

# **REPORT TO RESOURCE MANAGEMENT COMMITTEE**

**Meeting Date:** 1 - 3 JUNE 2010

**Subject:** DECISIONS ON PROVISIONS AND MATTERS RAISED IN SUBMISSIONS IN ACCORDANCE WITH CLAUSE 10 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991 - **TE ANAU LAKESIDE PROTECTION AREA PROPOSED PLAN CHANGE NO. 7**

**File No.:** 360/35/4/20

Report by Mr M Hunter, Resource Management Planner dated 4 May 2010.

## 1. **SUMMARY OF REPORT**

This report has been commissioned by the Southland District Council (SDC) in accordance with Clause 10 of the First Schedule; and Section 42A of the Resource Management Act 1991 (RMA) to consider all submissions received following the public notification of Lakeside Protection Area - Plan Change 7 and to make recommendations on those submissions and further submissions.

The background information to this Plan Change is contained within the Section 32 evaluation prepared for the Southland District Council at the time this plan change was notified. For reference purposes, this evaluation is attached to this report as **Appendix "1"**.

In essence, Plan Change 7 seeks to tighten the relevant planning rules governing the maximum height of buildings along the lakeside between the Te Anau township and Lake Te Anau to preserve those characteristics that make this urban/lakescape interface a fundamental part of Te Anau; and maintain and enhance the immediate environs of this locality.

The Section 32 report evaluated a range of methods to achieve an effective planning regime with respect to height controls and suggested that the optimal manner in which to achieve this is through the creation of a special sub zone - the Lakeside Protection Area (LPA). Here it is suggested that it is not appropriate to exceed a maximum of height of 12 metres above ground level, and to do so should be a prohibited activity; thereby seeking to further protect visual amenity, access to views, sunlight, avoid shading and maintain or enhance an appropriate Te Anau township - Lake Te Anau interface.

Signature

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Author

\_\_\_\_\_  
Executive Staff

## 1. **SUMMARY OF REPORT Continued**

It is suggested that this would be achieved by providing a new District Plan Rule relating to the maximum height of buildings within a designated LPA, whereby it is proposed that any building within the LPA exceeding a proposed height of 12 metres will become a prohibited activity.

This report:

- outlines the statutory provisions relevant to the plan change process;
- discusses general issues;
- discusses both the original and further submissions received following the public notification of this plan change;
- makes recommendations as to whether or not those submissions should be accepted or rejected; and
- concludes with an overall recommendation based on the preceding discussion in the report.

The Plan Change was notified 17 October 2009 with submissions closing on 23 November 2009.

A total of 18 submissions and 1 further submission were received. However, the further submission received did not meet the requirements of the Resource Management Act 1991 and is considered invalid as Schedule 1, Part 1[6(5) requires a submission to be in the prescribed form. A full copy of all submissions and the further submission is attached as **Appendix "2"**.

The summary of submissions was notified on 5 December 2009 and further submissions called for with submissions closing 22 January 2010.

Submissions received sought a range of outcomes. The submissions are discussed in further detail below.

A summary of all recommendations on submissions and the further submission is found within the report under **Sections 7.0 and 8.0** below.

The physical extent and configuration of the proposed Te Anau LPA - Plan Change 7 is illustrated on the plan titled "*Proposed Te Anau Lakeside Protection Area - Plan Change 7 - Map 1 and Map 2*" and attached as **Appendix "3"**.

**Appendix "4"** outlines the extent and configuration of the four existing resource areas, being Scenic, Urban, Plains and Transitional Resource Areas as contained within the 2001 Operative Southland District Plan.

In general, it is concluded that there is a need to strengthen the provisions within the Southland District Council - Operative District Plan relating to allowable building heights along the Te Anau Lakefront.

## 2. **RECOMMENDATION**

- (a) THAT THE REPORT ON SUBMISSIONS ON THE PROPOSED TE ANAU LAKESIDE PROTECTION AREA - PLAN CHANGE 7 BE RECEIVED BY THE COMMITTEE.
- (b) THAT THE COMMITTEE CONSIDERS PROVISIONS AND MATTERS RAISED IN SUBMISSIONS ON PROPOSED PLAN CHANGE 7.
- (c) THAT THE COMMITTEE CONSIDERS THE STAFF COMMENT AND RECOMMENDATIONS FOR DECISIONS ON SUBMISSIONS AS DETAILED IN THIS REPORT AND ANY FURTHER POINTS AS INDICATED AT THE MEETING.
- (d) THAT THE COMMITTEE MAKES DECISIONS ON PROVISIONS AND MATTERS RAISED IN SUBMISSIONS.

