



Mackenzie

DISTRICT PLAN REVIEW

TOMORROW'S MACKENZIE
KA AWATEA HŌU

Section 42A Report: Plan Change 21 – Implementation of the Spatial Plans

Report on submissions and further submissions

Authors: Rachael Willox and Liz White

Date: 17 February 2023

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List of submitters addressed in this report:

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1.		Richard Smith	
2.		James Paranihi	
3.		Lachlan Broadfoot	
4.		Kevin O'Neill	
5.		Ann-Maree Grant	
6.	Y	The Burkes Pass Heritage Trust	BPHT
7.		Graham Batchelor	
8.		Jeannie Columbus	
9.		Caroline Thomson	
10.		Mackenzie Runholders	
11.		Wayne Tewnion	
12.		Rick Ramsay	
13.		Peter Donohue and Janine Donohue	P and J Donohue
14.		Edward Stead	
15.		Alex Lusby	
16.		Michael Guerin	
17.		John Emery	
18.		Ministry of Education	MoE
19.		Sandra McHaffie	
20.		Owen Hunter	
21.		Paul Hannagan	
22.		Tony Stringer and Jill Stringer	T and J Stringer
23.		Helen Fincham-Putter	
24.		Deidre Senior	
25.		Anne Deaker	
26.		Robin Barlass	
27.		Ross Taylor	
28.		James Underwood	
29.		Ross Hanan	
30.		Trudy Hulme	
31.		Ali Preston-Marshall	
32.		Michele O'Carroll	
33.		Megan Merrick	
34.		Grant Hanan	
35.		Mitchell Beggs	
36.		Andrea Shaw	
37.		Lister Bass	
38.		Craig Ure	
39.		Theresa Firman	
40.		Brent Esler	
41.		Mitch Taylor	
42.		Marco Brenna	
43.		Carolyn Mincham	
44.		Prue Clark	
45.		Christopher Davies	
46.		Kelli James	
47.		Warren Frost and Maree Frost	W and M Frost
48.		Angela Davis	
49.		Don Hayden	
50.		John Cassie	

51.		Paul McKernan	
52.		Mary Murdoch	
53.	Y	Frank Hocken	
54.		Frank Hocken	
55.		Guus van Gisteren	
56.		Bruce Mincham	
57.		Canterbury Regional Council (Environment Canterbury)	ECan
58.		Ian Riddler	
59.		Valerie McMillan	
60.		Ian Riddler	
61.		Judy Norman	
62.		John Capstick	
63.		Heather Capstick	
64.		Grant Pearson	
65.		Jacqui De Buyzer	
66.		Tina Wang	
67.		Craig La Hood	
68.		Scott Aronsen	
69.		Deb Thompson-bre	
70.		Belinda Kelly	
71.		Bevan Newlands	
72.		Grant Payne	
73.		Jacob Payne	
74.		Road Metals Company Limited	Road Metals
75.		Ursula Paul	
76.		Jan Spriggs	
77.		Russell King	
78.		Hannah Josli	
79.		Morgan Bathgate	
80.		Daniel Richards and Laura Richards	D and L Richards
81.		Fire and Emergency New Zealand	FENZ
82.		Ethan Stout	
83.		Martin Galley	
84.		Department of Corrections	Corrections
85.		Lizz Carrington	
86.		David Power	
87.		Steve and Michelle Allan	S and M Allan
88.		Mackenzie A and P Society	
89.		Shaun Norman	
90.		Kevin and Jodi Payne	K and J Payne
91.		Kieran Buckham	
92.		Grant and Liz Munro	G and L Munro
93.		Simon Feasey	
94.		Melissa McMullan	
95.		Stephen Golding	
96.		Rosemary Golding	
97.		Jessica Mackay	
98.		Nick Mackay	
99.		Karen MacDiarmid	
100.		Ian Cartwright	
101.		Air BnB	
102.		Nicola Newman	
103.		Elizabeth Kinsman	

104.		Luke Haugh	
105.		Heather Eathorne	
106.		Karen Morgan	
107.		Anthony Weekes	
108.		Enviro Waste New Zealand	Enviro Waste
109.		Tessa Smith	
110.		Heather Te Koeti	
111.	Y	Lake Tekapo Enterprises	
112.		Janette Hodges	
113.		Twizel Community Board	
114.		Tim Preston-Marshall	
115.		Zoe White	
116.		Colin Withnall and Family	
117.		Mackenzie Properties Limited	Mackenzie Properties
118.		Frances Dennison	
119.	Y	Waka Kotahi	
120.		Frances Dennison	
121.		Tekapo Landco Limited and Godwit Leisure Limited	TL&GL
122.		Matt Smith	
123.		Lisa Cotterrell	
124.		Anita Middleton-Buchan	
125.		Robin McCarthy	
126.		Helen Johnson and Phil McCabe	H Johnson and P McCabe
127.		Tessa Smith	
128.		Craig Latta	
129.		Matt Smith	
130.		Maree Cummings	
131.		Ian McDonald	
132.		Liz Angelo	
133.		Hannah Josli	
134.		Sarah Thompson	
135.		Jessica Maaka	
136.		Kerryn Archer	
137.		Eugene Archer	
138.		Walter Speck and Zita Speck	W and Z Speck
139.		Rob Young	
140.		Ian Thomson	
141.		Brian Carpenter	
142.		Kathleen Carpenter	
143.		Erica Wills	
144.		Jane Nicholls	
145.		Christopher Johnson	
146.		Eleanor Harris-Brouwer	
147.		Frances Bower	
148.		Malcolm Lousley	

Abbreviations used in this report:

Abbreviation	Full Text
APP	Appendix
CMUZ	Commercial and Mixed Use Zones
CON	Controlled Activity Status
Council	Mackenzie District Council
CRPS	Canterbury Regional Policy Statement
DEV	Development Area
DIS	Discretionary Activity Status
District	Mackenzie District
GIZ	General Industrial Zone
LFRZ	Large Format Retail Zone
LLRZ	Large Lot Residential Zone
LRZ	Low Density Residential Zone
MDP	Mackenzie District Plan
MDPR	Mackenzie District Plan Review
MRZ	Medium Density Residential Zone
MUZ	Mixed Use Zone
NC	Non-Complying Activity Status
NCZ	Neighbourhood Centre Zone
NES	National Environmental Standard
NPS-UD	National Policy Statement on Urban Development 2020
NP Standards	National Planning Standards
OMDP	Operative Mackenzie District Plan
PC20	Proposed Plan Change 20
PC21	Proposed Plan Change 21
PER	Permitted Activity Status
PR	Prohibited Activity Status
PREC	Precinct
SCA	Specific Control Area
RDIS	Restricted Discretionary Activity Status
RESZ	Residential Zones
RMA	Resource Management Act 1991
TCZ	Town Centre Zone

1. Purpose of Report

1. This report is prepared under s42A of the RMA in relation to Plan Change 21 (Implementation of the Spatial Plans) to the 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 urban design advice prepared by Ms Stephanie Griffiths, an urban designer at Boffa Miskell, attached in **Appendix 1**, as well as previous advice provided by Boffa Miskell in the drafting phase.¹ In preparing this report we have also had regard to the Strategic Direction chapters introduced through PC20.
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. This report has predominantly been prepared by Rachael Lorraine Willox, with some parts prepared Elizabeth (Liz) Jane White. Our qualifications and experience are set out separately below. To distinguish who has authored different parts of the report, any sections authored by Liz are footnoted as such; where there is no footnote, the author is Rachael.
5. My full name is Rachael Lorraine Willox. I am a Senior Resource Management Planner and have been employed at the Mackenzie District Council for over five years. I hold a Master of Planning and a Bachelor of Arts from Otago University and am an intermediate member of the New Zealand Planning Institute.
6. I have over five years' planning experience, working in local government. My experience includes processing resource consent applications and preparation of Council policies and bylaws. I was a main author of the residential provisions and related sections of the Section 32 report.
7. 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

¹ Appendices A & B of the Section 32 Report: Plan Change 21 – Implementing the Spatial Plans (Residential, Commercial and Industrial Zoning and Zone Frameworks), 20 September 2022.

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.

8. 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 18 months. 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.
9. I have over 15 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 Section 32 evaluation reports, and preparing and presenting Section 42A 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. I am assisting the Mackenzie District Council in the MDRP process, and was the main author of the commercial, mixed use and industrial provisions and related sections of the Section 32 report.
10. 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

11. This report considers the submissions and further submissions that were received in relation to PC21. 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 2** 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.
12. The assessment of submissions generally follows the following format:
 - An outline of the relevant submission points
 - An analysis of those submission points

- Recommendations, including any amendments to plan provisions (and associated assessment in terms of s32AA of the RMA where appropriate).
13. Seven further submissions were received on PC21. Four further submissions were from primary submitters and three were from new submitters (the Queenstown Lakes Community Housing Trust, Joanna Johnstone and Natalie Brown). The further submissions have been considered in the preparation of this report but are not specifically mentioned because they are generally limited to matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. An analysis of submission points raised in further submissions not considered to be in scope is provided in Section 5.
14. 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.

4. Plan Change Overview

15. PC21 (Implementing the Spatial Plans (Residential, Commercial and Industrial Zoning and Zone Frameworks)) forms part of Stage 2 of the Mackenzie District Plan Review (MDPR) and largely relates to the zoning and management of the District's residential, commercial and industrial areas. PC21 is largely based on the Mackenzie Spatial Plans (contained in **Appendix 3** to this report), which were prepared by the Council, with community input, to provide a high-level plan for sustainable growth and development of each of the District's towns and small settlements over the next 30 years, while protecting their values. While the Spatial Plans form the basis for the zoning proposed in PC21, further background work, including additional community engagement, was undertaken to consider the zoning, and determine the appropriate framework to apply to each zone.
16. PC21 proposes to introduce the following chapters within Part 3 – Area Specific Matters of the District Plan and Part 4 – Appendices and Maps:
- Residential Zones
 - Large Lot Residential (LLRZ)
 - Low Density Residential (LRZ)
 - Medium Density Residential Zone (MRZ)
 - Commercial and Mixed Use Zones
 - Neighbourhood Centre Zone (NCZ)
 - Large Format Retail Zone (LFRZ)
 - Mixed Use Zone (MUZ)
 - Town Centre Zone (TCZ)
 - General Industrial Zone (GIZ)
 - Precincts
 - Takapō / Lake Tekapo Precinct (PREC1)
 - Commercial Visitor Accommodation Precinct (PREC2)
 - Development Areas

- Takapō / Lake Tekapo West Future Development Area (DEV1)
 - Takapō / Lake Tekapo North-West Future Development Area (DEV2)
 - APP1 – Height in Relation to Boundary
 - APP2 – Takapō / Lake Tekapo Character Guide and Medium Density Residential Design Guide
17. PC21 also proposes to introduce new definitions including 27 definitions from the National Planning Standards and to apply new Zones, Precincts and Development Areas to those properties identified in the planning maps that form part of PC21.
18. As a result of the new chapters, PC21 proposes to make consequential changes to the following sections of the Operative Mackenzie District Plan (OMDP). These changes largely relate to deleting zone-based provisions that are superseded by the new chapters and updating references to zone names in other chapters:
- Section 3 – Definitions
 - Section 5 – Business Zones
 - Section 6 – Residential Zones
 - Section 10 – Hazardous Substances
 - Section 13 – Subdivision
 - Section 15 – Transportation
 - Section 16 – Utilities
 - Appendix P – Lake Tekapo Design Guide
 - Appendix Q – Lake Tekapo Village Centre Outline Development Plan

5. Procedural Matters

19. 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.

Further Submissions

20. Clause 8, Schedule 1 of the RMA directs that further submissions are limited in scope to a matter in support of, or opposition to, an original submission and must only be made by persons who are representing a relevant aspect of the public interest; persons who have an interest in the plan that is greater than the interest of the general public; and the Council itself. The following submissions points raised in further submissions are therefore considered to be outside the scope and have not been considered in this report:

Further Submission Ref	Submitter Name	Submission in Support/Opposition	Scope Assessment
2	Queenstown Lakes Community Housing Trust (QLCHT)	The QLCHT support the submission from Ann-Maree Grant (5), who requests stronger regulation surrounding short term visitor accommodation in residential zones as, in her view, rental	The QLCHT while endorsing the submission from Ann-Maree Grant request that the Council facilitate the establishment of an independent not for profit community housing trust and that

		accommodation is needed for permanent residents.	the Council include inclusionary housing provisions within the District Plan to enable an increase in affordable housing. In my opinion this is not in scope of Ann-Maree Grant's original submission.
3	Joanna Johnstone	Not specified	Joanna Johnstone has requested that the location of the school in Twizel is renegotiated with the Ministry of Education. The location of the school was not raised in any primary submissions and is therefore, in my view, not in scope.
5	Lake Tekapo Enterprises	Not specified	Lake Tekapo Enterprises note that there is no designated area for staff accommodation and consider that staff accommodation should be enabled so that developments can include employee accommodation. Provisions relating to staff accommodation were not raised in any primary submissions and are therefore not considered to be in scope.

6. Statutory Framework

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

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

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

- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and

- in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect (s76(3)).
23. The assessment of the plan change must also take into account any relevant iwi management plan (s74(2A)).
 24. Specific provisions within the RMA and in other planning documents that are relevant to PC21 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.
 25. The assessment of submission points has also been undertaken in the context of the Section 32 report prepared for PC21. All recommended amendments to provisions since the initial Section 32 evaluation was undertaken must be documented in a subsequent Section 32AA evaluation and this has been undertaken, where required, in this report.

7. Assessment of Submissions

Overview of Submissions

26. One hundred and forty-eight submissions and seven further submissions were received on PC21. Two submitters opposed PC21 in full. The remaining submitters seek a range of changes to the provisions and/or maps. These include changes intended to improve plan clarity or workability of provisions; to make changes to the proposed zoning, to provide for specific activities, or to increase the level of control on some activities.

Structure of Report

27. This report has been structured as follows:
 - Section 8: An assessment of the scope of PC21 and the identification of submissions/submission points that are considered to be outside the scope of PC21;
 - Section 9: An assessment of the submissions on provisions, on a provision-by-provision basis, following the format of PC21;
 - Section 10: An assessment of specific issues/topics that relate to one or more chapters or provisions of PC21;
 - Section 11: An assessment of requests to change the zoning proposed in PC21.
 - Section 12: An assessment of any other matters raised in submissions.
28. The specific issues/topics assessed in Section 10 are:
 - The management of residential visitor accommodation activities in the Residential and Mixed Use zones;

- The provision for education facilities across various zones and overlays;
- The management of community corrections activities in the MUZ, TCZ and GIZ;
- The provision for emergency service facilities across various zones and the provision of adequate services and infrastructure for firefighting;
- Waste management, including bin collection and storage, in the MRZ;
- The provision for activities where there is functional and/or operational need to establish in the residential zones and the LFRZ;
- Submissions related to parking and/or transport;
- The designation of trails for walking and cycling in PC21;
- The management of flood hazards and erosion protection works;
- The management of development in Kimbell and Albury in regard to wastewater and stormwater discharges;
- Provision of a Heritage Precinct and the management of activities in Te Kopi-O-Ōpihi / Burkes Pass;
- The framework and location of the MUZ;
- The management of activities in the GIZ and LLRZ in relation to potential reverse sensitivity effects; and
- The framework applying to the Future Development Areas.

29. For the avoidance of doubt, where submission points are assessed in Section 10, an assessment of these have not been included in the assessment of individual provisions in Section 9.

8. Scope Assessment

30. PC21 forms part of Stage 2 of the MDPR and proposes to introduce new provisions for the management of the residential, commercial and industrial areas of the Mackenzie District. The proposed provisions apply only to those Zones, Precincts and Development Areas identified in the planning maps that form part of PC21. Changes to other provisions (including maps) of the Mackenzie District Plan, that were not detailed in the notification notice, are not within scope of PC21.

31. On this basis the following submissions/submission points are considered to be outside the scope of PC21 and have not been assessed in this report.

Submission Ref	Submitter Name	Decision Requested	Scope Assessment
12	Rick Ramsay	The Rural Residential 1/Rural land, adjacent to Lake Ruataniwha (part of Lot 500 DP 440707), is included in PC21 and is identified as a Commercial Visitor Accommodation Precinct	This area of Lot 500 DP 440707 is zoned Rural Residential 1/Rural and is not proposed to be rezoned as part of PC21
		The Musterers Hut in Twizel is not zoned TCZ and is identified as a Commercial Visitor Accommodation Precinct and that an extension to this area is made to include the restored area where the Ministry of Works project office was located	The Musterers Hut area is in scope of the PC21 and is assessed in Section 11 below. The proposed extension extends into the existing Recreation Passive Zone and is not proposed to be rezoned as part of PC21
41	Mitch Taylor	The land adjacent to the Opihi River on Geraldine-Fairlie Highway (Lot 5 of RM220008) is included in PC21 and zoned GIZ	Lot 5 is zoned Rural in the OMDP and is not proposed to be rezoned as part of PC21
57	ECan	Amend the OMDP definition of High Flood Risk as follows: <i>Means areas where the product of water depth (metres) multiplied by velocity (metres per second) equals or exceeds 1, or where depths are greater than 1 metre, in areas subject to inundation during an event or 0.2% Annual Exceedance Probability.</i>	The natural hazard provisions, including this definition, are not in scope of PC21 and will be addressed in Stage 3 of the MDPR
		Insert a new subdivision rule as Rule 4d of the OMDP that requires a restricted discretionary activity consent for any subdivision in the LLRZ, LRZ and MUZ with discretion limited to allotment size	The subdivision provisions are not in scope of PC21 and will be addressed in Stage 3 of the MDPR
60	Ian Riddler	Amendments to the maximum noise limits to allow for everyday residential activities	The noise provisions are not in scope of PC21 and will be addressed in Stage 4 of the MDPR
74	Road Metals	Lot 2 DP 487658 and Sec 8 SO 384036 are included in PC21 and are zoned an appropriate mix of Light, General and Heavy Industry Activity in accordance with the Mackenzie Spatial Plan, as opposed to in Stage 3 of the MDPR	Lot 2 DP 487658 and Sec 8 SO 384036 are zoned Rural in the OMDP and are not proposed to be rezoned as part of PC21
76	Jan Spriggs	Additional parking space be provided in the Village Centre	The parking and transport provisions are not in scope of PC21 and will be addressed in Stage 3 of the MDPR
84	Corrections	Amend the Definition of "Community activities and Facilities" as follows: Community activities and facilities: means the use of land and buildings for the primary purpose of health, welfare, care, safety, education,	PC21 includes a new definition of Community Facility in accordance with the National Planning Standards which will apply to the proposed residential, commercial and mixed use and general industrial

		<p>culture and/or spiritual wellbeing, but excludes recreational activities. A community activity includes schools, day-care facilities hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, emergency service facilities, and courthouses., probation centres and detention centres.</p> <p>Any consequential amendments required to give effect to this relief is also requested</p>	<p>zones. The wording in the existing Plan is to be applied to all chapters not being reviewed and is therefore outside the scope of PC21</p>
		<p>Amend the definition of “Residential activity “as follows:</p> <p>Residential activity: means the use of land and building(s) <u>for by people’s</u> for the purpose of permanent living accommodation., including all associated accessory buildings, leisure activities and the keeping of domestic livestock. For the purpose of this definition, residential activity shall include residential community care homes for up to and including six people and management staff, and emergency and refuge accommodation.</p> <p>Any consequential amendments required to give effect to this relief is also requested</p>	<p>PC21 includes a new definition of Residential Activity in accordance with the National Planning Standards which will apply to the proposed residential, commercial and mixed use and general industrial zones. The wording in the existing Plan is to be applied to all chapters not being reviewed and is therefore outside the scope of PC21</p>
		<p>Amend the definition of “Residential unit” as follows:</p> <p>Residential unit means <u>a building(s) or part of a building that is used for a residential activity exclusively by residential activity which consists of a single self contained housekeeping unit, whether of one household and must include sleeping, cooking, bathing and toilet facilities or more persons, and includes accessory buildings. Where more than one kitchen facility is provided on the site, there shall be deemed to be more than one residential unit.</u></p> <p>Any consequential amendments required to give effect to this relief is also requested</p>	<p>PC21 includes a new definition of Residential Unit in accordance with the National Planning Standards which will apply to the proposed residential, commercial and mixed use and general industrial zones. The wording in the existing Plan is to be applied to all chapters not being reviewed and is therefore outside the scope of PC21</p>
90	K and J Payne	<p>Lot 2 DP 461880 at School Road, Fairlie is rezoned LRZ or LLRZ under PC21</p>	<p>Lot 2 DP 461880 is zoned Rural in the OMDP and is not proposed to be rezoned as part of PC21</p>

97	Jessica Mackay	The carparking requirements in the MRZ and TCZ are reviewed	The parking and transport provisions are not in scope of PC21 and will be addressed in Stage 3 of the MDP
98	Nick Mackay		
99	Karen MacDiarmid		
107	Anthony Weekes		
143	Erica Wills		
112	Janette Hodges	The old landfill dump in Twizel is zoned recreation as part of PC21	PC21 does not include land zoned Industrial Deferred northeast of Ohau Road/Ostler Road in Twizel as this land will be covered in Stage 4 of the MDP
		The industrial area on the other side of Tekapo/Twizel Highway in the Mackenzie Spatial Plan is included in PC21	This area is zoned Rural in the OMDP and are not proposed to be rezoned as part of PC21
119	Waka Kotahi	Insert a new geospatial overlay to define the boundaries of the Aoraki Mackenzie International Dark Sky Reserve in the District Plan Maps	PC21 does not relate to the Aoraki Mackenzie International Dark Sky Reserve or lighting provisions.
121	TL&GL	The mapping is amended so that the boundaries of the MRZ are redrawn to match the Spatial Plan for Lot 401 DP 560853 and that Lot 1 DP 455053 containing the Tekapo Holiday Park is included in PC21 and is zoned MUZ	PC21 does not include any Open Space and Recreation Zones, including those located within urban areas. The existing Recreation Passive land on Lot 401 DP 560853 is therefore not in scope of PC21. Lot 1 DP 455053 is zoned Special Travellers Accommodation Zone in the OMDP and is not proposed to be rezoned as part of PC21
		Revise the Statutory Context and Legal Effect of Provisions Chapters of the plan to write out RMA in full and/or include references to the RMA where this is used	The Statutory Context and Legal Effect provisions were introduced by PC20 and are not in scope of PC21.

32. Other submissions/submission points are also considered to be outside the scope of PC21 as they relate to the Mackenzie Spatial Plans, that were adopted in September 2021, or matters covered by other departments of Council.

Submission Ref	Submitter Name	Decision Requested	Scope Assessment
1	Richard Smith	No increased rates or additional charges on properties used for short term visitor accommodation	Rating values are outside the scope of the District Plan and are the responsibility of Council's Finance Department
6	BPHT	The name of the Burkes Pass Rural Character Area, displayed in the Mackenzie Spatial Plan, be changed back to The Burkes Pass Heritage Precinct	The Spatial Plans were adopted in September 2021 and while forming the basis for the proposed zoning do not form part of
7	Graham Batchelor		
9	Caroline Thomson		
15	Alex Lusby		

47	W and M Frost		PC21. Heritage provisions are proposed to be reviewed in Stage 4 of the MDP.
80	D and L Richards		
132	Liz Angelo		
16	Michael Guerin	Retain the Mackenzie Spatial Plans as notified	The Spatial Plans do not form part of PC21
17	John Emery	The Spatial Plan is revisited with proper formal consultation with the community before being adopted by the District Plan	The Spatial Plans do not form part of PC21
43	Carolyn Mincham	A horse-riding symbol is included on the Twizel trails, displayed on the Spatial Plan, to ensure access is protected	The Spatial Plans do not form part of PC21
47	W and M Frost	The walking and cycling connections advised in the original spatial plan for Burkes Pass be re-incorporated	The Spatial Plans do not form part of PC21
80	D and L Richards	The additional walkways reinstated as per the original spatial plan	The Spatial Plans do not form part of PC21
87	S and M Allan	Retain the Burkes Pass Spatial Plan. The original Spatial Plan for Burkes Pass caused concern for affected landowners around walking/cycling tracks on private property. In addition, we do not support the labelling of 'Heritage' to any privately owned homes/properties	The Spatial Plans do not form part of PC21
90	K and J Payne	The trail/cycleway/walkway identified in the Mackenzie Spatial Plan on the Fairlie A&P grounds is removed	The Spatial Plans do not form part of PC21
92	G and L Munro	Retain the Burkes Pass Spatial Plan	The Spatial Plans do not form part of PC21
62	John Capstick	Burkes Pass is a Rural Character Area with no walking tracks and toilets established on private land. The revised Spatial Plan is more in keeping with the towns existing character	The Spatial Plans do not form part of PC21
63	Heather Capstick	Burkes Pass be a township of rural character only. The revised changes made to the Burkes Pass Spatial Plan is that the town be or rural character with no intrusion on private land with walking tracks and subdivision	The Spatial Plans do not form part of PC21
126	H Johnson and P McCabe	The proposed walking track around the western side of Fairlie and the Fairlie Cemetery displayed on the Spatial Plans is removed	The Spatial Plans do not form part of PC21

9. Provision by Provision Assessment

Provisions where no Change is Sought

33. PC21 proposed to make consequential amendments, including deletions, to the various provisions within the OMDP which pertain to the residential, commercial and mixed use and industrial zones.² No submitters have opposed these deletions/amendments. I therefore recommend these provisions be deleted/amended as notified.

² Including Section 3 – Definitions, Section 5 - Business Zones, Section 6 - Residential Zones, Section 10 - Hazardous Substances, Section 13 – Subdivision, Section 15 – Transportation, Section 16 – Utilities, Appendix P - Lake Tekapo Design Guide and Appendix Q - Lake Tekapo Village Centre Outline Development Plan.

34. The following provisions included within PC21 were supported by submitters and no submitters oppose the provisions. As such, they have not been assessed in this report, and I recommend that they are retained as notified:

Section	Chapter	Provision	Submissions	
Interpretation	Definitions	Definition of Access	Waka Kotahi (119)	
		Definition of Road	Waka Kotahi (119)	
Residential Zones	LLRZ	LLRZ-O2	Waka Kotahi (119)	
		LLRZ-R1	Corrections (84)	
		LLRZ-R2	Waka Kotahi (119)	
		LLRZ-R4	Corrections (84)	
	LRZ	LRZ-O1	MoE (18), Waka Kotahi (119)	
		LRZ-P4	Waka Kotahi (119)	
		LRZ-R1	Corrections (84)	
		LRZ-R4	Corrections (84)	
		LRZ-S2	Ian Thomson (140), Christopher Johnson (145)	
	MRZ	MRZ- Introduction Paragraph 4	TL&GL (121)	
		MRZ-O1	MoE (18), Corrections (84), Waka Kotahi (119), TL&GL (121)	
		MRZ-P3	Waka Kotahi (119)	
		MRZ-R3	Corrections (84)	
		MRZ-R11	TL&GL (121)	
		MRZ-R12	TL&GL (121)	
		MRZ-S10	Waka Kotahi (119)	
Commercial and Mixed Use Zones	NCZ	NCZ-O1	FENZ (81)	
		NCZ-P1	FENZ (81)	
		NCZ-R4	MoE (18)	
		NCZ-S4	Waka Kotahi (119)	
	LFRZ	LFRZ-O2	Waka Kotahi (119)	
		LFRZ-P2	Waka Kotahi (119)	
		LFRZ-S4	Waka Kotahi (119)	
	MUZ	MUZ-R1	TL&GL (121)	
		MUZ-R2	Waka Kotahi (119), TL&GL (121)	
		MUZ-R6	TL&GL (121)	
		MUZ-R7	TL&GL (121)	
		MUZ-R8	MoE (18)	
		MUZ-S5	Waka Kotahi (119)	
	TCZ	TCZ-P1	FENZ (81), Corrections (84)	
		TCZ-P2	Waka Kotahi (119)	
		TCZ-S5	Waka Kotahi (119)	
		TCZ-S7	FENZ (81)	
	CMUZ	CMUZ-MD6	Waka Kotahi (119)	
	General Industrial Zone	GIZ	GIZ-O2	FENZ (81), Waka Kotahi (119)
			GIZ-P2	MoE (18), FENZ (81)
GIZ-S4			Waka Kotahi (119)	
Precincts	PREC1	PREC1-S4 Specific Control Area 7	TL&GL (121)	
	PREC2	PREC2-P1	Waka Kotahi (119)	
Development Areas	DEV2	DEV2-O1	Waka Kotahi (119)	

Large Lot Residential Zone

LLRZ-O1 Zone Purpose

Submissions

35. Corrections (84) and Waka Kotahi (119) support LLRZ-O1 as notified. MoE (18) also support LLRZ-O1 in principle, acknowledging the intended use of the zone, but seek deletion of the wording ‘*small scale*’ and ‘*which are ancillary to residential activity*’. The reason for this is it considers education facilities are important social infrastructure which should be provided for in this zone, but that as they fall within the scope of non-residential activity, they will likely not meet these thresholds.

