

**From:** Serena Orr  
**Sent:** Tue, 22 Nov 2022 01:15:52 +0000  
**To:** District Plan  
**Cc:** Jeff Smith; Mark Geddes - Perspective Consulting; Alanna Hollier; Zella Smith  
**Subject:** Plan Change 21/22 to the Mackenzie District Plan  
**Attachments:** Canterbury Regional Council\_Submission on PC21 and PC22 to the MDC Plan.pdf

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Kia ora,

Please see our submission for PC21/22 attached above.

Ngā mihi,  
Serena

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**Serena Orr**

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22 November 2022

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## **SUBMISSION ON PLAN CHANGE 21 AND PLAN CHANGE 22 TO THE MACKENZIE DISTRICT PLAN**

Environment Canterbury thanks the Mackenzie District Council (the Council) for the opportunity to provide a formal submission on Plan Change 21 and Plan Change 22 to the Mackenzie District Plan. We wish to acknowledge the extensive work that has been undertaken by the Council in preparing the Plan Changes.

Environment Canterbury is very supportive of the District Plan review process that the Council has undertaken and the proposed provisions are generally consistent with the regional planning framework. Our submission contains a number of submission points that seek amendments to the proposed provisions. The submission points generally support the intent of the proposed provisions but are seeking amendments to better align with the Canterbury Regional Policy Statement and Canterbury regional planning framework.

Where amendments have been sought, we have used underlined text to indicate recommended additions to the provisions and ~~strikethrough~~ to indicate recommendations for the removal of the proposed text.

In summary, our submission includes the following 4 components:

- Flood hazards
- Flood and erosion protection
- Water quality
- General Industrial Zone

Thank you again for this opportunity to provide a submission. For any clarification on the submission points, please contact Serena Orr ([serena.orr@ecan.govt.nz](mailto:serena.orr@ecan.govt.nz)) and she will be happy to assist the Hearing Officers.

**We wish to retain the opportunity speak in support of our submission.**

Yours faithfully

A handwritten signature in blue ink, appearing to be 'Jeff Smith', written in a cursive style.

**Jeff Smith**  
Team Leader Planning

# Notice of Submission on Plan Change 21 and Plan Change 22 to the Mackenzie District Plan

*Submission made by electronic means*

## SUBMITTER DETAILS

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## SUBMISSION DETAILS

- A. This is a submission on Plan Change 21 (PC21) and Plan Change 22 (PC22) to the operative Mackenzie District Plan (ODP).
- B. The relief sought by Canterbury Regional Council (hereafter Environment Canterbury) is addressed below.
- C. Environment Canterbury could not gain an advantage in trade competition through this submission.

## THE REASONS FOR OUR SUBMISSION

### GENERAL COMMENTS

1. Environment Canterbury thanks the Mackenzie District Council (MDC) for the opportunity to comment on PC21 and PC22, and for engaging with Environment Canterbury prior to notification. Environment Canterbury supports MDC in seeking to improve the clarity of the ODP and proposing amendments that seek to give effect to the objectives, policies and methods of the Canterbury Regional Policy Statement 2013 (CRPS) and national direction.

2. Environment Canterbury administers the CRPS, the purpose of which is to establish policies and methods to achieve the integrated management of the natural and physical resources of the region. Both Environment Canterbury and MDC have responsibilities under the CRPS to achieve integrated management of the natural and physical resources within their jurisdictional area.
3. The principal reason for Environment Canterbury's submission on PC21 and PC22 is to ensure it gives effect to the CRPS as required by section 75 of the Resource Management Act 1991 (RMA).
4. In making this submission, Environment Canterbury have considered closely the comments of MDC staff and consultants in our meeting on 4 November 2022.
5. Overall, Environment Canterbury considers that PC21 and PC22 are well drafted and generally implement the CRPS. However, some amendments are requested to help implement specific aspects of the CRPS and ensure the integrated management of natural and physical resources. While amendments have been requested, we note there is more than one way to achieve the intent of our request and accordingly Environment Canterbury are happy to work with MDC on any amendments prior to the release of the s.42A report.

