

# Proposed Selwyn District Plan



## Section 42A Report

Report on submissions and further submissions

Grasmere, Porters Ski, and Terrace Downs Special Purpose Zones

Jocelyn Lewes

March 2022

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## List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0032	Christchurch City Council	CCC
DPR-0078	Ian Laurenson	-
DPR-0100	Annette Shankie	-
DPR-0207	Selwyn District Council	SDC
DPR-0298	Trices Road Re-zoning Group	Trices Road
DPR-0345	Porters Alpine Resort	PAR
DPR-0353	Horticulture New Zealand	HortNZ
DPR-0358	Rolleston West Residential Limited (RWRL)	RWRL
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	IRHL
DPR-0371	Christchurch International Airport Limited	CIAL
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	RIHL
DPR-0375	Waka Kotahi NZ Transport Agency	Waka Kotahi
DPR-0378	The Ministry of Education	MoE
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	RIDL
DPR-0391	Castle Hill Adventure Tours Limited	CHAT
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	Forest & Bird
DPR-0414	Kāinga Ora - Homes & Communities	Kāinga Ora
DPR-0422	Federated Farmers of New Zealand – North Canterbury	NCFF
DPR-0423	PHC Terrace Downs Resort Limited	PHC
DPR-0446	Transpower New Zealand Limited	Transpower
DPR-0453	Midland Port, Lyttelton Port Company Limited	LPC
DPR-0455	Paul & Fay McOscar	-
DPR-0456	Four Stars Development & Gould Developments Ltd	Four Stars & Gould

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

## Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
CRPS	Canterbury Regional Policy Statement 2013
GRUZ	General Rural Zone
IMP	Mahaanui Iwi Management Plan 2013
Planning Standards	National Planning Standards
NPS-UD	National Policy Statement on Urban Development
NPS-UDC	National Policy Statement on Urban Development Capacity
PDP	Proposed Selwyn District Plan
RMA or Act	Resource Management Act 1991
ODP	Outline Development Plan
SDP	Selwyn Operative District Plan

## 1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to three Special Purpose Zones – Grasmere Zone (GRAZ), Porters Ski Zone (SKIZ) and Terrace Downs Zone (TEZ) chapters in the PDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on these chapters and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 The recommendations are informed by the evaluation undertaken by myself as the planning author. In preparing this report I have had regard to the:
- [Overview s42A report](#) that addresses the higher order statutory planning and legal context, prepared by Mr Robert Love
  - [Strategic Directions s42A report](#) also prepared by Mr Robert Love
  - [Part 1 Introduction and General Provisions s42A report](#) prepared by Ms Jessica Tuilaepa
  - [Energy and Infrastructure s42A report](#) prepared by Ms Vicki Barker
  - [Transport s42A report](#) prepared by Mr Jon Trewin
  - [Natural Hazards s42A report](#) prepared by Ms Rachael Carruthers
  - [Earthworks s42A report](#) prepared by Mr Ryan Mayes
  - [Noise s42A report](#) prepared by Ms Vicki Barker.
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

## 2. Qualifications and experience

- 2.1 My full name is Jocelyn Margaret Lewes. I am employed by the Council as a Strategy and Policy Planner. My qualifications include a Bachelor of Commerce (Tourism) from Lincoln University and a Bachelor of Planning from the University of Auckland.
- 2.2 I have over 20 years' experience working as a resource management planner, including having been employed in various resource management positions in local governments and private companies in New Zealand and Australia since 1995. I have been involved in the development of various baseline and preferred option reports within the PDP process, as well as drafting the provisions and writing the s32 report for the Residential Zone chapters.
- 2.3 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

### 3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to three Special Purpose Zone chapters of the PDP – GRAZ, SKIZ and TEZ.
- 3.2 Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this Report. Footnoted references in Appendix 2 to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report.

### 4. Statutory requirements and planning framework

#### **Resource Management Act 1991**

- 4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations<sup>1</sup>. Regard is also to be given to the CRPS, any regional plan, district plans of adjacent territorial authorities, and the IMP.
- 4.2 As set out in the [Overview Section 32 Report](#), and [Overview s42a Report](#), there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail within this report where relevant to the assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.
- 4.3 The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this report, being:
- [Strategic Directions](#)
  - [Grasmere](#)
  - [Porters](#)
  - [Terrace Downs](#)
- 4.4 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken in this report, as appropriate.

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<sup>1</sup> Section 74 RMA

### **National Planning Standards**

- 4.5 As set out in the [Overview s42a Report](#), the Planning Standards were introduced to improve the consistency of council plans and policy statements. The Planning Standards were gazetted and came into effect on 5 April 2019. The PDP has been prepared in accordance with the Planning Standards.
- 4.6 The Planning Standards provide for additional 'special purpose' zones where the proposed land use activities or anticipated outcomes of the zone are significant to the district, region or country, are impractical to be managed through another zone and are impractical to be managed through a combination of spatial layers. Special purpose zones for Grasmere, the Porters Ski and Recreation Area and Terraced Downs identify the unique and specific nature of these environments and recognise their significance to the district. As discussed in the relevant s32 reports, these zones provide a framework to recognise the areas, which are impracticable to be managed within the General Rural Zone or a combination of spatial layers and ensures that development that occurs within each area is appropriately managed.

## **5. Procedural matters**

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

### **Clause 16(2) Amendments**

- 5.2 Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the PDP using cl.16(2) and these are documented in reports available on the Council's website. Those that have already been made to the chapters addressed in this report are set out in the table below.

Date	Provision	Issue	Amendment
7 May 2021	Tables (throughout plan)	Inconsistent numbering of Tables throughout the plan - some chapters use TOPIC-Table X, others use Table-TOPIC-X, 'table' is inconsistently all caps or not.	Check all table headings for consistency with the drafting protocol and amend table headings and cross references as required (no changes to actual table numbers)
7 May 2021	GRAZREQ7.1.a	Reference to 'Schedule 2' should be to 'Figure 2'.	Amend reference from 'Schedule 2' to 'Figure 2'.

- 5.3 Where a submitter has requested the same or similar changes to the PDP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments and identified by way of a footnote in this s42A report. Similarly, cl.16(2) amendments identified through the process of preparing this report are also identified by way of a footnote in Appendix 2 of this s42A report.

### **Submissions**

- 5.4 Several submission points were wrongly recorded in the summary or omitted, or have been reallocated from another hearing stream. These include:

- 5.4.1 PAR submission points DPR-0345.034 and DPR-0345.037 were as categorised as relating to a rule (provision type) whereas they more appropriately relate to a rule requirement, which is where they, along with any related further submissions, have been considered.
- 5.4.2 PAR submission point DPR-0345.037 is also considered to be a duplication of DPR-0345.013. As such the two submission points, along with the relevant further submissions, have been considered together.
- 5.4.3 PAR submission point DPR-0345.013 contained an alternative relief and this has been identified as DPR-0345.036. This submission point was considered at the Transport hearing, with the recommendation of the reporting officer being that it be addressed within the scope of this s42A. As such, DPR-0345.036 has also been included within this report.
- 5.4.4 PHC submission point DPR-0423.018 seeks an associated amendment to the rule requirement related to height. This was not recorded in the summary.

## 6. Consideration of submissions

### **Overview of submissions**

- 6.1 There were two original submission points and 25 further submission points in relation to matters related to the GRAZ chapter.
- 6.2 There were 28 original submission points and 52 further submission points in relation to matters related to the SKIZ chapter.
- 6.3 There were 26 original submission points and 27 further submission points in relation to matters related to the TEZ chapter.

### **Structure of this report**

- 6.4 This report firstly addresses submission received in relation to the definition of rural tourism, which is applicable across a number of zones. Then it discusses those submissions received in relation to the three zones covered by the report, discussing any relevant definitions then the objectives, policies, rules, rule requirements and schedules within the zone. Finally, submissions which relate to other matters applicable across all three zones, such as non-notification clauses, are discussed.
- 6.5 The assessment of submissions generally follows the following format: Submission Information; Analysis; and Recommendations and Amendments. Where amendments have been recommended, a s32AA assessment has been provided at the end of that section of the report, if required.

## 7. Rural Tourism

### **Introduction**

- 7.1 This section responds to the submission point relating to the definition of rural tourism only. Submission points in relation to rural tourism as an activity are considered in relation to the relevant zones.

### **Submissions**

- 7.2 One submission point was received in relation to the definition of rural tourism.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0422	NCCF	080	Rural Tourism	Oppose In Part	Amend as follows: means the use of land and/or buildings where participants <del>are attracted to</del> experience rural production, primary industry.....

### ***Analysis***

- 7.3 NCCF<sup>2</sup> seeks an amendment to the definition of rural tourism to remove wording that may relate to a person's intrinsic motivation for participating in the activity. I consider that amending the definition as requested does not detract from the intent of the definition therefore I recommend that this submission point is accepted.

### ***Recommendations and amendments***

- 7.4 I recommend, for the reasons given, that the Hearings Panel:
- a) amend the definition of rural tourism as shown in **Appendix 2** to focus on the activity and not a person's motivation for undertaking that activity.
- 7.5 It is recommended that submission point be accepted as shown in **Appendix 1**.
- 7.6 The scale of change does not require a s32AA evaluation.

## **8. GRAZ – Grasmere Zone**

### ***Introduction***

- 8.1 This section responds to the submission points that are specifically related to the GRAZ chapter of the PDP.

### ***Submissions***

- 8.2 One submission point was received in relation to GRAZ-R6 which is the rule related to rural tourism.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0207	SDC	075	GRAZ-R6	Oppose In Part	Amend as follows: 1. Rural tourism Where: a. the total area of land or buildings associated with the activity, <u>excluding walking and cycling tracks,</u> is less than 100m <sup>2</sup> .

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<sup>2</sup> DPR-0422.080 NCCF



### ***Analysis***

- 8.3 The definition of rural tourism includes walking and cycling tracks, and this has not been challenged by way of submission. However, within the activity rule, a limit on the total area of land or buildings has been incorporated into the permitted activity status. SDC<sup>3</sup> seeks that walking and cycling tracks are excluded from this limit. I considered whether it would be more appropriate to remove *walking and cycling tracks* from the definition of rural tourism, however I consider that there may be situations where a walking or cycling track is proposed and it would be appropriate to classify this as rural tourism. As such, I recommend that this submission point be accepted as I do not consider that it was the intent to limit the scale of walking or cycling tracks within this zone, as this activity is envisaged within the definition.
- 8.4 I note that *rural tourism* is only identified as an activity in GRAZ and TEZ. As discussed within paragraph 10.42, a submission has been received seeking that a limit only be applied to the area of *buildings* used for rural tourism. For the reasons set out in paragraph 10.42 below, I request that the Panel consider if there is scope to align GRAZ-R6 with TEZ-R12, such that the limit only be applied to buildings and not land.

