



Mackenzie
DISTRICT PLAN REVIEW
TOMORROW'S MACKENZIE
KA AWATEA HŌU

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

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

Reply Report

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1. Purpose and Scope of Report

1. The purpose of this Reply Report is to outline where my recommendations on PC29 have altered, as a result of the questions arising from the Hearing Panel, submitter evidence, matters traversed at the hearing, or through expert conferencing. It also addresses other matters arising in submitter evidence or during the course of the hearing where I consider further comment may be of benefit to the Hearing Panel, or in response to questions identified by the Hearings Panel in the course of the hearing. As such, other than where stated in this Reply Report, my opinions and recommendations remain as set out in the Section 42A Report¹ and in the Response to Minute 6.²
2. For the avoidance of doubt, where I do not comment further, this is not because I have not carefully considered matters raised in any evidence and in the presentations made by submitters. Rather, I am not persuaded that there is a need to alter my recommendations from that in the Section 42A report, and my reasoning has not changed from what is set out within that report.

2. Format of Report

3. This report is structured on a topic basis. For the reasons noted above, it does not however traverse all matters/topics discussed at the hearing.
4. A full set of the changes recommended to provisions are contained in **Appendix 1** to this Report, incorporating recommendations made in the Section 42A Report, the Response to Minute 6 and in this Reply Report. Changes recommended in the Section 42A Report are shown by way of ~~strikeout~~ and underlining. Changes recommended in the Response to Minute 6 and in this Reply Report are shown by way of ~~red strikeout~~ and red underlining. Changes previously recommended to be deleted but now recommended to be reinstated are shown in ~~red without underlining~~. Changes previously recommended to be added but now recommended not to be included are shown in ~~red strikethrough with black underlining~~. Footnoted references to the relevant submitter(s), and where applicable, submitter evidence, identify the scope for each recommended change.
5. Where required, an evaluation under s32AA of the RMA is undertaken of any further changes recommended.

3. TEMP Chapter

Panel Questions

6. The Hearing Panel have asked me, in relation to the change recommended in paragraph 237 of the s42A report, to advise:

¹ Section 42A Report: Plan Change 29 (and Variation 1 to Plan Change 23, Variation 2 to Plan Change 26, and Variation 2 to Plan Change 27) Open Space and Recreation Zones, Noise, Signs and Temporary Activities, 24 April 2025.

² Section 42A Reporting Officers' Response to Hearings Panel Questions, 20 May 2027.

- a. What is the scope for this change / is there scope under cl 16 to make this change?
 - b. Who holds the delegation to make cl 16 changes; and
 - c. Which other chapters/provisions should apply to TEMP activities (e.g. ONL/ONF earthworks, transport) and ensure the cross references between the relevant chapters are correct.
7. Clause 16(2) of Schedule 1 of the RMA allow a local authority to make an amendment, without using the Schedule 1 process, to correct any minor errors. The error identified is that there is a note included at the start of the TEMP Chapter that does not align with the approach outlined in the s32 Report, which did not signal (nor assess, under s32, the appropriateness of) an intention to alter the approach taken to Temporary Activities. The current approach is for the provisions applying to identified temporary activities to be subject only to the rules set out in Section 14 (Temporary Activities and Buildings and Environmental Noise). Therefore, currently no district-wide provisions apply to temporary activities that are managed in Section 14. The note in the Introduction of the TEMP Chapter is inconsistent with this and I consider was included by error. The effect of the note is that a range of district-wide rules could apply to temporary activities, which would make the provisions in the TEMP Chapter redundant. This was never the intention. That is why I recommended removing this note as a minor change to reflect the s32 Report and the intention of the TEMP Chapter.
8. The delegation to make clause 16 changes is an ancillary part of making decisions on the district plan review. I understand this is available to the Panel under its delegation. I have though asked Mr Garbett to comment on this in his reply as a legal issue.
9. I do not consider it appropriate to apply other chapters/provisions to TEMP activities, beyond the NOISE Chapter. The need to explicitly apply the NOISE Chapter has arisen from aligning with the National Planning Standards, as the noise provisions applying to temporary activities are currently included in Section 14. If other chapters and provisions were applied, this would be a departure from the current approach and one that has not been assessed under s32. By way of example, application of the Transport Chapter would result in Temporary Events otherwise permitted under TEMP-R2 triggering Rule TRAN-R7 (The Development of a New, or Expansion of an Existing Activity that Generates Equivalent Car Movements that Meet or Exceed the Thresholds Outlined in TRAN-Table 1) due to the numbers attending events such as a Salmon Festival. This would require a resource consent to be obtained, including preparation of an Integrated Transport Assessment. This would essentially void having TEMP-R2. Similarly, application of the NATC Chapter would result in temporary buildings located within specific riparian margins triggering a consent requirement under NATC-R1.
10. I note that this matter was discussed with Councillors prior to notification as part of the review process, and that their preference was not to unnecessarily require resource consent for temporary activities, give their importance to the district. It was also noted that such events occur commonly in the district and without incident, indicating that little value would be added through a resource consent process. It was also noted that most events are required to prepare

traffic management plans (outside the district plan framework) and this was considered to be the most appropriate way of managing any temporary traffic effects arising from temporary events.

