



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

**Section 42A Report Part A: Plan Change 30  
(and Variation 2 to Plan Change 23, Variation  
3 to Plan Change 26 and Variation 3 to Plan  
Change 27)**

**Accommodation Special Purpose Zone,  
Pūkaki Downs Special Purpose Zone and  
Pūkaki Village Special Purpose Zone**

**Report on submissions and further submissions**

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**Date: 24 April 2025**

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**Appendix 1 – Recommended Amendments to Provisions**

**Appendix 2 – Pūkaki Village Zone Review, Landscape and Ecology Opportunities and Constraints Report**, dated 10 August 2024, prepared by Boffa Miskell

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

Submitter Ref	Further Submitter Ref	Submitter Name	Abbreviation
PC30.01	FS05	Pukaki Tourism Holdings Ltd Partnership & Pukaki Village Holdings Ltd	PTHL and PVHL
PC30.04	FS06	Tekapo Landco Ltd & Godwit Leisure Ltd	TLGL
PC30.08		Heritage New Zealand Pouhere Taonga	HNZPT
PC30.11	FS13	Director-General of Conservation	DOC
PC30.12		NZ Transport Agency Waka Kotahi	NZTA
PC30.13		Canterbury Regional Council	CRC
PC30.14		Nova Energy Limited	Nova

**Abbreviations used in this report:**

Abbreviation	Full Text
ASPZ	Accommodation Special Purpose Zone
BDA	Built Development Area
Council	Mackenzie District Council
CRPS	Canterbury Regional Policy Statement
LMA	Land Management Area
MDP	Mackenzie District Plan

MDPR	Mackenzie District Plan Review
NP Standards	National Planning Standards
ODP	Outline Development Plan
PC13	Plan Change 13
PC18	Plan Change 18
PC30	Plan Change 30
PDSPZ	Pūkaki Downs Special Purpose Zone
PVSPZ	Pūkaki Village Special Purpose Zone
RMA	Resource Management Act 1991
SNA	Significant Natural Area
SONS	Site of Natural Significance
SPZ	Special Purpose Zone
V2PC23	Variation 2 to Plan Change 23
V3PC26	Variation 3 to Plan Change 26
V3PC27	Variation 3 to Plan Change 27

## 1. Purpose of Report

1. This report is prepared under s42A of the RMA in relation to those provisions in Plan Change 30 (PC30), Variation 2 to Plan Change 23 (V2PC23), Variation 3 to Plan Change 26 (V3PC26) and Variation 3 to Plan Change 27 (V3PC27), which pertain to the Accommodation Special Purpose Zone (ASPZ), Pūkaki Village Special Purpose Zone (PVSPZ) and Pūkaki Downs Special Purpose Zone (PDSPZ) to the Mackenzie District Plan (MDP). The proposed Airport Special Purpose Zone and the Glentanner Special Purpose Zone, which also form part of PC30, are the subject of a separate s42A. Both reports should be read for a full picture of all recommendations on PC28. The purpose of these reports 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 in this report have been informed by the ecological assessment undertaken by Boffa Miskell Ltd<sup>1</sup> (attached as **Appendix 2**). In preparing this report I have also had regard to the Strategic Direction Chapters, Plan Change 18 (PC18), as well as how the chapters forming part of, or amended by PC30 (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 Emma Jane Spalding. I am a Partner with the firm Taylor Planning. I have a Masters Degree in Regional and Resource Planning (awarded with Distinction) from Otago University and a Bachelor of Arts majoring in Geography from Otago University. I am a full member of the New Zealand Planning Institute.
5. I have 17 years' planning experience, which includes planning consultancy, regional and local government positions. My experience includes plan development, including the preparation of plan provisions and accompanying s32 evaluation reports; policy analysis, including analysing proposed plans/policy statements and preparing advice and submissions for clients on RMA documents; mediation of appeals; and preparing and processing resource consent applications. For the Mackenzie District Plan Review (MDPR) process, I prepared the plan change provisions for the PDSPZ and PVSPZ Chapters (and related variations), and prepared the combined s32 report for the Special Purpose Zones. I am also the s42A report author for PC28 (Historic Heritage and Notable Trees).

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<sup>1</sup> 'Pūkaki Village Zone Review, Landscape and Ecology Opportunities and Constraints Report', dated 10 August, prepared by Boffa Miskell.

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 PC30, V2PC23, V3PC26 and V3PC27 (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.

12. The following submission points were received on PC30 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. Gary Burrowes (17.01) is addressed in the Section 42A report for PC29.
  - b. Tekapo Springs Ltd (15.01) is addressed in the Section 42A report for PC29.
13. Some definitions were proposed in PC30 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 PC30 are addressed in the Glentanner and Airport SPZ s42A report, as they are directly relevant to that topic, 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**

### **Accommodation Special Purpose Zone (ASPZ)**

14. The ASPZ applies to two areas which contain established visitor accommodation (predominately campground) activities. These areas were previously zoned Special Travellers Accommodation Zone. The ASPZ provisions have a low degree of change, with the main intent of the existing provisions being carried forward. Some amendments were proposed, including changes to provide additional policy guidance for how non-visitor accommodation activities within the zone are to be considered, and rationalising the rule framework as it applies to visitor accommodation activities. The ASPZ provisions provide for a permitted pathway for all aspects of visitor accommodation, with effects managed through standards.

