



Mackenzie
DISTRICT PLAN REVIEW
TOMORROW'S MACKENZIE
KA AWATEA HÔU

Section 42A Report: Plan Change 25 – Rural Lifestyle Zone

Report on submissions and further submissions

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Date: 19 April 2024

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List of submitters addressed in this report:

| Submitter Ref | Further Submitter Ref | Submitter Name | Abbreviation |
|---------------|-----------------------|--|--------------|
| 1 | | Justin Geary and Rachael Handy | |
| 2 | | Springwater Trust | |
| 3 | | Fire and Emergency New Zealand | FENZ |
| 4 | | Port Bryson Trust | |
| 5 | | Ashalea Meek | |
| 6 | | Director General of Conservation | DOC |
| 7 | | John Fahey | |
| 8 | | Nova Energy Limited | Nova |
| 9 | | Transpower New Zealand Limited | Transpower |
| 11 | FS1 | NZ Transport Agency Waka Kotahi | NZTA |
| 13 | | South Canterbury Province Federated Farmers of New Zealand | Fed Farmers |
| 14 | | Lake Alexandrina Outlet Hutholders Society | LAOHHS |
| 16 | | Doug and Pam Aitcheson | |
| 17 | | Ministry of Education | MoE |
| 18 | FS4 | Genesis Energy Limited | Genesis |
| 19 | FS2 | Meridian Energy Limited | Meridian |
| 20 | | Canterbury Regional Council | CRC |
| 21 | | B.D. and C.B. White | |
| 22 | | Peter Alwyn and Elizabeth Mills | |
| 23 | FS5 | Milward Finlay Lobb Limited | MFL |
| 24 | | Mackenzie Properties Limited | MPL |
| 25 | | New Zealand Heavy Haulage Association Inc | NZHHA |
| 26 | | Liz Mills | |
| 27 | | Samuel Coleman | |
| 28 | FS6 | New Zealand Defence Force | NZDF |
| | | Forest and Bird | F&B |
| | FS3 | Davis Ogilvie (Aoraki) Limited | |
| | FS7 | Te Runanga o Ngai Tahu | TRoNT |
| | FS8 | Douglas McIntyre | |

Abbreviations used in this report:

| Abbreviation | Full Text |
|---------------|--|
| AEP | Annual Exceedance Probability |
| CDWSPA | Community Drinking Water Supply Protection Area |
| CRPS | Canterbury Regional Policy Statement |
| CLWRP | The Canterbury Land and Water Plan Regional Plan |
| DIS | Discretionary (activity status) |
| District | Mackenzie District |
| District Plan | Mackenzie District Plan |
| GRUZ | General Rural Zone |
| HLRRZ | Hocken Lane Rural Residential Zone |
| INF | Infrastructure |

| | |
|----------------|---|
| LPA | Lakeside Protection Area |
| LLRZ | Large Lot Residential Zone |
| MDC | Mackenzie District Council |
| MDP | Mackenzie District Plan |
| MDPR | Mackenzie District Plan Review |
| NP Standards | National Planning Standards |
| NPSHPL | National Policy Statement for Highly Productive Land |
| NPSIB | National Policy Statement for Indigenous Biodiversity |
| ONL | Outstanding Natural Landscape |
| PC13 | Plan Change 13 - Rural Zone- Mackenzie Basin |
| PC18 | Plan Change 18 - Indigenous Biodiversity |
| PC23 | Plan Change 23 - General Rural Zone, Natural Features and Landscapes, Natural Character |
| PC24 | Plan Change 24 - Sites and Areas of Significance to Māori |
| PC25 | Plan Change 25 - Rural Lifestyle Zones |
| PC26 | PC26 Plan Change 26 - Renewable Electricity Generation and Infrastructure |
| PC27 | Plan Change 27 - Earthworks, Subdivision, Public Access and Transport |
| RDIS | Restricted Discretionary (activity status) |
| REG activities | Renewable electricity generation activities |
| RMA | Resource Management Act |
| RLZ | Rural Lifestyle Zone |
| SCA | Specific Control Area |
| Spatial Plan | Mackenzie Spatial Plans, September 2021 |
| TWSPA | Twizel Water Supply Protection Area |

1. Purpose of Report

1. This report is prepared under s42A of the RMA in relation to Plan Change 25 - Rural Lifestyle Zone to the MDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this plan change and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.
2. The analysis and recommendations have been informed by advice from Mr Ashley McLachlan (Manager – Engineering for MDC) in relation to the serviceability of land with reticulated water supply and wastewater services, and Mr Dawson Gilcrest (Building Contractor for the MDC) in relation to the requirements under the Building Act 2004 for potable water supply. In preparing this report I have also had regard to the Strategic Direction chapters and the Residential Zone chapters, that were introduced through PC21 and the proposed PC23 Chapters (General Rural Zone, Natural Features and Landscapes, and Natural Character) and PC26 Chapters (Renewable Electricity Generation and Infrastructure).
3. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and Experience

4. My full name is Megan Justice. I am a Partner with the firm Taylor Planning. I have a Masters Degree in Regional and Resource Planning, awarded with Distinction, from Otago University and a Bachelor of Arts from Otago University. I am a full member of the New Zealand Planning Institute and a member of the RMLA and a certified Independent Commissioner under the Ministry for the Environment's Making Good Decisions Programme.
5. I have 22 years' planning experience, as a planning consultant. My experience includes independent commissioner appointments, regional policy statement and regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports; policy analysis, including analysing proposed plans/policy statements and preparing advice and submissions for clients on RMA documents; preparing resource consent applications; and preparing notices of requirements for designations. For the MDPR process, I prepared the plan change provisions and s32 report for PC25, and I am preparing the plan change provisions and s32 report for four chapters to be reviewed in Stage 4 of the MDPR.
6. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I have complied with it when preparing this report. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. I confirm

that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

3. Scope and Format of Report

7. This report considers the submissions and further submissions that were received in relation to PC25 (except as explained in the sub-section below). It includes recommendations to either retain provisions without amendment, delete, add to, or amend the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in the RLZ Chapter in **Appendix 2** to this Report, or, in relation to mapping, through recommended spatial amendments to the mapping in **Appendix 6**. Footnoted references to the relevant submitter(s) identify the scope for each recommended change. Where recommendations are made to either delete or add a provision, new provisions are numbered X, and no renumbering has occurred to reflect any additions or deletions. I anticipate that any renumbering requirements will be done in the Hearing Panel's decision version of the provisions.
8. The assessment of submissions generally follows the following format:
 - a. An outline of the relevant submission points;
 - b. An analysis of those submission points; and
 - c. Recommendations, including any amendments to plan provisions (and associated assessment in terms of s32AA of the RMA where appropriate).
9. Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the Plan Change arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.
10. Clause 16(2), Schedule 1 of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.

Submission Points Relating to other Stage 3 Plan Changes

11. Plan Changes 23, 24, 25, 26 and 27 were notified at the same time and prepared on an integrated basis.

12. The following submission point was received on PC25 but is more appropriately addressed in the Section 42A report indicated below. This report therefore does not address this submission point, and reference should be made to the Section 42A report referred to:
 - a. Lake Alexandrina Outlet Hutholders Society (PC25.14) is addressed in the Section 42A report for PC23.
13. Some definitions were proposed in PC25 which were also included in one or more of the other Stage 3 plan changes. Any submissions made on a definition which is used in more than one plan change are considered to be within the scope of each plan change that includes this definition. Submissions on definitions associated with PC25 are addressed in this report but have been considered in conjunction with the other s42A report authors for other relevant plan changes to ensure integration between the chapters which rely on the same definition.

4. Plan Change Overview

14. This report relates to the zoning and management of rural lifestyle areas. It proposes to replace each of the five existing rural residential zones contained in Section - 7A Rural/Residential Zone Manuka Terrace, Section - 7B Ōhau River Rural/Residential Zone, and Section 8 - Twizel Rural/Residential Zones of the MDP, with new a Rural Lifestyle Zone (RLZ) Chapter, aligning with the National Planning Standards (NP Standards) framework. It is also proposed to include one Precinct to provide area specific provisions for the existing Ōhau River Rural Residential Zone. Four Specific Control Areas are also proposed to manage the density of development within the RLZ.
15. In addition to applying the RLZ to the areas currently zoned rural residential, two new RLZ areas are proposed through PC25, which are located on the outskirts of Fairlie.
16. The SCAs and Precinct are:
 - Specific Control Areas:
 - Rural Lifestyle Zone Specific Control Area 9 – Nixons Road
 - Rural Lifestyle Zone Specific Control Area 10 – Clayton Road
 - Rural Lifestyle Zone Specific Control Area 11 – Max Smith Drive
 - Rural Lifestyle Zone Specific Control Area 12 – Lyford Lane
 - Overlays:
 - Ōhau River Precinct 4 No Build Area overlay

5. Procedural Matters

17. At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

6. Statutory Framework

18. The assessment under the RMA for this Plan Change includes whether:
 - a. it is in accordance with the Council's functions (s74(1)(a));
 - b. it is in accordance with Part 2 of the RMA (s74(1)(b));
 - c. it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
 - d. the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
 - e. the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).
19. In addition, assessment of the plan change must also have regard to:
 - a. any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
 - b. the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74(2)(c)); and
 - c. in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect (s76(3)).
20. The assessment of the plan change must also take into account any relevant iwi management plan (s74(2A)).
21. Specific provisions within the RMA and in other planning documents that are relevant to PC25 are set out in the Section 32 Report. These documents are discussed in more detail within this report where relevant to the assessment of submission points.
22. The assessment of submission points has also been undertaken in the context of the Section 32 Report prepared for PC25. All recommended amendments to provisions since the initial Section 32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken, where required, in this report.

7. Assessment of Submissions

Overview of Submissions

23. Twenty-eight submissions and eight further submissions were received on PC25.
24. No submitters opposed PC25 in its entirety.
25. Overall, submitters are generally supportive of the approach taken in the RLZ Chapter. A group of submitters have sought greater recognition for infrastructure, REG and other community facilities in the RLZ provisions. Three submitters have raised concerns about the SCA12 Lyford Lane provisions. Some submitters have sought changes to the zone boundaries, while others have sought greater residential density than is proposed. A number of submitters have sought relatively discrete amendments to the provisions to make the provisions more workable or pragmatic. These are discussed in more detail in the following sections of the report.

Further Submissions

26. Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission. Individual recommendations on further submissions are not set out in this report. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:
 - Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.
 - Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission recommended to be accepted, the further submission is recommended to be rejected.
 - Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.

Structure of Report

27. The assessment in this report addresses submissions on the RLZ Chapter, based on groups of provisions as follows:

- Provisions where no change was sought;
- Infrastructure/Community Facility related matters;
- Submissions on SCA12 Lyford Lane;
- Requests for changes to zone boundaries and provisions to enable increased residential density;
- Submission seeking better recognition of biodiversity values; and
- Miscellaneous submission points.

28. I note that the Lakeside Protection Area mapping and provisions are from the Operative MDP and were introduced by PC13. These provisions are to be carried over into the NFL Chapter and are not within the scope of PC25. Any submission points received on the Lakeside Protection Area are outside the scope of PC25.¹

8. Provisions where no Change Sought

29. The following provisions included within PC25 were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified (unless a clause 10(2)(b) or clause 16(2) change is recommended):

| Provision | Supporting Submissions |
|---------------------|---|
| RLZ-O1 | FENZ (3.02), Fed Farmers (13.01), MFL (23.01) |
| RLZ-O2 | FENZ (3.03), MoE (17.02), Fed Farmers (13.01), MoE (17.02) |
| RLZ-P1 | Fed Farmers (13.01) |
| RLZ-P2 | Fed Farmers (13.01) |
| RLZ-P4 ² | Transpower (9.01), NZTA (11.01), Fed Farmers (13.01), MoE (17.03) |

30. Several operative definitions contained in the District Plan are currently limited in their application to the commercial and mixed use and general industrial zones, with PC25 proposing to extend their application to the chapters introduced through PC25, where the term is used in those chapters. The only submissions received in relation to such definitions are from NZHHA (25.01), who support the definition of 'building'; and Genesis (18.04) and Meridian (19.04), who both support the definition of 'operational need' and seek that it is applied throughout the Plan. I therefore recommend that the definitions proposed to be applied to the PC25 provisions, including 'building' and 'operational

¹ John Fahey (7.02), which seeks the removal of the Lakeside Protection Area Overlay from 781 Glen Lyon Road.

