

# Proposed Selwyn District Plan



## Right of Reply Report

Grasmere, Porters Ski, and Terrace Downs Special  
Purpose Zones

Jocelyn Lewes

26 July 2022

## Contents

1. Purpose of Report .....	3
2. Clarification regarding matters raised in evidence .....	3
3. Reporting Officer's Proposed Provision Amendments .....	7
Appendix 1: Table of Submission Points .....	11
Appendix 2: Recommended amendments .....	12

## 1. Purpose of Report

- 1.1 The purpose of this report is to respond to matters raised during Hearing 27: Special Purposes – Terrace Downs Zone, Grasmere Zone and Porters Ski Zone, and for the Officer to propose any further amendments to the notified version of the Proposed District Plan above those recommended in the Officer’s original s42A report.

## 2. Clarification regarding matters raised in evidence

- 2.1 Further to the provision of submitter evidence following the publication of the s42A report, and questions posed to submitters at Hearing 27, which was held on 7 April 2022, the following responses are provided by the reporting officer.

### [1] TEZ-P7

- 2.2 In PHC’s evidence in chief<sup>1</sup>, an amendment was proposed to TEZ-P7 that PHC considered would satisfy both Council’s and their position of avoiding inappropriate development in the Reserve and Covenant Sub-Areas, whilst also recognising that appropriate development needs to meet expected outcomes by suitably addressing landscape effects in proximity to the ONL.

- 2.3 At the hearing, an alternative wording was proposed by the Panel, being:

**TEZ-P7** Avoid inappropriate<sup>2</sup> development in the ~~Crown Reserve Sub-Area and Covenant Sub-Area~~ shown on the outline development plan, in Schedule 1 TEZ-FIG1 that does not contribute to, maintain or enhance open space and landscape values.

- 2.4 I record that, in the hearing, PHC indicated that they were agreeable to this.

- 2.5 I acknowledge, and support in principle the submitter’s reasoning in their evidence in chief, that not all development is to be avoided in these sub-areas, with public amenity and rural tourism being identified as appropriate activities. I also acknowledged that it is essential that the open space and landscape values of these sub-areas are retained. However, I consider that the wording proposed in PHC’s evidence in chief, and the alternative wording proposed during the hearing, still do not give sufficient guidance in relation to the appropriateness of development within these sub-areas. For this reason, I propose that TEZ-P7 be amended as follows:

**TEZ-P7** Avoid development in the Reserve Sub-Area and Covenant Sub-Area shown on the outline development plan, in TEZ-FIG1 that is not for the purpose of amenity services or rural tourism.

- 2.6 I have reflected this in Section 3 below and **Appendix 2.**

### [2] Public Amenity

- 2.7 In PHC’s evidence in chief<sup>3</sup>, a revision to TEZ-R15 was proposed to allow private entities to be able to provide a range of amenity services that could be reasonably associated with the public walking

<sup>1</sup> Statement of Evidence 18 March 2022, paragraphs [16-30]

<sup>2</sup> DPR-0423.004 PHC

<sup>3</sup> Statement of Evidence 18 March 2022, paragraphs [31-38]

track in the Reserve and Covenant Sub-Areas as a permitted activity rather a discretionary activity. The change requested to TEZ-R15 identified some, but not all, components of the 'Public Amenity' definition that PHC considered could be provided by a private entity within the sub-areas.

- 2.8 I acknowledge and support the submitter's reasoning, however I recommend an alternative amendment to TEZ-R15 as set out below, and in **Appendix 2**, that I consider would achieve the intent of PHC's request, but would better align with the structure of the PDP.

<b>TEZ-R15 Public Amenity Services</b>		
	<b>Activity Status:</b> PER	<b>Activity status when compliance not achieved:</b> N/A
1.	Public Amenity	
	<b>Activity Status:</b> PER	<b>Activity status when compliance not achieved:</b>
2.	<u>The establishment of amenity services provided by a private entity for public use, limited to:</u> <ol style="list-style-type: none"> <li><u>public toilets</u></li> <li><u>visitor information kiosks</u></li> <li><u>erection of information and directional signs (excluding billboards) ;</u></li> <li><u>shelters and shade structures;</u></li> <li><u>outdoor furniture and structures, such as seats, picnic or barbeque area equipment, rubbish bins, pergolas, fences (including predator and animal enclosure fences), steps, retaining walls, viewing platforms and boardwalks;</u></li> <li><u>walking, cycling and maintenance tracks, including cycle ways;</u></li> <li><u>bridges;</u></li> <li><u>landscaping.</u></li> </ol>	<u>3. When compliance with TEZ-R15.2 is not achieved: NC</u>

### [3] Residential Units

- 2.9 In their evidence<sup>4</sup>, the PHC advised that, contrary to their original submission, only 68 residential sections exist at this time. As such, they have requested that TEZ-R4 be corrected back to refer to the existing 68 sections as notified. As such, I no longer propose that TEZ-R4.1.b be amended in this regard; rather TEZ-R4.1.b should be retained as notified.
- 2.10 PCH has further requested that TEZ-R4 be amended to include a *grandfather clause*, to clarify that there be only one residential unit per existing site as at "xxx" and proposed that this be the date that the PDP becomes Operative. At the hearing, the Panel proposed that this date be the date on which the PDP was notified.
- 2.11 While PHC expressed their reasons for seeking a grandfather clause in their evidence<sup>5</sup>, I remain of the view that it is not necessary to include such a date within the PDP. The provision as proposed

<sup>4</sup> Statement of Evidence 18 March 2022, paragraph [39]

<sup>5</sup> Statement of Evidence 18 March 2022, paragraphs [40-48]

would only allow for one residential unit per site as a permitted activity, with any further residential units being a non-complying activity, as acknowledged by the submitter. As this would not change if the wording proposed by the submitter was included in the provision, I do not see any value in adding in the text as requested.

