

FORM 5
SUBMISSION ON PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter Details:

Name of submitter: Skyline Enterprises Limited

Address for Service: Skyline Enterprises Limited
C/- Southern Planning Group
PO Box 1081
Queenstown 9348

Attention: Sean Dent
sean@southernplanning.co.nz
03 409 0140
021 946 955

1. This is a submission on the Proposed Queenstown Lakes District Plan Stage 2.

2. Trade Competition

The submitter could not gain an advantage in trade competition through this submission.

3. Omitted

4. Skyline Enterprises Limited's submission is that:

The submitter **supports** in Part the Proposed District Plan on the following basis:

- 4.1 Skyline Enterprises Limited ("Skyline") is the leaseholder of Section 1 SO Plan 24832 and Section 1 SO Plan 22971. In combination with an Easement for the gondola cableway over Pt Section 110 BLK XX Shotover SD Skyline provides and operates the Skyline Gondola, Restaurant and associated commercial and commercial recreation facilities on Bob's Peak, Queenstown.

- 4.2 In addition, the Queenstown Lakes District Council (“Council”) has agreed¹ to the grant of a Lease to Skyline of some 8,532m² of land within the Ben Lomond Recreation Reserve immediately north of the lower terminal site. The purpose of the Lease is for a car park building and potential offices associated with the management of Skyline’s facilities on the Reserve. This application made under the Reserves Act 1977 also approved the granting of several Easements for infrastructure servicing necessary for the proposed car park.
- 4.3 Under the Operative District Plan (“ODP”) Section 1 SO 24832 and Pt Section 110 BLK XX Shotover SD are contained within the Rural General Zone (ONL-WB) and are also subject to Designations 221, 248 and 373 being designations for a restaurant, recreation reserve and forestry purposes respectively.
- 4.4 Section 1 SO Plan 22971 is contained within the High Density Residential Zone Sub-Zone A with a commercial precinct overlay.
- 4.5 Under the Proposed District Plan Stage 1 (“PDP S1”) Section 1 SO 24832 and Pt Section 110 BLK XX Shotover SD are zoned Rural – Outstanding Natural Landscape. The existing Designations over these sites are to be ‘rolled over’. Section 1 SO Plan 22971 is zoned Queenstown Town Centre Precinct 1A.
- 4.6 Under the Proposed District Plan Stage 2 (“PDP S2”) the Council has included the abovementioned land parcels into the Open Space & Recreation Chapter. Of the five different Zones proposed the Skyline land is contained within the Informal Recreation Zone and the Ben Lomond Sub-Zone. This Zone is to recognise and manage the existence, extent and further development of commercial and informal recreation activities in the Ben Lomond Recreation Reserve.
- 4.7 By way of background, Skyline submitted in opposition to the PDP S1 zoning imposed on the land described in paragraphs 4.1 and 4.2 above. Specifically, Skyline sought that the land be re-zoned to a new Commercial Tourism & Recreation Sub-Zone.
- 4.8 Skyline’s proposed Commercial Tourism and Recreation Sub-Zone was sought on the basis that the Skyline Gondola and Restaurant is one of Queenstown’s most prominent tourist attractions with the primary facilities sitting approximately 400m vertically above the Queenstown Town Centre.
- 4.9 The existing 4.1ha Lease area atop Bob’s Peak containing the Gondola and Restaurant buildings is visited by hundreds of thousands of visitors every year. In the 2016 year Skyline hosted 787,000 visitors.
- 4.10 Since the original submission on the PDP S1 was lodged Skyline has embarked on a \$100 million dollar + redevelopment proposal. This involves an expanded restaurant building, a new gondola with cabins providing for 10 people as opposed to 4 and a new lower terminal building and a 448 space car park building².

¹ Full Council meeting dated 8th February 2018

² Resource Consent Applications RM160647 and RM171172

- 4.11 As part of the consenting process for those developments it has been estimated that Skyline's visitor numbers will reach 1.14 million in 2025 and 1.51 million by 2030. It is also understood that 53% of visitors to Queenstown undertake a visit to Skyline³. Further, many other visitors also walk to the site via the existing trails and the access road to the west of the Skyline Lease area on Bob's Peak.
- 4.12 Aside from the Gondola and Restaurant building and associated commercial activities such as function/conference facilities and retail/souvenir shops, Skyline's Lease Area on Bob's Peak contains two commercial luge tracks and provides access to walking and mountain bike trails, private and commercial paragliding operations and on its periphery, the AJ Hackett ledge bungy and Ziptrek Eco Tours.
- 4.13 There is also an existing helipad that has operated since approximately 1974/1975 for commercial tourism purposes although the Council became aware the activity was not lawfully established in 2008⁴ and this land use was subsequently legalised by way of resource consent RM100777. RM100777 was ultimately resolved following an appeal brought to the Environment Court by Ziptrek Ecotours who had established their top tree house 55m from the existing helipad and within the 15m internal boundary setback from the Skyline Lease area⁵ between 2008 and 2010.
- 4.14 It was submitted in the PDP S1 submission that retaining the Rural Zone for the Bob's Peak Lease area and gondola corridor and proposing Queenstown Town Centre Zone over the Lower Terminal site was not the most efficient and effective planning framework for a site that has in excess of 700,000 visitors per annum and which consolidates a significant amount of commercial and commercial recreation activities together in such a small area.
- 4.15 The Bob's Peak site and its immediate periphery has often been referred to as having a reduced degree of naturalness and being more akin to a 'commercial recreation hub' than the type of Rural Zone land one would normally anticipate at such a location within the Queenstown Lakes District.
- 4.16 It is submitted that collectively the land on which Skyline operates and its immediate periphery subject to this submission closely resembles the type of area that the Department of Conservation would refer to as an 'Icon Destination'. An Icon Destination means:

"Icon Destinations form the backbone to the New Zealand tourism product for overseas tourists and New Zealanders. They are the 'must see' places that provide memorable experiences.

³ Skyline Travel Summary March 2016 as detailed in the Bartlett Consulting Limited Addendum Report dated 18th November 2016 and filed with the RM160647gondola redevelopment application.

⁴ CIV-2008-425-000650

⁵ Ziptrek Ecotours Resource Consents RM071053 and RC100049 authorised the top tree house structure.

DOC's proposed Icon Destinations will provide quality experiences that complement other destinations managed by other agencies or businesses. Together these icon places complete the tourism attractions of New Zealand."

- 4.17 Sites on Public Conservation Land that have been given the above Icon Destination status include the Fox and Franz Josef Glacier Valley's which, similarly to Bobs Peak, see several hundred thousand visitors per annum in a consolidated area. These Icon Destinations are intended to be specifically developed to support the growth of both domestic and international tourism.
- 4.18 It was submitted that the PDP S1 should recognise the contribution that tourism infrastructure in this area makes to the economic and recreational values of the District. Specifically, Skyline's proposed Commercial Tourism & Recreation Sub-Zone if it were overlain over the facilities operated by Skyline (and the other existing Leaseholders on the periphery of Bobs Peak) would enable continued development of commercial tourism and recreation within this unique environment and where the potential adverse effects of such development would be cumulatively minor. This is similar to the Districts Ski Area Sub-Zones which have been identified in recognition of their importance to the District and consolidation of Ski Area Activities in limited locations.
- 4.19 Skyline's PDP S1 submission, also specified that this proposed new Commercial Tourism & Recreation Sub-Zone should follow the Gondola cableway corridor and encompass the lower terminal building site and car parking area at the northern end of Brecon St.
- 4.20 Skyline's submission on the PDP S1 was opposed by only two parties ZJV (NZ) Limited ("Ziptrek") FS1370.1 and Peter Fleming & Others FS1063.23. Only ZJV appeared at the mapping hearing.
- 4.21 Following the Council hearing for the PDP S1 re-zoning request the Council has in effect adopted the large majority of the extent of the zoning sought by Skyline and a number of the provisions that had been put forward in evidence⁶ into the PDP S2 Open Space and Recreation Chapter.
- 4.22 As such, Skyline is generally supportive of the Open Space and Recreation Chapter. However, it is submitted that there are alterations required to the Zoning Map and the applicable provisions in order to ensure that the most effective and efficient planning framework is developed for the management of built form and activities within the Informal Recreation Zone and Ben Lomond Sub-Zone. These matters are addressed in detail below.
- 4.23 In addition, it is submitted that some consequential amendments are required to the proposed Chapter 25 – Earthworks provisions as they relate to the Open Space and Recreation Chapter.

⁶ Evidence of Sean dent on behalf of Skyline Hearing Stream T13 dated 9th June 2017 and Evidence Summary Dated 11th September 2017

Zone Mapping

- 4.24 By and large the Ben Lomond Sub-Zone replicates the extent of Skyline's proposed Sub-Zone put forward as part of the PDP S1 submission process and is supported.
- 4.25 However, there are two areas identified in the PDP S1 submission that do not appear to have been adopted on the Council's PDP S2 Planning Maps 13, 32 and 34.
- 4.26 Skyline had previously submitted in the PDP S1 that their proposed Zone should extend beyond the north eastern boundary of their Lease area on Bob's Peak and into the Ben Lomond Scenic Reserve.
- 4.27 The reason for this is that this is a possible site for a future Skyline helicopter landing area. From the scale of the PDP S2 Planning Maps it is not clear if the area illustrated on the Skyline PDP S1 plans submitted in evidence⁷ has been incorporated.
- 4.28 Even if it has been incorporated as illustrated on that plan (which was provided to Council⁸) it is submitted that it should be extended slightly. This is due to a current conceptual design process for a helicopter landing area in this area necessitating a slight change in the boundary. Specifically, the extreme north east corner of the Zone extends by 3m.
- 4.29 In addition, in the PDP S1 submission Skyline had sought that an area immediately west of the Skyline Lease area on Bob's Peak be included in their proposed Zone. This was due to the fact that the area contains existing vehicle tracks and from a landscape perspective (and due to the developed nature of the existing Lease area) this would be the most logical area for potential further development as is contemplated by the Informal Recreation Zone Purpose.
- 4.30 This area is not under Skyline's occupation nor any other party than the Council. Future use and development of the area would be subject to an application under the Reserves Act 1977. However, for the reasons identified above, applying a more efficient and effective Zoning over this land area will be beneficial for any party whether it is the submitter or not, in developing facilities and activities of an appropriate scale, nature and intensity under the provisions of the District Plan.
- 4.31 A .PDF plan illustrating the submitter's proposal for the full extent of the Ben Lomond Sub-Zone is attached as **Appendix [A]**.