## **COMMENTS ON PLAN CHANGE 21**

### **Flood hazards**

6. Environment Canterbury is concerned that development could be enabled on land below the terrace that runs parallel to Glen Lyon Road to the north of Twizel. Records held by Environment Canterbury, and recent flood modelling have confirmed that this land is prone to deep flooding in events with an Annual Recurrence Interval (ARI) of 50 years and larger. This includes areas where flooding can be described as 'high hazard', as defined in CRPS Policy 11.3.1.
7. The CRPS defines 'high hazard areas' in relation to inundation as '*flood hazard areas subject to inundation events where the water depth (metres) x velocity (metres per*

*second) is greater than or equal to 1, or where depths are greater than 1 metre [emphasis added], in a 0.2% (Annual Exceedance Probability (AEP)) flood event'. The CRPS definition differs slightly to the ODP definition of 'high flood risk' which 'means areas where the product of water depth (metres) multiplied by velocity (metres per second) equals or exceeds 1 in areas subject to inundation during an event of 0.2% AEP'. The ODP requires a discretionary consent for residential development and subdivision in a high flood risk area. Because of the difference in these definitions', development could potentially be allowed within areas that meet the CRPS definition of high hazard area but would not be captured under the ODP's definition of high hazard risk due to the inconsistency between these definitions. This means that residential development could be approved in a high hazard area as defined by the CRPS and would subsequently be contrary to CRPS Objective 11.2.1 and 11.3.1.*

8. Accordingly, Environment Canterbury requests amendment to the ODP's definition of 'high flood risk' to ensure that any proposed residential building or subdivision located in an area defined as 'high hazard area' by the CRPS can be appropriately managed through a discretionary consent process.
9. Environment Canterbury considers it is within scope of PC21 to amend the ODP's definition of high flood risk as the amendment pertains to a definition that relates to a zone rule proposed under PC21.

10. Relief sought

11. Amend the ODP's definition of 'High Flood Risk' as follows:

'means areas where the product of water depth (metres) multiplied by velocity (metres per second) equals or exceeds 1, or where depths are greater than 1 metre, in areas subject to inundation during an event of 0.2% Annual Exceedance Probability.

12. In the instance the Hearings Panel considers that this amendment is not within scope, Environment Canterbury requests that a standard is added to the LLRZ to request all residential units between Glen Lyon Road and the Twizel River to be located atop the

terrace to prevent development within areas subject to significant inundation, particularly high hazard areas.

### **Flood and Erosion Protection**

13. Environment Canterbury manages, monitors and maintains river and drainage schemes across the Mackenzie District with the aim of protecting people and property from flooding. The physical assets of these schemes are protected through the Canterbury Flood Protection and Drainage Bylaw (2013; the Bylaw) which seeks to manage, regulate and protect flood protection and flood control works from damage or misuse. The Bylaw applies a 7.5m setback for specific activities from specified drains, small watercourses and defences against water to assist in achieving the management and protection of these specific flood control assets. A Bylaw authorisation must be obtained to construct or locate a structure within these setbacks. The 2m setback of buildings and structures to an internal property boundary proposed under the Low Density Residential Zone (LRZ) and the Mixed Use Zone (MUZ) standards causes inconsistency with the Bylaw due to the proximity of properties within these zones to drains and watercourses managed under the Bylaw. Small drains and watercourses managed under the Bylaw traverse properties within Fairlie and Kimbell and border properties within Burkes Pass.

14. Given the complexity of the Bylaw, Environment Canterbury do not seek to amend the setbacks proposed in PC21, but only to refer to the Bylaw by way of an advice note inserted into each zone's setback standard. This will be effective in making readers aware of the Bylaw and will be efficient in that no additional consent requirements will apply.

### **Relief sought**

15. To promote consistency with the Bylaw, Environment Canterbury requests the addition of an advice note to Standards LRZ-S4.2 and MUZ-S4.1 to highlight that authorisation may be required under the Bylaw for activities occurring adjacent to small watercourses and drains.

### **Water Quality**

16. Environment Canterbury are concerned that development enabled by PC21 that is not served by reticulated wastewater or stormwater infrastructure may adversely affect water quality.
17. PC21 proposes three new urban zones that are not serviced by wastewater or stormwater infrastructure. This includes the LLRZ around Twizel, the LLRZ and the LRZ and MUZ in and around Kimbell and Albury.

