

**PROPOSED PLAN CHANGE 15 AND
VARIATION 1 TO PROPOSED PLAN CHANGE 13
MACKENZIE DISTRICT PLAN**



**DECISION REPORT OF THE
MACKENZIE DISTRICT COUNCIL**

On 19 July 2011 the Mackenzie District Council adopted the recommendations of the Hearing Commissioners in relation to Proposed Plan Change 15 and Variation 1 to Plan Change 13.

The recommendations in this report have been adopted as the decisions of the Mackenzie District Council.

23 July 2011

**REPORT & RECOMMENDATIONS
OF THE HEARING PANEL**

**David Collins (Chair)
John O'Neill
Dave Pullen**

19 July 2011

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INTRODUCTION

Proposed Plan Change 15 (“PC15”) has been prepared following a period of growth and development at Twizel. The purpose of the Plan Change is to amend provisions in the District Plan so that the Plan better provides for continuing growth in a manner that better meets the purpose of the Resource Management Act 1991. Essentially the proposal is to provide new low density residential and rural-residential zones around the existing residential area. The Plan Change also rationalises the zoning of several areas within the existing town of Twizel and clarifies the intention to ensure that the existing town centre continues to function and develop as the primary commercial and community focus of the town.

As part of the proposals for the Twizel area include land affected by Proposed Plan Change 13, which is not yet finalised, a Variation to that Plan Change has also been put forward and has been processed together with Proposed Plan Change 15. The Variation extends the Mackenzie Basin Subzone boundary so as to include an area of land west of Twizel that was not included in the Plan Change 13 (“PC13”) re-zoning proposals. This re-zoning has not been questioned by submitters.

PC 15 and the Variation to PC13 were publicly notified and attracted 29 submissions. Public notification of the summary of submissions drew four “further submissions”, all from parties who had already lodged original submissions. As discussed below, the thrust of the submissions and further submissions is general support for the Council’s proposals, but they do raise some important matters of detail.

1.0 ROLE OF THE HEARING PANEL AND LEGAL FRAMEWORK

This is the report of a hearing panel appointed by the Council pursuant to section 34A of the Resource Management Act to consider Proposed Plan Change 15 (“PC15”) and Variation 1 to Plan Change 13 (“Variation 1 to PC13”), to hear submissions from any submitters wishing to be heard, and to report to the Council

**IF OUR RECOMMENDATIONS ARE ADOPTED BY THE COUNCIL,
THIS REPORT WILL BECOME THE COUNCIL’S DECISION.**

We have had the benefit of two comprehensive reports prepared by Council planners, Ms Toni Morrison (Senior Policy Planner) and Ms Angie Taylor. One was prepared under section 32 of the Act, and in accordance with the requirements of that section, it analysed the implication of and alternatives to the provisions put forward in PC 15 and the Variation. The other examined the submissions on the proposals lodged by interested parties. It will be convenient and efficient to base our report to the Council on this second report.

We have also considered a report from a consultant planner, Mr Matthew Bonis, commissioned by the Council which addressed issues raised in submissions about retail distribution. Like the officers’ reports, Mr Bonis’s report was made available to submitters prior to the hearing. The Plan Change document itself in this case consists mainly of a set of pages from the District Plan with the proposed amendments marked.

Section 74 of the Act sets out matters to be considered in preparing a change to a district plan. Among other things, section 74 requires a local authority to fulfil its functions under section 31 and its duties under section 32, to comply with the required contents of district plans under section 75, and to promote the purpose of the Act set out in Part 2 of the Act. The most relevant Part 2 matters in this case are the broadly enabling purpose of the Act set out in section 5(2), and the intention noted in section 7(b) of the Act that “*efficient use and development of natural and physical resources*” is to be promoted.

Section 31 provides for: (a) “*the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district.*” Proposed Plan Change 15 proposes significant amendments to the Mackenzie Plan provisions applying to Twizel and the surrounding area. The question we have considered is whether these would “...*achieve integrated management*” of the effects of resource use in these areas.

Section 32 of the Act requires consideration of alternatives and the costs and benefits of a proposed change to a district plan. A comprehensive section 32 report formed part of the Plan Change documentation and we have continued to review “*whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives*” (section 32(3)(b)), and “*the benefits and costs of policies, rules or other methods*” (section 32(4)(a)).

It is well established law that when considering a proposed plan change, whether initiated privately or initiated by a council, there is no presumption in favour of either the present plan or the proposed amendments - they are to be considered on an equal footing and a decision made on which is more appropriate. Where, as in this case, a plan change proposes more than one amendment it is open to the council to adopt only some of the amendments, or to adopt them only in part.

It is also well established law that proposed amendments to a plan must not create inconsistencies within the document. Another matter we have kept in mind is that the range of decisions on submissions is limited by the scope of those submissions, and submissions have to be clearly related to the Plan Change to provide jurisdiction for the Council to amend the Plan Change.

2.0 BACKGROUND TO THE PLAN CHANGE & VARIATION

Twizel and its outskirts have experienced a period of growth in residential and rural-residential development, and the Council has undertaken a review of the zonings within and around Twizel to accommodate this development. This Plan Change (PC15) and Variation 1 to PC 13 have been prepared following a series of reports, consultation exercises, and a strategic planning study undertaken by the Council over a period of years beginning in 2003.

The Council embarked on this review initially in conjunction with a wider review of its provisions governing rural subdivision and development in the Mackenzie Basin. Much of the background work to both Plan Changes was undertaken together. In December 2007 Plan Change 13 was notified, which deals with matters of landscape and development in the rural zone in the Mackenzie Basin. Following notification of that PC, the intention was to complete

the background work and proceed to notify PC15, relating to the area around Twizel, and then proceed to hear and decide submissions on both PCs at the same time.

However, there were a number of issues arising from PC13 which prompted the Council to proceed with the hearing of submissions on PC13, rather than delay the hearing and the release of decisions on PC13 to allow PC15 to ‘catch up’. The intent was to provide certainty to landowners affected by PC13 as soon as practicable.

PC13 as notified included much of the area around Twizel in the newly created Mackenzie Basin Subzone, as an interim management measure while PC15 was to be drafted. The Council in its decision on PC13 however redefined the boundary to exclude areas adjacent to Twizel, on the basis that these areas were best considered in the context of the Twizel PC, rather than as part of the wider Mackenzie Basin.

The area covered by PC 15 and Variation 1 to PC13, and the proposed zonings are shown on the plans attached to this report/decision as Appendix C & D.

3.0 CONSULTATION

In 2003-4 an extensive consultation exercise was undertaken with the Twizel community with the aim of providing for the growth of Twizel. A strategic document titled “Twizel – the Future Starts Today – A Framework for Twizel’s Future” was produced in February 2004. This generated a series of actions including investigations of a possible Plan Change.

In 2006-7 Council staff and consultants drafted a series of proposals which were consulted on with affected landowners. Proposed rezoning and plan change provisions were then further developed, and general public submissions and hearings held on the proposals. In 2007 the Council made decisions on some of the content for the draft Plan Change, and areas where further information was needed were identified. Further information was then obtained on outstanding matters such as servicing requirements, landscape, and natural hazards. At this time the Twizel Community Board developed and released a Greenways Strategy, which was incorporated in to the drafting of the PC.

In 2009-10, further targeted consultation was undertaken on the draft provisions with the following parties, with respect to their areas of interest:

- Minister for the Environment (in accordance with Clause 3 of the First Schedule)
- Environment Canterbury
- Te Runanga O Ngai Tahu
- Te Runaka O Arowhenua
- Te Runaka O Waihao
- A. Hocken, Mackenzie Properties Ltd
- S & P Cameron, Ben Ohau Station
- R & T Gutschlag
- J. Silva, Avlis Ltd
- K & T Ritchie, Lake Ruataniwha Holiday Park - Kuraton Investments Ltd
- P. Bell, South Island Rowing Incorporated
- Department of Conservation – Twizel Area Office

- Twizel Community Board
- Assets Manager, Mackenzie District Council
- Reserves Manager, Mackenzie District Council

4.0 CONCEPTS FOR TWIZEL

A series of themes relating to Twizel’s development emerged out of the Council’s consultation and the development of its Plan Change. These can be generally expressed as follows:

- Keeping the town’s centre as the focal point;
- Protecting and enhancing the recreation and the greenway system as a feature of the town;
- Recognising that there is no longer a ‘hard’ edge to Twizel in terms of the urban-rural split;
- Following natural and physical boundaries as logical limits to development – SH8, Twizel River, Lake Ruataniwha, Ostler Fault;
- Concentrating more intensive development where servicing is efficient and landscape issues are minor i.e. existing town, and south to lake (Mackenzie Park/Batcher Block);
- Following up existing development with zoning support (efficiency);
- Moving from ‘compact urban’ to ‘spacious urban’ to rural-residential, to full rural (subzone);
- Providing for a variety in density of development, lot sizes/residential living.

The Plan Change reflects these key concepts.

5.0 CONTENTS OF THE PLAN CHANGE & VARIATION

The following summarises the areas affected and provisions proposed by the Plan Change & Variation.

5.1 Ruataniwha Rowing Zone

PC15 introduces a new Special Purpose Zone in Chapter 9 of the Plan, called the Ruataniwha Rowing Zone (RRZ). The zone encompasses 26 hectares of land owned by South Island Rowing Incorporated, adjacent to Lake Ruataniwha at Twizel. The new zone recognises the importance of the rowing venue and facilities to the township and the District, and provides for buildings and facilities to support this.

5.2 Special Travellers’ Accommodation Zone, Twizel

The area of land occupied by the Lake Ruataniwha Holiday Park at Twizel is recommended to be rezoned to Special Travellers Accommodation Zone, which is an existing zoning within the Plan. The zone provides for low-density accommodation at the site, with easy access to the lake.

5.3 Twizel Rural-Residential 1 & 2 zones

The PC introduces new Twizel Rural-residential 1 & 2 zones, situated to the west and south of the township. Since the 1990s there has been significant rural-residential development adjacent to Twizel, and these zones specifically provide for such development by introducing objectives, policies and rules for their management.

5.4 Hocken Lane Rural-Residential zone

The Hocken Lane Rural-Residential zone is a new zone introduced as part of PC 15. It is situated north of Twizel, and covers an area of approximately 147 hectares.

5.5 Residential 3 & 4 zones

PC 15 introduces two new residential zones to the District Plan. Currently there are two residential zones in the District Plan, Residential 1 and Residential 2. PC15 introduces a new Residential 3 zone, with a minimum lot size of 2000m² and Residential 4, which has a minimum lot size of 4000m². These zones will ensure efficient development of residential land in Twizel, and provide opportunities for different lifestyle options in residential living.

5.6 Mackenzie Park

PC15 includes provisions relating to the rezoning and management of a large area of land south of Ostler Road, known as Mackenzie Park (also known as the “Batcher Block”). The Mackenzie Park site is recommended to be rezoned from Rural zoning to Residential 1 and 3 zones, Recreation A & P zone, and Traveller’s Accommodation zone. The site is to be developed in accordance with a concept plan provided by the developer for the whole area, which is included as Appendix S to the Plan, called “Mackenzie Park Development Plan”.

5.7 Change of zoning from Tourist to Residential 1, Ostler Road

The Plan Change rezones an area of residential development known as Mackenzie Park Stage 1, located on the south of the golf course on Ostler Road, Twizel. The site has already been constructed as a residential development.

5.8 State Highway 8/Ostler Road Corner Rezoning

PC15 rationalises the zoning of this area, which is located west and southwest of the intersection of Ostler Road with State Highway 8. The area currently contains the Department of Conservation workshop, Meridian Energy Limited’s workshops/storage sheds, a café and retail building, Areva T & D buildings, and Alpine Energy substation. Prior to PC15, the zoning was a mix of Recreation P, Industrial, Rural, and Tourist zoning. Our recommendation is to remove the Tourist zoning at the site, amend the Rec P Zone to include only the Council-owned land, and rezone the remainder of the site to Industrial.

5.9 Deferred Industrial zones - Ohau/Ostler Road

The Plan Change rezones two areas of land adjacent to the Ostler Road/Ohau Road intersection from their current zoning of Rural (west of Ohau Road) and Recreation A (east of Ohau Road), to Industrial (deferred). The deferment of the zoning at these sites is appropriate as the likely demand for industrial development within the township can be met by the existing industrial zone already available, which is largely undeveloped.

5.10 Business Zone amendments – Twizel Village Centre and commercial development

The PC introduces a new objective and policy relating specifically to the Twizel Village Centre zone, in order to protect the vitality, efficiency, and function of Market Place as the central ‘hub’ of Twizel. In addition, new rules are recommended for commercial activities in

Twizel's industrial zones, in order to allow the Council to consider the effects of out-of-centre commercial development.

5.11 Additional Recreation A and Recreation P areas

The Plan Change provides for the enhancement of the greenway system that is a feature of Twizel. The following areas are to be rezoned from Rural to Recreation A and Recreation P zones:

- Mackenzie Park – the development plan at Appendix S of the Plan shows an area of land that is intended for playing fields, to be rezoned Rec A. The construction of an artificial lake is also proposed at that site, to be zoned Rec P. There are also linkages for walkways/cycleways planned around the perimeter of the Mackenzie Park development, rezoned Rec P;
- An area of Council land south and west of the existing Twizel Cemetery, from Rural to Rec A;
- Council-owned land along all of the foreshore of Lake Ruataniwha within the PC area, from Rural to Rec P;
- Council, Environment Canterbury, and Department of Conservation land along the Twizel Walkway adjacent to the Twizel River, from Rural to Rec P;
- Parts of Council land along Ohau Road from the Ohau/Ostler Road intersection, south of Rata Road, and between Rata Road and Totara Drive, and the section on the corner of Mackenzie Drive and Braemar Place, from Rural to Rec P.

5.12 Additional Stormwater & Sewage provisions

PC15 includes a number of new policies to allow for consideration of stormwater management in Twizel. These achieve the objectives of the Plan in the new zones and in response to particular issues that arise at Twizel. The PC also introduces controls on subdivisions connecting to small diameter pressure sewage systems in the District.

5.13 Extension of Outdoor Lighting Restriction Area

PC15 extends the Outdoor Lighting Restriction Area in the Plan to the south boundary of the District, to protect the night sky.

5.14 Extension of Mackenzie Basin Subzone boundary

The variation to Plan Change 13 extends the boundary of the Mackenzie Basin Subzone (MBS) in order to include a specific area adjacent to Twizel, east of the Pukaki Canal. There is one Farm Base Area to be included as a result of the extension of the boundary, which contains the existing homestead for Ben Ohau station.

5.16 Ostler Fault Hazard Area

Variation 1 to PC13 also contains an overlay on the Planning Maps called the Ostler Fault Hazard Area (OFHA) and introduces provisions to require fault hazard to be considered when development is proposed within that area. The OFHA covers the actual faultline itself and a defined 'buffer' margin where there is significant risk to the safety of people and to buildings and property from permanent ground deformation and tilting associated with fault rupture.

6.0 LIST OF SUBMITTERS

Submitter Number	Name/Organisation	Appeared at Hearing
1	S Drummond	No
2	K A Fagan	No
3	R B Fagan	No
4	A F Brensell	Yes
5	D R Sanderson	No
6	B & R Prince	No
7	T & A Cockburn	No
8	S L Boereboom	No
9	K Curin	No
10	C G Johnson	Yes
11	H D TeKoeti	Yes
12	G & H Gillespie	No
13	Firth Industries	No
14	Alpine Energy Limited	No
15	Mountain Power Limited	Yes
16	Environment Canterbury	No
17	Community & Public Health	No
18	A M Shearer	Yes
19	Mackenzie Properties Limited	Yes
20	S B Davies	No
21	D Falconer	No
22	D Crow	No
23	U & N Paul	No
24	Grants Motels Limited	Yes
25	F Hocken	Yes
26	W Feasey	No
27	T R Delaney	No
28	W M Van der Berg	No
29	Meridian Energy Limited	Yes

LIST OF FURTHER SUBMITTERS

13	Firth Industries	No
19	Mackenzie Properties Limited	Yes
25	F Hocken	Yes
29	Meridian Energy Limited	Yes

7.0 THE HEARING

A hearing to provide submitters an opportunity to further explain their concerns was convened on the 16th of May, in Twizel. The following people presented evidence and submissions. To avoid repetition, we will discuss the content of their presentations in the next section of this report, which sets out the provisions questioned by submitters sequentially.

Submitters who appeared at the hearing:

- Mr Alister Brensell
- Mr Christopher Johnson
- Ms Heather TeKoeti
- Mr Andrew Hocken, for Mackenzie Properties Ltd and Mountain Power Ltd
- Mr Frank Hocken, personal submission and for Grants Motels Ltd
- Mr Kenneth Gimblett, consultant planner for Meridian Energy Ltd. Evidence from a civil engineer, Mr Nigel Connell, was tabled
- Mr Alistair Shearer

Statements from the following submitters unable to attend the hearing were tabled:

- Mr John Scheele, consultant planner for Firth Industries
- Mr Bob Willis, Senior Planner, Environment Canterbury
- Ms Barbara Prince and Mr Ray Prince
- Mr Bill Van der Berg

SUBMISSIONS TO PLAN CHANGE 15

GENERAL SUBMISSIONS

GENERAL SUBMISSIONS TO PLAN CHANGE 15

Decision Requested: GS1

Submitter: 13 Firth Industries

Submission:

The submitter seeks that the Plan Change is adopted as notified, with the exception of the relief sought in Decision Requested B1 below, relating to Rule 3.3.2 in the Industrial Zone.

The Firth site is located within the Industrial Zone and the Plan Change does not seek to alter this zoning. Proposed rezoning in adjacent sites results in an appropriate buffer to potentially sensitive activities, and Firth supports the rezoning (with the exception of the relief sought in Decision Requested B1).

DECISION:

Accept in part.

REASON:

Some provisions of the Plan Change & Variation will be amended as a result of decisions on submissions (refer relevant sections below). The rest of the Plan Change and Variation not amended by the decisions set out below will remain unchanged, as notified.

REVISED TEXT FOR PLAN:

Refer relevant Decisions Requested below.

SECTION 3 - DEFINITIONS

Decision Requested: D1

Submitter: 17 Community & Public Health
Support 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that a definition for potable water be included in the Plan, from the Drinking Water Standards for New Zealand 2005 (revised 2008), and that the references to water supplies intended for human consumption in all relevant policies are standardised.

Further submission *Mackenzie Properties Ltd*

The further submitter supports the requirement that any reference to water within the District Plan means ‘potable’ water supply. The existing Twizel water supply is inadequate. Appropriate signage should be used if water quality is poor.

DECISION:

Reject	17	Community & Public Health
Reject	19	Mackenzie Properties Ltd

REASON:

The definition of potable water that the submitter seeks to have in the Plan Change is as follows:

Drinking-water that does not contain or exhibit any determinand to any extent that exceeds the maximum acceptable values specified in the Drinking Water Standards for New Zealand (DWSNZ).

The maximum concentrations (maximum acceptable values) of microbial, chemical and radiological determinands in drinking-water that are acceptable for public health are specified in Section 2 of the DWSNZ.

Under the Health Act, every drinking-water supplier (including the Council) must take all practicable steps to ensure that the drinking water supplied by that supplier complies with the drinking-water standards. The requirements of the Act come in to force on staggered dates depending on the population of an area. For Twizel, compliance is required by 1 July 2014. In Twizel at present, the water supply is unable to be confirmed as compliant with the standards set in the DWSNZ. The South Canterbury Medical Officer of Health has recently expressed concern that residents and visitors in Twizel face unnecessary risks from the present water supply, because of the uncovered reservoir and lack of treatment in the system. The Council is liaising with Ministry staff on this, and is in the process of considering options for upgrading Twizel’s water supply in order to manage potential risks to the water supply and ensure compliance.

As part of this process, consideration has been given to more sustainable and longer-term options for the Twizel water supply, given the potential capital cost that will be required to meet the standards. Two options have been finalised for consideration. The first is the upgrading of the current system by retaining the present site, treating the supply, and upgrading the reservoir and pumps. The second is establishing a new water take site and reservoir northwest of the township, which may require less treatment and can be gravity assisted. The Council is also considering temporary treatment options for the existing supply while the longer term solution is being finalised.

The Hearing Panel agrees with the submitter that the relevant parts of the Drinking Water Standards for New Zealand (DWSNZ) should be incorporated in to the District Plan. However it is considered that this would be better done in relation to the entire District Plan, so that the standardised definitions would be applied consistently and district-wide. The present Plan Change relates only to Twizel (with the exception of two other limited matters), and any amendments to the relevant sections of the Plan, including the suggested definition, would have to be amended to refer only to the area of the District that is subject to this Plan Change. This would result in a site-specific definition applying only to Twizel, when it

should in fact apply to all community water supplies in the District. Further, given that Twizel's current water supply is unable to be confirmed as complying with the DWSNZ, if the definition were included at this time, any subdivider seeking to connect to the Twizel water supply may find themselves in immediate non-compliance with the District Plan.

The entire District Plan is due for review in 2014, and these requirements could more properly and comprehensively be incorporated at that time, to apply to all such water supplies in the District. An additional advantage of this is that by 2014, Twizel and other towns in the District will have Public Health Risk Management Plans in place for the respective water supplies, which will detail the management of the supply and show how the DWSNZ are being met.

While we accept that the matters raised in this submission are significant in respect of the growth and development of Twizel, we do not consider the changes sought should be made at this time.

REVISED TEXT FOR PLAN:

None.

SECTION 5- BUSINESS ZONES

INDUSTRIAL ZONE RULE 3.3.2 Commercial Activities

Decision Requested: B1

Submitter:	13	Firth Industries
Oppose in part	19	Mackenzie Properties Ltd
Oppose in part	25	F Hocken

Submission:

The submitter opposes the inclusion of "Travellers Accommodation" as a permitted activity in the Industrial Zone in Twizel.

The term Travellers' Accommodation is not defined in PC 15 or the District Plan. Firth Industries considers that the inclusion of Travellers' Accommodation to Rule 3.3.2 leads to uncertainty in regard to the type of activities that are anticipated in the Industrial Zone. The submitter considers that travellers' accommodation would be inconsistent with the receiving environment anticipated in the Industrial Zone, raising issues of reverse sensitivity.

The submitter seeks that Travellers' Accommodation is deleted from Rule 3.3.2, including any relevant references to the establishment of Traveller's Accommodation in the Industrial Zone as part of the Plan Change.

Further submission *Mackenzie Properties Ltd*

The submitter fails to recognise that under current District Pan it is a permitted activity to have Travellers Accommodation activities within the Industrial zone. The free market will

dictate whether any Travellers Accommodation business would be developed next to Firth Industries land. The submission should be disallowed.

Further submission *F Hocken*

Under current District Plan provisions Travellers Accommodation can be built within the Industrial zone. This is not a new rule. The submission is not relevant and should be disallowed.

DECISION:

Accept in part	13	Firth Industries
Accept in part	19	Mackenzie Properties Ltd
Accept in part	25	F Hocken

REASON:

The submitter is correct in noting that rules in the Plan use the term ‘*Visitor Accommodation*’ rather than the term ‘*traveller’s accommodation*’ which appears in the rule as notified. Accordingly Rule 3.3.2 should be reworded to reflect this.

Council staff sought advice on submissions received on the Business Zones in the PC from Mr Matt Bonis, a planner with particular expertise in urban planning. Mr Bonis advised that he agrees that there is a potential for reverse sensitivity effects on visitor accommodation activities located in close proximity to permitted industrial activities.

We have driven around the Twizel Industrial Zones and it is clear to us that the areas where activities such as the Firth plant are established are not suitable for visitor accommodation. The District Plan does set standards for maximum noise etc. and Rule 3.5.2 controls specific noxious activities, but we agree with the submitter that there is potential for conflict.

The provision for visitor accommodation in the Industrial Zones of the District is unusual. While arguably this should be left for reconsideration as part of the forthcoming district plan review, (it would be beyond the scope of PC15 to attempt this now), we consider the potential for problems in Twizel should be addressed now. This will create an inconsistency between the Industrial Zone rules in Twizel and the rules in Industrial Zones elsewhere in the District, but we do not see that as a serious barrier to addressing a potential problem of incompatible adjacent activities.

The situation in the block of Industrial zoned land bounded by the State Highway, Ostler Road and Batcher Road is quite different however. It is surrounded by existing and future housing, Recreation and Tourist zoning and in our assessment would be an ideal site for visitor accommodation. The two further submitters have interests in this block. We recommend that provision for visitor accommodation is retained for this block.

REVISED TEXT FOR PLAN:

Amend Rule 3.3.2 as follows:

3.3.2 Commercial Activities as follows:

- a) The following commercial activities located in the Industrial zone in Twizel:
 - i Yard-based retailing;
 - ii Trade supply retail;

- iii Traveller's-Visitor Accommodation in the Industrial zoned block adjacent to the State Highway and Ostler Road only (B1); and
- iv The display and sale of goods processed or produced on the site;

and which comply with the standards below in 3.3.6.

Decision Requested: B2

Submitter:	19	Mackenzie Properties Ltd
Oppose	13	Firth Industries Ltd
Support	25	F Hocken

Submission:

The submitter opposes this rule, as it proposes to limit the range of commercial activities that are able to be developed within the industrial zones of Twizel. The submitter seeks the deletion of this rule.

The submitter considers that in order for Twizel to grow, appropriate development must occur around the entranceways to the town. Such development will act as a magnet to draw in passing motorists from SH8 and without such magnets, Twizel (including the Village Centre), will not grow and will lose any vitality it currently has.

The submitter believes the rule is misplaced, and does not agree that distributional effects will affect Twizel if there were increased commercial development away from the Village Centre. The submitter's developments on Ruataniwha Road (LJ Hooker and the Musterer's Hut) and Ostler Road (Poppies Café and Ihub) have benefitted Twizel (including the village centre) immensely. The submitter is firmly of the view that the proposed restrictions on commercial development will work against the Village Centre, leading to its vitality being diminished.

Further submission *Firth Industries*

Mackenzie Properties Ltd's request to delete the rule would lead to potential sensitive activities establishing within an industrial zone. Industrial zones provide for the consolidation of industrial activities in an area where the adverse effects of those activities on surrounding environs are suitably mitigated. The submission should be disallowed.

Further submission *F Hocken*

The restrictions within the Twizel Industrial zone should be deleted. Twizel needs room to grow, residentially and businesswise.

DECISION:

Reject	19	Mackenzie Properties Ltd
Accept	13	Firth Industries Ltd
Reject	25	F Hocken

REASON:

Mr Andrew Hocken and Mr Frank Hocken further explained their argument at the hearing. As discussed in relation to the previous submission, we view the circumstances of the block bounded by the State Highway, Ostler Road and Bachers Road as different from the other

Industrial Zone areas in Twizel. Surrounding zonings and activities mean that it should perhaps have been given some special zoning rather than Industrial, but there is no scope provided by the Plan Change or the submissions for a new zone to be introduced now. Mr Bonis' report provided the following advice:

Locating new commercial activities outside of the existing Village Centre in a more visible location fronting the State Highway may well provide for an increased number of passby trips diverting to Twizel, but it is considered that such would disproportionately reduce the viability and convenience of the existing Town centre, and increase infrastructure and transport costs for operators and tourists, that is ultimately it would lead to significant distributional effects that would result in a less economically efficient and effective network.

However, that is not to say that the growth of some activities wouldn't be either well suited to such a location, given some of the capacity issues in the existing centre. Allowing such activities as Trade Based suppliers would not have detrimental effects on the function of the Town Centre. Similarly, accommodation activities, which whilst permitted in the Village Centre have not had a large take up, and would not adversely impact the Centre if accommodated in the Ostler Road Industrial area, provided that reverse sensitivity effects with the State Highway were otherwise managed.

Accordingly, it is considered limiting the range of commercial activities within industrial Zones within Twizel, whilst allowing a more considered analysis of effects from those not initially permitted would be the most appropriate means so as to meet the respective Objectives and Policies of the district plan. Such an approach would also prevent adverse significant effects either, individually or cumulatively, impacting on the role and function of the existing Village Centre.