## 3. **REPORT**

The report outlines to the Hearings Committee the relevant information and issues regarding Plan Change 7, along with recommendations on the submissions and further submissions. It must be emphasised that the conclusions and recommendations made in this report are my own, based on the information to hand at the time of writing this report, and are not binding upon the Committee.

It is my opinion, as a planner; that introducing a new LPA to the Operative Southland District Plan 2001, and changing the activity status for buildings and structures exceeding the 12 metre height limit for the Te Anau township's lakeside from discretionary to prohibited constitutes an efficient use and development of natural and physical resources and is consistent with the principles of the Act. My reasons for this position are:

- Buildings and structures higher than 12 metres along the Te Anau Township's lakeside are not favoured by the majority of the community, as indicated by the responses on the Council's Discussion Document on possible Te Anau Plan Changes, released in June 2008.
- There is a concern that it is currently relatively easy to get resource consent granted for a building or structure that exceeds the 12 metre height limit.
- Prohibited activity status is the most appropriate activity status for this activity as it is the only activity status that can absolutely ensure that there will be no buildings and structures over 12 metres in height on the Te Anau lakefront.
- The weight of submissions received in support seeking adoption of the recommended plan change options.

### 3.1 **Background**

The Council is seeking to provide a more coordinated approach to emerging environmental issues and growth pressures in the Te Anau Basin. For this reason it is important to understand clearly the current Operative District Plan provisions for the various resource areas that may be located within the LPA.

There are four different zones within the Operative Southland District Plan that apply to different portions of the Te Anau Township's lakeside. These four zones are Scenic Resource Area, Plains Rural Resource Area, Transitional Resource Area, and Urban Resource Area (see **Appendix 3** for the current zoning map). The four zones impose different height restrictions as shown by Table 1 below.

Resource Area	Height limit for residential buildings and structures	Activity status for consents that exceed the height limit	Height limit for non-residential buildings and structures	Activity status for consents that exceed the height limit
Urban	9 metres	discretionary (non-complying above 10 metres)	12 metres	discretionary
Transitional Scenic Plains Rural	12 metres	non-complying	12 metres	non-complying
	6 metres	Discretionary	6 metres	discretionary
	12 metres	non-complying	12 metres	non-complying

**Table 1 - Current District Plan height limits for buildings and structures along the Te Anau township's lakeside.**

In respect of Table 1 above, it must be highlighted that the proposed LPA as outlined as the preferred option in the Section 32 report for Plan Change 7 would overlay all resource areas in the above table. The proposed LPA would set a 12 metre maximum height for all buildings and structures regardless of the underlying resource area provisions, the extent of which are identified on the proposed LPA Plans attached as **Appendix "3"**.

### 3.2 Options Considered

In addressing these issues, the following options were considered under Section 32 of the Resource Management Act 1991 (the Act):

The options briefly are:

- Retain Status Quo / Make no change (i.e. retain discretionary activity status). This option would retain the existing discretionary activity status for buildings and structures that exceed the 12 metre height limit.
- To establish a new Lakeside Protection Area and alter the activity status to non-complying for buildings and structures that exceed the 12 metre height limit in that area.
- To establish a new Lakeside Protection Area and alter the activity status to prohibited for buildings and structures that exceed the 12 metre height limit in that area.
- Alter the activity status to prohibited for buildings and structures that exceed the 12 metre height limit in any part of Te Anau.

### 3.3 **Policy and Plan Considerations**

This section of the report briefly sets out the statutory framework within which the Council must consider submissions. Section 4 of the Section 32 report for proposed Plan Change 7 details further the key provisions of the Resource Management Act relevant to the proposed plan change (see **Appendix “1”**).

#### **REGIONAL POLICY STATEMENT FOR SOUTHLAND 1997**

The Regional Policy Statement for Southland provides an overview of the resource management issues of the Southland region. It also states the objectives, policies and methods to achieve integrated management of the region's natural and physical resources. Southland District Council is required to give effect to the matters set out in the Regional Policy Statement under the Resource Management Act 1991.

