

19 April 2022

Independent Hearings Panel  
C/- Selwyn District Council

Via email: [Hearings@Selwyn.govt.nz](mailto:Hearings@Selwyn.govt.nz)

Our reference: 501586

Attention:

Dear Panel Members

## **Special Purpose Terrace Downs Zone (TEZ): Hearing Questions and Rule/ODP Amendments for Panel Consideration**

### **TEZ Hearing Thursday 7<sup>th</sup> April Questions**

Thank you for the opportunity to submit a revised rule for Maintenance and Utility buildings and a revised Outline Development Plan within the TEZ zone as discussed during question time at the Special Purpose Terrace Downs Zone (TEZ) hearing on Thursday 7<sup>th</sup> April (week before last).

#### **Maintenance and Utility Buildings**

1. The original submission sought that maintenance and utility buildings not be required to comply with specific Design and Appearance and Landscaping requirements, however sought that rules be of a similar format to other rules in Sub-Areas. Specific rule wording was not proposed at the time as the submitter wished to work with Council on this directly where there was opportunity to do so.
2. The evidence then considered the S.42A report and requested that fewer matters of control and discretion be required for these types of buildings given the functional (and primarily existing) nature of such buildings.
3. In response to panel questions on the s.42 report relating to the origin of the proposed rules, and acknowledging the submitter suggestion for rules to follow a similar format across the zone, I raised on behalf of the submitter a concern about how maintenance and utility buildings were now proposed to be considered. Noting that where located outside of the maintenance area, maintenance buildings were to be considered on a non-complying basis, with rule requirements of the nature that the original submission sought to avoid for these types of buildings.
4. A question from the Hearings Panel then enquired whether maintenance and utility buildings could be considered to be permitted within the Maintenance Sub-Area and whether a revised rule reflecting this could be prepared.
5. My understanding from the hearing is to prepare a revised rule that addresses the rules for maintenance and utility buildings across these matters discussed in the hearing and in evidence for consideration by the Panel. I have also referred back to the original submission and propose an updated rule that I consider to be within the scope of what has been requested as follows;

## TEZ-R5B Maintenance and Utility Buildings and Structures

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**Activity Status:** Permitted ~~CON~~

1. Any building or structure

**Where;**

- a. It is located within the Maintenance Sub-Area, shown in TEZ-FIG 1.

**Where this activity complies with the following rule requirements:**

TEZ-REQ1 – Sewage treatment and disposal

TEZ-REQ2 - Setbacks

TEZ-REQ3 - Height

~~TEZ-REQ5 – Landscaping~~

TEZ-REQ~~7~~6 - Maintenance and Utility Buildings and Structures

Activity Status where not achieved:

2. When compliance with TEZ-R5B.1a is not achieved: RDIS  
~~NC~~

3. When compliance with any rule requirement is not achieved: refer to TEZ- rule requirements

**Matters of Discretion**

4. The exercise of control in relation to TEZ-R5B1 is reserved to the following matters:

b. The design and appearance of buildings is such that the extent to which:

~~i. it is compatible with a historic country theme and reflects the natural rural and high country character of the site and locality;~~

~~ii. it enhances those parts of the natural landscape and vegetation identified on TEZ-FIG 1;~~

~~iii. it does not adversely impact on neighbouring property's privacy;~~

~~iv. it provides sufficient open space between groups of buildings; and~~

~~v. i. it minimises any visual effects.~~

**Notification:**

A. Any application arising from TEZ-5B shall not be subject to public notification. Notice shall not be served on any person.

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## **TEZ-REQ6.1 Design and appearance of Maintenance and Utility Buildings and Structures**

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|---|---|
| 1. The external surfaces of any building or structure shall not exceed a maximum reflectance of 37% | Activity status when compliance not achieved:   |
|   | 2. When compliance with and of TEZ-REQ6.1 is not achieved: RDIS                                       |
|   | <b>Matters for discretion:</b>  |
|   | 3. The exercise of control in relation to TEZ-REQ6.2 is restricted to the following matters:          |
|   | a. The extent to which the design and appearance of buildings or structures:                          |
|   | i. <del>Reflects the natural and rural and high country character of the site and locality; and</del> |
|   | ii. <del>i. Minimises any visual effects.</del>   |
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### **Revision of Outline Development Plan – TEZ Figure 1**

