



**TO THE MAYOR AND COUNCILLORS OF THE
MACKENZIE DISTRICT COUNCIL**

MEMBERSHIP OF THE PLANNING COMMITTEE

John Bishop (Chairman)
Claire Barlow (Mayor) Peter Maxwell
Annette Money Graeme Page
Graham Smith Evan Williams

*Notice is given of a meeting of the Planning Committee
to be held on Tuesday 5 July 2011
following the Projects and Strategies Committee meeting.*

VENUE: Council Chambers, Fairlie

BUSINESS: As per Agenda attached

GLEN INNES
CHIEF EXECUTIVE OFFICER

30 June 2011



PLANNING COMMITTEE

Agenda for Tuesday 5 July 2011

I APOLOGIES

II DECLARATIONS OF INTEREST

III MINUTES

Confirm and adopt as the correct record the Minutes of the meeting of the Planning Committee held on 24 May 2011, including such parts as were taken with the Public Excluded.

ACTION POINTS

IV REPORTS:

1. Roadways and Reserves Camping Bylaw 2009 Amendment
2. MLL Notice of Appeal

MACKENZIE DISTRICT COUNCIL

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON TUESDAY 24 MAY 2011 AT 3.50 PM

PRESENT:

John Bishop (Chairman)
Claire Barlow (Mayor)
Annette Money
Peter Maxwell
Graeme Page
Evan Williams
Graham Smith

IN ATTENDANCE:

Glen Innes (Chief Executive Officer)
Nathan Hole (Manager – Planning and Regulations)
Julie Hadfield (Committee Clerk)

I APOLOGIES:

There were no apologies.

II DECLARATIONS OF INTEREST:

There were no declarations of interest.

III MINUTES:

The Minutes of the meeting of the Planning Committee held on 12 April 2011 were confirmed and adopted as the correct record of the meeting.

A Money/C Barlow

MATTERS ARISING:

Cr Maxwell asked about Pukaki Downs Appeal.

The manager, Planning and Regulation advised that he had attended the mediation hearing the previous day where the matters in contention had been resolved

The Chief Executive Officer noted a slight error in the Dog Control fees schedule attached to the last minutes where the heading should be 2011/12, not 2010/11.

IV REPORTS:

1. HERITAGE PROTECTION FUND:

This report from the Manager – Planning and Regulations was for the Committee to consider two applications to the Council’s Heritage Protection Fund.

It was clarified that unallocated funds from one year were carried forward and that it wasn’t against the policy for two applications to be made for linked projects. A further allocation of \$5,000 was included in the draft budgets for 2011/12

Resolved:

1. That the report be received.
2. That the Committee allocates the Mackenzie Co-Operating Parish \$3,503.07 in accordance with the Heritage Protection Fund Policy to contribute to maintenance work proposed to be undertaken on St Stephen’s Church in Fairlie.

G Page/C Barlow

**THERE BEING NO FURTHER BUSINESS THE
CHAIRMAN DECLARED THE MEETING CLOSED AT 4.00 PM**

CHAIRMAN: _____

DATE: _____

MATTERS UNDER ACTION PLANNING COMMITTEE

Twizel Dog Pound Site:

Relocate Twizel dog pound to a new site at the eastern end of the Twizel Resource Recovery Park.

Underway

MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING COMMITTEE

SUBJECT: Roadways and Reserves Camping Bylaw 2009 Amendment

MEETING DATE: 5 July 2011

REF:

FROM: MANAGER – COMMUNITY FACILITIES

ENDORSED BY: CHIEF EXECUTIVE OFFICER

PURPOSE OF REPORT:

STAFF RECOMMENDATIONS:

1. That the report be received
2. That the proposed minor changes be to the Camping on Roadways and Reserves Bylaw be adopted.

GARTH NIXON
MANAGER – COMMUNITY FACILITIES

GLEN INNES
CHIEF EXECUTIVE OFFICER

ATTACHMENTS:

Amended Policy Road ways and Reserves Camping Bylaw 2009

BACKGROUND:

Central Government is currently making changes to regulations to allow instant fines to be imposed for offences that relate to freedom camping. Councils current bylaw was assessed by Internal Affairs and they considered it to be inconsistent with their regulations for two reasons.

1. It did not include the parent legislation
2. That it sought to impose a penalty of \$500 which the Parliamentary Counsel Office have deemed to be outside of the scope of Council to determine (section 5).

The attached amended policy has been submitted to Internal Affairs for consideration and they have confirmed it will now be acceptable under the new legislation for the transitional provisions which provide for instant fines.

