He outlined the proposed changes. The owners have undertaken consultation with iwi and a cultural impact assessment. The person applying for the plan change pays the costs of notification and consultation. This would be followed by a hearing before commissioners.

Cr Leslie asked what the owners of the land are planning to do as a result of this plan change. Nathan Hole said they would like to develop and subdivide the land and sell it to make a return. Cr Williams asked if there was a reason why anyone would oppose it. Nathan Hole said there is a history surrounding the site and some people may object. Anyone who makes a submission needs to give a suitable reason. He suspects there will be discussion locally on this. The campground is most likely to be affected by the change.

Cr Smith said he does not want this to become a plan change 13 scenario, with council pulled into a court process. If it was to be appealed Council would be involved in that legal process at some cost. Cr Leslie said this is ultimately a Tekapo decision.

Resolved:

1. That the report be received.

Cr Leslie/Cr Williams

2. That the committee accepts Tekapo Landco Ltd's request pursuant to Clause 25(2)(b) and proceed to publicly notify the request under Clause 26 of the First Schedule of the Resource Management Act 1991.

Cr Leslie/Cr Williams

RELOCATED DWELLINGS IN RES 1 AND RES 2 ZONES:

The purpose of this report was for the committee to discuss the issue of used buildings being relocated into Residential 1 and 2 zones, and how the rules in the District Plan manages this.

Nathan Hole said this issue arose due to a relocated building being put on land in Regent Street, Fairlie. Residents have had a meeting with himself, the Mayor and chief executive to discuss this issue. As a result the Mayor asked Nathan Hole to put this report to Council to see if they were interested in changing the District Plan with regards to relocated buildings.

Cr Leslie asked if plan changes were retrospective. No, so any change would only impact on future situations. Cr Smith said he is happy with the district plan rules as they stand. He asked how long a house can sit on piles before it has to be made permanent. Nathan Hole said if someone is storing a house on blocks it comes under a different rule. In the Regent Street situation there is currently an application in for consent, so the house will not stand on blocks for long. Cr Smith said once the house is on piles and re-clad it will look better.

Cr Armstrong asked whether the owners of relocated buildings should be required to get their neighbour's approval. Nathan Hole said the concern at Regent Street is wider than the immediate neighbours. The chief executive said the public meeting feedback was more about housing density than the relocated house. This was addressed as part of Plan Change 8, which now means that only one house is allowed per site, and introduced larger lot sizes.

Councillors discussed the upcoming review of the District Plan and were of the view that issues around relocated houses could be addressed at this time.

Resolved:

1. That the report be received.

Cr Williams/Cr Armstrong

2. That the Planning and Regulation Committee recommends the issue of relocated buildings be included in the District Plan review process.

Cr Leslie/Cr Armstrong

PUBLIC EXCLUDED RESOLUTION:

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

1. Planning and Regulation Committee minutes from the meeting July 23, 2015.
2. Planning and Regulation Committee minutes from the extraordinary meeting September 3, 2015.
3. Cleansing Order – Health Act 1956.

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Planning and Regulation Committee minutes from the meeting July 23, 2015.	Maintain legal professional privilege	48(1)(a)(i)
Planning and Regulation Committee minutes from the extraordinary meeting September 3, 2015	Maintain legal professional privilege	48(1)(a)(i)
Cleansing Order – Health Act 1956.	Protect the privacy of persons	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: *Minutes of Planning and Regulation Committee on July 23 and September 3 under section 7(2)(g). Cleansing Order under the Health Act 1956 under section 7(2)(b)(ii).*

Cr Armstrong/Cr Leslie

The Planning and Regulation Committee continued in open meeting.

**THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE
MEETING CLOSED AT 10.49AM**

CHAIRMAN: _____

DATE: _____

Unconfirmed

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING AND REGULATORY COMMITTEE

SUBJECT: SUBMISSION ON PLAN CHANGE 4, CANTERBURY LAND
AND WATER REGIONAL PLAN

MEETING DATE: 24 NOVEMBER 2015

REF: REG 6/1/4

FROM: AARON HAKKAART, POLICY PLANNER (DISTRICT PLAN
REVIEW)
TONI MORRISON, SENIOR POLICY PLANNER

PURPOSE OF REPORT:

To seek the retrospective approval of Mackenzie District Council's submission on Plan Change 4 of the Canterbury Land and Water Regional Plan.

STAFF RECOMMENDATIONS:

1. That the report be received.
2. That the committee approve the submission of Mackenzie District Council on Plan Change 4 to the Land and Water Regional Plan, lodged on 12 October 2015.