² A clause 10(2)(b) consequential amendment is recommended for RLZ-P4 as part of the PC26 s42A report.

need' are applied (where relevant) to the provisions contained within PC25 and that the submission points from NZHHA (25.01), Genesis (18.04) and Meridian (19.04) are accepted.

31. PC25 also proposes to make consequential amendments (largely deletions) to Section 3, Section 7A, Section 7B, Section 8, Section 10, Section 13 and Section 14 of the District Plan. As no submissions were received opposing the changes to these sections I recommend that the deletions and amendments proposed to these sections through PC25 are accepted.
32. Various submitters also support PC25 as a whole, or support particular definitions and provisions within PC25, as follows:
 - Fed Farmers supports RLZ-P3, and RLZ-P5 (13.01).
 - FENZ supports the definition for 'Contaminant' and seek it is retained as notified (3.01), and supports rules RLZ-R1, RLZ-R2, RLZ-R4, RLZ-R6 and Standard RLZ-S8 (3.04).
 - NZTA supports standards RLZ-S1, RLZ-S2 and RLZ-S3 (11.02, 11.03 and 11.04).
 - Samuel Coleman supports RLZ-S2 (27.02).
 - John Fahey supports RLZ-S1 (7.01).
 - DOC supports all provisions in the chapter not otherwise commented on in their submission (6.01).
 - Nova supports the RLZ chapter in its entirety (8.01); the mapping and overlay changes proposed via PC25 (8.03); and all the definitions that are part of PC25 (8.02).
33. The support for these provisions is noted. However, other submitters have sought changes to these provisions. The relief sought by these submissions is considered in this s42A report and in some cases has resulted in changes being recommended to the above provisions.
34. The following definitions were included in PC25, as well as in PC23, PC24, PC26 and/or PC27. While no submissions were received on these definitions in relation to PC25 (or any submissions received sought their retention), any submissions on the definition made via another plan change are also considered to be within the scope of that same definition in this plan change. Reference should therefore be made to the s42A Reports for the other plan changes with respect to potential changes to these definitions.

| Definition | Supporting Submissions |
|--|-----------------------------------|
| allotment | No submissions |
| bore | No submissions |
| containment | FENZ (3.01) |
| discharge | No submissions |
| drinking water | No submissions |
| earthworks | Genesis (18.01), Meridian (19.01) |
| functional need | Genesis (18.02), Meridian (19.02) |
| industrial and trade waste | No submissions |
| plantation forest or plantation forestry | No submissions |
| quarry | No submissions |
| quarrying activities | No submissions |
| relocated building | NZHHA (25.02) |
| sewage | No submissions |
| stormwater | No submissions |
| subdivision | No submissions |
| wastewater | No submissions |

Analysis

35. I note that the RLZ chapter refers to the defined term ‘sensitive activity’ and this definition was not included in PC25. Therefore, I recommend that the definition of ‘sensitivity activity’ is included in PC25 as a clause 16(2), Schedule 1 of the RMA amendment.

Recommendation

36. I recommend that these submissions are accepted, where no changes have been otherwise been recommended to the provisions in PC25, or accepted in part, where changes are recommended to some provisions in response to other submission points, as discussed below. The change to include the definition of ‘sensitive activity’ in PC25 is included in **Appendix 1** (Recommended Amendments to Definitions Chapter FULL).

9. Infrastructure/Community Facility Related Matters

37. This section addresses several submissions which were received from energy generators (Meridian, Genesis), infrastructure providers (NZTA, Nova, Transpower), Ministers of the Crown (MoE, NZDF), and FENZ, which seek changes to the RLZ provisions to better provide for infrastructure, education and defence activities.

Introduction to the RLZ Chapter

Submissions

38. Genesis (18.05) and Meridian (19.05) seek changes to the 'Introduction' statement to clarify that the provisions of the chapter do not apply to renewable energy generation activities which are managed under the Renewable Electricity Generation chapter. Meridian also seeks recognition that some activities rely on natural resources found only in rural locations in the Introduction (19.05), as they consider enabling other activities in the rural environment (beyond primary production activities) where such activities rely on the natural resources found only in a rural location is important. MoE (17.01) similarly seeks that activities which have an operational need to locate within the zone are acknowledged in the Introduction statement.

Analysis

39. The Introduction to the Infrastructure (INF) and Renewable Energy Generation (REG) chapters (PC26) clearly sets out the relationship between the provisions in the INF / REG chapters, and those contained in other parts of the District Plan. For example, the Introduction statement for the REG chapter states: *"The provisions in other chapters of this District Plan do not apply to activities managed in this chapter, except as follows..."*.

40. The approach taken is that the INF and REG chapters are largely standalone, with provisions across the remainder of the District Plan not applying, unless explicitly stated in the introduction to the INF and REG chapters. The s42A report author for the REG and INF chapters, Mrs White, has recommended changes to the introductions of these chapters to further clarify the standalone nature of the chapters, and to explicitly identify the provisions from other chapters that apply to renewable energy generation activities. I consider that, with the changes recommended by Mrs White to the REG Chapter Introduction, it is clear to plan users that the provisions of the RLZ chapter do not apply to renewable energy generation activities. I therefore recommend that these submission points (18.05 and 19.05) be rejected.

41. I note that Mrs White recommends a consequential change³ to RLZ-P4.3 to remove the word 'infrastructure' from this policy because, as worded, the policy is at odds with the stand alone nature of the INF Chapter. I agree with this recommendation. The intention of the policy is to provide a pathway for non-residential activities to establish in the zone in limited circumstances. With the recommended amendment, this policy pathway is retained for activities that have a functional or operational need to establish in the zone, noting that this pathway is provided for infrastructure within the RLZ through the INF Chapter provisions.

42. I agree with Meridian that it is important to enable activities in the rural environment where such activities rely on the natural resources found there. The notified provisions for the RLZ seek to

³ Relates to PC26 - Clause 10(2)(b) relating to Telcos (2.03), Transpower (7.10), Simpson Family (9.01).

provide for activities beyond the predominant activities of residential and primary production activities, where these other activities are compatible with the amenity values of the zone (RLZ-P3 – Compatible Activities). Policy RLZ-P4 provides a pathway for other non-residential activities that do not meet the criteria in RLZ-P3, but that have a functional need or operational need to locate there. I therefore recommend that Meridian's first submission point in 19.05 and MoE's submission point 17.01 are accepted in part as I consider this amendment to the Introduction statement better reflects the policy direction of the RLZ chapter which provides a pathway for activities other than the predominant activities of residential and primary production to establish, in limited circumstances.

Recommendation

43. I recommend, for the reasons given above, that the Introduction is amended to include the following:

The Rural Lifestyle Zone provides opportunities to live in a rural environment, while still enabling some primary production activities to occur. Other activities that rely on the natural resources found only in a rural location may be appropriate in the Rural Lifestyle Zone in limited circumstances.

44. The amendments recommended to the RLZ Introduction statement and the incidental amendment to RLZ-P4 are set out in **Appendix 2**.
45. The scale of change does not require a section 32AA evaluation because it is a minor change to the introduction statement which better reflects the objectives and policies and rules of the RLZ. Therefore, the original s32 evaluation still applies.

RLZ-O1 Zone Purpose and RLZ-P3 Compatible Activities

Submissions

46. Meridian (19.06) seeks changes to RLZ-P3, which provides for compatible activities in the RLZ, to ensure that other activities (beyond primary production activities) that rely on the natural resources found only in a rural environment are provided for in the RLZ, by adding an additional clause: "*Provide for other activities, where they are... reliant on the natural resources found only in a rural location*".

Analysis

47. I do not support the relief sought by Meridian. In my view, Policy RLZ-P4 provides a pathway for consideration of non-residential activities, including infrastructure activities, that have a functional need or operational need to traverse, locate or operate in a particular environment. In my view, activities that are reliant on the natural resources only found in a rural location would be able to demonstrate that they have a functional need or operational need to establish in the RLZ and are therefore already addressed in RLZ-P4.3. Amending RLZ-P3 to explicitly provide for

activities reliant on the natural resources found only in rural areas could undermine RLZ-O1, which sets out the primary focus of the RLZ.

48. I therefore recommend that Meridian submission point 19.06 is rejected.

Recommendation

49. I recommend, for the reasons given above, that the RLZ-P3 is retained as notified because, together with RLZ-P1 and RLZ-P2, it aligns with the primary purpose for the RLZ as set out in objective RLZ-O1; and policy RLZ-P4 provides a pathway for the consideration of infrastructure activities that have a functional need or operational need to locate within the zone.

Definition of Infrastructure

Submissions

50. Meridian (19.03) and Genesis (18.03) seek amendments to the definition of 'Infrastructure' so it includes 'energy storage', or, alternatively, if the definition of 'Infrastructure' is not amended, then all provisions in all of PC25 that refer to 'Infrastructure' should be amended to refer to "infrastructure and energy storage facilities associated with the supply of renewable electricity". For the RLZ Chapter, this amendment would only apply to RLZ-P4.
51. These submitters consider that while renewable energy generation activities are captured by the definition of 'Infrastructure', 'energy storage' is not. The submissions state that energy storage facilities are key to capturing electricity generated during periods when demand is less than supply (i.e. generation) and then supplying electricity when demand is greater than supply. This aids efficiency of energy use and helps to prevent outages. Given the national significance of renewable electricity sources and minimising the use of non-renewable electricity sources, the submitters consider that such energy storage facilities should be specifically provided for in the MDP (submission points 19.03 and 18.03).

Analysis

52. The definition of 'infrastructure' was introduced in PC20 and is not proposed to be amended through PC25. I therefore consider the changes sought to it by Genesis and Meridian are outside the scope of the plan change. Notwithstanding this, how the term is used within the PC25 provisions is within the scope of PC25.
53. The submitters alternative relief is to include reference to energy storage activities after 'infrastructure' in RLZ-P4.3. As I have discussed above, it is recommended that the term 'infrastructure' is deleted from RLZ-P4. Therefore, if the submitters are correct and energy storage activities do not fall within the definition of REG activities, the relief sought to this policy is redundant, as the policy could be applied more broadly, including for energy storage activities that have a functional or operational need to locate in the zone.

54. I therefore recommend that these submission points (18.03 and 19.03) be rejected.

Recommendation

55. I recommend, for the reasons given above, that policy RLZ-P4 is retained as notified, other than the clause 10(2)(b) consequential amendment recommended by Mrs White.

RLZ-P5 and Reverse Sensitivity

Submissions

56. Meridian seeks that the definition for 'reverse sensitivity' which is proposed to be introduced via PC23 is also applied to PC25 (19.05).

57. NZDF seeks the inclusion of an additional clause in policy RLZ-P5 to address reverse sensitivity effects on lawfully established activities when managing development (28.01), seeking an additional clause to ensure "*reverse sensitivity effects on lawfully established activities are avoided or minimised*". Genesis seeks a new policy to manage potential reverse sensitivity effects on existing renewable electricity generation activities (submission point 18.06).

Analysis

58. I agree that the definition for 'reverse sensitivity' introduced to the MDP via PC23 should also apply to the provisions of PC25. The term 'reverse sensitivity' is referred to in the Matters of Discretion in Rule RLZ-R7. The intent of its use in this matter of discretion is consistent with the definition, and as such not having included it in the definitions is an error. I therefore recommend that Meridian's submission point 19.05 is accepted.