Analysis

36. I consider the alternative wording proposed by MoE (18) to be more appropriate to achieve the Strategic Directions introduced in PC20, and therefore the purpose of the RMA. Amendments to UFD-O1, introduced as part of the decision on PC20, seek to ensure the “*Districts townships and settlements grow and develop in a consolidated way that is integrated with the provision of infrastructure and facilities which support the functioning of the community.*” This includes social infrastructure and education facilities.
37. In my view, the amendments sought by MoE (18) are also appropriate as the purpose of all three residential zones (the “O1” objectives) is largely the same with the distinction between the zones more in relation to the character and amenity values sought (the “O2” objectives). For example, larger allotments with a predominance of open space over built form are anticipated in the LLRZ, which is different to the higher density of development anticipated in the MRZ. A consistent approach to the zone purpose of all three residential zones is therefore considered appropriate. The submission point from MoE (18) is therefore recommended to be accepted.

Recommendation

38. I recommend, for the reasons give above, that LLRZ-O1 is amended to align with LRZ-O1 and MRZ-O1 to provide primarily for residential living opportunities and other compatible activities that support and are consistent with the character and amenity values of the zone.
39. As a consequence, I also recommend that the Hearing Panel make amendments to the Introduction of the LLRZ to align with recommended changes to LLRZ-O1. The amendments recommended are set out in **Appendix 2**.
40. In terms of Section 32AA, I consider the recommended amendments to be more effective at achieving the Strategic Directions and purpose of the RMA, while not undermining other objectives sought (i.e. LLRZ-O2).

LLRZ – P1 Residential Activities

Submissions

41. Corrections (84) support LLRZ-P1 in principle but seek an amendment to enable residential activities and “households” within a range of residential unit types and sizes. Related to this, Corrections (84) seek amendments to MRZ-P1 and a new definition of ‘household’, to recognise accommodation activities provided by Ara Poutama, as follows:

Household: means a person or group of people who live together in a unit whether or not:

a. any or all of them are members of the same family; or

b. one or more members of the group (whether or not they are paid) provides day-to-day care, support and supervision to any other member(s) of the group.

42. TL&GL (121) support MRZ-P1 as notified.

Analysis

43. I do not consider the proposed amendment, and associated definition necessary. In my view, residential housing provided by Corrections to assist with transition and or integration into the community, following an individual’s release from prison, would fall within the definition of residential activity (*any land and buildings for people’s living accommodation*). While the NP Standard definition of residential unit specifically refers to one household, I do not consider it necessary to define such a term. Household is not defined in the NP Standards and is not defined in other District Plans reviewed and, in my view, would generally include any individuals living within a residential unit no matter their relationship. I therefore recommend that the submission from Corrections is rejected and that the submission in support of MRZ-P1 from TL&GL is accepted.

Recommendation

44. I recommend, for the reasons given above, that LLRZ-P1 and MRZ-P1 are retained as notified and that a definition of household is not included in PC21.

LLRZ- S1 Density

Submissions

45. Jeannie Columbus (8) supports the consistent approach that has been applied in Twizel and requests LLRZ-S1 is retained as notified. Tessa Smith (109), Heather Te Koeti (110), Zoe White (115) and Matt Smith (122) seek amendments to LLRZ-S1 to ensure all current subdivisions zoned Residential 4 including The Drive, Twizel are retained at a minimum density of one residential unit per 4,000m². Reasons for this include:

- A minimum density of 2,000m² will ruin the visual appeal of these areas and create extra traffic in areas that have not been designed for it, for example, no footpaths; and
- The Council has an obligation to protect landowner rights.

46. For the same reasons, Jessica Maaka (135) requests a new Specific Control Area (SCA) applying to The Drive, Twizel, similar to Boundary Terrace, Glen Lyon Estate, Merino Downs and parts of Northwest Arch. Ms Maaka also notes that intensification in this area will impact the natural landscape given the increase in buildings.
47. Tessa Smith (109) requests a 4,000m² minimum density is applied to all new LLRZ in Twizel.
48. ECan (57) seeks amendments to LLRZ-S1 to make it clear that all development in the LLRZ (except for Kimbell) is required to connect to Council's reticulated sewer network.

Analysis

49. Regarding the submission from Ecan, all new development in the LLRZ in Twizel and Fairlie is intended to be connected to Council's reticulated sewer network. I however consider this to be best dealt with at the time of subdivision. Section 13, Standard 6.c of the OMDP requires all new allotments in residential zones in Fairlie and Twizel, including the LLRZ, to be provided with a piped sewage outfall for disposing of sanitary sewage. Any development prior to subdivision will also be required to connect to a sewerage system where it is available under Building Code Clause G13 *Foul Water*. While I support the intent behind the submission point received from ECan, I recommend it is rejected as there is already sufficient scope in the OMDP and other acts to require new development to be connected to Council's reticulated sewerage network.
50. The approach to development in Kimbell is different, with reticulated sewerage not available. I therefore recommend that LLRZ-S1 is amended to include a minimum density requirement for Twizel/Fairlie (as per the submission from ECan) and a minimum density requirement for Kimbell to ensure it is clear on-site wastewater discharge is only anticipated in Kimbell. I note that this does not change the effect of the provision as notified, but will provide greater clarity.
51. In terms of the minimum density, I agree with Jeannie Columbus (8) that a consistent approach should be applied to the LLRZ in Twizel. A key intention of PC21 was to rationalise the number of zones by using other methods such as spatial controls to maintain any site or area specific distinctions that are still appropriate. The OMDP contains limited distinction between the Residential 3 and 4 Zones with the policy and rule framework for each zone essentially identical except for the minimum allotment size and total building coverage. The decision on Plan Change 15 also provides little guidance regarding the outcomes sought in each zone, except that the variation in density provides opportunities for different lifestyle options in residential living and that the level of density was to decrease the further you moved from the town centre. Development was also preferred to be concentrated where servicing was more efficient. I therefore maintain that the application of one LLRZ in Twizel is appropriate.
52. A minimum density of 4,000m² while effective at meeting the objectives, provides limited scope for infill or intensification which was a key intention of the Mackenzie Spatial Plans. The population in Twizel is expected to increase significantly over the next 30 years. If there are no changes to the current zoning under the District Plan, Twizel is expected to reach dwelling capacity in 2040 at a total of 2,500 dwellings, a total increase of 61.7%, based on the assumption

that development continues in the same manner as today.³ The proposed density is therefore considered to be effective at achieving the objectives of the LLRZ (LLRZ-O1 and LLRZ-O2), as it still provides for larger lots with a predominance of open space over built form but provides for necessary growth, while being more effective than a lower density at achieving UFD-O1 in terms of providing for consolidated growth and development which responds to community needs.

53. I accept that the existing character of the Residential 4 Zones will change given the proposed reduction. Any change will however occur slowly overtime. I also note that a minimum density of 2,000m² does not mean that owners or developers must subdivide or build down to this density, as they may choose to retain larger lot sizes consistent with the existing character of the area. Any traffic and/or servicing constraints, including the provision of footpaths, can also be addressed at the time of subdivision. I therefore recommend that the submission from Jeannie Columbus (8) is accepted and the submission points from Tessa Smith (109), Heather Te Koeti (110), Zoe White (115), Matt Smith (122) and Jessica Maaka (135) are rejected.
54. Application of a SCA, similar to Boundary Terrace, Glen Lyon Estate, Merino Downs and parts of Northwest Arch is not, in my view, appropriate. SCAs 1, 2 and 3 have only been proposed to retain a larger density/minimum allotment size in areas where the Council's Engineering Department have identified servicing constraints, as reflected in LLRZ-P5(2). Once the servicing constraints have been investigated, and any necessary upgrades planned for, the intention is for the SCAs to be removed. Application of a SCA to The Drive, is therefore not appropriate as this area is not subject to servicing constraints that warrant the retention of a 4,000m² minimum allotment size. The submission point received from Jessica Maaka (135) is therefore recommend to be rejected.

Recommendation

55. I recommend, for the reasons given above, that the minimum density in LLRZ-S1 is retained as notified. Amendments to the format of LLRZ-S1 are however recommended to clearly delineate the different minimum density requirement for Twizel/Fairlie and that for Kimbell. The amendments recommended are set out in **Appendix 2**.
56. The scale of change does not require a Section 32AA evaluation because it is a minor change to improve plan drafting and the changes do not alter the general intent. The original s32 evaluation therefore still applies.

LLRZ-S5 Coverage

Submissions

57. Mackenzie Properties (117) seek amendments to LLRZ-S5 to allow for an increased building coverage of 35% and an increased impervious coverage of 45% as they consider the provisions, as notified, to be potentially restrictive for landowners.

³ Mackenzie Spatial Plans, September 2021 page 36.

Analysis

58. LLRZ-S5, as notified, allows for a maximum building coverage of 25% and a maximum building and impervious coverage of 40%. The 25% building coverage is consistent with the OMDP (for the Residential 3 Zone) and allows, at minimum, 500m² of a section in the LLRZ to be covered by buildings (based on a 2,000m² minimum allotment size). The average size home built in New Zealand in 2022 was 126m², down from 140m² in 2021.⁴ I therefore consider a 25% building coverage to be more than sufficient to accommodate a detached residential unit, the predominant building type anticipated in the LLRZ (LLRZ-O2), as well additional accessory buildings.
59. The OMDP does not currently set a maximum impervious coverage limit in the Residential 3 and 4 Zones. Managing impervious coverage will however assist in maintaining the open and spacious character of the LLRZ and in maintaining a predominance of open space over built form (consistent with LLRZ-O2). The 40% building and impervious coverage proposed also allows a further 300m² of a 2,000m² section to be covered in impervious surfaces which I consider to be more than sufficient to accommodate a driveway, pathways and the like. I therefore recommend that the above submission point from Mackenzie Properties is rejected.

Recommendation

60. I recommend, for the reasons given above, that LLRZ-S5 is retained as notified.

Low Density Residential Zone

LRZ-R2 Minor Residential Units

Submissions

61. W and Z Speak (138) seek amendments to LRZ-R2 to allow minor residential units to be two storeys to provide for garaging/storage and additional space on the ground floor.
62. Waka Kotahi (119) support LRZ-R2 as notified.

Analysis

63. The requirement for minor units to be single storey was proposed to limit the occupancy of minor units in the zone and to be consistent with the OMDP, that requires all minor units to have a maximum building height of 4m.
64. On review, provided LRZ-R2.2 is amended to refer to the total gross floor area (*the sum of the total area of all floors of a building or buildings including void areas of those floors*), LRZ-R2.3 can be deleted as the occupancy of a minor unit will be limited to 65m² whether the building is single or multi storey.
65. In my view, allowing minor units to be multi storey will have no impact on the outcomes and amenity values sought in the LRZ, with one to two story detached residential units being the predominant building type anticipated in the zone (LRZ-O2 and LRZ-S2). The submission point

⁴ Stats New Zealand, <https://www.stats.govt.nz/news/median-floor-area-of-new-homes-consented-decreases-10-percent>

from W and Z Speak is therefore recommend to be accepted and the submission from Waka Kotahi is recommended to be accepted in part.

Recommendation

66. I recommend, for the reasons given above, that LRZ-R2.2 is amended to refer to the total gross floor area and that LRZ-R2.3 is deleted to enable minor units to be multi storey. The amendments recommended are set out in **Appendix 2**.
67. For consistency, I also recommend that the Hearing Panel make consequential amendments to LLRZ-R2 and MUZ-R2 as set out in **Appendix 2**.
68. In terms of Section 32AA, the scale of change is minor and will have no impact on the character and amenity outcomes sought. The original s32 evaluation therefore still applies.

LRZ-S1 Density

Submissions

69. W and Z Speak (138) seek clarification regarding the application of LRZ-S1 and whether it allows for two residential units on an 800m² section with or without subdivision.
70. Mackenzie Properties (117) seek amendments to LRZ-S1 to ensure that where reticulated sewerage is not available the minimum density per residential unit is 2,000m², as they consider a minimum density of 1,500m² to be insufficient to provide for on-site wastewater discharge.
71. Ian Thomson (140) and Christopher Johnson (145) request that SCA 4 is retained at a minimum density of one residential unit per 4,000m² in perpetuity, as they brought their properties for the views, tranquillity, and open space.

Analysis

72. LRZ-S1, as notified, sets a minimum site area per residential unit of 400m², where a residential unit is connected to a reticulated sewerage system. This provides for the construction of two residential units on an 800m² section without subdividing the property. For completeness, a section of 1,200m² could have three residential units and a section of 1,600m² could have four residential units. The reason for this is the total density within any given area remains the same whether land is subdivided or not.
73. Where a residential unit is not connected to a reticulated sewerage system, LRZ-S1, as notified, sets a minimum density of one residential unit per 1,500m². The proposed density is consistent with the OMDP, which sets a minimum allotment size of 1,500m² for unsewered areas in the Residential 1 Zone. This was also discussed with ECan prior to notification of PC21, who raised no concerns with the 1,500m² minimum density, provided that the wastewater discharge has been authorised by ECan. LRZ-S1, as notified, includes the requirement for wastewater discharge to be approved by ECan. I note that while the minimum density is set at 1,500m², the additional standard means that the wastewater discharge consent process may identify that more land area is required for wastewater disposal. The submission point received from Mackenzie Properties is therefore recommended to be rejected. As a consequence of the recommended changes to LLRZ-S1 however, amendments to the format of LRZ-S1 are

recommended to improve the drafting of the plan, by making it clearer which density requirements apply to each township and when authorisation for wastewater discharge is required from ECan.

74. SCA 4 was included in PC21 to signal that intensification is anticipated in this area, in accordance with the Mackenzie Spatial Plans. However, there are servicing constraints in this area (the low pressure sewer system) which have been identified by Council's Engineering Department. These need to be investigated further and any necessary upgrades - the shift to a gravity-based sewerage system - planned for. Once the servicing constraints have been addressed the intention is that the SCA will either be removed or amended via a plan change or variation, in a subsequent stage of the MDP. Council's Engineering Department are currently investigating/modelling the sewer system in this area. While the outcomes of this work are unknown, Council's Engineering Department support the proposed up-zoning and do not anticipate that the outcomes of this investigation will result in the proposed zoning being inappropriate; rather it is about ensuring that infrastructure requirements are identified and integrated with intensification. Application of SCA 4 in perpetuity, given this purpose, is therefore, in my view, not appropriate. It is also my understanding that Ian Thomson (140) and Christopher Johnson (145) are more concerned with the proposed underlying LRZ, given the increased opportunities for infill, once SCA 4 is removed, rather than the retention of the SCA itself.
75. The population in Twizel is expected to increase significantly over the next 30 years. Opportunities for urban expansion in Twizel are also limited as Twizel is framed by the Twizel River and Lake Ruataniwha and sits within the Mackenzie Basin, which is identified as an Outstanding Natural Landscape. To provide for anticipated growth, the Mackenzie Spatial Plans therefore identify areas for infill/up-zoning, including medium density infill near the town centre and low-density infill within North West Arch, with the intention being that the MRZ and LRZ are framed by larger lots (LLRZ). I therefore consider the proposed zoning to be appropriate as it gives effect to the Spatial Plans and provides for necessary growth. I also consider that the LRZ in this location better reflects the surrounding zoning and provides a better distinction between the LRZ and LLRZ to the west given existing areas of natural open space.
76. I accept that the existing character of North West Arch may change given the proposed up-zoning. Any change will however occur slowly over time. It is also noted that while the minimum density will be reduced once the servicing constraints are addressed, this does not mean that owners or developers must subdivide or build down to a minimum density of 400m² as they may choose to retain larger lots that are more consistent with the character of the existing area. Based on all of the above, I recommend that the submission points from Ian Thomson and Christopher Johnson are rejected.

Recommendation

77. I recommend, for the reasons given above, that the minimum density in LRZ-S1 is retained as notified. Amendments to the format of LRZ-S1 are however recommended to more clearly delineate the minimum density requirements for Twizel, Fairlie, Tekapo and Te Kōpi-O-Ōpihi /

Burkes Pass and those for Kimbell and Albury. The amendments recommended are set out in **Appendix 2**.

78. The scale of change does not require a Section 32AA evaluation because it is a minor change to improve plan drafting and the changes do not alter the general intent. The original s32 evaluation therefore still applies.

LRZ-S4 Setbacks

Submissions

79. Jacob Payne (73) seeks amendments to LRZ-S4 to retain the minimum building setback of 10m in SCA 4 until such time appropriate services are in place and the minimum density is reduced. The reason for this is he considers the 2m setback inappropriate if SCA 4 is never actually removed.

Analysis

80. As detailed above, once the servicing constraints have been addressed the intention is SCA 4 will either be removed or amended via a plan change or variation, in a subsequent stage of the MDP. While at this time it is unclear when this will occur, Council's Engineering Department support the proposed up-zoning and do not anticipate that the outcomes of their investigation will result in the proposed LRZ being inappropriate. I therefore do not recommend accepting the submission from Jacob Payne as if larger setbacks are retained in this area, it does not allow for the character in this area to change slowly over time to be consistent with the underlying LRZ framework and longer-term anticipated density. I therefore recommend the submission from Jacob Payne is rejected.

Recommendation

81. I recommend, for the reasons given above, that LRZ-S4 is retained as notified.

LRZ-S5 Coverage

Submissions

82. Mackenzie Properties (117) seek amendments to LRZ-S5 to allow for an increased building coverage of 50% and an increased impervious coverage of 60% as they consider the provisions, as notified, to be potentially restrictive for landowners.

Analysis

83. LRZ-S5, as notified, allows a maximum building coverage of 40% and a maximum building and impervious coverage of 50%. The 50% building and impervious coverage is consistent with the OMDP (for the Residential 1 Zone) and allows up to 200m² of a 400m² section (the minimum allotment size) in the LRZ to be covered by buildings and hard surfaces. This allows for smaller detached residential units consistent with the zone purpose and character and amenity values sought (LRZ-O1 and LRZ-O2). I also note that while the minimum density is proposed at 400m² this does not mean that owners or developers must subdivide down to 400m² and any larger lot sizes will allow for increased building and hard surface coverage. A 50% building and hard

surface coverage for this type of zone is also consistent with other plans reviewed. I therefore recommend that the submission point from Mackenzie Properties is rejected.

Recommendation

84. I recommend, for the reasons given above, that LRZ-S5 is retained as notified.

Medium Density Residential Zone

MRZ-O2 Zone Character and Amenity Values

Submissions

85. Waka Kotahi (119) support MRZ-O2 as notified. TL&GL (121) seek amendments to MRZ-O2 to include detached residential units to the list of housing typologies anticipated in the MRZ as they consider development in this zone will likely include smaller detached housing.

Analysis

86. I consider the alternate wording from TL&GL (121) to be appropriate as I agree development in the MRZ will likely include smaller detached housing in accordance with the MRZ Design Guide (APP2), which includes compact detached units as a main housing typology expected in the MRZ. I also consider the change to be minor and more consistent with the zone purpose (MRZ-O1) of providing primarily for higher density residential living opportunities. The submission point from TL&GL is therefore recommended to be accepted and the submission from Waka Kotahi is recommended to be accepted in part.

Recommendation

87. I recommend, for the reasons given above, that MRZ-O2 is amended to include detached residential units to the range of listed housing typologies expected in the zone. The amendments recommended are set out in **Appendix 2**.

88. As a consequence, I also recommend that the Hearing Panel make amendments to the Introduction of the MRZ to align with MRZ-O2. The amendments recommended are set out in **Appendix 2**.

89. The scale of change does not require a Section 32AA evaluation because it is a minor change and does not alter the general intent of the provisions. The original s32 evaluation therefore still applies.

MRZ-P4 Other Non-Residential Activities

Submissions

90. TL&GL (121) consider that MRZ-P4, as notified, repeats part of MRZ-P2 and achieves the same function. TL&GL (121) therefore seek an amendment to MRZ-P2 to include the expansion of existing activities, with MRZ-P4 specific to activities desired to be avoided for example, new industrial activities. TL&GL (121) also consider that use of 'avoid' within MRZ-P4 does not align with the DIS activity status of MRZ-R13.

Analysis

91. A key intention of PC21 was to rationalise the activities categories used, to better align with the RMA Reform Package/Randerson Report which proposed a reduction of six categories under the RMA (PER, CON, RDIS, DIS, NC, PR) to four categories in Natural and Built Environment Plans (PER, CON, DIS, PR). Most of the provisions in PC21 have therefore been drafted using the following four categories:
- Permitted: used where the effects of the activity are well known and are considered appropriate, and where there is reasonable certainty that the activity would achieve the outcomes sought in the Plan.
 - Restricted Discretionary: used for activities that are generally expected to be able to be managed to achieve the outcomes sought by the Plan, but where case-by-case consideration of aspects of the activity are required and where the ability to decline consent should be retained. Matters of discretion to be limited.
 - Discretionary: used for activities that are less appropriate, have effects that are less known (or go beyond boundaries) or may be unacceptable in the specific situation, and activities that were unanticipated at the time of plan development. Council will have broad discretion to seek information and the ability to decline.
 - Prohibited: used for activities that in no circumstances are expected to achieve the outcomes sought by the plan.
92. In rare circumstances a NC activity status has also been used to identify activities that are considered to be generally inappropriate in the zone, for example, new industrial activities in the residential zones. The policy framework applying to DIS and NC activities based on these principles however is generally the same, as in both circumstances the activity is “less appropriate” and “generally unacceptable.” I therefore consider the DIS activity status, and associated ‘avoid’ policy to be appropriate. I also note the way in which “avoid” is used in the policy is not to avoid particular land use activities full stop, but rather to avoid unless the listed criteria are met. The policy therefore provides clear direction about what is appropriate (activities which meet criteria) and what is not appropriate (activities that do not meet the criteria). A NC activity status reflects activities that are not expected, except in rare circumstances, to meet the criteria.
93. The policies in the MRZ seek to provide direction on how activities, including built form, are to be managed to achieve the purpose and to maintain the character and amenity values of the zone, including identifying activities which are not suitable. This direction is then reflected in the activity status applied and rule framework. MRZ-P2 applies to compatible activities, which I consider to include residential visitor accommodation, home business, education facilities and community facilities (RDIS), whereas MRZ-P4 applies to activities that are generally not anticipated or are less appropriate in the zone unless specific criteria are met, including industrial activities, commercial visitor accommodation, commercial activities and activities not otherwise listed (DIS and NC activities).

94. While I acknowledge there are similarities between MRZ-P2 and MRZ-P4 I consider the differentiation between compatible and other activities to be effective at achieving the objectives of the MRZ. I therefore recommend that the submission points from TL&GL are rejected.

Recommendation

95. I recommend, for the reasons given above, that MRZ-P2 and MRZ-P4 are retained as notified.

MRZ – P5 Adverse Effects

Submissions

96. Waka Kotahi (119) support MRZ-P5 as notified. TL&GL (121) seek amendments to MRZ-P5 to include reference to the Takapō / Lake Tekapo Character Design Guide for non-residential activities in the zone and consider additional clarification is required for how the Design Guide will be used in the assessment of resource consent applications.

Analysis

97. I do not consider reference to the Takapō / Lake Tekapo Character Design Guide to be necessary in MRZ-P5 as I consider the outcomes sought in the MRZ to be quite different to the Takapō/Lake Tekapo Precinct, which seeks to control built development within Takapō/Lake Tekapo to ensure that it is sympathetic to the character of the town and landscape and to which the Takapō / Lake Tekapo Character Design Guide relates. For the avoidance of doubt, I note that the Design Guide will already apply to properties located in the MRZ which are also in PREC1.
98. For completeness, all buildings and structures in the residential areas within the Takapō/Lake Tekapo Precinct are permitted, where they meet design standards. Where these standards, are not met, resource consents will be assessed against the Takapō / Lake Tekapo Character Design Guide included in APP2 to ensure development still meets the design outcomes sought, including the development of non-residential activities. I therefore recommend that the submission from Waka Kotahi is accepted and the submission from TL&GL is rejected.

Recommendation

99. I recommend, for the reasons given above, that MRZ-P5 is retained as notified.

MRZ- R1 Residential Units

Submissions

100. Corrections (84) support MRZ-R1 as notified.
101. TL&GL (121) seek amendments to MRZ-R1 to delete the requirement for allotments in the MRZ to have a minimum site area of 400m², as they consider it to be a subdivision/lot size standard which, in their view, should be included in the subdivision chapter, especially as it does not align with MRZ-S1. TL&GL (121) also request that MRZ-R1 and MRZ-R2 are merged together to refer just to 'Buildings and Structures' as in their view they are both PER and there is no benefit of having them separate.

Analysis

102. The minimum of one residential unit per site and a minimum site area of 400m² in MRZ-R1 needs to be considered in the context of the provisions as a whole. Specifically, supplementary units in the MRZ, as notified, are provided for as a RDIS activity provided the standards are met, including, MRZ-S1, which requires a minimum density of one residential unit per 200m². The RDIS activity status and density in MRZ-S1 signals that supplementary units and higher density housing is anticipated in the MRZ, but ensures higher density development in this zone is undertaken in a way that will meet the character and amenity values sought, including good urban design outcomes. Council's only matter of discretion is restricted to consistency with the MRZ Design Guide set out in APP2, which has been developed based on urban design advice, with regard to the Mackenzie context. I support this approach as while additional site area controls have been introduced, the provisions as notified will be more effective at achieving the outcomes sought in MRZ-O1 and MRZ-O2. The effect of deleting the requirement in MRZ-R1 would be that higher density development would not be subject to consideration against APP2, and in my view there would be a greater risk of the objectives not being achieved as a result.
103. I also note that the subdivision provisions are not in scope of PC21 and are to be addressed in a subsequent stage of the MDPR. Inclusion of the minimum site area in MRZ-R1 is therefore appropriate to achieve the outcomes sought in the MRZ.
104. With this in mind, I do not agree with TL&GL (121) that MRZ-R1 and MRZ-R2 should be merged together to refer just to buildings and structures, because in my view the additional standards applying to residential units should be retained, and are not applicable to other buildings and structures. I therefore recommend that submission from TL&GL is rejected and the submission from the Corrections is accepted.

Recommendation

105. I recommend, for the reasons given above, that MRZ-R1 is retained as notified.

MRZ-R9 Retirement Villages

Submissions

106. Enviro Waste (108) seek amendments to MRZ-R9 to include waste storage as a matter of discretion for retirement villages, as they consider waste management to be essential in the design stage of such facilities.

Analysis

107. I agree with Enviro Waste that waste management will need to be carefully considered in the design of any retirement village. I therefore consider the proposed change more effective at achieving the outcomes sought in the zone by providing good on-site amenity for residents and by maintaining the amenity values of adjacent sites, consistent with MRZ-O2 and MRZ-P3. I therefore recommend the submission from Enviro Waste is accepted.

Recommendation

108. I recommend, for the reasons given above, that MRZ-R9 is amended to include waste storage as a matter of discretion for retirement villages. As a consequence, I also recommend that the Hearing Panel apply the same amendment to LRZ-R10 consistent with LRZ-O2 and LRZ-P4. The amendments recommended are set out in **Appendix 2**.
109. In terms of Section 32AA, I consider the recommended amendment to be more effective at achieving the objectives and policies in the MRZ as it will enable a more holistic assessment of any applications received and will ensure amenity values are maintained within and outside the site.