### ***Recommendations and amendments***

- 8.5 I recommend, for the reasons given, that the Hearings Panel:
- a) amend GRAZ-R6 as shown in **Appendix 2** to exclude walking and cycling tracks from the area limit associated with rural tourism activities.
- 8.6 It is recommended that submission point be accepted as shown in **Appendix 1**.
- 8.7 The scale of change does not require a s32AA evaluation.

## **9. SKIZ – Porters Ski Zone**

### ***Introduction***

- 9.1 This section responds to the submission points that are specifically related to the Porters Ski Zone (SKIZ) chapter of the PDP. A consolidated evaluation of the recommended changes pursuant to s32AA is provided at the end of this section.

### **Name of Zone**

### ***Submissions***

- 9.2 One submission point and two further submission points were received in relation to the name/unique identifier given to this Special Purpose Zone within the PDP.

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<sup>3</sup> DPR-0207.075 SDC

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	001	SKIZ	Oppose In Part	Rename the Special Purpose Porters Ski Zone to the Special Purpose Porters Recreation Zone or Special Purpose Recreation Zone RECZ. Refer to original submission for full decision requested.
DPR-0391	CHAT	FS005	SKIZ	Support	We wish the submission point to be allowed in full as requested by PAR
DPR-0407	Forest & Bird	FS786	SKIZ	Oppose	Reject the submissions

### Analysis

- 9.3 While PAR<sup>4</sup> supports the use of a Special Purpose Zone, it opposes the name and unique identifier used within the PDP, namely *Porters Ski Zone* and SKIZ, and seeks an alternative that appropriately conveys the multi-use development and activities intended for the zone, which is suitable for, and intended to be used for, a wide range of alpine outdoor experiences year-round.
- 9.4 As the name and unique identifier were developed for the purposes of the PDP, and were not mandated by the National Planning Standards, there is no impediment to amending either, however I do consider it appropriate that 'Porters' is retained in the identifier, so as to retain a locational connection and to be consistent with the approach taken for similar zones, such as those discussed in this report. I therefore recommend that the Special Purpose Zone be renamed the *Porters Recreation Zone*, with PRZ as the acronym.
- 9.5 As the zone name and unique identifier are used within other parts of the PDP, minor consequential amendments would be required to the PDP. These are detailed in **Appendix 2**.
- 9.6 For ease of writing and reading, I have continued to use SKIZ throughout this report as the submission tables refer to this when referencing the relevant provisions of the PDP.

### Recommendations and amendments

I recommend, for the reasons given, that the Hearings Panel:

- amend the name of the zone to 'Porters Recreation Zone'
  - amend the zone code (acronym) to 'PRZ'
  - make any consequential amendments as required throughout the PDP to reflect the proposed amendments, as shown in **Appendix 2**.
- 9.7 It is recommended that the original submission point and further submissions points are either accepted or rejected as shown in **Appendix 1**.

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<sup>4</sup> DPR-0345.001 PAR

## Definition

### Submissions

- 9.8 One submission point and one further submission point was received in relation to the insertion of a new definition into the PDP to assist in interpretation.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	008	New (SKIZ)	Oppose In Part	Insert as follows: <u>Ski Management and Operations means: Facilities, buildings and activities associated with the management and operation of a Ski Area, including but not limited to avalanche control, weather stations, pump stations, snow-making infrastructure, fuel storage, snow fences, plant nursery, storage and maintenance, equipment and clothing hire facilities, ski school, ski member facilities, race team and competition facilities, sports medicine and rehabilitation, first aid, medical care and facilities, childcare, helicopter access and landing and emergency access and emergency services.</u>
DPR-0407	Forest & Bird	FS793	New (SKIZ)	Oppose	Reject the submissions

### Analysis

- 9.9 The SDP<sup>5</sup>, identifies, but does not define, facilities, building and activities that are associated with the management and operation of a ski area. PAR<sup>6</sup> have requested a definition be incorporated into the PDP that is consistent with the SDP, as they consider that the activities presently identified as appropriate and anticipated as part of an alpine recreation facility, will not be identified and supported without a clear definition under the PDP.
- 9.10 As subsequent rules SKIZ-R6 and SKIZ-R14 permit activities associated with *ski management and operations*, I consider that it is appropriate that context be provided around the nature of activities able to be undertaken in relation to this. However, as SKIZ-R14 Helicopter Movements specifically permits helicopter movements for ski management and operations, I consider that this part of the proposed definition should be deleted as it creates a circular loop whereby both the definition and the rule provide for the same activities.

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<sup>5</sup> SDP, Rural Volume Appendix 25 E25.1.1(b)

<sup>6</sup> DPR-0345.008 PAR

- 9.11 I note that the existing provisions in the SDP have not resulted in any unanticipated outcomes, so I consider it appropriate to carry forward the existing provision as a definition, subject to the amendment discussed above. As such, I recommend that the submission point be accepted in part.

#### ***Recommendations and amendments***

- 9.12 I recommend, for the reasons given, that the Hearings Panel:
- a) add a definition of ski management and operations as shown in **Appendix 2** to provide context around the nature of activities able to be undertaken in relation to the management and operations of the ski area.
- 9.13 It is recommended that the original submission point and further submission point are either accepted or rejected as shown in **Appendix 1**.

### **Objectives**

#### ***Submissions***

- 9.14 Two submission points, and two further submission points, were received in relation to the SKIZ objectives.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	002	SKIZ-O1	Support	Retain as notified
DPR-0407	Forest & Bird	FS787	SKIZ-O1	Oppose	Reject the submissions
DPR-0345	PAR	003	SKIZ-O2	Support	Retain as notified
DPR-0407	Forest & Bird	FS788	SKIZ-O2	Oppose	Reject the submissions

#### ***Analysis***

- 9.15 The support of PAR<sup>7</sup> for these objectives as notified is noted. I recommend these submission points be accepted.

#### ***Recommendations***

- 9.16 I recommend, for the reasons given, that the Hearings Panel retain SKIZ-O1 and SKIZ-O2 as notified.
- 9.17 It is recommended that the original submission points and further submission points are either accepted or rejected as shown in **Appendix 1**.

### **Policies**

#### ***Submissions***

- 9.18 Two submission points, and two further submission points, were received in relation to two of the SKIZ policies.

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<sup>7</sup> DPR-0345.002 and DPR-0345.003 PAR

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	004	SKIZ-P1	Oppose In Part	Amend as follows: <del>Avoid or mitigate ongoing use and</del> development of the Porters ski and recreation area where it does not comply with the outline development plans, shown in Schedule 1 or the anticipated development within the Sub-Areas, including staging.
DPR-0407	Forest & Bird	FS789	SKIZ-P1	Oppose	Reject the submissions
DPR-0345	PAR	005	SKIZ-P8	Oppose In Part	Amend as follows: Ensure that the natural landscape and ecological values of the zone are recognised and <del>protected from</del> use and development <u>responds to those values, avoiding protected areas and including inappropriate planting.</u>
DPR-0407	Forest & Bird	FS790	SKIZ-P8	Oppose	Reject the submissions

### Analysis

- 9.19 PAR<sup>8</sup> seeks that SKIZ-P1 be amended as it is considered unreasonable and inefficient to avoid the ‘on-going use’ of the area. The use of the zone has been established since the 1960’s and the objective of the zone is to provide a year round recreation area that provides for a range of alpine and outdoor recreation activities while still maintaining the natural values of the area. The relief sought by the submitter is the deletion of the words *ongoing use*. I consider that deleting word *ongoing* is appropriate, recognising both the existing use to date and the zone objectives, but *use* should be retained, such that any future activities in the zone are guided by the ODP.
- 9.20 PAR also consider that it is unreasonable to avoid development which may not fit within the staging requirements and that, as the development of the area is likely to be implemented over a period of years, providing for some flexibility within the policy framework is appropriate. SKIZ-REQ4 relates to the staging of development and PAR made submission points on this provision, which are discussed in paragraphs 9.64 – 9.66 below. However, for the purposes of consideration of the requested amendment to SKIZ-P1, I note that the submitter has not sought amendment to either the activity status for non-compliance with the requirement, or to several elements of the provision that require that certain infrastructure is established before further development can be undertaken. I also consider that some of the submitters concern may stem from a misunderstanding of the structure of the PDP, again as discussed in paragraphs 9.64 – 9.66 below. Notwithstanding this, I consider that the intent of the staging is to limit the scale of development so that it aligns with the provision of infrastructure, such that the village does not develop as a stand-alone commercial or residential facility without delivering the associated social, recreational and economic benefits of the recreation

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<sup>8</sup> DPR-0345.004 PAR

area. I therefore consider it appropriate that the policy be retained as notified, subject to the minor amendment discussed in paragraph 9.19 above.

- 9.21 I therefore recommend that the submission point in relation to SKIZ-P1 be accepted in part.
- 9.22 PAR<sup>9</sup> seeks that SKIZ-P8 be amended to acknowledge that the development of the area will involve the loss of some landscape and ecological values within the zone. PAR considers that these effects were identified and assessed through the 2011 rezoning and acknowledged within the SDP, and seeks that this acknowledgement is carried through into the PDP. I consider that the proposed amendment will better align with SKIZ-O2, which seeks to maintain the natural values of the area, while providing for a range of activities. I also consider that the proposed rules and rule requirements will ensure that development is relative to the capacity of the environment and is responsive to the ecological and landscape values of the locality, along with protecting areas of ecological significance and maintaining and enhancing indigenous vegetation cover. I therefore recommend that the submission point in relation to SKIZ-P8 be accepted.

### ***Recommendations and amendments***

- 9.23 I recommend, for the reasons given, that the Hearings Panel:
- a) amend SKIZ-P1 and SKIZ-P8 as shown in **Appendix 2** to recognise that use and development is intended for the zone but in a manner that recognises the values of the area.
- 9.24 It is recommended that the original submission points and further submission points are either accepted or rejected as shown in **Appendix 1**.

## **Rules**

### **SKIZ-R3 Minor Residential Units**

#### ***Submissions***

- 9.25 Two submission points were received in relation to SKIZ-R3.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0078	Ian Laurensen	012	SKIZ-R3	Support	Requests that rule has immediate legal effect.
DPR-0100	Annette Shankie	006	SKIZ-R3	Support	Retain as notified.

### ***Analysis***

- 9.26 Ian Laurensen<sup>10</sup> supports the rule, but seeks that it has immediate legal effect. Under Section 86B RMA, a rule can only be made legally effective before decisions on a plan are notified in certain circumstances. As this rule does not meet the criteria set out in in Section 86 I recommend this submission point is rejected.

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<sup>9</sup> DPR-0345.005 PAR

<sup>10</sup> DPR-0078.012 PAR

- 9.27 Annette Shankie's<sup>11</sup> support of the rule as notified is noted. I recommend this submission points be accepted.

