



**Mackenzie**  
DISTRICT PLAN REVIEW  
TOMORROW'S MACKENZIE  
KA AWATEA HŌU

**Section 42A Report: Plan Change 29 (and  
Variation 1 to Plan Change 23, Variation 2 to  
Plan Change 26, and Variation 2 to Plan  
Change 27)**

**Open Space and Recreation Zones, Noise,  
Signs and Temporary Activities**

**Report on submissions and further submissions**

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**Date: 24 April 2025**

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**Appendix 2** – Memo from Acoustic Environmental Services

**Appendix 3** – Landscape Assessment Peer Review

**Appendix 4** – Memo from General Manager of Corporate, Commercial and Planning

## 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
CRPS	Canterbury Regional Policy Statement
GRUZ	General Rural Zone
INF Chapter	Infrastructure Chapter
LLRZ	Large Lot Residential Zone
MDP / Plan	Mackenzie District Plan
MDPR	Mackenzie District Plan Review
NOSZ	Natural Open Space Zone
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NP Standards	National Planning Standards
ODP	Operative District Plan
OSRZ	Open Space and Recreation Zones
OSZ	Open Space Zone
PC29	Plan Change 29
PC30	Plan Change 30
PREC1	Takapō / Lake Tekapo Precinct
PREC2	Commercial Visitor Accommodation Precinct
REG Chapter	Renewable Electricity Generation Chapter
RMA	Resource Management Act 1991
SARZ	Sport and Active Recreation Zone
SCA	Specific Control Area
TCZ	Town Centre Zone
TEMP Chapter	Temporary Activities Chapter
TMTA	Temporary Military Training Activities
V1PC23	Variation 1 to Plan Change 23
V2PC26	Variation 2 to Plan Change 26
V2PC27	Variation 2 to Plan Change 27

## 1. Purpose of Report

1. This report is prepared under s42A of the RMA in relation to Plan Change 29 (PC29), Variation 1 to Plan Change 23 (V1PC23), Variation 2 to Plan Change 26 (V2PC26), and Variation 2 to Plan Change 27 (V2PC27), which pertain to Open Space and Recreation Zones (OSRZ), and the Noise, Signs and Temporary Activities (TEMP) Chapters of the Mackenzie District Plan (MDP). The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this plan change and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.
2. The analysis and recommendations have been informed by advice received from Acoustic Engineering Services (AES). This includes specific comments received in response to submissions (attached as **Appendix 2** to this report), along with previous reports prepared by them as part of the preparation of PC29.<sup>1</sup> It is also based on a peer review undertaken by Ms Bron Faulkner (attached as **Appendix 3** to this report) of a landscape assessment provided in a submission. Mr Murray Dickson has also provided information from the Council in relation to the proposed rezoning of a particular site in Twizel (attached as **Appendix 4** to this report). In preparing this report I have also had regard to the Strategic Direction Chapters, as well as how the chapters forming part of, or amended by PC29 (and related variations) relate to various other district-wide and zone chapters.
3. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

## 2. Qualifications and Experience

4. My full name is Elizabeth (Liz) Jane White. I am an independent planning consultant, and have been self-employed (trading as Liz White Planning) for four years. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.
5. I have over 18 years' planning experience, which includes experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents and preparing and processing resource consent applications and notices of requirements for territorial authorities.

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<sup>1</sup> *Mackenzie District Plan Review – Stage 4: Noise and Vibration*, prepared by Acoustic Engineering Services, issued 4 March 2024.

*Mackenzie District Plan Review – Noise – Technical Scope Phase 2: Noise and Vibration*, prepared by Acoustic Engineering Services, issued 19 June 2024.

Included as Appendices 1 & 2 to the PC29 Section 32 Report.

I am assisting the Mackenzie District Council (MDC) in the Mackenzie District Plan Review (MDPR) process and was the main author of the PC29 provisions (and related variations) and s32 report.

6. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I have complied with it when preparing this report. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "*Role of Expert Planning Witnesses*" paper. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

### **3. Scope and Format of Report**

7. This report considers the submissions and further submissions that were received in relation to PC29, V1PC23, V2PC26, V2PC27 (except as explained in the sub-section below). It includes recommendations to either retain provisions without amendment, delete, add to or amend the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendix 1** to this Report, or, in relation to mapping, through recommended spatial amendments to the mapping. Footnoted references to the relevant submitter(s) identify the scope for each recommended change. Where recommendations are made to either delete or add a provision, new provisions are numbered X, and no renumbering has occurred to reflect any additions or deletions. I anticipate that any renumbering requirements will be done in the Hearing Panel's decision version of the provisions.
8. The assessment of submissions generally follows the following format:
  - a. An outline of the relevant submission points;
  - b. An analysis of those submission points; and
  - c. Recommendations, including any amendments to plan provisions (and associated assessment in terms of s32AA of the RMA where appropriate).
9. Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the PDP arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.
10. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.

## **Submission Points Relating to other Stage 4 Plan Changes**

11. Plan Changes 28, 29 and 30 were notified at the same time and prepared on an integrated basis. These changes form part of Stage 4 of the MDPR.
12. The following submission points were received on PC29 but are considered to be more appropriately addressed in the Section 42A report indicated below. This report therefore does not address these submission points, and reference should be made to the Section 42A report referred to:
  - a. Total Tourism (24.01), insofar as it relates to development of hangars and accommodation at Pūkaki airport, as this is related to the rule framework applying within the Airport Special Purpose Zone (AIRPZ) and is therefore better considered in the s42A Report relating to that zone (PC30).
  - b. DOC (19.03), who seek changes to NOISE-R12, which proposes to permit noise associated with airport activities and airport support activities in the Airport Area within in the Glentanner Special Purpose Zone. Given this zone applies to a small discrete area, I consider that the management of noise from activities within the zone is best considered on an integrated basis with the framework generally applying to that zone, and therefore consider that this submission point is better addressed in the s42A Report relating to that zone (PC30).
13. The following submission points were received on one or more of the other Stage 4 Plan Changes but are considered to be more relevant to this Section 42A report. This report therefore addresses the submission points listed below:
  - a. Gary Burrowes (55.01 - PC28) – this submission point relates to the zoning of land proposed as part of PC29, and replicates the submission Mr Burrowes has made on PC29 (31.01). Therefore, the assessment of submission point 31.01 covers the points raised in the submitter's PC28 submission.
  - b. Gary Burrowes (17.01 – PC30) – this submission point relates to the zoning of land proposed as part of PC29, and replicates the submission Mr Burrowes has made on PC29 (31.01). Therefore, the assessment of submission point 31.01 covers the points raised in the submitter's PC30 submission.
  - c. Tekapo Springs (15.01 - PC30) – this submission point relates to the request for a Special Purpose Zone to be applied to the Tekapo Springs site. This is proposed as a possible alternate to other changes sought to the zone and zone framework applying to the site. It is therefore assessed in this report where this is considered alongside other parts of the submission relating to the zone/zone framework for this site.
14. Some definitions were proposed in PC29 which were also included in one or more of the other Stage 4 Plan Changes. Any submissions made on a definition which is used in more than one

Plan Change are considered to be within the scope of each Plan Change that includes this definition. Submissions on definitions associated with PC29 are addressed in this report, but have been considered in conjunction with the other s42A report authors for other relevant Plan Changes to ensure integration between the chapters which rely on the same definition.

## 4. Plan Change Overview

### Scope of PC29

15. PC29 relates to 3 district-wide chapters of the District Plan – Noise, Signs and Temporary Activities – along with the zoning of, and provisions applying to, the Open Space and Recreation Zones. PC29 also includes a number of consequential changes to other chapters of the District Plan arising from the introduction of these chapters, including definitions, and the relationship between the PC29 chapters and other chapters in the Plan (including those introduced through PC23, PC26 and PC27) which formed part of Stages 2 and 3 of the MDPR. Finally, PC29 proposes to make a number of consequential changes to delete the provisions in older sections of the MDP (i.e. those which are not contained in the EPlan) which were not amended as part of Stages 1-3 of the MDPR. These are set out in more detail below.

### Noise

16. The Noise Chapter manages the noise emissions arising from any activity, and applies on a district-wide basis. A key aspect of the chapter is understanding that noise is a component of many activities, and in many cases is a necessary part of those activities, but noise can also have adverse effects on the amenity and character of an area, and on people's health and wellbeing. The Noise Chapter seeks to manage noise emissions in a way that is consistent with expected amenity levels and maintains people's health and wellbeing. This is implemented through rules applying noise limits, with levels set relative to the anticipated amenity and character of the zone in which the noise is received. There are also specific rules for a number of specifically identified activities, where the nature of those activities and the characteristics of the noise associated with them necessitate a more targeted management approach.
17. Another component of the Noise Chapter relates to reverse sensitivity effects. This relates to the potential for noise sensitive activities to be located in areas which experience (or are anticipated to have) higher noise levels, which could result in health impacts on occupants of noise sensitive activities, and conflict between the amenity expectations of the sensitive activity and the noise producing activity, ultimately leading to constraints being placed on the operation of the latter to continue operating. The policy and rule framework seeks to address this by requiring noise sensitive activities to meet a minimum level of acoustic insulation, in areas adjoining the State Highway, the AIRPZ, or within the Town Centre Zone (TCZ). As part of this, PC29 proposes to add a State Highway Noise Corridor Overlay, which applies to those properties identified in the planning maps which adjoin or are close to the State Highway.

18. V2PC26 proposes a consequential change to Table 1 of the Infrastructure (INF) and Renewable Electricity Generation (REG) Chapters to refer to the Noise Chapter, so that the latter is applied to those activities managed in the former.

## **Signs**

19. The Signs Chapter is also a district-wide chapter which is specific to the management of signs. It seeks to balance the benefits of signage to businesses and the community, with the impact that signs can have on the amenity values and character of different areas and on the safety of road users. The rules in the chapter include those applying to particular types of signs across the district (e.g. temporary signs), and for other types of signage, controls the type, scale and location of signage relative to the zone or area it is located within.

20. V2PC26 proposes a consequential change to Table 1 of the INF and REG Chapters to refer to the Signs Chapter, so that the latter is applied to signage associated with those activities managed in the former chapters.

## **Temporary Activities**

21. The TEMP Chapter is another district-wide chapter which manages activities that are undertaken on a temporary basis, in recognition that the temporary nature of these activities justifies a different approach being taken from application of the zone chapter rules that would otherwise apply. Two Specific Control Areas (SCAs) are also proposed to be applied to the current Ruataniwha Rowing Zone in Twizel and the current A & P Showgrounds site in Fairlie, to allow for different standards to be applied to temporary events in these locations.

## **Open Space and Recreation Zones**

22. PC29 proposes to introduce three zone chapters: Natural Open Space Zone (NOSZ); Open Space Zone (OSZ); and Sport and Active Recreation Zone (SARZ) and apply these zonings as identified in the planning maps. In addition, where these zones are located within the Takapō / Lake Tekapo township, PC29 proposes to apply the Takapō / Lake Tekapo Precinct (PREC1) to these areas. The SCA (14) proposed for the existing Ruataniwha Rowing Zone in Twizel also provides for different rules and standards to be applied to this site, than those otherwise applying under the SARZ framework, in some instances.

23. PC29 also includes changes to the following chapters which are consequential to the OSRZ:

- Light Chapter - to identify which lux levels apply within these zones;
- PREC1 Chapter – to identify which rules and standards apply within these zones; and
- Natural Character (NATC) Chapter - to identify which water body setbacks apply within these zones.

24. V2PC27 proposes a consequential change to the Earthworks Chapter to amend the advice note in the Chapter Introduction and amend EW-R3 to apply the rule framework to the OSZ and SARZ.

### **Other Zonings**

25. PC29 proposes, in two instances, to replace an existing open space zoning with a residential zoning as follows:

- applying a Medium Density Residential Zone (MRZ) and Commercial Visitor Accommodation Precinct (PREC2) to the property located on the south-east corner of Mackenzie Drive and Simons Street, through to Glenbrook Crescent, Twizel; and

26. applying a Large Lot Residential Zone (LLRZ) to those privately owned lots fronting Glen Lyon Road in Twizel.

### **Definitions and Consequential Changes**

27. PC29 also includes the introduction of various definitions into the Interpretation Chapter. PC29 also proposes to adopt the definition of terms already contained in the Interpretation Chapter where those terms are used in the Noise, Signs, TEMP and/or OSRZ Chapters.

28. PC29 also 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 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.

## **5. Procedural Matters**

30. At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

31. I have had informal discussions with the following submitters to clarify or discuss aspects of their submissions:

- NZAAA (PC29.04) and NZHA (PC29.05);
- TLGL (PC29.10);
- The Telcos (PC29.15);
- QCP (PC29.26); and

- Tekapo Springs (PC29.29).

32. 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. PC29 does not propose to review or amend the provisions relating to financial contributions and therefore the submission is out of scope. I note that PC28 does propose to make some consequential changes to Section 13 (Subdivision, Development and Financial Contributions), but only to remove provisions which relate to natural hazards. However, it does not propose to amend those parts of Section 13 relating to financial contributions, which are left unchanged. I therefore do not consider that the submission or further submission is within the scope of either PC28 or PC29 and have not considered them further.

## 6. Statutory Framework

33. The assessment under the RMA for this Plan Change includes whether:

- a. it is in accordance with the Council's functions (s74(1)(a));
- b. it is in accordance with Part 2 of the RMA (s74(1)(b));
- c. it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
- d. the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
- e. the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).

34. In addition, assessment of the plan change must also have regard to:

- a. any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- b. the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
- c. in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect (s76(3)).

35. The assessment of the plan change must also take into account any relevant iwi management plan (s74(2A)).

36. Specific provisions within the RMA and in other planning documents that are relevant to PC29 are set out in the Section 32 Report. These documents are discussed in more detail within this report where relevant to the assessment of submission points.

37. The assessment of submission points has also been undertaken in the context of the Section 32 report prepared for PC29. All recommended amendments to provisions since the initial Section 32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken, where required, in this report.

## 7. Assessment of Submissions

### Overview of Submissions

38. 31 submissions and 9 further submissions were received on PC29, V1PC23, V2PC26 and V2PC27.

### Structure of Report

39. The assessment of submissions in this report has been undertaken on a topic-by-topic basis, as set out below. Within the consideration of each topic, the assessment has then been undertaken based on groups of provisions. My assessment of submissions seeking changes to any definitions have been included in the consideration of submissions on the provisions to which they relate:

- Provisions where no change was sought
- Zonings / Mapping
- Noise
- Signs
- Temporary Activities
- Open Space and Recreation Zones provisions
- Variations and consequential changes to other chapters

### Further Submissions

40. Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission. Individual recommendations on further submissions are not set out in this report. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:

- Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary

submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.

- Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission recommended to be accepted, the further submission is recommended to be rejected.
- Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.

### **'Supporting' Submissions**

41. 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) and seek the same relief as sought in those submissions. Discussion of the NZAAA and NZHA submission points and recommendations made in relation to these therefore applies to that of Nicki McMillan (09.01) and Richard Geary (25.01).
42. Totally Tourism (24.01), in a primary submission, supports the submission of NZHA (PC29.05) and seeks the same relief as sought in that submission. Discussion of the NZHA submission points and recommendations made in relation to these therefore applies to that of Totally Tourism (24.01).

## **8. Provisions where no Change Sought**

43. The following provisions included within PC29, V1PC23, V2PC26, and V2PC27 were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified (unless a cl 10(2)(b) or cl 16(2) change is recommended):

**Table 1: PC29 provisions with no submission or where no change was sought**

Section	Provision	Supporting Submissions
Definitions	Commercial Recreation Activity	NZHA (05.02), CRC (22.01), Nova (23.01), OWL (28.01)
	Community Market	CRC (22.01), Nova (23.01), OWL (28.01)
	Emergency Response Purposes	CRC (22.01), Nova (23.01), OWL (28.01), NZDF (30.01)
	Filming	CRC (22.01), Nova (23.01), OWL (28.01)
	Freestanding Sign	The Telcos (15.01), CRC (22.01), Nova (23.01), OWL (28.01)
	LAeq	Nova (23.01), OWL (28.01)
	LAF(max)	Nova (23.01), OWL (28.01)
	Ldn	Nova (23.01), OWL (28.01)
	Lpeak	Nova (23.01), OWL (28.01)

Noise	Noise	Nova (23.01), OWL (28.01)
	Noise Sensitive Activities	NZTA (20.01), CRC (22.01), Nova (23.01), OWL (28.01)
	Normal Domestic Activities	CRC (22.01), Nova (23.01), OWL (28.01)
	Official Sign	Nova (23.01), OWL (28.01)
	Off-Site Sign	CRC (22.01), Nova (23.01), OWL (28.01)
	Sign	Nova (23.01), OWL (28.01)
	Temporary Emergency Services Training Activities	CRC (22.01), Nova (23.01), OWL (28.01)
	Temporary Event	CRC (22.01), Nova (23.01), OWL (28.01)
	Temporary Military Training Activity	Nova (23.01), OWL (28.01), NZDF (30.02)
	Temporary Residential Accommodation	Nova (23.01), OWL (28.01)
Light	LIGHT-TABLE1	Nova (23.08), CRC (22.13)
PREC1 - Takapō / Lake Tekapo Precinct	Introduction, PREC1-R1, PREC1-S2 & PREC1-S3	Nova (23.09), CRC (22.29, 22.30, 22.31)
Infrastructure	Table 1	Genesis (21.01), CRC (22.03), Nova (23.12), OWL (28.12)
Renewable Electricity Generation	Table 1	CRC (22.04), Nova (23.12), OWL (28.13)
Noise	NOISE-MD1	OWL (28.09), NZDF (30.09)
	NOISE-TABLE1	Genesis (21.03), OWL (28.08)
	NOISE-TABLE-2	OWL (28.08)
Signs	SIGN-O1	Nova (23.03), OWL (28.10)
	SIGN-P2	CRC (22.09), Nova (23.03), OWL (28.10)
	SIGN-R1	HNZPT (13.01), NZTA (20.07), Nova (23.03), OWL (28.10)
	SIGN-R3	Transpower (14.03), Nova (23.03), OWL (28.10)
	SIGN-S2	Nova (23.03), OWL (28.10)
	SIGN-S3	Nova (23.03), OWL (28.10)
	SIGN-S4	Nova (23.03), OWL (28.10)
	SIGN-S5	NZTA (20.10), CRC (22.11) Nova (23.03), OWL (28.10)
	SIGN-S6	Nova (23.03), OWL (28.10)
Temporary Activities	SIGN-MD2	NZTA (20.11), CRC (22.12), Nova (23.03), OWL (28.10)
	TEMP-O1	Nova (23.04), OWL (28.11), NZDF (30.10)
	TEMP-R4	Nova (23.04), OWL (28.11)
	TEMP-R5	Nova (23.04), OWL (28.11)
	TEMP-S1	Nova (23.04), OWL (28.11)
Natural Open Space Zone	TEMP-MD1	NZTA (20.14), CRC (22.17), Nova (23.04), OWL (28.11)
	Full chapter	NZAAA (04.14), NZHA (05.11), HNZPT (13.03), DOC (19.04), CRC (22.18, 22.19), Nova (23.05)
Open Space Zone	OSZ-O2	CRC (22.21)
	OSZ-P1	CRC (22.22)
	OSZ-R1	CRC (22.23)
	OSZ-R2	CRC (22.23)
	OSZ-R3	CRC (22.23)

Sport and Active Recreation Zone	OSZ-R4	CRC (22.23)
	OSZ-R5	CRC (22.23)
	OSZ-R7	TLGL (10.14), CRC (22.23)
	OSZ-R8	CRC (22.23)
	OSZ-R9	CRC (22.23)
	OSZ-R10	CRC (22.23)
	OSZ-R11	CRC (22.23)
	OSZ-S3	CRC (22.24)
	SARZ-P2	CRC (22.26)
	SARZ-P3	CRC (22.26)
	SARZ-P4	CRC (22.26)
	SARZ-P5	CRC (22.26)
	SARZ-R1	CRC (22.27)
	SARZ-R2	CRC (22.27)
	SARZ-R3	CRC (22.27)
	SARZ-R4	CRC (22.27)
	SARZ-R5	CRC (22.27)
	SARZ-R7	CRC (22.27)
	SARZ-R8	CRC (22.27)
	SARZ-R11	CRC (22.28)
	SARZ-R12	CRC (22.28)
	SARZ-R13	CRC (22.28)
	SARZ-R14	CRC (22.28)
	SARZ-S2	CRC (22.28)
	SARZ-S3	CRC (22.28)
	SARZ-S5	CRC (22.28)
	SARZ-S6	CRC (22.28)

44. Nova (23.11) also supports the deletions proposed to various parts of the Plan which are consequential to the introduction of the various new chapters proposed in PC29 (Sections 3, 5, 6, 7, 8, 9, 12 and 14; Appendices B, F, G, H and S, and the 'Mackenzie District Council Colour Palette'; Scenic Viewing Areas 22, 23 and 24, and that part of Scenic Viewing Area 3 which is zoned OSZ). No other submissions were received on these deletions, and as such, they are not assessed further in this report. I therefore recommend that the provisions and mapped areas are deleted as proposed and that Nova's submission point (23.11) be accepted.
45. In addition, I note that DOC (19.01) supports all provisions in PC29 that they have not requested specific changes on. This support is noted. As I am recommending changes to some of the provisions in PC29 in response to other submissions, I recommend that this general submission point be accepted in part.
46. Meridian (18.01), Tekapo Springs (29.15) and QCP (26.01) note, that in addition to their more specific submission points, consequential changes may need to be made to give full effect to their submission points and seek that where necessary, such amendments are made. I note that

where I have recommended changes in response to these submissions, I have also considered whether any consequential changes are required. To the extent that I have recommended accepting, accepting in part, or rejecting the more specific submission points of these submitters, I recommend that these general submission points be similarly accepted, accepted in part or rejected.