Temporary Residential Accommodation

11. Ms Tutty, on behalf of CRC (22.02, 22.15), continues to seek that TEMP-R3 is amended to require temporary residential accommodation to be self-contained or connected to a wastewater treatment system meeting regional council requirements³. I continue to consider that this is not appropriate, as if, as Ms Tutty suggests, this is managed in most cases under freedom camping requirements, it would duplicate (and potentially conflict with) these controls, which I consider to be inefficient. I also do not agree that the rationale for including such a requirement in TEMP-R3 is the same as that for RLZ. The controls within the RLZ are intended to ensure that *permanent* development is integrated with wastewater disposal. They require that at the time a residential unit (or building otherwise requiring a wastewater discharge) is established, that the appropriate wastewater discharge authorisation has been obtained from CRC (RLZ-S9). The purpose of this is to ensure that wastewater discharge is obtained in advance of (or concurrent with) a building consent application being made. I do not consider that this same issue of integration arises in relation to temporary residential accommodation. I further note that the specific control sought by CRC differs from the RLZ standard in any case, in that it essentially seeks to require compliance with the regional plan requirements. I consider including this additional control in the district plan creates unnecessary duplication, and is outside the function of the district council in any case.

4. SIGNS Chapter

12. In the Telcos submission, they sought deletion of SIGN-R5, which specifically regulates off-site signs and, except where provided for in another rule within the chapter, applies a discretionary status to such signs. The effect of this deletion is that it would essentially allow for these signs as a permitted activity, where such signs meet the bulk and location requirements under SIGN-R1. In his evidence, Mr Anderson accepts the reasons given in the s42A Report for not deleting the rule and therefore retaining a consent pathway for off-site signage, but considers that application of the matters of discretion set out in SIGN-MD1 and SIGN-MD2 would be sufficient to manage effects on character and amenity, as sought in SIGN-O1, and therefore seeks that the rule is changed to be restricted discretionary.⁴

13. It is my view that the matters of discretion, as currently worded, do not address the concerns that I have outlined with respect to cumulative effects arising from multiple off-site signs being established. I also note that in response to Panel questions about whether the matters of discretion do adequately address cumulative effects, Mr Anderson noted that he considered this was addressed by consideration of visual effects. However, I consider that *“The visual impact of the sign and its potential effects on the anticipated amenity values and character of*

³ Statement of Evidence of Rachel Claire Tutty, paras 83-85.

⁴ Statement of Evidence of Tom Anderson, paras 24-31.

the area" is not sufficient to consider the impact of a sign, in combination with other signage, on a wider area. It is my preference that a fully discretionary activity status is retained, in order to allow for any effects arising from an off-site sign to be considered. However, if the Panel prefers a restricted discretionary status apply, then in my view, an additional matter of discretion should be added to expressly provide for the consideration of the cumulative effect of off-site signage, for example adding the following to SIGN-MD1: "For any off-site sign, any cumulative effects of the proposed signage".

5. Open Space and Recreation Zones

Tekapo Springs and Station Bay Area

14. Having considered the evidence of Ms Banks, Mr Speedy, Mr Tyler, Mr Geddes and Ms Crawford, I have reflected on the zoning and provisions applying in the open space areas at the north-west of the Takapō / Lake Tekapo. While I have recommended that areas to the east and west/south of the current Tekapo Springs site be rezoned SARZ, my preference is to rationalise the framework applying in the expanded SARZ area. I now recommend that:

- a. Only the existing Tekapo Springs site (i.e. the notified SARZ area only) is included within a new "Specific Control Area XX – Tekapo Springs", as shown in Figure 1 below.
- b. A new "Specific Control Area YY – Takapō / Lake Tekapo West" is applied to the areas I have recommended be rezoned SARZ, i.e. the western portion of 'Area B' referred to in the Tekapo Springs submission, and all of the area requested to be rezoned SARZ in the TLGL submission, including, but not limited to, 'Area A' referred to in the Tekapo Springs submission, as shown in Figure 1 below.

(For completeness, I note that Figure 1 below reflects the amendments to the boundary between the MRZ and OSZ/SARZ previously recommended in response to the TLGL submission.)

