

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

ENV-2025-CHC-

**I TE I TE KŌTI TAIAO  
KI ŌTAUTAHU**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER**

of an appeal under clause 14(1) of  
Schedule 1 of the Act

**BETWEEN**

**QUEENSTOWN COMMERCIAL  
PARAPENTERS LIMITED**

Appellant

**AND**

**MACKENZIE DISTRICT COUNCIL**

Respondent

---

**NOTICE OF APPEAL**

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Dated: 27 August 2025

**TODD & WALKER** **law**  
LAWYERS | NOTARY PUBLIC

**Solicitor acting**  
R E M Hill  
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**TO:** The Registrar  
Environment Court  
Christchurch

**AND TO:** The Respondent

[1] Queenstown Commercial Parapenters Limited (**Appellant**) appeals part of a decision of the Mackenzie District Council on the Plan Change 29 (**PC29**) of the Mackenzie District Plan.

[2] The Appellant made a submission on PC29.

[3] The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

[4] The Appellant received notice of the decision on 24 July 2025.

[5] The decision was made by an Independent Hearings Panel appointed by the Mackenzie District Council (**Panel**) on 24 July 2025.

[6] The part of the decision the Appellant is appealing is:

(a) the inclusion of the following phrase in the Open Space Zone (**OSZ**) Introduction:

*Use of these areas is generally informal in nature.*

(b) the inclusion of the following underlined phrase in Policy OSZ-P4:

*Limit the scale of built form within the Open Space Zone to:*

1. *Retain a clear predominance of open space; and*
2. *Maintain uninterrupted views from urban areas to any lake and maintain the ~~visual~~ amenity of lakeside areas.*

[7] The reasons for the appeal are as follows:

#### **OSZ Introduction**

(a) The text of the OSZ purpose intends for both passive and active recreation activities in the OSZ. The current wording referencing that these areas are generally informal in nature conflicts with the

use of the OSZ for compatible commercial recreation activities, as well as for facilities and structures associated with both active and passive recreation. Commercial recreation activities are anticipated in the OSZ and provided for as a restricted discretionary activity. Amendments to the OSZ Introduction are required to ensure consistency between these provisions and corresponding OSZ rules.

- (b) The reference to 'generally informal in nature' is also inherently uncertain in terms of what this is intended to mean and over what particular parts of the OSZ this statement applies, as the use of the OSZ is diverse. Further, it duplicates related policy direction as to built form, which intends that the OSZ retains a predominance of open space. This policy direction is clearly expressed and makes reference to 'areas being generally informal in nature' superfluous.

#### **OSZ-P4**

- (c) The Panel erred in determining that uninterrupted views from urban areas to any lake should be maintained in OSZ-P4. The Panel did not have sufficient landscape evidence to determine why such views from all urban areas were sufficiently important to be 'maintained' and what the costs of such a policy directive would be on appropriate use of the OSZ.
- (d) The policy also conflicts with the anticipated outcomes and purpose of the OSZ, which includes buildings and facilities supporting active and passive recreation.
- (e) The policy is generally expressed rather than specific to particularly important viewshafts or values, or in providing guidance as to the extent to which any new built form might be considered to be an obstruction on the maintenance of views. It fails to take into account the likely future receiving environment of urban areas from which views are to be considered and how those may change over time. For example, by result of implementing permitted further urban development, landscaping, or other

facilities. It also fails to consider that a number of urban viewpoints will be interrupted by a degree in any event by the establishment and growth of existing planted vegetation.

### **Relief Sought**

[8] The Appellant seeks the following relief:

(a) Delete the following phrase from the OSZ Introduction:

*'Use of these areas is generally informal in nature.'*

(b) Delete the following phrase from OSZ-P4:

*'Maintain uninterrupted views from urban areas to any lake'*

[9] The following documents are **attached** to this notice:

(a) A copy of the Appellant's submission (**Attachment A**);

(b) A copy of the Mackenzie District Council's decision, comprising the decision report (**Attachment B.1**) and the decision version of the OSZ chapter (**Attachment B.2**); and

(c) A list of names and addresses of persons to be served with a copy of this notice (**Attachment C**).

Dated: 27 August 2025



.....  
**Signed** for Queenstown Commercial Parapenters Limited  
by its solicitor and duly authorised agent  
R E M Hill

### **Address for Service:**

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**Contact persons:** R E M Hill

## **Advice to recipients of copy of notice of appeal**

### *How to become a party to proceedings*

If you wish to become a party to the appeal, you must,—

- a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

### *Advice*

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

# Submission

On Plan Change 29 of the Mackenzie District Plan and Variation  
1 of Plan Change 23 to the Mackenzie District Plan

By Queenstown Commercial Parapenters Ltd



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# Perspective

### General Information

This is a submission on Plan Change 29 of the Mackenzie District Plan and Variation 1 of Plan Change 23 to the Mackenzie District Plan.

### Submission From

Queenstown Commercial Parapenters Ltd

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## 1.0 Introduction

This is a submission made on behalf of Queenstown Commercial Parapenters Ltd (**submitter**) on Plan Change 29 of the Mackenzie District Plan (**MDP**) and Variation 1 of Plan Change 23 to the MDP.

## 2.0 Executive Summary

The submitter is interested in the entirety of Plan Change 29 of the MDP and Variation 1 of Plan Change 23 to the MDP and seeks the amendments to those provisions, including for the purposes of ensuring that commercial recreation activities are appropriately managed. Specific amendments are proposed in **Appendix 1** and **Appendix 2** of this submission, however alternative, consequential, or other necessary relief is sought in order to achieve the intention of the submission.

## 3.0 Background

The submitter is an experienced commercial recreation provider with operations in New Zealand and Australia. They have sought resource consent to establish a ropes course at Lake Tekapo. The application has been publicly notified and is currently on hold. The application is described in more detail in Section 5 of this submission.

## 4.0 Description of the land to which the submission relates

### 4.1 Site Description

The land to which the submission relates (hereafter the site) is located at Lakeside Drive, Tekapo, and is legally described as Lot 2 Deposit Plan 562455, held in Record of Title 999813, and Lot 5 Deposit Plan 455053, held in Record of Title 584960.

The location of the site is indicated in **Figure 1**. A close-up aerial photo of the site is provided in **Figure 2**.



Figure 1 – The site's general location is illustrated by a red outline (Source: Canterbury Maps Viewer).



Figure 2 – A close-up aerial photograph of the site. The approximate boundaries of the site are indicated by a red line (Source: Canterbury Maps Viewer).

## 5.0 Description of the Proposed Development

This section describes the resource consent application that the submitter has lodged with Mackenzie District Council (**MDC**). It constitutes an appropriate and complimentary commercial recreation activity located in the proposed Open Space Zone (**OSZ**). Accordingly, it provides a useful example of a commercial recreation activity that should be considered on its merits in the OSZ. However, as outlined later in this submission, the provisions of the OSZ and the Natural Character Chapter (**NATC**) create some unnecessary and inappropriate impediments for the merits-based consideration of this proposal. Amendments set out in this submission to PC29 seek to ensure a realistic consenting pathway is achieved for this type of activity or similarly appropriate ones.

A ropes course is proposed that will cater for tourists, visitors and local residents. Refer to **Appendix 3** for the site plan. The site was selected due to its established trees, proximity to existing commercial and recreational activities and the site's location that has notable levels of vehicle and pedestrian traffic. The proposed activity will comprise:

- A base station building (58.56m<sup>2</sup>) located at existing ground level with a height of 2.6m. The base station will be located parallel to Lakeside Drive and will be clad with a combination of corten steel and vertical timber panels with a natural finish and will have glazed windows and doors.
- An adult ropes course and a children's ropes course which will contain a series of climbing wires, ropes, wire bridges, platforms and zip lines. These will be located within the canopy of the pine trees, between 3m – 10m above ground level (except for two zip lines which will finish at ground level). The height of the course will enable the open space area beneath the ropes course to continue to be accessible to the public, including use of the footpath and picnicking within the trees.

A key design driver is to ensure that the proposed activity will sit lightly within the site and setting. The scale, location and form of the base station building and structures have been designed to complement the site and surrounding area and to be in general accordance with the Takapō I Lake Tekapo Character Design Guide.





*Figure 3 – Visualisation of the base state and ropes course*

## 6.0 The Relevant Provisions

The relevant provisions of Plan Change 29 to the MDP and Variation 1 of Plan Change 23 to the MDP that this submission relates to are the objectives, policies, rules, standards and associated definitions that relate to commercial recreation activities.

## 7.0 Submission

### 7.1 General Relief Sought

The submitter seeks amendments to the provisions of Plan Change 29 to the MDP and Variation 1 of Plan Change 23. Amendments are sought to the OSZ and the NATC in relation to the provisions that the submitter opposes. These amendments are set out in **Appendix 1** and **Appendix 2** of this submission respectfully. However, without derogating from the specificity of those suggested amendments, the Submitter seeks consequential, alternative, or other necessary changes to achieve the intention of this submission. A more refined suite of amendments may be provided in expert planning evidence.

The general reason for the submitter's proposed amendments is that, as they stand, the proposed provisions do not appropriately provide for commercial recreation activities in the OSZ and the NATC. While Plan Change 29 is appropriate in providing for commercial recreation activities in the OSZ as a restricted discretionary activity, some of its other provisions are

inconsistent with this approach or create an unnecessary and inappropriate impediment for commercial recreation activities. The amendments proposed in this submission would be more effective and efficient in achieving the objectives of these chapters and more appropriate in achieving the purpose of the RMA.

The reasons for the specific recommended amendments in **Appendix 1** and **Appendix 2** are summarised below.

### 7.2 Plan Change 29

#### 7.2.1 Introduction & OSZ-O1

Amendments are sought to the 'Introduction' section of the OSZ chapter and Objective OSZ-O1 to ensure that compatible commercial recreation activities are referred to in these provisions as an activity that is anticipated in the OSZ. These amendments will ensure that there is a consistency between these provisions and the OSZ rules that enable commercial recreation activities as a restricted discretionary activity. This will help avoid any confusion as to how commercial recreation activities are to be considered. Limited built form shall be enabled which supports both a recreational as well as a commercial recreational outcome.

#### 7.2.2 Policy OSZ-P2

Amendments are sought to Policy OSZ-P2 to ensure that its effects threshold is appropriately set as 'significant'. As it reads, Policy OSZ-P2 provides a strong direction that commercial recreation activities do not detract from the passive recreation focus of the zone. We interpret that as commercial recreation activities cannot detract in any capacity from the passive recreation focus of the zone. This is a very low threshold which could potentially defeat the purpose of providing for commercial recreation activities as a restricted discretionary activity. It is also considered a no effects approach, which is inappropriate considering the urban nature of the OSZ and lack of national direction that seeks to avoid adverse effects in OSZ. The suggested amendment inserts the word 'significant' before the word 'detract' so that it is clear that activities that would have a significant effect on the passive recreation focus of the OSZ would be inappropriate, but activities that would have a lesser impact could be considered, or otherwise, as alternative relief, delete the following wording in its entirety from this policy: "and does not detract from".

### 7.2.3 Policy OSZ-P4

Amendments are sought to Policy OSZ-P4 so that it does not refer to *'maintain uninterrupted views from urban areas of any lake.'* Caselaw has confirmed that the planning system does not protect private views and therefore Policy OSZ-P4 would be more appropriate if it referred to maintaining the amenity of lakeside areas.<sup>1</sup>

### 7.2.4 Rule OSZ-R6

The submitter supports Rule OSZ-R6 which identifies commercial recreation activities as a restricted discretionary activity. This activity status is appropriate as it ensures that these activities can be granted consent but also allows scope to decline consent if the activity is inappropriate. We acknowledge that scope for the latter is appropriate given that there is potentially a large range of commercial recreation activities, a range of open space environments in which they could be located and therefore a large range in their actual and potential adverse effects on the environment. The matters of discretion are generally appropriate except for the two exceptions outlined next.

