

## **ANNEXURE B**

**Relevant parts of the QLDC's Decision**

# **QUEENSTOWN LAKES DISTRICT COUNCIL**

## **Hearing of Submissions on Proposed District Plan**

### **Stream 15 Report**

#### **Report and Recommendations of Independent Commissioners Regarding Chapters 25, 29, 31, 38, and Visitor Accommodation**

##### **Report 19.3 – Chapter 25 Earthworks**

###### **Commissioners**

**Denis Nugent (Chair)**

**Sarah Dawson**

**Calum MacLeod**

**Robert Nixon**

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**Appendix 1: Chapter 25 and Variations to Chapters 2, 27 and 41 as Recommended**

**Appendix 2: Recommendations on Submissions and Further Submissions**

## 1. PRELIMINARY

### 1.1 Introduction

1. This report needs to be read in conjunction with Report 19.1. That report sets out the appearances and procedural matters for Stream 15. It also contains our recommendations on matters applicable generally to all the provisions covered by Stream 15.

### 1.2 Terminology in this Report

2. The majority of the abbreviations used in this report are set out in Report 19.1. In addition, throughout this report, we use the following abbreviations:

District	Queenstown Lakes District
DoC	Department of Conservation
Federated Farmers	Federated Farmers of New Zealand Inc
Fish and Game	Otago Fish and Game Council
HNZ	Heritage New Zealand
Jacks Point Group	Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited <sup>1</sup> ; and Darby Planning LP <sup>2</sup>
JPZ	Jacks Point Zone
Kāi Tahu	Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Te Rūnanga o Waihōpai, Te Rūnanga o Awarua and Te Rūnanga o Ōraka-Aparima
Millbrook	Millbrook Country Club
MRZ	Millbrook Resort Zone
NES-PF	National Environmental Standards for Plantation Forestry
NZSki	NZSki Limited
ONL	Outstanding Natural Landscape as shown on the Planning Maps of the PDP (Decisions Version)
ORC	Otago Regional Council
PC49	Plan Change 49 to the ODP

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<sup>1</sup> Submission 2381

<sup>2</sup> Submission 2376

PDP	Proposed District Plan
Reply Version	The version of Chapter 25 attached to the Reply Evidence of J Wyeth
Skyline	Skyline Enterprises Limited
Treble Cone Group	Treble Cone Investments Limited <sup>3</sup> ; Soho Ski Area Ltd and Blackmans Creek No. 1 LP <sup>4</sup> ; Darby Planning LP <sup>5</sup>
Water Plan	Regional Plan: Water for Otago
WBRAZ	Wakatipu Basin Rural Amenity Zone
ZJV	ZJV (NZ) Limited

### 1.3 Background

3. This report deals with the submissions and further submissions lodged in respect of Chapter 25 Earthworks, the variation to Chapter 2 Definitions notified with Chapter 25, and the variations to Chapter 27 Subdivision and Development and Chapter 41 Jacks Point Zone notified with Chapter 25.
4. Mr Jerome Wyeth, a planning consultant engaged by the Council, prepared a Section 42A Report, rebuttal evidence and a reply statement. This was supported by expert evidence from Mr Trent Sunich, an environmental consultant engaged by the Council. We also had the benefit of evidence from several submitters. Mr Wyeth advised us that he had not had any prior direct involvement in the development of Chapter 25 as notified. His company had prepared a technical report for the Council, to inform the development of the chapter, which he had not been involved with.
5. The hearings proceeded as described in Report 19.1.
6. There were a large number of submissions received on Chapter 25 and the associated variations to Chapter 2, 27 and 41. As stated in Report 1<sup>6</sup>, it is not necessary for the Hearing Commissioners to address each submission individually, rather the Hearing Panel's report can address decisions by grouping submissions. This is the approach taken in this Report. When discussing each section and/or provision, not every aspect of the submissions, as categorised by Council staff, is mentioned. In addition, where the Council's evidence supports a submission and there is no conflicting evidence, we have not specifically referred to that matter in the Report. That is so the Report is not unnecessarily wordy. However, in each case the Hearing Panel has considered all the submissions and further submissions on Chapter 25 and the variations. We set out in Appendix 2 a list of the submissions and further submissions and our recommendation in respect of each one.

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<sup>3</sup> Submission 2373

<sup>4</sup> Submission 2384

<sup>5</sup> Submission 2376

<sup>6</sup> Report 1 para [52]-[53]

#### 1.4 General Submissions

7. As set out in Report 19.1, where a submission seeking a change to Chapter 25 was only considered in evidence from the Council, without the benefit of evidence from the submitter or from a submitter on a related submission, we have no basis in evidence to depart from the recommendation of the Council's witness and recommend accordingly.
8. Several submissions on PDP (Stage 1) were carried over to be heard in conjunction with Chapter 25 and the variation to Chapter 41 Jacks Point Zone notified with Chapter 25. These were listed and addressed under Issue 14 of the Section 42A Report prepared by Mr Wyeth. The submissions relate to the maximum earthworks volumes, cut and fill height restrictions and set-backs from artificial water bodies in the Jacks Point Zone. The evidence for the Jacks Point Group<sup>7</sup> was that they generally supported the integration of all earthworks provisions into the standalone Chapter 25. In terms of the specific provisions in Chapter 25 for earthworks in the Jacks Point Zone, general agreement was reached between Mr Wyeth (through the amendments he recommended) and the evidence for the Jacks Point Group<sup>8</sup>. Accordingly, we have not needed to address these submissions further in this report.
9. Before discussing the provisions in Chapter 25 and the variations, and the submissions on those provisions, we will discuss two general matters raised in several submissions:
  - whether it is appropriate for earthworks to be managed through Chapter 25 of the PDP, when there are already adequately managed by ORC, DoC or through other chapters of the PDP; and
  - whether or not the PDP can, or should, include earthworks provisions that are more stringent than those in Plan Change 49 to the ODP (PC49).
10. Some submissions supported Chapter 25 generally<sup>9</sup>; in relation to specific zones<sup>10</sup>; or in relation to a broad range of provisions<sup>11</sup>. As we are recommending some changes to the provisions, we recommend these submissions be accepted in part.
11. Some submissions opposed Chapter 25 and requested that the ODP earthworks provisions are retained<sup>12</sup>, on the basis that they were recently made operative under PC49. The ODP is being replaced, in stages, by the PDP. Even if we were to recommend rejection of Chapter 25 in its entirety, the provisions for earthworks would not revert to those under the ODP. On this basis, we recommend that these submissions be rejected. However, we note that aspects of the approach under the ODP have been specifically requested as amendments to Chapter 25, including: exclusion of the Ski Area Sub-Zones (SASZs); retaining earthworks volume thresholds from the ODP; and deletion of some new standards included in notified Chapter 25. We address these aspects later in this Report, as we consider each Chapter 25 provision.
12. Some submitters suggested alternative approaches to dealing with impacts from earthworks in the District. These included Council website notification of locations and time of major earthworks to better inform the public<sup>13</sup>; not requiring earth bunds and mounds screening

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<sup>7</sup> R Henderson, EiC, paragraph 17

<sup>8</sup> R Henderson, EiC, paragraph 106-108

<sup>9</sup> For example: Submissions 2019 and 2495

<sup>10</sup> Refer J Wyeth, Section 42A Report, paragraphs 6.2-6.5

<sup>11</sup> For example: Submissions 2455, 2618, 2446, 2484, 2540, 2242, 2194, 2195, 2478, 2538 and 2442

<sup>12</sup> For example: Submissions 2448, 2465, 2552, 2560 and 2549

<sup>13</sup> Submission 2495

dwellings<sup>14</sup>; and regular water testing above and below site development boundaries as part of resource consent conditions<sup>15</sup>. We agree with Mr Wyeth<sup>16</sup> that it is outside the scope of the PDP to require the Council to notify the public about earthworks. We note and accept Mr Wyeth's statement<sup>17</sup> that there is no requirement in the PDP for screening dwellings with bunds. We also agree with Mr Wyeth's evidence that requirements for water quality monitoring for developments involving earthworks are best determined on a case-by-case basis through the resource consent processes required through Chapter 25, rather than generic requirements being specified in the PDP. We consider the Matters of Discretion and Assessment Matters included in 25.7 and 25.8 of Chapter 25 would enable such conditions to be imposed. On this basis, we recommend these submissions be rejected.

13. Glendhu Bay Trustees Limited<sup>18</sup> requested that, in the event that the decisions on Stage 1 of the PDP agree to the creation of the Glendhu Station Zone, those provisions are incorporated into Chapter 25. The proposed Glendhu Station Zone was rejected through the PDP Stage 1 Decisions<sup>19</sup>. Trojan Helmet Limited<sup>20</sup> also requested specific earthworks provisions for its proposed The Hills Zone. This rezoning request has been considered in Hearing Stream 14 and it has been recommended that it be rejected<sup>21</sup>. Chapter 25 does not, therefore, include separate earthworks provisions for these areas. We recommend that these submissions be rejected.
14. ORC<sup>22</sup> asked that Chapter 25 better recognises and gives effect to the relevant objectives and policies of the Proposed RPS, specifically Objectives 3.1 and 3.2. The submission stated that the Proposed RPS contains a number of objectives and policies related to recognising, protecting and enhancing areas of significant vegetation and habitats, and indigenous vegetation generally. ORC recognised that the notified Chapter 25 gives some effect to these issues in its assessment matters (25.8.6 (c)), but states that the assessment matters need to also cover terrestrial areas. We did not hear evidence on behalf of ORC at the hearing. Mr Jerome Wyeth<sup>23</sup> addressed this submission in his Section 42A Report, summarising the relevant Proposed RPS provisions and recommending amendments to better give effect to it. We accept Mr Wyeth's amendments and do not consider any additional amendments are required. We recommend the submission is accepted in part.
15. Mr Wyeth addressed the submission<sup>24</sup> from of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Te Rūnanga o Waihōpai, Te Rūnanga o Awarua and Te Rūnanga o Ōraka-Aparima (Kāi Tahu). This seeks a number of amendments to the PDP to better provide for the cultural values, rights and interests of Kāi Tahu and better achieve the purpose of the Act. The submission from Kāi Tahu was generally supported by three further submissions. Mr Wyeth summarised the amendments sought by Kāi Tahu and agreed that the PDP needs to recognise Kāi Tahu's cultural values and interests. He noted that Chapter 5 specifically relates to Kāi Tahu's values and interests and the strategic directives in

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<sup>14</sup> Submission 2133

<sup>15</sup> Submission 2140

<sup>16</sup> J Wyeth, Section 42A Report, paragraph 20.34

<sup>17</sup> J Wyeth, Section 42A Report, paragraph 20.35

<sup>18</sup> Submission 2382

<sup>19</sup> Report 16.16

<sup>20</sup> Submission 2387

<sup>21</sup> Report 18.7

<sup>22</sup> Submission 2497

<sup>23</sup> J Wyeth, Section 42A Report, paragraphs 6.8-6.9

<sup>24</sup> J Wyeth, Section 42A Report, paragraphs 6.16-6.22

that chapter need to be given effect to throughout the PDP chapters, including Chapter 25. Although Mr Wyeth considered that Chapter 25 already includes a number of relevant provisions, he agreed that improvements could be made. He recommended improved linkages between Chapters 5 and 25, and greater consistency and specificity in the way sites of significance to Kāi Tahu are referred to. We did not hear evidence on behalf of Kāi Tahu at the hearing. We accept Mr Wyeth's amendments to the Purpose of Chapter 25, Policy 25.2.1.2, and Rule 25.4.5. We recommend the submission from Kāi Tahu is accepted in part.

16. A group of submitters<sup>25</sup> made general submissions seeking that SASZs be exempt from all earthworks rules in Chapter 25, particularly where the ski areas are located on conservation or public lands; or where there is overlap with controls from ORC<sup>26</sup>. We address these submissions below in relation to duplication with controls over earthworks by ORC and/or DoC, as well as later in this Report where we consider each of the Chapter 25 provisions.

### **1.5 Duplication with Controls over Earthworks by ORC, DoC or other Chapters of the PDP**

17. As stated above, a group of submitters with interests in the District's ski areas made submissions seeking that SASZs be exempt from the earthworks rules in Chapter 25, on the grounds that earthworks are already adequately controlled by the Department of Conservation (DoC) where the ski areas are on conservation land; by ORC through the Otago Regional Plan: Water (the Water Plan); or through other chapters of the PDP, such as Chapter 33. Before we consider submissions on the detailed provisions of Chapter 25 (including within SASZs), we will generally consider whether it is appropriate for earthworks to be managed through Chapter 25 of the PDP, rather than the alternatives of management by ORC, DoC or through other chapters of the PDP.
18. We received legal submissions on this matter from Maree Baker-Galloway on behalf of the group of submitters<sup>27</sup> (other than for NZSki Limited (NZSki) and Skyline Enterprises Limited (Skyline)). She submitted that it was generally less efficient, and unnecessary, to duplicate regulation in the District Plan where that is otherwise adequately managed through Regional Plans. In addition, it was her submission that other regulation over earthworks, as a result of the underlying nature or tenure of a landholding (such as licences or leases with Land Information New Zealand, or concessions from DoC), mean that earthworks in such areas should not be subject to additional, unnecessary regulation, unless there is evidence of the need to control specific effects. Ms Baker-Galloway referred us to section 75 of the Act, requiring the district plan to give effect to an RPS, and not be inconsistent with a regional plan, indicating that this would be ensured by avoiding duplication of controls.
19. Mr Wakefield also addressed us on these matters in his opening and reply representations / legal submissions for the Council<sup>28</sup>.
20. Firstly, in relation to overlap with ORC functions, he stated the Council recognised the management of the effects on water quality (i.e. sedimentation) is a function that primarily rests with regional councils under section 30 of the Act. However, he submitted that the management of earthworks, and effects associated with earthworks (i.e. arising from land use activities), are a function of both the Council and ORC, engaging directly with the Council's

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<sup>25</sup> Submissions 2454, 2493, 2466, 2494, 2581, 2492, 2373, 2384 and 2376

<sup>26</sup> Notified Chapter 25 included an exemption from all except Rules 25.5.12 to 25.5.14, 25.5.20 and 25.5.21

<sup>27</sup> Maree Baker-Galloway, Legal submissions for the Treble Cone Group and for the Real Journeys Group

<sup>28</sup> M Wakefield, Opening Representations / Legal Submissions for the Council, paragraphs 7.2-7.15; and Reply Representations / Legal Submissions for the Council, paragraphs 5.7-5.11

functions under section 31 of the Act. He stated that, while there may be overlaps between their respective functions, in certain cases duplication is an appropriate outcome to ensure proper regulation of activities.

21. Mr Wakefield's opening and reply submissions referred us to two decisions of the Environment Court<sup>29</sup> which identified the potential for such an overlap. He submitted the *Telecom* case recognised that there might be overlapping jurisdiction between regional and district councils provided each is acting within its respective functions under the Act; and this position was supported by the *Wanaka Landfills* case. He submitted the latter decision disagreed that "*there is nothing in the Act that suggests the potential for overlap of the control of activities in a river bed in the manner contemplated by QLDC*" and refused to make a declaration that QLDC has "*no legal jurisdiction to consider and decide the effects of gravel extraction activities in the river bed*". It was his submission that the Council was not striving to create unnecessary duplication, but provide for district-wide regulation where a matter is not being adequately managed elsewhere.
22. Mr Wakefield also referred us to the Proposed RPS which he submitted requires the Council to manage the potential effects of erosion and sedimentation from land use activities through its district plan. He referred us to Policies 3.1.7 (Soil Values) and 3.1.8 (Soil Erosion), and Method 4.1.4 which states that city and district plans "*will set objectives, policies and methods to implement*" those policies "*by including provisions to manage the discharge of dust, and silt and sediment associated with earthworks and land use*". Mr Wakefield submitted that it is reasonable and appropriate for the Council to seek to manage the effects of earthworks, particularly given the significance the PDP places on protecting amenity values associated with the District's lakes and rivers.
23. Secondly, in relation to duplication with the concessions process under the Conservation Act 1987, Mr Wakefield referred us to a previous Report of a separate PDP Hearings Panel regarding the clearance of indigenous vegetation within SASZ<sup>30</sup>. It was Mr Wakefield's submission to us that the previous Panel found there was no evidence presented to it that gave it confidence any concession approval required from DoC would amount to a duplication of Resource Management Act processes. However, we think Mr Wakefield may have misunderstood what the Panel was saying in that report. The Panel stated that there was little to be gained from duplicating approval processes under the Conservation Act with consent requirements under the Resource Management Act. The Panel went on to state that it had no evidence that approvals under the Land Act or the Reserves Act would amount to duplication with resource consent processes<sup>31</sup>. In the case of earthworks, it was the Council's position that there is no evidence the DoC concession process will adequately assess the risks of sediment discharge from earthworks.
24. Evidence on the matter of duplication of functions was provided by Mr Sean Dent for NZSki and Skyline; Mr Ralph Henderson for the Treble Cone Group; and Mr Ben Farrell for the Real Journeys Group; and well as by Mr Wyeth for the Council.
25. It was Mr Dent's evidence<sup>32</sup> that earthworks and the subsequent discharge of sediment are adequately controlled by the ORC through the Water Plan; and often controlled by DoC

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<sup>29</sup> *Telecom New Zealand Limited v Environmental Protection for Children Trust* C36/2003; and *Wanaka Landfills Limited v Queenstown-Lakes District Council* [2010] NZEnvC 299

<sup>30</sup> Report 4A: Stream 2 Rural, dated 30 March 2018, paragraphs 1637-1648

<sup>31</sup> *ibid*, at paragraph 1645

<sup>32</sup> S Dent, EiC, paragraphs 48-65

through lease terms or concession requirements. He accepted the Council has relevant functions in terms of section 31 of the Act but, in his opinion, the processing of resource consents for earthworks by the Council would represent an expensive duplication of the concessions and approvals issued by DoC (and the ORC where consent is triggered under the Water Plan). Mr Dent referred us to the protocol developed between NZSki and DoC for the rehabilitation of natural alpine environments following ski area development. He also provided us with an example of a concession issued by DoC for works within ski areas. He informed us about a development proposal involving major earthworks within a ski area, that he was involved with, which he considered required unnecessary duplication of assessment and approvals from DoC, ORC and the Council. Mr Dent also referred us to the previous Panel's Report on Chapter 33, which accepted that, in the case of approvals for indigenous vegetation clearance granted by DoC on Public Conservation Land, exemptions from Council consenting requirements for the same activity may be appropriate.

26. Mr Henderson<sup>33</sup> agreed that the Council is able to regulate the effects of earthworks through the PDP, but he did not consider it is likely to be more effective than the existing regulation through the Water Plan, and the duplication will be less efficient. He did not, however, provide any evidence to support this opinion. In answer to the Panel's questions, he agreed that the standards in the PDP provide a more focussed and specific direction for managing earthworks than relying on the ORC Water Plan discharge rules. Mr Henderson also pointed us to the clearance of indigenous vegetation rules in Chapter 33 of the PDP. It was his opinion that any earthworks clearance in a SASZ would also require resource consent for indigenous vegetation clearance, and further regulation through the proposed earthworks rules would result in an inefficient duplication of process.
27. Mr Farrell<sup>34</sup> acknowledged that regional and district council are able to duplicate / overlap provisions and responsibilities, provided there is no conflict between them.
28. We also note the evidence we received from Mr Nigel Paragreen, from Otago Fish and Game Council (Fish and Game)<sup>35</sup>. Fish and Game had supported the Council's stricter approach to earthworks management through Chapter 25. We will refer further to Mr Paragreen's evidence later in this Report. Here we pay particular attention to his recent examples of adverse effects from sediment discharges into waterways in the District<sup>36</sup>, regardless of the ORC Water Plan and/or its enforcement. He expressed a wariness at the Council leaving the management to "*someone else*". In his opinion, management of the effects of earthworks is a key function of the Council and that, given his recent experiences, now is not the time to reduce regulatory involvement.
29. Mr Wyeth<sup>37</sup> also acknowledged the overlap in functions under the Act between regional and district councils, but considered this was unavoidable in order to manage earthworks and associated adverse effects. He noted that sediment entrained in stormwater runoff from an earthworks site can lead to a range of adverse effects, including on roads, neighbouring properties, stormwater networks, ecosystems and downstream waterbodies. In his view, there was no 'hard and fast' demarcation of the adverse effects from earthworks and the associated management responsibilities. Mr Wyeth also pointed to the District's highly valued lakes and rivers, with typically very high amenity, as articulated in the Strategic Directions of

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<sup>33</sup> R Henderson, EiC, paragraphs 88-91

<sup>34</sup> B Farrell, EiC, paragraph 22

<sup>35</sup> Submission 2455

<sup>36</sup> N Paragreen, Evidence, paragraphs 3-4, and answers to questions from the Panel

<sup>37</sup> J Wyeth, Section 42A Report, Section 7

Chapter 3, and the resulting need for a comprehensive management approach from both the ORC and the Council.

30. It was Mr Wyeth's firm opinion<sup>38</sup> that Method 4.1.4 of the Proposed RPS (combined with Policies 3.1.7 & 3.1.8) places an obligation on territorial authorities to manage the effects of erosion and sedimentation from land use activities through district plans. In the absence of a dedicated regional earthworks or soil conservation plan, it was Mr Wyeth's opinion that the Proposed RPS indicates it is intended that sediment associated with land use is to be managed primarily by district plans. He considered that Chapter 25 implements Method 4.1.4.
31. In relation to the Water Plan, it was Mr Wyeth's evidence that it does not manage land use activities for soil conservation or water quality purposes, but instead manages the discharge of sediment from disturbed land. He considered this differs from the approach taken by other regional councils in New Zealand which manage large scale earthworks (often through land plans)<sup>39</sup>. He noted that the controls in the Water Plan focus on the point at which the sediment enters water, rather than the land disturbance activity itself, giving limited opportunity to proactively manage potential effects.
32. In relation to DoC approvals, in Mr Wyeth's opinion<sup>40</sup>, the Conservation Act 1987 and the Act have different purposes and require different considerations through their approval processes. He considered there would need to be clear grounds to exempt activities from the Act's requirements on the basis that environmental effects would be adequately addressed through the concession process. In terms of the recommendation of the previous Hearing Panel relating to indigenous vegetation clearance, he noted that Panel concluded that there was little to be gained from duplicating the two processes. However, he did not have confidence or certainty that the same situation would apply with earthworks approvals.
33. Following receipt of the ski area concession example from Mr Dent, Mr Wyeth reviewed<sup>41</sup> the DoC officer report and the concession (with its conditions). However, whilst it referred to sediment management, Mr Wyeth would have expected a more detailed set of conditions to manage erosion and sediment run-off from such large-scale earthworks. He did not consider Mr Dent's example provided sufficient evidence that adverse effects associated with earthworks would be appropriately managed through a DoC concession process. Mr Wyeth also pointed out that DoC supported the provisions in the notified PDP, with no evidence from DoC requesting that earthworks on public conservation land be exempt. He considered that, while there may be some duplication, this can be managed through the respective agencies working together to align their processes.
34. In relation to an overlap with the indigenous vegetation clearance rules in Chapter 33, Mr Wyeth<sup>42</sup> considered that Chapter 33 has quite a distinct and separate focus from Chapter 25. Chapter 33 focuses on the protection, maintenance and enhancement of indigenous biodiversity values; whereas Chapter 25 focusses on the adverse effects and benefits of earthworks. He stated that Chapter 33 only regulates earthworks within identified Significant Natural Areas; and the rules for indigenous vegetation clearance in alpine environments specifically do not manage the effects of earthworks. In Mr Wyeth's opinion, there would be

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<sup>38</sup> J Wyeth, Section 42A Report, paragraph 4.26-4.27

<sup>39</sup> Appendix 3 to the Section 32 Report reviewed approaches to managing earthworks in regional and district plans.

<sup>40</sup> J Wyeth, Rebuttal Evidence, paragraphs 5.2-5.8

<sup>41</sup> J Wyeth, Reply Evidence, paragraphs 6.1-6.6

<sup>42</sup> J Wyeth, Rebuttal Evidence, paragraphs 3.5-3.10

limited duplication in the matters to consider when preparing and assessing applications for consent under each Chapter.

35. In considering this issue, we start by accepting the position of the parties that, in principle, the provisions of Chapter 25 that seek to manage adverse effects associated with earthworks (as land use activities) fall within the Council's functions under section 31. We agree with the submissions of Mr Wakefield that management of earthworks, and effects associated with earthworks (arising from land use activities), are a function of both the Council and ORC. This may result in an overlap of functions between the regional and district councils, but there is no jurisdictional barrier to that, provided each is acting within its respective functions under the Act. We also accept the submissions from Mr Wakefield that it is reasonable and appropriate for the Council to seek to ensure that the effects of earthworks are adequately managed, in particular given the significance the PDP places on protecting the values associated with the District's lakes and rivers.
36. We have then addressed consistency with the higher order statutory documents, in this case the Proposed RPS. As described in Report 19.1, Ms Scott, for the Council, provided the Panel with a memorandum<sup>43</sup> advising the status of the Proposed RPS, and providing us with relevant Environment Court consent orders and draft consent order documentation relating to Chapter 3. We understand there are also two outstanding appeals awaiting decisions from the Court. Having reviewed that information, we are satisfied that Policy 3.1.8, which relates to minimising soil erosion, is subject to only a minor change in the consent memorandum on Chapter 3 (yet to be signed off by the Court). Method 4.1.4 does not appear to be subject to appeal, and there are no proposals to modify it in the consent memorandum. Although we note that the Regional Council did not make this method operative on 14 January 2019.
37. We are satisfied that Policy 3.1.8 is a relevant policy in the Proposed RPS to be implemented through Chapter 25. Policy 3.1.8 reads as follows (the underlined words are subject to the consent memorandum):

**Policy 3.1.8 Soil erosion**

*Minimise soil erosion resulting from activities, by undertaking all of the following:*

- a) Using appropriate erosion controls and soil conservation methods;*
- b) Maintaining vegetative cover on erosion prone land;*
- c) Remediating land where significant soil erosion has occurred;*
- d) Encouraging activities that enhance soil retention.*

As Policy 3.1.8 is now beyond further challenge, we consider we must have sufficient regard to it to ensure the PDP will give effect to it once the RPS is operative.

38. Method 4.1.4, which applies to this policy, clearly requires territorial authorities to “set objectives, policies and methods to implement policies in the RPS as they relate to the ... District Council areas of responsibility.”, and states that those objectives, policies and methods are to implement the following “Policies 3.1.7, 3.1.8 and 5.4.1: by including provisions to manage the discharge of dust, silt and sediment associated with earthworks and land use.” Given the plain reading of these provisions, we agree with the evidence of Mr Wyeth that Method 4.1.4, combined with Policy 3.1.8, places an obligation on the Council to include objectives, policies and methods in the district plan to minimise soil erosion, through managing the effects of dust,

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<sup>43</sup> Memorandum of Counsel for Queenstown Lakes District Council Advising Panel and Submitters of PORPS Status, 22 August 2018

silt and sediment associated with earthworks and land use. We consider that, not to do so, would not give effect to, or implement, the Proposed RPS.

39. The Panel accepts that the methods in the district plan, as required by Method 4.1.4, are not limited to rules. The RPS gives some discretion to the Council as to how it gives effect to the policy and what methods it considers most appropriate. However, any alternative methods would need to give effect to Policy 3.1.8 and Method 4.1.4 and ensure that soil erosion from land use activities is minimised.
40. We have taken into account the policies set out by Mr Wyeth<sup>44</sup> from the two relevant iwi management plans<sup>45</sup>. We agree with Mr Wyeth that these policies are relevant to district plans. They seek to maintain water in the best possible condition, and to discourage activities that increase the silt loading in waterways.
41. We referred above to the significance the PDP places on protecting the values associated with the District's lakes and rivers. Chapter 3 Strategic Directions includes numerous objectives and policies which seek to protect the District's natural environments, ecosystems, natural character and nature conservation values of waterways, outstanding natural landscapes and natural features, and Ngai Tāhu values<sup>46</sup>. In particular, Strategic Policies 3.3.19 and 3.3.26, which must be implemented throughout the PDP, read as follows:

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

*3.3.26 That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District.*

We consider these Strategic Policies, in combination with the other Strategic Objectives and Policies identified by Mr Wyeth, give a strong direction to Chapter 25 in terms of the Council's obligation to ensure that earthworks are undertaken in a way that minimises soil erosion, sediment generation and other adverse effects, including on water quality, landscape and natural character.

42. We have considered the alternative methods put forward by Mr Henderson, Mr Dent and Mr Farrell, for giving effect to the RPS and implementing the Strategic Directions of the PDP, and Mr Wyeth's responses to those methods. We considered the provisions of the Water Plan and have reviewed the concession documentation provided by Mr Dent. We accept the evidence of Mr Wyeth in relation to the alternative of reliance on the ORC and its Water Plan, or on DoC approvals under the Conservation Act for public conservation land.

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<sup>44</sup> J Wyeth, Section 42A Report, pages 12 & 13

<sup>45</sup> *The Cry of the People, Te Tangi a Tauira*: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008; and *Kāi Tahu ki Otago* Natural Resource Management Plan 2005

<sup>46</sup> J Wyeth, Section 42A Report, pages 14 & 15, set out objectives and policies from Chapter 3 Strategic Directions which he considered particularly relevant to Chapter 25. We agree with the objectives and policies identified by Mr Wyeth and with his evidence that all other chapters in the PDP must align with, and help implement, the Strategic Directions.

43. We agree with Mr Wyeth that the Water Plan focusses on managing the discharge of sediment from disturbed land, at the point sediment enters a waterbody; but it does not directly manage the land disturbance activities themselves for soil conservation or water quality purposes. We consider this approach to be largely reactive and retrospective, in relation to unanticipated discharges to waterbodies from earthworks. It is limited in its ability to implement a proactive, anticipatory approach, to ensure that earthworks are managed in a way that such discharges, and their effects, are minimised. This appears to us to be the role of the district plan through land use controls, as required by Method 4.1.4. We do not consider the provisions of the Water Plan would be sufficient, or effective, to ensure that Policy 3.1.8 of the RPS is given effect to, or to implement the relevant Strategic directions of the PDP. We are satisfied that Chapter 25 (subject to our specific recommendations to follow), provides a more appropriate and effective method than reliance on the Water Plan for achieving these objectives. We do not consider that this results in duplication with ORC processes, but rather they complement one another.
44. We also agree with Mr Wyeth that the Conservation Act 1987 and the Act have different purposes and require different considerations through their approval processes. We do not have any confidence or certainty from the information provided to us that adverse effects associated with earthworks would be appropriately managed through a DoC concession process. While there may be some duplication, we consider this can be managed through the respective agencies working together to align their processes.
45. Finally, we agree with Mr Wyeth that the indigenous vegetation clearance provisions in Chapter 33 have a distinct and separate focus from Chapter 25. Chapter 33 focuses on the protection, maintenance and enhancement of indigenous biodiversity values; whereas Chapter 25 focusses on the adverse effects and benefits of earthworks. We do not consider that reliance on consents under Chapter 33 would be sufficient, or effective, to ensure that Policy 3.1.8 of the RPS is given effect to, or to implement the relevant Strategic directions of the PDP.
46. Having considered the alternative methods put before us, we are satisfied that Chapter 25 (subject to our specific recommendations to follow) provides the more appropriate and effective method for achieving these objectives. In terms of efficiency, we do not consider Chapter 25 results in unnecessary or undue duplication with ORC or DoC processes (or other requirements of the PDP), but rather they complement each other. We consider not including controls over earthworks in the PDP (and relying on these alternative processes) would be a significant risk in terms of adverse effects on water quality, landscape, natural character, biodiversity and amenity values (amongst other adverse effects).

## **1.6 Changes from Plan Change 49 to the ODP**

47. It was put to us, by the group of submitters with interests in the ski areas, that a change from the exemptions for ski area earthworks in Plan Change 49 (PC49) to the ODP is not only contrary to case law, it is not justified. Before we consider submissions on the detailed provisions of Chapter 25 (including within SASZs), we will generally consider whether or not the PDP can, or should, include earthworks provisions that are more stringent than those in PC49.
48. The legal submissions from Ms Baker-Galloway<sup>47</sup>, on behalf of the Treble Cone and Real Journeys Groups, submitted that subjecting earthworks within SASZs to greater regulation as

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<sup>47</sup> Legal submissions from Maree Baker-Galloway, for the Treble Cone Group, paragraphs 13-16. The legal submissions on behalf of the Real Journeys Group were the same

compared with the ODP (PC49) is contrary to case law which supports a less restrictive regime that meets the purpose of the Act and the objectives of a Plan<sup>48</sup>. In addition, she submitted that such an approach is not justified in the sense that it represents a fundamental change to the (recently) approved Operative earthworks chapter. Ms Baker-Galloway pointed out that the Operative earthworks chapter was only made operative on 30 June 2016. She questioned the need for /efficiency of completely reviewing that chapter again, particularly as she considered it was not clear from the Section 32 Reports what effects have changed such as to justify the need to change the regulation.

49. Ms Baker-Galloway provided us with quotes from the Commissioner's Report on PC49 which accepted that earthworks in SASZs should be exempt from the PC49 provisions, carrying over this exemption from the previous plan provisions. She submitted that the situation has not changed in the last 2 years, and that we would be justified in coming to the same conclusion as the PC49 Commissioner. Having reviewed the Commissioner's Report on PC49, we considered Ms Baker-Galloway was selective in the interpretation she provided to us. She did not disclose the circumstances that led the Commissioner to make the recommendation he did, in particular that all parties involved agreed to exempt the SASZs from the PC49 earthworks provisions and there was no evidence before the Commissioner to enable him to consider the costs and benefits / effectiveness and efficiency of this approach compared with alternative approaches. However, in answer to questions from the Panel, Ms Baker-Galloway accepted that there is no legal bar to this Panel reconsidering the provisions in PC49. She also agreed that the district-wide audit of current earthworks management, undertaken for the Council by 4Sight Consulting<sup>49</sup> as part of the Council's Section 32 evaluation of alternative approaches for the PDP, is a relevant matter for us to consider when evaluating the PC49 provisions.
50. In his Reply representations / legal submissions for the Council<sup>50</sup>, Mr Wakefield responded to the submissions from Ms Baker-Galloway on PC49. In its opening legal submissions for Stream 15, the Council had addressed a similar situation in relation to a recently approved plan change for signs (PC48). Mr Wakefield submitted that the same analysis applies in respect of PC49. The Council's opening submissions set out a number of factors that go to whether it is reasonable to have regard to, and place some weight on, a decision recently issued by the Court in relation to the same matter now being heard as part of a plan change hearing, including:
- the relatively recent consideration by the Court of very similar issues;
  - the level of scrutiny by the Court in relation to the provisions and alternatives; and
  - the Council's intention to effectively integrate the plan change approach into the structure and style of the plan.
51. It was Mr Wakefield's submission that there are several reasons why placing reliance on PC49 should be approached with caution, namely:
- Although PC49 was determined recently, it was determined by a Commissioner appointed by the Council and did not have Court scrutiny;
  - The Council has now notified and recommended a different planning approach for a range of matters across the PDP (both Stages 1 and 2), which it has justified in terms of Section 32 of the Act;

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<sup>48</sup> Refer to Report 19.1, Section 2.1

<sup>49</sup> 4Sight Consulting. Queenstown Lakes District Council Proposed District Plan: Assessment of Thresholds for Earthworks. September 2017

<sup>50</sup> Reply Representations / Legal Submissions for the Council, dated 15 October 2018

- The proposed earthworks provisions in Chapter 25 do not “reinvent the wheel” for the entire approach to regulating earthworks. Instead, as noted by Mr Wyeth, the proposed provisions build on and seek to improve the operative earthworks provisions, in order to give effect to the new higher order directions included in Stage 1.

The Panel also notes here that the new higher order direction in the Proposed RPS has also become beyond challenge since PC49 was considered.

52. Mr Wakefield’s legal submissions in reply were supported by reply evidence from Mr Wyeth<sup>51</sup>, who explained that the PDP has been developed in a different planning context to PC49. He considered it was timely for the Council to reconsider the earthworks provisions, including the exemption for SASZ in PC49, in the context of the Strategic Directions of the PDP. Mr Wyeth stated that the notified Chapter 25 provided considerable flexibility for ski areas, but he did not support a complete return to the approach in PC49.
53. We have considered the submissions from Ms Baker-Galloway and Mr Wakefield, and the evidence from Mr Wyeth. We agree that there is no legal bar to this Panel reconsidering the provisions in PC49. We accept the caution expressed by Mr Wakefield regarding relying heavily on the provisions of PC49, given it was decided by a Commissioner sitting alone, with little opposing evidence and, therefore, no need for the Commissioner to carefully weigh the evidence. We agree with Mr Wakefield that the evidence from Mr Wyeth and Mr Sunich set out the background research undertaken by the Council in preparing the notified Chapter 25, including a district-wide audit of earthworks management, and the Council’s Section 32 evaluations of alternative approaches. On this basis, we are satisfied that the PDP can include earthworks provisions that are more stringent than those in PC49. Whether or not any particular provision is more appropriate than the equivalent in PC49 will be the subject of our evaluation of the evidence in terms of the statutory tests and Section 32 of the Act, as set out in the balance of this Report.

## 2. SECTION 25.1 - PURPOSE

54. Other than from Mr Wyeth and Ms Kim Reilly from Federated Farmers of New Zealand Inc (Federated Farmers)<sup>52</sup> (whom we refer to below), we did not hear any specific evidence on the amendments sought by submitters to the Chapter 25 Purpose. Mr Wyeth’s evidence<sup>53</sup> addressed the specific amendments sought by some submitters<sup>54</sup>. Resulting from his consideration of submissions, he recommended amendments and additions to the Chapter Purpose through the updated version attached to his Reply evidence (the Reply Version). He also included amendments resulting from his consideration of the Kāi Tahu submission that we have discussed earlier in this Report. We accept Mr Wyeth’s evidence on these matters. We recommend his changes to the Chapter Purpose in the Reply Version be accepted, and the submissions accepted accordingly.
55. Ms Reilly lodged a statement of evidence in support of Federated Farmers’ submission, although she was unable to attend the hearing to present this to us. Having read Mr Wyeth’s evidence, Ms Reilly<sup>55</sup> supported the recommended addition from Mr Wyeth relating to smaller scale earthworks in rural areas. Federated Farmers’ submission had also requested that reference to waterbodies be deleted from the Chapter Purpose. Ms Reilly’s evidence

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<sup>51</sup> J Wyeth, Reply Evidence, section 14

<sup>52</sup> Submission 2540

<sup>53</sup> J Wyeth, EiC, paragraphs 20.21-20.29

<sup>54</sup> Submissions 2442, 2540 and 2457

<sup>55</sup> K Reilly, EiC

expressed concern at the Purpose referring to the impacts of earthworks on water quality. In her opinion, the ORC (through its Water Plan) sets out the water quality responsibilities of rural resource users, and she considered matters relating to water quality would be better addressed through the Water Plan alone. We have already discussed the inter-related roles of the ORC and the Council in managing the effects of earthworks activities. We have found this is a shared function and that Chapter 25 provides a more appropriate and effective method than reliance on the ORC's Water Plan alone for achieving the PDP's objectives. We do not consider this results in duplication with ORC processes, but rather they are complementary processes. We recommend that this aspect of the submission from Federated Farmers be rejected.

### 3. SECTION 25.2 - OBJECTIVES AND POLICIES

#### 3.1 Introduction

56. The notified Chapter 25 included 2 objectives and twelve policies. Objective 25.2.1 and its five policies related to management of adverse effects from earthworks on the environment, landscape and amenity values. Objective 25.2.2 related to both recognising the benefits from earthworks for social, cultural and economic wellbeing of people and communities; as well as ensuring that people and communities are protected from adverse effects such as land stability and nuisance effects. Several of its seven policies referred to the latter aspect.

57. Mr Wyeth's evidence considered the amendments sought by submitters. He recommended<sup>56</sup> amendments to, and reconfiguring of, the notified objectives and policies through the updated versions of Chapter 25 attached to his evidence. We have considered his evidence, as well as the submissions themselves, and the evidence from submitters presented to us at the hearing. We have used the version attached to Mr Wyeth's Reply evidence as the basis for our consideration of the relevant submissions (the Reply Version).

#### 3.2 Objectives - General

58. The notified Objectives 25.2.1 and 25.2.2 read as follows:

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

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

59. Mr Wyeth considered there would be benefits in terms of plan clarity from moving the direction in Objective 25.2.2, and its associated policies, relating to "*protection of people and communities (and infrastructure)*" to Objective 25.2.1. He considered this would assist with plan interpretation and implementation without changing the underlying intent and effect of the notified objectives and policies. Objective 25.2.2 and its remaining Policy 25.2.2.1, would then be clearly focussed on recognising the benefits of earthworks, addressing relief sought by several submitters<sup>57</sup>. In the Reply Version, Objectives 25.2.1 and 25.2.2 read as follows:

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<sup>56</sup> J Wyeth, Section 42A Report, paragraphs 10.5-10.9

<sup>57</sup> For example, the Real Journeys Group, the Treble Cone Group, and Submissions 2388, 2575, 2468 and 2462

25.2.1 *Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values.*

With eleven supporting policies, including relocated notified Policies 25.2.2.2 – 25.2.2.7.

25.2.2 *Objective – The social, cultural and economic well being of people and communities benefit from earthworks.*

With one remaining supporting Policy 25.2.2.1.

60. We accept Mr Wyeth’s evidence on this reconfiguration. Subject to the specific wording amendments we discuss below, we recommend the reconfiguration of the objectives and policies included in the Reply Version of Chapter 25 be accepted and the submissions accepted accordingly.
61. Fish and Game<sup>58</sup> supported Objectives 25.2.1 and 25.2.2 and all supporting policies, requesting they be retained, on the basis that they provide an appropriate framework to protect environmental values, maintain landscape and visual amenity values, while also allowing people and communities to benefit from earthworks. We received evidence from Mr Paragreen on behalf of Fish and Game<sup>59</sup>. We have previously referred to Mr Paragreen’s evidence regarding recent examples of adverse effects from sediment discharges into waterways in the District from land development earthworks. It was his opinion that, at the moment, adverse effects on waterways from sediment discharge in Wanaka are not being “minimised” and are greater than they have ever been. He supported a strong approach to minimising adverse effects being taken through Chapter 25.
62. Support for both objectives and their policies also came from Queenstown Airport Corporation (QAC)<sup>60</sup> and Heritage New Zealand (HNZ)<sup>61</sup>. Mr John Kyle, on behalf of QAC, stated in his evidence<sup>62</sup> that he generally supported the amendments suggested by Mr Wyeth and considered they would appropriately address the adverse effects of earthworks. Ms Denise Anderson gave evidence on behalf of HNZ. She expressed<sup>63</sup> general support for the revised chapter attached to Mr Wyeth’s evidence. Her one outstanding matter did not relate to the objectives and policies. In her evidence for Federated Farmers, Ms Reilly also supported<sup>64</sup> Mr Wyeth’s recommended amendments to Objectives 25.2.1 and 25.2.2.
63. The Oil Companies<sup>65</sup>, Paterson Pitts<sup>66</sup> and Federated Farmers<sup>67</sup> supported Objective 25.2.1 and requested it be retained. They considered it was appropriate for the objective to focus on minimising adverse effects of earthworks, rather than avoiding adverse effects, as this is not

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<sup>58</sup> Submission 2495

<sup>59</sup> N Paragreen, Evidence, paragraphs 3-5

<sup>60</sup> Submission 2618

<sup>61</sup> Submission 2446

<sup>62</sup> J Kyle, EIC, paragraph 8.3.1

<sup>63</sup> D Anderson, EIC, paragraph 5.2

<sup>64</sup> K Reilly, EIC, paragraphs 14 & 27

<sup>65</sup> Submission 2484 lodged jointly by Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited. The statement from Mr John McCall on behalf of the Oil Companies supported the recommendations of Mr Wyeth in relation to the objectives and policies.

<sup>66</sup> Submission 2457

<sup>67</sup> Submission 2540

possible in all instances. The New Zealand Transport Agency (NZTA)<sup>68</sup> supported Objective 25.2.2 and its policies (some of which Mr Wyeth transferred to Objective 25.2.1). Mr Anthony MacColl gave evidence for NZTA. He supported<sup>69</sup> Mr Wyeth’s recommendations including his amendments.

64. On the basis that we generally recommend the objectives and policies contained in the Reply Version of Chapter 25 are accepted (subject to our specific considerations below), we recommend these submissions in support of the objectives and policies be accepted.

### 3.3 Objective 25.2.1

65. Remarkables Park Limited (RPL)<sup>70</sup> and Queenstown Park Limited (QPL)<sup>71</sup> opposed the use of “*minimise*” in Objective 25.2.1 and requested that it be replaced with “*avoid, remedy and mitigate*”. We have noted above the support for “*minimise*” from other submitters.
66. Legal submissions on behalf of RPL and QPL were presented by Ms Rachel Ward. It was her submission<sup>72</sup> that the requirement to “*minimise*” adverse effects creates uncertainty for plan users, in that it requires a reduction of an adverse effects to an indeterminable level. Even a minor effect may be able to be minimised further. Council officers could challenge whether or not an effect is sufficiently minimised. She submitted that this provides a “quasi-avoidance” regime. Ms Ward supported the concept of “*management*” as being more appropriate, as it lies at the heart of the Act and involves weighing often conflicting considerations to determine, overall, an appropriate outcome in the circumstances.
67. Mr Timothy Williams gave evidence on behalf of RPL and QPL<sup>73</sup>. In his opinion, the use of the words “*minimise*” and “*protect*” in Mr Wyeth’s amended objective set too high a test, whereas “*management*” with “*remediation or mitigation*” would better reflect a practical and workable approach to earthworks. He acknowledged that “*minimise*” might be the most appropriate approach at a particular policy level, but not across the board at an objective level. He preferred the objective to refer to – “*manage effects on the environment ...*”.
68. Mr Wyeth responded to the legal submissions and the evidence of Mr Williams in both his Rebuttal and Reply evidence, in relation to both Objective 25.2.1 and Policy 25.2.1.2 (which we discuss later in this Report). Mr Wyeth disagreed<sup>74</sup> with Mr Williams that the word “*minimise*” precludes mitigation and remediation as management options for earthworks, as a range of actions to avoid, mitigate or remediate may be involved, so that the residual adverse effects are the smallest extent practical<sup>75</sup>. It was Mr Wyeth’s opinion<sup>76</sup> that the word “*manages*” does not provide sufficient clear direction as to how adverse effects of earthworks are intended to be managed. In his Reply evidence<sup>77</sup>, Mr Wyeth noted that “*minimise*” is used in the Strategic Directions Chapters of the PDP, is supported by other submitters, and is used

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<sup>68</sup> Submission 2538

<sup>69</sup> A MacColl. EIC, paragraphs 5.2-5.3

<sup>70</sup> Submission 2468

<sup>71</sup> Submission 2462

<sup>72</sup> Legal submissions from Rachel Ward, paragraphs 4.1-4.4

<sup>73</sup> T Williams, EIC, paragraphs 5.1-5.6

<sup>74</sup> J Wyeth, Rebuttal Evidence, paragraph 6.3

<sup>75</sup> J Wyeth, Section 42A Report, paragraph 9.10, where he provides the plain meaning of “*minimise*” being to reduce (something) to the smallest possible amount or degree.

<sup>76</sup> J Wyeth, Rebuttal Evidence, paragraphs 6.4 & 6.7

<sup>77</sup> J Wyeth, Reply Evidence, section 15

in other national regional and district planning documents without (in his experience) creating the issues in practice suggested by Ms Ward and Mr Williams.

69. We have considered the evidence of Mr Williams and Mr Wyeth, and the legal submissions from Ms Ward, as to the use of the words “*minimise*” or “*manage*” in Objective 25.2.1. We agree with the evidence of Mr Wyeth that it is the role of an objective to express a clear direction or outcome, as to how adverse effects of earthworks are to be managed. We consider the use of the word “*manage*” does not provide this direction. It does not give any indication as to the purpose, outcome, extent or nature of the “*management*” required. We do not consider this is good practice wording for a plan objective.
70. In addition, we have considered the relevant Strategic Direction in Chapter 3. The relevant objectives and policies provide direction such as “avoid or minimise adverse effects on water quality”; “maintain/sustain/preserve or enhance life-supporting capacity and natural character (of waterbodies); “maintain or enhance water quality”; “protect Kāi Tahu values”<sup>78</sup>. We consider these give a strong direction to Chapter 25 in relation to sediment generation and other adverse effects, including on water quality, landscape, natural character and Ngāi Tahu values. In order to implement the higher order strategic direction, we agree with Mr Wyeth that the objectives in Chapter 25 need to take this direction further by providing clarity as to the outcomes to be achieved. We do not consider that using the word “manage” in Objective 25.2.1 would achieve this direction, nor give sufficient certainty that the strategic direction in Chapter 3 would be achieved. We consider the wording recommended by Mr Wyeth to be more appropriate and more effective in achieving the higher order strategic objectives and policies of Chapter 3. We recommend it be accepted and the submissions from RPL and QPL be rejected.
71. Submissions from DoC<sup>79</sup> and the Real Journeys Group also sought wording amendments to Objective 25.2.1, however, we received no evidence from them on this matter. Accordingly, we accept Mr Wyeth’s recommended wording for this objective in the Reply Version of Chapter 25, and recommend these submissions be rejected.

### **3.4 Policies 25.2.1.1, 25.2.1.3, 25.2.1.4 & 25.2.1.5**

72. Submissions were received on these policies from a range of parties. However, apart from Mr Wyeth, we heard little evidence relating to them.
73. In her evidence for Federated Farmers, Ms Reilly supported<sup>80</sup> Policy 25.2.1.1. She supported its practical focus on minimising effects of earthworks, rather than avoidance, which she stated is not always achievable.
74. Ms Reilly also commented on Policy 25.2.1.3, which Federated Farmers sought to be deleted. She considered the wording of this policy – “*avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines*”, would entrap standard farming activities such as the maintenance or formation of farm tracks. She considered it would also require landowners to identify all “*visually prominent slopes, natural landforms and ridgelines*”. As Ms Reilly was unable to attend the hearing, we were unable to question her further on this policy. Mr Wyeth responded to Ms Reilly in his Rebuttal evidence<sup>81</sup>. He noted that the policy only becomes a relevant

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<sup>78</sup> Strategic Objectives 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 & 3.2.7.1 and Strategic Policies 3.3.21 & 3.3.26

<sup>79</sup> Submission 2242

<sup>80</sup> K Reilly, EiC, paragraph 12-14

<sup>81</sup> J Wyeth, Rebuttal Evidence, paragraphs 7.1-7,3

consideration when one of the earthworks standards is exceeded (for example: 1000m<sup>3</sup> volume threshold in the Rural Zone) and a consent is required. We also note that the maintenance of existing tracks is specifically excluded from the application of the Chapter 25 by Rule 25.3.4.5g. It was Mr Wyeth's opinion that the assessment of effects required for a consent application would enable consideration of this policy without undue mapping or cost implications, or constraints on existing farming activities. We accept the evidence of Mr Wyeth. We agree this policy would not be relevant for farming activities that are exempt from consent requirements, such as maintenance of existing tracks, and earthworks less than 1000m<sup>3</sup> in volume. We are not persuaded by Ms Reilly's evidence that it would result in unnecessary costs and consenting requirements for standard farming activities. We recommend that Federated Farmers' submission on Policy 25.2.1.3 be rejected.

75. Millbrook Country Club (Millbrook)<sup>82</sup> requested that Policy 25.2.1.5 be amended to provide clarity and not repeat assessment matters. In his evidence for Millbrook, Mr John Edmonds stated<sup>83</sup> his view that the policy is unnecessary and provides no beneficial assistance or direction. Mr Wyeth agreed<sup>84</sup> in part that the policy is covered by the Assessment Matters in 25.8 or the other policies. However, he considered the policy still provides useful direction on the need to recognise both the constraints and opportunities of the site and surrounding environment when designing earthworks. We were not persuaded by Mr Edmonds' limited evidence on this policy and accept the evidence of Mr Wyeth that, although its usefulness is limited, it still provides helpful direction when considering resource consents for large-scale earthworks. We recommend this submission from Millbrook be rejected.

### 3.5 Policy 25.2.1.2

76. Policy 25.2.1.2 addresses management of the effects of earthworks on the valued resources of the District. From the Reply Version, it reads as follows:

*25.2.1.2 Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects to:*

- a. Protect the values of Outstanding Natural Features and Landscapes;*
- b. Maintain the amenity values of Rural Landscapes;*
- c. Protect the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;*
- d. Minimise the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wanaka Basin and Cardrona alluvial ribbon aquifers;*

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

- e. Protect Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;*
- f. Protect the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and*
- g. Maintain public access to and along lakes and rivers.*

77. DoC<sup>85</sup> supported the policy and requested that it be retained as it would protect outstanding natural features and landscapes from adverse effects.

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<sup>82</sup> Submission 2295

<sup>83</sup> J Edmonds, EiC, paragraph 14

<sup>84</sup> J Wyeth, Section 42A Report, paragraphs 9.34-9.35

<sup>85</sup> Submission 2242

78. The Real Journeys Group requested that the notified policy be amended to ensure the matters are identified as “values” rather than “resources”, better reflecting the range of matters included in the policy. A number of submitters<sup>86</sup> requested that Policy 25.2.1.2 be amended to replace “protect” with “minimise” as they considered “protect” was overly restrictive. Similarly, Federated Farmers requested that “protect” be replaced with “maintain or enhance”. Paterson Pitts requested that clause b. of the notified policy be amended by deleting the reference to other identified amenity landscapes, as it was unclear what landscapes were being referred to.
79. Having considered this group of submissions, Mr Wyeth agreed that the notified Policy 25.2.1.2 could be refined to better reflect the direction in Objective 25.2.1 and better align with sections 6 and 7 of the Act. He agreed with the suggestion from the Real Journeys Group to refer to the values of the resources, rather than the features themselves. He agreed with Paterson Pitts and amended the wording of clause b. to refer to Rural Landscapes which are mapped<sup>87</sup>. In addition, Mr Wyeth recommended rewording the introductory lines of the policy to focus on managing adverse effects from earthworks, rather than protecting the identified valued resources themselves; and refining the first words of each clause to better align with the Act. Mr Wyeth’s recommended amendments are included in the Reply Version set out above.
80. With the changes recommended by Mr Wyeth, Mr Henderson for the Treble Cone Group<sup>88</sup> and Ms Reilly for Federated Farmers<sup>89</sup> supported the amended wording of Policy 25.2.1.2.
81. As with his evidence on Objective 25.2.1, Mr Williams for RPL and QPL<sup>90</sup> supported restricting the wording of Policy 25. 2.1.2 to “*Manage the adverse effects of earthworks ..*” (followed by the series of clauses) and removing the words referring to avoidance or minimising adverse effects. Mr Williams noted that the introductory wording of Policy 25.2.1.2 is followed by a number of sub-clauses dealing with specific identified valued resources, with varying degrees of management control for each. He considered the first part of the policy could be better worded to acknowledge the management of adverse effects, but then letting each of the sub-clauses address the particular degree of management. Mr Williams also pointed out that clause b. relating to amenity values of Rural Landscapes, and clause g. relating to public access, both included the words “maintain and enhance” in the notified policy. In his opinion, the use of “enhance” does not sit comfortably with a proposal for an earthworks activity, where typically it is the maintenance of amenity or public access that is to be achieved, and enhancement would be an unnecessary requirement. Mr Williams supported the deletion of the words “*and enhance*” from both of these clauses.
82. We have partly discussed Mr Wyeth’s evidence in response to Mr Williams above, as it related to Objective 25.2.1. In that discussion, we agreed that the use of the word “*manage*” would not provide a clear direction or outcome as to how adverse effects of earthworks are to be managed. We also found that “*manage*” would not achieve the strong direction contained in the Strategic Objectives and Policies, nor give sufficient certainty that the strategic direction

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<sup>86</sup> Including the Treble Cone Group and associated Submissions 2377, 2381 & 2382; Submissions 2468 and 2462)

<sup>87</sup> We note that these are now mapped as Rural Character Landscapes in PDP (Decisions Version)

<sup>88</sup> R Henderson, EiC, paragraph 66

<sup>89</sup> K Reilly, EiC, paragraph 19

<sup>90</sup> T Williams, EiC, paragraphs 5.4-5.6

in Chapter 3 would be achieved. In addition, in relation to Policy 25.2.1.2, Mr Wyeth stated<sup>91</sup> that the reference to *“inappropriate adverse effects”* (from the notified version of the policy) should be read in the context of the clauses that follow. In his view, these clauses provide added direction that inappropriate adverse effects are those effects that do not protect or maintain the values and areas referred to in those clauses, and that it is these adverse effects that should be avoided. Mr Wyeth considered this wording provides clearer direction than the wording recommended by Mr Williams. Mr Wyeth did, however, agree with Mr Williams about the reference to *“enhance”* in clauses b. and g., and recommended their deletion.

83. For the Real Journeys Group, Mr Farrell<sup>92</sup> generally supported Mr Wyeth’s recommended amendments to Policy 25.2.1.2, except he considered the word “help” should be added to the end of the introductory two lines, in order to prevent the policy being too onerous. Mr Wyeth did not agree<sup>93</sup> with Mr Farrell on this matter, stating that the inclusion of the qualifier “help” is unnecessary and would inappropriately ‘water down’ the policy. In his opinion, Policy 25.2.1.2 is intended to focus on protecting the values that contribute to the outstanding and significant nature of the District’s features, landscapes and areas. He considered the structure of the policy, with the phrase *“avoid inappropriate adverse effects and minimise other adverse effects”* in the introductory lines, makes it clear that absolute avoidance of adverse effects is not required to protect these values. However, on reflection, Mr Wyeth considered that the use of the word *“protect”* (as notified) in relation to heritage sites, precincts and landscape overlays may be overly restrictive, and he recommended a qualification be added to clause f.
84. The remaining disagreements are between Mr Wyeth, Mr Farrell and Mr Williams. Otherwise, all the planning evidence and associated legal submissions support the amended wording for Policy 25.2.1.2 recommended by Mr Wyeth in the Reply Version.
85. The Panel has considered the evidence of Mr Williams and Mr Wyeth regarding this introductory wording for Policy 25.2.1.2. As we have stated above, we do not agree that just referring to the “management” of adverse effects would be effective in achieving Objective 25.2.1 or the higher order strategic objectives and policies of Chapter 3. In saying that, we also acknowledge Mr Williams’ concern about interpreting the somewhat convoluted wording of Policy 25.2.1.2. We agree with Mr Wyeth that the reference to *“inappropriate adverse effects”* should be read in the context of the clauses that follow, meaning that inappropriate adverse effects are those effects that do not protect or maintain the values and areas, as referred to in the following clauses. It is our understanding that this is generally consistent with the way that similar wording has been interpreted in higher order planning documents, such as Policies 13 and 15 of the New Zealand Coastal Policy Statement. However, we consider the addition of the words *“in a way that”* at the end of the opening phrase of the policy would further clarify the connection between this opening phrase and the subsequent clauses, and allow it to be more readily interpreted in the way Mr Wyeth explained.
86. In relation to Mr Farrell’s final suggested amendment, we did not find his evidence sufficiently detailed or persuasive and we prefer the approach of Mr Wyeth. We agree with Mr Wyeth that the structure and detailed wording of the policy has now been considerably improved from the notified version, and it is clear from the wording of the policy that absolute avoidance of adverse effects is not required to protect the identified values.

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<sup>91</sup> J Wyeth, Rebuttal Evidence, paragraphs 6.6-6.9

<sup>92</sup> B Farrell, EiC, paragraphs 19-20

<sup>93</sup> J Wyeth, Rebuttal Evidence, paragraphs 4.1-4.3

87. As a result, we recommend that Mr Wyeth’s recommended Policy 25.2.1.2 in the Reply Version is accepted, subject to minor rewording, and that the associated submissions are accepted, other than those from the Real Journeys Group, RPL and QPL which are accepted in part.

### **3.6 Objective 25.2.2**

88. We have previously discussed most of the submissions on Objective 25.2.2, when we considered the reconfiguration of this objective and its associated policies, with Objective 25.2.1. We have recommended the reconfiguration of the objectives and policies included in the Reply Version be accepted and the submissions accepted accordingly. There are two remaining submissions on Objective 25.2.2 for us to consider.

89. Federated Farmers<sup>94</sup> supported Objective 25.2.2 in part, but requested the wording be amended to provide for “appropriate management” rather than “protection” from adverse effects. This aspect of the notified objective referred to “*the wellbeing of people and communities*” being “*protected from adverse effects*”. Mr Wyeth’s reconfiguration of this Objective resulted in this part being transferred to Objective 25.2.1, with the relevant wording being slightly reconfigured to read – “*Earthworks are undertaken in a manner that ... protects people and communities, ...*”. With the amendments from Mr Wyeth, Ms Reilly’s evidence supported<sup>95</sup> the Reply Version of Objective 25.2.2.

90. Ian Dee<sup>96</sup> requested Objective 25.2.2 be strengthened to reduce the destruction of soil during earthworks. Mr Dee was concerned at the destruction of soil structure and physical properties that have taken thousands of years to form. He did not present evidence to us. Mr Wyeth addressed this submission but did not consider any amendments were needed as a result. We accept Mr Wyeth’s evidence on this, and recommend this submission be rejected. We recommend that Objective 25.2.2 included in the Reply Version be accepted.

### **3.7 Policy 25.2.2.1**

91. Following Mr Wyeth’s recommended configuration, this would be the only policy remaining under Objective 25.2.2, focussing on enabling earthworks that are necessary to provide for the wellbeing of people and communities. In the Reply Version, Policy 25.2.2.1 read as follows:

- 25.2.2.1 Enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:*
- a. Nationally and Regionally Significant Infrastructure;*
  - b. tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Waiorau Ski Area Sub Zone;*
  - c. minimising the risk of natural hazards;*
  - d. enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing; and*
  - e. the use and enjoyment of land for recreation, including public walkways and trails.*

92. Several submissions<sup>97</sup>, particularly those from the infrastructure companies, supported Policy 25.2.2.1 and asked that it be retained.

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<sup>94</sup> Submission 2540

<sup>95</sup> K Reilly, EiC, paragraph 27

<sup>96</sup> Submission 2327

<sup>97</sup> For example Submissions 2242, 2194, 2195, 2478, 2538, 2442 and 2540)

93. A large number of submissions<sup>98</sup> requested that Policy 25.2.2.1 be amended to remove the notified reference to being “*Subject to Objective 25.2.1*”. In the notified version of this policy, Policy 25.2.2.1 was stated as being subject to Objective 25.2.1, such that the enabling of earthworks necessary to provide for the wellbeing of people and communities was subject to the direction in Objective 25.2.1 regarding the management of adverse effects from earthworks. Mr Wyeth agreed<sup>99</sup> with these submitters that the words “*subject to Objective 25.2.1*” should be removed from Policy 25.2.2.1. He stated that his understanding of the intent of the PDP, and from his experience in interpreting objectives and policies, is that all the relevant objectives and policies are to be read together, with appropriate weighting give to each depending on the subject matter and the level of direction given. In conjunction with his recommendations for reconfiguring the two objectives and their policies, Mr Wyeth considered that removing these words from Policy 25.2.2.1 would help ensure there is an appropriate balance between the policies under the two objectives. We accept the evidence on this matter from Mr Wyeth, with support from the evidence of Ms Reilly<sup>100</sup>, Mr Henderson<sup>101</sup> and Mr Farrell<sup>102</sup>. We agree with Mr Wyeth’s understanding as to how the objectives and policies should be interpreted. We recommend that the words “*Subject to Objective 25.2.1*” be removed from the notified Policy 25.2.2.1, and that these submissions be accepted.

94. Millbrook sought further recognition of tourism infrastructure in Policy 25.2.2.1b., in particular that golf tourism be referred to. Mr Wyeth did not recommend any amendments as a result of this submission, and in his evidence, Mr Edmonds<sup>103</sup> accepted Mr Wyeth’s recommended policy wording. We, therefore, recommend that this submission from Millbrook be rejected.

95. As a result, we recommend that the Reply Version of Policy 25.2.2.1 be accepted.

### **3.8 Policies 25.2.2.2 - 25.2.2.3 (renumbered in the Reply Version as Policies 25.2.1.6 - 25.2.1.11**

96. Other than on the matter of relocating these policies under Objective 25.2.1, we received very little evidence regarding them. Transpower New Zealand Limited supported Policy 25.2.2.2; Paterson Pitts supported Policy 25.2.2.3; and Federated Farmers supported Policy 25.2.2.7. We accept the evidence from Mr Wyeth on these policies<sup>104</sup> and recommend they be retained in Chapter 25, but relocated to sit under Objective 25.2.1, as we have discussed earlier. We recommend these submissions in support be accepted.

### **3.9 Additional Objective and Policies focussed on Enabling Earthworks in SASZ**

97. NZSki submitted that, in contrast to the ODP, notified Chapter 25 did not contain specific objectives and policies for the SASZs that support the notified exemptions from some of the rules for earthworks in those areas. The submission from NZSki provided recommended wording for a new objective and two supporting policies. Mr Wyeth<sup>105</sup> did not consider it was necessary or appropriate to include a specific set of objective and policies for earthworks in the SASZs. In his opinion, the Chapter 25 objectives and policies apply across the District and

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<sup>98</sup> For example: the Real Journeys Group; the Treble Cone Group and associated Submissions 2377, 2381 & 2382; and Submissions 2388, 2575, 2468, 2462 and 2295

<sup>99</sup> J Wyeth, Section 42A Report, paragraphs 10.16-10.17

<sup>100</sup> K Reilly, EiC, paragraph 29

<sup>101</sup> R Henderson, EiC, paragraph 66

<sup>102</sup> B Farrell, EiC, paragraph 18

<sup>103</sup> J Edmonds, EiC, paragraph 15

<sup>104</sup> J Wyeth, Section 42A Report, paragraphs 10.20-10.25

<sup>105</sup> J Wyeth, Section 42A Report, paragraphs 8.6 & 8.27

are focussed on managing adverse effects of earthworks regardless of the zone, which also provided for the benefits of earthworks. He recommended the submission from NZSki be rejected. We also note that Policy 25.2.2.1 includes specific recognition of the importance of *“tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities in Ski Area Sub Zones.* We consider this to be sufficient recognition of the importance of SASZs and the earthworks required for their continued operation and future development. Mr Dent gave evidence for NZSki. Having considered Mr Wyeth’s opinion on this matter, Mr Dent agreed that the objectives and policies apply across the District and it is not necessary to add further provision to specifically identify the SASZs. We, therefore, recommend this submission be rejected.

#### 4. SECTION 25.3 - OTHER PROVISIONS AND RULES

##### 4.1 Overview

98. Section 25.3 includes a variety of general provisions and rules that apply within Chapter 25, including:

- Cross-references to other Chapters of the PDP where earthworks are also addressed, with explanation as to how they relate to each other;
- Advice notes regarding ORC provisions;
- Other Advice notes drawing attention to other relevant matters, both within the PDP and from other documents or statutes;
- General rules for earthworks associated with subdivision, including some exemptions;
- General rules for earthworks within SASZs, including some exemptions;
- How the volume and area of earthworks are to be calculated;
- Exemptions for some earthworks within the Rural, Gibbston Character and Rural Lifestyle Zones within approved building platforms;
- General exemptions from all rules and standards for earthworks associated with specified activities.

99. Before we consider the submissions on this section, the Panel notes that the format and headings for Section 25.3 are not consistent with the decided Stage 1 Chapters. A generally consistent approach was taken to these sections containing general provisions and rules, and this has not been picked up or recommended by the Council for these Stage 2 Chapters. We consider it would be beneficial for consistent understanding and interpretation of the PDP, if these sections in each Chapter were generally consistent. Accordingly, we have amended Section 25.3 in accordance with clause 16(2), without changing the intent and content of the Section.

##### 4.2 Advice Notes

100. Mr Wyeth has recommended substantial changes to the layout and wording of the Advice Notes in Section 25.3 in response to submissions<sup>106</sup>, or as minor or structural changes<sup>107</sup> that do not change the intent and effect of the provisions. These changes include:

- clarifying the paragraphs which describe the relationships between Chapter 25 and earthworks (and effects from earthworks) managed under Chapters 26, 30, 33 and 36;
- widening the range of activities listed as being subject to the Water Plan in the advice notes relating to the ORC’s provisions;
- adding an advice note regarding recorded archaeological sites;

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<sup>106</sup> The Real Journeys Group; the Treble Cone Group and associated Submissions 2377, 2381 & 2382; and Submissions 2194, 2195, 2478, 2442, 2497, 2618, 2446 and 2484

<sup>107</sup> In accordance with Clause 16(2)

- adding an advice note referring to the NES-PF which applies to earthworks associated with plantation forestry;
- rationalising the extensive list of notified advice notes into:
  - those that are district wide information as to how the provisions in the different Chapters relate to each other, moving these under 25.3.1 District Wide;
  - those that are truly Advice Notes for Chapter 25; and
  - those that are general rules (the calculation of earthworks volume and area), moving these under 25.3.3 General Rules.

101. We heard little evidence on these matters, other than from Mr Wyeth and Mr Sunich<sup>108</sup>. In the main, Mr Wyeth recommended the submissions be accepted.
102. Mr Farrell<sup>109</sup> for the Real Journeys Group considered that Mr Wyeth's initial amendments (to the general rules clarifying the relationships between Chapters) were still unclear and suggested some further amendments. The Panel also questioned the wording suggested by Mr Wyeth in his Rebuttal version of Chapter 25. Mr Wyeth reconsidered this in his Reply evidence and made further amendments, which we now consider are sufficiently clear and precise.
103. We recommend these submissions be accepted and Mr Wyeth's amendments be generally adopted, although as we stated above, we have recommended changes to the format and headings for Section 25.3 for consistency with the decided Stage 1 Chapters.

### **4.3 General Exemptions (other than for SASZs)**

#### **4.3.1 Exemptions for Earthworks associated with Subdivision**

104. The relationship between Chapter 25 and subdivision consent applications that involve earthworks under Chapter 27 is set out in General Rule 25.3.4.1 and in Rule 27.3.2.1 (which was varied through Stage 2). The notified Rule 25.3.4.1 provided exemptions for earthworks associated with controlled and restricted discretionary activity subdivisions from earthworks standards relating to volume (Table 25.2), cut and fill (Rules 25.5.16 & 25.5.17). Mr Wyeth explained that the rationale for this exemption (from the Section 32 Report) is that the effects from these aspects of earthworks can be managed as part of the overall assessment of subdivision design and construction, however, other standards (such as setbacks from waterbodies) should be complied with irrespective of the reason for the earthworks.
105. Submitters<sup>110</sup> sought that the exemption for subdivision earthworks be widened – to apply to all subdivisions, and to extend to other standards in Chapter 25; and that the related cross-references in both Chapters 25 and 27 should be clear and consistent. During questioning, the Panel also identified a number of issues associated with the relationship between the earthworks provisions in Chapter 25 and earthworks associated with subdivision.
106. Mr Wyeth<sup>111</sup> agreed with these submitters that the relationship between the two chapters, in terms earthworks associated with subdivision, is not clear and that the wording could be improved and made consistent between Chapters 25 and 27. Mr Wyeth considered this

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<sup>108</sup> In relation to the method for calculating earthworks volumes, T Sunich, EiC, paragraphs 6.13-6.14. No evidence was presented on behalf of the Treble Cone Group opposing Mr Sunich's opinion on this matter.

<sup>109</sup> B Farrell, EiC, paragraph 21

<sup>110</sup> The Treble Cone Group and associated Submissions 2377, 2381 & 2382; and Submission 2311

<sup>111</sup> J Wyeth, Section 42A Report, 8.28-8.47

relationship further in his Reply evidence<sup>112</sup>. Given the limited scope available for amendments through the submissions, Mr Wyeth recommended minor amendments to Rule 25.3.4.1 to make a clearer distinction between subdivision consents under Chapter 27 and earthworks land use consents under Chapter 25. We accept Mr Wyeth's evidence on this matter. We recommend his amendments to Rule 25.3.4.1 and that these submissions be accepted. For the sake of consistency, we also recommend that the same, or closely similar, wording should be applied to Rule 27.3.2.1.

107. Mr Wyeth also agreed that all subdivisions, irrespective of the activity status, should be exempt from the volume, cut and fill standards, on the basis that there is no clear connection between the activity status and the need for compliance with these standards. We accept his evidence on this matter and recommend the submissions be accepted.
108. Mr Wyeth did not agree that subdivisions involving earthworks should be exempt from all earthworks standards. It was Mr Wyeth's preference that all Chapter 25 standards should be applied to earthworks associated with subdivision, including the volume, cut and fill standards. He referred to the evidence of Mr Sunich<sup>113</sup> that it is established good practice throughout New Zealand to have a standalone set of earthworks rules to manage all earthworks activities through separate consent processes, irrespective of whether the earthworks are associated with subdivision or not. In his opinion, this recognises the unique set of effects from earthworks, that can occur at various stages of development. He also referred to Mr Sunich's recent review of erosion and sediment control practices for a cross-section of residential developments in the District, and that current practice was found to be limited and below best practice adopted elsewhere in New Zealand. However, Mr Wyeth acknowledged there was no scope in the submissions to apply all Chapter 25 standards to earthworks associated with subdivisions. Given his overall opinion, Mr Wyeth remained opposed to further exemptions for subdivisions. Mr Henderson gave evidence<sup>114</sup> on this matter for the Treble Cone Group and associated submitters<sup>115</sup>. Having considered Mr Wyeth's evidence and his recommended amendments, he concluded that Mr Wyeth's amendments to Rule 25.3.4.1 were appropriate. We did not hear evidence from Streat Developments Limited on this matter and recommend its submission be rejected, with no further exemptions from the Chapter 25 standards being applied to earthworks associated with subdivision.

#### 4.3.2 Exemptions for Forestry Earthworks in Open Space and Recreation Zones

109. Skyline<sup>116</sup> requested that earthworks for forestry activities in the Open Space and Recreation Zones, including the Ben Lomond Sub-Zone, be exempt through Rule 25.3.4.5. Mr Dent gave evidence<sup>117</sup> supporting this exemption, on the grounds that earthworks for this activity are able to be undertaken without consent via an approved Outline Plan under the existing designation for Ben Lomond; and that notified Chapter 38 provides for harvesting and management of forestry as a controlled activity in the Ben Lomond Sub-Zone with Council retaining control over earthworks (as well as soil erosion, sediment generation and run-off). In his opinion, making forestry earthworks a restricted discretionary activity in Chapter 25 defeats the purpose of the controlled activity status for the overall activity in Chapter 38.

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<sup>112</sup> J Wyeth, Reply Evidence, section 9

<sup>113</sup> T Sunich, EiC, paragraphs 4.2-4.4

<sup>114</sup> R Henderson, EiC, paragraphs 72-74 & 93

<sup>115</sup> Treble Cone Group and Submissions 2377, 2381 & 2382

<sup>116</sup> Submission 2493

<sup>117</sup> S Dent, EiC, paragraphs 111-117

110. Mr Jeffrey Brown provided rebuttal evidence, on behalf of ZJV (NZ) Limited (ZJV), to the evidence from Mr Dent on this matter. Mr Brown disagreed with Mr Dent that earthworks associated with forestry harvesting and management should be exempt from the earthworks rules and standards. In his opinion, the earthworks required for forest harvesting may involve large cuts and fills, on steep land, to create access for machinery. He considered this has the potential to adversely affect land resources and the other users of the Ben Lomond Reserve. He considered an assessment of the effects of earthworks should be a necessary component of the forestry harvesting consenting process.
111. In addressing the submission<sup>118</sup>, Mr Wyeth noted that rules relating to forestry activities in the PDP are now largely superseded by the National Environmental Standards for Plantation Forestry (NES-PF), which will manage earthworks, erosion and sedimentation associated with plantation forestry. Mr Wyeth acknowledged, however, these national standards would not apply in open space and recreation zones in urban areas (which he considered would include the Ben Lomond Sub-Zone). In his Rebuttal evidence<sup>119</sup>, Mr Wyeth stated that Mr Dent had provided no evidence to support this submission, either for the Ben Lomond Sub-Zone or for the Open Space and Recreation Zones as a whole. He retained his position that it is inappropriate to include specific exemptions for forestry earthworks in Rule 25.3.4.5.
112. We agree with Mr Wyeth that where a recently-introduced national regulation has established specific provisions for forestry earthworks, the PDP should not duplicate, and cannot circumvent, those national standards<sup>120</sup>. Outside urban areas, the NES-PF now includes national rules relating to plantation forestry activities, which over-ride any provisions in the PDP. In other areas, or for forestry earthworks that fall outside the NES-PF, the PDP may include rules, and the NES-PF allows a plan to impose stricter rules in areas of outstanding natural features and landscapes and in significant natural areas.
113. We note that the Ben Lomond Sub-Zone falls substantially within an ONL. We consider that a full exemption from Chapter 25 for forestry earthworks in such an area would not be consistent with achieving the PDP's objectives and policies for ONL. The Section 32 Report prepared for the notified Chapter 25 considered the benefits and costs, effectiveness and efficiency of the notified range of exemptions in Rule 25.3.4.5. It stated that the exemptions are identified to facilitate small-scale activities that would have no, or only negligible, adverse effects. It concluded that the provisions would ensure that the effects from these activities are no more than minor and avoided as far as practicable. The rules were not considered to be overly-restrictive and commensurate with the sensitivity of the District's environment. We agree with Mr Wyeth that the evidence from Mr Dent is insufficient for us to consider<sup>121</sup> an additional exemption for forestry earthworks in the Open Space and Recreation Zones or on Ben Lomond. We do not have evidence of the potential for adverse effects, and the costs and benefits involved, in order for us to properly assess their efficiency and effectiveness in achieving the relevant objectives and policies. We also agree with Mr Brown that such effects could be adverse on Ben Lomond. Accordingly, we recommend this submission from Skyline be rejected.