59. The MDP contains provisions to manage reverse sensitivity effects. Strategic Objective ATC-O4 requires that reverse sensitivity effects on the District's REG activities and assets are avoided. Strategic Objective ATC-O6 seeks to protect important existing activities from reverse sensitivity effects. I agree that additional policy direction is required in the RLZ chapter to give effect to the Strategic Direction provisions. Residential lifestyle activities can be sensitive to primary productive activities which are permitted activities in the RLZ and in the GRUZ land which predominantly adjoins RLZ land. In Te Manahuna / Mackenzie Basin, established hydro-electricity generation activities and the Twizel Community Water Supply Protection Area are located in close proximity to or within land zoned RLZ. I consider there is potential for new activities seeking to locate within the RLZ to be sensitive to these existing activities. In my view an additional clause within policy RLZ-P5 is appropriate to manage actual or potential reverse sensitivity effects on lawfully established activities. I therefore recommend that the submission points 18.06 and 28.01 are accepted in part.

60. I have suggested wording for this policy that closely aligns with the wording used in GRUZ-P3, which is the policy in the GRUZ chapter for managing reverse sensitivity effects. I consider it appropriate to use consistent wording across the zone chapters, and to specifically identify the

activities that may be subject to reverse sensitivity effects in the RLZ. The wording I recommend for this policy is *“reverse sensitivity effects on primary production activities, renewable electricity generation activities and regionally significant infrastructure are minimised”*. I have recommended that the policy includes ‘regionally significant infrastructure’ because the definition of ‘regionally significant infrastructure’ includes “community potable water systems”, which identifies the Twizel Community Water Supply Protection Area in the policy.

61. This recommended amendment will require a consequential amendment to include the definition of ‘regionally significant infrastructure’ in PC25.

Recommendation

62. I recommend, for the reasons given above, that the definition of ‘reverse sensitivity’ is included within the definitions for PC25, as it is a term already used in the PC25.
63. The amendments recommended to include the definition in PC25 are set out in **Appendix 1**.
64. I recommend for the reasons given above, that Policy RLZ-P5 is amended to include an additional clause to ensure reverse sensitivity effects are minimised.
65. The amendments recommended to Policy RLZ-P5 are set out in **Appendix 2** and the consequential amendment to include the definition of regionally significant infrastructure in PC25 is set out in **Appendix 1**.
66. In relation to the recommendation to include an additional policy in RLZ-P5 to manage potential reverse sensitivity effects on lawfully established activities (and the consequential addition of the regionally significant infrastructure to PC25), I consider the changes are necessary to provide policy guidance for managing potential for reverse sensitivity effects being generated on lawfully established activities in rural areas. The policy will form part of the assessment of resource consent applications for new activities in the RLZ, and in my view, it is appropriate to consider the potential for reverse sensitivity effects arising that may compromise, constrain or curtail a lawful activity. The policy is the most appropriate method to achieve strategic objectives ATC-04 and ACT-06 of the MDP.
67. In relation to the recommendation to include the definition of ‘reverse sensitivity’ in PC25, the scale of this change does not require further assessment under section 32AA as it provides greater clarity and does not alter the intent of the matter of discretion. It will also assist in the application of the recommended policy.

Educational Facilities and Emergency Service Facilities

Submissions

68. MoE (17.04) supports rule RLZ-R10 in part and seeks amendments to ensure educational facilities are provided for where there is potential for a population to support them, including in the RLZ. The submission states that educational facilities should be enabled in this zone as they are considered essential social infrastructure. MoE requests changes that would provide some flexibility for building design, type of education service, and number of children in attendance. MoE requests that the maximum number of people on site is removed as it considers that this places unreasonable restrictions on educational facilities and seeks an activity status of RDIS for educational facilities.
69. FENZ seeks that emergency service buildings are exempt from the RLZ standards that apply to building height (RLZ-S2), building setbacks (RLZ-S3) and building coverage (RLZ-S4) to enable larger scale emergency service buildings and structures in the RLZ as a permitted activity (3.05, 3.06 and 3.07). The exemptions would provide for Fire Station buildings up to 9m high, hose drying towers of up to 15m, reduced setbacks from roads for logistical reasons and a floor area up to 1500m² for a large fire station.
70. FENZ also seeks an amendment to the water supply servicing requirements that apply to the Ōhau River Precinct via the matters of control in PREC4-M1, to include provisions for fire fighting water supply (3.09).

Analysis

71. Rule RLZ-R10 provides for small scale home-based education facilities in the RLZ as a permitted activity. This rule only applies to an education activity undertaken within a residential building that is ancillary to a residential activity, and for up to six children. Any school seeking to establish in the RLZ is a Discretionary Activity (under RLZ-R10). The reason for this is that education facilities at the permitted scale are anticipated to meet the outcomes sought in the RLZ and therefore do not require further assessment to ensure the character and amenity values of the RLZ are maintained. I consider that a RDIS activity status is appropriate for education facilities that are not permitted under RLZ-R10 as I consider that the effects of such activities are well understood and can be appropriately managed via matters of discretion. I also note that an RDIS activity status aligns with the activity status provided for education facilities in the GRUZ and LLRZ. For these reasons it is my view that an RDIS activity status is appropriate for a new Educational Facility in the RLZ (that does not comply with the permitted activity requirements) and this activity status is appropriate to achieve the RLZ objectives. I therefore recommend that this submission point (17.04) is accepted.
72. I note that MoE is able to establish a school in the RLZ via the designation process in the RMA, as it has done elsewhere in the District. As part of the Notice of Requirement process to establish a

designation, consideration of the objectives and policies of the RLZ would be undertaken. Objectives RLZ-O1 and RLZ-O2 and the RLZ policies would not, in my view, present an insurmountable barrier provided the school is designed to be compatible with the character and amenity values of the zone.

73. Emergency Services Facilities fall under the definition of Community Facilities in the MDP. Community Facilities are a DIS activity in the RLZ (under catch-all rule RLZ-R13). For context, Community Facilities are a permitted activity in the General Industrial Zone and restricted discretionary activities in the Residential Zones of the MDP, signalling that these activities are generally appropriate in these zones. I consider that the DIS activity status for Community Facilities is appropriate in the RLZ, as this zone is to primarily provide for rural living opportunities and primary production activities. This differs from the purpose of the Residential Zones.
74. Rule RLZ-R4 provides for 'buildings and structures not otherwise listed' as a permitted activity. A Fire Station building, and associated structures, would be permitted under this standard, subject to complying with the standards. I do not consider it best practice to have specific rules and/or exemptions for certain activities. Allowing a blanket exemption for emergency service facilities and/or hose drying towers does not allow for a case-by-case assessment to ensure the character and amenity values sought in the RLZ are maintained and would not be the most appropriate method to achieve the RLZ objectives. Exemptions for a fire station building are not provided for in other zones of the MDP. Providing an exemption in the RLZ Chapter would result in a lack of consistency in approach across the zone chapters. I do not think there to be anything unique about this zone that justifies taking a different approach. However, I do not consider that the objective and policy framework would preclude Community Facilities such as a fire station from establishing in this zone where the buildings can be designed and the activity is undertaken in a way that is consistent with the character, amenity values of the zone. The changes sought by FENZ to building height (RLZ-S2), building setbacks (RLZ-S3), and building coverage (RLZ-S4) are not necessary and I recommend that submission points 3.05, 3.06 and 3.07 be rejected.
75. I agree with FENZ submission 3.09 that the PREC4-MC1 should be amended to include the provision of fire fighting water supply as a matter of control when considering applications for new residential units in the Ōhau River Precinct. This change aligns with Standard RLZ-S8 that applies to residential units in the Ōhau River Precinct, which require the provision of potable water supply and fire fighting water supply. I therefore recommend that submission point 3.09 be accepted.

Recommendation

76. I recommend, for the reasons given above, that Rule RLZ-R10 is amended to change the activity status for education facilities that do not achieve the permitted activity standards from DIS to RDIS along with the inclusion of matters of discretion, because I consider that the RDIS activity status is an appropriate activity status for education facilities in the RLZ.

77. I recommend, for the reasons given above, that Standards RLZ-S2, RLZ-S3 and RLZ-S4 are retained as notified, because I consider that exceedances in these bulk and location requirements should be assessed on a case-by-case basis via a resource consent process, regardless of the activity they are providing for.
78. I recommend, for the reasons given above, that PREC4-MC1 is amended to include reference to fire fighting water supply.
79. The amendments recommended to PREC4-MC1 are set out in **Appendix 2**.
80. In terms of s32AA, the change of the activity status for education facilities that do not comply with the permitted activity standards from DIS to RDIS is more appropriate to achieve the objective RLZ-O1. This objective provides for activities that are compatible with rural living and primary production activities where they are consistent with the character and amenity values of the zone.
81. In relation to the change to PREC4-MC1, the scale of change does not require a section 32AA evaluation because it is a minor change to a matter of control to better align it with the standard for water supply that it relates to. Therefore, the original s32 evaluation still applies.

10. Submissions on SCA12 Lyford Lane

Specific Provision – RLZ Mapping, RLZ-R1, RLZ-S1

Submissions

82. Three submitters⁴ oppose the SCA12 – Lyford Lane provisions and seek amendments to the provisions that manage new development within this SCA within the RLZ. Springwater Trust's submission opposes the entire RLZ Chapter, as they consider that SCA12 is inconsistent with other areas proposed to be RLZ, as MDC provides no reticulated water services to SCA12 and does not own the essential infrastructure (including the access road and bridge) despite there being existing lots in this area. Springwater Trust seeks that the RLZ Chapter is amended to ensure MDC provide satisfactory drinking water and wastewater reticulation to the 21 lots within SCA12 and that MDC assumes ownership of the roads and bridges servicing this area (2.01). Similarly, Doug and Pam Aitcheson seek confirmation about the services (wastewater and water supply) MDC intend to provide (16.01).
83. B.D. and C.B. White oppose the restrictions placed on development (via RLZ-R1 and RLZ-S1) within SCA12 and seek that SCA12 is removed from PC25 in order to allow additional subdivision and residential development to occur (21.01 and 21.02). The submitter also seeks that the development of four lots and four dwellings is made a permitted activity at 158 Lyford Lane (Lot 23 DP 82708 BLKS III VII Strachey SD) (21.03).

⁴ Springwater Trust (2.01), Doug and Pam Aitchison (16.01) and B.D. and C.B. White (21.01 – 21.03).

Analysis

Background to zoning at Lyford Lane

84. SCA12 - Lyford Lane is currently zoned Hocken Lane Rural Residential Zone (HLRRZ) in the District Plan, and it covers an area of approximately 147 hectares. The advice from Mr McLachlan provides background information about the establishment of residential units at Lyford Lane, refer **Appendix 3**. There are several constraints affecting development in this zone. Approximately half of the zone is located within the Twizel Water Supply Protection Area (TWSPA), the remainder is within land defined as a source water risk management area and the HLRRZ is also identified as being subject to flood risk and hydro inundation in the event of a canal wall failure. Given the existing development constraints, development in the HLRRZ is restricted in the District Plan, with development limited to one residential unit per lot (as a permitted activity) (Rule 2.7.1), and residential development on lots created after 25 September 2010 is a non-complying activity (Rule 2.5.2). Additions to existing residential units in the HLRRZ are a non-complying activity (Rule 2.5.3). All residential units within the TWSPA, which are not connected to Council's reticulated sewer network, are a non-complying activity (Rule 2.5.2). All subdivision is a non-complying activity (Rule 5.5.d).
85. Reticulated services are currently not available within Lyford Lane, and residential units and lots obtain access via a private right of way, which connects to Glen Lyon Road. Councils' sewer network is not available for residential units in HLRRZ.
86. All habitable buildings in the HLRRZ require a chartered professional engineer's certificate confirming that the foundation design structure and floor height will withstand a 0.2% AEP flood event and avoid potential settling as a result of soil conditions or a high-water table (Rule 2.7.5).
87. PC25 reinstates the discouragement of development here. The key changes are:
 - the removal of the rule that limited new residential units to lots created prior to 25 September 2010. This will enable a new residential unit to be established as a permitted activity on the six lots that do not currently have a residential unit, if connections to the Council's reticulated services are available. While this aligns with how density is managed in other RLZ-SCA's, the permitted activity status is dependent on reticulated infrastructure being available; and
 - the proposed rules do not distinguish between land within the Twizel Community Drinking Water Supply Protection Areas and those outside of this area.
88. Existing development within this area comprises 20 lots, which vary in size between 1.6 – 37.9 hectares, of which:
 - 14 allotments contain existing residential units or have a resource consent to establish a residential unit; and
 - Six allotments are currently vacant or contain non-habitable buildings.

