



Queenstown Lakes District Proposed District Plan

Section 32 Evaluation

Stage 2 Components October 2017

For:

Open Space and Recreation Zones

And consequential Variations to Proposed District Plan 26 August 2015:

Chapter 2 Definitions

Chapter 6 Landscapes

Chapter 27 Subdivision and Development

Chapter 36 Noise

Report dated: 14 September 2017

File Reference: PDP Stage 2: Open Space and Recreation Zones

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1 Introduction

The importance of open space and recreation to the overall well-being of residents and visitors to the District, as well as the environment itself is well recognised in a variety of documents including the following:

- a) District Wide Issues - 4.4 Open Space and Recreation¹;
- b) Strategic Directions²; and
- c) Parks and Open Space Strategy 2017³.

In summary, these documents highlight that the provision of existing and new open space areas and the recreation facilities within them will be under continuing pressure from the increasing numbers of visitor and resident populations to the District (including urban intensification). In addition, there is increasing competing demands for different uses of open space (some of them commercial) and higher expectations as to the quality of recreational facilities provided therein. Added to that, those open space areas that serve an environmental function (such as riparian streams and lake edges) are subject to an increasing expectation that through enhancement, they will deliver better environmental outcomes (such as improved water quality and/or habitat).

The Parks and Open Space Strategy 2017 was adopted in May 2017. Its purpose is to set out how to provide an open space network of existing and new reserves to meet the open space and recreation needs of the existing and future communities. It sets out that there are a range of plans, policies, other strategies, guidelines, actions, and other tools that will be required to implement the Parks and Open Space Strategy 2017. Within that mix, the Parks and Open Space Strategy 2017 identifies the role of the District Plan as:

- a) Providing for new open space areas within greenfield developments through the development plan and subdivision provisions; and
- b) Protecting both open space and adjoining land from inappropriate development and protecting amenity values of adjoining and nearby residential areas from activities within the open space area.

Within the Proposed District Plan and Operative District Plan, Council administered open space, parks and reserves in the District are generally zoned Rural Zone (as is the case in Queenstown and Wanaka town centres) or according to the adjacent and surrounding neighbourhood zones. This is due to these parcels being part of the land that was once privately owned and vested as part of an urban subdivision. Notably, all reserves are designated for a variety of related purposes under the Operative District Plan (including, but not limited to; Recreation Reserve, Cemetery Reserve, or Historic Reserve), which enables the Council to undertake works in accordance with that purpose.

¹ District Wide Issues, Queenstown Lakes District Council – Operative District Plan (July 2016)

² Objectives 3.2.3.1, 3.2.4.7 and 3.2.6.3 and Policies 3.2.3.1.2, 3.2.4.7.1, 3.2.6.3.1 and 3.2.6.3.2 Proposed Queenstown Lakes District Plan, Chapter 3 Strategic Directions

³ 'Introduction'; 'Why Do We Need A Parks And Open Space Strategy?'; and 'Why Is Open Space So Important', Parks and Open Space Strategy 2017, Queenstown Lakes District Council

However, this approach creates issues for external organisations such as sports clubs or campground operators as they are not the requiring authority responsible for the work. This means that any existing reserve users will need to obtain resource consent in accordance with the underlying zone. This can make it extremely difficult for these users to progress community and recreational benefits in accordance with the purpose of reserves as they are being assessed against rural objectives, policies and assessment matters, for example. Some designations have specific conditions, others are subject to more general conditions and some do not have conditions associated with them at all. In total, there are over 200 designations for reserve purposes in the Operative District Plan. In addition, the Council's reserves network is also managed through the Reserves Act 1977, while the creation of any new reserves is managed through the subdivision process guided by Chapter 27 – *Subdivision* of the Proposed District Plan and Chapter 15 – *Subdivision and Development* of the Operative District Plan.

Due to the number of overlapping management tools and legislation, the management, use and development of reserves in the District results in a complex planning framework, particularly for third parties who wish to undertake activities on reserve land. In this regard, any proposed activities which generally provide for recreation, are often incompatible with the underlying zoning. Given the types of activities that are anticipated in these areas, a consistent zoning that seeks to protect open space values and enable appropriate activities and development, is desired.

Further, given the demand for these areas to be provided for the community, Council initiated a review of the existing provisions to manage the variety of activities that occur on reserves, recreation and open spaces within the District. The review has included the preparation of the proposed Open Space and Recreation Zone chapter within Stage 2 of the Proposed District Plan. The scope of the proposed Open Space and Recreation Zone chapter is to:

- a) Provide a framework of objectives, policies, zones and rules that support the provision of a network of open space and recreation facilities;
- b) Manage use and development and provide for changing recreational needs; and
- c) Provide for the conservation and enhancement of the qualities of the natural environment, waterbodies and their margins.

It is noted, for completeness, that the proposed Open Space and Recreation Zone chapter is to be considered a variation to several chapters that were notified in Stage 1 of the Proposed District Plan. This is because the proposed Open Space and Recreation Zone chapter proposes to rezone all Council administered open space and recreation areas to five zones and three sub-zones. Finally, all existing designations associated with open space and recreation areas in the District are to be retained until such time as Council undertakes a review to determine whether the designations are still fit for purpose. It is understood that this will not occur until the Proposed District Plan is operative in full.

The Open Space and Recreation Zones Chapter 38 applies to all land identified as Stage 1 and Stage 2 land on the Planning Maps attached to the Stage 2 notification bundle.

The Open Space and Recreation Zones apply to all land identified as such within the Planning Maps attached to the Stage 2 notification bundle.

The majority of the land covered by the Open Space and Recreation Zones was notified in Stage 1 as Rural Zone or Low Density Residential Zone, reflecting the historical nature of zoning. However, the Open Space and Recreation Zone also includes additional ‘new’ Stage 2 land which up to the present has been in Volume B of the PDP, for instance McMurdo Park located amidst the Township Zoned at Albert Town, Wanaka. The notification of the Open Space and Recreation Zones is therefore, in part, a variation to the Stage 1 Planning Maps, whereas the ‘new’ land forms part of Stage 2 of the Proposed District Plan. The Open Space and Recreation Zones chapter 38 itself, also forms part of Stage 2 of the Proposed District Plan.

The Strategic chapters, and a number of District Wide annotations and District Wide chapters⁴ were notified for submissions in Stage 1 and they therefore already apply to all land notified in Stage 1 including the majority of the Open Space and Recreation Zones. Through Stage 2, some additional zone specific District Wide provisions are being notified that apply specifically to the Open Space and Recreation Zones, for example new standards for subdivision, noise and also new definitions. In addition, the Strategic, and District Wide chapters and annotations now also apply to the additional ‘new’ Stage 2 land that has been notified as Open Space and Recreation Zone, in Stage 2, for instance at McMurdo Park located amidst the Township Zoned at Albert Town, Wanaka.

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

Table 1. District Plan Volume A components, showing Stage 2 components as related to the Open Space and Recreation Zones.

Volume A	
Stage 1 Proposed District Plan 26 August 2015	Stage 2 As it relates to the Open Space and Recreation Zones Chapter only
Introduction	
1. Introduction 2. Definitions	<ul style="list-style-type: none"> New Stage 2 definitions and variation to Stage 1 Definitions Chapter 2, as related to Stage 2 Open Space and Recreation Zones components.
Strategy	
3. Strategic Direction 4. Urban Development 5. Tangata Whenua 6. Landscapes	<ul style="list-style-type: none"> Variation to Landscape Chapter 6 as related to the Open Space and Recreation Zones
Urban Environment	
7. Low Density Residential 8. Medium Density Residential 9. High Density Residential 10. Arrowtown Residential Historic Heritage Management Zone 11. Large Lot Residential	

⁴ For instance, including but not limited to Heritage Items, Protected Trees, Outstanding Natural Features and Landscapes.

12. Queenstown Town Centre* (part withdrawn) 13. Wanaka Town Centre 14. Arrowtown Town Centre 15. Local Shopping Centres 16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use Variation 1: Arrowtown Design Guidelines 2016	
Rural Environment	
21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone	
District Wide Matters	
26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations	<ul style="list-style-type: none"> • Variation to Stage 1 Subdivision Chapter 27, as related to Stage 2 Open Space and Recreation Zones components. • Variation to Temporary Activities and Relocated Buildings Chapter 35 as related to the Open Space and Recreation Zones components. • Variation to Noise 36 as related to the Open Space and Recreation Zones components.
Special Zones	
41. Jacks Point 42. Waterfall Park 43. Millbrook	

BACKGROUND

District Plan Review

The review of the Operative District Plan is being undertaken in stages. Stage 1 commenced in April 2014 and was publicly notified on 26 August 2015. Hearings on Stage 1 components comprising ten individual hearing streams for 33 chapters, 1 variation⁵ and three separate hearing streams for rezoning requests and mapping annotations⁶ were held from March 2016 to September 2017.

On 29 September 2016 the Council approved the commencement of Stage 2 of the review of the Operative District Plan. As part of the 29 September 2016 resolutions, the Council addressed what the plan outcome would be at the end of the partial review, and approved the separation of the District Plan into two volumes, Volume A and Volume B. Volume A (at the point in time of notification of Stage 2) consists of the Proposed District Plan chapters notified in Stages 1 and 2 of the proposed District Plan, which includes variations to Stage 1,

⁵ Variation 1 – Arrowtown Design Guidelines 2016

⁶ Ski Area Sub Zones, Upper Clutha Area and the Queenstown Area (excluding the Wakatipu Basin).

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

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

Jurisdictional Matters

No decision has been made on the Proposed District Plan 2015 (Stage 1 and Variation 1) at the time of notification of Stage 2, and therefore this Stage 2 Open Space Chapter 38 cannot anticipate what Panel recommendations and subsequently the Council's decision might be, in terms of notifying zone specific standards. The chapter therefore refers to PDP chapters/zones as notified in Stage 1 and any statutory changes made since notification⁷.

Therefore, for instance, the Stage 2 Earthworks chapter does not refer to the Council recommended "Airport Zone", which encapsulates the Wanaka airport (as well as the notified Queenstown airport), because the (Wanaka) Airport Zone is at this point in time only recommended in response to Stage 1 submissions⁸ and in the PDP at this point in time remains zoned Rural. Similarly, for example, the reference in the Council officers' post-hearing reply version of Chapter 30 Energy and Utilities refers to 'Electricity Distribution Corridor' with an associated definition. Because this concept is not in the notified PDP, and Council has not yet released decisions on submissions to Stage 1 topics, it cannot be referred to in the Stage 2 Earthworks Chapter.

This is a consequence of the staged approach to the review, and can be addressed through either interested parties lodging a submission, or the Council itself lodging a submission on the Stage 2 Open Space and Recreation Zones Chapter 38 to ensure the Stage 2 Open Space and Recreation Zones Chapter 38 ultimately includes any necessary standards for any new zones or issues, included in the PDP by Council Stage 1 decisions. It is acknowledged that before any submission by Council on the Stage 2 components is lodged, it will need to be passed by a resolution of Council.

2 Purpose of the report

Section 32 of the Resource Management Act 1991 ('**the RMA**') requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the RMA, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014). This report fulfils the

⁷ For instance, Variation 1 Arrowtown Design Guidelines, withdrawal of land subject to PC 46, PC 50 and PC 51.

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

obligations of the Council under section 32 of the RMA. The analysis set out below (within sections 3 to 10) should be read together with the text of Proposed Chapter 38 – *Open Space and Recreation Zone*.

Accordingly, this report provides an analysis of the key issues, objectives and the policy response for the proposed Open Space and Recreation chapter of the Proposed District Plan under the following headings;

- a) An overview of the applicable **Statutory Policy Context** (Section 3);
- b) Description of the **Non-Statutory Context** (strategies, studies and community plans), which have informed the proposed provisions (Section 3);
- c) A description of the **Resource Management Issues**, which provide the driver for the proposed provisions (Section 4);
- d) An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the RMA (Sections 7 and 8), that is:
 - Whether the objectives are the most appropriate way to achieve the RMA's purpose (Section 32(1)(a)).
 - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (Section 32(1)(b)), including:
 - Identifying other reasonably practicable options for achieving the objectives,
 - Assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
 - Summarising the reasons for deciding on the provisions (Section 8);
- e) A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (Section 32(1)(c)) (Section 6); and
- f) Consideration of **Risk** (Section 10).

3 Statutory Policy Context

Introduction

The responsibility on Council's to provide, manage and maintain Open Space and Recreation/Reserve areas is primarily through the Local Government Act 2002 ('**the LGA**') and the Reserves Act 1977 (through appointment from the Minister of Conservation). The other relevant legislation includes the RMA and the documents (statements, policies and plans) that are required to be prepared under this legislation.

In summary, the Council's provision of open space and recreation through these statutory requirements contributes to:

- a) Community well-being and economic development (particularly around tourism);
- b) Environmental health and safety;
- c) Managing infrastructure (for example roading and transport, sewerage, water and stormwater);
- d) Facilitating recreation and culture; and
- e) Resource management, including land use planning and development control.

Each of the relevant pieces of legislation is discussed in the rest of this section.

Resource Management Act 1991

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

Section 6 of the RMA sets out a number of matters of national importance with the most relevant of those in relation to the proposed Open Space and Recreation Zone chapter including the following:

- (a) ***the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:***
- (b) ***the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:***
- (c) ***the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:***
- (d) ***the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:***

Section 7 lists “other matters” that Council shall have particular regard to and those most relevant to the proposed Open Space and Recreation Zone chapter including the following:

- (aa) ***the ethic of stewardship:***
- (b) ***the efficient use and development of natural and physical resources:***
- (c) ***the maintenance and enhancement of amenity values:***
- (d) ***intrinsic values of ecosystems:***
- (f) ***maintenance and enhancement of the quality of the environment:***
- (g) ***any finite characteristics of natural and physical resources:***
- (h) ***the protection of the habitat of trout and salmon:***

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

- a) That there must be active protection of the partnership between the two parties;
- b) That there is an obligation to act with reasonableness and good faith, with both parties being prepared to compromise; and

- c) That dialogue and consultation will be the main way in which to give effect to the three principles outlined above.

A number of provisions have been included in the Proposed District Plan in response to the requirements in Part 2 (such as section 6(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga), and the same applies to the development of the proposed Open Space and Recreation Zone chapter.

As set out in the Council's Parks and Open Space Strategy 2017⁹, many of the Districts open spaces and reserves have high natural values and are home to a variety of ecosystems, including tussock lands, wetlands, streams, riparian margins, native bush and lake foreshores. These natural areas provide habitat for our native biodiversity and protect ecosystem services that are essential for a healthy environment. They also serve to protect the region's Outstanding Natural Features and Landscapes. Further, public walking tracks and cycleways, which are identified as Open Space and Recreation Zones, provide public access to and along lakes and rivers throughout the District. These values need to be protected, enhanced and celebrated to ensure future generations can learn about and enjoy them. This is important as the region is progressively changed through human activities and the consequences of climate change. Given the preceding, the relevant matters of national importance listed in section 6 and the "other matters" in section 7 of the RMA have been given appropriate recognition in the proposed provisions.

Local Government Act 2002

The LGA provides for democratic and effective local government that recognises the diversity of New Zealand communities. In particular, it states the purpose of local government and provides for local authorities to play a broad role in meeting the current and future needs of their communities. The relevance of the LGA (particularly sections 10, 11A(e), and 14(1)(c), (g) and (h)) in relation to the provision of open space is as follows:

10 Purpose of Local Government

(1) *The purpose of local government is--*

(a) *to enable democratic local decision-making and action by, and on behalf of, communities; and*

(b) *to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.*

(2) *In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—*

(a) *efficient; and*

(b) *effective; and*

⁹ 'Why Do We Need A Parks And Open Space Strategy?'; Parks and Open Space Strategy 2017, Queenstown Lakes District Council

(c) appropriate to present and future circumstances

11A Core services to be considered in performing role

In performing its role, a local authority must have particular regard to the contribution that the following core services make to its communities:

(e) libraries, museums, reserves, and other recreational facilities and community amenities.

14 Principles relating to local authorities

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

(i) the diversity of the community, and the community's interests, within its district or region; and

(ii) the interests of future as well as current communities; and

(iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):

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

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

(i) the social, economic and cultural interests of people and communities; and

(ii) the need to maintain and enhance the quality of the environment; and

(iii) the reasonably foreseeable needs of future generations.

The provisions of the LGA emphasise a strong intergenerational approach to the provision of core services (which includes reserves and other recreational facilities and community amenities), considering not only current environments, communities and residents, but also those of the future. The LGA demands a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions of the LGA also emphasise the need to take into account social, economic and cultural matters, in addition to environmental ones.

