

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2025-CHC-

**I MUA I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUHAHI**

Under

the Resource Management Act
1991 (Act)

In the Matter

of an appeal under Clause 14(1),
Schedule 1 of the Act

Between

**Tekapo Landco Ltd and Godwit
Leisure Ltd**

Appellant

And

Mackenzie District Council

Respondent

Notice of Appeal by Tekapo Landco Ltd and Godwit Leisure Ltd in relation to a decision on the Proposed District Plan

Dated: 4 September 2025

Amanda Dewar
Barrister | Canterbury Chambers
Phone | 0212429175
Email | amanda@amandadewar.com

To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. **Tekapo Landco Ltd and Godwit Leisure Ltd (Tekapo Landco or TLL/GLL)** appeal against decisions by the Mackenzie District Council (**Respondent**) on its Proposed District Plan (**PDP**).
2. Tekapo Landco made a submission and further submissions on the PDP.
3. Tekapo Landco is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**Act**).
4. Tekapo Landco received notice of the Respondent's decisions in relation to its PDP including on Tekapo Landco's submissions on 24 July 2025.
5. The part of the Respondent's decisions that Tekapo Landco is appealing is:
 - (a) See **attached** Annexure A (1st Column).

Reasons for the Appeal

6. See **attached** Annexure A (2nd Column) for the specific reasons for each Appeal point.
7. The general reasons for the appeal are that:
 - (a) the Respondent's decisions fail to meet the requirements of section 32.
 - (b) The Respondent's decisions fail to promote sustainable management of resources and will not achieve Part 2 of the Act.

Relief Sought

8. Tekapo Landco seeks the relief as set out in the 3rd Column of the **attached** Annexure A or in a similar or such other way as may be appropriate to:
 - (a) address the matters raised in this Appeal;

- (b) any other similar, consequential, alternative, or other relief as is necessary to address the issues raised in this Appeal or otherwise raised in Tekapo Landco's submission and further submissions

Attached Documents

9. The following documents are **attached** to this notice:

- (a) Table of Appealed Provisions, Specific Reasons for Appeal and Relief Sought (**Annexure A**);
- (b) A list of persons to be served with a copy of the Appeal (**Annexure B**);
- (c) a copy of Tekapo Landco's submission (**Annexure C**);
- (d) a copy of Tekapo Landco's further submissions (**Annexure D**);
- (e) a copy of the Respondent's decisions report (**Annexure E**);
- (f) a copy of the Respondent's Decisions version of the Open Space Zone Chapter (**Annexure F**).

Dated this 4th day of September 2025



Amanda Dewar

Counsel for Tekapo Landco Ltd
and Godwit Leisure Ltd

Address for Service for the Appellant:

Amanda Dewar
Barrister | Canterbury Chambers
PO Box 44
Christchurch 8140

Email: amanda@amandadewar.com
Phone: 021 242 9175

Advice to Recipients of Copy of Notice of Appeal

How to become a Party to Proceedings

You may be a party to the appeal if you made a submission or further submission on the matter of this appeal.

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.

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

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

Advice

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

Annexure A																							
PROVISION BEING APPEALED ¹		SPECIFIC REASONS FOR APPEAL ²	RELIEF SOUGHT ³																				
<table><tr><td>OSZ-P2</td><td colspan="2">Compatible Activities</td></tr><tr><td colspan="3">Provide for community facilities and commercial recreation activities which are of a nature and scale that is complementary <u>complimentary</u>⁵ to, and does not detract from,⁶ the passive recreational⁷ focus of the zone.</td></tr></table>		OSZ-P2	Compatible Activities		Provide for community facilities and commercial recreation activities which are of a nature and scale that is complementary <u>complimentary</u> ⁵ to, and does not detract from, ⁶ the passive recreational ⁷ focus of the zone.			TLL/GLL supported the policy as publicly notified. TLL/GLL consider it is important that any complementary community facilities and commercial recreation activities do not detract from the passive focus of the zone particularly in lakeside areas.	<i>Retain the policy as publicly notified (apart from the spelling mistake)</i>														
OSZ-P2	Compatible Activities																						
Provide for community facilities and commercial recreation activities which are of a nature and scale that is complementary <u>complimentary</u> ⁵ to, and does not detract from, ⁶ the passive recreational ⁷ focus of the zone.																							
<table><tr><td>OSZ-R6</td><td colspan="2">Commercial Recreation Activities</td></tr><tr><td rowspan="2">Open Space Zone</td><td>Activity Status: RDIS</td><td></td></tr><tr><td>Matters of discretion are restricted to: a. The nature, scale and intensity of the <u>activity</u>.⁹</td><td></td></tr><tr><td></td><td>b. Compatibility with passive¹⁰ recreational activities.</td><td></td></tr><tr><td></td><td>c. Any impacts on other users of the site, or on accessibility.</td><td></td></tr><tr><td></td><td>d. Maintenance of the visual amenity and character of <u>Consistency with the zone's anticipated character and amenity values</u>.¹¹</td><td></td></tr><tr><td></td><td>e. Whether the activity enhances the experience of <u>Any positive impacts of the proposal for users of the area</u>.¹²</td><td></td></tr></table>		OSZ-R6	Commercial Recreation Activities		Open Space Zone	Activity Status: RDIS		Matters of discretion are restricted to: a. The nature, scale and intensity of the <u>activity</u> . ⁹			b. Compatibility with passive ¹⁰ recreational activities.			c. Any impacts on other users of the site, or on accessibility.			d. Maintenance of the visual amenity and character of <u>Consistency with the zone's anticipated character and amenity values</u> . ¹¹			e. Whether the activity enhances the experience of <u>Any positive impacts of the proposal for users of the area</u> . ¹²		TLL/GLL supported the Rule as publicly notified. TLL/GLL consider it is important that any complementary commercial recreation activities maintain the existing visual amenity and character of the zone, should enhance the experience for users of the area and compatibility should be assessed by reference to passive recreational activities	<i>Retain the policy as publicly notified</i>
OSZ-R6	Commercial Recreation Activities																						
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	e. Whether the activity enhances the experience of <u>Any positive impacts of the proposal for users of the area</u> . ¹²																						

¹ Appendix 1: Open Space Zone (Osz) Chapter Decisions Version 24 July 2025

² In addition to general reasons

³ Subject to general relief sought in TLL's original submission and further submissions

OSZ-R7	Community Facilities		TLL/GLL supported the Rule as publicly notified. TLL/GLL consider it is important that any complementary community facilities maintain the existing visual amenity and character of the zone and should enhance the experience for users of the area.	<i>Retain the policy as publicly notified</i>
OSZ	Activity Status: RDIS			
	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. The nature, scale and intensity of the activity. b. Compatibility with passive¹³ recreational activities. c. Any impacts on other users of the site, or on accessibility. d. Maintenance of the visual amenity and character of <u>Consistency with the zone's anticipated character and amenity values.</u>¹⁴ e. Whether the activity enhances the experience of <u>Any positive impacts of the proposal for users of the area.</u>¹⁵ 			

Annexure B - Persons to be served

Name	Contact Name	Email	Post
Wendy Marshall	Wendy Marshall	wendym843@gmail.com	6 Penstock Place, Twizel
Graham White	Graham White	van.white@xtra.co.nz	1 Glenbrook Crescent, Twizel
Bruce & Janice Cowan	Bruce & Janice Cowan	cowannz@icloud.com	PO Box 116, Twizel 7944
New Zealand Agricultural Aviation Association	Tony Michelle	eonzaaa@aviationnz.co.nz	PO Box 2096, Wellington 6140
New Zealand Helicopter Association	Tony Michelle	eonzaaa@aviationnz.co.nz	PO Box 2096, Wellington 6140
Pamela & Alistair Busbridge	Pam Busbridge	pbus@xtra.co.nz	PO Box 6, Twizel 7944
Frank Hocken	Frank Hocken	farm.house@xtra.co.nz	PO Box 100, Twizel 7944
Deborah Langford	Deborah Langford	hairydogs@xtra.co.nz	105 Wingatui Road, Mosgiel 9024
Nicki McMillan	Nicki McMillan	nicki@heliventuresnz.com	PO Box 241, Oamaru 9444
		jonathan@covington.co.nz ; kim.banks@patersons.co.nz	
Tekapo Landco Ltd & Godwit Landco Ltd	Jonathan Speedy/Kim Banks		PO Box 43 Lake Tekapo
Ross and Sue Polson	Ross and Sue Polson	kuiasuepolson@gmail.com	4 Simons Street, Twizel
Peter McNab	Peter McNab	pnmcnab@outlook.co.nz	1328 Lochindorb Runs Road, RD2, Owaka 9586
Heritage New Zealand Pouhere Taonga	Mitzie Bisnar	mbisnar@heritage.org.nz	PO Box 4403, Christchurch Mail Centre 8140
		ainsley@amconsulting.co.nz ; environment.policy@transpower.co.nz	
Transpower New Zealand Ltd	Ainsley McLeod		8 Aikmans Road, Merivale, Christchurch 8014
Chorus, Connexa, FortySouth, One NZ & Spark	Tom Anderson	tom@incite.co.nz	PO Box 2058, Wellington 6140
Stephanie Polson	Stephanie Polson	polsonsteph@hotmail.com	14/23 Noble Street, Clayfield, Australia
Fairlie & Districts Residents & Ratepayers Soc Inc	Elizabeth McKenzie	fairlieratepayers@gmail.com	
Meridian Energy Limited	Andrew Feierabend	andrew.feierabend@meridianenergy.co.nz	PO Box 2146, Christchurch 8140
Director General of Conservation	Murray Brass	mbrass@doc.govt.nz	Private Bag 4715, Christchurch Mail Centre, Christchurch 8140
		jeremy.talbot@nzta.govt.nz ; environmentalplanning@nzta.govt.nz	
NZ Transport Agency Waka Kotahi	Jeremy Talbot		44 Bowen Street, Pipitea, Wellington
Genesis Energy Limited	Mhairi Rademaker	mhairi.rademaker@genesisenergy.co.nz	PO Box 9180, Hamilton 3204
Canterbury Regional Council	Rachel Tutty/ Amanda Thompson	regional.planning@ecan.govt.nz	PO Box 345, Christchurch
Nova Energy Ltd	Adam Tapsell	atapsell@toddcorporation.com	Level 15, The Todd Building, 95 Customhouse Quay, Wellington 6011
Totally Tourism Ltd	Mark Quickfall	mark.quickfall@totallytourism.co.nz	29 Lucas Place, Queenstown
Richard Geary	Richard Geary	richard@helisc.co.nz	221 Spur Hut Road, RD25, Temuka
Zero Invasive Predators	Duncan Kay	duncan@zip.org.nz	PO Box 774, Wellington 6140
		georgina@gressons.co.nz ; lucy@gressons.co.nz	
Opuha Water Limited	Georgina Hamilton/Lucy O'Brien		PO Box 244, Timaru 7940
Tekapo Springs Limited	Rosie Hill	rosie.hill@toddandwalker.com	PO Box 124, Queenstown 9348
		mwoods@tonkintaylor.co.nz ; rebecca.davies@nzdf.mil.nz	
New Zealand Defence Force	Mikayla Woods/Rebecca Davies		Tonkin + Taylor, PO Box 2083, Wellington 6140
Gary Burrowes	Gary Burrowes	glaceburrowes@xtra.co.nz	4 Glenbrook Crescent, Twizel

FORM 5

SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE/ VARIATION

CLAUSE 6 OF FIRST SCHEDULE

RESOURCE MANAGEMENT ACT 1991

To: Mackenzie District Council, PO Box 52 FAIRLIE 7949

Full name of Submitter: Tekapo Landco Limited and Godwit Leisure Limited

Address for service: Tekapo Landco Limited and Godwit Leisure Limited
PO Box 43, Lake Tekapo
Name: Jonathan Speedy
email: jonathan@covington.co.nz
■

Contact: Name: Kim Banks, Patersons
email: kim.banks@patersons.co.nz
Ph: 021 034 4903

DATE: 16 January 2025

SUBJECT: Submission on Mackenzie District Plan Review - Stage 4:

- **Plan Change 28:** Hazards and Risks, Historic Heritage and Notable Trees, Variation 1 to Plan Change 26, and Variation 1 to Plan Change 27
- **Plan Change 29** – Open Space and Recreation Zones, Noise, Signs and Temporary Activities, Variation 1 Plan Change 23, Variation 2 to Plan Change 26, and Variation 2 to Plan Change 27
- **Plan Change 30** – Special Purpose Zones, Variation 2 to Plan Change 23, Variation 3 to Plan Change 26, and Variation 3 to Plan Change 27

Clause 6, Schedule 1 RMA 1991 The submitter could not gain an advantage in trade competition through this submission.

The submitter wishes to be heard in support of their submission.

If others make a similar submission the submitter would consider presenting a joint case at a hearing.

This is a submission on Stage 4 of the Mackenzie District Plan Review, comprising Plan Changes PC 28, 29 and 30.

The specific provisions of the proposal that my submission relates to are as follows:

- Mapping of Plan Change 28 (Natural Hazards and Risks)
- Mapping of Plan Change 29 (Open Space Zones)
- Mapping of Plan Change 30 (Special Purpose Zones)
- Mapping of Roads
- Provisions of Plan Change 29
- Provisions of Plan Change 30

The Tekapo Landco & Godwit Leisure submission is that they:

- Oppose the notified hazard overlays of PC28 as it relates to Lot 1 DP 455053 and seek amendments as outlined in this submission.
- Oppose the notified zoning of PC29 as it relates to the OSZ identified within Lot 401 DP 560853 and seek amendments as outlined in this submission.
- Support the notified zoning of PC30 as it relates to the ASPZ over Lot 1 DP 455053
- Support all provisions of the ASPZ.
- Support all the provisions of the SARZ, with the exception of 'SARZ-S4 – Coverage' which is sought to be amended alongside the proposed rezonings.
- Oppose in part the provisions of PC29 and 30 and seek amendments to these provisions, as detailed section 4 of this submission.