Zone Purpose

- 4.32 It is noted that Section 38.1 *Zone Purpose* contains an error on page 38-3. It is specified here that there are five zones and three sub-zones used to manage

⁷ Sean Dent Summary of Evidence dated 11th September 2017, Appendix [A].

⁸ E-mail from Sean McLeod to Marco Olmos, Craig Barr, Jeannie Galavazi and Sean Dent with .PDF and .DWG files of Zone boundary dated Monday 11th September 2017

activities on land zoned Open Space and Recreation. The five Zones but not the Sub-Zones are then listed in bullet points below.

- 4.33 It is noted that there are actually four Sub Zones (Community Purposes Cemeteries, Community Purposes Golf, Community Purposes Camping Ground and Informal Recreation Ben Lomond Sub-Zone).
- 4.34 The Zone Purpose should be amended to correct this error and it is submitted the four Sub-Zones should be specified alongside the five primary Zones. This amendment is shown in a track changes version of the Proposed Open Space and Recreation Chapter contained in **Appendix [B]**.

Objectives and Policies

- 4.35 It is understood that the Ben Lomond Sub-Zone is part of the wider Informal Recreation Zone. As such, the District Wide Objective and Policies in Section 38.2 are applicable as are those specific to the Informal Recreation Zone in Section 38.4.
- 4.36 The Ben Lomond Sub-Zone is a highly important (Icon Destination) site. It currently and will likely in the future, host commercial (including retail and conference/function facilities) and commercial recreation activities within building assets worth tens of millions of dollars. Further as noted above, the Ben Lomond Sub Zone will host over 1.5 million visitors per annum within the next 10 – 12 years.
- 4.37 Accordingly, it seems odd that a specific Objective and set of Policies has not been included for such an important Sub-Zone in Chapter 38 as notified. Such provisions would give recognition to the Ben Lomond Sub-Zone's importance as referred to in the Informal Recreation Zone Purpose⁹ and provide an Objective and Policy direction that is then implemented by the special provisions for the Ben Lomond Sub-Zone as notified in Table 38.3.
- 4.38 In this regard, the following Objective is proposed to be added to Section 38.4:
- 38.4.2 Objective** - *The future growth, development and use of the Ben Lomond Sub-Zone as an Icon Destination for residents, as well as domestic and international tourists is enabled subject to maintaining the landscape and amenity values of the surrounding ONL.*
- 4.39 The proposed Objective is considered to more specifically define the outcome anticipated for the Ben Lomond Sub-Zone than is the case with the notified Objectives and Policies. This proposed Objective is contained in the track changes version of the Open Space and Recreation Chapter in **Appendix [B]**.
- 4.40 To direct how the Objective will be met the following new Policies are proposed to be added beneath proposed Objective 38.4.2:

⁹ PDP S2 Chapter 38, Section 38.4, seventh paragraph, page 38-7

- Policy 38.4.2.1 Control the visual impact of buildings, passenger lift systems, earthworks and infrastructure associated with commercial and commercial recreation activities.*
- Policy 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).*
- Policy 38.4.2.3 Provide for and maintain Gondola access between Brecon St and Bob's Peak including necessary removal of exotic conifers subject to landscape rehabilitation in the event of conifer removal.*
- Policy 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.*
- Policy 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 management of the frequency and intensity of daily and weekly flight operations and separation distances from incompatible activities.*
- Policy 38.4.2.6 Control the effects of commercial and commercial recreation activities on amenity values through the management of the scale, nature and intensity of these activities.*

- 4.41 It is submitted that the Objective and Policy 38.4.2.1 better informs the proposed Rules 38.11.1, 38.11.2 and Standards 38.11.7 and 38.11.8 which provide unique provisions for passenger lift systems, larger and taller buildings and a greater building coverage than is provided for elsewhere within the Informal Recreation Zone.
- 4.42 It is submitted that proposed Policy 38.4.2.2 is an important Policy that protects the wider landscape vista when viewed from the roading corridor north east of the site. It was supported by landscape evidence¹⁰ in the PDP S1 hearings and is relevant to the Zone Purpose in Section 38.4 which notes that further development is contemplated where it will maintain overall landscape and visual amenity values. The protection of this view shaft will help achieve this part of the Zone Purpose.

¹⁰ Evidence of Michelle Snodgrass dated 9th June 2017

- 4.43 It is submitted that Proposed Policy 38.4.2.3 is necessary to better inform the proposed Rules 38.11.2 and 38.11.4 which provide a Controlled Activity status for passenger lift systems and harvesting of the forestry plantation within the gondola corridor.
- 4.44 The gondola is a vital piece of the transportation network in providing access from Brecon Street to the Bob's Peak site and the activities therein and adjacent to it. Without the Gondola, it is logical that the site would not be as popular as it is today and therefore it is essential to maintain the ability for a gondola within the specified corridor and the ongoing health and safety of this infrastructure through forestry operations.
- 4.45 It is submitted that proposed Policies 38.4.2.3 and 38.4.2.4 better inform Rule 38.11.4 with respect to the requirement to seek landscape re-habilitation of harvested areas. It is noted that there are no Policies specifically directed at the harvesting or management of forestry in the notified District Wide or specific Informal Recreation Zone provisions.
- 4.46 The proposed Open Space and Recreation Chapter provides for Informal Airports as a fully Discretionary Activity at District Wide Rule 38.9.37. While there are some broadly applicable Policy provisions that would direct how such an activity should be assessed¹¹ there is no specific outcome or policy direction.
- 4.47 It is submitted that this lack of Policy direction fails to recognise the approximately 43 year's previous use of Bob's Peak for the arrival and departure of helicopters despite the reference to such activity within the Zone Purpose¹². A helicopter landing area is and has been a novelty for many visitors to Bob's Peak both as passengers and spectators over this time period.
- 4.48 As such, the ability to maintain this longstanding attraction subject to appropriate management controls is considered reasonable and the proposed Policy 38.4.2.5 provides the necessary direction to achieve this.
- 4.49 The proposed new Policies are contained in the track changes version of the Open Space and Recreation Chapter in **Appendix [B]**.

Proposed Rules

- 4.50 The proposed Rules and Standards in Table 38.3 that relate to the Ben Lomond Sub-Zone are generally supported by the submitter as they largely replicate the provisions put forward in evidence¹³ in the PDP S1 hearings.

¹¹ Objective 38.2.3, Policy 38.2.3.3, Objective 38.2.2, Policy 38.2.2.1 and 38.2.2.2, Objective 38.4.1 and Policy 38.4.1.3

¹² Section 38.4, Zone Purpose Informal Recreation Zone, 7th Paragraph page 38-7

¹³ Evidence of Sean Dent for Hearing Stream T13 dated 9th June 2017 and Evidence Summary dated 11 September 2017

- 4.51 There are however a few matters that should be addressed. First, it is proposed that Rule 38.11.1 which provides for buildings as a Restricted Discretionary Activity should have the matters of discretion amended.
- 4.52 Specifically, the issue of storm water disposal (particularly at Bob's Peak) has been highlighted as an issue during the Environment Court proceedings for the Skyline re-development. A storm water Discharge Permit has also been sought by Skyline and is currently being assessed by the ORC at the time of drafting this submission. Accordingly 'storm water disposal' should be added to the fifth bullet point in conjunction with provision of water, sewerage treatment and disposal, electricity and telecommunication services.
- 4.53 It is also submitted that the seventh bullet point providing discretion over effects on the transportation network should be deleted. This provision was originally proposed by Skyline's experts in the PDP S1 hearings to overcome the issue that if the rezoning sought in the PDP S1 occurred there would be no corresponding transport chapter. As such, discretion was required over transportation effects independent of a standalone transport chapter.
- 4.54 It is noted that the PDP S2 now includes Chapter 29 – *Transport* and it is therefore considered that the effects of parking, access and 'high traffic generating activities' are adequately addressed by the provisions in that chapter.
- 4.55 As it is drafted now, Rule 38.11.1 would require an Integrated Transport Assessment to be provided for any new building, alteration or addition. It is submitted that this would be an onerous and expensive requirement particularly for minor buildings such as storage/maintenance facilities particularly when there is a dedicated transport chapter to assess such matters. The Rule should therefore be amended to remove this matter of discretion and explanation of information requirements.
- 4.56 It is submitted that Rule 38.11.5 which provides for the activity of car parking on the Lower Terminal part of the Ben Lomond Sub-Zone should be changed from a Controlled Activity to a Permitted Activity.
- 4.57 This change would highlight that car parking is fully anticipated in this area (as occurs presently, is proposed by RM171172 and illustrated on the Town Centre Master Plan documents¹⁴).
- 4.58 Further, it is submitted that the matters of control currently listed in this Rule (aside from landscaping) are adequately covered by the Standards contained in Table 29.3 of the proposed Transport Chapter. Non-Compliance with those Standards necessitates a Restricted Discretionary Activity Consent.
- 4.59 It is considered that the currently listed matter of control for landscape is adequately covered by Rule 38.11.1 for buildings that includes discretion over landscape and visual amenity values.