- 2.12 I would note that should the Hearing Panel reach a different conclusion on this submission point, I consider that the most appropriate date to include in the PDP would be the date that the rule has effect. At this time, the rule in the PDP has no legal effect, rather the applicable rule in the Operative District Plan will continue to have effect until the rule in the PDP is determined to have effect, be that either on the date of the decisions or when the rule is beyond challenge. As such I consider that there could be some ambiguity or confusion in the future if the date of notification was included in this provision, in terms of the actual date that the rule would have legal effect. I note for the Panel's consideration that there are other rules<sup>6</sup> in the PDP that seek to include a fixed date against which future activities should be considered. These rules reference either the date that the rule has effect or prior to the decision date of the PDP. It would be useful to all plan users if such points in time were consistent across the PDP.
- 2.13 I do note that in *SUB-REQ5.8 Number of Sites*, subdivision should not exceed that shown in *Table SUB-8 Maximum number of sites, Terrace Downs Zone*, and that non-compliance with this table has a non-complying activity status. However Table SUB-8 records the maximum number of sites in residential areas as 50, and a maximum of 150 sites in the condominium area, which is now to be identified as the Terraces Sub-Area. I note the inconsistency between the various chapters in the PDP and recommend that, through the forthcoming Subdivision hearing, Table SUB-8 be amended to align with TEZ-R4, as the submitter has confirmed that 68 residential sections have been created. I consider that scope for this amendment is provided for in the submitter's original submission, at paragraph 17, dot point 4.

#### **[4] Maintenance Buildings**

- 2.14 In response to concerns in relation to how maintenance and utility buildings were proposed to be considered in the PDP, the Panel invited PHC to provide a revised rule that addresses the rules for maintenance and utility buildings across the matters discussed in the hearing and in evidence for consideration by the Panel.
- 2.15 PHC provided the following amendment to TEZ-R5B and TEZ-REQ6 on 19 April 2022 for the Panel's consideration.

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<sup>6</sup> NH-R1.15.b [date this rule has effect] and GRUZ-R4.1, 3. and 5. [existed prior to the decision date of this District Plan]

TEZ-R5B <sup>7</sup>	Maintenance and Utility Buildings and Structures
	<p><b>Activity status:</b> <u>PER CON</u></p> <p>1. Any buildings or structure</p> <p><b>Where:</b></p> <p>a. <u>it is located within the Maintenance Sub-Area, shown on TEZ-FIG1.</u></p> <p><b>Where this activity complies with the following rule requirements:</b></p> <p><u>TEZ-REQ1 – Sewage treatment and disposal</u>  <u>TEZ-REQ2 – Setbacks</u>  <u>TEZ-REQ3 – Height</u>  <u>TEZ-REQ5 – Landscaping</u>  <u>TEZ-REQ76 – Maintenance and Utility Buildings and Structures</u></p> <p><b>Matters of control:</b></p> <p><u>2. The exercise of control in relation to TEZ-R5B.1. is reserved to the following matters:</u></p> <p>a. <u>The design and appearance of buildings is such that the extent to which:</u></p> <p>i. <u>it is compatible with a historic country theme and reflects the natural, rural, and high country character of the site and locality;</u></p> <p>ii. <u>it enhances those parts of the natural landscape and vegetation identified on TEZ-FIG1;</u></p> <p>iii. <u>it does not adversely impact on neighbouring property's privacy;</u></p> <p>iv. <u>it provides sufficient open space between the groups of buildings; and</u></p> <p>v. <u>it minimises any visual effects.</u></p> <p><b>Activity status when compliance not achieved:</b></p> <p><u>32. When compliance with TEZ-R5B.1 is not achieved: NC-RDIS</u></p> <p><u>43. When compliance with any rule requirement is not achieved: Refer to TEZ-Rule Requirements</u></p> <p><b>Matters of Discretion:</b></p> <p><u>4. The exercise of control in relation to TEZ-R5B.1. is reserved to the following matters:</u></p> <p>a. <u>The design and appearance of buildings is such that the extent to which :</u></p> <p>i. <u>it is compatible with a historic country theme and reflects the natural, rural, and high country character of the site and locality;</u></p> <p>ii. <u>it enhances those parts of the natural landscape and vegetation identified on TEZ-FIG1;</u></p> <p>iii. <u>it does not adversely impact on neighbouring property's privacy;</u></p> <p>iv. <u>it provides sufficient open space between the groups of buildings; and</u></p> <p>v. <u>it minimises any visual effects; .</u></p> <p><b>Notification:</b></p> <p><u>5. Any application arising from TEZ-R5B shall not be subject to public notification. Notice shall not be served on any person.</u></p>

TEZ-REQ6 <sup>8</sup>	Design and Appearance of Maintenance and Utility Buildings and Structures
	<p>1. The external surfaces of any building or structure shall not exceed a maximum reflectance value of 37%.</p> <p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with any of TEZ-REQ6.1 is not achieved: <u>RDIS</u></p> <p><b>Matters for discretion:</b></p> <p><u>3. The exercise of control in relation to TEZ-REQ6.2 is restricted to the following matters:</u></p> <p>a. <u>The extent to which the design and appearance of buildings or structures:</u></p>

<sup>7</sup> DPR-0423.021

<sup>8</sup> DPR-0423.018 PHC

		<p>i. <del>reflects the natural, rural, and high country character of the site and locality; and</del></p> <p>ii. <del>minimises any visual effects.</del></p>
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- 2.16 I generally support the proposed wording of TEZ-R5B and TEZ-REQ6 but consider that minor amendments are required to both provisions. I consider that TEZ-R5B.1 should be amended to clarify that this provision relates only to buildings or structures for maintenance or utility purposes. I also consider it appropriate that an addition matter of discretion be included to both TEZ-R5B.4 and TEZ-REQ6.3 to consider if any visual effects could be mitigated by the use of landscaping or bunding for example.