Tekapo Landco & Godwit Leisure seeks the following decision from the Mackenzie District Council:

- That the notified OSZ within Lot 401 DP 560853 be rezoned to a combination of OSZ, SARZ and MRZ as indicated in **Attachment C and Attachment D**.
- That the notified ASPZ is retained as notified over Lot 1 DP 455053
- That the provisions of PC29 and 30 are amended as detailed in this submission.

The submitter also seeks such further or consequential or alternative amendments necessary to give effect to this submission, and to:

- Promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991;
- Meet the reasonably foreseeable needs of future generations;
- Enable social, economic, and cultural wellbeing;
- Avoid, remedy, or mitigate the adverse effects of the activities enabled by the Variation; and
- 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.

1. BACKGROUND

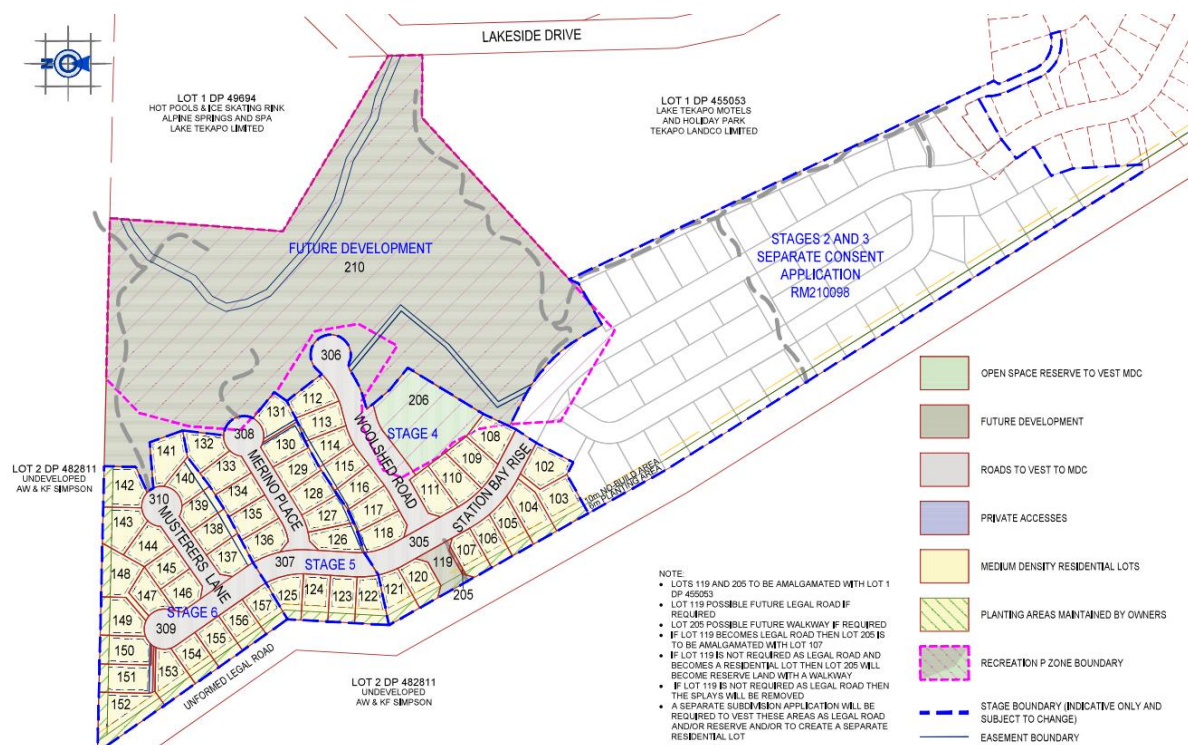
The submitter (TL&GL) owns land at Lakeside Drive, Tekapo that accommodates Lakes Edge (the Tekapo Holiday Park) and the wider Station Bay residential development. The submitters properties are illustrated in Figure 1 below.



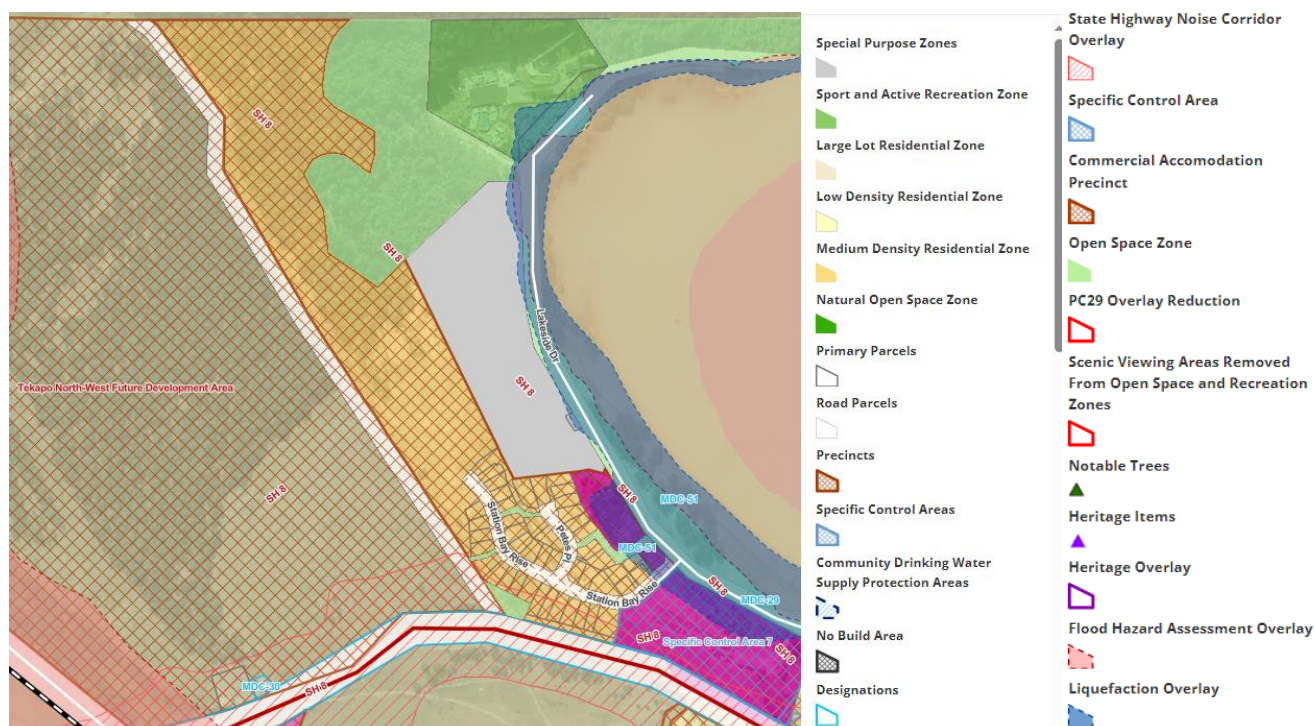
Figure 1: Submitters properties

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. The remaining properties indicated in Figure 1 are residential lots titled as part of Stage 1 of the Station Bay residential development and some of these lots have been developed, with others currently on the market.

Lot 401 DP 560853 is the remaining balance lot of the Station Bay residential subdivision, and resource consents have been granted for the development of an additional 88 lots across Lot 401 as part of Stages 2-6 of the Station Bay development. Figure 2 below illustrates the most recent consented subdivision plan and approved lot layout for stages 4-6 of the development (and this is also included in **Attachment A**).



The notified mapping of the submitters land and adjacent areas (including zoning, specific controls and overlays) as part of Stage 4 of the District Plan review is indicated in Figure 3 below (also included in **Attachment B**).



2. MAPPING CHANGES SOUGHT - PLAN CHANGE 29

The following section outlines the mapping changes sought by this submission in relation to the notified zonings of Plan Change 29. Landscape comment has been provided in support of the proposed rezonings and is included at **Attachment D**.

2.1 Rezone part of the notified Open Space Zone (OSZ) within Lot 401 DP 560853 - to part MRZ, part Sport and Active Recreation Zone (SARZ) and part Open Space (OSZ).

TL&GL seek to rezone the notified OSZ and MRZ Zones within Lot 401 DP 560853, as shown in Figure 4 below, and also included at **Attachments C & D**. The changes seek to expand the notified SARZ zone adjacent to the Tekapo Springs, and include an additional area within the MRZ.

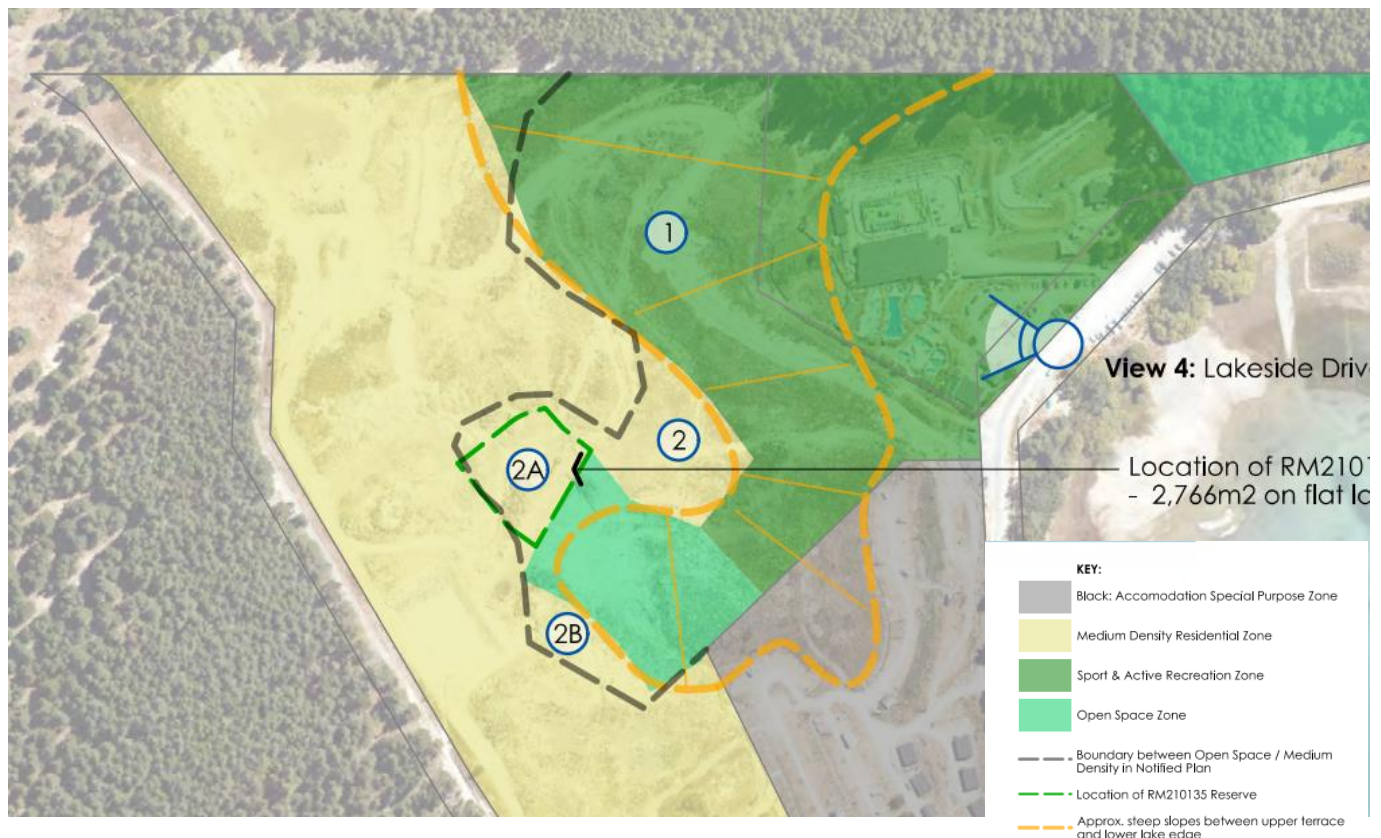


Figure 4: Zoning changes sought by TL&GL (area of focus highlighted by the square)

The mapping changes indicated on Figure 4 can be separated into the following sub-components:

(1) Rezone (part of) OSZ to MRZ to reflect the consented subdivision and lot boundaries for Station Bay Stages 2-6. Apply the Lake Takapo Precinct.

Resource consent decisions for Stages 2-6 of the Station Bay residential development (RM210098 & RM210135) have approved residential development within the area of the now notified OSZ (refer Figure 2 & **Attachment A**). As such, it is sought to rezone (part of) OSZ to MRZ to reflect the consented subdivision and lot boundaries and ensure consented residential development is not located within the OSZ. This area is identified as areas '2A' and '2B' on Figure 4 above. The rezoning of this land is considered most appropriate to reflect the outcomes of previous resource consent decisions which form part of the existing environment.

The additional area of MRZ will also require the 'Lake Takapo Precinct' overlay to be applied over it consistent with the remainder of the Tekapo MRZ.

It is noted that the submitter sought to make these mapping changes as part of a submission made on PC21, however Council at that time determined those submissions to be out of scope and indicated that this matter was

able to be reconsidered when the open space zones were reviewed. These submissions are therefore determined to be within the scope of Stage 4.

(2) - Rezone (part of) Open Space to MRZ extending south of the consented location of 'Woolshed Road' (RM210135). Apply the Lake Takapo Precinct.