This is an interim step to provide cover until the Freedom Camping Bill receives Royal Assent.

When the Freedom Camping Bill gains royal assent our Roadways and Reserves Camping Bylaw will need to be more extremely reviewed through the special consultative process under this that legislation

POLICY STATUS:

The current policy was deemed by Internal Affairs to be inconsistent with legislation

SIGNIFICANCE OF DECISION REQUESTED:

Not a significant decision

ISSUES AND OPTIONS:

Options in this case are

1. To do nothing
2. Make minor amendments to the bylaw to fit with interim legislation
3. Make a new bylaw

ASSESSMENTS OF OPTIONS:

- | | |
|----------|--|
| Option 1 | The existing bylaw will have no legal standing because of its inconsistencies |
| Option 2 | This is a simple process as the minor amendments do not require the use of the special consultative procedure |
| Option 3 | Because of the special consultative procedure we would have missed the cut off time to have the instant fines available to Council. In addition to this when |

the Freedom Camping Bill is enacted Council would need to make a new Bylaw under this legislation and it does not make sense to do this twice.

CONCLUSION:

Council should adopt the minor changes to the Roadways and Reserves Camping bylaw to allow instant fines to be imposed for freedom camping offences

ROADWAYS AND RESERVES CAMPING BYLAW

1. This bylaw is made pursuant to sections 145 and 146(b)(vi) of the Local Government Act 2002, section 12 of the Litter Act 1979, and all other Acts, powers and authorities enabling the Council in that behalf.
2. This bylaw shall be known as the Roadways and Reserves Camping Bylaw 2009.
3. Camping – No person shall camp in or upon any road, roadside, reserve or area listed in the schedule hereto.
4. Power to Move On - Any warranted officer of Council may request a person camping on land referred to in the schedule to move on and may direct them to any other camping ground or other Council land where camping is permitted.
5. Offences - Failure to comply with such a request constitutes an offence under this bylaw.
6. Penalties And Offences.-Every person commits a breach of this bylaw who:
 - (a) Commits, or causes to be committed, any act contrary to this bylaw; or
 - (b) Omits, or knowingly permits to remain undone, any act required by this bylaw; or
 - (c) Refuses, or neglects to comply with, any notice or request, or any condition in any such notice or request, given by a Council Officer pursuant to this bylaw; or
 - (d) Obstructs or hinders any officer of the Council in the performance of any power or duty conferred upon him or her by this bylaw.
 - 6.1 Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
7. Signs – Signs may be erected on any land in the Schedule hereto, such signs to read “No camping by order Mackenzie District Council”.
8. Definitions – For the purpose of this bylaw, the following definitions shall apply;

“Road” means road as defined in Section 315(l) of the Local Government Act 1974.

“Reserve” means reserve as defined in the Reserves Act 1977.

“Roadside” means the area between the road centre line and any private property either side of the road centre line.

“Camp” means to stay, or intend to stay at any time, and includes staying or intending to stay at any time with any form of moveable or portable accommodation.
9. Additions or Deletions – Additions or deletions to the schedule hereto may be made by the Mackenzie District Council from time to time by Resolution.
10. Exceptions - Council may grant exceptions to this bylaw. These exceptions may be made from time to time for special circumstances or one off events. The exception may be granted by Council following application and Council resolution.

Schedule

A SCHEDULE OF PERMITTED AREAS

- a) Lake Opuha Council Picnic Areas and Reserves.

<u>Lot 28</u>	<u>2.7475</u> Ha	<u>DP</u> <u>301677</u>
<u>Lot 29</u>	<u>.8787</u> Ha	<u>DP</u> <u>301677</u>
<u>Lot 30</u>	<u>1.8105</u> Ha	<u>DP</u> <u>301678</u>

Campers need to supply their own self-contained toilet.

No camping permitted between 23 December and the second Monday in January.

- b) Lake Ruataniwha Reserve SEC 1 SO 346762 excluding the designated camping area
No camping permitted between 23 December and the second Monday in January.