Mr Bonis also relevantly notes, in regard to the related Objective 6 and Policy 6A which reinforce the town's centre as a focus for these activities:

... s32(4)(b) requires for an evaluation that, having regard to their efficiency and effectiveness, the policies and rules are the most appropriate for achieving the objectives. Section 75(1)(c) requires District Plan must state "the rule (if any) to implement the policies" (underline emphasis). In this instance, it is understood that there are no submissions to either Business Objective 6 or ancillary Policy 6A ..., accordingly, it is considered that that the proposed relief which would enable activities identical to those provided in the Twizel Village Centre would not implement these provisions.

Rule 3.5.3, the subject of the next submission discussed below, already provides for "commercial activities" as a discretionary activity in the Industrial Zone so the question is whether some or all commercial activities should be permitted as-of-right, particularly in the block bounded by the State Highway, Ostler Road and Batchers Road.

The Hockens contend that there is a need for commercial activities visible from the State Highway so as to tap into what Mr Frank Hocken described as the "river of gold". We questioned Mr Andrew Hocken about the kind of activities that need this visibility and he suggested food and drink, information, and a service station. The latter is provided for through Controlled Activity status (with Council control reserved only over details such as layout and the extent of accessory retailing), while the other two are already provided in this block and visible from the State Highway in the form of Poppies Cafe and the IHUB Information Centre. We note that there are vacant shops available within the block of 8

owned by the submitter for any other businesses that require visibility from the State Highway. This potential, together with the provision for any commercial activities in the zone as discretionary activities seems to us to provide more opportunity than the submission depicts. We are conscious that the policy to concentrate commercial activities in the town centre has not been challenged by submissions so any greater provision, even the limited proposal put forward in Mr Andrew Hocken's Appendix B to his statement, would create tension with that policy.

REVISED TEXT FOR PLAN:

None.

INDUSTRIAL ZONE RULE 3.5.3 DISCRETIONARY ACTIVITIES

Decision Requested: B3

Submitter:	19	Mackenzie Properties Ltd
Oppose	13	Firth Industries Ltd

Submission:

If the Council decides not to delete Permitted Activity Rule 3.3.2 as requested by the submitter in Decision Requested B2 above, the submitter seeks that this rule be amended from fully discretionary to Restricted Discretionary. The submitter considers that if the status quo remains then the Council's control may not be limited to the relevant assessment matters and unrelated external factors may be taken in to account in determining any resource consent application.

Further submission *Firth Industries*

Mackenzie Properties Ltd's request to amend the rule to make it restricted discretionary would lead to potential sensitive activities establishing within an industrial zone. Industrial zones provide for the consolidation of industrial activities in an area where the adverse effects of those activities on surrounding environs are suitably mitigated. The submission should be disallowed.

DECISION:

Reject	19	Mackenzie Properties Ltd
Accept	13	Firth Industries Ltd

REASON:

As discussed in relation to Rule 3.3.2 above, we consider that visitor accommodation should be permitted in the Industrial zoned block bounded by the State Highway, Ostler Road and Batcher Road but otherwise no greater provision for commercial activities in the Industrial Zone should be made. We agree with the point made in Mr Bonis' report that restricted discretionary status would "*lower the bar*" by indicating that '*...all commercial activities would be considered largely appropriate within the Industrial zone, but that discretion was required to manage, but not necessarily avoid, specific aspects of such development.*' In our assessment that would introduce inconsistency with the policy to concentrate commercial activities, apart from those meeting stated assessment criteria, in the town centre.

REVISED TEXT FOR PLAN:

None.

ASSESSMENT MATTERS 7.2n**Decision Requested: B4**

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter opposes these assessment matters, as it is considered that they are an overly simplistic view and fail to take in to account the unique location of Twizel's Village Centre in respect of through traffic. The submitter seeks that if Permitted Activity Rule 3.3.2 is not deleted (as requested by the submitter in Decision Requested B2 above), then the Assessment Matters used in any discretionary resource consent and detailed in 7.2n incorporate the following points:

- (a) *The availability of land/space for commercial development within the Twizel Village Centre zone.*
- (b) *The complementary nature of the activity proposed and how its existence may well work in conjunction with existing businesses within the Twizel Village Centre.*
- (c) *The degree of vibrancy and attractiveness, leading to increased wellbeing for existing residents of Twizel, which any new development brings with it.*

DECISION:

Accept in part 19 Mackenzie Properties Ltd

REASON:

As noted above, Council staff sought advice from a planner with relevant expertise in this area. Mr Bonis has advised as follows:

...it is understood that recent decisions from the Environment Court such as Billimag Holdings Ltd vs Waipa District Council C072/2008, and the Warehouse Ltd Foodstuffs (South Island Ltd) vs Dunedin City Council C101/2001, have made it quite clear that assessments should consider the positive as well as negative effects and some proposals may assist in enabling people and communities to provide for wellbeing, health and safety. Similarly, limitations should not unnecessarily be placed on out of centre retail provision where development opportunity in centre cannot be met. Accordingly, the assessment matters at 7.2n should be amended to incorporate these two principles as has been identified by the submitter. The last recommended assessment matter is recommended to be rejected for largely assuming that any retail development within the district, regardless of location would represent better enablement of people and communities.

We accept this advice. For clarity we have simplified the wording of the second additional assessment matter.

REVISED TEXT FOR PLAN:

Add the following two Assessment Matters to section 7.2n:

7.2.n Commercial Activities within the Industrial Zone located adjacent to State Highway 8/Ostler Road, Twizel

- i the degree to which there would be any significant effect on the role and function of the Village Centre Zone in Twizel, particularly in terms of its role in providing Twizel's principal area for shopping and as a community focal point;
- ii the degree to which commercial activity may adversely affect the consolidation of the Village Centre Zone and the effect this may have on the use of existing infrastructure, such as car-parking, street works or street lighting, and on the amenity of the zone;
- iii the extent to which there would be any adverse effects on traffic movement, safety and efficiency, parking, access and manoeuvring within the vicinity of the site;
- iv degree to which the activity would result in adverse effects on the amenity of sites in adjoining zones;
- v any cumulative effect of the proposed commercial activity in conjunction with other commercial activity undertaken in or in close proximity to the zone, in terms of the bullet points above;
- vi the availability of land / space for commercial development within the Twizel Village Centre Zone;*
- vii the extent to which the activity proposed will complement and support existing businesses in the Twizel Village Centre (B4).*

SECTION 6- RESIDENTIAL ZONES

RESIDENTIAL 3 & 4 ZONES - GENERAL

Decision Requested: R1

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports the objectives, policies and rules in respect of these new residential zones, with suggested minor amendments to two rules (refer Decisions requested R2 and R12 below). The submitter also opposes the rezoning of Tussock Bend (as set out in Decision Requested PM 28 below). These suggested amendments the submitter considers will support the objectives and policies in a more efficient and effective manner.

DECISION:

Accept in part 19 Mackenzie Properties Ltd

REASON:

The submitter supports the objectives, policies and rules for the new residential zones, with some amendments. We have not adopted the amendments sought by the submitter (refer Decisions Requested R2, R12 and PM28 below).

REVISED TEXT FOR PLAN:

None.

STANDARD 3.1.1.b (iii) & (iv) BUILDING COVERAGE

Decision Requested: R2

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that the permitted standard for building coverage be increased from 25% to 35% in the Residential 3 zone, and from 15% to 25% in the Residential 4 zone. These limits are suggested to be lifted as the areas are large enough to absorb increased site coverage.

DECISION:

Reject 19 Mackenzie Properties Ltd

REASON:

The average size of new dwellings in the Mackenzie District increased from 109m² in 1991 to 209m² in 2006, according to Statistics NZ, and this trend is likely to have continued since 2006. However this appears to have been appropriately recognised in the proposed Plan Change.

The Residential 3 Zone has a minimum lot size of 2,000m², and at this minimum size a 25% building coverage would equate to 500m². The submitter has sought that this is increased to 35%, equating to 700m² building coverage. The Residential 4 Zone has a minimum lot size of 4,000m², and at this minimum size 15% building coverage would equate to 600m². The submitter requests this is increased to 25% coverage, equating to 1,000m².

It is considered that a building coverage area of 500m² in Residential 3 or 600m² in Residential 4 zone, based on the minimum lot sizes for these zones, is sufficient. This would allow for a property owner to establish a large dwelling, for example 300m² and still have ample building coverage to allow for separate sheds or other accessory buildings. Residential Policy 1D aims to provide for low-density residential areas in the Residential 3 and 4 zones, a spacious urban character and high quality living environments. The panel believes the proposed building coverage promotes a low density and low urban scale character, while still allowing flexibility for large dwellings and accessory buildings. Therefore the proposed building coverages are retained.

REVISED TEXT FOR PLAN:

None.

Decision Requested: R3

Submitter:	25	F Hocken
Support	19	Mackenzie Properties Ltd

Submission:

The submitter seeks that this standard be amended to provide for more site coverage for homes and outbuildings, as the proposed site coverage is far too small and not everyone wants to live in dolls houses. The submitter considers that the Residential 3 & 4 zones need to allow for more coverage on sites to cater for larger homes and outbuildings, and that people should have the choice of building larger homes if they desire to do so.

Further submission *Mackenzie Properties Ltd*

Allow for greater site coverage within Residential 3 & 4 zones. Not everybody wants to live in small dwellings, and the proposed percentage site areas are inclusive of sheds etc.

DECISION:

Reject	25	F Hocken
Reject	19	Mackenzie Properties Ltd

REASON:

As discussed above, based on the minimum lot sizes the permitted buildable area for lots within the Residential 3 zone is 500m², and 600m² within the Residential 4 zone. This will provide for property owners to be able to build a large dwelling, for example 300m², as well as accessory buildings. It is anticipated that these zones will provide a spacious urban character and high quality living environment, and the proposed building coverages for Residential 3 & 4 will promote this low density character.

REVISED TEXT FOR PLAN:

None.

STANDARD 3.1.1.d(iii) SETBACK FROM BOUNDARIES

Decision Requested: R4

Submitter: 7 T & A Cockburn

Submission:

The submitters oppose the minimum building setbacks of 6m from boundaries and 10m from roads as proposed for the Residential 3 zoning for Tussock Bend. When these sections came on the market the developer stipulated 20m setbacks from boundaries to ensure all have good views and privacy from neighbours. 10 properties have been built to these requirements so far. The proposed changes are the first step towards future changes leading towards smaller properties and higher density buildings, thereby spoiling the ambience and integrity of the subdivision. The submitters seek that the current boundary setbacks of 20m as stipulated by the developer are preserved for Tussock Bend.

DECISION:

Accept in part 7 T & A Cockburn

REASON:

Tussock Bend is presently zoned Rural, and there are no minimum lot sizes in the Rural zone in the District Plan. In the Rural zone, the setback for dwellings is 20m from all boundaries, and the setback for non-habitable accessory buildings is 20m from road boundaries and 6m from neighbours' boundaries. Therefore, the size of properties developed in the Rural zone, including Tussock Bend, has been guided by being able to provide a suitable building area that meets the required setbacks. It is understood that some developers have imposed covenants requiring setbacks of greater than those in the District Plan. The Council is generally not party to such covenants, and is therefore unable to enforce these.

The submitter seeks that a setback of 20m is retained in the new Residential 3 zoning in Tussock Bend. It is clear though that given the proposed minimum lot sizes, a setback of 20m would restrict the buildable area to the centre of each lot, which is considered unnecessarily restrictive. However, the building setback could be increased to 10m without unduly restricting the permitted building area, and while still providing an adequate setback from neighbours.

A consequential amendment is made to Rule 7.1.1, permitted activity standard f.iv, to provide a relative increase in the required setbacks for buildings for other activities. As the building setback for residential activities is increased to 10m, the building setback for other activities is also increased, to 15m.

REVISED TEXT FOR PLAN:

Amend Rule 3 Residential Activities, standard 3.1.1.d iii as follows:

3.1.1d Setback from Boundaries

...

iii For the Residential 3 & 4 Zones the minimum building setback from all boundaries shall be ~~6m~~ 10m except that: ...[\(R4, R5, R6, R8, R9\)](#)

Consequentially amend Rule 7 Other Activities, standard 7.1.1.f. iv as follows:

- iv For the Residential 3 & 4 Zones the minimum building setback from all boundaries shall be ~~10m~~ 15m except that: ...[\(R4, R5, R6, R8, R9\)](#)

Decision Requested: R5

Submitter: 9 K Curin

Submission:

The submitter opposes the minimum building setbacks of 6m from boundaries in the Residential 4 zone. The submitter bought her section because the building platforms could not be closer than 20m from the boundaries. The submitter considers this change would be extremely disappointing, with major factors being the loss of sun, and much closer proximity to neighbours. The submitter seeks that the setbacks to all boundaries are amended to at least 10m but would prefer them to remain at 20m.

DECISION:

Accept 9 K Curin

REASON:

Although the proposed minimum lot size in the Residential 4 Zone is larger than for the Residential 3 Zone (4,000m² compared to 2,000m²) a building setback of 20m appears to us to be unnecessarily restrictive. We consider that the amenities of neighbours can be protected with a setback of 10m while still allowing flexibility in building location within each lot. A consequential amendment is also made to setbacks applying to buildings associated with other activities, in Rule 7.1.1.

REVISED TEXT FOR PLAN:

Refer Revised Text for Decision Requested R4 above.

Decision Requested: R6

Submitter: 12 G & H Gillespie

Submission:

The submitters support the minimum setback of 6m from boundaries for buildings, but oppose the minimum building setbacks of 6m from boundaries for dwellings and accommodation in the Residential 4 zone. The submitters seek that the setbacks to all boundaries for dwellings and accommodation are amended to at least 15m but would prefer them to be 20m.

DECISION:

Accept in part 12 G & H Gillespie

REASON:

As discussed above, we consider a building setback of 15m or 20m would be unnecessarily restrictive and that the amenities of neighbours can be protected with a setback of 10m while still allowing flexibility in building location within each lot. While it is noted that the submitter supports a 6m setback for buildings other than dwellings or accommodation

buildings, for consistency and to promote the low density spacious character anticipated in this zone, a single setback should be applied to all residential buildings. A consequential amendment is also made to setbacks applying to buildings associated with other activities, in Rule 7.1.1.

REVISED TEXT FOR PLAN:

Refer Revised Text for Decision Requested R4 above.

Decision Requested: R7

Submitter: 20 S B Davies

Submission:

The submitter supports in part the proposed setback to boundaries of 6m in the Residential 4 zone, but opposes the 20m setbacks to industrial and Residential 1 zone land. The submitter seeks that setbacks to all boundaries in the Residential 4 zone are 6m, including those adjoining Residential 1 land.

It is the submitter's view that if building setbacks in the Residential 4 zone are to be reduced to 6m, then this should apply to all boundaries including those which abut Residential 1 land. If land adjoining Residential 1 zones is kept to the 20m setback there will eventually be an odd strip between the zones, and considering that owners of Residential 1 land may have buildings a couple of metres away on Residential 1 boundaries, the submitter considers a 6m setback to the Residential 4 boundary seems reasonable.

DECISION:

Reject 20 S B Davies

REASON:

This submitter supports the proposed 6m setback for buildings in the Residential 4 zone, but in response to other submissions (refer Decisions Requested R5, R6, and R7) we are of the view that this setback should be increased to 10m.

It is considered that the larger setback of 20m for residential units where a property adjoins the Residential 1 zone will protect amenity values and privacy in each of the zones. It is noted that the 20m setback only applies to residential units. Accessory buildings may be located up to 10m from the boundary with the Residential 1 zone. As a result, some buildings will be permitted within 20m of the Residential 1 zone, which will assist in avoiding the creation of an 'odd' strip between the zones. It is considered that the proposed larger setback of 20m for residential units from the Residential 1 zone will not unduly restrict the location of buildings within Residential 4 properties, and that this setback will help to maintain a spacious character and privacy between the two zones.

REVISED TEXT FOR PLAN:

None as a result of this submission. Changes to setback provisions in response to other submissions are shown in Decision Requested R4 above.

Decision Requested: R8

Submitter: 23 U & N Paul

Submission:

The submitters oppose the new distances for buildings from boundaries in the Residential 4 zone, and seek that 20m setbacks from all boundaries for buildings be kept. This will keep its special character.

DECISION:

Accept in part 23 U & N Paul

REASON:

As previously discussed, it is considered that due to the proposed minimum lot size of the Residential 4 zone, a building setback of 20m for residential activities may unnecessarily restrict the permitted building area on an allotment in this zone. It is however considered that increasing the proposed building setback for the Residential 4 zone to 10m will allow for appropriate setbacks from neighbours, while still allowing flexibility in building location within each lot. A consequential amendment is also made to setbacks applying to buildings associated with other activities, in Rule 7.1.1.

REVISED TEXT FOR PLAN:

Refer Revised Text for Decision Requested R4 above.

RULE 3.1.1.h KEEPING OF ANIMALS**Decision Requested: R9**

Submitter: 12 G & H Gillespie

Submission:

The submitters oppose this rule in respect of Residential 4 zoned land in North West Arch and Glen Lyon Road, and considers that the keeping of bees and a maximum of 2 pigs should be allowed in that zone. Animal enclosures should be no closer than 15m setback from boundaries.

DECISION:

Accept in part 12 G & H Gillespie

REASON:

Within the proposed Residential 4 zone, the keeping of bees and pigs is a non-complying activity. It is recognised that there are existing properties in the proposed Residential 4 zone that have either bees or pigs. As these activities are permitted under the existing Rural Zone, they have been lawfully established and are able to continue as of right. The Plan Change provisions are not retrospective and these established activities will be unaffected.

In terms of future residential development in the zone, the keeping of bees and pigs may have the potential to result in adverse effects on neighbouring properties in a residential setting, and therefore the keeping of these animals is most appropriately addressed through the resource consent process where such effects can be assessed. With regard to the setback of animal enclosures, we accept that a larger setback than the 6m initially provided for is appropriate. In response to this and other submissions, the building setback for the

Residential 4 zone has been increased to 10m, and this would include animal enclosures. It is considered that this increased setback is sufficient to avoid or mitigate any adverse effects on neighbouring properties.

REVISED TEXT FOR PLAN:

Refer Revised Text for Decision Requested R4 above.

Decision Requested: R10

Submitter: 23 U & N Paul

Submission:

The submitters oppose the limitation of activities in the new Residential 4 zoning. The submitters consider that reasonable rural/farming activities should be allowed, especially bee keeping and some processing/production. The rural character of areas proposed to be rezoned Residential 4 should be preserved on a long term basis.

DECISION:

Reject 23 U & N Paul

REASON:

As discussed in Decision Requested R9 above, the farming of livestock and keeping of bees have the potential to adversely affect neighbouring properties in a residential setting, and therefore new proposals for the keeping of bees or livestock are most appropriately addressed through the resource consent process where such effects can be assessed. It is recognised that there are existing properties in the proposed Residential 4 zone that have either bees or pigs. As these activities are permitted under the existing Rural zone, they have been lawfully established and are able to continue as of right. The Plan Change provisions are not retrospective and these established activities will be unaffected.

The submission seeks that some processing and production should be allowed within the Residential 4 zoning. Home occupations are a permitted activity within the Residential 4 zone, provided that no more than one full-time equivalent person (who permanently resides elsewhere than on the site) may be employed and that all manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles are carried out within a building. Therefore, it is considered that some processing and production is provided for within this zone.

REVISED TEXT FOR PLAN:

None.

RULE 3.1.1.j TEMPORARY USE OF VACANT SITES

Decision Requested: R 11

Submitter: 9 K Curin

Submission:

The submitter seeks that this rule be amended to allow a doubling of the timeframe within which temporary accommodation can be undertaken in the residential zone, from 14 days to 28 consecutive days.

DECISION:

Reject 9 K Curin

REASON:

The temporary accommodation rule the submitter refers to is an existing standard for permitted activities in the Residential zone chapter, which applies district-wide. In terms of the Residential zone chapter, the scope of Plan Change 15 is limited to two new Residential zones, Residential 3 and 4, in Twizel. Any changes as a result of this submission can therefore only apply in those new zones that are within the Plan Change, rather than to the existing Residential zone rules. Applying this rule only to the two new zones would create an inconsistency and a complication. This matter can be more appropriately dealt with as part of the District Plan review in 2014, where the standard and its application in all of the residential areas of the District will be able to be reconsidered.

REVISED TEXT FOR PLAN:

None.

RULE 3.4.3 (iii) & (iv) BUILDING COVERAGE

Decision Requested: R12

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that activities involving building coverage greater than 40% in the Residential 3 zone and 30% in the Residential 4 zone become discretionary rather than non-complying activities. This change in activity status is suggested as the areas are large enough to absorb increased site coverage.

DECISION:

Reject 19 Mackenzie Properties Ltd

REASON:

Under the proposed rules, building coverage in each zone is as follows:

Residential 3:

- up to 25% - permitted activity
- between 25% and 40% - discretionary
- over 40% - non-complying

Residential 4:

- up to 15% - permitted activity
- between 15% and 30% - discretionary
- over 30% - non-complying

It is considered that this 'stepped' level of building coverage enables the Council to maintain appropriate control over developments in order to achieve the low density character and amenity anticipated within these zones.

The minimum lot size in the Residential 3 zone is 2,000m². 40% of a lot this size equates to building coverage of 800m². Residential 4 has a minimum lot size of 4,000m², and 30% of a lot this size equates to 1,200m². There is no evidence that these limits are likely to restrict the sort of development anticipated in these zones and it is hard to envisage any form of residential development that would require greater coverage. Bearing in mind that the purpose of these low density residential zones is to provide environments where buildings do not dominate, we consider it appropriate that the Plan provides for greater coverage only in exceptional circumstances. Non-complying activity status is considered appropriate for such proposals.

It is noted that no submissions were received on Policy 1D of the Plan which applies to these zones. This Policy contains an emphasis on achieving low density residential areas that have spacious urban character. As no party submitted on the Policy, it is essentially beyond challenge. Rule 3.4.3 (iii) and (iv) provide for the implementation of this Policy, and are consistent with it.

REVISED TEXT FOR PLAN:

None.

RULE 4.1.1.a HOME OCCUPATIONS

Decision Requested: R13

Submitter: 23 U & N Paul

Submission:

The submitters oppose the limitation of activities in the new Residential 4 zoning. The submitters consider that the limit of one non-residential worker should be removed, and that this standard should be deleted.

DECISION:

Reject 23 U & N Paul

REASON:

Under the existing use provisions of the Act, any established activities in this area that are permitted under the existing Rural Zone are able to continue as of right. The Plan Change provisions are not retrospective and these established activities will be unaffected. In terms of future development in the Residential 4 zone, as for all residential zones, home occupation activities will be limited to no more than one full-time equivalent person that resides elsewhere than on the site, as a permitted activity. Any larger scale operations become a discretionary activity. This standard is intended to maintain the amenity of residential areas, by managing effects such as additional vehicle movements to and from a residential site. For this reason it is considered that the limitation of one employee that lives off the site as a permitted activity is appropriate, and will be consistent with the existing residential zones. Discretionary status for any proposals for additional workers provides the opportunity for the particular circumstances to be considered, probably with input from neighbours.

REVISED TEXT FOR PLAN:

None.

SECTION 8- TWIZEL RURAL-RESIDENTIAL ZONES

TWIZEL RURAL-RESIDENTIAL 1 & 2 ZONES - GENERAL

Decision Requested: RR1

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports the objectives, policies and rules for the proposed new rural-residential zones, with suggested minor amendments to the rules and standards (as set out below - refer Decisions Requested RR7, RR10, RR11, RR15, RR21, RR22, RR24, and RR25) which the submitter considers will support the objectives and policies in a more efficient and effective manner.

DECISION:

Accept in part 19 Mackenzie Properties Ltd

REASON:

The support for the provisions not sought to be amended by the submitter are noted. Some of the suggested amendments have not been accepted (refer relevant Decisions Requested below).

REVISED TEXT FOR PLAN:

Refer relevant Decisions Requested below. No other changes made.

HOCKEN LANE RURAL-RESIDENTIAL ZONE - GENERAL

Decision Requested: RR2

Submitter: 18 A M Shearer
Support in part 19 Mackenzie Properties Ltd
Support 25 F Hocken

Submission:

The submitter opposes this rural-residential zone and seeks it be deleted and any other consequential changes required to give effect to deleting these provisions. The submitter opposes the provisional water protection zone shown on Planning Maps 51 & 52, and seeks that this be removed from the Plan Change and a site specific assessment be undertaken to determine the dimensions of the Twizel Water Supply Protection Zone. The submitter considers there is site specific information which indicates a much smaller protection zone is required than the provisional zone dimensions shown in the Plan Change.

Further submission *Mackenzie Properties Ltd*

This submission is supported in part. Mackenzie Properties Ltd considers the proposed setback areas will not protect the water supply, which has problems caused by the open

reservoir and attraction of birdlife. This rather than human waste is the source of e-coli. Mackenzie Properties Ltd supports either the deletion of the Water Protection Zone and the completion of a site specific analysis, or that all residential dwellings within this area have high standard effluent discharge systems.

Further submission *F Hocken*

The Hocken Lane WSPA should be reviewed, as no site specific assessment has been carried out, and only a blanket approach has been applied. The WSPA should be reviewed to take in to account the results of site specific assessment.

DECISION:

Reject	18	A M Shearer
Reject	19	Mackenzie Properties Ltd
Reject	25	F Hocken

REASON:

The Twizel Water Supply Protection Area (TWSPA) covers approximately half of the Hocken Lane Rural-residential zone, and is shown on Planning Maps 51 & 52. It was introduced in to the District Plan by Plan Change 13 (PC13), a previous plan change which is currently before the Environment Court. The identification of the TWSPA in PC13 was based on the information available to the Council at the time, and was designed to comply with the requirements of the Proposed Natural Resources Regional Plan, in particular Schedule WQL2 (Community Drinking Water Supply Protection Zones), and Method WQL13(c). In accordance with the provisions of the Resource Management Act, as no appeals were received relating to the extent or location of the TWSPA in the PC13 process, it is deemed beyond challenge and essentially forms part of the District Plan. The current Plan Change, PC15, includes the TWSPA unchanged from the area identified in the earlier PC13. Staff have received legal advice that on this basis, any changes to the location and extent of the TWSPA are therefore unlikely to be within the scope of the current PC15.

The submitter seeks that a site-specific assessment is undertaken to determine the extent of the TWSPA, and that in the meantime the existing TWSPA is removed from the Plan. We understand that a resource consent for renewal of the Twizel Water Supply is presently being processed by Environment Canterbury. Assets staff have advised that the Council is currently undertaking a catchment risk assessment and developing a long-term plan for the Twizel Water supply (see discussion under Decision Requested D1). Further detailed studies will be undertaken once decisions are made on the future location of the water supply, and any treatment options. It is possible that once this work is done, the TWSPA as shown on the planning maps will be amended (through a plan change) to reflect the results of those studies. If a new location for the water supply is chosen, then the TWSPA and the rules relating to it would be removed.

Mr Shearer attended the hearing. He has professional expertise in soil conservation and hydrology and he explained why he considers the TWSPA has been based on a wrong assumption about the direction of groundwater flow. The Council engineer responsible for water supply, Mr Bernie Haar, was present for this part of the hearing and we asked him to comment on this and to update us on the investigations of an alternative water source. He indicated that new wells upstream above the Hocken Lane area are being seriously considered, but would be significantly more expensive than continuing with the present system. We asked him to contact the Council's groundwater consultants for comment on Mr

Shearer's evidence, indicating that this would be also provided to Mr Shearer to give him an opportunity to respond. Mr Haar duly reported back with a brief explanation from the consultants about how the TWSPA was defined, and Mr Shearer responded with a further statement questioning this.

