

Private Plan Change 16 Decision

Decision of Commissioner Darryl Millar appointed by the Mackenzie District Council pursuant to the Resource Management Act 1991

PROPOSAL:	Private Plan Change 16 – Tekapo Landco Limited
LOCATION:	Lakeside Drive, Tekapo
PROPOSAL:	To rezone land from Special Travellers Accommodation Zone to Residential 1 and 2, and Recreation P, and to remove the Camping Ground sub-zone within the Special Travellers Accommodation Zone
HEARING DATE:	31 st August 2016

HEARING ATTENDEES

Plan Change Proponent

- Mr Jim Speedy – Tekapo Landco Ltd
 - Ms Amanda Dewar – Counsel
 - Mr Dean Chrystal – Planner
 - Mr Matthew Lester – Landscape Architect
- Mr Chris Rossiter (Transport) and Mr Grant Lovell (Engineer) both filed evidence, but were excused from the hearing

Submitters

- Mr Stan Taylor

Mackenzie District Council

- Ms Patricia Harte – Planner
 - Mr Jeremy Head – Landscape Architect
- Mr Andy Hall (Engineer) provided an assessment accompanying Ms Harte's S42A report and was excused from the hearing

INTRODUCTION

Introduction and Context

1. Plan Change 16 (PC16) affects land located at Lakeside Drive, Tekapo, and covers some 20ha of land. The key elements of the proposal are:
 - Rezoning land from Special Travellers Accommodation zone to Residential 1, Residential 2 and Recreation P
 - Remove the Camping Ground Sub-zone and rezone Special Travellers Accommodation zone
 - Amendments to the provisions applicable in the Special Travellers Accommodation zone
 - Application of the Lake Tekapo Design Guide for the Special Travellers Accommodation zone and the Residential 2 zone
 - Colour palette controls for buildings in the Residential 1 zone
 - Vehicle access restrictions at State Highway 8

2. The details of PC16 are contained in the plan change documentation itself, evidence and in the Council’s section 42A.

3. As this is a privately initiated plan change, the Mackenzie District Council (the Council) was required to consider whether it would “adopt” or “accept” the proposal under clause 25 of Schedule 1 to the Resource Management Act (RMA). The Council resolved to accept the proposal and PC16 was publicly notified on 16th December 2015. The initial submission period closed on 3rd February 2016. A summary of submissions was notified on 19th March, and the period for filing further submissions closed on 6th April 2016.

4. During the course of the submissions period a number of submissions were received, and these are summarised in the S42A report of **Ms Harte** and in the evidence of the various witnesses that appeared at the hearing. Three issues arose as a result of the submissions lodged:
 - First – The original submission of **JE and AR Taylor** was misplaced at the Council offices and was not included in the summary of submissions. It was subsequently separately notified and did not attract any further submissions.
 - Second - The Council records receiving the original submission of **J Guard** on the 5th February – 2 days after the closure of the submission period. The submission itself is dated 2nd February. The Guard submission attracted further submissions from **Batchelor** and **Angelo**. There was a disconnect between the submission date and the date it was “received” by the Council; albeit minor. Within this context I was asked by the Council to make a decision as to whether the “late” submission of J Guard should be accepted. For the reasons outlined in my decision of 28th June 2016, I resolved to accept the submission.
 - Third – During the further submission period the Council received submissions from 7 submitters, collectively described as the “Rhodes-Bamford” submissions in my 28th June decision. I was asked by the Council to consider the validity of these particular submissions given that they sought specific relief and did not support or oppose an original submission. The outcome of my deliberations was that I could not consider them as “further” submissions and could not accept them as late original submissions given the time periods involved and the limitations of S37A(2)(b). Again, my decision of 28th June 2016 provides a fuller explanation of the reasons for this finding.

5. Prior to the commencement of the hearing:
 - The **New Zealand Fire Service Commission (NZFS)** advised in a letter¹ dated 12 August 2016 that it no longer wished to appear at the hearing. The issue raised in the NZFS submission deals with upgrading of water supply for firefighting purposes and I will address this later in this decision.

¹ BECA Ltd

- **Genesis Energy** advised in a letter dated 30 August 2016 that it withdrew its submission and any further involvement in the PC16 process. As a result, I have not considered the Genesis submission further.
- The **New Zealand Transport Agency (NZTA)** advised in a letter² dated 30 August 2016 that it no longer wished to appear at the hearing for the reason that from “...the evidence received it is clear that there is agreement that the Lakeside Drive/State Highway intersection will need to be upgraded as a consequence of the Plan Change”. With respect to the issue of cost sharing the NZTA letter went on to comment that “... the Commissioner may wish to consider the incorporation of a provision that limits the scale of development undertaken until such a time as the intersection is upgraded”.

I have concluded that the NZTA reference to “the evidence”, is the evidence of **Mr Rossiter**.

In **Ms Dewar’s** opening legal submissions, she expressed the view that I should disregard the comments provided by the NZTA as it amounted to “evidence” and as such should have been filed before the hearing as per the requirements of the RMA. Furthermore, she argued that:

- the NZTA had misinterpreted the evidence of **Mr Rossiter** which, in her view, did not conclude that the Plan Change was a driver for the intersection upgrade due to the existing “urban” zoning; and
- the issue of where costs should fall for the upgrade is a matter best left for the subdivision stage of the project via the development contribution provisions of the District Plan.

I do not find it necessary to form a view on **Ms Dewar’s** argument that I should disregard the comments in the NZTA letter. I say this as the letter simply articulates the NZTA’s position as stated in its original submission, with the exception of the staging proposition. While the NZTA has chosen not to attend the hearing, the submission still stands and thus I am required to consider it on its merits within the context of statements and evidence that I have before me. Given this, I will return to the matter later in this decision.

THE HEARING

Introduction and Opening Statements on Merit

6. The hearing commenced on 31st August and was adjourned at the completion of the day’s proceedings. I adjourned the hearing as it was clear that there was a large degree of agreement between the parties present, albeit there were some areas of disagreement

² NZTA letter from Mr Steve Higgs

between **Mr Chrystal** and **Ms Harte** as to the final form of Plan provisions. Within this context, I asked both planners to work together to determine if a resolution on disputed provisions was possible. The result of their caucusing endeavours was provided to me on 21st September, with supplementary information provided in the days that followed. While complete resolution was not possible, the planners provided useful comments which have assisted my deliberations. Given this, and as **Ms Dewar** indicated that she did not wish to augment her final verbal submissions provided on the day of the hearing, I formally closed the hearing on 27th September 2016.

7. I do not propose to summarise the content of all evidence given, and statements made, at the hearing. Given that pre-circulation of evidence occurred, submissions have been filed, and all are a matter of record, my deliberations and the balance of this decision address the issues on a topic basis.
8. The statutory framework for assessing this proposal was outlined in the report of **Ms Harte** and touched upon in the evidence of **Mr Chrystal**. **Mr Chrystal** highlighted the S32 assessment contained in the PC16 documentation and supplemented this in light of amendments made to some of the PC16 provisions.³ While, as I have noted above, there was some dispute amongst the experts to the final form of all the proposed Plan provisions, I did not hear any fundamentally disparate evidence that questioned the overall S32 analysis contained in the PC16 documentation or in **Mr Chrystal's** evidence.
9. Within this context I accept in principle the S32 assessments, and consider overall that the Plan Change will better achieve the purpose of the RMA compared to the status quo. Having said that further analysis of some of the proposed provisions is required, and I address this in more detail below.
10. Section 74 of the RMA requires that I have regard to any Proposed Regional Policy Statement, Regional Plan, Management Plan or strategy. Section 75 requires that a Plan must give effect to, amongst other things, any Regional Policy Statement and must not be inconsistent with a Regional Plan (as it relates to Section 30(1)). I am satisfied as to the relationship between this Change and the Regional Council's Natural Resources Regional Plan, and the proposed Land and Water Regional Plan. I will deal with the Canterbury Regional Policy Statement below.

