

BEFORE THE MACKENZIE DISTRICT PLAN HEARINGS PANEL

UNDER the Resource Management Act 1991

AND

**IN THE MATTER Proposed Plan Change 21 to the
Mackenzie District Plan**

Statement of Evidence of Kimberley Anne Banks

On behalf of Tekapo Landco Limited and Godwit Leisure Limited

8 March 2023

Summary

1. This statement of planning evidence has been prepared at the request of Tekapo Landco and Godwit Leisure (TL&GL, Submitter #121) in respect of Plan Change 21 to the Mackenzie District Plan. TL&GL owns land at Lakeside Drive, Tekapo that accommodates Lakes Edge Holiday Park and the wider Station Bay residential development.
2. TL&GL seeks that the PC21 zoning reflects the zoning indicated on the Takapo/Tekapo Spatial Plan. This includes the following:
 - a) That the land at Lakeside Drive within the Lakes Edge Holiday Park is zoned as Mixed Use Zone (MUZ) within PREC 1 (Takapo/Lake Tekapo Precinct), PREC 2 (Commercial Visitor Accommodation), and part of Lot 400 within Specific Control Area 7.
 - b) That a small part of the Station Bay land (Lot 401 DP 560853) be rezoned to Medium Density Residential MRZ.
 - c) That consequential amendments are made to provisions to give effect to the submission.
3. With regard to a), the Lakeside Drive MUZ seeks to provide a suitable framework that both enables the efficient ongoing operation and enhancement of the Lakes Edge Holiday Park; as well as providing opportunities to enhance the vibrancy of the Tekapo lakefront area through provision for an appropriate scale of commercial, retail, food and beverage, community activities or commercial recreation.
4. The s42A report writers' reasoning for recommending rejecting the MUZ is that the NP Standards provide for industrial activities. However, the notified MUZ provisions do not include this in the description or provide for industrial activities. This evidence considers that the MUZ (with PREC1 and PREC2) will be most appropriate in enabling a suitable scale of mixed-use outcomes within a framework that ensures development is compatible with the special landscape character, and recognises its combined residential and visitor function. The zone in this location is consistent with MUZ-01 which refers to *"... a range of primarily small-scale commercial and community activities that serve the convenience needs of the surrounding residential and rural neighbourhood or visitors"*.
5. With regard to b), TL&GL consider the Station Bay MRZ extension has the potential to provide additional residential lots, and will still retain sufficient land for recreational

purpose within the remaining Rec P portion of the lot. From a planning perspective, the small additional zoned area will also provide benefits associated with efficient land use, infrastructure provision and provision of residential housing capacity.

6. Two of the lots subject to the submission of TL&GL have been considered by Council as being out of scope and it is stated this land will be addressed in later stages of the review. Ms Dewar has provided separate legal submissions this matter. As the future zoning and provisions are unknown, the risk of not acting has the potential to create ongoing uncertainty to the submitter.
7. The relief sought has been analysed in accordance with s32AA, and this is included in **Attachment C**. The relief sought is considered most appropriate for TL&GL land, and is consistent with Part 2, s32 and Sections 74-76 of the RMA.

Professional Details

8. My name is Kimberley Anne Banks. I hold the qualifications of Bachelor of Science (Geography) and Masters in Planning from the University of Otago. I am a full member of the New Zealand Planning Institute | Te Kokiringa Taumata.
9. I have 14 years' experience as a resource management planner. My experience includes resource consenting and policy planning for both local authorities and private practice, in addition to provision of a broad range of feasibility and statutory advice for clients. My policy experience has included the preparation of plan provisions and accompanying s32 and s42A evaluations, as well as preparation of submissions and evidence on behalf of clients.
10. For the past 5 years I have worked as a resource consent planner for Paterson Pitts Group. Paterson Pitts Group is a land development consultancy employing surveyors, engineers, and planners undertaking a variety of rural and urban subdivision, resource consent applications, and plan change work.
11. While this is a Council hearing, I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014, in addition to the latest Environment Court Practice Note 2023. This evidence has been prepared in accordance with it and agree to comply with it. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. I confirm that this evidence is within my area of expertise, except where I state that I have relied on material produced by others, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Reference Documents

12. In preparing this evidence I have reviewed:
 - a) The s32 report for Plan Change 21 – Implementing the Spatial Plans (Residential, Commercial and Industrial Zoning and Zone Frameworks), dated 20 September 2022.
 - b) The s32 report for Plan Change 20 – Strategic Direction Chapters, dated July 2022.
 - c) The PC21 notified planning maps;
 - d) S42a reports as follows:

- i. Plan Change 21 – Implementation of the Spatial Plans prepared by Rachael Willox and Liz White.
- e) Report and Recommendations of Independent Commissioners – Plan Change 20 – Decision Report.
- f) Ministry for the Environment. November 2019. National Planning Standards.

Scope of Evidence

- 13. My evidence has been prepared in support of submission #121 (Tekapo Landco Limited and Godwit Leisure Limited). The submitter name is referenced as 'TL&GL' within Council's evidence, and as such I have applied the same abbreviation within my evidence.
- 14. TL&GL submitted on both the provisions and mapping of PC21 (Implementing the Spatial Plans), as well as the provisions of PC22 (Lighting). The scope of this evidence relates to the provisions and mapping of PC21 only. No further comment is made by TL&GL on Council's recommendations for PC22 (Lighting).
- 15. In summary, TL&GL's submission sought to reflect the zoning identified on the adopted 'Tekapo/Takapo Spatial Plan' through the rezoning of their land legally described as Lot 401 DP 560853, Lot 400 DP 560853, Lot 1 DP 455053, Lot 49 and 50 DP 560853, and Lot 1 560853. Within this evidence I refer to Lot 401 DP 560853 as the 'Station Bay land'; and all other remaining lots fronting Lakeside Drive that are part of the Lakes Edge Holiday Park as the 'Lakeside Drive land'. The specific mapping changes sought for these areas are detailed later in this evidence.
- 16. The submission also sought changes to a number of the provisions, rules and definitions of PC21, with the intent to improve the clarity and useability of the District Plan, as well as to support the rezonings.
- 17. A number of the submission points of TL&GL on the provisions of PC21 have been either accepted or rejected by Council. The points accepted by Council and supported by TL&GL are summarised later in this evidence.
- 18. My evidence is structured as follows:
 - a) Background to relief sought
 - b) Scope matters
 - c) Rezoning of Lakeside Drive Land to Mixed Use Zone (MUZ)

- d) Rezoning of Part of Lot 401 DP 560853 to Medium Density Residential (MRZ)
 - e) Other amendments to provisions
 - f) S32AA.
19. This evidence has the purpose of demonstrating that the relief sought is the most appropriate with regard to s32AA and Part 2 of the RMA.