MRZ-S1 Density and MRZ-S2 Height

Submissions

110. Twenty-two submissions were received in relation to MRZ-S1 and MRZ-S2.
111. Seven submitters⁵ oppose medium density development including multistorey buildings in the Plan and/or Twizel. Nine submitters⁶ (all from Twizel) oppose the maximum building height, as notified, and request that it is reduced to allow a maximum of two stories, and three submitters⁷ raise concerns with allowing a minimum density of 200m². The key reasons for this are as follows:
- multi storey buildings are not appropriate and are out of context in Twizel;
 - the increased density will ruin the village look and feel of Twizel; and
 - three storey buildings will result in adverse shading effects for adjoining properties and will block people's views of the surrounding landscape.
112. Karen Morgan (106) considers that the location of the MRZ in Twizel needs to be reconsidered and managed to ensure areas of infill are in keeping with the history of town and to maintain natural vistas.
113. TL&GL (121) support MRS-S1, as notified, but seek amendments to MRZ-S2 to delete the requirement for all floors to have a maximum ceiling height of 2.7m as they do not consider it to be planning or urban design matter.

Analysis

114. I do not agree with submitters that medium density development is not appropriate in the plan and/or Twizel. Higher density development is required to allow for necessary growth, over the lifetime of the Plan, and if designed well will achieve the anticipated character and amenity values of residential neighbourhoods. Further background work was also undertaken to

⁵ James Underwood (28), Frank Hocken (53), Scott Aronsen (68), Stephen Golding (95), Rosemary Golding (96), Jane Nicholls (144) and Eleanor Harris-Brouwer (146).

⁶ Jan Spriggs (76), Jessica Mackay (97), Nick Mackay (98), Heather Earthorne (105), Anthony Weeks (107), Janette Hodges (112), Frances Dennison (120), Erica Wills (143) and Malcom Lousley (148).

⁷ Frank Hocken (53), Frances Dennison (120) and Malcom Lousley (148).

determine the appropriate framework to apply to each zone. The background work for the MRZ included urban design advice from Boffa Miskell who were engaged to prepare the MRZ Design Guide, contained in APP2, and to road test the draft provisions to demonstrate the typical on the ground outcomes that would be delivered by any new standards to ensure the purpose and character and amenity values outcomes were achieved. The methodology and results of this work are detailed in Appendix A of the Section 32A Report.

115. Regarding MRZ-S1, Boffa Miskell tested three different residential densities (250m², consistent with minimum allotment size in the Residential 2 Zone, 200m² and 180m²) and recommended an amendment to the status quo to provide for minimum density of 180-200m². In their view, the existing allotment size (250m²) is too large to promote semi-detached or terraced housing options and would likely not achieve medium density urban design outcomes. A minimum density of 180m²-200m² in comparison would provide for a range of medium density building typologies while encouraging more compact semi-detached or terraced housing options. Boffa Miskell also noted that the predominant lot size existing in the MRZ in Fairlie is 1,000m², which can readily be subdivided into sections of 200m², and the predominant lot size in Twizel also suits a 200m² minimum lot size.
116. I accept that the existing character of the MRZ may change as a result of the proposed density. However, the character and amenity values will evolve slowly over time as new development is constructed. I therefore consider MRZ-S1, as notified, to be more appropriate to achieve the purpose and the character and amenity values anticipated in the MRZ. I also note that UFD-O1, which seeks that growth and development is consolidated and also maintains character, relates to 'anticipated', rather than 'existing' character. The change in density therefore better reflects the density anticipated, over time, in the MRZ, as expressed in the MRZ objectives. I also note that the 200m² density is not without additional controls intended to achieve good design outcomes. Specifically, under the proposed framework any residential units constructed to a minimum density of 200m² will be required to obtain a resource consent as a RDIS activity to ensure higher density development is undertaken in a way that will meet the character and amenity values sought in MRZ-O2, with Council's matters of discretion restricted to consistency with the MRZ Design Guide set out in APP2. I therefore recommend that MRZ-S1 is retained as notified and the submissions from Frank Hocken, Frances Dennison and Malcom Lousley are rejected.
117. With respect to MRZ-S2, through the drafting process, Boffa Miskell tested a series of different height limits (including the status quo of 8m) and recommended a maximum building height of 10m + 1m gable roof allowance (three storeys) in Fairlie and Twizel and a 7.5m + 1m gable roof allowance (two stories) in Takapō / Lake Tekapo.
118. The 10m + gable roof allowance in Fairlie and Twizel, as tested by Boffa Miskell⁸, will allow for three storey units with good internal amenity (i.e. floor to ceiling heights of 2.7m, as opposed to 2.4m), and will enable a range of building typologies including semi-attached, terraces and apartments consistent with the anticipated purpose and character and amenity values of the

⁸ Section 32A Report, Appendix A: Urban Design Memorandum, 9 August 2022

zone. Their advice was that building up rather than out is also a more efficient use of land and would provide increased opportunity for onsite open space/amenity. They recommended a lower height limit in Takapō / Lake Tekapo as they consider there is a greater potential for taller buildings to block existing views to the lake from neighbouring properties.

119. In providing their advice, Boffa Miskell did identify the following negatives of allowing three storey buildings in the MRZ:

- buildings will be more visually apparent at the street level;
- potential loss of views/privacy from existing houses;
- potential loss of sunlight to existing houses; and
- more obvious change to existing character.

120. Taking into account the above advice, the Section 32A Report concluded that the positives of allowing three storey buildings outweighed the negatives.

121. Having further considered this matter in light of the submissions received, I consider a reduction to the maximum height limit to be appropriate. A reduction to 7.5m + 1m gable allowance, while a potentially less efficient use of land, will ensure the anticipated character of the MRZ (higher density development) is more aligned with the existing character and built form in Twizel (predominance of single storey dwellings) and will result in less change for the community. My view has been informed by considering that the current height limit in the Residential 2 Zone, 8m.⁹ This limit allows for two storey development, but has not yet led to any noticeable amount of two-storey dwellings being constructed. Therefore, the character that might reasonably be anticipated under the current zoning has not yet eventuated. Reducing the height in the MRZ from the notified level still allows for a greater level of intensification than is currently experienced and a more efficient use of land than is currently the case. Allowing for two storey buildings, in my view, will therefore still be effective at meeting MRZ-O1 as within the context of the existing built form, the provision of two storey buildings would still achieve higher density development.

122. It is also clear from a shading analysis undertaken by Boffa Miskell and contained in **Appendix 1**, that three storey buildings are not likely to be achievable on individual lots, as the proposed height in relation to boundary requirements (MRZ-S3) on single sites makes three storey development harder to achieve. It is therefore only likely to be realised where three or more existing allotments in Twizel are amalgamated. Even if the 10m height + 1m gable allowance is retained, the development of three storey buildings in the short to medium term is therefore unlikely to eventuate. I therefore consider the height limit, as notified, to be less efficient in achieving the outcomes sought in the MRZ, as it does not take into account the size and character of existing allotments and may cause unnecessary confusion for landowners/developers, by implying a higher height can be achieved, which in reality is limited

⁹ Section 6, Standard 3.1.1.c (iii) of the OMDP

by other controls. Finally, I note that a breach of the height limit is RDIS. This allows for consideration of higher, potentially three-storey buildings, on a case-by-case basis against the matters set out in RESZ-MD1. In my view, this would still allow a pathway for consideration of higher heights, including where sites are amalgamated and development can achieve the height in relation to boundary requirements.

123. I also note that Twizel sits within the Mackenzie Basin, which is identified as an Outstanding Natural Landscape. Reducing the height limit will therefore contribute to the views of the surrounding landscape being protected and maintained, consistent with the amenity outcomes sought in submissions. The submissions from Jan Spriggs (76), Jessica Mackay (97), Nick Mackay (98), Heather Earthorne (105), Anthony Weeks (107), Janette Hodges (112), Frances Dennison (120), Erica Wills (143) and Malcom Lousley (148) requesting a reduction to the maximum height limit are therefore recommended to be accepted. The submissions from James Underwood (28), Frank Hocken (53), Scott Aronsen (68), Stephen Golding (95), Rosemary Golding (96), Jane Nicholls (144) and Eleanor Harris-Brouwer (146) are also recommended to be accepted in part.
124. While the submissions are focused on Twizel, the relief sought by some submitters is broader and in my view allows for consideration of the height limit applying to the MRZ in Fairlie as well. I consider a reduction of the maximum height limit in Fairlie to be appropriate, as similar to Twizel, the existing built form in Fairlie comprises predominantly single storey dwellings. I also consider it more appropriate to set a consistent height limit for all three towns.
125. Regarding the 2.7m minimum floor to ceiling height, Ms Griffiths has confirmed (refer **Appendix 1**) that while 2.7m is best practice for medium density development, the minimum floor to ceiling height required in New Zealand is only 2.4m. Ms Griffiths therefore recommends that MRZ-S2.2 is deleted as, in her view, it is not efficient or reasonable to prescribe a minimum floor to ceiling height of 2.7m in all cases. Based on this advice, I recommend that the submission from TL&GL is accepted.

Recommendation

126. I recommend, for the reasons give above, that:
- MRZ-S1 is retained as notified;
 - MRZ-S2.1 is amended to reduce the maximum building height from 10m to 7.5m above ground level except a gable roof may exceed the maximum height by no more than 1m; and
 - MRZ-S2.2 is deleted.
127. The recommend amendments are set out in **Appendix 2**.
128. In terms of Section 32AA, I consider the recommended amendment will be effective at achieving the purpose and anticipated character and amenity values sought in the MRZ (MRZ-O1 and

MRZ-O2) as it will still allow for higher density residential living opportunities including a range of housing typologies (MRZ-O2(1)), while in my view better maintaining the amenity values of adjacent sites(MRZ-O2(3)), and the attractiveness of these areas to residents (UFD-O1(6)).

MRZ-S3 Height in Relation to Boundary

Submissions

129. TL&GL (121) seek amendments to MRZ-S3 to include the height in relation to boundary requirements within the standard as, in their opinion, it will improve plan clarity/useability, and to provide an exemption for adjoining boundary walls (for example, duplex).

Analysis

130. I do not consider it necessary to include the height in relation to boundary requirements within MRZ-S3. The approach to the height in relation to boundary requirements is consistent throughout PC21, with all zone chapters, where a height in relation to boundary standard applies, requiring compliance with APP1. APP1 is also easily accessed given the Eplan format and removes unnecessary explanatory text from each zone chapter. If the Hearing Panel decide to include the height in relation to boundary requirements within MRZ-S3, consequential amendments are recommended to the other zone chapters for consistency.

131. In terms of the exemption for buildings sharing a common wall, I agree that an exemption should be applied to that part of the boundary where the common wall applies. The MRZ Design Guide, contained in APP2, clearly shows semi-detached and terraced style houses sharing common walls. Duplex style buildings such as semi-detached and terrace style housing are also anticipated in the policy framework of the MRZ. Any exemption would therefore remain consistent with the zone purpose and the character and amenity outcomes sought in the zone. The OMDP also includes an existing exemption for buildings on adjoining sites where they have a common wall along an internal boundary. I therefore recommend the submission point from TL&GL is accepted in part.

Recommendation

132. I recommend, for the reasons given above, that APP1 is amended to include an exemption for buildings on adjoining sites in the MRZ where they have a common wall along an internal boundary. The amendments are set out in **Appendix 2**.

133. The scale of change does not require a Section 32AA evaluation because it is a minor change and does not alter the general intent of the provisions. The original s32 evaluation therefore still applies.

MRZ-S4 Setbacks

Submissions

134. TL&GL (121) seek amendments to MRZ-S4 to require:

- garage doors facing the road to be setback a minimum of 4.5m to provide for onsite car parking, setback from the road;

- that the setbacks do not apply to buildings adjoining a common wall along an internal boundary; and
- that small-scale buildings/structures are exempt from the setback requirements, as in their view small structures often have little effect on the amenity of neighbouring properties due to their small size. As consequence, TL&GL (121) also request a new building subcategory definition, the effect of which would be to exclude structures less than 10m² in gross floor area and 2m in height such as pergolas, dog houses, woodsheds, outdoor storage bins, and playhouses, given the NP Standard definition of Building is extremely broad. They consider that the NP Standard definition of Structure also does not result in these smaller structures being excluded which in their view seems unanticipated.

Analysis

135. I do not agree with TL&GL (121) that garage doors facing the road should be required to be setback a minimum of 4.5m to provide on-site car parking. Carparking in the MRZ Design Guide is generally recommended to be located away from front yards and only where it is necessary to be in the front yard are garages recommended to be further back from the main building to minimise the dominance of vehicles. Requiring garages to be setback 4.5m in the MRZ therefore does not necessarily promote good urban design outcomes as sought in the Design Guide. As detailed in the Design Guide, there are many ways of achieving good quality living environments, with the design guidelines only intended to provide guidance to achieve good urban design outcomes rather than standardised rules. I therefore consider it more appropriate to apply a flexible approach to the location of car parking with it ultimately being up to the landowner/developer.
136. For the same reasons outlined in MRZ-S3 above, I agree with TL&GL (121) that an exemption should be applied to buildings on adjoining sites where they have a common wall along an internal boundary.
137. I do not agree that an exemption should be applied to small-scale buildings/structures. I acknowledge that the NP Standard definition is extremely broad, capturing all construction that is partially or fully roofed. I also agree that the definition of structure provides no exemptions applying to any building, equipment, device, or facility made by people and that smaller ancillary structures may be appropriate in certain circumstances given their small size. However, the minimum building setbacks in the MRZ, as notified, are only 2m. Small buildings and structures are therefore able to be constructed on most of a site as a PER activity (MRZ-R2). In addition, no other plans reviewed¹⁰ include an exemption for smaller ancillary buildings and/or structures in the MRZ.
138. I also note that a blanket exemption does not allow for case-by-case assessment of when smaller structures may not be appropriate to achieve the purpose and character and amenity

¹⁰ Timaru Proposed District Plan, Selwyn Proposed District Plan, Waimakariri Proposed District Plan and Christchurch City District Plan

values sought in the zone. For example, smaller structures (10m² in area and no more than 2m in height) within the road boundary setback are unlikely to align with the MRZ Design Guide which seek to have service functions such as bin storage at the side or rear of a development and for frontages in the MRZ to be well-designed to benefit the public, visitors and residents. For this reason, I do not consider a new sub-category definition of Building necessary, as a new definition is only required if smaller construction is to be treated differently to other types of buildings and structures.

139. If the Hearing Panel do decide to include an exemption for smaller buildings/structures, I recommend that the exemption is restricted to buildings/structures which are ancillary to a permitted activity on a site, and which are less than 5m² in area and less than 2m in height, consistent with the OMDP, and that the exception is not applied to the road boundary setback or internal boundaries adjoining a public place.

140. Based on the above, I recommend that the submission points from TL&GL are accepted in part.

Recommendation

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

- MRZ-S4 is not amended in relation to garage doors.
- MRZ-S4 is amended to include an exemption for buildings on adjoining sites where they have a common wall along an internal boundary.
- An exemption is not included for small buildings/construction less than 10m² in gross floor and less than 2m in height.

142. The scale of change does not require a Section 32AA evaluation because it is a minor change and does not alter the general intent of the provision. The original s32 evaluation therefore still applies.

MRZ-S8 Outlook Space

Submissions

143. TL&GL (121) seek amendments to MRZ-S8 to allow outlook space to be over public streets and other public spaces where relevant.

Analysis

144. The minimum outlook space requirements have been incorporated into the MRZ Standards, based on urban design advice, to provide visual privacy and outlook between habitable rooms of different buildings on the same or neighbouring sites, to encourage re-orientation or offsetting of direct facing windows, to manage visual dominance and to ensure a sense of space for residents given the increased density and opportunities for built form in the zone. No change to the minimum requirements, as notified, has been sought by submitters, including TL&GL, rather clarification is sought regarding the application of the standard and whether the

minimum outlook space can extend over public land. For this reason, Ms Griffiths (refer **Appendix 1**) recommends a new definition of outlook space either within the standard or definitions chapter, which is derived from Clause 16, Schedule 3A of the RMA:

- a. the width of outlook space is measured from the centre point of the largest window on the building face to which it applies.*
- b. outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.*
- c. outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.*
- d. outlook spaces may be under or over a balcony.*
- e. outlook spaces required from different rooms within the same building may overlap.*
- f. outlook spaces must –*
 - be clear and unobstructed by buildings; and*
 - not extend over an outlook space or outdoor living space required by another dwelling.*

145. I do not consider the above text to be a definition. Having regard to the advice from Ms Griffiths however, it is clear that the standard, as notified, is unclear on how it should be measured or applied. I therefore recommend that amendments are made to MRZ-S8 to include the above requirements consistent with the outlook space requirements contained in Clause 16, Schedule 3A of the RMA. The submission received from TL&GL is therefore recommended to be accepted.

Recommendation

146. I recommend, for the reasons given above, the MRZ-S8 is amended to include new requirements for outlook spaces to direct how the minimum outlook space standard is to be measured and applied. The recommend amendments are set out in **Appendix 2**.

147. The scale of change does not require a Section 32AA evaluation because it is a minor change to improve plan drafting and the changes do not alter the general intent. The original s32 evaluation therefore still applies.

MRZ-S9 Fencing

Submissions

148. Waka Kotahi (119) seeks amendments to MRZ-S9 to ensure any fencing adjacent to a State Highway has a maximum diameter not exceeding 100mm, as in their view, any fence adjacent to a highway should be frangible in the event of being struck by an errant vehicle.

149. TL&GL (121) seek amendments to MRZ-S9 to reduce the maximum height of fencing along the road boundary to 1.2m and to require all fencing to be visually permeable in the MRZ, excluding support structures. In their view, MRZ-S9, as notified, does not support good urban design outcomes and does not align with the MRZ Design Guide.

Analysis

150. The requirement for fencing to be no more than 100mm in diameter is not something that I have seen in other District Plans reviewed. In addition, the fencing requirements are not intended for safety purposes, with low planting or visually open fencing within the MRZ Design Guide sought to create a buffer between the street and private homes. The proposed change would therefore be counter intuitive to the urban design outcomes sought in the MRZ Design Guide. I also do not consider it appropriate as application of the fencing requirements would only apply to the MRZ, as it contains a fencing standard, and would not apply to other zones fronting the highway. The submission from Waka Kotahi is therefore recommended to be rejected.
151. In terms of the maximum height of fencing, Ms Griffiths (refer **Appendix 1**) considers it more appropriate to reduce the maximum fencing height from where fencing is to be permeable, down to 1m, rather than reducing the overall height to 1.2m. The reason for this is *“it is likely that lots on the northern side of blocks will result in front yards being the primary private open spaces for residents (ensuring they have sunlight access). It is therefore important that a front fence rule is put in place to balance privacy and security for residents with maintaining the open feel of the Mackenzie area and a positive streetscape experience (for example, addressing passive surveillance, activation, etc).”*
152. I support Ms Griffiths recommendation as fencing higher than 1.2m may be appropriate to provide on-site amenity for residents (MRZ-O2(3)) but requiring it to be visually permeable balances this with good design outcomes (MRZ-O2(2)). I therefore recommend that the submission from TL&GL is accepted in part.

Recommendation

153. I recommend, for the reasons given above, that MRZ-S9 is amended to require visually permeable fencing from above 1m.
154. The recommended amendments are set out in **Appendix 2**.
155. The scale of change does not require a Section 32AA evaluation because it is a minor change does not alter the general intent of the provision. The original Section 32 evaluation therefore still applies.

Residential Zones Matters of Discretion

RESZ-MD5 Landscaping

Submissions

156. Waka Kotahi (119) seek amendments to RES-MD5 to remove a grammatical error displaying at the end of RESZ-MD5.b.

Analysis

157. I agree that a grammatical error has been made. 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. This amendment is therefore shown in **Appendix 2**.

Large Format Retail Zone¹¹

Submissions

158. Mackenzie Properties (117) supports the introduction of the LFRZ but considers that it does not go far enough to encourage future growth in Twizel. They consider that high-profile buildings in this location will draw people off SH8 who will then proceed to the Town Centre, rather than drawing people away from the Centre. They seek amendments to the LFRZ to:

- Reduce the minimum floor area for retail activities from 500m² to 200m²;
- Permit offices;
- Make commercial visitor accommodation discretionary rather than non-complying, or at least provide for it in part of the zone; and
- Add assessment matters for discretionary consents.

159. The submission includes a concept plan indicating a potential site layout which includes retail of different sizes, commercial offices and accommodation.

Analysis

160. The NP Standards set out the zone options for district plans, which include a description of the zones. The LFRZ is described as “*Areas used predominantly for commercial activities which require large floor or yard areas.*” In a review of other district plans¹² undertaken as part of the background work on PC21, this type of zone is used to provide specifically for large format retail activities, and in almost all cases, small-scale retail is restricted in order to direct the latter to town centres. 450m² or 500m² is a common threshold used to distinguish the size at which retail is ‘large format’. Controls on development in the LFRZ are also intended to achieve both the objectives for the LFRZ itself, as well as other relevant objectives. This includes TCZ-O1 which seeks that the Town Centre Zone is the primary retail destination for comparison and convenience shopping in the District, and is a focal point for the community, providing for a range of commercial and community-focused activities, along with activities that support the vibrancy of these areas. Development of commercial and community activities outside this zone must therefore, in my view, be carefully managed to ensure that it does not undermine this outcome. While I understand that the submitter considers that additional commercial development in this location will attract people into the township, this is not supported by any

¹¹ This section is authored by Liz White.

¹² Ashburton District Plan (Business B); Proposed Selwyn District Plan (LFRZ); Christchurch City Plan (Commercial Retail Park) Proposed Timaru District Plan (LFRZ); Proposed Queenstown-Lakes District Plan (Three Parks Commercial); Proposed Waimakariri District Plan (LFRZ).

technical assessment such as an economic report qualifying the submitter's assertions, and the approach sought is not consistent with restrictions placed on LFRZ in other plans.

161. In terms of the specific changes sought, my view is that reducing the minimum floor area for retail within this zone would not align with the NP Standards LFRZ description as it would allow for a predominance of much smaller retail shops. Neither would it align with LFRZ-O1 which seek that the zone provides primarily for large-scale retail activities. In essence, the change sought would result in the zone no longer being large format, but instead being more akin to the TCZ. I therefore do not consider the reduction in floor area for retail activities to be appropriate and recommend this submission point is rejected.
162. Similarly, allowing for offices of any scale and in any location within the LFRZ as a permitted activity would, in my view, risk compromising LFRZ-O1. Under the proposed rule framework, offices would be DIS (LFRZ-R4) and would be assessed against LFRZ-P2. The aspects of the policy of relevance to offices would be whether they detract from the character, amenity values or purpose of the TCZ. In my view the current activity status reflects that some office development within this zone could likely be undertaken which would not detract from the character, amenity values or purpose of the TCZ. However, in my opinion this would depend on the amount and scale of development proposed, and this is best assessed through the consent framework. I therefore recommend this submission point is rejected.
163. With respect to commercial visitor accommodation, I consider the activity status reflects that this type of activity is not generally expected to align with LFRZ-P2; in particular the potential that this type of development may detract from the character, amenity values or purpose of the TCZ; and that being of a residential nature, it could result in reverse sensitivity effects with other activities anticipated in the LFRZ. I note that the concept plan provided by the submitter proposes accommodation at the edge of the zone, fronting Ostler Road and opposite an open space and residential area, the latter of which contains an existing commercial visitor accommodation activity. Without a specific proposal, my preliminary view is that a case could be made that this type of activity in this particular location, and subject to more detailed assessment, could overcome the concerns about reverse sensitivity. Noting that this would not apply to the remainder of the site, nor to the land proposed to be zoned LFRZ in Tākapo / Lake Tekapo, I consider it appropriate to apply a SCA to this part of the site which allows for commercial visitor accommodation as a restricted discretionary activity. I therefore recommend this submission point is accepted in part.
164. In relation to assessment matters for discretionary consents, I note that for fully DIS activities, the Council's discretion is not limited and therefore assessment matters are not included. Assessment matters would instead apply to RDIS activities; but none are proposed for the LFRZ (noting my recommendations above to include a new RDIS rule). Most standards, where breached, are RDIS, but in my view the additional assessment matters sought by the submitter are not related to the matters these standards control. I therefore do not consider that the further assessment matters are required, nor appropriate to apply to the new RDIS activity rule. I therefore recommend this submission point is rejected.

Recommendation

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

- LFRZ-R2 and LFRZ-R4 are retained as notified;
- The area shown in the submitter's concept plan for 'proposed accommodation' is identified as a SCA (as shown in **Appendix 4**), and LFRZ-R8 is amended so that a RDIS activity status is applied to commercial visitor accommodation within the SCA (but NC activity status is otherwise retained for elsewhere within the LFRZ); and
- No additional assessment matters are included in the LFRZ chapter, except in relation to the new RDIS activity recommended above.

166. The amendments recommended to LFRZ-R8 are set out in **Appendix 2**.

167. In terms of Section 32AA, the scale of change is relatively minor in that the change in activity status does not alter the need for a resource consent to be obtained for this type of activity; rather it reflects that in the specific location the proposed activity is more likely to be able to meet the policy direction. The change in activity status is therefore considered to still provide an appropriate pathway for consideration and therefore be effective at achieving the outcome sought, while providing a more targeted and therefore more efficient approach.

Town Centre Zone¹³

TCZ-S1 Height

Submissions

168. Jessica Mackay (97), Nick Mackay (98), Karen MacDiarmid (99), Anthony Weekes (107) and Erica Wills (143) request that the 10.5m height for buildings in the TCZ is considered in relation to the existing Market Place. They express concerns about the impact the height would have on views and the increase of shading during winter months.

Analysis

169. While I note the submitter's concerns about the height of buildings that could be built within the TCZ, and how this would compare to the actual built development within Market Place, I note that 10.5m is the current height limit applied in this area (under the OMDP Village Centre zoning). It is also consistent with other district plans reviewed, which generally have a height limit of 10-12m in town centre areas. I also consider that the current and proposed height is consistent with the purpose, character and amenity values anticipated in this zone, as reflected in TCZ-O1 and TCZ-O2, and therefore do not recommend the height is changed. For completeness I note that this does not mean that developers must build at this higher height, and may continue to build at lower heights consistent with the current built development. I recommend these submission points be rejected.

¹³ This section is authored by Liz White.

Recommendation

170. I recommend, for the reasons given above, that TCZ-S1 is retained as notified.

TCZ-S4 Verandahs¹⁴

Submissions

171. FENZ (81) seek amendments to TCZ-S4 to ensure emergency service facilities are exempt from the verandah requirements in the TCZ.

Analysis

172. I note that TCZ-S4 only applies to specific sites within the TCZ rather than applying to the whole zone. These are sites fronting Market Place in Twizel, and Main Street in Fairlie. Emergency service facilities are permitted in the TCZ (as a community facility, under TCZ-R3). The purpose of the verandah standards is linked to providing a high-quality pedestrian-focused environment (TCZ-O2 and TCZ-P3(1)). However, I accept that for some activities, which like emergency services facilities are anticipated within this zone, provision of a verandah may be impracticable. While this is a matter that could be addressed through a consent application, I note that the matters of discretion proposed do not currently allow for consideration of the operational or functional requirements of activities. I consider it appropriate that this be added as a matter of discretion, noting this would provide for the consideration for other activities as well as emergency service facilities. However, I tend to agree with the submitter that requiring consent to authorise the exemption is not efficient, and therefore recommend that the submission point is accepted.

Recommendation

173. I recommend, for the reasons given above, that TCZ-S4 is amended so that it does not apply to emergency service facilities, as well as amending the matters of discretion to allow for consideration of the operational or functional requirements of activities.

174. The amendments recommended to TCZ-S4 are set out in **Appendix 2**.

175. In terms of Section 32AA, the scale of change is relatively minor. In my view the exemption recognises that while the zone is anticipated to be pedestrian-focused overall, it is not practicable for some activities that are anticipated within the zone (in line with TCZ-O1) to provide a verandah. In my view, the limited exemption, as well as the additional consideration in the matters of discretion will not undermine the achievement of TCZ-O2 as the zone will remain pedestrian-focussed overall, while also providing for a range of commercial and community-focussed activities. I consider the exemption to be an efficient approach given it is limited to a specific activity.