Sections 14(g) & (h) of the LGA, as set out above, are of particular relevance, in so far as they direct a planning approach emphasising that open space and recreation areas contribute to and facilitate communities' wellbeing and development, while having regard to the efficient use of land, including any modification to it for economic wellbeing.

The approach through this review is to provide a balanced framework in the Proposed District Plan to manage these resources appropriately. Further, there is an emphasis on presenting the provisions in a manner that facilitates effective and efficient District Plan administration.

Reserves Act 1977

Most of the reserves within the District that would be within the proposed Open Space and Recreation Zone and chapter, are vested under the provisions of the Reserves Act. Section 3 of the Reserves Act sets out its purpose as being (in summary):

- a) For the preservation and management for the benefit and enjoyment of the public, areas of land that possess:
 - i. active or passive recreational use or potential;
 - ii. wildlife, indigenous flora or fauna;
 - iii. environmental and landscape amenity or interest; or
 - iv. natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community or other special features or value;
- b) Ensuring the survival of all indigenous species of flora and fauna in their natural communities and habitats;
- c) Preservation of all classes of natural ecosystems and landscapes which in the aggregate originally gave New Zealand its own recognisable character;
- d) Ensuring the preservation of access for the public to and along lakeshores and riverbanks;
- e) Fostering and promoting the preservation of the natural character of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.

The Reserves Act provides for the vested reserves to be classified according to the purpose or reason that they were vested¹⁰. The classification then enables the administration of each reserve is to be undertaken according to that classification (for example; controlled, managed, developed, used, maintained or preserved). In addition to the general administration provisions of the Reserves Act, more detailed and longer term administration of a reserve can be achieved through the development of a Management Plan¹¹.

Section 74(2)(b)(i) of the RMA requires that district plans have regard to management plans and strategies prepared under other Acts. Due consideration has been given to the existing nineteen Reserve Management Plans and four reserve Development Plans for the District, and with the Operative Parks and Open Space Strategy 2017 within this report. Links to all of the reviewed documents are contained in the References section attached to end of this report.

Other reserves have been vested or are now administered by Council, through other legislation (such as the Queenstown Commonage Reserve Management Act 1876), these are also included in the proposed Open Space and Recreation Zone and chapter.

The classification of a reserve under the Reserves Act, or its purpose under other legislation, provides a statutory platform to inform the development of appropriate district plan provisions. As set out under Section 5 of this report, which follows, the purpose of a reserve

¹⁰ Reserve Act 1977, section 16 to section 25

¹¹ Reserve Act 1977, section 41

has, in many instances, a strong correlation to matters of national importance under the RMA (such as public access to and along the margins of lakes and rivers).

A reserve management plan should not be determinative of the provisions that are included in the district plan. A management plan is a relevant matter to have regard under s 74(2)(b) of the RMA. The Council, more generally, is also required to comply with the provisions of the Reserves Act 1977 (s42(11)) and therefore to administer the reserve in a way which is consistent with the Reserve Management Plan. However, ultimately the Reserves Act and the RMA are two separate statutory schemes with their own purposes.

National Policy Statements

The RMA requires that the District Plan give effect to any National Policy Statement ('**NPS**'). A NPS is a document prepared under the RMA to assist local government decide how competing national benefits and local costs should be balanced. Five NPS are currently in place, being the:

- NPS on Urban Development Capacity;
- NPS for Freshwater Management;
- NPS for Renewable Electricity Generation;
- NPS on Electricity Transmission; and
- New Zealand Coastal Policy Statement

A proposed NPS for Indigenous Biodiversity was notified in 2011. This NPS is not yet operative.

The NPS documents have been actively considered during the development of the proposed Open Space and Recreation Zone chapter. In particular, the proposed open space provisions provide sufficient development capacity, particularly with regard to "other infrastructure"¹², to meet the needs of people and communities and future generations in urban environments, in accordance with the NPS Urban Development Capacity.

Iwi Management Plans

When preparing or changing a district plan, Section 74(2A)(a) of the RMA requires that Council's must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. The following section provides a summary of the relevant provisions from the two iwi management plans that apply to the District:

The Cry of the People, Te Tangi a Taurira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

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

¹² Other infrastructure includes open space, as defined in the NPS Urban Development Capacity 2016.

Murihiku values, knowledge and perspectives on natural resource and environmental management issues. It is an expression of kaitiakitanga. It has been designed to assist Ngāi Tahu ki Murihiku in carrying out kaitiaki roles and responsibilities and also to assist others in understanding tangata whenua values and policy.

In particular, the purpose of the Plan¹³ is to:

- a) Describe the values underpinning the relationship between Ngāi Tahu ki Murihiku and the natural environment;
- b) Identify the primary issues associated with natural resource and environmental management in the takiwā, from the perspective of Ngāi Tahu ki Murihiku; and
- c) Articulate Ngāi Tahu ki Murihiku policies and management guidelines for natural resource and environmental management, wāhi tapu and wāhi taonga.

Further, this Plan provides a tool⁹ to:

- a) Enable Ngāi Tahu ki Murihiku to effectively and proactively apply cultural values to the management of natural resources, wāhi tapu and wāhi taonga;
- b) Assist regional, territorial and national authorities to understand Ngāi Tahu ki Murihiku values and perspectives, and thus fulfil their statutory obligations under the RMA, Ngāi Tahu Claims Settlement Act 1998, the LGA, and other relevant legislation; and
- c) Provide a tool recognising the importance of consultation, but as such does not replace the need for direct communication and dialogue with Ngāi Tahu ki Murihiku.

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills is one of two sections of the MNRMP 2008 that is considered to be of most relevance to this review and set out in the following sections are the policies from that section which have specific relevance to the proposed Open Space and Recreation Zone.

a) 3.4.8 – Access and Tourism in High Country and Foothill Areas

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

Policy 3. Recognise and protect culturally significant sites and places associated with high country trails.

Policy 5. Encourage consent and concession authorities to consider appropriate locations and durations for activities involving tourism, recreation and access to the high country. This includes assessing the long term and cumulative effects that the activity may have. Further, authorities should provide for the potential availability of improved techniques and processes that will reduce overall effects on high country landscapes.

¹³ MNRMP 2008, Section 1.4

- Policy 6 Encourage education among tourist and other visitors about the cultural importance of mountains and other landforms to Ngāi Tahu Whānui.*
- Policy 8 Deter disrespectful activity by tourists or other visitors within areas designated as culturally significant. This includes education with respect to depositing of food, sewage, or rubbish away from designated sites and defacing of sites.*
- Policy 12. Recognise Ngāi Tahu Whānui continued access to areas of indigenous vegetation for customary use practices. For example, collection of a specific seed source, young shoots or flax for cultural use. Such collection shall be kept to a minimum so as to not impede succession and ensure habitats are retained.*

b) 3.4.10 Plant Pests

- Policy 2. Advocate that all management decisions shall take into account the protection and survival of indigenous species of flora and fauna (rare and not rare, and including taonga species contained in the Ngāi Tahu Claims Settlement Act 1998) in their natural habitats and ecosystems.*
- Policy 3 Require monitoring of plant pest control operations, for adverse effects on indigenous species, to be included in any pest management strategy.*
- Policy 12 Promote the use of native species in new developments as a means of reducing the risk of plant pest spread.*

c) 3.4.11 Animal and Bird Pests

- Policy 1 Advocate that all management decisions shall take into account the protection and survival of indigenous species of flora and fauna (rare and not rare, and including taonga species contained in the Ngāi Tahu Claims Settlement Act 1998) in their natural habitats and ecosystems.*

d) 3.4.12 Mahinga kai – mahi ngā kai

- Policy 3 All Ngāi Tahu Whānui, current and future generations, must have the capacity to access, use and protect high country landscapes, wāhi tapu and mahinga kai sites and the history and traditions that are linked to these landscapes.*
- Policy 4 Promote the protection, restoration and enhancement of indigenous biodiversity.*

Policy 5 Advocate for the protection, restoration and enhancement of waterways, riparian margins, wetlands, and tarns as a means of protecting and enhancing indigenous biodiversity.

e) 3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

Policy 3 Work with local authorities and other statutory agencies involved in the protection of cultural heritage to ensure that Ngāi Tahu perspectives and policies are reflected in statutory plans, best practice guidelines and strategies, and in resource consent processes (e.g. prohibited activity status for wāhi tapu areas).

Policy 6 Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.

Section 3.5 Southland Plains: Te Rā a Takitimu of the MNRMP 2008 contains policies that have specific regard to subdivision and development as it related to Open Space and Recreation Zones. The policies of relevance are as follows:

a) 3.5.7 Subdivision and Development

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

Policy 8 Advocate for the use of esplanade reserves, strips and other similar provisions on those waterways where such provisions are deemed necessary to protect and provide for waterway health and access values.

Policy 12 Subdivision activities along waterways of cultural importance to tangata whenua should maintain and enhance access to and along those waterways.

b) 3.5.17 Ngā Pononga a Tāne a Tangaroa - Biodiversity

Policy 1 Use planning, policy and resource consent processes to promote the protection and, where necessary, enhancement, of native biodiversity of Murihiku, specifically:

- a) enhancement and restoration of degraded areas;*
- b) planting of native species to offset or mitigate adverse effects associated with land use activities;*
- c) the incorporation of biodiversity objectives into development proposals;*
- d) prohibiting the use of pest plant species in landscaping.*

c) 3.5.19 Riparian Zones

Policy 1 Promote riparian zone establishment and management in Resource Management Act policy, planning and consent processes, as a tool to mitigate the adverse effects of land use activities on streams.

Kāi Tahu ki Otago Natural Resource Management Plan 2005

The *Kāi Tahu ki Otago* Natural Resource Management Plan 2005 ('**ONRMP 2005**') has been developed to:

- a) Provide the principal planning document for Kai Tahu ki Otago;
- b) Provide information, direction and a framework to achieve a greater understanding of the natural resource values, concerns and issues of Kai Tahu ki Otago;
- c) Provide a basis from which Kai Tahu ki Otago participation in the management of the natural, physical and historical resources of Otago is further developed;
- d) The ONRMP 2005 shall provide the basis, but not substitute, for consultation and outline the consultation expectations of Kai Tahu ki Otago.

The provisions of the ONRMP 2005 that are considered to be most relevance to this review are summarised below:

a) 5.4.3 Wahi Tapu Objectives

iii) Wahi tapu throughout the Otago region are protected in a culturally appropriate manner.

b) 5.6.3 Cultural Landscapes Objectives

ii) The protection of significant cultural landscapes from inappropriate use and development.

c) 5.6.4 Cultural Landscapes General Policies

Policy 1 To identify and protect the full range of landscape features of significance to Kāi Tahu ki Otago.

Policy 3 To promote the control of visitor and recreational activities that impact on significant landscapes.

Policy 6 To promote the identification of areas of historic heritage in collaboration with Local Government Agencies.

Policy 24 To discourage the erection of structures, both temporary and permanent, in culturally significant landscapes, lakes, rivers or the coastal environment.

Policy 29 To require public foot access along lakeshores and riverbanks within subdivisions.

Policy 32 To encourage that adequate provision is made for the storage and collection of litter and refuse, and disposal is in an approved manner.

Policy 37 To encourage the establishment of maximum visitor numbers to sensitive areas.

d) 10.3.3 Wahi Tapu Policies in the Clutha/Mata-au Catchment

Policy 1 To require that wāhi tapu sites are protected from further loss or destruction.

Regional Planning Documents

Otago Regional Policy Statement

The Otago Regional Policy Statement ('**ORPS**') establishes the framework within which the development and administration of Otago's regional and district plans can be undertaken. The operative ORPS came into effect in October 1998. In May 2015, the proposed ORPS was notified, with the Otago Regional Council releasing its decisions on the hearings in October 2016, parts of which have subsequently been appealed. In accordance with section 75(3)(c) of the RMA, a district plan must "*give effect to*" the operative ORPS, while section 74(2)(a) of the RMA states a district plan must "*have regard to*" the proposed ORPS.

Operative ORPS

The operative ORPS contains a number of objectives and policies of relevance to the proposed Open Space and Recreation Chapter and those of direct relevance are set out in the sections outlined below:

Within Chapter 5 – *Land*, Objectives 5.4.1 to 5.4.4 and related policies (5.5.1, 5.5.4, 5.5.6 and 5.5.7), which, in broad terms, promote the sustainable management of Otago's land resource by:

- a) Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources, and to meet the present and reasonably foreseeable needs of Otago's people and communities;
- b) Avoiding, remedying or mitigating the degradation of Otago's natural and physical resources resulting from activities utilising the land resource;
- c) Protecting outstanding natural features and landscapes from inappropriate subdivision, use and development; and
- d) Ensuring public access opportunities.

Within Chapter 9 – *Built Environment*, Objectives 9.4.1 and 9.4.3 and related policies (9.5.4, 9.5.5 and 9.5.6) are relevant and broadly seek to:

- a) Avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources;
- b) Maintain and enhance the quality of life for people and communities within Otago's built environment; and
- c) Recognise and protect Otago's regionally significant heritage sites.

Within Chapter 10 – *Biota*, Objective 10.4.3 and related policies (10.5.1 and 10.5.2), which broadly seek to maintain and enhance the natural character of areas with significant indigenous vegetation and habitats of indigenous fauna.

Overall, it is considered that the proposed Open Space and Recreation Chapter provisions and evaluation of the same give effect to the operative ORPS.

Proposed ORPS (as notified)

The Proposed Otago Regional Policy Statement (**PRPS**) was notified for public submissions on 23 May 2015, and decisions on submissions were released on 1 October 2016. The majority of the provisions of the Decisions Version have been appealed and mediation is currently taking place. Accordingly, limited weight can be provided to the Decisions Version of the PRPS.

The PRPS contains a number of objectives and policies of relevance to the proposed Open Space and Recreation Zone chapter and those of direct relevance are set out in the following sections:

Within Chapter 1 – *Resource management in Otago is integrated*, Objective 1.1 and policy 1.1.3, broadly seek to recognise and provide for the integrated management of natural and physical resources to support the social and cultural wellbeing of people and communities in Otago.

Within Chapter 2 – *Kai Tahu values and interests are recognised and kaitiakitaka is expressed*, Objective 2.2, and related policies 2.2.2, 2.2.3, and 2.2.4, broadly seek to recognise and provide for the interests and values of Kai Tahu in the Otago Region.

Within Chapter 3 – *Otago has high quality natural resources and ecosystems*, Objectives 3.1 and 3.2, and related policies 3.1.2, 3.1.9, 3.1.10, 3.1.12, 3.2.2, 3.2.4, 3.2.6 and 3.2.16, broadly seek to recognise, protect, maintain and enhance, Otago's natural resources, particularly those that are deemed to be significant or highly valued.

Within Chapter 4 – *Communities in Otago are resilient, safe and healthy*, Objective 4.5 and related policies 4.5.1, 4.5.2, 4.5.3, and 4.5.6, broadly seek to ensure urban growth and development is well designed using good urban design principles to reflect local character and integrate effectively with adjoining urban and rural environments.

Within Chapter 5 – *People are able to use and enjoy Otago's natural and built environment*, Objectives 5.1 and 5.2, and associated policies 5.1.1, 5.2.1 and 5.2.3, broadly seek to provide and enhance public access to areas of value, and recognise historic heritage.

Overall, it is considered that the proposed Open Space and Recreation Zone chapter provisions, and evaluation of the same, have regard to the PRPS.

4 Resource Management Issues

Introduction

As previously discussed, the current provisions for the management, use and development of the majority of open spaces and recreation areas via the designation process within the Proposed and Operative District Plan are considered inadequate. This was identified during

the hearings process for the proposed Designation Chapter forming part of Stage 1 of the Proposed District Plan Review. In that regard, the evidence presented by Ms Jeannie Galavazi of Council, for and on behalf of Council, noted that there is no generally applied open space or similar zone for reserves in the District. Rather, parks and reserves in the District are generally zoned according to the adjacent and surrounding neighbourhood zones, or as Rural General (as is the case in Queenstown and Wanaka town centres). Additionally, all reserves are designated for a variety of related purposes, which enables the Council to undertake works in accordance with the purpose. Some designations have specific conditions, while others are subject to general conditions. In total, there are over 200 designations for reserve purposes in the Operative District Plan. There are two consequences associated with the same, one being that similar types of reserve may have different zonings, and the other being that the activities that occur on reserves are generally not contemplated by the zoning framework. In essence, the current situation does not appropriately provide for the management of the Council's open spaces, with unnecessary resource consents often required for any use and development, particularly for third parties, such as sports clubs or lease holders.