### 7.2.5 Matter of Discretion OSZ-R6.4

Amendments are sought to the matters of discretion for Rule OSZ-R6.4 which states *'maintenance of the visual amenity values and character of the zone'*. We consider the word *'maintenance'* as inappropriate as it implies a static unchanging environment, or unchanging values, is sought through this matter of discretion. The amendment sought uses the phrase *'consistency with the zone's anticipated character and visual amenity values'*. This makes it clear that it is the proposal's consistency with the zone's anticipated amenity values and character that are to be assessed, not the amenity values and character of the existing environment. These can be quite different matters and it is the anticipated character and amenity values of the zone which should have precedence.

### 7.2.6 Matters of Discretion OSZ-R6.5 and .2

Amendments are sought to the matters of discretion for Rule OSZ-R6.5 so that it does not refer to *'whether the activity enhances the experience of users of the area'*. We consider this matter is unclear and potentially creates an expectation that proposed developments will be put to the

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<sup>1</sup> *Anderson v East Coast Bays City Council* (1981) 8 NZTPA 35

cost of enhancing degraded public areas, which is the responsibility of MDC, not resource consent applicants. The use of 'enhancement' is also inconsistent with the objectives and policies of the OSZ that do not refer to enhancement, and there is overlap with compatible passive recreational activities – therefore this assessment matter is sought to be deleted. Matter of restricted discretion (b) (or point 2) is sought to be amended given that compatibility is not a commonly used RMA standard. The submitter considers this is otherwise duplicated under matters a and c and can be deleted.

### 7.2.7 Standards OSZ-S1 and OSZ-S2

Amendments are sought to Standards OSZ-S1 and OSZ-S2 to exclude recreation or commercial recreation equipment less than 10m<sup>2</sup> in area. The adverse effects of recreation equipment this size, such as bench seats, picnic tables, exercise equipment and support lines and wires would be very low, and often of a temporary nature rather than permanent buildings. As such it would be inefficient to require resource consent for activities with such low effects compared with the benefits obtained from requiring consent for those activities.

### 7.3 Variation 1 to Plan Change 23

Variation 1 to Plan Change 23 of the MDP introduces the OSZ into the right-hand column of Table NAT-C, the effect of which is to reduce the setback requirements for buildings and structures from surface water bodies. We support that proposal and seek, as a consequential amendment, to amend Rule NATC-R1 to ensure that recreation or commercial recreation structures less than 10m<sup>2</sup> are also excluded. This will ensure that there is consistency with the other exclusions in this rule, such as consistency with the pump shed exclusion for buildings less than 10m<sup>2</sup>. It will also ensure that recreation or commercial recreation equipment this size such as bench seats and picnic tables, which have very low adverse effects on natural character are enabled without the requirement of a resource consent, which would be inefficient and provide little benefit.

The following provisions of the Noise chapter are opposed by the submitter:

#### 7.3 Noise

7.3.1 Amend policy NOISE-P1 to remove wording 'maintain the character and amenity anticipated'. As above, maintain sends a signal of a no change environment.

7.3.2 Amend NOISE-R3 to include recreational and commercial recreation activities conducted outside.

## 8.0 Expert Conferencing

The submitter is open to its expert planning witness conferencing with the reporting officer.

## 9.0 Conclusion

The submitter is interested in the entirety of Plan Change 29 to the MDP and Variation 1 of Plan Change 23 to the MDP and seeks the amendments of these provisions to ensure that commercial recreation activities are appropriately managed.



## Appendix 1 – Amendments Sought to the Open Space Zone, PC29

## Open Space Zone (OSZ)

### Introduction

The Open Space Zone encompasses areas of ~~green~~ open space which provide for passive recreation opportunities, including walking, and cycling, connections in urban areas. Use of these areas is generally informal in nature but may also include compatible commercial recreation activities. The Open Space Zone is located within, or adjoining the District's town and settlements.

Limited built form is anticipated in this zone to support the recreational focus, such as seating, picnic and barbeque facilities, toilets, shelters and playgrounds, and sporting or other recreation equipment, reflecting the dominance of open space.

In lakeside areas, the maintenance of lake views and accessibility to the lake is also important.

### Objectives and Policies

Objectives	
<b>OSZ-O1</b>	<b>Zone Purpose</b>
The Open Space Zone provides areas of open space which predominately provide for a range of passive recreational activities <u>and compatible commercial recreational activities</u> .	
<b>OSZ-O2</b>	<b>Zone Character and Amenity Values</b>
The Open Space Zone contains limited facilities and structures which support the purpose of the zone and maintain the predominance of open space.	
Policies	
<b>OSZ-P1</b>	<b>Recreational Activities</b>
Enable informal recreation opportunities, and facilities that support these, including walking and cycling connections, toilets, playgrounds, sporting equipment and picnic and barbeque areas.	
<b>OSZ-P2</b>	<b>Compatible Activities</b>
Provide for community facilities and commercial recreation activities which are of a nature and scale that is complimentary to, does not <u>significantly</u> detract from, the passive focus of the zone.	
<i>Or, in the alternative:</i>	
Provide for community facilities and commercial recreation activities which are of a nature and scale that is complimentary to, <del>does not detract from,</del> the passive focus of the zone.	

<b>OSZ-P3</b>	<b>Other Activities</b>
Only allow other activities where they: <ol style="list-style-type: none"><li>1. have a functional need or operational need to locate within the zone; or</li><li>2. are compatible with the purpose of the zone and do not conflict with recreational uses; and</li><li>3. are of a location, nature and scale that does not preclude development of new open space and recreational activities.</li></ol>	
<b>OSZ-P4</b>	<b>Built Form</b>
Limit the scale of built form within the Open Space Zone to: <ol style="list-style-type: none"><li>1. retain a clear predominance of open space; and</li><li>2. <del>maintain uninterrupted views from urban areas to any lake and</del> maintain the visual amenity of lakeside areas.</li></ol>	

## Rules

OSZ-R6	Commercial Recreation Activities	
Open Space Zone	<b>Activity Status: RDIS</b> <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>1. The nature, scale and intensity of the <u>activity</u>.</li> <li>2. <del>Compatibility with passive recreational activities.</del></li> <li>3. Any impacts on other users of the site, or on accessibility.</li> <li>4. <u>Consistency with the zone's Maintenance anticipated character and of the visual amenity values and character of the zone.</u></li> <li>5. <del>Whether the activity enhances the experience of users of the area.</del></li> </ol>	

## Standards

OSZ-S1	Height	Activity Status where compliance not achieved:
OSZ	<ol style="list-style-type: none"> <li>1. The maximum height of any building or structure shall not exceed 5m above ground level, <u>except any ropes, lines or platforms of recreational or commercial recreational equipment less than 10m<sup>2</sup> in area.</u></li> </ol>	<b>RDIS</b> <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>a. The impact of the increased height on users of the site.</li> <li>b. The location, design, scale and appearance of the building or structure.</li> <li>c. Adverse effects on the streetscape.</li> <li>d. Adverse effects on the amenity values of neighbours on sites containing residential or other sensitive activities, including visual dominance, shading and effects on privacy.</li> <li>e. The extent to which the increase in height is necessary due to the functional and operational requirements of an activity.</li> </ol>

OSZ-S2	Setbacks	Activity Status where compliance not achieved:
OSZ	1. Any building or structure <u>(excluding any recreation or commercial recreation equipment, fences, gates or signs less than 10m<sup>2</sup>)</u> shall be set back a minimum of 6m from any boundary (including a road boundary).	<b>RDIS</b> <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>The location, design, scale and appearance of the building or structure.</li> <li>For road boundaries, adverse effects on the streetscape.</li> <li>For internal boundaries, the extent of adverse effects on privacy, outlook, shading, and other amenity values for the adjoining property.</li> <li>Where the building or structure is opposite any residential zone, the effects of a reduced setback on the amenity values and outlook on that zone.</li> <li>The adequacy of any mitigation measures.</li> </ol>
OSZ-S4	Reflectivity	Activity Status where compliance not achieved:
OSZ	1. Any building or structure shall <u>have or</u> be finished in materials with a light reflectivity value of no more than 40%.	<b>RDIS</b> <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>The location, design and appearance of buildings on the site.</li> <li>The visual impact of the built form on users of the zone, the streetscape and surrounding environment.</li> <li>The adequacy of any mitigation measures.</li> </ol>

Noise – R3	Noise associated with Recreational Activities <u>and Commercial recreation activities</u> ...  1. The recreational activity does not involve powered motorsport, or gunfire; and <u>any commercial recreation activity is undertaken outdoors</u>	
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## Appendix 2 – Initial Amendments Sought to the Variation 2, PC23

The submitter's initial amendments sought to Variation 1 to Plan Change 23 are set out below:

<b>NATC-R1</b>	<b>Buildings and Structures (excluding fences, water troughs, <del>and</del> water pump sheds <u>and recreation and commercial recreation structures</u> with building footprint of 10m<sup>2</sup> or less)</b>	
<b>All zones</b>	<b>Activity Status: PER</b>  <b>Where the activity complies with the following standards:</b> NATC-S1 Activity Setbacks from Surface Waterbodies	<b>Activity status when compliance with standard(s) is not achieved:</b> Refer to relevant standard(s).