## 9. Zoning of Specific Land

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

#### *Submissions*

47. TLGL seeks changes to the OSZ which forms part of the current balance lot for the Station Bay development (Lot 401 DP 560853). The submitter notes that resource consent has been granted for an 88-lot residential development of this balance lot. The submitter seeks that the zoning of this area is amended as follows.
48. The first change sought (10.01) is to amend the boundary between the OSZ and MRZ, to reflect the consented subdivision, and in particular to ensure that no portion of any lots consented for residential development fall within the OSZ and are instead zoned MRZ, with PREC1 also applied. The submitter states that rezoning of this land is the most appropriate to reflect the outcomes of previous resource consent decisions which form part of the existing environment. These are referred to in the map provided with the submission (as Figure 4) as Areas 2A and 2B.
49. The second change sought (10.01) is to rezone a further portion of the OSZ to MRZ (referred to in the map provided with the submission (as Figure 4) as Area 2). This area is expected to allow for the development of a further 5-7 residential lots. The submitter states that as this area immediately adjoins the consented residential development, it is able to be efficiently developed and serviced and readily integrated into the wider subdivision. The submitter considers that the remaining balance of OSZ, of 1ha, is still a sufficient amount of open space. I note that the submitter has included an assessment of the addition of this portion of OSZ to the MRZ from a landscape perspective, and notes that from a traffic perspective, the additional lots are within the total number considered in previous traffic assessments. The submitter states that the rezoning results in a *“a logical extension of the existing MRZ zone, the consented subdivision and will be seen in this context.”*
50. TLGL (10.02) also seeks the rezoning of approximately 2.73ha at the northern end of Lot 401 DP 560853 to SARZ (referred to in the map provided with the submission (as Figure 4) as Area 1), adjacent to the SARZ applying to Tekapo Springs. The submitter states that the Recreation P Zone was understood to have been established as part of PC16, due to the historic presence of pine trees across the site and the steep topography. The submitter notes that the trees have now been removed, and considers that the area of land proposed to be zoned OSZ (4.7 ha) is well in excess of the needs of the community, given the other OSZ reserves in Takapō / Tekapo which it considers to be in more accessible and higher amenity locations nearby, including those along the lakefront. The submitter states that this land is privately owned, and considers there

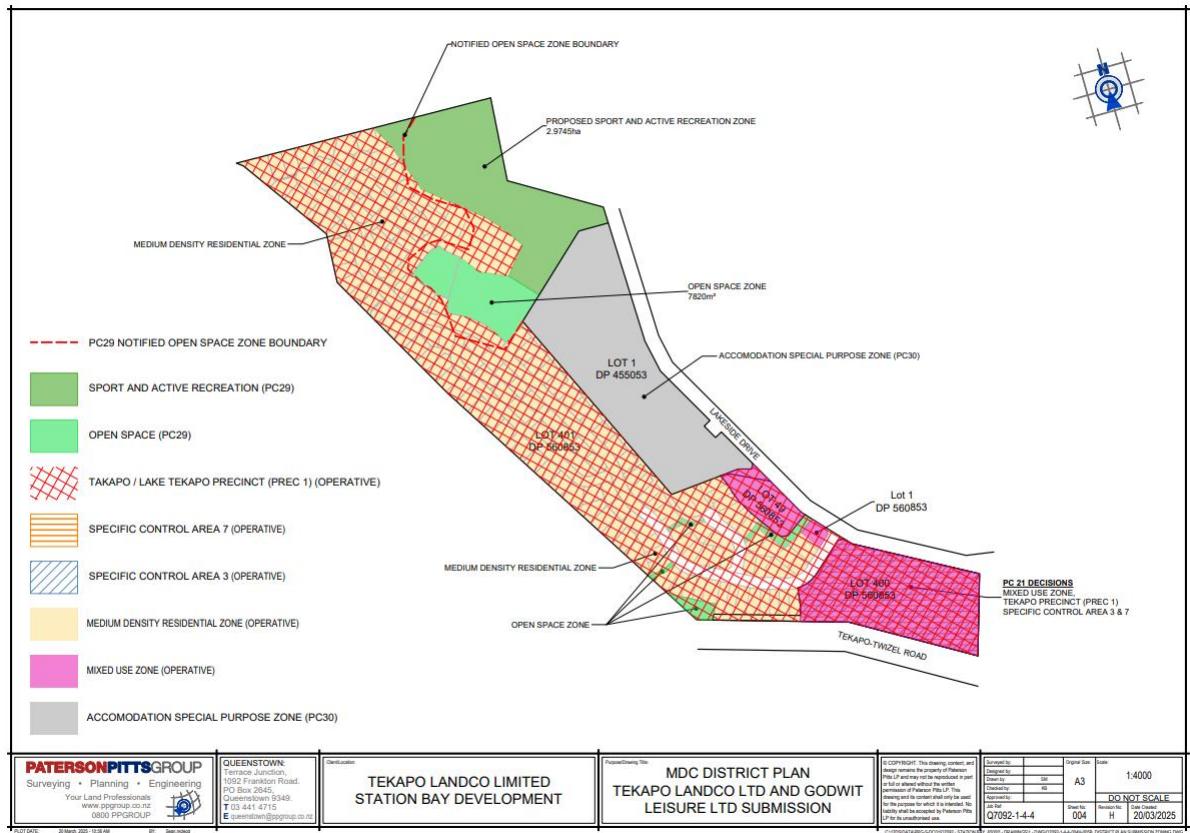
to be a conflict with private ownership of OSZ land, as the Introduction to the SARZ Chapter specifically recognises that the SARZ zone also includes facilities that are privately owned, whereas the OSZ does not reflect this. The submitter further notes that private ownership does not allow for public access, and there are no obligations on the landowner to develop the land for a recreational purpose. Further, it considers that the land is largely unusable for any form of economic activity. The submitter states that rezoning a portion of the OSZ to SARZ will provide additional opportunities for active recreational activities, particularly given its view that there is limited supply of SARZ-zoned land in Takapō / Tekapo. Further, the submitter notes that the location of the proposed SARZ will also integrate with and may support the adjacent SARZ over the Tekapo Springs, allowing for similar community recreation activities to be co-located rather than distributed throughout the township. In particular, the submitter considers that SARZ, when compared with OSZ, will allow for a broader range of community, sporting or recreational activities and buildings associated with those activities. I note that the submitter has included an assessment of the addition of this portion of OSZ to the SARZ from a landscape perspective, with restrictions proposed for the development of this site to reflect the landscape assessment. For completeness I note that a small portion of the proposed SARZ area at the north-western end is currently zoned MRZ, but this portion is not part of any proposed residential section.

51. Tekapo Springs considers that PC29 does not adequately address or make allowance for commercial and tourism-related development, redevelopment, expansion, operation and future proofing for the Tekapo Springs, a commercial recreation business including hot pools and an ice-skating rink that is located at 300 Lakeside Drive. The submitter seeks changes aimed at preserving the opportunity for further expansion of its business operations and broadly seeks that the provisions and zoning are amended to better enable commercial and tourism-related activities.
52. More specifically in terms of zoning, Tekapo Springs (29.01) seeks that the SARZ zoning is extended to include neighbouring properties, for consistency with the submitter's property. This includes a further strip of land running along the west/southwest of Tekapo Springs, as well as a strip of land extending from the eastern boundary of the site out to the lakefront. Changes are also sought to the SARZ framework, which is set out further below. In the event that the zoning is not changed, the submitter seeks changes to the OSZ framework.

#### ***Analysis***

53. It is my view that it is appropriate to accept TLGL's first request in relation to Area 2B, to rezone any residential lots forming part of the submitter's consented subdivision, to ensure that there are no portions of these lots zoned OSZ. I consider that this is a relatively minor change, which ensures that the zone boundary aligns with property boundaries. I also consider that the need for the change has arisen as a result of the OSZ being applied prior to the subdivision, before the exact size and shape of lots has been determined. In considering this request, I note that the submitter sought that the area proposed to vest as reserve as part of the approved subdivision of Lot 401 DP 560853 be rezoned MRZ (Area 2A). I consider that the anticipated use of this area better aligns with the outcomes sought under the OSZ than those under the MRZ. Other reserve areas created through recent subdivisions which have vested in the Council have

also been proposed to be zoned OSZ through PC29. In my view, this zoning better facilitates the establishment of recreation facilities (such as picnic tables and seating). Given this, I indicated to the submitter that my preference was for this recreation reserve to be included in the area retained as OSZ. The submitter has agreed with this, and prepared an updated map (see Figure 1 below), incorporating the original zoning change requests, along with the additional OSZ area, which is shown below. I therefore recommend that the submission point (10.01) be accepted in part.



**Figure 1 – Updated zoning map provided by TLGL**

54. With respect to the second request, I note that the TLGL submission includes a landscape assessment, which considers the effects of the increase in the area of MRZ from various viewpoints. This concludes that the scale of extension proposed to the MRZ is minor, will result in only a slight increase in built form within the context of township's existing residential character, and that *"from surrounding viewpoints, the additional MRZ areas will blend seamlessly with the existing township, maintaining a consistent visual character."*
55. The landscape assessment also assesses the effects of the third request, noting that the proposed SARZ area will be immediately visible on the facing slopes (from Lakeside Drive) and that the higher built form provided under the SARZ could result in the landform being dominated by built form. The assessor supports the rezoning to SARZ, provided that a reduced site coverage is applied so that open space remains dominant in this area. This is considered to allow for a few buildings in this area which are not expected to create adverse visual effects, and which will maintain the open space character existing in this particular location when

viewed from the lakeshore. From broader viewpoints, the effects of the zone change are considered to be very low, with the lower site coverage also ensuring that open space remains dominant in views from further afield. Overall, the assessment concludes that any future buildings associated with a SARZ zoning will be viewed against a backdrop of the terrace landform, and with the existing residential development above, will be contained within the pre-existing alpine character of the township.

56. Ms Bron Faulkner has undertaken a peer review of the landscape assessment (attached as **Appendix 3**) for the Council. This appraises both the method and findings of the landscape assessment, to ensure that the matters considered, and analysis are appropriate to the proposal put forward in the submission and properly reflect the landscape and statutory context. She considers that the landscape assessment scope and methodology is appropriate to the context and scale of what is proposed in the submission, and that the relevant potential landscape effects have been considered. Overall, she agrees with the findings of the landscape assessment that any adverse effects on visual amenity and landscape character would be low (subject to the recommended reduction for site coverage); and considers that the landscape assessment's findings, recommendations and conclusions are credible and consistent with the analysis. In particular she states:

*The existing context of the land proposed to be rezoned is a relatively built and tourism focused environment comprising Tekapo Springs, the Holiday Park and the built/consented Station Bay subdivision which almost completely encloses it. As such, future housing and recreation development and activities will be consistent with the area's existing character and tourism activities. In addition, future development on the land proposed to be rezoned does not represent an expansion of development beyond its existing extents.*

*While additional built development on the proposed SARZ and MRZ land would be easily visible on the slopes it will be contained within similar development and would not detract from the visual amenity of this location.*

57. I accept the findings of the landscape assessment and peer review with respect to the MRZ, noting that the expansion of the MRZ will only allow for a small number of additional allotments, which will allow for a small amount of further development that is consistent with the surrounding character. With respect to the other potential effects of the rezoning, I agree with the submitter that limited additional traffic movements would result, and that these are within the range previously assessed for the development of the wider area. I also agree with the submitter that a sufficient area of open space zoning will still remain even with this area zoned MRZ. Therefore, I support the rezoning of this additional area as MRZ, as in my view it will have limited effects, and will result in a consolidated area of development. I recommend that this aspect of the submission point (10.01) is accepted.

58. In terms of the rezoning of part of the TLGL site to SARZ, I consider that the key difference between the OSZ and SARZ is the level of built form that the latter anticipates, as compared with the former. I also agree with the submitter that the SARZ anticipates a broader range of community and recreational activities, but with the main effect being the increased built form

associated with these activities, and in turn, increased patronage. I note that the landscape effects of the increase in built form arising from the zoning change have been considered in the landscape assessment, which supports the rezoning, provided that a reduced site coverage limit is applied to this location, in order to maintain the dominance of open space. This is supported in the peer review of Ms Faulkner.

59. I consider that, subject to the reduced site coverage limit, the rezoning to SARZ is appropriate. This takes into account that the recreation focus of the area will be retained, and with the lower built form applying, the dominance of open space will be maintained. What the SARZ will allow for, is some increase in the built form (as under the OSZ-S3, it would be limited to 100m<sup>2</sup>), and for the establishment of a broader range of recreation activities (in particular, commercial recreation). I accept that there is no guarantee under private ownership that the OSZ would allow for public access and use of the land and there are limited economic uses for the landowner. This differs from the majority of other OSZ areas which are publicly owned. I consider that the SARZ would provide a greater opportunity for some economic development and use of the land which could complement the adjoining Tekapo Springs site. I also agree with the submitter that sufficient areas of OSZ-land to allow for passive recreational opportunities are already provided elsewhere in the township. I therefore recommend the submission point (10.02) be accepted.
60. With respect to Tekapo Springs' (29.01) request, I note that the western area where they have requested the SARZ is extended into, is within (although smaller than) the area requested by TLGL to be rezoned SARZ. As I have above recommended accepting TLGL's request, this also covers this part of Tekapo Springs' request, and I recommend this aspect of their submission point be accepted in part.
61. With respect to extending the SARZ to the east, I consider this area to be visually sensitive, given it is located along the lakefront. I consider that a key difference between the current OSZ applying to this area, and to the SARZ framework, is that the former anticipates a much lower level of built form than the latter. Given this, I consider that changing the zoning could result in a higher level of built form than is appropriate in this location. I note that the submitter did not provide any landscape assessment to address this within the submission. I contacted the submitter to advise them that in the absence of such an assessment, I did not support the rezoning of this area and allowed them with the opportunity to obtain a landscape assessment ahead of the s42A report being released. A landscape assessment was subsequently provided on the 22<sup>nd</sup> April, as this s42A report was being finalised. As there has not been time for a peer review to be undertaken of it, I make no recommendation on this aspect of their submission point (29.01) at this time. An update on this matter will be provided to the Hearings Panel in due course.

***Recommendation***

62. In terms of the zoning of that the strip of land extending from the eastern boundary of the Tekapo Springs site out to the lakefront, I make no recommendation at this stage.

63. I recommend, for the reasons given above, that the:

- a. Areas marked as 2, and 2B below on Figure 4 of the TLGL submission are rezoned to MRZ;
- b. Area marked as Area 2A on Figure 4 of the TLGL submission is retained as OSZ; and
- c. Area marked as Area 1 on Figure 4 of the TLGL submission is rezoned to SARZ (noting a recommendation on the site coverage rule applying in this area is made later in this report).

64. The recommended zoning is set out in **Appendix 1**.

65. In terms of s32AA, I consider that the changes to apply MRZ to any part of a consented residential allotment is more appropriate, because it better aligns with the anticipated use of those lots, and ensures that inefficiencies that might arise with having parts of residential lots zoned OSZ. I therefore consider that applying MRZ to the full portion of residential allotments will better assist with achieving the respective objectives for the MRZ and OSZ Chapters.
66. I consider that applying OSZ to the area proposed through subdivision to be vested as a recreation reserve better reflects that the intended use of this area aligns with OSZ-O1 and not MRZ-O1, and is therefore more appropriate for assisting in achieving the former.
67. I consider that rezoning part of the OSZ to SARZ will allow for greater economic development opportunities for this site than the OSZ does, and that because of this, it is more likely that the site will be developed in a manner that aligns with SARZ-O1 and SARZ-O2. Conversely, I consider that retention of OSZ over this privately-owned piece of land does not guarantee that the land will be developed and used in a way that aligns with OSZ-O1. I therefore consider that the SARZ zoning is more appropriate to assist in achieving the outcomes sought for open space and recreation zones in the Plan.

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

##### ***Submissions***

68. Five submitters<sup>2</sup> oppose the proposed change in zoning of the area from Recreation P (the equivalent of OSZ) to MRZ with a Commercial Visitor Accommodation Precinct (PREC2). The reasons for this opposition include:
  - a. This area of open space is well used by people purchasing from the food trucks in the immediate area, as well as for a range of informal recreation activities, including for informal sports and picnicking.

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<sup>2</sup> Graham White (02.01); Ross & Sue Polson (11.01); Peter McNab (12.01); Stephanie Polson (16.01); and Gary Burrowes (31.01).

- b. Rezoning would remove the opportunity for future uses of this space, such as for a future playground, and for development of other complimentary facilities such as covered picnic tables, other outdoor furniture and plantings.
- c. The greenways and generous areas of open space are a feature of Twizel that should be retained, and there are limited other open green spaces close by for the residents of this area.
- d. The impact of the rezoning and potential development on the established trees located on this site and whether they would be protected.
- e. Impact on the views of neighbouring properties and on the peace and tranquillity of the neighbourhood.
- f. There are other options available around Twizel for further motels without affecting the aesthetics of this area.
- g. The zoning change would increase traffic in this area and make it unsafe for pedestrians and cyclists.