¹⁴ Queenstown Town Centre Masterplan Town Centre Arterials May 2017, Page 22

- 4.60 The Standard 38.11.7 provides for increased building height over and above the District Wide Informal Recreation Zone provisions. Standard 38.11.7 largely replicates what was proposed by Skyline's planning and landscape experts in the PDP S1 mapping hearings and are largely supported.
- 4.61 It is however noted that the height for buildings in the Lower Terminal Area was originally sought at 17.5m This was because at the time the PDP S1 submission was prepared in November 2015 Skyline's new lower terminal building was still going through architectural design and this was thought to be the maximum building height that would be sought in their resource consent application RM160647.
- 4.62 Ultimately, this building ended up being sought at a height of 18.3m above original ground level in RM160647. This building height has never been raised as an issue and in fact, the Urban Design Panel recommended that a greater height be pursued.
- 4.63 In addition, Skyline's car park building now being sought in RM171172 has a maximum height above original ground level of 19.918m. The ability to seek a height limit applicable to the built form proposed and likely to be implemented on the site through the PDP S1 hearings was constrained by a lack of scope to seek a greater building height.
- 4.64 This is not an issue in this submission and it is therefore submitted that a height limit that compliments the likely future state of the environment should be provided in this Standard by amending Standard 38.11.7(c) from 17m to 20m.
- 4.65 It is submitted that in recognition of the proposed Zone Boundary that seeks to provide space for a helicopter landing area, the history of helicopter activity at Bob's Peak and the specific Objective and Policies for this activity, a new Restricted Discretionary Activity Rule should be provided for an informal airport (helicopter landing area) within the Ben Lomond Sub-Zone.
- 4.66 The matters of discretion should include:
- Aviation Safety including helicopter landing area design and proximity to 'on-ground' structures and trail networks;
 - Frequency and intensity of daily and weekly flight numbers;
 - Separation distance from existing sensitive or incompatible occupiers.
- 4.67 The first matter of discretion should also be qualified with an explanation of the information requirements for Aviation Safety to include provision of either a Pt 157 Determination issued the Director of Civil Aviation New Zealand or an independent aviation safety assessment prepared by a suitably qualified professional.

- 4.68 For clarification, Pt 157 of the Civil Aviation Rules requires that notice of the construction, alteration, activation and deactivation of an aerodrome/helicopter landing area is made to the Director of CAA so they may manage the safe and effective use of airspace and the on-ground dimensions of aerodromes and heliports.
- 4.69 The Restricted Discretionary Activity Status indicates that a helicopter landing area is likely to be appropriate somewhere within the Ben Lomond Sub-Zone but affords the Council the ability to publicly notify where the matters of discretion are not suitably addressed.
- 4.70 It is noted that the issue of noise from such an activity will be controlled by Chapter 36 and the applicant has already made submissions on this Chapter seeking the application of a 60dB_{Ldn} noise limit measured 5m west of the entrance to Ziptrek's top treehouse platform as authorised by the Environment Court when presiding over the appeal on the existing helipad pursuant to RM100777. The submitter's position on this matter has not changed and this noise limit is still sought as part of their relief.
- 4.71 Table 38.3 provides Rule 38.11.3 for 'Commercial Recreation Activity'. The Rule however provides for a mixture of Commercial Recreation Activities, Commercial Activities (associated with recreation activities) and Retail (where ancillary to a recreational activity).
- 4.72 It is submitted that this Rule is inadequate and does not recognise that the Bob's Peak Area of the Ben Lomond Sub-Zone in particular already contains restaurants, bars, conference and function facilities, retail sweet and souvenir shops. There should be a Rule that specifically deals with the undertaking of a wider ambit of Commercial Activities alongside Commercial Recreation Activities which better replicates the existing environment.
- 4.73 Specifically, it is submitted that Rule 38.11.3 be amended to cover Commercial Activities (as defined) and Commercial Recreation Activities with groups greater than 10 people as a Restricted Discretionary.
- 4.74 This will ensure that all restaurants, retail shops, administrative offices, sale of liquor, conference/function centres are able to be assessed as a Restricted Discretionary Activity as these features all fall within the definition of "Commercial Activities" and this Rule will override the more restrictive Rules in Table 38.1 for restaurants/cafes/retail and general commercial activities. This is considered appropriate given the extent of such facilities already located within the proposed Ben Lomond Sub-Zone and that the Zone purpose contemplates further development where it is sensitive to other users and occupiers.
- 4.75 Making Commercial Recreation Activities a Restricted Discretionary Activity for more than 10 people is considered appropriate for two main reasons. First, almost all Commercial Recreation Activities existing on Bob's Peak utilise buildings for their activity and therefore the effects of buildings (if required) will be assessed regardless of group size through Rule 38.11.1.

- 4.76 Second, group sizes of 10 people or less are not expected to create significant adverse effects in terms of crowding, noise and overall amenity within the context of the existing commercial hub and facilities in the Ben Lomond Sub-Zone. Over and above this scale of activity, the Restricted Discretionary Activity status will afford the council the ability to assess the scale, nature and intensity of the activity.
- 4.77 The reference to effects on the transportation network as a matter of discretion should also be removed from Rule 38.11.3 now that there is a standalone transport chapter to address parking and access.
- 4.78 It is also submitted that the Gondola Corridor area of the Ben Lomond Sub-Zone is not intended to and would generally be unsuitable for buildings other than passenger lift systems. Subsequently, a new Rule proposing a Non-Complying Activity status is proposed in Table 38.3 for buildings in this area.
- 4.79 A Non-Complying Activity status is proposed rather than Prohibited to ensure that if there is ever a functional requirement for buildings associated with the passenger lift systems or lower terminal that result in partial or whole infringements of this area they can be considered through a consent process. The Non-Complying Activity status indicates that buildings would more likely than not be inappropriate in this part of the Ben Lomond Sub-Zone.
- 4.80 In addition to the Ben Lomond Sub-Zone Rules in Table 38.3 it is considered that the general Rule 38.9.30 for harvesting and management of existing forestry should be changed from a Discretionary Activity to a Controlled Activity.
- 4.81 With specific regard to the Ben Lomond Recreation Reserve in particular, this status is considered justified because of the existing Designation (#373) which would allow harvesting of the conifer forest via an Outline Plan application and the significant fire hazard that the existing forest creates. For these reasons, it seems counterintuitive to make it harder to remove the existing forest than is presently the case.
- 4.82 It is submitted that the Non-Notification Rule 38.12.2 which specifies that Controlled Activities in the Ben Lomond Sub-Zone may require affected party approvals and/or limited notification to such parties is inappropriate.
- 4.83 Such a Rule affords no certainty to parties seeking consent under the Controlled Activity provisions. In effect, it makes the Controlled Activity status redundant to the point that all activities might as well be assessed as Restricted Discretionary.
- 4.84 It is therefore submitted that this Rule be deleted in its entirety.
- 4.85 The amendments to the Rules and Standard in Chapter 38 discussed in the preceding paragraphs are illustrated in the track changes version of Chapter 38 contained in **Appendix [B]**.

Chapter 25 - Earthworks

- 4.86 The submitter opposes the proposed earthworks chapter in that earthworks of 100m³ or more are to become a Restricted Discretionary Activity Consent for the Ben Lomond Sub-Zone whereas under the Operative Zoning earthworks between 300m³ and 1000m³ are provided for as Permitted Activities (depending on the Zoning i.e. High Density or Rural).
- 4.87 It is submitted that there is no specific evidence to demonstrate that the existing earthworks limits are resulting in inappropriate landscape modification and visual effects within the Ben Lomond Sub-Zone.
- 4.88 Accordingly, for a proposed Sub-Zone that contemplates further development within a more enabling planning framework than in other parts of the Informal Recreation Zone the 100m³ limit for total earthworks volume for Permitted Activities is considered too restrictive. It is submitted that a limit of 1000m³ should be applied and a subsequent addition to Standard 25.5.1 (to exclude the Ben Lomond Sub-Zone from the 100m³ limit in the remainder of the Open Space and Recreation Zones) and Standard 25.5.6 to add the Ben Lomond Sub-Zone to the 1000m³ limit in Table 25.2 is required.
- 4.89 It is also submitted that that earthworks for forestry activities should be exempt as part of proposed Rule 25.3.4.5.
- 4.90 Earthworks for this purpose are currently able to be approved via an Outline Plan with no consent approvals. Under notified Rule 38.11.4 in Table 38.3 for the Ben Lomond Sub-Zone, forestry activities are controlled with Council retaining control over earthworks.
- 4.91 Further my amended Rule 38.9.30 in Table 38.1 makes forestry activities in the Open Space and Recreation Zones a Controlled Activity with the new matters of Control in Table 38.13 added which also include earthworks.
- 4.92 Making the earthworks that would be necessary to undertake the forestry activities a Restricted Discretionary Activity defeats the point of a Controlled Activity Rule for the overall activity.
- 4.93 Given the Designation #373 that presently provides for such activities with no resource consent requirements it is submitted that a Controlled Activity status and appropriate maintenance of control for all elements of forestry harvesting activity including earthworks is a more effective and efficient framework for the continued management of this activity.
- 4.94 It is therefore submitted that an additional point (o) is added to Rule 25.3.4.5 to specify that earthworks for harvesting and management of forestry in the Open Space and Recreation Zones are exempt from the earthworks Rules and Standards.

4.95 The proposed changes to Chapter 25 – Earthworks are illustrated in an amended earthworks Chapter in Appendix [C].

5. The submitter seeks the following decision from the Queenstown Lakes District Council:

- That the proposed Informal Recreation Zone Ben Lomond Sub-Zone is incorporated into the District Plan over the area illustrated in Appendix [A];
- That the amendments to the Open Space and Recreation Chapter outlined in this submission and Appendix [B] are adopted into the Proposed District Plan;
- That the amendments to Chapter 25 – Earthworks outlined in this submission and Appendix [C] are adopted into the proposed District Plan;
- The submitter also seeks such further or consequential or alternative amendments necessary to give effect to this submission, and to:
 - (a) promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("Act");
 - (b) meet the reasonably foreseeable needs of future generations;
 - (c) enable social, economic and cultural wellbeing;
 - (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act.

