

Te Tai o Poutini Plan  
Section 42A Officer's Report  
Franz Josef Area



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## List of Submitters and Further Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
S73	Freehold Properties (Investments) LLP (FP)	
S485	Gavin Molloy	
S483	Scenic Hotel Group	
S250	Skyline Enterprises Limited	
S449	Totally Tourism Limited	
S1	West Coast Wildlife Centre - Franz Josef - Teewah Holdings Ltd	West Coast Wildlife Centre

## Abbreviations

Abbreviation	Meaning
NPS	National Policy Statement

ONFL	Outstanding Natural Features and Landscapes
ONL	Outstanding Natural Landscape
Planning standards	National Planning Standards
RMA	Resource Management Act
SASM	Sites and Areas of Significance to Māori
TTPP	Te Tai o Poutini Plan
WCRC	West Coast Regional Council
WCRCP	West Coast Regional Coastal Plan
WCRLWP	West Coast Regional Land and Water Plan
WCRPS	West Coast Regional Policy Statement

## 1.0 Purpose of Report

1. This report has been prepared in accordance with Section 42A of the RMA to:
  - assist the Hearings Panel in making their decisions on the submissions and further submissions on the Te Tai o Poutini Plan (TTPP); and
  - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
2. This report brings together from the different topic reports the submissions and further submissions on matters around zoning at Franz Josef. It does not include any new analysis but repeats the information provided in the following s42A reports for ease of use at the Franz Josef hearing.
3. The recommendations are informed by evaluation undertaken by me as the planning author and repeat the recommendations from the original s42A topic reports without any amendment.
4. 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.

## 2.0 Qualifications and experience.

5. My full name is Lois Margaret Easton, and I am Principal Consultant for Kereru Consultants, an environmental science and planning consultancy engaged by the West Coast Regional Council to support the development of Te Tai o Poutini Plan (TTPP).
6. I hold a Master of Science (Environmental Science and Botany) with first class honors from Auckland University, Auckland which I obtained in 1995.
7. I have 25 years' experience in planning and resource management including 10 years at the Waitakere City Council and five years at the Gisborne District Council. The remaining time I have worked as an environmental and planning consultant primarily providing policy advice to local government and not for profit organisations.
8. My experience involves policy development, writing district plans and regional plans. I have written Section 32 and 42A reports and appeared at hearings for the development of several plans involving matters principally around the natural environment, Māori issues and rezoning of land. I have represented the Waitakere District Council and Gisborne District Council in mediation on appeals and have presented planning evidence to the Environment Court.

9. In recent years I have been involved in the development of TTPP. I have either led or been a member of the planning team who developed the provisions of TTPP and s32 reports in relation to all parts of the plan. In relation to the zone provisions around Franz Josef I was a team member.

## **2.1 Code of Conduct**

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
11. I am authorized to give this evidence on behalf of the Tai o Poutini Plan Committee to the TTPP hearings commissioners (Hearings Panel).

## **2.2 Conflict of Interest**

12. To the best of my knowledge, I have no real or perceived conflict of interest.

## **3.0 Scope of Report and Topic Overview**

### **3.1 Scope of Report**

13. This report considers the submissions and further submissions that were received in relation to zoning at Franz Josef. It brings together in one location the analysis and commentary from the zone topic reports. No new analysis has been undertaken
14. The report principally relates to the zoning maps, as well as the specific provisions for the Special Purpose Zones used in the Franz Josef area. It also includes the response to submissions in relation to the Outstanding Natural Features and Landscapes and Sites and Areas of Significance to Māori Overlays at Franz Josef.
15. 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 1 of this Report. Footnoted references 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. Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not footnoted.

## **4.0 Statutory Requirements.**

16. TTPP 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 (NZCPS), national planning standards; and any regulations<sup>1</sup>. Regard is also to be given to the West Coast Regional Policy Statement (WCRPS), any regional plan, district plans of adjacent territorial authorities, and the Iwi Management Plans.
17. In addition, there is a Mana Whakahono a Rohe agreement between West Coast Regional Council and Poutini Ngāi Tahu which must be implemented.
18. As set out in the Section 32 and Section 42A Overview Reports, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of TTPP. These documents are discussed in more detail within this report where relevant to the assessment of submission points.

### **4.1 Resource Management Act**

19. TTPP 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. It must also give effect to any national policy statement, the New Zealand Coastal Policy Statement (NZCPS), national planning standards, any regulations and the West Coast Regional Policy Statement (WCRPS). Regard is also to be given to any regional plan, district plans of adjacent territorial authorities, and the Iwi Management Plans.

20. In addition there is a Mana Whakahono a Rohe agreement between West Coast Regional Council and Poutini Ngāi Tahu which must be implemented.

## 4.2 National Planning Standards

21. The planning standards were introduced to improve the consistency of plans and policy statements. The planning standards were gazetted and came into effect on 5 April 2019.
22. Standard 8 is the Zone Framework Standard. This sets out the zones allowed for use in the Plan and provides the following information for the Zones discussed in this s42A report.

Zone name	Description
General rural zone	Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.
Settlement zone	Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments
Airport Zone	Areas used predominantly for the operation and development of airports and other aerodromes as well as operational areas and facilities, administrative, commercial and industrial activities associated with airports and other aerodromes.

23. The Scenic Visitor Zone is an additional special purpose zone that is unique to the West Coast. The National Planning Standards state that an additional special purpose zone must only be created when the proposed land use activities or anticipated environment outcomes of the additional zone meet all of the following criteria:
- are significant to the district, region or country
  - are impractical to be managed through another zone
  - are impractical to be managed through a combination of spatial layers.
24. In deciding to include the Scenic Visitor Zone the TTPP Committee determined that these criteria were met.
25. The planning standards require that if a district plan addresses the identification of features and landscapes that are outstanding, significant or otherwise valued, the objectives, policies and rules must be contained in a chapter called Natural Features and Landscapes.
26. The National Planning Standards requires that if a district plan addresses SASM, the objectives, policies and rules must be contained in a chapter called Sites and Areas of Significance to Māori. In relation to scheduled sites the planning standards allow for this to be located in either the SASM chapter or cross referenced in an appendix.