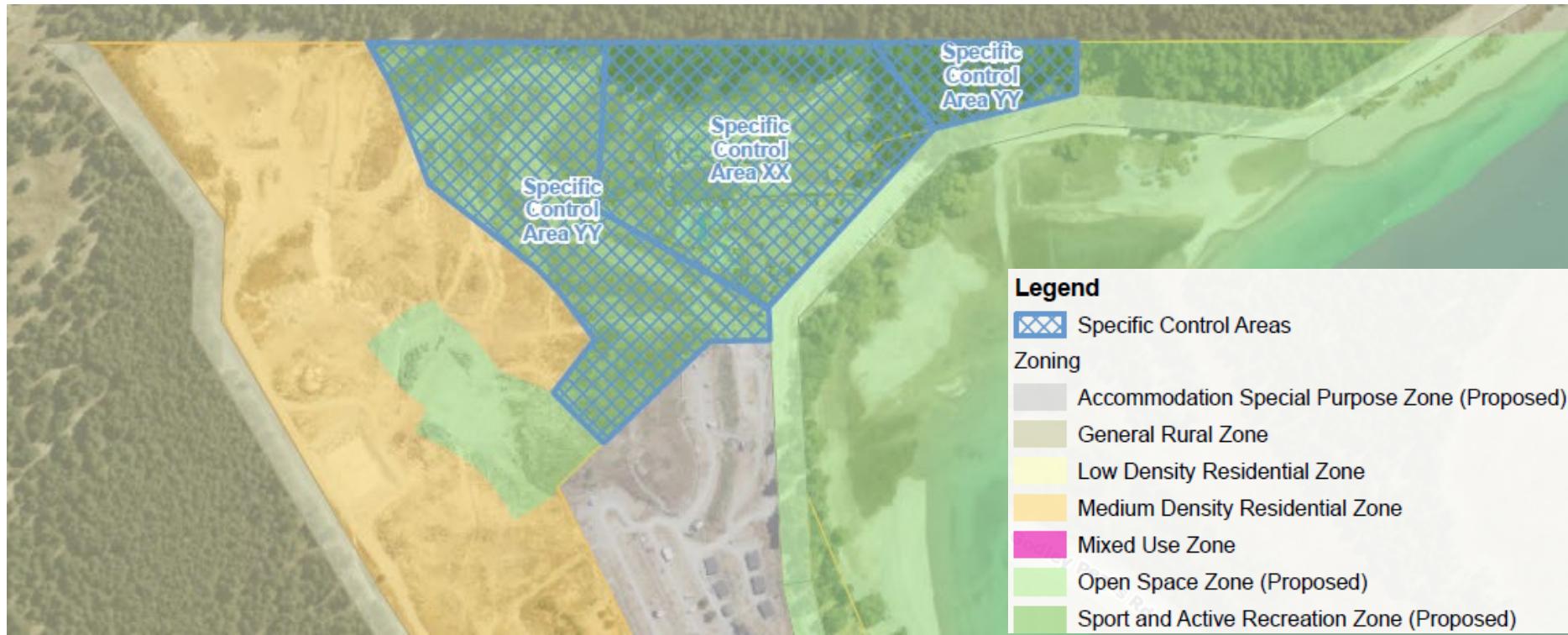


Figure 1 – Recommended zoning

- c. Within both SCAs, additional ancillary activities are provided for (i.e. recommended policy SARZ-P4A, and additions to SARZ-R9, SARZ-R10 and SARZ-R11 are extended to apply equally to Specific Control Area YY – Takapō / Lake Tekapo West).
- d. Within Specific Control Area YY – Takapō / Lake Tekapo West, specific objective and policy direction is added in relation to the built form within this SCA, which is implemented through:
 - i. a permitted building coverage per site of 10%;
 - ii. a new controlled activity pathway for building coverage between 10% & 40%, subject to a landscape plan being submitted with the application, and with matters of control relating to landscaping, the proposed buildings, and any other mitigation measures to help integrate the built form into the surrounding natural environment; and
 - iii. a restricted discretionary activity status applying to building coverage above 40%, (consistent with other SARZ sites).