## Appendix 3 – Layout of the proposed ropes course



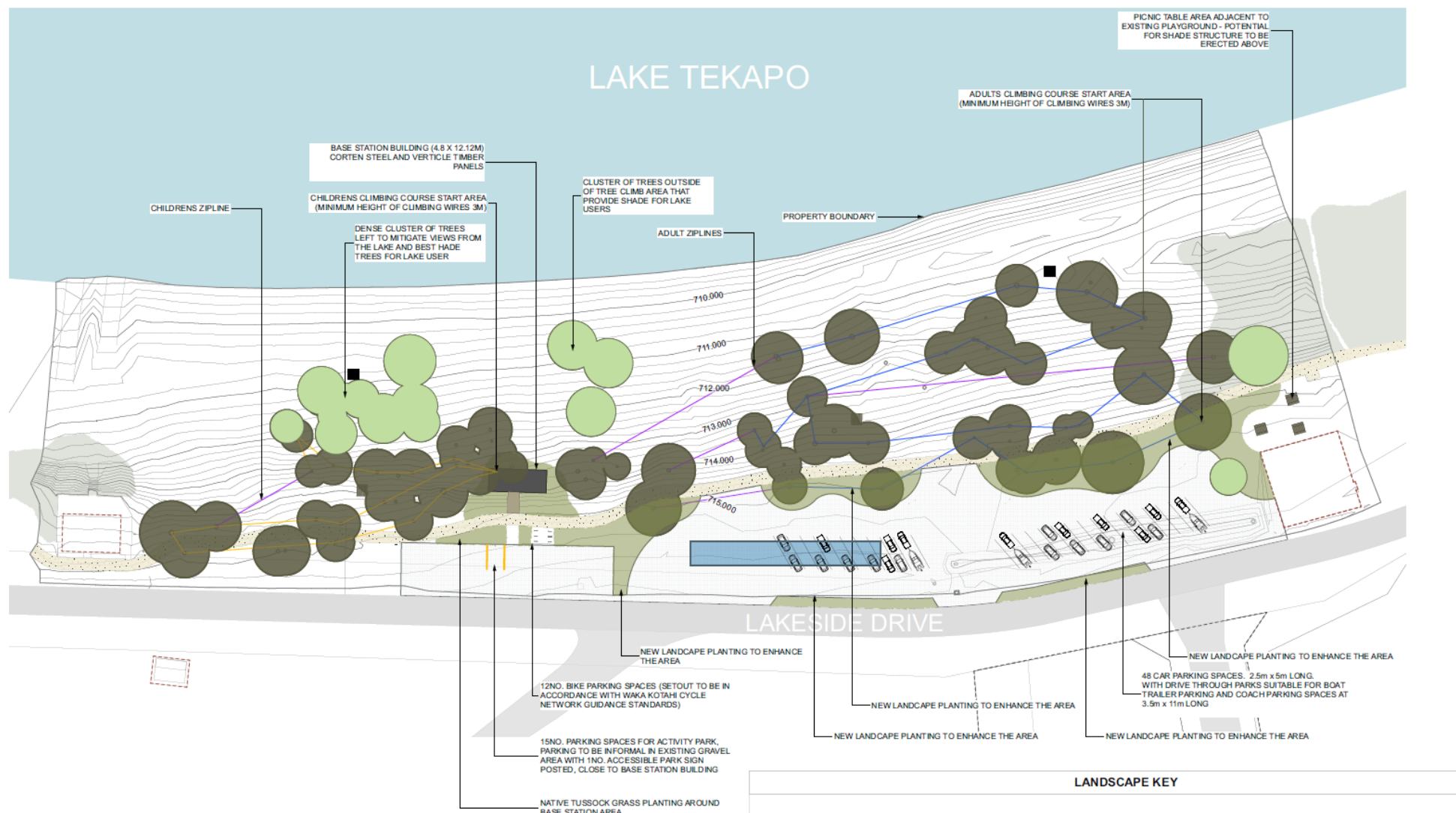


Figure 3 – Layout of the proposed ropes course – provided by way of background information only



## **Plan Change 29**

**Open Space and Recreation Zones, Noise,  
Signs and Temporary Activities  
Variation 1 to Plan Change 23  
Variation 2 to Plan Change 26  
Variation 2 to Plan Change 27**

## **Decision Report**

**24 July 2025**

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**Appendix 1:** Amended Provisions including definitions for Plan Changes 28 - 30

**Appendix 2:** Amended Planning Maps

**Appendix 3:** Appearances and Tabled Evidence

**List of submitters addressed in this report:**

Submitter Ref	Further Submitter Ref	Submitter Name	Abbreviation
PC29.01		Wendy Marshall	
PC29.02		Graham White	
PC29.03		Bruce and Janice Cowan	
PC29.04	FS1	NZ Agricultural Aviation Association	NZAAA
PC29.05	FS2	NZ Helicopter Association	NZHA
PC29.06		Pamela and Alister Busbridge	
PC29.07	FS9	Frank Hocken	
PC29.08		Deborah Langford	
PC29.09		Nicki McMillan	
PC29.10	FS5 & FS6	Tekapo Landco Ltd and Godwit Leisure Ltd	TLGL
PC29.11		Ross and Sue Polson	
PC29.12		Peter McNab	
PC29.13		Heritage New Zealand Pouhere Taonga	HNZPT
PC29.14		Transpower New Zealand Ltd	Transpower
PC29.15		Chorus, Connexa, FortySouth, One NZ and Spark	The Telcos
PC29.16		Stephanie Polson	
PC29.17		Fairlie and Districts Residents and Ratepayers Society	FDRRS
PC29.18	FS3	Meridian Energy Ltd	Meridian
PC29.19	FS8	Director General of Conservation	DOC
PC29.20		NZ Transport Agency Waka Kotahi	NZTA
PC29.21	FS4	Genesis Energy Ltd	Genesis
PC29.22		Canterbury Regional Council	CRC
PC29.23		Nova Energy Ltd	Nova
PC29.24		Totally Tourism Ltd	Totally Tourism
PC29.25		Richard Geary	
PC29.26		Queenstown Commercial Parapenters Ltd	QCP
PC29.27		Zero Invasive Predators	ZIP
PC29.28		Opuha Water Ltd	OWL
PC29.29		Tekapo Springs Ltd	Tekapo Springs
PC29.30	FS7	New Zealand Defence Force	NZDF
PC29.31		Gary Burrowes	

**Abbreviations used in this report:**

Abbreviation	Full Text
AIRPZ	Airport Special Purpose Zone
CAR	Corridor Access Request
Council	Mackenzie District Council
GRUZ	General Rural Zone
INF Chapter	Infrastructure Chapter
LLRZ	Large Lot Residential Zone
MDP / Plan	Mackenzie District Plan
MDPR	Mackenzie District Plan Review
NP Standards	National Planning Standards
ODP	Operative District Plan

OSRZ	Open Space and Recreation Zones
OSZ	Open Space Zone
PC23	Plan Change 23
PC29	Plan Change 29
PREC1	Takapō / Lake Tekapo Precinct
PREC2	Commercial Visitor Accommodation Precinct
RMA	Resource Management Act 1991
SARZ	Sport and Active Recreation Zone
SCA	Specific Control Area
TCZ	Town Centre Zone
TEMP Chapter	Temporary Activities Chapter
V1PC23	Variation 1 to Plan Change 23
V2PC26	Variation 2 to Plan Change 26
V2PC27	Variation 2 to Plan Change 27

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## 1. Purpose of Report

1. Pursuant to section 43(1) of the Resource Management Act 1991 (RMA), the Mackenzie District Council (MDC) has appointed a combined Hearings Panel of three independent commissioners<sup>1</sup> to hear and decide the submissions and further submissions on Plan Change 29 addressing:
  - Open Space and Recreation Zones (OSRZ)
  - Noise
  - Signs
  - Temporary Activitieswhich all form part of the Mackenzie District Plan Review (MDPR).
2. The Decision Report sets out the Hearings Panel's decisions on the submissions and further submissions received on Plan Change 29.
3. The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for PC23 were:
  - Section 42A Report: Plan Change 29 – Open Space and Recreation Zones, Noise, Signs and Temporary Activities; Variation 1 to Plan Change 23; Variation 2 to Plan Change 26; Variation 2 to Plan Change 27. Author: Liz White. Date: 24 April 2025.
  - Section 42A Report: Plan Change 29 – Open Space and Recreation Zones, Noise, Signs and Temporary Activities; Variation 1 to Plan Change 23; Variation 2 to Plan Change 26; Variation 2 to Plan Change 27, Reply Report. Author: Liz White. Date: 19 June 2025.
4. In our Minute 6 dated 7 May 2025 we posed a number of questions to Ms White (the Section 42A Report author). We received written answers to those questions<sup>2</sup>.
5. The Hearing Panel's amendments to the notified provisions of PC29 are set out in Appendix 1, including any definitions relevant to PC29. Amendments recommended by Ms White that have been adopted by the Hearing Panel are shown in ~~strike-out~~ and underlining. Further or different amendments made by the Hearing Panel are shown in red font as ~~strike-out~~ and underlining. Amendments to the District Plan planning maps are shown in Appendix 2.

## 2. Hearing and Submitters Heard

6. There were 31 primary submissions and 9 further submissions on PC29 and V1PC23, V2PC26 and V2PC27.
7. Further submissions are generally not discussed in this Decision, because they are either accepted or rejected in conformance with our decisions on the original submissions to which they relate.
8. The Hearing for PC29 was held in Fairlie and Twizel over the period Tuesday 27 May 2025 to Thursday 29 May 2025. The submitters and further submitters tabulated below were heard:

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<sup>1</sup> Megan McKay, Ros Day-Cleavin and Rob van Voorthuysen.

<sup>2</sup> Section 42A Reporting Officers' Response to Hearings Panel Questions, 20 May 2027.

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Submitter Ref	Submitter Name
PC29.04	NZ Agricultural Aviation Association
PC29.05	NZ Helicopter Association
PC29.10	Tekapo Landco Ltd and Godwit Leisure Ltd
PC29.11	Sue Polson
PC29.13	Heritage New Zealand Pouhere Taonga
PC29.15	Chorus, Connexa, FortySouth, One NZ and Spark
PC29.17	Fairlie Residents and Ratepayers Association
PC29.18	Meridian Energy Ltd
PC29.21	Genesis Energy Ltd
PC29.22	Canterbury Regional Council
PC29.26	Queenstown Commercial Parapenters Ltd
PC29.28	Opuha Water Ltd
PC29.29	Tekapo Springs Ltd

9. The individuals we heard from are listed in Appendix 3. Three submitters tabled evidence but did not appear at the Hearing and they are also listed in Appendix 3.
10. Copies of all legal submissions and evidence (either pre-circulated or tabled at the Hearing) are held by the MDC. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Decision. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the Hearing.
11. We received opening legal submissions from MDC's legal counsel Michael Garbett who addressed the statutory framework. We also received 'overview' evidence from Julie-Anne Shanks regarding the current stage of the MDPR, the Plan Changes notified as part of Stage 4 of the MDPR and their integration with existing operative District Plan provisions.

### 3. Our Approach

12. We have decided to structure this Decision in the following manner.
13. Ms White's Section 42A Report sequentially addressed the submissions under the following topic-based headings:
  - Zoning of Specific Land
  - Noise
  - Signs
  - Temporary Activities
  - Open Space and Recreation Zones
  - Variations and Consequential Changes
14. For the ease of readers of this Decision, we have adopted the same approach here and mimic the headings used in the Section 42A Report.
15. The submissions received on the provisions covered by each of these headings were summarised in the Section 42A Report. We adopt those summaries, but do not repeat them here for the sake of brevity.
16. Where, having considered the submissions and the submitters' evidence and legal submissions, we nevertheless accept Ms White's final recommendations, we state that we adopt her assessment and recommendations as our reasons and decisions. Where we disagree with Ms White's final recommendations, we set out our own reasons based on the evidence received and state our decisions on the relevant submissions.



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17. The consequence of our approach is that readers of this Decision should also avail themselves of the Section 42A Reports listed in paragraph 3 above.

### **3.1 Statutory Framework**

18. We adopt the statutory framework assessment set out in section 6 of the Section 42A Report. We note that to be consistent with the framework described by Mr Garbett in paragraphs 5 and 6 of his opening legal submissions.

### **3.2 Out of Scope Submissions**

19. We agree with Ms White that Frank Hocken's (07.01) submission (and further submission on this submission (FS09.01)) is not considered to be in scope of PC29 as it relates to water supply and sewage disposal financial contributions. The consequence of that is that we decline to consider those matters.

### **3.3 Uncontested Provisions**

20. Table 1 of the Section 42A Report listed provisions within PC29, V1PC23, V2PC26, and V2PC27 which were either not submitted on, or where submitters sought their retention. Table 1 also listed the relevant submissions. Nova (23.11) supported the deletions proposed to various parts of the Plan which are consequential to the introduction of the various new chapters proposed in PC29.
21. We have decided to accept the submissions listed in Table 1 of the Section 42A Report along with Nova (23.11) and we do not generally discuss those submissions further in this Decision. Consequently, the provisions listed in Table 1 of the Section 42A Report and section 5 of this Decision report are retained as notified (unless a clause 10(2)(b) or clause 16(2) change has been made to them).

### **3.4 Supporting Submissions**

22. Nicki McMillan (09.01) and Richard Geary (25.01), in a primary submission, support in full the submissions of NZAAA (PC29.04), NZHA (PC29.05). Totally Tourism (24.01), in a primary submission, supports the submission of NZHA (PC29.05).
23. Our decisions on NZAAA (PC29.04) and NZHA (PC29.05) therefore apply to Nicki McMillan (09.01) and Richard Geary (25.01). Our decision on NZHA (PC29.05) therefore applies to Totally Tourism (24.01).