Submissions

11. A discussion on the submissions received and a commentary on the issues raised was included in Section 5 (and on a topic basis) of **Ms Harte's** report. **Mr Chrystal** largely agreed with **Ms Harte**, but provided some supplementary commentary in paragraphs 88-90 of his evidence. In Attachment B of her report, **Ms Harte** also provided recommendations on the relief sought in each submission. I have reviewed the

³ Chrystal evidence paragraphs 80-85

submissions and **Ms Harte’s** summary, and I am satisfied that the issues have been appropriately identified. Within this context I do not propose to repeat the summary or discuss each submission point in detail. Rather, I will discuss the relevant issues on a topic basis in the balance of this decision.

THE ISSUES

Urban Area and Development Form

12. The land affected by PC16 is currently zoned Special Travellers Accommodation (STA) in the District Plan. A “Camping Ground Subzone” (CGZ) covers part of the site and contains the bulk of the existing camping ground activities. Land immediately to the south of the STA is zoned Residential 2, and to the west and north land is zoned Rural. A Recreation A zone covers the hot pools complex (Tekapo Springs) to the north and land around the foreshore (to the east) is zoned Recreation Passive.
13. The District Plan zone description for the STA reads, in part:
“The Special Travellers Accommodation Zone...relates to land identified to the immediate west of Lake Tekapo township set aside to provide for low-density tourist accommodation... . It is intended that the zone be developed in a manner that provides for the continued operation of the camping grounds, and the addition of low density tourist accommodation involving cabins, chalets and the like, where appropriate.”
14. The “Anticipated Environmental Results” for the zone include:
 - *Very low density visually recessive development of tourist accommodation*
 - *The development of a variety of different accommodation types*
 - *Maintenance and enhancement of the forest area within the zone*
 - *Maintenance and enhancement of the amenity and open space of the adjacent Recreation A and P zones*
 - *Retention of the operation and viability of the existing camping ground areas*
15. The zone description and anticipated environmental outcomes reflect Recreation Objective 3 and the related policies for the STA.
16. *“Camping activities”* (which by definition include tents, cabins or huts, or caravans or campervans) are permitted activities within the CGZ. There are no permitted activities within the balance of the STA, although there are a range of activities and structures provided for as controlled activities and as discretionary activities. In the case of all controlled activities the matters subject to the Council’s “control”⁴ are:

⁴ District Plan – Section 9 Rule 8.4.5

- Location
- Compliance with the Lake Tekapo Design Guide
- Landscaping

17. In addition, the permitted camping activities in the CGZ must “comply with the standards of the Lake Tekapo Design Guide”⁵. The design guide is contained in Appendix P of the District Plan and establishes general objectives and design principles for incorporating development and built form into the environment. A specific set of principles are provided for the STA⁶. As the name implies, the “guide” therefore provides objectives and principles for development to ensure that it is “sympathetic to the character of the town and surrounding landscape”⁷. As a consequence the matters to which the Guide requires consideration stretch from the general to the specific.
18. I have summarised the current planning framework above for a specific and important reason. First, I have considered the issue as to whether this is an existing urban area. The answer to this question will frame my consideration of many of the issues raised through submission and evidence. In **Mr Chrystal’s** written Evidence Summary presented on the day of the hearing he noted:
- “An important context of this plan change is that the land concerned is already zoned for urban purposes – being visitor accommodation. The effects of urban development on the site, albeit in a different form, are therefore largely accepted by the District Plan. In other words this is not rural land which is being sought to be urbanised.”*
19. On this issue, **Ms Harte** noted in her S42A report that:
- “the site falls completely within areas which are already currently zoned for development within Lake Tekapo township and does not extend into the rural area”⁸; and*
- “For these reasons I consider that the rezoning of land, which is already part of the township, is appropriate and an efficient use of the urban resource”⁹.*
20. I agree with, and accept, their opinions on this matter. While rezoning is proposed, this is occurring within an area already identified in the District Plan as being appropriate for development.
21. Second, and related to the above, while the District Plan anticipates some form of development in this location, does the current planning regime provide a relevant comparison to what is proposed under PC16? To assist with this issue, **Mr Chrystal** presented¹⁰ a development scenario that compared existing development potential with the proposed zoning. Overall he found that total floorspace under the PC16 provisions

⁵ District Plan – Section 9 Rule 8.4.3f

⁶ District Plan Appendix P clause 4.2.3

⁷ District Plan Appendix P clause 1

⁸ Harte – paragraph 3.9

⁹ Harte – paragraph 7.12

¹⁰ Chrystal evidence – paragraphs 41-45

would be some 3000m² less than that which could occur under the current District Plan provisions. When summarising his assessments in his statement presented at the hearing he noted:

“My conclusion was that the building footprints overall would not be dissimilar. This was because in the two residential zones sections sizes and associated setbacks from boundary rules provided a level of constraint which is not provided by the current STA zone and that this was coupled with the fact that the proposed Recreation P zone is removed from the potential development yield by the plan change. The difference in my opinion will be around where that development occurs spatially and in my view the proposed plan change is likely to result in a more spread out development with gaps between the location of buildings due to their being residential sections and associated setbacks.”

22. **Mr Chrystal’s** STA total floorspace development scenario did rely upon the 25% site coverage rule that applies to permitted activities within the CGZ. The current structure of the District Plan rules across the balance of the STA is such that this provision does not apply. Rather, the District Plan has a cascade of controlled, discretionary and non-complying provisions; including a direct reference for controlled activities back to the Design Guide. Within this context, it is arguable that the existing District Plan development potential is overstated. That said, I do not consider that to be fatal to **Mr Chrystal’s** overall assessment, which I largely accept.
23. Within this context I now consider the rule amendments that are in dispute. As I have noted earlier the experts¹¹ are mostly in agreement around the form and extent of Plan provisions with the exception of provisions dealing with building setbacks, height and landscaping adjacent to Lakeside Drive; and visibility of structures from the west. These matters are discussed below.

Setbacks and Visibility of Structures – Landscape and Visual Impacts

Introduction

24. PC16 as notified included an assessment of landscape and visual effects prepared by **Mr Lester**. **Mr Lester’s** evidence supplemented his earlier assessment and responded to issues raised in **Mr Head’s** assessment included in **Ms Harte’s** section 42A report. As with the planners there was a large degree of agreement between the landscape architects, with the areas of dispute being more around rule formulation rather than the principle of the assessments themselves.
25. During my site visit prior to the hearing I visited the locations from which **Mr Lester** completed his assessments. I am comfortable that **Mr Lester** has not omitted any obvious locations from which a visibility assessment should have been completed. By way of general comment, there will be partial and full views of the site from various locations within the township and from the east. Full views of the site occur in discrete locations along the southern foreshore (for example opposite the township business areas) and from more distant locations on the eastern side of the lake. Along the foreshore fronting

¹¹ Planners and Landscape Architects

the site, views will be interrupted in places by the location of mature trees located in the Recreation P zone. There will, of course, also be views of the site from the lake itself. One of the issues that arises from this assessment is how the development will fit within the landscape and the opportunities for retention and/or enhancement of planting.

26. **Mr Lester's** evidence further clarified issues associated with potential visibility of structures from the rural zone western approach to the town. His assessment distinguished between "distant" and "near" views from the west and from this he concluded that given the location of existing off site planting (which cannot be relied upon as a mitigation measure) and topography, there may still be opportunities for urban form to be viewed from the distant west (west of Godley Peaks Road). The potential significance of this is identified in Section B (Statutory Assessment) of the PC16 documentation where, on page 22, on a discussion on the Canterbury Regional Policy Statement it is noted that:

"... Objective 12.2.1 calls for the identification and protection of outstanding natural features and landscapes. The Mackenzie Basin is identified as such a landscape under Appendix 4 of the RPS, and this status is consistent with that contained in the Mackenzie District Plan.