## 4.3 Procedural Matters

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

## 5.0 Consideration of Submissions Received

### 5.1 Submission of Skyline Enterprises (Submitter 250)

28. This section brings together the submissions points from Skyline Enterprises from other s42A reports.

#### *Submissions Points – Outstanding Natural Landscape Topic*

Provision	Submission Point	Position	Decision Requested
Outstanding Natural Landscapes – topic as a whole	S250.004	Oppose	That the proposed aerial cableway at Franz Josef should be identified within the provisions in the Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa chapter to enable consideration of such a development.
NFL – R2 Conservation Activities within an Outstanding Natural Landscape	S250.004	Oppose	It is noted that in the TTPP 'Conservation Activities' are provided for within ONL and ONF's However, it is not clear that providing an Aerial Cableway by a commercial entity (such as the submitter) would fall within the scope of this definition. That the proposed aerial cableway at Franz Josef should be identified within the provisions in the Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa chapter to enable consideration of such a development
ONL 14	S250.008	Oppose	The submitter opposes the mapping and all Objectives, Policies, and Rules of the TTPP that address development within the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley and without derogating from the breadth of the submissions scope, specifically have concern with the following: Outstanding Natural Features (ONL 14/ONF16).
ONF 16	250.010	Oppose	The submitter opposes the mapping and all Objectives, Policies, and Rules of the TTPP that address development within the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley and without derogating from the breadth of the submissions scope, specifically have concern with the following: Outstanding Natural Features (ONF16).

#### *Analysis*

29. Skyline Enterprises Limited (S250.004) seeks that the proposed aerial cableway at Franz Josef should be identified within the provisions in the Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa chapter to enable consideration of such a development. I do not support this submission. The proposed aerial cableway is just

that – a proposal that is being considered as part of the review of the Westland National Park Management Plan. Based on my understanding of what is proposed, it is likely to be a Discretionary Activity under the proposed Plan rules. I consider that is appropriate and that no specific provision for this activity is required.

30. Skyline Enterprises Limited (S250.004) are concerned that construction of an Aerial Cableway in an ONFL is not considered a Conservation Activity and is not covered by the Permitted Activity rules. They seek specific recognition of such a cableway within the rules. I do not support this submission. Such a cableway has not been designed, and the Westland/Tai Poutini National Park Management Plan has not yet been finalised so there is no clarity about whether such a proposal is supported within the National Park. Regardless such an activity would be expected to have significant visual effects, and I consider the likely Discretionary Activity status under Rule NFL – R15 is entirely appropriate.
31. Skyline Enterprises Limited (S250.008) oppose the boundaries of ONL 14. ONL 14 covers the Franz Josef Glacier Valley, and both the proposed Plan maps and the updated Brown Limited maps consider that this area is an ONL. I do not support the submission of Skyline Enterprises therefore.
32. Skyline Enterprises Limited (S250.010) oppose the inclusion of ONF16 – the Franz Josef Glacier. I do not support this submission. Franz Josef Glacier is recognised as being an internationally significant geological feature and I consider it is appropriately included within Schedule 6.

### *Submissions Points – Sites and Areas of Significance to Māori Topic*

<b>Provision</b>	<b>Submission Point</b>	<b>Position</b>	<b>Decision Requested</b>
Sites and Areas of Significance to Māori – Topic as a Whole	S250.003	Oppose	The proposed Amenities Area and development of an aerial cableway to Franz Josef should be provided for in the provisions in the Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori chapter enable consideration of such a development
SASM 145	S250.009	Oppose	The submitter opposes the mapping and all Objectives, Policies, and Rules of the TTPP that address development within the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley and without derogating from the breadth of the submissions scope, specifically have concern with the following: Sites of Significance to Māori (SASM145).
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.744</i>	<i>Oppose in part</i>	<i>Disallow in part</i>

### *Analysis*

33. Skyline Enterprises Limited (S250.003) seek that the SASM chapter provide for the proposed amenities area and development of an aerial cableway to Franz Josef. I do not support this submission. The intended future development plans are not a relevant criterion around whether a site is significant. In this case the land is within Westland National Park and the proposed cableway is identified in a draft Management Plan, that has not been finalised. Under the SASM rules as drafted, any such cableway may not require a resource consent – depending on the design. I consider the proposed restrictions are likely to be very minor due to the SASM identification compared with those which would arise from the Franz Josef Glacier being part of an Outstanding

Natural Landscape, the zone provisions for Natural Open Space Zone, and indeed the requirements the Department of Conservation might place on such an activity within a national park and World Heritage Area.

34. Skyline Enterprises Limited (S250.009) seek that this SASM over the Franz Josef Glacier be removed. They are concerned that this could lead to restrictions in terms of their plans to put in place a gondola access to the Franz Josef Glacier. I do not consider this a relevant reason to exclude the Franz Josef Glacier – a significant site to Ngāti Mahaki and the wider Poutini Ngāi Tahu and I do not support this submission.
35. I note that the site is also an Outstanding Natural Feature and an Outstanding Natural Landscape, which are overlays also opposed by the submitter. The land is managed by the Department of Conservation as part of Westland/Tai Poutini National Park, and the proposed gondola is a proposal only. I consider that consultation with Poutini Ngāi Tahu around design and location of tourist facilities on the glacier to ensure that adverse effects on cultural values is appropriate. I note that the restrictions on this SASM are fairly light– and the major restrictions are more likely to arise from the glacier being an Outstanding Natural Feature and Landscape – recognising its international as well as national significance.

### *Submissions Points – Open Space Zones Topic*

Provision	Submission Point	Position	Decision Requested
Natural Open Space Zone	S250.002	Oppose	The proposed Amenities Area for a Franz Josef Cableway should be identified on the planning maps and the provisions in the Natural Open Space Zone - Te Takiwā Pōhaha Aotūroa chapter to enable consideration of such a development and the Objective, Policy, and Rule framework should enable the development of an appropriately designed Aerial Cableway in the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley.

### *Analysis*

36. Skyline Enterprises Limited (S250.002) seeks that the (Natural Open Space) zone provisions specifically enable the development of an appropriately designed Aerial Cableway in the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley. I do not support this submission. The proposed aerial cableway is a proposal under consideration as part of the draft Westland/Tai Poutini National Park Management Plan. General information on the proposal on its scope and location are also included in the Skyline Enterprise submission.
37. I have discussed this proposal in some detail in the Special Purposes Zones report. I consider that if the proposal is to be accommodated in the Plan, the best way to do this would be to rezone the affected area Open Space Zone. If the activity was included in the final National Park Management Plan, then this zoning would make most aspects (from a zone perspective) a Permitted or Restricted Discretionary Activity.



### Submissions Points – General Rural Zones Topic

Provision	Submission Point	Position	Decision Requested
General Rural Zone Chapter as a whole	S250.001	Oppose	The proposed Amenities Area should be identified on the planning maps and the provisions in the General Rural Zone - Te Takiwā Tuawhenua Whānui chapter to enable development of an aerial cableway at Franz Josef Glacier.
<i>Royal Forest &amp; Bird Protection Society of NZ Inc. (Forest &amp; Bird) (FS34)</i>	<i>FS34.022</i>	<i>Oppose</i>	<i>Disallow</i>

### Analysis

38. Skyline Enterprises Limited (S250.001) seek that their proposed Amenities Area should be identified on the planning maps and the provisions in the General Rural Zone - Te Takiwā Tuawhenua Whānui chapter to enable development of an aerial cableway at Franz Josef Glacier. I do not support this submission. I have considered what is the most appropriate zone for this proposed area in the Special Purpose Zones report and concluded that this is likely to be Open Space Zone.