### **Pūkaki Downs Special Purpose Zone (PDSPZ)**

15. The PDSPZ is proposed to replace the existing Pūkaki Downs Tourist Zone and Appendix T in the Operative Plan. The Pūkaki Downs Tourist Zone was introduced through Plan Change 13 (PC13) and is located on the southwest flanks of Lake Pūkaki. The existing zone provides for an integrated approach to rural-residential and tourism development and the environment, enabling development to proceed in appropriate locations having regard to landscape, visual, ecological, and servicing constraints. The area has been through a detailed planning process as part of the PC13 appeal process. The zone is largely undeveloped, other than the establishment of a lavender farm with associated small scale tourist facilities.
16. The proposed PDSPZ covers the same area as the existing zone, and no changes to existing boundaries are proposed. Existing development areas and land management areas also remain unchanged.

17. The proposed PDSPZ provisions have a low degree of change, with the intent of the existing provisions and existing development rights essentially being carried through into PC30. There are changes proposed to the objectives and policies to rationalise and simplify the approach, and improve Plan efficiency. The PDSPZ amendments are also proposed to ensure the provisions align with the new District Plan format required by the National Planning Standards (NP Standards).

### **Pūkaki Village Special Purpose Zone (PVSPZ)**

18. The PVSPZ is proposed to replace the existing Pūkaki Village Zone in the Operative Plan. The Pūkaki Village Zone has been in the Mackenzie District Plan since its inception and applies to 21.0565 hectares of land on the terminal moraine at the southern end of Lake Pūkaki. The zone was established to provide for a modest tourist and holiday village with a maximum capacity of 1,000 people, but apart from a single luxury lodge, remains undeveloped. The current planning framework provides for tourist accommodation, residential accommodation, recreation tourist operation, minor servicing, and commercial operations.
19. The boundaries of the PVSPZ are not proposed to change, although PC30 introduces new 'land management areas' (LMA) within the zone to assist with future management. The Structure Plan proposed for the zone also introduces 'no build areas' to protect areas of the site which are most sensitive to development effects.
20. The existing PVSPZ provisions are undergoing a higher degree of change, to incorporate objectives and policies, and introduce an Outline Development Plan (ODP) process, to ensure that development within the zone is well integrated with the zone values and the findings of the Boffa Miskell Landscape and Ecological Assessment<sup>2</sup> (attached as **Appendix 2**), while otherwise largely maintaining the intent of the existing zone provisions. A very small number of landowners are affected, with one landowner owning the majority of the site, with the smaller developed portion of the site owned separately.

### **Abbreviations and Consequential Changes**

21. PC30 includes the introduction of various abbreviations into the Interpretation Chapter. PC30 also proposes to adopt the definition of terms already contained in the Interpretation Chapter where those terms are used in the ASPZ, PDSPZ or PVSPZ Chapters.
22. PC30 also proposes to make consequential changes to the Subdivision Chapter, Natural Character Chapter, Infrastructure Chapter, and Earthworks Chapter.
23. PC30 also proposes to delete a number of sections in the Operative District Plan (ODP), including provisions within Section 9 and Appendix T.

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<sup>2</sup> 'Pūkaki Village Zone Review, Landscape and Ecology Opportunities and Constraints Report', dated 10 August, prepared by Boffa Miskell.

## **5. Procedural Matters**

24. 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.
25. The PDSPZ and majority of the PVSPZ are owned by the same landowner, PTHL and PVHL, who are a submitter on PC30. Informal discussions have been held with this submitter as the main party affected by these zones.
26. Correspondence and informal discussions have also been undertaken with DOC.

## **6. Statutory Framework**

27. 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));
  - e. the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).
28. 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)).
29. The assessment of the plan change must also take into account any relevant iwi management plan (s74(2A)).
30. Specific provisions within the RMA and in other planning documents that are relevant to PC30 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.

31. The assessment of submission points has also been undertaken in the context of the s32 report prepared for PC30. 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

32. 18 submissions (151 submission points) were received on PC30, V2PC23, V3PC26 and V3PC27. Of these, 3 submissions (4 submission points) were received on the ASPZ, 6 submissions (21 submission points) were received on the PDSPZ, and 5 submissions (20 submission points) were received on the PVSPZ. 14 further submissions (92 submission points) were received on PC30.

### Structure of Report

33. This report assesses the provisions in the following order:

- Provisions where no change was sought
- PDSPZ
  - PDSPZ-P1
  - Rules (note for plan users), PDSPZ-R1 and PDSPZ-MD4
  - Figure PDSPZ-1: Structure Plan
- PVSPZ
  - General Approach
  - PVSPZ-P1, Rules (note for plan users), PVSPZ-R1, PVSPZ-R6 and Standard PVSPZ-S7
- Variations
  - Infrastructure
  - Subdivision

### Further Submissions

34. 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.

## 8. Provisions where no Change Sought

35. The following provisions included within PC30, V2PC23, V3PC26 and V3PC27 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 a cl 16(2) change is recommended):

**Table 1: PC30 Provisions with no submission or where no change was sought**

Section	Provision	Supporting Submissions
Abbreviations	BDA, LMA, PDSPZ, PDSPZ SP, PVSPZ, PVSPZ SP	PTHL and PVHL (01.24, 01.25, 01.26)
Accommodation Special Purpose Zone	Entire chapter	Nova (14.06), CRC (13.15), TLGL (04.01 and 04.02)
Pūkaki Downs Special Purpose Zone	Introduction	PTHL and PVHL (01.02)
	Objectives PDSPZ-O1 and PDSPZ-O2	PTHL and PVHL (01.03), CRC (13.20)
	Policies PDSPZ-P2, PDSPZ-P3, PDSPZ-P4	PTHL and PVHL (01.03), CRC (13.20)
	Rules PDSPZ-R2-R18	
	PDSPZ Standards (all)	PTHL and PVHL (01.07), CRC (13.22)