Background to relief sought

20. TL&GL owns land at Lakeside Drive, Tekapo that accommodates Lakes Edge Holiday Park and the wider Station Bay development. The Lakes Edge Holiday Park is currently located at Lakeside Drive over Lot 1 DP 455053 & Lot 50 DP560853 which contain the campground, Lot 49 DP560853 which contains the backpacker's lodge, and Lot 400 DP 560853 which contains the reception, 8 motel units, 40 non-powered camping sites, and other facilities.
21. To provide context to this evidence, the image below illustrates the submitters properties. Of relevance to the relief sought are recent resource consent decisions for the development of a new café and relocation of the reception building within Lot 400 on the corner of Station Bay Rise and Lakeside Drive (RM220003), and for a mini golf facility at the northern end of the holiday park adjacent to the Mt John Walkway (RM220060).

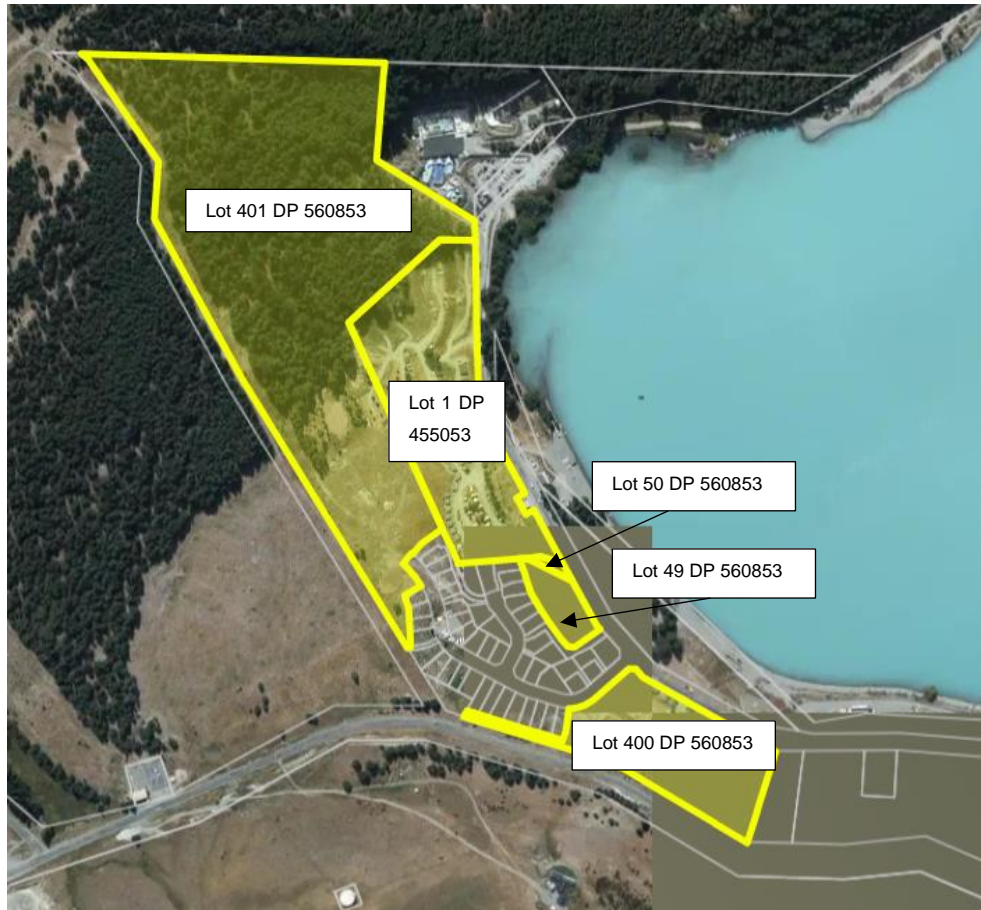


Figure 1: Location and legal description of TL&GL land

22. As outlined in Council's 32 report, prior to the District Plan Review being commenced, the Council, undertook a community planning process to develop Spatial Plans to provide a high-level plan for growth and development of each of the District's towns and small settlements over the next 30 years. The Spatial Plans were then reviewed as part of the District Plan review process. The purpose of the current PC21 is to implement the Council's Spatial Plans as they relate to the zoning and management of residential, commercial and industrial areas in the District.
23. The Tekapo/Takapo Spatial Plan was developed in consultation with the community, and at this time TL&GL provided submissions to Council seeking the identification of a 'High Density/Mixed Use' zone fronting Lakeside Drive (over Lot 400), and for a 'Visitor Accommodation Zone' to apply to the campground and backpackers' land. Additionally, TL&GL sought that the extent of the MRZ shown over the Station Bay land be expanded slightly further onto land currently zoned Rec P. These submissions by TL&GL on the Spatial Plan were accepted by Council and incorporated into the adopted Spatial Plan (refer Appendix 3 of Council's s42A report).

24. However, with regard to TL&GL's land, the land use zoning of the Spatial Plan was not carried through to the notified PC21 mapping. Specifically, the notified PC21 mapping does not identify the 'High Density/Mixed Use' zone, or the 'Visitor Accommodation Zone' for the Lakeside Drive land; or the minor extension of the MRZ within the Station Bay land (Lot 401). This is the basis of the rezonings sought by the submitter, as well as consequential amendments to the provisions.
25. In summary, the relief sought by TL&GL in their original submission was:
- a) That the zoning of the Spatial Plan is reflected in the proposed zoning and that a High Density Residential or Mixed Use Zone is identified in Tekapo as per the Spatial Plan. This relief includes that part of the Station Bay Land (Lot 401) be zoned as Medium Density Residential.
 - b) That Lakeside Drive land (Lot 1 DP 455053, Lot 400 DP 560853, Lots 49 and 50 DP 560853 and Lot 1 DP 560853) are zoned MUZ with a new 'Tekapo Mixed Use Precinct' applied to allow for campground activities and a greater level of built form. As part of this request, the notified 'Lake Tekapo Precinct' was requested to be removed.
 - c) That Specific Control Area 7 is extended over Lot 400 DP 560853.
26. TL&GL's submission also sought further or consequential or alternative amendments necessary to give effect to the submissions, and to:
- a) Promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991;
 - b) Meet the reasonably foreseeable needs of future generations;
 - c) Enable social, economic, and cultural wellbeing;
 - d) Avoid, remedy, or mitigate the adverse effects of the activities enabled by the Variation; and
 - e) Represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act.
27. TL&GL's rezoning submission is discussed from para 408 onwards of Council's s42A report. It is noted that the s42A report has recommended granting the relief in part, to:

- a) apply the Commercial Visitor Accommodation Precinct (PREC2) over Lot 400 DP 560853, Lots 49 and 50 DP 560853 and Lot 1 DP 560853 at Lakeside Drive; and
 - b) to apply Specific Control Area 7 over Lot 400 DP 560853 at Lakeside Drive, which enables increased heights of up to 12m or the height of the nearest point of the terrace top, whichever is the lesser.
28. TL&GL supports the above recommendations.
29. Having reviewed the remainder of Council's s42A analysis and recommendations on the remaining submissions, TL&GL wishes to slightly modify and amend the rezoning relief sought, resulting in the following:
- a) that the Lakeside Drive land (Lot 1 DP 455053, Lot 49 DP560853, Lot 50 DP560853, Lot 1 DP 560853 and Lot 400 DP 560853) be zoned as Mixed Use (MUZ).
 - b) That the Commercial Visitor Accommodation Precinct (PREC2) be applied over all of the Lakeside Drive land, including Lot 1 DP 455053.
 - c) That the Lake Tekapo Precinct (PREC1) be applied over all of the Lakeside Drive land, including Lot 1 DP 455053.
 - d) That Specific Control Area 7 be applied to (part of) Lot 400 DP 560853 (this has been recommended to be accepted by Council).
 - e) That the MRZ within the Station Bay land (Lot 401) be zoned as shown on the Spatial Plan. To clarify, this slightly extends the north-eastern boundary of the MRZ further west.
 - f) Consequential amendments to the provisions to support the submission.
30. This amended relief simply removes the originally proposed new 'mixed use precinct' and instead applies PREC 1 and PREC 2 utilising councils notified mapping framework, and applies a consistent approach to the Lakeside Drive land.
31. The rezoning sought is illustrated in **Attachment A**, and an extract of this plan is provided within Figure 2 below. I provide planning evidence on this amended relief.

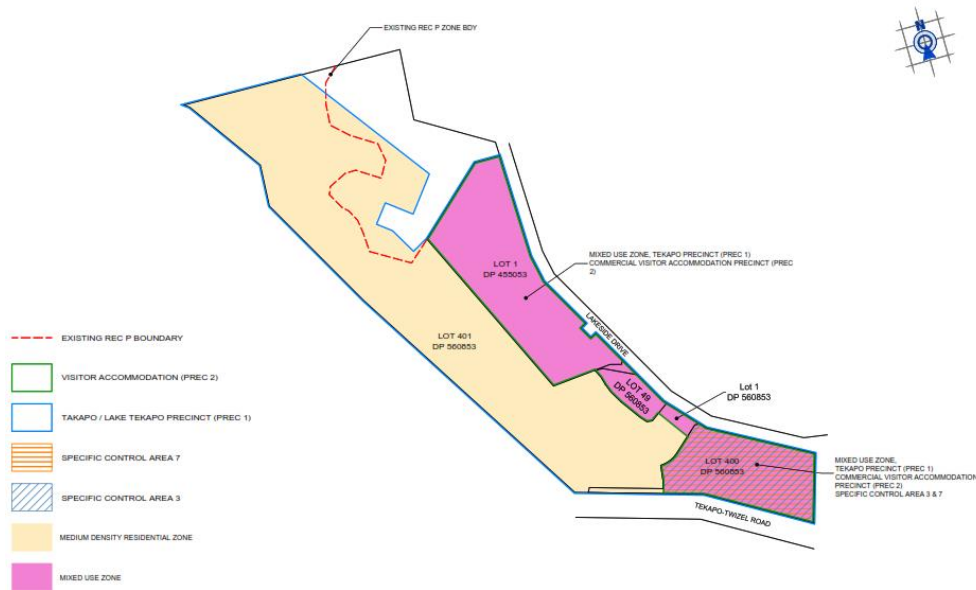


Figure 2: TL&GL Proposed Zoning Map

Scope matters

32. Part of TL&GL’s submission sought the rezoning of areas of land in zones not identified on the planning maps notified as part of PC21. These areas are however immediately adjacent to zones included in PC21 and seek zoning and overlays included as part of PC21. This includes part of the Station Bay Land (Lot 401) that is currently zoned as ‘Recreation – Passive’ (Rec-P) under the OMDP, and Lot 1 DP 455053 (the Lakes Edge Holiday Park) which is zoned as ‘Special Travellers Accommodation Zone (STAZ) in the OMDP. This land is included in the relief sought above.
33. It is noted that submissions on the mapping of these areas have been considered by Council to be out of scope and have been, therefore, discounted from further analysis in the s42A report. Ms Dewar has provided separate legal submissions on the matter of scope. I agree with and adopt the advice of Ms Dewar. Accordingly, I continue to discuss these areas alongside the rezoning of other lots.

Rezoning of Lakeside Drive land to Mixed Use Zone (MUZ), PREC 1, PREC 2 and (part) SCA7.

34. As illustrated in **Attachment A**, the Lakeside Drive land (comprising Lot 1 DP 455053, Lot 49 DP560853, Lot 50 DP560853, Lot 1 DP 560853 and Lot 400 DP 560853) is sought to be zoned as Mixed Use (MUZ), within PREC 1, PREC 2 and SCA7 over part of Lot 400. A mixed use and visitor accommodation zoning is identified for this land on the adopted Tekapo Spatial Plan, as discussed earlier.

35. It is acknowledged that the Spatial Plan is a non-statutory document, and that the zoning indicated on the Spatial Plan was required to be further analysed and brought into the District Plan. However, its content should be considered alongside Council's functions under s31 of the Act, to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the District. The Spatial Plans were developed via a community process and are reflective of community land use and growth aspirations and were adopted at a Council meeting.
36. I address the amended relief sought below, separated into discussion of the most appropriate underlying zone, and then matters associated with the management and zoning of Commercial Visitor Accommodation (PREC 2), and Specific Control Area (SCA) 7.