6. The submitter wishes to be heard in support of their submission.

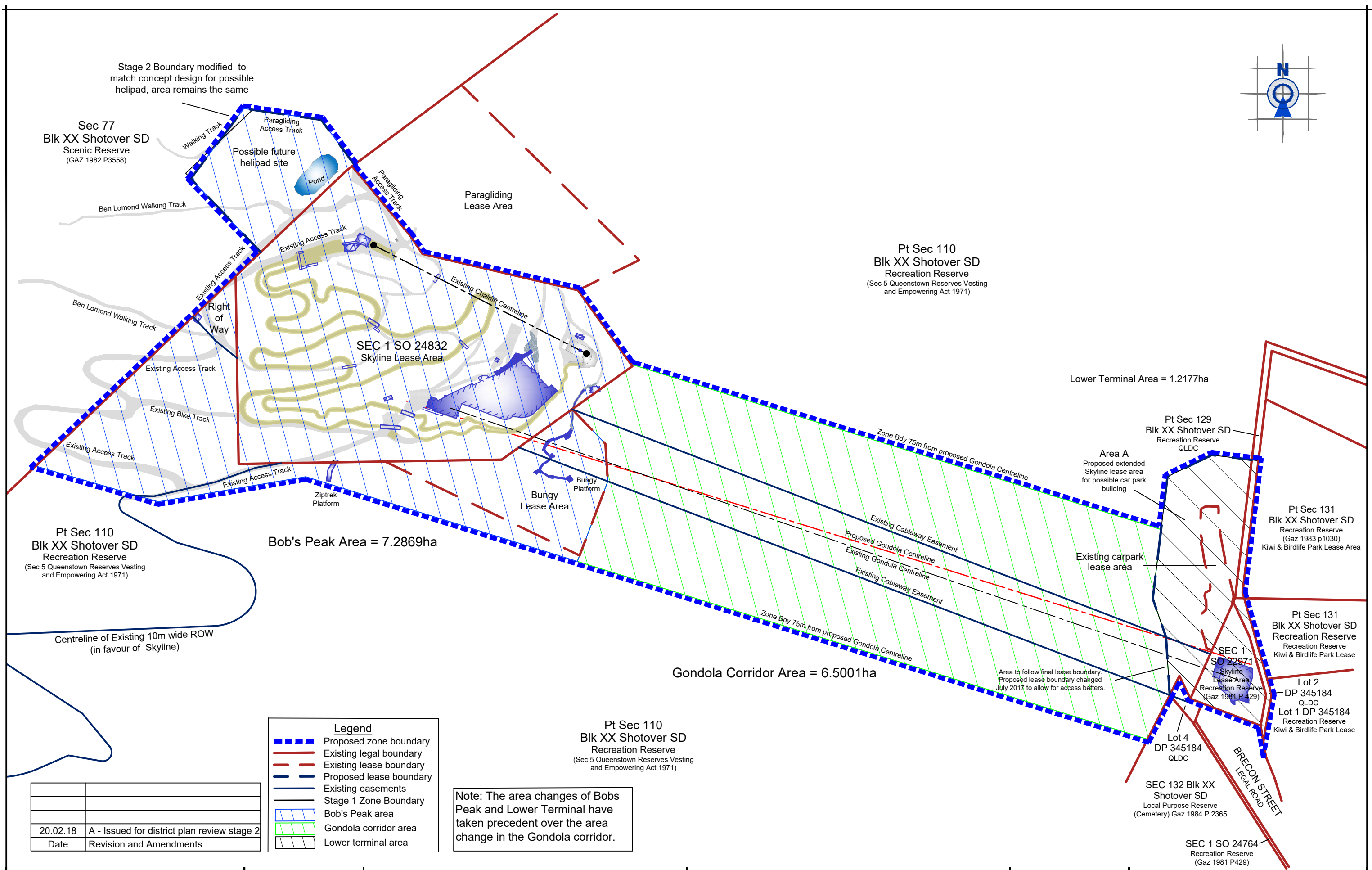
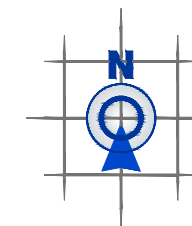
7. If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.



Signature

(Sean Dent on behalf of Skyline Enterprises Limited)

Date...23 February 2018



Stage 2 Boundary modified to match concept design for possible helipad, area remains the same

Sec 77
Blk XX Shotover SD
Scenic Reserve
(GAZ 1982 P3558)

Pt Sec 110
Blk XX Shotover SD
Recreation Reserve
(Sec 5 Queenstown Reserves Vesting
and Empowering Act 1971)

SEC 1 SO 24832
Skyline Lease Area

Lower Terminal Area = 1.2177ha

Pt Sec 129
Blk XX Shotover SD
Recreation Reserve
QLDC

Pt Sec 110
Blk XX Shotover SD
Recreation Reserve
(Sec 5 Queenstown Reserves Vesting
and Empowering Act 1971)

Bob's Peak Area = 7.2869ha

Pt Sec 131
Blk XX Shotover SD
Recreation Reserve
(Gaz 1983 p1030)
Kiwi & Birdlife Park Lease Area

Centreline of Existing 10m wide ROW
(in favour of Skyline)

Gondola Corridor Area = 6.5001ha

Pt Sec 131
Blk XX Shotover SD
Recreation Reserve
Kiwi & Birdlife Park Lease

SEC 1
SO 22971
Skyline
Lease Area
Recreation Reserve
(Gaz 1981 P 429)

Area to follow final lease boundary.
Proposed lease boundary changed
July 2017 to allow for access batters.

Lot 2
DP 345184
QLDC
Lot 1 DP 345184
Recreation Reserve
Kiwi & Birdlife Park Lease

SEC 132 Blk XX
Shotover SD
Local Purpose Reserve
(Cemetery) Gaz 1984 P 2365

SEC 1 SO 24764
Recreation Reserve
(Gaz 1981 P429)

Legend	
	Proposed zone boundary
	Existing legal boundary
	Existing lease boundary
	Proposed lease boundary
	Existing easements
	Stage 1 Zone Boundary
	Bob's Peak area
	Gondola corridor area
	Lower terminal area

Note: The area changes of Bobs Peak and Lower Terminal have taken precedent over the area change in the Gondola corridor.

Pt Sec 110
Blk XX Shotover SD
Recreation Reserve
(Sec 5 Queenstown Reserves Vesting
and Empowering Act 1971)

Date	Revision and Amendments
20.02.18	A - Issued for district plan review stage 2

PATERSONPITTSGROUP
Your Land Professionals
www.ppgroup.co.nz
0800 PPGROUP

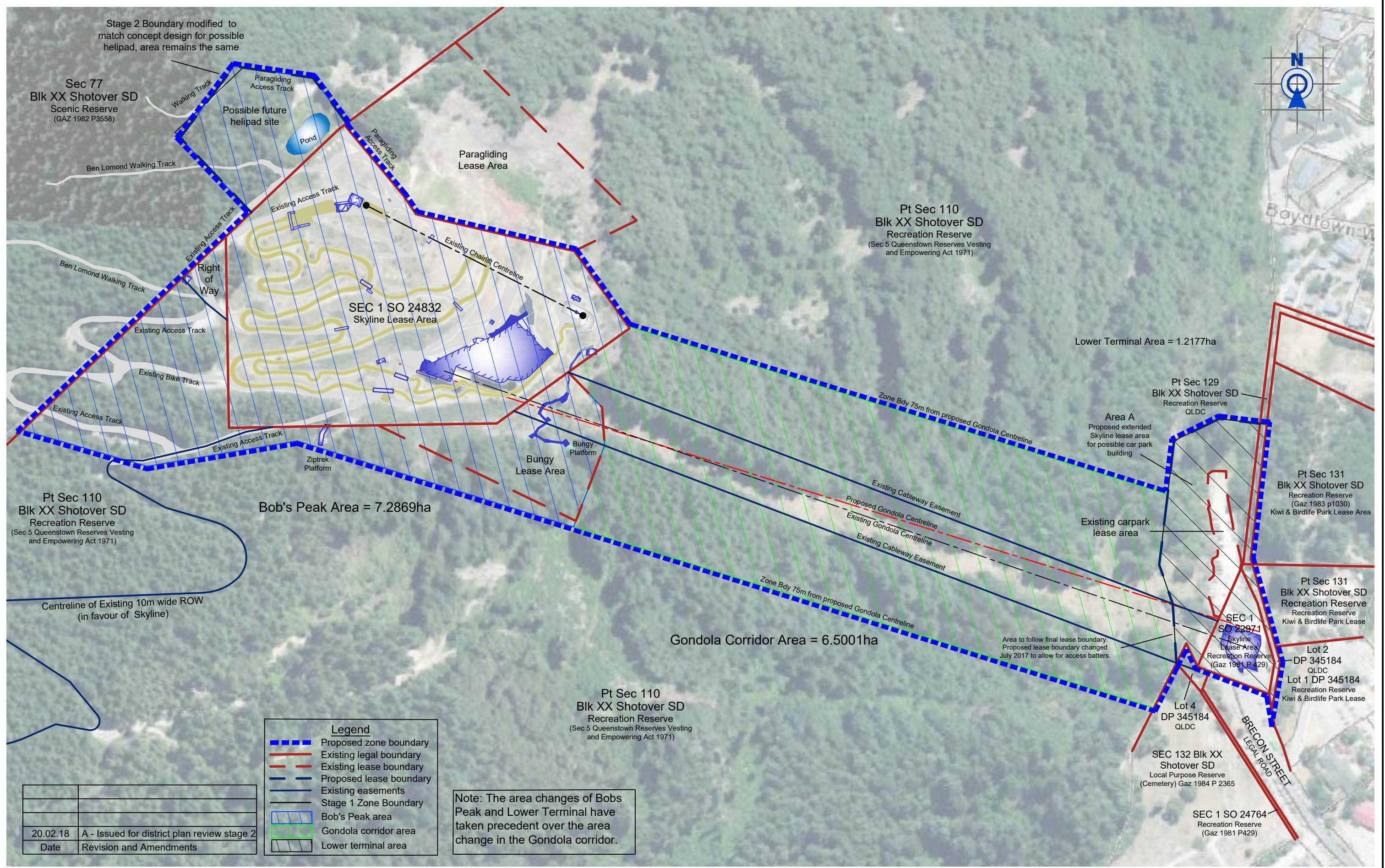
QUEENSTOWN:
Terrace Junction,
1092 Frankton Road.
or P.O. Box 2645,
Queenstown 9349
T 03 441 4715
E queenstown@ppgroup.co.nz