Section 5.10 'Built Environment' of the Regional Policy Statement details a number of provisions that are considered relevant to the proposed Te Anau Plan Changes including the following objectives and policies;

#### **5.10.3 OBJECTIVES**

***Objective 10.1***

*To achieve the sustainable management of the built environment in such a way that the needs of future generations are met.*

***Objective 10.2***

*To maintain and enhance the environmental quality of the Region's built environment.*

***Objective 10.5***

*To minimise the adverse effects of the built environment on natural and physical resources.*

#### **5.10.4 POLICIES**

***Policy 10.1***

*Encourage development and use of the built environment that provides for the efficient use of existing facilities and infrastructure while simultaneously avoiding the development of unnecessary additional infrastructure.*

***Policy 10.7***

*Recognise that changes to one component of the built environment can have adverse effects on other components of the built environment.*

Preparation, implementation and administration of District Plans is recognised in this section as a key method for achieving the built environment objectives outlined above.

#### **5.10.5 METHODS OF IMPLEMENTATION**

***Method 10.5***

*Prepare, implement and administer Regional and District Plans*

*In preparing Regional and District Plans, regard is required to be given to the integrated management of the effects of the use, development and protection of land and associated resources.*

Proposed Plan Change 7 is considered to be an appropriate method to achieve the built environment objectives outlined above. The Southland District Council will be able to give effect to the Regional Policy Statement 1997 if Proposed Plan Change 7 is approved.

### TE TANGI A TAUIRA 2008

Iwi Management Plans must be taken into account when considering changes to district plans. “*Te Tangi a Tauira - The Cry of the People*” is the relevant Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan. The following policy from this document is considered relevant to proposed Plan Change 7;

#### 3.5.7 Subdivision and Development

1. *Require iwi involvement in local authority planning processes that establish zoning provisions, including decisions pertaining to where subdivision and development is considered appropriate or inappropriate.*

The Southland District Council has formally consulted with the tāngata whenua of the area, through Te Rūnanga o Ngāi Tahu (iwi authority) and Te Ao Mārama Inc (the agency authorised to represent Te Rūnaka o Awarua, Hokonui Rūnanga, Ōraka/Aparima Rūnaka, Waihōpai Rūnaka. A submission in support of Plan Change 7 was received from Te Ao Mārama Incorporated.

### THE RESOURCE MANAGEMENT ACT 1991

This Plan Change is being prepared in accordance with the Resource Management Act 1991. Key provisions of the Act are the purpose and principles and Section 32 “Consideration or alternative, benefits and costs.” As well as this, Plan Change 7 is also considered consistent with the purpose of the Act as outlined in Section 5 of the Act, being to promote the sustainable management of natural and physical resources.

#### **Part Two - Purposes and Principles**

The purpose of the Act is to promote the sustainable management of natural and physical resources and is prescribed in Section 5 of the Act, and is as follows:

*“In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and***
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and***
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”***

Sections 6, 7 and 8 detail the matters that need to be considered in achieving the purpose of the Act. The most relevant matters are as follows:

Section 8 of the Act states:

*“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Section 7 of the Act states:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

**(a) Kaitiakitanga:**

**[(aa) The ethic of stewardship:]**

**(b) The efficient use and development of natural and physical resources:**

*[(ba) the efficiency of the end use of energy:]*

**(c) The maintenance and enhancement of amenity values:**

**(d) Intrinsic values of ecosystems:**

*(e) Repealed.*

**(f) Maintenance and enhancement of the quality of the environment:**

*(g) Any finite characteristics of natural and physical resources:*

*(h) The protection of the habitat of trout and salmon:*

*[(i) the effects of climate change:]*

*[(j) the benefits to be derived from the use and development of renewable energy.]*

Section 6 of the Act states:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

**(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:**

**(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:**

**(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:**

**(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:**

**(e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.**

[(f) *the protection of historic heritage from inappropriate subdivision, use, and development.*]

[(g) *the protection of recognised customary activities.*]

Development in Te Anau may be able to occur subject to stricter constraints put in place by Council, thereby avoiding the adverse effects of development higher than 12 metres along the Te Anau township's lakeside.

The Southland District Council Te Anau Lakeside Protection Area - Plan Change 7 will enable the Council to have particular regard to the relevant matters listed in Sections 6 - 8 of the Act and in my opinion will achieve the purpose of the Act. Accordingly, with respect to Section 5, restricting the height of built development in the proposed LPA to a maximum of 12 metres will assist in preserving the natural character of the lakeside margin, by preventing buildings and structures higher than 12 metres being constructed. The construction of buildings in excess of 12 metres may, in my opinion create potential effects that might possibly not be reasonably avoided, remedied or mitigated.

