

## pTTPP: South Westland Natural Hazards Part A and Franz Josef Special Settlement zones

## POST HEARING RESPONSE

Question/Issued Regarding Proposed Drafting Provided in Planning Evidence.	Response/Proposed Further Amendments
<p><b>Scenic Visitor Zone Policies</b> <b>SVZ - P1</b></p> <p>Provide for growth and change to the Fox Glacier/Weheka, Franz Josef/Waiiau and Punakaiki townships that:</p> <ul style="list-style-type: none"> <li>a. Supports the long-term viability of the commercial areas and the communities that support them;</li> <li>b. Recognises the unique scenic qualities of the environments and does not compromise the dominance of the natural landscape setting in which the townships are located; and</li> <li>c. <b>Avoids, or does not exacerbate, the risk from significant natural hazards for further development. in areas at greatest risk from significant natural hazards.</b></li> </ul>	<p>The Panel questioned wording highlighted and consider that the words 'avoid' and 'do not exacerbate' do not go together very well under clause c.</p> <p>I have suggested revised amendments as follows:</p> <ul style="list-style-type: none"> <li>c. Avoids further development in areas at greatest risk form significant natural hazards, <b><u>where assessed as being unacceptable; and</u></b></li> <li>d. <b><u>In all other areas, further development is undertaken in a manner that ensures that the risks of natural hazards to people, property and infrastructure are appropriately mitigated.</u></b></li> </ul>
<p><b>SVZ - P6</b></p> <p>Require high quality design outcomes within the SVZ - Scenic Visitor Zone that:</p> <ul style="list-style-type: none"> <li>a. Recognise and respond to the natural character and scenic landscape values of the area;</li> <li>b. Have appropriate controls on design and height to protect the landscape, <u>existing built environment</u><sup>106</sup> and natural character values;</li> <li>c. Create a safe and vibrant pedestrian environment with</li> </ul>	<p>Remove 'or do not exacerbate' under clause e.</p> <p>I have suggested revised amendments as follows:</p> <ul style="list-style-type: none"> <li>e. Avoid the significant risks of natural hazards, <b><u>where these are deemed unacceptable.</u></b></li> </ul>

<p>continuous verandah coverage in the Main Street Frontage of Fox Glacier/Weheka and Franz Josef/Waiau;</p> <p>d. Recognise and provide for Poutini Ngāi Tahu cultural<sup>107</sup> values; and</p> <p>e. Avoid, <u>or do not exacerbate</u> the significant risks of natural hazards.</p>	
<p><b>Scenic Visitor zone Rules</b>  <b>Permitted Activities</b>  SVZ - R1 Commercial, Visitor <b>and worker</b> Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities</p> <p>...</p> <p><b>Restricted Discretionary Activities</b></p> <p>SVZ - R5 Commercial, Visitor <b>and Worker</b> Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards</p> <p><b>Discretionary Activities</b></p> <p>SVZ - R6 Commercial, Visitor <b>and Worker</b> Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules.</p>	<p>The Panel raised scope issue here around the inclusion of ‘and worker’. This is addressed in the separate legal response.</p>
<p><b>Scenic Visitor zone Rules</b>  <b>Permitted Activities</b>  SVZ - R1 Commercial, Visitor <b>and worker</b> Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities</p>	<p>The Panel raised an issue around scope of the insertion of ‘and worker’ in the additional proposed advice note. See separate legal response on this.</p> <p>The Panel have sought clarity over clause ‘f’ and what the reach of that would be/impact? The scenic visitor zone bounds a number of these zones in Franz, Fox and Haast so would have reach on the adjoining zones. It is</p>