### **3.5 Section 32AA Assessments**

24. Where we adopt Ms White's recommendations, we also adopt her s32AA assessments. For those submissions we are satisfied that Ms White's recommendations are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of the District Plan and for giving effect to other relevant statutory instruments.
25. Where we differ from Ms White's recommendations, we are required to undertake our own s32AA assessment at a level of detail that corresponds to the scale and significance of any changes we recommend to the notified District Plan provisions. In that regard we are satisfied that any such amendments are a more efficient and effective means of giving effect to the purpose and principles of the RMA and the higher order statutory instruments, for the reasons we set out in this Decision.

## **4. Definitions**

### **4.1 Assessment**

26. PC29 introduces various definitions into the Interpretation Chapter and it also adopted the definition of terms already contained in the Interpretation chapter where those terms are used in the NOISE, SIGN, TEMP and/or OSRZ chapters.

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## 4.2 Decision

27. Other than where we indicate in subsequent sections of this Decision, the definitions referred to above are retained as notified.

## 5. Consequential Changes

### 5.1 Assessment

28. Ms White advised that PC29 proposes to make consequential changes to delete a number of sections in the Operative District Plan (ODP), including provisions within Sections 3, 5, 6, 7, 8, 9, 12 and 14; Appendices B, F, G, H and S, and the 'Mackenzie District Council Colour Palette'; and to consequentially delete Scenic Viewing Areas 22, 23 and 24, and that part of Scenic Viewing Area 3 which is zoned OSZ.
29. PC29 also proposes to remove the Te Manahuna / the Mackenzie Basin Outstanding Natural Landscape from the Takapō Regional Park, as a consequence of rezoning the Park from General Rural (GRUZ) to OSZ.
30. We understand that only Nova (23.11) submitted on these changes and supported them. On that basis we agree with Ms White's that these changes should be made.

### 5.2 Decision

31. We adopt Ms White's assessment and recommendations as our reasons and decisions.
32. The ODP is amended as set out in Figure SARZ-1 in the SARZ Chapter (Appendix 1 to this Decision Report).

## 6. Open Space zoning at Station Bay – Lakeside Drive, Takapō / Lake Tekapo

### 6.1 Assessment

33. TLGL (10.02) sought that part of Lot 401 DP 560853 at Station Bay, Tekapo, be rezoned to a combination of OSZ, SARZ and MRZ, along with associated amendments to provisions and mapping to support the rezonings. As set out in Ms Banks' evidence<sup>3</sup>, the purpose of the requested rezonings was to:
- a) reflect the outcomes and extent of previous subdivision consent decisions for Station Bay;
  - b) extend the MRZ zoning on the upper terrace adjoining the consented subdivision, to provide opportunities for additional residential development; and
  - c) identify a further area of SARZ on the sloping land between Station Bay and Tekapo Springs, to better align with the private land ownership and enable further opportunities for active and commercial recreation, compared to the notified OSZ.
34. Tekapo Springs (29.01) considered that PC29 did not adequately address or make allowance for commercial and tourism-related development, redevelopment, expansion, operation and future proofing of Tekapo Springs, a commercial recreation business including hot pools and an ice-skating rink located at 300 Lakeside Drive. The submitter sought an extension to the SARZ zoning to include a further strip of land running along the west/southwest of Tekapo Springs (Area A)<sup>4</sup> as well as a strip of land extending from the eastern boundary of the site out to the lakefront (Area B).<sup>5</sup> Changes were also sought to the SARZ framework.
35. With respect to the relief sought by TLGL in 33(a) and (b) above, we accept Ms White's recommendations and agree that the MRZ rezoning (areas denoted as 2 and 2B)<sup>6</sup> will integrate with the consented subdivision and provide for additional residential capacity; and that the area denoted as Area 2A<sup>7</sup> is more appropriately

<sup>3</sup> Kim Banks, Statement of Evidence, 9 May 2025, para 19.

<sup>4</sup> Mark Geddes, Statement of Evidence, 9 May 2025, Figure 3.

<sup>5</sup> Mark Geddes, Statement of Evidence, 9 May 2025, Figure 3.

<sup>6</sup> Figure 4, TLGL Submission.

<sup>7</sup> Figure 4, TLGL Submission.

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retained as OSZ to align with its anticipated use and the outcomes sought under the OSZ. We note TLGL's planning witness Kim Banks was supportive of Ms White's recommendations on these matters.<sup>8</sup>

36. In terms of the request by Tekapo Springs to extend the SARZ zoning to 'Area A', we note this area falls within the area sought by TLGL to be rezoned (Area 1<sup>9</sup>) as SARZ (as set out in (c) above). We accept Ms White's assessment and agree that by rezoning this area, greater opportunities for economic development would be provided, and the use of the land could complement the adjoining Tekapo Springs site. We further accept Ms White's recommendation that the SARZ rezoning is best achieved with the application of a Specific Control Area to limit building coverage to an acceptable limit, noting the consistent landscape assessments of Bron Faulkner (for Council) and Richard Tyler (for TLGL) that the rezoning is appropriate and will have limited effects on visual amenity and landscape character.
37. A matter to arise at the Hearing related to the submission made by Tekapo Springs for an increased building coverage of 40% in 'Area A', as opposed to the 10% promoted by Mr Tyler. In her Addendum Report, Ms White (relying on the landscape evidence of Ms Faulkner) recommended that the request by Tekapo Springs be accepted via a 'Tekapo Springs Specific Control Area'. While agreed to in principle, Ms Banks raised some practical concerns with the recommendations.
38. Ms Banks explained that:
- 'Area A' of the 'Tekapo Springs SCA' has not been defined in relation to site conditions, topography and landscape features. The current overlay extends across the majority of the TLGL SARZ rezoning area and also includes a strip of land that is recommended to be rezoned MRZ. As such, TLGL seeks that the boundaries of this area be more accurately defined and that the overlay excludes the recommended MRZ area.
  - Given 'Area A' occupies the majority of TLGL's rezoning, it becomes questionable whether a distinction between the two areas remains necessary. A combined approach for the area, inclusive of the applicable standards for ancillary retail activity, food and beverage and staff accommodation could be appropriate for the combined SARZ across both Station Bay and Tekapo Springs.
  - TLGL do not support of the naming of the 'Tekapo Springs SCA', as well as the policy framework for that SCA, where this applied to land outside the current boundaries and ownership of the Tekapo Springs, and particularly if this is applied over Lot 401. If the SCA is to apply to a wider area then a broader naming and policy framework should be used, reflecting the existence of vacant land that has an unknown future development outcome.
  - If Ms White's recommendations are accepted and two separate SCA's remain, it is understood that the remaining land outside of the 'Tekapo Springs SCA', and within the 'Station Bay SCA' would retain a 10% building coverage sought by TLGL. This is reflected in the amendment to SARZ-S4 indicated in the Tabled provisions which reverts to a '%' rather than a 'm<sup>2</sup>' figure, and this approach is supported.
39. Following the Hearing, and in response to a Panel request, Ms Banks provided us with two sets of provisions: Option 1 (the preferred option) provided for an integrated SCA, and Option 2 (secondary option) provided for two separate SCAs.<sup>10</sup> In support of these options, she shared her views (developed in consultation with Ms White) on what would represent an appropriate rule framework and planning outcome in response to the submissions of TLGL and Tekapo Springs.
40. Having considered the evidence, Ms White recommended a revised zoning and provision framework in her s42A Reply Report, including the following components:
- The existing Tekapo Springs site (i.e. the notified SARZ area only) would be included within a new 'Specific Control Area XX – Tekapo Springs'.
  - The western portion of 'Area B' referred to in the Tekapo Springs submission, and all of the area requested to be rezoned SARZ in the TLGL submission (including, but not limited to, 'Area A' referred

<sup>8</sup> Kim Banks, Statement of Evidence, 9 May 2025, para 26-29.

<sup>9</sup> Figure 4, TLGL Submission.

<sup>10</sup> Kimberly Banks, Response to Hearing Panel's Further Information Request, 6 June 2025.

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to in the Tekapo Springs submission) would be zoned SARZ, with a new 'Specific Control Area YY – Takapō / Lake Tekapo West' applied to these areas.

- Within both SCAs, additional ancillary activities would be enabled (i.e. recommended policy SARZ-P4A, and additions to SARZ-R9, SARZ-R10 and SARZ-R11 would apply equally to Specific Control Area YY – Takapō / Lake Tekapo West).
  - Within Specific Control Area YY – Takapō / Lake Tekapo West, specific objective and policy direction would be included in relation to the built form within this SCA, which is implemented through:
    - i. a permitted building coverage per site of 10%;
    - ii. a new controlled activity pathway for building coverage between 10% and 40%, subject to a landscape plan being submitted with the application, and with matters of control relating to landscaping, the proposed buildings, and any other mitigation measures to help integrate the built form into the surrounding natural environment; and
    - iii. a restricted discretionary activity status applying to building coverage above 40%, (consistent with the approach applied to other SARZ sites).
41. We have carefully considered the evidence of Ms White, Ms Banks, Mr Speedy, Mr Tyler, Mr Geddes and Ms Crawford, and we agree with Ms White that the revised zoning and provision framework provides a more targeted management regime which better reflects the current landscape context of these open areas and avoids the complexity that would be associated with the previously recommended 'split' SCA across the TLGL land. We therefore accept Ms White's recommended changes to the Introduction of the SARZ Chapter, SARZ-O1, SARZ-O2, SARZ-P4A, SARZ-P5, SARZ-R9, SARZ-R10, SARZ-R11 and SARZ-S4. For the reasons set out in her s42A Reply Report, we find the revised package of provisions to represent a sensible solution which addresses submitter concerns whilst assisting in achieving the objectives of the Plan. In reaching this view we note the high degree of consistency reached between the submitters' experts and Council staff on these matters.
42. With respect to Tekapo Springs' request to extend the SARZ to the eastern portion of Area B<sup>11</sup>, Ms White provided an updated recommendation in an Addendum Report (arising from the findings in the submitter's landscape evidence and the landscape evidence of Ms Faulkner for Council) that the eastern end of Area B should remain OSZ. We heard from Mr Geddes who promoted a revised set of standards that would in his view, relying on Ms Crawford's landscape evidence, maintain the landscape character and visual amenity values of the area. In response to our questions, Ms Crawford confirmed for us that in her view either reducing the extent of the SARZ in Area B (as recommended by Ms Faulkner) or decreasing the site coverage and building height would assist to preserve the more sensitive eastern end of Area B. She acknowledged that it was challenging to arrive at a view on the specific effects of a proposal where the parameters of any future project at the site are as yet unknown. We asked her to provide a visual montage of at least removal of trees and an illustrative development that complied with Mr Geddes' standards to give us a sense of the level of effects that might result if the rezoning was granted and development according to the SARZ zoning was realised.
43. Having reviewed the s32AA assessment prepared by Mr Geddes and provided to us following the Hearing, along with the visual simulations provided by Ms Crawford, we are not persuaded that rezoning of the eastern strip of Area B would be more effective and efficient than applying the OSZ to this land. We agree with Ms White where she noted in her Section 42A Reply Report that the visual simulations provide an indication of a possible development of the land, but do not appear to demonstrate what the full envelope of permitted development (and specifically, up to 30% building coverage) proposed by the submitter would equate to. Further, we do not accept Mr Geddes' assertion that if this land remained as OSZ, *"this would not be effective in achieving the strategic directions Objective ATC-O1 that seek to ensure the district is a desirable place to live, work, play and visit"*. It is clear to us that a range of recreation activities will still be provided within the Takapō / Lake Tekapo township to meet community needs in the absence of the subject land.