### Submissions Points – Special Purpose Zones Topics

Skyline Enterprises Limited (S250)	S250.005	Amend	Provide for a New Special Purpose Zone for the Amenities Area to support the Franz Josef Aerial Cableway. It is considered that an Aerial Cableway and ancillary access and parking within the Amenities Area Zone should be a Discretionary Activity supported by the Objectives and Policies outlined in the submission.
<i>Brian Anderson</i>	<i>FS237.001</i>	<i>Oppose</i>	<i>Disallow</i>
Skyline Enterprises Limited (S250)	S250.006	Amend	Amend zoning from rural to sought new Special Purpose zone "Amenities Area"

### Analysis

#### Special Purpose Zone for Skyline Enterprises Proposed Amenity Area

39. Skyline Enterprises Limited (S250.005, S250.006) seek that a new special purpose zone for the amenities area to support the proposed Franz Josef Aerial Cableway is included in the Plan. They provide significant detail about the proposed aerial cableway in their submission. The proposal is currently being considered as part of the review of the Westland National Park Management Plan. They seek that the new special purpose zone provide for the cableway, and ancillary access and parking within the zone as a Discretionary Activity, supported by the Objectives and Policies outlined in the submission.
40. The area in question would cover a 430-ha area, from the valley floor up 5.7km to Crawford Knob. The submission information states:

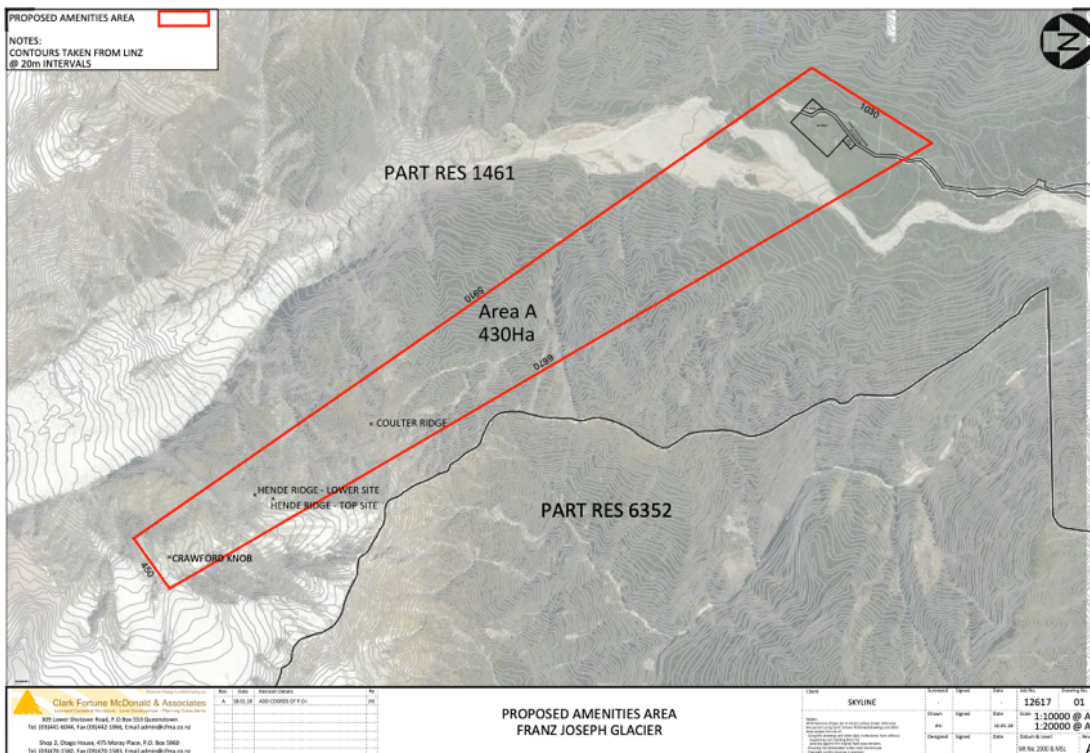
*"Depending on the final design, a base station, or loading structure is likely to be located on the close to the visitor's car park in proximity to the Waiho River. A base station may include*

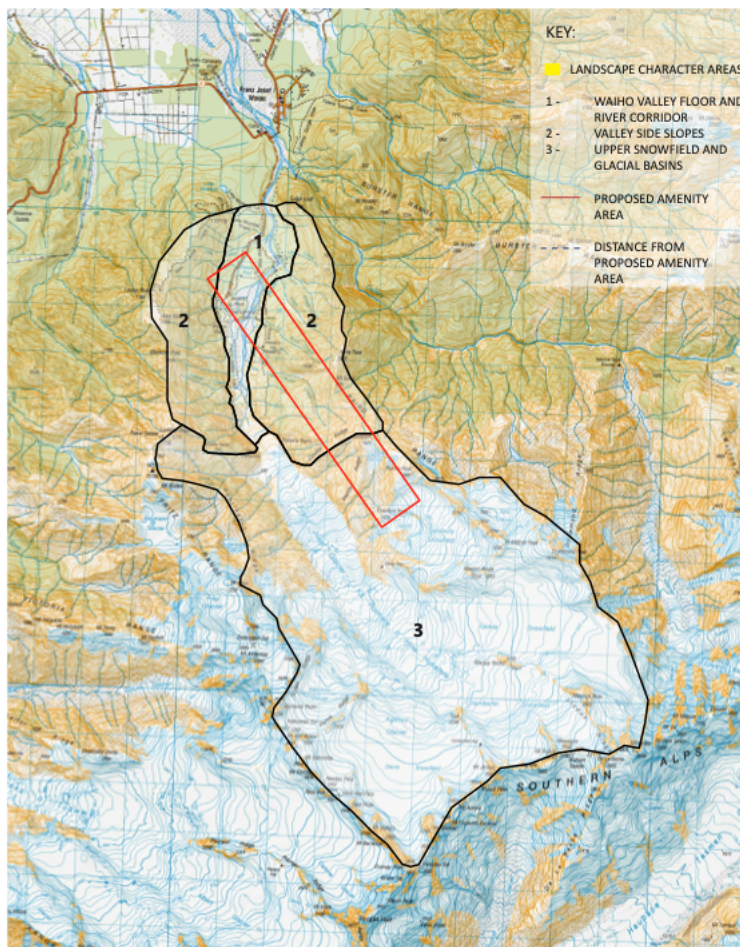
visitor facilities, a ticketing office, open-air boarding and alighting areas. The location of other stations or built structures is not finalised at this time and will be determined by the operational requirements and environmental constraints. However it is likely that the uppermost structure/s, will be located in the vicinity of Crawford Knob.