¹⁴ This section is authored by Liz White.

General Industrial Zone¹⁵

GIZ-O1 Zone Purpose

Submissions

176. FENZ (81), Corrections (84) and Waka Kotahi (119) support GIZ-O1 as notified. Enviro Waste (108) seek amendments to GIZ-O1 to refer to ensuring that compatible activities do not compromise the functionality of the zone for industrial activities. They consider that 'compatible' activities can be judged in different ways and may not be appropriate to some industrial activities. They consider that their addition will help ensure that industrial activities have primacy in the zone.

Analysis

177. In my view the addition is not necessary, because what is 'compatible' is set out in the policy framework; namely they are activities of a similar scale and nature to industrial activities (GIZ-P1), those which will not result in reverse sensitivity and have a functional need or operational need to establish in the zone, or are commercial activities supporting workers needs (GIZ-P2). I therefore recommend the submission points from FENZ (81), Corrections (84) and Waka Kotahi (119) are accepted and the submission point from Enviro Waste (108) is rejected. However, if the Hearing Panel consider that at an objective level reference should be made to other activities that do not compromise the functionality of the zone, I consider this should be used rather than reference to compatible activities (i.e. it should be one or the other but not both).

Recommendation

178. I recommend, for the reasons given above, that GIZ-O1 is retained as notified.

GIZ-P1 Industrial Activities

Submissions

179. FENZ (81) support GIZ-P1 as notified. Enviro Waste (108) seek amendments to GIZ-P1 as it considers that the policy is too vague and may lead to reverse sensitivity effects. They seek that the policy explicitly refer to activities complying with GIZ- R3 and R4 rather than to activities "*of a similar scale and nature to industrial activities.*" While they support GIZ-P2, this is subject to the amendments to GIZ-P1 being made.

Analysis

180. I do not consider it best practise for a policy to refer to a rule(s), where the rule(s) it refers to are those implementing the policy. In particular, activities that are considered to be of a similar scale and nature are those identified in GIZ-R3 and GIZ-R4 and therefore the rules are implementing the policy. If the policy is amended as sought by the submitter then the policy provides no guidance as to *why* the activities are permitted, and this in turn would provide less assistance when considering any resource consent application made where the standards of the rule are not met. I therefore recommend this submission point is rejected.

¹⁵ This section is authored by Liz White.

Recommendation

181. I recommend, for the reasons given above, that GIZ-P1 is retained as notified.

GIZ-R4 Ancillary Activities

Submissions

182. Enviro Waste (108) seek amendments to GIZ-R4, which relates to ancillary activities, to require that the gross floor area of any office does not exceed 30% of all buildings on the site or 100m²; and that the showroom gross floor area does not exceed 10% of all buildings on the site. They consider these activities are those that are most likely to give rise to reverse sensitivity effects and which could inhibit or discourage industry from operating in close proximity. It considers that without such a limit and assessment through a resource consent, ancillary activities may become more than subservient to the main activity on the site.

Analysis

183. In my experience, activities that are ancillary to those activities permitted in the zone, including related offices and showrooms, are not likely to give rise to reverse sensitivity effects. District plans more usually restrict 'sensitive activities' with these including things such as residential activities, hospitals, maraes etc, but not commercial activities. I can however see benefit in limiting the scale of offices, to ensure that the permitted activity that they are related to remains the dominant feature of the activity. I do not consider this to be necessary for showrooms however. I therefore recommend this submission point is accepted in part. If the Hearings Panel consider that a limit on showrooms is appropriate, I would recommend applying a 30% limit consistent with offices.

Recommendation

184. I recommend, for the reasons given above, that GIZ-R4 is amended to place a limit on the scale of any ancillary office.

185. The amendments recommended to GIZ-R4 are set out in **Appendix 2**.

186. In terms of Section 32AA, the scale of change is relatively minor. In my view the limit still provides for activities that have a functional need to establish the zone (GIZ-P2), while better ensuring that primacy in the zone is given to industrial and other compatible activities (GIZ-O1).

Takapō/Lake Tekapo Precinct

General

Submissions

187. TL&GL (121) seek amendments to the relevant zone chapters, so they include the provisions for the Takapō/Lake Tekapo Precinct, instead of these being contained in a separate chapter. In relation to the Introduction to the precinct chapter, TL&GL (121) request that the "special character" and "distinctive built form" that is sought to be maintained is specified.

Analysis

188. The NP Standards direct that where a district plan uses a precinct that applies to multiple zones the provisions must be located in the multi-zone precinct chapter. I therefore recommend that the submission point received from TL&GL (121) is rejected.
189. I do not consider it appropriate or necessary for the Introduction to include details on the character and built form that is to be maintained. The introduction is intended to provide a brief overview of the precinct to assist plan users. Details about the character and built form are set out in the Takapō / Lake Tekapo Character Design Guide, which forms part of the District Plan. I therefore recommend that the submission point received from TL&GL (121) is rejected.

Recommendation

190. I recommend, for the reasons given above, that:
- the Takapō/Lake Tekapo Precinct provisions are retained in the multi zone precinct chapter as notified; and
 - the Introduction to the Takapō/Lake Tekapo Precinct chapter is retained as notified.

PREC1-S3 Building Scale

Submissions

191. TL&GL (121) seek amendments to PREC1-S3 to remove the requirement for stepped facades, as in their view it may increase building costs on already challenging sites and the orientation of lots is typically that the long façade is to the internal boundary and does not impact the streetscape.
192. TL&GL (121) also request that small scale buildings/construction within residential zones are exempt from the minimum separation distance requirements for buildings.

Analysis

193. Ms Griffiths agrees, from urban design perspective, that the orientation of lots does mean that the long façade is typically to the longer internal boundary (refer **Appendix 1**). However, she notes that larger sites, corner sites, and future amalgamated lots could have longer facades orientated towards the road. Lots can also have long facades to other public spaces such as parks and pedestrian pathways where, in her view, this standard should be applied. For these reasons, Ms Griffiths recommends that the maximum wall length of 14m without recess in the façade and roofline is only applied to a public street other public place such as a park or pedestrian pathway. Based on this advice I recommend that the submission received from TL&GL is accepted in part and that the amendments proposed by Ms Griffiths are generally adopted.
194. As part of the background work on PC21 the Council engaged Boffa Miskell to review and update the existing Tekapo Design Guide. As part of this work Boffa Miskell also prepared a list of potential rule approaches that should be included for Takapō/Lake Tekapo to ensure

development is sympathetic to the town and surrounding landscape. The rule approaches recommended by Boffa Miskell were based on a site visit to Takapō/Lake Tekapo to record the existing residential and commercial character, a review of the existing Lake Tekapo Design Guide and the outcomes of a workshop held with key stakeholders on 22 June 2022. Based on this advice, and the guidance outlined in the Takapō/Lake Tekapo Character Design Guide, PREC1-S3 has been proposed to reduce the overall building bulk by managing any long, continuous building facades or larger buildings. The minimum setback between buildings has also been proposed to reduce the overall building scale by encouraging secondary links between primary building forms or clear visual breaks between buildings, consistent with the Design Guide and PREC1-P1. For this reason, I do not consider it appropriate for an exemption to be applied to small scale buildings/construction as while small in scale individually they could have an impact on the overall perceived scale/building bulk on a site which would be inconsistent with the outcomes sought in the Design Guide and PREC-P1. I therefore recommended PREC1-S3.2 is retained as notified and the submission point from TL&GL is rejected.

Recommendation

195. I recommend, for the reasons given above, that PREC1-S3 is amended so that the 14m maximum building length without a recess in façade and roofline of at least 1m in depth and 2m in length only applies to facades along a road, or other public space.
196. I recommend PREC1-S3.2 is retained as notified.
197. The amendments recommended are set out in **Appendix 2**.
198. The scale of change does not require a Section 32AA evaluation because it is a minor change to improve plan drafting and the changes do not alter the general intent. The original s32 evaluation therefore still applies.

PREC1-S4 Height

Submissions

199. TL&GL (121) seek amendments to PREC1-S4 to allow for a maximum building height of 8m, consistent with the OMDP, and to remove the minimum floor to ceiling height of 2.7m, as they do not consider it to be planning or urban design matter.

Analysis

200. As discussed earlier, a 2.7m floor to ceiling height, while best practice for medium density development, is not a prerequisite, with typical floor to ceiling heights in New Zealand being 2.4m. For the reasons given above, I therefore recommend that the minimum floor to ceiling height requirement in PREC1-S4 is deleted.
201. Regarding the maximum height, TL&GL (121) have requested an increase of up to 8m to accord with the OMDP. Ms Griffiths (refer **Appendix 1**), from an urban design perspective, disagrees, as while an 8m height allows for two storey buildings, it is unlikely to achieve higher quality/best practice (2.7m floor to ceiling heights) and a gabled roof. She also notes that a maximum

building height of 8m and a 1m gable roof allowance could result in three storey buildings within Takapō/Lake Tekapo. Development of this nature would consist of low floor to ceiling heights and shallow gable roofs that do not align with the existing or desired character detailed in the Takapō/Lake Tekapo Character Design Guide. It is therefore Ms Griffiths' recommendation that the 7.5m height with a 1m gable roof allowance is retained, as notified, as it enables higher quality/best practice 2.7m floor to ceiling heights and a gable roof that aligns with the existing and desired character of Takapō/Lake Tekapo as set out in the Design Guidelines.

202. Based on this urban design advice I consider PREC1-S4, as notified, to be more appropriate at achieving the purpose and amenity outcomes sought in the Takapō/Lake Tekapo Precinct and the Takapō/Lake Tekapo Character Design Guide in APP2.

203. The submission points from TL&GL are therefore recommended to be accepted in part.

Recommendation

204. I recommend, for the reasons given above, that PREC1-S4 is amended to delete the requirement for all floors to have a minimum floor to ceiling height of 2.7m.

205. The amendments recommended to PREC1 are set out in **Appendix 2**.

206. The scale of change does not require a Section 32AA evaluation because it is a minor change and does not alter the general intent of the provision to allow for two storey buildings that align with Takapō/Lake Tekapo Character Design Guide and the character and amenity outcomes sought in Takapō/Lake Tekapo. The original s32 evaluation therefore still applies.

Takapō/ Lake Tekapo Character Design Guide and Medium Density Residential Design Guide

Submissions

207. TL&GL (121) support the inclusion of the Takapō/ Lake Tekapo Character Design Guide and the Medium Density Residential Design Guide in APP2. They however consider that the design guidelines need to have a clearer relationship with the provisions and the process for using the design guideline for resource consenting needs to be clearly laid out. Amendments to the roofing guide are also requested to make it clearer that hip style roofing is not an acceptable roof type for Takapō/Lake Tekapo.

Analysis

208. In my view, no further clarification is required regarding the relationship between the Design Guidelines and provisions. The purpose of the Design Guidelines and how they are to be used is clearly laid out at the start of each guide. Matters of discretion have also been included in the provisions when consistency with the guidelines is to be assessed as part of any resource consent application. The submission point from TL&GL is therefore recommended to be rejected.

209. In regard to hip style roofing, Ms Griffiths agrees that hip style roofs do not fit within the existing or desired character of Takapō/Lake Tekapo. This is also reflected in the standards in the Takapō / Lake Tekapo Precinct with primary roofs forms required to be flat or monopitch or to have a gable between 20-65 degrees (PREC1-S2). Ms Griffiths therefore recommends a minor amendment to the guide to make it clearer hipped style roofs are not an acceptable roof form. I note that the purpose of the guidelines is only to provide guidance to landowners and developers to achieve good urban design outcomes and is not intended to contain any rules or regulations, with these sitting in the District Plan rules and standards. Any amendments to the guide should therefore be framed as such, as if the guide is too strong it does not allow for consideration of circumstances where hipped style roofing may be appropriate in certain circumstances without undermining the outcomes sought in the Takapō/Lake Tekapo Precinct. I therefore recommend referring to hipped styles roofs as being generally not ‘appropriate’, rather than not being ‘acceptable’. The submission point from TL&GL is therefore recommended to be accepted in part.

Recommendation

210. I recommend, for the reasons given above, that a minor amendment is made to the Takapō/Lake Tekapo Character Design Guide in APP2 to make it clear that hipped style roofing in Takapō/Lake Tekapo is generally not appropriate.

211. The scale of change does not require a Section 32AA evaluation because it is a minor change and does not alter the general intent of the provisions. The original s32 evaluation therefore still applies.

Definitions

212. This section of the report relates to any definitions that are not otherwise assessed in other sections of the report.

Submissions

213. TL&GL (121) support the inclusion of the NP Standards definitions in PC21. Amendments are however sought to ensure (where appropriate) the definitions link together, to improve plan clarity, and subcategories are used to provide for further explanation to the effect of provisions:

- The definition of Boundary is recommended to be included in the definitions nesting table with each type of boundary defined separately in the definitions or sub-categories.
- Amendments to the definition of Ground Level are sought to improve plan clarity by excluding the ability to undertake earthworks to alter the ground level, *for example, the surface of the ground level prior to any earthworks on a site.*

214. TL&GL (121) also request that points a. to g. within the definition of Commercial Visitor Accommodation are defined as subset definitions rather than being listed in the definition itself. TL&GL (121) also seek the inclusion of a new sub-set definition for ‘Campground and Holiday

Park Activities' as they consider campgrounds and holiday parks to be quite different to other forms of commercial visitor accommodation activity.

Analysis

215. The NP Standards direct that where terms defined in the Standards are used, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Standard. However, if required, they may define:
- terms that are a subcategory of, or have a narrower application than, a defined term; and
 - additional terms if they do not have the same or equivalent meaning.
216. Boundary is a term not defined in the NP Standards. The proposed definition has been carried over from the OMDP, including three subcategories:
- Internal Boundary
 - Road Boundary
 - Side Boundary.
217. No submitters, including TL&GL (121), have opposed the intent of the definition. I therefore do not consider it essential for the definition to be included in the definitions nesting table to improve plan clarity, as the application/intent of the definition and subcategories remains the same in either location. However, inclusion in the nesting table will ensure a consistent approach is being applied. I therefore recommended that the above submission point relating to the definition of boundary is accepted.
218. Ground Level is a term defined in the NP Standards. The definition in PC21 therefore must match the definition in the Standards and cannot be amended. TL&GL have not recommended a sub-category to narrow the application of the definition. I also do not consider a sub-category appropriate as the definition refers to the actual finished surface level after the most recent subdivision implying any earthworks would not alter the ground level. I therefore recommended that the submission point raised by TL&GL is rejected.
219. I do not agree with TL&GL that points a. to g. should be included as new sub-set definitions, nor that campground and holiday park activities should be defined as part of PC21. The rule framework, as notified, does not propose to treat these activities separately, with all forms of commercial visitor accommodation to be treated the same. New sub-set definitions are therefore unnecessary and I recommend the submission from TL&GL is rejected. This does not preclude sub-set definitions being included in subsequent stages of the MDP, for example if in the review of Open Space zones, it is determined to be appropriate to manage different forms of commercial visitor accommodation differently. However, this is more appropriately determined in subsequent stages.

Recommendation

220. I recommend, for the reasons given above, that the Hearing Panel:

- Include the term Boundary within the definitions nesting table, with each type of boundary defined separately in the definitions;
- Retain the definition of Ground Level as notified;
- Retain points a. to g. within the definition of Commercial Visitor Accommodation¹⁶.
- Reject the inclusion of a new sub-set decision for 'Campground and Holiday Park Activities'

221. The amendments recommended are set out in **Appendix 2**.

222. The scale of change does not require a Section 32AA evaluation because it is a minor change to improve plan drafting and the changes do not alter the general intent. The original s32 evaluation therefore still applies.

10. Issues/Topics

Residential Visitor Accommodation

Submissions

223. Richard Smith (01) seeks that there are no visitor restrictions and no limitations on visitor night stays, as in his view residential visitor accommodation provides benefits for the local economy.

224. Ann-Maree Grant (05) seeks stronger regulation of visitor accommodation in residential zones as in her view rental accommodation is needed for permanent residents. The Queenstown Lakes District Council Visitor Accommodation Factsheet is attached to the submission which requires every house used for residential visitor accommodation for up to 90 days per year, within specific zones, to obtain a CON activity resource consent. Queenstown Lakes also require operators to keep up to date records of letting activities and have introduced tiered consenting standards for different numbers of nights of letting activity. If a whole house is let for between 91-180 nights, a RDIS activity resource consent is required, and if a house is let for more than 180 nights per year a NC activity resource consent is required.

225. Air BnB (101) support residential visitor accommodation being permitted in all residential zones but seeks clarification in regard to the use of only one residential unit per site and how it would apply to apartments/townhouses in the MRZ.

226. Mackenzie Properties Limited (117) seeks a reduced permitted limit of four guests per night in all residential zones, outside of the Commercial Visitor Accommodation Precinct, as in their view allowing for up to six guests does not achieve the outcome of containing commercial visitor accommodation to certain areas.

227. TL&GL (121) seek amendments to MRZ-R4 and MUZ-R5 to allow multiple units on a site to be used for residential visitor accommodation activity and to allow a maximum occupancy of six

¹⁶ For completeness I note that in the Residential Visitor Accommodation section I have recommended changes to this definition for other reasons.

guests per unit rather than six guests per site. Related to this, TL&GL (121) seek amendments to the definition of Commercial Visitor Accommodation to remove self-contained units and bedsits as forms of commercial visitor accommodation activity. TL&GL (121) interpret that the definition, as notified, captures people's individually owned holiday homes/minor units, which they consider should not be the case as some residential units may be rented for visitor accommodation/holiday homes and never used for residential activity. For this reason, TL&GL (121) also request that the definition and/or rules applicable to residential visitor accommodation/residential units are amended to allow for the use of a residential holiday home for visitor accommodation without requiring consent for commercial visitor accommodation activity.

228. TL&GL (121) also seek a new policy in the MRZ that expressly provides for residential visitor accommodation activity in the zone.
229. W and Z Speck (138) seek amendments to LRZ-R5 to allow residential visitor accommodation for up to 10 guests per site, as in their opinion allowing up to 10 guests is more economically viable for landowners.

Analysis

230. Permitting residential and commercial visitor accommodation in all residential zones without controls (apart from built form standards) was an option considered in the Section 32 Report. It was not considered to be effective as it will not address the resource management issues identified and would not allow for site-specific consideration of effects where they are different to permanent residential activity. In addition, this approach does not reflect the Spatial Plans which identified specific areas that are able to absorb a higher density of visitor accommodation activity (proposed to be a Commercial Visitor Accommodation Precinct). I support this approach and therefore recommend that the submission from Richard Smith is rejected. I also note that the provisions, as notified, provide for residential visitor accommodation in all three residential zones which in my view provides opportunities for the generation of additional income for landowners and benefits the local economy and tourism sector.
231. Limiting the number of visitor nights was also considered as an option to manage residential visitor accommodation in the Section 32 Report. While it would be effective at achieving the objectives, during the time a residential unit is not being used for visitor accommodation activity, this approach does not manage the effects of residential visitor accommodation when in use and will therefore not mitigate the resource management issues identified. There was also limited support for this option in consultation with some concerned that this approach was not an efficient use of a dwelling, while others had concerns that it would result in an inequitable approach between the opportunities provided to owners previously, and those provided for new owners. This approach is also likely to be difficult to monitor and enforce. For these reasons I recommend the submission from Ann-Maree Grant is rejected.
232. The visitor accommodation provisions have been drafted to limit the scale of visitor accommodation activity occurring in the residential zones in order to protect the amenity values

of the underlying zone and adjoining sites. Residential visitor accommodation activities have been defined and treated separately to other commercial forms of visitor accommodation and only one residential unit per site is proposed to be permitted for use as a residential visitor accommodation activity, including apartments and townhouses. The reason for this is commercial visitor accommodation activity is instead encouraged in the Commercial Visitor Accommodation Precinct which contains areas that have been identified by the community as able to absorb a higher intensity of visitor accommodation activity. The effects of one residential unit being used for short term visitor accommodation are also considered to be different to the multiple purpose-built visitor accommodation buildings (in terms of appearance, traffic volumes and carparking). As such, I do not agree with TL&GL (121) that amendments should be made to MRZ-R4 or MUZ-R5 to allow multiple units on a site to be used for residential visitor accommodation activity, outside the Commercial Visitor Accommodation Precinct, as in my view this will not achieve the outcomes sought in either the underlying zones or the Commercial Visitor Accommodation Precinct. As a consequence, I do not agree with TL&GL that a new policy is required in the MRZ to provide for residential visitor accommodation activity. In my view, the current framework is appropriate with residential visitor accommodation either to be provided under MRZ-P2 (implemented through the one unit rule and 7-12 guests threshold) or avoided unless certain criteria are met under MRZ-P4 (implemented through the multiple units rule and 13+ guests threshold).

233. In terms of the definitions, residential visitor accommodation activities have been defined and treated separately to other commercial forms of visitor accommodation activity. The drafting intention is that all residential properties have the opportunity to provide residential visitor accommodation activity in either the form of a primary dwelling or minor unit because the built form and anticipated effects will be essentially the same whether the building is used for residential or residential visitor accommodation activity. On review, I agree with TL&GL (121) that the definitions, as notified, will result in self-contained units (most notably minor units), used for residential visitor accommodation purposes, as being caught in the definition of commercial visitor accommodation. I therefore agree with TL&GL (121) that self-contained units and bed sits should be removed from the definition of Commercial Visitor Accommodation. I also recommend that the definition of residential visitor accommodation is amended to make it clear the definition applies to residential units and minor units that are not used for people's permanent living accommodation (for example, holiday homes). The submission from TL&GL is therefore recommended to be accepted in part.
234. Regarding the number of guests, Mackenzie Properties (117) seeks a reduced limit of four guests per night in all residential zones outside of the Commercial Visitor Accommodation Precinct, TL&GL (121) seek a maximum of six guests per unit rather than six guest per site in the MRZ and MUZ and W and Z Speck request an increase of up to 10 guests in the LRZ.
235. Reducing the number of guests to a maximum of four guests per night while effective at achieving the objective of confining higher intensity visitor accommodation in residential areas to the Commercial Visitor Accommodation Precinct, is not considered to be appropriate for following reasons:

- six guests is comparative to a residential household (for example, two adults and four children or a flatting arrangement). Allowing up to six guests is therefore more efficient as six guests still meets the outcomes sought in the residential zones and in my view does not require further assessment to ensure the character and amenity values of the residential zones are maintained;
- six-guests is consistent with the OMDP and was generally supported in the feedback received on this topic; and
- reducing the maximum number of guests would result in an inequitable approach between the opportunities provided to owners previously, and those provided for new owners and would, in my view, be more difficult to monitor and enforce.

236. The submission from Mackenzie Properties is therefore recommended to be rejected.

237. While increasing the maximum number of guests to 10 per night would be more economically beneficial for landowners, I do not believe it will achieve the outcome sought to confine higher intensity visitor accommodation to the Commercial Visitor Accommodation Precinct. Allowing up to 10 guests, in my view, is not comparative to a residential household, comprising of larger groups and/or multiple families and would therefore require a case-by-case assessment to ensure the character and amenity outcomes sought in the zone can be achieved. The submission from W and Z Speak is therefore recommend to be rejected.

238. I do not agree with TL&GL that the residential visitor accommodation provisions should be amended to refer to a maximum of six guests per unit in the context of their submission. I do however support the proposed amendment in part as the provisions, as notified, only allow one residential unit to be used for residential visitor accommodation activity. Amending the rule to refer to per unit will therefore make no difference to the intent of the provision.

Recommendation

239. I recommend, for the reasons given above, that the residential visitor accommodation provisions applying to the residential and Mixed Use zones are retained as notified, except for minor amendments to refer to six guests per unit rather than six guests per site.

240. The definitions relating to visitor accommodation are also recommended to be amended as follows:

- Amend the definition of Commercial Visitor Accommodation to delete self-contained units and bed-sits; and
- Amend the definition of Residential Visitor Accommodation to make it clear that the definition applies to residential units and minor units not used for peoples living accommodation for example, holiday homes.

241. The amendments are set out in **Appendix 2**.

242. The scale of change does not require a Section 32AA evaluation because it is a minor change to improve plan drafting and the changes do not alter the general intent. The original s32 evaluation therefore still applies.

Education Facilities

Submissions

243. MoE (18) seek more enabling provisions for educational facilities within PC21 and consider the provisions as notified to be relatively restrictive. The key amendments sought are:

- the inclusion of a new Educational Facilities definition consistent with the National Planning Standards.
- Amendments to LLRZ-R8, MRZ-R7 and LRZ-R8 to delete the requirement for education facilities to be ancillary to residential activity and to delete the maximum number of children in attendance.
- Amendments to LFRZ-R9 and GIZ-R9 to provide for education facilities as a DIS Activity in the LFRZ and GIZ as educational facilities may need to be located within these areas, particularly training facilities. It is acknowledged that in these areas reverse sensitivity issues need to be considered.
- Amendments to MUZ-O1, MUZ-P1 and NCZ-P1 to include education activities. For MUZ-O1, deletion of reference to “small-scale” is also sought on the basis that educational facilities are unlikely to be considered small in scale. Corrections (84) and TL&GL (121) support MUZ-O1 and MUZ-P1 as notified.
- Amendments to DEV1-O1, DEV1-P4, DEV2-O1 and DEV2-P4 to include social infrastructure, as the Council has an obligation under the NPS-UD to ensure sufficient additional infrastructure (including schools) is provided for in urban growth.

Analysis

244. PC21, as notified, includes a definition of Education Facilities consistent with the NP Standards. No submitters have opposed this definition.

245. LLRZ-R8, MRZ-R7 and LRZ-R8, as notified, allow new educational facilities to establish where they are undertaken within a residential building ancillary to a residential activity; and the maximum number of children in attendance does not exceed six, excluding any children who live on site. The reason for this is that education facilities at this scale are anticipated to meet the outcomes sought in the residential zones and therefore do not require further assessment to ensure the character and amenity values of the residential zones are maintained. Any educational facility that cannot comply with these requirements, including new schools, is RDIS. This activity status signals that educational facilities are generally anticipated in residential zones, consistent with LLRZ-O1, LRZ-O1 and MRZ-O1, but allows for the consideration of effects on a case-by-case basis to ensure the character and amenity outcomes sought in the residential

zones are achieved. For this reason, I consider the provisions as notified to be more effective at achieving the outcomes sought in the residential zones.

246. With respect to the LFRZ, I note that the purpose of the zone is to provide primarily for large-scale retail activities. LFRZ-P2 expressly directs that activities are avoided unless they will not result in reverse sensitivity effects with activities that are anticipated in the zone. Similarly, the GIZ is to provide primarily for industrial activities and other compatible activities, and GIZ-P2 directs that activities are avoided unless they will not result in reverse sensitivity effects with activities enabled by GIZ-P1 and they have a functional or operational need to establish in the zone. In my view, the non-complying activity status within both zones reflects that educational facilities are usually considered to be more sensitive activities and therefore there is potential for their establishment to result in reverse sensitivity effects. In addition, within the GIZ, I consider it unlikely that there would be a functional or operational need for educational facilities in this zone. In my experience in other jurisdictions, it is also uncommon for educational facilities to establish in such zones. I therefore consider that a non-complying activity status is more appropriate and recommend these submission points are rejected.¹⁷
247. Within the MUZ and NCZ, I consider it appropriate to amend the policies (MUZ-P1 and NCZ-P1) to refer to education facilities. This reflects that education facilities, while separately defined, are consistent with the broader purpose of these zones to provide a range of community activities, (NCZ-O1 and MUZ-O1) and reflects the permitted status given to educational facilities in these zones. I agree that the amendment to the policy is necessary because at present it refers only to “community facilities”, which would not include educational facilities, rather than community activities; however given the title refers more broadly to community activities I do not consider a change to the policy title is required. I therefore recommend the submission points relating to MUZ-P1 and NCZ-P1 are accepted in part. For the same reason, I do not consider it necessary to add “education” to MUZ-O1 because it already broadly refers to community activities. I also do not agree with changing MUZ-O1 to delete reference to “small scale”. In my view, this is an appropriate limitation as it reflects the scale of this zone itself, being very limited areas within small otherwise predominantly residential settlements. “Small scale” is also prefaced with the word “primarily” which means that some larger scale buildings (such as a school) may be appropriate, but this is not anticipated to be the dominant type of built form. I therefore recommend the submission point relating to MUZ-O1 is rejected.¹⁸
248. I do not support amendments being made to DEV1-O1, DEV1-P4, DEV2-O1 and DEV2-P4 in relation to social infrastructure. These provisions apply to two areas of land which are considered generally suitable for some residential development, but where the location and nature of development requires further consideration, in relation to ecological values, landscape values, and infrastructure provision. With respect to infrastructure provision, this relates specifically to water and wastewater. In my view, this is about ensuring that development within the site is located and serviced appropriately. Provision of social infrastructure, is, in my view, not a site-specific matter that is of particular relevance to the

¹⁷ This paragraph is authored by Liz White.