Twizel LLRZ

18. PC21 proposes to zone a large area of land to the west of Twizel, LLRZ. Residential units and minor residential units are permitted in the LLRZ, subject to standards including standard LLRZ-S1. Standard LLRZ-S1 addresses density and requires a minimum site area per residential unit of 2,000m<sup>2</sup>. Residential units either must be connected to a reticulated sewerage system, or if there is no connection, the wastewater discharge must be authorised by Environment Canterbury.
19. MDC staff have advised Environment Canterbury in a meeting on 4 November 2022 that they would require new development in the LLRZ around Twizel to connect to the sewer at the time of subdivision. As this would make the second part of LLRZ-S1 redundant, it was agreed that there was scope for Environment Canterbury to submit on LLRZ-S1.
20. It is understood that MDC's rationale in drafting LLRZ-S1 was that only the LLRZ in Kimbell would not be required to connect to Council's reticulated wastewater network, as there is no wastewater network available in this area. However, as MDC will require development within Twizel's LLRZ to connect to the sewer, Environment Canterbury requests that LLRZ-S1 is amended to ensure this expectation is clear. The proposed requirement to connect to the sewer is consistent with the Land and Water Regional Plan (LWRP) that requires a restricted discretionary consent under rule 5.9 for any discharge to ground where a sewer is available.
21. The result of this amendment will be that development in LLRZ (except in Kimbell) must either connect to the sewer or require resource consent as a discretionary activity. However, it is unlikely that there will be any development that will not want to connect to the sewer and have to apply for resource consent. The reason being is that



it will likely be far cheaper for landowners to connect to the sewer and there will be less maintenance issues with connecting to the sewer than with an onsite wastewater system. Accordingly, the proposed amendment is effective and efficient.

*Kimbell and Albury*

22. Proposed PC21's management of development in Kimbell and Albury as it relates to wastewater and stormwater discharges remains a concern for Environment Canterbury.
  
23. PC21 enables 251 household units in Kimbell with 94 of these being in the new LLRZ. It also enables 144 household units in Albury with 20 household units enabled in the extension of residential zoning (now zoned LRZ) to the west. In terms of residential density, we acknowledged that PC21 does not significantly alter the status quo from the ODP and that it is highly unlikely that this many households will ever be constructed over the plan period. However, it would be realistic to expect several new houses in these settlements over the plan period, which, considering the existing development in these areas, would raise concerns about the cumulative effect on water quality from wastewater and stormwater discharges.
  
24. Properties with on-site wastewater and stormwater systems may increase the risk of chemical and microbial contamination of nearby drinking water supplies and surface water receptors. Human wastewater is a source of many potential pathogens such as bacteria, protozoa and viruses. Wastewater can also increase nitrate levels of drinking water supplies and surface water receptors and may contain contaminants from chemicals used within a household. Stormwater discharges can also contaminate drinking water supplies and surface water receptors with metals, hydrocarbons, nutrients, pesticides/herbicides and pathogens. Industrial/commercial activities can discharge contaminants specific to those activities and may require additional on-site treatment. Discharge of wastewater and stormwater can also create cumulative effects on nearby drinking water supplies and surface water receptors. The more discharges there are, the less dilution there is available to lower concentrations in groundwater and groundwater-fed surface waters. Higher ground water levels resulting from climate change can influence the effectiveness of wastewater systems.