15. The recommended package takes on board the evidence from both submitters and in particular reflects that:

- a. As an alternate to applying a lower permitted site coverage, Ms Campbell and Mr Geddes support the requirement for a landscaping plan to be submitted for new buildings above 50m². However, I consider that there are difficulties with applying their proposed standard in a permitted framework, as the suggested wording appears to include a discretionary element that cannot be included in a permitted rule (“acceptance” of the Plan by the Council). I consider that under a permitted framework, there could only be a requirement to submit such a plan, and therefore no ability for the adequacy of the plan to be assessed by the Council, nor could conditions be imposed through a permitted framework. As such, I consider it would be ineffective at ensuring built form achieves SARZ-O2. In addition, a 50m² trigger point imposes a relatively low threshold for when a landscape plan would be required.
- b. In response to questioning, Mr Tyler indicated that his recommendation to apply a 10% site coverage limit to the area within the TLGL submission was not based on this being an ‘upper limit’ for the level of built form the site could absorb, but rather that he felt there was a need for a trigger point to apply to allow for the assessment of any particular proposal on a case-by-case basis beyond such a trigger point.
- c. The areas in question are located within the same general area and therefore in the same wider landscape context. Both areas do not currently contain built form, and under the current Recreation P / proposed OSZ zoning, limited built form is

anticipated in these areas. Rezoning to SARZ would generally allow for a greater level of built form, and given the similarities between the areas, in my view it makes sense that the additional built form is managed on a consistent basis.

- d. Taking the above matters into consideration, I consider that it is appropriate for the 10% building coverage to be used as a trigger point, beyond which a landscaping plan is required. A controlled activity pathway would still ultimately allow for up to 40% building coverage, but provides for the Council to undertake an assessment of the adequacy of landscaping and other proposed mitigation measures and to impose conditions relating to this, as these vacant sites become more developed.

16. I agree with both Ms Banks⁵ and Mr Geddes⁶ that reference to both proposed SCAs should also be included in Introduction to SARZ Chapter, and, where the approach differs to that of the underlying SARZ zoning, this should also be clearly articulated in the objective and policy framework. I also note that while the s42A Report itself recommended the introduction of two new SCAs, as noted by Ms Banks this wasn't explicitly included in the mapping recommendations.⁷ This has been rectified in the 'Changes to Planning Maps' included in **Appendix 2**.

17. As noted above, I agree that additional objective and policy direction should be included in relation to the built form outcomes sought within the Specific Control Area YY – Takapō / Lake Tekapo West (i.e. in SARZ – O2 and SARZ-P5). This will provide greater clarity about the outcomes sought for this SCA, which are then reflected in policy and rule framework applying to built form in this SCA. I note that Mr Geddes also sought amendments to SARZ-O2 to include new clauses relating to the Tekapo Springs SCA.⁸ However, I do not consider this to be necessary because the recommended approach to managing built form in this SCA does not differ from that of the SARZ generally. This reflects that I do not consider there to be a need to require a landscape plan for further development of the existing Tekapo Springs site.

18. I also agree with Mr Geddes that it is appropriate to provide for staff accommodation within the Tekapo Springs SCA,⁹ provided that this is limited in scale and nature to ensure that it is ancillary to the recreational focus of the zone. However, I consider that this is ultimately a residential activity, and from a drafting perspective should therefore be included in SARZ-R11, rather than as a separate rule. With respect to controls to limit scale and nature, I consider that those proposed by Mr Geddes – to limit the nature of the residential activity to being for onsite staff accommodation, and restricting the permitted number of on-site staff to 10 – are appropriate to ensure that these residential activities remain ancillary to, and ultimately support the recreational focus of the area (as per recommended SARZ-P4A). Where a residential activity is not for staff, I consider that the underlying approach taken in the SARZ (i.e. a non-

⁵ Statement of Evidence of Kimberley Anne Banks, para 28;

⁶ Statement of Evidence of Mark William Geddes (for Tekapo Springs), Appendix 1.

⁷ Statement of Evidence of Kimberley Anne Banks, para 28.

⁸ Statement of Evidence of Mark William Geddes (for Tekapo Springs), paras 32-36.

⁹ Statement of Evidence of Mark William Geddes (for Tekapo Springs), paras 60-65.

complying activity status) should be retained, but that greater numbers of staff accommodation should be assessed as a discretionary activity. I also consider that it is appropriate to allow for this activity within the Takapō / Lake Tekapo West SCA on the same basis. As part of considering this request, I recommend further changes to the related objective and policy framework (SARZ-O1 and SARZ-P4A) such that the previously recommended additions to these are no longer limited to ancillary commercial activities, but expanded to refer to supporting ancillary activities more broadly.