We do not have sufficient information to come to a view on whether the TWSPA is soundly based, and we suspect more investigation, probably involving test wells, would be necessary to determine this. As noted above, the area covered by the TWSPA is not something that could be altered through PC15 anyway, but we are interested in it because PC15 does introduce new zones within the area affected – the Hocken Lane Rural-Residential Zone and a small area of Residential 4 zoning- and the rules applying in those zones could therefore be altered, if Mr Shearer's submission is read as requesting that.

Mr Shearer's property is entirely within the TWSPA so under PC15 new buildings have the status of non-complying activities (Hocken Lane R-R Zone Rule 2.5.1). This does make development more difficult, and if we were confident that the TWSPA was in the wrong place completely we would recommend that the rule is amended. We cannot have that confidence however and we note that subdivision within the whole of the Hocken Lane RR Zone is a non-complying activity anyway (for other reasons such as hazards and access) so in terms of process any subdivision of Mr Shearer's land is going to require full assessment. On balance we consider that the provisions put forward in PC15 should be confirmed, bearing in mind that the doubt cast on the appropriateness of the location of the TWSPA would be a factor in considering any future application for modern on-site effluent treatment and disposal systems. We note that people wishing to build also have the option of installing effluent holding tanks.

The submission requests that the Hocken Lane Rural-Residential Zone introduced by PC15 is deleted but we are satisfied that this meets the purpose of the Act better than the previous Rural zoning, which has led to the present situation where standards for access expected in a rural-residential zone have not been met.

REVISED TEXT FOR PLAN:

None.

Decision Requested: RR3

Submitter:	19	Mackenzie Properties Ltd
Support in part	29	Meridian

Submission:

The submitter supports the objective and many of the policies and rules proposed for the HLRRZ, with the exception of those set out below (refer Decisions Requested RR15, RR21, RR22, RR24, and RR25).

Further submission *Meridian*

Meridian Energy support this submission insofar that the relief sought by Mackenzie Properties Ltd is not inconsistent with the submissions and relief sought by Meridian in relation to specific provisions of the HLRR zone. Specifically Meridian sought in its original submission a number of changes to recognise the hazards associated with the potential upstream failure of the hydro electric infrastructure.

DECISION:

Accept in part 19 Mackenzie Properties Ltd
Accept in part 29 Meridian

REASON:

The support for the provisions not sought to be amended by the submitters are noted. Some of the suggested amendments have not been accepted, while others by each submitter have been accepted, resulting in some changes (refer relevant Decision Requested for each submitter below).

REVISED TEXT FOR PLAN:

Refer relevant Decisions Requested below. No other changes.

Decision Requested: RR4

Submitter: 29 Meridian Energy Ltd

Submission:

The submitter acknowledges that the new zone recognises and provides for the rural-residential nature and subdivision and development that has already occurred on this land, while restricting additional subdivision and residential building entitlements. Meridian supports the restrictions on further subdivision and residential development beyond that already granted. The submitter seeks to ensure that the proposed zoning and related provisions specifically address hazard risks associated with the potential unforeseen and uncontrolled failure of the upstream hydro electric infrastructure (refer Decisions Requested RR5, RR6, RR13, RR14, RR17, and RR27 below).

DECISION:

Accept in part 29 Meridian

REASON:

The support for the provisions not sought to be amended by the submitter are noted. Some of the decisions requested in the submitter's submission have not been accepted (refer relevant Decisions Requested below).

REVISED TEXT FOR PLAN:

Refer relevant Decisions Requested below. No other changes.

HOCKEN LANE RURAL-RESIDENTIAL ZONE – OBJECTIVE 2

Decision Requested: RR5

Submitter: 29 Meridian Energy Ltd

Submission:

The submitter seeks that Objective 2 be amended as follows:

Hocken Lane Rural-Residential Zone - Objective 2

To avoid unsustainable rural-residential expansion and development in the Hocken Lane Rural-Residential zone, including ensuring protection of development from hazards, such as from the unforeseen and uncontrolled release of water from the Waitaki hydro electricity infrastructure.

Meridian seeks to ensure that the proposed zoning and related provisions specifically address the hazard risks associated with potential unforeseen and uncontrolled failure of the upstream hydroelectric infrastructure, specifically the Pukaki-Ohau Canal. Objective 2 as worded is very broad and does not specifically recognise the hazard constraints to further development in the zone that exist as a consequence of that risk.

DECISION:

Accept in part 29 Meridian Energy Ltd

REASON:

Objective 2 as worded is general in nature, to enable *any* matter which may result in unsustainable development to be addressed and to ensure that one issue is not given primacy over others. We accept that flood hazard from the unforeseen release of water from the Waitaki hydro system is a potential issue in respect of Hocken Lane, but it is one of a number of potential issues which need to be considered in managing rural-residential expansion and development in the Hocken Lane area. The suggested amendment would not accurately reflect this.

While we consider no change should be made to the wording of Objective 2 itself, a change to the Explanation and Reasons section is considered appropriate to provide more specific explanation in terms of this particular hazard risk. The amended wording we have included in that section contains more specific information regarding the hazard risks associated with potential unforeseen and uncontrolled failure of the upstream hydroelectric infrastructure, specifically the Pukaki-Ohau Canal, as sought by the submitter.

REVISED TEXT FOR PLAN:

See Revised Text for Decision Requested RR6 below.

HOCKEN LANE RURAL-RESIDENTIAL ZONE – POLICY 2A

Decision Requested: RR6

Submitter: 29 Meridian Energy Ltd

Submission:

The submitter seeks that Policy 2A and the Explanation and Reasons section be amended as follows:

Policy 2A

To allow further subdivision and development in the Hocken Lane Rural-Residential Zone only where it is demonstrated that:

- (a) protection of buildings and sewage treatment and disposal facilities from flood hazard will be achieved, including potential flooding as a consequence of unforeseen and uncontrolled release of water from the Waitaki hydro electricity infrastructure; and*

(b) appropriate...

Explanation and Reasons

*The Hocken Lane Rural-Residential Zone is situated within an area of flood risk identified on the Twizel Flooding Area planning map appended to the Plan. The zone is bordered by the Fraser and Twizel Rivers, with Dry Stream and other small waterways running through the area. These watercourses present a risk of flooding to properties in this area. There is also an additional risk to the ~~area~~ **land within the zone which is not identified on the planning maps** from a potential break occurring in the Pukaki-Ohau Canal located up-plain of the Hocken Lane area, particularly as a result of fault movements.*

Meridian seeks to ensure that the proposed zoning and related provisions specifically address the hazard risks associated with potential unforeseen and uncontrolled failure of the upstream hydroelectric infrastructure, specifically the Pukaki-Ohau Canal. Policy 2A as worded, and the rules that implement the policy, are particularly focused on protection from flood hazard from the adjacent waterbodies in a general sense and do not appropriately address the potential risks of unforeseen failure of the hydro electricity infrastructure which is of particular concern to Meridian. These two types of flood hazard should be specifically recognised. Any consequential amendments that stem from the amendments proposed are also sought.

DECISION:

Accept in part

29

Meridian Energy Ltd

REASON:

Policy 2A covers a number of matters including road safety and access, water supply protection, and flood hazard from uncontrolled release of water from hydroelectric infrastructure (canal breach) and local rivers and streams. All of those matters are likely to be significant when considering applications for rural-residential development in Hocken Lane. As with Objective 2, the policy as written ensures that one issue is not given inappropriate weighting over others.

We accept that flood hazard from the unforeseen release of water from the Waitaki hydro system is a potentially significant issue in respect of Hocken Lane, but it is one of a number of potential issues which need to be considered in managing rural-residential expansion and development in the Hocken Lane area. The suggested amendment would not accurately reflect this.

While no change to the wording of Policy 2A itself is made, a change to the Explanation and Reasons section is considered appropriate to provide more specific explanation in terms of this particular hazard risk.

The submitter also seeks some revision to the Explanation section, to include the words: “***land within the zone which is not identified on the planning maps***”. The specific amendment sought is not considered necessary as there is no need to specify that this potential source is not identified on the planning maps. However as noted above, other amendments to this part of the Explanation are made.

REVISED TEXT FOR PLAN:

Hocken Lane Rural-Residential Zone - Objective 2

To avoid unsustainable rural-residential expansion and development in the Hocken Lane Rural-Residential zone.

Hocken Lane Rural-Residential Zone - Policy 2A:

To allow further subdivision and development in the Hocken Lane Rural-Residential Zone only where it is demonstrated that:

- (a) protection of buildings and sewage treatment and disposal facilities from flood hazard will be achieved; and*
- (b) appropriate and sustainable servicing including access, water supply, stormwater and sewage treatment and disposal is ensured; and*
- (c) adverse effects on water quality and the Twizel Water Supply will be avoided; and*
- (d) adverse effects on traffic safety and access will be avoided; and*
- (e) adverse effects on landscape and natural character will be avoided or mitigated.*

Explanation and Reasons

The Hocken Lane area is situated north of Twizel township, over Fraser Stream. It has been the subject of recent rural-residential development, and is made up of a variety of lot sizes in an attractive setting. However, there are a number of issues within this area which present challenges in terms of sustainable management.

The Hocken Lane Rural-Residential Zone is situated within an area of flood risk identified on the Twizel Flooding Area planning map appended to the Plan. The zone is bordered by the Fraser and Twizel Rivers, with Dry Stream and other small waterways running through the area. These watercourses present a risk of flooding to properties in this area.

There is also flood hazard risk to land in the Hocken Lane Rural-residential zone There is also an additional risk to the area from a potential as a consequence of unforeseen and uncontrolled release of water from the Waitaki hydro electricity infrastructure. This includes risks from a potential (RR5, RR6) break occurring in the Pukaki-Ohau Canal located up-plain of the Hocken Lane area, particularly as a result of fault movements.

RULES 1.3.7 & 1.4.3 - FARMING ACTIVITIES

Decision Requested: RR7

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that Rule 1.3.7 be amended to include farming activities in the RR1 zone as a permitted activity, and consequentially that Rule 1.4.3 be deleted. This is sought on the basis that because Residential 4 zoned properties have permitted farming activities status it seems inconsistent not to allow larger lots such as those in the RR1 zone, the same status.

DECISION:

Reject 19 Mackenzie Properties Ltd

REASON:

The submitter is incorrect in describing farming activities as permitted in the Residential 4 zone. Some provision is made for the keeping of domestic livestock in the Residential zones, but this is very limited. Residential Rule Standard 7.1.1.j provides that in Twizel “*there shall be no breeding, rearing or keeping of pigs, commercial livestock, bees or factory farming and not other animal shall stay overnight on a site, except for a maximum of four animals in the care of a registered veterinarian for medical or surgical purposes*”. The decision to make farming a discretionary activity in the Rural-residential 1 zone is therefore consistent with limits placed on this activity in the Residential zones.

Rural-Residential Policy 3D notes that the smaller lot sizes in this zone provide for a higher level of residential amenity than other Rural-Residential Zones. Farming is a discretionary activity in this zone to allow the effects of the farming activity on amenity values to be considered.

REVISED TEXT FOR PLAN:

None.

RULE 1.6.1 AMENITY TREE PLANTING

Decision Requested: RR8

Submitter: 16 Environment Canterbury

Submission:

The submitter supports this rule and seeks that it be adopted. Wilding conifers can have adverse effects on biodiversity values, landscapes and amenity, and can contribute to increased fire risk to the community. The inclusion of these controls will also give effect to Chapter 8, Policy 3 of the Canterbury Regional Policy Statement and would be consistent with the Canterbury Regional Pest Management Strategy.

DECISION:

Accept 16 Environment Canterbury

REASON:

The support is noted and the existing list of conifers is to be adopted. One addition has been made to the list of species (refer Decision Requested RR9 below).

REVISED TEXT FOR PLAN:

No change as a result of this submission.

Decision Requested: RR9

Submitter: 22 D Crow

Submission:

The submitter opposes the inclusion of European Larch in this rule and seeks that this species be deleted from the rule. The submitter further seeks that Rowan Trees are included in this list of prohibited species.

DECISION:

Accept in part

22

D Crow

REASON:

Rule 1.6.1 is consistent with other rules in the Plan controlling potential wilding spread, which were introduced in a previous Plan Change for the rural zone to protect landscapes and the natural environment. This rule and a similar rule (2.6.1 – refer Decision Requested RR20) apply only to the proposed new Rural-residential zones in Twizel.

The species listed in the rule are considered to have significant potential to spread as wildings. European Larches are identified by authorities including Environment Canterbury as amongst the most common wilding conifer species. Advice received from the Council's consultant ecologist, Kelvin Lloyd, is that they are an established major wilding tree species in montane and upland environments in Otago and parts of the Canterbury high country, and would present significant risk if provided for as an amenity tree species. There are a number of other options for amenity plantings which do not present the same risk to the environment. Avoidance of the risk associated with this species is therefore considered the most appropriate approach, given the significant difficulty and cost of mitigation and remediation of the wilding problem in the Mackenzie.

The submitter seeks that Rowan trees are added to the list of species prohibited to be used in the Rural-residential 1 & 2 zones for amenity plantings. The Rowan (*Sorbus aucuparia*) is considered by some landowners as an attractive tree and it is widely used in amenity plantings. However, it is recognised as an ecological weed and has fleshy fruits that are bird dispersed. We are advised that it is not so invasive as many of the wilding conifers in terms of affecting wide areas, but it can form locally dense stands. It is difficult to eradicate as it can re-sprout from cut stumps and it also regenerates by root suckering – by this means it could spread across property boundaries. We agree with the submitter that it should be added to the list of prohibited species, given the alternatives for amenity plantings that are available.

REVISED TEXT FOR PLAN:

Add rowan to Rule 1.6.1, as follows:

1.6.1. Amenity Tree Planting – It is a Prohibited Activity for which no resource consent will be granted to plant the following species:

- *Pinus contorta* (Lodgepole Pine)
- *Pinus nigra* (Corsican Pine)
- *Pinus muricata* (Bishops Pine)
- *Pinus sylvestris* (Scots Pine)
- *Pseudotsuga menziesii* (Douglas Fir)
- *Pinus mugo/uncinata* (Mountain Pine)
- *Pinus pinaster* (Maritime Pine)
- *Pinus ponderosa* (Ponderosa Pine)
- *Larix deciduas* (European Larch)
- *Rowan (Sorbus aucuparia)* (RR9)

SITE STANDARDS – STANDARD 1.7.2 BUILDING SETBACKS

Decision Requested: RR10

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that this standard be amended to increase the setback to 20m from road and internal boundaries. Given the proposed distance in the Plan Change is 10m, and the fact that farming operations on RR2 sites are a permitted activity, the submitter considers there may be the potential for reverse sensitivity.

DECISION:

Accept in part 19 Mackenzie Properties Ltd

REASON:

We accept that there may be potential for reverse sensitivity between farming operations and dwellings. Allotments within the Rural-residential 1 zone are required to have a minimum lot size of one hectare, and lots within the Rural-residential 2 zone are required to have a minimum lot size of four hectares. Lots of these sizes will be able to provide an adequate building platform with a 20m setback requirement. Buildings to house animals should also be set back from boundaries, to ensure effects on neighbours are mitigated.

However, it is considered that buildings other than dwellings or buildings to house animals may be located closer to boundaries with lesser effects, and that a smaller setback for such buildings will allow more flexibility in building locations. We have therefore decided that the minimum building setback for dwellings and buildings to house animals should be increased to 20m and that the building setback for other buildings should remain at 10m.

It is noted that the submitter refers to reverse sensitivity from farming activities, which are a permitted activity within the RR2 zone and a discretionary activity within the RR1 zone. However, for the purpose of consistency, the change to the building setbacks applies to both these zones.

REVISED TEXT FOR PLAN:

Amend Permitted Activity Site Standard 1.7.2 as follows:

- 1.7.2 Building Setbacks: ~~the minimum setback from road and internal boundaries shall be 10m.~~
- i. The minimum setback from road and internal boundaries for dwellings and any building for the purpose of housing animals shall be 20m;*
 - ii. The minimum setback from road and internal boundaries for all other buildings shall be 10m. (RR10)*

SITE STANDARDS – STANDARD 1.7.3 BUILDING COVERAGE

Decision Requested: RR11**Submitter:** 19 Mackenzie Properties Ltd**Submission:**

The submitter seeks that this standard be amended to 700m² for RR1 and 1,200m² for RR2 lots. The proposed Plan Change provides for maximum site coverage of 500m² for the RR1 zone and 700m² for the RR2 zone. Given the Residential 4 zone will have a maximum building coverage of at least 600m² (compared with the minimum lot size of 4,000m²), the submitter considers the rural-residential limits are set too low.

DECISION:**Accept in part** 19 Mackenzie Properties Ltd**REASON:**

The RR1 and RR2 Zones are intended to have a different character from the Residential 4 Zone, but we accept that the site coverage for the RR1 zone could be increased without significantly altering the anticipated amenity and low density of the RR1 Zone. An increase would also make it consistent with what is provided for in the Residential 4 Zone. It is considered that building coverage of 600m² within the RR1 zone will allow for a large dwelling, a minor unit and accessory buildings to be built. It is also recognised that the RR2 Zone has a larger lot size and additional accessory buildings may be required on these lots in association with farming activities. To be consistent with the increase for the building coverage within the RR1 Zone, the building coverage for the RR2 Zone is increased by 100m², to 800m².

REVISED TEXT FOR PLAN:

1.7.3 **Building Coverage** – the maximum coverage of all buildings on each separate title shall not exceed the following:

- i Rural-Residential 1 zone: ~~500m²~~-**600m²**
- ii Rural-Residential 2 zone: ~~700m²~~-**800m²** (RR11, RR12)

Decision Requested: RR12**Submitter:** 25 F Hocken
Support 19 Mackenzie Properties Ltd**Submission:**

The submitter seeks that this standard be amended to provide for more site coverage for homes and outbuildings. The submitter considers that Twizel Rural-Residential 1 & 2 Zones need to allow for more coverage on sites to cater for larger homes and outbuildings, and that people should have the choice of building larger homes if they desire to do so. The trend in NZ is showing this.

Further submission *Mackenzie Properties Ltd*

Allow for greater site coverage within Rural-Residential 1 & 2 Zones. Not everybody wants to live in small dwellings, and the proposed percentage site areas are inclusive of sheds etc.

DECISION:

Accept	25	F Hocken
Accept	19	Mackenzie Properties Ltd

REASON:

As discussed under Decision Requested RR11 above, it is considered appropriate to increase the building coverage for the RR1 Zone to 600m² to allow for more flexibility in building options, and this would also make it consistent with allowable building coverage in the Residential 4 Zone. In addition, as the site coverage for the RR1 Zone is to be increased by 100m², the building coverage for the RR2 Zone is also increased by 100m² to a maximum of 800m². It is considered that this will allow adequate flexibility in locating a large dwelling, a minor unit and accessory buildings, while maintaining the anticipated amenity and low density character of these Rural-Residential zones.

REVISED TEXT FOR PLAN:

See Revised text for Decision Requested RR11 above.

RULE 2.3.2 BUILDINGS

Decision Requested: RR13

Submitter:	29	Meridian Energy Ltd
Oppose	19	Mackenzie Properties Ltd
Oppose	25	F Hocken

Submission:

The submitter opposes this permitted activity rule and seeks that it be deleted. The submitter instead proposes a new rule that provides for new residential buildings on created or approved lots as a discretionary activity (refer Decision Requested RR14 below). The deletion of the rule is sought as follows:

2.3 PERMITTED ACTIVITIES

~~2.3.2 **Buildings** Residential buildings on lots created or approved prior to 25 September 2010, where such approval has not lapsed.~~

This is because the submitter considers there is no specific recognition in rule 2.3.2 or the related performance standards of flooding from potential unforeseen failure of the upstream hydro electricity infrastructure. The submitter has reviewed subdivision consents issued for Hocken Lane, and while hazard related conditions on these consents do address flood hazard in general, these do not appear to address potential flooding as a consequence of canal failure.

Meridian seeks to ensure that appropriate consideration is given to flood hazard as a consequence of hydro infrastructure failure as part of the development of new residential buildings on existing created or approved lots in the zone. Any consequential amendments that stem from the amendments proposed by the submitter are also sought.

Further submission *Mackenzie Properties Ltd*

The suggested changes in activity status from permitted to discretionary are opposed and the permitted activity status should be retained. The Council has taken into account flood risk from a canal breach as it is already noted within the District Plan. Risks from flood hazards

are outside of the scope of this Plan Change. The Meridian submission was received after cut-off time of 12 November and it should not be accepted.

Further submission *F Hocken*

Activity status should be permitted for residential buildings within Hocken Lane. Hazard risk is outside the scope of PC15. Flood risk is already taken in to account in the District Plan. The Meridian submission was received after the submissions closed and should not be accepted by Council.

DECISION:

Reject	29	Meridian Energy Ltd
Accept in part	19	Mackenzie Properties Ltd
Accept in part	25	F Hocken

REASON:

Flood hazard reports have been provided to the Council as part of previous consent processes for subdivision in the Hocken Lane area. The subdivision consents contain conditions which are based on expert reports which assessed flood risk, including from canal failure. We understand from the evidence presented at the hearing by Mr Ken Gimblett on behalf of Meridian Energy that the author of the assessment of the consequences of canal failure for these subdivisions assumed a breach on the true right (upslope) bank. Mr Gimblett tabled a report from another consultant, Mr Nigel Connell, who concluded that a breach of the true left (downslope) bank would produce a much greater peak discharge of between 540m³/second and 930m³/second. Mr Connell’s report suggested that “*Such breach outflow is likely to cause fatalities in the proposed HLRRZ.*”

In the Hocken Lane RRZ, Rule 2.3.2 proposes that residential buildings on lots already in existence at the time of the Plan Change are allowed to be built as a permitted activity, subject to compliance with the standards in Rule 2.7. These include Rule 2.7.5 which requires an engineer’s certificate confirming that the foundation design/structure and floor height will withstand a flood event of a 0.2% Annual Exceedance Probability (500 year return period event). The question we have had to address is whether this is sufficient, given that the Annual Exceedance Probability of a major earthquake centred on the Ostler fault (the most likely cause of catastrophic failure) could be less than 0.2%.

Mr Gimblett was not in a position to describe the consequences of a canal failure at Hocken Lane (about 5 km distant) and we suggested he obtained more information about this from Mr Connell. We see a big difference between a continuous wall of fast-moving water and a flow which has spread out so that it is contained within the flood channels running through the Hocken Lane area, where buildings are very unlikely because they would not meet the requirements of Rule 2.7.5. We also expressed concern that Meridian’s request would put an obligation on the first person wishing to build on an approved lot to commission a potentially very expensive study of the effects of a canal breach, and asked Mr Gimblett to enquire about what such a study would involve. There was some discussion about computer models that are available to assess such things.

We have subsequently received a memorandum from Mr Connell describing the data requirements for modelling the effect of a canal breach at Hocken Lane, and giving the approximate cost as \$40,000. No further information was provided about the kind of effect expected at Hocken Lane. We are not persuaded that the risk is such that owners of approved

lots should be put that expense, bearing in mind that we understand a breach is extremely unlikely, and that Mr Connell’s report tabled at the hearing indicated that the matter could be addressed by measures such as “*Locating residential buildings on the highest areas of land*”, as will be required under HLRRZ Rule 2.7.5 anyway.

Permitted activity Rule 2.3.2 effectively provides for new dwellings on only about 10 lots, as consents will still be required for residential dwellings that fall within the Twizel Water Supply Protection Area, or lots that already have a dwelling on them.

In terms of the further submissions, staff confirmed that Meridian’s submission was received electronically by the Council prior to the closing date for submissions, and therefore was lodged within the required time period. All other aspects of the further submissions are accepted.

REVISED TEXT FOR PLAN:

None.

SECTION 2.4. DISCRETIONARY ACTIVITIES

Decision Requested: RR14

Submitter:	29	Meridian Energy Ltd
Oppose	19	Mackenzie Properties Ltd
Oppose	25	F Hocken

Submission:

The submitter seeks that a new rule is added to this section that provides for new residential buildings on created or approved lots as a discretionary activity. The addition of the rule is sought as follows:

1.4 DISCRETIONARY ACTIVITIES

2.4.7 Buildings- Residential buildings on lots created or approved prior to 25 September 2010, where such approval has not lapsed.

This request is founded on the same concern as discussed above in relation to decision request RR13. Meridian considers there is no specific recognition in rule 2.3.2 or the related performance standards of flooding from potential unforeseen failure of the upstream hydro electricity infrastructure. Meridian seeks to ensure that appropriate consideration is given to flood hazard as a consequence of hydro infrastructure failure as part of the development of new residential buildings on existing created or approved lots in the zone.

As a result of this proposed change, a consequential amendment is sought to paragraph 5 of the *Explanation and Reasons* section for Objective 2 and Policy 2A, as follows:

Subdivision and residential development which may compromise soil and water quality and the safety of people and property should be avoided. Proposals for additional development within the zone will therefore require careful consideration given the site’s location and potential for flood risk, and issues of servicing and access. Given the alternatives for rural-residential living that are available, further subdivision in Hocken Lane will only be allowed where all of the issues listed above

can be fully and sustainably addressed. However, dwellings already approved through subdivisions and/or resource consents approved at the time of notification of this Plan Change will be ~~allowed to be built as a permitted~~ provided for as a discretionary activity, enabling consideration of any hazard associated with the unforeseen and uncontrolled release of water from the Waitaki hydro electricity infrastructure.

Any other consequential amendments that stem from the amendments proposed by the submitter are also sought.

Further submission *Mackenzie Properties Ltd*

The suggested changes in activity status from permitted to discretionary are opposed and the subsequent change to the Assessment criteria. The permitted activity status should be retained. The Council has taken in to account flood risk from a canal breach as it is already noted within the District Plan. Risks from flood hazards are outside of the scope of this Plan Change. The Meridian submission was received after cut-off time of 12 November and it should not be accepted.

Further submission *F Hocken*

Activity status should be permitted for residential buildings within Hocken Lane. Hazard risk is outside the scope of PC15. Flood risk is already taken in to account in the District Plan. The Meridian submission was received after the submissions closed and should not be accepted by Council.

DECISION:

Reject	29	Meridian Energy Ltd
Accept in part	19	Mackenzie Properties Ltd
Accept in part	25	F Hocken

REASON:

As noted in Decision Requested RR13 above, at the time each existing title in Hocken Lane was created, issues of flooding and hazards were addressed via consent notices on each lot, which remain applicable. This process involved consideration of expert reports which included assessments of risk from canal failure. It would be inefficient and inequitable to revisit this decision. In our view there would need to be additional and compelling evidence of risk for such a change to be considered.

In terms of the further submissions, staff confirmed that Meridian's submission was received electronically by the Council prior to the closing date for submissions, and therefore was lodged within the required time period. Provisions associated with flood hazard risk in the proposed Hocken Lane Rural-residential zone are considered to be within the scope of the Plan Change. All other aspects of the further submissions are accepted.

REVISED TEXT FOR PLAN:

None.

RULE 2.5.1 BUILDINGS

Decision Requested: RR 15

Submitter: 19 Mackenzie Properties Ltd
Support 25 F Hocken

Submission:

The submitter opposes the first part of this rule which makes residential buildings erected within the Twizel Water Supply Protection Area (TWSPA) a non-complying activity. This rule is considered draconian. No sewage reticulation exists within the TWSPA apart from along Glen Lyon Road, and many of the properties within the HLRRZ fall within the WSPA. The submitter considers there will be minimal chance of any consent being granted given the objectives for the zone, and therefore owners would have to look at installing a reticulated system all the way back to Glen Lyon Road. The submitter considers this totally inefficient. The rule also lacks effectiveness, as farming is a permitted activity in the HLRRZ and farm animals are more likely to create potential contamination of the Twizel water supply than any human habitation. The submitter seeks that activity status should change from non-complying to discretionary at the very least.

Further submission *F Hocken*

Twizel needs room to grow, residentially and businesswise.