69. These submitters request that the current Recreation P zoning is retained. Graham White (02.01) also requests that an upgraded plan is developed to allow for outdoor furniture and increased plantings. Ross and Sue Polson (11.01), while opposing the rezoning, seek that if it is approved, then development is limited to one-storey in height, of a density consistent with the surrounding area, and access is off Mackenzie Drive only.

70. Deborah Langford (08.01) does not oppose the proposed change in zoning from Recreation P to MRZ but does oppose the application of PREC2 to this land. The submitter considers that there is a safety risk to pedestrians due to increased traffic, as a motel or similar would substantially increase vehicle movements in this busy location, and risk pedestrian safety, including pedestrians associated with the existing food trucks. The submitter states that there is plenty of land in Wairepo Road suitable for a commercial visitor accommodation that would have less of a traffic and pedestrian safety impact.

#### ***Analysis***

71. While I accept that rezoning this site would allow for development that might impact on the views of neighbouring properties, I do not consider this to be sufficient reason alone, to retain the OSZ. This is because I do not consider that the RMA or the District Plan requires protection of the amenity derived from the current zoning and use of the site by surrounding landowners, nor is it reasonable to expect that land use will remain static. With respect to established trees, I again accept that development of the site that would be facilitated under the zoning could likely result in the removal of these trees, but I note that they have not been identified as notable trees through PC30, and because of this, I do not consider that they require protection under the District Plan. In terms of traffic, I note that the application of PREC2 does not result

in such accommodation being permitted – it would still be considered through a resource consent process, which would enable consideration of traffic effects (under PREC2-R1).

72. I consider that the key aspect raised by submitters, is whether rezoning this area of open space is appropriate, taking into account the current use of the space and the provision of open space in this area, and the necessity for the alternate zoning. I note that Twizel has a large amount of greenspace areas, so I consider that the loss of this particular area is relatively minor in terms of overall supply. I note that the submissions do indicate that this particular site is well-utilised area for passive recreation activities, which aligns with the current OSZ zoning. However, it is only subject to basic maintenance and does not include any facilities such as play equipment or picnic furniture.
73. In terms of the alternate land use, Mr Dickson, the Council's General Manager of Corporate, Commercial and Planning, has advised me (refer Appendix 4) that the Council has been in discussions with Twizel St John about the potential use of this site for an emergency services facility, which is what has driven the proposed rezoning. The possibility of this site being zoned residential was also raised in feedback provided during the preliminary consultation round for the Stage 4 Plan Changes, with the site identified as a location suitable for pensioner housing, workers or visitor accommodation.<sup>3</sup> In terms of the emergency services proposal, Mr Dickson sets out what is currently proposed, the reasons why this site is considered operationally and locationally suitable for such a facility, and the discussions that have occurred with interested parties. As a result of the discussions regarding the site, the Council put forward the potential change of zoning to MRZ in the subsequent round of consultation. There was mixed feedback on this, with some supporting retention of the area for open space and others supporting the potential rezoning; however, a number of parties commented that the site would be suitable for an emergency services facility.
74. OSZ is intended to provide areas of open space which predominately provide for a range of passive recreational activities. This is consistent with the current use of the area as described by the submitters. OSZ-O2 also anticipates only a limited range of facilities and structures which support the purpose of the zone and maintain the predominance of open space. An emergency services facility would only be considered to be suitable in this zone if (under OSZ-P2) it was considered to be of a nature and scale that is complimentary to, and does not detract from, the passive focus of the zone. Importantly, such a facility would be likely to have a much greater level of built form than anticipated in the zone, given the permitted level of development is restricted to a 5m height; and a site coverage limit of the lesser of 5%, or 100m<sup>2</sup> (under OSZ-S3). Under MRZ, an emergency services facility would be considered suitable if the effects of the activity, including its scale, hours of operation, parking and vehicle manoeuvring would be compatible with the amenity values of adjoining sites, and on the basis that such an activity would service the local community (MRZ-P2). Given the higher level of built form anticipated in the MRZ (7.5m height and 40% site coverage), this type of development would, in my view, be more difficult to establish under the OSZ and more likely to obtain consent with an MRZ zoning.

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<sup>3</sup> Council Workshop Paper: *Preferred Approach – Open Space and Recreation Zones*, 1 November 2023, pages 7-8.

With respect to other options, pensioner housing or workers accommodation would not be anticipated under the OSZ framework but would under the MRZ. Commercial visitor accommodation would only be anticipated under the MRZ with the PREC2 also applied.

75. As the site is owned by the Council, rezoning would not automatically result in the current open space use being disestablished, but it would allow for future development of a residential or community use. Although sitting outside the District Plan, I would also expect the Council's decision-making on the future of the site would also be made public, but I accept that zoning the site to MRZ would send a strong signal that that use of the site is expected to change over time. Despite its open space zoning, I note that the site is not formally vested as a reserve, so this does not present a barrier to the rezoning or development of the site, albeit I understand this is common with open space areas in Twizel.
76. Overall, I consider that the zoning of this site is finely balanced, but I consider rezoning to MRZ to be more appropriate. In coming to this conclusion, I have weighed up the comments of the submitters which indicate that the current use of the site is consistent with this zoning, and that once an open space area is developed, the open space values would be lost; against the positive benefits of a zoning which better facilitates the establishment of an emergency services facility and/or a residential use. I also accept there is not a shortage of MRZ-zoned land within Twizel which could be used for pensioner housing, workers or visitor accommodation (which the rezoning would also facilitate), but note the suitability of this particular site for an emergency services facility, given its proximity to the existing medical centre. Such a use would be much harder to establish under an OSZ than under MRZ. I therefore recommend that the submission points seeking retention of OSZ be rejected (02.01, 11.01, 12.01, 16.01, 31.01<sup>4</sup>).
77. As I have recommended that the MRZ be retained, I have also considered whether PREC2 should be applied to the land. I note that application of this precinct would result in a contiguous area of this precinct along Mackenzie Drive (refer Figure 2 below). However, I also note that in this area, this precinct applies to sites which already contain visitor accommodation, or which are vacant. Given the intended use of the site is not for visitor accommodation, and that there are other vacant sites available for this type of development I agree with Deborah Langford's request (08.01) that PREC2 is not applied to this land, and recommend that it be accepted. With respect to the alternate changes sought by Ross & Sue Polson (11.01), I do not consider there to be any reason to apply different height and density standards to that otherwise applying in the MRZ, noting these same standards apply to the surrounding residential area. With respect to access, I note that the Transport Chapter of the Plan sets out requirements for vehicle crossings. Where a vehicle crossing meets these standards, I see no reason why a different approach should be taken in relation to this site. I therefore recommend that the submission point seeking alternate standards be applied to this site, is rejected (11.01).

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<sup>4</sup> Including submission point 55.01 on PC28 and 17.01 on PC30.



**Figure 2 – Location of PREC2 in the Vicinity of Mackenzie Drive / Simons Street / Glenbrook Crescent, Twizel**

78. With respect to Graham White's (02.01) request that an upgrade plan is developed to allow for outdoor furniture and increased plantings, I note that this is a matter that sits outside the District Plan in any case (regardless of the land's zoning) and therefore recommend that this part of the submitter's request be rejected.

***Recommendation***

79. I recommend, for the reasons given above, 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.
80. I recommend, for the reasons given above, that that PREC2 is **not** applied to the land on the south-east corner of Mackenzie Drive and Simons Street, through to Glenbrook Crescent, Twizel. The recommended change is set out in **Appendix 1**.
81. Under s32AA, I consider that removal of PREC2 better reflects the anticipated use for this land. Given that there are other vacant sites available for this type of development in the vicinity, I consider that the removal of the precinct does not undermine the ability for higher density visitor accommodation activities to be established, and therefore the change will not undermine the achievement of PREC2-O1.

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

### ***Submissions***

82. 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.

### ***Analysis***

83. As noted in the s32 Report, there are several privately owned lots fronting Glen Lyon Road, which essentially form part of already developed large lots. The application of LLRZ proposed through PC29 was considered to better reflect the land ownership and enable these sites to be managed in a more integrated way through the application of a single zone. Although I consider that private ownership is not a barrier to application of an OSRZ, in this instance, I do not consider that the current use of these lots would contribute to the achievement of the outcomes sought for the OSZ, as they are not areas able to be used by the community for passive recreation (as anticipated under OSZ-O1). While the OSZ provides for predominance of open space, I note that this is also an outcome sought under the LLRZ (under LLRZ-O2.2). Overall, I consider that application of the LLRZ zoning aligns with the use of these areas to provide primarily for residential living opportunities and therefore aligns with LLRZ-O1. I therefore support the notified zoning and recommend that these submission points (03.01, 06.01) be accepted.

### ***Recommendation***

84. I recommend, for the reasons given above, that the LLRZ zoning proposed to be applied to those lots Fronting Glen Lyon Road in Twizel which are privately owned, is retained as notified.

## **Other Mapping Matters**

### ***Submissions***

85. TLGL (10.03) supports the exclusion of roads from zone boundaries but seeks 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.
86. TLGL (10.04) supports the zoning of the Council-owned area along Takapō / Tekapo lakefront as OSZ.
87. Nova (23.10) supports the proposed amendments to the EPlan planning maps included in PC29.

### ***Analysis***

88. The support from Nova is noted. As I am recommending some changes to zoning proposed in PC29, as set out elsewhere in this report, I recommend that this general submission point (23.10) be accepted in part. With respect to the Council-owned area along Takapō / Tekapo

lakefront, I note that no submitter has opposed this zoning; therefore, I recommend that TLGL's submission point (10.04) as it relates to this zoning be accepted.

89. With respect to the zoning of roads, I note that these areas are zoned under the Plan. However, the regulation of activities within the road reserve - the "*land transport corridor*" – are principally managed in the Transport Chapter, which was introduced through PC27. This permits, subject to standards, the development, operation, maintenance, repair, upgrade or replacement of '*land transport infrastructure*', along with vehicle accessways and crossings. While strictly speaking, other activities might be permitted under the relevant zone framework, given road reserve areas are controlled by the relevant road controlling authority, and subject to regulation outside the District Plan (e.g. corridor access requests), I do not consider there to be a need to include additional regulation in the District Plan in relation to land use activities in roads. I also note that except in relation to Special Purpose zones and OSRZs, such changes would in my view be outside the scope of PC29 and PC30 in any case. I therefore do not recommend any changes to how activities within roads are regulated in the Plan and recommend that this aspect of TLGL's submission point (10.03) is rejected.

#### ***Recommendation***

90. I do not recommend any changes in response to the above submission points.

## **10. Noise**

### **Whole Chapter**

#### ***Submissions & Analysis***

91. Nova (23.02) supports the Noise Chapter and seeks its retention. CRC (22.06) is neutral in respect of the provisions in the Noise Chapter, and do not request any changes. DOC (19.02) supports all provisions in the Noise Chapter, except where they have requested specific changes.

92. I have taken into account the general support from these submitters in the more detailed assessment of specific provisions within the Noise Chapter which are discussed below. As I am recommending changes to some of the provisions in Noise Chapter in response to other submissions, I recommend that these general submission points (19.02, 22.06, 23.02) be accepted in part.

### **Objectives and Policies**

#### ***Submissions***

93. OWL (28.02, 28.04, 28.08, 28.09) supports the Introduction to the Noise Chapter, NOISE-O1 and NOISE-P1.

94. At a broad level, NZAAA and NZHA consider that the proposed objectives and policies in the Noise Chapter do not provide sufficient guidance for consideration of social and economic

benefits of noise generating activities, nor do they appropriately address protection from reverse sensitivity. The specific changes sought in this regard are outlined below, or in the separate section below relating to reverse sensitivity provisions.

95. With respect to NOISE-O1, NZAAA (04.05) and NZHA (05.03) consider that recognising the benefits of appropriate noise generating activities is important to the economic and social wellbeing of the region, and seeks that it is amended as follows:

*The benefits of activities that generate noise are recognised where the adverse effects from noise are compatible ~~Noise is consistent~~ with the anticipated purpose, and anticipated character and qualities of the receiving environment, and maintains the health and well-being of people and communities.*

96. Meridian (18.02) considers that NOISE-O1 can be read as protecting the status quo. It considers that to achieve the objective, the functional needs and operational needs of critical infrastructure could be overlooked, and in its view, this would be inconsistent with the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG). The submitter considers that the wording of the objective should focus on ensuring that activities do not adversely affect the health and well-being of people and communities, similar to the Noise Objective in Section 14 - Temporary Activities and Buildings and Environmental Noise of the ODP. Two alternate drafting changes are proposed, as follows:

~~*Noise is consistent with the purpose, and anticipated character and qualities of the receiving environment, and maintains the* *The effects of noise are not adverse to the* *health and well-being of people and communities*~~

*Noise is consistent with the purpose, and anticipated character and qualities of the receiving environment, while recognising and providing for the functional needs and operational needs of critical infrastructure, and maintains the health and well-being of people and communities*

97. NZAAA (04.07) and NZHA (05.05) seek that an additional policy is added to the Noise Chapter, to provide recognition that some noisy activities are important for economic and social wellbeing and may exceed specified noise levels on a temporary or irregular basis, while still maintaining character and amenity values appropriate to each zone, as well as the health, safety and wellbeing of people and communities. The policy sought is:

*NOISE-P# Enable noise-generating activities in appropriate areas*

*Enable the generation of noise from activities that:*

- a. *maintain the predominant character and amenity values of the receiving environment by controlling the types of activities and levels of noise permitted in each zone; and*
- b. *recognise that some activities are important for economic and social wellbeing and may exceed the specified noise levels on a temporary and/or irregular basis; and*
- c. *maintains the health, safety and wellbeing of people and communities.*

98. NZDF (30.04) seek that a new policy is added to the Noise Chapter, specific to temporary activities and temporary military training activities, as they consider that at present there is no connection to the rule framework. The submitter considers it important that noise from TMTA is enabled, while managing associated effects. The policy sought is:

*Enable temporary activities and temporary military training activities provided the adverse effects are appropriately avoided, remedied or mitigated.*

99. Meridian (18.03) seeks that reference to benefits of noise is added to NOISE-P1. It considers that the policy fails to recognise that critical infrastructure can have functional needs and operational needs to be located in particular places, and in respect to renewable electricity generation activities, is not consistent with Policy A of the NPS-REG, which requires that decisions-makers recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities.

100. QCP (26.10) seek that NOISE-P1 is amended to remove reference to maintaining the character and amenity anticipated, as it considers that “*maintain*” sends a signal of no change.

#### ***Analysis***

101. NOISE-O1 is an objective, which outlines the overall outcome that is sought through the provisions managing noise. I do not agree with submitters seeking changes to the wording to refer to recognising the benefits of noise-generating activities, where their adverse effects achieve the outcomes identified. This is because I consider that recognition of benefits of activities is more appropriately addressed at a policy level, rather than being an outcome. I also have concerns that the suggested rewording shifts the focus of the objective away from the being about the noise outcome (which is the focus of this chapter), and instead shifts the focus to the benefits of activities.

102. I do however agree with submitters 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 because I consider that “*consistent*” is narrower than “*compatible*”, and that applying the latter is therefore a more flexible approach, as provided noise is compatible with the purpose and anticipated character and qualities where it is received, it will not compromise achievement of the outcomes in that receiving environment.

103. I consider it appropriate to refer to the “*purpose*” of the zone, rather than the “*anticipated*” purpose. I consider that that latter is appropriate when referring to character and amenity values of the receiving environment, because it reflects that in some cases the existing character and amenity values may differ from what they are expected to be over time, for example in a residential area that is currently lower density but which anticipates a higher levels of density being established over time. I do not consider that the same applies to the purpose of an area.

104. Overall, I recommend that the submission points of NZAAA (04.05) and NZHA (05.03) are accepted in part as they relate to NOISE-O1.

105. I do not agree with Meridian that the wording of the objective protects the status quo, as it clearly refers to the anticipated character and amenity values of the receiving environment.
106. I also do not agree with limiting the outcome to only being about health and well-being (Meridian's first option) as the suite of provisions has a much broader aim than this, and in my view, it would not be consistent with the purpose and principles of the RMA to only manage noise with respect to health and well-being and not to consider effects on amenity values and the quality of the environment (as per s7(c) and 7(f) of the RMA). While noting that this may be consistent with the objective contained currently in Section 14, I note that this chapter of the ODP does not contain all the noise provisions, and particular, that the management of noise in the zone chapter provisions stem from objectives for those zones that relate broadly to amenity and character matters in various zone chapters (e.g. Section 5 Business and Section 6 Residential). I also disagree with adding 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, which need to be read together with this objective. While I recommend that the submission point (18.02) is rejected, I consider that the change from "*consistent*" to "*compatible*" may however assist with consideration of noise associated with infrastructure activities.
107. With respect to the additional policies sought by submitters, I do not consider these to be necessary. NOISE-P1 is broad in application and directs that noise effects are managed to maintain the character and amenity anticipated in the area in which the effects are received, taking into account the nature, frequency and duration of the activity generating the noise. The levels and types of noise emissions are then controlled through the rule framework, with noise permitted where it meets certain levels or other requirements which have been set based on what is expected to maintain character and amenity, and having taken into account their nature, frequency and duration (including temporary military activities). For activities that do not meet the permitted requirements, the policy provides direction on how activity is to be managed, or the basis on which a consent might be declined. If the additional policies sought by submitters were included in addition to NOISE-P1, I consider that this would create confusion for plan users, given the additional policy would duplicate and in some cases conflict with the direction in NOISE-P1. If, in respect to the first policy, the submitters were envisaging that their policy would replace NOISE-P1, then I consider the direction in the notified policy to be more appropriate. This is because it provides greater guidance for how permitted activity levels/requirements have been established, and for consideration of resource consent applications, than the policy wording put forward by the submitters. With respect to having a separate policy for TMTA, I similarly consider that the wording of NOISE-P1 provides greater guidance on how the effects associated with these activities are to be managed (i.e. it makes it clearer what the purpose of any avoidance, remediation or mitigation measures is). I therefore recommend that the submission points seeking a new policy be rejected (NZAAA (04.07), NZHA (05.05) and NZDF (30.04)).
108. With respect to NOISE-P1, I agree in part with including consideration of the benefits of an activity within the policy, as I agree that it is appropriate to consider these benefits when

considering the effects of the noise the activity is generating. However, I consider that this should be limited to consideration of the benefits *to the community* of the noise-generating activity, as in my view it is these wider benefits that should be weighed up when determining how noise effects should be managed, rather than private benefits of an activity generating noise.

109. With respect to QPC (26.10), I do not agree that the policy sends a signal of no change. What is directed is that the *anticipated* character and amenity is maintained, which may not be the current character and amenity. I consider that it is appropriate to seek to maintain the anticipated character and amenity values, in order to achieve the outcomes sought across the MDP in relation to those.
110. Because I have recommended changes to NOISE-O1 (and a consequential change to the Introduction arising from this) and NOISE-P1, I recommend that the submission points from OWL (28.02, 28.04, 28.08, 28.09) be accepted in part.