This component seeks to rezone part of the OSZ to MRZ south of the location of 'Woolshed Road' consented as part of Stage 4-6 of the Station Bay subdivision (RM210135). This additional area of MRZ may provide for a further 5-7 residential lots and is shown as area '2' on Figure 4 above.

It is noted that the submitter sought to make these mapping changes as part of a submission made under PC21, however Council at that time determined those submissions to be out of scope and indicated that this matter was able to be reconsidered when the open space zones were reviewed. These submissions are therefore determined to be within the scope of Stage 4.

The proposed MRZ area immediately adjoins the consented subdivision and is therefore able to be efficiently developed and serviced. Although the Mackenzie District is not subject to the NPS-UD, the location meets the objectives and policies of the NPS-UD in that it will provide additional housing capacity in an appropriate location, that is accessible to planned transport networks, services and recreational areas. The rezoning of this area has the potential to provide a small number of additional residential lots whilst still retaining sufficient land area (approx. 1 ha) within the remaining Open Space portion of the lot.

TL&GL consider that the additional area can be readily integrated to the consented subdivision and roading network without giving rise to adverse effects. As seen from all directions, the additional MRZ area (and future houses within it) will be viewed within the context of the wider visual setting of the Station Bay residential development. From the west the area will sit below the terrace escarpment, consistent with the remainder of the zone. The area will be viewed within a setting that includes the presence of future residential dwellings both in the foreground and background. The land is also not identified under the District Plan as having any identified landscape or visual significance.

Landscape comment has been sought on this zone extension (Refer **Attachment D**) and this concludes that the changes sought *"...are minor and represent only a slight increase in built form within the context of Tekapo Township's existing residential character. From surrounding viewpoints, the additional MDRZ areas will blend seamlessly with the existing township, maintaining a consistent visual character"*. The assessment considers this rezoning to have a 'very low' impact on views.

Traffic effects associated with the additional area of MRZ are also considered to be negligible. The additional traffic generated by 5-7 lots remains well within the capacity of the road network. Previous transport assessments undertaken as part of the subdivision indicated that the original PC19 zoning of the land was based on a possible 182 residential units. The currently consented 157 lots, combined with the additional area, will remain well within this range and well within the capacity of the roading network. It is also noted that 'Woolshed Road' was consented requiring a minimum legal width of 16m, a minimum carriageway width of 8m, standard profile kerb and channel and a footpath on both sides. The conditioned roading design is appropriate to support the additional MRZ with good connectivity. Transport effects can also be considered at the subdivision stage when the land is developed.

For these reasons, the proposed MRZ is considered to be the most appropriate zoning for this land in meeting the purpose of the Act and the most appropriate way to achieve the Strategic Objectives of the District Plan, particularly UFD-01 which seeks that *"the District's townships and settlements grow and develop in a consolidated way..."*.

The proposed additional MRZ area represents a logical extension of the existing MRZ zone, the consented subdivision and will be seen in this context.

(3) Rezone part of notified OSZ to SARZ.

TL&GL seek to rezone an area of approximately 2.73 ha at the northern end of Lot 401 from notified OSZ to SARZ. This is shown as area '1' on Figure 4 above and would adjoin the notified SARZ that has been applied to the existing Tekapo Springs. The proposed SARZ is considered to be the most appropriate zone for the land in meeting the purpose of the Act, and the most appropriate way to achieve the Strategic Objectives and the objectives of the SARZ.

Disadvantages of the notified OSZ:

The subject land has been notified as OSZ due an effective 'roll over' of the currently operative 'Rec P' Zone. It is understood that the Rec P Zone was established as part of PC16 due to the historic presence of pine trees across the site and due to the steep topography. Whilst the trees have now been removed, the area of land that would otherwise be OSZ according to the notified zoning (i.e. 4.7 ha) is considered to be well in excess of the reserve land needs of the community. The community is well serviced by OSZ reserves in Tekapo in more accessible and higher amenity locations nearby, including those along the lakefront. The notified OSZ in Tekapo is indicated in the image below.



Figure 5 – PC29 Notified Open Space Zonings

It is noted that the Stage 4-6 subdivision has also consented a flat level reserve area of 2766m² (RM210135), and this reserve is of a sufficient size to meet the needs of the future residents of Station Bay. The Mt John public walkway easement will also remain through the land, irrespective of its zoning.

The notified OSZ land within Lot 401 also remains privately owned, and there is a conflict associated with the private ownership of OSZ reserve land. The 'Introduction' to the notified SARZ zone specifically recognises that the SARZ zone also includes facilities that are privately owned, whereas the OSZ does not reflect this. For example, the private ownership presently does not allow for public access, and nor are there any obligations on the landowner to develop the land for a recreational purpose. The landowner remains liable for ongoing costs and maintenance over this land, which is largely unusable for any form economic activity to offset these costs by the OSZ. Whereas the previous STAZ zoning over this land (prior to PC16) did enable some form of low-density camping activity across the entire site, and this opportunity was removed as part of the outcomes of PC16.

Advantages of proposed rezoning:

By instead allocating a portion of this land to SARZ this may provide additional opportunities for more active (as opposed to passive) recreational activities of benefit to the wider community and the future Station Bay area, for example, bike parks, frisby golf, sporting facilities or other community spaces. The available SARZ land is also in limited supply locally, with only the Tekapo Hot Pools and the Tekapo Community Hall and tennis courts currently notified as SARZ. The location of the proposed SARZ will also integrate with and may support the adjacent SARZ over the Tekapo Springs, keeping similar community recreation activities and zonings co-located together instead of across separate locations throughout the township.

The SARZ purpose statement and objectives and policies indicate provision for a broader range of community, sporting or recreational activities and buildings associated with those activities, whereas the OSZ purpose statement and provisions indicate a limitation to picnic facilities and playgrounds.

Potential effects of the proposed rezoning

Effects of the proposed rezoning relate to changes in land use, amenity and built form outcomes enabled by the SARZ.

The land does not have any particular landscape significance under the District Plan, other than the land being partly within an area of 'low visual vulnerability' and partly 'high visual vulnerability'. However, landscape comment has been sought on the proposed rezoning (Refer **Attachment D**). This has recommended that a maximum 2% site be applied to this location. TL&GL accept this recommendation and propose the maximum 10% maximum site coverage (2,700m²) be specified for this location under Rule SARZ-S4.

On the basis of the 10% (2,700m²) maximum site coverage, the landscape memo considers that a few buildings could be integrated onto the slopes while maintaining open space, and that from relevant view points the slight increase in potential future built form "*will be viewed against a backdrop of the terrace landform, and with the existing MRZ above will be contained within the pre-existing alpine character of the township*". The landscape comment concludes that the proposed rezoning would result in 'very low' effects on views and visual amenity.

With regard to potential land use and built form outcomes, the proposed SARZ is considered not significantly dissimilar to the OSZ in that they both provide for and enable passive recreation, and the regulation of activities under the provisions is similar. The proposed SARZ will remain consistent with a recreational purpose but provides additional flexibility to also enable 'active' or 'commercial' recreation activities. This can therefore provide greater opportunities and economic incentive to utilise the land for a wider public benefit.

The table below provides a comparison of zone objectives and the regulation of activities within both zones:

PC 29 Notified Provision	OSZ	SARZ	Comment
Introduction	<p><i>The Open Space Zone encompasses areas of green space which provide for passive 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.</i></p> <p><i>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 equipment, reflecting the dominance of open space.</i></p> <p><i>In lakeside areas, the maintenance of lake views and accessibility to the lake is also important.</i></p>	<p><i>The Sport and Active Recreation Zone provides for a range of active recreation opportunities, and buildings and facilities which support these. This zone includes large recreation reserves used for organised sports and associated clubrooms, as well as other community facilities. In many cases, these areas also provide for passive recreation opportunities.</i></p> <p><i>Many of these areas are publicly owned reserves, but the zone also includes some recreation or community facilities which are privately owned or operated.</i></p>	<p>Both zones provide for passive recreation.</p> <p>In addition to passive recreation, the SARZ provides for a broader range of active recreation and buildings that support those.</p> <p>SARZ specifically notes that some areas are privately owned (as is the current site), whereas the OSZ does not. The SARZ is therefore more aligned with the private ownership of the land.</p>
Zone Purpose	<p><i>The Open Space Zone provides areas of open space which predominately provide for a range of passive recreational activities.</i></p>	<p><i>The Sport and Active Recreation Zone contains a range of organised sports and other recreational activities, along with other compatible activities that support the community's social well-being.</i></p>	<p>The OSZ indicates a predominance of passive recreation activities.</p> <p>The SARZ provides for a broader range of recreational uses.</p>
Zone Character and Amenity Values	<p><i>The Open Space Zone contains limited facilities and structures which support the purpose of the zone and maintain the predominance of open space.</i></p>	<p><i>The Sport and Active Recreation Zone contains a range of buildings, structures and facilities which support the purpose of the zone, and which:</i></p> <ol style="list-style-type: none"> <i>1. are consistent with the character and amenity values of surrounding residential areas and streetscapes; and</i> <i>2. in Specific Control Area 14 (Ruataniwha), are visually recessive, maintain the visual amenity of the surrounding area, and maintain public access to the lake and its margins.</i> 	<p>OSZ is limited in provision for buildings and structures.</p> <p>SARZ provides some opportunity for buildings provided they are consistent with the purpose of the zone and amenity values.</p>

Recreational Activities	PER	PER	Same status in both zones.
The Establishment or Expansion of Walking and Cycling Tracks	PER	PER	Same status in both zones.
Buildings and Structures	PER Where: The building or structure is ancillary to a permitted activity.	PER Where: The building or structure is ancillary to a permitted activity.	Permitted only where alongside a permitted activity. i.e. there is not open scope for buildings and structures. For the SARZ, this would enable buildings associated with commercial or active recreation, subject to the proposed 2700m2 maximum site coverage for the submitters land.
Commercial Recreation¹	RDIS	PER	Greater provision for Commercial Recreation in the SARZ (including associated buildings), subject to the proposed 2700m2 maximum site coverage for the submitters land.
Community Facilities	RDIS	RDIS	Same status for Community Facilities in both zones. i.e. a consent process is required for community facilities and buildings for community facilities could not be established as a permitted activity, as the land use activity is not permitted.
Activities Not Otherwise Listed	DIS	DIS	Same status in both zones.
Max Height	5m	8m	Greater height provided for in the SARZ, however 8m remaining relatively low scale.
Max Coverage	Shall not exceed the lesser of 5% or 100m2.	Shall not exceed 40%.	Greater site coverage provided for in the SARZ. As such, the applicant proposes a maximum 10% (2700m2) coverage be applied to the proposed SARZ within Lot 401.
Food and Beverage Outlet	DIS (for activities not otherwise listed)	PER Up to 100m2 in GFA	Limited provision for food and beverage alongside other activities in the SARZ.

From this comparison it can be seen that:

- The SARZ 'Introduction' recognises the zone includes facilities in private ownership, and this is aligned with the current ownership of Lot 401. The OSZ does not reflect private ownership.
- In both zones Community Facilities are RDIS. As such a resource consent process would be required for these activities in both zones (including associated buildings), but when considered against the purpose, objectives and pols, the SARZ is more enabling of such activities and their associated buildings and provides for greater opportunities.

¹ **Note:** "Commercial recreation activity" means a commercial activity which is based on the use of land, air, water and buildings for the primary purpose of recreation and entertainment but does not include commercial aviation activity.

- Commercial Recreation is permitted in the SARZ, and allows recreational activity undertaken by private landowners for a commercial benefit, which is more aligned with the ownership of the submitters land. The OSZ does not allow this.
- Built form is restricted in both zones by height and built form standards. A resource consent would be required for any buildings or structures in either zone which is not associated with a permitted activity. A maximum site coverage of 2700m² is proposed for the SARZ within Lot 401.

As such, the two zones are in practice similar in terms of the regulation of land use and buildings and consenting requirements, however the SARZ is considered more appropriate to enable practical and reasonable use of the land and provides more opportunities for commercial recreational land uses.

2.2 Appropriateness of the Rezoning Changes

S32AA of the RMA requires that amendment proposals must be evaluated in accordance with s32, and with respect to rezonings, the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act.

For the reasons outlined above, the proposed rezonings indicated in Figure 4 and **Attachments C & D** are considered to be the most appropriate zoning for the land in meeting the purpose of the Act and the most appropriate way to achieve the Strategic Objectives of the District Plan, particularly strategic objectives for Urban Form and Development (UFD-01), a Thriving Community (ATC-01), and the objectives of the SARZ.

The proposed extension of the MRZ will align with the consented existing environment, and the additional area can provide for a small number of additional lots adjoining an existing residential area. This is an efficient and effective consolidated zoning approach. Future buildings in this area will be seen within the context of the future built form with potential landscape effects being assessed as 'very low'.

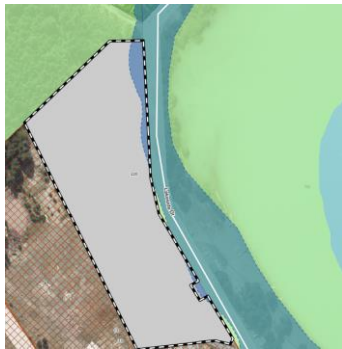
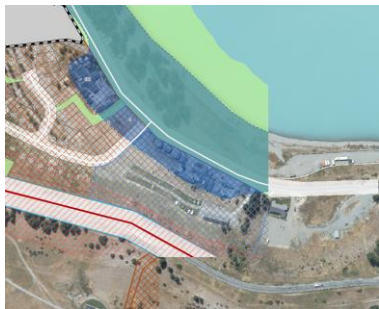
The proposed SARZ rezoning, with the proposed maximum 2700m² site coverage, will retain a predominance of open space whilst providing increased opportunities for commercial and active recreation activities. Provision for SARZ and the activities it enables is limited within Tekapo, and the inclusion of the proposed area may, therefore, provide positive benefits to the community.