27. This issue was also identified in the S42A report of **Ms Harte** where she noted in paragraph 9.1 that the ONL surrounds the town. By way of summary all of the experts agreed that "leaking" of urban form into the Mackenzie Basin ONL would be an inappropriate landscape outcome.

28. Given the above, three key issues arise from the evidence presented:

- General Planting
- Visibility from the west – near and far
- Landscape character along Lakeside Drive

General Planting

29. Recreation Objective 3 (Special Travellers Accommodation Zone – Lake Tekapo) reads:

An area of low-density visitor accommodation activity including camping grounds, cabins and chalets within walking distance of the Tekapo Village Centre, achieved in a visually recessive manner within the existing forested area

30. Related policy 2 reads:

To ensure that new and existing accommodation facilities in this area are visually recessive, and do not impinge on the open space or visual amenity of the Recreation A zone

31. I have stated the anticipated environmental outcomes for the STA in paragraph 14 above, and they generally reflect the Plan’s policy framework. Collectively these provisions signal development with low visual impacts contained within existing planted areas.
32. The current STA provisions include Discretionary Activity rule 8.7.1a Removal of Trees, which reads:
Within the Tekapo STAZ, the felling or removal of trees, other than wild seedling trees for the purpose of clearing a building platform, or the provision of vehicle access. The exercise of Council’s discretion shall be limited to the consideration of the size of the area to be cleared, and the method, and the visual effect of the removal of trees.
33. While listed as a “Discretionary” activity, **Mr Chrystal** noted in evidence that given the limited discretion contained in the rule, removal of trees would be a restricted discretionary activity. I agree.
34. PC16 proposes to delete rule 8.7.1a and that, combined with the residential rezoning proposal, would effectively remove Plan rule control over tree removal from the majority of the development site. This was identified as an issue of significance by the Council’s reporting officers, particularly when considered within the context of the relevant policy outcomes I have noted above. It was also at the heart of a number of submissions (and further submissions) that opposed PC16 (**Newland, Guard and Angelo**). In my view PC16, as notified, did not address this issue appropriately.
35. The rule as currently drafted anticipates some vegetation clearance, but on an assessment or case by case basis. There is also an ‘exemption’ in the rule for wildling exotics. I heard divergent evidence from the landscape experts as to the extent to which the exemption would apply in this situation. I also have the evidence of **Mr Chrystal** regarding potential development scenarios under the current provisions, and the extent to which such could lead to vegetation clearance.
36. The proposed residential rezoning is a major component of PC16 and, if confirmed, will likely lead to development proceeding with a significant loss of existing vegetation. In **Ms Harte’s** assessment it was inevitable “...with a housing development trees would need to be removed, both because they need to make way for houses and roads, and also because they could present a fire risk.”¹² As a precursor to that statement, **Ms Harte** acknowledged the evidence from the applicant concerning the viability of the trees and concluded that the trees did “...not generally have a good future.”¹³
37. **Mr Head**, in his report, considered that through the subdivision design and consenting phase there would be opportunities to set aside some plantings as reserve areas and or as part of larger lots. In response to this, **Ms Harte** recommended an additional matter of control for subdivision and a supporting policy under subdivision objective 6 which were

¹² Harte S42A report – paragraph 7.14

¹³ *ibid*

designed to address the issue raised by **Mr Head**. **Mr Chrystal** raised a scope issue in his evidence, but only insofar as the amendments needed to be drafted in such a way as they only applied to the PC16 area. Following caucusing the planners agreed to the following:

New Policy 3 under Objective 6 - Design and Location

3 *To ensure subdivision and development in the Residential 1 and 2 zones created by Plan Change 16 adjoining Lakeside Drive, Lake Tekapo provides areas for clusters of planting to soften the visual impact of development in these areas which are in proximity to the shore and Lake Tekapo, with a preference for native species.*

New matter of control under subdivision design

The provision of areas within the Plan Change 16 site for the establishment of substantial clusters of planting, both within sites and in reserve areas, with a preference for native species.

38. I support the changes proposed by **Ms Harte** and **Mr Chrystal** and consider that they address the issue that would have otherwise arisen by the rezoning and the deletion of rule 8.7.1a. In forming this view, I have also been influenced by the significant area of land that will be rezoned as Recreation P and the introduction of the Tekapo Design Guide colour palette for the Residential 1 land rezoned as a result of PC16.

Visibility from the West – Near and Far

39. **Mr Lester's** evidence presented at the hearing included a re-evaluation of the ALE contained in the PC16 documentation. This was partly to address matters raised in **Mr Head's** S42A report. With respect to near view effects from SH8 approaching the township, **Mr Lester** recommended the establishment of a "no build" zone within the proposed Residential 2 zone. This would ensure that the first view of the lake when arriving from the west would be protected. Given existing topography, Mr Lester did not consider that any additional controls were required. **Mr Chrystal** and **Ms Harte** agreed on the planning provisions required to address this matter.
40. While I did not hear evidence to the contrary, it was acknowledged by the planning and landscape witnesses that the lack of solid survey data required a degree of interpolation and estimation during the onsite assessments (both near and far). While this did not raise any issues of significance as to accuracy during my deliberations, I do acknowledge that I have adopted a cautious view when considering the required planning provisions from both a policy and rule perspective.
41. While there was general agreement amongst the experts of the need to address distant views of urban form from the west, the mechanism to achieve this was not agreed upon. Given that I agree that the Plan provisions need to address this issue, the challenge I face is to arrive at an appropriate solution.

42. Following **Mr Head’s** assessment, **Ms Harte** initially proposed a 50m building setback from the boundary of the unformed legal road that adjoins the western boundary of the plan change site. **Mr Chrystal** argued that this was excessive and would potentially constrain development on a large portion of the upper slope of the site. I agree with **Mr Chrystal** and consider that such an approach is neither efficient nor effective, in that it will likely generate the need for a range of unnecessary resource consent applications. Therefore I have difficulty in supporting this within a S32 context.
43. Alternatively, **Mr Lester** proposed mitigation by way of screen planting within the unformed legal road. This included species specification. Overall this potentially raised scope issues in my view, given that land involved is located outside of the plan change area and is not in the ownership of the plan change proponent. Within this context **Mr Lester** acknowledged in paragraph 46 of his evidence that should “*the planting need to be within the private properties, consideration will need to be given to a building setback (6.0 metres minimum) to allow for good long term growth of the proposed plants.*”
44. In response to this **Mr Chrystal** proposed a rule¹⁴ which required screen planting within the site and increased building setbacks from the unformed legal road (10m compared to the current 2m Plan requirement), with covenants restricting planting removal and requiring maintenance. Given that **Mr Chrystal** also preferred an “off-site” solution, he proposed a further rule which would facilitate this should an agreement be reached with the Council to plant on the unformed local road.
45. Following the hearing adjournment, the planners met to determine if there was a rule solution to this issue (amongst others). In short, this was not possible. **Ms Harte** promoted the following:
- Buildings within the Plan Change 16 area shall be located where they cannot be viewed during day time and night time by motorists travelling towards Lake Tekapo Village on State Highway 8 up to the intersection of State Highway 8 and Godley Peaks Road. In determining this visibility, plantings within the Plan Change 16 area and/or on the unnamed road immediately adjoining the Plan Change 16 area are the only plantings that can be taken into account. Buildings may also be concealed from view from State Highway 8 by the existing topography and/or site earthworks, such as bunds.*
46. I have been presented with several options for addressing potential adverse landscape and visual impacts from urban development on the Mackenzie Basin ONL. When considering this matter I have reviewed the current structure of the existing Residential 1 zone. Residential activities are permitted, subject to a range of standards (Section 6 rule 3.1.1). While there is a reference to the Lake Tekapo Design Guide (insofar as it relates to external design and appearance of buildings – rule 3.1.1.n) for such activities in the Residential 2 zone, there is no similar provision for the Residential 1 zone¹⁵. This

¹⁴ Chrystal evidence summary – proposed rule 3.1.1.d ii (b)(i)-(iii)

¹⁵ I do note, however, that PC16 as notified does include new rule 3.1.1.p which requires compliance with the Design Guide colour palette.

compares to the current planning regime for the STA (outside of the CGZ), where there are no permitted activities and, for example, visitor accommodation can be processed as a controlled activity with specific matters of control dealing with location, the design guide and landscaping. As **Mr Chrystal** pointed out, the current design guide principles applying to the STA recognise that building height “*should be restricted so that the building is not clearly visible from State Highway 8...*”¹⁶. I consider also that, in the example I have noted above, the matters of control dealing with “location” and “landscaping” may also provide the Council with an opportunity to consider this particular effect. Within this context, the shift from the current development regime to the one proposed in the Plan Change requires a specific measure to address the visibility issue.