19. As noted above, I agree that SARZ-R9 and SARZ-R10 (pertaining to food and beverage outlets and retail activities) should be expanded to apply to the Takapō / Lake Tekapo West SCA. This reflects that these areas are largely (albeit not totally) under private ownership, and the rezoning of these areas, which allows for the expansion and consolidation of commercial recreation activities, will be further complemented by additional ancillary activities. It also ensures a consistent approach is undertaken as new recreational activities expand beyond the current Tekapo Springs site. The approach is consistent with what is sought by Ms Banks sought in her tabled hearing statement,¹⁰ but for completeness I note that in her original evidence she suggested that SARZ-R10 might be amended to apply the permitted activity for retail activities recommended for the Tekapo Springs SCA to the SARZ zone as a whole. Taking into account the original submission of Tekapo Springs, on which TLGL were a further submitter, I do not consider there is scope for such an expansion. However, in considering the ambit of both the Tekapo Springs and TLGL submissions collectively, including changes sought to the zoning of the open space areas in part of Takapō / Lake Tekapo as well as to the provisions, I consider that there is sufficient scope to apply these amendments to both recommended SCAs.
20. For the avoidance of doubt, for the reasons set out in Plan Change 29 – Addendum to the Section 42A Report, I continue to consider that eastern end of Area B should remain OSZ. While I have carefully reviewed the s32AA assessment prepared by Mr Geddes, and the visual simulations provided by Ms Crawford following the hearing, my view has not changed. I note, in particular, that the visual simulations provide an indication of a possible development of the land, but do not appear to demonstrate what the full envelope of permitted development (and specifically, up to 30% building coverage) proposed by the submitter would equate to. I also disagree with Mr Geddes that leaving the land zoned OSZ is not effective at achieving ATC-O1, as I consider that a range of recreation activities to meet community needs will still be provided within the Takapō / Lake Tekapo township, without needing this specific land to be zoned SARZ in order to achieve this.

Recommendation

21. I recommend, for the reasons given above, that:
22. The existing Tekapo Springs site is included within a new “Specific Control Area XX – Tekapo Springs” (as per Figure 1 above and **Appendix 2**); and

¹⁰ Tabled Hearing Statement of Kim Banks, paras 5-8.

23. The western portion of ‘Area B’ referred to in the Tekapo Springs submission, and all of the area requested to be rezoned SARZ in the TLGL submission, including, but not limited to, ‘Area A’ referred to in the Tekapo Springs submission is zoned SARZ, with a new “Specific Control Area YY – Takapō / Lake Tekapo West” applied to these areas (as per Figure 1 above and **Appendix 2**).
24. I recommend, for the reasons given above, that:
 - a. The introduction to the SARZ Chapter is extended to include an outline of the recommended new SCAs;
 - b. SARZ-O1 is amended to refer to ancillary activities more broadly (not just ancillary “commercial” activities).
 - c. SARZ-O2 is amended to include an additional clause outlining the built form outcomes sought in the Specific Control Area YY – Takapō / Lake Tekapo West;
 - d. SARZ-P4A, is amended so that it applies to all activities that are ancillary to and support the recreational focus of the areas the policy applies to (i.e. not limited to commercial activities as previously recommended) and extended to apply to both SCAs;
 - e. SARZ-P5 is amended to include an additional clause how built form in the Specific Control Area YY – Takapō / Lake Tekapo West is to be managed;
 - f. SARZ-R9 and SARZ-R10 are extended to apply the recommended additions to the Specific Control Area YY – Takapō / Lake Tekapo West;
 - g. SARZ-R11 is amended to provide a permitted activity status for residential units and activities within both SCAs, where the use of the residential unit is for on-site staff accommodation and not more than 10 staff reside within the SCA; and
 - h. SARZ-S4 is amended to apply a permitted building coverage of 10% within Specific Control Area YY – Takapō / Lake Tekapo West, with a controlled activity pathway beyond this (up to 40% coverage) where a landscape plan is also provided, with matters of control relating to the landscaping, built form and any other mitigation measures.
25. The recommended amendments are set out in **Appendix 1**.
26. Under s32AA, I consider that the change to SARZ-O1 will provide for a wider range of ancillary activities, where they support the recreational focus of the zone. I consider that this will better provide for the social and economic wellbeing of people and communities, and is therefore a more appropriate way to achieve the purpose of the RMA.
27. I consider that the change to SARZ-O2 is appropriate to achieve the purpose of the RMA, because it more clearly outlines the way in which activities within this SCA are to be managed (as per s5(2)(c) of the RMA) and takes into account the amenity values of the SCA arising particularly from its lakeside setting and current open and natural character (as per s7(c)).