### ***Recommendations***

- 9.28 I recommend, for the reasons given, that the Hearings Panel retain SKIZ-R3 as notified.
- 9.29 It is recommended that the original submission points are accepted or rejected as shown in **Appendix 1**.

### ***SKIZ-R4 Gondolas***

#### ***Submissions***

- 9.30 One submission point, and one further submission point, was received in relation to SKIZ-R4.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	006	SKIZ-R4	Oppose	Delete as notified and replace with: <u>SKIZ-R4 Gondolas</u> <u>Activity Status: RDIS</u> <u>1. Gondola</u> <u>Where:</u> <u>a. It is located within the Crystal Stream Sub-Area, as shown on the Outline Development Plan, in Schedule1.</u>
DPR-0407	Forest & Bird	FS791	SKIZ-R4	Oppose	Reject the submissions

### ***Analysis***

- 9.31 PAR<sup>12</sup> considers that, in translating the rules from the SDP, an error was made in relation to the activity status for chairlifts and gondolas. I concur with the analysis in the submission that, within the SDP, chairlifts are a controlled activity<sup>13</sup> and that gondolas are a restricted discretionary activity only in the Crystal Stream sub area due to the visual sensitivity of a gondola traversing this area. As there is no evidence to suggest that the operative provisions have resulted in any undesirable outcomes, I consider that it is appropriate that chairlifts be managed by SKIZ-R1.5, which captures all buildings and structures not otherwise listed in other rules and SKIZ-R4 be amended to address gondolas specifically. I therefore recommend that this submission point be accepted.

### ***Recommendations and amendments***

- 9.32 I recommend, for the reasons given, that the Hearings Panel:

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<sup>11</sup> DPR-0100.006 PAR

<sup>12</sup> DPR-0345.006 PAR

<sup>13</sup> Within the SDP, chairlifts are considered to be utilities, which are included the definition of building. Rule E25.2.3 identifies that all buildings located within the area shall be a controlled activity unless otherwise identified. Specific standards for utilities are set out in Rule E25.4.

- a) amend SKIZ-R4 as shown in **Appendix 2** to only include gondolas and only apply in the Crystal Stream sub area.

- 9.33 It is recommended that the original submission point and further submission point are either accepted or rejected as shown in **Appendix 1**.

### **SKIZ-R5 Parking Area**

#### ***Submissions***

- 9.34 One submission point, and one further submission point, was received in relation to SKIZ-R5.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	007	SKIZ-R5	Oppose	Delete as notified
DPR-0407	Forest & Bird	FS792	SKIZ-R5	Oppose	Reject the submissions

#### ***Analysis***

- 9.35 PAR<sup>14</sup> seek the deletion of SKIZ-R5 as they consider that the layout and number of car parks should be left to PAR to determine, acknowledging that it is in the company's interest that people are able to easily access and park within its land. PAR also consider that, unless the ODP is reinstated as per the SDP, the matters for control as drafted are not able to be implemented.
- 9.36 In considering if the rule should be deleted, I considered if the district wide Transport chapter could be relied upon to manage parking areas within the zone. However I consider that the intent of SKIZ-R5 is to control the location of parking areas, whereas the provisions in the Transport chapter seek to manage the formation of parking areas. I acknowledge that the ODP included in the chapter does not carry over all of the notations included and that this creates issues for the application of this rule. I therefore recommend that the submission point is rejected and that the Hearing Panel retain the rule as notified, but amend the figures in SKIZ-SCHED1 to show the intended layout of roads and bridges, as per the ODP in the SDP. This is discussed further in paragraphs 9.77 – 9.78 below.
- 9.37 A cl.16(2) amendment is also proposed to correct the rule requirement reference. The location rule requirement is SKIZ-REQ8, not SKIZ-REQ7 as notified.

#### ***Recommendations***

- 9.38 I recommend that the Hearings Panel retain SKIZ-R5 as notified, subject to the cl.16(2) amendment proposed to correct the rule requirement reference.
- 9.39 It is recommended that the original submission point and further submission point are either accepted or rejected in part as shown in **Appendix 1**.

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<sup>14</sup> DPR-0345.007 PAR



### **SKIZ-R7 Community Facilities**

#### ***Submissions***

- 9.40 One submission point, and two further submission points, were received in relation to SKIZ-R7. I note that the submitter has sought alternative relief to this provision, and this has been identified as separate submission points<sup>15</sup> which are discussed in paragraphs 9.57 – 9.59 and 9.71 below.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	009	SKIZ-R7	Oppose In Part	Specifically define and provide for recreational activities within the PAR. Alternatively amend SKIZ-REQ8 so that recreation activities are exempt from this rule requirement and delete SKIZ-R15 Helicopter Landing Areas.
DPR-0407	Forest & Bird	FS794	SKIZ-R7	Oppose	Reject the submissions
DPR-0423	PHC	FS004	SKIZ-R7	Support In Part	If recreation activities require a definition, then consistency for activities in special purpose zones needs to be accounted for.

#### ***Analysis***

- 9.41 In relation to SKIZ-R7, PAR<sup>16</sup> considers that the reliance on the definition of ‘community facility’ creates a conflict with other provisions, such as SKIZ-REQ8 and SKIZ-R15, and should be deleted in favour of a definition of either recreation activities or recreation facilities.
- 9.42 I do not consider that SKIZ-R7 as notified creates unintended consequences for outdoor recreation in an alpine environment. Rather, as notified, SKIZ-R7 provides for a wide variety of activities within the zone as permitted activities and, as it is not subject to any requirements including SKIZ-REQ8, there is no conflict with where these activities can occur. I therefore recommend that the submission point be rejected.

#### ***Recommendations***

- 9.43 I recommend, for the reasons given, that the Hearings Panel retain SKIZ-R7 as notified.
- 9.44 It is recommended that the original submission point and further submission points are either accepted or rejected as shown in **Appendix 1**.

### **SKIZ-R12 Educational Facility**

#### ***Submissions***

- 9.45 One submission point was received in relation to SKIZ-R12.

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<sup>15</sup> DPR-0345.034 and DPR-0345.035 PAR

<sup>16</sup> DPR-0345.009 PAR

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0378	MoE	040	SKIZ-R12	Support	Retain as notified

### ***Analysis***

- 9.46 MoE's<sup>17</sup> support of the provision as notified is noted. I recommend this submission point be accepted.

### ***Recommendations***

- 9.47 I recommend, for the reasons given, that the Hearings Panel retain SKIZ-R12 as notified.
- 9.48 It is recommended that the original submission point is accepted as shown in **Appendix 1**.

### ***SKIZ-R13 Landscaping and Tree Planting***

#### ***Submissions***

- 9.49 Two submission points and two further submission points were received in relation to SKIZ-R13.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	010	SKIZ-R13	Oppose In Part	Amend as follows: 1. Any Landscaping and Tree Planting <u>for amenity and enhancement</u> .
DPR-0407	Forest & Bird	FS795	SKIZ-R13	Oppose	Reject the submissions
DPR-0345	PAR	011	SKIZ-R13	Oppose In Part	Amend as follows: b. The planting patterns of shrubs, tussocks, and trees <u>in areas outside the Village Centre</u> has a natural appearance and arrangement, which reflects and harmonises with the landform; and ...
DPR-0407	Forest & Bird	FS796	SKIZ-R13	Oppose	Reject the submissions

### ***Analysis***

- 9.50 PAR seeks that SKIZ-R13 is amended to align the reach of the provision<sup>18</sup> and a matter of control<sup>19</sup> with the existing provisions of the SDP.
- 9.51 As the submitter has requested that the operative provisions be carried forward into the PDP, I have referred back to the SDP. While Rule E25.2.5 refers to planting for the purpose of *amenity and enhancement* as controlled activity, this rule is subject to Rules E25.10.1 and E25.10.2 for Tree Planting and Landscape Treatment. Rule E25.10.1 includes planting for the purposes of *re-vegetation*

<sup>17</sup> DPR-0378.040 MoE

<sup>18</sup> DPR-0345.010 PAR

<sup>19</sup> DPR-0345.011 PAR

as well as amenity or enhancement purposes. Therefore I consider that the reach of the SDP currently goes beyond planting solely for amenity and enhancement purposes. I therefore recommend that SKIZ-R13.1 be retained as notified and this submission point be rejected.

9.52 However the matter of control in the SDP in relation to the consideration of the planting patterns of shrubs, tussocks and trees does limit its reach to areas outside of the Village Centre<sup>20</sup>. As the existing provisions have not resulted in any unanticipated outcomes, I recommend that the submission point be accepted in part and that SKIZ-R13.2.b be amended.

9.53 A cl.16(2) amendment is also proposed to correct the reference in SKIZ-R13.5 to SKIZ-R13.3 as opposed to SKIZ-R13.2, and to align the heading of the rule and the rule list.

### ***Recommendations and amendments***

9.54 I recommend, for the reasons given, that the Hearings Panel:

- a) amend SKIZ-R13.2.b as shown in **Appendix 2** to limit the consideration of the planting pattern of shrubs, tussocks and trees to areas outside the village centre.

9.55 It is recommended that the original submission points and further submission points are accepted or rejected as shown in **Appendix 1**.

### ***SKIZ-R15 Helicopter Landing Area***

#### ***Submissions***

9.56 Two submission points and two further submission points were received in relation to SKIZ-R15.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	012	SKIZ-R15	Oppose	Delete as notified
DPR-0407	Forest & Bird	FS797	SKIZ-R15	Oppose	Reject the submissions
DPR-0345	PAR	035	SKIZ-R15	Oppose In Part	Specifically define and provide for recreational activities within the PAR; Or Amend SKIZ-REQ8 so that recreation activities are exempt from this rule requirement and delete SKIZ-R15 Helicopter Landing Areas.
DPR-0407	Forest & Bird	FS820	SKIZ-R15	Oppose	Reject the submissions

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<sup>20</sup> SDP, Rural Volume Appendix 25 E25.2.6.2

### ***Analysis***

- 9.57 PAR<sup>21</sup> consider that SKIS-R15 is unworkable and should be deleted. PAR<sup>22</sup> have also requested the deletion of SKIZ-R15 as an alternative relief in relation to SKIZ-R7, which was discussed in paragraphs 9.41 – 9.42 above.
- 9.58 The rule seeks to control the location of helicopter landing areas, such that they are 500m away from the notional boundary of any sensitive activities. PAR assert that, as the zone is a zone used for recreational purposes it falls within the definition of community facility which, in turn, is captured within the definition of sensitive activity. As such, SKIZ-R15 would seem to prevent helicopters from landing within the zone as a permitted activity at all, with all movements requiring consent as a discretionary activity. I do not consider that this was the intent of the rule, in particular as SKIZ-P6 seeks to enable helicopter movements within the zone. SKIZ-R14 permits helicopter movements associated with a range of activities without limit, and limits the number of helicopter movements in all other regards.
- 9.59 However, I do consider that the intent of the rule is to manage the location of landing areas in relation to noise sensitive activities, such as residential units or visitor accommodation facilities. Therefore I consider that the provision should be retained, but amended to remove reference to sensitive activities, relying solely on a setback from any notional boundary, which is defined as “*a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building*”. I therefore recommend that the submission points be accepted in part and that SKIZ-R15 be amended.