¹⁸ This paragraph is authored by Liz White.

development of these areas; rather it is something relevant at a township level. Provision of social infrastructure is also not something that in my experience is within the control of developers, nor tied to development of particular residential areas. Provision of such infrastructure is therefore, in my opinion, not a matter for the developer of these areas to address and it is instead addressed in the Plan in other ways, for example through the way the Plan zone and rule framework applies to facilities such as schools. I therefore recommend the submission points relating to DEV1-O1, DEV1-P4, DEV2-O1 and DEV2-P4 are rejected.¹⁹

249. Based on the above, the submission from MoE is recommend to be accepted in part to include reference to education facilities within NCZ-P1 and MUZ-P1. The submissions from Corrections and TL&GL are also recommended to be accepted in part.

Recommendation

250. I recommend, for the reasons given above, that LLRZ-R8, LRZ-R8, MRZ-R7, MUZ-O1, LFRZ-R9, GIZ-R9, DEV1-O1, DEV1-P4, DEV2-O1 and DEV2-P4 are retained as notified.
251. I recommend, for the reasons given above, that NCZ-P1 and MUZ-P1 are amended to refer to education facilities. The recommended amendments are set out in **Appendix 2**.
252. I consider that the scale of change is minor and therefore does not require a Section 32AA evaluation.

Community Corrections Activities²⁰

Submissions

253. Corrections (84) request that “Community Corrections Activity” is permitted in the MUZ, TCZ, and GIZ, with this being defined as per the NP Standards. It considers that these activities are essential social infrastructure and enable people and communities to provide for their social and cultural well-being and for their health and safety.

Analysis

254. I note that the proposed definition limits the activity to non-custodial services, which I understand from the submission to be office-like in nature, and may also include yard-based activities. The submission states that these activities are not sensitive to the effects of an industrial environment (for example, noise, high traffic movements, etc), and are therefore not prone to reverse sensitivity.
255. Within the TCZ, offices and community facilities are permitted. This reflects that this zone is expected to provide for a range of commercial and community-focused activities. While I agree that community corrections activities are consistent with the zone purpose, it is not clear to me if the submitter considers that community corrections activity falls outside the definition of a

¹⁹ This paragraph is authored by Liz White.

²⁰ This section is authored by Liz White.

community facility. My view is that they are already captured in the definition and therefore a new standalone rule in TCZ is not required.

256. Within the MUZ, commercial and community activities are also anticipated, but only on a small scale. This reflects that they are located in small settlements. New community facilities are a restricted discretionary activity. Regardless of whether community corrections activities already falls within the definition of a community facility, I consider this activity status to be the most appropriate to apply to community corrections activities, given the smaller size of this zone and the need to manage the effects of activities within it to reflect that scale and its setting within a residential area. Therefore I do not agree with providing a permitted activity status within this zone.
257. Within the GIZ, the intent of the zone is to provide primarily for industrial activities and other compatible, or those supporting the functioning to the zone. Community facilities are proposed to be a discretionary activity. In part, this reflects that the definition for such facilities are broad, and some types of community facility may align with the zone purpose, while others may not. Based on the information provided in the submission, I am comfortable that community corrections activities would be compatible in the zone, similar to other activities that are anticipated in the zone, and would not result in reverse sensitivity effects with activities anticipated in the zone. I therefore consider it appropriate to provide a permitted activity status for them within the GIZ. This consequentially requires the inclusion of the NP Standards definition for community corrections activities. Based on my understanding that these activities are a sub-set of community facilities, I also recommend a consequential addition to the Definitions Nesting Table to reflect this.
258. Overall, I recommend the submission points relating to the MUZ and TCZ are rejected, and those relating to the GIZ and inclusion of a new definition, are accepted.

Recommendation

259. I recommend, for the reasons given above, that:
- no changes to the TCZ or MUZ rule framework are made in response to this submission point;
 - The GIZ rule framework is amended to provide a permitted activity status for community corrections activities; and
 - A definition for community corrections activities is added.
260. The amendments recommended to GIZ-R5 and the Definitions chapter are set out in **Appendix 2**. It is noted that the changes to the rule and definitions are based on community corrections activities being a sub-set of community facilities. If the submitter identifies that they do not consider this to be correct then I would need to reconsider the changes required to both the TCZ and GIZ chapters.

261. In terms of Section 32AA, the addition of a permitted activity status for community corrections activities is, in my opinion, consistent with GIZ-P1, GIZ-P2 and GIZ-O1 and permitting this particular activity in the GIZ is therefore a more efficient approach, while still being effective at achieving the outcomes sought.

Emergency Service Facilities

Submissions

262. FENZ (81) seek amendments to the provisions in PC21 to ensure, where necessary, appropriate consideration is given to fire safety and operational firefighting requirements to enable FENZ to carry out its functions under the Fire and Emergency New Zealand Act 2017 more effectively. The key amendments sought are:

- The inclusion of the existing Emergency Service Facilities definition in PC21.
- The Inclusion of a new Emergency Aviation Movements definition to provide for intermittent aircraft and helicopter movements associated with emergencies, including undertaking firefighting or search and rescue duties. FENZ also request that provision is made for emergency aviation movements in the rule framework.
- Inclusion of new objectives in the LLRZ, LRZ, MRZ and LFRZ to provide for infrastructure and to provide for public health and safety.
- Inclusion of new policies in the LLRZ, MRZ and LFRZ to ensure all land use activities are adequately serviced, particularly in relation to reticulated water supply or an alternative method for firefighting.
- Amendments to TCZ-O1 and MUZ-O1 to expressly provide for commercial, non-commercial and community focussed activities, as they consider the ability to construct and operate fire stations in these locations is paramount to the health, safety and wellbeing of the community. I note Corrections (84) and Waka Kotahi (119) support TCZ-O1 as notified.
- Inclusion of a new PER activity rules for Emergency Service Facilities in the LLRZ, LRZ, MRZ, MUZ, NCZ, TCZ and GIZ as new fire stations may be necessary to achieve emergency response time commitments as populations change.
- Inclusion of new servicing standards in the LLRZ, LRZ, MRZ, LFRZ, MUZ, NCZ, TCZ and GIZ to require the provision of firefighting water supply for land use activities. As a consequence, amendments to rules in each chapter are sought to refer to the proposed standard. An additional assessment matter is also sought in the GIZ where water supply servicing requirements cannot be met to achieve compliance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice.
- Amendments to the Height and Height in Relation to Boundary Standards in the LLRZ, LRZ, MRZ, LRFZ, MUZ, NCZ, TCZ and GIZ to allow an exemption for emergency facilities of up to 9m and hose drying towers of up to 15m.

- Amendments to the Outdoor Storage Standards in the LFRZ, NCZ, MUZ, TCZ and GIZ to ensure screening of outdoor storage areas does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants shut-off valves or other emergency response facilities.

Analysis

263. The NP Standards do not include a definition for emergency service facilities. These facilities, in my view, fall under the definition of Community Facility which “means land or buildings used by members of the community for recreational, sporting, cultural, safety, health and welfare, or worship purposes.”

264. All of the zone chapters, as notified, include provisions for the management of community facilities. Inclusion of an Emergency Services Facilities definition is therefore only required if emergency service facilities are to be treated differently to other forms of community facilities. FENZ seeks the inclusion of new PER activity rules for emergency service facilities in the LLRZ, LRZ, MRZ, MUZ, NCZ, TCZ and GIZ. An assessment of the proposed framework and whether a new Emergency Services Facilities definition/rule is appropriate in each zone is provided below:

LLRZ	Community Facilities in the proposed LLRZ are a DIS activity. Considering the submission received from FENZ (81) and the recommend amendments to LLRZ-O1 (refer to Section 8 above), I consider it more appropriate to provide for new community facilities as a RDIS activity in the LLRZ, consistent with the LRZ and MRZ, as the zone purpose in each of the residential zones are now more aligned providing primarily for residential living opportunities and other compatible activities that support and are consistent with the character and amenity values of the underlying zone.
LRZ, MRZ and MUZ	Expansion of existing community facilities, including existing fire stations, in the proposed LRZ, MRZ and MUZ are a PER activity. Any new facilities are a RDIS activity. A RDIS activity status signals that community facilities are generally anticipated in these zones, consistent with LRZ-O1, MRZ-O1 and MUZ-O1, but allows the consideration of effects on a case-by-case basis to ensure the character and amenity outcomes sought in the zones are achieved. For this reason, I do not consider the inclusion of a new Emergency Service Facilities rule as a PER activity to be appropriate, as I consider the proposed approach is more efficient and effective at achieving the outcomes sought in the LRZ, MRZ and MUZ.
NCZ	Community Facilities in the proposed NCZ are PER provided any facility does not exceed a floor area of 200m ² . I therefore do not consider a new Emergency Service Facilities rule necessary as the rule framework already allows new emergency service facilities to establish, subject to scale thresholds. These scale thresholds are linked back to the purpose, character and amenity values anticipated in this zone, and in my view, it is appropriate to apply a consent requirement for consideration of larger community facilities.

TCZ	Community Facilities in the proposed TCZ are PER. I therefore do not consider a new Emergency Service Facilities rule necessary as the rule framework already allows new emergency service facilities to establish.
GIZ	Community Facilities in the proposed GIZ are a DIS activity. I consider a new Emergency Service Facilities rule in the GIZ to be appropriate as fire stations, and the like, are generally compatible with the scale and nature of industrial activities, and consistent with GIZ-O1, GIZ-P1, and GIZ-P3, as opposed to other community facilities such as places of worship or recreational activities which are more likely to result in reverse sensitivity effects. Other second-generation plans reviewed also provide for Emergency Services Facilities in the General Industrial Zone as a PER activity.

265. Having regard to the above, I accept FENZ submission in part and recommend a new sub-set definition of Community Facilities to allow for the establishment of emergency service facilities as a PER activity in the GIZ. The activity status for community facilities in the LLRZ is also recommended to be changed to a RDIS activity, consistent with the LRZ and MRZ. Amendments to the other zone chapters, in my view, are not necessary as the definition nesting table in the Interpretation Chapter makes it clear that where any rule lists a primary activity the rule applies to all of the sub-set activities unless any activity is otherwise specified in the rule framework for that chapter.
266. I do not agree that a new definition of Emergency Aviation Movements is required as part of PC21. No provisions in PC21 use the term emergency aviation movements. It is also unclear from the submission how the definition should be applied within the provisions and rule framework. Intermittent aircraft and helicopter movements, associated with emergencies, will also occur only for short time frames during the time of an emergency. Any new definitions and/or provisions for this type of activity are therefore, in my view, best dealt with as part of the review of the Temporary Activities or Natural Hazard Chapters which are not in scope of PC21 and are to be reviewed in subsequent stages of the MDPR.
267. I do not agree that amendments to TCZ-O1 and MUZ-O1 are required to refer to non-commercial activities. It is my understanding that Emergency Service Facilities fall under the definition of Community Facilities. Amendments to TCZ-O1 and MUZ-O1 are therefore not necessary as the zone purpose in each zone already provides for commercial and community activities, with no requirement for community activities to be commercial in nature. I therefore recommend that the submission points from Corrections and Waka Kotahi in relation to TCZ-O1 are accepted.
268. In terms of servicing, FENZ (81) has requested new objectives, policies, and standards to ensure land use activities are adequately serviced, particularly in relation to reticulated water. In my opinion the provision of infrastructure, including firefighting provision, is best dealt with at the time of subdivision. Section 13, Standard 6.b of the OMDP requires all new allotments in the Residential, Commercial and Mixed Use and General Industrial Zones to be provided with a connection to a reticulated water supply laid to the boundary of the net area of the lot, except where there is no reticulation network available and/or there is no water available from a

Council water scheme. It is also noted that a matter of discretion for any controlled activity subdivision is the provision of water supply, including water supply for firefighting purposes.

269. I do not consider it best practice to have specific rules and/or exemptions for certain activities. Allowing a blanket exemption for emergency service facilities and/or hose drying towers also does not allow for a case-by-case assessment to ensure the character and amenity values sought in the underlying zones are maintained.
270. I do not consider it necessary to include amendments to the Outdoor Storage Standards in the LFRZ, NCZ, MUZ, TCZ and GIZ to ensure screening of outdoor storage areas does not obscure emergency or safety signage or obstruct access to emergency panels, hydrants shut-off valves or other emergency response facilities. This is not something I have seen in other District Plans and, in my view, sits outside the jurisdiction of the District Plan.

Recommendation

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

- a new sub-set definition of Community Facilities is incorporated for Emergency Service Facilities.
- A new PER activity rule is included in the GIZ for Emergency Service Facilities.
- The activity status for 'Community Facilities Not Provided in LLRZ-R7' is changed from DIS to RDIS.
- TCZ-O1 and MUZ-O1, the Height and Height in Relation to Boundary Standards in the LLRZ, LRZ, MRZ, LRFZ, MUZ, NCZ, TCZ and GIZ, and the Outdoor Storage Standards in the LFRZ, NCZ, MUZ, TCZ and GIZ are not amended in relation to this submission.

272. As a consequence of the recommended changes, amendments to LLRZ-P2 consistent with LRZ-P2 and MRZ-P2 are also recommended.

273. The recommended amendments are set out in **Appendix 2**.

274. In terms of Section 32AA, the addition of a permitted activity status for Emergency Service Facilities in the GIZ is, in my opinion, consistent with GIZ-O1, GIZ-P1, and GIZ-P3 and will be more efficient at achieving the outcomes sought. I also consider it more effective to provide for new community facilities as a RDIS activity in the LLRZ, as it will be consistent with the recommend changes to LLRZ-O1, and will not undermine other objectives sought (i.e. LLRZ-O2).

Waste Management

Submissions

275. Enviro Waste (108) are concerned that the MRZ, as notified, does not propose any standards with respect to waste management and considers that sufficient space for bin collection and

on-site storage space will be necessary to ensure collection can be safely managed and high-quality development outcomes are achieved. In their view, bin storage that is not designed well can generate adverse effects on amenity and the health and safety of residents, road corridor users and collection staff. Enviro Waste (108) therefore seek the inclusion of a new standard in the MRZ as follows:

1. *Where individual bins are used, a minimum storage space for bins of 1.4m² per dwelling is provided (note: communal bins – refer to the Solid Waste Bylaw). The bins must be visually screened, be assessable for residents to the kerb without stairs or steep gradients.*
2. *Where kerbside collection is employed, a kerbside space of 1m per dwelling is available without impeding the footpath.*

276. Relating to this, Enviro Waste (108) also seek amendments to MRZ-R1 to include a requirement for residential units to comply with the proposed standard if R1.1 (a maximum of one residential unit per site) and R1.2 (a minimum site area of 400m²) cannot be met. A new matter of discretion for waste management to enable consideration of non-compliance with the proposed standard is also sought.

Analysis

277. I do not agree with Enviro Waste that a new standard is required in the MRZ in respect to waste management. This is not something I have seen in other District Plans and, in my view, falls within the jurisdiction of the Mackenzie District Council Solid Waste Bylaw 2021. This Bylaw already requires the owner or manager of a multi-unit development (defined in the Bylaw “*as a development involving more than one residential unit per allotment including flats, townhouses, retirement villages and visitor accommodation*”) to make provision for the management of waste generated within the property. All multi-unit developments under the Bylaw are also required to prepare a Development Waste Management and Minimisation Plan, which must include the identification of an adequate area on the premise for the storage of containers that is readily accessible to the occupiers of units and to a licensed waste operator to enable separate collection and transportation of waste. In my view, this requirement would apply to any supplementary units constructed under MRZ-R1 and MRZ-S1. A new Waste Management Standard is therefore not necessary to achieve the outcomes sought in the MRZ. For this reason, I do not consider the supplementary amendments to R1.1 proposed by Enviro Waste to be appropriate, nor the inclusion of a new matter of discretion to enable consideration of any non-compliance. The submission from Enviro Waste is therefore recommend to be rejected.

Recommendation

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

- a new standard is not included in the MRZ with respect to waste management.
- MRZ-R1 is not amended in relation to this submission.
- A new matter of discretion is not included in RESZ- Matters of Discretion.

Operational/Functional Need

Submissions

279. MoE (18) request amendments to LRZ-P2, MRZ-P2 and LFRZ-P2 to ensure explicit provision is provided for activities where there is a functional and/or operational need to establish, as the Ministry may have an operational need to establish educational facilities to provide social infrastructure for existing and future communities. Relating to this, MoE (18) seek the inclusion of a new Operational Need definition. Waka Kotahi (119) support LRZ-P2 and MRZ-P2 as notified.
280. FENZ (81) seek amendments to LLRZ-P4 and LRZ-P5 to ensure explicit provision is provided for emergency service facilities to establish if there is an operational or functional need to be located within the area, as new fire stations which enable reasonable response times, in their view, are paramount to the health safety and well-being of the community.

Analysis

281. The policies in the residential zones seek to provide direction on how activities, including built form, are to be managed to achieve the purpose, and maintain the character and amenity values, of the zone. This direction is then reflected in the rule framework, particularly in terms of the activity status applied. LRZ-P2, for example, applies to compatible activities (RDIS activities, including education facilities and community activities), whereas LRZ-P5 applies to activities that are generally not anticipated or are less appropriate in the zone unless specific criteria are met (DIS and NC activities). I therefore do not consider amendments to LRZ-P5 appropriate as the policy, in my view, does not relate to community facilities and is targeted at activities that are generally not anticipated or are less appropriate in the zone. For this same reason, I do not consider amendments to LLRZ-P5 appropriate as amendments are recommended to LLRZ-P2 to reflect the proposed change in activity status for community facilities (recommended to be changed from DIS to RDIS). While I support the intent of the submission from FENZ I do not consider them to be necessary and recommend that the submission is rejected.
282. Having regard to the above, I support the alternate wording proposed by MoE (18) to LRZ-P2 and MRZ-P2. In my view, their wording is appropriate to achieve UFD-O1, as it recognises that education and community facilities, which support the functioning of the community, may have a functional or operational need to establish in the residential zones. I therefore support the proposed definition of Operational Need sought by MoE (18), which will assist in the interpretation of the addition to the policy. The submission from Waka Kotahi is therefore recommended to be accepted in part.
283. With respect to the LFRZ, Ms White has recommended that the NC activity status applying to education facilities is retained. I therefore do not consider amendments to LFRZ-P2 to provide for the functional or operational need of such activity appropriate. I also note that the LFRZ is small in scale. I would therefore expect education facilities to establish elsewhere where there

is more land available. I therefore recommend that the submission from MoE (18) in relation to the LFRZ is rejected.

Recommendation

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

- LRZ-P2 and MRZ-P2 are amended to provide explicit provision for activities where there is a functional or operational need to establish. Consequential amendments to LLRZ-P2 are also recommended.
- A new definition of 'Operational Need' is included.
- LFRZ-P2 is not amended in relation to the submission from MoE (18).
- LLRZ-P4 and LRZ-P5 are not amended in relation to the submission from FENZ (81).

285. The recommended amendments are set out in **Appendix 2**.

286. As a consequence of the above changes, I also recommend amendments to LLRZ-R8, LLRZ-R10, LRZ-R8, LRZ-R9, MRZ-R7 and MRZ-R8 to include a new matter of discretion to give effect to the amendments made to LRZ-P2, MRZ-P2 and LLRZ-P2.

287. In terms of Section 32AA, I consider the recommended amendments to be more effective at achieving LLRZ-O1, LRZ-O1 and MRZ-O1 by providing explicit provision for compatible activities that support the functioning of the residential zones.

Parking/Transport

Submissions

288. Waka Kotahi (119) seeks clarification or amendments to the provisions in PC21, as notified, to ensure its state highway assets are adequately provided for in the proposed provisions and the approach to the urban zones aligns with its strategic direction. The key matters sought are:

- Clarification if there will be a separate section that will provide guidance on how to use the Plan and to include a description noting that multiple chapters may apply to any activity when applying for a resource consent. Based on the notified chapters, the proposed zones do not explicitly note that other relevant chapters may apply such as Transport or Noise.
- Clarification on the intended threshold for 'sufficient parking' for workers accommodation in the LLRZ and LRZ and the meaning of 'adequate parking' in LLRZ-R5, MRZ-R4, MRZ-R7, MRZ-R8, MRZ-R9, MRZ-R10, LRZ-R5, LRZ-R5, LRZ-R9, LRZ-R10, LRZ-R11, MUZ-R5 and PREC2-R1 as the NPS-UD requires all district plans to remove minimum carparking requirements, other than accessible carparks.
- Further consideration of adverse effects in relation to the safety of all transport users within NCZ-P3, LFRZ-P3, MUZ-P3, TCZ-P3 and GIZ-P3.

- Further clarification around how the proposed traffic effects and the safety of transport users due to rezoning will be managed in the LFRZ, particularly as Tekapo Powerhouse Road is a private road. If access is required directly to the State Highway, additional controls may be required, for example a threshold for an Integrated Transport Assessment (ITA) or Higher Trip Generator rule.
- Amendments to MRZ-S6, NCZ-S6, LFRZ-S6, MUZ-S7, TCZ-R6 and GIZ-S6 to ensure any landscaping required in these zones does not create shading effects or obscure visibility from accesses or traffic signs.
- Amendments to RES-MD5 to include a matter of discretion which ensures the level of landscaping is reduced to provide visibility to the roading network. CMUZ-MD6 is supported as it considers whether a reduction of road boundary landscaping is appropriate to address a traffic safety matter.
- Amendments to the matters of discretion for MRZ-R10 and LRZ-R11 to include impacts on the wider transport network and to require compliance with the Transport Chapter.

Analysis

289. I agree with Waka Kotahi that further guidance is required to make it clear to plan users that provisions in other chapters of the District Plan may be relevant to an activity. Based on other second-generation plans reviewed I recommend that a note for plan users is included at the beginning of the rule section of each zone chapter that reads as follows:

“For certain activities, consent may be required under rules in this Chapter as well as other District-Wide Matters Chapters or Area-Specific Matters Chapters in the Plan. Unless expressly stated otherwise, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in [Part 1 – How the Plan Works](#).”

290. The NPS-UD applies only to territorial authorities with all or part of an “urban environment” as defined in the NPS-UD as having, or be intended to have, a housing and labour market of at least 10,000 people. No area within the Mackenzie District meets this requirement - the highest residential population is in Twizel, at 1,455 people²¹ - nor are parts of the District considered to be part of a wider housing and labour market that would meet this threshold. I therefore consider the NPS-UD is not applicable to the Mackenzie District. As such, there is no requirement to remove the minimum carparking requirements from the district plan. The Transport Chapter of the OMDP, including the minimum carparking requirements, detail what is considered ‘sufficient’ and ‘adequate’ parking, and the specific thresholds will be reviewed in Stage 3 of the MDPR. No further action at this time is therefore recommended.

291. It is unclear what Waka Kotahi (119) is seeking in relation to NCZ-P3, LFRZ-P3, MUZ-P3, TCZ-P3 and GIZ-P3. I do not consider it necessary for amendments to be made to explicitly provide for

²¹ 2018 Census data

the safety of all transport users as traffic safety will be addressed in a review of the Transport Chapter in Stage 3 of the MDPR.

292. I also note that consideration of whether it is appropriate to include a requirement for integrated transport assessments (ITAs) for high traffic generating activities is being considered as part of the review of the Transport provisions as part of Stage 3 of the MDPR.
293. In regard to the landscaping standards, I note that Section 15, Standard 2.k of the OMDP requires any landscaping to not adversely affect the visibility of motorists leaving a site or create an unsafe environment for persons using the carpark or adjacent footpath. Having reviewed the landscaping standards (MRZ-S6, NCZ-S6, LFRZ-S6, MUZ-S7, TCZ-R6 and GIZ-S6) I do not consider that the standards conflict with those in Section 15. Specifically I consider that landscaping can meet the requirements set out for each zone while also not adversely affecting the visibility of motorists or creating an unsafe environment. I consider that the matter raised by the submitter is therefore better considered as part of the review of the Transportation Chapter of the District Plan, including review of Standard 2.k. I however agree with the suggested amendments to REZ-MD5 to provide for a reduction in road boundary landscaping if it is appropriate to address a traffic safety matter, consistent with CMUZ- M6. The submission from Waka Kotahi is therefore recommended to be accepted in part.
294. I do not agree that amendments should be made to MRZ-R10 and LRZ-R11 to include the impacts on the wider transport. MRZ-R10 and LRZ-R11, as notified, allow for the consideration of traffic impacts, which in my view includes impacts on the wider transport network, as while it specifically includes onsite parking and loading, it is not limited to these, allowing any potential traffic impacts to be assessed. I also do not consider it necessary to amend the matters of discretion in MRZ-R10 and LRZ-R11 to require compliance with the Transportation Chapter as any activity would be required to comply with the Transportation Provisions as detailed in the proposed Note for Plan Users above. The submission point from Waka Kotahi on these rules is therefore recommended to be rejected.

Recommendation

295. I recommend, for the reasons given above, that:
- A note for plan users is included at the beginning of the rule section of each zone chapter to make it clear to plan users that provisions in other chapters of the District Plan may be relevant to an activity.
 - Amendments to REZ-MD5 are made to provide for a reduction in road boundary landscaping if it is appropriate to address a traffic safety matter, consistent with CMUZ- M6.
 - LRZ-R11 and MRZ-R10 are retained as notified.
296. The recommended amendments are set out in **Appendix 2**.

297. The scale of change does not require a Section 32AA evaluation because it is a minor change to improve plan drafting and the changes do not alter the general intent. The original s32 evaluation therefore still applies.

Cycling and Walking Trails

Submissions

298. Carolyn Mincham (43) requests that designations for trails for cycling and walking are included in PC21 in accordance with the Mackenzie Spatial Plans.

Analysis

299. I do not agree that the designation of trails for cycling and walking should be included in PC21. As identified in the Section 32 Report, where narrow corridors were identified in the Spatial Plan as open space connections (for walking and cycling) which extend over land that is currently in private ownership, the most logical adjoining zoning has instead been applied. This is because it is not usual for such connections to be achieved through zoning, and they would more commonly be considered at the time of subdivision.²² I agree that requirements for the formation of trails /connections are better addressed through the subdivision provisions. I also note that the District Plan can further facilitate the formation of trails for cycling and walking, through a permissive rule framework and enabling objectives and policies. I therefore consider that the provisions relating to the formation of trails /connections are best dealt with as part of the earthworks, subdivision and open space chapters which are intended to be addressed in Stage 3 and 4 of the MDP. I therefore recommend that the submission from Carolyn Mincham is rejected.

Recommendation

300. I recommend, for the reasons given above, that the provisions are retained as notified and the designation of trails for walking and cycling is not included in PC21.

Flood Hazard and Erosion Protection

Submissions

301. ECan is concerned that development could be enabled on land below the terrace that runs parallel to Glen Lyon Road, north of Twizel. The submission states that its records, and recent flood modelling, have confirmed this area is prone to flooding which would fall within the definition of 'high hazard areas' in Policy 11.3.1 of the Canterbury Regional Policy Statement (CRPS). The OMDP definition of high flood risk however does not match the CRPS and would therefore not capture development in this area. ECan therefore seeks amendments to the definition of High Flood Risk in the OMDP to ensure it is consistent with the CRPS. If this is not in scope ECan requests that a new standard is added to the LLRZ to require all residential units between Glen Lyon Road and the Twizel River to be located atop the terrace to prevent development within areas subject to significant inundation.