### **[5] Amendments to the Outline Development Plan and Consequential Amendments**

- 2.17 As part of their original submission, PHC proposed an Outline Development Plan which included more Sub-Areas than the PDP originally sought to classify, in order to accommodate proposed development that has not yet occurred since the time of the original plan change. This resulted in the addition of new rules for activities and buildings in the various sub-areas. At the hearing, PHC identified a concern that the naming of a sub-area for “Tourism” purposes may potentially be misleading or limiting for this reason. The Panel indicated that it was agreeable to the consideration of a revised ODP that addressed this specific matter.
- 2.18 In their Reply to Hearing Panel Questions, PHC provided a revised ODP with the legend amended to refer to ‘Conference’ sub-area, rather than ‘Tourism’ sub-area. The ODP has also been amended to reduce the extent of the sub-area, with PHC noting that the western part of the ‘Tourism’ sub-area encompasses the existing golf clubhouse and restaurant and is more appropriate included in the ‘Golfcourse’ sub-area. PHC has proposed that the eastern part of the ‘Tourism’ sub-area be renamed to ‘Conference’ sub-area. I record that I have no objection to the amendments proposed to the ODP by PHC in April 2022, and recommend that this ODP be included in TEZ-FIG1.
- 2.19 However, as a consequence of amending the ODP, PHC has identified that consequential amendments are necessary to TEZ-P2, TEZ-R1 and TEZ-R7.
- 2.20 In relation to TEZ-P2 and TEZ-R7, this would entail the substitution of ‘Tourism’ with ‘Conference’ in relation to those sub-areas within which retail activity is permitted. I record that I have no objection to this consequential amendment. In relation to TEZ-R1, PHC seek that ‘Conference’ be added to the sub-areas within which hotel and conference facilities can be undertaken. Again, I record that I have no objection to this consequential amendment. These amendments are reflected in **Appendix 2**.

## **3. Reporting Officer’s Proposed Provision Amendments**

- 3.1 On review of the submitter’s evidence and the matters raised at the Hearing and responses to the Panel’s questions the following amendments to the proposed provisions are recommended. The amendments that were recommended in the Section 42A evidence are included but are not shown as underlined text or strikethrough. For a full summary of all the proposed amendments to provisions see **Appendix 2**.

### ***Proposed amendment:***

3.2 Amend TEZ-P7 as follows:

**TEZ-P7** Avoid development in the Reserve Sub-Area and Covenant Sub-Area shown on the outline development plan, in TEZ-FIG1 that is not for the purpose of amenity services or rural tourism.

***Submission scope:***

3.3 Scope is provided for this proposed amendment through PHC submission point DPR-0423.004.

***Reasoning:***

3.4 The amendment seeks to ensure that inappropriate development is avoided in the Reserve and Covenant Sub-Areas. No additional Section 32AA evaluation is deemed necessary.

***Proposed amendment:***

3.5 Amend TEZ-R15 as follows:

<b>TEZ-R15 Public Amenity Services</b>		
	<b>Activity Status:</b> PER	<b>Activity status when compliance not achieved:</b> N/A
	1. Public Amenity	
	<b>Activity Status:</b> PER	<b>Activity status when compliance not achieved:</b>
	2. <u>The establishment of amenity services provided by a private entity for public use, limited to:</u>	3. <u>When compliance with TEZ-R15.2 is not achieved: NC</u>
	a. <u>public toilets</u>	
	b. <u>visitor information kiosks</u>	
	c. <u>erection of information and directional signs (excluding billboards) ;</u>	
	d. <u>shelters and shade structures;</u>	
	e. <u>outdoor furniture and structures, such as seats, picnic or barbeque area equipment, rubbish bins, pergolas, fences (including predator and animal enclosure fences), steps, retaining walls, viewing platforms and boardwalks;</u>	
	f. <u>walking, cycling and maintenance tracks, including cycle ways;</u>	
	g. <u>bridges;</u>	
	h. <u>landscaping.</u>	

***Submission scope:***

3.6 Scope is provided for this proposed amendment through PHC submission point DPR-0423.013.



**Reasoning:**

- 3.7 The proposed amendment recognises that, within this zone, it is appropriate for a private entity to be able to undertake the construction of a limited range of amenity structures that could be reasonably associated with the public walking track and rural tourism activities that can occur within the sub-areas. The amendments will also more effectively achieve the outcomes identified in TEZ-P7. No additional Section 32AA evaluation is deemed necessary.

**Proposed amendment:**

- 3.8 Amend TEZ-R5B as follows:

TEZ-R5B <sup>9</sup>	Maintenance and Utility Buildings and Structures
	<p><b>Activity status:</b> <u>PER</u></p> <p><u>1. Any maintenance and utility building or structure</u></p> <p><b>Where:</b></p> <p>b. <u>it is located within the Maintenance Sub-Area, shown on TEZ-FIG1.</u></p> <p><b>Where this activity complies with the following rule requirements:</b></p> <p><u>TEZ-REQ1 – Sewage treatment and disposal</u></p> <p><u>TEZ-REQ2 – Setbacks</u></p> <p><u>TEZ-REQ3 – Height</u></p> <p><u>TEZ-REQ6 – Maintenance and Utility Buildings and Structures</u></p> <p><b>Activity status when compliance not achieved:</b></p> <p><u>2. When compliance with TEZ-R5B.1 is not achieved: -RDIS</u></p> <p><u>3. When compliance with any rule requirement is not achieved: Refer to TEZ-Rule Requirements</u></p> <p><b>Matters of Discretion:</b></p> <p><u>4. The exercise of control in relation to TEZ-R5B.1. is reserved to the following matters:.</u></p> <p><u>a. The extent to which the visual effect of buildings or structures is minimised by:</u></p> <p><u>i. their design and appearance; or</u></p> <p><u>ii. landscaping or bunding</u></p> <p><b>Notification:</b></p> <p><u>5. Any application arising from TEZ-R5B shall not be subject to public notification. Notice shall not be served on any person.</u></p>

**Submission scope:**

- 3.9 Scope is provided for this proposed amendment through PHC submission point DPR-0423.021.