The retention of the notified OSZ over Lot 401 is considered to be inappropriate as the zoning is in conflict with the private land ownership and represents a large land area (4.69 ha) that is considered to be excessive recognising the large areas of OSZ already identified within Tekapo, and in higher amenity and more accessible locations for passive recreation.

3. OTHER SUBMISSIONS ON MAPPING

TL&GL make the following submissions on other mapping changes included in PC28, PC29, and PC30.

Reference	Submission/Decision sought (additions shown as underline, deleted shown as strike through).	Reason
Mapping of Roads	<p>TL&GL support the exclusion of roads from zone boundaries, however, seek that the regulation of activities within roads is specified within the District Plan.</p> <p>Specifically, TL&GL seek to ensure that land use activities other than roading, pedestrian/cycle connections, earthworks and infrastructure provision are not inadvertently enabled within roads.</p>	<p>TL&GL made a submission as part of PC21 seeking that roads be removed from the zone boundaries. This submission point was rejected by Council at that time. However, the current notified mapping appears to have been altered to now remove roads from any zoning and shade these white. It is not clear when this change occurred, and there does not appear to be any reference in the plan as to how activities within roads will be</p>

		<p>managed, or to prevent roads from being utilised for inappropriate activities.</p> <p>TL&GL supports the exclusion of roads from zone boundaries however seeks that the regulation of activities within roads is specified within the District Plan. Specifically, TL&GL seek to ensure that land use activities other than roading, pedestrian/cycle connections, earthworks and infrastructure provision are not inadvertently enabled within roads.</p>
<p>Plan Change 28 - Mapping of the Flood Hazard Overlay.</p> 	<p>TL&GL oppose the Flood Hazard Overlay within Lot 1 DP 455053 and request this is deleted from the submitters land and extends only to the boundary of Lakeside Drive.</p>	<p>The mapping extending into TL&GL land has no site-specific basis or investigation. Lake Tekapo also has a maximum operating height which is below the level indicated on this flood overlay.</p>
<p>Plan Change 28 - Mapping of the Liquefaction Overlay.</p> 	<p>TL&GL oppose the Liquefaction Overlay within Lot 1 DP 455053 and request this is deleted from the submitters land and extends only to the boundary of Lakeside Drive.</p>	<p>The mapping extending into TL&GL land has no site-specific basis or investigation.</p>
<p>Plan Change 29 – OSZ – Lakeside Drive, Tekapo.</p>	<p>TL&GL support the notified OSZ over Council land alongside Lake Tekapo and seek this be retained as notified, including:</p> <ul style="list-style-type: none"> - Lot 5 DP 455053 - Lot 2 DP 562455 - Lot 6 DP 455053 	<p>TL&GL supports passive open space areas and passive recreation along the Tekapo Lakefront.</p>
<p>Plan Change 30 - Mapping of the Accommodation Special Purpose Zone at Lot 1 DP 455053, Lakeside Drive, Tekapo.</p>	<p>TL&GL support the notified Accommodation Special Purpose zone at Lot 1 DP 455053, Lakeside Drive, Tekapo and seek this be retained.</p>	<p>TL&GL supports the notified zoning of the Tekapo Holiday Park.</p>

4. SUBMISSIONS ON PROVISIONS

TL&GL make the following submissions on the provisions of PC 29 and 30, as outlined in the table below.

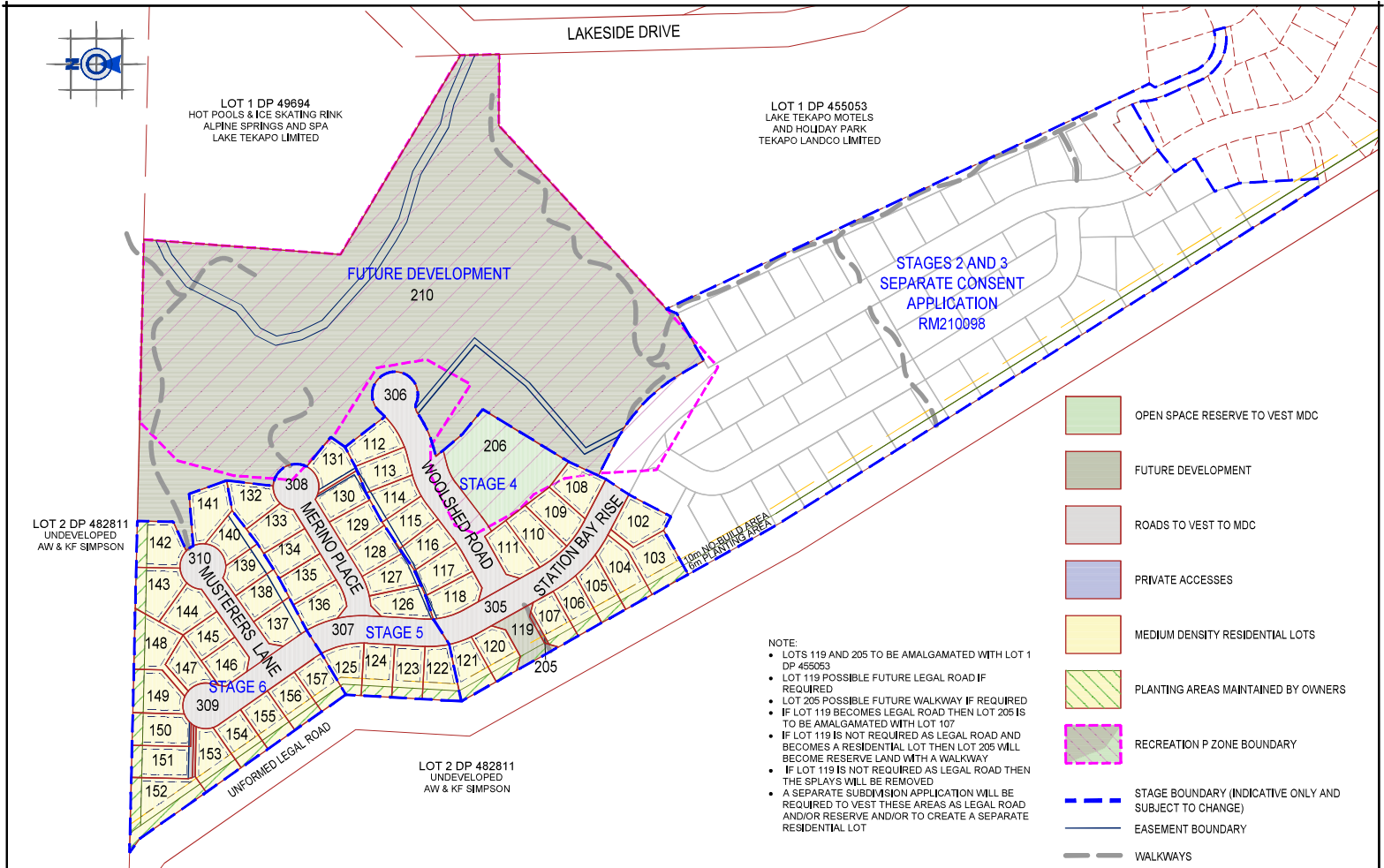
Table 1: Detailed relief sought on the provisions of PC29 and 30 of the Mackenzie District Plan

Ref	Provision	Submission/Decision sought (additions shown as underline, deleted shown as strike through).	Reason
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, and Variation 2 to Plan Change 27 selected			
Earthworks (Variation)	Introduction	Support, but seek amended to the following: “....This earthworks chapter covers general earthworks provisions in all rural, residential, commercial, <u>open space</u> and mixed use and industrial zones”.	The s32 report notes that the Earthworks Chapter is intended to apply to the Open Space Zones, and this should be referenced in the Introduction.
Earthworks (Variation)	EW-R3	Support	Support earthworks standard and volumes specified for the OSZ and SARZ, of 1000m ³ by volume and 2500m ² by area per site in any 12-month period.
Noise State Highway Noise Corridor Overlay	NOISE-R16	Oppose and seek amendments as set out below: Any New Building Containing a Noise Sensitive Activity, or the Alteration of an Existing Building which Creates a New Habitable Room, or the Use of an Existing Building for a New Noise Sensitive Activity Activity Status: PER Where: 1. The building is designed and constructed to achieve indoor design noise levels set out in NOISE-TABLE 2, with road noise based on measured or predicted noise limits plus 3 dB ; and 2. If windows must be closed to achieve the design noise levels in 1., the building is designed, constructed and maintained with a mechanical ventilation system that for habitable rooms for a residential activity, achieves the following requirements: a. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and b. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and c. provides relief for equivalent volumes of spill air; and	Seek that the rule is not applied to alterations, extensions or change of use of existing buildings, as it is not practical or feasible to retrofit existing buildings, and also unreasonable to require an acoustic assessment for such activities under clause 3. See the text “with road noise based on measured or predicted noise limits plus 3 dB” is deleted as it is unclear what this means or is based on.

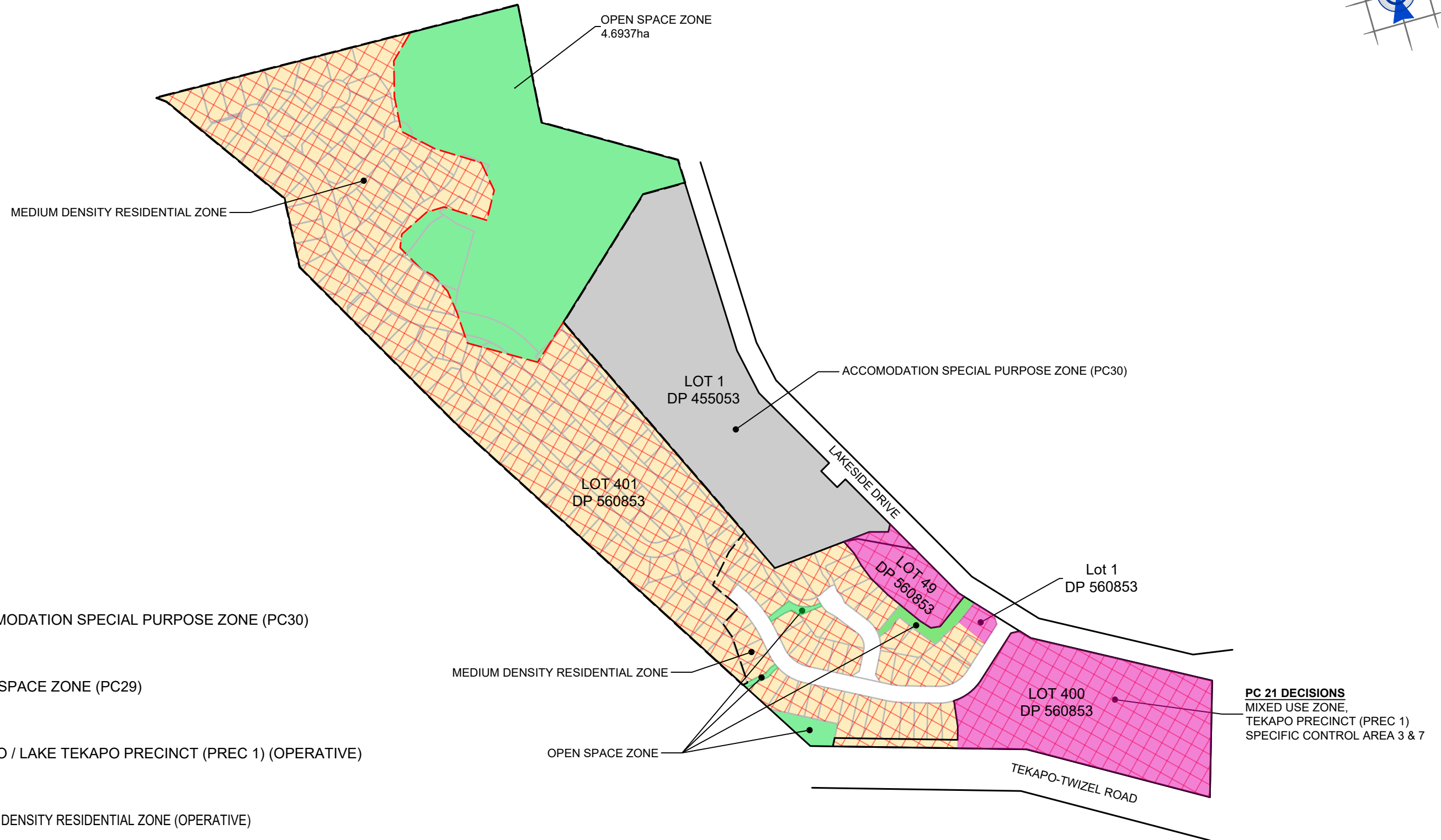
		<p>d. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18OC and 25OC; and</p> <p>e. does not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser; and</p> <p>3. A report prepared by a suitably qualified and experienced person demonstrating compliance with 1. or 2. above (as relevant) is submitted to the Council with the application for building consent.</p>	
Noise	NOISE-R4	<p>Oppose in part, seek to be amended as set out below:</p> <p>Temporary Activities, <u>Temporary Events</u> (Excluding Temporary Military Activities)</p> <p>All Zones Activity Status: PER</p> <p>Where:</p> <p>1. Between 10.00pm and 10.00am, the noise generated by any temporary activity does not exceed the limits set out in NOISE-TABLE 1, measured at the location set out in NOISE-TABLE 1; and</p> <p>2. Between 10.00am and 10.00pm, the noise generated by any temporary activity does not exceed 65 dB LAeq at: <u>standards shall not apply.</u></p> <p>a. the notional boundary of any building containing a noise sensitive activity in the General Rural Zone; or</p> <p>the boundary of any site containing a noise sensitive activity in all other zones; and</p> <p>3. For activities involving amplified sound, the activities shall not:</p> <p>a. exceed 4 hours a day on the site of the temporary activity (including sound checks).</p>	<p>Seek inclusion of reference "Temporary Events" (which is a defined term). Alternatively, Temporary Activities may require inclusion in the nesting tables.</p> <p>Seek exclusion from the applicable daytime noise standards for temporary events. It is considered appropriate to exclude Temporary Events from daytime noise standards, as their frequency is limited by TEMP-R2 to no more than six events per year, and noise standards continue to apply at night.</p>
Temporary Activities	TEMP-R1	<p>Support but seek following amendment:</p> <p>Temporary Buildings Including Offices, Storage Sheds, Freight Containers, Builders' Workshops, Accommodation Buildings</p> <p>Activity Status: PER</p> <p>Where:</p>	<p>Amendment sought to enable temporary buildings also associated with temporary events, limited to the duration of the event.</p>