Rezoning of Lakeside Drive land to Mixed Use (MUZ)

37. TL&GL seek a suitable underlying zoning for the Lakeside Drive land that enables the ongoing operation of the holiday park and associated facilities, and also provides opportunities to enhance the vibrancy of the wider Tekapo lakefront through the inclusion of an appropriate scale of commercial activities. The submitter wishes to ensure the zoning is flexible over a longer planning period.
38. The Takapo/Tekapo Spatial Plan identified part of the submitter's land as 'Visitor Accommodation' and part as 'High Density Residential/Mixed Use'. The Council's s42A report identifies that the spatial plan zoning was reviewed against the purpose of the RMA and the NP Standards, and that there is there is no combined "High Density Residential / Mixed Use Zone" option in the NP Standards. Additionally, as noted in Council's s32 report, a Visitor Accommodation zone was also not included, as it was felt that applying only a purely VA zone would be too restrictive for other potential land use activities. Therefore, Council's approach has been to apply an underlying zone type, with the PREC 2 overlay to allow for VA activities.
39. It is highlighted¹ however that consultation and analysis involved in the Spatial Plan identified the Lakeside Drive area as being particularly appropriate for commercial activities at ground floor, such as retail and food and beverage premises. The s42A report notes a range of zone types were considered for Lakeside Drive, including MUZ, High Density, or Town Centre Zone, and that each of these were discounted as none of the NP Standard zone types were considered entirely suitable, with the

¹ Para 413 of the s42A report

exception of a small area of Town Centre Zone which has been incorporated at the corner of Lakeside Drive and SH8.

40. With regard to the rezoning of Lakeside Drive land to MUZ proposed by TL&GL, the s42A report considers that this zone was not appropriate because “*MUZ, according to the NP Standards, anticipates a broader range of activities (including recreation and light industrial) than what is anticipated under the Spatial Plan, so it would result in some tension with the NP Standards description*”². I agree that light industrial activities would not be appropriate in this location, and I note this is part of the description of the zone in the NP Standards. However, the Council’s notified MUZ provisions do not enable industrial activities, and Industrial Activities are in fact DIS under MUZ-R9. The Introduction of the MUZ states: “*This zone provides for mixture of activities, including residential activities, as well as commercial and community activities which support the surrounding residential and rural neighbourhoods or cater to visitors....* and the purpose of the zone is stated as: “**MUZ-O1 Zone Purpose - The Mixed Use Zone contains residential activities, along with a range of primarily small-scale commercial and community activities that serve the convenience needs of the surrounding residential and rural neighbourhood or visitors**”. As such, the purpose is not to provide for industrial uses, and it is clear the MUZ has been applied within PC21 in a slightly different manner to the description of the NP Standards, as it does not provide for or support industrial activities.
41. TL&GLs original submission considered that the MUZ was not appropriate for the smaller settlements in the locations where has been currently applied by Council (Albury, Te Kopi-O-Opihi/Burkes Pass and Kimbell). However, upon reflection of the MUZ provisions and Council’s rationale, it is understood why the MUZ has been applied to these smaller settlements as the zone seeks to provide for a mixture of activities, while managing potential effects to adjacent residential land. In my view, these provisions of the MUZ are also of a nature and scale that are also suitable to TL&GL’s land. For example, the Introduction states “*This zone provides for a mixture of activities, including residential activities, as well as commercial and community activities which support the surrounding residential and rural neighbourhoods or cater to visitors*”. Reference to “small scale commercial activities” and serving the needs of the surrounding residential area or visitors are relevant to the Lakeside Drive land and reflect the existing combined residential and tourism/visitor function of the area.

² Para 413 of the s42A report

42. As also outlined in the evidence of Mr Speedy, TL&GL have an interest in contributing to the creation of high quality residential, commercial, and public spaces in Tekapo to benefit to the local community as well as visitors. They seek to create a 'world-class' holiday park; and envisage a wider zone fronting Lakeside Drive that enables a mix of high density of residential or visitor accommodation activity, in combination with small scale commercial, retail, food and beverage, community activities or commercial recreation. TL&GL consider such a zone will enhance the vibrancy and quality of this location.
43. It is my view, that the MUZ sought by the submitter is the most appropriate underlying zone type to enable mixed use opportunities within the Lakeside Drive, land, whilst ensuring it is developed in an integrated manner that is compatible with its special landscape character and residential amenity.
44. I note that in reaching this position, I have also considered other alternative zone types, including the TC Zone, Neighbourhood Centre Zone, and the notified MRZ. The TC Zone is not considered appropriate due to the anticipated scale of retail uses in this zone, and that extending this zoning may detract from the role and function of the main town centre. The Neighbourhood Centre Zone is not considered appropriate because while it enables commercial and community uses, it does not enable residential activity. Finally, the notified MDR does not appropriately provide for the nature of commercial and retail activities anticipated.
45. In relation to all of the TL&GL Lakeside Drive land sought to be rezoned to MUZ, I also consider that a pure residential zoning (such as the recommended MRZ over Lots 400, 49 and 50) would also be inefficient with regard to s7(b) and s31(aa) of the RMA, it would not utilise the opportunities to provide a well-functioning urban environment and a combination of activities in this valued tourist location, nor would it provide sufficient opportunities for appropriate business capacity.
46. To support the rezoning, some consequential amendments are proposed to the provisions, for example to allow for residential density that is consistent with the notified MRZ, rather than the lower density currently provided for by MUZ-S1. These consequential amendments are identified at **Attachment B**, with a 32AA analysis contained in **Attachment C**.

Additional matters relevant to the rezoning of Lot 1 DP 455053 to Mixed Use Zone (MUZ)

47. I note that I consider the MUZ to also be appropriate for the campground lot, being Lot 1 DP 455053, particularly as this zone type recognises the small scale combined residential and visitor purpose.
48. While it is acknowledged that Council's view is that Lot 1 DP 455053 would be rezoned in a subsequent stage when the open space and special zones are reviewed, the submitter has no indication as to what these provisions may be or what the future notified zoning of the site will be. Furthermore, Council's current approach to the zoning of existing commercial visitor accommodation and holiday parks within the District appears to be inconsistent, and as such it is not clear how a future open space or special zone type, that allows for commercial visitor accommodation, would integrate with the current notified framework. For example, the Twizel Holiday Park at 122 Mackenzie Drive, Twizel – has been zoned as MRZ with Commercial Visitor Accommodation Precinct.
49. With regard to the most appropriate underlying zone type for this land Lot 1 DP 455053, in my view the s32 analysis does not adequately justify why this lot has not been included in PC21. Nor does it justify why an open space or special zone type to be considered in a later stage, is more appropriate for Lot 1 DP 455053 than a residential or commercial underlying zone.
50. In my experience, within more recently reviewed district plans³, open space zones are typically applied to land owned by the Council or the Crown, and often on land which is subject to a designation or reserve status which allows for their appropriate development by requiring authorities and Councils. However, the campground is owned by the submitter, Godwit Leisure Limited. Without a designation, an open space zoning could make operation and maintenance of the holiday park and existing facilities problematic, and not adequately enabling for future expansion or upgrades. Restrictions on buildings and site coverage for example, within an open space zone may not adequately support future re-development/enhancement of camping facilities.
51. An open space zoning implies a general public ownership or benefit; however, the holiday park is privately owned. Furthermore, there is sufficient existing supply of public recreational space within the immediate environs of the Lakes Edge Holiday

³ Queenstown Lakes Proposed District Plan, Auckland Unitary Plan.