**Reasoning:**

- 3.10 The proposed amendment acknowledges the functional nature of maintenance and utility buildings and structures while still continuing to protect the natural character of the environment. No Section 32AA evaluation is deemed necessary.

**Proposed amendment:**

- 3.11 Amend TEZ-REQ6 as follows:

<sup>9</sup> DPR-0423.021

TEZ-REQ6 <sup>10</sup>	Design and Appearance of Maintenance and Utility Buildings and Structures	
	<p><u>1. The external surfaces of any building or structure shall not exceed a maximum reflectance value of 37%.</u></p>	<p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with any of TEZ-REQ6.1 is not achieved: <u>RDIS</u></p> <p><b>Matters for discretion:</b></p> <p>3. <u>The exercise of control in relation to TEZ-REQ6.2 is restricted to the following matters:</u></p> <p>a. <u>The extent to which the visual effect of buildings or structures is minimised by:</u></p> <p>i. <u>their design and appearance; or</u></p> <p>ii. <u>landscaping or bunding</u></p>

***Submission scope:***

- 3.12 Scope is provided for this proposed amendment through PHC submission point DPR-0423.018.

***Reasoning:***

- 3.13 The proposed amendment acknowledges the functional nature of maintenance and utility buildings and structures while still continuing to protect the natural character of the environment. No Section 32AA evaluation is deemed necessary.

***Proposed amendment:***

- 3.14 Amend TEZ-P2, TEZ-R1, TEZ-R4, TEZ-R7 and TEZ-FIG1 to reflect amended ODP.

***Submission scope:***

- 3.15 Scope is provided for the proposed amendment to these provisions is provided for as follows:

Provision to be amended	Submission Point
TEZ-P2	DPR-0423.002
TEZ-R1	DPR-0423.001
TEZ-R4	DPR-0423.007
TEZ-R7	DPR-0423.009
TEZ-FIG1	DPR-0423.001

***Reasoning:***

- 3.16 The appropriateness of the amended overview will ensure the correct cross references to the ODP included in TEZ-FIG1. No Section 32AA evaluation is deemed necessary.

<sup>10</sup> DPR-0423.018 PHC

## Appendix 1: Table of Submission Points

Amendments to this table from that included in the s42A report are highlighted in yellow below.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested	Recommendation	Section of Report
DPR-0423	PHC	007	TEZ-R4	Oppose In Part	Amend as follows: TEZ-R4.1.b. there shall be a maximum of <del>68</del> <u>69</u> residential units (not including the terraced housing); and TEZR4.1.c. there is only one unit per site that <u>existed as at "xxx"</u> (insert date that the PDP becomes Operative).	Reject	10
DPR-0423	PHC	013	TEZ-R15	Oppose In Part	Amend to permit tourism and public amenities activities where they are located on private land in the Covenant Sub-Area.	Accept in part	10

## Appendix 2: Recommended amendments

The following changes are proposed to Appendix 2: Recommended Amendments.

Original amendments were identified by way of underline or strikethrough. Double underlining has been used to identify defined terms that were proposed in the s42A report.

Additional amendments proposed in response to the Hearing Panels questions continue the above identification but are also shown in **blue text**. Where an original amendment is proposed to be deleted, this is shown by way of double strikethrough e.g. ~~tatibust fugitaturem qui dolupti~~

Additional amendments proposed in this Right of Reply report are **highlighted in yellow** and underlining or strikethrough is used as appropriate.

### Terrace Downs Zone

#### TEZ Policies

TEZ-Policies	
<b>TEZ-P1</b>	Avoid use and development where it does not comply with the outline development plan, shown in <u>Schedule 1 TEZ-FIG1</u> <sup>11</sup> or the anticipated development within the Sub-Areas.
<b>TEZ-P2</b>	Enable the development of tourism, hospitality, and accommodation activities within the <u>Tourist Accommodation Hotel, Hunting Lodge, Golf Course, Outdoor Recreation, Faming Activity and Staff Accommodation</u> , <b>Tourism, Conference</b> , Residential and Terrace Sub-Areas <sup>12</sup> shown on the outline development plan in <u>Schedule 1 TEZ-FIG1</u> .
<b>TEZ-P3</b>	Enable the development of residential units in a way that complements the character of the surrounding environment, through materials used and building position, within the Residential, <del>and Terraces</del> <u>and Staff Accommodation</u> <sup>13</sup> Sub-Areas shown on the outline development plan in <u>Schedule 1 TEZ-FIG1</u> .
<b>TEZ-P5</b>	Enable a golf course and associated clubrooms within the Golf Course Sub-Area shown on the outline development plan, in <u>Schedule 1 TEZ-FIG1</u> .
<b>TEZ-P6</b>	Enable the establishment of one lodge within the Hunting Lodge Sub-Area shown on the outline development plan, in <u>Schedule 1 TEZ-FIG1</u> .
<b>TEZ-P7</b>	Avoid <b>inappropriate</b> <sup>14</sup> development in the <del>Crown Reserve</del> <u>Sub-Area and Covenant Sub-Area</u> shown on the outline development plan, in <u>Schedule 1 TEZ-FIG1</u> <b>that is not for the purpose of amenity services or rural tourism.</b>