### ***Recommendations and amendments***

- 9.60 I recommend, for the reasons given, that the Hearings Panel:
- a) amend SKIZ-R15 as shown in **Appendix 2** to more appropriate manage the effects of helicopters landing areas within the zone.
- 9.61 It is recommended that the original submission points, and further submission points, are accepted in part or rejected as shown in **Appendix 1**.

### ***Requirements***

#### **SKIZ-REQ4 Staging**

#### ***Submissions***

- 9.62 Three submission points and five further submission points were received in relation to elements of SKIZ-REQ4.
- 9.63 As noted in paragraph 5.4.2 above, DPR-0345.037 is a duplicate of DPR-0345.013. And, as noted in paragraph 5.4.3 above, an alternative relief was identified by the submitter, identified as DPR-

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<sup>21</sup> DPR-0345.012 PAR

<sup>22</sup> DPR-0345.035 PAR

0345.036, seeking to delete this requirement and rely on TRAN-R8. At paragraph 11.27 of the Transport s42A, this submission point was referred back to this s42A for consideration.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	013	SKIZ-REQ4	Oppose In Part	Either: Delete the requirement entirely and rely on TRAN-R8 High trip generating activities which will trigger a requirement for an Integrated Transport Assessment in accordance with the thresholds identified in that rule; Or Amend SKI-REQ4.1 to read as follows: 1. <del>Construction of</del> Earthwork activities <del>in the Crystal Basin or for</del> buildings which either individually or in combination, increase the visitor accommodation capacity to 1,000 or more guests in the Village Base Sub-Area or for the establishment of skiable terrain in the Crystal Basin Sub Area shall only commence on: ...
DPR-0375	Waka Kotahi	FS281	SKIZ-REQ4	Oppose	Retain as notified.
DPR-0407	Forest & Bird	FS798	SKIZ-REQ4	Oppose	Reject the submissions
DPR-0345	PAR	036	TRAN-R8	Oppose In Part	Either: Delete the requirement entirely and rely on TRAN-R8 High trip generating activities which will trigger a requirement for an Integrated Transport Assessment in accordance with the thresholds identified in that rule; Or Amend SKI-REQ4.1 to read as follows: 1. <del>Construction of</del> Earthwork activities <del>in the Crystal Basin or for</del> buildings which either individually or in combination, increase the visitor accommodation capacity to 1,000 or more guests in the Village Base Sub-Area or for the establishment of skiable terrain in the Crystal Basin Sub Area shall only commence on: ...
DPR-0407	Forest & Bird	FS821	TRAN-R8	Oppose	Reject the submissions
DPR-0345	PAR	037	SKIZ-REQ4	Oppose	Either: Delete the requirement entirely and rely on TRAN-R8 High trip generating activities which will trigger a requirement for an Integrated

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
					Transport Assessment in accordance with the thresholds identified in that rule; Or Amend as follows: 1. <del>Construction of Earthwork activities in the Crystal Basin or for buildings which either individually or in combination, increase the visitor accommodation capacity to 1,000 or more guests in the Village Base Sub-Area or for the establishment of skiable terrain in the Crystal Basin Sub Area shall only commence on: ...</del>
DPR-0375	Waka Kotahi	FS282	SKIZ-REQ4	Oppose	Retain as notified.
DPR-0407	Forest & Bird	FS822	SKIZ-REQ4	Oppose	Reject the submissions
DPR-0345	PAR	014	SKIZ-REQ4	Oppose In Part	Amend SKIZ-REQ4.2b. and c. to read as follows: 2. No erection of buildings or structures (including lifts and tows) or commencement of ski operations within the Crystal Basin Sub Area until: a. A restrictive covenant is registered against the land comprising the Crystal Basin Ski Area that protects, in perpetuity, the area of land identified for protection on the outline development plan (Schedule 1) b. A <u>Health and Safety Plan incorporating any new risks or hazards from the new building, or structure, or the area of activity within Crystal Basin has been updated and provided to the District Council for its records.</u> <del>n Emergency Management and Response Plan for the Ski and Recreation Area has been prepared.</del> c. <del>A Hazard Risk Assessment is completed and provided to Council for certification. This shall include an avalanche control programme and proposed measures to reduce the risk of rock fall.</del>
DPR-0407	Forest & Bird	FS799	SKIZ-REQ4	Oppose	Reject the submissions

### ***Analysis***

- 9.64 SKIZ-REQ4 relates to the staging of development within the zone. As discussed above in paragraph 9.20, the intent of staging is to limit the scale of development so that it aligns with the provision of infrastructure. SKIZ-REQ4.1 provides that construction or earthwork activities within the Crystal Basin or Village Base sub-areas should only commence after completion of works to upgrade the intersection of State Highway 73 and the ski area access road. PAR<sup>23</sup> seek either the deletion of SKIZ-REQ-4.1 in favour of TRAN-R8, which requires that an integrated transport assessment be provided based on a threshold approach to high trip generating activities, or that the provision be amended to incorporate a threshold for the application of the provision.
- 9.65 I consider that, in relation to the concern regarding earthworks, the submission point appears to arise from a misunderstanding of the structure of the PDP. SKIZ-REQ4 is triggered in relation to SKIZ-R1 and SKIZ-R2, which relate to buildings and structures, including residential units, not in relation to earthworks itself. As such, the concern expressed in the submission point that small scale earthworks would require the upgrading of the intersection are unfounded. I further consider that the submitter has not provided any evidence, such as a transport assessment, in relation to the amended threshold proposed for the timing of the upgrading of the intersection. As such, I am unable to consider the appropriateness of the threshold proposed.
- 9.66 SKIZ-REQ4.1 has been carried through from the SDP and, as noted elsewhere in this report, the existing provision in the SDP has not resulted in any unanticipated outcomes and, in particular, has not prevented buildings and structures from being developed within the Zone. I therefore consider that the submission points relating to SKIZ-REQ4.1 should be rejected and the existing provision should be retained as notified.
- 9.67 SKIZ.R4.2.b and c. seek to limit development within the Crystal Basin Sub-Area until such time as an emergency management and response plan and a hazard risk assessment is provided to Council. PAR<sup>24</sup> submits that this terminology is inconsistent with the current requirements of New Zealand's Health and Safety legislation and accordingly considers that it is appropriate to update this requirement. I consider that amending the provision as requested does not detract from the intent of the provision, which is to allow Council to be satisfied that appropriate measures to ensure that the safety and wellbeing of future residents and visitors to the area have been considered. I therefore consider that the submission point relating to SKIZ-REQ4.2.b and c. should be accepted and the provision amended accordingly.

### ***Recommendations and amendments***

- 9.68 I recommend, for the reasons given, that the Hearings Panel:
- a) retain SKIZ-REQ4.1 as notified; and

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<sup>23</sup> DPR-0345.013, DPR-0345.036 and DPR-0345.037 PAR

<sup>24</sup> DPR-0345.014 PAR

- b) amend SKIZ-REQ4.2.b and c. as shown in **Appendix 2** to align the intent of the provision with the current requirements of relevant health and safety legislation.

9.69 It is recommended that the original submission point and further submissions points in relation to SKIZ-REQ4 are either accepted or rejected as shown in **Appendix 1**.

### **SKIZ-REQ8 Location**

#### **Submissions**

9.70 Three submission points and two further submission points were received in relation to SKIZ-REQ8.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	034	SKIZ-REQ8	Oppose In Part	Specifically define and provide for recreational activities within the PAR; Or Amend SKIZ-REQ8 so that recreation activities are exempt from this rule requirement and delete SKIZ-R15 Helicopter Landing Areas.
DPR-0407	Forest & Bird	FS819	SKIZ-REQ8	Oppose	Reject the submissions
DPR-0345	PAR	015	SKIZ-REQ8	Oppose	Delete SKIZ-REQ8.2 as notified
DPR-0407	Forest & Bird	FS800	SKIZ-REQ8	Oppose	Reject the submissions
DPR-0446	Transpower	125	SKIZ-REQ8	Oppose	Amend as follows: Activity status when compliance not achieved: .... 3. <u>Except as provided for in X,</u> <u>when <del>When</del> compliance with SKIZ-REQ8.1. is not achieved: NC</u> <u>X. When important infrastructure does not comply with SKIZ-REQ8.1: DIS</u>

#### **Analysis**

9.71 PAR made two submission points in relation to SKIZ-REQ8. The first<sup>25</sup> of these was as alternative relief to SKIZ-R7 and requested that recreation activities were exempt from the reach of this rule requirement. As discussed above in paragraphs 9.41 – 9.42, SKIZ-REQ8 is not applicable to SKIZ-R7, so I did not consider there was a need to specifically exclude recreation activities in relation to SKIZ-REQ8. I therefore recommend that this submission point be rejected.

9.72 PAR<sup>26</sup> also seek that SKIZ-REQ8.2 as notified be deleted. This element of the rule requirement directs that any activity or building is not located on, or breaks, the ridgeline when viewed from the State

<sup>25</sup> DPR-0345.034 PAR

<sup>26</sup> DPR-0345.015 PAR



Highway. While this rule requirement is applied in relation to SKIZ-R1, SKIZ-R2, SKIZ-R5 and SKIZ-R15, I consider that SKIZ-R1.5, which relates to buildings and structures located within the Crystal Stream, Crystal Basin, Porters Lower Slope and Porters Basin Ski Sub-Areas is the most relevant, due to the location of the various sub-areas. Buildings and structures in these sub-areas are controlled, with the matters of control including that design and appearance of buildings and structures avoids unnecessary buildings and structures on ridges to reduce visual impact on skyline, and reduce visibility from the State Highway. Within these sub-areas I consider that there are likely to be some structures, such as chairlifts, that will be located on ridgelines. As such I consider that the siting of structures can be effectively managed as a controlled activity, and I recommend that this submission point be accepted.

- 9.73 Transpower<sup>27</sup> request that important infrastructure is exempt from this rule requirement. While this submission point was not specifically considered by the Energy and Infrastructure s42A report and subsequent hearing, the intent of this point was. It is the intention that the Energy and Infrastructure chapter is a stand alone with respect to important infrastructure, therefore there is no need for specific zone provisions to apply, especially at the rule requirement level. I therefore recommend that this submission point be rejected.

#### ***Recommendations and amendments***

- 9.74 I recommend, for the reasons given, that the Hearings Panel:
- a) delete SKIZ-REQ8.2 as shown in **Appendix 2** as the effects of siting buildings and structures can be effectively managed through a controlled activity consent process, as provided for in the rules.
- 9.75 It is recommended that the original submission points, and further submission points, are accepted or rejected as shown in **Appendix 1**.