Park, including the OMDP Rec P and Rec A zones adjacent to the Tekapo Hot Pools, the Mt John Walkway, and the wider Tekapo Lakefront.

52. It is also relevant to note that Lot 1 DP 455053 is subject to a covenant (Land Covenant 9226934.10) with the Mackenzie District Council, requiring that the land be protected for the operation of a campground and remains available to provide accommodation to the public at all times during the year. The covenant also specifies that the campground shall be contained within one certificate of title and shall not be further subdivided. A copy of this covenant is included in **Attachment D**. This covenant therefore provides another layer of protection to future land use on the site.

Management of Commercial Visitor Accommodation and application of PREC1 & PREC2 to Lot 1 DP 455053:

53. TL&GL seek that the Lakeside Drive land, including the land associated with the Lakes Edge Holiday Park is zoned appropriately to enable existing commercial visitor accommodation activities, campground activity and associated small scale activities; as well as providing a suitable framework for future expansion, maintenance or upgrade without unnecessary complication or consenting burden. TL&GL seek that Lakeside Drive land is recognised for its existing character, tourism function and appropriateness for Commercial Visitor Accommodation and other compatible activities, to enable its integrated development and enhancement over time.
54. The Councils adopted Spatial Plans identified a number of ‘visitor accommodation’ areas across the District, indicating the suitability of these areas for “*higher density visitor accommodation, such as hotels and motels*”. The s32 report notes at section 13.10 that *there is no Visitor Accommodation-focussed zone identified in the National Planning Standards, and it is more common for commercial visitor accommodation to be addressed within a commercial or residential zone framework*. Accordingly, it is discussed that Commercial VA will therefore be managed via the proposed Commercial Visitor Accommodation Precinct (PREC2). Section 13.9 of Council’s s32A report⁴ identifies that “*the Visitor Accommodation Areas in the adopted Spatial Plans have been identified via a Commercial Visitor Accommodation Precinct*” with an underlying zone type, and that this approach “*... is considered to best reflect the intent of the Spatial Plans to provide for this type of activities within these areas, while also allowing for residential development*”.

⁴ Section 32 Report: Plan Change 21 – Implementing the Spatial Plans (Residential, Commercial and Industrial Zoning and Zone Frameworks), 20 September 2022.

55. The intent of PREC2 is supported by TL&GL, and it is noted that Council's s42A analysis recommends accepting the submission to extend PREC2 across Lot 400 DP 560853, Lots 49 and 50 DP 560853 and Lot 1 DP 560853. This recommendation is supported by TL&GL as it reflects existing holiday park land use, proximity and accessibility of the site to the town centre and other nearby amenities, and suitability of these lots for commercial visitor accommodation. However, the submitter seeks that this precinct be applied to all of the Lakeside Drive land, and the remaining matter is, therefore, the application of PREC2 over Lot 1 DP 455053 (which the s42A report considers to be out of scope).
56. Council's s42 analysis, with regard to a possible separate definition for Campgrounds and Holiday parks, states "*... I do not agree that campground and holiday park activities should be defined as part of PC21. The rule framework, as notified, does not propose to treat these activities separately, with all forms of commercial visitor accommodation to be treated the same...*".
57. It is clear from this analysis then, that holiday parks are considered akin to all other forms of Commercial Visitor Accommodation and should be managed in the same way under the plan. Backpackers and camping grounds are incorporated within the overarching definition of "Commercial Visitor Accommodation". As such, it is not clear why the campground site has not been included as part of PC21. It follows that a consistent mapping strategy should also apply for all subset types of commercial visitor accommodation, as "*all forms of commercial visitor accommodation to be treated the same*" and, therefore, in my view PREC2 should also be applied to Lot 1 DP 455053. This would ensure a consistent approach with other forms of Commercial VA in the District, and reflect the VA areas initially mapped by Council on the Tekapo Spatial Plan.
58. For these reasons, I support the application of the Commercial Visitor Accommodation Precinct (PREC2) over Lot 1 DP 455053. This will ensure a consistent mapping and management approach for Commercial Visitor Accommodation under the District Plan, and suitably reflects the nature of the existing and well-established land use.
59. Should the hearings panel agree that the rezoning of Lot 1 DP 455053 is within scope, then I also support and consider it necessary to apply PREC1 (Lake Tekapo Precinct) to Lot 1 DP 455053, as this precinct has been applied to all other land within Tekapo.

Application of Specific Control Area 7 (SCA7) to Lot 400.

60. TL&GL seek that SCA7 is applied over Lot 400. Council has recommended accepting this submission and discusses this at para 428 of the s42A report. It is noted that SCA 7 allows for a higher height of 12m in areas where the topography means that higher buildings will not detract from views to the lake. Lot 400 has a steep slope with aspect towards the lake, and is currently comprised of two separate benched terraces. Increased height limits can be integrated into the hillside, and remain below the height of the top terrace, as specified by PREC1-SCA7. Accordingly, I support Council's recommendation and, in my view, allowing for increased height on this lot may expand the range of development opportunities and support efficient land use for the site.

Consequential Amendments to the Provisions

61. To give effect to the intent and desired outcomes of TL&GL's submission, a number of consequential amendments are proposed to the provisions. These amendments are identified in **Attachment B**, and are considered to be within the scope of the submission which also sought "*further or consequential or alternative amendments necessary to give effect to this submission*". In summary, the proposed amendments are intended to reflect the change of zoning to MUZ and ensure this zone is reflected as necessary within the District Plan, and particularly within the relevant precincts. Additional boundary setback standards to the Rec P zone and Lakeside Drive are also proposed to manage potential effects.
62. In relation to PREC 2 – Commercial Visitor Accommodation, it is considered that a number of amendments are necessary to ensure the precinct contains protection for existing Commercial Visitor Accommodation facilities within the precinct, including the existing Lakes Edge campground, consistent with the objectives and policies of the OMDP STAZ zone. Additionally, the proposed amendments seek to enable minor expansion or alterations to existing Commercial Visitor Accommodation facilities without unnecessary consenting obligation; and also provide adequately for anticipated ancillary activities such as café/restaurant, reception areas, offices, or small scale retail.
63. A s32AA analysis of these amendments is contained at **Attachment C**.

Rezoning of (Part of) Lot 401 DP 560853 to Medium Density Residential (MRZ).