Although the exact building locations, size and form have not been finalised at this time, based on exemplars of AC's, the building materials are likely to comprise a mix of steel and timber and be finished in neutral low reflectance colours. Such a requirement would be enforced through the proposed Objective and Policy structure recommended by Mr Dent in the primary submission text and in particular Objective 3(a) and supporting Policy 3.3.

Depending on the design, the type of support structures, heights and spacing over 5.7 km will be determined as part of a detailed design. Similarly, the number, size / capacity and travel speed of any cabins is not yet determined.

41. Maps from the submission, showing the relevant area, are below.





42. I have discussed this proposal with the Westland District Council staff and considered the information provided by the submitter. Currently the land the submitter seeks to be zoned for the amenities area is within Westland National Park and is zoned Natural Open Space Zone. With the detail given it is my view that the activity would probably be a Non-complying Activity in this zone
43. Alongside this the proposed location is within an Outstanding Natural Landscape and Site of Significance to Māori which the submitter has also sought to be removed from the site and I think would probably require a Discretionary Activity consent under those provisions. There would probably also be Discretionary Activity resource consents for clearance of indigenous vegetation to establish the carparking and maintenance access to the cableway structures.
44. The submitter is correct in that I consider a non-complying activity resource consent in the natural open space zone would be difficult to gain for the proposed operation.
45. However, if the proposal is to be accommodated within TTPP, I am not convinced that the creation of another special zone is necessary. For example, if the area was zoned Open Space Zone it would probably be a Restricted Discretionary Activity – under Rules OSZ – R15 (Recreational Activities), OSZ – R16 (Retail activities) OSZ – R17 (for the carparking) alongside the Discretionary Activity for the landscape/SASM/vegetation clearance matters. If it was included in the National Park Management Plan, then some parts of the development (the base station and carpark) could be a Permitted Activity.
46. Another alternative would be to include the area within the Scenic Visitor Zone, with some additional policies and a rule to cover the development of the facility, although I consider the Open Space Zone approach is a better option.
47. Given that there is a zone already available that could accommodate the activity it is my current recommendation that this would be the best approach. I do note however that there are submissions (including from the Department of Conservation) that all public

conservation land be Natural Open Space Zone, though this is not something I have supported.

48. I am also unclear on the level or otherwise of support for this proposal by the landowner, or the wider community and therefore what weight should be given to it. There is one further submission opposing the submission, but many stakeholders may be unaware of the submitter’s proposal for a Special Purpose Zone. In that respect creating a Special Purpose Zone would effectively ensure the proposal could go ahead, without a public process around its appropriateness or not having occurred.
49. I therefore do not support this submission.

**Recommendations**

50. That no amendment is made to the Plan as a result of these submissions.

**5.2 Submission of Gavin Molloy (Submitter 485)**

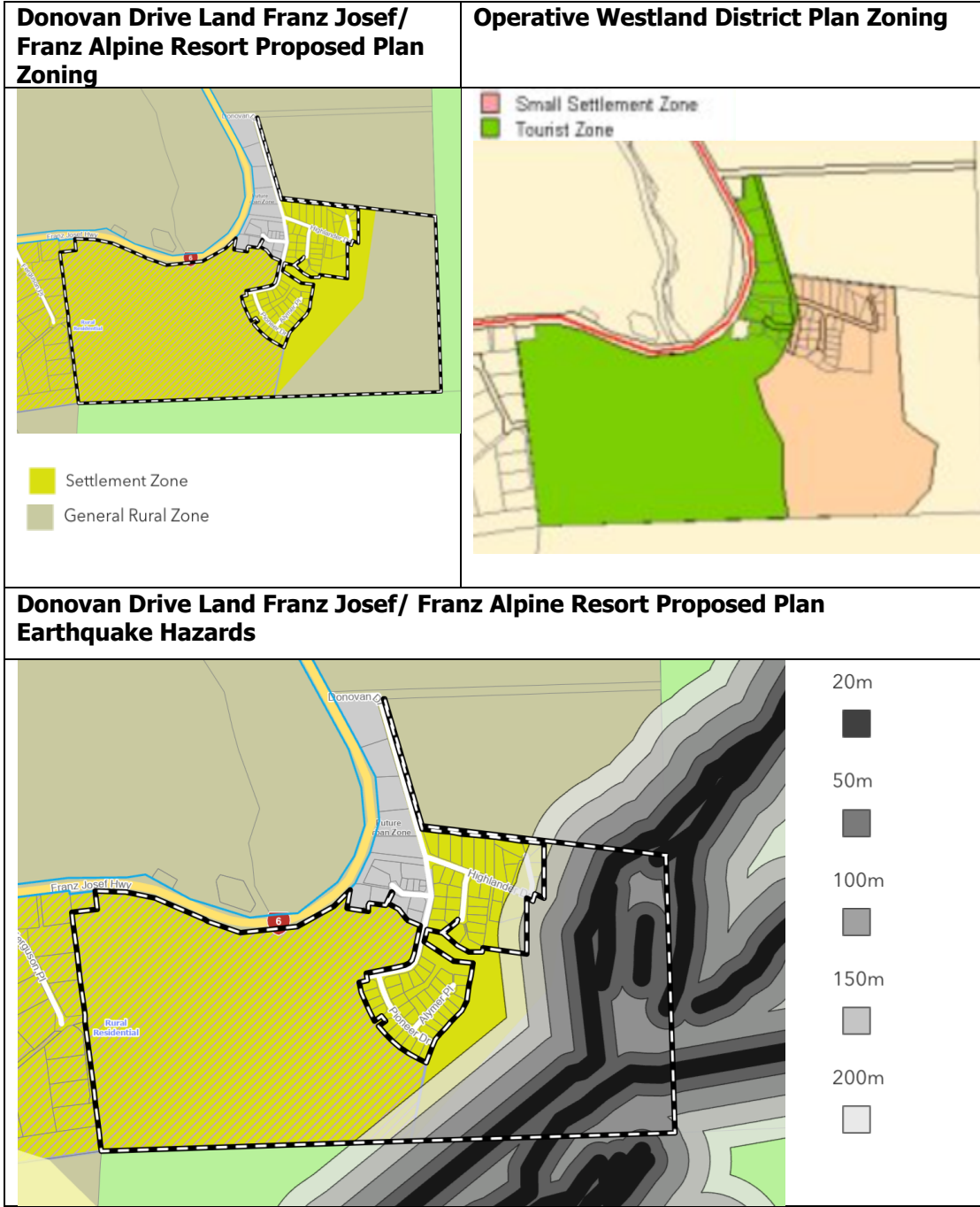
51. This section brings together the submissions points from Gavin Molloy from the General Rural Zone report. Refer to the Natural Hazards s42A report for Mr Molloy’s submission point and analysis of this in relation to the flood overlays.