### 3.4 **Consideration of Community Views**

The Te Anau Community Board and the Southland District Council have been discussing for some time a number of possible changes to the Southland District Plan 2001. The proposed Plan Changes seek to provide a more proactive response to growth management issues within the Te Anau Basin.

This Section 42A report has been prepared following consultation with the Te Anau Community Board, two public meetings, and the release of a discussion document that outlined proposed Plan Change 7. Over 240 responses were received on the discussion document. Comments including responses from Environment Southland, the Department of Conservation and Te Ao Mārama Incorporated (on behalf of local iwi) were received. A meeting discussing the Plan Change was also held with a staff member of the New Zealand Transport Agency.

The Plan Change process began in 2007, with a series of workshops in Te Anau focussed on growth issues. Te Anau Community Board members and Southland District Council staff were involved in the initial workshops which were then followed by two public meetings in May and September 2007. A series of key concepts were presented as possible Plan Changes at these two public meetings.

The next step in the process involved the release of a discussion document entitled "Possible Te Anau Plan Changes" in June 2008. This document outlined six possible Plan Changes relating to Te Anau and the Council received 244 feedback responses. The community feedback received in response to the discussion document was reported back to the Te Anau Community Board in September 2008. This report included a summary of the feedback received and included staff recommendations on each of the six possible Plan Changes. The Te Anau Community Board recommended that the Council proceed with three Plan Change proposals relating to an expanded Industrial Resource Area, expanded Urban Resource Area and a new Lakeside Protection Area.

Southland District Council publicly notified the "*Te Anau Lakeside Protection Area Proposed Plan Change 7*" on 17 October 2009. All Te Anau ward ratepayers were notified of the proposed Plan Changes and a Proposed Te Anau Plan Changes Summary document dated, November 2009 was sent out with the public notice.

Two question and answer sessions were held in Te Anau on 3 and 4 November 2009 and members of Council's Resource Management staff were available at these sessions to answer any questions from the public.

The submission period closed on Monday, 23 November 2009 and a total of 18 submissions were received.

On 5 December 2009 Southland District Council publicly notified the availability of the summary of submissions and called for further submissions. Further submissions on the Proposed Plan Changes had to be received by the Southland District Council no later than 22 January 2010.

One further submission was received on proposed Plan Change 7, however, this submission did not meet the requirements of the Resource Management Act 1991 and is considered invalid as Schedule 1, Part 1[6(5) requires a submission to be in the prescribed form.

### 3.5 **Financial Considerations**

The proposed Te Anau Plan Changes have been provided for in the Resource Planning Policy budget for the 2009 / 2010 financial year.

### 3.6 **Legal Considerations**

Section 73 (1A) of the Resource Management Act 1991 states that a District Plan may be changed by a territorial authority in the manner set out in Schedule 1 of the Act.

The Ngāi Tahu Claims Settlement Act 1998 Schedule 58 outlines the statutory acknowledgement of the Te Ana - au / Lake Te Anau. This acknowledges the important cultural relationship of Ngāi Tahu tangata whenua with Lake Te Anau. As the proposed Plan Change focuses on the interface between Lake Te Anau and the township, I believe the above must be acknowledged, but the submission of support for Te Ao Mārama Incorporated is also noted in this regard.

## 4.0 **STAFF COMMENT AND RECOMMENDATIONS ON SUBMISSIONS**

This section of the report discusses the matters raised and decisions requested in submissions and makes recommendations as to how the Council can respond to these. Each submission is individually reviewed, discussed and a recommendation made as to the submission's merits.

A full list of submissions and further submissions received on proposed Plan Change 7 is contained in **Appendix "2"**. The summary of the decisions requested by the submissions and further submissions is contained in Sections **7.0 and 8.0 below**.

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### **E A Loose [1]**

#### *Discussion*

The submitter supports the Plan Change as there is no need to exceed 12 metre limit along lakeside. No action will lead to over 12 metre high buildings which will adversely affect "village aspect of Te Anau". Submitter outlines potential Increase in earthquake-associated risks if allowed to build too high. The submitter states "that there is plenty of land for expansion without the need to go high on lakefront".

Recommendation

It is recommended that the submission is accepted in part.