<sup>11</sup> Cl.16(s) to correct reference – here and elsewhere as identified within this appendix

<sup>12</sup> DPR-0423.002 PHC

<sup>13</sup> DPR-0423.003 PHC

<sup>14</sup> DPR-0423.004 PHC

<b>TEZ-P8<sup>15</sup></b>	<u>Enable sport, recreation and helicopter movements within the Outdoor Recreation Sub-Area shown on TEZ-FIG1.</u>
<b>TEZ-P9<sup>16</sup></b>	<u>Enable helicopter movements associated with tourism and recreational activities and fire fighting emergency services</u>

## TEZ-Rules

TEZ-Rule List	
<b>TEZ-R1</b>	Hotel and Conference Facilities
<b>TEZ-R2</b>	Hunting and Fishing Lodges
<b>TEZ-R3</b>	Golf Clubhouse
<b>TEZ-R4</b>	Residential Units
<b>TEZ-R5</b>	Terraced Housing
<b>TEZ-R5A</b>	<u>Buildings and Structures in Outdoor Recreation and Farming Activity and Staff Accommodation Sub-Areas<sup>17</sup></u>
<b>TEZ-R5B</b>	<u>Maintenance and Utility Buildings and Structures<sup>18</sup></u>
<b>TEZ-R6</b>	Any other Building or Structure
<b>TEZ-R7</b>	Retail Activity
<b>TEZ-R8</b>	Residential Activity
<b>TEZ-R9</b>	Visitor Accommodation
<b>TEZ-R10</b>	Golf Course
<b>TEZ-R11</b>	Hotel and Conference Activities
<b>TEZ-R12</b>	Rural Tourism Activity
<b>TEZ-R13</b>	Recreation Activity
<b>TEZ-R13A</b>	<u>Maintenance Activities<sup>19</sup></u>
<b>TEZ-R14</b>	Keeping of Animals
<b>TEZ-R15</b>	Public Amenity
<b>TEZ-R16</b>	Conservation Activity
<b>TEZ-R17</b>	Helicopter Landing Area
<b>TEZ-R18</b>	Any activity not otherwise listed in this table

<sup>15</sup> DPR-0423.005 PHC

<sup>16</sup> DPR-0423.006 PHC

<sup>17</sup> DPR-0423.008 PHC and DPR-0423.020

<sup>18</sup> DPR-0423.021 PHC

<sup>19</sup> DPR-0423.021 PHC

<b>TEZ-R1</b>	<b>Hotel and Conference Facilities</b>	
	<p><b>Activity status:</b> CON</p> <p>1. Hotel and conference facilities and any ancillary buildings.</p> <p><b>Where:</b></p> <p>a. it is located within the <del>Tourist Accommodation Hotel</del><sup>20</sup> and <b>Conference</b><sup>21</sup> sub-area, shown on the outline development plan, in <u>Schedule 1</u> TEZ-FIG1.</p> <p><b>Where this activity complies with the following rule requirements:</b></p> <p>...</p> <p><b>Matters of control:</b></p> <p>2. The exercise of control in relation to TEZ-R1.1. is reserved to the following matters:</p> <p>a. The design and appearance of buildings is such that the extent to which:</p> <p>i. ...</p> <p>ii. it enhances those parts of the natural landscape and vegetation identified on the outline development plan <u>in</u> <u>TEZ-FIG1</u>;</p> <p>iii. ....</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>3. When compliance <u>with</u><sup>22</sup>TEZ-R1.1.a. is not achieved: NC</p> <p>...</p>
<b>TEZ-R2</b>	<b>Hunting and Fishing Lodge</b>	
	<p><b>Activity status:</b> CON</p> <p>1. A hunting and fishing lodge and ancillary building.</p> <p><b>Where:</b></p> <p>a. it is located within the Hunting Lodge Sub-Area, shown on the outline development plan, in <u>Schedule 1</u> TEZ-FIG1 ; and</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>...</p>

<sup>20</sup> DPR-0423.001 PHC

<sup>21</sup> **PHC Reply to Hearing Panel Questions 19 April 2022**

<sup>22</sup> Cl.16(2) amendment to correct grammar

	<p>b. there shall be a maximum of one lodge and one accessory building.</p> <p><b>Where this activity complies with the following rule requirements:</b></p> <p>...</p> <p><b>Matters of control:</b></p> <p>2. The exercise of control in relation to TEZ-R2.1. is reserved to the following matters:</p> <p>a. The design and appearance of buildings is such that the extent to which:</p> <p>i. ...</p> <p>ii. it enhances those parts of the natural landscape and vegetation identified on the outline development plan <u>in TEZ-FIG1</u>, and</p> <p>iii. ...</p>	
<b>TEZ-R3</b>	<b>Golf Clubhouse</b>	
	<p><b>Activity status:</b> CON</p> <p>1. Golf clubhouse and any ancillary buildings.</p> <p><b>Where:</b></p> <p>a. it is located within the <del>Tourist Accommodation Golf Course</del><sup>23</sup> Sub-Area, shown on the outline development plan, in <u>Schedule 4 TEZ-FIG1</u>.</p> <p><b>Where this activity complies with the following rule requirements:</b></p> <p>...</p> <p><b>Matters of control:</b></p> <p>2. The exercise of control in relation to TEZ-R3.1. is reserved to the following matters:</p> <p>a. The design and appearance of buildings is positioned such that the extent to which:</p> <p>i. ...</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>3. When compliance <u>with</u><sup>24</sup> TEZ-R3.1.a. is not achieved: NC</p> <p>...</p>