There is also an inefficiency with the obligation under section 176 of the RMA to provide an outline plan or outline plan waivers for nearly every activity including the installation of signage and park furniture such as barbecues. The provision of such activities could be more efficiently undertaken through a zoning framework that provides for these as a permitted activity regime.

The overarching goal of the proposed Open Space and Recreation Zone is to consolidate the provisions by providing more targeted objectives and policies that address matters such as, ensuring that any existing open spaces and new reserves are meeting the needs of the community and are protected for future generations. This includes making the Proposed District Plan easier to understand and improving certainty to what activities are permitted and whether they require resource consent or not.

Section 4.4.2 of the Operative District Plan sets out the following five district-wide issues as relevant to the use, management and development of open space and recreation within the District:

- a) Public Access to and Along the Lakes and Rivers;
- b) Environmental Effects of Recreation Activities;
- c) Effects on the Range and Quality of Recreational Opportunities;
- d) Contributions Towards Public Open Space from Subdivision and Development; and
- e) Litter and Waste.

Further to the discussion within Section 1 of this report, Issues a) to d) continue to be the relevant resource management issues, while Issue e) is a park management/administration issue and, as such, is not considered further in this report.

In light of the discussion in Section 1 of this report, the relevant resource management issues now, and for the future, have been reframed as follows:

- **Issue 1** – Provision of an accessible network of open spaces and recreation / community facilities;
- **Issue 2** – Protection of natural open space, waterbodies and their margins;

- **Issue 3** – Potential loss of character, quality and amenity of open space and recreation areas;
- **Issue 4** – Potential adverse effects of recreation activities; and
- **Issue 5** – A framework that provides certainty, efficiency, and for the effective management of open spaces and recreation areas, including commercial activities undertaken within these areas.

These issues are now discussed in further detail below.

Key Issues:

Issue 1 – Provision of an accessible network of open spaces and recreation / community facilities.

As discussed earlier in the report and as set out in the Parks and Open Space Strategy 2017, in urban areas, open spaces provide amenity for residents and visitors (providing relief from the built environment), and opportunities for active and passive recreation. Open spaces are also recognised as not only performing a destination purpose, they also provide important active transport linkages through and between urban areas to complement other modes of transport that form part of the transport network. They also provide centres for community activities, being civic and other events. Increasing population growth and urban intensification is and will continue to place pressure on open spaces and recreation facilities.

Different types of open space and recreation are needed to cater for a range of roles, functions and activities. Accessibility to and within the network is a key issue, in terms of distribution, function and any deficiencies. In order to increase the capacity of open space and recreation facilities there is a need to promote compatible mixed or multi-functional use of land, buildings and facilities. There is a growing demand for a variety of facilities within parks which enable co-location of different compatible uses and sharing of facilities (including community facilities).

The continued provision and future development of these existing facilities is integral to the ongoing development of the District. The Open Space and Recreation Zone provisions therefore seek to maintain the existing purpose of each open space/reserve area and where appropriate provide opportunities for them to be developed further. Enabling multifunctional use of larger sites is in some instances helpful to ensure ongoing affordability of sport and recreation facilities in the District.

Issue 2 – Protection of natural open space, waterbodies and their margins.

The District's open spaces owned by the Council, Department of Conservation, the Crown and iwi, encompass extensive natural, ecological, scenic and outdoor recreation areas. While the primary focus is on conservation and protection of areas of significant biodiversity, landscape, cultural and historic values, they also enable people to experience the natural open space environment. Recreation, tourism and rural activities need to be managed to ensure they are compatible and do not adversely impact on the values sought to be protected.

The interconnected network of rivers, streams, lakes and wetlands plays an important role in shaping the District. These connections and spaces are highly valued for their ecological function and amenity, but they can also play an important role as a recreation resource. However, some of these areas are vulnerable to change both within them and from activities and land uses occurring in surrounding areas. Some controls will be needed within the proposed Open Space and Recreation Zone chapter provisions to address adverse effects on the values within each area (such as type and scale of buildings). Some controls will be needed within other zone chapters (Parts Three and Four) to address the interface where they adjoin or are in close proximity to open space and recreation zones, and other provisions that apply across all zones (such as earthworks) are more appropriately located within those chapters within Part Five.

Issue 3 - Potential loss of character, quality and amenity of open space and recreation areas.

Activities, buildings and structures within open space and recreation areas have the potential to be incompatible with the role and anticipated use of some areas. Facilities designed to support active recreation and sports vary in scale and the designs may range from open sports fields to large buildings, from small playgrounds to stadia. It is important to maintain the predominance of open space or other character or quality in the reserves, unless the site is specifically dedicated to the provision of indoor sports/recreation and/or community facilities, which means more intensive development is appropriate. The provisions within the zone need to direct such developments to appropriate sites that are distributed around the District.

Intensive activities have the potential to impact on the amenity of the open space/reserve users, the zoned land itself, neighbours and surrounding areas. Clear direction as to where more intensive activities are expected to locate within the reserve itself or on other reserves, is required to address this matter.

Ensuring a safe physical environment is an important aspect of designing open spaces and recreation areas, so that they are utilised by the communities which they are designed for. Sufficient lighting in public areas, locating parking areas in close proximity to recreation facilities, providing clear sightlines and enabling passive surveillance by having open space and recreation areas overlooked from streets or residential areas, can all contribute to making public areas safe and hence increase their amenity value.

Issue 4 – Potential adverse effects of recreation activities.

Intensive recreation activities, including commercial recreation activities, have the potential to impact on the open space/reserve users, the zoned land itself, amenity of neighbours and surrounding areas. Clear direction as to where more intensive activities or those with adverse effects (such as noise) are expected to locate within the reserve itself and/or the standards to be met to ensure the amenity of adjoining or nearby activities is protected, is required to address this matter. Alternatively, the provisions for the open space and recreation area may indicate that the proposed activity is more suited to another type of space.

Where reserve management plans are operative under the Reserves Act 1977, the management of activities within the open space area are addressed. However, in some

instances there may be no management plan or these plans do not adequately address the impacts of activities on the surrounding area. This could have occurred due to the management plan having been prepared some time ago and hence does not address new development around it or may be due to the limited opportunity for people to influence the content of the management plan (although the Reserves Act 1977 provides for consultation and written comment, there is no requirement for further submissions or hearings and there are limited appeal rights). The assessment of activities with the potential to have adverse effects through the resource consent process provides the opportunity for submissions, hearings and potentially appeals.

Issue 5 - A framework that provides certainty, efficiency, and for the effective management of open spaces and recreation areas, including commercial activities undertaken within these areas.

The issue of the existing unnecessarily complex planning framework is discussed in Section 1 - Introduction of this report and the Introduction to this Section.

In order to simplify, streamline and provide clarity, the Proposed District Plan has adopted a zoning and provision approach that is specific for open spaces and recreation areas. Five zones and four sub-zones are used to manage activities on land zoned Open Space and Recreation within the District in accordance with their scale and function, and these are:

- Nature Conservation Zone;
- Informal Recreation Zone (including the Ben Lomond sub-zone);
- Active Sports and Recreation Zone;
- Civic Spaces Zone; and
- Community Purpose Zone, which includes three sub-zones to specifically manage cemeteries, golf and camping activities.

The provisions within the proposed zones are designed to better provide for public amenities, day-to-day park management activities, existing and future anticipated activities, including those associated with commercial developments, and therefore reduce unnecessary consenting requirements.

A sub-zone is provided for over the Ben Lomond recreation reserve area to recognise the existing significant levels of tourism and recreation infrastructure unique to this location, and to provide for further sensitive development that takes into account the established activities at this location.

Background Documents, Projects and Consultation

The following Council documents and projects have been undertaken in recent years and have informed this Section 32 evaluation. Links to the documents are listed in the References section attached to this report:

Council Proposed District Plan Stage 1:

- Council Section 32 Reports:
 - Chapter 2 – Definitions;
 - Chapter 3 – Strategic Direction;
 - Chapter 21 – Landscape, Rural Zone and Gibbston Character Zone;

- Chapter 22 – Rural Residential and Rural Lifestyle;
 - Chapter 27 – Subdivision and Development; and
 - Chapter 35 – Temporary Activities.
- The Stage 1 Designation Notification Information.

Council Reserve Management Plans, Strategies and associated Documents¹⁴:

- QLDC Parks and Open Space Strategy 2017
- QLDC Growth Projections to 2058, 2017
- Arrowtown - Lake Hayes Reserve Management Plan
- Ben Lomond and Queenstown Hill Reserve Management Plan
- Queenstown Gardens Reserve Management Plan
- Queenstown Bay Foreshore Reserves Management Plan
- Wanaka Lakefront Reserve Management Plan
- Wanaka Lakefront Development Plan
- Albert Town Recreation Reserve Management Plan
- Eely Point Reserve Management Plan
- Lismore Park, Kellys Flat and Allenby Park Reserve Management Plan
- Pembroke Park Reserve Management Plan
- Queenstown Recreation Ground Reserve Management Plan
- Ruby Island Reserve Management Plan
- Sunshine Bay to Kelvin Heights Reserve Management Plan
- Wanaka Library and Bullock Creek Reserve Management Plan
- Wanaka Recreation Reserve Management Plan
- Lake Hawea Foreshore Reserve Development Plans

Council Monitoring Reports:

- Community Outcomes Monitoring Report 2009
- Section 20 of the District Plan Monitoring Report – Open Space Zone – Landscape Protection, 2012

Regional and National Planning Documents:

- Otago Regional Council Operative Regional Policy Statement 1998
- Otago Regional Council Proposed Regional Policy Statement 2015 (as notified)
- Kai Tahu ki Otago Natural Resource Management Plan 2005
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008
- Reserves Act 1977

Council Local Government Act Documents:

- Local Government Act 2002

¹⁴ In particular, the first seven documents listed under this heading

- 2012 - 2022 10 Year Plan
- 2015 - 2025 10 Year Plan
- Annual Plan 2017-2018

Other Documents

- Memorandum of Understanding Agreements with parks and open space partners.
- QLDC Policy on Development Contributions and Financial Contributions

One of the key documents of relevance to this section 32 report is the Parks and Open Space Strategy 2017. The Parks and Open Space Strategy 2017 seeks to ensure any existing open spaces and new reserves are meeting the current and future needs of the community and are protected for future generations. It is considered that the District has a variety of open space and reserve areas that play a vital role in making the area a great place to work and play. The continued development within the District, along with the associated increase in residents and visitor numbers, can put pressure on the use of the land as more people want to use and enjoy these areas. This is the reason that Council considers the development and protection of the District parks and reserves, and improvements to the quality of them, is important.

Consultation

Council has undergone significant community consultation with regard to open space and recreation areas prior to notification of the proposed Open Space and Recreation Zone chapter. This has included the development of the nineteen Reserve Management Plans and the Parks and Open Space Strategy 2017, which became operative in May 2017.

Consultation on the Open Space and Recreation Zones has been limited and will rely in large part on statutory submission processes.

Consultation with the commercial parties that operate on Ben Lomond, including Skyline, Kiwi Birdlife Park and Ziptrek Tours, was undertaken by Council in August 2017. This consultation included providing draft provisions of the proposed Open Space and Recreation Zone chapter to these parties and receiving their comments to the same.

5 Purpose and Options

The District's open space and recreation facilities are consistently highly valued by residents in Council's resident's surveys. They fulfil a diversity of social, political, economic and environmental demands and outcomes. Demand for development on existing open space and parks, and for new spaces, changes depending on a number of factors, including population and household change, visitor numbers and type, economic sustainability and growth, quality of life, and community needs and desires. Council will support the development of both existing, and the creation of new, open space and recreation areas where they are located in the required places and with the appropriate capacity to meet the needs of the District.

Determining the most appropriate methods to resolve the issues highlighted for the proposed Open Space and Recreation Zone chapter will enable the District Plan to give effect to the

relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the RMA.

In particular, and as previously discussed, the land that is the subject the proposed Open Space and Recreation Zone chapter is in Council ownership or administration, and the provisions will work in tandem with Council's Parks and Open Space Strategy 2017, reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not addressed through other methods.

Strategic Directions

The following goals, objectives and policies from the notified version of the Strategic Directions chapter of the Proposed District Plan Stage 1 are considered relevant to this assessment:

Goal 3.2.2: The strategic and integrated management of urban growth.

Objective 3.2.2.1: Ensure urban development occurs in a logical manner:

- *to promote a compact, well designed and integrated urban form;*
- *to manage the cost of Council infrastructure; and*
- *to protect the District's rural landscapes from sporadic and sprawling development.*

Policy 3.2.2.1.3: Manage the form of urban development within the Urban Growth Boundaries (UGBs) ensuring:

- *Connectivity and integration with existing urban development;*
- *Sustainable provision of Council infrastructure; and*
- *Facilitation of an efficient transport network, with particular regard to integration with public and active transport systems*

Goal 3.2.3: A quality built environment taking into account the character of individual communities.

Objective 3.2.3.1: A built environment that ensures our urban areas are desirable and safe places to live, work and play.

Policy 3.2.3.1.2: That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.

Goal 3.2.4: The protection of our natural environment and ecosystems.

Objective 3.2.4.2: Protect areas with significant Nature Conservation Values.

Objective 3.2.4.7: Facilitate public access to the natural environment.

Policy 3.2.4.7.1: Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.

Goal 3.2.5: Our distinctive landscape are protected from inappropriate development.

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

Goal 3.2.6: Enable a safe and healthy community that is strong, diverse and inclusive for all people.

Objective 3.2.6.3: A high quality network of open spaces and community facilities.

Policy: 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.

Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.

In general terms, and within the context of this review, these goals, objectives, and policies, are met by adopting the provisions of the five proposed zones and four sub-zones in the chapter. In turn, this will assist in:

- Enabling and facilitating public access to the natural environment, including areas identified as having significant Nature Conservation Values, Significant Natural Areas, and cultural or heritage values;
- Protecting the Districts reserves that contain Outstanding Natural Landscapes and Outstanding Natural Features from inappropriate use and development where currently designated as a reserve and by identifying these areas as an appropriate Open Space and Recreation Zone;
- Providing rules that are efficient, effective and provide certainty, which, in turn, reduces costs for the Council as manager of the proposed Open Space Zone and wider community; and
- Establishing and designing open spaces and recreation opportunities that are well thought out and designed to ensure public safety, while maximising the use of these areas.

As required by section 32(1)(b) of the RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

Broad options considered to address issues

Issue 1: Provision of an accessible network of open spaces and recreation / community facilities.

Option 1: Retain the operative provisions (no change); or

Option 2: Amend the operative provisions to recognise anticipated activities within open space and recreation areas; or

Option 3: Significant changes including consistently rezoning open space and recreation areas, removing designations on the majority of open spaces, as considered appropriate, once the proposed District Plan is operative, and establishing a rule framework that permits or controls a range of anticipated activities **(Recommended)**

	Option 1: Status quo / No change	Option 2: Amend	Option 3: Significant Changes to the framework
Costs	<ul style="list-style-type: none"> The identified issues would not be resolved. Does not provide for or anticipate how to better manage and provide a framework for growth over the life of the next District Plan. 	<ul style="list-style-type: none"> Would not remove existing layers of complexity and excessive text. Retaining the existing underlying zones and designations would not simplify the provisions. 	<ul style="list-style-type: none"> Costs to the Council to formulate new provisions.
Benefits	<ul style="list-style-type: none"> Retains the established approach, which parties are familiar with. Low cost for Council. Retains a relatively high level of control for the Council to manage the effects of activities. 	<ul style="list-style-type: none"> Retains the established approach which parties are familiar with. Lower cost for Council to establish provisions when compared to the cost of option 3. Could enable some activities to make the provisions more efficient, without significant changes to existing zones or provisions. Can remove identified deficiencies in the provisions that have little consequence. 	<ul style="list-style-type: none"> Benefit to the users of the District Plan and wider community from simplified provisions. Provides communities with the opportunity to develop to a permitted activity and avoid costs and time associated with the resource consent process. Increased efficiency for the Council's District Plan administration. Efficiency for the community when undertaking anticipated activities in these zones. Revision of the proposed zoning hierarchy for open spaces better reflects the manner in which different open spaces are used, and how they should be developed and managed. Complements other planning and strategic open space documents (especially the Parks and Open Space Strategy 2017).

			<ul style="list-style-type: none"> • Revisions to permitted controls to better reflect anticipated scale and use of buildings and structures in open spaces, including recognition that larger buildings are generally more appropriate in certain parks or reserves than others. • Revisions to the proposed zoning assist the community by providing alternative active transport networks and routes.
Ranking	3	2	1

Issue 2: Protection of natural open space, waterbodies and their margins

Option 1: Retain the operative provisions (no change); or

Option 2: Amend the operative provisions to recognise anticipated activities within open space and recreation areas; or

Option 3: Significant changes including consistently rezoning open space and recreation areas, removing designations on the majority of open spaces, as considered appropriate, once the proposed District Plan is operative, and establishing a rule framework that permits or controls a range of anticipated activities (**Recommended**).