Client/Location:
SKYLINE ENTERPRISES LIMITED
53 BRECON STREET, QUEENSTOWN

Purpose/Drawing Title:
**PROPOSED DISTRICT PLAN STAGE 2
PROPOSED COMMERCIAL RECREATION
AND TOURISM SUB-ZONE BOUNDARY**

© COPYRIGHT. This drawing, content and design remains the property of Paterson Pitts Partners Limited and may not be reproduced in part or full or altered without the written permission of Paterson Pitts Partners Limited. This drawing and its content shall only be used for the purpose for which it is intended. No liability shall be accepted by Paterson Pitts Partners Limited for its unauthorized use

Surveyed by:	LR 2010-2016	Original Size:	A3	Scale:	1:2500
Designed by:					
Drawn by:	SM Feb 2018				
Checked by:	SM Feb 2018				
Approved by:					DO NOT SCALE
Job No:	Q4115J-14	Sheet No:	23	Revision No:	A
				Date Created:	20/02/2018



Legend	
	Proposed zone boundary
	Existing legal boundary
	Existing lease boundary
	Proposed lease boundary
	Existing easements
	Stage 1 Zone Boundary
	Bob's Peak area
	Gondola corridor area
	Lower terminal area

Note: The area changes of Bobs Peak and Lower Terminal have taken precedent over the area change in the Gondola corridor.

Date	Revision and Amendments
20.02.18	A - Issued for district plan review stage 2

PATERSONPITTSGROUP
 Your Land Professionals
 www.ppgroup.co.nz
 0800 PPGROUP

QUEENSTOWN:
 Terrace Junction,
 1092 Frankton Road,
 or P.O. Box 2645,
 Queenstown 9349
 T 03 441 4715
 E queenstown@ppgroup.co.nz

Client/Location:
SKYLINE ENTERPRISES LIMITED
 53 BRECON STREET, QUEENSTOWN

Purpose/Drawing Title:
PROPOSED DISTRICT PLAN STAGE 2
PROPOSED COMMERCIAL RECREATION
AND TOURISM SUB-ZONE BOUNDARY

© COPYRIGHT. This drawing, content and design remains the property of Paterson Pitts Partners Limited and may not be reproduced in part or full or altered without the written permission of Paterson Pitts Partners Limited. This drawing and its content shall only be used for the purpose for which it is intended. No liability shall be accepted by Paterson Pitts Partners Limited for its unauthorized use

Surveyed by:	LR 2010-2016	Original Size:	A3	Scale:	1:2500
Designed by:					
Drawn by:	SM Feb 2018				
Checked by:	SM Feb 2018				
Approved by:					DO NOT SCALE
Job No:	Q4115J - 14	Sheet No:	22	Revision No:	A
				Date Created:	20/02/2018

OPEN SPACE RECREATION



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. The Council has a responsibility to provide open space and recreation opportunities and to manage the effects of activities within the zone and on the surrounding environment.

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, 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~~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 [including 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](#)~~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

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; 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** 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

Objective and Policy - 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 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

Objective 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 (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 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.

38.4.2 Objective – The future growth, development and use of the Ben Lomond Sub-Zone as an Icon Destination for residents, as well as domestic and international tourists is enabled subject to maintaining the landscape and amenity values of the surrounding ONL.

Policies	38.4.2.1	<i>Control the visual impact of buildings, passenger lift systems, earthworks and infrastructure associated with commercial and commercial recreation activities.</i>
	38.4.2.2	<i>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).</i>
	38.4.2.3	<i>Provide for and maintain Gondola access between Brecon St and Bob's Peak including necessary removal of exotic conifers subject to landscape rehabilitation in the event of conifer removal.</i>
	38.4.2.4	<i>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.</i>
	38.4.2.5	<i>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 management of the frequency and intensity of daily and weekly flight operations and separation distances from incompatible activities.</i>
	38.4.2.6	<i>Control the effects of commercial and commercial recreation activities on amenity values through the management of their scale, nature and intensity.</i>

Objective and Policies - Active Sport and Recreation Zone

2493

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

Objective 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.

- 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

Objective 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 Clarification - Advice Notes

- 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** Freedom camping in the District is controlled by the Council's Freedom Camping Control Bylaw.
- 38.8.2.5** The surface of lakes and rivers are zoned Rural, unless otherwise stated in the District Plan or identified on the Planning Maps.
- 38.8.2.6** 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.

38.8.2.7 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.

38.8.2.8 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.

38.8.2.9 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.

38.8.2.10 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

38.8.2.11 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 38.13.
- 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	RD	P	D	P	P	D	NC
38.9.15	Camping grounds	D	D	NC	NC	NC	NC	P	NC
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

Rule	Activities	Nature Conservation Zone	Informal Recreation Zone	Active Sports / Recreation Zone	Civic Spaces Zone	CPZ	CPZ (Golf)	CPZ (Camping Ground)	CPZ (Cemeteries)
38.9.19	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
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 Trails (walking, horse and cycling trails)	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 within the Outstanding Natural Features or Landscapes	D	CD	D	D	D	D	D	D
38.9.31	Planting of new Forestry within the Outstanding Natural Features or Landscapes	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

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

38.10 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>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

Table 38.2	Standards for Activities in the Open Space and Recreation Zones	Non-compliance Status
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>Discretion is restricted to the following:</p> <ul 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; • Pedestrian and vehicle access; • Functional needs; • Scale and intensity; • Cumulative effect of buildings; and • Design and integration of landscaping. 	RD

Table 38.2	Standards for Activities in the Open Space and Recreation Zones	Non-compliance Status
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. 	D
38.10.4	<p>Setback from Internal and Road Boundaries</p> <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 the following:</p> <ul style="list-style-type: none"> • Building dominance; • Privacy effects on adjoining properties; • Access to sunlight and impacts on shading; • Effects on visual amenity; • The size, design and location of buildings relative to the public realm and adjoining properties; • Consistency with the character of the locality; and • The historic heritage value of any adjacent heritage item and or feature. 	RD

Table 38.2	Standards for Activities in the Open Space and Recreation Zones	Non-compliance Status
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>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> • Indigenous biodiversity values; • Public access; • Effects on visual amenity and landscape character values; • Open space • The functional and locational need and interaction of the development with the water body; • Landscaping; • Environmental protection measures (including landscaping and stormwater management); and • Natural hazards. 	RD
38.10.6	<p>Outdoor Storage</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 walls, solid fences, 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"> • Visual amenity; • The location relative to the public realm and adjoining residential properties; • Consistency with the character of the locality; • Landscaping; • Practical and functional constraints; and • Pedestrian and vehicle access. 	RD

Table 38.2	Standards for Activities in the Open Space and Recreation Zones	Non-compliance Status
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>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> • Visual amenity values; • Opportunities for passive surveillance; • Consistency with any established fencing; and • Functional constraints, including the use of land, security, and wind shelter. 	RD
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 lesser) 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>38.10.10.3 All other surface finishes shall have a maximum reflective value of 30%.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> • External appearance; • Visual prominence from both public places and private locations; and • Effects on visual amenity and landscape character values and in particular views of significance. 	RD

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>Discretion is restricted to the following:</p> <ul 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 <p>• Effects on the transportation network.</p> <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"> • Travel, access and parking plans; • Any capacity or safety improvements to the road network, if the scale and intensity of the activity requires this; • The enhancement of pedestrian connections and networks to the Queenstown Town Centre Zone; • Measures to encourage reduced use of car travel by employees and customers; and • Requirements for the provision of dedicated car parks. 	RD
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>Control is reserved to the following:</p> <ul style="list-style-type: none"> • Location, external appearance and alignment; • Other occupiers or users; • Night lighting; • Height; • Associated earthworks; and • Natural Hazards. 	C

Table 38.3	Activities and Standards for Activities in the Ben Lomond Sub Zone	Activity or Non-compliance Status
38.11.3	<p>Commercial and Commercial Recreation Activities <u>recreation activity including:</u></p> <p>(a) commercial activities associated with, and located on, the same site as recreation activities; and</p> <p>(b) <u>commercial recreation activities undertaken on land, outdoors and involving not more than 10 persons in any one group.</u> retail-ancillary to a commercial recreation activity Discretion is restricted to the following:</p> <ul style="list-style-type: none"> • Intensity and scale of the activity on recreation use and amenity values; • Noise; • Public access to, and use of the open space; • Other occupiers or users of the site or adjoining sites; • Infrastructure; <u>and</u> • Access and parking; and • <u>Effects on the transportation network (if not previously or concurrently addressed by an integrated transport assessment in Rule 38.11.1).</u> 	RD
38.11.4	<p>Harvesting and management of existing Forestry</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> • Hours of operation; • Noise; • Health and safety; • Traffic generation; • Earthworks; • Soil erosion, sediment generation and run-off; and • Landscape rehabilitation. 	C
38.11.5	<p>Parking within the Lower Terminal area of the Ben Lomond Sub Zone.</p> <p>Control is reserved to the following:</p> <ul style="list-style-type: none"> • Traffic generation, access, parking layout and design; • Consistency with any integrated traffic assessment required by Rules 38.11.1 and 38.11.3; • Pedestrian and vehicle access; and • <u>Landscaping.</u> 	<u>PC</u>
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
<u>38.11.7</u>	<p><u>Informal Airports</u></p> <p><u>Discretion is limited to the following:</u></p>	<u>RD</u>

