

## **Attachments**

**Item 2:**

**Stage 2 Proposed District Plan  
Notification**

**Attachment 1:**

**Structure of the Proposed District Plan**

Part One - Introduction				
Introduction		Definitions		
Part Two - Strategy				
Strategic Direction	Urban Development	Tangata Whenua	Landscapes	
Part Three - Urban Environment				
Low Density Residential	Medium Density Residential	High Density Residential	Queenstown Town Centre	Wanaka Town Centre
Arrowtown Residential Historic Management Zone		Large Lot Residential	Arrowtown Town Centre	Business Mixed Use
Airport Zone	Local Shopping Centre Zone	Townships	Industrial A and B	Affordable & Community Housing
Part Four - Rural Environment				
Rural Zone	Rural Residential & Rural Lifestyle	Gibbston Character Zone	Wakatipu Basin Rural Amenity Zone	
Part Five - District Wide				
Earthworks	Historic Heritage	Subdivision & Development	Natural Hazards	
Transport	Energy & Utilities	Signs	Protected Trees	
Indigenous Vegetation & Biodiversity	Wilding Exotic Trees	Temporary Activities & Relocated Buildings	Noise	
Designations	Open Spaces Recreation			
Part Six - Special Zones				
Jacks Point	Waterfall Park	Millbrook	Frankton Flats	
Rural Visitor	Penrith Park	Bendemeer	Quail Rise	
Meadow Park	Ballantyne Road Mixed Use	Three Parks	Kingston Village	
Shotover Country	Hydro Generation incl Financial Contributions	Arrowtown South		
Part Seven - Maps				

**Attachment 2:****Stage 2 Proposed District Plan Attachments Bundle**

- i. Proposed District Plan Chapter 25 Earthworks
  - (a) Proposed District Plan Chapter 25 Earthworks Section 32 Evaluation Report
- ii. Proposed District Plan Chapter 31 Signs
  - (a) District Plan Chapter 31 Signs Section 32 Evaluation Report
- iii. Proposed District Plan Chapter 38 Open Space and Recreation
  - (a) Proposed District Plan Chapter 38 Open Space and Recreation Section 32 Evaluation Report

**i. Proposed District Plan Chapter 25 Earthworks**

## 25 Earthworks

### 25.1 Purpose

Earthworks are often a necessary component of the use and development of rural and urban land, and are often an integral part of the installation and maintenance of infrastructure. Within urban areas, some modification of the landscape is inevitable in order to provide for development, including creating functional, safe and stable building sites, as well as roads and access ways with appropriate gradients.

Within both rural and urban locations earthworks have the potential for adverse effects on landscape and visual amenity values and require management to ensure the District's Outstanding Natural Features, Landscapes, amenity values, waterbodies and their margins are protected from inappropriate development.

Earthworks associated with construction, subdivision, land use and development can cause erosion of land and sedimentation of stormwater. Unless appropriately managed this could affect stormwater networks, or result in sediment entering wetlands, rivers and lakes. Earthworks can also create temporary nuisance effects from dust, noise and vibration that require management. The QLDC Best Practice Environmental Management Guidelines Version 1.0 2017 provide guidance on erosion and sediment control and managing the effects of earthworks associated with subdivision, development and land use.

The QLDC Land Development and Subdivision Code of Practice is also referenced in the Earthworks Chapter and is a best practice guideline for subdivision and development infrastructure in the District, of which earthworks are often a necessary part.

The volume limits in the Earthworks Chapter do not apply to subdivision proposals with a Controlled or Restricted Discretionary activity status because earthworks and the adverse effects associated with these activities are contemplated and managed by the policies and matters of discretion in the Earthworks Chapter and Subdivision Chapter. All other rules in the Earthworks Chapter apply to applications for subdivision consent to manage potential adverse effects from for instance, earthworks near water bodies or cut and fill adjacent to neighbouring properties.

Earthworks in this plan encompass the defined activities of earthworks but exclude cultivation, mineral prospecting, exploration and mining activity.

**Pursuant to Section 86B (3) of the Act the following rules have immediate legal effect:**

- **Rule 25.5.11;**
- **Rule 25.5.12;**
- **Rule 25.5.15;**
- **Rule 25.5.20;**
- **Rule 25.5.21; and**
- **Rule 25.5.20.**

## 25.2 Objectives and Policies

### 25.2.1 Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment and maintains landscape and visual amenity values.

#### Policies

- 25.2.1.1 Ensure earthworks minimises erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development.
- 25.2.1.2 Protect the following valued resources including those that are identified in the District Plan from the inappropriate adverse effects of earthworks:
  - a. Outstanding Natural Features and Landscapes;
  - b. The amenity values of Rural Landscapes and other identified amenity landscapes;
  - c. Significant Natural Areas and the margins of lakes, rivers and wetlands;
  - d. the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wanaka Basin and Cardrona alluvial ribbon aquifers.

Advice note: These aquifers are identified in the Otago Regional Plan: Water for Otago 2004.

- e. the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
  - f. heritage sites, precincts and landscape overlays; and
  - g. public access to and along lakes and rivers.
- 25.2.1.3 Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.
- 25.2.1.4 Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.
- 25.2.1.5 Design earthworks to recognise the constraints and opportunities of the site and environment.

### 25.2.2 Objective – The social, cultural and economic well being of people and communities benefit from earthworks while being protected from adverse effects.

#### Policies

- 25.2.2.1 Subject to Objective 25.2.1, enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:
  - a. Nationally and Regionally Significant Infrastructure;

- b. tourism infrastructure including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Wairau Ski Area Sub Zone;
- c. minimising the risk of natural hazards;
- d. enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing; and
- e. the use and enjoyment of land for recreation, including public walkways and trails.

25.2.2.2 Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.

25.2.2.3 Encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects on water bodies and nuisance effects of adverse construction noise, vibration, odour, dust and traffic effects.

25.2.2.4 Undertake processes to avoid adverse effects on cultural heritage, including wāhi tapu, taonga, and archaeological sites, or where these cannot be avoided, effects are remedied or mitigated.

25.2.2.5 Manage the potential adverse effects arising from exposing or disturbing accidentally discovered material by following the Accidental Discovery Protocol in Schedule 25.10.

25.2.2.6 Ensure that earthworks that generate traffic movements maintain the safety of roads and accesses, and do not degrade the amenity and quality of surrounding land.

25.2.2.7 Ensure that earthworks minimises natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation.

## **25.3 Other Provisions and Rules**

### **25.3.1 District Wide**

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Utilities and Renewable Energy
32 Protected Trees	33 Indigenous Vegetation and Biodiversity	34 Wilding Exotic Trees
35 Temporary Activities and Relocated Buildings	36 Noise	37 Designations
Planning Maps		



**25.3.2 Advice Notes - Regional Council Provisions**

- 25.3.2.1 Some land disturbance activities including those that involve the diversion of water or discharge of stormwater with sediment, and modification to water bodies including wetlands are subject to the Otago Regional Council Regional Plan: Water for Otago 2004.
- 25.3.2.2 Cleanfill and Landfill activities are also subject to the Otago Regional Council Regional Plan: Waste for Otago 1997.

**25.3.3 Advice Notes**

- 25.3.3.1 Volume shall mean the sum of all earth that is moved within a site and includes the total of any combined cut and fill. Refer to Interpretive Diagrams 25.1 to 25.3 located within Schedule 25.9.
- 25.3.3.2 The rules for any zone include any subzone or overlay applicable to that zone, except where otherwise specified.
- 25.3.3.3 The QLDC Best Practice Earthworks Environmental Management Guidelines Version 1.0 2017 provide assistance on the design, installation and maintenance of erosion and sediment control measures for earthworks. These guidelines also provide advice regarding noise, dust and the management of transportation of material to avoid deposition of material on roads.
- 25.3.3.4 Refer to Chapter 33 Indigenous Vegetation and Biodiversity for land disturbance activities within Significant Natural Areas. No provisions of this chapter prevail over those of Chapter 33 Indigenous Vegetation and Biodiversity.
- 25.3.3.5 Earthworks are also managed as part of development activities and modifications to Historic Heritage items and settings identified on the Planning Maps and in Chapter 26 Historic Heritage. No provisions of this chapter prevail over those of Chapter 26 Historic Heritage.
- 25.3.3.6 Those who wish to undertake earthworks in the vicinity of Queenstown Airport or Wanaka Airport are referred to Figures 1 to 4 of the Planning Maps which identify the Airport Approach and Protection Measures, and Airport Protection Inner Horizontal and Conical Surfaces for Queenstown Airport and Wanaka Airport. Land use restrictions within these areas are further described in Chapter 37: Designations, Parts D.3 and E.2. Persons who wish to undertake earthworks are advised to consult with the relevant requiring authority and the Civil Aviation Authority.
- 25.3.3.7 Part I of the Heritage New Zealand Pouhere Taonga Act 2014 states that no work may be undertaken on an archaeological site (whether recorded or unrecorded) until an archaeological authority to destroy, damage or modify a site has been granted by Heritage New Zealand Pouhere Taonga in accordance with that Act.
- 25.3.3.8 Attention is drawn to the following iwi management plans that should be taken into account of and given regard to when assessing resource consent applications:
- a. Te Tangi a Tauira: The Cry of the People, the Ngāi Tahu ki Murihiku Iwi Management Plan for Natural Resources 2008.

b. Kāi Tahu ki Otago Natural Resource Management Plans 1995 and 2005.

- 25.3.3.9 Resource consent may be required for earthworks under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. In particular for earthworks associated with the removal or replacement of fuel storage tanks, earthworks associated with sampling or disturbance of land identified in the Listed Land Use Register held by the Otago Regional Council. In these instances, the NES applies instead of the District Plan provisions.
- 25.3.3.10 Resource consent may be required for earthworks under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016. In particular for earthworks associated with antennas and cabinets. Refer to Chapter 30 Energy and Utilities for clarification as to whether the NES applies instead of the District Plan provisions.
- 25.3.3.11 Resource consent may be required for earthworks under the Resource Management (National Environmental Standards for Electricity Transmission Activities) regulations 2009. Refer to Chapter 30 Energy and Utilities for clarification as to whether the NES applies instead of the District Plan provisions.
- 25.3.3.12 The following activities are managed in Chapter 30 Energy and Utilities:
- a. Earthworks, buildings, structures and National Grid sensitive activities undertaken within the National Grid Yard;
  - b. Earthworks for the placement of underground electricity cables or lines.
- 25.3.3.13 The rules relating to construction noise and vibration are managed in Chapter 36: Noise. Consideration of construction noise and vibration associated with earthworks are included as matters of discretion in Part 25.7 and assessment matters in Part 25.8 as a component of the management of the potential adverse effects of earthworks.

#### **25.3.4 General Rules**

- 25.3.4.1 Earthworks subject to resource consent applications for Controlled or Restricted Discretionary activity subdivisions pursuant to section 11 of the Act are exempt from the following Rules:

- a. Table 25.2 volume standards;
- b. Rule 21.5.16 cut standards; and
- c. Rule 21.5.17 fill standards.

Applications for subdivision involving any earthworks shall be considered against the matters of discretion for earthworks in Part 25.8 and assessment matters in Part 25.9. And;

All other rules in the Earthworks Chapter apply to applications for subdivision consent.

- 25.3.4.2 Earthworks for Ski Area Activities within the Ski Area Sub Zones and vehicle testing facilities within the Wairau Ski Area Sub Zone are exempt from the earthworks rules, with the exception of the following rules that apply:

- a. Rules 25.5.12 to 25.5.14 that control erosion and sediment, deposition of material on Roads and dust;
  - b. Rule 25.5.20 exposing groundwater; and
  - c. Rule 21.5.21 setbacks from waterbodies.
- 25.3.4.3 The maximum volume and area of earthworks shall be calculated per site, within one consecutive 12 month period.
- 25.3.4.4 Earthworks within the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone to facilitate the construction of a building and landscaping authorised by resource consent within an approved building platform are exempt from the following rules:
  - a. Table 25.2 volume standards;
  - b. Rule 21.5.16 cut standards; and
  - c. Rule 21.5.17 fill standards.
- 25.3.4.5 Earthworks for the following shall be exempt from the rules in Tables 25.1 to 25.3:
  - a. Erosion and sediment control except where subject to Rule 25.5.20 setback from waterbodies.
  - b. The digging of holes for offal pits.
  - c. Fence posts.
  - d. Drilling bores.
  - e. Mining Activity, Mineral Exploration or Mineral Prospecting.
  - f. Planting riparian vegetation.
  - g. Internments within legally established burial grounds.
  - h. Maintenance of existing and in service vehicle accesses and tracks.
  - i. Deposition of spoil from drain clearance work within the site the drain crosses.
  - j. Test pits or boreholes necessary as part of a geotechnical assessment or contaminated land assessment where the ground is reinstated to existing levels within 48 hours.
  - k. Firebreaks not exceeding 10 metres width.
  - l. Cultivation and cropping.
  - m. Fencing in the Rural Zone, Rural Lifestyle Zone and Gibbston Character Zone where any cut or fill does not exceed 1 metre in height or any land disturbance does not exceed 1 metre in width.
  - n. Earthworks where the following National Environmental Standards have regulations that prevail over the District Plan:
    - i. Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.
    - ii. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
    - iii. Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.

## 25.4 Rules – Activities

	<b>Table 25.1 Earthworks Activities</b>	<b>Activity Status</b>
25.4.1	Earthworks that comply with all of the activities and standards in Tables 25.1 to 25.3.	P
25.4.2	Earthworks that do not comply with the volume of earthworks standards in Table 25.2.  Discretion is restricted to the matters set out in Part 25.7.	RD
25.4.3	Earthworks for the construction or operation of a Cleanfill.	D
25.4.4	Earthworks for the construction or operation of a Landfill.	D
25.4.5	Earthworks that modify, damage or destroy a wāhi tapu, wāhi taonga or archaeological site whether identified on the Planning Maps or not.	D
25.4.6	Earthworks within a Statutory Acknowledgment Area, Tōpuni or Nohoanga identified on Planning Map 40.	D

## 25.5 Rules – Standards

	<b>Table 25.2 Maximum Volume</b>	<b>Maximum Total Volume</b>

	<b>Table 25.2 Maximum Volume</b>	<b>Maximum Total Volume</b>
25.5.1	Arrowtown Residential Historic Management Zone Arrowtown Town Centre Zone Open Space and Recreation Zones	100m <sup>3</sup>
25.5.2	Heritage Landscape Overlay Area Heritage Precinct Outstanding Natural Feature	10m <sup>3</sup>
25.5.3	Low Density Residential Zone Medium Density Residential Zone High Density Residential Zone Waterfall Park Zone Millbrook Resort Zone	300m <sup>3</sup>
25.5.4	Large Lot Residential Zones Rural Residential Zone Rural Lifestyle Zone Wakatipu Basin Rural Amenity Zone Rural Lifestyle Precincts	400m <sup>3</sup>
25.5.5	Queenstown Town Centre Zone Wanaka Town Centre Zone Local Shopping Centre Zone Business Mixed Use Zone Queenstown Airport Mixed Use Zone	500m <sup>3</sup>
25.5.6	Rural Zone Gibbston Character Zone Wakatipu Basin Rural Amenity Zone	1000m <sup>3</sup>
25.5.7	(a) Roads  (b) Roads located within an Outstanding Natural Feature identified on Planning Maps	No limit  10m <sup>3</sup>
	<b>Jacks Point Zone</b>	
25.5.8	Residential Activity Areas Village Village Homestead Bay Open Space Horticulture Open Space Residential	500m <sup>3</sup>

	<b>Table 25.2 Maximum Volume</b>	<b>Maximum Total Volume</b>
	Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	
25.5.9	Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite	1000m <sup>3</sup>
25.5.10	Open Space Golf Education Education Innovation Campus Lodge	No maximum

	<b>Table 25.3 Standards</b>	<b>Non-Compliance</b>
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	<b>Table 25.3 Standards</b>	<b>Non-Compliance</b>
	<b>Nuisance effects, erosion, sediment generation and run-off</b>	
25.5.11	<p>Earthworks shall not exceed the following area:</p> <p>(a) 2,500m<sup>2</sup> where the slope is greater than 10°</p> <p>(b) 10,000m<sup>2</sup> where the slope is less than 10°</p> <p>Discretion is restricted to the matters set out in Part 25.7.</p>	RD
25.5.12	<p>Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries.</p> <p>Advice Note: For information on how to achieve this refer to the QLDC Best Practice Earthworks Environmental Management Guidelines Version 1.0 2017.</p>	NC
25.5.13	<p>No material being transported from one site to another shall be deposited on any Road.</p> <p>Advice Note: For information on how to achieve this refer to the QLDC Best Practice Earthworks Environmental Management Guidelines Version 1.0 2017.</p>	NC
25.5.14	<p>Any person carrying out earthworks shall implement dust control measures to minimise nuisance effects of dust beyond the boundary of the site.</p> <p>Advice Note: For information on how to achieve this refer to the QLDC Best Practice Earthworks Environmental Management Guidelines Version 1.0 2017.</p>	NC
25.5.15	<p>Earthworks that discovers any of the following:</p> <p>(a) kōiwi tangata (human skeletal remains), wāhi taoka (resources of importance), wāhi tapu (places or features of special significance) or other Māori artefact material, or</p> <p>(b) any feature or archaeological material that predates 1900, or</p> <p>(c) evidence of contaminated land (such as discolouration, vapours, landfill material, significant odours),</p> <p>that is not provided for by any resource consent or other statutory authority must comply with the standards and procedures in Schedule 25.10 'Accidental Discovery Protocol'.</p> <p>Discretion is restricted to the matters set out in Part 25.7.</p>	RD
	<b>Height of cut and fill and slope</b>	

	<b>Table 25.3 Standards</b>	<b>Non-Compliance</b>
25.5.16	<p>The maximum height of any cut shall not exceed 2.4 metres.</p> <p>(a) This rule shall not apply to roads.</p> <p>Discretion is restricted to the matters set out in Part 25.7.</p>	RD
25.5.17	<p>The maximum height of any fill shall not exceed 2 metres.</p> <p>(b) This rule shall not apply to roads.</p> <p>Discretion is restricted to the matters set out in Part 25.7.</p>	RD
25.5.18	<p>Farm tracks and access ways in the following Zones:</p> <ul style="list-style-type: none"> <li>• Rural Zone</li> <li>• Wakatipu Basin Rural Amenity Zone</li> <li>• Gibbston Character Zone</li> <li>• Jacks Point Zone Activity Areas: <ul style="list-style-type: none"> <li>- Open Space Landscape</li> <li>- Open Space Golf</li> <li>- Open Space Amenity</li> <li>- Homesite</li> <li>- Education</li> <li>- Lodge</li> </ul> </li> </ul> <p>a. No farm track or access way shall have an upslope cut or batter greater than 1 metre in height.</p> <p>a. All cuts and batters shall not be greater than 65 degrees.</p> <p>b. The maximum height of any fill shall not exceed 2 metres.</p> <p>Discretion is restricted to the matters set out in Part 25.7.</p>	RD
	<b>Setbacks from boundaries</b>	
25.5.19	<p>Earthworks greater than 0.5m in height or depth shall be set back from the site boundary the following minimum distances:</p> <p>(a) Earthworks not supported by retaining walls:</p> <ul style="list-style-type: none"> <li>i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill; and</li> <li>ii. 300mm plus a distance at least equal to 1.5 times the maximum depth of the cut, as measured from the crest of the cut.</li> </ul> <p>Refer to Interpretive Diagrams 25.4 to 25.5 located within Schedule 25.9.</p> <p>(b) Earthworks supported by retaining walls:</p> <ul style="list-style-type: none"> <li>i. Cut or fill supported by a retaining wall must be setback</li> </ul>	RD



	<b>Table 25.3 Standards</b>	<b>Non-Compliance</b>
	<p>a distance at least equal to the height of the retaining wall; except</p> <p>ii. Retaining walls that have been granted building consent are exempt from this rule (25.5.18(b)i).</p> <p>Refer to Interpretive Diagrams 25.6 to 25.7 located within Schedule 25.9.</p> <p>Discretion is restricted to the matters set out in Part 25.7.</p>	
	<b>Water bodies</b>	
25.5.20	<p>Earthworks shall be setback a minimum distance of 10 metres from the bed of any water body :</p> <p>This rule shall not apply to any artificial watercourse, lake or wetland that does not flow to a lake or river, and includes Lake Tewa within the Jacks Point Zone.</p> <p>Advice Note: Water body has the same meaning as in the RMA, and also includes any drain or water race that goes to a lake or river.</p> <p>Discretion is restricted to the matters set out in Part 25.7.</p>	RD
25.5.21	<p>Earthworks shall not expose any groundwater, or cause artificial drainage of any groundwater aquifer.</p> <p>Discretion is restricted to the matters set out in Part 25.7.</p>	RD
	<b>Cleanfill</b>	
25.5.22	<p>Earthworks where more than 300m<sup>3</sup> of Cleanfill is transported by Road to or from the area subject to Earthworks.</p> <p>Discretion is restricted to the matters set out in Part 25.7.</p>	RD

## 25.6 Non-Notification of Applications

Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited-notified:

- 25.6.1 Rule 25.5.11 for restricted discretionary activities that exceed the area (m<sup>2</sup>) standard.

## 25.7 Matters of Discretion

- 25.7.1 For all restricted discretionary activities discretion shall be restricted to the following matters. These matters are also applicable to any discretionary or non-complying activity.
- a. Soil erosion, generation and run-off of sediment.

- a. Landscape and visual amenity.
- b. Effects on infrastructure, adjacent sites and public roads.
- c. Land stability.
- d. Effects on water bodies, ecosystem services and indigenous biodiversity.
- e. Cultural and archaeological sites.
- f. Nuisance effects.
- g. Natural Hazards.
- h. Functional aspects and positive effects.

## **25.8 Assessment Matters**

- 25.8.1 In considering whether or not to grant consent or impose conditions on a resource consent, regard shall be had, but not be limited by the following assessment matters which are listed in the order of the matters of discretion.

### **25.8.2 Soil erosion and generation of sediments**

- a. The extent to which the proposal achieves effective erosion and sediment management.
- b. Whether earthworks will be completed within a short period, reducing the risk of actual and potential adverse effects.
- c. Whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the season or staging of when such works occur.
- d. Where applicable due to matters associated with the scale, area, duration of the works or the sensitivity of receiving environment, whether the proposal is supported with erosion and sediment management design undertaken by a suitably qualified person. In particular where resource consent is required for non-compliance with Rule 25.5.11.

### **25.8.3 Landscape and visual amenity**

- a. Whether the design of the earthworks is sympathetic to natural topography.
- b. Whether any rehabilitation is proposed and to what extent rehabilitation, revegetation or future buildings would mitigate adverse effects, including any re-vegetation or landscaping.
- c. The duration of earthworks and any timeframes proposed for remedial works and revegetation.

- d. Within Outstanding Natural Features and Landscapes, the Rural Landscape and other visual amenity landscapes, whether and to what extent earthworks avoid, remedy or mitigate adverse effects or improve landscape quality and character, taking into account:
  - (i) physical attributes including geological, topographical features, waterbodies and formative processes of the landscape;
  - (ii) visual attributes including legibility, existing land management patterns, vegetation patterns, ridgelines or visually prominent areas; and
  - (iii) cultural attributes including Tangata whenua values, historic and heritage associations.
- e. Whether the earthworks will change the character or quality of the landscape, and the sensitivity of the landscape to absorb change.
- f. The potential for cumulative effects on the natural form of the landscape.
- g. Whether the design or location of any new tracks or roads can be modified in order to decrease the effects on the stability, visual quality and amenity values of the landscape.
- h. The extent earthworks will affect visual amenity values including public or private views and whether the land disturbance will be remediated, and the final form of the area affected is consistent with natural topography and land use patterns.

#### **25.8.4 Effects on infrastructure, adjacent sites and public roads**

- a. Whether the earthworks will affect stormwater and overland flows, and the extent to which this creates adverse effects off-site and increases stormwater flows onto other land, including whether this will exceed existing stormwater design or stormwater management of those properties.
- b. Whether the earthworks or final ground levels will adversely affect existing infrastructure, utility services and assets.
- c. Whether there will need to be off-site disposal of excess material or Cleanfill and the adverse effects associated with traffic. Limited to access, road network performance and safety, damage to the carriageway and amenity effects arising from traffic generation.
- d. Whether the use of legal instruments are necessary, such as a bond to ensure works are completed, the land disturbance area is rehabilitated, or for damage to roads.

- e. Any other measures employed to reduce the impact on other sensitive receivers such as aircraft operating in the Airport Protection Inner and Conical Surfaces for Queenstown and Wanaka Airports.

#### **25.8.5 Land stability**

- a. The extent to which any proposal demonstrates that fill associated with buildings, retaining, accesses and parking areas comply with the QLDC Land Development and Subdivision Code of Practice, where these matters have not already been addressed through a subdivision consent or building consent pursuant to Building Act 2004.
- b. Where earthworks are proposed on a site gradient greater than 18.5 degrees (1 in 3), whether advice from a suitably qualified person has been provided to address the stability of the earthworks.
- c. Whether cut, fill and retaining are designed and undertaken in accordance with the QLDC Land Development and Subdivision Code of Practice.
- d. Whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures.

#### **25.8.6 Effects on water bodies, ecosystem services and indigenous biodiversity**

- a. The effectiveness of sediment control techniques to ensure sediment run-off does not leave the development site or enter water bodies.
- b. Whether and to what extent any groundwater is likely to be affected, and mitigation measures are proposed to address likely effects.
- c. The effects of earthworks on the natural character, ecosystem services and biodiversity values of wetlands, lakes and rivers and their margins.

#### **25.8.7 Cultural and archaeological values**

- a. The extent to which the activity modifies or damages wāhi tapu or wāhi taonga, whether tangata whenua have been notified and the outcomes of any consultation.
- b. The extent to which the activity affects Ngāi Tahu's cultural, spiritual, historic and traditional association with a Statutory Acknowledgment Area having regard to the relevant provisions of the iwi management plans identified in Advice Note 25.3.3.8.

- c. The extent to which a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin or other archaeological items has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made. Using the Accidental Discovery Protocol in Schedule 25.10 as a guide.
- d. Whether the proposal protects the relationship of Mana Whenua with their cultural heritage.
- e. Whether the area subject to earthworks contains a recorded archaeological site, and if so the extent to which the proposal would affect any such site and whether any necessary archaeological authority has been obtained from Heritage New Zealand Pouhere Taonga.
- f. The extent to which earthworks and vibration adversely affect heritage items.

#### **25.8.8 Nuisance effects**

- a. The extent to which earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures, including whether a management plan has been submitted as part of the application.
- b. Duration and hours of operation, including whether the activity will generate noise and vibration effects, which detract from the amenity values of the surrounding area to an extent greater than anticipated to accommodate development otherwise provided for by the District Plan.

#### **25.8.9 Natural Hazards**

- a. Whether the earthworks are necessary to avoid, remedy or mitigate the risk of any natural hazard.
- b. Where the proposal is affected by, or potentially affected by, natural hazards as identified in the Council's natural hazards database, particular regard shall be had to the Natural Hazards Chapter 28, in particular Policies 28.3.2.1, 28.3.2.2, 28.3.2.3.
- c. Whether the earthworks and final ground levels will adversely affect an aquifer or an overland flow path or increase the potential risk of flooding within the site or surrounding sites.

- d. The extent earthworks affect the risk of natural hazards and whether the risk is reduced or not increased.

**25.8.10 Functional aspects and positive effects**

- a. Whether the earthworks are necessary for the functional or operational requirements of infrastructure, including network utility installation, repair or maintenance.
- b. The extent to which the earthworks are necessary to accommodate development otherwise provided for by the District Plan.
- c. Whether the earthworks are associated with farming activities and will enhance operational efficiency including maintenance and improvement of track access, safety and fencing.
- d. Whether the earthworks are for the purposes of a fire break and the extent of the fire break is necessary.
- e. Whether the earthworks are for the purposes of public recreation trails that enhance recreational opportunities and access.
- f. Whether the earthworks are necessary for the remediation of contaminated land and facilitate the efficient use of the land resource.

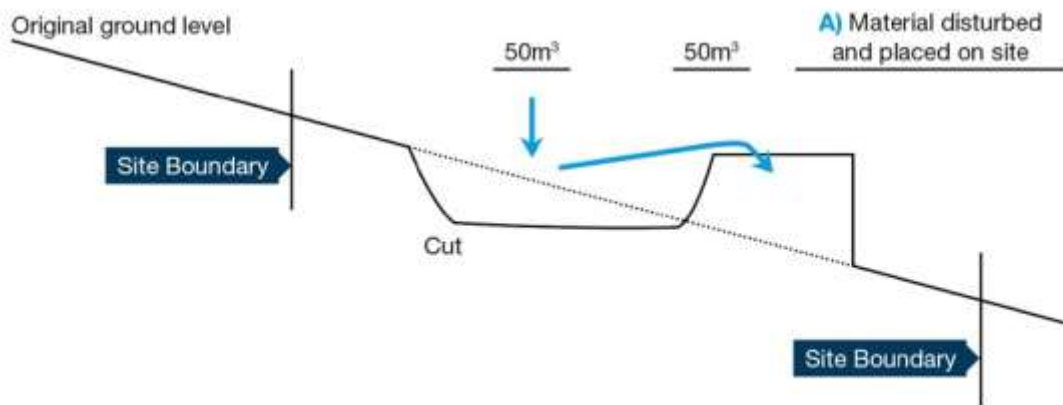
## 25.9 Schedule 25.9 Interpretive Diagrams

### 25.1

#### Interpretative Diagram: Volume scenario A Elevation View

The total volume of earthworks means 'the total volume of all material that is moved within a site'

$$\text{A) Total Volume} = 50\text{m}^3 (\text{Cut}) + 50\text{m}^3 (\text{Fill}) \\ = 100\text{m}^3$$

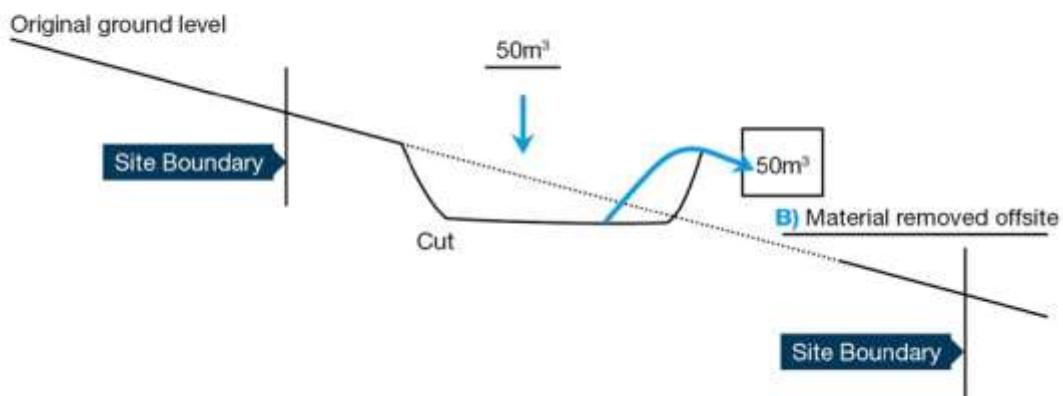


### 25.2

#### Interpretative Diagram: Volume scenario B Elevation View

The total volume of earthworks means 'the total volume of all material that is moved within a site'

$$\text{B) Total Volume} = 50\text{m}^3 (\text{Cut}) \text{ removed off-site} \\ = 50\text{m}^3$$

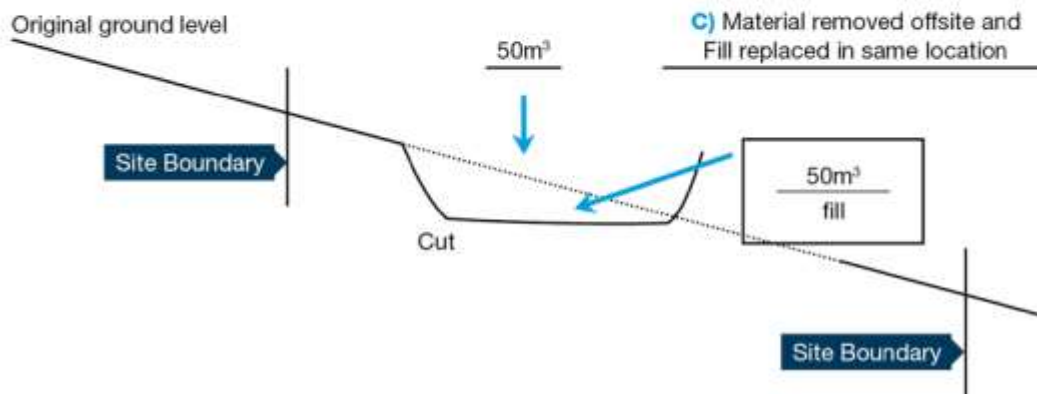


25.3

**Interpretative Diagram: Volume scenario C**  
Elevation View

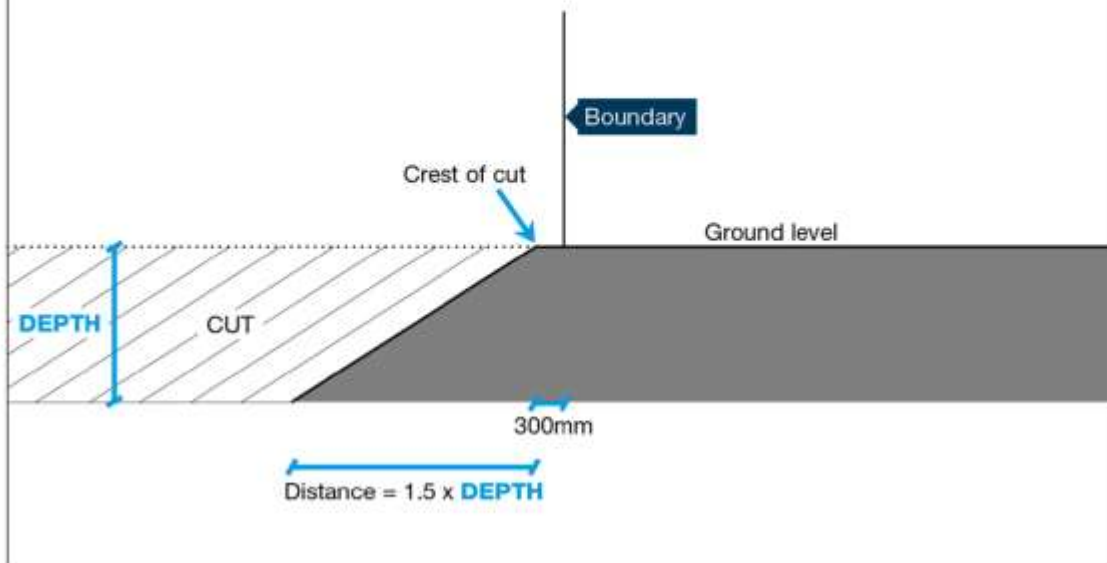
The total volume of earthworks means 'the total volume of all material that is moved within a site'

**C) Total Volume = 50m<sup>3</sup> (Cut)** removed from site  
= 50m<sup>3</sup> material placed in same location (i.e. compacted fill)  
= 100m<sup>3</sup>



25.4

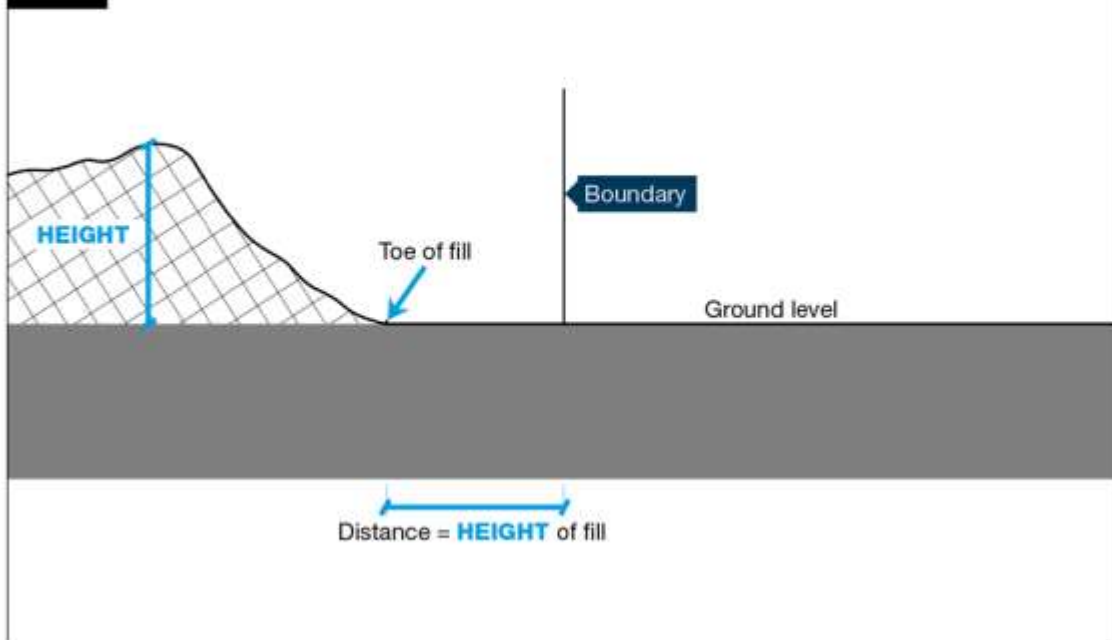
**Interpretative Diagram: Unsupported Cut**  
Elevation View





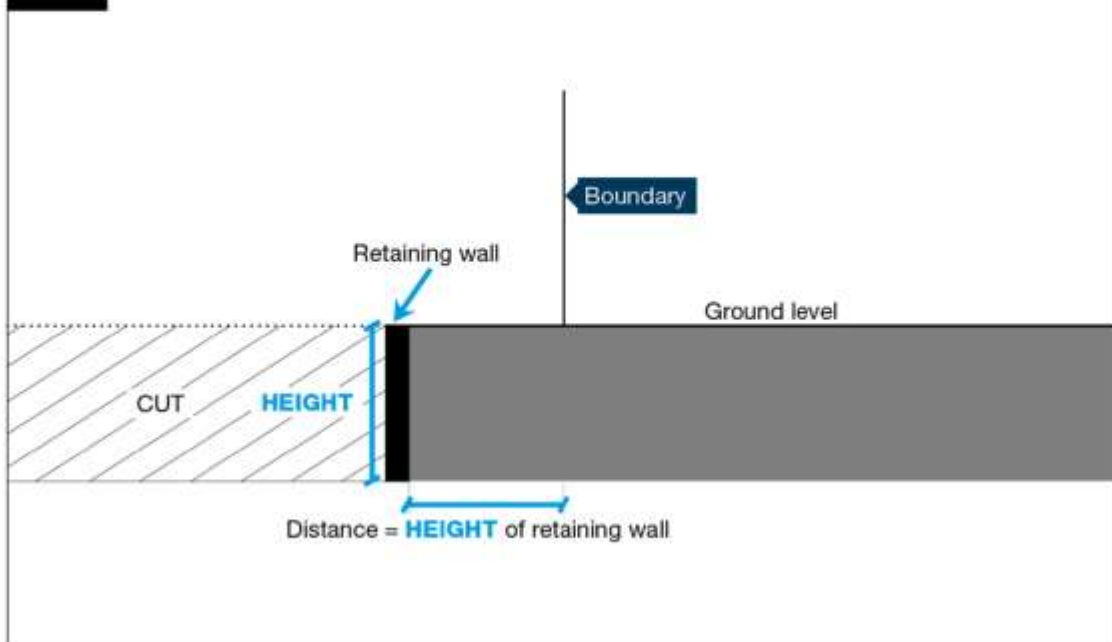
25.5

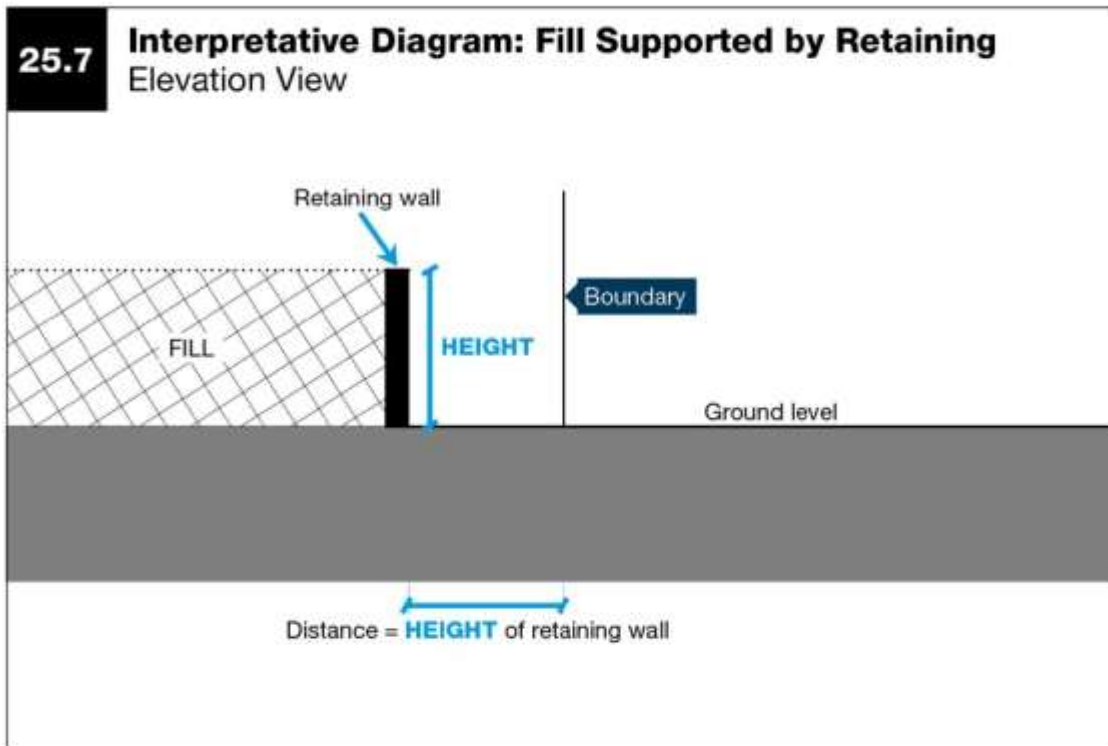
### Interpretative Diagram: Unsupported Fill Elevation View



25.6

### Interpretative Diagram: Cut Supported by Retaining Elevation View





## **25.10 Schedule 25.10 Accidental Discovery Protocol**

Upon discovery of any material listed in Rule 25.4.15, the owner of the site or the consent holder must take the following steps:

### **Cease works and secure the area**

- a. Immediately cease all works within 20m of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land apply controls to minimise discharge of contaminants into the environment.
- b. Secure the area of the discovery, including a sufficient buffer area to ensure that all discovered material remains undisturbed.

### **Inform relevant authorities and agencies**

- c. Inform the following parties immediately of the discovery:
  - (i) the New Zealand Police if the discovery is of human remains or kōiwi;
  - (ii) the Council in all cases;
  - (iii) Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi;
  - (iv) Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

### **Wait for and enable inspection of the site**

- d. Wait for and enable the site to be inspected by the relevant authority or agency:
  - (i) if the discovery is human remains or kōiwi the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process will not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
  - (ii) if the discovery is of other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives; or
  - (iii) if the discovery is evidence of contaminants, a suitably qualified person is required to complete an initial assessment and provide information to the Council on the assessment and response.
- e. Following site inspection and consultation with all relevant parties (including the owner and consent holder), the Council will determine the area within which work must cease, and any changes to controls on discharges of contaminants, until the requirements of (f) are met.

**Recommencement of work**

- f. Work within the area determined by the Council at (e) must not recommence until all of the following requirements, so far as relevant to the discovery, have been met:
- (i) Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
  - (ii) any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
  - (iii) the requirements of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
  - (iv) any material of scientific or educational importance must be recorded and if appropriate recovered and preserved;
  - (v) where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
    - any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and
    - any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values.
  - (vi) any necessary resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.
  - (vii) there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014

**Definitions:****Variation to Stage 1 PDP Chapter 2 Definitions:****Underlined text for additions and ~~strike-through~~ text for deletions.**

<b>Earthworks</b>	<p>Means the disturbance of land <del>surfaces</del> by the removal or <u>deposition on or change to the profile of land.</u></p> <p><u>Earthworks includes excavation, filling, cuts, root raking and blading, firebreaks, batters and the formation of roads, access, driveways, tracks and the deposition and removal of cleanfill. <del>depositing of material, excavation, filling or the formation of roads, banks, and tracks. Excludes the cultivation of land and the digging of holes for offal pits and the erection of posts or poles or the planting of trees.</del></u></p>
<b>Landfill</b>	<p><del>Means a site used for the deposit of solid wastes onto or into land.</del></p> <p><u>Means the use of land for the primary purpose of providing a disposal facility for the controlled deposit of solid wastes, household wastes and green waste onto or into land. Excludes offal pits, silage pits and silage stacks that are part of a farming activity.</u></p>
<b>Mining Activity</b>	<p><del>Means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation, taking and associated processing of minerals and includes prospecting and exploration.</del></p> <p><u>Means operations in connection with mining for any mineral; and includes, when carried out at or near the site where the mining is undertaken:</u></p> <ul style="list-style-type: none"> <li><u>the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and</u></li> <li><u>the construction, maintenance, and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with the operations; and</u></li> <li><u>the removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; and</u></li> <li><u>the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations.</u></li> </ul> <p><u>Mineral extraction, extraction or extractive activities shall have the same meaning.</u></p>

**New Definitions Stage 2 PDP:**

<b>Cleanfill</b>	<p>Means material that, when buried, will have no adverse effects on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials, such as concrete or brick, that are free of:</p>
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	<ul style="list-style-type: none"> <li>(a) combustible, putrescible, degradable or leachable components;</li> <li>(b) hazardous substances;</li> <li>(c) products or materials derived from hazardous waste treatment, hazardous waste stabilisation, or hazardous waste disposal practices;</li> <li>(d) materials that may present a risk to human or animal health, such as medical and veterinary waste, asbestos or radioactive substances; or</li> <li>(e) liquid waste.</li> </ul>
<b>Cleanfill Facility</b>	Means land used solely for the disposal of cleanfill. A cleanfill facility may include stockpiling, rehabilitation and landscaping.
<b>Mineral Exploration</b>	Means an activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes—drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence.
<b>Mineral Prospecting</b>	<p>Means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and includes the following activities:</p> <ul style="list-style-type: none"> <li>• geological, geochemical, and geophysical surveys;</li> <li>• the taking of samples by hand or hand held methods;</li> <li>• aerial surveys.</li> </ul>
<b>Regionally Significant Infrastructure</b>	<p>Means:</p> <ul style="list-style-type: none"> <li>• renewable electricity generation facilities, where they supply the National Grid and local distribution network and are operated by an electricity operator; and</li> <li>• electricity transmission infrastructure forming the National Grid</li> <li>• electricity Distribution Lines identified on the Planning Maps; and</li> <li>• telecommunication and radio communication facilities*; and</li> <li>• municipal infrastructure**; and</li> <li>• roads classified as being of national or regional importance; and</li> <li>• Queenstown and Wanaka airports.</li> </ul> <p>* As defined by the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.</p>

\*\* As defined by the Otago Regional Policy Statement 2015 (Appeals version or add explanation if not operative by the time stage 2 notified)

## Variation to Stage 1 Subdivision and Development Chapter 27:

Underlined text for additions and ~~strike-through~~ text for deletions.

### 27.3.2 Earthworks associated with subdivision

27.3.2.1 Refer to Earthworks Chapter 25, Rule 25.3.4.1. ~~Earthworks undertaken for the development of land associated with any subdivision shall not require a separate resource consent under the rules of the District Wide Earthworks Chapter, but shall be considered against the matters of control or discretion of the District Wide Earthworks Chapter as part of any subdivision activity.~~

## Variation to Stage 1 Jacks Point Zone Chapter 41:

Underlined text for additions and ~~strike-through~~ text for deletions.

### Page 41-3:

~~41.3.2.2 Earthworks undertaken for the development of land associated with any subdivision shall be governed by Chapter 27: Subdivision and Development.~~

### Pages 41-13 to 41-15:

Rule 41.5.4 Delete in entirety.

Earthworks (excluding earthworks associated with a subdivision)		RD
41.5.4.1 Volume of Earthworks		
The maximum total volume of earthworks (m <sup>3</sup> ) shall not exceed that specified in the table below.		
a. The maximum total volume of earthworks shall be calculated per site, within one consecutive 12 month period.		
b. Volume shall mean the sum of all earth that is moved within a site and includes any combination of cut and fill, removing fill off site and replacing fill on site—refer Interpretive Diagrams 5 (a), (b) and (c) of the Earthworks Chapter of the Operative District Plan.		
Activity Area	Maximum Total Volume	
Residential Activity Areas Village Village Homestead Bay Open Space Horticulture	500 m <sup>3</sup>	

Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	
Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite	1,000 m <sup>3</sup>
Open Space Golf Education Education Innovation Campus Lodge	No maximum

#### 41.5.4.2 Height of cut and fill and slope

##### a. OSL, OSG, OSA, FP 1 and 2, HS, E, EIC and L Activity Areas:

- ☐ No road, track or access way shall have an upslope cut or batter greater than 1 metre in height, measured vertically.
- ☐ All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees.
- ☐ The maximum height of any fill shall not exceed 2 metres.

##### b. All other Activity Areas:

- ☐ The maximum height of any cut shall not exceed 2.4 metres.
- ☐ The maximum height of any fill shall not exceed 2 metres.
- ☐ The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see Interpretative Diagram 6 of the Earthworks Chapter of the Operative District Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5 metre in height.

#### 41.5.4.3 Fill

- ##### a. All fill for residential building platforms and associated retaining walls is to be in accordance with the requirements of NZS 4404:2010 and/or NZS 4431:1989 as appropriate.

#### 41.5.4.4 Environmental Protection Measures

- a. Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site.
- b. Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site.
- c. Areas of exposed soil are to be vegetated / re-vegetated within 12 months from the completion of works.



<p><del>41.5.4.5 Water bodies</del></p> <p><del>a. Earthworks within 7m of the bed of any water body shall not exceed 20m<sup>3</sup> in total volume, within one consecutive 12-month period.</del></p> <p><del>b. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body or where it may dam, divert or contaminate water.</del></p> <p><del>c. Earthworks shall not:</del></p> <p><del><input type="checkbox"/> cause artificial drainage of any groundwater aquifer;</del></p> <p><del><input type="checkbox"/> cause temporary ponding of any surface water.</del></p> <p><del>41.5.4.6 Cultural heritage and archaeological sites</del></p> <p><del>a. Earthworks shall not modify, damage or destroy any waahi tapu, waahi taonga or identified feature in Chapter 26, or any archaeological site.</del></p> <p><del>Discretion is restricted to all of the following:</del></p> <p><del><input type="checkbox"/> The nature and scale of the earthworks</del></p> <p><del><input type="checkbox"/> Environmental protection measures</del></p> <p><del><input type="checkbox"/> Remedial works and revegetation</del></p> <p><del><input type="checkbox"/> The effects on landscape and visual amenity values</del></p> <p><del><input type="checkbox"/> The effects on land stability and flooding</del></p> <p><del><input type="checkbox"/> The effects on water bodies</del></p> <p><del><input type="checkbox"/> The effects on cultural and archaeological sites</del></p> <p><del><input type="checkbox"/> Noise</del></p>	
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**i(a) Proposed District Plan Chapter 25 Earthworks Section 32  
Evaluation Report**



**Queenstown Lakes District Proposed District Plan**  
**Section 32 Evaluation**  
**Stage 2 Components October 2017**

For:

**Earthworks**

And consequential Variations to Proposed District Plan 26 August 2015:

**Chapter 2 Definitions**

**Chapter 27 Subdivision and Development**

**Chapter 41 Jacks Point**

**Report dated: 14 September 2017**

File Reference: PDP Stage 2: Earthworks

Contents:

1. Executive summary
2. Introduction
3. Background
4. Purpose of the report
5. Statutory policy context
6. Resource management issues
7. Scale and significance evaluation
8. Evaluation of proposed objectives section 32(1)(a)
9. Evaluation of the proposed provisions section 32 (1) (b)
10. The risk of not acting

- Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation.
- Appendix 2. Review of management for erosion and sediment management.

## 1. EXECUTIVE SUMMARY

- 1.1. The Stage 2 Proposed District Plan Earthworks Chapter (**Earthworks Chapter**) seeks to manage the actual and potential adverse effects of earthworks on the environment. The Earthworks Chapter applies to all the land notified in Stages 1 and 2 of the district plan review.
- 1.2. The earthworks Chapter will assist the Council to fulfil its statutory functions and responsibilities as required by the Resource Management Act 1991 (**'the Act'** or **'the RMA'**) through the following objectives, policies and rules:
  - (a) Objectives to minimise the adverse effects on natural and physical resources, including infrastructure and cultural values;
  - (b) Policies that address the variability of activities and potential adverse effects associated with earthworks;
  - (c) Rules that provide limitations on the volume, area and location of earthworks to ensure the adverse effects of earthworks are managed;
  - (d) Exempting certain earthworks or providing for resource consent applications to be processed on a non-notified basis where there is sufficient certainty that those processes are appropriate relative to the activity;

## 2. INTRODUCTION

- 2.1. Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.
- 2.2. Earthworks are an often necessary component of land use and development but can have adverse effects on landscape, nature conservation values and amenity values in both rural and urban locations, and adverse effects on heritage and cultural values.
- 2.3. Earthworks can cause nuisance effects in the form of dust and vibration which can be appropriately minimised through management during construction. Earthworks can also cause safety issues for people and property and infrastructure.
- 2.4. Soil erosion, sediment generation and run-off may result in adverse effects on surface water bodies and damage, or adverse effects on stormwater infrastructure and also needs to be managed. If not properly managed This may have significant adverse effects on water quality and flow and can damage ecosystems of flora and fauna within those water bodies. Damage to these environments can also lead to a loss of cultural values.

- 2.5. The evaluation of the appropriateness of the Earthworks Chapter is based upon the following three issues
- Issue 1 – Earthworks and landscape, visual amenity and nature conservation values.
  - Issue 2 – Earthworks and people, safety and cultural values.
  - Issue 3 – Earthworks and soil erosion, sediment and generation of run-off.
- 2.6. This District Wide Earthworks Chapter 25 applies to all land notified in Stage 1<sup>1</sup> of the Proposed District Plan on 26 August 2015, and all additional land notified in Stage 2. This land collectively forms the geographic area currently subject to Volume A of the District Plan. The District Wide Earthworks Chapter 25 applies to all land identified as Stage 1 and Stage 2 land on the Planning Maps attached to the Stage 2 notification bundle. The District Wide Earthworks Chapter 25, forms part of Stage 2 of the Proposed District Plan.
- 2.7. For clarity, **Table 1** below identifies the land area (generally described by way of zone) and various components of the PDP that together comprise Volume A of the District Plan at Stage 2 of the District Plan review as it relates to the Earthworks Chapter 25. All other land within the District continues to fall into Volume B of the District Plan.

**Table 1. District Plan Volume A components, showing Stage 2 components as related to the Earthworks Chapter.**

Volume A	
Stage 1 Proposed District Plan 26 August 2015	Stage 2 As it relates to the Earthworks Chapter only
<b>Introduction</b>	
1. Introduction 2. Definitions	<ul style="list-style-type: none"> <li>• New Stage 2 definitions and variation to Stage 1 Definitions Chapter 2, as related to Stage 2 Earthworks components.</li> </ul>
<b>Strategy</b>	
3. Strategic Direction 4. Urban Development 5. Tangata Whenua 6. Landscapes	
<b>Urban Environment</b>	
7. Low Density Residential 8. Medium Density Residential 9. High Density Residential 10. Arrowtown Residential Historic Heritage Management Zone 11. Large Lot Residential 12. Queenstown Town Centre* (part withdrawn) 13. Wanaka Town Centre 14. Arrowtown Town Centre 15. Local Shopping Centres	

<sup>1</sup> With the exception of land formally withdrawn from the PDP (Plan Change 50 Queenstown Town Centre extension, Plan Change 41 Peninsula Bay North, Plan Change 45 Northlake Special Zone, Plan Change 46 Ballantyne Road Industrial and Residential extension).

16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use  Variation 1: Arrowtown Design Guidelines 2016	
<b>Rural Environment</b>	
21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone	
<b>District Wide Matters</b>	
26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations	<ul style="list-style-type: none"> <li>• Stage 2 Earthworks Chapter 25.</li> <li>• Variation to Stage 1 Subdivision Chapter 27, as related to Stage 2 Earthworks components.</li> </ul>
<b>Special Zones</b>	
41. Jacks Point 42. Waterfall Park 43. Millbrook	<ul style="list-style-type: none"> <li>• Variation to Stage 1 Jacks Point Zone Chapter 41, as related to Stage 2 Earthworks components.</li> </ul>

### 3. BACKGROUND

#### District Plan Review

- 3.1. The review of the Operative District Plan is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified on 26 August 2015. Hearings on Stage 1 components comprising ten individual hearing streams for 33 chapters, 1 variation<sup>2</sup> and three separate hearing streams for rezoning requests and mapping annotations<sup>3</sup> were held from March 2016 to September 2017.
- 3.2. On 29 September 2016 the Council approved the commencement of Stage 2 of the review of the Operative District Plan. As part of the 29 September 2016 resolutions, the Council addressed what the plan outcome would be at the end of the partial review, and approved the separation of the District Plan into two volumes, Volume A and Volume B. Volume A (at the point in time of notification of Stage 2) consists of the Proposed District Plan chapters notified in Stages 1 and 2 of the proposed District Plan, which includes variations to Stage 1, and all the

<sup>2</sup> Variation 1 – Arrowtown Design Guidelines 2016

<sup>3</sup> Ski Area Sub Zones, Upper Clutha Area and the Queenstown Area (excluding the Wakatipu Basin).

land as identified in the Planning Maps forming the Stage 2 notification bundle, as discussed above.

- 3.3. All other land currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified (i.e. Township Zone, Industrial A and B Zones, Rural Visitor Zone), land that has been withdrawn from the district plan review (i.e. the land subject to Plan Changes 46 - Ballantyne Road Industrial and Residential extensions, 50 - Queenstown Town Centre extension and 51 – Peninsula Bay North) and the Frankton Flats B Special Zone and the Remarkables Park Special Zone. All Volume B land is subject to the Operative District Plan.

### **Earthworks**

- 3.4. The Operative District Plan earthworks provisions were reviewed and notified for submissions in July 2014, the Council's decision on submissions was made on 8 July 2015. Several appeals were received and these were ultimately withdrawn or settled by way of Consent Order<sup>4</sup> and made operative in April 2016. Prior to this, the various Earthworks components of the Operative District Plan sat throughout each zone chapter, and the majority of these components had been operative since 2005.
- 3.5. It was the initial intention of Council that the Earthworks chapter was notified ahead of notification of Stage 1 of the PDP, on the basis that as the various Stage 1 PDP components became operative, they would replace those existing operative components of the Operative District Plan and integrate with the Operative District Wide Chapter 22 Earthworks Chapter. However, as a consequence of the separation of the District Plan into two volumes each Volume requires a district wide earthworks chapter. The existing Operative Earthworks Chapter 22 sits in Volume B of the District Plan, Volume A of the District Plan, that will also encompass the vast majority of land in the District, requires an earthworks chapter. No 'broad options' have been assessed in this evaluation because there are not considered any other practicable options, other than to include earthworks rules in Volume A of the PDP by way of this Earthworks Chapter 25.

### **Jurisdictional Matters**

- 3.6. No decision has been made on the Proposed District Plan 2015 (Stage 1 and Variation 1) at the time of notification of Stage 2, and therefore this Stage 2 Earthworks Chapter 25 cannot anticipate what Panel recommendations and subsequently the Council's decision might be, in terms of notifying zone specific standards. The chapter therefore refers to PDP chapters/zones as notified in Stage 1 and any statutory changes made since notification<sup>5</sup>.

<sup>4</sup> ENV-2015-CHC-75 <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan-Changes/49/2016-04-13-Consent-Order.pdf>

<sup>5</sup> For instance, Variation 1 Arrowtown Design Guidelines, withdrawal of land subject to PC 46, PC 50 and PC 51.



- 3.7. Therefore, for instance, the Stage 2 Earthworks chapter does not refer to the Council recommended “Airport Zone”, which encapsulates the Wanaka airport (as well as the notified Queenstown airport), because the (Wanaka) Airport Zone is at this point in time only recommended in response to Stage 1 submissions<sup>6</sup> and in the PDP at this point in time remains zoned Rural. Similarly, for example, the reference in the Council officers’ post-hearing reply version of Chapter 30 Energy and Utilities refers to ‘Electricity Distribution Corridor’ with an associated definition. Because this concept is not in the notified PDP, and Council has not yet released decisions on submissions to Stage 1 topics, it cannot be referred to in the Stage 2 Earthworks Chapter. The latter matter is considered particularly important to earthworks and the Earthworks Chapter because earthworks within these electricity distribution corridors are managed in Chapter 30 Energy and Utilities.
- 3.8. This is a consequence of the staged approach to the review, and can be addressed through either interested parties lodging a submission, or the Council itself lodging a submission on the Stage 2 Earthworks Chapter 25 to ensure the Stage 2 Earthworks chapter ultimately includes any necessary standards for any new zones or issues, included in the PDP by Council Stage 1 decisions. It is acknowledged that before any submission by Council on the Stage 2 components is lodged, it will need to be passed by a resolution of Council.

#### **4. PURPOSE OF THE REPORT**

- 4.1. Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives. This report fulfils the obligations of the Council under section 32 of the Act. The analysis set out below should be read together with the text of Proposed Chapter 25 Earthworks and the The QLDC Best Practice Environmental Management Guidelines.

#### **5. STATUTORY POLICY CONTEXT**

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

- 5.1. Section 5 sets out the purpose of the RMA, which requires an integrated planning approach and direction to promote the sustainable management of natural and physical resources. Guidance as to how the overall sustainable management purpose is to be achieved is provided in the other sections, including sections 6, 7 and 8 of Part 2 of the Act:

<sup>6</sup> Refer to submission of Queenstown Airport Corporation #433. Section 42A report Chapter 17 dated 2 November 2016- Hearing Stream 8 Business Zones.

## 5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *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 well-being 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.*

5.2. Section 6 of the RMA sets out a number of matters of national importance. Depending on the circumstances such as the location, scale and the manner in which earthworks are undertaken, earthworks and land disturbance activities can be applicable to all matters in section 6:

- (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 Maori 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 protected customary rights:*
- (h) the management of significant risks from natural hazards.*

5.3. Section 7 lists “other matters” that Council shall have particular regard to and those most relevant to the Earthworks Chapter including the following:

- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*

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

*(d) intrinsic values of ecosystems:*

*(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:*

5.4. Section 8 requires that Council take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The principles as they relate to resource management derive from Te Tiriti o Waitangi itself and from resource management case law and practice. They can be summarised as follows:

- a) That there must be active protection of the partnership between the two parties;
- b) That there is an obligation to act with reasonableness and good faith, with both parties being prepared to compromise;
- d) That dialogue and consultation will be the main way in which to give effect to the three principles outlined above.

5.5. A number of provisions have been included in the Earthworks Chapter in response to the requirements in Part 2 (such as section 6(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga).

5.6. Earthworks are an important part of the sustainable use and development of land but the potential adverse effects need to be managed to ensure the Council in exercising its functions gives effect to sections 6 and 7 of the Act. If left unchecked or poorly managed earthworks can have adverse effects on the important resources of the District, including the Outstanding Natural Features and Landscapes, amenity landscapes and built resource such as infrastructure, buildings and roads. Sedimentation arising from poorly managed erosion and sediment management can also reduce the capacity of the Council's stormwater network and infrastructure. This is important as the District is progressively changed through human activities and the consequences of climate change.