	Option 1: Status quo / No change	Option 2: Amend	Option 3: Significant Changes to the framework
Costs	<ul style="list-style-type: none"> • The identified issues would not be resolved. • The objectives and policies do not give effect to the Proposed Strategic Directions Chapter. • The existing provisions do not assist with the identification of community and commercial activities that may be appropriate. 	<ul style="list-style-type: none"> • Would not remove existing layers of complexity and excessive text. • Would not provide the necessary framework to enable protection approach to be clearly set out. 	<ul style="list-style-type: none"> • Costs to the Council to formulate new provisions. • Potential loss of environmental protection and failure to promote Part 2 of the RMA, particularly the matters of national importance in section 6.
Benefits	<ul style="list-style-type: none"> • Retains the established approach, which parties are familiar with. • Retains a relatively high level of control for the Council to manage the effects of activities. • Low cost for Council. 	<ul style="list-style-type: none"> • Increased focus on protecting the values of natural open space, waterbodies and their margins by the use and development of an appropriate open space network. 	<ul style="list-style-type: none"> • Benefit to the users of the District Plan and wider community from simplified provisions. • Provides communities with the opportunity to develop to a permitted activity and avoid costs and time associated with the resource consent process.

			<ul style="list-style-type: none"> • Increased efficiency for the Council's District Plan administration. • Efficiency for the community when undertaking anticipated activities in these zones. • Urban residents will have improved access to open spaces, where that is appropriate. • Revision to the proposed zoning hierarchy for open spaces better reflects the manner in which different open spaces are used, and how they should be developed and managed (including privately-owned open spaces) or protected; • Revisions to permitted controls to better reflect anticipated scale and use of buildings and structures in open spaces, including recognition that larger buildings are generally more appropriate in certain parks/reserves than others. • Retention of ability to mitigate hazards and managed pests in open space and conservation areas. • New focus on implementing Crime Prevention Through Environmental Design principles to achieve better safety outcomes,
Ranking	3	2	1

Issue 3: Potential loss of character, quality and amenity of open space and recreational areas

Option 1: Retain the operative provisions (no change); or

Option 2: Amend the operative provisions to recognise values of open spaces; or

Option 3: Significant changes including consistently rezoning open space and recreation areas, removing designations on the majority of open spaces
(Recommended)

Option 1:	Option 2:	Option 3:
Status quo / No change	Amend	Significant Changes to the framework

Costs	<ul style="list-style-type: none"> Identified issues would not be resolved. The objectives and policies do not give effect to Proposed Strategic Directions chapter. The existing policies do not assist with the identification of community and commercial activities that may be appropriate. 	<ul style="list-style-type: none"> Neutral as existing provisions of the Operative District Plan require the management and protection of natural, cultural and heritage values. 	<ul style="list-style-type: none"> Costs to the Council to formulate new provisions.
Benefits	<ul style="list-style-type: none"> Retains the established approach, which parties are familiar with. Low cost for Council to retain the provisions. 	<ul style="list-style-type: none"> Increased focus on protecting and enhancing areas of natural, cultural and heritage significance through use and development of the open space network. 	<ul style="list-style-type: none"> Increased focus on protecting and enhancing areas of natural, cultural and heritage significance through use and development of the open space network. Clarity around form and function of each open space area, which will assist in their appropriate development.
Ranking	3	2	1

Issue 4: Potential adverse effects of recreation activities

Option 1: Retain the operative provisions (no change); or

Option 2: Amend the operative provisions to recognise values of open spaces; or

Option 3: Significant changes including consistently rezoning open space and recreation areas, uplifting designations on the majority of open spaces, as considered appropriate, once the proposed District Plan is operative, and establishing a rule framework that permits or controls a range of anticipated activities (**Recommended**).

	Option 1: Status quo / No change	Option 2: Amend	Option 3: Significant Changes to the framework
Costs	<ul style="list-style-type: none"> Identified issues would not be resolved. The objectives and policies do not give effect to Proposed Strategic Directions chapter. 	<ul style="list-style-type: none"> Neutral as existing provisions of the Operative District Plan require the management of the adverse effects of recreation activities on adjoining land uses. 	<ul style="list-style-type: none"> Costs to the Council to formulate new provisions.

	<ul style="list-style-type: none"> The existing policies do not assist with the identification of adverse amenity effects and the manner in which they are to be avoided, remedied or mitigated. 		
Benefits	<ul style="list-style-type: none"> Retains the established approach, which parties are familiar with. Low cost for Council to retain the provisions. 	<ul style="list-style-type: none"> Increased focus on protecting the amenity values of adjoining land uses, particularly residential, from adverse effects. 	<ul style="list-style-type: none"> Increased focus on protecting the amenity values of adjoining land uses, particularly residential, from adverse effects. Clarity around form and function of each open space area, which will assist in their appropriate development taking into account the specific amenity values of adjoining land uses.
Ranking	3	2	1

Issue 5: A framework that provides certainty, efficiency, and for the effective management of open spaces and recreation areas, including commercial activities undertaken within these areas.

Option 1: Retain the operative provisions (no change); or

Option 2: Amend the operative provisions to recognise values of open spaces; or

Option 3: Significant changes including consistently rezoning open space and recreation areas, uplifting designations on the majority of open spaces, as considered appropriate, once the proposed District Plan is operative, and establishing a rule framework that permits or controls a range of anticipated activities **(Recommended)**

	Option 1: Status quo / No change	Option 2: Amend	Option 3: Significant Changes to the framework
Costs	<ul style="list-style-type: none"> Identified complexity issues would not be resolved. The objectives and policies do not give effect to Proposed Strategic Directions chapter, nor do they provide a framework that sets out the purpose of the different open space and recreation areas. Unnecessary resource consents 	<ul style="list-style-type: none"> Would not remove existing layers of complexity and excessive text. Retaining the existing underlying zones and designations would not simplify the provisions. 	<ul style="list-style-type: none"> Costs to the Council to formulate new provisions.

	required for 3 rd parties wishing to establish legitimate open space and recreation activities.		
Benefits	<ul style="list-style-type: none"> Retains the established approach, which parties are familiar with. Low cost for Council to retain the provisions. 	<ul style="list-style-type: none"> Same as for Option 1 	<ul style="list-style-type: none"> Reduces unnecessary resource consent costs, particularly for third parties. Provides an integrated and complete set of provisions that clearly set out the outcomes for each open space and recreation area. Provides greater certainty to those responsible for the management, maintenance and development of open space and recreation areas, for their day-to-day operation and for the development of reserve management plans. With open space and recreation areas allocated to respective zones, there is potential for reserve management plans to be developed to cover a number of reserves, rather than each reserve having its own reserve management plan.
Ranking	3	2	1

6 Scale and Significance Evaluation

In accordance with section 32(1)(c) of the RMA, the level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the Operative District Plan
- Address matters that are of district and/or regional significance;
- Have effects on resources that are considered to be a matter of national importance in terms of section 6 of the RMA;
- Result in significant change to the character and amenity of local communities;
- Limit options for future generations to remedy effects;
- Adversely affect those with specific interests, e.g., Community groups, Tangata Whenua;
- Involve effects that have been considered implicitly or explicitly by higher order documents; and
- Impose increased costs or restrictions on individuals, communities, or businesses.

The level of detail and evaluation is proportionate to the importance of the proposed Open Space and Recreation Zone provisions, which is considered to be 'moderate-high'. The approach set out in the Proposed District Plan is fundamental and significantly different approach to that contained in the Operative District Plan, and accordingly needs to be considered in sufficient detail to confirm it is the correct approach to adopt.

The facilitation of protecting some reserves and enabling the ongoing development of other reserves to meet the ongoing resident and visitor demands, is an important aspect that contributes to the social, cultural, economic and environmental wellbeing of the District. The appropriateness of the objectives in terms of meeting the purpose of the RMA and the environmental, economic, social and cultural costs and benefits have been considered through the evaluation report.

This Section 32 evaluation will continue to be updated through the submission and hearing process.

7 Evaluation of proposed Objectives Section 32(1)(a)

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Section 32(1)(a) requires an evaluation of the extent to which the proposed objectives are the most appropriate way of achieving the purpose of the RMA. The proposed objectives and the evaluation of the same are set out in the following table:

<i>Proposed Objective</i>	<i>Appropriateness</i>
<p>38.2.1 Objective (District Wide) The open space and recreation needs of the District’s residents and visitors are met through the provision of a wide range of quality Open Space and Recreation Zones that provide for passive and active recreation activities.</p> <p>38.2.2 Objective (District Wide) Recreation activities are undertaken and facilities constructed in a way that maintains or enhances the values of open space areas and the recreation opportunities available within the District.</p> <p>38.2.3 Objective (District Wide) 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.</p>	<p>Objective 38.2.1 is considered the most appropriate way to meet the purpose of the RMA because it provides spaces within the District’s natural and physical resources that can be utilised by people and communities for their social, economic, and cultural well-being, and for their health and safety.</p> <p>Objectives 38.2.2 and 38.2.4 are considered the most appropriate way to achieve the purpose of the RMA because these objectives go some way toward achieving the sustainable management of natural resources by safeguarding the life-supporting capacity of air, water, soil and ecosystems, by limiting the use and development of open spaces in such areas. In this regard, these objectives contribute towards achieving section 7(c) of the RMA, being the maintenance and enhancement of amenity values, and section 7(f) of the RMA, being the maintenance and enhancement of the quality of the environment. Objective 38.2.2 also establishes the framework for a wide range of landscape natural, cultural and heritage provisions that, in turn, recognises the District features that are of national importance, which shall be provided for when considering development, as required by section 6 of the RMA. Further, the achievement of objective 38.2.4 will contribute towards the preservation of the natural character of waterbodies and their margins by protecting them from inappropriate subdivision, use and development (in accordance with 6(a) of the RMA). It will also contribute towards maintaining and enhancing public access to and along lakes and rivers.</p> <p>Objective 38.2.3 is considered the most appropriate way to meet the purpose of the RMA because it identifies that commercial activities that enable people and communities social, economic, and cultural well-being, may be located on open spaces, where such activities do not result in adverse effects on the environment that cannot be avoided, remedied or mitigated.</p> <p>Overall, the objectives establish the framework that there are a range of open spaces and recreational zones that are suited to different types of activities, use and development.</p> <p>The District Wide objectives, 38.2.1, 38.2.2, 38.2.3 and 38.2.4, are consistent with the following Strategic Directions objectives and policies:</p> <ul style="list-style-type: none"> • <i>Objective 3.2.3.1: Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.</i>

38.2.4 Objective (District Wide)

The interface between activities within the Open Space and Recreation Zones are managed to protect, maintain or enhance the natural character of waterbodies and their margins.

- *Policy 3.2.3.1.2: That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.*
- *Objective 3.2.4.7 Facilitate public access to the natural environment.*
- *Policy 3.2.4.7.1 Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.*
- *Objective 3.2.6.3: Provide a high quality network of open spaces and community facilities.*
- *Policy: 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.*
- *Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.*

Gives effect to the following Operative ORPS objectives:

- Objective 5.4.1
- Objective 5.4.2
- Objective 5.4.4
- Objective 9.4.1
- Objective 9.4.3

Gives effect to the following Operative OPRS policies:

- Policy 5.5.4
- Policy 5.5.5
- Policy 5.5.7
- Policy 9.5.4
- Policy 9.5.5

Has regard to the following Proposed ORPS objectives and policies:

- Objective 1.1
- Policy 1.1.3
- Objective 3.1
- Policy 3.1.9
- Policy 3.1.12

	<ul style="list-style-type: none"> • Objective 3.2 • Policy 3.2.2 • Policy 3.2.6 • Objective 4.5 • Policy 4.5.1 • Objective 5.4 <p>Takes into account the following MNRMP 2008 policies:</p> <ul style="list-style-type: none"> • 3.4.8 - Policy 2 • 3.4.11 - Policy 1 • 3.4.14 - Policy 6 <p>Takes into account the following ONRMP 2005 policies:</p> <ul style="list-style-type: none"> • 5.4.3 (iii) • 5.6.3 (ii) • 5.6.4 – Policy 24, Policy 29, Policy 32, and Policy 37
<p>38.3.1 Objective (Nature Conservation Zone)</p> <p>Use and development complements and protects the nature conservation values and natural qualities of the Nature Conservation Zone.</p>	<p>Objective 38.3.1 assists in protecting the nature conservation values and natural qualities of the District by identifying areas with these values. It establishes the framework to limit any use and development to that which will enhance or complement nature conservation values and natural qualities of such identified zones, while still providing opportunities for public access for peoples social, economic, and cultural well-being, and for their health and safety.</p> <p>The District contains features that are of national importance and these shall be recognised and provided for when considering development, as required by section 6 of the RMA. The Council, in exercising functions and powers in accordance with the RMA, and in relation to protecting, enhancing, using and managing these natural resources, in accordance with section 7 of the RMA.</p> <p>It is considered that Objective 38.3.1 is consistent with the following Strategic Directions goals objectives and policies:</p> <ul style="list-style-type: none"> • Goal 3.2.4: The protection of our natural environment and ecosystems • Objective 3.2.4.2: Protection of areas with significant Nature Conservation Values. • Objective 3.2.4.7: Facilitate public access to the natural environment. • Policy 3.2.4.7.1: Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.

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

Gives effect to the following Operative ORPS objectives:

- Objective 5.4.1
- Objective 5.4.2
- Objective 5.4.3
- Objective 5.4.4
- Objective 9.4.1
- Objective 9.4.3
- Objective 10.4.3

Gives effect to the following Operative OPRS policies:

- Policy 5.5.1
- Policy 5.5.6
- Policy 9.5.4
- Policy 9.5.6
- Policy 10.5.2

Has regard to the following Proposed ORPS objectives and policies:

- Objective 1.1
- Objective 2.2
- Policy 2.2.4
- Objective 3.1
- Policy 3.1.9
- Policy 3.1.12
- Objective 3.2
- Policy 3.2.2
- Policy 3.2.4
- Policy 3.2.6
- Objective 4.5

	<ul style="list-style-type: none"> • Policy 4.5.1 • Policy 5.1.1 • Policy 5.2.3 <p>Takes into account the following MNRMP 2008 policies:</p> <ul style="list-style-type: none"> • 3.4.8 - Policy 12 • 3.4.10 - Policy 2 • 3.4.11 - Policy 1 • 3.4.12 – Policy 3 and 4 • 3.4.14 – Policy 3 • 3.5.7 – Policy 1 • 3.5.17 – Policy 1 <p>Takes into account the following ONRMP 2005 policies:</p> <ul style="list-style-type: none"> • 5.4.3 (iii) • 5.6.3 (ii) • 5.6.4 – Policy 1, Policy 24, and Policy 37 • 10.3.3 – Policy 1
<p>38.4.1 Objective (Informal Recreation Zone)</p> <p>Use and development for informal recreation maintains and enhances the environment</p>	<p>Objective 38.4.1 is considered the most appropriate way to meet the purpose of the RMA as it will sustain identified informal recreation spaces within the District’s natural and physical resources that can be utilised by people, their communities, and their future generations social, economic, and cultural well-being, and health and safety. The Informal Recreation Zone is also intended to provide physical links to other areas for the community.</p> <p>Objective 38.4.1 also establishes the framework that these areas are located within and adjacent to areas of high interest, landscape and amenity values. Due to these features and desire to develop existing and new activities, the scale and intensity of these activities and associated buildings and infrastructure need to be carefully managed to avoid, remedy or mitigate any adverse environmental effects.</p> <p>It is considered that Objective 38.4.1 is consistent with the following Strategic Directions objectives and policies:</p> <p><i>Objective 3.2.3.1: A built environment that ensures our urban areas are desirable and safe places to live, work and play.</i></p> <p><i>Policy 3.2.3.1.2: That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.</i></p> <p><i>Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.</i></p>

Gives effect to the following Operative ORPS objectives:

- Objective 5.4.1
- Objective 5.4.2
- Objective 5.4.4
- Objective 9.4.1
- Objective 9.4.3

Gives effect to the following Operative OPRS policies:

- Policy 9.5.4
- Policy 9.5.5

Has regard to the following Proposed ORPS objectives and policies:

- Objective 1.1
- Policy 1.1.3
- Objective 3.1
- Policy 3.1.12
- Objective 3.2
- Policy 3.2.2
- Policy 3.2.6
- Objective 4.5
- Policy 4.5.1
- Policy 4.5.2
- Policy 4.5.6
- Objective 5.1
- Policy 5.1.1
- Policy 5.5.5