DECISION:

Reject 19 Mackenzie Properties Ltd
Reject 25 F Hocken

REASON:

This issue has been discussed above in relation to Decision Requested RR2. The Twizel Water Supply Protection Area (TWSPA) covers approximately half of the Hocken Lane Rural-residential zone, and is shown on Planning Maps 51 & 52. The current Plan Change, PC15, rezones the area from Rural to Rural-residential, but the location and extent of the TWSPA itself is unchanged. Additionally, the activity status of such buildings is not proposed to be changed in Plan Change 15. Rule 3.4.2 of the current District Plan makes new residential buildings in the TWSPA that do not connect to the Council's reticulated sewage system a non-complying activity. This provision has been carried over unchanged to the proposed new Rural-residential zone, from the previous Rural Zone rules. The submitter is correct in that the proposed new policy would apply to consideration of development in the new zone.

In terms of Twizel's water supply, the Council is currently undertaking studies and developing long-term options for safeguarding the town's water supply. It is possible that once this work is done, the TWSPA and/or the rules relating to it will be amended to reflect the results of those studies. If a new location for the water supply is chosen, then the TWSPA and the rules relating to it would be removed.

As discussed in relation to Decision Requested RR2 above, another submitter, Mr Shearer, has raised doubts about whether the TWSPA has been based on wrong assumptions about the direction of groundwater flow above the Council's water supply infrastructure. We do not however have sufficient information to be certain about that and in any case the area covered by the TWSPA could not be changed through this plan change because it is not a matter within the scope of the PC15. It would be possible to amend the rules applying within the TWSPA because new zones are introduced by PC15, but we do not consider we have

sufficient information to be confident that the rule is unnecessary, given the importance of protecting the public water supply. We note that non-complying status does not mean on-site treatment and disposal systems are prohibited; just that they would require careful scrutiny. Another option for people wishing to build would be effluent holding tanks.

REVISED TEXT FOR PLAN:

None.

Decision Requested: RR16

Submitter:	25	F Hocken
Support	19	Mackenzie Properties Ltd

Submission:

The submitter opposes the first part of this rule which makes residential buildings which do not connect to the Council reticulated system a non-complying activity. The submitter considers that the sections in Twizel's water supply area can be built on given the latest in modern sewerage systems. At worst a holding tank could be used for black water. The submitter seeks that these sites are classed as discretionary.

Further submission *Mackenzie Properties Ltd*

This rule should be amended to allow for modern septic tank sewage systems. The submitter's Hocken Lane argument is logical. The current blanket approach will not solve the water supply problem.

DECISION:

Reject	25	F Hocken
Reject	19	Mackenzie Properties Ltd

REASON:

Refer discussion under Decision Requested RR15 above.

REVISED TEXT FOR PLAN:

None.

Decision Requested: RR17

Submitter:	29	Meridian Energy Ltd
Oppose	19	Mackenzie Properties Ltd
Oppose	25	F Hocken

Submission:

The submitter supports the proposed restrictions in this rule making all residential buildings beyond those lots already created or approved by subdivision a non-complying activity. The proposed restrictions are supported in order to minimise the quantum of permanent residents or temporary visitors and their assets that are subject to hazard risk associated with the unforeseen and uncontrolled release of water from upstream hydro electricity infrastructure.

However given the submitter's relief sought under Decision Requested RR14 above, the submitter seeks the following consequential amendment to Rule 2.5.1:

2.5.1 Buildings- *The following buildings are non-complying activities:*

- *Residential buildings erected within the Twizel Water Supply Protection Area which do not connect to Council's reticulated sewage disposal system (Refer clause 2.7.12 below).*
- *All residential buildings not ~~permitted by Rule 2.3.2~~ **discretionary under rule 2.4-Discretionary Activities.***
- *Relocated buildings used for residential purposes to be relocated to or within the Hocken Lane Rural-Residential Zone not provided for by Rule 2.4.4.*

Any other consequential amendments that stem from the amendments proposed by the submitter are also sought.

Further submission *Mackenzie Properties Ltd*

The suggested changes in activity status from permitted to discretionary are opposed and the subsequent change to the Assessment criteria. The permitted activity status should be retained. The Council has taken in to account flood risk from a canal breach as it is already noted within the District Plan. Risks from flood hazards are outside of the scope of this Plan Change. The Meridian submission was received after cut-off time of 12 November and it should not be accepted.

Further submission *F Hocken*

Activity status should be permitted for residential buildings within Hocken Lane. Hazard risk is outside the scope of PC15. Flood risk is already taken in to account in the District Plan. The Meridian submission was received after the submissions closed and should not be accepted by Council.

DECISION:

Accept in part	29	Meridian Energy Ltd
Accept in part	19	Mackenzie Properties Ltd
Accept in part	25	F Hocken

REASON:

The original submitter's support for Rule 2.5.1 is noted. However, the suggested amendments to Rule 2.3.2 making all residential dwellings on existing lots a discretionary activity were not accepted (refer Decisions Requested RR13 and 14 above). Therefore the consequential amendment outlined above is also not adopted.

In terms of the further submissions, staff confirmed that Meridian's submission was received electronically by the Council prior to the closing date for submissions, and therefore was lodged within the required time period. It is considered that provisions associated with flood hazard risk in the proposed Hocken Lane Rural-residential zone are within the scope of the Plan Change. All other aspects of the further submissions are accepted.

REVISED TEXT FOR PLAN:

None.

RULE 2.5.3 VISITOR ACCOMODATION & HOMESTAYS

Decision Requested: RR18

Submitter: 29 Meridian Energy Ltd

Submission:

The submitter supports the proposed restrictions in this rule making visitor accommodation and homestays a non-complying activity. The proposed restrictions are supported in order to minimise the quantum of permanent residents or temporary visitors and their assets that are subject to hazard risk associated with the unforeseen and uncontrolled release of water from upstream hydro electricity infrastructure.

DECISION:

Accept 29 Meridian Energy Ltd

REASON:

The submitter supports the proposed provision.

REVISED TEXT FOR PLAN:

None.

RULE 2.6.1 AMENITY TREE PLANTING

Decision Requested: RR19

Submitter: 16 Environment Canterbury

Submission:

The submitter supports this rule and seeks that it be adopted. Wilding conifers can have adverse effects on biodiversity values, landscapes and amenity, and can contribute to increased fire risk to the community. The inclusion of these controls will also give effect to Chapter 8, Policy 3 of the Canterbury Regional Policy Statement and would be consistent with the Canterbury Regional Pest Management Strategy.

DECISION:

Accept 16 Environment Canterbury

REASON:

The support is noted.

REVISED TEXT FOR PLAN:

None.

Decision Requested: RR20

Submitter: 22 D Crow

Submission:

The submitter opposes the inclusion of European Larch in this rule and seeks that this species be deleted from the rule. The submitter further seeks that Rowan Trees are included in this list of prohibited species.

DECISION:

Accept in part 22 D Crow

REASON:

As a result of this submission, staff recommended the addition of the Rowan tree to this rule, but do not recommend removing the European Larch. We agree this will make the rule consistent across the 3 new Rural-residential zones. Refer Decision Requested RR9 and the reasons.

REVISED TEXT FOR PLAN:

Add rowan to Rule 2.6.1, as follows:

2.6.1 Amenity Tree Planting – It is a Prohibited Activity for which no resource consent will be granted to plant the following species:

- *Pinus contorta* (Lodgepole Pine)
- *Pinus nigra* (Corsican Pine)
- *Pinus muricata* (Bishops Pine)
- *Pinus sylvestris* (Scots Pine)
- *Pseudotsuga menziesii* (Douglas Fir)
- *Pinus mugo/uncinata* (Mountain Pine)
- *Pinus pinaster* (Maritime Pine)
- *Pinus ponderosa* (Ponderosa Pine)
- Larix deciduas (European Larch)
- [Rowan \(*Sorbus aucuparia*\) \(RR20\)](#)

SITE STANDARD 2.7.1 – RESIDENTIAL DENSITY

Decision Requested: RR21

Submitter:	19	Mackenzie Properties Ltd
Support	25	F Hocken
Oppose	29	Meridian Energy Ltd

Submission:

The submitter seeks that this standard be amended to provide for one minor unit per site, in addition to one residential unit per site. It is considered inefficient to have such an allowance within the RR1 & 2 zones and not within the HLRRZ.

Further submission *F Hocken*

Twizel needs room to grow, residentially and businesswise.

Further submission *Meridian Energy Ltd*

Meridian Energy oppose this submission and seeks that it be disallowed. Enabling a minor residential unit to establish on each site in addition to a residential unit could increase the

number of occupants within the zone and their assets that may be subject to hazards associated with the potential unforeseen failure of upstream hydroelectric infrastructure. Meridian has sought in its submission (see RR14) that the proposed permitted activity status for residential buildings under rule 2.3.2 of Chapter 8 be changed to a fully discretionary activity to ensure appropriate consideration is given to hazards associated with hydroelectric infrastructure failure. Meridian consider it would be appropriate for discretionary activity status to apply also to minor units (as would be the case under the notified Plan Change).

DECISION:

Reject	19	Mackenzie Properties Ltd
Reject	25	F Hocken
Accept in part	29	Meridian Energy Ltd

REASON:

The Hocken Lane Rural-Residential Zone has been proposed in order to recognise that there are a number of issues associated with further development in Hocken Lane, and to provide for sustainable management in relation to development in the zone. These issues include flood hazard from existing watercourses and potentially from canal failure, servicing in respect of sewage disposal, and traffic safety and access issues. Any further residential uses or an increase in residential density not already provided for by the Council under existing permissions must be carefully considered in the context of these challenges. This would include minor units, which can potentially increase adverse effects through additional residential activity, including exposure to risk from hazards and additional requirements for adequate services. It is therefore not considered appropriate to permit minor units in this zone.

As the submitter notes, minor units are permitted in the proposed Rural-Residential 1 & 2 Zones. This is because the issues of servicing and hazards associated with residential development in the Hocken Lane Rural-Residential Zone do not arise in those zones. Providing for an increase in residential density in the Rural-Residential 1 & 2 Zones is considered an efficient use of natural and physical resources.

Given these potential issues in Hocken Lane, the intention of the Plan Change was to make minor units a non-complying activity in the zone under section 2.5.1. However this is unclear in the present wording of the Plan Change, as proposed. Indeed, Meridian Energy's submission notes that in their view discretionary activity status would apply under the existing wording. We consider that an additional provision should be added to Section 2.5 making it clear that minor units are a non-complying activity in the Hocken Lane Rural-Residential Zone.

REVISED TEXT FOR PLAN:

Add a new non-complying activity 2.5.1 to section 2.5, as follows:

2.5.1 All residential activities not permitted by Rule 2.3.1. (RR21)

Consequentially re-number the following existing rules 2.5.1 – 2.5.8.

SITE STANDARD 2.7.2 – BUILDING SETBACKS

Decision Requested: RR22

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that this standard be amended to provide for 20m setbacks from roads and internal site boundaries, rather than 10m. This is on the basis of the size of the lots and the rural nature of the area.

DECISION:

Accept in part 19 Mackenzie Properties Ltd

REASON:

It is considered that lots within the Hocken Lane Rural-Residential Zone are of a sufficient size to be able to accommodate a 20m setback for dwellings. Buildings to house animals should also be set back from boundaries, to ensure effects on neighbours are mitigated. However, it is considered that buildings other than dwellings or buildings to house animals may be located closer to boundaries with lesser effects, and that a smaller setback for such buildings will allow more flexibility in building locations. The minimum building setback for dwellings and buildings to house animals should be increased to 20m, with the building setback for other buildings remaining at 10m. This is consistent with the revised setback requirements in the Rural-Residential 1 & 2 Zones.

REVISED TEXT FOR PLAN:

Amend Permitted Activity Site Standard 2.7.2 as follows:

2.7.2 **Building Setbacks** ~~—the minimum setback from road and internal boundaries shall be 10m.~~

i. The minimum setback from road and internal boundaries for dwellings and any building for the purpose of housing animals shall be 20m;

ii. The minimum setback from road and internal boundaries for all other buildings shall be 10m. (RR22)

SITE STANDARD 2.7.5 - CERTIFICATION OF BUILDINGS

Decision Requested: RR23

Submitter: 16 Environment Canterbury

Submission:

The submitter supports this standard and seeks that it be adopted. The proposed Hocken Lane Rural-Residential Zone occupies an area of land identified as being flood-prone. The notified provisions provide scope for Mackenzie District Council to consider the appropriateness of new residential development in this area, and any mitigation to reduce flood hazard. The reliance on suitably qualified expert certification is also supported.

DECISION:

Accept 16 Environment Canterbury

REASON:

The submitter supports the proposed standard.

REVISED TEXT FOR PLAN:

None.

SITE STANDARD 2.7.11 – RIPARIAN AREAS

Decision Requested: RR24

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks clarification of the definition of wetland. For example, does wetland include streams? If so then the submitter seeks that the setback distance for buildings is reduced to 20m for streams.

DECISION:

Reject 19 Mackenzie Properties Ltd

REASON:

Under section 2 of the RMA, the definition of a wetland *“includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions”*. The definition of a river *“means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)*. In accordance with these definitions, a stream is considered to be within the definition of a river. Therefore, the 20m building setback from streams/ivers that the submitter seeks is already detailed under Standard 2.7.11.

REVISED TEXT FOR PLAN:

None.

SITE STANDARD 2.7.12 – TWIZEL WATER SUPPLY PROTECTION AREA

Decision Requested: RR25

Submitter: 19 Mackenzie Properties Ltd

Support 25 F Hocken

Submission:

The submitter seeks that this standard be amended to read: “All residential units, visitor accommodation and homestays within the Twizel WSPA shall connect to the Council reticulated sewage disposal system *if it is within 25m of the property concerned*”.

DECISION:

Reject	19	Mackenzie Properties Ltd
Reject	25	F Hocken

REASON:

Provisions related to the Twizel Water Supply Protection Area (TWSPA) are discussed under Decisions Requested RR2 and RR15 above. The TWSPA covers approximately half of the Hocken Lane Rural-Residential Zone, and is shown on Planning Maps 51 & 52. The current Plan Change, PC15, rezones the area from Rural to Rural-residential, but the location and extent of the TWSPA itself is unchanged. Additionally, the above site standard is not proposed to be changed in Plan Change 15. This provision has been carried over unchanged to the proposed new Rural-Residential Zone, from the previous Rural Zone rules.

In terms of Twizel’s water supply, the Council is currently undertaking studies and developing long-term options for safeguarding the town’s water supply. It is possible that once this work is done, the TWSPA and/or the rules relating to it will be amended to reflect the results of those studies. If a new location for the water supply is chosen, then the TWSPA and the rules relating to it would be removed. It is considered necessary to retain the provisions relating to protection of Twizel’s water supply in the interim, until these specific studies are completed and in order to comply with the NRRP. We are unaware of information to support the 25m distance proposed, outside which presumably on-site sewage effluent disposal would be made more permissive.

We note that non-complying status does not mean that on-site effluent treatment and disposal systems are prohibited, just that they will have to be carefully assessed. People wishing to build also have the option of installing effluent holding tanks.

REVISED TEXT FOR PLAN:

None.

ASSESSMENT MATTER 3.2.f

Decision Requested: RR26

Submitter:	16	Environment Canterbury
Support in part	29	Meridian Energy Ltd

Submission:

The submitter supports this list of assessment matters and seeks that it be adopted. The proposed Hocken Lane Rural-Residential Zone occupies an area of land identified as being flood-prone. The notified provisions provide scope for Mackenzie District Council to consider the appropriateness of new residential development in this area, and any mitigation to reduce flood hazard.

Further submission *Meridian Energy Ltd*

Meridian Energy supports this submission in part and insofar that the relief sought is not inconsistent with the relief sought in Meridian’s original submission. Meridian sought in its original submission that an additional assessment matter be added under 3.2(f) to enable consideration of the siting of buildings having regard to inundation hazards associated with

the unforeseen and uncontrolled release of water from the Waitaki Hydro Electric Power Scheme (see RR27 below).

DECISION:

Accept	16	Environment Canterbury
Accept	29	Meridian Energy Ltd

REASON:

The submitter supports the proposed Assessment Matters 3.2.f (i) – (iv). Meridian Energy Ltd seeks the addition of another Assessment Matter, but supports the proposed matters as listed.

REVISED TEXT FOR PLAN:

No changes to Assessment Matters 3.2.f(i) – (iv).

Decision Requested: RR27

Submitter:	29	Meridian Energy Ltd
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Submission:

The submitter seeks that this Assessment Matter be amended as follows:

3.2.f Flood Hazard Mitigation –Floor Heights

- i. The likelihood of the proposed activity being threatened by flooding or ponding as a result of the proposed floor level.*
- ii. The frequency of flooding events and flooding and ponding levels in relation to the site of the habitable residential buildings*
- iii. The quantity and value of assets that will be vulnerable to flooding as a result of the establishment of the proposed floor level.*
- iv. The ability of buildings to be relocated, and estimated cost, and the possible destination of a relocated building.*
- v. The siting of the building having regard to inundation hazards associated with the unforeseen and uncontrolled release of water from the Waitaki Hydro Electric Power Scheme.*

This is because the submitter considers there is no specific recognition in the proposed provisions of flooding from potential unforeseen failure of the upstream hydro electricity infrastructure. Meridian seeks to ensure that appropriate consideration is given to flood hazard as a consequence of hydro infrastructure failure as part of the development of new residential buildings on existing created or approved lots in the zone. Any consequential amendments that stem from the amendments proposed by the submitter are also sought.

DECISION:

Accept	29	Meridian Energy Ltd
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REASON:

Although we have not endorsed the submitter’s requested change to permitted activity Rule 2.3.2 in the Hocken Lane Rural-Residential Zone, the majority view of the hearing panel is that the Assessment Matter sought by Meridian is appropriate to be included in the list of Assessment Matters, where resource consents for residential activities in the new zones are considered. Inclusion in the list of Assessment Matters would ensure that, at the time any development requiring consent in areas subject to flood risk is considered, this specific matter will be taken in to account (where it is relevant). A minor consequential amendment is required to the heading of the section 3.2.f.to encompass the change.

At the hearing, Meridian’s witness Mr Gimblett suggested in his evidence that the words “*design and*” be added to the Assessment Matter sought by Meridian in its original submission. We consider this is appropriate and have included this text in the assessment matter.

While the majority view of the hearing panel is that it would do no harm to add the assessment matter sought by Meridian, Commissioner Pullen has a concern that this could be seen as putting an onus on individuals wishing to undertake development to prove that the hazard is minimal and so does not support this addition.

REVISED TEXT FOR PLAN:

Amend the title of section 3.2.f and add a new Assessment Matter 3.2.f. (v), as follows:

3.2.f Flood Hazard Mitigation—~~Floor~~ Heights

- v. *The siting and design of the building having regard to inundation hazards associated with the unforeseen and uncontrolled release of water from the Waitaki Hydro Electric Power Scheme. (RR27)*

SECTION 9- SPECIAL PURPOSE ZONES

RECREATION AND OPEN SPACE PROVISIONS

Decision Requested: REC1

Submitter:	17	Community & Public Health
Support	19	Mackenzie Properties Ltd

Submission:

The submitter seeks that “adequate servicing” is provided for in the Recreation and Open Space provisions, including the Recreation A Zone and the Special Travellers’ Accommodation Zone. The submitter seeks that this term refers to an adequate, reliable, safe and efficient potable water supply, i.e. one that complies with the Drinking Water Standards for New Zealand. If a potable water supply is not available on-site or nearby, then every effort should be made to pre-warn visitors by identifying the absence of such facilities on maps, brochures and websites, identifying the nearest alternative facilities available, and having signage in place as necessary to direct the public to these alternative facilities.

Further submission *Mackenzie Properties Ltd*

The further submitter supports the requirement that any reference to water within the District Plan means ‘potable’ water supply. The existing Twizel water supply is inadequate. Appropriate signage should be used if water quality is poor.

DECISION:

Reject	17	Community & Public Health
Reject	19	Mackenzie Properties Ltd

REASON:

The submission seeks that potable water should be available on or near to all land zoned Recreation A or P, or that signage is erected and information provided as to the nearest potable water facilities. There is a large area of land zoned Recreation A & P in the Twizel plan change area, and with many being separate parcels of land. Matters of capital expenditure and provision of services including water supplies to such areas of land, where they are Council-owned, are dealt with in the Council’s annual planning and long-term community planning processes. This process would involve consultation with the Community Board and community and an assessment of funding implications. It would be impractical and inefficient for the proposed Plan Change to require such servicing of all areas of land in Twizel through rules or other provisions.

As part of the present Plan Change, the camping ground at Lake Ruataniwha is proposed to be rezoned as Special Travellers’ Accommodation Zone. The campground is presently serviced by the Twizel Water Supply. Given that Twizel’s current water supply is unable to be confirmed as complying with the DWSNZ, the Council, campground owners, or any other owner of Recreation-zoned land (if required to provide a potable supply), may in doing so find themselves in immediate non-compliance with the District Plan.

As outlined in Decision Requested D1 above, the Council is liaising with Ministry of Health staff regarding Twizel's water supply, and is in the process of considering options for upgrading the water supply in order to manage potential risks to the water supply and ensure compliance. The Council is also presently considering temporary treatment options for the existing supply while the longer term solution is being finalised.

We agree with the submitter that the relevant parts of the Drinking Water Standards for New Zealand (DWSNZ) should be incorporated in to the District Plan. This should be applied to all zones in the Plan, including Rec A & P and STAZ zones, where water supply is provided. This should be done at the time of District Plan review in 2014 so that it applies to all land zoned STAZ or Rec A & P in the District, and not just those areas in Twizel subject to this Plan Change. By this time, the studies in to Twizel's water supply options will be completed, and a management plan for this supply will be in place in place to ensure compliance with the DWSNZ.

We therefore consider that the matters raised in this submission are significant in respect of the growth and development of Twizel, but that further work in terms of supply options and management plans is necessary before consequent changes to the District Plan should be made.

REVISED TEXT FOR PLAN:

None.

RECREATION P ZONE – 4.4 PERMITTED ACTIVITIES

Decision Requested: REC2

Submitter: 29 Meridian Energy Ltd

Submission:

The submitter seeks the inclusion of the following activities in either this Section (or alternatively in the Utilities Chapter– refer Decision Requested U3 below), as follows:

- Erosion control works including undertaking planting to limit or minimise erosion, land slippage, and or landslides;
- Earthworks to enable the deposit and removal of sediment.

The submitter seeks that these are provided for as permitted activities in the Recreation P Zone, in relation to the land covered by operating easement held by Meridian over land described as Sections 1 – 3 SO 20217 on the northern side of Lake Ruataniwha.

This easement provides rights to the submitter to store and discharge water, install and operate hydro electricity works, and carry out various associated activities including earthworks and erosion control works. The submitter seeks to ensure that the ability to exercise the conditions of its operating easement in relation to earthworks and erosion control works is not inappropriately restricted by the proposed new zonings at that site.

The submitter also seeks any consequential amendments that stem from the amendments proposed.

DECISION:**Accept**

29

Meridian Energy Ltd

REASON:

The submitter is correct in noting that the rezoning of land adjacent to Lake Ruataniwha from Rural to Special Travellers' Accommodation Zone, Ruataniwha Rowing zone, and Rec P Zone has resulted in different permitted activity rules applying in those new zones. While this change in zoning is intended to provide a more appropriate management framework for activities in those areas, it was not intended to restrict activities necessary for Meridian to manage its utilities. It should be noted that the Rural Zone rules permitting types of earthworks and erosion control plantings do not apply to utilities, and therefore there was no existing right under the Rural Zone rules for Meridian to undertake such activities on those sites. However, it would be consistent with the Act and the Plan, in particular Objective 1 and Policy 8 of the Section 16 Utilities, to provide for such activities.

A rule similar to those presently applying to earthworks and erosion control planting in the Rural Zone could also apply in 3 areas sought by Meridian. However, the Rural Zone earthworks rules contain stringent volume and area limits, and limits on earthworks in the riparian area adjacent to Lake Ruataniwha. We accept that these restrictions should not apply to activities associated with maintenance of utilities in those zones.

We consider a rule should be added to the Utilities chapter, rather than the individual Rec P, STAZ, and Ruataniwha Rowing Zone provisions, to make clear that the activities are only permitted in relation to management of utilities rather than permitted in those zones generally. No further amendments to each of those chapters is required, as the rules in the Utilities Chapter take precedence over any other rules in those specific zones, as stated in Section 16 of the Plan.

REVISED TEXT FOR PLAN:

Refer Revised text for Decision Requested U3 below.

RECREATION A ZONE – RULE 5.5.4**Decision Requested: REC3****Submitter:**

19

Mackenzie Properties Ltd

Submission:

The submitter seeks that this rule be amended to a restricted discretionary activity, with Council discretion restricted to the assessment matters outlined in section 5.7d. The submitter also seeks consultation with the Council over these assessment matters, using soil engineering experts, to determine what matters may be appropriate and what may be added or deleted. The submitter also considers that permitted activity condition 5.4.11.e seems clumsy as a contrary rule to a permitted earthwork activity.

DECISION:**Accept in part**

19

Mackenzie Properties Ltd

REASON:

The submitter at a prehearing meeting with staff clarified that what is sought is the ability to work with the Council on appropriate remediation or mitigation measures in respect of earthworks at the site. Staff supported this approach and considered there was sufficient scope in the existing rule to achieve this.

We are not however convinced that the Restricted Discretionary Activity rule should be altered. Given the nature of the risk posed by earthworks in contaminated soils, it is essential that the Council is fully able to assess and manage all potential risks. Limiting the Council's discretion in the absence of this information is not recommended.

Regarding proposed Standard 5.4.1.1.e, it was initially considered necessary to specifically exclude earthworks associated with any permitted activity from being undertaken as a consequence of permitting activities, to avoid confusion. However the submitter is correct in noting that the wording is somewhat clumsy. We agree that the standard could be replaced by an advisory note to the rules, clearly outlining that in the case of any earthworks associated with any permitted activities, Rule 5.5.4 shall apply.

REVISED TEXT FOR PLAN:

Delete Permitted Activity Standard 5.4.1.1.e and include an advisory note after the rules section, as follows:

~~5.4.11.e Earthworks~~

~~No earthworks associated with the establishment of any permitted or discretionary activity shall be undertaken within the Mackenzie Park Recreation A zone identified on Planning Map 54 and in Appendix S.~~

~~Notes~~ These requirements are in addition to those of the Reserves Act. Notwithstanding that the Plan authorises certain uses or buildings in recreation zones where the land is subject to the Reserves Act 1977, any uses or buildings must comply with the Reserves Act and any management plan approved in respect of any given reserve.

~~*For the avoidance of doubt, where any permitted or discretionary activities involve earthworks within the Mackenzie Park Recreation A zone (identified on Planning Map 54 and in Appendix S), Rule 5.5.4 shall apply.(REC3)*~~

SPECIAL TRAVELLERS ACCOMMODATION ZONE - GENERAL

Decision Requested: STAZ1

Submitter:	6	R & B Prince
Support in part	29	Meridian Energy Ltd

Submission:

The submitter supports the rezoning and provisions relating to subdivision and land use for the Lake Ruataniwha Holiday Park. Development in this area appears to be uncontrolled and it needs to be kept as Travellers' Accommodation.

Further submission *Meridian Energy Ltd*

Meridian Energy supports this submission in part and insofar that the relief sought is not inconsistent with the specific relief sought in Meridian’s original submission. Meridian sought that provision be made within the Special Purpose Travellers’ Accommodation Zone (or District Wide Utility provisions) to provide for erosion control works and earthworks to enable the deposit and removal of sediment as a permitted activity. Meridian therefore seek that that the submission of R & B Prince be allowed in part.

DECISION:

Accept in part	6	R & B Prince
Accept	29	Meridian Energy Ltd

REASON:

The submitter supports the provisions as notified for the Twizel STAZ zone. As a result of other submissions (including that of the further submitter), we have decided it is appropriate to include a rule in the Utilities chapter which provides for earthworks and erosion control planting to be undertaken within this zone as a permitted activity, where such activities are necessary for electricity generation works. A standard for permitted activities dealing with sewage disposal in the Twizel STAZ zone is also added (refer Decision Requested STAZ 4 below). No other changes are made.