89. The activity status that would apply to the six allotments which do not have established residential units, under the operative provisions and the proposed SCA12 provisions is detailed below:

| Lot Number | TWSPA | Activity Status Operative Provisions | Activity Status SCA12 | Comment |
|---|------------------|---|--|--|
| Lot 1 DP 356211 Lot created prior to 25 Sept 2010 | Yes | Permitted if connected to reticulated wastewater network and subject to meeting the built form standards. Non-Complying if not connected to reticulated wastewater network. | Residential Unit - DIS if connected to reticulated wastewater network. NC if not connected to reticulated wastewater network. | Council has advised it will consider providing reticulated wastewater connections to all existing lots, enabling one residential unit to be established on each existing lot as a permitted activity, subject to compliance with other relevant standards. |
| Lot 3 DP 342136 Lot created prior to 25 Sept 2010 | Yes | Permitted if connected to reticulated wastewater network and subject to meeting the built form standards. Non-Complying if not connected to reticulated wastewater network. | | |
| Lot 2 DP 356211 Lot created prior to 25 Sept 2010 | Yes (In Part) | Within the TWSPA Non-Complying, unless the residential unit is connected to Council's reticulated sewer network, otherwise permitted subject to meeting the built form standards. Outside the TWSPA permitted, subject to meeting the built form standards. No requirement to connect to reticulated wastewater services. | | |
| Lot 2 DP 331442 Lot created prior to 25 Sept 2010 | Yes (In Part) | Within the TWSPA Non-Complying, unless the residential unit is connected to Council's reticulated sewer network. Outside the TWSPA Permitted, subject to meeting the built form standards. No requirement to connect to reticulated wastewater services. | | |
| Lot 23 DP 82708 ⁵ Lot created prior to 25 Sept 2010 | No | Permitted, subject to meeting the built form standards. No requirement to connect to reticulated wastewater services. | | |

⁵ Lot 23 DP 82708 is B.D. and C.B. White's land (submissions 23.01, 23.02 and 23.03).

| | | | | |
|---|----|--|--|--|
| Lot 4 DP 364926 Lot created prior to 25 Sept 2010 | No | Permitted, subject to meeting the build form standards. No requirement to connect to reticulated wastewater services. | | |
|---|----|--|--|--|

Analysis of submissions

90. The relief sought by Springwater Trust and Doug and Pam Aitcheson cannot be addressed via the District Plan, however comments received on these submission points from Mr McLachlan (Manager – Engineering for MDC) confirm that MDC is in the feasibility stages of extending reticulated wastewater services to replace the septic tanks within SCA12 (refer **Appendix 3**). The purpose of extending reticulated services to the existing residential units is to protect the Twizel CDWSPA from possible contamination in the future. In my view restricting further development in the area affected by the Twizel CDWSPA is justified to protect this important water supply and aligns with the upgrades MDC is proposing outside of the District Plan process. The new Twizel Community Drinking Water Supply Protection Areas is depicted in Figure 1 below:



Figure 1: Twizel Water Supply Protection Area overlay depicting fans

91. B.D. and C.B. White have the largest land holding within SCA12, comprising 37.8 hectares, refer figure 2 below. Under the proposed RLZ provisions, one residential unit can be established on the site as DIS activity if connected to a reticulated wastewater network, or a non-complying activity if not. Subdivision is a non-complying activity. While the land is not within the TWSPA⁶, advice from Mr McLachlan is that any further development in the HLRRZ/SCA12 outside the TWSPA is problematic as any wastewater system upstream can still pose a risk to water quality even if it is not specially located within the identified area. Mr McLachlan has stated that in September 2023 the Ministry for the Environment published guidelines for delineating source water risk management areas (SWRMA). For Twizel this area is defined as land area above where groundwater travels to the intake (well) within a 1-year period, out to a maximum distance of 2.5 kilometres, which includes the submitter's land.

⁶ The TWSPA was replaced with the Community Drinking Water Supply Protection Area overlay, shown in Figure 1 above, as part of PC27.

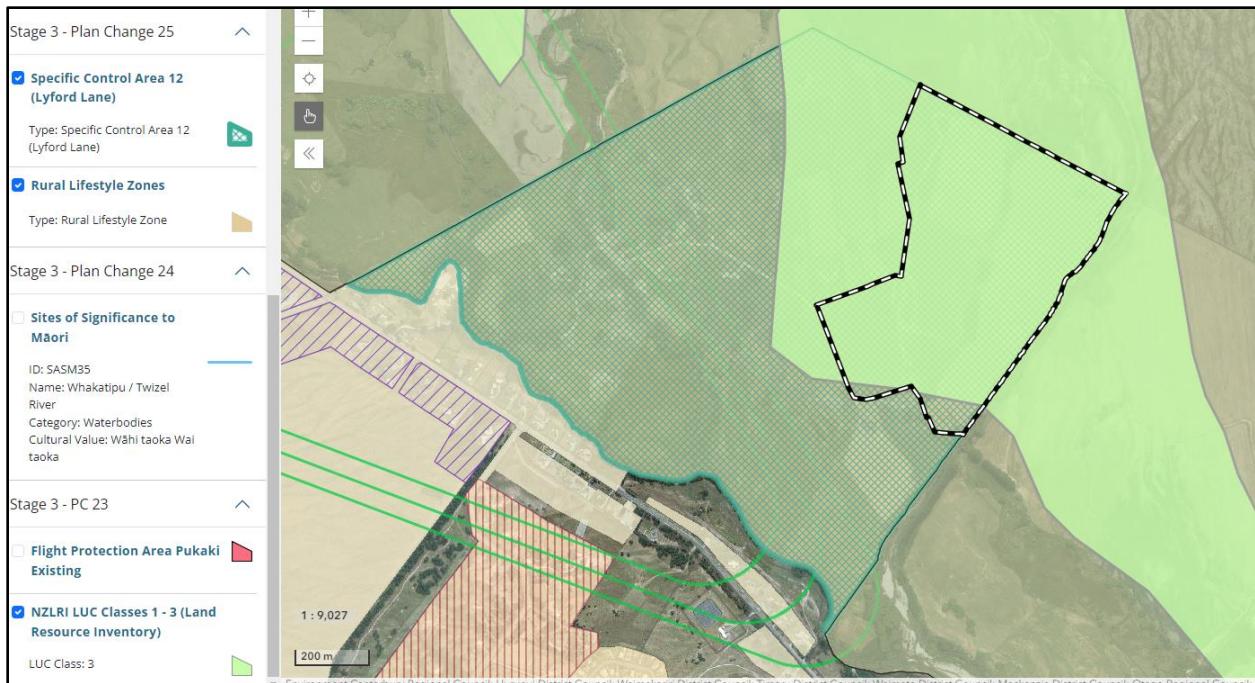


Figure 2: Plan depicting Lot 23 DP 82708 and associated zones and overlays

92. As described in the Damwatch Report, entitled Ohau A Reservoir – Dam Break Inundation Maps for Emergency Management, dated 18 June 2018 (**Appendix 4**) there are risks of hydro-inundation associated with a dam or canal breach in this area. New rules are currently being drafted to apply to RLZ areas affected by hydro inundation risk as part of Stage 4 of the DPR, to manage new development affected by this risk. The proposed provisions that apply to SCA12 take this risk into account.
93. Overall, it remains my view that the proposed provisions for SCA12 - Lyford Lane that apply to 158 Lyford Lane (Lot 23 DP 82708 BLKS III VII Strachey SD) are appropriate, taking into account the requirement to protect the Twizel drinking water source, potential flooding hazards and hydro-inundation hazards at this site. Therefore, I recommend that the submission points to remove SCA12 (21.01 and 21.02) and to allow a four lot subdivision and associated residential development at 158 Lyford Lane (21.03) be rejected.

Recommendation

94. I recommend, for the reasons given above, that the provisions that apply to RLZ SCA12 Lyford Lane are retained as notified.

11. Requests for Zone and Density Changes

141 Nixons Road (RLZ SCA9)

Submissions

95. J Geary and R Handy own 141 Nixons Road (Lot 2 DP 422910), located partially within proposed SCA9 - Nixons Road, and partially within the proposed General Rural Zone (GRUZ), and SCA13 - Eastern Plains. The site is 12.68 hectares in area and there are no residential units on the site. J Geary and R Handy seek that the boundary of the SCA9 is altered so that their property at 141 Nixons Road is located entirely within the SCA9 (1.01). The site is shown in Figure 3 below by the black and white line, and the RLZ SCA9 is depicted by the teal-coloured border. The submission refers to a subdivision application that was been lodged for the site which seeks to subdivide the site into 7 rural lifestyle lots ranging in size from 1.3 hectares to 2.4 hectares.⁷

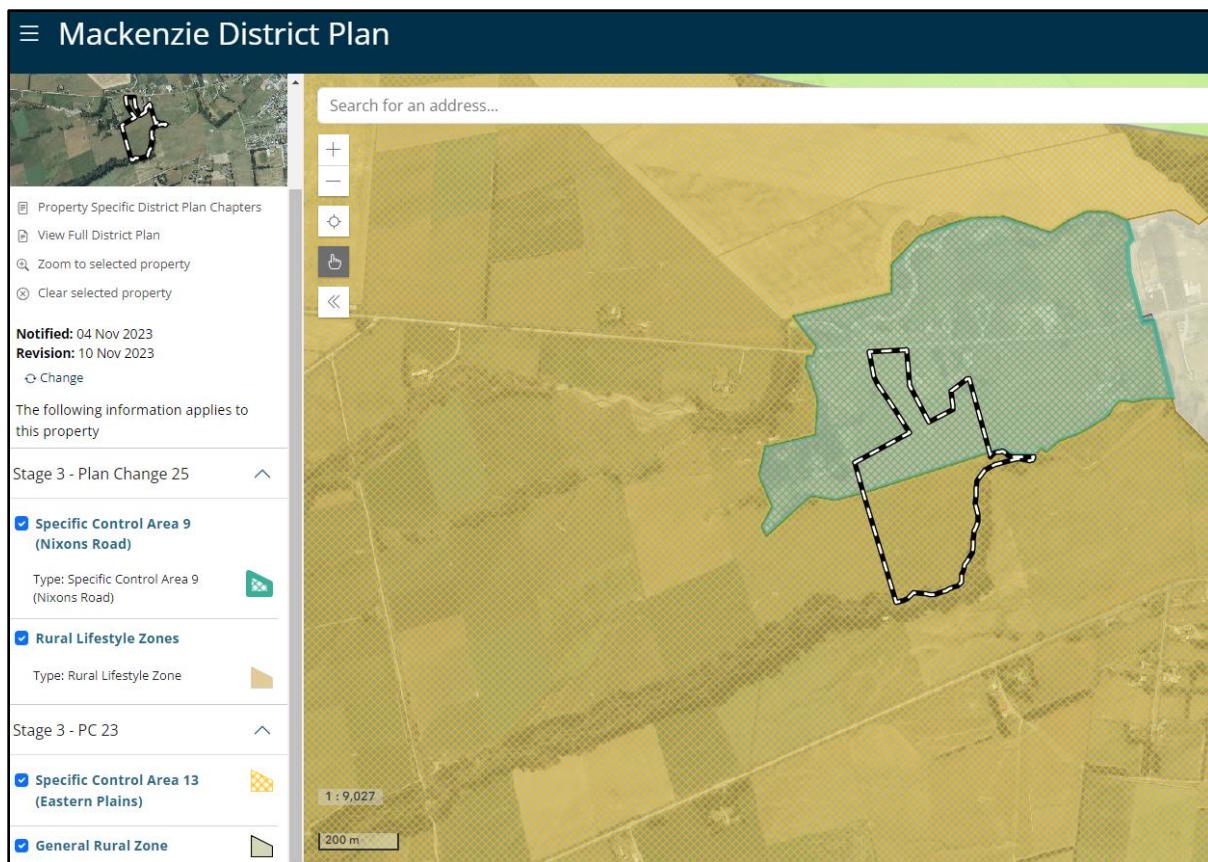


Figure 3: 141 Nixons Road, Fairlie (Lot 2 DP 422910)

⁷ Resource consent application reference RM230031.