Takes into account the following MNRMP 2008 policies:

	<ul style="list-style-type: none"> • 3.4.8 - Policy 5 • 3.4.11 - Policy 1 • 3.4.12 – Policy 4 • 3.5.7 – Policy 1 • 3.5.17 – Policy 1 <p>Takes into account the following ONRMP 2005 policies:</p> <ul style="list-style-type: none"> • 5.6.3 (ii) • 5.6.4 – Policy 3, Policy 24 and Policy 29
<p>38.5.1 Objective (Active Sport and Recreation Zone)</p> <p>Active sport and recreation activities are provided for in appropriate locations, while managing adverse effects on surrounding areas and communities.</p>	<p>Objective 38.5.1 is considered the most appropriate way to meet the purpose of the RMA as it provides open space that is easily accessible, used for indoor and outdoor organised sports, active recreation and community activities, which, in turn, enables people to fulfil their social, economic, and cultural well-being, and health and safety. The objective recognises the intensive use made of these areas, and the need to provide sufficient facilities to support these uses, while at the same time, providing for the open space and amenity values of a park or reserve within this zone, as well as avoiding or mitigating adverse effects on the surrounding areas. Objective 38.5.1 establishes a framework that will restrict potential inappropriate activities, including development, that may be better suited to another open space and recreational zone.</p> <p>It is considered that Objective 38.5.1 is consistent with the following Strategic Directions objectives and policies:</p> <p><i>Objective 3.2.3.1: A built environment that ensures our urban areas are desirable and safe places to live, work and play.</i></p> <p><i>Objective 3.2.6.3: A high quality network of open spaces and community facilities.</i></p> <p><i>Policy: 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.</i></p> <p><i>Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.</i></p> <p>Gives effect to the following Operative ORPS objectives:</p> <ul style="list-style-type: none"> • Objective 5.4.1 • Objective 5.4.2 • Objective 5.4.4 • Objective 9.4.1 • Objective 9.4.3 • Objective 10.4.3

	<p>Gives effect to the following Operative OPRS policies:</p> <ul style="list-style-type: none"> • Policy 9.5.4 • Policy 9.5.5 <p>Has regard to the following Proposed ORPS objectives and policies:</p> <ul style="list-style-type: none"> • Objective 1.1 • Policy 1.1.3 • Objective 3.1 • Policy 3.1.9 • Objective 3.2 • Policy 3.2.2 • Policy 3.2.6 • Objective 4.5 • Policy 4.5.1 • Policy 4.5.2 • Policy 4.5.6 • Objective 5.1 • Policy 5.1.1 <p>Takes into account the following MNRMP 2008 policies:</p> <ul style="list-style-type: none"> • 3.4.14 – Policy 6 • 3.5.7 – Policy 1 <p>Takes into account the following ONRMP 2005 policies:</p> <ul style="list-style-type: none"> • 5.6.4 – Policy 3 and Policy 24
<p>38.6.1 Objective (Civic Spaces Zone) Civic spaces are the community focal points for civic and community functions,</p>	<p>Objective 38.6.1 is considered the most appropriate way to meet the purpose of the RMA as it facilitates areas within the District where people and communities can gather to meet their social, economic, and cultural well-being, and health and safety.</p>

events and informal recreation of benefit to both the community and the District.

The objective establishes a framework that will limit development of buildings and structures within these open space areas that would enhance any amenity values (in accordance with section 7(c) of the RMA), while recognising that public facilities are required.

It is considered that Objective 38.6.1 is consistent with the following Strategic Directions objectives and policies:

Objective 3.2.3.1: A built environment that ensures our urban areas are desirable and safe places to live, work and play.

Policy 3.2.3.1.2: That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.

Objective 3.2.6.3: A high quality network of open spaces and community facilities.

Policy: 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.

Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.

Gives effect to the following Operative ORPS objectives:

- Objective 5.4.1
- Objective 5.4.4
- Objective 9.4.1

Gives effect to the following Operative OPRS policies:

- Policy 5.5.7
- Policy 9.5.5

Has regard to the following Proposed ORPS objectives and policies:

- Objective 1.1
- Policy 1.1.3
- Objective 4.5
- Policy 4.5.1
- Policy 4.5.2
- Policy 4.5.6
- Objective 5.1
- Policy 5.1.1

38.7.1 Objective (Community Purposes Zone)

Community activities that meet the current and future social, cultural, recreation, health and community needs of both local communities and visitors to the District are provided for within a diverse range of open spaces.

Objective 38.7.1 establishes a framework that enables use and development within particular open spaces that enhance the social, economic, and cultural well-being, and health and safety of people and communities, while avoiding, remedying, or mitigating any potential adverse effects on the environment.

It is considered that Objective 38.7.1 is consistent with the following Strategic Directions objectives and policies:

Objective 3.2.3.1: A built environment that ensures our urban areas are desirable and safe places to live, work and play.

Objective 3.2.6.3: A high quality network of open spaces and community facilities.

Policy: 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.

Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.

Gives effect to the following Operative ORPS objectives:

- Objective 5.4.1
- Objective 5.4.4
- Objective 9.4.1

Gives effect to the following Operative OPRS policies:

- Policy 5.5.7
- Policy 9.5.5

Has regard to the following Proposed ORPS objectives and policies:

- Objective 1.1
- Policy 1.1.3
- Objective 4.5
- Policy 4.5.1
- Policy 4.5.2
- Policy 4.5.6
- Objective 5.1
- Policy 5.1.1
- Policy 5.2.3

	<p>Takes into account the following MNRMP 2008 policies:</p> <ul style="list-style-type: none"> • 3.4.8 - Policy 6 and Policy 12 • 3.4.12 - Policy 3 <p>Takes into account the following ONRMP 2005 policies:</p> <ul style="list-style-type: none"> • 5.4.3 (iii) • 5.6.3(ii)
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The above objectives are considered to be the most appropriate methods of achieving the purpose of the RMA, as they identify and give direction as to the how the specific issues that pertain to the proposed Open Space and Recreation Zone chapter are addressed.

8 Evaluation of the proposed provisions Section 32(1)(b)

Section 32(1)(b) of the RMA requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonable practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. The proposed provisions are grouped by District Wide provisions and then by each proposed zone for the purposes of this evaluation.

DISTRICT WIDE PROVISIONS (POLICIES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES
<p>38.2.1 Objective (District Wide)</p>
<p>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.</p>
<p>38.2.2 Objective (District Wide)</p>
<p>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.</p>
<p>38.2.3 Objective (District Wide)</p>
<p>Commercial activities are limited to those that have a functional requirement to locate within open spaces and do not degrade open space and recreation values.</p>

38.2.4 Objective (District Wide)

The interface between activities within the Open Space and Recreation Zones are managed to protect, maintain or enhance the natural character of waterbodies and their margins.

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p>Policies 38.2.1.1 to 38.2.1.6 38.2.2.1 to 38.2.2.6 38.2.3.1 to 38.2.3.3 38.2.4.1 to .8.2.4.3 Landscape assessment matters 38.14. Variation to Definitions Chapter 2, Landscape Chapter 6, Subdivision and Development Chapter 27, Temporary Activities and Relocated Buildings Chapter 35, Noise Chapter 36.</p>	<p>a. There is the potential to adversely affect Outstanding Natural Features or Landscapes, by not providing a mechanism for these areas to be identified and therefore, allowing inappropriate subdivision, use and development to occur in the same.</p> <p>b. Open space comes under pressure to provide for multiple activities, functions and values that can compromise its predominant purpose. The recognition of competing demand for open space or conflicting activities and values are important to understand.</p> <p>c. There is the potential to adversely affect the natural character of waterbodies and their margins by allowing public access to these areas for recreational use.</p> <p>d. Potential for water quality in the District to be affected where intensive development resulting in discharges occurs in an inappropriate location, such as the margin of a waterbody.</p> <p>e. There is a cost to ratepayers in developing and maintaining facilities for the public. Such costs are provided by the Council through the development of Long Term Plans.</p>	<p>a. The general intent of the proposed Open Space and Recreation Zone chapter is to address matters requiring management or control under the RMA, where they are not already covered under other legislation. In this regard, the policies recognise that there are other processes that assist in managing the provision of open space areas, such as, by management plans.</p> <p>b. These policies provide the management framework for the proposed Open Space and Recreation Zones set out in the rules. They establish a range of matters that will enable activities within each of the zones to be permitted activities subject to standards, but also provide guidance for decision makers when faced with determining whether a particular activity is appropriate.</p> <p>c. The policies require that buildings are designed and sited so that they are compatible with the function and purpose of the open spaces on which they sit. This, in turn, ensures that development does not detract from the values associated with each area.</p> <p>d. Implementation of the policies will see the appropriate character of the open space areas retained so that people</p>	<p>a. The policies are effective in achieving the objectives by providing for a variety of open space zones allows a level of use and development that complements the functions and values of a particular type of open space.</p> <p>b. The policies are efficient as they acknowledge and enable the need for a range of different types of open space and recreation areas in different locations to meet community wellbeing. They are also important as the policies recognise the need to maintain the quality, type, number and location of reserves and facilities to ensure the needs of the community are met on an ongoing basis. Wide community benefits are expected from these policies.</p> <p>c. The policies are efficient as they provide an enabling approach for a range of activities within the proposed Open Space and Recreation Zones, as well as guidance for decision makers in determining resource consent applications in these zones.</p> <p>d. Efficiencies are achieved by seeking to avoid, remedy or mitigate effects on the surrounding environment through clear policy direction on the key matters that need to be considered for any development or use of open space and</p>

	<p>f. There are costs associated with the policies where a resource consent is required and where mitigation may be required through consent conditions to address adverse effects. This situation could apply to the Council as it is responsible for many reserves around the District, as well as users of open spaces. It is noted, for completeness, that this approach is not new, as the Operative District Plan already requires consents for a variety of activities within areas that will be rezoned as open space reserves.</p>	<p>can continue to enjoy these areas and their natural values. The standards are set to help maintain the character of adjoining zones, so that activities are not inappropriately located. In doing so, the policies also seek to avoid conflict between users.</p> <p>e. The provisions recognise that managing the values of the various open spaces is through specific zoning. The benefit of having specific zoning establishes provisions that are tailored to provide for different types of activities and levels of development to ensure compatibility with the maintenance or enhancement of those values.</p> <p>f. It is recognised in the policies that open space accommodates a range of functions. The policies set the framework for the creation of zones to accommodate different types of open space areas or recreational facilities, ranging from passive neighbourhood reserves, commercial activities, sports fields, walkways, indoor sports facilities, swimming pools and other recreation facilities.</p> <p>g. The policies provide for both the communities and visitors wide variety of needs in an environment that is one of the key reasons that people live, work, play and visit the District.</p> <p>h. The provisions provide a mechanism to identify areas that present opportunities for appropriately scaled</p>	<p>recreation land.</p> <p>e. The policies are effective at achieving the stated objectives by providing the mechanisms for identifying the values of open space and recreation areas prior to development. In turn, these values can be protected by recognising development and use options may be appropriate, while ensuring environmental effects are avoided, remedied or mitigated.</p> <p>f. The policies provide a clear Policy directive that activities and public access will be provided for, provided that that such activities and access are appropriately located to not compromise the natural character values of the area.</p> <p>g. Providing for public access to waterbodies and their margins directly reinforces, through the policies, the requirement of the RMA to maintain and enhance public access to such areas.</p> <p>h. It is considered that the policies give effect to the National Policy Statement for Freshwater Management, which provides the high-level policy direction in respect of water.</p> <p>i. The landscape assessment matters will assist with the identification of the valued components of the landscape in question and assist with identifying the sensitivity of the landscape unit and its ability to absorb change. The landscape assessment matters will help ensure that development maintains landscape values and assists the Council to give effect ss</p>
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		<p>development, including the various requirements for each particular zone and the associated values.</p> <ul style="list-style-type: none"> i. These policies recognise that there are a range of opportunities for the public to use areas of open space and move between these areas. Further, the policies seek to enhance the linkages between areas of open space and other zones in the District, particularly between open spaces and where the community/visitors are residing. j. The policies provide enhanced amenity resulting from the availability of transportation links for walking and cycling. This includes identification that access to and along the District's waterbodies, and their margins, is important to the community, while making sure that the natural character values of the area are not adversely affected. k. The waterbodies and their margins attract competing uses and the policies focus on managing development and activities within the vicinity of the same to ensure that the natural qualities and habitats in these environments are protected, accessibility is maintained and enhanced, and opportunities for sport and recreation use are provided for. The policies make it clear that sport and recreation use is provided for where it does not compromise the natural character and amenity of these areas. 	<p>6 and 7 of the Act.</p> <ul style="list-style-type: none"> j. The rules relating to helicopter operations will require resource consent (Rule 38.9.37). The Noise rules in Chapter 36 (Rule 36.5.4) will be the same as other zones and have purposefully not been made any more lenient. It is important that the amenity effects and intensity and frequency of activities can be managed to ensure the overall recreation values of the zone are not compromised. This is a cost and inefficiency to proponents seeking additional helicopter activities but is effective in terms of providing the Council the ability to retain oversight and the ability to consider the effects of helicopter activities on other users and the wider public. k. The variation to the identified Parts 6.2 and 6.4 of notified Landscape Chapter 6 will clarify that the land now located within the Open Space and Recreation Zones is part of ONF/ONL or RLC where identified on the Planning Maps.
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NATURE CONSERVATION ZONE PROVISIONS (POLICIES AND RULES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVE

38.3.1 Objective (Nature Conservation Zone)

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

Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
<p>Policies</p> <p>38.3.1.1</p>	<p>a. Development and use of these areas could potentially damage or destroy sensitive areas of ecological, landscape, heritage and cultural value.</p> <p>b. Potential duplication and/or inconsistency with Reserve Management Plans may result in inefficiencies and confusion regarding the appropriate policy direction.</p> <p>c. Accessibility, buildings and human activity potentially damaging or destroying sensitive areas of ecological, landscape, heritage and cultural value.</p> <p>d. Access and other activities (such as biking) conflicting with conservation values of esplanade reserves.</p>	<p>a. This zone is recognised as having high natural character values and its conservation and protection has environmental, social, cultural benefits for the community and visitors, such as providing areas that they may visit and interact with these values.</p> <p>b. Due to the size of these landholdings, farm grazing may be used to maintain the properties. The policies seek to recognise that compatible rural activities and buildings may be appropriate in this zone.</p> <p>c. Visitors and residents will have improved access to open spaces, including through reserve contribution processes that provides for Council infrastructure, such as access along the margins of waterbodies.</p> <p>d. The conservation and protection of the environmental, social and cultural benefits of these areas is a matter of national importance. The proposed provisions are considered to be beneficial in achieving consistency with the same.</p>	<p>a. The proposed Open Space Nature Conservation Zone chapter is complementary to the provisions in Chapter 6 – <i>Landscape</i>, which seeks to recognise the landscape as a significant resource to the District and Region, and Chapter 33 – <i>Indigenous Vegetation and Biodiversity</i>, which identifies that Council has a responsibility to maintain indigenous biodiversity and to recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna, which are collectively referred to as Significant Natural Areas. The provisions of the proposed Open Space Nature Conservation Zone chapter provide clear guidance on the activities, use and development within such areas.</p> <p>b. Given the foregoing, the proposed provisions are efficient and effective at meeting section 6 of the RMA, which requires protection of these matters of national importance.</p>

		<p>e. Enabling people to experience the natural open spaces through compatible recreation and tourism activities provides not only health and well-being benefits, but also contributes economically to their upkeep. In addition, the experience may assist in bringing to attention the ecological and conservation values and lead to voluntary actions to protect and improve those conservation values (such as through community plantings).</p>	
<p>Rules 38.9.1 to 38.9.36 (Activity Status Table) 38.10 (Permitted Standards) 38.11 (Controlled Activities) 38.12 (Restricted Discretionary Activities) 38.13.1 (Non-notification) 38.14 Landscape assessment matters. Variation to Definitions Chapter 2, Landscape Chapter 6, Subdivision and Development Chapter 27, Temporary Activities and Relocated Buildings Chapter 35, Noise Chapter 36</p>	<p>a. Potential resource consent application costs and time, along with uncertainty as to possible conditions restricting activities. b. Compliance costs. c. Potential duplication and/or inconsistency with reserve management plans and Reserves Act 1977 may result in inefficiencies and confusion regarding the appropriate policy direction. d. Limited potential for a range of activities and restriction on larger buildings, which may limit opportunities for multifunctional use.</p>	<p>a. Conservation and park management activities are provided for and are central to the benefits anticipated from this zone. b. Recreation and other compatible activities are enabled, thereby affording the opportunity for people to appreciate the ecological and conservation values that exist. This is achieved by providing for education activities in the zone.</p>	<p>a. Conservation and open space management activities are provided for and are central to the benefits anticipated from this zone. b. Built Form Standards set a maximum size for a single building and site coverage, which control adverse effects of buildings and activities on the open space, its natural, ecological and landscape values and on the adjoining land uses. c. The rules are considered to have high efficiency as the protection of conservation and ecological values are not compromised by the benefits accruing from providing appropriate access and appreciation of those values. d. The landscape assessment matters will assist with the identification of the valued components of the landscape in question and assist with identifying the sensitivity of the landscape unit and its ability to absorb change.</p>

INFORMAL RECREATION ZONE PROVISIONS (POLICIES AND RULES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVE

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

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

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

38.2.4 Objective – The interface between activities within the Open Space and Recreation Zones are managed to protect, maintain or enhance the natural character of waterbodies and their margins.