WAYNE BARNETT
CHIEF EXECUTIVE OFFICER

ATTACHMENTS:

Mackenzie District Council's submission on Plan Change 4 to the Land and Water Regional Plan.

BACKGROUND:

Plan Change 4 (PC4) to the Land and Water Regional Plan (LWRP) was notified for submissions on 12 September 2015, and submissions closed on 12 October 2015. The closing date for submissions did not allow for the submission to come before the Planning and Regulatory Committee for approval prior to lodgement. The purpose of this report is to seek retrospective approval of the Committee to that submission.

PC4 seeks to amend sections 2, 3, 4, 5, 6, 7 and 16 of the LWRP, and the associated planning maps. In general, the plan change seeks to address implementation issues and other resource management matters identified following the implementation of the LWRP.

The key concern outlined in the Council's submission is that PC4 proposes to change the provisions relating to Community Drinking Water Supplies in a way that reduces current protections in the Plan for smaller community water supplies.

The proposed change seeks to amend the definition of Community Drinking Water Supply, and delete the definition of Group Drinking Water Supplies. This will result in the removal of existing protection afforded to drinking water supplies that service communities of less than 25 people. This will potentially affect 3 small Council-owned supplies in the District: Kimbell Rural, Burkes Pass, and Pukaki Airport.

The Council's submission notes that the provision of Community Drinking Water Supplies is a key and core function of territorial authorities, including the Mackenzie District Council. Currently, priority is provided in the LWRP for Community Drinking Water Supplies in terms of allocation, but the Plan also contains restrictions on land uses that have the potential to impact on those water supplies, such as protecting community water supplies from other discharges. As noted, PC4 removes some protections for three of the community supplies within the Mackenzie District.

The Council has taken an active role in engaging in regional planning processes to ensure that the provisions applying to or affected by Community Water Supplies and Community Drinking Water Supplies were appropriate, including in the Canterbury Regional Policy Statement, the Natural Resources Regional Plan and the Proposed LWRP. This included lodging submissions, further submissions, preparing and presenting evidence to the hearings panels.

The Council also provided comment on Draft PC4; highlighting that the provisions relating to the Community Drinking Water Supplies are proposed to be changed in a manner inappropriate for the Mackenzie District. Discussions were held with the Chair of the Planning Committee as to the scope and content of a possible submission. Following that a submission was drafted and circulated to Chair, and then lodged with Environment Canterbury. A copy of that submission is attached.

Due to staff workload, Jane Whyte of Response Planning was engaged to draft and lodge the final submission on the Council's behalf.

POLICY STATUS:

There is no Council policy relevant to this decision.

SIGNIFICANCE OF DECISION:

This item does not trigger Council's Significance & Engagement policy.

ISSUES & OPTIONS:

N/A

CONCLUSION:

The Council has lodged a submission on Proposed Plan Change 4 to the Canterbury Land and Water Regional Plan. The Committee's formal approval to that submission is now sought.

**SUBMISSION ON PROPOSED PLAN CHANGE 4 TO THE PROPOSED
CANTERBURY LAND AND WATER REGIONAL PLAN UNDER CLAUSE SIX
OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

To: Environment Canterbury
PO Box 345
CHRISTCHURCH 8140

mailroom@ecan.govt.nz

Name: Mackenzie District Council
PO Box 52
FAIRLIE 7925

Attention: Toni Morrison, Senior Policy Planner
Phone: (03) 685 9010
Email: toni@mackenzie.govt.nz

Mackenzie District Council (the Council) makes the general and specific submissions on the Proposed Plan Change 4 to the Proposed Canterbury Land and Water Regional Plan (PC4) set out in the **attached** document.

The Council confirms its submission does not relate to trade competition or the effects of trade competition.

The Council would like to be heard in support of its submission

If other persons make a similar submission then the Council would consider presenting joint evidence at the time of the hearing.



Jane Whyte

For and on behalf of
Wayne Barnett
Chief Executive Officer
For and behalf of Mackenzie District Council

Dated this 12th day of October 2015

OUTLINE OF SUBMISSION

PART ONE: OVERVIEW AND BACKGROUND (REASONS FOR SUBMISSION)

This section of the submission provides the background and overriding reasons for the submissions that are lodged on PC4. These reasons inform all of the outcomes sought in the specific submissions.