**Submissions Points Rural Zones**

Submitter Name /ID	Submission Point	Position	Decision Requested
Zoning	S485.001	Amend	That the zoning of the land at Franz Alpine Resort as Tourist and Residential Zone and the Westland District Plan provisions are carried over into TTPP.

**Analysis**

52. Gavin Molloy (S485.001) seeks that the zoning of the land at Franz Alpine Resort as Tourist and Residential Zone, and the Westland District Plan provisions are carried over into TTPP. I do not support this submission. While there has been down zoning of this area from the Operative Plan provisions, this has been in response to the issues that have arisen over time as the development commenced, both in terms of water infrastructure, and provision of better information about the hazard risks in the location with the Alpine Fault, flood hazards and land instability hazards all affecting the area.
53. The area is shown in the map below.



**Recommendations**

54. That no amendments to the Plan are made as a result of this submission.

**5.3 Submissions of Totally Tourism (Submitter 449)**

55. This section brings together the submissions points from Totally Tourism from s42A topics where hearings have already occurred. Refer to the Natural Hazards s42A report for Totally Tourism’s submission points and analysis of this in relation to the flood overlays.

### Submissions Points – Outstanding Natural Landscapes

Provision	Submission Point	Position	Decision Requested
ONL 14	S449.009	Amend	Move the ONL boundary so that Lot 33 Deposited Plan 409401 at Donovan Drive Franz Josef does not have any ONL located on it.

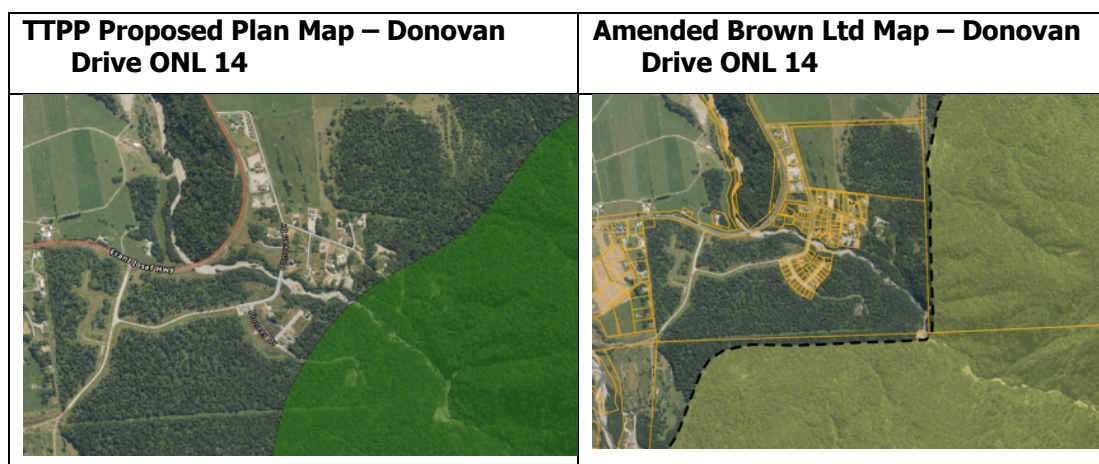
#### Analysis

56. Totally Tourism Limited (S449.009) oppose the boundaries of ONL 14. ONL 14 covers the Franz Josef Glacier Valley, and both the proposed Plan maps and the updated Brown Limited maps consider that this area is an ONL. With regard to the Totally Tourism submission, they are concerned about the boundary at Donovan Drive in Franz Josef township. I have reviewed the updated maps from Brown Limited and there is an amendment to the boundary of ONL 14 in relation to the property so that slightly less of the property is affected by the ONL. I therefore support the submission in part.

57. I specifically asked Bridget Gilbert to check this area to confirm that it does not meet the definition of an ONL when she undertook her field assessment. She reviewed the Brown Limited map post digitization and has made the following comment on this:

*Minor refinement of the ONL 14 mapping in the vicinity Donovan Drive, Franz Joseph is recommended to follow a 'landscape' rather than a zone boundary. (S449 Totally Tourism Limited.).*

58. At the time of drafting this (Franz Josef) report, this refinement has not been completed, but if the information becomes available ahead of the hearing, I will issue an addendum report.



### Submissions Points – Rural Zone

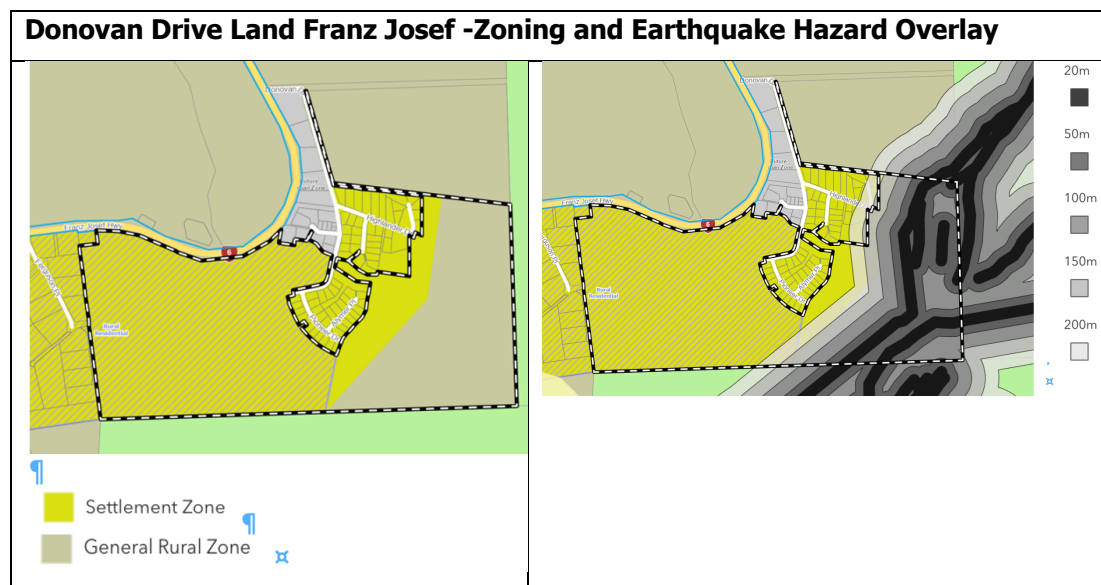
Provision	Submission Point	Position	Decision Requested
Zoning	S449.008	Oppose	Rezone the 72.79 ha of land (Lot 33 Deposited Plan 409401) located off Donovan Drive, Franz Josef at to Settlement Zone - Settlement Centre Precinct.