<sup>23</sup> DPR-0423.001 PHC

<sup>24</sup> Cl.16(2) amendment to correct grammar

	<ul style="list-style-type: none"> <li>ii. it protects and enhances those parts of the natural landscape and vegetation identified on the outline development plan <u>in TEZ-FIG1</u> having conservation significance;</li> <li>iii. ....</li> </ul>	
<b>TEZ-R4</b>	<b>Residential Units</b>	
	<p><b>Activity status:</b> CON</p> <p>1. Residential unit and any ancillary structures, not including terraced housing.</p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>a. it is located within the Residential Sub-Area, shown on the outline development plan, in <u>Schedule 4 TEZ-FIG1</u>;</li> <li>b. there shall be a maximum of 68 residential units (not including the terraced housing); and</li> <li>c. there is only one unit per site</li> </ul> <p><b>And this activity complies with the following rule requirements: ...</b></p> <p><b>Matters of control:</b></p> <p>2. The exercise of control in relation to TEZ-R4.1. is reserved to the following matters:</p> <ul style="list-style-type: none"> <li>a. The design and appearance of buildings is positioned such that the extent to which: <ul style="list-style-type: none"> <li>i. ...</li> <li>ii. it protects and enhances those parts of the natural landscape and vegetation identified on the outline development plan <u>in TEZ-FIG1</u> having conservation significance;</li> <li>iii. ...</li> </ul> </li> </ul>	<p><b>Activity status when compliance not achieved:</b></p> <p>3. When compliance <u>with</u> <sup>25</sup>TEZ-R4.1.a., TEZ-R4.1.b., or TEZ-R4.1.c. is not achieved: NC</p> <p>...</p>
<b>TEZ-R5</b>	<b>Terraced Housing</b>	
	<p><b>Activity status:</b> CON</p> <p>1. Terraced housing and any ancillary buildings.</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>3. When compliance <u>with</u> <sup>26</sup>TEZ-R5.1.a., or TEZ-R5.1.b. is not achieved: NC</p> <p>...</p>

<sup>25</sup> Cl.16(2) amendment to correct grammar

<sup>26</sup> Cl.16(2) amendment to correct grammar



	<p><b>Where:</b></p> <ul style="list-style-type: none"> <li>a. it is located in the Terraces Sub-Area shown in the outline development plan, in <u>Schedule 1 TEZ-SCHED1-FIG1</u>; and</li> <li>b. ...</li> </ul> <p><b>And this activity complies with the following rule requirements:</b></p> <p>...</p> <p><b>Matters of control:</b></p> <p>2. The exercise of control in relation to TEZ-R5.1. is reserved to the following matters:</p> <ul style="list-style-type: none"> <li>a. The design and appearance of buildings is positioned such that the extent to which: <ul style="list-style-type: none"> <li>i. ...</li> <li>ii. it protects and enhances those parts of the natural landscape and vegetation identified on the outline development plan <u>in TEZ-FIG1</u> having conservation significance;</li> <li>iii. ...</li> </ul> </li> </ul>	
<p><b>TEZ-R5A<sup>27</sup></b></p>	<p><b><u>Buildings and Structures in Outdoor Recreation and Farming Activity and Staff Accommodation Sub-Areas</u></b></p> <p><b><u>Activity status: CON</u></b></p> <p><u>1. Any buildings or structure</u></p> <p><b><u>Where:</u></b></p> <ul style="list-style-type: none"> <li>a. <u>it is located within the Outdoor Recreation or Farming Activity and Staff Accommodation Sub-Areas, shown on TEZ-FIG1.</u></li> </ul> <p><b><u>Where this activity complies with the following rule requirements:</u></b></p> <p><u>TEZ-REQ1 – Sewage treatment and disposal</u></p> <p><u>TEZ-REQ2 – Setbacks</u></p> <p><u>TEZ-REQ3 – Height</u></p> <p><u>TEZ-REQ4 – Design and Appearance</u></p> <p><u>TEZ-REQ5 – Landscaping</u></p>	<p><b><u>Activity status when compliance not achieved:</u></b></p> <p><u>3. When compliance with any of TEZ-R5A is not achieved: NC</u></p> <p><u>4. When compliance with any rule requirement is not achieved: Refer to TEZ-Rule Requirements</u></p> <p><b><u>Notification:</u></b></p> <p><u>5. Any application arising from TEZ-R5A shall not be subject to public notification. Notice shall not be served on any person.</u></p>