OVERVIEW OF MACKENZIE DISTRICT COUNCIL'S INTEREST

1. The Council is a territorial local authority and undertakes a range of community, asset management and environmental functions affected by PC4. The Council undertakes its activities and functions in accordance with the Local Government Act. It also has and performs a range of functions and has duties under other legislation, including the Resource Management Act 1991.
2. The purpose of local government under the Local Government Act 2002 is :
 - 10 Purpose of local government
 - (1) *The purpose of local government is—*
 - (a) *to enable democratic local decision-making and action by, and on behalf of, communities; and*
 - (b) *to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.*
 - (2) *In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—*
 - (a) *efficient; and*
 - (b) *effective; and*
 - (c) *appropriate to present and anticipated future circumstances.*
3. The Council has developed this submission in a manner consistent with its functions and responsibilities.
4. The Council operates a number of assets affected by PC4. This includes utility services including water, wastewater and stormwater systems. The particular concern with respect to PC4 relates to the provisions as they affect community drinking water supplies.

PART TWO: SUBMISSIONS PROPOSED PLAN CHANGE 4

1 Community Drinking Water Supplies – All Provisions

(Whole Document)

1. The provision of Community Drinking Water Supplies is a key and core function of territorial authorities, including the Mackenzie District Council.

2. The Mackenzie District Council took an active role ensuring that the provisions applying to or affected by Community Water Supplies and Community Drinking Water supplies were appropriate in the Canterbury Regional Policy Statement, the Natural Resources Regional Plan and the Proposed Land and Water Regional Plan.
3. This active role involved lodging submissions, further submissions, preparing and presenting evidence to the hearings panels. The Council also provided comment on draft Plan Change 4. It is therefore disappointing that the Council is, due to Plan Change 4, having to address these important matters again as the provisions relating to Community Drinking Water Supplies are proposed to be changed in a matter inappropriate for the Mackenzie District.
4. The key concern is that the change to the definition of Community Drinking Water Supply to remove reference to any group drinking water supplies and deleting the definition of Group Drinking water supplies means that current protections provided to drinking water supplies that service communities of less than 25 people would be removed.
5. Priority is provided for Community Drinking Water Supplies in terms of allocation, but also with respect to when restrictions apply as well as protecting these water supplies from other discharges. The change as suggested will not provide for a number of community supplies within the Mackenzie District. In particular there are three supplies that will be adversely affected by the change in the provisions being Kimbell Rural supply, Burkes Pass and the Pukaki Airport.
6. This change is not supported and it will not give effect to Policies 7.3.4, 7.3.6 and 18.3.1 of the RPS. This is also not reflective of the priority provided for water in the Canterbury Water Management Strategy and the Regional Policy Statement. The changes are not supported.
7. The Council seeks the following **relief**:
 - a) Delete all changes to group drinking water supplies or community drinking water supplies within PC4, including but not limited to:
 - Definition of Community drinking-water supply
 - Definition of Group drinking-water supply
 - Definition of Community water supply
 - Policy 4.5
 - Policies 4.23, 4.23A and 4.23B
 - Rule 5.7 5.(f)
 - Rule 5.8 3.(7)
 - Rule 5.9 – Matters of discretion 3.
 - Rule 5.71 2.
 - Rule 5.75.2
 - Rule 5.74 4.(a)
 - 5.81 1.(c)
 - Rule 5.91 4 (b)
 - Rule 5.95 6.
 - Rule 5.109
 - Rule 5.115

- Rule 5.119
- Rule 5.146A
- Schedule 1
- Schedule 5

OR As an alternative and less preferred relief:

- b) Amend the definition of Community drinking-water supply to read:

Community drinking-water supply:

means a drinking-water supply that is recorded in the drinking-water register maintained by the Chief Executive of the Ministry of Health (the Director-General) under section 69J of the Health Act 1956 that provides no fewer than ~~501~~ 25 people with drinking-water for not less than 60 days each calendar year, or is a drinking water supply operated by a local authority irrespective of the number of people it serves.

OR As an alternative and less preferred relief:

- c) Amend the definition of Community drinking-water supply to read:

Community drinking-water supply:

means a drinking-water supply that is recorded in the drinking-water register maintained by the Chief Executive of the Ministry of Health (the Director-General) under section 69J of the Health Act 1956 that provides no fewer than ~~501~~ 25 people with drinking-water for not less than 60 days each calendar year, or is a drinking water supply specified in schedule X.

- d) Add a new Schedule X as follows:

Schedule X – Community Drinking Water Supply Schedule

1. Kimbell Rural supply
2. Burkes Pass
3. Pukaki Airport

- e) In addition to the above, the following relief is also sought:

- i. Any additional or alternative relief that achieves the same or similar outcome;
- ii. Consequential or ancillary changes to the above.