REVISED TEXT FOR PLAN:

Refer Decision Requested STAZ 4 and U3 below. No other changes.

Decision Requested: STAZ2

Submitter:	19	Mackenzie Properties Ltd
Support in part	29	Meridian Energy Ltd

Submission:

The submitter supports the proposed plan change in respect of the new proposed zone, (but seeks some changes to some of the standards and rules, as outlined below in Decisions Requested STAZ4, STAZ5, and STAZ6). The existing rural zone has no logical sense given the current use of this land.

Further submission *Meridian Energy Ltd*

Meridian Energy supports this submission in part and insofar that the relief sought is not inconsistent with the relief sought in Meridian’s original submission. Meridian sought in its original submission that provision be made within the Special Purpose Travellers Accommodation Zone (or District Wide Utility provisions) to provide for erosion control works and earthworks to enable the deposit and removal of sediment as a permitted activity. Meridian therefore seek that that the submission of Mackenzie Properties be allowed in part.

DECISION:

Accept in part	19	Mackenzie Properties Ltd
Accept in part	29	Meridian Energy Ltd

REASON:

The support for the proposed new zone is noted. On the basis of the submitter’s other submissions, we have decided to include a standard for permitted activities dealing with

sewage disposal in the Twizel STAZ zone (refer Decision Requested STAZ 4 below). A rule will also be added in the Utilities chapter which provides for earthworks and erosion control planting to be undertaken within this zone as a permitted activity, where such activities are necessary for electricity generation works. No other changes are made.

REVISED TEXT FOR PLAN:

Refer Decision Requested STAZ 4 and U3 below. No other changes.

SPECIAL TRAVELLERS ACCOMMODATION ZONE – 8.4 PERMITTED ACTIVITIES

Decision Requested: STAZ 3

Submitter: 29 Meridian Energy Ltd

Submission:

The submitter seeks the inclusion of the following activities in either this Section (or alternatively in the Utilities Chapter– refer Decision Requested U3 below), as follows:

- Erosion control works including undertaking planting to limit or minimise erosion, land slippage, and or landslides;
- Earthworks to enable the deposit and removal of sediment.

The submitter seeks that these are provided for as permitted activities in the Special Travellers' Accommodation zone, in relation to the land covered by operating easement held by Meridian over land described as Sections 1 – 3 SO 20217 on the northern side of Lake Ruataniwha.

This easement provides rights to the submitter to store and discharge water, install and operate hydro electricity works, and carry out various associated activities including earthworks and erosion control works. The submitter seeks to ensure that the ability to exercise the conditions of its operating easement in relation to earthworks and erosion control works is not inappropriately restricted by the proposed new zonings at that site.

The submitter also seeks any consequential amendments that stem from the amendments proposed.

DECISION:

Accept 29 Meridian Energy Ltd

REASON:

Refer discussion under Decision Requested REC 2 above. In response to this submission, a rule providing for such works is to be added to the Utilities chapter. This amendment is made to the Utilities chapter rather than the individual Rec P, STAZ, and Ruataniwha Rowing zone provisions, to make clear that the activities are only permitted in relation to management of utilities rather than permitted in those zones generally. No further amendments to each of those chapters is required, as the rules in the Utilities Chapter take precedence over any other rules in those specific zones, as stated in Section 16 of the Plan.

REVISED TEXT FOR PLAN:

Refer Revised text for Decision Requested U3 below.

SPECIAL TRAVELLERS ACCOMMODATION ZONE – 8.4.3 STANDARDS

Decision Requested: STAZ 4

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that a new standard is introduced for permitted activities that takes in to account servicing, including sewage treatment and disposal. This standard should reflect that the current sewage discharge is to an open oxidation pond that has no current resource consent, but instead has an existing use right. The submitter considers that once Environment Canterbury’s NRRP becomes operative a resource consent for the oxidation pond will be required from Ecan, and that the introduction of a standard in Plan Change 15 seems an appropriate way of dealing with this issue.

DECISION:

Accept in part 19 Mackenzie Properties Ltd

REASON:

While most of the activities provided for as permitted activities in the Twizel STAZ Zone do not require any form of servicing (tree felling, paths and routes), camping activities are permitted. Requirements for servicing in relation to providing for this activity on-site could be made more specific by the inclusion of a standard. Facilities at the site are already fully reticulated, but the addition of a standard would make it consistent with the requirements for the Ruataniwha Rowing Zone adjacent. This is important given the location of the Twizel STAZ zone and its proximity to Lake Ruataniwha.

We consider that the current situation in respect of any permissions or rights for discharges are not matters that should be included as standards in the District Plan, as they are administered by a separate authority, Environment Canterbury, and likely to change over the life of the Plan rules.

REVISED TEXT FOR PLAN:

New standard to be added to Section 8.4.3 Standards, as follows:

8.4.3.k Effluent Disposal (Twizel STAZ zone)

All effluent disposal shall be reticulated. There shall be no treatment and/or disposal of effluent on-site. (STAZ4)

SPECIAL TRAVELLERS ACCOMMODATION ZONE – 8.6 RESTRICTED DISCRETIONARY ACTIVITIES

Decision Requested: STAZ5

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that Rules 8.6.1 and 8.6.2 are amended to have a requirement that all new development have reticulated sewage disposal to “the existing Council operated sewage ponds”. The submitter considers that this is because any existing use right for the nearby oxidation ponds that may exist will be rescinded once any new development (that leads to increased demand on the existing sewage treatment system) is completed. Council should use this plan change to resolve this potentially undesirable situation. Council should also consider Ecan’s NRRP and TRP.

DECISION:

Reject 19 Mackenzie Properties Ltd

REASON:

The proposed rules as worded already reserve control over servicing, and specifically refer to sewage treatment and disposal. The consent authority is therefore able to consider this matter and impose conditions on any resource consent sought. The present wording is considered sufficient to provide for the management of adverse effects relating to sewage disposal.

It is considered that the wording suggested by the submitter is too prescriptive and is not effects-based. If the situation arises where an existing use right is no longer available, then the discharger would be required to make alternative arrangements or seek consents, as appropriate. We consider it would not be appropriate to preclude options through the District Plan, particularly where they may relate to another authority’s (Ecan’s) plan requirements or functions.

REVISED TEXT FOR PLAN:

None.

**SPECIAL TRAVELLERS ACCOMMODATION ZONE – ASSESSMENT
MATTER 8.8.9**

Decision Requested: STAZ 6

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that this Assessment Matter be amended to add more detail to clarify the term “adequately serviced”. If for example development was consented to by the Mackenzie District Council which created the situation where the existing use rights for the nearby oxidation ponds were no longer available, does that fall within the definition of “adequately serviced”? The submitter considers that clarity is needed to take in to account the unusual situation of the non-consented oxidation ponds utilised by the camping ground.

DECISION:

Reject

19

Mackenzie Properties Ltd

REASON:

Regard is had to any Assessment Matters that may be relevant to a particular activity at the time any resource consent application for that activity is being considered. Assessment Matter 8.8.9 is general in nature, as its purpose is to facilitate consideration of any or all relevant servicing effects. What is 'adequate' will depend on the nature of the activity, its scale, and the type of servicing being considered (roading, water supply, sewage disposal, etc). Sufficient flexibility is therefore required in the Assessment Matter to cover all types of services, with the details being worked through in each consent process, as appropriate to each activity.

In terms of the example outlined above, in considering any activity the Council as consent authority is likely to turn its mind to whether the activity (or any effect arising from it) has all relevant permissions, or whether any further consents are required from any authority. This is standard practice in resource consent processing. It is not considered necessary to include it in this Assessment Matter, as sought by the submitter.

REVISED TEXT FOR PLAN:

None.

RUATANIWHA ROWING ZONE - GENERAL

Decision Requested: RRZ 1

Submitter:	19	Mackenzie Properties Ltd
Support in part	29	Meridian Energy Ltd

Submission:

The submitter supports the proposed plan change in respect of the new proposed zone (but seeks some changes to permitted activity condition 9.4.9.j, Restricted Discretionary Activity 9.5 and Assessment Matter 9.7.7, as outlined below (refer Decisions Requested RRZ 5, RRZ 6, and RRZ 7)). The existing rural zone has no logical sense given the current use of this land. The submitter supports the stated desire in the provisions to ensure public access to the lake and the rowing area remains, and the inclusion of the updated site development plan, are supported.

Further submission *Meridian Energy Ltd*

Meridian Energy supports this submission in part and insofar that the relief sought is not inconsistent with the relief sought in Meridian's original submission. Meridian sought in its original submission that provision be made within the Ruataniwha Rowing Zone (or District Wide Utility provisions) to provide for erosion control works and earthworks to enable the deposit and removal of sediment as a permitted activity. Meridian therefore seek that that the submission of Mackenzie Properties Ltd be allowed in part.

DECISION:

Accept in part	19	Mackenzie Properties Ltd
Accept in part	29	Meridian Energy Ltd

REASON:

The support for the proposed rezoning from Rural to Ruataniwha Rowing Zone, and the public access and site plan provisions, is noted. The changes sought by Mackenzie Properties Ltd in respect of sewage disposal are not adopted (refer Decisions Requested RRZ 5 – 7 below). A rule will be added in the Utilities chapter which provides for earthworks and erosion control planting to be undertaken within this zone as a permitted activity, where such activities are necessary for electricity generation works. No other changes are made.

REVISED TEXT FOR PLAN:

Refer Decision Requested U3 below. No other changes.

RUATANIWHA ROWING ZONE – POLICY 4

Decision Requested: RRZ 2

Submitter:	17	Community & Public Health
Support	19	Mackenzie Properties Ltd

Submission:

The submitter seeks that the term “adequate servicing” in this Policy refers to an adequate, reliable, safe and efficient potable water supply, i.e. one that complies with the Drinking Water Standards for New Zealand. The submitter considers that if a potable water supply is not available on-site or nearby, then every effort should be made to pre-warn visitors by identifying the absence of such facilities on maps, brochures and websites, identifying the nearest alternative facilities available, and having signage in place as necessary to direct the public to these alternative facilities.

Further submission *Mackenzie Properties Ltd*

The further submitter supports the requirement that any reference to water within the District Plan means ‘potable’ water supply. The existing Twizel water supply is inadequate. Appropriate signage should be used if water quality is poor.

DECISION:

Reject	17	Community & Public Health
Reject	19	Mackenzie Properties Ltd

REASON:

The South Island Rowing facilities in the Ruataniwha Rowing Zone are presently serviced by the Twizel Water Supply. As previously discussed, Twizel’s current water supply is unable to be confirmed as complying with the DWSNZ. If such a requirement were included at this time then South Island Rowing may find themselves in immediate non-compliance with the District Plan.

As noted above in Decision Requested D1, we agree with the submitter that the relevant parts of the Drinking Water Standards for New Zealand (DWSNZ) should be incorporated in to the District Plan. This should be applied to all zones in the Plan, including the Ruataniwha Rowing Zone, where water supply is provided. This should be done at the time of District Plan review in 2014, so it applies to all land in the District, and not just those areas in Twizel

subject to this Plan Change. By this time, the studies in to Twizel's water supply options will be completed, and a management plan will be in place in place to ensure compliance with the DWSNZ.

We therefore consider that the matters raised in this submission are significant in respect of the growth and development of Twizel, but that further work in terms of supply options and management plans is necessary before consequent changes to the District Plan can be considered.

REVISED TEXT FOR PLAN:

None.

Decision Requested: RRZ 3

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports the policy but would like to ensure that this Policy is carried out, i.e. ensuring any development in the RRZ is adequately serviced.

DECISION:

Accept 19 Mackenzie Properties Ltd

REASON:

The support for the Policy is noted. Implementation of the policy in terms of servicing will occur at the time resource consents for development in the zone are being considered.

REVISED TEXT FOR PLAN:

None.

RUATANIWA ROWING ZONE – 9.4 PERMITTED ACTIVITIES

Decision Requested: RRZ 4

Submitter: 29 Meridian Energy Ltd

Submission:

The submitter seeks the inclusion of the following activities in either this Section (or alternatively in the Utilities Chapter– refer Decision Requested U3 below), as follows:

- Erosion control works including undertaking planting to limit or minimise erosion, land slippage, and or landslides;
- Earthworks to enable the deposit and removal of sediment.

The submitter seeks that these are provided for as permitted activities in the Special Travellers' Accommodation zone, in relation to the land covered by operating easement held by Meridian over land described as Sections 1 – 3 SO 20217 on the northern side of Lake Ruataniwha.

This easement provides rights to the submitter to store and discharge water, install and operate hydro electricity works, and carry out various associated activities including

earthworks and erosion control works. The submitter seeks to ensure that the ability to exercise the conditions of its operating easement in relation to earthworks and erosion control works is not inappropriately restricted by the proposed new zonings at that site.

The submitter also seeks any consequential amendments that stem from the amendments proposed.

DECISION:

Accept 29 Meridian Energy Ltd

REASON:

Refer discussion for Decision Requested REC 2 above. In response to this submission, a rule providing for such works is to be inserted in the Utilities chapter.

REVISED TEXT FOR PLAN:

Refer Revised text for Decision Requested U3 below.

**RUATANIWHA ROWING ZONE – PERMITTED ACTIVITY CONDITION
9.4.9.j**

Decision Requested: RRZ 5

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that this condition be amended so that it is clear that reticulation may mean reticulation “to the existing Council operated sewage ponds” being the facility on the eastern side of SH8. Effluent disposal from the rowing facilities is currently pumped to an open oxidation pond nearby. The pond has an existing use right, but any increase in discharge to this pond caused by any new development will require a resource consent, which may or may not be obtained. The submitter considers that the sole environmentally friendly manner for effluent discharge in this locality would be reticulating it to the Council operated facility.

(NB this submission refers incorrectly to condition 9.4.9.i, but in fact applies to 9.4.9.j.)

DECISION:

Reject 19 Mackenzie Properties Ltd

REASON:

The permitted activity condition excludes on-site sewage disposal, which is not considered appropriate given the proximity of the Ruataniwha Rowing zone to Lake Ruataniwha, hence the requirement for reticulation. The present wording is considered sufficient to provide for the management of adverse effects relating to sewage disposal from activities in the zone. It is considered that the wording suggested by the submitter is too prescriptive and is not effects-based. If the situation arises where an existing use right is no longer available, then the discharger would be required to make alternative arrangements or seek consents, as appropriate. We consider it would not be appropriate to preclude options through the District

Plan, particularly where they may relate to another authority's (Ecan's) plan requirements or functions.

REVISED TEXT FOR PLAN:

None.

RUATANIWHA ROWING ZONE – RESTRICTED DISCRETIONARY ACTIVITY 9.5

Decision Requested: RRZ 6

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that the criteria to Restricted Discretionary Activity 9.5 be amended so that it is clear that sewage disposal should be in the form of reticulation “to the existing Council operated sewage ponds”, being the facility on the eastern side of SH8. Effluent disposal from the rowing facilities is currently pumped to an open oxidation pond nearby. The pond has an existing use right, but any increase in discharge to this pond caused by any new development will require a resource consent, which may or may not be obtained. The submitter considers that the sole environmentally friendly manner for effluent discharge in this locality would be reticulating it to the Council operated facility.

DECISION:

Reject 19 Mackenzie Properties Ltd

REASON:

The proposed rules as worded already reserve control over servicing, and specifically refer to sewage disposal. The consent authority is therefore able to consider this matter and impose conditions on any resource consent sought. The present wording is considered sufficient to provide for the management of adverse effects relating to sewage disposal.

It is considered that the wording suggested by the submitter is too prescriptive and is not effects-based. If the situation arises where an existing use right is no longer available, then the discharger would be required to make alternative arrangements or seek consents, as appropriate. We consider it would not be appropriate to preclude options through the District Plan, particularly where they may relate to another authority's (Ecan's) plan requirements or functions.

REVISED TEXT FOR PLAN:

None.

RUATANIWHA ROWING ZONE – ASSESSMENT MATTER 9.7.7

Decision Requested: RRZ 7

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that Assessment Matter 9.7.7 be amended so that it is clear that sewage disposal should be in the form of reticulation “to the existing Council operated sewage ponds”, being the facility on the eastern side of SH8. Effluent disposal from the rowing facilities is currently pumped to an open oxidation pond nearby. The pond has an existing use right, but any increase in discharge to this pond caused by any new development will require a resource consent, which may or may not be obtained. The submitter considers that the sole environmentally friendly manner for effluent discharge in this locality would be reticulating it to the Council operated facility.

DECISION:**Reject**

19

Mackenzie Properties Ltd

REASON:

Regard is had to any Assessment Matters that may be relevant to a particular activity at the time any resource consent application for that activity is being considered. Assessment Matter 9.7.7 is general in nature, as its purpose is to facilitate consideration of the effects of water supply and disposal of waste (including sewage). The Assessment Matter is not intended to be prescriptive as to methods for sewage disposal or supply of water. Sufficient flexibility is required in the Assessment Matter to assess different types of services, with the details being worked through in each consent process as appropriate to each activity.

In terms of the suggested wording outlined above, in considering any activity the Council as consent authority is likely to turn its mind to whether the activity (or any effect arising from it) has all relevant permissions, or whether any further consents are required from any authority. This is standard practice in resource consent processing. It is not considered necessary to specify a particular sewage disposal method in this Assessment Matter, as sought by the submitter.

REVISED TEXT FOR PLAN:

None.

SECTION 12- SIGNS AND OUTDOOR LIGHTING

OUTDOOR LIGHTING RESTRICTION MAP

Decision Requested: OL1

Submitter: 6 R & B Prince

Submission:

The submitter supports the proposed extension of the outdoor lighting restriction area to the south district, to protect the night sky. This is supported on the condition that something is done to change the lighting in Tussock Bend and The Drive, which are currently a blot on the night sky.

DECISION:

Accept in part 6 R & B Prince

REASON:

The support for the extension of the lighting restriction area is noted. However, a change to existing lighting in Tussock Bend and The Drive cannot be required as part of the Plan Change process. The District Plan contains standards for lighting types, but not the structures themselves. These are proposed by individual developers at the time a subdivision is developed, and then taken over by Council once the subdivision is completed. The submitters could consider making a submission to the Council's Annual Plan to seek funding to change the existing lights. The Plan Change is unable to retrospectively amend the physical lighting that exists in those areas.

REVISED TEXT FOR PLAN:

None.

Decision Requested: OL2

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports this proposal as it helps to protect the night sky. The current application by Lake Tekapo for World Heritage Status will have huge positive ramifications for the Mackenzie area. The submitter fully supports anything that can be done to help achieve this objective.

DECISION:

Accept 19 Mackenzie Properties Ltd

REASON:

The submitter supports the proposed provisions.

REVISED TEXT FOR PLAN:

None.

SECTION 13- SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS

POLICIES 5, 6 & 7 TO OBJECTIVE 1 - SUBDIVISION SERVICING

Decision Requested: S1

Submitter:	17	Community & Public Health
Support	19	Mackenzie Properties Ltd

Submission:

The submitter seeks that the references to water supplies intended for human consumption in these policies are standardised, and a definition for potable water be included in the Plan, from the Drinking Water Standards for New Zealand 2005 (revised 2008).

Further submission *Mackenzie Properties Ltd*

The further submitter supports the requirement that any reference to water within the District Plan means 'potable' water supply. The existing Twizel water supply is inadequate. Appropriate signage should be used if water quality is poor.

DECISION:

Reject	17	Community & Public Health
Reject	19	Mackenzie Properties Ltd

REASON:

Policy 5 requires that water supplies to subdivided allotments are of a 'drinkable standard'. The explanation to the Policy then goes on to note that where users will require water for human consumption, that supply must be *potable* and *reliable*.

Policy 6 requires that all new lots created by subdivision are provided with the means to connect to reticulated supply, where such a supply is available. The explanation to the Policy goes on to note that having as many users as possible connected to the public water supply system increases the efficiency of the system. Policy 7 requires that the provision of any additional works or infrastructure including additional water supply is undertaken or contributed to by subdividers where appropriate

The submitter seeks that all references to potable water be standardised. However Policy 6 relates to physical connection to supply, rather than water quality, and Policy 7 relates to who is responsible for works required as a result of subdivision. It is not clear what changes are sought to these policies.

The definition of potable water that the submitter seeks be included in the Plan Change is as follows:

Drinking-water that does not contain or exhibit any determinand to any extent that exceeds the maximum acceptable values specified in the Drinking Water Standards for New Zealand (DWSNZ).

The maximum concentrations (maximum acceptable values) of microbial, chemical and radiological determinands in drinking-water that are acceptable for public health are specified in Section 2 of the DWSNZ.

Twizel's current water supply is unable to be confirmed as complying with the DWSNZ at this time. If the definition were included and the Policy reworded, any subdivider seeking to connect to the Twizel water supply may find themselves in immediate non-compliance with the District Plan. As described in Decision Requested D1, the Council is liaising with Ministry of Health staff regarding Twizel's water supply, and is in the process of considering options for upgrading it in order to manage potential risks to the water supply and ensure compliance with the DWSNZ. As part of this, consideration is being given to longer-term more sustainable options, given the potential capital cost that will be required to meet the standards. The Council is also presently considering temporary treatment options for the existing supply while the longer term solution is being finalised.

As noted above in Decision Requested D1, we agree with the submitter that the relevant parts of the Drinking Water Standards for New Zealand (DWSNZ) should be incorporated in to the District Plan. This should be done at the time of District Plan review in 2014, so it applies to all subdivision in the District, and not just those areas in Twizel subject to this Plan Change. By this time, the studies in to Twizel's water supply options will be completed, and a management plan will be in place in place to ensure compliance with the DWSNZ.

We therefore consider that the matters raised in this submission are significant in respect of the growth and development of Twizel, but that further work in terms of supply options and management plans is necessary before consequent changes to the District Plan are made.

REVISED TEXT FOR PLAN:

None.

POLICIES 10 & 11 TO OBJECTIVE 1 - SUBDIVISION SERVICING

Decision Requested: S2

Submitter:	16	Environment Canterbury
Submitter:	19	Mackenzie Properties Ltd

Submission:

The submitters support the proposed provisions. Ecan considers they address appropriate management of stormwater and sewage generated by residential and rural-residential land use and development, including Policies 10 & 11 and the proposed Explanation and Reasons for the policies. Ecan considers the proposals are consistent with the provisions of Policy WQL6 from the Proposed Natural Resources Regional Plan.

DECISION:

Accept	16	Environment Canterbury
Accept	19	Mackenzie Properties Ltd

REASON:

The submitters support the proposed provisions.

REVISED TEXT FOR PLAN:

None.

POLICY 12 TO OBJECTIVE 1 - SUBDIVISION SERVICING

Decision Requested: S3

Submitter:	6	R & B Prince
Submitter:	16	Environment Canterbury
Submitter:	19	Mackenzie Properties Ltd

Submission:

The submitters support the proposed policy as it provides for a reduction of waste water into the ground. Ecan considers the proposals are consistent with the provisions of Policy WQL6 from the Proposed Natural Resources Regional Plan.

DECISION:

Accept	6	R & B Prince
Accept	17	Environment Canterbury
Accept	19	Mackenzie Properties Ltd

REASON:

The submitters support the proposed provisions.

REVISED TEXT FOR PLAN:

None.

POLICY 1 TO OBJECTIVE 5 – AVOIDANCE OF NATURAL HAZARDS

Decision Requested: S4

Submitter:	29	Meridian Energy Ltd
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Submission:

The submitter seeks that this Policy be amended to provide specific recognition to the potential impact of flooding from hydro electricity infrastructure. The submitter seeks the following amendments to the policy:

- To ensure that subdivision is either restricted, subject to mitigation measures, or avoided in areas subject to risk from flooding, inundation associated with the unforeseen and uncontrolled release of water from the Waitaki hydro electric power scheme, subsidence or slippage, or from hazards associated with active faults.*

DECISION:

Accept in part	29	Meridian Energy Ltd
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REASON:

The policy is worded generally as it applies to management of hazards district-wide, rather than just those in the Plan Change area. We consider that the nature of the flood hazard risk could be clarified in the Explanation, to ensure that specific reference to the potential inundation hazard from failure of the Waitaki power scheme is included. This would be done on the basis of the proposed rezoning of Hocken Lane that forms part of the Plan Change. However, submissions seeking a change to the general subdivision Policy affecting sites that fall outside the area covered by the Plan Change may be beyond the scope of the Plan Change.

REVISED TEXT FOR PLAN:

Insert a sentence in the Explanation and Reasons section to Policy 1, as follows:

Policies

- 1 To ensure that subdivision is either restricted, subject to mitigation measures, or avoided in areas subject to risk from flooding, subsidence or slippage, or from hazards associated with active faults.

Explanation and Reasons

There are areas within the District which because of risk of natural hazards including flooding and active geological faults would be unsuitable for development, or require specific measures to be undertaken to overcome these hazards. Risk from flood hazard in some areas may include inundation associated with the unforeseen and uncontrolled release of water from the Waitaki hydro electric power scheme (S4). The Council has an obligation under Section 106 of the Act to decline consent to any subdivision in areas where these hazards cannot be adequately mitigated, in addition to ensuring that any mitigation measures are in fact adequate to overcome the hazard. It is also necessary to consider the effects of the mitigation measures themselves which may also create adverse environmental effects.

SUBDIVISION RULE 3 – CONTROLLED ACTIVITY SUBDIVISIONS

Decision Requested: S5

Submitter: 16 Environment Canterbury

Submission:

This rule is supported in part in that it does address stormwater management generally but is inconsistent in promoting the wider range of measures set out in the Subdivision Servicing Policies. Further amendment is requested, in order to provide more explicit linkage to the broader range of servicing opportunities canvassed in the earlier Policies. The submitter specifically seeks that this Rule is amended to provide broader and more explicit control of sewage disposal and stormwater mitigation measures (including reticulation, harvesting and re-use) in the Twizel Residential and Rural-residential zones.

DECISION:

Accept in part 16 Environment Canterbury

REASON:

Section 3 contains a list of matters over which the Council has reserved control, and the Council is therefore able to impose conditions in respect of those matters listed. The Council is able to require reticulation of sewage through these matters as appropriate/necessary, should the proposed subdivision be a controlled activity in the relevant zone. If it is a discretionary or non-complying activity then the Council is able to impose any conditions, including those relating to matters of servicing.

In terms of harvesting and re-use of stormwater, new Policy 12 is designed as a non-regulatory measure, in that it is to 'encourage' these practices where appropriate. Our understanding is that the intent of the Council was not to *require* harvesting and re-use of stormwater, but to provide policy support to the practice and thereby recognise its benefits, should it form part of a subdivision proposal. Given this, changes to the rules are not considered necessary or appropriate at this time.

It was initially unclear from the submission which parts of section 3 the submitter sought to be amended, and which specific provisions they sought included. Clarification was provided by the submitter in a pre-hearing discussion with staff. On this basis staff recommended a new Assessment Matter be included in section 10.2.h to specifically ensure that the provisions of Policy 12 are considered at the time of subdivision. We agree with this.

REVISED TEXT FOR PLAN:

Add a new Assessment Matter to section 10.2.h, as follows:

[iv Any measures to harvest and/or reuse stormwater for non-potable uses. \(S5\)](#)

SUBDIVISION RULE 4.e - STEP SEWER SYSTEMS

Decision Requested: S6

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports this rule in respect of the STEP sewage systems located within North West Arch and Ostler Road/Max Smith Drive.

DECISION:

Accept 19 Mackenzie Properties Ltd

REASON:

The support is noted.

REVISED TEXT FOR PLAN:

None.