Analysis

96. The subject site is not classified as Highly Productive Land, nor is it subject to any overlays (such as classification as an ONL, ONF or SASM).
97. The site is located within an identified flood risk area in the MDP. The MDP requires new residential units to be at least 150mm above the 0.2% ARI flood event.⁸ The submission refers to a subdivision application that was been lodged for the site which seeks to subdivide the site into 7 rural lifestyle lots.⁹ This application includes a site-specific flood hazard assessment for the site prepared by ECan for the that each lot contains at least some land where residential development will be able to meet this standard but are subject to variable flooding in a 500-year ARI flood event. ECan provides the minimum floor heights required by the MDP for new residential units at the site.¹⁰
98. The southern half of the site (which is not within SCA9 and is the subject of the submission) is bordered on the eastern and southern boundaries by a channel of Halls Stream. The stream, and the riparian margins of the stream (which is LINZ land) is densely vegetated, providing some screening and separation of the site boundary from the neighbouring property to the east and south. There is no natural feature to distinguish the subject site from the rural land to the west.
99. Advice from Mr McLachlan (Manager - Engineering) (refer **Appendix 5**) is that any future wastewater system to provide reticulated services to the Nixons Road SCA9 could be designed to accommodate the additional residential units that would be enabled by extending the SCA9 boundary to include all of Lot DP 422910.
100. To understand the additional residential density enabled by the relief sought, the proposed zoning, SCAs and precincts proposed for the site under PC25 and PC23 allow the following residential density at the site:¹¹

⁸ Rural Zone rule 3.1.1.i.

⁹ Resource consent application reference RM230031.

¹⁰ The site specific flood hazard assessment is part of the subdivision resource consent application, and is dated 24 March 2023. I have relied on this assessment to form my opinion on the relief sought by the submitter.

¹¹ Note that other rules and standards will apply which may change the activity status, this table is to indicate the activity status of the density standard only.

| Zone/Precinct | Activity Status without reticulated services | With reticulated services |
|---------------|--|--|
| RLZ SCA9 | One residential unit per 4 hectares – Permitted | One residential unit per 1 hectare – Permitted |
| GRZ SCA13 | One residential unit per 20 hectares - Permitted One residential unit for between 20 hectares and 4 hectares – Discretionary One residential unit on a lot smaller than 4 hectares – Non-Complying | No change |

101. While zone boundaries are not required to follow land parcel boundaries, the subject site is the only land parcel within RLZ-SCA9 which spans two zones. I accept that the division of Lot 2 DP 422910 may present inefficiencies in the use of the site whereby 5.0 hectares (approx.) could be used for rural lifestyle activities, leaving 7.0 hectares (approx.) for general rural activities. Under the proposed density standards, one residential unit could be established within the RLZ part of the site, and a DIS resource consent would be required to establish a residential unit on the GRUZ part of the site. If the site was zoned RLZ-SCA9 in its entirely, it is expected that a total of three residential units could be established on the site, and if reticulated services are connected, 12 residential units would be enabled (under the density standard RLZ-S1.2. which allows one residential unit per hectare).
102. A 15m setback from Halls Stream will be required for buildings under proposed Natural Character Chapter rules¹², and buildings may be set back further than this if an esplanade reserve was provided through subdivision.
103. I also consider that access to the GRUZ part of the site is constrained and would likely require a right of way that bisects the RLZ part of the site, effectively bisecting the rural lifestyle lots. If the site was zoned RLZ-SCA9 in its entirely, options for comprehensive development could result in more efficient access options for the site. Further, the part of the site that is zoned GRUZ is relatively small for a productive farming unit, at 7 hectares. The GRUZ zoned land adjoining the site to the west and on the opposite side of the Halls Stream tributary are not owned by the submitter, so this land could not be managed easily in the same farming unit.
104. For the above reasons, in my view it is appropriate to rezone all of Lot 2 DP 422910 within RLZ-SCA9. Having regard to the proposed mapping and purpose of the RLZ and GRUZ, I consider the RLZ to be the most appropriate given the balance of the lot zoned GRUZ as notified will be small and unlikely to be economically viable for primary production purposes. This amendment will also

¹² Proposed rule NATC-S1.

ensure a single set of zone rules applies to this parcel of land which will be more effective from a District Plan administration perspective. I therefore recommend that submission point 1.01 be accepted.

Recommendation

105. I recommend, for the reasons given above, that the boundary of the RLZ and SCA9 be extended to incorporate all of Lot 2 DP 422910. The amendments recommended to the planning maps are set out in **Appendix 6**.
106. In terms of s32AA, rezoning the balance of Lot 2 DP 422910 is not expected to undermine primary production activities in the district to a noticeable degree, and will allow some additional rural lifestyle development in this area close to Fairlie. I also consider that including this land in RLZ will assist in giving effect to the objectives of the RLZ and will provide for the efficient use of this land.

94 Nixons Road

Submission

107. Peter Alwyn and Elizabeth Mills seek that their property at 94 Nixons Road (Lot 4 DP 81160) be rezoned from proposed RLZ-SCA9 to Large Lot Residential (22.01) to enable a second residential unit on the site. Liz Mills lodged a separate submission seeking provisions to allow the erection of a second residential unit on the lot (submission point 26.01).
108. The existing residential unit at the site has a footprint of approximately 54m². The site is zoned Rural in the MDP and is 2.92 hectares in area (refer to Figure 4 below).

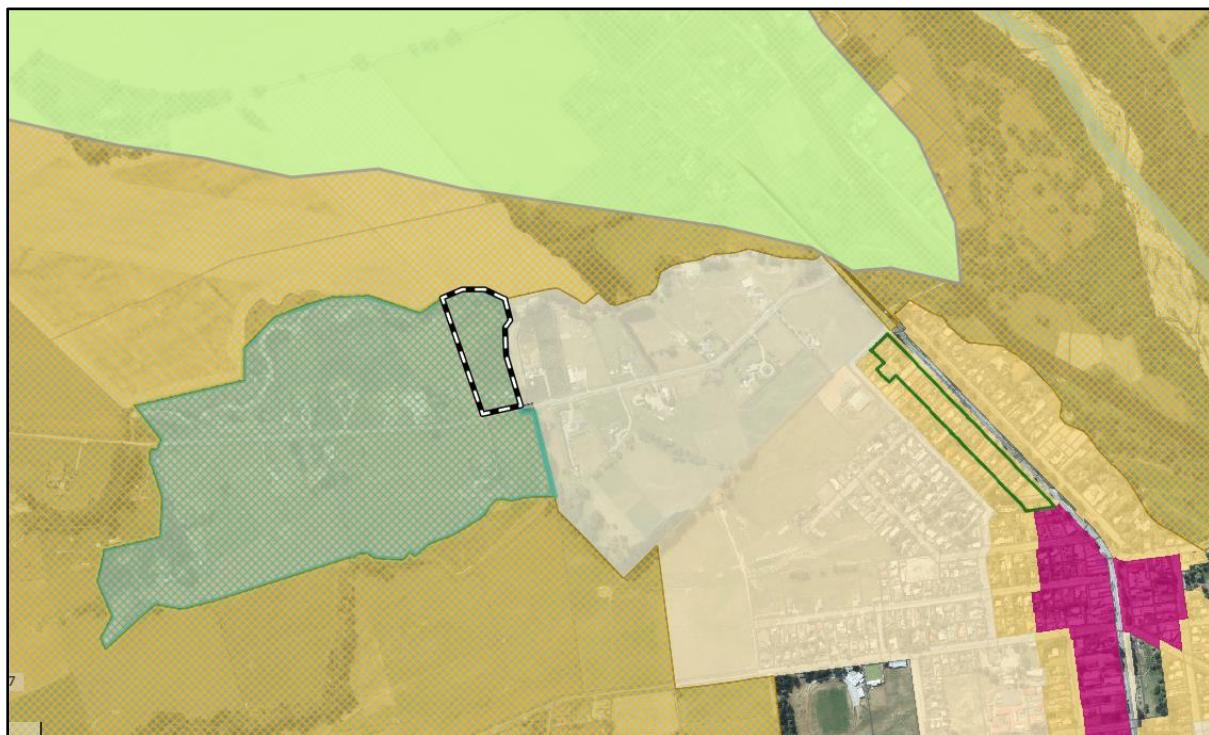


Figure 4: Plan depicting 94 Nixons Road, Fairlie (Lot 4 DP 81160)

109. The submitter considers that offering a range of different allotment sizes is socially beneficial, allowing for variety of purpose and diversity of demographic.

Analysis

110. The eastern boundary of the subject site adjoins land zoned LLRZ, and the northern boundary adjoins the proposed GRUZ SCA13 (Eastern Plains). In the LLRZ, the density enabled is one residential unit per 2,000m².¹³ Subject to compliance with other standards and rules, under this zoning, the site could accommodate up to 14 residential units (and 14 minor residential units).
111. Under the RLZ SCA9 the development at the site is limited to one residential unit per 4 hectares, and one minor residential unit (until reticulated wastewater services extend to this area).¹⁴ There is currently one small (55m²) residential unit on the site, which is classified as the primary residential unit as it is the only unit on the site. Therefore, while no additional residential unit is currently permitted at the site under the RLZ-S1.3, the existing residential unit could be extended. Also, a minor residential unit (up to 65m²) can be established on the site under rule RLZ-R2 where it connects to the primary residential unit's services. In the future, when reticulated wastewater services extend along Nixons Road, an additional residential unit could be developed under the density standard RLZ-S1.2 which enables one residential unit per 1.0 hectare.
112. The notified boundary of the RLZ and the LLRZ at Nixons Road is derived from the Spatial Plan. I do not consider there to be compelling reasons to depart from the outcomes of the Spatial Plan at this site. In my view, retaining the RLZ SCA9 boundary is the most appropriate way to achieve RLZ-O2 and RLZ-P5 which seeks to manage development until servicing capacity is available to manage wastewater sustainably. I therefore recommend that submission point 22.01 is rejected.
113. The situation at 94 Nixons Road is unique insofar as a minor residential unit (55m²) has been established at the site, but because there is no larger unit, this small unit is classified as the primary residential unit. Aside from 141 Nixons Road, which is larger than 4ha so could establish a residential unit under the notified rules, all other existing sites in SCA9 accommodate existing residential units. Therefore, 94 Nixons Road does appear to be the only site within SCA9 disadvantaged by PC25. I consider that amending the density standard RLZ-S1.3 to allow a residential unit to be developed on sites existing at as the PC25 notification date will enable a primary residential unit to be erected on the site. In my view, this is what is envisaged for the SCA9, and is an appropriate way to achieve RLZ-O1, RLZ-O2 and RLZ-P5. I therefore recommend that submission point 26.01 is accepted.