Reason

*The submitter is supportive of the Plan Change but speculates that to do nothing will lead to buildings over 12 metres high. This outcome is not pre-destined and therefore not accepted. The submitter suggests that buildings over 12 metres will exacerbate earthquake risk. This is not supported as if buildings are properly designed and constructed it will not necessarily lead to an increase in earthquake risk to persons or property.*

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**David Thomas Healy [2]**Discussion

The submitter supports the Plan Change and suggests the lakefront area should be better maintained by cutting vegetation back to enable the public improved views of the lake.

Recommendation

It is recommended that the submission is accepted in part.

Reason

*The submitter endorses the approach recommended by Council and wishes to see the Plan Change made. However, the inference that the lakefront area should be better maintained or pruned back is not supported as it is managed by way of separate Reserves Act and Conservation Act processes and resource consent and/or concession processes.*

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**W Verrall [3]**Discussion

The submitter supports the Plan Change and suggests Plan Change does not go far enough, stating that any further erection of any buildings in this area should be banned except for yacht club and new scout den. It appears the submitter is unaware much of this area subject to the Plan Change, is administered by the Department of Conservation and/or the Council subject to the Reserves and Conservation Acts. The proposed LPA will overlay all existing zoning and reserves and would provided a further tool to manage land use activities throughout the proposed LPA.

Recommendation

*It is recommended that the submission is accepted in part and rejected in part.*

Reason

*The submitter endorses the approach recommended by Council and wishes to see the plan change made. It appears the submitter is unaware much of this area subject to the Plan Change, is administered by the Department of Conservation and/or the Council subject to the Reserves and Conservation Acts. The proposed LPA will overlay all existing zoning and reserves and would provided a further tool to manage land use activities throughout the proposed LPA.*

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**Gary Andrew Barnes [4]**Discussion

The submitter supports the Plan Change.

Recommendation

*It is recommended that the submission is accepted.*

Reason

*The submitter endorses the approach recommended in Council's Section 32 report.*

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**Lu Tyree [5]**Discussion

The submitter endorses the approach recommended in Council's Section 32 report but suggests that the LPA should only apply to that area currently located within the existing Te Anau Urban Resource Area. The submitter supports the limit of 12 metres for future development on those properties within the existing Urban Resource Area. However, it is suggested that the LPA should not apply to the proposed expansion of the Te Anau Urban Resource Area as outlined in Proposed Plan Change 6.

Recommendation

*It is recommended that the submission is accepted in part.*

Reason

*The existing District Plan Urban Resource Area provisions provide Council and the Community considerable control over all built form in the Urban Resource Area. The overlay of the LPA the existing urban resource area and proposed expansion to this area will simply strengthen the height control over any built form development within the proposed LPA, whether located within the existing Urban Resource Area, proposed Urban Resource Area, Scenic Resource Area or Plains Resource Area.*

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**Neil Rutherford Borland [6]**Discussion

The submitter supports the Plan Change but recommends against development along the lake edge. The submission states that access along the lakefront must be maintained and suggests that "...millionaire mansions right along the lakefront..." would be undesirable and would limit the access of "...humble peasants like myself". In conclusion the submitter suggests that no high-rise development (or any building at all) should occur on the lakefront.

Recommendation

*It is recommended that the submission is accepted in part and rejected in part.*

Reason

*The submitter correctly identifies issues relating to visual amenity and public access that could adversely impact the on the community and the public at large, if not appropriately managed. I believe it is important to point out that much of the LPA is managed as Reserves under the Reserves Act, or as Part of the Fiordland National Park.*

*Proposed Plan Change 7 merely provides another layer of control over land to be contained within the LPA. This would lead to a strengthening of the management tools available to avoid potential adverse effects that may arise from built form development where it is proposed that building height is to exceed 12 metres.*

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### **Fish and Game Southland [7]**

#### Discussion

The submitter supports the imposition of a LPA as proposed by Plan Change 7 and altering the activity status to prohibited for buildings in excess of 12 metres. The submitter leases land that would be located within the proposed LPA and outlines likely impacts to their existing and potential activities. Proposed Plan Change 7 would not impact the ability to undertake these activities subject to compliance with the performance standards for the Te Anau Urban Resource Area, or obtaining any necessary land use consents. It is not envisaged that the submitter's activities would be adversely impacted by the imposition of the maximum height of 12 metres for built form.

It is also noted that the submitter's lake user surveys suggest that the 'solitude and tranquillity' and the 'natural beauty of surroundings' are topmost in the ranking of importance for lake users. The submitter opines that the imposition of the proposed Plan Change 7 will further maintain and potentially enhance these valuable amenity values by preventing any built form over 12 metres being built within the LPA.