#### Analysis

59. Totally Tourism Limited (S449.008) seeks that the 72.79 ha of land (Lot 33 Deposited Plan 409401) located off Donovan Drive, Franz Josef is rezoned to Settlement Zone - Settlement Centre Precinct. I do not support this submission. Currently the proposed

Plan identifies the majority of the site as Settlement Zone: Rural Residential Precinct, reflecting the lack of infrastructure servicing of this area. There is no planned expansion of Franz Josef Infrastructure to service this area and the existing Franz Alpine Resort subdivision has a non-complaint water supply, with the Council now requiring new residents to install onsite wastewater and water tanks.

60. The Settlement Centre Precinct allows a higher degree of development than any other Settlement Zone Precinct, and the Council considers that infrastructure servicing is essential for this zone. I also note that the Alpine Fault traverses this site and that the area affected by the Earthquake Hazard Overlay is currently zoned General Rural Zone which I consider entirely appropriate.
61. The area is shown in the map below.



### Submissions Points – Airport Zone

Provision	Submission Point	Position	Decision Requested
Definition of Airport Activities	S449.002 S449.003	Support	Retain definition of Airport Activities as notified.
Airport Zone Chapter as a Whole	S449.001	Support	Retain the Franz Josef Heliport Airport Zone.
Airport Zone Chapter as a Whole	S449.004	Amend	Amend Airport Noise Boundary at Franz Josef to reflect the maximum air movements - either from the 2018 or 2019 if these are greater than the 2017 year.

### Analysis

62. Totally Tourism Limited (S449.003) support the definition of Airport Activities. Totally Tourism Limited (S449.001) supports the Franz Josef Heliport being located in the Airport Zone. This support is noted.
63. Totally Tourism Limited (S449.004) seek that the Airport Noise Boundary at Franz Josef be amended to reflect the maximum air movements - either from the 2018 or 2019 years if these are greater than the 2017 year. I support this submission in that the noise contours were based on the pre covid air movements, based on the busiest year with data on movements provided by the Franz Josef Heliport numbers. The intention is that the contours reflect that peak use, but do not provide for further expansion of heliport use beyond the pre-Covid peak.

### Submissions Points – Settlement Zone

Provision	Submission Point	Position	Decision Requested
Rules as a Whole	S449.016	Support	Retain the rules as notified.
Totally Tourism Limited (S449)	S449.007	Support	Retain Settlement Zone for Lot 2 Deposited Plan 408756 & Lot 9 Deposited Plan 1433 which are located off Cook Flat Road, Fox Glacier
Totally Tourism Limited (S449)	S449.010	Neutral	Retain Settlement Zone as notified over parts of Franz Josef that are affected by Earthquake Hazard Overlay at the submitters properties at Cron St and Graham Place.

### Analysis

64. Totally Tourism Limited (S449.016) supports the rules as notified. This support is noted.  
 65. Totally Tourism Limited (S449.007 and S449.010) supports the zoning of a range of properties at Fox Glacier and Franz Josef. This support is noted.

### Submissions Points – Rural Zones

Provision	Submission Point	Position	Decision Requested
RURZ – Objectives and Policies	S449.017	Support	Retain objectives and policies as notified as relate to the Settlement Zone,.

### Analysis

66. Totally Tourism Limited (S449.017) supports the objectives and policies as they relate to the Settlement Zone as notified. This support is noted.

### Recommendations

67. That the ONL 14 boundary at Donovan Drive is amended to follow a “landscape” boundary as identified by Bridget Gilbert Landscape Architecture.

## 5.4 Submissions of Scenic Hotel Group (Submitter 483)

### Submissions on the Scenic Visitor Zone

Submitter Name /ID	Submission Point	Position	Decision Requested
Scenic Visitor Zone – mapping extent of zone	S483.002	Oppose	Oppose Scenic Visitor Zoning for the following properties: Te Waionui Forest Retreat 3 Wallace St Franz Josef Glacier Scenic Hotel Franz Josef Glacier 45 SH6 Franz Josef Glacier Kea Staff Village 93 Cron Street, Franz Josef Glacier Heartland Hotel Glacier Country, 11 Cook Flat Road, Fox Glacier Ocean View Resort, 4327 State Highway 6, Punakaiki 27-31 Sullivan Road Fox Glacier Seek compensation for any restrictions from rezoning.
Scenic Visitor Zone – mapping extent of zone	S483.005	Oppose	No rezoning of properties from Tourist Commercial to General Rural Zone (Franz Josef).



### Analysis

68. Scenic Hotel Group (S483.002) oppose the Scenic Visitor Zoning for their properties at:
- Te Waionui Forest Retreat 3 Wallace St Franz Josef Glacier
  - Scenic Hotel Franz Josef Glacier 45 SH6 Franz Josef Glacier
  - Kea Staff Village 93 Cron Street, Franz Josef Glacier
  - Heartland Hotel Glacier Country, 11 Cook Flat Road, Fox Glacier
  - 27-31 Sullivan Road Fox Glacier
69. They seek compensation for any restrictions from rezoning. I do not support this submission. This submitter seeks to retain the Tourist Commercial Zone from the operative Westland District Plan. This zone is not included in TTPP, but the provisions of the Tourist Commercial Zone have been rolled over and updated into the Scenic Visitor Zone that replaces it. In terms of compensation, the RMA specifically provides that no compensation is payable as a result of land use rules. I also note that the existing uses on these sites are subject to existing use rights.
70. Scenic Hotel Group (S483.005) seek no rezoning from Tourist Commercial (Westland Operative Plan zone) to General Rural Zone. I do not support this submission. When considering the zoning at Franz Josef the TTPP team worked closely with the Westland District Council considering the proposed future development approach for Franz Josef – which recognises the multiple hazards faced in this location and the need to not locate new development directly on the Alpine Fault, or within locations at very severe risk of flooding. This meant some “down zoning” of land as a consequence, however I consider this is appropriate in order to meet Section 6 of the RMA and manage the future risks of natural hazards.