64. TL&GL are the developers of the Station Bay residential area. Stage 1 is currently under construction, and subdivision consents have been obtained for Stages 2 to 6, comprising a further 109 residential lots. The Station Bay Stage 1-6 area within Lot 401 land has been zoned as MRZ under PC21, and TL&GL supports this zoning.
65. TL&GL seek to refine and slightly extend the north-eastern boundary of the MRZ to align with previously consented stages, and to include an additional area of land within Lot 401 to provide for future residential development as shown in the Tekapo Spatial Plan. This additional area is shown below.

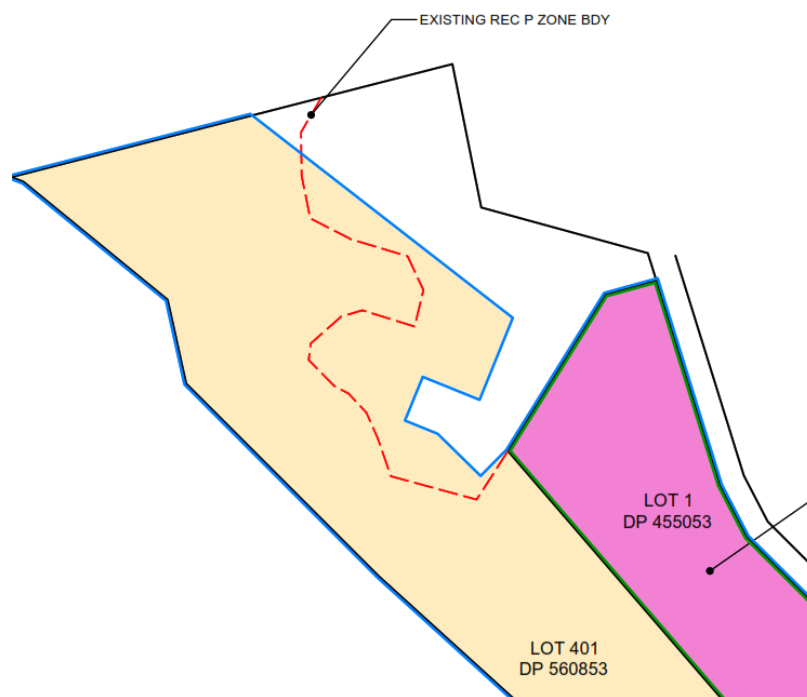


Figure 3: Extract of MRZ extension sought within Lot 401

66. This additional area is sought to be zoned to MRZ as it provides the opportunity for further residential development capacity, adjoining a zoned and consented residential area. This small area of land is feasible to support residential development and is considered by TL&GL to be able to be serviced and constructed alongside development of the remainder of the Station Bay subdivision.
67. The Station Bay area was originally rezoned in 2015 under Private Plan Change 16 to the OMDP, which rezoned the land from Special Travellers Accommodation Zone (STAZ) to Residential 1 and 2. The existing zone boundaries, prior to PC16 at the

time are illustrated in the image below. It can be seen that the previous boundary of the STAZ zone extended further eastwards than the current Res 1 Zone (OMDP) and the PC21 notified MRZ boundary.



Figure 4: Zoning of the Mackenzie District Plan prior to PC16.

68. The landscape assessment undertaken as part of PC16⁵ discussed that as part of rezoning the site from STAZ to Residential 1 and 2, a Rec P zone was identified at the north-eastern part of Lot 401 for the purpose of visual mitigation, to provide separation from the Tekapo Hot Springs, and allow retention of the treed character of the area to remain. It is noted that the Rec P boundary was defined along what was then considered to be appropriate contour line reflecting the potential constructability of the land.
69. In April 2021 the Tekapo area experienced extreme winds which caused a number of the previously existing exotic pine trees to collapse, presenting a safety risk to users of the Mt John Walkway and to the Tekapo Hot Springs. Following this, resource consent was obtained for the clearance of vegetation throughout the site and as such all previously existing exotic vegetation has now been removed. As such, the previous treed character no longer remains, however a condition of this consent, the applicant is required to undertake native planting to replace vegetation that was

⁵ Assessment of Landscape Effects : proposed plan change from STAZ to Residential 1 & 2 and Recreation P, prepared by Earthwork Landscape Architects, 8 December 2014.

removed within the Tekapo Hot Springs land. The removal of the trees enabled a greater understanding of the underlying topography.

70. The land sought to be rezoned is considered by TL&GL to be suitable for development at an appropriate grade, where integrated with earthworks as part of the wider Station Bay development. The rezoning of this area has the potential to provide additional residential lots, and will still retain sufficient land for recreational purpose within the remaining Rec P portion of the lot.
71. TL&GL consider the additional area may be incorporated as an extension to the already consented subdivision and as seen from the east, will be viewed within the context of the wider visual setting of the Station Bay residential development. From a planning perspective, the small additional zoned area will also provide benefits associated with efficient land use, infrastructure provision and provision of residential housing capacity.

Other amendments to provisions

Support for Councils s42A recommendations

72. TL&GL acknowledge the Council's s42A recommendations and wish to confirm support for the following recommendations made on TL&GL's original submission points:
 - a) Para 87 - that MRZ-O2 is amended to include detached residential units.
 - b) Para 126 - that MRZ-S2.2 is amended to delete the requirement for all floors to have a minimum floor to ceiling height of 2.7m.
 - c) Para 132 – that APP1 is amended to include an exemption for buildings sharing a common wall along a boundary.
 - d) Para 141 - that MRZ-S4 is amended to include an exemption for buildings on adjoining sites where they have a common wall along an internal boundary.
 - e) Para 146 - the MRZ-S8 is amended to include new requirements for outlook spaces to direct how the minimum outlook space standard is to be measured and applied.
 - f) Para 153 - that MRZ-S9 is amended to require visually permeable fencing from above 1m.

- g) Para 195 - that PREC1-S3 is amended so that the 14m maximum building length without a recess only applies to facades along a road, or other public space.
- h) Para 204 - that PREC1-S4 is amended to delete the requirement for all floors to have a minimum floor to ceiling height of 2.7m.
- i) Para 240 - that the definition of “Commercial Visitor Accommodation” is amended to delete self-contained units and bed-sits; and the definition of “Residential Visitor Accommodation” is amended to make it clear that the definition applies to residential units and minor units not used for peoples living accommodation for example, holiday homes.
- j) Para 421 – That Lot 400 DP 560853, Lots 49 and 50 DP 560853 and Lot 1 DP 560853 (excluding the western-most portion of Lot 400 DP 560853) are included in the Commercial Visitor Accommodation Precinct (PREC2).
- k) Para 430 - that Specific Control Area 7 is extended over Lot 400 DP 560853.