5.7. Section 31 of the RMA states (relevant areas underlined to emphasise the provisions relevant to this evaluation):

*31 Functions of territorial authorities under this Act*

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
  - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
    - (i) the avoidance or mitigation of natural hazards; and
    - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
    - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;
    - (iii) the maintenance of indigenous biological diversity:
  - (c) [Repealed]
  - (d) the control of the emission of noise and the mitigation of the effects of noise:
  - (e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
  - (f) any other functions specified in this Act.
- (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision

5.8. The proposed earthworks provisions help to achieve the integrated management of natural and physical resources by enabling earthworks, subject to controls to ensure the actual and potential adverse effects of earthwork are effective.

5.9. The council's management of earthworks in the PDP Earthworks Chapter is integrated with and complementary to the Otago Regional Council's functions pursuant to section 30 of the Act, associated with the following components of s 30 in particular:

- (a) s30(c) (i) soil conservation;
- (b) s30(c) (ii) the maintenance and enhancement of the quality of water in water bodies and coastal water;
- (c) s30(e) the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body;
- (d) s30(f) the control of discharges of contaminants into or onto land, air, or water and discharges of water into water.

5.10. While acknowledging the function of the Otago Regional Council to control the discharge of stormwater, contaminants to water or land and the diversion of water, it is also a function of the QLDC as a territorial authority to manage the effects of land use from earthworks, including the adverse effects of soil erosion and sedimentation of water. The relationship between the respective Otago Regional Council statements and plans (Regional Policy Statement Operative 1998 and Proposed 2015) and Regional Plan: Water for Otago 2004 and the extent it is appropriate for the Earthworks chapter to manage the erosion and sedimentation are discussed in below and in **Appendix 1**.

**Local Government Act 2002**

5.11. Sections 14(c), (g) and (h) of the Local Government Act 2002 (LGA) are also of relevance in terms of policy development and decision making:

- (c) when making a decision, a local authority should take account of—*
  - (i) the diversity of the community, and the community's interests, within its district or region; and*
  - (ii) the interests of future as well as current communities; and*
  - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*
- (h) in taking a sustainable development approach, a local authority should take into account—*
  - (i) the social, economic, and cultural interests of people and communities; and*
  - (ii) the need to maintain and enhance the quality of the environment; and*
  - (iii) the reasonably foreseeable needs of future generations*

5.12. The LGA emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

5.13. Section 14(g) is of relevance in so far as a planning approach emphasising that earthworks are an often essential prerequisite of land development but can also have adverse effects on natural and physical resources.

5.14. Having regard to these provisions, the approach through this review is to provide a balanced framework in the District Plan to manage these resources appropriately. Furthermore, no less important is the need to ensure the provisions are presented in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.

**Other National Legislation or Policy Statements**

5.15. When preparing district plans, district councils must give effect to any National Policy Statement (NPS) or National Environmental Standard (NES). Government has produced the following 5 National Policy Statements that are in effect:

- (a) National Policy Statement on Urban Development Capacity 2016;
- (b) National Policy Statement for Freshwater Management 2014;

- (c) National Policy Statement for Renewable Electricity Generation 2011;
- (d) National Policy Statement on Electricity Transmission 2008; and
- (e) New Zealand Coastal Policy Statement 2010.

5.16. A National Policy Statement for Indigenous Biodiversity is in draft form. The National Policy Statements that are of most relevance to earthworks are the Freshwater Management and Electricity Transmission National Policy Statements.

#### **Freshwater Management (NPSFM)**

5.17. The NPSFM sets out the objectives and policies for freshwater management under the RMA. This national policy statement provides a National Objectives Framework to assist regional councils and communities to more consistently and transparently plan for freshwater objectives.

5.18. The NPSFM does not directly require specific provisions to be included within district plans, but the RMA requires district plans to give effect to national policy statements and regional policy statements. On 7 August 2017 the Government agreed to amend the National Policy Statement for Freshwater Management 2014. The amendments will come into force on 7 September 2017.

5.19. If a regional council adopts a policy in its regional policy statement directing the management of contaminants such as sediment or nutrients, and those contaminants could be associated with particular land uses (such as earthworks or urban development), the district council would need to give effect to those policies in rules controlling land use. An evaluation of the operative and proposed Regional policy Statement for Otago and the Regional Plan: Water for Otago 2004 are set out later in this report.

#### **Electricity Transmission 2008 (NPSET)**

5.20. The NPSET requires local authorities to provide for electricity transmission activities at the local level. The NPSET provides a regulatory framework, which works in tandem with the National Environmental Standards for Electricity Transmission Activities (NESETA), discussed below.

5.21. The NPSET has a single objective which is:

*To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.*

5.22. The NPSET is only applicable to the operation of the high voltage national grid as defined in the NPSET itself. The national grid is defined in that NPS as “the assets used or owned by Transpower NZ Limited”.

5.23. The rules relating to earthworks to provide for the National Grid and to protect the National Grid are located within PDP Stage 1 Chapter 30: Energy and Utilities. The PDP Stage 2 Earthworks Chapter recognises this by cross referencing to Chapter 30 Energy and Utilities for earthworks associated with the National Grid. It is noted that the Council’s reply version of the Utilities Chapter and PDP Stage 1 Subdivision Chapter 27 includes more refined rules associated with providing for the National Grid. It is not intended to replicate or locate those rules within the PDP Stage 2 Earthworks Chapter.

### **Iwi Management Plans**

5.24. When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council’s must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

5.25. The following iwi management plans are relevant:

*The Cry of the People, Te Tangi a Taurā: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)*

5.26. Section 3.4 Takitimu Me Ona Uri: High Country and Foothills contains the following policy that is relevant to earthworks:

#### **3.4.9 General Water Policy**

*Ngāi Tahu ki Murihiku recognise that the welfare of the people and the success of their activities within the environment depends on water being maintained in the best possible condition.*

#### **3.5.7 Subdivision and Development**

5.27. Policies 1- 18 contain a range of policies that are relevant to Subdivision and Development cover iwi involvement in planning processing and plan development, interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

*Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)*

5.28. Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

5.29. Part 10.2.2 Wai Māori Issues in the Clutha/Mata-au Catchment, identifies sedimentation of waterways from urban development. Part 10.2.3 – Policies 5 to 8 are within the heading ‘*sediment and siltation*’ and are:

5. *To discourage activities that increases the silt loading in waterways or reaches of waterways.*
6. *To encourage the preparation of a sediment management strategy for the Clutha/Mata-au that describes patterns of deposition, movement, removal and flushing of sediment within the Catchment. Sediment must be managed on a Catchment basis and must be able to move through the system from the headwaters to replenish coastal habitats that are highly valued by Kā Papatipu Rūnaka. Ad-hoc proposals for sediment removal, gravel takes, engineering river reaches may not be supported if Kā Papatipu Rūnaka cannot see how they are part of a sediment management strategy.*
7. *To require Contact Energy and the Otago Regional Council to agree on flow levels at which the flushing of sediment is permitted in conjunction with Kā Papatipu Rūnaka.*
8. *To discourage any inappropriate flushing of sediment at times of low flow or where the impacts are not of a temporary nature.*

5.30. Policy 5 is directly relevant to district plans and the PDP Earthworks Chapter plays an important role in terms of managing the soil erosion and the generation of sediment and run-off from earthworks and land disturbance associated with land use activities, in particular subdivision and development. The iwi management plans have been taken into account as part of the preparation of the Section 32 report and Earthworks Chapter.

## **Regional Policy Statements**

### **Operative Regional Policy Statement 1998**

5.31. Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative Otago Regional Policy Statement 1998 (**RPS**) is the relevant regional policy statement to be given effect to within the District Plan.

5.32. The RPS identifies in Issue 5.3.3 (*Otago’s water resources may be adversely affected by land activities*) sedimentation associated with a range of land uses and activities.



- 5.33. Policy 5.5.5(c) seeks to minimise the adverse effects of land use activities on the quality and quantity of Otago's Water resource through...*(c) Avoiding, remedying or mitigating the degradation of groundwater and surface water resources caused by the introduction of contaminants in the form of chemicals, nutrients and sediments resulting from land use activities.*
- 5.34. A range of methods are identified in the RPS to manage the effects of earthworks and sedimentation from land use activities, however, there is not a distinctly identifiable obligation for either regional or district plans.
- 5.35. Method 5.6.21 is identified as being of relevance in terms of managing erosion and sediment which is *'Consider including provisions and conditions in district plans and on resource consents to avoid, remedy or mitigate soil degradation resulting from the subdivision use, development or protection of land'*.
- 5.36. Method 5.6.23 states *'Consider including provisions or conditions in district plans and on resource consents which seek to avoid, remedy or mitigate the adverse effects of land use activities on water resources'*.
- 5.37. These two methods in particular are considered to give direction to territorial authorities to manage the effects of erosion and sedimentation arising from land use activities.
- 5.38. In terms of managing the overall stability, landscape and amenity effects of earthworks, Objectives 5.4.1 to 5.4.4 (Land) are also relevant because they promote the sustainable management of Otago's land resource by:
- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;
  - Meeting the present and reasonably foreseeable needs of Otago's people and communities;
  - Avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource; and
  - Protect outstanding natural features and landscapes from inappropriate subdivision, use and development.
- 5.39. The proposed earthworks provisions are consistent with, and give effect to, the relevant operative RPS provisions.

#### **Proposed Regional Policy Statement 2015**

- 5.40. Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "have regard to" any proposed regional policy statement. The Proposed Otago Regional Policy Statement (**PRPS**) was notified for public submissions on 23 May 2015, and decisions on submissions were released on 1 October 2016. The majority of the provisions of the Decisions

Version have been appealed and mediation is currently taking place. Accordingly, limited weight can be provided to the Decisions Version of the PRPS. However, the provisions of PRPS are relevant in highlighting the direction given toward local authorities managing the potential adverse effects of earthworks. The following is based on the PRPS Decision version: 1 October 2016

5.41. Policies 3.1.7 (Soil Values), 3.1.8 (Soil erosion) and 5.4.1 (Managing for urban growth and development) are to be given effect to by a range of Methods including via City and District Plans (Method 4.1.4).

5.42. In particular, the Methods for Policy 3.1.8 (Soil Erosion) do not identify any obligation through Regional Plans to manage erosion and sedimentation through land use activities.

5.43. Method 4.1.4 (District and City Plans) is:

*'Policies 3.1.7, 3.1.8, and 5.4.1 by including provisions to manage the discharge of dust, and silt and sediment associated with earthworks and land use'.*

5.44. The PRPS places a clear obligation on territorial authorities to manage the potential effects of erosion and sedimentation from land use activities through district plans. The Otago Regional Council currently do not have a dedicated regional earthworks or soil conservation plan and the Methods of the PRPS indicate that it is intended that erosion and sediment is managed primarily by District and City Plans.

5.45. The Earthworks Chapter implements Method 4.1.4 of the PRPS and is considered to have sufficient regard to that document. It is also considered that in the case of the PRPS being made operative with the structure and inclusion of Method 4.1.4 to implement Policy 3.1.8 as set above, the earthworks Chapter would give effect to that document.

### **Regional Plans**

5.46. The Otago Regional Plan: Water for Otago (Operative 2004) contains the following provisions that relate to the discharge of water containing contaminants (including sediments) to water (Lakes/rivers/coast):

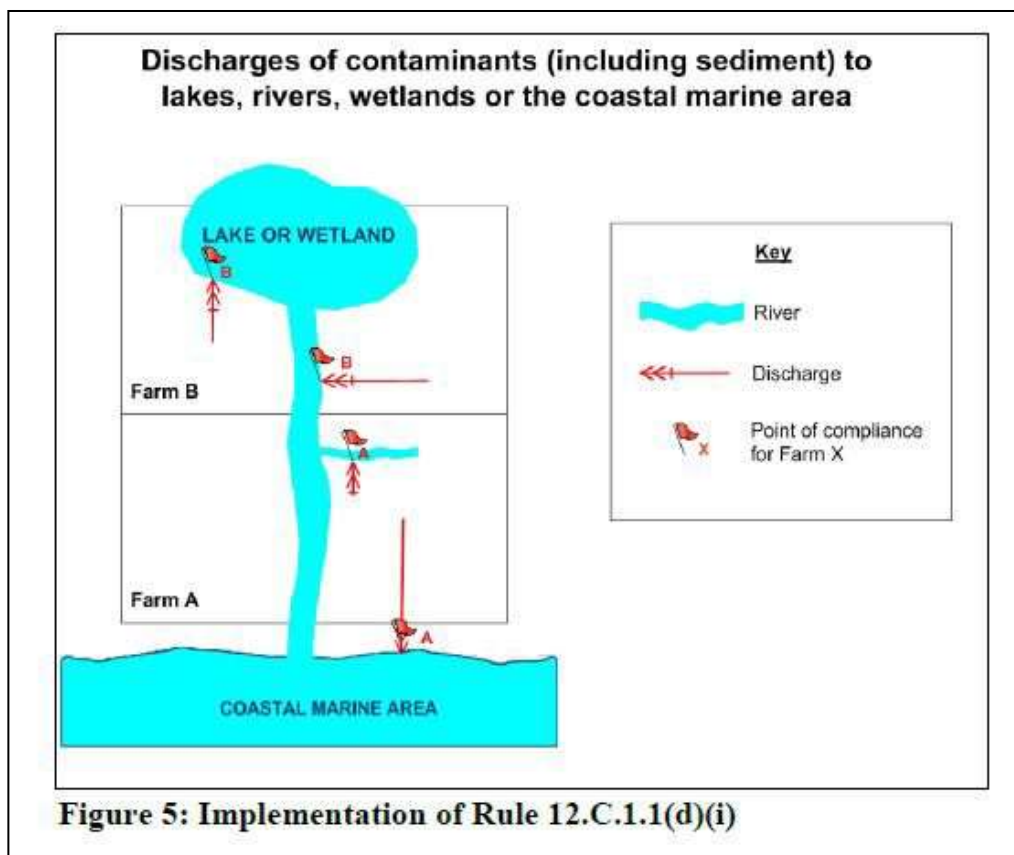
5.47. Rule 12.C.1.1 permits the discharge of water or any contaminant to water, or onto or into land which may result in a contaminant entering water is a permitted activity providing a range of qualifiers are met, including at (d) the discharge:

*(d)(i) Does not result in:*

*(1) A conspicuous change in colour or visual clarity; or*

- (2) A noticeable increase in local sedimentation, in the receiving water (refer to Figure 5); and
- (ii) Does not have floatable or suspended organic materials; and
- (iii) Does not have an odour, oil or grease film, scum or foam; and
- ...

5.48. In terms of activities achieving compliance associated with sediments discharge, Figure 5 from the Regional Plan: Water for Otago, makes it clear that the measurement/compliance point is where the sediment entrained water enters the river or lake and that for permitted status it must not result in 'a noticeable increase in local sedimentation, in the receiving environment'. Figure 5 is reproduced below:



- 5.49. Non-compliance would require discretionary activity resource consent pursuant to Rule 12.C.3. Related Rule 12.C.0.3 holds a prohibited activity status for the discharge of sediment from disturbed land to water where no measure is taken to mitigate sediment runoff.
- 5.50. Typically therefore, run-off from a site with disturbed land is permitted providing any sediment laden water does result in either a conspicuous change in colour or visual clarity or a noticeable increase in local sedimentation in the receiving water.
- 5.51. If no measures are made the activity status is prohibited and no resource consent can be granted. Where there is non-compliance but where measures have been made resource consent is required as a discretionary activity.

5.52. While rules are in place in the Otago regional Plan: Water, these are suited to activities where it would be a pre-meditated action before the activity commenced to note that compliance with the permitted standards cannot be achieved and to apply for a resource consent. The prohibited limb of the rule framework makes it clear that no avenue is provided to discharge sediments to rivers and lakes without undertaking sediment management measures. Instances where a resource consent is applied for to discharge sediment laden water to a waterbody would be for works within or adjacent to a waterbody and while sediment management would be expected to be employed it is not possible to avoid all sediments entering the water stream and noticeable sedimentation of the water could occur. The types of activities that fall under these circumstances are culvert and bridge pile installation and repair.

5.53. It is considered that because the Otago Regional Plan: Water does not control land disturbance activities, only the effects of a discharge, the opportunity to proactively manage the potential adverse effects of sedimentation entering rivers; lakes or onto land arising from temporary construction activities associated with land use activities is not as clearly articulated as it could be through a district plan and land use framework. It is unlikely that the proponents of a land based subdivision and development would apply for a discretionary activity through the Otago Regional Plan: Water on the off-chance permitted status could not be achieved. It could also be likely to be the case that the Otago Regional Council would encourage compliance with the permitted standards to minimise effects on the receiving environment, rather than grant a discretionary activity resource consent where compliance with Rule 12.C.1.1 can be achieved.

5.54. The Otago Regional Plan: Water does not directly intervene with land use activities to manage soil conservation or the potential effects of erosion and sedimentation, compared to other Regional Councils water plans<sup>7</sup>. The Otago Regional Plan: Water does not specify controls on land uses that result in the disturbance of land, but controls adverse effects on the environment through managing discharges.

#### **Regional land use plan earthworks**

5.55. The Otago Regional Council does not have a land use plan to manage the effects of earthworks for soil conservation or sedimentation.

#### **Relationship between district plans and Regional Plans/Policy Statements**

<sup>7</sup> Refer to Appendix 1 and comparison between the Canterbury Regional Land and Water Plan and Otago Regional Plan Water for Otago.

- 5.56. The management of sediment generation and run-off on sites from land disturbance activities, and to ensure that runoff from these sites complies with Rule 12.C.1.1 of the Otago Regional Plan: Water is a permitted activity, is considered to fall in large part on district and city plans. This obligation for district plans is reinforced by Method 4.1.4 of the PRPS2015.
- 5.57. As discussed above the NPSFM does not require specific provisions to be included within district plans, but the obligations indicated by the Regional Plan: Water for Otago 2004, the Operative RPS and especially the Proposed RPS at Method 4.1.4 requires district plan rules to manage the effects of land uses on soil erosion and sedimentation as part of the district plans being consistent with regional plans, giving effect to operative RPS's and having regard to Proposed RPS's, which in turn must give effect to the NPSFM.

### **Resource Management National Environmental Standards Regulations (NES)**

- 5.58. National Environmental Standards (NES) are regulations made under the RMA that prescribe standards for specific activities. The NES have the effect of overriding district plans, unless otherwise stated within the NES. Section 44A(7) of the RMA states that every local authority and consent authority must observe national environmental standards.

- 5.59. Section 43A (5) of the RMA states:

*(5) If a national environmental standard allows an activity and states that a resource consent is not required for the activity, or states that an activity is a permitted activity, the following provisions apply to plans and proposed plans:*

- (a) a plan or proposed plan may state that the activity is a permitted activity on the terms or conditions specified in the plan; and*
- (b) the terms or conditions specified in the plan may deal only with effects of the activity that are different from those dealt with in the terms or conditions specified in the standard; and*
- (c) if a plan's terms or conditions deal with effects of the activity that are the same as those dealt with in the terms or conditions specified in the standard, the terms or conditions in the standard prevail.*

- 5.60. There are currently 5 NES in effect:

- (a) National Environmental Standards for Air Quality
- (b) National Environmental Standard for Sources of Drinking Water
- (c) National Environmental Standards for Telecommunication Facilities
- (d) National Environmental Standards for Electricity Transmission Activities
- (e) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

5.61. In addition, the NES on Plantation Forestry has recently been developed and comes into effect on 1 May 2018.

5.62. Where the NES is relevant to earthworks they are discussed as follows:

#### **NES Telecommunication Facilities 2016 (NES-TF)**

5.63. The NES-TF contains standards relating to earthworks that enable earthworks with certain antennas (Subpart 6 - Earthworks) providing a range of standards are met, some of which include compliance with district plan rules for earthworks in certain locations, for instance at 'special places' as defined in the NES-TF. The permitted standards also require management plans that include measures to manage sediment run-off from the site, stability, dust and drainage<sup>8</sup>.

5.64. Earthworks for utilities, which include telecommunication activities subject to the NES-TF are managed in Stage 1 PDP Chapter 30: Energy and Utilities. The PDP Stage 2 Earthworks Chapter recognises this by cross referencing to Chapter 30 Energy and Utilities for earthworks associated with utilities and the NES-TF. It is the jurisdiction of Chapter 30: Energy and Utilities and the respective hearing stream 5 of Stage 1 of the PDP that deals with ensuring specific provisions accord with the NES-TF. It is not intended to replicate or relocate the earthworks rules for utilities and activities subject to the NES-TF rules within the PDP Stage 2 Earthworks Chapter.

#### **NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)**

5.65. The NES-CS seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed to avoid risk to human health. This requires all territorial authorities to give effect to and enforce the requirements of the NES-CS. The PDP Stage 2 Earthworks Chapter recognises this by referencing to the NES-CS.

#### **NES Electricity Transmission Activities 2009 (NES-ETA)**

5.66. As set out above, the rules relating to earthworks to provide for the National Grid and to protect the National Grid are located within PDP Stage 1 Chapter 30: Energy and Utilities. The PDP Stage 2 Earthworks Chapter recognises this by cross referencing to Chapter 30 Energy and Utilities for earthworks associated with the National Grid. It is noted that the Council's reply

<sup>8</sup> NESTF 2016 Regulation 53 (4).

version of the Utilities Chapter and PDP Stage 1 Subdivision Chapter 27 includes more refined rules associated with providing for the National Grid. The majority of which were recommended by Transpower through their submissions on Stage 1 to the PDP<sup>9</sup>. It is not intended to replicate or locate those rules within the PDP Stage 2 Earthworks Chapter.

#### **National Environmental Standard for Sources of Human Drinking Water 2005**

5.67. The NES requires regional councils to ensure that the effects of activities on drinking water sources (natural water bodies such as lakes, rivers and groundwater used to supply communities) are considered in decisions on resource consents and regional plans. While this is primarily a regional council issue, performance standards around sediment control and limiting earthworks near water bodies including earthworks that expose groundwater aim to assist toward protect these drinking sources from contamination.

#### **National Environmental Standard for Plantation Forestry (NES-PF)**

5.68. The NES-PF was promulgated to reduce costs and operational complexity for the forestry sector. The NES-PF was confirmed in July 2017 and shall commence on 1 May 2018. The NES-PF permits forestry activities, subject to compliance with standards. The NES-PF covers 8 core plantation forestry activities:

- afforestation
- pruning and thinning-to-waste
- earthworks
- river crossings
- forest quarrying
- harvesting
- mechanical land preparation
- replanting.

5.69. The NES-PF will manage earthworks and erosion and sedimentation associated with plantation forestry. THE NES-PF enables district plans to impose stricter rules<sup>10</sup> where these relate to outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna, and within visual amenity landscapes where the district plan rules restrict plantation forestry activities within that landscape.

5.70. Under the PDP as notified, forestry is a non-complying activity in the Outstanding Natural Features or Landscapes (Rule 21.4.1) and is identified as a discretionary activity in the Rural

<sup>9</sup> Submission 805 Transpower New Zealand Limited. In particular hearing streams 4 Subdivision Chapter 27, and Hearing Stream 5 District Wide.

<sup>10</sup> NESPF s 6 (2) and ss 12 and 13.

Landscape Classification, which are visual amenity landscapes (Rule 21.4.21). Generally therefore, the PDP is able to impose stricter rules than the NES-PF and the NES-PF would not be applicable under the PDP. Because of the discretionary and non-complying activity status for forestry there are not considered to be any specific rules relating to earthworks because these can be addressed at the time when a resource consent application is made.

- 5.71. On this basis, the Earthworks Chapter does not need to pre-empt any changes required to give effect to the NESPF when it commences on 1 May 2018.

## Proposed District Plan

### Notified PDP 26 August 2015

- 5.72. The following objectives and policies of the PDP (Part 2 Strategic) are relevant to earthworks, and the PDP Earthworks Chapter should take into account and give effect to these:

### Strategic Direction Chapter 3

#### **3.2.2.2 Objective** - *Manage development in areas affected by natural hazards.*

##### *Policies*

- 3.2.2.2.1** *Ensure a balanced approach between enabling higher density development within the District's scarce urban land resource and addressing the risks posed by natural hazards to life and property.*

#### **3.2.4.1 Objective** - *Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.*

#### **3.2.4.5 Objective** - *Preserve or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.*

##### *Policies*

- 3.2.5.4.1** *That subdivision and / or development which may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced.*

#### **3.2.4.6 Objective** - *Maintain or enhance the water quality and function of our lakes, rivers and wetlands.*

##### *Policies*

- 3.2.4.6.1** *That subdivision and / or development be designed so as to avoid adverse effects on the water quality of lakes, rivers and wetlands in the District.*



**3.2.5.1 Objective** - *Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.*

**3.2.5.2 Objective** - *Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.*

**3.2.7.1 Objective** - *Protect Ngāi Tahu values, rights and interests, including taonga species and habitats, and wāhi tupuna.*

5.73. The Strategic Directions seek to enable development while protecting the valued natural and physical resources of the District. The Earthworks Chapter is inherently enabling and contemplative that earthworks is a necessary prerequisite of many land use and development activities. However, the Earthworks Chapter is required to impose controls to ensure protectionist components of the Strategic Directions are met, and in doing so will ensure the Strategic Directions give effect to the relevant RPS and ultimately, Part 2 of the Act.

#### **Urban Development Chapter 4:**

**4.2.3 Objective** – *Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.*

##### *Policies*

**4.2.3.2** *Enable an increased density of residential development in close proximity to town centres, public transport routes, community and education facilities.*

5.74. The PDP encourages consolidation of urban growth within the urban growth boundaries and existing settlements. This approach is likely to result, in some instances, an increasing intensity of earthworks to facilitate higher density development. The management of earthworks is important to ensure the environmental objectives in Chapter 3 Strategic Directions are realised.

#### **Tangata Whenua Chapter 5**

**5.4.3 Protect Ngāi Tahu taonga species and related habitats.**

##### *Policies*

**5.4.3.1** *Where adverse effects on taonga species and habitats of significance to Ngāi Tahu cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.*

**5.4.5 Wāhi tūpuna and all their components are appropriately managed and protected.**

*Policies*

- 5.4.5.1 *Identify wāhi tūpuna and all their components on the District Plan maps and protect them from the adverse effects of subdivision, use and development.*
- 5.4.5.2 *Identify threats to wāhi tūpuna and their components in this District Plan.*
- 5.4.5.3 *Enable Ngai Tahu to provide for its contemporary uses and associations with wāhi tūpuna.*
- 5.4.5.4 *Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tūpuna.*

5.75. The Earthworks Chapter gives effect to the Tangata Whenua Chapter 5 by imposing limitations on earthworks within areas that are of significance to Māori and by ensuring suitable erosion and sediment management is undertaken where necessary.

**Landscapes Chapter 6**

**6.3.3 Objective - Protect, maintain or enhance the district's Outstanding Natural Features (ONF).**

*Policies*

- 6.3.3.1 *Avoid subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.*
- 6.3.3.2 *Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.*

**6.3.4 Objective - Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).**

*Policies*

- 6.3.4.1 *Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.*

**6.3.5 Objective - Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).**

*Policies*

- 6.3.5.1 *Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.*

5.76. The earthworks chapter gives effect to the PDP Landscape Chapter and sections 6(b) and 7(c) of the Act and 6 by managing the actual and potential adverse effects of earthworks where these could affect the District's landscape values.

#### **Council Reply versions post hearings on submissions**

5.77. Following the consideration of submissions and hearings, Council filed updated PDP chapters with recommended amendments where supported by Council officers. These version do not have any statutory status, however they are important in the context of whether the Council's position on a matter has moved from the notified PDP.

5.78. The respective 'reply' versions of the PDP chapters are not considered to give cause for a change in approach to the management of earthworks, or fundamentally different appraisal of the notified objectives and policies identified above.

#### **Non-Statutory Context**

5.79. Many Council's throughout the country use earthworks and erosion management guidelines and practice notes as a means of communicating the outcomes sought by managing the potential effects of earthworks, usually to avoid soil erosion, sediment generation and run-off. The Council are producing an erosion and sediment guidelines to assist contractors and designers with information on small to medium scale erosion and sediment management. The guidelines are intended to assist those undertaking earthworks to comply with the standards that require sediment is retained on site, and does not cause run-off onto other properties or water bodies.

## **6. RESOURCE MANAGEMENT ISSUES**

### **Introduction**

6.1. The preceding discussion has identified that earthworks are an important component of land use and development, however the actual and potential adverse effects of earthworks need to be managed to ensure that sustainable management of natural and physical resources are promoted.

- 6.2. The following key issues have been identified as the central themes associated with earthworks in the Queenstown Lakes District.

### **Key Issues**

#### **Issue 1 – Earthworks and landscape, visual amenity and nature conservation values.**

- 6.3. Earthworks can have adverse effects on the District's landscape resource, nature conservation values generally and amenity values in both rural and urban locations. It is important that earthworks are managed to ensure earthworks avoid adverse effects on landscape and where necessary for earthworks to be undertaken in visually sensitive areas, that earthworks are appropriately designed to be sympathetic and have regard to natural landforms and landscape values.

#### **Issue 2 – Earthworks and people, safety and cultural values.**

- 6.4. Earthworks can cause nuisance effects in the form of dust and vibration which can be appropriately minimised through management during construction. Earthworks can also cause safety issues for people and property and infrastructure. Earthworks on steep sites or areas affected by water can lead to slope instability, and earthworks undertaken near buildings, adjacent to neighbouring properties and existing subject to surcharge such as driveways or retaining walls can also have adverse effects if not appropriately managed.
- 6.5. Earthworks associated with cleanfill and landfill operations also require oversight because the effects from these activities are likely to be for a longer duration than earthworks undertaken on a site as a means to an end for the construction of subdivisions or buildings.
- 6.6. Earthworks can also damage both known and previously unknown heritage sites and sites of significance to Tangata whenua. Separate provisions apply for these resources within the PDP Historic heritage Chapter 26 and Part I of the Heritage New Zealand Pouhere Taonga Act 2014 states that no work may be undertaken on an archaeological site (whether recorded or unrecorded) until an archaeological authority to destroy, damage or modify a site has been granted by Heritage New Zealand Pouhere Taonga in accordance with that Act. However, earthworks itself and the applicable district plan chapter should be alive to the management of this issue and provide guidance as to the appropriate processes when heritage items are discovered.

#### **Issue 3 – Earthworks and soil erosion, sediment and generation of run-off.**

- 6.7. Some earthworks which do not control sediment generation and run-off may result in adverse effects on surface water bodies and damage, or adverse effects on stormwater infrastructure.

This may have significant adverse effects on water quality and flow and can damage ecosystems of flora and fauna within those water bodies. Damage to these environments can also lead to a loss of cultural values.

- 6.8. As set out in the statutory framework discussion and in Appendix 1 the higher order regional planning documents for Otago place an obligation on district plans to manage erosion and sediment. The issue of erosion and sediment management is particularly relevant for territorial authorities in the Otago region due to the absence of a regional land and water or land plan to manage the potential effects of earthworks on water bodies.

## **7. SCALE AND SIGNIFICANCE EVALUATION**

- 7.1. The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to whether the objectives and provisions:

- Fulfil the Council's role and functions under the Act as required by ss 31 and 74(1)(b);
- Impose increased costs or restrictions on individuals, communities or businesses;
- Result in a significant variance from the existing baseline in Operative District Plan Chapter 22;
- Have effects on matters of national importance;
- Adversely affect those resources overseen by special interests groups and statutory bodies, i.e. Tangata Whenua, Royal Forest and Bird Protection Society of New Zealand, Farming lobby groups, Gaurdians of Lake Wanaka;
- Involve effects that have been considered implicitly or explicitly by higher order documents; and
- Whether the proposed provisions are more appropriate than the existing.

- 7.2. The level of detail of analysis in this report is moderate-high. Earthworks are an anticipated component of many land uses but the effects of earthworks need to be managed, while ensuring efficiency and levels of intervention that are reasonable. Earthworks rules have the potential to affect a wide range of persons. Additional consenting information requirements can impose additional costs, however the costs to the environment could also be high if activities are not appropriately managed.

**8. EVALUATION OF PROPOSED OBJECTIVES SECTION 32(1)(a)**

- 8.1. The identification and analysis of issues has helped define how Section 5 of the RMA should be articulated. This has informed determination of the most appropriate objectives to give effect to Section 5 of the RMA in light of the issues.
- 8.2. Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act. The following objectives serve to address the key Strategic issues in the District:

<b><i>Proposed Objective</i></b>	<b><i>Appropriateness</i></b>
<b>25.2.1</b>  <b>Earthworks are undertaken in a manner that minimises adverse effects on the environment and maintains landscape and visual amenity values.</b>	<p>The objective is the most appropriate way to meet the purpose of the RMA because it recognises and provides the basis for a policy framework to implement the Council's function required under s31 of the RMA. In particular the management of effects of natural landscapes and resources and management of erosion, sediment and run-off. The objective gives effect to the Strategic Direction objectives identified in part 5 of this evaluation.</p> <p>The objective contemplates that earthworks are a necessary prerequisite of land use, however seeks an outcome that adverse effects are minimised, in particular on landscape and visual amenity values, and waterbodies.</p> <p>Recognises the interrelationship between part 5 of the Act and managing resources as required by sections 6 (a), (b), (c) and has regard to sections 7(b),(c), (f) of the RMA.</p>
<b><i>Proposed Objective</i></b>	<b><i>Appropriateness</i></b>
<b>25.2.2</b>  <b>The social, cultural and economic well being of people and communities benefit from earthworks while being protected from adverse effects.</b>	<p>The objective is the most appropriate way to meet the purpose of the RMA because it assists the Council to promote sustainable management through enabling earthworks, while ensuring adverse effects on people and their values are appropriately managed.</p> <p>As well as subdivision and development for construction, earthworks are necessary for a range of activities that communities in the Queenstown Lakes District benefit from including nationally and regionally significant infrastructure, tourism infrastructure, managing natural hazards, farming and recreation. The effects of these activities on people and on cultural values need to be managed.</p> <p>The objective gives effect to the Strategic Direction objectives identified in part 5 of this evaluation and will assist the</p>

	<p>Council to recognise and provide for the following:</p> <ul style="list-style-type: none"> <li>• Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</li> <li>• Section 6 (f) the protection of historic heritage from inappropriate subdivision, use, and development.</li> </ul>
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## 9. EVALUATION OF THE PROPOSED PROVISIONS SECTION 32(1)(b)

9.1. The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. The evaluation of the proposed provisions are grouped by the resource management issue, separate evaluations are set out for the notification provisions:

- Table 1: Issues 1 and 3;
- Table 2: Issue 2;
- Table 3: Matters that will not be notified;
- Table 4: Matters that require an assessment to determine whether an application is processed on a notified basis.

**Table 1:**

**Issue 1 - Earthworks and landscape, visual amenity and nature conservation values.**  
**Issue 3 – Earthworks and soil erosion, sediment and generation of run-off.**

All policies, rules and assessment matters are relevant. A summary of proposed provisions and components of the Earthworks Chapter that give effect to the objectives:

- Policy 25.2.1.1 – Ensure earthworks minimises erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development;
- Policy 25.2.1.2 – seeks protection of valued resources from inappropriate earthworks;
- Policy 25.2.1.3 – seeks to minimise effects on landforms;
- Policy 25.2.1.4 – seeks to manage the effects of earthworks on section amenity values;
- Policy 25.2.1.5 – that earthworks are designed to recognise the constraints and opportunities presented;
- Volume limits, matters of discretion and assessment matters to manage the environmental effects of earthworks;

<ul style="list-style-type: none"> <li>Area limits matters of discretion and assessment matters to ensure where erosion and sediment management is necessary it is effective;</li> <li>A range of permitted exemptions are identified to facilitate small scale activities that would have no adverse effects, or only negligible adverse effects;</li> <li>Permitting the volume, cut and fill associated with earthworks that are part of a subdivision application, recognising that the management of earthworks in terms of design and construction related processes can be managed as part of the assessment of the subdivision design and construction programme;</li> <li>Permitting earthworks for ski area activities and vehicle testing facilities within the ski area subzone, except where there is potential for environmental effects on water bodies and roads.</li> </ul>			
<b>Sub topic / Rule</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<b>Volume limitations</b>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Costs to the environment where activities are undertaken within the permitted limits. These costs are considered to be low.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Costs to persons undertaking earthworks to apply for consent where the permitted standards are not met.</li> </ul> <p><b>Social &amp; Cultural</b></p>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Ability to manage potential effects on landforms, including Outstanding natural features and landscapes.</li> <li>The policies and assessment matters require oversight of the design of earthworks to ensure earthworks are sympathetic to the receiving environment.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Management of environmental effects from earthworks will ensure the District's drawcard as a tourism and visitor destination will be maintained.</li> <li>The rules are not overly conservative and enable a reasonable degree of earthworks anticipated by the zone.</li> </ul> <p><b>Social &amp; Cultural</b></p>	<p><b>Effectiveness:</b></p> <p>The provisions enable earthworks while giving a clear indication through the policies, rules, matters of discretion and assessment matters as to the different effects which can arise as a result of the activity being undertaken.</p> <p>Appropriate controls are implemented to ensure that effects from these activities are no more than minor or are avoided where appropriate and practicable.</p> <p>The provisions ensure that adverse effects on landscape, amenity and character shall be managed appropriately in the context of the sensitivity of the environment, while also ensuring that earthworks do not increase or create risk of natural hazards.</p> <p><b>Efficiency</b></p>



		<ul style="list-style-type: none"> <li>The earthworks rules will enable persons to undertake a range of land uses and developments on the basis reasonable and appropriate limitations are imposed.</li> </ul>	<p>The provisions provide the most appropriate approach to managing earthworks at various scales, while ensuring the adverse effects from earthworks are appropriately controlled.</p> <p>The rules do are not considered to be over-restrictive and the area limits in particular are considered commensurate to the sensitivity of the receiving environment.</p> <p>The provisions are also efficient in that they allow the earthworks rules in the Energy and Utilities Chapter 30 to prevail, and consequently any National Environmental Standard.</p>
<b>Area limitations</b>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Potential environmental cost associated with exempting earthworks for erosion and sediment management. This is considered to be a small cost and the procedures should be undertaken using best practice. The potential for harm is low.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Costs to persons who are required to source materials and undertake erosion management; however this is considered a small cost relative to not managing the potential harm.</li> </ul>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Provides a means to manage the potential effects of soil erosion and sedimentation from development on water bodies, stormwater networks and neighbouring properties.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>The erosion and sediment management guidelines will assist those contemplating smaller scale activities to understand good principles and initiate basic erosion and sediment management. This will</li> </ul>	

	<ul style="list-style-type: none"> <li>Costs where it is considered necessary to obtain a erosion and sediment design from a suitably qualified person, however this is not considered typical and will affect large scale developments with commensurately higher operational budgets. This cost is considered low relative to the potential for adverse effects associated with inadequate erosion and sediment management.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>None identified.</li> </ul>	<p>assist with reducing costs associated with compliance.</p> <ul style="list-style-type: none"> <li>Non-notification for activities that do not comply with the area standard. Recognising that this rule is to ensure processes and design is in place to minimise erosion, sediment and runoff.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Assists with safeguarding the life supporting capacity of water.</li> </ul>	
<b>Setback from waterbodies</b>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>None identified. The setback is considered appropriate to safeguard potential effects. The safeguard is considered to be considerable more effective than the equivalent rule in the operative district plan that allows 20m<sup>3</sup> within the 7m of a waterbody.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Costs to persons who are required to apply for resource consent; however this is considered a small cost relative to not managing the potential harm from uncontrolled earthworks within the margins of a waterbody.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>None identified.</li> </ul>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Provides a basis to require consent and manage the actual and potential adverse effects where earthworks could affect water bodies and their margins.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Positive economic effect associated with ensuring potential adverse effects are managed and not allowing. Not managing potential effects through the earthworks chapter and resource consent could harm the environmental reputation of the District and result in increases to economic costs through remediation or delays to a project where earthworks are not appropriately managed.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Assists with safeguarding the life supporting capacity of water.</li> </ul>	

Table 2.

**Issue 2 – Earthworks and people, safety and cultural values.**

All policies, rules and assessment matters are relevant. A summary of proposed provisions and components of the Earthworks Chapter that give effect to the objectives:

- Policy 25.2.2.1 – recognises the benefits of earthworks for specified activities;
- Policy 25.2.2.2 - protects infrastructure, buildings and stability of other land;
- Policy 25.2.2.3 – manages the nuisance and health effects from earthworks;
- Policy 25.2.2.4 and 25.2.2.5 – manages necessary processes to avoid adverse effects on cultural heritage, including wāhi tapu, taonga, and archaeological sites, or where these cannot be avoided, effects are remedied or mitigated;
- Policy 25.2.2.6 – manages effects on amenity and traffic generation associated with earthworks;
- Policy 25.2.2.7 - seeks to ensure that natural hazard risk is managed;
- Accidental discovery rule (25.5.14) process set out in Schedule 25.10; and
- Setback from boundaries (Rule 25.5.18)

<i>Sub topic / Rule</i>	<i>Costs</i>	<i>Benefits</i>	<i>Effectiveness &amp; Efficiency</i>
<b>Volume</b>  <b>Setback from boundaries</b>  <b>(land stability and</b>	<p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>• None identified, the permitted thresholds are unlikely to generate environmental harm.</li> </ul> <p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>• Costs to persons who are required to apply for resource consent; however this is considered a small cost relative to the alternative of not managing the potential harm from uncontrolled earthworks.</li> </ul>	<p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>• The rules will ensure an appropriate level of intervention where cuts and fill could have adverse effects on land stability.</li> </ul> <p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>• The intervention and requirement for a resource consent/limit for permitted activities are likely to prevent persons from undertaking earthworks that could undermine existing buildings, or areas</li> </ul>	<p><b>Effectiveness:</b></p> <p>The provisions enable earthworks while setting in place measures to protect, where necessary land and built resources from stability issues.</p> <p>The provisions also provide a clear and effective process for when an accidental discovery is made.</p> <p>Identified sites of significant to iwi will be protected by not allowing any</p>

<p><b>natural hazards)</b></p>	<ul style="list-style-type: none"> <li>The permitted standards are considered reasonable and enable the battering of a cut slope up to within 300mm of the boundary, and allows up to 500mm up to the boundary. This is more lenient and reasonable than the equivalent Chapter 22 Operative District Plan rules that for cuts, requires the crest of the cut is setback from the boundary the same distance as depth.</li> </ul> <p><b><i>Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>None identified.</li> </ul>	<p>with surcharge. The requirement for a resource consent will ensure that if necessary earthworks and stability issues are appropriately addressed. This will ensure that from an economic perspective earthworks are managed to prevent harm to existing built resources.</p> <p><b><i>Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>None identified.</li> </ul>	<p>earthworks as a permitted activity in these areas.</p> <p>Appropriate controls are implemented to ensure that effects from these activities are no more than minor or are avoided where appropriate and practicable.</p> <p><b><i>Efficiency</i></b></p> <p>The provisions provide the most appropriate approach to managing earthworks where stability, hazards are at issue.</p> <p>Where earthworks affect a site of significance to iwi the process is not efficient as a Discretionary resource consent is required, however the level of intervention is appropriate to ensure section 6(e) of the RMA is provided for.</p> <p>The rules and policies are not considered to be overly-restrictive and are reasonable in the context of the likely sensitivity of the receiving environment.</p>
<p><b>Heritage and Tangata Wheua</b></p>	<p><b><i>Environmental &amp; Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>None identified. The rules have a relatively high level of intervention and this is considered appropriate.</li> </ul> <p><b><i>Economic</i></b></p> <p>Potential costs for person undertaking earthworks within an identified/protected area or where an accidental discovery is made. However the costs</p>	<p><b><i>Environmental Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>Appropriate level of intervention for safeguarding of heritage and areas of significance to Tangata Whenua.</li> </ul> <p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>Early and appropriate intervention could save persons from further delays prosecution if the protocols in the</li> </ul>	

	are low compared to the potential harm to heritage and cultural values.	accidental discovery advice in Schedule 25.10 are observed.	
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**Table 3.****Matters that will not be notified**

Rule 25.6 states that activities that exceed the area (m<sup>2</sup>) limitation shall not require the written consent of other persons and shall not be notified or limited notified.

The principal reasons for the area limitation are to manage the potential adverse effects from land disturbance that are soil erosion, sediment generation and run-off, traffic effects and dust arising from earthworks that are of a relatively short term duration associated with construction activities.

The reason for making these activities not applicable to a 'notification assessment' and precluding any opportunity for involvement by other persons is that the actual and potential adverse effects should be able to be sufficiently avoided by the design and implementation of erosion and sediment methods and construction related methods to ensure that sediment and dust are managed. The restricted discretionary activity status provides the Council with sufficient power to decline applications that have insufficient design relating to erosion and sediment management, and providing the design is adequate there is a high degree of certainty that the environment and other persons would be subject to negligible adverse effects.

It is considered impractical and unlikely the non-notification elements of this rule could be used to circumvent an undesirable outcome on the environment or other persons because There are also other rules in the Earthworks Chapter that would require a resource consent to address the actual and potential environmental effects associated with uncontrolled land disturbance activities:

- Earthworks within a statutory acknowledgment Area (Rule 25.4.6), or accidentally discovers an archaeological site (Rule 25.5.18);
- Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries (Rule 25.5.11);
- Material being transported shall be deposited on any Road (Rule 25.5.12); and
- Any person carrying out earthworks shall implement dust control measures to minimise nuisance effects of dust beyond the boundary of the site (Rule 25.5.13).

It is considered that applications relating to the area of land disturbed can be efficiently and effectively processed without notification because the matter is a process component should be able to designed sufficiently such that the activity complies with other standards.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Potential where other persons are prevented from being involved, unless the case for a special circumstance arises.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Subsequent economic costs to those persons precluded from the process where there is an economic cost to them (i.e. an adverse effects that diminishes their economic value in some way). However, given the other rules in the Earthworks Chapter that manage adverse effects and could result in notification, it is considered the economic costs are low.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Cultural costs could be where environmental harm causes a cultural value (i.e. Tangata Whenua) to be affected. However it is considered that there are other rules in the earthworks chapter that ensure consent is required and potential for notification, especially where statutory acknowledgment areas are involved that would ensure notification processes are available, if required (i.e. Rule 25.5.19 setback from water bodies and Rules 25.5.14 and 25.4.5 and 25.4.6 relating to sites of</li> </ul>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>No direct environmental benefits.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Reduced economic costs through a curtailed resource consent process where non-notification is guaranteed and an abridged assessment and decision making reporting obligations under section 104 of the Act, instead of section 95, that often requires lengthier assessments to satisfy the respective tests to determine whether the application needs to be process on a notified or limited notified basis.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>None identified.</li> </ul>	<p><b>Effectiveness:</b></p> <p>The notification clause is a process related component of the PDP, rather than an environmental matter. However, better and more effective outcomes can be had where there is a wide range of input from parties other than the applicant and the Council.</p> <p><b>Efficiency</b></p> <p>The non-notification of these applications will ensure efficiency in addressing potential adverse effects from temporary activities such as construction and land development that can be addressed through design with oversight from the Council alone.</p> <p>The non-notification of these activities will also fit with the status for subdivisions in Chapter 27 of the PDP where many subdivisions that comply with the minimum allotment size or density rules will be processed on a non-notified basis. Rule 25.3.4.1 sets out that the area of land disturbance rule is applicable to subdivision activities. This is to reinforce and provide sufficient oversight of the importance of appropriate management of subdivision development, particular large green-field subdivisions.</p> <p>The non-notification provision for these activities will improve efficiency with plan administration.</p>

significance to iwi.

**Table 4.****Matters that require an assessment to determine whether an application is processed on a notified basis.**

Table 3 above identifies and evaluates the activities that shall be processed without notification.

All other earthworks activities would require an assessment under section 95 of the Act as to whether the adverse effects are such that the application is processed on a notified basis, or without notification but with notice served on specified persons.

Although earthworks are contemplated as part of many land uses and land development activities. The adverse effects resulting from earthworks can be significant if not appropriately managed or designed appropriately or undertaken within what is reasonably expected by the zone the earthworks are located within. There can also be a range of adverse effects on other persons and statutory agencies associated earthworks in sensitive locations, large scale earthworks that can have adverse effects on visual amenity, landforms and natural features.

It is considered appropriate that standards relating to earthworks near boundaries of properties could be notified for reasons relating to amenity generally, land stability effects and visual amenity from modification to the landform.

Overall, the requirement for applications to undergo a notification assessment and could be processed on a notified or non-notified basis is substantially less efficient than a non-notification provisions. However the costs associated with precluding other persons from the process not providing the opportunity for notification where adverse effects are significant is not appropriate and is not considered to be justifiable.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>None identified.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Costs to applicants where the activity has adverse effects on another person and written approval is required for the activity to be processed on a non-</li> </ul>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Could result in earthworks that are avoided or more sensitive with respect to effects on other persons.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Has potential for more sensitive and appropriately considered earthworks</li> </ul>	<p><b>Effectiveness:</b></p> <p>The ability for applications to be notified could result in more sensitive designs from the outset, particular in sensitive environments.</p> <p><b>Efficiency</b></p> <p>Requiring an assessment to determine whether an application is processed on a notified or limited notified</p>

<p>notified basis.</p> <ul style="list-style-type: none"> <li>Potential substantial costs and time delays associated with applications being processed on a notified or limited basis, however this is commensurate to the likely scale or breadth of the activity.</li> <li>Cost to Council and consent holders where notification decision are challenged through judicial review process.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>None</li> </ul>	<p>activities that in the longer terms, and from a District perspective</p> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Benefits to persons and community for ability for wider input through notified resource consent applications when these present.</li> </ul>	<p>basis is not as efficient as non-notification. The requirement for an application to be processed where submissions and/or a hearing is required can be very inefficient for the applicant. However, the process should be commensurate to the scale of the activity.</p>
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### Other reasonably practicable options for achieving the objectives (s32(1) (b)(i)):

#### Option 1

#### Permitting earthworks within the footprint of a building

Some Council's district plans permit earthworks irrespective of volume/location where it is associated with a dwelling that has building consent<sup>11</sup>. This method was considered but was not considered to achieve the objectives as well as the preferred rules for the following reasons:

- The volume standards are relatively permissive and should address most residential construction scenarios to the extent contemplated in the respective zone;
- Anecdotal advice received was the these rules acted as a disincentive to persons undertaking initial subdivision/land development to bench and contour sites in an integrated manner, and left the earthworks to the end developer/homebuilder, which lead to an ad-hoc outcome in terms of finished levels between adjoining properties;
- There could be unintended adverse effects from exempting earthworks within a footprint and uncertainty with rule interpretation and plan administration.

<sup>11</sup> i.e. Christchurch Replacement District Plan, and Upper Hutt District Plan.



**Option 2****A tiered rule framework for erosion and sediment management**

The Council has received advice on the most appropriate methods to manage soil erosion and sediment generation and run-off. That advice is to have a rule limiting the area of land disturbed both under (10,000m<sup>2</sup>) and over (2500m<sup>2</sup>) a specified slope of 10°, derived from an analysis of a soil loss equation based on parameters unique to the District.

The advice also considered additional rules for various receiving environments however decided this was not necessary given the characteristics of the potential for soil loss in the District, sensitivity to receiving environments and the additional rules, including a setback of earthworks from waterbodies of 10 metres.

It was investigated whether additional rules were appropriate once earthworks over a certain scale required consent under a separate rule (i.e. area of land disturbed over 30,000m<sup>2</sup>), on the basis that it would be likely that there could be a higher potential for adverse effects and it indicated a higher level of oversight was required.

This option was rejected on the basis that irrespective of the scale of land disturbance the matters of discretion and assessment matters are suitable to address activities of all scale. The recommended area limitations are appropriate and no additional rules for large scale activities are considered necessary.

**Option 3****Exempting all earthworks associated with a subdivision (operative District Plan Chapter 22)**

The Proposed Earthworks Chapter exempts the following earthworks where associated with a subdivision:

- a. volume standards in Table 25.2;
- b. Rule 21.5.15 cut standards; and
- c. Rule 21.5.16 fill standards.

The reason for this is because the volume of material exceedances is often not relevant in the context of the overall activity, particularly when the nature and scale of the subdivision is contemplated by the zone.

The Operative District Plan Earthworks Chapter 22 appears to exempt all earthworks associated with a subdivision. This option is not considered appropriate because there is not considered to be any reason why there is a difference in adverse effects on (for instance) an adjoining owner if earthworks undertaken

within a property boundary setback, or setback from a water body for a subdivision, or for any other land use.

It is important that an assessment as to the effects on adjoining property owners is available where cut and fill adjacent to the boundary could have substantial adverse effects on these persons. Continuation of the operative regime is not the most appropriate way to meet the objectives.

#### **Option 4**

##### **Setbacks of earthworks from other properties**

The Operative District Plan Chapter 22 requires that the crest of a cut is setback from a property the same distance as the cut (i.e. a 1 metre deep cut must be setback 1 metre from the boundary). The rule is considered to be potentially difficult to be complied with where driveways are located near a property boundary's and, the rule seems to encourage vertical cuts because of the requirement to ensure the crest of the cut is setback from the boundary the same distance as the depth.

It is considered more appropriate to enable cuts closer to a property boundary providing the cut does not undermine any structures or the land on neighbouring properties. The proposed rule enables a cut of 1:3 on the basis it is setback at least 300mm from the boundary. A cut of 1:3 is shallower than the Council's code of practice, however a gradient of 1:3 (expressed in Rule 25.5.18 as a requirement for the distance to be 1.5 times the depth) is considered suitable as a permitted rule. Continuation of the operative setback from boundary for cut is not considered the most appropriate way to meet the objective.

#### **Option 5**

##### **Not providing any assessment matters**

The approach through the PDP is to reduce assessment matters in favour of applying the consideration of activities through the policies themselves. It is the case with the earthworks Chapter and the wide variety of activities that earthworks are associated with, and range of zones and receiving environments that assessment matters were included. While this is a departure from other District Wide Chapters of the PDP it is considered the most appropriate way to achieve the objectives, in this instance.

Assessment matters can be ineffective where they do nothing more than mimic the policy, in this case the assessment matters articulate at a finer grain, how an activity is designed or will be undertaken and the extent this accords with the policy, the assessment matters in this instance provide added value and are considered the most appropriate way to meet the objective.

## **10. THE RISK OF NOT ACTING**

- 10.1. Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.
- 10.2. The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

**Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation.**

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Region	Territorial Authority	District Plan	Rules	Generic Overview	Non Notification	Regional Council Statements and Plans
Otago	Queenstown Lakes	Operative District Plan Chapter 22 (June 2016)	Volume limits	<ul style="list-style-type: none"><li>300m³ Residential Zones</li><li>1000m³ Rural General Zone</li></ul>	Most earthworks non-notified except:	<b>Regional Policy Statement</b>
			Area limits	<ul style="list-style-type: none"><li>None</li></ul>	Involving blasting or presence of substantial groundwater, earthworks located within an internal or road boundary (22.3.2.6(i)).	The Operative Regional Policy Statement (1998) ( <b>ORPS</b> ) identifies in Issue 5.3.3 (Otago’s water resources may be adversely affected by land activities) sedimentation associated with a range of land uses and activities.
			Other Rules	<ul style="list-style-type: none"><li>&lt;20m³ within 7m of waterbody.</li><li>Not expose groundwater.</li><li>Manage erosion and sediments</li><li>Cut &lt;2.4m</li><li>Fill &lt;2.0m</li><li>Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site. (22.3.3.iv(a).</li></ul>	<p>Involving blasting or presence of substantial groundwater, earthworks located within an internal or road boundary (22.3.2.6(i)).</p> <p>Volume limitations except where specified zones adjoins a residential or Open Space – Landscape Protection (22.3.2.6(ii)).</p> <p>Involvement with the National Grid</p>	<p>Policy 5.5.5(c) seeks to minimise the adverse effects of land use activities on the quality and quantity of Otago’s Water resource through...(c) <i>Avoiding, remedying or mitigating the degradation of groundwater and surface water resources caused by the introduction of contaminants in the form of chemicals, nutrients and sediments resulting from land use activities.</i></p> <p>A range of methods are identified in the ORPS to manage the effects of earthworks and sedimentation from land use activities, however, there is not a distinctly identifiable obligation for either regional or district plans.</p> <p>Method 5.6.21 is identified as being of relevance in terms of managing erosion and sediment: <i>‘Consider including provisions and conditions in district plans and on resource consents to avoid, remedy or mitigate soil degradation resulting from the subdivision use, development or protection of land’.</i></p> <p>Method 21.6.23 states <i>‘Consider including provisions or conditions in district plans and on resource consents which seek to avoid, remedy or mitigate the adverse effects of land use activities on water resources’.</i></p> <p>These two methods in particular are considered to give direction to territorial authorities to manage the effects of erosion and sedimentation arising from land use activities.</p> <p>The Proposed Regional Policy Statement 2015 (<b>PRPS</b>) (Decision version 1 October 2016) states that policies 3.1.7 (Soil Values), 3.1.8 (Soil erosion) and 5.4.1 (Managing for urban growth and development) are to be given effect to a range of Methods including via City and District Plans (Method 4.1.4).</p> <p>In particular, the Methods for Policy 3.1.8 (Soil Erosion) do not identify any obligation through Regional Plans to manage erosion and sedimentation through land use activities.</p> <p>Method 4.1.4 (District and City Plans) is <i>‘Policies 3.1.7, 3.1.8, and 5.4.1 by including provisions to manage the discharge of dust, and silt and sediment associated with earthworks and land use’.</i></p> <p>The PRPS places a clear obligation on territorial authorities to manage the potential effects of erosion and sedimentation from land use activities through district plans. The Otago Regional Council currently do not have a dedicated regional earthworks or soil conservation plan and the Methods of the PRPS indicate that it is intended that erosion and sediment is managed primarily by District and City Plans.</p>
						<b>Regional Plans</b>
						The Otago regional Plan: Water for Otago (Operative 2004) contains the following provisions that relate to the discharge of water containing contaminants (including sediments) to water (Lakes/rivers/coast):

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Rule 12.C.1.1 permits the discharge of water or any contaminant to water, or onto or into land which may result in a contaminant entering water is a permitted activity providing a range of qualifiers are met, including at (d) the discharge:

(d)(i) Does not result in:

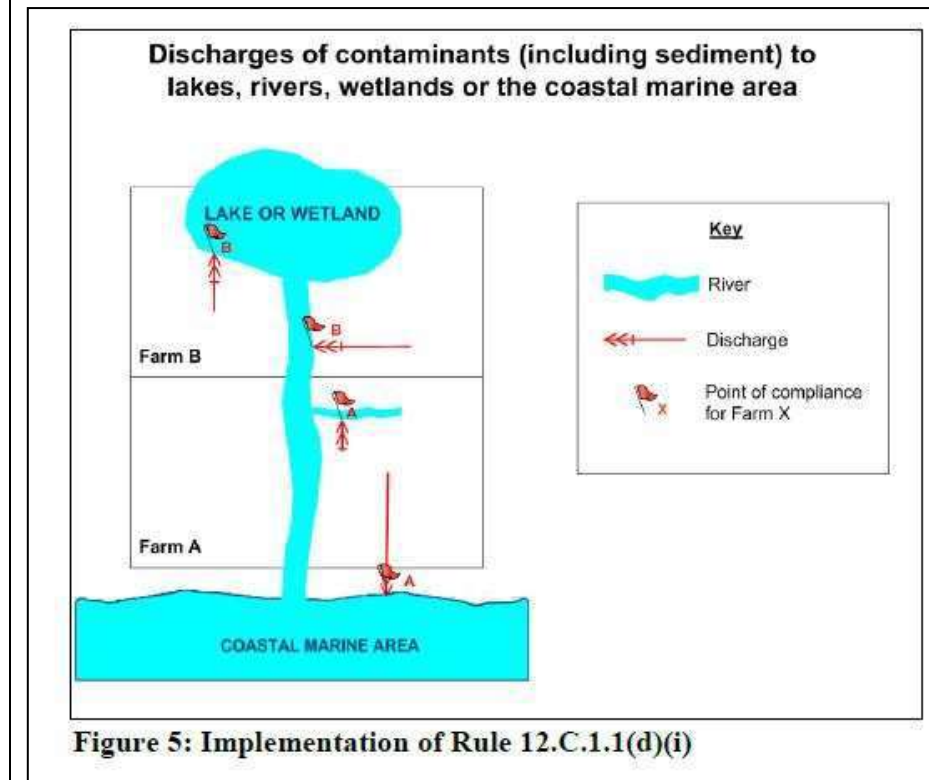
(1) A conspicuous change in colour or visual clarity; or

(2) A noticeable increase in local sedimentation, in the receiving water (refer to Figure 5); and

(ii) Does not have floatable or suspended organic materials; and

(iii) Does not have an odour, oil or grease film, scum or foam; and

...



In terms of achieving compliance associated with sediments entrained in water, Figure 5 makes it clear that the measurement/compliance point is where the sediment entrained water enters the river or lake and that for permitted status it must not result in (i)(2) 'a noticeable increase in local sedimentation, in the receiving environment'

Non-compliance would require discretionary activity resource consent pursuant to Rule 12.C.3.

Rule 12.C.0.3 holds a prohibited activity status for the discharge of sediment from disturbed land to water where no measure is taken to mitigate sediment runoff.

Typically therefore, water runoff from a site with disturbed land is permitted providing the sediment laden water does result in either a conspicuous change in colour or visual clarity or a noticeable increase in local sedimentation in the receiving water.

If no measures are made the activity status is prohibited and no resource consent can be granted. Where there is non-compliance but where measures have been made resource consent is required as a discretionary activity.

