

Before the Independent Hearing Panel
Appointed by the Mackenzie District Council

Under The Resource Management Act 1991 (**RMA**)

In the matter of proposed Plan Change 21 to the Mackenzie District Plan

**Reply by Counsel for Mackenzie District Council to Memorandum by Counsel for
Tekapo Landco Limited and Godwit Leisure Limited**

8th March 2023

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May it please the Commissioners:

- 1 These submissions reply to the submissions by Counsel for Tekapo Landco Limited and Godwit Leisure Limited (TL and GL) in a memorandum dated 6 March 2023.

Overview

- 2 It is the Council's position that the submission by TL and GL raise 2 issues of scope. Council's position in reply is:
 - (a) The site Lot 1 DP 560853 is split zoned, with the Operative Plan zone of Low Density Residential (being Residential 1) on part of it being promoted by Council to be changed to Medium Density Residential. Extending this proposed Medium Density Residential zone into the Passive Recreation Zone as sought by the Submitter is an alteration that goes beyond the scope of PC21. This is not to say that the most appropriate zoning for this remaining part of the site will not be considered as part of the District Plan review. Rather it needs to be assessed in detail as part of future Stage 4 that directly considers the Passive Recreation Zones; and
 - (b) The site at Lot 1 DP 455053 that contains the Tekapo Holiday Park is currently zoned Special Travellers Accommodation Zone in the Operative Plan. PC21 did not propose to change this zone or address the zoning of properties with this zone. The Council maintain that this change sought by the Submitter is not on PC21. This issue is best addressed in Stage 4 when it is to be squarely raised.

Relevant Documents and Facts.

- 3 The relevant originating documents for the Commissioners to consider are set out below (links to them on the Council website):

Public Notice

<https://www.mackenzie.govt.nz/pages/public-notices/2022/proposed-plan-changes-21-and-22-implementation-of-the-spatial-plans-and-light>

PC 21 Overview Report

https://www.mackenzie.govt.nz/_data/assets/pdf_file/0011/677981/PC21-Overview-Report.pdf

Section 32 Report

https://www.mackenzie.govt.nz/data/assets/pdf_file/0010/677980/PC21-Section-32-Report.pdf

PC21 Map 44B

https://www.mackenzie.govt.nz/data/assets/pdf_file/0006/678435/Map-44B-Tekapo-Detail-2-PC21.pdf

TL and GL Submission

https://www.mackenzie.govt.nz/data/assets/pdf_file/0010/700588/PC21-Submission-121-Tekapo-Landco-Ltd-and-Godwit-Leisure-Ltd.pdf

Submissions of Counsel

4 The key originating documents are the Public Notice, the PC21 Overview Report and Map 44B. These consistently identify that PC21 is scoped to implement the Spatial Plans in an identified and manageable range of respects.

5 At the top of the PC21 Overview Report there is a scope statement which provides:

Proposed Plan Change 21 is part of Stage 2 of the review of the Mackenzie District Plan and includes in its scope the following changes to the Mackenzie District Plan. Changes to other provisions of the Mackenzie District Plan are not within the scope of Plan Change 21.

6 The scope issue here is a mapping one described by the section 42A report in the following terms at paragraph 31:

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.