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<sup>118</sup> J Wyeth, Section 42A Report, paragraphs 8.67-8.71

<sup>119</sup> J Wyeth, Rebuttal Evidence, paragraphs 5.19-5.21

<sup>120</sup> We note that Mr Wyeth has recommended including an Advice Note in 25.3.3 referring to the NES-PF, which we agree is appropriate

<sup>121</sup> In terms of s32AA of the Act

#### 4.3.3 Other Exemptions

114. Various other submitters either supported the exemptions from the earthworks provisions contained in Rules 25.3.4.4 and 25.3.4.5, or sought additional exemptions. These are summarised in the evidence of Mr Wyeth<sup>122</sup> and we will not repeat them here. Mr Wyeth responded to each of the requests for extended exemptions<sup>123</sup>. In terms of smaller scale farming activities, he considered that the volume thresholds for earthworks in the Rural Zone are set at a level that would enable day-to-day farming activities without a consent being required. He agreed that there should be further clarification that the exemption for maintenance of existing tracks, also applies to recreational tracks / trails. He also noted that there are no volume limits, or cut and fill standards, for earthworks associated with the construction and maintenance of roads within a legal road. The remaining disagreements between Mr Wyeth and submitters related to exemptions for planting (in addition to riparian planting) and the scale of cut and fill exemptions for earthworks associated with fencing.
115. Ms Fiona Black gave evidence<sup>124</sup> for the Real Journeys Group regarding the exemption sought for planting. Notified Rule 25.3.4.5f.<sup>125</sup> provided an exemption from the earthworks rules for planting riparian vegetation. Ms Black requested that this be extended to all planting, and not just riparian. She gave an example, and photographs, of an extensive restoration project Real Journeys is undertaking at Walter Peak, planting over 12,000 native trees and shrubs, with more to come throughout the 115 ha property. It was her opinion that such restoration projects should be able to proceed without the need for resource consent for the earthworks. Mr Wyeth responded to this submission<sup>126</sup> stating that the submitter had not provided any clear reasons why earthworks associated with planting should be exempt from the earthworks rules and, in his opinion, there was no policy justification for doing so. He considered that the focus of the exemption should remain on riparian planting. Whilst we acknowledge the point raised by Ms Black, we do not consider we have sufficient information regarding the costs and benefits of making this change to be able to undertake an evaluation in terms of s32AA of the Act. We are mindful that large areas of the District are identified as ONLs and ONF's and that the implications of such a change for achieving the PDP's landscape objectives and policies would need to be carefully considered. Accordingly, we recommend that this submission be rejected.
116. Mr Williams gave evidence for QPL<sup>127</sup> regarding earthworks exemptions for the maintenance and construction of fence lines. Notified Rule 25.3.4.5m.<sup>128</sup> provided an exemption from the earthworks rules for fencing in the rural zones, provided any cut or fill does not exceed 1 metre in height and any land disturbance does not exceed 1 metre in width. Mr Williams sought that the provisos be extended to relax the 1 metre cut threshold, to a maximum of 2 metres width but not exceeding an average of 1 metre along the length of the fence line. He considered this would be a more practical and useful exemption. Mr Williams gave examples from fence lines QPL is developing on hill slopes on its property, where it is difficult to form an adequate bench for the fence line within a 1 metre width and where the 1m cut height is so restrictive as to largely prohibit the construction of new fences. As an alternative, Mr Williams suggested a controlled activity status for fencing that exceeds the exemption thresholds.

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<sup>122</sup> J Wyeth, Section 42A Report, paragraphs 8.48-8.58

<sup>123</sup> *ibid*, paragraphs 8.59-8.66

<sup>124</sup> F Black, EiC, paragraph 48

<sup>125</sup> Rule 25.3.4.5e. in the Reply Version

<sup>126</sup> J Wyeth, Section 42A Report, paragraph 8.66

<sup>127</sup> T Williams, EiC, paragraphs 5.9-5.16

<sup>128</sup> Rule 25.3.4.5l. in the Reply Version

117. Mr Wyeth responded to Mr Williams in his Rebuttal and Reply evidence. He considered<sup>129</sup> the exemption for fencing in Rule 25.3.4.5 (from all Chapter 25 rules and standards) is appropriate and noted that fencing that exceeds the exemption is not prohibited and neither will it necessarily require a consent. Beyond the exemption threshold, if earthworks associated with fencing meet the earthworks volume threshold for the zone (1000m<sup>3</sup> in the Rural Zone) as well as the other standards in Rule 25.5, it would not require a consent. With respect to the alternative controlled activity regime, Mr Wyeth expressed concern<sup>130</sup> that this would require amendments to the earthworks volume, cut and fill thresholds in Tables 25.2 and 25.3, so that non-compliance is a controlled activity for fencing earthworks, whereas it is a restricted discretionary for all other earthworks. He considered this distinction would be difficult to justify from an effects' perspective, and on the evidence presented by Mr Williams.
118. Having considered the legal submissions and evidence on behalf of QPL and the responses from Mr Wyeth, we find that we agree with Mr Wyeth. We consider the notified exemption for fencing in Rule 25.3.4.5 is sufficient. We have not received sufficient justification from Mr Williams to satisfy us regarding the nature and scale of effects on the environment from a wider exemption (which would be from all Chapter 25 standards), or that it would be more appropriate (efficient or effective) in achieving the objectives and policies of Chapters 3 and 25, in particular Objective 25.2.1 and Policies 25.2.1.1 to 25.2.1.4. We accept Mr Wyeth's evidence that there is an appropriate pathway for fencing earthworks that do not meet the exemption, either as a permitted or restricted discretionary activity. In terms of the controlled activity approach, we received insufficient evidence from Mr Williams as to how this would be integrated into the Chapter 25 provisions, or how it would more appropriately achieve the relevant objectives and policies. We recommend that this submission be rejected.

#### 4.4 Exemptions for Earthworks in SASZs

119. As stated earlier in this Report, a group of submitters<sup>131</sup>, with interests in ski areas, made general submissions seeking that SASZs be exempt from the earthworks rules in Chapter 25, particularly where the ski areas are located on conservation or public lands; or where there is overlap with controls from ORC. We have already found that Chapter 25 (subject to our specific recommendations for any amendments) provides a more appropriate and effective method for achieving the relevant Strategic directions of the PDP, compared with relying on controls and approvals from ORC or DoC, or under other Chapters of the PDP. We were satisfied that Chapter 25 does not result in unnecessary or undue duplication with ORC or DoC processes (or with other requirements of the PDP), but rather they complement each other. We consider there would be a significant risk from not including controls over earthworks in the PDP (and relying on those alternative processes) in terms of adverse effects on water quality, landscape, natural character, biodiversity and amenity values (amongst other adverse effects). We are also satisfied that the PDP can include earthworks provisions that are more stringent than those in PC49, which provided a wide-ranging exemption from earthworks rules for SASZs.
120. We now turn to whether or not a full exemption for earthworks within SASZs, from all rules and standards in Chapter 25, is more appropriate than the partial exemption included in Rule 25.3.4.2 of the notified chapter<sup>132</sup>. We evaluate the evidence on these alternatives in terms

<sup>129</sup> J Wyeth, Rebuttal Evidence, paragraphs 6.10-6.12

<sup>130</sup> J Wyeth, Reply Evidence, section 16

<sup>131</sup> Submissions 2454, 2493, 2466, 2494, 2581, 2492, 2373, 2384 and 2376

<sup>132</sup> Rule 25.3.4.2 of the Notified Chapter provided an exemption for earthworks within the SASZ from all rules and standards except Rules 25.5.12 to 25.5.14, that control erosion and sediment, deposition of material on roads, and dust; Rule 25.5.20, setbacks from waterbodies; and Rule 25.5.21, exposing

of the statutory tests and Section 32 of the Act, bearing in mind that we have already found that controls through the ORC Water Plan, DoC approval processes and/or rules in other chapters of the PDP do not provide appropriate alternatives.

121. Mr Wyeth<sup>133</sup> provided a summary of the submissions received on Rule 25.3.4.2. We will not repeat that here, other than to note that DoC<sup>134</sup> supported the notified exemptions for SASZs in this rule, and the submissions seeking a wider exemption came predominantly from NZSki, the Real Journeys Group and the Treble Cone Group. The evidence and legal submissions from these submitters focussed predominantly on the alternative approaches we have already considered. Mr Henderson's evidence for the Treble Cone Group<sup>135</sup> on this matter supported the exemption for SASZs, on the basis of inefficient duplication of process with ORC, DoC and/or other PDP controls. Mr Farrell's evidence for the Real Journeys Group<sup>136</sup> on this matter focussed only on the matter of overlapping QLDC and ORC responsibilities. NZSki's submission was specific that an exemption for earthworks in a SASZ should only apply within public conservation land administered by DoC. Accordingly, Mr Dent's evidence<sup>137</sup> predominantly focussed on overlap with DoC approval processes<sup>138</sup>. We have considered this evidence earlier in this Report and have not considered it further here.
122. We have considered the legal submissions on a full exemption for SASZs from Ms Baker-Galloway, on behalf of the Real Journeys Group and the Treble Cone Group, these submissions being very similar<sup>139</sup>. Ms Baker-Galloway informed us that the exception from earthworks rules and standards in SASZs is intended to recognise the benefits of earthworks for the continued operation and development of ski areas, and the substantial contribution ski fields make to the social and economic well being of the District. She stated that earthworks are a necessary part of the development and ongoing operation of these areas, and that the exemption should be broad enough to enable and encompass all earthworks likely to be undertaken during the operation of modern ski-fields, which are now year-round alpine resorts. She pointed to some 'unique' factors relating to earthworks in SASZs, such as the need to undertake earthworks near waterbodies for snow making, reservoirs, diversion of streams, etc.
123. As we mentioned earlier, Ms Baker-Galloway referred us to case law which supports a less restrictive regime that meets the purpose of the Act and the objectives of a Plan. She also pointed to inefficiencies, in terms of drafting difficulties, uncertainty, potential costs and issues with enforcement, if the notified standards are applied within SASZs, making this level of regulation unnecessary and a complete exemption more appropriate.
124. With respect to dust controls in SASZs under Standard 25.5.14, it was Mr Dent 's evidence<sup>140</sup> that there are no operational issues relating to dust at NZSki's ski fields. The ski fields are generally located above 1300 masl and there are no sensitive receivers immediately adjacent

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groundwater. We note, however, that Mr Wyeth has recommended deleting Rule 25.5.13, relating to deposition of material on roads, and this rule is shown as deleted in the Reply Version.

<sup>133</sup> J Wyeth, Section 42A Report, paragraphs 8.3-8.13

<sup>134</sup> Submission 2242

<sup>135</sup> R Henderson, EiC, paragraphs 88-91

<sup>136</sup> B Farrell, EiC, paragraph 22

<sup>137</sup> S Dent, EiC, paragraphs 48-65, 84-97

<sup>138</sup> We have considered Mr Dent's evidence relating to dust management within SASZs, Sean Dent, EiC, paragraphs 77-83

<sup>139</sup> Legal Submissions from Maree Baker-Galloway on behalf of the Real Journeys Group, paragraphs 16-20; and on behalf of the Treble Cone Group, paragraphs 6-12

<sup>140</sup> S Dent, EiC, paragraphs 77-83

to these SASZs that would typically be affected by nuisance effects from dust emissions beyond the SASZ boundaries. He considered the application of this standard would only ever be retrospective and would result in enforcement difficulties. We discuss this further later in this Report when we evaluate the specific wording of this Standard.

125. Mr Nigel Paragreen presented a written statement<sup>141</sup> to the hearing on behalf of Fish and Game and answered questions from the Panel. As we noted earlier, Fish and Game had supported the Council's stricter approach to earthworks management through Chapter 25. The Panel asked Mr Paragreen about his experience with earthworks management within SASZs and the potential for adverse effects on the environment. He informed us that he was assessing a couple of applications relating to ski fields at the time of our hearing. He considered that earthworks associated with ski fields do have the potential for significant effects in the high country. He stated that the areas involved contain very sensitive ecosystems that merit protection under the Act and the PDP. On behalf of Fish and Game, he expressed his opposition to the Council having no involvement with managing earthworks in SASZs through the PDP.
126. Mr Wyeth responded to these submissions and the evidence. In his Section 42A Report<sup>142</sup> he stated that he did not dispute the substantial contribution from ski fields to the social and economic wellbeing of the District, and that earthworks are a necessary part. As a result, he considered it was appropriate for the PDP to enable development and a range of activities within the SASZs, as recognised through the Chapter 21 Rural Zone provisions for SASZs. In terms of earthworks, he considered an enabling approach is achieved through exempting earthworks in SASZs from the majority of rules and standards in Chapter 25. He considered the exemptions from the volume, area, cut and fill thresholds provide considerable flexibility to ski field operators, recognising that the volume of earthworks required at ski fields can be significant, but that adverse effects can largely be internalised within the SASZs. However, Mr Wyeth could see no compelling reason why earthworks within SASZs should be exempt from standards that are designed to manage and minimise the adverse effects of earthworks that may extend beyond the sub-zones or to sensitive areas, including riparian areas and waterbodies. In his opinion, these are standards that should apply equally throughout the District, regardless of the zone or activity involved.
127. Mr Wyeth pointed us to the purpose of SASZs in Chapter 21 Rural, which refers to effects of development within the SASZs being cumulatively minor. He considered there is a risk that exempting all earthworks within the SASZs from all rules and standards in Chapter 25 may result in adverse effects that are cumulatively more than minor, or which extend beyond the boundary of these areas or into sensitive areas.
128. Mr Wyeth also referred<sup>143</sup> to the Section 32 Report that sets out the rationale for the approach to SASZs. It states that the notified option permitted earthworks for activities within SASZs, except where there is potential for environmental effects on water bodies and roads. As we noted earlier in relation to earthworks in Open Space and Recreation Zones, the Section 32 Report concluded the provisions are both effective and efficient, with the levels of control commensurate with the sensitivity of the environment, and that they would ensure the effects from these activities are no more than minor and avoided as far as practicable.

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<sup>141</sup> N Paragreen, Evidence

<sup>142</sup> J Wyeth, Section 42A Report, paragraphs 8.14-8.19

<sup>143</sup> J Wyeth, Section 42A Report, paragraph 8.2

129. We have considered the evidence before us, the legal submissions and our previous findings regarding alternative approaches to managing effects within the SASZs. Like Mr Wyeth, we do not dispute the substantial contribution from ski fields to the social and economic wellbeing of the District, and that earthworks are a necessary part of their ongoing operation and development. We consider that the considerable flexibility provided in notified Chapter 25, with exemptions from the majority of the rules and standards for earthworks in SASZs, appropriately recognises the scale of earthworks required in ski areas and that their adverse effects can, for many aspects, be managed internally or through the consents required for activities in the SASZs under the Rural Zone provisions. However, we agree with Mr Wyeth that we have received no evidence from the submitters which provides compelling justification for exempting earthworks within SASZs from standards that are designed to manage and minimise the adverse effects of earthworks that may extend beyond the sub-zones or to sensitive areas, including riparian areas and waterbodies.
130. We agree with Mr Wyeth and Mr Paragreen that the SASZs are located in sensitive alpine environments and in the heads of water catchments, where management of erosion, sediment runoff and water quality are important, as well as management of effects on landscape and natural character and biodiversity values. We have referred earlier in the Report to the significance the PDP places on protecting the values associated with the District's lakes and rivers. The Strategic Directions include numerous objectives and policies which seek to protect the District's natural environments, ecosystems, natural character and nature conservation values of waterways, outstanding natural landscapes and natural features, and Ngai Tāhu values. We have found these give a strong direction to Chapter 25, in terms of the Council's obligations for managing the effects of earthworks. This is reflected in the objectives and policies for Chapter 25 which apply across the District, seeking to ensure that adverse effects on the environment are minimised, landscape and visual amenity values maintained, and people and communities protected, whilst enabling earthworks that are necessary to provide for the well being of people and communities.
131. We consider there would be a significant risk if no controls over earthworks in SASZs were included in Chapter 25, in terms of adverse effects on water quality, landscape, natural character, biodiversity and amenity values (amongst other adverse effects). We are not satisfied on the evidence before us that having no controls over earthworks in SASZs would be effective in achieving the relevant strategic and rural objectives and policies. We are satisfied that Chapter 25 contains appropriate flexibility for earthworks within SASZs, to enable their ongoing operation and development, and in a manner that recognises their importance to the well being of people and communities in the District. We do not consider that compliance with important District-wide environmental standards relating to erosion and sediment control, dust management, setbacks from waterbodies, and groundwater would result in unnecessary or undue inefficiencies. We consider that Chapter 25 (subject to our specific recommendations for amendments) provides a more appropriate and effective method for achieving the relevant Strategic directions of the PDP and the objectives of Chapter 25. We, therefore, recommend the submissions seeking full exemption from all earthworks rules in the SASZ be rejected.

## 5. SECTION 25.4 RULES – ACTIVITIES

132. Chapter 25 includes Table 25.1, which lists different earthworks activities and their activity status. Rule 25.4.1 provides for most earthworks, that comply with the standards in Tables 25.2 Maximum Volumes and 25.3 Standards, as permitted activities. Earthworks that do not comply with the maximum volume standards in Table 25.2 are specified in Rule 25.4.2 as

restricted discretionary activities<sup>144</sup>. The activity status for not complying with each standard in Table 25.3 is specified in that table (in the Reply Version, they are all restricted discretionary activities). Table 25.1 also lists a small number of specific earthworks activities that are not permitted in accordance with Rule 25.4.1, including earthworks associated with cleanfill facilities and landfills; earthworks that affect sites of significance to Kāi Tahu or heritage features and settings; and earthworks within identified sites of Kāi Tahu importance.

133. Federated Farmers<sup>145</sup> requested the activity status for earthworks for the construction or operation of a landfill is changed from discretionary to restricted discretionary activity in Rule 25.4.4. Ms Reilly addressed this in her evidence for Federated Farmers<sup>146</sup>. She noted that both cleanfill and landfill are important in the rural areas for the cost-effective disposal of clean waste. She considered that any concerns regarding control would be covered by the matters of discretion in Section 25.7 and did not accept that discretionary activity status was required to address the management of potential adverse effects. Mr Wyeth responded to this submission, stating that landfills introduce contaminants and a range of adverse effects that need to be considered and managed on a case-by-case basis. It was his opinion that this is best achieved through a discretionary activity resource consent process. We agree with Mr Wyeth that landfills can have a wide range of potential adverse effects, that require broad consideration, and their appropriateness depends on their scale, purpose, location and management. Landfill covers a much wider range of activities than on-farm disposal facilities for clean waste, as referred to by Ms Reilly. We agree with Mr Wyeth that the management of landfills, and the earthworks associated with their construction or operation, are appropriately addressed as a discretionary activity as proposed in Chapter 25. We note that this is consistent with the discretionary activity status applied to a landfill activity<sup>147</sup> itself in Chapter 30 Energy and Utilities. We recommend that this submission is rejected.
134. Heritage New Zealand<sup>148</sup> and the Real Journeys Group both sought amendments to Rule 25.4.5 relating to earthworks that affect sites of significance to Kāi Tahu or heritage features and settings. Mr Wyeth responded to those submissions in his Section 42A Report<sup>149</sup> and recommended changes to this rule which satisfied the submitters<sup>150</sup>, other than one outstanding matter addressed in evidence by Ms Denise Anderson for Heritage New Zealand<sup>151</sup>. This appears to have been a misunderstanding by Mr Wyeth as to the specific relief sought by Heritage New Zealand regarding earthworks within the setting or extent of place of a listed heritage feature in Chapter 26.8. Mr Wyeth addressed Ms Anderson's concern in his Rebuttal evidence<sup>152</sup> and the Reply Version now includes the wording she suggested. We recommend that this submission from Heritage New Zealand be accepted.

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<sup>144</sup> In the Reply Version of Chapter 25 attached to Mr Wyeth's Reply evidence

<sup>145</sup> Submission 2540

<sup>146</sup> K Reilly, EiC, paragraphs 37-40

<sup>147</sup> Within the definition of "waste management facilities"

<sup>148</sup> Submission 2446

<sup>149</sup> J Wyeth, Section 42A Report, paragraphs 11.46-11.51

<sup>150</sup> D Anderson, EiC, paragraph 5.2; B Farrell, EiC, paragraph 18

<sup>151</sup> D Anderson, EiC, paragraphs 5.3-5.8

<sup>152</sup> J Wyeth, Rebuttal Evidence, section 8

## 6. SECTION 25.5 RULES – STANDARDS

### 6.1 Table 25.2 Maximum Volume

#### 6.1.1 Overview of Issues

135. Following the analysis from Mr Wyeth and Mr Sunich on behalf of the Council, and their recommended amendments to Table 25.2 contained in the Reply Version, the only matters where we had conflicting evidence between submitters and the Council’s witnesses related to requests by Millbrook Country Club<sup>153</sup> regarding the Millbrook Resort Zone (MRZ) (Rule 25.5.5) and Skyline<sup>154</sup> regarding the Ben Lomond Sub-Zone of the Informal Recreation Zone (Rule 25.5.1).

#### 6.1.2 Millbrook Resort Zone

136. Millbrook requested amendments to the maximum volume thresholds applying to different areas within the MRZ, as shown on the Millbrook Structure Plan. The maximum volume in the notified Chapter 25 was 300m<sup>3</sup> across the zone. Millbrook considered it would be more efficient and practical to create a separate rule for the MRZ with separate thresholds for the different areas within the zone, as is provided for the Jacks Point Zone. Millbrook sought an increased maximum volume threshold to 500m<sup>3</sup> for several areas, and no threshold to apply to the Golf Course and Open Space, Recreation Facilities and Helipad Activity Areas. The submission pointed out that golf holes need to be regularly re-conditioned or re-routed and the golf resort needs to continue operating while the earthworks are undertaken effectively and efficiently.

137. Mr John Edmonds gave evidence on this matter on behalf of Millbrook<sup>155</sup>. He was satisfied with Mr Wyeth’s recommendation to increase the maximum volume to 500m<sup>3</sup> across all the MRZ activity areas. However, he continued to remain concerned at the inequity between Millbrook and Jacks Point where the maximum volume threshold was notified as 1000m<sup>3</sup> in the Open Space and Landscape areas and no limit within some other subzones (including the Golf Course). Mr Edmonds stated that the MRZ has always been exempt from earthworks rules, both in the operative plan, and the plan amended by Variation 8 or Plan Change 49. Unlike Mr Wyeth, Mr Edmonds did not find any rationale for distinguishing the situation at Jacks Point from that at Millbrook, and noted that the MRZ and the Jacks Point Zone (JPZ) were bundled together for the purpose of Chapter 31 Signage<sup>156</sup>.

138. In relation to the Golf Course and Open Space, Recreation Facilities and Helipad Activity areas, Mr Wyeth responded to the submission and to Mr Edmonds’ evidence in his Section 42A Report<sup>157</sup> and Rebuttal evidence<sup>158</sup>. He noted that the earthworks volume thresholds for the JPZ in Chapter 25 had been carried over from the notified PDP Stage 1 Chapter 41 for JPZ, by way of a PDP Stage 2 Variation to Chapter 41, with no change in the maximum volume thresholds within the activity areas. Mr Wyeth expected that the earthworks volume limits for the different activity areas at Jacks Point would have been specifically considered as part of preparing Chapter 41. No earthworks limits were included in the notified Chapter 43 for the MRZ in Stage 1 of the PDP.

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<sup>153</sup> Submission 2295

<sup>154</sup> Submission 2493

<sup>155</sup> J Edmonds, EiC, paragraphs 16-23

<sup>156</sup> Our recommendations on Chapter 31 mean that, in large part, the provisions relating to Jacks Point Zone are not the same as those for Millbrook Resort Zone.

<sup>157</sup> J Wyeth, Section 42A Report, paragraphs 12.38-12.41

<sup>158</sup> J Wyeth, Rebuttal Evidence, section 9

139. Mr Wyeth did not consider an unlimited earthworks threshold was appropriate for the golf course and other open space and recreation areas in the MRZ, given the outcomes sought for the zone and its location adjacent to the Wakatipu Basin Rural Amenity Zone (WBRAZ) which has a maximum volume threshold for earthworks of 400m<sup>3</sup>. In the interests of ensuring the adverse effects of larger scale earthworks are appropriately managed, and limiting the number of sub-zones and activity areas in Table 25.2, Mr Wyeth recommended the 500m<sup>3</sup> maximum volume threshold continue to apply across the whole MRZ.
140. We are not persuaded by Mr Edmonds' evidence that there is any direct relationship between the earthworks volume thresholds for the JPZ and the MRZ. That they both contain golf courses, as well as houses and other facilities, and were both established by plan changes to the ODP, is not sufficient to convince us that the approach must be the same in both areas. We did not receive evidence from Mr Edmonds that supported similar approaches to managing the environmental effects in each zone, or in achieving the outcomes sought for each zone and their surroundings. There were no submissions before this Panel regarding the earthworks volume limits in the golf course and open space areas at Jacks Point, so we have not been required to turn our minds to the appropriateness of the thresholds that have been brought over from the notified Stage 1 of the PDP. Accordingly, we do not consider the limits for Jacks Point are relevant to our consideration at Millbrook.
141. The Stream 14 Hearings Panel heard evidence relating to the water quality of Mill Creek and Lake Hayes and associated effects from development in the catchment. Its findings are contained in section 2.8 of Report 18.1 and have relevance to our consideration of appropriate earthworks provisions at Millbrook. It found that water quality monitoring for Lake Hayes and Mill Creek reported consistent exceedances of nutrient related water quality limits in the Water Plan. Significant land disturbance activities in the Lake Hayes Catchment have likely resulted in sediment being transported into Mill Creek during heavy rainfall events. In its view, further degradation of Lake Hayes as a result of subdivision and development is to be avoided. That Panel considered there is evidence that the earthworks provisions of the ODP are not working effectively to control earthworks effects on water quality in the Lake Hayes Catchment, and noted it will be a matter for the Stream 15 Hearings Panel to determine whether it is possible to put a more effective regime in place through Chapter 25.
142. We have received no evidence from Mr Edmonds that having no maximum volume thresholds for these areas at Millbrook would be more effective in avoiding further degradation of Lake Hayes; nor that it would be appropriate to enable management of adverse environmental effects that achieve Objective 25.2.1, and the objectives and policies of the MRZ which recognise its sensitive values and the importance of reducing contaminants entering Mill Creek. We recommend that Mr Wyeth's recommendations for the MRZ as a whole be accepted (and that part of the submission from Millbrook), but that the submission from Millbrook seeking no threshold for the golf course and open space areas be rejected.

#### 6.1.3 *Ben Lomond Sub-Zone*

143. Skyline requested that a specific maximum volume threshold of 1000m<sup>3</sup> be included for the Ben Lomond Sub-Zone of the Informal Recreation Zone. In the notified Chapter 25, all Open Space and Recreation Zones were included in Rule 25.5.1 of Table 25.2, with a maximum volume threshold of 100m<sup>3</sup>. The submission noted that the ODP permits earthworks between 300 – 1000m<sup>3</sup> within the Ben Lomond Sub-Zone, depending on the zoning of High Density Residential Zone or Rural Zone. Skyline did not consider there was any evidence of inappropriate landscape and visual effects to justify changing the threshold from that in the

ODP. ZJV<sup>159</sup> also lodged a submission in relation to the earthworks provisions for the Open Space and Recreation Zones, supporting the notified provisions.

144. Mr Sean Dent gave evidence on this matter on behalf of Skyline<sup>160</sup>. Mr Dent acknowledged that the Ben Lomond Sub-Zone is within an identified ONL, but also stated that there is no specific evidence from the Council to demonstrate that the earthworks limits in the ODP are resulting in inappropriate landscape modification and visual effects. Mr Dent referred us to resource consents that have been granted to Skyline to carry out earthworks in the sub-zone in excess of 1000m<sup>3</sup>. In his opinion, the granting of these consents for rather substantial earthworks on a non-notified basis indicates that the sub-zone has the ability to absorb earthworks of a more significant volume than 100m<sup>3</sup> per annum as a permitted activity in Table 25.2. Mr Dent also referred to the provisions for the Ben Lomond Sub-Zone, which contemplate further development within a more enabling planning framework than in other parts of the Informal Recreation Zone. He considered the 100m<sup>3</sup> threshold to be too restrictive in that context.
145. Mr Jeffrey Brown gave evidence on earthworks within the Ben Lomond Sub-Zone on behalf of ZJV<sup>161</sup>. However, his evidence was confined to earthworks associated with forestry harvesting and management which we have addressed earlier in this Report. Mr Brown did not provide us with evidence relating to the maximum volume threshold for earthworks in this sub-zone.
146. Mr Wyeth responded to the submission and to Mr Dent's evidence in his Section 42A Report<sup>162</sup> and Rebuttal evidence<sup>163</sup>. Mr Wyeth noted that a threshold of 1000m<sup>3</sup> would provide a significantly more lenient earthworks limit in the Ben Lomond Sub-Zone than in Open Space and Recreation Zones elsewhere in the District. He did not consider this was preferable in the interests of plan clarity and consistency. He did not find anything in the submission that supported an operational need for the increased earthworks threshold, or that demonstrated it would not result in adverse effects beyond the site.
147. Mr Wyeth disagreed with Mr Dent that the granting of resource consents (including the notification basis) was justification for increasing the threshold. He stated that a key function of the earthworks volumes in Table 25.2 is to define an acceptable threshold to trigger the need for resource consents when there is a risk of significant adverse effects. The resource consents then ensure that the potential for adverse effects is subject to proper assessment, control and monitoring where necessary via consent conditions. Mr Wyeth considered that this is quite distinct from the tests for notification in the Act.
148. The Panel noted the somewhat unusual situation with the zoning of this area throughout the course of Stage 1 and 2 of the PDP, and the consequences of this for the earthworks rules. In Stage 1 of the PDP, the area now proposed to be Ben-Lomond Sub-Zone was predominantly included within the Rural Zone. If this zoning had remained, the maximum volume threshold for earthworks from Table 25.2 would have been 1000m<sup>3</sup>. However, the Rural Zone was not confirmed over this land in the Council's decisions on Stage 1 as, in the meantime, the Stage 2 provisions had been notified. Stage 2 of the PDP introduced a new zoning for this area under Chapter 38, Open Space and Recreation Zones. The Ben Lomond land was included within the Informal Recreation Zone, and the Ben Lomond Sub-Zone. The maximum volume threshold

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<sup>159</sup> Submission 2485

<sup>160</sup> S Dent, EiC, paragraphs 104-110

<sup>161</sup> J Brown, Rebuttal Evidence, paragraph 4

<sup>162</sup> J Wyeth, Section 42A Report, paragraphs 12.50

<sup>163</sup> J Wyeth, Rebuttal Evidence, paragraphs 5.22-5.24

for earthworks in all parts of the Open Space and Recreation Zones then became 100m<sup>3</sup>, a combined effect of the change of zoning from the notified Stage 1 and the introduction of the Earthworks Chapter 25 in Stage 2.

149. The Panel accepts that this situation will have arisen for all land now zoned under Chapter 38, where different earthworks provisions may apply under Stage 2 from those applicable under the Stage 1 PDP zoning. All of the land in the Open Space and Recreation Zones is administered by the Council and predominantly designated as “Reserve”. The Council is commonly the main user and developer of the land in those zones. However, in the case of the Ben Lomond Sub-Zone, as Mr Dent has pointed out, there are multiple commercial users within this sub-zone, where further development is contemplated within a much more enabling planning framework than in other parts of the Informal Recreation Zone. Those users are reliant on the underlying zoning for this land, rather than the designation, and have been affected by the change of notified zoning from Rural to Informal Recreation. In this instance, the change of zoning has also affected the earthworks provisions that apply through Chapter 25. We consider we need to examine the basis for the change to the earthworks threshold, as a result in the change of zoning from Rural in Stage 1 to Informal Recreation in Stage 2.
150. We have considered the Section 32 Reports prepared by the Council for the notified Chapters 25 and 38, and relevant evidence provided by the Council.
151. The Section 32 Report for Chapter 25<sup>164</sup> did not refer to the volume thresholds for specific zones in its evaluation of costs and benefits / effectiveness and efficiency of the proposed and alternative options. The attached report from 4Sight Consulting<sup>165</sup> provided technical analysis to assist the Council’s decision as to an appropriate area threshold for earthworks (which are in addition to the volume thresholds in Table 25.2). That report did not evaluate the appropriate volume thresholds.
152. While the Section 32 Report for Chapter 38<sup>166</sup> did not refer specifically to the consequential changes arising through Chapter 25, it did recognise that the notified option would be a significant change from the ODP, with the rezoning of open space and recreation areas into specific zones and subzones, future removal of the designations, and establishing a specific rule framework for each zone. The costs and benefits / effectiveness and efficiency evaluation of the proposed option identified costs from the implementation of a new framework; but overall benefits for users; greater efficiency, clarity and certainty as to outcomes for each open space and recreation area; and a zoning hierarchy for open spaces that better reflects their use, significance and sensitivity. For the Ben Lomond Sub-Zone, in particular, the Chapter 38 Section 32 Report states that the overall suite of rules achieve an appropriate balance between providing a degree of certainty and foreshadowing what could be undertaken with the sub-zone, while still providing adequate scope to address the actual and potential adverse effects of activities.
153. Mr Sunich, a Senior Environmental Consultant at 4Sight Consulting, provided technical advice to the Council, and evidence on behalf of the Council to the Stream 15 hearing, in relation to the maximum volume thresholds. Mr Sunich has expertise in erosion and sediment

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<sup>164</sup> Queenstown Lakes District Proposed District Plan, Section 32 Evaluation, Stage 2 Components October 2017, for Earthworks

<sup>165</sup> 4Sight Consulting. Queenstown Lakes District Council Proposed District Plan: Assessment of Thresholds for Earthworks. September 2017

<sup>166</sup> Queenstown Lakes District Proposed District Plan, Section 32 Evaluation, Stage 2 Components October 2017, for Open Space and Recreation Zones

management, stormwater quality management and integrated catchment management planning. The evidence from Mr Sunich<sup>167</sup> was that the general approach to setting permitted activity thresholds is to define a level which can be reasonably expected to accommodate and enable most building or land use requirements within each zone, without needing a resource consent. However, he considered this may not always be possible due to the sensitivity of some activities and the receiving environment. Mr Sunich stated that the Council had generally carried over the maximum volume thresholds from the ODP earthworks chapter. This indicated to him that the Council was generally comfortable with how the ODP earthworks chapter is being implemented in relation to volume thresholds. He noted that this is reflected in the limited commentary in the Section 32 Report regarding volume thresholds, as we have noted above.

154. Mr Sunich had reviewed the notified thresholds and concluded they are appropriate. For Rule 25.5.1 that sets the volume threshold of 100m<sup>3</sup> for Open Space and Recreation Zones, Mr Sunich commented that the maximum volume recognises the sensitivity of the receiving environments and the need to be cognisant of historic values and special character. For the Rural Zone in Rule 25.5.6, he commented that the maximum volume of 1000m<sup>3</sup> has been retained from the ODP and reflects typical rural land uses, while also providing for commercial and viticulture activities. He noted that sensitive landscapes, such as ONLs which cover most of the Ben Lomond Sub-Zone, are excluded from Rule 25.5.1 and included in Rule 25.5.2, where the maximum volume threshold is 10m<sup>3</sup>. Whilst he found no compelling reason to make any significant changes to the notified thresholds, Mr Sunich acknowledged that they are not entirely effects based, but rather a combination of risk of effects and the type and scale of development anticipated within the zones. In his opinion, they were fit for purpose.
155. In relation to the Ben Lomond Sub-Zone, Mr Sunich stated that the reduction in threshold to 100m<sup>3</sup>, from 1000m<sup>3</sup> under a Rural Zone, aligns with the Council's intention to simplify and ensure consistency across zone types throughout the District. In addition, in his view, there was merit in reducing the maximum volume threshold for this sub-zone where effects on landscape and amenity need to be carefully managed and assessed through a resource consent process if the threshold is exceeded.
156. We are satisfied that the Council has appropriately assessed the costs and benefits of the change in the maximum earthworks threshold from the underlying the zones (in this case the Rural Zone) to open space and recreation zones. We consider the individual packages of rules for each open space and recreation zone have been appropriately evaluated in terms of their costs and benefits for risks of adverse environmental effects and for enabling the type and scale of development anticipated in each zone. This included consideration of the consequential changes to rules through other chapters, such as Chapter 25. We accept Mr Sunich's evidence that the earthworks thresholds specified for each group of zones are fit for purpose. We consider the notified 100m<sup>3</sup> threshold applied to the Ben Lomond Sub-Zone appropriately takes into account that this is a sensitive and highly valued environment (being highly visible and predominantly within an ONL) and requires more restrictive controls. We note that within an ONL, the maximum threshold is specified as 10m<sup>3</sup>. We consider that the costs and benefits of applying the 100m<sup>3</sup> threshold strike an appropriate balance between allowing anticipated use and development of the area and managing environmental effects. Accordingly, we recommend that Skyline's submission be rejected and the notified 100m<sup>3</sup> maximum earthworks volume threshold be retained.

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<sup>167</sup> T Sunich, EiC, paragraphs 5.2, 5.4-5.7 & 7.9-7.10

## 6.2 Table 25.3 Standards

### 6.2.1 Overview of Issues

157. Following the analysis from Mr Wyeth and Mr Sunich on behalf of the Council, and their recommended amendments to Table 25.3 contained in the Reply Version of Chapter 25, the outstanding matters of dispute between the submitters and the Council’s witnesses related to:

- requests from several submitters to exempt earthworks in SASZs from all standards in Table 25.3, which we have already addressed earlier in this Report;
- the appropriate wording for Standards 25.5.12 – 25.5.14, or whether these Standards should be deleted, as requested by Paterson Pitts<sup>168</sup>; the Real Journeys Group; the Treble Cone Group; and NZSki<sup>169</sup>;
- clarification of the wording of Standard 25.5.19 relating to earthworks setbacks from boundaries, as requested by Paterson Pitts<sup>170</sup>;
- the standards for earthworks in setbacks from water bodies in Standard 25.5.20, as requested by Fish and Game<sup>171</sup>; the Real Journeys Group; and the Treble Cone Group and associated submitters<sup>172</sup>;
- deletion or clarification of Standard 25.5.22 relating to cleanfill, as requested by Darby Planning LP<sup>173</sup>; Lakes Hayes Limited<sup>174</sup>; Glendhu Bay Trustee Limited<sup>175</sup>; and Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited<sup>176</sup>.

### 6.2.2 Standard 25.5.12 - Erosion and Sediment Control Measures

158. Submissions from Paterson Pitts and the Real Journeys Group, amongst other submitters, raised concerns about the onerous nature of notified Standard 25.5.12, which required earthworks to be undertaken in a way that “prevents” sediment from entering water bodies, stormwater networks or going across the boundary of the site. They stated that the standard was unduly onerous, and not practical to comply with all of the time, even with implementation of best management approaches. The lack of guidance on appropriate sediment control measures to comply with the standard was also mentioned.

159. In his evidence and in his presentation to the Panel<sup>177</sup>, Mr Sunich described his observations of bulk earthworks being undertaken at sites across the District, where erosion and sediment control implementation is limited and does not, in his view, meet best practice. He referred to the role of erosion and sediment control guidelines that many councils are preparing and using, including the guidelines for the Auckland region that have been adopted by other councils across the country. He noted the Council is currently producing a guideline, which he considered is required to contribute to the outcomes sought by Chapter 25. In response to the concerns of the submitters, Mr Sunich agreed that, where erosion and sediment control measures have been designed, implemented and maintained in accordance with best practice, it is generally accepted that sediment leaving a site will be minimised to a practicable level, but it is not possible to remove 100% of sediment. He considered it is inefficient to seek to achieve 100% prevention, as required by notified Standard 25.5.12. Mr Sunich considered the

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<sup>168</sup> Submission 2457

<sup>169</sup> Submission 2454

<sup>170</sup> Submission 2457

<sup>171</sup> Submission 2455

<sup>172</sup> Treble Cone Group and Submissions 2377, 2381 & 2382

<sup>173</sup> Submission 2376

<sup>174</sup> Submission 2377

<sup>175</sup> Submission 2382

<sup>176</sup> Submission 2381

<sup>177</sup> T Sunich, EiC, paragraphs 12.1-13.9

focus should be on minimising the amount of sediment exiting a site. However, he stated that prescribing erosion and sediment controls as permitted activity standards, that should apply to all sites and circumstances, is not possible due to the variability of earthworks sites and receiving environments. Controls need to be customised to the site and earthworks areas, highlighting the role of guidelines to achieve this.

160. In his section 42A Report<sup>178</sup>, Mr Wyeth did not agree with deleting Standard 25.5.12 in its entirety, on the basis of Mr Sunich’s observations of current practices in the District. Mr Wyeth did agree that the notified wording of the standard is uncertain, impractical and needs refinement, although he acknowledged that such refinement is problematic to monitor and enforce as a permitted activity standard. Mr Wyeth suggested alternative wording in his Section 42A Report, which then became the subject of evidence and questions from the Panel through the course of the hearing. The Panel, in its questions of Mr Wyeth, expressed concern regarding his amended wording for this, and other, standards that did not appear to be sufficiently certain or clear enough for permitted activity standards. Mr Wyeth accepted that in trying to draft standards that were more achievable than the notified standards, they had become less certain.
161. Mr Wyeth returned to the certainty of Standards 25.5.12 and 25.5.14 in his Reply evidence<sup>179</sup>. In order to improve the certainty and implementation of these standards, he recommended including reference to the erosion and sediment control guideline produced by the Auckland Council (GD05)<sup>180</sup>. He and Mr Sunich considered this is recognised as the most comprehensive guideline in New Zealand, with its predecessor (TD90)<sup>181</sup> having been widely used by councils throughout the country. He noted that GD05 also includes guidance on dust control. Mr Wyeth recommended this as an interim approach, in the absence of guidance having yet been developed by the Council for this District.
162. Mr Wyeth recommended reference to GD05 be included as a Note, in the same manner and with the same wording as is used in the Auckland Unitary Plan, whereby compliance with the standard is “*generally deemed to be compliance with*” GD05. He acknowledged that reference to this guideline as a Note does not fully address the Panel’s concerns regarding the use of the word “minimise” as part of a permitted activity standard. However, in his opinion, this is the preferable alternative, avoiding the use of an absolute term (such as the notified “prevent”) and providing a degree of flexibility in the selection and implementation of control measures from GD05.
163. We note here that we received evidence on Standard 25.5.12 from Mr Botting from Paterson Pitts<sup>182</sup> and Mr Henderson on behalf of the Treble Cone Group<sup>183</sup>, who both generally supported Mr Wyeth’s amendments to Standard 25.5.12 in his Section 42A Report.
164. Having considered the evidence before us, and the amendments recommended by Mr Wyeth in the Reply Version, we accept the evidence of Mr Wyeth and Mr Sunich. We accept that, in

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<sup>178</sup> J Wyeth, Section 42A Report, paragraphs 14.1-14.15

<sup>179</sup> J Wyeth, Reply Evidence, section 3

<sup>180</sup> Recommended citation: Leersnyder, H., Bunting, K., Parsonson, M., and Stewart, C. (2016). *Erosion and sediment control guide for land disturbing activities in the Auckland region*. Auckland Council Guideline Document GD2016/005. Prepared by Beca Ltd and SouthernSkies Environmental for Auckland Council

<sup>181</sup> Technical Publication No. 90, *Erosion and Sediment Control: Guidelines for Land Disturbing Activities*, Auckland Regional Council, 2007

<sup>182</sup> M Botting, Evidence presented at the hearing, paragraph 6

<sup>183</sup> R Henderson, EiC, paragraphs 136 & 153

the absence of Council-prepared erosion and sediment control guidelines for this District, reference to the Auckland guidelines as a means of compliance with Standard 25.5.12 is the most appropriate means of ensuring that sediment leaving an earthworks site is minimised to a practicable level, and Objective 25.2.1 achieved. We recommend that Standard 25.5.12 as set out in the Reply Version is accepted and the submissions from Paterson Pitts, the Real Journeys Group and the Treble Cone Group are accepted in part.

#### 6.2.3 *Standard 25.5.13 – Deposition of Material on Roads*

165. Submissions from Paterson Pitts, Federated Farmers, the Real Journeys Group and NZSki, amongst other submitters, raised similar concerns to those discussed above, regarding about the onerous nature of notified Standard 25.5.13, which required that no material being transported from one site to another be deposited on roads. They stated that the standard was overly onerous, and not practical to comply with all of the time as earthworks on occasions can result in material being deposited on roads, even if it is immediately cleaned-up.
166. In his Section 42A Report<sup>184</sup>, Mr Wyeth agreed with some of the concerns of the submitters regarding the wording of the standard. Although he acknowledged his suggestion was not ideal, he recommended amended wording requiring earthworks to be managed to avoid deposition on public roads or minimise it to the extent it does not cause nuisance effects. As with the previous standard, the Panel, in its questions of Mr Wyeth, expressed concern regarding his amended wording that did not appear to be sufficiently certain or clear enough for a permitted activity standard.
167. Mr Wyeth returned to the certainty of Standard 25.5.13 in his Reply evidence<sup>185</sup>. On further reflection, he considered that this standard was unnecessary as it is only likely to be relevant for larger earthworks sites that would require resource consent for non-compliance with other standards, such as the volume or area thresholds. In those circumstances, the management of adverse effects on roads can be addressed through consent conditions. Mr Wyeth recommended the deletion of Standard 25.5.13 and did not include it in his Reply Version.
168. We also received evidence on Standard 25.5.13 from Mr Botting from Paterson Pitts<sup>186</sup> and Mr Henderson on behalf of the Treble Cone Group<sup>187</sup>, who both generally supported Mr Wyeth's amendments to Standard 25.5.13 in his Section 42A Report.
169. We accept Mr Wyeth's evidence and his recommendation to delete Standard 25.5.13. We agree that the standard is unnecessary as it is only likely to be relevant for earthworks that require resource consent, when the management of adverse effects on roads can be addressed through consent conditions. We agree that this would overcome the Panel's concerns regarding the uncertainty of the wording and the difficulties this would cause with enforcement. We recommend deletion of Standard 25.5.13 as set out in the Reply Version and that the submissions from Paterson Pitts, the Real Journeys Group and the Treble Cone Group are accepted in part.

#### 6.2.4 *Standard 25.5.14 – Dust Control*

170. We have already partially addressed Standard 25.5.14, when considering Standard 25.5.12 above, as Mr Wyeth has recommended similar amendments in the Reply Version. Similar submissions were received from Paterson Pitts, the Real Journeys Group and NZSki, amongst

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<sup>184</sup> J Wyeth, Section 42A Report, paragraphs 15.1-15.15

<sup>185</sup> J Wyeth, Reply Evidence, section 10

<sup>186</sup> M Botting, Evidence presented at the hearing, paragraph 6

<sup>187</sup> R Henderson, EiC, paragraphs 136 & 153

other submitters, as for Standards 25.5.12 – 25.5.13. Evidence on Standard 25.5.14 from Mr Botting from Paterson Pitts<sup>188</sup> supported the amendments made by Mr Wyeth in his Section 42A Report.

171. Mr Wyeth initially responded in his Section 42A Report<sup>189</sup>, stating that it is appropriate for the PDP to retain a permitted activity standard relating to dust control during earthworks, as earthworks can give rise to dust which has the potential to have nuisance effects beyond the boundary of the site. He considered a standard is appropriate to help achieve Objective 25.2.1 to protect people and communities from the effects of earthworks. Mr Wyeth did not consider that the standard would be overly onerous and impractical to comply with, but did accept that the wording could be slightly refined. In his Reply evidence<sup>190</sup>, Mr Wyeth recommended including the same Note as for Standard 25.5.12, referring to the Auckland guidance document and, on further reflection, considered that the wording of Standard 25.5.14 could be simplified to state that dust shall not cause nuisance effects beyond the boundary of the site. He considered this would reduce the level of discretion in the standard and focus it on the performance standard to be achieved, along with the Note referring to GD05 as a means of compliance.
172. We accept the amendments recommended by Mr Wyeth to Standard 25.5.14 in the Reply Version of Chapter 25. We accept his evidence that, in the absence of Council-prepared earthworks guidelines for this District, reference to the Auckland guideline as a means of compliance with Standard 25.5.14 is the most appropriate means of ensuring that dust does not cause nuisance effects beyond the boundary of the site, and Objective 25.2.1 achieved. We recommend that Standard 25.5.14 as set out in the Reply Version is accepted and the submissions from Paterson Pitts, the Real Journeys Group and NZSki are accepted in part.

#### 6.2.5 *Standard 25.5.19 – Earthworks Setbacks from Site Boundaries*

173. Standard 25.5.19 sets out the requirements for earthworks in relation to site boundaries - distances of setbacks depending on the height of fill or height of retaining wall. The submission from Paterson Pitts and evidence from Mr Botting<sup>191</sup> raised several issues with the wording of this Standard, as follows:
- He did not agree with the way that setback distances from a boundary are calculated in Standard 25.5.19a.ii., and the resulting steepness of the permitted batter slopes. He recommended a steepness of 1:3 as a maximum batter angle for cut slopes and for fill.
  - He did not support the setback relating to fill in Standard 25.5.19a.i., as he considered that the formation of earthwork fill close to a site boundary should be subject to a similar slope requirement as that of an earthwork cut.
  - He did not support the exemption in Standard 25.5.19b.ii. for retaining walls that have building consent. He considered that there is potential for a retaining wall up to 2m high to be built close to or on a boundary without needing to obtain resource consent or require adjoining neighbours' approval. In his opinion, any retaining walls greater than 500mm on or near a boundary should require resource consent, irrespective of whether a building consent has been obtained.
174. At the Panel's request Mr Wyeth considered Mr Botting's suggestions regarding Standard 25.5.19 and responded in his Reply evidence<sup>192</sup>. He stated he had discussed Mr Botting's

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<sup>188</sup> M Botting, Evidence presented at the hearing, paragraph 6

<sup>189</sup> J Wyeth, Section 42A Report, paragraphs 15.20-15.30

<sup>190</sup> J Wyeth, Reply Evidence, section 3

<sup>191</sup> M Botting, Evidence presented at the hearing, paragraphs 8-12

<sup>192</sup> J Wyeth, Reply Evidence, section 5

amendments to Standards 25.5.19a.i and 25.5.19a.ii with Mr Sunich who agreed that a slope of 1:3 is appropriate for unsupported cut and fill; that this angle is consistent with the Council's Section 32 Report; and aligns with the guidance in the Council's subdivision code of practice. Mr Wyeth recommended that Standards 25.5.19a.i and 25.5.19a.ii and their associated Interpretative Diagrams 25.4 and 25.5 be amended to require a maximum batter slope angle of 1:3 (vertical: horizontal).

175. Mr Wyeth also considered Mr Botting's evidence regarding the exemption from the boundary setback requirements in Standard 25.5.19b. for retaining walls that have been granted building consent. Mr Wyeth agreed it was undesirable that retaining walls could be constructed on a boundary up to 2m in height without requiring a resource consent. He accepted Mr Botting's evidence and recommended that Standard 25.5.19b.ii. be deleted, although unfortunately it was not shown as deleted in the Reply Version.
176. We accept the evidence of Mr Botting and Mr Wyeth. We recommend Standards 25.5.19a.i, 25.5.19a.ii and Interpretative Diagrams 25.4 and 25.5 be amended as set out in Section 5 of the Reply evidence of Mr Wyeth and that Standard 25.5.19b.ii be deleted. We recommend that the submission from Paterson Pitts be accepted.

#### 6.2.6 *Standard 25.5.20 – Waterbodies*

177. In the Reply Version<sup>193</sup>, Standard 25.5.20 requires that earthworks within 10m of the bed of a water body, or any drain or water race that flows to a lake or river, not exceed 5m<sup>3</sup> in total volume within any consecutive 12-month period, subject to an exemption for artificial water bodies that do not flow to a lake or river. Several submissions were received on this standard. Fish and Game<sup>194</sup> supported the standard in part but opposed the exemption<sup>195</sup>. The Treble Cone Group and associated submitters<sup>196</sup>, and the Real Journeys Group, sought a lesser setback distance and/or a greater volume of earthworks to be permitted within the setback. The Real Journeys Group also sought an exemption for the installation of hazard protection works in and adjoining water bodies. The submitters with interests in ski areas (including NZSki) sought an exemption from Standard 25.5.20 for earthworks in SASZs, which we have addressed earlier in this Report.
178. In his evidence and in his presentation to the Panel<sup>197</sup>, Mr Sunich referred to his report<sup>198</sup> containing background analysis for Stage 2 of the PDP, in which he recommended that the earthworks setback distance be increased to 10m (from the 7m setback in the ODP) to reflect practical considerations and current practice elsewhere in New Zealand. His report had reviewed other district plans, including the recent Auckland Unitary Plan, and the NES-PF<sup>199</sup>, as to setbacks considered appropriate, and the scale of earthworks permitted within the

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<sup>193</sup> The notified Standard 25.5.20 did not include the allowance for 5m<sup>3</sup> of permitted earthworks within the 10m setback distance

<sup>194</sup> Submission 2455

<sup>195</sup> Fish and Game's concern regarding the wording of the exemption for artificial water bodies that do not flow to a lake or river has been addressed in the Reply Version of Standard 25.5.20.

<sup>196</sup> Treble Cone Group and Submissions 2377, 2381 & 2382

<sup>197</sup> T Sunich, EIC, paragraphs 11.6-11.8

<sup>198</sup> 4Sight Consulting. Queenstown Lakes District Council Proposed District Plan: Assessment of Thresholds for Earthworks. September 2017

<sup>199</sup> Both the 4Sight Consulting report and Mr Wyeth (EIC, paragraph 16.13) confirmed that the 10m earthworks setback in the NES-PF was determined on an assessment of current best practice around New Zealand and to be largely consistent with water body setbacks for earthworks in district and regional plans.

setbacks. Mr Sunich considered the increased setback distance (from the ODP) is appropriate as it provides:

- additional protection, and buffer, for river and lake environments;
- additional room to provide for erosion and sediment control (such as silt fences) to minimise and mitigate discharges to waterways; and
- protection of the structure and function of the riparian margin.

179. Mr Sunich also considered the decrease, from the ODP provisions, in the permitted volume of earthworks within the setback (from 20m<sup>3</sup> to 5m<sup>3</sup> in a 12-month period). He agreed with having a volume for permitted earthworks, as otherwise minor activities within the setback distance would be required to obtain resource consents, given the broad definition of “earthworks”. However, in his opinion, 20m<sup>3</sup> is not appropriate as it appears to be a large volume relative to the potential for adverse effects on the natural character of wetlands, lakes, rivers and their margins. He supported the 5m<sup>3</sup> in the Reply Version. In answer to the Panel’s questions, Mr Sunich explained his opinion that 20m<sup>3</sup> is a relatively significant volume of earthworks and may lead to significant adverse effects on riparian margins. He considered no allowance for earthworks in the setbacks is too restrictive, however, 5m<sup>3</sup> is not an insignificant allowance. He considered 5m<sup>3</sup> would give reasonable scope for earthworks to be undertaken without capturing minor activities, and enable tailored, relevant controls to be established through conditions for larger scale earthworks.
180. Mr Wyeth<sup>200</sup> referred us to the evaluation of this standard in the Section 32 Report. This evaluation recognised the additional costs in applying for resource consent but assessed this as a small cost relative to not managing the potential harm from uncontrolled earthworks within the margins of a waterbody. It identified benefits for management of adverse environmental effects, economic benefits in protecting the environmental reputation of the District, and social and cultural benefits from safeguarding the life supporting capacity of water. The Section 32 Report concluded that setback requirements will be effective in ensuring that adverse effects on landscape, amenity and character are appropriately managed in the context of the District’s sensitive environment. In terms of efficiency, the rules were not considered to be overly restrictive, introduced an appropriate scale of control, and were commensurate with the sensitivity of the receiving environment.
181. We received some limited planning evidence, and no technical evidence, on this matter on behalf of the Real Journeys and Treble Cone Groups of submitters.
182. Mr Henderson<sup>201</sup> agreed that a threshold limit is appropriate to avoid all earthworks within the setback requiring consent. He acknowledged that the figure will to some extent be arbitrary. He questioned the basis for Mr Sunich’s recommendation of 5m<sup>3</sup> but did not provide any evidence in support of an alternative threshold.
183. Mr Farrell<sup>202</sup> stated his belief that a 10m setback is very large and that, in his experience, most earthworks activities can be carried out within 10m of a waterbody without adverse effects, especially if erosion and sediment control measures are employed. He questioned the Council’s justification for the 10m setback, suggesting that alternative distances could be required depending on the slope of the land. In his experience, the topography of the land is a significant factor in the likelihood of earthworks affecting water quality and natural values. Mr Farrell, whilst providing examples, provided no technical justification for different setback

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<sup>200</sup> J Wyeth, Section 42A Report, paragraphs 16.12 & 16.16

<sup>201</sup> R Henderson, EiC, paragraph 147

<sup>202</sup> B Farrell, EiC, paragraph 24

distances based on the slope of the land. In response, Mr Wyeth<sup>203</sup> considered it would be overly complex from a compliance perspective to introduce multiple setback requirements based on land slope across the District, and that there are wider factors to take into account when considering the risk from adverse effects of earthworks (e.g. bank stability, vegetation removal, adequacy of erosion and sediment control measures).

184. We have considered the evidence before us, the Council's background technical report and its section 32 evaluation. We have no expert technical evidence from the submitters which would cause us to disregard the evidence from Mr Sunich on behalf of the Council, and nor do we consider it would be appropriate to do so. We consider the Council has evaluated the appropriateness of alternative options (particularly as between the ODP and notified PDP provisions), considering their benefits and costs, effectiveness and efficiency and the risk of retaining a less restrictive approach, such as in the ODP. We have no evidence before us on alternative methods that would enable us to reconsider the Council's recommended provisions in accordance with s32AA of the Act.
185. We agree with Mr Sunich and Mr Wyeth that the context of the District's environment is an important consideration when evaluating the appropriateness of this standard. A high level of importance is placed on the District's lakes, rivers and wetlands, demonstrated through the extent of identified ONLs and ONFs (including many waterbodies); the high natural character and biodiversity values of the waterbodies and their margins; the importance of the District's water resources and water quality to Kāi Tahu; and the contribution of the District's waterbodies to amenity values for residents and visitors. These factors are encapsulated in Chapter 3 Strategic Directions, through the direction contained in Objectives 3.2.4, 3.2.5 and 3.2.7 and Policies 3.3.17 to 3.3.19 and 3.3.29 to 3.3.35, as well as in Chapter 5 Tangata Whenua. We have set out our understanding of the direction provided by Chapter 3 earlier in this Report, concluding that this gives a strong direction to Chapter 25 in relation to sediment generation and other adverse effects, including on water quality, landscape, natural character and Kāi Tahu values. In this context, and to achieve the Strategic objectives and policies, as well as Objective 25.3.1, we consider it is most appropriate for Chapter 25 to include firm control over the effects of earthworks in close proximity to waterbodies. We consider the provisions contained in the Reply Version of Standard 25.5.20 would be effective and efficient in achieving this.
186. In terms of the more specific submissions on the wording of Standard 25.5.20, Fish and Game's concern regarding the wording of the exemption for artificial water bodies has been clarified in the Reply Version of the standard. The concern of the Real Journeys Group that the standard does not apply to artificial watercourses has also been addressed through Mr Wyeth's recommended amendments to the wording. Mr Wyeth has recommended a further exemption from Standard 25.5.20 to provide for the "*Maintenance and repairing of existing hazard protection structures in and around a water body*", in response to the evidence on behalf of the Real Journeys Group<sup>204</sup> regarding the need to maintain such works on Walter Peak (in accordance with ORC's Water Plan requirements). We accept Mr Wyeth's recommendation as appropriately allowing for such maintenance and repair works.
187. Accordingly, we recommend Standard 25.5.20 be amended as set out in the Reply Version. We recommend that the submission from Fish and Game is accepted, and those from the Treble Cone Group and associated submitters<sup>205</sup>, and the Real Journeys Group, be accepted in

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<sup>203</sup> J Wyeth, Rebuttal Evidence, paragraphs 4.14-4.17

<sup>204</sup> F Black, EiC, paragraphs 29-36; Ben Farrell, EiC, paragraphs 22-23

<sup>205</sup> Treble Cone Group and Submissions 2377, 2381 & 2382

part (in so far as provision has been included for small scale earthworks within the waterbody setback).

6.2.7 *Standard 25.5.22 - Cleanfill*

188. Standard 25.5.22 requires a restricted discretionary activity consent where more than 300m<sup>3</sup> of Cleanfill is transported to or from an area that is the subject of earthworks. Darby Planning LP<sup>206</sup>; Lakes Hayes Limited<sup>207</sup>; Glendhu Bay Trustee Limited<sup>208</sup>; and Henley Downs Farm Holdings Limited and Henley Downs Land Holdings Limited<sup>209</sup> opposed this standard due to the overlapping definition and potential confusion with the requirements of Rule 25.4.3. The submissions seek the deletion of the standard. Rule 25.4.3 requires a restricted discretionary activity consent for earthworks for the construction or operation of a Cleanfill Facility<sup>210</sup>.
189. Mr Wyeth responded to this submission in his Section 42A Report<sup>211</sup>. He agreed that the submissions on this matter demonstrate that the relationship between Standard 25.5.22 and Rule 25.4.3 is not clear. He explained that Rule 25.4.3 relates to earthworks for the construction and operation of a Cleanfill Facility, whereas Standard 25.5.22 relates to the transportation of Cleanfill material by road to or from an earthworks site. He did not agree that Standard 25.5.22 should be deleted. He understood the need for the standard arose from a concern about managing the effects of material from earthworks being taken off-site and deposited elsewhere in the District, and there being no ability to manage those effects in the ODP. Mr Wyeth did not recommend any changes to Standard 25.5.22.
190. Mr Henderson provided evidence on this standard on behalf of the group of submitters. Despite Mr Wyeth's explanation in his Section 42A Report, Mr Henderson still considered that greater clarity is needed between Rule 25.4.3 and Standard 25.5.22 to ensure efficient management of these provisions. In the absence of that clarity he continued to recommend deletion of the Standard.
191. We do not agree that there is a great deal of confusion between these two provisions. We can see how the omission of the word "Facility" in Rule 25.4.3 may have resulted in some confusion. We also consider that some confusion could have arisen because of the structure of Standard 25.5.22. We note that it is written more as an Activity (for which consent is required), rather than as a permitted activity Standard. We consider some minor amendment to the structure of Standard 25.5.22, in accordance with clause 16(2), could make it read as a Standard without changing its meaning or intent, as follows:

*No more than 300m<sup>3</sup> of Cleanfill shall be transported by road to or from an area subject to Earthworks.*

192. With these changes, we consider there would be adequate clarity that Rule 25.4.3 is a specific requirement for consent for earthworks associated with a Cleanfill Facility, being land used solely for the disposal of Cleanfill. Whereas, Standard 25.5.22 is a permitted activity standard

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<sup>206</sup> Submission 2376

<sup>207</sup> Submission 2377

<sup>208</sup> Submission 2382

<sup>209</sup> Submission 2381

<sup>210</sup> In the notified Rule 25.4.3 the word "Facility" was omitted. This may have caused some of the confusion. In his Rebuttal Version of Chapter 25, Mr Wyeth recommended adding the word "Facility" to be consistent with the defined term.

<sup>211</sup> J Wyeth. Section 42A Report. Paragraphs 16.63-16.69

which would require consent for transporting more than 300m<sup>3</sup> of Cleanfill by road to or from an earthworks site, with Cleanfill being the material itself.

193. We accept Mr Wyeth's evidence that there is a need for Standard 25.5.22 and have not received evidence from Mr Henderson that satisfied us there is no need for this standard in order to manage the effects of transporting cleanfill in the District. Accordingly, we recommend that the submissions be rejected, and Standard 25.5.22 retained and amended as we have set out above.

## 7. SECTION 25.6 NON-NOTIFICATION OF APPLICATIONS

194. There were few submissions on these provisions of Chapter 25, and we heard only very limited evidence in the presentation from Mr Duncan White<sup>212</sup> on behalf of Paterson Pitts who stated that he still maintained a preference for more comprehensive and specific non-notified provisions than those contained in the notified Chapter 25.
195. Mr Wyeth addressed these submissions in his Section 42A Report<sup>213</sup>, giving his opinion that it is generally preferable for councils to have full discretion to notify or limited notify an application on a case-by-case basis in accordance with s95-95G of the Act. which are now relatively prescriptive. He expected the majority of earthworks applications would continue to be processed without notification. However, he noted that applications for exceeding earthworks volume thresholds may result in minor or more than more adverse effects on amenity, landscape and land stability, that may warrant an application being notified in some circumstances. Mr Wyeth recommended the submissions to preclude notification or to adopt the approach of the OPD be rejected.
196. The Panel asked Mr Wyeth to consider whether wider provision should be included for non-notification for earthworks applications, whether there is scope in the submissions, or whether the revised notification provisions of the Act will have the same effect. Mr Wyeth responded to the Panel's request in his Reply evidence<sup>214</sup>. He reiterated his preference for councils to have discretion regarding notification in accordance with the requirements of the Act. However, he acknowledged that there can be benefits in terms of certainty and efficiency, for both applicants and the councils, through the inclusion of rules in a plan that preclude notification, so that all of the steps in s95-95G of the Act do not need to be undertaken.
197. Mr Wyeth considered the submissions provided scope to widen provision for non-notification. He evaluated the new notification provisions in the Act and concluded that earthworks associated with the construction or alteration of residential dwellings would be precluded from notification by s95A95)(b)(ii) of the Act. In his opinion, this would capture the majority of earthworks occurring in residential zones, and a large portion of the earthworks consents in the District.
198. Mr Wyeth referred us to the Council's Section 32 Report for Chapter 25. This supported non-notification of applications for non-compliance with the area thresholds (as set out in 25.6.1) but, otherwise, public or limited notification was not precluded by the notified PDP for non-compliance with other standards. This was on the basis that adverse effects from earthworks can be significant, locations in the District can be sensitive, and there are range of potential effects on other persons and statutory agencies. Mr Wyeth continued to support the approach

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<sup>212</sup> D White, Evidence presented at the hearing, paragraph 4

<sup>213</sup> J Wyeth, Section 42A Report, paragraphs 17.1-17.7

<sup>214</sup> J Wyeth, Reply Evidence, section 4

of the notified PDP. In his view, the risks associated with precluding notification for non-compliance with other earthworks standards are greater than the likely benefits to Council and applicants in terms of certainty and efficiency. He considered the process for determining notification or non-notification under the Act appropriately allows decisions to be made based on the degree of adverse environmental effects on the environment and other persons. He noted that the approach of the notified PDP is consistent with other plans such as the Auckland Unitary Plan.

199. We are grateful to Mr Wyeth for his consideration of these matters, and for outlining the implications from the new notification provisions in the Act. We accept his evidence and his recommendation to retain the notification provisions as proposed in the notified PDP. We recommend that the requests to preclude notification of applications that exceed the earthworks volume thresholds, or to adopt the approach in the ODP, are rejected.

## 8. SECTIONS 25.7 MATTERS OF DISCRETION AND 25.8 ASSESSMENT MATTERS

200. We heard little specific evidence on the amendments sought by submitters to the Matters of Discretion or Assessment Matters. Mr Wyeth recommended amendments to these matters in response to submissions in both this Section 42A Report<sup>215</sup> and his Rebuttal evidence<sup>216</sup>. These included refined wording for Assessment Matter 25.8.2d. in response to the evidence of Mr Timothy Williams<sup>217</sup> for RPL and QPL; and changing references to “*indigenous biodiversity*” to the more general “biodiversity” in response to the submission from Fish and Game. We accept the amendments recommended by Mr Wyeth as shown in the Reply Version.
201. The evidence from Mr Farrell for the Real Journeys Group<sup>218</sup> challenged the inclusion of detailed Assessment Matters in Chapter 25. Whilst he considered they were helpful in providing some guidance when assessing applications, he did not consider they were the most appropriate method for implementing the objectives. He did not consider that the Council had considered alternative options for providing this guidance, such as removing the Assessment Matters from the Plan and including them in a separate non-statutory document, or including a statement in the PDP that the Assessment Matters are not mandatory and should be applied on a case-by-case basis.
202. Mr Wyeth responded to this submission and acknowledged that Assessment Matters have generally been removed from the PDP in the interests of streamlining the plan and so that activities can be assessed through the relevant objectives and policies. He referred to the Section 32 Report for Chapter 25 which gave the reasons for retaining Assessment Matters in this chapter, namely that they articulate a finer level of detail than the policies as to how earthworks activities should be designed and undertaken to be consistent with the policies. Based on the Section 32 Report’s reasons and that most submitters supported the Assessment Matters, Mr Wyeth recommended the request from the Real Journeys Group to delete the Assessment Matters from Chapter 25 be rejected.
203. The Panel acknowledges that it is a matter of preference for a council as to whether or not it includes detailed Assessment Matters in its plan, and that this preference can extend to including Assessment Matters in some chapters and not others, depending on their utility and

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<sup>215</sup> J Wyeth, Section 42A Report, section 18

<sup>216</sup> J Wyeth, Rebuttal Evidence, paragraphs 6.13-6.15

<sup>217</sup> T Williams, EiC, paragraphs 5.17-5.21

<sup>218</sup> B Farrell, EiC, paragraph 28

effectiveness. In this case, we accept that the Council has chosen to include Assessment Matters in Chapter 25 despite them being generally removed from the PDP. Mr Wyeth explained that the alternatives of not including Assessment Matters has been considered by the Council in the Section 32 Report and in response to submissions on this Chapter and others. We are satisfied that the Council has had adequate regard to alternatives and accept Mr Wyeth's recommendation to retain 25.8 Assessment Matters. Subject to some minor wording clarification we have included (without changing the meaning or intent), we recommend the submission from the Real Journeys Group be rejected.

204. We also note here that Ms Baker-Galloway<sup>219</sup> raised the matter of the positive benefits from earthworks being listed in all Matters of Discretion, in order that they can be considered when assessing restricted discretionary activity applications. This was responded to by Ms Scott on behalf of the Council in its Reply Representations / Legal Submissions (in relation to Chapter 38). The Panel has considered this matter in Part A of this Report.

## 9. SCHEDULE 25.9 INTERPRETATIVE DIAGRAMS

205. Schedule 25.9 contains a number of diagrams to assist with interpretation of the earthworks standards, particularly the setbacks of earthworks from site boundaries. We received evidence on these interpretative diagrams from Mr Botting on behalf of Paterson Pitts which we have already addressed in relation to the relevant standards. Subject to the amendments we recommend in response to Mr Botting's evidence and the responses from Mr Wyeth and Mr Sunich, we recommend these diagrams in accepted.

## 10. SCHEDULE 25.10 ACCIDENTAL DISCOVERY PROTOCOL

206. Schedule 25.10 sets out a protocol in the event of an accidental discovery during earthworks of material listed in Standard 25.5.15, being kōiwi tangata, wāhi taoka, wāhi tapu or other Māori artefact material; any feature or archaeological material that predates 1900; or evidence of contaminated land. Standard 25.5.15 requires earthworks that discover any such material to comply with the standards and procedures in Schedule 25.10 'Accidental Discovery Protocol'.
207. We heard little evidence in relation to Schedule 25.10. Most of the submissions<sup>220</sup> supported it and sought that it be retained. Submissions from Sean McLeod<sup>221</sup> and the Real Journeys Group sought that the schedule be deleted. We did not hear evidence from Mr McLeod and Mr Farrell did not address this aspect in his evidence for the Real Journeys Group. Mr Henderson supported the retention of Schedule 25.10 in his evidence<sup>222</sup> for the Treble Cone Group. Mr Wyeth addressed these submissions in his Section 42A Report<sup>223</sup> and recommended that the submissions from Mr McLeod and the Real Journeys Group be rejected, on the basis that it is effective and efficient to include the protocol in the PDP, to alert plan users, provide certainty as to the procedures to follow, and a clear link to Standard 25.5.15. We accept Mr Wyeth's evidence and agree with his reasoning regarding the appropriateness of including an Accidental Discovery Protocol for earthworks in the PDP.

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<sup>219</sup> Maree Baker-Galloway, legal submission for the Real Journeys Group

<sup>220</sup> The Treble Cone Group and associated Submissions 2377, 2381 & 2382; and Submissions 2311 and 2484

<sup>221</sup> Submission 2349

<sup>222</sup> R Henderson, EiC, paragraph 158

<sup>223</sup> J Wyeth, Section 42A Report, section 19

208. The Panel does have a concern regarding the structure and wording of the protocol in Schedule 25.10. As stated in Standard 25.5.15, the protocol is a standard that is applied to permitted activities. The protocol must be written in a clear, directive form, that can be applied in this way. It must state what “shall be” done, rather than what will be “determined” by the Council, for example. A resource consent is only required if the protocol is not adhered to, so reference to consent holders is not relevant in a standard. We have made some amendments to the structure and clarity of the wording in the protocol, in accordance with clause 16(2), without changing its meaning or intent, in order to ensure it can act as a standard for permitted activities. Subject to those amendments, we recommend Schedule 25.10 be included in Chapter 25 and those submissions seeking its deletion be rejected.

## 11. VARIATION TO STAGE 1 PDP CHAPTER 2 DEFINITIONS

209. The Stage 2 Variation to Stage 1 Chapter 2 Definitions amended the definitions of Earthworks, Landfill and Mining Activity; and introduced new definitions for Cleanfill, Cleanfill Facility, Mineral Exploration, Mineral Prospecting and Regionally Significant Infrastructure. We heard little evidence in relation to these definitions. Ms Kim Reilly<sup>224</sup>, on behalf of Federated Farmers, accepted the comments in the Section 42A Report in respect of its submission points on definitions. Mr Henderson<sup>225</sup>, on behalf of the Treble Cone Group, stated that the submitters opposed the inclusion of “the deposition and removal of cleanfill” into the definition of “Earthworks”, on the basis that it is defined separately and subject to a discretionary activity rule regardless of volume. However, he provided no planning evidence to support this submission.

210. Mr Wyeth addressed submissions on the definitions in his Section 42A Report<sup>226</sup> and recommended that the submission from the Treble Cone Group relating to the inclusion of “cleanfill” within the “Earthworks” definition be rejected. Mr Wyeth referred to the draft National Planning Standards which are seeking to standardise some definitions across planning documents. He acknowledged that no weight can be put on these Standards, as they are still draft and may be subject to change following public consultation. However, he considered they provide a useful guide as to the national direction and have been prepared following consideration of existing definitions in plans across the country. Mr Wyeth noted that, in combination, the definitions of “earthworks” and “land disturbance” in the draft National Planning Standards, specifically include “cleanfill”.

211. In addition, as we have discussed earlier in this Report, Mr Wyeth explained that there appears to be a misunderstanding about the purpose of Rule 25.4.3, which relates to earthworks for the construction and operation of a Cleanfill Facility, being land used solely for the disposal of Cleanfill; whereas earthworks generally may (and often will) include the deposition or removal of Cleanfill, unrelated to a “Cleanfill Facility”. As we noted previously, Mr Wyeth recommended adding the word “Facility” to Rule 25.4.3 to be consistent with the defined term and, potentially, improve clarity.

212. We accept Mr Wyeth’s explanation of the relationship between Rule 25.4.3 and the inclusion of cleanfill in the general definition of earthworks. We agree this necessary to ensure that effects from the deposition or removal of cleanfill, in a manner unrelated to a “Cleanfill Facility”, is treated in the same way as other earthworks activities, with the same standards and consent requirements. We are satisfied that the wording of the definition of

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<sup>224</sup> K Reilly, EiC, paragraph 50

<sup>225</sup> R Henderson EiC, paragraph 151 & 159

<sup>226</sup> J Wyeth, Section 42A Report, paragraphs 20.1-20.20

“Earthworks” is the most appropriate to achieve the objectives of Chapter 25. We recommend that the submissions from the Treble Cone Group regarding the definition of “Earthworks” are rejected, and the definition included in the Reply Version be accepted.

## 12. VARIATION TO STAGE 1 PDP CHAPTER 27 SUBDIVISION AND DEVELOPMENT

213. The Stage 2 Variation to Stage 1 Chapter 27 Subdivision and Development amended Rule 27.3.2.1 in order to specify the relationship between Chapters 25 and 27 for earthworks undertaken at the time of subdivision. Submissions were received on this variation from the Jacks Point Group and Glendhu Bay Trustees Ltd<sup>227</sup> requesting that Rule 27.3.2.1 be amended to better explain and clarify the relationship between the two chapters. We have addressed this matter earlier in this report, when we considered submissions seeking exemptions from Chapter 25 for earthworks associated with subdivision. We have recommended amendments to both Rule 25.3.4.1 and Rule 27.3.2.1 to clarify the relationship between these chapters. As a result, we recommend that the submissions on the variation to Chapter 27 be accepted in part.

## 13. VARIATION TO STAGE 1 CHAPTER 41 JACKS POINT ZONE

214. The Stage 2 Variation to Stage 1 Chapter 41 Jacks Point Zone struck out the earthworks-related provisions from Chapter 41, in order that they could be integrated into the notified Chapter 25. The evidence for the Jacks Point Group<sup>228</sup> was that they generally supported the integration of all earthworks provisions into the standalone Chapter 25. No submissions were received on this variation. Accordingly, we have not addressed this variation further in the report.

## 14. RECOMMENDED AMENDMENTS PURSUANT TO CLAUSE 16(2)

215. Clause 16(2) of the First Schedule to the Act provides that:

*(2) a local authority may make an amendment, without using the process in the schedule, to its proposed policy statement or plan to alter any information, where such alteration is of minor effect or may correct any minor errors.*

216. We have set out below our recommendations for amendments pursuant to Clause 16(2). We have not included circumstances where consequential changes are required as a result of changes to policy/rule numbers or deletion of provisions.
217. The amendments made to the text under Clause 16(2) below have already been included in the text changes attached in Appendix 1.
- (a) 25.1 Purpose – consequential amendments as a result of changes to the rules specifying the relationship between earthworks controls under Chapter 25 and subdivisions involving earthworks in Chapter 27.
  - (b) Sections 25.3 and 25.8 – replace “*land disturbance activities*” with “*earthworks*”.
  - (c) Section 25.3 – amended the format and headings, and minor wording changes, to be consistent with the format and wording of the Chapters in the PDP (Decisions Version)
  - (d) Section 25.3 – added reference to the NES-PF.

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<sup>227</sup> Submission 2382

<sup>228</sup> R Henderson, EiC, paragraph 17

- (e) Rule 25.4.1 – restructured the wording of the rule to distinguish more clearly between compliance with the standards in Tables 25.2 & 25.3 and the activity statuses listed in Table 25.1
- (f) Table 25.2 – correct references to names of zones and areas to be consistent with the PDP (Decisions Version).
- (g) Table 25.3 – delete references to matters of discretion in each standard and replace with general reference in Clause 25.3.2.3.
- (h) Standard 25.5.20 – minor clarifications to the wording to improve ease of interpretation.
- (i) Standard 25.5.22 – minor amendments to write as a standard for permitted activities, rather than an activity status.
- (j) Schedule 25,10 – minor amendments to write schedule as a standard for permitted activities, rather than as conditions for resource consents.

## 15. OVERALL RECOMMENDATION

218. For the reasons set out above, we are satisfied that:
- the amendments we are recommending to the objectives are the most appropriate way to achieve the purpose of the Act,
  - the amendments we are recommending to the policies and rules are the most efficient and effective in achieving the objectives of the PDP; and
  - our recommended amendments to the rules will be efficient and effective in implementing the policies of the Plan.
219. For all the reasons above, we recommend the Council adopt Chapter 25, and its associated variations to Chapters 2, 27 and 41, with the wording as set out in Appendix 1, and accept, accept in part, or reject the submissions on this chapter as set out in Appendix 2.