While rules are in place in the Otago regional Plan: Water, these are suited to activities where it would be a pre-meditated action before the activity commenced to note that compliance with the

Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation

						<p>permitted standards cannot be achieved and to apply for a resource consent. The prohibited limb of the rule framework makes it clear that no avenue is provided to discharge sediments to rivers and lakes without undertaking sediment management measures. Instances where a resource consent is applied for to discharge sediment laden water to a waterbody would be for works within or adjacent to a waterbody and while sediment management would expected to be employed it is not possible to avoid all sediments entering the water stream and noticeable sedimentation of the water could occur. The types of activities that fall under these circumstances are culvert and bridge pile installation and repair.</p> <p>It is considered that because the Otago Regional Plan: Water does not control land disturbance activities, only the effects of a discharge, the opportunity to proactively manage the potential adverse effects of sedimentation entering rivers; lakes or onto land arising from temporary construction activities associated with land use activities is limited. It is unlikely that the proponents of typical subdivision and development activities would apply for a discretionary activity through the Otago regional Plan: Water on the off-chance permitted status could not be achieved. It could also be the case that the Otago Regional Council would encourage compliance with the permitted standards to minimise effects on the receiving environment, rather than grant a discretionary activity resource consent where compliance with Rule 12.C.1.1 can be achieved.</p> <p>The Regional Plan Water does not directly intervene with land use activities to manage soil conservation or the potential effects of erosion and sedimentation. Instead, the Regional Plan Water does not specify controls on land uses or land disturbance activities, but controls adverse effects on the environment through managing discharges.</p> <p><b>Regional land use plan earthworks/land activities</b></p> <p>The Otago Council does not have a land use plan to manage the effects of earthworks for soil conservation or sedimentation.</p> <p>The management of sedimentation to water on sites with land disturbance activities, to ensure that runoff from these sites complies with Rule 12.C.1.1 of the Otago regional Plan: Water is a permitted activity is considered to fall on district and city plans. This is reinforced by Method 4.1.4 identified in the PRPS 2015.</p> <p><b>Relationship between the QLDC Operative Earthworks Chapter and Regional Plans/Policy Statements</b></p> <p>The Operative Earthworks chapter assists with the management of the potential adverse effects of erosion and sedimentation through the standard that requires erosion and sediment management is undertaken (Rule 22.3.3.iv(a)), and indirectly through limits on the volumes on a site and within 7 m of a waterbody.</p> <p>The Operative Earthworks Chapter provides for the management of potential adverse effects of erosion and sedimentation from land disturbance activities in the absence of a regional land use plan that directly specifies land use activities. However the level of intervention is not direct and is left to a single generic rule that requires erosion and sediment management is undertaken.</p>
Otago	Dunedin City	2GP notified October 2015 (DCC 2GP)  Residential Zones (Rule 15.6.2)	Volume limits	Ratio of volume per area, maximum allowed 30m³ per 100m² of site, reducing as the gradient increases: i.e. >26° but <35° permits 0m³ fill, 5m³ cut per 100m² of site.	Rule 15.4. No non-notification provisions for earthworks.	<p><b>Refer to the above discussion on the Otago Regional Council Statements and Plans.</b></p> <p><b>Relationship between the DCC 2GP Earthworks Chapter and Regional Plans/Policy Statements</b></p> <p>The DCC 2GP includes controls to manage the areas of land disturbed and has additional emphasis in sensitive areas and receiving environments. The DCC 2GP provides for the management of potential adverse effects of erosion and sedimentation from land disturbance</p>

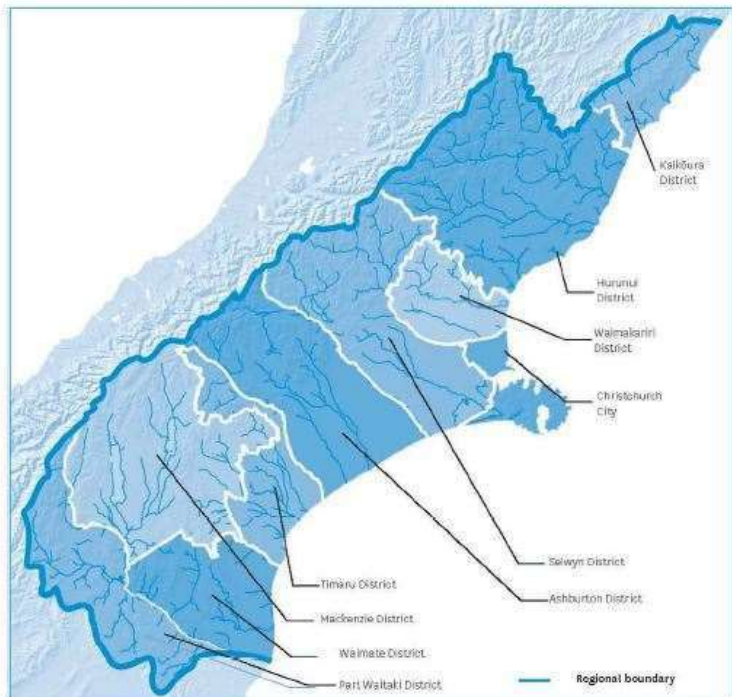


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			<b>Area limits</b>	Residential Area: (Nil)  Urban conservation area (50m <sup>2</sup> )  Within 5m of a water body (25m <sup>2</sup> )		activities in the absence of a regional land use plan that directly specifies land use activities.  The DCC 2GP utilises area disturbance limits in sensitive receiving environments and has a generic rule that ensures erosion and sediment management is effective (Rule 15.6.2.7).
			<b>Other Rules</b>	< 1.5m change in ground level (cut/fill)  Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across property boundaries. (15.6.2.7)		
<b>Otago</b>	<b>Central Otago</b>	<b>Operative 1 April 2008</b>	<b>Volume limits</b>	<b>Section 7 Residential Resource Area</b>	None identified.	<b>Refer to the above discussion on the Otago Regional Council Statements and Plans.</b>
			<b>Area limits</b>	No earthworks rules identified with the exception of earthworks in relation to the National Grid (refer to District Wide Rules and Performance Standards Section 12).		<b>Relationship between the Central Otago District Plan and Regional Plans/Policy Statements</b>
			<b>Other limits</b>	Earthworks are a matter of control or discretion with subdivision.  <b>Section 5 Water Surface and Margin Resource Area</b> Rule 5.7.2 (b))Earthworks within 10m of a water body is a restricted discretionary activity.  <b>Rural Resource Area (Section 4)</b>  Earthworks shall not exceed 20m <sup>3</sup> within 10m of a water body. Rule 4.7.6.I.  Earthworks shall not exceed 2000m <sup>2</sup> or 3000m <sup>3</sup> . (Rule 4.7.6J(b))		The Central Otago District Plan has few controls to manage the areas of land disturbed and potential adverse effects of erosion and sedimentation from land disturbance activities in the absence of a regional land use plan that directly specifies land use activities.
<b>Otago And Canterbury</b>	<b>Waitaki</b>	<b>Operative May 2010</b>	<b>Volume limits</b>	<b>Residential Rules (Part III Section 2)</b>	Earthworks greater than 100m <sup>3</sup> or 50m <sup>2</sup>	<b>Refer to the above discussion on the Otago Regional Council Statements and Plans.</b>  <b>Relationship between the Waitaki District Plan and Otago Regional Plans/Policy Statements</b>



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				<p>No earthworks rules identified.</p> <p><b>Rural Areas (Part III Section 4)</b> &lt;100m<sup>3</sup> (controlled activity) Rule 4.3.2(1)</p>		<p>The Waitaki District Plan has few controls to manage the areas of land disturbed and potential adverse effects of erosion and sedimentation from land disturbance activities in the absence of a regional land use plan that directly specifies land use activities.</p>
			<b>Area limits</b>	<p><b>Rural Areas (Part III Section 4)</b> &lt; 50m<sup>2</sup> (controlled activity) (Rule 4.32.(i).</p>		<p><b>Canterbury Region</b></p> <p><b>Regional Policy Statement Revised February 2017</b></p> <p>Map of Canterbury region</p>  <p>The Waitaki District is located within both the Otago and Canterbury regions, as illustrated in the image above, sourced from the Canterbury Regional Policy Statement.</p> <p>Land uses causing soil and sediment run-off into water bodies and coastal water, and adversely affecting the quality of that water, are addressed in Chapter 7 - Fresh Water.</p> <p>Broadly, the relevant objectives are:</p> <ul style="list-style-type: none"> <li>• Objective 7.2.1 – Sustainable management of fresh water;</li> <li>• Objective 7.2.2 – Parallel processes for managing fresh water</li> <li>• Objective 7.2.3 Protection of intrinsic value of waterbodies and their riparian zones.</li> </ul> <p>Policy 7.3.7 – Water quality and land gives effect to these objectives and states:</p> <p><i>To avoid, remedy or mitigate adverse effects of changes in land uses on the quality of fresh water (surface or ground) by:</i></p> <ol style="list-style-type: none"> <li>1. identifying catchments where water quality may be adversely affected, either singularly or cumulatively, by increases in the application of nutrients to land or other changes in land use; and</li> <li>2. controlling changes in land uses to ensure water quality standards are maintained or where water quality is already below the minimum standard for the water body, it is improved to the minimum</li> </ol>
			<b>Other limits</b>	<p><b>Subdivision (Part III Section 14)</b></p> <p>Matters of control and discretion for subdivision include stormwater runoff (7b)</p>		

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					<p>The Methods state at (2) Local Authorities will <i>‘Work together to manage the adverse effects of land uses on freshwater quality including appropriate controls on land uses in district or regional plans. This may include adopting a holistic approach to the management of the impacts of development such as low-impact urban design and development principles, and riparian management.’</i></p> <p>The Canterbury RPS places as obligation on district councils to manage the effects of land uses on water quality.</p> <p><b>Canterbury Land and Water Regional Plan 2017 (CLWP 2017)</b></p> <p>The Canterbury Land and Water Regional Plan has jurisdiction over the diversion and discharge of stormwater, however it also manages the following land use activities that could also generate erosion and sedimentation:</p> <ul style="list-style-type: none"> <li>• Stormwater (Rules 5.93A – 5.97)</li> <li>• Earthworks and vegetation clearance in Riparian Areas (Rules 5.167 – 5.169)</li> <li>• Vegetation Clearance and Earthworks in Erosion - Prone Areas (Rules 5.170 – 5.171)</li> <li>• Burning of Vegetation (Rules 5.172 – 5.174)</li> </ul> <p><b>Stormwater (Rules 5.93A – 5.97)</b></p> <p>Rules 5.93A to 5.94 manage stormwater discharged from a reticulated stormwater system. A cascading rule framework is used to manage stormwater runoff from land disturbance, including ‘construction-phase stormwater’. Construction-Phase stormwater is defined in the CLWP 2017 as:</p> <p><i>Means water, sediment and entrained contaminants resulting from precipitation on exposed or unstabilised land and which arises from construction or demolition activities, or the development of a building site.</i></p> <p>The discharge of stormwater or construction phase stormwater requires resource consent as a restricted discretionary activity if qualifiers are met including the preparation of a stormwater management plan and the discharge meets parameters set out in schedule 8 of the CLWP 2017. Activities that fail these are a non-complying activity (Rule 5.94).</p> <p>Rule 5.94A - B manages discharges of construction phase stormwater from non-reticulated stormwater systems.</p> <p>The discharge of construction phase stormwater in these circumstances is permitted if certain qualifiers relating to the area of land disturbed are met including:</p> <ul style="list-style-type: none"> <li>• The area of disturbed land from which the discharge is generated is less than 1000m<sup>2</sup> within an area identified in the planning maps as High Soil Erosion Risk, or</li> <li>• Two hectares in any other location (Rule 5.94 1 (b))</li> <li>• Limits on the concentration of suspended solids</li> <li>• Limits on the increase in the flow of any receiving waterbody</li> <li>• The discharge is not from a contaminated water body, contain hazardous substances and does not occur within a community drinking-water protection zone identified in the CLWP 2017.</li> </ul> <p>Non-compliance is a restricted discretionary activity (Rule 5.94B)</p> <p>Through these rules the CLWP 2017 controls land use to manage the potential effects of sedimentation from land disturbance.</p>
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Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation

						<p><b>Earthworks and vegetation clearance in Riparian Areas (Rules 5.167 – 5.169)</b></p> <p>Rule 5.167 controls the use of land for vegetation clearance outside the bed of a river, lake or adjacent to a wetland boundary, but within 10m of land identified as Hill and High Country or as High Soil Erosion Risk on the planning maps and any associated discharge of sediment or sediment laden water where it may enter surface water is a permitted activity providing conditions are met.</p> <p>Rule 5.168 controls earthworks in the same areas described above as a permitted activity providing conditions are met, including that earthworks are limited to 500m<sup>2</sup> or 10% of the area, the volume is less than 10m<sup>3</sup>.</p> <p>Non-compliance with Rules 5.167-5.168 is a restricted discretionary activity.</p> <p>These rules control land use to manage the potential effects of sedimentation from land disturbance.</p> <p><b>Vegetation Clearance and Earthworks in Erosion - Prone Areas (Rules 5.170 – 5.171)</b></p> <p>Specific land use activities are controlled within areas identified in the CLWP 2017 as High soil erosion risk to manage erosion and sedimentation. The activities and controls include:</p> <ul style="list-style-type: none"> <li>• Cultivation or spraying of slopes greater than 25° is limited to 200m<sup>2</sup></li> <li>• Creation or the maintenance of existing firebreaks limited to cuts of 0.5m</li> <li>• Construction of walking tracks up to 1.5m wide</li> <li>• Earthworks limited to 10m<sup>3</sup> per hectare and maximum depth of cut or fill is limited to 0.5m</li> <li>• Limits on the concentration of total suspended solids of discharges</li> </ul> <p><b>Burning of Vegetation (Rules 5.172 – 5.174)</b></p> <p>Burning of vegetation is a permitted activity providing conditions are met including:</p> <ul style="list-style-type: none"> <li>• Burning does not occur within 5m of the bed of a river where the wetted bed is more than 2m wide or a wetland boundary where the wetland is more than 0.5ha in area</li> <li>• Within an area to be burnt the area of bare ground is less than 20%, the slope is less than 35° and the land is less than 900m above sea level</li> <li>• The burnt area is either spelled from grazing for a minimum of 6 months following burning, or sown with pasture within 6 months of burning, or planted with trees within one year of burning.</li> </ul> <p>Where non-compliance is not achieved, a controlled activity is required providing a range of qualifiers are met. The matters of control relate to effects on water quantity and quality and soil conservation. The matters of control or discretion associated with non-compliance of the rule</p> <p>As well as managing the effects of sedimentation on water quality, the vegetation clearance and earthworks in erosion – prone areas and burning of vegetation rules (Rules 5.170 – 5.174) also address the Canterbury Regional Council's responsibility under section 30(1)(c) of the Act to control the use of land for the management of soil conservation.</p> <p><b>Relationship between the Waitaki District Plan and Canterbury Regional Plans/Policy Statements</b></p> <p>The Waitaki District Plan has few controls to manage the areas of land disturbed and potential adverse effects of erosion and sedimentation. However, as discussed above, the CLWP 2017 has land use rules that manage the potential adverse effects of soil erosion and sedimentation. The CLWP 2017 makes up for the apparent shortfall in the rules in the Waitaki District Plan where it is within the jurisdiction of the Canterbury Region.</p>
Canterbury	Christchurch	Christchurch Replacement District Plan	Volume limits	Table 9: maximum volumes <ul style="list-style-type: none"> <li>• Residential Zones 20m<sup>3</sup> site</li> </ul>	Controlled and restricted discretionary	<p><b>Refer to the above discussion on the Canterbury Regional Council Statements and Plans.</b></p> <p>Also note Policy 8.1.4.1.a. of the CRDP which is:</p>

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		(CRDP) Chapter 8 Subdivision, Development and Earthworks (part) Stage 2		<ul style="list-style-type: none"> <li>Commercial local and Banks Peninsula Zones 20m³ site</li> <li>Commercial core/retail parks 1000m³/ha</li> <li>All rural zones 100m³/ha</li> <li>Transport no limit</li> </ul>	activities.	<p><i>Ensure earthworks do not result in erosion, inundation or siltation, and do not have an adverse effect on surface water or groundwater quality.</i></p> <p><b>Relationship between the CRDP and Canterbury Regional Plans/Policy Statements</b></p> <p>The CRDP does not have area limitations, however it has relatively conservative permitted thresholds and generic thresholds for steep slopes and waterbodies. The matters of discretion provide for the management of erosion and sedimentation.</p> <p>As discussed above, the CLWP 2017 has land use rules that also manage the potential adverse effects of soil erosion and sedimentation from land use activities. The CRDP rules provide an additional layer of management, primarily through the matters of discretion, however the rules of the CRDP do not duplicate the detailed rules of the CLWP 2017, in particular those relating to stormwater discharges related to 'construction-phase activities'.</p>
			Area limits	None		
			Other limits	<ul style="list-style-type: none"> <li>Earthworks shall not occur on land with a gradient steeper than 1 in 6 (Rule P1.iii).</li> <li>Chapter 6 City and Settlement Water Body Setbacks controls earthworks in within the bed of waterbodies.</li> </ul> <p>Matters of discretion include natural values and assessment matter 6.3.6.7.2 (c) includes any adverse effects of the discharge of sediment to the water body and downstream receiving environment.</p>		
Canterbury	Selwyn	Selwyn District Plan Operative 3 May 2016 (SDP)	Volume limits	<p>Township Volume:</p> <ul style="list-style-type: none"> <li>Not more than 2,000m³ per project (Living Zones)</li> <li>Not more than 5,000m³ per project (Business Zones)</li> </ul> <p>Rural Volume:</p> <ul style="list-style-type: none"> <li>Not more than 5,000m³ per project</li> </ul>	No provisions identified	<p><b>Refer to the above discussion on the Canterbury Regional Council Statements and Plans.</b></p> <p><b>Relationship between the SDP and Canterbury Regional Plans/Policy Statements</b></p> <p>The SDP does not have area limitations or slope thresholds, and has relatively liberal permitted volume limits and generic setback rules for waterbodies. The matters of discretion are not particularly specific with regard to erosion and sediment management. For instance the most relevant matter of discretion (Rural Volume 2.1.5.3) is 'any mitigation measures proposed'. In the Rural Volume the matters of discretion do not specify erosion and sediment management but identify 'the effectiveness of any proposed mitigation measures' (Rural Volume 1.7.3.2).</p> <p>In the Rural Volume, Reasons for Rules (C1 Earthworks), states:</p> <p><i>Rules are needed to manage these effects because they often have effects on other people or other parts of the environment, rather than having a direct cost to the person undertaking the earthworks. The rules are included in the District Plan because: regional rules only apply to</i></p>
			Area limits	<p>Dust and siltation:</p> <ul style="list-style-type: none"> <li>Rule 1.7.1.4 Any stockpiling of earth, soil or other material</li> </ul>		



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				within 100m of any dwelling, other than a dwelling erected on the same property as the earthworks, is to be kept moist and consolidated.		<p><i>the Port Hills at present; and building consents are only required for earthworks related to dams over 20,000m<sup>3</sup> in size. Even when a building consent is required, it will only address matters relating to the stability of the excavation.</i></p> <p>It is uncertain whether this statement is currently accurate because the CLWP 2017 includes rules over all land areas, as discussed and identified above. It is noted that the SDP district plan review is underway however the replacement plan has not yet been notified.</p>
			<b>Other limits</b>	<p>Exemptions:</p> <p>1.7.1 (iii) any earthworks which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council.</p> <p>Township Volume:</p> <ul style="list-style-type: none"> <li>Stockpiled material is kept consolidated or covered to avoid sediment run-off from rainfall (i.e. 2.1.1.2)</li> <li>Setbacks from waterbodies of either 20m listed in Appendix 12 to the SDP or 10m of any other waterbody.</li> </ul> <p>Rural Volume</p> <ul style="list-style-type: none"> <li>20m setback of water bodies</li> <li>100m<sup>2</sup> within 5m of a water body over 5 years</li> <li>40m<sup>3</sup> within 5m of a water body over 5 years</li> </ul>		<p>As discussed above, the CLWP 2017 has land use rules that also manage the potential adverse effects of soil erosion and sedimentation from land use activities. The SDP rules provide limited additional complementary management, however the SDP does have regard to the CLWP 2017 and exempts earthworks that have a resource consent under the Canterbury Regional Land and Water Plan.</p>
<b>Wellington</b>	<b>Upper Hutt</b>	Operative	<b>Volume limits</b>	<ul style="list-style-type: none"> <li>Rule 23.2 existing ground level cannot be altered by cuts more than 1.5m or fill of 0.5m, except these rules do not apply within 2 metres of the footprint of a dwelling.</li> </ul>	Activities shall be processed without notification unless Transpower New Zealand is identified as affected.	<p><b>Wellington Regional Policy Statement Operative 24 April 2013</b></p> <p><b>Section 4.1 Regulatory Policies – direction to district or regional plans and the Regional Land Use Transport Strategy</b></p> <p>The relevant policy is and explanation is copied in full:</p> <p><i>Policy 15: Minimising the effects of earthworks and vegetation disturbance – district and regional plans</i></p> <p><i>Regional and district plans shall include policies, rules and/or methods that control</i></p>
			<b>Area</b>	<ul style="list-style-type: none"> <li>Rule 23.4 states that</li> </ul>		

Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation

			limits	<p>the physical extent of earthworks shall not exceed 150m<sup>2</sup> in surface area on any one site within any continuous 12 month period.</p> <ul style="list-style-type: none"> <li>Rule 23.13 states within an area identified as Southern Hills Overlay Area, the physical extent of earthworks shall not exceed 300m<sup>2</sup> in surface area on any one site within any continuous 12 month period. However this rule primarily relates to landscape effects.</li> </ul>	<p><i>earthworks and vegetation disturbance to minimise:</i>  <i>(a) erosion; and</i>  <i>(b) silt and sediment runoff into water, or onto land that may enter water, so that aquatic ecosystem health is safeguarded.</i></p> <p><i>Explanation</i>  <i>An area of overlapping jurisdiction between Wellington Regional Council and district and city councils is the ability to control earthworks and vegetation disturbance, including clearance. Large scale earthworks and vegetation disturbance on erosion prone land in rural areas and many small scale earthworks in urban areas – such as driveways and retaining walls – can cumulatively contribute large amounts of silt and sediment to stormwater and water bodies. This policy is intended to minimise erosion and silt and sedimentation effects associated with these activities.</i></p> <p>The policy and explanation make it clear that erosion and sediment management from land disturbance is both a regional council and territorial authority function.</p> <p><b>Wellington Regional Soil Plan Operative 9 October 2000</b></p> <p>The Regional Soil Plan applies to soil disturbance and vegetation disturbance on erosion prone land only. There are four rules in the Plan. These control:</p> <ul style="list-style-type: none"> <li>roading and tracking (unless it is associated with works allowed by a subdivision consent)</li> <li>disturbing more than 1000 cubic metres of soil clearing more than one hectare of vegetation</li> </ul> <p>Any development or use of land that is not specifically restricted by a rule in the Plan is allowed as of right (unless it is restricted by a rule in a district plan).</p> <p><b>Wellington Regional Freshwater Plan Operative December 1999</b></p> <p>Rule 2 ‘Stormwater discharges’ manages the discharge of sediment to stormwater into surface water providing conditions are met including:</p> <p>...</p> <p><i>(3) The person responsible for the discharge shall ensure that, after reasonable mixing, the stormwater discharge will not give rise to any of the following effects:</i>  <i>(a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</i>  <i>(b) any conspicuous change in the colour or visual clarity; or</i>  <i>(c) any emission of objectionable odour; or</i>  <i>(d) the rendering of fresh water unsuitable for consumption by farm animals; or</i>  <i>(e) any significant adverse effects on aquatic life; and</i></p> <p><i>(3a) The discharge does not originate from an area of bulk earthworks greater than 0.3 ha;</i></p> <p>Non-compliances would require a discretionary activity resource consent.</p> <p><b>Relationship between the Upper Hutt District Plan and Wellington Regional Plans/Policy Statements</b></p> <p>The key rule of the Freshwater Regional Plan is that land disturbance limited to 0.3ha.</p> <p>The Upper Hutt District Plan identifies in Part 9.5.1 ‘Subdivision and Earthworks’ the need to performance standards and consent conditions to minimise the adverse effects of earthworks, including managing dust, water body siltation, soil erosion, effects on ground stability and other hazards.</p>
			Other limits	<ul style="list-style-type: none"> <li>Rule 23.5 requires that a resource consent is required to undertake Earthworks on ‘erosion prone land’ identified as having a gradient steeper than 28°, or within 10m of such a slope.</li> <li>Rule 23.6 requires that earthworks shall not be undertaken within 10m of a waterbody.</li> <li>Rule 23.7 requires that Sediment retention and run-off controls shall be implemented to ensure there is no contamination of natural water by sediment.</li> <li>Rule 23.8 states that earthworks which are not being</li> </ul>	

**Appendix 1. Approaches to earthworks – Review of 7 District Plans within 3 regions and comparison of the relationship with the Regional Policy Statements and Plans, with particular regard to the management of soil erosion and sedimentation**

				<p>worked for three months or more, shall be hydroseeded or sown in order to achieve ground cover.</p> <ul style="list-style-type: none"> <li>• Rule 23.10 states that Stormwater resulting from earthworks development is to be controlled and managed so as to avoid, remedy or mitigate adverse effects on other land.</li> </ul>		<p>The Upper Hutt District Plan contains controls on earthworks on steep land where stability and erosion issues are likely to be present if not managed (Rule 23.8), and has a relatively conservative rule that limits the area disturbed on a site to 150m<sup>2</sup> (Rule 23.4).</p> <p>The Upper Hutt District Plan has regard to the obligation set out in the Wellington Regional Policy Statement that erosion and sediment management is a function of both regional and district plans.</p>
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**Summary**

The Operative Queenstown Lakes, Dunedin 2 GP, Central Otago and Waitaki District Plans illustrate a wide divergence in the controls, and indicative recognition of the absence of any land plan produced by the Otago Regional Council. The Queenstown and Dunedin District Plans include rules to manage erosion and sedimentation from land use activities. These rules fit within the role of the territorial authority in terms of section 31 of the Act and do not step across into a regional council function by way of setting limits as to the discharge of contaminants.

The Central Otago and Waitaki District plans do not contain sufficient provisions to manage the effects of erosion and sediment from land use activities. The Example of the Waitaki District Plan sharing regional council jurisdictions, and the difference in management between the Canterbury Regional Council's Land and Water Regional Plan 2017, and the Otago Regional Council's Regional Plan: Water for Otago illustrates where there is a potential shortcoming in the Waitaki District Plan in the area administered within the Otago Region, at least compared with the equivalent rules in the CLWP 2017.

The Operative Queenstown and Dunedin 2 GP District Plans contain provisions including rules requiring erosion and sediment management is undertaken. The Dunedin 2 GP has rules limiting the area disturbed based on slope, the greater the slope the lower the permitted clearance. The Operative Queenstown District Plan could have more emphasis through rules or assessment matters as to when in particular erosion and sediment management is a necessity, the receiving environment is sensitive or the scale of works are such that more oversight is required. The absence of an area control could contribute to this lack of oversight.

The portion of the Waitaki District within the jurisdiction of Canterbury Region, Christchurch District and Selwyn District also has a wide variance of intervention to manage erosion and sediment. All of these District's sit within the ambit of the CLWP 2017 which has been identified above as possessing a range of detailed controls on land use activities that could affect soil conservation and if left unchecked could lead to sedimentation of water bodies.

District Plans sitting within the Canterbury Region have the benefit of the CLWP 2017 which provides in particular for 'construction-phase stormwater' in both reticulated and non-reticulated circumstances. Although the Otago region has provisions identified above in part 12 of the Otago Regional Plan: Water for Otago which manage the discharge of sediments to water and land, the linkage to managing the potential effects of land use activities and that these activities are often the generator of potential for soil erosion and sedimentation of water bodies needs to be stronger, owing to the absence in the Otago Regional Plan: Water for Otago of land use rules that specifically address soil conservation and the effects of sedimentation from land use activities.

The Upper Hutt District Plan has a relatively high level of intervention (compared to District Plans identified in the Otago region) that cover a wide range of potential adverse effects arising from land disturbance. The Wellington Regional Policy Statement places a clear obligation on territorial authorities to manage erosion and sedimentation from land use activities.

## **Appendix 2. Review of management for erosion and sediment management**





LAND. PEOPLE. WATER.



**Queenstown Lakes District Council Proposed  
District Plan:  
Assessment of Thresholds for Earthworks**

for

Queenstown Lakes District Council  
Planning and Development

September 2017

**REPORT INFORMATION AND QUALITY CONTROL**

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Appendix A: USLE Example

## 1 INTRODUCTION

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### 1.1 Introduction

The Queenstown Lakes District Council (QLDC) is preparing an earthworks chapter as part of its wider district plan review.

Currently, the operative district plan earthworks chapter focuses on amenity effects associated with earthworks, the rules are based on the volume of soil excavation and disturbance and there are no specific (area) land disturbance stormwater/erosion and sediment control rules. The general standards have erosion and sediment control obligations but these are broad and could be more effective. Additionally, the framework of the subdivision chapter and rules is such that the volume limits for earthworks are exempt where a subdivision is involved. While the Council have control over erosion and sediment management there are often large scale (60 lots + over 5 ha area) subdivisions that lack adequate attention to erosion and sediment management. Furthermore, the Otago Regional Council (ORC) does not have a land use plan/soil conservation plan that manages earthworks and associated erosion and the subsequent discharge of sediment. The ORC relies on general receiving environment standards for discharges and the respective territorial authority plans and earthworks controls – although it is noted that the discharge of sediment from disturbed land to water is prohibited if there are no measures taken to mitigate sediment runoff.

Recent cases in the district, for example where sediment from bulk earthworks associated with a subdivision entered a stream adjacent to a Fish and Game hatchery, have highlighted the need to review the rule framework. There has also been renewed interest from the public and elected representatives at a district council level on water/lake quality and associated concerns with the growth experienced in the district and associated adverse effects, including through the development phase. Nationally the implementation of erosion and sediment control practices is well established and has commonly been driven by development pressure and the management of the adverse effects of bulk earthworks on water quality, aquatic habitat and amenity.

QLDC have drafted an earthworks chapter for public notification in November 2017. 4Sight Consulting Limited (4Sight) has been commissioned by the QLDC to assist with recommending appropriate thresholds for the earthworks chapter. These thresholds define the point at which a resource consent is required.

### 1.2 Approach

It is important to recognise that there are a number of factors that influence soil erosion, the subsequent discharge of sediment from an earthwork site and the adverse effects that result. These include:

- Local climate conditions, particularly the frequency and intensity of rainfall events;
- Soil types and their erodibility, once exposed by earthworks;
- Topography – steep slopes are more susceptible to erosion than flat areas;
- The area of exposed soil, which influences the amount of soil that is eroded and discharged, and the duration of exposure;
- The application of erosion and sediment control measures to firstly minimise soil erosion and then to remove entrained sediment from runoff;
- The location and nature of receiving environments and their sensitivity to sediment-laden discharges.

Given this range of factors, there is no single measure that defines earthworks discharge 'risk'. Rather it is a combination of factors that need to be considered and assessed to determine the threshold(s) at which the risk is sufficient large to justify a more comprehensive approach to erosion and sediment control management, including regulatory assessment and oversight through a resource consent process.

Our approach to defining the rule thresholds has been to:

- Assess the comparative sediment yield discharging from a site and the factors that increase risk. This has been done using the Universal Soil Loss Equation (USLE) with representative local rainfall, soil and slope characteristics.
- Assess thresholds adopted in other relevant plans;

- Assess current erosion and sediment control practices - including during a site visit of the district to see existing bulk earthworks sites, current erosion and sediment control practices and future areas of growth identified in the proposed district plan.

## 2 CONTEXT

### 2.1 Environmental Setting

A site visit was undertaken with QLDC staff in August 2017 to assist with understanding the environmental conditions, earthworks risk profile, development potential and type and the amenity and receiving environment values to inform earthworks rule thresholds.

The freshwater receiving environments observed during the site visit (Lake Wakatipu, Shotover River, Kawarau River, Lake Wanaka, Clutha River and others) form an important part of the landscape providing both amenity and ecological habitat and were in generally in close proximity to existing and future land development areas. Streams and watercourses were observed in Wanaka as well as existing overland flowpaths and reticulated stormwater systems.

A cross section of sites in Queenstown, Wanaka and the Arrowtown/Millbrook area were observed either undergoing development under operative zone rules or are proposed development zones. Site slope (a contributing factor to erosion and sediment control assessments) was generally in the range of flat to gently undulating (0-3°), undulating (4-7°) or rolling (8-15°). A selection of sites proposed for residential development in Queenstown were particularly steep in the area surrounding Goldfield Heights with slopes ranging from strongly rolling (16-20°) to moderately steep (21-25°).

In terms of annual rainfall and rainfall patterns for the district, Niwa<sup>1</sup> reports rainfall is highest among the western ranges which have both high elevation and western exposure. Such high rainfall is primarily a result of the orographic effect such that there is a marked decrease eastwards in median annual rainfall beyond the Otago lakes and headwaters. Rainfall tends to be evenly distributed across the year in Queenstown and Wanaka, suggesting that there is no basis for seasonal restrictions on earthworks (as are in place for some other areas in New Zealand). Rainfall intensity is also similar across the district. Niwa's HIRDS<sup>2</sup> data is used as a factor in the USLE discussed in Section 3.

General observations were made during the site visit as to the type and characteristics of soil in the district and were verified more formally using Landcare's S-map online soil database. Again this data was used for the USLE where the generally high silt content is indicative of a highly erodible soil when exposed during earthworks activities.

### 2.2 Observed Erosion and Sediment Control Practices

An important component of the earthworks rule chapter proposed by QLDC will be the associated implementation of erosion and sediment control practices either as a permitted activity standard, or via the requirements of a resource consent. Accordingly, an aspect of the site visit was to understand the current earthworks practices in the district which will ultimately inform the recommendations in this report. Poor erosion and sediment control practice is another risk factor that may influence earthwork thresholds.

A cross section of residential development sites were observed in the Wanaka, Millbrook, Arthurs Point and Queenstown areas. Wanaka exhibited several earthworks sites (each estimated to exceed 1 ha of earthworks area) that were being undertaken entirely without sediment and erosion control practices or were utilising practices which appeared to be functioning poorly (e.g. silt ponds, sediment fences) compared to best practice.

<sup>1</sup> The Climate and Weather of Otago. Niwa. 2015

<sup>2</sup> High Intensity Rainfall Design System v3. Niwa. <https://hirds.niwa.co.nz>

Examples of practices are illustrated below in Figures 1 to 7. Figures 2 and 3 show the same location visited during the site visit and the following day after rain, which resulted in a significant sediment discharge across adjoining land and the Clutha River approximately 1km downstream from the site.

On site erosion mitigation such as clean water diversions, slope length cut off drains and staging of earthworks and progressive stabilisation of completed sites to reduced exposed areas also appeared to be limited. In one case finished contours had been achieved with completed roads etc but exposed slopes remained (i.e. not grassed or mulched) and rill erosion was evident. Similarly, temporary and semi-permanent topsoil stockpiles were observed either with no sediment control, or no stabilisation to minimise erosion.

Overall observations from the site visit concluded that the current implementation of erosion and sediment control practice is limited and below current best practice. Accordingly improving earthworks management, using both regulatory and non-regulatory tools, is an important outcome for the new earthworks chapter and supporting technical guidance material.

## 2.3 Otago Regional Plan

As indicated previously, the ORC does not have a land use plan/soil conservation plan that manages earthworks and associated erosion and the subsequent discharge of sediment. The ORC relies on general receiving environment standards for discharges. While the discharge of sediment from disturbed land to water is prohibited if there are no measures taken to mitigate sediment runoff (Rule 12.C.0.3), there is no indication of the extent of mitigation that is required.

Where not prohibited, the discharge of sediment laden water is a permitted activity, subject to meeting receiving environment water quality standards, including that the discharge does not result in a conspicuous change in colour or visual clarity to result in a noticeable increase in local sedimentation.

It is not clear from the plan what course of action is implemented where the permitted activity standards are breached 'after the event'. That is, where earthworks are undertaken under the permitted activity rule, but subsequently fails to meet the receiving environment standard.





Figure 1: Topsoil stockpiles with no sediment control



Figure 2: Outlet Road overland flow path and sediment fence  
(Twin culverts indicate flow potential from upstream catchment)



Figure 3: Outlet Road overland flow path and silt fence failure with sediment discharge to the Clutha River





Figure 4: Unstabilised slope with rill erosion.  
Note planted trees indicating works are complete with finished contours



Figure 5: Unstabilised topsoil stockpile



Figure 6: Open earthworks areas with no clear staging or progressive stabilisation



Figure 7: Sediment collected in a completed stormwater pond from Figure 6 catchment (the stormwater pipe was half full of sediment and will require extensive mucking out)



### 3 ASSESSMENT METHODOLOGY

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#### 3.1 Approach

Based on the risk associated with bulk earthworks activities, sediment discharges and the draft rule framework in the QLDC earthworks chapter we have sought to answer the following questions in respect of the development of a suitable threshold:

- 1) What is a suitable threshold for bulk earthworks activities to require resource consent, and associated more comprehensive erosion and sediment control;
- 2) Are there factors that significantly increase risk and hence require a more stringent threshold, including commonly utilised factors such as:
  - a) Slope; and
  - b) Proximity to a water body.

To answer these questions, we undertook the following tasks:

- A review of the current earthworks rule chapters from surrounding district councils and regional councils;
- The application of the sediment yield USLE with local rainfall, soil and slope characteristics using several area and slope scenarios; and
- Using observations from the site visit, we considered the practicalities of rule thresholds in the context of existing development and erosion and sediment control practices.

These matters are discussed in the following subsections.

#### 3.2 Assessment of other Plans

An assessment of the earthworks controls in nearby district plans and regional plans from Canterbury and Wellington. Earthwork area thresholds of the type being developed for QLDC are not commonly included in district plans and this was confirmed by the assessment of plans. Accordingly, the reviewed district plans did not provide a comparable approach.

Earthworks and discharge provisions in the Canterbury and Wellington regional plans are more aligned to the approach being adopted by QLDC and the following thresholds were identified. It is acknowledged that these plans deal with different climate and soil conditions, and hence have only been utilised as being indicative area thresholds.

##### 3.2.1 Canterbury Land and Water Regional Plan 2017:

Permitted activity Rule 5.94A manages the discharge of 'construction phase stormwater'. It includes the following area thresholds of relevance:

- Less than 1,000m<sup>2</sup> for any construction-phase stormwater generated as a result of work carried out in an area shown as High Soil Erosion Risk on the Planning Maps; or
- Two hectares (20,000m<sup>2</sup>) in any other location;

The rule also contains water quality standards and other requirements. Non-compliance with the rule is a restricted discretionary activity (Rule 5.94B).

##### 3.2.2 Wellington Regional Freshwater Plan Operative December 1999

Pursuant to Rule 2, the discharge of stormwater into surface water is a Permitted Activity provided that the discharge complies with the specified conditions. Of relevance is Condition 3a, that requires that the discharge does not originate from an area of bulk earthworks greater than 0.3 ha (3,000m<sup>2</sup>). Non-compliance with this area threshold is a discretionary activity.

### 3.2.3 Wellington Regional Soil Plan Operative October 2000

The Wellington Regional Soil Plan applies to soil disturbance and vegetation disturbance on erosion prone land only. Pursuant to Rule 2, any soil disturbance on erosion prone land that involves the disturbance of greater than or equal to 1,000 m<sup>3</sup> of soil, within any 10,000 m<sup>2</sup> area and within any continuous 12-month period (excluding any soil disturbance associated with roading and tracking activities or undertaken in accordance with conditions on a subdivision consent) is a restricted discretionary activity.

## 3.3 Assessment sediment runoff potential

The USLE is a relatively simple model which was originally developed in the United States for agricultural practices. It has since been found to be suitable as a sediment yield estimation tool for a range of land disturbing activities, including earthworks and is a commonly used tool in parts of New Zealand to assist with resource consent applications and the specification of erosion and sediment control practices.

The USLE calculates the amount of sediment generated from an area and is expressed as sediment yield (measured in tonnes/hectare/year). The factors of rainfall, soil erodibility, slope, ground cover and duration of soil exposure combine to influence the amount of sediment that may be generated from an earthworks site. Application of the sediment delivery ratio and works duration then determines the sediment lost from the site. An important aspect of implementing the USLE is to use local data and in this assessment, the Landcare online GIS resources: S-map and Our Environment were used to respectively define local soil constituents (% of clay, silt and sand) and typical slope relative to operative and proposed development zones in the district. Local rainfall intensity data was obtained from the Niwa HIRDS database where the 2 year, 6 hour duration storm is specified for the USLE.

### 3.3.1 Considerations and Risks

For assessing bulk earthworks activities, the USLE is typically applied to a site and area to identify potential areas of risk in terms of sediment runoff allowing practitioners respond accordingly via erosion and sediment control design. In this case the USLE was used to test various area threshold scenarios (500m<sup>2</sup>, 1,000m<sup>2</sup>, 2,500m<sup>2</sup>, 5000m<sup>2</sup>, 10,000 m<sup>2</sup>, 20,000m<sup>2</sup> and 50,000m<sup>2</sup>) against a range of slope angles derived from the upper range of each slope classification in the Our Environment GIS tool. A sediment yield assessed in isolation provides little value to determine the effect of sediment discharging from a site. Therefore, the purpose of the assessment was to understand the relative sediment yield through changes in slope angle and earthworks area to help guide the establishment of thresholds.

A review of the soil types for the key development areas in the district (e.g. Wanaka, Queenstown, Millbrook/Arrowtown) indicated a typically high silt content with the soil profile being either silty loam or loam. Using the known silt/clay/sand percentage proportions from S-Map the USLE then defines soils erodibility (K) as an input. All soils reviewed exhibited a soil erodibility above 0.4 indicating higher erodibility.

The USLE identifies slope is a slope angle is known risk factor and therefore for slope above 10° the USLE accounts for this by applying a higher sediment delivery ratio (SDR) which is a measure of how much sediment leaves a site relative to the volume which is entrained and redeposited within its boundaries. For example, a site with a slope angle of 8° with and sediment generation of 1000 tonnes/ha/year, 50% of sediment will leave the site (assuming no sediment controls). This increases to 70% for sites over 10°. While there is a stepwise increase in the SDR in the analysis discussed in Section 4, in reality the increase in slope angle relative to sediment lost would be incremental as slope increases. However, the 10% slope is a commonly used threshold for defining a point at which sediment loss, and hence risk, increases.

### 3.3.2 Key assumptions

To maintain consistency in application of the USLE and enable a viable comparison between area and slope scenarios, several assumptions were made for the input values. The key assumptions are listed below:

- As discussed above, all soil types reviewed exhibited a K soil erodibility factor above 0.4. Conservatively, the highest K value was selected and applied to all analysis scenarios;
- To derive the slope length (a USLE input value) for each area threshold scenario, the 'sites' were assumed to be square where the slope length was measured on the diagonal.

- The USLE uses a 2 year, 6 hour duration rainfall depth as an input value. Being the most conservative, the number for Queenstown (~26mm) was used for all area scenario calculations.
- The USLE allows duration of earthworks to be inputted thereby allowing a proportion of the annual sediment to yield to be calculated. For this analysis, all scenarios were calculated based on an earthworks duration of 1 year.

### 3.4 Practical considerations

As was observed during the site visit the implementation of erosion and sediment control practices does not currently meet best practice. An expectation in implementing the rule chapter (and a key driver for seeking to regulate bulk earthwork activities with area thresholds) is that erosion and sediment control practices will be applied through both permitted activity and consented earthworks.

Area thresholds are also linked to the sizing, design complexity and implementation of sediment control practices (e.g. sediment ponds and decanting earth bunds). That is, as earthworks sites become larger, and sediment laden water runoff is more significant, more sophisticated and comprehensive controls are required. These would generally require engineering design and operational oversight as failure of such systems leading to bulk sediment discharges can result in adverse environmental effects. As risk increases, compliance oversight by Council is also desirable to further reduce the risks associated with the implementation and management of controls.

Conversely, at the lower end of the risk scale, the Council is developing a set of guidelines for implementation on small sites where the erosion and sediment control practices are simple, fit for purpose and where implemented properly will contribute to the outcomes sought by the earthworks chapter.

In the USLE assessment, both untreated and treated sediment yields were considered. In the latter, a sediment removal of 50% was applied to areas less than 2,500 m<sup>2</sup> and 75% sediment removal applied for areas above 2,500m<sup>2</sup>. This reflects both the point at which more comprehensive controls are expected and the greater removal efficiency that results.

## 4 ANALYSIS

### 4.1 USLE Results

The results from the USLE analysis are plotted in Figures 8, 9 and 10. Figure 8 plots the analysis data across each of the area threshold scenarios (500m<sup>2</sup>, 1,000m<sup>2</sup>, 2,500m<sup>2</sup>, 5,000m<sup>2</sup>, 10,000m<sup>2</sup>, 20,000m<sup>2</sup>, 50,000m<sup>2</sup>) with the corresponding influence of slope angle and sediment generation.

Figure 9 uses the same data set and assesses the influence of applying sediment control measures, although this assumes correct implementation and maintenance, which was generally not evident from the inspection of current earthwork sites. As indicated above, up to 2,500m<sup>2</sup> example best practice sediment control is to use silt fences or decanting earth bunds with a sediment removal efficiency of approximately 50%. For 2,500m<sup>2</sup> and above, the remaining area threshold scenarios are plotted assuming sediment ponds which typically exhibit a sediment removal efficiency of 75%. Figure 10 illustrates more clearly sediment loss for sites up to 2,500 m<sup>2</sup> and the influence of slope angle and sediment removal practices.

As was discussed earlier, the influence in increasing slope angle above 10° is evident in the plots where the sediment delivery ratio increases from 0.5 to 0.7 thus creating a step change increase in sediment leaving the site. Below 10° there is a general incremental and linear increase in sediment loss up to 50,000m<sup>2</sup>. As can be seen from the graphs, slope is a significant, and probably the most significant, determinant of sediment yield.

Slope length also has an influence for the larger area scenarios resulting in steeper curves for the higher slope angles and is evident above site sizes of 10,000m<sup>2</sup>. For larger site areas, in practice, slope lengths of up to 300m (50,000m<sup>2</sup> area scenario) would be unlikely as best practice is to construct slope cut-off drains to minimise runoff lengths. This analysis is useful nonetheless to demonstrate what sediment loss can occur at the upper end of the area/slope length slope angle spectrum.

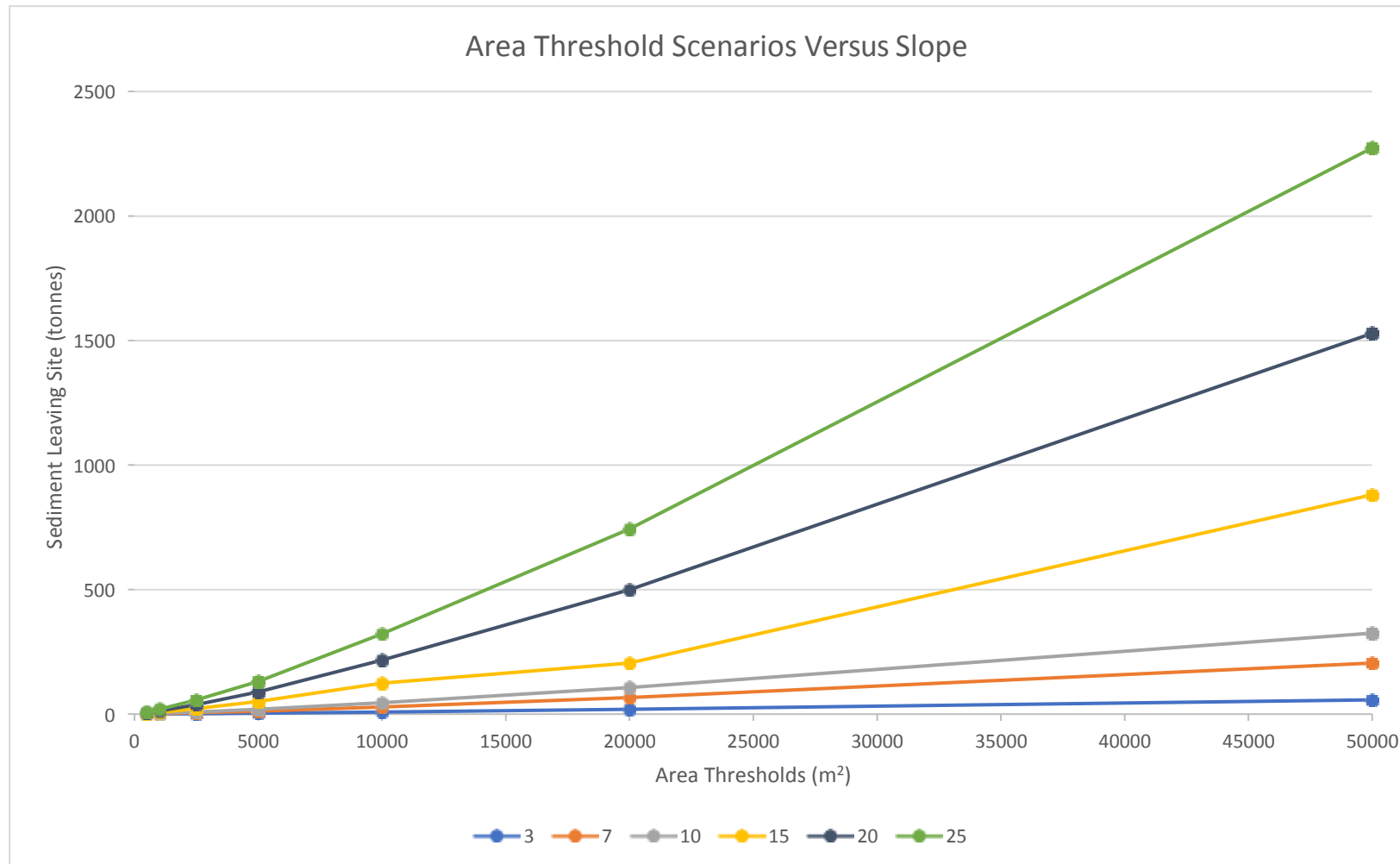


Figure 8: Area Threshold Scenarios Versus Slope

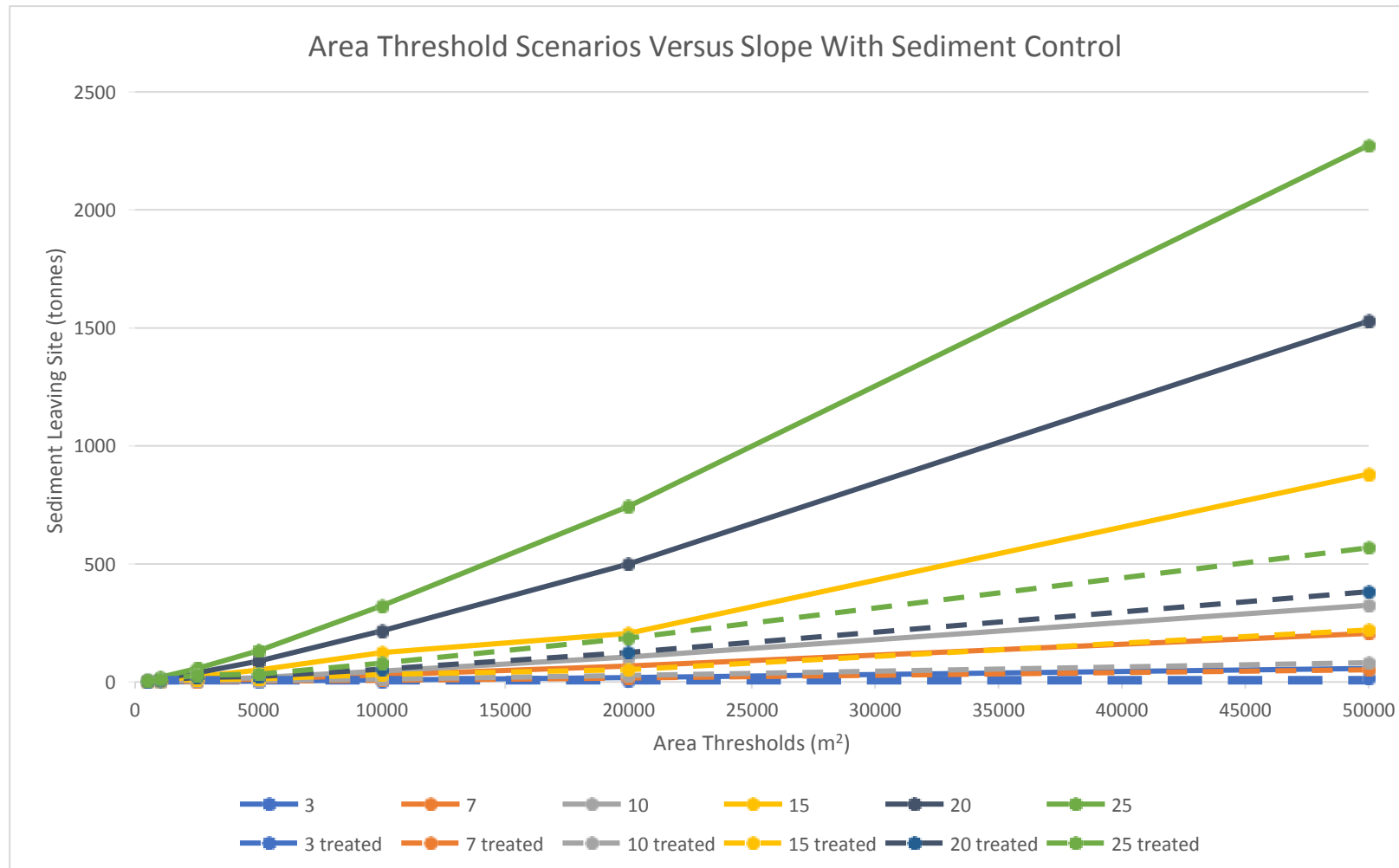


Figure 9: All Area Threshold Scenarios with Sediment Control

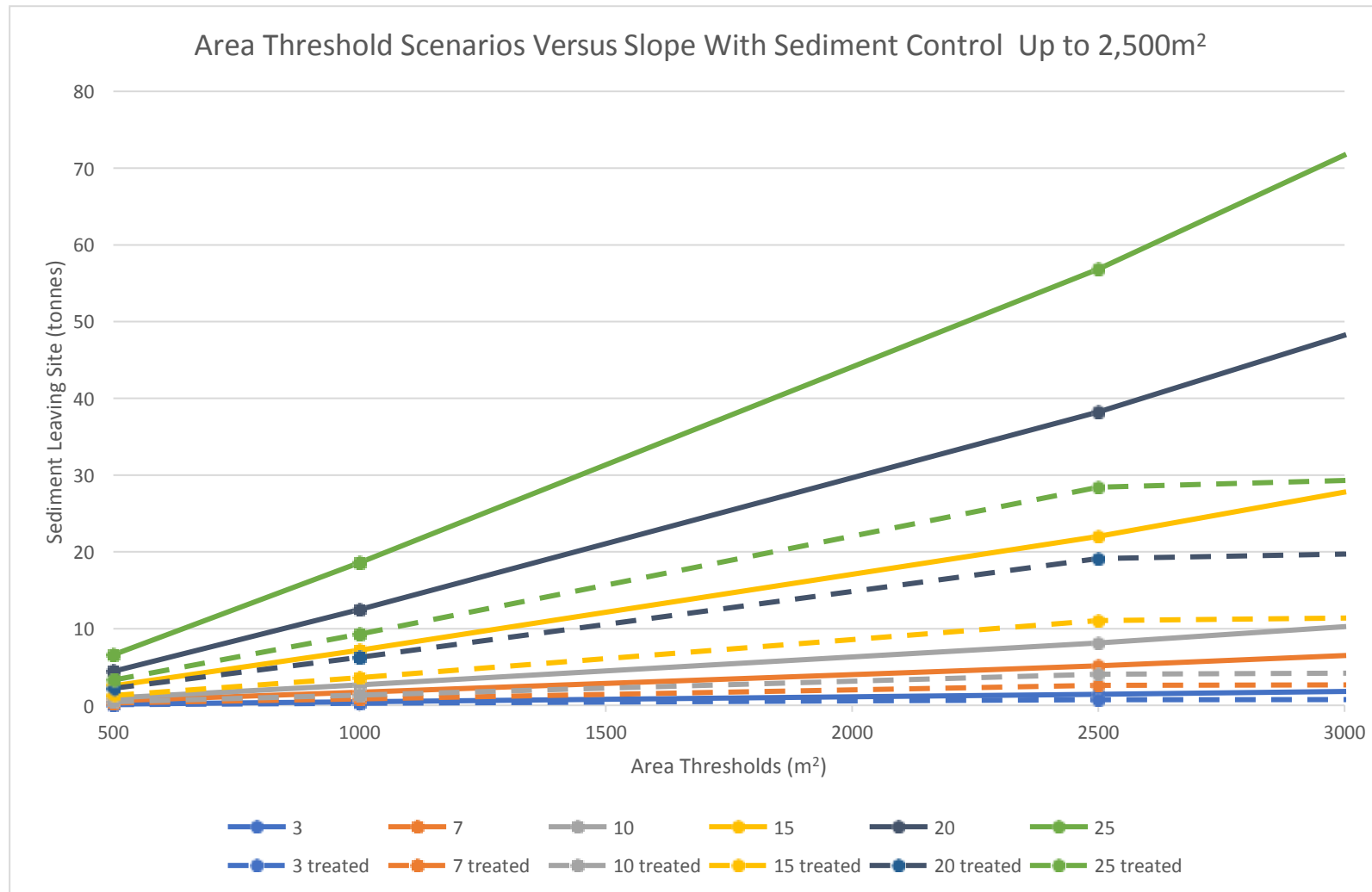


Figure 10: Area Threshold Scenarios with Sediment Control up to 2,500m<sup>2</sup>



## 4.2 Discussion

As indicated previously, the USLE provides a comparative rather than absolute assessment of sediment yield and cannot be used to ascertain a management threshold in the absence of other considerations and risks. The assessment assumes annual yields and cannot take into account factors such as the effects of discharged sediment on downstream properties and receiving environments. However, the following points are noted from the assessment including the site inspection and review of local soil and climate information:

- The soil types assessed and inputted into the USLE all exhibited high erodibility with a K value above 0.4. This means when exposed to rainfall, soil is easily detached, tends to crust and produces higher levels of sediment runoff relative to less erodible soils.
- Coupled with the high K soil erodibility factor, slope is a key determinant to increasing sediment runoff volume where the USLE introduces a higher sediment delivery ratio (sediment loss from a site) for slopes above 10°. The chart plots illustrate this effect markedly in comparison to lower slope angles where sediment loss is linear as site area increases.
- No seasonal restriction on earthworks is proposed in the new earthworks chapter. This is another consideration when determining area thresholds where the Niwa climate report for Otago reports rainfall is evenly distributed for Queenstown and Wanaka throughout the year.
- The proximity of a site to a waterbody (other than immediately adjacent to the waterbody) is not considered a significant determinant of sediment runoff risk. This was highlighted by the sediment discharge to the Clutha River from the Outlet Road site via an overland flow path some considerable distance from the waterbody and a visual assessment of topography/hydrology in other areas. Accordingly, no Sediment Control Protection Area, as found in some other plans, is proposed.
- The new earthwork chapter is seeking the outcome of managing the effects of bulk earthwork activities through area based thresholds and new consent requirements. Coupled with its implementation will be the requirement for the development industry (with advocacy from the Council) to significantly improve current erosion and sediment control practices. We consider this a relevant factor in setting consent area thresholds.
- The review of the district and regional plans rules from Canterbury and Wellington rule frameworks, while not directly transferrable to QLDC, has been helpful to gauge other Council practices. We note that while the thresholds for QLDC were assessed independently, the recommended thresholds are not dissimilar. While we acknowledge that there are different climatic and soil conditions, the soils in the subject area are defined as highly erodible and there are other risk factors that apply.

## 5 RECOMMENDATIONS

QLDC is proposing a new earthworks chapter which in addition to volumetric consent triggers, will also seek to apply area thresholds in relation to earthworks activities to manage the effects of sediment leaving development sites. To inform a set of recommendations for the QLDC the following has been undertaken:

- A review of the operative and draft earthworks chapter;
- A review of summary information on earthwork provisions from several other council plans;
- A site visit to view development areas, the 'lie of the land', receiving environments and current industry erosion and sediment control practices;
- An assessment of comparative soil loss for different scenarios.

In respect of the question points identified earlier in this report we make the following recommendations:

1. **What is a suitable threshold for bulk earthworks activities to require resource consent, and associated more comprehensive erosion and sediment control?**

We agree with the QLDC proposal to establish an area resource consent threshold. We consider that earthworks area (combined with slope) is an appropriate metric to indicate the point at which earthworks scale, complexity and risk warrant regulatory oversight.

We recommend the following permitted/consent thresholds be adopted in the proposed earthworks chapter:

- Earthworks of up to 2,500 m<sup>2</sup> on land with a slope of over an area of 10° or more.
- Earthworks of up to 1 ha (10,000m<sup>2</sup>) on land with a slope of less than 10°.

The lower threshold primarily reflects the significant impact that slope has on soil erosion and loss, the highly erodible soil, the scale at which more comprehensive erosion and sediment controls are typically required, and current practice in respect of the implementation of erosion and sediment controls for bulk earthwork activities. A slope angle of 10 ° has been selected primarily on the basis that this is the point at which the USLE adopts different parameters reflecting that sediment generation and off-site delivery increase with increasing slope.

The 1 ha threshold is considered appropriate on low-slope terrain, reflecting the significantly lower risk of erosion and sediment runoff. However, at the same time, it also reflects the highly erodible soil and the relative early stage of erosion and sediment control in the Queenstown Lakes District, which suggests a conservative approach to setting thresholds is appropriate to manage erosion and sediment discharge risk.

At permitted activity level, we expect that sediment and erosion risk can be appropriately managed using a suitable 'tool box' and common erosion and sediment control practices and devices. However, we recommend that appropriate guidance material is prepared (or adopted from other councils) and emphasis is given to upskilling industry and council staff to ensure effective implementation – both for permitted activities and resource consents.

**2) Are there factors that significantly increase risk and hence require a more stringent threshold, including commonly utilised factors such as:**

- a) Slope; and
- b) Proximity to a water body.

As indicated above, slope is a key factor in erosion and subsequent sediment discharge. Both the generation of sediment and the sediment delivery ratio (the amount leaving the site) increase notably for slopes above 10°. While the USLE has a stepwise change at 10°, and hence the graphs presented above accentuate the significance of this slope angle, it is considered an appropriate slope threshold to adopt – in part on the basis of the USLE's selection of this angle as a point of change. We also note that this is the slope angle applied in the Auckland Unitary Plan (Operative in Part) for earthworks. Accordingly, above, we have recommended a more stringent (lower) area threshold of 2,500 m<sup>2</sup> for slopes above 10°.

Earthwork activities close to a waterbody (e.g. stream or lake) are an additional area of risk and some councils have opted to require resource consents when working within certain distances from a water body. For example, the Auckland Unitary Plan regulates a sediment control protection area when working within 50m of a watercourse.

The site visit to the District was invaluable in assessing whether such a requirement would be appropriate for the QLDC earthworks chapter. Apart from the large river systems, the relative lack in abundance of smaller streams and function of overland flow paths in conveying sediment laden water rivers (as was observed at the Outlet Road site, where a sediment discharge occurred into the Clutha River via a natural overland flow path a significant distance from the site source) leads us to conclude that there is no significant additional risk that would be managed by having more stringent earthwork area thresholds in the general proximity of watercourses – other than immediately adjacent to the waterbody (a setback distance).

In respect of a setback distance, the operative QLDC district plan includes an earthworks setback distance of 7 m from a water body, within which no more than 20m<sup>3</sup> of earthworks can be undertaken as a permitted activity in any 12 month period. We recommend that an earthworks setback from a waterbody be retained, but that this is increased to 10 m to reflect practical considerations and current practice elsewhere in New Zealand:

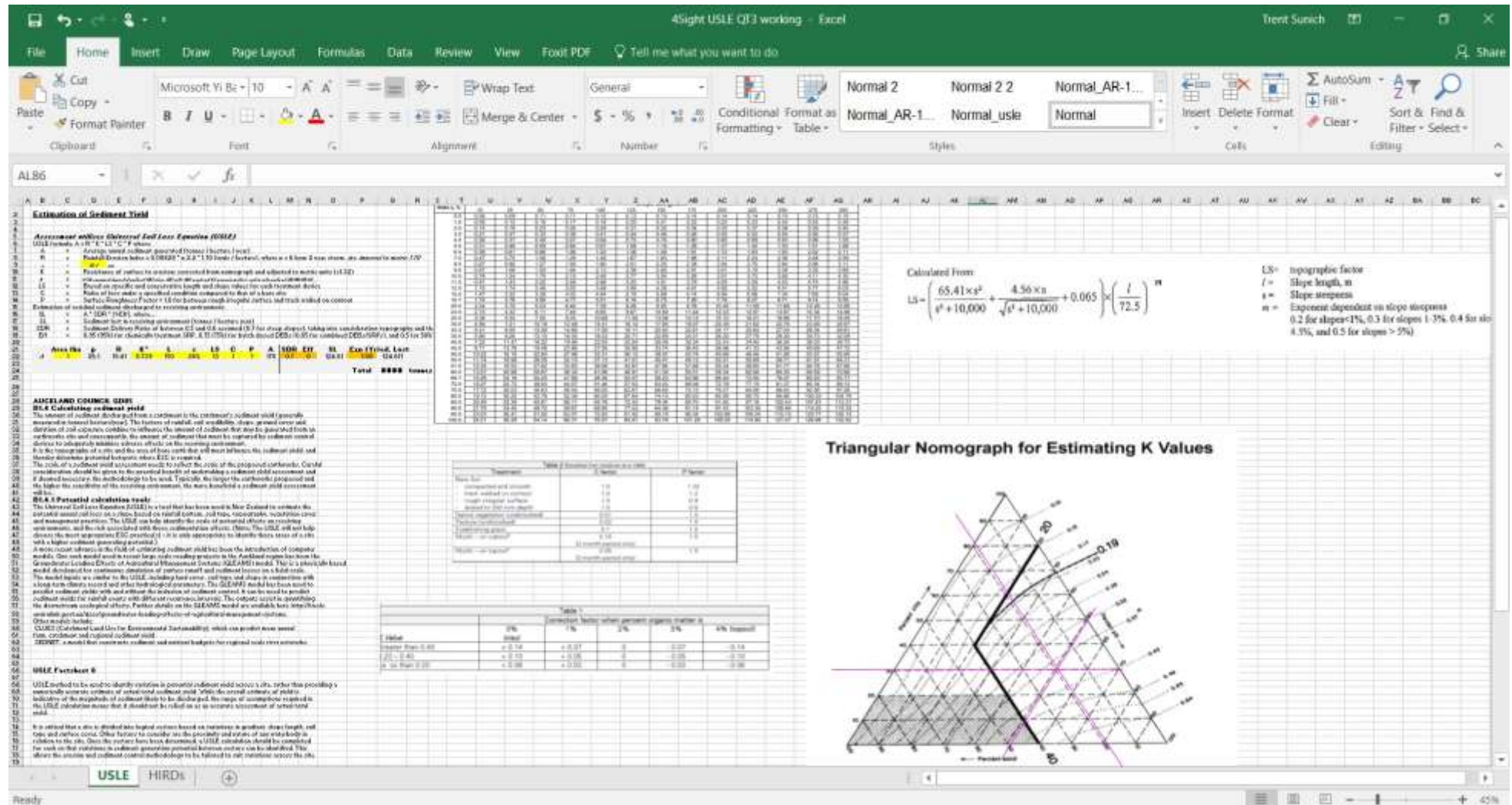
- The greater distance provides:
  - additional protection, and buffer, for river and lake receiving environments;

- additional room to provide for erosion and sediment control (such as silt fences) to minimise and mitigate discharges to waterways;
- protection of the structure and function of the riparian margin.
- The Central Otago District Plan (Operative April 2008) has adopted an earthworks setback of 10m from a water body in Surface Water and Margin Resource Management Area and in a Rural Resource Area (20m<sup>3</sup> earthworks allowed).
- A 10 metre or more buffer has been adopted in the recent Auckland Unitary Plan (Operative in Part – November 2016)). This plan has established riparian yards of 10m and 20 m from the edge of intermittent and permanent rivers in urban and rural areas respectively. Earthworks within riparian yards are limited to less than 5m<sup>2</sup> or 5m<sup>3</sup> for general earthworks and less than 10m<sup>2</sup> or 5m<sup>3</sup> for the installation of new network utilities as a standard on all permitted, controlled and restricted activities.
- The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 has established an (permitted activity) earthworks setback of 10m from a perennial river; wetlands larger than 0.25 ha; lakes larger than 0.25 ha; an outstanding freshwater body; or a water body subject to a water conservation order. We understand that this setback was determined on an assessment of current best practice around New Zealand.

