

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of Schedule 1
of the Act

BETWEEN REMARKABLES PARK LIMITED

(ENV-2019-CHC-58)

WAYFARE GROUP LIMITED

(ENV-2019-CHC-76)

HENLEY DOWNS FARM
LIMITED & ORS

(ENV-2019-CHC-95)

Appellants

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 9 April 2021

CONSENT ORDER

Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:



- (1) the appeals are allowed to the extent that the Queenstown Lakes District Council is directed to amend Chapter 38 as shown in Appendix 1 attached to and forming part of this order;
- (2) the relevant appeal points are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] These proceedings concern appeals by Remarkables Park Limited, Wayfare Group Limited and Henley Downs Farm Limited & ors regarding Chapter 38 (Open Space and Recreation Zones) of the Proposed Queenstown Lakes District Council Plan – Stage 2, allocated to Topic 32: Open Space.

[2] I have read and considered the consent memoranda of the parties dated 23 December 2020 and 26 February 2021 which propose to resolve several appeal points.¹

Other relevant matters

[3] The following parties gave notice of an intention to become parties under s274 of the Resource Management Act² ('the RMA' or 'the Act') and have signed

¹ The amendments in Appendix 1 resolve the following appeal points: ENV-2019-CHC-58-14; ENV-2019-CHC-76: 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 66, 74; ENV-2019-CHC-95-9. Appeal points ENV-2019-CHC-76: 64 and 71 are resolved except insofar as they seek a new discretion referring to the benefits of the proposal. The appeal points resolved without any amendments are: ENV-2019-CHC-76: 53, 56, 57, 58, 59, 60, 61, 62, 63 and 64 (except insofar as the appeal point seeks a new discretion referring to the benefits of the proposal).

² Otago Regional Council, Treble Cone Developments Limited and ZJV (NZ) Limited withdrew their interests in respect of appeal points allocated to Topic 32, Subtopic 1 prior to mediation.



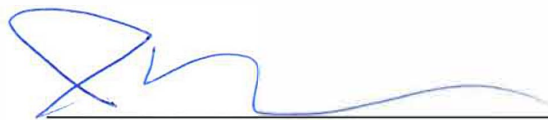
the memorandum setting out the relief sought:

- (a) Blackmans Creek No. 1 LP and Soho Ski Area Limited;
- (b) Darby Planning Limited Partnership;
- (c) Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Ltd;
- (d) Queenstown Airport Corporation Limited;
- (e) Queenstown Park Limited;
- (f) Remarkables Park Limited; and
- (g) Wayfare Group Limited.

Outcome

[4] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.



J J M Hassan
Environment Judge



APPENDIX 1

AMENDMENTS TO CHAPTER 38 OPEN SPACE AND RECREATION ZONES

Amendments shown in underline

38 Open Space and Recreation Zones

38.1 Purpose

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 zones do 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.

Commercial recreation and tourism operators are located within some of the zones and a wide range of commercial recreation and tourism activities utilise the resources available within the zones. Some of these operators have substantial assets associated with the activity established within the zones. The desire for the maintenance and development of existing activities and development of further new opportunities for these activities needs to be provided for on the basis commercial activities are carefully managed to maintain and enhance the valued qualities of the zones 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, water based activities, 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.

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 four 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, which includes the Ben Lomond Sub-Zone;
- Active Sport and Recreation Zone;
- Civic Spaces Zone; and
- Community Purpose Zone which includes the Community Purposes – Cemeteries, Community Purposes – Golf and Community Purposes – Camping Ground Sub-Zones.

38.2 Objectives and Policies – District Wide

38.2.1 Objective - The open space land and facilities administered by the Council make a major contribution towards meeting the needs of the District's residents and visitors for passive and active recreation.