For the Hearing Panel



Denis Nugent, Chair  
Dated: 11 January 2019

**Appendix 1: Chapter 25 and Variations to Chapters 2, 27 and 41 as Recommended**

# 25 Earthworks

## 25.1 Purpose

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

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

Earthworks associated with construction, subdivision, land use and development can cause erosion of land and sedimentation of stormwater. Unless appropriately managed this could affect stormwater networks, or result in sediment entering wetlands, rivers and lakes. Earthworks can also create temporary nuisance effects from dust, noise and vibration that require management. The focus of Chapter 25 is therefore on ensuring the adverse effects of earthworks are appropriately managed and minimised. It does not seek to discourage or avoid earthworks in the District.

The volume, cut and fill limits in the Earthworks Chapter do not apply to earthworks associated subdivisions All other rules in the Earthworks Chapter apply to subdivisions to manage potential adverse effects from for instance, earthworks near water bodies or cut and fill adjacent to neighbouring properties. Applications for subdivisions involving earthworks shall also be considered against the matters of discretion and assessment matters in this chapter.

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

## 25.2 Objectives and Policies

**25.2.1 Objective – Earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values.**

### Policies

- 25.2.1.1 Ensure earthworks minimise erosion, land instability, and sediment generation and off-site discharge during construction activities associated with subdivision and development.
- 25.2.1.2 Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that:

- a. Protects the values of Outstanding Natural Features and Landscapes;
- b. Maintains the amenity values of Rural Character Landscapes
- c. Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;
- d. Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wanaka Basin and Cardrona alluvial ribbon aquifers;

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

- e. Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;
- f. Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and
- g. Maintains public access to and along lakes and rivers.

- 25.2.1.3 Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.
- 25.2.1.4 Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.
- 25.2.1.5 Design earthworks to recognise the constraints and opportunities of the site and environment.
- 25.2.1.6 Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.
- 25.2.1.7 Encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects on water bodies and nuisance effects of adverse construction noise, vibration, odour, dust and traffic effects.
- 25.2.1.8 Undertake processes to avoid adverse effects on cultural heritage, including wāhi tapu, wāhi tūpuna and other taonga, and archaeological sites, or where these cannot be avoided, effects are remedied or mitigated.
- 25.2.1.9 Manage the potential adverse effects arising from exposing or disturbing accidentally discovered material by following the Accidental Discovery Protocol in Schedule 25.10.
- 25.2.1.10 Ensure that earthworks that generate traffic movements maintain the safety of roads and accesses, and do not degrade the amenity and quality of surrounding land.
- 25.2.1.11 Ensure that earthworks minimise natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation.

**25.2.2 Objective – The social, cultural and economic wellbeing of people and communities benefits from earthworks**

**Policies**

- 25.2.2.1 Enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:
- a. Nationally and Regionally Significant Infrastructure;
  - b. tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Waiorau Ski Area Sub Zone;
  - c. minimising the risk of natural hazards;
  - d. enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing; and
  - e. the use and enjoyment of land for recreation, including public walkways and trails.

**25.3 Other Provisions and Rules**

**25.3.1 District Wide**

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
26 Historic Heritage	27 Subdivision	28 Natural Hazards
29 Transport	30 Energy and Utilities	31 Signs
32 Protected Trees	33 Indigenous Vegetation and Biodiversity	34 Wilding Exotic Trees
35 Temporary Activities and Relocated Buildings	36 Noise	37 Designations
Planning Maps		

25.3.1.1 Refer to Chapter 33 Indigenous Vegetation and Biodiversity for earthworks within Significant Natural Areas. The provisions of this chapter apply in addition to the provisions in Chapter 33 Indigenous Vegetation and Biodiversity.

25.3.1.2 Earthworks are also managed as part of development activities and modifications to Historic Heritage items and settings identified on the Planning Maps and in Chapter 26 Historic Heritage. The provisions of this chapter apply in addition to the provisions in Chapter 26 Historic Heritage.

25.3.1.3 The rules relating to construction noise and vibration are managed in Chapter 36: Noise. Consideration of construction noise and vibration associated with earthworks are included as matters of discretion in Part 25.7 and assessment matters in Part 25.8 as a component of the management of the potential adverse effects of earthworks.

### **25.3.2 Interpreting and Applying the Rules**

25.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.

25.3.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

25.3.2.3 For restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in 25.7 Matters of Discretion.

25.3.2.4 The rules for any zone include any subzone or overlay applicable to that zone, except where otherwise specified.

25.3.2.5 Earthworks associated with subdivisions under Chapter 27 are exempt from the following Rules:

- a. Table 25.2 Maximum Volume;
- b. Rule 25.5.15 Cut Standard; and
- c. Rule 25.5.16 Fill Standard.

All other rules in the Earthworks Chapter apply to earthworks associated with a subdivision. Applications for earthworks that are associated with subdivision shall be considered against the matters of discretion for earthworks in Part 25.7 and assessment matters in Part 25.8.

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

25.3.2.6 Earthworks within the Ski Area Sub Zones and vehicle testing facilities within the Waairau Ski Area Sub Zone are exempt from the earthworks rules, with the exception of the following rules that apply:

- a. Rules 25.5.12 and 25.5.13 that control erosion and sediment and dust;
- b. Rule 25.5.19 setbacks from waterbodies; and
- c. Rule 25.5.20 exposing groundwater.

- 25.3.2.7 Earthworks within the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone to facilitate the construction of a building and landscaping authorised by resource consent within an approved building platform are exempt from the following rules:
- a. Table 25.2 Maximum Volume;
  - b. Rule 25.5.15 Cut Standard; and
  - c. Rule 25.5.16 Fill Standard.
- 25.3.2.8 The provisions in this chapter do not apply to the following activities in Chapter 30 Energy and Utilities:
- a. Earthworks, buildings, structures and National Grid sensitive activities undertaken within the National Grid Yard;
  - b. Earthworks for the placement of underground electricity cables or lines.
  - c. Earthworks for the construction, alteration, or addition to underground lines.
- 25.3.2.9 Earthworks shall be calculated as follows:
- a. The maximum volume and area of earthworks shall be calculated per site, within any consecutive 12 month period
  - b. Volume shall mean the sum of all earth that is moved within a site and includes the total of any combined cut and fill. Refer to Interpretive Diagrams 25.1 to 25.3 located within Schedule 25.9
- 25.3.2.10 Earthworks for the following shall be exempt from the rules in Tables 25.1 to 25.3:
- a. Erosion and sediment control except where subject to Rule 25.5.19 setback from waterbodies.
  - b. The digging of holes for offal pits
  - c. Fence posts.
  - d. Drilling bores.
  - e. Mining Activity, Mineral Exploration or Mineral Prospecting.
  - f. Planting riparian vegetation.
  - g. Internments within legally established burial grounds.
  - h. Maintenance of existing vehicle and recreational accesses and tracks, excluding their expansion.
  - i. Deposition of spoil from drain clearance work within the site the drain crosses.

- j. Test pits or boreholes necessary as part of a geotechnical assessment or contaminated land assessment where the ground is reinstated to existing levels within 48 hours.
- k. Firebreaks not exceeding 10 metres width.
- l. Cultivation and cropping.
- m. Fencing in the Rural Zone, Wakatipu Basin Rural Amenity Zone (excluding the Precinct), Rural Lifestyle Zone and Gibbston Character Zone where any cut or fill does not exceed 1 metre in height or any earthworks does not exceed 1 metre in width.
- n. Earthworks where the following National Environmental Standards have regulations that prevail over the District Plan:
  - (i) Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.
  - (ii) Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
  - (iii) Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.
  - (iv) Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2016.

25.3.2.11 The following abbreviations are used within this Chapter.

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

### 25.3.3 Advice Notes - Regional Council Provisions

25.3.3.1 Some earthworks activities including those that:

- a. involve the diversion of water; including any earthworks structures used for flood hazard mitigation; or
- b. discharge of stormwater with sediment; or
- c. modification to water bodies including wetlands; or
- d. result in the exposure of groundwater aquifers:  
are subject to the Otago Regional Council Regional Plan: Water for Otago 2004.

25.3.3.2 Cleanfill and Landfill activities are also subject to the Otago Regional Council Regional Plan: Waste for Otago 1997.

### 25.3.4 Advice Notes - General

25.3.4.1 Those who wish to undertake earthworks in the vicinity of Queenstown Airport or Wanaka Airport are referred to Figures 1 to 4 of the Planning Maps which identify the Airport Approach and Protection Measures, and Airport Protection Inner Horizontal and

Conical Surfaces for Queenstown Airport and Wanaka Airport. Land use restrictions within these areas are further described in Chapter 37: Designations, Parts D.3 and E.2. Persons who wish to undertake earthworks are advised to consult with the relevant requiring authority and the Civil Aviation Authority.

25.3.4.2 Part I of the Heritage New Zealand Pouhere Taonga Act 2014 states that no work may be undertaken on an archaeological site (whether recorded or unrecorded) until an archaeological authority to destroy, damage or modify a site has been granted by Heritage New Zealand Pouhere Taonga in accordance with that Act. Note: A recorded site is an archaeological site recorded via the New Zealand Archaeological Association's Site Recording Scheme and information is available at [www.archsite.org.nz](http://www.archsite.org.nz).

25.3.4.3 Attention is drawn to the following iwi management plans that should be taken into account of and given regard to when assessing resource consent applications:

- a. Te Tangi a Taurira: The Cry of the People, the Ngāi Tahu ki Murihiku Iwi Management Plan for Natural Resources 2008.
- b. Kāi Tahu ki Otago Natural Resource Management Plans 1995 and 2005.

25.3.4.4 Resource consent may be required for earthworks under the following National Environmental Standards:

- a. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. In particular for earthworks associated with the removal or replacement of fuel storage tanks, earthworks associated with sampling or disturbance of land identified in the Listed Land Use Register held by the Otago Regional Council. In these instances, the NES applies instead of the District Plan provisions.
- b. The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016. In particular for earthworks associated with antennas and cabinets. Refer to Chapter 30 Energy and Utilities for clarification as to whether the NES applies instead of the District Plan provisions.
- c. The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009. Refer to Chapter 30 Energy and Utilities for clarification as to whether the NES applies instead of the District Plan provisions.
- d. The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

## 25.4 Rules – Activities

	Table 25.1 - Earthworks Activities	Activity Status
25.4.1	Earthworks that comply with all of the standards in Tables 25.2 and 25.3, except where listed in Table 25.1 as a restricted discretionary or discretionary activity.	P

	<b>Table 25.1 - Earthworks Activities</b>	<b>Activity Status</b>
<b>25.4.2</b>	<b>Earthworks that do not comply with the standards for the maximum total volume of earthworks in Table 25.2.</b>	RD
<b>25.4.3</b>	<b>Earthworks for the construction or operation of a Cleanfill Facility.</b>	RD
<b>25.4.4</b>	<b>Earthworks for the construction or operation of a Landfill.</b>	D
<b>25.4.5</b>	<b>Earthworks</b> 25.4.5.1 that modify, damage or destroy a wāhi tapu, wāhi tūpuna or other site of significance to Māori whether identified on the Planning Maps or not; or 25.4.5.2 that modify, damage or destroy a listed heritage feature, in Chapter 26.8 Historic Heritage; or 25.4.5.3 within the setting or extent of place of a listed heritage feature in Chapter 26.8 – Historic Heritage.	D
<b>25.4.6</b>	<b>Earthworks within a Statutory Acknowledgment Area, Tōpuni or Nohoanga identified on Planning Map 40.</b>	D

## 25.5 Rules – Standards

	<b>Table 25.2 - Maximum Volume</b>	<b>Maximum Total Volume</b>
<b>25.5.1</b>	Arrowtown Residential Historic Management Zone Arrowtown Town Centre Zone Open Space and Recreation Zones	100m <sup>3</sup>
<b>25.5.2</b>	Heritage Landscape Overlay Area Heritage Precinct Outstanding Natural Feature	10m <sup>3</sup>
<b>25.5.3</b>	Low Density Residential Zone Medium Density Residential Zone High Density Residential Zone Waterfall Park Zone	300m <sup>3</sup>

	<b>Table 25.2 - Maximum Volume</b>	<b>Maximum Total Volume</b>
<b>25.5.4</b>	Large Lot Residential Zone Rural Residential Zone Rural Lifestyle Zone Wakatipu Basin Rural Amenity Zone and Precinct	400m <sup>3</sup>
<b>25.5.5</b>	Queenstown Town Centre Zone Wanaka Town Centre Zone Local Shopping Centre Zone Business Mixed Use Zone Airport Zone (Queenstown) Millbrook Resort Zone	500m <sup>3</sup>
<b>25.5.6</b>	Rural Zone Gibbston Character Zone Airport Zone (Wanaka)	1000m <sup>3</sup>
<b>25.5.7</b>	25.5.7.1 Roads 25.5.7.2 Roads located within an Outstanding Natural Feature identified on the Planning Maps	a. No limit b. 10m <sup>3</sup>
	<b>Jacks Point Zone</b>	
<b>25.5.8</b>	Residential Activity Areas Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500m <sup>3</sup>
<b>25.5.9</b>	Open Space Landscape Open Space Amenity	1000m <sup>3</sup>

	<b>Table 25.2 - Maximum Volume</b>	<b>Maximum Total Volume</b>
	Homesite	
<b>25.5.10</b>	Open Space Golf Education Lodge Village Village Homestead Bay	No maximum

	<b>Table 25.3 - Standards</b>	<b>Non-Compliance</b>
	<b>Nuisance effects, erosion, sediment generation and run-off</b>	
<b>25.5.11</b>	<b>Earthworks over a contiguous area of land shall not exceed the following area:</b> 25.5.11.1 2,500m <sup>2</sup> where the slope is 10° or greater. 25.5.11.2 10,000m <sup>2</sup> where the slope is less than 10°.	RD
<b>25.5.12</b>	<b>Erosion and sediment control measures must be implemented and maintained during earthworks to minimise the amount of sediment exiting the site, entering water bodies, and stormwater networks.</b>  Note:  Compliance with this standard is generally deemed to be compliance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region. Auckland Council Guideline Document GD2016/005.	RD
<b>25.5.13</b>	<b>Dust from earthworks shall be managed through appropriate dust control measures so that dust it does not cause nuisance effects beyond the boundary of the site</b>  Note:  Compliance with this standard is generally deemed to be compliance with section 9 of Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region. Auckland Council Guideline Document GD2016/005.	RD

	<b>Table 25.3 - Standards</b>	<b>Non-Compliance</b>
<b>25.5.14</b>	<p><b>Earthworks that discovers any of the following:</b></p> <p>25.5.14.1 kōiwi tangata (human skeletal remains), wāhi taoka (resources of importance), wāhi tapu (places or features of special significance) or other Māori artefact material, or</p> <p>25.5.14.2 any feature or archaeological material that predates 1900, or</p> <p>25.5.14.3 evidence of contaminated land (such as discolouration, vapours, landfill material, significant odours),</p> <p>that is not provided for by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, any resource consent or other statutory authority, shall comply with the standards and procedures in Schedule 25.10 'Accidental Discovery Protocol'.</p>	RD
	<b>Height of cut and fill and slope</b>	
<b>25.5.15</b>	<p><b>The maximum depth of any cut shall not exceed 2.4 metres.</b></p> <p>25.5.15.1 This rule shall not apply to roads.</p>	RD
<b>25.5.16</b>	<p><b>The maximum height of any fill shall not exceed 2 metres.</b></p> <p>25.5.16.1 This rule shall not apply to roads and to the backfilling of excavations.</p>	RD

	<b>Table 25.3 - Standards</b>	<b>Non-Compliance</b>
<b>25.5.17</b>	<p><b>Earthworks for farm tracks and access ways in the following Zones and Activity Areas shall comply with standards 25.5.18.1 to 25.5.18.3:</b></p> <ul style="list-style-type: none"> <li>• Rural Zone</li> <li>• Wakatipu Basin Rural Amenity Zone</li> <li>• Gibbston Character Zone</li> <li>• Jacks Point Zone Activity Areas: <ul style="list-style-type: none"> <li>- Open Space Landscape</li> <li>- Open Space Golf</li> <li>- Open Space Amenity</li> <li>- Homesite</li> <li>- Education</li> <li>- Lodge</li> </ul> </li> </ul> <p>25.5.17.1 No farm track or access way shall have an upslope cut or batter greater than 1 metre in height.</p> <p>25.5.17.2 All cuts and batters shall not be greater than 65 degrees.</p> <p>25.5.17.3 The maximum height of any fill shall not exceed 2 metres.</p> <p>This standard shall not apply to roads.</p>	RD
	<b>Setbacks from boundaries</b>	

	<b>Table 25.3 - Standards</b>	<b>Non-Compliance</b>
<b>25.5.18</b>	<p><b>Earthworks greater than 0.3 metres in height or depth shall be set back from the site boundary the following minimum distances:</b></p> <p>25.5.18.1 Earthworks not supported by retaining walls:</p> <ol style="list-style-type: none"> <li>a. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill, with a maximum batter slope angle of 1:3 (vertical: horizontal); or</li> <li>b. 300mm plus a batter slope angle of a maximum of 1:3 (vertical: horizontal), as measured from the crest of the cut.</li> </ol> <p>Refer to Interpretive Diagrams 25.4 and 25.5 located within Schedule 25.9.</p> <p>25.5.18.2 Earthworks supported by retaining walls:</p> <ol style="list-style-type: none"> <li>a. Cut or fill supported by a retaining wall must be setback a distance at least equal to the height of the retaining wall;</li> <li>b. Cut and fill equal to or less than 0.5m in height is exempt from this rule.</li> </ol> <p>Refer to Interpretive Diagrams 25.6 and 25.7 located within Schedule 25.9.</p>	RD
	<b>Water bodies</b>	
<b>25.5.19</b>	<p><b>Earthworks within 10m of the bed of any water body, or any drain or water race that flows to a lake or river, shall not exceed 5m<sup>3</sup> in total volume, within any consecutive 12-month period.</b></p> <p>This rule shall not apply to:</p> <p>25.5.19.1 any artificial water body (watercourse, lake, pond or wetland) that does not flow to a lake or river, including Lake Tewa within the Jacks Point Zone; or</p> <p>25.5.19.2 Maintenance and repairing of existing hazard protection structures in and around a water body.</p>	RD
<b>25.5.20</b>	<p><b>Earthworks shall not be undertaken below the water table of any groundwater aquifer, or cause artificial drainage of any groundwater aquifer.</b></p>	RD

	<b>Table 25.3 - Standards</b>	<b>Non-Compliance</b>
	<b>Cleanfill</b>	
<b>25.5.21</b>	<b>No more than 300m<sup>3</sup> of Cleanfill shall be transported by road to or from an area subject to Earthworks.</b>	RD

## **25.6 Non-Notification of Applications**

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

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

## **25.7 Matters of Discretion**

**25.7.1 For all restricted discretionary activities discretion shall be restricted to the following matters. These matters may also be applicable to any discretionary or non-complying activity.**

25.7.1.1 Soil erosion, generation and run-off of sediment.

25.7.1.2 Landscape and visual amenity.

25.7.1.3 Effects on infrastructure, adjacent sites and public roads.

25.7.1.4 Land stability.

25.7.1.5 Effects on water bodies, ecosystem services and biodiversity.

25.7.1.6 Cultural, heritage and archaeological sites.

25.7.1.7 Nuisance effects.

25.7.1.8 Natural Hazards.

25.7.1.9 Functional aspects and positive effects.

## **25.8 Assessment Matters**

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

**25.8.2 Soil erosion and generation of sediments**

25.8.2.1 The extent to which the proposal achieves effective erosion and sediment management.

- 25.8.2.2 Whether earthworks will be completed within a short period, reducing the risk of actual and potential adverse effects.
- 25.8.2.3 Whether the extent or impacts of adverse effects from the earthworks can be mitigated by managing the season or staging of when such works occur.
- 25.8.2.4 Whether the proposal is supported with erosion and sediment management design that corresponds to the scale, area, duration of the works and the sensitivity of receiving environment. In particular where resource consent is required for non-compliance with Rule 25.5.11, this design is prepared by a suitably qualified person.

**25.8.3 Landscape and visual amenity**

- 25.8.3.1 Whether the design of the earthworks is sympathetic to natural topography.
- 25.8.3.2 Whether any rehabilitation is proposed and to what extent rehabilitation, revegetation or future buildings would mitigate adverse effects, including any re-vegetation or landscaping.
- 25.8.3.3 The duration of earthworks and any timeframes proposed for remedial works and revegetation.
- 25.8.3.4 Within Outstanding Natural Features and Landscapes and, the Rural Landscape landscapes, whether and to what extent earthworks avoid, remedy or mitigate adverse effects or improve landscape quality and character, taking into account:
  - a. physical attributes including geological, topographical features, waterbodies and formative processes of the landscape;
  - b. visual attributes including legibility, existing land management patterns, vegetation patterns, ridgelines or visually prominent areas; and
  - c. cultural attributes including Tangata whenua values, historic and heritage associations.
- 25.8.3.5 The sensitivity of the landscape to absorb change, and whether the earthworks will change the character or quality of the landscape.
- 25.8.3.6 The potential for cumulative effects on the natural form of the landscape.
- 25.8.3.7 Whether the design or location of any new tracks or roads can be modified in order to decrease the effects on the stability, visual quality and amenity values of the landscape.
- 25.8.3.8 The extent earthworks will affect visual amenity values including public or private views and whether the earthworks will be remediated, and the final form of the area affected is consistent with natural topography and land use patterns.

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

- 25.8.4.1 Whether the earthworks will affect stormwater and overland flows, and the extent to which this creates adverse effects off-site and increases stormwater flows onto other properties, including whether this will exceed existing stormwater design or stormwater management of those properties.
- 25.8.4.2 Whether the earthworks or final ground levels will adversely affect existing infrastructure, utility services and assets.
- 25.8.4.3 Where there will need to be off-site disposal of excess material or cleanfill, traffic generation effects limited to access, road network performance and safety, damage to the carriageway and amenity effects.
- 25.8.4.4 Whether the use of legal instruments are necessary, such as a bond to ensure works are completed, the earthworks area is rehabilitated, or for damage to roads.
- 25.8.4.5 Any other measures employed to reduce the impact on other sensitive receivers such as aircraft operating in the Airport Protection Inner and Conical Surfaces for Queenstown and Wanaka Airports.

#### **25.8.5 Land stability**

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

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

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

25.8.6.4 The effects on significant natural areas.

**25.8.7 Cultural, heritage and archaeological values**

25.8.7.1 The extent to which the activity modifies or damages wāhi tapu or wāhi taonga, whether tangata whenua have been notified and the outcomes of any consultation.

25.8.7.2 The extent to which the activity affects Ngāi Tahu's cultural, spiritual, historic and traditional association with a Statutory Acknowledgment Area having regard to the relevant provisions of the iwi management plans identified in Advice Note 25.3.4.3.

25.8.7.3 The extent to which a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin or other archaeological items has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made. Using the Accidental Discovery Protocol in Schedule 25.10 as a guide.

25.8.7.4 Whether the proposal protects the relationship of Mana Whenua with their cultural heritage.

25.8.7.5 Whether the area subject to earthworks contains a recorded archaeological site, and if so the extent to which the proposal would affect any such site and whether any necessary archaeological authority has been obtained from Heritage New Zealand Pouhere Taonga.

25.8.7.6 The extent to which earthworks and vibration adversely affect heritage items.

**25.8.8 Nuisance effects**

25.8.8.1 The extent to which earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures, including whether a management plan has been submitted as part of the application.

25.8.8.2 Duration and hours of operation, including whether the activity will generate noise and vibration effects, which detract from the amenity values of the surrounding area to an extent greater than anticipated to accommodate development otherwise provided for by the District Plan.

**25.8.9 Natural Hazards**

25.8.9.1 Whether the earthworks are necessary to avoid, remedy or mitigate the risk of any natural hazard.

25.8.9.2 Where the proposal is affected by, or potentially affected by, natural hazards as identified in the Council's natural hazards database, particular regard shall

be had to the Natural Hazards Chapter 28, in particular Policies 28.3.2.1, 28.3.2.2, 28.3.2.3.

- 25.8.9.3 Whether the earthworks and final ground levels will adversely affect an aquifer or an overland flow path or increase the potential risk of flooding within the site or surrounding sites.
- 25.8.9.4 The extent earthworks affect the risk of natural hazards and whether the risk is reduced or not increased.

**25.8.10 Functional aspects and positive effects**

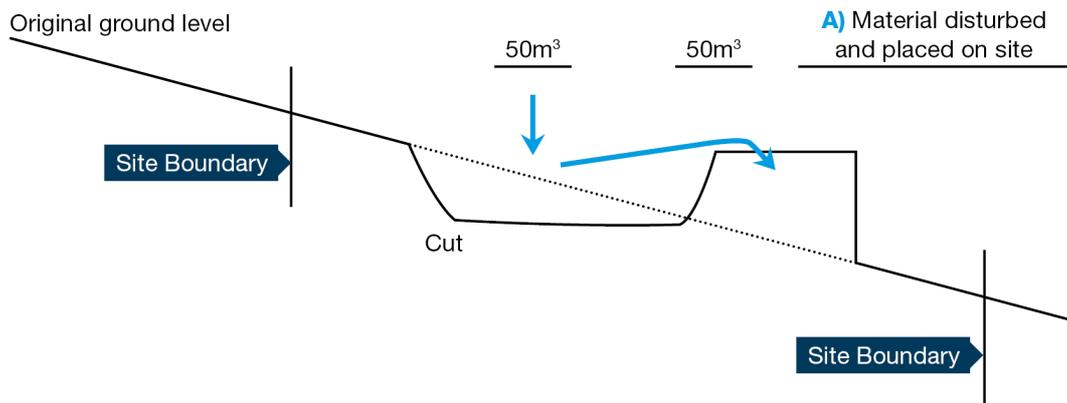
- 25.8.10.1 Whether the earthworks are necessary for the functional or operational requirements of infrastructure, including network utility installation, repair or maintenance.
- 25.8.10.2 The extent to which the earthworks are necessary to accommodate development otherwise provided for by the District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

## 25.9 Schedule 25.9 Interpretive Diagrams

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

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

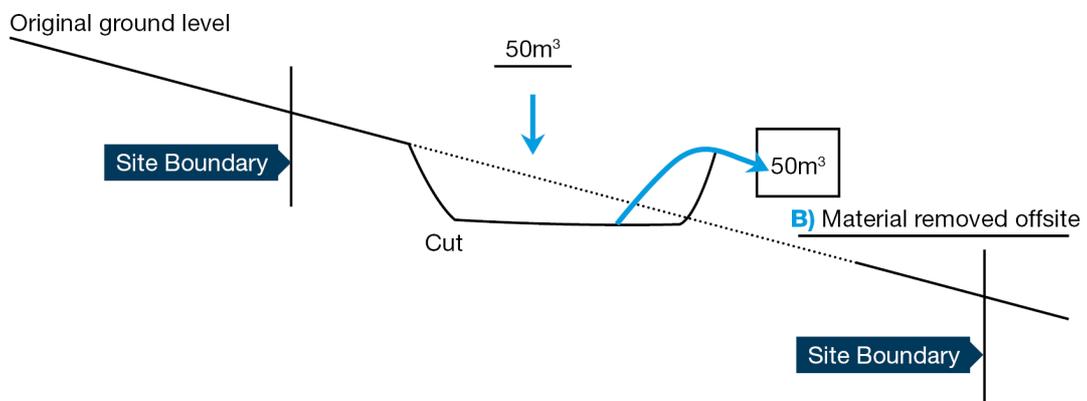
$$\text{A) Total Volume} = 50\text{m}^3 (\text{Cut}) + 50\text{m}^3 (\text{Fill}) \\ = 100\text{m}^3$$



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

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

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

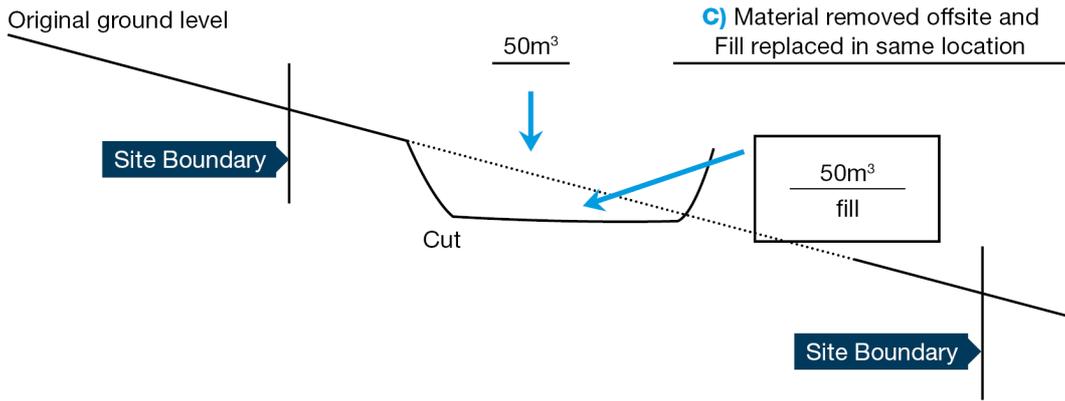


**25.3**

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

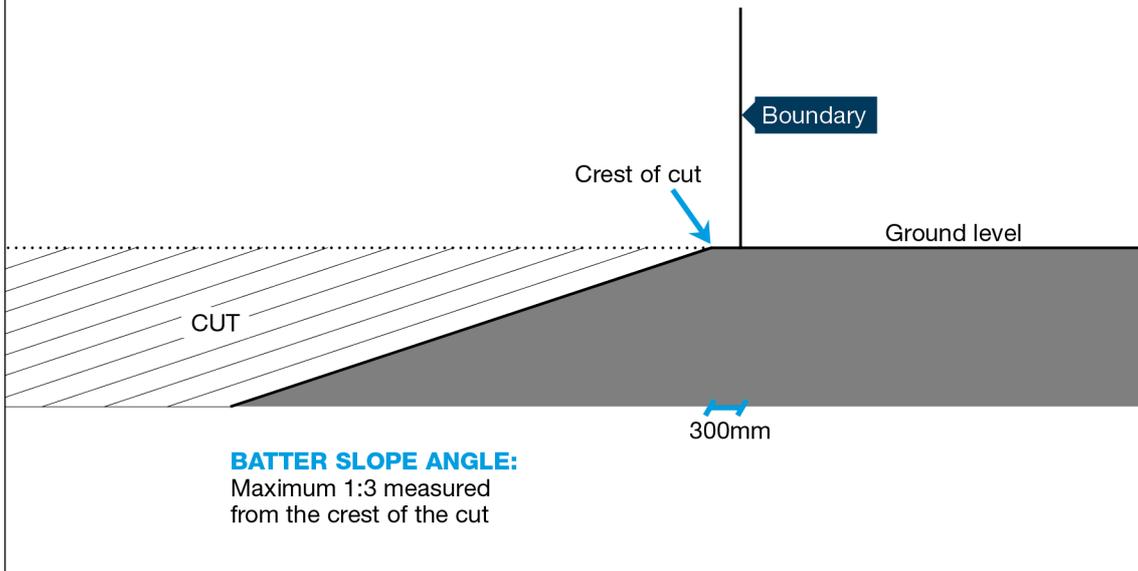
The total volume of earthworks means 'the total volume of all material that is moved within a site'

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



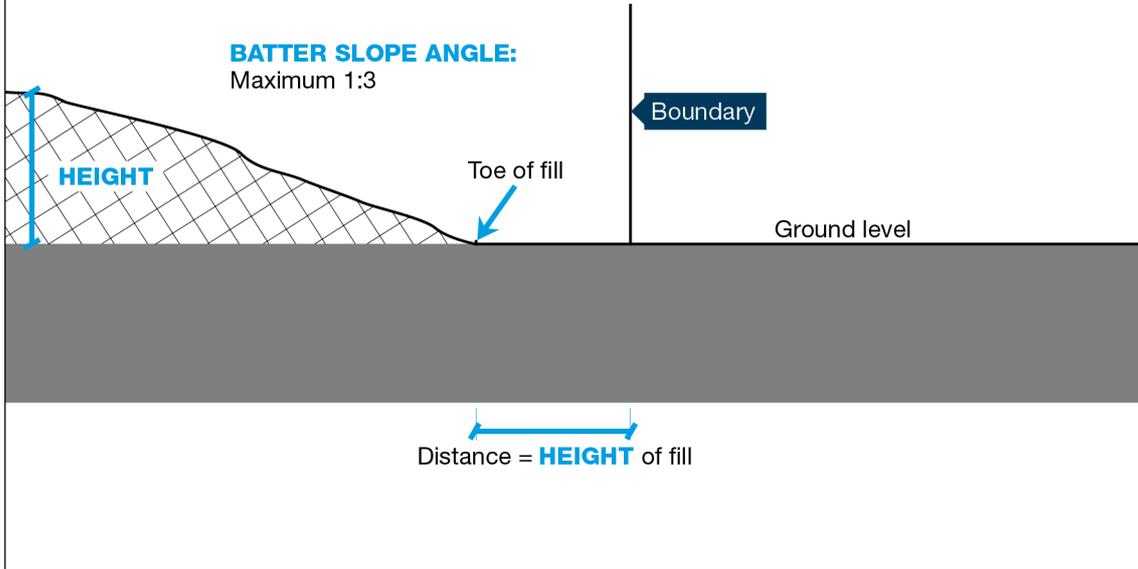
**25.4**

**Interpretative Diagram: Unsupported Cut**  
Elevation View



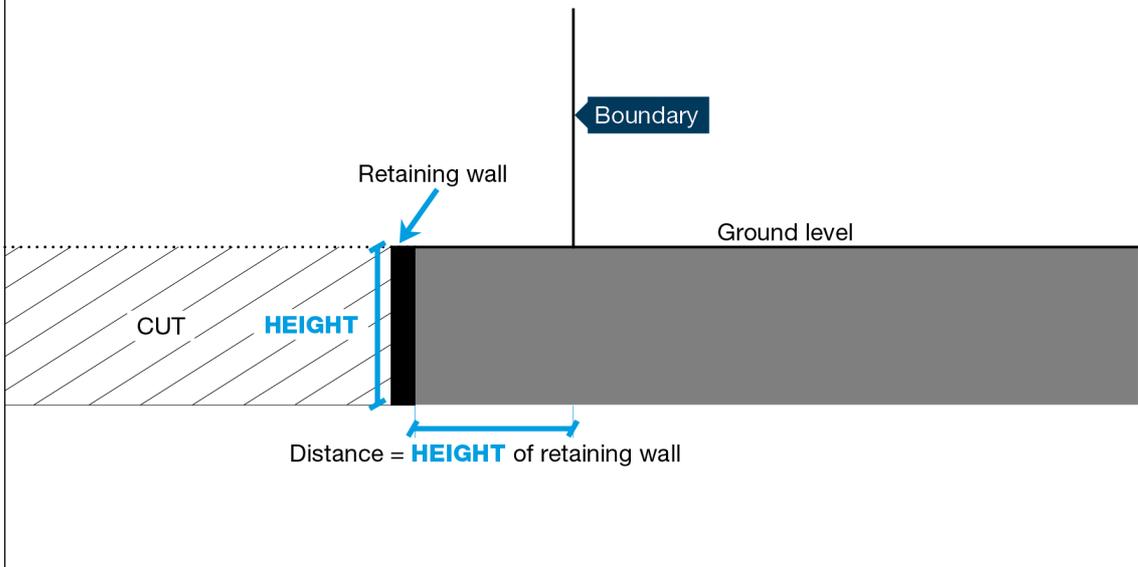
25.5

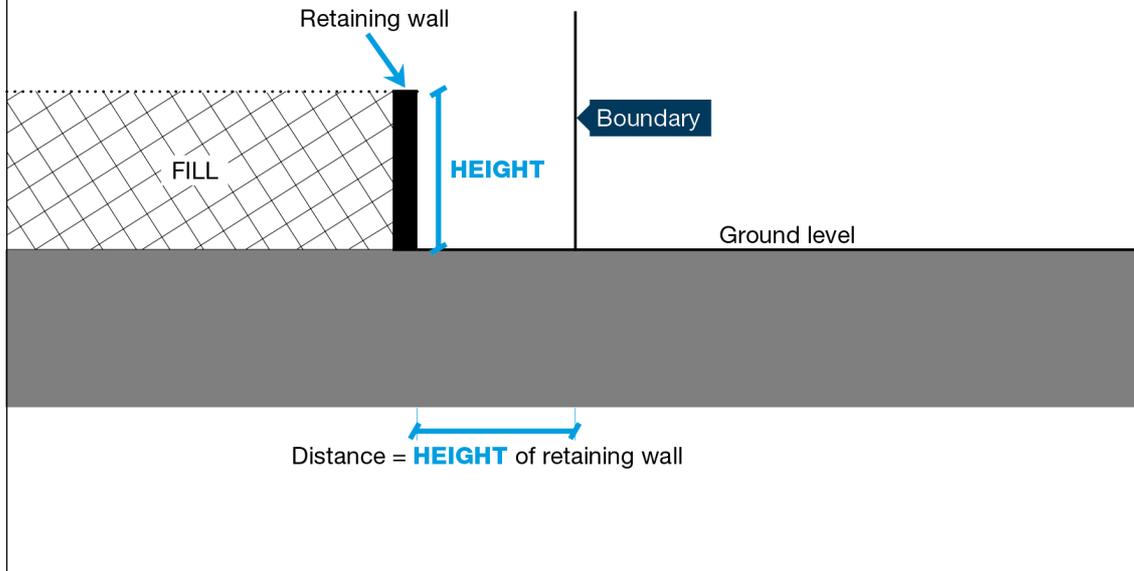
### Interpretative Diagram: Unsupported Fill Elevation View



25.6

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



**25.7****Interpretative Diagram: Fill Supported by Retaining Elevation View****25.10 Schedule 25.10 Accidental Discovery Protocol**

Earthworks shall be undertaken as follows:

Upon discovery of any material listed in Rule 25.5.14, the following steps shall be taken:

**25.10.1 Cease works and secure the area**

25.10.1.1 All works shall immediately cease within 20m of any part of the discovery, including shutting down all earth disturbing machinery and stopping all earth moving activities, and in the case of evidence of contaminated land applying controls to minimise discharge of contaminants into the environment.

25.10.1.2 The area of the discovery shall be secured, including a sufficient buffer area to ensure that all discovered material remains undisturbed.

**25.10.2 Inform relevant authorities and agencies**

25.10.2.1 The following parties shall be immediately informed of the discovery:

- a. the New Zealand Police if the discovery is of human remains or kōiwi;
- b. the Council in all cases;
- c. Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi;

- d. Mana Whenua if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.

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

- 25.10.3.1 All works shall cease and provision shall be made to enable the site to be inspected by the relevant authority or agency:
- a. if the discovery is human remains or kōiwi, the New Zealand Police are required to investigate the human remains to determine whether they are those of a missing person or are a crime scene. The remainder of this process shall not apply until the New Zealand Police confirm that they have no further interest in the discovery; or
  - b. if the discovery is of other than evidence of contaminants, a site inspection for the purpose of initial assessment and response shall be arranged by the Council in consultation with Heritage New Zealand Pouhere Taonga and appropriate Mana Whenua representatives; or
  - c. if the discovery is evidence of contaminants, a suitably qualified person shall complete an initial assessment and provide information to the Council on the assessment and response.

Following site inspection and consultation with all relevant parties, the directions of the Council, as to the area within which work must cease and any changes to controls on discharges of contaminants, shall be complied with, until the requirements of f. are met.

### **25.10.4 Recommencement of work**

- 25.10.4.1 Work within the area determined by the Council at e. shall only recommence when all of the following requirements, so far as relevant to the discovery, have been met:
- a. Heritage New Zealand has confirmed that an archaeological authority has been approved for the work or that none is required;
  - b. any required notification under the Protected Objects Act 1975 has been made to the Ministry for Culture and Heritage;
  - c. the requirements of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 have been met;
  - d. any material of scientific or educational importance must be recorded and if appropriate recovered and preserved;
  - e. where the site is of Māori origin and an authority from Heritage New Zealand Pouhere Taonga is not required the Council will confirm, in consultation with Mana Whenua, that:
    - (i) any kōiwi have either been retained where discovered or removed in accordance with the appropriate tikanga; and

- (ii) any agreed revisions to the planned works to be/have been made in order to address adverse effects on Māori cultural values.
- f. any necessary resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials and that is not otherwise permitted under the Plan or allowed by any existing resource consent.
- g. there are no requirements in the case of archaeological sites that are not of Māori origin and are not covered by Heritage New Zealand Pouhere Taonga Act 2014.

## Variation to Stage 1 PDP Chapter 2 Definitions:

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

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

	<u>Mineral extraction, extraction or extractive activities shall have the same meaning.</u>
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**New Definitions Stage 2 PDP:**

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

*Shading indicates provisions withdrawn under Clause 8D of the Resource Management Act 1991 as publicly notified on 4 April 2019*

\*\* As defined by the Otago Regional Policy Statement 2015.

# Variation to Stage 1 Subdivision and Development Chapter 27:

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

## 27.3.2 Earthworks associated with subdivision

27.3.2.1 Refer to Chapter 25 Earthworks, Rule 25.3.2.5. Earthworks associated with subdivisions are subject to the earthworks standards in Chapter 25 (except the maximum total volume, cut and fill standards). Applications for subdivision involving earthworks shall be assessed against the matters of discretion and assessment matters in Chapter 25. ~~Earthworks undertaken for the development of land associated with any subdivision shall not require a separate resource consent under the rules of the District Wide Earthworks Chapter, but shall be considered against the matters of control or discretion of the District Wide Earthworks Chapter as part of any subdivision activity.~~

# Variation to Stage 1 Jacks Point Zone Chapter 41:

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

## Page 41-3:

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

## Pages 41-13 to 41-15:

Rule 41.5.4 Delete in entirety.

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

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

41.5.4.2 — Height of cut and fill and slope

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

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

c. All other Activity Areas:

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

41.5.4.3 Fill

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

14.5.4.4 Environmental Protection Measures

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

- d. Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site.

~~e. Areas of exposed soil are to be vegetated / re-vegetated within 12 months from the completion of works.~~

#### ~~41.5.4.5 Water bodies~~

~~Earthworks within 7m of the bed of any water body shall not exceed 20m<sup>3</sup> in total volume, within one consecutive 12-month period.~~

~~f. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body or where it may dam, divert or contaminate water.~~

~~g. Earthworks shall not:~~

- ~~• cause artificial drainage of any groundwater aquifer;~~
- ~~• cause temporary ponding of any surface water.~~

#### ~~41.5.4.6 Cultural heritage and archaeological sites~~

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

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

- ~~• The nature and scale of the earthworks~~
- ~~• Environmental protection measures~~
- ~~• Remedial works and revegetation~~
- ~~• The effects on landscape and visual amenity values~~
- ~~• The effects on land stability and flooding~~
- ~~• The effects on water bodies~~
- ~~• The effects on cultural and archaeological sites~~
- Noise

## **Appendix 2: Recommendations on Submissions and Further Submissions**

<b>Submission Number</b>	<b>Submitter</b>	<b>Commissioners' Recommendation</b>	<b>Reference in Report</b>
2460.1	Queenstown Central Limited	Reject	N/A
2460.2	Queenstown Central Limited	Accept in Part	6.2
2462.1	Queenstown Park Limited	Reject	3.2
2462.2	Queenstown Park Limited	Accept in Part	1.3 & 1.4
2462.21	Queenstown Park Limited	Reject	4.2
2462.3	Queenstown Park Limited	Accept in Part	3.1 & 3.5
2462.4	Queenstown Park Limited	Accept	3.6
2462.5	Queenstown Park Limited	Reject	1.3 & 1.4
2462.6	Queenstown Park Limited	Reject	1.3, 1.4 & 4.2
2462.7	Queenstown Park Limited	Reject	1.3, 1.4 & 6.2
2465.2	RCL Henley Downs Ltd	Accept in Part	1.3 & 1.4
2466.15	Real Journeys Ltd	Reject	3.2
2466.151	Real Journeys Ltd	Accept in Part	6.2
2466.152	Real Journeys Ltd	Accept in Part	1.3 & 1.4
2466.153	Real Journeys Ltd	Reject	4.3
2466.154	Real Journeys Ltd	Reject	4.3
2466.16	Real Journeys Ltd	Reject	4.1
2466.17	Real Journeys Ltd	Accept	4.3
2466.18	Real Journeys Ltd	Reject	4.2
2466.19	Real Journeys Ltd	Reject	1.3 & 1.4
2466.20	Real Journeys Ltd	Accept in Part	1.3 & 1.4
2466.21	Real Journeys Ltd	Reject	1.3, 1.4 & 6.1
2466.22	Real Journeys Ltd	Accept in Part	6.2
2466.23	Real Journeys Ltd	Accept	6.2
2466.24	Real Journeys Ltd	Accept in Part	6.2
2466.25	Real Journeys Ltd	Reject	1.3 & 1.4
2466.26	Real Journeys Ltd	Accept in Part	6.2
2466.27	Real Journeys Ltd	Reject	6.2

<b>Further Submission Number</b>	<b>Relevant Submission Number</b>	<b>Submitter</b>	<b>Commissioners' Recommendation</b>	<b>Reference in Report</b>
FS2754.65	2239.6	Remarkables Park Limited	Reject	1.3 & 1.4
FS2754.66	2239.7	Remarkables Park Limited	Reject	1.3 & 1.4
FS2754.67	2242.16	Remarkables Park Limited	Reject	8
FS2755.35	2618.2	Queenstown Park Limited	Reject	3.1 - 3.6
FS2755.36	2618.3	Queenstown Park Limited	Reject	4.1
FS2755.37	2618.4	Queenstown Park Limited	Reject	1.4
FS2755.38	2618.5	Queenstown Park Limited	Accept	1.3 & 1.4
FS2755.39	2618.6	Queenstown Park Limited	Reject	6.2
FS2755.40	2618.7	Queenstown Park Limited	Reject	8
FS2755.41	2618.8	Queenstown Park Limited	Reject	8
FS2755.58	2466.152	Queenstown Park Limited	Accept in Part	1.3 & 1.4
FS2755.59	2575.7	Queenstown Park Limited	Reject	4.2
FS2755.60	2492.13	Queenstown Park Limited	Reject	1.3 & 1.4
FS2755.61	2376.26	Queenstown Park Limited	Accept in Part	4.2
FS2755.62	2494.16	Queenstown Park Limited	Reject	4.2
FS2755.63	2382.19	Queenstown Park Limited	Accept in Part	1.4 & 6.2
FS2755.64	2239.6	Queenstown Park Limited	Reject	1.3 & 1.4
FS2755.65	2239.7	Queenstown Park Limited	Reject	1.3 & 1.4
FS2755.66	2242.16	Queenstown Park Limited	Reject	8
FS2756.8	2485.11	Kiwi Birdlife Park Limited	Accept	1.3, 1.4 & 6.1
FS2757.4	2618.2	Transpower New Zealand Limited	Reject	3.1 - 3.6
FS2757.5	2540.54	Transpower New Zealand Limited	Accept	1.3, 1.4 & 11
FS2758.1	2446.9	New Zealand Tungsten Mining Limited	Accept	1.3, 1.4 & 5
FS2758.2	2446.10	New Zealand Tungsten Mining Limited	Reject	5

# **QUEENSTOWN LAKES DISTRICT COUNCIL**

## **Hearing of Submissions on Proposed District Plan**

### **Stream 15 Report**

#### **Report and Recommendations of Independent Commissioners Regarding Chapters 25, 29, 31, 38 and Visitor Accommodation**

##### **Report 19.4 - Chapter 29 Transport**

###### **Commissioners**

**Denis Nugent (Chair)**

**Calum MacLeod**

**Sarah Dawson**

**Robert Nixon**

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## **Appendix 1: Recommended Revised Chapter 29 Transport and Associated Variations**

## **Appendix 2: Recommendations on Submissions and Further Submissions**

## 1 PRELIMINARY

### 1.1 Introduction

1. This report needs to be read in conjunction with Report 19.1. That report sets out the overall hearing process for Stream 15, the approach we have taken to assessing the submissions in terms of the statutory requirements, and deals with an issue raised in submissions which was common to all chapters considered in Stream 15.

### 1.2 Terminology

2. Throughout this report we use the abbreviations set out in Section 1.1 of Report 19.1. In addition, for brevity, we have adopted Ms Jones' approach<sup>1</sup> whereby two 'groups' of original submitters who have lodged the same or very similar submissions seeking almost identical relief, are addressed together in our recommendations. The first of these groups is referred to in these recommendations as 'Real Journeys Group' and comprises the following submissions:

- (a) Cardrona Alpine Resort Limited<sup>2</sup>;
- (b) Go Orange Limited<sup>3</sup>;
- (c) Real Journeys Limited<sup>4</sup>; and
- (d) Te Anau Developments Limited<sup>5</sup>.

3. The second group contains the following group of submissions, referred to in this report as the 'JEA Group submissions' which comprise the following:

- (a) Millennium and Copthorne Hotels New Zealand Limited<sup>6</sup> (2448);
- (b) Greenwood Group Limited<sup>7</sup>;
- (c) NW Cashmore<sup>8</sup>;
- (d) Jade Lake Queenstown Limited<sup>9</sup>;
- (e) LTK Holdings Limited<sup>10</sup> ;
- (f) RCL Henley Downs Limited<sup>11</sup>;
- (g) Shundi Customs Limited<sup>12</sup>; and
- (h) Well Smart Investments Group<sup>13</sup>.

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<sup>1</sup> ibid, paragraphs 7.5 – 7.8

<sup>2</sup> Submission 2492

<sup>3</sup> Submission 2581

<sup>4</sup> Submission 2466

<sup>5</sup> Submission 2494

<sup>6</sup> Submission 2448

<sup>7</sup> Submission 2552

<sup>8</sup> Submission 2453

<sup>9</sup> Submission 2560

<sup>10</sup> Submission 2590

<sup>11</sup> Submission 2465

<sup>12</sup> Submission 2474

<sup>13</sup> Submission 2601

4. We do not reference the submission numbers of these groups of submitters in the footnotes again in this report.

### **1.3 Background**

5. The following paragraphs in this report are set out in the order of provisions in the Chapter as notified, which is generally consistent with other Hearing Panel reports.
6. The rules structure begins with Advice Notes and General Rules (29.3), followed by Activity Rules (29.4), Activity Standards for activities outside roads (29.5), and Activity Standards for activities within roads (29.6). These are followed by a brief rules statement on Non-Notification of applications (29.7) and a series of Assessment Matters (29.8). This is followed by Minimum Parking Requirements (29.9); threshold levels for traffic generating activities (29.10); Minimum requirements for cycle parking, lockers, and showers (29.11); Car Parking Sizes and Layout (29.12); and Heavy Vehicle Parking Layout (29.13).
7. This is followed by Schedule 29.1 Road Classification and Schedule 29.2 'Interpretive Diagrams'.
8. Also associated with these hearings is a Variation to Stage 1 of the PDP review relating to Chapter 2 'Definitions' associated with transport matters.
9. Although there were only 70 original submissions made on the Transport Chapter, these in turn contained a total of 845 submission points.<sup>14</sup>
10. There are a number of submissions dealt with at the beginning of these recommendations which raise matters which are not dealt with through the regulatory scope of the District Plan and which have been described in Appendix 2 as being out of scope. We emphasise that this does not necessarily signal that the intent behind the submissions lacks merit, but that the District plan is not the vehicle by which they are given effect to.
11. Through the course of these recommendations, it has been necessary to recommend deletion of, or addition to, existing policies and rules which will result in changes to the numbering of some of these provisions in Chapter 29. This particularly affects the latter part of Chapter 29 as a consequence of our recommended deletion of Rule 29.6 and Table 29.4. The text changes refer to the policy/rule/table number as amended.

## **2 DEFINITIONS**

### **2.1 Introduction**

12. When Chapter 29 was notified, a variation to Chapter 2 in Stage 1 of the PDP was also notified to amend or insert definitions and acronyms in that chapter. As our findings in relation to submissions on some of these definitions is germane to our consideration of the provisions in Chapter 29, we consider the submissions on this variation at the outset.

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<sup>14</sup> V Jones Section 42A Report, paragraph 7.1

## 2.2 Public Water Ferry Service

13. The definition as proposed read:

*Means a ferry service for the carriage of passengers for hire or reward, which is available to the public generally and is operated to a regular schedule, but does not include any such service that:*

- *is contracted or funded by the Ministry of Education for the sole or primary purpose of transporting schoolchildren to and from school; or*
- *is operated for the sole or primary purpose of transporting passengers to or from a predetermined event; or*
- *is operated for the sole or primary purpose of tourism.*

*The definition is limited to that part of the ferry service that occurs on the surface of the water and excludes any associated activity that occurs on land or on the structure attached to land, including the lakebed.*

14. Queenstown Park Limited<sup>15</sup> , Real Journeys Group, Remarkables Park Ltd<sup>16</sup> opposed the definition of ‘public water ferry service’ and sought the deletion of bullet point 3.
15. The JEA Group submissions and Real Journeys Group lodged similar submission points relating to a distinction in the PDP between ‘Public’ and other forms of transport, particularly with respect to water ferry services. Similar concerns were raised by Queenstown Park Ltd<sup>17</sup>, Remarkables Park Ltd<sup>18</sup>, and Queenstown Water Taxis Limited<sup>19</sup>.
16. Policy 29.2.1.2 makes reference to “Public Water Ferry Services”. Rule 29.4.8 lists “Park and Ride and public transport facilities” as a restricted discretionary activity. The concern raised by the submitters is with the word “public” which they contended excludes privately operated transport facilities. A greater concern was the fact that the definition excludes activities associated with tourism. We note that the exclusion of privately operated facilities would have the consequence of such services defaulting to fully discretionary in status.
17. We were told that this term was defined based ‘in part’ on the definition contained in the Public Transport Management Act 2008.
18. Ms Jones considered it was inappropriate to make any changes to the definition<sup>20</sup>, partly on the grounds that the services were not contracted under the Public Transport Act and paid for by the Regional Council; and should exclude tourist based activities. It was contended by the reporting officer that the latter did not operate a commuter service to a fixed and regular schedule.

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<sup>15</sup> Submission 2462

<sup>16</sup> Submission 2468

<sup>17</sup> Submission 2462

<sup>18</sup> Submission 2468

<sup>19</sup> Submission 2594

<sup>20</sup> V Jones, Section 42A Report, paragraph 11.31

19. In his evidence for the submitters, Mr Farrell stated:

*“In my opinion it is appropriate for the District Plan to recognise and provide for any transport service that offers unexclusive and regular trips between destinations. This is because these activities form part of the transportation system and are effective at moving members of the public, including visitors, around the District and do not have any adverse effects that are any different”<sup>21</sup>.*

20. It was apparent from the evidence that the Council wished to convey a distinct preference in the PDP for water-based services providing public transport operating from Queenstown Bay in particular (a limited resource in terms of available berthage) over recreational water-based activities. We concluded that the exclusion of privately run transport services was not in itself being sought by the Council, although we appreciate that many such services in the District do not operate to a fixed schedule, and are primarily for recreational purposes.

21. In principle, we are of the view that water-based activities which provide a public transport service (whether publicly or privately owned/operated) should be preferred over water-based recreational activities, because in order to be effective they need to be located in close proximity to the town centre and not ‘squeezed out’ by purely recreational water-based operations – albeit that these are to be supported for their own contribution to the tourist economy. It is this distinction which is important, not a private/public distinction. We recommend that the submissions be accepted in part, and the definition of ‘Public water ferry service’ be amended to state as follows:

**Public Water Ferry Service**

means a ferry service for the carriage of passengers for hire or reward, which is available to the public generally and is operated to a fixed regular schedule, including during normal commuting hours, runs between various stops and provides the ability for passengers to embark and disembark from the vessel at those various stops, but does not include any such service that:

- is contracted or funded by the Ministry of Education for the sole or primary purpose of transporting schoolchildren to and from school; or
- is operated for the sole or primary purpose of transporting passengers to or from a predetermined event.

The definition is limited to that part of the ferry service that occurs on the surface of the water and excludes any associated activity that occurs on land or on the structure attached to land including the lakebed.

**2.3 Park and Ride**

22. Patterson Pitts (Wanaka)<sup>22</sup> requested that active transport facilities be included within the definition of ‘Park and Ride’. Although we do not consider there should be a mandatory requirement that such facilities be provided as part of Park and Ride infrastructure, we consider that would be appropriate to amend the definition of Park and Ride to *enable* provision for

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<sup>21</sup> B Farrell, EiC, paragraph 12.

<sup>22</sup> Submission 2457

'bicycle parking'. Accordingly we recommend that the definition be amended to make provision for bicycle parking and that this submission be accepted in part.

#### **2.4 "Transport Infrastructure" and "Public Amenities"**

23. QLDC<sup>23</sup> sought that the definition of transport infrastructure be amended to include bike paths and cycle facilities including electric bicycle and vehicle charging stations. Elsewhere in this report we are recommending acceptance of submissions requesting that electric vehicle charging points should be encouraged and enabled, but not be *required*. Given that, we do not see any difficulty in making provision for this within the definition of transport infrastructure and recommend that the submission be accepted.
24. In his summary of evidence on behalf of NZTA, Mr McColl supported the definition of Transport Infrastructure being amended to include land-based structures that relate to transport activities on water. Ms Jones noted that the definition was only relevant to activities on vested roads, albeit that some such roads were in close proximity to the shoreline. She recommended that the definition be amended so that structures required for transport activities on land in relation to 'travel by' other means are included in the definition. We agree with this conclusion and recommend that the submission point be accepted in part.
25. The Department of Conservation<sup>24</sup> requested that the definition of 'transport infrastructure' be retained. We recommend that the submission be accepted.
26. The Department of Conservation also sought that the definition of public amenities be amended to include the words "public access easement and/or rights of ways that provide access to public areas". We consider this is unnecessary as the formation of footpaths and cycleways is already permitted, whether or not subject to access easements or right of ways. We recommend that this submission be rejected.
27. Rule 29.4.14 applies to the construction, operation, use, maintenance and repair of existing transport infrastructure and provides for it as a permitted activity, while Rule 29.4.15 provides for 'public amenities' as a permitted activity. Neither term is defined in the PDP as notified. C Dagg opposed both of these rules on the grounds that the terms 'transport infrastructure' and 'public amenities' are not sufficiently clear. The Queenstown Trails Trust<sup>25</sup> also sought that 'transport infrastructure' be defined to include structures on water.
28. Ms Jones noted, and we agree, that it would be completely inappropriate to apply non-complying activity status to activities which are essential for constructing or maintaining roads and providing the facilities that public expects. It would appear the submitter's concern relates to activities that have occurred on public roads or water that have had significant adverse effects on the environment, but examples of this were not drawn to our attention.
29. The outcome is that we recommend that the submissions of C Dagg be rejected on the basis that while defining public amenities and transport infrastructure does address to some extent the matters raised in the submissions, we do not support non-complying activity status given

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<sup>23</sup> Submission 2239

<sup>24</sup> Submission 2247

<sup>25</sup> Submission 2575

that discretionary activity status provides wide scope for assessment and for activities to be approved or declined. We recommend that the submissions of NZTA, the Department of Conservation and the Queenstown Trails Trust be accepted in part.

## **2.5 Off-site Parking**

30. Ms Jones recommended an amendment to the definition of “off-site parking” in response to the evidence of Ms Rowe<sup>26</sup>. Ms Jones proposed that off-site parking associated activities undertaken in Ski Area Sub-Zones be excluded from this definition so that such parking was not subject to Rule 29.4.7 (our recommended 29.4.8).
31. The issue as we saw it was that off-site parking associated with a Ski Area Sub-Zone could be located in a number of different locations and zones, including within ONLs. The matters of discretion in notified Rule 29.4.7 would not necessarily be appropriate to deal with the range of possible effects. We understood that to be Ms Jones’ point. However, her proposed solution was effectively using the definition to create an activity class. In our view, the better solution is to amend Rule 29.4.7 to make it clear that it does not apply to off-site parking associated with activities in Ski Area Sub-Zones. We have included such an amendment in our recommended version of Rule 29.4.8 in Appendix 1.

## **2.6 Other Definitions Sought**

32. GRB Limited<sup>27</sup> have requested a definition of worker accommodation. While we support the provision of worker accommodation, we do not think a separate definition is required and the issue of worker accommodation is wider than that associated with the BMUZ. We recommend that this submission be rejected.
33. The Oil Companies<sup>28</sup> requested that a definition of “vehicle control point” be added, as it relates to queueing lengths at service stations. We recommend that the submission be granted, although it requires a consequential amendment to Rule 29.5.9 to simplify that rule, as addressed later in this report.
34. The JEA Group submissions sought that the definition of “linear infrastructure” be added with respect to Policy 29.2.3.4. This matter is addressed later in this report in Section 5.3 (Objective 29.2.3 and policies). For the reasons explained there, we recommended that the further definition was unnecessary.
35. In her reply evidence<sup>29</sup> Ms Jones responded to an issue raised by the Hearings Panel concerning definitions that had been removed under Stage 1 of the PDP decisions. She indicated that the absence of these definitions could lead to uncertainties in relation to the application of the relevant rules. She cited by way of example as to whether an activity such as a church falls within a “place of assembly” in the context of Table 29.5, and therefore subject to minimum parking requirements, and by default becoming fully discretionary. Furthermore, there was a risk that a lower level of parking may be provided than intended, with the potential example of backpacker accommodation being argued to be assessed as a guest room type visitor

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<sup>26</sup> V Jones, Rebuttal Evidence, at Section 17

<sup>27</sup> Submission 2136

<sup>28</sup> Submission 2484

<sup>29</sup> V Jones Reply evidence, paragraphs 4.2 – 4.6

accommodation facility. Given potential doubts about scope, she recommended that this could be addressed under Clause 16(2).

36. We do not agree with Ms Jones that inclusion of these definitions can be accomplished via Clause 16(2). Report 14<sup>30</sup> noted that the Council officer reporting on Chapter 2 in the Stage 1 hearings recommended deletion of a number of definitions of terms not used in the PDP. Those included the definitions which Ms Jones suggested should be re-inserted. We do not know whether there were any submissions on the those definitions which were deleted on the Council's advice. We consider that if those definitions are to be included again in Chapter 2, the Council should use the variation process to include them, so as to avoid any potential for submitters to be denied the opportunity to comment on them.

## **2.7 Remaining Definitions included in Variation**

37. No submissions were received in relation to the other terms or acronyms to be included in Chapter 2. We recommend those definitions and acronyms be included in Chapter 2 in the form as notified. We include these in Appendix 1.

## **3 GENERAL SUBMISSIONS ON CHAPTER 29**

38. The JEA Group submissions and Real Journeys Group sought that the 'benefits' of a proposal be included as a matter of discretion for all restricted discretionary activities. This issue has arisen over a number of separate submission points. This matter has been addressed in Report 19.1<sup>31</sup>. We have recommended those submissions seeking this relief be rejected.
39. Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakau, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua, and Te Runanga o Oraka-Aparima (Kai Tahu)<sup>32</sup> generally supported the content of Chapter 29, but sought a range of changes to the objectives, policies, and rules to recognise and address the effects of landfills, cemeteries and crematoriums, effects on the values of mapped wahi tupuna areas, cross-referencing to the Tangata Whenua Chapter and that Tangata Whenua values be specifically referenced as a matter of consideration, with other consequential amendments.
40. We agree with Ms Jones that the matters raised by the submitters on Chapter 29 were more of particular relevance to the matters in Chapter 5 (Tangata Whenua) and through the management of earthworks in Chapter 25<sup>33</sup>. We further add to her conclusions that the contents of Chapter 26 (Historic Heritage) would also be of more direct relevance, and we note that wahi tupuna areas will be mapped under Stage 3 of the PDP. For this reason, we recommend that these submission points be rejected, but specifically only on the basis that the matters raised therein are addressed in other chapters.

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<sup>30</sup> At paragraph 127

<sup>31</sup> Section 3.1

<sup>32</sup> Submission 2329

<sup>33</sup> Report 19.3

41. Loris King<sup>34</sup> sought that the provision of infrastructure for cycling should not be at the expense of providing car parks and parking buildings; that cycle ways should be located off road; and that when new subdivisions are being developed consideration should be given to expanding and upgrading the existing road networks.
42. We consider that the matters raised in these submission points have already been addressed, at least in part, through Chapter 29 of the PDP as notified. Provision for cycle access is largely achieved outside the provisions of the District Plan where a significant network of off-road cycling routes have already been established and further establishment of such routes is planned. It is however recognised that it is not always possible to separate vehicles and cycleways, and this is addressed through Policies 29.2.2.1 (c) and 29.2.3.3 (a) and (e). Specific provision is made for both minimum parking and cycle parking under Tables 29.9 and 29.11 of Chapter 29 – these are complementary, not competitive provisions. The upgrading of existing road networks is generally addressed at the time of land rezoning or subdivision.
43. In recognition of these factors, we recommend that the submission be accepted in part.
44. Real Journeys Group sought that policies and access standards be amended to enable a wider distribution of drop-off/pickup areas to enable shuttle buses and commercial coach operators to operate effectively. The submitters also sought that they be able to provide pickup and drop-off services to visitor accommodation and residential visitor accommodation, although we note this latter issue is addressed through recommendations on residential visitor accommodation in Report 19.2.
45. We agree with Ms Jones<sup>35</sup> that while notified rules permit parking and bus stops within roads, the Traffic and Parking Bylaw 2012 restricts bus parking within certain hours and also enables restrictions on bus parking during the day. We do not consider it is necessary, and we consider it would be unusual, to specifically provide for general on-street parking provision for bus parking. Consistent with recommendations on residential visitor accommodation, we would go further and say it is generally inappropriate to provide for bus pickups from residential properties used as visitor accommodation, a matter which is also addressed in recommendations on the Visitor Accommodation Variation. We recommend that the submission be rejected. We address the matter of providing for bus parking later in these recommendations.
46. Real Journeys Group also sought that a new objective and associated policies be inserted into Chapter 29 of the PDP supporting activities that help resolve traffic congestion in and around the Queenstown Town Centre, and in particular addressing concerns relating to the circulation and parking of campervans and rental cars. We understand some of these concerns stem from recent trends towards independent travellers rather than travellers traditionally reliant on coach tours. No specific provisions were proposed, and we considered it would be difficult – beyond existing bylaw controls – to restrict such activities in the way sought by the submitter. We recommend that the submission be rejected.

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<sup>34</sup> Submission 2076

<sup>35</sup> V Jones, Section 42A Report, paragraph 13.23

47. QLDC<sup>36</sup> lodged a submission requesting that the relevant provisions of Chapter 29 be amended to clarify that the status of listed activities (e.g. park-and-ride facilities) were not affected by the rules for 'non-listed' activities in various zones. Ms Jones explained that in a range of zones unlisted activities are non-complying, whereas in the Jacks Point Zone they are discretionary, and in other zones are permitted. There was potential for default rules to render an activity non-complying even if under Chapter 29 such an activity might otherwise be appropriate. An example was given of a park-and-ride activity (restricted discretionary as notified) defaulting to non-complying under another chapter.

48. Ms Jones recommended<sup>37</sup> that a more effective and administratively efficient way of dealing with this would be by amending General Rule 29.3.3.6 to confirm that the rules in Table 29.1 of Chapter 29 take precedence over those zone rules which make unlisted activities non-complying or discretionary. We agree, and recommend that the submission be accepted and Rule 29.3.3.6 be reworded to state:

Activities on zoned land are also subject to the zone-specific provisions. The provisions relating to activities outside roads in this chapter apply in addition to those zone-specific provisions, except that the rules in Table 29.1 take precedence over those zone rules which make activities which are not listed in the zone rules a noncomplying or discretionary activity.

49. The Otago Regional Council sought that the PDP give effect to the Otago Southland Regional Land Transport Plan 2015 – 2021. The submission left the matter 'open' and did not specify whether or not the submitter considered that Chapter 29 did in fact achieve this requirement. Our understanding is that the provisions of Land Transport Plan were taken into account as described in the introductory material to Ms Jones' Section 42A Report<sup>38</sup>, and on that basis we recommend that the submission be accepted in part.

50. Cardrona Alpine Resort Limited<sup>39</sup> sought that the Transport Chapter be amended to ensure the benefits of air transport to the District's economy and overall transport network are recognised and provided for, and that the use of helicopters is recognised as an important transport method for Ski Areas.

51. Ms Jones considered that the matter was already addressed under other chapters, notably Chapter 17, but that chapter refers to the importance of Queenstown Airport, rather than air transport itself. Chapter 29, however, is primarily focused on road transport, and there are no rules relating to air transport in the chapter. However we note that the first bullet point of Objective 29.2.1 states:

*Objective – An integrated, safe, and efficient transport network that:*

- *provides for all transport modes and the transportation of freight.*

....

52. Given the ambit of Chapter 29, and the broad scope of this objective, we recommend that the submission point be accepted in part.

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<sup>36</sup> Submission 2239

<sup>37</sup> V Jones, Section 42A report, paragraph 14.10

<sup>38</sup> V Jones, Section 42A report, paragraph 4.2

<sup>39</sup> Submission 2492

53. Shaping our Future<sup>40</sup> sought that the objectives align with the 'Shaping our Futures' overall vision and reports. No further elaboration was provided, and we accept Ms Jones recommendation that the submission be accepted in part.
54. Gibbston Valley Station<sup>41</sup> requested that a more facilitative rule framework be adopted to reduce the need for on-site parking as part of the development of the station, and promote mass transportation options. We note that proposed amendments to Rule 29.4.10, as addressed later in these recommendations, will address this submission by exempting high traffic generating activities from having to meet parking minimums, and providing for a wider assessment of transport demand and supply issues. (As an aside, we also note that the Gibbston Valley Sub-Zone sought by the submitter in Stage 1 of the PDP hearings has not been accepted by the Council).
55. There were a number of submissions which sought relief that fell outside the regulatory role and ambit of the PDP, and in this case the provisions of Chapter 29.
56. A submission from Jonathan Holmes<sup>42</sup> requested the public transport networks be extended to Wanaka, Hawea, Hawea Flat and Luggate. A submission from Loris King<sup>43</sup> sought a 40 km/h speed limit in main central town streets and changes to street markings. Paul Parker<sup>44</sup> sought that the Council provide parking and restrict movement in residential areas, and specifically underground car parking in the Wanaka Town Centre. Young Changemakers<sup>45</sup> sought that a survey be undertaken to determine what bus times would be convenient to the public, the creation of a separate bus run to the Airport, and to create higher priorities for buses at times convenient to the public.
57. All of these submissions sought relief which relates to the functions of the Council under the Local Government Act, and the Council's annual and ten-year planning programmes, or alternatively by the Otago Regional Council with respect to public transport. They are not matters which would be given effect to through the provisions of Chapter 29 of the PDP. For these reasons, the submission points are all considered to be out of scope.
58. The second Kawarau Bridge Group<sup>46</sup> sought a designation for roading corridor providing a direct link to the south across the Kawarau River downstream from the existing Kawarau Bridge. A designation would require a financial commitment from either or both of NZTA and the District Council, and neither party can be committed to such a course of action unless they initiate a designation themselves. We conclude that this submission point is out of scope.
59. The Queenstown Trails Trust<sup>47</sup> sought the inclusion of provisions highlighting the importance of public trails. This is part of a group of wider submission points from the submitter. This particular

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40 Submission 2511  
 41 Submission 2547  
 42 Submission 2019  
 43 Submission 2076  
 44 Submission 2421.  
 45 Submission 2495  
 46 Submission 2568  
 47 Submission 2575

submission point sought the inclusion of such a provision in the Strategic Directions Chapter, which was dealt with under Stage I of the PDP review. For this reason, the submission point is regarded as out of scope.

60. Clark Fortune McDonald and Associates<sup>48</sup> stated as part of their relief, that the Transport Chapter 29 was 'opposed'. Other aspects of the submitter's case are addressed elsewhere in these recommendations. As a result of numerous submissions made, there have been significant changes to Chapter 29 as subsequently discussed, and for this reason this submission point is accepted in part.
61. Ngai Tahu Property Ltd and Ngai Tahu Justice Holdings Ltd<sup>49</sup> supported Chapter 29 in part. We recommend that the submission be accepted in part.
62. Reavers New Zealand Limited<sup>50</sup> accepted the proposed transport provisions inasmuch as they seek to reduce the need for on-site vehicle parking. We recommend the submission be accepted.
63. Active Transport Wanaka<sup>51</sup> supported the acknowledgement of the importance of active transport networks. We recommend the submission be accepted.
64. Heritage New Zealand<sup>52</sup> supported the historic heritage related provisions in Chapter 29. We recommend the submission be accepted.
65. Willowridge Developments Limited<sup>53</sup> sought that either the Council place Stage 2 on hold pending the notification and submission process for the remaining zone provisions, or that in the alternative it can confirm that submitters can resubmit on transport, signs and earthworks provisions as part of submitting on Stages 3 and 4 of the PDP.
66. We recommend that the first of these alternatives be rejected, and the second alternative be accepted. Ms Jones noted that any relief sought at a subsequent stage would need to relate to matters within the content of those chapters subject to hearings in the later stages of the PDP process<sup>54</sup>.
67. St Peters Church Parish<sup>55</sup> sought that the amenity values of the church and its surroundings be taken into account with respect to any proposals by the Council to alter parking and access arrangements in Church Street Queenstown. Although the area has been identified as a Town Centre Special Character Area, the provisions of Chapter 29 do not provide for activities undertaken within the road itself. Rather, any changes within the road reserve are dealt with through different processes, including the Traffic and Parking Bylaw review process, and public involvement in processes such as the Queenstown Town Centre Master Plan and its

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<sup>48</sup> Submission 2297

<sup>49</sup> Submission 2335

<sup>50</sup> Submission 2467

<sup>51</sup> Submission 2078

<sup>52</sup> Submission 2446

<sup>53</sup> Submission 2408

<sup>54</sup> V Jones, Section 42A Report, paragraph 14.8

<sup>55</sup> Submission 2341

incorporation into the Long-term Plan, a statutory process outside the Act. We are satisfied that the kind of changes that concern the church would enable its participation, but not through a resource consent process under the Act. We recommend that the submission points be rejected for this reason.

68. Finally under general submissions, Jonathan Holmes<sup>56</sup> supported Chapter 29. Taking account of a number of amendments made to the Chapter in response to submissions, we recommend that this submission be accepted in part.

#### 4 SECTION 29.1 - PURPOSE

69. QAC<sup>57</sup> requested that the Purpose Statement be amended to provide a cross-reference to Queenstown and Wanaka Airports in Chapters 3, 4 and 17 of the PDP. During the course of the hearing, there was some debate as to the ambit of the chapter with respect to transport modes other than road transport. In the case of Queenstown Airport in particular, there are a substantial suite of rules associated with restrictions on activities within the noise boundaries surrounding the airport which extend into adjoining zones. Given this context, we consider the submission should be accepted and the following final paragraph be added to the Purpose Statement:

Chapter 29 is limited to the management of land and water based transport and does not contain provisions relating to air transport. Provisions relating to air transport are located primarily in Chapter 17 (Airport Zone), along with Chapters 2 (Definitions), 21 (Rural Zone), 22 (Rural Living), 24 (Wakatipu Basin), 35 (Temporary Activities), 37 (Designations), and 41 (Jacks Point).

#### 5 SECTION 29.2 – OBJECTIVES AND POLICIES

##### 5.1 Objective 29.2.1 and Policies

70. Objective 29.2.1 as notified reads as follows:

*Objective – An integrated, safe, and efficient transport network that:*

- *provides for all transport modes and the transportation of freight;*
- *provides for future growth needs and facilitates continued economic development;*
- *reduces dependency on private motor vehicles and promotes the use of public and active transport;*
- *contributes towards addressing the effects on climate change; and*
- *reduces the dominance and congestion of vehicles in the Town Centre zones.*

71. Active Transport Wanaka<sup>58</sup> expressed general support for the objectives and policies in Chapter 29, but requested that the planning maps identify key active transport network linkages. Ms Jones advised that while the Active Transport Wanaka maps are included on the Council's Draft

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<sup>56</sup> Submission 2019

<sup>57</sup> Submission 2618

<sup>58</sup> Submission 2078

Transport Network Plans, those were not complete at the time of the hearings. She noted that reference is made to such network plans in Policies 29.2.2.2 (d)<sup>59</sup> and 29.2.3.5.

72. We agree with the submitter that it is important that these maps be included within the PDP, as they have some relevance to the policy framework. We recommend that the Council initiate a variation to address this matter as part of Stage 3 of the review of the PDP review. Pending that, we can only recommend that the submission be rejected.
73. Public Health South<sup>60</sup> sought that the objective be amended by making reference to the need to recognise safety for visitors unfamiliar with driving conditions in the District. While this is a desirable outcome, it is not one that can appropriately be achieved through the provisions of the PDP. We recommend that the submission point be rejected.
74. The Safari Group of Companies Limited<sup>61</sup> firstly sought that Part 29.2 of the Chapter be amended by including objectives and policies which provide clear guidance for assessing resource consent applications, and that objectives and policies be included which reduce private vehicle use and on-site current coach parking for hotel developments.
75. With respect to guidance for assessing resource consent applications, we consider that the objectives, policies, and assessment matters provide sufficient information for an applicant to compile an adequate application. To that extent, we recommend that this part of the submission be accepted in part.
76. With respect to reducing private vehicle use, Chapter 29 contains objectives and policies to encourage alternative transport, including under Policies 29.2.1.1, 29.2.1.5, 29.2.2.2 and 29.2.2.11 among others. These are further supplemented through amendments made through these recommendations. The issue of coach parking is addressed later in submissions on parking requirements and Part 29.5. We recommend this part of the submission be rejected.
77. Darby Planning<sup>62</sup> and Henley Downs Farm Holdings Ltd<sup>63</sup> sought that Objective 29.2.1 be amended by removing the words “in the Town Centre zones” from the last bullet point. Ms Jones recommended that the submission point be accepted in part by amending the objective to broaden its focus to reduce car dominance and congestion on district wide basis, and qualifying the wording of the final bullet point so that it reads:  
  
*Reduces the dominance and congestion of vehicles, particularly in the Town Centre zones.*
78. We agree with Ms Jones’ reasoning and her suggested amendment, and recommend that the submission point be accepted in part.
79. The Queenstown Trails Trust<sup>64</sup> sought that an additional bullet point be added to Objective 29.2.1 reading as follows:

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<sup>59</sup> We believe the correct reference should have been Policy 29.2.2.1 (d)

<sup>60</sup> Submission 2040

<sup>61</sup> Submission 2339

<sup>62</sup> Submission 2376

<sup>63</sup> Submission 2381

<sup>64</sup> Submission 2575

*Enables the significant benefits arising from public walking and cycling trails.*

80. We consider that the objective generally captures the outcome sought in the submission. We note that the first bullet point “provides for all transport modes” while the third bullet point promotes the use of “active transport”. However we consider there is merit in the submission, noting there may be circumstances when areas of land are developed and it would be helpful to have more direct support at an objective level for the provision of walking and cycling trails. Accordingly we recommend that the submission be accepted, and that the wording set out above be added as an additional bullet point to Objective 29.2.1.
81. NZTA<sup>65</sup> sought that Objective 29.2.1 acknowledge “shared transport”. We agree, and recommend that this would be a useful addition to the third bullet point of Objective 29.2.1 so that it would then read:
- Reduces dependency on private motor vehicles and promotes the use of shared, public, and active transport.
82. It is recommended that this submission be accepted.
83. RCL Henley Downs Ltd<sup>66</sup> lodged a submission seeking that the Council better distil the objectives and policies to ensure consistency, while Paterson Pitts (Wanaka)<sup>67</sup> sought that the Council simplify the drafting of objectives 29.2.1 29.2.2 and 29.2.4.
84. The submitters did not provide a substitute set of objectives and policies, or clarify how these provisions could be distilled or simplified. They did raise more specific matters on individual provisions which are addressed elsewhere in these recommendations. We recommend that this part of the submissions be rejected.
85. There were 11 submissions in support of Objective 29.2.1 and we recommend that these be accepted in part, taking account of amendments made to the objective as a result of addressing other submissions.<sup>68</sup>
86. Policy 29.2.1.1 as notified read as follows:

*Require that roading and the public transport and active transport networks are well connected and specifically designed to:*

- a. enable an efficient public transport system;*
- b. reduce travel distances and improve safety and convenience through discouraging single connection streets; and*
- c. provide safe, attractive and practical walking and cycling routes between and within residential areas, public facilities and amenities, and employment centres, and to existing and planned public transport.*

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<sup>65</sup> Submission 2538

<sup>66</sup> Submission 2465

<sup>67</sup> Submission 2457

<sup>68</sup> Submissions 2335, 2520, 2136, 2242, 2336, 2462, 2467, 2468, 2518, 2540, and 2593.