25. Albury and Kimbell do not have reticulated wastewater or sewerage services but both have reticulated water supplies. In terms of the sensitivity of the receiving environment, there is one domestic bore in Kimbell and two small streams that run through the town. Further, both towns are located approximately 200-500m away from the Opihi River or its tributaries. Environment Canterbury has modelled on-site wastewater management system risk to groundwater for Kimbell and Albury. The nitrate risk for Kimbell and Albury are high, while the pathogen risk to groundwater for Kimbell is moderate and Albury is high. Based on these results Environment Canterbury recommends a reticulated sewer to manage the nitrate risk in Kimbell and the nitrate and pathogen risk for Albury. While these recommendations are based on modelled information, rather than robust onsite investigations, it is the best information Environment Canterbury has available. Further information may be available for the hearing. It also seems logical that on-site wastewater management for these settlements is unlikely to be a viable solution going forward if Kimbell and Albury develop in line with PC21. Notwithstanding the recommendation that a sewer is provided to Kimbell and Albury, the focus of this part of the submission is ensuring that PC21 manages new development so that it does not adversely affect water quality.
26. The density standards in PC21's LLRZ, LDRZ and MUZ aim to deal with this water quality issue by requiring any new wastewater discharge to be authorised by Environment Canterbury. However, there are some issues with this approach. First the density standards only address lot size. This is not ideal as several other aspects of land use activities can affect the effectiveness of on-site wastewater treatment systems. This includes the location of buildings and activities, which affects the location of the discharge area. It also includes the footprint size of any buildings and the size of any impervious surfaces, which can affect the amount of land available for the discharge. Secondly, in areas of high nitrate risk, Environment Canterbury often requires higher levels of on-site wastewater treatment, which increases costs to the landowner/consent applicant.
27. Environment Canterbury cannot guarantee granting of discharge consents based on numerous factors including the potential for cumulative effects of groundwater. Typically, the development process is that development is designed first, building consent is lodged and only then does the applicant become aware of the need for a discharge consent. At this stage applicants have made a significant capital investment (including purchasing the site, paying for building plans) and are emotionally invested

in the project. While homeowners can choose a system that stores and discharges off site or offer a blackwater/greywater split these choices are often inconvenient for homeowners. If discharge consent is refused, it can effectively render the site incapable of the use for which it was intended and zoned for by the District Plan.

28. To address these concerns, Environment Canterbury requests that land use activities requiring a discharge consent are listed as a restricted discretionary activity in the LLRZ, LRZ and MUZ in Kimbell and Albury. This would make it clear that there are potential limitations to the development potential of these towns and would also make it clear that there is uncertainty about the ability to gain discharge consent. Further, it would allow the discharge and land use consent to be processed together, which would increase the effectiveness of the discharge consent to manage any potential adverse effects of the discharge. It would also reduce the likelihood of landowners and potential purchasers investing in sites in these areas or development proposals without first obtaining resource consent. Ultimately, this would result in less costs on landowners and more efficient district and regional plan provisions and processes. A small amendment to the relevant policies of the LLRZ, LRZ and MUZ is also necessary to ensure that there is sufficient guidance for any consent application that breaches the density standard.
29. Environment Canterbury also requests amendments to the introduction of the LLRZ, LDZ and MUZ to make it clear that there are potential constraints in the amount of development that can be enabled in Albury and Kimbell due to the lack of reticulated services.
30. If the Hearings Panel are not of mind to require consent for land use activities that involve a discharge consent, Environment Canterbury requests the amendments to the MUZ density standards so that they apply to all permitted activities that require a discharge of wastewater, including commercial activities and community facilities. Presently the density standards only apply to residential units.
31. Environment Canterbury also requests changes to the subdivision rules to address this matter. As above in paragraph 26 Environment Canterbury cannot guarantee issuance of discharge consent, even where subdivision or building consent has been issued by the District Council. For instance, if the discharge permit is declined, it can effectively render the new lot incapable of the use for which it was intended. To address these

concerns Environment Canterbury requests that the subdivision rules are amended so that any subdivision in the LLRZ, LRZ and MUZ is listed as a restricted discretionary activity with discretion limited to the size of the allotment.

32. Presently Rule 3A of the ODP's subdivision chapter lists subdivision outside of the Mackenzie Basin Subzone as a controlled activity. While there is scope within this rule to control lot size in areas where a sewer is not available, the controlled activity status means that consent cannot be refused, and consent conditions cannot be imposed that nullify the issue of consent. Accordingly, Environment Canterbury considers it more appropriate to list subdivision in the LLRZ, LRZ and MUZ as a restricted discretionary activity, which provides the ability to refuse consent. This is within scope of PC21 as it pertains to an amendment to a related chapter as a consequence of a zone rule.
33. In the instance the Hearings Panel considers that this amendment is not within scope, Environment Canterbury requests that Development Area Plans (DAP) are prepared for any new areas of LLRZ and LRZ in Kimbell and Albury. The DAPs will need to manage density commensurate with the ability of the discharge of wastewater and stormwater discharge to avoid/mitigate effects on water quality.
34. While it is acknowledged that the management of water quality is a primarily regional council statutory function, there is a need for PC21 and the LWRP to take an integrated management approach to this matter. This would be consistent with section 31 of the RMA, help give effect to the CRPS and the National Policy Statement for Freshwater Management (NPSFM), and be consistent with the LWRP.