<sup>11</sup> Mark Geddes, Statement of Evidence, 9 May 2025, Figure 3.

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44. Following the Hearing, in response to our questions, Murray Dickson<sup>12</sup> confirmed that the land identified in Mr Geddes evidence<sup>13</sup> in both the red (western extent) and yellow (eastern extent) of 'Area B' is held within the same fee simple title and owned by the Council. He advised that the Council does not have any current intention to sell the land<sup>14</sup>, there are currently no harvesting plans for this site, and in the event of any future felled area, the site would not be replanted as 'commercial' forestry as the area and slope mean returns would not be profitable.
45. Having visited the site and having considered the evidence and visual simulations provided by the submitter's landscape expert, and responses to our questions, we agree with Ms White's recommendation to retain Area B as OSZ. This is consistent with Ms Faulkner's assessment that the recommended zoning would contain more intensive development close to the Tekapo Springs, containing the effects close to the existing infrastructure and the more developed inner bay area, while retaining the undeveloped character at the outer extent of Area B. In reaching this view, we find that there is a lack of development certainty to support Tekapo Springs' rezoning request, especially so given the MDC have no current plans to sell this area of land.

## 6.2 Decisions

46. We adopt Ms White's assessment and recommendations as our reasons and decisions.
47. The District Plan maps are amended as shown in Appendix 2.

## 7. Zoning of land on south-east corner of Mackenzie Drive and Simons Street, through to Glenbrook Crescent, Twizel

### 7.1 Assessment

48. Several submitters opposed the proposed change in zoning of the subject area to MRZ with a Commercial Visitor Accommodation Precinct (PREC2). We heard from Sue Polson (11.02) representing her own submission and the submission of Graham White (02.01).<sup>15</sup> Ms Polson shared her view that the area is an important community recreation space near the food trucks across the street. She explained that families regularly use this space to gather, picnic and play sport. She expressed concern that the proposed zoning would result in negative traffic impacts and questioned why other sites in the area are not being rezoned instead.
49. We visited the site following the Hearing to gain a better understanding of submitter concerns. Having considered submissions and evidence on this matter, we accept Ms White's assessment and recommendations that the MRZ applied to the land on the south-east corner of Mackenzie Drive and Simons Street, through to Glenbrook Crescent, Twizel be retained as notified, and that the proposed PREC2 is not applied to this area. In reaching this view we note the following:
- While we acknowledge the area is well used by the community for recreation activities, the area is not formally vested as a reserve, is subject to basic maintenance, and does not include any facilities such as play equipment or picnic furniture;
  - Being Council owned land, the site has been identified as being operationally and locationally suitable for an emergency services facility for the benefit of the wider community;
  - Given the proximity of the site to the existing medical centre, the MRZ zoning facilitates the establishment of an emergency services facility (and/or a residential use). An emergency services facility would be harder to establish under an OSZ than under MRZ in any future consenting process.

<sup>12</sup> MDC General Manager Corporate, Commercial and Planning.

<sup>13</sup> Mark Geddes, Statement of Evidence, 9 May 2025, Figure 4.

<sup>14</sup> However, would be open to having discussions with a potential purchaser. He notes that any sale would likely include a range of conditions (due to the location, slope, and the adjoining land), which could include matters such as: plans being required to demonstrate a beneficial use of the site and obligations to implement such plans; making the purchaser responsible for removing trees; and ensuring protection of the road reserve area and lakefront below the land.

<sup>15</sup> Submitter Gary Burrows (29.31) was unable to attend the Hearing as scheduled.

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- Given the Council's intended use of the site is not for visitor accommodation, and there are other vacant sites available for this type of development, we accept that PREC2 is not suitable zoning for this land.
- Twizel has a large amount of greenspace areas, and we consider that the loss of this area is relatively minor in terms of overall supply.

## **7.2 Decision**

50. We adopt Ms White's assessment and recommendations as our reasons and decisions.
51. The District Plan maps are amended as shown in Appendix 2.

## **8. Zoning of Private Land, Glen Lyon Road, Twizel**

### **8.1 Assessment**

52. Bruce and Janice Cowan (03.01) and Pamela and Alister Busbridge (06.01) support the proposed rezoning of land along the frontage of Glen Lyon Road, from Recreation P to Large Lot Residential (LLRZ), as this is privately owned, and aligns with the zoning of the balance of the submitters' land.
53. Having considered the submissions and evidence we accept Ms White's recommendation that the LLRZ zoning be applied to those lots fronting Glen Lyon Road in Twizel.

### **8.2 Decision**

54. We adopt Ms White's analysis and recommendation as our reasons and decisions.
55. The District Plan maps are amended as shown in Appendix 2.

## **9. Other Mapping Matters**

### **9.1 Assessment**

56. TLGL (10.03) supported the exclusion of roads from zone boundaries but sought that the regulation of activities within roads is specified in the Plan, to ensure that land use activities other than roading, pedestrian/cycle connections, earthworks and infrastructure in roads are not inadvertently enabled. Having considered the submissions and evidence, we accept Ms White's recommendation and agree that additional regulation in the District Plan in relation to land use activities in roads is not required. We note that TLGL did not provide any further evidence to the contrary.

### **9.2 Decision**

57. We adopt Ms White's analysis and recommendations as our reasons and decisions.

## **10. Noise – Whole Chapter**

### **10.1 Assessment**

58. Nova (23.02), CRC (22.06) and DOC (19.02) submitted on the whole Noise Chapter. We agree with Ms White that these submissions should be accepted in part.
59. We note that NOVA did not submit any evidence or attend the Hearing. DOC tabled a statement advising<sup>16</sup> that as a result of discussions with MDC officers, their concerns had largely been addressed, such that there were no outstanding matters that warranted appearance at the Hearing. The evidence of Rachel Tutty<sup>17</sup> for CRC did not address noise matters.

### **10.2 Decision**

60. We adopt Ms White's analysis and recommendation as our reasons and decisions.

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<sup>16</sup> Di Finn, Manager Operations, Twizel.

<sup>17</sup> CRC Principal Planner.

## 11. Noise – Objectives and Policies

### 11.1 Assessment

61. Several submitters were concerned that the notified provisions did not adequately reflect the economic and social wellbeing of noise generators (NZAAA and NZHA), focusing the outcome only on health and well-being. Other concerns included a failure to recognise the functional needs and operational needs of critical infrastructure (Meridian), to suitably allow for temporary military training activities (NZDF), or provide for changing environments (QCP).
62. NZDF<sup>18</sup> supported Ms White's recommendation to amend NOISE-P1. We note NZDF did not attend the hearing. In her evidence for Meridian, Sue Ruston<sup>19</sup> agreed with Ms White's assessment and recommendations for NOISE-O1 and NOISE-P1. We discuss NZAAA's position in section 12 of this Decision. QCP was represented at the Hearing by Mark Geddes. His evidence did not address noise matters, but noted agreement with the MDC officers on several undefined matters.
63. Consequently, having considered the submissions and evidence of the submitters, we accept Ms White's analysis that:
- it is appropriate to refer to noise being "*compatible*" rather than "*consistent*" with the purpose and anticipated character and qualities of the receiving environment in NOISE-O1;
  - it is appropriate to continue to refer to the "*purpose*" of the zone, rather than the "*anticipated*" purpose in NOISE-O1;
  - it is not appropriate to limit NOISE -O1 to only being about health and well-being as the NOISE chapter has a broader aim;
  - there is no need to add reference to infrastructure to this objective (Meridian's second option), as the outcomes sought for infrastructure are already included in the INF Chapter and the Strategic Directions;
  - the additional policies sought by submitters are unnecessary. If the additional policies sought by submitters were included in addition to NOISE-P1, that would create confusion for plan users, given the additional policy would duplicate and in some cases conflict with the direction in NOISE-P1;
  - NOISE-P1 should additionally refer to the "benefit to the community" of noise generating activities; and
  - NOISE-P1 as notified does not send a signal of no change with regard to character and amenity.

### 11.2 Decision

64. We adopt Ms White's analysis and recommendation as our reasoning and decisions.
65. NOISE-O1 and NOISE-P1 are amended as shown in Appendix 1.

## 12. Noise – Aviation Activities

### 12.1 Assessment

66. NZAAA and NZHA supported agricultural aviation activities being a permitted activity and sought amendments to NOISE-R2 along with some additional definitions to reinforce the permitted activity approach, referring to their appeals on PC23 regarding certain GRUZ provisions. ZIP (27.01) sought amendments to permit aerial work undertaken in support of pest management work.
67. ZIP did not provide any evidence or attend the Hearing.
68. Having considered the submissions and evidence of the submitters, we accept Ms White's analysis that:
- NOISE-R10 permits noise generated by aircraft and helicopter movements in the GRUZ, where those movements are permitted under the zone framework. Similarly, NOISE-R11 permits noise associated with the use of airfields and helicopter landing areas, where the use of those areas is permitted under

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<sup>18</sup> Rebecca Davis, Principal Statutory Planner, NZDF, 9 May 2025.

<sup>19</sup> Consultant planner.

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the GRUZ framework. Consequently, if the appeal process changes are made to GRUZ-R15 and GRUZ-R16, NOISE-R10 and NOISE-R11 would not need to be altered; and

- it is not necessary to amend NOISE-R2 to include 'agricultural aviation activities', because they are already managed under NOISE-R10.

69. Tony Michelle<sup>20</sup> appeared for NZAAA and NZHA at the Hearing. He advised that a Consent Memorandum addressing NZAAA's appeal on PC23 and the GRUZ chapter was lodged with the Environment Court in May 2025. He stated that the matters proposed for the Court's endorsement addressed all of the issues that NZAAA and NZHA sought to be addressed through their submissions on PC29. In answer to our questions Mr Michelle advised that if the Consent Order was approved by the Court, then NZAAA would not pursue the relief sought for PC29.

70. On that basis we find that NZAAA (04.01, 04.02, 04.03, 05.01, 09.01, 24.01, 25.01) should be rejected. For the sake of completeness, we record that we also agree with Ms White that the changes sought fall outside the scope of PC29.

71. We note that the definition of 'Agricultural and Horticultural Noise' is retained as notified.

## 12.2 Decision

72. We adopt Ms White's analysis and recommendations as our reasoning and decisions;

73. NOISE-R2 and NOISE-R11 are retained as notified and NOISE-R10 is amended so that it refers to AIRPZ (being the Airport Special Purpose Zone) rather than the ASPZ, as shown in Appendix 1.

## 13. Noise from Temporary Activities and Temporary Military Training Activities

### 13.1 Assessment

74. TLGL (10.08) sought that NOISE-R4 be extended to apply to temporary events as well as temporary activities. The Telcos (15.02) sought that NOISE-R4 should be amended to include noise emitted from emergency response generators. NZDF (30.08) sought that it be clarified that NOISE-R14 and NOISE-R15 are the only applicable noise rules for Temporary Military Training Activities.

75. TLGL was represented by Kim Banks<sup>21</sup>. Her evidence did not address noise matters but advised that TLGL supported all of Ms White's recommendations on PC29 matters, other than matters relating to SARZ, OSZ and SUB chapters which we address elsewhere. For the Telcos Tom Anderson<sup>22</sup> advised that they accepted Ms White's recommendation to reject their submission on NOISE-R4.