87. Queenstown Trails Trust<sup>69</sup> sought that subclause (c) of Policy 29.2.1.1 be amended by adding the word “convenient” so that the subclause reads:

*c. Provide safe, attractive, convenient and practical walking and cycling routes between and within residential areas, public facilities and amenities, and employment centres, and to existing and planned public transport.*

88. We agree with Ms Jones<sup>70</sup> that the policy already requires that transport networks be “well connected”. Given that, we do not think a great deal turns on adding the word “convenient”, and we recommend that the submission point be rejected.

89. NZTA (as with Objective 29.2.1) sought that the word “shared” be added to the third bullet point of the policy, which we take to mean subclause (c). However in this case we are of the view that including this word within a subclause which relates to walking and cycling routes and to public transport, would not add a great deal of value to its meaning. Accordingly we recommend that this part of their submission be rejected.

90. Real Journeys Group<sup>71</sup> sought that the policy be amended to provide sufficient coach storage in and around the Queenstown Town Centre. Chapter 29 contains requirements for the provision of coach parking in association with large-scale visitor accommodation facilities<sup>72</sup>. Ms Jones recommended<sup>73</sup> that it would be appropriate to add a new policy under Objective 29.2.1 to address the submitter’s concern, and also to provide support for a proposed rule (addressed later in these recommendations) providing specifically for the establishment of coach parks and parking in appropriate zones. The basis for this approach was to recognise coach travel as promoting shared transport, and allow for it off site in specified zones where the effects of on street parking would be acceptable. This new policy would read as follows:

*Facilitate private coach transport as a form of large-scale shared transport, through enabling the establishment of off-site or non—accessory coach parking in specified zones and by allowing visitor accommodation activity to provide coach parking off-site.*

91. We accept her reasoning and recommend that this part of these submissions be accepted in part. We recommend that the new policy be added to the end of the suite of policies following Objective 29.2.1, and be numbered 29.2.1.6.

92. Three other submissions on Policy 29.2.1.1 are to some extent related. Te Anau Developments Limited<sup>74</sup> sought that provision be made for the benefits of all forms of transport including those of private operators. Millennium and Copthorne Hotels<sup>75</sup> sought that the word “public” be

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<sup>69</sup> Submission 2575

<sup>70</sup> V Jones Section 42A Report, paragraph 11.5

<sup>71</sup> Submissions 2466, 2492, 2494, and 2581

<sup>72</sup> Rules 29.9.10, 29.9.15, 29.9.16, and 29.9.17

<sup>73</sup> V Jones, Section 42A Report, paragraph 12.7

<sup>74</sup> Submission 2494

<sup>75</sup> Submission 2448

removed from the policy, while W Cashmore<sup>76</sup> stated that the transport network as a whole should be efficient, not just the public transport network.

93. We consider that in broad terms, the amendments sought through these submissions are appropriate, result in the policy being better focused, and accordingly that the introduction to Policy 29.2.1.1 be reworded to read as follows:

Require that transport networks, including active transport networks, are well connected and specifically designed to:

...

94. Accordingly we recommend that these submissions be accepted in part.
95. Three submissions supporting Policy 29.2.1.1 were received<sup>77</sup>, and we recommend these be accepted in part, taking account of amendments made in response to other submissions.
96. Policy 29.2.1.2 as notified stated as follows:

*Recognise the importance of expanded public water ferry services as a key part of the transport network and enable this by providing for park-and-ride, public transport facilities, and the operation of public water ferry services.*

97. Submissions on this policy were received from the JEA Group submissions and Real Journeys Group, and all shared a common theme of concern that the policy appeared to exclude the provision of private transport, in contrast to public transport. This issue has also been addressed in Section 2.2 above.
98. We note that the definition of a “public water ferry service” does not require that it be contracted to the Regional Council, only that it be *accessible to the public* and with some other qualifiers. It appears clear that the word “public” has been interpreted by the submitters is specifically excluding private providers.
99. We consider that the purpose of the policy is not to embrace all forms of water ‘transport’. Ms Jones stated in her report that:

*“I consider it is appropriate that the definition of public water ferry services does not include water transport systems that are primarily for sightseers as such trips do not contribute to achieving the Chapter 29 objectives relating to an integrated transport system and increased use of public transport in that they do not generally travel between key destination points that commuters and visitors would generally use; generally priced such that they do not provide a viable alternative to other modes of travel, and are not regular enough to provide a genuine commuter service”.*<sup>78</sup>

100. We agree with this statement. As discussed earlier in these recommendations however, we do not consider that private services should be excluded, but that if they are to fall within the ambit

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<sup>76</sup> Submission 2453

<sup>77</sup> Submissions 2520,2136 and 2242

<sup>78</sup> V Jones Section 42A report, paragraph 11.27

of this policy they need to be providing a regular scheduled service available to the general public linking identified points of embarkation and disembarkation.

101. We have addressed this matter through an amended definition of “Public Water Ferry Service” which would include private providers who are providing a regularly scheduled service available to the general public. However we do not consider it is necessary, given such an amendment, to amend Policy 29.2.1.2. Given the amendment to the definition however, we recommend the submissions be accepted in part.

102. Three submissions<sup>79</sup> supported Policy 29.2.1.2 and we recommend that these be accepted.

103. Policy 29.2.1.3 as notified reads as follows:

*Require high traffic generating activities and large-scale commercial activities, educational facilities, and community activities to contribute to the development of well-connected public and active transport networks and/or infrastructure.*

104. There are two policies which address the issue of high traffic generating activities, these being 29.2.1.3, and 29.2.4.4. These policies, and the rule derived from them (Rule 29.4.10) attracted a significant number of submissions. During the course of the hearing, it became apparent that the two policies largely duplicated each other, and it was more logical for a policy on these activities (if it were to be included at all) to be incorporated under Objective 29.2.4 which deals with the effects of subdivision and land use on the transport network.

105. The deletion of Policy 29.2.1.3 was sought by the JEA Group submissions, and also by the Real Journeys Group. Amendments to the policy were sought by Ngai Tahu Property Group who sought that its scope be reduced<sup>80</sup>; by the Ministry of Education<sup>81</sup> and again by Ngai Tahu Property Group who sought clarification of the policy. It was supported by NZTA<sup>82</sup>.

106. On the basis that Policy 29.2.1.3 was a duplication of Policy 29.2.4.4, we recommend that it be deleted. We note that this duplication was also the subject of criticism raised in the evidence of Mr Wells on behalf of RCL Henley Downs Ltd<sup>83</sup>. The matters raised in submissions with respect to this policy will be dealt with in our subsequent discussion of submissions on Policy 29.2.4.4. On this basis, we recommend that the submissions of the JEA Group submissions and Real Journeys Group be accepted, those of Ngai Tahu and the Ministry of Education accepted in part, and that of NZTA be rejected. As a consequence of this, subsequent Policies 29.2.1.4 onwards will require renumbering and we recommend accordingly.

107. Policy 29.2.1.4 as notified stated:

*Provide a roading network within and at the edge of the Town Centre zones that supports these zones becoming safe, high-quality pedestrian dominant places and enable the function of such roads to change over time.*

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<sup>79</sup> Submissions 2462, 2468 and 2538

<sup>80</sup> Submission 2335

<sup>81</sup> Submission 2151

<sup>82</sup> Submission 2538

<sup>83</sup> Submission 2465

108. The JEA Group submissions and Real Journeys Group sought that the words “high quality pedestrian dominated places” be replaced with the word “multimodal”. We note that the parent objective (29.2.1) for this policy calls for providing for all transport modes but also seeks to reduce dependency on private motor vehicles and reducing the dominance and congestion of vehicles in the Town Centre zones.
109. We note that the policy is specific to town centres, not the district as a whole. It is apparent that congestion is an issue in town centres, and that the substitution of the word “multimodal” would simply perpetuate a business as usual model, and exacerbate traffic congestion issues over time. The inevitable increase in vehicle use that would flow from provision for transport on a multimodal basis would detract from the amenity of town centres as places to visit and enjoy. However we do have some concerns with the words “..... *at the edge of the Town Centre zones...*” where the roading network is likely to remain multimodal in nature. These words also appear to go somewhat beyond the outcome anticipated under Objective 29.2.1.
110. Accordingly, we recommend that the submission points be accepted in part so that notified Policy 29.2.1.4 (renumbered 29.2.1.3) reads as follows:
- Provide a roading network within the Town Centre zones that supports the zones becoming safe, high-quality pedestrian dominant places and enable the function of such roads to change over time.
111. Four submissions were received in support<sup>84</sup> of notified Policy 29.2.1.4, and we recommend these be accepted in part, having regard to the amendment outlined above in response to other submissions.
112. Policy 29.2.1.5 as notified read as follows:
- Acknowledge the potential need to establish new public transport corridors off existing roads in the future, particularly between Frankton and Queenstown Town Centre.*
113. Queenstown Lakes District Council lodged a submission<sup>85</sup> requesting a minor wording amendment to achieve greater clarity. The relief sought was to simply replace the word “off” with the word “beyond”. We agree this improves the wording of the Policy, and accordingly recommend that the submission be accepted.
114. A submission supporting Policy 29.2.1.5 (renumbered 29.2.1.4) was received from NZTA<sup>86</sup>. Notwithstanding the very minor wording change made to the policy, we recommend that the submission be accepted.
115. Queenstown Lakes District Council requested<sup>87</sup> that a new policy be added under Objective 29.2.1 to enable and encourage the provision of electric vehicle charging points. The only

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<sup>84</sup> Submissions 2335, 2493, 2336 and

<sup>85</sup> Submission 2239

<sup>86</sup> Submission 2538

<sup>87</sup> Submission 2239

further submission on this policy was one in support from NZTA. The wording of the policy proposed by Ms Jones was as follows:

*Enable and encourage the provision of electric vehicle (EV) charging points/parking spaces within non-accessory parking, within roads where appropriate, as part of Park and Ride, and in association with accessory parking related to High Traffic Generating Activities.*

116. We note that the proposed policy does not attempt to make such provision mandatory with the provision of accessory parking upon development. We make this observation now, as it becomes an issue later in the submissions considered as part of these recommendations. We consider the policy is a positive if cautious step, towards promoting sustainable transport, and accordingly recommend that the submission be accepted, and be numbered as Policy 29.2.1.5.
117. The Queenstown Trails Trust<sup>88</sup> requested the addition of a new policy promoting public access and well-being, and the development of cycling trail networks, and encourage the expansion of a public trail network within and connecting to the Wakatipu Basin. We consider that the intent of this request is already substantially addressed through Policy 29.2.1.1(c) and Objective 29.2.4, and for these reasons we recommend that the submission be rejected.

## **5.2 Objective 29.2.2 and Policies**

118. Objective 29.2.2 as notified read as follows:

*Objective – Parking, loading, access, and on-site manoeuvring that are consistent with the character, scale, intensity, and location of the zone and contributes toward:*

- *providing a safe and efficient transport network;*
- *compact urban growth;*
- *economic development;*
- *facilitating an increase in walking and cycling; and*
- *achieving the level of residential amenity and quality of urban design anticipated in the zone.*

119. RCL Henley Downs Ltd<sup>89</sup> lodged a submission seeking that the Council “better distil the objectives and policies to ensure consistency” while Paterson Pitts (Wanaka)<sup>90</sup> sought that the Council “simplify the drafting of objectives 29.2.1, 29.2.2 and 29.2.4”.
120. As addressed earlier in our recommendations on Objective 29.2.1, the submitters did not provide a substitute set of objectives and policies, or clarify how these provisions could be ‘distilled’ or simplified. They did raise more specific matters on individual provisions which are addressed elsewhere in these recommendations. We recommend that these submissions be rejected.

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<sup>88</sup> Submission 2575

<sup>89</sup> Submission 2465

<sup>90</sup> Submission 2457

121. Reavers New Zealand Limited<sup>91</sup> and C and J Properties Ltd<sup>92</sup> both sought amendments to Objective 29.2.2 to refer to the ‘*facilitation of the use of public transport*’. Ms Jones advised that such an amendment would accord with the contents of notified policies in Chapter 29, and we agree this would provide a better alignment with these provisions, particularly the suite of policies associated with Objective 29.2.2 itself. We recommend that these submissions be accepted, and that the fourth bullet point of the objective be amended to read:

facilitating an increase in walking and cycling and the use of public transport; and

...

122. Four submissions<sup>93</sup> were received in support of Objective 29.2.2, and taking account of the amendment to the fourth bullet point of the objective as described above, we recommend that these be accepted in part.

123. Policy 29.2.2.1 is a multifaceted provision addressing parking spaces, queueing spaces, access and loading spaces. As notified, it read as follows:

*Manage the number, location, type and design of parking spaces, queueing space, access and loading space in a manner that:*

- a. is safe and efficient for all transport modes and users, including those with restricted mobility, and particularly in relation to facilities such as hospitals, educational facilities, and day care facilities;*
- b. is compatible with the classification of the road by:
  - (i) ensuring that accesses and new intersections are appropriately located and designed and do not discourage walking and cycling;*
  - (ii) avoiding heavy vehicles reversing off or onto any roads; and*
  - (iii) ensuring that sufficient manoeuvring space, or an alternative solution such as a turntable or car stacker, is provided to avoid reversing on or off roads in situations where it will compromise the effective, efficient and safe operation of roads.**
- c. contributes to an increased uptake in public transport, cycling, and walking in locations where such alternative travel modes either exist; are identified on any Council active transport network plan or public transport network plan; or are proposed as part of the subdivision, use or development.*
- d. provides sufficient parking and loading spaces to meet the expected needs of specific landuse activities in order to minimise congestion and visual amenity effects, particularly in areas that are not well connected by public or active transport networks and are not identified on any Council active or public transport network plans;*
- e. is compatible with the character and amenity of the surrounding environment, noting that exceptions to the design standards may be acceptable in special character areas and historic management areas; and*
- f. avoids or mitigates adverse effects on the amenity of the streetscape and adjoining sites.*

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<sup>91</sup> Submission 2467

<sup>92</sup> Submission 2518

<sup>93</sup> Submissions 2335, 2493, 2136 and 2336

124. Nona James<sup>94</sup> submitted in opposition to subclauses (d) and (e) of Policy 29.2.2.1. We understand, from the various submission points she has made, that her concerns primarily relate to reductions in parking requirements, particularly as they affect proposed medium density residential zoned areas. This matter is addressed later in these recommendations. We are uncertain however why she has opposed these two particular subclauses, and she did not attend the hearing to expand on her concerns<sup>95</sup>. We recommend that the submissions be rejected.
125. NZTA<sup>96</sup> sought that Policy 29.2.2.1 be amended to include parking pricing. Parking pricing is already used as a tool to restrict long duration parking in Central Queenstown, and although not implemented through the PDP, is nevertheless one of the tools for managing parking demand. We recommend that this part of the submission be accepted, and that the introductory paragraph to Policy 29.2.2.1 be amended to read:

*Manage the number, pricing, location, type and design of parking spaces.....*

126. FENZ<sup>97</sup> sought that the policy be amended to provide for adequate access for emergency vehicles. Ms Jones advised<sup>98</sup> that the relief sought aligned with the Code of Practice for Land Development and Subdivision 2015, and notified Policy 29.2.3.1 and Rule 29.5.14. We recommend that the submission be accepted, and that a new clause (h) be added to Policy 29.2.2.1 reading as follows:

*h. Provides adequate vehicle access width and manoeuvring for all emergency vehicles.*

127. Public Health South<sup>99</sup> sought that the policy be strengthened to recognise the need to improve safety for walking and cycling. We consider an amendment to this effect would be appropriate with respect to clause (b)(i) as it makes the provision more comprehensive. We recommend that the submission be accepted, and that subclause (i) be amended to read as follows:

*(i) ensuring that accesses and new intersections are appropriately located and designed and do not discourage walking and cycling, or result in unsafe conditions for pedestrians or cyclists;*

...

128. The JEA Group<sup>100</sup> submissions and Real Journeys Group<sup>101</sup> submitted that Policy 29.2.2.1 was contradictory, and it was unclear whether the policy framework was intended to address demand for parking, or was influenced by other factors. Concerns were also expressed as to how parking provision would help reduce congestion.

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<sup>94</sup> Submission 2238

<sup>95</sup> We note that Ms James tabled a statement of evidence in Stream 15, but it related entirely to matters dealt with in Report 19.2 (Visitor Accommodation)

<sup>96</sup> Submission 2538

<sup>97</sup> Submission 2660

<sup>98</sup> V Jones, Section 42A Report, paragraph 13.2

<sup>99</sup> Submission 2040

<sup>100</sup> Submissions 2448, 2453, 2465, 2474, 2552, 2560, 2590 and 2601

<sup>101</sup> Submissions 2466, 2492, 2494 and 2581

129. Ms Jones proposed that the Council strategy be more clearly articulated by clarifying that in locations that are less accessible, and where the cost of providing parking is not as high, the amount of parking provided on-site should generally meet demand. Conversely in areas which are accessible by alternative modes of transport, and where there is high pedestrian traffic, high density development, and high levels of amenity, parking requirements can be relaxed. She also contended that further amendments were appropriate whereby high traffic generating activities could provide less parking than the minimum requirements, and that on street parking associated with non-residential uses be avoided where it would adversely affect residential amenity or traffic safety.<sup>102</sup>

130. On this basis, she proposed amendments to Policies 29.2.2.1, 29.2.2.3, 29.2.2.5 and 29.2.2.6. She also proposed amendments to Objective 29.2.4 and associated policies as discussed later in these recommendations. Returning to Policy 29.2.2.1, we accept her recommendation that subclause (d) be amended to read as follows:

d. provides sufficient parking spaces to meet parking demand in areas that are not well connected by public or active transport networks and are not identified on any Council active or public transport network plans.

131. With this recommended amendment, it is proposed that the submissions be accepted in part.

132. Seven submissions were made in support of Policy 29.2.2.1<sup>103</sup>, and we recommend that these be accepted in part having regard to amendments made to satisfy other submissions. Ngai Tahu Properties supported Policy 29.2.2.1 (c) and we recommend that this submission be accepted.

133. Ngai Tahu Property Ltd<sup>104</sup> opposed Policy 29.2.2.2 having application in the Town Centre Zones. The policy as notified stated:

*Discourage accessory parking in the Town Centre zones in order to support the growth, intensification, and improved pedestrian amenity of the zones.*

134. We disagree with the relief sought in this submission on the basis that the provision of such parking can result in adverse amenity effects associated with parking areas, and because it encourages traffic movement into town centres in circumstances where parking may be better provided for on the periphery of the town centre or elsewhere in urban areas. Submissions in support of the policy were received from NZTA<sup>105</sup> and C and J Properties Ltd<sup>106</sup>, and we recommend these be accepted.

135. Policy 29.2.2.3 as notified stated as follows:

*Enable a lower rate of accessory parking to be provided for residential flats district wide, and for residential activity in the Town Centre, Business Mixed Use, High Density Residential, and*

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<sup>102</sup> V Jones, Section 42A Report, paragraph 12.4

<sup>103</sup> Submissions 2493, 2518, 2136, 2194, 2195, 2467 and Submission 2478

<sup>104</sup> Submission 2336

<sup>105</sup> Submission 2538

<sup>106</sup> Submission 2518

*Medium Density Residential zones compared to other zones to support intensification and in recognition of the accessibility and anticipated density of the zones.*

136. The JEA Group submissions sought that the policy be deleted and that the matters raised within it could be addressed through other policies. Real Journeys Limited<sup>107</sup> sought that Policy 29.2.2.3 be amended to provide for lower amounts of accessory parking without qualification. Nona James<sup>108</sup> opposed the policy, consistent with her contention that it was inappropriate to reduce the level of parking as signalled for some areas under Chapter 29. Patterson Pitts<sup>109</sup> sought that the words “residential flats district wide” be deleted. Finally, GRB Limited sought that the policy better account for proximity to town centres, and the opportunity for walking and cycling.
137. Ms Jones recommended that the policy be clarified to explain the policy background as to why it was proposed that certain zones have lower parking requirements than others. She noted that Policy 29.2.2.5 was the provision which addressed circumstances where it may be appropriate to breach minimum parking requirements.
138. We consider that it is not appropriate that the policy apply across all zones. In particular, we were aware that in some areas where alternative transport options were limited or non-existent (e.g. the BMUZ Zone in Wanaka) it was readily apparent that there were significant on street parking issues. Ms Jones informed us that “...in most instances the MPR’s included in Chapter 29 have not been reduced to the extent that Mr Crosswell and his colleagues could support (compared to the operative MPR’s)”.<sup>110</sup> We were concerned that some of the evidence presented by Mr Crosswell failed to adequately take the context of such particular areas into account.
139. In her reply evidence, Ms Jones addressed concerns that had been raised by the Hearings Panel with respect to parking standards. She insisted that the expert advice received from Mr Crosswell and his colleagues was carefully considered against the local context. She helpfully summarised that changes were made to Chapter 29<sup>111</sup>:
- a. to reduce the residential and visitor accommodation minimum parking requirements in the most accessible residential zones;
  - b. to not expand nil minimum parking requirements or maximum parking requirements beyond those areas where they currently apply in the ODP;
  - c. to amend the visitor accommodation minimum parking requirements in a manner that is relative to the changes that have been made for residential minimum parking requirements in the more accessible zones;
  - d. to reduce the minimum parking requirements for industrial and warehousing activity; and
  - e. to generally retain the minimum parking requirements for all other activities as per the ODP based on consideration of the Technical Paper entitled Parking Advice August 2017 and other district plan parking standards.

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<sup>107</sup> Submission 2466

<sup>108</sup> Submission 2238

<sup>109</sup> Submission 2457

<sup>110</sup> V Jones, Reply Evidence, paragraph 6.5.

<sup>111</sup> Ibid

140. We agree with the broad principle that the rate of parking should be linked to location, and in particular the availability or otherwise of alternative transport options – to that extent we support the changes summarised under (a) and (c) above. As noted in our discussion on Policy 29.2.2.1, we consider that the policy needs to be clarified to emphasise this point more clearly. We recommend that the JEA Group submissions and those from Real Journeys Limited be rejected, and those of Patterson Pitts and GRB Limited be accepted in part.
141. Other submissions sought less wide ranging amendments. GRB<sup>112</sup> sought that the policy be amended to make specific reference to worker accommodation in the BMUZ. While we support in principle the submitter’s promotion of worker accommodation needs, we do not consider there is any identified basis for differentiating parking standards between worker accommodation and other residential accommodation. We recommend that this part of the submission be rejected. There was no evidence in support of Nona Jones’ submission, and we recommend that it be rejected (but with possible qualification with respect to the BMUZ).
142. Henley Downs Farm Holdings Ltd<sup>113</sup> and Darby Planning LP<sup>114</sup> sought that Policy 29.2.2.3 be amended to include the Jacks Point Zone Village Activity Area. We recommend that the submission be accepted, and the Jacks Point Village area be incorporated within the ambit of the policy.
143. We recommend that Policy 29.2.2.3 be amended to read as follows:

Require that a lower amount of accessory parking be provided for residential flats district wide, and for residential and visitor accommodation activity in the Town Centre, Local Shopping Centre, High Density Residential, and Medium Density Residential zones and in the Jacks Point Village Area of the Jacks Point Zone compared to other zones, in order to:

- a. support intensification and increased walking, cycling and public transport use, and
- b. in recognition of the land values, high pedestrian flows, amenity, accessibility and existing and anticipated density of these zones.

144. Policy 29.2.2.4 as notified read as follows:

145. *Enable some of the parking required for residential and visitor accommodation activities to be provided off – site provided it is located in close proximity to the activity and is secured through legal agreements.*

146. Ngai Tahu Property Ltd lodged a submission on Rule 29.5.2 seeking that off-site parking provision was appropriate within the Business Mixed Use Zone. We agree that this flexibility would be appropriate – bearing in mind it is not providing an exclusion from providing parking, but simply the ability to provide such parking off-site. We recommend that Policy 29.2.2.4 be reworded to read as follows:

Enable some of the parking required for residential and visitor accommodation activities and for all activities in the Business Mixed Use Zone to be provided off site, provided it is located in

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<sup>112</sup> Submission 2136

<sup>113</sup> Submission 2381

<sup>114</sup> Submission 2376

close proximity to any residential or visitor accommodation activity it is associated with, and secured through legal agreements.

147. Only two submissions<sup>115</sup> were lodged directly on Policy 29.2.2.4, both in support. We recommend that they be accepted in part.

148. Policy 29.2.2.5 as notified read as follows:

*Enable a reduction in the number of car parking spaces required only where:*

- a. the function of the surrounding transport network and amenity of the surrounding environment will not be adversely affected; and/or*
- b. there is good accessibility by active and public transport and the activity is designed to encourage public and active transport use; and/or*
- c. The characteristics of the activity or the site justify less parking.*

149. Nona James<sup>116</sup>, opposed this policy as part of a range of submission points opposing provision for reduced parking requirements generally. Ngai Tahu Properties<sup>117</sup> sought the policy be amended to take the location of a property into account.

150. The JEA Group submissions, and Real Journeys Group sought that the word “only” be removed from the policy. This relief was also supported in submissions by Reaver’s New Zealand<sup>118</sup> and C and J Properties<sup>119</sup>.

151. We do not support the removal of the word “only” as that would largely render the application of the policy meaningless, but we accept that there needs to be amendments which allow for a case to be made where a reduction in the minimum parking requirements would be appropriate. Rather than removing the word “only” we consider it would be better to amend the subclauses of the policy to set out circumstances where a reduction is appropriate. On this basis, we considered the relief sought by these submitters should be accepted in part. We also agree with Ms Jones<sup>120</sup> that an additional clause be added to the policy with respect to the provision of shared/reciprocal parking raised in the submission of Ngai Tahu Properties. We consider that some flexibility has to be provided in circumstances where full parking provision is not required in the circumstances relevant to a particular site, and for this reason we recommend rejecting the submission of Nona Jones.

152. Accordingly, we recommend that Policy 29.2.2.5 be reworded to read as follows:

Enable a reduction in the minimum number of car parking spaces required only where:

- a. there will be a positive or no more than minor adverse effect on the function of the surrounding transport network and the amenity of the surrounding environment and/or;

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<sup>115</sup> Submissions 2493 and 2336

<sup>116</sup> Submission 2238

<sup>117</sup> Submission 2336

<sup>118</sup> Submission 2467

<sup>119</sup> Submission 2518

<sup>120</sup> V Jones, Section 42A Report, paragraph 12.17

- b. there is good accessibility by active and/or public transport and the activity is designed to encourage public and/or active transport use and projected demand can be demonstrated to be lower than the minimum required by the rules; and/or;
  - c. the characteristics of the activity or the site justify a lower parking requirement and projected demand can be demonstrated to be lower than the minimum required by the rules and/or;
  - d. there is an ability for shared or reciprocal parking arrangements to meet on-site car parking demand at all times and demand can be demonstrated to be lower than the minimum required by the rules.
153. Policy 29.2.2.6 is a policy framework for non-accessory parking, excluding off-site parking, and sets out the circumstances in which provision is made for non-accessory parking.
154. One submission was received on this policy from NZTA<sup>121</sup> seeking provision for parking pricing to be incorporated into the policy, consistent with the relief sought on Policy 29.2.2.1 by this submitter. We recommend that the submission be accepted, and that subclause (b) of Policy 29.2.2.6 be amended to read:
- b. There is an existing or projected undersupply of parking to service the locality and providing additional parking and the pricing of that parking will not undermine the success of public transport systems or discourage people from walking or cycling;
- ....
155. The only direct submission made on Policy 29.2.2.7 was one in support from NZTA. We recommend that this submission be accepted in part.
156. Policies 29.2.2.8 and 29.2.2.9 relate to provision for ‘Park and Ride’. These policies each contain four subclauses specifying the requirements for establishing such facilities (for example subclause (a) requires that they be convenient to users). Real Journeys Group proposed that the two policies be amalgamated.
157. We consider that the relief sought is appropriate, because the two policies are closely related, and have overlapping criteria for the establishment of park-and-ride facilities, public transport facilities, and non-accessory parking. Policy 29.2.2.8 begins by stating “*require Park and Ride and public transport facilities to be located and designed in a manner that*”, while Policy 29.2.2.9 begins with the words “*require Park and Ride, public transport facilities, and non-accessory parking to be designed, managed, and operate in a manner that....*”.
158. We recommend that the submissions be accepted. A consequence of this is that criteria (a) to (d) under Policy 29.2.2.8 are combined with criteria (e) to (h) under former Policy 29.2.2.9 with respect to park and ride and public transport facilities. An additional submission was received from NZTA<sup>122</sup> supporting both policies, and given that their content essentially remains unchanged, we recommend that their submission be accepted. However this leaves the issue of how non-accessory parking and off-site parking facilities should be addressed, as the policy criteria for these facilities was included under notified Policy 29.2.2.9.

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<sup>121</sup> Submission 2538

<sup>122</sup> Submission 2538

159. Policy 29.2.2.10 as notified sought to encourage off-site parking facilities to be designed, managed, and operated *in the manner outlined in Policy 29.2.2.9*. It read:

*Encourage off-site parking facilities to be designed, managed, and operated in the manner outlined in Policy 29.2.2.9.*

160. This results in notified Policy 29.2.2.10 overlapping with 29.2.2.9. As a consequence of our recommended amalgamation of Policies 29.2.2.8 and 29.2.2.9 so that these deal with park-and-ride and public transport facilities, we recommend Policy 29.2.2.10 be recast as a standalone policy (to be renumbered 29.2.2.9) specifically addressing the issue of non-accessory parking and off-site parking facilities. While this adds an element of repetition, we consider it is preferable to the somewhat muddled approach in Chapter 29 as notified, whereby notified Policy 29.2.2.10 cross-references to the preceding policy. We therefore recommend that notified Policy 29.2.2.10 be reworded to include the policy criteria under old Policy 29.2.2.9. Notified policies 29.2.2.8 and 29.2.2.9 are now renumbered as 29.2.2.8, and notified policy 29.2.2.10 is renumbered as 29.2.2.9. We recommend this latter policy read as follows:

Non-accessory parking and off-site parking facilities are to be designed, managed and operated in a manner that:

- a. makes it accessible and safe for users, including pedestrians and cyclists within and beyond the facility;
  - b. provides an integrated and attractive interface between the facility and adjacent streets and public open spaces;
  - c. mitigates effects on the residential amenity of adjoining properties, including effects from noise, vehicle emissions and visual effects; and
  - d. minimises adverse effects on the operation of the transport network.
161. Two submissions were received on notified Policy 29.2.2.10: one being from John Barlow<sup>123</sup> who submitted that the weak test under the word “encourage” be replaced by the directive word “require”. Given the amendments proposed, we recommend that the submission of John Barlow be accepted in part. Ngai Tahu Properties and Ngai Tahu Justice Holdings Ltd<sup>124</sup> supported the policy and we recommend that their submission be accepted in part.
162. Policy 29.2.2.11 as notified called for the prioritisation of pedestrian movement, safety, and amenity in Town Centre Zones. Only one submission was received on this policy, that being in support from NZTA.<sup>125</sup> We recommend that the submission point be accepted. As a consequence of our recommended amalgamation of Policies 29.2.2.8 and 29.2.2.9, this policy is renumbered as 29.2.2.10.

163. Policy 29.2.2.12 as notified stated:

*Mitigate the effects on safety and efficiency arising from the location, number, width, and design of vehicle crossings and accesses, particularly in close proximity to intersections and adjoining the State Highway, while not unreasonably preventing development and intensification.*

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<sup>123</sup> Submission 2563

<sup>124</sup> Submission 2335

<sup>125</sup> Submission 2538

164. This policy was the subject of submissions from the JEA Group submissions, and from Real Journeys Group. The submitters sought that the policy be further qualified by adding a reference that achieving the policy should not be at the expense of good amenity outcomes (e.g. poor site layouts as a result of the required location of a vehicle access point). NZTA <sup>126</sup> took a contrasting position, requesting that the policy be recast from mitigating adverse effects to avoiding them.
165. We acknowledge there may be circumstances where the achievement of a standard under this policy may result in a substandard design outcome, but we consider this is already addressed under Policy 29.2.2.1 (f) and (g) and in the wording of Policy 29.2.2.12 itself when it makes reference to “*not unreasonably preventing development and intensification*”. We also note that as a result of our recommendations, urban design factors will be able to be taken into account in considering breaches of notified Rules 29.5.14 and 29.5.22. We consider an appropriate balance has to be struck in circumstances where traffic safety and efficiency, and the quality of adjoining site development are being considered – typically we would expect for example, that on a heavily trafficked road, traffic safety and efficiency is likely to outweigh other factors. We recommend that the policy be unchanged in this respect and that the submissions be rejected.
166. The Oil Companies<sup>127</sup> submitted in support of Policy 29.2.1.12. We recommend that the submissions be accepted. This policy is renumbered as 29.2.1.11.

### 5.3 Objective 29.2.3 and Policies

167. Objective 29.2.3 as notified stated as follows:

*Objective – Roads that facilitate continued growth, are safe and efficient for all users and modes transport (sic), and are compatible with the level of amenity anticipated in the adjoining zones.*

168. Active Transport Wanaka<sup>128</sup> (as with Objective 29.2.1) sought that the Active Transport Wanaka Planning Maps be referred to in the within or under the objective. We agree, but as we were advised that these plans had not yet been completed at the time of making these recommendations. However, we recommend that the Council incorporate these plans by way of a Variation to Chapter 29 in Stage 3 of the PDP review.
169. Aurora Energy<sup>129</sup> sought that the policy make reference to ‘linear infrastructure’. We note that Policy 29.2.3.4 already specifically addresses this issue, and no change is required to the objective itself. We recommend that the submission be rejected. NZTA<sup>130</sup> supported the objective, and we recommend the submission be accepted.

170. Policy 29.2.3.1 as notified stated as follows:

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<sup>126</sup> Submission 2538  
<sup>127</sup> Submission 2489  
<sup>128</sup> Submission 2078  
<sup>129</sup> Submission 2508  
<sup>130</sup> Submission 2538

*Require, as a minimum, that roads be designed in accordance with Section 3 and Appendices E and F of the QLDC Land Development and Subdivision Code of Practice (2015).*

171. The JEA Group submissions, and Real Journeys Group, were concerned with the inflexibility of the policy and suggested that the introduction to the policy read “encourage roads to be designed.....”. Similar concerns were expressed by Clark Fortune McDonald and Associates<sup>131</sup> who opposed the policy; while Darby Planning LP<sup>132</sup> sought alternative wording to allow circumstances where a lesser standard of road design is appropriate; while Henley Downs Farm Holdings<sup>133</sup> requested that the policy be replaced with a policy provision simply requiring the adoption of the QLDC Land Development and Subdivision Code of Practice (2015).
172. As notified, the policy provided little or no scope for flexibility. Ms Jones informed us that Table 3.2 of the Code prescribes minimum widths, grades and the provision of parking, loading and shoulders for various types of roads and accessways. She recommended that the policy be reworded to confine reference to Table 3.2 and provide for departures from the standards where the effects of compliance are no more than minor. We prefer this option to adopting wording like “encourage” as this is a very nebulous term, and provides no regulatory guidance. We recommend that Policy 29.2.3.1 be reworded to read as follows:
- Establish design standards for roads and accesses, including those in Table 3.2 of the QLDC Land Development and Subdivision Code of Practice (2018), and require adherence to those standards unless it can be demonstrated that the effects of the proposed design on the active and public transport networks, amenity values, urban design, landscape values, and the efficiency and safety and of the roading network, are no more than minor.
173. Given that these amendments go at least some way towards meeting the concerns of the submitters, we recommend that the submissions be accepted in part, except those seeking the adoption of the word “encourage”. Before leaving this topic however, we note that one submitter<sup>134</sup> also opposed clause 29.3.2.1 (Advice Notes) which made reference to the CoP 2015. As a consequential amendment this will need to refer to the 2018 version.
174. There were no submissions on Policy 29.2.3.2 and we recommend it be adopted as notified.
175. Policy 29.2.3.3 related to the design, location, and construction of new roads and contained five subclauses. The Ministry of Education<sup>135</sup> sought an amendment to subclause (e) which required that the design, location and construction of new roads be undertaken in a manner that:
- e. provides sufficient space and facilities to promote safe walking, cycling and public transport, road (sic) to the extent that it is relevant given the location and design function of the road.*
176. The submitter identified an error in the drafting of the clause. We recommend that the submission be accepted, and the word “road” be deleted.

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<sup>131</sup> Submission 2297

<sup>132</sup> Submission 2376

<sup>133</sup> Submission 2381

<sup>134</sup> Submission 2297

<sup>135</sup> Submission 2151

177. Patterson Pitts (Wanaka)<sup>136</sup> submitted on Policy 29.2.3.3 requesting that the Council’s active and public plan be shown on the planning maps. This is similar to the relief sought by Active Transport Wanaka with respect to Objectives 29.2.1 and 29.2.3.<sup>137</sup> As previously noted, given these plans were not complete at the time of the hearings, we have recommended that the Council undertake a Variation to Chapter 29 as part of Stage 3 of the review of the PDP.

178. NZTA submitted in support of Policy 29.2.3.3 and we recommend that this submission point be accepted.

179. Policy 29.2.3.4 as notified stated as follows:

*Provide for services and new linear infrastructure to be located within road corridors and, where practicable, within the road reserve adjacent to the carriageway.*

180. The JEA Group submissions sought a new definition be added to the PDP of what was meant by “linear infrastructure”. This term applies within Policy 29.2.3.4 as notified, and relates to utilities constructed within road corridors. Ms Jones was of the view that for the purposes of Chapter 29 Transport, the term was largely superfluous with respect to transport, and was more relevant to the provision of utilities under Chapter 30. She recommended instead that the wording of the policy be amended to be consistent with Chapter 30, and we concur with her recommendation. Accordingly, we recommend that this submission be accepted and Policy 29.2.3.4 be amended to read as follows:

Provide for services and new linear network utilities to be located within road corridors and where practicable within the road reserve adjacent to the carriageway in a manner consistent with the provisions of Chapter 30.

181. Aurora Energy<sup>138</sup> and Federated Farmers of New Zealand<sup>139</sup> supported Policy 29.2.3.4, and we recommend that their submissions be accepted in part, having regard to the amendment made to satisfy other submissions.

182. Policy 29.2.3.5 provided for the allocation of space within the road corridor for different modes of transport. The only submission was one in support from NZTA<sup>140</sup> and we recommend the submission be accepted.

183. Policy 29.2.3.6 as notified stated as follows:

*Provide for public amenities within the road in recognition that the road provides an important and valuable public open space for the community which, when well designed, encourages human interaction and enriches (sic) the social and cultural well-being of the community.*

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<sup>136</sup> Submission 2457

<sup>137</sup> Submission 2078

<sup>138</sup> Submission 2508

<sup>139</sup> Submission 2540

<sup>140</sup> Submission 2538

184. Submissions on this policy were received from the JEA Group submissions and from Real Journeys Group who considered that the policy was unnecessary, or that it may be used to require developers to contribute such facilities. While it is not a policy that holds a central place among the objectives and policies of Chapter 29, it does provide a policy framework for facilities that are provided within the road reserve from time to time. With respect to the concern that there may be some implied obligation on developers, we agree with Ms Jones suggestion that the words “provide for” at the start of the policy be replaced by the word “enable”. Although the submitters sought rejection of the policy, we recommend that the submissions be accepted in part as a result of the amendment.
185. Policy 29.2.3.7 provided that the incorporation of trees and vegetation within new roads be subject to road safety and operational requirements. Real Journeys Group sought that the establishment of trees and vegetation within roads be supported. Although the submissions did not appear to be on this specific policy, we consider it gives effect to the relief that is sought, and on this basis we recommend that the submissions be accepted in part.

#### 5.4 Objective 29.2.4 and Policies

186. Objective 29.2.4 as notified stated as follows:

*Objective – An integrated approach to managing subdivision, land use, and the transport network in a manner that:*

- *supports improvements to active and public transport networks;*
- *increases the use of active and public transport networks*
- *reduces traffic generation;*
- *manages the effects of the transport network on adjoining land uses and the effects of adjoining land uses on the transport network.*

187. Aurora Energy Ltd<sup>141</sup> sought an amendment to the objective to emphasise opportunities to utilise the roading network to develop infrastructure efficiently. This appears to relate to linear infrastructure such as that provided by the submitter. The objective is about the integration of land use and transport, rather than the provision of utilities. We consider that this matter has already been addressed through Policy 29.2.3.4 and accordingly recommend that the submission be rejected.
188. Ngai Tahu Property Ltd and Ngai Tahu Justice Holdings<sup>142</sup> and Ngai Tahu Property Ltd<sup>143</sup> have lodged a submission that the second bullet point be amended to promote increases in the use of active and public transport networks. NZTA<sup>144</sup>, consistent with other submission points, sought that the objective make reference to shared transport.
189. We agree with the submitters that it is appropriate to promote an increase in the use of public and active transport (which is supported in the policy framework), and to promote shared

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<sup>141</sup> Submission 2508

<sup>142</sup> Submission 2335

<sup>143</sup> Submission 2336

<sup>144</sup> Submission 2538

transport. Accordingly, we recommend that these submissions be accepted and that the second subclause of the objective be amended to read:

...  
promotes an increase in the use of active and public transport networks and shared transport;  
...

190. Patterson Pitts<sup>145</sup> sought that as part of objective 29.2.4, the Council develop an integrated transport strategy for Wanaka. While such an exercise may well be desirable, at this point the priority to be given to such a policy, and how it would be incorporated into overall transport framework for the District has not been established. We recommend that the submission point be rejected.

191. Four submissions<sup>146</sup> were received in support of Objective 29.2.4, and given only minor changes are proposed to the wording of the objective, we recommend these be accepted.

192. Policy 29.2.4.1 as notified reads as follows:

*Avoid commercial activities and home occupations in residential areas that result in cars being parked either on site or on roads in a manner or at a scale that will adversely affect residential amenity or the safety of the transport network. This includes the storage of business-related vehicles and rental vehicles and other vehicles being parked on streets adjoining the residential zones when not in use.*

193. The JEA group submissions and Real Journeys Group have sought that the policy be deleted or that the introductory word “avoid” be replaced by the word “manage”. The use of the word “avoid” effectively implies a prohibition on the activity subject to the policy; conversely the use of the word “manage” renders the policy directionless, because it implies a wide range of possible outcomes.

194. We consider it is important that the original intent of the policy be respected, in order to ensure residential amenity is maintained to ensure residential streets do not become dominated by commercial parking, but that some flexibility be provided. We recommend that the submissions be accepted in part, and the policy be reworded as follows:

That vehicle storage and parking in association with commercial activities and home occupations in residential zones be restricted to prevent adverse effects on residential amenity or the safety of the transport network. This includes restricting the storage of business-related vehicles, rental vehicles and other vehicles being parked on streets adjoining the residential zones when not in use.

195. Three submissions were received in support of the policy<sup>147</sup>, and we recommend these be accepted in part, having regard to the amendment made to the policy to satisfy other submissions.

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<sup>145</sup> Submission 2457

<sup>146</sup> Submissions 2520, 2151, 2467 and 2040

<sup>147</sup> Submissions 2381, 2376 and 2538

196. There was one submission lodged on Policy 29.2.4.2 (incorrectly allocated to Policy 29.2.4.3). Real Journeys Group sought that the policy allow lower levels of accessory parking set out in Table 29.5 where demand can be shown to be lower and/or where initiatives to encourage alternative travel methods or travel are proposed. As notified, the policy read as follows:

*Ensure that commercial and industrial activities that are known to require storage space for large numbers of vehicles provide adequate vehicle parking either onsite or in an offsite car park and do not store vehicles on roads.*

197. The submission appears to raise issues that are unrelated to the intent of this policy, and which are addressed elsewhere in these recommendations. We recommend that this submission be rejected.

198. Policy 29.2.4.3 sought to promote the uptake of public and active transport by requiring large-scale commercial, health, community, and educational activities to provide bicycle parking, and associated facilities while acknowledging that such provision may be unnecessary in some instances due to the specific nature or location of the activity. Submissions in support of the policy were received from the Ministry of Education<sup>148</sup>, and NZTA<sup>149</sup>, and we recommend that these be accepted.

199. Policy 29.2.4.4 related to the effects of high trip generating activities on the transport network, and the policy attracted a significant number of submissions, although not to the extent of its companion rule 29.4.10. The Policy as notified stated as follows:

*Avoid or mitigate the adverse effects of high trip generating activities on the transport network by assessing the location, design, and the methods proposed to limit increased traffic generation and promote the uptake of public and active transport, including by:*

- a. demonstrating how they will help reduce private car travel and encourage people to walk, cycle, or travel by public transport, including by:*
- b. preparing travel plans containing travel demand management techniques and considering lower rates of accessory parking;*
- c. contributing toward well-connected public and active transport infrastructure or, where planning for such infrastructure is not sufficiently advanced, providing space for such infrastructure to be installed in the future;*
- d. providing public transport stops located and spaced in order to provide safe and efficient access to pedestrians who are likely to use each stop; and*
- e. providing less accessory parking than is required by Table 29.5 in conjunction with proposing other initiatives to encourage alternative modes of travel.*

200. Ngai Tahu Properties and Ngai Tahu Justice Holdings Ltd<sup>150</sup> sought that the introduction to the policy be amended as follows:

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<sup>148</sup> Submission 2151

<sup>149</sup> Submission 2538

<sup>150</sup> Submission 2335

*Avoid or mitigate the adverse effects of high trip generating activities on the transport network by taking into account the location, design, and the methods proposed to limit increased traffic generation and promote the uptake of public and active transport. These methods may include (but not be limited to):*

...

201. Ngai Tahu Property Ltd <sup>151</sup> lodged a very similar submission and also sought the removal of clause (d). NZTA<sup>152</sup>, as with its other submissions, sought that reference be made in the policy to shared transport.
202. The JEA Group submissions and Real Journeys Group sought that the policy be deleted or allow lower levels of accessory parking than set out in Table 29.5 where demand can be shown to be lower and/or where initiatives to encourage alternative travel methods or travel are proposed (or similar).
203. Concerns were raised with this policy, particularly by Ngai Tahu, on the basis that it was directive, and that it contained what were effectively assessment matters, set out in the policy as “methods” to encourage alternatives to activities giving rise to high traffic generation. There were also concerns that the policy was intended to form a basis for financial contributions. The initial response from the reporting officers was to amend the policy and subclauses (a) – (e), but later it was recommended that the policy itself be simplified to focus on mitigating the adverse effects of high traffic generating activities, and that the “methods of doing so be addressed through assessment matters”<sup>153</sup>. These are addressed further in this report.
204. We accept Ms Jones’ recommendation<sup>154</sup> that the policy be re-drafted, including the deletion of subclauses (a) – (e), so as to read as follows:

*Avoid or mitigate the adverse effects of high traffic generating activities on the transport network and the amenity of the environment, taking into account the location and design of the activity and the effectiveness of the methods proposed to limit increases in traffic generation and to encourage people to walk, cycle, or travel by public transport.*

205. Accordingly, we recommend that the submissions of Ngai Tahu Properties and Ngai Tahu Justice Holdings, and of the submitters in support be accepted in part allowing for amendments made to the policy. We recommend that the submissions of the JEA Group and Real Journeys Group be rejected on the basis that the policy is focused on high traffic generation activities and not parking; similarly we recommend the rejection of the submission from NZTA on the basis that the focus of the policy is not shared transport.

206. Policy 29.2.4.5 stated as follows:

*Encourage compact urban growth through reduced parking requirements in the most accessible parts of the District.*

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<sup>151</sup> Submission 2336

<sup>152</sup> Submission 2538

<sup>153</sup> Proposed Rule 29.8.7

<sup>154</sup> V Jones, Reply Evidence, paragraph 7.2

207. The JEA Group submissions offered qualified support to the policy, through submitting that such reduced parking requirements could also apply in more accessible parts of the District. This was not further developed during the hearings in terms of an alternative policy wording, and we recommend that the submission be accepted in part. Five submissions were received in support of the policy<sup>155</sup>, and we recommend that these be accepted.
208. There were no submissions on Policy 29.2.4.6. We recommend this policy be adopted as notified.
209. Policy 29.2.4.7 related to additional access points onto the State Highways and arterial roads. This was supported by New Zealand Transport Agency<sup>156</sup>, and we recommend that this submission be accepted.
210. Policy 29.2.4.8 as notified reads as follows:
- Require any large-scale public transport facility or Park and Ride to be located, designed, and operated in a manner that minimises adverse effects on the locality and, in particular, on the amenity of adjoining properties, while recognising that they are an important part of establishing an effective transport network.*
211. Real Journeys Group sought that the policy be amended by changing the word “minimises” to “managed”. In the context of this policy, we do not support the adoption of the word “managed” as this provides no qualitative or quantitative guidance as to how the policy would be implemented. Instead we recommend that the word be amended to “mitigates” which more closely accords with the wording of section 5(2)(c) of the Act, and on this basis, that the submissions be accepted in part.
212. Finally, Policy 29.2.4.9 as notified stated as follows:
- Ensure the location, design, and layout of access, manoeuvring, car parking spaces and loading spaces of vehicle orientated commercial activities, such as service stations and rural selling places, avoids or mitigates adverse effects on the safety and efficiency of the adjoining road (s) and provides for the safe movement of pedestrians within and beyond the site, taking into account:*
- a. The relative proximity of other accesses or road intersections and the potential for cumulative adverse effects; and*
  - b. The ability to mitigate any potential adverse effects of the access on the safe and efficient functioning of the frontage road.*
213. Z Energy Ltd, BP Oil New Zealand Limited, Mobil Oil New Zealand Limited (the Oil Companies) sought that the words “beyond the site” be removed. NZTA sought that the words “frontage road” be replaced with the words “transport network”.

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<sup>155</sup> Submissions 2493, 2520, 2335, 2336 and 2136

<sup>156</sup> Submission 2538

214. Ms Jones observed that the term “transport network” is aligned with the wording used in matters of discretion in Chapter 29, while the policy wording itself refers to “adjoining roads(s)”<sup>157</sup>. We agree that this wording already addresses concerns about the ambit of the policy and that the submission point be rejected. We recommend that the words “frontage road” be replaced by the words “transport network” and that the submission of NZTA be accepted.

## 5.5 Summary of Recommendations on Objectives and Policies

215. Having considered the submissions and the evidence before us, we have concluded that the objectives we have recommended above are, to extent provided by scope in the submissions, the most appropriate way to meet the purpose of the Act when dealing with transport.

216. We are satisfied that, within the scope available, the policies we are recommending are the most appropriate to achieve the objectives of the PDP.

## 6 SECTION 29.3 - OTHER PROVISIONS AND RULES

### 6.1 29.3.2 Advice Notes – General

217. This is a brief introductory section to the Rules which contains three ‘Advice Notes’. Clark Fortune McDonald and Associates have opposed the clause in its entirety<sup>158</sup>. Subclause (a) of this provision makes reference to the Council’s Land Development and Subdivision Code of Practice, which is a matter of concern to the submitter. This is dealt with later in this report, and in the meantime we recommend that this submission point be rejected.

218. QAC<sup>159</sup> have requested that an additional advice note be added stating that “*where inconsistency arising between the transport provisions of Chapter 17 and Chapter 29, Chapter 17 shall prevail*”. The submitter’s concern is primarily related to parking.

219. The situation here is somewhat complex. Ms Jones noted that<sup>160</sup>:

*“In this respect, parking ancillary to any activity or service that provides support to the airport is an Airport Related Activity and therefore permitted pursuant to rule 17.4.1 and any parking that is unrelated to the airport is restricted discretionary pursuant to Rule 17.4.4 by virtue of the definition of airport related activity, all land transport activities (such as park-and-ride and public transport facilities) would also be permitted”.*

220. She went on to say that under Rule 17.3.2.6 activities undertaken within, or within the immediate environs of Queenstown airport terminal, are exempt from complying with minimum parking requirements in Chapter 29. Given this, she considered that all parking associated with airport activity was permitted by Chapter 29, and the relief sought was not

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<sup>157</sup> V Jones, Section 42A Report paragraph 13.1

<sup>158</sup> Submission 2297

<sup>159</sup> Submission 2618

<sup>160</sup> V Jones, Section 42A Report, paragraphs 14.11 to 14.13

necessary, but she did consider it would be appropriate to amend Rule 29.9.1 to clarify that there was a nil minimum accessory parking requirement in relation to the Queenstown Airport Terminal, consistent with Rule 17.3.2.6. We agree with this conclusion, and on that specific basis the submission is recommended to be accepted in part. The matter of parking in the Airport Zone is also addressed later in Section 10 of these recommendations.

## 6.2 29.3.3 General Rules

221. Aurora Energy Ltd<sup>161</sup> requested that Rule 29.3.3 be retained. We recommend that this submission be accepted in part, having regard to amendments made to the various components of the rule as discussed in the following paragraphs of this report.

222. Rule 29.3.3.1 as notified reads as follows:

*Any land vested in the Council or the Crown as road, shall be deemed to be a “road” from the date of vesting or dedication and subject to all the provisions that apply to roads, as outlined in Table 29.2 and Table 29.4; and*

- a. *Any zoning, including subzones, ceases to have effect from the time the land is vested or dedicated as road; and*
- b. *Any provisions relating to overlays such as the Special Character Area, Outstanding Natural Landscape, Outstanding Natural Feature, Rural landscape, Significant Natural Area, Protected Trees, and listed heritage buildings, structures, and features continue to have effect from the time the land is vested or dedicated as road.*

223. The JEA Group, and Real Journeys Group opposed the rule on the basis that it lacked clarity, and needed to include a specific list of overlays instead of relying on examples under the words “such as”.

224. Ms Jones stated she agreed with the submitters recommending that the wording be changed to refer to identified features. She also contended that Rule 29.3.3.1 (b) potentially duplicated notified Rules 29.3.3.4 and 29.3.3.5, and recommended that these rules be relocated under Rule 29.3.3.1 with minor wording amendments to improve clarity. This proposed response to submissions was not raised any further in evidence by any party. We recommend that the submissions be accepted, and Rule 29.3.3.1 be amended as follows:

*Any land vested in the Council or the Crown as Road, shall be deemed to be a “road” from the date of vesting or dedication in and subject to all the provisions that apply to roads, as outlined in Table 29.2; and*

- a. *At the time the land is vested or dedicated as road, the land shall no longer be subject to any zone provisions, including sub zone provisions; and*
- b. *The following overlays and identified features shown on the planning maps continue to have effect from the time the land is vested or dedicated as road;*

- (i) *The Special Character Area*

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<sup>161</sup> Submission 2508

- (ii) the Outstanding Natural Landscape, Outstanding Natural Feature, and Rural Landscape classifications;
  - (iii) Significant Natural Areas
  - (iv) Protected trees; and
  - (v) Listed heritage buildings, structures, and features.
- c. All rules in the district wide chapters that refer specifically to roads take effect from the time the land is vested or dedicated as road; and
- d. All district wide provisions that are not zone specific but rather apply to all land within the District, shall continue to have effect from the time the land is vested or dedicated as road.
225. As a consequential amendment, notified Rules 29.3.3.4 and 29.3.3.5 are moved to the following section on 'Advice Notes' and renumbered as clauses 29.3.3.1 (c) and (d).
226. Rule 29.3.3.2 addresses circumstances upon roads being stopped. Darby Planning LP<sup>162</sup> and Hanley Downs Farm Holdings Ltd, and Henley Downs Land Holdings Ltd<sup>163</sup> sought that this rule be consistent with the process under Chapter 37 (Designations).
227. The provisions under Chapter 37 relating to road stoppings are proposed to be deleted as part of variations made to a number of Stage 1 Chapters, including Chapter 37 designations. The background to this matter was explained to us as follows<sup>164</sup>:
- "The issue highlighted by submitters is whether it is appropriate to rely on a rule that states that "all roads are deemed to be designated for the purpose of road" (as in the ODP and notified in Stage 1 PDP) or establish new rules that deem the land to be 'road' once it is vested (and then apply particular rules to that land/road). While Chapter 37 of the PDP relies on rules which deem any new road to be designated, and therefore exempt from the underlying zone provisions, counsel for the Council during the Stage 1 hearings confirmed that the deeming rule in Chapter 37 is ultra vires."*
228. She said that it was considered preferable (based on the section 32 evaluation) to rely on the definition of "road" to trigger rules rather than deeming all roads to be designated, or deeming land vested as roads to be within a specified zone. She also contended that as the enabling rules in Table 29.2 take effect from the time land is vested as road, regulatory control is similar to that which would take place under Chapter 37 if it were *vires*. We noted this background and accept the reasoning put forward by Ms Jones, and recommend that the submissions be rejected.
229. Transpower New Zealand<sup>165</sup> supported Rule 29.3.3.5. As discussed above in paragraphs 201 – 205, this rule is to be incorporated as a subclause (with unchanged wording) under Rule 29.3.3.1. It is recommended that this submission point be accepted.
230. Rule 29.3.3.6 as notified stated as follows:

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<sup>162</sup> Submission 2376

<sup>163</sup> Submission 2381

<sup>164</sup> V Jones, Section 42A Report, paragraphs 9.5 – 9.7

<sup>165</sup> Submission 2442

*Activities on zoned land outside of roads are subject to the zone – specific provisions. The provisions relating to activities outside roads in this chapter do not override those zone specific provisions.*

231. QLDC<sup>166</sup> requested that the relevant provisions be amended to clarify that the status of listed activities in Chapter 29 (for instance park-and-ride facilities) are not affected by rules for non-listed activities located in the various zones<sup>167</sup>. We have dealt with this issue in Section 3 above.
232. Consequently, we recommend that the submission of QLDC be accepted. As a result of preceding Rules 29.3.2.4 and 29.3.2.5 being moved to the following section on Advice Notes, Rule 29.3.2.6 is renumbered 29.3.2.4.

## 7 SECTION 29.4 – RULES - ACTIVITIES

### 7.1 Table 29.1 - Transport related activities outside a road

#### 7.1.1 Rules Not Subject to Submissions or Supported

233. There were no submissions on Rules 29.4.1, 29.4.2 or 29.4.4. We recommend they be adopted as notified.
234. The only submission on Rule 29.4.5 was that of NZTA<sup>168</sup> in support of the rule. We recommend its submission be accepted and the rule be adopted as notified.

#### 7.1.2 Rule 29.4.3 – Parking

235. Rule 29.4.3 provided that parking associated with activities under Table 29.5 is permitted other than where listed elsewhere in this table. A submission opposing this rule was received from Nona James<sup>169</sup>. This is one of a number of submission points on the same issue raised by this submitter, who consistently opposed relaxation of parking standards. This matter is addressed further with other parking related submissions on Table 29.5 later in this report. We recommend the submission be rejected.

#### 7.1.3 Rule 29.4.6 – Off-Site Parking & Rule 29.4.7 – Non-accessory Parking

236. Notified Rule 29.4.6 regulated *off-site parking provision* in the BMUZ and the LSCZ; notified Rule 29.4.7 concerned *non-accessory parking*. Real Journeys Group submitted on the rules in Part 29.4 on the basis that coach parking facilities need to be provided for in the rules framework. We note that coach parking on roads is only allowed within authorised parking spaces and is only allowed in specified areas of the District between midnight and 5AM under Council bylaws.
237. Ms Jones was of the opinion<sup>170</sup> that while restricted discretionary activity status for off-road parking for coaches was appropriate in most zones, she considered that coach travel is an efficient travel mode which should be encouraged and it would be appropriate to amend Chapter 29 to better provide for off-site and non-accessory coach parking in the more

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<sup>166</sup> Submission 2239

<sup>167</sup> V Jones, Section 42A Report, paragraph 14.9

<sup>168</sup> Submission 2538

<sup>169</sup> Submission 2238

<sup>170</sup> V Jones, Section 42A Report, paragraphs 12.51 – 12.53

‘permissive’ LSCZ and BMUZ by way of controlled, rather than restricted discretionary activity, status. She also argued that this would better achieve recommended Policy 29.2.1.7, addressed earlier in Section 5.1.

238. We agree with Ms Jones’ reasoning and recommend a new Rule 29.4.6 (with subsequent renumbering of notified rule numbers) reading as follows:

<b>29.4.6</b>	<p>Off-site and non—accessory parking used exclusively for the parking of coaches and buses in the Business Mixed Use Zone and Local Shopping Centre Zone</p> <p>Control is reserved over:</p> <ul style="list-style-type: none"> <li>a. Design, external appearance, and landscaping and the resultant potential effects on visual amenity and the quality of the streetscape;</li> <li>b. Effects on the amenity of adjoining sites and compatibility with surrounding activities;</li> <li>c. The size and layout of parking spaces and associated manoeuvring areas.</li> </ul>	C
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239. We recommend that the submission of Real Journeys Group be accepted.
240. We acknowledge that coach parking creates challenges within parts of the District, but accept that it is an efficient travel mode in comparison with the demands on space required by reliance on private vehicles. There is also a balancing requirement with respect to the potential impacts of coach parking, having regard to surrounding activities, the amount of space required for such parking, the effects on streetscape, landscaping matters and the ability to retain visual amenity. Although not a complete solution, we consider that on balance it would be appropriate to make more specific provision for coach parking in Chapter 29 in the manner suggested by Ms Jones.
241. Notified Rule 29.4.6 was supported by Ngai Tahu Property<sup>171</sup> and Rule 29.4.7 was supported by NZTA. We recommend that those submissions be accepted in part on the basis of amendments made with respect to the Real Journeys Group submissions.
242. QLDC sought an additional subclause be added to notified Rule 29.4.7 to include as a matter of discretion the provision of electric vehicle charging points/parking spaces. We consider it is appropriate that such provision is not mandatory, but that it may be taken into account, particularly as the use of such vehicles increases in the future over the life of the PDP. We recommend that the submission point be accepted, and an additional matter of discretion added as follows:

The provision of electric vehicle charging points/parking spaces.

243. We recommend the introduction to notified Rule 29.4.6 (renumbered 29.4.7) be amended as a consequence of adding new Rule 29.4.6, to read:

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<sup>171</sup> Submission 2336

Off-site parking areas in the Business Mixed Use Zone and Local Shopping Centre Zone, excluding off-site parking used exclusively for the parking of coaches and buses.

244. Also as a consequence of adding new rule 29.4.6, we recommend adding an additional paragraph to the introduction to notified Rule 29.4.7 (renumbered 29.4.8) reading as follows:

Non—accessory parking excluding:

...

- b. non—accessory parking used exclusively for the parking of coaches and buses in the Business Mixed Use Zone and Local Shopping Centre Zone.

#### 7.1.4 Rule 29.4.8 – Park and Ride, Public Transport Facilities

245. Notified Rule 29.4.8 provided for park-and-ride and public transport facilities as a restricted discretionary activity, and under Rule 29.7.2 applications for these activities would not be publicly notified.

246. B Giddens<sup>172</sup> and McBride Street Queenstown<sup>173</sup> sought provision for public transport facilities to be a controlled activity on the submitters' site being located at 14, 16, 18, 18B and 20 McBride Street Frankton. We do not consider that a site-specific exception should be provided to the rule relating to the establishment of such facilities, as the combination of restricted discretionary activity status and the exemption from public notification already provide a liberal consenting environment. We recommend that the submissions be rejected.

247. The Frankton Community Association<sup>174</sup> sought that that Park and Ride facilities be reclassified as a fully discretionary activity. The basis for the submission was the Association's contention that park-and-ride facilities can have an adverse environmental effect on green spaces, that it is questionable that there is a long-term reduction in traffic levels, they are very expensive to develop, can divert patronage from bus services and other forms of transport, and result in more trips from greater distances. Mr Glyn Lewis presented evidence for the Association, in which he referenced a study undertaken in 1995<sup>175</sup>.

248. The Council's evidence failed to respond to the specific points raised by the Association in any detail<sup>176</sup>, except to emphasise the efficiency of having a streamlined consent process for such facilities. The assessment criteria under the rule are quite comprehensive, although they would provide only a limited ability to assess the effectiveness of park-and-ride as a traffic management tool.

249. We did see some merit in the points for forward by Mr Lewis. However we were made aware that the Council and NZTA are in the early stages of transport planning exercises relating to the planning of transport and the Frankton area. There is a park-and-ride facility there associated with Queenstown Airport, but we heard no evidence as to the effectiveness or otherwise of this, and we note that the study relied on by Mr Lewis is nearly 25 years old. We are also

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<sup>172</sup> Submission 2585

<sup>173</sup> Submission 2593

<sup>174</sup> Submission 2369

<sup>175</sup> Parkhurst, G (1995). Park and Ride: Could it lead to an increase in traffic? Transport Policy, 2 (1), 15 – 23.

<sup>176</sup> V Jones, Section 42A Report, paragraphs 11.18 – 11.19

reluctant to impose a different status for park-and-ride facilities on one hand, and public transport facilities on the other, given that both can be subject to arguments as to their effectiveness. After weighing these factors, we recommend that this submission be rejected.

250. Queenstown Park Ltd<sup>177</sup> and Remarkables Park Ltd<sup>178</sup> supported notified Rule 29.4.8 but sought that an additional matter of discretion be added with respect to ‘reducing reliance on vehicles and roads’. We consider this is already addressed by reference to the policy framework, notably Policies 29.2.2.1, 29.2.2.2, 29.2.2.3 and 29.2.2.8, and recommend that the submission point be rejected.

251. QLDC<sup>179</sup> requested that an additional matter of discretion be added to notified Rule 29.4.8 (renumbered 29.4.9) relating to provision for electric vehicles. This is similar to the relief sought on notified Policy 29.4.7 (renumbered 29.4.8) above. We recommend this submission be accepted as being appropriate to park-and-ride facilities and that the following additional matter of discretion be added:

The provision of electric vehicle charging points/parking spaces.

252. NZTA supported the rule, and we recommend that their submission be accepted.

#### 7.1.5 Rule 29.4.9 – Rental Vehicle Businesses

253. Notified Rule 29.4.9 provided for rental vehicle ‘businesses’ as a restricted discretionary activity in those zones where commercial activities are permitted. QAC<sup>180</sup> sought that the policy be deleted, or not applied within the Airport Zone. The JEA Group submissions have sought that the rule be clarified, or alternatively set out under each set of relevant zone rules. As notified, the introduction to the rule read as follows:

*Rental vehicle businesses in all zones where commercial activities are permitted.*

254. We consider the rule as a subset of the parking provisions and as such, properly belongs in Chapter 29. However, we think there is some force in the submitter’s arguments that the application of the rule is a little unclear. The activity is permitted under the PDP in the Town Centre, Local Shopping Centre, Business, and Airport zones. We consider that an amendment to the wording will assist in clarifying the matter, and that the introduction to the rule be amended to read:

*Rental vehicle businesses in those zones where commercial activities are permitted.*

255. Turning to the QAC submission specifically, Mr Kyle in his evidence to the hearing contended that Rule 17.4.4 in Chapter 17 (Airport Zone) provided for rental car activities as a permitted activity, based on the definition of an “Airport Related Activity”<sup>181</sup>. Accordingly he concluded that there was a conflict between the provisions of Chapter 29 and the provisions of Chapter

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<sup>177</sup> Submission 2462

<sup>178</sup> Submission 2468

<sup>179</sup> Submission 2239

<sup>180</sup> Submission 2618

<sup>181</sup> Kyle, EiC, paragraph 7.7 – 7.10

38. In her rebuttal, Ms Jones emphasised that where commercial activities are a permitted activity, the rule specifically sought to ensure there were no ‘spillover’ effects into adjoining streets, hence the requirement for consent as a restricted discretionary activity. She added that most of the land within the Airport Zone was designated, implying that Queenstown Airport would not be subject to the notified Rule 29.4.9 except on land that fell outside the area covered by the designation.

256. Taking into account the fact that land outside the designation should be subject to the rules applicable to activities generally, we recommend that the submission point be rejected.

#### 7.1.6 Rule 29.4.10 – High Traffic Generating Activities

257. Notified Rule 29.4.10 had the title of ‘High Traffic Generating Activities’, and arguably generated more submissions than any other single rule in Chapter 29. As notified, it read as follows:

*Any land-use or subdivision activity that exceeds the traffic generation standards set out in Table 29.6.*

*Discretion is restricted to:*

*Effects on the transport network, including as a result of:*

- *any proposed travel planning, provision of alternatives to private vehicle, or staging of development;*
- *any proposed improvements to the local transport network within or beyond the site, including proposed additions or improvements to the active and public transport network and infrastructure and the roads themselves, in accordance with Council standards and adopted infrastructure network development plans either within or beyond the site. This may be required by direct construction activities, or by collecting funds towards a wider project that would achieve the modal shift aim of the specific development, as promoted in the application;*
- *the amount, design, and location of cycle parking, e-bicycle charging areas, showers, changing rooms and lockers provided;*
- *the amount of accessory parking and any non-accessory parking proposed; and*
- *the design of the site and/or its frontage in regard to its ability to accommodate any proposed public transport infrastructure proposed by Council;*
- *the provision or upgrading of pedestrian and cycle infrastructure; and*
- *the provision of a Travel Demand Management Plan.*

258. The rule operates in conjunction with Table 29.6 which sets threshold levels for various activities which determine what constitutes a high traffic generating activity. For example, a threshold of 50 dwellings is set for residential activity.

259. Submissions in opposition to the rule were received from Willowridge Developments Limited<sup>182</sup>, the JEA group submissions and Real Journeys Group; the Safari Group of Companies<sup>183</sup>, Ngai

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<sup>182</sup> Submission 2408

<sup>183</sup> Submission 2339

Tahu Properties and Ngai Tahu Justice Holdings<sup>184</sup>, Ngai Tahu Properties<sup>185</sup> Henley Downs Farm Holdings Ltd<sup>186</sup>, Darby Planning LP<sup>187</sup>, Queenstown Central<sup>188</sup>, and QAC<sup>189</sup>.

260. There were a number of common themes raised in the submissions. The most significant one was an objection that the high traffic generation rule effectively required developers to go through a further consent procedure, when the traffic impacts of their activity had already been considered earlier at the time of the zoning, land use consent, or subdivision. Mr Carr, on behalf of Ngai Tahu Properties and Ngai Tahu Justice Holdings made the following observation:

*“In considering this part of the submissions, my involvement in previous presentations to the Hearing Panel means I am aware that Officer (or Council consultant) recommendations on land zoning have been informed by transportation modelling, which in turn is based on the traffic generated by the rezoning sought. It would be highly inconsistent in my view for the Council to adopt this approach to evaluate requests for land rezoning, only to then require remodelling of the same type and extent of development and future while retaining the ability to decline any application”<sup>190</sup>.*

261. The second objection was that the rule effectively provided a platform for additional financial contributions over and above those required under the Local Government Act. There was also concern that the thresholds to determine a high traffic generator were set at an unrealistically low level (this is addressed later in this report when we consider submissions on Table 29.6). It was claimed that the thresholds would result in perverse outcomes – for example a residential developer would undertake a staged development of only 49 units to avoid being captured by the rule. Ngai Tahu Property proposed that the rule be amended to delete the detail listed under the matters of discretion.
262. Willowridge Developments objected to the application of the high traffic generator rule in the context of Wanaka, which had no public transport provision. Henley Downs Farm Holdings Ltd and Darby Planning LP pointed out that the development of Jacks Point was proceeding on the basis of an established structure plan, with agreed access arrangements to the State Highway, and that traffic generation issues were already addressed through subdivision and land use rules under Chapters 27 (Subdivision) and 41 (Jacks Point). The submitters sought a simple exclusion from the application of the rule, as did Queenstown Central.
263. In her evidence, Ms Leith for Ngai Tahu recommended that additional matters of discretion should be applied to any land-use or subdivision activity including whether the activity is permitted in the zone, whether the site is already accessible by a range of transport modes, and the scale of the proposed activity. She recommended that requirements such as proposed travel planning, provision of alternatives to the private vehicle, or the collection of funds towards a wider project that would achieve modal shift, should be removed from the matters of

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<sup>184</sup> Submission 2335

<sup>185</sup> Submission 2336

<sup>186</sup> Submission 2381

<sup>187</sup> Submission 2376

<sup>188</sup> Submission 2560

<sup>189</sup> Submission 2618

<sup>190</sup> A Carr, EIC, paragraph 3.5

discretion. Both Ms Leith and Mr Carr queried why the thresholds for visitor accommodation were set at a higher level than residential development.

264. Mr Crosswell agreed in principle that the high traffic generation provisions should be modified to include reference to 'new' development, as did Ms Jones<sup>191</sup>, but there was some uncertainty as to what this might mean.

265. Mr Carr helpfully drew attention to high traffic generating rules in both the Auckland Unitary Plan, and the Christchurch City District Plan, both recently developed through rigorous hearing processes. In her reply evidence, Ms Jones was critical of the provisions in the Auckland Unitary Plan and in the Christchurch District Plan, describing them as:

*"... confusing, open to interpretation, and raise questions as to whether it is appropriate for the activity status of an application to be determined on the basis of whether it is being undertaken in accordance with an existing resource consent that involves a similar level of activity"*<sup>192</sup>.

266. In both cases high traffic generation provisions do not apply in the central part of the urban areas of each city, and caution is required in drawing comparisons with the environment in Queenstown Lakes District.

267. One significant change put forward by Council officers during the hearings was that the minimum parking standard should not be applied to high traffic generating activities. This was explained in Mr Crosswell's evidence:

*"... the appropriate amount of parking for an HTGA should be the subject of the integrated transport assessment (ITA) and assessed during the resource consent process. This is reflected in the inclusion of 'the amount of accessory parking and any non-accessory parking proposed' in the matters for discretion in Rule 29.4.10 of the notified version of the PDP. The intent of including this matter is so that, rather than requiring HTGA's to meet a relatively blunt MPR standard which might unnecessarily stymie potential developments, travel to the development can be considered in a more contextual and holistic way"*<sup>193</sup>.

268. While we were not entirely persuaded by the parking philosophy espoused by Mr Crosswell, given the proposed exclusion from minimum parking requirements is within the context of assessing a heavy traffic generating activity, we considered this would be an appropriate approach. Consequentially an amendment is required to Rule 29.5.1.

269. Mr Crosswell was sympathetic to QAC's request to be excluded from the rules on the basis that activities within the zone are subject to specific regulation; non-airport related activities are subject to at least restricted discretionary activity status, and the site is designated and subject to the provisions of Part 8 of the Act. He remained concerned however that travellers' accommodation was being sought by the submitter for inclusion under the definition of airport related activities. He also did not favour an exclusion for Jacks Point on the grounds that the controlled activity status applying to most subdivision and development gave the Council

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<sup>191</sup> V Jones, Rebuttal Evidence, paragraph 3.7

<sup>192</sup> V Jones, Reply Evidence, paragraph 2.18

<sup>193</sup> S Crosswell, EiC, paragraph 6.11(a)

limited scope for discretion, particularly with respect to the more than 30ha of land identified for development as the Village Centre and for Education purposes.

270. He also challenged the claim that residential development was disadvantaged vis-a-vis travellers' accommodation, noting that the former tended to generate greater peak volumes.
271. We consider some submitters have gone too far in arguing that if an activity is permitted within a zone, then it can be assumed that the traffic effects have been taken into account. District Plans typically list permitted activities which are nevertheless subject to standards, relating to their scale and intensity, which may result in those activities requiring consent, and in some cases resulting in consent being declined. We consider that high traffic generation rules are little different than other performance-based standards which typically apply to permitted activities. Perhaps one good illustration of this point is the proposed Jacks Point Village, which comprises a substantial 24ha area where the ultimate mix of activities and likely traffic generation has yet to be determined. Indeed, we note that the decisions on Chapter 41 Jacks Point (subject to appeal) require the inclusion of a Comprehensive Development Plan for the Village into the PDP. To that extent we agree with Ms Jones' comment that where traffic assessments have been undertaken at a 'high level' and over a wide area, caution has to be exercised in simply relying on the fact that the land has been zoned.
272. Similarly, we note that reliance on the subdivision consent process does not necessarily provide adequate consideration of traffic generation, and the ambit of subdivision rules does not extend to the consideration of traffic effects, transport or traffic generation, but much more limited matters such as subdivision design, and internal roading design<sup>194</sup>.
273. While the concept of high traffic generation standards have been introduced more recently than many other performance-based rules in district plans, they are now well-established in district plans of the country's two largest territorial authorities.<sup>195</sup> Queenstown Lakes District experiences very high levels of growth more typical of larger local authorities.
274. Accordingly we accept that it is appropriate for the District Plan to contain high traffic generating rules; the issue is properly where their application can be justified. Again, allowing for some caution, we note that the Auckland Unitary Plan set standards for "new" development. The Christchurch City District Plan contains a clause stating:
- "If an Integrated Transport Assessment has already been approved for the site as part of a granted resource consent then these rules do not apply to any development which is within scope of that Integrated Traffic Assessment and in accordance with the resource consent, unless the resource consent has lapsed"*.<sup>196</sup>
275. The rules also provide an exclusion for existing activities with access to urban and rural roads that existed prior to the Plan becoming operative. We are satisfied that the high traffic generation requirement should be confined to new development, which we consider will go some way towards addressing the primary concerns raised in opposing submissions.