#### Recommendation

*It is recommended that the submission is accepted in part and rejected in part.*

#### Reason

*The submitter endorses the approach recommended in Council's Section 32 report. Council recognises the amenity values*

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### **Margaret Allison Northmore [8]**

#### Discussion

The submitter supports the proposed Plan Change. Further, the submitter does not discuss or evaluate the Plan Change but submits in support.

#### Recommendation

It is recommended that the submission is accepted.

#### Reason

*The submitter endorses the approach recommended in Council's Section 32 report.*

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### **Te Ao Mārama Incorporated [9]**

#### Discussion

The submitter supports the proposed Plan Change and endorses the approach recommended in Council's Section 32 report while emphasising the importance to the submitter of the statutory acknowledgement of Lake Te Anau under the Ngāi Tahu Claims Settlement Act 1998. It is noted by the submitter that efforts or management tools that lead to greater protection and enhancement of the lake and its surrounds are strongly supported.

Recommendation

*It is recommended that the submission is accepted.*

Reason

*The submitter openly endorses proposed Plan Change 7.*

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**Robyn Marie Rogers [10]**Discussion

The submitter supports the proposed Plan Change. Furthermore, the submitter notes the proactive stance of Council in notifying Plan Change 7 and supports the recommended approach

Recommendation

*It is recommended that the submission is accepted.*

Reason

*The submitter endorses the approach recommended in Council's Section 32 report.*

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**Philip John Rogers [11]**Discussion

The submitter supports the Plan Change and advocates that structures or buildings above 12 metres would be inappropriate.

Recommendation

*It is recommended that the submission is accepted.*

Reason

*The submitter endorses the approach recommended in Council's Section 32 report.*

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**Evan Robert Tennant [12]**Discussion

The submitter supports the Plan Change but states further that the land within the proposed LPA is the most important in the existing Te Anau Urban Resource Area and that the imposition of the a 12 metre maximum height is appropriate. The submitter states that this area should be left visually uncluttered and queries whether or not the 12 metre height maximum would achieve this but acknowledges it is a step in the right direction.

Recommendation

*It is recommended that the submission is accepted in part and rejected in part.*

Reason

*The submitter endorses the approach recommended in Council's Section 32 report*

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**Arthur John Henderson [13]****Discussion**

The submitter supports the Plan Change. The submitter states that there is plenty of land available away from the lakeshore to build 'skyscrapers'. Submitter states that "who wants Te Anau looking like the Gold Coast".

**Recommendation**

*It is recommended that the submission is accepted.*

**Reason**

*The submitter endorses the approach recommended in Council's Section 32 report.*

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**Glenda Margaret Bell [14]****Discussion**

The submitter opposes the Plan Change in part, and supports it in part. The submitter endorses the imposition of a maximum height control for Te Anau but then states opposition to the Plan Change in its entirety. The submitter questions the reasoning and motive of Southland District Council and outlines that a significant portion of the land is either reserve or part of Fiordland National Park and suggests that it is not appropriate for it to be built on at all.

**Recommendation**

*It is recommended that the submission is accepted in part and rejected in part.*

**Reason**

*The Fiordland National Park is managed by the Department of Conservation via the Conservation Management Strategy and the Fiordland National Park Management Plan and utilises leases, concessions and permits to regulate and control activities. All this land is also subject to the Resource Management Act and therefore subject to control via the 2001 Operative Southland District Plan.*

*It is not impossible nor improbable that reserves will not be built on, provided the use of, and the scale of the building is not contrary to the relevant Reserve Management Plan either administered by the Department of Conservation or by Southland District Council. The intent of the Plan Change is to seek to provide an additional management tool to further manage and enhance the relationship between Te Anau and Lake Te Anau despite the existing four resource areas, the presence of private land, public reserves, recreation reserves and the Fiordland National Park.*

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**Glenys Kay Dickson [15]****Discussion**

The submitter supports the Plan Change. The submitter endorses the approach recommended in Council's Section 32 report but questions the existing Te Anau Urban Resource area provisions which enable large two story dwelling houses to be built on lakeside property. Furthermore, the submitter queries whether or not tighter controls on residential dwellinghouses are required. Moreover, the submitter states that the 12 metre height seems very generous and recommends that a tighter control should be imposed.