***Recommendation***

111. I recommend, for the reasons given above, that reference to “*consistent*” in NOISE-O1 and the Introduction to the chapter is replaced with “*compatible*”. The amendments recommended to the Introduction and NOISE-O1 are set out in **Appendix 1**.
112. In accordance with s32AA, I consider that this change will better assist in achieving the purpose of the RMA, as it articulates, with respect to the adverse effects of noise, the outcome that is sought from the avoidance, remediation, or mitigation of those adverse effects in accordance with s5(2)(c), and aligns with the maintenance of amenity values and of the quality of the environment (as per s7(c) and 7(f) of the RMA). I consider that ensuring compatibility, rather than consistency, will still assist in the achievement of ATC-O1 – by better ensuring that activities which are important to the community’s social, economic and cultural well-being are provided, while also maintaining and enhancing the anticipated amenity values and character of different areas.
113. I recommend, for the reasons given above, that NOISE-P1 is amended to add reference to the “*benefit to the community*” of the activity generating the noise.
114. Under s32AA, I consider that this change better enables consideration of the activity generating the noise and its contribution to the health and well-being of the community. I consider that this also better allows for consideration of the objective and policy framework in other parts of the Plan. For example, where the activity generating noise is infrastructure, consideration of the benefits of the infrastructure to the community will better align with achievement of INF-O1, in terms of ensuring that infrastructure meets the needs and provides for the health, safety and well-being of people and communities. I therefore consider that the change will be more effective at achieving various objectives across the Plan, while still being effective at achieving NOISE-O1.

## Aviation Activities

### Submissions

115. NZAAA (04) and NZHA (05) support agricultural aviation activities being a permitted activity, with the submitters noting the various ways in which these activities contribute to primary production and the broader economy. The submitters also state that these activities are intermittent or infrequent and consider that their effects are correspondingly limited and minor. The submitters note that PC29 provides for agricultural aviation activities as a permitted activity where the activities are permitted under GRUZ-R15 and GRUZ-R16. The submitters note that they do not support these rules, which were introduced through PC23, and has appealed those rules.
116. NZAAA (04.04) seeks that the definition of 'agricultural and horticultural noise' is extended to include reference to 'agricultural aviation activities'. NZAAA (04.09) also seeks that agricultural aviation activities are added to NOISE-R2, as the rule already permits agricultural and horticultural noise, and agricultural aviation activities include noise that is part of agricultural and horticultural activities, which are intermittent and temporary. CRC (22.01), Nova (23.01), OWL (28.01) support the definition of 'Agricultural and Horticultural Noise'.
117. NZAAA (04.10, 04.11) and NZHA (05.07, 05.08), support the intent of NOISE-R10, which links to GRUZ-R15 and GRUZ-R16, but only on the basis that those rules are in turn amended as sought through their appeal to PC23. The submitters also consider there to be an error in the rule referring to 'ASPZ', which it considers should be 'AIRPZ' (04.12, 05.09). Similarly, the submitters (04.13, 05.10) support the intent of NOISE-R11, subject to the changes sought through their PC23 appeal.
118. The submitters also note that through the PC23 appeal, changes are sought to the definition of 'airfield' (04.01), and two new definitions are sought for 'temporary helicopter landing area' (04.02, 05.01) and 'rural airstrip' (04.03), along with changes to GRUZ-R15(1) and GRUZ-R16(4).
119. ZIP (27.01) seek that the Noise Chapter is amended to permit aerial work undertaken in support of pest management work, stating that this would align with the RMA exemption regulations which exempts the discharge of vertebrate toxic agents from compliance with RMA. The submission provides details on work being undertaken in the district to protect native species through removal of pest animals. The submitter is concerned that the proposed restriction on aircraft movements per site per day will impact on its ability to undertake pest elimination work via helicopter, stating that such work will become a controlled activity. The submitter considers that this "*goes against the exemptions previously granted to enable this kind of work in the Resource Management (Exemption) Regulations 2017*". The submitter states that restricting aircraft actions to four per site per day would only allow for aircraft movements for the setup and dismantling of the operation on the day of an aerial operation, and would result in an operation needing to take place over several weeks, to attain the same level of bait distribution that is currently achieved in a day. It states that this would have a greater level of negative impact on any noise sensitive areas than the completion of work in a shorter time span. The

submitter notes that the draft Aoraki Mount Cook National Park Management Plan allows for up to 200 landings per day per site in some areas, while in others they are unlimited. It considers that this contrasts with limited number of aircraft movements provided for under the Noise Chapter in areas adjacent to the national park.

### ***Analysis***

120. As noted by the submitters, 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 the GRUZ framework. This provides an integrated management approach for these activities, ensuring that where the activity is permitted under the zone framework, a resource consent requirement is not then triggered under the noise rules. In my view, this also reflects that the main adverse effects associated with these movements and landing areas is noise, and that it is anticipated that where the permitted limits in the GRUZ framework are met, noise will be appropriately managed.
121. I note that the submitters generally support the premise of this approach, with their concern being the specific limitations set out in GRUZ-R15 and GRUZ-R16, which formed part of PC23, and which they have appealed. If, through the appeal process changes are made to GRUZ-R15 and GRUZ-R16, NOISE-R10 and NOISE-R11 would not need to be altered. With respect to agricultural aviation activities, in particular, I note that under GRUZ-R15.1.a, these are permitted, without limitation.
122. The Noise Chapter also permits noise associated with other activities, without limitation, in NOISE-R2. I note that the submitters have sought that 'agricultural aviation activities' are added to NOISE-R2, as well as seeking that the 'agricultural aviation activities' are added to the definition of 'agricultural and horticultural noise', which is already included in NOISE-R2.1.b. I firstly note that these both achieve the same outcome, so only one of these additions would be required, and not both. However, I do not consider it necessary to amend NOISE-R2 to include 'agricultural aviation activities', because these are already explicitly captured and managed under NOISE-R10. As such, I do not consider that any changes are required to the Noise Chapter to achieve the actual outcome sought by submitters – being that noise from aircraft and helicopter movements that are associated with 'agricultural aviation activities' are already permitted. I therefore recommend that the various submissions points seeking changes to NOISE-R2 are rejected (04.04, 04.09), while noting that I consider the Noise Chapter does not need to be amended to achieve what I understand the submitters to ultimately be seeking. As I am not recommending any changes to the definition of 'Agricultural and Horticultural Noise', I recommend that the submission points supporting the definition (22.01, 23.01, 28.01) be accepted. I agree that there is an error in NOISE-R10, which should refer to 'AIRPZ' – being the Airport Zone – and not ASPZ. I recommend that the submissions seeking this change (04.12, 05.09) be accepted, and submissions supporting NOISE-R10 be accepted in part (04.10, 4.11, 05.07, 05.08). I recommend that submission supporting NOISE-R11 be accepted (04.13, 05.10).

123. For completeness, I note that I have discussed this with Mr Michelle (from NZAAA and NZHA) and he has confirmed that the ultimate outcome sought is for 'agricultural aviation activities' to be permitted without limitations, regardless of how this is achieved. He accepts that the changes sought to NOISE-R2 or the amendment to the definition of 'Agricultural and Horticultural Noise' may not be necessary, but given the interrelationship with the GRUZ provisions and the outstanding appeal on these, the submission essentially seeks to keep other options open.
124. With respect to the changes outlined in the submissions which are sought through the PC23 appeal, I do not understand the submitters to be seeking these changes through PC29, but rather, they have included reference to the appeal in their submissions, so as to provide context to the changes they are seeking to PC23. As the changes would in any case fall outside the scope of PC29, I do not consider that a decision is required in relation to these submission points (04.01, 04.02, 04.03, 05.01, 09.01, 24.01, 25.01).
125. With respect to ZIP (27.01), I note that any exemption provided in another regulation that relates to discharges is managing effects relating to those discharges, and in my view cannot of itself be used as a reason to exempt any noise associated with such activities. In particular, I note that the Resource Management (Exemption) Regulations 2017 only relates to discharges which are otherwise controlled under section 15 of the RMA, and does not relate to land use activities, which are controlled under section 9 of the RMA (including noise associated with land use activities). With respect to the submitter's comments around limits on aircraft movements, I am not clear as to what is being referred to, as no such limitation is applied in the Noise Chapter. As noted above, NOISE-R10 permits noise associated with aircraft and helicopter movements which are authorised under GRUZ-R15. Aircraft and helicopter movements for 'agricultural aviation activities' are permitted under GRUZ-R15.1.a without limitation, and by definition this includes "*intermittent aircraft and helicopter movements for... conservation activities for biosecurity, or biodiversity purposes*". Under GRUZ-R15.1.e, aircraft and helicopter movements for "*Management purposes on land administered under the Conservation Act or its First Schedule*" are also permitted without limitation. As these are already permitted under the GRUZ, and the noise associated with them is therefore already permitted under NOISE-R10, I do not consider that any changes are required to the Noise Chapter in response to this submission. I therefore recommend that ZIP's submission point (27.01) is rejected, while noting that I consider the Noise Chapter does not need to be amended to achieve what I understand the submitter is ultimately seeking.

***Recommendation***

126. I recommend, for the reasons given above that the definition of 'Agricultural and Horticultural Noise', NOISE-R2 and NOISE-R11 are retained as notified.
127. I recommend that NOISE-R10 is amended so that it refers to AIRPZ (being the Airport Special Purpose Zone) rather than the ASPZ (being the Accommodation Special Purpose Zone) as this was a typographical error. Reference to the AIRPZ ensures that the rule does not inadvertently capture noise associated with activities that are anticipated under the AIRPZ framework.

Therefore, the correction better assists in ensuring the outcomes sought in AIRPZ-01 and AIRPZ-02.

### **Noise from Temporary Activities (NOISE-R4) and Temporary Military Training Activities (TMTA) – NOISE-R14 and NOISE-R15**

#### ***Submissions***

128. TLGL (10.08) seeks that NOISE-R4 is extended to apply to temporary events as well as temporary activities (or that temporary activities are included in the definitions nesting tables). The submitter further seeks that events are exempted from the applicable daytime noise limits, as their frequency is limited to no more than 6 per year under TEMP-R2 and the noise standards would continue to apply at night. The change sought is to amend clause 2 so that it states that between 10am and 10pm the noise standards do not apply.
129. The Telcos (15.02) support, in NOISE-R4, the provision for noise from temporary activities. However, the submitter considers that an exemption should be made for noise emitted from emergency response generators, which are operated on an infrequent basis in response to an event, such as when power is cut to existing mobile phone facilities due to weather event, which can be made operational when connected to a generator. The submitter therefore seeks the addition of note that rule does not apply to noise emitted from any electricity generators, including in response to an outage or on a short-term basis.
130. NZDF (30.05, 30.07) seek that the titles of NOISE-R4 and NOISE-R15 are amended to refer to “*Temporary Military Training Activities*”, noting that this aligns it with the defined term.
131. NZDF (30.06) supports NOISE-R14 but seeks a minor typographical change to the rule title (to amend the positioning of the “/”).
132. NZDF (30.07) also note that the activity status has not been set out in NOISE-R15 and seek that it is stated as being a permitted activity.
133. NZDF (30.08) request that it is made clearer that NOISE-R14 and NOISE-R15 are the only applicable noise rules for TMTA, such as through adding an advice note to NOISE-R15 stating that noise emissions from TMTA are managed under NOISE-R14 and NOISE-R15 and other rules do not apply.

#### ***Analysis***

134. With respect to the request by TLGL to exempt temporary activities from any daytime noise limits, I note that the daytime noise limits for temporary activities are set out in clause 2 of NOISE-R4. This applies a less restrictive requirement than would otherwise apply to these activities under NOISE-R1. AES have advised (refer Appendix 2) that the exemption sought by the submitter would be very lenient, and would essentially permit daytime noise of any magnitude, which in their view could be highly disruptive. They note that most districts apply a noise limit to temporary activities, or otherwise apply other restrictions, such as limitations on sound system size. They consider that the proposed 65 dB L<sub>Aeq</sub> limit is appropriate to minimise

the number of potential complaints. They note that a 70 dB L<sub>Aeq</sub> limit might be appropriate, and more enabling, but might lead to a higher number of complaints; and that a limit any higher than this would be inappropriate, even when paired within a limit of up to 6 events per year. Based on this advice, I do not consider it is appropriate to exempt temporary activities from any daytime noise limits, as this would not appropriately manage noise effects from these activities, as directed in NOISE-P1, even taking into account their limited frequency, nor would this approach assist in ensuring that noise is consistent with the purpose, and anticipated character and qualities, and maintains the health and well-being of people and communities (as per NOISE-O1). I note that AES have considered instead increasing the daytime noise limit applying, but noting their comment that this is likely to lead to a higher number of complaints suggested, it is my view that a higher limit would not align with NOISE-O1. I therefore recommend that TLGL's submission (10.08) be rejected.

135. Having considered the request to extend the rule to apply to temporary events (or include temporary activities in the definitions nesting tables), I consider that the submitter has raised a relevant point around the clarity of the rule. "Temporary activities" are not defined in the Plan but are essentially those activities that are subject to the TEMP Chapter. This includes but is not limited to "Temporary Events" (which are defined). The drafting intent of NOISE-R4 was to capture short-term events otherwise permitted in the TEMP Chapter, rather than all temporary activities managed in the chapter. For example, I consider that noise associated with activities undertaken in temporary buildings (under TEMP-R1) or with temporary residential accommodation (under TEMP-R3) should be subject to the same noise limits associated with activities undertaken in permanent buildings or related to permanent residential visitor accommodation. Amending NOISE-R4 to apply to temporary events would better clarify this. However, I consider that the amendment should capture not only Temporary Events (managed under TEMP-R2), but also Community Markets (managed under TEMP-R4) and Filming (managed under TEMP-R5). I note that these activities would still be subject to the noise limits otherwise applying during the night-time period (10pm to 10am), but with a higher limit applying during the day, which in my view is consistent with the limited nature of these activities. I therefore recommend that TLGL's submission point (10.08) be accepted in part.
136. With respect to the Telcos' request, I note that NOISE-R2.1 already permits noise generated from:
  - c. *the use of generators and mobile equipment (including vehicles) for emergency purposes, where they are operated by emergency services or lifeline utilities, and including testing and maintenance;*
  - d. *the use of mobile generators by lifeline utilities for planned electricity supply interruption not exceeding 48 hours in duration;*
  - e. *the use of mobile generators during a power outage (including planned and unplanned outages);*
137. I have clarified with the submitter that what they have requested under NOISE-R4 is already provided for under NOISE-R2.1 (as above) and therefore an exemption is not required under NOISE-R4. While I recommend that the submission point (15.02) is rejected, I consider that the Noise Chapter already provides the outcome sought by the submitter.

138. I agree with amending NOISE-R15 to add reference to “*Training*” activities to align with the definition and with NOISE-R14. I also agree that the activity status is missing from NOISE-R15 and note that it was intended that this rule have a permitted activity status (where the conditions in the rule are met). I therefore agree with adding ‘PER’ to the rule to make this explicitly clear. I recommend accepting this submission point (30.07). This change is no longer required to NOISE-R4 given the changes I have recommended to that rule, noting the changes do not alter the way the rule relates to TMTA. I therefore recommend this submission point (30.05) be accepted in part. I also agree with correcting the minor typographical error in NOISE-R14. I therefore recommend NZDF’s submission point (30.06) is accepted. I do not consider it necessary to include a note stating that NOISE-R14 and NOISE-R15 are the only applicable noise rules for TMTA. NOISE-R1 is clear that it applies to any activity not otherwise listed, and as TMTA are listed in NOISE-R14 and NOISE-R15, these are the rules that clearly apply to activities which fall within the TMTA definition. I see no need for an advice note for this particular activity, as otherwise I consider the same type of advice note would be required for all other listed activities within the chapter. I therefore recommend that this submission point (30.08) be rejected.

***Recommendation***

139. I recommend, for the reasons given above, that NOISE-R4 is amended as follows:

***Temporary Activities (~~Excluding Temporary Military Activities~~, managed under TEMP-R2, TEMP-R4 or TEMP-R5***

140. Under s32AA, I consider that this change provides greater clarity over the specific temporary activities that the rule is intended to apply to, and ensures that it captures those which are of a nature where a higher daytime noise limit is appropriate. I consider that this will better assist in managing noise effects in a manner that takes into account the nature, frequency and duration of these types of activities (in accordance with NOISE-P1) and will better assist at achieving NOISE-O1.

141. I recommend that NOISE-R14 is amended as follows:

***Temporary Military Training Activities - Weapons Firing and or use of Explosives***

142. I consider that this change is minor and corrects a typographical error, and in doing so provides greater clarity.

143. I recommend that NOISE-R15 is amended as follows:

<b>NOISE-R15</b>	<b><i>Temporary Military Training Activities - All Other Noise Sources not Listed in NOISE-R14</i></b>	
<b>All Zones</b>	<b><i>Activity Status: PER</i></b>	<b><i>Activity status when compliance is not achieved with R15.1: RDIS</i></b>
	<b><i>Where:</i></b> ...	<b><i>Matters of discretion are restricted to:</i></b> <b><i>NOISE-MD1 Noise Effects</i></b>

144. I consider that the change to the title is minor and ensures that the activity which is controlled under the rule is clear, through aligning it with the TMTA definition and with NOISE-R14. I

consider it necessary to add an activity status to the rule to provide clarity that the activity is permitted. Although the intent was that the rule be permitted, for completeness under s32AA, I consider that this activity is appropriate to implement NOISE-P1, in terms of managing noise effects of these types of activity in a manner that takes into account the nature, frequency and duration of these types of activities and therefore consider the permitted status (which is subject to the controls set out in the rule) is an efficient and effective method for achieving NOISE-O1.

## Other Noise Limits

### *Submissions*

145. OWL (28.04) supports NOISE-R1 to NOISE-R5, NOISE-R7 - NOISE-R12, NOISE-R14 - NOISE-R16 and NOISE-R18. Meridian (18.05) support NOISE-R1 and seek that it is retained. Genesis (21.03) and OWL (28.08) support the Noise Limits set out in NOISE-TABLE1.
146. Wendy Marshall (01.01) is concerned about the continual noise created by the sky diving aeroplane, stating that it starts as early as 7.30am and continues until 7pm on a daily basis, except in foggy weather. She seeks that the sky diving is closed down, or that they are directed into an area that does not disturb the peace and tranquillity of Twizel.
147. Transpower (14.01) is concerned that the  $40\text{dB}_{\text{Lae}(15\text{min})}$  night-time noise limits for specific zones fails to appropriately provide for the operation and maintenance of Transpower's substation, and as such does not give effect to policies 1, 2 and 5 of the National Policy Statement on Electricity Transmission (NPS-ET). It seeks that it is increased to  $45\text{dB}_{\text{Lae}(15\text{min})}$  for noise generated for the National Grid, through such an exception being added to clause 1 of NOISE-R1.
148. QCP (26.11) seeks that NOISE-R3 is amended to apply to commercial recreation activities, with Condition 1 amended to require that any such activity is undertaken outdoors.
149. Genesis (21.02) support NOISE-R6. OWL (28.05) seeks that NOISE-R6 is amended to add a further condition which would permit "*noise from any natural hazard mitigation works*". While supporting the intent of NOISE-R6 to permit construction noise where it is compliant with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics – Construction Noise, the submitter considers it would be appropriate for an additional permitted activity condition be added to this rule to allow construction noise associated with natural hazard mitigation works, as due to the nature of this work (being often in short or emergency time frames to prevent natural hazards from occurring), OWL considers it would be appropriate for the MDP to enable natural hazard mitigation works to occur without the need for resource consent.
150. OWL (28.06) seeks that a new permitted activity condition is added to NOISE-R13, to expand it to permit noise generated by motorised craft being used for either infrastructure inspections or resource consent compliance monitoring. The submitter considers that this would ensure consistency with GRUZ-R15(1)(h). OWL (28.06) also states that there is a minor drafting error in the permitted conditions of NOISE-R13, in relation to the time period when the stated noise

limit applies. It seeks that Conditions 1 (a) and (b) of NOISE-R13 are amended to include reference to the intended time period during which the stated noise limits apply.