6. As discussed at the hearing in response to a question from the panel, I confirmed that the Submitter proposed an Outline Development Plan as part of the submission which included more Sub-Areas than the Proposed District Plan originally sought to classify for the site in order to accommodate proposed development that has not yet occurred since the time of the original plan change. The result was the addition of multiple Sub-Areas and new rules required for activities and buildings in the zone.
7. In regard to "Rural Tourism" which is defined by the PDP, this applies to the entirety of the zone and was considered in both s.42A reporting and my evidence. On behalf of the submitter at the hearing I raised a subsequent concern that the naming of a sub-area for "Tourism" purposes on the ODP, may potentially be misleading or limiting for this reason. The panel was agreeable to the consideration of a revised ODP that addressed this specific matter.
8. The area shown as the "Tourism" Sub-Area as submitted, encompassed the existing golf clubhouse & restaurant to the west, and a terraced part of the site that had an unimplemented (and now lapsed) consent for a conference facility to the East. The submitter intends to continue to use this area for a new conference facility before a hotel is built and would seek the appropriate replacement consents accordingly.
9. On reflection when looking at the detail of the proposed rules, the only proposed rule that refers to the "Tourism" Sub-Area as originally proposed is for the location of "Retail activity" under Rule TEZ-R7.
10. Conversely, it has also become apparent on further scrutiny of the rules in relation to this Sub-Area that a golf clubhouse is required by Policy TEZ-P5 and Rule TEZ-R10 to be located within the "Golfcourse" Sub-Area which is not how this building was shown on the ODP in the "Tourism" Sub-Area.

11. Further, the conference facility would be required by the PDP to be located within the Hotel Sub-Area under Rule TEZ – R1.
12. To resolve both of these areas in the simplest way possible, given that "Tourism" Area is referred only to a 'retail' activity, the revised change to the ODP for panel consideration now more correctly shows the western part of the "Tourism" Sub-Area to be "Golfcourse" Sub-Area. Making this small change allows Policy TEZ-P5 and Rule TEZ-R7 to remain as proposed and work effectively for the existing Golf Clubhouse as intended by the PDP.
13. The eastern Sub-Area has been renamed as "Conference" to account for the earlier consent and ongoing intent of the submitter for this to be developed in the near future. This change will require consequential changes to replace any reference to the "Tourism" Sub-Area with "Conference" Sub-Area and an update to TEZ- R1 to allow conference facilities in both the "Hotel" and "Conference" Sub-Areas.
14. The consequential PDP amendments associated with these two ODP revisions to remove the "Tourism" Sub-Area, are the replacement of the Sub-Areas referred to in Policy TEZ P2 and Rules TEZ- R1 & TEZ-R7 as follows:

**TEZ – P2** Enable the development of tourism, hospitality, and accommodation activities within the Hotel, Hunting Lodge, Golf Course, Outdoor Recreation, Farming Activity and Staff Accommodation, Tourism, Conference, Residential and Terrace Sub- Area shown on the Outline Development Plan in TEZ- FIG1.

#### **TEZ-R1 Hotel and Conference Facilities**

##### **Activity Status: CON**

1. Hotel and Conference facilities and any ancillary buildings.

##### **Where:**

- a. It is located within the Hotel and Conference Sub-Areas shown on the outline development plan in TEZ-FIG1.

##### **Where this activity complies with the following rule requirements**

...

##### **Matters of Control**

2. The exercise of control in relation to TEZ-R1.1 is reserve to the following matters:
  - a. The design and appearance of buildings is such that the extent to which:
    - i. ...

##### **Activity Status when compliance not achieved:**

3. When compliance with TEZ-R1.1.a is not achieved: NC

### TEZ-R7 Retail Activity

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**Activity Status:** PER

1. Retail activity.

**Where:**

- a. It is located within a building in the Golfcourse, Conference, Tourism, Hotel or Hunting Lodge Sub-Areas shown on the outline development plan in TEZ-FIG1.
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**Activity Status when compliance not achieved:**

2. When compliance with TEZ-R7.1.a is not achieved: NC

15. I consider these consequential changes to be within scope of the ODP amendment and it more accurately reflects the activities as they exist (and have previously been consented) on the site.
16. If it is possible to do so, may I recommend that a site visit for the Hearings Panel may be appropriate in regard to the Terrace Downs Special Purpose Zone in respect of the ODP plan and rules.