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 fit for purpose and safe for all users;
- 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. recognise and provide for users of all ages and different physical capacities
- e. the location within which Open Space and Recreation Zones are situated, responding to recognised natural character, landscape and heritage values; and
- 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 Promote the protection of existing ecological values having regard to the purpose, objectives and policies specific to each Open Space and Recreation Zone, and opportunities for enhancing natural values-

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. is of a location, nature and scale that does not preclude the development of new open space and recreation activities; and
- c. maintains or enhances ~~the recreation, and amenity, and heritage~~ recreation, and amenity, and heritage 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.

38.2.1.7 Provide adequate firefighting, water, and fire service vehicle access to ensure an efficient and effective emergency response

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 in a manner that maintains or enhances the recreation and 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 the sensitivity of the surrounding environment, and which 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 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 these values of the Outstanding Natural Feature or Landscape 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) maintain do not degrade visual amenity values or and disrupt the natural character values or landforms.

38.2.2.6 Ensure the development and use of Open Space and Recreation Zones maintains the amenity values enjoyed by residents and visitors such as walking, social activities, and the protection of view shafts as seen from adjoining land and roads.

~~**38.2.2.7** Ensure that the development and use of Open Space and Recreation Zones, and the interface with the surface of water bodies adjoining these zones, is managed to protect amenity values and to ensure the safe movement of people and goods.~~

38.2.3 **Objective – Commercial activities are limited to those that have a functional requirement to locate within Open Space and Recreation Zones and maintain or enhance 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 maintain the quality, amenity values and landscape values of open spaces.
- 38.2.3.3** Provide for commercial recreation activities that maintain 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 supports the preservation of 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.
- 38.2.4.4** Ensure that the development and use of Open Space and Recreation Zones, and the interface with the surface of water bodies adjoining these zones, is managed to maintain and enhance amenity values and ensure the health and safety of people and the safe movement of people and goods.
- 38.2.5** **Objective – Activities sensitive to aircraft noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are avoided or managed to mitigate noise and reverse sensitivity effects.**

Policy

- 38.2.5.1** Require buildings that contain an Activity Sensitive to Aircraft Noise and are located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed and built to achieve an internal design sound level of 40 dB L_{dn}.

38.3 Objectives and Policies – Nature Conservation Zone

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:

- a. 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;
- b. locating and designing new buildings, structures, additions and parking areas to protect and maintain the character and values of the zone;
- c. mitigating the visual impacts of buildings, structures and parking areas through appropriate landscaping and design responses; and
- d. identifying opportunities to enhance 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

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 including waterbodies (such as by cycle ways, ~~or~~ pedestrian access ways, wharves and jetties).

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 and Frankton Arm 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 operations, 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.

The Kelvin Peninsula Slipway and associated facilities, and its use by the TSS Earnslaw are important features of the Informal Recreation Reserve at the Kelvin Peninsula.

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 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.

Within the Ben Lomond Sub-Zone

- 38.4.2** **Objective – Use and development of the Ben Lomond Sub-Zone provides a high-quality destination for residents, and domestic and international tourists, while maintaining the landscape values and amenity values of the surrounding Outstanding Natural Landscape.**

Policies

- 38.4.2.1** Control the visual impact of buildings, passenger lift systems, earthworks and infrastructure associated with commercial and commercial recreation activities.
- 38.4.2.2** Ensure that buildings, passenger lift systems and infrastructure associated with commercial and commercial recreation activities are not highly prominent on the skyline and remain subservient to the view of Walter Peak when viewed from the north east (Malaghans Road / Gorge Road).
- 38.4.2.3** Provide for and maintain Gondola access between Brecon Street and Bob’s Peak including necessary removal of exotic conifers subject to landscape rehabilitation in the event of conifer removal.
- 38.4.2.4** Ensure the removal of exotic conifer trees in areas other than the Gondola Corridor mitigates the post-harvest adverse effects on landscape and visual amenity through landscape rehabilitation.
- 38.4.2.5** Provide for the continued operation of an informal airport within the Ben Lomond Sub-Zone where the adverse effects on health, safety, and amenity are mitigated through the management of the frequency and intensity of daily and weekly flight operations, flight paths, and separation distances from incompatible activities.