#### Canterbury Regional Policy Statement (CRPS)

35. The CRPS seeks that development is appropriately and efficiently serviced and requires an integrated approach to managing the effects of wastewater and stormwater discharges on water quality.
36. This is reflected in CRPS Policy 5.3.5 that seeks that development is appropriately and efficiently serviced by avoiding development which will not be served in a timely manner. The methods of Policy 5.3.5 state that territorial authorities will set out provisions in district plans which ensures:

- a. Rezoning for more intensive development does not occur without being effectively and efficiently serviced.
- b. Outline development plans provide sufficient space for wastewater and stormwater infrastructure at the time of rezoning for substantial developments.
- c. Subdivision and development provide for the treatment and disposal of sewage and stormwater.

37. Objective 7.2.4 of the CRPS seeks to take an integrated approach to the sustainable management of freshwater between activities, and between agencies. It requires consideration of the effects of land uses and intensification of land uses on water quality. Policy 7.3.7 supports that objective by seeking to control changes in land uses to ensure water quality standards are maintained. The methods of Policy 7.3.7 require local authorities to work together to manage the adverse effects of land uses on freshwater quality including appropriate controls in district or regional plans.

Canterbury Land and Water Regional Plan (LWRP)

38. Policy 4.14A specifically relates to the disposal of domestic effluent and wastewater and seeks to manage discharges to avoid adverse effects on water bodies that are more than minimal. It promotes community reticulated systems and other measures to reduce adverse effects on water bodies. Notably, rule 5.8 requires consent for the discharge of wastewater to land for sites less than 4ha, setback less than 50m from an abstraction bore, or setback 20m from a surface water body. This means that any household units or other activities with an onsite wastewater treatment system in Kimbell and Albury will require a discharge permit. Accordingly, it would be inconsistent with the LWRP if PC21 did not make it clear that discharge consent was required and that there will likely be limitations on development capacity.

National Policy Statement Freshwater Management (NPSFM)

39. The NPSFM takes a similar approach to the CRPS and requires<sup>1</sup> that local authorities co-operate in the integrated management of the effects of land use and development on freshwater. It also requires every territorial authority to include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

Relief Sought

40. Amend LLRZ-S1 as follows:

LLRZ-S1	Density	Activity Status where compliance not achieved:
Large Lot Residential Zone in <u>Twizel and Fairlie</u>	1. <del>Where the residential unit is connected to a reticulated sewerage system, or the residential unit is not connected to a reticulated sewerage system but the wastewater discharge is authorised by Environment Canterbury, t</del> <u>The minimum site area per residential unit is 2,000m<sup>2</sup> subject to the residential unit connecting to a reticulated sewerage system.</u>	DIS
Specific Control Area 1	2. The minimum site area per residential unit is 4,000m <sup>2</sup> <u>subject to the residential unit connecting to a reticulated sewerage system.</u>	

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<sup>1</sup> Clause 3.5

Specific Control Area 2	3. The minimum site area per residential unit is 1ha <u>subject to the residential unit connecting to a reticulated sewerage system.</u>
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40. Amend the LLRZ, LRZ and MUZ chapters by:

Inserting a new rule requiring a restricted discretionary activity consent for any activity in Kimbell or Albury that requires resource consent to discharge wastewater or stormwater to ground/water under the Regional Plan, with discretion limited to:

- a. The extent to which the location and footprint of buildings and activities (including impervious surface) affects the ability to effectively discharge wastewater/stormwater on site.

Also, make any consequential amendments to the permitted activities rules.

41. Insert a new subdivision rule as rule 4d of the ODP that:

Requires a restricted discretionary activity consent for any subdivision in the LLRZ, LRZ and MUZ with discretion limited to allotment size.