²² Section 32 Report at 2.21.

302. To promote consistency between the Canterbury Flood Protection and Drainage Bylaw 2013, ECan also requests the addition of an advice note to Standards LRZ-S4.2 and MUZ-S4.1 to highlight that authorisation may be required under the Canterbury Flood Protection and Drainage Bylaw 2013 for activities occurring adjacent to small watercourses and drains.

Analysis

303. As outlined earlier, I do not consider amendments to the definition of High Flood Risk to be in scope of PC21 with the Flood Hazard provisions, and associated definitions, to be assessed in Stage 3 of the MDPR.

304. I also do not agree with ECan that a new standard is necessary in LLRZ with respect to inundation. Most of the buildable area on sites on Glen Lyon Road sit above the terrace or outside the Flood Hazard overlay and the majority have already been developed for residential activity. I also consider it more appropriate for provisions relating to Natural Hazards to be dealt with in the Natural Hazard Chapter, which is being reviewed in Stage 3 of the MDPR.

305. I do not consider an advice note relating to the Canterbury Flood Protection and Drainage Bylaw 2013 to be appropriate. The Bylaw sits outside the District Plan to manage, regulate and protect flood protection and flood controls works belonging to or under the control of the Canterbury Regional Council from damage and misuse. Any application of the Bylaw in the District Plan, in my view, would therefore be more appropriately included as part of the Natural Hazard Chapter. The submission points from ECan are therefore recommended to be rejected.

Recommendation

306. I recommend, for the reasons give above, that:

- a new standard relating to inundation is not included in the LLRZ; and
- LRZ LRZ-S4.2 and MUZ-S4.1 are retained as notified.

Kimbell/Albury

Submissions

307. ECan (57) is concerned that the development enabled by PC21 in Kimbell and Albury could have a cumulative effect on water quality, in these localities, from wastewater or stormwater discharges. The submission states that ECan has modelled the on-site wastewater management system risk to groundwater for Kimbell and Albury and found that nitrate risks for Kimbell and Albury are high. In the absence of a reticulated wastewater system, ECan recommends the following alternatives to ensure PC21 effectively manages new development and adverse effects on water quality are avoided:

- All land use activities requiring discharge consent in the LLRZ, LRZ and MUZ in Kimbell and Albury are listed as a RDIS activity to make it clear that there are potential limitations to the development potential of these towns. In ECan's view this would also allow discharge and land use consents to be processed together, resulting in less

costs on landowners and more efficient district and regional plan provisions and processes. As a consequence, small amendments to the relevant policies of the LLRZ, LRZ and MUZ are sought to ensure that there is sufficient guidance for any application that breaches the density standard as well as amendments to the introduction in all three zones to make it clear that there are potential constraints in the amount of development that can be enabled due to the lack of reticulated services.

- If the Hearing Panel do not want to require consent for all land use activities that involve discharge consent, ECan requests amendments to MUZ-S1 to ensure it applies to all permitted activities that require a discharge of wastewater, including commercial activities and community facilities as it presently only applies to residential units. ECan also seek amendments to the subdivision chapter or incorporation of the subdivision rules into the LLRZ, LRZ and MUZ to address on-site wastewater discharge as it cannot guarantee issuance of discharge consent, even where a subdivision or building consent has been issued. If this is not within scope ECan requests that Development Area Plans be prepared for any new areas of LLRZ and LRZ in Kimbell and Albury to manage density and the discharge of wastewater and stormwater discharge.

Analysis

308. In my view, it is not appropriate for all land use activities in Kimbell and Albury to obtain a RDIS activity resource consent as the purpose of the rule (management of on-site wastewater discharge) relates to a regional council function. In addition, the rules as notified already require authorisation from ECan for on-site water discharge prior to the construction of a residential unit. Any residential unit that cannot comply with this requirement is a DIS activity.
309. I agree that amendments are appropriate to ensure all land use activities in Kimbell and Albury, which require on-site wastewater discharge, obtain authorisation from ECan. I do not consider amendments to MUZ-S1 appropriate as this standard relates specifically to residential density and residential units and instead suggest a new Servicing Standard in the LLRZ, LRZ and MUZ, similar to the Proposed Selwyn District Plan. A new Servicing Standard, in my view, would make it clear that any building or structure which is required to have an on-site wastewater treatment and disposal system is required to obtain authorisation from ECan. I note that while ECan have only sought changes to the MUZ provisions, amendments to the LLRZ and LRZ framework will also be required as LLRZ-S1 and LRZ-S1 similarly only apply to residential units and do not extend to other land use activities that require authorisation from ECan. The submission point from ECan is therefore recommended to be accepted in part.
310. The subdivision provisions are not in scope of PC21. It is also unclear what ECan are seeking regarding the preparation of Development Plans. No detail has been provided regarding the use of these plans and what they entail, how they will be prepared, and whether they are to be incorporated into the District Plan. I also note the current procedure of the Council is for authorisation for on-site wastewater from ECan to be supplied at the time of subdivision for any allotments that are not connected to Council's reticulated sewer network. Any future

development of the new LRZ and LLRZ in Kimbell and Albury will therefore be addressed at the time of subdivision. I therefore recommend that this submission point is rejected.

Recommendation

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

- all land use activities in Kimbell and Albury are not required to obtain a RDIS activity resource consent;
- A new Servicing Standard is included in the LLRZ, LRZ and MUZ to ensure any buildings or structure in Kimbell and Albury requiring on site wastewater discharge receive authorisation from ECan.
- Development Area Plans are not prepared for the new LRZ and LLRZ in Kimbell and Albury.

312. The recommended amendments are set out in **Appendix 2**.

313. The scale of change in my view is minor does not require a Section 32AA evaluation because it is a minor change to improve plan drafting and the changes do not alter the general intent. The original s32 evaluation therefore still applies.

Te Kopi-O-Ōpihi / Burkes Pass

Submissions

314. The BPHT (6), Graham Batchelor (7), Caroline Thomson (9), P and J Donohue (13), Alex Lusby (15), Prue Clark (44) W and M Frost (47), D and L Richards (80) and Liz Angelo (132) request the inclusion of a new Heritage Precinct within Te Kopi-O-Ōpihi / Burkes Pass that is drafted based on advice received from a heritage consultant and applied to the Rural Character Area identified in the Spatial Plans. In their view, this area has a special heritage character and controls should be included to ensure development is sympathetic to the character of the town.

315. The BPHT (6), Graham Batchelor (7), Caroline Thomson (9), P and J Donohue (13), Alex Lusby (15), and Liz Angelo (132) also state that:

- The LRZ is not suitable for the Te Kopi-O-Ōpihi / Burkes Pass Heritage Area and requests that the Residential Zone, outside the Heritage Precinct, truly reflects the rural character of Burkes Pass; and
- The MUZ is inappropriate for Te Kopi-O-Ōpihi / Burkes Pass, as in their view, it is inappropriate to have a range of commercial activities carried out unconditionally in residential areas. Worker's accommodation (in greater numbers than residential accommodation) is also highlighted as being inappropriate for Te Kopi-O-Ōpihi / Burkes Pass.

Analysis

316. As part of the development of the Mackenzie Spatial Plans, a draft Spatial Plan for Te Kopi-O-Ōpihi / Burkes Pass was released for public comment which showed a 'Heritage Precinct' applying to parts of the township. Based on community feedback, this precinct was then changed to a 'Rural Character Area' in the final Spatial Plan adopted by the Council. It is important to note that the area identified in the Spatial Plans applies to properties both within the Township (i.e. those included in PC21), as well as some within the Rural Zone (which are not within the scope of PC21).
317. Application of the Rural Character Area and/or Heritage Precinct has not been applied in PC21 as its purpose would be related to protecting or maintaining the historic character of parts of the township and wider area, and is therefore, in my view, best dealt with as part of the review of the historic heritage provisions in a subsequent stage of the MDRP. This also allows for consideration of where any precinct or overlay should apply, rather than being limited to only the zones that fall within the scope of PC21. Further input from a heritage consultant will be obtained as part of this review as well as further opportunities for community engagement. I therefore do not recommend that a Heritage Precinct is included in PC21.
318. The proposed provisions in the LRZ largely reflect the built form standards in the existing Residential 1 Zone, resulting in no change to the anticipated character in Te Kopi-O-Ōpihi / Burkes Pass. Amendments to the LRZ to reflect the rural character of this area is therefore not recommended.
319. The MUZ applies to all three small settlements in the District and provides for a mix of activities, including residential activities, as well as commercial and community activities. The zone has been introduced in accordance with the Spatial Plans to identified areas of existing commercial activity as well as areas for further commercial opportunities in all three settlements. Development in the zone is fairly limited, to ensure it is of a scale and density that is sympathetic to its residential setting, and the character and amenity outcomes sought in the zone are achieved (MUZ-O2). Commercial activities, for example, are limited in floor area. For these reasons, I do not agree with submitters that the MUZ is inappropriate for Te Kopi-O-Ōpihi / Burkes Pass. It is also noted that the MUZ applying to Te Kopi-O-Ōpihi / Burkes Pass is small in scale and will therefore not enable additional large scale development.
320. Regarding the establishment of workers accommodation in Te Kopi-O-Ōpihi / Burkes Pass, LRZ-P3 specifically directs that workers accommodation is provided at a scale and design which maintains the character and amenity values of the surrounding area, and applies where this particular type of accommodation is proposed at a density that exceeds the zone standards. In my view, this helps ensure that density beyond that otherwise anticipated in this area is appropriately managed and achieves the character and amenity sought for Te Kopi-O-Ōpihi / Burkes Pass.

321. The submissions from the BPHT (6), Graham Batchelor (7), Caroline Thomson (9), P and J Donohue (13), Alex Lusby (15), Prue Clark (44) W and M Frost (47), D and L Richards (80) and Liz Angelo (132) are therefore recommended to be rejected.

Recommendation

322. I recommend, for the reasons give above, that:

- a Heritage Precinct is not included in PC21;
- The LRZ applying to Te Kopi-O-Ōpihi / Burkes Pass is retained as notified; and
- The MUZ applying to Te Kopi-O-Ōpihi / Burkes Pass is retained as notified.

Mixed Use Zone²³

Submissions

323. Lachlan Broadfoot (3) supports the MUZ provisions (and their application to Kimbell) and seeks their retention as notified.

324. TL&GL (121) seek changes to where the MUZ is applied, as well as to the related framework. The discussion on where the zoning is applied is discussed later in the zoning requests section of this report. However a consequence of seeking the application of the MUZ to parts of their site is that they request that the MUZ framework is revised to be a more intensive high density/mixed use zone. The specific changes sought include:

- a) Amending the MUZ Chapter Introduction to include Tekapo;
- b) Amending MRZ-O2, MUZ-P2 and MUZ-P3 so that development within the zone is not required to be compatible with the surrounding zoning;
- c) Amending MUZ-P2 to remove reference to the TCZ;
- d) Permitting campground, holiday park activities and backpackers accommodation within a new 'Tekapo Mixed Use Precinct';
- e) Combining MUZ-R2 and MUZ-R3;
- f) Amending MUZ-R5 to delete clause (1) and apply the maximum occupancy to the residential unit rather than to the site;
- g) Amending the MUZ standards to allow for development similar to MRZ Standards;
- h) Amending MUZ-S4 to allow commercial activities to front the street with no minimum setback; and
- i) Deleting MUZ-S7 to allow for landscaping to be dealt with as a matter of discretion where a setback or other boundary standard is breached.

325. Waka Kotahi (119) support MUZ-P2 as notified.

²³ This section is authored by Liz White.

Analysis

326. I note that the majority of the changes sought by the submitter are related to their request regarding where the zoning is applied; namely that it would no longer apply to the settlements of Albury, Kimbell and Te Kopi-O-Ōpihi / Burkes Pass and instead would apply to areas in Takapō / Lake Tekapo. Because (for the reasons set out later in this report) I do not support the rezoning requests, I do not consider several of the changes sought the MUZ provisions to be appropriate (including a) - d) and g) above) and recommend these submission points be rejected. In particular, because I support the application of the MUZ to the smaller settlements, and noting that these are small areas within a predominantly residential area, I consider it important that the objective and policy framework does take into account the impact of development within the MUZ on the surrounding residential area. I also consider it important that the scale and nature of activities within the MUZ are controlled so that they do not detract from the TCZ, so as to assist in the achievement of TCZ-O1. I therefore recommend that the submission from Waka Kotahi in relation to MUZ-P2 is accepted.
327. With respect to the other requests, which are not so specifically linked to the rezoning changes sought:
- e) I do not agree with combining MUZ-R2 and MUZ-R3, as MUZ-R1, MUZ-R2 and MUZ-R3 control particular buildings and structures. MUZ-R2, in particular is specific to minor residential units and includes additional criteria that must be met. I therefore recommend this submission point is rejected.
 - f) I do not agree with deleting the requirement in MUZ-R5 for no more than one residential unit on a site to be used for residential visitor accommodation; but I do agree with applying the maximum occupancy to the residential unit rather than to the site. The reason for this is for consistency with the approach taken in the LLRZ, LRZ and MRZ, and the reason for this approach has been discussed earlier by Ms Willox. I therefore recommend this submission point is accepted in part.
 - h) I consider it appropriate to apply a setback from the road to the MUZ, because of where the zone applies. While I accept that in commercial zones it is often appropriate for some activities such as shop frontages to front the street, in the case of these areas, they are all located on the state highway, and not in pedestrian-focussed areas like the TCZ. The 3m setback also ensures a consistent approach is applied along this frontage (i.e. to both MUZ and LRZ properties). I therefore recommend this submission point is rejected.
 - i) I do not agree with deletion of MUZ-S7 as I consider landscaping along the boundary with a residential zone to be appropriate. I note the submitter's comment that "*the activity backing on to the residential zone may also be residential*". However, I note that the MUZ-S7 is not applied to MUZ-R1 or MUZ-R2, being the rules applying to residential units and minor residential units respectively; rather it only applies to

buildings and structures for other purposes. I consider this to be appropriate. I therefore recommend this submission point is rejected.

Recommendation

328. I recommend, for the reasons given above that MUZ-R6.2 is amended to refer to the maximum occupancy of a unit. The amendments recommended are set out in **Appendix 2**.
329. I otherwise recommend that the MUZ provisions are retained as notified.
330. The scale of change does not require a Section 32AA evaluation because it is a minor change to improve plan drafting and the changes do not alter the general intent. The original s32 evaluation therefore still applies.

Industrial Zone and Reverse Sensitivity²⁴

Submissions

331. Enviro Waste (108) seek amendments to LLRZ-P5 to ensure that built form is also required to be of a scale and design that maintains the amenity values anticipated in adjacent zones. It considers that the addition will help ensure that lawfully established activities in adjacent zones will not be unduly compromised by activities in the LLRZ.
332. Enviro Waste also seek amendments to LLRZ-S4, which relates to setbacks, to retain the 20m setback required from industrial zoned land (which applies to the current Residential 3 Zone), to ensure dwellings do not negatively impact adjacent industrial activities. As a consequence of this they also seek an amendment to the related matter of discretion (RESZ-MD3) to refer to the industrial zone setback.
333. ECan (57) is concerned that the provisions in the GIZ may not maintain the amenity of adjoining residential zones in Twizel, because large areas of the zone are not developed, and because the nature of industrial activities is such that they can have noise, dust and odour effects which affect the amenity of surrounding residential areas. It is also concerned that established industrial activities, where not appropriately located, could end up being constrained due to the sensitivity of the receiving environment. It considers that rather than relying on standards such as height, setbacks and noise limits to manage potential boundary interface issues, it would be more effective to require consent for industrial activities near a residential zone boundary. As such, it seeks amendments to GIZ-R1 to apply a 50m setback from a LRZ or LLRZ in Twizel as a permitted activity, and apply a CON status to buildings and structure within the 50m setback.

Analysis

334. With respect to the policy, I consider it appropriate to amend the LLRZ policy to address the issue raised by Enviro Waste, albeit I do not agree with the specific drafting proposed. This is because the addition sought by the submitter relates to maintaining amenity anticipated in adjoining zones; but this does not reflect the issue identified, which is not about potential

²⁴ This section is authored by Liz White.

amenity effects on the industrial zone (which in any case has lower amenity expectations). I consider the concern raised is better addressed by expressly referring to potential reverse sensitivity / conflict. I therefore recommend this submission point is accepted in part.

335. I firstly note that the issues raised by Enviro Waste and by ECan are similar, albeit they propose different methods for addressing it. In general, I agree with the submitters that the rule framework could be strengthened to better address the potential conflict at the boundary between the GIZ and residential areas in Twizel. With respect to the LLRZ, I note that the area along the GIZ boundary appears to be fully sub-divided and mostly developed. As the 20m setback currently applies to this area, and the sites have been subdivided and developed under this framework, I consider it appropriate to continue to apply the setback to future buildings, whether on vacant sites, or where in future a site may be redeveloped. This ensures a consistent approach is maintained, and does not increase the costs on these properties from that which currently applies. I therefore recommend the submission point from Enviro Waste seeking a 20m setback is accepted.
336. With respect to the framework proposed by ECan, I consider that the setback applying to the LLRZ properties goes some way to addressing the concerns raised. The proposed controlled activity approach will impose costs on the development of the industrial area; however as consent cannot be declined, it ensures that the type of development anticipated by the zoning can still occur, and the costs are more associated with the additional controls or conditions that may apply to buildings closer to the zone boundary. Given the 20m setback applying to the LLRZ, I recommend that control is applied to buildings and structures within 30m of a residential zone boundary, rather than 50m. I therefore recommend the submission point from ECan is accepted in part. For completeness I note that the specific changes I recommend to GIZ-R1 (as set out in **Appendix 2**) differ slightly from ECan in terms of ensuring the drafting aligns with the approach taken in PC21 and amending the wording of the matters of control.

Recommendation

337. I recommend, for the reasons given above, that:
- LLRZ-P5 is amended to include an additional clause relating to minimising potential reverse sensitivity / conflict where adjoining a GIZ;
 - LLRZ-S4 is amended to apply a 20m setback from any internal boundary adjoining the GIZ;
 - GIZ-R1 is amended to apply a controlled activity status to buildings and structure located within 50m of a residential zone.
338. The amendments recommended to LLRZ-P5, LLRZ-S4 and GIZ-R1 are set out in **Appendix 2**.
339. In terms of Section 32AA, I consider that the changes to these provisions are a more effective way to assist in the achievement of LLRZ-O2 – by helping ensure the living environment is desirable – as well as GIZ-O1, by allowing development in the industrial zone consistent with its

purpose. They also align with the outcome sought in ATC-6 as they manage the location and effects of activities within both the LLRZ and GIZ to minimise conflicts between different types of activities in each zone. Although the change to GIZ-R1 introduces additional costs, these are considered to be appropriate to minimise the potential for reverse sensitivity effects to arise which might limit the ability of activities anticipated in the industrial zone to operate.

Future Development Areas²⁵

Submissions

340. Two Future Development Areas are proposed as part of PC21 - the Takapō/Lake Tekapo West Future Development Area (DEV1) and the Takapō/Lake Tekapo North-West Future Development Area (DEV2). Lake Tekapo Enterprises (111) seek retention of both DEV1 and DEV2 as notified.
341. TL&GL (121) oppose the inclusion of DEV1 within PC21. It states that the objectives and policies are limited in scope and do not cover all matters relating to the future suitability of this land for development. It is concerned that a future master plan would therefore be limited in the analysis/investigation required to be undertaken, and that it is not clear what would be provided for, or what the intention of these areas is, in the District Plan context.

Analysis

342. I agree with the submitter that the objectives and policies are limited in scope. This reflects that this area is generally considered suitable for some clustered areas of residential development and commercial visitor accommodation, but that the location and nature of development requires further consideration, in relation to ecological values, landscape values, and infrastructure provision. The identification of the area as a Future Development Area, and the related objective and policy guidance reflects this, providing an indication that the land is generally suitable for the residential development, while identifying specific matters that need to be addressed, and directing the process for their consideration (a Master Plan). In my view, this is an efficient and effective approach. If the land were not included then the effect would be that the current zoning would continue to apply, and no guidance would be included in the District Plan about where township growth is considered to be generally appropriate to meet the outcomes sought.²⁶ Conversely, rezoning the site through PC21 (based on the specific areas and zones delineated in the Mackenzie Spatial Plans) was not considered to be appropriate, given the need to undertake further site-specific landscape, ecology and servicing assessments, to ensure the specific zoning application and associated framework will achieve the outcomes sought in the Strategic Directions and the purpose of the RMA in this location.²⁷ I therefore recommend the submission point of Lake Tekapo Enterprises (111) is accepted and that of TL&GL is rejected.

²⁵ This section is authored by Liz White.

²⁶ Section 32 Report, pages 42-43.

²⁷ Section 32 Report, pages 43.

Recommendation

343. I recommend, for the reasons given above, that DEV1 is retained as notified.

11. Zoning Requests

344. This section of the report considers submissions that were received in relation to the zoning of land. The scope of this section is limited to the geographic extent and appropriateness of the zone that is subject to submission and is restricted to those properties identified in the planning maps that form part of PC21.

Background

345. Prior to the MDP, the Council prepared the Mackenzie Spatial Plans (adopted September 2021) to provide a high-level plan for growth and development of the district's towns (Fairlie, Tekapo and Twizel) and small settlements (Te Kōpi-O-Ōpihi / Burkes Pass, Kimbell and Albury) over the next 30 years. These Plans were developed with input from the community and urban design advice, to ensure the towns and small settlements grow in a sustainable way while protecting what makes them special.

346. The Mackenzie Spatial Plans formed the basis of the zoning proposed in PC21 and identify areas for further intensification/infill, as well as areas outside the current urban boundaries for urban development/expansion. A copy of the Spatial Plan for each township and settlement is provided in **Appendix 3**.

347. While the Spatial Plans formed the basis for the zoning proposed in PC21, further background work has also been undertaken to consider the zoning in accordance with the NP Standards and to determine the appropriate framework applying to each zone.

Zoning where no Change is Sought

348. The following zoning included in PC21 was supported by submitters, and no submitters oppose the zoning of these areas. As such, the zoning of these areas has not been assessed further, and is recommended to be retained as notified:

Submitter Ref	Submitter Name	Zoning Supported
4	Kevin O'Neill	The proposed LLRZ applying to the land south of the Fairlie Golf Course in Fairlie
10	Mackenzie Runholders	The proposed MRZ and NCZ applying to the Saleyards in Takapō/Lake Tekapo
11	Wayne Tewnion	The proposed LRZ applying to Lot 1 DP 393962 within North West Arch, Twizel
12	Rick Ramsay	The proposed GIZ and LFRZ areas in Twizel
121	TL&GL	The proposed MRZ applying to Lot 401 DP 560853 and Lots 1-50 DP 560853 in Lake Tekapo

Town Centre Zone East of Gray Street, Fairlie

Submissions

349. Eleven submitters²⁸ request that the proposed TCZ east of Gray Street Fairlie, outlined in yellow in Figure 1, is not zoned Town Centre and is zoned residential. Reasons for this include:

- The proposed TCZ will allow for commercial buildings beside existing dwellings, disturbing the peacefulness of the neighbourhood and will result in increased traffic and parking;
- This area does not fit the objectives and policies of the TCZ which seek a pedestrian - focused environment, being a quiet residential area physically separated/detached from the Town Centre; and
- New residential buildings are currently being constructed in this area and are unlikely to change in future.

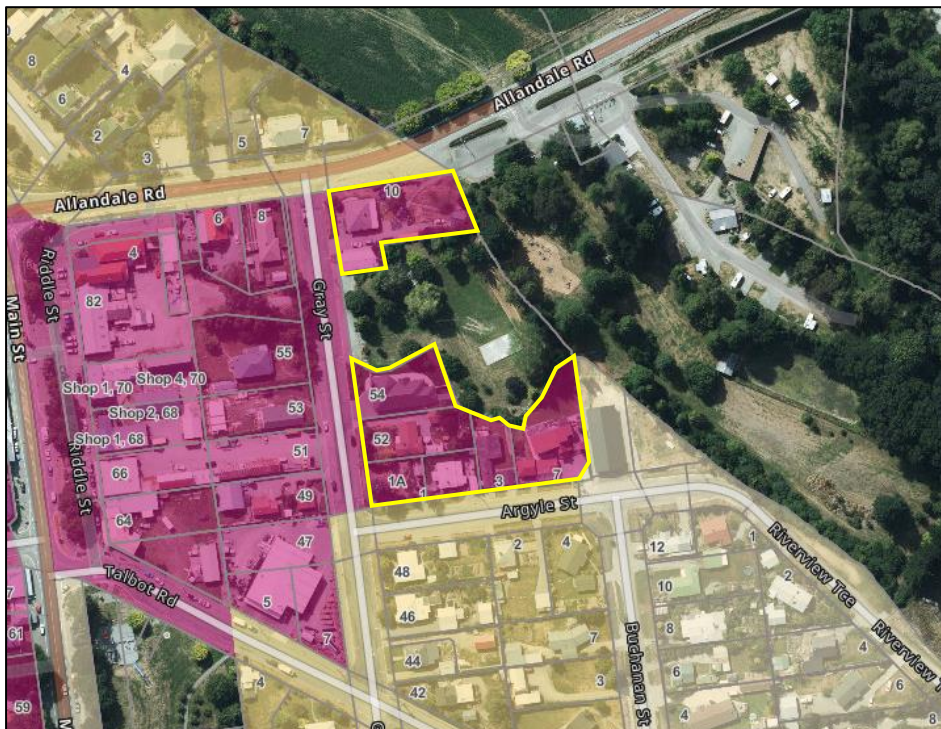


Figure 1 - Proposed TCZ east of Gray Street Fairlie.

350. The type of residential zoning to be applied in this area has not been specified by submitters. Elizabeth Kinsman (103) and Luke Haugh (104) have however raised concerns with a maximum building height of 10.5m.

Analysis

351. As detailed in the Mackenzie Spatial Plans, the town centre in Fairlie has been extended to the east and west of the main road with the aim being to give depth to the town centre, better

²⁸ Sandra McHaffie (19), Owen Hunter (20), Lister Bass (37), Marco Brenna (42), Kelli James (46), John Cassie (50), Tina Wang (66), Melissa McMullan (94), Elizabeth Kinsman (103), Luke Haugh (104) and Ian McDonald (131)

connect it to the Ōpihi River and to offer an alternative to using the main road for access and car parking. Expansion of the town centre is also anticipated to offer opportunity for more and different businesses to establish, including those in lanes and courtyards, increasing the vibrancy of the town.

352. The Spatial Plans, while forming the basis for the zoning in PC21, are looking out 30 years. Rezoning all land to meet the likely demand for the lifetime of the Plan (only ten years) is therefore not required. The existing Service Zone in Fairlie is already proposed to be rezoned Town Centre and will allow for increased infill including laneways and courtyards as envisioned in the Spatial Plan, as well as a better connection to the Opihi River and Fairlie Domain. There has also been further expansion proposed west of the town, which has not been opposed in submissions and provides opportunities for different business to establish as well as providing space for carparking away from the main road. I therefore recommend accepting these submission points and zoning this area residential. This does not mean that development of this area in the future as an expansion to the town centre is not appropriate; rather it reflects that I do not consider this land to be required within the life of the District Plan and that the other areas are more logical areas for expansion over the short-medium term.
353. No submitters have outlined the type of residential zoning sought to be applied in this area. Having regard to the proposed mapping and purpose of the LRZ and MRZ I consider the MRZ to be the most appropriate given the proximity of this area to the town centre and main road and the surrounding residential zoning in the area.

Recommendation

354. I recommend, for the reasons given above, that the proposed TCZ east of Gray Street Fairlie is rezoned MRZ, as set out in **Appendix 4**.
355. In terms of Section 32AA, rezoning this area residential will not undermine the business needs of the community and will ensure the town centre grows in a consolidated way (consistent with UFD-O1(5)) with other areas of expansion providing sufficient business opportunities for the lifetime of the plan. I also consider the objectives for MRZ best fit this land at this time given its location and the existing land use.