76. In their tabled statement NZDF sought a minor amendment to the title of NOISE-R15 to clarify that it included aircraft and helicopter movements. We do not find that to be appropriate because under GRUZ-R15 aircraft and helicopter movements associated with purposes ancillary to the activities of the NZDF are permitted. The noise generated by these movements is then permitted (in the GRUZ) under NOISE-R10, without any limits. If the wording sought by NZDF is added to NOISE-R15, then the noise limits in NOISE-R15 would apply.

77. Having considered the submissions and evidence of the submitters, we accept Ms White's analysis that:

- the exemption sought by TLGL would be very lenient, and would essentially permit daytime noise of any magnitude, which could be highly disruptive and inappropriate;
- NOISE-R4 should be amended to apply to temporary events (short-term events otherwise permitted in the TEMP Chapter) and that for the sake of completeness the rule should capture not only Temporary Events (managed under TEMP-R2), but also Community Markets (managed under TEMP-R4) and Filming (managed under TEMP-R5). We are satisfied that the submission of TLGL provides sufficient scope for those wider amendments;
- NOISE-R2.1 already permits noise from mobile generators; and

<sup>20</sup> Executive Officer of the New Zealand Agricultural Aviation Association.

<sup>21</sup> Consultant planner.

<sup>22</sup> Consultant planner.



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- NOISE-R15 should be amended to add reference to “*Training*” activities to align with the definition and with NOISE-R14.

78. We also agree with Ms White that the minor improvements to NOISE-R4, R14 and R15 helpfully identified by NZDF are appropriate.

### 13.2 Decisions

79. Other than as outlined above, we adopt Ms White’s analysis and recommendations as our reasons and decisions.

80. NOISE -R4, NOISE -R14 and NOISE-R15 are amended as shown in Appendix 1.

## 14. Other Noise Limits

### 14.1 Assessment

81. Submitters sought amendments to various noise limits to manage or account for sky diving (Wendy Marshall 01.01), electricity substations (Transpower 14.01), commercial recreational activities (QCP 26.11), natural hazard works (OWL 28.05), and boats used for inspections and monitoring (OWL 28.06).

82. Wendy Marshall did not submit any evidence or attend the Hearing. Transpower tabled a statement<sup>23</sup> advising that they agreed with Ms White’s recommendations. Julia Crossman<sup>24</sup> submitted evidence for OWL. She advised that Ms White had satisfactorily addressed OWL’s concerns.

83. Having considered the submissions received and evidence provided, we accept Ms White’s analysis that:

- sky diving enjoys existing use rights;
- Transpower’s existing substations (and switchyards) are designated and therefore not covered by the NOISE rules;
- NOISE-R1 should not be amended to cover new designations, alterations to designations, outline plans, or noise complaints. In our view, those matters should be assessed on their merits with respect to the particular circumstances of each case;
- outdoor commercial recreation activities should not be exempted from the noise limits and any proposal to exceed those limits should be subject to a resource consent process;
- NOISE-R6 does not need to be amended to provide an exception for noise from natural hazard mitigation works, because NZS 6803:1999 section 1.5 already provides that the noise limits in the Standard do not apply to ‘emergency works’. In our view other more routine or planned ‘non-emergency’ natural hazard mitigation works should be subject to normal construction noise limits; and
- the noise limits in NOISE-R13 are suitable for motorised vessels (particularly for investigation and monitoring activities) and do not require amendment.

84. We agree with Ms White that the drafting error NOISE-R13 helpfully identified by OWL should be corrected.

### 14.2 Decision

85. We adopt Ms White’s analysis and recommendations as our reasoning and decisions.

86. NOISE-R1, NOISE-R3 and NOISE-R6 are retained as notified and NOISE-R13 is amended as shown in Appendix 1.

## 15. Reverse Sensitivity

### 15.1 Assessment

87. Submitters<sup>25</sup> sought various amendments to NOISE-P2, NOISE-R16 and NOISE-R17 to protect noise generating activities, including critical infrastructure<sup>26</sup> and military training<sup>27</sup>, from reverse sensitivity effects.

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<sup>23</sup> Rebecca Eng, Technical Lead Environmental Policy

<sup>24</sup> OWL Environmental and Regulatory Manager

<sup>25</sup> NZAAA (04.06), NZHA (05.04)

<sup>26</sup> Meridian (18.04, 18.06), OWL (28.03, 28.07)

<sup>27</sup> NZDF (30.03)

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Other submitters were concerned about the potential for NOISE-R16 to apply to alterations, extensions or change of use of existing buildings or whole buildings retrospectively<sup>28</sup>.

88. We have referred to the submitters' evidence on these matters in previous sections of this Decision.
89. Having considered the submissions received and any evidence presented at the Hearing, we accept Ms White's analysis that:
- a new objective that is generic to "*the function and operation of existing permitted noise generating activities*" or a generic new policy being included for reverse sensitivity are not required as existing and proposed MDP provisions are adequate (including TRAN-O1.4, AIRPZ-O1, TCZ-O1, TCZ-O2 and NOISE-P2);
  - it is not appropriate to require acoustic insulation for any noise sensitive activity within 500m of anything falling within the definition of critical infrastructure, because it would be necessary to firstly establish that the critical infrastructure is sufficiently noisy so as to require that form of off-site mitigation;
  - there is no need to expand NOISE-P2 to also refer to the Tekapo Military Training Area, given the Areas' underlying General Rural zoning and the fact that GRUZ-P3 will apply to any effects that may give rise to reverse sensitivity, including noise;
  - NOISE-R16 should be amended to refer to "*any new building or any new habitable room in an existing building*", to clarify that the requirements only apply to new habitable rooms where either an alteration creates a new habitable room or an existing building is to be used for a new noise sensitive activity;
  - NOISE-R17.1 should be amended, as a clause 10(2)(b) change, to refer to any "*new*" habitable spaces, and NOISE-R17.2 is amended so that it is drafted in the same manner as NOISE-R16.
90. We agree that the State Highway Noise Corridor Overlay mapping notation should be amended to align with the NP Standards and that NZTA should be correctly referred to in NOISE-R16.1.

## 15.2 Decision

91. We adopt Ms White's analysis and recommendations as our reasoning and decisions.
92. NOISE-P2 is retained as notified (except as modified by a Clause 16(2) amendment) and NOISE-R16 and NOISE-R17 are amended as shown in Appendix 1.

## 16. Signs

### 16.1 Assessment

93. Nova (23.03) and OWL (28.10) supported all the provisions in the Signs Chapter and sought their retention. NZTA (20.08 and 20.09) supported SIGN-R2 and SIGN-S1. CRC (22.08) was neutral in relation to the provisions in the Signs Chapter.
94. Submitters<sup>29</sup> sought a range of minor amendments to the Signs provisions. The Telcos (15.05 and 15.06) sought the deletion of SIGN-R5 and clause 2 of SIGN-S1. HNZPT (13.02) sought that SIGN-MD1 be amended to refer to consultation with themselves.
95. Having considered the submissions received and any evidence presented at the Hearing, we accept Ms White's analysis that:
- in response to Transpower (14.02) it is appropriate for an additional clause to be added to SIGN-P1 to refer to signs which provide for public safety;
  - in response to NZTA (02.06) the rules, standards and matters of discretion do not relate to managing effects of signage on the efficiency of the transport network;
  - in response to Telcos (15.03) off-site signs in commercial and industrial zones, whether located on existing street furniture or not, should be assessed under a consent process. In that regard SIGN-R5 should not be deleted;

<sup>28</sup> TLGL (10.07) and NZTA (20.04).

<sup>29</sup> Transpower (14.02), CRC (22.10), the Telcos (15.03 and 15.04)

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- in response to Telcos (15.04) an additional clause in SIGN-R4 to permit of signage associated with the maintenance, upgrading and construction of new infrastructure is appropriate;
  - in response to NZTA (02.09) and Telcos (15.06) SIGN-S1.2 applies to signs outside the road reserve and so does not duplicate the CAR process; and
  - It is unnecessary to add reference to whether consultation with HNZPT has been undertaken in SIGN-MD1 because the matter of discretion does not preclude consultation with HNZPT should that be warranted in the circumstances.
96. In her Reply Report Ms White discussed Telcos witness Tom Anderson's evidence where he accepted that SIGN-R5 should not be deleted, but the application of the matters of discretion set out in SIGN-MD1 and SIGN-MD2 would be sufficient to manage effects on character and amenity, as sought in SIGN-O1, and therefore the rule should be changed RDIS.
97. Ms White considered that if SIGN-R5 was amended to RDIS, then an additional matter of discretion should be added to SIGN-MD1 to address cumulative effects. We find that SIGN-R5 should be amended to RDIS as the issues to be considered in any application are sufficiently narrow such that a full DIS would be unduly onerous. However, we agree with Ms White that an additional matter of discretion is appropriate.

## 16.2 Decision

98. We adopt Ms White's analysis and recommendation as our reasons and decisions.
99. SIGN-P3, SIGN-R2, SIGN-S1 and SIGN-MD1 are retained as notified and SIGN-P1 and SIGN-R4 are amended as shown in Appendix 1.
100. We accept the submission of Telcos (15.05) and amend SIGN-R5 as shown in Appendix 1.

## 17. Temporary Activities – Introduction

### 17.1 Assessment

101. Nova (23.04) and OWL (28.11) supported the provisions in the TEMP Chapter and sought their retention. We acknowledge their support.
102. A minor drafting error was identified in the Introduction to the TEMP Chapter. As notified, the Introduction stated that "any relevant provisions in the district-wide matters chapter will continue to apply." Ms White outlined that this would inadvertently apply all district-wide chapters—including those relating to transport generation, earthworks, and natural character—to temporary activities managed under the TEMP Chapter. This approach would represent a significant departure from the intent of the proposed framework and from the operative plan, which does not require temporary activities to comply with broader district-wide rules where they meet specified TEMP standards.
103. We agree that this note was included in error and that, if retained, it would undermine the utility of the bespoke rule framework set out in the TEMP Chapter. It would result in temporary events otherwise permitted potentially triggering consent under unrelated chapters, contrary to the clear intent expressed in the s32 Report and the overall purpose of the TEMP framework.
104. We accept the recommendation that this drafting error be corrected using Clause 16(2) of Schedule 1 of the RMA. Based on the legal advice received, we are satisfied that this is a minor amendment within the scope of the Panel's delegation, and is necessary to align the Introduction with the balance of the TEMP Chapter and the structure of the Plan. Should the Council prefer to action the correction itself, we note that this could also be undertaken under officer delegation following our decisions.
105. We further agree with Ms White that the only district-wide chapter that should apply to temporary activities is the NOISE Chapter. This is appropriate given the NP Standards context and ensures consistency with how noise is managed for temporary military training activities and other events across the Plan. We do not support extending applicability to other district-wide matters chapters, as this would introduce unassessed complexity and compliance obligations.

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## 17.2 Decision

106. We adopt Ms White's assessment and recommendation to correct the Introduction to the TEMP Chapter using Clause 16(2) of Schedule 1 of the RMA by deleting the incorrect statement that district-wide matters chapters apply and to clarify that only the NOISE Chapter applies to temporary activities managed under the TEMP Chapter.
107. These changes are shown in Appendix 1.