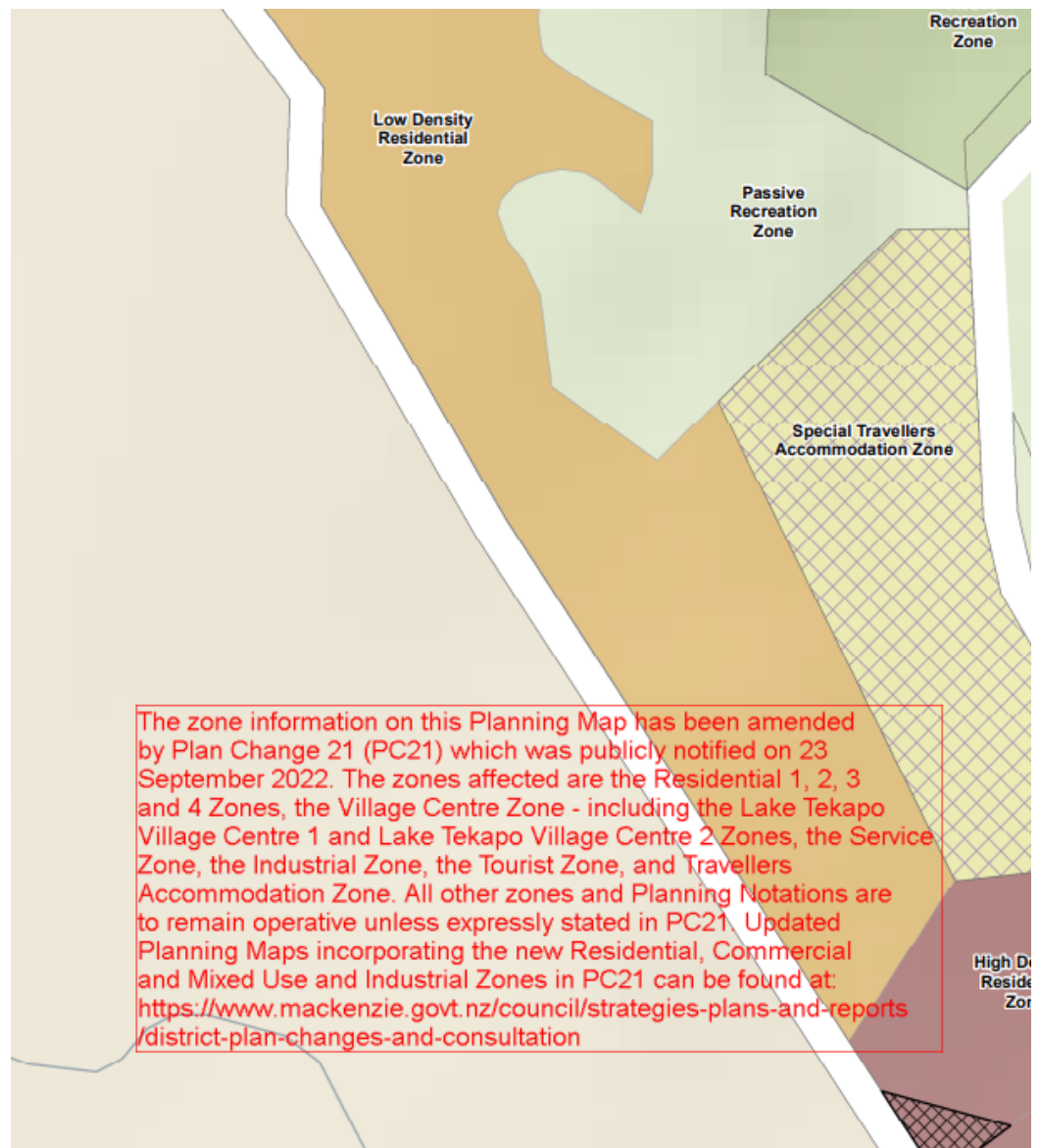
Lot 401 DP 560853

- 7 Lot 401 DP 560853 in the Operative Plan had a split zone of Residential 1 and Passive Recreation Zone. This is shown on Map 44B in the map link above.
- 8 PC21 has proposed some targeted map changes including to Map 44B that affect Lot 401 DP 560853. This has notified a change to amend the Residential 1 Zone to Medium Density Residential on Lot 401 DP 560853, as shown on the Proposed District Plan map image below:



- 9 This map change did not alter the Passive Recreation Zone on part of this site, or the boundary location between the split zone across the site.