- c) Pattersons Ponds off Tekapo Canal Road Lake Tekapo

- d) Lake Wardell State Highway 8 Twizel

B SCHEDULE OF PROHIBITED AREAS

- a) All of Pioneer Drive Road Reserve from State Highway 8 intersection at the south eastern end of the road to the intersection with State Highway 8 at the north western end of the road, including all public car-parking areas and grassed areas within the road reserve.
- b) All of the Part Reserve 180 on the foreshore of Lake Tekapo in the vicinity of the Church of the Good Shepherd.
- c) All of Reserve 5182 and Pt Reserve 2923 being part of the Tekapo Domain (excluding the Motor Camp).
- d) All of the roadways in the Tekapo Domain being Domain Road and also known as Lakeside Drive and the unnamed roadway on Reserve 5182.
- e) With the exception of the Lake McGregor camping ground, the land surrounding Lake McGregor and Lake Tekapo being the following areas relating to the development of water power:

<u>Pt Res 4281</u>	<u>0.5281</u>	<u>SO8247</u>	<u>Gaz 1957</u>	<u>P615</u>
<u>Pt Res 36738</u>	<u>0.0304</u>	<u>SO8247</u>	<u>Gaz 1957</u>	<u>P615</u>
<u>Pt Res 36738</u>	<u>1.1534</u>	<u>SO8247</u>	<u>Gaz 1957</u>	<u>P615</u>
<u>Pt Res 36738</u>	<u>0.2226</u>	<u>SO8247</u>	<u>Gaz 1955</u>	<u>P2014</u>
<u>Pt Res 33695</u>	<u>0.3845</u>	<u>SO8247</u>	<u>Gaz 1955</u>	<u>P2014</u>
<u>Pt Lot1 DP9597</u>	<u>2.7562</u>	<u>SO8247</u>	<u>Gaz 1955</u>	<u>P2014</u>
<u>Pt Res 34675</u>	<u>1.1938</u>	<u>SO8247</u>	<u>Gaz 1955</u>	<u>P2014</u>
<u>Pt Res 3840</u>		<u>SO8247</u>	<u>Gaz 1955</u>	<u>P2012</u>
<u>Pt Res 36738</u>	<u>0.8701</u>	<u>SO8247</u>	<u>Gaz 1957</u>	<u>P615</u>

f) Closed Roads:

Pt Res 36738 SO8247 Gaz1957 P615

g) Pt Reserve:

Pt Res 34675 0.6404 SO8247

h) Lake Opuha Buffer Zones and Esplanade strips as described below and as identified on the attached map

<u>Lot 2</u>	<u>281.8950 Ha</u>	<u>DP 301677</u>
<u>Lot 1</u>	<u>52.2460 Ha</u>	<u>DP 301677</u>
<u>Lot 3</u>	<u>1293.270 Ha</u>	<u>DP 301677</u>
<u>Lot 27</u>	<u>5.7808 Ha</u>	<u>DP 301677</u>
<u>Lot 5</u>	<u>13.7895 Ha</u>	<u>DP 301678</u>
<u>Lot 4</u>	<u>161.4400 Ha</u>	<u>DP 301678</u>
<u>Lot 6</u>	<u>17.9460 Ha</u>	<u>DP 301678</u>
<u>Lot 7</u>	<u>7.9040 Ha</u>	<u>DP 301678</u>
<u>Lot 9</u>	<u>6.9500 Ha</u>	<u>DP 301678</u>

i) Lake Opuha Council Picnic Areas and Reserves.

Camping not permitted between 23 December and the second Monday in January.

Lot 28	2.7475 Ha	DP 301677
Lot 29	.8787 Ha	DP 301677
Lot 30	1.8105 Ha	DP 301678

Campers need to supply their own self-contained toilet.