	Matters of Discretion PDSPZ-MD1, MD2, MD3, MD6	PTHL and PVHL (01.08), CRC (13.23), NZTA (12.08)
Pūkaki Village Special Purpose Zone	Introduction	PTHL and PVHL (01.11)
	Objectives PVSPZ-O1 and PVSPZ- O2	PTHL and PVHL (01.12), CRC (13.24)
	Policies PVSPZ-P2-P5	PTHL and PVHL (01.12), CRC (13.24)
	Rules PVSPZ- R2-R5, R7- R17	PTHL and PVHL (01.14), CRC (13.25)
	Standards PVSPZ-S1-S6, S8-S10	PTHL and PVHL (01.17), CRC (13.26)
	Matters of Discretion PVSPZ-MD1, MD2, MD3, MD4, MD6	PTHL and PVHL (01.18), CRC (13.27), NZTA (12.11)
	Figure PVSPZ- 1: Structure Plan	PTHL and PVHL (01.19)
PREC1	All	CRC (13.28)
	Introduction	Nova (14.07)
	APP1 – Height in relation to boundary	Nova (14.08)
	Mapping	Nova (14.09)
Subdivision (V3PC27)	SUB-R11	PTHL and PVHL (01.21)
Earthworks (V3PC27)	Introduction	PTHL and PVHL (01.23)

36. In addition, I note that PTHL and PVHL have submitted in support of the following:

- retaining the entire proposed PDSPZ Chapter rather than another type of zone or a combination of spatial layers (01.01)
- retaining the entire proposed PVSPZ Chapter rather than another type of zone or a combination of spatial layers (01.10)

37. This support is noted. As I am recommending changes to some of the provisions in the PDSPZ and PVSPZ chapters in response to other submissions, I recommend that these general submission points be accepted in part.

38. I also note that DOC (11.08) supports all provisions in the PDSPZ Chapter that they have not requested specific changes on. This support is noted. Nova (14.03) also support the entire PDSPZ chapter. As I am recommending changes to some of the provisions in the PDSPZ Chapter in

response to other submissions, I recommend that these general submission points be accepted in part.

## 9. PDSPZ

### PDSPZ-P1

#### *Submissions*

39. PTHL and PVHL (01.04) support policy PDSPZ-P1, but have identified a drafting error. Subclause (8) inadvertently repeats subclause (5) and has omitted text relating to provision of public accessways, which was previously included in earlier versions of the policy that were consulted on.
40. NZTA (12.06) support the policy in part, but seek to add an additional subclause requiring the ODP process ensures the effects of development on the effective, efficient and safe operation of State Highway 80 are managed. NZTA note that the zone has direct access to State Highway 80, and this needs specific consideration as part of the ODP process.

#### *Analysis*

41. Earlier versions of this policy contained the following wording for subclause (8): “linkages between the PDSPZ and surrounding public areas are promoted by maintaining public accessways and providing for new linkages where appropriate”. This wording was omitted in error, and should be reinstated into the policy as requested by the submitter. I therefore recommend the submission by PTHL and PVHL (01.04) is accepted.
42. I consider that NZTA’s request to include an additional clause to manage the effects of development on the effective, efficient and safe operation of State Highway 80 is an appropriate matter to include in the policy. The additional clause will align with the matters included in PDSPZ-R1 and ensure there is policy support for consideration of access at the time of applying for resource consent for approval of the ODP. I recommend a slight change to the wording suggested by NZTA, to ensure the clause is effective when read in conjunction with the introductory sentence of the policy, which seeks to “Manage development in LMA 1-5 through an Outline Development Plan process to ensure...”. The additional clause suggested by NZTA also seeks to ensure effects of development are managed, which is a repeat of the introduction. I recommend more specific wording to provide improved guidance to plan users and to clarify that the aspect to be managed is the form and location of vehicle access directly off State Highway 8, in order to maintain the effective, efficient and safe operation of the State Highway.
43. I therefore recommend the submission by NZTA (12.06) is accepted in part. I recommend wording changes to the clause suggested by NZTA, to ensure the clause is effective when read in conjunction with the introductory sentence of the policy.

### ***Recommendation***

44. I recommend, for the reasons given above, that PDSPZ-P1 subclause (8) is amended as requested to state “linkages between the PDSPZ and surrounding public areas are promoted by maintaining public accessways and providing for new linkages where appropriate”.
45. I also recommend that an additional clause relating to state highway access is added to PDSPZ-P1. I recommend the following wording:

Manage development in LMA 1-5 through an Outline Development Plan process to ensure:

X. the form and location of any vehicle access directly off State Highway 80 will maintain the effective, efficient and safe operation of the State Highway.

46. The amendments recommended to PDSPZ-P1 are set out in **Appendix 1**.
47. In terms of s32AA, I consider that the amendment to PDSPZ-P1(8) is correcting an error to improve drafting and the original s32 evaluation still applies.
48. The additional clause relating to State Highway access will ensure the effects of development on the effective, efficient and safe operation of State Highway 80 are managed and will ensure better integration between the PDSPZ Chapter and the Transportation Chapter. The amendment will therefore be more effective in achieving objective TRAN-O1 which seeks to ensure the transport network is a safe, well-connected, integrated, resilient and accessible system.
49. Introduction of an additional clause into the policy also aligns with PDSPZ-R1 which requires the ODP application to include consideration of access off the State Highway. The additional clause in the policy will assist with ensuring all appropriate matters are taken into account at an early stage (the ODP process) therefore avoiding future issues at site development stage, and may create efficiencies overall.