We note that this does not preclude earthworks from being undertaken within 10 m of a water body, but that a resource consent would be required to ensure protection to the water body, its banks and margins.

**Appendix A:**

**USLE Example**





## **ii Proposed District Plan Chapter 31 Signs**



## 31. Signs

### 31.1 Purpose

Signs provide information to the general public and can assist with creating a sustainable and vibrant community. There are significant benefits associated with enabling signage to achieve these outcomes. However, signs can have adverse environmental effects particularly on visual amenity, and could conflict with traffic and pedestrian safety. Managing the number, type, location, appearance and design of signs helps to minimise these adverse effects and maintain a quality environment.

Visual amenity values vary across the District, and are influenced by the nature of land use, including land use and associated development anticipated by the various District Plan Zones. In commercial areas signs can improve the flow of people and traffic, helping people get where they want to go and directing them to amenities. In residential and rural areas, signs have greater potential to create adverse effects on visual amenity due to the more sensitive nature of these areas.

Because of these variations, it is appropriate that different standards for signage apply to different areas. Signs are managed in relation to their suitability for different areas, and the sign types are defined in Chapter 2 - Definitions.

There is flexibility for temporary event signs, recognising the community benefits of events, the importance of signs for way-finding within event sites, and the limited duration of the adverse effects of such signs. Off-site signs have a more restrictive framework, acknowledging that these can cause significant adverse effects if they are not appropriately managed.

**Pursuant to Section 86(B)(3) of the RMA, the following rule which relates to historic heritage has immediate legal effect:**

- **Rule 31.5.22.**

### 31.2 Objectives and Policies

**31.2.1 Objective - The location, size, design and appearance of signs are managed to assist with maintaining appropriate levels of amenity.**

#### **Policies**

- 31.2.1.1 Ensure the number, size, location, design and appearance of signs are compatible with the character and amenity values anticipated for the site, street scene and surrounding environment.
- 31.2.1.2 When considering the character and amenity values that apply to the site and surrounding environment, consider the character and amenity values anticipated by any relevant District Plan Zone, or in the case of signs proposed within the road, apply the nearest adjoining Zone.
- 31.2.1.3 Encourage signs to be located on the site of the related activity.
- 31.2.1.4 Ensure that any lighting in conjunction with signs will not lead to adverse effects on the receiving environment.



- 31.2.1.5 Support the establishment of information and direction signs that:
- (a) assist with improving the legibility of public spaces; and
  - (b) assist with achieving Crime Prevention Through Environmental Design (CPTED) principles.
- 31.2.1.6 In District Plan Zones that are primarily for commercial or mixed use activities:
- (a) provide for a diverse range of sign types that facilitate effective communication of business information and commercial individuality within the context of the wider commercial area; and
  - (b) limit the number and size of signs enabled per commercial tenancy, and cumulatively on buildings that have multiple tenancies, to avoid, remedy or mitigate adverse effects on the visual amenity values of the site and the surrounding environment; and
  - (c) encourage the incorporation of freestanding signs into the overall design of the site to achieve good integration with any pedestrian or vehicle access arrangements, car parking and/or landscaping layout.
- 31.2.1.7 Ensure signs in public places or attached to utilities or buildings for community activities are generally limited to signs necessary for direction, public information or public safety, and provide for signs for other purposes in limited circumstances.
- 31.2.1.8 When considering the effects of signs located on an Outstanding Natural Feature or within an Outstanding Natural Landscape apply the relevant assessment matters in part 21.7 of the District Plan.
- 31.2.1.9 Encourage efficient management of signs through the establishment of signage platforms to reduce the need for a new resource consent each time the sign content is altered and ensure that any resource consent conditions that apply to the signage platform also apply to any subsequent changes to the sign content.
- 31.2.1.10 Avoid adverse effects from the following signs and sign types:
- (a) flashing, moving or animated signs and signs that create an optical illusion; and
  - (b) roof signs; and
  - (c) hoardings; and
  - (d) signs displaying sexually explicit, lewd or otherwise offensive content; and
  - (e) any stationary sign-written trailer, vehicle or permanently moored vessel or sign attached to any stationary trailer, vehicle or permanently moored vessel which is visible from any road or public place for the purpose of advertising; and
  - (f) signs imitating any traffic direction and safety sign as required by the New Zealand Transport Agency.
- 31.2.1.11 Manage the effects of signs on heritage values having particular regard to:

- (a) the design, location and size of signs and the method of attachment; and
- (b) any Council design guideline, being either the Queenstown Town Centre Special Character Area Design Guidelines 2015, Wanaka Town Centre Character Guideline 2011, or the Arrowtown Design Guidelines 2016.

Advice Note: any relevant objectives and provisions of Chapter 26 – Historic Heritage will also apply.

**31.2.2 Objective – The adverse effects of signs are managed to limit the impact on public safety, including the safety of pedestrians and users of the roading network.**

**Policies**

- 31.2.2.1 Avoid adverse effects of signs that obstruct access to or through a pedestrian thoroughfare or the roading network.
- 31.2.2.2 Ensure the design and location of signs does not adversely affect traffic safety by causing confusion or distraction, or obstructing the sight lines of road users.
- 31.2.2.3 Support the establishment of information signs and lay-bys at the entrance to the District's settlements and at sites of natural, historical or tangata whenua interest.
- 31.2.2.4 Support the use of traditional Ngāi Tahu (tangata whenua) place names on signs within the District.
- 31.2.2.5 Ensure that any lighting in conjunction with signs does not adversely affect pedestrian and traffic safety.
- 31.2.3 **Objective - Signs are complementary to, and do not detract from, the design values of the building they are attached to and are sympathetic to the design values of nearby developments and public places.**

**Policies**

- 31.2.3.1 Ensure the design and display of signs is consistent with and complementary to the overall design of the building through attention to:
  - (a) the number, size, height and elevation of signs; and
  - (b) lettering design; and
  - (c) colours and materials; and
  - (d) location of the sign on the building; and
  - (e) relationship of the sign to any architectural features of the building and any adjacent buildings or development; and
  - (f) the effect of illumination of the sign on the host site, adjoining sites and public places (including roads).

- 31.2.3.2 Ensure the design of signs attached to buildings is compatible with and sympathetic to the amenity, visual, heritage, landscape and streetscape values of the site and surrounding environment.
- 31.2.3.3 For signs attached to buildings that exceed the sign size or dimension limits specified in this chapter, only provide approval when the sign:
- (a) is well integrated into the building design; and
  - (b) is compatible with the character of surrounding development; and
  - (c) is consistent with the relevant Council design guidelines, being either the Queenstown Town Centre Special Character Area Design Guidelines 2015, Wanaka Town Centre Character Guideline 2011, or the Arrowtown Design Guidelines 2016; and
  - (d) does not create adverse effects on the quality of a streetscape or a public place, including creating visual dominance; and
  - (e) is visually compatible with the wider surrounding environment.
- 31.2.3.4 Manage the extent of signage on windows to promote passive surveillance of streets and public places, and to encourage visual interest for pedestrians.
- 31.2.3.5 In instances when a new or altered building will have accompanying signage, encourage the identification of signage platforms so that signs are integrated into building design.
- 31.2.4 **Objective - Signs located on waterfronts, wharves and jetties (including signs on buildings on wharves and jetties) convey necessary information while preserving a high standard of amenity and public views.**

#### Policies

- 31.2.4.1 Provide for signs that convey information regarding commercial activities and services that operate from or adjacent to the wharf, jetty or waterfront on which the sign is located.
- 31.2.4.2 Ensure that waterfront signs provide only essential information directly associated with activities based on the surface of lakes and rivers or undertaken within buildings located on wharves and jetties and/or the waterfront.
- 31.2.4.3 Ensure that signs on wharves, jetties and waterfronts do not detract from the views and amenity of the foreshore and of the lakes and rivers through inappropriate placement, size and colour.
- 31.2.5 **Objective – Signs promoting temporary events for a limited duration are enabled so long as they are managed to minimise adverse effects on traffic, pedestrian and public safety and visual amenity.**

#### Policies

- 31.2.5.1 Recognise the contribution that temporary events make to the social, economic and cultural wellbeing of the District by:

- (a) enabling temporary event signs to be erected on the event site, but limit the size of signs and the duration of time that they are displayed; and
- (b) enabling temporary event signs to be erected outside the event site, but limit the number and size of signs and the duration of time they are displayed.

31.2.5.2 When considering temporary event signs, have particular regard to the effects on traffic, pedestrian and public safety and visual amenity.

31.2.5.3 Limit the number of temporary event signs that are designed and located to attract the attention of users of the roading network.

31.2.6 **Objective –Off-site signs are provided for in limited circumstances.**

#### **Policies**

31.2.6.1 Restrict the establishment of off-site signs, having particular regard to:

- (a) whether it is not practical to display the information on the site where the activity and/or use of land or buildings occurs; and
- (b) visual amenity values; and
- (c) any cumulative adverse visual effects, including visual clutter; and
- (d) any adverse effects on the safety of the roading network.

31.2.6.2 Acknowledge that off-site signs that convey information to assist the public or to convey public notices, rather than being for the purpose of commercial advertising, can have social and cultural benefits.

31.2.6.3 Limit the number of off-site signs that are designed and located to attract the attention of users of the roading network, however enable off-site signs erected by a road controlling authority that are for the purpose of assisting road users and promoting traffic safety.

31.2.6.4 Limit the duration of off-site signs when future landuse and/or transport network changes are likely to result in the off-site sign being inappropriate from a site development and/or traffic safety perspective.

### **31.3 Other Provisions and Rules**

#### **31.3.1 District Wide**

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
25 Earthworks	26 Historic Heritage	27 Subdivision and Development
28 Natural Hazards	29 Transport	30 Utilities and Renewable Energy
32 Protected Trees	33 Indigenous Vegetation and	34 Wilding Exotic Trees

	Biodiversity	
35 Temporary Activities and Relocated Buildings	36 Noise	37 Designations
		Planning Maps

## 31.4 Clarification

### 31.4.1 Advice Notes - General

- (a) For the purpose of determining activity status, where an activity does not comply with a standard listed in a standards table, the activity status identified by the 'Non-Compliance Status' column applies. Where an activity breaches more than one standard, the most restrictive status applies.
- (b) The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

- (c) Chapter 2 of the District Plan contains definitions of the various sign types used within this Chapter.
- (d) Freestanding signs, sandwich boards, flat board signs, under verandah signs, flags and banners may be double sided, with only one side being counted towards the sign area. All other signs will be assessed on a single sided basis.
- (e) The Diagrams in section 31.13 of this Chapter illustrate how some standards are to be applied, illustrate some sign types, and provide an example of how to calculate the maximum area of Ground Floor Signs in commercial areas (Rule 31.7.5).

### 31.4.2 Advice Notes - Rule Structure

- (a) Table 31.5 sets out the District wide activity status for specific types of signs.
- (b) Table 31.6 sets out the District wide standards for signs.
- (c) Table 31.7 sets out the specific standards for signs in specified commercial zones.
- (d) Table 31.8 sets out specific standards for signs in specified residential zones.
- (e) Table 31.9 sets out specific standards for signs other specified zones.
- (f) Permitted signs must be identified in Table 31.5 as a permitted activity and must comply with all standards, including the standards for the relevant zone.

## 31.5 District Wide - Activities

	<b>Table 31.5 –Activity Status</b>	<b>Activity status</b>
31.5.1	Signs which are not listed in this table	D
31.5.2	Signs which are listed in this table as permitted (P) and comply with all relevant standards in Standards Tables 31.6 to 31.9 in this Chapter	P
31.5.3	Flags	P
31.5.4	Temporary event signs	P
31.5.5	Real estate signs (including auction signs)	P
31.5.6	Temporary land development signs	P
31.5.7	Temporary sale signs	P
31.5.8	Temporary construction signs	P
31.5.9	Free standing signs	P
31.5.10	Sandwich or flat board signs	P
31.5.11	Under verandah signs, including under verandah signs within the road where these are related to any overhanging building	P
31.5.12	Signs on wharves and jetties (including on buildings established on wharves and jetties)	D
31.5.13	Off-site signs, including off-site signs located within or above roads, but excluding: <ul style="list-style-type: none"> <li>(a) under verandah signs above a footpath where these are related to any overhanging building; and</li> <li>(b) the part of a freestanding sign located above a footpath.</li> </ul>	D
31.5.14	Hoardings, including hoardings located within or above roads	PR
31.5.15	Flashing, moving, animated signs and signs that create an optical illusion	PR
31.5.16	Roof signs	PR
31.5.17	Signs displaying sexually explicit, lewd or otherwise offensive content	PR
31.5.18	Any of the following signs which are located so as to be visible from any road or public place for the purpose of advertising: <ul style="list-style-type: none"> <li>(a) any stationary sign-written trailer or vehicle, and</li> <li>(b) any sign attached to any stationary trailer or vehicle; and</li> </ul>	PR

	<p>(c) any permanently moored vessel; and</p> <p>(d) any sign attached to a permanently moored vessel.</p>	
31.5.19	Signs imitating any traffic direction and safety sign as required by the New Zealand Transport Agency	PR
31.5.20	Signs required by acts of Parliament, legislation or statutory requirements	P
31.5.21	Electioneering signs	P
31.5.22	Signs on any Category 1, 2 or 3 item in the Inventory of Protected Features in Chapter 26 Historic Heritage	D
31.5.23	<p>The following signs on or above roads:</p> <p>(a) Any sign associated with a road network activity or public amenity, including:</p> <ul style="list-style-type: none"> <li>(i) traffic and direction signs; and</li> <li>(ii) road name signs; and</li> <li>(iii) interactive warning signs; and</li> <li>(iv) speed limit signs; and</li> <li>(v) parking restriction signs; and</li> <li>(vi) public information boards and associated directional signs; and</li> </ul> <p>(b) Under verandah signs; and</p> <p>(c) The part of a freestanding sign located above a footpath in a road and complying with Rule 31.6.7; and</p> <p>(d) Signs for temporary events and temporary filming; and</p> <p>(e) Signs required by acts of Parliament, legislation or statutory requirements; and</p> <p>(f) Electioneering signs.</p> <p><b>Advice Note:</b> Any sign located on or over Council land will require the approval of the Council as landowner.</p>	P

## 31.6 Rules – General Standards

	Table 31.6 – General Standards	Non-compliance status
31.6.1	<p><b>Flags</b></p> <p>All flags are able to contain sign content on both sides of the flag and shall comply with the following standards:</p> <ul style="list-style-type: none"> <li>(a) maximum of 1 flag per site depicting corporate colours or the logo of a business, with a maximum area of 1.8m x 0.9m in size; and</li> <li>(b) any number of flags depicting national colours of a state or country provided that each flag does not exceed 1.8m x 0.9m in dimension, that are not for commercial purposes, and only 1 flag of each nationality is erected per site.</li> </ul>	D
31.6.2	<p><b>Temporary Event Signs</b></p> <p>Temporary event signs shall comply with the following standards:</p> <ul style="list-style-type: none"> <li>(a) signs shall not be erected more than two months prior to the date of the temporary event; and</li> <li>(b) signs shall have an area no greater than 2m<sup>2</sup>, or no greater than 3m<sup>2</sup> if the sign is a banner (both faces of the banner may be sign-written); and</li> <li>(c) signs shall be removed within 24 hours of completion of the event; and</li> <li>(d) signs are able to be erected off the site of the event, however the number of signs erected off the event site must not exceed a maximum of two signs visible from any State Highway and a maximum of two signs visible from any other road. The maximum sign areas prescribed in Rule 31.6.2(b) apply.</li> </ul> <p><b>Advice Notes:</b></p> <p>1. Chapter 35: Temporary Activities and Relocated Buildings also applies to temporary events.</p> <p>2. Any sign located on or over Council land will require the approval of the Council as landowner.</p>	D
31.6.3	<p><b>Real Estate Signs (including Auction signs)</b></p> <p>Real estate signs (including auction signs) shall comply with the following standards:</p> <ul style="list-style-type: none"> <li>(a) signs shall be located on the site to which they relate; and</li> </ul>	D



	<b>Table 31.6 – General Standards</b>	<b>Non-compliance status</b>
	<ul style="list-style-type: none"> <li>(b) signs shall have an area no greater than 1.62m<sup>2</sup>; and</li> <li>(c) maximum limit of 1 sign per agency; and</li> <li>(d) real estate signs shall be removed within 14 days of an unconditional agreement for sale and purchase being made; and</li> <li>(e) auction signs shall be removed within 7 days of the auction irrespective of whether the site or development is sold.</li> </ul>	
31.6.4	<p><b>Temporary Land Development Signs</b></p> <p>Temporary land development signs shall comply with the following standards:</p> <ul style="list-style-type: none"> <li>(a) maximum limit of 1 sign per development; and</li> <li>(b) the sign shall relate to a land development that involves a minimum of 6 allotments or units; and</li> <li>(c) the sign shall be located on the site of the development to which it relates; and</li> <li>(d) the sign shall have a maximum area of 8.64m<sup>2</sup>; and</li> <li>(e) the sign shall be removed within 7 days of unconditional agreements for sale and purchase being made with respect to all allotments or units in the development.</li> </ul>	D
31.6.5	<p><b>Temporary Sale Signs</b></p> <p>Temporary sale signs shall comply with the following standards:</p> <ul style="list-style-type: none"> <li>(a) shall be located on the site of the temporary sale; and</li> <li>(b) shall be limited to 1 sign per temporary sale; and</li> <li>(c) shall be erected or displayed for a maximum of 4 occurrences per site, per year, and each occurrence shall not exceed 14 days.</li> </ul>	D
31.6.6	<p><b>Temporary Construction Signs</b></p> <p>Temporary construction signs shall comply with the following standards:</p> <ul style="list-style-type: none"> <li>(a) maximum of 4 per site; and</li> <li>(b) each sign shall have an area no greater than 1.62m<sup>2</sup>; and</li> <li>(c) the signs may be erected for no more than 30 days prior to works commencing and shall be removed within 14 days of completion of the works.</li> </ul>	D

	<b>Table 31.6 – General Standards</b>	<b>Non-compliance status</b>
31.6.7	<p><b>Free Standing Signs</b></p> <p>Freestanding signs shall comply with the following standards:</p> <ul style="list-style-type: none"> <li>(a) shall have a maximum height of 3.5m; and</li> <li>(b) if located above a footpath, shall be elevated a minimum height of 2.5m above the footpath; and</li> <li>(c) shall not extend more than 1 metre over any footpath; and</li> <li>(d) shall have a maximum area of 2m<sup>2</sup> (both faces of the sign can be sign-written).</li> </ul> <p><b>Advice Notes:</b></p> <p>1. Part 31.13 of this Chapter has a diagram which illustrates the application of this rule.</p> <p>2. Any sign located on or over Council land will require the approval of the Council as landowner.</p>	D
31.6.8	<p><b>Sandwich Boards and Flat Board Signs</b></p> <p>Sandwich boards and flat board signs shall comply with the following standards:</p> <ul style="list-style-type: none"> <li>(a) the maximum area of a sandwich board or flat board sign shall not exceed 1m<sup>2</sup> (both faces of the sign may be sign-written); and</li> <li>(b) maximum of 2 flat board signs or 1 sandwich board per site; and</li> <li>(c) sandwich boards and flat board signs must be located wholly within the site where the goods and services advertised are available.</li> </ul> <p><b>Advice Note:</b> Part 31.13 of this Chapter has a diagram which illustrates the application of this rule.</p>	D
31.6.9	<p><b>Under Verandah Signs</b></p> <p>Under verandah signs shall be elevated a minimum distance of 2.5m above the footpath, and both sides of the sign can be sign-written.</p> <p><b>Advice Note:</b> Any sign located on or over Council land will require the approval of the Council as landowner.</p>	D
31.6.10	<p><b>Electioneering Signs</b></p> <p>Electioneering signs shall comply with the following standards:</p>	D

	Table 31.6 – General Standards	Non-compliance status
	<p>(a) shall have an area no greater than 3m<sup>2</sup>; and</p> <p>(b) shall be displayed no more than 2 months prior to the election/referendum date; and</p> <p>(c) shall be removed before the election/referendum day.</p>	
31.6.11	Illumination of signs shall not exceed 150 candelas per square metre (cd/m <sup>2</sup> ) of illumination.	D

### 31.7 Rules – Standards for Signs in Commercial Areas

Table 31.7 – Standards for signs in Commercial Areas		Town Centre Zones (including commercial activities in a Town Centre Transition Sub-Zone)	Airport Mixed Use Zone Zone	Local Shopping Centre Zone	Business Mixed Use Zone
31.7.1	Identification of signage platforms that comply with the size requirements of Rules 31.7.3 to 31.7.6 below.  Control is reserved to the matters set out in Rule 31.11.	C	C	C	C
31.7.2	All new and replacement signs located within an approved signage platform.  <b>Advice Note:</b> conditions of consent for an approved signage platform must be complied with for the permitted activity status to apply to any subsequent change to the content of the signage platform.	P	P	P	P
31.7.3	Arcade directory signs that do not exceed 3m <sup>2</sup> in area limited to one per arcade.	P	P	P	P
31.7.4	Upstairs entrance signs that do not exceed 1.5m <sup>2</sup> in area per building.	P	P	P	P

Table 31.7 – Standards for signs in Commercial Areas		Town Centre Zones (including commercial activities in a Town Centre Transition Sub-Zone or overlay)	Airport Mixed Use Zone	Local Shopping Centre Zone	Business Mixed Use Zone
31.7.5	<p>All signs located within the ground floor area of a building, provided that:</p> <p>(a) where a building contains more than one commercial tenancy on the ground floor each commercial tenancy shall not display signs that exceed a maximum area of 5m<sup>2</sup> per tenancy or are larger than 15% of the Ground Floor Area that tenancy occupies (whichever is lesser). Arcade directory and upstairs entrance signs are not included within the ground floor area signage allowance; and</p> <p>(b) signs shall not exceed 50% coverage of glazing. This applies to individual or partitioned glazed areas located within the ground floor area. Signs not attached to glazing that are sited within the enclosed interior of a building and are not directly visible from a public place, are not subject to part (b) of this rule.</p> <p>Control is reserved to the matters set out in Rule 31.11.</p> <p><b>Advice Note:</b> Part 31.13 of this Chapter illustrates the application of this rule.</p>	C	P	C	C
31.7.6	<p>Above ground floor signs that cumulatively do not exceed 3m<sup>2</sup> in area per building or 1m<sup>2</sup> per tenancy up to a maximum of 3m<sup>2</sup> per floor.</p> <p>Control is reserved to the matters set out in Rule 31.11.</p> <p><b>Advice Note:</b> Part 31.13 of this Chapter has a diagram which illustrates the application of this rule.</p>	C	P	C	C
31.7.7	Any sign or sign platform that does not comply with any of Rules 31.7.1 to 31.7.6 above.	D	D	D	D

### 31.8 Rules – Standards for Signs in Residential Areas

Table 31.8 – Standards for signs in Residential Areas		Low, Medium & High Density Residential Zones (excluding commercial activities in the Town Centre Transition Sub-zone)	Arrows Residential Historic Management	Large Lot Residential Zone & Rural Residential Zone
31.8.1	Unless otherwise provided for in Rule 31.8.2, one sign per site with a maximum area of 0.5m <sup>2</sup> with no internal or external illumination of the sign.	P	P	P
31.8.2	Signs for recreation grounds, nursing homes, education activities and community activities with a maximum area of 2m <sup>2</sup> per site and which are attached to a building or free standing.	P	P	P
31.8.3	Any sign that does not comply with Rules 31.8.1 and 31.8.2 above.	D	D	D

### 31.9 Rules – Standards for Signs in Other Areas

Table 31.9 – Standards for signs in other areas		Rural Zone, Gibbston Character Zone & Wakatipu Basin Rural Amenity Zone	Rural Lifestyle Zone	Open Space and Recreation Zone	Jacks Point Zone, Waterfall Park, Millbrook	Visitor Accommodation Sub-zone
31.9.1	Up to 2m <sup>2</sup> of signage per site with no internal or external illumination of the sign.	P	P			
31.9.2	Identification of a signage platform that complies with the requirements of Rule 31.9.3.  Control is reserved to the matters set out in Rule 31.11.			C		

Table 31.9 – Standards for signs in other areas		Rural Zone, Gibbston Character Zone & Wakatipu Basin Rural Amenity Zone	Rural Lifestyle Zone	Open Space and Recreation Zone	Jacks Point Zone, Waterfall Park, Millbrook	Visitor Accommodation Sub-zone
31.9.3	<p>Signs for the purpose of managing a reserve that individually are no more than 2.5m<sup>2</sup> in area.</p> <p><b>Advice Note:</b> Any sign located on or over Council land will require the approval of the Council as landowner.</p>			P		
31.9.4	<p>Signs directly associated with a temporary event occurring on the same site.</p> <p><b>Advice Notes:</b></p> <p>1. Rule 31.6.2 also applies for temporary event signs and must also be complied with.</p> <p>2. Any sign located on or over Council land will require the approval of the Council as landowner.</p>			P		
31.9.5	<p>Signs for lawfully established commercial activities and community activities shall comply with the following standards:</p> <ul style="list-style-type: none"> <li>(a) maximum of 2 signs per business or activity; and</li> <li>(b) the maximum area of each sign shall not exceed 1m<sup>2</sup>; and</li> <li>(c) the signs shall be located in the same location and on the same site as the business or activity.</li> </ul> <p>Control is reserved to the matters set out in Rule 31.11.</p> <p><b>Advice Note:</b> Any sign located on or over Council land will require the approval of the Council as landowner.</p>			P	C	
31.9.6	<p>Unless otherwise provided for in Rule 31.9.5, one sign per site with a maximum area of 0.5m<sup>2</sup> with no internal or external illumination of the sign.</p>				P	

Table 31.9 – Standards for signs in other areas		Rural Zone, Gibbston Character Zone & Wakatipu Basin Rural Amenity Zone	Rural Lifestyle Zone	Open Space and Recreation Zone	Jacks Point Zone, Waterfall Park, Millbrook	Visitor Accommodation Sub-zone
31.9.7	Identification of a signage platform for a lawfully established commercial activity or community activity that complies with the requirements of Rule 31.9.5.  Control is reserved to the matters set out in Rule 31.11.				C	
31.9.8	Signs for lawfully established visitor accommodation comprising no more than two signs, one identifying the visitor accommodation and measuring no more than 2m <sup>2</sup> in area and the other containing only the words 'No' and 'Vacancy' and measure no more than 0.15m <sup>2</sup> in area.					P
31.9.9	Identification of a signage platform that complies with the requirements of Rule 31.9.8.  Control is reserved to the matters set out in Rule 31.11.					C
31.9.10	All new and replacement signs located within an approved signage platform.  <b>Advice Note:</b> conditions of consent for an approved signage platform must be complied with for the permitted activity status to apply to any subsequent change to the content of the signage platform.			P	P	P
31.9.11	Any sign or signage platform that does not comply with any standard in Rules 31.9.1 to 31.9.10.	D	D	D	D	D

## 31.10 Non-Notification of Applications

- 31.10.1 Applications for Controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.

## 31.11 Matters of Control

- 31.11.1 The exercise of Council's control shall be limited to:
- (a) colour and materials; and
  - (b) design and content; and
  - (c) location; and
  - (d) access and safety; and
  - (e) compliance with any relevant Council design guideline, being either the Queenstown Town Centre Special Character Area Design Guidelines 2015, Wanaka Town Centre Character Guideline 2011, or the Arrowtown Design Guidelines 2016.

## **31.12 Assessment Matters**

- 31.12.1 In considering whether or not to grant consent or impose conditions on a resource consent for a sign (including a signage platform), the Council shall have regard to, but not be limited by, the following assessment matters.

### **31.12.2 All Activities – General**

- 31.12.2.1 The extent to which the proposed sign is compatible with the character of the site, buildings and surrounding environment.
- 31.12.2.2 Whether the sign is located on the site of the activity it relates to and the extent to which there is a function or location constraint for locating the sign outside the site of the activity.
- 31.12.2.3 Whether the sign will affect public safety, including the safety of pedestrians and users of the roading network.
- 31.12.2.4 In locations where Council design guidelines apply: the degree of compliance with the Queenstown Town Centre Special Character Area Design Guidelines 2015, Wanaka Town Centre Character Guideline 2011 or the Arrowtown Design Guidelines 2016.
- 31.12.2.5 In respect of signs in any area where the Arrowtown Design Guidelines 2016 applies: whether the application is accompanied by a report from the Arrowtown Planning Advisory Group; and whether that report approves the nature, form, size, content and positioning of the sign.
- 31.12.2.6 In respect of temporary event signs: whether the period the sign is to be erected is necessary for the event being advertised and whether the adverse effects on traffic, pedestrian, public safety and visual amenity are appropriately managed.
- 31.12.2.7 In respect of signs located on wharves and jetties (including on buildings on wharves and jetties) whether the signs convey necessary information while preserving a high standard of amenity and public views and ensuring pedestrian access is not impeded.
- 31.12.2.8 Whether the sign will adversely affect heritage values.



### **31.12.3 Controlled Activities**

#### **Colour and materials**

31.12.3.1 Whether the proposed sign:

- (a) Incorporates colours and materials that complement the external appearance of the building and/or surrounding buildings.
- (b) Incorporates colours and materials that are sympathetic to the surrounding landscape.

#### **Design and content**

31.12.3.2 Design, including lighting, is consistent with and sympathetic to the surrounding environment

31.12.3.3 Whether there are any effects on heritage buildings, or on buildings and structures in heritage precincts, and whether any conservation advice has been obtained.

31.12.3.4 When considering signage platforms, the extent that the signage platforms have been considered within the overall design of the building and specifically the architectural features of the building.

#### **Location**

31.12.3.5 Whether the sign is located to integrate with the design of the building and does not obscure the architectural features of the building.

31.12.3.6 Whether the requirements of multiple tenants within a building have been provided for.

#### **Access and safety**

31.12.3.7 Whether the sign adversely affects public pedestrian access through inappropriate location, design or type of sign.

#### **Compliance with any relevant Council design guidelines**

31.12.3.8 Where relevant, the level of compliance with the Queenstown Town Centre Special Character Area Design Guidelines 2015 or the Wanaka Town Centre Character Guideline 2011.

31.12.3.9 For an application for a sign in the Arrowtown Town Centre Zone, the extent to which the proposal accords with the following guidelines (from section 3.14.1 of the Arrowtown Design Guideline 2016) to ensure that the design and placement respects historic buildings and the character of the Town Centre:

- (a) Signs must not obscure historic building details or important vistas.
- (b) Reduce the number of signs used in a single location by the use of directory or finger signs.

- (c) Signs handwritten on the building in the traditional way are best, provided they do not alter or obscure parts of the building.
- (d) Small scale signs, either mounted on to buildings or free standing, are appropriate.
- (e) Sign materials shall be similar to those used traditionally. Painted wood and metal are appropriate. Plastic and highly reflective materials are inappropriate.
- (f) Illuminated, neon or flashing signs are not appropriate and must not be used if heritage character is to be protected.

#### **31.12.4 Discretionary Activities – Signs within Commercial Areas**

##### **31.12.4.1 The extent to which:**

- (a) The size of the signage is visually compatible with the scale and character of the building to which it relates and the surrounding environment.
- (b) The design, location and size of the proposed signage complements the surrounding built environment and does not dominate built form;
- (c) The design is consistent with other signs in the vicinity.
- (d) The size, colour and location do not adversely affect traffic and/or pedestrian safety.
- (e) The placement, size and choice of materials has considered the architectural features of the building on which the sign is to be erected.
- (f) Any signage on windows will retain the function of the window to provide interest, activity and passive surveillance on the street.

31.12.4.2 Whether the cumulative effects of the proposed signage (and signage anticipated to be established on the same building) will adversely affect the streetscape and visual amenity of the surrounding environment.

31.12.4.3 For any sign within the Arrowtown Town Centre Zone apply the assessment matters in 31.12.3.9.

#### **31.12.5 Discretionary Activities – Signs within Residential Areas**

31.12.5.1 Compatibility with amenity values of the surrounding environment considering the visual amenity of the street and neighbouring properties and:

- (a) Whether the design, location and size of the proposed signage will detract from the residential character of the site and/or building on which it is situated.
- (b) Whether the proposed signage dominates the streetscape and wider residential character of the area in which it is located.
- (c) The size, colour and location of the signage do not adversely affect traffic and/or pedestrian safety.

31.12.5.2 For any sign within a residential zone where the Arrowtown Design Guideline 2016 applies (namely the Arrowtown Residential Historic Management Zone and part of the Low Density Residential Zone and Medium Density Residential Zone) apply the following guideline (from section 4.23.1 of the Arrowtown Design Guideline 2016) to ensure that the design and placement respects historic buildings and the character of the area:

- (a) Locate and design signs to complement the context and site.

#### **31.12.6 Discretionary Activities – Signs within Other Areas**

31.12.6.1 The extent to which:

- (a) The design, colours and materials of the proposed sign is compatible with the character and amenity values of the site (including the amenity values anticipated for the District Plan zone that applies to the site), street scene and surrounding environment.

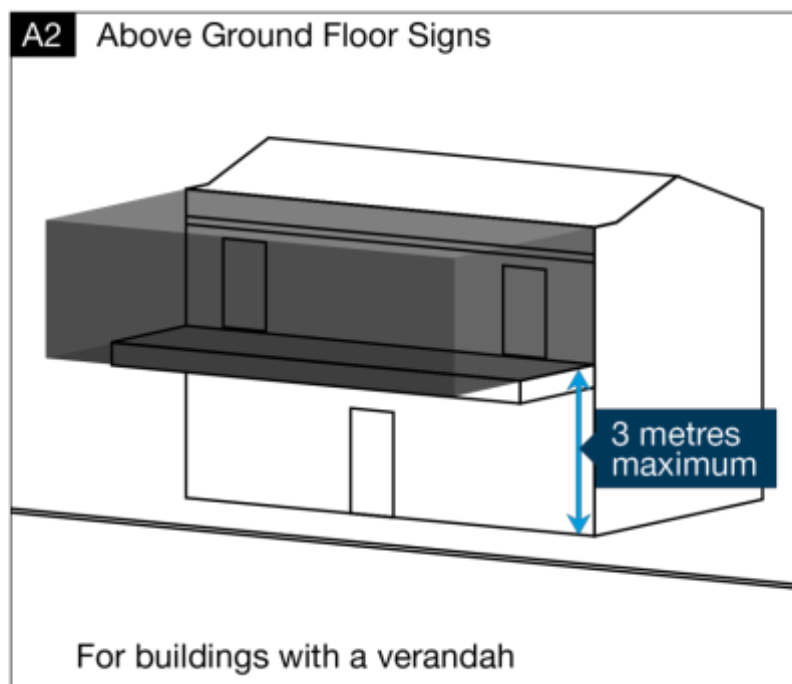
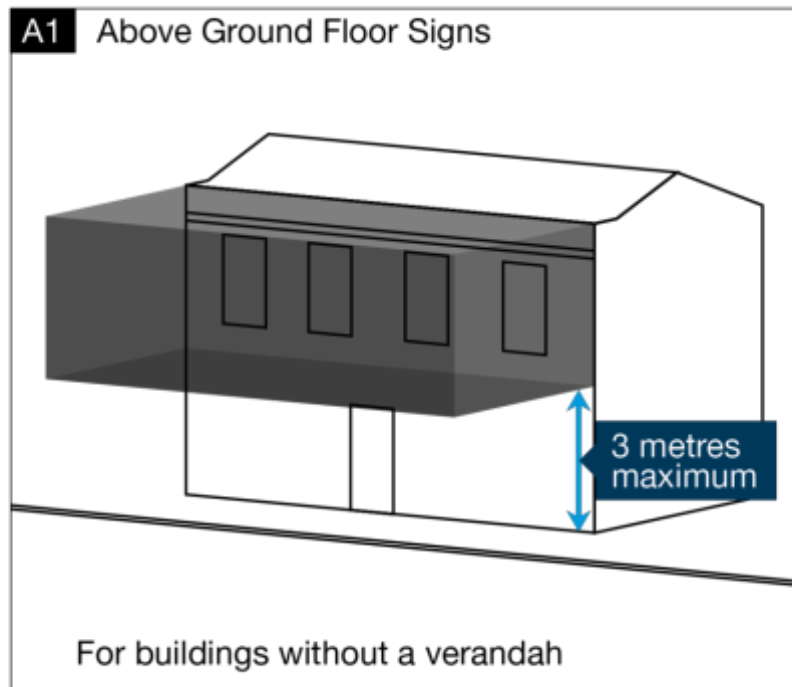
31.12.6.2 Any adverse effects of the proposed signage in terms of:

- (a) Lighting.
- (b) The extent to which the proposed signage may cause a visual distraction to drivers.
- (c) Location with special regard to skylines, ridges, hills and prominent slopes.

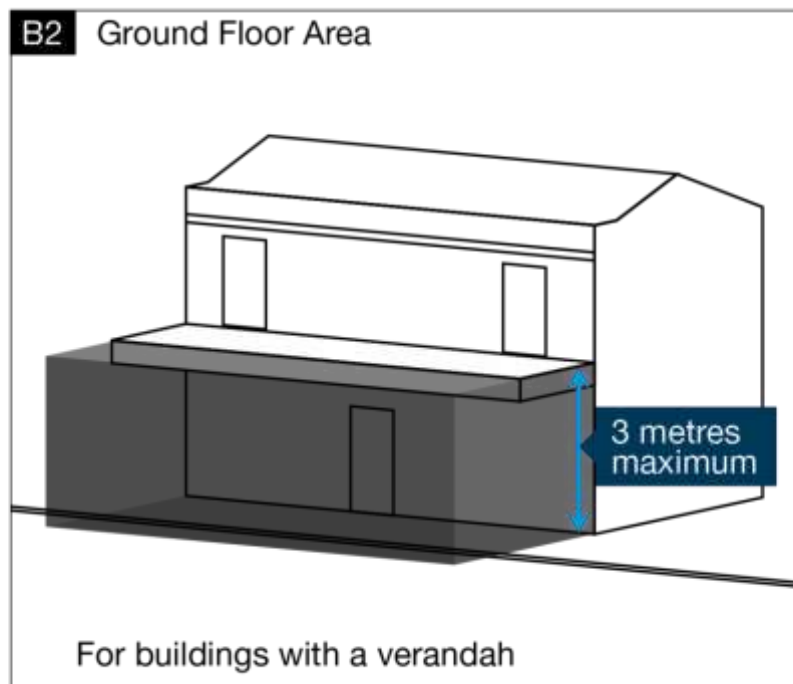
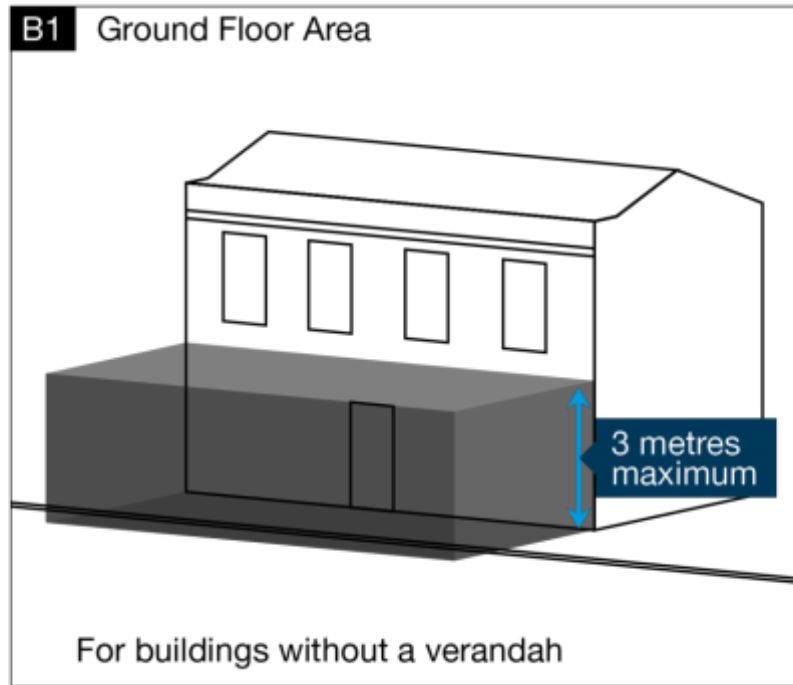
31.12.6.3 When considering the effects of signs located on an Outstanding Natural Feature (ONF) or within an Outstanding Natural Landscape (ONL) identified on the Planning Maps, apply any relevant assessment matters in part 21.7 Rural Zone of the District Plan.

## 31.13 Interpretive Diagrams

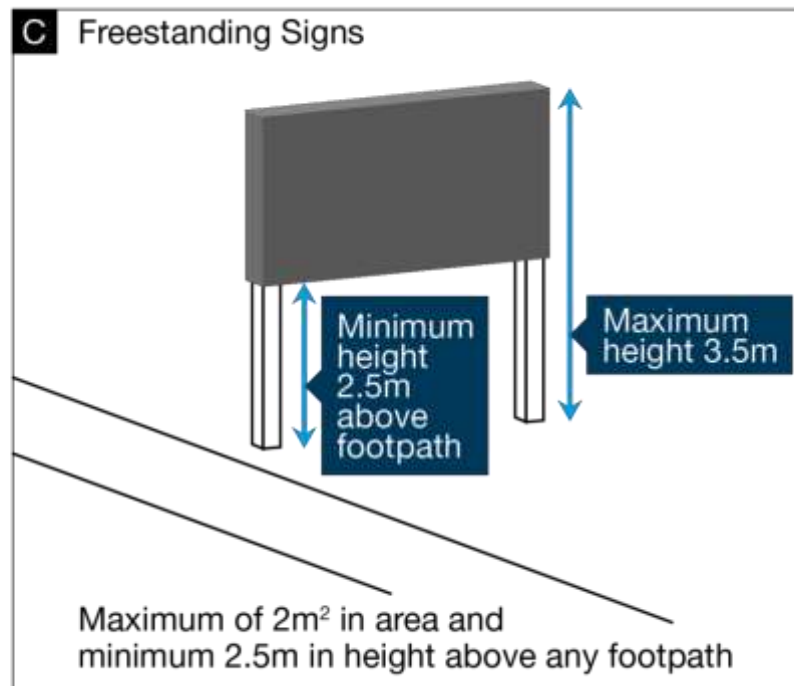
### 31.13.1 Above Ground Floor Signs



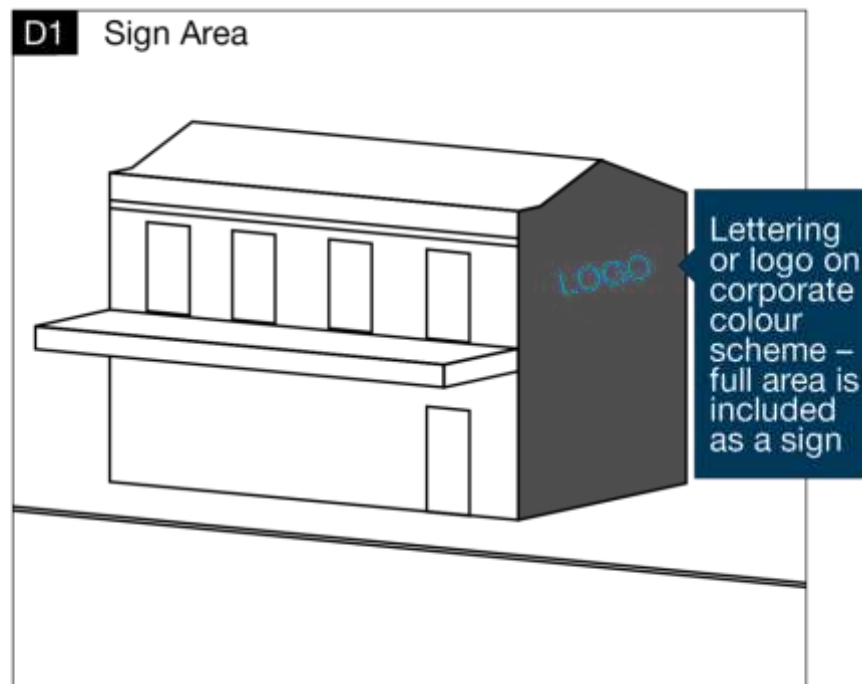
31.13.2 Ground Floor Area for signs

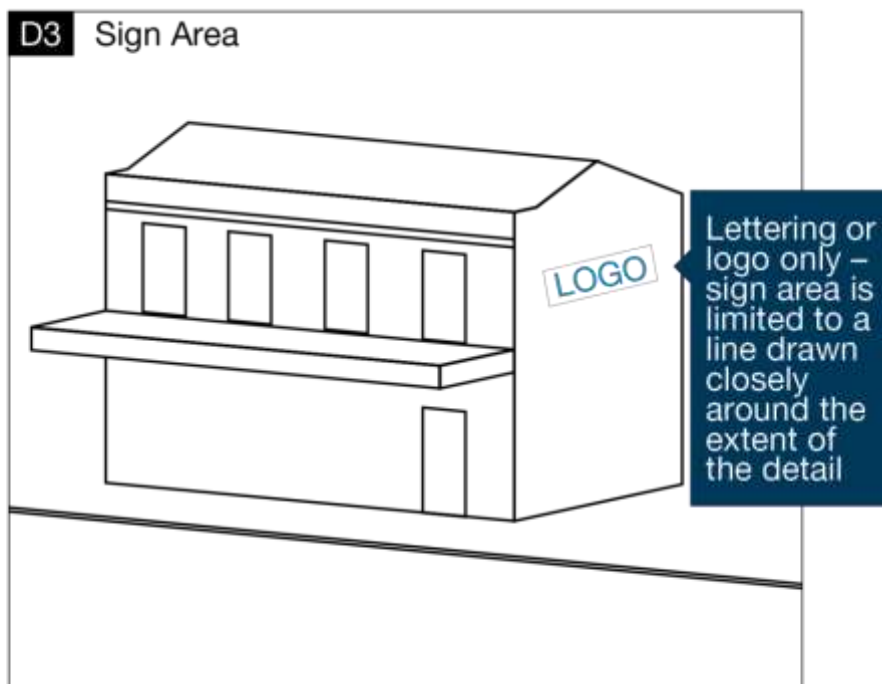
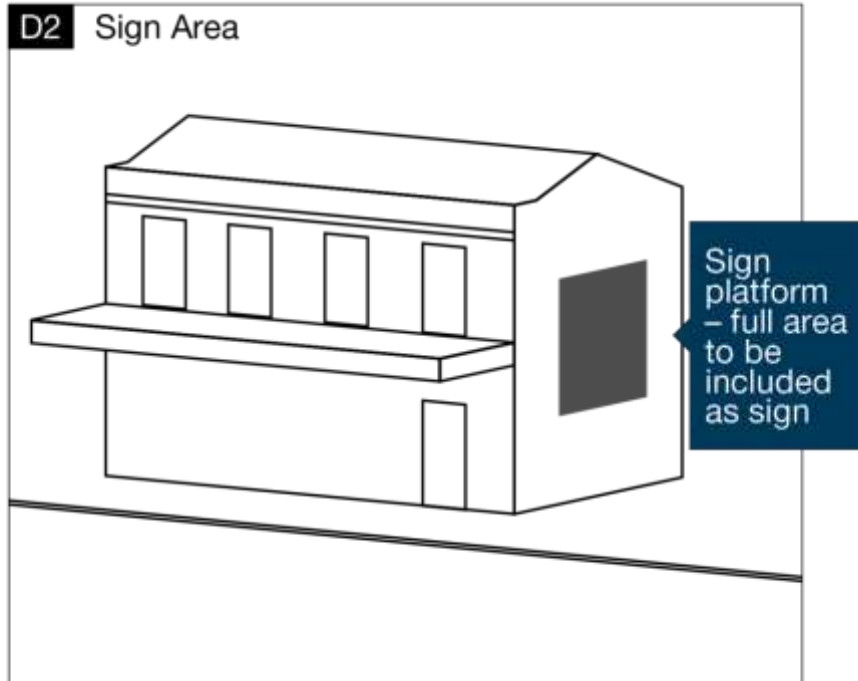


### 31.13.3 Freestanding Signs

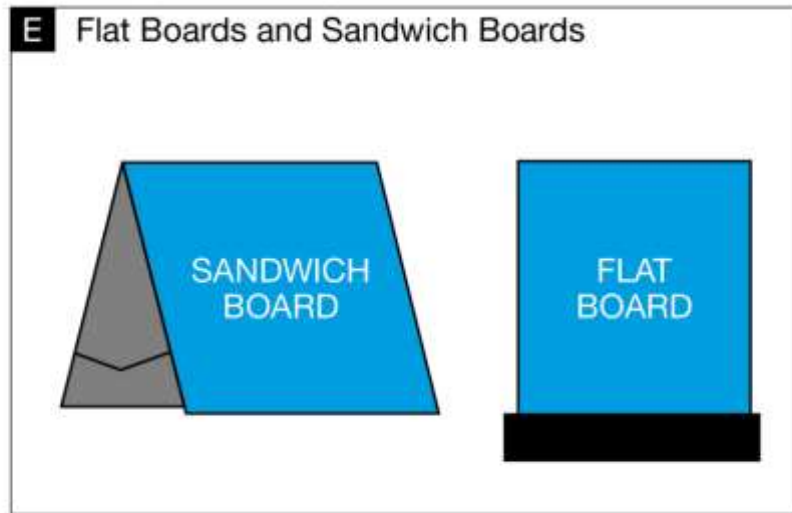


### 31.13.4 Sign Area

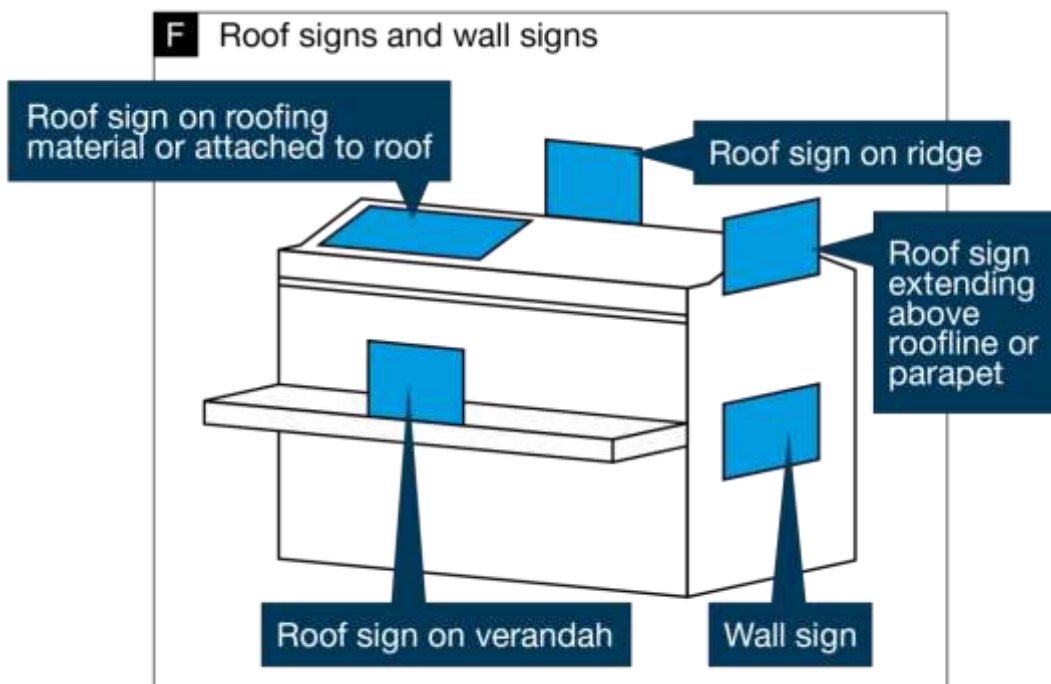




### 31.13.5 Flat Boards and Sandwich Boards



### 31.13.6 Roof Signs and Wall Signs



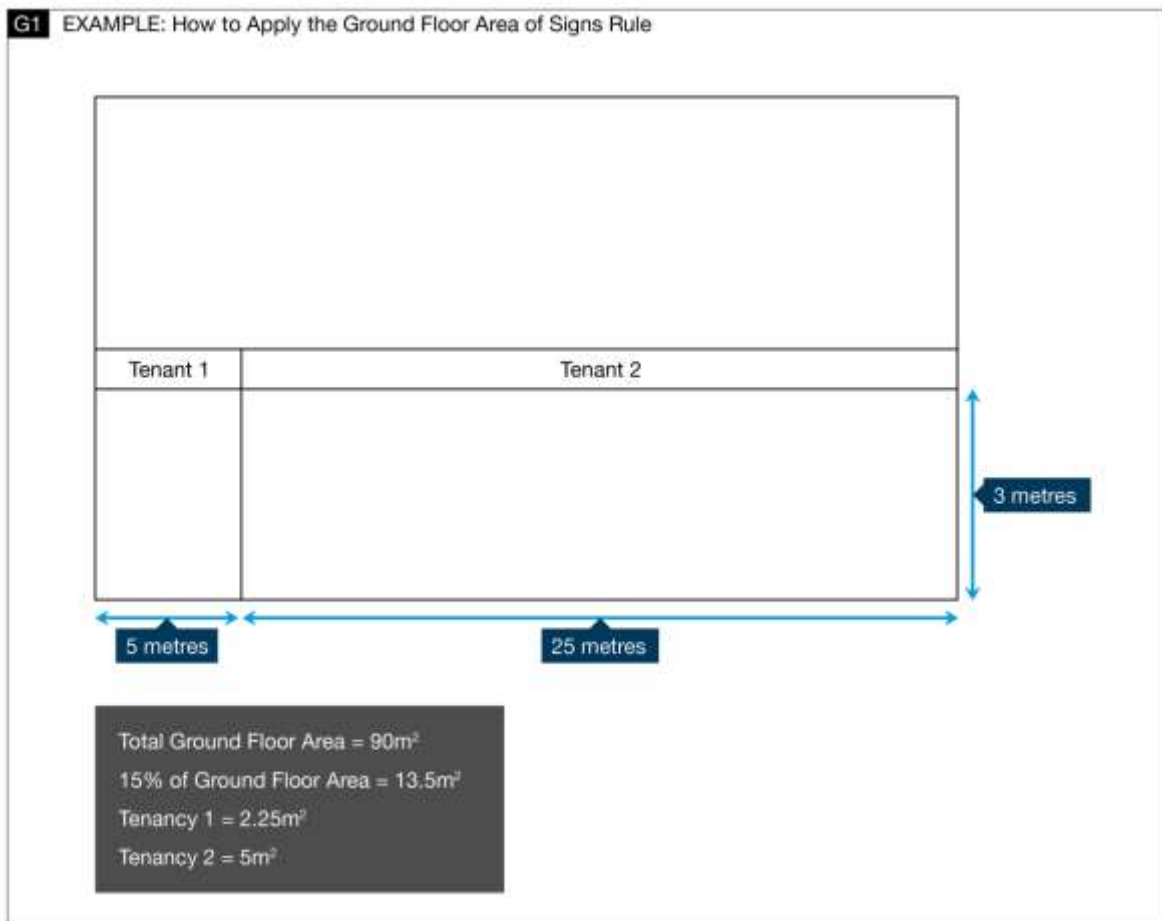


31.13.7 **Guidance for how to apply Rule 31.7.5: Maximum area of Ground Floor Signs in commercial areas**

31.13.7.1 To measure the ground floor area:

- a) measure horizontally by the length of the building along the road, footpath, access way or service lane to which it has frontage; and
- b) measure vertically by the height from the surface of the road, footpath, access way or service lane to the point at which either:
  - (i) the verandah meets the wall of the building; or
  - (ii) when there is no verandah, a height of 3m above the surface of the road, footpath, access way or service lane; whichever is the lesser.

31.13.7.2 Example:



## Variation to Stage 1 PDP Chapter 2 Definitions

Underlined text for additions and ~~strike-through~~ text for deletions.

<b>Flatboard</b>	Means <del>a portable sign that is not self-supporting.</del>
<b><del>Free Standing Sign</del></b>	Means <del>a self-supporting sign not attached to a building and includes a sign on a fence and a sandwich board.</del>
<b><del>Under Verandah Sign</del></b>	Means <del>a sign attached to the under side of a verandah.</del>
<b>Wall Sign</b>	Means <del>a sign attached to a wall within the ground floor area.</del>
<b>Ground Floor Area (For Signs)</b>	<p>Shall be measured: —</p> <p>(a) <del>horizontally by the length of the building along the road, footpath, access way or service lane to which it has frontage.</del></p> <p>(b) <del>vertically by the height from the surface of the road, footpath, access way or service lane or as the case may be to the point at which the verandah, if any, meets the wall of the building or to a height of 3m above the surface of the road, footpath, access way or service lane, whichever is less.</del></p>
<b>Sign and Signage</b>	<p>Means:</p> <p>(a) any external name, figure, character, outline, display, delineation, announcement, design, logo, mural or other artwork, poster, handbill, banner, captive balloon, flag, flashing sign, flatboard, free-standing sign, illuminated sign, moving signs, roof sign, sandwich board, streamer, hoarding or any other thing of a similar nature which is: i) intended to attract attention; and ii) visible from a road or any public place;</p> <p>(b) all material and components comprising the sign, its frame, background, structure, any support and any means by which the sign is attached to any other thing;</p> <p>(c) <u>corporate colour schemes;</u></p> <p>(d) any sign written vehicle/trailer or any advertising media attached to a vehicle/trailer.</p> <p><b>Notes:</b></p> <p>(i) <del>This does include corporate colour schemes.</del></p> <p>(ii) <del>See definitions of SIGN AREA and SIGN TYPES.</del></p>

<b>Sign Area</b>	<p><del>The area of a sign means</del> <u>Means</u> the surface area of a sign, and <del>the area of a sign includes:</del></p> <p>(a) all the area actually or normally enclosed, as the case may be, by the outside of a line drawn around the sign and enclosing the sign; <u>and</u></p> <p>(b) <u>the entire area coloured with a corporate colour scheme.</u></p>
<b>Sign Types</b>	<p><b>Above Ground Floor Sign:</b> means a sign attached to a building above the verandah or above 3 metres in height from the ground.</p> <p><b>Arcade Directory Sign:</b> means an externally located sign which identifies commercial activities that are accessed internally within a building or arcade.</p> <p><b>Banner:</b> means any sign made of flexible material, suspended in the air and supported on more than one side by poles or cables.</p> <p><b>Flag:</b> means any sign made of flexible material attached by one edge to a staff or halyard and includes a flagpole.</p> <p><b>Flashing Sign:</b> means an intermittently illuminated sign.</p> <p><b>Flat Board Sign:</b> means a portable flat board sign which is not self-supporting.</p> <p><b>Free Standing Sign:</b> means any sign which has a structural support or frame that is directly connected to the ground and which is independent of any other building or structure for its support; and includes a sign on a fence.</p> <p><b>Hoarding:</b> means any sign that is for purely commercial brand awareness purposes and which does not relate to land use activity conducted on the site.</p> <p><b>Moving Sign:</b> means a sign other than a flag or a banner that is intended to move or change whether by reflection or otherwise.</p> <p><b>Off-Site Sign:</b> means a sign which does not relate to goods or services available at the site where the sign is located and excludes <u>a Hoardings and Temporary Event Signs.</u></p> <p><b>Roof Sign:</b> means any sign painted on or attached to a roof and any sign projecting above the roof line <u>or parapet</u> of the building to which it is attached.</p> <p><b>Sandwich Board:</b> means a self-supporting and portable sign.</p> <p><b>Signage Platform:</b> means a physical area identified for the purpose of signage.</p> <p><b>Temporary Construction Sign:</b></p>

	<p><u>Means a sign within a construction site for the purpose of site management, including for directing vehicle movements and site safety, and also includes sign-written fabric or wind-break material attached to a fence within a construction site.</u></p> <p><b>Temporary Event Sign:</b> means any sign established for the purpose of advertising or announcing a single forthcoming temporary event, function or occurrence including carnivals, fairs, galas, market days, meetings exhibitions, parades, rallies, filming, sporting and cultural events, concerts, shows, musical and theatrical festivals and entertainment; but does not include Electioneering Signs, Real Estate Signs, <u>Temporary Construction Signs</u>, <del>a-Temporary</del> Land Development Signs, Off-Site Signs or Temporary Sale Signs.</p> <p><b><u>Temporary Land Development Sign:</u></b> <u>means a sign advertising or announcing a new or proposed development or subdivision.</u></p> <p><b>Temporary Sale Sign:</b> means any sign established for the purpose of advertising or announcing the sale of products at special prices.</p> <p><b>Under Verandah Sign:</b> means a sign attached to the underside of a verandah.</p> <p><b>Upstairs Entrance Sign:</b> means a sign which identifies commercial activities that are located upstairs within a building.</p> <p><b>Wall Sign:</b> means a sign attached to the wall of a building.</p>
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### Variation to Stage 1 PDP Chapter 17: Airport Mixed Use Zone

Underlined text for additions and ~~strike-through~~ text for deletions.

**17.5.10.1** For any advertising or promotional signage located within 20m of the zone boundary whether it is affixed to a building or freestanding ~~the rules in Section 18 – Signs of the Operative District Plan~~ Chapter 31 applies.

### Variation to various Stage 1 PDP Chapters

Underlined text for additions and ~~strike-through~~ text for deletions.