2493

- [Aviation Safety including helicopter landing area design and proximity to 'on-ground' structures and trail networks;](#)
- [Frequency and intensity of daily and weekly flight numbers;](#)
- [Separation distance from existing sensitive or incompatible occupiers.](#)

[The information requirements for Aviation Safety shall include provision of either a Pt 157 Determination issued by the Director of Civil Aviation New Zealand or an independent aviation safety assessment prepared by a suitably qualified professional.](#)

38.11.8

[Buildings within the Gondola Corridor Area](#)

[NC](#)

[Any building located within the Gondola Corridor Area of the Ben Lomond Sub-Zone with the exception of passenger lift systems.](#)

Table 38.3	Activities and Standards for Activities in the Ben Lomond Sub Zone	Activity or Non-compliance Status
	Standards	Non-Compliance Status
38.11.97	<p>Building Height</p> <p>The maximum height of buildings and structures as specified shall be:</p> <ul style="list-style-type: none"> a. Buildings within the Bob’s Peak Area: 10m. b. Passenger Lift Systems within the Bob’s Peak Area: 12m. c. Buildings within the Lower Terminal Area: 2017m. 	D
38.11.108	<p>Building Coverage</p> <p>The maximum building coverage within the Bob’s Peak Area shall be 15%</p>	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; and
- 38.12.2** Controlled activities within the Informal Recreation Ben Lomond Sub Zone shall not be publicly notified but may require the written approval of affected persons or give limited notification to affected persons.

38.13

Matters of control for Controlled Activities as 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"> • Scale and intensity of the activity on recreation use and amenity values; • Public access to, and use of the open space; • Traffic generation, access and parking; and • 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"> • Building location, character, scale and form. • External appearance including materials and colours. • Infrastructure and servicing, access and parking. • Natural hazards.
38.13.3	<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> <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"> • Traffic generation, access and parking; • Public access to, and use of, the open space; • Pedestrian and vehicle access; and • Landscaping.
<u>38.13.4</u>	<p><u>Rule 38.9.30: Harvesting and management of existing forestry within the Outstanding Natural Landscapes:</u></p> <ul style="list-style-type: none"> • <u>Hours of operation;</u> • <u>Noise;</u> • <u>Health and safety;</u> • <u>Traffic generation;</u> • <u>Earthworks;</u> • <u>Soil erosion, sediment generation and run-off; and</u> • <u>Landscape rehabilitation.</u>

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 Zone	
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"> • Intensity and scale of the activity on recreation use and amenity values; • Public access to, and use of, the open space; • Location, in particular distance from adjoining properties; • Traffic generation, access and parking; • Noise; and • 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"> • Intensity and scale of the activity on recreation use and amenity values; • Public access to, and use of the open space; • Other occupiers or users of the site or adjoining sites; • 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> <ul style="list-style-type: none"> • Location of facility and access; • Number, design and layout of car parks and associated manoeuvring areas; • Surface treatment of parking facility and access; • Landscaping; and • 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"> • Intensity and duration; • Public access to, and use of the open space; • Pest and wilding pine control; • Maintenance of landscape values; and • Restriction of areas to protect or restore indigenous biodiversity values.

38.15

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
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> <ol style="list-style-type: none"> a. Physical attributes: <ul style="list-style-type: none"> • Geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character; • Vegetation (exotic and indigenous); • The presence of waterbodies including lakes, rivers, streams, wetlands. b. Visual attributes: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • Whether the elements identified in (a) and (b) are shared and recognised; • Cultural and spiritual values for Tangata whenua; • 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> 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>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;

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"> 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; d. the proposed activity or development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape); e. structures will not be located where they will break the line and form of any ridges, hills and slopes; f. any carparking, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.
<p>38.15.2</p>	<p>Rural Landscape Classification (RLC)</p> <p>38.15.2.1 Effects on landscape quality and character</p> <p>The following shall be taken into account:</p> <ul style="list-style-type: none"> 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; 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; 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. <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 Landscape, having regard to whether and the extent to which:</p> <ul style="list-style-type: none"> a. the visual prominence of the proposed development from any public places will reduce visual amenity; b. the proposed development is likely to be visually prominent such that it detracts from private views; 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; 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; 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>38.15.2.3 Tangata Whenua, biodiversity and geological values:</p> <ul style="list-style-type: none"> 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>The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.</p>

Table 38.6	Landscape Assessment Matters for Distretionary and Non-Complying Activities in the Open Space and Recreation Zones
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 amenityvalues.</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> <ul 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 conservationareas; c. where adverse effects cannot be avoided, mitigated or remedied, the merits of anycompensation.

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.
-----------------------	--

New Stage 2 PDP Definitions:

<u>Ground Floor Area</u>	<u>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.</u>
<u>Visually Permeable</u>	<u>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.</u>

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

35.4.7	<p>Temporary Events held <u>within the Open Space and Recreation Zones or any other</u> on Council-owned public recreation land, provided that:</p> <ul style="list-style-type: none"> 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. <p>For the purpose of this rule the relevant noise standards of the Zone shall not apply.</p>	P
--------	---	---

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

	Standard				Non-compliance status
	Zones sound is received in	Assessment location	Time	Noise limits	
36.5.4	<u>Open Space and Recreation Zones</u>	Any point within any site	0800h to 2000h	50 dB L _{Aeq} (15 min)	NC
			2000h to 0800h	40 dB L _{Aeq} (15 min) 75 dB L _{AFmax}	NC

25

EARTHWORKS



QUEENSTOWN
LAKES DISTRICT
COUNCIL

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 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 27. 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 where related to historic heritage;
- Rule 25.5.20; and
- Rule 25.5.21.

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
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		

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** 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.
- 25.3.3.4** 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.
- 25.3.3.5** 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.
- 25.3.3.6** 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.
- 25.3.3.7** 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 Taurira: 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.
- 25.3.3.8** 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.
- 25.3.3.9** 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.
- 25.3.3.10** 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.
- 25.3.3.11** 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.

- 25.3.3.12** 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;
- b. Rule 25.5.16 cut; and
- c. Rule 25.5.17 fill.

Applications for subdivision involving any earthworks shall be considered against the matters of discretion for earthworks in Part 25.7 and assessment matters in Part 25.8.

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 setbacks from waterbodies; and
- c. Rule 21.5.21 exposing groundwater.

- 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 25.5.16 cut standards; and
- c. Rule 25.5.17 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 burialgrounds.
- h. Maintenance of existing and in service vehicle accesses and tracks, excludes their expansion.
- 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, Wakatipu Basin Rural Amenity Zone (excluding the Precinct), 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.
- [o. Earthworks associated with the harvesting and management of existing forestry within the Open Space and Recreation Zones.](#)

25.4 Rules - Activities

Table 25.1	Earthworks Activities	Activity Status
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

Table 25.2	Maximum Volume	Maximum Total Value
25.5.1	Arrowtown Residential Historic Management Zone Arrowtown Town Centre Zone Open Space and Recreation Zones (except the Ben Lomond Sub-Zone)	100m ³
25.5.2	Heritage Landscape Overlay Area Heritage Precinct Outstanding Natural Feature	10m ³
25.5.3	Low Density Residential Zone Medium Density Residential Zone High Density Residential Zone Waterfall Park Zone Millbrook Resort Zone	300m ³
25.5.4	Large Lot Residential Zone Rural Residential Zone Rural Lifestyle Zone Wakatipu Basin Rural Amenity Zone and Precinct	400m ³
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 ³
25.5.6	Rural Zone Gibbston Character Zone Informal Recreation Zone – Ben Lomond Sub-Zone	1000m ³
25.5.7	a. Roads b. Roads located within an Outstanding Natural Feature identified on the Planning Maps	(a) No limit (b) 10m ³

Table 25.2	Maximum Volume	Maximum Total Value
	Jacks Point Zone	
25.5.8	Residential Activity Areas Village Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500m ³
25.5.9	Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite	1000m ³
25.5.10	Open Space Golf Education Education Innovation Campus Lodge	No maximum

Table 25.3	Standards	Non-Compliance
	Nuisance effects, erosion, sediment generation and run-off	
25.5.11	Earthworks shall not exceed the following area: a. 2,500m ² where the slope is 10° or greater. b. 10,000m ² where the slope is less than 10°. Discretion is restricted to the matters set out in Part 25.7.	RD
25.5.12	Earthworks must be undertaken in a way that prevents sediment entering water bodies, stormwater networks or going across the boundary of the site.	NC
25.5.13	No material being transported from one site to another shall be deposited on any Road.	NC
25.5.14	Any person carrying out earthworks shall implement dust control measures to minimise nuisance effects of dust beyond the boundary of the site.	NC

Table 25.3	Standards	Non-Compliance
25.5.15	<p>Earthworks that discovers any of the following:</p> <ol style="list-style-type: none"> kōiwi tangata (human skeletal remains), wāhi taoka (resources of importance), wāhi tapu (places or features of special significance) or other Māori artefact material, or any feature or archaeological material that predates 1900, or evidence of contaminated land (such as discolouration, vapours, landfill material, significant odours), <p>that is not provided for by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, 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
	Height of cut and fill and slope	
25.5.16	<p>The maximum depth of any cut shall not exceed 2.4 metres.</p> <ol style="list-style-type: none"> This rule shall not apply to roads. <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> <ol style="list-style-type: none"> This rule shall not apply to roads. <p>Discretion is restricted to the matters set out in Part 25.7.</p>	RD
25.5.18	<p>Earthworks for farm tracks and access ways in the following Zones and Activity Areas shall comply with rules (a) to (c):</p> <ul style="list-style-type: none"> • Rural Zone • Wakatipu Basin Rural Amenity Zone • Gibbston Character Zone • Jacks Point Zone Activity Areas: <ul style="list-style-type: none"> - Open Space Landscape - Open Space Golf - Open Space Amenity - Homesite - Education - Lodge <ol style="list-style-type: none"> No farm track or access way shall have an upslope cut or batter greater than 1 metre in height. All cuts and batters shall not be greater than 65 degrees. The maximum height of any fill shall not exceed 2 metres. <p>Discretion is restricted to the matters set out in Part 25.7.</p>	RD