SUBDIVISION RULE 5.a – SUBDIVISION NOT COMPLYING WITH PRIMARY STANDARDS

Decision Requested: S7**Submitter:** 19 Mackenzie Properties Ltd**Submission:**

The submitter seeks that this rule be amended to ensure that subdivisions in the Rural-Residential 1 Zone that do not have reticulated sewage disposal are discretionary, rather than non-complying activities. The submitter considers that there is no sound environmental reason to preclude on-site sewage disposal.

DECISION:**Reject** 19 Mackenzie Properties Ltd**REASON:**

The Council's Assets staff have advised that reticulation is either available or is already in place to the areas proposed to be rezoned from Rural to Rural-Residential 1 zoning. There is considerable potential for a large number of 1 hectare lots to be created as a result of the rezoning, and safeguarding soil and water quality is an important consideration in weighing the effects (including potential cumulative effects) of such subdivision and development. We accept that there may be circumstances in which on-site sewage disposal, where effluent is treated to a high standard, may be appropriate. Applications for subdivision where on-site sewage systems are proposed are able to be considered on a case-by-case basis, and in accordance with the tests in Section 104D of the Act, i.e. where adverse effects will be minor, or the activity is not contrary to the policies in the Plan.

REVISED TEXT FOR PLAN:

None.

SUBDIVISION RULE 5.d – HOCKEN LANE RURAL RESIDENTIAL ZONE**Decision Requested: S8**

Submitter:	18	A M Shearer
Support in part	19	Mackenzie Properties Ltd
Support	25	F Hocken
Oppose	29	Meridian Energy Ltd

Submission:

The submitter opposes this rule and seeks it be deleted and any other consequential changes required to give effect to deleting this subdivision rule. The submitter opposes the Twizel Water Supply Protection Area shown on Planning Maps 51 & 52, and seeks that this be removed from the Plan Change and a site specific assessment be undertaken to determine the dimensions of the Twizel Water Supply Protection Area. The submitter considers there is site specific information which indicates a much smaller protection zone is required than the provisional zone dimensions shown in the Plan Change.

Further submission *Mackenzie Properties Ltd*

This submission is supported in part. Mackenzie Properties Ltd considers the proposed setback areas will not protect the water supply, which has problems caused by the open reservoir and attraction of birdlife. This rather than human waste is the source of e-coli.

Mackenzie Properties Ltd supports either the deletion of the Water Protection Zone and the completion of a site specific analysis, or that all residential dwellings within this area have high standard effluent discharge systems.

Further submission *F Hocken*

The Hocken Lane WSPA should be reviewed, as no site specific assessment has been carried out, and only a blanket approach has been applied. The WSPA should be reviewed to take in to account the results of site specific assessment.

Further submission *Meridian Energy Ltd*

Meridian Energy opposes this submission and seeks that it be disallowed. Meridian considers it appropriate that subdivision in the HLRR Zone be a non-complying activity, particularly due to hazard risks to the zone from the potential unforeseen failure of the upstream hydro electricity infrastructure. Providing for further development beyond existing entitlements would put potentially result in an increase in the number of occupants and their assets that would be subject to this hazard.

DECISION:

Reject	18	A M Shearer
Reject	19	Mackenzie Properties Ltd
Reject	25	F Hocken
Accept	29	Meridian Energy Ltd

REASON:

This issue has been discussed in relation to Decisions Requested RR2 and RR15 above. The Twizel Water Supply Protection Area (TWSPA) covers approximately half of the Hocken Lane Rural-residential zone. Rule 5.d applies to all subdivision in the Hocken Lane Rural-residential zone, including subdivision outside of the TWSPA. The proposed Plan Change seeks to manage a number of potential effects from subdivision and development in that zone, such as hazards and access issues, not just those relating to the community water supply. Deletion of the rule would not provide for the Council to adequately address all potential adverse effects of subdivision and development that have been identified within the new zone.

As outlined in Decision Requested RR2 above, the TWSPA was introduced in to the District Plan by a previous plan change, and the current Plan Change includes the TWSPA unchanged. Legal advice is that the location and extent of the TWSPA are therefore not matters that are able to be challenged by submissions to the current Plan Change 15.

In terms of site-specific assessment, the Council is currently undertaking a catchment risk assessment and developing a long-term plan for the Twizel Water supply (see discussion under Decision Requested D1 of this report). Further detailed studies will be undertaken once decisions are made on the future location of the water supply, and any treatment options. It is considered necessary to retain the provisions as proposed, including the non-complying activity status for subdivision. This will allow for appropriate consideration of all potential effects of proposed subdivision, including protection of Twizel's water supply where relevant.

REVISED TEXT FOR PLAN:

None.

Decision Requested: S9

Submitter: 29 Meridian Energy Ltd

Submission:

The submitter supports the proposed non-complying activity status of subdivision in the Hocken Lane Rural Residential Zone, in order to minimise the entitlements to further residential development that are subject to risk associated with the unforeseen and uncontrolled release of water from upstream hydro electricity infrastructure. The submitter seeks that this rule be retained.

DECISION:

Accept 29 Meridian Energy Ltd

REASON:

The submitter supports the proposed provisions.

REVISED TEXT FOR PLAN:

None.

SUBDIVISION RULE 5.f -TWIZEL STAZ ZONE**Decision Requested: S10**

Submitter: 6 R & B Prince

Submission:

The submitters support the provisions relating to subdivision for the Lake Ruataniwha Holiday Park. Development in this area appears to be uncontrolled and it needs to be kept as Travellers Accommodation.

DECISION:

Accept 6 R & B Prince

REASON:

The submitter supports the proposed provisions.

REVISED TEXT FOR PLAN:

None.

SUBDIVISION STANDARD 6.a.i.(d) - ALLOTMENT SIZE**Decision Requested: S11**

Submitter: 9 K Curin

Submission:

The submitter supports a minimum lot size for the Residential 4 Zone, but seeks that it be increased to at least 6,000m². This is because the submitter considers this size reflects the surrounding areas space and lifestyle more adequately.

DECISION:

Reject 9 K Curin

REASON:

While we agree that a larger lot size would better reflect the large open spaces of the rural area surrounding the town, the areas proposed to be rezoned to Residential 4 zoning have largely already been subdivided in to lifestyle lots, many of which are less than 6,000m². Making the minimum lot size 6,000m² would therefore be inefficient for those lots. As the subdivisions have largely already occurred, this would also be ineffective in achieving the submitter's objective of a more spacious and open character. The proposed Residential 4 zoning is intended to ensure that subdivision of these allotments below the minimum standard of 4000m² is able to be carefully considered.

REVISED TEXT FOR PLAN:

None.

Decision Requested: S12

Submitter: 12 G & H Gillespie

Submission:

The submitters support the 4,000m² minimum lot size proposed for North West Arch and Glen Lyon Road. The submitters note that what is being called "Residential 4" is in many people's minds 'lifestyle'.

DECISION:

Accept 12 G & H Gillespie

REASON:

The submitters support the proposal as notified.

REVISED TEXT FOR PLAN:

None.

Decision Requested: S13

Submitter: 23 U & N Paul

Submission:

The submitters' support for the 4,000m² minimum lot size proposed for the Residential 4 Zone and the protection this brings from subdivisions is noted.

DECISION:

Accept 23 U & N Paul

REASON:

The submitter supports the proposed minimum lot size for Residential 4.

REVISED TEXT FOR PLAN:

None.

SUBDIVISION STANDARD 6.c SANITARY SEWAGE DISPOSAL

Decision Requested: S14

Submitter: 28 W M Van der Berg

Submission:

The submitter seeks that this standard is amended so that there is no requirement for piped sewage for Residential 3 and larger lots/zoning. On-site systems may be an alternative solution for these larger lots. The submitter considers that a requirement to have a piped sewage outfall in the conventional way, connected to a Council provided sewage treatment plant is not necessary, or always the most cost effective way of treating sewage. The submitter also considers there are many on site treatments available which treat effluent to a high standard. Such systems would need to have Council and possibly Ecan consent.

DECISION:

Reject 28 W M Van der Berg

REASON:

The Council's Assets staff have advised that reticulation is either available or is already in place to the areas proposed to be rezoned from Rural to Residential 3, 4 and Rural-Residential 1 zoning. There is considerable potential for a very large number of residential lots to be created as a result of the rezoning, and safeguarding soil and water quality is an important consideration in weighing the effects (including potential cumulative effects) of such subdivision and development. We agree with the submitter that there may be systems available which treat effluent to a high standard for disposal on-site, and that this may be appropriate in certain circumstances. Applications for subdivision where such on-site sewage systems are proposed are able to be considered on a case-by-case basis, and in accordance with the tests in Section 104D of the Act, i.e. where adverse effects will be minor, or the activity is not contrary to the policies in the Plan.

REVISED TEXT FOR PLAN:

None.

SUBDIVISION STANDARD 6.f CONCEPT PLAN

Decision Requested: S15

Submitter: 16 Environment Canterbury

Submission:

This standard is supported in part in that it does address stormwater management generally but is inconsistent in promoting the wider range of measures set out in the Subdivision Servicing Policies. Further amendment is requested, in order to provide more explicit linkage to the broader range of servicing opportunities canvassed in the earlier Policies. The submitter specifically seeks that this standard is amended to provide broader and more explicit control of sewage disposal and stormwater mitigation measures (including reticulation, harvesting and re-use) in the Twizel Residential and Rural-residential zones.

DECISION:

Accept in part 16 Environment Canterbury

REASON:

Standard 6.f requires an applicant for consent to provide a concept plan which addresses a number of matters. Matters such as harvesting and re-use of stormwater were not intended to be a requirement of the concept plan. New Policy 12 is designed as a non-regulatory measure, in that it is to ‘encourage’ these practices where appropriate. Our understanding is that the intent of the Council was not to *require* harvesting and re-use of stormwater, but to provide policy support to the practice and thereby recognise its benefits, should it form part of a subdivision proposal. It was unclear from the submission which specific provisions were sought to be included in the concept plan, and staff had further pre-hearing discussion with the submitter. As a result staff recommended a new Assessment Matter be included in section 10.2.h to specifically ensure that the provisions of Policy 12 are considered at the time of subdivision. We accept this as appropriate.

REVISED TEXT FOR PLAN:

Refer Revised text for Decision Requested S5 above.

Decision Requested: S16

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports the requirement for a concept plan to implement the new polices and rules relating to stormwater, but seeks clarification be included in the standard that the plan itself solely relates to the subdivision in question. The submitter requests clarification be made in Standard 6.f that no cumulative stormwater analysis is required for areas of land not subject to the subdivision application.

DECISION:

Reject 19 Mackenzie Properties Ltd

REASON:

Standard 6.f requires the applicant to provide a plan of the development, and in relation to stormwater, to identify proposals for stormwater management including any land to be set aside for stormwater treatment etc. This standard of itself does not require analysis of the effects of stormwater in relation to the development.

Section 3 of the RMA describes the meaning of ‘effect’, and specifically includes ‘*any cumulative effect which arises over time or in combination with other effects*’. Amending

standard 6.f to specifically exclude cumulative effects in relation to stormwater would not be necessary or appropriate. Excluding consideration of cumulative effects in relation to stormwater is unlikely to achieve sustainable management and would be inconsistent with the Act.

Assessment of the potential effects of a proposal will necessarily include an assessment of the nature and characteristics of the receiving environment. There may be an increase in contaminants and volume of stormwater associated with a proposed development, and it is important that these effects and their potential to impact on adjacent properties and watercourses, and any cumulative effects on a catchment wide basis, are able to be considered.

REVISED TEXT FOR PLAN:

None.

SECTION 16- UTILITIES

GENERAL – WATER SUPPLY UTILITIES

Decision Requested: U1

Submitter:	17	Community & Public Health
Support	19	Mackenzie Properties Ltd

Submission:

The submitter seeks that wording is included in Section 16 – Utilities referring to a water supply utility being a means to provide an adequate, reliable, safe and efficient supply of potable water. This is because utilities are important to the health, safety and wellbeing of people, and for a water supply utility this means it must provide an adequate, reliable, safe, efficient potable water supply.

Further submission *Mackenzie Properties Ltd*

The further submitter supports the requirement that any reference to water within the District Plan means ‘potable’ water supply. The existing Twizel water supply is inadequate. Appropriate signage should be used if water quality is poor.

DECISION:

Reject	17	Community & Public Health
Reject	19	Mackenzie Properties Ltd

REASON:

The proposed Plan Change relates only to the area of land around Twizel, with the exception of two matters which are otherwise limited in nature and scope. The changes the submitter seeks could only be made to the Chapter if they specifically referred to the area that is the subject of the Plan Change, being the rezoned areas in Twizel. Any general changes to

wording which would apply across the District would be beyond the scope of the Plan Change.

As noted above in Decision Requested D1, we agree with the submitter that the relevant parts of the Drinking Water Standards for New Zealand (DWSNZ) should be incorporated in to the District Plan. This should be done at the time of District Plan review in 2014 so that it applies to all water supplies in the District, and not just those areas in Twizel subject to this Plan Change. We therefore consider that while the matters raised in this submission are significant in respect of the growth and development of Twizel, changes to this Chapter of the nature sought by the submitter are best made in the context of the whole District.

REVISED TEXT FOR PLAN:

None.

POLICY 6 TO OBJECTIVE 1 – EFFECT ON THE ENVIRONMENT

Decision Requested: U2

Submitter: 15 Mountain Power Limited

Submission:

The submitter opposes the proposed inclusion of the Rural-Residential 1 & 2 Zones within this Policy. Rural-Residential 1 & 2 Zones allow for large lot sizes of up to 4 hectares, and the distances involved mean that overground power and servicing in general is far more economic than undergrounding. Policy 6 encourages that existing overhead lines be replaced with undergrounding. The submitter considers this is inappropriate for large rural lot sizes where connected users are minimal.

Removal of the reference to Rural-Residential 1 & 2 Zones from this policy is sought. Alternatively, an insertion stating that existing lines do not need to be undergrounded and that Council have no right to enforce this should be included.

DECISION:

Reject 15 Mountain Power Limited

REASON:

Mr Andrew Hocken presented a statement on behalf of Mountain Power Ltd at the hearing. His argument essentially was that while the Rural-Residential 1 and 2 Zones provide for lots of 1 hectare and 4 hectares respectively, subdivision might initially provide much larger lots and overhead services would be much cheaper.

We accept that interim subdivision into large lots is a possibility, but we are not persuaded that this is a sufficient reason to dispense with the objective of avoiding the environmental impact of overhead wiring. Having driven through the relevant areas to assess the likely effect of overhead wires, we consider it would be unfortunate to have overhead wiring, even on a temporary basis. The difference between areas with overhead wiring and new subdivisions without it is clear, and because the most important views are towards the mountains we consider the adverse effects of overhead wiring would extend beyond the areas

of potential subdivision themselves to adjoining areas with views across the Rural-Residential 1 & 2 Zones.

Policy 6 promotes underground services and is implemented by Rule 1.1.a, which permits power lines in the new Rural-Residential 1 & 2 Zones, provided they comply with Standard 1.2a which requires new lines to be underground in those two zones. Where this standard cannot be complied with, the activity becomes a discretionary activity in respect of that matter, and proposals would then be considered on a case by case basis.

We understand from Council assets management staff that many of the existing subdivisions in the areas proposed to be rezoned from Rural to Rural-Residential 1 already have services underground. Existing overhead lines in any of the new zones are not caught by this policy, which refers to new areas of development. The associated Standard 1.2a applies to new lines only. The provisions introduced by the Plan Change are not retrospective in nature, and cannot be enforced by Council in terms of lines existing at the time of notification of the Plan Change. Policy 6 includes a clause to ‘*encourage*’ replacement of overhead services with underground reticulation or upgrading of existing overhead services, but this is not a requirement that can be enforced by Council.

REVISED TEXT FOR PLAN:

None.

1.1 PERMITTED ACTIVITIES

Decision Requested: U3

Submitter: 29 Meridian Energy Ltd

Submission:

The submitter seeks the inclusion of the following activities in either this Utilities Chapter, (or alternatively in the respective new zoning chapters – refer Decisions Requested REC2, STAZ3, and RRZ4 above), as follows:

- Erosion control works including undertaking planting to limit or minimise erosion, land slippage, and or landslides;
- Earthworks to enable the deposit and removal of sediment.

The submitter seeks that these are provided for as permitted activities in relation to the land covered by operating easement held by Meridian over land described as Sections 1 – 3 SO 20217 on the northern side of Lake Ruataniwha. This easement provides rights to the submitter to store and discharge water, install and operate hydro electricity works, and carry out various associated activities including earthworks and erosion control works. The submitter seeks to ensure that the ability to exercise the conditions of its operating easement in relation to earthworks and erosion control works is not inappropriately restricted by the proposed new zonings at that site.

The submitter also seeks any consequential amendments that stem from the amendments proposed.

DECISION:**Accept**

29

Meridian Energy Ltd

REASON:

The submitter is correct in noting that the rezoning of land adjacent to Lake Ruataniwha from Rural to Special Travellers' Accommodation Zone, Ruataniwha Rowing Zone, and Rec P Zone has resulted in different permitted activity rules applying in those new zones. While this change in zoning is intended to provide a more appropriate management framework for activities in those areas, it was not intended to restrict activities necessary for Meridian to manage its utilities. It should be noted that the Rural Zone rules permitting types of earthworks and erosion control plantings do not apply to utilities, and therefore there was no existing right under the Rural Zone rules for Meridian to undertake such activities on those sites. However, it would be consistent with the Act and the Plan, in particular Objective 1 and Policy 8 of the Section 16 Utilities, to provide for such activities.

A rule similar to those presently applying to earthworks and erosion control planting in the Rural Zone could also apply in 3 areas sought by Meridian. However, the Rural Zone earthworks rules contain stringent volume and area limits, and limits on earthworks in the riparian area adjacent to Lake Ruataniwha. We accept that these restrictions should not apply to activities associated with maintenance of utilities in those zones.

We consider a rule should be added to the Utilities chapter, rather than the individual Rec P, STAZ, and Ruataniwha Rowing Zone provisions, to make clear that the activities are only permitted in relation to management of utilities rather than permitted in those zones generally. No further amendments to each of those chapters is required, as the rules in the Utilities Chapter take precedence over any other rules in those specific zones, as stated in Section 16 of the Plan.

REVISED TEXT FOR PLAN:

Insert new Rule 1.1.1 in Section 16 Utilities Rules, as follows:

1.1.1 Earthworks and erosion control planting for the purpose of, incidental to, or associated with the generation and/or supply of electricity, in the following zones:

- Recreation P zone directly adjacent to Lake Ruataniwha,
- Ruataniwha Rowing zone, and/or
- Twizel STAZ zone. (REC2, STAZ3, RRZ4, U3)

STANDARD 1.2.a**Decision Requested: U4****Submitter:**

15

Mountain Power Limited

Submission:

The submitter opposes the proposed inclusion of the Rural-Residential 1 & 2 Zones within this rule. Rural-Residential 1 & 2 Zones allow for large lot sizes of up to 4 hectares, and the distances involved mean that overground power and servicing in general is far more economic than undergrounding. Rule 1.2a states all new lines within Rural-Residential 1 & 2

Zones be located underground. The submitter considers this is inappropriate given the expected lot sizes.

Removal of the reference to Rural-Residential 1 & 2 Zones from this standard is sought. Alternatively, an insertion stating that existing lines do not need to be undergrounded and that Council have no right to enforce this should be included.

DECISION:

Reject

15

Mountain Power Limited

REASON:

Mr Andrew Hocken presented a statement on behalf of Mountain Power Ltd at the hearing. His argument essentially was that while the Rural-Residential 1 and 2 Zones provide for lots of 1 hectare and 4 hectares respectively, subdivision might initially provide much larger lots and overhead services would be much cheaper.

We accept that interim subdivision into large lots is a possibility, but we are not persuaded that this is a sufficient reason to dispense with the objective of avoiding the environmental impact of overhead wiring. Having driven through the relevant areas to assess the likely effect of overhead wires, we consider it would be unfortunate to have overhead wiring, even on a temporary basis. The difference between areas with overhead wiring and new subdivisions without it is clear, and because the most important views are towards the mountains we consider the adverse effects of overhead wiring would extend beyond the areas of potential subdivision themselves to adjoining areas with views across the Rural-Residential 1 & 2 Zones.

Rule 1.1.a, which permits power lines in the new Rural-Residential 1 & 2 Zones, provided they comply with Standard 1.2a which requires new lines to be underground in those two zones. Where this standard cannot be complied with, the activity becomes a discretionary activity in respect of that matter, and proposals would then be considered on a case by case basis.

We understand from Council assets management staff that many of the existing subdivisions in the areas proposed to be rezoned from Rural to Rural-Residential 1 already have services underground. Existing overhead lines in any of the new zones are not caught by this rule, which refers to new areas of development only.

REVISED TEXT FOR PLAN:

None.

APPENDICES

APPENDIX S -MACKENZIE PARK DEVELOPMENT PLAN

Decision Requested: APP 1

Submitter: 1 S Drummond

Submission:

The submitter supports the concept the developer has for the Batcher Block of Mackenzie Park and is in favour of the proposed zoning changes. The submitter seeks the adoption of these provisions, subject to conditions to protect existing residential amenity value as follows: that the effects of development on the existing residential area are mitigated, including effects from earthworks, heavy traffic movements, and by having asset protection bonds on streetscapes, and mitigation as to sound and airborne particulates.

DECISION:

Accept 1 S Drummond

REASON:

The support for the concept plan is noted. Mackenzie Park adjoins residential areas in both Residential 3 and Residential 1 zones. There are provisions in the Subdivision, Development and Financial Contributions chapter and the Residential Zone chapter of the Plan which address the matters raised by the submitter. For example, there is control reserved over earthworks in the subdivision provisions of the Plan, which any development in Mackenzie Park will be subject to. Setbacks, noise limits, traffic and transportation limits, hours of operation, and controls on dust and other nuisance activities are also covered in the existing provisions of the Plan. The Plan also has standards for roading and footpaths, and lighting.

REVISED TEXT FOR PLAN:

None.

Decision Requested: APP 2

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports the concept plan as proposed, and its appendix to the District Plan will provide assurance to the Council and the community that the stated objectives and supporting policies of the District Plan in respect of subdivision servicing, recreation, avoidance of hazards, non-residential activities and amenity values are achieved in an efficient and effective manner.

DECISION:

Accept 19 Mackenzie Properties Ltd

REASON:

The submitter supports the concept plan.

REVISED TEXT FOR PLAN:

None.

PLANNING MAPS

PLANNING MAPS - GENERAL – ADDITIONAL REC A & P ZONES

Decision Requested: PM 1

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports the proposal for additional Recreation Passive and Recreation Active areas, as it provides necessary linkages to the existing greenway network as well as providing for the expected increase in residents given the proposed rezoning for residential activity.

DECISION:

Accept 19 Mackenzie Properties Ltd

REASON:

The submitter supports the proposed rezoning of areas to Rec A and Rec P land.

REVISED TEXT FOR PLAN:

None.

PLANNING MAPS - GENERAL – RESIDENTIAL 4, RURAL-RESIDENTIAL 1 & 2 ZONES

Decision Requested: PM 2

Submitter: 22 D Crow

Submission:

The submitter opposes the rezoning of areas north and west of Twizel to Residential 4 and Rural-residential 1 & 2 zones, and seeks the reassessment of the rationale of rezoning of these lands to the north and west. The submitter considers that the rezoning as proposed works against the principles in Graham Densem's report commissioned by the Mackenzie District Council, and ignores the submitted wishes of ratepayers who purchased properties with a legitimate expectation to occupy or use their land under the provisions of rural zoning.

DECISION:

Reject 22 D Crow

REASON:

There has been a number of subdivision applications received by the Council in recent years which provide for significant areas of essentially rural-residential development in the area west of Twizel. The applications for subdivision have been controlled activities in the Rural Zone, meaning they must be approved by the Council. There is presently no minimum required lot size in the Rural Zone. If the areas were left zoned as Rural, there would continue to be little regulatory control on this type of subdivision and land use, which is indeed how the current situation has arisen. The current rural zoning is no longer a suitable

'fit' for the rural-residential activities undertaken or anticipated in the areas where these subdivisions have occurred.

The Council's consultant landscape architect, Graham Densem, noted in a report for the Council dated November 2007, that this area west of Twizel has the lowest levels of naturalness and no longer possesses the open high country character of the Basin generally, due to rural subdivision and development and the influences of the nearby town. In terms of the present Plan Change, the Council has had to weigh up the appropriateness of rezoning relatively large open areas of land for rural-residential use, particularly as the demand for such a large number of sections may be limited. However, these existing subdivisions were a significant factor in the Council's decision to rezone these areas for rural-residential purposes.

REVISED TEXT FOR PLAN:

None.

PLANNING MAPS 51 & 52 – TWIZEL WATER SUPPLY PROTECTION AREA

Decision Requested: PM 3

Submitter:	18	A M Shearer
Support in part	19	Mackenzie Properties Ltd
Support	25	F Hocken

Submission:

The submitter opposes the Twizel Water Supply Protection Area shown on these Planning Maps, and seeks that this be removed from the Plan Change and a site specific assessment be undertaken to determine the dimensions of the Twizel Water Supply Protection Zone. The submitter considers there is site specific information which indicates a much smaller protection zone is required than the provisional zone dimensions shown in the Plan Change.

Further submission *Mackenzie Properties Ltd*

This submission is supported in part. Mackenzie Properties Ltd considers the proposed setback areas will not protect the water supply, which has problems caused by the open reservoir and attraction of birdlife. This rather than human waste is the source of e-coli. Mackenzie Properties Ltd supports either the deletion of the Water Protection Zone and the completion of a site specific analysis, or that all residential dwellings within this area have high standard effluent discharge systems.

Further submission *F Hocken*

The Hocken Lane W.S.P.A should be reviewed, as no site specific assessment has been carried out, and only a blanket approach has been applied. The WSPA should be reviewed to take in to account the results of site specific assessment.

DECISION:

Reject	18	A M Shearer
Reject	19	Mackenzie Properties Ltd
Reject	25	F Hocken

REASON:

Mr Shearer presented evidence on this matter at the hearing and we have discussed the issue under Decision Requested RR2 above.

REVISED TEXT FOR PLAN:

None.

PLANNING MAPS 51, 52 & 53 –NORTH WEST ARCH

Decision Requested: PM 4

Submitter: 12 G & H Gillespie

Submission:

The submitters support the 4,000m² minimum lot size proposed for North West Arch and Glen Lyon Road. The submitters note that what is being called “Residential 4” is in many people’s minds ‘lifestyle’.

DECISION:

Accept 12 G & H Gillespie

REASON:

The submitter supports the minimum lot size proposed in the Residential 4 Zone in North West Arch and Glen Lyon Road.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 5

Submitter: 22 D Crow

Submission:

The submitter opposes the rezoning of North West Arch from Rural to Residential 4 Zone, and seeks that the legitimate expectation of rural lifestyle for North West Arch is maintained by leaving it as Rural Zone. The submitter refers to previous feedback given by North West Arch ratepayers in a verbal submission to Council dated June 2007, and submits that the wishes of ratepayers who purchased properties with a legitimate expectation to occupy or use their land under the provisions of rural zoning are ignored by the proposed rezoning.

DECISION:

Reject 22 D Crow

REASON:

The submitter (and other submitters) has noted that North West Arch was developed with a rural lifestyle-type amenity, which is of a different nature than existing residential areas in Twizel and which is the reason many residents chose to locate there. The proposed rezoning to Residential 4 Zone is not supported by the submitter on the basis that this rural lifestyle will be compromised.