¹³ LLRZ-S1.1

¹⁴ RLZ-S1.2 and RLZ-S1.3

Recommendation

114. I recommend, for the reasons given above, that the boundary of the RLZ SCA9 is retained as notified where it applies to Lot 4 DP 81160.
115. I recommend, for the reasons given above, that RLZ S1.3 is amended to provide for one residential unit on sites less than 4 hectares which existed at the time PC25 was publicly notified.
116. The amendments recommended to the RLZ provision are set out in **Appendix 2**.
117. The scale of change does not require a section 32AA evaluation because it will enable one residential unit to be established at 94 Nixons Road, which is the outcome envisaged in the s32 analysis prepared for PC25. The amendment corrects an anomaly created by RLS-S1.3. Because all other sites less than 4ha in area SCA9 already contain a residential unit, this change will not affect other sites.

SCA - 11 Max Smith Drive and RLZ West Twizel

Submission

118. MPLs' submission seeks that increased density be enabled in the RLZ west of Twizel (refer Figure 5 below) if the land is serviced with reticulated wastewater in the future (24.01). The density sought by the submitter in this West Twizel area is one unit per hectare. MPL also seeks that residential density be increased at SCA11 (Max Smith Drive) to allow development at a density of one residential unit per 2,000m² site, given its location close to Twizel (submission point 24.02).

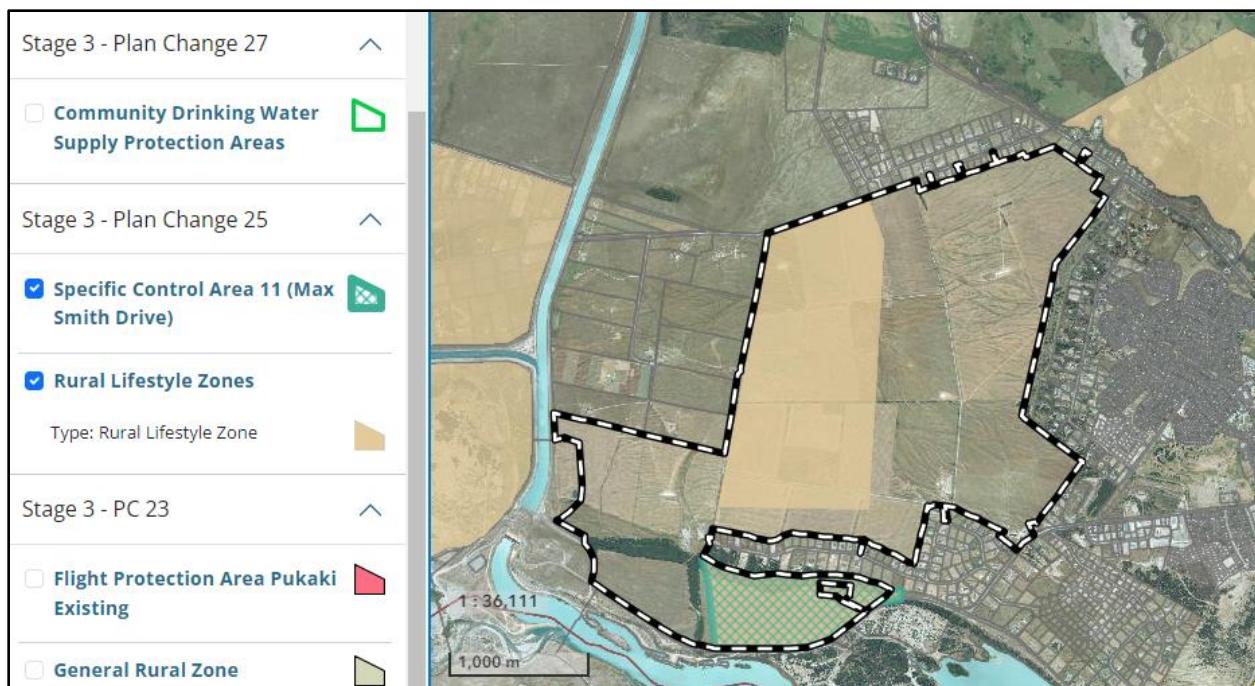


Figure 5: RLZ west of Twizel shown in light brown, SCA11 Max Smith Drive is shown with the teal hashing

Analysis

119. The RLZ land west of Twizel (zoned Rural Residential 2 in the Operative MDP) is approximately 200 hectares in area and adjoins land zoned LLRZ to the east. The RLZ in this location enables development to a minimum density of one residential unit per 4 hectares. This density requirement has been carried over from the Rural Residential 2 zone provisions in the MDP.¹⁵ The LLRZ that adjoins the subject land to the east has a minimum density of 2,000m² per residential unit. This was zoned via PC21 which is operative, and at the time of writing the LLRZ land remains undeveloped, although a subdivision application was lodged in 2018 to create 37 residential lots at the northern end of this zone.¹⁶ There is a large amount of land still available to develop in this area.
120. Under the RLZ 4 hectare density provision¹⁷, a density of up to approximately 50 residential units could be created in this RLZ land. If the density was reduced to 1 hectare, this could result in up to 200 residential units being created. Based on the outcomes of the Spatial Plan process, I consider that sufficient capacity for residential and rural lifestyle development is already enabled for at least 30 years of anticipated growth based on growth projections used, and the zoning of land for residential purposes (PC21) and rural lifestyle purposes (PC25) is based on these projections. While this land may be suitable for more dense development in the future, once other areas zoned for increased residential density are developed, I do not anticipate that this will occur during the 10-year life of the District Plan given the rezoning in accordance with the Spatial Plan enables greater than 10 years anticipated growth.
121. Also, this area does not have reticulated services, so the 4 hectare minimum lot size aligns with the CLWRP Rule 5.8 which requires resource consent for wastewater discharges to land on sites less than 4 hectares in area. There is also no reticulated water supply in this area, so properties rely on individual bores to take ground water for domestic purposes and may elect to store potable water in tanks.
122. I therefore consider that the 4 hectare per residential unit density is appropriate in this location west of Twizel, and I recommend that this submission point (24.01) be rejected.
123. The RLZ at Max Smith Drive (SCA11) provides for a residential density of one residential unit per 4 hectare site, which reduces to 1 hectare if reticulated services are available. This is the same density as provided for at the site under the Rural Residential 1 Zone of the MDP.¹⁸ This site also adjoins LLRZ land (with a minimum density of one residential unit per 2,000m²) which forms the current boundary of urban Twizel and is demarcated by the ridgeline of a steep embankment which provides a geographical marker of Twizel township in this location. I consider that retaining the

¹⁵ Section 8 – Twizel Rural-Residential, Standard 1.7.1 ii.

¹⁶ RM180174, this application remains on hold.

¹⁷ RLZ-S1.

¹⁸ Section 8 – Twizel Rural-Residential, Standard 1.7.1 i.

existing 1.0 hectare per unit density¹⁹ is appropriate in this location close to Twizel, and beside Lake Ruataniwha, as it provides an appropriate transition between the Twizel urban zone and the rural and recreational areas beyond.

124. While PC25 seeks to retain the operative density for this parcel of land, I am aware that this land has been the subject of consideration for other uses as part of the background phase of the Stage 3 District Plan Review process.²⁰ This land was identified as being suitable for open space / recreational purposes in the Spatial Plan, but if this is to be pursued, it would be included in Stage 4 of the District Plan Review process.
125. I therefore consider that there is not a sufficient justification to increase density at this site given this land was not identified as being suitable for residential use in the Spatial Plan, the anticipated demand for large lot residential growth has already been met through the rezonings that were made operative through PC21, and the proposed density provides an appropriate transition between Twizel township and the GRUZ. I therefore recommend that this submission point seeking an increase in residential density at SCA11 (24.02) be rejected.

Recommendation

126. I recommend for the reasons given above, that RLZ-S1 that applies to the RLZ west of Twizel is retained as notified.
127. I recommend for the reasons given above, that RLZ-S1.6 and RLZ-S1.7 that apply to SCA11 Max Smith Drive are retained as notified.

Manuka Terrace

Submission

128. Ashalea Meek supports the RLZ mapping for her property at 51 Ben Ōhau Road (5.01), however the submitter seeks the ability to subdivide her property to create an additional lot. The property is approximately 2.0 hectares in area and contains one residential unit. While not expressly identified in the submission, the relief sought would require a site-specific exemption to RLZ Residential Density Standard RLZ-S1.

Analysis

129. PC25 proposes to rezone 51 Ben Ōhau Road from Manuka Terrace Rural Residential Zone to RLZ. Both the operative Manuka Terrace Rural Residential Zone and the proposed RLZ limit residential

¹⁹ Subject to reticulated wastewater and water supply services being available.

²⁰ As part of the engagement with the community on Stage 3, the land owner requested that the land be zoned for Industrial purposes. This was consulted on with the wider public and generally not supported, with limited technical information provided to support a zone change. Ultimately, the Council did not agree to include an industrial zoning for the site as part of the Stage 3 plan changes.

density to one residential unit per 4 hectares²¹, or one per existing site for sites smaller than 4 hectares where an on-site wastewater treatment and disposal system, authorised by CRC by way of a rule in a regional plan or a resource consent, is provided. PC25 seeks to retain the density limitations that already apply at this site due to the servicing constraints in this area, so there is no change to the activity status for developing an additional residential unit at this site under the PC25 provisions, which will be DIS.



Figure 6: 51 Ben Ōhau Road.

130. RLZ-O2 states that the RLZ is a desirable rural living environment which does not exceed available capacity for servicing and infrastructure, maintains a predominance of open space over built form, and maintains the character and amenity values of rural areas. For the subject site at Ben Ōhau Road, the environment is characterised by open space to a greater degree than the RLZ closer to Fairlie and Twizel. Also, this area does not have reticulated services, so the 4 hectare minimum lot size aligns with the CLWRP Rule 5.8 which requires resource consent for wastewater discharges to land on sites less than 4 hectares in area. There is also no reticulated water supply in this area, so properties rely on individual bores to take ground water for domestic purposes and may elect to store potable water in tanks. Given the servicing limitations in this location, allowing an additional residential unit at this site as a permitted activity would not align with the RLZ objectives and policies which seek to manage development to ensure it does not exceed available capacities. However, the submitter could establish a minor residential unit on the property as a permitted activity under rule RLZ-R2.
131. The RLZ and Subdivision chapter provisions require a discretionary activity resource consent to subdivide the site.²² In my view, this is the most appropriate way to achieve the objectives of the proposed RLZ objectives and policies as it will enable a full assessment of the effects of any proposal to increase residential density at the site, including how servicing will be provided and the effects

²¹ Section 7A Rural - Residential Zone – Maunka Terrace Standard 9.9.1, and RLZ-S1.

²² Under SUB-S1, and RLZ-S1.

on the character and amenity values of rural areas. I therefore recommend that this submission point be rejected.

Recommendation

132. I recommend, for the reasons given above, that RLZ-S1 is retained as notified as in my view it is appropriate that proposals to increase residential density in the RLZ at Ben Ōhau Road are considered in full via a discretionary resource consent application process.

Manuka Terrace

Submission

133. Port Bryson Trust's submission opposes the boundary of the RLZ at Manuka Terrace and seeks that the zone boundary be amended to include the property at 913 Manuka Terrace (4.01). The property is approximately 2.8 hectares in area and contains one residential unit. The submission considers that this property should be included in the RLZ as, at 2.8 hectares, it is 'lifestyle' in size and use, it shares a common boundary and features with the RLZ, has no link with farming activities, and the existing residential unit meets the planning requirements of the RLZ.