### **Rules (note for plan users), PDSPZ-R1 and PDSPZ-MD4**

#### ***Submissions***

50. CRC (13.21) and PTHL and PVHL (01.06) support retention of all of the rules as notified. However, PTHL and PVHL (01.05) have identified that the note for plan users at the start of the rules section includes a comment on the application of district-wide earthworks rules this note has a minor discrepancy with the advice note in the Earthworks Chapter, which they consider may create uncertainty.
51. The advice note in the Earthworks Chapter states “The rules in this chapter do not apply to the Open Space and Recreation and Special Airport, Glentanner, Pūkaki Downs or Pūkaki Village Special Purpose Zone, **unless otherwise stated in those chapters**” (bold emphasis added).

Therefore, the note in the PDSPZ rules should specify which rules in the Earthworks do apply in the PDSPZ, not which rules do not apply.

52. There are only three rules in the Earthworks Chapter, being rules EW-R1, EW-R2 and EW-R3. The submitter considers the note in the PDSPZ needs to be amended to state that Rules EW-R1 and EW-R2 apply within the PDSPZ, rather than noting that EW-R3 does not apply.
53. NZTA (12.07) submit that clause (d) of PDSPZ-R1 should be amended so that the rule refers to the form and location of any access off State Highway 80, not just location. The submission notes that the location as well as the form (design) of State Highway access is important to assess to ensure it has been appropriately designed to accommodate the expected traffic movements from development of the site.
54. HNZPT (08.01) support the reference to PDSPZ-MD4 within PDSPZ-R1. HNZPT (08.02) also submit that clause (d) of matter of discretion PDSPZ-MD4 should be amended to state “Effects on historic and cultural heritage values; whether HNZPT has been consulted and the outcome of that consultation”. The submitter notes that they are supportive of item (d) which addresses effects of earthworks on historic heritage values, but recommend amending the wording to include consultation with HNZPT and the outcome of that consultation if earthworks are anticipated to affect heritage items.

#### ***Analysis***

55. The change suggested by PTHL and PVHL to the rules ‘note for plan users’ will improve internal consistency within the plan and in my view is an appropriate change. I therefore recommend that the submission point by PTHL and PVHL (01.05) be accepted.
56. The change suggested by NZTA to include assessment of the ‘form’ as well as location of any access off State Highway 80 is sensible and will ensure all potential effects relating to access off the State Highway can be appropriately assessed. This also aligns with standard planning practice where NZTA are usually consulted with regarding access off a State Highway, and they provide input and propose conditions of consent to ensure access off a State Highway is constructed according to NZTA standards. I therefore recommend that the submission point by NZTA (12.07) be accepted. Because I am recommending a change to PDSPZ-R1, I recommend that the submissions of PTHL and PVHL (01.06) and CRC (13.21) to retain all of the rules as notified be accepted in part.
57. The submission of HNZPT to include consideration of effects on ‘historic and cultural heritage values’ in PDSPZ-MD4 is not, in my opinion, necessary. ‘Historic heritage’ is a defined term in the NP Standards, and has the same meaning as in section 2 of the RMA. Adding the wording ‘and cultural’ could potentially create confusion about this term. I also note that cultural matters are already incorporated into the RMA definition of historic heritage. Effects on mana whenua values are also covered in existing Clause (e) of PDSPZ-MD4.
58. Inclusion of the wording ‘whether HNZPT has been consulted and the outcome of that consultation’ is not necessary, is in my view. As drafted, the matter of discretion provides

discretion for the processing planner to assess effects on historic heritage. It is within the scope of the processing planner to seek advice from HNZPT to help inform the assessment of those effects. Adding a requirement to consult with HNZPT would potentially create an expectation that HNZPT should be consulted in all instances. This is an inefficient approach, as depending on specific effects, consultation may not be required. It is also noted that all earthworks are subject to EW-S4 Accidental Discovery Protocol, which sets out the appropriate process to be undertaken in the event of discovery of sensitive material. I therefore recommend that the submission point of HNZPT (08.02) be rejected. I recommend the submission of HNZPT (08.01) in support of PDSPZ-R1 is accepted in part, as this rule will still reference PDSPZ-MD4 even though the changes requested to PDSPZ-MD4 are not recommended.

***Recommendation***

59. I recommend, for the reasons given above, that the 'note for plan users' in the rule section is amended to clarify that Rules EW-R1 and EW-R2 apply within the PDSPZ.
60. I also recommend that PDSPZ-R1(d) is amended to include reference to the form of the access off State Highway 80.
61. I am also recommending an additional clause (PDSPZ-R1.1.X) be added to PDSPZ-R1, as a result of submissions on the Structure Plan. This will be discussed in the next section of this report.
62. I recommend that PDSPZ-MD4(d) is retained as notified, as the existing clause is considered adequate, and consistent with MDC plan drafting protocols.
63. The amendments recommended to the PDSPZ rules and 'note for plan users' are set out in **Appendix 1**.
64. In terms of s32AA, the changes to these provisions are considered the most appropriate way to achieve the objectives of the PDSPZ zone, and will improve the efficiency and effectiveness of the plan by providing additional clarification for plan implementation.

**Figure PDSPZ-1: Structure Plan, PDSPZ-R1 and PDSPZ-MD5**

***Submissions***

65. PTHL and PVHL (01.09) support the PDSPZ Structure Plan and seek that it is retained as notified. DOC (11.09) seek to amend the Structure Plan as required to ensure that identified Built Development Areas and Land Development Areas do not conflict with existing conservation covenants or adversely affect the Pūkaki Scientific Reserve. They note that there are a number of conservation covenants within the Structure Plan area, and it appears that Built Development Area 3 in the Structure Plan encroaches into those covenants. They also note that the Structure Plan would also allow significant built development within a few hundred metres of the Pūkaki Scientific Reserve, with no s32 assessment of potential effects on the reserve. There is also a historic water race protected by a conservation covenant which is partly within the area shown as Land Management Area 1 (Refer to Appendix 1 to Summary of Submissions for images of the conservation covenants and water race).