Table 25.3	Standards	Non-Compliance
	Setbacks from boundaries	
25.5.19	<p>Earthworks greater than 0.3 metres 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"> i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill; or 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. <p>Refer to Interpretive Diagrams 25.4 and 25.5 located within Schedule 25.9.</p> <p>b. Earthworks supported by retaining walls:</p> <ul style="list-style-type: none"> i. Cut or fill supported by a retaining wall must be setback a distance at least equal to the height of the retaining wall; except ii. Retaining walls that have been granted building consent are exempt from this rule (25.5.19(b) i). <p>Refer to Interpretive Diagrams 25.6 and 25.7 located within Schedule 25.9.</p> <p>Discretion is restricted to the matters set out in Part 25.7.</p>	RD
	Water bodies	
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
	Cleanfill	
25.5.22	<p>Earthworks where more than 300m³ 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

All applications 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 (m²) 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.
 - b. Landscape and visual amenity.
 - c. Effects on infrastructure, adjacent sites and public roads.
 - d. Land stability.
 - e. Effects on water bodies, ecosystem services and indigenous biodiversity.
 - f. Cultural and archaeological sites.
 - g. Nuisance effects.
 - h. Natural Hazards.
 - i. 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 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. The sensitivity of the landscape to absorb change, and whether the earthworks will change the character or quality of the landscape.
- 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 properties, 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. Where there will need to be off-site disposal of excess material or cleanfill, traffic generation effects limited to access, road network performance and safety, damage to the carriageway and amenity effects.
- 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 25.3.3.7.
- 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

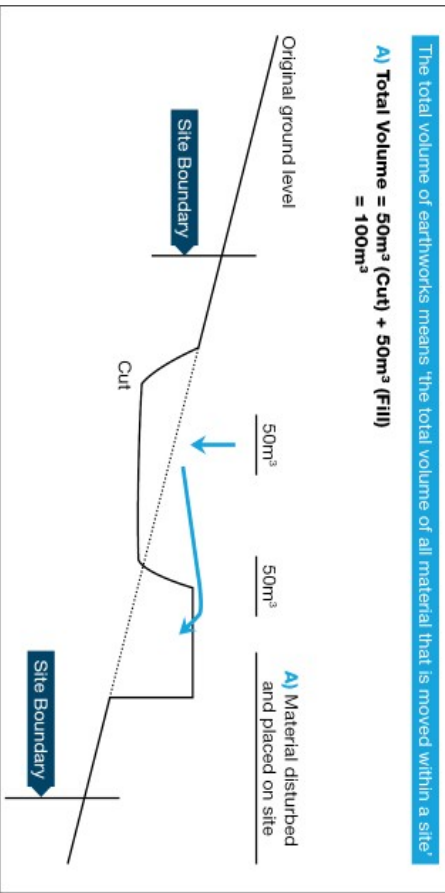
- a. Whether the earthworks are necessary to avoid, remedy or mitigate the risk of any natural hazard.
- b. Where the proposal is affected by, or potentially affected by, natural hazards as identified in the Council's natural hazards database, particular regard shall be had to the Natural Hazards Chapter 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

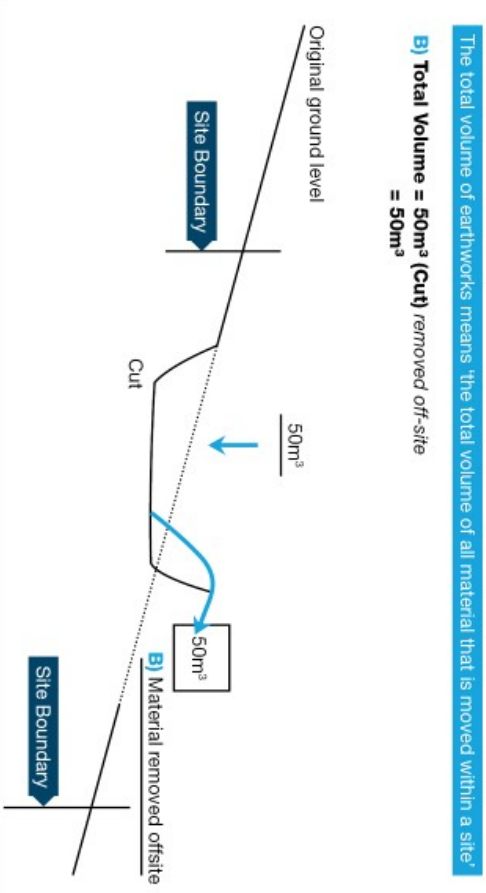
- a. Whether the earthworks are necessary for the functional or operational requirements of infrastructure, including network utility installation, repair or maintenance.
- b. The extent to which the earthworks are necessary to accommodate development otherwise provided for by the District Plan.
- c. 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 Interpretive Diagrams

25.1 Interpretive Diagram: Volume scenario A Elevation View



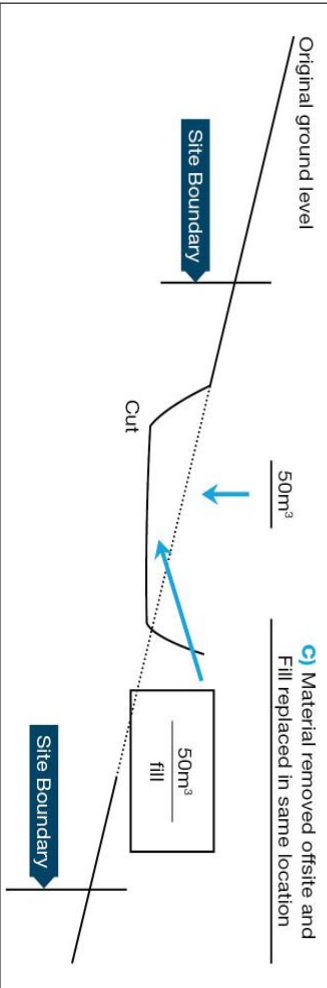
25.2 Interpretive Diagram: Volume scenario B Elevation View



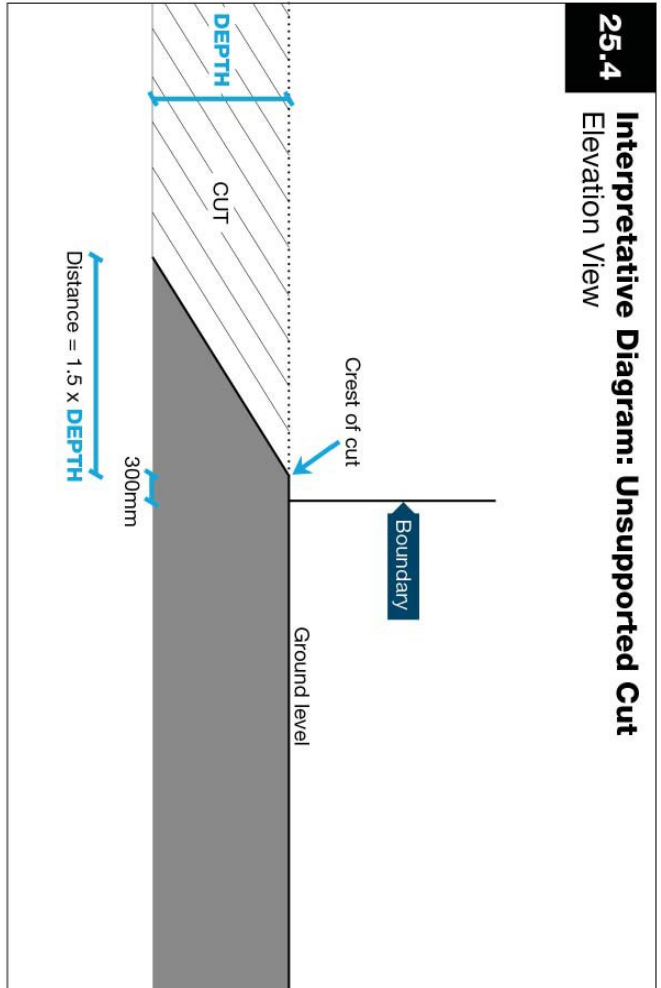
25.3
Interpretative Diagram: Volume scenario C
 Elevation View

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

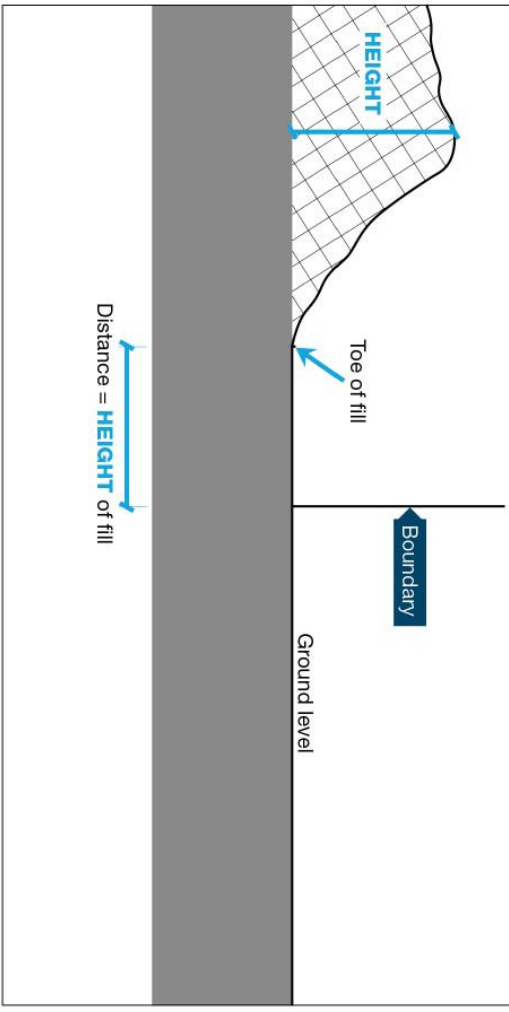
C) Total Volume = 50m³ (Cut) removed from site
 = 50m³ material placed in same location (i.e. compacted fill)
 = 100m³