47. The rule options presented to me range from a standard setback rule (50m setback) which has a high degree of certainty and clarity, to a screening rule¹⁷ that has a degree of discretion. As I have noted earlier, the first approach is inefficient and I do not support it. Similarly I am uncomfortable with permitted activity rules that contain a degree of judgement or discretion in order to determine compliance. I do accept, however, that in this case there may need to be an element of discretion in the rule. Given this I favour the provisions offered by **Mr Chrystal** at the hearing. While there is still some element of discretion in needing to show effective “screening”, this will only generally arise in circumstances where planting is proposed in the unformed legal road. Planting can only occur in the unformed road reserve by way of agreement and negotiation with the Council, and this provides an opportunity for the Council and the developer to achieve an equally suitable designed solution outside of the Plan framework. When this is not proposed, the provisions require a 10m building on site setback, 6m depth of planting and a specific planting palette. I accept also, **Mr Chrystal’s** argument that the current design guide principles applying to the STA only require building height to be restricted in such a way that “*the building is not clearly visible from State Highway 8.*”¹⁸ The emphasis is mine and implies some degree of visibility.
48. The reality of this situation is that the extent to which any such adverse effects can be defined will only occur once subdivision design occurs, lot layout and roading patterns are known, and the location of building platforms are confirmed. Within this context, it is essential that the PC16 provisions recognise this, provide development certainty and a mechanism to require (or allow for) resource consent in the appropriate circumstances. In my view **Mr Chrystal’s** provisions achieve this. For certainty, I also consider that amendments to the Primary Subdivision standards are required to reflect the land use provisions proposed by **Mr Chrystal**.
49. I note for completeness that should a proposal seek to vary the setbacks and plantings required by the rule proposed by **Mr Chrystal**, this will require resource consent as a restricted discretionary activity. Given that the proposed rule also requires covenants to

¹⁶ Lake Tekapo Design Guide 4.2.3 viii

¹⁷ Ms Harte’s rule in paragraph 45

¹⁸ Lake Tekapo Design Guide 4.2.3 viii

be secured against titles, any departure from the rule provisions through resource consent may require amendment to the covenants.

Lakeside Drive Landscape Character

50. The current building road setback requirement in the STA is 6m. **Mr Head** argued that the use and development of areas close to Lakeside Drive “*will potentially have adverse effects – largely attributed to building bulk and minimal setbacks that in my opinion should be better addressed...*”¹⁹ **Ms Harte**, in her S42A report, proposed a 10m road boundary setback, with controls on hard and soft landscaping.
51. **Mr Chrystal** argued that the rule as proposed by **Ms Harte** was potentially problematic, as it would apply to the zone as a whole, rather than sites. I agree. **Mr Chrystal** also noted the Tekapo Design Guide requirements and considered that this provided sufficient ability to influence the landscape outcome. That said, he did recommend an amendment to the Design Guide highlighting a preference for native planting within the STA.
52. Following caucusing by the planners after the hearing adjournment, **Mr Chrystal** and **Ms Harte** proposed a further amendment to rule 8.4.3c, as follows:
Tekapo: **No building or structure within 6m to 10m of the Lakeside Drive boundary shall exceed 5m in height.**
No building or structure **beyond 10m from the Lakeside Drive boundary** shall exceed 10m in height.
53. During questioning I asked **Mr Head** if his concern driving the need for additional setback and landscaping provisions was about the immediate view (road and path), rather than views from the more distant foreshore. I noted that in places the foreshore has significant depth, with intermittent views back to site due to the established planting. In short he indicated that it was both, but acknowledged that with the latter, increased depth reduced the need for an increased building setback.
54. Given the above, I do not consider that the increased setbacks and related landscape provisions as proposed by **Ms Harte** and **Mr Head** in the S42A report are required. I do, however, accept the recommended amendments to rule 8.4.3c.
55. PC16 proposes that the Residential 2 zone be extended a short distance to the north. **Ms Harte** in her S42A report (following recommendation from **Mr Head**) proposed a 10m road boundary building setback, with landscaping requirements and restrictions on outdoor spaces and hard standing surfaces. The current building setback requirement for the zone is 4.5m, which is an increase on the 2m setback that otherwise applies in locations not fronting Lakeside Drive.

¹⁹ Head S42A report – paragraph 70

56. The issues here are similar to that discussed above for the STA zone, albeit **Mr Chrystal** stressed the small extent of zone frontage onto Lakeside Drive and noted the existing built form which limits development potential to a discrete area.
57. In the post adjournment version of the rules **Mr Chrystal** proposed an amendment to rule 3.1.1.d ii (a) to insert a 1.5m road boundary landscape rule for that part of the Res 2 zone in the PC16 area. I accept that proposal. In the same version of the rules **Ms Harte** proposed new rule 3.1.1.c.iii.c, which introduced a specific height control within the residential zone based on road setback distances. **Mr Chrystal** did not support the proposal for the reasons outlined in paragraphs 60 – 63 of his evidence. I agree with **Mr Chrystal**.

Recreation P Zone – Tree Removal

58. **Mr Head** and **Mr Lester** discussed issues associated with the existing trees located in the upper reaches of the proposed Recreation P zone, and their relationship with future residential development in the Residential 1 zone. **Mr Lester's** recommendation was to establish a 30m “tree exclusion” zone in the Recreation P zone.
59. In my view the extent to which this is required at all, and the extent to which a 30m exclusion zone is required, will be strongly influenced by the subdivision layout of the Residential 1 zone and the identification of building platforms. While I acknowledge the issue raised by the experts, I am not minded to accept that implementing an arbitrary 30m exclusion zone will best achieve the purpose of the zone. Furthermore I do not consider such an approach to be robust within a S32 context. Given this, I do not accept **Mr Lester's** recommendation.

Servicing and Water for Fire Fighting Purposes

60. The evidence before me indicates that the development can be appropriately serviced and that these matters can be addressed through the subsequent consenting phase. I note also **Ms Harte's** explanation concerning the application of the District Plan financial contributions policy and rules.
61. At the time of subdivision and development it will be a requirement for the developer to prepare and submit a site management plan at the time of consenting, thereby addressing the concerns raised in the submission of **JE and AR Taylor**.
62. **Mr Lovell** commented specifically on water supply for firefighting purposes in paragraphs 43 and 44 of his evidence where he confirmed that:
“... the proposed reticulated supply for the extended development would be able to comply with the most recent Code of Practice...”²⁰

²⁰ Lovell evidence – paragraph 43

63. This addresses the concern raised in the **NZFS** submission, as acknowledged in their letter dated 12 August 2016. I note for completeness that the matters of control over which the Council can consider a controlled activity subdivision extend to “water supplies for firefighting purposes”.²¹

Geotechnical and NES²² Issues

64. **Mr Lovell’s** evidence²³ concluded that there were no geotechnical constraints that should impact on the Plan Change proceeding. **Mr Lovell’s** assessment was based on earlier investigations undertaken by Tonkin and Taylor Ltd and included in a June 2014 report that was appended to the plan change documentation.