Vary the District Wide table in the rules notified in Stage 1 of the District Plan Review shown in **Table A** below to remove the reference to the operative Signs 18 (ODP), by making the change shown in the following example:

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
<del>24</del> 31 Signs ( <del>18</del> ODP)	25 Earthworks (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 ODP)
30 Utilities and Renewable Energy	31 Hazardous Substances (16 ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

**Table A**

<b>7.3.1</b>	<b>8.3.1</b>	<b>9.3.1</b>
<b>10.3.1</b>	<b>11.3.1</b>	<b>12.3.1</b>
<b>13.3.1</b>	<b>14.3.1</b>	<b>15.3.1</b>
<b>16.3.1</b>	<b>17.3.1</b>	<b>21.3.1</b>
<b>22.3.1</b>	<b>23.3.1</b>	<b>26.4.1.2</b>
<b>27.3.1</b>	<b>28.4.1</b>	<b>30.3.1</b>
<b>32.3.1</b>	<b>33.3.1</b>	<b>34.3.1</b>
<b>35.3.1</b>	<b>41.3.1</b>	<b>42.3.1</b>
<b>43.1.3</b>		

**ii(a) Proposed District Plan Chapter 31 Signs Section 32  
Evaluation Report**



**Queenstown Lakes District Proposed District Plan**  
**Section 32 Evaluation**  
**Stage 2 Components October 2017**

For:  
**Signs**

And consequential Variations to Proposed District Plan 26 August 2015:

**Chapter 2 Definitions**  
**Chapter 17 Airport Mixed Use Zone**

**Report dated: 13 September 2017**

File Reference: PDP Stage 2: Signs

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## 1. EXECUTIVE SUMMARY

- 1.1. Signs are a component of development throughout the District. They provide information to the public and assist with creating a sustainable and vibrant community. However signs can result in adverse effects on visual amenity, and traffic and pedestrian safety. Managing the number, type, location, appearance and design of signs ensures that adverse effects are minimised to assist with maintaining a quality environment.
- 1.2. The Stage 2 Proposed District Plan District Wide Signs Chapter (**Signs Chapter**) seeks to introduce a District wide chapter to the Proposed District Plan (**PDP**) that manages the adverse effects of signs on the environment. The Signs Chapter applies to all the land notified in Stages 1 and 2 of the district plan review.
- 1.3. The Operative Signs Chapter 18 has been used as a baseline for this review, and the key changes that are recommended, compared against the operative provisions, are as follows:
  - a) Hoardings will be a prohibited activity, rather than a non-complying activity;
  - b) Off-site signs will remain a discretionary activity, with a specific objective and associated policies;
  - c) Signs within the ground floor area of buildings within commercial zones will be limited to a maximum sign area of 5m<sup>2</sup> per tenancy as a controlled activity;
  - d) Signs for temporary events will continue to be enabled, including a limited number of signs enabled outside the event site, with a specific objective and associated policies;
  - e) Signs within reserves will be addressed through rules applying to the Open Space and Recreation Zone, with flexibility for signs for the purposes of reserves, and limited provision for signs directly associated with lawfully established commercial activities, and flexibility for signs associated with approved temporary events;
  - f) Signs within and above roads will be addressed through a new rule permitting signs associated with a road network activity or public amenity, and a limited number of other sign types will be permitted, including signs for approved temporary events and filming, and electioneering signs;
  - g) Council Design Guidelines for Queenstown, Wanaka and Arrowtown Town Centres will be incorporated by reference within policies, as matters of control and within assessment matters;
  - h) The operability of the operative rules will be improved through improvements to drafting, improvements to the interpretative diagrams, amendments to definitions, and by introducing additional definitions to PDP Chapter 2 Definitions; and
  - i) The chapter structure will be revised to be consistent with the structure and conventions established for the Stage 1 PDP chapters.

1.4. The Signs Chapter will assist the Council to fulfil its statutory functions and responsibilities as required by the Resource Management Act 1991 (**'the Act'** or **'the RMA'**) through the following objectives, policies and rules:

- (a) Objectives to minimise the adverse effects on natural and physical resources, including landscape and amenity values and traffic and pedestrian safety;
- (b) Policies that address the variability of activities and potential adverse effects associated with signs;
- (c) Rules that provide limitations on the type, number, size, location and design of signs so that the adverse effects are managed;
- (d) Providing for certain signs as a permitted activity or providing for resource consent applications to be processed on a non-notified basis where there is sufficient certainty that those processes are appropriate relative to the activity.

## 2. INTRODUCTION

2.1. Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.

2.2. The purpose of this plan change is to introduce to the PDP a suite of district-wide objectives, policies and rules that manage the effects of signs, and to recommend variations to PDP Chapters 2 and 47 in respect of definitions and provisions relating to the management of the effects of signs.

2.3. Chapter 18 of the Operative District Plan has been used as a basis as that chapter became operative relatively recently and has generally been operating well. However, in the two years since the operative provisions have been administered, a number of issues with their effectiveness and operability have arisen, and this review presents a timely opportunity to address these issues.

2.4. The evaluation of the appropriateness of the Signs Chapter is based upon the following two broad issues

- Issue 1 – landscape and visual amenity values
- Issue 2 – Safety

2.5. Specific issues identified with the operative provisions are summarised as follows:

- a) Hoardings:

Hoardings are provided for as a non-complying activity in the operative signs chapter. In particular, hoardings can have significant effects on environmental quality, which is a highly valued resource for our District's economy, particularly given the projected future increases in tourist numbers. Maintaining landscape values and amenity are key issues to be addressed by the signs chapter and prohibiting hoardings will assist with addressing these issues.

b) Off-site signs:

Off-site signs are provided for in the operative chapter as a discretionary activity, however there is currently an absence of any policy guidance regarding when their approval should be considered favourably.

c) Signs within the ground floor area of buildings within commercial zones:

The issue of size limits for signs located on the ground floor area of buildings in commercial areas was addressed through the operative provisions by limiting sign area to 15% of the ground floor area of the building as a controlled activity (with breaches requiring discretionary activity consent). For buildings occupied by multiple tenants the 'quota' of sign area was calculated on the area of the building occupied by each tenant. No cap was placed on the maximum area of signage for a single tenancy, aside from the 15% limit. The result of this approach is that large buildings are able to have signs of significant size as a controlled activity. The 15% limit has the risk of being a target, and the ability for signs to be required to be smaller than the 15% coverage is currently weak.

d) Signs for temporary events:

The operative signs provisions do not acknowledge the benefits of signs associated with temporary events, which have significant social, cultural and economic benefits for the District. There is also ambiguity in the operative signs provisions as to whether temporary event signs can be erected off the site of the event without the need for resource consent for off-site signs.

e) Signs within reserves:

With Council reserves being incorporated in the Open Space and Recreation Zone through the changes being made to that zone in Stage 2 of the District Plan Review, the operative rules managing signs in reserves requires updating to relate the relevant rules to the revised zone. It is appropriate for the PDP to have a flexible approach to signs for the purposes of reserves, as these signs are also effectively managed through the various Reserve Management Plans. Limited provision is required for signs associated with lawfully established commercial activities operating in reserves, acknowledging that these activities will generally require associated signage to assist their economic success.

## f) Signs within and above roads:

The operative sign provisions are silent on the management of the effects of signs within roads, as roads are not zoned in the District Plan. Signs are anticipated within roads to assist with traffic safety and way-finding, and other signs such as overhead verandahs above footpaths in commercial areas, signs in conjunction with temporary events and temporary filming activities, and election hoardings also appear within the roading corridor. It is appropriate that the Signs Chapter acknowledges the signs anticipated within the roads, and is clear on the resource consent requirements for signs that are not anticipated.

## g) Referencing Council design guidelines:

The operative signs chapter refers generally to '*any relevant specific zone design guidelines*<sup>1</sup>', however it would be more appropriate to incorporate the relevant design guidelines by specific reference. This ensures that any design guideline that applies (or amendment to a guideline) is subject to the Schedule 2 RMA process, including public notification and a hearing if necessary. Referencing the specific guidelines is also consistent with the approach taken for the PDP Queenstown, Wanaka and Arrowtown Town Centre Chapters notified in Stage 1 of the District Plan Review.

## h) Improving the operability of the operative rules and the definitions in PDP Chapter 2

## Definitions:

There are a number of instances in the signs chapter where, due to the drafting of a rule, its application is unclear. Most notably, this applies to the operative rules for sandwich boards and flatboard signs<sup>2</sup> (for which a practice note<sup>3</sup> was issued in 2016 to assist with interpretation), the activity status of temporary event signs<sup>4</sup> that are located off the event site, and whether illumination not exceeding 150 candelas per m<sup>2</sup> is permitted<sup>5</sup>.

Within the PDP Chapter 2 Definitions chapter there is scope for improved clarity regarding whether corporate colour schemes are included in the area of a sign<sup>6</sup>; the status of temporary event signs in relation to the definition of off-site signs<sup>7</sup>; the status

<sup>1</sup> ODP Rule 18.3.1(i) Controlled Activity – Signs in All Zones

<sup>2</sup> ODP Signs Chapter 18 Interpretative Diagram (e)

<sup>3</sup> QLDC Practice Note 13/2016 "Interpretation of 'off-site signs rule' – sandwich boards and flat board signs located on Council's legal road"

<sup>4</sup> ODP Signs Chapter 18 Activity Table 4, Rule 2 and how it interacts with Activity Table 4, Rule 12.

<sup>5</sup> ODP Signs Chapter 18 Activity Table 4, Rule 13

<sup>6</sup> PDP Chapter 2 Definitions – *Sign and Signage, Sign Area*

<sup>7</sup> PDP Chapter 2 Definitions – *Off-Site Sign*

of a sign extending above the parapet of a building<sup>8</sup> and currently PDP Chapter 2 Definitions does not include a definition of construction sign or land development sign, which are sign types referred to in the operative provisions (I note that these are recommended to be re-labelled temporary construction sign and temporary land development sign).

i) Achieving consistency with other PDP chapters:

It is appropriate for the Signs Chapter to be consistent with the structure of the other PDP chapters. Most notably, this requires re-ordering the tables of the operative signs chapter and including notes to assist plan users and advise them when an interpretative diagram within the Signs Chapter assists with interpreting a rule. In addition, minor variations are required to other PDP Chapters which currently reference the operative signs chapter.

2.6. Addressing the issues set out above will result in a more appropriate regime of managing the effects of signs and is consistent with achieving the purpose of the Act.

2.7. This Signs Chapter applies to all land notified in Stage 1<sup>9</sup> of the Proposed District Plan on 26 August 2015, and all additional land notified in Stage 2. This land collectively forms the geographic area currently subject to Volume A of the District Plan. The Signs Chapter applies to all land identified as Stage 1 and Stage 2 land on the Planning Maps attached to the Stage 2 notification bundle. The Signs Chapter, forms part of Stage 2 of the Proposed District Plan.

2.8. For clarity, **Table 1** below identifies the land area (generally described by way of zone) and various components of the PDP that together comprise Volume A of the District Plan at Stage 2 of the District Plan review as it relates to the Signs Chapter. All other land within the District continues to fall into Volume B of the District Plan.

**Table 1. District Plan Volume A components, showing Stage 2 components as related to the Signs Chapter.**

<sup>8</sup> PDP Chapter 2 Definitions – *Roof Sign*

<sup>9</sup> With the exception of land formally withdrawn from the PDP (Plan Change 50 Queenstown Town Centre extension, Plan Change 41 Peninsula Bay North, Plan Change 45 Northlake Special Zone, Plan Change 46 Ballantyne Road Industrial and Residential extension).

Volume A	
Stage 1 Proposed District Plan 26 August 2015	Stage 2 As it relates to the Signs Chapter only
<b>Introduction</b>	
1. Introduction 2. Definitions	<ul style="list-style-type: none"> <li>Variation to Stage 1 Definitions Chapter 2, as related to Stage 2 signs components.</li> </ul>
<b>Strategy</b>	
3. Strategic Direction 4. Urban Development 5. Tangata Whenua 6. Landscapes	
<b>Urban Environment</b>	
7. Low Density Residential 8. Medium Density Residential 9. High Density Residential 10. Arrowtown Residential Historic Heritage Management Zone 11. Large Lot Residential 12. Queenstown Town Centre* (part withdrawn) 13. Wanaka Town Centre 14. Arrowtown Town Centre 15. Local Shopping Centres 16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use  Variation 1: Arrowtown Design Guidelines 2016	
<b>Rural Environment</b>	
21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone	
<b>District Wide Matters</b>	
26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations	<ul style="list-style-type: none"> <li>Stage 2 Signs Chapter 31.</li> <li>Variation to Stage 1 Queenstown Airport Mixed Use Chapter 17, as related to Stage 2 signs components.</li> </ul>
<b>Special Zones</b>	
41. Jacks Point 42. Waterfall Park 43. Millbrook	

### 3. BACKGROUND

#### District Plan Review

- 3.1. The review of the Operative District Plan is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified on 26 August 2015. Hearings on Stage 1 components comprising ten individual hearing streams for 33 chapters, 1 variation<sup>10</sup> and three separate hearing streams for rezoning requests and mapping annotations<sup>11</sup> were held from March 2016 to September 2017.
- 3.2. On 29 September 2016 the Council approved the commencement of Stage 2 of the review of the Operative District Plan. As part of the 29 September 2016 resolutions, the Council addressed what the plan outcome would be at the end of the partial review, and approved the separation of the District Plan into two volumes, Volume A and Volume B. Volume A (at the point in time of notification of Stage 2) consists of the Proposed District Plan chapters notified in Stages 1 and 2 of the proposed District Plan, which includes variations to Stage 1, and all the land as identified in the Planning Maps forming the Stage 2 notification bundle, as discussed above.
- 3.3. All other land currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified (i.e. Township Zone, Industrial A and B Zones, Rural Visitor Zone), land that has been withdrawn from the district plan review (i.e. the land subject to Plan Changes 46 - Ballantyne Road Industrial and Residential extensions, 50 - Queenstown Town Centre extension and 51 – Peninsula Bay North) and the Frankton Flats B Special Zone and the Remarkables Park Special Zone. All Volume B land is subject to the Operative District Plan.

### Signs

- 3.4. Operative Chapter 18 was notified in March 2014 as Plan Change 48. The provisions replaced a previous regime whereby the effects of signs were regulated through a combination of District Plan provisions and a Bylaw. The plan change attracted 21 submissions and 4 further submissions and a hearing was held in August 2014.
- 3.5. Council's decision on Plan Change 48 was released on 27 November 2014 and one appeal was received from APN Outdoor Limited. The appeal related to the activity status of hoardings, which was subsequently shifted from prohibited to non-complying as a result of environment court mediation. The appeal was formally resolved by consent order issued on 5 June 2015 and the new chapter became operative in its entirety on 24 June 2015.

<sup>10</sup> Variation 1 – Arrowtown Design Guidelines 2016

<sup>11</sup> Ski Area Sub Zones, Upper Clutha Area and the Queenstown Area (excluding the Wakatipu Basin).

- 3.6. It was the initial intention of Council that the signs chapter was notified ahead of notification of decisions on Stage 1 of the PDP, on the basis that as the various Stage 1 PDP components became operative, they would replace those existing operative components of the Operative District Plan and integrate with the Operative District Wide Chapter 18 Signs Chapter. However, as a consequence of the separation of the District Plan into two volumes each volume requires a district wide signs chapter. As a consequence, the existing Operative Signs Chapter 18 sits in Volume B of the District Plan, and Volume A of the District Plan, which will also encompass the vast majority of land in the District, requires a signs chapter.

#### **Jurisdictional Matters**

- 3.7. No decision has been made on the Proposed District Plan 2015 (Stage 1 and Variation 1) at the time of notification of Stage 2, and therefore this Stage 2 Signs Chapter cannot anticipate what Panel recommendations and subsequently the Council's decision might be, in terms of notifying zone specific standards. The chapter therefore refers to PDP chapters/zones as notified in Stage 1 and any statutory changes made since notification<sup>12</sup>.
- 3.8. Therefore, for instance, the Signs Chapter does not refer to the Council recommended "Airport Zone", which encapsulates the Wanaka airport (as well as the notified Queenstown airport), because the (Wanaka) Airport Zone is at this point in time only recommended in response to Stage 1 submissions<sup>13</sup> and in the PDP at this point in time remains zoned Rural.
- 3.9. This is a consequence of the staged approach to the review, and can be addressed through either interested parties lodging a submission, or the Council itself lodging a submission on the Signs Chapter to ensure the chapter ultimately includes any necessary standards for any new zones or issues, included in the PDP by Council Stage 1 decisions. It is acknowledged that before any submission by Council on the Stage 2 components is lodged, it will need to be passed by a resolution of Council.

#### **4. PURPOSE OF THE REPORT**

- 4.1. Section 32 of the Resource Management Act 1991 ('the Act' or 'the RMA') requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014). This report fulfils the obligations of the Council under section 32 of the Act. The analysis set out below (within sections 5 to 11) should be read together with the text of Proposed Chapter 31 Signs.

<sup>12</sup> For instance, Variation 1 Arrowtown Design Guidelines, withdrawal of land subject to PC 46, PC 50 and PC 51.

<sup>13</sup> Refer to submission of Queenstown Airport Corporation #433. Section 42A report Chapter 17 dated 2 November 2016- Hearing Stream 8 Business Zones.



- 4.2. This report provides an analysis of the key issues, objectives and the policy response for the Signs Chapter of the proposed District Plan under the following headings;
- a) An overview of the applicable **Statutory Policy Context** (Section 5);
  - b) Description of the **Non-Statutory Context** (strategies, studies and community plans), which have informed the proposed provisions (Section 5);
  - c) A description of the **Resource Management Issues**, which provide the driver for the proposed provisions (Section 6);
  - d) An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act (Sections 8 and 9), that is
    - Whether the objectives are the most appropriate way to achieve the RMA's purpose (Section 32(1)(a)).
    - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (Section 32(1)(b)), including:
      - identifying other reasonably practicable options for achieving the objectives,
      - assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
      - summarising the reasons for deciding on the provisions;
  - e) A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (Section 32(1)(c)) (Section 7); and
  - f) Consideration of **Risk** (Section 11).

## 5. STATUTORY POLICY CONTEXT

### Resource Management Act 1991

- 5.1. Section 5 sets out the purpose of the RMA, which requires an integrated planning approach and direction to promote the sustainable management of natural and physical resources. Guidance as to how the overall sustainable management purpose is to be achieved is provided in the other sections, including sections 6, 7 and 8 of Part 2 of the Act:

#### **5 Purpose**

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) 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 well-being 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.*

5.2. Section 6 of the RMA sets out a number of matters of national importance. Depending on the location, scale and the manner in which earthworks are undertaken, earthworks and land disturbance activities are applicable to all matters in section 6:

- (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 Maori 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 protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

5.3. Section 7 lists “other matters” that Council shall have particular regard to and those most relevant to the Signs Chapter include the following:

- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*

5.4. Section 8 requires that Council take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The principles as they relate to resource management derive from

Te Tiriti o Waitangi itself and from resource management case law and practice. They can be summarised as follows:

- a) That there must be active protection of the partnership between the two parties;
- b) That there is an obligation to act with reasonableness and good faith, with both parties being prepared to compromise;
- d) That dialogue and consultation will be the main way in which to give effect to the three principles outlined above.

5.5. Signs are a component of the sustainable use and development of land but the potential adverse effects need to be managed to ensure the Council in exercising its functions gives effect to sections 6 and 7 of the Act. If left unchecked or poorly managed signs can have adverse effects on the important resources of the District, including the landscapes, amenity and the safety and efficiency of roads.

5.6. Section 31 of the RMA states (relevant areas underlined to emphasise the provisions relevant to this evaluation):

*31 Functions of territorial authorities under this Act*

*(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
  - (i) the avoidance or mitigation of natural hazards; and*
  - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
  - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
  - (iii) the maintenance of indigenous biological diversity:*
- (c) [Repealed]*
- (d) the control of the emission of noise and the mitigation of the effects of noise:*
- (e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- (f) any other functions specified in this Act.*

*(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision*

- 5.7. The proposed signs provisions help to achieve the integrated management of natural and physical resources by enabling signs, subject to controls to ensure the actual and potential adverse effects of signs are appropriately managed.

#### **Local Government Act 2002**

- 5.8. Sections 14(c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

*(c) when making a decision, a local authority should take account of—*

- (i) the diversity of the community, and the community's interests, within its district or region; and*
- (ii) the interests of future as well as current communities; and*
- (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*

*(g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*

*(h) in taking a sustainable development approach, a local authority should take into account—*

- (i) the social, economic, and cultural interests of people and communities; and*
- (ii) the need to maintain and enhance the quality of the environment; and*
- (iii) the reasonably foreseeable needs of future generations*

- 5.9. As per Part II of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future-focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

- 5.10. Section 14(g) is of relevance in so far as a planning approach emphasising that signs of a variety of types and for a variety of purposes are anticipated, but can also have adverse effects on natural and physical resources.

- 5.11. Having regard to these provisions, the approach through this review is to provide a balanced framework in the District Plan to manage these resources appropriately. Furthermore, no less important is the need to ensure the provisions are presented in a manner that is clearly interpreted to facilitate effective and efficient District Plan administration.

### Iwi Management Plans

- 5.12. When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

- 5.13. The following iwi management plans are relevant:

*The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)*

- 5.14. Section 3.4 Takitimu Me Ona Uri: High Country and Foothills contains the following policy that has relevance to signs:

#### *3.4.8 Access and Tourism*

*Policy 2. Development that includes building activity should consider specific landscape and geographical features and the significance of those to Ngāi Tahu Whānui, Activity whereby buildings will protrude above ridgelines or displace sites of cultural significance should be avoided.*

#### *3.5.7 Subdivision and Development*

- 5.15. Policies 1- 18 contain a range of policies that are relevant to development, cover iwi involvement in planning processing and plan development, interaction with developers and iwi, particularly where there may be significant effects, long term planning and cumulative effects, avoiding adverse effects on the natural environment and advocating for the use of esplanades reserves.

*Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)*

- 5.16. Part 10: Clutha/Mata-au Catchments *Te Riu o Mata-au* outlines the issues, and policies for the Clutha/Mata-au Catchments. Included in this chapter is a description of some of the Kāi Tahu ki Otago values associated with the Clutha/Mata-au Catchments. Generic issues, objectives and policies for all catchments across the Otago Region are recorded in Chapter 5 Otago Region.

5.17. Part 10.2.2 Wai Māori Issues in the Clutha/Mata-au Catchment, identifies the following land use policies:

*9. To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.*

*10. To promote sustainable land use in the Clutha/Mata-au Catchment.*

5.18. The iwi management plans have been taken into account as part of the preparation of the Section 32 evaluation and Signs Chapter.

## **Regional Policy Statements**

### **Operative Regional Policy Statement 1998**

5.19. Section 74 of the Act requires that a district plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. The operative Otago Regional Policy Statement 1998 (**RPS**) is the relevant regional policy statement to be given effect to within the PDP.

5.20. The following Issues from Part 9: Built Environment of the RPS are relevant to signs:

#### ***Issue 9.3.1***

*The adverse effects of urban development and settlement can impact upon the quality of the built environment and on the use of natural and physical resources*

#### ***Issue 9.3.3***

*Otago is dependent on an efficient transport network to utilise its resources, and to provide mobility and access for its people and communities.*

5.21. The objectives and policies that have relevance to managing the effects of signs are as follows:

#### ***Objective 9.4.1:***

*To promote the sustainable management of Otago’s built environment in order to:*

*(a) Meet the present and reasonably foreseeable needs of Otago’s people and communities; and*

*(b) Provide for amenity values, and*

*(c) Conserve and enhance environmental and landscape quality; and*

*(d) Recognise and protect heritage values.*

#### ***Objective 9.4.2:***

*To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.*

**Objective 9.4.3:**

*To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.*

**Policy 9.5.3:**

*To promote and encourage the sustainable management of Otago's transport network through:*

...

*(c) Promoting a safer transport system...*

**Policy 9.5.4:**

*To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:*

...

*(c) Visual intrusion and a reduction in landscape qualities; and*

*(d) Significant irreversible effects on:*

*(i) Otago community values; or*

*(ii) Kai Tahu cultural and spiritual values; or...*

*(v) Heritage values; or*

*(vi) Amenity values; or...*

**Policy 9.5.5:**

*To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:*

*(a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and*

*(b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and*

*(c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

**Policy 9.5.6:**

*To recognise and protect Otago's regionally significant heritage sites through:*

...

*(b) Developing means to ensure those sites are protected from inappropriate subdivision, use and development.*

- 5.22. The proposed Signs Chapter appropriately manages the effects of signs on amenity values, landscape quality and heritage values, whilst contributing to the promotion of a safer transport network. The Signs Chapter is consistent with, and gives effect to, the relevant operative RPS provisions.

### **Proposed Regional Policy Statement 2015**

- 5.23. Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "have regard to" any proposed regional policy statement. The Proposed Otago Regional Policy Statement (**PRPS**) was notified for public submissions on 23 May 2015, and decisions on submissions were released on 1 October 2016. The majority of the provisions of the Decisions Version have been appealed and mediation is currently taking place. Accordingly, limited weight can be provided to the Decisions Version of the PRPS. However, the provisions of PRPS are relevant in highlighting the direction given toward local authorities managing the potential adverse effects of signs.

- 5.24. The following objectives and policies from the PRPS Decision version: 1 October 2016 are relevant to signs:

**Objective 3.2:** *Otago's significant natural resources are identified, and protected or enhanced*

**Policy 3.2.4:** *Managing outstanding natural features, landscapes and seascapes* **Policy 3.2.6:** *Managing highly valued natural features, landscapes and seascapes*

**Objective 4.5:** *Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments*

**Policy 4.5.1:** *Managing for urban growth and development*

**Policy 4.5.3:** *Urban design*

**Policy 4.5.6:** *Designing for public access*

**Objective 5.1:** *Public access to areas of value to the community is maintained or enhanced*

**Policy 5.1.1:** *Public access*

**Objective 5.2:** *Historic heritage resources are recognised and contribute the region's character and sense of identity*

**Policy 5.2.3:** *Managing historic heritage*

**Objective 5.3:** *Sufficient land is managed and protected for economic production* **Policy 5.3.3:** *Distribution of commercial activities*



5.25. The Signs Chapter has regard to the above objectives and policies by managing the effects of signs throughout the District, including by:

- managing the effects on outstanding natural features, landscapes and historic heritage;
- managing the effects of signs to assist with achieving appropriate urban design outcomes and desired levels of amenity;
- providing flexibility for signs within reserves to assist with enhancing public access to areas of value to the community and supporting the use of reserves for public events; and
- balancing the need for signs in commercial areas that positively contribute to economic viability and vibrancy, and managing their location, size and design to assist with achieving these outcomes.

### **Proposed District Plan**

#### **Notified PDP 26 August 2015**

5.26. The following objectives and policies (or parts thereof) of the PDP (Part 2 Strategic) are relevant to signs, and the Signs Chapter should take into account and give effect to these provisions:

#### **Strategic Direction Chapter 3**

Objective 3.2.1.1	Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy.
Policy 3.2.1.1.1	Provide a planning framework for the Queenstown and Wanaka central business areas that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths.
Objective 3.2.1.2	Recognise, develop, sustain and integrate the key mixed use function of the wider Frankton commercial area, comprising Remarkables Park, Queenstown Airport and Five Mile.
Policy 3.2.1.2.2	Recognise and provide for the varying complementary functions and characteristics of the various mixed use development nodes within the Frankton commercial area.
Objective 3.2.1.3	Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas, and the Frankton

	commercial area, in the District.
Policy 3.2.1.3.2	Reinforce and support the role that township commercial precincts and local shopping centres fulfil in serving local needs.
Objective 3.2.1.3	Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas, and the Frankton commercial area, in the District.
Policy 3.2.1.3.2	Reinforce and support the role that township commercial precincts and local shopping centres fulfil in serving local needs.
Objective 3.2.2.1	Ensure urban development occurs in a manner that : <ul style="list-style-type: none"> <li>• promotes a compact, well designed and integrated urban form;</li> <li>• manages the cost of Council infrastructure; and</li> <li>• protects the District's rural landscapes from sporadic and sprawling development.</li> </ul>
Policy 3.2.2.1.2	Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.
Objective 3.2.3.1	Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.
Policy 3.2.3.1.1	Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.
Objective 3.2.3.2	Protect the District's cultural heritage values and ensure development is sympathetic to them.
Policy 3.2.3.2.1	Identify heritage items and ensure they are protected from inappropriate development.
Objective 3.2.4.7	Facilitate public access to the natural environment.
Objective 3.2.5.1	Protect the character of Outstanding Natural Landscapes and Outstanding Natural Features from inappropriate subdivision, use and development.
Policy 3.2.5.1.1	Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and ensure that any adverse effects on their character arising from subdivision, use and development are avoided, remedied or mitigated.
Objective 3.2.5.2	Maintain and enhance the landscape character of the Rural Landscape Classification whilst acknowledging the potential for managed and low

	impact change.
Policy 3.2.5.2.1	Identify the district's Rural Landscape Classification on the district plan maps, and ensure that the adverse effects of subdivision, use and development on the recognised landscape values of the classification are avoided, remedied or mitigated.
Objective 3.2.5.3	Direct new urban subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.
Policy 3.2.5.3.1	Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships, and enable greater density of development in appropriate locations .
Objective 3.2.6.3	Provide a high quality network of open spaces and community facilities.
Policy 3.2.6.3.1	Ensure that open spaces and community facilities are accessible for all people.
Policy 3.2.6.3.2	That open spaces and community facilities are located and designed to be desirable, safe, accessible places.
Objective 3.2.6.4	Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.
Policy 3.2.6.4.1	Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design".
Policy 3.2.6.4.2	Ensure Council-led and private design and development of public spaces and built development maximises the opportunity for recreational and commuting walking and cycling.

5.27. The Strategic Directions seek to enable development while protecting the valued natural and physical resources of the District. The Signs Chapter is required to give effect to these obligations.

#### Urban Development Chapter 4:

Objective 4.2.1	Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.
Policy 4.2.1.1	Land within and adjacent to the major urban settlements will provide the focus for urban development, with a lesser extent accommodated within smaller rural townships.

Policy 4.2.1.4	Development enhances connections to public recreation facilities, reserves, open space and active transport networks.
Policy 4.2.1.5	Urban development is contained within or immediately adjacent to existing settlements.
Policy 4.2.1.6	Avoid sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values; or compromise the viability of a nearby township.
Objective 4.2.5	Manage the scale and location of urban growth in the Arrowtown Urban Growth Boundary.
Policy 4.2.5.2	Ensure that development within the Arrowtown Urban Growth Boundary provides: <ul style="list-style-type: none"> <li>an urban form that is sympathetic to the character of Arrowtown, including its scale, density, layout and legibility in accordance with the <i>Arrowtown Design Guidelines 2016</i>...</li> </ul>
Objective 4.2.6	Manage the scale and location of urban growth in the Wanaka Urban Growth Boundary.
Policy 4.2.6.2	Ensure that development within the Wanaka Urban Growth Boundary: <p>...</p> <ul style="list-style-type: none"> <li>Provides a sensitive transition to rural land at the edge of the Urban Growth Boundaries through the use of: appropriate zoning and density controls; setbacks to maintain amenity and open space; and design standards that limit the visual prominence of buildings...</li> <li>Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities ...</li> <li>Does not diminish the qualities of significant landscape features</li> </ul>

5.28. The Urban Development objectives and policies encourage consolidation of urban growth within the urban growth boundaries and existing settlements. The management of signs is important to ensure these environmental objectives are realised.

### Landscapes Chapter 6

Objective 6.3.3	Protect, maintain or enhance the district's Outstanding Natural Features (ONF).
Policy 6.3.3.1	Avoid subdivision and development on Outstanding Natural Features that

	does not protect, maintain or enhance Outstanding Natural Features.
Policy 6.3.3.2	Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.
Objective 6.3.4	Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL).
Policy 6.3.4.1	Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.
Objective 6.3.5	Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).
Policy 6.3.5.1	Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.

5.29. The signs chapter gives effect to Sections 6(b) and 7(c) of the Act and the Landscape Chapter 6 by managing the actual and potential adverse effects of signs where these could affect the District's landscape values.

#### **Council Reply versions post hearings on submissions**

5.30. Following the consideration of submissions and hearings, Council filed recommended iterations of the PDP provisions where changes were supported by Council officers appearing at the hearings. These version do not have any statutory status, however they are important in the context of whether the Council's position on a matter has moved from the notified PDP.

5.31. The respective 'reply' version of the PDP chapters are not considered to give cause for a change in approach to the management of signs.

#### **Other Council Documents Considered**

The following Council Documents and projects have informed this Section 32 evaluation.

QLDC Design Guidelines:

- Wanaka Town Centre Character Guideline 2011<sup>14</sup>
- Queenstown Town Centre Special Character Area Design Guidelines – July 2015<sup>15</sup>
- Arrowtown Design Guidelines 2016<sup>16</sup>

QLDC Reserve Management Plans<sup>17</sup>:

- Arrowtown-Lakes Hayes Reserve Management Plan – August 2013
- Albert Town Recreation Reserve Management Plan – October 2010
- Ben Lomond & Queenstown Hill Reserve Management Plan – October 2010
- Eely Point reserve Development Plan – 2000
- Kelvin Heights Reserve Management Plan – 1990
- Lismore Park, Kelly's Flat & Allenby Park Reserve Management Plan – February 2008
- Pembroke Park Reserve Management Plan – September 2007
- Queenstown Gardens Reserve Management Plan – April 2011
- Queenstown Bay Foreshore Reserve Management Plan – 2016
- Queenstown Recreation Reserve Management Plan - March 2006
- Ruby Island Reserve Management Plan – 1988
- Sunshine Bay to Kelvin Heights Reserve Management Plan – February 2016
- Wanaka Lakefront Reserves Management Plan – October 2014
- Wanaka Library & Bullock Creek Reserve Management Plan – 1984
- Wanaka Recreation Reserve Management Plan – March 2017

## 6. INTRODUCTION

- 6.1. The preceding discussion has identified that signs are an important component of land use and development, however the actual and potential adverse effects of signs need to be managed to ensure that sustainable management of natural and physical resources is promoted.

<sup>14</sup> [http://www.qldc.govt.nz/assets/OldImages/Files/Strategies/Urban\\_Design\\_Strategy/Wanaka\\_Design\\_Guidelines\\_FINAL\\_July\\_2011.pdf](http://www.qldc.govt.nz/assets/OldImages/Files/Strategies/Urban_Design_Strategy/Wanaka_Design_Guidelines_FINAL_July_2011.pdf)

<sup>15</sup> Version notified in Stage 1 of the District Plan Review, which was recommended to remain unmodified in the Council Right of Reply released following the adjournment of Hearing Stream 08, which was heard between 28 November – 6 December 2016: <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/District-Plan-Review-2015-s32-Links/Queenstown-Town-Centre/20150714-QUEENSTOWN-TOWN-CENTRE-SPECIAL-CHARACTER-AREA-GUIDELINES-COMPLETE-JG-FINAL-incl-font-size-pages-1-and-2.pdf>

<sup>16</sup> Both the version notified as Variation 1 to the PDP, which was heard on 7 November 2016, and the Council Right of Reply version were considered: <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-6A/Council-Right-of-Reply/QLDC-06A-Arrowtown-Design-Guidelines-Memorandum-filing-updated-ADG-2016-Reducedpdf.pdf>

<sup>17</sup> All listed Reserve Management Plans are available here: <http://www.qldc.govt.nz/council-online/council-documents/reserve-management-plans/>

6.2. The following key issues have been identified as the central themes associated with signs.

### **Key Issues**

#### **Issue 1 –Landscape and visual amenity**

6.3. Signs can have adverse effects on the District's landscapes and amenity values in urban and rural locations. Signs are an important resource and have an array of purposes, including most notably the promotion of commercial and community activities. They assist with enabling the District's communities and economy to thrive, however it is appropriate that the visual effects of signs are managed to ensure that they respond appropriately to their location and context. For instance, signs are anticipated in the District's commercial areas, however it is appropriate to manage their location, size and appearance, and where possible encourage integration with building design, to assist with achieving quality design outcomes, which contributes to maintaining appropriate levels of visual amenity.

6.4. Limiting the size and number of signs in residential and rural areas assists with maintaining desired levels of landscape and visual amenity. Managing the effects of off-site signs (signs that are not on the site of the activity they relate to) by ensuring that they respond to the character and context of their location also assists with limiting adverse effects on landscapes and amenity.

#### **Issue 2 – Safety**

6.5. Signs can contribute positively to safety, but also have the potential to create significant adverse effects. For example, signs within roads are an important resource to promote traffic safety; however signs that attract the attention of road users require management to ensure the safety of road users and pedestrians is maintained.

6.6. Signs for way-finding in commercial areas, such as town centres, can contribute positively, however if they obstruct a thoroughfare they can pose a hazard to pedestrians. Signs can assist with providing access to Council reserves by conveying information and way-finding, and flexibility is required so that they can be managed effectively through the implementation of Reserve Management Plans.

## **7. SCALE AND SIGNIFICANCE EVALUATION**

7.1. The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the

implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline in Operative District Plan Chapter 18.
- Have effects on matters of national importance.
- Adversely affect those with specific interests.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.
- Whether the proposed provisions are more appropriate than the existing.

- 7.2. The level of detail of analysis in this report is **low to moderate**. The Operative District Plan Chapter 18 has been used as a basis for the revised provisions, with the most notable changes within the proposed rules being a change to the activity status of hoardings, and the introduction of a maximum sign area of 5m<sup>2</sup> per tenancy for signs within the ground floor area of buildings in commercial areas. The objectives and policies have been revised to provide greater clarity regarding the desired environmental outcomes. Although articulated in a more comprehensive manner, these outcomes align with those generally anticipated by the operative signs chapter. In the case of hoardings, no resource consents have been applied for or consequently issued for this sign type since the current rules (Operative District Plan Chapter 18) became operative, which suggests that there is not a high level of demand for hoardings.
- 7.3. The proposed changes to definitions improve their operability and the operability of the objectives and provisions that utilise those terms. In the same vein, rules in the operative chapter that have been identified as having uncertain application or being open to ambiguous interpretation have been reworded to ensure that they can be implemented and enforced more effectively and efficiently than the status quo.
- 7.4. Signs within reserves are proposed to be managed through rules for the Open Space and Recreation Zone, rather than the operative regime of a rule that relates to reserves rather than the underlying zone. The revised provisions enable flexibility for signs for the purpose of a reserve within the Open Space and Recreation Zone, acknowledging that signs within these areas are already well managed through the implementation of Reserve Management Plans. There is also limited provision for signs related to lawfully established commercial activities operating within reserves, acknowledging that such activities are likely to require associated signage in order to assist with their economic viability.



- 7.5. QLDC Practice Note 13/2016 is a guidance document that sits outside the operative chapter but assists with the interpretation of the operative rules relating to sandwich boards and flat board signs. The information provided in the practice note has been incorporated into the Signs Chapter through policy and a clearer articulation of the relevant rules, and although the practice note will still contain relevant information, it will no longer be required.
- 7.6. The format and structure of the operative chapter has not been continued, and rather the chapter structure developed for the PDP has been used. This results in a departure from the status quo, as most notably the tables for activities have been re-ordered. Maintaining consistency with the PDP chapter structure is considered important to ensure that the PDP is presented as a cohesive whole.
- 7.7. An analysis of alternatives has been undertaken, including consideration of the option of reverting back to a regime of a signs Bylaw in conjunction with District Plan provisions. It is recommended that a continuation of the status quo (no Bylaw) is a more effective and efficient method of managing the effects of signs.
- 7.8. In summary the Signs Chapter will result in variance from the existing baseline, however in most instances the operative regime for managing the effects of signs is recommended to remain.

**8. EVALUATION OF PROPOSED OBJECTIVES SECTION 32(1)(a)**

- 8.1. The identification and analysis of issues has helped define how Section 5 of the RMA should be applied. This has informed determination of the most appropriate objectives to give effect to Section 5 of the RMA in light of the issues.
- 8.2. Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act. The following objectives serve to address the key Strategic issues in the District:

<i><b>Proposed Objective</b></i>	<i><b>Appropriateness</b></i>
<b>31.2.1</b>  <b>The location, size, design and appearance of signs are managed to assist with maintaining appropriate levels of amenity.</b>	<p>The objective provides a framework for addressing the effects of signs in order to maintain visual amenity. The objective contemplates that signs are necessary and are anticipated in the District, but their effects on amenity must be managed. It provides guidance regarding the matters relating to signs that require management to assist plan users and to focus the policies and provisions on those matters.</p> <p>The objective recognises and provides the basis for a policy framework to implement the Council's function required under s31 of the RMA, in particular the management of effects of development. The objective gives effect to the Strategic Direction, Urban Development and Landscapes objectives and policies identified in part 5 of this evaluation.</p> <p>Recognises the interrelationship between part 5 of the Act and provides a framework for the effective management of resources as required by section 6, and in particular the matters listed in section 6 (a), (b), (d), and (f), and has regard to sections 7(b),(c) and (f) of the RMA.</p> <p>For the above reasons the objective is the most appropriate way to achieve the purpose of the RMA.</p>
<b>31.2.2</b>  <b>The adverse effects of signs are managed to limit the impact on public safety, including the safety of pedestrians and users of the roading network.</b>	<p>The objective provides a framework for the issue of safety to be addressed in the management of the adverse effects of signs. The objective contemplates that signs are necessary and anticipated in the District, but their effects on safety must be managed. The objective does not preclude that signs can contribute positively to public safety.</p> <p>The objective recognises and provides the basis for a policy framework to implement the Council's function required under s31 of the RMA, in particular the management of effects of development. The objective gives effect to the Strategic Direction and Urban Development objectives and policies identified in part 5 of this evaluation.</p> <p>Provides a framework for the effective management of resources as required by section 6 (d), and has regard to</p>

	sections 7(b) and (f) of the RMA.
<b>31.2.3</b>  <b>Signs are complementary to, and do not detract from, the design values of the building they are attached to and are sympathetic to the design values of nearby developments and public places.</b>	<p>The objective provides a targeted framework for ensuring that signs respond positively to the design values of buildings, thereby focussing on a specific issue that is relevant to Objective 31.2.1. As signs are often erected in conjunction with activities occurring in associated buildings, it is appropriate to provide a specific objective and associated policies.</p> <p>The objective recognises and provides the basis for a policy framework to implement the Council's function required under s31 of the RMA, in particular the management of effects of development. The objective gives effect to the Strategic Direction and Urban Development objectives and policies identified in part 5 of this evaluation.</p> <p>Recognises the interrelationship between part 5 of the Act and provides a framework for the effective management of resources as required by section 6, and in particular the matters listed in section 6 (a), (b), and (f), and has regard to sections 7(b),(c) and (f) of the RMA.</p> <p>For the above reasons the objective is the most appropriate way to achieve the purpose of the RMA.</p>
<b>31.2.4</b>  <b>Signs located on waterfronts, wharves and jetties (including signs on buildings on wharves and jetties) convey necessary information while preserving a high standard of amenity and public views.</b>	<p>The objective provides a targeted framework for the management of the effects of signs located on waterfronts, wharves and jetties.</p> <p>The objective recognises and provides the basis for a policy framework to implement the Council's function required under s31 of the RMA, in particular the management of effects of development. The objective gives effect to the Strategic Direction, Urban Development and Landscapes objectives and policies identified in part 5 of this evaluation.</p> <p>Recognises the interrelationship between part 5 of the Act and provides a framework for the effective management of resources as required by section 6, and in particular the matters listed in section 6 (a), (b), (d), (e) and (f), and has regard to sections 7(b),(c) and (f) of the RMA.</p> <p>For the above reasons the objective is the most appropriate way to achieve the purpose of the RMA.</p>
<b>31.2.5</b>  <b>Signs promoting temporary events for a limited duration are enabled so long as they are managed to minimise adverse effects on traffic,</b>	<p>The objective provides a targeted framework for the management of the effects of signs associated with temporary events.</p> <p>The objective recognises and provides the basis for a policy framework to implement the Council's function required under s31 of the RMA, in particular the management of effects of development. The objective gives effect to the Strategic Direction, Urban Development and Landscape objectives and policies identified in part 5 of this evaluation.</p>

<b>pedestrian and public safety and visual amenity.</b>	<p>Recognises the interrelationship between part 5 of the Act (contributing to providing for the social, economic and cultural well-being, while avoiding, remedying or mitigating adverse effects of activities on the environment), and has regard to sections 7(b),(c) and (f) of the RMA.</p> <p>For the above reasons the objective is the most appropriate way to achieve the purpose of the RMA.</p>
<b>31.2.6 Off-site signs are enabled in limited circumstances.</b>	<p>The objective provides a targeted framework for the management of the effects of off-site signs, as they are a sign-type that can, in particular have significant effects on visual amenity and traffic if they are not appropriately managed.</p> <p>The objective recognises and provides the basis for a policy framework to implement the Council's function required under s31 of the RMA, in particular the management of effects of development. The objective gives effect to the Strategic Direction, Urban Development and Landscape objectives and policies identified in part 5 of this evaluation.</p> <p>Recognises the interrelationship between part 5 of the Act and assists with the effective management of resources as required by section 6(a), (b), (d) and (f) and has regard to sections 7(b),(c) and (f) of the RMA.</p> <p>For the above reasons the objective is the most appropriate way to achieve the purpose of the RMA.</p>

## 9. EVALUATION OF THE PROPOSED PROVISIONS SECTION 32(1)(b)

9.1. The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. For the purposes of this evaluation the proposed provisions are grouped by the resource management issue.

### **Issue 1 – Landscape and visual amenity**

A summary of proposed provisions and components of the Signs Chapter that address this issue and give effect to the objectives:

General Policies<sup>18</sup>:

- Policy 31.2.1.1 Maintain character and amenity values
- Policy 31.2.1.2 Consideration of character and amenity values anticipated by relevant Zone (or in the case of roads, the nearest adjoining Zone)
- Policy 31.2.1.3 Strongly encourage signs to be located on the site of the related activity
- Policy 31.2.1.4 Manage adverse effects of lighting in conjunction with signs
- Policy 31.2.1.6 Manage adverse effects of signs in Zones for commercial and mixed use activities
- Policy 31.2.1.7 Limit sign types enabled in public places, attached to utilities and on buildings for community activities
- Policy 31.2.1.8 Signs on Outstanding Natural Features (ONFs) and in Outstanding Natural Landscapes (ONLs)
- Policy 31.2.1.9 Use of signage platforms
- Policy 31.2.1.10 Signs that result in adverse effects to be avoided
- Policy 31.2.1.11 Manage the effects of signs on heritage values (in conjunction with Chapter 26 – Historic Heritage)

## Policies for signs associated with development:

- Policy 31.2.3.1 Matters to be considered for the display of signs in conjunction with buildings to achieve consistency with the building design
- Policy 31.2.3.2 Ensure the design of signs attached to buildings is consistent with the amenity, visual, heritage, landscape and streetscape values of the site and surrounding environment
- Policy 31.2.3.3 Guidance for approval of signs that exceed the size of dimension limits
- Policy 31.2.3.4 Manage the extent of signage on windows to encourage visual interest
- Policy 31.2.3.5 Encourage use of signage platforms integrated with building design

## Policies for signs located on waterfronts, wharves and jetties:

- Policy 31.2.4.1 Provide for signs that convey information regarding commercial activities and services operating from the wharf, jetty or waterfront
- Policy 31.2.4.2 Ensure that waterfront signs only convey essential information directly associated with the activities occurring there
- Policy 31.2.4.3 Effects on views and amenity

## Policies for signs associated with temporary events:

- Policy 31.2.5.1 Recognise the contribution of temporary events to the social, economic and cultural wellbeing of the District by enabling

<sup>18</sup> All policy references in this table paraphrase the general intent of the policy – refer to the Signs Chapter for the full wording of the policies

<p>signs on the event site but limit the size and duration of signs, and enabling a limited number of signs to be located off the event site</p> <ul style="list-style-type: none"> <li>• Policy 31.2.5.2 Have particular regard to the effects on visual amenity when considering temporary event signs</li> </ul> <p>Policies for off-site signs:</p> <ul style="list-style-type: none"> <li>• Policy 31.2.6.1 Lists matters to have regard to when considering the appropriateness of an off-site sign</li> <li>• Policy 31.2.6.2 Acknowledges that off-site signs that convey information to assist the public, rather than being for the purposes of commercial advertising, can have social and cultural benefits</li> </ul> <p>Matters addressed in rules:</p> <ul style="list-style-type: none"> <li>• Identification of the sign types enabled as a permitted activity, and those requiring resource consent</li> <li>• Signs on wharves and jetties (including signs on buildings on wharves and jetties)</li> <li>• Off-site signs</li> <li>• Temporary event signs</li> <li>• Identified sign types that are prohibited</li> <li>• Limits on the number, size, design and appearance of signs enabled or requiring resource consent within the various specified District Plan Zones.</li> <li>• Provision for the establishment of signage platforms in specified zones to manage the effects of signs, whilst providing flexibility for the sign content to change without the need for a subsequent resource consent.</li> <li>• Managing the effects of sign illumination.</li> </ul>			
<b><i>Matters addressed in rules</i></b>	<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Effectiveness &amp; Efficiency</i></b>

<p><b>Identification of the sign types anticipated in the District</b></p>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Costs to environment where activities are undertaken within the permitted limits for the various sign types. These costs are considered to be low.</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Costs to apply for consent where the permitted standards for the various sign types are not met.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>	<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Provides certainty regarding the various sign types considered by the PDP by listing the various types and defining them in Chapter 2 Definitions. This reduces costs associated with uncertainty.</li> </ul> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Enables standards to be tailored to the specific sign types defined in Chapter 2 Definitions to appropriately manage effects. The following variations to definitions notified in Stage 1 of the District Plan Review Chapter 2 Definitions will also assist with achieving this outcome:</li> </ul> <p><b>a)</b> varying Chapter 2 Definitions to amend the notified definitions of <i>Flat board</i>, <i>Free Standing Sign</i>, <i>Under Verandah Sign</i> and <i>Wall Sign</i> removes duplication, as definitions of these sign types also appear in the notified definition of <i>Sign Types</i>, which is recommended to be retained (albeit in a modified form); and</p> <p><b>b)</b> varying Chapter 2 Definitions to amend the definition of <i>Ground Floor Area (For Signs)</i> as it is not a definition, and rather provides guidance for plan users as to</p>	<p><b>Effectiveness and efficiency</b></p> <p>The provisions are effective and efficient as they provide certainty regarding the activity status of various sign types.</p>
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		<p>how to calculate ground floor area. The guidance from the notified definition is recommended to be shifted to the Interpretive Diagram section 31.13 of the Signs Chapter; and</p> <p><b>c)</b> varying Chapter 2 Definitions to amend the notified version of the definition of <i>Sign and Signage</i> to provide greater clarity that corporate colour schemes are included in the definition; and</p> <p><b>d)</b> varying Chapter 2 Definitions to amend the notified version of the definition of <i>Sign Area</i> to remove any doubt that corporate colour schemes are included in the calculation of the area of a sign; and</p> <p><b>e)</b> within the notified definition of <i>Sign types</i> it is recommended that <i>Off-site Sign</i> is varied to exclude temporary event signs, this in turn assist with the correct application of rule 31.6.2(d), which provides for a limited number of temporary event signs to be located off the site of the event; and</p> <p><b>f)</b> within the notified definition of <i>Sign types</i> it is recommended</p>	
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		<p>that <i>Roof Sign</i> is varied to capture signs projecting above the <i>parapet</i>. This change enables clearer interpretation of the definition and rules relating to roof signs; and</p> <p><b>g)</b> within the notified definition of <i>Sign types</i> it is recommended that a new definition of <i>Temporary Construction Sign</i> is inserted to assist with the clear interpretation of Rules 31.5.8 and 31.6.6; and</p> <p><b>h)</b> within the notified definition of <i>Sign types</i> it is recommended that a new definition of <i>Temporary Land Development Sign</i> is inserted to assist with the clear interpretation of Rules 31.5.6 and 31.6.4; and</p> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>The signs rules will enable a range of sign types, including those that contribute to social and cultural vibrancy, within appropriate limits.</li> </ul>	
<b>Signs on wharves and jetties</b>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Potential for costs to environment when signs are erected on wharves and jetties. These costs are considered to be</li> </ul>	<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Requiring discretionary activity consent for signs on wharves and jetties will ensure that adverse effects</li> </ul>	<p><b>Effectiveness and efficiency</b></p> <p>The provisions relating to wharves and jetties are effective and efficient as they ensure that the</p>

	<p>low, as all signs on wharves and jetties will require discretionary activity consent and will be assessed against the relevant objectives and policies.</p> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Financial and time costs and uncertainty for applicants, as all signs on wharves and jetties will require discretionary activity resource consent, however this is a continuation of the status quo approach in the operative signs chapter so will not result in increased costs compared to the status quo.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>	<p>are appropriately avoided, remedied or mitigated. This in turn will ensure that the high amenity values associated with the District's waterbodies are maintained, both for residents and visitors contributing to the District's economy.</p> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Signs on wharves and jetties can have adverse environmental effects, including adversely affecting natural character, obstructing public access and decreasing people's enjoyment of the District's waterbodies. Requiring discretionary activity consent for these signs will enable these effects to be considered and appropriately managed.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Managing the effects of signs on wharves and jetties will contribute positively to the social and cultural wellbeing of the District's residents and visitors.</li> </ul>	<p>adverse effects of signs are managed through a discretionary activity consent process, which will enable signs that have adverse effects on amenity values to be declined or modified through the consent process.</p>
<b>Off-site signs</b>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Potential for costs to environment when off-site signs result in adverse environmental effects. These costs are considered to be low, as all off-site signs will require discretionary activity consent.</li> </ul>	<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Requiring discretionary activity consent for all off-site signs will ensure that adverse effects are appropriately avoided, remedied or mitigated. This in turn will ensure that amenity values are maintained, for</li> </ul>	<p><b>Effectiveness and efficiency</b></p> <p>The provisions relating to off-site signs are effective and efficient as they ensure that the adverse effects of these sign types are managed through a discretionary activity consent process, which will</p>

	<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Financial and time costs and uncertainty for applicants, as all off-site signs will require discretionary activity resource consent.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Off-site signs for community events will require discretionary activity consent, however Policy 31.2.6.2 acknowledges that off-site signs that convey information to assist the public or convey public notices can have social and cultural benefits.</li> </ul>	<p>the enjoyment of residents and visitors contributing to the District's economy.</p> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Off-site signs can have adverse environmental effects, including adversely affecting landscape and amenity values. Requiring discretionary activity consent for all off-site signs will enable these effects to be considered and appropriately managed.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Off-site signs can have social and cultural benefits, including being used for the purpose of advertising community events, however it is appropriate that their effects are managed. Policy 31.2.6.2 acknowledges that off-site signs that convey information to assist the public or convey public notices can have social and cultural benefits. This policy will be considered through the discretionary activity consent process.</li> </ul>	<p>enable signs that have adverse effects on amenity values to be declined or modified through the consent process.</p>
Temporary event signs	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Temporary event signs will be enabled on the event site, and a limited number of signs will be enabled outside the event</li> </ul>	<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Providing a flexible regime for temporary event signs within the event site acknowledges that signs</li> </ul>	<p><b>Effectiveness and efficiency</b></p> <p>The provisions relating to temporary event signs are effective and efficient as they ensure that</p>

	<p>site, as a permitted activity. These signs may have adverse effects, however the effects will have a limited duration, due to the limited duration of approved events (as addressed in Chapter 35 Temporary Activities and Relocated Buildings).</p> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Costs to the event organiser to obtain consent for additional signs outside the event site. The number of signs enabled off the event site has been rolled over from the operative signs chapter, so these costs would not increase from the status quo.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Limiting the number of temporary events signs located outside the event site will limit the advertising space permitted on signs to promote events, which may impact on the level of patronage of the event.</li> </ul>	<p>within event sites are important to the functioning of the event. This supports the role of events as activities that support the District's economy.</p> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Events on Council reserves will require approval from Council as land owner, and will be assessed through a separate Council process against the relevant Reserve Management Plan. This process will provide the opportunity for the effects of signs in conjunction with the event to be considered, and would avoid a two-step process for event organisers.</li> <li>Temporary event signs are erected for a limited duration, and consequently their environmental effects are limited.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Temporary events contribute positively to the social and cultural vibrancy of the District, and having a flexible regime for signs within event sites supports the contribution of events to the District.</li> </ul>	<p>the adverse effects of these signs are appropriately managed through:</p> <p>a) providing flexibility for signs within the event site, which will be managed through the application of Reserve Management Plans for events on Council reserves; and</p> <p>b) enabling a limited number of signs to be located off the event site.</p> <p>This approach is effective and efficient as it decreases the duplication of Council consenting processes.</p>
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<p><b>Identified sign types that are prohibited</b></p>	<p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>• None identified</li> </ul> <p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>• Economic cost for an individual or business wanting to erect a sign identified in Table 31.5 as prohibited (including roof signs and hoardings).</li> <li>• Reduces the diversity of sign types enabled in the District, which correspondingly results in a reduction of advertising opportunities for economic activities. However, in the case of hoardings, no resource consents have been applied for, for this sign type since the current rules (Chapter 18 of the Operative District plan) became operative, which suggests that there is not a high level of demand for hoardings.</li> </ul> <p><b><i>Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>• None identified</li> </ul>	<p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>• The sign types identified as prohibited in Table 31.5 are signs that have significant adverse effects on landscape and amenity values and traffic safety. Maintaining landscape and amenity values is very important to the District's economy as a tourist destination, as is providing a safe roading network.</li> <li>• Prohibiting the identified sign types will ensure that there is no threat from the adverse effects of these signs, including adverse economic effects.</li> <li>• Regarding the prohibited activity status of hoardings, provision has been made for off-site signs as a discretionary activity, which allows flexibility for advertising outside the site of the activity. Alternative options for advertising are now available, such as through electronic media, which reduces the necessity for hoardings to provide for economic wellbeing.</li> </ul> <p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>• The sign types identified as prohibited in Table 31.5 are signs that have significant adverse effects, including in particular the adverse effects on landscape and amenity values.</li> </ul>	<p><b><i>Effectiveness and efficiency</i></b></p> <p>Prohibiting the activities listed in Activity Table 31.5 is effective and efficient as it will ensure that these signs types are avoided, which provides complete certainty regarding the management of their effects.</p>
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<b>Limits for signs within the various specified District Plan Zones.</b>	<p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>Economic costs associated with complying with the specified limits.</li> <li>Economic costs associated with the 5m<sup>2</sup> cap on the area of ground floor signs in commercial areas (rule 31.7.5) due to a decrease in the sign area for controlled activity consent compared against the operative signs</li> </ul>	<p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>Enabling a variety of signs and sign-types in commercial areas provides the opportunity for businesses operating in these areas to attract custom. Signs in commercial areas therefore assist with enabling a healthy economy.</li> <li>In commercial areas signs, if managed appropriately, contribute to vibrancy, can assist with crime</li> </ul>	<p><b>Effectiveness and efficiency</b></p> <p>Managing the effects of signs through appropriate standards that relate directly to the various District Plan Zones is effective and efficient as it ensures that the effects of signs area managed in a manner that results in environmental outcomes that are commensurate with the levels of amenity anticipated by the PDP for the zones.</p>

	<p>chapter, and as a consequence, less advertising area being enabled through controlled activity consent. The discretionary activity status for breaches would remain, however.</p> <p><b><i>Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>• None identified</li> </ul>	<p>prevention, and can assist visitors with way-finding.</p> <ul style="list-style-type: none"> <li>• The limits for permitted and controlled activity signs in each of the Zones are designed to ensure that signs do not result in adverse environmental effects that would impact negatively on the District's economic wellbeing.</li> <li>• The 5m<sup>2</sup> cap on the area of ground floor signs in commercial areas (rule 31.7.5) will reduce the sign area enabled on buildings as a controlled activity which will enable quality urban design outcomes to be achieved. Encouraging high quality urban design has significant economic benefits for the District's economy. Breaches of this rule would remain a discretionary activity, which enables flexibility for signs that breach the standard that do not result in significant adverse effects to be considered favourably.</li> </ul> <p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>• Applying limits on the number, size and design of signs within the respective District Plan Zones enables the standards to be tailored to the environmental outcomes anticipated for the</li> </ul>	
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		<p>various zones. For instance, signs are anticipated within commercial areas to assist with the economic viability of businesses operating and to assist with way-finding, however in residential areas it is appropriate to have limited provision for signs, commensurate with the high levels of amenity anticipated, and the lesser necessity for signs in residential areas.</p> <ul style="list-style-type: none"> <li>• In rural areas, it is appropriate to limit the size and number of signs, acknowledging that the high landscape values of these areas can be adversely affected by the adverse effects of signs.</li> <li>• The 5m<sup>2</sup> cap on the area of ground floor signs in commercial areas (rule 31.7.5) will reduce the sign area enabled for each tenant in buildings as a controlled activity, however it will enable better urban design outcomes to be achieved. Encouraging high quality urban design has significant environmental benefits, and ensuring that the effects of large signs on buildings are appropriately managed will deliver positive environmental outcomes, when compared to the operative</li> </ul>	
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		<p>provisions.</p> <p><b><i>Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>Managing the effects of signs based on the levels of amenity anticipated for the various Zones will ensure that adverse affects are appropriately managed, which will have positive social and cultural effects.</li> </ul>	
<b>Signage Platforms</b>	<p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>Economic costs associated with applying for consent for a signage platform. This is however offset by the benefits of signage platforms due to avoiding the requirement for subsequent resource consents for changes to the sign content.</li> </ul> <p><b><i>Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>	<p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>Provision for signage platforms provides flexibility for the sign content to be changed without the need for a subsequent resource consent (subject to the amended sign content complying with any conditions of consent placed on the consent for the signage platform). This reduces the need for subsequent consents, thereby reducing the costs associated with signs.</li> <li>Encouraging signage platforms to be integrated into building design generally achieves better design outcomes, contributing positively to building design values and urban design, which has positive economic effects.</li> </ul> <p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>Encouraging signage platforms to</li> </ul>	<p><b><i>Effectiveness and efficiency</i></b></p> <p>Signage platforms are an effective and efficient method of providing for signs as they result in fewer signs consent being required to be issued, whilst ensuring that the adverse effect of signs are appropriately managed.</p>

		<p>be integrated into building design generally achieves better design outcomes, contributing positively to building design values and urban design, which has positive environmental outcomes.</p> <p><b><i>Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>• None identified.</li> </ul>	
<p><b>Managing the effects of sign illumination.</b></p>	<p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>• None identified</li> </ul> <p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>• Economic costs to developers associated with complying with the limits on illumination and/or costs associated with applying for consent to exceed the standards for illumination.</li> <li>• Costs to Council of enforcing the standards for sign illumination.</li> </ul> <p><b><i>Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>• None identified</li> </ul>	<p><b><i>Economic</i></b></p> <ul style="list-style-type: none"> <li>• Managing the effects of sign illumination ensures that the adverse effects are appropriately managed and landscape and amenity values are maintained, which is beneficial for the District's economic wellbeing.</li> </ul> <p><b><i>Environmental</i></b></p> <ul style="list-style-type: none"> <li>• Including standards that set limits on the illumination of signs will ensure that the effects of illumination are appropriately managed so that the District's environmental values are maintained.</li> </ul> <p><b><i>Social &amp; Cultural</i></b></p> <ul style="list-style-type: none"> <li>• None identified.</li> </ul>	<p><b>Effectiveness and efficiency</b></p> <p>Managing the effects of illumination is an effective and efficient method of managing adverse effects of illuminated signs.</p>

**Issue 2 – Safety**

A summary of proposed provisions and components of the Signs Chapter that address this issue and give effect to the objectives:

**Policies<sup>19</sup>**

- Policy 31.2.1.3 Strongly encourage signs to be located on the site of the related activity
- Policy 31.2.1.4 Manage adverse effects of lighting in conjunction with signs
- Policy 31.2.1.5 Assist with improving legibility of public spaces and incorporate Crime Prevention Through Environmental Design (CPTED) Principles
- Policy 31.2.1.10 Signs that result in adverse effects to be avoided
- Policy 31.2.2.1 Avoid obstructing pedestrian thoroughfares or the roading network
- Policy 31.2.2.2 Design and location of signs must not adversely affect traffic safety due to distraction or obstructing sight lines
- Policy 31.2.2.3 Support the establishment of information signs and lay-bys at the entrance to settlements
- Policy 31.2.2.5 Ensure lighting in conjunction with signs does not adversely affect pedestrian and traffic safety
- Policy 31.2.3.4 Manage signage on windows to promote passive surveillance
- Policy 31.2.5.2 Consideration of temporary events signs shall have particular regard to the effects on traffic and public safety
- Policy 31.2.5.3 Limit the number of temporary event signs that are designed and located to attract the attention of road users
- Policy 31.2.6.1 Restrict the establishment of off-site signs, having regard to whether the sign will adversely affect the safety of the roading network
- Policy 31.2.6.2 Acknowledge that off-site signs that convey information to assist the public can have social benefits
- Policy 31.2.6.3 Limit the number of off-site signs designed and located to attract the attention of road users, unless erected by a road controlling authority for the purpose of assisting road users and promoting traffic safety
- Policy 31.2.6.4 Limit the duration of consents for off-site signs where future landuse and/or transport network changes are likely to result in the off-site sign being inappropriate from a site development and traffic safety perspective.