<sup>27</sup> DPR-0423.008 and DPR-0423.020

	<p><b>Matters of control:</b></p> <p>2. The exercise of control in relation to TEZ-R5A.1. is reserved to the following matters:</p> <p>b. The design and appearance of buildings is such that the extent to which:</p> <ul style="list-style-type: none"> <li>i. it is compatible with a historic country theme and reflects the natural, rural, and high country character of the site and locality;</li> <li>ii. it enhances those parts of the natural landscape and vegetation identified on TEZ-FIG1;</li> <li>iii. it does not adversely impact on neighbouring property's privacy;</li> <li>iv. it provides sufficient open space between the groups of buildings; and</li> <li>v. it minimises any visual effects.</li> </ul>	
<p><b>TEZ-R5B<sup>28</sup></b></p>	<p><b>Maintenance and Utility Buildings and Structures</b></p> <p><b>Activity status:</b> <b>CON-PER</b></p> <p>1. Any buildings or structure Any maintenance and utility building or structure</p> <p><b>Where:</b></p> <p>a. it is located within the Maintenance Sub-Area, shown on TEZ-FIG1.</p> <p><b>Where this activity complies with the following rule requirements:</b></p> <p>TEZ-REQ1 – Sewage treatment and disposal</p> <p>TEZ-REQ2 – Setbacks</p> <p>TEZ-REQ3 – Height</p> <p>TEZ-REQ5 – Landscaping</p> <p>TEZ-REQ76 – Maintenance and Utility Buildings and Structures</p> <p><b>Matters of control:</b></p> <p>2. The exercise of control in relation to TEZ-R5B.1. is reserved to the following matters:</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>32. When compliance with TEZ-R5B.1 is not achieved: <b>NC-RDIS</b></p> <p>43. When compliance with any rule requirement is not achieved: Refer to TEZ-Rule Requirements</p> <p><b>Matters of control discretion:</b></p> <p>4. The exercise of control discretion in relation to TEZ-R5B.1. is reserved to the following matters:</p> <p>a. The design and appearance of buildings or structures:</p> <ul style="list-style-type: none"> <li>i. it is compatible with a historic country theme and reflects the natural, rural, and high country character of the site and locality;</li> <li>ii. it enhances those parts of the natural landscape and vegetation identified on TEZ-FIG1;</li> <li>iii. it does not adversely impact on neighbouring property's privacy;</li> <li>iv. it provides sufficient open space between the groups of buildings; and</li> </ul>

<sup>28</sup> DPR-0423.021

	<p>b. The design and appearance of buildings is such that the extent to which:</p> <ul style="list-style-type: none"> <li>i. it is compatible with a historic country theme and reflects the natural, rural, and high country character of the site and locality;</li> <li>ii. it enhances those parts of the natural landscape and vegetation identified on TEZ-FIG1;</li> <li>iii. it does not adversely impact on neighbouring property's privacy;</li> <li>iv. it provides sufficient open space between the groups of buildings; and</li> <li>vi. it minimises any visual effects.</li> </ul>	<p>v. it minimises any visual effects.</p> <p>a. The extent to which the visual effect of buildings or structures is minimised by:</p> <ul style="list-style-type: none"> <li>i. their design and appearance; or</li> <li>ii. landscaping or bunding</li> </ul> <p><b>Notification:</b></p> <p>5. Any application arising from TEZ-R5B shall not be subject to public notification. Notice shall not be served on any person.</p>
<b>TEZ-R6</b>	<b>Any other Building or Structure</b>	
	...	
<b>TEZ-R7</b>	<b>Retail Activity</b>	
	<p><b>Activity status:</b> PER</p> <p>1. Retail activity.</p> <p><b>Where:</b></p> <p>a. it is located within a building in the Tourist Accommodation Golfcourse, Conference, Tourism<sup>29</sup> Hotel or Hunting Lodge Sub-Areas<sup>30</sup>, shown on the outline development plan, in Schedule 1 TEZ-FIG1.</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with TEZ-R7.1.a. is not achieved: NC</p>
<b>TEZ-R8</b>	<b>Residential Activity</b>	
	...	<p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with TEZ-R8.1.a. is not achieved: NC</p>
<b>TEZ-R9</b>	<b>Visitor Accommodation</b>	
	...	<p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with TEZ-R9.1.a., is not achieved: DIS</p>
<b>TEZ-R10</b>	<b>Golf Course</b>	
<b>TEZ-R11</b>	<b>Hotel and Conference Activities</b>	

<sup>29</sup> PHC Reply to Hearing Panel Questions 19 April 2022

<sup>30</sup> DPR-0423.009 PHC

	...	<b>Activity status when compliance not achieved:</b> 2. When compliance with TEZ-R11.1.a. is not achieved: DIS
<b>TEZ-R12</b>	<b>Rural Tourism</b>	
	<b>Activity status:</b> PER 1. Rural tourism <b>Where:</b> a. the total area of land or <sup>31</sup> buildings associated with the activity, is less than 100m <sup>2</sup> .	<b>Activity status when compliance not achieved:</b> 2. When compliance with TEZ-R12.1.a. is not achieved: DIS
<b>TEZ-R13</b>	<b>Recreation Activities</b>	
	...	
<b>TEZ-13A</b>	<b>Maintenance Activities</b>	
-	<b>Activity status:</b> PER 1. Maintenance Activity <b>Where:</b> a. it is located within the Maintenance Sub-Area, shown on TEZ-FIG1.	<b>Activity status when compliance not achieved:</b> 2. When compliance with TEZ-R13A.1.a. is not achieved: DIS
<b>TEZ-R14</b>	<b>Keeping of Animals</b>	
	...	
<b>TEZ-R15</b>	<b>Public Amenity Services</b>	
	<b>Activity Status:</b> PER 1. Public Amenity	<b>Activity status when compliance not achieved:</b> N/A
	<b>Activity Status:</b> PER 2. The establishment of amenity services provided by a private entity for public use, limited to: a. public toilets b. Visitor information kiosks c. erection of information and directional signs (excluding billboards) ; d. shelters and shade structures; e. outdoor furniture and structures, such as seats, picnic or barbeque area equipment, rubbish bins, pergolas, fences (including predator	<b>Activity status when compliance not achieved:</b> 3. When compliance with TEZ-R15.2 is not achieved: NC

<sup>31</sup> DPR-0423.011 PHC

	and animal enclosure fences), steps, retaining walls, viewing platforms and boardwalks;	
	f. walking, cycling and maintenance tracks, including cycle ways;	
	g. bridges;	
	h. landscaping.	
<b>TEZ-R16</b>	<b>Conservation Activity</b>	
	...	
<b>TEZ-R17</b>	<b>Helicopter Landing Area</b>	
	<b>Activity Status:</b> PER 1. Helicopter landing area. <b>Where:</b> a. it is located within the <del>Golf Course</del> Outdoor Recreation <sup>32</sup> Sub-Area; b. ...  <b>Note:</b> Helicopter movements for emergency purposes are provided for through TEMP-R7. <sup>33</sup>	<b>Activity status when compliance not achieved:</b> 2. When compliance with TEZ-R17.1. is not achieved: DIS
<b>TEZ-R18</b>	<b>Any activity not otherwise listed</b>	
	...	