28. I consider that the delineation between the SCAs now recommended allows for a more targeted management regime to be applied. In particular, I consider that focussing the built form and landscaping controls within the Takapō / Lake Tekapo West SCA is a more efficient approach that reflects the current landscape context of these open areas and avoids the complexity that would be associated with the previously recommended 'split' SCA across the TLGL land.
29. I consider that the combination of rezoning these sites to SARZ and applying the Takapō / Lake Tekapo West SCA, including the changes recommended to SARZ-O2, SARZ-P5 and SARZ-S4 (and as a consequence, to the Introduction), will assist in achieving ATC-O1, in terms of providing for additional recreation activities in this areas, but in manner that aligns with the amenity values and character of this part of Takapō/ Lake Tekapo. It will also allow for the growth of recreation opportunities in a consolidated manner, which is integrated into and respects the surrounding natural environment at the edge of the lake, as per UFD-O1.1.
30. In terms of the specific regime recommended to be applied in the Takapō / Lake Tekapo West SCA, I consider that the proposed regime for managing built form is an efficient and effective way to achieve SARZ-O2. I consider that allowing for up to 10% additional built form as a permitted activity allows for a level of development to occur that is greater than under the current zoning, with associated economic benefits arising from this. In terms of the effects of this built form, the advice of Mr Tyler and Ms Faulkner supports that this level of built form can be accommodated in these areas without significant adverse environmental effects arising. In my view, a controlled activity pathway beyond 10% (up to 40%) aligns with all three landscape architect's view that additional built form can be absorbed in the landscape, but allows for the landscaping recommended by Ms Crawford to mitigate visual effects of this¹¹ to be appropriately scrutinised by the Council, and manages the risk identified by Mr Tyler that a permitted site coverage of up to 40% (on the steeper slopes of the TLGL site) could visually dominate the landform and erode its open space character.¹² I consider the controlled status to provide an economic benefits in terms of certainty for developers/landowners, while ensuring that consent conditions can be placed on any specific proposal to ensure that the development is unobtrusive and visually harmonious with the natural character of the lakeside setting (and thus that it achieve SARZ-O2). I consider the economic costs of a consent being required for building coverage above 10% are outweighed by the environmental benefits of the additional control this consenting framework provides. I consider that the specific wording recommended for SARZ-P5 will assist in achieving the outcomes sought in SARZ-O2.3 by being specific as to what matters are to be managed through the consent process to ensure the built form is unobtrusive and that it fits in with the lakeside setting. The two components of this – minimising visual prominence on the more visible slopes facing the lakefront and requiring landscaping to mitigate visual effects and integrate into the lakeside setting – reflect the evidence of Mr Tyler and Ms Crawford respectively.
31. I consider that the s32 assessment provided in relation to SARZ-P4A, SARZ-R9 and SARZ-R10 in relation to the Tekapo Springs SCA (set out in para 285 of the s42A Report) applies equally to

¹¹ Statement of Evidence of Naomi Crawford, paras 36(d) and 58-59.

¹² Statement of Evidence of Richard Tyler, para 8.2.

the extension of these changes to all of the recommended Takapō / Lake Tekapo West SCA. (Being that these provisions will provide a targeted and effective mechanism to assist in providing for ancillary commercial activities; and the limits on tenancy sizes, combined with the policy direction in relation to the Town Centre Zone will assist in ensuring that these commercial activities remain ancillary and support an overall recreational focus, consistent with SARZ-01, while also ensuring the achievement of the outcomes sought for the TCZ in TCZ-O1.) I further consider that extending these provisions to the Takapō / Lake Tekapo West SCA has the benefit of providing a consolidated and consistent approach to ancillary activities across both SCAs.

32. I consider that amending SAZR-P4A so that it applies to all activities that are ancillary to and support the recreational focus of the SCAs, along with the changes recommended to SARZ-R11 to permit limited forms of residential activity, are an efficient and effective way to assist in achieving SARZ-O1 in these areas. I consider that there are benefits in allowing for some limited workers accommodation on the site, and that the recommended policy direction and specific limits in the rule will better provide for activities that are ancillary to and support recreational activities in this area. I consider that limited costs arise from the recommended approach, because of the limitations included in the recommended rule.

Panel Questions

33. The Hearing Panel also requested the following:
 - a. that a plan be provided that shows the land areas in Options 1 and 2 of Kim Banks' post-Hearing Response that shows (as appropriate) SCA XX, SCA YY and Lot 401.
 - b. Whether the yellow area in Figure 1 in Mark Geddes 6 June document is owned by MDC, and if so: if MDC have any intention of selling that land; does MDC have any intention to harvest the trees in the next 10 years and if so, in the next 10 years would MDC replant the felled areas?
34. Option 1 in Ms Banks post-Hearing Response would simply combine the SCA areas I have recommended in Figure 1 above into one (insofar as they relate to the existing Tekapo Springs site (SCA XX) and the TLGL-owned land (the western portion of SCA YY)).

35. Option 2 relates to my previous recommendation to include 'Area A' from the Tekapo Springs submission into the Tekapo Springs SCA, with the remainder of the rezoned SARZ area from the TLGL submission being in a separate SCA. This is no longer recommended. The mapped extent of the Tekapo Springs SCA in Ms Banks' Option 2 is shown in the following figure taken from Ms Crawford's the visual simulations (being the 'Existing Tekapo Springs' area combined with the 'Area in General Agreement for SARZ').