Recommendation

*It is recommended that the submission is accepted in part and rejected in part.*

Reason

*To some persons the existing residential activity performance standards relating to residential buildings within the Urban Resource Area are generous while to others they are considered restrictive. The comments received in the submission process about existing dwellinghouses located within the proposed LPA are noted and it is anticipated that the residential activity performance standards will be further reviewed during the current and ongoing Southland District Plan 2001 review.*

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**Christopher Edward Hughes [16]**Discussion

The submitter supports the Plan Change, where a maximum of height of 12 metres is proposed and any structure or activity over that height shall be prohibited

Recommendation

*It is recommended that the submission is accepted.*

Reason

*The submitter endorses the approach recommended in Council's Section 32 report.*

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**Director General of the Department of Conservation [17]**Discussion

The submitter supports the Plan Change. The submitter endorses the intent of the Plan Change to further restrict the maximum height of built form along the Te Anau lakeside.

Recommendation

*It is recommended that the submission is accepted.*

Reason

*The Section 32 Plan Change report assessed alternatives by examining a variety of similar lakeside New Zealand towns. The 12 metre threshold was selected by examining the existing heights of Te Anau buildings, whilst having regard to earlier consultation with the community and the Te Anau Community Board about community desires for the protection and enhancement of the lakefront and associated amenity. These desires were recognised in the Section 32 report.*

*The threshold was further debated and its merits assessed in "costs, benefits and alternatives" assessment and duly selected. To some the 12 metre maximum height suggested might appear overly generous while to others it would appear overly restrictive limiting the ability to be creative in terms of building design. It is opportune that Council is seeking to review the 2001 Operative Southland District Plan whereby the performance standards for the Te Anau Urban Resource area will most likely be revisited.*

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**Environment Southland [18]****Discussion**

The submitter supports the Plan Change.

**Recommendation**

*It is recommended that the submission is accepted.*

**Reason**

Environment Southland's previous comments regarding possible Te Anau Plan Changes have been addressed to their satisfaction

**5.0 SUMMARY**

This report has outlined the statutory provisions relevant to the Plan Change process and provided an overview of the background to proposed Plan Change 7. The submissions and further submission received on proposed Plan Change 7 have been discussed along with the decisions requested in these submissions. Recommendations as to whether or not those submissions should be accepted or rejected have then been made. The hearing of these submissions on proposed Plan Change 7 will occur on 1 - 3 June 2010 at the Distinction Te Anau Hotel and Villas, 64 Lakefront Drive Te Anau. Following the hearing all parties will be notified of the decision of the Committee

Matt Hunter  
**RESOURCE MANAGEMENT PLANNER**

**6.0 LIST OF SUBMITTERS*****Submitters and Addresses for Service (numbered as received)***

<b>No.</b>	<b>Submitter</b>	<b>Address</b>	<b>Wish to be Heard</b>	<b>Joint Case</b>
1.	E A Loose	8 Donald Ross Place, Te Anau 9600	N	N
2.	David Thomas Healy	8 Sutherland Street, Te Anau 9600	N	N
3.	W Verrall	37 Howden Street, Te Anau 9600	N	N
4.	Gary Andrew Barnes	PO Box 85, Te Anau 9640	N	N
5.	Lu Tyree	PO Box 10, Te Anau 9640	N	Y
6.	Neil Rutherford Borland	22 Botting Place, Waverley, Dunedin 9013	N	Y
7.	Fish and Game Southland	PO Box 159, Invercargill 9840	Y	Y
8.	Margaret Allison Northmore	PO Box 9201, Wellington 6141	Not stated	Not stated
9.	Te Ao Mārama Incorporated	C/- D Whaanga, Te Ao Mārama Incorporated, PO Box 7078, South Invercargill 9844	Not stated	Not stated
10.	Robyn Marie Rogers	126 William Stephen Road, RD 1, Te Anau 9679	N	N
11.	Philip John Rogers	126 William Stephen Road, RD 1, Te Anau 9679	N	N
12.	Evan Robert Tennent	171 McKendry Road, RD 2, Outram 9074	N	N
13.	Arthur John Henderson	78 Dublin Street, Invercargill 9810	N	N
14.	Glenda Margaret Bell	12 Charles Nairn Road, RD 1, Te Anau 9679	Not stated	Not stated
15.	Glenys Kay Dickson	68 Norton Street, Gore 9710	N	Y
16.	Christopher Edward Hughes	Whitestone, RD 1, Te Anau 9679	N	N
17.	Director General of the Department of Conservation	C/- Community Relations Manager, Department of Conservation, PO Box 743, Invercargill 9840	Not stated	Not stated
18.	Environment Southland	Private Bag 90116, Invercargill 9840	Not stated	Not stated