Medium Density Residential Zone (Commercial Visitor Accommodation Precinct) North of Ruataniwha Road, Twizel

Submissions

356. Sixty-seven submissions²⁹ were received requesting that the proposed MRZ and Commercial Visitor Accommodation Precinct north of Ruataniwha Road Twizel, outlined in green in Figure 2, is not zoned MRZ and is retained as Recreation Passive. Reasons for this include:

²⁹ Rick Ramsay (12), Edward Stead (14), Paul Hannagan (21), T and J Stinger (22), Helen Fincham-Putter (23), Deidre Senior (24), Anne Deaker (25), Robin Barlass (26), Ross Taylor (27), Ross Hanan (29), Trudy Hulme (30), Ali Preston-Marshall (31), Michelle O'Carroll (32), Megan Merrick (33), Grant Hanan (34), Mitchell Beggs (35), Andrew Shaw (36), Craig Ure (38), Theresa Firman (39), Brent Esler (40), Christopher Davis (45), Angela Davis (48) Don Hayden (49), Paul McKernan (51), Mary

- This area contains three holes of the Twizel disc golf course which is a popular and highly regarded course for both visitors and the community;
- Green spaces are an integral part of Twizel's design and are what make Twizel special, warranting their protection;
- This area forms part of the northern entrance to Twizel providing an uninterrupted view to Ben Ohau Range and should remain attractive and green to attract people to the town; and
- Dobson Place is a quiet cul-de-sac with little traffic and should be retained as such.

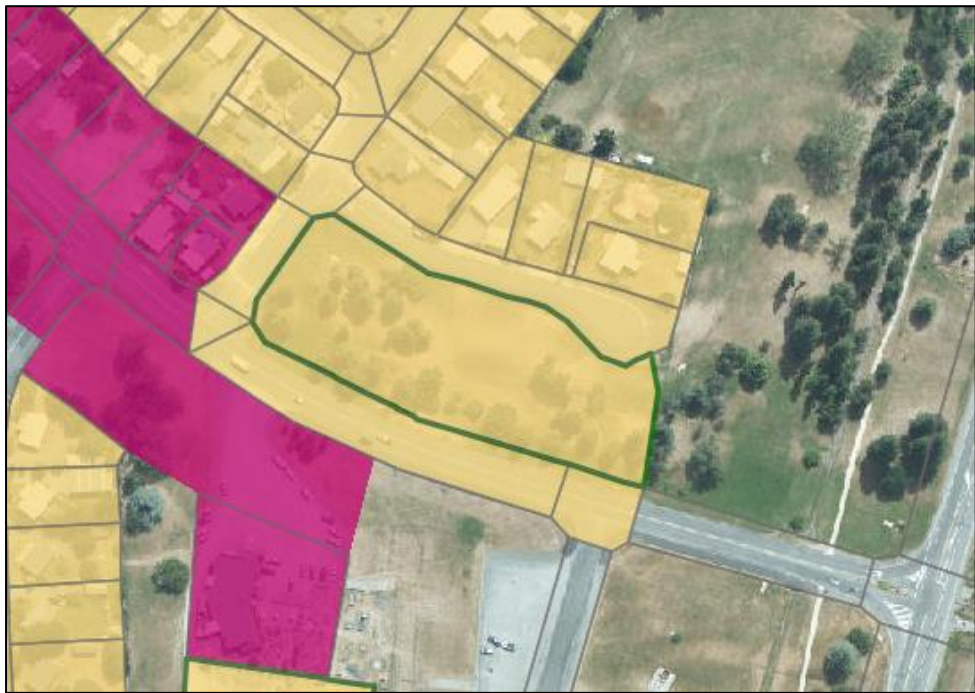


Figure 2 - Proposed MRZ (Commercial Visitor Accommodation Precinct) north of Ruataniwha Road, Twizel

357. Robin McCarthy (125) supports the proposed MRZ and Commercial Visitor Accommodation Precinct but requests that it is re-designated "Visitor Accommodation and Activities Retail." The key reasons for this are accommodation businesses already have retail activities of different

Murdoch (52), Frank Hocken (54), Gus van Gisteren (55), Bruce Mincham (56), Ian Riddler (58), Valerie McMillan (59), Judy Norman (61), Jacqui De Buyzer (65), Craig La Hood (67), Deb Thomson-bre (69), Belinda Kelly (70), Bevan Newlands (71), Russell King (77), Morgan Bathgate (79), Ethan Stout (82), Martin Galley (83), David Power (86), Kieran Buckham (91), Simon Feasey (93), Jesssica Mackay (97), Nick Mackay (98), Karen MacDiarmid (99), Ian Cartwright (100), Janette Hodges (112), The Twizel Community Board (113), Tim Preston-Marshall (114), Colin Withnall and Family (116), Mackenzie Properties (117), Anita Middleton-Buchan (124), Tessa Smith (127), Craig Latta (128), Matt Smith (129), Maree Cummings (130), Kerryn Archer (136), Eugene Archer (137), Rob Young (139), Brian Carpenter (141), Kathleen Carpenter (142), Erica Wills (143), Jane Nicholls (144), Eleanor Harris-Brouwer (146) and Frances Bower (147)

kinds and standalone activity operators such as bike tours or sky dive operators have no designated zoning.

Analysis

358. As discussed above, the population of Twizel is expected to increase significantly over the next 30 years. If there are no changes to the current zoning under the District Plan, Twizel is expected to reach dwelling capacity in 2040 at a total of 2,500 dwellings. Opportunities for urban expansion are however limited as Twizel is framed by the Twizel River and Lake Ruataniwha and sits within the Mackenzie Basin, which is identified as an Outstanding Natural Landscape. To meet the likely demand, infill and upzoning will therefore be required and PC21 includes the rezoning of large areas to allow for infill to meet the anticipated demand. The Spatial Plans, however, are looking out 30 years. Rezoning all land identified in the Spatial Plans is not required at this time to meet the likely demand for the lifetime of the Plan (only ten years). Considering the submissions, it is clear that this specific area is extremely popular and highly valued by the community for its recreational use and it provides an attractive and green entrance to Twizel. I therefore recommend that the submission points are accepted, and this area is not rezoned MRZ at this time, and is retained as Recreation Passive. This does not mean that development of this area in the future is not appropriate; rather it reflects that I do not consider this land to be required within the life of the District Plan and that the other areas are more logical areas for infill development over the short-medium term.
359. I also note that a SCA has been recommended by Ms White to be included in LFRZ-R8 to provide for commercial visitor accommodation activity to establish as a RDIS activity in part of the LFRZ which in my view, also provides an additional area to meet demand for visitor accommodation activities over the lifetime of the Plan.
360. Regarding the submission received from Robin McCarthy (125) I note that the purpose of the visitor accommodation precinct is to provide for higher density visitor accommodation activities in residential areas that, given their location, have been identified by the community as able to absorb a higher intensity of visitor accommodation activity. The purpose is not to provide for retail activities such as bike tours and the like, which, in my view are better suited in the TCZ. Commercial activities are defined as any activity trading in goods, equipment or services and are permitted in the TCZ. Opportunities for Township growth has also been proposed as part of PC21. I therefore recommend the submission received from Robin McCarthy (125) is rejected.

Recommendation

361. I recommend, for the reasons given above, that the proposed MRZ (Commercial Visitor Accommodation Precinct) north of Ruataniwha Road, Twizel is not zoned MRZ and is retained Recreation Passive, as set out in **Appendix 4**.
362. In terms of Section 32AA, rezoning this area recreation will not undermine the housing needs of the community (consistent with UFD-O1(5)) with other areas of infill providing sufficient housing opportunities for the lifetime of the plan. Based on submissions received this area also provides for activities (Twizel Disc Golf Course) that are important to the community's social well-being consistent with ATC-O1.

Proposed Town Centre Zone South of Ruataniwha Road, Twizel

Submissions

363. Seven submissions³⁰ were received requesting that the proposed TCZ south of Ruataniwha Road Twizel, outlined in yellow in Figure 3, is not zoned TCZ and is retained as a Recreation Passive Zone. The primary reasons for this include:

- Green spaces are highly valued in Twizel and are what make Twizel special, warranting their protection; and
- The green area along Ruataniwha Road was created to provide an open boulevard approach to the town centre and should be retained to attract people to the town.

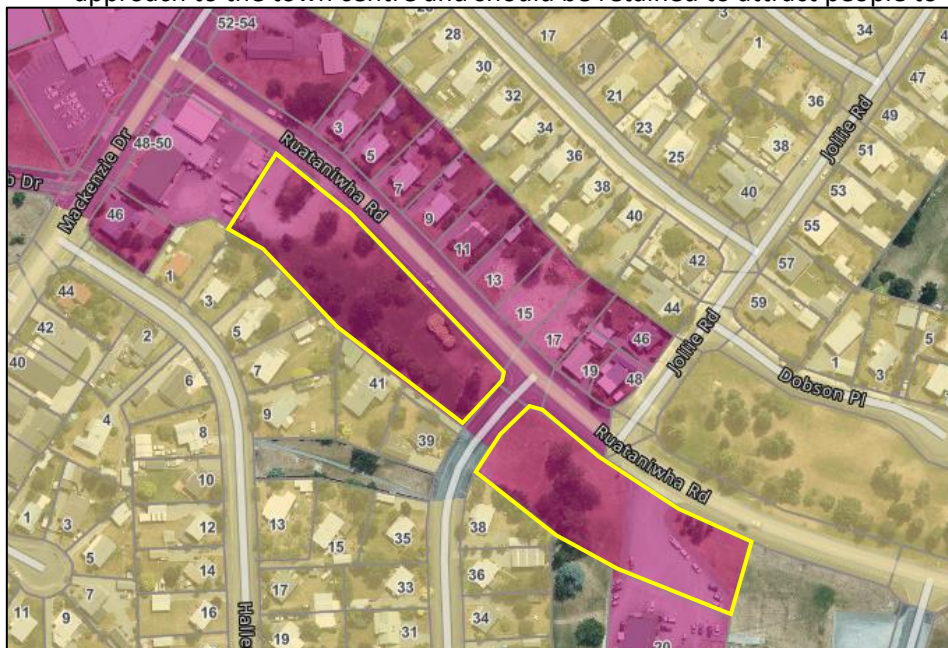


Figure 3 - Proposed TCZ South of Ruataniwha Road, Twizel

Analysis

364. The population of Twizel is expected to increase significantly over the next 30 years. Expansion of the town centre to meet the community needs is therefore required. Options for expansion however are limited, given existing development constraints, without allowing retail activities to establish away from the town centre, which I do not consider to be best practice.

365. The rezoning of this area is still expected to attract visitors to the town if designed well as sought by submitters. The intention of growing the town centre east along Ruataniwha Road was to provide a link between Tekapo-Twizel Road (SH8) and the town centre to capture more passing traffic and to funnel visitors into the town.

366. I have discussed the subdivisions with Council's Community Services and Facilities Manager, and they have expressed that there is an abundance of green space in Twizel. This green area also holds no obvious recreational use. While I appreciate green spaces are highly valued by the

³⁰ Rick Ramsay (12), Frank Hocken (54), Valerie McMillan (59), Ian Cartwright (100), Janette Hodges (112), The Twizel Community Board (113) and Mackenzie Properties (117)

community, in my view the loss of one smaller area will not impact on the overall character of Twizel as green spaces will still be apparent throughout the township.

367. In addition, the land is owned by Council. It is therefore anticipated that any proposed development would be subject to further community consultation to ensure it is sympathetic to the town, provides a welcoming approach and fulfils the community's needs. The above submissions are therefore recommended to be rejected.

Recommendation

368. I recommend, for the reasons given above, that the proposed TCZ south of Ruataniwha Road, Twizel is retained as notified.

Proposed Low Density Residential Zone adjoining the Twizel Golf Course, Ohau Road Twizel

Submissions

369. Mackenzie Properties (117) request that the proposed LRZ adjoining the Twizel Golf Course at Ohau Road Twizel, outlined in yellow in Figure 4, is retained as Recreation Active, as they consider this area adds to the amenity of Ohau Road.



Figure 4 - Proposed LRZ at Ohau Road Twizel

Analysis

370. I note that this site, while currently zoned recreation, is not used for recreational purposes and currently contains the Whitestone Contracting Yard. This land is also surrounded by existing residential zoned land and is separated from the Twizel Golf Course. I therefore consider it more appropriate to include it as LRZ to be consistent with the surrounding zoning. The opposite side of Ohau Road also contains existing recreational land that is to be retained, adding to the

amenity of the area. The submission from Mackenzie Properties is therefore recommended to be rejected.

Recommendation

371. I recommend, for the reasons given above, that the proposed LRZ adjoining the Twizel Golf Course at Ohau Road Twizel is retained as notified.

Proposed Town Centre Zone along Mackenzie Drive adjacent to the Twizel Skatepark

Submissions

372. David Power (86) requests that the existing recreation land in front of the Twizel Skate Park, incorporating the carparking area and outlined in yellow in Figure 5, is retained as Recreation Active and is not zoned TCZ. The reason for this is the open space reserve already provides an existing recreational use and, in his view, this should not be changed or jeopardised. Mr Power also requests that the existing viewing corridor and car parking area in this location is retained.

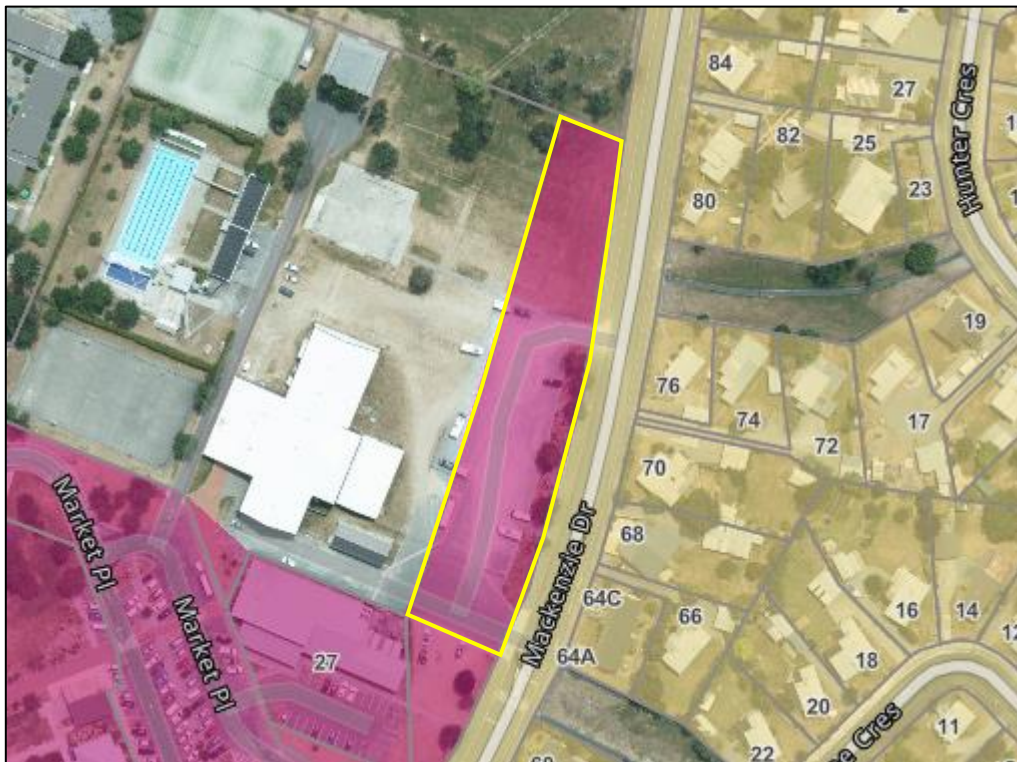


Figure 5 - Proposed TCZ at Mackenzie Drive, Twizel

Analysis

373. As discussed above, the population of Twizel is expected to increase significantly over the next 30 years. Expansion of the town centre to meet the community needs is therefore required. Options for expansion in Twizel are also limited, given existing development constraints, without allowing retail activities to establish away from the town centre, which I do not consider to be best practice.

374. While I appreciate that this area is currently used as a carpark and is adjacent to existing recreational uses, I do not consider a change to the proposed TCZ to be appropriate. The

purpose of the TCZ is to be the focal point for the community providing for a range of commercial and community focused activities which includes recreational facilities and structures. Any existing or new community facilities will therefore be able to operate, expand or establish under the proposed framework (TCZ-R3).

375. The proposed zoning does not automatically change the land use of this area but rather signals that further intensification is generally appropriate. The land is also owned by Council. It is therefore anticipated that any proposed development would be subject to further community consultation to ensure it is sympathetic to the town and fulfils the community's needs.
376. In terms of the existing viewing corridor, the OMDP contains a Scenic Viewing Area (SV23) north of Market Place to provide views from Market Place to Aoraki Mount Cook. It currently applies to a very small portion of the Village Centre Zone, with the majority applying to the Recreation Active Zone. Under the current zoning, no buildings or trees shall be planted within the Scenic Viewing Area (Section 9, Standard 5.4.11.c for the Recreation zoned portion and Section 5, Standard 1.3.1.m for the Village Centre zoned portion). The effect of the proposed zone change to TCZ within part of this area will remove any rule requirements relating to that part of the Scenic Viewing Area which falls within the proposed TCZ, and will allow buildings to be established, as the existing standard in the Village Centre Zone is proposed to be deleted and not rolled over into the TCZ provisions. Expert landscape advice regarding the appropriateness of buildings in this part of the Scenic Viewing Area has not been obtained. Retention of Standard 1.3.1.m would however effectively make the proposed TCZ redundant, as it would mean no buildings could establish in this area, which in effect would mean the outcomes sought for the zone would not be achieved in this area. The effect of this would also be that the expansion of the town centre in this area, which has been identified in order to meet the community's needs, would not be realised. The intention for the development of this area has also been clearly signalled in the Spatial Plans, which was subject to community input. I also consider the proposed extension to be small in scale and will still allow for views north of the TCZ to Aoraki Mount Cook ensuring the intent of Scenic Viewing Area is maintained, until a review of Section 9 is undertaken in Stage 4. I therefore recommend that the submission from David Power is rejected.

Recommendation

377. I recommend, for the reasons given above, that the proposed TCZ north of the town centre along Mackenzie Drive is retained as notified.

Proposed Zoning of Recreation Land in Twizel

Submissions

378. Nine submissions³¹ were received requesting that all recreation land in Twizel is protected and not rezoned under PC21. Reasons for this include:
- a. Green spaces are highly valued in Twizel and are what make Twizel special, warranting their protection;
 - b. Loss of green space to high density housing or commercial use will be detrimental to the town;
 - c. Rezoning of recreation land will disrupt the Twizel disc golf course; and
 - d. There is sufficient land around and within Twizel before destroying the image of the town.

Analysis

379. In my opinion the submission points raised by submitters have largely been addressed in the specific zone requests above. I also note that while urban expansion is an option to allow for urban growth, options for expansion are limited in Twizel as Twizel is framed by the Twizel River and Lake Ruataniwha and sits within the Mackenzie Basin which is identified as an Outstanding Natural Landscape. Managed growth, including infill of greenfield sites, is therefore, in my view, necessary to meet the purpose of the RMA.

Recommendation

380. For the reasons given above, I do not recommend any changes in relation to the above submission points.

Road Corridors

Submissions

381. TL&GL (121) request that all roads are removed from being within any zone or precinct extent and that the Paper Road west of Tekapo (Parcel ID 3568134) is not included within the boundaries of the Takapō/Lake Tekapo West Future Development Area.

Analysis

382. I do not agree with TL&GL (121) that roads should be removed from any zone or precinct extent. The approach of zoning roads consistent with the adjoining zone is consistent with the OMDP and other second-generation plans reviewed.
383. The paper road west of Takapō / Lake Tekapo is currently zoned Rural in the OMDP. While this area is included within DEV2 the provisions applying to this area will remain those of the underling Rural zone, until such time as a comprehensive Master Plan is prepared and included

³¹ James Underwood (28), Scott Aronsen (68), Jan Spriggs (76), Hannah Josli (78), Nicola Newman (102), Frances Dennison (118), Frances Dennison (120), Lisa Cotterell (123) and Sarah Thompson (134).

through a future Plan Change or variation. I therefore consider the application of DEV2 to the Paper Road west of Tekapo (Parcel ID 3568134) appropriate at this time. The submission from TL&GL is therefore recommended to be rejected.

Recommendation

384. I recommend, for the reasons given above, the zoning applying to the road corridors including the Paper Road west of Tekapo (Parcel ID 3568134) is retained as notified.

No Build Area

Submissions

385. TL&GL (121) request that the No Build Area in Takapō/Lake Tekapo should reflect the boundaries of the open space/reserve lot only and should not be located over private land.

Analysis

386. While it is not entirely clear which No Build Area the submitter is referring to, I have assumed that the submission is referring to the No Build Area located within the Station Bay Development, adjacent to Tekapo-Twizel Highway, that applies to 21-29 Station Bay Rise outlined in yellow in Figure 6.



Figure 6 - No Build Area, Station Bay Rise

387. The No Build Area (identified in the Planning Maps and subject to Rule PREC1-S5) has been carried over from the OMDP to recognise and protect important views to Lake Tekapo, and the vistas north of SH8, particularly for travellers entering the town. Given this purpose I do not consider it appropriate for the No Build Area to be removed from private land, as any removal may result in these important views being compromised, which is inconsistent with PREC1-P1. The submitter has also supplied no expert evidence supporting the removal of the No Build Area, nor have they demonstrated how key views can be maintained through other methods if the No Build Area is removed. I therefore recommend that the submission from TL&GL is rejected.

Recommendation

388. I recommend, for the reasons given above, that the No Build Area within the Station Bay Development is retained as notified.

Specific Control Area 4

Submissions

389. Grant Payne (72) requests that 56-74 North West Arch, outlined in yellow in Figure 7, are excluded from SCA 4 as these allotments were purposely created, and controlled with covenants, to maintain the rural feel and maintain the desired density and standards. The covenants do not allow for further subdivision of these sites, or buildings within a 10m setback. Including these properties, in Mr Payne's view, therefore only potentially causes confusion, stress and unnecessary expense for landowners of these properties.

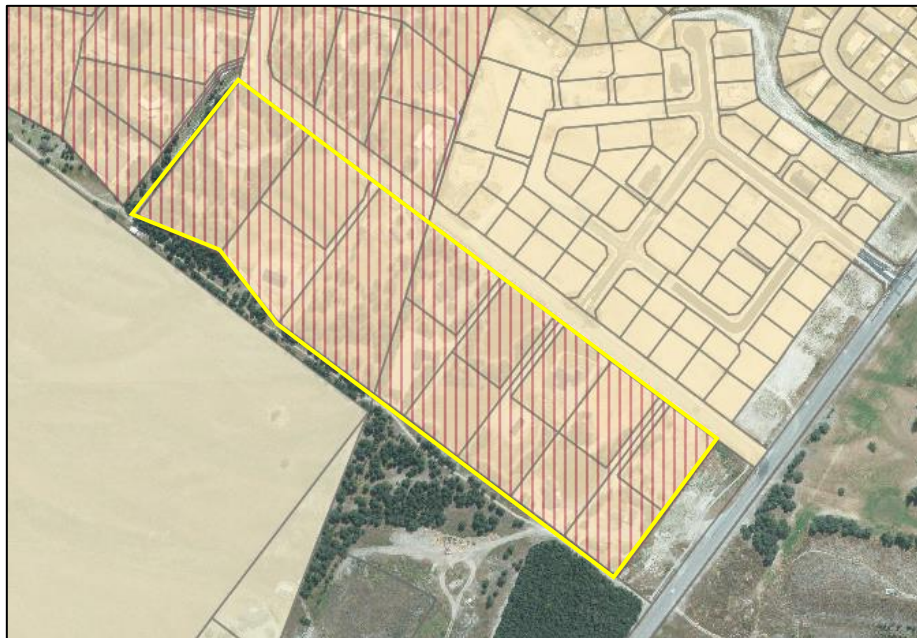


Figure 7 - 56-74 North West Arch, Twizel

Analysis

390. Although it is not entirely clear, it is my understanding that Mr Payne is more concerned with 56-74 North West Arch being upzoned LRZ as opposed to the application of SCA 4. As noted earlier, SCA 4 has only been applied to signal that this area is subject to servicing constraints, requiring further investigation prior to intensification, with all lots to be retained at a minimum density of one residential unit per 4,000m² in the interim, as opposed to a minimum density of one residential unit per 400m² otherwise applying in the LRZ. All other built form standards, including the minimum setbacks, pertain to the underlying LRZ and are not specific to SCA 4.

391. As discussed above, the Mackenzie Spatial Plans identify areas for infill/up-zoning including low-density infill within North West Arch to meet the expected population growth. While this land is subject to private covenants, I consider the proposed zoning to be appropriate as it gives effect to the Spatial Plans. I also consider that the LRZ in this location better reflects the

surrounding zoning and provides a better distinction between the LRZ and LLRZ to the west given existing areas of natural open space. I also note that while land covenants impose restrictions that impact how property owners use their property, they are typically private and sit outside the jurisdiction of the District Plan. I accept that they currently affect the ability to develop the land in accordance with what is anticipated under the LRZ provisions, but this is the case with any private covenants that apply controls which may be more restrictive than those of the District Plan. It is also not impossible for the covenants to be altered or removed. In my view, it is more appropriate that the District Plan zoning applied is the 'best fit' for the land in question, rather than zoning being driven by the covenants. I therefore recommend that the submission from Grant Payne is rejected.

Recommendation

392. I recommend, for the reasons given above, that the zoning of Lots 56-74 North West Arch, is retained as notified.

LDR Zone, A and P Showgrounds, Fairlie

Submissions

393. Mackenzie A and P Society (88) oppose the proposed LRZ applying to part of the A and P Showgrounds in Fairlie as they believe it has the potential to have a significant impact on the Association including the rates payable. It therefore requests that the Showgrounds in their entirety are listed as a Scheduled Activity in the LRZ, as used in the Ashburton District Plan. If this cannot occur it requests a SCA is applied to the Showgrounds (in its entirety) which includes the following standards:

- A maximum building height of 10m
- Road and internal boundary setbacks of 2m and compliance with the height in relation to boundary requirements
- The ability to carry out public recreation activities on site as a Permitted Activity
- No inclusion of impervious surface coverage.

394. The area of the Showgrounds considered to be within scope of PC21 is outlined in yellow in Figure 8.



Figure 8 - A and P Showgrounds Fairlie

Analysis

395. I note that most of the showgrounds in the District are zoned Rural and are not proposed to be rezoned in PC21. Given the submission, I consider it more appropriate for the zoning of the Fairlie Showgrounds to be assessed in its entirety in a subsequent stage of the MDPR. I also note that any upzoning of this portion of the showgrounds site as part of PC21 is unlikely to be taken up by the landowners in the short to medium term and that all land identified in the Spatial Plans is not required to be rezoned at this time to meet the likely demand for the lifetime of the District Plan. I therefore recommended that the proposed LRZ applying to the Fairlie Showgrounds is removed and this area is retained as Rural.
396. As a result of recommending that the Showgrounds are zoned Rural, I have not assessed the request for a further mechanism to manage the Fairlie Showgrounds as this is better considered further in Stage 3 (Rural) of the MDPR, as part of the review of rural zone provisions. The submission from the Mackenzie A and P Society is therefore recommended to be accepted in part.

Recommendation

397. I recommend for the reasons given above, that the proposed LRZ applying to the Fairlie Showgrounds is removed and this area is retained as Rural.
398. In terms of Section 32AA, rezoning this area Rural will not undermine the housing needs of the community (consistent with UFD-O1(5)) with other areas of infill providing sufficient housing opportunities in Fairlie for the lifetime of the plan. I further consider that the outcomes sought by a rural zoning are more appropriately applied to this land at this time, than those of the LRZ.

New Zoning Requests

Musterers Hut, Twizel

Submissions

399. Rick Ramsay (12) opposes the Musterers Hut, outlined in yellow in Figure 9, being zoned TCZ and requests that it is identified as a Commercial Visitor Accommodation precinct.