Analysis

134. 913 Manuka Terrace (Lot 1 DP 442009) is zoned Rural in the Operative MDP and PC23 proposes to rezone the site GRUZ (refer to Figure 6 below). The site is within the Lakeside Protection Area (LPA) overlay that was introduced via PC13 (operative), and the mapping of the LPA and associated provisions are not within the scope of the MDPR plan changes.



Figure 7: 913 Manuka Terrace (Lot 1 DP 442009).

135. Under Operative MDP Rule 3.1.1.h any “buildings or extensions to buildings other than stock fencing” within this overlay requires resource consent for a Discretionary activity²³. As described in the s32 report for PC23²⁴ and the notified changes to the MDP Section 7 – Rural Zone Rules (Appendix 99 to the Stage 3 Plan Changes), PC23 carries this rule into the proposed Natural Features and Landscapes (NFL) Chapter as indicated by the strikethrough and grey shading. Upon review of the PC23 Natural Features and Landscape chapter provisions, I note that this particular rule was not carried over. This error has been rectified in accordance with clause 16(2) of the RMA. Under proposed subdivision Rule SUB-R13, subdivision within or partially within the LPA is a Discretionary activity.

136. The carried-over LPA objectives and policies (Objective NFL-O1²⁵ and policy NFL-P5²⁶) will apply to development within LPAs that are outside the Te Manahuna / Mackenzie Basin ONL. Clause 3 of policy NFL-P5 which is entitled ‘Lakeside Protection Areas’ seeks “*to avoid adverse impacts of*

²³ The operative MDP does not nominate an activity status for an activity that does not comply with Rule 3.1.1.h, so it is considered to be Discretionary Activity under s87B of the RMA.

²⁴ Section 32 Report: PC23 – General Rural Zone, Natural Features and Landscapes, and Natural Character, paragraph 1.6 and Appendix 99.

²⁵ Proposed Objective NFL-O1 was Rural Objective 3A – Landscape Values in the Operative MDP.

²⁶ Proposed Policy NFL-P5 was Policy 3B6 in the Operative MDP.

buildings, structure and uses on the landscape values and character of Te Manahuna/the Mackenzie Basin lakes and their margins”.

137. While I acknowledge that the site has been developed with an activity that is rural lifestyle in nature (comprising a large residential unit on a 2.8 hectare site), obtaining resource consent for the existing development was the result of a lengthy and contested process. The resource consent for the existing residential unit contains 34 conditions which tightly control all activities at the site to ensure the visual effects of the residential activities are strictly managed. This indicates the level of sensitivity associated with this site.
138. The GRUZ zoning of this site aligns with the adjoining sites along the edge of Lake Ōhau, which are also with the LPA.
139. In my view, the GRUZ zoning coupled with the LPA overlay which identifies the sensitivity of the site, is the most appropriate way to achieve the objectives of the proposed NFL Chapter and Strategic Objective NE-O1 Natural Environment which seeks to recognise and provide for and where appropriate, protect and enhance, the values of District’s natural environment that make it unique and contribute to its character and identity. I therefore recommend that this submission point be rejected.

Recommendation

140. I recommend, for the reasons given above, that the proposed GRUZ zoning for 913 Manuka Terrace Road (Lot 1 DP 442009) is retained as notified. This will ensure that any proposal to develop the site further can be considered via a fulsome resource consent application process, which is appropriate for this sensitive site within the LPA adjoining Lake Ōhau. I therefore recommend that this submission point be rejected.

12. Biodiversity

Reliance on PC18 provisions

Submission

141. DOC’s submission opposes RLZ-R1 to RLZ-R15 and RLZ-S1 to RLZ-S9 on the basis that these provisions collectively fail to recognise biodiversity values, and rely on PC18, but as that is not yet operative it cannot be relied upon (6.02). The submitter seeks that the provisions be revised to effectively and consistently protect and provide for biodiversity values. The submission does not provide wording to clarify what revisions are considered to be necessary.
142. DOC also seeks amendments to the Ōhau River PREC4 provisions to better recognise the biodiversity values within and close to the precinct. DOC’s submission states that the Ōhau River Precinct is close to the largest remaining breeding colony (~1000 adults) of the Nationally Endangered Black-fronted tern/Tarapirohe and there is also a significant population of the

Nationally Vulnerable Lakes skink (Oligosoma off. chloronoton ‘West Otago’) in the immediate vicinity. Changes to the PREC4 provisions sought by DOC include:

- a. Changes to the Precinct Introduction statement as it currently fails to recognise the biodiversity values within and close to the precinct (6.03). The following additional wording is requested: *“The precinct area contains valuable indigenous flora and fauna, and is close to important populations of threatened Black-fronted terns and Lakes skinks. Any development within the area needs to allow for the protection of these biodiversity values”*.
- b. Changes to Objective PREC-O1 to include the words *“and the wider environment”* because this objective could be read as applying to the precinct area only, whereas development within the precinct should also be sensitive to values outside the precinct itself (6.04).
- c. Changes to Policy PREC-P1 as DOC considers that providing for up to 50 allotments would not retain the natural values of the precinct and wider environment and could have significant adverse effects on biodiversity values. The focus of the policy on plants and the Ōhau River does not adequately protect other biodiversity values (6.05).
- d. Amendments to PREC4-R1 to PREC4-R5 and PREC4-S1 and PREC4-S2 as DOC considers the proposed rules and standards fail to protect significant habitats of indigenous fauna, so do not give effect to s6(c) of the RMA (6.06).

143. Further submitter D McIntyre (FS8) has opposed DOC’s submission on the Ōhau River PREC4 provisions as they consider that the Ōhau River PREC4 are subject to Section 19 - Ecosystems and Biodiversity of the MDP (introduced via PC18) and s6(c) of the RMA. The further submitter considers that mechanisms to address biodiversity are already in place which will enable the appropriate management of effects on biodiversity values.

Analysis

144. The structure of the Mackenzie District Plan that is being promulgated via the staged District Plan review process is determined by the NP Standards. The NP Standards prescribes the structure for District Plans and requires (in Standard 7, clause 19) that all provisions relating to ecosystems and indigenous biodiversity are contained within a separate Ecosystems and Indigenous Biodiversity Chapter. I therefore do not consider it appropriate to have provisions that manage the effects of activities on biodiversity values within the Area-Specific Matters sections of the MDP such as the RLZ.
145. Provisions relating to ecosystems and indigenous biodiversity were specifically dealt with by PC18. Changes to the provisions introduced by PC18 are not within the scope of PC25. These provisions apply district-wide, not just to the RLZ, and are included in Section 19 - Ecosystems and Biodiversity of the MDP. Section 19 was incorporated into the MDP following public notification of the decision of PC18 pursuant to Clause 10(5) of Schedule 1 of the Resource Management Act 1991. While the

PC18 provisions are the subject of an appeal, they have legal effect under section 86B of the RMA (as approved by the Environment Court in [2017] NZEnvC 202). I therefore consider that the provisions that have been introduced into the MDP via PC18 can be relied upon. The relief sought by DOC could otherwise result in the re-litigation the PC18 in a different plan change at a different time as part of PC25. This is inconsistent with what was notified and not good practice. I therefore recommend that submission point 6.02 is rejected.

146. The notified provisions for PREC4 Ōhau River are largely a replication of the Operative MDP provisions for the Ōhau River Rural/Residential Zone.²⁷ Minor changes have been made to align the provisions with the new framework for the RLZ Chapter.
147. By way of background, previously the MDP included district-wide matters in the zone chapters. PC18 (which was at the start of the MDPR), introduced a district-wide approach for managing indigenous vegetation, and transferred these provisions out of the Rural Zone section into a separate chapter (Section 19 of the MDP) which applies on a district-wide basis. However, PC18 did not seek to make changes to other zone chapters, resulting in a potential misalignment between what the operative Ōhau River Rural Residential Zone provisions enabled for vegetation clearance, and the district-wide rules in Section 19. Because Section 19 is intended to apply district wide, in my view some consideration of how the PREC4 provisions align with the direction of the provisions in Section 19 is required.
148. The PREC4 Ōhau River provisions enable the development of 50 residential buildings within the Precinct as a controlled activity²⁸. Rule PREC4-R3 provides for vegetation clearance, including indigenous vegetation clearance required for the establishment and occupation of building, access and services as a permitted activity. Because there is a specific permitted activity rule for vegetation clearance that applies to PREC4, it is understood that the Section 19 provisions will not apply to vegetation clearance provided for by PREC4-R3.
149. DOC's submission seeks changes to the Introduction Statement and PREC4-O1 to recognise the biodiversity values within and in close proximity to the Precinct. In my view the amendments to the Introduction Statement and PREC4-O1 sought by DOC (6.03 and 6.04) are necessary to identify the biodiversity values present within this Precinct and nearby areas, as, based on the information in DOC's submission, these values are unique to this area. I therefore recommend that submission points 6.03 and 6.04 be accepted.
150. DOC's submission seeks changes to PREC4-P1 and the rules and standards that apply to PREC4 to ensure significant habitats of indigenous fauna are protected, however specific wording is not provided in the submission. Based on the information in DOC's submission about the biodiversity values of the Ōhau River Precinct area, I agree with DOC that some amendments are required to

²⁷ Section 7B: Ōhau River Rural/Residential Zone

²⁸ PREC4-R1

the PREC4 provisions to ensure the provisions are the most appropriate to give effect to section 6(c) of the RMA. Clause 1 of PREC4-P1 requires the retention of the natural values of the Ōhau River and its environs by providing for up to 50 allotments and residential units only on the terrace of the western block set back from the river (outside of the No Build Area). However, the clarification 'note' in Objective PREC4-O1 states that 'Natural Values' is referring to 'landscape values and biodiversity values' amongst other things. Therefore, in my view this policy does not require an amendment to specifically provide for biodiversity values, as these are included in 'natural values', and I recommend that submission point 6.05 be rejected.

151. Based on the information provided by DOC in its submission about the site and surrounds providing habitat for nationally vulnerable and nationally endangered species, I consider that some refinement of the provisions that provide for the development of PREC4 is required so that the provisions of Section 19 - Ecosystems and Biodiversity apply, and the more enabling vegetation clearance provisions carried over from the Ōhau River Rural/Residential Zone are removed.
152. Specifically, I consider it necessary to delete Rule PREC4-R3 Vegetation Clearance, which permits vegetation clearance required to develop buildings, accesses and services at the site. This change means that any proposed indigenous vegetation clearance associated with development at the site would be considered under the provisions of Section 19 - Ecosystems and Biodiversity of the MDP. In my view this is appropriate to ensure that, if required under the Section 19 provisions, a resource consent process can consider potential effects of development on indigenous vegetation, which will assist in achieving 6(c) of the RMA.
153. The activity status for residential units in this Precinct is a Controlled Activity (rule PREC4-R1). I consider this activity status to be appropriate, as any vegetation clearance will be addressed separately under the Section 19 provisions if required. This would mean that if vegetation clearance required to establish the residential unit does not comply with the Section 19 permitted activity provisions, then the need for a resource consent would be triggered under Section 19, and this process would take account of the effects of the clearance on biodiversity values.
154. PREC4-S2 Vegetation Management Plan requires all development to be carried out in accordance with the Vegetation Management Plan for the precinct. The preparation of the Vegetation Management Plan is required at the time of subdivision, so this Plan will be approved prior to any development occurring at the site. Based on the information provided by DOC in its submission, it is my view that PREC4-S2 requires a new advice note to make it clear that, whilst development works must be undertaken in accordance with the Vegetation Management Plan, any indigenous vegetation clearance required as part of the Vegetation Management Plan is subject to the provisions in Section 19. Therefore, if indigenous vegetation clearance is part of the Vegetation Management Plan, resource consent may be required for this clearance under Section 19. This advice note will make it clear that the Vegetation Management Plan does not override the provisions in Section 19.