Kelvin Peninsula Slipway, Informal Recreation Reserve

- 38.4.3** **Objective – The informal recreation purpose, values and anticipated uses of the Kelvin Peninsula Slipway Informal Recreation Reserve are preserved, including providing for the continued operation of the TSS Earnslaw and its associated facilities and services.**

Policies

- 38.4.3.1** **Provide for the use, operation, maintenance and upgrading of existing facilities associated with the use of the Kelvin Peninsula Slipway by the TSS Earnslaw.**

38.4.3.2 Have particular regard to opportunities to promote or enhance heritage values, nature conservation values, and trail networks, cycling and walking linkages.

38.4.3.3 Consider new commercial activities associated with the TSS Earnslaw within the Kelvin Peninsula Slipway Informal Recreation Reserve if the following purposes, values and anticipated uses of the reserve and its surrounds are maintained or enhanced:

- a. Opportunities for a range of informal recreation activities to be undertaken;
- b. Access to the Queenstown Trail for walking and cycling activities;
- c. Participation in both non-motorised and motorised water-based recreation activities without restriction or conflict with new activities;
- d. Established and ongoing native plantings to enhance biodiversity;
- e. Landscape and visual amenity values of the area; and
- f. Amenity values, particularly those threatened by increased demand for limited space that may result in overcrowding.

38.5 Objectives and Policies – Active Sport and Recreation Zone

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

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

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 continue 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
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	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 Interpreting and Applying the Rules

38.8.2.1 A permitted activity must comply with all of the rules listed in the Rules - Activities (Table 38.1) and Rules - Standards (Table 38.2) for the Open Space and Recreation Zones and Table 38.3 for the Informal Recreation Ben Lomond Sub Zone, 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 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.

38.8.2.4 The surface of lakes and rivers are zoned Rural, unless otherwise stated in the District Plan or identified on the Planning Map.

38.8.2.5 Activities, buildings and structures proposed to be established within the vicinity of Queenstown Airport are referred to Figures 1 and 2 of the Planning Maps which identify the Airport Approach and Protection Measures, and Airport Protection Inner Horizontal and Conical Surfaces for Queenstown Airport. Land use restrictions associated within these areas are further described in Chapter 37: Designations, Part D.3. Persons who wish to undertake activities or develop buildings or structures which enter into these surfaces are advised to consult with the relevant requiring authority and the Civil Aviation Authority.

38.8.2.6 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. Reserves and land 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.

38.8.2.7 Objective 41.2.1 and Policy 41.2.1.21 apply to the management of activities at Jack Tewa Park.

38.8.2.78 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

38.8.2.89 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)

38.8.3 Advice Notes:

38.8.3.1 Freedom camping in the District is controlled by the Council's Freedom Camping Control Bylaw.

- 38.8.3.2** 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.
- 38.8.3.3** 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.
- 38.8.3.4** Land use activities within the National Grid Yard or Electricity Distribution Corridor are managed in Chapter 30 Energy and Utilities.

38.9 Rules – Activities

Table 38.1: Activities Open Space and Recreation Zones.

- a. For the activities identified in Table 38.1 as controlled activities, the Council will reserve its control to the matters in Part 38.13.
- b. For the activities identified in Table 38.1 as restricted discretionary activities, the Council will restrict its discretion to the matters in Part 38.14.