## 7.0 SUMMARY OF SUBMISSIONS

### **Summary of Decisions Requested by Persons making submissions on Proposed Plan Change No. 7: Te Anau Lakeside Protection Area**

<b>Te Anau Lakeside Protection Area - Proposed Plan Change 7</b>			
<b>Submitter number/point</b>	<b>Submitter</b>	<b>Summary of Submission</b>	<b>Summary of Decision Requested</b>
1.	E A Loose	Supports Plan Change in full.	Adopt Plan Change in full.
2.	David Thomas Healy	Supports Plan Change in full.	Adopt Plan Change in full.
3.	W Verrall	Supports proposal, however, does not go far enough.	Adopt Plan Change in full. Implement a further second proposal which prevents all new structures of any height, except for Marakura Yacht Club and new Scout Den.
4.	Gary Andrew Barnes	Supports Plan Change in full.	Adopt Plan Change in full.
5.	Lu Tyree	Supports Plan Change in full.	Adopt the Plan in full.
6.	Neil Rutherford Borland	Supports the Plan Change in part - Oppose in part.	No high-rise development along waterfront.
7.	Fish and Game Southland	Not opposed to the Plan Change, provided does not prohibit development of Southland Fish and Game site within the proposed Lakeside Protection Area.	Support the Plan Change conditionally.
8.	Margaret Allison Northmore	Supports the Plan Change in full.	Not specified.
9.	Te Ao Mārama Incorporated	Supports the Plan Change.	Support the proposal as it will further enhance Statutory acknowledgement - Lake Te Anau and the need to protect and enhance the lake's margins.
10.	Robyn Marie Rogers	Supports the Plan Change in full.	Adopt the Plan Change in full.
11.	Philip John Rogers	Supports the proposed Plan Change.	Adopt Plan Change in full.
12.	Evan Robert Tennent	Supports the proposed Plan Change in full.	Prohibit activities exceeding 12 metres in height.
13.	Arthur John Henderson	Supports the proposed Plan Change.	That the proposed Plan Change be adopted.

<b>Te Anau Lakeside Protection Area - Proposed Plan Change 7</b>			
<b>Submitter number/point</b>	<b>Submitter</b>	<b>Summary of Submission</b>	<b>Summary of Decision Requested</b>
14.	Glenda Margaret Bell	Strongly opposes Plan Change, but thinks the 12 metre height limit is a good idea.	12 metre height limit is a good idea but maybe should be applied beyond Lakeside Protection Area.
15.	Glenys Kay Dickson	Supports the Plan Change in full, suggest further control of buildings in the lakeside protection area.	Support Plan Change.
16.	Christopher Edward Hughes	Supports the Plan Change, particularly the 12 metre height restriction.	Support the Plan Change.
17.	Director General of the Department of Conservation	Supports the Council initiative to establish a Lakeside Protection Area. Queries reason for 12 metre height limit in comparison with Queenstown and suggests a more restrictive 9 metre maximum height.	Support an integrated approach to the management of the interface between Te Anau and Fiordland National Park, specifically the Te Anau township, foreshore and especially historic places.
18.	Environment Southland	Environment Southland does not feel it necessary to submit on Plan Change 7 to the District Plan.	Environment Southland previously commented on discussion document released by Council regarding possible Plan Changes and indicates that any concerns have been addressed to its satisfaction.

## 8.0 FURTHER SUBMISSIONS

### Further Submissions

<b>Proposed Plan Change No. 5 - Te Anau Industrial Resource Area Expansion</b>			
<b>Submitter number/point</b>	<b>Submitter</b>	<b>Summary of Further Submission</b>	<b>Summary of Decision Requested</b>
1	Margaret Allison Northmore	Supports Plan change in full	Not specified

## 9.0 **APPENDICES**

### **Appendix “1”**

Section 32 Report Proposed Plan Change No. 7 - Te Anau Lakeside Protection Area

### **Appendix “2”**

Submissions and Further Submissions received on Te Anau Lakeside Protection Area (LPA) - Plan Change 7

### **Appendix “3”**

Extent and configuration of “*Proposed Te Anau Lakeside Protection Area - Plan Change 7*”

### **Appendix “4”**

Te Anau Resource Areas, being the Scenic, Urban, Plains and Transitional Resource Areas as contained within the 2001 Operative Southland District Plan