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<sup>194</sup> Chapter 27 Decisions version, Rules 27.5.7 and 27.5.8.

<sup>195</sup> Christchurch City District Plan, Rule 7.4.3.10 and Auckland Unitary Plan, Standard E 27.6.1

<sup>196</sup> Christchurch City District Plan, Rule 7.4.3.10 (d) (ii).

276. It was also apparent that submitters were concerned that some of the seven subclauses accompanying the policy were effectively couched as signalling potential financial contributions as a matter of policy. We agree with the Council that the act of rezoning land may not take into account the need for roading improvements (or improvements to active transport networks) that may become more apparent through the subsequent land-use and subdivision process. Nevertheless we consider there is some justification for the concerns that the notified policy could be interpreted as requiring additional contributions beyond the subdivision and land use consent stages. The intention behind the rule is to require infrastructure upgrading in circumstances where the additional demands created by new development may require physical works to be undertaken in the vicinity of the site.
277. A number of submitters were concerned about the geographical ambit of works that might be required beyond the site to address the effects of high traffic generating activities. We do not agree with the notion that it should be confined to being *within* the site, nor do we think it should be couched in terms of being ‘beyond’ the site which has a potentially infinite meaning. We consider the appropriate wording for notified Rule 29.4.10 should be “in the vicinity” of the site.
278. Having heard extensive evidence and the responses of the reporting officers to this evidence, we recommend that notified Rule 29.4.10 be amended by removing the list of matters of discretion, as suggested in the submission by Ngai Tahu Property Limited. We consider that the policy criteria are best listed separately as matters of discretion for high traffic generating activities as a restricted discretionary activity. This is subsequently addressed under notified Rule 29.8.7.1. In the meantime, we propose that Rule 29.4.10 be renumbered 29.4.11 and truncated to read as follows:

<b>29.4.11</b>	Any new land-use activity, including changes in use, or subdivision, that exceeds the traffic generation standards or thresholds set out in Table 29.6.  Discretion is restricted to effects on the transport network in the vicinity of the site.	RD
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279. We go on to discuss the high traffic generation thresholds further in addressing submissions on Rule 29.10, Table 29.5 (as renumbered). Noting our proposal to liberalise the rule, in circumstances where the rule has application we also go on to discuss proposed assessment matters to be taken into account in circumstances where a resource consent application is sought in respect of Rule 29.6.1 as renumbered.
280. In the meantime we recognise that a number of submissions have sought exclusions from the policy (e.g. QAC, Jacks Point, Wanaka). We have concluded that the appropriate course of action is to recommend that all of the submissions in opposition be accepted in part, to the extent that the policy will now only apply to “new” development.
281. NZTA<sup>197</sup> requested that notified Rule 29.4.10 be amended to take into account the effects of high traffic generating activities on the state highway. We consider that the amendments

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<sup>197</sup> Submission 2538

recommended to the policy as set out above address this concern which refers to “the transport network” and is thus inclusive, and that the submission be accepted in part.

282. Queenstown Lakes District Council requested that notified Rule 29.4.10 also be amended to make provision for electric vehicle charging points/parking spaces. Given that the policy is now recommended to be applied in more general terms to the transport network, it is recommended that this submission be rejected.

**7.1.7 Rule 29.4.11 – Parking Not Listed**

283. Notified Rule 29.4.11 provided that parking for any activity not listed in Table 29.5 is a discretionary activity. A number of submissions<sup>198</sup> expressed concern about default Rule 29.4.11 as any activity not listed in Table 29.5 would default to being fully discretionary under this rule, in contrast to the comparable provision in the ODP, which exempts any parking associated with any permitted or controlled activity. We recommend that this be addressed through an amendment to this rule, renumbered as Rule 29.4.12, so that it reads as follows:

<b>29.4.12</b>	Parking for any activity not listed in Table 29.5 and the activity is not a permitted or controlled activity within the zone in which it is located.	D
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284. NZTA sought that notified Rule 29.4.11 be accepted. We recommend that the submission be accepted in part reflecting the above amendment.

**7.2 Table 29.2 Activities within a Road**

**7.2.1 Rule 29.4.12 – Activities Listed in Table 29.2 Permitted**

285. Notified Rule 29.4.12 stated that activities that were listed in Table 29.4 as permitted activities and which complied with all relevant standards in Table 29.4 were a permitted activity. Later in this report, in Section 7.4, we address submissions raised on Table 29.4 which contains rules relating to activities undertaken within roads, and for the reasons explained there, have recommended that Table 29.4 be deleted. Accordingly, Rule 29.4.12 becomes redundant and we recommend it to be consequentially deleted. There were no submissions on this rule.

**7.2.2 Rule 29.4.13– Activities Not Listed in Table 29.2 & Rule 29.4.14 - Transport Infrastructure**

286. Rule 29.4.13 specifies that activities not listed in the table are fully discretionary (in contrast to those subject to notified Rule 29.4.12, being linked to compliance with standards in Table 29.4). C Dagg<sup>199</sup> sought that any activities not listed in the table be non-complying in status and complained that the word “infrastructure” was too vague under Rule 24.4.14. The submitter was of the view that the ‘catch all’ nature of the rules lacked sufficient justification, although we heard no evidence from the submitter to expand on this point. Typically, activities which have not been ‘anticipated’ and incorporated into a list in a plan (such as those activities listed in Table 29.5) are afforded discretionary status, which gives the Council the ability to fully assess an activity and to approve or decline it as appropriate. We recommend the submission point be rejected.

<sup>198</sup> Submissions 2492, S2195, 2194 and 2660

<sup>199</sup> Submission 2586

### 7.2.3 Rule 29.4.15 – Public Amenities

287. There were no submissions on Rule 29.4.15. We recommend it be adopted as notified.

### 7.2.4 Rule 29.4.16 – Construction of Unformed Roads

288. Notified Rule 29.4.16 relates to the construction of unformed roads into formed roads, subject to restricted discretionary activity status. The JEA Group submissions and Real Journeys Group have sought that the rule be deleted, made a controlled activity, or moved to the relevant zone chapters. C Dagg sought that the rule be amended to add additional matters of discretion relating to farming, the provision of fencing and gates, effects on traffic and pedestrians, reverse sensitivity, ancillary effects on proposed walking tracks, cumulative effects, and add a note requiring written approval of adjoining landowners in some circumstances.

289. This is an example of clearly contrasting relief being sought by submitters. With respect to the JEA and Real Journeys submissions, we consider it is important that the Council have the discretion to decline an application in circumstances where the formation of a legal road may have significant environmental effects, as some might penetrate challenging terrain. Given this, we do not favour the deletion or reclassification of the rule to controlled activity status. The only amendment we do consider is required, is to clarify that the object of the rule is to address construction of unformed roads ‘for the purpose of vehicular access’. To achieve this, we recommend that the introduction to Rule 29.4.16 (renumbered 29.4.18) be amended to state as follows:

Construction of any unformed road into a formed road for the purpose of vehicular access.

290. We do not consider that additional matters of discretion are required, particularly if these matters are intended to act as a de facto ‘veto’ over the upgrading of unformed public roads. A number of the suggested matters in the submission would be land management issues best addressed through negotiation between the affected parties. We recommend that the submission of C Dagg be rejected.

### 7.2.5 Rules 29.4.17 & 29.4.18 – Verandas & Overhanging Buildings

291. Both notified Rules 29.4.17 and 29.4.18 address circumstances involving the erection of a veranda, balcony, or floor area of a building overhanging a road. The first circumstance is where a building is a controlled activity in the adjoining zone, and the second where it is a restricted discretionary activity. Both rules received submissions from the JEA Group submissions and Real Journeys Group. They sought that the rules be deleted or moved to the relevant zone chapters.

292. Ms Jones explained that if the rules were deleted, they would default to discretionary status pursuant to Rule 29.4.13; also as roads are not zoned it would be ineffective to incorporate these rules in the respective zone chapters as the rules could not be applied to the adjoining road. However we consider that the matters of discretion under both rules should be amended to read as follows, to provide greater clarity;

Control is limited/Discretion is restricted to those matters listed for buildings in the adjoining zone and:

a. effects on traffic safety;

- b. effects on kerbside movement of high sided vehicles; and
- c. effects on the active transport network.

293. Accordingly we recommend that these submissions be accepted in part. These rules are renumbered 29.4.16 and 29.4.17 respectively.

### **7.3 Table 29.3 Standards for Activities Outside Roads**

#### *7.3.1 Rule 29.5.1 – Accessory Parking Standards*

294. Rule 29.5.1 as notified read as follows:

#### *Accessory Parking*

*The number of parking spaces (other than cycle parking) shall be provided in accordance with the minimum parking requirements specified in Table 29.5*

*Discretion is restricted to*

- *The number of parking spaces provided.*
- *The allocation of parks to staff/guests and residents/visitors.*

295. Submissions on this rule were received from the JEA Group submissions and from Real Journeys Group who sought additional matters of discretion, including the benefits of a proposal and the effects of a shortfall. Ngai Tahu Property Ltd also sought additional matters of discretion. The Safari Group of Companies sought that the rule be amended so that the term ‘accessory parking’ was clarified, and when reduced levels of parking are appropriate.

296. We agree with the JEA Group and Real Journeys Group that it would be appropriate to add a matter of discretion which includes the effects of a shortfall in parking. Notwithstanding Mr Crosswell’s evidence, we are aware that in some parts of the district (an example being the Business Mixed Use Zone in Wanaka) there is substantial overspill parking which detracts from the amenity values of adjoining areas and the streetscape. What was of concern to us, reinforced upon questioning, is that the parking philosophies being pursued by the Council’s advisers appeared to lack local context (or any evidence relating to local on street parking issues), and appeared derived from a general philosophical approach borrowed from elsewhere. We do however accept that reduced parking minimums are appropriate in higher density residential environments and in town centres.

297. Furthermore, where parking forms part of an assessment of a high traffic generating activity, a more flexible approach is justified. As discussed earlier in Section 7.1.6 dealing with high traffic generating activities under Rule 29.4.10, an amendment is justified to Rule 29.5.1 to provide an exclusion for such activities from the minimum parking requirements.

298. We acknowledge that Policy 29.2.2.5 enables account to be taken of the effects of parking shortfalls. However given that the plan format for rules does not usually contain an advice note referring to a particular policy (as proposed by Ms Jones) we remain of the view that the additional assessment matter is appropriate. All relevant policies apply in situations where a rule is breached.

299. We recommend that the submission points be accepted in part, and that Rule 29.5.1 be reworded to read as follows:

a.

<p><b>29.5.1</b></p>	<p><b>Minimum Parking Requirements</b> The number of parking spaces (other than cycle parking) shall be provided in accordance with the minimum parking requirements specified in Table 29.4, except the where consent is required for a High Traffic Generating Activity pursuant to Rule 29.4.11, where no minimum parking standard is applied.</p>	<p>RD Discretion is restricted to: a. the number of parking spaces provided b. the allocation of parks to staff/ guests and residents/visitors c. the effects on the surrounding environment of a parking shortfall.</p>
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7.3.2 Rule 29.5.2 – Location & Availability of Parking Spaces

300. Rule 29.5.2 is a relatively complex provision. As notified, this rule read as follows:

*Location and Availability of Parking Spaces*

- a. *Any parking space required by Table 29.5 or loading space shall be available for staff and visitors during the hours of operation and any staff parking required by this rule shall be marked as such.*
- b. *No parking space required by Table 29.5 shall be located on any access or outdoor living space required by the District Plan, such that each parking space required by Table 29.5 shall have unobstructed vehicular access to a road or service lane.*
- c. *Parking spaces and loading spaces may be served by a common manoeuvring area (which may include the installation of vehicle turntables), which shall remain unobstructed.*
- d. *Residential units and visitor accommodation units may provide some or all of parking spaces required by Table 29.5 offsite (on a different site to that which the land-use activity is located on) in accordance with the following:*
  - (i) *If development in any High Density Residential Zone, Medium Density Residential Zone, or Business Mixed Use Zone is located within 800 m of an established public transport facility or a public transport facility identified on any Council Active Transport Network Plan then some or all of the car parking required may be provided offsite.*
  - (ii) *Some or all of the coach parking required by Table 29.5 may be provided offsite.*
  - (iii) *All other residential activity and visitor accommodation activity may provide up to one-third of the parking spaces required by Table 29.5 offsite.*
  - (ii) *Off – site parking spaces in relation to the above must be:*
    - i. *Dedicated to the units or rooms within the development; and*
    - ii. *Located so that all the “off – site” car parking spaces allocated to the development are within 800 m walking distance of the boundary of the development. This does not apply to coach parking;*
    - iii. *Not located on a private road or public road; and*
    - iv. *Secured by a legally binding agreement attached to the relevant land titles that guarantees the continued availability of the parking for the units the offsite parking is intended to serve.*

301. The JEA Group submissions, and Real Journeys Group submitted on the policy expressing concerns that it restricted the ability to provide tandem parking, and potentially contradicted Rule 29.5.8 (e). This latter rule provides that where two parking spaces are provided for on a residential site, these parking spaces may be provided in tandem.
302. The submitters sought that Rule 29.5.2 be amended to ensure tandem parking does not require a resource consent on residential sites as appears to be the clear intention under Rule 29.5.8. This was accepted by the reporting officer and we recommend that the submission be accepted to that extent by amending subclause (b). The submitters also sought provision for tandem parking on non-residential sites, including provision for tandem parking with staff and visitors. We consider the effectiveness of this would be highly dependent on on-site management, and for visitor parking in particular, we consider that this should still require consent as a restricted discretionary activity. Overall, we recommend that the submissions be accepted in part.
303. Ngai Tahu Property Ltd<sup>200</sup> sought that Rule 29.5.2 (d) be amended to apply to “activities” rather than to only residential and visitor units; to remove clauses (i) and (ii) regarding parking provision for development in certain zones within 800m of public transport; coach parking being provided off-site; and to amend subclause (iii) to enable all parking for residential and visitor units in the High Density Residential, Medium Density Residential, and Business Mixed Use zones to be provided offsite without any locational restrictions. The submitter also sought the removal of the location of spaces and manoeuvring as a matter of discretion. The Safari Group of Companies<sup>201</sup> sought the same relief with respect to proximity to public transport routes, and also sought that Rule 29.5.2 (d) (iii) be deleted. This rule enables up to one third of car parking to be provided off-site for other residential activities and visitor accommodation. The submitter queried why such car parking could not be provided on roads.
304. In response, Ms Jones recommended a number of amendments to address the matters raised in the submissions<sup>202</sup>. We concur with her view that allowing for activities to provide accessory parking off-site can provide greater flexibility and design efficiencies. However she did not support amending subclause (d)(i) concerning the provision of car parking spaces for residential units and visitor accommodation within 800 m of an established public transport facility. Also, she recommended provision for off-site car parking (other than for residential and visitor accommodation activities) in the BMUZ. We consider this amendment (as opposed to the quantum of car parking itself) can be justified as being consistent with the nature of the BMUZ and other rules applying within it.
305. Effectively the outcome being sought by Ngai Tahu with respect to Rule 29.5.2(d)(i) would be to liberalise the rule by enabling residential units and visitor accommodation units in specified zones to provide all required car parking offsite without the qualification of being within 800m of an established public transport facility or a facility identified on any Council Active Transport Network Plan. Given the context of Queenstown and its topography, and the availability of alternative transport in some areas, we entertain significant reservations about whether such an 800m ‘corridor’ would have any discernible effect on walkability or transport choice

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<sup>200</sup> Submission 2336

<sup>201</sup> Submission 2339

<sup>202</sup> V Jones, Section 42A Report, paragraphs 12.54 to 12.58

generally. We see this rule as having some potential benefit – albeit marginally – but consider that it should be reduced to 400m. However we heard no evidence on this matter, but recommend that the Council consider a variation to substantially reduce the 800 m standard to a more realistic level.

306. We agree with Ms Jones conclusions<sup>203</sup> that it would not be appropriate to allocate car parking spaces on roads as sought by the Safari Group of Companies, having regard to issues such as resident parking, commuter parking, and works the Council may seek to undertake on roads in the future.
307. Nona James<sup>204</sup> opposed Rule 29.5.2 particularly as it relates to Rule 29.9.4. This latter rule concerns parking requirements for the MDRZ. Rule 29.5.2 does not provide an exemption from parking requirements, but only that there are circumstances where it can be better provided offsite. We heard no further evidence with respect to the submission point<sup>205</sup>, and with the limited exception of narrowing the scope of Rule 29.5.2(d)(i) described in the paragraph above, we recommend that the submission be rejected.
308. We recommend that Rule 29.5.2 be amended as shown below with respect to the following subclauses:
- b. No parking space required by Table 29.4 shall be located on any access or outdoor living space required by the District Plan, such that each parking space required by Table 29.4 shall have unobstructed vehicular access to a road or service lane, except where tandem parking is specifically provided for by Rule 29.5.8.
  - d. The following activities may provide some or all of the parking spaces required by Table 29.4 offsite (on a different site to that which the land-use activity is located on):
    - (i) Residential units and visitor accommodation units or activities in any High Density Residential Zone, Medium Density Residential Zone, or Business Mixed Use Zone located within 800 m of an established public transport facility or a public transport facility identified on any Council Active Transport Network Plan may provide some or all of the car parking required off-site.
    - (ii) some or all coach parking required by Table 29.4 in relation to visitor accommodation activity may be provided off-site.
    - (iii) all other residential activity and visitor accommodation activity not captured by Rule 29.5.2(d)(i) may provide up to one third of the parking spaces required by Table 29.4 off – site.
    - (iv) All activities other than residential and visitor accommodation activity in the Business Mixed Use Zone may provide some or all of the car parking required off-site.
309. As a consequential amendment to these drafting changes, the first sentence of subclause (v) requires amendment as follows:
- (v) offsite parking spaces provided in accordance with the above rules 29.5.2(d)(i) – (iv) must be:
    - ...

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<sup>203</sup> V Jones, Section 42A Report, paragraph 12.58

<sup>204</sup> Submission 2238

<sup>205</sup> Ms James tabled evidence for the consideration of the Stream 15 Panel, but that evidence did not cover the matters raised in the submission in relation to Chapter 29.

310. We recommend that the submissions of Ngai Tahu Property, the JEA Group submissions and Real Journeys Group be accepted in part, and those of the Safari Group of Companies be rejected.

*7.3.3 Rule 29.5.3 – Size of Parking Spaces and Layout*

311. Rule 29.5.3 concerns the 'Size of Parking Spaces and layout'. The only submissions relating to this rule<sup>206</sup> arose with respect to ski field operators, and was the subject of a supplementary report to the Hearings Panel addressing the practicality of applying a number of the parking standards to parking areas within the Ski Area Sub-Zone. Consequent on those recommendations, it is proposed that the following provision be added to Rule 29.5.3:

*This standard does not apply to parking, loading and associated access areas for Ski Area Activities in the Ski Area Sub-Zone.*

*7.3.4 Rule 29.5.4 – Gradient of Parking Spaces and Areas*

312. There were no submissions on Rule 29.5.4. We recommend it be adopted as notified.

*7.3.5 Rule 29.5.5 – Mobility Parking Spaces*

313. The JEA Group submissions and Real Journeys Group sought that this rule be deleted or made 'less arduous'. We agree with Ms Jones that while the rule may be seen to 'duplicate' requirements under the Building Code, they enable requirements for such parking to be addressed prior to detailed building design. We also observe that they are typically specified in the parking standards for district plans, and recommend that the submissions be rejected.

314. As notified the table in section a. was not entirely logical. It appeared to say that 2 mobility spaces were required for between 11 to 100 total parking spaces, and another mobility space for every 50 parking spaces beyond that. We recommend amending the table to make that clearer. We consider that to be a Clause 16(2) amendment as it does not alter the overall intention of the rule.

*7.3.6 Rule 29.5.6 – Drop off/Pick up outside Town Centre Zones*

315. Rule 29.5.6 relates to drop-off/pickup (set down) areas in all zones except Town Centre Zones and applies to activities such as day care facilities, educational facilities and healthcare facilities.

316. The JEA Group submissions and Real Journeys Group lodged submissions drawing attention to an error in subclause (b) of the rule. As notified the rule specified that where calculation of required spaces results in a 'fraction of a space' the requirement gets rounded up to the next highest whole number. The rule erroneously referred to the fraction as being "0.05 or higher" when it should refer to "0.5 or higher". We recommend that the submissions be accepted and the correction made to the rule.

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<sup>206</sup> Submissions 2376, 2381, 2373, 2384, 2383, 2379 and 2382.

### 7.3.7 Rule 29.5.7 – Reverse Manoeuvring for Day Care, Educational, or Healthcare Facilities

317. Two submissions were received on Rule 29.5.7. The Ministry of Education<sup>207</sup> requested that subclause (a) be amended to refer to “new educational activities” rather than “educational facilities”. Ms Jones did not support the qualification of “new” education activities<sup>208</sup>, on the basis that any change in the nature and scale of an existing education activity should provide for any necessary assessment of the provision of a drop-off area. We accept this advice and recommend that the submission be accepted in part, and that the word “facilities” be deleted and replaced with the word “activities”.

318. The Oil Companies<sup>209</sup> supported subclauses (b) and (c) with respect to reverse manoeuvring of heavy vehicles. We recommend that submission be accepted.

### 7.3.8 Rule 29.5.8 – Residential Parking Space Design

319. The JEA Group submissions, and Real Journeys Group sought that subclause (c) be amended so that any car space between a garage door and the road boundary (5.5 m) be measured between the garage door and the footpath instead.

320. We understand the potential concern here is that the rule should be confined to ensuring the footpath is kept clear of parked vehicles and driveways. We are aware that there are locations in the District where there are no footpaths (at least on one side of the street), or a grass verge between the footpath and the legal property frontage. The rule clearly refers to the road boundary, not the physical ‘road’ itself, and we consider the rule as drafted is more appropriate given the range of circumstances which can apply on property frontages. We recommend that the submissions be rejected.

321. In Section 7.3.2 above reference was made to a submission by the JEA Group submissions and Real Journeys Group regarding the need to provide for tandem parking, which among other things made reference to possible discrepancies between Rules 2.5.2 and 2.5.8. Further to this, Ms Jones advised that Rule 29.5.8 (e) required amendment to clarify that parks required for a residential flat may be located in tandem with other residential parking on site, as a means of improving potential urban design outcomes and amenity. It is recommended that subclause (e) of Rule 29.5.8 be amended to read as follows:

- e. Where two parking spaces are provided for a site containing only a single visitor accommodation unit or a single residential unit, which may also include a single residential flat, the parking spaces may be provided in tandem.

### 7.3.9 Rule 29.5.9 – Queuing

322. Rule 29.5.9 relates to queueing spaces and received one submission in support from the Oil Companies<sup>210</sup>. We recommend the submission be accepted. The same submitter also requested a related amendment adding a definition of “vehicle control point”, as discussed above in Section 2.5. With reference to queueing space length, Rule 29.5.9 (c) currently makes reference to:

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<sup>207</sup> Submission 2151

<sup>208</sup> V Jones Section 42A Report, paragraph 13.7

<sup>209</sup> Submission 2484

<sup>210</sup> Submission 2484

*Queuing space length shall be measured from the road boundary at the vehicle crossing to the nearest vehicle control point or point where conflict with vehicles already on the site may arise.*

323. With the addition to the definitions of the word “vehicle control point”, the text stating “..... or point where conflict with vehicles already on the site may arise” can be deleted.

#### *7.3.10 Rule 29.5.10 – Loading Spaces*

324. Rule 29.5.10 sets out requirements for Loading Spaces in the BMUZ, the Town Centre Zones, and the LSCZ, with exceptions for specified streets. The rule as drafted attracted submissions from a number of utility providers who sought that an exception to the requirements be provided for unstaffed utility sites<sup>211</sup>. Ngai Tahu and Ngai Tahu Justice Holdings Ltd<sup>212</sup> and Ngai Tahu Property Ltd<sup>213</sup> sought that provision be made for off-site parking or shared parking.

325. We consider it is appropriate that an exemption be provided for unstaffed utility sites and recommend that the submissions of the utility providers be accepted. However, we consider that off-site or shared parking arrangements should be the subject of assessment through the restricted discretionary activity status applying to the rule, and that the submissions of Ngai Tahu and Ngai Tahu Justice Holdings Ltd and Ngai Tahu Property Ltd be rejected.

#### *7.3.11 Rule 29.5.11 – Surface of Parking Spaces, Parking Areas, and Loading Spaces*

326. Rule 29.5.11 specifies standards with respect to the ‘Surface of Parking Spaces, Parking Areas, and Loading Spaces’. During the course of the hearings, a number of issues arose with respect to the Ski Area Sub-Zones (SASZ) including the matter of parking areas associated with ski fields. This rule was subject to submissions on behalf of Darby Planning LP, Henley Downs Farm Holdings Ltd, Treble Cone Investments Ltd, Soho Ski Area Ltd Blackman’s Creek No1 LP, Mount Christina Limited, Glencoe Station Limited and Glendhu Bay Trustees<sup>214</sup>.

327. Following questions from the Hearings Panel, Ms Rowe presented a brief statement of supplementary evidence on behalf of the submitters<sup>215</sup>. From this it became clear that for parking associated with ski fields, it was impractical to require the standards expected within an urban environment. Within ski areas, parking is managed by ski area operators with on-site staff to ensure the efficient use of parking areas, which are usually unsealed and with no marking of spaces. Accordingly it is neither practical or efficient to apply the following rules to parking areas within the Ski Area Sub-Zone:

Rule 29.5.3 – Size of Parking Spaces and layout

Rule 29.5.11 – Surface of Parking Spaces, Parking Areas, and Loading Spaces

328. Ms Rowe noted that the proposed amendment to the High Traffic Generating Activities rule meant that this would only apply to a new development and not to existing ski field operations,

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<sup>211</sup> Submissions 2194, 2195 and 2478

<sup>212</sup> Submission 2335

<sup>213</sup> Submission 2336

<sup>214</sup> Submissions 2376, 2381, 2373, 2384, 2383, 2379 and 2382.

<sup>215</sup> Dated 27 September 2018

and accordingly this would be acceptable to her clients. Accordingly we recommend that the submissions be accepted in part and the two rules be amended to state:

This standard does not apply to parking, loading and associated access areas for Ski Area Activities in the Ski Area Subzone.

329. The Oil Companies<sup>216</sup> submitted in support of this rule and we recommend that the submission be accepted.

#### *7.3.12 Rule 29.5.12 – Lighting of Parking Areas*

330. Submissions were received on this rule from the JEA Group submissions and from Real Journeys Group complaining that the rule – and in particular subclause (c) - needed to be made 'easier to read'. QAC submitted that the rule be amended to include the Airport Zone, such that any parking area adjacent to the zone cannot result in more than 3 lux spill (horizontal or vertical) onto any adjoining site within the zone.

331. We agree that the subclause (c) as currently worded is quite lengthy and repetitive, and recommend that it be split into two parts. We also note that granting the relief sought in the submission by QAC would have added even more to the text of this subclause.

332. Ms Jones recommended that the QAC submission be accepted in part to apply to the Airport Zone at Wanaka, but not Queenstown, because Decision Rule 17.5.6 for the Airport Zone relating to Queenstown only imposes a limit on the lux spill of landside activities as received on adjacent residential zones and has no limit on the level of lux spill received on sites within the zone. Mr Kyle on behalf of QAC did not comment further on this matter in his evidence. We recommend that subclause (c) be amended as follows into a revised subclause (c) and a new subclause (d) as follows:

- c. Such lighting shall not result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining site within the Business Mixed Use Zone, the Town Centre Zones, and the Local Shopping Centre Zone, measured at any point inside the boundary of any adjoining site.
- d. Such lighting shall not result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining site that is zoned High Density Residential, Medium Density Residential, Low Density Suburban Residential or Airport Zone (Wanaka) measured at any point more than 2 m inside the boundary of the adjoining site.

#### *7.3.13 Rule 29.5.13 - Bicycle Parking and the Provision of Lockers and Showers*

333. The JEA Group submissions, Real Journeys Group, and the Ministry of Education<sup>217</sup> (with respect to schools) sought that the rules requiring provision for e-bicycle charging areas be deleted. As notified, the rule read as follows:

*Bicycle parking, e-bicycle charging areas, lockers and showers shall be provided in accordance with the minimum requirements specified in Table 29.7 and the layout of short-term bicycle parking, shall be in accordance with Diagram 5 (bicycle layouts) of Schedule 29.2 (this is followed by matters of discretion)*

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<sup>216</sup> Submission 2484

<sup>217</sup> Submission 2151

334. In response, Ms Jones recommended that both Rule 29.5.13 and Table 29.7 be amended to remove reference to e-bicycles. She stated that her recommendation was strongly influenced by a technical paper attached to Mr Croswell’s evidence which “concludes that the practicalities of requiring such facilities and the need for them given the relatively short average travel distances mean that it is unlikely that the benefits of providing them will outweigh the costs”.<sup>218</sup>
335. We support the recommendation, and that the submissions be accepted and that the words “e-bicycle charging areas” be deleted from the Rule 29.5.13. We add at this point that further discussion with respect to provision for cycle facilities is contained later in this report with respect to submissions on Rule 29.11.
336. We note at this point that a consequential amendment is required to Rule 29.5.13 as a result of responding to a submission on Rule 29.15, Diagram 5 which relates to a bicycle parking layout. This is explained and addressed later in Section 15 below.

#### 7.3.14 Rule 29.5.14 – Access Design

337. Rule 29.5.14 specifies the formed and legal widths required for access ways according to the number of units proposed to be served. The JEA Group submissions sought that site constraints be taken into account as a matter of discretion in applying the standards. Ngai Tahu Property<sup>219</sup> requested that the matters of discretion take into account urban design outcomes. Sean MacLeod<sup>220</sup> sought that all parts of the rule except subclause (a) be deleted such that developments only need to comply with the QLDC Land Development and Subdivision Code of Practice (the CoP). Clark Fortune McDonald and Associates<sup>221</sup> opposed reference to the CoP in Rule 29.5.14, as it is a separate document to the PDP which can be updated regularly (unlike the PDP, without a plan change) with the result that reference could not be made to updated versions of the CoP. As notified subclause (a) read as follows:

- a. All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with Section 3 and Appendices E and F of Table 3.2 (Road Design Standards) of the QLDC Land Development and Subdivision Code of Practice 2015; except as provided for in 29.5.14b below.*

...

338. We consider there would be significant merit in adding urban design outcomes to the matters of discretion for this rule, as it will introduce an element of flexibility. It would also in part, address the concerns raised by the JEA Group submissions. We recommend that the submissions of the JEA Group submissions and Ngai Tahu Property be accepted, and a fifth matter of discretion be added reading:

Urban design outcomes

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<sup>218</sup> V Jones, Section 42A Report, paragraph 11.12 (b)

<sup>219</sup> Submission 2336

<sup>220</sup> Submission 2349

<sup>221</sup> Submission 2297

339. Turning to the matter of cross-referencing to the CoP, Mr Geddes on behalf of Clark Fortune McDonald and Associates stated that:

*“The code is an evolving document as evident by its outdated reference from the time of Chapter 29 notification in the authoring of the s 42A report. It is not subject to formal consultation and recognised policy assessment practices. The ambit or extent of the Code changes at a greater frequency than amendments can be authored to the District Plan and its assessment criteria. As such, I believe the references to the Code will appear obsolete within the infancy of the intended lifetime of the PDP”.*<sup>222</sup>

340. In her response, Ms Jones advised that the CoP 2015 was extant at the time that the chapter was drafted; it had now been replaced by the CoP 2018. She suggested that the rule be changed to make reference to this later iteration of the CoP. She also recommended that it simply be confined to referencing Table 3.2 of the CoP which, she said, had not changed in content since 2015. She also recommended that Policy 29.2.3.1 be amended to reflect this change in required compliance with the CoP (refer paragraphs 147 – 151).

341. We recommend that subclause (a) of Rule 29.5.14 be amended to read:

- a. All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with Table 3.2 (Road Design Standards) of the QLDC Land Development and Subdivision Code of Practice 2018 including the notes within Table 3.2 and Appendices E and F; except as provided for in 29.5.14b below.

...

342. We recommend that the submission of Sean MacLeod be rejected, as the standards specified are typically included in district plans, and provide the opportunity for an applicant to apply for resource consent as a restricted discretionary activity should they wish to depart from the standards – for example, to achieve a better urban design outcome.

343. NZTA<sup>223</sup> and Patterson Pitts<sup>224</sup> lodged submissions supporting Rule 29.5.14. FENZ supported subclause 29.5.14(b)(i). We recommend that the submissions be accepted in part, subject to the amendments made to satisfy other submissions on the rule.

#### *7.3.15 Rule 29.5.15 – Width and Design of Vehicle Crossings – Urban Zones*

344. The only submission on this rule was that by NZTA<sup>225</sup> in support. We recommend that submission be accepted.

#### *7.3.16 Rule 29.5.16 - Design of Vehicle Crossings – Rural Zones*

345. Rule 29.5.16 applies to the Rural Zone, Rural Residential Zone, Rural Lifestyle Zone, Wakatipu Rural Amenity Zone, and the Wakatipu Basin Lifestyle Precinct. The introduction to the rule reads as follows:

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<sup>222</sup> N Geddes, Statement of Evidence, paragraph 3.5

<sup>223</sup> Submission 2538

<sup>224</sup> Submission 2457

<sup>225</sup> Submission 2538

*Vehicle crossings providing access to a road other than the State Highway in the Rural Zone, Rural Residential Zone, Rural Lifestyle Zone, and Wakatipu Basin Rural Amenity Zone, and the Wakatipu Basin Lifestyle Precinct shall comply with Diagram 2 and with either Diagram 8, 9, or 10 of Schedule 29.2, as determined by the following standards:*

...

346. NZTA<sup>226</sup> sought that an advice note be added clarifying that the standards in Rule 29.5.16 do not apply to State Highways, except that in the case of such highways, Diagram 10 is applicable rather than Diagram 9 (as contained in Schedule 29.2 – Interpretive Diagrams) in Chapter 29.
347. We agree with Ms Jones in her rebuttal evidence that it would be preferable to clarify this matter in the wording of the rule itself. We recommend that the introduction to the rule be amended by deleting the following words in the first line,

...other than the State Highway....

and adding to the end of the introduction, the words:

...except that in relation to vehicular crossings providing access to a State Highway, reference to Diagram 9 shall be replaced with Diagram 10.

#### *7.3.17 Rule 29.5.17 – Maximum Gradient for Vehicle Access*

348. Sean MacLeod<sup>227</sup> opposed this rule except for subclause (c) which makes a cross-reference to vehicle break-over angles in Diagram 2 of Schedule 29.2. This is only one aspect of vehicle gradient requirements – for example subclause (a) sets a maximum gradient for any private way of 1 in 6. Such standards are typical in district plans. We recommend that the submission be rejected.
349. FENZ<sup>228</sup> supported subclause (b) but have requested an additional matter of discretion seeking that any application in terms of the rule take into account adequate access by emergency vehicles to properties. We recommend that the submission be accepted and a third matter of discretion be added as follows:

Effects on the ability to provide adequate emergency vehicle access to the property/properties.

#### *7.3.18 Rules 29.5.18 & 29.5.20*

350. There were no submissions on Rules 29.5.18 and 29.5.20. We recommend they be adopted as notified.

#### *7.3.19 Rules 29.5.19 & 29.5.21– Sight Distances*

351. Rule 29.5.19 addresses the ‘Minimum Sight Distances from Vehicle Access onto State Highways’, while Rule 29.5.21 addresses the ‘Minimum distance between vehicle crossings onto State Highways’. NZTA<sup>229</sup> supported both rules, but also sought that a matter of discretion be

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<sup>226</sup> Submission 2538

<sup>227</sup> Submission 2349

<sup>228</sup> Submission 2660

<sup>229</sup> Submission 2538

added for Rule 29.5.19, which although a restricted discretionary activity, did not have any listed matters of discretion. We recommend that the following matter of discretion be added to the rule:

Discretion is restricted to effects on the safety of the transport network

352. We recommend that these submissions be accepted.

#### *7.3.20 Rule 29.5.22 – Minimum Distances of Vehicle Crossings from Intersections*

353. The JEA Group submissions and Real Journeys Group submitted on this rule arguing that it is not necessary and can be dealt with under subdivision, or that the rule provide that urban design outcomes be a matter of discretion. This latter point is similar to that sought by the submitters on Rule 29.5.14 addressed earlier in Section 7.3.14.

354. Ngai Tahu Property Ltd sought that the rule be amended to reduce the minimum distance between vehicle crossings on intersections, and to add an additional subclause (e) permitting vehicle crossings opposite a ‘T’ intersection in some circumstances. We consider that the amendments sought by Ngai Tahu would be best addressed on a case by case basis as a restricted discretionary activity. However we consider that it is appropriate that (as with Rule 29.5.14) to provide additional flexibility with respect to achieving good urban design outcomes. For that reason we recommend adopting the recommendation of the reporting officer<sup>230</sup> of adding the following matters of discretion to Rule 29.5.22:

- b. Urban design outcomes;
- c. The efficiency of the land use or subdivision layout.

355. We recommend both submissions be accepted in part, including that of Ngai Tahu Properties, as the amendment will add greater scope by enabling urban design outcomes in the subdivision layout to be taken into account in any departures from the separation distances specified under Rule 29.5.22 (b) and (c).

#### *7.3.21 Rule 29.5.23 – Minimum Distances of Vehicle Crossings from Intersections onto State Highways*

356. Rule 29.5.23 received one submission in support from NZTA and we recommend that the submission be accepted and the rule be adopted as notified.

#### *7.3.22 Rule 29.5.24 - Service Stations*

357. Rule 29.5.24 received a submission from the Oil Companies<sup>231</sup> concerning subclause (j) of the rule. As notified, this required that tankers discharging fuel not obstruct the footpath or any part of the site intended for use by vehicles being served at refuelling positions or waiting for service. The submitters sought that provision be allowed to enable fuel tankers to obstruct refuelling positions for practical reasons when this was necessary. This reflects an operational necessity and we recommend that the submissions be accepted. As a result, we recommend subclause (j) is truncated to read as follows:

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<sup>230</sup> V Jones, Section 42A Report, paragraph 13.15

<sup>231</sup> Submission 2484

- j. Tankers discharging shall not obstruct the footpath.

#### **7.4 Table 29.4 Standards for Activities Within Roads**

- 358. This short component of the rules structure in Chapter 29 comprises two Rules 29.6.1 and 29.6.2, which as notified, applied standards relating to remediation and reinstatement land within roads following the construction of transport infrastructure.
- 359. Both rules were challenged by the JEA Group submissions and by Real Journeys Group who sought that the rules be deleted in their entirety on the basis that they duplicate other processes. In recommending that the submissions be accepted, Ms Jones commented that:

*“Such matters are adequately covered by the National Code of Practice for Utility Operators Access to Transport Corridors (the Code) which is a requirement under the Utilities Access Act 2010. This code applies to the activities of all transport corridor managers and utility operators throughout New Zealand. It provides a nationally consistent and cooperative framework for corridor managers and utility operators, to manage transport corridors while also providing for the access rights of utility operators”.*

- 360. We agree with her conclusions and recommend that the submissions be accepted and the rules under Part 29.6 be deleted from Chapter 29. A consequence of this is the renumbering of subsequent Rules and Tables in the recommended chapter as shown in Appendix 1.

### **8 SECTION 29.7 – NON-NOTIFICATION OF APPLICATIONS**

- 361. Two submissions were received on this short section containing two rules. The Frankton Community Association <sup>232</sup> sought that Rule 29.7.2 (a) be deleted. This provided that as a restricted discretionary activity, applications for park-and-ride facilities shall not be notified, but may require the written consent of other persons and may be limited notified. We would share the concerns of the Association if the activity were to be identified as non-notified under any circumstances, but we consider a reasonable balance has been struck here in that written consents may be required from affected parties, and the application may be limited notified to those parties. We recommend that the submission be rejected.
- 362. NZTA supported notified Rule 29.7.2 and we recommend that submission be accepted. This section is renumbered 29.6, and the rules are renumbered as 29.6.1 and 29.6.2.

### **9 SECTION 29.8 – ASSESSMENT MATTERS**

- 363. This section of the rules framework sets out assessment matters which the Council must have regard to (but not be limited by) when considering applications for restricted discretionary and discretionary activity arising out of specified rules.
- 364. The JEA group submissions and Real Journeys Group have requested that all of the Assessment Matters in notified Rule 29.8 be deleted. This was not the subject of any detailed evidence from

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<sup>232</sup> Submission 2369

submitters, and it is noted that the inclusion of such matters is not typical of most chapters within the PDP.

365. Ms Jones stated that:

*“In response, I am of the view that while including assessment matters is a departure from the approach taken in most chapters of the PDP (which do not have assessment matters), the complexity of the assessments that are required in relation to some of the transport activities and the absence of Council–adopted guidelines in relation to activity such as Park and Ride, necessitates inclusion of some Assessment Matters. In my view, the policies would be too unwieldy if they were to include all the necessary guidance and the option of referring to non-statutory guidelines and standards that have not been adopted by the Council would be less effective than including specific assessment matters within the PDP itself”<sup>233</sup>.*

366. We have a preference for ensuring that the format of chapter is consistent, but on balance, and given the nature of the rules framework in Chapter 29, and their detail and complexity, we accept that it is appropriate to maintain the Assessment Matters as a separate set of provisions in this case. We recommend that the submissions be rejected.

367. Queenstown Central<sup>234</sup>, as part of the submissions on Table 29.7 (Minimum Requirements for cycle parking, lockers and showers) sought that provision for cyclists and end of trip facilities be based on ‘tenant demand’. Assessment Matter 29.8.6.1 (b) refers to bicycle parking, but omits end of trip facilities. These can be shared, thus allowing for more economic and efficient use of facilities. Accordingly we recommend that the submission be accepted in part, and 29.8.6.1 (b) be amended to read as follows:

*Whether the required bicycle parking and end of trip facilities can be provided and maintained via a jointly use facility; and*  
.....

368. NZTA<sup>235</sup> supported notified Rule 29.8.2.1 which sets out assessment matters relating to non-accessory parking, and 29.8.3 which sets out assessment matters for Park and Ride facilities. We recommend that the submissions be accepted.

369. Queenstown Park Ltd and Remarkables Park Ltd sought that an additional assessment matter (f) be added to notified Rule 29.8.3.1 with respect to Park and Ride facilities reading:

*(f) reduces the demand on the roading network and provides an alternative to cars and other road based transport.*

370. We note that subclause (c) states:

*makes public transport more convenient and more pleasant, thereby encouraging commuters and other users to shift to public transport.*

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<sup>233</sup> V Jones, Section 42A Report, paragraph 11.34  
<sup>234</sup> Submission 2460  
<sup>235</sup> Submission 2538

371. We consider the matter is already addressed, and no amendment is required. We recommend that the submission be rejected.

372. Notified Rule 29.8.5 sets out assessment matters for breach of standards relating to access, manoeuvring space and queueing space. FENZ sought that an additional assessment matter be added under 29.8.5.1 as a new subclause (f) (accesses and vehicle crossings), and under 29.8.5.5 as a new subclause (f) (vehicle access gradient) which addresses the need for access by emergency vehicles. We agree this is appropriate and recommend that the submission be accepted and that a new assessment matter be added to each of these as follows:

*The provision of appropriate access for emergency vehicles.*

373. Ms Jones also recommended that in response to submissions from Clark Fortune McDonald and Associates<sup>236</sup>, Darby Planning LP<sup>237</sup>, and the JEA Group submissions on 29.5.14 (Access) and 29.5.22 (Minimum distance of vehicle crossings from intersections) that the following 'complementary' assessment matters be added into (renumbered) Section 29.7. The affected provisions would be added under 29.7.5.1 (Access, manoeuvring space, queueing space), and 29.7.5.3 (Width of accessways). These rules as renumbered would read as follows:

29.7.5.1

- g. The extent to which the access design complies with Section 3 and Appendices E and F of the QLDC Land Development and Subdivision Code of Practice (2018) and;
- h. Any site constraints which affect the practicality of constructing to the standards set out in Table 29.3.

29.7.5.3

- d. The extent to which the access design complies with Table 3.2 and Appendices E and F of the QLDC Land Development and Subdivision Code of Practice (2018); and
- e. Any site constraints which affect the practicality of constructing to the standard set out in Table 29.3 of the QLDC Land Development and Subdivision Code of Practice (2018).

374. We consider the proposed amendments are useful for completeness in considering applications under these provisions, albeit that there is some element of duplication. We consider that the relief offered through these amendments provides further support to accepting the submissions in part.

375. Earlier in Section 7.1.6 we discussed submissions relating to the High Traffic Generating Activities Rule 29.4.10. We accept Ms Jones' recommendations and propose that a new assessment matter to be numbered 29.7.7.1 be added as follows, to provide a platform for assessing applications which breach the High Traffic Generating Activities rule:

**29.7.7 Restricted Discretionary Activity – High Traffic Generating Activities**  
29.7.7.1 Whether and to what extent:

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<sup>236</sup> Submission 2297

<sup>237</sup> Submission 2376

- a. an Integrated Transport Assessment has been provided with the application and is sufficiently detailed to provide a full understanding of the projected trip generation by all modes of transport, the accessibility of a proposal by all modes of transport, and the transport effects of the proposal and the proposed methods of avoiding or mitigating the transport effects;
- b. the trip generation and transport effects of the proposed land use or subdivision will be the same or similar in character, intensity and scale to those assessed and approved in an Integrated Transport Assessment for any existing resource consent approved for the site;
- c. the proposed land use or subdivision is in accordance with district plan provisions that were informed by a detailed Integrated Transport Assessment and will result in associated trip generation and transport effects that are the same or similar in character, intensity and scale to those identified in the previous assessment;
- d. Any improvements to the transport network either within the site or in the vicinity of the site are proposed, including additions of improvements to the active and public transport network and infrastructure and the road.
- e. the site and/or its frontage of been designed to accommodate any planned public transport infrastructure proposed by the Council;
- f. public and active transport infrastructure is proposed to be provided or upgraded or when planning for such infrastructure is not sufficiently advanced, spaces provided for such infrastructure to be installed in the future;
- g. public transport stops are provided in locations and at spacings that provide safe and efficient access to users;
- h. a Travel Plan is proposed to be provided containing travel demand management techniques;
- i. the amount of accessory parking propose will contribute toward travel demand management;
- j. a Development Agreement has been agreed to, as provided for by the Local Government Act;
- k. electric vehicle charging point/parking spaces are proposed to be provided.

## 10 SECTION 29.9 - MINIMUM PARKING REQUIREMENTS

376. As a result of our recommendations, this section as renumbered 29.8, and Table 29.5 is renumbered as 29.4. These rules in the PDP sets out the numeric standards for the provision of car parking for various activities and zones within the District. A number of the matters raised through submissions at a policy level have already been discussed earlier in this report with respect to the submissions on Objective 29.2.2, and Policies 29.2.2.1 – 29.2.2.10.
377. A number of submissions on the rules relate to minimum parking requirements and the ability to provide some of these off-site. Submissions from Ngai Tahu Property Ltd<sup>238</sup> supported notified Rules 29.9.14 29.9.17, 29.9.21, 29.9.22 and Advice Note 29.9.38.1 (c), which relate to parking requirements for unit type visitor accommodation, commercial activities, offices, and restaurants. We recommend that this submission be accepted in part, to the extent that the rules as notified are recommended to remain substantially intact.
378. The JEA Group submissions and Real Journeys Group supported reductions in parking requirements from the ODP and oppose any increases from the ODP standards. A substantial

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<sup>238</sup> Submission 2336

number of submitters<sup>239</sup> requested that the car park requirements be amended to require fewer car parks, more flexibility for off-site parking, a more robust consent assessment framework, or a 'reduction adjustment factor'. In contrast three submitters sought the retention of existing parking standards, or that they even be made more stringent.<sup>240</sup>

379. The overall approach taken to provision of car parking has been addressed at an objective and policy level under Objective 29.2.2 and its accompanying policies. Parking standards have been relaxed more particularly in town centres and their immediate environs, but have been largely retained elsewhere. This recognises that in town centres provision of expansive parking areas is uneconomic, promotes unsustainable volumes of circulating vehicle movements, and large areas of carparks detract from amenity values. It also tends to undermine public and active transport in those areas where these alternative transport options are provided or are being further developed. Conversely, in areas remote from town or commercial centres, and where public transport is absent or less available, the provision of parking is necessary to avoid overspill effects which can affect the streetscape and residential amenity. Overall, we are satisfied that subject to some minor further refinements, no major changes are required to the parking standards as notified. Our response to the various submissions are contained in Appendix 2 to this report.
380. A number of submitters sought amendments to the minimum parking requirements for visitor accommodation including coach parking. The Safari Group of Companies<sup>241</sup> sought that car parking for hotel developments be dealt with through the land use consent process. Hotel developments comprising more than 100 units or 150 rooms are subject to the high traffic generation rules, and under the amendments proposed to Rule 29.5.1 through these recommendations, will be exempt from having to comply with the minimum accessory parking requirements. For smaller hotel developments, where the minimum parking standards are not proposed to be met, a case can be argued under Policy 29.2.5.5 as a restricted discretionary activity. We do not consider this to be an unduly onerous regulatory burden for hotel developments. We recommend that the submission be accepted in part.
381. Remarkables Park Ltd<sup>242</sup> requested modelling and analysis of the parking requirements relative to the bulk and location of the visitor accommodation to be provided. Such an approach was not further developed through evidence to the hearing, and we recommend that the submission be rejected. Sean McLeod<sup>243</sup> requested what we understand to be an additional standard under Rule 29.9 for homestays over and above those for residential developments. We received no evidence from Mr McLeod on this, and consider that no additional rule clarification is necessary. We recommend that the submission be rejected.

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<sup>239</sup> Including Submissions 2297, 2326, 2339, 2468, 2518, . 2547, 2585, 2593, 2194, 2195, . 2336, 2448, . 2492, . 2014, . 2136, 2349 and 2460

<sup>240</sup> Submissions 2020, 2076 and 2238

<sup>241</sup> Submission 2339

<sup>242</sup> Submission 2468

<sup>243</sup> Submission 2349

382. Remarkables Park Ltd<sup>244</sup>, Queenstown Park Ltd<sup>245</sup> and the Safari Group of Companies Limited<sup>246</sup> submitted on the minimum parking requirements for guestroom type visitor accommodation. It was noted that these had remained unchanged notwithstanding that minimum parking requirements for residential activities in unit type visitor accommodation had been reduced in many zones by way of comparison with the ODP requirements. Ms Jones agreed that it would be appropriate for the minimum parking requirements for guestroom type visitor accommodation be better aligned with those for residential and unit type visitor accommodation activities in the high density urban environments, but there was a lack of evidence that this would be appropriate in other locations. We concur with these conclusions, with the result that notified Rule 29.9.15 is split into two rules (renumbered 29.8.15 and 29.8.16). We recommend renumbered Rule 29.8.15 read as follows:

<b>29.8.15</b>	<p>Guest room type visitor accommodation (e.g. hotels) in the:</p> <ul style="list-style-type: none"> <li>• High Density Residential Zone</li> <li>• Medium Density Residential Zone between Park and Suburb Streets Queenstown</li> <li>• Business Mixed Use Zone</li> </ul>	<p>1 per 4 guest rooms up to 60 guestrooms: thereafter 1 per 5 guestrooms. Footnotes (1)(2)(3)</p> <p>In addition, where over 50 guestrooms are proposed over one or more sites: 1 coach park per 50 guestrooms, provided that coach parks may overlay the required car parking spaces or may be located off site provided that where located off site in accordance with Rule 29.5.2, a loading area shall be provided on the site containing the visitor accommodation.</p>	<p>1 per 20 beds Footnotes (1)(2)(3)(4)</p>
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383. We recommend renumbered Rule 29.8.16 be amended to exclude reference to zones listed in Rule 29.8.15 as amended:

Guest room type visitor accommodation (e.g. hotels) in all zones, other than those zones listed in Rule 29.9.15.

384. The JEA Group submissions and Real Journeys Group opposed any increase in parking requirements for visitor accommodation above that in the ODP. Remarkables Park Ltd<sup>247</sup> considered one coach park per 50 rooms to be excessive, requesting an upper limit on the number of coach parks, and a reduction in car parking where coach parking is provided. Similarly, the Safari Group of Companies<sup>248</sup> requested that appropriately located hotels not be required to provide a specific number of on-site total carparks, while Ngai Tahu Property Ltd<sup>249</sup> sought that no carparks be provided for a development of less than 30 units.

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<sup>244</sup> Submission 2462  
<sup>245</sup> Submission 2468  
<sup>246</sup> Submission 2339  
<sup>247</sup> Submission 2462  
<sup>248</sup> Submission 2339  
<sup>249</sup> Submission 2336

385. We agree with the reporting officer's conclusions<sup>250</sup> that the relief sought in a number of these submissions is at least partially addressed by the provisions of Chapter 29 as notified. Rule 29.5.2 allows for coach parking to be provided off-site. We consider an upper limit on the number of coach parks is superfluous, as we cannot imagine the circumstances under which a developer would seek to 'oversupply'. Notified Rules 29.9.10, 29.9.14, 29.9.15 and 29.9.16 provide that visitor accommodation containing less than 30 units or 50 guestrooms does not need to provide coach parking.
386. Having regard to 'substitution' of coach and vehicle parking, it is noted that renumbered Rules 29.8.10, 29.8.14, 29.8.15 and 29.8.16 contain the following provision which at least addresses in part the concerns raised by Remarkables Park Ltd:
- ..... provided that coach parks may overlay the required car parking spaces or may be located off – site, provided that where located off–site in accordance with Rule 29.5.2, a loading area shall be provided on the site containing the visitor accommodation.*
387. There will be no minimum car parking requirements on hotels of over 100 units as a result of these recommendations, with parking addressed through the high traffic generating activity rule, or on hotels of any scale located in the Town Centre or Local Shopping Centre zones, and only limited parking required in the High Density Residential and Medium Density Residential zones, where most hotel developments would be expected to occur. No on-site coach parking requirement is required for hotels in any location. We consider that the regulatory framework for parking associated with hotels is both liberal and flexible, and no further changes are required. We recommend that the submissions be accepted in part, on the basis of the rule provisions as they stand and further amendments as recommended in this report.
388. With respect to visitor accommodation parking requirements in the Lower Density Suburban Residential<sup>251</sup> and ARHM zones, we consider increasing minimum parking requirements for visitor accommodation is justified as being consistent with parking requirements for residential units. We consider that preferential parking requirements for visitor accommodation could not be justified on either amenity grounds, or in terms of potential adverse effects, and would appear to have the effect of distorting the market in primarily residential areas in favour of visitor accommodation. Amenity issues associated with visitor accommodation in the zone are also further addressed in the Hearings Panel's Report 19.2. We recommend that submissions opposing increased parking standards in the zone be rejected.
389. In contrast, Sean McLeod<sup>252</sup> sought that the parking requirement<sup>253</sup> for residential visitor accommodation be increased to a level where (for example) a dwelling with five bedrooms would need to provide three car parks<sup>253</sup>. On one hand this may be beneficial for larger travel groups, but also has the countervailing effect of incentivising extensive on-site provision for car

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<sup>250</sup> V Jones, Section 42A Report, paragraph 12.30

<sup>251</sup> We note that notified references to the Low Density Residential Zone need to be changed to Lower Density Suburban Residential Zone (LDSRZ). This is a change consequential on the decisions on Stage 1 of the PDP and we recommend it be made throughout Chapter 29 under clause 10 of the First Schedule to the Act.

<sup>252</sup> Submission 2349

<sup>253</sup> V Jones, Section 42A Report, paragraph 12.30(g).

parking for residential visitor accommodation with adverse amenity outcomes. We recommend that the submission point be rejected.

390. Four submissions were lodged specific to residential minimum parking requirements. Aaron Cowie<sup>254</sup> sought that minimum vehicle parking requirements for residential units be reduced and/or removed and replaced with other kinds of incentives. Sean McLeod<sup>255</sup> sought that the minimum parking requirements for all residential zones be amended to one car park for a one-bedroom unit or flat, two parks for 2 to 3 bedroom units or flats, and 0.65 times the number of bedrooms beyond that – generally higher than the notified plan standards. The JEA Group submissions and Real Journeys Group requested that the provisions for residential flats to have a car park be removed. This is on the basis that this would assist affordability and enhance urban design, as cars would not be parked in front of the units. GRB Limited<sup>256</sup> requested a definition of worker accommodation and an amendment to the notified Rule 29.9.1, such that workers accommodation in the BMUZ would not be required to provide accessory parking.
391. The approach taken in the PDP is to significantly relax car parking requirements in the MDRZ and HDRZ and the Town Centre zones, but not in other residential zones where the cost of providing parking is lower, access to alternative transport modes is less, and there is lower pedestrian movement. Our recommendations propose that parking required for residential flats may be located in tandem with other residential parking, as a result of recommending an amendment to Rule 29.5.8.
392. A number of submissions sought changes to the minimum parking rates for commercial activities, including offices, industrial and service activities, utilities and service stations. Queenstown Central Ltd<sup>257</sup> requested an alternative minimum parking requirement for industrial and service activities reflected in the low occupancy of the spaces. Relying on the evidence of Mr Crosswell, Ms Jones recommended that the rule be amended to enable it to be calculated on the gross floor area, *or full-time equivalent staff numbers whichever was the lesser*. She stated<sup>258</sup>:
- “While I recognise the costs of this approach such as difficulties in ensuring that sufficient parking is provided when a permitted change in use occurs within an existing building and causes spillover effects on two adjacent roads, I accept that such effects should be minimised by the market/developers (who have a vested interest in providing sufficient parking, provided free parking is not provided on the road) and by Council enforcing its Traffic and Parking Bylaw to avoid inappropriate parking on roads”.*
393. We were not persuaded that the amendment supported by Mr Crosswell was appropriate, given that many of these activities are located in areas where alternative transport modes are limited or non-existent. Furthermore there was evidence that in some areas, notably the mixed use areas of Wanaka, there was an unacceptable level of spillover into adjoining streets. We consider that the argument for reduced parking standards is more compelling in town centres and areas immediately adjoining town centres, along with greater scope for offsite parking.

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<sup>254</sup> Submission 2014

<sup>255</sup> Submission 2349

<sup>256</sup> Submission 2136

<sup>257</sup> Submission 2460

<sup>258</sup> V Jones, Section 42A Report, paragraph 12.40

While a developer may ‘have an incentive’ to provide adequate car parking, we were not persuaded that this extends to subsequent owners who may wish to use a building for more intensive commercial uses employing more staff, or with more visitors/customers.

394. We consider that relying on enforcement to address the effects of overspill parking, was effectively an ‘ambulance at the bottom of the cliff’ approach. It was apparent that the characteristics of the parking provision in such areas had not been adequately addressed, or even addressed at all, by the Council’s consultants. We recommend that the submission of Queenstown Central be rejected.

395. The JEA Group of submissions and Real Journeys Group expressed concern that there was a potential overlap between the minimum parking requirements for ‘commercial’ activities (which includes offices), and those for offices as an activity in itself. Rather than changing the definitions, Ms Jones proposed that the rules be ‘refined’ and that Rules 29.9.17 (and 29.9.18 in relation to industrial activity) be amended. While not ideal, we consider this approach is a pragmatic one which addresses the concerns raised by the submitters. We recommend adding the following words in the activity column of renumbered Rules 29.8.18 and 29.8.19:

... other than where the commercial activity is more specifically defined elsewhere in renumbered Table 29.4.

396. Chorus<sup>259</sup>, and Spark New Zealand<sup>260</sup> sought that a new rule be inserted into Table 29.5 stating that no parking spaces be required for an unstaffed utility. This is similar to the relief sought with respect to loading spaces addressed earlier in this report in Section 7.3.10. Noting that utilities are normally designated (and therefore exempt from the application of the rules of the PDP) we recommend that a new Rule 29.8.39 be added and that the submission point be accepted in part. The proposed rule would provide as follows:

<b>29.8.39</b>	Unstaffed utility	0	1 for any unstaffed utility which includes a building or structure with a GFA of over 25m <sup>2</sup> .
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397. The Oil Companies<sup>261</sup> requested that notified Rule 29.9.26 be amended to remove requirements for staff/guest parking at service stations. We do not consider complete exclusion from the rule is justified, but recommend that the rule be amended to reduce the minimum parking requirements from 3 to 2 spaces, under renumbered Rule 29.8.27, and that the submission be accepted in part.

398. B Giddens Trust<sup>262</sup> and McBride Street Queenstown Limited<sup>263</sup> sought that notified Rule 29.9.1 be amended to require nil parking in the Local Shopping Centre Zone; and in the case of the latter submitter, specifically their properties at 14, 16, 18, 18B and 20 McBride Street. Relying on Mr Crosswell’s evidence, Ms Jones recommended that it was not necessary to rely on

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<sup>259</sup> Submission 2194  
<sup>260</sup> Submission 2195  
<sup>261</sup> Submission 2484  
<sup>262</sup> Submission 2585  
<sup>263</sup> Submission 2593

minimum parking requirements in the Local Shopping Centre Zone as they were generally small in size, the spillover effects would be small, many already relied largely on parking on–street, and their physical layout would not support increased on-site parking even if they were to redevelop. Ms Jones added that any large scale development within the zone would be subject to the High Traffic Generation Activity rules, which would enable parking provision to be assessed. Such a scenario might well arise where a new local shopping centre were developed outside existing centres.

399. In this case we were persuaded that on balance, the submission be accepted in part, and that renumbered Rule 29.8.1 be amended by adding the following zone to the list of zones with nil parking requirements:

Local Shopping Centre Zone

400. C and J Properties Ltd<sup>264</sup> requested that on-site parking requirements be reduced in circumstances where the activities were located in close proximity to public transport networks, public car parking, or where on-site cycle parking facilities were provided. B Giddens Trust<sup>265</sup> and McBride Street Queenstown Limited<sup>266</sup> requested a ‘parking reduction adjustment factor’ be added for all zones to enable a percentage reduction in car parking requirements. The Safari Group of Companies Limited<sup>267</sup> requested that the term accessory parking be clarified, and where reduced parking would be appropriate.
401. We consider that the matters raised in the submissions have been addressed in part through Policy 29.2.2.5 as amended by these recommendations, which sets out the circumstances in which reduced car parking may be appropriate. Accessory parking is already defined in Chapter 2 of the PDP (Definitions). In addition, amendments recommended to Rule 29.5.1 have the effect of clarifying that High Traffic Generating Activities do not need to comply with the minimum accessory parking requirements, which provides further flexibility with respect to parking matters. We recommend that the submissions be accepted in part.
402. Remarkables Park Ltd<sup>268</sup> requested that ratios for on street parking, and alternatives, be included in Chapter 29. Ms Jones referred to recommendations made to amend notified Rule 29.5.14 which addresses access and road design, and which was addressed earlier in our recommendations in Section 7.1.14. She recommended that this rule only refer to Table 3.2 of the Council’s Code of Practice, under which the provision of on-street parking is considered as part of assessing controlled or restricted discretionary applications for land use or subdivision. It provides greater flexibility for assessing road design on a case-by-case basis through land-use and subdivision applications, although it is unclear whether this would address the concerns of the submitter. In the meantime, we recommend that submission be accepted in part.
403. The JEA Group submissions and Real Journeys Group requested that lobbies, circulation spaces, etc, be excluded from the measurement of gross floor area (GFA) and thereby not included in parking calculations. We understand this would be inconsistent with common practice, and

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<sup>264</sup> Submission 2518  
<sup>265</sup> Submission 2585  
<sup>266</sup> Submission 2593  
<sup>267</sup> Submission 2339  
<sup>268</sup> Submission 2568

necessitate reconsideration of all the GFA based minimum parking requirements in the PDP, which we consider unnecessary, and which would create uncertainty. We recommend that the submissions be rejected.

404. FENZ<sup>269</sup> sought that Table 29.5 be amended so that an activity of ‘Emergency Service Facilities’ be specifically identified. Such facilities fall within the definition of a ‘community activity’ under Chapter 2 of the PDP, but the submitter observes that there is no specific category under the community activity listing in Table 29.5 that would include fire stations. Accordingly we recommend that the submission be accepted and that an additional Rule 29.9.40 be added as follows:

29.8.40	Emergency Service Facilities	1 space/emergency service vehicle bay	1 space/emergency service vehicle bay
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405. QAC<sup>270</sup> requested that a new advice note be added to clarify where there was an inconsistency between the transport provisions of Chapter 17 and Chapter 29, Chapter 17 shall prevail. This was addressed earlier in Section 6.1. While in practical terms there is unlikely to be an issue with the provision of parking within the Airport Zone, for reasons of consistency we recommend that renumbered Rule 29.8.1 specifically provide that there is a nil minimum accessory parking requirement in relation to the Queenstown Airport Terminal facility in order to be consistent with Rule 17.3.2.6. The wording to be added to the first column of Table 29.5 would read as follows:

- Within the immediate environs of the Queenstown Airport Terminal facility located within the Airport Zone.

## 11 SECTION 29.10 - THRESHOLDS FOR HIGH TRAFFIC GENERATING ACTIVITIES

406. As a result of our recommendations, this section is renumbered as 29.9, and Table 29.6 as renumbered as 29.5. Ngai Tahu Property Ltd<sup>271</sup> sought that the threshold for high traffic generating activities under notified Rule 29.10.1 be increased from 50 dwellings to 100 dwellings. In his evidence for the submitter, Mr Carr qualified the submitter’s position by stating that higher density development generates lower traffic levels during peak hours than lower density suburban development, because there was usually access to non-car modes of travel, the units were smaller, and hence had fewer occupants and cars. He considered that, at development of this density, 50 units would generate traffic volumes between 0.3 and 0.5 vehicles per unit in the peak hour. For that reason he considered that the threshold should be increased to 100 dwellings for medium and high density residential development.<sup>272</sup>
407. Mr Crosswell disputed this matter at some length. His overall conclusion was that the Auckland Unitary Plan provisions were designed to avoid duplication within the rules structure of that plan rather than to provide an easier regulatory process, and were promulgated on the basis of

<sup>269</sup> Submission 2660

<sup>270</sup> Submission 2618

<sup>271</sup> Submission 2336

<sup>272</sup> A Carr, EIC, paragraphs 3.31-3.36.

a frequent and highly developed public transport system<sup>273</sup>. We note also that larger scale higher density developments would require consent at least as a restricted discretionary activity anyway, for reasons relating to building design, so the relief provided by increasing the traffic generation threshold may be of limited value. Although we considered the matter was finely balanced, we concluded that given the context of Queenstown and the wider district, the high traffic generation threshold for all housing development should remain at 50 units.

408. Finally on this matter, the point was raised during the hearing that developers would seek to escape the application of the rule by putting forward staged developments (say) for 49 units. We accept that that such a scenario as possible, but observe that if the threshold was raised to 100 units, a similar argument could be mounted, but the potential effects would be greater. We concluded that this is not a significant factor influencing our recommendations.

## 12 SECTION 29.11 - MINIMUM REQUIREMENTS FOR CYCLE PARKING, LOCKERS AND SHOWERS

409. As a result of our recommendations, this section is renumbered as 29.10, and Table 29.7 is renumbered as 29.6. Queenstown Central Ltd<sup>274</sup> sought that the requirements for cycle parking, lockers, showers, and end of trip facilities be removed or reduced. In his evidence for the submitter, Mr Thompson compared the rates for provision for cycle facilities required in the PDP with other local authorities and stated that:

*“In all cases, it can be seen that the proposed rates for Queenstown are significantly in excess of both Auckland and Christchurch. The variance becomes more pronounced as the GFA of a particular scenario increases”.*<sup>275</sup>

410. He tabled a set of amended provisions which he stated would typically fall between those currently required under the district plans for Auckland and Christchurch, with the latter being higher than Auckland. Mr Thomson’s evidence included a helpful comparative table. In their rebuttal evidence, Council officers recommended reduced provisions which would result in the requirements for Queenstown being at the ‘upper end’ of the Christchurch requirements, and in some cases beyond that. As an example, for a hypothetical Christchurch office development of 5000m<sup>2</sup> GFA, 10 cycle spaces would be required in the central city, 7 outside the central city; and in the case of Auckland 5 spaces. Queenstown provisions under notified Rule 29.11.1 would require 11 cycle spaces.
411. We are conscious that Queenstown, and the district generally, has a significant cycle network, including a substantial network which is off-road, and this will be further developed. For this reason, we consider it is important to maintain support for cycling. We recommend that the version of the cycle and end of trip facilities contained in notified Table 29.7, amended as proposed in the officers’ reports be adopted, with the following exceptions (renumbered) which would bring the requirements closer to those required in Christchurch;

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<sup>273</sup> S Crosswell, Rebuttal Evidence, paragraphs 4.11-4.14.

<sup>274</sup> Submission 2460

<sup>275</sup> G Thompson, EiC, paragraph 6.4

- 29.10.1 Office: Customer/Visitor Short Term Bicycle Parking – amend from two bicycle spaces for the first 500m<sup>2</sup> GFA and one space every 500m<sup>2</sup> GFA thereafter, to read two bicycle spaces for the first 500m<sup>2</sup> GFA and one space for every 750m<sup>2</sup> GFA thereafter; and;
  - 29.10.5 Restaurants/cafes Taverns and Bars: amend from two bicycle spaces for the first 125 m<sup>2</sup> PFA and one space for every 125m<sup>2</sup> GFA thereafter, to read two bicycle spaces for the first 125m<sup>2</sup> PFA and one space for every 150m<sup>2</sup> GFA thereafter.
412. The amendments recommended by the officers with respect to the Queenstown Central submissions included relaxing the required ‘End of trip facilities’ applicable to notified Rules 29.11.1 – 29.11.6 relating to locker facilities, and removing the requirement for restaurants as a separate activity under notified Rule 29.11.9, as this duplicates Rule 29.11.5. Recommendations also included relaxing the standards for private long term bicycle parking for offices, and for industrial and service activities in notified Rules 29.11.1 and 29.11.2. On this basis, and allowing for amendments recommended by Council officers, we recommend that the submission be accepted in part. (As a result of the recommended deletion of notified Rule 29.11.9, the subsequent rules will require to be renumbered 29.10.10 – 29.10.13).
413. A further matter arose with respect to the submissions. Ms Jones recommended that a minor amendment be made to notified Rule 29.5.13 to clarify that Diagram 5 also includes a minimum aisle depth and to include an advice note that further guidance on alternative layouts is available in the Cycle Facilities Guidelines, QLDC 2009. This is considered to provide a better alternative to specifying through complex rules the comprehensive range of alternative cycle park layouts. We agree and recommend the addition of an advice note under Rule 29.5.13 that would read:
- Further guidance on alternative bicycle parking layouts such as hanging bikes is presented in the Cycle Facilities Guidelines, QLDC 2009.
414. Public Health South<sup>276</sup> requested that 1 shower be required for offices, industrial and service activities, healthcare facilities, restaurants/cafes/taverns/bars and day care facilities wherever 2 – 8 long term bicycle parking spaces are required. As notified, the rules would only require showers where larger numbers of bicycles are required related to the size of the business concerned – set at 10 spaces or more. We consider it would be unreasonable to require such provision for small businesses where the number of visitors or staff is such that this requirement would be unnecessary and onerous. We recommend that the submission point be rejected.
415. The Frankton Community Association<sup>277</sup> requested that Park and Ride should have its own specific cycle parking requirements. While we consider there is some merit in the submitters request, no specific provisions were put before us by any parties that we can consider in terms of section 32AA. We recommend the submission point be rejected.
416. The JEA Group of submissions and Real Journeys Group requested that the reference to electric bicycles in Rule 29.5.13 and Table 29.7 be deleted. The Ministry of Education<sup>278</sup> requested that

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<sup>276</sup> Submission 2040

<sup>277</sup> Submission 2369

<sup>278</sup> Submission 2151

e-bicycle charging, lockers and showers should not be required in relation to education activities.

417. Earlier in Section 7.1.13 of these recommendations we discussed the issues related to provision for e-bicycles, and agreed with the JEA Group submissions and Real Journeys Group that these provisions should be deleted for the reasons explained therein. We recommend the submission be accepted.
418. The Oil Companies<sup>279</sup> requested that renumbered Rule 29.10.10 (which provides that retail activities of less than 300m<sup>2</sup> not provide any cycle parking facilities) be retained. We recommend that the submission point be accepted.
419. Active Transport Wanaka<sup>280</sup> supported notified Rule 29.11 and we recommend that their submission be accepted in part, in reflection of amendments made and described in the preceding text.

### 13 SECTION 29.13 - HEAVY VEHICLE PARKING LAYOUT

420. As a result of our recommendations, this section is renumbered as 29.12 and Table 29.8 is renumbered as 29.7. Ngai Tahu Property Ltd<sup>281</sup> requested that the Table be amended so that it only applies to minimum bay dimensions; to note that unimpeded manoeuvring is required into the space provided; to prescribe a minimum dimension of 13.6 x 2.7 m; and to require the provision of a pedestrian access in relation to coach parking. The basis for the submitter's concerns primarily centred on a lack of flexibility with proposed provisions with respect to the manoeuvring and parking of heavy vehicles<sup>282</sup>.
421. The officer's response in rebuttal evidence was to recommend adding an advice note following renumbered Table 29.8. This would state that the Council would consider alternative heavy vehicle parking arrangements that show design vehicle tracking curves which demonstrate unimpeded manoeuvring in reverse manoeuvres. The rationale for this was that it would avoid the uncertainty that might arise if the rule itself were to include qualitative parameters requiring traffic experts to assess compliance. She also recommended that an additional column be added specifying minimum widths of stalls and widths of access paths to service coaches. This would specify:

*3.5 m stall width and 1.5 m wide pedestrian access path to service tour coaches*

422. We accept that recommendation for the reasons Ms Jones gave. In addition, we accept Ms Jones' recommendation for the reasons given, that an advice note be added (in preference to qualitative criteria) stating as follows:

**Advice note:** Alternative heavy vehicle parking arrangements may be appropriate where design vehicle tracking curves to demonstrate unimpeded manoeuvring into spaces with no

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<sup>279</sup> Submission 2484

<sup>280</sup> Submission 2078

<sup>281</sup> Submission 2336

<sup>282</sup> A Carr, EIC, paragraphs 6.1-6.9.

more than one reverse manoeuvre permitted when entering and no more than one reverse manoeuvre permitted upon exiting.

423. We recommend that subject to these amendments, that the submission be accepted in part.

#### 14 SECTION 29.14 - SCHEDULE 29.1 – ROAD CLASSIFICATION

424. As a result of our recommendations, the section is renumbered 29.13. Paterson Pitts Wanaka<sup>283</sup> supported the road classification maps but considered them difficult to interpret and requested that they be added to the planning maps or placed after the interpretive diagrams. Ms Jones advised that it was the Council's intention to move the District Plan mapping information entirely to an electronic GIS viewer platform which would greatly assist interpretation. She stated (and we agree) that the scale of the PDP maps would not enable road classifications to be readily legible, and we recommend that the submission point be rejected.

425. The following reclassifications were sought in submissions:

- Queenstown Central Ltd<sup>284</sup> requested that Grant Road be classified as a collector road (whereas at present the Schedule identifies that part of Grant Road from State Highway 6 to the Shopping Centre Entrance as an arterial road, and the balance as a collector road);
- B. Giddens Trust<sup>285</sup> and McBride Street Queenstown<sup>286</sup> requested that McBride Street be classified as a local road, instead of as a collector road as shown in the Schedule;
- C. Dagg<sup>287</sup> requested that the section of Malaghans Road between Dalefield and Hunter Roads be classified as a collector road instead of an arterial road as shown in the Schedule;
- NZTA<sup>288</sup> requested that reference to Remarkables View at the endpoint of State Highway 6A at Frankton be removed and replaced with an accurate reference point;
- NZTA requested an amendment to change the reference to 'State Highway 8' under Luggate to read 'State Highway 8A'.
- QLDC<sup>289</sup> requested that the whole of the Wanaka – Mount Aspiring Road be identified as a collector road.

426. We were advised that, based on the One Network Road Classification, the Council's classifications were based on the standardised best practised approach used by NZTA and local authorities to classify roads.

427. It was considered that Grant Road should remain classified as an arterial to the Shopping Centre 'Entrance' as this reflected the traffic volumes, road design and future function of this part of the road. Accordingly we recommend that this submission be rejected, but that the point where the arterial section ends be more accurately defined. With respect to McBride Street, while its current design was one of a local road, its role and current traffic volumes are consistent with a collector road. It was noted that this classification requires larger scale developments to be

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<sup>283</sup> Submission 2457

<sup>284</sup> Submission 2460

<sup>285</sup> Submission 2584

<sup>286</sup> Submission 2593

<sup>287</sup> Submission 2586

<sup>288</sup> Submission 2538

<sup>289</sup> Submission 2539

designed in a manner that avoids reverse manoeuvring and requires greater separation of vehicle crossings. Failure to achieve that now could be inimical to the future use of the road. We accept that assessment and recommend that this submission be rejected.

428. The classification of Malaghans Road as an arterial road was considered entirely appropriate as it is a key connector road between Queenstown, Arthurs Point and Arrowtown, and reclassifying a short section of it would be illogical and inappropriate. We agree and recommend that this submission be rejected.
429. One end of State Highway 6A commences at Middleton Road rather than at Remarkables View, although this does not alter the classification or necessitate any change to the maps. However it is recommended that the description be changed from Remarkables View to Middleton Road, and the submission point accepted in part. The reference to State Highway 8 with reference to Luggate is incorrect, and should read 8A. We recommend that the submission be accepted.
430. The whole length of the Wanaka – Mount Aspiring Road is a collector road as shown on the road classification maps, and the amendment sought by QLDC would align the Schedule with the maps. We recommend the submission be accepted.
431. During the course of the hearing it was noted that Industrial Place off Gorge Road had been classified as an arterial road in error. We recommend that this matter be addressed as part of Stage 3 of the review of the PDP.