Policy MRZ-P4 and MRZ-P2 - Other Non-Residential Activities

- 73. TL&GL submitted requesting that MRZ-P4 be amended to specify the types of activities that are considered to be not compatible within the zone, and that use of the word “avoid” does not align with the Discretionary status of MRZ-R13. Equally, MRZ-P2 could be amended to specify activities that are considered to be compatible within the zone.
- 74. The s42A report states that⁶ *“MRZ-P2 applies to compatible activities, which I consider to include residential visitor accommodation, home business, education facilities and community facilities (RDIS), whereas MRZ-P4 applies to activities that are generally not anticipated or are less appropriate in the zone unless specific criteria are met, including industrial activities, commercial visitor accommodation, commercial activities and activities not otherwise listed (DIS and NC activities)”*. *While I acknowledge there are similarities between MRZ-P2 and MRZ-P4 I consider the differentiation between compatible and other activities to be effective at achieving the objectives of the MRZ.*
- 75. I agree that if this differentiation between MRZ-P2 and MRZ-P4 was clear, this would be effective in achieving the objectives of the MRZ. However, the policies do not identify the intent described, and they do not specify or give guidance as to what

⁶ Para 93 of the s42A report

activities may be considered compatible, or those that may not be compatible and should otherwise be discouraged.

76. Accordingly, TL&GL seeks that MRZ-P2 and MRZ-P4 be amended as follows:

MRZ-P2	Compatible Activities
<p>Provide for activities other than residential activities, <u>such as residential visitor accommodation, home business, education facilities and community facilities</u>, where:</p> <ol style="list-style-type: none"> 1. they are ancillary to a residential activity or are consistent with the character, amenity values and purpose of the zone; 2. they service the local community and do not detract from the character, amenity values or purpose of the Neighbourhood Centre and Town Centre Zones; and 3. the effects of the activity, including its scale, hours of operation, parking and vehicle manoeuvring are compatible with the amenity values of adjoining sites; and 4. <u>there is a functional need or operational need to establish in the zone.</u> 	

MRZ-P4	Other Non-Residential Activities
<p>Avoid non-residential activities, <u>including Industrial and Commercial Activities and buildings</u> not provided for in MRZ-P2 or MRZ-P3, unless:</p> <ol style="list-style-type: none"> 1. the activity is an expansion of an existing activity; and/or 2. any adverse effects of the activity do not compromise the amenity values of the surrounding area; and 3. the nature, scale and intensity of the activity is compatible with the character and purpose of the zone. 	

77. In my view, the proposed amendments will provide additional clarity to plan users as to what activities may be considered compatible, or those that should otherwise be discouraged.

78. With regard to s32AA, it is considered that the recommended amendment will have low significance as the minimum lot size can be addressed in the subsequent subdivision stage of the District Plan review, and the amendment will be effective at achieving the objectives of the MRZ as it will remove the duplication of standards across various different chapters.

Rule MRZ-R1.2

79. TL&GL submitted seeking that MRZ-R1.2 be deleted, as the 400m² minimum site area conflicts with density standard MRZ-S1. Council has rejected this submission, and this is discussed at para 102 to 105 of the s42A report. The Report writers' reasoning for recommending the rejection of the submission appears to be that MRZ-

R1 requires consideration to the Design Guidelines in APP2, and if this were removed the guidelines would not require assessment.

80. My view remains that MRZ-R1.2 is more akin to a subdivision standard requiring adherence to a minimum lot size, and such a standard can be included within the subsequent stage of the review. As currently included, MRZ-R1.2 appears as a density control, and conflicts with the intended density standard MRZ-S1 which specifies a minimum site area per residential unit of 200m².
81. The effect of deleting MRZ-R1.2 would be that, when the subdivision chapter is included in a later stage, a multi-unit residential proposal would be required to meet the minimum lot size (of a district wide subdivision chapter), in addition to the density standard applicable to the MRZ, in this case being MRZ-S1. If a proposal does not comply with MRZ-S1 (Density) the activity is Discretionary. As a Discretionary Activity council has the ability to consider the how the proposal achieves the objectives and policies of the zone, and can therefore consider the Design Guidelines in APP2 under MRZ-P5. This is more appropriate as the Design Guidelines relate to built-form outcomes, and are directly related to the density standard (MRZ-S1). However, the APP2 Design Guidelines are less applicable to a breach of minimum lot size/area.
82. Additionally, I note that MRZ-1.1 would continue to apply, requiring resource consent as an RDIS activity for any development of more than one residential unit per site, and this will also allow consideration to urban design matters and the APP2 Design Guidelines as a matter of Discretion.
83. Therefore, I do not agree with Council's reasoning to reject this submission point. In my view, MRZ-R1.2 conflicts with the density standard and should be deleted.
84. With regard to s32AA, it is considered that the recommended amendment will have little significance as the minimum lot size can be addressed in the subsequent subdivision stage, and the amendment will be effective at achieving the objectives of the MRZ as it will remove the duplication of standards across various different chapters.

Definition of Residential Unit

85. TL&GL opposed the definition of Residential Unit, and sought that this be amended to reflect the scenario of a residential unit being rented for short term accommodation for the entire year. TL&GL supports Council's recommended amendment to the definition for this purpose.

86. Upon further review of the definition, it is not clear how density controls (such as MRZ-S1) would apply to a “minor residential unit”, and whether a “minor residential unit” is considered to be part of a “residential unit”. For example, in relation to MRZ-S1 (Density), if this would enable one residential unit, including any minor residential unit, per 200m² site area. This same query arises elsewhere in the plan, such as MUZ-S1 (Density).
87. It is considered that either the definition of “residential unit” should be amended to specify that it includes any “minor residential unit”, or that the various density standards are amended to clarify this. This relief is considered to be within the scope of TL&GL’s submission which opposed the definition of residential unit, and also sought “*further or consequential or alternative amendments necessary to give effect to this submission*”.
88. In terms of Section 32AA, I consider the recommended amendment to be more effective at achieving the objectives and policies in the MRZ as it will improve the clarity of the provisions and improve the usability of the plan.

S32AA assessment

89. As previously referred to, a s32AA analysis for the proposed rezoning and amendment to provisions is contained at **Attachment C**.