66. In their further submission, PTHL and PVHL (FS 05.01) note that the covenanted areas on land in this zone are shown as items "A" to "D", "J", "R" and "S" on the title plan for Section 1 SO 19913 (see Appendix 1 to the further submission). None of the BDAs shown on the Structure Plan overlap with the covenanted areas marked as "A", "D", "J", "R" or "S" on SO 19913. For completeness, PTHL and PVHL noted that the historic water race is shown as items "J" and "S" on SO 19913. The covenanted water race footprint does not overlap with, and is well south of, the location of BDA 5 shown on the Structure Plan. They also note that BDA 4 shown in the Structure Plan does not overlap with (is south of) the covenanted area shown as "D" on SO19913. BDA 3 overlaps with portions of covenanted areas "B" and "C" (tarns). PTHL and PVHL state that nothing in the Structure Plan or zone provisions proposes a breach of the covenant. The further submission states that the Outline Development Plan approval process obliges the landowner to demonstrate how values associated with the covenanted areas will be protected and the covenant itself provides the ultimate surety about the future management of the covenanted areas

***Analysis***

67. I note that the boundaries of the PDSPZ and the associated Land Management Areas (LMA) and Built Development Areas (BDA) within the zone are existing in the Operative Plan and were not proposed to change as part of the plan review process.

68. Informal meetings were held with DOC and PTHL and PVHL to discuss the concerns of DOC. DOC outlined that their main concern is that the presence of conservation covenants can be missed at the time of development, and conservation values can be lost. As such they would prefer that the boundaries of the BDAs are amended to exclude the covenanted areas, to avoid this risk.

69. Following the meeting, PTHL and PVHL proposed that the boundaries of BDA3 could be amended to exclude the areas which overlap with the conservation covenant areas. These areas are illustrated on Figure 1 below.

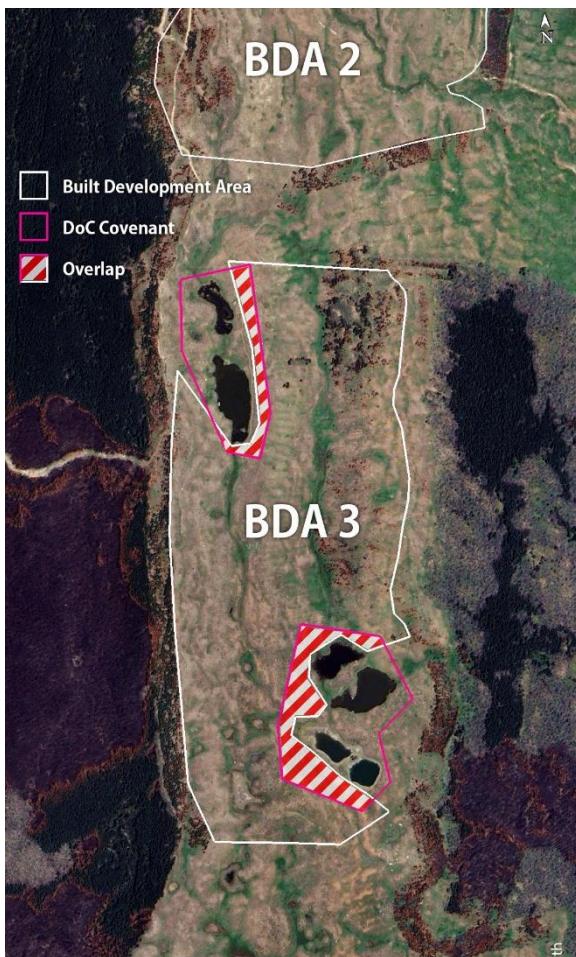


Figure 1: Boundaries of BDA 3 to be amended to exclude overlap with DOC Covenant Areas

70. I agree that this is an appropriate change to ensure any built development will not occur within the conservation covenant areas, and will address the concerns of DOC. I therefore recommend that the submission of DOC (11.09) as it relates to the boundaries of BDAs be accepted and the submission of PTHL and PVHL (01.09) be rejected.

71. In terms of the Pūkaki Scientific Reserve, DOC expanded on their main concerns at the informal meeting held with PTHL and PVHL. They noted that the majority of the notified provisions are focussed on ecological effects within the PDSPZ, as opposed to considering effects on adjacent land, including the scientific reserve. I note that the DOC website<sup>3</sup> explains that the 32 hectare reserve was established in 1996. The reserve contains one of the only stands of montane scrub of its type on lateral moraines left in the District, with an abundance of aquatic and terrestrial insects, and is the only known site for the critically endangered cryptic grey-white moth (*Izatha*

<sup>3</sup> <https://www.doc.govt.nz/news/media-releases/2021-media-releases/narrow-escape-for-critically-endangered-moth-highlights-fire-risks/>

*psychra*), which depends on increasingly rare old growth shrubland to survive. The uncommon Rauparaha's copper butterfly (*Lycaena Rauparaha*) has also been found there.