## 15 SECTION 29.15 - SCHEDULE 29.2 – INTERPRETIVE DIAGRAMS

432. As a result of our recommendations, the section is renumbered as 29.14. During the course of the hearing, Mr Carr<sup>290</sup> on behalf of Ngai Tahu Property, drew to our attention that the aisle width requirements in Chapter 29 were in excess of the standard normally adopted in district plans, which was based on AS/NZS2890.1:2004. He said that the Council's proposed standard was inefficient and would result in an increase in the amount of land required for a given number of carparks. In his rebuttal evidence for the Council, Mr Smith maintained that the standard referred to by Mr Carr was old, and set absolute minimum standards. In his opinion caution was required as he claimed there was anecdotal evidence that drivers were avoiding parking buildings because of the perceived difficulty of parking in narrow spaces. On balance, we prefer the evidence of Mr Smith in this particular case, bearing in mind the large number of larger vehicles and tourist drivers in the region. We recommend that the submission be rejected.
433. Ngai Tahu Property Ltd and Ngai Tahu Justice Holdings<sup>291</sup> and Ngai Tahu Property Ltd<sup>292</sup> sought that Diagram 5 be amended to include additional layout options, similar to those provided for in the Christchurch District Plan as Appendix 7.5.2, Figure 2. This plan relates to the Bicycle Parking Layout. Ms Jones disagreed on the grounds that it would make the diagrams too complex, given that the diagram as notified provides key minimum dimensions that would cater for most situations with the exception of cargo bikes. We accept this advice and recommend

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<sup>290</sup> Evidence of A Carr, paragraphs 5.2 – 5.9

<sup>291</sup> Submission 2335

<sup>292</sup> Submission 2336

that the submission be accepted in part and Rule 29.5.13 be amended to add the following advice note:

**Advice Note**

Further guidance on alternative bicycle parking layouts such as hanging bikes is presented in the Cycle Facilities Guidelines, QLDC 2009.

434. Public Health South<sup>293</sup> sought that Diagram 8 relating to Access Design be amended to demonstrate its application when dedicated cycle lanes are present. The Council officers responded that an amendment was not required as the diagrams illustrate layout dimensions based on the location of the edge of the seal, and are appropriate regardless of how the road space is used. We recommend that the submission be rejected.
435. NZTA submitted that Diagram 9 be amended to state that it is not suitable for application to State Highways. Ms Jones noted that the only rule that refers to Diagram 9 is Rule 29.5.16 which states that the diagram applies to vehicle crossings providing access to a road *other than* the state highway. As no amendment is therefore required, we recommend the submission be rejected.

## 16 OVERALL CONCLUSIONS ON RULES

436. Having considered all the evidence and submissions relating the rules, we consider the changes we are recommending to be the most appropriate way to achieve the objectives and implement the policies within the scope provided by submissions.
437. The amendments are primarily in the nature of refinements and will result in greater efficiency and effectiveness. Overall, these efficiencies are considered to maintain the quality of the urban environment in particular, and through reducing unnecessary consenting will at least indirectly have economic benefits and benefits for continued employment growth.

## 17 RECOMMENDED AMENDMENTS PURSUANT TO CLAUSE 16(2)

438. Clause 16(2) of the First Schedule to the Act provides that:

*(2) a local authority may make an amendment, without using the process in the schedule, to its proposed policy statement or plan to alter any information, where such alteration is of minor effect or may correct any minor errors.*

439. We have set out below our recommendations for amendments pursuant to Clause 16(2). We have not included circumstances where consequential changes are required as a result of changes to policy/rule numbers, or where cross-references have been made in the notified version to provisions have been recommended for deletion.
440. The amendments made to the text under Clause 16(2) below have already been included in the text changes attached in Appendix 1. Except where indicated otherwise, the clause numbers

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<sup>293</sup> Submission 2040

reflect those as renumbered as a result of our recommendations, except where indicated otherwise.

- 1) Policy 29.2.3: insert the word “of” between the words “modes” and “transport”.
- 2) Policy 29.2.4.1: delete the word “areas” in the second line of the policy and replace it with the word “zones”.
- 3) Rule 29.3.3.1 (a): delete the words “any zoning including subzones, ceases to have effect from the time the land is vested or dedicated as road” and replace it with the words “at the time land is vested or dedicated as road, the land shall no longer be subject to any zone provisions, including sub zone provisions.”
- 4) Rule 29.3.3.6: delete the words in the rule reading “do not override” and replace them with the words “apply in addition to”.
- 5) Rule 29.4.6, second bullet point: add the word “and” between the words “sites” and “compatibility”.
- 6) Rule 29.4.9, third bullet point: amend the words “amount, location.....” to read “The amount, location.....”
- 7) Rule 29.4.14: amend the word “Note” to read “Advice Note”.
- 8) Rule 29.4.17, first bullet point: amend the words “the effects on traffic safety” to read “effects on traffic safety”.
- 9) Rule 29.5.1: amend the title of the rule from “Accessory Parking” to “Minimum Parking Requirements”.
- 10) Rule 29.5.2, subclause (d) (v): delete the words “in relation to the above”.
- 11) Rule 29.5.5: reformat Rule 29.5.5 to clarify the number of mobility parks where the number of total parking spaces ranges between 11 and 100, and over 100 spaces.
- 12) Rule 29.5.12, Matters of Discretion, first bullet point: amend the word “pedestrian” to read “pedestrians”.
- 13) Rule 29.5.14: change title from “Access Design” to read “Access and Road Design”.
- 14) Rule 29.8.2, second bullet point: delete the word “Suburb” and replace it with the word “Hobart”.
- 15) Rule 29.8.9, first column: delete the words “or a registered homestay”.
- 16) Rule 29.8.10, second bullet point: delete the word “Suburb” and replace it with the word “Hobart”.
- 17) Rule 29.8.15, second bullet point: delete the word “Suburb” and replace it with the word “Hobart”.
- 18) Rule 29.8.41 .1 (c) delete the word “dwelling” in the 2<sup>nd</sup> to last line and replace it with the words “residential unit”.
- 19) Rule 29.9.1, second and third columns: delete the word “dwelling” and replace with “residential units”.
- 20) Rule 21.9.9, first column: add the words “including subdivision” after the words “all other activities”.
- 21) Notified is Rule 29.12.1 (7): delete -(duplicates Rule 29.5.3 (b)).
- 22) Schedule 29.1 – Road Classification: amend (Grant Road) by deleting the words “shopping centre entrance” and replacing it with the words “Road 8 as shown on the Frankton Flats B Zone Structure Plan in the Queenstown Lakes District Plan 2016”.

### **18.1 Variation to Stage 1 PDP Chapter 2 Definitions**

441. We have dealt with this in Section 2 above.

### **18.2 Variation to Stage 1 PDP Chapter 37 Designations.**

442. This variation removes text in Chapter 37 relating to the designation of roads in the District, and Stopped Roads. This matter has been briefly addressed under Section 6 of this Report (Other Provisions and Rules). There were no submissions on the variation and we recommend that it be confirmed as notified.

### **18.3 Variation to Stage 1 PDP Chapter 21 Rural Zone**

443. This variation adds a new rule 21.5.43A to Chapter 21 to provide for public water ferry services operating on the surface of lakes and rivers as a restricted discretionary activity. One submission in support was received from NZTA<sup>294</sup>, and we recommend that submission be accepted. We recommend the variation confirmed as notified subject to renumbering the rule as Rule 21.15.5 to fit it into Table 12 of the Decisions Version of Chapter 21.

### **18.4 Variation to Stage 1 PDP Chapter 12 Queenstown Town Centre Zone**

444. This variation proposed a new Rule 12.4.17 providing for public water ferry services within the Queenstown Town Centre Waterfront Sub Zone as a restricted discretionary activity. One submission in support was received from NZTA, and we recommend that it be accepted. While we recommend the variation be confirmed we note that it should be included as Rule 12.4.7.4 to be consistent with the treatment of other surface of water activities in the Decisions Version of this zone. Our recommended version in Appendix 1 has been slightly reworded to be consistent with the remainder of Rule 12.4.7. We note that inclusion of this rule requires a minor amendment to Rule 12.4.7.2. There does not appear to be scope to make that amendment as part of the variation and it may require a subsequent variation.

### **18.5 Variation to Stage 1 PDP Chapter 9 High Density Residential Zone**

445. This brief variation amends Policy 9.2.6.7 of Chapter 9 by proposing that a reduction in parking requirements may be considered in Queenstown and Wanaka where a site is located within 800m of a bus stop or the edge of a Town Centre Zone, instead of 400m. There were no submissions on this variation, and we recommend that it be confirmed as notified, noting our concern set out in Section 7.3.2 above that 800m may be too great a distance in the context of this District. We also note that this policy has been renumbered 9.2.6.5 in the Decisions Version. We have made that adjustment in our recommended version in Appendix 1.

### **18.6 Variation to Stage 1 PDP Planning Maps**

446. This variation contains a table which clarifies a number of new roads having being created or existing roads having been stopped since the PDP planning maps were notified in Stage I. There were no submissions on this variation and we recommend that it be confirmed as notified.

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<sup>294</sup> Submission 2538

## 19 OVERALL RECOMMENDATION

447. For the reasons we have set out above, we recommend the Council adopt Chapter 29 and the associated variations to Chapters 2, 9, 12, 21, 37 and the Planning Maps with the wording as set out in Appendix 1, and accept, accept in part, or reject the submissions on these provisions as set out in Appendix 2.

For the Hearing Panel



Denis Nugent, Chair  
Dated: 11 January 2019

## **Appendix 1: Recommended Chapter 29 Transport and Associated Variations**

# 29 Transport

## 29.1 Purpose

The purpose of this chapter is to manage works within the road, manage the development of transport infrastructure both on and off roads, and to require that land-use activities are undertaken in a manner that maintains the safety and efficiency of the transport network as a whole and contributes positively to improving the public and active transport networks.

A well-managed transport network needs to be safe and efficient and provide for all modes of transport. As a result, it will facilitate compact and efficient land-use, which will contribute positively to limit increases in the use of fossil fuels and greenhouse gas emissions.

Chapter 29 is limited to the management of land and water based transport and does not contain provisions relating to air transport. Provisions relating to air transport are located primarily in Chapter 17 (Airport Zone), along with Chapters 2 (Definitions), 21 (Rural Zone), 22 (Rural Living), 24 (Wakatipu Basin), 35 (Temporary Activities), 37 (designations), and 41 (Jacks Point).

## 29.2 Objectives and Policies

### 29.2.1 Objective - An integrated, safe, and efficient transport network that:

- a. provides for all transport modes and the transportation of freight;
- b. provides for future growth needs and facilitates continued economic development;
- c. reduces dependency on private motor vehicles and promotes the use of shared, public, and active transport;
- d. contributes towards addressing the effects on climate change;
- e. reduces the dominance and congestion of vehicles, particularly in the Town Centre zones; and
- f. Enables the significant benefits arising from public walking and cycling trails.

### Policies

29.2.1.1 Require that transport networks including active transport networks, are well-connected and specifically designed to:

- a. enable an efficient public transport system;
- b. reduce travel distances and improve safety and convenience through discouraging single connection streets; and
- c. provide safe, attractive, and practical walking and cycling routes between and within residential areas, public facilities and amenities, and employment centres, and to existing and planned public transport.

29.2.1.2 Recognise the importance of expanded public water ferry services as a key part of the transport network and enable this by providing for park and ride, public transport facilities, and the operation of public water ferry services.

29.2.1.3 Provide a roading network within and at the edge of the Town Centre zones that supports these zones becoming safe, high quality pedestrian dominant places and enable the function of such roads to change over time.

- 29.2.1.4 Acknowledge the potential need to establish new public transport corridors ~~off~~ beyond existing roads in the future, particularly between Frankton and the Queenstown Town Centre.
- 29.2.1.5 Enable and encourage the provision of electric vehicle (EV) charging points/ parking spaces within non-accessory parking, within roads where appropriate, as part of Park and Ride, and in association with accessory parking related to High Traffic Generating Activities.
- 29.2.1.6 Facilitate private coach transport as a form of large scale shared transport, through enabling the establishment of off-site or non-accessory coach parking in specified zones and by allowing visitor accommodation activity to provide coach parking off-site.

**Advice note:** the policies under Objectives 29.2.2; 29.2.3, and 29.2.4 also contribute to this Objective 29.2.1.

**29.2.2 Objective - Parking, loading, access, and onsite maneuvering that are consistent with the character, scale, intensity, and location of the zone and contributes toward:**

- a. **providing a safe and efficient transport network;**
- b. **compact urban growth;**
- c. **economic development;**
- d. **facilitating an increase in walking and cycling and the use of public transport; and**
- e. **achieving the level of residential amenity and quality of urban design anticipated in the zone.**

**Policies**

- 29.2.2.1 Manage the number, pricing, location, type, and design of parking spaces, queuing space, access, and loading space in a manner that:
  - a. is safe and efficient for all transport modes and users, including those with restricted mobility, and particularly in relation to facilities such as hospitals, educational facilities, and day care facilities;
  - b. is compatible with the classification of the road by:
    - (i) ensuring that accesses and new intersections are appropriately located and designed and do not discourage walking and cycling or result in unsafe conditions for pedestrians or cyclists;
    - (ii) avoiding heavy vehicles reversing off or onto any roads; and
    - (iii) ensuring that sufficient manoeuvring space, or an alternative solution such as a turntable or car stacker, is provided to avoid reversing on or off roads in situations where it will compromise the effective, efficient, and safe operation of roads.
  - c. contributes to an increased uptake in public transport, cycling, and walking in locations where such alternative travel modes either exist; are identified on any Council active transport network plan or public transport network plan; or are proposed as part of the subdivision, use, or development;
  - d. provides sufficient parking parking demand in areas that are not well connected by public or active transport networks and are not identified on any Council active or public transport network plans;
  - e. provides sufficient onsite loading space to minimise congestion and adverse visual amenity effects that arise from unmanaged parking and loading on road reserves and other public land;
  - f. is compatible with the character and amenity of the surrounding environment, noting that exceptions to the design standards may be acceptable in special character areas and historic management areas;

- g. avoids or mitigates adverse effects on the amenity of the streetscape and adjoining sites; and
  - h. provides adequate vehicle access width and manoeuvring for all emergency vehicles.
- 29.2.2.2 Discourage accessory parking in the Town Centre zones in order to support the growth, intensification, and improved pedestrian amenity of these zones.
- 29.2.2.3 Require that a lower amount accessory parking be provided for residential flats district wide, and for residential and visitor accommodation activity in the Town Centre, Local Shopping Centre, Business Mixed Use, High Density Residential, and Medium Density Residential zones and in the Jacks Point Village Area of the Jacks Point Zone compared to other zones in order to:
- a. support intensification and increased walking, cycling, and public transport use, and
  - b. in recognition of the land values, high pedestrian flows, amenity, accessibility, and existing and anticipated density of these zones.
- 29.2.2.4 Enable some of the parking required for residential and visitor accommodation activities and for residential and visitor accommodation activities in the Business Mixed Use Zone to be provided off-site provided it is located in close proximity to the residential or visitor accommodation activity it is associated with and is secured through legal agreements.
- 29.2.2.5 Enable a reduction in the minimum number of car parking spaces required only where:
- a. There will be positive or only minor adverse effects on the function of the surrounding transport network and amenity of the surrounding environment; and/ or
  - b. there is good accessibility by active and/or public transport and the activity is designed to encourage public and/or active transport use and projected demand can be demonstrated to be lower than the minimum required by the rules ; and/ or
  - c. the characteristics of the activity or the site justify less parking and projected demand can be demonstrated to be lower than the minimum required by the rules and/ or
  - d. there is an ability for shared or reciprocal parking arrangements to meet on-site car parking demands at all times and demand can be demonstrated to be lower than the minimum required by the rules.
- 29.2.2.6 Provide for non-accessory parking, excluding off-site parking, only where:
- a. the amount, location, design, and type of parking will consolidate and rationalise the provision of parking for a particular locality and result in more efficient land-use or better enable the planned growth and intensification enabled by the zone; and
  - b. there is an existing or projected undersupply of parking to service the locality and providing additional parking and the pricing of that parking will not undermine the success of public transport systems or discourage people from walking or cycling
- 29.2.2.7 Discourage non-accessory parking and off-site and non-accessory coach parking in the Queenstown, Arrowtown, and Wanaka Town Centre zones other than on sites at the edge of the zone.
- 29.2.2.8 Require Park and Ride and public transport facilities to be located and designed in a manner that:
- a. is convenient to users;
  - b. is well connected to public and active transport networks;
  - c. improves the operational efficiency of the existing and future public transport network; and
  - d. extends the catchment of public transport users.

- e. makes it accessible and safe for users, including pedestrians and cyclists within and beyond the facility;
  - f. provides an integrated and attractive interface between the facility and adjacent streets and public open spaces;
  - g. mitigates effects on the residential amenity of adjoining properties, including effects from noise, vehicle emissions, and visual effects; and
  - h. minimises adverse effects on the operation of the transport network.
- 29.2.2.9 Non-accessory parking and off-site parking facilities are to be designed, managed, and operated in a manner that:
- a. makes it accessible and safe for users, including pedestrians and cyclists within and beyond the facility;
  - b. provides an integrated and attractive interface between the facility and adjacent streets and public open spaces;
  - c. mitigates effects on the residential amenity of adjoining properties, including effects from noise, vehicle emissions, and visual effects; and
  - d. minimises adverse effects on the operation of the transport network.
- 29.2.2.10 Prioritise pedestrian movement, safety, and amenity in the Town Centre zones, particularly along the main pedestrian streets, by discouraging the provision of off-street parking other than on the edge of the zones and discouraging the provision of on-site loading along these streets.
- 29.2.2.10 Mitigate the effects on safety and efficiency arising from the location, number, width, and design of vehicle crossings and accesses, particularly in close proximity to intersections and adjoining the State Highway, while not unreasonably preventing development and intensification.

**29.2.3 Objective - Roads that facilitate continued growth, are safe and efficient for all users and modes of transport and are compatible with the level of amenity anticipated in the adjoining zones.**

**Policies**

- 29.2.3.1 Establish design standards for roads and accesses, including those in Table 3.2 of the QLDC Land Development and Subdivision Code of Practice (2018), and require adherence to those standards unless it can be demonstrated that the effects of the proposed design on the active and public transport networks, amenity values, urban design, landscape values, and the efficiency and safety of the roading network are no more than minor.
- 29.2.3.2 Enable transport infrastructure to be constructed, maintained, and repaired within roads in a safe and timely manner while:
- a. mitigating adverse effects on the streetscape and amenity of adjoining properties resulting from earthworks, vibration, construction noise, utilities, and any substantial building within the road;
  - b. enabling transport infrastructure to be designed in a manner that reflects the identity of special character areas and historic management areas and avoids, remedies, or mitigates any adverse effects on listed heritage items or protected trees; and
  - c. requiring transport infrastructure to be undertaken in a manner that avoids or mitigates effects on landscape values.
- 29.2.3.3 Ensure new roads are designed, located, and constructed in a manner that:

- a. provides for the needs of all modes of transport in accordance with the Council's active transport network plan and public transport network plan and for the range of road users that are expected to use the road, based on its classification;
  - b. provides connections to existing and future roads and active transport network;
  - c. avoids, remedies, or mitigates effects on listed heritage buildings, structures and features, or protected trees and reflects the identity of any adjoining special character areas and historic management areas;
  - d. avoids, remedies, or mitigates adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features and on landscape values in other parts of the District; and
  - e. provides sufficient space and facilities to promote safe walking, cycling, and public transport within the road to the extent that it is relevant given the location and design function of the road.
- 29.2.3.4 Provide for services and new linear network utilities to be located within road corridors and, where practicable, within the road reserve adjacent to the carriageway in a manner consistent with the provisions of Chapter 30.
- 29.2.3.5 Allocate space within the road corridor and at intersections for different modes of transport and other uses such as on-street parking in a manner that reflects the road classification, makes the most efficient use of the road corridor, and contributes to the implementation of council's active and public transport network plans.
- 29.2.3.6 Enable public amenities within the road in recognition that the road provides an important and valuable public open space for the community which, when well designed, encourages human interaction and enriches the social and cultural wellbeing of the community.
- 29.2.3.7 Encourage the incorporation of trees and vegetation within new roads and as part of roading improvements, subject to road safety and operational requirements and maintaining important views of the landscape from roads.

**29.2.4 Objective - An integrated approach to managing subdivision, land use, and the transport network in a manner that:**

- a. **supports improvements to active and public transport networks;**
- b. **promotes an increase in the use of active and public transport networks and shared transport;**
- c. **reduces traffic generation; and**
- d. **manages the effects of the transport network on adjoining land uses and the effects of adjoining land-uses on the transport network.**

**Policies**

- 29.2.4.1 That vehicle storage and parking in association with commercial activities and home occupations in residential zones be restricted to prevent adverse effects on residential amenity or the safety of the transport network. This includes the storage of business-related vehicles and rental vehicles and other vehicles being parked on streets adjoining the residential zones when not in use.
- 29.2.4.2 Ensure that commercial and industrial activities that are known to require storage space for large numbers of vehicles provide adequate vehicle parking either onsite or in an offsite carpark and do not store vehicles on roads.
- 29.2.4.3 Promote the uptake of public and active transport by requiring that specific large scale commercial, health, community, and educational activities provide bicycle parking, showers, and changing facilities/ lockers while acknowledging that such provision may be unnecessary in some instances due to the specific nature or location of the activity.

- 29.2.4.4 Avoid or mitigate the adverse effects of high traffic generating activities on the transport network and the amenity of the environment by taking into account the location and design of the activity and the effectiveness of the methods proposed to limit increases in traffic generation and to encourage people to walk, cycle, or travel by public transport.
- 29.2.4.5 Encourage compact urban growth through reduced parking requirements in the most accessible parts of the District.
- 29.2.4.6 Ensure that the nature and scale of activities alongside roads is compatible with the road's District Plan classification, while acknowledging that where this classification is no longer valid due to growth and land-use changes, it may be appropriate to consider the proposed activity and its access against more current traffic volume data.
- 29.2.4.7 Control the number, location, and design of additional accesses onto the State Highway and arterial roads.
- 29.2.4.8 Require any large scale public transport facility or Park and Ride to be located, designed, and operated in a manner that mitigates adverse effects on the locality and, in particular, on the amenity of adjoining properties, while recognising that they are an important part of establishing an effective transport network.
- 29.2.4.9 Ensure the location, design, and layout of access, manoeuvring, car parking spaces and loading spaces of vehicle-orientated commercial activities, such as service stations and rural selling places, avoids or mitigates adverse effects on the safety and efficiency of the adjoining road(s) and provides for the safe movement of pedestrians within and beyond the site, taking into account:
- The relative proximity of other accesses or road intersections and the potential for cumulative adverse effects; and
  - The ability to mitigate any potential adverse effect of the access on the safe and efficient functioning of the transport network.

## 29.3 Other Provisions and Rules

### 29.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	30 Energy and Utilities	31 Signs
32 Protected Trees	33 Indigenous Vegetation and Biodiversity	34 Wilding Exotic Trees
35 Temporary Activities and Relocated Buildings	36 Noise	37 Designations
Planning Maps		

### 29.3.2 Interpreting and Applying the Rules

- 29.3.2.1 Any land vested in the Council or the Crown as road, shall be deemed to be a "road" from the date of vesting or dedication in and subject to all the provisions that apply to roads, as outlined in Table 29.2 and

- a. At the time the land is vested or dedicated as road, the land shall no longer be subject to any zone provisions, including sub-zone provisions; and
- b. The following overlays and identified features shown on the planning maps continue to have effect from the time the land is vested or dedicated as road
  - (i) The Special Character Area;
  - (ii) The Outstanding Natural Landscape, Outstanding Natural Feature, and Rural Landscape classifications;
  - (iii) Significant Natural Area;
  - (iv) Protected trees; and
  - (v) Listed heritage buildings, structures, and features.
- c. all rules in the district wide chapters that refer specifically to 'roads' take effect from the time the land is vested or dedicated as road; and
- d. all district-wide provisions that are not zone specific but, rather, apply to all land within the district, shall continue to have effect from the time the land is vested or dedicated as road.

29.3.2.2 At the time a road is lawfully stopped under any enactment, the land shall no longer be subject to the provisions that apply to roads (Table 29.2 and Table 29.4) and the provisions from the adjoining zone (as shown on the Planning Maps) apply from the date of the stopping. Where there are two different zones adjoining either side of the road, the adjacent zone extends to the centre line of the former road.

29.3.2.3 The dimensions of a B99 design vehicle and a B85 design vehicle are as set out in Diagram 1 of Schedule 29.2.

29.3.2.4 Activities on zoned land are also subject to the zone-specific provisions. The provisions relating to activities outside of roads in this chapter apply in addition to those zone-specific provisions, except that the rules in Table 29.1 take precedence over those zone rules which make activities which are not listed in the zone rules a non-complying or discretionary activity.

### **29.3.3 Advice Notes - General**

29.3.3.1 The following documents are incorporated in this chapter via reference:

- a. Section 3 and Appendices E and F of the Queenstown Lakes District Council Land Development and Subdivision Code of Practice (2015); and
- b. Queenstown Lakes District Council Southern Light Part One - A Lighting Strategy (March 2017) and Queenstown Lakes District Council Southern Light Part Two – Technical Specifications (March 2017).

29.3.3.2 The roads shown on the planning maps will not necessarily be accurate at any point in time as the vesting, forming, and stopping of roads is an ongoing process.

29.3.3.3 The purpose of the road classification maps in Schedule 29.1 is to assist in interpreting those provisions contained in this chapter that specifically relate to collector, arterial, and local roads. They are not for the purpose of determining whether certain land is a road or not.

## **29.4 Rules – Activities**

	<b>Table 29.1 – Transport related activities outside a road</b>	<b>Activity Status</b>
<b>29.4.1</b>	Activities that are listed in this Table as permitted (P) and comply with all relevant standards in Table 29.3 in this Chapter.	P
<b>29.4.2</b>	Transport activities that are not listed in this Table.	P
<b>29.4.3</b>	<b>Parking</b> for activities listed in Table 29.4, other than where listed elsewhere in this table.	P
<b>29.4.4</b>	<b>Loading spaces, set down spaces, manoeuvring (including the installation of vehicle turntables), and access</b>	P
<b>29.4.5</b>	<b>Bus shelters, bicycle parking, and development of the active transport network</b>	P
<b>29.4.6</b>	<p><b>Off-site and non-accessory parking used exclusively for the parking of coaches and buses in the Business Mixed Use Zone and Local Shopping Centre Zone</b></p> <p>Control is reserved over:</p> <ol style="list-style-type: none"> <li>Design, external appearance, and landscaping and the resultant potential effects on visual amenity and the quality of the streetscape;</li> <li>Effects on the amenity of adjoining sites' compatibility with surrounding activities;</li> <li>The size and layout of parking spaces and associated manoeuvring areas</li> </ol>	<u>C</u>
<b>29.4.7</b>	<p><b>Off-site parking areas in the Business Mixed Use Zone and Local Shopping Centre Zone, excluding off-site parking used exclusively for the parking of coaches and buses</b></p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>Design, external appearance, and landscaping and the resultant potential effects on visual amenity and the quality of the streetscape.</li> <li>Effects on the amenity of adjoining sites' compatibility with surrounding activities.</li> </ol> <p><b>Advice Note:</b></p> <p>This rule applies to the establishment of new parking areas for the express purpose of providing required parking spaces for specific land-uses, which are located on a different site to the car parking area. It does not apply to instances where a land-use consent seeks to lease or otherwise secure offsite parking spaces within an existing parking area.</p>	RD

	<b>Table 29.1 – Transport related activities outside a road</b>	<b>Activity Status</b>
<b>29.4.8</b>	<p><b>Non-accessory parking, excluding:</b></p> <ul style="list-style-type: none"> <li>- <b>off-site parking in the Business Mixed Use Zone and Local Shopping Centre Zone;</b></li> <li>- <b>non-accessory parking used exclusively for the parking of coaches and buses in the Business Mixed Use Zone and Local Shopping Centre Zone; and</b></li> <li>- <b>off-site parking associated with activities located within Ski Area Sub-Zones.</b></li> </ul> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Effects on the transport network, including the pedestrian and cycling environment and effects on the feasibility of public transport;</li> <li>b. Effects on land use efficiency and the quality of urban design;</li> <li>c. Location, design and external appearance and effects on visual amenity, the quality of the streetscape and pedestrian environment;</li> <li>d. Effects on safety for its users and the employment of CPTED principles in the design;</li> <li>e. Compatibility with surrounding activities and effects on the amenity of adjoining sites; and</li> <li>f. The provision of electric vehicle charging points/ parking spaces.</li> </ul>	RD
<b>29.4.9</b>	<p><b>Park and Ride and public transport facilities</b></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Effects on the transport network, including the pedestrian and cycling environment and effects on the feasibility of public transport;</li> <li>b. Location, design and external appearance and effects on visual amenity and the quality of the streetscape;</li> <li>c. Compatibility with surrounding activities and effects on the amenity of adjoining sites, including consideration of nuisance effects such as noise;</li> <li>d. Effects on the safety of its users and employment of CPTED principles in the design;</li> <li>e. Compatibility with surrounding activities; and</li> <li>f. The provision of electric vehicle charging points/ parking spaces.</li> </ul>	RD
<b>29.4.10</b>	<p><b>Rental vehicle businesses in those zones where commercial activities are permitted</b></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Effects on the safety and efficiency of the transport network, resulting from rental vehicles being parked on roads and other public land when not in use;</li> <li>b. Effects on amenity from rental vehicles being parked on roads and other public land when not in use; and</li> <li>c. The amount, location, and management of the vehicle parking/ storage proposed, including the location, accessibility, and legal agreements where parking is not proposed on the same site as the office and reception area.</li> </ul>	RD

	<b>Table 29.1 – Transport related activities outside a road</b>	<b>Activity Status</b>
<b>29.4.11</b>	<p><b>High Traffic Generating Activities</b></p> <p>Any new land-use or subdivision activity, including changes in use that exceeds the traffic generation standards or thresholds set out in Table 29.5; except where the associated trip generation and transport effects of the proposed land use or subdivision are the same, similar, or less, in character, intensity and scale, to those identified in an existing resource consent or district plan provisions that were approved on the basis of an Integrated Transport Assessment.</p> <p>Discretion is restricted to effects on the transport network.</p>	RD
<b>29.4.12</b>	Parking for any activity not listed in Table 29.4 and the activity is not a permitted or controlled activity within the zone in which it is located.	D

	<b>Table 29.2 - Activities within a road</b>	<b>Activity Status</b>
<b>29.4.13</b>	<b>Activities that are not listed in this Table.</b>	D
<b>29.4.14</b>	<p><b>Construction of new transport infrastructure and the operation, use, maintenance, and repair of existing transport infrastructure.</b></p> <p>Advice Note: There are other activities related to the transport function of the road such as signs, utilities, and temporary activities that are also permitted through other district-wide chapters but are not included in the definition of transport infrastructure. pp</p>	P
<b>29.4.15</b>	<b>Public amenities</b>	P
<b>29.4.16</b>	<p><b>Any veranda, balcony, or floor area of a building overhanging a road, where the building is a controlled activity in the adjoining zone.</b></p> <p>For the purpose of this rule, where the road adjoins two different zones, the provisions of the adjoining zone only apply up to the centreline of the road in that location.</p> <p>Control is restricted to those matters listed for buildings in the adjoining zone and:</p> <ol style="list-style-type: none"> <li>effects on traffic safety;</li> <li>effects on the kerbside movement of high-sided vehicles; and</li> <li>effects on the active transport network.</li> </ol>	C
<b>29.4.17</b>	<p><b>Any veranda, balcony, or floor area of a building overhanging a road, where the building is a restricted discretionary activity in the adjoining zone.</b></p> <p>For the purpose of this rule, where the road adjoins two different zones, the provisions of the adjoining zone only apply up to the centreline of the road in that location.</p> <p>Discretion is restricted to those matters listed for buildings in the adjoining zone and:</p> <ol style="list-style-type: none"> <li>effects on traffic safety;</li> <li>effects on the kerbside movement of high-sided vehicles; and</li> </ol>	RD

	c. effects on the active transport network.	
<b>29.4.18</b>	<p><b>Construction of any unformed road into a formed road for the purpose of vehicular access.</b></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. The safety and functionality of the road design, including the safety of intersections with existing roads;</li> <li>b. Ongoing maintenance costs of the road design;</li> <li>c. Effects on the environment and/ or character of the surrounding area (including effects from dust, noise and vibration and effects on visual amenity); and</li> <li>d. Effects on the ability to continue to provide safe access for other current and potential users of the unformed legal road, including pedestrians and cyclists.</li> </ul>	RD

## 29.5 Rules - Standards for activities outside roads

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>
	<b>PARKING AND LOADING</b>	
<b>29.5.1</b>	<p><b>Minimum Parking Requirements</b></p> <p>The number of parking spaces (other than cycle parking) shall be provided in accordance with the minimum parking requirements specified in Table 29.4, except that where consent is required for a High Traffic Generating Activity pursuant to Rule 29.4.10 no minimum parking is required.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. The number of parking spaces provided.</li> <li>b. The allocation of parks to staff/ guests and residents/ visitors.</li> </ul>
<b>29.5.2</b>	<p><b>Location and Availability of Parking Spaces</b></p> <ul style="list-style-type: none"> <li>a. Any parking space required by Table 29.4 or loading space shall be available for staff and visitors during the hours of operation and any staff parking required by this rule shall be marked as such.</li> <li>b. No parking space required by Table 29.4 shall be located on any access or outdoor living space required by the District Plan, such that each parking space required by Table 29.5 shall have unobstructed vehicular access to a road or service lane, except where tandem parking is specifically provided for by Rule 29.5.8.</li> <li>c. Parking spaces and loading spaces may be served by a common manoeuvring area (which may include</li> </ul>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. The long term availability of parking spaces for staff and visitors.</li> <li>b. The location of parking spaces and manoeuvring areas within a site.</li> <li>c. The proportion of spaces proposed off-site in zones other than the</li> </ul>

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>
	<p>the installation of vehicle turntables), which shall remain unobstructed.</p> <p>d. The following activities may provide some or all of the parking spaces required by Table 29.4 off-site (on a different site to that which the land-use activity is located on),</p> <ul style="list-style-type: none"> <li>(i) Residential units and visitor accommodation units or activities in any High Density Residential Zone, Medium Density Residential Zone, or Business Mixed Use Zone is located within 800m of an established public transport facility or a public transport facility identified on any Council Active Transport Network Plan may provide, all of the car parking required off-site.</li> <li>(ii) some or all coach parking required by Table 29.4 in relation to visitor accommodation activity may be provided off-site.</li> <li>(iii) all other residential activity and visitor accommodation activity not captured by 29.5.2(d)(i) may provide up to one-third of the parking spaces required by Table 29.4 off-site.</li> <li>(iv) all activities other than residential and visitor accommodation activity in the Business Mixed Use Zone may provide all of the car parking required off-site.</li> <li>(v) off-site parking spaces provided in accordance with the above rules 29.5.2(d)(i)-(iv) must be: <ul style="list-style-type: none"> <li>i. dedicated to the units or rooms or floor space within the development; and</li> <li>ii. located so that all the “off-site” car parking spaces allocated to the development are within an 800m walking distance of the boundary of the development. This does not apply to coach parking;</li> <li>iii. not located on a private road or public road; and</li> <li>iv. secured by a legally binding agreement attached to the relevant land titles that guarantees the continued availability of the parking for the units the off-site parking is intended to serve.</li> </ul> </li> </ul> <p>•</p>	<p>High Density Residential Zone, Medium Density Residential Zone, or Business Mixed Use Zone.</p> <p>d. The location, accessibility, and legal agreements proposed.</p>

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>								
<b>29.5.3</b>	<p><b>Size of Parking Spaces and layout</b></p> <p>a. All required parking spaces and associated manoeuvring areas are to be designed and laid out in accordance with the Car Parking Layout requirements of Table 29.6, Table 29.7, and Diagram 3 (car space layouts) of Schedule 29.2.</p> <p>This standard does not apply to parking, loading and associated access areas for Ski Area Activities in the Ski Area Subzone.</p> <p>b. The installation of a vehicle turntable for residential units and residential flats is an acceptable alternative to achieve the required turning manoeuvres of the swept path Diagram 4.</p> <p><b>Advice note:</b> Refer to Rule 29.5.8 for additional design requirements of residential parking spaces.</p>	<p>RD</p> <p>Discretion is restricted to the size and layout of parking spaces and associated manoeuvring areas.</p>								
<b>29.5.4</b>	<p><b>Gradient of Parking Spaces and Parking Areas</b></p> <p>Parking spaces and parking areas shall have a gradient of no more than 1 in 20 in any one direction.</p>	<p>RD</p> <p>Discretion is restricted to the gradient of the parking space and parking area.</p>								
<b>29.5.5</b>	<p><b>Mobility Parking spaces</b></p> <p>a. Other than in relation to residential units and visitor accommodation with less than 6 guests, wherever an activity requires parking to be provided, mobility parking spaces shall be provided in accordance with the following minimum standards:</p> <table border="1" data-bbox="411 1384 1098 1711"> <thead> <tr> <th><b>Total number of parks to be provided by the activity or activities on the site</b></th> <th><b>Minimum number of mobility parking spaces required</b></th> </tr> </thead> <tbody> <tr> <td>1 to 10 spaces:</td> <td>1 space</td> </tr> <tr> <td>11 to 100 spaces:</td> <td>2 spaces</td> </tr> <tr> <td>More than 100 spaces</td> <td>2 spaces plus 1 space for every additional 50 parking spaces provided</td> </tr> </tbody> </table> <p>b. Mobility parking spaces shall be:</p> <p>(i) on a level surface;</p> <p>(ii) clearly signposted;</p> <p>(iii) located on the same site as the activity;</p>	<b>Total number of parks to be provided by the activity or activities on the site</b>	<b>Minimum number of mobility parking spaces required</b>	1 to 10 spaces:	1 space	11 to 100 spaces:	2 spaces	More than 100 spaces	2 spaces plus 1 space for every additional 50 parking spaces provided	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The number, location, and design of mobility parking spaces, including the accessibility of the spaces to the building(s); and</p> <p>b. Effectiveness of the associated signage.</p>
<b>Total number of parks to be provided by the activity or activities on the site</b>	<b>Minimum number of mobility parking spaces required</b>									
1 to 10 spaces:	1 space									
11 to 100 spaces:	2 spaces									
More than 100 spaces	2 spaces plus 1 space for every additional 50 parking spaces provided									

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>								
	<p>(iv) be as close as practicable to the building entrance; and</p> <p>(v) be accessible to the building via routes that give direct access from the car park to the building.</p>									
<b>29.5.6</b>	<p><b>Drop off/ pick up (set down) areas in all zones except in the Queenstown Town Centre Zone, the Wanaka Town Centre Zone, and the Arrowtown Town Centre Zone</b></p> <p>a. All day care facilities, educational activities, and healthcare facilities must provide drop off/ pick up (set down) areas to allow vehicles to drop off and pick up children, students, elderly persons, or patients in accordance with the following standards:</p> <table border="1" data-bbox="395 896 1101 1467"> <tbody> <tr> <td data-bbox="395 896 721 1025">(i) A day care facility designed to cater for six or more children/ persons</td> <td data-bbox="721 896 1101 1025">1 drop-off/ pick up car space per 5 persons that the facility designed to cater for (excluding staff).</td> </tr> <tr> <td data-bbox="395 1025 721 1227">(ii) A primary or intermediate school</td> <td data-bbox="721 1025 1101 1227">1 drop-off/ pick up space per 5 students that the school designed to cater for and 1 bus space per 200 students where school bus services are provided.</td> </tr> <tr> <td data-bbox="395 1227 721 1388">(iii) A secondary school</td> <td data-bbox="721 1227 1101 1388">1 drop-off/ pick up space per 10 students that the school designed to cater for and 1 bus space per 200 students where school bus services are provided.</td> </tr> <tr> <td data-bbox="395 1388 721 1467">(iv) A health care facility or hospital</td> <td data-bbox="721 1388 1101 1467">1 drop-off/ pick up space per professional staff</td> </tr> </tbody> </table> <p>b. In calculating the total number of drop-off/ pick up car spaces required, where the required amount results in a fraction of a space less than 0.5 it shall be disregarded and where the fraction is 0.5 or higher, then the requirement shall be rounded up to the next highest whole number and where there are two activities on one site (such as healthcare and day care) the total required shall be combined prior to rounding.</p>	(i) A day care facility designed to cater for six or more children/ persons	1 drop-off/ pick up car space per 5 persons that the facility designed to cater for (excluding staff).	(ii) A primary or intermediate school	1 drop-off/ pick up space per 5 students that the school designed to cater for and 1 bus space per 200 students where school bus services are provided.	(iii) A secondary school	1 drop-off/ pick up space per 10 students that the school designed to cater for and 1 bus space per 200 students where school bus services are provided.	(iv) A health care facility or hospital	1 drop-off/ pick up space per professional staff	<p>RD</p> <p>Discretion is restricted to effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</p>
(i) A day care facility designed to cater for six or more children/ persons	1 drop-off/ pick up car space per 5 persons that the facility designed to cater for (excluding staff).									
(ii) A primary or intermediate school	1 drop-off/ pick up space per 5 students that the school designed to cater for and 1 bus space per 200 students where school bus services are provided.									
(iii) A secondary school	1 drop-off/ pick up space per 10 students that the school designed to cater for and 1 bus space per 200 students where school bus services are provided.									
(iv) A health care facility or hospital	1 drop-off/ pick up space per professional staff									

	Table 29.3 - Standards for activities outside roads	Non-compliance status
29.5.7	<p><b>Reverse manoeuvring for any day care facility, educational facility, or healthcare facility</b></p> <p>a. Where on-site manoeuvring area or drop off/ pick up (set down) areas are required, these shall be located and designed to ensure that no vehicle is required to reverse onto or off any road.</p> <p><b>Reverse Manoeuvring of heavy vehicles</b></p> <p>b. Where heavy vehicle parking spaces, on-site manoeuvring, and loading areas are required, these shall be designed and located to ensure that no heavy vehicle is required to reverse manoeuvre from (or onto) any site or service lane onto (or from) any road.</p> <p>c. Where a service lane does not meet the definition of a 'road', a heavy vehicle can reverse onto (or from) a site from (or onto) a service lane but this does not enable a heavy vehicle to then reverse from that service lane onto a road.</p> <p><b>Reverse Manoeuvring, other than where regulated by 29.5.7a to 29.5.7c above</b></p> <p>d. On-site manoeuvring shall be provided to ensure that no vehicle is required to reverse onto or off any State Highway or arterial road.</p> <p>e. On-site manoeuvring shall be provided for a B85 vehicle to ensure that no such vehicle is required to reverse either onto or off any collector road where:</p> <ul style="list-style-type: none"> <li>(i) the frontage road speed limit is 80km/h or greater, or</li> <li>(ii) six or more parking spaces are to be serviced by a single accessway; or</li> <li>(iii) three or more residential units share a single accessway; or</li> <li>(iv) the activity is on a rear site.</li> </ul> <p>f. On-site manoeuvring shall be provided for a B85 vehicle to ensure that no such vehicle is required to reverse either onto or off any local road where:</p> <ul style="list-style-type: none"> <li>(i) ten or more parking spaces are to be serviced by a single accessway, or</li> <li>(ii) five or more residential units share a single accessway, or</li> <li>(iii) the activity is on a rear site.</li> </ul>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</li> <li>b. The design and location of required parking spaces, loading spaces, and on-site manoeuvring areas.</li> </ul>

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>
	<p>g. Where on-site manoeuvring areas are required, a B85 vehicle shall be able to manoeuvre in and out of any required parking space other than parallel parking spaces, with only one reverse manoeuvre, except:</p> <p>(i) Where such parking spaces are in the immediate vicinity of access driveways, ramps, and circulation roadways, a B99 vehicle shall be able to manoeuvre out of those parking spaces with only one reverse manoeuvre.</p> <p>h. The installation of a vehicle turntable for residential units and residential flats is an acceptable alternative to achieve the required turning manoeuvres illustrated in the swept path diagram 4, in Schedule 29.2.</p> <p>Note: Diagram 4 in Schedule 29.2 provides the vehicle swept path designs for B85 and B99 vehicles and for various heavy vehicle types.</p>	
<b>29.5.8</b>	<p><b>Residential Parking Space Design</b></p> <p>a. The minimum width of the entrance to a single garage shall be no less than 2.4 m.</p> <p>b. The minimum length of a garage shall be 5.5m.</p> <p>c. Where a car space is proposed between a garage door and the road boundary, the minimum length of this car space shall be 5.5m.</p> <p>d. Where onsite manoeuvring is required, the minimum manoeuvring area between the road boundary and the garage entrance shall be designed to accommodate a B85 design vehicle.</p> <p>e. Where two parking spaces are provided for on a site containing only a single visitor accommodation unit or a single residential unit, which may also include a single residential flat, the parking spaces may be provided in tandem.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The design of residential parking spaces.</p> <p>b. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</p>
<b>29.5.9</b>	<p><b>Queuing</b></p> <p>a. On-site queuing space shall be provided for all vehicles entering a parking or loading area in accordance with the following:</p>	<p>RD</p> <p>Discretion is restricted to effects on safety, efficiency, congestion, and amenity of the site and of the transport</p>

Table 29.3 - Standards for activities outside roads		Non-compliance status												
	<table border="1"> <thead> <tr> <th>Number of parking spaces</th> <th>Minimum queuing length</th> </tr> </thead> <tbody> <tr> <td>3 – 20</td> <td>6m</td> </tr> <tr> <td>21 – 50</td> <td>12m</td> </tr> <tr> <td>51 – 100</td> <td>18m</td> </tr> <tr> <td>101 – 150</td> <td>24m</td> </tr> <tr> <td>151 or over</td> <td>30m</td> </tr> </tbody> </table> <p>b. Where the parking area has more than one access the required queuing space may be divided between the accesses based on the expected traffic volume served at each access point.</p> <p>c. Queuing space length shall be measured from the road boundary at the vehicle crossing to the nearest vehicle control point</p>	Number of parking spaces	Minimum queuing length	3 – 20	6m	21 – 50	12m	51 – 100	18m	101 – 150	24m	151 or over	30m	network, including the pedestrian and cycling environment.
Number of parking spaces	Minimum queuing length													
3 – 20	6m													
21 – 50	12m													
51 – 100	18m													
101 – 150	24m													
151 or over	30m													
<b>29.5.10</b>	<p><b>Loading Spaces</b></p> <p>a. Off-street loading shall be provided in accordance with this standard on every site in the Business Mixed Use Zone, the Town Centre zones, and the Local Shopping Centre Zone, except in relation to unstaffed utility sites and on sites where access is only available from the following roads:</p> <ul style="list-style-type: none"> <li>• Queenstown Mall</li> <li>• Beach Street</li> <li>• Shotover Street</li> <li>• Camp Street</li> <li>• Rees Street</li> <li>• Marine Parade</li> <li>• Church Street</li> <li>• Earl Street</li> <li>• Ballarat Street</li> <li>• Memorial Street</li> <li>• Helwick Street</li> <li>• Buckingham Street.</li> </ul> <p>b. Every loading space shall meet the following dimensions:</p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Minimum size</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Activity	Minimum size			<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The location, size, and design of the loading space and associated manoeuvring.</p> <p>b. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</p>								
Activity	Minimum size													

<b>Table 29.3 - Standards for activities outside roads</b>		<b>Non-compliance status</b>						
	<table border="1"> <tr> <td>(i).</td> <td>Offices and activities of less than 1500m<sup>2</sup> floor area not handling goods and where on-street parking for occasional delivery is available.</td> <td>6m length 3m wide 2.6m high</td> </tr> <tr> <td>(ii)</td> <td>All other activities except residential, visitor accommodation, and those listed in Rule 29.5.13(ii)(a) above.</td> <td>9m length 3.5m wide 4.5m high</td> </tr> </table> <p>c. Notwithstanding the above:</p> <p>(i) Where articulated trucks are used in connection with any site sufficient space not less than 20m in depth shall be provided.</p> <p>(ii) Each loading space required shall have unobstructed vehicular access to a road or service lane.</p> <p>(iii) Parking areas and loading areas may be served in whole or in part by a common manoeuvre area, which shall remain unobstructed.</p>	(i).	Offices and activities of less than 1500m <sup>2</sup> floor area not handling goods and where on-street parking for occasional delivery is available.	6m length 3m wide 2.6m high	(ii)	All other activities except residential, visitor accommodation, and those listed in Rule 29.5.13(ii)(a) above.	9m length 3.5m wide 4.5m high	
(i).	Offices and activities of less than 1500m <sup>2</sup> floor area not handling goods and where on-street parking for occasional delivery is available.	6m length 3m wide 2.6m high						
(ii)	All other activities except residential, visitor accommodation, and those listed in Rule 29.5.13(ii)(a) above.	9m length 3.5m wide 4.5m high						
<b>29.5.11</b>	<p><b>Surface of Parking Spaces, Parking Areas, and Loading Spaces</b></p> <p>a. The surface of all parking, loading and associated access areas and spaces shall be formed, sealed, or otherwise maintained so as to avoid creating a dust or noise nuisance, to avoid water ponding on the surface, and to avoid run-off onto adjoining roads.</p> <p>b. The first 10m of such areas, as measured from the edge of the traffic lane, shall be formed and surfaced to ensure that material such as mud, stone chips or gravel is not carried onto any footpath, road or service lane.</p> <p>These standards do not apply to parking, loading and associated access areas for Ski Area Activities in the Ski Area Subzone.</p>	<p>RD</p> <p>Discretion is restricted to effects on the efficient use and maintenance, safety, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</p>						
<b>29.5.12</b>	<p><b>Lighting of parking areas</b></p> <p>a. Excluding parking areas accessory to residential activity, where a parking area provides for 10 or more parking spaces, which are likely to be used during the</p>	<p>RD</p>						

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>
	<p>hours of darkness, the parking and manoeuvring areas and associated pedestrian routes shall be adequately lit.</p> <p>b. Such lighting shall be designed in accordance with the Queenstown Lakes District Council Southern Light Part One - A Lighting Strategy (March 2017) and Queenstown Lakes District Council Southern Light Part Two – Technical Specifications (March 2017).</p> <p>c. Such lighting shall not result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining site within the Business Mixed Use Zone, the Town Centre Zones, and the Local Shopping Centre Zone, measured at any point inside the boundary of any adjoining site. <del>or</del></p> <p>d. Such lighting shall not result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining site that is zoned High Density Residential, Medium Density Residential, Low Density Residential, or Airport Zone (Wanaka) measured at any point more than 2m inside the boundary of the adjoining site.</p>	<p>Discretion is restricted to:</p> <p>a. Effects on the safety and amenity of pedestrian, cyclists, and motorists using the parking area.</p> <p>b. Effects from the lighting on adjoining sites.</p>
<b>29.5.13</b>	<p><b>Bicycle parking and the provision of lockers and showers</b></p> <p>Bicycle parking, lockers, and showers shall be provided in accordance with the minimum requirements specified in Table 29.7 and the layout of short term bicycle parking, including aisle depth, shall have minimum dimensions presented in Diagram 5 (bicycle layouts) of Schedule 29.2.</p> <p><b>Advice note:</b> Further guidance on alternative bicycle parking layouts such as hanging bikes is presented in the Cycle Facilities Guidelines, QLDC 2009.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The amount, location, and design of the cycle parks, charging areas, lockers, and showers proposed.</p> <p>b. Effects on the mode share of those walking and cycling to and from the location.</p>

	Table 29.3 - Standards for activities outside roads	Non-compliance status									
	<b>ACCESS</b>										
<b>29.5.14</b>	<p><b>Access and Road Design</b></p> <p>a. All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with Table 3.2 (Road Design Standards) of the QLDC Land Development and Subdivision Code of Practice 2018, including the notes within Table 3.2 and Appendices E and F; except as provided for in 29.5.14b below.</p> <p>b. All shared private vehicular accesses serving residential units and/ or visitor accommodation units in the High Density Residential Zone, Medium Density Residential Zone, and Low Density Residential Zone shall comply with the following standards:</p> <p>(i)</p> <table border="1"> <thead> <tr> <th>The greater of the actual number of units proposed to be serviced or the potential number of units able to be serviced by the permitted density.</th> <th>Formed width (m)</th> <th>Minimum legal width (m)</th> </tr> </thead> <tbody> <tr> <td>1 to 6</td> <td>2.75 - 3.0</td> <td>4.0</td> </tr> <tr> <td>7 to 12</td> <td>5.5 - 5.7</td> <td>6.7</td> </tr> </tbody> </table> <p>(ii) Except;</p> <p>i. where a shared vehicle access for 1 to 6 units adjoins a State Highway, arterial, or collector road, it shall have a formed width of 5.5m - 5.7m and a legal width of at least 6.7m for a minimum length of 6m, as measured from the legal road boundary.</p> <p>ii. To allow vehicles to pass, formed access widths for 1 to 6 units shall include widening to not less than 5.5 m over a 15m length at no more than 50 m spacing (measured from the end of one passing bay to the beginning of the next).</p> <p>iii. The above access width rules do not apply at the time of subdivision to any developments authorised and given effect to by a land-use consent as at the date these provisions are made operative.</p>	The greater of the actual number of units proposed to be serviced or the potential number of units able to be serviced by the permitted density.	Formed width (m)	Minimum legal width (m)	1 to 6	2.75 - 3.0	4.0	7 to 12	5.5 - 5.7	6.7	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</p> <p>b. The design of the access, including the width of the formed and legal width.</p> <p>c. The on-going management and maintenance of the access.</p> <p>d. Urban design outcomes</p> <p>e. The vesting of the access in Council</p>
The greater of the actual number of units proposed to be serviced or the potential number of units able to be serviced by the permitted density.	Formed width (m)	Minimum legal width (m)									
1 to 6	2.75 - 3.0	4.0									
7 to 12	5.5 - 5.7	6.7									

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>											
	<p>c. No private way or private vehicle access or shared access in any zone shall serve sites with a potential to accommodate more than 12 units on the site and adjoining sites.</p> <p>d. Private shared vehicle accesses shall have legally enforceable arrangements for maintenance put in place at the time they are created.</p> <p>e. All vehicle access design shall comply with Schedule 29.2.</p> <p>f. The above access width rules do not apply to existing private shared vehicle accessways for the purpose of controlling the number of units that may be built using the accessways, unless the total land served by the accessway could provide for more than 12 units.</p> <p><b>Advice notes:</b></p> <p>The calculation of maximum developable capacity shall require, where necessary, the creation of sections to serve as future accessway extensions to link to other sites beyond the immediate development. As there is no maximum density provision in the High Density Residential Zone, it is not possible to calculate the maximum developable capacity and, as such, the number of units shall be taken as the total number proposed to be serviced by the access, including any existing units.</p>												
<b>29.5.15</b>	<p><b>Width and design of vehicle crossings - urban zones</b></p> <p>a. The following vehicle crossing widths shall apply as measured at the property boundary:</p> <table border="1" data-bbox="395 1438 1099 1641"> <thead> <tr> <th rowspan="2">Land use</th> <th colspan="2">Width of crossing(m) at the property boundary</th> </tr> <tr> <th>Minimum</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>a. Residential</td> <td>3.0</td> <td>6.0</td> </tr> <tr> <td>b. Other</td> <td>4.0</td> <td>9.0</td> </tr> </tbody> </table> <p>b. Vehicle crossings in all zones other than in those rural zones which are regulated by Rule 29.5.16 shall comply with Diagram 2 and with either Diagram 6 or 7 in Schedule 29.2, depending on the activity served by the access, such that:</p> <p>(i) the access crosses the property boundary at an angle of between 45 degrees and 90 degrees;</p>	Land use	Width of crossing(m) at the property boundary		Minimum	Maximum	a. Residential	3.0	6.0	b. Other	4.0	9.0	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</p> <p>b. The location, design, and width of the vehicle crossing.</p>
Land use	Width of crossing(m) at the property boundary												
	Minimum	Maximum											
a. Residential	3.0	6.0											
b. Other	4.0	9.0											

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>																									
	<p>(ii) the vehicle crossing intersects with the carriageway at an angle of 90 degrees plus or minus 15 degrees;</p> <p>(iii) roading drainage shall be continuous across the length of the crossing;</p> <p>(iv) all vehicular accessways adjacent to State Highways shall be sealed from the edge of the carriageway to the property boundary.</p> <p>c. For vehicle crossings in all zones other than in those rural zones which are regulated by Rule 29.5.16, the width of the vehicle crossings at the kerb shall be 1.0m wider than the width at the boundary.</p> <p>d. All vehicle crossings in all zones other than in those rural zones which are regulated by Rule 29.5.16 shall be located at least 500mm from any internal property boundary and from any other vehicle crossing on the same site.</p>																										
<b>29.5.16</b>	<p><b>Design of vehicle crossings – Rural Zone, Rural Residential Zone, Rural Lifestyle Zone, Wakatipu Basin Rural Amenity Zone, and the Wakatipu Basin Lifestyle Precinct</b></p> <p>Vehicle crossings providing access to a road in the Rural Zone, Rural Residential Zone, Rural Lifestyle Zone, and Wakatipu Basin Rural Amenity Zone, and the Wakatipu Basin Lifestyle Precinct shall comply with Diagram 2 and with either Diagram 8, 9, or 10 of Schedule 29.2, as determined by the following standards, except that in relation to vehicular crossings providing access to a State Highway reference to Diagram 9 shall be replaced with Diagram 10.</p> <table border="1"> <thead> <tr> <th>Type of traffic using access (&gt;1 heavy vehicle movement per week)</th> <th>Volume of traffic using accessway (ecm/ day)</th> <th>Volume of traffic using road (vpd)</th> <th>Access type required</th> </tr> </thead> <tbody> <tr> <td rowspan="6">No</td> <td rowspan="2">1-30</td> <td>&lt; 10,000</td> <td>Diagram 2</td> </tr> <tr> <td>&gt;= 10,000</td> <td>Diagram 9</td> </tr> <tr> <td rowspan="2">31-100</td> <td>&lt; 10,000</td> <td>Diagram 2</td> </tr> <tr> <td>&gt;= 10,000</td> <td>Diagram 9</td> </tr> <tr> <td>101+</td> <td>All</td> <td>Diagram 9</td> </tr> <tr> <td rowspan="2">Yes</td> <td>1-30</td> <td>All</td> <td>Diagram 2</td> </tr> <tr> <td>31-100+</td> <td>All</td> <td>Diagram 9</td> </tr> </tbody> </table>	Type of traffic using access (>1 heavy vehicle movement per week)	Volume of traffic using accessway (ecm/ day)	Volume of traffic using road (vpd)	Access type required	No	1-30	< 10,000	Diagram 2	>= 10,000	Diagram 9	31-100	< 10,000	Diagram 2	>= 10,000	Diagram 9	101+	All	Diagram 9	Yes	1-30	All	Diagram 2	31-100+	All	Diagram 9	<p>RD</p> <p>Discretion is restricted to: effects on safety, efficiency, and amenity of the transport network, including the pedestrian and cycling environment.</p>
Type of traffic using access (>1 heavy vehicle movement per week)	Volume of traffic using accessway (ecm/ day)	Volume of traffic using road (vpd)	Access type required																								
No	1-30	< 10,000	Diagram 2																								
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31-100+		All	Diagram 9																								

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>																	
	<p><b>Advice note:</b></p> <p>In the absence of undertaking a traffic survey for the purpose of the application, the Council's traffic count data can be supplied on request and relied on to determine the vehicles per day using the road.</p>																		
<b>29.5.17</b>	<p><b>Maximum Gradient for Vehicle Access</b></p> <p>a. The maximum gradient for any private way used for vehicle access shall be 1 in 6.</p> <p>b. In residential zones where a private way serves no more than 2 residential units the maximum gradient may be increased to 1 in 5 provided:</p> <p>(i) The average gradient over the full length of the private way does not exceed 1 in 6; and</p> <p>(ii) The maximum gradient is no more than 1 in 6 within 6m of the road boundary; and</p> <p>(iii) The private way is sealed with a non-slip surfacing. For the purpose of this rule gradient (maximum and average) shall be measured on the centreline of the access.</p> <p>c. The vehicle break-over angles shown in Diagram 2 of Schedule 29.2 shall not be exceeded over any part of the width of the vehicle access/ crossing.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects on the efficiency of land-use, safety and maintenance of the access and of the adjoining transport network.</p> <p>b. Effects on congestion resulting from any inability of cars or certain types of cars to readily use the access.</p> <p>c. Effects on the ability to provide adequate emergency vehicle access to the property/ properties.</p>																	
<b>29.5.18</b>	<p><b>Minimum Sight Distances from Vehicle Access on all roads other than State Highways</b></p> <p>a. The following minimum sight distances from any access, shall be complied with, as measured from the points shown on Diagram 11 of Schedule 29.2:</p> <table border="1" data-bbox="408 1653 1082 1966"> <thead> <tr> <th rowspan="2">Posted speed limit (km/hr)</th> <th colspan="2">Sight distance (m)</th> </tr> <tr> <th>Residential Activity</th> <th>Other Activities</th> </tr> </thead> <tbody> <tr> <td>50</td> <td>45</td> <td>80</td> </tr> <tr> <td>60</td> <td>65</td> <td>105</td> </tr> <tr> <td>70</td> <td>85</td> <td>140</td> </tr> <tr> <td>80</td> <td>115</td> <td>175</td> </tr> </tbody> </table>	Posted speed limit (km/hr)	Sight distance (m)		Residential Activity	Other Activities	50	45	80	60	65	105	70	85	140	80	115	175	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</li> </ul>
Posted speed limit (km/hr)	Sight distance (m)																		
	Residential Activity	Other Activities																	
50	45	80																	
60	65	105																	
70	85	140																	
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	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>																							
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">90</td> <td style="text-align: center;">140</td> <td style="text-align: center;">210</td> </tr> <tr> <td style="text-align: center;">100</td> <td style="text-align: center;">170</td> <td style="text-align: center;">250</td> </tr> </table> <p>b. Proposed and existing landscaping (at maturity) and/or structures shall be considered when assessing compliance with site distances.</p> <p><b>Advice note:</b> This Rule does not apply to State highways which are, instead, subject to Rule 29.5.19.</p>	90	140	210	100	170	250																		
90	140	210																							
100	170	250																							
<b>29.5.19</b>	<p><b>Minimum Sight Distances from Vehicle Access onto State Highways</b></p> <p>The following minimum sight distances from any access, shall be complied with, as measured from the points shown on Diagram 11 of Schedule 29.2:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Posted speed limit (km/hr)</th> <th style="text-align: center;">Sight distance (m)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">50</td> <td style="text-align: center;">113</td> </tr> <tr> <td style="text-align: center;">60</td> <td style="text-align: center;">140</td> </tr> <tr> <td style="text-align: center;">70</td> <td style="text-align: center;">170</td> </tr> <tr> <td style="text-align: center;">80</td> <td style="text-align: center;">203</td> </tr> <tr> <td style="text-align: center;">90</td> <td style="text-align: center;">240</td> </tr> <tr> <td style="text-align: center;">100</td> <td style="text-align: center;">282</td> </tr> </tbody> </table>	Posted speed limit (km/hr)	Sight distance (m)	50	113	60	140	70	170	80	203	90	240	100	282	<p style="text-align: center;">RD</p> <p>Discretion is restricted to the effects on the safety of the transport network.</p>									
Posted speed limit (km/hr)	Sight distance (m)																								
50	113																								
60	140																								
70	170																								
80	203																								
90	240																								
100	282																								
<b>29.5.20</b>	<p><b>Maximum Number of Vehicle Crossings</b></p> <p>The following maximum number of crossings shall be complied with:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th rowspan="2" style="text-align: center;">Frontage length (m)</th> <th colspan="3" style="text-align: center;">Type of road frontage</th> </tr> <tr> <th style="text-align: center;">Local</th> <th style="text-align: center;">Collector</th> <th style="text-align: center;">Arterial</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">0 - 18</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">19 - 60</td> <td style="text-align: center;">2</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">61 - 100</td> <td style="text-align: center;">3</td> <td style="text-align: center;">2</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">Greater than 100</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> <td style="text-align: center;">2</td> </tr> </tbody> </table> <p><b>Advice note:</b> This Rule does not apply to State highways which are, instead, subject to Rule 29.5.21.</p>	Frontage length (m)	Type of road frontage			Local	Collector	Arterial	0 - 18	1	1	1	19 - 60	2	1	1	61 - 100	3	2	1	Greater than 100	3	3	2	<p style="text-align: center;">RD</p> <p>Discretion is restricted to effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.</p>
Frontage length (m)	Type of road frontage																								
	Local	Collector	Arterial																						
0 - 18	1	1	1																						
19 - 60	2	1	1																						
61 - 100	3	2	1																						
Greater than 100	3	3	2																						

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>																
<b>29.5.21</b>	<p><b>Minimum distance between vehicle crossings onto State Highways</b></p> <p>a. The minimum distance between any two vehicle crossings onto any State Highway, regardless of the side of the road on which they are located and whether they are single or combined, shall be:</p> <p>(i) 40 metres where the posted speed is equal to or lower than 70 km/h</p> <p>(ii) 100 metres where the posted speed is 80 km/h</p> <p>(iii) 200 metres where the posted speed is 100 km/h.</p>	<p>RD</p> <p>Discretion is restricted to effects on the efficiency of land-use and the safety and efficiency of the transport network, including the pedestrian and cycling environment.</p>																
<b>29.5.22</b>	<p><b>Minimum distances of Vehicle Crossings from Intersections</b></p> <p>a. No part of any vehicle crossing shall be located closer to the intersection of any roads than the following minimum distances permitted below and as shown in Diagram 12 of Schedule 29.2:</p> <p>b. Roads with a speed limit of less than 70 km/hr:</p> <table border="1"> <thead> <tr> <th>Frontage Road</th> <th>Minimum Distance (m) from intersecting road</th> </tr> </thead> <tbody> <tr> <td>Arterial</td> <td>40</td> </tr> <tr> <td>Collector</td> <td>30</td> </tr> <tr> <td>Local</td> <td>25</td> </tr> </tbody> </table> <p>c. Roads with a speed limit equal to or greater than 70 km/ hr:</p> <table border="1"> <thead> <tr> <th>Frontage Road</th> <th>Minimum Distance (m) from intersecting road</th> </tr> </thead> <tbody> <tr> <td>Arterial</td> <td>100</td> </tr> <tr> <td>Collector</td> <td>60</td> </tr> <tr> <td>Local</td> <td>50</td> </tr> </tbody> </table> <p>d. Except that where the boundaries of the site do not enable a conforming vehicle crossing to be provided, a single vehicle crossing may be constructed provided it is located 0.5m from the internal boundary of the site in the position that most closely complies with the above provisions.</p> <p><b>Advice notes:</b></p> <p>1. Distances shall be measured parallel to the centre line of the carriageway of the frontage road from the centre line of</p>	Frontage Road	Minimum Distance (m) from intersecting road	Arterial	40	Collector	30	Local	25	Frontage Road	Minimum Distance (m) from intersecting road	Arterial	100	Collector	60	Local	50	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects on the efficiency of land-use and the safety and efficiency of the transport network, including the pedestrian and cycling environment.</p> <p>b. Urban design outcomes</p> <p>c. The efficiency of the land-use or subdivision layout</p>
Frontage Road	Minimum Distance (m) from intersecting road																	
Arterial	40																	
Collector	30																	
Local	25																	
Frontage Road	Minimum Distance (m) from intersecting road																	
Arterial	100																	
Collector	60																	
Local	50																	

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>
	<p>the intersecting road. Where the roadway is median divided the edge of the dividing strip nearest to the vehicle crossing shall for the purposes of this control be deemed the centre line.</p> <p>2. This Rule does not apply to State highways which are, instead, subject to Rule 29.5.23.</p>	
<b>29.5.23</b>	<p><b>Minimum distances of Vehicle Crossings from Intersections onto State Highways</b></p> <p>a. No part of any vehicle crossing shall be located closer to the intersection of any state highway than the following minimum distances permitted below and as shown in Diagram 12 of Schedule 29.2:</p> <p>(i) 30 metres where the posted speed is less than 70 km/ h</p> <p>(ii) 100 metres where the posted speed is equal to or greater than 70 km/ h</p> <p>(iii) 200 metres where the posted speed is equal to or greater than 90 km/ h.</p>	<p>RD</p> <p>Discretion is restricted to effects on the efficiency of land-use and the safety and efficiency of the transport network, including the pedestrian and cycling environment.</p>
<b>29.5.24</b>	<p><b>Service Stations</b></p> <p>a. All service stations shall comply with the following rules:</p> <p>b. The canopy shall be setback 2m from the road boundary.</p> <p>c. Accessways into Service Stations shall comply with the following minimum separation distances from other driveways.</p> <p>(i) Between driveways for residential activities - 7.5m</p> <p>(ii) Between driveways for other activities - 15m</p> <p>d. The width of any driveway into a Service Station shall comply with the following:</p> <p>(i) One way - 4.5m min and 6.0m max.</p> <p>(ii) Two way: - 6.0m min and 9.0m max.</p> <p>e. Any one-way entrance or exit shall be signposted as such.</p>	<p>RD</p> <p>Discretion is restricted to effects on the efficiency of land-use and the safety and efficiency of the transport network, including the pedestrian and cycling environment.</p>

	<b>Table 29.3 - Standards for activities outside roads</b>	<b>Non-compliance status</b>
	<p>f. The road boundary of the site shall be bordered by a nib wall or other device to control traffic flows and to clearly define entrance and exit points</p> <p>g. Pumps shall be located a minimum of 4.5m from the road boundary and 12m from the midpoint of any vehicle crossing at the road boundary. All vehicles shall be clear of the footpath and accessways when stopped for refuelling</p> <p>h. A minimum path width of 4.5m and a minimum inside turning radius of at least 7.5m shall be provided for vehicles through the service station forecourt, except that for pumps which are not proposed to be used by heavy vehicles, the minimum path width required is 3.5m.</p> <p>i. Tanker access to bulk tank filling positions shall ensure tankers drive in and out in a forward direction, without the need for manoeuvring either on the site or adjacent roadways. Where this cannot be achieved tankers shall be able to be manoeuvred so they can drive out in a forward direction.</p> <p>j. Tankers discharging shall not obstruct the footpath</p>	

## **29.6 Non-Notification of Applications**

**29.6.1 All applications for controlled activities shall not require the written consent of other persons and shall not be notified or limited notified.**

**29.6.2 Any application for resource consent for the following restricted discretionary activities shall not be notified but may require the written consent of other persons and may be limited notified:**

- a. Park and Ride.
- b. Access to the State Highway.

## **29.7 Assessment Matters**

**29.7.1 In considering whether or not to grant consent or impose conditions on a resource consent, the Council shall have regard to, but not be limited by, the following assessment matters.**

**29.7.2 Discretionary Activity and Restricted Discretionary Activity - Non-accessory parking, excluding off-site parking.**

29.7.2.1 Whether and to what extent the non-accessory parking will:

- a. not undermine the success of the public transport system or discourage people from walking or cycling;
- b. consolidate and rationalise parking provision;
- c. result in more efficient land use within the general locality or better enable the planned growth and intensification enabled by the zone;
- d. improve the quality of the streetscape and amenity by, for example, removing on street parking or providing for some of the required parking to be provided off site;
- e. cater for an existing or projected undersupply of parking in the locality. Related to this is:
  - (i) a consideration of the type of parking proposed (such as whether it is short term or long term parking, campervan parking, or coach parking); and
  - (ii) whether alternative parking exists in the surrounding area to accommodate existing and future parking demands in the area and the extent to which parking demand can be adequately addressed by improved parking management of existing or permitted parking, without providing additional non-accessory parking.

### **29.7.3 Restricted Discretionary Activity - Park and Ride and public transport facilities**

29.7.3.1 Whether and to what extent the location and design of Park and Ride or any public transport facility:

- a. is within close proximity to public transport stations, stops, or terminals;
- b. is well linked to the active transport network and provides secure bicycle parking in a manner that facilitates the option of travelling to the facility by bicycle;
- c. makes public transport more convenient and more pleasant, thereby encouraging commuters and other users to shift to public transport;
- d. improves the operational efficiency of existing and future investments in the public transport network and facilitates existing and future investments in the public transport network, including public water ferry services; and
- e. assists with extending the catchment for public transport into areas where it is otherwise not cost-effective to provide traditional services or feeders.

### **29.7.4 Restricted Discretionary Activity - Size of parking spaces and layout**

29.7.4.1 Whether, in relation to parking spaces within buildings that do not comply with the required stall width or aisle width, the design is in accordance with the Australian/New Zealand Standard Off-street Parking, Part 1: Car Parking Facilities, AS/NZS 2890.1:2004.

### **29.7.5 Restricted Discretionary Activity - Access, manoeuvring space, queuing space**

29.7.5.1 Whether and to what extent the design, location, and number of accesses/ vehicle crossings proposed will achieve Objective 29.2.2 and the associated policies, taking into account:

- a. the hours of operation of activities on the site and the extent to which they coincide with the peak flows and vehicle queues on the road;

- b. any positive or adverse effects of dispersing the traffic volumes amongst more than one accesses;
- c. the operating speed of the road and volume of vehicles on the road;
- ~~d.~~ the geometry of the road; ~~and~~
- e. any positive or adverse effects on the pedestrian and cycling environment and on the amenity and streetscape values of the locality;
- f. the provision of appropriate access for emergency vehicles;
- g. the extent to which the access design complies with Section 3 and Appendices E and F of the QLDC Land Development and Subdivision Code of Practice (2018) ;and
- h. any site constraints which affect the practicality of constructing to the standards set out in Table 29,3.

29.7.5.2 Whether and to what extent the manoeuvring space proposed is acceptable in terms of achieving Objective 29.2.2, taking into account:

- a. whether the reduced space will necessitate reverse manoeuvring onto roads;
- b. the width of the access and visibility at the road boundary; and
- c. the provision of alternative ways of avoiding reversing onto the road, including the installation of turntables or carpark stackers.

29.7.5.3 Whether and to what extent a narrower private access is acceptable in terms of achieving Objective 29.2.2, taking into account:

- a. the availability of sufficient on-site manoeuvring;
- b. the provision of passing areas and/ or turning heads and adequate on-site parking;
- c. the opportunity for improved urban amenity outcomes from providing a narrower private access;
- d. the extent to which the access design complies with Table 3.2 and Appendices E and F of the QLDC Land Development and Subdivision Code of Practice (2018); and
- e. any site constraints which affect the practicality of constructing to the standards set out in Table 29,3 of the QLDC Land Development and Subdivision Code of Practice (2018).

29.7.5.4 Whether and to what extent a shorter queuing space is acceptable in terms of achieving Objective 29.2.2, taking into account:

- a. the traffic volume in surrounding streets;
- b. the number of parking spaces on the site;
- c. the anticipated peak traffic flows from/ to the site;
- d. tidal flows relation to residential developments and the potential for a reduced chance of vehicles meeting one another; and
- e. in relation to large scale non-accessory parking areas:

- (i) the rate of entry/ exit at control points and the freedom of movement beyond the control point in relation to carparks that have barrier arms, boom gates, or similar; and
  - (ii) the hourly parking accumulation and turnover of the carpark.
- 29.7.5.5 Whether and to what extent a steeper vehicle access gradient is acceptable in terms of achieving Objective 29.2.2, taking into account:
- a. the length, curvature, and width of the access;
  - b. the gradient of the access and break over angles adjacent to the road;
  - c. the surface of the access;
  - d. sight lines; and
  - e. the extent to which the proposed gradient applies with the AS/ NZS2890.1:2004; and
  - f. the provision of appropriate access for emergency vehicles.
- 29.7.5.6 Whether and to what extent on-site loading space is necessary or whether the reduced space proposed is acceptable in terms of achieving Objective 29.2.2, taking into account:
- a. the disruption to the adjacent transport network resulting from on street loading due to the reduced provision or lack of on-site loading space;
  - b. whether a smaller loading space is sufficient due to the nature of the proposed activities on the site; and
  - c. whether loading on-street or allowing manoeuvring areas and/ or loading spaces to be shared will result in a higher quality pedestrian environment, which may be more appropriate in areas where it is desirable to limit access points in order to maintain or enhance safety, amenity, efficient traffic flows, intensification, or high levels of streetscape amenity.
- 29.7.6 Restricted Discretionary Activity - Bicycle parking and the provision of showers, lockers, e bicycle charging, and changing facilities**
- 29.7.6.1 Whether and to what extent the design, location, and amount of bicycle parking and end-of-trip facilities proposed may be appropriate taking into account:
- a. whether there is adequate alternative, safe and secure bicycle parking, showers, and lockers that meet the needs of the intended users in a nearby location that is readily accessible and secured by a legal mechanism;
  - b. whether the required bicycle parking and end of trip facilities can be provided and maintained via a jointly-used facility; and
  - c. whether the location of the activity is such that it is unrealistic to expect staff or visitors to travel by bicycles (including electric bicycle) now or in the future.
- 29.7.7 Restricted Discretionary Activity – High Traffic Generating Activities**
- 29.7.7.1 Whether and to what extent:
- a. Any proposed improvements to the transport network within or in the vicinity of the site are proposed, including additions or improvements to the active and public transport network and infrastructure and the roads themselves, in accordance with

road controlling authority's standards and adopted infrastructure network development plans either within or beyond the site;

- b. the site and/ or its frontage have been designed to accommodate any planned public transport infrastructure proposed by Council;
- c. pedestrian and cycle infrastructure is proposed to be provided or upgraded;
- d. a Travel Demand Management Plan is proposed to be provided; and
- e. electric vehicle charging points/ parking spaces are proposed to be provided.