Matters addressed in rules:

- Signs within roads

<sup>19</sup> All policy references in this table paraphrase the general intent of the policy – refer to the Signs Chapter for the full wording of the policies

<ul style="list-style-type: none"> <li>Identified sign types that are prohibited</li> <li>Off-site signs and temporary event signs</li> <li>Managing the effects of illumination</li> </ul>			
<b>Matters addressed in rules</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<b>Signs within roads</b>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>The rule for signs within roads (Rule 31.5.25) places limits on the signs enabled as a permitted activity within roads, reducing the opportunity for signs within roads.</li> <li>Costs to Council of enforcing the new rules for signs within roads.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>	<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Introducing a rule that addresses the signs enabled within or above roads as a permitted activity fills a gap in the operative signs provisions. Limiting the signs enabled as a permitted activity within roads will ensure that the effects of signs on traffic safety are appropriately managed in a clearly enforceable manner, which will contribute to traffic safety which will contribute positively to the District's economy.</li> </ul> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Providing a regime for managing the effects of signs within roads, provides certainty regarding the signs anticipated within roads, thereby providing a baseline of the anticipated effects.</li> </ul> <p><b>Social &amp; Cultural</b></p>	Introducing a rule that lists the signs permitted in roads provides more certainty than the operative provisions, which are silent on signs within roads. This is a more effective and efficient method of managing the effects of signs within roads than the status quo.

		<ul style="list-style-type: none"> <li>Signs associated with approved temporary events and filming are provided for in roads as a permitted activity, these activities have social and cultural benefits for the District.</li> </ul>	
<b>Identified sign types that are prohibited</b>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Economic cost for an individual or business wanting to erect a sign identified in Table 31.5 as prohibited (including roof signs and hoardings).</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>	<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>The sign types identified as prohibited in Table 31.5 are signs that have significant adverse effects on traffic safety. Providing a safe and efficient roading network is important to the District's economic wellbeing.</li> </ul> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>The sign types identified as prohibited in Table 31.5 are signs that have the potential to create significant adverse effects, including adverse effects on traffic safety.</li> <li>Prohibiting the identified sign types will ensure that there is no threat from the adverse environmental effects of these signs.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Prohibiting the identified sign types will ensure that there is no threat from the adverse environmental effects of these signs to the District's social and cultural values.</li> </ul>	<p><b>Effectiveness and efficiency</b></p> <p>Prohibiting the activities listed in Activity Table 31.5 is effective and efficient as it will ensure that these signs types are avoided, which provides certainty regarding their treatment.</p>

<p><b>Off-site signs and temporary event signs</b></p>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Temporary event signs will be enabled on the event site, and a limited number of signs will be enabled outside the event site, as a permitted activity. These signs may have limited adverse effects, however the effects will have a limited duration, due to the limited duration of approved events (as addressed in Chapter 35 Temporary Activities and Relocated Buildings).</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Costs to the event organiser to obtain consent for additional signs outside the event site. The number of signs enabled off the event site has been rolled over from the operative signs chapter, so these costs would not increase from the status quo.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Limiting the number of temporary events signs located outside the event site will limit the advertising space permitted on signs to promote events.</li> </ul>	<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>Providing a flexible regime for temporary event signs within the event site acknowledges that signs within event sites are important to the functioning of the event. This supports the role of events as activities that support the District's economy.</li> <li>Managing the effects of off-site signs through a discretionary activity consent regime will ensure that effects on traffic safety can be considered through the consent process.</li> </ul> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Temporary event signs located off the event site are erected for a limited duration, and consequently their effects on safety are limited.</li> <li>Managing the effects of off-site signs through a discretionary activity consent regime will ensure that effects on traffic safety can be considered through the consent process.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>Temporary events contribute positively to the social and cultural</li> </ul>	<p><b>Effectiveness and efficiency</b></p> <p>The provisions relating to temporary event signs are effective and efficient as they ensure that the adverse effects of these signs are appropriately managed through:</p> <p>a) providing flexibility for signs within the event site, which will be managed through the application of Reserve Management Plans for events on Council reserves; and</p> <p>b) enabling a limited number of sign to be located off the event site.</p> <p>This approach is effective and efficient as it decreases the duplication of Council consenting processes.</p> <p>The provisions relating to off-site signs are effective and efficient as they ensure that the adverse effects of these sign types on traffic safety are managed through a discretionary activity consent process.</p>
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		vibrancy of the District, and having a flexible regime for signs within event sites supports the contribution of events to the District.	
<b>Managing the effects of sign illumination.</b>	<p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• None identified</li> </ul> <p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• Economic costs associated with applying the limits on illumination and/or costs associated with applying for consent to exceed the standards for illumination.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>• None identified</li> </ul>	<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>• Managing the effects of illumination ensures that the adverse effects on traffic safety are appropriately managed, which is beneficial for the District's economic wellbeing.</li> </ul> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>• Including standards that set limits on the illumination of signs will ensure that the effects of illumination are appropriately managed so that the District's environmental values are maintained.</li> </ul> <p><b>Social &amp; Cultural</b></p> <ul style="list-style-type: none"> <li>• None identified.</li> </ul>	<p><b>Effectiveness and efficiency</b></p> <p>Managing the effects of illumination is an effective and efficient method of preventing adverse effects of illuminated signs.</p>

Other reasonably practicable options for achieving the objectives (s32(1) (b)(i)):

Option 1: Status quo/no change

Rolling over the operative provisions without addressing the issues identified would not provide the opportunity to improve the provisions, including improving their operability and the ability for Council to enforce the standards without significant risk of challenge. The review also provides the opportunity to put the operative chapter into the format of other PDP chapters, which enables the PDP to be presented as a cohesive whole and will assist with the overall legibility of the PDP.

**Option 2: Re-introducing a regime of District Plan provisions plus Bylaw**

The operative regime of managing the effects of signs through the District Plan without a Bylaw is generally working well. Introducing a Bylaw would risk creating a two-step process for applicants, which would be a less efficient alternative. Managing the effects of signs through the Signs Chapter provides a more streamlined and appropriate method.



## **10. EFFICIENCY AND EFFECTIVENESS OF THE PROVISIONS**

- 10.1. The proposed provisions strike an appropriate balance to achieve the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. In doing so, the proposed provisions are more appropriate than the alternatives considered.

## **11. THE RISK OF NOT ACTING**

- 11.1. Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.
- 11.2. The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.



### **iii Proposed District Plan Chapter 38 Open Space and Recreation**

## 38 Open Space and Recreation Zones

### 38.1 Purpose

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The purpose of the Open Space and Recreation Zones is to enable recreation activities and provide for associated infrastructure while protecting, maintaining and enhancing landscape values, nature conservation values, ecosystem services and amenity. The zones apply to Council administered reserves, and do not apply to water bodies (including surface of water), Conservation Land (including lakes and rivers) or private open space. In general, the zone does not apply to Crown Land (including lakes and rivers), other than for discrete situations (such as Queenstown Gardens, where the Crown Land reserve is integral and indistinguishable from the Council reserve land surrounding it). Where a reserve adjoins a water body, the reserve is zoned to recognise, and provide for, the interrelationship between the water activities and the land based component of those activities.

Open Space is a significant resource to the District and Region. This resource requires protection from inappropriate activities that could degrade its qualities, character and values. The Council has a responsibility to provide open space and recreation opportunities and to manage the effects of activities on the zone, and surrounding environment.

Commercial recreation and tourism operators are located within the zones and a wide range of commercial recreation and tourism activities utilise the resources available within the Zone. Some of these operators have substantial assets associated with the activity established within the zones. The desire for maintenance and development of existing activities and development of further new opportunities for these activities within the Open Space and Recreation Zones needs to be provided for. Some commercial activities require careful management to maintain and enhance the valued qualities of the zone and established operations.

The Open Space and Recreation Zones can be grouped according to the following features and uses:

- (a) visual amenity (such as gardens and tree plantings, areas of indigenous vegetation and landscape values);
- (b) children's play (such as playground equipment and neighbourhood parks);
- (c) active sports (such as team sports, golf, and tennis);
- (d) passive use of open space (such as areas for walking, running, cycling, picnicking, or enjoying a particular landscape);
- (e) waterfront access (such as lakeside and riverside walkways and beaches, access to lakes and rivers for fishing and water-based sports);
- (f) linkages (such as walking tracks and cycle ways);
- (g) built facilities (such as halls, gymnasiums, clubrooms, swimming pools and libraries);
- (h) heritage sites and heritage features;
- (i) nature conservation (such as water margins, wetlands and indigenous vegetation); and
- (j) commercial opportunities (such as gondolas, ziplines, events and guided walks).

The District provides a wide range of recreation opportunities. Its outstanding natural environment, which includes lakes, rivers, mountains and basins provide an ideal setting for a variety of outdoor recreation activities. Together, the activities and the environments that they occur within are internationally recognised as the basis for the District's importance as a visitor destination, are crucial to the tourism industry and economy, as well as encouraging residents to settle within the District. The climate is conducive to outdoor recreation and its proximity to Mt Aspiring and Fiordland National Parks provides further opportunities for outdoor recreation. Most of the District's lakes, rivers, mountains and basins are zoned Rural, with these outdoor recreation activities specifically provided for within that zone as permitted activities.

Within the town centres, urban areas and townships, there are opportunities for indoor recreation and community activities, such as libraries, swimming pools and community halls, as well as outdoor venues for more formal sporting activities.

Open space is an important recreation and community resource. It can provide visual relief and amenity amongst the developed residential and commercial environments, opportunities for education concerning the natural environment, as well as active use (such as walking and cycling) and passive use (such as children's play, or picnicking, sitting and contemplation) for both residents and visitors.

Five zones and three sub-zones are used to manage activities on land zoned Open Space and Recreation within the District, these are:

- Nature Conservation Zone;
- Informal Recreation Zone;
- Active Sports and Recreation Zone;
- Civic Spaces Zone; and
- Community Purpose Zone which includes three sub-zones to manage cemeteries, golf and camping activities.

**Pursuant to Section 86B (3) of the Act, Rule 38.10.5 Setback of buildings from water bodies has immediate legal effect.**

## 38.2 Objectives and Policies – District Wide

Objectives 38.2.1 to 38.2.4 and associated policies apply to all Open Space and Recreation Zones, with additional specific objectives (Objectives 38.3 to 38.7) and associated policies applying to each of the five Open Space and Recreation Zones and three sub-zones.

### 38.2.1 **Objective - The open space and recreation needs of the District's residents and visitors are met through the provision of a wide range of quality Open Space and Recreation Zones that provide for passive and active recreation activities.**

#### **Policies**

- 38.2.1.1 The design, development, management and maintenance of Open Space and Recreation Zones shall provide for:
- a. the needs of the community in the area in which the zones are located, and the needs of the wider community and visitors to the District;
  - b. the effective and efficient use of resources so as to ensure that Open Space and Recreation Zones are multi-functional and fit for purpose;
  - c. the maintenance and enhancement of integrated public access connections to walking and cycling networks throughout the District, including along lake and river margins;

- d. the functional use of Open Space and Recreation Zones, while ensuring that they are safe and attractive to users;
- e. the location within which Open Space and Recreation Zones are situated, responding to recognised natural character, landscape and heritage values;
- f. the provision of infrastructure necessary to service Open Spaces and Recreation Zones, including recreation facilities and amenities.

38.2.1.2 Encourage multiple use of Open Space and Recreation Zones wherever possible and practicable.

38.2.1.3 Protect and enhance ecological values, including habitats for indigenous fauna.

38.2.1.4 Protect open space, recreation and amenity values by managing the adverse effects of, and conflicts between, different types of recreation activities.

38.2.1.5 Avoid activities that do not have a practical or functional need to be located within Open Space and Recreation Zones, unless a particular activity:

- a. is compatible with and does not affect the continued operation of established activities;
- b. does not preclude the development of new open space and recreation activities; and
- c. maintains and/or enhances the recreation and amenity values.

38.2.1.6 Provide a District Plan framework that establishes the roles, functions and activities for each Open Space and Recreation Zones, within which the outcome of public participation into the design, development, management and enhancement of reserves can be implemented through processes other than through the Act, such as reserve management plans.

**38.2.2 Objective - Recreation activities are undertaken and facilities constructed in a way that maintains or enhances the values of open space areas and the recreation opportunities available within the District.**

**Policies**

38.2.2.1 Ensure activities are undertaken, and buildings and infrastructure are located and constructed in a manner that maintains or enhances the amenity values of the relevant reserve and surrounding environment, including natural, scenic and heritage values.

38.2.2.2 Limit activities, buildings and structures to those compatible with the role and function of the zone and are necessary to maintain or enhance the anticipated use or values of the zone.

38.2.2.3 Require areas surrounding buildings, structures, outdoor storage and parking areas to be screened and landscaped to mitigate visual impacts and maintain or enhance amenity values.

38.2.2.4 Ensure the scale and location of buildings including associated structures, trails and accesses, and noise and lighting associated with recreation activities is consistent with the level of amenity anticipated in the zone and in the surrounding environment, having particular regard to the following where new buildings, structures or lighting are proposed:

- a. the purpose, number, size and location of new buildings, structures and lighting are appropriate, in terms of their function and the sensitivity of the environment;
- b. that building design and appearance positively contributes to amenity, cultural, ecological and landscape values;

- c. that buildings or structures do not unduly preclude or limit public access, particularly along the margins of the District's lakes and rivers;
- d. that cumulative adverse effects of buildings and activities are taken into account; and
- e. the provision for and standard of lighting, including:
  - i. its siting and location, in particular, how it contributes to public safety; and
  - ii. minimising upward light spill on the night sky.

**38.2.2.5** Ensure that any buildings or structures located within, adjoining or nearby to an Outstanding Natural Feature or Landscape, protect, maintain or enhance those values by:

- a. limiting development and activities in the vicinity of water bodies to the land based components of community recreation water based activities, which have a practical and functional need to be located within these areas; (refer also to Objective 38.2.4)
- b. preserving the natural character of the margins of waterbodies; (refer also to Objective 38.2.4)
- c. ensuring buildings are located in areas that are least sensitive to change and have capacity to absorb development;
- d. requiring buildings to be designed and finished so they:
  - i. avoid visual dominance; and
  - ii. mitigate or remedy adverse effects on the values of the Outstanding Natural Feature or Landscape; and
- e. ensuring trails, access and carparking areas (including associated earthworks) do not degrade visual amenity values or disrupt the natural character or landforms.

**38.2.2.6** Ensure the development and use of Open Space and Recreation Zones does not detract from a safe and efficient network for the movement of people and goods, or the amenity values of adjoining roads that are enjoyed by residents and visitors (such as walking, communal meeting, viewshafts).

**38.2.3 Objective – Commercial activities are limited to those that have a functional requirement to locate within Open Space and Recreation Zones and do not degrade open space and recreation values.**

#### **Policies**

**38.2.3.1** Ensure that commercial activities have a genuine link with the open space and recreation resource.

**38.2.3.2** Ensure that commercial activities do not degrade the quality, amenity values and landscape values of open spaces.

**38.2.3.3** Provide for commercial recreation activities that do not detract from the quality of the experience of people partaking in other commercial recreation activities and other passive and active informal recreation activities, having particular regard to the scale, intensity and cumulative effects of commercial recreation activities.

**38.2.4 Objective – The interface between activities within the Open Space and Recreation Zones are managed to protect, maintain or enhance the natural character of waterbodies and their margins. (refer also to Policies 38.2.2.5 a and b).**

#### **Policies**

- 38.2.4.1 Provide recreation, commercial and public transport opportunities within Open Space and Recreation Zones in a manner that preserves the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities.
- 38.2.4.2 Recognise and provide for the maintenance and enhancement of public access to, and enjoyment of, the margins of lakes and rivers, particularly where access and enjoyment is compatible with protecting the natural character and nature conservation values of those lakes and rivers.
- 38.2.4.3 Enable people to have access to a wide range of community recreational experiences on the margins of waterbodies, including the limited provision of commercial recreation activities that maintain landscape, amenity and nature conservation values, especially where they integrate with recreation activities on and under the surface of the waterbody.

### 38.3 Objectives and Policies – Nature Conservation Zone

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#### Purpose

The Nature Conservation Zone primarily applies to open space and recreation areas that border lakes and rivers, or are recognised for their natural, ecological, and landscape values. The Nature Conservation Zone provides for informal recreation and access to the District's unique landscapes. These areas offer diverse recreation opportunities such as biking, walking and water activities, together with providing connections with nature.

To protect the values of the Nature Conservation Zone, recreation activities and development are limited in scale and intensity. Infrastructure, buildings, structures, and activities provided for within this zone relate specifically to conservation, recreation, and visitor information.

#### 38.3.1 Objective - Use and development complements and protects the nature conservation values and natural qualities of the Nature Conservation Zone.

#### Policies

- 38.3.1.1 Provide for appropriate use and development by:
- limiting activities, buildings and structures to those necessary to maintain or enhance the use or values of the zone and only allowing these where they cannot be located on other adjoining or nearby land for the same purpose;
  - locating and designing new buildings, structures, additions and parking areas to protect and maintain the character and values of the zone;
  - mitigating the visual impacts of buildings, structures and parking areas through appropriate landscaping and design responses; and
  - identifying opportunities to enhance indigenous biodiversity and providing for these opportunities to be realised as part of the mitigation of the adverse effects of subdivision of adjoining land and use and development within the zone.



## 38.4 Objectives and Policies – Informal Recreation Zone

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### Purpose

The Informal Recreation Zone applies to open space and recreation areas that are primarily easily accessible for the immediate community and visitors or within easy walking distance for residents within the area. It provides a basic informal recreation experience, including play opportunities (such as flat, kick-around space) and offers areas for respite and relaxation. In addition, the Informal Recreation Zone is intended to provide physical links to other areas (such as by cycle ways or pedestrian access ways).

The Informal Recreation Zone encompasses both small local parks and neighbourhood reserves, through to large open areas fronting the District's Lakes. It also encompasses small reserves that provide visual relief from the built environment. While some civic activities may take place on these reserves, it is anticipated that larger and more formal civic events will occur within the Civic Spaces Zones.

The Informal Recreation Zone accommodates a number of facilities, including public toilets, children's playgrounds, public barbeques, public art, car parks, tracks and general park furniture.

The foreshore reserves such as those along Roys Bay in Wanaka and Queenstown Bay also contain the majority of the lake-related commercial leases and concessions.

Buildings and structures located on the Informal Recreation Zone are generally limited to those that support informal recreation and are typically small-scale community buildings and structures.

Much of the Informal Recreation Zone is readily accessible, and are located within and adjacent to areas of high interest, landscape and amenity values. A range of commercial recreation and tourism activities exist in the zone and there is a desire to develop existing and new activities. The scale and intensity of these activities and associated buildings and infrastructure need to be carefully managed.

The Informal Recreation Ben Lomond Sub Zone recognises and manages the existence and extent of commercial and informal recreation activities in the Ben Lomond Recreation Reserve. This site is of particular importance because of its close proximity to the Queenstown Town Centre and its popularity with visitors and residents. The Ben Lomond Recreation Reserve is also unique in terms of the breadth of activities present, which include a gondola and restaurant, luge, Zipline, helicopter flights, parasailing, management of forestry, wildlife park and trails used for both commercial and informal recreation. Further development is contemplated where it is undertaken in a manner that is sensitive to other occupiers and users, and where it will maintain the overall landscape values, visual amenity values and recreation experiences of users of the sub zone.

### 38.4.1 Objective – Use and development for informal recreation maintains and enhances the environment

#### Policies

- 38.4.1.1 Enable a variety of informal recreation activities, including small-scale community uses and accessory activities.
- 38.4.1.2 Encourage commercial recreation activities and related commercial activities to complement and enhance other uses and experiences in the Informal Recreation Zone while at the same time maintaining or enhancing the landscape and amenity values of the zone.

- 38.4.1.3 Provide for multiple recreation activities while managing conflicts between multiple uses, and ensuring public safety and public access to informal recreational opportunities are maintained and enhanced.
- 38.4.1.4 Ensure that buildings and activities that exclude or restrict public access are limited so as to encourage public use and maintain open space for informal recreation, recognising that the existing facilities that have been established within this zone are appropriate to remain and in some instances, may be extended and/or redeveloped.
- 38.4.1.5 Limit the intensity of activities to minimise adverse effects such as noise, glare and traffic on amenity values, peace and enjoyment of the Informal Recreation Zones and surrounding environment.
- 38.4.1.6 Opportunities are taken to enhance recreational trail networks, cycling and walking linkages within the zone, and to other zones, to create a contiguous network to assist residents and visitors to move through and around neighbourhoods, and to other destinations, thereby providing an alternative and sustainable mode of transport.

## 38.5 Objectives and Policies – Active Sport and Recreation Zone

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### Purpose

The Active Sport and Recreation Zone includes larger parks and reserves that are primarily used for organised sport and events, usually with associated buildings and structures. The zone primarily applies to open space that is easily accessible, used for indoor and outdoor organised sports, active recreation and community activities.

The Active Sport and Recreation Zone areas are designed and used for organised sport and recreation with toilets, changing facilities, car parking and turf or playing surfaces formally maintained to an appropriate standard for the relevant sports code. These include sports fields, hard-court areas, club facilities as well as associated infrastructure such as car parking and changing rooms.

Commercial activities accessory to sport and active recreation activities, such as those that provide food or beverage services to support recreational use, may be undertaken in appropriate locations within this zone.

The Active Sport and Recreation Zone applies in the main urban centres and contain provisions that recognise the intensive use made of these areas, and the need to provide sufficient facilities to support these uses, while at the same time, providing for the open space and amenity values of a park or reserve within this zone, as well as avoiding or mitigating adverse effects on the surrounding areas.

### 38.5.1 Objective - Active sport and recreation activities are provided for in appropriate locations, while managing adverse effects on surrounding areas and communities.

#### Policies

- 38.5.1.1 Provide for indoor and outdoor organised sports, active recreation, recreation facilities, community activities, accessory activities and associated buildings and structures.

- 38.5.1.2 Active sport and recreation and associated buildings, structures (including additions) and car parking, are designed, located and operated to be compatible with the surrounding environment in which they are located, particularly within or adjacent to residential environments, and to avoid or mitigate any adverse effects of the activities (such as noise, hours and frequency) and of buildings, including visual dominance, outlook from adjoining or nearby sites and buildings, and shading.

## 38.6 Objectives and Policies – Civic Spaces Zone

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### Purpose

The Civic Spaces Zone provides for civic activities.

Civic spaces contribute to the character of centres and urban areas and provide opportunities for informal recreation, social interaction and community gatherings and events. They also support local character and provide a sense of identity.

The Civic Spaces Zone receives a high level of use and the zone and facilities shall be designed, operated and maintained with a high level of service. Events are often held within civic spaces, such as festivals and markets. They are places that help to establish communities and a sense of place. These areas are typically subject to higher demand from public and commercial use and are important civic spaces that directly support the District's tourism industry.

- 38.6.1 Objective – Civic spaces are the community focal points for civic and community functions, events and informal recreation of benefit to both the community and the District.**

### Policies

- 38.6.1.1 Manage and promote passive recreation activities, while providing for commercial and community activities of a temporary nature that are of public benefit.
- 38.6.1.2 Limit buildings and structures to those that are necessary to support civic activities, and where this is demonstrated, ensure that buildings and structures enhance the amenity values, functionality and use of the zone.
- 38.6.1.3 Enable public amenities and the installation of artworks and interpretive signs, that enhance the use and enjoyment of civic spaces.

## 38.7 Objectives and Policies – Community Purposes Zone

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### Purpose

The Community Purposes Zone primarily accommodates open space areas that play a significant community function, including libraries, halls and recreation centres. It also provides specifically for cemeteries, golf courses, campgrounds and areas that have a significant passive recreation function that are not otherwise

encapsulated in other zones, such as the Queenstown Gardens. Community buildings and associated activities are generally provided within the Community Purposes Zone.

Community Purposes Zones located within the townships and outlying settlements often have multiple activities that host a variety of passive and active activities and associated infrastructure.

Where the Community Purposes Zone is for a specific function, the zone has been broken into sub-zones for the purposes of better articulating management outcomes for each sub-zone. The three sub-zones are:

- Community Purposes Zone (Cemeteries);
- Community Purposes Zone (Golf); and
- Community Purpose Zone (Camping Ground).

Both the Community Purposes Zone (Golf) and the Community Purposes Zone (Camping Ground), comprise the District's golf courses and campground facilities that are owned by the Council, but are leased to private interests. These two sub-zones include provisions that recognise the specialised use of these open space areas. Accordingly, the Community Purposes Zone allows for greater flexibility in the scale and nature of development of these spaces, while at the same time ensuring that development of these spaces is sympathetic to adjoining areas. As an example, this includes where a Community Purposes Zone (Camping Ground) may border one of the District's lakes or Outstanding Natural Landscapes.

**38.7.1 Objective – Community activities that meet the current and future social, cultural, recreation, health and community needs of both local communities and visitors to the District are provided for within a diverse range of open spaces.**

**Policies**

- 38.7.1.1 Enable community activities and associated buildings and structures (including indoor and outdoor organised sports, active recreation and recreation facilities) that contribute to the function of the zone as focal points for District and Regional activities, while ensuring that the location and design of new buildings and structures, additions to existing buildings and structures and parking areas, maintain the character and values of each Community Purposes Zone.
- 38.7.1.2 Enable the continued operation of the District's existing cemeteries while maintaining public access, the open space amenity, and any historic heritage values of these community spaces.
- 38.7.1.3 Buildings, structures and activities associated with the community activities themselves are designed and located so that any adverse effects including noise, lighting and traffic effects, are managed to maintain the level of amenity value of the surrounding environment within which they are located.
- 38.7.1.4 Ensure that the development of golf courses and camping ground areas continues to provide for a mixture of restricted and full public use, as well as the open space visual amenity enjoyed by the wider public.
- 38.7.1.5 Ensure that the development of golf courses and camping grounds maintains and enhances the landscape and amenity values of the surrounding environment.

## 38.8 Other Provisions and Rules

### 38.8.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs	25 Earthworks	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport
30 Utilities and Renewable Energy	32 Protected Trees	33 Indigenous Vegetation and Biodiversity
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	Planning Maps	

### 38.8.2 Clarification - Advice Notes

- 38.8.2.1** A permitted activity must comply with all of the rules listed in the Rules - Activities (Section 38.9) and Rules - Standards for the Open Space and Recreation Zones (Section 38.10) tables, and any relevant district wide rules.
- 38.8.2.2** Where an activity does not comply with a standard listed in the Rules - Standards for the Open Space and Recreation Zone tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the activity.
- 38.8.2.3** Any facility identified Table 39.1 including but not limited to Public Amenity Facility's or Recreation Facilities as defined in Chapter 2 are also subject to the standards, and District Wide Chapters, including but not limited to buildings, lighting, signs and earthworks.
- 38.8.2.4** The Ben Lomond Sub-Zone and the 3 Community Purpose Sub-Zones, being sub-zones of the Informal Recreation Zone and Community Purpose Zone, require that all rules applicable to the Zone apply. Where specific rules are identified for the sub-zone, these shall prevail over the rules of the Informal Recreation Zone or Community Purpose Zone.
- 38.8.2.5** Freedom camping in the District is controlled by the Council Freedom Camping Control Bylaw.
- 38.8.2.6** The surface of lakes and rivers are zoned Rural, unless otherwise stated in the District Plan or identified on the Planning Maps.

- 38.8.2.7** Resource consent may be required for activities associated with telecommunications under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016. In these instances, this NES applies instead of the District Plan provisions.
- 38.8.2.8** Resource consent may be required for activities associated with electricity transmission under the Resource Management (National Environmental Standards for Electricity Transmission Activities) regulations 2009. In these instances, this NES applies instead of the District Plan provisions.
- 38.8.2.9** The following activities are managed in Chapter 30 Energy and Utilities:
- a. Earthworks undertaken within the National Grid Yard;
  - b. Earthworks for the placement of underground electricity cables or lines; and
  - c. Earthworks in the Electricity Distribution Corridor.
- 38.8.2.10** Table 38.1 specifies the activity status of land use activities in the Open Space and Recreation Zones, pursuant to section 9(3) of the Resource Management Act 1991. Notwithstanding the following rules, the Reserves Act 1977 applies to land vested under section 14 of the Reserves Act 1977.
- Note: Reserves Act 1977: Reserves / lands controlled by Council or the Department of Conservation may be subject to further controls under the Reserves Act 1977 or through Reserve Management Plans. Discussion should be held with these agencies as to the existence and nature of these controls.*
- 38.8.2.11** Table 38.7 specifies the zoning of Council administered reserves in the Open Space and Recreation Zones through an easy to reference table. For the avoidance of any doubt refer to the relevant district plan planning map to determine the zoning of land.
- 38.8.2.12** These abbreviations are used in the Rules – Activities (Section 38.9) and Rules - Standards for the Open Space and Recreation Zone (Section 38.10) tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non-Complying	PR	Prohibited

- 38.8.2.13** The following abbreviations are used within this chapter.

CPZ	Community Purpose Zone
CPZ (Golf)	Community Purpose Sub Zone (Golf)

CPZ (Camping Ground)	Community Purpose Sub Zone (Camping Ground)
CPZ (Cemeteries)	Community Purpose Sub Zone (Cemeteries)

## 38.9 Rules – Activities

**Table 38.1: Activities Open Space and Recreation Zones.**

For the activities identified in Table 38.1 as controlled activities, the Council will reserve its control to the matters in Part 39.12

For the activities identified in Table 38.1 as restricted discretionary activities, the Council will restrict its discretion to the matters in Part 39.13.

Rule	Activities	Nature Conservation Zone	Informal Recreation Zone	Active Sports / Recreation Zone	Civic Spaces Zone	CPZ	CPZ (Golf)	CPZ (Camping Ground)	CPZ (Cemeteries)
38.9.1	Any activity not listed in Table 39.1	NC	NC	NC	NC	NC	NC	NC	NC
38.9.2	Informal recreation	P	P	P	P	P	P	P	P
38.9.3	Information facilities	P	P	P	P	P	P	P	P
38.9.4	Public amenities	P	P	P	P	P	P	P	P
38.9.5	Gardens, including botanic and community gardens	P	P	P	P	P	P	P	P
38.9.6	Parks Maintenance	P	P	P	P	P	P	P	P
38.9.7	Recreation facilities	NC	D	P	D	P	P	P	P
38.9.8	Community centres and halls	NC	D	D	D	D	NC	NC	NC
38.9.9	Day Care Facilities including buildings	NC	NC	D	NC	D	NC	NC	NC
38.9.10	Education and research facilities directly related to the open space area	P	P	P	P	P	D	D	NC
38.9.11	Art galleries, arts and cultural centres including buildings	NC	D	D	D	D	NC	NC	NC
38.9.12	Clubrooms including buildings	NC	D	P	NC	D	P	D	NC

Rule	Activities	Nature Conservation Zone	Informal Recreation Zone	Active Sports / Recreation Zone	Civic Spaces Zone	CPZ	CPZ (Golf)	CPZ (Camping Ground)	CPZ (Cemeteries)
38.9.13	Libraries including buildings	NC	NC	NC	NC	P	NC	NC	NC
38.9.14	Grandstands	NC	NC	D	NC	D	NC	NC	NC
38.9.15	Organised sport and recreation	D	RD	P	D	P	P	D	NC
38.9.16	Camping grounds	D	D	NC	NC	NC	NC	P	NC
38.9.17	Restaurants and cafes that are accessory to a permitted activity and are located further than 50m from a Residential Zone including buildings	NC	C	C	C	C	C	C	NC
38.9.18	Restaurants and cafes that are accessory to a permitted activity and are located within 50m of a Residential Zone including buildings	NC	RD	RD	RD	RD	RD	RD	NC
38.9.19	Retail accessory to a permitted activity that complies with the floor area standards for retail activities (Rule 38.10.9)	D	P	P	P	P	P	P	NC
38.9.20	Retail not otherwise provided for in Table 39.1	NC	D	D	D	D	D	D	NC
38.9.21	Commercial Recreation Activities and buildings associated with Commercial Recreation Activities.	D	D	D	RD	RD	RD	RD	NC
38.9.21	Commercial Activities and buildings associated with, and located on, the same site as recreation activities.	D	D	D	RD	RD	RD	RD	NC
38.9.23	Artworks	P	P	P	P	P	P	P	P



Rule	Activities	Nature Conservation Zone	Informal Recreation Zone	Active Sports / Recreation Zone	Civic Spaces Zone	CPZ	CPZ (Golf)	CPZ (Camping Ground)	CPZ (Cemeteries)
38.9.24	Demolition of buildings (which is not a listed historic heritage feature <sup>2</sup> )	P	P	P	P	P	P	P	P
38.9.25	New buildings associated with a permitted activity, not otherwise listed in Table 39.1	P	P	P	P	P	P	C	P
38.9.26	Construction, addition or alteration to existing buildings	P	P	P	P	P	P	C	P
38.9.27	Conservation Planting, species protection and conservation management works, including associated trapping, restoration and re-vegetation work, noxious plant and pest control and scientific research	P	P	P	P	P	P	P	P
38.9.28	Recreation Trails (walking, horse and cycling trails)	P	P	P	P	P	P	P	P
38.9.29	Construction of vehicle access and car parking areas accessory to permitted activities, up to 200m <sup>2</sup>	C	C	P	P	P	P	P	P
38.9.30	Construction of vehicle access and car parking areas accessory to permitted activities exceeding 200m <sup>2</sup>	D	RD	RD	RD	RD	RD	RD	RD
38.9.31	Harvesting and management of existing Forestry	D	D	D	D	D	D	D	D
38.9.32	Planting of new Forestry	NC	D	D	NC	NC	NC	NC	NC
38.9.33	Farming including grazing of stock	RD	P	RD	RD	RD	RD	RD	RD

Rule	Activities	Nature Conservation Zone	Informal Recreation Zone	Active Sports / Recreation Zone	Civic Spaces Zone	CPZ	CPZ (Golf)	CPZ (Camping Ground)	CPZ (Cemeteries)
38.9.34	Cemeteries	D	NC	NC	NC	NC	NC	NC	P
38.9.35	The parking or placing of any motor vehicle, boat, caravan, trailer, or material for the purposes of sale or lease	PR	PR	PR	PR	PR	PR	PR	PR
38.9.36	Mining Activity	PR	PR	PR	PR	PR	PR	PR	PR
38.9.37	Boat Ramps, Jetties and Marinas	D	D	D	D	D	D	D	NC
38.9.38	Informal Airports	D	D	D	D	D	D	D	D

Note: 1. Heritage New Zealand Pouhere Taonga Act 2014

## 38.10 Rules - Standards for Open Space and Recreation Zones

Table 38.2: Standards for Activities in the Open Space and Recreation Zones				Non-compliance Status
38.10.1	<b>Building Height</b>			D
	The maximum height in the following zones shall be:			
	38.10.1.1	Nature Conservation Zone:	4m.	
	38.10.1.2	Informal Recreation Zone:	8m.	
	38.10.1.3	Active Sports and Recreation Zone:	10m.	
	38.10.1.4	Civic Spaces Zone:	8m.	
	38.10.1.5	CPZ:	10m.	

Table 38.2: Standards for Activities in the Open Space and Recreation Zones				Non-compliance Status
	38.10.1.6	CPZ (Golf):	8m.	
	38.10.1.7	CPZ (Camping Ground):	8m.	
	38.10.1.8	CPZ (Cemeteries):	8m.	
38.10.2	<b>Ground Floor Area of each Building</b>  The maximum Ground Floor Area of each building in the following zones is:			RD
	38.10.2.1	Nature Conservation Zone:	50m <sup>2</sup> .	
	38.10.2.2	Informal Recreation Zone:	100m <sup>2</sup> .	
	38.10.2.3	Active Sports and Recreation Zone:	400m <sup>2</sup> .	
	38.10.2.4	Civic Spaces Zone:	100m <sup>2</sup> .	
	38.10.2.5	CPZ:	300m <sup>2</sup> .	
	38.10.2.6	CPZ (Golf):	600m <sup>2</sup> .	
	38.10.2.7	CPZ (Camping Ground):	600m <sup>2</sup> .	
	38.10.2.8	CPZ (Cemeteries):	50m <sup>2</sup> .	
	<i>Note: Refer to Ground Floor Area Definition for interpretation.</i>			
	Discretion is restricted to the following: <ul style="list-style-type: none"> <li>• Building dominance;</li> <li>• Effects on visual amenity and landscape character values and in particular views of significance;</li> <li>• The size, design and location of buildings relative to the public realm and adjoining properties;</li> <li>• Consistency with the character of the locality and the role and function of the open space;</li> <li>• Pedestrian and vehicle access;</li> <li>• Functional needs;</li> <li>• Scale and intensity;</li> <li>• Cumulative effect of buildings; and</li> <li>• Design and integration of landscaping.</li> </ul>			

Table 38.2: Standards for Activities in the Open Space and Recreation Zones		Non-compliance Status
38.10.3	<b>Recession Plane</b>	D
	<p>38.10.3.1 Where a building adjoins another zone, the recession plane standard that applies in the adjoining zone applies to the adjoining open space boundary, if applicable.</p> <p>38.10.3.2 In the CPZ (Camping Ground) the following standards shall apply:</p> <ol style="list-style-type: none"> <li>a. On boundaries adjoining a site zoned Low and Medium Density Residential Zones, buildings shall not project beyond a building envelope constructed by a recession line inclined towards the site at the following angles: <ol style="list-style-type: none"> <li>i. Northern Boundary: 2.5m and 55 degrees;</li> <li>ii. Western and Eastern Boundaries: 2.5m and 45 degrees; and</li> <li>iii. Southern Boundary: 2.5m and 35 degrees.</li> </ol> </li> <li>b. On boundaries adjoining a site zoned High Density Residential Zone, buildings shall not project beyond a building envelope constructed by a recession line inclined towards the site at the following angles: <ol style="list-style-type: none"> <li>i. Northern Boundary: 2.5m and 55 degrees; and</li> <li>ii. All other boundaries: 2.5m and 45 degrees.</li> </ol> </li> </ol>	
38.10.4	<b>Setback from Internal and Road Boundaries</b>	RD
	<p><b>Setback from internal boundaries</b></p> <p>38.10.4.1 Where a building adjoins another zone, the building shall be setback from the boundary the same distance as required by the set back from internal boundaries of the adjoining zone.</p> <p><b>Setback from Roads</b></p> <p>38.10.4.2 The minimum road boundary setbacks that apply to the open space and recreation zones, shall be the standards that apply in the adjoining zone.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Building dominance;</li> <li>• Privacy effects on adjoining properties;</li> <li>• Access to sunlight and impacts on shading;</li> <li>• Effects on visual amenity;</li> </ul>	

Table 38.2: Standards for Activities in the Open Space and Recreation Zones		Non-compliance Status
	<ul style="list-style-type: none"> <li>The size, design and location of buildings relative to the public realm and adjoining properties;</li> <li>Consistency with the character of the locality; and</li> <li>The historic heritage value of any adjacent heritage item and or feature.</li> </ul>	
<b>38.10.5</b>	<p><b>Setback of buildings from water bodies</b></p> <p>38.10.5.1 The minimum setback of any building from the bed of a river or lake or margin of a wetland shall be 10m.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>Indigenous biodiversity values;</li> <li>Public access;</li> <li>Effects on visual amenity and landscape character values;</li> <li>Open space</li> <li>The functional and locational need and interaction of the development with the water body;</li> <li>Landscaping;</li> <li>Environmental protection measures (including landscaping and stormwater management); and</li> <li>Natural hazards.</li> </ul>	RD
<b>38.10.6</b>	<p><b>Outdoor Storage</b></p> <p>38.10.6.1 Outdoor storage and storage of waste and recycling shall be screened from public places and adjoining zones by either planting, solid wall(s), solid fence(s), or any combination of these, to 2m in height along the length of the outdoor storage area. Where such screening is by way of planting it shall be for a minimum depth of 3m as well as 2m high.</p> <p>38.10.6.2 Any outdoor storage area shall not be located within the minimum setbacks specified in Rule 38.10.4 and 38.10.5.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>Visual amenity;</li> <li>The location relative to the public realm and adjoining residential properties;</li> <li>Consistency with the character of the locality;</li> <li>Landscaping;</li> <li>Practical and functional constraints; and</li> <li>Pedestrian and vehicle access.</li> </ul>	RD

Table 38.2: Standards for Activities in the Open Space and Recreation Zones		Non-compliance Status
<b>38.10.7</b>	<b>Fencing</b>  38.10.7.1 Fences erected on the boundary of any Open Space and Recreation Zone shall be at least 50% visually permeable.  38.10.7.2 The maximum height of any fences erected on the boundary of any Open Space and Recreation Zone shall be 1.2m.  Discretion is restricted to the following: <ul style="list-style-type: none"> <li>• Visual amenity values;</li> <li>• Opportunities for passive surveillance;</li> <li>• Consistency with any established fencing; and</li> <li>• Functional constraints, including the use of land, security, and wind shelter.</li> </ul>	RD
<b>38.10.8</b>	<b>Lighting and Glare</b>  38.10.8.1 No activity on a Nature Conservation Zone, CPZ, CPZ (Golf), CPZ (Camping Ground) and CPZ (Cemeteries) shall result in a greater than 2.5 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site (when measured or calculated 2.0m inside the boundary of the adjoining property).  38.10.8.2 No activity on an Informal Recreation Zone, Active Sports and Recreation Zone and Civic Spaces Zone shall result in a greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site (when measured 2.0m inside the boundary of the adjoining property).	D
<b>38.10.9</b>	<b>Maximum gross retail floor space</b>  38.10.9.1 Within the Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), and CPZ (Camping Ground) the maximum gross retail floor space associated to recreation activities permitted within these zones shall be 100m <sup>2</sup> or no more than 10% of the gross floor area of the building supporting the recreation and leisure activities.	D
<b>38.10.10</b>	<b>Building Colours Within the Nature Conservation, Informal Recreation and Community Purposes (Camping Ground) Zones</b>  38.10.10.1 All exterior surfaces, including fences, shall be coloured in the range of browns, greens, greys or black (except soffits), with a maximum reflective value of 35%.  38.10.10.2 All roofs shall have a maximum reflective value of 20%.  38.10.10.3 All other surface finishes shall have a maximum reflective value of 30%.  Discretion is restricted to the following: <ul style="list-style-type: none"> <li>• External appearance;</li> </ul>	RD

Table 38.2: Standards for Activities in the Open Space and Recreation Zones		Non-compliance Status
	<ul style="list-style-type: none"> <li>Visual prominence from both public places and private locations; and</li> <li>Effects on visual amenity and landscape character values and in particular views of significance.</li> </ul>	

### 38.11 Informal Recreation Zone: Ben Lomond Sub Zone

Table 38.3: Activities and Standards for Activities in the Ben Lomond Sub Zone		Activity or Non-compliance Status
	Activity	Activity Status
38.11.1	<p><b>Buildings</b></p> <p>Construction, relocation, addition or alteration of any building.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>Visual amenity values;</li> <li>Scale, intensity and cumulative effects;</li> <li>Associated earthworks and landscaping;</li> <li>Lighting;</li> <li>Provision of water supply, sewerage treatment and disposal, electricity and communication services;</li> <li>Natural Hazards; and</li> <li>Effects on the transportation network.</li> </ul> <p>Information requirements associated with the effects on the transportation network shall include an integrated transport assessment, including but not limited to:</p> <ul style="list-style-type: none"> <li>travel, access and parking plans;</li> <li>any capacity or safety improvements to the road network, if the scale and intensity of the activity requires this;</li> <li>the enhancement of pedestrian connections and networks to the Queenstown Town Centre Zone;</li> <li>measures to encourage reduced use of car travel by employees and customers; and</li> <li>requirements for the provision of dedicated car parks.</li> </ul>	RD

Table 38.3: Activities and Standards for Activities in the Ben Lomond Sub Zone		Activity or Non-compliance Status
38.11.2	<p><b>Passenger Lift Systems</b></p> <p>(a) Passenger Lift Systems within the 'Bob's Peak' area of the Ben Lomond Sub Zone.</p> <p>(b) Passenger Lift Systems within the Gondola Corridor area of the Ben Lomond Sub Zone.</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>• Location, external appearance and alignment;</li> <li>• Other occupiers or users;</li> <li>• Night lighting;</li> <li>• Height;</li> <li>• Associated earthworks; and</li> <li>• Natural Hazards.</li> </ul>	<p>C</p> <p>C</p>
38.11.3	<p><b>Commercial recreation activity including:</b></p> <p>(a) commercial activities associated with, and located on, the same site as recreation activities; and</p> <p>(b) retail ancillary to a commercial recreation activity</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> <li>• Intensity and scale of the activity on recreation use and amenity values;</li> <li>• Noise;</li> <li>• Public access to, and use of the open space;</li> <li>• Other occupiers or users of the site or adjoining sites;</li> <li>• Infrastructure;</li> <li>• Access and parking; and</li> <li>• Effects on the transportation network (if not previously or concurrently addressed by an integrated transport assessment in Rule 38.11.1).</li> </ul>	RD
38.11.4	<p><b>Harvesting and management of existing Forestry</b></p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>• Hours of operation;</li> <li>• Noise;</li> <li>• Health and safety;</li> <li>• Traffic generation;</li> </ul>	C



Table 38.3: Activities and Standards for Activities in the Ben Lomond Sub Zone		Activity or Non-compliance Status
	<ul style="list-style-type: none"> <li>• Earthworks;</li> <li>• Soil erosion, sediment generation and run-off; and</li> <li>• Landscape rehabilitation.</li> </ul>	
38.11.5	<p><b>Parking within the Lower Terminal area of the Ben Lomond Sub Zone.</b></p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> <li>• Traffic generation, access, parking layout and design;</li> <li>• Consistency with any integrated traffic assessment required by Rules 38.11.1 and 38.11.3;</li> <li>• Pedestrian and vehicle access; and</li> <li>• Landscaping.</li> </ul>	C
38.11.6	<p><b>Building within the Building Restriction Area: Bob's Peak Area</b></p> <p>Any building within the Building Restriction Area, excluding retaining walls.</p>	PR
	<b>Standards</b>	<b>Non-Compliance Status</b>
38.11.7	<p><b>Building Height</b></p> <p>The maximum height of buildings and structures as specified shall be:</p> <p>(a) Buildings within the Bob's Peak Area: 10m.</p> <p>(b) Passenger Lift Systems within the Bob's Peak Area: 12m.</p> <p>(c) Buildings within the Lower Terminal Area: 17m.</p>	D
38.11.8	<p><b>Building Coverage</b></p> <p>The maximum building coverage within the Bob's Peak Area shall be 15%</p>	D

## 38.12 Matters of control for Controlled Activities identified in Table 38.1

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application.

Table 38.4: Matters of Control for Activities in the Open Space and Recreation Zones	
38.12.1	<b>Rule 38.9.17: Restaurants and cafes that are accessory to a permitted activity and are located further than 50m from a Residential Zone in the Civic Spaces Zone, Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), CPZ (Camping Ground):</b> <ul style="list-style-type: none"> <li>• Scale and intensity of the activity on recreation use and amenity values;</li> <li>• Public access to, and use of the open space;</li> <li>• Traffic generation, access and parking; and</li> <li>• Infrastructure and servicing, including the provision of storage and loading/service areas.</li> </ul>
38.12.2	<b>Rule 38.9.29: Construction of vehicle access and car parking areas accessory to permitted activities up to 200m<sup>2</sup>:</b> <ul style="list-style-type: none"> <li>• Traffic generation, access and parking;</li> <li>• Public access to, and use of, the open space;</li> <li>• Pedestrian and vehicle access; and</li> <li>• Landscaping.</li> </ul>

## 38.13 Matters of discretion for Restricted Discretionary Activities identified in Table 38.1

The Council will restrict its discretion over the following matters when assessing a restricted discretionary activity resource consent application.

Table 38.5: Matters of Discretion for Activities in the Open Space and Recreation Zones	
38.13.1	<b>Rule 38.9.18: Restaurants and cafes that are accessory to a permitted activity and are located within 50m of a Residential Zone in the Civic Spaces Zone, Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), CPZ (Camping Grounds):</b> <ul style="list-style-type: none"> <li>• Intensity and scale of the activity on recreation use and amenity values;</li> <li>• Public access to, and use of, the open space;</li> <li>• Location, in particular distance from adjoining properties;</li> <li>• Traffic generation, access and parking;</li> <li>• Noise; and</li> <li>• Infrastructure and servicing, including the provision of storage and loading/service areas.</li> </ul>
38.13.2	<b>Rules 38.9.21 and 38.9.22: Commercial recreation activity including commercial activities associated with and located on the same site as recreation activities, including buildings in the Civic Spaces Zone, CPZ, CPZ (Golf), CPZ (Camping Grounds):</b>

**Table 38.5: Matters of Discretion for Activities in the Open Space and Recreation Zones**

	<ul style="list-style-type: none"> <li>• Intensity and scale of the activity on recreation use and amenity values;</li> <li>• Public access to, and use of the open space;</li> <li>• Other occupiers or users of the site or adjoining sites;</li> <li>• Traffic generation, access and parking.</li> </ul>
<b>38.13.3</b>	<p><b>Rule 38.9.30: Construction of vehicle access and car parking areas accessory to permitted activities exceeding 200m<sup>2</sup> in respect of all Open Space and Recreation Zones (except the Nature Conservation Zone):</b></p> <ul style="list-style-type: none"> <li>• Location of facility and access;</li> <li>• Number, design and layout of car parks and associated manoeuvring areas;</li> <li>• Surface treatment of parking facility and access;</li> <li>• Landscaping; and</li> <li>• Cumulative effect of the number of car parking facilities within the Zone.</li> </ul>
<b>38.13.4</b>	<p><b>Rule 38.9.33: Farming including grazing of stock</b></p> <ul style="list-style-type: none"> <li>• Intensity and duration;</li> <li>• Public access to, and use of the open space;</li> <li>• Pest and wilding pine control;</li> <li>• Maintenance of landscape values; and</li> <li>• Restriction of areas to protect or restore indigenous biodiversity values.</li> </ul>

## 38.14 Landscape Assessment Matters for Discretionary and Non-Complying Activities

**Table 38.6: Landscape Assessment Matters for Discretionary and Non-Complying Activities in the Open Space and Recreation Zones**

<b>38.14.1</b>	<p><b>38.14.1 Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).</b></p> <p>Effects on landscape quality and character</p> <p>In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:</p> <p>a. Physical attributes:</p> <ul style="list-style-type: none"> <li>• Geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;</li> </ul>
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**Table 38.6: Landscape Assessment Matters for Discretionary and Non-Complying Activities in the Open Space and Recreation Zones**

- Vegetation (exotic and indigenous);
  - The presence of waterbodies including lakes, rivers, streams, wetlands.
  - b. Visual attributes:
    - Legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
    - Aesthetic values including memorability and naturalness;
    - Transient values including values at certain times of the day or year;
    - Human influence and management – settlements, land management patterns, buildings, roads.
  - c. Appreciation and cultural attributes:
    - Whether the elements identified in (a) and (b) are shared and recognised;
    - Cultural and spiritual values for Tangata whenua;
    - Historical and heritage associations.

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.
  - d. In the context of (a) to (c) above, the degree to which the proposed activity or development will affect the existing landscape quality and character, including whether the proposed activity or development accords with or degrades landscape quality and character, and to what degree.
- 38.14.1.2 Effects on visual amenity**
- In considering whether the potential visibility of the proposed activity or development will maintain and enhance visual amenity, values the Council shall be satisfied that:
- a. the extent to which the proposed activity or development detracts from visual amenity values as viewed from public roads and other public places;
  - b. the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;
  - c. the proposal will be appropriately integrated, screened or hidden from view by elements that are in keeping with the character of the landscape;

**Table 38.6: Landscape Assessment Matters for Discretionary and Non-Complying Activities in the Open Space and Recreation Zones**

	<ul style="list-style-type: none"> <li>d. the proposed activity or development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);</li> <li>e. structures will not be located where they will break the line and form of any ridges, hills and slopes;</li> <li>f. any carparking, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.</li> </ul>
<b>38.14.2</b>	<p><b>38.14.2 Rural Landscape Classification (RLC)</b></p> <p><b>38.14.2.1</b> Effects on landscape quality and character</p> <p>The following shall be taken into account:</p> <ul style="list-style-type: none"> <li>a. where the site is adjacent to an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality and character of the adjacent Outstanding Natural Feature or Landscape;</li> <li>b. whether and the extent to which the scale and nature of the proposed activity or development will degrade the quality and character of the Open Space Zone or the surrounding Rural Landscape;</li> <li>c. whether the design and any landscaping would be compatible with or would enhance the quality and character of the Open Space Zone or the Rural Landscape.</li> </ul> <p><b>38.14.2.2</b> Effects on visual amenity:</p> <p>Whether the activity or development will result in a loss of the visual amenity of the Open Space Zone or the Rural Landscape, having regard to whether and the extent to which:</p> <ul style="list-style-type: none"> <li>a. the visual prominence of the proposed development from any public places will reduce visual amenity;</li> <li>b. the proposed development is likely to be visually prominent such that it detracts from private views;</li> <li>c. any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Landscape from both public and private locations;</li> <li>d. the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;</li> <li>e. any proposed carparking, planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;</li> </ul> <p><b>38.14.2.3</b> Tangata Whenua, biodiversity and geological values:</p>

**Table 38.6: Landscape Assessment Matters for Discretionary and Non-Complying Activities in the Open Space and Recreation Zones**

		<p>a. whether and to what extent the proposed development will degrade Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.</p> <p>The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.</p>
<b>38.14.3</b>	<b>38.14.3</b>	<b>Other factors and positive effects, applicable in all the landscape categories</b>
	<b>38.14.3.1</b>	The extent to which the proposed activity or development detracts from, or enhances the amenity of the Open Space Zone and wider natural or rural environment with particular regard to the experience of remoteness or wildness.
	<b>38.14.3.2</b>	The extent to which cumulative effects of activities will adversely affect landscape quality, character or visual amenity values.
	<b>38.14.3.3</b>	<p>In considering whether there are any positive effects, or opportunities for remedying or mitigating the continuing adverse effects of activities, the Council shall take the following matters into account:</p> <p>a. whether the proposed activity would enhance the character of the landscape, or assists with the protection and enhancement of indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;</p> <p>b. any positive effects including environmental compensation, enhanced public access such as the creation or improvement of walking, cycling or bridleways or access to lakes, rivers or conservation areas;</p> <p>c. where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation.</p>

**Table 38.7 Zoning of Council Administered Reserves**

Name of Reserve	Open Space Zone	Sub Zone
ALBERT TOWN		
Albertown Camping Ground	Community Purposes	Campground
Albertown Lagoon Reserve	Nature Conservation	
Alberttown Cemetery	Community Purposes	Cemetery
Frye Crescent Reserve	Informal Recreation	
Hikuwai Reserve	Informal Recreation	
McMurdo Park	Informal Recreation	
Riverside Road Reserve	Nature Conservation	
Templeton Park	Informal Recreation	
Wicklow Terrace	Informal Recreation	
ARROWTOWN		
Anathaem Hall	Civic Spaces	
Arrowtown Campground	Community Purposes	Campground
Arrowtown Cemetery	Community Purposes	Cemetery
Arrowtown Golf Club	Community Purposes	Golf Course
Arrowtown Pool and Bowling Green	Community Purposes	Recreation Reserve
Buckingham Green	Civic Spaces	

Name of Reserve	Open Space Zone	Sub Zone
Bush Creek	Informal Recreation	
Butel Park Reserve	Informal Recreation	
Butlers Green	Informal Recreation	
Coronet Forest	Informal Recreation	
Cotter Ave Reserve	Informal Recreation	
De la Parelle Park	Informal Recreation	
Name of Reserve	Open Space Zone	Sub Zone
Devon Street Reserve	Informal Recreation	
Jack Reid Park	Active Sports and Recreation	
Marshall Park	Informal Recreation	
McDonnell Road Reserve	Informal Recreation	
Mill Creek Reserve	Nature Conservation	
Millbrook Cricket Ground	Active Sports and Recreation	
Monument Hill	Civic Spaces	
Norfolk Street, Johnson Common, Boundary Street Reserve	Informal Recreation	
Norfolk Street, Johnson Common, Boundary Street Reserve	Informal Recreation	
O'Callaghan Reserve	Informal Recreation	

Name of Reserve	Open Space Zone	Sub Zone
Ramshaw Lane, Skate Park etc	Informal Recreation	
Reed Park	Informal Recreation	
Rose Douglas Park	Informal Recreation	
Tipperary Place	Informal Recreation	
Village Green	Community Purposes	Recreation Reserve
Wilcox Green	Informal Recreation	
ARTHURS POINT		
Herron Park	Informal Recreation	
Larkins Way	Informal Recreation	
MacAlister Park	Informal Recreation	
Murdoch Park	Informal Recreation	
Scheib Park	Informal Recreation	
School house reserve	Informal Recreation	
Name of Reserve	Open Space Zone	Sub Zone
CARDRONA		
Cardrona Hall	Community Purposes	Hall & Recreation Centre
Cardrona Cemetery	Community Purposes	Cemetery
Cardrona Hall	Informal Recreation	

Name of Reserve	Open Space Zone	Sub Zone
Cardrona Toilets	Informal Recreation	
Snow Farm	Informal Recreation	
GIBBSTON		
Gibbston Reserve	Informal Recreation	
GLENORCHY		
Benmore Place Reserve	Informal Recreation	
Glenorchy Cemetery	Community Purposes	Cemetery
Glenorchy Domain	Community Purposes	Recreation Reserve
Glenorchy Hall	Community Purposes	Hall & Recreation Centre
Invincible Drive Recreation Reserve	Informal Recreation	
HAWEA		
Hawea Camping ground	Community Purposes	Campground
Charles Court	Informal Recreation	
Hawea Domain	Informal Recreation	
Hawea Flat Hall	Civic Spaces	
Hawea Recreation Reserve	Informal Recreation	
Hewson Crescent Access way	Informal Recreation	
Lake Hawea Cemetery	Community Purposes	Cemetery



Name of Reserve	Open Space Zone	Sub Zone
Lakeview Esplanade reserve	Informal Recreation	
McPhee Park	Informal Recreation	
Peter Fraser Park	Community Purposes	Recreation Reserve
Name of Reserve	Open Space Zone	Sub Zone
JACKS POINT		
Jack Tewa Park	Informal Recreation	
Drift Bay	Informal Recreation	
KINGSTON		
Kingston Cemetery	Community Purposes	Cemetery
Kingston Domain	Informal Recreation	
Kingston Foreshore Recreation Reserve	Informal Recreation	
Kingston Golf Course	Community Purposes	Golf Course
LAKE HAYES		
Acheron Place Reserve	Informal Recreation	
Arrowtown Golf Club	Community Purposes	Golf Course
Bendemeer Bay	Informal Recreation	
Bridesdale	Informal Recreation	
Castallia Drive Reserve	Informal Recreation	

Name of Reserve	Open Space Zone	Sub Zone
Common Lane	Informal Recreation	
Florence Park	Informal Recreation	
Headington Hill	Informal Recreation	
Howards Drive entry	Informal Recreation	
Kawarau River Esplanade Reserve	Informal Recreation	
Lake Hayes Pavillion	Community Purposes	Recreation Reserve
Lake Hayes Reserve	Informal Recreation	
Lake Hayes Reserve	Nature Conservation	
Lake Hayes Track	Informal Recreation	
Lower Shotover Cemetery	Community Purposes	Cemetery
Name of Reserve	Open Space Zone	Sub Zone
Mardson Place Shotover Country	Informal Recreation	
McBride Park	Informal Recreation	
Mill Creek Reserve	Nature Conservation	
Onslow Road Reserve	Informal Recreation	
Orbell Drive	Informal Recreation	
Orbell Drive Reserve	Informal Recreation	
Pennywell Lane	Informal Recreation	

Name of Reserve	Open Space Zone	Sub Zone
Richmond Park	Informal Recreation	
Rosie Hill	Informal Recreation	
Shotover Country access way	Informal Recreation	
Spence Road	Informal Recreation	
Sylvan Street Reserve	Informal Recreation	
Walnut Lane Reserve	Informal Recreation	
Whitechapel Reserve	Informal Recreation	
Widgeon Park	Informal Recreation	
LUGGATE		
Hopkins Street Recreation Reserve	Community Purposes	Recreation Reserve
Luggate Domain	Community Purposes	Campground
Luggate Hall	Community Purposes	Hall & Recreation Centre
Red Bridge	Informal Recreation	
Taylor Park	Informal Recreation	
Templeton Park	Informal Recreation	
MAKARORA		
Makarora Cemetery	Community Purposes	Cemetery
Name of Reserve	Open Space Zone	Sub Zone

Name of Reserve	Open Space Zone	Sub Zone
QUEENSTOWN		
Queenstown Camping Ground	Community Purposes	Campground
Riverside Road Reserve	Informal Recreation	
Belfast Terrace Reserve	Informal Recreation	
Ben Lomond	Informal Recreation	Ben Lomond
Ben Lomond	Nature Conservation	
Brian Smith Park	Civic Spaces	
Cecil Road Reserve	Informal Recreation	
Corner of Stanley and Shotover	Informal Recreation	
Dublin Street Reserve	Informal Recreation	
Earnslaw Park	Civic Spaces	
Edge of Memorial Rec Grounds	Active Sports and Recreation	
Fernhill Road Reserve	Informal Recreation	
Ferry Hill Reserve	Informal Recreation	
Frankton Campground	Community Purposes	Campground
Frankton Cemetery	Community Purposes	Cemetery
Frankton Domain	Informal Recreation	
Frankton Marina	Informal Recreation	

Name of Reserve	Open Space Zone	Sub Zone
Frankton Track	Informal Recreation	
Gorge Road Jump Park	Informal Recreation	
Gorge Road Reserve	Informal Recreation	
Gretton Park	Informal Recreation	
Highview Terrace Reserve	Informal Recreation	
James Clouston Memorial Park	Informal Recreation	
Jardine Park	Informal Recreation	
Name of Reserve	Open Space Zone	Sub Zone
Jubilee Park	Informal Recreation	
Kawarau Falls Reserve	Informal Recreation	
Kelvin Grove and Waterfront	Informal Recreation	
Kelvin Heights Golf Course	Community Purposes	Golf Course
Kiwi Bird Life Park	Informal Recreation	
Lake Esplanade	Informal Recreation	
Marina Drive	Informal Recreation	
Marina Drive Playground	Informal Recreation	
Matakauri Park	Nature Conservation	
Memorial Recreation Grounds	Active Sports and Recreation	

Name of Reserve	Open Space Zone	Sub Zone
Mill Creek Reserve	Nature Conservation	
One Mile Reserve	Informal Recreation	
Panorama Terrace Reserve	Informal Recreation	
Queenstown Camping Ground	Community Purposes	Campground
Queenstown Cemetery	Community Purposes	Cemetery
Queenstown Events Centre	Community Purposes	Hall & Recreation Centre
Queenstown Gardens	Community Purposes	Recreation Reserve
Queenstown Hill	Informal Recreation	
Queestown Village Green	Civic Spaces	
Rotary Park	Informal Recreation	
Shotover Delta	Informal Recreation	
St Omer Park	Informal Recreation	
Sunshine Bay	Informal Recreation	
Sunshine Bay Recreation Reserve	Nature Conservation	
Transit of Venus Reserve	Civic Spaces	
Name of Reserve	Open Space Zone	Sub Zone
Tucker Beach Road Reserve	Informal Recreation	
Wakatipu Yacht Club	Informal Recreation	

Name of Reserve	Open Space Zone	Sub Zone
Warren Park	Active Sports and Recreation	
William Rees Reserve	Informal Recreation	
RURAL		
Beacon Point	Nature Conservation	
Coronet Forest	Informal Recreation	
Damper Bay	Nature Conservation	
Eely Point	Informal Recreation	
Glendhu Bay Camping Ground	Community Purposes	Campground
Hawea Campground	Community Purposes	Campground
Pigeon and Pig Islands	Nature Conservation	
Ruby Island	Nature Conservation	
Snow Farm	Informal Recreation	
WANAKA		
A&P Showgrounds	Active Sports and Recreation	
Achilles Place	Informal Recreation	
Allenby Park	Informal Recreation	
Anderson Road Beautification Reserve	Informal Recreation	
Beacon Point	Nature Conservation	

Name of Reserve	Open Space Zone	Sub Zone
Beacon Point Recreation Reserve	Informal Recreation	
Bridgeman Green	Civic Spaces	
Brook Green	Informal Recreation	
Bullock Creek Roys Bay	Informal Recreation	
Name of Reserve	Open Space Zone	Sub Zone
Cherry Court Reserve	Informal Recreation	
Domini Park	Informal Recreation	
Eely Point	Informal Recreation	
Faulks Terrace Reserve	Informal Recreation	
Forest Heights Reserve	Informal Recreation	
Glendhu Bay Camping Ground	Community Purposes	Campground
Greenbelt Place Reserve	Informal Recreation	
Kelliher Green	Informal Recreation	
Kellys Flat	Active Sports and Recreation	
Kennedy Crescent Reserve	Informal Recreation	
Kidson Lane Reserve	Informal Recreation	
Kiromiko Reserve	Informal Recreation	
Lake Side Road/Marina	Informal Recreation	

Name of Reserve	Open Space Zone	Sub Zone
Lismore Park	Informal Recreation	
Little Oak Green	Informal Recreation	
Meadow Park	Informal Recreation	
Minaret Ridge Reserve	Informal Recreation	
Mt Gold Accessway	Informal Recreation	
Old Station Park Reserve	Informal Recreation	
Pembroke Park	Community Purposes	Recreation Reserve
Penrith Park Pond	Informal Recreation	
Penrith Park Stormwater Pond	Nature Conservation	
Wanaka Pool	Active Sports and Recreation	
Rotary Park	Informal Recreation	
Roys Bay Lakefront Town Centre	Civic Spaces	
Name of Reserve	Open Space Zone	Sub Zone

Name of Reserve	Open Space Zone	Sub Zone
Roys Bay Recreation Reserve	Informal Recreation	
Stoney Creek park	Informal Recreation	
Upton Street Recreation Reserve	Active Sports and Recreation	
Wanaka Camping Ground	Community Purposes	Campground
Wanaka Cemetery	Community Purposes	Cemetery
Wanaka Golf Course	Community Purposes	Golf Course
Wanaka Memorial Reserve	Informal Recreation	
Wanaka Recreation Centre	Community Purposes	Hall & Recreation Centre
Wanaka Station Park	Informal Recreation	
Wanaka War Memorial	Civic Spaces	
West Meadows Playground	Informal Recreation	
Winders Recreation Reserve	Informal Recreation	

**38.15 Rules - Non-notification of Applications**

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- 38.15.1 Applications for all Controlled and Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified, except for the following:
- 38.15.2 Rule 38.15.1 shall not apply to Restricted Discretionary activities within the Informal Recreation Ben Lomond Sub-Zone; and
- 38.15.3 Controlled activities within the Informal Recreation Ben Lomond Sub Zone shall not be notified but may require the written approval of affected persons.