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 38.1	NC	NC	NC	NC	NC	NC	NC	NC
38.9.2	Informal recreation	P	P	P	P	P	P	P	P
38.9.3	Public amenities	P	P	P	P	P	P	P	P
38.9.4	Gardens, including botanic and community gardens	P	P	P	P	P	P	P	P
38.9.5	Parks Maintenance	P	P	P	P	P	P	P	P
38.9.6	Recreation facilities	NC	D	P	D	P	P	P	P
38.9.7	Community centres and halls	NC	D	D	D	D	NC	NC	NC
38.9.8	Day Care Facilities including buildings	NC	NC	D	NC	D	NC	NC	NC
38.9.9	Education and research facilities directly related to the open space area	P	P	P	P	P	D	D	NC
38.9.10	Art galleries, arts and cultural centres including buildings	NC	D	D	D	D	NC	NC	NC
38.9.11	Clubrooms including buildings	NC	D	P	NC	D	P	D	NC
38.9.12	Libraries including buildings	NC	NC	NC	NC	P	NC	NC	NC
38.9.13	Grandstands	NC	NC	D	NC	D	NC	NC	NC
38.9.14	Organised sport and recreation	D	D	P	D	P	P	D	NC
38.9.15	Camping grounds	D	D	NC	NC	NC	NC	P	NC

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Rule	Activities	Nature Conservation Zone	Informal Recreation Zone	Active Sports/ Recreation Zone	Civic Spaces Zone	CPZ	CPZ (Golf)	CPZ (Camping Ground)	CPZ (Cemeteries)
38.9.16	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
38.9.17	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
38.9.18	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
38.9.19	Retail not otherwise provided for in Table 38.1	NC	D	D	D	D	D	D	NC
38.9.20	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
38.9.22	Artworks	P	P	P	P	P	P	P	P
38.9.23	Demolition of buildings (which is not a listed as a protected feature)	P	P	P	P	P	P	P	P
38.9.24	New buildings associated with a permitted activity, not otherwise listed in Table 38.1	P	P	P	P	P	P	C	P

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Rule	Activities	Nature Conservation Zone	Informal Recreation Zone	Active Sports/ Recreation Zone	Civic Spaces Zone	CPZ	CPZ (Golf)	CPZ (Camping Ground)	CPZ (Cemeteries)
38.9.25	Construction, addition or alteration to existing buildings	P	P	P	P	P	P	C	P
38.9.26	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
38.9.27	Recreation tracks (walking, horse and cycling tracks)	P	P	P	P	P	P	P	P
38.9.28	Construction of vehicle access and car parking areas accessory to permitted activities, up to 200m ²	C	C	P	P	P	P	P	P
38.9.29	Construction of vehicle access and car parking areas accessory to permitted activities exceeding 200m ²	D	RD	RD	RD	RD	RD	RD	RD
38.9.30	Harvesting and management of existing Forestry, including any plantation forestry, within the ONF and ONL	D	D	D	D	D	D	D	D
38.9.31	Planting of new forestry, including plantation forestry, within the ONF and ONL	NC	D	D	NC	NC	NC	NC	NC
38.9.32	Farming including grazing of stock	RD	P	RD	RD	RD	RD	RD	RD
38.9.33	Cemeteries	D	NC	NC	NC	NC	NC	NC	P

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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	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
38.9.35	Mining Activity	PR	PR	PR	PR	PR	PR	PR	PR
38.9.36	Boat Ramps, Jetties and Marinas	D	D	D	D	D	D	D	NC
38.9.37	Informal Airports	D	D	D	D	D	D	D	D
38.9.38	<u>The construction and use of buildings and structures directly related to water-based transport activities</u>	<u>NC</u>	<u>D</u>	<u>D</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>