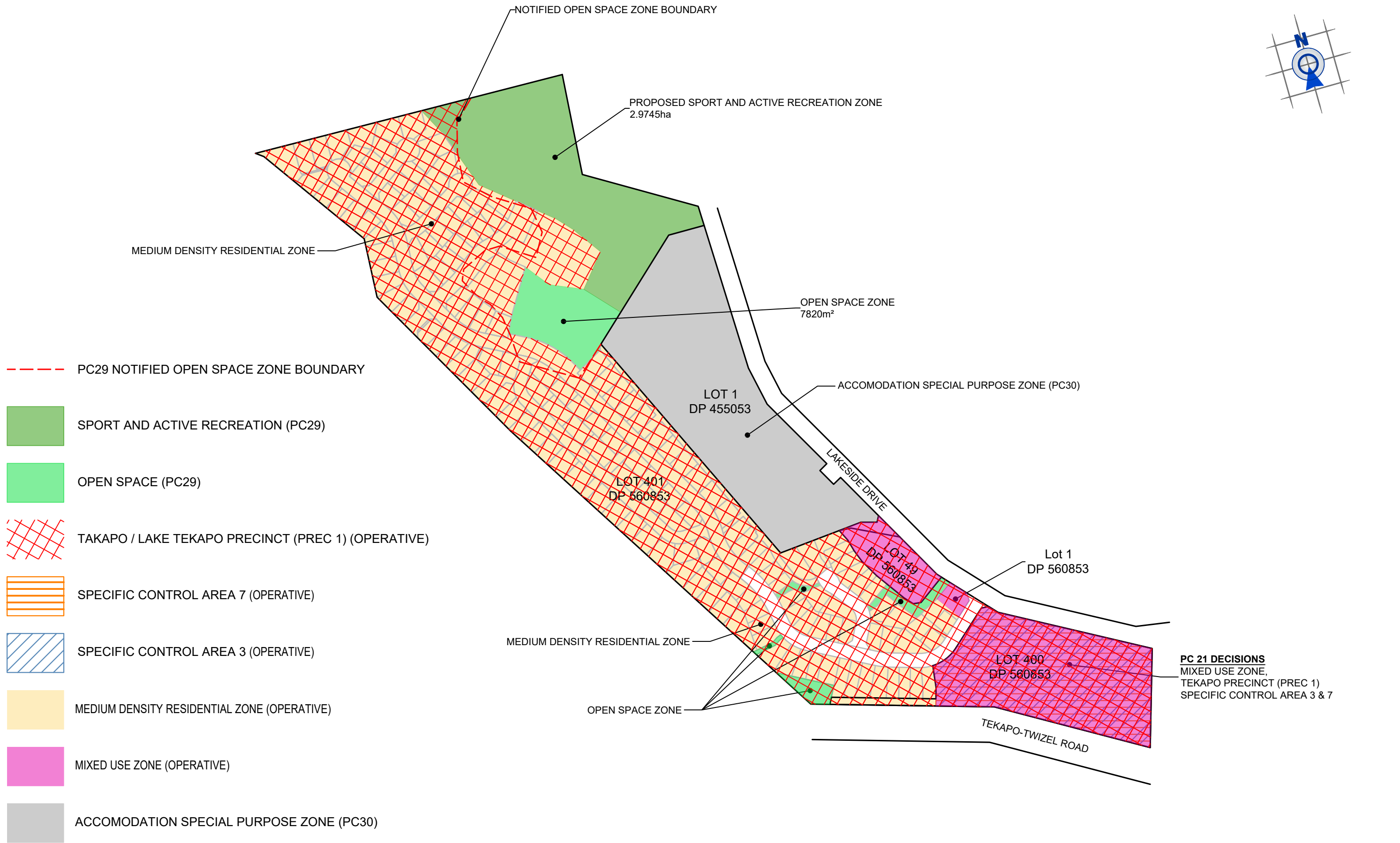
		<p>1. The building and its use are incidental to a <u>temporary event</u>, building development or construction project located on the same site as the project; and</p> <p>The building is located on the site for a maximum duration of 12 months or the duration of the project <u>or temporary event</u> whichever is the lesser.</p>	
Temporary Activities	<p>TEMP-R2</p> <p>All Zones except Specific Control Areas 14 & 15 (Ruataniwha and Fairlie Showgrounds)</p>	Support	Support provision for temporary events.
Open Space Zone	Introduction	Support and retain as notified	Support Introduction statement, including provision for structures such as eating, picnic and barbeque facilities, toilets, shelters and playground or sporting equipment.
Open Space Zone	OSZ-P2 Compatible Activities	Support and retain as notified	Support provision for commercial recreation activities which are complimentary in the zone.
Open Space Zone	<p>OSZ-R6</p> <p>Commercial Recreation Activities</p>	Support and retain as notified	Support provision for commercial recreation activities as a listed activity within the table which are complimentary in the zone, consistent with OSZ-P2.
Open Space Zone	<p>OSZ-R7</p> <p>Community Facilities</p>	Support and retain as notified	Support provision for community facilities in the OSZ.
Sport and Active Recreation Zone (SARZ)	All provisions	Support all provisions (with the exception of SARZ-S4 set out below) and rules of the SARZ and seek these are retained as notified.	Support all provisions (with the exception of SARZ-S4 set out below) and rules of the SARZ and seek these are retained as notified.
Sport and Active Recreation Zone (SARZ)	SARZ-S4 - Coverage	<p>Oppose and seek following amendment:</p> <p>"SARZ (outside Specific Control Area 14 (Ruataniwha))</p> <p>The maximum building coverage of any site shall not exceed 40%, <u>except for Lot 401 DP 560853 which shall have a maximum combined site coverage of 2700m²</u>"</p>	Seek amended to reflect bespoke site coverage proposed for the proposed SARZ rezoning within Lot 401 (if recommended to be accepted).
Plan Change 30 - Special Purpose Zones, Variation 2 to Plan Change 23, Variation 3 to Plan Change 26, and Variation 3 to Plan Change 27 selected			
Accommodation Special Purpose Zone	All provisions	Support all provisions and rules of the SARZ and seek these are retained as notified.	The zoning and provisions are suitable for the on-going operation of the Tekapo Holiday Park.

Attachment A – Consented subdivision plan RM210135



Attachment B - Notified Zoning Map





PC 21 DECISIONS
MIXED USE ZONE,
TEKAPO PRECINCT (PREC 1)
SPECIFIC CONTROL AREA 3 & 7

Attachment D – Landscape comment

STATION BAY, TEKAPO

Landscape Assessment – Submission on Mackenzie District Plan Review to Modify Zoning

Richard Tyler Landscape Architect - NZILA Reg.

SITE Landscape Architects

Prepared 17th December 2024

1.0 Introduction

Submitter: Tekapo Landco Limited and Godwit Leisure Limited

Site: Lot 401 DP560853

Subject: Mackenzie District Plan Review

Appended Material: Figs 1-2: View locations, Proposal
Views 1-4 Landscape Views

2.0 Methodology

This assessment includes a brief description of the proposal and site, the existing landscape character and values, and assessment of potential effects on visual amenity and landscape character.

The methodology is derived from 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines', Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.

In my assessment of effects I refer to the 7-point scale listed below, as derived from the NZILA Guidelines. The top rows show how the rating scale can be related to wording in the RMA:

						SIGNIFICANT	
LESS THAN MINOR		MINOR		MORE THAN MINOR			
VERY LOW	LOW	LOW-MOD	MODERATE	MOD-HIGH	HIGH	VERY HIGH	

The appended landscape views were taken in 2022. I have reviewed recent photos and there has been minimal change, therefore the 2022 photos are suitable for this assessment.

3.0 Proposal

The proposal is detailed further in the Planners' report. In terms of landscape and visual effects, it involves amending the zoning in the Mackenzie District Plan as illustrated in Figures 01 and 02. The proposed rezoning would change a part of the notified Open Space Zone (OSZ) to Medium Density Residential Zone (MRZ) on the upper terrace, and to Sport and Active Recreation Zone (SARZ) on the steeper slopes below. A reduced area of OSZ will align with the south facing slope below the MRZ providing a green buffer to the existing Holiday Park.

4.0 Site Description / Context

The area of proposed rezoning is located at the northwestern end of the Tekapo Township. It encompasses the steeper slopes west of Tekapo Springs and includes elevated flatter land on the edge of the existing Station Bay development, including land consented for a reserve under RM210135.

Directly to the south lies the Lakes Edge Holiday Park, with Mount John situated to the north. The existing MRZ occupies the elevated slopes above the lake's edge. The Tekapo Springs are situated within a lakeside basin resembling an amphitheatre, surrounded by steeper slopes rising towards Mount John to the north and west. Moving southward, the terrain becomes gentler as it transitions to the northern boundary of the Holiday Park.

Station Bay development within the MRZ is currently underway to the west and south of the proposal, with new houses being constructed in phases. The wider area has recently been cleared of pine forest to enable residential development.

5.0 Landscape Character Values

The Lake Tekapo Township has a unique alpine village character, spread out on the flanks of the glacial lake edge, within a landscape with high natural values – made up of the lake, surrounding mountains and alpine plains. Important character attributes include proximity to views of the surrounding landscape, maintaining dominance of the wider natural landscape for tourists travelling through the area, residential views and amenity for local residents.

The site is undergoing change from old pine forest to residential land use to meet the intentions of the urban zoning.

6.0 Visual Amenity and Landscape Character Assessment

6.1 Land use Changes to Result from Rezoning:

The proposal will result in the following land use changes:

1. The steeper slopes between the Tekapo Springs and the existing Station Bay development land will change from Open Space to Sport & Active Recreation Zone ("1" on plan Fig 1 and Fig 2). The proposed SARZ will allow Commercial Recreation Activities and buildings up to 40% site coverage. Other elements could include land use such as outdoor recreational equipment and other built elements associated with outdoor pursuits.

I have briefly reviewed the SARZ in the Mackenzie Planning Maps and similar zoned areas include the adjacent Tekapo Springs, Lake Tekapo Tennis Courts, the Twizel Golf Course, the Twizel Area School. Therefore, any of these activities of a similar use could be anticipated here under the proposal, although albeit that the terrain will limit the range of practical land uses.

2. The finger of land that extends out from the development terrace on the northern slope above the Camp Ground, ("2" on plan Fig 1 and Fig 2), the location of existing RM210135 Reserve ("2A" on plan Fig 1 and Fig 2), and a small wedge of land to the south of this ("2B" on plan Fig 1 and Fig 2) is proposed to be rezoned from OSZ to MRZ. This zone enables houses up to 7.5m in height, or 8.5m with a gable roof to be built in these rezoned areas.

I understand that the existing consented reserve will not be changed to medium density residential lots as this is a consented reserve under RM210135, rather the MRZ will better enable a playground, toilet or other facilities to be constructed within the consented reserve that may otherwise require consent if it were zoned OSZ.

6.2 Effects on Views

The rezoned land will be visible from a limited portion of State Highway 8 as it winds around to the west when leaving Tekapo, from Lakeside Drive, the surrounding residential places and from the lake shore and the lake itself. It may be visible from within the trees on Mount John.

6.2.1 View 1: Lakeside Drive Beside Holiday Park:

Travelling along Lakeside Drive viewing north-west the existing MRZ is visible along the crest of slope to the north-west. The proposed MRZ (2) will form a slight extension to this that will extend downslope from the crest. Overall built form will increase by a small amount where it is already visible and the small increase will have a very low impact on views.

The proposed SARZ will be immediately visible on the facing slopes. From here I consider that if buildings were constructed to a 40% site coverage this could have potential landscape effects by dominating landform with built form. I recommend a site coverage restriction of 2,700m² (10% of the area) be placed on the site, so that with a SARZ in place open space will continue to dominate the slopes. A few buildings could be integrated onto the slopes while maintaining open space.

Landscape effects: **Very Low**, with site coverage limitation of 2,700m² (10% of the area) recommended on the proposed SARZ

6.2.2 View 2: Lakeside Drive (Further South):

From further south along Lakeside Drive the proposal will be visible in a broader view that includes the existing northern partially subdivided Township - MRZ and the rising slopes of Mount John. From here the increase in built form will be small in scale and will be integrated into the wider lakeside Township Character.