Conclusion

90. This evidence is provided in support of Submission #121 (Tekapo Landco Limited and Godwit Leisure Limited).
91. TL&GL seek the rezoning of their Lakeside Drive land to MUZ, PREC 1 and PREC2, with SCA 7 applying to (part of) Lot 400; and the rezoning of (a small part of) the Station Bay land (Lot 401) to MRZ. Consequential amendments are also proposed to provisions.
92. This relief has been slightly amended and modified since the original submission, to reflect the further analysis of Council’s s42A report, and apply mapping layers and zones to the land which already exist within the Plan framework. This will ensure a consistent approach to Plan implementation.
93. The TL&GL land subject to the submission is considered appropriate for the zonings sought, and suitable for the types of land uses and built form anticipated by these zones. The proposed zoning is considered to be consistent with the Strategic Objective ATC-O1 (Live, Work, Play and Visit) as it enables a range of living options,

businesses, and recreation activities to meet community needs and provides for appropriate economic development opportunities. The proposed MUZ zoning also meets Strategic Objective UFD-01 (Urban Form and Development) as the provisions enable the potential enhancement the residential and visitor experience through a range of land uses, whilst recognising the character of the surrounding area and its attractiveness to residents, businesses and visitors.

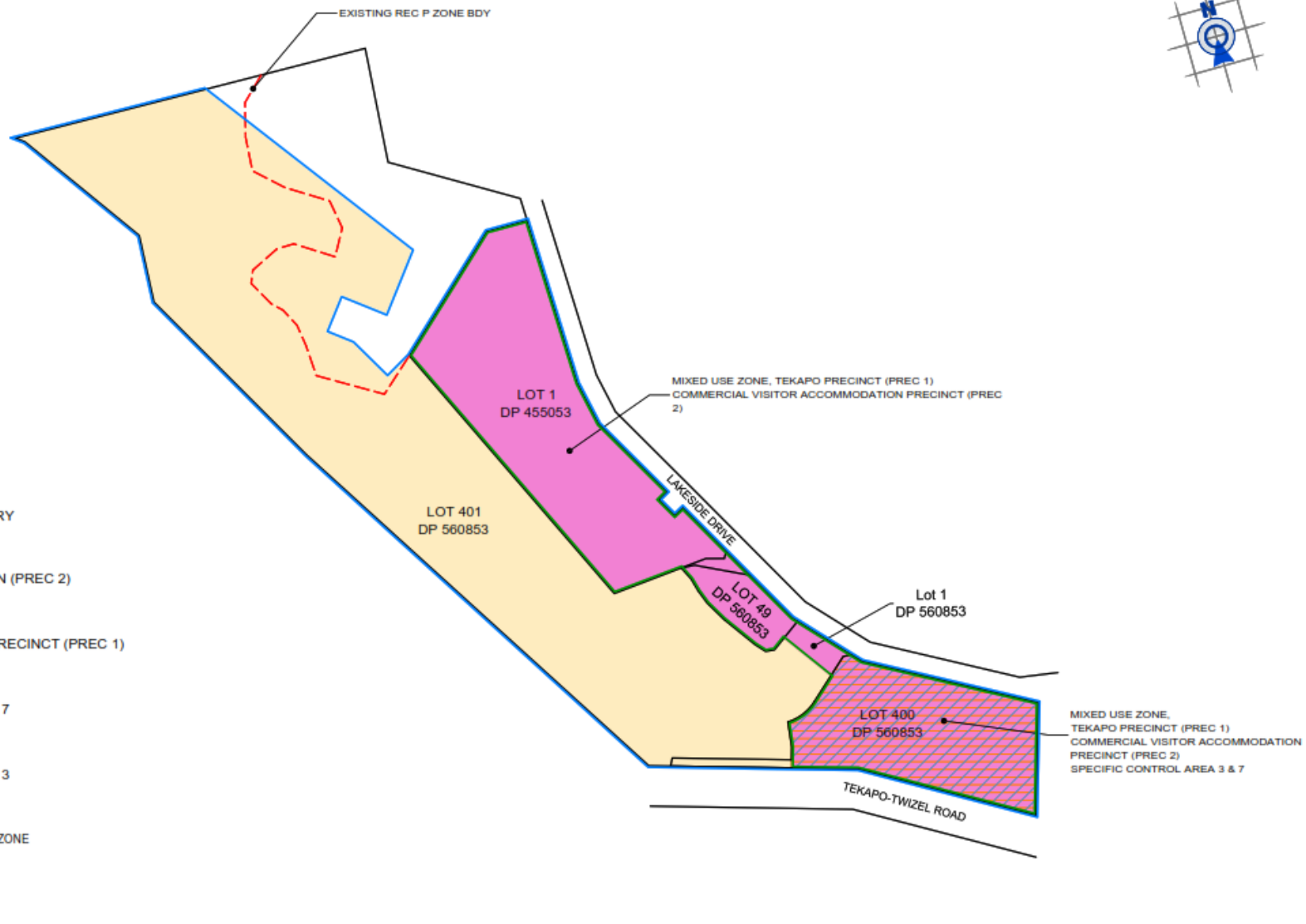
94. This evidence considers the proposed rezoning against the requirements of Sections 32 and 32AA of the Act. It is considered that the proposed zoning is more appropriate to achieve the sustainable management of natural and physical resources in the submission area than those of the Councils notified zoning, or the operative zoning. The MUZ and PREC 2 is considered to be entirely consistent with the nature of existing and anticipated activities along Lakeside Drive.
95. The risks of acting or not acting have also been considered. The risk associated with the zoning sought is low as it is an existing zoning modified to suit the particular characteristics and desired outcomes in an area where a combination of residential, visitor accommodation activity and commercial activity already occurs and has for some time.
96. The risk of not acting however, has the potential to create ongoing uncertainty and complexity for the submitter in progressing future plans for the enhancement of activities within the area; and would not achieve the integrated management of the area which has an important role and value within the Tekapo township.
97. As a result of the above, it is sought that the rezoning and the associated amended provisions be adopted for the subject site. The zonings sought are considered most appropriate for TL&GL land, and are consistent with Part 2, s32 and Sections 74-76 of the RMA.

K A Banks

Kimberley Anne Banks

3 March 2023

Attachment A – TL&GL Proposed Zone Map



--- EXISTING REC P BOUNDARY

□ VISITOR ACCOMMODATION (PREC 2)

□ TAKAPO / LAKE TEKAPO PRECINCT (PREC 1)

▨ SPECIFIC CONTROL AREA 7

▨ SPECIFIC CONTROL AREA 3

□ MEDIUM DENSITY RESIDENTIAL ZONE

□ MIXED USE ZONE

MIXED USE ZONE, TEKAPO PRECINCT (PREC 1)
COMMERCIAL VISITOR ACCOMMODATION PRECINCT (PREC 2)
SPECIFIC CONTROL AREA 3 & 7

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TEKAPO LANDCO LTD AND GODWIT
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Attachment B – Consequential amendments to provisions