72. I acknowledge the importance of the scientific reserve and note that informal discussions with DOC and the owner of the PDSPZ site, PTHL and PVHL resulted in an agreement to include additional wording in the provisions which would ensure ecological effects on surrounding sites are also considered (rather than change the boundaries of the LMAs or BDAs). I have recommended changes to PDSPZ-R1 and PDSPZ-MD5, which have been circulated and are supported by the submitters.
73. I consider that the proposed amended provisions and ODP approval process provides for appropriate assessment of ecological values and consideration of any potential effects on the scientific reserve or other surrounding sites. As such I recommend that the submission point from DOC (11.09) be accepted in part.

***Recommendation***

74. I recommend, for the reasons given above, that the PDSPZ Structure Plan is amended to change the boundaries of BDA 3 so that the areas of conservation covenants which currently overlap with BDA 3 are excluded from BDA 3. I also recommend that PDSPZ-R1 and PDSPZ-MD5 are amended to include reference to consideration of ecological effects of the development on surrounding sites. This will ensure any potential ecological effects relating to the adjacent scientific reserve can be carefully managed through the ODP process.
75. The amendments recommended to the PDSPZ-R1 and PDSPZ-MD5 are set out in **Appendix 1**.
76. In terms of s32AA, I note that the changes to the PDSPZ Structure Plan to exclude areas of overlap with existing conservation covenants from BDA 3 will provide greater certainty that built development will not occur within the conservation covenant areas.
77. Including provisions to require further consideration of ecological effects on surrounding sites will help to achieve the objectives in the Plan, including the objective in Section 19 relating to ecosystems and biodiversity, as well as the PDSPZ objectives. The notified provisions contained a gap whereby only ecological effects within the zone might have been considered. The changes recommended above will better ensure that effects of activities within the zone on ecology values outside of the zone are taken into account.
78. As noted above, adding additional clauses for consideration to the ODP approval process will result in additional costs to the consent applicant, however, in my opinion the environmental benefits of appropriately assessing effects on ecological values of surrounding sites will outweigh these costs.

## 10. PVSPZ

### General approach

#### *Submissions*

79. DOC (11.10) submit that the proposed provisions generally provide an improved framework for development of the PVSPZ, compared to the Operative Plan. They note that in particular, the use of a Structure Plan and ODP, and provisions which recognise and protect ecological and landscape values, are important to give effect to higher order documents and should be retained as notified, except where they have requested specific changes in submission point (11.11).
80. DOC's submission point (11.11) requests that a review of the proposed approach is undertaken, to ensure that the level of development anticipated by the zone provisions is within the level that can realistically be achieved, both through ODPs; and while maintaining the significant indigenous biodiversity values of the site and its surrounds.
81. DOC note that the proposed PVSPZ location includes significant indigenous vegetation, and is adjacent to the Lake Pūkaki Terminal Moraine Conservation Area. They note that the Boffa Miskell ecological report<sup>4</sup> prepared for the site identifies that the site would qualify as a Significant Natural Area (SNA<sup>5</sup>) under the CRPS criteria, and in addition to the reported values the site has additional value due to the critically threatened status of dryland moraines. DOC state that those SNA values are contiguous with the adjoining two already-identified SNAs and the Conservation Area.
82. DOC state that it is difficult to see how those values within and adjoining the site could be maintained while allowing development for up to 1000 people, and they consider that there is a risk that the proposed zone will not be able to be implemented at the ODP stage.
83. PTHL and PVHL (01.11) and Nova (14.02) both submit in support of the whole PVSPZ Chapter and seek that it is retained as notified. PTHL and PVHL agree with the reasons presented at paragraphs 2.10, 2.11, 4.1 to 4.15 and 5.4 to 5.9 of the section 32 Report for including the PVSPZ provisions in the format of an SPZ, and consider that an SPZ is the most appropriate method to deliver the bespoke outcomes that the Operative Plan anticipates for this land. They agree that the proposed PVSPZ provisions represent a low degree of change from the Operative Plan, with the intent of the existing provisions and existing development rights essentially being carried through into PC30, with the addition of objectives and policies and an Outline Development Plan process for future consenting in the PVSPZ.
84. A further submission from PTHL and PVHL (FS05.01) was received in opposition to DOC's submission (11.11). The further submission states that the DOC submission misinterprets the

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<sup>4</sup> 'Pūkaki Village Zone Review, Landscape and Ecology Opportunities and Constraints Report', dated 10 August, prepared by Boffa Miskell ( appended to the Section 32 Report).

<sup>5</sup> I note that SNA are referred to as Sites of Natural Significance (SONS) in the MDP

notified provisions as securing a specific development and density outcome. PTHL and PVHL consider that, to the contrary, the notified provisions do not anticipate a particular level of development (e.g. 1,000 people) as a foregone conclusion. The zone's introduction, objectives, policies, the outline development plan rule PVSPZ-R1 and assessment matter PVSPZ-MD5 emphasise that development must be design-led and must squarely address the methods proposed to identify, restore, protect and enhance ecological values. PTHL and PVHL consider that the ODP-led approach is an appropriate method to integrate development with the site's ecological values.