## 29.8 Minimum Parking Requirements

<b>Table 29.4</b>			
	<b>Minimum Parking Requirements,</b>	<b>Resident/ Visitor</b>	<b>Staff/ Guest</b>
<b>29.8.1</b>	All activities in the: <ul style="list-style-type: none"> <li>• Queenstown Town Centre Zone;</li> <li>• Wanaka Town Centre Zone;</li> <li>• Arrowtown Town Centre Zone;</li> <li>• Local Shopping Centre Zone;</li> <li>• Within the immediate environs of the Queenstown airport terminal facility located within the Airport Zone (Queenstown).</li> </ul>	0	0
<b>Residential Activities</b>			
<b>29.8.2</b>	Residential units and residential flats in the: <ul style="list-style-type: none"> <li>• High Density Residential Zone</li> <li>• Medium Density Residential Zone between Park and Suburb Streets, Queenstown</li> </ul>	0.25 per studio unit/ flat and 1 bedroom unit/ flat 0.5 per unit/ flat for all other units. Footnote (3)	0
<b>29.8.3</b>	Residential units and residential flats in the: <ul style="list-style-type: none"> <li>• Medium Density Residential Zone in Arrowtown and Wanaka</li> <li>• The Jacks Point Village Activity Area of the Jacks Point Zone.</li> </ul>	0.7 per studio unit/ flat and 1 bedroom unit/ flat 1.0 per 2 bedroom unit/ flat 1.5 per unit/ flat comprising 3 or more bedrooms. Footnote (3)	0
<b>29.8.4</b>	Residential units and residential flats in the Medium Density Residential Zone other than the areas of Medium Density Residential Zone listed above in 29.9.2 and 29.9.3	0.5 per studio unit/ flat, 1 bedroom unit/ flat, and 2 bedroom unit/ flat 1.0 per unit/ flat comprising 3 or more bedrooms. Footnote (3)	0

<b>Table 29.4</b>			
	<b>Minimum Parking Requirements,</b>	<b>Resident/ Visitor</b>	<b>Staff/ Guest</b>
<b>29.8.5</b>	Residential units and residential flats in the Business Mixed Use Zone	0.7 per residential unit/ flat containing 3 bedrooms or less; and For units/ flats containing more than 3 bedrooms, 0.7 for every 3 bedrooms Footnote (3)	0
<b>29.8.6</b>	Minimum number of carparks required for a residential flat in all zones, except otherwise listed in standards 29.9.1 - 29.9.5	1 per flat. Footnote (3)	0
<b>29.8.7</b>	Minimum number of carparks required for a residential unit in all zones, except otherwise listed in standards 29.9.1 - 29.9.5	2 per unit. Footnote (3)	0
<b>29.8.8</b>	Elderly persons housing unit and elderly care homes, either within a retirement village or not	1 per residential unit 1 per 5 beds for elderly care homes	1 per 5 beds for elderly care homes. Footnote (1)
<b>Visitor Accommodation Activities</b>			
<b>29.8.9</b>	Homestay or a registered homestay	1 per bedroom used for homestay	0
<b>29.8.10</b>	Unit type visitor accommodation (includes all units containing a kitchen facility such as motels and cabins) in the: <ul style="list-style-type: none"> <li>• High Density Residential Zone</li> <li>• Medium Density Residential Zone between Park and Suburb Streets, Queenstown</li> <li>• Business Mixed Use Zone</li> </ul>	0.25 per studio unit and 1 bedroom unit 0.5 per unit for all other units;  In addition, where over 30 units are proposed over one or more sites, 1 coach park per 30 units, provided that coach parks may overlay the required car parking spaces or may be located off-site, provided that where located off-site in accordance with Rule 29.5.2, a loading area shall be provided on the site containing the visitor accommodation. Footnotes (3)(4)	0
<b>29.8.11</b>	Unit type visitor accommodation (includes all units containing a kitchen facility. E.g. motels and cabins) in the: <ul style="list-style-type: none"> <li>• Medium Density Residential Zone in Wanaka</li> </ul>	0.7 per studio unit and 1 bedroom unit 1.0 per 2 bedroom unit 1.5 per unit comprising 3 or more bedrooms. Footnote (3)(4)	0

<b>Table 29.4</b>			
	<b>Minimum Parking Requirements,</b>	<b>Resident/ Visitor</b>	<b>Staff/ Guest</b>
	<ul style="list-style-type: none"> <li>• Medium Density Residential Zone in Arrowtown</li> <li>• The Jacks Point Village Activity Area of the Jacks Point Zone.</li> </ul>		
<b>29.8.12</b>	Unit type visitor accommodation (includes all units containing a kitchen facility such as motels and cabins) in the Medium Density Residential Zone other than the areas of Medium Density Residential listed above in 29.9.10 and 29.9.11	0.5 per studio unit, 1 bedroom unit, and 2 bedroom unit 1.0 per unit comprising 3 or more bedrooms Footnotes (3)(4)	0.2 per 5 units. Footnotes (1)(2)(3)
<b>29.8.13</b>	Unit type visitor accommodation (includes all units containing a kitchen facility. E.g. motels and cabins) in the: <ul style="list-style-type: none"> <li>• Low Density Residential Zone</li> <li>• Arrowtown Residential Historic Management Zone</li> </ul>	2 per unit. Footnote (3)	0
<b>29.8.14</b>	Unit type visitor accommodation (includes all units containing a kitchen facility such as motels and cabins) except in those zones listed in standards 29.9.10 - 29.9.13 above	1 per unit up to 15 units; thereafter 1 per 2 units.  In addition, where over 30 units are proposed over one or more sites: 1 coach park per 30 units, provided that coach parks may overlay the required car parking spaces or may be located off-site, provided that where located off-site in accordance with Rule 29.5.2, a loading area shall be provided on the site containing the visitor accommodation. Footnotes (3) (4)	For developments comprising 10 or more units, 1 per 10 units. Footnotes (1)(2)(3)
<b>29.8.15</b>	Guest room type visitor accommodation (e.g. hotels) in the: <ul style="list-style-type: none"> <li>• High Density Residential Zone</li> <li>• Medium Density Residential Zone between Park and Suburb Streets, Queenstown</li> <li>• Business Mixed Use Zone</li> </ul>	1 per 4 guest rooms up to 60 guest rooms; thereafter 1 per 5 guest rooms. Footnotes (1)(2)(3)  In addition, where over 50 guest rooms are proposed over one or more sites; 1 coach park per 50 guest rooms, provided that coach parks may overlay the required car parking spaces or may be located off-site, provided that where located off-site in accordance with Rule 29.5.2, a	1 per 20 beds. Footnotes (1)(2)(3)(4)

<b>Table 29.4</b>			
	<b>Minimum Parking Requirements,</b>	<b>Resident/ Visitor</b>	<b>Staff/ Guest</b>
		loading area shall be provided on the site containing the visitor accommodation.	
<b>29.8.16</b>	Guest room type visitor accommodation (e.g. hotels) in all zones other those zones listed in Rule 29.9.15	1 per 3 guest rooms up to 60 guest rooms; thereafter 1 per 5 guest rooms. Footnotes (1)(2)(3)  In addition, where over 50 guest rooms are proposed over one or more sites; 1 coach park per 50 guest rooms, provided that coach parks may overlay the required car parking spaces or may be located off-site, provided that where located off-site in accordance with Rule 29.5.2, a loading area shall be provided on the site containing the visitor accommodation.	1 per 20 beds. Footnotes (1)(2)(3)(4)
<b>29.8.17</b>	Backpacker hostel type visitor accommodation	1 per 5 guest beds.  In addition, where over 50 beds are proposed over one or more sites; 1 coach park per 50 beds, provided that coach parks may overlay the required car parking spaces or may be located off-site in accordance with Rule 29.5.2 provided that where located off-site, a loading area shall be provided on the site containing the visitor accommodation.  Footnotes (3) (4).	1 per 20 beds Footnotes (1)(2)(3)
<b>Commercial Activities</b>			
<b>29.8.18</b>	Commercial activity, other than where the commercial activity is more specifically defined elsewhere in this table (Table 29.5)	1 per 25m <sup>2</sup> GFA; and  For large format retail, of the total parking provided, 1 park per 500m <sup>2</sup> GFA shall accommodate a medium rigid truck (in order to accommodate campervans and other vehicles larger than a B85 vehicle).	0
<b>29.8.19</b>	Industrial activity or service activity, other than where the activity is more specifically defined elsewhere in this table (Table 29.5)	0	1 per 50m <sup>2</sup> of indoor and outdoor area/ GFA; except  1 per 100m <sup>2</sup> of GFA used for

<b>Table 29.4</b>			
	<b>Minimum Parking Requirements,</b>	<b>Resident/ Visitor</b>	<b>Staff/ Guest</b>
			warehousing and indoor or outdoor storage (including self-storage units); and 1 per 100m <sup>2</sup> of GFA for distribution centres
<b>29.8.20</b>	Motor vehicle repair and servicing	1 per 25m <sup>2</sup> of servicing/ workshop area or 2.5 per work bay (up to a maximum of 50m <sup>2</sup> for each work bay), whichever is greater.  In addition, 2 heavy vehicle parking spaces per establishment	1 per 25m <sup>2</sup> servicing/ workshop area or 1 per work bay, whichever is greater  Note: parking spaces will also be required for any on-site office and retail space pursuant to those rules.
<b>29.8.21</b>	Drive-through facility except in the Town Centre	5 queuing spaces per booth or facility, based on a B85 vehicle.	0
<b>29.8.22</b>	Office	0	1 per 50m <sup>2</sup> GFA
<b>29.8.23</b>	Restaurant	1 per 25m <sup>2</sup> PFA	1 per 100m <sup>2</sup> PFA (2 minimum)
<b>29.8.24</b>	Tavern or bar	2 per 25m <sup>2</sup> PFA	1 per 100m <sup>2</sup> PFA (2 minimum)
<b>29.8.25</b>	Rural selling place	3 for the initial 25m <sup>2</sup> GFA and outdoor display area; and thereafter 1 per 25m <sup>2</sup> GFA and outdoor display area.	0
<b>29.8.26</b>	Home occupation (in addition to residential requirements)	1 per home occupation activity	0
<b>29.8.27</b>	Service station	1 per 25m <sup>2</sup> of GFA used for retail sales	2 per service station
	<b>Community Activities</b>		
<b>29.8.28</b>	Place of assembly or place of entertainment, except where specifically listed below	1 per 10m <sup>2</sup> PFA or per 10 seats, whichever is greater; except for:  Libraries, museums, and non-commercial art galleries, which shall provide 1 per 50m <sup>2</sup> GFA	0

	<b>Table 29.4</b>		
	<b>Minimum Parking Requirements,</b>	<b>Resident/ Visitor</b>	<b>Staff/ Guest</b>
<b>29.8.29</b>	Swimming pools for public use or private club use	1 per 15m <sup>2</sup> swimming pool area	1 per 200m <sup>2</sup> swimming pool area
<b>29.8.30</b>	Gymnasiums for public use or private club use	1 per 100m <sup>2</sup> GFA	1 per 200m <sup>2</sup> PFA
<b>29.8.31</b>	Sports courts for public or private club use	1 per 75m <sup>2</sup> court area	1 per 200m <sup>2</sup> court area
<b>29.8.32</b>	Sports fields	12.5 per hectare of playing area	0
<b>29.8.33</b>	Hospital Note: Also see drop off/ pick up (set down) Rule 29.5.7	1 per 5 beds	2 per bed
<b>29.8.34</b>	Health care facility Note: Also see drop off/ pick up (set down) Rule 29.5.7 <u>6</u>	2 per professional staff	1 per professional staff  In addition; 1 per 2 other full time staff, or 1 per consulting room, whichever is greater.
<b>29.8.35</b>	Education activity Note: Also drop off/ pick up (set down) Rule 29.5.7 <u>6</u>	1 per classroom for Year 11 and above.  Tertiary education: 0.5 per FTE employee plus 0.25 per FTE student the facility is designed to accommodate	1 per 2 staff.
<b>29.8.36</b>	Day care facility Note: Also see drop off/ pick up (set down) Rule 29.5.7 <u>6</u>	1 per 10 children/elderly person	0.5 per staff.
<b>29.8.37</b>	Convention centre	1 car park per 10 persons or 1 car park per 10 m <sup>2</sup> of public floor area, whichever is greater.  In addition, one coach park per 50 people the site is designed to accommodate.	0
<b>29.8.38</b>	Commercial recreational activity	1 carpark per 5 people the facility is designed to accommodate.	0
<b>29.8.39</b>	Unstaffed utility	0	1 for any unstaffed utility which includes a building or structure with a GFA of over 25m <sup>2</sup>

	<b>Table 29.4</b>		
	<b>Minimum Parking Requirements,</b>	<b>Resident/ Visitor</b>	<b>Staff/ Guest</b>
<b>29.8.40</b>	Emergency Service Facilities:	1 space / emergency service vehicle bay	1 space/ emergency service vehicle bay

**29.8.41 The following advice notes apply to all provisions relating to minimum car parking requirements:**

29.8.41.1 In calculating the total parking requirement:

- a. the requirement for residents/ visitors and the requirement for guests/ staff shall be added together (including fractional spaces), then rounded up or down in accordance with 29.9.38.1(c) below.
- b. where a development comprises more than one activity, the parking requirements for all activities shall be added together (including fractional spaces), and then then rounded up or down in accordance with 29.9.38.1(c) below.
- c. where the total parking requirement (as outlined in (a) and (b) above) for the development includes a fraction less than 0.5 it shall be disregarded and where it includes a fraction equal to or greater than 0.5, the parking requirement shall be rounded up to the next highest whole number, except that where the total carpark requirement is a fraction less than 1.0 (e.g. in the case of a single residential unit in the High Density Residential zone) then this shall be rounded up to 1.0.
- d. The area of any parking space(s) and vehicular access, drives, and aisles provided within a building shall be excluded from the assessment of gross floor area of that building for the purpose of ascertaining the total number of parking spaces required or permitted.
- e. Where the parking requirement is based on the number of bedrooms within a residential or visitor accommodation unit, any room with a window and which is able to be shut off from any living room or communal part of the unit shall be deemed to be a bedroom, regardless of whether it is identified as such on the building plans.

**29.8.42 The following footnotes apply only where indicated in Table 29.5:**

Footnote (1): Where the site is used for visitor accommodation these spaces shall be made available for staff. Where the site is used for residential purposes these spaces are to be accessible to guests, or for use for parking trailers and other vehicles.

Footnote (2): These spaces shall all be located on land that is held in common ownership. Once the total onsite requirement is established in accordance with 29.9.38.1(c) above, if the number of 'staff/ guest' spaces required results in a fractional space, then in regard to the locating these spaces, the staff/ guest component of the overall parking requirement be may be rounded down to the next highest whole number.

Footnote (3): Some or all of these carparks can be provided off-site in accordance with Rule 29.5.2.

Footnote (4): The site's access and three of the spaces must be arranged so that a tour coach can enter and park on or near these spaces. This includes

applications to develop over 30 units over one or more sites in the Medium Density Residential Zone where no coach parking is specifically required.

## 29.9 Thresholds for new high traffic generating activities, including changes of use

<b>Table 29.5</b>			
	<b>Activity</b>	<b>Development type</b>	<b>Threshold</b>
<b>29.9.1</b>	Residential	Residential units	50 Residential units
<b>29.9.2</b>	Visitor accommodation	Visitor accommodation (unit type construction)	100 units
<b>29.9.3</b>	Visitor accommodation	Visitor accommodation (guest room type construction).	150 rooms
<b>29.9.4</b>	Commercial Activities, other than those specifically listed below		2000m <sup>2</sup>
<b>29.9.5</b>	Office		2000m <sup>2</sup>
<b>29.9.6</b>	Retail		1000m <sup>2</sup>
<b>29.9.7</b>	Industrial		5000m <sup>2</sup>
<b>29.9.8</b>	All other activities		50 or more car parking spaces proposed and/or required under Table 29.5.
<b>29.9.9</b>	All other activities		Traffic generation of greater than 400 additional vehicle trips per day or 50 additional trips during the commuter peak hour.

## 29.10 Minimum requirements for cycle parking, lockers and showers

Table 29.6				
	Activity	Customer/Visitor Short-Term Bicycle Parking	Private Long-Term Bicycle Parking. This is for the use of staff, students, and residents.	End of trip facilities
29.10.1	Office	2 bicycle spaces (i.e. 1 stand) for the first 500m <sup>2</sup> GFA and 1 space for every 750m <sup>2</sup> GFA, thereafter.	For offices at least 150m <sup>2</sup> in area, 1 space per 150m <sup>2</sup> GFA	Where 1 long-term bicycle parking space is required: no end of trip facilities required.
29.10.2	Industrial and Service Activities	Nil	For such activities of at least 500m <sup>2</sup> in area, 1 space per 500 m <sup>2</sup> GFA	Where 8 2-10 long-term bicycle parking spaces required: 1 locker per every space required_ Where 11-100_long-term bicycle parking spaces required: 1 locker for every space required and 1 shower per every 10 spaces required_Footnote (1). Where >100 long-term bicycle parking spaces required: 10 showers for the first 100 spaces required plus two showers for each additional 50 spaces required
29.10.3	Hospital	1 bicycle space per 25 beds	1 per 10 beds	
29.10.4	Other Health Care Facility	For facilities of at least 100m <sup>2</sup> in area, 1 per 100m <sup>2</sup> GFA	For facilities of at least 200m <sup>2</sup> in area, 1 space per 200m <sup>2</sup> GFA	
29.10.5	Restaurants, Cafes, Taverns and Bars	2 bicycle spaces (i.e. 1 stand) for the first 125m <sup>2</sup> PFA and 1 space for every 150m <sup>2</sup> GFA, thereafter	For such activities facilities of at least 500m <sup>2</sup> in area, 1 space per 500m <sup>2</sup> GFA	
29.10.6	Day care facility	2 bicycle spaces per centre	For facilities with at least 10 workers, 1 bicycle space per 10 on-site workers	
29.10.7	Educational Facility – primary and secondary	1 visitor space per 50 students (capacity)	1 per 5 pupils Year 5 and above (capacity) for primary and secondary schools	Nil
29.10.8	Educational Facility - tertiary	1 visitor space per 50 students (capacity)	1 student/staff space per 5 FTE students (capacity)	Where 1 long-term bicycle parking space is required: no end of trip facilities required. Where 2-20 long-term bicycle parking spaces are required: 1 locker per every space required. Where >20 long-term bicycle parking spaces are required: 1 locker for every space required and 1 shower per every 10 spaces required. Footnote (1).
29.10.9	Retail < 300m <sup>2</sup>	Nil	Nil	Nil

<b>Table 29.6</b>				
	<b>Activity</b>	<b>Customer/Visitor Short-Term Bicycle Parking</b>	<b>Private Long-Term Bicycle Parking. This is for the use of staff, students, and residents.</b>	<b>End of trip facilities</b>
29.10.10	Retail $\geq 300\text{m}^2$	For retail at least $300\text{m}^2$ in area, 1 space per $300\text{m}^2$ GFA	For retail of at least $200\text{m}^2$ in area, 1 space per $200\text{m}^2$ GFA	Nil
29.10.11	Recreational Activity	1 space per court/bowling alley lane Gymnasium of at least $200\text{m}^2$ in area: 1 space per $200\text{m}^2$ of GFA 3 spaces per field for field sports 3 spaces per netball court 1 space per tennis court 1 space per $15\text{m}^2$ of GFA for Club for clubhouse component	Nil	Nil
29.10.12	Places of assembly, community activities, and places of entertainment	For such activities of at least $500\text{m}^2$ in area, 2 bicycle spaces per $500\text{m}^2$ located directly outside the main entrance or ticket office	For such activities of at least $500\text{m}^2$ in area, 1 space per $500\text{m}^2$ GFA	Nil

**29.10.13** The following advice note applies to all the provisions in Table 29.7 relating to minimum requirements for cycle parking, lockers, and showers:

**29.10.14** In calculating the requirement, all development floor areas cited in the above table shall be rounded down. For example, an office space development of  $150\text{m}^2$  would require one Private Long-Term Bicycle Parking space and an office of  $510\text{m}^2$  would require four spaces.

**29.10.15** The following footnotes apply only where indicated in Table 29.7:

Footnote (1): One unisex shower where the shower and associated changing facilities are provided independently of gender separated toilets, or a minimum of two showers (one separate shower per gender) with associated gender separated toilet/changing facilities.

## 29.11 Car Parking Sizes and Layout

Table 29.7									
Parking Angle		Stall Width (m)	Aisle Width (m)	Aisle Run (m)	Stall Depth (m)	Overhang (m)	Wheel-stop Depth (m)	Interlock Depth (m)	Stall Depth (m)
90	Class 1 User	2.4	7.0		5.0	0.8	4.2		
		2.5	6.6		5.0	0.8	4.2		
		2.6	6.2		5.0	0.8	4.2		
	Class 2 User	2.5	8.0		5.0	0.8	4.2		
		2.6	7.0		5.0	0.8	4.2		
		2.7	6.0		5.0	0.8	4.2		
Disabled		3.6	8.0		5.0	0.8	4.2		
60°		2.5	4.5	2.9				1.25	5.55
		2.7	4.0	3.1				1.35	5.65
		2.9	3.5	3.4	5.4	0.8	4.6	1.45	5.75
		3.0	3.5	3.5				1.5	5.8
45°		2.5	3.8	3.5				1.8	5.3
		2.7	3.5	3.8				1.9	5.4
		2.9	3.5	4.2	5.0	0.7	4.3	2.05	5.55
		3.0	3.5	4.2				2.1	5.6
30°		2.5	3.5	5.0				2.15	4.65
		2.7	3.5	5.4				2.3	4.8
		2.9	3.5	5.8	4.4	0.6	3.8	2.5	5.0
		3.0	3.5	6.0				2.6	5.1
Parallel parking		Stall Length (m) = 6.1		Stall Width (m) = 2.5		Aisle Width (m) = 3.7			

**29.11.1 The following notes apply to Table 29.7 in relation to car parking sizes and layout:**

1. Two way flow is permitted with 90° parking.
2. Aisle run distances are approximate only.
3. Stall widths shall be increased by 0.300m where they abut obstructions such as columns or walls. For mobility parking spaces obstructions would include a kerb or garden.
4. Minimum one way aisle width 3.7m.
5. Minimum two way aisle width 5.5m.
6. At blind aisles, the aisle shall be extended a minimum of 1m beyond the last parking space.
7. The installation of a vehicle turntable is an acceptable alternative for residential units and residential flats to achieve the required manoeuvring space.
8. Class 1 User: long term parking, including tenant and employee parking but not visitor parking, where regular use gives the motorist a familiarity with the building or parking area.
9. Class 2 User: short to medium term parking, including visitor parking, parking associated with visitor accommodation and general town centre parking, where goods can be expected to be loaded into vehicles.
10. Narrower parking spaces may be acceptable for parking areas in buildings where they are designed in accordance with the Australian/New Zealand Standard Off-street Parking, Part 1: Car Parking Facilities, AS/NZS 2890.1:2004.

**29.12 Heavy Vehicle Parking Layout**

Table 29.8					
Parking Angle	Vehicle Type	Minimum Depth (m)	Stall	Minimum Aisle Width (m)	Minimum Stall width and minimum width of access path to service tour coaches
90°	Medium Rigid Truck	9.0		16.0	3.5 stall width and 1.5m pedestrian access path to service tour coaches
	Large Rigid Truck	12.0		19.5	
	Semi – Trailer	18.0		26.0	
	B – Train	21.0		26.0	
	Midi – Bus	10.3		16.0	
	Tour Coach	13.6		24.0	
60°	Medium Rigid Truck	9.43		10.5	3.5 stall width and 1.5m pedestrian access path to service tour coaches
	Large Rigid Truck	12.03		14.0	
	Semi – Trailer	17.22		19.0	
	B – Train	19.82		19.0	
	Midi – Bus	10.59		10.5	
	Tour Coach	13.41		18.0	
45°	Medium Rigid Truck	8.64		-	3.5 stall width and 1.5m pedestrian access path to service tour coaches
	Large Rigid Truck	10.76		-	
	Semi – Trailer	15.0		-	
	B – Train	17.12		-	
	Midi – Bus	9.58		-	
	Tour Coach	11.89		-	
30°	Medium Rigid Truck	7.3		6.0	3.5 stall width and 1.5m pedestrian
	Large Rigid Truck	8.8		8.0	

	Semi – Trailer	11.8	11.0	access path to service tour coaches
	B – Train	13.3	11.0	
	Midi – Bus	7.97	6.0	
	Tour Coach	9.6	10.0	

**Advice note:** Alternative heavy vehicle parking arrangements may be appropriate where design vehicle tracking curves demonstrate unimpeded manoeuvring into spaces with no more than one reverse manoeuvre permitted when entering, and no more than one reverse manoeuvre permitted upon exit.

## 29.13 Schedule 29.1- Road Classification

<b>State Highways</b>		
<b>Road Name</b>	<b>Start Name</b>	<b>End Name</b>
<b>Albert Town</b>		
State Highway 6	Dublin Bay Road	Alison Avenue
<b>Frankton</b>		
State Highway 6/ Grant Road Roundabout	Start of Roundabout	End of Roundabout
State Highway 6/ Hawthorne Drive Roundabout	Start of Roundabout	End of Roundabout
SH6/ Lucas Place Roundabout	State Highway 6 Queenstown side	State Highway 6 Queenstown side
State Highway 6	Pisa Road	Drift Bay Road
State Highway 6A	Kawarau Rd (S State Highway 6)	Middleton Road
State Highway 6A/BP/Frankton Road Roundabout	State Highway 06A	State Highway 06A
State Highway 6 Stalker Road Roundabout	State Highway 6	State Highway 6
<b>Hawea</b>		
State Highway 6	Meads Road	Dublin Bay Road
<b>Kingston</b>		
State Highway 6	Drift Bay Road	End
<b>Luggate</b>		
State Highway 6	Alison Avenue	Pisa Road
State Highway 8A	State Highway 8A Intersection	State Highway 6 Intersection
<b>Makarora</b>		
State Highway 6	Haast Makarora Road	Meads Road
<b>Queenstown</b>		
State Highway 6A	Middleton Road	Beach Street
State Highway 6A/ Brecon Street/Rees Street	Brecon Street (lower)	Brecon Street (lower)
State Highway 6A/ Camp Street East/ West Roundabout	Camp Street (West)	Camp Street (West)
<b>Wanaka Urban</b>		
State Highway 84	State Highway 6 Intersection	State Highway 84/ Ardmore Street/ Brownston Street

<b>Arterial Roads</b>		
<b>Road Name</b>	<b>Start Name</b>	<b>End Name</b>
<b>Arrowtown</b>		
Arrowtown-Lake Hayes Road	Butel Road	Malaghans Road
Bedford Street	Buckingham Street	Suffolk Street
Berkshire Street	Malaghans Road	Buckingham Street
Berkshire Street/Wiltshire Street Roundabout	Whiltshire Street	Whiltshire Street
Buckingham Street (East)	Wiltshire Street	Bedford Street
Centennial Avenue	Bedford, Suffolk, Ford, Devon Streets	McDonnell Road
Crown range Road	State Highway 6	Glencoe Road
Malaghans Road	Middlerigg Lane	Lake Hayes/ Arrowtown Road
Wiltshire Street	Roundabout	Buckingham Street
<b>Arthurs Point</b>		
Arthurs Point Road	Oxenbridge Place Road	Littles Road
Gorge Road	Industrial Place	Oxenbridge Place Road
<b>Ben Lomond</b>		
Glenorchy-Queenstown Road	Sunshine Bay Boat Ramp	Moke Lake Road
<b>Cardrona</b>		
Cardrona Valley Road	Bridge #11/erp 16/8.11	Riverbank Road
<b>Closeburn</b>		
Glenorchy-Queenstown Road	Moke Lake Road	Twelve Mile Delta
<b>Dalefield</b>		
Lower Shotover Road	Spence Road	Speargrass Flat & Hunter Road
Malaghans Road	Littles Road	Middlerigg Lane
<b>Fernhill</b>		
Fernhill Road	Queenstown Glenorchy Road	Watts Road
Glenorchy-Queenstown Road	Fernhill Road (North)	Sunshine Bay Boat Ramp
<b>Frankton</b>		
Glenda Drive	SH Roundabout	End of Road
Grant Road	State Highway 6	Shopping Centre Entrance
Hardware Lane	State Highway 6	Jock Boyd Place
Hardware Lane Roundabout	Hardware Lane	Hardware Lane
Hawthorne / Glenda Drive Roundabout	Start of Roundabout	End of Roundabout
Hawthorne Drive	Roundabout	Glenda Drive
Hawthorne Drive North section	State Highway Roundabout	Glenda Drive Roundabout
Hawthorne Drive Roundabout	Lucas Place	Lucas Place
Lucas Place	State Highway 6	Robertson Street Roundabout
Lucas Place Roundabout	Lucas Place	Lucas Place
<b>Kelvin Heights</b>		
Peninsula Road	State Highway 6	Willow Place
<b>Lake Hayes</b>		
Arrowtown-Lake Hayes Road	State Highway 6	Butel Road

<b>Arterial Roads</b>		
<b>Road Name</b>	<b>Start Name</b>	<b>End Name</b>
Howards Drive	State Highway 6 RS 983/7.24	Howards Drive North
Lower Place Road	State Highway 6	Spence Road
Mcdonnell Road	Centennial Ave	State Highway 6
<b>Lake Hayes South</b>		
Banbury Roundabout	Stalker Road	Stalker Road
Stalker Road	Roundabout New Layout	Jones Avenue
Woodstock Roundabout	Stalker Road	Stalker Road
<b>Quail Rise</b>		
Tucker beach Road	State Highway 6	Jims way
<b>Queenstown</b>		
Ballarat Street (West)	State Highway Traffic Lights	Camp Street
Beach Street	Shotover Street	Brunswick Street
Camp Street (East)	State Highway 6A/ Shotover Street	Roundabout
Camp Street (West)	State Highway 6A	Isle Street
Camp Street/Church Street Roundabout	Camp Street (East)	Camp Street (East)
Dublin Street	Frankton Road (State Highway 6A)	Hallenstein Street
Fernhill Road/Lake Esplanade Roundabout	Lake Esplanade	Lake Esplanade
Gorge Road	Shotover Street/Henry Street	Industrial Place
Industrial Place	Gorge Road	End Industrial Place
Lake Esplanade	Brunswick Street	Roundabout
Man Street	Camp Street	Thompson Street
Man Street/ Camp Street Roundabout	Camp Street (West)	Camp Street (West)
Memorial Street	Stanley Street	Camp Street
Robins Road	Gorge Road	Isle Street
Shotover Street	State Highway Traffic Lights	Gorge Road
Stanley Street	State Highway Traffic Lights	Memorial Street
<b>Wanaka Rural</b>		
Crown Range Road	Glencoe Road	End of Bridge #11
<b>Glenorchy</b>		
Glenorchy-Queenstown Road	Twelve Mile Delta	Oban Street 50/100km sign
Oban Street	Glenorchy-Queenstown 50/100km	Mull Street
<b>Wanaka Urban</b>		
Anderson Road	Roundabout	Aubrey Road
Brownston Street (East)	MacDougall Street	Roundabout
Cardrona Valley Road	Riverbank Road	Faulks Terrace
McDougall Street	Faulks Terrace	Brownston Street

<b>Collector Roads</b>		
<b>Road Name</b>	<b>Start Name</b>	<b>End Name</b>
<b>Albert Town</b>		
Alison Avenue	State Highway 6	Gunn Road
Aubrey Road	Outlet Road	State Highway 6
Gunn Road	Lagoon Avenue	Aubrey Road
Gunn Road/Aubrey Road Roundabout	Aubrey Road	Aubrey Road
<b>Arrowtown</b>		
Adamson Drive	Kent Street	Centennial Avenue
Bush Creek Road	Manse Road	End of Road
Caernarvon Street	Manse Road	Denbigh Street
Kent Street (Arrowtown)	Merioneth Street	Stafford, Denbeigh Streets
Manse Road	Malaghans Road	Caernarvon Street
McDonnell Road	Arrowtown Lake Hayes Road	80km sign
Ramshaw Lane	Buckingham Street	Wiltshire Street
Stafford Street	Berkshire Street	Denbigh Street
Wiltshire Street	Buckingham Street	Ramshaw Lane
Wiltshire Street	Caernarvon Street	Roundabout
<b>Dalefield</b>		
Coronet Peak Road	Malaghans Road	End of Road
Dalefield Road	Speargrass Flat/Littles Road	Malaghans Road
Domain Road (Lake Hayes)	Lower Shotover Road	Littles/Speargrass Flat Road
Hunter Road	Speargrass Flat Road	Malaghans Road
Littles Road	Arthurs Point Road	Domain & Dalefield Road
Speargrass Flat Road	Domain/Dalefield Roads	Slopehill Rd East (End of Seal)
<b>Fernhill</b>		
Aspen Grove Roundabout	Richards Park Lane	Richards Park Lane
Fernhill Road	Watts Road	Queenstown Glenorchy Road
Richards Park Lane	Fernhill Road	Aspen Grove
Sainsbury Road	Fernhill Road	Thorn Crescent
Aspen Grove	Thorn Crescent	Aspen Grove Roundabout
<b>Frankton</b>		
Boyes Crescent	McBride Street	Wilmot Avenue
Douglas Street	Robertson Street	End of Road
Frankton Shopping Centre Street	McBride Street	Gray Street
Grant Road	Shopping Centre Entrance	End of Road
Gray Street	State Highway 6	McBride Street
Humphrey Street	State Highway 6	Douglas Street
Lake Avenue	Yewlett Crescent	McBride Street
McBride Street	State Highway 6A	State Highway 6
Riverside Road East	Roundabout	Kawarau Place
Riverside Road West	Kawarau Place	Roundabout
Robertson Street (East)	Douglas Street	Riverside Road

<b>Collector Roads</b>		
<b>Road Name</b>	<b>Start Name</b>	<b>End Name</b>
Yewlett Crescent	State Highway 6A	Lake Avenue
<b>Hawea</b>		
Camp Hill Road	State Highway 6	Gladstone/Kane Road
Capell Avenue	State Highway 6	Lake View Terrace
Cemetery Road (Hawea)	Domain Road	Gladstone Road, Gray Road
Domain Road (Lake Hawea)	Capell Avenue	Gladstone Road
Gladstone Road	Camphill Road	Cemetery Road
Kane Road	State Highway 8A	Camphill Road
Lake View Terrace	Capell Avenue	Muir Road
Muir Road	Corner at 1412	Cemetery Road
<b>Kelvin Heights</b>		
Peninsula Road	Willow Place	Grove Road
<b>Kingston</b>		
Kent Street (Kingston)	State Highway 6	Somerset Street
<b>Lake Hayes</b>		
Hogans Gully Road	Arrowtown Lake Hayes Road	End of Seal
Howards Drive North	Howards Drive	Nerin Square
Howards Drive Roundabout	Howards Drive	Howards Drive
Howards Drive South	Nerin Square	Howard's Drive
McDonnell Road	80km sign	Centennial Ave
Nerin Square	Howards North/South	Howards North/South
Speargrass Flat Road	Slopehill Rd East (End of Seal)	Lake Hayes Arrowtown Road
<b>Lake Hayes south</b>		
Jones Avenue	Howards Drive	Stalker Road
Jones Avenue Roundabout	Stalker Road	Stalker Road
<b>Luggate</b>		
Church Road	State Highway 6	State Highway 8A
<b>Quail Rise</b>		
Ferry Hill Drive	Tucker Beach Road	Coleshill Lane
<b>Queenstown</b>		
Athol Street	State Highway 6A	End of Street
Ballarat Street (East)	State Highway Traffic Lights	Hallenstein Street
Boundary Street (Queenstown)	Start (Robins Road end)	Gorge Road
Brecon Street (upper)	Man Street	End Brecon Street
Brecon Street (lower)	State Highway 6A	End Brecon Street (lower)
Brunswick Street	Lake Esplanade	Thompson Street
Camp Street (East)	Roundabout	Earl Street - Seal Change
Church Street	Marine Parade	Camp Street
Coronation Drive	State Highway 6A/ Stanley Street	Sydney Street (LHS)
Dublin Street	Hallenstein Street	Edinburgh Drive
Duke Street	Roundabout	Brecon Street (lower)
Earl Street	Camp Street	Marine Parade

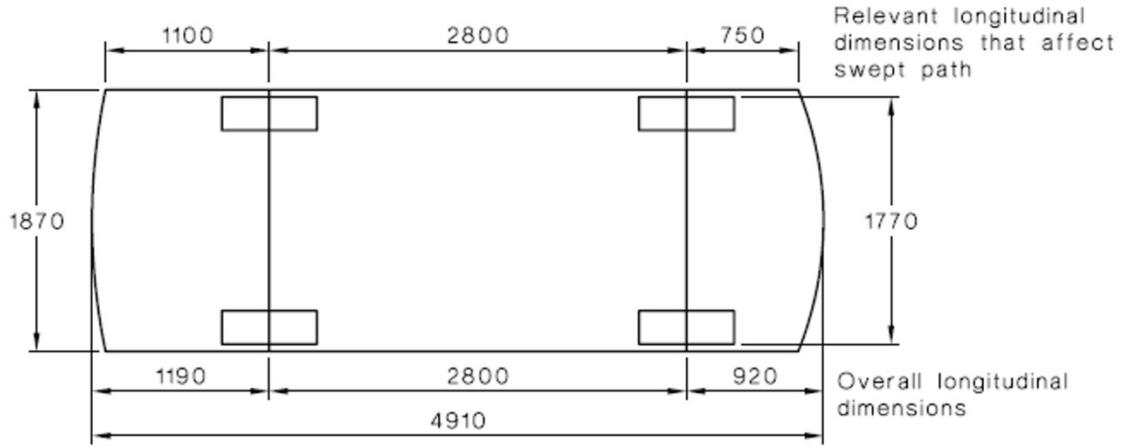
<b>Collector Roads</b>		
<b>Road Name</b>	<b>Start Name</b>	<b>End Name</b>
Edgar Street	Hallenstein Street	Kent Street
Edinburgh Drive	York Street/Dublin Street	Wakatipu Heights
Frankton Road	Stanley Street	Sydney Street
Fryer Street	Hamilton Road	High School-end Fryer Street
Goldfield Heights	State Highway 6A	St Georges Avenue
Hallenstein Street	Gorge Road	Dublin Street (End of Road)
Hamilton Road	Robins Road	Fryer Street
Hensman Road	State Highway 6A	Wakatipu Heights
Highview Terrace	Hensman Road	St Georges Avenue
Hylton Place	Gorge Road	End of Hylton Place
Industrial Lane	Industrial Place	End of cul de sac
Isle Street	Robins Road	Hay Street
Lake Street	Lake Esplanade	Man Street
Marine Parade (East)	Earl Street	Church Street
Marine Parade (West)	Rees Street	Church Street
Panorama Terrace	Suburb Street North	Hensman Road
Rees Street	Marine Parade	Shotover Street
St Georges Avenue	Goldfield Heights	Highview Terrace
Suburb Street (North)	Frankton Road (SH 6A)	Panorama Terrace
Suburb Street (South)	(State Highway 6A) Frankton Road	Veint Crescent
Templeton Way	Memorial Street	End of Bridge at carpark
Windsor Place	Edinburgh Drive	London Lane
York Street	Hallenstein Street	Edinburgh Drive
Glenorchy-Paradise Road	50km sign Mull Street	Priory Road
Glenorchy-Routeburn Road	Swamp Road	Routeburn Road
Mull Street	50km sign Glenorchy/ Paradise Road	Oban Street
Priory Road	Glenorchy-Paradise Road	Glenorchy Routeburn Road
Routeburn Road	Glenorchy-Routeburn Road	End of Kinloch Routeburn
<b>Wanaka Urban</b>		
Allenby Place reserve	Ballantyne Road	WRC junction
Ardmore Street	Roundabout	MacDougall Street
Aubrey Road	Beacon Point Road	Outlet Road
Ballantyne Road	Faulks Road	State Highway 84
Beacon Point Road	Lakeside Road	End of Seal Penrith Park Drive
Cliff Wilson Street	Reece Crescent	Plantation Road
Dungarvon Street	Ardmore Street	Brownston Street (West)
Dunmore Street	Dungarvon Street	Helwick Street
Frederick Street	Ballantyne Road	End of Seal
Golf Course Road	Ballantyne Road	Cardrona Valley Road
Gordon Road	Ballantyne Road	End of Gordon Place
Hedditch Street	Little Street	Hedditch Street connection

<b>Collector Roads</b>		
<b>Road Name</b>	<b>Start Name</b>	<b>End Name</b>
Hedditch Street connection	State Highway 84	Hedditch Street
Helwick Street	Ardmore Street	Brownston Street (West)
Kings Drive	Plantation Road	Aubrey Road
Lakeside Road	Ardmore Street	Beacon Point Road
Link Way	Anderson Road	Reece Crescent
MacPherson Street	State Highway 84	Ballantyne Road
McDougall Street	Brownston Street	Ardmore Street
Orchard Road	Cardrona Valley Road	Riverbank Road
Outlet Road	Anderson Road	End of Seal
Penrith park Drive	Beacon Point Road	Minaret Ridge
Plantation Road	Beacon Point Road	Anderson Road
Rata Street	Aubrey Road	Forest Heights
Reece Crescent	Anderson Road	Plantation Road (LHS)
Riverbank Road	Cardrona Valley Road	State Highway 6
Sargood Drive	Ardmore Street	Norman Terrace
Wanaka-Mount Aspiring Road, including Wanaka-Mount Aspiring/Sargood Drive Roundabout	MacDougall Street	End of the public road at Raspberry Flat, West Matukituki

<b>Local Roads</b>
All other roads

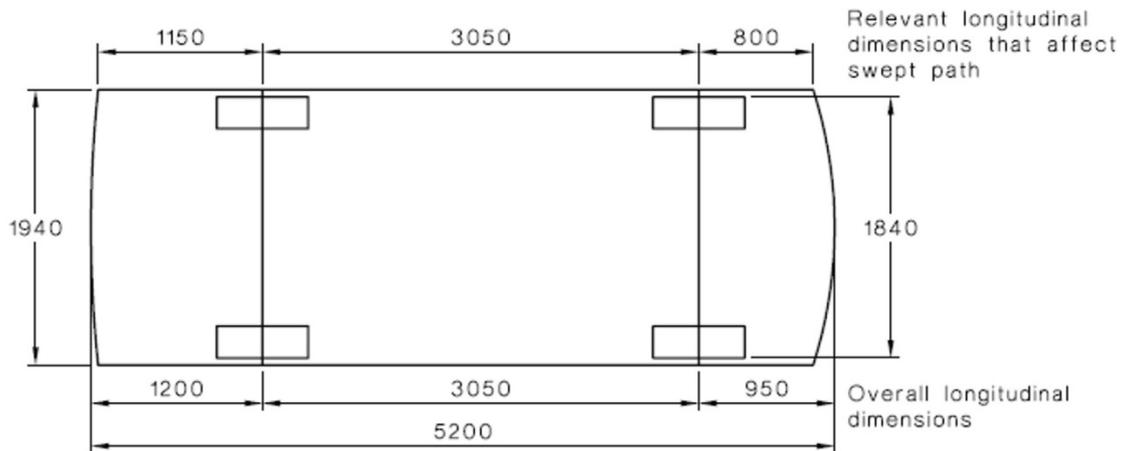
## 29.14 Schedule 29.2 - Interpretive Diagrams

### 29.14.1 Diagram 1 – B85 and B99 design vehicle dimensions



DIMENSIONS IN MILLIMETRES

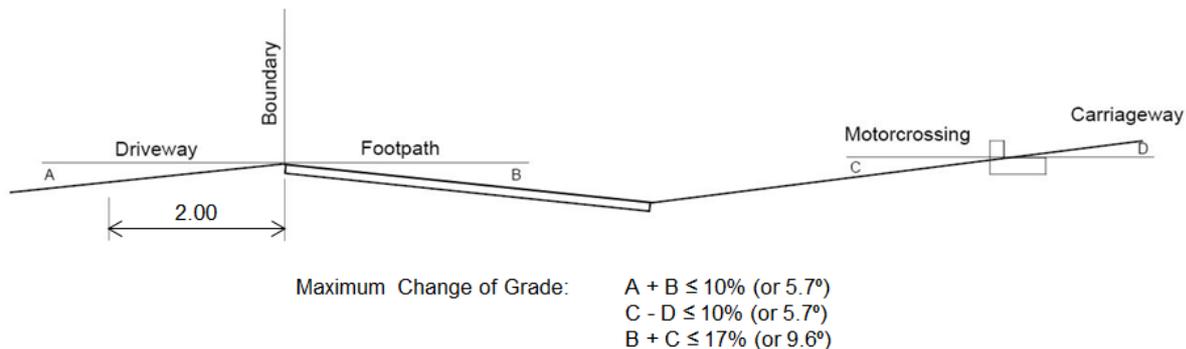
B85 (85TH PERCENTILE) CAR



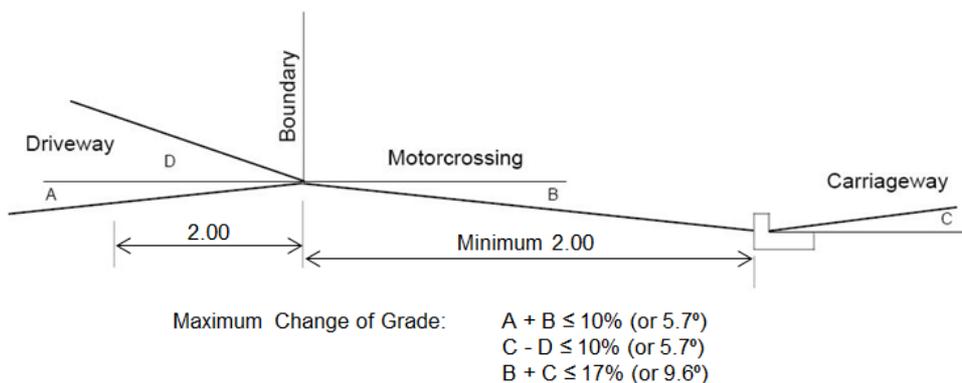
DIMENSIONS IN MILLIMETRES

B99 (99.8TH PERCENTILE) VEHICLE

29.14.2 Diagram 2 – Maximum Breakover Angles for Vehicle Crossings



**Low Level Footpath**

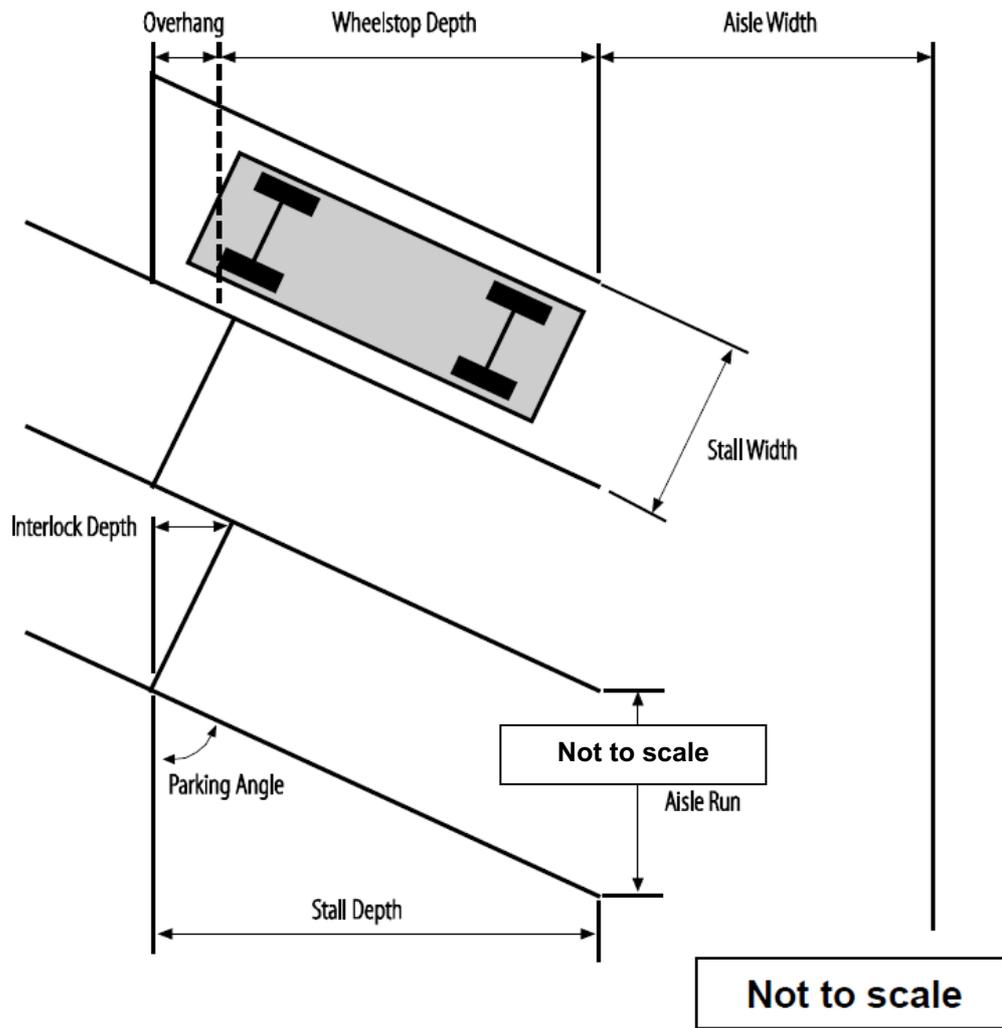


**Standard Footpath**

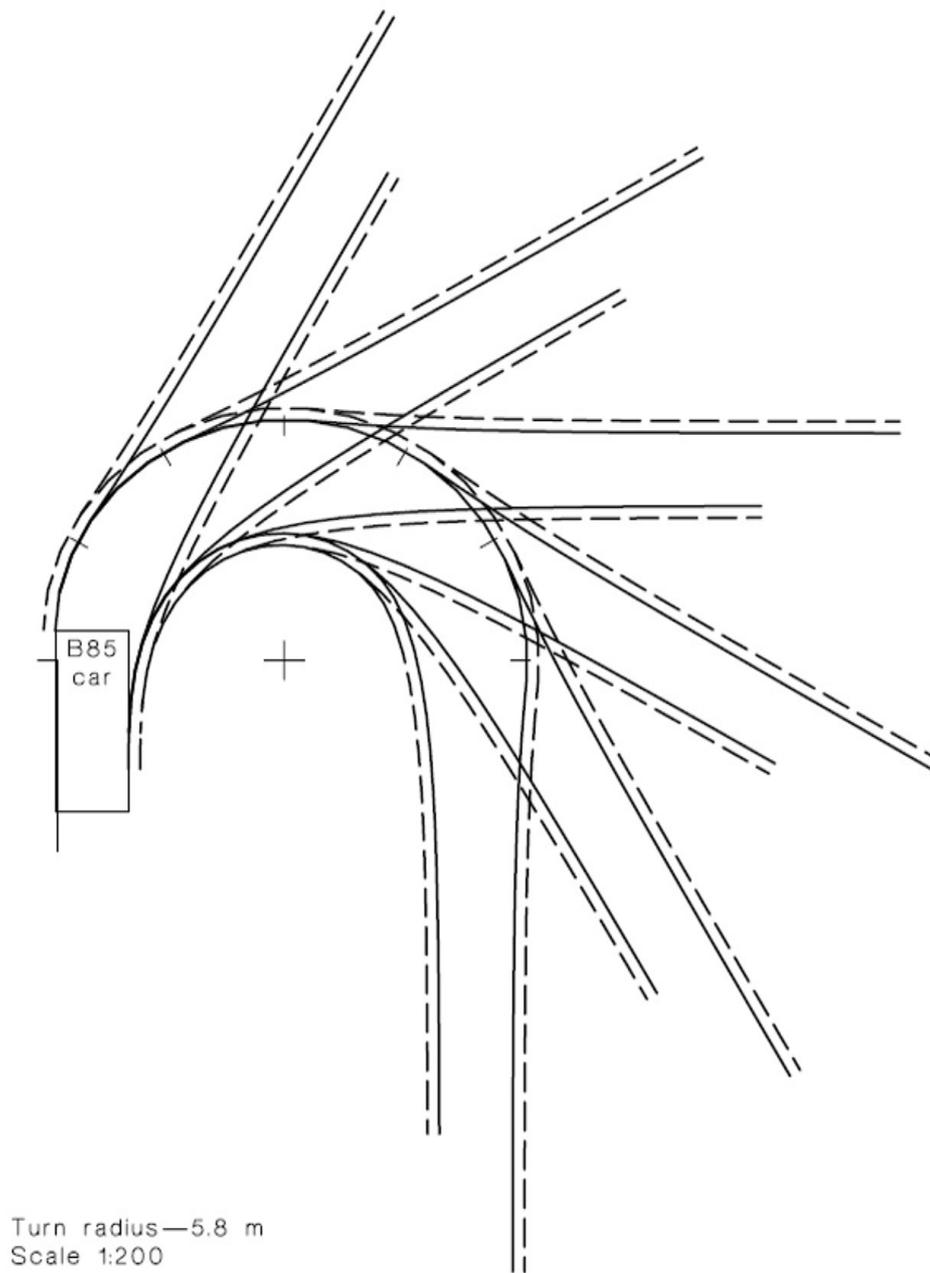
**Note:**

1. A, B, C and D refer to the gradients expressed either as a percentage or in degrees.
2. Low slung cars with ground effect features may not meet the criteria assumed in this design guide.
3. Buses are permitted lower clearance value of (A+B) or 6% of  $3.4^\circ$ .

29.14.3 Diagram 3 - Carpark Layouts



29.14.4 Diagram 4 – Vehicle Swept Path Design



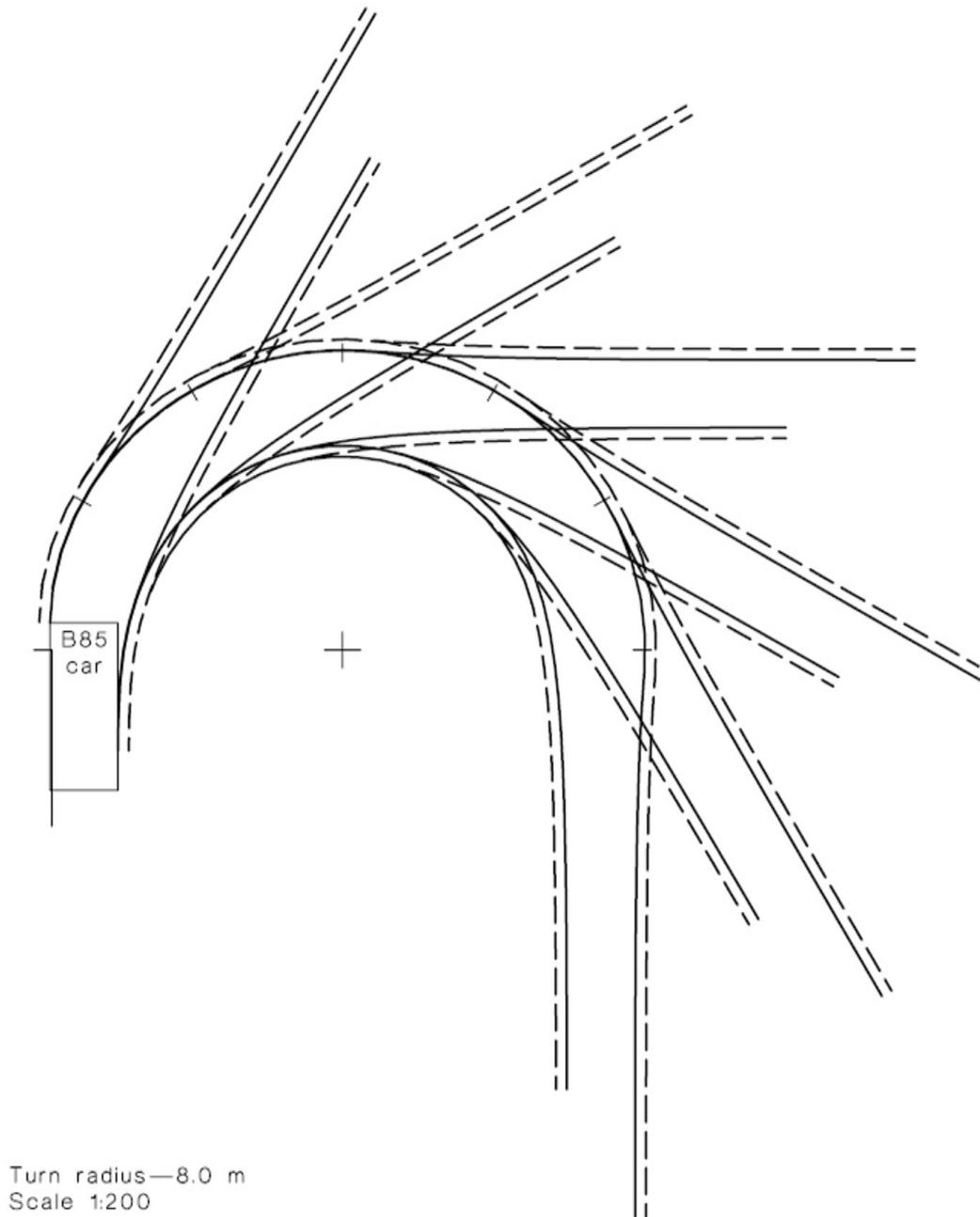
LEGEND:

- = Denotes the B85 base dimension swept path
- - - = Denotes the B85 design template which includes 2 x 300 mm manoeuvring clearances only

NOTE: This is the minimum radius turn for a B85 vehicle.

**Example of the B85 Design Template**

**5.8m Radius Turn**

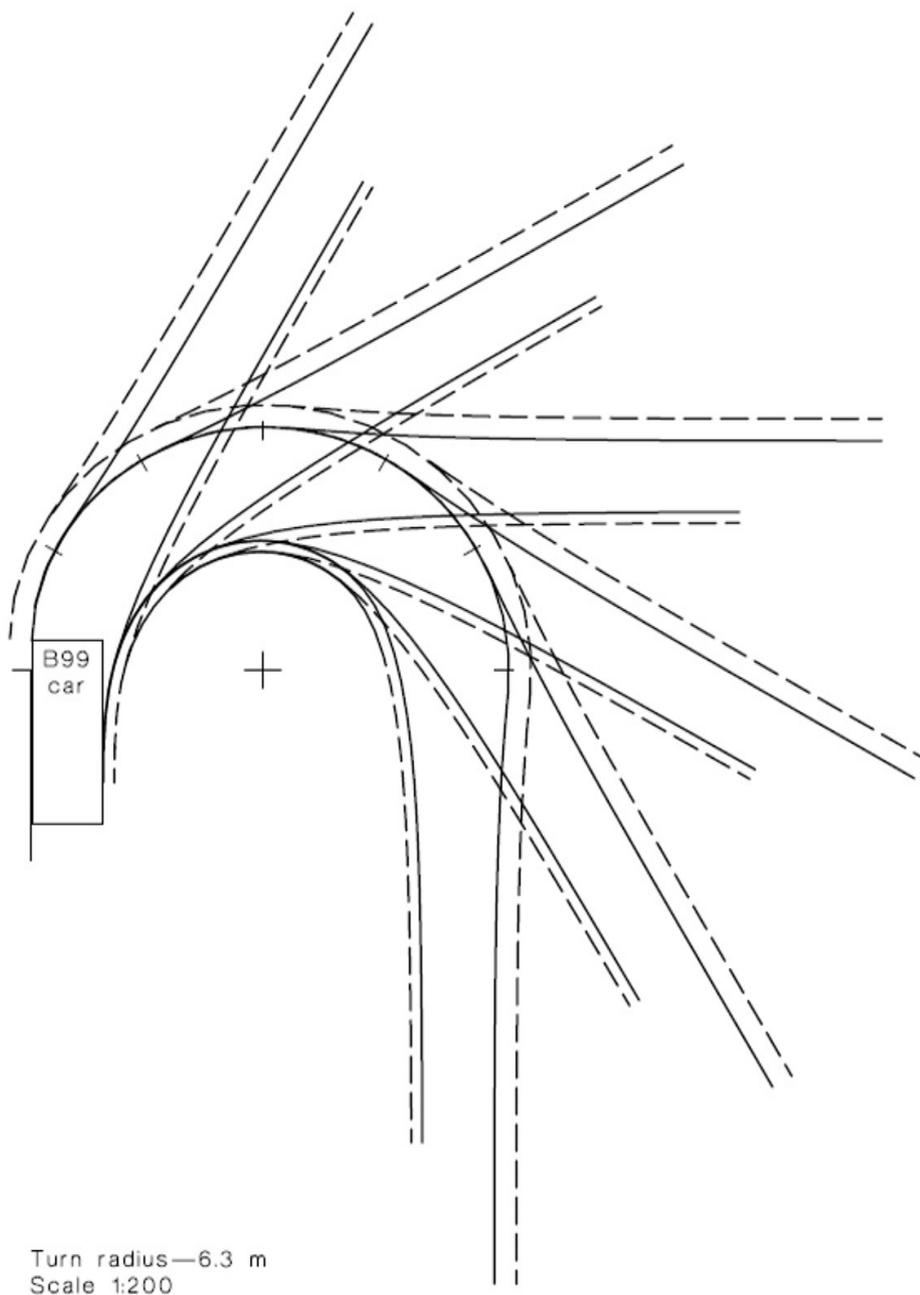


LEGEND:

- = Denotes the B85 base dimension swept path
- - - = Denotes the B85 design template which includes 2 x 300 mm manoeuvring clearances only

**Example of the B85 Design Template**

**8.0m Radius Turn**



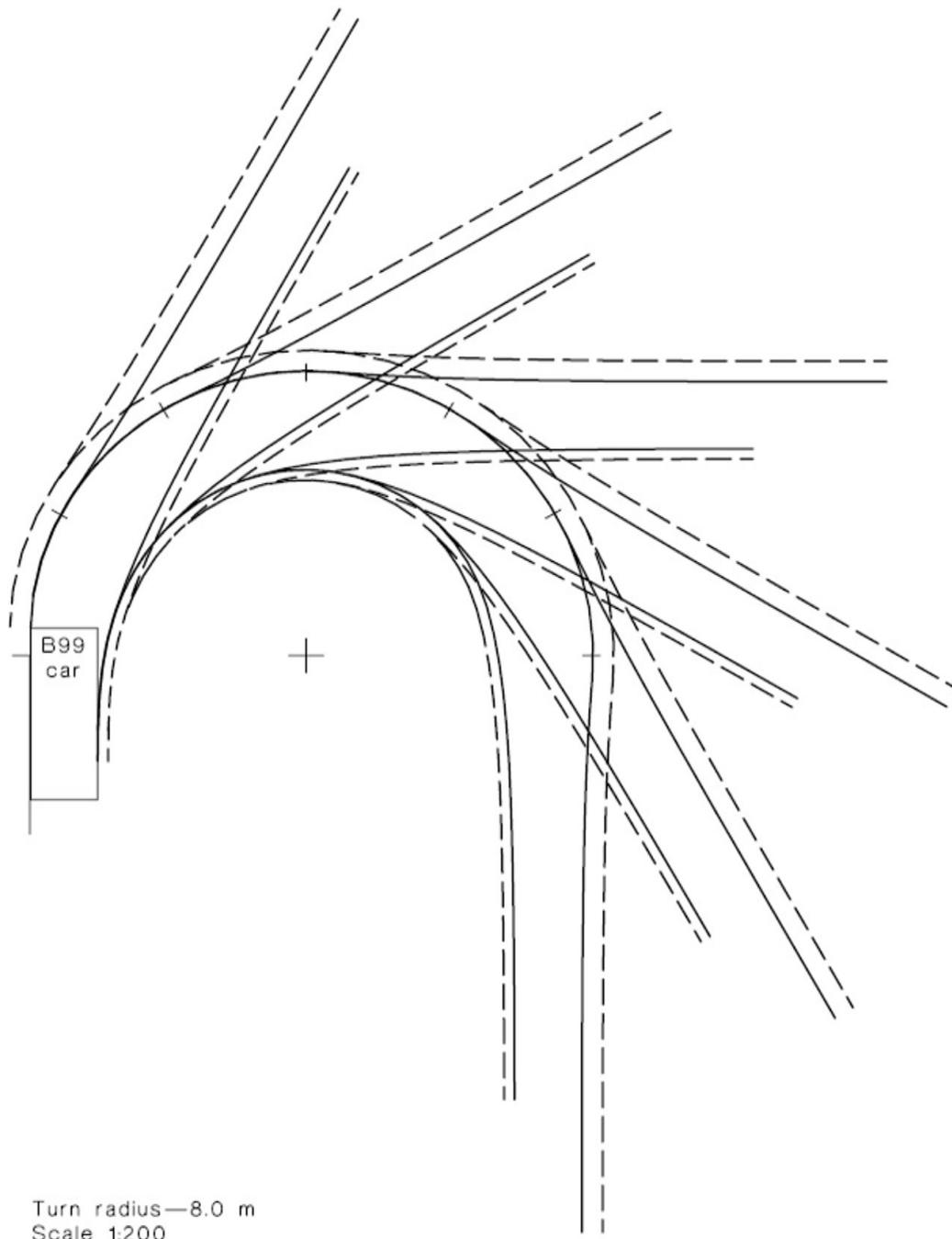
LEGEND:

- = Denotes the B99 base dimension swept path
- - - = Denotes the B99 design template which includes manoeuvring and circulation clearances, 300 mm on the inside and 600 mm on the outside

NOTE: This is the minimum radius turn for a B99 vehicle.

**Example of the B99 Design Template**

**6.3m Radius Turn**

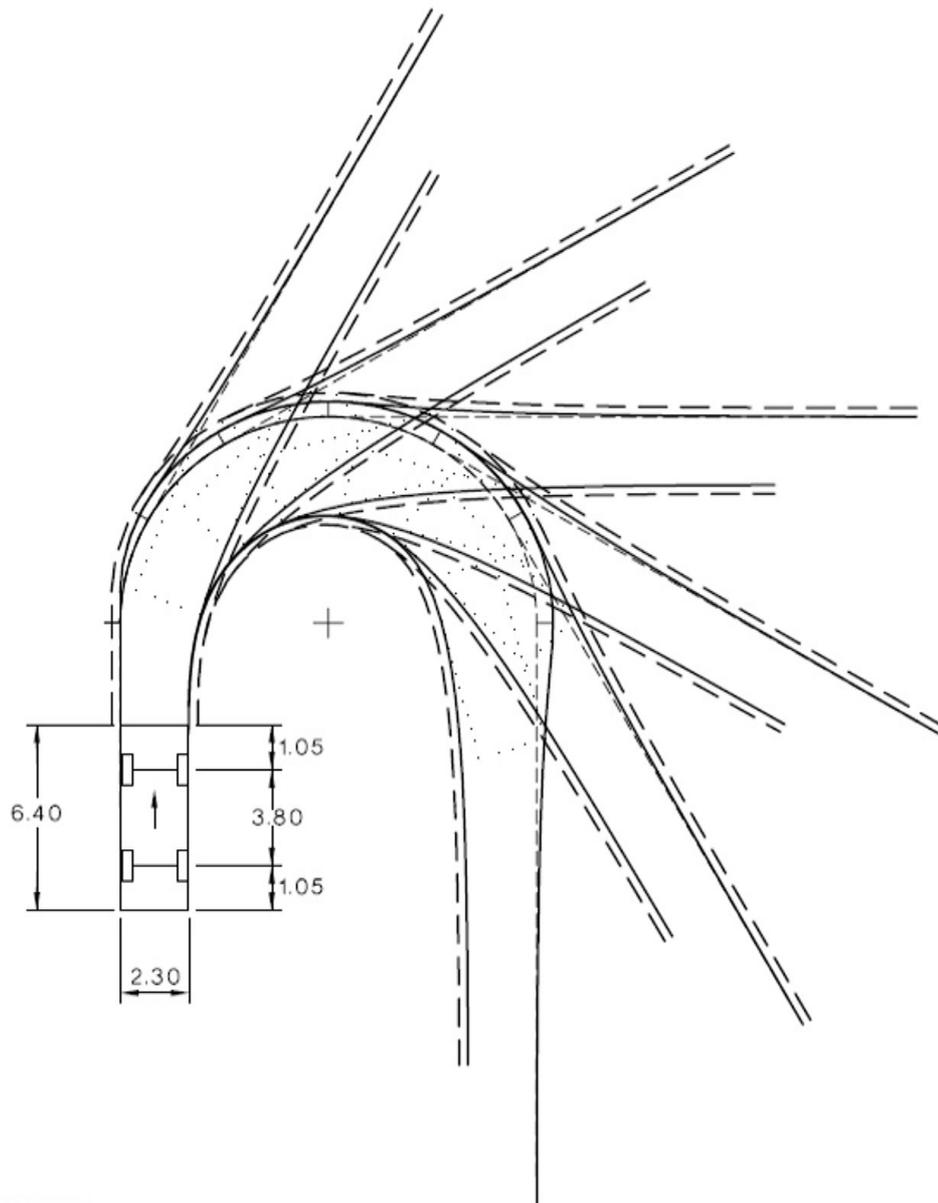


**LEGEND:**

- = Denotes the B99 base dimension swept path
- - - = Denotes the B99 design template which includes manoeuvring and circulation clearances, 300 mm on the inside and 600 mm on the outside

**Example of the B99 Design Template**

**8.0m Radius Turn**



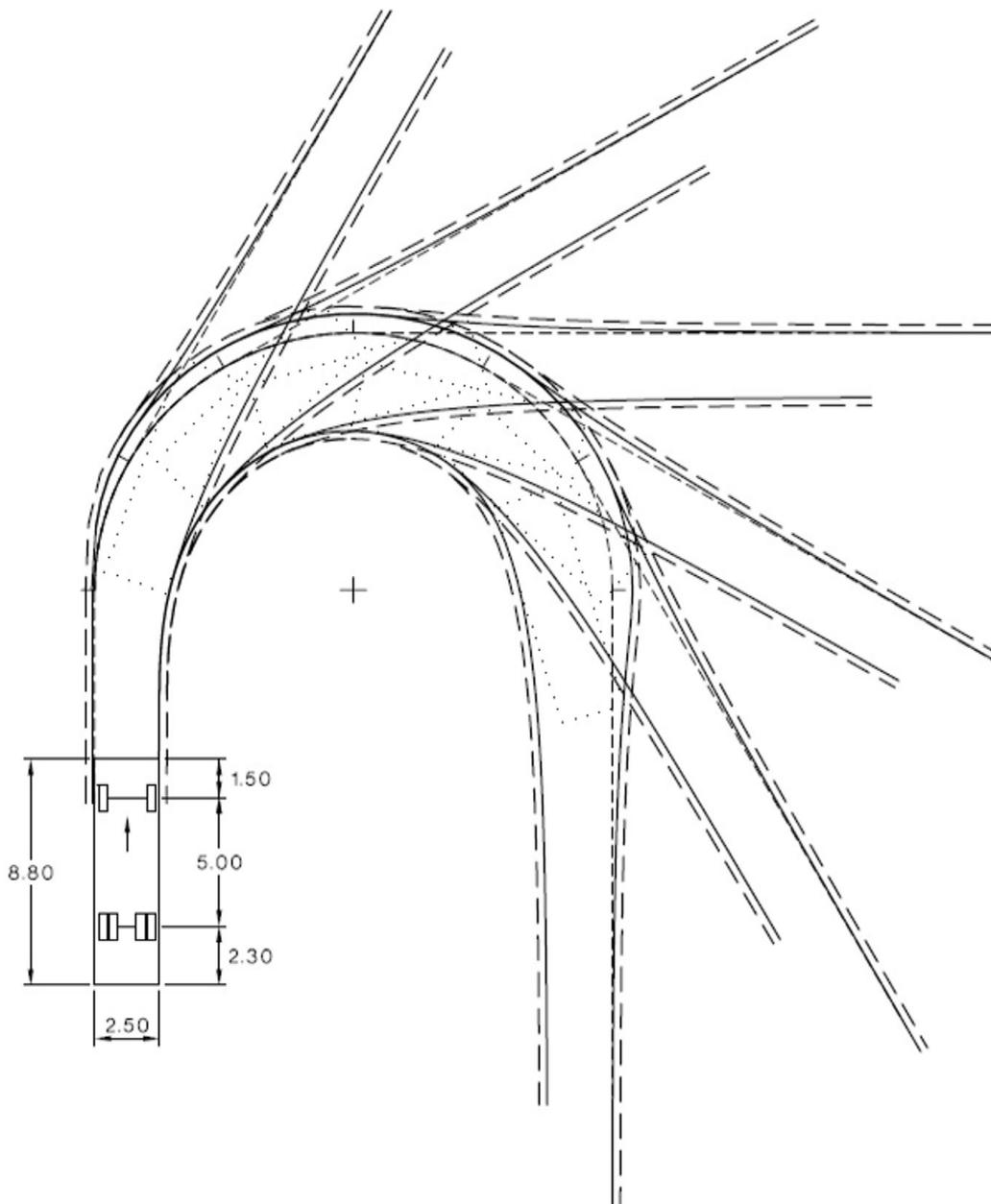
LEGEND:

- = Swept path of vehicle body
- = Swept path plus low speed manoeuvring clearance (300 mm both sides)
- . - . - . = Path of outer front wheel
- ..... = Successive positions of vehicle during turn



DIMENSIONS IN METRES

**Turning Path Template - Small Rigid Vehicle**  
**Minimum Radius Turn (7.1m)**



LEGEND:

- = Swept path of vehicle body
- = Swept path plus low speed manoeuvring clearance (300 mm both sides)
- . - . - . = Path of outer front wheel
- ..... = Successive positions of vehicle during turn

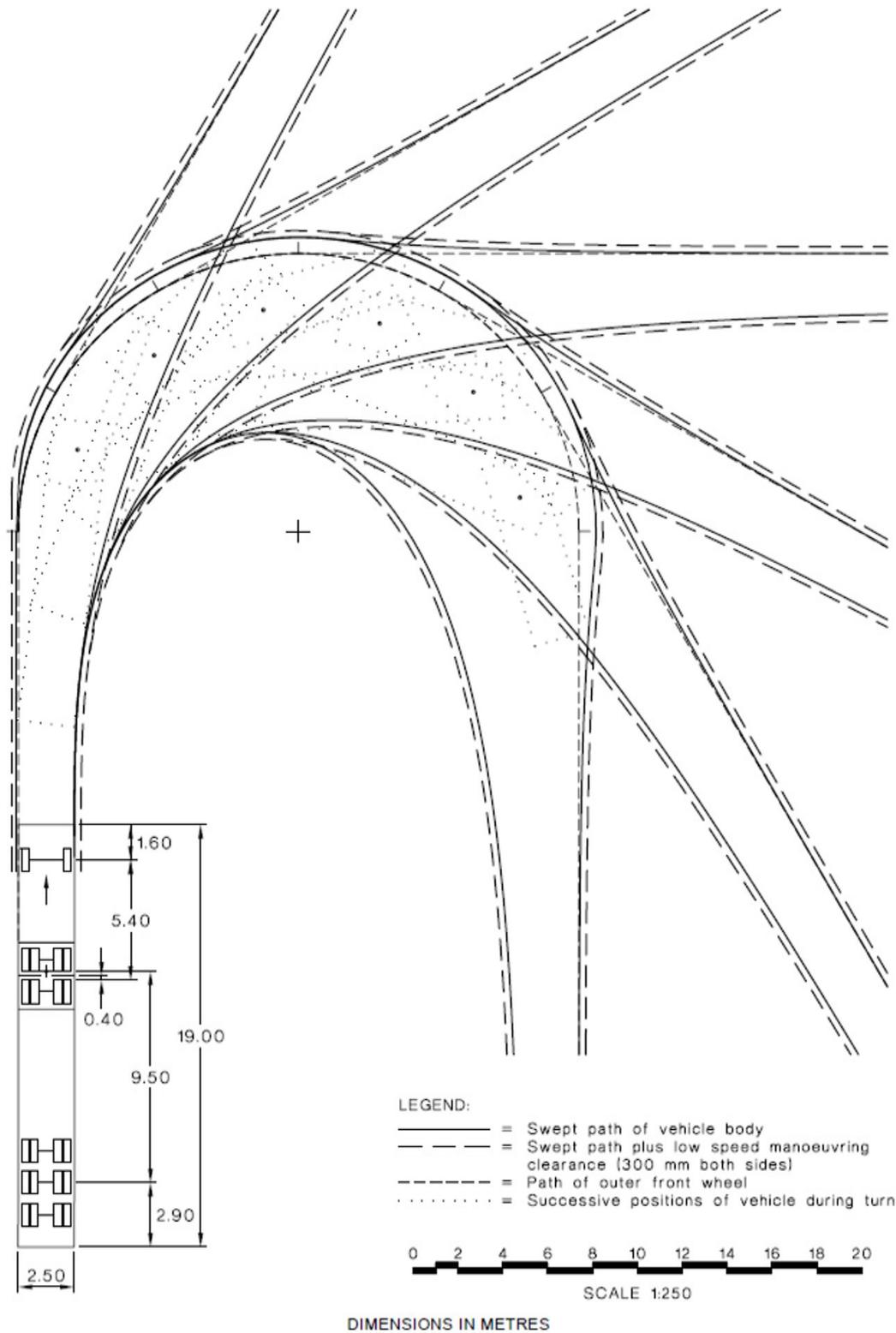


SCALE 1:250

DIMENSIONS IN METRES

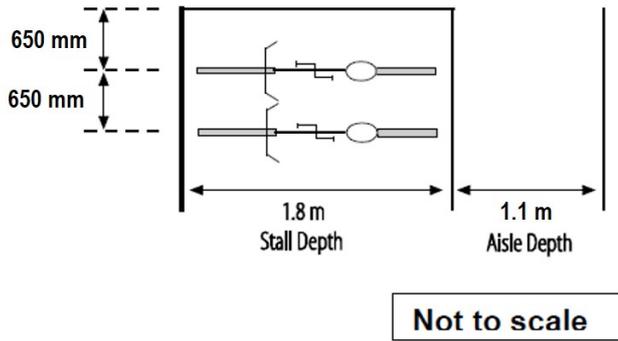
**Turning Path Template - Medium Rigid Vehicle**