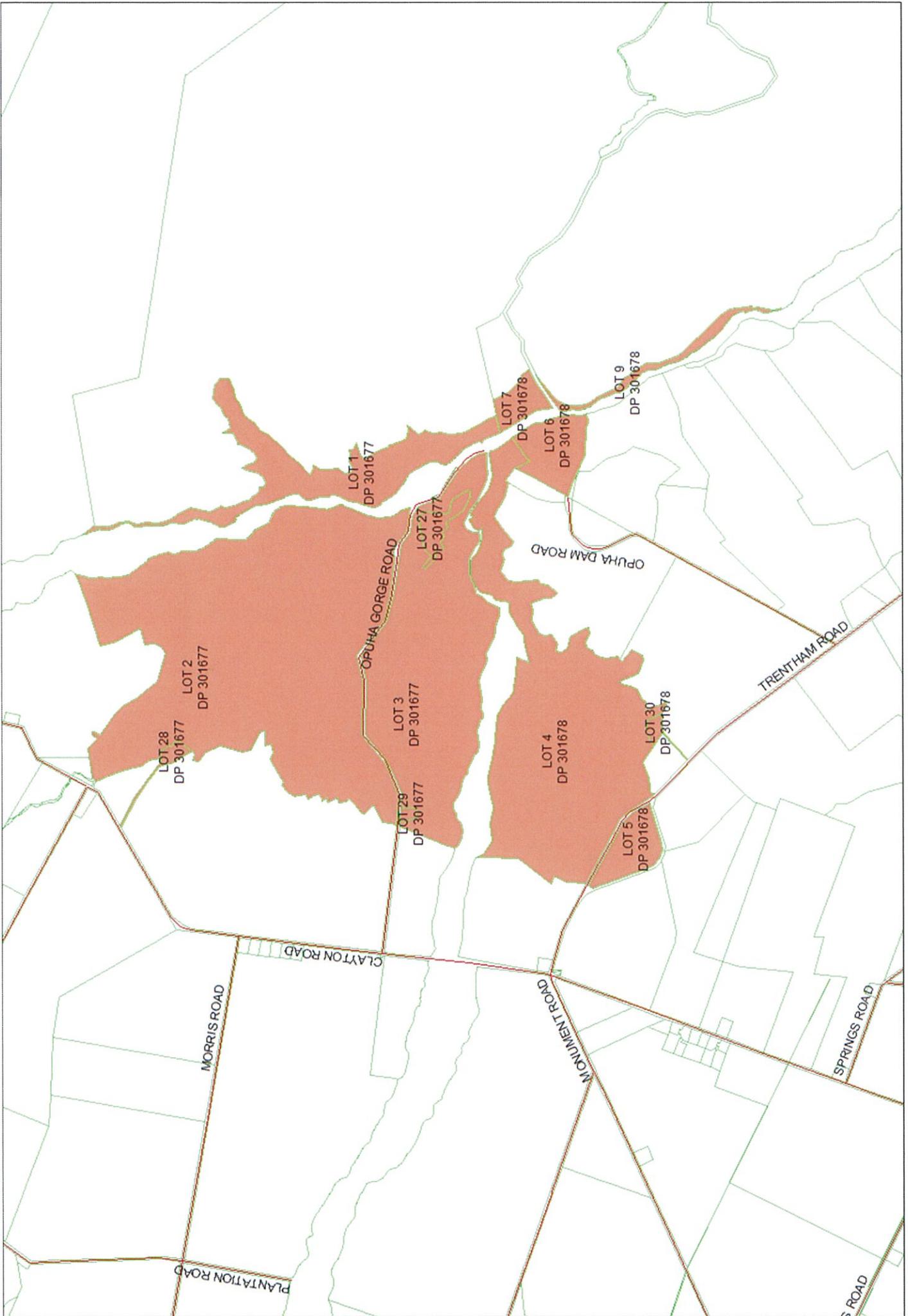
This bylaw was adopted by the Council on 15 December 2009 following the completion of a special consultative procedure under Section 86 of the Local Government Act 2002.

THE COMMON SEAL OF THE MACKENZIE DISTRICT COUNCIL was hereto affixed in the presence of:

The Mayor

The Chief Executive Officer

Common Seal of the Mackenzie
District Council



MACKENZIE DISTRICT COUNCIL

REPORT TO: PLANNING COMMITTEE

SUBJECT: ENVIRONMENT COURT APPEAL – MACKENZIE LIFESTYLE LIMITED LAND USE CONSENT, TWIZEL

MEETING DATE: 5 JULY 2011

REF: RM100013

FROM: MANAGER – PLANNING AND REGULATIONS

ENDORSED BY: CHIEF EXECUTIVE OFFICER

PURPOSE OF REPORT:

To provide the Committee with a copy of the appeal and to request approval to mediate the appeal on behalf of the Council.

STAFF RECOMMENDATIONS:

1. That the report be received.
2. That the Committee delegates the Manager – Planning and Regulations to mediate the appeal to RM100013 by Mackenzie Lifestyle Ltd on behalf of the Council.

NATHAN HOLE
MANAGER – PLANNING & REGULATIONS

GLEN INNES
CHIEF EXECUTIVE
OFFICER

ATTACHMENTS:

The notice of appeal.

BACKGROUND:

This appeal relates to the land use consent component of a proposed 49 lot subdivision on land opposite State Highway 8 at Twizel. The appeal is very specific and relates solely to the lapsing period of the land use consent. That is, the period of time that can pass before the resource consent lapses.

The resource consent as granted provides for a 5 year lapsing period which is consistent with the Resource Management Act and the direction of recent Environment Court decisions. Mackenzie Lifestyle Ltd (MLL) has appealed the Council's decision, seeking a lapsing period of 15 years.

The Environment Court has set this case down for mediation on 26 July.

POLICY STATUS:

N/A

SIGNIFICANCE OF DECISION REQUESTED:

This is a routine decision.