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	<p>Building Height</p> <p>The maximum height in the following zones shall be:</p> <p>38.10.1.1 Nature Conservation Zone: 4m.</p> <p>38.10.1.2 Informal Recreation Zone: 6m.</p> <p>Except for any aviary at Kiwi Birdlife Park, where the maximum height shall be 10 m.</p> <p>38.10.1.3 Active Sports and Recreation Zone: 10m.</p> <p>38.10.1.4 Civic Spaces Zone: 8m.</p> <p>38.10.1.5 CPZ: 10m.</p> <p>38.10.1.6 CPZ (Golf): 8m.</p> <p>38.10.1.7 CPZ (Camping Ground): 8m.</p> <p>38.10.1.8 CPZ (Cemeteries): 8m.</p>	D
38.10.2	<p>Ground Floor Area of Buildings</p> <p>The total maximum ground floor area of buildings per site in the following zones is:</p> <p>38.10.2.1 Nature Conservation Zone: 50m².</p> <p>38.10.2.2 Informal Recreation Zone: 100m².</p> <p>38.10.2.3 Active Sports and Recreation Zone: 400m².</p> <p>38.10.2.4 Civic Spaces Zone: 100m².</p> <p>38.10.2.5 CPZ: 300m².</p> <p>38.10.2.6 CPZ (Golf): 600m².</p> <p>38.10.2.7 CPZ (Camping Ground): 600m².</p> <p>38.10.2.8 CPZ (Cemeteries): 50m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Building dominance; Effects on visual amenity and landscape character values and in particular views of significance; The size, design and location of buildings relative to the public realm and adjoining properties; Consistency with the character of the locality and the role and function of the open space;

	Table 38.2: Standards for Activities in the Open Space and Recreation Zones	Non-compliance Status
		<ul style="list-style-type: none"> e. Pedestrian and vehicle access; f. Functional needs; g. Scale and intensity; h. Cumulative effect of buildings; and i. Design and integration of landscaping.
38.10.3	<p>Recession Plane</p> <p>38.10.3.1 Where a building is proposed on a site that adjoins another zone, the building shall comply with the recession plane standard for the adjoining zone, applied at the zone boundary.</p> <p>38.10.3.2 In the CPZ (Camping Ground) the following standards shall apply:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i. Northern Boundary: 2.5m and 55 degrees; ii. Western and Eastern Boundaries: 2.5m and 45 degrees; and iii. Southern Boundary: 2.5m and 35 degrees. 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: <ul style="list-style-type: none"> i. Northern Boundary: 2.5m and 55 degrees; and ii. All other boundaries: 2.5m and 45 degrees. 	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>privacy effects on adjoining properties;</u> b. <u>access to sunlight and impacts on shading; and</u> c. <u>effects on visual amenity and landscape character values.</u>
38.10.4	Setback from Internal and Road Boundaries	RD

	Table 38.2: Standards for Activities in the Open Space and Recreation Zones	Non-compliance Status
	<p>Setback from internal boundaries</p> <p>38.10.4.1 Where a site adjoins another zone, buildings shall be setback from the boundary the same distance as required by the set back from internal boundaries of the adjoining zone.</p> <p>Setback from roads</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:</p> <ol style="list-style-type: none"> a. Building dominance; b. Privacy effects on adjoining properties; c. Access to sunlight and impacts on shading; d. Effects on visual amenity; e. The size, design and location of buildings relative to the public realm and adjoining properties; f. Consistency with the character of the locality; and g. The historic heritage value of any adjacent heritage item and or feature.
38.10.5	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river or lake or wetland shall be 10m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. biodiversity values; b. Public access; c. Effects on visual amenity and landscape character values; d. Open space e. The functional and locational need and

	Table 38.2: Standards for Activities in the Open Space and Recreation Zones	Non-compliance Status
		<p>interaction of the development with the water body;</p> <p>f. Landscaping;</p> <p>g. Environmental protection measures (including landscaping and stormwater management); and</p> <p>h. Natural hazards.</p>
38.10.6	<p>Outdoor Storage</p> <p>38.10.6.1 Outdoor storage that is visible from roads or adjoining zones shall be landscaped with planting, solid walls, solid fences, or any combination of these, to 2m in height along the length of the outdoor storage area. Where such landscaping is by way of planting it shall be for a minimum depth of 3m and a height of 2m.</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>RD</p> <p>Discretion is restricted to:</p> <p>a. Visual amenity;</p> <p>b. The location relative to the public realm and adjoining residential properties;</p> <p>c. Consistency with the character of the locality;</p> <p>d. Landscaping;</p> <p>e. Practical and functional constraints; and</p> <p>f. Pedestrian and vehicle access.</p>
38.10.7	<p>Fencing</p> <p>38.10.7.1 Fences erected on the boundary of any Open Space and Recreation Zone shall be at least 50% visually permeable.</p> <p>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.</p> <p>38.10.7.3 At Kiwi Birdlife Park, the maximum height of any fence installed for wildlife protection shall</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Visual amenity values;</p> <p>b. Opportunities for passive surveillance;</p>