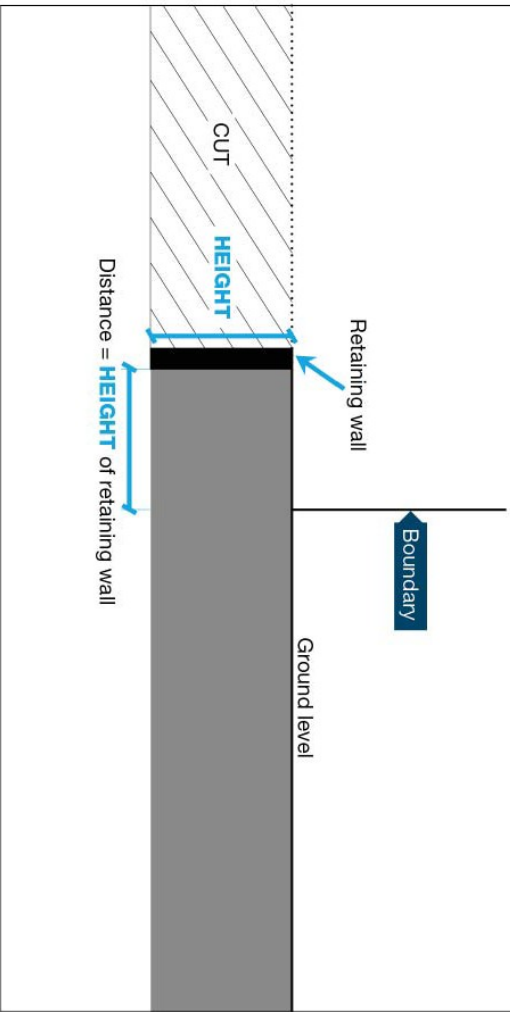
25.4
Interpretative Diagram: Unsupported Cut
 Elevation View

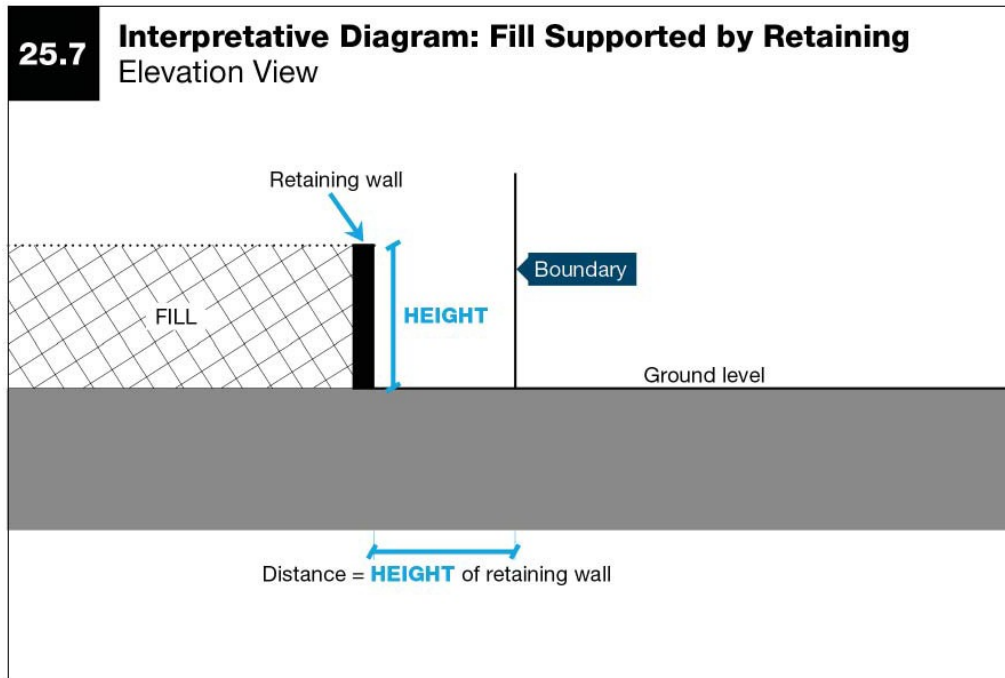


25.5
Interpretative Diagram: Unsupported Fill
Elevation View



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 25.5.15, 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.

Variation to Stage 1 PDP Chapter 2 Definitions:

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

Earthworks	<p>Means the disturbance of land surfaces 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. 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.</u></p>
Landfill	<p>Means a site used for the deposit of solid wastes onto or into land.</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>
Mining Activity	<p>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.</p> <p>Means operations in connection with mining for any mineral; and includes, when carried out at or near the site where the mining is undertaken:</p> <ul style="list-style-type: none"> • <u>the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and</u> • <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> • <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> • <u>the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations.</u> <p><u>Mineral extraction, extraction or extractive activities shall have the same meaning.</u></p>

New Definitions Stage 2 PDP:

<u>Cleanfill</u>	<p><u>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:</u></p>
-------------------------	--

	<p>(a) <u>combustible, putrescible, degradable or leachable components;</u></p> <p>(b) <u>hazardous substances;</u></p> <p>(c) <u>products or materials derived from hazardous waste treatment, hazardous waste stabilisation, or hazardous waste disposal practices;</u></p> <p>(d) <u>materials that may present a risk to human or animal health, such as medical and veterinary waste, asbestos or radioactive substances; or</u></p> <p>(e) <u>liquid waste.</u></p>
<u>Cleanfill Facility</u>	<u>Means land used solely for the disposal of cleanfill. A cleanfill facility may include stockpiling, rehabilitation and landscaping.</u>
<u>Mineral Exploration</u>	<u>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.</u>
<u>Mineral Prospecting</u>	<p><u>Means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and includes the following activities:</u></p> <hr/> <ul style="list-style-type: none"> • <u>geological, geochemical, and geophysical surveys;</u> • <u>the taking of samples by hand or hand held methods;</u> • <u>aerial surveys.</u>
<u>Regionally Significant Infrastructure</u>	<p><u>Means:</u></p> <ul style="list-style-type: none"> • <u>renewable electricity generation facilities, where they supply the National Grid and local distribution network and are operated by an electricity operator; and</u> • <u>electricity transmission infrastructure forming the National Grid;</u> • <u>electricity Distribution Lines identified on the Planning Maps; and</u> • <u>telecommunication and radio communication facilities*;</u> and • <u>municipal infrastructure**;</u> and • <u>roads classified as being of national or regional importance; and</u> • <u>Queenstown and Wanaka airports.</u> <p><u>* As defined by the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.</u></p> <p><u>** As defined by the Otago Regional Policy Statement 2015.</u></p>

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.

<p>Earthworks (excluding earthworks associated with a subdivision)</p> <p style="margin-left: 40px;">41.5.4.1 Volume of Earthworks</p> <p style="margin-left: 40px;">The maximum total volume of earthworks (m^3) shall not exceed that specified in the table below.</p> <p>a. — The maximum total volume of earthworks shall be calculated per site, within one consecutive 12 month period.</p> <p style="margin-left: 80px;">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.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #cccccc;"> <th style="text-align: left; padding: 5px;">Activity Area</th> <th style="text-align: center; padding: 5px;">Maximum Total Volume</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> Residential Activity Areas Village Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area </td> <td style="text-align: center; vertical-align: top; padding: 5px;"> 500 m³ </td> </tr> <tr> <td style="padding: 5px;"> Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite </td> <td style="text-align: center; vertical-align: top; padding: 5px;"> 1,000 m³ </td> </tr> <tr> <td style="padding: 5px;"> Open Space Golf Education Education Innovation Campus Lodge </td> <td style="text-align: center; vertical-align: top; padding: 5px;"> No maximum </td> </tr> </tbody> </table> <p style="margin-top: 10px;">41.5.4.2 — Height of cut and fill and slope</p> <p>OSL, OSG, OSA, FP-1 and 2, HS, E, EIC and L Activity Areas:</p> <ul style="list-style-type: none"> • 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. 	Activity Area	Maximum Total Volume	Residential Activity Areas Village Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500 m³	Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite	1,000 m³	Open Space Golf Education Education Innovation Campus Lodge	No maximum	<p>RD</p>
Activity Area	Maximum Total Volume								
Residential Activity Areas Village Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500 m³								
Open Space Landscape Open Space Amenity Farm Preserve 1 and 2 Homesite	1,000 m³								
Open Space Golf Education Education Innovation Campus Lodge	No maximum								

~~c. 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~~

~~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~~

~~Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site.~~

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

~~41.5.4.5 Water bodies~~

~~Earthworks within 7m of the bed of any water body shall not exceed 20m³ in total volume, within one consecutive 12 month period.~~

- ~~f. 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.~~
- ~~g. Earthworks shall not:~~
 - ~~• cause artificial drainage of any groundwater aquifer;~~
 - ~~• cause temporary ponding of any surface water.~~

~~41.5.4.6 Cultural heritage and archaeological sites~~

~~Earthworks shall not modify, damage or destroy any waahi tapu, waahi taonga or identified feature in Chapter 26, or any archaeological site.~~

~~Discretion is restricted to all of the following:~~

- ~~• The nature and scale of the earthworks~~
- ~~• Environmental protection measures~~
- ~~• Remedial works and revegetation~~
- ~~• The effects on landscape and visual amenity values~~

<ul style="list-style-type: none">• The effects on land stability and flooding• The effects on water bodies• The effects on cultural and archaeological sites• Noise	
--	--