### Submissions on the Settlement Zone

Submitter Name / ID	Submission Point	Position	Decision Requested
Settlement Zone – mapping extent of zone	S483.004	Oppose	<p>Oppose Settlement Zone zoning on the following properties:</p> <ul style="list-style-type: none"> <li>- 31 Pekanga Drive, Fox Glacier</li> <li>- 35 Pekanga Drive, Fox Glacier</li> <li>- 24 Cowan Street, Franz Josef Glacier</li> <li>- 26 Cron Street, Franz Josef Glacier</li> <li>- 2 Condon Street, Franz Josef Glacier</li> </ul> <p>Seek compensation for any restrictions arising from rezoning.</p>

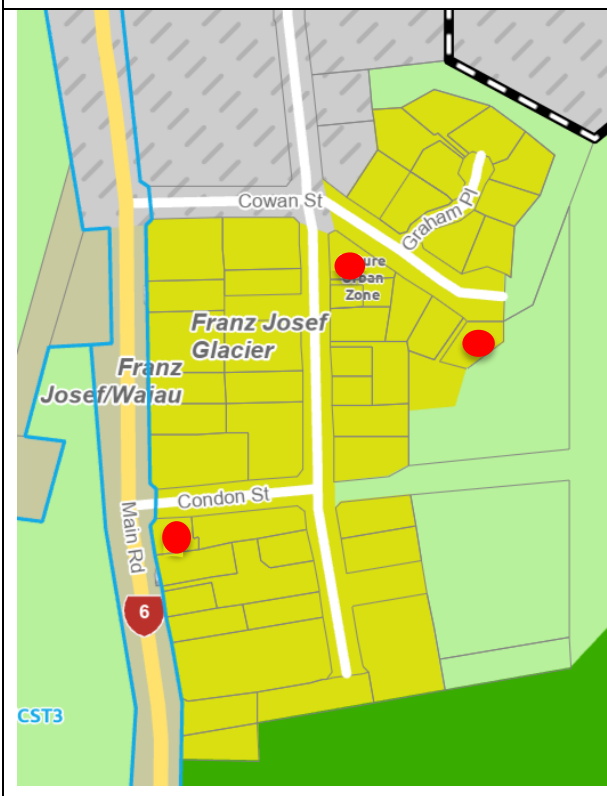
### Analysis

71. Scenic Hotel Group (S483.004) oppose the Settlement Zone zoning on the following properties:
- 31 Pekanga Drive, Fox Glacier
  - 35 Pekanga Drive, Fox Glacier
  - 24 Cowan Street, Franz Josef Glacier
  - 26 Cron Street, Franz Josef Glacier
  - 2 Condon Street, Franz Josef Glacier
72. These properties are shown on the maps below:

### Scenic Circle Properties Fox Glacier

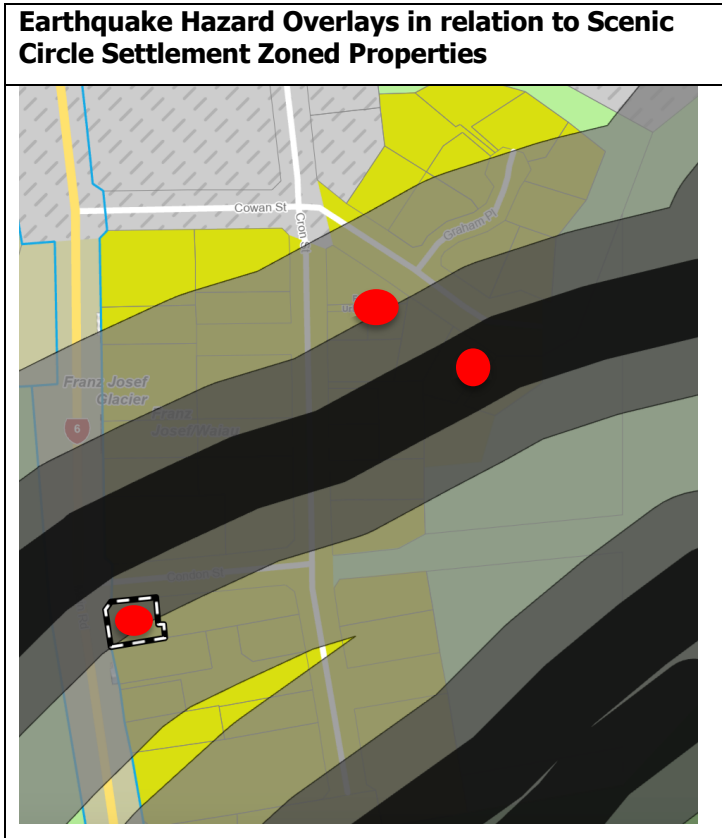


### Scenic Circle Properties Franz Josef



73. They seek compensation for any restrictions from the zoning. I do not support this submission. At Fox Glacier it is my understanding that the property is staff accommodation on a residential street. Settlement Zone is entirely appropriate for these sites, as it is the same zone as the surrounding residential properties.

74. At Franz Josef all three of the properties are within an area identified as Settlement Zone.
75. Because of the multi-hazard situation at Franz Josef (Alpine Fault, flooding and landslide hazard) there has been significant planning work done by the Westland District Council and the community. This has resulted in an overall approach to Franz Josef zoning which envisages the town centre moving northwards – away from the Waiho River and the Alpine Fault. In particular, the focus is on ensuring that further sensitive activities are not developed on the Alpine Fault – which runs directly through 24 Cowan Street.



76. I do note that the activities established on this site will have existing use rights and the restrictions of the zone will only apply if further development is proposed.

**Recommendations**

77. That no amendments to the Plan are made as a result of these submissions.

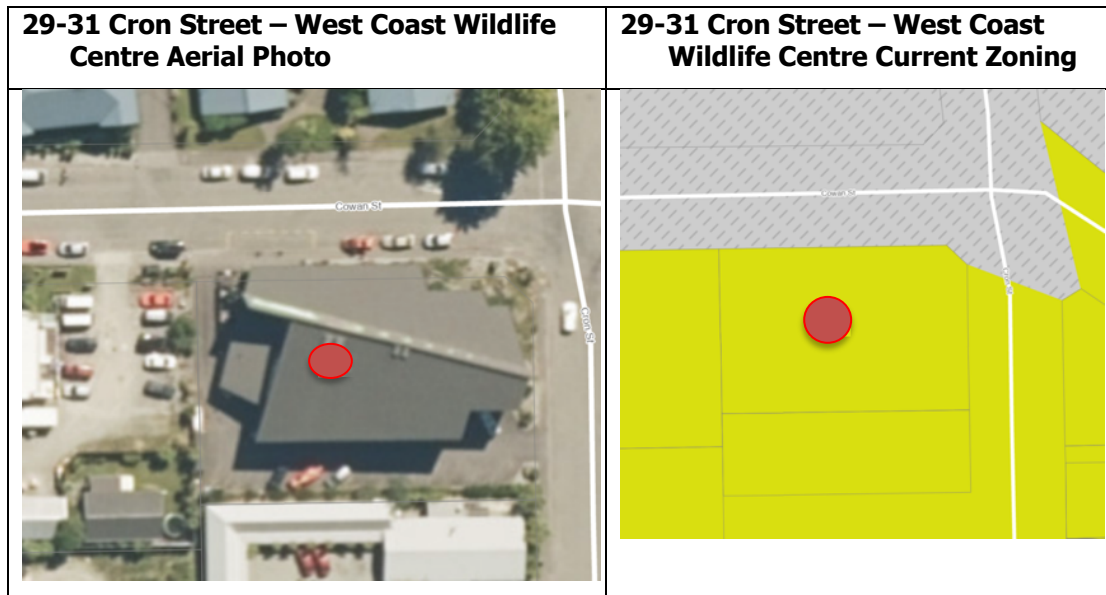
**5.5 Submissions of West Coast Wildlife Centre – Teewah Holdings Ltd (Submitter 1)**

**Submissions**

Submitter Name /ID	Submission Point	Position	Decision Requested
West Coast Wildlife Centre - Franz Josef - Teewah Holdings Ltd (S1)	S1.001	Amend	Amend zoning of land adjacent to 31 Cron Street so that it is within the Scenic Visitor Zone rather than the proposed zoning of General Rural Zone.