	Table 38.2: Standards for Activities in the Open Space and Recreation Zones	Non-compliance Status
	<p>be 2.2m, and in such a case Rules 38.10.7.1 and 38.10.7.2 do not apply.</p>	<p>c. Consistency with any established fencing; and</p> <p>d. Functional constraints, including the use of land, security, and wind shelter.</p>
38.10.8	<p>Lighting and Glare</p> <p>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).</p> <p>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).</p>	D
38.10.9	<p>Maximum gross retail floor space</p> <p>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 100m² or no more than 10% of the gross floor area (whichever is the lessor) of the building supporting the recreation and leisure activities.</p>	D
38.10.10	<p>Building Colours Within the Nature Conservation, Informal Recreation and Community Purposes (Camping Ground) Zones</p> <p>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%.</p> <p>38.10.10.2 All roofs shall have a maximum reflective value of 20%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. External appearance;</p> <p>b. Visual prominence from both public places and private locations;</p>

	Table 38.2: Standards for Activities in the Open Space and Recreation Zones	Non-compliance Status
	<p>38.10.10.3 All other surface finishes shall have a maximum reflective value of 30%.</p>	<p>and</p> <p>c. Effects on visual amenity and landscape character values and in particular views of significance.</p>
38.10.11	<p>Water supply and access for firefighting</p> <p>All new buildings over 20m² in area that are not connected to the reticulated water supply must make the following provision for firefighting:</p> <p>38.10.11.1 A water supply of 45,000 litres; and</p> <p>38.10.11.2 A hardstand area adjacent to the firefighting water supply connection of a minimum width of 4.5 metres and a minimum length of 11 metres; and</p> <p>38.10.11.3 A firefighting water connection located more than 6 metres but not less than 90 metres away from the building; and</p> <p>38.10.11.4 Access from the property boundary to the firefighting water connection of a minimum width of 4.5 metres.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the extent of compliance with any national standards for firefighting water supply;</p> <p>b. the accessibility of the firefighting water connection point for fire service vehicles;</p> <p>c. whether and the extent to which the building is assessed as a low fire risk.</p> <p>d. any advice that may have been received from Fire and Emergency New Zealand.</p>
38.10.12	<p>Activities Sensitive to Aircraft Noise</p> <p>New buildings or additions to existing buildings containing Activities Sensitive to Aircraft Noise located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary shall be designed to achieve an Indoor Design Sound Level of 40dB within any Critical Listening Environment (based on the 2037 Noise Contours) and ventilated in accordance with Rule 36.6.2.</p>	<p>NC</p>

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>Buildings</p> <p>Construction, relocation, addition or alteration of any building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Landscape and visual amenity values; Scale, intensity and cumulative effects; Associated earthworks and landscaping; Lighting; Provision of water supply, sewerage treatment and disposal, storm water disposal, electricity and communication services; Natural Hazards; and Effects on the transportation network. Public access to, and the use of, open space.
38.11.2	<p>Passenger Lift Systems</p> <p>Passenger Lift Systems within the 'Bob's Peak' area and the 'Gondola Corridor' area of the Ben Lomond Sub Zone.</p>	<p>C</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> Location, external appearance and alignment; Other occupiers or users; Night lighting; Height; Associated earthworks; and Natural Hazards.
38.11.3	<p>Commercial recreation activity and ancillary Commercial activity</p> <p>38.11.3.1 Commercial recreation activity</p> <p>38.11.3.2 Commercial activity only where the commercial activity is ancillary to and located on,</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Intensity and scale of the activity and effects on recreation use and amenity values;