65. The Tonkin and Taylor report also drew a similar conclusion with respect to whether potential ground contamination was an impediment to the Plan Change being approved. By way of summary, **Mr Lovell** noted in his evidence²⁴ that:

“There is however no evidence to suggest any contamination which would preclude the proposed plan change and subsequent development of the site”

66. On both issues, his evidence was uncontested.

Lakeside Drive/State Highway Intersection Upgrade

67. In paragraph 5 above I outlined a preliminary discussion concerning the **NZTA’s** decision to not attend the hearing. In short, the **NZTA** decision was based upon a view that the Plan Change was the driver for the intersection upgrade. Related to this the **NZTA** invited me to consider a staging provision that would limit the scale of development until such a time as the intersection was upgraded.

68. Dealing with the first issue:

- The only expert transport evidence I have is from **Mr Rossiter**. In that sense it is uncontested
- **Mr Rossiter**²⁵ assessed the likely traffic generation associated with development under the current Plan regime and under PC16. His assessment concluded that the intersection improvements are required at present due to:
 - Increases in State Highway traffic volumes; and

²¹ District Plan Section 13, Rule 3

²² National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

²³ Lovell evidence – paragraphs 10-13

²⁴ Lovell evidence – paragraph 19

²⁵ Rossiter evidence – paragraph 57

- The development permitted along Lakeside Drive, rather than as a direct consequence of the PC16.

69. Given this, **Mr Rossiter** noted that the cost sharing arrangements for the improvements should be managed through development contributions.²⁶
70. **Ms Harte** outlined the District Plan financial contributions policy and rules in her S42A report. She noted that Rules 8.2 and 8.3 relate to contributions for new or future services “to and/or within” land subject to a subdivision or development. While initially stating in her S42A report that there was some uncertainty as to whether this would include road upgrading, during the course of the hearing **Ms Harte** concluded that rule 8.2 could apply. **Ms Dewar** agreed.
71. **Ms Harte** also acknowledged that S108(2)(c) may also provide the opportunities for contributions to be taken.
72. Given all of the above, and recognising the assessment of **Mr Rossiter**, I am satisfied that there are mechanisms available under the Plan provisions and the RMA to require development contributions at the appropriate and equitable rate at the time of subdivision and development.
73. Within this context, and returning to the second issue, I decline the **NZTA’s** request to establish a staging restriction – notwithstanding that I have no evidence to determine how such a restriction would be determined or applied.

THE DISTRICT PLAN

74. PC16 as notified largely relied upon the existing policy framework as exists in the District Plan, with a range of rule amendments and additions. In evidence, and during the course of the hearing (and in subsequent caucusing), **Mr Chrystal** and **Ms Harte** advanced additional policy and/or amendments with varying degrees of “agreement”, as follows:
- Subdivision Objective 6 – New Policy 3
To ensure subdivision and development in the Residential 1 and 2 zones created by Plan Change 16 adjoining Lakeside Drive, Lake Tekapo provides areas for clusters of planting to soften the visual impact of development in these areas which are in proximity to the shore and Lake Tekapo, with a preference for native species.
- Agreed by Ms Harte and Mr Chrystal**, as outlined above in paragraph 37.
- New Residential Policy 1G – Impacts on Mackenzie Basin Landscape

²⁶ *ibid*

This policy was developed during the hearing adjournment caucusing undertaken by **Ms Harte** and **Mr Chrystal** and replaced amendments that were originally proposed to policy 1F. The planners were largely in agreement as to the wording, although **Mr Chrystal** proposed additional amendments²⁷ that:

- Clarified the policy only applied to the PC16 area – which I agree with
- Limited the spatial consideration of the policy to approaches from the west “prior to reaching Godley Peaks Road”

The evidence I have received, and discussed in paragraphs 39 to 49 above, indicates that Plan rules are required in order to address both near and distant views when approaching the town. The near view provision (no build area) deals specifically with protecting a lake view shaft, rather than a wider ONL issue. The wider ONL issue is managed by way of the planting and building setback provisions as provided in **Mr Chrystal’s** evidence. Accordingly I favour the proposal of **Mr Chrystal** for the policy to reflect this.

- Amendments to the “Implementation” and “Environmental Results Anticipated” text dealing with visibility and appearance

I accept the inclusion of the amendments suggested by **Mr Chrystal** insofar as they provide for the consideration of building “appearance” as an implementation method. For reasons stated previously in this decision I agree also that the terms “clearly visible” (as it applies to structures) and “urban elements” not being “easily distinguishable” are appropriate.

Given the above proposed New Policy 1G will read as follows:

Policy 1G – Impacts on Mackenzie Basin Landscape – Plan Change 16 Area Only

To manage urban development in order to maintain the experience of the Mackenzie Basin landscape when approaching Lake Tekapo township from the west prior to reaching the Godley Peaks Road Intersection.

Explanation and Reasons

There is very little evidence that a sizeable township (Lake Tekapo) lies just out of view when travelling from the west through the austere Mackenzie Basin outstanding natural landscape. This is largely due to the township being at a lower elevation at the end of the lake. There is therefore a strong sense of arrival created with the abrupt edge of the township.

A clear contrast between urban and rural landscapes is highly desirable as the different characteristics and values attributed to each landscape type are made

²⁷ Caucusing outcomes; Harte/Chrystal email 21 September 2016

more apparent. It is highly desirable therefore that urban development does not “leak out” into the broad, highly natural basin landscape to the south of the township.

Implementation

Control of the location or appearance of buildings on the southwestern boundary of the Residential 1 zone at Lake Tekapo associated with Plan Change 16 to avoid buildings being clearly visible from the Mackenzie Basin.

Environmental Results Anticipated

Urban elements cannot be easily distinguished when approaching Lake Tekapo village from the west prior to reaching the Godley Peaks Road Intersection.

- Recreation Objective 3 Special Travellers Accommodation Zone – Lake Tekapo
In evidence **Mr Chrystal** noted the need to amend Objective 3 given the changes proposed to the STA provisions. **Ms Harte** agreed.

75. Given the above, and the other amendments proposed to specific Plan provisions including the Design Guide, I have formed the view that the proposal will achieve the outcomes sought by the District Plan.

THE REGIONAL POLICY STATEMENT

76. As I have stated earlier, the outcome of this plan change process must give effect to the CRPS. The PC16 documentation contained a detailed policy analysis and concluded that the change was consistent with the policy framework of the CRPS. **Mr Chrystal** revisited the assessment given the changes proposed in his evidence and his view remained unchanged. **Ms Harte** agreed. I accept the planners assessments and do not consider that the amendments arising from the post caucusing exercise, and as determined in this decision, alter that view.

77. The submission of the Canterbury Regional Council sought the following specific relief:

Require an outline development plan or concept plan to ensure that the site will be developed in a manner that provides for a well-planned, staged development with appropriate infrastructure provision and recognises the high natural and amenity values of the site within the wider context of the Mackenzie Basin

78. Matters relating to the Mackenzie Basin and infrastructure issues have been addressed previously, and in light of my earlier assessments of the evidence received, I do not propose to discuss these further.

79. **Ms Harte** considered the outline development plan issue in her discussion²⁸ on policy 5.3.3 of the CRPS. I accept **Ms Harte’s** assessment and agree that an outline development plan will not serve a useful function given:
- The land is held in a single ownership
 - Topography will have a significant impact on site layout and this can only be determined at the time of subdivision design
 - Provisions developed for the Residential 1 zone will address the wider Mackenzie Basin issue.
80. I was not provided with any additional evidence or statements that signalled any inconsistencies with other elements of the CRPS.