## 18. Temporary Activities - Policies

### 18.1 Assessment

108. NZTA (20.12) sought changes to the policy title and wording to better address transport effects. NZDF (30.11) sought either a new policy or amendments to TEMP-P1 to more clearly enable temporary military training activities. Genesis (21.04) sought changes to TEMP-P1 to manage reverse sensitivity effects within the Hydro Inundation Overlay, as alternative relief if its requests under PC28 were not accepted.
109. Ms White recommended accepting the NZTA's submission (20.12) in part, supporting the addition of "the" to the policy title, but not the requested reference to transport effects, which she considered unnecessary given existing processes such as the Corridor Access Request (CAR) system. She also recommended accepting NZDF's submission (30.11) in part by incorporating enabling language into TEMP-P1, rather than introducing a new policy, to better align with the objective and plan structure. She recommended rejecting Genesis' submission (21.04), considering the relief sought to be disproportionate and unjustified given the nature of activities managed under the TEMP Chapter. We agree with these recommendations.

### 18.2 Decision

110. We adopt Ms White's analysis and recommendations in relation to TEMP-P1.
111. TEMP-P1 is amended as shown in Appendix 1.

## 19. Temporary Activities – Rules

### 19.1 Assessment

112. TLGL (10.09) sought that TEMP-R1 be extended to include buildings associated with temporary events. NZTA (20.13) sought a new condition in TEMP-R2 to prevent direct access from temporary events onto State Highways, whereas TLGL (10.10) supported TEMP-R2 as notified. FDRRS (17.01) raised concerns that TEMP-R3 could prevent people from living in temporary accommodation on their land while building, repairing, or rebuilding their homes. CRC (22.02, 22.15) sought amendments to TEMP-R3 to require self-containment or connection to wastewater treatment systems. NZDF (30.12) sought to exempt temporary military training buildings under TEMP-R6 from compliance with TEMP-S1, which manages bulk and location standards such as height and setbacks, on the basis that such buildings are short-term and may be required across a range of zones.
113. Ms White recommended rejecting TLGL's submission (10.09), noting that buildings associated with temporary events are already covered under TEMP-R2 through the definition of "temporary activity." She also recommended rejecting NZTA's submission (20.13), as transport effects are managed through the CAR process, and the proposed change would impose unnecessary restrictions on events with State Highway access.
114. In response to FDRRS (17.01), Ms White recommended amending TEMP-R3 to permit temporary residential accommodation on the same site as a construction project, for up to 12 months or the duration of the build. She considered this consistent with TEMP-R1 and an appropriate way to maintain amenity while allowing flexibility.

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115. Ms White recommended rejecting CRC's submission (22.02, 22.15), considering that wastewater issues for such accommodation are better addressed under Regional Council rules or freedom camping regulations, and that including such controls in the District Plan would result in unnecessary duplication. Ms White also recommended rejecting NZDF's submission (30.12), considering the requested exemption from TEMP-S1 unnecessary from an operational perspective and inconsistent with maintaining amenity values.

## **19.2 Decision**

116. We adopt Ms White's analysis and recommendations in relation to TEMP-R1, TEMP-R2, TEMP-R3 and TEMP-R6.
117. TEMP-R3 is amended as shown in Appendix 1. TEMP-R1, TEMP-R2 and TEMP-R6 are retained as notified.

## **20. Temporary Activities – Standards**

### **20.1 Assessment**

118. Genesis (21.04) sought a new standard to ensure that temporary activities within the Hydro Inundation Overlay do not increase the Potential Impact Classification (PIC) or the safety management requirements of hydroelectricity infrastructure. This was sought as alternative relief if Genesis' requested changes under PC28 were not accepted. CRC (22.16) supported TEMP-S2 as notified. NZDF (30.13) sought amendments to TEMP-S2 to exempt activities from rehabilitation requirements where otherwise provided for through a permitted activity or resource consent.
119. Ms White recommended rejecting Genesis' submission (21.04), considering the proposed standard unjustified and disproportionately onerous, given the nature and scale of activities managed under the TEMP Chapter. She recommended accepting CRC's submission (22.16) and rejecting NZDF's submission (30.13), noting that the requested change was unclear and inconsistent with the Plan's structure. She considered that resource consents already authorise the activities they cover, and that there is no need to include a rule that duplicates that effect.

### **20.2 Decision**

120. We adopt Ms White's analysis and recommendations in relation to TEMP-S1 and TEMP-S2. Both standards are retained as notified (except as amended under clause 16(2)).

## **21. Open Space Zone Chapter**

### **21.1 Assessment**

121. In its submission, QCP (26.01) considered that while PC29 is appropriate in providing for commercial recreation activities in the OSZ as a restricted discretionary activity, some of its other provisions are inconsistent with this approach or create an unnecessary and inappropriate impediment for commercial recreation activities. The submitter provided an example of what it considered to be an appropriate commercial recreation activity that should be considered on its merits, being its resource consent to establish a ropes course at Takapō/Lake Tekapo.
122. In response to the evidence of Mark Geddes (planner for QCP) Ms White put forward a revised set of recommended amendments to the OSZ Chapter at the Hearing, which included several of the minor amendments sought by the submitter to the Introduction to the OSZ Chapter and provisions. We agree with those changes. However, Ms White otherwise recommended the more substantive changes sought by QCP in its submission be rejected.
123. In his summary evidence, Mr Geddes, identified three remaining matters in contention, with all other issues addressed through Ms White's recommendations or accepted by QCP:
- whether the introduction section should acknowledge that compatible commercial recreational activities are anticipated in the zone;

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- whether Policy OSZ-P4 is appropriate in referring to ‘protecting uninterrupted views from urban areas’; and
  - whether structures (less than 10m<sup>2</sup>) should be exempt from Standards OSZ-S2 (in relation to setback of structures from boundaries); Rule NATC-R1 (in relation to setback of structures from surface water bodies).
124. In respect of the Introduction section, we are not persuaded that a reference to ‘*compatible commercial recreational activities*’ is necessary, as the zone’s restricted discretionary pathway already enables such activities on the basis that they must demonstrate consistency with the zone’s purpose and anticipated outcomes. In our view, the predominant use and purpose of the OSZ is for informal recreational activities (passive or active), and commercial recreation activities should remain subject to a merits-based assessment to ensure compatibility with that focus. We do not agree with Mr Geddes that there would be any confusion interpreting the intent of the policy and rule framework on this matter.
125. In terms of the reference to ‘*protecting uninterrupted views from urban areas*’ in Policy OSZ-P4, we have considered the case law presented to us in Rosie Hill’s legal submissions<sup>30</sup> along with Mr Garbett’s verbal response to a Panel question at the Hearing.
126. Ms Hill’s legal submissions stated that:
- “...decisions of the Court have established legal principles that, at common law, there is no right to the preservation of a view. While a decision maker must have particular regard to the maintenance and enhancement of amenity values, the Courts have held that this is not the same thing as saying there is a right to a view”.*
127. Relying on Ms Hill’s legal submissions, Mr Geddes considered that “*no one has the right to a view and that endeavouring to protect views broadly is problematic*”. He considered that normal planning practice is to protect view shafts which are spatially defined and relate to view from public areas, rather than views from private areas.
128. In response to a Panel question, Mr Garbett did not dispute Ms Hill’s legal submissions in terms of the interpretation of the common law, however he pointed out that common law principles do not translate well to plan making under the RMA. Instead, the RMA requires decision-makers to have particular regard to the maintenance and enhancement of amenity values under s7(c), which can include elements such as outlook, openness and visual quality. He further explained that councils are justified and obliged to protect amenity values under s7(c) of the RMA and this can take the form of regulating aspects of amenity such as outlook, openness and views. Ms Hill did not offer any verbal response to Mr Garbett’s submissions, and no further legal argument was presented on this point.
129. We also find, based on the evidence of Ms White in her Section 42A Reply Report, that Mr Geddes’ assertion that the Operative Plan protects important views through the Scenic Viewing Area overlay and associated provisions is not accurate or relevant to our consideration in respect to the urban areas of Takapō / Lake Tekapo Township where views to the lake are otherwise considered in the plan provisions. More specifically in PREC-P1, views to the lake from properties on the north side of SH8 are sought to be maintained, with this implemented through lower heights being applied in Specific Control Area 6.
130. Having considered the evidence and legal submissions we find that the reference to ‘protecting uninterrupted views from urban areas’ in Policy OSZ-P4 is appropriate, noting that there are high amenity values associated with lakeside views, the policy is justified under s7(c) of the RMA, which requires particular regard to be had to the maintenance and enhancement of amenity values. The policy is a continuation of the policy approach in the ODP.
131. The remaining matter in contention is whether structures (less than 10m<sup>2</sup>) should be exempt from OSZ-S2 (in relation to setback of structures from boundaries). We agree with Ms White’s assessment of this matter and find that the potential adverse effects of small-scale structures are not necessarily temporary, that the limits contained in OSZ-S2 are not overly onerous, and that an exemption for any structure up to 10m<sup>2</sup> in the OSZ would be inconsistent with the approach taken elsewhere in the Plan. In our view it is appropriate

<sup>30</sup> These legal submissions were appended to Mr Geddes’ evidence.

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for any building or structure in the OSZ that does not achieve compliance with the relevant zone rules and standards to be considered via a restricted discretionary activity pathway. On this basis we do not accept the evidence of Mr Geddes and consider it is appropriate to retain the standards as notified.

132. For completeness, we note that QCP sought similar relief relating to Rule NATC-R1 (in relation to setback of structures from surface water bodies). We accept Ms White's advice in her Section 42A Report where she states that the change sought is outside the scope of V1PC23 as the exclusion sought would apply beyond the OSZ and SARZ and therefore change the effect of the rule in other zones. On this basis, we have not considered this request any further in this Decision. This matter is further addressed in section 20 below.

## **21.2 Decision**

133. We adopt Ms White's assessment and recommendation as our reason and decision.
134. The OSZ chapter is amended as shown in Appendix 1.

## **22. Sport and Active Recreation Zone Provisions**

### **22.1 Assessment**

135. We heard from both TLGL (10.16) and Tekapo Springs (29.01) who each sought amendments to the SARZ provisions. We have previously addressed the submitters' concerns in section 6 where we found the revised package of SARZ provisions to be acceptable. On this basis, we are satisfied the submitters' concerns have been appropriately addressed.

### **22.2 Decision**

136. We adopt Ms White's assessment and recommendation as our reason and decision.
137. The SARZ provisions are shown in Appendix 1 and the mapping amendments are set out in Appendix 2.

## **23. Variations and Consequential Changes to Other Chapters**

### **23.1 Assessment**

138. Several submitters supported changes to other chapters through V2PC26; and to the consequential deletion of various Sections in the ODP. Other submitters<sup>31</sup> addressed the proposed changes to the earthworks chapter and Table NATC-R1<sup>32</sup>.
139. Having considered the submissions received and any evidence presented at the Hearing, we accept Ms White's analysis that:
- as a consequence of amending the Earthworks Chapter to apply the provisions to the OSRZ, there is a need to include reference to these zones in the Introduction of the Earthworks Chapter;
  - by way of EW-R3, EW-S6 will apply to the OSZ and SARZ, but EW-S6 will continue to apply to all earthworks activities in the district; and
  - the specific changes sought by QCP (26.12) to NATC-R1 are outside the scope of V1PC23.

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<sup>31</sup> TLGL (10.05, 10.06), Transpower (14.04).

<sup>32</sup> QCP (26.12).