38.4.1 Objective (Informal Recreation Zone) Use and development for informal recreation maintains and enhances the environment Use and development for informal recreation maintains and enhances the environment

Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
<p>Policies 38.4.1.1 to 38.4.1.6</p>	<p>a. Potential duplication and/or inconsistency with Reserve Management Plans may result in inefficiencies and confusion regarding the appropriate policy direction.</p> <p>b. Permanent buildings have the potential to occupy space that is important to be kept open to ensure flexibility for informal recreation and public access to and along the margins of lakes and rivers.</p> <p>c. Without effective management, activities attracting large numbers of visitors can generate noise, traffic and “after the event” effects that are incompatible with their other values and uses.</p>	<p>a. Larger parks provide for a range of multi-purposes and large events that provide a focal point for local community, the District and wider area.</p> <p>b. Local neighbourhood parks provide easy access to adjoining and nearby residential areas, thereby contributing to residential amenity and community health.</p> <p>c. Parks along the foreshore (particularly those along Roys Bay - Wanaka and Queenstown Bay) contribute to the tourist and visitor experience and consequently economic well-being.</p> <p>d. Public access to and along the margins of lakes and rivers is maintained, other than where alternative linkages need to be made to ensure the commercial activity can operate safely.</p>	<p>a. The policies provide a framework to manage development in community parks to reflect their purpose and function, within the context of surrounding land uses.</p> <p>b. The land is in Council ownership or administration and the provisions will work in tandem with Council’s Parks and Open Space Strategy 2017, reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not addressed through other methods.</p>
<p>Rules 38.9.1 to 38.9.36 (Activity</p>	<p>Development of land in the Informal Recreation Zone is restricted to a fairly</p>	<p>a. Similar to the Active Sport and Recreation Zone, commercial activities,</p>	<p>a. Providing for permitted standards that can be met without any consent process</p>

<p>Status Table)</p> <p>38.10 (Permitted Standards)</p> <p>38.11 (Controlled Activities)</p> <p>38.12 (Restricted Discretionary Activities)</p> <p>38.13.1 (Non-notification)</p> <p>38.14 Landscape assessment matters.</p> <p>Variation to Definitions Chapter 2, Landscape Chapter 6, Subdivision and Development Chapter 27, Temporary Activities and Relocated Buildings Chapter 35, Noise Chapter 36</p>	<p>low scale and scope. Any activities that do not comply with permitted standards will need a resource consent.</p> <p>Potential resource consent application costs and time, along with uncertainty as to possible conditions restricting activities.</p> <p>Compliance costs.</p> <p>Potential duplication and/or inconsistency with reserve management plans and Reserves Act 1977 may result in inefficiencies and confusion regarding the appropriate policy direction.</p>	<p>community facilities, public amenity and informal recreation activities are provided for as permitted activities; however, the standards are set to reflect a lower scale, quieter reserve environment.</p> <p>b. The range of permitted and controlled activities provide for day to day park management and public amenities, as well as the specific sports and recreation activities anticipated.</p> <p>c. Resource consent approval as either restricted or full discretionary activities provides for the ability to consider the suitability of the activity on any particular park and the potential external effects. Matters of discretion have been tailored to only address those matters that are relevant.</p> <p>d. Built form standards enable the development of building, structures and facilities within an 'envelope'. Non-compliance with the standards relates to potential effects outside the park and suitability of the built form within the context of the park and particularly access to the margins of lakes and rivers.</p>	<p>is an efficient way of managing activities on reserves. The matters of discretion are effectively tailored to address issues that might arise from not meeting permitted standards.</p> <p>b. It is considered that the rules and methods used are an efficient and effective way of implementing the objectives and policies of the zone by establishing appropriate limits on what use and development can occur.</p> <p>c. The rules are enabling of informal recreational activities, as a primary activity anticipated in open spaces. These activities are recognised as a permitted activity, and are subject to minimal performance standards related to associated built forms. It is noted that the integrated nature of the Proposed District Plan will ensure that effects associated with other activities do not go unmanaged, such as activities that do not meet the permitted standards for earthworks or noise.</p> <p>d. Rules (both activity status and standards) trigger an assessment of potential effects. As many activities as considered appropriate have been provided for as permitted activities and the least built form standards applied. Accordingly, it is considered that development outside these parameters has the potential for adverse effects and hence the need for written approval/limited notification or full public notification will be considered in accordance with the RMA.</p>
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			<ul style="list-style-type: none">e. The rules provide certainty that development within their parameters will be enabled with minimal resource consent and compliance costs.f. The rules seek to protect green space and recreation opportunities from displacement by activities that do not support open space and recreation – particularly those that have the potential to preclude public access through them and along the margins of lakes and rivers.g. Thresholds have been set for ancillary activities in terms of their size and floor areas they are permitted to occupy. This will enable an assessment of the effect of built form/size of the activity on the park, as well as whether the activity retains its secondary function to the main purpose of the park and potential adverse effects (such as traffic) on the surrounding neighbourhood.h. The landscape assessment matters will assist with the identification of the valued components of the landscape in question and assist with identifying the sensitivity of the landscape unit and its ability to absorb change. The Informal Recreation Zone has a wide variety of sites within a range of landscapes and the assessment matters will help ensure that landscape values are maintained.
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INFORMAL RECREATION: BEN LOMOND SUB ZONE. ZONE PROVISIONS (POLICIES AND RULES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES

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

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

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

38.2.4 Objective – The interface between activities within the Open Space and Recreation Zones are managed to protect, maintain or enhance the natural character of waterbodies and their margins.

38.4.1 Objective (Informal Recreation Zone) Use and development for informal recreation maintains and enhances the environment

Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
<p>Policies 38.2.1.1 to 38.2.1.6 38.2.2.1 – 38.2.2.6 38.2.3.1 – 38.2.3.3 38.4.1.1 to 38.4.1.6</p> <p>Rules All rules within Table 38.3 Landscape Assessment Matters in 38.14 are applicable to Discretionary or Non-complying activities</p> <p>Variation to Definitions Chapter 2, Landscape Chapter 6, Subdivision and Development Chapter 27,</p>	<p>a. The rule framework generally provides for activities and buildings as a restricted discretionary activity, rather than a discretionary activity as is the case the wider Informal recreation Zone. The restricted discretionary rule framework only provides that the matters of discretion are considered at the time of resource consent. The landscape assessment matters and any unanticipated effects not identified by the matters of discretion cannot be considered. In this context, there is potential for environmental costs.</p> <p>b. The ability for effects on other parties or occupiers of the Ben Lomond area are reduced, compared to a full discretionary regime, the matters of control or</p>	<p>a. The rules and restricted discretionary activity status provide more certainty to applicants and other persons affected by development in the Ben Lomond area.</p> <p>b. The matters of discretion and policies are considered comprehensive to enable the appropriate level of scrutiny to activities.</p> <p>c. The discretionary status for non-compliance with the standards will mean that a wider assessment can be undertaken where activities are proposed that are not contemplated by the rules.</p> <p>d. The Ben Lomond Sub Zone departs from the remainder of the Open Space Zone in that restricted Discretionary activities could be notified and Controlled activities could be limited notified. This is</p>	<p>a. The Informal Recreation Ben Lomond Sub Zone recognises and manages the existence and wide range of commercial and informal recreation activities in the Ben Lomond Recreation Reserve.</p> <p>b. The overall suite of rules are both effective and efficient in that they reflect in part the existing environment and the general position of Skyline Enterprises Ltd, Council officers and further submitters (ZJV Ltd) as to the zoning and rules that will be most appropriate way to meet the objectives of the Open Space Chapter, and the Strategic Directions of the PDP. The rules are not the same as requested By Skyline, however they are tailored for the entire Ben Lomond reserve to be subject to the bespoke rules and the rules seek to provide for and manage the multiple interests that</p>

<p>Temporary Activities and Relocated Buildings Chapter 35, Noise Chapter 36</p>	<p>discretion need to be comprehensive enough to enable the resource management issues to be addressed and the policies and objectives to be achieved. There is a potential cost to other persons affected by a proposed development with a constrained rule framework.</p> <p>c. The ability for persons affected by passenger lift systems in the Gondola corridor are restricted, however there is a fair degree of certainty by the relatively constrained size of the gondola corridor and existing infrastructure in the Ben Lomond area.</p> <p>d. Costs to the applicants where applications could be notified, however there is more certainty to these parties than under a full discretionary status.</p>	<p>considered important given the highly prominent location and multiple interests on this site. The restricted discretionary status does not necessarily anticipate notification, but notification is available to be exercised in the event a proposal does not appear to accord with the policies, and strains the effects of activities contemplated through the Sub Zone and bespoke rule framework. While this is cost to applicants, it is a benefit overall to ensure other persons genuinely affected are provided with the ability for input to the process and, the most appropriate development option is taken. The notification process, or the ability for the Council to notify an application enhance environmental outcomes.</p>	<p>are present in this area, including the aspirations of the Council to manage and realise the public recreation benefits.</p> <p>c. The rules are efficient in so far that they provide a more streamlined and constrained scope for the assessment of effects. The rules are however also equally effective in providing discretion to assess the important resource management issues in this area, and address the wide range of issues that could present.</p> <p>d. The rules, activity status and matters of discretion are considered to achieve an appropriate balance between providing a degree of certainty and foreshadowing what could be undertaken within the Ben Lomond Sub Zone, while still providing adequate scope to address the actual and potential adverse effects of activities.</p> <p>e. The rules relating to helicopter operations will require resource consent (Rule 38.9.37). The Noise rules in Chapter 36 (Rule 36.5.4) will be the same as other zones and have purposefully not been made any more lenient. It is important that the amenity effects and intensity and frequency of activities can be managed to ensure the overall recreation values of the zone are not compromised. This is a cost and inefficiency to proponents seeking</p>
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			<p>additional helicopter activities but is effective in terms of providing the Council the ability to retain oversight and the ability to consider the effects of helicopter activities on other users and the wider public.</p> <p>f. The variation to the identified Parts 6.2 and 6.4 of notified Landscape Chapter 6 will clarify that the land now located within the Open Space and Recreation Zones is part of ONF/ONL or RLC where identified on the Planning Maps.</p> <p>g. The proposed rule framework is also more effective where it is considered to better align with the Council's Ben Lomond Reserve Management Plan 2005 (RMP 2005). The vision of the RMP 2005 at Part 8 for the management of the Ben Lomond Reserve is: <i>'To Protect and enhance the natural values of Ben Lomond Reserve and provide opportunity for compatible recreation activities'</i>.</p> <p>h. At part 8.1.3 the RMP 2005 states that the Ben Lomond reserve already has a number of established commercial recreation activities, which rely on the reserves steep topography and height together with the views it provides over the Wakatipu Basin. These activities are primarily aimed at the tourism sector, but also has a large recreation component through the provision of walking and</p>
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			<p>mountain biking trails. The RMP 2005 also includes objectives and policies under the umbrella of 4 goals (Effective Management, enhanced biodiversity, recreation opportunities and, to protect landscape values'.</p> <p>i. It is considered the objectives and policies of the Open Space and recreation Zones and the Informal recreation Sub-Zone provide a suitable connection with the RMP 2005. In particular, the Open Space and Recreation Zone is considered to be substantially better aligned with the goals, objectives and policies of the RMP 2005, than the Stage 1 notified PDP Rural Zone.</p>
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ACTIVE SPORT AND RECREATION ZONE PROVISIONS (POLICIES AND RULES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVE

38.5.1 Objective (Active Sport and Recreation Zone)

Active sport and recreation activities are provided for in appropriate locations, while managing adverse effects on surrounding areas and communities.

Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
<p>Policies 38.5.1.1 and 38.5.1.2</p>	<p>a. Potential duplication and/or inconsistency with Reserve Management Plans may result in inefficiencies and confusion regarding the appropriate policy direction.</p> <p>b. Permanent buildings have the potential to occupy space that is important to be kept open to ensure</p>	<p>a. Effects of large scale buildings for recreation activities can be internalised within specific sites.</p> <p>b. Co-location of activities and services, as well as multifunctional use of facilities, provides for economic efficiency.</p> <p>c. Providing for organised sport and recreation on specific parks protects other parks that have open space and/or</p>	<p>a. The policies provide a framework to manage development in parks, such as impacts from buildings, access and car parking areas, noise, outdoor storage, and glare, to reflect their sports and recreation purpose and function, within the context of surrounding land uses.</p> <p>b. The land is in Council ownership or administration and the provisions will</p>

	<p>flexibility for other sports and events.</p> <p>c. Without effective management, activities attracting large numbers of visitors can generate noise, traffic and “after the event” effects that are incompatible with their other values and uses.</p>	<p>environmental values from coming under pressure to be utilised for sport and recreation.</p> <p>d. Sport and recreation plays a substantial and vital role in contributing to community well-being.</p> <p>e. The placing of a number of activities on one site is an initiative to encourage sports and other recreation activities to concentrate in hubs. This increase the built facility efficiency and encourages better use of these facilities.</p>	<p>work in tandem with Council’s Parks and Open Space Strategy 2017, reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not addressed through other methods (particularly potentially significant effects in terms of scale of buildings, car parking, noise and traffic).</p>
<p>Rules</p> <p>38.9.1 to 38.9.36 (Activity Status Table)</p> <p>38.10 (Permitted Standards)</p> <p>38.11 (Controlled Activities)</p> <p>38.12 (Restricted Discretionary Activities)</p> <p>38.13.1 (Non-notification).</p> <p>Variation to Definitions Chapter 2, Landscape Chapter 6, Subdivision and Development Chapter 27, Temporary Activities and Relocated Buildings Chapter 35, Noise Chapter 36</p>	<p>a. Potential resource consent application costs and time, along with uncertainty as to possible conditions restricting activities.</p> <p>b. Compliance costs.</p> <p>c. Potential duplication and/or inconsistency with reserve management plans and Reserves Act 1977.</p>	<p>a. The range of permitted and controlled activities provide for day to day park management and public amenities, as well as sports and recreation activities sought to be promoted.</p> <p>b. Resource consent approval as either restricted or full discretionary activities provide for the ability to consider the suitability of the activity on any particular park and the potential external effects. Matters of discretion have been tailored to only address those matters that are relevant.</p> <p>c. Built form standards enable the development of building, structures and facilities within an ‘envelope’. Non-compliance with the standards relates to potential effects outside the park and suitability of the built form within the context of other sports and recreation activities on the park that require open space.</p>	<p>a. The proposed policy is an efficient means of achieving the overriding objectives and purpose of the RMA. Specifically, it establishes clear policy that recognises that built development associated with recreation and open space activities is anticipated within the zone with limits on the overall building footprint within the area.</p> <p>b. Larger sites are identified as having capacity to accommodate major sports facilities, events and multifunctional use with potential adverse effects internalised.</p> <p>c. Built Form Standards setting out maximum levels for site coverage is proposed. These rules combined with setbacks and height limits, aim to protect the amenity of the open space and the surrounding environment.</p> <p>d. The policies provide a framework to manage development in parks to reflect their sports and recreation purpose and</p>

			<p>function, within the context of surrounding land uses.</p> <p>e. The land is in Council ownership or administration and the provisions will work in tandem with Council's Parks and Open Space Strategy 2017, reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not addressed through other methods (particularly potentially significant effects in terms of scale of buildings, car parking, noise and traffic).</p> <p>f. Rules (both activity status and standards) trigger an assessment of potential effects. As many activities as considered appropriate have been provided for as permitted activities and the least built form standards applied. Accordingly, it is considered that development outside these parameters have the potential for adverse effects and hence the need for written approval/limited notification or full public notification will be considered in accordance with the RMA.</p> <p>g. Multi-functional use enables maximum utilisation of sports facilities and is an efficient use of land and buildings.</p> <p>h. The rules provide certainty that development within their parameters will be enabled with minimal resource consent and compliance costs.</p> <p>i. The rules seek to retain green open space and outdoor recreation</p>
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			<p>opportunities, while recognising that many recreation and sports activities are better accommodated within buildings.</p> <p>j. Thresholds have been set for ancillary activities in terms of their size and floor areas they are permitted to occupy. This will enable an assessment of the effect of built form/size of the activity on the park, as well as whether the activity retains its secondary function to the main purpose of the park and potential adverse effects (such as traffic) on the surrounding neighbourhood.</p>
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CIVIC SPACES ZONE PROVISIONS (POLICIES AND RULES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVE

38.6.1 Objective (Civic Spaces Zone)

Civic spaces are the community focal points for civic and community functions, events and informal recreation of benefit to both the community and the District.

Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
<p>Policies</p> <p>38.6.1.1 to 38.6.1.3</p>	<p>a. Potential duplication and/or inconsistency with Reserve Management Plans may result in inefficiencies and confusion regarding the appropriate policy direction.</p> <p>b. Permanent buildings have the potential to occupy space that is important to be kept open to ensure flexibility for civic and other community events.</p> <p>c. Without effective management, activities attracting large numbers of</p>	<p>a. Urban civic parks provide venues for civic, entertainment and other events. Social, community and economic benefits arise from their use for these purposes.</p> <p>b. The location of civic parks within town centres, reinforces them as destinations and provide links to public transport facilities (such as that proposed at the northern end of Ballarat Street, Queenstown) and other tourism facilities (such as information centres) and attractions (such as the Earnslaw).</p>	<p>a. The policies provide a framework to manage development in civic parks to reflect their purpose and function, within the context of surrounding land uses.</p> <p>b. The land is in Council ownership or administration and the provisions will work in tandem with Council's <i>Parks and Open Space Strategy 2017</i>, reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not</p>

	visitors can generate noise, traffic and “after the event” effects that are incompatible with their other values and uses.		addressed through other methods.
<p>Rules</p> <p>38.9.1 to 38.9.36 (Activity Status Table)</p> <p>38.10 (Permitted Standards)</p> <p>38.11 (Controlled Activities)</p> <p>38.12 (Restricted Discretionary Activities)</p> <p>38.13.1 (Non-notification)</p> <p>Variation to Definitions Chapter 2, Landscape Chapter 6, Subdivision and Development Chapter 27, Temporary Activities and Relocated Buildings Chapter 35, Noise Chapter 36</p>	<p>a. Potential resource consent application costs and time, along with uncertainty as to possible conditions restricting activities.</p> <p>b. Compliance costs.</p> <p>c. Potential duplication and/or inconsistency with reserve management plans and Reserves Act 1977 may result in inefficiencies and confusion regarding the appropriate policy direction.</p>	<p>a. The range of permitted and controlled activities provide for day to day park management and public amenities, as well as the specific activities anticipated in civic spaces.</p> <p>b. Resource consent approval as either restricted or full discretionary activities provide for the ability to consider the suitability of the activity on any particular civic space and the potential external effects, which is particularly relevant as the location of civic spaces generally within town centres, where traffic and crowd management may be required. Matters of discretion have been tailored to only address those matters that are relevant.</p> <p>c. Built form standards enable the development of building, structures and facilities within an ‘envelope’. Non-compliance with the standards relates to potential effects outside the park and suitability of the built form within the context of the park and particularly access to the margins of lakes and rivers.</p>	<p>a. Rules (both activity status and standards) trigger an assessment of potential effects. As many activities as considered appropriate have been provided for as permitted activities and the least built form standards apply. Accordingly, it is considered that development outside these parameters have the potential for adverse effects and hence the need for written approval/limited notification or full public notification will be considered in accordance with the RMA.</p> <p>b. The rules provide certainty that development within their parameters will be enabled with minimal resource consent and compliance costs.</p> <p>c. The rules seek to provide for civic spaces to retain flexibility to be used for a range of temporary and single events, without being constrained by built form.</p> <p>d. Thresholds have been set for ancillary activities in terms of their size and floor areas they are permitted to occupy. This will enable an assessment of the effect of built form/size of the activity on the park, as well as whether the activity retains its secondary function to the main purpose of the park and potential adverse effects (such as traffic) on the surrounding neighbourhood.</p>

COMMUNITY PURPOSES ZONE PROVISIONS (POLICIES AND RULES) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVE

38.7.1 Objective (Community Purposes Zone)

Community activities that meet the current and future social, cultural, recreation, health and community needs of both local communities and visitors to the District are provided for within a diverse range of open spaces.

Proposed provisions	Costs	Benefits	Effectiveness and Efficiency
<p>Policies 38.7.1.1 to 38.7.1.5</p>	<ul style="list-style-type: none"> a. Potential duplication and/or inconsistency with Reserve Management Plans may result in inefficiencies and confusion regarding the appropriate policy direction. b. Buildings have the potential to displace green space in some reserves where that space is important to the purpose of the reserve. c. Sports and other active facilities have the potential to adversely impact on other users in the reserve, neighbours and surrounding areas due to lack of separation from them and space to internalise nuisance effects. d. Without effective management, activities attracting large numbers of visitors can generate noise, traffic and “after the event” effects that are incompatible with their other values and uses. 	<ul style="list-style-type: none"> a. Larger parks provide for a range of multi-purposes and large events that provide a focal point for local community, district and wider area. b. The placing of a number of activities on one site is an initiative to encourage sports and other recreation activities to concentrate in hubs. This increases the built facility efficiency and encourages better use of these facilities. c. Garden and cemetery parks have a positive effect on the open space environment, human health, and heritage. The Queenstown Gardens contribute to tourism and economic well-being. d. Urban parks provide venues for civic, entertainment and other events. Social, community and economic benefits arise from their use for these purposes. e. Golf courses and camping grounds have the potential to be developed to the exclusion of public access and enjoyment. The golf courses bring the benefits of recreation and maintenance of open space (without cost to the community), that is compatible with their 	<ul style="list-style-type: none"> a. The policies provide a framework to manage development in community parks to reflect their purpose and function, within the context of surrounding land uses. b. The land is in Council ownership or administration and the provisions will work in tandem with Council’s <i>Parks and Open Space Strategy 2017</i>, reserve management plans, bylaws and other management tools available to Council (such as licences). The provisions in the zone focus on the management of activities and effects that are not addressed through other methods.

		<p>use for informal passive activities when not being used for golf. The camping grounds have a higher component of private use that only enables limited public access and use through and around the camping ground. However, camping grounds provide recreation, social and health benefits to those who use them and tourism and economic benefits to the district.</p>	
<p>Rules 38.9.1 to 38.9.36 (Activity Status Table) 38.10 (Permitted Standards) 38.11 (Controlled Activities) 38.12 (Restricted Discretionary Activities) 38.13.1 (Non-notification)</p> <p>Variation to Definitions Chapter 2, Landscape Chapter 6, Subdivision and Development Chapter 27, Temporary Activities and Relocated Buildings Chapter 35, Noise Chapter 36</p>	<p>a. Potential resource consent application costs and time, along with uncertainty as to possible conditions restricting activities.</p> <p>b. Compliance costs.</p> <p>c. Potential duplication and/or inconsistency with reserve management plans and Reserves Act 1977 may result in inefficiencies and confusion regarding the appropriate policy direction.</p>	<p>a. The range of permitted and controlled activities provide for day to day park management and public amenities, as well as the specific activities anticipated on golf courses and in camping grounds.</p> <p>b. Resource consent approval as either restricted or full discretionary provides for the ability to consider the suitability of the activity on any particular park and the potential external effects. Matters of discretion have been tailored to only address those matters that are relevant.</p> <p>c. Built form standards enable the development of building, structures and facilities within an ‘envelope’. Non-compliance with the standards relates to potential effects outside the park and suitability of the built form within the context of the park and particularly access to the margins of lakes and rivers.</p>	<p>a. Rules (both activity status and standards) trigger an assessment of potential effects. As many activities as considered appropriate have been provided for as permitted activities and the least built form standards apply. Accordingly, it is considered that development outside these parameters have the potential for adverse effects and hence the need for written approval/limited notification or full public notification will be considered in accordance with the RMA.</p> <p>b. The rules provide certainty that development within their parameters will be enabled with minimal resource consent and compliance costs.</p> <p>c. The rules seek to protect green space and recreation opportunities from displacement by activities that do not support open space and recreation – particularly those that have the potential to preclude public access through them and along the margins of lakes and rivers. Thresholds have been set for ancillary activities in terms of their size and floor areas they are permitted to</p>

			<p>occupy. This will enable an assessment of the effect of built form/size of the activity on the park, as well as whether the activity retains its secondary function to the main purpose of the park and potential adverse effects (such as traffic) on the surrounding neighbourhood.</p>
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9 Efficiency and effectiveness of the provisions

The provisions are drafted to specifically address the resource management issues identified with the current provisions, and to enhance those provisions that already function well.

The subdivision and development chapter has been separated into provisions that affect all Open Space and Recreation, to the provisions for location specific and bespoke provisions. The reasons for this include:

- To improve efficiency in terms of accessibility for readers and to focus on the objectives, policies and rules that affect all subdivision, irrespective of location;
- Providing a specific section for identified areas or zones give the reader certainty that they have not missed any provisions;
- Provide a template for existing bespoke/location specific provisions and future plan changes to be added to the District Plan without disrupting the structure of the proposed Open Space and Recreation Zone chapter, and avoiding the respective zone chapters from becoming unwieldy with location specific provisions.

10 The risk of acting or not acting

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The Council holds extensive information and in-house knowledge of its parks, reserves and recreation facilities and that activities that occur on these areas.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made, there is a risk the Proposed District Plan would fall short of fulfilling its functions. That is, the Council would fail to reflect the statutory direction in higher level policy documents, including the Operative and Proposed ORPS, requiring provision of adequate open space and recreation facilities. Given this statutory direction the risk of not acting outweighs the risk of acting.

In addition, by not rezoning areas as open space and recreation, the Council would create the risk of inappropriate development occurring in an uncoordinated manner and subsequently diminishing the capacity of open space and recreation facilities to meet the needs of the changing community. Leaving the current zonings for existing open space and recreation areas will also mean that unnecessary and costly resource consents will continue to be required for activities that would otherwise be permitted if the proposed Open Space and Recreation Zone provisions applied.

11 Conclusion

A diverse open space network that provides for a variety of activities, including, but not limited to, passive recreation and commercial recreation, is critical to the social, cultural and economic well-being of the present and future community of the District. Such areas provide opportunities for people to recreate, , congregate, to experience nature, and to provide for their general health and well-being. In addition, the District's open spaces support the wide variety of significant natural features, landscapes, ecological and environmental values that are considered to be critical to the lifestyles of residents and visitors.

Given the foregoing, the objectives, policies and rules contained in the proposed Open Space and Recreation Zone chapter recognise the significant role these areas play. The proposed chapter provides an overarching objective and policy framework for the management of open space, waterbodies and their margins, including establishing a framework for an appropriate level of use and development of these areas. Collectively, it is considered that these provisions enable people to use and develop their open spaces in a manner that avoids significant effects on the natural and physical environment.

Overall, the proposed zones cover the variety of open spaces from natural environment, with little or no built development, to highly modified areas, with large scale built sports and recreation facilities, including commercial recreational activities. By facilitating a network of varied open space and recreation facilities and areas, the current and future recreational, cultural, health and wellbeing needs of the community will be met and the natural environment conserved and enhanced.

References

MFE, 2014 - [A guide to section 32 of the Resource Management Act 1991](#)

Council Strategic Documents

- [Parks and Open Space Strategy 2017](#)
- [QLDC Growth Projections to 2058, 2017](#)
- [Lake Wanaka Lakefront Development Plan](#)

Council Proposed District Plan – Stage 1

Section 32 Reports:

- Chapter 2 – [Definitions](#)
- Chapter 3 – [Strategic Direction](#)
- Chapter 21 – [Landscape, Rural Zone and Gibbston Character Zone](#)
- Chapter 22 – [Rural Residential and Rural Lifestyle](#)
- Chapter 27 – [Subdivision and Development](#)
- Chapter 35 – [Temporary Activities](#)

The Stage 1 Designation Chapter – [Notification Information](#)

Reserve Management Plans

- [Arrowtown - Lake Hayes Reserve Management Plan - Part 1 \(3.65 MB\)](#)
- [Arrowtown - Lake Hayes Reserve Management Plan - Part 2 \(3.23 MB\)](#)
- [Arrowtown - Lake Hayes Reserve Management Plan - Part 3 \(2.37 MB\)](#)
- [Albert Town Recreation Reserve Management Plan \(1.01 MB\)](#)
- [Ben Lomond And Queenstown Hill Reserve Management Plan \(459.41 KB\)](#)
- [Eely Point Reserve Development Plan \(562.59 KB\)](#)
- [Lismore Park, Kellys Flat And Allenby Park Reserve Management Plan \(753.48 KB\)](#)
- [Pembroke Park Reserve Management Plan \(671.53 KB\)](#)
- [Queenstown Gardens Reserve Management Plan - Part 1 of 2 \(3.72 MB\)](#)

- [Queenstown Gardens Reserve Management Plan - Part 2 of 2 \(2.21 MB\)](#)
- [Queenstown Bay Foreshore Reserve Management Plan 2016 \(2.03MB\)](#)
- [Queenstown Recreation Ground Reserve Management Plan \(584.64 KB\)](#)
- [Ruby Island Reserve Management Plan \(347.55 KB\)](#)
- [Sunshine Bay To Kelvin Heights Reserve Management Plan \(2.06 MB\)](#)
- [Wanaka Lakefront Reserves Management Plan \(9.38 MB\)](#)
- [Wanaka Library And Bullock Creek Reserve Management Plan \(356.88 KB\)](#)
- [Wanaka Recreation Reserve Management Plan \(A&P Showground\) \(2.15MB\)](#)

Other Related Plans

- [Lake Hawea Foreshore Reserve Development Plans - Esplanade Reserve A \(195.88 KB\)](#)
- [Lake Hawea Foreshore Reserve Development Plans - Esplanade Reserve B \(213.08 KB\)](#)
- [Lake Hawea Foreshore Reserve Development Plans - Scotts Beach \(233.10 KB\)](#)
- [Lake Hawea Foreshore Landscape Management Plan \(1.43 MB\)](#)

Relevant provisions referenced in the s32:

1 Strategic Directions

Objective 3.2.2.1: Ensure urban development occurs in a logical manner:

- to promote a compact, well designed and integrated urban form;
- to manage the cost of Council infrastructure; and
- to protect the District's rural landscapes from sporadic and sprawling development.

Policy 3.2.2.1.3: Manage the form of urban development within the UGBs ensuring:

- Connectivity and integration with existing urban development;
- Sustainable provision of Council infrastructure; and
- Facilitation of an efficient transport network, with particular regard to integration with public and active transport systems

Objective 3.2.3.1: Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.

Policy 3.2.3.1.2: That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.

Objective 3.2.3.2: Development is sympathetic to the District's cultural heritage values.

Policy 3.2.3.2.1: Identify heritage items and ensure they are protected from inappropriate development.

Objective 3.2.4.2 Protection of areas with significant Nature Conservation Values.

Policy 3.2.4.2.1 Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas on the District Plan maps and ensure their protection.

Objective 3.2.4.7 Facilitate public access to the natural environment.

Policy 3.2.4.7.1 Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.

Objective 3.2.5.1 Protection of the Outstanding Natural Features and Landscapes from inappropriate subdivision, use and development.

Policy 3.2.5.1.1 Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps.

Objective 3.2.6.3: Provide a high quality network of open spaces and community facilities.

Policy: 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.

Policy 3.2.6.3.2: That open spaces and community facilities are located and designed to be desirable, safe, accessible places.

Objective 3.2.6.4: Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.

Policy 3.2.6.4.2: Ensure Council-led and private design and development of public spaces and built development maximises the opportunity for recreational and commuting walking and cycling.

2 Operative RPS:

The operative RPS contains a number of objectives and policies of relevance to the proposed Open Space and Recreation Chapter.

LAND

Objective 5.4.1: To promote the sustainable management of Otago's land resources in order:

- a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and
- b) To meet the present and reasonably foreseeable needs of Otago's people and communities.

Objective 5.4.2: To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.

Objective 5.4.3: To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.

Objective 5.4.4: To ensure that public access opportunities exist in respect of activities utilising Otago's natural and physical land features.

Policy 5.5.1: To recognise and provide for the relationship Kai Tahu have with Otago's land resource through:

- a) Establishing processes that allow the existence of heritage sites, waahi tapu and waahi taoka to be taken into account when considering the subdivision, use and development of Otago's land resources; and
- b) Protecting, where practicable, archaeological sites from disturbance; and
- c) Notifying the appropriate runanga of the disturbance of any archaeological site and avoiding, remedying, or mitigating any effect of further disturbance until consultation with the kaitiaki runanga has occurred.