#### ***Schedule***

#### ***Submissions***

- 9.76 One submission point and one further submission point was received in relation to SKIZ-SCHED1.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0345	PAR	016	SKIZ-SCHED1	Oppose In Part	Reinstate the Outline Development Plans from the Operative District Plan.
DPR-0407	Forest & Bird	FS801	SKIZ-SCHED1	Oppose	Reject the submissions

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<sup>27</sup> DPR-0446.125 Transpower

### ***Analysis***

- 9.77 PAR<sup>28</sup> considers that the ODP as notified has not carried through details, such as roads and areas of protection, contained within the ODP in the SDP and that this impacts on the ability of the provisions to be effectively administered. As such, PAR seek that the ODP in the SDP is reinstated.
- 9.78 The ODP that exists in the SDP is a scanned version of a hard copy provided many years ago. As such there was a need to redraw it such that it could be incorporated into the PDP, which is now a fully integrated electronic plan. I acknowledge that the ODP as notified has been oversimplified and key elements have not been carried through. I recommend that the submission point be accepted in part, and that the ODP be amended to bring across all the necessary features, but in a format consistent with the PDP and I invite the submitter to provide any relevant drawings files to Council in this regard.

### ***Recommendations and amendments***

- 9.79 I recommend, for the reasons given, that the Hearings Panel:
- a) amend SKIZ-FIG1, SKIZ-FIG2 and SKIZ-FIG3 as shown in **Appendix 2** to bring through the level of detail shown on the existing ODP, in a format consistent with the style of the PDP, so as to enable the relevant provisions to be effectively administered.
- 9.80 It is recommended that the original submission point and further submission point are either accepted in part or rejected as shown in **Appendix 1**.

### ***Section 32AA evaluation***

- 9.81 The following points evaluate the recommended changes to the SKIZ chapter under Section 32AA of the RMA.

#### Effectiveness and efficiency

- 9.82 The proposed amendments to the SKIZ chapter are the most effective means of achieving the objectives of the zone and will ensure that the adverse effects on the environment are managed appropriately, as well as reduce uncertainty around the administration of the district plan.

#### Costs and benefits

- 9.83 There are unlikely to be significant extra costs of the proposed recommended changes, and they will reduce the likelihood of confusion and assist plan users to interpret the purpose of the provisions.

#### Risk of acting or not acting

- 9.84 The risk of not acting would be that the natural environment would not be appropriately protected from the adverse effects of development and that there is less clarity for plan users regarding the nature of activities that can be undertaken.

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<sup>28</sup> DPR-0345.016 PAR

### Conclusion as to the most appropriate option

- 9.85 The recommended amendments do not significantly change the approach in the original s32 report, however they do provide more clarity and will be more effective and efficient in ensuring that activities which may have adverse effects on the environment can be suitably considered and addressed, as required.

## 10. TEZ – Terrace Downs Zone

### ***Introduction***

- 10.1 This section responds to the submission points that are specifically related to the Terrace Downs Zone (TEZ) chapter of the PDP. A consolidated evaluation of the recommended changes pursuant to s32AA is provided at the end of this section.

### ***Schedule***

- 10.2 As a number of submission points seek consequential amendments following consideration of an amended ODP, the submission on this is considered first.

### ***Submissions***

- 10.3 One submission point was received in relation to the ODP TEZ-FIG1 Sub Areas contained in TEZ-SCHED1 – Figures.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	001	TEZ-SCHED1	Oppose In Part	Replace the ODP with the amended ODP attached to the submission.

### ***Analysis***

- 10.4 PHC<sup>29</sup> seek to replace the ODP notified in the PDP with one that better defines the sub-areas where specified activities and development can occur. In seeking to amend the ODP, PHC seeks to identify both existing activities and to acknowledge development and activities that have not yet been established but are anticipated within the zone by the SDP.
- 10.5 The changes to the ODP are discussed below, followed by an analysis of that aspect of the request. In considering the amended ODP provided by PHC, I have had regard to both the ODP in the SDP and the ODP notified in the PDP.
- 10.6 PHC seek to:
- 10.6.1 **define the physical extent of the existing golf course.** I support this component of the submission point as it recognises the development occurring on the ground and is generally

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<sup>29</sup> DPR-0423.001 PHC

consistent with the existing ODP in the SDP. I consider that the ODP as notified in the PDP extends the boundary of the *Golf Course Sub-Area* beyond that shown in the SDP.

- 10.6.2 **identify the balance areas available for sport and recreation activities as the *Outdoor Recreation Sub-Area*.** I support this component of the submission point as it is generally consistent with the ODP in the SDP. As above, I consider that the extent of the *Golf Course Sub-Area* has been incorrectly identified on the ODP as notified.
- 10.6.3 **amend the boundary of the proposed *Hotel Sub-Area* to accommodate a larger area for the preferred hotel location.** In the ODP as notified, this area is shown as *Tourist Accommodation Sub-Area* and *Hunting Lodge Sub-Area*. In the ODP in the SDP, these areas are shown as a *Lodge Area* and *Conference, Hotel & Sports Facilities & Staff Accommodation Area*. I note that the area annotated on the ODP in the SDP appears smaller than that on the ODP as notified. However, in terms of comparison between the ODP as notified and the amendment requested by PHC, I consider that the extent of the relevant area is generally consistent. PHC have requested that the name of the *Tourist Accommodation Area* be amended to *Hotel Sub-Area*, and to amend the internal boundary between this and the *Hunting Lodge Sub-Area*. In support of this amendment, PHC have submitted that this would provide flexibility for the location of a hotel and provide the option to set the building into the hillside landscape, while still maintaining views from the *Residential* and *Terrace Sub-Areas* over the roof of the hotel. I recommend that both the change of name to *Hotel Sub-Area* and to the internal boundary between the two areas be accepted as they are generally consistent with the ODP as notified.
- 10.6.4 **separate the *Crown Reserve* and *Covenant Sub-Areas* to distinguish public land from land that is in private ownership.** The ODP as notified in the PDP aggregates these two areas into one, being the *Covenant/Reserve Sub-Area*, while the ODP in the SDP shows these are two distinct areas. I support this component of the submission point as it consistent with the existing ODP in the SDP and distinguishing between the two areas will aid in the administration of the relevant provisions within the zone.
- 10.6.5 **identify the balance of the site as *Farming activities and Staff Accommodation Sub-Area*.** This sub-area is located near Coleridge Road at the northern end of the site. The ODP in the SDP identifies staff accommodation within areas that have subsequently been developed as part of the *Residential Sub-Area*. While it was not given a specific identifier in the SDP, this area has been shown as part of the *Golf Course Sub-Area* in the ODP as notified. I support the change requested as it relates to permitted uses of the area, and will aid in the administration of the relevant provisions within the zone.
- 10.6.6 **identify land previously consented for conference and tourism accommodation activities.** As notified, the ODP shows this area as either *Tourist Accommodation Sub-Area* or *Terraces Sub-Area*. I support this component of the submission point as it better defines the use of this area and the effects will not be dissimilar from development currently provided for within the sub-areas as notified.

- 10.6.7 **identify a larger area that will be required for wastewater treatment for full site development.** The ODP as notified reflects the as developed location of the sewage treatment area, which is located in a different location from that shown on the ODP in the SDP. Regardless, I support the extension of the *Sewage Treatment Sub-Area* as requested, noting that any extension to this facility will require that the appropriate consents are obtained.
- 10.6.8 **identify the area of the site used for maintenance activities.** The ODP in the SDP does indicate a maintenance area, albeit a smaller area than that requested by PHC. The ODP as notified shows this area as *Tourist accommodation area*. I support the separate identification of this area as it both reflects the existing development of the area and will aid in the administration of the relevant provisions within the zone.
- 10.7 I note that consequential amendments are proposed to the boundaries of the *Terraces Sub-Area* and the *Residential Sub-Area* as a result of the above amendments sought. I consider that these amendments are minor and do not challenge the intent of the ODP.
- 10.8 I also note that the ODP provided by way of submission also includes an annotation for a helicopter landing area. While this is not identified on the ODP as notified, the ODP in the SDP does indicate a 'heli-pad' area in this general location, and I support the identification of this on the ODP.
- 10.9 The ODP provided also includes additional detail, such as walkways, lakes and the ONL Overlay: Rakaia River. Although not required, I appreciate the inclusion of this level of detail as I consider it assists in determining the spatial location of the sub-areas.
- 10.10 A cl.16(2) amendment is also proposed to correct the reference to the ODP, to remove the spaces between TEZ – FIG1.

### ***Recommendations and amendments***

- 10.11 I recommend, for the reasons given, that the Hearings Panel:
- a) replace the ODP in TEZ-FIG1 with the ODP provided with the submission, as included in **Appendix 2** to better define the sub-areas where specific activities and development can, and is expected to, occur.
- 10.12 It is recommended that the original submission point is accepted as shown in **Appendix 1**.
- 10.13 I invite the submitter to provide the relevant drawings files to Council to assist Council in preparing an amended version of the ODP in the form consistent with the PDP.

### ***Policies***

#### ***Submissions***

- 10.14 Three submission points, and one further submission point, were received in relation to three of the TEZ policies notified. Two additional submission points were received seeking the inclusion of new policies.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	002	TEZ-P2	Oppose In Part	Amend to identify the Sub-Areas on the ODP where tourism, hospitality and accommodation activities can occur.
DPR-0423	PHC	003	TEZ-P3	Oppose In Part	Amend to identify the Sub-Areas on the ODP where residential units and staff accommodation can occur.
DPR-0423	PHC	004	TEZ-P7	Oppose In Part	Amend as follows: <del>Avoid</del> <u>Restrict</u> development in the Crown Reserve (and Covenanted Sub-Area) shown on the outline development plan, in Schedule 1. <u>Any development in the Reserve Sub-Areas shall maintain open space values, shall not dominate the landscape or detract from the Outstanding Natural Landscape.</u>
DPR-0407	Forest & Bird	FS161	TEZ-P7	Oppose	Reject the submission
DPR-0423	PHC	005	New (TEZ)	Neither Support Nor Oppose	Amend to include a new policy to provide for sport, recreation and helicopter movements in the Outdoor Recreation Sub-Area identified on the ODP.
DPR-0423	PHC	006	New (TEZ)	Neither Support Nor Oppose	Amend as follows: <u>Enable helicopter movements associated with visitor accommodation, tourism and recreational activities and firefighting for emergency services.</u>

### Analysis

10.15 PHC seeks that TEZ-P2<sup>30</sup> and TEZ-P3<sup>31</sup> be amended so as to align the sub-areas referred to in the policy with the amended ODP. As I have recommended that the ODP be amended, I recommend that the submission points in relation to TEZ-P2 and TEZ-P3 be accepted and the policies be amended as appropriate.