At present, lot sizes in North West Arch range from 2,400m² to 3.73 hectares. The rezoning recognises that the areas in North West Arch have been developed for lifestyle rather than rural purposes, and are no longer rural in nature. The area has sewer and water services to residential standards. The rezoning is intended to maintain the current ‘lifestyle’ values by introducing a minimum lot size, and ensuring that building heights, coverage, and setbacks¹ maintain the present amenity. If rural zone provisions were to remain, then there would be no minimum lot size in the area and subdivision of smaller sections could occur. As noted, rural zoning also does not reflect the existing predominantly lifestyle development character in North West Arch. Where rural type activities are carried out at present, these will not be affected by the proposed Plan Change. The rezoning to Residential 4 is not retrospective in terms of existing rural uses in North West Arch. Activities that are presently carried out in the area are able to continue as-of-right, as existing uses.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 6

Submitter: 23 U & N Paul

Submission:

The submitters oppose in part the provision that North West Arch shall change from a Rural emphasis to a residential/urban emphasis. The rural character of areas proposed to be rezoned Residential 4 should be preserved on a long term basis. The submitters support a 4,000m² minimum lot size and the protection it brings from subdivisions (refer Decision Requested S20 above).

DECISION:

Accept in part 23 U & N Paul

REASON:

We note that, as with this submitter, a number of submitters have commented about the term ‘residential zone’ applying to existing lifestyle development such as North West Arch and Glen Lyon Road. The proposed standards for the Residential 4 Zone are intended to protect the existing amenity of those areas, which are felt to be more residential than rural in nature and are serviced to residential standards. We are recommending an increase in the minimum setback for dwellings in the Residential 4 Zone, from 6m to 10m (refer Decision Requested R4), and this and other standards are intended to ensure that the character of these areas is maintained. Existing rural activities in those zones are not affected by the proposed rezoning.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 7

¹ Note that an increase in the minimum setback for dwellings in the Residential 4 zone, from 6m to 10m, has been adopted (refer Decision Requested R4 above).

Submitter: 26 W Feasey

Submission:

The submitter seeks that North West Arch be rezoned from the proposed Residential 4 to Rural-Residential 1 Zone. The submitter considers that a 1-hectare lot size is more compatible with the 'soft-edge' concept of the town, and the higher density implicit in the 4,000m² lot size, and the minimum setback distances in Residential 4, are incompatible with the 'rurality', and the space that people there originally bought it for. The submitter considers that future residential development should proceed south of the town towards the lake. The submitter notes that Rural-Residential 1 would still require a level of servicing compatible with its linkage to the town, and that it is important for those that have bought out there that the higher density of Residential 3 is not allowed to take place any further.

DECISION:

Reject 26 W Feasey

REASON:

The submitter (and other submitters) has noted that North West Arch was developed with a rural lifestyle-type amenity, which is of a different nature than existing residential areas in Twizel and which is the reason many residents chose to locate there. However there have been a number of subdivisions of what were initially larger lots, in the area. Currently, lot sizes in North West Arch range from 2,400m² to 3.73 hectares. Over half of the 62 sections in North West Arch are already less than one hectare. This would make rezoning the area to Rural-Residential 1, which has a minimum lot size of 1 hectare, ineffective and inefficient in terms of those lots. We agree that Rural-Residential 1 zoning would have considerable merit, for the reasons outlined in the submission, if the land in the area were undeveloped. However this would not be appropriate now as it does not recognise the nature and type of existing development that has already occurred.

We have increased the minimum setback for dwellings in the Residential 4 Zone, from 6m to 10m (refer Decision Requested R4), which will assist in maintaining the current lifestyle and amenity values of North West Arch.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 8

Submitter: 27 T R Delaney

Submission:

The submitter seeks that the changes brought about by the proposed rezoning of North West Arch from Rural Zone to Residential 4 Zone lead to conditions no less favourable to existing landowners in terms of the conditions currently enjoyed as a rural occupier, which is the sole reason the submitter owns the land.

DECISION:

Reject 27 T R Delaney

REASON:

The rezoning of North West Arch will lead to some changes in allowable activities and standards for the area. For example, subdivision below 4,000m² will no longer be a controlled activity, as it was under the Rural zoning. The development of a new Residential 4 Zone has been based on the nature and type of existing development in the area, and the standards proposed are intended to reflect this character and maintain the lifestyle amenity values already present. The area is not considered rural in nature when compared with the surroundings in the Mackenzie Basin, but reflects more of a lifestyle and residential feel. It serviced to residential rather than rural standards. Any activities currently undertaken, whether rural in nature or not, are not affected by the rezoning, as they have existing use rights and the rezoning provisions are not retrospective.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 9

Submitter: 28 W M Van der Berg

Submission:

The submitter seeks that North West Arch be rezoned from the proposed Residential 4 to the Residential 3 Zone. The submitter considers this would be a more logical zoning and should provide a transition as well as a buffer zone between the Residential 1 Zone, Residential 4 Zone, and Rural-Residential 1 Zone. This would better meet the policy provisions and explanation given for the proposed Residential 3 and 4 Zones, to “provide integration with the township, promotes energy efficiency, and efficient use of infrastructure”.

DECISION:

Reject 28 W M Van der Berg

REASON:

Residential 4 zoning is intended to maintain the low density of residential development and protect the existing amenity of North West Arch. Indeed, a number of other submissions have been received which seek either the retention of Rural zoning or the protection of the spaciousness and lifestyle values in North West Arch from further infill. There are presently 62 sections in North West Arch, and all but two of these exceed 4,000m². There would therefore be significant potential for a large increase in numbers of sections and density, if the area were to be rezoned to Residential 3. There are some physical limitations on further subdivision in North West Arch, as it is serviced by a small diameter pressure sewage system which has limited capacity. Subdivision to lot sizes of 4,000 m² in this area is a discretionary activity, under Rule 4.e of Section 13 Subdivision, for this reason. A significant change to the servicing, such as an upgrade to the reticulated sewage system servicing the area, would need to be undertaken before rezoning of the area to Residential 3 density could be considered.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 10

Submitter:	2	K A Fagan
Submitter:	3	R B Fagan

Submissions:

The submitters support the rezoning of the area between Glencairn Road and North West Arch from Rural to Residential 4, because it prevents subdivision of that land into lots less than 4,000m². The submitters seek the approval of PC15.

DECISION:

Accept in part	2	K A Fagan
Accept in part	3	R B Fagan

REASON:

The support of the submitters for the proposed rezoning of the area between Glencairn Road and North West Arch from Rural to Residential 4 is noted, and we have decided this zoning should be retained. Some changes have been made to other provisions within PC 15, which are described elsewhere in this report.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 11

Submitter:	4	A F Brensell
Submitter:	5	D R Sanderson
Submitter:	8	S L Boereboom
Submitter:	10	C G Johnson
Submitter:	11	H D TeKoeti

Submissions:

The submitters oppose the rezoning of the section on the corner of Braemar Place and Mackenzie Drive from Rural to Residential 1. The reasons are that the rezoning will have a major visual impact on the landscape and submitters properties, and will compromise the quality of lifestyle for residents in this area. The submitters seek the retention and protection of these areas by providing view shafts to the Ben Ohau ranges. There is adequate potential for growth of the town in the areas towards Lake Ruataniwha. The submitters seek this area be retained as rural zone.

DECISION:

Accept in part	4	A F Brensell
Accept in part	5	D R Sanderson
Accept in part	8	S L Boereboom
Accept in part	10	C G Johnson
Accept in part	11	H D TeKoeti

REASON:

Mr Brensell attended the hearing and provided some photographs to illustrate his point. We subsequently visited Braemar Place.

A number of submissions have been received seeking that this area of Council land be reserved and should not be built on. We agree with the submitters that retention of some open space in this area is desirable, but note that rural zoning will not prevent the site being subdivided or built on. A more appropriate zoning for this land would be Recreation P zoning, which would ensure that it is managed to allow public access and recreational use, rather than for residential development.

REVISED TEXT FOR PLAN:

Amend planning map 52 as follows:



Decision Requested: PM 12

Submitter: 5 D R Sanderson

Submission:

The submitter opposes the rezoning of the Council-owned land at South North West Arch (shown on both Planning Map 52 and 54). The reasons are visual impacts, negative effect on the quality of lifestyle, and the need for open spaces and view shafts. The submitter seeks the retention and protection of these areas by providing view shafts to the Ben Ohau ranges. There is adequate potential for growth of the town in the areas towards Lake Ruataniwha. The submitter seeks these areas be retained as rural zone.

DECISION:

Reject 5 D R Sanderson

REASON:

This area of land is to be rezoned from Rural to Residential 4 and Recreation P zoning. The rezoning is consistent with the Community Board's Twizel Green Space Strategy, which identified part of this area for residential development, with recreation and open space values provided for through rezoning of parts of the site from Rural to Rec P. Rural zoning will not of itself ensure the retention of open space and view shafts, as subdivision with no minimum lot size can be undertaken as a controlled activity, and buildings are permitted. However Residential 4 zoning will ensure that the present amenity of the area, consistent with the

adjacent North West Arch is retained. The inclusion of Rec P zoning will provide protection for significant areas of open space and linkages with adjacent recreation areas.

Decision Requested: PM 13

Submitter:	4	A F Brensell
Submitter:	5	D R Sanderson
Submitter:	8	S L Boereboom
Submitter:	10	C G Johnson
Submitter:	11	H D TeKoeti

Submissions:

The submitters oppose the rezoning of the area between Braemar Place and Rhoboro Road from Rural to Residential 4. The submitters consider the retention of open spaces and greenways are a feature of the town and must be retained. The submitters believe there is enough other areas in the town that are available for development, without rezoning this area. The rezoning will have a major visual impact on the landscape and will compromise the quality of lifestyle for the residents in this area. The submitters seek retention of view shafts and open spaces.

DECISION:

Reject	4	A F Brensell
Reject	5	D R Sanderson
Reject	8	S L Boereboom
Reject	10	C G Johnson
Reject	11	H D TeKoeti

REASON:

Mr Brensell, Mr Johnson and Ms TeKoeti attended the hearing and explained their concerns. We subsequently visited the area concerned.

The area of land the submitters refer to is privately owned, and under its present rural zoning could be subdivided in to a number of sections and built on, with no minimum required lot size. The preservation of open space and view shafts is therefore not ensured under the present zoning. Residential 4 zoning is intended to facilitate a minimum lot size that is in keeping with the existing nature of lifestyle development in North West Arch. Under Rural zoning, there was a minimum setback of 20m for residential dwellings from boundaries. This 20m setback is retained in the new Residential 4 zone provisions, where the boundary of any allotment is adjacent to the Residential 1 zoned land in Rhoboro Road and Braemar Place. As with Rural zoning, this is intended to mitigate potential for adverse effects from residential development on neighbouring properties, as a result of the rezoning.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 14

Submitter:	10	C G Johnson
Submitter:	11	H D TeKoeti

Submissions:

The submitters oppose the rezoning of the area between Glencairn Road and Irishman Drive from Rural to Residential 4. The submitters consider that what is presently there now should be left as it is, without change, as it is the attraction to Twizel. New houses should only be allowed on existing sections within the township. They consider there is plenty of room outside the town boundary for developers to develop new subdivisions. The open spaces provide fire breaks, easy access to properties for emergency services, and recreational areas for families and visitors alike.

Ms TeKoeti seeks that the area be left as it is at present, and that the Council consider purchasing that block of land and keeping it for a green area for the community.

DECISION:

Reject	10	C G Johnson
Reject	11	H D TeKoeti

REASON:

Mr Johnson and Ms TeKoeti attended the hearing and explained their concerns. We subsequently visited the area.

The area of land the submitters refer to is privately owned, and under the previous Rural zoning could be subdivided in to a number of sections and built on, with no minimum required lot size. The preservation of open space and view shafts is therefore not ensured under Rural zoning. Residential 4 zoning is intended to facilitate a minimum lot size that is in keeping with the existing nature of lifestyle development in North West Arch. Under Rural zoning, there is a minimum setback of 20m for residential dwellings from boundaries. This 20m setback is retained in the new Residential 4 Zone provisions, where the boundary of any allotment is adjacent to the Residential 1 zoned land in Rhoboro Road, Braemar Place, and Irishman Drive. As with Rural zoning, this is intended to mitigate potential for adverse effects from residential development on neighbouring properties, as a result of the rezoning.

In terms of the submitter’s suggestion that the Council purchase this land to prevent its development, this matter is outside the scope of the current Plan Change. Purchase of land and the addition to Council’s existing reserve/greenway areas are not matters that the Plan Change can provide for or require. The submitter may wish to address this in a submission to the Council’s Annual Plan, where such matters are able to be considered.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 15

Submitter:	21	D Falconer
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Submission:

The submitter opposes the rezoning of land south of Glen Lyon Road from Recreation A zone to Residential 4 Zone, between Tekapo Drive and Glen Lyon Road. The submitter also opposes the rezoning of Recreation A land to Residential 1 Zone between Glen Lyon Road and Mackenzie Drive.

The submitter totally opposes the subdivision of yet more reserve land for residential sections along the south side of Glen Lyon Road. The submitter considers a feature of the town is the trees, greenways and reserve areas, and that the rampant subdivision of natural features must stop. The submitter considers that most adjoining residents would prefer to help maintain those areas if maintenance is a problem, rather than look at a row of houses. The submitter seeks that the Recreation A zoned land along Glen Lyon Road is not rezoned but is left as Recreation A zone.

DECISION:

Reject 21 D Falconer

REASON:

Land south of Glen Lyon Road between Tekapo Drive and Glen Lyon Road: As noted by the submitter, 2.5 ha of Council-owned Recreation A land south of Glen Lyon Road is to be rezoned to Residential 4. However, a greater area (approximately 7.6 ha) of Council land in the area is to be rezoned from Rural to Recreation A. The Plan Change therefore rationalises the zoning of this area, and provides for an overall increase in the area of land zoned for Recreation purposes. As part of the rezoning, greenway and recreation linkages through and around the new Residential 4 zoned areas have been provided for.

The rezoning is consistent with the Twizel Community Board's Green Space Strategy, which recommended a mix of development and recreational uses for the area. The proposal is consistent with the Council's Long Term Plan in which it indicated that some of its landholdings would be made available for development to assist in funding its operations, while retaining other specific and valued areas for greenspace.

Land between Glen Lyon Road and Mackenzie Drive: The area of land the submitter refers to between Glen Lyon Road and Mackenzie Drive was zoned Residential 1 in the District Plan prior to the present Plan Change. This area has not been rezoned as a result of Plan Change 15.

REVISED TEXT FOR PLAN:

None.

PLANNING MAPS 53 & 55 – SPECIAL TRAVELLERS' ACCOMMODATION ZONE

Decision Requested: PM 16

Submitter: 6 R & B Prince
Support in part 29 Meridian Energy Ltd

Submission:

The submitter supports the rezoning and provisions relating to subdivision and land use for the Lake Ruataniwha Holiday Park. Development in this area appears to be uncontrolled and it needs to be kept as Travellers' Accommodation.

Further submission *Meridian Energy Ltd*

Meridian Energy supports this submission in part and insofar that the relief sought is not inconsistent with Meridian’s original submission. Meridian sought in its original submission that provision be made within the Special Purpose Travellers Accommodation Zone (or District Wide Utility provisions) to provide for erosion control works and earthworks to enable the deposit and removal of sediment as a permitted activity. Meridian therefore seek that that the submission of R & B Prince be allowed in part.

DECISION:

Accept	6	R & B Prince
Accept	29	Meridian Energy Ltd

REASON:

The submitter supports the rezoning in terms of the Planning Maps for the Twizel STAZ zone. No change to the Planning Map for this zone has been sought by any party.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 17

Submitter:	19	Mackenzie Properties Ltd
Support in part	29	Meridian Energy Ltd

Submission:

The submitter supports the proposed plan change in respect of the new proposed zone, (but seeks some changes to some of the standards and rules, as outlined in Decisions Requested STAZ4, STAZ5, and STAZ6). The existing rural zone has no logical sense given the current use of this land.

Further submission *Meridian Energy Ltd*

Meridian Energy supports this submission in part and insofar that the relief sought is not inconsistent with Meridian’s original submission. Meridian sought in its original submission that provision be made within the Special Purpose Travellers Accommodation Zone (or District Wide Utility provisions) to provide for erosion control works and earthworks to enable the deposit and removal of sediment as a permitted activity. Meridian therefore seek that that the submission of Mackenzie Properties Ltd be allowed in part.

DECISION:

Accept	19	Mackenzie Properties Ltd
Accept	29	Meridian Energy Ltd

REASON:

The submitter supports the rezoning as notified for the Twizel STAZ zone, with amendments to some of the provisions in Chapter 9 of the Plan. The support for the rezoning in terms of the Planning Maps is noted.

REVISED TEXT FOR PLAN:

None.

PLANNING MAP 54

Decision Requested: PM 18

Submitter: 1 S Drummond

Submission:

The submitter supports the rezoning of Stage 1 Mackenzie Park from Tourist to Residential 1. This is supported on the basis that it has already substantially been developed as a Residential 1 area with many homes already sited throughout the area. The submitter also supports the rezoning of Mackenzie Park as shown on this Planning Map.

DECISION:

Accept 1 S Drummond

REASON:

The submitter supports the proposed rezoning of Mackenzie Park, including Stage 1.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 19

Submitter: 14 Alpine Energy Ltd
Support 19 Mackenzie Properties Ltd

Submission:

The submitter supports the rezoning of parts of the land situated on the State Highway 8/Ostler Road corner by rezoning the Meridian Energy Ltd site from Rural to Industrial zone, rezoning the strip of Tourist zone on the site to Industrial, and amending the area of Recreation P land to apply to the Council land only, east and northeast of the area, with the remainder being zoned Industrial.

Alpine Energy supports the proposed changes as it will assist with a possible relocation, within this area, of the Alpine Energy electricity substation. The submitter seeks that this rezoning proposal be confirmed.

Further submission *Mackenzie Properties Ltd*

Mackenzie Properties Ltd supports this submission to rezone land on the corner of SH8/Ostler Road as Industrial, and the Rec P land to be the Council-owned land only. It is logical to rezone the land to what it is currently being used for, and will enable easier relocation of the AEL substation from a planning perspective.

DECISION:

Accept 14 Alpine Energy Ltd
Accept 19 Mackenzie Properties Ltd

REASON:

The submitters support the proposed rezoning of the SH8/Ostler Road corner and seek that the area be rezoned as proposed, although Mackenzie Properties Ltd later clarified that the company supports the re-zoning only in part as set out in other submission points.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 20

Submitter:	19	Mackenzie Properties Ltd
Support	25	F Hocken

Submission:

The submitter supports in part the rezoning of the land situated on the State Highway 8/Ostler Road corner (i.e. the proposed rezoning of the Meridian Energy Ltd site from Rural to Industrial zone, the rezoning the strip of Tourist zone on the site to Industrial, and amending the area of Recreation P land to apply to the Council land only, east and northeast of the area, with the remainder being zoned Industrial) with the exception of the matter outlined below.

The rezoning of this area is supported in part as it consolidates the existing multiple zonings into one zone that is more reflective of the current usage. However the submitter seeks the retention of an area of Tourist zoning within this site. The submitter seeks that an area of Tourist zoning be established on the land east of Benmore Place, including the existing Poppies building and Mackenzie Park Shopping Centre, to Alpine Energy’s electricity substation to the south.

The proposal is sought on the basis that an area for commercial activity should be retained at the site, so that the submitter can capitalise on the site’s strategic advantage which the submitter considers would benefit the town. It is also submitted that this would alleviate the lack of tourist zones within Twizel as a result of the Plan Change, compensate for the loss of Tourist zone within this block of land, and encapsulate the existing tourist activities that occur on the site namely Poppies Café and the Ihub Information Centre, in to a more appropriate zone.

Further submission *F Hocken*

Twizel needs room to grow, residentially and businesswise.

DECISION:

Accept in part	19	Mackenzie Properties Ltd
Accept in part	25	F Hocken

REASON:

Mr Andrew Hocken presented the case for Mackenzie Properties Ltd at the hearing and was supported by Mr Frank Hocken. We have discussed the broad issue of commercial activities outside the town centre above in relation to Decision Request B2 above.

The support for rationalising the zoning of this area to Rec P and Industrial zoning (excluding the Benmore Place/Poppies building/Mackenzie Park Shopping Centre area as described above) is noted.

The Plan Change will result in a change of zoning of a number of sites from Tourist zoning to other zones. This is largely because those sites have been developed or are used for purposes other than Tourist-related activities, and it is intended to more efficiently recognise and provide for the existing activities on those sites. The largest 'loss' of Tourist zone in the Plan Change is as a result of 10.24 hectares of Tourist zoned land having been developed for residential purposes. This residential development, known as Mackenzie Park Stage 1, was undertaken by the submitter. Of the other sites being rezoned, two are areas of land owned by the Council and are considered to be better utilised as recreation land, given their location and current use as part of the greenway network in Twizel.

The Hockens contend that there is a need for commercial activities visible from the State Highway so as to tap into what Mr Frank Hocken described as the "*river of gold*". We questioned Mr Andrew Hocken about the kind of activities that need this visibility and he suggested food and drink, information, and a service station. The latter is a permitted activity, while the other two are already provided in this block and visible from the State Highway in the form of Poppies Cafe and the IHUB Information Centre. We note that there are vacant shops available within the block of 8 owned by the submitter for any other businesses that require visibility from the State Highway. This potential, together with the provision for any commercial activities in the zone as discretionary activities seems to us to provide more opportunity than the submission depicts. We are conscious that the policy to concentrate commercial activities in the town centre has not been challenged by submissions so any greater provision, even the limited proposal put forward in Mr Andrew Hocken's Appendix B to his statement, would create tension with that policy.

The non-tourist related uses established in many of the Tourist zones reflect the very open nature of provisions in the Plan applying to the Tourist zone. It is unclear what sorts of activities were envisaged for this zone in the Plan. There are no objectives or policies relating to the Tourist zone, and no guidance in the Plan as to what outcome is sought in the zone. The type of activities which have developed in the Tourist zones can also be (and have been) catered for in other existing zone types in the Plan. This would suggest that there is no specific need for such additional tourist-zoned land within Twizel, particularly in the absence of any clear policy direction or related provisions for such a zone.

The full range of activities currently provided for by the existing Tourist zone is not considered to be appropriate for this location. Allowing the area sought by the submitter to be zoned Tourist would allow commercial and similar activities as permitted activities with little control or policy guidance. This approach may result in reverse sensitivity effects in relation to the Industrial zoning at the site, and would be inconsistent with other provisions introduced by the Plan Change which provide for the town's centre as the focus for commercial activities (refer discussion under Decisions Requested B2 & B3 above).

Mr Hocken pointed out that the package of re-zoning will result in Mackenzie Properties Ltd losing 13,330 square metres of Tourist zoning. We accept that the company is losing significant development rights, although the area of Tourist zoning fronting Ostler Road is not a practical shape to develop for that purpose and the cafe and shops have been developed by the submitter in the adjoining Industrial Zone. Taking this into account together with the considerations discussed above the majority view of the panel is that the provisions introduced by PC15 should be carried forward, but we record that the minority view is that area of Tourist zoning sought should be permitted as a matter of fairness considering the overall loss of development opportunity.

REVISED TEXT FOR PLAN:

No change to Planning Maps recommended.

Decision Requested: PM 21

Submitter:	19	Mackenzie Properties Ltd
Support	25	F Hocken

Submission:

The submitter seeks that the area of existing Traveller’s Accommodation zone west of Wairepo Road on Planning Map 54 is rezoned Tourist Zone. This is because, as a result of the proposed Plan Change, the submitter believes that Twizel will be left with no undeveloped Tourist Zone for which future tourist activities could be developed. This rezoning is sought in addition to the additional rezoning of land as Tourist Zone sought by the submitter in Decision Requested PM21 above. The submitter considers it appropriate to have tourist based activities visible from SH8 especially given possibility of new tourism business opportunities resulting from the Ocean to Alps cycle trail.

Further submission *F Hocken*

More tourist-zoned land is supported. Twizel needs room to grow, residentially and businesswise.

DECISION:

Reject	19	Mackenzie Properties Ltd
Reject	25	F Hocken

REASON:

The Plan Change will result in a change of zoning of a number of sites from Tourist zoning to other zones. This is largely because those sites have been developed or are used for purposes other than Tourist-related activities, and it is intended to more efficiently recognise and provide for the existing activities on those sites. The example of the submitter’s residential development on a 10 ha block of tourist zoned land is discussed earlier in this report.

The non-tourist related uses established in many of the Tourist zones reflect the very open nature of provisions in the Plan applying to the Tourist zone. While it is considered that providing for activities to support developments such as the Ocean-to-Alps Cycleway would, subject to scale and location, be beneficial, the location of any zoning and provisions applying to it consequently requires careful consideration. The area owned by Mackenzie Experience Ltd (south of the Musterer’s Hut), at a preliminary level may well be appropriate for Tourist related activity. However, the full range of activities currently provided for by the existing Tourist zone is not considered to be appropriate for this location, or for the Traveller’s Accommodation-zoned land to the south. This is because of the very permissive nature of activities enabled by this zone in the Plan. It is also noted that there are no specific objectives or policies relating to the Tourist zone, and no guidance in the Plan as to what outcome is sought in the zone. Therefore allowing this area to be rezoned Tourist would provide for commercial and similar activities as permitted activities with little control or policy guidance. Accordingly there are two issues associated with the zoning request that are considered to weigh against its approval:

- 1) The approach, based on the existing provisions for the Tourist Zone, would likely be inconsistent with other provisions introduced by the Plan Change which provide for the town's centre as the focus for commercial activities (refer discussion under Decisions Requested B2 & B3 above);
- 2) Whether any party would have provided a submission given the full range of activities that would be provided on the site were it to be amended to 'Tourist' zone.

It is noted that the type of activities the submitter refers to are provided for as discretionary activities under the existing Travellers' Accommodation zoning. It is considered appropriate that such activities are considered in the context of a resource consent application, in order that their effects, including on other zones, are able to be considered. Indeed, following appropriate consideration in the consent process, the activities outlined by the submitter as appropriate in this location may well find support in the objectives and policies of the Plan, including Objectives 1 and 6, and Policy 1A and 6A of Chapter 5.

Given that Tourist zoning exists in both Tekapo and Twizel, clearer and more specific policy and related provisions for this zone would be better considered and incorporated at the time of District Plan review in 2014. We consider that the matters raised in this submission may have merit in terms of the activities proposed to be supported, but that further work is necessary before consequent changes to the District Plan are made.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 22

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports the proposed deferred Industrial zones, as it provides areas where industrial activity can grow into, in terms of future requirements. The concept of deferment seems logical given there is currently no pressing requirement, and the area of land being rezoned is appropriate given its proximity to Hooker Crescent, past history (Twizel landfill), and accessibility.

DECISION:

Accept 19 Mackenzie Properties Ltd

REASON:

The submitter's support for the proposed deferred Industrial zones is noted.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 23

Submitter: 24 Grants Motels Ltd
Support 19 Mackenzie Properties Ltd

Submission:

The submitter seeks that the Traveller's Accommodation zone west of Wairepo Road on Planning Map 54 is rezoned Tourist Zone. The submitter wishes to point out that there are no undeveloped Tourist Zones left in Twizel.

Further submission *Mackenzie Properties Ltd*

The TA land on Wairepo Road should be rezoned to Tourist. Twizel needs land set aside for future tourist activities. Currently there is nothing. Future activities such as Ocean to Alps Cycleway will mean new business activities will have nowhere to operate from. This land is ideal as it faces the State Highway.

DECISION:

Reject	24	Grants Motels Ltd
Reject	19	Mackenzie Properties Ltd

REASON:

It is accepted that the Plan Change results in a change of zoning of a number of sites from Tourist zoning to other zones. As discussed above in Decision Requested PM21, this is largely because those sites are already used for purposes other than Tourist-related activities, and it is intended to more efficiently provide for those existing activities.

We do not consider that rezoning the area to Tourist zoning would be appropriate at this time, given the permissive nature of the provisions in that zone and the potential inconsistency with other provisions introduced by the Plan Change. The existing Travellers' Accommodation Zone, and related business objectives and policies, are considered to adequately provide for consideration of tourist-related activities and their effects (refer discussion under PM21 above). We do not accept the argument that there is no zoning available for additional tourist-related activities. In addition to the town centre, all commercial activities are provided for as discretionary activities in the Industrial zoned areas, including visitor accommodation in the large area bounded by the State Highway, Ostler Road and Batcher Road.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 24

Submitter:	25	F Hocken
Support	19	Mackenzie Properties Ltd

Submission:

The submitter seeks that the triangle between Benmore Place, Ostler Road, and Alpine Energy is rezoned to Tourist zoning. The submitter considers this area should be zoned Tourist as it is a gateway to the town, more so with the new Ocean to Alps cycleway to be built. This will become a hub and enhance the town.