### ***Analysis***

151. With respect to sky diving, I note that this is an existing activity, and as such, it is able to continue operating on the same basis (provided the effects remain the same or similar in character, intensity, and scale) under the existing use rights provisions of section 10 of the RMA. As such, the rules in the MDP cannot require this activity to be closed down or directed to another area. If a new sky diving activity is proposed, or the current activity changes, it would instead be subject to the requirements set out in the Noise Chapter applying to aircraft, (i.e. NOISE-R5 in the AIRPZ or NOISE-R10 in other zones.) I consider that these rules appropriately manage the use of aircraft in different zones, and for the AIRPZ, align with the intended purpose of the zone (in AIRPZ-O1) to provide for the efficient use and development of airport zoned land and facilities to support the economic and social well-being of Te Manahuna/the Mackenzie District. I therefore recommend that this submission point (01.01) be rejected.
152. In terms of Transpower's request to amend NOISE-R1 to apply a higher limit for noise generated for the National Grid, I note that Transpower's existing substations (and switchyards) within the District are designated.<sup>5</sup> My understanding is that under the designation, the operation and maintenance of these substations, which would fall within the designated purpose, is not subject to compliance with the rules in the MDP, including the noise rules. I also note that for designated sites, noise limits are sometimes included as conditions on a designation – however there are no such conditions in this instance. AES have advised that having a separate, slightly higher limit (of 45dB<sub>Le(15min)</sub> during the night-time period) for such infrastructure is consistent with other plans, is still consistent with recommended limits in relevant NZ and international standards, and in their view is suitable to provide a good balance of flexibility for the network operator while also protecting sensitive receivers. However, given the designation, I do not agree that it is appropriate to amend NOISE-R1, because it does not apply to designated sites in any case. Instead, if a noise limit is to be applied to substations (and switchyards) I consider this would be better added to proposed designations TRP-1 to TPR-5.
153. I understand from discussions with Transpower, that they accept that the noise rules do not apply to designations, but are concerned as to how the noise rules might affect consideration of new designations, alterations to designations, and any outline plans, or any noise complaints that might be received. While I understand this concern, I do not consider that the appropriate response is to amend NOISE-R1. I therefore recommend that Transpower's submission point (14.01) be rejected, noting my comment above, that a more appropriate approach might be for the specific noise limit sought to be added to the designations instead.
154. With respect to the change sought to NOISE-R3 by QCP, I sought clarity from the submitter regarding the request for a requirement to be placed on the activity being undertaken outdoors, as the effect of the drafting set out in the submission is that noise associated with those

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<sup>5</sup> Current designations 3-7, proposed designations TRP-1 to TPR-5.

activities undertaken indoors would then automatically require resource consent. The submitter has advised me that this was not the intention, and that instead, the submission is seeking that the rule is only extended to apply to commercial recreation activities undertaken outdoors (with those undertaken indoors remaining subject to NOISE-R1). With respect to permitting the noise associated with outdoor commercial recreation activities without any limit (except in relation to amplified sound), AES have advised that in their experience it would be unusual for commercial recreation activities to be exempted from the noise limits generally applying. They consider that there are differences between the scale and intensity of commercial recreation activities and recreation activities, with a much higher likelihood of noise issues arising from a commercial operation that operates for several hours each day and serves a broad customer base, as compared to a private individuals or groups of people undertaking recreation activities. They consider that where a commercial recreation activity is smaller in scale, it is more likely to be able to comply with the noise limits; and that where such an activity does not comply, it is appropriate for the activity to be considered through a resource consent process, allowing for consideration of its scale, intensity and the impact of noise on the wider public. Based on this advice, I do not consider it is appropriate to amend NOISE-R3 to exempt commercial recreation activities undertaken outdoors from complying with the proposed noise limits, as this would not appropriately manage noise effects from these activities, as directed in NOISE-P1. Nor would this approach assist in ensuring that noise is consistent with the purpose, and anticipated character and qualities, and maintains the health and well-being of people and communities (as per NOISE-O1). I therefore recommend that QCP's submission point (26.11) be rejected.

155. NOISE-R6 relates to construction noise, and provides a permitted activity status where noise from a construction activity complies with the limits set out the New Zealand Standard specific to construction noise. It therefore does not trigger the need for a resource consent to be obtained for noise associated with natural hazard mitigation works, unless those works do not comply with Tables 2 and 3 of *NZS 6803:1999 Acoustics – Construction Noise*. My understanding of what the submitter is seeking, is essentially a permitted rule for any noise generated from the construction associated with natural hazard mitigation works, without any limitations placed on that noise. I have asked AES to consider whether there is there any reason why this type of construction work might have difficulty complying with the construction noise standard, and if so, if it is reasonable for them to be excluded from compliance. AES do not consider there to be a demonstrated need for an exception for noise from any natural hazard mitigation works, noting that NZS 6803:1999 section 1.5 already provides that the noise limits in the Standard do not apply to 'emergency works' (as defined in the RMA). Where 'natural hazard mitigation works' do not fit the RMA definition of 'emergency works', they consider it reasonable that such works should comply with construction noise limits. They further note that short duration non-emergency natural hazard mitigation works would likely be subject to the 'short duration' limits for noise from construction activities under the Standard, which they consider to be fairly lenient. Where compliance with the relevant limits in NZS 6803 cannot be achieved, AES note that provided the best practicable option is proposed (i.e. the quietest construction methods that can reasonably be adopted), then there is unlikely to be an issue with resource consent

being granted, and note that this is how construction noise management is approached in other jurisdictions. Overall, they do not support the exemption sought. Based on AES' advice, I recommend that OWL's submission (28.05) be rejected, as it would not be consistent with NOISE-P1, nor assist in ensuring the achievement of NOISE-O1. Because I am not recommending changes to NOISE-R6, I recommend that Genesis' submission point be accepted.

156. With respect to expanding NOISE-R13 to permit noise generated by motorised craft being used for either infrastructure inspections or resource consent compliance monitoring, AES consider that the rule is appropriately set to permit motor vessel activity at low to moderate intensities, while triggering a consent requirement for the most extreme use cases of motorized craft, which are likely to cause annoyance and/or disturbance. They acknowledge that the proposed limits in NOISE-R13 are relatively stringent and can pose a compliance challenge for operators in some circumstances, such as in a commercial tourist thrill ride setting. However, they consider that for vessels operated in a careful and controlled manner, they do not consider compliance with the proposed limits to be problematic, including the likely use of motorized craft to inspect the Opuha Dam. I agree with AES that if changes to the operation are proposed which would not comply with the proposed limits, it is appropriate for those to be considered through a resource consent process. I therefore recommend that this aspect of OWL's submission point (28.06) be rejected.
157. I note that the EPlan contains an error in NOISE-R13, identified by OWL (28.06), in that the 'end time' to which clauses 1.a. and 1.b. apply appear to have "dropped off". I agree with correcting this. I therefore recommend that this aspect of OWL's submission point (28.06) be accepted.
158. As some changes are recommended to the rule supported by OWL (28.04), I recommend this submission point be accepted in part. As I have not recommended changes to NOISE-R1, I recommend that Meridian's submission point (18.05) be accepted.

#### ***Recommendation***

159. I recommend, for the reasons given above, that NOISE-R1, NOISE-R3 and NOISE-R6 are retained as notified.
160. I recommend, for the reasons given above, that NOISE-R13 is amended to include the "end time" in each of clauses 1(a) and 1(b). The amendments recommended are set out in **Appendix 1**.
161. I consider that this change is minor and as it does not alter the effect of the rule, the original s32 assessment still applies. However, I consider that it corrects a typographical error, and in doing so provides greater clarity to plan users.

## Reverse Sensitivity

### Submissions

162. NZAAA (04.06) and NZHA (05.04) seek that an additional objective is added to the Noise Chapter, as follows, stating that where appropriate, protecting noise generating activities from reverse sensitivity effects is important:

#### NOISE-O# Reverse Sensitivity

*The function and operation of existing permitted noise generating activities are not compromised by reverse sensitivity effects from noise sensitive activities.*

163. NZAAA (04.08) and NZHA (05.06) also seek that an additional policy is added to the Noise Chapter, as follows:

#### NOISE-P# Manage Reverse Sensitivity

*Reduce the potential for reverse sensitivity effects by employing land use controls that manage the design and/or location of new noise sensitive activities in proximity to areas that consistently experience higher noise levels.*

164. NZTA (20.02) supports NOISE-P2.

165. Meridian (18.04) seek that NOISE-P2 is extended to apply to all critical infrastructure, instead of applying to just State Highways and Airports. It considers that the policy fails to recognise that critical infrastructure can have functional needs and operational needs to be located in particular places, and in respect to renewable electricity generation activities, is not consistent with Policy A of the NPS-REG, which requires that decisions-makers recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities.

166. OWL (28.03) seeks that NOISE-P2 is amended to refer to critical infrastructure. While the submitter broadly considers that the chapter provides appropriate direction in relation to noise effects and reverse sensitivity, it considers that 'critical infrastructure' should be included in NOISE-P2, because it is similarly appropriate and important to manage reverse sensitivity effects associated with the Opuha Dam and related infrastructure and assets. In its view, including critical infrastructure within NOISE-P2 would recognise the importance of such infrastructure within the Mackenzie District and provide appropriate protection against reverse sensitivity effects.

167. Both Meridian (18.06) and OWL (28.07) seek that NOISE-R17 is extended to apply within 500m of any critical infrastructure, for the same reasons as set out above in relation to NOISE-P2.

168. NZDF (30.03) seek that NOISE-P2 is amended to add “*Defence facilities including the Tekapo Military Training Area*” to the policy.<sup>6</sup> The submitter is concerned that as the District grows, there is the potential for new developments to be established next to the Training Area and cause reverse sensitivity effects. They state that these potential effects need to be managed in order to give effect to the CRPS.

169. NZTA (20.03) supports the use of State Highway Noise Corridor Overlay as tool to manage reverse sensitivity but seeks that mapping notation used for this overlay is amended to align with the National Planning Standards (NP Standards) (as per Table 20 in 13. Mapping Standard), and that the overlay is renamed from “*State Highway Noise Corridor Overlay*” to “*Noise control boundary overlay (state highways)*.”

170. TLGL (10.07) seeks that NOISE-R16 is amended so that it does not apply to alterations, extensions or change of use of existing buildings, stating that it is not practicable or feasible to retrofit existing buildings, and unreasonable to require an acoustic assessment for these activities. The submitter also seeks that Clause 1 is amended to remove reference to road noise being based on measured or predicted noise limits plus 3 dB, as it considers is it unclear what this means or is based on.

171. NZTA (20.04) is concerned that as worded, NOISE-R16.1 would apply retrospectively to whole buildings (requiring compliance with NOISE-TABLE2), not just new or altered part of the building that the title of the rule applies to. It considers that the rule should be amended to only apply to the altered part of the building, or that part to be used for a new noise sensitive activity, through amendments to Condition 1 of the rule. As a minor matter, the submitter also seeks that the condition refers to predicted noise “*levels*” rather than “*limits*”.

172. NZTA (20.05) also seeks that matter of discretion d. in NOISE-R16.1 is amended to change its name from “*Waka Kotahi NZ Transport Agency*” to “*the New Zealand Transport Agency Waka Kotahi*”.

### ***Analysis***

173. I note that various submitters seek that the provisions relating to reverse sensitivity – NOISE-P2, NOISE-R16 and NOISE-R17 – are expanded to encompass other areas or activities. As notified, the Noise Chapter proposes to apply controls to noise sensitive activities within proximity to State Highways and Airports, and within the Town Centre Zone. This reflects that these areas are known to generate higher levels of noise. In my experience, it is also common to require acoustic insulation in proximity to State Highways and Airports, and within zones where both higher generating noise activities as well as noise sensitive activities are anticipated. The known higher levels of noise (and the case of the TCZ, anticipated or permitted higher levels of noise) in my view justify the requirement for acoustic insulation, to ensure that noise from the existing or anticipated activities is mitigated, where noise sensitive activities are established or increased. With respect to extending this requirement to noise sensitive activities within

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<sup>6</sup> As an alternate, the submitter states that reference could instead be made to regionally significant infrastructure, if their appeal on PC26 to add defence facilities to that definition.

other areas, I consider that it is necessary to establish that these activities generate higher levels of noise and that these higher levels of noise are justified, before requiring noise sensitive activities to acoustically insulate.

174. Based on the above, I do not agree with submitters seeking a new objective that is generic to *“the function and operation of existing permitted noise generating activities”*. At an outcome level, I consider that those activities which are identified in NOISE-P2 and the related rule framework are already captured in TRAN-O1.4 (the transport network is protected from reverse sensitivity effects); AIRPZ-O1 (ensuring the land and facilities within the airport zone is able to be efficiently used and developed to support the economic and social well-being of Te Manahuna/the Mackenzie District); and TCZ-O1 and TCZ-O2 (the TCZ being a vibrant environment, providing for a range of commercial and community-focused activities and activities that support the vibrancy of the zone). It is unclear to me what other *“existing permitted noise generating activities”* the objective would relate to, and whether the level of noise associated with these is likely to give rise to reverse sensitivity effects, such that intervention through the MDP is warranted. For similar reasons, I do not agree with a generic new policy being included for reverse sensitivity, noting that NOISE-P2 already specifically identifies *“areas that consistently experience higher noise levels”*. In my view, NOISE-P2 is more appropriate because it is explicit about where these areas are and also seeks to protect the identified areas from reverse sensitivity effects (rather than just reduce potential for these effects). I therefore recommend rejection of submission points (04.06, 04.08, 05.04, 05.06) seeking a new objective and policy relating to reverse sensitivity effects.
175. With respect to critical infrastructure, as noted above, I consider that there is a need to establish that such infrastructure generates higher levels of noise that might give rise to reverse sensitivity effects, and that these higher levels of noise are justified (e.g. that they arise due to operational or functional requirements), before requiring noise sensitive activities to acoustically insulate. I therefore do not agree that the requirements should be applied to any noise sensitive activity within 500m of anything falling within the definition of critical infrastructure. I therefore recommend that the submission points seeking extension of NOISE-P2 and NOISE-R17 to critical infrastructure are rejected (18.04, 18.06, 28.03, 28.07).
176. With respect to the Tekapo Military Training Area, I note that there is already policy direction in the GRUZ Chapter (being the zone within which the Training Area is based) that more broadly directs that reserve sensitivity effects on the area are avoided. I therefore do not see any need to expand NOISE-P2 to also refer to the Area, given GRUZ-P3 will apply to any effects that may give rise to reverse sensitivity, including noise. I also note that the submitter has not sought changes to the rule framework within the Noise Chapter so it is not clear to me how the addition to the policy would be more specifically implemented, other than through the controls already included in the GRUZ Chapter (in particular, the density controls applying to residential units). I therefore recommend that NZDF’s submission point (30.03) is rejected.
177. As I am not recommending any changes to NOISE-P2, I recommend that NZTA’s (20.02) submission point is accepted.

178. AES have provided advice in respect of the application of NOISE-R16 to alterations, extensions and changes of use of existing buildings. They note that application of such a rule to alterations of existing buildings can create various practical issues. This includes that small changes to existing habitable spaces might trigger a requirement for upgrading of a wider space that is not proposed to be altered as part of an alteration; and that requiring new or altered habitable spaces to meet the acoustic insulation requirements, would result in different noise levels in different parts of a building (as existing habitable spaces (which are not being changed) within the same building would not need to comply). However, they note that not applying the rule to new habitable rooms would undermine the goal of protecting the roading network from reverse sensitivity issues created by housing intensification. On balance they support the rule applying to *“the Alteration of an Existing Building which Creates a New Habitable Room”* and to *“the Use of an Existing Building for a New Noise Sensitive Activity”*, but support changes to the rule to ensure that it does not apply retrospectively to whole buildings, or to alterations that fall outside these.

179. Taking into account AES' advice, I support application of the rule to alterations and changes of use of existing buildings. In terms of alterations, I agree with their recommendation that the requirements be applied only to new habitable rooms, which is implied in the title of NOISE-R16 and NOISE-R17. However, I agree with NZTA that the wording within the rule itself requires amendment to make this clear. As currently worded, the rules could be read as applying whenever an alteration occurs that creates a new habitable room, and then requiring that any habitable spaces (both new ones and existing ones) meet the required standards. Based on AES' advice, I consider that such an approach would be inefficient, as it would have a high level of costs associated with it, due to the amount of retrospective insulation that would be required. I consider that these costs might then act as a disincentive to alterations being undertaken. I also note that the levels of noise experienced within these existing buildings already exists and therefore not requiring all habitable spaces to be brought up to the standard will not alter the noise environment, nor increase the current reverse sensitivity risk.

180. With respect to applying the rule to new habitable rooms, I consider that this is appropriate, as it ensures that new habitable spaces are appropriately insulated in higher noise environments. I accept that applying the requirements in this manner will lead to a difference between the noise levels experienced within the dwelling, but I consider that this approach better ensures that the existing risk of reverse sensitivity effects arising is not increased. I accept that there are costs associated with these requirements, but as noted by AES, in most circumstances, the requirements are likely to be able to be met using standard building products and techniques, and the costs will only be incurred in relation to the additional room(s).

181. With respect to applying the requirements to existing buildings where a change in use to that for a noise sensitive activity is proposed, I consider that this is appropriate to implement NOISE-P2 and to maintain the health and well-being of occupants of the building. The proposed approach only applies where the building is not currently used for a noise sensitive activity, and such a change is proposed. I consider that the potential for reverse sensitivity effects are not already established in instances where a building is not currently used for a noise sensitive

activity, but would arise from a change in use. In my view, the risk of this occurring is the same whether the new noise sensitive activity is established in an existing or new building. The costs associated with retrospectively upgrading the building to meet the requirements can therefore be taken into account in deciding whether to change the use of the building, and do not affect the ability to continue to use the building for a non-noise sensitive activity. I do not agree that simply because the building is already established for another use, that the effects of existing noise on any new occupants should not be addressed.