42. Amend MUZ-S1 as follows:

The minimum site area per any residential unit, or commercial/community activity that discharges wastewater to land, is:

43. Amend LLR-P5 as follows:

Manage development within the Large Lot Residential Zone to ensure:

- 1. built form is of a scale and design that is compatible with the character, amenity values and purpose of the zone;
- 2. larger lot sizes are retained in areas subject to servicing constraints in Specific Control Areas 1 and 2, until such time appropriate services are in place; and

3. in areas with no reticulated sewer or stormwater services, development does not constrain the ability to effectively manage wastewater and stormwater discharges on site; and

~~3.4.~~ a predominance of open space over built form is maintained

44. Amend MUZ-P3 as follows:

Manage development within the Mixed Use Zone to ensure that it:

1. provides a high-quality pedestrian environment;
2. is well-integrated with roads and public areas and positively contributes to their vibrancy;
3. provides a good level of amenity for residents, workers and visitors; and
4. is compatible with its residential setting and maintains the anticipated amenity values of any adjoining residential zone; and
5. does not constrain the ability to effectively manage wastewater and stormwater discharges on site in areas with no reticulated sewer or stormwater services.

45. Amend LRZ-P6 as follows:

Manage development within the Low Density Residential Zone to ensure:

1. built form is of a scale and design that is compatible with the character, amenity values and purpose of the zone;
2. larger lots sizes are retained in areas subject to servicing constraints in Specific Control Area 4, until such time appropriate services are in place; and
3. in areas with no reticulated sewer or stormwater services, development does not constrain the ability to effectively manage wastewater and stormwater discharges on site; and
- ~~3.4.~~ building and structures located in Specific Control Area 5 do not dominate the identified ridgeline when viewed from a public place.

46. Amend the introduction section of the LLRZ, LRZ and MUZ by the inclusion of the following sentence:



The development potential of sites within Kimbell and Albury is limited by the possible need to obtain a discharge permit from Environment Canterbury for the discharge of wastewater and stormwater.

### **General Industrial Zone**

47. Environment Canterbury is concerned the General Industrial Zone (GIZ) does not effectively or efficiently maintain the amenity of the adjoining LLRZ and LRZ in Twizel. Environment Canterbury is not concerned with the GIZ as it relates to other residential areas in the district.
48. While parts of the GIZ in Twizel are developed, large parts of it are not, including along its boundaries with the LLRZ and LRZ. This means there is plenty of potential for new development in the GIZ. There is also potential to redevelop existing developed sites within the GIZ.
49. The CRPS has several provisions that seek to protect residential amenity, including provisions that seek to:
- a. avoid conflicts between incompatible activities<sup>2</sup>.
  - b. maintain and enhance amenity values<sup>3</sup>.
  - c. avoid, remedy and mitigate adverse effects of activities.
50. The Canterbury Air Regional Plan (2017; hereafter CARP) contains provisions that manage the discharge of contaminants to air and their potential effects on sensitive activities and the receiving environment. Objectives 5.7 and 5.8, and Policy 6.9 of the CARP seek for discharges from new activities and existing activities to be appropriately located when established, and then managed to respond to the evolving characteristics of the receiving environment when already existing. Specifically, Policy 6.10 requires the reduction in the effects of a discharge that results in significant adverse effects on the receiving environment, even where land use change alters the sensitivity of the receiving environment. The CARP rules are triggered when there is an adverse effect beyond the property boundary, and where the discharge of

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<sup>2</sup> Objective 5.2.1 2b, Policy 5.3.2 2

<sup>3</sup> Policy 5.3.1.5, Policy 5.3.3

contaminants to air beyond the property boundary are offensive or objectionable, or noxious and dangerous.