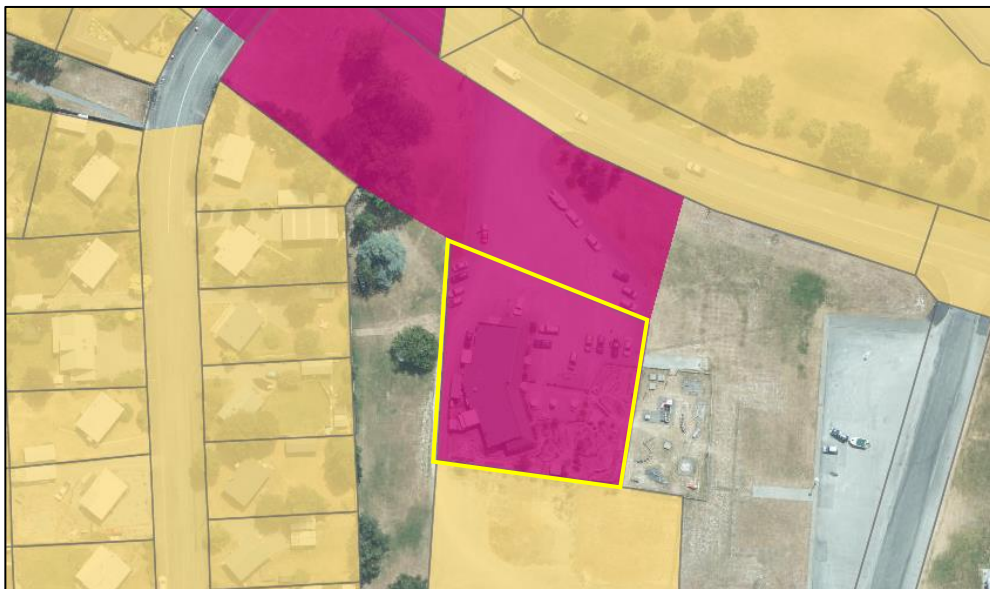


Figure 9 - Musterers Hut, Twizel

Analysis

400. First, I would like to clarify that the Commercial Visitor Accommodation Precinct is not a zone. It is a spatial layer that applies to residential areas in Fairlie, Takapō/Lake Tekapo and Twizel that given their location have been identified as being suitable for higher density commercial visitor accommodation, such as hotels and motels. Within the precinct the provisions of the underlying residential zone, as well as the precinct apply. Application of the Commercial Visitor Accommodation Precinct would therefore only be appropriate if this area was zoned residential, which I do not believe was the intention of the submitter. Taking into account the existing land use and underlying zone in this area (Tourist Zone and the Musterers Hut Café and Gift Shop and LJ Hooker Real Estate Office) the proposed TCZ, in my view, is the most appropriate, as this provides for a range of commercial and community focused activities (TCZ-O1). Commercial visitor accommodation is also permitted in the TCZ provided it is located above the ground floor. The zoning, as notified, therefore already allows for commercial visitor accommodation activities in this area to establish as sought by the submitter. The proposed zoning is also consistent with the Mackenzie Spatial Plans that were subject to community consultation. I therefore recommend that the submission from Rick Ramsay is rejected.

Recommendation

401. I recommend, for the reasons given above that the Musterers Hut in Twizel is retained TCZ as notified.

Tasman Road and Mackenzie Drive, Twizel

Submissions

402. Six submitters³² request that the proposed MRZ between Tasman Road and Mackenzie Drive, outlined in yellow in Figure 10, is rezoned TCZ instead of, or in addition to, the proposed TCZ along Ruataniwha Road. The key reason for this is submitters believe the area on Ruataniwha Road does not integrate as well with Market Place and is limited by the existing service station and motel under construction, and that the area between Tasman Road and Mackenzie Drive integrates better with Market Place.

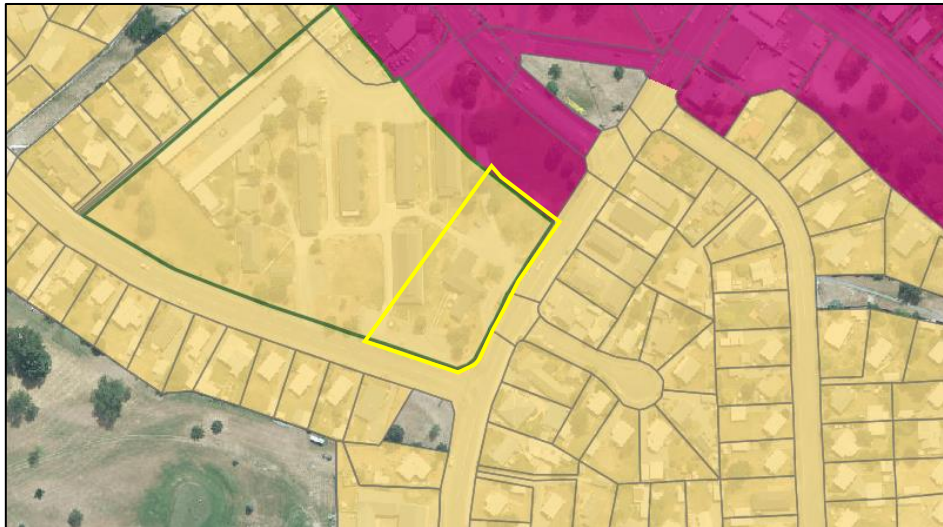


Figure 10 -Proposed MRZ (Commercial Visitor Accommodation Precinct) between Tasman and Mackenzie Drive, Twizel

Analysis

403. In my view, this area is better kept as a MRZ with a Commercial Visitor Accommodation Precinct as it better reflects the existing use of this site (High Country Lodge and Backpackers). I also note that the Mackenzie Spatial Plans did not identify this area for growth of the town centre. I consider that further background work and consultation would therefore be required to determine whether this area is appropriate for such an expansion of commercial activities. The proposed expansions east and north of the TCZ, which I have recommended be retained, will also meet the anticipated growth for the lifetime of the Plan and if designed well, will ensure development is integrated with the existing town centre. The submissions are therefore recommended to be rejected.

Recommendation

404. I recommend, for the reasons given above, that the area between Tasman Road and Mackenzie Drive is retained MRZ as notified.

³² Rick Ramsay (12), Jessica Mackay (97), Nick Mackay (98), Karen MacDiarmid (99), Anthony Weekes (107) and Erica Wills (143).

Maryburn Road, Twizel

Submissions

405. Hannah Josli (133) requests that the MRZ in Twizel is applied to both sides of Maryburn Road, as displayed in Figure 11, as a replacement for the proposed MRZ north of Ruataniwha Road.

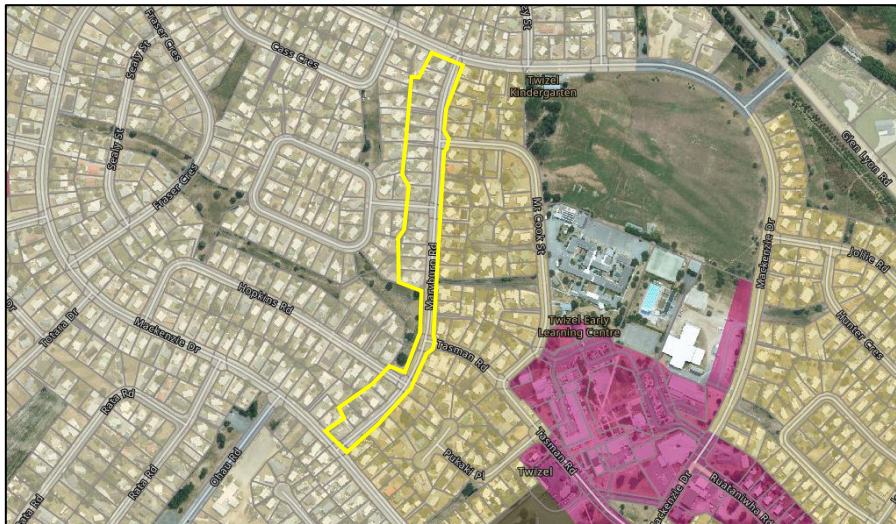


Figure 11 - Proposed LRZ, Maryburn Road Twizel

Analysis

406. Rezoning all land identified in the Spatial Plans to meet the expected growth is not required to meet the likely demand over the lifetime of the District Plan. Identification of new areas for medium density residential zoning, as a replacement for the proposed zoning on Ruataniwha Road, is therefore not necessary. Further background work/consultation would also be required to determine whether this area is suitable for medium density residential development. I therefore recommend that this submission point be rejected.

Recommendation

407. I recommend, for the reasons given above, that the proposed zoning of Maryburn Road is retained as notified.

Mixed Use Zone and Tekapo Mixed Use Precinct³³

Submissions

408. TL&GL (121) seek that a High Density Residential or Mixed Use Zone is identified in Tekapo as per the Spatial Plan. The submitter states that the mapping as notified does not follow the spatial plan zoning, because no High Density Zone was notified and no mixed use zoning is proposed in Tekapo. More specifically, they seek that Lot 1 DP 455053 (outlined in yellow in Figure 12), Lot 400 DP 560853 (outlined in blue in Figure 12), Lots 49 and 50 DP 560853 (outlined in red and green in Figure 12) and Lot 1 DP 560853 (outlined in purple in Figure 12) are zoned MUZ with a new 'Tekapo Mixed Use Precinct' applied to allow for campground activities and a greater level of built form. As part of this request, the Lake Tekapo Precinct would be removed

³³ This section is authored by Liz White.

from this area. Alternatively, the submitters seek that these lots are zoned MRZ with a Commercial Visitor Accommodation Precinct.

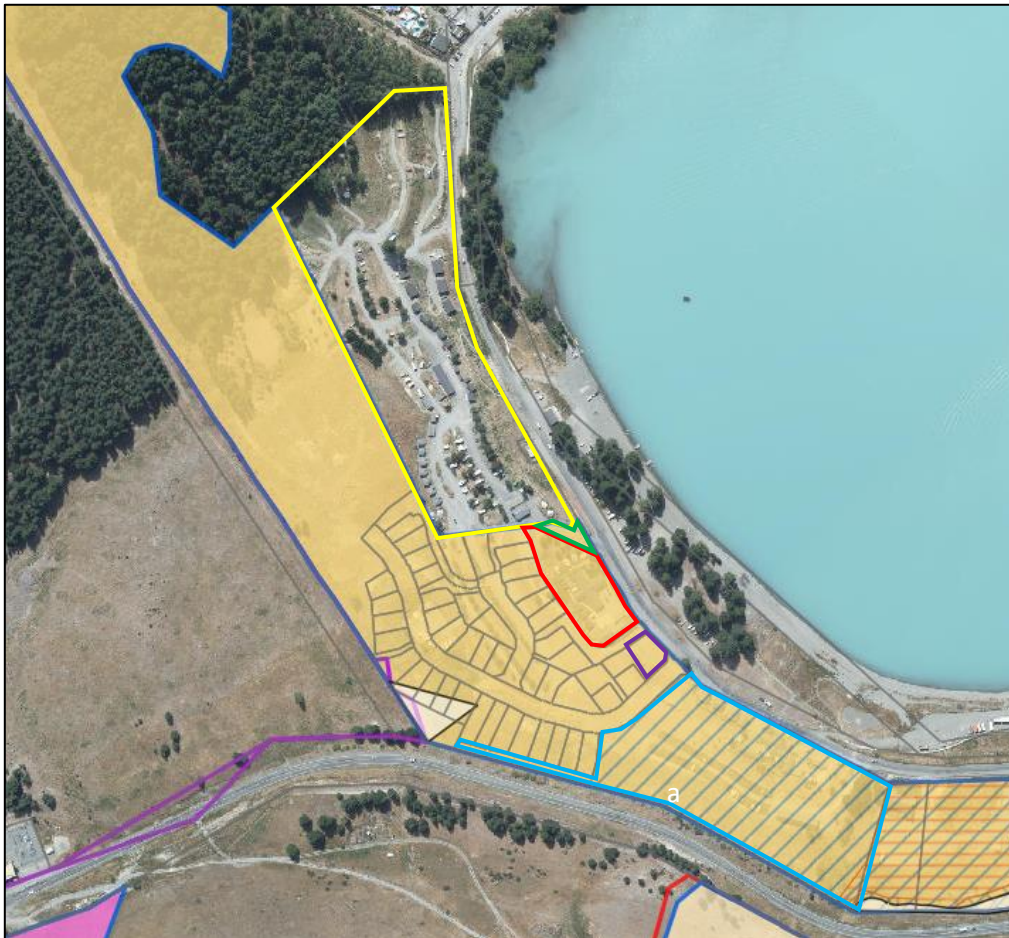


Figure 12 - Lot 1 DP 455053 (yellow), Lot 400 DP 560853 (blue), Lots 49 and 50 DP 560853 (red and green) and Lot 1 DP 560853 (purple), Lakeside Drive Tekapo

409. Related to the above, the submitter seeks that the areas currently zoned MUZ, being the District’s smaller settlements (Te Kopi-O-Ōpihi / Burkes Pass, Kimbell and Albury), are instead zoned as the Settlement Zone. In their view, Mixed Use Zones are commonly used as a transition zone between a town/metropolitan centre and a residential area. They consider that a Settlement Zone would instead be a better fit for these smaller settlements. Related to this, Lachlan Broadfoot (3) supports the application of the MUZ zone to parts of Kimbell as notified.

Analysis

410. In the following, I have analysed the request in terms of the zoning applied to the “High Density Residential /Mixed Use” area shown in the Spatial Plans (which also includes the site identified in blue in Figure 12 above); the alternate zoning; and then the application of the MUZ to the smaller settlements. In addition to this, with respect to the specific areas in Tākapo / Lake Tekapo where the MUZ and new precinct is sought, I note that one area where this is sought (being the site identified in yellow, in Figure 12) is not considered to be within the scope of PC21 (for the reasons set out earlier).

411. The Spatial Plan for Tākapo / Lake Tekapo delineates an area as “High Density Residential / Mixed Use”, to the west of the current town centre, as shown below in Figure 12.



Figure 13 - Spatial Plan for Takapo/Lake Tekapo

412. While PC21 is intended to generally implement the zoning shown in the Spatial Plan, the zoning and related frameworks must ultimately be tested as to whether they are the most appropriate way to achieve the purpose of the RMA. They must also give effect to the NP Standards. The Section 32 Report includes details about how the ‘zoning’ shown in the Spatial Plans has been applied through PC21 and where it differs.³⁴

413. With respect to the High Density Residential / Mixed Use Zone sought by the submitter, I note that this was a matter worked through in some detail in the drafting of the PC21 provisions and related zone application. This reflects, in part, that there is no “High Density Residential / Mixed Use Zone” option in the NP Standards. The description in the Spatial Plan refers to these areas as offering opportunities “for a combination of residential living and complementary commercial and/or visitor accommodation activities.” Discussions with the Councillors and others involved in the Spatial Plan process identified that this area is seen as particularly appropriate for commercial activities at ground floor level along the road frontage (Lakeside Drive), and those which are of a type that interact with the road, for example fine-grained retail and food and beverage.³⁵ The reason either a ‘Mixed Use’ or ‘High Density Residential’ Zone being applied to the area was discounted was because:

- A MUZ, according to the NP Standards, anticipates a broader range of activities (including recreation and light industrial) than what is anticipated under the Spatial Plan, so it would result in some tension with the NP Standards description; and
- A High Density Residential Zone is intended to be predominantly for residential activities and other compatible activities. The description in the Spatial Plan is considered to anticipate something broader than simply ‘compatible activities’, and restrictions on commercial activities would therefore likely be required to align with the anticipated residential focus of the NP Standards.

³⁴ Section 32 report at 2.9 - 2.25; and Tables 9 & 15.

³⁵ Section 32 report, Table 9.

414. Given the above, consideration was given to potential application of TCZ to this area, but with a precinct or SCA used to both limit the type of commercial activities enabled, as well as enable higher density residential options. However, this would have implied more of a commercial focus to the area. Another relevant consideration is that the current height limits applying in this area restrict higher buildings (to 5m) on the upper terrace to retain views of the lake for properties to the south (implemented through SCA 6 in PC21); while a higher limit of 12m applies to the lower portion of this area, where the topography means that such buildings will not adversely affect lake views (implemented through SCA 7 in PC21). Retention of these limits mean that higher density development is in effect precluded on the upper terrace (i.e. where SCA 6 applies.)
415. Taking into account all of the above, the approach taken in PC21 as notified was to apply a TCZ along the road frontage of Lakeside Drive, to allow for commercial activities to establish along that frontage. This encourages such development to front the road, without allowing for additional commercial development across the whole area which might draw away from the main TCZ area (and therefore assist in the achievement of TCZ-O1). Higher density residential development is then achieved through application of the MRZ to the remainder of the area, with both the higher and lower height limits retained. In particular, the area with the higher height limit (SCA 7) allows for greater density than anywhere else in the District.
416. It is my view that the notified approach is therefore more consistent with the intent of the Spatial Plans and the NP Standards descriptions, than applying a blanket 'High Density Residential' or 'Mixed Use' Zone to this area. I therefore recommend the submission points from TL&GL relating to application of a 'High Density Residential' or 'Mixed Use' Zone to this area be rejected.
417. Having considered the alternate relief sought - MRZ with a Commercial Visitor Accommodation Precinct - I note that these lots (excluding the site which is outside the scope of PC21) are proposed to be zoned MRZ. I understand the area shown in red in Figure 12 is used as a backpackers; the area in green is used as an access to the campground; and there are visitor accommodation activities, as well as vacant space, in the blue area. The current zoning is also Residential 2, which anticipates visitor accommodation activities. PREC-O1, which sets out the purpose of the Commercial Visitor Accommodation Precinct, envisages an area in which higher density visitor accommodation activities and residential activities are located. Having considered the proximity of these sites to the town centre, the existing development and what is anticipated under the OMDP, I agree that it is appropriate to apply the Commercial Visitor Accommodation Precinct to these sites (Lot 400 DP 560853, Lots 49 and 50 DP 560853 and Lot 1 DP 560853). A minor exception to this is the 'skinny' western part of Lot 400 DP 560853 (blue in Figure 12 above), which I consider could not be practically developed for commercial visitor accommodation and therefore consider it better for the boundary of the precinct to stop before this skinny strip. I therefore recommend the alternate relief sought by TL&GL (121) be accepted in part.

418. With respect the application of a Mixed Use Zone, rather than a Settlement Zone being applied to the Albury, Kimbell and Te Kopi-O-Ōpihi / Burkes Pass, as detailed in the Section 32 report, the application of a commercial zone in these townships is new, and reflects that they do contain some existing commercial activities, and that the Spatial Plan process identified these areas as being appropriate to consolidate these existing activities and provide for further commercial opportunities. The MUZ was identified as appropriate due to the small scale of the settlements, their existing mix of uses, and the need to provide greater flexibility for these to transition over time.³⁶ Notwithstanding the Spatial Plans, as part of the development of the PC21 zoning framework and provisions, a Settlement Zoning for the totality of these townships was considered. However, community engagement identified that the majority of respondents preferred that separate residential and commercial zonings be applied, distinguishing between different areas.³⁷
419. In the NP Standards, the Settlement Zone is described as “*Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments.*” Because of the community desire to retain separate residential areas, my view is that the NP Standards description of a Settlement Zone does not apply as well to the smaller commercial areas identified in these settlements as the Mixed Use Zone description does; rather the Settlement Zone would be best if applied to the entirety of these settlements. I therefore consider that applying the MUZ to Albury, Kimbell and Te Kopi-O-Ōpihi / Burkes Pass is the most appropriate approach. I therefore recommend that the submission point from TL&GL seeking application of a Settlement Zone is rejected and the submission point of Lachlan Broadfoot is accepted.

Recommendation

420. I recommend, for the reasons given above, that the Town Centre/Medium Density Residential zoning of the area identified as “High Density Residential /Mixed Use” in the Spatial Plans is retained as notified.
421. I recommend, for the reasons give above, that the zoning of Lot 400 DP 560853, Lots 49 and 50 DP 560853 and Lot 1 DP 560853 is retained MRZ as notified, and that these lots (excluding the western-most portion of Lot 400 DP 560853) are included in the Commerical Visitor Accommodation Precinct. The amendments recommended to the planning maps are set out in **Appendix 4.**
422. I recommend, for the reasons given above, that Mixed Use zoning applied to areas within Albury, Kimbell and Te Kopi-O-Ōpihi / Burkes Pass is retained as notified.
423. In terms of Section 32AA, I consider that it is more appropriate to apply the Commerical Visitor Accommodation Precinct to this area, as the outcomes sought in PREC2-O1 are appropriate to this site. I consider the recommendation is a more efficient way to manage potential changes and additions to existing visitor accommodation activities, and given the current zoning, I do

³⁶ Section 32 report, Table 15.

³⁷ Section 32 report at 6.12.

not consider that any additional costs or adverse effects arise, in relation to the potential development of new commercial visitor accommodation activities, when compared with the current status quo.

Open Space Zone, Takapō/Lake Tekapo

Submissions

424. TL&GL (121) request that Lots 301, 303 and 304 DP 560853 (outlined in yellow in Figure 13) are not zoned a residential zone under PC21 and are instead zoned open space as they consider it best for the reserve land within the Station Bay Development to be zoned an open space zone.

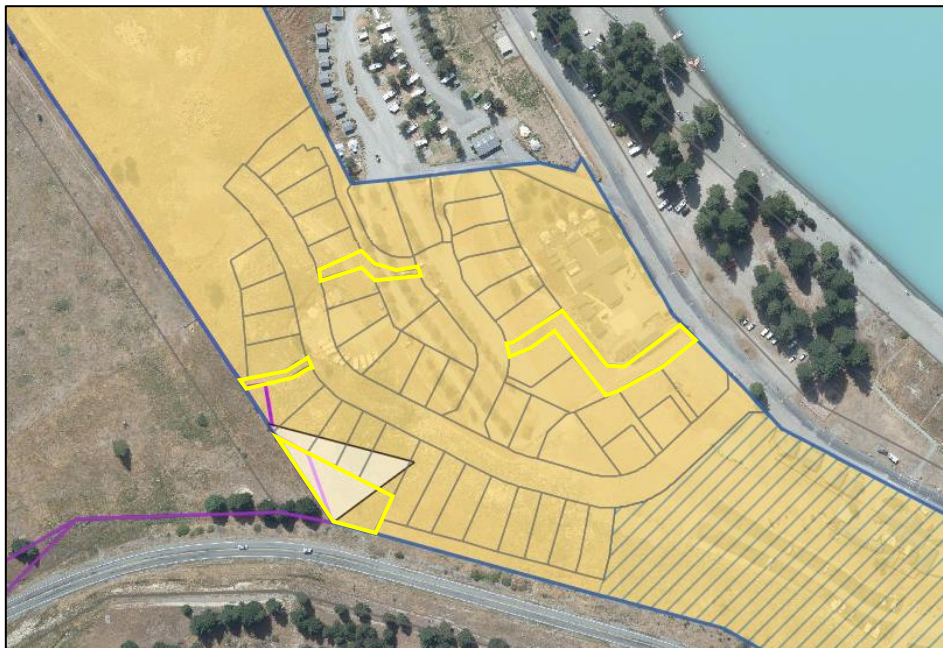


Figure 14 - Lots 301-304 DP 560853 Station Bay Rise, Lake Tekapo

Analysis

425. Subdivision Consent RM190050 was granted on 6 December 2019 to subdivide land legally described as Lot 2 and Lot 3 DP 455053 at Lakeside Drive, Takapō/Lake Tekapo to create 50 fee simple allotments including four fee simple allotments (Lots 301-304) to be vested with Council as reserves. The reserve areas range in size from 170m² to 1,112m² and provide connections through the Station Bay Development which have formally been vested with Council. I therefore agree with TL&GL (121) that Lots 301-304 should not be zoned residential, as the intended outcome of this land is not predominantly residential activity, and that an open space zone is more appropriate. Application of an Open Space Zone, as directed in the NP Standards, is not appropriate at this time as the Open Space Zones are not in scope of PC21 and are to be incorporated/reviewed in a subsequent stage of the MDPR. Having regard to purpose of the existing recreation zones, I recommend that Lots 301-304 DP 455053 are zoned Recreation Passive as the purpose of this zone (under the current Plan) is to maintain the open space or planted character of recreational areas for informal recreational use by the community. While I accept that this zone and provisions will be subject to review in Stage 4 of the MDPR, I consider it more efficient to rezone these lots to the most appropriate current zone, noting the submitter

will be able to submit on any changes to the controls applying to the land as part of Stage 4. The submission from TL&GL is therefore recommended to be accepted.

Recommendation

426. I recommend, for the reasons given above, that Lots 301-304 DP 560853 are not zoned MRZ under PC21 and are zoned Recreation Passive.
427. In terms of Section 32AA, I consider that the current and anticipated use of this land better align with the outcomes sought under the Recreation Passive zoning than those of MRZ. Rezoning this area Recreation Passive will not undermine the housing needs of the community (consistent with UFD-O1(5)) as this land has already been vested for recreational use. Recognition of these areas for recreational use is also more consistent with ATC-O1 (1) and (2).

Specific Control Area 7, Takapō/Lake Tekapo

Submissions

428. TL&GL (121) request that SCA 7 is extended over Lot 400 DP 560853 on Lakeside Drive to allow for greater height limits, as they consider an increased height in this location to be appropriate. Lot 400 DP 560853 is outlined in yellow in Figure 14 below.



Figure 15 - Lot 400 DP 560853 Lakeside Drive, Lake Tekapo

Analysis

429. Consistent with the OMDP, different height limits have been applied to the top and bottom of the terrace within Lakeside Drive to ensure development in Takapō/Lake Tekapo is integrated with the topography and important viewshafts are retained (PREC-P1 and SCAs 6 and 7). More specifically, SCA 7 allows for a higher height of 12m in areas where the topography means that higher buildings will not detract from views to the lake. With this in mind, I agree with TL&GL that SCA 7 should be extended over Lot 400 DP 560853 as the topography in this area is steep. Any future development will therefore sit well below the terrace/highway consistent with the character and amenity outcomes sought in Takapō/Lake Tekapo. The expansion of SCA 7 also

better aligns with the Mackenzie Spatial Plan that includes Lot 400 DP 560853 within a higher density residential/mixed use area. The submission from TL&GL is therefore recommended to be accepted. I note that the 'skinny' western part of Lot 400 DP 560853 (outlined in blue in Figure 12 above), is not proposed to be included within the extension to the SCA as in my view it could not be practically developed.

Recommendation

430. I recommend, for the reasons given above, that Specific Control Area 7 is extended over Lot 400 DP 560853 to extent shown in Figure 15. The amendments recommended to the planning maps are set out in **Appendix 4**.
431. In terms of Section 32AA, I consider that the application of a higher height limit to the site will still achieve PREC1-O1 and align with PREC1-P1, given the existing landscape and topography in this area.

12. Other Matters

Consultation and Plan Change Process

Submissions

432. James Paranihi (2) neither supports or opposes the plan change as he considers he cannot give adequate or appropriate answers as he is not a permanent resident.
433. Grant Pearson (64) opposes PC21 in full and requests that the plan change, and maps be readily available online, and that there is an increase in time for the lodgement of submissions.
434. Ursula Paul (75) opposes PC21 in full and requests a complete restart with further meaningful consultation.

Analysis

435. I note that community engagement was undertaken as part of the preparation of the Mackenzie Spatial Plans which formed the basis for the zoning in PC21. Further engagement with the community was also undertaken prior to notification of PC21 to understand the communities' views on key issues, identified from the background work undertaken on PC21, as well as potential options to address those issues. The feedback received from the engagement was used to form a 'Preferred Approach' to the zoning and management of the residential, commercial and industrial areas. The 'Preferred Approach' was then used to draft the proposed provisions.
436. I also note that the submission period for lodging a submission was extended to 40 working days, which is double the timeframe required under the RMA, to allow sufficient time for the community to review and prepare submissions on the plan change. All information regarding the plan change is also readily available online.

437. In relation to the submission from Mr James Paranihi I do not consider any amendments necessary as he does not seek any changes.

Recommendation

438. I recommend, for the reasons, given above, that the submissions received from James Paranihi (2), Grant Pearson (64) and Ursula Paul (75) are rejected.