Further submission *Mackenzie Properties Ltd*

This rezoning will enable the town to grow and benefit from increased tourism.

DECISION:

Reject	25	F Hocken
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Reject 19 Mackenzie Properties Ltd

REASON:

We consider that the strip of Council-owned land adjacent to Ostler Road should be retained as Recreation P Zone, as proposed by PC15. The Council land forms part of the greenway network and there are no plans for tourist type development on that area.

Allowing this area to be rezoned Tourist would allow commercial and similar activities as permitted activities with little control or policy guidance. This approach may result in reverse sensitivity effects in relation to the Industrial zoning at the site, and would be inconsistent with other provisions introduced by the Plan Change which provide for the town's centre as the focus for commercial activities (refer discussion under Decisions Requested B2 & B3 above).

REVISED TEXT FOR PLAN:

None.

PLANNING MAPS 53, 54 & 56 – TUSSOCK BEND AND SURROUNDS

Decision Requested: PM 25

Submitter:	6	B & R Prince
Support in part	19	Mackenzie Properties Ltd
Support	25	F Hocken

Submission:

The submitter opposes the rezoning of Tussock Bend and the adjacent land Lot 1 DP 408244 from Rural to Residential 3. Current subdivision on Tussock Bend is 5,000 – 8,000m². This sizing retains spaciousness and rural atmosphere. Current development in Tussock Bend is not intrusive. The submitter seeks that these areas be rezoned to Residential 4 rather than 3.

Further submission *Mackenzie Properties Ltd*

Mackenzie Properties Ltd supports the submitter's opposition to rezoning the Tussock Bend subdivision Residential 3, and supports the proposal to rezone to Residential 4. The subdivision has been completed to larger lot size standards. People have bought property there for larger block sizes, and they do not want infill housing. This is also supported because of the proximity to the Twizel rubbish dump and Industrial Zone.

Further submission *F Hocken*

Tussock Bend should not be rezoned Residential 3. It should be Residential 4. People who bought in Tussock Bend want larger lots sizes and do not want smaller sections. There is no need for infill development. The subdivision has been serviced for large lots and should be zoned Residential 4.

DECISION:

Reject	6	B & R Prince
Reject	19	Mackenzie Properties Ltd
Reject	25	F Hocken

REASON:

There are currently no sections in the Tussock Bend area that are below 4,000m², so in theory it would be possible to rezone the area to Residential 4 Zone without bringing existing development in to conflict with the Residential 4 Zone provisions. However, the proposal to rezone this area to Residential 3 was based on providing for a higher density of development in close proximity to the town’s centre. The Plan Change zoning was intended to reflect the transition from more compact urban form around the town’s centre, to more spacious urban character, out to peripheral areas of rural-residential development and then to the open spaces of the Mackenzie Basin. Residential 3 zoning occurs as part of this transition. The new zone achieves urban growth and consolidation in a locality that is appropriate for such development, and allows for efficiency in terms of servicing and access etc. These matters remain relevant. No submissions have been received from the owners of these properties seeking any change to the proposed Residential 3 zoning.

There may have been some advantage in removing the Residential 3 zone entirely from the Plan Change, in terms of simplifying the number of zones and their administration in the Plan. This would be done by making a new “Residential 3 zone” with a minimum 4,000m² lot size, and applying this to all areas initially proposed to be zoned Residential 3 and 4. If this were possible then we would probably consider that these submissions should be accepted. However, Residential 3 zoning also exists in Mackenzie Park, and no submissions have been received seeking that area be rezoned to Residential 4.

REVISED TEXT FOR PLAN:

None.

Decision Requested: PM 26

Submitter:	19	Mackenzie Properties Ltd
Support	25	F Hocken

Submission:

The submitter opposes the rezoning of Tussock Bend subdivision and surrounds, from Rural to Residential 3, and seeks this area be rezoned to Residential 4. The submitter considers rezoning this area to Residential 3 would contravene new Policy 1D (e) of the proposed plan change, and would result in pressure on existing services and an exacerbation of existing reverse sensitivity concerns particularly in relation to the Twizel rubbish dump. Larger sites with appropriate setbacks should instead be provided. Rezoning to Residential 3 would be neither efficient nor effective in achieving the stated residential Objective 1 Amenity, and the submitter considers that Residential 4 zoning would achieve this.

Further submission *F Hocken*

Tussock Bend should be rezoned to Residential 4. Twizel needs room to grow, residentially and businesswise.

DECISION:

Reject	19	Mackenzie Properties Ltd
Reject	25	F Hocken

REASON:

As noted in Decision Requested PM25 above, it would be possible to rezone the area to Residential 4 zone without bringing current development in to conflict with the Residential 4 zone provisions. However, the proposal to rezone this area to Residential 3 is based on providing for a higher density of development in an area close to the Residential 1 zones of the township. We are advised that the area can be adequately serviced to Residential 3 standards, and Residential 3 zoning is indeed more efficient in this location in terms of availability and use of services. Only a relatively small number of these properties will share a boundary with the Industrial Zone, and we consider that there are sufficient safeguards in both the Industrial and Residential 3 Zones to ensure potential reverse sensitivity matters are adequately managed. These include standards for setbacks in the residential zones where sites share a boundary with the Industrial Zone, as raised by the submitter. We note that the setbacks in this situation are the same in both the Residential 3 and 4 Zones (20m for any building), so changing the zoning to Residential 4 would not increase the setback requirement.

REVISED TEXT FOR PLAN:

None.

PLANNING MAPS 54 & 56 – MACKENZIE PARK

Decision Requested: PM 27

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports the rezoning of Mackenzie Park as shown on these maps and on the Concept Plan, and the objectives, policies and rules in respect of the Mackenzie Park area.

DECISION:

Accept 19 Mackenzie Properties Ltd

REASON:

The submitter supports the proposed rezoning shown on the Planning Maps.

REVISED TEXT FOR PLAN:

None.

SUBMISSIONS TO VARIATION 1 TO PLAN CHANGE 13

SECTION 7- RURAL ZONE

RURAL POLICY 7B

Decision Requested: V1

Submitter: 16 Environment Canterbury

Submission:

The submitter supports the proposed provisions to identify and manage development within the Ostler Fault Hazard Area (OFHA) including new Rural Policy 7B, and seeks that this be adopted. The Ostler Fault is a known earthquake hazard zone and these provisions provide scope for the Mackenzie District Council to consider the appropriateness of new subdivision and built development within this area, along with any proposed mitigation. The identification of the OFHA (and associated controls) will elevate the degree of community awareness of this natural hazard area and reinforce the need to carefully consider development that may be vulnerable to damage from earthquakes arising in this area.

DECISION:

Accept 16 Environment Canterbury

REASON:

The submission supports the provisions as notified.

REVISED TEXT FOR PLAN:

None.

ZONE STATEMENT

Decision Requested: V2

Submitter: 16 Environment Canterbury

Submission:

The submitter supports the proposed provisions to identify and manage development within the Ostler Fault Hazard Area (OFHA) including the addition of the proposed wording in the Zone Statement in the Rural zone chapter, and seeks that this be adopted. The Ostler Fault is a known earthquake hazard zone and the submitter considers these provisions provide scope for the Mackenzie District Council to consider the appropriateness of new subdivision and built development within this area, along with any proposed mitigation. The identification of the OFHA (and associated controls) will elevate the degree of community awareness of this

natural hazard area and reinforce the need to carefully consider development that may be vulnerable to damage from earthquakes arising in this area.

DECISION:

Accept 16 Environment Canterbury

REASON:

The submission supports the provisions as notified.

REVISED TEXT FOR PLAN:

None.

RULES & ASSESSMENT MATTERS

Decision Requested: V3

Submitter: 16 Environment Canterbury

Submission:

The submitter supports the proposed provisions to identify and manage development within the Ostler Fault Hazard Area (OFHA) including the addition of proposed wording to the rules including 3.1.2.g, 3.3.4, 8 (Visitor Accommodation), and Assessment Matter 16.2.m. The submitter seeks that these be adopted.

The Ostler Fault is a known earthquake hazard zone and the submitter considers these provisions provide scope for the Mackenzie District Council to consider the appropriateness of new subdivision and built development within this area, along with any proposed mitigation. The identification of the OFHA (and associated controls) will elevate the degree of community awareness of this natural hazard area and reinforce the need to carefully consider development that may be vulnerable to damage from earthquakes arising in this area.

DECISION:

Accept 16 Environment Canterbury

REASON:

The submission supports the provisions as notified.

REVISED TEXT FOR PLAN:

None.

Decision Requested: V4

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports the introduction of the OFHA overlay, but seeks that rule 3.1.2(g) and rule 3.3.4 are amended to take in to account the submitter's existing consented subdivisions and compliance certificates for buildings that the submitter currently holds.

DECISION:

Accept in part 19 Mackenzie Properties Ltd

REASON:

Mr Andrew Hocken explained the concern at the hearing.

The support for the provisions as notified is noted.

It is not considered necessary to amend the two rules referred to, as sought by the submitter. The OFHA overlay seeks to control future subdivision and development and its provisions are not retrospective. The Variation will not affect the submitter's approved subdivisions and the associated building provisions secured through certificates of compliance, as these approvals stand on their own. Therefore it is considered that rules 3.1.2(g) and 3.3.4 do not need to be amended to include these existing approvals.

REVISED TEXT FOR PLAN:

None.

<p style="text-align: center;">SECTION 13- SUBDIVISION, DEVELOPMENT AND FINANCIAL CONTRIBUTIONS</p>
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POLICY 1 TO OBJECTIVE 5 – AVOIDANCE OF NATURAL HAZARDS

Decision Requested: V5

Submitter: 16 Environment Canterbury

Submission:

The submitter supports the proposed provisions to identify and manage development within the Ostler Fault Hazard Area (OFHA) including the addition of the proposed wording to Policy 1 in this section, and seeks that this be adopted. The Ostler Fault is a known earthquake hazard zone and the submitter considers these provisions provide scope for the Mackenzie District Council to consider the appropriateness of new subdivision and built development within this area, along with any proposed mitigation. The identification of the OFHA (and associated controls) will elevate the degree of community awareness of this natural hazard area and reinforce the need to carefully consider development that may be vulnerable to damage from earthquakes arising in this area.

DECISION:

Accept 16 Environment Canterbury

REASON:

The submission supports the provisions as notified.

REVISED TEXT FOR PLAN:

None.

SUBDIVISION RULE 4.b

Decision Requested: V6

Submitter: 16 Environment Canterbury

Submission:

The submitter supports the proposed provisions to identify and manage development within the Ostler Fault Hazard Area (OFHA) including the addition of the proposed wording to this rule making subdivision a discretionary activity within the OFHA, and seeks that this be adopted. The Ostler Fault is a known earthquake hazard zone and the submitter considers these provisions provide scope for the Mackenzie District Council to consider the appropriateness of new subdivision and built development within this area, along with any proposed mitigation. The identification of the OFHA (and associated controls) will elevate the degree of community awareness of this natural hazard area and reinforce the need to carefully consider development that may be vulnerable to damage from earthquakes arising in this area.

DECISION:

Accept 16 Environment Canterbury

REASON:

The submission supports the provisions as notified.

REVISED TEXT FOR PLAN:

None.

PLANNING MAPS

PLANNING MAPS 33, 38, 53 & 55 – OSTLER FAULT HAZARD AREA

Decision Requested: V7

Submitter: 16 Environment Canterbury

Submission:

The submitter supports identification of the Ostler Fault Hazard Area (OFHA) on Planning Maps 33, 38, 53 and 55, and seeks that these be adopted. The Ostler Fault is a known earthquake hazard zone and these provisions provide scope for the Mackenzie District Council to consider the appropriateness of new subdivision and built development within this area, along with any proposed mitigation. The identification of the OFHA (and associate

controls) will elevate the degree of community awareness of this natural hazard area and reinforce the need to carefully consider development that may be vulnerable to damage from earthquakes arising in this area.

DECISION:

Accept 16 Environment Canterbury

REASON:

The submission supports the provisions as notified.

REVISED TEXT FOR PLAN:

None.

Decision Requested: V8

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports the introduction of this overlay on land located to the west and north of Twizel, but seeks additional amendments to proposed rules 3.1.2(g) and 3.3.4 as set out in Decision Requested V 4 above.

DECISION:

Accept in part 19 Mackenzie Properties Ltd

REASON:

While the support for the provisions as notified is noted, it is not considered necessary to amend the two rules referred to, as sought by the submitter. We have discussed our reasons for this in Decision Requested V4 above.

REVISED TEXT FOR PLAN:

None.

PLANNING MAPS 33, 38, 53 & 55 – EXTENSION OF MACKENZIE BASIN SUBZONE

Decision Requested: V9

Submitter: 19 Mackenzie Properties Ltd

Submission:

The submitter supports the extension of the Mackenzie Basin Subzone boundary as it provides a natural boundary to the proposed new areas of future development. Much of this land sits higher than the areas proposed for Rural-Residential 1 & 2 development and in essence has more of a rural feel. The submitter questions whether the landscape character is any different to the rest of the land surrounding Twizel but concurs that it should be within the Mackenzie Basin Subzone.

DECISION:

Accept

19

Mackenzie Properties Ltd

REASON:

The submission supports the provisions as notified. The Council sought a landscape assessment of that area as part of the Plan Change proposals, which concurred that it should be included on landscape grounds.

REVISED TEXT FOR PLAN:

None.

RECOMMENDATION

Our recommendation to Council is that Proposed Plan Change 15 be approved, but with a number of amendments to reflect the issues raised in the submissions and the conclusions reached on those issues as set out throughout the decision, and that the relevant submissions and further submissions are accepted, accepted in part or rejected accordingly as set out in this decision.

In reaching this recommendation we have considered all submissions, evidence and reports, and the statutory matters outlined in Part 1 of this report.

It is also our recommendation, again following consideration of all submissions, evidence and reports, and the statutory requirements, that Variation 1 to Plan Change 13 be approved as notified.

David W. Collins
John O'Neill
David Pullen
19 July 2011

Appendix A

Revised Text for Notified Plan Change

Section 5 Business Zones

Amend Rule 3.3.2 as follows:

3.3.2 Commercial Activities as follows:

a) The following commercial activities located in the Industrial zone in Twizel:

- i Yard-based retailing;
- ii Trade supply retail;
- iii Traveller's Visitor Accommodation *in the Industrial zoned area bounded by the State Highway and Ostler Road only (B1)*; and
- iv The display and sale of goods processed or produced on the site;

and which comply with the standards below in 3.3.6.

Add the following two Assessment Matters to section 7.2n:

7.2.n Commercial Activities within the Industrial Zone located adjacent to State Highway 8/Ostler Road, Twizel

- i the degree to which there would be any significant effect on the role and function of the Village Centre Zone in Twizel, particularly in terms of its role in providing Twizel's principal area for shopping and as a community focal point;
- ii the degree to which commercial activity may adversely affect the consolidation of the Village Centre Zone and the effect this may have on the use of existing infrastructure, such as car-parking, street works or street lighting, and on the amenity of the zone;
- iii the extent to which there would be any adverse effects on traffic movement, safety and efficiency, parking, access and manoeuvring within the vicinity of the site;
- iv degree to which the activity would result in adverse effects on the amenity of sites in adjoining zones;
- v any cumulative effect of the proposed commercial activity in conjunction with other commercial activity undertaken in or in close proximity to the zone, in terms of the bullet points above;

vi *the availability of land / space for commercial development with the Twizel Village Centre Zone;*

vii the extent to which the activity proposed will complement and support existing businesses in the Twizel Village Centre (B4).

Section 6 Residential Zones

Amend Rule 3 Residential Activities, standard 3.1.1.d iii as follows:

3.1.1d Setback from Boundaries

...

iii For the Residential 3 & 4 Zones the minimum building setback from all boundaries shall be ~~6m~~ **10m** except that: ...(R4, R5, R6, R8, R9)

Consequentially amend Rule 7 Other Activities, standard 7.1.1.f. iv as follows:

iv For the Residential 3 & 4 Zones the minimum building setback from all boundaries shall be ~~40m~~ **15m** except that: ..(R4, R5, R6, R8, R9)

Section 8 Twizel Rural-Residential Zones

Amend the Explanation to Hocken Lane Rural-Residential zone Objective 2 and Policy 2A, as follows:

Explanation and Reasons

The Hocken Lane area is situated north of Twizel township, over Fraser Stream. It has been the subject of recent rural-residential development, and is made up of a variety of lot sizes in an attractive setting. However, there are a number of issues within this area which present challenges in terms of sustainable management.

The Hocken Lane Rural-Residential Zone is situated within an area of flood risk identified on the Twizel Flooding Area planning map appended to the Plan. The zone is bordered by the Fraser and Twizel Rivers, with Dry Stream and other small waterways running through the area. These watercourses present a risk of flooding to properties in this area.

There is also flood hazard risk to land in the Hocken Lane Rural-residential zone There is also an additional risk to the area from a potential as a consequence of unforeseen and uncontrolled release of water from the Waitaki hydro electricity infrastructure. This includes risks from a potential (RR5, RR6) break occurring in the Pukaki-Ohau Canal located up-plain of the Hocken Lane area, particularly as a result of fault movements.

Add rowan to Rule 1.6.1, as follows:

1.6.1 Amenity Tree Planting – It is a Prohibited Activity for which no resource consent will be granted to plant the following species:

- *Pinus contorta* (Lodgepole Pine)
- *Pinus nigra* (Corsican Pine)
- *Pinus muricata* (Bishops Pine)
- *Pinus sylvestris* (Scots Pine)
- *Pseudotsuga menziesii* (Douglas Fir)
- *Pinus mugo/uncinata* (Mountain Pine)
- *Pinus pinaster* (Maritime Pine)
- *Pinus ponderosa* (Ponderosa Pine)
- *Larix deciduas* (European Larch)
- Rowan (*Sorbus aucuparia*) (RR9)

Amend Permitted Activity Site Standard 1.7.2 as follows:

1.7.2 Building Setbacks: ~~the minimum setback from road and internal boundaries shall be 40m.~~

i. The minimum setback from road and internal boundaries for dwellings and any building for the purpose of housing animals shall be 20m;

ii. The minimum setback from road and internal boundaries for all other buildings shall be 10m. (RR10)

Amend Permitted Activity Site Standard 1.7.3 as follows:

1.7.3 **Building Coverage** – the maximum coverage of all buildings on each separate title shall not exceed the following:

- i Rural-Residential 1 zone: ~~500m²~~ 600m²
- ii Rural-Residential 2 zone: ~~700m²~~ 800m² (RR11, RR12)

Add rowan to Rule 2.6.1, as follows:

2.6.1 Amenity Tree Planting – It is a Prohibited Activity for which no resource consent will be granted to plant the following species:

- *Pinus contorta* (Lodgepole Pine)
- *Pinus nigra* (Corsican Pine)
- *Pinus muricata* (Bishops Pine)
- *Pinus sylvestris* (Scots Pine)
- *Pseudotsuga menziesii* (Douglas Fir)
- *Pinus mugo/uncinata* (Mountain Pine)
- *Pinus pinaster* (Maritime Pine)
- *Pinus ponderosa* (Ponderosa Pine)
- *Larix deciduas* (European Larch)

- Rowan (*Sorbus aucuparia*) (RR20)

Add a new non-complying activity 2.5.1 to section 2.5, as follows:

2.5.1 All residential activities not permitted by Rule 2.3.1. (RR21)

Consequentially re-number the following existing rules 2.5.1 – 2.5.8.

Amend Permitted Activity Site Standard 2.7.2 as follows:

2.7.2 **Building Setbacks** ~~—the minimum setback from road and internal boundaries shall be 10m.~~

i. The minimum setback from road and internal boundaries for dwellings and any building for the purpose of housing animals shall be 20m;

ii. The minimum setback from road and internal boundaries for all other buildings shall be 10m. (RR22)

Amend the title of section 3.2.f and add a new Assessment Matter 3.2.f. (v), as follows:

3.2.f Flood Hazard Mitigation—Floor Heights

v. The siting and design of the building having regard to inundation hazards associated with the unforeseen and uncontrolled release of water from the Waitaki Hydro Electric Power Scheme. (RR27)

Section 9 Special Purpose Zones

Delete Permitted Activity Standard 5.4.1.1.e and include an advisory note after the rules section, as follows:

~~5.4.11.e — Earthworks~~

~~No earthworks associated with the establishment of any permitted or discretionary activity shall be undertaken within the Mackenzie Park Recreation A zone identified on Planning Map 54 and in Appendix S.~~

Notes: These requirements are in addition to those of the Reserves Act. Notwithstanding that the Plan authorises certain uses or buildings in recreation zones where the land is subject to the Reserves Act 1977, any uses or buildings must comply with the Reserves Act and any management plan approved in respect of any given reserve.

For the avoidance of doubt, where any permitted or discretionary activities involve earthworks within the Mackenzie Park Recreation A zone (identified on Planning Map 54 and in Appendix S), Rule 5.5.4 shall apply. (REC3)

Add new standard to Section 8.4.3 Standards, as follows:

8.4.3.k Effluent Disposal (Twizel STAZ zone)

All effluent disposal shall be reticulated. There shall be no treatment and/or disposal of effluent on-site. (STAZ4)

Section 13 Subdivision, Development and Financial Contributions

Insert a sentence in the Explanation and Reasons section to Policy 1 under Objective 5, as follows:

Policies

- 1 To ensure that subdivision is either restricted, subject to mitigation measures, or avoided in areas subject to risk from flooding, subsidence or slippage, or from hazards associated with active faults.

Explanation and Reasons

There are areas within the District which because of risk of natural hazards including flooding and active geological faults would be unsuitable for development, or require specific measures to be undertaken to overcome these hazards. **Risk from flood hazard in some areas may include inundation associated with the unforeseen and uncontrolled release of water from the Waitaki hydro electric power scheme (S4).** The Council has an obligation under Section 106 of the Act to decline consent to any subdivision in areas where these hazards cannot be adequately mitigated, in addition to ensuring that any mitigation measures are in fact adequate to overcome the hazard. It is also necessary to consider the effects of the mitigation measures themselves which may also create adverse environmental effects.

Add a new Assessment Matter to section 10.2.h, as follows:

xvi Any measures to harvest and/or reuse stormwater for non-potable uses. (S5)

Section 16 Utilities

Insert new Rule 1.1.I in Section 16 Utilities Rules, as follows:

1.1.I Earthworks and erosion control planting for the purpose of, incidental to, or associated with the generation and/or supply of electricity, in the following zones:

- **Recreation P zone directly adjacent to Lake Ruataniwha,**
- **Ruataniwha Rowing zone, and/or**
- **Twizel STAZ zone. (REC2, STAZ3, RRZ4, U3)**

Planning Maps

Amend planning map 52 as follows:



All other provisions of Plan Change 15 and Variation 1 to Plan Change 13, as notified, are to be adopted unchanged.

Appendix B

Index of Decisions Requested

INDEX OF DECISIONS REQUESTED –BY SUBMITTER

Subm

No.:	Submitter Name:	Decision Requested & Page number:			
1	S Drummond	APP1 , p85	PM18 , p98		
2	K A Fagan	PM10 , p92			
3	R B Fagan	PM10 , p92			
4	A F Brensell	PM11 , p92	PM13 , p94		
5	D R Sanderson	PM11 , p92	PM12 , p93	PM13 , p94	
6	B & R Prince	STAZ 1 , p57	OL1 , p68	S3 , p71	S10 , p76
		PM16 , p96	PM25 , p104		
7	T & A Cockburn	R4 , p21			
8	S L Boereboom	PM11 , p92	PM13 , p94		
9	K Curin	R5 , p22	R11 , p25	S11 , p76	
10	C G Johnson	PM11 , p92	PM13 , p94	PM14 , p94	
11	H D TeKoeti	PM11 , p92	PM13 , p94	PM14 , p94	
12	G & H Gillespie	R6 , p22	R9 , p24	S12 , p77	PM4 , p88
13	Firth Industries	GS1 , p10	B1 , p12		
14	Alpine Energy Ltd	PM19 , p98			
15	Mountain Power Ltd	U2 , p81	U4 , p83		
16	Environment Canterbury	RR8 , p35	RR19 , p46	RR23 , p49	RR26 , p51
		S2 , p70	S3 , p71	S5 , p72	S15 , p78
		V1 , p107	V2 , p107	V3 , p108	V5 , p109
		V6 , p110	V7 , p110		

17	Comm.& Public Health	D1 , p10 U1 , p80	REC1 , p54	RRZ2 , p63	S1 , p69
18	A M Shearer	RR2 , p28	S8 , p74	PM3 , p87	
19	Mackenzie Properties	B2 , p14 R2 , p19 RR7 , p34 RR21 , p47 REC3 , p56 STAZ6 , p61 RRZ6 , p66 S3 , p71 APP2 , p84 PM21 , p101 V4 , p108	B3 , p16 R12 , p26 RR10 , p37 RR22 , p49 STAZ2 , p58 RRZ1 , p62 RRZ7 , p66 S6 , p73 PM1 , p86 PM22 , p102 V8 , p111	B4 , p17 RR1 , p28 RR11 , p38 RR24 , p50 STAZ4 , p60 RRZ3 , p64 OL2 , p68 S7 , p74 PM17 , p97 PM26 , p105 V9 , p111	R1 , p19 RR3 , p30 RR15 , p43 RR25 , p50 STAZ5 , p61 RRZ5 , p65 S2 , p70 S16 , p79 PM20 , p99 PM27 , p106
20	S B Davies	R7 , p23			
21	D Falconer	PM15 , p95			
22	D Crow	RR9 , p35	RR20 , p46	PM2 , p86	PM5 , p88
23	U & N Paul	R8 , p23 PM6 , p89	R10 , p25	R13 , p27	S13 , p77
24	Grants Motels Ltd	PM23 , p102			
25	F Hocken	R3 , p20	RR12 , p38	RR16 , p44	PM24 , p103
26	W Feasey	PM7 , p89			
27	T R Delaney	PM8 , p90			
28	WM Van der Berg	S14 , p78	PM9 , p91		
29	Meridian Energy Ltd	RR4 , p30	RR5 , p31	RR6 , p32	RR13 , p39

RR14, p41 RR17, p44 RR18, p46 RR27, p52
REC2, p55 STAZ3, p59 RRZ4, p64 S4, p71
S9, p76 U3, p82

INDEX OF DECISIONS REQUESTED IN FURTHER SUBMISSIONS

Subm. No.	Further Submitter Name	Decisions Requested on which Further Submissions made			
13	Firth Industries Ltd	B2, p14	B3, p16		
19	Mackenzie Properties	D1, p10	B1, p12	R3, p20	RR2, p28
		RR12, p38	RR13, p39	RR14, p41	RR16, p44
		RR17, p44	REC 1, p54	RRZ2, p63	S1, p69
		S2, p70	S8, p74	U1, p80	PM3, p87
		PM19, p98	PM23, p102	PM24, p103	PM25, p104
25	F Hocken	B1, p12	B2, p14	RR2, p28	RR13, p39
		RR14, p41	RR15, p43	RR17, p44	RR21, p47
		RR25, p50	S8, p74	PM3, p87	PM20, p99
		PM21, p101	PM25, p104	PM26, p105	
29	Meridian Energy Ltd	RR3, p30	RR21, p47	RR26, p51	STAZ1, p57
		STAZ2, p58	RRZ1, p62	S8, p74	PM16, p96
		PM17, p97			

Appendix C

Map Showing Area of Plan Change & Variation

Appendix D
Planning Map of Zones, Twizel