51. In essence, if industrial activities are not appropriately located, or the discharge beyond the boundary is offensive or objectionable, noxious or dangerous, then further requirements can be imposed upon industrial activities under the CARP. This could result in existing industrial activities incurring significant costs to mitigate air quality adverse effects and potentially cumulatively undermine the functioning of the industrial zone.
52. Environment Canterbury considers the GIZ rules as they relate to LLRZ and LRZ in Twizel will not give effect to the CRPS provisions that seek to protect residential amenity.
53. The reason for this is that the GIZ relies heavily on the use of standards to manage the adverse effects of activities. Environment Canterbury considers that the District Planning Standards will not be effective or efficient in protecting the amenity of the residential properties adjoining the GIZ in Twizel.
54. Environment Canterbury acknowledges the heavy industrial activity rule requirement in rule GIZ-R1 and supports the classification of heavy industrial activities as a restricted discretionary activity. This will ensure that several incompatible activities will be managed through a consent process. However, the heavy industrial activities rule primarily focuses on activities that are likely to produce offensive odours and does not include other industrial activities that are likely to be incompatible with residential activities. The adverse effects of these activities are only managed through standards.
55. The GIZ includes standards for height, height in relation to boundary, setbacks, outdoor storage and landscaping. However, there are issues with these standards including:
  - a. The height standard allows for two storey buildings which could overlook residential properties and adversely affect their privacy.
  - b. The building setback is relatively small at 7m.
  - c. There is no length of building standard, which means buildings or structures could be built along the residential boundary and

have adverse effects on amenity, dominance, and access to sunlight.

- d. The reliance on landscaping as mitigation will mean that residents will be subject to temporary adverse effects while the landscaping is established and grows.
- e. Dust and odour are not addressed.
- f. While the noise standards of the ODP apply, they do not require an activity to demonstrate compliance with the standard before establishment.

56. While dust and odour are generally considered air quality issues and subject to rules in the CARP, the Environment Court<sup>4</sup> accepted that dust and odour is also an amenity issue and therefore can be addressed in district plans. Dust can be blown over adjoining residential areas in windy conditions, covering houses, surfaces and washing and subsequently affecting residential amenity. Dust from industrial activities is a particular issue, as industrial activities often have stockpiles of raw materials that are prone to creating dust. Industrial activities also usually have unsealed manoeuvring areas, which generates fine dust when driven on by heavy vehicles.

57. A major issue with relying on compliance with noise standards to manage zone boundary interface issues is that applicants often confirm they will comply with the standards at the time of building consent, but do not comply when the operation commences. This can lead to lengthy and on-going compliance and enforcement processes that are inefficient for local authorities and costly for landowners. It can jeopardise the significant capital investment landowners make in establishing industrial activities.

58. Rather than relying on standards, a more effective approach is to require resource consent for industrial activities near a residential zone boundary. This approach requires applicants to demonstrate that they protect the amenity of residents and means this is a focus of the design.

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<sup>4</sup> Timaru District Council versus Washdyke Residents association

59. The Operative Timaru District Plan and the Proposed Timaru District Plan uses this approach, which was established through the above-mentioned Environment Court case. Industrial activities within 50m of a residential zone boundary require consent with control limited to:

- a. hours of operation; and
- b. noise and vibration; and
- c. light spill; and
- d. effects on air quality; and
- e. length, height and alignment of boundary landscaping and bunds; and
- f. landscaping; and
- g. privacy.

60. Environment Canterbury considers that this approach would be more effective in maintaining the amenity of the residential properties in Twizel that are located adjoining or close to the GIZ. It will also be significantly more efficient for MDC to administer and ultimately for landowners.

61. This matter was discussed with MDC staff prior to lodging this submission and they suggested that there may be merit in making a submission on this matter.

*Relief sought*

62. The relief sought to address the comments is stated below. Please note the duplication in the matters of control that are necessary due to the interrelationship between buildings and activities and the desire to manage them together.

63. Amend GIZ-R1 as follows:

<b>GIZ-R1</b>	<b>Buildings and Structures</b>	
<b>General Industrial zone</b>	<b>Activity Status: PER</b>  <b><u>Where:</u></b>	<b>Activity status when compliance with <u>R2.1</u> standard(s) is not achieved: <u>Controlled</u></b>

	<p>1. <u>The building or structure is not located within 50m of a Low Density Residential Zone or Large Lot Residential Zone in Twizel; and</u></p> <p><b>Where</b></p> <p>2. <u>The activity complies with the following standards:</u></p>	<p><b><u>Matters of control are limited to:</u></b></p> <p>a. <u>hours of operation; and</u></p> <p>b. <u>noise and vibration; and</u></p> <p>c. <u>light spill; and</u></p> <p>d. <u>effects on air quality<sup>5</sup>; and</u></p> <p>e. <u>length, height and alignment of boundary landscaping and bunds; and</u></p> <p>f. <u>landscaping; and</u></p>
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<sup>5</sup> The control on air quality should be limited to measures to ensure that any air discharge does not cause an objectionable or offensive effect on adjacent residents. Note that the Regional Plan addresses air discharges.