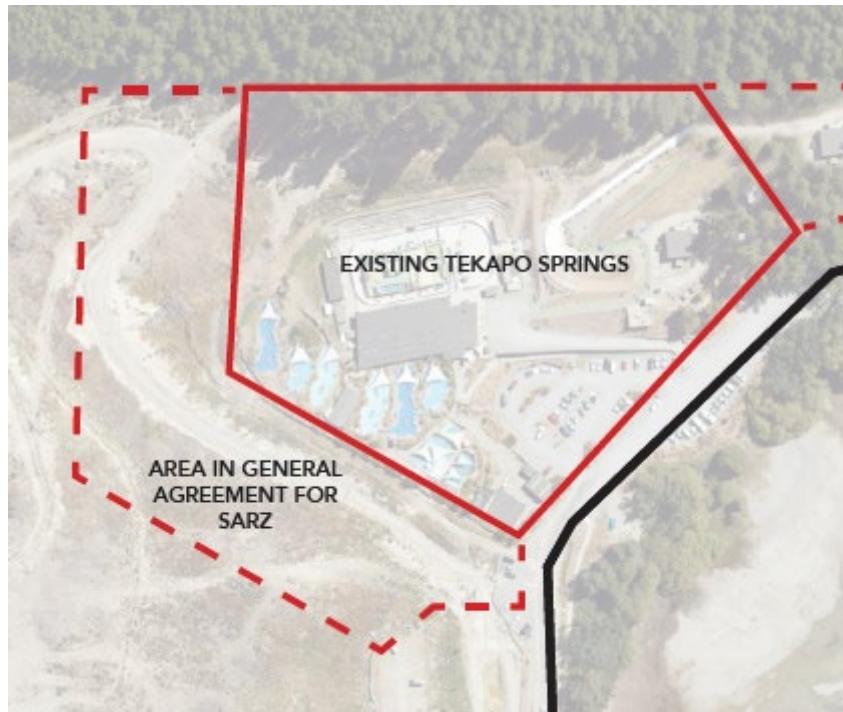


Figure 2 – “VIEWPOINT PLAN - ILLUSTRATING THE LOCATION OF THE VISUAL SIMULATIONS” - From Ms Crawford's Supplementary Landscape Evidence, Visual Simulations, 6th June 2023.

36. In terms of Figure 1 of Mark Geddes' evidence, Mr Murray Dickson (GM Corporate, Commercial and Planning) has confirmed that the land in both red and yellow are held within the same fee simple title and owned by the Council. He advises that while the Council does not have any current intention to sell the land, it is open to having discussions with a potential purchaser, as while the Council has a self-imposed moratorium on land sales in place, this could be lifted, or a land sale approved, by a resolution of the Council. He notes that any sale would likely include a range of conditions (due to the location, slope, and the adjoining land), which could include matters such as: plans being required to demonstrate a beneficial use of the site and obligations to implement such plans; making the purchaser responsible for removing trees; and ensuring protection of the road reserve area and lakefront below the land.

37. In terms of future plans, Mr Dickson has advised that the land (including the trees) generate no income for MDC, nor are there any plans for its use. More specifically in terms of harvesting, he notes that trees are mostly larch trees, and the site falls within the Council's forestry estates. The Council's forestry advisors (PF Olsen) consider that a breakeven financial result from harvesting would be a "good result". The Council currently have no harvesting plans for this site, having taken the position to await any harvesting plans from the neighbour, which would

be the most efficient method. In terms of replanting any felled area, Mr Dickson has stated that the site would not be replanted as “commercial” forestry as the area and slope mean returns would not be profitable.

OSZ Provisions

38. I agree with adding reference in OSZ-O1 to “active” recreation, as sought by Mr Geddes.¹³ As he notes, this would better align the objective with the NP Standards. I also note that reference to “passive” recreation reflects that under the operative Plan, the two open space and recreation zones are “Recreation Passive” and “Recreation Active”. However, in PC29, the zoning options provided for in the NP Standards have been applied, which diverge from this, and at a rule level, there is no longer a distinction between passive and active recreation. As a consequence of this, I recommend:
 - a. adding reference to active recreation opportunities in the Introduction to the OSZ Chapter;
 - b. replacing the reference to the zone’s “passive” focus, to a “recreational” focus in OSZ-P2. I note that Mr Geddes sought that further amendments be made to refer consistency with the purpose of the zone, but my preference is to retain reference to being complementary to recreational focus, as I think requiring consistency with purpose would unnecessarily narrow the policy; and
 - c. removing reference to “passive” in the matters of discretion in OSZ-R6 and OSZ-R7, so that they instead refer more broadly to recreational activities.
39. I do not agree with removing reference to maintaining uninterrupted views within OSZ-P4 for reasons previously set out in the s42A report, but for clarity I note that Mr Geddes states¹⁴ that the main way the Operative Plan protects important views is through the Scenic Viewing Area overlay and associated provisions. I do not agree with this in respect to the urban areas of Takapō / Lake Tekapo Township, where views to the lake are otherwise considered in the plan provisions. More specifically in PREC-P1, views to the lake from properties on the north side of SH8 are sought to be maintained, with this implemented through lower heights being applied in Specific Control Area 6.
40. In relation to amending OSZ-S2 to exclude “*any recreation or commercial recreation equipment, fences, gates or signs less than 10m²*”, I continue to oppose this exemption. It appears to me that Mr Geddes seems to consider that if these types of structures are anticipated in the OSZ, then this makes it OK for them to breach the setback. However, my view is that buildings and structures near boundaries, even when they are small, can impact on how the site is perceived and therefore may not align with the direction to retain a clear predominance of open space as directed in OSZ-P4. If the Hearing Panel considers the exemption to be appropriate, I note that