Policy 5.5.4: To promote the diversification and use of Otago's land resource to achieve sustainable landuse and management systems for future generations.

5.5.5 To minimise the adverse effects of landuse activities on the quality and quantity of Otago's water resource through promoting and encouraging the:

- a) Creation, retention and where practicable enhancement of riparian margins; and
- b) Maintaining and where practicable enhancing, vegetation cover, upland bogs and wetlands to safeguard land and water values; and
- c) Avoiding, remedying or mitigating the degradation of groundwater and surface water resources caused by the introduction of contaminants in the form of chemicals, nutrients and sediments resulting from landuse activities.

Policy 5.5.6 To recognise and provide for the protection of Otago's outstanding natural features and landscapes which:

- a) Are unique to or characteristic of the region; or
- b) Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or
- c) Represent areas of cultural or historic significance in Otago; or
- d) Contain visually or scientifically significant geological features; or

- e) Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.

Policy 5.5.7 To promote the provision of public access opportunities to natural and physical land features throughout the Otago region except where restriction is necessary:

- i. To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or
- ii. To protect Maori cultural values; or
- iii. To protect public health or safety; or
- iv. To ensure a level of security consistent with the purpose of a resource consent or in circumstances where safety and security concerns require exclusive occupation; or
- v. In other exceptional circumstances sufficient to justify the restriction notwithstanding the importance of maintaining that access.

BUILT ENVIRONMENT

9.4.1 To promote the sustainable management of Otago's built environment in order to:

- a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and
- b) Provide for amenity values, and
- c) Conserve and enhance environmental and landscape quality; and
- d) Recognise and protect heritage values.

Objective 9.4.3 To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.

Objective 9.5.4 To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:

- a) Discharges of contaminants to Otago's air, water or land; and
- b) The creation of noise, vibration and dust; and
- c) Visual intrusion and a reduction in landscape qualities; and
- d) Significant irreversible effects on:
 - i. Otago community values; or
 - ii. Kai Tahu cultural and spiritual values; or
 - iii. The natural character of water bodies and the coastal environment; or
 - iv. Habitats of indigenous fauna; or
 - v. Heritage values; or
 - vi. Amenity values; or
 - vii. Intrinsic values of ecosystems; or
 - viii. Salmon or trout habitat.

Policy 9.5.5 To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:

- a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and
- b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and
- c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.

Policy 9.5.6 To recognise and protect Otago's regionally significant heritage sites through:

- a) Identifying Otago's regionally significant heritage sites in consultation with Otago's communities; and
- b) Developing means to ensure those sites are protected from inappropriate subdivision, use and development.

BIOTA

Objective 10.4.3: To maintain and enhance the natural character of areas with significant indigenous vegetation and significant habitats of indigenous fauna.

Policy 10.5.2: To maintain and where practicable enhance the diversity of Otago's significant indigenous vegetation and the significant habitat of indigenous fauna, trout and salmon which are:

- Covered under a statute or covenant for protection; or
- Habitat or vegetation that support the maintenance or recovery of indigenous species that are uncommon or threatened with extinction (rare, vulnerable or endangered) regionally or nationally;
- Vegetation that contains associations of indigenous species which are rare or representative regionally or nationally; or
- Vegetation that contains a substantially intact, uninterrupted ecological sequence of indigenous species are rare or representative regionally or nationally; or
- Important for soil and water values or have functions in natural hazard mitigation; and
- To promote and encourage, where practicable, the retention, enhancement and re-establishment of indigenous ecosystems within Otago.

3 Proposed RPS:

Objective 1.1 Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago

Policy 1.1.3 Social and cultural wellbeing and health and safety

Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:

- a) Recognising and providing for Kāi Tahu values;
- b) Taking into account the values of other cultures;
- c) Taking into account the diverse needs of Otago's people and communities;
- d) Promoting good quality and accessible infrastructure and public services;
- e) Avoiding significant adverse effects of activities on human health.

Objective 2.2 Kāi Tahu values, interests and customary resources are recognised and provided for.

Policy 2.2.2 Recognising sites of cultural significance

Recognise and provide for wāhi tūpuna, as described in Schedule 1C by all of the following:

- a) Avoiding significant adverse effects on those values which contribute to wāhi tūpuna being significant;
- b) Avoiding, remedying, or mitigating other adverse effects on wāhi tūpuna;
- c) Managing those landscapes and sites in a culturally appropriate manner.

Policy 2.2.3: Wāhi tūpuna and associated sites

Enable Kāi Tahu relationships with wāhi tūpuna by all of the following:

- a) Recognising that relationships between sites of cultural significance are an important element of wāhi tūpuna;
- b) Recognising and using traditional place names.

Policy 2.2.4 Sustainable use of Māori land

Enable Kāi Tahu to protect, develop and use land and resources within native reserves in a way consistent with their culture and traditions and economic, cultural and social aspirations, including for papakāiika, marae and marae related activities, while:

- a) Avoiding adverse effects on the health and safety of people; and
- b) Avoiding significant adverse effects on matters of national importance; and
- c) Avoiding, remedying or mitigating other adverse effects.

Objective 3.1 The values of Otago's natural resources are recognised, maintained and enhanced

Policy 3.1.9 Ecosystems and indigenous biological diversity

Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to achieve all of the following:

- a) Maintain or enhance ecosystem health and indigenous biological diversity;
- b) Maintain or enhance biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;
- c) Maintain or enhance areas of predominantly indigenous vegetation;
- d) Recognise and provide for important hydrological services, including the services provided by tussock grassland;
- e) Recognise and provide for natural resources and processes that support indigenous biological diversity;
- f) Maintain or enhance habitats of indigenous species and the habitat of trout and salmon that are important for recreational, commercial, cultural or customary purposes;
- g) Control the adverse effects of pest species, prevent their introduction and reduce their spread.

Policy 3.1.12 Environmental enhancement

Encourage, facilitate and support activities which contribute to enhancing the natural environment, by one or more of the following:

- a) Improving water quality and quantity;
- b) Protecting or restoring habitat for indigenous species;
- c) Regenerating indigenous species;
- d) Mitigating natural hazards;
- e) Protecting or restoring wetlands;
- f) Improving the health and resilience of:
 - i. Ecosystems supporting indigenous biological diversity;
 - ii. Important ecosystem services, including pollination;
- g) Improving access to rivers, lakes, wetlands and their margins, and the coast;
- h) Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors;
- i) Controlling pest species.

Objective 3.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced

Policy 3.2.2 Managing significant vegetation and habitats

Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- a) Avoiding adverse effects on those values which contribute to the area or habitat being significant;
- b) Avoiding significant adverse effects on other values of the area or habitat;
- c) Remedying when other adverse effects cannot be avoided;
- d) Mitigating when other adverse effects cannot be avoided or remedied;

- e) Encouraging enhancement of those areas and values which contribute to the area or habitat being significant;
- f) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.

Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Recognising and providing for the positive contributions of existing introduced species to those values;
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- e) Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape.

Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

Protect or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Recognising and providing for positive contributions of existing introduced species to those values;
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- e) Encouraging enhancement of those values which contribute to the high value of the natural feature, landscape or seascape.

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

Policy 4.5.1 Managing for urban growth and development

Manage urban growth and development in a strategic and co-ordinated way, by all of the following:

- a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for the demand for such land, over at least the next 20 years;
- b) Coordinating urban growth and development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way;
- c) Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:
 - i. Minimise adverse effects on rural activities and significant soils;
 - ii. Minimise competing demands for natural resources;
 - iii. Maintain or enhance significant biological diversity, landscape or natural character values;
 - iv. Maintain important cultural or historic heritage values;
 - v. Avoid land with significant risk from natural hazards;
- d) Considering the need for urban growth boundaries to control urban expansion;
- e) Ensuring efficient use of land;
- f) Encouraging the use of low or no emission heating systems;
- g) Giving effect to the principles of good urban design in Schedule 5;

- h) Restricting the location of activities that may result in reverse sensitivity effects on existing activities.

Policy 4.5.2 Planned and coordinated urban growth and development

Where urban growth boundaries or future urban development areas, are identified in a district plan, control the release of land within those boundaries or areas, by:

- a) Staging development using identified triggers to release new stages for development; or
- b) Releasing land in a way that ensures both:
 - i. a logical spatial development; and
 - ii. efficient use of existing land and infrastructure before new land is released; and
- c) Avoiding urban development beyond the urban growth boundary or future urban development area.

Policy 4.5.6 Designing for public access

Design and maintain public spaces, including streets and open spaces, to meet the reasonable access and mobility needs of all sectors.

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

Policy 5.1.1 Public access

Maintain and enhance public access to the natural environment, including to the coast, lakes, rivers and their margins and where possible areas of cultural or historic significance, unless restricting access is necessary for one or more of the following:

- a) Protecting public health and safety;
- b) Protecting the natural heritage and ecosystem values of sensitive natural areas or habitats;
- c) Protecting identified sites and values associated with historic heritage or cultural significance to Kāi Tahu;
- d) Ensuring a level of security consistent with the operational requirements of a lawfully established activity.

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

Policy 5.2.1 Recognising historic heritage

Recognise all the following elements as characteristic or important to Otago's historic heritage:

- a) Residential and commercial buildings;
- b) Māori cultural and historic heritage values;
- c) 19th and early 20th century pastoral sites;
- d) Early surveying, communications and transport, including roads, bridges and routes;
- e) Early industrial historic heritage, including mills and brickworks;
- f) Gold and other mining systems and settlements;
- g) Dredge and ship wrecks;
- h) Coastal historic heritage, particularly Kāi Tahu occupation sites and those associated with early European activity such as whaling;
- i) Memorials;
- j) Trees and vegetation.

Policy 5.2.3 Managing historic heritage

Protect and enhance places and areas of historic heritage, by all of the following:

- a) Recognising that some places or areas are known or may contain archaeological sites, wāhi tapu or wāhi taoka which could be of significant historic or cultural value;
- b) Applying these provisions immediately upon discovery of such previously unidentified archaeological sites or areas, wāhi tapu or wāhi taoka;

- c) Avoiding adverse effects on those values which contribute to the area or place being of regional or national significance;
- d) Avoiding significant adverse effects on other values of areas and places of historic heritage;
- e) Remedying when adverse effects on other values cannot be avoided;
- f) Mitigating when adverse effects on other values cannot be avoided or remedied;
- g) Encouraging the integration of historic heritage values into new activities;
- h) Enabling adaptive reuse or upgrade of historic heritage places and areas where historic heritage values can be maintained.

Objective 5.3 Sufficient land is managed and protected for economic production

Policy 5.3.1 Rural activities

Manage activities in rural areas, to support the region's economy and communities, by all of the following:

- a) Enabling primary production and other rural activities that support the rural economy;
- b) Minimising the loss of significant soils;
- c) Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects;
- d) Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities;
- e) Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities.

Objective 5.4 Adverse effects of using and enjoying Otago's natural and physical resources are minimised

Policy 5.4.5 Pest plants and animals

Control the adverse effects of pest species, prevent their introduction and reduce their spread, to safeguard all of the following:

- a) The viability of indigenous species and habitats for indigenous species;
- b) Ecosystem services that support economic activities;
- c) Water quality and water quantity;
- d) Soil quality;
- e) Human and animal health;
- f) Recreation values;
- g) Landscapes, seascapes and natural character.

4 Iwi Management Plans

4.1 *The Cry of the People, Te Tangi a Taura: Ngāi Tahu ki Murihiku* Natural Resource and Environmental Iwi Management Plan 2008

Section 3.4, Takitimu Me Ona Uri: High Country and Foothills

3.4.8 – Access and Tourism in High Country and Foothill Areas

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

- Policy 3. Recognise and protect culturally significant sites and places associated with high country trails.*
- Policy 5. Encourage consent and concession authorities to consider appropriate locations and durations for activities involving tourism, recreation and access to the high country. This includes assessing the long term and cumulative effects that the activity may have. Further, authorities should provide for the potential availability of improved techniques and processes that will reduce overall effects on high country landscapes.*
- Policy 6 Encourage education among tourist and other visitors about the cultural importance of mountains and other landforms to Ngāi Tahu Whānui.*
- Policy 8 Deter disrespectful activity by tourists or other visitors within areas designated as culturally significant. This includes education with respect to depositing of food, sewage, or rubbish away from designated sites and defacing of sites.*
- Policy 12. Recognise Ngāi Tahu Whānui continued access to areas of indigenous vegetation for customary use practices. For example, collection of a specific seed source, young shoots or flax for cultural use. Such collection shall be kept to a minimum so as to not impede succession and ensure habitats are retained.*

3.4.10 Plant Pests

- Policy 2. Advocate that all management decisions shall take into account the protection and survival of indigenous species of flora and fauna (rare and not rare, and including taonga species contained in the Ngāi Tahu Claims Settlement Act 1998) in their natural habitats and ecosystems.*
- Policy 3 Require monitoring of plant pest control operations, for adverse effects on indigenous species, to be included in any pest management strategy.*
- Policy 12 Promote the use of native species in new developments as a means of reducing the risk of plant pest spread.*

3.4.11 Animal and Bird Pests

- Policy 1 Advocate that all management decisions shall take into account the protection and survival of indigenous species of flora and fauna (rare and not rare, and including taonga species contained in the Ngāi Tahu Claims Settlement Act 1998) in their natural habitats and ecosystems.*

3.4.12 Mahinga kai – mahi ngā kai

- Policy 3 All Ngāi Tahu Whānui, current and future generations, must have the capacity to access, use and protect high country landscapes, wāhi*

tapu and mahinga kai sites and the history and traditions that are linked to these landscapes.

Policy 4 Promote the protection, restoration and enhancement of indigenous biodiversity.

Policy 5 Advocate for the protection, restoration and enhancement of waterways, riparian margins, wetlands, and tarns as a means of protecting and enhancing indigenous biodiversity.

3.4.14 Protecting Sites of Significance in High Country and Foothill Areas

Policy 3 Work with local authorities and other statutory agencies involved in the protection of cultural heritage to ensure that Ngāi Tahu perspectives and policies are reflected in statutory plans, best practice guidelines and strategies, and in resource consent processes (e.g. prohibited activity status for wāhi tapu areas).

Policy 6 Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.

Section 3.5 Southland Plains: Te Rā a Takitimu

3.5.7 Subdivision and Development

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

Policy 8 Advocate for the use of esplanade reserves, strips and other similar provisions on those waterways where such provisions are deemed necessary to protect and provide for waterway health and access values.

Policy 12 Subdivision activities along waterways of cultural importance to tangata whenua should maintain and enhance access to and along those waterways.

3.5.17 Ngā Pononga a Tāne a Tangaroa - Biodiversity

Policy 1 Use planning, policy and resource consent processes to promote the protection and, where necessary, enhancement, of native biodiversity of Murihiku, specifically:

- a) enhancement and restoration of degraded areas;*
- b) planting of native species to offset or mitigate adverse effects associated with land use activities;*
- c) the incorporation of biodiversity objectives into development proposals;*
- d) prohibiting the use of pest plant species in landscaping.*

3.5.19 Riparian Zones

- Policy 1* *Promote riparian zone establishment and management in Resource Management Act policy, planning and consent processes, as a tool to mitigate the adverse effects of land use activities on streams.*

4.2 *Kāi Tahu ki Otago Natural Resource Management Plan 2005*

5.4.3 Wahi Tapu Objectives

- iii) Wahi tapu throughout the Otago region are protected in a culturally appropriate manner.*

5.6.3 Cultural Landscapes Objectives

- ii) The protection of significant cultural landscapes from inappropriate use and development.*

5.6.4 Cultural Landscapes General Policies

- Policy 1* *To identify and protect the full range of landscape features of significance to Kāi Tahu ki Otago.*
- Policy 3* *To promote the control of visitor and recreational activities that impact on significant landscapes.*
- Policy 6* *To promote the identification of areas of historic heritage in collaboration with Local Government Agencies.*
- Policy 24* *To discourage the erection of structures, both temporary and permanent, in culturally significant landscapes, lakes, rivers or the coastal environment.*
- Policy 29* *To require public foot access along lakeshores and riverbanks within subdivisions.*
- Policy 32* *To encourage that adequate provision is made for the storage and collection of litter and refuse, and disposal is in an approved manner.*
- Policy 37* *To encourage the establishment of maximum visitor numbers to sensitive areas.*

10.3.3 Wahi Tapu Policies in the Clutha/Mata-au Catchment

- Policy 1* *To require that wāhi tapu sites are protected from further loss or destruction.*