182. I agree with changing reference to predicted noise “*levels*” rather than “*limits*” in NOISE-R16.1 and note that this may provide clarity to TLGL that the noise levels to be designed to are to be based on predicted noise *levels* of road noise (and allowing for an increase in these of 3 dB). I note, in relation to TLGL’s comment that it is unclear what is meant by reference to road noise being based on measured or predicted noise limits plus 3dB, that AES provides further detail on this. They note that it is common to require a +3 dB increase to measured or predicted traffic noise levels, to account for future growth of traffic volumes, which roughly equates to a doubling in traffic volume. They consider that this provides a reasonable expectation for future growth in traffic volumes (and is based on historical precedent); and provides a safety margin above the current level to allow for other factors which can contribute to road noise generation, such as a potential future change to the road surface, to one that generates higher noise levels.
183. Because NOISE-R16 and NOISE-R17 both apply requirements for acoustic insulation, I consider that the potential application issues raised in relation to NOISE-R16 will also arise in relation to NOISE-R17 and therefore have recommended minor changes to NOISE-R17 as a clause 10(2)(b) change. In reviewing the submissions on these rules, I have also noted that in NOISE-R17, the left-hand column states that the rule applies to “All Zones”. Under the ODP, the equivalent rule (3.1.1.g in Section 7) only applies in the GRUZ; it does not apply to the Airport Zone (in the Section 9 provisions). It was not intended to alter the effect of this rule, with the s32 Report noting that the changes proposed to the rule were instead related to: applying the rule to any noise sensitive activity (not just residential and visitor accommodation activities); and changing the requirement from achieving a specified indoor sound level, to requiring a specified external to internal level of noise reduction.<sup>7</sup> I consider that reference to “All Zones” is therefore an error, as it would inadvertently capture noise sensitive activities within the Airport Special Purpose Zone itself. I have therefore recommended a change under clause 16(2) to continue to limit the rule to the GRUZ only.
184. Overall, because I am recommending some changes to NOISE-R16 (and for consistency, NOISE-R17) I recommend that the submissions points of TLGL (10.07) and NZTA (20.04) be accepted in part.
185. I also agree that the mapping notation used for the State Highway Noise Corridor Overlay should be amended to align with the requirements of the NP Standards, and labelled as “*Noise Control Boundary Overlay (State Highways)*”. A consequential change is therefore required to reference to this overlay in NOISE-R16. I also agree with amending the matters of discretion to correctly

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<sup>7</sup> Plan Change 29 Section 32 Report, Table 171.

reflect the current name of the agency. I recommend that NZTA's submission points (20.03, 20.05) relating to these matters be accepted.

***Recommendation***

186. I recommend, for the reasons given above, that NOISE-P2 is retained as notified.

187. I recommend, for the reasons given above, that NOISE-R16 is amended to:

- a. Refer in the left-hand column to the "*Noise Control Boundary Overlay (State Highways)*"
- b. Refer, in clause 1, to "*any new building or any new habitable room in an existing building*", to make it clearer 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.
- c. In clause 1, replace reference to "*limits*" with "*levels*"; and
- d. In matter of discretion (d), to refer to "*the New Zealand Transport Agency Waka Kotahi*"

188. I recommend, for the reasons given above, that NOISE-R17.1 is amended so that it refers to any "*new*" habitable spaces, and NOISE-R17.2 is amended so that it is drafted the same as in NOISE-R16 (i.e. Adding "*If windows must be closed to achieve the design noise levels in 1., the building...*"), therefore making it clear that Clause 1 only applies to the new habitable space, and that Clause 2 only applies in relation to what is required in Clause 1. As a clause 16(2) change, I recommend that the left-hand column is amended to limit the application of the rule to GRUZ, as per the operative rule.

189. The specific amendments recommended are set out in **Appendix 1**.

190. I consider that the changes to these rules are appropriate to provide greater clarity. In particular, they ensure that the requirements are only applied to new habitable spaces, and will not require entire buildings to be retrospectively insulated where a new habitable space is added. I consider that this approach provides an appropriate balance between the costs associated with the acoustic insulation requirements, and ensuring that new habitable spaces are managed in a way which maintains the health of the occupants of that space (in line with NOISE-O1) and protects State Highways, airports and activities in the Town the Centre Zone from reverse sensitivity effects as per NOISE-P2.

191. I recommend, for the reasons given above, that the Planning Maps are updated to replace "*State Highway Noise Corridor Overlay*" with "*Noise Control Boundary Overlay (State Highways)*".

192. I note that this name change ensures that the mapping correctly follows the direction in the NP Standards, but it does not alter the area to which the overlay applies and therefore has no practical effect. I therefore consider that the original s32 evaluation still applies.

## 11. Signs

### *Submissions*

193. Nova (23.03) and OWL (28.10) support all provisions in the Signs Chapter and seek their retention. CRC (22.08) is neutral in relation to the provisions in the Signs Chapter not otherwise specifically commented on, and seeks their retention. Various submitters also support specific provisions in the Signs Chapter on which no submissions sought a change. These are set out in Section 8.

194. Transpower (14.02) seeks that an additional clause is added to SIGN-P1 to also enable signs that “provide for public safety”. This is sought to ensure the policy recognises the role official signs play in providing for public safety.

195. CRC (22.10) supports SIGN-P3. NZTA (20.06) seeks that the title of SIGN-P3 is extended to refer to “Safety and Efficiency of the Transport Network” with the policy wording amended to read:

*Manage signs to maintain the efficiency of the transport network and protect the health and safety of its users of the transport network.*

196. NZTA (20.08) supports SIGN-R2. The Telcos (15.03) state that signage is occasionally attached to new or existing street furniture in the road reserve such as telephone boxes/communications kiosks. The submitter considers it is appropriate to enable such signage, subject to specific standards, in commercial and industrial zones. It seeks that SIGN-R2 is amended to provide for “Billboard/signage on new or existing street furniture that meets standard SIGN-SX” with a new standard added (i.e. SIGN-SX) which applies various size, locational and traffic safety requirements; along with specified luminance requirements for lit or digital signs.

197. The Telcos (15.04) seeks that a further condition is added to SIGN-R4 to provide for “The sign is erected during maintenance, upgrading and construction of new infrastructure”. While the submitter supports permitting signs associated during the construction of a building located on a site, it states that telecommunications operators occasionally utilise similar signs advertising the public of works being undertaken, usually in legal road. They state that where undertaken in legal road, they are not a “site” under SIGN-R4.6, and the amendment is sought to allow for signs associated with network utility works.

198. The Telcos (15.05) seek that SIGN-R5 is deleted, stating that off-site signs are a common feature of urban environments. In its view, the effects of these signs are no different to a sign which is advertising a business on a site. It considers that this provides a permitted baseline for signs, with which the default activity status for off-site signs is incongruous. It considers that SIGN-R5 should be deleted, with off-site signs regulated through SIGN-R1.

199. NZTA (20.09) supports SIGN-S1 and seeks its retention. The Telcos (15.06) seek that Clause 2 of SIGN-S1 is deleted, on the basis that any use of a legal road by a third party (including for a sign) is subject to a Corridor Access Request (CAR) being made to the Road Controlling Authority. The submitter notes that such a request considers road safety matters. Given this, it considers these controls would result in duplication.
200. HNZPT (13.02) seeks that SIGN-MD1 is amended to add “whether consultation with HNZPT has been undertaken and the outcome of that consultation”. The submitter supports the inclusion of assessing the potential effects of signs on the values of any historic heritage items, as provided for in MOD (c), but also seek inclusion of an additional MOD relating consultation with HNZPT.

#### ***Analysis***

201. I agree with Transpower that it is appropriate for an additional clause to be added to SIGN-P1 to refer to signs which provide for public safety. This better aligns with the rule framework which permits such signage, and collectively the policy and rule assist in achieving SIGN-O1, in terms of signage contributing to the wellbeing of the district and to maintain health and safety. I therefore recommend the submission point (14.02) be accepted.
202. With respect to NZTA’s request, I consider that the rule framework in the Signs Chapter is predominately focussed on managing the potential impact of signs on the transport network from a safety perspective. Having reviewed the rules, standards and matters of discretion, I do not consider that these relate to managing effects of signage on the efficiency of the transport network. I therefore recommend the submission point (20.06) be rejected, and CRC’s submission point (22.10) be accepted.
203. I do not support to the Telcos request to permit off-site signs attached to street furniture in commercial and industrial zones, subject to various standards. I note that commercial and industrial areas in the district are small, and located in small townships, which do not have the same character and amenity values of larger commercial areas in larger towns or cities in other parts of the country. I also note that a limited range of off-site signage is otherwise permitted through the chapter. I consider that it is appropriate to consider off-site signs in these zones – whether located on existing street furniture or not - through a consent process, to consider if that will maintain the character and amenity values of the area they are located in (in accordance with SIGN-P2 and SIGN-O1). If the Hearing Panel is minded to include such a rule, then I note that the specific details of the proposed standard would need to be considered further. For example: the drafting includes reference to view shafts associated with scheduled historic heritage places, and such view shafts are not identified in the MDP; there are matters which overlap with SIGN-S1, and similarly, there are lighting standards which differ from those set out in SIGN-S4, and it is not clear why these signs should be managed differently to other signs which are subject to SIGN-S1 and SIGN-S4. I therefore recommend the Telcos submission point (15.03) is rejected, and the submission point of NZTA (20.08) is accepted.

204. With respect to adding reference to signs erected during the maintenance, upgrading and construction of new infrastructure to the temporary signage rule (SIGN-R4), I have discussed with the Telcos as to whether the type of signage would fall within the definition of an 'official sign' which would already be permitted under SIGN-R3.1; or under SIGN-R3.4 which permits any sign providing details relating to, and located on the same site as infrastructure, provided it does not exceed 1m<sup>2</sup> in area. Mr Anderson has advised me that he does not think that the signs associated with an infrastructure project would fall within the definition of an 'official sign'; and that the signs would not meet the requirements of SIGN-R3.4, because that condition is tied to the definition of 'site', which would not apply where the infrastructure project (and signage) are located within the road reserve. Based on Mr Anderson's advice that the notified rules do not cover the types of signage the submitter is referring to, I consider that an additional clause in SIGN-R4 to permit this type of signage is appropriate, provided the drafting limits the type or purpose of the signage, e.g. to signage providing details about the infrastructure project. I therefore recommend the Telcos submission point (15.04) is accepted in part.

205. I do not agree with deleting SIGN-R5 and effectively permitting any type of off-site signage. While the effects of a sign advertising a business off the site may have the same effects of a sign advertising a business on site, permitting off-site signage would have a far greater level of cumulative effects, as it would allow for a much greater proliferation of signage. As noted above, I consider it important to note that the Mackenzie District has a low population, with small townships and minimal commercial areas, rather than being a highly urbanised environment where the proliferation of signage would be more common, and anticipated. In my view, permitting all off-site signage in the Mackenzie District would not maintain the anticipated character and amenity of the surrounding environment and therefore not achieve SIGN-O1. I therefore recommend the Telcos submission point (15.05) is rejected.

206. For completeness, I note that in considering the above submission point, I reviewed how the Sign Chapter manages off-site signs. I note that SIGN-R5 applies a discretionary status to off-site signs that are not otherwise permitted under other rules. SIGN-R4, for example, permits off-site signs for election advertising and for anniversary events. In reviewing these rules, I have found that SIGN-R4.5 as notified, which relates to advertising the sale of real estate, is not limited to advertising the real estate located on the site. This differs from the operative rule (Rule 3.a in Section 12) which permits "*Temporary signs advertising the sale or auction of real estate or during the construction of a building located on the site of the activity...*" (emphasis mine). The s32 Report states that the "*proposed provisions for signage are also generally consistent with the current framework, but have been rationalised where considered appropriate to be more efficient and remove rules that are considered to be redundant or not align with the outcomes sought. No issues have been raised with the efficiency and effectiveness of the current approach generally.*"<sup>8</sup> The s32 Report then goes on to list key changes, none of which include providing for off-site real estate signs. As the notified rule does not reflect the operative rule, and the change was not intended and correspondingly assessed in the s32 Report, I consider it to be a drafting error, and recommend that the error is corrected using clause 16(2).

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<sup>8</sup> Plan Change 29 Section 32 Report, Table 19

207. In relation to SIGN-S1.2, which relates to matters of traffic safety, I note that the submitter's concern appears to relate to doubling up on matters considered within a CAR. However, such a request would only apply where a sign is proposed within the legal road. The standard itself however applies beyond the legal road ("*the sign is not located on or near a road in such a way that it...*" (emphasis mine)). While road safety matters may be considered through a CAR where signage is located within the road reserve, I do not consider that the standard results in unnecessary duplication. This is because it sets out minimum requirements that the signage must meet to protect the health and safety of users of the transport network, and adherence to these standards would then be able to be considered through the CAR process. I therefore recommend the Telcos submission point (15.06) is rejected, and NZTA's submission point (20.09) is accepted.

208. I do not consider it appropriate to add reference to whether consultation with HNZPT has been undertaken in SIGN-MD1. The matters of discretion apply in a range of circumstances, and in my view, consultation would only be necessary in circumstances where a sign has a potential effect on the values of any historic heritage items. However, the addition could imply that any signage requiring resource consent should be subject to consultation with HNZPT. Where a sign does have potential effects on the values of any historic heritage items, I consider that the notified wording of the matter of discretion already provides for (i.e. it does not preclude) consultation with HNZPT, and I consider this to be appropriate, without an explicit matter of discretion being required. I recommend that the submission point (13.02) be rejected.

209. Because I am recommending changes to some of the provisions in the Signs Chapter, I recommend that the submissions of CRC (22.08), Nova (23.03) and OWL (28.10) be accepted in part.

***Recommendation***

210. I recommend, for the reasons given above, that SIGN-P3, SIGN-R2, SIGN-R5, SIGN-S1 and SIGN-MD1 are retained as notified.

211. I recommend, for the reasons given above, that "*provide for public safety*" is added as a new clause in SIGN-P1. The amendments recommended are set out in **Appendix 1**.

212. Under s32AA, I consider that this change is more effective at achieving SIGN-O1, by recognising the role that official signs (which are permitted in the rule framework) have in providing for public safety, which in turn contributes to the wellbeing of the district and to maintaining health and safety.

213. I recommend, for the reasons given above, that the following clause is added to SIGN-R4:

X. *The sign is erected during maintenance, upgrading and construction of new infrastructure and is for the purpose of providing details about the infrastructure project.*

214. Under s32AA, I consider that permitting this type of signage aligns with the direction in SIGN-P1 to enable signs that provide important community information and are associated with a temporary activity. I consider that permitting this signage is a more efficient way to achieve

SIGN-O1, noting that because of their temporary nature and information purpose, the signs will not undermine the character and amenity values of the surrounding area.

## 12. Temporary Activities

### *Submissions*

215. Nova (23.04) and OWL (28.11) support the provisions in the TEMP Chapter and seek their retention. CRC (22.14) is neutral in relation to the provisions in the TEMP Chapter not otherwise specifically commented on, and seeks their retention. Various submitters also support specific provisions in the TEMP Chapter on which no submissions sought a change. These are set out in Section 8.
216. NZTA (20.12) seeks a minor change to the title of TEMP-P1 to refer to "*Managing the Effects of Temporary Activities*". It requests that the policy wording is expanded to specifically include potential effects on the transport network, and noting that effects on the transport network most commonly arise from the scale of temporary events, seeks that scale is added to allow its consideration alongside frequency and duration. The changes sought are:

*Manage the frequency, ~~and~~ duration and scale of temporary activities, and the bulk and location of temporary structures, to ensure amenity values and the safety and efficiency of the transport network are maintained.*

217. Related to the above, NZTA (20.13) seeks that a further condition is added to TEMP-R2, to require that the event does not have direct access onto a state highway. This is sought so that such events are not a permitted activity where they have direct access onto the state highway, allowing for the potential for adverse effects on the efficiency and safety of the state highway to be assessed. TLGL (10.10) support TEMP-R2.
218. NZDF (30.11) seek that a new policy is added to the TEMP Chapter, specific to TMTA. The submitter considers it important that TMTA is enabled, while managing the associated effects. It states that while TEMP-O1 recognises the benefits and contribution to wellbeing of temporary activities, the focus of TEMP-P1 is on managing effects, and the submitter considers that ensuring the benefits of temporary activities are recognised at the policy level would provide a better connection between the objectives, policies and rules. The policy sought is:

*Enable temporary activities and temporary military training activities provided the adverse effects are appropriately avoided, remedied or mitigated.*

219. As an alternate to the above, the submitter seeks that TEMP-P1 is amended to read: "*Enable temporary activities while managing manage the frequency and duration of temporary activities, ...*"
220. Genesis (21.04) has sought, through its submission on PC28, to ensure that any activities within the Hydro Inundation Overlay do not result in increased risks that require changes or upgrades to existing critical infrastructure. If the changes it seeks in relation to this area not accepted,

then Genesis seeks that changes are made to the TEMP Chapter, to control of temporary activities within the Hydro Inundation Overlay, to recognise the reverse sensitivity effects these activities could have on hydroelectricity schemes by increasing the Potential Impact Classification. The specific changes sought are to:

- a. amend TEMP-P1 to add “and reverse sensitivity effects within the Hydro Inundation Overlay are managed”; and
- b. Adding a new standard to the chapter to require that any activity within the Hydro Inundation Overlay does not change or increase the PIC classification or increase the safety management requirements for a hydroelectricity operator that a new rule is included the TEMP Chapter, with the requirement to comply with this added to each of the TEMP rules.

221. TLGL (10.09) seeks that TEMP-R1 is amended to apply to buildings associated with temporary events.

222. FDRRS (17.01) requests consideration of how the temporary residential accommodation rule (TEMP-R3) will apply to people living in areas that have recently been zoned residential or are in areas that will likely be zoned residential in future. FDRRS consider that preventing people from living in temporary residential accommodation would increase the number of homeless people in this country, noting that many people live in temporary accommodation while building a house on their land, and that other people live in buses, tiny homes, or mobile homes on their own land – which they note would fall within the definition of temporary residential accommodation, and potentially force such people to sell. The submitter is also concerned with how this rule would apply to off-grid development. The submitter requests that an exemption is provided for civil emergencies such as earthworks or pandemics where people might need to live in temporary accommodation for some time until their house is repaired or rebuilt; and for any person who was living on their land prior to this change.

223. CRC (22.02, 22.15) is concerned that there does not appear to be any consideration of wastewater associated with temporary residential accommodation and seeks that either: the definition of temporary residential accommodation; or the related rule (TEMP-R3), is amended to ensure that temporary residential visitor accommodation is either associated with a residential dwelling or self-contained.

224. NZDF (30.12), in relation to TEMP-R6, supports a duration for TMTA of 31 days, but does not consider that this activity should be subject to TEMP-S1, which relates to the location of buildings. The submitters states that temporary buildings may be required from time to time as part of TMTA, in a range of zones, and does not consider that such buildings, which will only be in place for a limited duration, should be required to comply with the height, height in relation to boundary and setback standards of the relevant zone or precinct. The submitter states that it is not aware of any issues with the ODP provisions in this regard and therefore, does not consider there to be a need to deviate from these.

225. CRC (22.16) supports TEMP-S2. NZDF (30.13) seeks that TEMP-S2 is extended so that the rehabilitation requirements are not applied where otherwise provided for through a permitted activity or through a resource consent. It states that this standard in the ODP applies only to temporary activities and buildings but not TMTA, and considers it unreasonable to require rehabilitation if the changed state is one that is permitted or otherwise authorised.

#### ***Analysis***

226. I agree with NZTA's request to add "the" to the title of TEMP-P1.

227. I have concerns regarding the efficiency of the request to expand the policy to specifically include potential effects on the transport network and amend TEMP-R2 to require that the event does not have direct access onto a state highway. The effect of these changes is that a temporary event would require a resource consent in every instance, if the temporary event (regardless of its size or scale) is accessed off the State Highway. I consider it important to note that the State Highway network in the Mackenzie District is extensive, with comparatively fewer local roads than in other districts. As such, there is a higher likelihood of a temporary event being accessed off a State Highway. Tourism, which includes temporary events, is also important within the Mackenzie District, and given the district's low population base, there is a reliance on these events to attract visitors to the district.