<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> <li>1. Any building or structure is setback a minimum of 3m from any SETZ - Settlement Zone boundary;</li> <li>2. All external storage and waste management space is screened by landscaping so it is not visible from any adjoining SETZ - Settlement Zone boundary or any adjoining public space;</li> <li>3. Any residential activity must provide a minimum of 50m<sup>2</sup> outdoor living space for each residential unit which is separate from any parking and manoeuvring areas;</li> </ol> <p>...</p> <ol style="list-style-type: none"> <li>8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary <del>except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.</del> This standard does not apply to: <ol style="list-style-type: none"> <li>a. Road boundaries;</li> <li>b. Buildings on adjoining sites that have a common wall along the boundary;</li> <li>c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;</li> <li>d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or</li> <li>e. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.</li> </ol> </li> </ol> <p><b>f. Boundaries adjoining any site in a General Rural Zone,</b></p>	<p>appropriate that the recession planes do not apply to these Scenic Visitor Zone sites adjoining these zones as there is not the need to protect sunlight and daylight for such zones.</p>
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<p><b><u>General Industrial Zone, Open Space Zone, Natural Open Space Zone, or Natural Open Space Zone.</u></b></p> <p><b>Advice Note:</b></p> <ol style="list-style-type: none"> <li>1. Much of Franz Josef/Waiiau is within the Flood Susceptibility Hazard Overlay and/or the Earthquake Hazard Overlay. Refer to the Natural Hazards Chapter for relevant rules that also apply.</li> <li>2. <b><u>Where building height and/or recession plane rules apply, they shall be measured from existing ground level or where subject to a flood or coastal hazard overlay, they shall be measured from the level specified on a minimum floor level certificate, whichever is the higher.</u></b></li> </ol>	
<p><b>Officers Right of Reply comments on scope:</b></p>	<p>See separate legal response on this scope issue.</p>

**[47] Can I clarify what within the evidence presented to the hearing is within the scope of the Scenic Hotel Group submission?**

113. The Scenic Hotel Group provided a very general original submission that broadly opposed the rezoning and all rules associated with their properties at Haast, Fox Glacier, Franz Josef and Punakaiki. In terms of relief sought it did not seek specific changes to the rules, but a return to the provisions for Tourist Zone on the Westland District Properties. It sought no specific relief in relation to the zone provisions.

114. At the hearing the Scenic Hotel Group presented a number of more detailed points in relation to their submission. They have also provided further written evidence from Planz Consultants on potential changes to the Overview sections, Objectives, Policies and Rules that would address their concerns. I consider that most of these fall outside of the scope of their original submission. The table below identifies the matters that I consider to be in scope of their original submission:

Original Submission Point	In scope matters detail presented at hearing and in written evidence
Scenic opposes all the proposed rules and zone changes	<ul style="list-style-type: none"> <li>• Planz suggested amendment to Rule SVZ – R1 (5) returning the maximum height limit to the 10m in the Operative Buller District Plan</li> <li>• Planz suggested amendments to Rule SVZ – R1 (8) and SETZ – R2 in relation to recession planes.</li> </ul>
Scenic reserves its rights to enhance and provide activities to encourage visitors to stay longer in the region	<ul style="list-style-type: none"> <li>• Planz suggested amendment to Policy RURZ – SETZ – PREC 3 in relation to visitor accommodation and tourism support facilities in Punakaiki</li> </ul>
Council should withdraw natural hazards provisions where the ability to continue lawfully established activities are hindered or restricted	<ul style="list-style-type: none"> <li>• Planz suggested amendment to Policy SVC - P1(c) and SVC – P6 - Reducing the directiveness of these policies to 'avoid, or <u>do not exacerbate</u>, the risk from significant natural hazards',</li> </ul>

<p>115. I consider the following matters presented in the Planz tabled amendments are out of scope of the original submission.</p> <ul style="list-style-type: none"><li>• Changes policies and rules to include references to worker accommodation in the Scenic Visitor Zone Rules (the Scenic Hotel Group original submission did not refer to worker accommodation).</li><li>• Changes to the Rural Zones Overview referencing Punakaiki and Barrytown and the Settlement Zone Overview referencing worker accommodation and the role of Punakaiki within the Coastal Settlement Precinct (although as these changes have no statutory weight they may be able to be made as Clause 16 amendments)</li><li>• Changes to Rule SVZ – R1 (4a) in relation to indigenous vegetation. As this vegetation clearance limit exists in the operative Buller District Plan it is not a rule change.</li><li>• Changes to where recession planes are measured from.</li><li>• Amendments to Rule SETZ – R2 seeking that provisions that apply to residential buildings also apply to worker and visitor accommodation. This would be a substantial difference from the operative plan rules.</li><li>• Increase in maximum site coverage to 50% in Punakaiki – this differs from the operative Buller District Plan provisions</li><li>• Change to Rule SETZ – R2 Increase in maximum total gross ground floor area of buildings at Punakaiki – the TTPP rule is less restrictive than the operative Buller District Plan (which has a 150m<sup>2</sup> maximum).</li><li>• Change to SETZ – R3 to not apply at Punakaiki – this rule is essentially the same as the operative Buller District Plan rule</li><li>• Amendments to Rule SETZ – R11 – the submission does not reference worker accommodation or Barrytown.</li></ul>	
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