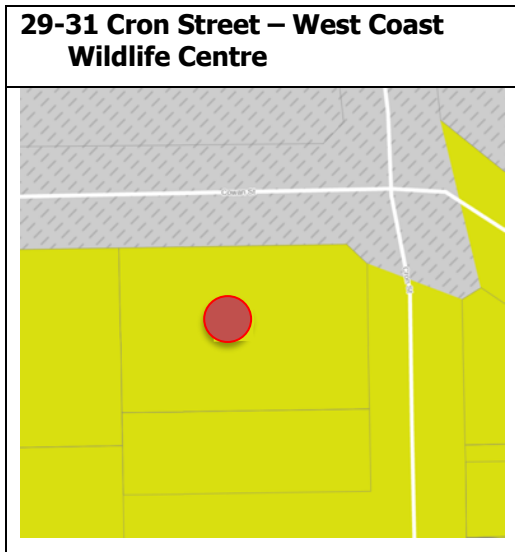
**Analysis**

78. West Coast Wildlife Centre (S1.001) seek that their facility on land adjacent to 32 Cron Street is rezoned Scenic Visitor Zone. I support this submission, as I consider that the exclusion of this land from the zone is an error, as the property meets the criteria used to identify properties to include in the zone. The property is currently zoned Settlement Zone (not General Rural) and is shown in the map below:



**Recommendations**

79. That the property at 29-31 Cron Street – West Coast Wildlife Centre, be rezoned Scenic Visitor Zone as shown on the map below:



## 5.6 Submissions of Freehold Property Investments (Submitter 73)

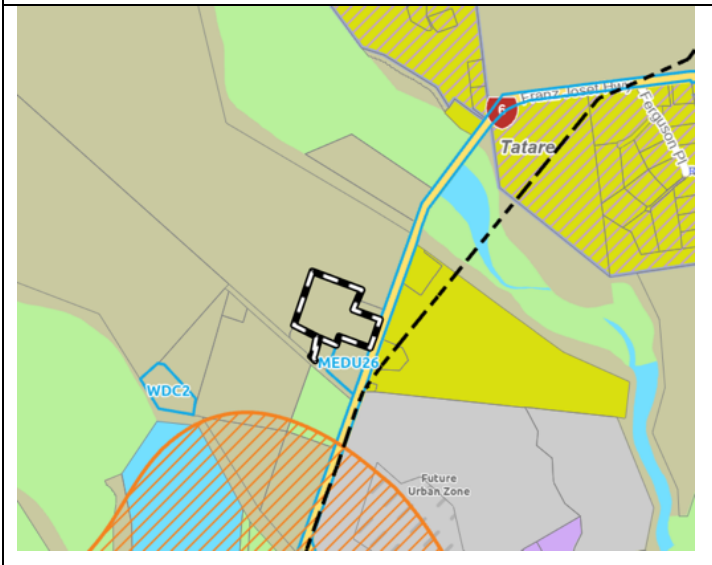
### *Submissions*

Submitter Name /ID	Submission Point	Position	Decision Requested
Freehold Properties (Investments) LLP (FP) (S73)	S73.001	Amend	Zone 2902 Franz Josef Highway (Lot 3 DP 426218) as Settlement Zone in its entirety and any consequential amendments to the plan.

### *Analysis*

80. Freehold Properties (Investments) LLP (FP) (S73.001) seek that 2902 Franz Josef Highway (Lot 3 DP 426218) is rezoned as Settlement Zone in its entirety. I do not support this submission as there is no Settlement Zone identification on the western side of the State Highway and this would result in a pocket of Settlement Zone within a wider rural area. I have discussed this submission with the Westland District Council and this zoning also does not accord with the wider plan for the Franz Josef area. The area is shown in the map below.

## 2902 Franz Josef Highway



### Recommendations

81. That no amendments to the Plan are made as a result of this submission.

## 6.0. S32AA Evaluation for all Recommended Amendments

82. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)-(4) if any amendment has been made to the proposal (in this case TTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation is undertaken in a level of detail that corresponds to the scale and significance of the changes. Minor changes to correct errors or improve the readability of TTPP have not been individually evaluated. In terms of s32AA, these minor amendments are efficient and effective in improving the administration of TTPP provisions, being primarily matters of clarification rather than substance.

83. I consider the recommended changes are of a minor nature and are intended to improve the workability of TTPP, and therefore further evaluation under s32AA is not required.

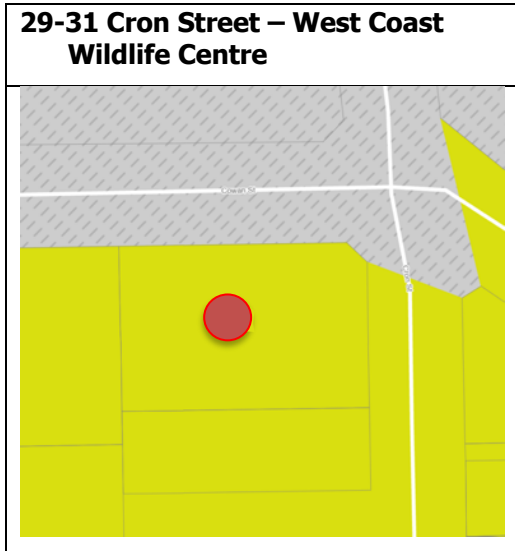
## 7.0 Conclusion

84. For the reasons included 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 One: Recommended Amendments to the Plan

### Amendments to Zoning Maps

That the property at 29-31 Cron Street – West Coast Wildlife Centre, be rezoned Scenic Visitor Zone as shown on the map below<sup>1</sup>:



### Amendments to Overlay Maps

That the ONL 14 boundary at Donovan Drive is amended to follow a “landscape” boundary as identified by Bridget Gilbert Landscape Architecture.<sup>2</sup>

1. \_\_\_\_\_

<sup>1</sup> West Coast Wildlife Centre (S1.001)

<sup>2</sup> Totally Tourism Limited (S449.009)