CONSIDERATIONS

All mediation/negotiation is undertaken with the support of legal advice. In this case it is David Caldwell from Lane Neave Lawyers.

CONCLUSION:

The purpose of this report is to advise the council formally of this appeal, and also to seek authority to mediate the point of appeal on behalf of the Council.



Dunedin
79 Stuart Street, Dunedin 9016
T: 03 477 1078 • F: 03 477 5754

Mosgiel
107 Gordon Road, Mosgiel 9024
T: 03 489 5157 • F: 03 489 2021

All correspondence to:
PO Box 5541, Dunedin 9058, NZ

Partners
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Celeste J Crawford, BA, LLB
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Consultants
John E Farry, MNZM, LLB
Peter WH Chin, CNZM, LLB

7 April 2011

Mackenzie District Council
PO Box 52
Fairlie

Attention: Chief Executive Officer

→ Nathan

Dear Sir / Madam

re **MACKENZIE LIFESTYLE LTD V MACKENZIE DISTRICT COUNCIL
- NOTICE OF APPEAL TO ENVIRONMENT COURT: RM100013**

- 1 We **enclose** by way of service a copy of the Notice of Appeal which has today been filed with the Environment Court at Christchurch.
- 2 Should you have any queries please do not hesitate to contact us.

Yours faithfully
WEBB FARRY

David Ehlers / Janice Revie
Partner / Associate

Email: dehlers@webbfarry.co.nz / jrevie@webbfarry.co.nz

ENCL

Seen 6/11/4/11

**NOTICE TO ENVIRONMENT COURT OF APPEAL ON DECISION ON APPLICATION
CONCERNING RESOURCE CONSENT, TRANSFER OF WATER PERMIT OR DISCHARGE
PERMIT, CERTIFICATE OF COMPLAINTS, OR ESPLANADE STRIP**

Sections 121, 127(3), 132(2), 136(4)(b), 137(5)(c), 139(12), and 234(4),
Resource Management Act 1991

To The Registrar
Environment Court
PO Box 2069
Christchurch

- 1 Mackenzie Lifestyle Limited ("Appellant") appeals part of the decision of the Mackenzie District Council on the granting of land use consent (RM100013) for the location of buildings on 35 lots within Stage 1 of Subdivision Consent RM070082 within the Mackenzie Basin Subzone.
- 2 The Appellant received notice of the decision on 21 March 2011.
- 3 The decision was made by the Mackenzie District Council.
- 4 The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
- 5 The part of the decision that the Appellant is appealing is:
 - a The length of the lapsing period specified within the decision.
- 6 The reasons for the appeal are as follows:
 - a The Appellant does not consider the specified lapsing period to be adequate. The Appellant had requested a longer lapsing period in its application for resource consent, in order to enable the Appellant sufficient time to give effect to the subdivision consent (RM070082).
 - b Subdivision consent (RM070082) was granted by the Mackenzie District Council in 2009.
 - c The lapsing period provided in the decision provides insufficient time for the Appellant to implement the land use consent, given the necessity to implement the underlying subdivision consent (RM070082).
 - d It is the Appellant's view that the nature of the consent and the underlying activities authorised by the consent necessitate a longer lapsing period.
- 7 The Appellant seeks the following relief:
 - a That the lapsing period associated with the land use consent be extended to provide for a lapsing period of 15 years from the commencement of the consent.
- 8 The Appellant attaches the following documents to this notice:
 - a A copy of the relevant decision (RM100013);
 - b A copy of the Appellant's application and submissions (included in which is a copy of subdivision consent RM070082);

c A list of names and addresses of persons to be served with a copy of this notice.

9 The Appellant seeks costs.



David Joseph Ehlers

Authorised to sign on behalf of the Appellant

7th April 2011

Date

Address for service of Appellant: 4 Brookside Place, Mosgiel 9024
 Telephone: 03 4847320
 Email: lyonsjc@xtra.co.nz
 Contact person: John Lyons

Advice to recipients of copy of notice

How to become party to proceedings

You may be a party to the appeal if you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends. Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to obtain copies of documents relating to appeal or inquiry

The copy of this notice served on you does not attach a copy of the relevant application (or submission) and (or or) the relevant decision (or part of the decision). These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Mackenzie District Council
PO Box 52
Fairlie

Sean Jones
PO Box 50
Twizel 7944

Twizel Community Board
c/- 5 Rhoboro Road
Twizel

Peter Glasson
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Christchurch 8041

Nicola Lyons
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Twizel 7944

Transpower NZ Limited
Environmental Group
PO Box 1021
Wellington
Attn: Brian Warburton