SECTION 32AA RMA

81. As I noted in my opening commentary, the Plan Change proponent presented a detailed S32 report to accompany the Plan Change proposal. While I have recommended some changes to the proposal, I am of the view that on balance the S32 assessment remains valid and that the amendments proposed are supportable within the context of the evidence and submissions presented. Moreover, they will achieve the purpose of the Act.

OVERALL ASSESSMENT AND DECISION

82. PC16 proposes to rezone land Residential 1 and 2, Recreation P, and to apply the STA directly to the current Camping Ground subzone. Amendments and additions to the policy framework and rules are proposed to address adverse environmental effects that might otherwise arise, and to ensure that overall the change will accord with the policy outcomes sought by the District Plan.
83. The land subject to the Plan Change is located within an existing urban area. It was common ground between the planning experts that a better planning outcome would arise from consolidating residential development opportunities within this area, when compared to township expansion beyond the current urban area. Ms Harte succinctly summarised this in paragraph 7.13 of her report:
- “... I consider that the rezoning of this land, which is already part of the township, is appropriate and an efficient use of the urban land resource”*
84. The application of the STA to the current Camping Ground subzone maintains opportunities for servicing travellers accommodation needs. The Recreation P zone will

²⁸ Harte S42A report – paragraphs 8.2-8.4

maintain a forested area on the site providing amenity values, walking tracks and a buffer between the proposed Residential 1 zone and the existing Tekapo Springs development.

85. Overall I have formed the view that the proposal is aligned with the relevant statutory documents and Plans that I am required to have regard to, or give effect to. In particular I find that the Plan Change request represents the most appropriate means of achieving the objectives of the District Plan and the Purpose and Principles of the Act.
86. As a consequence the Plan Change, with amendments as detailed in this Decision, should be incorporated into the Plan.
87. Given the above, Appendix One details the amendments required to the District Plan.

Dated at Christchurch this 31st Day of October 2016



Darryl Millar
Hearing Commissioner

Appendix One: District Plan Amendments Plan Change 16

DISTRICT PLAN AMENDMENTS

Text proposed to be added by the plan change is shown as **bold underlined** and text to be deleted as ~~strikethrough~~.

PLANNING MAPS

Amendments to Planning Maps of the District Plan

Amend Planning Map 44 to:

- (a) show rezoning of part Special Travellers Accommodation Zone (STAZ) to Residential 1, Residential 2 and Recreation P; and
- (b) the removal of the 'Tekapo Camping Ground Sub-Zone' and the retention of the STAZ over this area; and
- (c) The addition of a "no build" zone in accordance with new Residential rule 3.4.5;

As shown in new planning map 44B in Attachment A.

SECTION 13 SUBDIVISION

Add a new policy 3 to Objective 6 - Design and Location:

Objective 6 - Design and Location

The avoidance of adverse environmental effects associated with subdivision design and location.

Policies

- 1 To require that the creation of new allotments take into account as far as possible underlying topography and the maintenance of the integrity of any significant nature conservation site; and that any adverse effect on landscape, nature conservation values and amenity are avoided or mitigated.
- 2 To ensure subdivision and development in the Residential zones and the Rural-Residential 1 & 2 zones in Twizel have regard to community coherence and linkages with Twizel.
- 3 **To ensure subdivision and development in the Residential 1 and 2 zones created by Plan Change 16 adjoining Lakeside Drive, Lake Tekapo provides areas for clusters of planting to soften the visual impact of development in these areas which are in proximity to the shore and Lake Tekapo, with a preference for native species.**

Add an additional matter of control for Subdivision:

3. Controlled Activities - Subdivision

Any subdivision which complies with all Primary and Secondary Subdivision Standards shall be a **Controlled Activity** in respect of the following matters:

Subdivision Design

- Relationship and orientation of allotments;
- The location of walkways and cycleways;
- The provision and/or use of natural stormwater channels and wetland areas.
- **The provision of areas within the Plan Change 16 site for the establishment of substantial clusters of planting, both within sites and in reserve areas, with a preference for native species.**

Add new rule 6.h – Primary Subdivision Standards:

6.h West Tekapo Tree Screening

(i) Prior to the issuing of any titles from the subdivision of land on Lot 2 DP455053 (or any subsequent title created) associated with Plan Change 16 at Tekapo, the first 6m of the 10m setback required by Residential Zone rule 3.1.1.d.ii.(b) shall be planted in Ponderosa pine trees, at a spacing of 7m, underplanted with Griselinia littoralis, Coprosma propinqua and Pittosporum tenuifolium except for any property access. A covenant shall be placed on each title restricting the removal of, and requiring maintenance of, the trees while also avoiding any potential for icing of the adjoining public road (when formed) during the winter.

(ii) Rule (i) shall no longer apply if the Council agree to allow planting within the unnamed legal road as an alternative method of providing screening to and from State Highway 8 in accordance with Residential Zone rule 3.1.1.d.ii.(b).iii.

Add new rule 6.i – Primary Subdivision Standards:

6.i Access to State Highway 8

Subdivision of land within Lot 1 DP455053, Lot 2 DP455053, Lot 3 DP455053 and Lot 4 DP455053 being land west of the intersection of Lakeside Drive with State Highway 8, shall only obtain vehicular access to State Highway 8 from Lakeside Drive; and no direct access shall be permitted from State Highway 8.

SECTION 6 RESIDENTIAL

Add the following new policy under Residential - Objective 1 Amenity:

Residential Policy 1G – Impacts on Mackenzie Basin landscape - Plan Change 16 Area only

To manage urban development in order to maintain the experience of the Mackenzie Basin landscape when approaching Lake Tekapo township from the west prior to reaching the Godley Peaks Road Intersection.

Explanation and Reasons

There is very little evidence that a sizeable township (Lake Tekapo) lies just out of view when travelling from the west through the austere Mackenzie Basin outstanding natural landscape. This is largely due to the township being at a lower elevation at the end of the lake. There is therefore a strong sense of arrival created with the abrupt edge of the township.

A clear contrast between urban and rural landscapes is highly desirable as the different characteristics and values attributed to each landscape type are made more apparent. It is highly desirable therefore that urban development does not “leak out” into the broad, highly natural basin landscape to the south of the township.

Implementation

Control of the location or appearance of buildings on the southwestern boundary of the Residential 1 zone at Lake Tekapo associated with Plan Change 16 to avoid buildings being clearly visible from the Mackenzie Basin.

Environmental Results Anticipated

Urban elements cannot be easily distinguished when approaching Lake Tekapo village from the west prior to reaching the Godley Peaks Road Intersection.

Amend Residential Zone rule 3.1.1d:

Rule 3.1.1.d ii Setback from Boundaries

For the Residential 1 & 2 Zones, the minimum building setback from all site road boundaries shall be 2m except that:

- (a) where a Residential site has road frontage to Lakeside Drive, and that part of Pioneer Drive from Sealy Street to Beauchamp Place in Lake Tekapo, the setbacks along this boundary shall be 4.5m. **In the Residential 2 zone within the Plan Change 16 area the road frontage shall be landscaped for a minimum depth of 1.5m, except across vehicle crossings.**
- (b) **(i) No buildings or structures on Lot 2 DP455053 associated with Plan Change 16 at Tekapo, or any subsequent titles created, shall be located within 10m of the unnamed road running along the south-west boundary of that lot.**
(ii) Prior to the issuing of any subsequent titles the first 6m of the 10m setback required by (i) above shall be planted in Ponderosa pine trees, at a spacing of 7m, underplanted with Griselinia littoralis, Coprosma propinqua and Pittosporum tenuifolium except for any property access. A covenant shall be placed on each title restricting the removal of, and requiring maintenance of, the trees while also avoiding any potential for icing of the adjoining public road (when formed) during the winter.