	Table 38.3: Activities and Standards for Activities in the Ben Lomond Sub Zone	Activity or Non- compliance Status
	the same site as, the commercial recreation activity	<ul style="list-style-type: none"> b. Noise; c. Public access to, and use of the open space; d. Other occupiers or users of the site or adjoining sites; e. Infrastructure; f. Access and parking; and g. Effects on the transportation network.
38.11.4	<p>Harvesting and management of existing Forestry.</p> <p>For any Plantation Forestry the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.</p>	<p>C</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. Hours of operation; b. Noise; c. Health and safety; d. Traffic generation; e. Earthworks; f. Soil erosion, sediment generation and run-off; g. Debris flow and rock fall hazards and long-term slope stability; h. Landscape rehabilitation; and i. Effects on the amenity values of the forest and other users of the reserve
38.11.5	Parking within the Lower Terminal area of the Ben Lomond Sub Zone.	<p>C</p> <p>Control is reserved to Landscaping.</p>
38.11.6	<p>Building within the Building Restriction Area: Bob's Peak Area</p> <p>Any building within the Building Restriction Area, excluding retaining walls.</p>	PR
38.11.7	<p>Building within the Gondola Corridor Area</p> <p>Any building within the Gondola Corridor Area excluding passenger lift systems.</p>	NC
38.11.8	Informal Airport Located within the Future Helipad Area	RD

	Table 38.3: Activities and Standards for Activities in the Ben Lomond Sub Zone	Activity or Non- compliance Status
	The information requirements for aviation safety shall include provision of either a PT157 Determination issued by the Director of Civil Aviation New Zealand or an independent aviation safety assessment prepared by a suitably qualified professional.	Discretion is restricted to: <ol style="list-style-type: none"> Aviation safety including helicopter landing area design and proximity to on ground structures and track networks; The frequency and intensity of daily and weekly flight numbers; Separation distance and potential effect on the operation of other existing or incompatible occupiers within the Ben Lomond Sub-Zone. Helicopter flight paths
38.11.9	Two or More Informal Airports within the Bob's Peak Area of the Ben Lomond Sub-Zone	NC
	Standards	Non-Compliance Status
38.11.10	Building Height The maximum height of buildings and structures as specified shall be: <ol style="list-style-type: none"> Buildings within the Bob's Peak Area: 10m. Passenger Lift Systems within the Bob's Peak Area: 12m. Buildings within the Lower Terminal Area: 18.5m. 	D
38.11.11	Building Coverage The maximum building coverage within the Bob's Peak Area shall be 15%	D

38.12 Rules - Non-notification of Applications

All applications for 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:

38.12.1 Restricted discretionary activities within the Informal Recreation Ben Lomond Sub-Zone.

38.12.2 Restricted discretionary activities pursuant to Rule 38.10.3 which may require written approval and be limited notified.

38.13 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	
38.13.1	<p>Rule 38.9.16: 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):</p> <ul style="list-style-type: none"> a. Scale and intensity of the activity on recreation use and amenity values; b. Public access to, and use of the open space; c. Traffic generation, access and parking; and d. Infrastructure and servicing, including the provision of storage and loading/service areas.
38.13.2	<p>Rules 38.9.24 and 38.9.25: Construction and alteration of buildings in the Community Purpose Camping Ground Zone:</p> <ul style="list-style-type: none"> a. Building location, character, scale and form. b. External appearance including materials and colours. c. Infrastructure and servicing, access and parking. d. Natural hazards.
38.13.3	<p>Rule 38.9.28: Construction of vehicle access and car parking areas accessory to permitted activities up to 200m²:</p> <ul style="list-style-type: none"> a. Traffic generation, access and parking; b. Public access to, and use of, the open space; c. Pedestrian and vehicle access; and d. Landscaping.