Yours sincerely



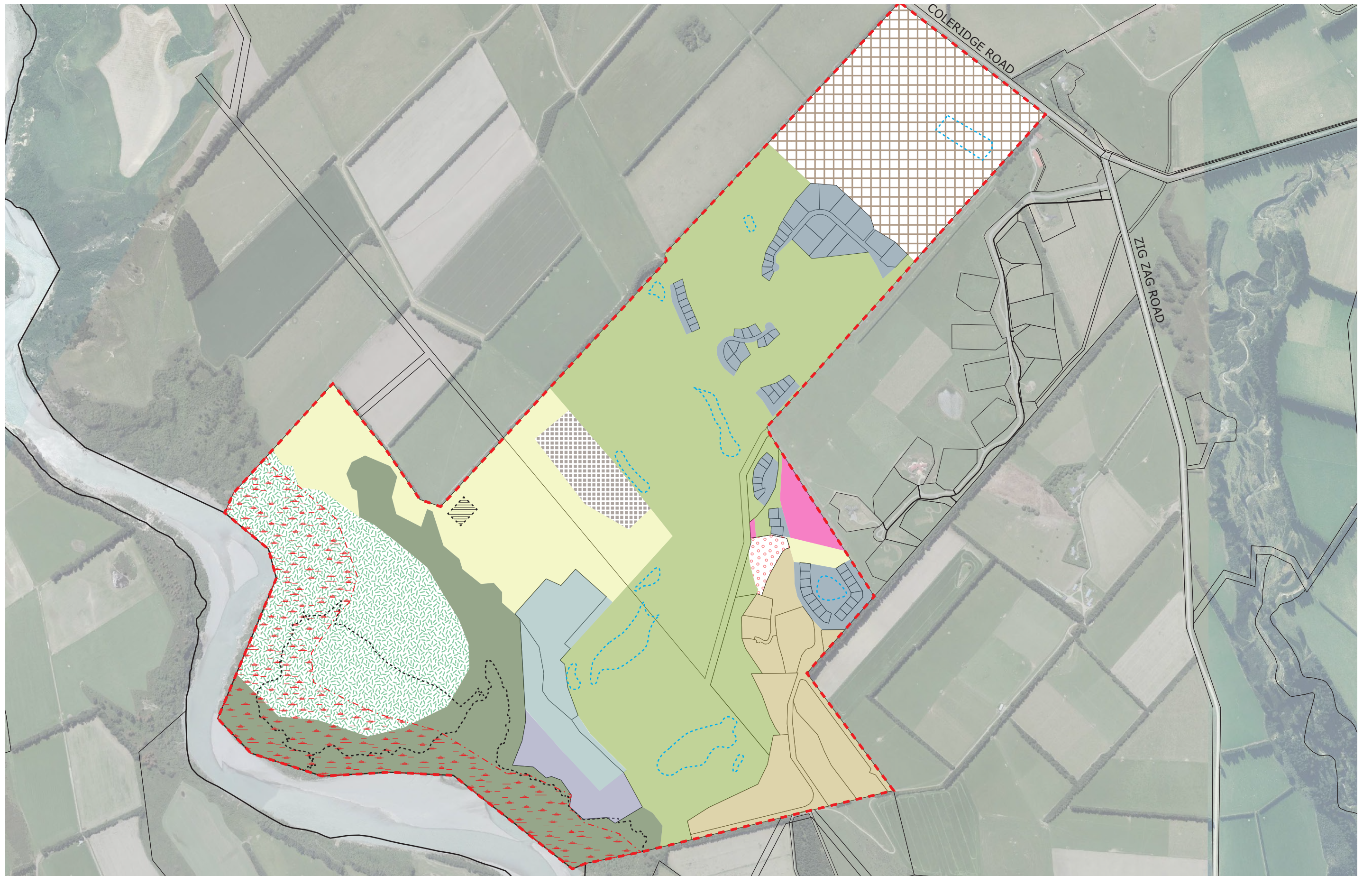
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**TERRACE DOWNS ODP #501586**  
Sub Areas Plan | Revision B | April 2022  
SCALE - 1:10000 @ A3

**eliot  
sinclair**



LEGEND  
Sub-Areas

	Residential
	Terraces
	Maintenance
	Conference
	Golfcourse
	Reserve
	Covenant
	Sewage treatment
	Outdoor recreation
	Farming activities and Staff Accommodation
	Hotel
	Hunting Lodge
	Helicopter Landing
	Walkway
	Lake
	ONL Overlay: Rakaia River