- 10 The Council take the position that the zoning of Passive Recreation Zones was not a zone that was within the scope of the mapping changes identified as part of PC21. The same goes for the interface with the Rural Zones. This position is clearly reflected in the PC21 Map 44B where it identifies the zones that are within the scope of PC21. Passive Recreation Zones are not identified as being affected by PC21, and are to remain operative. This is set out in the text on this Map 44B below:



- 11 It is acknowledged that ordinarily an addition to a proposed zone is considered in scope. However in this particular circumstance the submitter is seeking an addition to the proposed Medium Density Residential Zone, which would be achieved by altering the adjacent Passive Recreation Zone. It is that change to the Passive Recreation Zone that Council do maintain

was not signalled as being within the scope of the mapping changes as part of PC21. This could potentially prejudice anyone with an interest in the Passive Recreation Zone who has not taken an interest in PC21 due to the Council's stated scope of PC21.

- 12 The Council also note that the remaining zones that are not addressed in Stage 2, will be picked up in Stage 4 of the Plan review which is intended to address Open Space and Recreation, and Special Purpose Zones. Council consider that the zoning of the Passive Recreation Zone on part of this site will be clearly in scope of Stage 4 of the Plan review. This will give the Submitter full rights to pursue the zoning of the balance of the site at that stage of the Plan review.

Section 32 materials

- 13 Paragraph 1.15 of the section 32 materials identifies what has not been considered and is therefore not within scope of PC21. This states:

Relationship with other stages

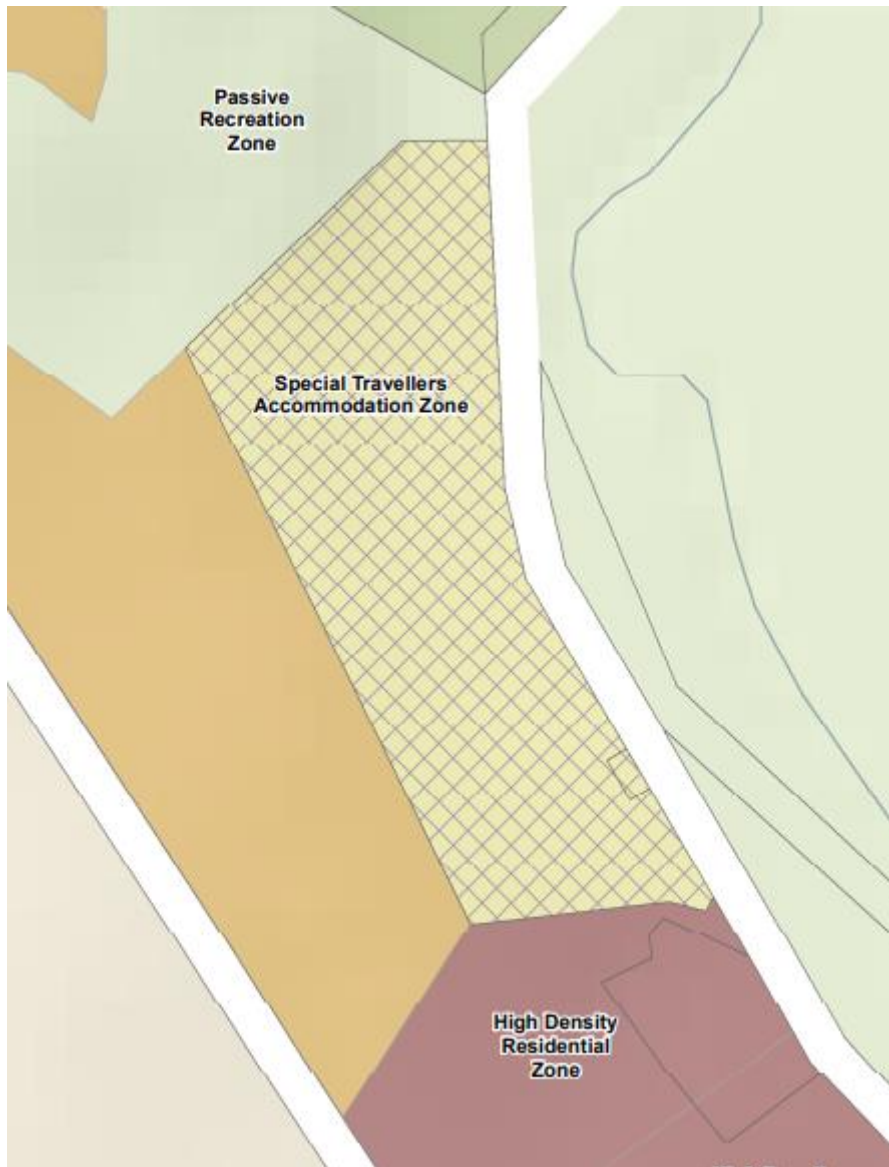
...