38.14 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	
38.14.1	<p>Rule 38.9.17: 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):</p> <ul style="list-style-type: none"> a. Intensity and scale of the activity on recreation use and amenity values; b. Public access to, and use of, the open space; c. Location, in particular distance from adjoining properties; d. Traffic generation, access and parking; e. Noise; and f. Infrastructure and servicing, including the provision of storage and loading/service areas.
38.14.2	<p>Rules 38.9.20 and 38.9.21: 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):</p> <ul style="list-style-type: none"> a. Intensity and scale of the activity on recreation use and amenity values; b. Public access to, and use of the open space; c. Other occupiers or users of the site or adjoining sites; d. Traffic generation, access and parking.
38.14.3	<p>Rule 38.9.29: Construction of vehicle access and car parking areas accessory to permitted activities exceeding 200m² in respect of all Open Space and Recreation Zones (except the Nature Conservation Zone):</p> <p>Location of facility and access;</p> <ul style="list-style-type: none"> a. Number, design and layout of car parks and associated manoeuvring areas; b. Surface treatment of parking facility and access; c. Landscaping; and d. Cumulative effect of the number of car parking facilities within the Zone.
38.14.4	<p>Rule 38.9.32: Farming including grazing of stock</p> <ul style="list-style-type: none"> a. Intensity and duration; b. Public access to, and use of the open space; c. Pest and wilding pine control; d. Maintenance of landscape values; and e. Restriction of areas to protect or restore indigenous biodiversity values.

38.15 Landscape Assessment Matters for Discretionary Activities

The following assessment matters apply to any discretionary activity within an Open Space and Recreation Zone where the land involved is subject to one of the landscape classifications.

Table 38.6: Landscape Assessment Matters for Discretionary Activities in the Open Space and Recreation Zones	
38.15.1	<p>Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).</p> <p>38.15.1.1 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> <ol style="list-style-type: none"> i. Geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character; ii. Vegetation (exotic and indigenous); iii. The presence of waterbodies including lakes, rivers, streams, wetlands. <p>b. Visual attributes:</p> <ol style="list-style-type: none"> i. Legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes; ii. Aesthetic values including memorability and naturalness; iii. Transient values including values at certain times of the day or year; iv. Human influence and management – settlements, land management patterns, buildings, roads. <p>c. Appreciation and cultural attributes:</p> <ol style="list-style-type: none"> i. Whether the elements identified in (a) and (b) are shared and recognised; ii. Cultural and spiritual values for Tangata whenua; iii. Historical and heritage associations. <p>The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.</p> <p>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.</p> <p>38.15.1.2 Effects on visual amenity</p> <p>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:</p> <ol style="list-style-type: none"> 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 Activities in the Open Space and Recreation Zones	
	<p>d. the proposed activity or development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);</p> <p>e. structures will not be located where they will break the line and form of any ridges, hills and slopes;</p> <ul style="list-style-type: none"> • any carparking, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.
38.15.2	<p>Rural Character Landscapes (RCL)</p> <p>38.15.2.1 Effects on landscape quality and character</p> <p>The following shall be taken into account:</p> <p>a. where the site is adjacent to or nearby 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;</p> <p>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 Character Landscape;</p> <p>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 Character Landscape.</p> <p>38.15.2.2 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 Character Landscape, having regard to whether and the extent to which:</p> <p>a. the visual prominence of the proposed development from any public places will reduce visual amenity;</p> <p>b. the proposed development is likely to be visually prominent such that it detracts from private views;</p> <p>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 Character Landscape from both public and private locations;</p> <p>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;</p> <p>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;</p> <p>38.15.2.3 Tangata Whenua, biodiversity and geological values:</p> <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>

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	The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.
38.15.3	<p>Other factors and positive effects, applicable in all the landscape categories</p> <p>38.15.3.1 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.</p> <p>38.15.3.2 The extent to which cumulative effects of activities will adversely affect landscape quality, character or visual amenity values.</p> <p>38.15.3.3 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> <ol style="list-style-type: none"> 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; 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, <u>or the maintenance or enhancement of heritage values</u>; c. where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation.