**Definitions:****Variation to Stage 1 PDP Chapter 2 Definitions:**

Underlined text for additions and ~~strike through~~ text for deletions.

Camping Ground	Means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation, <u>or permanent tourist cabins</u> , by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping ground immediately before the commencement of the Camping Ground Regulations 1985.
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**New Stage 2 PDP Definitions:**

Ground Floor Area (For the purposes of Chapter 38 only)	Means any areas covered by a building or parts of a building, and includes overhanging or cantilevered parts, but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks that are less than 1.0 m above ground level.
Public Amenity (For the purposes of Chapter 38 only)	Means facilities established for the convenience and amenity of the public, and includes: <ul style="list-style-type: none"> <li>• landscaping and planting;</li> <li>• public toilets;</li> <li>• seating and picnic tables;</li> <li>• bicycle stands and cycle parking structures;</li> <li>• fountains;</li> </ul>

	<ul style="list-style-type: none"> <li>• drinking fountains;</li> <li>• rubbish bins;</li> <li>• directional signage and information boards;</li> <li>• barbeques;</li> <li>• lighting;</li> <li>• shelters;</li> <li>• changing facilities; and</li> <li>• playgrounds and playground equipment.</li> </ul>
Information Facilities (For the purposes of Chapter 38 only)	<p>Means permanent or temporary facility or structure for the primary purpose of storing and displaying information relating to particular features and resources of educational, ecological, scientific, safety or heritage value about a particular site or sites, and includes:</p> <ul style="list-style-type: none"> <li>• interpretative signs;</li> <li>• way finding signs; and</li> <li>• park information signs.</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• billboard signs.</li> </ul>
Recreation facilities (For the purposes of Chapter 38 only)	<p>Means a facility where the primary purpose is to provide for sport and recreation activities, and includes:</p> <ul style="list-style-type: none"> <li>• recreation centres;</li> <li>• aquatic facilities, swimming pools, both indoor and outdoor;</li> <li>• fitness centres and gymnasiums; and</li> <li>• indoor sports centres.</li> </ul>
Visually Permeable (For the purposes of Chapter 38 only)	<p>In reference to a wall, gate, door or fence: Means a continuous vertical or horizontal gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50mm, occupying at least one half of the face in aggregate.</p>



**Variation to Stage 1 Landscapes Chapter 6:**

Underlined text for additions and ~~strike through~~ text for deletions.

**Part 6.2 Values - Last paragraph: Delete.**

~~Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes Classification (RLC) makes up the remaining Rural Zoned land and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations.~~

**Part 6.4 Rules - Amend:**

~~6.4.1.2 The landscape categories apply only to the Rural Zone. The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.~~

6.4.1.3 The landscape ~~categories~~ assessment matters do not apply to the following within the Rural Zones:

- a. Ski Area Activities within the Ski Area Sub Zones.
- b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.
- ~~c. The Gibbston Character Zone.~~
- ~~d. The Rural Lifestyle Zone.~~
- ~~e. The Rural Residential Zone.~~

**Variation to Stage 1 Subdivision and Development Chapter 27:**

Underlined text for additions and ~~strike through~~ text for deletions.

**27.5 Rules – Standards for Subdivision Activities**

Zone		Minimum Lot Area
<u>Open Space and Recreation Zones</u>		<u>No minimum</u>

**Variation to Stage 1 Temporary Activities and Relocated Buildings Chapter 35:**

Underlined text for additions and ~~strike through~~ text for deletions.

**35.4 Rules - Activities**

<b>35.4.7</b>	<p><b>Temporary Events</b> held <u>within the Open Space and Recreation Zones or any other</u> <del>on</del> Council-owned public recreation land, provided that:</p> <ul style="list-style-type: none"> <li>Noise Events do not occur during hours in which the night-time noise limits of the relevant Zone(s) are in effect, except for New Year's Eve.</li> </ul> <p>For the purpose of this rule the relevant noise standards of the Zone shall not apply.</p>	P
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**Variation to Stage 1 Noise Chapter 36:**

Underlined text for additions and ~~strike through~~ text for deletions.

**36.5 Rules – Standards****Table 2: General Standards**

Rule Number	Standard				Non-compliance status
	Zones sound is received in	Assessment location	Time	Noise limits	
			0800h to 2000h	50 dB LAeq(15 min)	NC
			2000h to 0800h	40 dB LAeq(15 min) 75 dB LAFmax	NC

**iii(a) Proposed District Plan Chapter 38 Open Space and  
Recreation Section 32 Evaluation Report**



## **Queenstown Lakes District Proposed District Plan**

### **Section 32 Evaluation**

#### **Stage 2 Components October 2017**

For:

#### **Open Space and Recreation Zones**

And consequential Variations to Proposed District Plan 26 August 2015:

#### **Chapter 2 Definitions**

#### **Chapter 6 Landscapes**

#### **Chapter 27 Subdivision and Development**

#### **Chapter 36 Noise**

**Report dated: 14 September 2017**

File Reference: PDP Stage 2: Open Space and Recreation Zones

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# 1 Introduction

The importance of open space and recreation to the overall well-being of residents and visitors to the District, as well as the environment itself is well recognised in a variety of documents including the following:

- a) District Wide Issues - 4.4 Open Space and Recreation<sup>1</sup>;
- b) Strategic Directions<sup>2</sup>; and
- c) Parks and Open Space Strategy 2017<sup>3</sup>.

In summary, these documents highlight that the provision of existing and new open space areas and the recreation facilities within them will be under continuing pressure from the increasing numbers of visitor and resident populations to the District (including urban intensification). In addition, there is increasing competing demands for different uses of open space (some of them commercial) and higher expectations as to the quality of recreational facilities provided therein. Added to that, those open space areas that serve an environmental function (such as riparian streams and lake edges) are subject to an increasing expectation that through enhancement, they will deliver better environmental outcomes (such as improved water quality and/or habitat).

The Parks and Open Space Strategy 2017 was adopted in May 2017. Its purpose is to set out how to provide an open space network of existing and new reserves to meet the open space and recreation needs of the existing and future communities. It sets out that there are a range of plans, policies, other strategies, guidelines, actions, and other tools that will be required to implement the Parks and Open Space Strategy 2017. Within that mix, the Parks and Open Space Strategy 2017 identifies the role of the District Plan as:

- a) Providing for new open space areas within greenfield developments through the development plan and subdivision provisions; and
- b) Protecting both open space and adjoining land from inappropriate development and protecting amenity values of adjoining and nearby residential areas from activities within the open space area.

Within the Proposed District Plan and Operative District Plan, Council administered open space, parks and reserves in the District are generally zoned Rural Zone (as is the case in Queenstown and Wanaka town centres) or according to the adjacent and surrounding neighbourhood zones. This is due to these parcels being part of the land that was once privately owned and vested as part of an urban subdivision. Notably, all reserves are designated for a variety of related purposes under the Operative District Plan (including, but not limited to; Recreation Reserve, Cemetery Reserve, or Historic Reserve), which enables the Council to undertake works in accordance with that purpose.

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<sup>1</sup> District Wide Issues, Queenstown Lakes District Council – Operative District Plan (July 2016)

<sup>2</sup> Objectives 3.2.3.1, 3.2.4.7 and 3.2.6.3 and Policies 3.2.3.1.2, 3.2.4.7.1, 3.2.6.3.1 and 3.2.6.3.2 Proposed Queenstown Lakes District Plan, Chapter 3 Strategic Directions

<sup>3</sup> 'Introduction'; 'Why Do We Need A Parks And Open Space Strategy?'; and 'Why Is Open Space So Important', Parks and Open Space Strategy 2017, Queenstown Lakes District Council

However, this approach creates issues for external organisations such as sports clubs or campground operators as they are not the requiring authority responsible for the work. This means that any existing reserve users will need to obtain resource consent in accordance with the underlying zone. This can make it extremely difficult for these users to progress community and recreational benefits in accordance with the purpose of reserves as they are being assessed against rural objectives, policies and assessment matters, for example. Some designations have specific conditions, others are subject to more general conditions and some do not have conditions associated with them at all. In total, there are over 200 designations for reserve purposes in the Operative District Plan. In addition, the Council's reserves network is also managed through the Reserves Act 1977, while the creation of any new reserves is managed through the subdivision process guided by Chapter 27 – *Subdivision* of the Proposed District Plan and Chapter 15 – *Subdivision and Development* of the Operative District Plan.

Due to the number of overlapping management tools and legislation, the management, use and development of reserves in the District results in a complex planning framework, particularly for third parties who wish to undertake activities on reserve land. In this regard, any proposed activities which generally provide for recreation, are often incompatible with the underlying zoning. Given the types of activities that are anticipated in these areas, a consistent zoning that seeks to protect open space values and enable appropriate activities and development, is desired.

Further, given the demand for these areas to be provided for the community, Council initiated a review of the existing provisions to manage the variety of activities that occur on reserves, recreation and open spaces within the District. The review has included the preparation of the proposed Open Space and Recreation Zone chapter within Stage 2 of the Proposed District Plan. The scope of the proposed Open Space and Recreation Zone chapter is to:

- a) Provide a framework of objectives, policies, zones and rules that support the provision of a network of open space and recreation facilities;
- b) Manage use and development and provide for changing recreational needs; and
- c) Provide for the conservation and enhancement of the qualities of the natural environment, waterbodies and their margins.

It is noted, for completeness, that the proposed Open Space and Recreation Zone chapter is to be considered a variation to several chapters that were notified in Stage 1 of the Proposed District Plan. This is because the proposed Open Space and Recreation Zone chapter proposes to rezone all Council administered open space and recreation areas to five zones and three sub-zones. Finally, all existing designations associated with open space and recreation areas in the District are to be retained until such time as Council undertakes a review to determine whether the designations are still fit for purpose. It is understood that this will not occur until the Proposed District Plan is operative in full.

The Open Space and Recreation Zones Chapter 38 applies to all land identified as Stage 1 and Stage 2 land on the Planning Maps attached to the Stage 2 notification bundle.

The Open Space and Recreation Zones apply to all land identified as such within the Planning Maps attached to the Stage 2 notification bundle.

The majority of the land covered by the Open Space and Recreation Zones was notified in Stage 1 as Rural Zone or Low Density Residential Zone, reflecting the historical nature of zoning. However, the Open Space and Recreation Zone also includes additional 'new' Stage 2 land which up to the present has been in Volume B of the PDP, for instance McMurdo Park located amidst the Township Zoned at Albert Town, Wanaka. The notification of the Open Space and Recreation Zones is therefore, in part, a variation to the Stage 1 Planning Maps, whereas the 'new' land forms part of Stage 2 of the Proposed District Plan. The Open Space and Recreation Zones chapter 38 itself, also forms part of Stage 2 of the Proposed District Plan.

The Strategic chapters, and a number of District Wide annotations and District Wide chapters<sup>4</sup> were notified for submissions in Stage 1 and they therefore already apply to all land notified in Stage 1 including the majority of the Open Space and Recreation Zones. Through Stage 2, some additional zone specific District Wide provisions are being notified that apply specifically to the Open Space and Recreation Zones, for example new standards for subdivision, noise and also new definitions. In addition, the Strategic, and District Wide chapters and annotations now also apply to the additional 'new' Stage 2 land that has been notified as Open Space and Recreation Zone, in Stage 2, for instance at McMurdo Park located amidst the Township Zoned at Albert Town, Wanaka.

For clarity, Table 1 below identifies the land area (generally described by way of zone) and various components of the PDP that together comprise Volume A of the District Plan at Stage 2 of the District Plan review as it relates to the Open Space and Recreation Zones. All other land within the District continues to fall into Volume B of the District Plan.

**Table 1. District Plan Volume A components, showing Stage 2 components as related to the Open Space and Recreation Zones.**

<b>Volume A</b>	
<b>Stage 1 Proposed District Plan 26 August 2015</b>	<b>Stage 2 As it relates to the Open Space and Recreation Zones Chapter only</b>
<b>Introduction</b>	
1. Introduction 2. Definitions	<ul style="list-style-type: none"> <li>New Stage 2 definitions and variation to Stage 1 Definitions Chapter 2, as related to Stage 2 Open Space and Recreation Zones components.</li> </ul>
<b>Strategy</b>	
3. Strategic Direction 4. Urban Development 5. Tangata Whenua 6. Landscapes	<ul style="list-style-type: none"> <li>Variation to Landscape Chapter 6 as related to the Open Space and Recreation Zones</li> </ul>
<b>Urban Environment</b>	
7. Low Density Residential 8. Medium Density Residential 9. High Density Residential 10. Arrowtown Residential Historic Heritage Management Zone 11. Large Lot Residential	

<sup>4</sup> For instance, including but not limited to Heritage Items, Protected Trees, Outstanding Natural Features and Landscapes.



12. Queenstown Town Centre* (part withdrawn) 13. Wanaka Town Centre 14. Arrowtown Town Centre 15. Local Shopping Centres 16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use  Variation 1: Arrowtown Design Guidelines 2016	
<b>Rural Environment</b>	
21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone	
<b>District Wide Matters</b>	
26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations	<ul style="list-style-type: none"> <li>• Variation to Stage 1 Subdivision Chapter 27, as related to Stage 2 Open Space and Recreation Zones components.</li> <li>• Variation to Temporary Activities and Relocated Buildings Chapter 35 as related to the Open Space and Recreation Zones components.</li> <li>• Variation to Noise 36 as related to the Open Space and Recreation Zones components.</li> </ul>
<b>Special Zones</b>	
41. Jacks Point 42. Waterfall Park 43. Millbrook	

## BACKGROUND

### District Plan Review

The review of the Operative District Plan is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified on 26 August 2015. Hearings on Stage 1 components comprising ten individual hearing streams for 33 chapters, 1 variation<sup>5</sup> and three separate hearing streams for rezoning requests and mapping annotations<sup>6</sup> were held from March 2016 to September 2017.

On 29 September 2016 the Council approved the commencement of Stage 2 of the review of the Operative District Plan. As part of the 29 September 2016 resolutions, the Council addressed what the plan outcome would be at the end of the partial review, and approved the separation of the District Plan into two volumes, Volume A and Volume B. Volume A (at the point in time of notification of Stage 2) consists of the Proposed District Plan chapters notified in Stages 1 and 2 of the proposed District Plan, which includes variations to Stage 1,

<sup>5</sup> Variation 1 – Arrowtown Design Guidelines 2016

<sup>6</sup> Ski Area Sub Zones, Upper Clutha Area and the Queenstown Area (excluding the Wakatipu Basin).

and all the land as identified in the Planning Maps forming the Stage 2 notification bundle, as discussed above.

All other land currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified (i.e. Township Zone, Industrial A and B Zones, Rural Visitor Zone), land that has been withdrawn from the district plan review (i.e. the land subject to Plan Changes 46 - Ballantyne Road Industrial and Residential extensions, 50 - Queenstown Town Centre extension and 51 – Peninsula Bay North) and the Frankton Flats B Special Zone and the Remarkables Park Special Zone. All Volume B land is subject to the Operative District Plan.

### **Jurisdictional Matters**

No decision has been made on the Proposed District Plan 2015 (Stage 1 and Variation 1) at the time of notification of Stage 2, and therefore this Stage 2 Open Space Chapter 38 cannot anticipate what Panel recommendations and subsequently the Council's decision might be, in terms of notifying zone specific standards. The chapter therefore refers to PDP chapters/zones as notified in Stage 1 and any statutory changes made since notification<sup>7</sup>.

Therefore, for instance, the Stage 2 Earthworks chapter does not refer to the Council recommended "Airport Zone", which encapsulates the Wanaka airport (as well as the notified Queenstown airport), because the (Wanaka) Airport Zone is at this point in time only recommended in response to Stage 1 submissions<sup>8</sup> and in the PDP at this point in time remains zoned Rural. Similarly, for example, the reference in the Council officers' post-hearing reply version of Chapter 30 Energy and Utilities refers to 'Electricity Distribution Corridor' with an associated definition. Because this concept is not in the notified PDP, and Council has not yet released decisions on submissions to Stage 1 topics, it cannot be referred to in the Stage 2 Earthworks Chapter.

This is a consequence of the staged approach to the review, and can be addressed through either interested parties lodging a submission, or the Council itself lodging a submission on the Stage 2 Open Space and Recreation Zones Chapter 38 to ensure the Stage 2 Open Space and Recreation Zones Chapter 38 ultimately includes any necessary standards for any new zones or issues, included in the PDP by Council Stage 1 decisions. It is acknowledged that before any submission by Council on the Stage 2 components is lodged, it will need to be passed by a resolution of Council.

## **2 Purpose of the report**

Section 32 of the Resource Management Act 1991 ('the RMA') requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the RMA, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014). This report fulfils the

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<sup>7</sup> For instance, Variation 1 Arrowtown Design Guidelines, withdrawal of land subject to PC 46, PC 50 and PC 51.

<sup>8</sup> Refer to submission of Queenstown Airport Corporation #433. Section 42A report Chapter 17 dated 2 November 2016- Hearing Stream 8 Business Zones.

obligations of the Council under section 32 of the RMA. The analysis set out below (within sections 3 to 10) should be read together with the text of Proposed Chapter 38 – *Open Space and Recreation Zone*.

Accordingly, this report provides an analysis of the key issues, objectives and the policy response for the proposed Open Space and Recreation chapter of the Proposed District Plan under the following headings;

- a) An overview of the applicable **Statutory Policy Context** (Section 3);
- b) Description of the **Non-Statutory Context** (strategies, studies and community plans), which have informed the proposed provisions (Section 3);
- c) A description of the **Resource Management Issues**, which provide the driver for the proposed provisions (Section 4);
- d) An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the RMA (Sections 7 and 8), that is:
  - Whether the objectives are the most appropriate way to achieve the RMA's purpose (Section 32(1)(a)).
  - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (Section 32(1)(b)), including:
    - Identifying other reasonably practicable options for achieving the objectives,
    - Assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
    - Summarising the reasons for deciding on the provisions (Section 8);
- e) A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (Section 32(1)(c)) (Section 6); and
- f) Consideration of **Risk** (Section 10).

### 3 Statutory Policy Context

#### Introduction

The responsibility on Council's to provide, manage and maintain Open Space and Recreation/Reserve areas is primarily through the Local Government Act 2002 ('the **LGA**') and the Reserves Act 1977 (through appointment from the Minister of Conservation). The other relevant legislation includes the RMA and the documents (statements, policies and plans) that are required to be prepared under this legislation.

In summary, the Council's provision of open space and recreation through these statutory requirements contributes to:

- a) Community well-being and economic development (particularly around tourism);
- b) Environmental health and safety;
- c) Managing infrastructure (for example roading and transport, sewerage, water and stormwater);
- d) Facilitating recreation and culture; and
- e) Resource management, including land use planning and development control.

Each of the relevant pieces of legislation is discussed in the rest of this section.

### **Resource Management Act 1991**

Section 5 sets out the purpose of the RMA, which requires an integrated planning approach and direction to promote the sustainable management of natural and physical resources. Guidance as to how the overall sustainable management purpose is to be achieved is provided in the other sections, including sections 6, 7 and 8 of Part 2 of the RMA.

Section 6 of the RMA sets out a number of matters of national importance with the most relevant of those in relation to the proposed Open Space and Recreation Zone chapter including the following:

- (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:***

Section 7 lists “other matters” that Council shall have particular regard to and those most relevant to the proposed Open Space and Recreation Zone chapter including the following:

- (aa) ***the ethic of stewardship:***
- (b) ***the efficient use and development of natural and physical resources:***
- (c) ***the maintenance and enhancement of amenity values:***
- (d) ***intrinsic values of ecosystems:***
- (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:***

Section 8 requires that Council take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The principles as they relate to resource management derive from Te Tiriti o Waitangi itself and from resource management case law and practice. They can be summarised as follows:

- a) That there must be active protection of the partnership between the two parties;

- b) That there is an obligation to act with reasonableness and good faith, with both parties being prepared to compromise; and
- c) That dialogue and consultation will be the main way in which to give effect to the three principles outlined above.

A number of provisions have been included in the Proposed District Plan in response to the requirements in Part 2 (such as section 6(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga), and the same applies to the development of the proposed Open Space and Recreation Zone chapter.

As set out in the Council's Parks and Open Space Strategy 2017<sup>9</sup>, many of the Districts open spaces and reserves have high natural values and are home to a variety of ecosystems, including tussock lands, wetlands, streams, riparian margins, native bush and lake foreshores. These natural areas provide habitat for our native biodiversity and protect ecosystem services that are essential for a healthy environment. They also serve to protect the region's Outstanding Natural Features and Landscapes. Further, public walking tracks and cycleways, which are identified as Open Space and Recreation Zones, provide public access to and along lakes and rivers throughout the District. These values need to be protected, enhanced and celebrated to ensure future generations can learn about and enjoy them. This is important as the region is progressively changed through human activities and the consequences of climate change. Given the preceding, the relevant matters of national importance listed in section 6 and the "other matters" in section 7 of the RMA have been given appropriate recognition in the proposed provisions.

## Local Government Act 2002

The LGA provides for democratic and effective local government that recognises the diversity of New Zealand communities. In particular, it states the purpose of local government and provides for local authorities to play a broad role in meeting the current and future needs of their communities. The relevance of the LGA (particularly sections 10, 11A(e), and 14(1)(c), (g) and (h)) in relation to the provision of open space is as follows:

### 10 Purpose of Local Government

- (1) *The purpose of local government is--*
  - (a) *to enable democratic local decision-making and action by, and on behalf of, communities; and*
  - (b) *to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.*
- (2) *In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—*

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<sup>9</sup> 'Why Do We Need A Parks And Open Space Strategy?'; Parks and Open Space Strategy 2017, Queenstown Lakes District Council

- (a) *efficient; and*
- (b) *effective; and*
- (c) *appropriate to present and future circumstances*

11A Core services to be considered in performing role

*In performing its role, a local authority must have particular regard to the contribution that the following core services make to its communities:*

- (e) *libraries, museums, reserves, and other recreational facilities and community amenities.*

14 Principles relating to local authorities

- (c) *when making a decision, a local authority should take account of—*
  - (i) *the diversity of the community, and the community's interests, within its district or region; and*
  - (ii) *the interests of future as well as current communities; and*
  - (iii) *the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*
- (g) *a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*
- (h) *in taking a sustainable development approach, a local authority should take into account—*
  - (i) *the social, economic and cultural interests of people and communities; and*
  - (ii) *the need to maintain and enhance the quality of the environment; and*
  - (iii) *the reasonably foreseeable needs of future generations.*

The provisions of the LGA emphasise a strong intergenerational approach to the provision of core services (which includes reserves and other recreational facilities and community amenities), considering not only current environments, communities and residents, but also those of the future. The LGA demands a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions of the LGA also emphasise the need to take into account social, economic and cultural matters, in addition to environmental ones.

Sections 14(g) & (h) of the LGA, as set out above, are of particular relevance, in so far as they direct a planning approach emphasising that open space and recreation areas contribute to and facilitate communities' wellbeing and development, while having regard to the efficient use of land, including any modification to it for economic wellbeing.

The approach through this review is to provide a balanced framework in the Proposed District Plan to manage these resources appropriately. Further, there is an emphasis on

presenting the provisions in a manner that facilitates effective and efficient District Plan administration.

### **Reserves Act 1977**

Most of the reserves within the District that would be within the proposed Open Space and Recreation Zone and chapter, are vested under the provisions of the Reserves Act. Section 3 of the Reserves Act sets out its purpose as being (in summary):

- a) For the preservation and management for the benefit and enjoyment of the public, areas of land that possess:
  - i. active or passive recreational use or potential;
  - ii. wildlife, indigenous flora or fauna;
  - iii. environmental and landscape amenity or interest; or
  - iv. natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community or other special features or value;
- b) Ensuring the survival of all indigenous species of flora and fauna in their natural communities and habitats;
- c) Preservation of all classes of natural ecosystems and landscapes which in the aggregate originally gave New Zealand its own recognisable character;
- d) Ensuring the preservation of access for the public to and along lakeshores and riverbanks;
- e) Fostering and promoting the preservation of the natural character of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.

The Reserves Act provides for the vested reserves to be classified according to the purpose or reason that they were vested<sup>10</sup>. The classification then enables the administration of each reserve is to be undertaken according to that classification (for example; controlled, managed, developed, used, maintained or preserved). In addition to the general administration provisions of the Reserves Act, more detailed and longer term administration of a reserve can be achieved through the development of a Management Plan<sup>11</sup>.

Section 74(2)(b)(i) of the RMA requires that district plans have regard to management plans and strategies prepared under other Acts. Due consideration has been given to the existing nineteen Reserve Management Plans and four reserve Development Plans for the District, and with the Operative Parks and Open Space Strategy 2017 within this report. Links to all of the reviewed documents are contained in the References section attached to end of this report.

Other reserves have been vested or are now administered by Council, through other legislation (such as the Queenstown Commonage Reserve Management Act 1876), these are also included in the proposed Open Space and Recreation Zone and chapter.

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<sup>10</sup> Reserve Act 1977, section 16 to section 25

<sup>11</sup> Reserve Act 1977, section 41



The classification of a reserve under the Reserves Act, or its purpose under other legislation, provides a statutory platform to inform the development of appropriate district plan provisions. As set out under Section 5 of this report, which follows, the purpose of a reserve has, in many instances, a strong correlation to matters of national importance under the RMA (such as public access to and along the margins of lakes and rivers).

A reserve management plan should not be determinative of the provisions that are included in the district plan. A management plan is a relevant matter to have regard under s 74(2)(b) of the RMA. The Council, more generally, is also required to comply with the provisions of the Reserves Act 1977 (s42(11)) and therefore to administer the reserve in a way which is consistent with the Reserve Management Plan. However, ultimately the Reserves Act and the RMA are two separate statutory schemes with their own purposes.

### **National Policy Statements**

The RMA requires that the District Plan give effect to any National Policy Statement ('NPS'). A NPS is a document prepared under the RMA to assist local government decide how competing national benefits and local costs should be balanced. Five NPS are currently in place, being the:

- ☐ NPS on Urban Development Capacity;
- ☐ NPS for Freshwater Management;
- ☐ NPS for Renewable Electricity Generation;
- ☐ NPS on Electricity Transmission; and
- ☐ New Zealand Coastal Policy Statement

A proposed NPS for Indigenous Biodiversity was notified in 2011. This NPS is not yet operative.

The NPS documents have been actively considered during the development of the proposed Open Space and Recreation Zone chapter. In particular, the proposed open space provisions provide sufficient development capacity, particularly with regard to "other infrastructure"<sup>12</sup>, to meet the needs of people and communities and future generations in urban environments, in accordance with the NPS Urban Development Capacity.

### **Iwi Management Plans**

When preparing or changing a district plan, Section 74(2A)(a) of the RMA requires that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. The following section provides a summary of the relevant provisions from the two iwi management plans that apply to the District:

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<sup>12</sup> Other infrastructure includes open space, as defined in the NPS Urban Development Capacity 2016.



***The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008***

*The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008* ('**MNRMP 2008**') consolidates Ngāi Tahu ki Murihiku values, knowledge and perspectives on natural resource and environmental management issues. It is an expression of kaitiakitanga. It has been designed to assist Ngāi Tahu ki Murihiku in carrying out kaitiaki roles and responsibilities and also to assist others in understanding tangata whenua values and policy.

In particular, the purpose of the Plan<sup>13</sup> is to:

- a) Describe the values underpinning the relationship between Ngāi Tahu ki Murihiku and the natural environment;
- b) Identify the primary issues associated with natural resource and environmental management in the takiwā, from the perspective of Ngāi Tahu ki Murihiku; and
- c) Articulate Ngāi Tahu ki Murihiku policies and management guidelines for natural resource and environmental management, wāhi tapu and wāhi taonga.

Further, this Plan provides a tool<sup>9</sup> to:

- a) Enable Ngāi Tahu ki Murihiku to effectively and proactively apply cultural values to the management of natural resources, wāhi tapu and wāhi taonga;
- b) Assist regional, territorial and national authorities to understand Ngāi Tahu ki Murihiku values and perspectives, and thus fulfil their statutory obligations under the RMA, Ngāi Tahu Claims Settlement Act 1998, the LGA, and other relevant legislation; and
- c) Provide a tool recognising the importance of consultation, but as such does not replace the need for direct communication and dialogue with Ngāi Tahu ki Murihiku.

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills is one of two sections of the MNRMP 2008 that is considered to be of most relevance to this review and set out in the following sections are the policies from that section which have specific relevance to the proposed Open Space and Recreation Zone.

a) 3.4.8 – Access and Tourism in High Country and Foothill Areas

*Policy 2. Development that includes building activity should consider specific landscape and geographical features and the significance of these to Ngāi Tahu Whānui. Activity where buildings will protrude above ridgelines or displace sites of cultural significance should be avoided.*

*Policy 3. Recognise and protect culturally significant sites and places associated with high country trails.*

*Policy 5. Encourage consent and concession authorities to consider appropriate locations and durations for activities involving tourism, recreation and access to the high country. This includes assessing the long term and cumulative effects that the activity may have.*

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<sup>13</sup> MNRMP 2008, Section 1.4

*Further, authorities should provide for the potential availability of improved techniques and processes that will reduce overall effects on high country landscapes.*

*Policy 6 Encourage education among tourist and other visitors about the cultural importance of mountains and other landforms to Ngāi Tahu Whānui.*

*Policy 8 Deter disrespectful activity by tourists or other visitors within areas designated as culturally significant. This includes education with respect to depositing of food, sewage, or rubbish away from designated sites and defacing of sites.*

*Policy 12. Recognise Ngāi Tahu Whānui continued access to areas of indigenous vegetation for customary use practices. For example, collection of a specific seed source, young shoots or flax for cultural use. Such collection shall be kept to a minimum so as to not impede succession and ensure habitats are retained.*

b) 3.4.10 Plant Pests

*Policy 2. Advocate that all management decisions shall take into account the protection and survival of indigenous species of flora and fauna (rare and not rare, and including taonga species contained in the Ngāi Tahu Claims Settlement Act 1998) in their natural habitats and ecosystems.*

*Policy 3 Require monitoring of plant pest control operations, for adverse effects on indigenous species, to be included in any pest management strategy.*

*Policy 12 Promote the use of native species in new developments as a means of reducing the risk of plant pest spread.*

c) 3.4.11 Animal and Bird Pests

*Policy 1 Advocate that all management decisions shall take into account the protection and survival of indigenous species of flora and fauna (rare and not rare, and including taonga species contained in the Ngāi Tahu Claims Settlement Act 1998) in their natural habitats and ecosystems.*

d) 3.4.12 Mahinga kai – mahi ngā kai

*Policy 3 All Ngāi Tahu Whānui, current and future generations, must have the capacity to access, use and protect high country landscapes, wāhi tapu and mahinga kai sites and the history and traditions that are linked to these landscapes.*

*Policy 4 Promote the protection, restoration and enhancement of indigenous biodiversity.*

*Policy 5 Advocate for the protection, restoration and enhancement of waterways, riparian margins, wetlands, and tarns as a means of protecting and enhancing indigenous biodiversity.*

e) 3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

*Policy 3 Work with local authorities and other statutory agencies involved in the protection of cultural heritage to ensure that Ngāi Tahu perspectives and policies are reflected in statutory plans, best practice guidelines and strategies, and in resource consent processes (e.g. prohibited activity status for wāhi tapu areas).*

*Policy 6 Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.*

Section 3.5 Southland Plains: Te Rā a Takitimu of the MNRMP 2008 contains policies that have specific regard to subdivision and development as it related to Open Space and Recreation Zones. The policies of relevance are as follows:

a) 3.5.7 Subdivision and Development

*Policy 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.*

*Policy 8 Advocate for the use of esplanade reserves, strips and other similar provisions on those waterways where such provisions are deemed necessary to protect and provide for waterway health and access values.*

*Policy 12 Subdivision activities along waterways of cultural importance to tangata whenua should maintain and enhance access to and along those waterways.*

b) 3.5.17 Ngā Pononga a Tāne a Tangaroa - Biodiversity

*Policy 1 Use planning, policy and resource consent processes to promote the protection and, where necessary, enhancement, of native biodiversity of Murihiku, specifically:*

- a) enhancement and restoration of degraded areas;*
- b) planting of native species to offset or mitigate adverse effects associated with land use activities;*
- c) the incorporation of biodiversity objectives into development proposals;*
- d) prohibiting the use of pest plant species in landscaping.*

c) 3.5.19 Riparian Zones

*Policy 1 Promote riparian zone establishment and management in Resource Management Act policy, planning and consent processes, as a tool to mitigate the adverse effects of land use activities on streams.*

### **Kāi Tahu ki Otago Natural Resource Management Plan 2005**

The *Kāi Tahu ki Otago* Natural Resource Management Plan 2005 ('**ONRMP 2005**') has been developed to:

- a) Provide the principal planning document for Kai Tahu ki Otago;
- b) Provide information, direction and a framework to achieve a greater understanding of the natural resource values, concerns and issues of Kai Tahu ki Otago;
- c) Provide a basis from which Kai Tahu ki Otago participation in the management of the natural, physical and historical resources of Otago is further developed;
- d) The ONRMP 2005 shall provide the basis, but not substitute, for consultation and outline the consultation expectations of Kai Tahu ki Otago.

The provisions of the ONRMP 2005 that are considered to be most relevance to this review are summarised below:

a) 5.4.3 Wahi Tapu Objectives

*iii) Wahi tapu throughout the Otago region are protected in a culturally appropriate manner.*

b) 5.6.3 Cultural Landscapes Objectives

*ii) The protection of significant cultural landscapes from inappropriate use and development.*

c) 5.6.4 Cultural Landscapes General Policies

*Policy 1 To identify and protect the full range of landscape features of significance to Kāi Tahu ki Otago.*

*Policy 3 To promote the control of visitor and recreational activities that impact on significant landscapes.*

*Policy 6 To promote the identification of areas of historic heritage in collaboration with Local Government Agencies.*

*Policy 24 To discourage the erection of structures, both temporary and permanent, in culturally significant landscapes, lakes, rivers or the coastal environment.*

*Policy 29 To require public foot access along lakeshores and riverbanks within subdivisions.*

*Policy 32 To encourage that adequate provision is made for the storage and collection of litter and refuse, and disposal is in an approved manner.*

*Policy 37 To encourage the establishment of maximum visitor numbers to sensitive areas.*

d) 10.3.3 Wahi Tapu Policies in the Clutha/Mata-au Catchment

*Policy 1 To require that wāhi tapu sites are protected from further loss or destruction.*

## Regional Planning Documents

### Otago Regional Policy Statement

The Otago Regional Policy Statement ('**ORPS**') establishes the framework within which the development and administration of Otago's regional and district plans can be undertaken. The operative ORPS came into effect in October 1998. In May 2015, the proposed ORPS was notified, with the Otago Regional Council releasing its decisions on the hearings in October 2016, parts of which have subsequently been appealed. In accordance with section 75(3)(c) of the RMA, a district plan must "*give effect to*" the operative ORPS, while section 74(2)(a) of the RMA states a district plan must "*have regard to*" the proposed ORPS.

### Operative ORPS

The operative ORPS contains a number of objectives and policies of relevance to the proposed Open Space and Recreation Chapter and those of direct relevance are set out in the sections outlined below:

Within Chapter 5 – *Land*, Objectives 5.4.1 to 5.4.4 and related policies (5.5.1, 5.5.4, 5.5.6 and 5.5.7), which, in broad terms, promote the sustainable management of Otago's land resource by:

- a) Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources, and to meet the present and reasonably foreseeable needs of Otago's people and communities;
- b) Avoiding, remedying or mitigating the degradation of Otago's natural and physical resources resulting from activities utilising the land resource;
- c) Protecting outstanding natural features and landscapes from inappropriate subdivision, use and development; and
- d) Ensuring public access opportunities.

Within Chapter 9 – *Built Environment*, Objectives 9.4.1 and 9.4.3 and related policies (9.5.4, 9.5.5 and 9.5.6) are relevant and broadly seek to:

- a) Avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources;
- b) Maintain and enhance the quality of life for people and communities within Otago's built environment; and
- c) Recognise and protect Otago's regionally significant heritage sites.

Within Chapter 10 – *Biota*, Objective 10.4.3 and related policies (10.5.1 and 10.5.2), which broadly seek to maintain and enhance the natural character of areas with significant indigenous vegetation and habitats of indigenous fauna.

Overall, it is considered that the proposed Open Space and Recreation Chapter provisions and evaluation of the same give effect to the operative ORPS.

### **Proposed ORPS (as notified)**

The Proposed Otago Regional Policy Statement (**PRPS**) was notified for public submissions on 23 May 2015, and decisions on submissions were released on 1 October 2016. The majority of the provisions of the Decisions Version have been appealed and mediation is currently taking place. Accordingly, limited weight can be provided to the Decisions Version of the PRPS.

The PRPS contains a number of objectives and policies of relevance to the proposed Open Space and Recreation Zone chapter and those of direct relevance are set out in the following sections:

Within Chapter 1 – *Resource management in Otago is integrated*, Objective 1.1 and policy 1.1.3, broadly seek to recognise and provide for the integrated management of natural and physical resources to support the social and cultural wellbeing of people and communities in Otago.

Within Chapter 2 – *Kai Tahu values and interests are recognised and kaitiakitaka is expressed*, Objective 2.2, and related policies 2.2.2, 2.2.3, and 2.2.4, broadly seek to recognise and provide for the interests and values of Kai Tahu in the Otago Region.

Within Chapter 3 – *Otago has high quality natural resources and ecosystems*, Objectives 3.1 and 3.2, and related policies 3.1.2, 3.1.9, 3.1.10, 3.1.12, 3.2.2, 3.2.4, 3.2.6 and 3.2.16, broadly seek to recognise, protect, maintain and enhance, Otago's natural resources, particularly those that are deemed to be significant or highly valued.

Within Chapter 4 – *Communities in Otago are resilient, safe and healthy*, Objective 4.5 and related policies 4.5.1, 4.5.2, 4.5.3, and 4.5.6, broadly seek to ensure urban growth and development is well designed using good urban design principles to reflect local character and integrate effectively with adjoining urban and rural environments.

Within Chapter 5 – *People are able to use and enjoy Otago's natural and built environment*, Objectives 5.1 and 5.2, and associated policies 5.1.1, 5.2.1 and 5.2.3, broadly seek to provide and enhance public access to areas of value, and recognise historic heritage.

Overall, it is considered that the proposed Open Space and Recreation Zone chapter provisions, and evaluation of the same, have regard to the PRPS.

## **4 Resource Management Issues**

### **Introduction**

As previously discussed, the current provisions for the management, use and development of the majority of open spaces and recreation areas via the designation process within the Proposed and Operative District Plan are considered inadequate. This was identified during



the hearings process for the proposed Designation Chapter forming part of Stage 1 of the Proposed District Plan Review. In that regard, the evidence presented by Ms Jeannie Galavazi of Council, for and on behalf of Council, noted that there is no generally applied open space or similar zone for reserves in the District. Rather, parks and reserves in the District are generally zoned according to the adjacent and surrounding neighbourhood zones, or as Rural General (as is the case in Queenstown and Wanaka town centres). Additionally, all reserves are designated for a variety of related purposes, which enables the Council to undertake works in accordance with the purpose. Some designations have specific conditions, while others are subject to general conditions. In total, there are over 200 designations for reserve purposes in the Operative District Plan. There are two consequences associated with the same, one being that similar types of reserve may have different zonings, and the other being that the activities that occur on reserves are generally not contemplated by the zoning framework. In essence, the current situation does not appropriately provide for the management of the Council's open spaces, with unnecessary resource consents often required for any use and development, particularly for third parties, such as sports clubs or lease holders.

There is also an inefficiency with the obligation under section 176 of the RMA to provide an outline plan or outline plan waivers for nearly every activity including the installation of signage and park furniture such as barbecues. The provision of such activities could be more efficiently undertaken through a zoning framework that provides for these as a permitted activity regime.

The overarching goal of the proposed Open Space and Recreation Zone is to consolidate the provisions by providing more targeted objectives and policies that address matters such as, ensuring that any existing open spaces and new reserves are meeting the needs of the community and are protected for future generations. This includes making the Proposed District Plan easier to understand and improving certainty to what activities are permitted and whether they require resource consent or not.

Section 4.4.2 of the Operative District Plan sets out the following five district-wide issues as relevant to the use, management and development of open space and recreation within the District:

- a) Public Access to and Along the Lakes and Rivers;
- b) Environmental Effects of Recreation Activities;
- c) Effects on the Range and Quality of Recreational Opportunities;
- d) Contributions Towards Public Open Space from Subdivision and Development; and
- e) Litter and Waste.

Further to the discussion within Section 1 of this report, Issues a) to d) continue to be the relevant resource management issues, while Issue e) is a park management/administration issue and, as such, is not considered further in this report.

In light of the discussion in Section 1 of this report, the relevant resource management issues now, and for the future, have been reframed as follows:

- **Issue 1** – Provision of an accessible network of open spaces and recreation / community facilities;
- **Issue 2** – Protection of natural open space, waterbodies and their margins;

- **Issue 3** – Potential loss of character, quality and amenity of open space and recreation areas;
- **Issue 4** – Potential adverse effects of recreation activities; and
- **Issue 5** – A framework that provides certainty, efficiency, and for the effective management of open spaces and recreation areas, including commercial activities undertaken within these areas.

These issues are now discussed in further detail below.

### **Key Issues:**

#### **Issue 1 – Provision of an accessible network of open spaces and recreation / community facilities.**

As discussed earlier in the report and as set out in the Parks and Open Space Strategy 2017, in urban areas, open spaces provide amenity for residents and visitors (providing relief from the built environment), and opportunities for active and passive recreation. Open spaces are also recognised as not only performing a destination purpose, they also provide important active transport linkages through and between urban areas to complement other modes of transport that form part of the transport network. They also provide centres for community activities, being civic and other events. Increasing population growth and urban intensification is and will continue to place pressure on open spaces and recreation facilities.

Different types of open space and recreation are needed to cater for a range of roles, functions and activities. Accessibility to and within the network is a key issue, in terms of distribution, function and any deficiencies. In order to increase the capacity of open space and recreation facilities there is a need to promote compatible mixed or multi-functional use of land, buildings and facilities. There is a growing demand for a variety of facilities within parks which enable co-location of different compatible uses and sharing of facilities (including community facilities).

The continued provision and future development of these existing facilities is integral to the ongoing development of the District. The Open Space and Recreation Zone provisions therefore seek to maintain the existing purpose of each open space/reserve area and where appropriate provide opportunities for them to be developed further. Enabling multifunctional use of larger sites is in some instances helpful to ensure ongoing affordability of sport and recreation facilities in the District.

#### **Issue 2 – Protection of natural open space, waterbodies and their margins.**

The District's open spaces owned by the Council, Department of Conservation, the Crown and iwi, encompass extensive natural, ecological, scenic and outdoor recreation areas. While the primary focus is on conservation and protection of areas of significant biodiversity, landscape, cultural and historic values, they also enable people to experience the natural open space environment. Recreation, tourism and rural activities need to be managed to ensure they are compatible and do not adversely impact on the values sought to be protected.



The interconnected network of rivers, streams, lakes and wetlands plays an important role in shaping the District. These connections and spaces are highly valued for their ecological function and amenity, but they can also play an important role as a recreation resource. However, some of these areas are vulnerable to change both within them and from activities and land uses occurring in surrounding areas. Some controls will be needed within the proposed Open Space and Recreation Zone chapter provisions to address adverse effects on the values within each area (such as type and scale of buildings). Some controls will be needed within other zone chapters (Parts Three and Four) to address the interface where they adjoin or are in close proximity to open space and recreation zones, and other provisions that apply across all zones (such as earthworks) are more appropriately located within those chapters within Part Five.

### **Issue 3 - Potential loss of character, quality and amenity of open space and recreation areas.**

Activities, buildings and structures within open space and recreation areas have the potential to be incompatible with the role and anticipated use of some areas. Facilities designed to support active recreation and sports vary in scale and the designs may range from open sports fields to large buildings, from small playgrounds to stadia. It is important to maintain the predominance of open space or other character or quality in the reserves, unless the site is specifically dedicated to the provision of indoor sports/recreation and/or community facilities, which means more intensive development is appropriate. The provisions within the zone need to direct such developments to appropriate sites that are distributed around the District.

Intensive activities have the potential to impact on the amenity of the open space/reserve users, the zoned land itself, neighbours and surrounding areas. Clear direction as to where more intensive activities are expected to locate within the reserve itself or on other reserves, is required to address this matter.

Ensuring a safe physical environment is an important aspect of designing open spaces and recreation areas, so that they are utilised by the communities which they are designed for. Sufficient lighting in public areas, locating parking areas in close proximity to recreation facilities, providing clear sightlines and enabling passive surveillance by having open space and recreation areas overlooked from streets or residential areas, can all contribute to making public areas safe and hence increase their amenity value.

### **Issue 4 – Potential adverse effects of recreation activities.**

Intensive recreation activities, including commercial recreation activities, have the potential to impact on the open space/reserve users, the zoned land itself, amenity of neighbours and surrounding areas. Clear direction as to where more intensive activities or those with adverse effects (such as noise) are expected to locate within the reserve itself and/or the standards to be met to ensure the amenity of adjoining or nearby activities is protected, is required to address this matter. Alternatively, the provisions for the open space and recreation area may indicate that the proposed activity is more suited to another type of space.

Where reserve management plans are operative under the Reserves Act 1977, the management of activities within the open space area are addressed. However, in some

instances there may be no management plan or these plans do not adequately address the impacts of activities on the surrounding area. This could have occurred due to the management plan having been prepared some time ago and hence does not address new development around it or may be due to the limited opportunity for people to influence the content of the management plan (although the Reserves Act 1977 provides for consultation and written comment, there is no requirement for further submissions or hearings and there are limited appeal rights). The assessment of activities with the potential to have adverse effects through the resource consent process provides the opportunity for submissions, hearings and potentially appeals.

**Issue 5 - A framework that provides certainty, efficiency, and for the effective management of open spaces and recreation areas, including commercial activities undertaken within these areas.**

The issue of the existing unnecessarily complex planning framework is discussed in Section 1 - Introduction of this report and the Introduction to this Section.

In order to simplify, streamline and provide clarity, the Proposed District Plan has adopted a zoning and provision approach that is specific for open spaces and recreation areas. Five zones and four sub-zones are used to manage activities on land zoned Open Space and Recreation within the District in accordance with their scale and function, and these are:

- ☐ Nature Conservation Zone;
- ☐ Informal Recreation Zone (including the Ben Lomond sub-zone);
- ☐ Active Sports and Recreation Zone;
- ☐ Civic Spaces Zone; and
- ☐ Community Purpose Zone, which includes three sub-zones to specifically manage cemeteries, golf and camping activities.

The provisions within the proposed zones are designed to better provide for public amenities, day-to-day park management activities, existing and future anticipated activities, including those associated with commercial developments, and therefore reduce unnecessary consenting requirements.

A sub-zone is provided for over the Ben Lomond recreation reserve area to recognise the existing significant levels of tourism and recreation infrastructure unique to this location, and to provide for further sensitive development that takes into account the established activities at this location.

**Background Documents, Projects and Consultation**

The following Council documents and projects have been undertaken in recent years and have informed this Section 32 evaluation. Links to the documents are listed in the References section attached to this report:

**Council Proposed District Plan Stage 1:**

- ☐ Council Section 32 Reports:
  - Chapter 2 – Definitions;
  - Chapter 3 – Strategic Direction;
  - Chapter 21 – Landscape, Rural Zone and Gibbston Character Zone;

- Chapter 22 – Rural Residential and Rural Lifestyle;
- Chapter 27 – Subdivision and Development; and
- Chapter 35 – Temporary Activities.

☐ The Stage 1 Designation Notification Information.

**Council Reserve Management Plans, Strategies and associated Documents<sup>14</sup>:**

- ☐ QLDC Parks and Open Space Strategy 2017
- ☐ QLDC Growth Projections to 2058, 2017
- ☐ Arrowtown - Lake Hayes Reserve Management Plan
- ☐ Ben Lomond and Queenstown Hill Reserve Management Plan
- ☐ Queenstown Gardens Reserve Management Plan
- ☐ Queenstown Bay Foreshore Reserves Management Plan
- ☐ Wanaka Lakefront Reserve Management Plan
- ☐ Wanaka Lakefront Development Plan
- ☐ Albert Town Recreation Reserve Management Plan
- ☐ Eely Point Reserve Management Plan
- ☐ Lismore Park, Kellys Flat and Allenby Park Reserve Management Plan
- ☐ Pembroke Park Reserve Management Plan
- ☐ Queenstown Recreation Ground Reserve Management Plan
- ☐ Ruby Island Reserve Management Plan
- ☐ Sunshine Bay to Kelvin Heights Reserve Management Plan
- ☐ Wanaka Library and Bullock Creek Reserve Management Plan
- ☐ Wanaka Recreation Reserve Management Plan
- ☐ Lake Hawea Foreshore Reserve Development Plans

**Council Monitoring Reports:**

- ☐ Community Outcomes Monitoring Report 2009
- Section 20 of the District Plan Monitoring Report – Open Space Zone – Landscape Protection, 2012

**Regional and National Planning Documents:**

- ☐ Otago Regional Council Operative Regional Policy Statement 1998
- ☐ Otago Regional Council Proposed Regional Policy Statement 2015 (as notified)
- ☐ Kai Tahu ki Otago Natural Resource Management Plan 2005
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008
- ☐ Reserves Act 1977

**Council Local Government Act Documents:**

- ☐ Local Government Act 2002

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<sup>14</sup> In particular, the first seven documents listed under this heading

- ☐ 2012 - 2022 10 Year Plan
- ☐ 2015 - 2025 10 Year Plan
- ☐ Annual Plan 2017-2018

#### **Other Documents**

- ☐ Memorandum of Understanding Agreements with parks and open space partners.
- ☐ QLDC Policy on Development Contributions and Financial Contributions

One of the key documents of relevance to this section 32 report is the Parks and Open Space Strategy 2017. The Parks and Open Space Strategy 2017 seeks to ensure any existing open spaces and new reserves are meeting the current and future needs of the community and are protected for future generations. It is considered that the District has a variety of open space and reserve areas that play a vital role in making the area a great place to work and play. The continued development within the District, along with the associated increase in residents and visitor numbers, can put pressure on the use of the land as more people want to use and enjoy these areas. This is the reason that Council considers the development and protection of the District parks and reserves, and improvements to the quality of them, is important.

#### **Consultation**

Council has undergone significant community consultation with regard to open space and recreation areas prior to notification of the proposed Open Space and Recreation Zone chapter. This has included the development of the nineteen Reserve Management Plans and the Parks and Open Space Strategy 2017, which became operative in May 2017.

Consultation on the Open Space and Recreation Zones has been limited and will rely in large part on statutory submission processes.

Consultation with the commercial parties that operate on Ben Lomond, including Skyline, Kiwi Birdlife Park and Ziptrek Tours, was undertaken by Council in August 2017. This consultation included providing draft provisions of the proposed Open Space and Recreation Zone chapter to these parties and receiving their comments to the same.

## **5 Purpose and Options**

The District's open space and recreation facilities are consistently highly valued by residents in Council's resident's surveys. They fulfil a diversity of social, political, economic and environmental demands and outcomes. Demand for development on existing open space and parks, and for new spaces, changes depending on a number of factors, including population and household change, visitor numbers and type, economic sustainability and growth, quality of life, and community needs and desires. Council will support the development of both existing, and the creation of new, open space and recreation areas where they are located in the required places and with the appropriate capacity to meet the needs of the District.

Determining the most appropriate methods to resolve the issues highlighted for the proposed Open Space and Recreation Zone chapter will enable the District Plan to give effect to the

relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the RMA.

In particular, and as previously discussed, the land that is the subject the proposed Open Space and Recreation Zone chapter is in Council ownership or administration, and the provisions will work in tandem with Council's Parks and Open Space Strategy 2017, reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not addressed through other methods.

### **Strategic Directions**

The following goals, objectives and policies from the notified version of the Strategic Directions chapter of the Proposed District Plan Stage 1 are considered relevant to this assessment:

#### *Goal 3.2.2: The strategic and integrated management of urban growth.*

*Objective 3.2.2.1: Ensure urban development occurs in a logical manner:*

- *to promote a compact, well designed and integrated urban form;*
- *to manage the cost of Council infrastructure; and*
- *to protect the District's rural landscapes form sporadic and sprawling development.*

*Policy 3.2.2.1.3: Manage the form of urban development within the Urban Growth Boundaries (UGBs) ensuring:*

- *Connectivity and integration with existing urban development;*
- *Sustainable provision of Council infrastructure; and*
- *Facilitation of an efficient transport network, with particular regard to integration with public and active transport systems*

#### *Goal 3.2.3: A quality built environment taking into account the character of individual communities.*

*Objective 3.2.3.1: A built environment that ensures our urban areas are desirable and safe places to live, work and play.*

*Policy 3.2.3.1.2: That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.*

#### *Goal 3.2.4: The protection of our natural environment and ecosystems.*

*Objective 3.2.4.2: Protect areas with significant Nature Conservation Values.*

*Objective 3.2.4.7: Facilitate public access to the natural environment.*

*Policy 3.2.4.7.1: Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.*

#### *Goal 3.2.5: Our distinctive landscape are protected from inappropriate development.*

*Objective 3.2.5.1: Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.*

*Goal 3.2.6: Enable a safe and healthy community that is strong, diverse and inclusive for all people.*

*Objective 3.2.6.3: A high quality network of open spaces and community facilities.*

*Policy: 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.*

*Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.*

In general terms, and within the context of this review, these goals, objectives, and policies, are met by adopting the provisions of the five proposed zones and four sub-zones in the chapter. In turn, this will assist in:

- ☐ Enabling and facilitating public access to the natural environment, including areas identified as having significant Nature Conservation Values, Significant Natural Areas, and cultural or heritage values;
- ☐ Protecting the Districts reserves that contain Outstanding Natural Landscapes and Outstanding Natural Features from inappropriate use and development where currently designated as a reserve and by identifying these areas as an appropriate Open Space and Recreation Zone;
- ☐ Providing rules that are efficient, effective and provide certainty, which, in turn, reduces costs for the Council as manager of the proposed Open Space Zone and wider community; and
- ☐ Establishing and designing open spaces and recreation opportunities that are well thought out and designed to ensure public safety, while maximising the use of these areas.

As required by section 32(1)(b) of the RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

## Broad options considered to address issues

### Issue 1: Provision of an accessible network of open spaces and recreation / community facilities.

Option 1: Retain the operative provisions (no change); or

Option 2: Amend the operative provisions to recognise anticipated activities within open space and recreation areas; or

Option 3: Significant changes including consistently rezoning open space and recreation areas, removing designations on the majority of open spaces, as considered appropriate, once the proposed District Plan is operative, and establishing a rule framework that permits or controls a range of anticipated activities **(Recommended)**

	Option 1: Status quo / No change	Option 2: Amend	Option 3: Significant Changes to the framework
<b>Costs</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> The identified issues would not be resolved.</li> <li><input type="checkbox"/> Does not provide for or anticipate how to better manage and provide a framework for growth over the life of the next District Plan.</li> </ul>	<ul style="list-style-type: none"> <li>• Would not remove existing layers of complexity and excessive text.</li> <li>• Retaining the existing underlying zones and designations would not simplify the provisions.</li> </ul>	<ul style="list-style-type: none"> <li>• Costs to the Council to formulate new provisions.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• Retains the established approach, which parties are familiar with.</li> <li>• Low cost for Council.</li> <li>• Retains a relatively high level of control for the Council to manage the effects of activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Retains the established approach which parties are familiar with.</li> <li>• Lower cost for Council to establish provisions when compared to the cost of option 3.</li> <li>• Could enable some activities to make the provisions more efficient, without significant changes to existing zones or provisions.</li> <li>• Can remove identified deficiencies in the provisions that have little consequence.</li> </ul>	<ul style="list-style-type: none"> <li>• Benefit to the users of the District Plan and wider community from simplified provisions.</li> <li>• Provides communities with the opportunity to develop to a permitted activity and avoid costs and time associated with the resource consent process.</li> <li>• Increased efficiency for the Council's District Plan administration.</li> <li>• Efficiency for the community when undertaking anticipated activities in these zones.</li> </ul>

			<ul style="list-style-type: none"> <li>• Revision of the proposed zoning hierarchy for open spaces better reflects the manner in which different open spaces are used, and how they should be developed and managed. Complements other planning and strategic open space documents (especially the Parks and Open Space Strategy 2017).</li> <li>• Revisions to permitted controls to better reflect anticipated scale and use of buildings and structures in open spaces, including recognition that larger buildings are generally more appropriate in certain parks or reserves than others.</li> <li>• Revisions to the proposed zoning assist the community by providing alternative active transport networks and routes.</li> </ul>
Ranking	3	2	1

### **Issue 2: Protection of natural open space, waterbodies and their margins**

Option 1: Retain the operative provisions (no change); or

Option 2: Amend the operative provisions to recognise anticipated activities within open space and recreation areas; or

Option 3: Significant changes including consistently rezoning open space and recreation areas, removing designations on the majority of open spaces, as considered appropriate, once the proposed District Plan is operative, and establishing a rule framework that permits or controls a range of anticipated activities **(Recommended)**.

	Option 1: Status quo / No change	Option 2: Amend	Option 3: Significant Changes to the framework
Costs	<ul style="list-style-type: none"> <li>• The identified issues would not be resolved.</li> </ul>	<ul style="list-style-type: none"> <li>• Would not remove existing layers of complexity and excessive text.</li> </ul>	<ul style="list-style-type: none"> <li>• Costs to the Council to formulate new provisions.</li> </ul>



Benefits	<ul style="list-style-type: none"> <li>The objectives and policies do not give effect to the Proposed Strategic Directions Chapter.</li> <li>The existing provisions do not assist with the identification of community and commercial activities that may be appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Would not provide the necessary framework to enable protection approach to be clearly set out.</li> </ul>	<ul style="list-style-type: none"> <li>Potential loss of environmental protection and failure to promote Part 2 of the RMA, particularly the matters of national importance in section 6.</li> </ul>
	<ul style="list-style-type: none"> <li>Retains the established approach, which parties are familiar with.</li> <li>Retains a relatively high level of control for the Council to manage the effects of activities.</li> <li>Low cost for Council.</li> </ul>	<ul style="list-style-type: none"> <li>Increased focus on protecting the values of natural open space, waterbodies and their margins by the use and development of an appropriate open space network.</li> </ul>	<ul style="list-style-type: none"> <li>Benefit to the users of the District Plan and wider community from simplified provisions.</li> <li>Provides communities with the opportunity to develop to a permitted activity and avoid costs and time associated with the resource consent process.</li> <li>Increased efficiency for the Council's District Plan administration.</li> <li>Efficiency for the community when undertaking anticipated activities in these zones.</li> <li>Urban residents will have improved access to open spaces, where that is appropriate.</li> <li>Revision to the proposed zoning hierarchy for open spaces better reflects the manner in which different open spaces are used, and how they should be developed and managed (including privately-owned open spaces) or protected;</li> <li>Revisions to permitted controls to better reflect anticipated scale and use of buildings and structures in open spaces, including recognition that larger buildings are generally more appropriate in certain parks/reserves than others.</li> <li>Retention of ability to mitigate hazards and managed pests in open space and conservation areas.</li> </ul>

Ranking			<ul style="list-style-type: none"> <li>New focus on implementing Crime Prevention Through Environmental Design principles to achieve better safety outcomes,</li> </ul>
	3	2	1

**Issue 3: Potential loss of character, quality and amenity of open space and recreational areas**

Option 1: Retain the operative provisions (no change); or

Option 2: Amend the operative provisions to recognise values of open spaces; or

Option 3: Significant changes including consistently rezoning open space and recreation areas, removing designations on the majority of open spaces **(Recommended)**

	Option 1: Status quo / No change	Option 2: Amend	Option 3: Significant Changes to the framework
<b>Costs</b>	<input type="checkbox"/> Identified issues would not be resolved. <input type="checkbox"/> The objectives and policies do not give effect to Proposed Strategic Directions chapter. <input type="checkbox"/> The existing policies do not assist with the identification of community and commercial activities that may be appropriate.	<ul style="list-style-type: none"> <li>Neutral as existing provisions of the Operative District Plan require the management and protection of natural, cultural and heritage values.</li> </ul>	<ul style="list-style-type: none"> <li>Costs to the Council to formulate new provisions.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Retains the established approach, which parties are familiar with.</li> <li>Low cost for Council to retain the provisions.</li> </ul>	<ul style="list-style-type: none"> <li>Increased focus on protecting and enhancing areas of natural, cultural and heritage significance through use and development of the open space network.</li> </ul>	<ul style="list-style-type: none"> <li>Increased focus on protecting and enhancing areas of natural, cultural and heritage significance through use and development of the open space network.</li> <li>Clarity around form and function of each open space area, which will assist in their</li> </ul>

			appropriate development.
Ranking	3	2	1

#### **Issue 4: Potential adverse effects of recreation activities**

Option 1: Retain the operative provisions (no change); or

Option 2: Amend the operative provisions to recognise values of open spaces; or

Option 3: Significant changes including consistently rezoning open space and recreation areas, uplifting designations on the majority of open spaces, as considered appropriate, once the proposed District Plan is operative, and establishing a rule framework that permits or controls a range of anticipated activities **(Recommended)**.