¹³ Statement of Evidence of Mark William Geddes (for QCP), paras 33-46.

¹⁴ Statement of Evidence of Mark William Geddes (for QCP), para 56.

it should not apply to signs in any case, which are managed in the SIGN Chapter rather than the respective zone framework.

Recommendation

41. I recommend, for the reasons given above, that:
 - a. OSZ-O1 is extended to refer to passive “and active” recreational activities, and that a similar addition is made to paragraph 1 in the Introduction;
 - b. OSZ-P2 is amended to refer to the “recreational” (rather than the “passive”) focus of the zone.
 - c. “Passive” is deleted from matter of discretion b. in OSZ-R6 and OSZ-R7.
42. The recommended amendments are set out in **Appendix 1**.
43. Under s32AA, I consider that these changes better align the OSZ Chapter with the description of the zone set out in the National Planning Standards and therefore ensure that the chapter appropriately gives effect to these Standards, in accordance with s75(3)(ba) of the RMA. In addition, not limiting the type of recreation activities will better assist in ensuring a range of recreation activities are provided to meet community needs, as per ATC-O1. It also ensures that the objective, policy and rule framework are aligned, noting that the proposed rule package does not distinguish between passive and active recreation activities.

NATC Provisions relating to OSRZ

44. The Panel have also asked me, in relation to paragraph 75 of Mr Geddes evidence for QCP, if the statement made is correct, and whether there is scope to make changes to NATC-R1. The statement made is:

Variation 1 to PC23 introduces the OSZ into the right-hand column of Table NATC, the effect of which is to reduce the setback requirements for buildings and structures from surface water bodies from 100m (proposed in PC23) to 25m (proposed in Variation 1 to PC23) across all zones.

45. The statement is partially correct. Table NATC-1, as introduced through PC23, applies setbacks from different types of waterbodies. There are two different sets of setbacks applying to different groups of zones, with the larger set of setbacks applying to Rural Zones, Rural Lifestyle Zones and Open Space and Recreation Zones. The smaller set of setbacks apply to Residential Zones, Commercial and Mixed Use Zones and Industrial Zones. V1PC23 proposes to amend the Table such that the larger setbacks would continue to apply to the NOSZ, but the smaller setbacks would apply to the OSZ and SARZ. However, the specific setbacks referred to by Mr Geddes – 100m, reducing to 25m - apply only in relation to “*Lakes included in NATC-SCHED1*” and not to all surface water bodies. The changes applying to the different types of waterbodies are set out below:

Waterbody Type	Setback applying to OSZ and SARZ under PC23	Setback proposed for OSZ and SARZ under V1PC23
Wetland	50m	25m
Lakes included in NATC-SCHED1	100m	25m
Rivers included in NATC-SCHED1	20m	10m
Lakes and Rivers not included in NATC-SCHED1	15m	5m

46. In relation to the scope to make changes to NATC-R1, this was addressed in para 296 of the s42A report. Specifically, I considered that the change sought in the original submission was outside scope, as an exclusion was sought that would apply to several zones, and not just to the OSZ and SARZ. However, I stated at that point, that it would be in scope of V1PC23 if the exemption sought was limited to the OSZ and SARZ only, on the basis that “*V1PC23 proposes to apply the existing rule to these zones*”. However, on further reflection, I consider there may be a wider scope issue, in that the change proposed in V1PC23 is simply to change the specific setbacks already applying within these zones; it is not proposing to introduce or apply a rule that currently does not apply to these zones, or to alter the rule in any other way. As such, there was an opportunity to seek an exemption to what the rule applies to through PC23. The change sought by Mr Geddes would therefore alter the effect of the rule, as decided under PC23, in a manner that extends beyond the change proposed in V1PC23, which is limited to the size of the setback applying under the rule.