10.16 PHC<sup>32</sup> seek that the policy framework in TEZ-P7, relating to the reserve area is “softened” to provide for development and activities in this sub-area where landscape values are not adversely affected. Noting that I am recommending amendments to the ODP, the area in question is proposed to be identified as the *Reserve Sub-Area* and the *Covenant Sub-Area*. In this regard, I consider that having read the full submission, rather than the *Reserve Sub-Area* as identified, the additional sentence

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<sup>30</sup> DPR-0423.002 PHC

<sup>31</sup> DPR-0423.003 PHC

<sup>32</sup> DPR-0432.004 PHC

proposed to TEZ-P7 should actually refer to the *Covenant Sub-Area*. I invite the submitter to correct my interpretation if I am wrong.

- 10.17 I consider that this submission point should be accepted in part. Having regard to the provisions of the zone, as well as the PDP as a whole, in particular the provisions in the Natural Features and Landscapes chapter, I consider that it is not the intent to avoid all development within either sub-area, rather these areas should be protected from inappropriate use and development. Permitted development is to be of a small scale, pertaining to the provision of ‘public amenity’ or ‘ancillary structures’. Therefore, I recommend that the policy be clarified to indicate that inappropriate development should be avoided, and that the names of the sub-areas are accurately identified.
- 10.18 PHC also seeks to enable compatible activities and development within the *Covenant Sub-Area* to be considered on its merits where it is not located in the ONL overlay and that it can be appropriately demonstrated that landscape effects can be managed via a consent process. Aligned with this request is a submission point in relation to TEZ-R15 Public Amenity. Having regard to the analysis and recommendation at paragraphs 10.51 – 10.52 below, I recommend that this component of this submission point be rejected as I consider that potential development within this sub-area may not align with the objectives and policies of the zone and any adverse effects could be more than minor.
- 10.19 PHC<sup>33</sup> seek that a new policy be included in the PDP to better implement the amended ODP and to achieve consistency with other policies which seek to enable the anticipated development within the applicable sub-area. I recommend that this submission point be accepted to provide a line of sight to the subsequent rules and for consistency within the chapter.
- 10.20 PHC also seek that a policy be added to manage helicopter movements within the zone, consistent with similar policies in other zones, such as SKIZ and GRUZ. I recommend that this submission point be accepted to provide a line of sight to subsequent rules and for consistency within the PDP.

### ***Recommendations and amendments***

- 10.21 I recommend, for the reasons given, that the Hearings Panel:
- a) add two new policies, and amend TEZ-P7, as shown in **Appendix 2** to provide support for the related rules and for consistency within the PDP.
- 10.22 It is recommended that the original submission points and further submission points are either accepted or rejected as shown in **Appendix 1**.

### **Rules**

#### **TEZ-R4 Residential Units**

#### ***Submissions***

- 10.23 One submission point was received in relation to TEZ-R4.

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<sup>33</sup> DPR-0423.005 PHC

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
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> 69 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).

### ***Analysis***

10.24 PHC<sup>34</sup> seeks amendments to TEZ-R4 to clarify the provision. The first amendment seeks recognise that 69 existing residential sections have been created by way of subdivision, rather than 68 as included in the PDP. Secondly, an amendment is requested to TEZ-R4.1.c to ensure that large vacant sites in the *Residential Sub-Area* are not developed in such a manner that would leave other existing vacant sites without the ability to construct a residential unit on them. I consider that the provision as notified is sufficiently clear and does not require the 'grandfather' clause as proposed. I therefore recommend that this submission point be accepted in part.

### ***Recommendations and amendments***

10.25 I recommend, for the reasons given, that the Hearings Panel:

a) amend TEZ-R4 as shown in **Appendix 2** to align the provision with the consented environment.

10.26 It is recommended that the original submission point is accepted in part as shown in **Appendix 1**.

### **TEZ-R6 Any other Building or Structure**

#### ***Submissions***

10.27 One submission point was received in relation to TEZ-R6. Two additional submission points were received seeking an alternative relief to TEZ-R6.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	008	TEZ-R6	Oppose In Part	Amend to allow for buildings, structures, and ancillary buildings for outdoor recreation, farm activity, staff accommodation and maintenance Sub-Areas and amend the activity status from discretionary to controlled. Also refer to submission point 21 which seeks alternative relief of a new rule for utilities and maintenance activity.

<sup>34</sup> DPR-0423.007 PHC



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	020	New (TEZ)	Neither Support Nor Oppose	Add a new rule to enable new buildings and activities and the use of existing buildings in the 'Farming Activities and Staff Accommodation' area now proposed on the ODP, similar to TEZ-R1-R5 and with similar rule requirements.
DPR-0423	PHC	021	New (TEZ)	Neither Support Nor Oppose	Add a new rule to permit buildings for utility and maintenance purposes in the Maintenance Sub-Areas (similar to TEZ-R1 to TEZ-R5) and a new rule to permit maintenance and utility activities; or Amend TEZ-R6 to permit such buildings and activities (refer to submission point 008).

### ***Analysis***

10.28 PHC<sup>35</sup> request that the provisions be added to allow for buildings and structures, including ancillary buildings, associated with the *Outdoor Recreation, Farming Activity and Staff Accommodation* and *Maintenance* sub-areas, consistent with other rules, rather than being captured by the catch-all nature of TEZ-R6. In addition, PHC also request that new rules be added to permit appropriate activities within these respective areas<sup>36</sup>, again to be consistent with other rules. I recommend that these submission points be accepted and that additional provisions be included in the PDP to specifically provide for buildings and structures in the balance sub-areas not identified within the rule structure as notified. I consider that it is appropriate that similar provisions to those notified be applied to these new rules, including activity statuses and matters of control and I consider that doing so will allow for any adverse effects to be managed in a manner consistent with other development within the zone.

10.29 I also recommend that these new rules be inserted into the PDP in a logical location, and have proposed consequential renumbering of existing provisions accordingly.

10.30 I note that another submission from PHC seeking a new rule requirement for the design and appearance of maintenance and utility buildings is discussed below in paragraph 10.78.

### ***Recommendations and amendments***

10.31 I recommend, for the reasons given, that the Hearings Panel:

- a) add new rules as shown in **Appendix 2** to provide for buildings, structures and activities in those sub-areas not currently identified in the PDP.

<sup>35</sup> DPR-0423.008 PHC and DPR-0423.021 PHC

<sup>36</sup> DPR-0423.020 and DPR-0423.021 PHC

10.32 It is recommended that the original submission points are either accepted, in whole or in part, as shown in **Appendix 1**.

### **TEZ-R7 Retail Activity**

#### ***Submissions***

10.33 One submission point was received in relation to TEZ-R7.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	009	TEZ-R7	Oppose In Part	Amend to exclude supermarket, department store, drive throughs, trade and retail suppliers.

#### ***Analysis***

10.34 PHC<sup>37</sup> seek to amend TEZ-R7 to exclude a variety of activities that fall within the definition of 'retail'. Specifically, PHC seek to exclude drive throughs and trade and retail suppliers, however these are already excluded in the definition. PHC also seek to exclude supermarkets and department stores, which are included in the definition of retail activity. While I do not consider it necessary to specifically exclude these components of the definition within the zone, I do consider that it is appropriate to amend TEZ-R7 to align the location where retail activities are permitted within the amended ODP discussed in paragraph 10.6 above. The effect of this would be to limit retail activities to sub-areas where the submitter would likely have influence over the range and nature of retail activities, namely the *Tourism, Hotel and Hunting Lodge Sub-Areas*.

#### ***Recommendations and amendments***

10.35 I recommend, for the reasons given, that the Hearings Panel:

- a) amend TEZ-R7 as shown in **Appendix 2** to align the activity with the amended ODP.

10.36 It is recommended that the original submission point is accepted in part as shown in **Appendix 1**.

### **TEZ-R9 Visitor Accommodation**

#### ***Submissions***

10.37 One submission point was received in relation to TEZ-R9.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	010	TEZ-R9	Oppose In Part	Amend to allow the activity to occur in other buildings that are not residential units.

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<sup>37</sup> DPR-0423.009 PHC

### Analysis

10.38 PHC<sup>38</sup> seek that the provision is clarified to allow visitor accommodation to occur in buildings other than residential units, such as the future hotel or lodge buildings. I do not consider that any clarification is required as visitor accommodation is defined as being the use of land and/or buildings for accommodating visitors, subject to a tariff being paid and the rule permits this where this activity occurs within a residential unit or building. As such, I consider that the rule does not prevent visitor accommodation being provided for in the future within a hotel or lodge building.

### Recommendations

10.39 I recommend, for the reasons given, that the Hearings Panel retain TEZ-R9 as notified.

10.40 It is recommended that the original submission point is rejected as shown in **Appendix 1**.

### TEZ-R12 Rural Tourism

#### Submissions

10.41 Two submission points, and one further submission point, were received in relation to TEZ-R12.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	011	TEZ-R12	Oppose In Part	Amend as follows: a. The total area of <del>land or</del> buildings associated with the activity is 100m <sup>2</sup> . <u>b. Where associated booking office, transportation and ancillary retail may be located within the other Sub-Areas on the ODP in Schedule 1.</u>
DPR-0207	SDC	076	TEZ-R12	Oppose In Part	Amend as follows: 1. Rural tourism Where: a. the total area of land or buildings associated with the activity, <u>excluding walking and cycling tracks,</u> is less than 100m <sup>2</sup> .
DPR-0423	PHC	FS002	TEZ-R12	Support	Allow Submission in Full

### Analysis

10.42 PHC<sup>39</sup> requests that no limit be applied to the area of land to be used for rural tourism, while SDC<sup>40</sup> seeks that only walking and cycling tracks are excluded from total area of land associated with rural tourism. I consider that it may be desirable to use the *Farming Activity Sub-Area* for rural tourism and it would seem nonsensical to limit the land area associated with this and therefore recommend that this component of the submission be accepted. In accepting this component of the PHC

<sup>38</sup> DPR-0423.010 PHC

<sup>39</sup> DPR-0423.011 PHC

<sup>40</sup> DPR-0207.076 SDC

submission, I consider that the exception sought by SDC is not required and recommend that this submission point be rejected.

10.43 PHC also request that ancillary activities be allowed within other sub-areas within the zone. I consider that, as there is no restriction proposed within the rule in relation to where rural tourism activities can take place, there is no restriction on ancillary activities such as booking offices or retail occur within other sub-areas. I therefore consider that this amendment is unnecessary.

#### ***Recommendations and amendments***

10.44 I recommend, for the reasons given, that the Hearings Panel:

- a) amend TEZ-R12 as shown in **Appendix 2** to exclude land from the area limit associated with rural tourism activities.