1.15. PC21 does not include any Open Space and Recreation Zones, including those located within urban areas. These are intended to be considered in Stage 5 of the District Plan Review.

- 14 It is submitted that this section 32 material clearly identifies that the proposed changes to the Passive Recreation Zone is not assessed, and is stated to be not included in the scope of PC21, but is to be addressed in Stage 5 (at that time, but now Stage 4).
- 15 Overall it is submitted that the changes sought to the Passive Recreation Zone (to rezone this part of the site Medium Density Residential) are not on PC21.

Lot 1 DP 455053 containing the Tekapo Holiday Park

- 16 The Second scope issue is the submitter has sought to change the zoning of Lot 1 DP 455053 containing the Tekapo Holiday Park from Special Travellers Accommodation Zone to Mixed Use. This part of the site is shown below with the zoning notation "Special Travellers Accommodation Zone":



- 17 This lot is zoned Special Travellers Accommodation Zone in the Operative Plan. This zone is in Section 9 of the Plan and is a Special Purpose Zone. The Special Purpose Zones are programmed by Council to be addressed for review in Stage 4 of the Plan Review.
- 18 PC21 did not propose to alter the Special Travellers Accommodation Zone, or land within it as part of the Council's notified change.
- 19 The notation to the planning map on Map 44B is relevant here (this is the same text in Red in the image of Map 44B set out above). This identifies the zones that are affected and thereby within the scope of PC21. This states:

The zones affected are the Residential 1,2,3 and 4 Zones, the Village Centre Zone – including the Lake Tekapo Village Centre 1 and Lake Tekapo Village Centre 2 Zones, the Service Zone, the Industrial Zone, the Tourist Zone,

and Travellers Accommodation Zone. All other zones and Planning Notations are to remain operative unless expressly stated in PC21. Updated Planning Maps incorporating the new Residential, Commercial and Mixed Use and Industrial Zones in PC21 can be found at:...

- 20 The section 42A report correctly identifies that this site was not proposed by Council in PC21 to be rezoned from Special Travellers Accommodation Zone. This means that the operative Special Travellers Accommodation Zone remains operative and not subject to the changes initiated as part of PC21.
- 21 It is worth pointing out for completeness that the "Special Travellers Accommodation Zone", is a Special Purpose zone in Part 9 of the Plan (see part 8.1 of the Plan on page 9-45). This provides for camping and other recreational uses of land. This "Special Travellers Accommodation Zone" is a different zone to the "Travellers Accommodation Zone" referred to in the note to Map 44A. The "Travellers Accommodation Zone" is a zone in Part 6 of the Plan under the Business part of the Plan that provides for a range of visitor accommodation and residential uses.
- 22 This means that while Map 44B identifies that "Travellers Accommodation Zone" is within the scope of PC21, this does not extend to any mention of "Special Travellers Accommodation Zone", which this part of the Submitters' property is zoned.
- 23 It is therefore Council's position that the zoning of "Special Visitors Accommodation Zone" land was not raised as within the scope of PC21. Seeking a zone change from this type of zoned land is therefore not on PC21. This is an issue that again can be picked up and addressed fully as part of Stage 4 of the Plan review.

Dated this 8th day of March 2023



Michael Garbett
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