Landscape effects: **Very Low**, small change integrated into existing Township

6.2.3 View 3: State Highway 8

Views of the proposal are possible for a 0.5km stretch of SH8 when travelling west out of town, as the road rises along the elevated slopes above Lakeside Drive. The zone change will sit low in the landscape with the view dominated by Mt John, the lake and surrounding mountains, and will sit below the existing residential medium density zone in the foreground. The proposal will result in a very slight increase of the existing developed area that will not be noticeable from here, blending with the existing zoning and residential development.

When travelling north, drivers pass Godley Peaks Road and the power substation and the road leads to a crest where it sweeps around to the east, with Lake Tekapo appearing directly in front for the first time. The eye is drawn to the lake, with the site and proposal not readily visible to the left and obliquely downslope from view.

Landscape effects: **Negligible to Very Low**, proposal located low in views dominated by mountains and lake

6.2.4 View 4: Lakeside Drive Adjacent to Tekapo Springs:

Similar to view 1, the existing developed area will sit on the crest of slope to the west of view. The MRZ area 2 will extend downslope in front of existing developed area behind. The SARZ (area 1) will replace the open space backdrop to the Tekapo Springs. I consider with the recommended site coverage restriction, this new zoning will have a low effect on views from here, with unbuilt or green space dominating the majority of these slopes.

Landscape effects: **Very Low**, with site coverage limitation on proposed SARZ

6.3 Effects on Landscape Values

The existing OSZ (area 1) currently forms a ribbon of green on the steeper slopes at the northern end of the MRZ. The proposed zone will allow for more favourable activities such as active recreation or commercial recreation activities to be developed on these slopes. I consider a few buildings in this area will not create adverse visual effects and will maintain open space character that may exist in this particular location when viewed from the lakeshore. Any future buildings associated with the new land use will be viewed against a backdrop of the terrace landform, and with the existing MRZ above will be contained within the pre-existing alpine character of the township.

The extension to MRZ (areas 2, 2A & 2B) will form a slight extension to the existing developed areas and will align with intended activities in these areas. The small increase in built form will be visually absorbed with the township character and will not affect any key views of the surrounding natural environment.

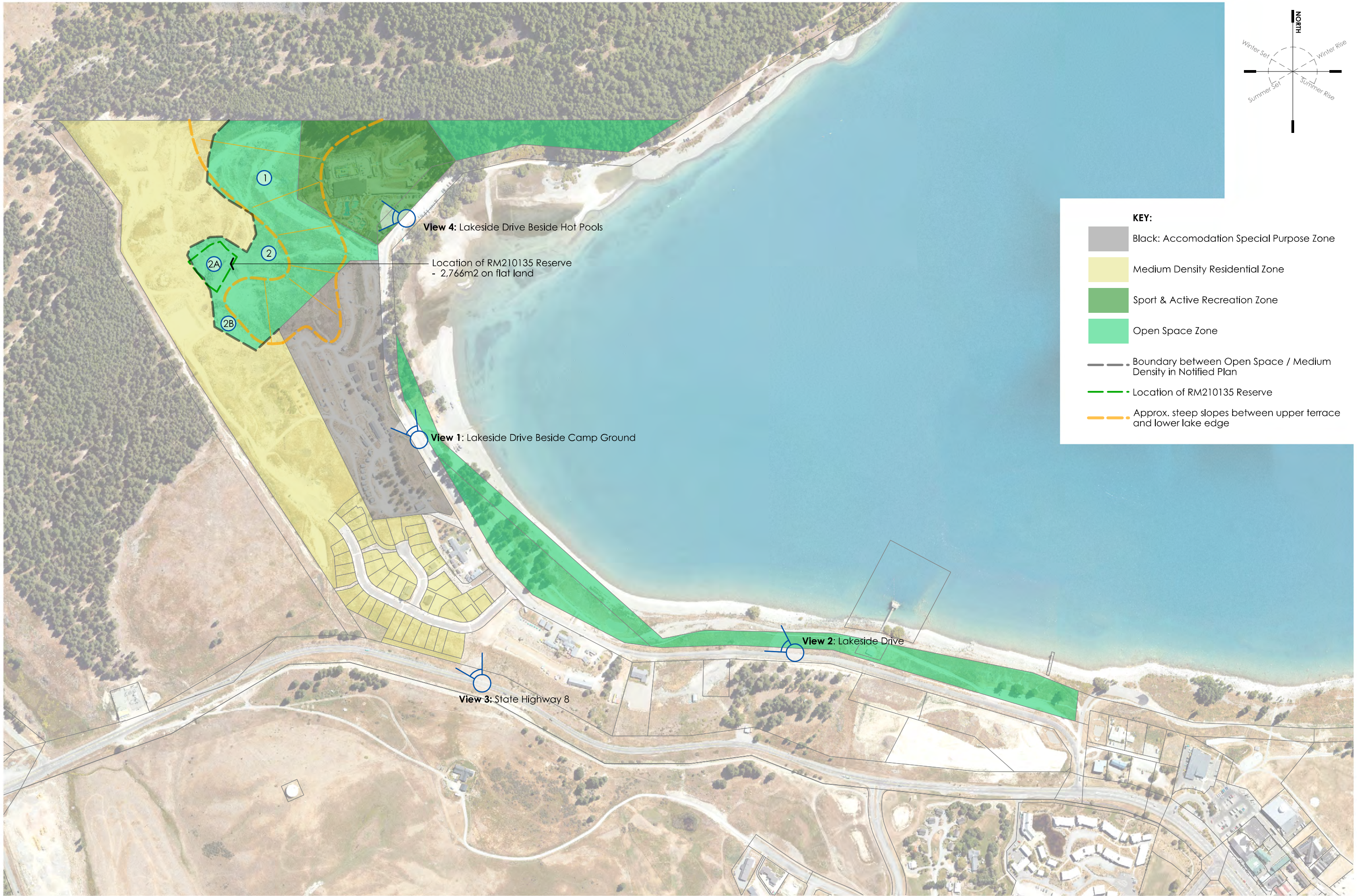
Landscape values will be maintained which include maintenance of iconic and key views for tourists travelling through, and amenity values for people living and staying in Tekapo.

7.0 Conclusion

The proposal includes rezoning of Area 1 to SARZ and will enable potential land use similar to the adjacent Tekapo Springs. However, the zone's allowance for 40% site coverage (as notified) could be excessive for this sloping site and could potentially compromise character values. A reduced site coverage limit of 2,700m² (10% of the area) is recommended as a bespoke rule for this site to ensure that green open space and unbuilt areas continue to dominate the slope, while still accommodating associated buildings integrated into the landform.

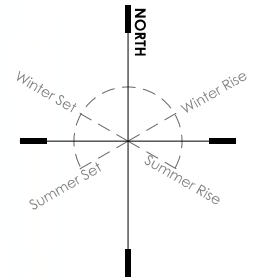
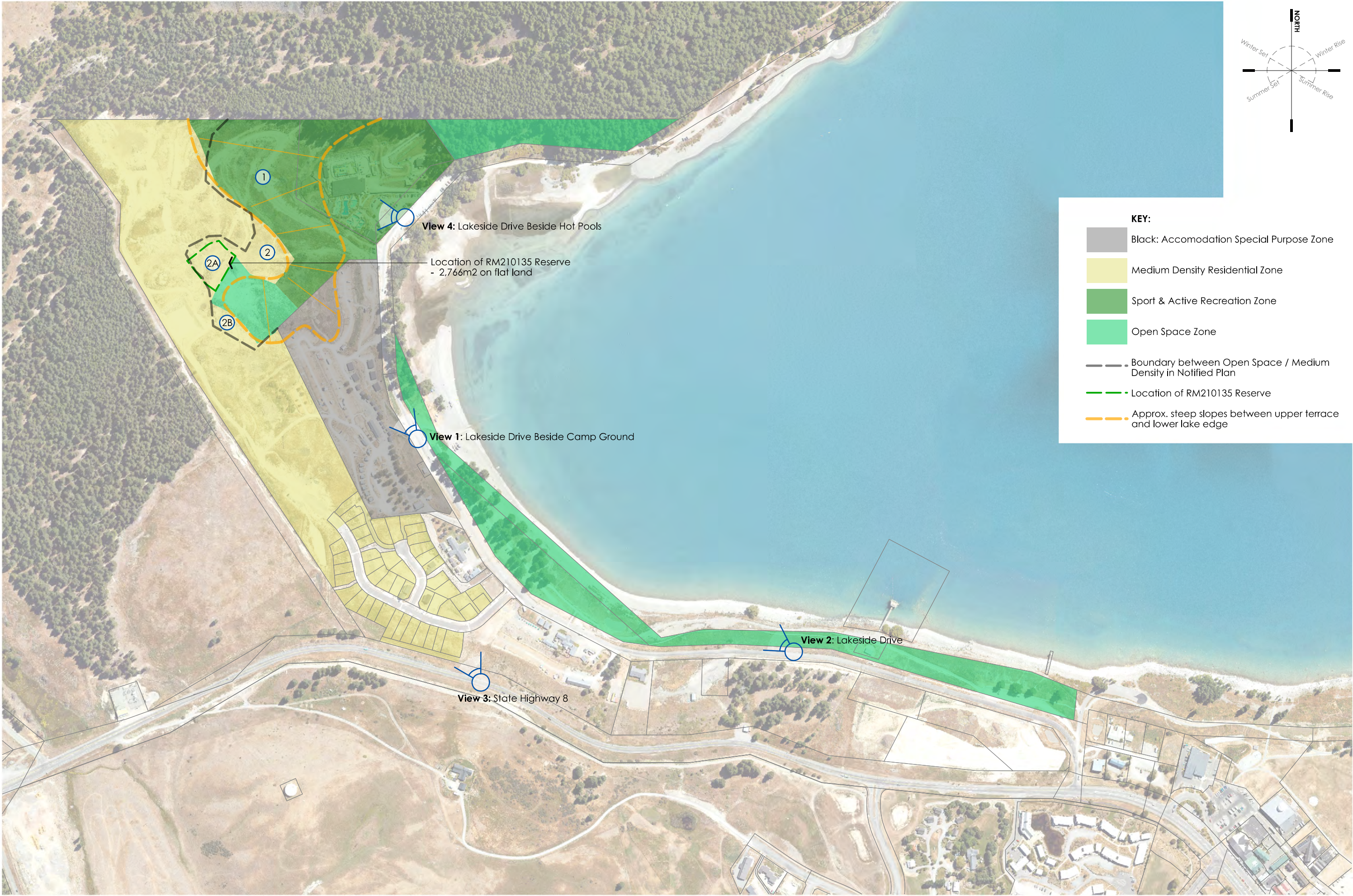
The proposed extensions to the MRZ (Areas 2, 2A, and 2B) are minor and represent only a slight increase in built form within the context of Tekapo Township's existing residential character. From surrounding viewpoints, the additional MRZ areas will blend seamlessly with the existing township, maintaining a consistent visual character.

The proposal as assessed and with recommendations adopted will result in very low effects on views and visual amenity and will maintain the existing character values of the Tekapo Township.



KEY:

- Black: Accomodation Special Purpose Zone
- Medium Density Residential Zone
- Sport & Active Recreation Zone
- Open Space Zone
- Boundary between Open Space / Medium Density in Notified Plan
- Location of RM210135 Reserve
- Approx. steep slopes between upper terrace and lower lake edge



KEY:

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- Location of RM210135 Reserve
- Approx. steep slopes between upper terrace and lower lake edge



Location of RM210135 Reserve

In notified plan the area below black dashed line is zoned OSZ

Photo Notes:

Camera: Iphone 13 Pro
Lens: 1X, 26mm, 72 degree view angle. (Represents near peripheral and small part of mid peripheral view)
Photo taken: 20.11.24

Hold printed A3 sheet 30cm from eye to replicate real view scale

Proposed zoning within applicant's land:
Black: Accomodation Special Purpose Zone
Yellow: Medium Density Residential Zone
Dark Green: Sport & Active Recreation Zone
Light Green: Open Space Zone

Black dashed line: Boundary between Open Space / Medium Density in Notified Plan

Areas were imported into Google Earth, view from same location exported, lined up / overlaid over photo then graphic traced as shown.



Location of RM210135 Reserve

In notified plan the area below black dashed line is zoned OSZ

Photo Notes:

Camera: Iphone 13 Pro
Lens: 1X, 26mm, 72 degree view angle. (Represents near peripheral and small part of mid peripheral view)
Photo taken: 20.11.24

Hold printed A3 sheet 30cm from eye to replicate real view scale

Proposed zoning within applicant's land:
Black: Accomodation Special Purpose Zone
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Dark Green: Sport & Active Recreation Zone
Light Green: Open Space Zone

Black dashed line: Boundary between Open Space / Medium Density in Notified Plan

Areas were imported into Google Earth, view from same location exported, lined up / overlaid over photo then graphic traced as shown.



Photo Notes:

Camera: Iphone 13 Pro
Lens: 1X, 26mm, 72 degree view angle. (Represents near peripheral and small part of mid peripheral view)
Photo taken: 07.03.22

Hold printed A3 sheet 30cm from eye to replicate real view scale

Location of RM210135 Reserve

In notified plan the area below black dashed line is zoned OSZ

Proposed zoning within applicant's land:
Black: Accomodation Special Purpose Zone
Yellow: Medium Density Residential Zone
Dark Green: Sport & Active Recreation Zone
Light Green: Open Space Zone

Black dashed line: Boundary between Open Space / Medium Density in Notified Plan

Areas were imported into Google Earth, view from same location exported, lined up / overlaid over photo then graphic traced as shown.