1. A range of dust control measures may be considered including (but not limited to):
  - a. Watering;
  - b. Surface improvement, including but not limited to chemical stabilisation, compaction, application of gravel and sealing of surfaces (taking into account costs-benefit issues);
  - c. Surface maintenance;
  - d. Vehicle speed controls;
  - e. Not overloading trucks;
  - f. Covering trucks;
  - g. Wheel wash facilities;
  - h. The location of activities within the site and their orientation in relation to prevailing winds and sensitivity of the downwind receptors;
  - i. The presence of buffer distances to the site boundary and to sensitive land uses;
  - j. Contingency measures;
  - k. The implementation of a dust management plan.
2. A range of odour control measures may be considered including (but not limited to):
  - a. Storage and handling methods of odorous materials;
  - b. Odour containment and treatment methods;
  - c. Process control;
  - d. The location of activities within the site and their orientation in relation to prevailing winds and sensitivity of the downwind receptors;
  - e. The presence of buffer distances to the site boundary and to sensitive land uses;
  - f. The implementation of an odour management plan; and
  - g. Contingency measures.

	<p>GIZ-S1 Height</p> <p>GIZ-S2 Height in Relation to Boundary</p> <p>GIZ-S3 Setbacks</p> <p>GIZ-S4 Outdoor Storage</p> <p>GIZ-S5 Coverage</p> <p>GIZ-S6 Landscaping</p>	<p>g. <u>the setback of buildings and structures; and</u></p> <p>h. <u>privacy.</u></p> <p>Refer to relevant standard(s)</p>
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64. Amend GIZ-R2 as follows:

<b>GIZ-R2</b>	<b>Industrial activities</b>	
<b>General Industrial Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>The activity is not a heavy industrial activity; <u>and</u></li> <li><u>The activity is not located within 50m of a Low Density Residential Zone or Large Lot Residential Zone in Twizel</u></li> </ol>	<p><b>Activity status when compliance is not achieved with <u>R2.2: Controlled Matters of control are limited to:</u></b></p> <ol style="list-style-type: none"> <li><u>hours of operation; and</u></li> <li><u>noise and vibration; and</u></li> <li><u>light spill; and</u></li> <li><u>effects on air quality<sup>4</sup>; and</u></li> <li><u>length, height and alignment of boundary landscaping and bunds; and</u></li> <li><u>landscaping; and</u></li> <li><u>privacy.</u></li> </ol> <p><b>Activity status when compliance is not achieved with R2.1: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p>

		<ul style="list-style-type: none"> <li>a. The location, nature and scale of the activity.</li> <li>b. The sensitivity of the surrounding environment.</li> <li>c. The effectiveness of mitigation measures proposed.</li> </ul>
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**COMMENTS ON PLAN CHANGE 22**

65. Environment Canterbury generally supports PC22.

66. The clear views of the night sky are identified as part of the natural science values of the ‘Mackenzie Basin’ outstanding natural features and landscape identified in Appendix 4 of the CRPS. Views of the night sky are also likely to be part of the natural science values that contribute to the other outstanding natural landscapes and features of the Mackenzie District.

67. CRPS Objective 12.2.1 seeks to identify and protect outstanding natural features and landscapes from inappropriate subdivision, use, and development. As per method 2 of Policy 12.3.2 this includes territorial authorities setting out objectives and policies and methods in district plans to avoid, remedy or mitigate adverse effects of subdivision, use and development of land on the values of outstanding natural features.

68. As the Light chapter provides objectives, policies, and rules to protect views of the night sky, Environment Canterbury considers it gives effect to the before mentioned objective and policy of the CRPS that seek to protect outstanding natural features and landscapes.

**ATTENDANCE AT THE HEARING**

We wish to be heard in support of our submission.

**SIGNATURE**

A handwritten signature in blue ink, appearing to be 'JS', is located below the 'SIGNATURE' heading.

**Team Leader Planning**  
Jeff Smith

**22 November 2022**