10.45 It is recommended that the original submission points and further submission point are either accepted in part or rejected as shown in **Appendix 1**.

#### **TEZ-R13 Recreation Activities**

##### ***Submissions***

10.46 One submission point was received in relation to TEZ-R13.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	012	TEZ-R13	Oppose In Part	Amend to include but not limit activities listed in the original plan change. Specifically request the inclusion of: golf, tennis, rugby, football, bowling, croquet, swimming, horse riding, squash, water recreation, cricket, archery and clay bird shooting activities.

##### ***Analysis***

10.47 PHC<sup>41</sup> request the inclusion of a list of specific activities within this rule. Recreation activity is not defined within the PDP, nor is sports grounds. I consider that all of the activities identified within this submission point would fall within the common meaning of recreation and therefore do not consider it necessary to list these specific activities.

##### ***Recommendations***

10.48 I recommend, for the reasons given, that the Hearings Panel retain TEZ-R13 as notified.

10.49 It is recommended that the original submission point is rejected as shown in **Appendix 1**.

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<sup>41</sup> DPR-0423.012 PHC

**TEZ-R15 Public Amenity*****Submissions***

10.50 One submission point was received in relation to TEZ-R15.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
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.

***Analysis***

10.51 PHC<sup>42</sup> seeks an amendment to TEZ-R15 to enable public amenities to be permitted within the *Covenant Sub-Area* shown on the ODP. This area remains in private ownership and a covenant exists between the land owner and the Department of Conservation in relation to its management. As defined, 'public amenity' permits a range of buildings or structures in relation to publically owned land, owned by Council, Canterbury Regional Council or the Department of Conservation. PHC does not seek an amendment to the definition, rather it requests that an exemption be made to permit public amenities within the covenanted area. As this area is privately owned, any such development is captured by the catch-all nature of TEZ-R6 and is a discretionary activity.

10.52 Where public amenities are provided by public agencies, there is a degree of oversight that exists outside of a consenting environment. I do not consider that the same level of oversight would exist if private entities were able to provide public amenities as a permitted activity. I therefore recommend that this submission point be rejected.

***Recommendations***

10.53 I recommend, for the reasons given, that the Hearings Panel retain TEZ-R15 as notified.

10.54 It is recommended that the original submission point is rejected as shown in **Appendix 1**.

**TEZ-R17 Helicopter Landing Area*****Submissions***

10.55 One submission point was received in relation to TEZ-R17.

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<sup>42</sup> DPR-0423.013 PHC

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	014	TEZ-R17	Oppose In Part	<p>Amend as follows:</p> <p>The location of the Helicopter Landing Area from the Golf Course Sub-Area to the Outdoor Recreation Sub-Area;</p> <p>The permitted maximum number of helicopter movements from four per day to twenty per day;</p> <p>Limit the hours of operation for helicopter movements associated with tourism related activities to between 7am to 7pm and that guest arrivals and departures may be outside of these times;</p> <p>The activity status from discretionary to restricted discretionary;</p> <p>Add matters of discretion as per the Porters Ski Zone being: <u>a. effects of increased frequency and potential hours of helicopter movements on the wellbeing and safety of users and occupiers in the surrounding area;</u> and <u>b. the anticipated frequency of movements.</u></p> <p>To include a note that helicopter movements for emergency purposes is permitted by TEMP-R7 like the Porters Ski Zone equivalent rule.</p>

### Analysis

- 10.56 PHC<sup>43</sup> request a number of amendments to TEZ-R17 such that it provides for a more permissible framework in relation to helicopter movements.
- 10.57 I recommend that the sub-area identified in TEZ-R17.1.a be amended to the *Outdoor Recreation* sub-area, consistent with the amendments recommended to the ODP in paragraph 10.6.2 above. I also recommend that a note be included in the provision to indicate that movements for emergency purposes are provided for in TEMP-R7 be included, consistent with other zones that have rules related to helicopter movements.
- 10.58 However, I consider that the remaining elements of the submission point be rejected. While the submitter considers that the permitted number of movements and hours within which these can occur is too few for their future vision of the development of the zone, I consider, as is recognised by the submitter, that an appropriate avenue exists to seek consent for any movements beyond the permitted limits. Although PHC seek alignment with the provisions in the SKIZ chapter in relation to helicopter movements, I consider that the two environments are quite different, in that there is

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<sup>43</sup> DPR-0423.014 PHC

significantly more residential development in and around this zone and the proposed increase in the frequency and hours of movements are likely to have an adverse effect on the amenity of the area, in terms of noise and visual amenity. A resource consent process allows for these effects to be considered.

### ***Recommendations and amendments***

10.59 I recommend, for the reasons given, that the Hearings Panel:

- a) amend TEZ-R17 as shown in **Appendix 2** to be consistent with the recommended amendment to the identification of sub-areas on the ODP and the inclusion of a notation as with similar provisions within the PDP.

10.60 It is recommended that the original submission point is accepted in part as shown in **Appendix 1**.

### **New Rule for Lakes/Water Features**

#### ***Submissions***

10.61 One submission point was received seeking the inclusion of a new rule.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	015	New (TEZ)	Neither Support Nor Oppose	Add a rule which permits the creation of lakes and/or water features.

#### ***Analysis***

10.62 PHC seek the inclusion of new rule to permit the creation of lakes and/or water features. I consider that this submission point should be rejected as works involved in such an activity are more appropriately managed through the Earthworks chapter of the PDP.

#### ***Recommendation***

10.63 I recommend, for the reasons given, that the Hearings Panel, reject this original submission point, shown in **Appendix 1**.

### ***Rule Requirements***

#### **TEZ-REQ3 Height**

#### ***Submissions***

10.64 One submission point was received in relation to TEZ-REQ3. In addition, as part of the relief sought in relation to maintenance and utility structures, an associated relief in relation to the height of such structures was also proposed.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	016	TEZ-REQ3	Oppose In Part	Amend to reinstate sports facilities as an expected building/structure and retain the 17m height limit for 'any other building or structure'.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	018	New (TEZ)	Neither Support Nor Oppose	Add a new rule requirement 'Design and Appearance' for the maintenance and infrastructure buildings

### ***Analysis***

- 10.65 PHC<sup>44</sup> seek the reinstatement of sports facilities as an expected building/structure and retention of a 17m height limit for 'any other building or structure' as per the provisions in the SDP. As the existing provisions have not resulted in any unanticipated outcomes, I recommend that the submission point be accepted in part and that TEZ-REQ3 be amended to carry through all of the maximum heights contained within the SDP, including towers for filming, however I invite the submitter to indicate if they wish to retain this particular component of the requirement. I consider it appropriate to carry through the maximum height for shops and offices as to not do so would see these activities captured within the catch-all height of 'any other building or structure'.
- 10.66 I consider that a consequential amendment is necessary to include an additional maximum height limit for '*any building or structure in the Outdoor Recreation and Farming Activity and Staff Accommodation Sub-Areas*' as, without this, any such development would fall within the catch-all height of 17m. I have recommended that the permitted height in these sub-areas be 9m, which is consistent with the permitted height in the GRUZ.
- 10.67 As submitted by PHC<sup>45</sup>, I also consider it appropriate that an 8m maximum height be included in relation to maintenance and utility structures.
- 10.68 A cl.16(2) amendment is also proposed to correct the table reference in TEZ-REQ3.1.

### ***Recommendations and amendments***

- 10.69 I recommend, for the reasons given, that the Hearings Panel:
- a) amend TEZ-REQ3 as shown in **Appendix 2** to reinstate all of the permitted heights included in the SDP.
- 10.70 It is recommended that the original submission point is accepted in part as shown in **Appendix 1**.

### **TEZ-REQ4 Design and Appearance**

#### ***Submissions***

- 10.71 One submission point was received in relation to TEZ-REQ4.

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<sup>44</sup> DPR-0423.016 PHC

<sup>45</sup> DPR-0423.018 PHC



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	017	TEZ-REQ4	Oppose In Part	Amend the activity status from discretionary to restricted discretionary and add matters of discretion.

### ***Analysis***

10.72 PHC<sup>46</sup> request that the activity status when compliance with design and appearance requirements is not achieved is amended to restricted discretionary rather than discretionary and that new matters of discretion be included in this provision. The submitter seeks this relief specifically in relation to a future hotel building, as they consider that the larger scale construction of this building does not easily lend itself to specific cladding materials under the provisions as notified. However, I note that this rule requirement is also applied to rules relating to other built form development within the zone. Therefore an amendment to this requirement would have consequential implications for those rules.

10.73 I consider that it is appropriate that the submission point be accepted, as a matter of control for buildings currently requires the design and appearance of the building to be compatible with and reflect the natural, rural and high country character of the site and locality. Amending the activity status will still enable any adverse effects on the surrounding environment to be considered and appropriately managed. I therefore consider that this submission point should be accepted.

10.74 A cl.16(2) amendment is also proposed to remove TEZ-REQ4.4 to remove duplication with SUB-REQ1.11.

### ***Recommendations and amendments***

10.75 I recommend, for the reasons given, that the Hearings Panel:

- a) amend the activity status of TEZ-REQ4 and include matters of discretion as shown in **Appendix 2** to

10.76 It is recommended that the original submission point is accepted as shown in **Appendix 1**.

### ***New Requirements for Maintenance and infrastructure buildings***

#### ***Submissions***

10.77 One submission point was received in relation to inclusion of a new rule requirement.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0423	PHC	018	New (TEZ)	Neither Support Nor Oppose	Add a new rule requirement 'Design and Appearance' for the maintenance and infrastructure buildings

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<sup>46</sup> DPR-0423.017 PHC

### ***Analysis***

10.78 PHC<sup>47</sup> seek that a specific rule requirement for the design and appearance of maintenance and infrastructure buildings. I recommend that this submission point is accepted and that the PDP acknowledge the functional nature of such buildings while still continuing to protect the natural character of the environment.

### ***Recommendations and amendments***

10.79 I recommend, for the reasons given, that the Hearings Panel:

- a) add a new rule requirement as shown in **Appendix 2** to recognise the functional nature of buildings associated with maintenance activities.

10.80 It is recommended that the original submission point is accepted as shown in **Appendix 1**.

### **Section 32AA evaluation**

10.81 The following points evaluate the recommended changes to the TEZ chapter under Section 32AA of the RMA.

#### Effectiveness and efficiency

10.82 The proposed amendments to the TEZ chapter are the most effective means of achieving the objective of the zone and will ensure that the adverse effects on the environment are managed appropriately, as well as reduce uncertainty around the administration of the district plan.

#### Costs and benefits

10.83 The recommended changes enable specific design criteria for buildings that is suited to their intended function, while still being sensitive to the natural environment. Any additional consent cost that this may incur is not considered to be unduly onerous.

#### Risk of acting or not acting

10.84 The recommended amendments provide more clarity and will be more effective and efficient in ensuring that activities which may have adverse effects on the environment can be suitably considered and addressed, as required.