### ***Analysis***

85. I note that the existing Pūkaki Village Zone includes a Zone Statement in the Operative Plan, which explains that "the zone has been established to provide for a modest tourist and holiday village with a maximum capacity of 1,000 people". The specific mention of 1,000 people has not been carried forward into the proposed provisions, as including a capacity was not considered necessary or appropriate for the development of the zone, as it would create implementation challenges, and could be viewed as a target or potentially as a permitted baseline.
86. Instead, the proposed PVSPZ zone introduction explains that:

*The purpose of the Zone is to provide for low density residential activities and modest tourism development. Activities in the Zone therefore need to be carefully managed to ensure built form is sympathetic to the landscape and that ecological values are not put at risk.*

87. The zone provisions focus on providing for low density residential activities and modest tourism development, that has regard to landscape and ecological values.
88. The proposed ODP process to manage development in the zone requires a comprehensive assessment of ecological effects across the LMA being developed, and also requires that areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected and enhanced (PVSPZ-P1(1) and (7)). Further, the Structure Plan for the zone identifies several "no build" areas, including areas of matagouri shrubland and a dry, north-facing slope which has been identified as providing habitat for several indigenous plant species by the Boffa Miskell Ecological Assessment<sup>6</sup>, prepared for the owners of the site.
89. The Boffa Miskell report also explains that all of New Zealand's indigenous lizards are protected under the Wildlife Act (1953). The confirmed presence of Southern Alps gecko and McCann's skinks on the site means that development activities such as vegetation clearance or earthworks will need to comply with Wildlife Act provisions (i.e. a Wildlife Act Authority (WAA) and accompanying Lizard Management Plan (LMP) may be required). I also note that the PC18 provisions set out in Section 19 of the Plan will apply to clearance of indigenous vegetation.

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<sup>6</sup> Boffa Miskell, 'Pūkaki Village Zone Review, Landscape and Ecology Opportunities and Constraints Report', prepared for George Ormond, dated 10 August 2023.

- 90. PVSPZ-R1 sets out the requirements for the ODP to cover, which includes an ecological enhancement plan identifying no build areas, areas for ecological protection, restoration and enhancement, and assessment of the proposed ODP against the ecological values of the relevant LMA(s). The matters of discretion for approval of an ODP include PVSPZ-MD5 Ecology, which allows for consideration of ecological assessment matters.
- 91. I note DOC expanded on their main concerns at the informal meeting held with PTHL and PVHL. In terms of their request to review the proposed approach, DOC noted that, as with the PDSPZ, their concerns could be addressed by including additional wording to ensure effects on ecological values of surrounding sites are assessed at ODP stage. This was supported by PTHL and PVHL. As such I recommend the same amendments to PVSPZ-R1 and PVSPZ-MD5, to ensure ecological effects on surrounding sites are also considered. As such I recommend the submission by DOC (11.11) be accepted in part.
- 92. I recommend that submissions of DOC (11.10), PTHL and PVHL (01.11) and Nova (14.02) are accepted in part as the majority of the zone provisions are recommended to be retained as notified.

***Recommendation***

- 93. For the reasons given above, I recommend that PVSPZ-R1 and PVSPZ-MD5 are amended to include reference to assessment of effects of the development on the ecological values of surrounding sites.
- 94. The amendments recommended to the PVSPZ-R1 and PVSPZ-MD5 are set out in **Appendix 1**.
- 95. In terms of s32AA, including provisions to require further consideration of ecological effects on surrounding sites will help to achieve the objectives in the Plan, including the objective in Section 19 relating to ecosystems and biodiversity, as well as the PVSPZ objectives. The notified provisions contained a gap whereby only ecological effects within the zone might have been considered. The changes recommended above will better ensure that effects of activities within the zone on ecology values outside of the zone are taken into account.
- 96. As noted above, adding additional clauses for consideration to the ODP approval process will result in additional costs to the consent applicant, however, in my opinion the environmental benefits of appropriately assessing effects on ecological values of surrounding sites will outweigh these costs.

**PVSPZ-P1, Rules (note for plan users) and PVSPZ-R1, PVSPZ-R6 and PVSPZ-S7**

***Submissions***

- 97. NZTA (12.09) submit that PVSPZ should be amended to include an additional item in the list of matters that the policy is seeking to manage, as follows:

“the effects of development on the effective, efficient and safe operation of State Highway 8 are managed”.

98. NZTA consider that as the zone has direct access to State Highway 8, the policy should include specific consideration of State Highway access as part of the ODP process.
99. PTHL and PVHL (01.13) have identified the same issue as the PDSPZ Chapter in terms of the note for plan users at the start of the Rules section in the PVSPZ. This note has a minor discrepancy with the advice note in the Earthworks Chapter, which may create uncertainty.
100. The advice note in the Earthworks Chapter states “The rules in this chapter do not apply to the Open Space and Recreation and Special Airport, Glentanner, Pūkaki Downs or Pūkaki Village Special Purpose Zone, unless otherwise stated in those chapters”. Therefore, the submitter considers that the note in the PVSPZ rules should specify that Rules EW-R1 and EW-R2 apply within the PVSPZ, rather than noting that EW-R3 does not apply.
101. NZTA (12.10) request that PVSPZ-R1(d) is amended to refer to the “[form and](#) location of access of State Highway 80...” as they note that the location as well as the form (design) of state highway access is important to assess to ensure it has been appropriately designed to accommodate the expected traffic movements from development of the site.
102. PTHL and PVHL (01.15 and 01.16) also identify typographical errors in PVSPZ-R6 and PVSPZ-S7 and seek that these are corrected.