## TEZ-Rule Requirements

<b>TEZ-REQ1</b>	<b>Sewage Treatment and Disposal</b>	
	1. All sewage treatment and disposal shall be reticulated and treated, then disposed to land in the area identified on the outline development plan in <u>TEZ-FIG1</u> . 2. ...	...
<b>TEZ-REQ3</b>	<b>Height</b>	
	1. The maximum height shall be in accordance with <u>TEZ-TABLE1</u> Table 1 <sup>34</sup> .	<b>Activity status when compliance not achieved:</b> 5. When compliance with TEZ-REQ3. is not achieved: DIS

<sup>32</sup> DPR-0423.014 PHC

<sup>33</sup> DPR-0423.014 PHC

<sup>34</sup> Cl.16(2) amendment to include correct reference

<b>TEZ-TABLE1 - Height</b> ('subject to cl16(2) amendment')		
<b>Maximum Height</b>	<b>Shall not Exceed:</b>	
Hotel and Conference Facilities	22m (including chimneys)	
Hunting and Fishing Lodges and any building or structure used for maintenance or utility purposes <sup>35</sup>	8m	
Golf Clubhouse	17m (including chimneys)	
Sports facility	17m	
Shops and offices	12m	
Towers for filming	25m	
Any building or structure in the Outdoor Recreation and Farming Activity and Staff Accommodation Sub-Areas <sup>36</sup>	9m	
Any other Building or Structure	12 17 <sup>37</sup> m	
<b>TEZ-REQ4</b>	<b>Design and Appearance</b>	
	<ol style="list-style-type: none"> <li>External cladding materials shall be timber, local stone, textured cement plaster, or a combination thereof.</li> <li>External surfaces of any building shall not exceed a maximum reflectance value of 37%.</li> <li>Roof pitch shall be greater than 30 degrees.</li> <li><del>Each residential unit has a minimum site area of 400m<sup>2</sup>.<sup>38</sup></del></li> </ol>	<p><b>Activity status when compliance not achieved:</b></p> <p><del>54.</del> When compliance with TEZ-REQ4. is not achieved: <del>DIS-RDIS</del><sup>39</sup></p> <p><b>Matters for discretion:</b></p> <p><u>5. The exercise of control in relation to TEZ-REQ4.4 is restricted to the following matters:</u></p> <ol style="list-style-type: none"> <li><u>The extent to which the design and appearance of buildings:</u> <ol style="list-style-type: none"> <li><u>is compatible with a historic country theme and reflects the natural, rural, and high country character of the site and locality;</u></li> <li><u>enhances those parts of the natural landscape and vegetation identified on TEZ-FIG1;</u></li> <li><u>does not adversely impact on neighbouring property's privacy; and</u></li> </ol> </li> </ol>

<sup>35</sup> DPR-0423.018 PHC

<sup>36</sup> DPR-0423.008 PHC

<sup>37</sup> DPR-0423.016 PHC

<sup>38</sup> Cl.16(2) to remove unnecessary duplication as this matter is already addressed in SUB-REQ1.11.

<sup>39</sup> DPR-0423.017 PHC

		iv. <u>minimises any visual effects.</u>
<b>TEZ-REQ5</b>	<b>Landscaping</b>	
	<ol style="list-style-type: none"> <li>1. A landscaping plan is submitted with each building consent application that shows how it: <ol style="list-style-type: none"> <li>a. is planted with predominantly natives, with no flowering annuals or bedding plants and uses native trees and shrubs listed in <u>TEZ-TABLE2 Schedule 1, Figure 2</u>;</li> <li>b. ...</li> </ol> </li> <li>2. For Hunting Lodges, the landscaping plan also shows: <ol style="list-style-type: none"> <li>a. ...</li> <li>b. the escarpment above the hunting lodge terrace planted with native plants listed in <u>TEZ-TABLE2 Schedule 1, Figure 2</u>.</li> </ol> </li> <li>3. ...</li> </ol>	<b>Activity status when compliance not achieved:</b> ...
<b>TEZ-REQ<sup>40</sup>6</b>	<b>Design and Appearance of Maintenance and Utility Buildings and Structures</b>	
	<u>1. The external surfaces of any building or structure shall not exceed a maximum reflectance value of 37%.</u>	<b>Activity status when compliance not achieved:</b> 2. When compliance with any of TEZ-REQ <sup>40</sup> 6.1 is not achieved: <u>RDIS</u>  <b>Matters for discretion:</b> <u>3. The exercise of control in relation to TEZ-REQ<sup>40</sup>6.2 is restricted to the following matters:</u> <u>a. The extent to which the design and appearance of buildings or structures:</u> <u>i. reflects the natural, rural, and high country character of the site and locality; and</u> <u>ii. minimises any visual effects.</u> <u>a. The extent to which the visual effect of buildings or structures is minimised by:</u> <u>i. their design and appearance; or</u> <u>ii. landscaping or bunding</u>

<sup>40</sup> DPR-0423.018 PHC

## TEZ-Schedules

### TEZ-SCHED1 – Figures Outline Development Plan and Planting List<sup>41</sup>

#### TEZ – FIG1 TEZ-FIG1<sup>42</sup> Sub-Areas



<sup>41</sup> Cl.16(2) amendment to amend title

<sup>42</sup> PHC Reply to Hearing Panel Questions 19 April 2022