(iii) Rules (i) and (ii) shall no longer apply if the Council agree to allow planting within the unnamed legal road as an alternative method of providing screening

to and from State Highway 8 and a setback of 2m from the unnamed legal road shall apply.

Add new Residential Activity rule 3.1.1p:

3.1.1.p Exterior Colour

In that part of the Residential 1 Zone contained within Lot 2 DP455053 between Lakeside Drive and State Highway 8, buildings shall comply with the exterior colours palette set out in clause 4.2.2 vii) of the Lake Tekapo Design Guide contained in Appendix P.

Add new Residential Activity rule 3.1.1.q:

3.1.1.q Access to State Highway 8

Any activities within Lot 1 DP455053, Lot 2 DP455053, Lot 3 DP455053 and Lot 4 DP455053 being land west of the intersection of Lakeside Drive with State Highway 8, shall only obtain vehicular access to State Highway 8 from Lakeside Drive; and no direct access shall be permitted from State Highway 8.

Amend rule 3.3.1 by inserting a reference to new rule 3.1.1.p:

3.3.1 In the Residential 1 & 2 zones, any Residential Activity which does not comply with any one or more of the following standards for Permitted Residential Activities in the relevant Residential Zone and which is not specified as a Non-Complying Activity in 3.4 below:

3.1.1.a Residential Density

3.1.1.b Building Coverage

3.1.1.c Height of Buildings

3.1.1.d Setback from Boundaries

3.1.1.f Access

3.1.1.g Heavy Vehicle Storage

3.1.1.j Temporary Use of Vacant Sites

3.1.1.l Continuous Building Length

3.1.1.m Outdoor Living Space

3.1.1.n External Design and Appearance of Buildings

3.1.1.p Exterior Colour

Amend non complying activity rule 3.4.1 by inserting reference to new rule 3.1.1.q

3.4 Non-Complying Activities – Residential Activities

3.4.1 Any Residential Activity which does not comply with any one or more of the following standards for Permitted Residential Activities:

3.1.1.e Flood Mitigation – Floor heights

3.1.1.h Keeping of Animals

3.1.1.i Aircraft

3.1.1.q Access to State Highway 8

Add new non complying activity rule 3.4.5:

3.4 Non-Complying Activities – Residential Activities

3.4.5 Any building, within the No-Build Area in the Residential 2 zone indicated in Planning Map 44, other than retaining walls associated with a road.

Amend Residential Zone - Visitor Accommodation Rule 5.1.2.d.ii:

5.1.2.d Landscaping

- ii. On sites other than rear sites all required landscaping shall be along the road frontage of the site. Such landscaping shall include a landscaping strip with a minimum average width of 1.5m and a minimum width of 0.6m along the road frontage except across vehicle crossings:

except that

on sites with the Plan Change 16 area or on sites or parts of sites on the opposite side of a road to a residential zone the landscaping strip shall have a minimum average width of 4.5m and a minimum width of 1.5m along the road frontage , except across vehicle crossings.

Add new Visitor Accommodation rule 5.1.2.j:

5.1.2.j Access to State Highway 8

Any activities within Lot 1 DP455053, Lot 2 DP455053, Lot 3 DP455053 and Lot 4 DP455053 being land west of the intersection of Lakeside Drive with State Highway 8, shall only obtain vehicular access to State Highway 8 from Lakeside Drive; and no direct access shall be permitted from State Highway 8.

Amend non complying activity rule 5.4.1 by inserting reference to new rule 5.1.2.j

5.4 Non-Complying Activities - Visitor Accommodation

- 5.4.1 Any visitor accommodation activity or homestay that does not comply with one or more of the following standards for permitted visitor accommodation activities:

3.1.1.e Flood Mitigation – Floor heights/location

5.3.4 Noise Standards

5.1.2.j Access to State Highway 8

Add new rule 7.4.3 Non Complying Activities

7.4.3 Access to State Highway 8

Any activities within Lot 1 DP455053, Lot 2 DP455053, Lot 3 DP455053 and Lot 4 DP455053 being land west of the intersection of Lakeside Drive with State Highway 8, shall only obtain vehicular access to State Highway 8 from Lakeside Drive; and no direct access shall be permitted from State Highway 8.

SECTION 9 SPECIAL PURPOSE ZONES

RECREATION AND OPEN SPACE

Amend Recreation Objective 3

Recreation Objective 3 – Special Travellers Accommodation Zone – Lake Tekapo

An area of low-density visitor accommodation ~~building activity~~ including camping grounds, cabins and chalets within walking distance of the Tekapo Village Centre, achieved in a visually recessive manner ~~within the existing forested area.~~

...

Explanation and Reasons

~~The forested~~ **An** area to the west of the Lake Tekapo township provides an opportunity for the development of **visitor accommodation** ~~a Special Travellers Accommodation Zone~~ removed from the village centre, but still within walking distance of it. This zone is intended to allow for an area of low-density visitor accommodation developed **in and** around the existing camping ground, and consisting of open space for tents, and the development of **motels**, cabins and chalets ~~within the forest plantation.~~ The setting allows for such development to have a very low visual impact if appropriate guidelines are applied, such that there is minimal adverse visual effect when viewed from off site, and particularly from the town.

It is also important that the zone has little impact on the lakeside Recreation P Zone adjacent, leaving this area as open space that is accessible to the public as part of the extensive lakeside zone along the southern boundary of the lake.

It is important to provide an area where camping, **cabins and chalets are** ~~is~~ permitted within close proximity to the Village Centre, and in an appropriate location. The existing camping ground is well established in this location and such ~~camping~~ activities are an anticipated part of the travellers accommodation provided in the town.

Amend 8.2 Anticipated Environmental Results for the STAZ

8.2 Anticipated Environmental Results

- Very low density visually recessive development of tourist accommodation.
- The development of a variety of different accommodation types
- ~~Maintenance and enhancement of the forest area within the zone.~~
- Maintenance and enhancement of the amenity and open space of the adjacent Recreation A and Recreation P zones.
- Retention of the operation and viability of the existing camping ground area.

Amend Rules 8.4 – 8.7 STAZ Permitted, Controlled, Discretionary and Non Complying Activities, and Standards

STATUS OF ACTIVITIES

8.4 Permitted Activities

The following activities in 8.4.1 and 8.4.2 are Permitted Activities providing they comply with the Standards in the 8.4.3

8.4.1 Within the Tekapo ~~STAZ~~ ~~Camping Ground Sub-Zone~~ (as defined on Planning Map 44):

8.4.1a Camping activities (including caravans and campervans).

8.4.1b Picnic areas.

8.4.2c Paths and routes for pedestrians and cyclists.

8.4.2d Retail sales directly associated with and integral to visitor accommodation activity.

8.4.1e Sale of liquor to registered guests of the visitor's accommodation selling the liquor.

8.4.2 Within the Twizel STAZ:

8.4.2.a Camping activities (including caravans and campervans).

8.4.2.b Picnic areas in respect of the provision of seating, tables, permanent barbecues and rubbish facilities.

8.4.2.c Paths and routes for pedestrians and cyclists.

8.4.2.d The felling or removal of trees for the purpose of clearing a building platform, or the provision of vehicle access.

8.4.3 Standards

8.4.3a Setback from Road Boundaries

Tekapo: All buildings and structures shall be set back a minimum of 6m from any road boundary.

Twizel: All buildings and structures shall be set back a minimum of 20m from any road boundary.

8.4.3b Setback from Internal Boundaries

All buildings and structures shall be set back a minimum of 6m from any internal boundary, and 10m from the boundary of the Recreation P zone.

8.4.3c Building Height

Tekapo: **No building or structure within 6m to 10m of the Lakeside Drive boundary shall exceed 5m in height.**

No building or structure **beyond 10m from the Lakeside Drive boundary** shall exceed 10m in height.

Twizel: No building or structure shall exceed 5m in height.