***Analysis***

103. I consider that NZTA’s request to include an additional clause in PVSPZ-P1 relating to access off the State Highway is an appropriate matter to include in the policy. I consider that the additional clause will align with the matters included in PVSPZ-R1 and ensure there is policy support for consideration of access at the time of applying for resource consent for approval of the ODP. I recommend a slight change to the wording suggested by NZTA, to ensure the clause is effective when read in conjunction with the introductory sentence of the policy, which seeks to “Manage development within LMA 1-3 in the PVSPZ SP through an Outline Development Plan process to ensure...”. The additional clause suggested by NZTA also seeks to ensure effects of development are managed, which is a repeat of the introduction. I recommend more specific wording to provide improved guidance to plan users and to clarify that the aspect to be managed is the form and location of vehicle access directly off State Highway 8, in order to maintain the effective, efficient and safe operation of the State Highway.
104. I therefore recommend the submission by NZTA (12.09) is accepted in part. I recommend wording changes to the clause suggested by NZTA, to ensure the clause is effective when read in conjunction with the introductory sentence of the policy.
105. The change suggested by PTHL and PVHL to the rules ‘note for plan users’ will improve internal consistency within the Plan and is an appropriate change. I therefore recommend that the submission point by PTHL and PVHL (01.13) be accepted.
106. The change suggested by NZTA to include assessment of the ‘form’ as well as location of any access off State Highway 8 in PVSPZ-R1 is sensible and will ensure all potential effects relating

to access off the state highway can be appropriately assessed. This also aligns with standard planning practice where NZTA are usually consulted with regarding access off a State Highway, and they provide input and propose conditions of consent to ensure access off a State Highway is constructed according to NZTA standards. I therefore recommend that the submission point by NZTA (12.10) be accepted.

107. Correcting the minor errors identified by PTHL and PVHL (01.15 and 01.16) in PVSPZ-R6 and PVSPZ-S7 will improve the Plan, and I therefore recommend that these submission points are accepted.

***Recommendation***

108. I recommend, for the reasons given above, that the provisions PVSPZ-P1, 'note for plan users', PVSPZ-R1, PVSPZ-R6 and PVSPZ-S7 are amended to ensure access off the State Highway is adequately addressed, implementation of earthworks rules is clarified, and minor errors are corrected.
109. The amendments recommended to PVSPZ-P1, 'note for plan users', PVSPZ-R1, PVSPZ-R6 and PVSPZ-S7 are set out in **Appendix 1**.
110. The scale of change to the 'note for plan users', PVSPZ-R1, PVSPZ-R6 and PVSPZ-S7 does not require a s32AA evaluation because the changes are minor changes to improve drafting and the original s32 evaluation still applies.
111. In terms of s32AA, the additional clause requested to be added to PVSPZ-P1 by NZTA, with recommended wording changes, will ensure better integration between the PVSPZ Chapter and the Transportation Chapter. The amendment will therefore be more effective in achieving objective TRAN-O1 which seeks to ensure the transport network is a safe, well-connected, integrated, resilient and accessible system.
112. Introduction of an additional clause into the policy also aligns with PVSPZ-R1 which requires the ODP application to include consideration of access off the State Highway. The additional clause in the policy will assist with ensuring all appropriate matters are taken into account at an early stage (the ODP process) therefore avoiding future issues at site development stage, and may create efficiencies overall.

## **11. Variations**

### **Infrastructure Rule INF-R8**

***Submissions***

113. PTHL and PVHL (01.20) have identified that the Pūkaki "Village" SPZ is addressed in INF-R8 as part of V3PC26, but the Pūkaki "Downs" SPZ is not. The submitter states that development of lines and support structures in the PDSPZ will therefore be a discretionary activity under rule INF-R11 (Any Infrastructure not Otherwise Listed). PTHL and PVHL consider that this would be an anomalous outcome given there are no values specific to the land within the PDSPZ that

warrant a departure from the permitted activity framework this rule for similar zones. They note that there is no indication in the s32 Report that a distinct approach is required for this infrastructure activity in the PDSPZ and that the missing reference is likely a minor drafting oversight. They seek insertion of a reference to the Pūkaki Downs SPZ within INF-R8, so that new lines are permitted, where they are located underground.

#### ***Analysis***

114. The operative rule INF-R8 applies to PVSPZ but not PDSPZ. The change proposed as part of V3PC26 is a minor change to the name of the PVSPZ (from Pūkaki Village Zone to Pūkaki Village Special Purpose Zone).
115. I consider that the submitter has mis-interpreted the existing rule INF-R8. This rule applies to all zones, and permits new lines and associated support structures including towers and poles in all zones, with the additional requirement for lines to be located underground within the Pūkaki Village Zone (and other listed zones) in order to meet the permitted activity requirements. Therefore, new lines and support structures outside the listed zones are still permitted, whether they are located underground or not.
116. However, I agree with the submitter that for consistency, the INF-R8 should also apply to the Pūkaki Downs site, which would result in new lines being permitted, provided they are located underground (subject to meeting standards INF-S1-3 and 5). This aligns with the intent of the zone which is to ensure development is managed in a way that limits potential impacts on the zone's character and amenity values. I therefore recommend that the submission by PTHL and PVHL (01.20) is accepted.

#### ***Recommendation***

117. I recommend, for the reasons given above, that INF-R8 is amended to include reference to the Pūkaki Downs SPZ.
118. The amendments recommended to INF-R8 are set out in **Appendix 1**.
119. In terms of s32AA, I consider that the amendment is the most appropriate way to achieve the zone objectives, and will be an efficient and effective approach, promoting consistency in approach across the two Pūkaki Special Purpose Zones.

### **Subdivision SUB-R11A**

#### ***Submissions***

120. PTHL and PVHL (01.22) submit that SUB-R11A (V3PC27) contains a minor spelling error in the title of the last matter of discretion. It should refer to PVSPZ-MD1, not PDSPZ-MD1.

#### ***Analysis***

121. The above change will improve Plan drafting by correcting a minor error and I recommend that the submission (01.22) be accepted.

***Recommendation***

122. I recommend, for the reasons given above, that the provision is amended to refer to PVSPZ.
123. The amendments recommended to SUB-R11A are set out in **Appendix 1**.
124. The scale of change does not require a s32AA evaluation because it is a minor correction.