Location of RM210135 Reserve

In notified plan the area below black dashed line is zoned OSZ

Photo Notes:

Camera: Iphone 13 Pro
Lens: 1X, 26mm, 72 degree view angle. (Represents near peripheral and small part of mid peripheral view)
Photo taken: 20.11.24

Hold printed A3 sheet 30cm from eye to replicate real view scale

Proposed zoning within applicant's land:
Black: Accomodation Special Purpose Zone
Yellow: Medium Density Residential Zone
Dark Green: Sport & Active Recreation Zone
Light Green: Open Space Zone

Black dashed line: Boundary between Open Space / Medium Density in Notified Plan

Areas were imported into Google Earth, view from same location exported, lined up / overlaid over photo then graphic traced as shown.



Location of RM210135 Reserve

In notified plan the area below black dashed line is zoned OSZ

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Lens: 1X, 26mm, 72 degree view angle. (Represents near peripheral and small part of mid peripheral view)
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Photo Notes:

Camera: Iphone 13 Pro
Lens: 1X, 26mm, 72 degree view angle. (Represents near peripheral and small part of mid peripheral view)
Photo taken: 07.03.22

Hold printed A3 sheet 30cm from eye to replicate real view scale

Location of RM210135 Reserve

In notified plan the area below black dashed line is zoned OSZ

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Lens: 1X, 26mm, 72 degree view angle. (Represents near peripheral and small part of mid peripheral view)
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Areas were imported into Google Earth, view from same location exported, lined up / overlaid over photo then graphic traced as shown.

FORM 6

FURTHER SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE/ VARIATION

CLAUSE 8 OF FIRST SCHEDULE

RESOURCE MANAGEMENT ACT 1991

To: Mackenzie District Council, PO Box 52 FAIRLIE 7949

Full name of Submitter: Tekapo Landco Limited and Godwit Leisure Limited

Address for service: Tekapo Landco Limited and Godwit Leisure Limited
PO Box 43, Lake Tekapo
Name: Jonathan Speedy
email: jonathan@covington.co.nz
Ph: 021 234 4132

Contact: Name: Kim Banks, Patersons
email: kim.banks@patersons.co.nz
Ph: 021 034 4903

DATE: 24 February 2025

SUBJECT: Further Submission on Mackenzie District Plan Review - Stage 4:

- **Plan Change 29** – Open Space and Recreation Zones, Noise, Signs and Temporary Activities, Variation 1 Plan Change 23, Variation 2 to Plan Change 26, and Variation 2 to Plan Change 27

Clause 8, Schedule 1 RMA 1991 The submitter has an interest in the proposed policy statement or plan greater than the interest that the general public has.

The submitter wishes to be heard in support of their submission.

I oppose in part the submission of:

- Queenstown Commercial Parapenters Ltd (#29.26)

The particular parts of the submission I oppose and the reasons for my opposition are outlined in the table below.

Original Submission Point	Provision	Original Submission Point Summary	Relief/ Decision Sought by submitter	TL&GL Further submission Support or Oppose	TL&GL Further submission The reasons for my support/opposition are:	TL&GL Further submission I seek the following:
Plan Change 29 - Open Space and Recreation Zones						
26.06	OSZ-R6	<p>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.</p> <p>Submitter seeks amendments to matters of discretion (d) as the word 'maintenance' as inappropriate as it implies a static unchanging environment, or unchanging values. The amendment sought 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.</p> <p>Matter of discretion (e) is unclear and potentially creates an expectation that proposed developments will be put to the 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 –</p>	<p>Amend as follows:</p> <p>Matters of discretion are restricted to:</p> <p>a. The nature, scale and intensity of the activity.</p> <p>b. Compatibility with passive recreational activities.</p> <p>c. Any impacts on other users of the site, or on accessibility.</p> <p>d. <u>Consistency with the zone's Maintenance anticipated character and of the visual amenity values</u> and character of the zone.</p> <p>e. Whether the activity enhances the experience of users of the area</p>	I oppose the requested amendment to OSZ-R6.	Oppose the suggested amendments to the matters of discretion, as these matters are considered important to an assessment of potential effects of commercial recreation activities that require consent in the OSZ.	That the submission point is disallowed.

		<p>therefore this assessment matter is sought to be deleted.</p> <p>Matter of restricted discretion (b) 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.</p>				
26.07	OSZ-S1	<p>Amendments are sought to Standards OSZ-S1 and OSZ-S2 to exclude recreation or commercial recreation equipment less than 10m² 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.</p> <p>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.</p>	<p>Amend as follows:</p> <p>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 10m² in area.</u></p>	Oppose	The proposed amendment has the effect of allowing multiple separate small structures less than 10m ² to be excluded from the height provisions and this is not considered appropriate.	That the submission point is disallowed.
26.08	OSZ-S2	<p>Amendments are sought to Standards OSZ-S1 and OSZ-S2 to exclude recreation or commercial recreation equipment less than 10m² 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.</p>	<p>Amend as follows:</p> <p>Any building or structure <u>(excluding any recreation or commercial recreation equipment, fences, gates or signs less than 10m²)</u> shall be set back a minimum of 6m from any boundary (including a road boundary).</p>	Oppose	The proposed amendment has the effect of allowing multiple separate small structures less than 10m ² to be excluded from the setback provisions and this is not considered appropriate.	That the submission point is disallowed.
26.11	NOISE-R3		<p>Amend as follows:</p> <p>Noise associated with Recreational Activities <u>and Commercial recreation activities</u></p> <p>...</p>	Oppose	The proposed amendment would have the effect of noise from commercial recreation activities being permitted outdoors and this is not considered appropriate for the broad range, locations and potentially noisy activities that may be captured by this. Additionally, noise limits applicable to the	That the submission point is disallowed.

			1. The recreational activity does not involve powered motorsport, or gunfire; <u>and any commercial recreation activity is undertaken outdoors.</u>		Open Space Zone do not appear to be included in NOISE-Table 1.	
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FORM 6

FURTHER SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE/ VARIATION

CLAUSE 8 OF FIRST SCHEDULE

RESOURCE MANAGEMENT ACT 1991

To: Mackenzie District Council, PO Box 52 FAIRLIE 7949

Full name of Submitter: Tekapo Landco Limited and Godwit Leisure Limited

Address for service: Tekapo Landco Limited and Godwit Leisure Limited
PO Box 43, Lake Tekapo
Name: Jonathan Speedy
email: jonathan@covington.co.nz
Ph: 021 234 4132

Contact: Name: Kim Banks, Patersons
email: kim.banks@patersons.co.nz
Ph: 021 034 4903

DATE: 24 February 2025

SUBJECT: Further Submission on Mackenzie District Plan Review - Stage 4:

- **Plan Change 29** – Open Space and Recreation Zones, Noise, Signs and Temporary Activities, Variation 1 Plan Change 23, Variation 2 to Plan Change 26, and Variation 2 to Plan Change 27
- **Plan Change 30** – Special Purpose Zones, Variation 2 to Plan Change 23, Variation 3 to Plan Change 26, and Variation 3 to Plan Change 27

Clause 8, Schedule 1 RMA 1991 The submitter has an interest in the proposed policy statement or plan greater than the interest that the general public has.

The submitter wishes to be heard in support of their submission.

I support (in part) and oppose (in part) the submission of:

- Tekapo Springs (#29.29 and #30.15)


The particular parts of the submission I support/oppose and the reasons for my support/opposition are outlined in the table below.

Original Submission Point	Provision	Original Submission Point Summary	Relief/ Decision Sought by submitter	TL&GL Further submission Support or Oppose	TL&GL Further submission The reasons for my support/opposition are:	TL&GL Further submission I seek the following:
Plan Change 29 - Open Space and Recreation Zones						
29.01		The proposed Plan Change does not adequately address nor make allowance for commercial and tourism related development, redevelopment, expansion, operation, and futureproofing for the Tekapo Springs, including within the Sport and Active Recreation Zone (SARZ) and the Open Space Zone (OSZ). The Submitter seeks to preserve the opportunity for further expansion of its business operations. Zoning change requested will ensure neighbouring site's zoning is consistent with the submitter's property and better enable commercial and tourism-related development.	<p>Areas of the identified Neighbouring Properties shown as areas 'A' and 'B' in Appendix 2 to the submission be rezoned as SARZ (Refer to Appendix 1 to Summary of Submissions).</p> <p>An alternative to this relief sought is set out in submissions on PC30 (submission point 15.01) which seeks a 'Tekapo Tourism Overlay / Precinct or 'Tekapo Springs Special Purpose Zone' (TSSPZ).</p>	I oppose the proposed rezoning.	TL&GL have lodged an original submission seeking a wider rezoning of Lot 401 DP 560853 which includes a proposed larger SARZ of 2.7 ha adjacent to the Tekapo Springs, as outlined in Submission #29.10 and this remains the primary relief sought by TL&GL. For this reason, submission point 29.01 is opposed. However, TL&GL support the intent of the rezoning of the adjacent properties sought by the submitter in the event that TL&GL's rezoning is not accepted.	That the submission point be disallowed.
29.02	New	To better provide for anticipated commercial recreation and commercial activities to ease the consenting pathways for future expansion of the submitter's site and business.	Include a new specific control area over the submitter's Tekapo Springs facility to support the use of the site for commercial land-based recreation activities (Refer to Appendix 1 to Summary of Submissions).	I support the proposed specific control area	TL&GL support the submitters intent to provide for appropriate commercial and commercial recreation activities as well as their future expansion within the SARZ. TL&GL recognise the combination of attractions on the Tekapo Springs site may warrant a specific control area to enable future expansions or upgrades, however TL&GL seek that if a specific control area is included, that this be subject to appropriate footprint/coverage limits and height standards that maintain amenity, and that this also be included over the identified 'Neighbouring Properties'.	That the submission point be allowed.
29.03	SARZ-O1	To better provide for anticipated commercial recreation and commercial activities to ease the consenting pathways for future expansion of the Submitter's site and business.	Include commercial activities and ancillary supporting commercial / retail uses as a key purpose of the Zone.	I support the proposed recognition for commercial activities and ancillary supporting	Ancillary commercial and retail uses that support active and commercial recreation can be anticipated within the SARZ at an appropriate scale and TL&GL also agree this could be recognised within SAR-01.	That the submission point be allowed.

				commercial / retail uses within SARZ-01.		
29.04	SARZ-O2	To better provide for anticipated commercial recreation and commercial activities to ease the consenting pathways for future expansion of the submitter's site and business.	Include a Tekapo Springs specific control area as SARZ-O2(3) to ensure buildings and commercial recreation facilities and structures are designed to a high-quality standard, reflective of the purpose of the overlay and existing tourism infrastructure.	I support the proposed specific control area	TL&GL support the submitters intent to provide for appropriate commercial and commercial recreation activities as well as their future expansion within the SARZ. TL&GL recognise the combination of attractions on this site may warrant a specific control area to enable expansions or upgrades, however TL&GL seek that if a specific control area is included, that this be subject to appropriate footprint/coverage limits and height standards that maintain amenity, and that this also be included over the identified 'Neighbouring Properties'.	That the submission point be allowed.
29.05	SARZ-P1	To better provide for anticipated commercial recreation and commercial activities to ease the consenting pathways for future expansion of the submitter's site and business.	Include supporting and ancillary commercial and retail activities associated with commercial recreation facilities.	I support the proposed recognition for commercial activities and ancillary supporting commercial / retail uses within SARZ-P1.	Ancillary commercial and retail uses that support active and commercial recreation can be anticipated within the SARZ at an appropriate scale and TL&GL also agree this could be recognised within SAR-P1.	That the submission point be allowed.
29.06	New	To better provide for anticipated commercial recreation and commercial activities to ease the consenting pathways for future expansion of the Submitter's site and business.	Include a new policy for specific control area Tekapo Springs (requested in submission point 29.04), to enable activities that support and relate to the continued use, development, expansion and operation of the Tekapo Springs site.	I support the proposed specific control area and its reflection within a new policy.	TL&GL support the submitters intent to provide for appropriate commercial and commercial recreation activities as well as their future expansion within the SARZ. TL&GL recognise the combination of attractions on this site may warrant a specific control area to enable expansions or upgrades, however TL&GL seek that if a specific control area is included, that this be subject to appropriate footprint/coverage limits and height standards that maintain amenity, and that this also be included over the identified 'Neighbouring Properties'.	That the submission point be allowed.
29.07	SARZ-R6	To better provide for anticipated commercial recreation and commercial activities to ease the consenting pathways for future expansion of the submitter's site and business.	Include specific control area Tekapo Springs (as requested in submission point 29.04) in SARZ-R6 to ensure visitor accommodation is permitted	I oppose the proposed amendment to SARZ-R6	Provision for visitor accommodation as a permitted activity is opposed as this is not aligned with the primary purpose of the SARZ and is more appropriately assessed via a resource consent process.	That the submission point is disallowed.

			subject to similar standards as those for Area 14 (Ruataniwha).			
29.08	SARZ-R9	To better provide for anticipated commercial recreation and commercial activities to ease the consenting pathways for future expansion of the submitter's site and business	Expand food and beverage outlets to 200m2 in the Tekapo Springs specific control area (requested in submission point 29.04).	I oppose the proposed amendment to SARZ-R9.	The proposed amendment is considered unnecessary as notified SARZ-R9 allows 100m2 floor area <i>per tenancy</i> , which is considered to be an appropriate scale and allowance for this activity, recognising it is not the primary purpose of the zone and provision for food and beverage is intended to be ancillary to other anticipated activities.	That the submission point is disallowed.
29.09	SARZ-R10	To better provide for anticipated commercial recreation and commercial activities to ease the consenting pathways for future expansion of the submitter's site and business.	Include ancillary and supporting retail activities for commercial recreation activities in the Tekapo Springs specific control area (requested in submission point 29.04).	I support provision for ancillary and supporting retail activities for commercial recreation activities within SARZ-R10.	Support amendment to SARZ-R10 to provide for ancillary retail activities that are ancillary to commercial recreation, however TL&GL consider this should apply to the entire SARZ and not limited to a specific control area.	That the submission point is allowed.
29.10	Standards	To better provide for anticipated commercial recreation and commercial activities to ease the consenting pathways for future expansion of the submitter's site and business.	Amend height standards in relation to the Tekapo Site to exclude commercial recreation structures such as slides, lifts, sledding and tubing courses, and other similar and related structures.	I oppose the proposed amendment to standards.	Existing structures within the Tekapo Springs are understood to be lawful, and it is considered that any new tall structure that may be proposed in excess of 8m in height should be considered via a resource consent process. The submitter has also not provided any details regarding the specific changes to standards sought.	That the submission point is disallowed.
29.11	OSZ-O1	The wording of the OSZ provisions should be amended to better provide for anticipated commercial recreation and commercial activities.	If those areas of the identified Neighbouring Properties as shown as areas 'A' and 'B' (Refer to Appendix 1 to Summary of Submissions) are not rezoned (as requested by submission point 29.01), seek the following alternative relief: Amend OSZ-O1 – Zone Purpose to ensure the purpose of the zone provides for a predominance of passive recreation activities <u>as well as appropriate other recreation and commercial recreation activities.</u>	Oppose requested amendment to OZS-O1	The provision for limited compatible activities, such as commercial recreation in the OSZ is already provided for under 'OSZ-P2 Compatible Activities'. The proposed amendment to OSZ-O1 is considered not aligned with the primary purpose of the zone for passive recreation and has the potential to result in an inappropriate scale of commercial recreation in the zone.	That the submission point is disallowed.