228. During the development of the TEMP Chapter, explicit consideration was given to how best to manage the traffic effects associated with temporary events. For example, a limitation of the scale (in terms of numbers of people) of temporary events was considered, but discounted on the basis that the main adverse effects associated with larger-scale events were considered to be traffic effects. However, traffic effects were considered to be sufficiently managed through other mechanisms and therefore requiring a resource consent for large events would result in unnecessary duplication. The mechanisms relied on are the requirement for a Traffic Management Plan to be in place for any activity that alters the normal operating condition on any part of the road corridor (via the CAR process). I consider that NZTA's request is similar to this, but would also apply regardless of scale (i.e. it would apply to temporary events that are not at a level that alter the normal operating condition of the road). I therefore consider the expansion of the policy and rule would be inefficient, result in duplication, and is not necessary to achieve TEMP-O1. I have also reviewed the Ashburton District Plan, the proposed Timaru District Plan, the partially Operative Selwyn District Plan, and the proposed Waimakariri District Plan, and note that they do not include a limitation on access from state highways for temporary events. I therefore recommend that the changes sought to TEMP-P1 (20.12) be accepted in part, and the request for changes to TEMP-R2 (20.13) be rejected. Consequentially, I recommend that the supporting submission by TLGL (10.10) be accepted.

229. In relation to the request from NZDF (30.11), I note that similar to my comments above in relation to NOISE-P1, that TEMP-P1 is broad in application, and directs that various aspects of temporary activities are managed, to ensure amenity values are maintained. The controls then contained in the rule framework, (targeted to the different types of temporary activities), are those which have been set based on what is expected to maintain amenity values. For activities

that do not meet the permitted requirements, the policy provides direction on how activity is to be managed, or the basis on which a consent might be declined. Notwithstanding this, I do think that the premise of the two chapters differ, in that the Noise Chapter is focused on managing a particular effect (noise) of a range of activities, and in this regard, it is more specifically focused on how noise is to be managed. With respect to temporary activities, I note that the chapter is focussed on managing particular types of activities, providing a policy and rule framework for these that differs from what would otherwise apply under the relevant zone framework. In this regard, I tend to agree with NZDF that it is appropriate for the policy direction to reflect that the provisions in the chapter “enable” various activities. This drafting would also be consistent with the approach taken in the zone chapters, which include an enabling policy which is linked to those activities which are permitted. From a drafting perspective I prefer amending TEMP-P1 rather than adding a new policy referring simply to avoiding, remedying or mitigating effects. This is because I consider that TEMP-P1 provides greater guidance on how the effects associated with these activities are to be managed (i.e. it makes it clearer what the purpose of any avoidance, remediation or mitigation measures is). I recommend that the submission point (30.11) be accepted in part.

230. With respect to Genesis’ request, I note that the changes to the TEMP Chapter are only sought if its requested relief in PC28 is not accepted. I understand that in the s42A Report for PC28, Ms Justice has not recommended that the relief be accepted. In terms of the resulting change sought to the TEMP Chapter, I understand from Ms Justice that the provisions relating to the Hydro Inundation Overlay are seeking to strike the right balance between enabling landowners to develop and use their land and minimising risks to human health and property from possible hydro inundation. As I understand it, the additional standard would require anybody undertaking any of the types of temporary activity set out in the TEMP Chapter, to undertake an assessment of whether that activity would *“raise or change the Potential Impact Classification (Low, Medium, High) under the Building Act 2004, or increase the safety management requirements for a hydroelectricity scheme, in a manner that would lead to a requirement to cease to operate, or to a requirement to upgrade, modify, or replace the hydroelectricity related structures or to significantly alter the operation of an affected portion of a hydroelectricity scheme.”* This seems to me to be a particularly onerous requirement for someone proposing a temporary activity to have to assess, given the limited nature of types of activities managed under the TEMP Chapter, and the likely costs associated with undertaking such an assessment. This type of requirement also has the potential to disincentivise temporary events, which as noted above, are important to the tourism industry within the District, and therefore the economic and social wellbeing of the community. I am also unclear as to what the likelihood is of the types of activities permitted under the TEMP Chapter breaching the standard in any case. Because of the high level of costs associated with the additional requirement, and the uncertainty about whether it is required, I recommend that the submission point from Genesis (21.04) be rejected.
231. With respect to TLGL’s request to extend TEMP-R1 to apply to buildings associated with temporary events, I do not consider this to be necessary, because TEMP-R2 applies to

temporary events, the definition of which includes “*associated buildings and structures*”. I therefore recommend that TLGL’s submission point (10.09) be rejected.

232. With respect to FDRRS, I note that TEMP-R3 will not apply to the existing use of any person who was living on their land prior to PC29, where the residential activity was established lawfully. In this regard, I note that the rule is a reinstatement of a rule previously included in the ODP (prior to PC21) which applied to temporary residential accommodation in tents, caravans, campervans, buses, or mobile homes, within residential zones, and which was unintentionally deleted through PC21. Because of this, it was considered appropriate to reinstate a control on these types of temporary activities, subject to increasing the permitted duration (from 14 to 28 consecutive days) to better enable the use of such accommodation for holidays. When the reinstatement of the rule was consulted on, limited feedback was provided which was mixed in views as to whether there should be a control or not.
233. I do not consider that the rule will capture off-grid development (unless the development is a tent, caravan, campervans, bus or mobile home), nor would it capture a fixed tiny home. However, I do acknowledge that the rule would not allow for someone to live on a site in such accommodation for an extended period while building on their land, or repairing or rebuilding a house. I note that TEMP-R1 allows for other buildings related to a building development or construction project on the same site as the development/project for up to 12 months, or the duration of the project. I consider it appropriate to provide the same timeframe for temporary residential accommodation located on the same site as a residential unit is being built, repaired or rebuilt. I therefore recommend that FDRRS’s submission point (17.01) be accepted in part.
234. With respect to wastewater disposal, I note that most types of residential accommodation falling within the definition will tend to be self-contained in terms of wastewater. Where they are not, any associated discharges will fall under CRC’s jurisdiction and therefore I do not consider it appropriate for this aspect of the accommodation to be managed within the MDP. I therefore recommend that the submission points (22.02, 22.15) be rejected.
235. I disagree with NZDF that temporary buildings associated with TMTA should be permitted without limitation (which would be the effect of exempting them from compliance with TEMP-S1). I consider that this would be inconsistent with the maintenance of the amenity values of the zone within which these activities may be undertaken. I am also not aware of any technical or operational reason why it would be difficult for TMTA to comply with the zone height, height in relation to boundary and setback standards for TMTA. I therefore recommend that NZDF’s submission point (30.12) be rejected.
236. It is unclear to me how NZDF anticipate the amendment sought to TEMP-S2 to work, in terms of what “*otherwise provided for as a permitted activity or through resource consent*” would capture. The TEMP Chapter essentially exempts the activities managed within the chapter from compliance with the zone framework that would otherwise apply, and in that regard is intended to be self-contained. It is therefore not clear to me what is meant by reference to not rehabilitating a site being otherwise permitted. Similarly, where a resource consent has been

granted, it will authorise the activity which is covered by the consent. There is no need to effectively include rules in the Plan that “permit” activities for which resource consent has been granted. I therefore recommend that NZDF’s submission point (30.13) be rejected and CRC’s submission in support (22.16) be accepted.

237. In reviewing the submission on the TEMP Chapter, I have become aware of a drafting error. In the Introduction to the Chapter, it states that “*any relevant provisions in the district-wide matters chapter will continue to apply*”. This would mean that all chapters in Part 2 of the Plan would apply to temporary activities, including transport generation rules and earthworks limits, as well as controls on temporary buildings and structures in specific areas (e.g. ONLs and riparian margins). This could result in a resource consent being triggered despite a temporary activity meeting the standards in the TEMP Chapter. Under the ODP, temporary activities and buildings which are specified in, and meet the requirements set out in Section 14, are permitted, regardless of any other District Plan rule.<sup>9</sup> The requirements in Section 14 include noise limits for TMTA. The s32 Report states that “*The proposed rule framework is broadly consistent with the current framework...*”<sup>10</sup> but notes the circumstances where changes are proposed. This does not include application of additional district-wide rules. Noise limits have however been intentionally included in the Noise Chapter for temporary activities (including TMTA) and based on input provided from AES. With the exception of the Noise Chapter, I consider that applying the remaining district-wide chapters of the Plan to those temporary activities that are managed in the TEMP Chapter is a drafting error and recommend that the error is corrected using clause 16(2).

238. Because I am recommending changes to some of the provisions in the TEMP Chapter, I recommend that the submissions of CRC (22.14), Nova (23.04) and OWL (28.11) be accepted in part.

#### ***Recommendation***

239. I recommend, for the reasons given above, that TEMP-R1, TEMP-R2, TEMP-R6 and TEMP-S2 are retained as notified.

240. I recommend, for the reasons given above, that TEMP-P1 is amended as follows:

***TEMP-P1 Managing the Effects of Temporary Activities***  
Enable temporary activities, where Manage their frequency and duration of temporary activities, and the bulk and location of temporary structures, are managed to ensure amenity values are maintained.

241. Under s32AA, I consider that the changes are minor, in that they do not alter the effect of the policy. However, I consider that the changes provide a better ‘line of sight’ between the permitted activity rules, the policy and the overarching objective.

242. I recommend that the following clause is added to TEMP-R3:

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<sup>9</sup> Rule 1.1 in ‘Temporary Activities and Buildings’ in Section 14.

<sup>10</sup> Plan Change 29 Section 32 Report, Table 212

The temporary residential accommodation is:

- a. associated with the establishment, repair or rebuilding of a residential unit on the same site; and
- b. located on the site for a maximum duration of 12 months or the duration of the building project, whichever is the lesser.

243. In terms of s32AA, I consider that the additional condition appropriately enables temporary residential accommodation which is associated with a permanent residential development. I consider that the limitation to the timeframe of the building project or to 12 months is consistent with other temporary buildings permitted under TEMP-R1 and is an appropriate duration to maintain amenity values. Importantly, it does not allow for ongoing temporary residential accommodation which might over a longer time period adversely affect the amenity values of residential areas. I consider that there are limited costs associated with the proposed amendment, while there are economic benefits for allowing temporary residential accommodation during building projects, through avoiding costs associated with finding alternate off-site accommodation. Overall, I consider that the changes are a more efficient method for achieving TEMP-O1, while still being effective.

## **13. Open Space and Recreation Zones - Provisions**

### **Open Space Zone Chapter**

#### **Submissions**

244. DOC (19.05), CRC (22.20, 22.21, 22.22, 22.23, 22.24) and Nova (23.06) support the provisions in the OSZ Chapter and seek their retention. TLGL (10.11, 10.12, 10.13) supports the Introduction to the OSZ chapter, OSZ-P2 and OSZ-R6. Various submitters also support specific provisions in the OSZ Chapter on which no submissions sought a change. These are set out in Section 8.

245. QCP (26.01) states that it has sought resource consent to establish a ropes course at Takapō / Lake Tekapo and provides details of this in its submission. The submitter considers that this proposal provides a useful example of a commercial recreation activity that should be considered on its merits in the OSZ. However, it considers that the provisions of the OSZ and the NATC Chapter creates some “*unnecessary and inappropriate impediments for the merits-based consideration of this proposal*”. The submitter states that the amendments sought in its submission seek to ensure a realistic consenting pathway is achieved for this type of activity or similarly appropriate ones. In broad terms, the submitter states 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.

246. QCP (26.03) seeks that OSZ-O1 is expanded to include “and compatible commercial recreational activities”. Similar additions are sought (26.02) to the Introduction to the OSZ Chapter to refer to compatible commercial recreation activities and to “other recreation” equipment in the description of anticipated built form, and to amend reference to “green space” to “open space”.

It considers that this will ensure that there is a consistency between these provisions and the OSZ rules that enable commercial recreation activities as a restricted discretionary activity.

247. QCP (26.04) seeks that OSZ-P2 is amended to set the effects threshold at “*significant*”, or alternatively, to delete “*and does not detract from*”. The submitter states that as notified, it provides strong direction that commercial recreation activities do not detract from the passive recreation focus of the zone, and it holds concerns that this would mean that commercial recreation activities could not detract in any capacity from the passive recreation focus of the zone. QCP considers this to be a very low threshold which could potentially defeat the purpose of providing for commercial recreation activities as a restricted discretionary activity and would apply a “no effects approach” which it considers inappropriate.
248. QCP (26.05) seeks that “*maintain uninterrupted views from urban areas of any lake*” is deleted from OSZ-P4, stating that case law has confirmed that the planning system does not protect private views. It submits that OSZ-P4 would be more appropriate if it referred to maintaining the amenity of lakeside areas.
249. QCP (26.06) supports OSZ-R6, stating that it ensures that these activities can be granted consent but also allows scope to decline consent if the activity is inappropriate. However, amendments are sought to the matters of discretion in the rule as follows:
  - a. Reference to the “activity” in matter #1.
  - b. Deletion of matter #2, given that compatibility is not a commonly used RMA standard. The submitter considers this is otherwise duplicated under matters 1 and 3 and can be deleted.
  - c. Amending matter #4 to read “*Consistency with the zone’s anticipated character and visual amenity values*”, as it considers that reference to “*maintenance*” is inappropriate, as it implies a static unchanging environment, or unchanging values. The submitter prefers reference to what is anticipated in the zone, to ensure proposals are assessed against this, rather than the amenity values and character of the existing environment.
  - d. Deletion of matter #5 (“*Whether the activity enhances the experience of users of the area*”) on the basis that this is unclear and creates an expectation that proposed developments will be put to the cost of enhancing degraded public areas, which the submitter considers is the responsibility of MDC, not resource consent applicants. Further, the submitter considers the use of ‘enhancement’ is inconsistent with the OSZ objectives and policies which do not refer to enhancement, and there is overlap with compatible passive recreational.

250. QCP (26.07, 26.08) seeks that recreation or commercial recreation equipment less than 10m<sup>2</sup> in area is excluded from OSZ-S1<sup>11</sup> and OSZ-S2<sup>12</sup>, on the basis that “*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.*” The submitter considers that it would be inefficient to require resource consent for activities with such low effects, when balanced against the benefits obtained from requiring consent for those activities.

251. QCP (26.09) seeks that OSZ-S4 is amended to read “*Any building or structure shall have or be finished in materials with a light reflectivity value of no more than 40%.*”

252. As noted earlier, Tekapo Springs (29) seeks that the neighbouring properties are also zoned consistent with its property. In the event that the zoning is not changed, the submitter seeks changes to the OSZ framework:

- a. Amend OSZ-O1 (Zone Purpose) to add reference to “appropriate other recreation and commercial recreation activities” (29.11).
- b. Remove the wording “*does not detract from*” in OSZ-P2, in relation to commercial recreation activities (29.12).
- c. Amend OSZ-P3 so as to allow other supporting activities such as commercial recreation, or ancillary commercial activities, where those are an extension or continuation of existing commercial recreation facilities (29.13).
- d. Refine the listed matters of discretion in OSZ-R6 in relation to commercial recreation activities, to remove compatibility with passive recreational users and maintenance of visual amenity (29.13b).
- e. Include a new rule in the OSZ Chapter to allow for the maintenance, operation, replacement, upgrade or minor extension of existing commercial recreation facilities (29.14).

#### ***Analysis***

253. I do not agree with the request to expand OSZ-O1 to include reference to compatible commercial recreational activities or “*appropriate other recreation activities*”. The notified wording sets out that the *predominant* use of OSZ (i.e. it’s main focus) is for passive recreational activities. The additions sought by both QCP and Tekapo Springs would change this focus, by allowing for compatible commercial recreational activities/other appropriate recreation activities to equally predominate in this zone. I do not consider this to be appropriate, as it would change the current character and amenity values of these areas, which are valued by the community as spaces providing for informal and passive recreation opportunities. I therefore do not agree with the related changes sought to the Introduction by QCP, but I do agree with

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<sup>11</sup> “ropes, lines or platforms of recreational or commercial recreational equipment”

<sup>12</sup> “any recreation or commercial recreation equipment, fences, gates or signs”

the other amendments sought to the Introduction section. I therefore recommend that the submission points relating to OSZ-O1 (26.03, 29.11) be rejected, and that relating to the Introduction (26.02) be accepted in part.

254. With respect to OSZ-P2, I consider that setting the threshold at significant (i.e. does not significantly detract from the passive focus of the zone) would not align with OSZ-O1 in terms of ensuring the predominance of passive recreational opportunities. However, I do agree with QCP that requiring that other activities do not detract in any capacity from the passive recreation focus of the zone is a very low threshold and while it would be an effective way to achieve the outcome sought, it goes beyond what is necessary to do so. I agree with both submitters that it is appropriate to delete “*does not detract from*” from the policy, as the policy still directs that community facilities and commercial recreation activities are to be of a nature and scale that is complimentary to the passive focus of the zone. I therefore recommend the submission by QCP (26.04) is accepted in part, and that from Tekapo Springs (29.12) is accepted.
255. I do not agree with the need to amend OSZ-P3 to refer to commercial recreation, as these activities are already addressed in OSZ-P2. I also do not agree with amending OSZ-P3 to expressly allow for other supporting or ancillary commercial activities, as I do not consider that ‘allowing’ for these in general, would align with OSZ-O1. Rather, I consider that the direction in OSZ-P3 already identifies when these activities would be appropriate in the zone. I therefore recommend the submission by Tekapo Springs (29.13) is rejected.
256. I disagree with deleting reference to lake views from OSZ-P4. This clause reflects that there are high amenity values associated with lakeside views which in my view are relevant under s7(c) of the RMA. Protection of viewshafts is also, in my experience, not uncommon in district plans. I also note that this policy direction is consistent with that contained in the ODP<sup>13</sup> and therefore the policy does not alter the current approach in this regard. I do agree with amending this clause to more broadly refer to maintaining the amenity of lakeside areas, rather than only visual amenity, as this allows for a wider consideration of impacts on amenity values. I therefore recommend the submission by QCP (26.05) is accepted in part.
257. With respect to the matters of discretion in OSZ-R6 (which relates to commercial recreation activities):
  - a. I agree that “activity” should be added to the first matter of discretion as this appears to have been missing from the EPlan version of the rules.
  - b. I disagree with deleting matter of discretion b., as compatibility directly relates to the policy direction in OSZ-P2. Rather than duplicating matters a. and c., I consider that allowing for explicit consideration of compatibility with passive recreational activities will help to provide guidance when considering the nature, scale and intensity of the activity and the impacts it may have on other users of the site.

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<sup>13</sup> Policy 3 under Recreation Objective 2 in Section 9 – “*To retain the naturalness of the lakeside, and preserve uninterrupted views from the township*”

- c. I agree that matter d. should be amended to refer to consistency with the zone's anticipated character and amenity values for the reasons set out by QCP (noting that consistent with the change sought by the submitter and recommended to OSZ-P2, I consider this should not be limited to visual amenity values). I consider this more appropriate than removing consideration of maintenance of visual amenity altogether, as sought by Tekapo Springs, noting that the change may in any case go some way to addressing their concerns.
- d. With respect to matter e., I consider that the intent of this matter was to allow for a proposal for a commercial recreation activity to demonstrate how such an activity might improve the open space area for other users. For example, through provision of signage or other facilities like toilets or car parking that would benefit other users. However, I accept that the notified drafting could infer that enhancement of public areas is anticipated, and that the current drafting does not align well with the policy direction. I therefore recommend alternate wording that focuses on any positive impacts of the proposal for users of the area. This will still allow for consideration of broader benefits to users of the open space that are complimentary to the passive focus, as per OSZ-P2.

258. On the basis of the above, I recommend that QCP's submission point (26.06) be accepted in part and Tekapo Springs (29.13b) be rejected.