	Option 1: Status quo / No change	Option 2: Amend	Option 3: Significant Changes to the framework
<b>Costs</b>	<input type="checkbox"/> Identified issues would not be resolved. <input type="checkbox"/> The objectives and policies do not give effect to Proposed Strategic Directions chapter. <input type="checkbox"/> The existing policies do not assist with the identification of adverse amenity effects and the manner in which they are to be avoided, remedied or mitigated.	<ul style="list-style-type: none"> <li>Neutral as existing provisions of the Operative District Plan require the management of the adverse effects of recreation activities on adjoining land uses.</li> </ul>	<ul style="list-style-type: none"> <li>Costs to the Council to formulate new provisions.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>Retains the established approach, which parties are familiar with.</li> <li>Low cost for Council to retain the</li> </ul>	<ul style="list-style-type: none"> <li>Increased focus on protecting the amenity values of adjoining land uses, particularly residential, from adverse effects.</li> </ul>	<ul style="list-style-type: none"> <li>Increased focus on protecting the amenity values of adjoining land uses, particularly residential, from adverse effects.</li> <li>Clarity around form and function of each</li> </ul>

	provisions.		open space area, which will assist in their appropriate development taking into account the specific amenity values of adjoining land uses.
Ranking	3	2	1

**Issue 5: A framework that provides certainty, efficiency, and for the effective management of open spaces and recreation areas, including commercial activities undertaken within these areas.**

Option 1: Retain the operative provisions (no change); or

Option 2: Amend the operative provisions to recognise values of open spaces; or

Option 3: Significant changes including consistently rezoning open space and recreation areas, uplifting designations on the majority of open spaces, as considered appropriate, once the proposed District Plan is operative, and establishing a rule framework that permits or controls a range of anticipated activities **(Recommended)**

	Option 1: Status quo / No change	Option 2: Amend	Option 3: Significant Changes to the framework
Costs	<ul style="list-style-type: none"> <li><input type="checkbox"/> Identified complexity issues would not be resolved.</li> <li><input type="checkbox"/> The objectives and policies do not give effect to Proposed Strategic Directions chapter, nor do they provide a framework that sets out the purpose of the different open space and recreation areas.</li> <li><input type="checkbox"/> Unnecessary resource consents required for 3<sup>rd</sup> parties wishing to establish legitimate open space and recreation activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Would not remove existing layers of complexity and excessive text.</li> <li>• Retaining the existing underlying zones and designations would not simplify the provisions.</li> </ul>	<ul style="list-style-type: none"> <li>• Costs to the Council to formulate new provisions.</li> </ul>

Benefits	<ul style="list-style-type: none"> <li>Retains the established approach, which parties are familiar with.</li> <li>Low cost for Council to retain the provisions.</li> </ul>	<ul style="list-style-type: none"> <li>Same as for Option 1</li> </ul>	<ul style="list-style-type: none"> <li>Reduces unnecessary resource consent costs, particularly for third parties.</li> <li>Provides an integrated and complete set of provisions that clearly set out the outcomes for each open space and recreation area.</li> <li>Provides greater certainty to those responsible for the management, maintenance and development of open space and recreation areas, for their day-to-day operation and for the development of reserve management plans. With open space and recreation areas allocated to respective zones, there is potential for reserve management plans to be developed to cover a number of reserves, rather than each reserve having its own reserve management plan.</li> </ul>
Ranking	3	2	1

## 6 Scale and Significance Evaluation

In accordance with section 32(1)(c) of the RMA, the level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- ☐ Result in a significant variance from the Operative District Plan
- ☐ Address matters that are of district and/or regional significance;
- ☐ Have effects on resources that are considered to be a matter of national importance in terms of section 6 of the RMA;
- ☐ Result in significant change to the character and amenity of local communities;
- ☐ Limit options for future generations to remedy effects;
- ☐ Adversely affect those with specific interests, e.g., Community groups, Tangata Whenua;
- ☐ Involve effects that have been considered implicitly or explicitly by higher order documents; and
- ☐ Impose increased costs or restrictions on individuals, communities, or businesses.

The level of detail and evaluation is proportionate to the importance of the proposed Open Space and Recreation Zone provisions, which is considered to be 'moderate-high'. The approach set out in the Proposed District Plan is fundamental and significantly different approach to that contained in the Operative District Plan, and accordingly needs to be considered in sufficient detail to confirm it is the correct approach to adopt.

The facilitation of protecting some reserves and enabling the ongoing development of other reserves to meet the ongoing resident and visitor demands, is an important aspect that contributes to the social, cultural, economic and environmental wellbeing of the District. The appropriateness of the objectives in terms of meeting the purpose of the RMA and the environmental, economic, social and cultural costs and benefits have been considered through the evaluation report.

This Section 32 evaluation will continue to be updated through the submission and hearing process.

## 7 Evaluation of proposed Objectives Section 32(1)(a)

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Section 32(1)(a) requires an evaluation of the extent to which the proposed objectives are the most appropriate way of achieving the purpose of the RMA. The proposed objectives and the evaluation of the same are set out in the following table:

<i>Proposed Objective</i>	<i>Appropriateness</i>
<b>38.2.1 Objective (District Wide)</b>  <b>The open space and recreation needs of the District's residents and visitors are met through the provision of a wide range of quality Open Space and Recreation Zones that provide for passive and active recreation activities.</b>	<p>Objective 38.2.1 is considered the most appropriate way to meet the purpose of the RMA because it provides spaces within the District's natural and physical resources that can be utilised by people and communities for their social, economic, and cultural well-being, and for their health and safety.</p> <p>Objectives 38.2.2 and 38.2.4 are considered the most appropriate way to achieve the purpose of the RMA because these objectives go some way toward achieving the sustainable management of natural resources by safeguarding the life-supporting capacity of air, water, soil and ecosystems, by limiting the use and development of open spaces in such areas. In this regard, these objectives contribute towards achieving section 7(c) of the RMA, being the maintenance and enhancement of amenity values, and section 7(f) of the RMA, being the maintenance and enhancement of the quality of the environment. Objective 38.2.2 also establishes the framework for a wide range of landscape natural, cultural and heritage provisions that, in turn, recognises the District features that are of national importance, which shall be provided for when considering development, as required by section 6 of the RMA. Further, the achievement of objective 38.2.4 will contribute towards the preservation of the natural character of waterbodies and their margins by protecting them from inappropriate subdivision, use and development (in accordance with 6(a) of the RMA). It will also contribute towards maintaining and enhancing public access to and along lakes and rivers.</p> <p>Objective 38.2.3 is considered the most appropriate way to meet the purpose of the RMA because it identifies that commercial activities that enable people and communities social, economic, and cultural well-being, may be located on open spaces, where such activities do not result in adverse effects on the environment that cannot be avoided, remedied or mitigated.</p> <p>Overall, the objectives establish the framework that there are a range of open spaces and recreational zones that are suited to different types of activities, use and development.</p> <p>The District Wide objectives, 38.2.1, 38.2.2, 38.2.3 and 38.2.4, are consistent with the following Strategic Directions objectives and policies:</p> <ul style="list-style-type: none"> <li>• <i>Objective 3.2.3.1: Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and</i></li> </ul>
<b>38.2.2 Objective (District Wide)</b>  <b>Recreation activities are undertaken and facilities constructed in a way that maintains or enhances</b>	

<p>the values of open space areas and the recreation opportunities available within the District.</p>	<p>play.</p> <ul style="list-style-type: none"> <li>• <i>Policy 3.2.3.1.2: That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.</i></li> <li>• <i>Objective 3.2.4.7 Facilitate public access to the natural environment.</i></li> <li>• <i>Policy 3.2.4.7.1 Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.</i></li> <li>• <i>Objective 3.2.6.3: Provide a high quality network of open spaces and community facilities.</i></li> <li>• <i>Policy: 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.</i></li> <li>• <i>Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.</i></li> </ul>
<p><b>38.2.3 Objective (District Wide)</b></p>	
<p><b>Commercial activities are limited to those that have a functional requirement to locate within Open Space and Recreation Zones and do not degrade open space and recreation values.</b></p>	
<p><b>38.2.4 Objective (District Wide)</b></p>	<p>Gives effect to the following Operative ORPS objectives:</p> <ul style="list-style-type: none"> <li>• Objective 5.4.1</li> <li>• Objective 5.4.2</li> <li>• Objective 5.4.4</li> <li>• Objective 9.4.1</li> <li>• Objective 9.4.3</li> </ul>
<p><b>The interface between activities within the Open Space and Recreation Zones are managed to protect, maintain or enhance the natural character of waterbodies and their margins.</b></p>	<p>Gives effect to the following Operative OPRS policies:</p> <ul style="list-style-type: none"> <li>• Policy 5.5.4</li> <li>• Policy 5.5.5</li> <li>• Policy 5.5.7</li> <li>• Policy 9.5.4</li> <li>• Policy 9.5.5</li> </ul>



	<p>Has regard to the following Proposed ORPS objectives and policies:</p> <ul style="list-style-type: none"> <li>• Objective 1.1</li> <li>• Policy 1.1.3</li> <li>• Objective 3.1</li> <li>• Policy 3.1.9</li> <li>• Policy 3.1.12</li> <li>• Objective 3.2</li> <li>• Policy 3.2.2</li> <li>• Policy 3.2.6</li> <li>• Objective 4.5</li> <li>• Policy 4.5.1</li> <li>• Objective 5.4</li> </ul> <p>Takes into account the following MNRMP 2008 policies:</p> <ul style="list-style-type: none"> <li>• 3.4.8 - Policy 2</li> <li>• 3.4.11 - Policy 1</li> <li>• 3.4.14 - Policy 6</li> </ul> <p>Takes into account the following ONRMP 2005 policies:</p> <ul style="list-style-type: none"> <li>• 5.4.3 (iii)</li> <li>• 5.6.3 (ii)</li> <li>• 5.6.4 – Policy 24, Policy 29, Policy 32, and Policy 37</li> </ul>
<p><b>38.3.1 Objective (Nature Conservation Zone)</b></p> <p><b>Use and development complements and</b></p>	<p>Objective 38.3.1 assists in protecting the nature conservation values and natural qualities of the District by identifying areas with these values. It establishes the framework to limit any use and development to that which will enhance or complement nature conservation values and natural qualities of such identified zones, while still providing opportunities for public access for peoples social, economic, and cultural well-being, and for their health and safety.</p> <p>The District contains features that are of national importance and these shall be recognised and provided for when considering</p>

<p><b>protects the nature conservation values and natural qualities of the Nature Conservation Zone.</b></p>	<p>development, as required by section 6 of the RMA. The Council, in exercising functions and powers in accordance with the RMA, and in relation to protecting, enhancing, using and managing these natural resources, in accordance with section 7 of the RMA.</p> <p>It is considered that Objective 38.3.1 is consistent with the following Strategic Directions goals objectives and policies:</p> <ul style="list-style-type: none"> <li>• Goal 3.2.4: The protection of our natural environment and ecosystems</li> <li>• Objective 3.2.4.2: Protection of areas with significant Nature Conservation Values.</li> <li>• Objective 3.2.4.7: Facilitate public access to the natural environment.</li> <li>• Policy 3.2.4.7.1: Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.</li> <li>• Objective 3.2.5.1: Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.</li> </ul> <p>Gives effect to the following Operative ORPS objectives:</p> <ul style="list-style-type: none"> <li>• Objective 5.4.1</li> <li>• Objective 5.4.2</li> <li>• Objective 5.4.3</li> <li>• Objective 5.4.4</li> <li>• Objective 9.4.1</li> <li>• Objective 9.4.3</li> <li>• Objective 10.4.3</li> </ul> <p>Gives effect to the following Operative OPRS policies:</p> <ul style="list-style-type: none"> <li>• Policy 5.5.1</li> <li>• Policy 5.5.6</li> <li>• Policy 9.5.4</li> <li>• Policy 9.5.6</li> </ul>
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- Policy 10.5.2

Has regard to the following Proposed ORPS objectives and policies:

- Objective 1.1
- Objective 2.2
- Policy 2.2.4
- Objective 3.1
- Policy 3.1.9
- Policy 3.1.12
- Objective 3.2
- Policy 3.2.2
- Policy 3.2.4
- Policy 3.2.6
- Objective 4.5
- Policy 4.5.1
- Policy 5.1.1
- Policy 5.2.3

Takes into account the following MNRMP 2008 policies:

- 3.4.8 - Policy 12
- 3.4.10 - Policy 2
- 3.4.11 - Policy 1
- 3.4.12 – Policy 3 and 4
- 3.4.14 – Policy 3
- 3.5.7 – Policy 1
- 3.5.17 – Policy 1

Takes into account the following ONRMP 2005 policies:

- 5.4.3 (iii)

	<ul style="list-style-type: none"> <li>• 5.6.3 (ii)</li> <li>• 5.6.4 – Policy 1, Policy 24, and Policy 37</li> <li>• 10.3.3 – Policy 1</li> </ul>
<b>38.4.1 Objective (Informal Recreation Zone)</b>  <b>Use and development for informal recreation maintains and enhances the environment</b>	<p>Objective 38.4.1 is considered the most appropriate way to meet the purpose of the RMA as it will sustain identified informal recreation spaces within the District's natural and physical resources that can be utilised by people, their communities, and their future generations social, economic, and cultural well-being, and health and safety. The Informal Recreation Zone is also intended to provide physical links to other areas for the community.</p> <p>Objective 38.4.1 also establishes the framework that these areas are located within and adjacent to areas of high interest, landscape and amenity values. Due to these features and desire to develop existing and new activities, the scale and intensity of these activities and associated buildings and infrastructure need to be carefully managed to avoid, remedy or mitigate any adverse environmental effects.</p> <p>It is considered that Objective 38.4.1 is consistent with the following Strategic Directions objectives and policies:</p> <p><i>Objective 3.2.3.1: A built environment that ensures our urban areas are desirable and safe places to live, work and play.</i></p> <p><i>Policy 3.2.3.1.2: That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.</i></p> <p><i>Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.</i></p> <p>Gives effect to the following Operative ORPS objectives:</p> <ul style="list-style-type: none"> <li>• Objective 5.4.1</li> <li>• Objective 5.4.2</li> <li>• Objective 5.4.4</li> <li>• Objective 9.4.1</li> <li>• Objective 9.4.3</li> </ul> <p>Gives effect to the following Operative OPRS policies:</p>

- Policy 9.5.4
- Policy 9.5.5

Has regard to the following Proposed ORPS objectives and policies:

- Objective 1.1
- Policy 1.1.3
- Objective 3.1
- Policy 3.1.12
- Objective 3.2
- Policy 3.2.2
- Policy 3.2.6
- Objective 4.5
- Policy 4.5.1
- Policy 4.5.2
- Policy 4.5.6
- Objective 5.1
- Policy 5.1.1
- Policy 5.5.5

Takes into account the following MNRMP 2008 policies:

- 3.4.8 - Policy 5
- 3.4.11 - Policy 1
- 3.4.12 – Policy 4
- 3.5.7 – Policy 1
- 3.5.17 – Policy 1

Takes into account the following ONRMP 2005 policies:

	<ul style="list-style-type: none"> <li>• 5.6.3 (ii)</li> <li>• 5.6.4 – Policy 3, Policy 24 and Policy 29</li> </ul>
<p><b>38.5.1 Objective (Active Sport and Recreation Zone)</b></p> <p><b>Active sport and recreation activities are provided for in appropriate locations, while managing adverse effects on surrounding areas and communities.</b></p>	<p>Objective 38.5.1 is considered the most appropriate way to meet the purpose of the RMA as it provides open space that is easily accessible, used for indoor and outdoor organised sports, active recreation and community activities, which, in turn, enables people to fulfil their social, economic, and cultural well-being, and health and safety. The objective recognises the intensive use made of these areas, and the need to provide sufficient facilities to support these uses, while at the same time, providing for the open space and amenity values of a park or reserve within this zone, as well as avoiding or mitigating adverse effects on the surrounding areas. Objective 38.5.1 establishes a framework that will restrict potential inappropriate activities, including development, that may be better suited to another open space and recreational zone.</p> <p>It is considered that Objective 38.5.1 is consistent with the following Strategic Directions objectives and policies:</p> <p><i>Objective 3.2.3.1: A built environment that ensures our urban areas are desirable and safe places to live, work and play.</i></p> <p><i>Objective 3.2.6.3: A high quality network of open spaces and community facilities.</i></p> <p><i>Policy: 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.</i></p> <p><i>Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.</i></p> <p>Gives effect to the following Operative ORPS objectives:</p> <ul style="list-style-type: none"> <li>• Objective 5.4.1</li> <li>• Objective 5.4.2</li> <li>• Objective 5.4.4</li> <li>• Objective 9.4.1</li> <li>• Objective 9.4.3</li> <li>• Objective 10.4.3</li> </ul> <p>Gives effect to the following Operative OPRS policies:</p> <ul style="list-style-type: none"> <li>• Policy 9.5.4</li> <li>• Policy 9.5.5</li> </ul>

	<p>Has regard to the following Proposed ORPS objectives and policies:</p> <ul style="list-style-type: none"> <li>• Objective 1.1</li> <li>• Policy 1.1.3</li> <li>• Objective 3.1</li> <li>• Policy 3.1.9</li> <li>• Objective 3.2</li> <li>• Policy 3.2.2</li> <li>• Policy 3.2.6</li> <li>• Objective 4.5</li> <li>• Policy 4.5.1</li> <li>• Policy 4.5.2</li> <li>• Policy 4.5.6</li> <li>• Objective 5.1</li> <li>• Policy 5.1.1</li> </ul> <p>Takes into account the following MNRMP 2008 policies:</p> <ul style="list-style-type: none"> <li>• 3.4.14 – Policy 6</li> <li>• 3.5.7 – Policy 1</li> </ul> <p>Takes into account the following ONRMP 2005 policies:</p> <ul style="list-style-type: none"> <li>• 5.6.4 – Policy 3 and Policy 24</li> </ul>
<b>38.6.1 Objective (Civic Spaces Zone)</b>	Objective 38.6.1 is considered the most appropriate way to meet the purpose of the RMA as it facilitates areas within the District where people and communities can gather to meet their social, economic, and cultural well-being, and health and safety.
<b>Civic spaces are the community focal points for civic and</b>	The objective establishes a framework that will limit development of buildings and structures within these open space areas that would enhance any amenity values (in accordance with section 7(c) of the RMA), while recognising that public facilities are

<p><b>community functions, events and informal recreation of benefit to both the community and the District.</b></p>	<p>required.</p> <p>It is considered that Objective 38.6.1 is consistent with the following Strategic Directions objectives and policies:</p> <p><i>Objective 3.2.3.1: A built environment that ensures our urban areas are desirable and safe places to live, work and play.</i></p> <p><i>Policy 3.2.3.1.2: That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.</i></p> <p><i>Objective 3.2.6.3: A high quality network of open spaces and community facilities.</i></p> <p><i>Policy: 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.</i></p> <p><i>Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.</i></p> <p>Gives effect to the following Operative ORPS objectives:</p> <ul style="list-style-type: none"> <li>• Objective 5.4.1</li> <li>• Objective 5.4.4</li> <li>• Objective 9.4.1</li> </ul> <p>Gives effect to the following Operative OPRS policies:</p> <ul style="list-style-type: none"> <li>• Policy 5.5.7</li> <li>• Policy 9.5.5</li> </ul> <p>Has regard to the following Proposed ORPS objectives and policies:</p> <ul style="list-style-type: none"> <li>• Objective 1.1</li> <li>• Policy 1.1.3</li> <li>• Objective 4.5</li> <li>• Policy 4.5.1</li> <li>• Policy 4.5.2</li> <li>• Policy 4.5.6</li> </ul>
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	<ul style="list-style-type: none"> <li>• Objective 5.1</li> <li>• Policy 5.1.1</li> </ul>
<p><b>38.7.1 Objective (Community Purposes Zone)</b></p> <p><b>Community activities that meet the current and future social, cultural, recreation, health and community needs of both local communities and visitors to the District are provided for within a diverse range of open spaces.</b></p>	<p>Objective 38.7.1 establishes a framework that enables use and development within particular open spaces that enhance the social, economic, and cultural well-being, and health and safety of people and communities, while avoiding, remedying, or mitigating any potential adverse effects on the environment.</p> <p>It is considered that Objective 38.7.1 is consistent with the following Strategic Directions objectives and policies:</p> <p><i>Objective 3.2.3.1: A built environment that ensures our urban areas are desirable and safe places to live, work and play.</i></p> <p><i>Objective 3.2.6.3: A high quality network of open spaces and community facilities.</i></p> <p><i>Policy: 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.</i></p> <p><i>Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.</i></p> <p>Gives effect to the following Operative ORPS objectives:</p> <ul style="list-style-type: none"> <li>• Objective 5.4.1</li> <li>• Objective 5.4.4</li> <li>• Objective 9.4.1</li> </ul> <p>Gives effect to the following Operative OPRS policies:</p> <ul style="list-style-type: none"> <li>• Policy 5.5.7</li> <li>• Policy 9.5.5</li> </ul> <p>Has regard to the following Proposed ORPS objectives and policies:</p> <ul style="list-style-type: none"> <li>• Objective 1.1</li> <li>• Policy 1.1.3</li> <li>• Objective 4.5</li> <li>• Policy 4.5.1</li> </ul>

	<ul style="list-style-type: none"> <li>• Policy 4.5.2</li> <li>• Policy 4.5.6</li> <li>• Objective 5.1</li> <li>• Policy 5.1.1</li> <li>• Policy 5.2.3</li> </ul> <p>Takes into account the following MNRMP 2008 policies:</p> <ul style="list-style-type: none"> <li>• 3.4.8 - Policy 6 and Policy 12</li> <li>• 3.4.12 - Policy 3</li> </ul> <p>Takes into account the following ONRMP 2005 policies:</p> <ul style="list-style-type: none"> <li>• 5.4.3 (iii)</li> <li>• 5.6.3(ii)</li> </ul>
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The above objectives are considered to be the most appropriate methods of achieving the purpose of the RMA, as they identify and give direction as to the how the specific issues that pertain to the proposed Open Space and Recreation Zone chapter are addressed.

## 8 Evaluation of the proposed provisions Section 32(1)(b)

Section 32(1)(b) of the RMA requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonable practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. The proposed provisions are grouped by District Wide provisions and then by each proposed zone for the purposes of this evaluation.

## DISTRICT WIDE PROVISIONS (POLICIES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES

### 38.2.1 Objective (District Wide)

The open space and recreation needs of the District's residents and visitors are met through the provision of a wide range of quality Open Space and Recreation Zones that provide for passive and active recreation activities.

### 38.2.2 Objective (District Wide)

Recreation activities are undertaken and facilities constructed in a way that maintains or enhances the values of open space areas and the recreation opportunities available within the District.

### 38.2.3 Objective (District Wide)

Commercial activities are limited to those that have a functional requirement to locate within open spaces and do not degrade open space and recreation values.

### 38.2.4 Objective (District Wide)

The interface between activities within the Open Space and Recreation Zones are managed to protect, maintain or enhance the natural character of waterbodies and their margins.

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<b>Policies</b> 38.2.1.1 to 38.2.1.6 38.2.2.1 to 38.2.2.6 38.2.3.1 to 38.2.3.3 38.2.4.1 to	a. There is the potential to adversely affect Outstanding Natural Features or Landscapes, by not providing a mechanism for these areas to be identified and therefore, allowing inappropriate subdivision, use and development to occur in the same. b. Open space comes under pressure to provide for multiple activities, functions and values that can compromise its predominant purpose. The recognition	a. The general intent of the proposed Open Space and Recreation Zone chapter is to address matters requiring management or control under the RMA, where they are not already covered under other legislation. In this regard, the policies recognise that there are other processes that assist in managing the provision of open space areas, such as, by management plans. b. These policies provide the management framework for the proposed Open Space	a. The policies are effective in achieving the objectives by providing for a variety of open space zones allows a level of use and development that complements the functions and values of a particular type of open space. b. The policies are efficient as they acknowledge and enable the need for a range of different types of open space and recreation areas in different locations to meet community wellbeing. They are

<p>.8.2.4.3 Landscape assessment matters 38.14.</p>	<p>of competing demand for open space or conflicting activities and values are important to understand.</p> <p>c. There is the potential to adversely affect the natural character of waterbodies and their margins by allowing public access to these areas for recreational use.</p> <p>d. Potential for water quality in the District to be affected where intensive development resulting in discharges occurs in an inappropriate location, such as the margin of a waterbody.</p> <p>e. There is a cost to ratepayers in developing and maintaining facilities for the public. Such costs are provided by the Council through the development of Long Term Plans.</p> <p>f. There are costs associated with the policies where a resource consent is required and where mitigation may be required through consent conditions to address adverse effects. This situation could apply to the Council as it is responsible for many reserves around the District, as well as users of open spaces. It is noted, for completeness, that this approach is not new, as the Operative District Plan already requires consents for a variety of activities within areas that will be rezoned as open space reserves.</p>	<p>and Recreation Zones set out in the rules. They establish a range of matters that will enable activities within each of the zones to be permitted activities subject to standards, but also provide guidance for decision makers when faced with determining whether a particular activity is appropriate.</p> <p>c. The policies require that buildings are designed and sited so that they are compatible with the function and purpose of the open spaces on which they sit. This, in turn, ensures that development does not detract from the values associated with each area.</p> <p>d. Implementation of the policies will see the appropriate character of the open space areas retained so that people can continue to enjoy these areas and their natural values. The standards are set to help maintain the character of adjoining zones, so that activities are not inappropriately located. In doing so, the policies also seek to avoid conflict between users.</p> <p>e. The provisions recognise that managing the values of the various open spaces is through specific zoning. The benefit of having specific zoning establishes provisions that are tailored to provide for different types of activities and levels of development to ensure compatibility with the maintenance or enhancement of those values.</p> <p>f. It is recognised in the policies that open space accommodates a range of functions. The policies set the framework for the</p>	<p>also important as the policies recognise the need to maintain the quality, type, number and location of reserves and facilities to ensure the needs of the community are met on an ongoing basis. Wide community benefits are expected from these policies.</p> <p>c. The policies are efficient as they provide an enabling approach for a range of activities within the proposed Open Space and Recreation Zones, as well as guidance for decision makers in determining resource consent applications in these zones.</p> <p>d. Efficiencies are achieved by seeking to avoid, remedy or mitigate effects on the surrounding environment through clear policy direction on the key matters that need to be considered for any development or use of open space and recreation land.</p> <p>e. The policies are effective at achieving the stated objectives by providing the mechanisms for identifying the values of open space and recreation areas prior to development. In turn, these values can be protected by recognising development and use options may be appropriate, while ensuring environmental effects are avoided, remedied or mitigated.</p> <p>f. The policies provide a clear Policy directive that activities and public access will be provided for, provided that that such activities and access are appropriately located to not compromise</p>
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		<p>creation of zones to accommodate different types of open space areas or recreational facilities, ranging from passive neighbourhood reserves, commercial activities, sports fields, walkways, indoor sports facilities, swimming pools and other recreation facilities.</p> <p>g. The policies provide for both the communities and visitors wide variety of needs in an environment that is one of the key reasons that people live, work, play and visit the District.</p> <p>h. The provisions provide a mechanism to identify areas that present opportunities for appropriately scaled development, including the various requirements for each particular zone and the associated values.</p> <p>i. These policies recognise that there are a range of opportunities for the public to use areas of open space and move between these areas. Further, the policies seek to enhance the linkages between areas of open space and other zones in the District, particularly between open spaces and where the community/visitors are residing.</p> <p>j. The policies provide enhanced amenity resulting from the availability of transportation links for walking and cycling. This includes identification that access to and along the District's waterbodies, and their margins, is important to the community, while making sure that the natural character values of the area are not adversely affected.</p> <p>k. The waterbodies and their margins attract</p>	<p>the natural character values of the area.</p> <p>g. Providing for public access to waterbodies and their margins directly reinforces, through the policies, the requirement of the RMA to maintain and enhance public access to such areas.</p> <p>h. It is considered that the policies give effect to the National Policy Statement for Freshwater Management, which provides the high-level policy direction in respect of water.</p> <p>i. The landscape assessment matters will assist with the identification of the valued components of the landscape in question and assist with identifying the sensitivity of the landscape unit and its ability to absorb change. The landscape assessment matters will help ensure that development maintains landscape values and assists the Council to give effect ss 6 and 7 of the Act.</p> <p>j. The rules relating to helicopter operations will require resource consent (Rule 38.9.37). The Noise rules in Chapter 36 (Rule 36.5.4) will be the same as other zones and have purposefully not been made any more lenient. It is important that the amenity effects and intensity and frequency of activities can be managed to ensure the overall recreation values of the zone are not compromised. This is a cost and inefficiency to proponents seeking additional helicopter activities but is effective in terms of providing the Council the ability to retain oversight and</p>
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		competing uses and the policies focus on managing development and activities within the vicinity of the same to ensure that the natural qualities and habitats in these environments are protected, accessibility is maintained and enhanced, and opportunities for sport and recreation use are provided for. The policies make it clear that sport and recreation use is provided for where it does not compromise the natural character and amenity of these areas.	the ability to consider the effects of helicopter activities on other users and the wider public. k. The variation to the identified Parts 6.2 and 6.4 of notified Landscape Chapter 6 will clarify that the land now located within the Open Space and Recreation Zones is part of ONF/ONL or RLC where identified on the Planning Maps.
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## NATURE CONSERVATION ZONE PROVISIONS (POLICIES AND RULES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVE

### 38.3.1 Objective (Nature Conservation Zone)

Use and development complements and protects the nature conservation values and natural qualities of the Nature Conservation Zone.

Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
<b>Policies</b>  38.3.1.1	a. Development and use of these areas could potentially damage or destroy sensitive areas of ecological, landscape, heritage and cultural value.  b. Potential duplication and/or inconsistency with Reserve Management Plans may result in inefficiencies and confusion regarding the	a. This zone is recognised as having high natural character values and its conservation and protection has environmental, social, cultural benefits for the community and visitors, such as providing areas that they may visit and interact with these values.  b. Due to the size of these landholdings, farm grazing may be used to maintain the properties. The policies seek to recognise that compatible rural activities and buildings may be appropriate in this zone.  c. Visitors and residents will have improved	a. The proposed Open Space Nature Conservation Zone chapter is complementary to the provisions in Chapter 6 – <i>Landscape</i> , which seeks to recognise the landscape as a significant resource to the District and Region, and Chapter 33 – <i>Indigenous Vegetation and Biodiversity</i> , which identifies that Council has a responsibility to maintain indigenous biodiversity and to recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna, which are collectively

	<p>appropriate policy direction.</p> <p>c. Accessibility, buildings and human activity potentially damaging or destroying sensitive areas of ecological, landscape, heritage and cultural value.</p> <p>d. Access and other activities (such as biking) conflicting with conservation values of esplanade reserves.</p>	<p>access to open spaces, including through reserve contribution processes that provides for Council infrastructure, such as access along the margins of waterbodies.</p> <p>d. The conservation and protection of the environmental, social and cultural benefits of these areas is a matter of national importance. The proposed provisions are considered to be beneficial in achieving consistency with the same.</p> <p>e. Enabling people to experience the natural open spaces through compatible recreation and tourism activities provides not only health and well-being benefits, but also contributes economically to their upkeep. In addition, the experience may assist in bringing to attention the ecological and conservation values and lead to voluntary actions to protect and improve those conservation values (such as through community plantings).</p>	<p>referred to as Significant Natural Areas. The provisions of the proposed Open Space Nature Conservation Zone chapter provide clear guidance on the activities, use and development within such areas.</p> <p>b. Given the foregoing, the proposed provisions are efficient and effective at meeting section 6 of the RMA, which requires protection of these matters of national importance.</p>
<p><b>Rules</b></p> <p>38.9.1 to 38.9.36 (Activity Status Table)</p> <p>38.10 (Permitted Standards)</p> <p>38.11 (Controlled Activities)</p> <p>38.12 (Restricted Discretionary)</p>	<p>a. Potential resource consent application costs and time, along with uncertainty as to possible conditions restricting activities.</p> <p>b. Compliance costs.</p> <p>c. Potential duplication and/or inconsistency with reserve management plans and Reserves Act 1977 may result in inefficiencies and confusion regarding the appropriate policy direction.</p>	<p>a. Conservation and park management activities are provided for and are central to the benefits anticipated from this zone.</p> <p>b. Recreation and other compatible activities are enabled, thereby affording the opportunity for people to appreciate the ecological and conservation values that exist. This is achieved by providing for education activities in the zone.</p>	<p>a. Conservation and open space management activities are provided for and are central to the benefits anticipated from this zone.</p> <p>b. Built Form Standards set a maximum size for a single building and site coverage, which control adverse effects of buildings and activities on the open space, its natural, ecological and landscape values and on the adjoining land uses.</p> <p>c. The rules are considered to have high efficiency as the protection of conservation and ecological values are not compromised by the benefits accruing from providing appropriate access and appreciation of those values.</p>

Activities) 38.13.1 (Non-notification) 38.14 Landscape assessment matters.	d. Limited potential for a range of activities and restriction on larger buildings, which may limit opportunities for multifunctional use.		d. The landscape assessment matters will assist with the identification of the valued components of the landscape in question and assist with identifying the sensitivity of the landscape unit and its ability to absorb change.
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## INFORMAL RECREATION ZONE PROVISIONS (POLICIES AND RULES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVE

**38.2.1 Objective - The open space and recreation needs of the District's residents and visitors are met through the provision of a wide range of quality Open Space and Recreation Zones that provide for passive and active recreation activities.**

**38.2.2 Objective - Recreation activities are undertaken and facilities constructed in a way that maintains or enhances the values of open space areas and the recreation opportunities available within the District.**

**38.2.3 Objective – Commercial activities are limited to those that have a functional requirement to locate within Open Space and Recreation Zone s and do not degrade open space and recreation values..**

**38.2.4 Objective – The interface between activities within the Open Space and Recreation Zones are managed to protect, maintain or enhance the natural character of waterbodies and their margins.**

**38.4.1 Objective (Informal Recreation Zone) Use and development for informal recreation maintains and enhances the environment Use and development for informal recreation maintains and enhances the environment**

Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
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<p><b>Policies</b></p> <p>38.4.1.1 to 38.4.1.6</p>	<p>a. Potential duplication and/or inconsistency with Reserve Management Plans may result in inefficiencies and confusion regarding the appropriate policy direction.</p> <p>b. Permanent buildings have the potential to occupy space that is important to be kept open to ensure flexibility for informal recreation and public access to and along the margins of lakes and rivers.</p> <p>c. Without effective management, activities attracting large numbers of visitors can generate noise, traffic and “after the event” effects that are incompatible with their other values and uses.</p>	<p>a. Larger parks provide for a range of multi-purposes and large events that provide a focal point for local community, the District and wider area.</p> <p>b. Local neighbourhood parks provide easy access to adjoining and nearby residential areas, thereby contributing to residential amenity and community health.</p> <p>c. Parks along the foreshore (particularly those along Roys Bay - Wanaka and Queenstown Bay) contribute to the tourist and visitor experience and consequently economic well-being.</p> <p>d. Public access to and along the margins of lakes and rivers is maintained, other than where alternative linkages need to be made to ensure the commercial activity can operate safely.</p>	<p>a. The policies provide a framework to manage development in community parks to reflect their purpose and function, within the context of surrounding land uses.</p> <p>b. The land is in Council ownership or administration and the provisions will work in tandem with Council's Parks and Open Space Strategy 2017, reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not addressed through other methods.</p>
<p><b>Rules</b></p> <p>38.9.1 to 38.9.36 (Activity Status Table)</p> <p>38.10 (Permitted Standards)</p> <p>38.11 (Controlled Activities)</p>	<p>Development of land in the Informal Recreation Zone is restricted to a fairly low scale and scope. Any activities that do not comply with permitted standards will need a resource consent.</p> <p>Potential resource consent application costs and time, along with uncertainty as to possible conditions restricting activities.</p> <p>Compliance costs.</p>	<p>a. Similar to the Active Sport and Recreation Zone, commercial activities, community facilities, public amenity and informal recreation activities are provided for as permitted activities; however, the standards are set to reflect a lower scale, quieter reserve environment.</p> <p>b. The range of permitted and controlled activities provide for day to day park management and public amenities, as well as the specific sports and recreation activities anticipated.</p>	<p>a. Providing for permitted standards that can be met without any consent process is an efficient way of managing activities on reserves. The matters of discretion are effectively tailored to address issues that might arise from not meeting permitted standards.</p> <p>b. It is considered that the rules and methods used are an efficient and effective way of implementing the objectives and policies of the zone by establishing appropriate limits on what use and development can occur.</p> <p>c. The rules are enabling of informal recreational activities, as a primary activity anticipated in open</p>

<p>38.12 (Restricted Discretionary Activities)</p> <p>38.13.1 (Non-notification)</p> <p>38.14 Landscape assessment matters.</p>	<p>Potential duplication and/or inconsistency with reserve management plans and Reserves Act 1977 may result in inefficiencies and confusion regarding the appropriate policy direction.</p>	<p>c. Resource consent approval as either restricted or full discretionary activities provides for the ability to consider the suitability of the activity on any particular park and the potential external effects. Matters of discretion have been tailored to only address those matters that are relevant.</p> <p>d. Built form standards enable the development of building, structures and facilities within an 'envelope'. Non-compliance with the standards relates to potential effects outside the park and suitability of the built form within the context of the park and particularly access to the margins of lakes and rivers.</p>	<p>spaces. These activities are recognised as a permitted activity, and are subject to minimal performance standards related to associated built forms. It is noted that the integrated nature of the Proposed District Plan will ensure that effects associated with other activities do not go unmanaged, such as activities that do not meet the permitted standards for earthworks or noise.</p> <p>d. Rules (both activity status and standards) trigger an assessment of potential effects. As many activities as considered appropriate have been provided for as permitted activities and the least built form standards applied. Accordingly, it is considered that development outside these parameters has the potential for adverse effects and hence the need for written approval/limited notification or full public notification will be considered in accordance with the RMA.</p> <p>e. The rules provide certainty that development within their parameters will be enabled with minimal resource consent and compliance costs.</p> <p>f. The rules seek to protect green space and recreation opportunities from displacement by activities that do not support open space and recreation – particularly those that have the potential to preclude public access through them and along the margins of lakes and rivers.</p> <p>g. Thresholds have been set for ancillary activities in terms of their size and floor areas they are permitted to occupy. This will enable an assessment of the effect of built form/size of the activity on the park, as well as whether the activity retains its secondary function to the main purpose of the park and potential adverse effects (such as traffic) on the surrounding</p>
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			<p>neighbourhood.</p> <p>h. The landscape assessment matters will assist with the identification of the valued components of the landscape in question and assist with identifying the sensitivity of the landscape unit and its ability to absorb change. The Informal Recreation Zone has a wide variety of sites within a range of landscapes and the assessment matters will help ensure that landscape values are maintained.</p>
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## INFORMAL RECREATION: BEN LOMOND SUB ZONE. ZONE PROVISIONS (POLICIES AND RULES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES

**38.2.1 Objective - The open space and recreation needs of the District's residents and visitors are met through the provision of a wide range of quality Open Space and Recreation Zones that provide for passive and active recreation activities.**

**38.2.2 Objective - Recreation activities are undertaken and facilities constructed in a way that maintains or enhances the values of open space areas and the recreation opportunities available within the District.**

**38.2.3 Objective – Commercial activities are limited to those that have a functional requirement to locate within Open Space and Recreation Zones and do not degrade open space and recreation values.**

**38.2.4 Objective – The interface between activities within the Open Space and Recreation Zones are managed to protect, maintain or enhance the natural character of waterbodies and their margins.**

**38.4.1 Objective (Informal Recreation Zone) Use and development for informal recreation maintains and enhances the environment**

Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
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<p><b>Policies</b></p> <p><b>38.2.1.1 to 38.2.1.6</b></p> <p><b>38.2.2.1 – 38.2.2.6</b></p> <p><b>38.2.3.1 – 38.2.3.3</b></p> <p><b>38.4.1.1 to 38.4.1.6</b></p> <p><b>Rules</b></p> <p><b>All rules within Table 38.3</b></p> <p><b>Landscape Assessment Matters in 38.14 are applicable to Discretionary or Non-complying activities</b></p>	<p>a. The rule framework generally provides for activities and buildings as a restricted discretionary activity, rather than a discretionary activity as is the case the wider Informal recreation Zone. The restricted discretionary rule framework only provides that the matters of discretion are considered at the time of resource consent. The landscape assessment matters and any unanticipated effects not identified by the matters of discretion cannot be considered. In this context, there is potential for environmental costs.</p> <p>b. The ability for effects on other parties or occupiers of the Ben Lomond area are reduced, compared to a full discretionary regime, the matters of control or discretion need to be comprehensive enough to enable the resource management issues to be addressed and the policies and objectives to be achieved. There is a potential cost to other persons affected by a proposed development with a constrained rule framework.</p> <p>c. The ability for persons affected by passenger lift systems in the Gondola corridor are restricted, however there is a fair degree of</p>	<p>a. The rules and restricted discretionary activity status provide more certainty to applicants and other persons affected by development in the Ben Lomond area.</p> <p>b. The matters of discretion and policies are considered comprehensive to enable the appropriate level of scrutiny to activities.</p> <p>c. The discretionary status for non-compliance with the standards will mean that a wider assessment can be undertaken where activities are proposed that are not contemplated by the rules.</p> <p>d. The Ben Lomond Sub Zone departs from the remainder of the Open Space Zone in that restricted Discretionary activities could be notified and Controlled activities could be limited notified. This is considered important given the highly prominent location and multiple interests on this site. The restricted discretionary status does not necessarily anticipate notification, but notification is available to be exercised in the event a proposal does not appear to accord with the policies, and strains the effects of activities contemplated through the Sub Zone and bespoke rule framework. While this is cost to</p>	<p>a. The Informal Recreation Ben Lomond Sub Zone recognises and manages the existence and wide range of commercial and informal recreation activities in the Ben Lomond Recreation Reserve.</p> <p>b. The overall suite of rules are both effective and efficient in that they reflect in part the existing environment and the general position of Skyline Enterprises Ltd, Council officers and further submitters (ZJV Ltd) as to the zoning and rules that will be most appropriate way to meet the objectives of the Open Space Chapter, and the Strategic Directions of the PDP. The rules are not the same as requested By Skyline, however they are tailored for the entire Ben Lomond reserve to be subject to the bespoke rules and the rules seek to provide for and manage the multiple interests that are present in this area, including the aspirations of the Council to manage and realise the public recreation benefits.</p> <p>c. The rules are efficient in so far that they provide a more streamlined and constrained scope for the assessment of effects. The rules are however also equally effective in providing discretion to assess the important resource management issues in this area, and address the wide range of issues that could present.</p> <p>d. The rules, activity status and matters of discretion are considered to achieve an appropriate balance between providing a degree of certainty and foreshadowing what could be undertaken within the Ben Lomond Sub Zone, while still providing adequate scope to address the actual and</p>
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	<p>certainty by the relatively constrained size of the gondola corridor and existing infrastructure in the Ben Lomond area.</p> <p>d. Costs to the applicants where applications could be notified, however there is more certainty to these parties than under a full discretionary status.</p>	<p>applicants, it is a benefit overall to ensure other persons genuinely affected are provided with the ability for input to the process and, the most appropriate development option is taken. The notification process, or the ability for the Council to notify an application enhance environmental outcomes.</p>	<p>potential adverse effects of activities.</p> <p>e. The rules relating to helicopter operations will require resource consent (Rule 38.9.37). The Noise rules in Chapter 36 (Rule 36.5.4) will be the same as other zones and have purposefully not been made any more lenient. It is important that the amenity effects and intensity and frequency of activities can be managed to ensure the overall recreation values of the zone are not compromised. This is a cost and inefficiency to proponents seeking additional helicopter activities but is effective in terms of providing the Council the ability to retain oversight and the ability to consider the effects of helicopter activities on other users and the wider public.</p> <p>f. The variation to the identified Parts 6.2 and 6.4 of notified Landscape Chapter 6 will clarify that the land now located within the Open Space and Recreation Zones is part of ONF/ONL or RLC where identified on the Planning Maps.</p> <p>g. The proposed rule framework is also more effective where it is considered to better align with the Council's Ben Lomond Reserve Management Plan 2005 (<b>RMP 2005</b>). The vision of the RMP 2005 at Part 8 for the management of the Ben Lomond Reserve is: <i>'To Protect and enhance the natural values of Ben Lomond Reserve and provide opportunity for compatible recreation activities'</i>.</p> <p>h. At part 8.1.3 the RMP 2005 states that the Ben Lomond reserve already has a number of</p>
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			<p>established commercial recreation activities, which rely on the reserves steep topography and height together with the views it provides over the Wakatipu Basin. These activities are primarily aimed at the tourism sector, but also has a large recreation component through the provision of walking and mountain biking trails. The RMP 2005 also includes objectives and policies under the umbrella of 4 goals (Effective Management, enhanced biodiversity, recreation opportunities and, to protect landscape values'.</p> <p>i. It is considered the objectives and policies of the Open Space and recreation Zones and the Informal recreation Sub-Zone provide a suitable connection with the RMP 2005. In particular, the Open Space and Recreation Zone is considered to be substantially better aligned with the goals, objectives and policies of the RMP 2005, than the Stage 1 notified PDP Rural Zone.</p>
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#### 38.5.1 Objective (Active Sport and Recreation Zone)

Active sport and recreation activities are provided for in appropriate locations, while managing adverse effects on surrounding areas and

communities.			
Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
<b>Policies</b>  38.5.1.1 and 38.5.1.2	a. Potential duplication and/or inconsistency with Reserve Management Plans may result in inefficiencies and confusion regarding the appropriate policy direction.  b. Permanent buildings have the potential to occupy space that is important to be kept open to ensure flexibility for other sports and events.  c. Without effective management, activities attracting large numbers of visitors can generate noise, traffic and “after the event” effects that are incompatible with their other values and uses.	a. Effects of large scale buildings for recreation activities can be internalised within specific sites.  b. Co-location of activities and services, as well as multifunctional use of facilities, provides for economic efficiency.  c. Providing for organised sport and recreation on specific parks protects other parks that have open space and/or environmental values from coming under pressure to be utilised for sport and recreation.  d. Sport and recreation plays a substantial and vital role in contributing to community well-being.  e. The placing of a number of activities on one site is an initiative to encourage sports and other recreation activities to concentrate in hubs. This increase the built facility efficiency and encourages better use of these facilities.	a. The policies provide a framework to manage development in parks, such as impacts from buildings, access and car parking areas, noise, outdoor storage, and glare, to reflect their sports and recreation purpose and function, within the context of surrounding land uses.  b. The land is in Council ownership or administration and the provisions will work in tandem with Council’s Parks and Open Space Strategy 2017, reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not addressed through other methods (particularly potentially significant effects in terms of scale of buildings, car parking, noise and traffic).
<b>Rules</b>  38.9.1 to 38.9.36 (Activity Status Table)  38.10 (Permitted Standards)  38.11	a. Potential resource consent application costs and time, along with uncertainty as to possible conditions restricting activities.  b. Compliance costs.  c. Potential duplication and/or inconsistency with reserve management plans and Reserves Act 1977.	a. The range of permitted and controlled activities provide for day to day park management and public amenities, as well as sports and recreation activities sought to be promoted.  b. Resource consent approval as either restricted or full discretionary activities provide for the ability to consider the suitability of the activity on any particular park and the potential external effects. Matters of discretion have been tailored to only address	a. The proposed policy is an efficient means of achieving the overriding objectives and purpose of the RMA. Specifically, it establishes clear policy that recognises that built development associated with recreation and open space activities is anticipated within the zone with limits on the overall building footprint within the area.  b. Larger sites are identified as having capacity to accommodate major sports facilities, events and multifunctional use with potential adverse

<p>(Controlled Activities)</p> <p>38.12 (Restricted Discretionary Activities)</p> <p>38.13.1 (Non-notification)</p>		<p>those matters that are relevant.</p> <p>c. Built form standards enable the development of building, structures and facilities within an 'envelope'. Non-compliance with the standards relates to potential effects outside the park and suitability of the built form within the context of other sports and recreation activities on the park that require open space.</p>	<p>effects internalised.</p> <p>c. Built Form Standards setting out maximum levels for site coverage is proposed. These rules combined with setbacks and height limits, aim to protect the amenity of the open space and the surrounding environment.</p> <p>d. The policies provide a framework to manage development in parks to reflect their sports and recreation purpose and function, within the context of surrounding land uses.</p> <p>e. The land is in Council ownership or administration and the provisions will work in tandem with Council's Parks and Open Space Strategy 2017, reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not addressed through other methods (particularly potentially significant effects in terms of scale of buildings, car parking, noise and traffic).</p> <p>f. Rules (both activity status and standards) trigger an assessment of potential effects. As many activities as considered appropriate have been provided for as permitted activities and the least built form standards applied. Accordingly, it is considered that development outside these parameters have the potential for adverse effects and hence the need for written approval/limited notification or full public notification will be considered in accordance with the RMA.</p> <p>g. Multi-functional use enables maximum utilisation of sports facilities and is an efficient use of land and buildings.</p>
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			<ul style="list-style-type: none"> <li>h. The rules provide certainty that development within their parameters will be enabled with minimal resource consent and compliance costs.</li> <li>i. The rules seek to retain green open space and outdoor recreation opportunities, while recognising that many recreation and sports activities are better accommodated within buildings.</li> <li>j. Thresholds have been set for ancillary activities in terms of their size and floor areas they are permitted to occupy. This will enable an assessment of the effect of built form/size of the activity on the park, as well as whether the activity retains its secondary function to the main purpose of the park and potential adverse effects (such as traffic) on the surrounding neighbourhood.</li> </ul>
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CIVIC SPACES ZONE PROVISIONS (POLICIES AND RULES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVE			
<b>38.6.1 Objective (Civic Spaces Zone)</b>			
Civic spaces are the community focal points for civic and community functions, events and informal recreation of benefit to both the community and the District.			
Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
<b>Policies</b>  38.6.1.1 to	a. Potential duplication and/or inconsistency with Reserve Management Plans may result in inefficiencies and confusion	a. Urban civic parks provide venues for civic, entertainment and other events. Social, community and economic benefits arise from their use for these	a. The policies provide a framework to manage development in civic parks to reflect their purpose and function, within the context of surrounding land uses. b. The land is in Council ownership or administration

38.6.1.3	<p>regarding the appropriate policy direction.</p> <p>b. Permanent buildings have the potential to occupy space that is important to be kept open to ensure flexibility for civic and other community events.</p> <p>c. Without effective management, activities attracting large numbers of visitors can generate noise, traffic and “after the event” effects that are incompatible with their other values and uses.</p>	<p>purposes.</p> <p>b. The location of civic parks within town centres, reinforces them as destinations and provide links to public transport facilities (such as that proposed at the northern end of Ballarat Street, Queenstown) and other tourism facilities (such as information centres) and attractions (such as the Earnslaw).</p>	<p>and the provisions will work in tandem with Council’s <i>Parks and Open Space Strategy 2017</i>, reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not addressed through other methods.</p>
<p><b>Rules</b></p> <p>38.9.1 to 38.9.36 (Activity Status Table)</p> <p>38.10 (Permitted Standards)</p> <p>38.11 (Controlled Activities)</p> <p>38.12 (Restricted Discretionary Activities)</p> <p>38.13.1</p>	<p>a. Potential resource consent application costs and time, along with uncertainty as to possible conditions restricting activities.</p> <p>b. Compliance costs.</p> <p>c. Potential duplication and/or inconsistency with reserve management plans and Reserves Act 1977 may result in inefficiencies and confusion regarding the appropriate policy direction.</p>	<p>a. The range of permitted and controlled activities provide for day to day park management and public amenities, as well as the specific activities anticipated in civic spaces.</p> <p>b. Resource consent approval as either restricted or full discretionary activities provide for the ability to consider the suitability of the activity on any particular civic space and the potential external effects, which is particularly relevant as the location of civic spaces generally within town centres, where traffic and crowd management may be required. Matters of discretion have been tailored to only address those matters that are relevant.</p> <p>c. Built form standards enable the development of building, structures and facilities within an ‘envelope’. Non-compliance with the standards relates to</p>	<p>a. Rules (both activity status and standards) trigger an assessment of potential effects. As many activities as considered appropriate have been provided for as permitted activities and the least built form standards apply. Accordingly, it is considered that development outside these parameters have the potential for adverse effects and hence the need for written approval/limited notification or full public notification will be considered in accordance with the RMA.</p> <p>b. The rules provide certainty that development within their parameters will be enabled with minimal resource consent and compliance costs.</p> <p>c. The rules seek to provide for civic spaces to retain flexibility to be used for a range of temporary and single events, without being constrained by built form.</p> <p>d. Thresholds have been set for ancillary activities in terms of their size and floor areas they are permitted to occupy. This will enable an assessment of the effect of built form/size of the</p>

(Non-notification)		potential effects outside the park and suitability of the built form within the context of the park and particularly access to the margins of lakes and rivers.	activity on the park, as well as whether the activity retains its secondary function to the main purpose of the park and potential adverse effects (such as traffic) on the surrounding neighbourhood.
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## COMMUNITY PURPOSES ZONE PROVISIONS (POLICIES AND RULES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVE

### 38.7.1 Objective (Community Purposes Zone)

Community activities that meet the current and future social, cultural, recreation, health and community needs of both local communities and visitors to the District are provided for within a diverse range of open spaces.

Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
<b>Policies</b>  38.7.1.1 to 38.7.1.5	a. Potential duplication and/or inconsistency with Reserve Management Plans may result in inefficiencies and confusion regarding the appropriate policy direction.  b. Buildings have the potential to displace green space in some reserves where that space is important to the purpose of the reserve.  c. Sports and other active facilities have the potential to adversely impact on other users in the reserve, neighbours and surrounding areas due to lack of separation from them and space	a. Larger parks provide for a range of multi-purposes and large events that provide a focal point for local community, district and wider area.  b. The placing of a number of activities on one site is an initiative to encourage sports and other recreation activities to concentrate in hubs. This increases the built facility efficiency and encourages better use of these facilities.  c. Garden and cemetery parks have a positive effect on the open space environment, human health, and heritage. The Queenstown Gardens contribute to tourism and economic well-being.  d. Urban parks provide venues for civic,	a. The policies provide a framework to manage development in community parks to reflect their purpose and function, within the context of surrounding land uses.  b. The land is in Council ownership or administration and the provisions will work in tandem with Council's <i>Parks and Open Space Strategy 2017</i> , reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not addressed through other methods.

	<p>to internalise nuisance effects.</p> <p>d. Without effective management, activities attracting large numbers of visitors can generate noise, traffic and “after the event” effects that are incompatible with their other values and uses.</p>	<p>entertainment and other events. Social, community and economic benefits arise from their use for these purposes.</p> <p>e. Golf courses and camping grounds have the potential to be developed to the exclusion of public access and enjoyment. The golf courses bring the benefits of recreation and maintenance of open space (without cost to the community), that is compatible with their use for informal passive activities when not being used for golf. The camping grounds have a higher component of private use that only enables limited public access and use through and around the camping ground. However, camping grounds provide recreation, social and health benefits to those who use them and tourism and economic benefits to the district.</p>	
<p><b>Rules</b></p> <p>38.9.1 to 38.9.36 (Activity Status Table)</p> <p>38.10 (Permitted Standards)</p> <p>38.11 (Controlled Activities)</p>	<p>a. Potential resource consent application costs and time, along with uncertainty as to possible conditions restricting activities.</p> <p>b. Compliance costs.</p> <p>c. Potential duplication and/or inconsistency with reserve management plans and Reserves Act 1977 may result in inefficiencies and confusion regarding the appropriate policy direction.</p>	<p>a. The range of permitted and controlled activities provide for day to day park management and public amenities, as well as the specific activities anticipated on golf courses and in camping grounds.</p> <p>b. Resource consent approval as either restricted or full discretionary provides for the ability to consider the suitability of the activity on any particular park and the potential external effects. Matters of discretion have been tailored to only address those matters that are relevant.</p> <p>c. Built form standards enable the development of building, structures and facilities within an ‘envelope’. Non-</p>	<p>a. Rules (both activity status and standards) trigger an assessment of potential effects. As many activities as considered appropriate have been provided for as permitted activities and the least built form standards apply. Accordingly, it is considered that development outside these parameters have the potential for adverse effects and hence the need for written approval/limited notification or full public notification will be considered in accordance with the RMA.</p> <p>b. The rules provide certainty that development within their parameters will be enabled with minimal resource consent and compliance costs.</p> <p>c. The rules seek to protect green space and recreation opportunities from displacement by</p>

38.12 (Restricted Discretionary Activities)		compliance with the standards relates to potential effects outside the park and suitability of the built form within the context of the park and particularly access to the margins of lakes and rivers.	activities that do not support open space and recreation – particularly those that have the potential to preclude public access through them and along the margins of lakes and rivers. Thresholds have been set for ancillary activities in terms of their size and floor areas they are permitted to occupy. This will enable an assessment of the effect of built form/size of the activity on the park, as well as whether the activity retains its secondary function to the main purpose of the park and potential adverse effects (such as traffic) on the surrounding neighbourhood.
38.13.1 (Non-notification)			

## 9 Efficiency and effectiveness of the provisions

The provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well.

The subdivision and development chapter has been separated into provisions that affect all Open Space and Recreation, to the provisions for location specific and bespoke provisions. The reasons for this include:

- To improve efficiency in terms of accessibility for readers and to focus on the objectives, policies and rules that affect all subdivision, irrespective of location;
- Providing a specific section for identified areas or zones give the reader certainty that they have not missed any provisions;
- Provide a template for existing bespoke/location specific provisions and future plan changes to be added to the District Plan without disrupting the structure of the proposed Open Space and Recreation Zone chapter, and avoiding the respective zone chapters from becoming unwieldy with location specific provisions.

## 10 The risk of acting or not acting

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The Council holds extensive information and in-house knowledge of its parks, reserves and recreation facilities and that activities that occur on these areas.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made, there is a risk the Proposed District Plan would fall short of fulfilling its functions. That is, the Council would fail to reflect the statutory direction in higher level policy documents, including the Operative and Proposed ORPS, requiring provision of adequate open space and recreation facilities. Given this statutory direction the risk of not acting outweighs the risk of acting.

In addition, by not rezoning areas as open space and recreation, the Council would create the risk of inappropriate development occurring in an uncoordinated manner and subsequently diminishing the capacity of open space and recreation facilities to meet the needs of the changing community. Leaving the current zonings for existing open space and recreation areas will also mean that unnecessary and costly resource consents will continue to be required for activities that would otherwise be permitted if the proposed Open Space and Recreation Zone provisions applied.

## 11 Conclusion

A diverse open space network that provides for a variety of activities, including, but not limited to, passive recreation and commercial recreation, is critical to the social, cultural and economic well-being of the present and future community of the District. Such areas provide opportunities for people to recreate, , congregate, to experience nature, and to provide for their general health and well-being. In addition, the District's open spaces support the wide variety of significant natural features, landscapes, ecological and environmental values that are considered to be critical to the lifestyles of residents and visitors.

Given the foregoing, the objectives, policies and rules contained in the proposed Open Space and Recreation Zone chapter recognise the significant role these areas play. The proposed chapter provides an overarching objective and policy framework for the management of open space, waterbodies and their margins, including establishing a framework for an appropriate level of use and development of these areas.

Collectively, it is considered that these provisions enable people to use and develop their open spaces in a manner that avoids significant effects on the natural and physical environment.

Overall, the proposed zones cover the variety of open spaces from natural environment, with little or no built development, to highly modified areas, with large scale built sports and recreation facilities, including commercial recreational activities. By facilitating a network of varied open space and recreation facilities and areas, the current and future recreational, cultural, health and wellbeing needs of the community will be met and the natural environment conserved and enhanced.

## References

MFE, 2014 - [A guide to section 32 of the Resource Management Act 1991](#)

## Council Strategic Documents

- ☐ [Parks and Open Space Strategy 2017](#)
- ☐ [QLDC Growth Projections to 2058, 2017](#)
- ☐ [Lake Wanaka Lakefront Development Plan](#)

## Council Proposed District Plan – Stage 1

Section 32 Reports:

- Chapter 2 – [Definitions](#)
- Chapter 3 – [Strategic Direction](#)
- Chapter 21 – [Landscape, Rural Zone and Gibbston Character Zone](#)
- Chapter 22 – [Rural Residential and Rural Lifestyle](#)
- Chapter 27 – [Subdivision and Development](#)
- Chapter 35 – [Temporary Activities](#)

The Stage 1 Designation Chapter – [Notification Information](#)

## Reserve Management Plans

- ☐ [Arrowtown - Lake Hayes Reserve Management Plan - Part 1 \(3.65 MB\)](#)
- ☐ [Arrowtown - Lake Hayes Reserve Management Plan - Part 2 \(3.23 MB\)](#)
- ☐ [Arrowtown - Lake Hayes Reserve Management Plan - Part 3 \(2.37 MB\)](#)
- ☐ [Albert Town Recreation Reserve Management Plan \(1.01 MB\)](#)
- ☐ [Ben Lomond And Queenstown Hill Reserve Management Plan \(459.41 KB\)](#)
- ☐ [Eely Point Reserve Development Plan \(562.59 KB\)](#)
- ☐ [Lismore Park, Kellys Flat And Allenby Park Reserve Management Plan \(753.48 KB\)](#)
- ☐ [Pembroke Park Reserve Management Plan \(671.53 KB\)](#)



- ☐ [Queenstown Gardens Reserve Management Plan - Part 1 of 2 \(3.72 MB\)](#)
- ☐ [Queenstown Gardens Reserve Management Plan - Part 2 of 2 \(2.21 MB\)](#)
- ☐ [Queenstown Bay Foreshore Reserve Management Plan 2016 \(2.03MB\)](#)
- ☐ [Queenstown Recreation Ground Reserve Management Plan \(584.64 KB\)](#)
- ☐ [Ruby Island Reserve Management Plan \(347.55 KB\)](#)
- ☐ [Sunshine Bay To Kelvin Heights Reserve Management Plan \(2.06 MB\)](#)
- ☐ [Wanaka Lakefront Reserves Management Plan \(9.38 MB\)](#)
- ☐ [Wanaka Library And Bullock Creek Reserve Management Plan \(356.88 KB\)](#)
- ☐ [Wanaka Recreation Reserve Management Plan \(A&P Showground\) \(2.15MB\)](#)

**Other Related Plans**

- ☐ [Lake Hawea Foreshore Reserve Development Plans - Esplanade Reserve A \(195.88 KB\)](#)
- ☐ [Lake Hawea Foreshore Reserve Development Plans - Esplanade Reserve B \(213.08 KB\)](#)
- ☐ [Lake Hawea Foreshore Reserve Development Plans - Scotts Beach \(233.10 KB\)](#)
- ☐ [Lake Hawea Foreshore Landscape Management Plan \(1.43 MB\)](#)