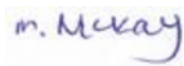
### 23.2 Decision

140. We adopt Ms White's assessment and recommendation as our reason and decision.

141. The Introduction to the Earthworks Chapter is amended as shown in Appendix 1.



Rob van Voorthuysen (Chair)



Megen McKay



Ros Day- Cleavin

24 July 2025



**Appendix 1: Amended Provisions**

**Appendix 2: Amended Planning Maps**

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**Appendix 3: Appearances**

Sub. Ref	Submitter Name	Name	Role
PC29.04	NZ Agricultural Aviation Association	Tony Michelle	Representative
PC29.05	NZ Helicopter Association	Tony Michelle	Representative
PC28.09	Tekapo Landco Ltd and Godwit Leisure Ltd	Jonathan Speedy Kim Banks Richard Tyler	Representative Planner Landscape Architect
PC29.11	Sue Polson		Self
PC29.13	Heritage New Zealand Pouhere Taonga	Mitzie Bisnar	Planner
PC29.15	Chorus, Connexa, FortySouth, One NZ and Spark	Tom Anderson	Planner
PC29.17	Fairlie Residents and Ratepayers Association	Simon Abbott Dr. Elizabeth McKenzie	Chairperson Secretary
PC29.18	Meridian Energy Ltd	Ellie Taffs Andrew Feierabend Jim Walker Bill Veal Sue Ruston	Counsel Representative Engineer Damwatch Planner
PC29.21	Genesis Energy Ltd	Richard Matthews	Planner
PC29.22	Canterbury Regional Council	Marie Dysart Nick Griffiths Helen Jack Jolene Irvine Rachel Tutty	Counsel Hazards Scientist Hazards Scientist Planner Planner
PC29.26	QueenstownCommercial Parapenters	Rosie Hill Mark Geddes	Counsel Planner
PC29.28	Opuha Water Limited	Julia Crossman	Representative
PC29.29	Tekapo Springs Ltd	Mark Geddes Naomi Crawford	Planner Landscape

**Tabled Evidence**

	Submitter	Name	Role
PC29.14	Transpower	Rebecca Eng	Representative
PC29.20	NZTA	Jeremy Talbot	Planner
PC29.30	NZDF	Rebecca Davis	Planner

## Open Space Zone (OSZ)

### Introduction

The Open Space Zone encompasses areas of ~~green~~ open<sup>1</sup> space which provide for passive and active<sup>2</sup> recreation opportunities, including walking and cycling connections in urban areas. Use of these areas is generally informal in nature. The Open Space Zone is located within, or adjoining the District's town and settlements.

Limited built form is anticipated in this zone to support the recreational focus, such as seating, picnic and barbeque facilities, toilets, shelters and playground or sporting or other recreation<sup>3</sup> equipment, reflecting the dominance of open space.

In lakeside areas, the maintenance of lake views and accessibility to the lake is also important.

### Objectives and Policies

Objectives	
<b>OSZ-O1</b>	<b>Zone Purpose</b>
The Open Space Zone provides areas of open space which predominately provide for a range of passive <u>and active</u> <sup>4</sup> recreational activities.	
<b>OSZ-O2</b>	<b>Zone Character and Amenity Values</b>
The Open Space Zone contains limited facilities and structures which support the purpose of the zone and maintain the predominance of open space.	

Policies	
<b>OSZ-P1</b>	<b>Recreational Activities</b>
Enable informal recreation opportunities, and facilities that support these, including walking and cycling connections, toilets, playgrounds, sporting equipment and picnic and barbeque areas.	
<b>OSZ-P2</b>	<b>Compatible Activities</b>
Provide for community facilities and commercial recreation activities which are of a nature and scale that is <u>complementary</u> <del>complimentary</del> <sup>5</sup> to, <del>and does not detract from,</del> <sup>6</sup> the <u>passive recreational</u> <sup>7</sup> focus of the zone.	
<b>OSZ-P3</b>	<b>Other Activities</b>
Only allow other activities where they: <ol style="list-style-type: none"> <li>1. have a functional need or operational need to locate within the zone; or</li> <li>2. are compatible with the purpose of the zone and do not conflict with recreational uses; and</li> <li>3. are of a location, nature and scale that does not preclude development of new open space and recreational activities.</li> </ol>	
<b>OSZ-P4</b>	<b>Built Form</b>
Limit the scale of built form within the Open Space Zone to: <ol style="list-style-type: none"> <li>1. retain a clear predominance of open space; and</li> </ol>	

<sup>1</sup> QCP (26.02)

<sup>2</sup> QCP (26.02)

<sup>3</sup> QCP (26.02)

<sup>4</sup> QCP (26.03)

<sup>5</sup> Clause 16(2), Schedule 1 RMA

<sup>6</sup> QCP (26.04), Tekapo Springs (29.12)

<sup>7</sup> QCP (26.04)

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2. maintain uninterrupted views from urban areas to any lake and maintain the visual<sup>8</sup> amenity of lakeside areas.

**Rules**

<b>OSZ-R1</b>	<b>Recreational Activities</b>	
<b>Open Space Zone</b>	<b>Activity Status: PER</b>	
<b>OSZ-R2</b>	<b>The Establishment or Expansion of Walking and Cycling Tracks</b>	
<b>Open Space Zone</b>	<b>Activity Status: PER</b>  <b>Advice Note:</b> <i>The provisions in the Earthworks chapter apply to any earthworks associated with any walking and/or cycling track.</i>	
<b>OSZ-R3</b>	<b>Conservation Activity</b>	
<b>Open Space Zone</b>	<b>Activity Status: PER</b>	
<b>OSZ-R4</b>	<b>Landscaping</b>	
<b>Open Space Zone</b>	<b>Activity Status: PER</b>  <b>Where:</b> <ol style="list-style-type: none"> <li>The planting does not include any wilding conifers.</li> </ol>	<b>Activity status when compliance is not achieved with R4.1: PR</b>
<b>OSZ-R5</b>	<b>Buildings and Structures</b>	
<b>Open Space Zone</b>	<b>Activity Status: PER</b>  <b>Where:</b> <ol style="list-style-type: none"> <li>The building or structure is ancillary to a permitted activity.</li> </ol> <b>And the activity complies with the following standards:</b> OSZ-S1 Height OSZ-S2 Setbacks OSZ-S3 Coverage OSZ-S4 Reflectivity	<b>Activity status when compliance is not achieved with R5.1: DIS</b>  <b>Activity status when compliance with standard(s) is not achieved:</b> Refer to relevant standard(s).
<b>OSZ-R6</b>	<b>Commercial Recreation Activities</b>	
<b>Open Space Zone</b>	<b>Activity Status: RDIS</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>The nature, scale and intensity of the <u>activity</u>.<sup>9</sup></li> </ol>	

<sup>8</sup> QCP (26.05)

<sup>9</sup> QCP (26.06)

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	<ul style="list-style-type: none"> <li>b. Compatibility with <del>passive</del><sup>10</sup> recreational activities.</li> <li>c. Any impacts on other users of the site, or on accessibility.</li> <li>d. <del>Maintenance of the visual amenity and character of</del> <u>Consistency with the zone's anticipated character and amenity values.</u><sup>11</sup></li> <li>e. <del>Whether the activity enhances the experience of</del> <u>Any positive impacts of the proposal for</u> users of the area.<sup>12</sup></li> </ul>	
<b>OSZ-R7</b>	<b>Community Facilities</b>	
<b>OSZ</b>	<b>Activity Status: RDIS</b>  <b>Matters of discretion are restricted to:</b> <ul style="list-style-type: none"> <li>a. The nature, scale and intensity of the activity.</li> <li>b. Compatibility with <del>passive</del><sup>13</sup> recreational activities.</li> <li>c. Any impacts on other users of the site, or on accessibility.</li> <li>d. <del>Maintenance of the visual amenity and character of</del> <u>Consistency with the zone's anticipated character and amenity values.</u><sup>14</sup></li> <li>e. <del>Whether the activity enhances the experience of</del> <u>Any positive impacts of the proposal for</u> users of the area.<sup>15</sup></li> </ul>	
<b>OSZ-R8</b>	<b>Car Parking</b>	
<b>OSZ</b>	<b>Activity Status: RDIS</b>  <b>Matters of discretion are restricted to:</b> <ul style="list-style-type: none"> <li>a. The location and scale of any proposed car parking areas.</li> <li>b. Whether the car parking is necessary to support users of the area.</li> <li>c. Any impacts on other users of the area, or on accessibility.</li> <li>d. <del>Maintenance of the visual amenity of</del> <u>Consistency with the</u></li> </ul>	

<sup>10</sup> QCP (26.06)

<sup>11</sup> QCP (26.06)

<sup>12</sup> QCP (26.06)

<sup>13</sup> Clause 10(2)(b), Schedule 1 RMA relating to QCP (26.06)

<sup>14</sup> Clause 10(2)(b), Schedule 1 RMA relating to QCP (26.06)

<sup>15</sup> Clause 10(2)(b), Schedule 1 RMA relating to QCP (26.06)

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	<p>zone's anticipated character and amenity values.<sup>16</sup></p> <p>e. Any mitigation measures proposed to reduce visual impacts of car parking.</p>	
<b>OSZ-R9</b>	<b>Activities Not Otherwise Listed</b>	
<b>OSZ</b>	<b>Activity Status: DIS</b>	
<b>OSZ-R10</b>	<b>Residential Units and Residential Activities</b>	
<b>OSZ</b>	<b>Activity Status: NC</b>	
<b>OSZ-R11</b>	<b>Industrial Activities</b>	
<b>OSZ</b>	<b>Activity Status: NC</b>	

**Standards**

<b>OSZ-S1</b>	<b>Height</b>	<b>Activity Status where compliance not achieved:</b>
<b>OSZ</b>	<p>1. The maximum height of any building or structure shall not exceed 5m above ground level.</p>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. The impact of the increased height on users of the site.</li> <li>b. The location, design, scale and appearance of the building or structure.</li> <li>c. Adverse effects on the streetscape.</li> <li>d. Adverse effects on the amenity values of neighbours on sites containing residential or other sensitive activities, including visual dominance, shading and effects on privacy.</li> <li>e. The extent to which the increase in height is necessary due to the functional and operational requirements of an activity.</li> </ul>
<b>OSZ-S2</b>	<b>Setbacks</b>	<b>Activity Status where compliance not achieved:</b>
<b>OSZ</b>	<p>1. Any building or structure shall be set back a minimum of 6m from any boundary (including a road boundary).</p>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. The location, design, scale and appearance of the building or structure.</li> </ul>

<sup>16</sup> Clause 10(2)(b), Schedule 1 RMA relating to QCP (26.06)

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		<ul style="list-style-type: none"> <li>b. For road boundaries, adverse effects on the streetscape.</li> <li>c. For internal boundaries, the extent of adverse effects on privacy, outlook, shading, and other amenity values for the adjoining property.</li> <li>d. Where the building or structure is opposite any residential zone, the effects of a reduced setback on the amenity values and outlook on that zone.</li> <li>e. The adequacy of any mitigation measures.</li> </ul>
<b>OSZ-S3</b>	<b>Coverage</b>	<b>Activity Status where compliance not achieved:</b>
<b>OSZ</b>	<ul style="list-style-type: none"> <li>1. The maximum building coverage of any site shall not exceed the lesser of 5% or 100m<sup>2</sup>.</li> </ul>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. The ratio of open space to built form.</li> <li>b. The location, design and appearance of buildings on the site.</li> <li>c. The visual impact of the built form on users of the zone, the streetscape and surrounding environment.</li> <li>d. The adequacy of any mitigation measures, including any landscaping proposed.</li> </ul>
<b>OSZ-S4</b>	<b>Reflectivity</b>	<b>Activity Status where compliance not achieved:</b>
<b>OSZ</b>	<ul style="list-style-type: none"> <li>1. Any building or structure shall be finished in materials with a light reflectivity value of no more than 40%.</li> </ul>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. The location, design and appearance of buildings on the site.</li> <li>b. The visual impact of the built form on users of the zone, the streetscape and surrounding environment.</li> <li>c. The adequacy of any mitigation measures.</li> </ul>



**Attachment C - List of parties served**

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