259. With respect to the inclusion of a new rule allowing for the maintenance, operation, replacement, upgrade or minor extension of existing commercial recreation facilities, I do not consider such a rule to be necessary. Lawfully established activities (and therefore their ongoing operation) have existing use rights, as do the maintenance or replacement of any related buildings or structures. With respect to upgrades and minor extensions, I consider that these are provided for under SASR-R7 already, subject to meeting the built form standards. I therefore recommend that the submission point (29.14) be rejected, noting that it is not clear to me how the outcome sought by the submitter is not already provided for.

260. In terms of the request to exempt small-scale recreation equipment from the height and setback requirements applying to buildings and structures in the zone, I have had regard to whether such exemptions are provided for small-scale structures in other urban zones. I note that height and setback standards applying in all residential zones apply to all structures. In all residential zones, there is an exemption for "ancillary structures" with respect to setbacks from roads and internal boundaries. Such structures are defined and apply to very small-scale and low height structures - fences less than 2m in height, decking lower than 1m, mailboxes, washing lines, raised garden beds and other decorative structures less than 1m<sup>2</sup> in GFA and 2m in height. There are no exemptions provided from the height limits. I consider that applying the exemption for any structure up to 10m<sup>2</sup> in the OSZ would be inconsistent with the approach taken elsewhere, which does not provide any exemption to the zone height limits for smaller structures and would be much broader than the exemptions provided for much smaller-scale structures in the LLRZ. I also do not consider the height or setback limits to be unreasonable or

difficult to comply with, regardless of the scale of a structure. I disagree with the submitter that the adverse effects of small-scale structures are only temporary. I therefore recommend that the submission points (26.07, 26.08) be rejected.

261. With respect to OSZ-S4, I consider that the notified wording is appropriate, as it is consistent with that used elsewhere in the MDP (e.g. NFL-S4), and applies the light reflectivity value to the *materials* a building or structure is finished in, which I consider is correct. I therefore recommend that the submission point (26.09) be rejected.
262. As I have recommended changes to some of the provisions in the OSZ Chapter, I recommend that the submission points supporting the chapter, or the provisions within it, (10.11, 10.12, 10.13, 19.05, 22.20, 22.21, 22.22, 22.23, 22.24, 23.06) are accepted in part.

***Recommendation***

263. I recommend, for the reasons given above, that OSZ-O1, OSZ-P3, OSZ-S1, OSZ-S2 and OSZ-S4 are retained as notified.
264. I recommend, for the reasons given above, that:
  - a. the Introduction to the OSZ Chapter is amended to refer to “*open*” space rather than “*green*” space, and to add reference to “*other recreation*” equipment in paragraph 2;
  - b. “*and does not detract from*” is deleted from OSZ-P2;
  - c. reference to “*visual*” amenity is removed from OSZ-P4; and
  - d. “*activity*” is added to matter of discretion a. in OSZ-R6, and that matters d. and e. are reframed to relate to consistency with the zones anticipated character and amenity values and to any positive impacts of the proposal for users of the area.
265. The amendments recommended to these provisions are set out in **Appendix 1**.
266. In terms of s32AA, I consider that the changes to:
  - a. OSZ-P2, will still be effective at achieving OSZ-O1, but provide a more efficient approach, as it will provide for a greater range of community facilities and commercial recreation activities, so long as they are compatible with the zone’s passive focus.
  - b. OSZ-P4, will allow for a wider consideration of impacts on amenity values on lakeside areas arising from built form within the zone, better aligning it with the outcome sought in OSZ-O2.
  - c. the matters of discretion ensure that the matters to be considered are better aligned with the policy direction.

- d. the Introduction are minor and provide greater clarity without altering the intent of the drafting.

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

### ***Submissions***

- 267. ECan (22.25, 22.26, 22.27, 22.28) and Nova (23.07) support the objectives, policies, rules and standards in the SARZ Chapter, as notified. TLGL (10.15) supports all provisions relating to the SARZ Chapter, except SARZ-R4. Various submitters also support specific provisions in the SARZ Chapter on which no submissions sought a change. These are set out in Section 8.
- 268. TLGL (10.16) seeks that SARZ-R4 is amended to apply an exception for Lot 401 DP 560583, to apply a maximum combined site coverage of 2700m<sup>2</sup>. This request is dependent on the requested rezoning to SARZ of part of this lot, and reflects the landscape assessment included in the submission which recommends applying greater restrictions on site coverage on this site, to ensure the additional buildings are integrated onto the slopes while maintaining open space.
- 269. Tekapo Springs (29) seeks that the wording of the SARZ provisions is amended to better provide for anticipated commercial recreation and commercial activities, so as to ease the consenting pathways for future expansion of the submitter's site and business. This includes:
  - a. Applying a new SCA over the facility to support the use of the site for commercial land-based recreation activities (29.02).
  - b. Amending SARZ-O1 to include commercial activities and ancillary supporting commercial/retail uses as a key purpose of the Zone (29.03).
  - c. Add a further clause to SARZ-O2 to refer to the new SCA, 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 (29.04).
  - d. Amend SARZ-P1 to include supporting and ancillary commercial and retail activities associated with commercial recreation facilities (29.05).
  - e. Include a new policy in the SARZ Chapter relating to the new SCA, to enable activities that support and relate to the continue use, development, expansion and operation of the Tekapo Springs site (29.06).
  - f. Amend SARZ-R6 to permit visitor accommodation in the new SCA subject to similar standards to the SCA 14 for Ruataniwha (29.07).
  - g. Amend SARZ-R9 to increase the limit for food and beverage outlets to 200m<sup>2</sup> in the new SCA (29.08).

- h. Amend SARZ-R10 to include ancillary and supporting retail activities for commercial recreation activities in the new SCA (29.09).
- i. Amend the height standards in relation to the new SCA to exclude commercial recreation structures such as slides, lifts, sledding and tubing courses, and other similar and related structures (29.10).

270. As an alternate to the above, Tekapo Springs (29.01) seeks that a new 'Tekapo Tourism Overlay / Precinct' or 'Tekapo Springs Special Purpose Zone' (TSSPZ) be included in PC29 and applied to the submitter's property (along with the identified neighbouring properties), with the overlay/zone providing for anticipated commercial recreation and commercial activities through realistic consenting pathways for future expansion of the submitter's site and business.

***Analysis***

271. In relation to TLGL, I note that the submission includes a landscape assessment, which notes that the application of SARZ to the area of land sought by the submitter would allow for site coverage of up to 40%. The assessment considers that this level of built development would result in the landform being dominated with built form, and because of this, recommends a lower level of coverage is applied to this site, of 10% (or 2,700m<sup>2</sup> across the site). The assessment considers that this will ensure that open space will continue to dominate the slopes. Ms Faulkner has provided a peer review of the assessment (refer to Appendix 3) and agrees with this. I therefore agree that it is appropriate, in combination with the rezoning of this area to SARZ, to apply a lower site coverage. I consider that the best way to achieve this, from a drafting perspective, is to identify the SARZ portion of Lot 401 DP 560583 as a SCA and apply a total limit (of 2700m<sup>2</sup>) to this area. This ensures that it is clear on an ongoing basis where the limit applies, and any future subdivisions or boundary adjustments will not inadvertently alter the effect of the rule (which might happen if a % limit were applied, or if the rule was drafted to refer to the current certificate of title).

272. With respect to Tekapo Springs (29) request, I broadly consider that the framework, including SARZ-O1, SARZ-P1 and the permitted status under SARZ-R2, already adequately provides for commercial land-based recreation activities, and I do not consider that changes are needed to support the use of the existing Tekapo Springs site for this purpose.

273. I do not agree that it is appropriate to include any other commercial activities as a key purpose of the Zone in SARZ-O1, as in my view, this would give equal weight, or focus on these activities, which could detract from the recreation aspect. In addition, I consider that broadly providing for any additional commercial uses could detract from the Commercial and Mixed Use Zones and therefore undermine TCZ-O1. I also note that the zone purpose already anticipates that there will be other compatible activities within the zone.

274. However, I do agree with the submitter that it would be appropriate to better provide for "ancillary" or "supporting" commercial activities. As notified, SARZ-O1 also anticipated compatible activities that support the community's wellbeing, reflected in SARZ-P2 which

provides for community activities. SARZ-P3 relates to other activities, only allowing for these activities where they support the community's well-being or have a functional need or operational need to locate within the zone. At a rule level, the types of commercial activities which are permitted only include food and beverage outlets up to 100m<sup>2</sup>. Other commercial activities – even where they are ancillary to a recreational activity, such as a small retail outlet - would be fully discretionary. Such activities in my view are not directly supporting community well-being, and it may be difficult to establish that they have a functional or operational need to be in the zone. However, I consider that ancillary commercial activities are likely to support the recreation focus of the zone and therefore overall, would better provide for the social and economic wellbeing of people and the community. On this basis, I consider it appropriate to extend SAZR-O1 to also refer to ancillary commercial activities that support the zone's recreational focus. On the above basis, I recommend that (29.03) is accepted in part.

275. While the recommended changes to SARZ-O1 would apply across the zone, I consider it appropriate to identify the Tekapo Spring site as a SCA, with targeted provisions, more specifically providing for ancillary and supporting activities in this area and recommend this submission point (29.02) be accepted. For other parts of the zone, the changes to the objective would be able to be considered on a case-by-case through a resource consent process for these types of activities, allowing for consideration of how such ancillary activities relate to existing recreation facilities in other area. The distinction for the Tekapo Springs site, in my view, arises from there being well-established commercial recreation activities on the site. The specific changes I recommend are:

- a. Adding a new policy to the chapter, to specifically provide for activities that are ancillary to, or support the recreational focus of Tekapo Springs, subject to them not being of a scale or nature that detracts from achievement of the TCZ objectives, and compatibility with the character and amenity values of the SARZ. I consider this more appropriate than adding reference to supporting and ancillary commercial and retail activities associated with commercial recreation facilities into SARZ-P1, and I consider that the recommended policy addresses the key aspects of the new policy sought. I therefore recommend the submission point (29.06) be accepted in part, and while I recommend (29.05) be rejected, I consider the new policy recommended will go some way to addressing the concerns of the submitter.
- b. Increasing the limit for food and beverage outlets (in SARZ-R9) to 200m<sup>2</sup>, to better cater for people using the recreational facilities in this area. I also note that that size limit is comparable to that permitted for commercial activities in the Mixed Use Zone. I therefore recommend submission point (29.08) be accepted.
- c. Amending SARZ-R10 to provide for retail activities that are ancillary to a commercial recreational activity, subject to a limit on the scale of these retail activities, to ensure that they are not of a scale that detracts from the TCZ.

276. I do not agree with making changes to SARZ-O2, 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*” as I consider it unclear what this means and how it would be implemented through the rule framework. I do not agree with amending the height standards to exclude commercial recreation structures such as slides, lifts, sledding and tubing courses, and other similar and related structures. Such an exemption would mean that no height limit applied to such structures, and I consider that this would conflict with the achievement of SARZ-O2 because there would be no way to ensure that such structures remained consistent with the character and amenity values of surrounding residential areas and streetscapes. I note that the proposed height limit 8m is the same as that currently applying in the Zone under the ODP (for Recreation A), and is consistent with the height limit applying to the surrounding residential and mixed use areas in the Takapō / Lake Tekapo Township. I therefore consider it appropriate that structures above 8m be considered on a case-by-case basis through a consent process. I therefore recommend these submission points (29.04, 29.10) be rejected.

277. I also disagree with permitting visitor accommodation in the proposed SCA. I consider that the circumstances for permitting visitor accommodation within the Ruataniwha SCA are different to those applying to the Tekapo Springs site. The latter site is a large site, catering for specific type of recreation activities and events that visitors travel to attend, therefore needing accommodation. The provisions allow for accommodation to be established within the Area, only where the accommodation is for guests directly associated with recreation events or training activities; and limited to use for up to 60 days per day. I do not consider that there will be guests travelling to use the recreation activities at Tekapo Springs alone, with this venue only being one of the activities likely to draw visitors to this area. It is therefore difficult to see how visitor accommodation on the site would meet the conditions applying to the Ruataniwha SCA. I also consider that there is suitable visitor accommodation provided in the wider township for these visitors without the need to provide additional visitor accommodation on the site. I therefore recommend these submission points (29.07) be rejected.

278. In coming to my recommendations on the use of a SCA for the Tekapo Springs site I have also given consideration to the alternate options proposed by Tekapo Springs (29.01) for a new Overlay, Precinct, or Special Purpose Zone to apply to the site. I do not consider that the land use activities in this area would meet the criteria set out in the NP Standards for a Special Purpose Zone to be used, as I do not consider that the activities are impractical to be managed through another zone, combined with use of a spatial layer. In particular, I consider that the recreational focus of the site aligns with the description in the NP Standards for a Sport and Active Recreation Zone. With respect to the spatial layer applying, I consider that the use of a SCA is most appropriate, as it allows for site specific controls where these diverge from those otherwise applying under the zone, as anticipated in the description for these in the NP Standards. It is also consistent with the approach taken in the MDP, to apply Precincts to multiple sites traversing across more than one zone, and SCAs to individual sites within one zone. I do not consider an overlay to be appropriate for this site, as these apply on a district-wide basis, and in this instance, the control is only needed within one zone / area, not on a

wider basis. I note, in any case, that the specific spatial layer used is simply a mechanism for how any specific provisions are applied and the use of a different layer would not alter the effect of the framework applying. I therefore recommend that the submission point be rejected (29.01<sup>14</sup>), noting in any case that this was an alternate to the application of a SCA, which I have agreed to.

279. Because I have recommended changes to the SARZ Chapter in response to other submission points, I recommend that the broad supporting submissions (10.15, 22.25, 22.26, 22.27, 22.28, 23.07) be accepted in part.

***Recommendation***

280. I recommend that SARZ-O2, SARZ-P1, SARZ-R6 and SARZ-S1 are retained as notified.
281. I recommend, for the reasons given above, that SARZ-O1 is amended to also refer to "*ancillary activities that support the recreational focus*".
282. In terms of s32AA, I consider that providing for ancillary activities, where they support the recreation focus of the zone will better provide for the social and economic wellbeing of people and communities, and is therefore a more appropriate way to achieve the purpose of the RMA.
283. I recommend, for the reasons given above, that a SCA is applied to Tekapo Springs, and that:
  - a. A new policy is added for this area, providing for commercial activities that are ancillary and support the recreational focus of the area, subject to criteria relating to effects on the Town Centre Zone, and compatibility with the character and amenity values of the zone; and
  - b. SARZ-R9 is amended to apply a 200m<sup>2</sup> limit per tenancy for any food and beverage outlet within this SCA; and
  - c. SARZ-R10 is amended to provide for retail activities within the SCA as a permitted activity, where it is ancillary to a commercial recreation activity and does not exceed 100m<sup>2</sup> in GFA.
284. The specific amendments recommended are set out in **Appendix 1**.
285. Under s32AA, I consider that these provisions will provide a targeted and effective mechanism to assist in providing for ancillary commercial activities. The limits on tenancy sizes, combined with the policy direction in relation to the Town Centre Zone will assist in ensuring that these commercial activities remain ancillary and support an overall recreational focus, consistent with SARZ-01, while also ensuring the achievement of the outcomes sought for the TCZ in TCZ-O1.
286. I recommend, for the reasons given above, that a SCA is applied to the area within Lot 401 DP 560583 which is recommended to be rezoned SARZ, and that SARZ-S4 is amended to apply a

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<sup>14</sup> Including submission point 15.01 on PC30.

total site coverage with the SCA of 2700m<sup>2</sup>. The specific amendments recommended to SARZ-S4 are set out in **Appendix 1**.

287. In terms of s32AA, I consider that the additional control is necessary to ensure that the rezoning of the site is still consistent with SARZ-O2.1, through applying a control in this area that ensures built form remains consistent with the landscape character of the surrounding area.

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

### ***Submissions***

288. As noted earlier, there are only supporting submissions with respect to changes proposed to the Light Chapter; Precinct 1 Chapter; to Table 1 in the INF and REG Chapters through V2PC26; and to the consequential deletion of various Sections in the ODP.
289. CRC (22.07) and Nova (23.12) supports the changes proposed to the Earthworks Chapter.
290. TLGL (10.05, 10.06) support the change to the Earthworks Chapter to apply the chapter to the open space zones, but consider that this should be referenced in the chapter Introduction.
291. Transpower (14.04) is concerned that the changes to the Introduction to the Earthworks Chapter result in EW-S6 not applying to activities where zones and provisions are exempt from the earthworks provisions. The submitter considers that EW-S6 (and its related policy direction) should apply to all earthworks in the District in order to give effect to Policy 10 of the NPS-ET and to protect the National Grid from activities that may compromise its operation, maintenance, upgrading and development. It seeks that the directions in the Earthworks Chapter are amended to ensure that EW-S6 applies to all earthworks activities in the district.
292. CRC (22.05) and Nova (23.12) supports the changes to Table NATC-1.
293. QCP (26.12) support the OSZ being added to Table NATC-1, but seek that NATC-R1 is consequentially amended to exclude “*recreation and commercial recreation structures*” with a building footprint of 10m<sup>2</sup> or less, to ensure consistency with the other exclusions in this rule, such as consistency with the pump shed exclusion. The submitter consider that this will ensure that recreation or commercial recreation equipment this size such as bench seats and picnic tables, which have very low adverse effects on natural character are enabled without requiring resource consent, which it considers would be inefficient and provide little benefit.

### ***Analysis***

294. I agree with TLGL 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. I therefore recommend that this submission (10.05) be accepted in part (noting I recommend slightly different drafting), and the submission supporting the application of the earthworks rules to these zones (10.06) be accepted.

295. With respect to Transpower's submission, I note that the changes proposed through V2PC27 are to apply the chapter to the OSZ and SARZ. The effect of this, is that EW-S6 will now apply, via EW-R3, to these zones. The changes do not reduce or remove the application of the chapter. I therefore do not consider that any changes are required as a result of this submission point (14.04) and recommend that it be rejected.

296. I consider that the specific changes sought by QCP (26.12) to NATC-R1 are 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. I have however considered whether it is appropriate to apply the exemption sought within the OSZ and SARZ only (which I consider is within scope, because V1PC23 proposes to apply the existing rule to these zones). Currently, the rule would trigger a consent requirement for any building or structure within the specific setbacks, except for fences, water troughs and water pump sheds with building footprint of 10m<sup>2</sup> or less. I consider that these structures are those which may often have a functional or operational need to be located within this setback area. With regard to "*recreation and commercial recreation structures*", I consider it less likely that there will be a functional or operational need for such structures to be located within these setbacks. Where a structure is proposed which breaches the specified setbacks, a restricted discretionary consent pathway is triggered, which allows for consideration of a range of factors (as set out in NATC-S1). I consider this appropriate for structures located in riparian margins regardless of whether they are for recreational purposes or not. I therefore recommend that the submission point (26.12) is rejected.

***Recommendation***

297. I recommend, for the reasons given above, that the Introduction to the Earthworks Chapter is amended follows:

*... This earthworks chapter covers general earthworks provisions in all rural, residential, commercial and mixed use, ~~and industrial, open space and sport and active recreation zones.~~ Additional earthworks provisions may apply within overlays such as...*

298. The scale of change does not require a section 32AA evaluation because it does not alter the effect of the provisions. However, it ensures that the Introduction to the Earthworks Chapter accurately reflects the rule framework contained in the chapter.