29.12	OSZ-P2	The wording of the OSZ provisions should be amended to better provide for anticipated commercial recreation and commercial activities.	<p>If those areas of the identified Neighbouring Properties as shown as areas 'A' and 'B' (Refer to Appendix 1 to Summary of Submissions) are not rezoned (as requested by submission point 29.01), seek the following alternative relief:</p> <p>Remove the wording 'does not detract from' in OSZ-P2 in relation to commercial recreation activities.</p>	Oppose requested amendment to OSZ-P2	The notified wording of OSZ-P2 is considered more appropriate to recognise the primary purpose of the zone is for passive recreation.	That the submission point is disallowed.
29.13 <i>(*Note the submissions summary includes two points 29.13)</i>	OSZ-P3	The wording of the OSZ provisions should be amended to better provide for anticipated commercial recreation and commercial activities.	<p>If those areas of the identified Neighbouring Properties as shown as areas 'A' and 'B' (Refer to Appendix 1 to Summary of Submissions) are not rezoned (as requested by submission point 29.01), seek the following alternative relief:</p> <p>Allow other supporting activities such as commercial recreation, or ancillary commercial activities where those are an extension or continuation of existing commercial recreation facilities.</p>	Support	Support provision for limited extension of existing 'other activities' within the OSZ under OSZ-P3.	That the submission point be allowed.
29.13 <i>(*Note the submissions summary includes two points 29.13)</i>	OSZ-R6	The wording of the OSZ provisions should be amended to better provide for anticipated commercial recreation and commercial activities.	<p>If those areas of the identified Neighbouring Properties as shown as areas 'A' and 'B' (Refer to Appendix 1 to Summary of Submissions) are not rezoned (as requested by submission point 29.01), seek the following alternative relief:</p> <p>Refine the listed matters of discretion in relation to commercial recreation activities to remove compatibility with</p>	I oppose the requested amendment to OSZ-R6.	Oppose the removal of compatibility with passive recreational users and maintenance of visual amenity from the matters of discretion, as these matters are considered important to an assessment of potential effects of commercial recreation in the OSZ.	That the submission point is disallowed.

			passive recreational users and maintenance of visual amenity.			
29.14	New	The wording of the OSZ provisions should be amended to better provide for anticipated commercial recreation and commercial activities.	<p>If those areas of the identified Neighbouring Properties as shown as areas 'A' and 'B' (Refer to Appendix 1 to Summary of Submissions) are not rezoned (as requested by submission point 29.01), seek the following alternative relief:</p> <p>Insert new rule to allow for the maintenance, operation, replacement, upgrade or minor extension of existing commercial recreation facilities.</p>	Support	Support provision to allow for the maintenance, operation, replacement, upgrade or minor extension of existing commercial recreation facilities.	That the submission point is allowed.
29.15	Whole plan change	Opposes in part the Plan Change in relation to the submitter's property and the neighbouring properties.	The submitter seeks consequential, alternative, or other necessary changes to achieve the intention of the submission. A more refined suite of amendments may be provided in expert planning evidence.	-	-	-
Tekapo Springs Ltd, Submission PC29.29, Appendix 2, Submission points 29.01, 29.02 and 29.11-14		<p>Tekapo Springs Ltd, Submission PC29.29, Appendix 2, Submission points 29.01, 29.02 and 29.11-14.</p> 		Refer to specific submission points	Refer to specific submission points	Refer to specific submission points

Plan Change 30 – Special Purpose Zone						
15.01	New	<p>Seeks to preserve the opportunity for further expansion of business operations. Zoning change requested will ensure neighbouring site's zoning is consistent with the submitter's property to better enable commercial and tourism-related development.</p> <p>Submitter seeks a new 'Tekapo Tourism Overlay / Precinct' or 'Tekapo Springs Special Purpose Zone' (TSSPZ) to be identified over the Submitter's Property (refer to Appendix 1 to Summary of Submissions), with this overlay providing for anticipated commercial recreation and commercial activities through realistic consenting pathways for future expansion of the submitter's site and business; and / or those areas of the identified neighbouring properties shown as areas 'A' and 'B' (refer to Appendix 1 to Summary of Submissions) be designated a similar zoning or overlay to provide for anticipated commercial recreation and related commercial activities across these areas.</p>	<p>As an alternative to the relief sought on PC29 (Refer submission points 29.01-29.14 on PC29), the submitter seeks the inclusion of suggested provisions into a new Special Purpose Zone or precinct/overlay, as set out below.</p> <p>A more refined suite of amendments may be provided in expert planning evidence.</p>	Oppose	<p>TL&GL oppose the proposed rezoning of the submitters land and Neighbouring Properties to 'Tekapo Tourism Overlay / Precinct' or 'Tekapo Springs Special Purpose Zone'.</p> <p>TL&GL have lodged an original submission seeking a wider rezoning of Lot 401 DP 560853 as outlined in Submission #29.10 and this remains the primary relief sought by TL&GL. For this reason, submission point 29.01 is opposed.</p> <p>TL&GL also oppose the proposed zone being applicable (and named) specific to the 'Tekapo Springs' site only, as this is effectively a spot zoning approach for a specific development and does not reflect the broad tourism offering or potential that exists within the wider area and township.</p>	That the submission point be disallowed.



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 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

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

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 commissioners¹ 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 questions².
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:

¹ Megan McKay, Ros Day-Cleavin and Rob van Voorthuysen.

² 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' evidence³, 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)⁴ as well as a strip of land extending from the eastern boundary of the site out to the lakefront (Area B).⁵ 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)⁶ will integrate with the consented subdivision and provide for additional residential capacity; and that the area denoted as Area 2A⁷ is more appropriately

³ Kim Banks, Statement of Evidence, 9 May 2025, para 19.

⁴ Mark Geddes, Statement of Evidence, 9 May 2025, Figure 3.

⁵ Mark Geddes, Statement of Evidence, 9 May 2025, Figure 3.

⁶ Figure 4, TLGL Submission.

⁷ 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.⁸

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 1⁹) 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 'm²' 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.¹⁰ 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

⁸ Kim Banks, Statement of Evidence, 9 May 2025, para 26-29.

⁹ Figure 4, TLGL Submission.

¹⁰ 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 B¹¹, 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.

¹¹ Mark Geddes, Statement of Evidence, 9 May 2025, Figure 3.

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44. Following the Hearing, in response to our questions, Murray Dickson¹² confirmed that the land identified in Mr Geddes evidence¹³ 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 land¹⁴, 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).¹⁵ 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.

¹² MDC General Manager Corporate, Commercial and Planning.

¹³ Mark Geddes, Statement of Evidence, 9 May 2025, Figure 4.

¹⁴ 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.

¹⁵ 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 advising¹⁶ 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 Tutty¹⁷ for CRC did not address noise matters.

10.2 Decision

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

¹⁶ Di Finn, Manager Operations, Twizel.

¹⁷ 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. NZDF¹⁸ supported Ms White's recommendation to amend NOISE-P1. We note NZDF did not attend the hearing. In her evidence for Meridian, Sue Ruston¹⁹ 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

¹⁸ Rebecca Davis, Principal Statutory Planner, NZDF, 9 May 2025.

¹⁹ 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 Michelle²⁰ 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 Banks²¹. 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 Anderson²² 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

²⁰ Executive Officer of the New Zealand Agricultural Aviation Association.

²¹ Consultant planner.

²² 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 statement²³ advising that they agreed with Ms White’s recommendations. Julia Crossman²⁴ 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. Submitters²⁵ sought various amendments to NOISE-P2, NOISE-R16 and NOISE-R17 to protect noise generating activities, including critical infrastructure²⁶ and military training²⁷, from reverse sensitivity effects.

²³ Rebecca Eng, Technical Lead Environmental Policy

²⁴ OWL Environmental and Regulatory Manager

²⁵ NZAAA (04.06), NZHA (05.04)

²⁶ Meridian (18.04, 18.06), OWL (28.03, 28.07)

²⁷ 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 retrospectively²⁸.

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. Submitters²⁹ 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;

²⁸ TLGL (10.07) and NZTA (20.04).

²⁹ 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 10m²) 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 submissions³⁰ 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 10m²) 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 10m² in the OSZ would be inconsistent with the approach taken elsewhere in the Plan. In our view it is appropriate

³⁰ 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 submitters³¹ addressed the proposed changes to the earthworks chapter and Table NATC-R1³².
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.


³¹ TLGL (10.05, 10.06), Transpower (14.04).

³² QCP (26.12).

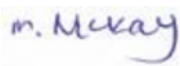
23.2 Decision

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~~ open¹ space which provide for passive and active² 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 recreation³ 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	
OSZ-O1	Zone Purpose
The Open Space Zone provides areas of open space which predominately provide for a range of passive <u>and active</u> ⁴ recreational activities.	
OSZ-O2	Zone Character and Amenity Values
The Open Space Zone contains limited facilities and structures which support the purpose of the zone and maintain the predominance of open space.	

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

¹ QCP (26.02)

² QCP (26.02)

³ QCP (26.02)

⁴ QCP (26.03)

⁵ Clause 16(2), Schedule 1 RMA

⁶ QCP (26.04), Tekapo Springs (29.12)

⁷ QCP (26.04)

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2. maintain uninterrupted views from urban areas to any lake and maintain the visual⁸ amenity of lakeside areas.

Rules

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

⁸ QCP (26.05)

⁹ QCP (26.06)

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	<ul style="list-style-type: none"> b. Compatibility with passive¹⁰ recreational activities. c. Any impacts on other users of the site, or on accessibility. d. Maintenance of the visual amenity and character of <u>Consistency with the zone's anticipated character and amenity values.</u>¹¹ e. Whether the activity enhances the experience of <u>Any positive impacts of the proposal for</u> users of the area.¹² 	
OSZ-R7	Community Facilities	
OSZ	Activity Status: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> a. The nature, scale and intensity of the activity. b. Compatibility with passive¹³ recreational activities. c. Any impacts on other users of the site, or on accessibility. d. Maintenance of the visual amenity and character of <u>Consistency with the zone's anticipated character and amenity values.</u>¹⁴ e. Whether the activity enhances the experience of <u>Any positive impacts of the proposal for</u> users of the area.¹⁵ 	
OSZ-R8	Car Parking	
OSZ	Activity Status: RDIS Matters of discretion are restricted to: <ul style="list-style-type: none"> a. The location and scale of any proposed car parking areas. b. Whether the car parking is necessary to support users of the area. c. Any impacts on other users of the area, or on accessibility. d. Maintenance of the visual amenity of <u>Consistency with the</u> 	

¹⁰ QCP (26.06)

¹¹ QCP (26.06)

¹² QCP (26.06)

¹³ Clause 10(2)(b), Schedule 1 RMA relating to QCP (26.06)

¹⁴ Clause 10(2)(b), Schedule 1 RMA relating to QCP (26.06)

¹⁵ Clause 10(2)(b), Schedule 1 RMA relating to QCP (26.06)

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

Standards

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

¹⁶ Clause 10(2)(b), Schedule 1 RMA relating to QCP (26.06)

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		<ul style="list-style-type: none"> b. For road boundaries, adverse effects on the streetscape. c. For internal boundaries, the extent of adverse effects on privacy, outlook, shading, and other amenity values for the adjoining property. 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. e. The adequacy of any mitigation measures.
OSZ-S3	Coverage	Activity Status where compliance not achieved:
OSZ	<ul style="list-style-type: none"> 1. The maximum building coverage of any site shall not exceed the lesser of 5% or 100m². 	<p>RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. The ratio of open space to built form. b. The location, design and appearance of buildings on the site. c. The visual impact of the built form on users of the zone, the streetscape and surrounding environment. d. The adequacy of any mitigation measures, including any landscaping proposed.
OSZ-S4	Reflectivity	Activity Status where compliance not achieved:
OSZ	<ul style="list-style-type: none"> 1. Any building or structure shall be finished in materials with a light reflectivity value of no more than 40%. 	<p>RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. The location, design and appearance of buildings on the site. b. The visual impact of the built form on users of the zone, the streetscape and surrounding environment. c. The adequacy of any mitigation measures.