8.4.3d Recession Lines

Buildings shall not project beyond a building envelope

constructed by a recession line inclined towards the site at an angle of 25 degrees commencing at 2.5m above the existing ground level at any point along the boundary of the zone or any internal boundary.

8.4.3e Building and Hard Surface Coverage

- (i) No single building footprint shall exceed 600m² in total area. The combined total of all buildings within the zone shall not exceed 25% of the total area of the zone.
- (ii) No more than 15% of the site shall be covered by impervious surfaces, excluding any area covered by sealed public road.

8.4.3f Lake Tekapo Design Guide

Tekapo: All new buildings or structures shall comply with the standards of the Lake Tekapo Design Guide contained in Appendix P.

8.4.3g Glare and Reflectivity

Twizel & Tekapo: All exterior lighting shall be directed away from adjacent properties and roads, and Lake Ruataniwha. All materials shall be of low or non-reflective nature, or shall be painted or otherwise coated to avoid reflective glare.

Twizel: The maximum reflectivity index of the exterior of any buildings shall be 40%.

8.4.3h Outdoor Storage Areas

All outdoor storage areas shall be situated behind buildings and / or screened from public view and adjoining sites, and in particular the adjacent Recreation P zone. Screening shall be by way of planting, walls, fences or a combination to at least 1.8m high.

8.4.3i Noise

All activities shall be designed and conducted so as to ensure that the following noise levels are not exceeded at any point within the boundary of any other site within the zone, or adjacent residential or recreation zones:

Daytime	50 dBA L ₁₀
Daytime (including Sunday)	70 dBA L _{max}
Nighttime	40 dBA L ₁₀
Nighttime (excluding 8am to 9pm Sunday)	70 dBA L _{max}

8.4.3j Vehicular Access and Parking

- i All vehicular access and parking areas shall be located and designed to maintain the visual amenity of the Special Travellers Accommodation Zone and the

adjacent Recreation P Zone and adjacent sites. All such areas shall be landscaped in a manner that minimises the visual impact of the works from external private and public spaces and roads.

- ii The surface of all vehicular access and parking areas shall be formed, sealed or otherwise maintained so as to avoid dust or noise nuisance.
- iii All vehicular access and parking areas shall be formed and surfaced to ensure that no deleterious material is carried onto a sealed carriageway.

8.4.3k Effluent Disposal (Twizel STAZ zone)

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

8.5 Controlled Activities

The following shall be Controlled Activities ~~within~~ ~~outside~~ of the Tekapo STAZ Camp Ground Sub-Zone at Tekapo **providing they comply with the Standards in 8.4.3:**

8.5.1 Visitor accommodation activity **excluding camping activities.**

~~Standards and Terms~~

~~Visitor accommodation buildings shall provide for accommodation for no more than eight people.~~

8.5.2 **Restaurant or cafe**

8.5.3 **Reception, storage, kitchen and ablution facilities associated with the operation of visitor accommodation facilities.**

Matters Subject to Council's Control for 8.5.1, 8.5.2 and 8.5.3:

- Location
- Compliance with the Lake Tekapo Design Guide
- Landscaping

~~8.5.2 The construction of new, or alteration of existing reception, storage, kitchen and ablution facilities associated with the operation of visitor accommodation facilities.~~

Matters Subject to Council's Control:

- - ~~Location~~
- - ~~Compliance with the Lake Tekapo Design Guide~~
- - ~~Landscaping~~

~~8.5.3 Picnic areas in respect of the provision of seating, tables, permanent barbecues and rubbish facilities. In addition to the matters listed below, control will also be exercised over the number of facilities provided in each picnic area.~~

~~Matters Subject to Council's Control:~~

- ~~• - Location~~
- ~~• - Compliance with the Lake Tekapo Design Guide~~
- ~~• - Landscaping~~

~~8.5.4 Paths and routes for pedestrians and cyclists. Matters over which Council has retained control are the route taken, the width and design of the path, and the paving material to be used.~~

~~Matters Subject to Council's Control:~~

- ~~• - Location~~
- ~~• - Compliance with the Lake Tekapo Design Guide~~
- ~~• - Landscaping~~

8.7 Discretionary Activities

8.7.1 Removal of trees

~~8.7.1. a Within the Tekapo STAZ, the felling or removal of trees, other than wild seedling trees for the purpose of clearing a building platform, or the provision of vehicle access. The exercise of Council's discretion shall be limited to the consideration of the size of the area to be cleared, and the method, and visual effect of the removal of trees.~~

~~8.7.1. b Within the Twizel STAZ, all other felling of trees not permitted by Rule 8.4.2.d.~~

8.7.2 The establishment of vehicle access and car parks within the zone not otherwise associated with access to a visitor accommodation activity.

8.7.3 Retail Sales other than those directly associated with and integral to visitor accommodation activity.

8.7.4 Sale of liquor from visitor accommodation, other than to registered guests of the visitor accommodation establishment selling the liquor.

8.7.5 Commercial recreation activities operating from or within the Special Travellers Accommodation Zone.

8.7.6 The establishment of visitor accommodation buildings sleeping more than eight **people excluding the Tekapo STAZ.**

~~8.7.7 Any visitor accommodation, other than that associated with camping, within the Camp Ground Sub-Zone.~~

8.7.7 Any activity not otherwise listed as a Controlled or Non-Complying activity, or that does not comply with one or more of the Standards.

8.8 Non-Complying Activities

- 8.8.1** Any activity not otherwise provided for as a Permitted, Controlled or Discretionary Activity shall be a non-complying activity.
- ~~8.7.2~~ ~~Buildings or activities within the Camping Ground Sub-Zone other than camping activities and visitor accommodation.~~
- 8.8.23** Any subdivision in the Twizel STAZ zone, in accordance with Section 13 Rule 5.f of this Plan.

APPENDIX P LAKE TEKAPO DESIGN GUIDE

Amend the height clause on page 12 of Appendix P relating to the STA zone

viii) HEIGHT

Single storey buildings are preferred in this zone. It is preferable that buildings be raised off the ground to nestle better in among the existing trees and upon the existing gradient. Building height can be varied to accomplish this style of building and also providing an outlook from each building. Height should be restricted so the building is not clearly visible from State Highway 8 or intrusive from Lakeside Drive. The maximum building height is ~~10~~2m.

Add to the landscaping clause on page 12 of Appendix P relating to the STA zone

x) LANDSCAPING

Landscaping is encouraged to mediate the impacts buildings will have visually and ecologically on the immediate area and the Passive Recreation Zone. Landscaping will use localized vegetation encouraging an undergrowth under the existing trees. All landscape planting shall be of species common to the Mackenzie Basin.

Within the Tekapo STA zone there is a preference for native plant species in particular those provided in the list below:

Low/Groundcover Planting

Chionochloa flavescens **Broad-leaved snow tussock/haumata**

Chionochloa rigida **Narrow-leaved snow tussock**

Hebe subalpina **Subalpine koromiko**

Phormium cookianum **Mountain flax/wharariki**

Poa cita **Silver tussock**

Mid Height Shrubs

Chionochloa rigida **Narrow-leaved snow tussock**

Hebe salicifolia **Koromiko**

Olearia avicennifolia **Tree daisy**

Trees and Large Shrubs

Coprosma propinqua **Mingimingi**

<u>Griselinia littoralis</u>	<u>Broadleaf/papauma</u>
<u>Kunzea ericoides</u>	<u>Kanuka</u>
<u>Nothofagus solandri</u>	<u>Black beech</u>
<u>Ozothamnus leptophylla</u>	<u>Cottonwood/tauhinu</u>
<u>Pittosporum tenuifolium</u>	<u>Black Matipo/kohuhu</u>
<u>Plagianthus regius</u>	<u>Ribbonwood/manatu</u>
<u>Sophora microphylla</u>	<u>South Island kowhai/kowhai</u>

ATTACHMENT A – PLANNING MAP 44B