155. Additional rules that apply to PREC4 are contained in the Subdivision Chapter (PC27), and DOC has submitted on these provisions. Ms Willox has considered these submissions points in her s42A report for PC27. Subdivision of the Ōhau River Precinct is a RDIS activity in the proposed Subdivision Chapter (refer PC27, Rule SUB-R6), where the subdivision seeks to create no more than 50 residential allotments located outside of the no build area (Standard SUB-S8), and where accompanied with a Vegetation Management Plan. I consider the RDIS activity status to be appropriate. However, I agree with Ms Willox's recommendation to include an additional matter of discretion to require consideration of indigenous biodiversity values as part of any application to subdivide the land to ensure the appropriate management of effects on these values as part of the consenting process. I note that any indigenous vegetation clearance required at the time the subdivision is created, will be subject to the provisions in Section 19.
156. Overall, I recommend that the submission by DOC seeking amendments to the PREC4 rules and standards (6.06) be accepted in part.

Recommendation

157. I recommend, for the reasons given above, that the provisions RLZ-R1 to RLZ-R15 and RLZ-S1 to RLZ-S9 are retained as notified (unless otherwise modified in response to another submission points) as the PC18 provisions can be relied upon to recognise and appropriately protect biodiversity values.
158. I recommend, for the reason given above, that the PREC4 Introduction Statement, Objective PREC4-O1, are amended to recognise and protect biodiversity values when development occurs in the Ōhau River Precinct PREC4, within the area where development is enabled.
159. I recommend that rule PREC4-R3 is deleted so any clearance of indigenous vegetation required at the time the site is developed is considered under Section 19 of the MDP.
160. The recommended amendments to the PREC4 provisions are set out in **Appendix 2**.
161. In terms of section 32AA, the changes I have recommended to the Ōhau River PREC4 provisions better recognise the ecological values in this area and require any vegetation clearance to be subject to Section 19: Ecosystems and Indigenous Biodiversity Chapter of the MDP. In my opinion the recommended changes are more appropriate for achieving the purpose of the RMA, and in particular the matters of national importance in section 6(c) of the RMA which requires protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. The change to Objective PREC4-O1 is more appropriate for achieving the purpose of the RMA and the Strategic Objective NE-O1 Natural Resources, which seeks to recognise and provide for and where appropriate protect and enhance the Districts' significant indigenous biodiversity values. The recommended changes are also more appropriate for achieving the objective in Section 19, which requires land use activities to be managed to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and maintain and enhance other indigenous biodiversity.

162. In my view the recommended deletion of rule PREC4-R3 Vegetation Clearance is the most appropriate way to achieve PREC4-O1 and NE-O1, taking into account the efficiency and effectiveness of the provisions that apply to the PREC4 and those in Section 19- Ecosystems and Biodiversity. Based on the submission by DOC I consider that the risk of not acting could result in the adverse effects on significant indigenous flora and fauna. With the changes recommended, any effects on indigenous biodiversity will be appropriately managed via the Section 19 provisions and any ensuing resource consent process.

13. Miscellaneous

Practicality of Provisions

Submission

163. Submitters have highlighted some concerns with the practicality of some of the RLZ standards. Fed Farmers has sought changes to RLZ-R8.2 (Home Business) to clarify the requirements limiting staff involved in a home business in the Rule (13.02), and ability to comply with the outdoor storage Standard RLZ-S7 (13.03). MFL has sought a change to the minimum size water tank required for potable water in RLZ-S8.1b because a 35,000 litre water tank is not commonly available, whereas a 30,000 litre water tank is (23.03).

Analysis

164. I agree that amending Rule RLZ-R8.2 to clarify that one non-resident staff member equates one full time equivalent staff member, will assist with the efficient implementation of this rule and avoid uncertainty. My recommended amendment to this rule aligns with wording of the equivalent rule GRUZ-S12. I recommend that this submission point (13.02) be accepted.

165. I accept that complying with the outdoor storage Standard RLZ-S7 may inadvertently require the visual screening of some machinery or products that could reasonably be expected to be located within the RLZ. The outdoor storage of materials and vehicles has the potential to adversely affect rural landscape values and amenity values of adjoining properties. Screening outdoor storage areas will mitigate these effects, and therefore I consider that some limitations on outdoor storage activities are necessary to ensure the amenity values of the RLZ and neighbouring properties are maintained. Screening can be provided via planting/landscaping or a trellis type structure. However, I agree with the submitter that some amendments to the standard would assist with the efficient administration of the MDP.

166. Outdoor storage is defined in the MDP as "*land used for the purpose of storing vehicles, equipment, machinery, natural and processed products, outside a fully enclosed building for periods in excess of 4 weeks in any one year*".²⁹ This definition should be applied to the RLZ Chapter via link in ePlan. To enable outdoor storage materials and equipment associated with activities permitted in the RLZ,

²⁹ This definition is operative and was included via PC21.

stock feed, grain silos and tanks could be excluded from this standard. I therefore recommend that the Fed Farmers submission point (13.03) be accepted.

167. The minimum size of the water tank for the storage of potable water needs to be adequate to ensure those residential units which are not connected to reticulated services and do not have a bore water supply have sufficient potable water available at all times to meet the Building Act requirements. In addition to the potable water supply required per residential unit, additional water must be retained on site for fire fighting purposes. Therefore, additional water storage will be required on non-reticulated sites. Advice received from the MDC's Building Control officer is that a minimum storage of 30,000 litres is adequate to meet the requirements of the Building Act 2004. From a review of other District Plans, there are a range of water storage quantities, ranging from 1000 litres per household per day, to the storage of a minimum of 23,000 litres per household. I therefore consider that a minimum storage requirement for potable water of 30,000 litres is acceptable and recommend that the MFL submission point (23.03) be accepted.

Recommendation

168. I recommend, for the reasons given above, that rule RLZ-R8.2 is amended to include the words "full time equivalent" to provide increased certainty and align with the equivalent GRUZ standard.
169. I recommend, for the reasons given above, that the outdoor storage standard RLZ-S7 is amended to ensure it is appropriate for the types of activities provided for in the RLZ, to ensure the efficient administration of the District Plan. I also recommend that the operative definition for Outdoor Storage be applied to the RLZ Chapter via a hyperlink.
170. The amendments recommended to rule RLZ-R8.2 and standard RLZ-S7 are set out in **Appendix 2**.
171. The scale of change does not require a section 32AA evaluation because adding the words 'full time equivalent' clarify the intent of the rule and do not change the outcomes enabled by this rule. The recommended changes to the outdoor storage standard provide additional clarity about how this rule will be implemented within the RLZ, ensuring that activities that are permitted in the zone are not inadvertently restricted by the standard, while still achieving the amenity outcomes sought. The change to standard RLZ-S7 is a minor change that will assist with the efficient administration of the MDP.

Minor Residential Units

Submissions

172. MFL have sought an increase in the maximum floor area for minor residential units from 65m² to 90m², as they consider 65m² to be too restrictive (23.02). This relief would require an amendment to Rule RLZ-R2.2.

Analysis

173. The standards within the RLZ chapter that apply to minor residential units are consistent with the standards that apply to minor residential units within the Residential Zones in the MDP (introduced via PC21). I consider it appropriate to retain consistency across the District Plan on this matter.
174. Minor Residential Units are defined as '*means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site.*' This is a NP Standards definition. In my view, 65m² excluding garaging is an adequate floor area for a minor residential unit that is ancillary to a principal residential unit on the same site. Anything larger could be considered a full-size residential unit and would be akin to allowing two residential units per site.
175. A proposal to erect a minor residential unit larger than 65m² comprises a Discretionary Activity (Rule RLZ-R2), which provides for the consideration of larger scale minor residential units via the resource consent process, which in my view is appropriate. I recommend that this submission point (23.02) is rejected.

Recommendation

176. I recommend, for the reasons given above, that Rule RLZ-R2.2 is retained as notified to ensure the maximum floor area for minor residential units is consistent in the MDP.

Relocatable Buildings

Submissions

177. NZHHA has sought changes to the RLZ provisions to permit the relocation of second-hand relocated buildings (25.03, 25.04, 25.06). NZHHA supports the retention of a degree of control over relocated buildings through the use of a permitted activity rule that is subject to performance standards (including through the use of a building pre-inspection report). A suggested template for a pre-inspection report is attached to the submission.

Analysis

178. Relocated buildings are provided for as a Discretionary Activity in the RLZ (Rule RLZ-R11). The reason for this rule is to manage amenity values in the RLZ by preserving the ability to manage the appearance of relocated buildings. All new residential buildings in the RLZ are a permitted activity, subject to compliance with standards relating to height, setback backs, site coverage, the colour of exterior cladding and servicing (amongst others). This rule does not capture relocated buildings, as they are not 'new' and therefore the DIS consent pathway was introduced to manage the potential adverse effects of relocated buildings.

179. However, I accept that a less onerous consenting pathway can be provided for relocated buildings in the RLZ which could achieve the RLZ objectives. In my view relocating and re-using residential buildings should be encouraged as it is an efficient use of physical resources. Ensuring appropriate controls are in place to maintain and enhance the amenity values of the RLZ, and to align with the permitted activity standards for new residential buildings, would be required to achieve Objectives RLZ-O1 and RLZ-O2 and Policies RLZ-P1 and RLZ-P5.
180. The pre-inspection report template provided by the submitter is a useful document to assist plan users. I do not consider that this document is required to be included in the District Plan, as this would limit the ability to modify this template in the future. I therefore recommend that these submission points be accepted in part.

Recommendation

181. I recommend, for the reason given above, that a new rule is introduced and that Rule RLZ-S11 is amended to provide for relocated buildings as a permitted activity, subject to achieving certain standards, and for the activity status for relocated buildings that do not achieve the standards to be RDIS. These changes better enable the re-use of existing residential units and is a more efficient way to manage the use of relocatable buildings in the RLZ.
182. The amendments recommended to Rule RLZ-R8.2 and standard RLZ-S7 are set out in **Appendix 2**.
183. In terms of section 32AA, the changes I have recommended will better enable the use of relocated buildings for residential units in the RLZ. The conditions in the rule will be effective at achieving the amenity outcomes sought in the RLZ, however the approach is more efficient than requiring a resource consent in all instances.

Airport Height Restrictions

Submission

184. NZDF has noted that the inclusion of the Airport Height Restrictions set out in the GRUZ (PC23) may also be useful to include in the RLZ given the overlap of this proposed zone and the Flight Protection Area at Pukaki Airfield. They consider that this inclusion would ensure plan users are aware of these restrictions for any future plan changes sought to rezone to RLZ and to protect these existing airport height restrictions.

Analysis

185. I agree that a standard is required to manage building, structures and tree heights within the RLZ where a site also falls within the Airport Protection Areas. While the building height limit does apply in these areas, for proposals that seek to breach the height limits consideration of the airport height limits and managing adverse effects on the operations of the airports will be an important factor in

assessing the effects of these applications. For consistency across the District Plan I consider it appropriate to include a rule that aligns with the wording of GRUZ-S10 in the RLZ Chapter.

Recommendation

186. I recommend, for the reasons given above, that an additional standard be included in the RLZ chapter to impose the height restrictions that apply within the existing airport protection areas. This standard will ensure the height limits imposed to protect flight paths to and from the airport are protected.
187. The amendments recommended to include a new standard RLZ-S10 and the rules to which it will apply in the RLZ provisions are set out in **Appendix 2**.
188. In terms of s32AA evaluation, the recommended change is the most appropriate way to achieve MDP strategic objective ATC-O3, insofar as the activities that may impact on flight paths will be appropriately managed via a method that is consistent with the approach taken in PC23 for the GRUZ. The additional standard will assist with recognising and providing for the District's airport infrastructure.