#### Conclusion as to the most appropriate option

10.85 The recommended amendments do not significantly change the approach in the original s32 report, however they do provide more clarity and will be more effective and efficient in ensuring that activities which may have adverse effects on the environment can be suitably considered and addressed, as required.

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<sup>47</sup> DPR-0423.018 PHC

## 11. Other Matters

### Zone Objectives

#### **Submissions**

- 11.1 HortNZ<sup>48</sup> request that zone objectives are amended to include a description of the ‘anticipated development outcomes’ for the zones as required by the NPS-UD. Four further submission points were made in relation to this submission point.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	HortNZ	188	SUB-O3	Oppose In Part	Amend zone objectives to clearly identify the anticipated development outcomes of the zones.
<i>DPR-0358</i>	<i>RWRL</i>	<i>FS106</i>	<i>SUB-O3</i>	<i>Oppose</i>	<i>Reject</i>
<i>DPR-0363</i>	<i>IRHL</i>	<i>FS106</i>	<i>SUB-O3</i>	<i>Oppose</i>	<i>Reject</i>
<i>DPR-0374</i>	<i>RIHL</i>	<i>FS106</i>	<i>SUB-O3</i>	<i>Oppose</i>	<i>Reject</i>
<i>DPR-0384</i>	<i>RIDL</i>	<i>FS106</i>	<i>SUB-O3</i>	<i>Oppose</i>	<i>Reject</i>

#### **Analysis**

- 11.2 The broad relief sought by HortNZ applies across all zones in the PDP but needs to be considered for each one in turn. As such the submission point has been allocated to the three zones that are the subject of this report. In my view, GRAZ-O1, SKIZ-O1 and SKIZ-O2 and TEZ-O1 are sufficiently clear in identifying anticipated development outcomes for these zones. I therefore recommend that this submission point be rejected.

#### **Recommendation**

- 11.3 I recommend, for the reasons given, that the Hearings Panel retain the relevant provisions as notified.
- 11.4 It is recommended that the original submission point and further submission points are accepted or rejected as shown in **Appendix 1**.

### Non-notification Clauses

#### **Submissions**

- 11.5 12 submission points were received seeking the inclusion of non-notification clauses into each of the three chapters that are the subject of this report. 79 further submission points were received in relation to the 12 original submission points.

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<sup>48</sup> HortNZ DPR-0353.188

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	RWRL	412	SKIZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS198	SKIZ	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS929	SKIZ	Support	Accept submission
DPR-0371	CIAL	FS050	SKIZ	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS407	SKIZ	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS123	SKIZ	Support	Not Specified
DPR-0453	LPC	FS050	SKIZ	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS019	SKIZ	Support	Accept submission
DPR-0358	RWRL	413	TEZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS199	TEZ	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS930	TEZ	Support	Accept submission
DPR-0371	CIAL	FS051	TEZ	Support In Part	Accept in part
DPR-0414	Kāinga Ora	FS124	TEZ	Support	Not Specified
DPR-0453	LPC	FS051	TEZ	Support In Part	Accept in part

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0456	Four Stars & Gould	FS020	TEZ	Support	Accept submission
DPR-0358	RWRL	432	GRAZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS218	GRAZ	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS949	GRAZ	Support	Accept submission
DPR-0371	CIAL	FS070	GRAZ	Support In Part	Accept in part
DPR-0414	Kāinga Ora	FS143	GRAZ	Support	Not Specified
DPR-0453	LPC	FS070	GRAZ	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS039	GRAZ	Support	Accept submission
DPR-0363	IRHL	452	GRAZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS247	GRAZ	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS978	GRAZ	Support	Accept submission
DPR-0371	CIAL	FS168	GRAZ	Support In Part	Accept in part
DPR-0414	Kāinga Ora	FS172	GRAZ	Support	Not Specified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0422	NCCF	FS225	GRAZ	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	LPC	FS166	GRAZ	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS068	GRAZ	Support	Accept submission
DPR-0363	IRHL	456	SKIZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS251	SKIZ	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS982	SKIZ	Support	Accept submission
DPR-0371	CIAL	FS139	SKIZ	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS278	SKIZ	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS176	SKIZ	Support	Not Specified
DPR-0422	NCCF	FS229	SKIZ	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	LPC	FS170	SKIZ	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS072	SKIZ	Support	Accept submission
DPR-0363	IRHL	457	TEZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0032	CCC	FS252	TEZ	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road	FS983	TEZ	Support	Accept submission
DPR-0371	CIAL	FS172	TEZ	Support In Part	Accept in part
DPR-0414	Kāinga Ora	FS177	TEZ	Support	Not Specified
DPR-0422	NCCF	FS230	TEZ	Support In Part	<i>Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.</i>
DPR-0453	LPC	FS171	TEZ	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS073	TEZ	Support	Accept submission
DPR-0374	RIHL	498	GRAZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS285	GRAZ	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road	FS1005	GRAZ	Support	Accept submission
DPR-0371	CIAL	FS098	GRAZ	Support In Part	Accept in part
DPR-0414	Kāinga Ora	FS206	GRAZ	Support	Not Specified
DPR-0453	LPC	FS098	GRAZ	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS102	GRAZ	Support	Accept the submission

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0374	RIHL	502	SKIZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS289	SKIZ	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road	FS1009	SKIZ	Support	Accept submission
DPR-0371	CIAL	FS102	SKIZ	Support In Part	Accept in part
DPR-0414	Kāinga Ora	FS210	SKIZ	Support	Not Specified
DPR-0453	LPC	FS102	SKIZ	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS106	SKIZ	Support	Accept the submission
DPR-0374	RIHL	503	TEZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS290	TEZ	Oppose In Part	<i>Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.</i>
DPR-0298	Trices Road	FS1010	TEZ	Support	Accept submission
DPR-0371	CIAL	FS103	TEZ	Support In Part	Accept in part
DPR-0414	Kāinga Ora	FS211	TEZ	Support	Not Specified
DPR-0453	LPC	FS103	TEZ	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS107	TEZ	Support	Accept the submission



Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0384	RIDL	531	GRAZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS320	GRAZ	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS1039	GRAZ	Support	Accept submission
DPR-0371	CIAL	FS132	GRAZ	Support In Part	Accept in part
DPR-0414	Kāinga Ora	FS240	GRAZ	Support	Not Specified
DPR-0453	LPC	FS132	GRAZ	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS136	GRAZ	Support	Accept the submission
DPR-0384	RIDL	535	SKIZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS324	SKIZ	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS692	SKIZ	Support	Accept submission
DPR-0371	CIAL	FS136	SKIZ	Support In Part	Accept in part
DPR-0375	Waka Kotahi	FS409	SKIZ	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora	FS241	SKIZ	Support	Not Specified
DPR-0414	Kāinga Ora	FS244	SKIZ	Support	Not Specified

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0453	LPC	FS136	SKIZ	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS140	SKIZ	Support	Accept the submission
DPR-0384	RIDL	536	TEZ	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	CCC	FS325	TEZ	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road	FS691	TEZ	Support	Accept submission
DPR-0371	CIAL	FS137	TEZ	Support In Part	Accept in part
DPR-0414	Kāinga Ora	FS245	TEZ	Support	Not Specified
DPR-0453	LPC	FS137	TEZ	Support In Part	Accept in part
DPR-0456	Four Stars & Gould	FS141	TEZ	Support	Accept the submission

### Analysis

- 11.6 RWRL, IRHL, and RIHL <sup>49</sup> have requested the insertion of non-notification clauses for all controlled or restricted discretionary activities across the GRAZ, SKIZ and TEZ chapters, with the result that no application for controlled or restricted discretionary activities would be limited or publicly notified.
- 11.7 The GRAZ and SKIZ chapters contain controlled activities, and the SKIZ chapter also contains activities that have been identified as restricted discretionary. Notification statements have not been included in relation to these rules. In relation to the submission points relating to these chapters, I recommend that they be rejected as the RMA notification tests allow for a level of notification appropriate to the application.
- 11.8 However, notification statements have been included in the TEZ chapter in relation to five rules that have a controlled activity status. Although I consider that the notification tests in the RMA should

<sup>49</sup> DPR-0358.412, 413, 432; DPR-0363.452, 456, 457; DPR-0374.498, 502, 503; and DPR-0384.531, 535, 536

be relied upon, rather than specific statements within the PDP, I recommend these submissions points be accepted in part as the intent of these submission points is already acknowledged by the inclusion of the statements within the relevant provisions.

### ***Recommendation***

- 11.9 I recommend, for the reasons given, that the Hearings Panel retain the relevant provisions as notified.
- 11.10 It is recommended that the submission and further submission points are either accepted in part or rejected as shown in **Appendix 1**.

## **Visitor Accommodation**

### ***Submissions***

- 11.11 Paul & Fay McOscar<sup>50</sup> consider there are anomalies relating to properties consented as accommodation providers, who are required to meet industry standards (including Building Code requirements) and those who do not and request that Council consider establishing rules and charges relative to bed spaces available.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0455	Paul & Fay McOscar	013	GRAZ-R4	Oppose In Part	That Council consider establishing graded categories and apply appropriate rules and charges that are relative to bed spaces available.
DPR-0455	Paul & Fay McOscar	016	SKIZ-R10	Oppose In Part	The Council may wish to consider establishing graded categories and apply appropriate rules and charges that are relative to bed spaces available.
DPR-0455	Paul & Fay McOscar	017	TEZ-R9	Oppose In Part	The Council may wish to consider establishing graded categories and apply appropriate rules and charges that are relative to bed spaces available.

### ***Analysis***

- 11.12 The submitter's concerns are noted, however I consider that the relief sought is outside of the scope of the PDP. Rather, in addition to the requirements of the Building Code, the establishment of charges is a matter for the Long Term Plan. I note that visitor accommodation is a permitted activity in each of the three zones covered by this report, with limits on the number of guests only applicable in the SKIZ, however these are very generous. I therefore recommend that the submission points are rejected.

### ***Recommendation***

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<sup>50</sup> DPR-0455.013, 016, 017

11.13 I recommend, for the reasons given, that the Hearings Panel retain the relevant provisions as notified.

11.14 It is recommended that the submission points are rejected as shown in **Appendix 1**.

## 12. Conclusion

12.1 After considering the submissions and further submissions received in relation to the Special Purpose Zones – Grasmere, Porters Ski and Terrace Downs chapters of the PDP, I recommend that these chapters be amended to the extent detailed in the preceding sections of this report and as set out in Appendix 2. I further recommend that those submissions and further submissions that support the provisions as notified, or that request the recommend changes, be accepted in whole or in part, and that all other submissions be rejected, as set out in **Appendix 1**.

12.2 For the reasons set out throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.

## Appendix 1: Table of Submission Points

## Appendix 2: Recommended amendments