**Minimum Radius Turn (10m)**

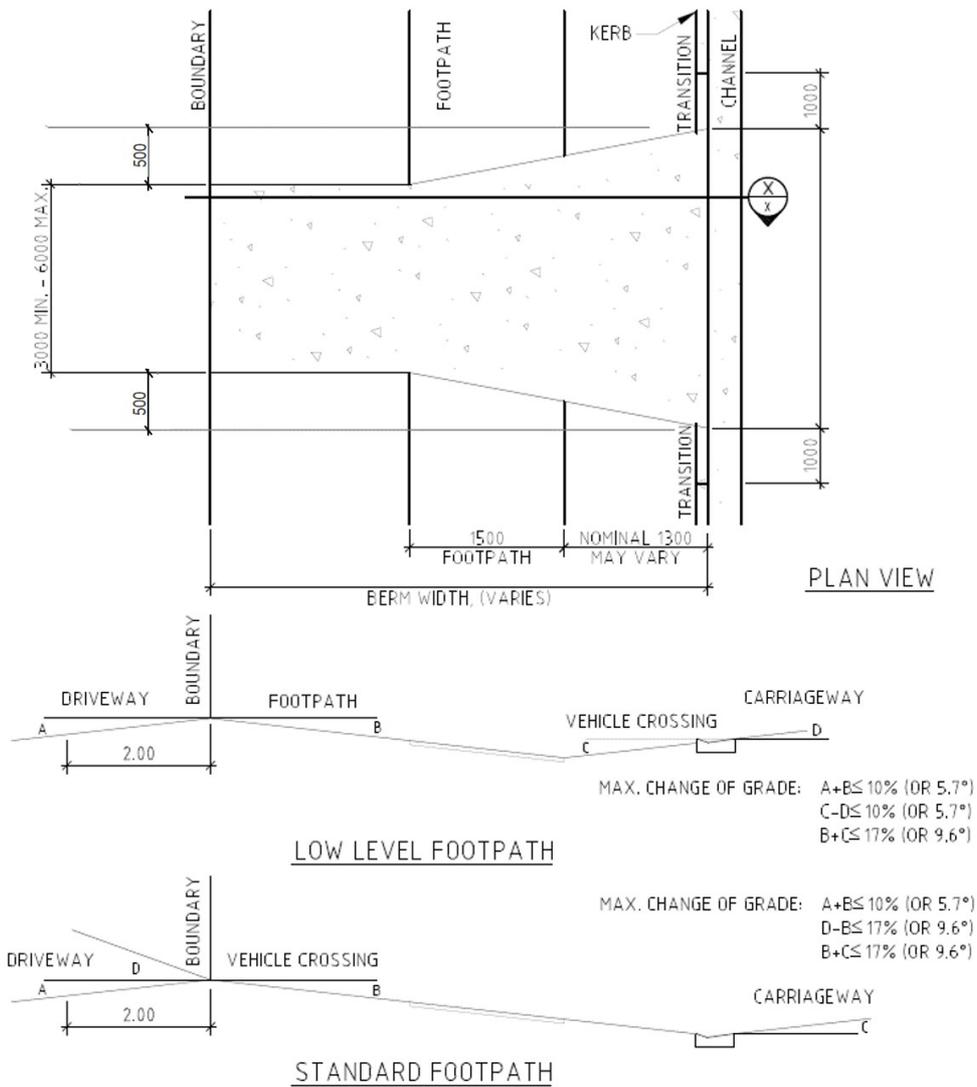


**Turning Path Template - Articulated Vehicle**  
**Minimum Radius Turn (12.5m)**

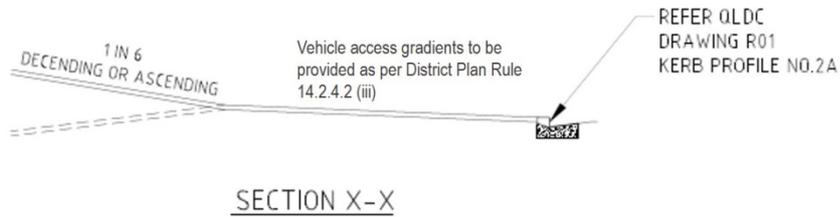
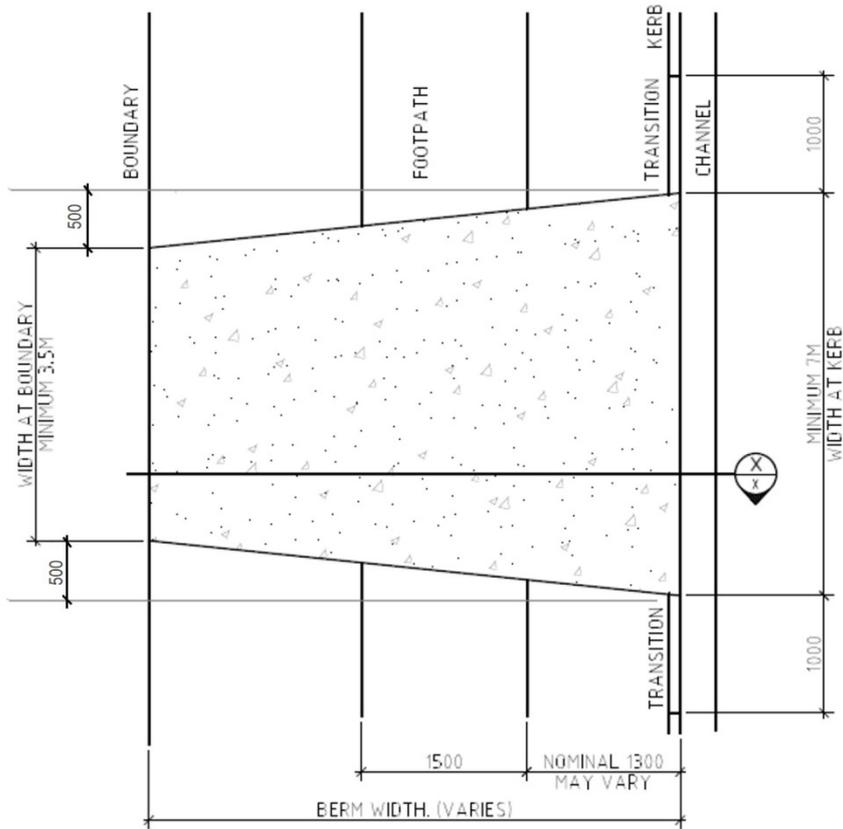
29.14.5 Diagram 5 - Bicycle Parking Layout



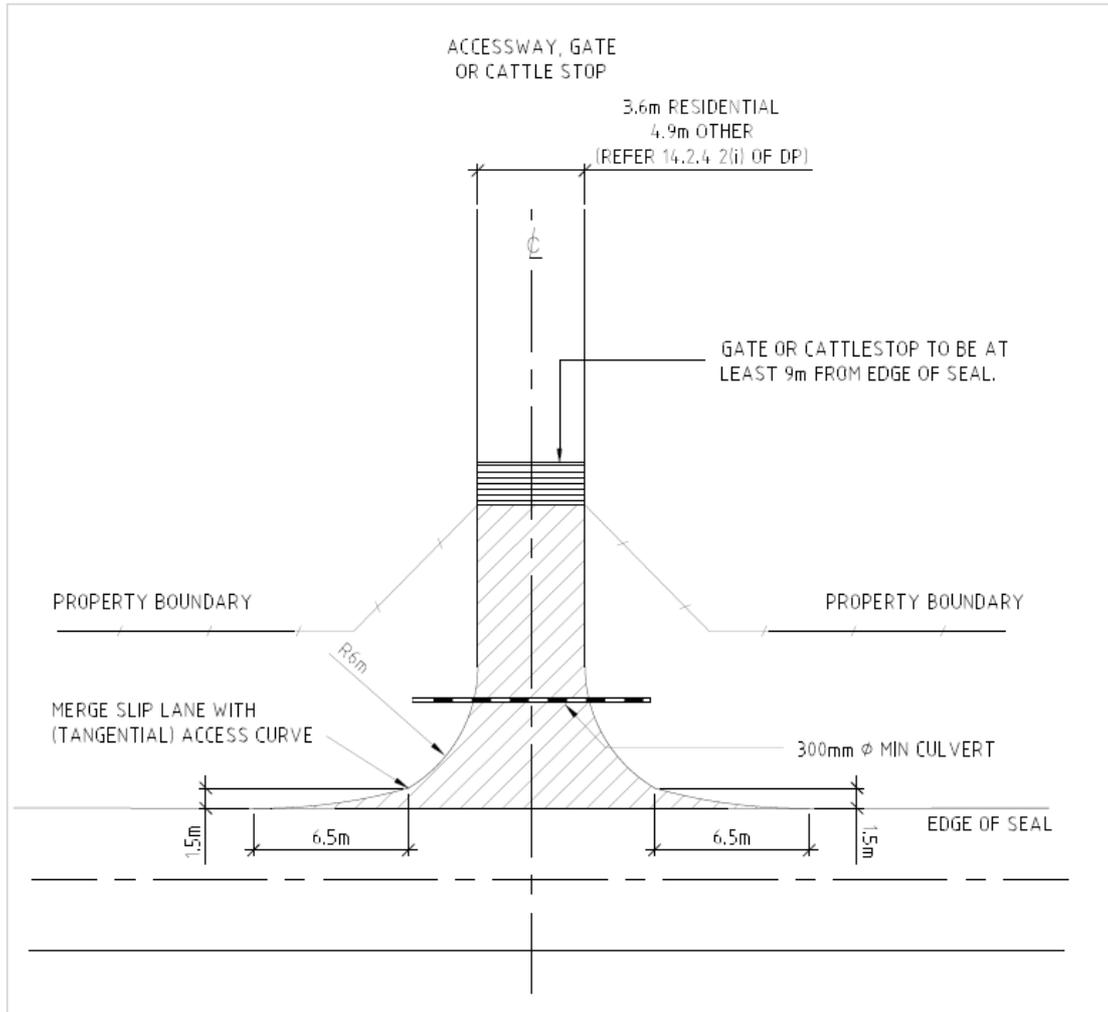
29.14.6 Diagram 6 - Residential Vehicle Crossing



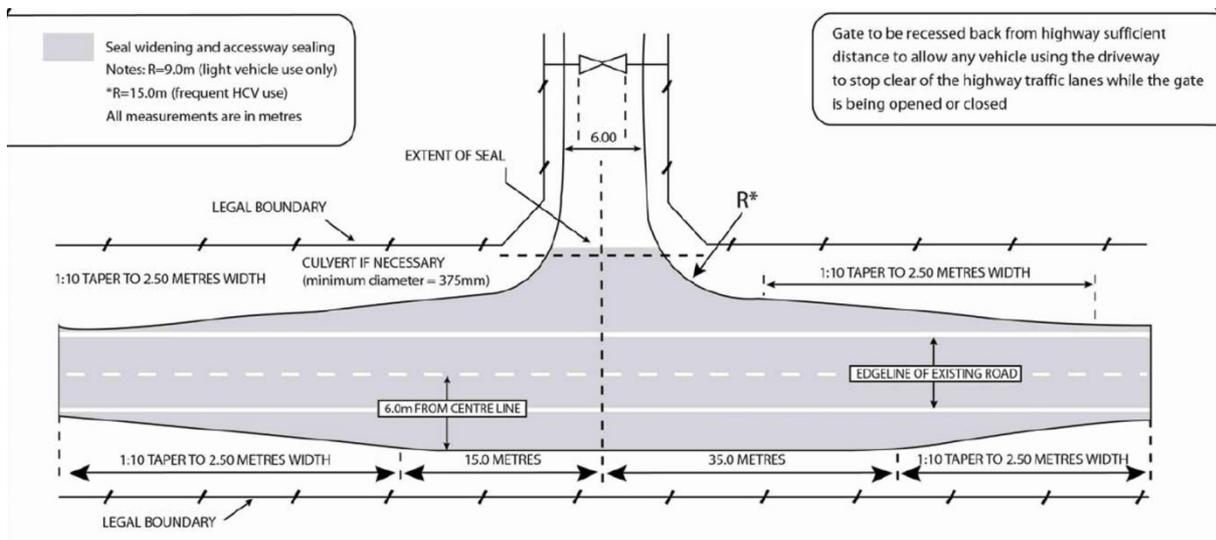
29.14.7 Diagram 7 - Commercial Vehicle Crossing



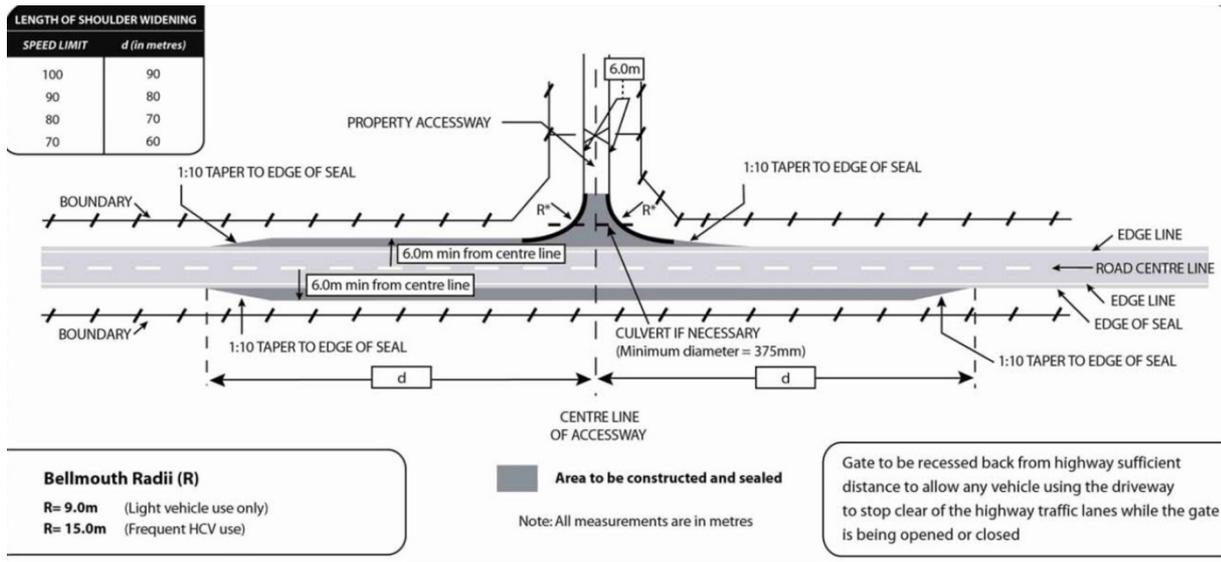
29.14.8 Diagram 8 - Access Design



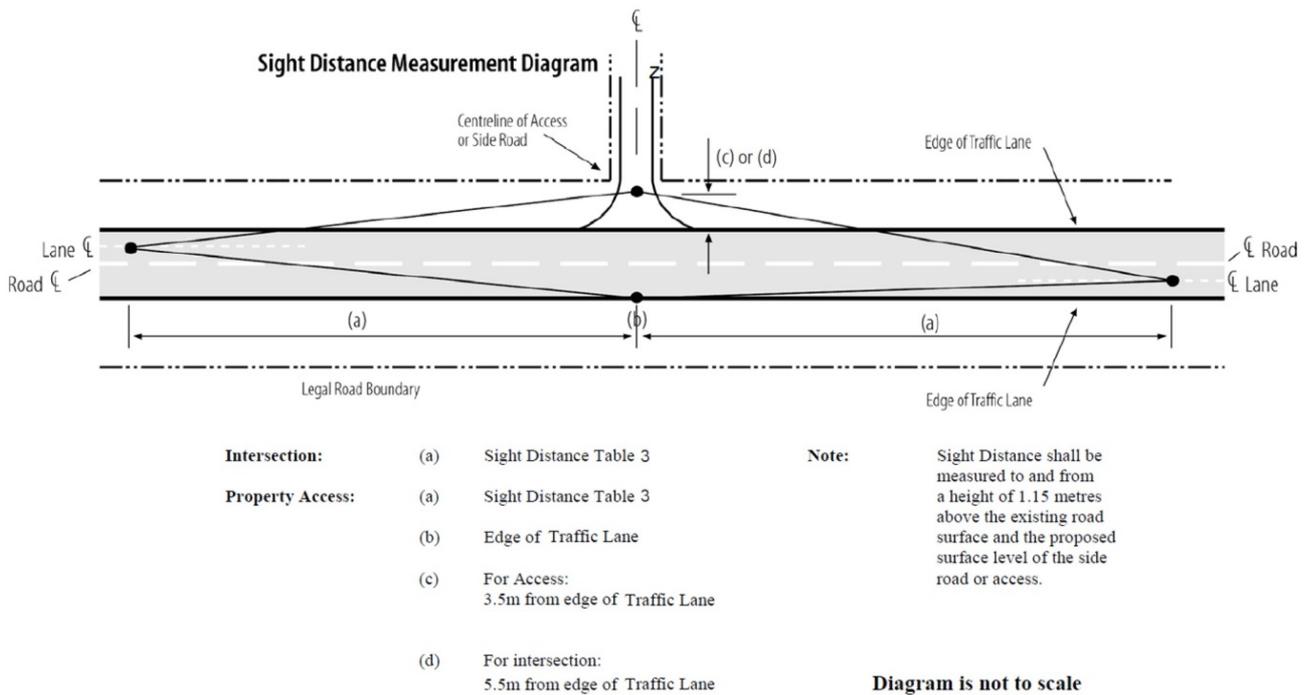
29.14.9 Diagram 9 - Access Design



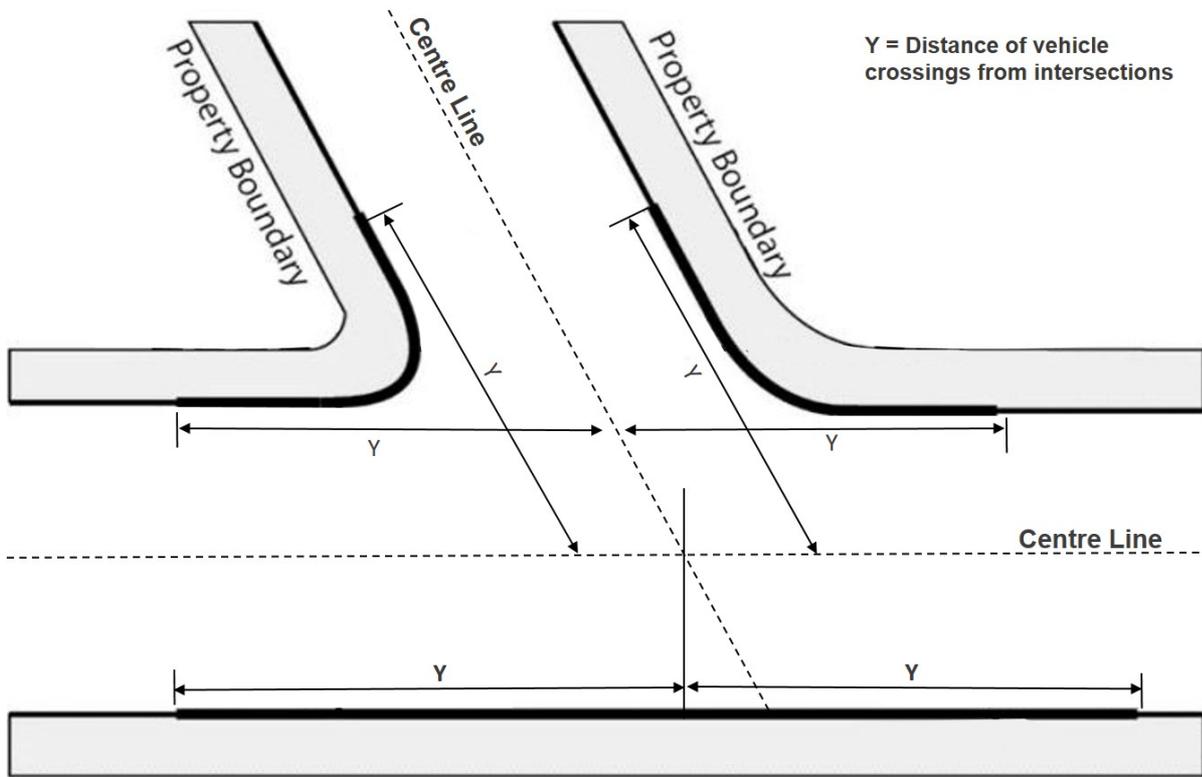
29.14.10 Diagram 10 - Access Design



29.14.11 Diagram 11 – Sight Distance Measurement Diagram



29.14.12 Diagram 12 – Sight Distance Measurement Diagram



# Variation to Stage 1 PDP Chapter 2 Definitions:

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

<p><b>Park and Ride</b></p>	<p><del>Means an area to leave vehicles and transfer to public transport or car pool to complete the rest of a journey into an urban area.</del></p> <p><u>Means a parking area which is located and purposely designed to support the frequent public transport network and to provide specifically for users of a public transport network who:</u></p> <ul style="list-style-type: none"> <li>• <u>travel by private vehicle to the park and ride parking area, then</u></li> <li>• <u>leave their vehicle at the facility and transfer to the frequent public transport network to continue their journey.</u></li> </ul> <p><u>Park and Ride facilities includes car parking areas, public transport interchange and associated security measures, bicycle parking, fencing, lighting, ticketing systems, shelter and ticketing structures, landscape planting and earthworks.</u></p>
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## New Stage 2 PDP Chapter 2 Definitions

<p><b><u>Accessory car park (area)</u></b></p>	<p><u>Means parking that serves a supportive function to the primary activity and is located on the same site as the primary activity.</u></p>
<p><b><u>Active transport network</u></b></p>	<p><u>The network of commuter and recreational trails, pathways, and footpaths that provide for transport modes that rely on human power, including electric bicycles, primarily walking and cycling, and includes those that are located within and outside of the road network.</u></p>
<p><b><u>Balcony</u></b></p>	<p><u>Means a floor at other than ground level having at least one side completely open except for a balustrade of a maximum height of 1.2m above balcony floor level. The balcony may be roofed and shall have direct access to the residential unit it serves.</u></p>
<p><b><u>Elderly care home</u></b></p>	<p><u>Means a facility providing rest home care within the meaning of the Health and Disability Services (Safety) Act (2001), or a home for the residential care of older persons and/or any land or buildings used for the care of older persons within a retirement village.</u></p>
<p><b><u>Large Format Retail</u></b></p>	<p><u>Means any single retail tenancy which occupies 500m<sup>2</sup> or more of GFA. Refer definition of GFA.</u></p>
<p><b><u>Mobility parking space</u></b></p>	<p><u>Means a parking space designed and reserved for the exclusive use of people whose mobility is restricted and who have a mobility permit issued. It also means 'accessible park/parking' and 'disabled/disability park/parking' as referred to in various external standards and guidance documents.</u></p>
<p><b><u>Motor vehicle repair and servicing</u></b></p>	<p><u>Means land and/or buildings used for the servicing, repair (including panel beating and spray painting repair) of motor vehicles, agricultural machinery or boats and ancillary activities (including the sale and/or fitting of accessories).</u></p>
<p><b><u>Non-accessory parking</u></b></p>	<p><u>Parking that is provided as a principal activity on the site and is not accessory to any of the approved activities on the site. The parking may be:</u></p> <ul style="list-style-type: none"> <li>• <u>available to members of the public for a charge or fee</u></li> <li>• <u>reserved or leased.</u></li> </ul> <p><u>Excludes:</u></p> <ul style="list-style-type: none"> <li>• <u>Park and Ride</u></li> </ul> <p><u>Includes:</u></p> <ul style="list-style-type: none"> <li>• <u>short term, long term, and off-site parking</u></li> </ul>

<p><b><u>Off-site parking</u></b></p>	<p><u>Parking on a site that is dedicated to the use of an activity taking place on another site and provides parking which would have otherwise been required or permitted on the same site as the activity.</u></p>
<p><b><u>Professional Staff</u></b> (For the purposes of Chapter 29 only)</p>	<p><u>Means staff excluding administrative staff in relation to Health Care Services.</u></p>
<p><b><u>Public amenities</u></b></p>	<p><u>Means, the following facilities established for the convenience and amenity of the public:</u></p> <ul style="list-style-type: none"> <li>• <u>landscaping and planting</u></li> <li>• <u>public toilets</u></li> <li>• <u>street furniture, including seating, and picnic tables</u></li> <li>• <u>bicycle stands</u></li> <li>• <u>fountains</u></li> <li>• <u>drinking fountains</u></li> <li>• <u>rubbish bins</u></li> <li>• <u>barbeques</u></li> <li>• <u>lighting</u></li> <li>• <u>shelters</u></li> <li>• <u>post boxes</u></li> <li>• <u>telephone booths</u></li> <li>• <u>showers and changing rooms</u></li> <li>• <u>playgrounds</u></li> <li>• <u>public artwork</u></li> </ul>
<p><b><u>Public transport facility</u></b></p>	<p><u>A facility for passenger movements on/off and between public transport services, including:</u></p> <ul style="list-style-type: none"> <li>• <u>Passenger waiting areas</u></li> <li>• <u>Shelters</u></li> <li>• <u>Public ferry terminals</u></li> <li>• <u>Ticketing and other passenger facilities</u></li> <li>• <u>Bus interchanges</u></li> </ul>
<p><b><u>Staff</u></b> (For the purposes of Chapter 29 only)</p>	<p><u>Means full time staff or full time staff equivalent. Provision for a full time staff equivalent is based on recognition of the fact that some businesses are operated in shifts.</u></p>

<p><b><u>Transport infrastructure</u></b></p>	<p><u>Means:</u></p> <ul style="list-style-type: none"> <li>• <u>footpaths, footways and footbridges, bridges for roads, tunnels, retaining walls for roads;</u></li> <li>• <u>site access including vehicle crossings;</u></li> <li>• <u>the road carriageway including widening;</u></li> <li>• <u>bicycle paths and parking facilities, including electric bicycle and electric vehicle charging stations;</u></li> <li>• <u>road lighting and support structures;</u></li> <li>• <u>engineering measures (road markings, rumble strips, removal of roadside hazards, barriers, widened road margins, improving skid resistance, improving road geometry on bends and at intersections, fine tuning of signalised intersections, improving visibility at non-signalised intersections, fencing, speed humps, traffic separators);</u></li> <li>• <u>public transport facilities and systems and supporting ancillary equipment and structures including seats, shelters, real time information systems and ticketing facilities, bicycle storage, and cabinets;</u></li> <li>• <u>traffic control devices (including traffic islands, pedestrian crossings and roundabouts and intersection controls), traffic and cycle monitoring devices, traffic signals and support structures, cabinets and ancillary equipment associated with traffic signals;</u></li> <li>• <u>devices and structures to implement regulatory controls (no stopping, no overtaking, parking control, bus lane controls, vehicle restrictions) including parking meters and pay and display kiosks, and speed cameras and red light/traffic cameras; and</u></li> <li>• <u>parking; and</u></li> <li>• <u>any other structures required for transport activities on land in relation to the establishment of roads, cycleways, walkways, rail, or any other means.</u></li> </ul>
<p><b><u>Transport Network</u></b></p>	<p><u>Means the public roading network, all transport infrastructure, park and ride, public transport facilities, and the on-road and off-road public transport network and active transport network.</u></p>
<p><b><u>Unformed road</u></b> (For the purposes of Chapter 29 only)</p>	<p><u>Means land that is vested or dedicated as road that has never been formed in full or in part.</u></p>
<p><b><u>Vehicle control point</u></b> (For the purposes of Chapter 29 only)</p>	<p><u>Means a point on a vehicle access route controlled by a barrier (or similar means) at which a vehicle is required to stop, or a point where conflict with vehicles already on the site may arise. For example, a point where vehicles on the access route may need to wait for a vehicle reversing from a parking space on the site or queueing for a service station filling point).</u></p>
<p><b><u>Public water ferry service</u></b></p>	<p><u>Means a ferry service for the carriage of passengers for hire or reward, which is available to the public generally and is operated to a fixed regular schedule, including during normal commuting hours, runs between various stops and provides the ability for passengers to embark and disembark from the vessel at those various stops, but does not include any such service that:</u></p> <ul style="list-style-type: none"> <li>• <u>is contracted or funded by the Ministry of Education for the sole or primary purpose of transporting school children to and from school; or</u></li> <li>• <u>is operated for the sole or primary purpose of transporting passengers to or from a predetermined event.</u></li> </ul> <p><u>The definition is limited to that part of the ferry service that occurs on the surface of the water and excludes any associated activity that occurs on land or on a structure attached to land, including the lake bed.</u></p>

## **2.2 Acronyms Used in the District Plan**

Listed below are acronyms used within the plan. They do not include the acronyms of names of activity areas identified within structure plans adopted under the PDP.

- CPTED = Crime Prevention Through Environmental Design
- Ecm = Equivalent car movements
- GFA = Gross Floor Area
- NZTA = New Zealand Transport Agency
- PFA = Public Floor Area
- Vpd = Vehicles per day

# Variation to Stage 1 PDP Chapter 37 Designations:

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

## 37.2 Schedule of Designations

~~All Queenstown Lakes District Council Roads are deemed to be designated for the purpose of road.~~

### ~~A.1 Stopped Roads~~

~~Council shall stop all roads in accordance with either the Local government Act 1974 or the Public Works Act 1981.~~

~~Where the boundary of a legal road is re-aligned, or a legal road is stopped, the Council shall apply to the land no longer designated road a zone(s), in accordance with one or more of the following provisions: (i) Zoning shall be that which best accommodates any existing land use activities on the site of the stopped road, and which cause no more than minor effect to the environment; and/or (ii) Zoning shall reflect any topographical or natural features that constitute logical reason for zoning; and/or (iii) Stopped roads shall be zoned in accordance with the adjoining zone of least intensive development potential (refer to Table A.1).~~

~~Table A.1 — Least Intensive District Zoning to most Intensive District Zoning (i) Rural (ii) gibbston Character (iii) Rural Lifestyle/Bendemeer (iv) Rural Residential (v) Resort/Rural Visitor (vi) Arrowtown Residential Historic Management (vii) Township (viii) Low Density Residential/Penrith park (ix) High Density Residential/Medium Density (x) Corner Shopping Centre (xi) Industrial (xii) Business (xiii) Remarkables park (xiv) Town Centre (xv) Airport Mixed Use.~~

# Variation to Stage 1 PDP Chapter 21 Rural Zone:

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

<u>21.15.5</u>	<b><u>Public water ferry services</u></b> <u>Discretion is restricted to:</u> <ul style="list-style-type: none"><li>• <u>Effects on the transport network.</u></li><li>• <u>Effects on navigational safety.</u></li><li>• <u>Location, scale, and intensity of the activity.</u></li><li>• <u>Effects on landscape and amenity values.</u></li><li>• <u>Congestion and safety, including effects on other commercial operators and recreational users.</u></li><li>• <u>Waste disposal.</u></li><li>• <u>Cumulative effects.</u></li></ul>	<u>RD</u>
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# Variation to Stage 1 PDP Chapter 12 Queenstown Town Centre:

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

<b>12.4.7</b>	<p><u>12.4.7.4 Public water ferry services (surface of water activity only) within the Queenstown Town Centre Waterfront Sub-Zone as shown on the Planning Maps.</u></p> <p><u>In respect of 12.4.7.4, discretion is restricted to:</u></p> <ul style="list-style-type: none"><li>a. <u>Effects on the transport network.</u></li><li>b. <u>Effects on navigational safety.</u></li><li>c. <u>Location, scale and, intensity of the activity.</u></li><li>d. <u>Effects on landscape and amenity values.</u></li><li>e. <u>Congestion and safety, including effects on other commercial operators and recreational users.</u></li><li>f. <u>Waste disposal.</u></li><li>g. <u>Cumulative effects.</u></li></ul>	<u>RD</u>
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## Variation to Stage 1 PDP Chapter 9 High Density Residential:

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

9.2.6.5 A reduction in parking requirements may be considered in Queenstown and Wanaka where a site is located within ~~400~~ 800 m of a bus stop or the edge of a town centre zone.

## **Appendix 2: Recommendations on Submissions and Further Submissions**

<b>Submission Number</b>	<b>Submitter</b>	<b>Commissioners' Recommendation</b>	<b>Reference in Report</b>
2457.24	Paterson Pitts (Wanaka)	Reject	5.3
2457.25	Paterson Pitts (Wanaka)	Accept	7.3.6
2457.26	Paterson Pitts (Wanaka)	Accept in Part	7.3.14
2460.3	Queenstown Central Limited	Accept in part	7.1.6
2460.4	Queenstown Central Limited	Accept in Part	7.2.5
2460.5	Queenstown Central Limited	Out of scope	10
2460.6	Queenstown Central Limited	Reject	10
2460.7	Queenstown Central Limited	Accept in Part	12
2460.8	Queenstown Central Limited	Reject	14
2462.10	Queenstown Park Limited	Reject	9
2462.11	Queenstown Park Limited	Accept in part	2
2462.8	Queenstown Park Limited	Accept in Part	5.1
2462.9	Queenstown Park Limited	Reject	7.1.4
2465.10	RCL Henley Downs Ltd	Accept in part	5.2
2465.11	RCL Henley Downs Ltd	Reject	5.2
2465.12	RCL Henley Downs Ltd	Reject	5.3
2465.13	RCL Henley Downs Ltd	Accept in part	5.3
2465.14	RCL Henley Downs Ltd	Accept in Part	5.4
2465.15	RCL Henley Downs Ltd	Reject	5.4
2465.16	RCL Henley Downs Ltd	Accept in Part	5.4
2465.17	RCL Henley Downs Ltd	Accept	6.2
2465.18	RCL Henley Downs Ltd	Accept in Part	7.1.5
2465.19	RCL Henley Downs Ltd	Reject	7.1.6
2465.20	RCL Henley Downs Ltd	Accept in part	7.2.4
2465.21	RCL Henley Downs Ltd	Reject	7.2.5
2465.22	RCL Henley Downs Ltd	Reject	7.2.5
2465.23	RCL Henley Downs Ltd	Reject	7.3.1
2465.24	RCL Henley Downs Ltd	Accept	7.3.2

<b>Further Submission Number</b>	<b>Relevant Submission Number</b>	<b>Submitter</b>	<b>Commissioners' Recommendation</b>	<b>Reference in Report</b>
FS2754.5	2329.3	Remarkables Park Limited	Accept	3
FS2754.6	2339.6	Remarkables Park Limited	Accept in part	5
FS2754.7	2465.3	Remarkables Park Limited	Reject	2.2
FS2754.8	2465.6	Remarkables Park Limited	Reject	3
FS2754.9	2465.39	Remarkables Park Limited	Reject	5.1
FS2755.1	2078.1	Queenstown Park Limited	Accept in Part	5
FS2755.10	2466.1	Queenstown Park Limited	Accept in Part	3
FS2755.11	2466.2	Queenstown Park Limited	Accept in Part	3
FS2755.12	2466.37	Queenstown Park Limited	Reject	3
FS2755.13	2474.31	Queenstown Park Limited	Accept in Part	7.3.14
FS2755.14	2492.27	Queenstown Park Limited	Reject	5
FS2755.15	2494.48	Queenstown Park Limited	Accept in Part	5.4
FS2755.16	2511.3	Queenstown Park Limited	Accept in Part	3
FS2755.17	2568.1	Queenstown Park Limited	Out of scope	3
FS2755.18	2594.1	Queenstown Park Limited	Reject	3
FS2755.19	2594.2	Queenstown Park Limited	Accept in part	2.2
FS2755.2	2238.10	Queenstown Park Limited	Accept	10
FS2755.20	2594.3	Queenstown Park Limited	Reject	2.2
FS2755.22	2601.7	Queenstown Park Limited	Accept in part	5.2
FS2755.23	2601.9	Queenstown Park Limited	Reject	5.3
FS2755.24	2601.11	Queenstown Park Limited	Accept in Part	5.4
FS2755.25	2601.27	Queenstown Park Limited	Accept in Part	7.3.14
FS2755.3	2238.11	Queenstown Park Limited	Accept	10
FS2755.4	2297.6	Queenstown Park Limited	Accept in Part	3
FS2755.43	2618.10	Queenstown Park Limited	Reject	4
FS2755.44	2618.11	Queenstown Park Limited	Reject	6
FS2755.45	2618.12	Queenstown Park Limited	Accept	6
FS2755.46	2618.13	Queenstown Park Limited	Accept in Part	7.3.12

<b>Further Submission Number</b>	<b>Relevant Submission Number</b>	<b>Submitter</b>	<b>Commissioners' Recommendation</b>	<b>Reference in Report</b>
FS2755.47	2618.14	Queenstown Park Limited	Accept	7.1.6
FS2755.5	2329.3	Queenstown Park Limited	Accept	3
FS2755.6	2339.6	Queenstown Park Limited	Accept in part	5
FS2755.7	2465.3	Queenstown Park Limited	Reject	2.2
FS2755.8	2465.6	Queenstown Park Limited	Reject	3
FS2755.9	2465.39	Queenstown Park Limited	Reject	5.1
FS2759.10	2466.2	Queenstown Airport Corporation	Accept in Part	3
FS2759.11	2494.2	Queenstown Airport Corporation	Accept in Part	2.2
FS2759.12	2581.2	Queenstown Airport Corporation	Accept in Part	2.2
FS2759.13	2492.3	Queenstown Airport Corporation	Reject	3
FS2759.17	2511.4	Queenstown Airport Corporation	Accept in part	5
FS2759.4	2239.2	Queenstown Airport Corporation	Reject	3
FS2760.1	2497.4	Real Journeys Limited	Accept	3
FS2760.129	2594.1	Real Journeys Limited	Reject	3
FS2760.130	2594.2	Real Journeys Limited	Accept in part	2
FS2760.131	2594.3	Real Journeys Limited	Reject	2.2
FS2760.203	2492.3	Real Journeys Limited	Reject	3
FS2760.204	2492.4	Real Journeys Limited	Reject	3
FS2760.225	2492.25	Real Journeys Limited	Accept in part	2.2
FS2760.226	2492.26	Real Journeys Limited	Accept in part	2.2
FS2760.227	2492.27	Real Journeys Limited	Reject	5
FS2760.228	2492.28	Real Journeys Limited	Reject	3
FS2760.229	2492.29	Real Journeys Limited	Reject	2
FS2760.230	2492.30	Real Journeys Limited	Accept in Part	2
FS2760.231	2492.31	Real Journeys Limited	Reject	2.2

# **QUEENSTOWN LAKES DISTRICT COUNCIL**

## **Hearing of Submissions on Proposed District Plan**

### **Stream 15 Report**

#### **Report and Recommendations of Independent Commissioners Regarding Chapters 25, 29, 31, 38 and Visitor Accommodation**

##### **Report 19.6 – Chapter 38 Open Space and Recreation Zones**

**Commissioners  
Denis Nugent (Chair)  
Calum MacLeod  
Sarah Dawson  
Robert Nixon**

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**Appendix 1: Recommended Revised Chapter 38 Open Space and Recreation and  
Associated Variations**

**Appendix 2: Recommendations on Submissions and Further Submissions**

## PART A – CHAPTER 38 AND VARIATIONS – TEXT

### 1. PRELIMINARY

#### 1.1 Introduction

1. This report needs to be read in conjunction with Report 19.1. That report sets out the appearances and procedural matters for Stream 15. It also contains our recommendations on matters applicable generally to all the provisions covered by Stream 15.
2. Throughout this report, we use the abbreviations set out in Section 1.1 of Report 19.1 plus following abbreviation which is specific to submissions dealing with Chapter 38:

IRZ                      Informal Recreation Zone

#### 1.2 Background

3. Chapter 38 has introduced an entirely new method of managing over 200<sup>1</sup> reserves within the District. Currently under the ODP, reserves are subject to bespoke designations for each reserve, which are in turn placed over the underlying zoning – for example, a reserve within the Rural Zone will have an underlying Rural Zoning.
4. The Council proposes to replace the current approach in the ODP, with the following categories of reserve ‘zonings’ under the PDP:
  - Nature Conservation Zone
  - Informal Recreation Zone (including a Ben Lomond Sub-Zone)
  - Active Sport and Recreation Zone
  - Civic Spaces Zone
  - Commercial Purposes Zone (includes Cemetery, Golf, and Camping Ground Sub-Zones)
5. It was explained to the Hearings Panel that the Council had decided to adopt this approach as part of the Parks and Open Space Strategy adopted by the Council in May 2017<sup>2</sup>, also noting that it was an approach previously adopted in other district plans, including the Auckland Unitary Plan, and the Christchurch City District Plan.
6. It is the Council’s intention that the current reserve designations be subject to a staged withdrawal process<sup>3</sup>.
7. This new approach to managing Council Reserves had a significant influence on the 575 submission points that had been received (301 original and 274 further submission points)<sup>4</sup>, particularly those related to requests for changes to and between the particular zonings.

---

<sup>1</sup> C. Edgley, Section 42A Report, paragraph 4.3

<sup>2</sup> Ibid, paragraph 5.19

<sup>3</sup> J. Galavazi, EiC, paragraph 3.4

<sup>4</sup> C. Edgley, Section 42A Report, paragraph 6.1

8. Zonings imposed on Council reserves under Chapter 38 as notified have been applied exclusively to land held by the Council for reserve purposes, and not to any private land. This was a significant issue in a small number of submissions, as discussed later in this report.
9. Evidence was presented for the Council by Ms Galavazi who explained the philosophy behind the adoption of the specific zoning of Council reserves and its application to a number of rezonings sought by submitters; the evidence of Ms Edgley dealt with the detailed matters within submissions including those on objectives, policies, rules and the various rezonings sought.
10. Some submissions have been lodged as a group or seek similar relief. These include submissions from Real Journeys Limited, Go Orange Limited, Cardrona Alpine Resort Limited and Te Anau Developments Limited<sup>5</sup> which will be summarised as 'Real Journeys Group', including in circumstances where the submission is in the name of only one of these parties. We note that submissions for this group of submitters were prepared and presented by Mr Farrell, a planning consultant.

## 2. GENERAL SUBMISSIONS

11. A number of submissions offered full or partial support to the provisions contained within Chapter 38.
12. Kawarau Jet Services Holdings Ltd<sup>6</sup> supported the zoning shown on Council foreshore reserves on planning maps 35, 37 and 31A, and Heritage New Zealand<sup>7</sup> supported the historic heritage related provisions in Chapter 38. We recommend that these submissions be accepted.
13. Ngai Tahu Property Ltd and Ngai Tahu Justice Holdings Ltd<sup>8</sup> supported the content of Chapter 38 with the exception of the zoning of a small parcel of land in Stanley Street which is addressed later in this report with respect to rezoning matters. We recommend that this submission be accepted.
14. Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua and Te Runanga o Oraka- Aparima (Kai Tahu)<sup>9</sup> generally supported Chapter 38 to the extent that it recognised and protected the ancestral relationship of Kai Tahu and their culture and traditions with their lands, water, culturally significant sites, wahi tapu and other taonga, but sought a range of amendments. The following amendments were sought:
  - a) That the provisions recognise and address the effects of landfills, cemeteries and crematoriums on tangata whenua values;
  - b) That areas of wāhi tūpuna are mapped;

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<sup>5</sup> Submissions 2466, 2581, 2492 and 2494 respectively

<sup>6</sup> Submission 2290

<sup>7</sup> Submission 2446

<sup>8</sup> Submission 2335

<sup>9</sup> Submission 2329

- c) Kāi Tahu values need to be visible throughout the document including cross referencing with the Tangata Whenua Chapter; and
  - d) Tangata Whenua values should be recognised throughout the PDP, similar to references to landscape and ecological values.
15. Ms Edgley’s response to the submission was that the adverse effects of concern were in large part already addressed under various policies and rules in the PDP, citing for example that a cemetery would require a resource consent in all zones except for the Cemetery Sub-Zone, and that no new areas were identified for this purpose. She noted that mapping of wahi tupuna had been considered and the decisions on Stage 1 and that the Council were undertaking a further review to address this through a later stage of the review of the PDP. We concur with Ms Edgley’s conclusion that the submission be accepted in part.
16. Young Changemakers - Wakatipu Youth Trust Advisory Group<sup>10</sup> supported the chapter and requested that different uses of parks, reserves and open spaces should be undertaken, which would benefit locals and create community, including the planting of fruit trees and natives, installation of sunscreen dispensers and water fountains, and increased recreational activities. This support of the contents of the chapter are acknowledged, although the specific matters raised would best be addressed through a Reserves Management Plan rather than through the provisions of the PDP, and on this basis we recommended that the submission be accepted in part.
17. Active Transport Wanaka<sup>11</sup> supported the PDP in general (and particularly Policy 38.2.1.1 (c) with respect to walking and cycling networks) but also sought to work with the Council to plan and implement an Active Transport Wanaka Masterplan with the aim of ensuring the PDP provisions accord with the Masterplan and other objectives, policies, and rules relevant to cycling or walking access.
18. Ms Edgley advised that the provision of cycle ways and walkways has been recognised in Policy 38.2.1.1 (c) as well as Policies 38.4.1.6, 38.9.27 and associated rules. It is also supported through subdivision policies 27.2.2.3, 27.2.2.4, 27.2.5.5 and 27.2.5.3. She added that the Open Spaces Strategy provides additional guidance on the matters covered by Policy 38.2.1.1 (c). We concur with Ms Edgley’s conclusions that while support for the plan provisions is acknowledged, a number of the specific matters raised in the submission would not be addressed through the PDP and its consent processes, but rather other through Council functions outside the regulatory framework of the District Plan. For these reasons, this part of the Active Transport Wanaka submission is recommended to be rejected.
19. There were a number of submissions generally in opposition to all or parts of Chapter 38.
20. Real Journeys Group, sought similar or identical changes to Chapter 38 submitting that the chapter should be deleted or significantly amended, including the deletion of objectives and policies other than those having district wide application. The submissions sought a simplified framework which would provide for the benefits of commercial recreation and transport activities and for the maintenance of upgrading of infrastructure within open space zones. We

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<sup>10</sup> Submission 2495

<sup>11</sup> Submission 2078

did not hear any evidence justifying the entire removal of these provisions, or any alternative provisions to take their place. Our understanding from the submissions presented by Real Journeys Group was that the primary focus was on the specific content of provisions within Chapter 38 and how these could be amended. This part of their submissions are recommended to be rejected.

21. During the course of the hearing, witnesses for these parties primarily focused their attention on their more detailed submissions on aspects of Chapter 38, rather than its wholesale deletion or redrafting. In general, we agree with Ms Edgley that the proposed zoning framework provides greater certainty and overall consistency than the current designation and underlying zone framework for reserves under the ODP. With respect to assertions that the policy and rule framework was too onerous, we observe that the zoning framework provides for open space zones that reflect high levels of public use and others where conservation and protection values predominate, which we considered is appropriate with respect to Council-owned reserves. It appeared in some cases that the concern of the submitters appeared directed towards managing development in the district as a whole, rather than falling within the limited scope of Chapter 38.
22. We do not consider that the use of Council reserve land should necessarily be subservient to commercial and tourist activities. We recommend that these submission points be rejected.
23. Another issue which arose during the course of the hearings was whether it was appropriate to zone private land one of the Open Space and Recreation zones, a matter arising in submissions by Kingston Holiday Park Ltd<sup>12</sup>, Bridesdale Farm Developments<sup>13</sup>, Kirimoko No.2 Ltd Partnership<sup>14</sup>, and Glen Dene Limited and Sarah Burdon<sup>15</sup>.
24. We go on to discuss the merits of zoning private land for open space purposes later in this report, and additional reasons why we consider this is not appropriate, or at least within the zoning framework currently contained in Chapter 38. At a general level however, an important part of managing Council-owned land is the ability to provide for complementary management through the provisions of the PDP and under the Reserves Act and Reserve Management Plans. It is not possible to provide such complementary management under the Reserves Act for privately owned land, a situation which could be further complicated where land is in combined Council/private ownership.
25. In her reply evidence, Ms Edgley noted that the formulation of plan provisions for open space areas, and the accompanying section 32 assessment, had not been undertaken on the basis that it might apply to private land, and she cited examples of provisions that would be inappropriate if applied to private land (such as building height within an ONL), the management of temporary events, site coverage, minimum floor levels for buildings in flood risk areas, minimum site areas for more intensive activities, building colour requirements and limits on hours of operation<sup>16</sup>. She went on to suggest that if such a zoning were applied to private land (using the Bridesdale scenario), then activities would need to be fully discretionary.

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<sup>12</sup> Submission 2103

<sup>13</sup> Submission 2391

<sup>14</sup> Submission 2405

<sup>15</sup> Submission 2407

<sup>16</sup> C. Edgley Reply Evidence, paragraph 3.5

26. In that respect, we have concerns about creating a zoning in which an activity anticipated within a zone was confined to being fully discretionary in status, providing insufficient certainty for the affected landowner. Conversely, we have concerns about the potential scale and nature of development on privately-owned land in the District where this is part of the suite of land which includes Council controlled reserves. We go on to discuss this issue further with respect to the assessment of specific rezoning submissions later in this report. We recommend that these submission points be rejected.
27. Remarkables Park Ltd<sup>17</sup> and Queenstown Park Ltd<sup>18</sup> submitted on the basis that they oppose protection of established activities that might be contrary to the proposed zoning framework, notwithstanding that these may be historic uses. Even setting aside potential issues relating to existing use rights, we consider that long-standing activities on reserves need to be recognised, and any changes or intensification to these can be managed through the policy and rules framework applicable to the open space zone within which they are located. We recommend that the submissions be rejected.
28. Loris King attended the hearing and expanded on her contention that it was neither necessary nor appropriate to implement the proposed Open Space and Recreation zoning framework, and associated policies and rules over reserve land, on the basis that the Reserves Act already provided such a framework.
29. Ms Galavazi's evidence set out in some detail<sup>19</sup> the reasons why the Council wished to adopt a zoning framework over Council reserves in the District. We make the following observations in this respect:
  - a) The management of Council open space through specialised open space zonings in the District Plan has increasingly been adopted by other local authorities, including other major local authorities with large numbers of parks and reserves, such as Auckland and Christchurch;
  - b) Regardless of the application of the Reserves Act, reserve land in the District Plan has to have some form of identification – specialised zoning, designation, or a zoning related to adjoining land. A specialised zoning depending on the character of each reserve is the most efficient approach, and can be targeted to directly relate to the purpose of the reserve and the level of public use.
  - c) The current District Plan (ODP) either relies on designation with individual conditions for each reserve, and in some cases has no conditions at all, providing little guidance;
  - d) The underlying zoning for reserves is often completely inappropriate as it is based on the adjoining land use and rules (e.g. residential, commercial, rural etc). These may be either much too liberal, or in the case of community facilities where the zoning is rural, too restrictive.
30. Specialised zoning under the RMA and the PDP better complements Reserve Management Plans, through policies and rules which set out the nature and scale of buildings, building

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<sup>17</sup> Submission 2468

<sup>18</sup> Submission 2462

<sup>19</sup> J. Galavazi, EiC, paragraphs 3.1 – 3.17

coverage, and the nature of uses expected within a reserve. If the threshold for these activities exceeded, a resource consent is required.

31. It appears that Ms King’s primary concern was to restrict any building on reserve land unless it is a park dedicated to organised sports. We disagree – the proposed open space classifications specify maximum thresholds for building activity which are much more restrictive for those reserves which have a primary purpose of conservation – such as the Nature Conservation Zone, and are more liberal for those where a high level of public use is expected, such as the Active Sport and Recreation Zone. We consider this is an appropriate planning approach, and recommend that the submission be rejected.
32. Three submissions raised general issues about the approach to be taken to reserve management. Georgina Ralston<sup>20</sup> requested that the chapter be strategic in its approach to open space and landscape planning, to future proof areas of land in the way that the Queenstown Gardens were set aside in the nineteenth century for that purpose. Lake Hayes and Shotover Country Community Association<sup>21</sup> sought that the provisions that apply to the reserves in and around Lake Hayes Estate and Shotover Country are either deleted or amended to ensure that the reserves are managed strategically to meet the present and future needs of the community. Remarkables Park Limited<sup>22</sup> submitted that it is unclear how Chapter 38 is providing open spaces and recreation zones within new or expanding urban areas.
33. The provision of areas of open space are achieved through the development and subdivision process, and are addressed through the Parks and Open Space Strategy 2017, and within the PDP itself through objectives and policies in Chapter 4 Urban Development (Objectives 4.2.2.2 and 4.2.2.4) and under Chapter 27 Subdivision and Development (Objective 27.2.2 and Policy 27.2.2.3). The PDP has classified Council open space under five zones in the PDP depending on the existing and anticipated use of these open spaces, and any changes to these have been addressed through submissions specific to objectives, policies and rules applying to these spaces and through the recommendations in this report. Given this context, it is recommended that these submissions be rejected.

### 3. SECTIONS 38.1 & 38.2 – DISTRICT WIDE PURPOSE, OBJECTIVES AND POLICIES

#### 3.1 Chapter 38 Purpose

34. As noted earlier, there are a group of submitters who have challenged the restriction of the open space zonings to only Council administered reserves, and have sought that it be applied to private land owned by those parties. These include Kingston Holiday Park, Bridesdale Farm Developments, Kirimoko No.2 Partnership, Glen Dene and Sarah Burdon, Patterson Pitts, and JVZ New Zealand Limited<sup>23</sup>.
35. These submitters have sought that the wording contained in Section 38.1, being the ‘Purpose’ statement for Chapter 38 be removed where it makes reference to Council administered reserves. This matter was addressed earlier in paragraphs 23-25 of this report, and is addressed

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<sup>20</sup> Submission 2546

<sup>21</sup> Submission 2401

<sup>22</sup> Submission 2468

<sup>23</sup> Submissions 2103, 2391, 2405, 2407, 2457, and 2485 respectively

later with respect to particular requested rezonings. For the reasons set out earlier, we recommend that these submissions be rejected.

36. Tonnie and Erna Spijkerbosch<sup>24</sup> have submitted that open spaces should not be occupied by freedom campers, and Sarah Roy<sup>25</sup> submitted that camping activity should not be allowed in Council reserves, and be treated as a Visitor Accommodation Activity. Ms Edgley noted that freedom camping (in contrast to a managed campground) is controlled separately through the Freedom Camping Bylaw. Because this issue does not need to be addressed under the District Plan, as it is dealt with elsewhere, it is recommended that the two submissions be rejected.
37. Skyline Enterprises Ltd<sup>26</sup> noted that the purpose statement requires amendment to identify four subzones, rather than the incorrect reference to three subzones stated under Section 38.1 as notified. We recommend that this submission be accepted, and the text of Section 38.1 amended accordingly.
38. Real Journeys Group sought that the last sentence in the second paragraph of Section 38.1 Purpose be deleted. This states as follows:

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

39. Ms Edgley responded that although this matter related to the Council’s functions under section 31 of the RMA and section 11A of the Local Government Act 2002, the text was essentially superfluous as these requirements (in this case the provision and management of reserves) apply anyway. She recommended that the words be deleted, and we concur with this and that the submission point be accepted.

### **3.2 Objective 38.2.1 and Policies**

40. Section 38.2 contains the ‘District Wide’ Objectives and Policies. Objective 38.2.1 and its associated policies as notified read as follows:

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

#### *Policies*

*38.2.1.1 The design, development, management and maintenance of Open Space and Recreation Zones shall provide for:*

- a) *the needs of the community in the area in which the zones are located and the needs of the wider community and visitors to the District;*
- b) *the effective and efficient use of resources so as to ensure that Open Space and Recreation Zones are multifunctional and fit for purpose;*

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<sup>24</sup> Submission 2133

<sup>25</sup> Submission 2212

<sup>26</sup> Submission 2493

- c) *the maintenance and enhancement of integrated public access connections to walking and cycling networks throughout the District, including along lake and river margins;*
- d) *the functional use of Open Space and Recreation Zones while ensuring they are safe and attractive to users;*
- e) *the location within which Open Space and Recreation Zones are situated, responding to recognised natural character, landscape and heritage values; and*
- f) *The provision of infrastructure necessary to service Open Spaces and Recreation Zones, including recreation facilities and amenities.*

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

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

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

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

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

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

- 41. Real Journeys Group<sup>27</sup> sought widespread changes to the district wide objectives and policies, including Objective 38.2.1 and some associated policies.
- 42. Both Ms Black and Mr Farrell for the submitter took exception to the word “met” in Objective 38.2.1 on the basis that this implied that it was only the Council (and not parties such as the Department of Conservation and private landowners such as ski field operators) that was meeting the needs of residents and visitors. Ms Edgley was concerned that the amendments sought by the submitters could result in the objective no longer specifying a defined ‘outcome’.
- 43. We agree that the Council is a major contributor to the provision of quality open space and recreation, but we also agree that it is not the only contributor, which could be an issue under the current policy wording where for example, resource consent may be sought for a ‘non-Council’ recreational facility. At the same time, we remind ourselves that Chapter 38 relates to

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<sup>27</sup> Submissions 2466, 2581 and 2494

land administered by the Council. Accordingly, we recommend that this part of the submission be accepted in part and that the Objective 38.2.1 be amended to read as follows:

*“That open space land and facilities administered by the Council make a major contribution towards meeting the needs of the District’s residents and visitors for passive and active recreation”.*

44. ZJV<sup>28</sup> requested that Policy 38.2.1.1 be amended by streamlining the wording. They also sought that subclause (b) of the policy be amended by removing reference to multifunctional use and adding the words “safe for users”, and the deletion of subclause (d) of the policy. The removal of subclause (d) was also sought by the Kawarau Jet Services Holdings<sup>29</sup>. The issue of safety was also raised by Real Journeys Group who also, however, sought that Policy 38.2.1.1 be deleted in its entirety.
45. Public Health South<sup>30</sup> sought the amendment of subclause (d) to recognise and provide for users of all ages and different physical capacities, and the addition of a new subclause (g) in relation to providing functional and secure cycle and walking linkages.
46. Some open spaces, particularly in this District, serve a range of different functions and provide for ‘adventure’ activities. We consider that recognition of the safety of users as raised by the ZJV and Real Journeys Group is a valid concern, and is also recognised under section 5(1) of the Act. We consider that the matter raised by Public Health South is valid with respect to walking and cycling linkages, but is already addressed through subclause (c) of Policy 38.2.1.1. Similarly meeting the needs of people of all ages and different physical capacities is a valid issue in the District.
47. To address these matters, we recommend that the words “multifunctional” can be deleted from subclause (b) of policy 38.2.1.1 as it is already addressed under Policy 38.2.1.2. Subclause (d) of the policy is largely superfluous, and safety can be addressed through an addition to subclause (b) of the policy.
48. We recommend that subclause (b) be amended to read:

“the effective and efficient use of resources so as to ensure that Open Space and Recreation Zones are fit for purpose and safe for all users;”
49. We recommend that existing subclause (d) be deleted and replaced by the following:

“recognise and provide for users of all ages and different physical capacities;”
50. Accordingly, we recommend that the submission points by ZJV and Public Health South be accepted in part.
51. Real Journeys Group also sought that Policy 38.2.1.3 be amended to only make reference to “significant” ecological values. In response to a question, Ms Black elaborated her concern

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<sup>28</sup> Submission 2485

<sup>29</sup> Submission 2290

<sup>30</sup> Submission 2040

about the wording of this and similar policies on the basis that in her experience reporting officers had a tendency to take somewhat 'literal' (rather than pragmatic) interpretations of unqualified plan provisions.

52. While we acknowledge this concern, we are dealing here with publicly owned Council reserves. We were concerned that there was a theme in the submissions by Ms Black and Mr Farrell on Chapter 38 as a whole, that policy wording should be watered down in order to facilitate 'efficient' consent processes, and the commercial benefits of tourist development.

53. We note that section 6(c) of the RMA states as follows:

*"The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna".*

(our emphasis)

54. We also note that the proposed classification of Open Space and Recreation Zones under the PDP specifically recognises the different function and character of areas administered by the Council – for example it would be expected that within the Nature Conservation Zone a considerably higher emphasis would be placed on the protection of indigenous vegetation and fauna than perhaps in other zones contained in Chapter 38. It is also likely to be a zone where ecological values are likely to be "significant". We consider also that the standard of protection given to indigenous vegetation and habitats on Council owned land could hardly be less than that expected on private land.

55. In her reply evidence<sup>31</sup>, Ms Edgley addressed the matter of 'aspirational' policies following a query from the Hearings Panel in light of the Supreme Court decision on *King Salmon*<sup>32</sup>. Her response was that qualifiers to policies were acceptable provided they were clear and defined. She noted that some Open Space and Recreation Zones will have existing ecological values to protect while others were unlikely to have such features (e.g. the Active Sport and Recreation or Community Purposes Zones).

56. Having regard to all of these factors, we consider Ms Edgley's proposed amendment to Policy 28.2.1.3 provides a useful starting point for reviewing the policy. To this end, we consider it would be useful to avoid simply paraphrasing the Act, while at the same time recognising the classification of Open Space and Recreation Zones. We recommend that the submission point by Real Journeys Group be accepted in part and the policy be reworded as follows:

*"Promote the protection of existing ecological values having regard to the purpose, objectives and policies specific to each Open Space and Recreation Zone, and opportunities for enhancing natural values".*

57. Real Journeys Group also sought that a minor grammatical change be made to Policy 38.2.1.4. We agree with Ms Edgley that no change to this policy is required and that this submission point be rejected.

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<sup>31</sup> C. Edgley, Reply Evidence, paragraphs 6.1-6.6.

<sup>32</sup> *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd and Ors* [2014] NZSC 38

58. Turning to Policy 38.2.1.5, Mr Farrell’s evidence for Real Journeys Group stated that:

*“Consider that Policy 38.2.1.5 is very stringent and I support the amendments requested by RJG (Real Journeys) so the focus of the policy is focused on the compatibility of new activities with existing activities”<sup>33</sup>.*

59. We were somewhat perplexed at this concern, given that subclause (a) of the policy states:

*“is compatible with and does not affect the continued operation of established activities”.*

60. Similarly, we are at a loss as to why this submitter seeks the deletion of subclauses (b) and (c) which simply require that activities that do not have a practical or functional need to be located with an open space and recreation zone do not preclude the development of new open space and recreation activities and maintain or enhance recreation and amenity values. These seem to us to be outcomes that would typically be expected as part of the management of the Council’s open space and recreation network.

61. At this point we also acknowledge Ms Edgley’s comment<sup>34</sup> that care needs to be taken to ensure that the policy framework does not have the effect of attempting to regulate the entry of competitors into the existing tourism market, to the extent that such activities are dependent on the use of Council open space and reserves. We recommend that the submission point be rejected.

62. Fire and Emergency New Zealand (FENZ) have sought that Policy 38.2.1.5 be amended as follows:

*“Avoid activities that do not have a practical, operational or functional need (including enabling and protecting the health and safety and well-being of the community) to be located within Open Space and Recreation Zones”.*

63. The submission point is part of a wider submission which is also addressed below in section 3.11. We understand that this amendment was to provide policy support for amendments sought to rules in order to enable fire stations to be located within Open Space Zones. While we could readily appreciate the importance of fire and rescue activities, we did not hear any evidence specific to the need to establish such facilities within these zones, which would have provided us with the context required to better understand this submission. Otherwise, it would not be our expectation that these kind of facilities (at least of a permanent nature) would normally be located in Open Space and Recreation Zones. For this reason, the submission point is recommended to be rejected.

64. There were a number of other submissions supporting all or part of the above objective and policies, and these are recommended to be accepted in part in recognition of the amendments made in response to submissions. There were no submissions on Policy 38.2.1.6.

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<sup>33</sup> B Farrell, EiC, paragraph 26(d).

<sup>34</sup> C. Edgley Section 42A Report, paragraph 14.11

### 3.3 Objective 38.2.2 and Policies

65. Objective 38.2.2 and Policies 38.2.2.1 – 38.2.2.3 read as follows:

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

#### *Policies*

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

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

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

66. Policies 38.2.2.4 and 38.2.2.5 are lengthy policies which deal with the scale and location of buildings and structures, and with buildings and structures adjacent to outstanding natural features or landscapes respectively.

67. Real Journeys Group sought the deletion of Policies 38.2.2.1 and 38.2.2.2. The submitter was concerned that Policy 38.2.2.1 overlaps with Policy 38.2.2.4 in that both purport to deal with the potential effects of buildings and structures. Ms Black expressed the view that Policy 38.2.2 was too onerous and did not take account of activities such as temporary events and filming which do not fit the mould of 'typical' recreation activities.

68. We do not agree with the submitter's relief to the extent that it seeks the deletion of these policies, which are consistent with the outcomes sought under Objective 38.2.2 and which properly recognise that activities, buildings and structures can potentially have an adverse effect on the quality and amenity of reserves. We concur with Ms Edgley's recommendation that it is not necessary to delete the policies in terms of managing the effects of buildings and structures, but that rather it would be appropriate to remove reference to buildings and infrastructure from Policy 38.2.2.1, so that the policy focused on 'activities' instead, and Policy 38.2.2.4 focuses on the 'effects' of buildings and structures.

69. We recommend that the submission be accepted in part by amending Policy 38.2.2.1 to read as follows:

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

70. We consider the submission by Real Journeys Group raises a potential issue with the wording of Policy 38.2.2.2 given that the range and nature of activities on the District's reserves can be very diverse, and some are temporary in nature. Such activities may subject a reserve to intensive activities over a short period of time, but do not necessarily detract from its values. In particular the notified wording of the policy which stipulates that activities, buildings, and structures be "necessary" to maintain or enhance anticipated land use values within a recreation and open space zone, can be interpreted as unreasonably constraining. Instead, it is the classification and sensitivity of the particular reserve which is the important issue.

71. Accordingly we recommend the submission point be accepted in part and that Policy 38.2.2.2 be reworded as follows:

Limit activities, buildings and structures to those compatible with the role and function of the zone, and the sensitivity of the surrounding environment, and which maintain or enhance the anticipated use or values of the zone.

72. Real Journeys Group sought that Policy 3.8.2.2.3 be amended by removing reference to the screening of structures, outdoor storage and parking. We accept that it would not be practicable in all cases for such facilities to be 'screened', but again bearing in mind that we are referring to Council reserves, typically at least landscaping would be required to 'soften' rather than 'hide' structures and car parking. There may be circumstances where screening is appropriate, and the wording of the policy could be improved by replacing the word 'and' with the word 'or'. However, Ms Edgley advised that the definition of 'landscaping' in Chapter 2 already includes screening. Given the definition, we recommend that this submission be accepted and the word 'screened and' be deleted from the Policy.

73. Policy 38.2.2.5 and subclause (e) of that policy read as follows:

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

*e) Ensuring trails, access and car parking areas (including associated earthworks) do not degrade visual amenity values or disrupt natural character or landforms.*

74. The basis of the relief sought by Real Journeys Group was that it is very difficult or impossible in practical terms, to undertake development that does not degrade visual amenity values. We suspect this again comes down to the concern expressed by Ms Black with respect to the manner in which policy wording can be interpreted by reporting officers. For her part, Ms Edgley argued that the policy should not be ambiguous with respect to land that is within an ONF or ONL.

75. We consider that a further factor here is that the policy applies within Council reserves where the Council's consent would be required in any event for the nature of works that are undertaken. It is not unreasonable in our view that development within open space and recreation zones, particularly those parts within an ONL or ONF, be subject to stringent control. As we indicated before, we think the Council is entitled to manage its reserves in a manner that does not provide precedence to commercial development. We also think it is going too far to assume that trails and access arrangements would inevitably detract from open space; and car

parking is an activity which justifies stringent control in the circumstances to which this subclause applies. We recommend that this submission point be rejected.

76. Policy 38.2.2.6 as notified reads as follows:

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

77. Real Journeys Group sought amendments to Policy 38.2.2.6, again on the issue of the safe and efficient movement of people on water bodies adjoining reserve areas. Ms Edgley considered the issue of safety was already addressed in Policy 38.2.2.5 (a) and in Policy 38.2.2.6, although this does not appear to be the case, at least with the former. To a limited extent, safety is partly addressed under Policy 38.2.1.1 as proposed to be amended by our recommendations. However we consider that the potential safety of activities both on reserves (and where applicable, adjoining water bodies) is a relevant matter to be addressed. While we acknowledge that safety is also addressed under other legislation, we note that a district council can regulate activities on the surface of water bodies.

78. We recommend the Policy 38.2.2.6 be amended to focus on amenity values, while a new Policy 38.2.2.7 be introduced to address safety issues. On this basis it is recommended that the submission be accepted in part and that Policy 38.2.2.6, and new policy 38.2.2.7 read as follows:

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

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

### **3.4 Objective 38.2.3 and Policies**

79. Objective 38.2.3 as notified reads as follows:

*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.*

80. Real Journeys Group sought that the words “do not degrade” be deleted from the objective. Ms Edgley recommended that the wording of the objective be changed to:

*Commercial activities are limited to those that have a functional requirement to locate within Open Space and Recreation Zones and maintain open space and recreation values.*

81. ‘Degrade’ is a rather strong word. Given that it is accepted that some commercial activities need to have a functional requirement to locate within open space and recreation zones (i.e., that is reserves administered by the Council), we consider a more appropriate wording is that such development maintain the values of these spaces. This wording is more enabling and positive than that contained in the objective as notified. We do not consider that the use of the

word “maintain” implies that nothing can change. Change can occur provided it maintains open space and recreation “values”.

82. This part of the submission is recommended to be accepted in part, and the wording amended to that proposed by Ms Edgley.

83. Policy 38.2.3.2 as notified reads as follows:

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

84. Policy 38.2.3.3 as notified reads as follows:

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

85. Real Journeys Group again took exception to the use of the word “degrade” in Policy 38.2.3.2 and requested that it be replaced by the words “significantly degrade”. We consider that consistent with our recommendation on the wording of Objective 38.2.3, that the words “...do not degrade...” be replaced by the word “maintain”.

86. Submissions were also lodged by Queenstown Park Ltd<sup>35</sup> and Remarkables Park Ltd<sup>36</sup> with respect to Objective 38.2.3 and Policy 38.2.3.2 seeking broadly similar relief to Real Journeys Group. To the extent that these submission points have been addressed by the above amendments, it is recommended those submissions be accepted in part.

87. With respect to Policy 38.2.3.3, it was the words “detract from” which were of concern to Real Journeys Group in their submission, which the submitter sought to have qualified by the word “significantly”. Again, we consider the use of the word “maintain” would be more appropriate in this case, as it is with the overall objective and suite of policies associated with Objective 38.2.3. This is because the objective and policies are primarily concerned with two factors – firstly, the need to establish a link between the commercial activities and the need to use the open space and recreation resource itself, and secondly the effects of such use on the values of the resource and other users. Policy 38.2.3.3 is somewhat more nuanced in that it is specifically linked to effects on other commercial recreation activities and to the scale and intensity and cumulative effects of those activities. We recommend that the wording of Policy 38.2.3.3 be amended to read:

*Provide for commercial recreation activities that maintain the quality and experience of people partaking in other commercial recreation activities and other passive and active informal recreation activities, having particular regard to the scale, intensity and cumulative effects of commercial recreation activities.*

### **3.5 Objective 38.2.4 and Policies**

88. Policy 38.2.4.1 as notified reads as follows:

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<sup>35</sup> Submission 2462

<sup>36</sup> Submission 2468

*Provide recreation, commercial and public transport opportunities within Open Space and Recreation Zones in a manner that preserves the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities.*

89. Real Journeys Group sought that the word “...preserves...” be replaced by “....supports the preservation...”. Ms Edgley has supported this request on the basis that it realigns this provision as a policy rather than an objective. We recommend that the submission point be accepted and the policy amended as sought.
90. Real Journeys Group requested, as in other submissions, that this objective be amended with respect to health and safety, by ensuring that commercial and recreation water surface activities are not impacted by new activities. We consider that this matter is been addressed earlier by way of our proposed addition of a new Policy 38.2.2.7 as discussed in paragraphs 76-78 above, and for this reason this submission is recommended to be accepted.

#### 4. SECTION 38.3 – NATURE CONSERVATION ZONE

##### 4.1 Purpose

91. No submissions were lodged in respect of this section. We recommend it be adopted as notified.

##### 4.2 Objective 38.3.1 and Policies

92. The only submitter on the objectives and policies of the Nature Conservation Zone was the Otago Fish and Game Council<sup>37</sup>. Its submission related to Policy 38.3.1.1, specifically subclause (d). This policy and subclause as notified reads as follows:

*“Provide for appropriate use and development by:*

*...*

- d. identifying opportunities to enhance indigenous biodiversity in providing for these opportunities to be realised as part of the mitigation of the adverse effects of subdivision of adjoining land use and development within the zone”.*

93. The submitter sought that the word “... indigenous...” be deleted. We note that the protection of the habitat of trout and salmon (non - indigenous species) is provided for under section 7(h) of the Act. We support the relief sought in the submission on the basis that the protection of such habitats is appropriate, and recommend that the subclause be amended accordingly by deleting the word “indigenous”.

#### 5. SECTION 38.4 – INFORMAL RECREATION ZONE

##### 5.1 38.4. Purpose

94. The Informal Recreation Zone contains the Ben Lomond Sub-Zone, which includes an area of land on Bob’s Peak associated with the top and bottom stations of the Queenstown Skyline

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<sup>37</sup> Submission 2455

Gondola and associated facilities, the gondola corridor, the ZJV zipline operation, a parapenting operation, and adjacent to the base station, the Kiwi Birdlife Park.

95. Kiwi Birdlife Park sought that the Purpose of the IRZ be accepted, and apart from a very minor wording change we discuss presently, we recommend that this submission be accepted. ZJV<sup>38</sup> sought a minor wording change so that the final paragraph of the Purpose Statement is changed from "...Zipline..." to "...Zipline operations...". We recommend that this part of the submission be accepted and the paragraph amended accordingly.

## 5.2 Objective 38.4.1 and Policies

96. Active Transport Wanaka<sup>39</sup> supported the objective to the extent that it provides for active transport networks, but sought that an active transport strategy and network masterplan be established.

*Objective – Use and development for informal recreation maintains and enhances the environment.*

97. Although rather general in its wording, the objective is seeking to ensure that development within the IRZ enhances the environment, which would be taken into account in circumstances where resource consents would be sought for subdivision and development within the zone. We agree with Ms Edgley that the relief sought by the submitter would typically be addressed through Transport Strategies or the Parks and Open Space strategy.
98. Further guidance is contained in the Land Development and Subdivision Code of Practice 2018. These strategies are more appropriate for addressing non-regulatory initiatives of the kind being promoted by the submitter, and for that reason this submission is recommended to be rejected.
99. Skyline Enterprises Ltd<sup>40</sup> sought a new objective and six new policies specific to the Ben Lomond Sub-Zone and in particular to the Skyline operations.
100. We note that the land within the Ben Lomond Sub-Zone is intensively used for recreation and tourist based activities, and is an iconic part of the Queenstown visitor experience. The IRZ Purpose Statement has a description which includes that the zone.

*".... provides a basic informal recreation experience, including play opportunities (such as flat kick around space) and offers areas for respite and relaxation. In addition the Informal Recreation Zone is intended to provide physical links to other areas (such as cycle ways and pedestrian access ways)". It goes on to state that it "..... encompasses small reserves that provide visual relief from the built environment..." and that "buildings and structures located on the Informal Recreation Zone are generally limited to those that support informal recreation and are typically small scale community buildings and structures".*

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<sup>38</sup> Submission 2485

<sup>39</sup> Submission 2078

<sup>40</sup> Submission 2493

101. It then goes on to state that the IRZ includes the Ben Lomond Sub-Zone which exhibits a visual character and scale of building activity which offers a dramatic contrast in the intensity of activity and scale of buildings compared to that described above. We were left with the impression that the IRZ encompasses such a wildly diverse range of reserves and intensity of public use, such that it is difficult to discern what the focus of the zone actually is. Certainly, the intensity and scale of activities in the Ben Lomond Sub-Zone sits very uncomfortably with the outcome expected for other reserves within the same zone.
102. It is apparent that the Council has concentrated its efforts on differentiating between active and informal recreation, rather than between the intensity and scale of recreation undertaken on reserves within the Active and Informal Recreation Zones. The latter has at least as much significance for the scale of buildings and the kind of rules that might apply, as would be the case with active versus informal recreation. The limitations of the Council's approach were also demonstrated by the submission relating to the land occupied by the Wanaka Yacht Club. However any changes to the approach taken by the Council would require substantial redrafting and are beyond the scope of submissions.
103. It is not surprising to us that, given the somewhat incoherent zone 'Purpose', objective and policies applicable to the Informal Recreation Zone, Skyline Enterprises has sought to further differentiate the Ben Lomond Sub-Zone. The Skyline facilities on Bob's Peak are currently subject to a resource consent process which will substantially expand the already large scale of activities undertaken thereon. This in turn has potential implications for other activities within the zone, particularly those of Kiwi Birdlife Park and the zipline activities undertaken by ZJV. In addition to the objectives and policies, the submissions extend to rules and to a potential extension to the Sub-Zone, as discussed later in this report.
104. The further submission from ZJV<sup>41</sup> also supported (with wording amendments) a bespoke objective and set of policies to apply to the Sub-Zone, with qualified support from Queenstown parapenters<sup>42</sup>.
105. The objective and policies as sought by Skyline Enterprises and outlined in the evidence of Mr Dent for the submitter, were as follows:

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

*Policies*

*38.4.2.1 Control the visual impact of buildings, passenger lift systems, earthworks and infrastructure associated with commercial and commercial recreation activities.*

*38.4.2.2 Ensure that buildings, passenger lift systems and infrastructure associated with commercial and commercial recreation activities are not highly prominent on the*

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<sup>41</sup> Further Submission 2778

<sup>42</sup> Further Submission 2767

*skyline and remain subservient to the view of Walter Peak when viewed from the north-east (Malaghans Road/Gorge Road).*

*38.4.2.3 Provide for and maintain Gondola access between Brecon Street and Bob's Peak including necessary removal of exotic conifers subject to landscape rehabilitation in the event of conifer removal.*

*38.4.2.4 Ensure the removal of exotic conifer trees in areas other than the Gondola corridor mitigates the post-harvest adverse effects on landscape and visual amenity through landscape rehabilitation.*

*38.4.2.5 Provide for the continued operation of an informal airport within the Ben Lomond Sub-Zone where the adverse effects on health, safety and amenity are mitigated through the management of the frequency and intensity of daily and weekly flight operations and separation distances from incompatible activities.*

*38.4.2.6 Control the effects of commercial and commercial recreation activities on amenity values to the management of their scale, nature and intensity.*

106. Given our earlier discussion with respect to the somewhat unfocused character of the Purpose, Objective and Policies applying to the IRZ, we agree with the submitter that differentiation is clearly justified with respect to the Ben Lomond Sub-Zone. We note that, in principle, this was accepted in part in Ms Edgley's evidence<sup>43</sup>. She opposed the addition of a further objective, but supported the incorporation of the proposed policies 38.4.2.1 and 38.4.2.2 drafted by Mr Dent, and an amalgam of policies 38.4.2.3 and 48.4.2.4. She did not consider that proposed Policies 38.4.2.5 and 38.4.2.6 were necessary. One observation we would make about Mr Dent's proposed wording was that it offered scant regard to other activities within the Sub-Zone, although ZJV did not appear to explicitly seek the recognition of its activities at a policy level.

107. Overall, we prefer the evidence of Mr Dent. The very generic wording of objective 38.4.1 would be of little assistance to a decision-maker considering an application in the Ben Lomond Sub-Zone. We recommend that the new Objective 38.4.2 proposed by Skyline Enterprises be accepted and incorporated into Part 38.4 of Chapter 38, subject to wording changes to make it outcome focussed. We recommend it read:

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

108. We agree with and accept Skyline Enterprises' submission and Ms Edgley's recommendation with respect to proposed Policies 38.4.2.1 and 38.4.2.2. We prefer the wording of Mr Dent with respect to maintaining separation between proposed Policy 38.4.2.3 and 38.4.2.4 as the former specifically relates to the gondola corridor (which must be clear of trees), and other land within the Sub-Zone where consideration must be given to the effects of removing the exotic conifer trees.

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<sup>43</sup> C Edgley Section 42A Report paragraph 11.19

109. Proposed Policy 38.4.2.5 addresses a completely different issue, this being the proposed extension of the sub-zone to provide for an informal airport for helicopter landings on a new site to the north of the Skyline lease area adjacent to the 'fire pond' (effectively the highest portion of the Skyline lease). We go on to address this matter later in Section 23.1 of this report.
110. However in the interim, and based on our later reasoning and recommendation, we agree with Mr Dent that the new policy 38.4.2.5 outlined above be incorporated into Part 38.4 of Chapter 38, with one additional amendment. We consider that mention should also be made of the flight paths for helicopters approaching and departing the site, noting this was a concern raised in submissions. Accordingly we recommend it be amended to state:

Provide for the continued operation of an informal airport within the Ben Lomond Sub – Zone where the adverse effects on health, safety, and amenity are mitigated through the management of the frequency and intensity of daily and weekly flight operations, flight paths, and separation distances from incompatible activities.

111. Both the submitter and Ms Edgley agreed that proposed Policy 38.4.2.6 was unnecessary and duplicated existing provisions in the plan, notably Policies 38.4.1.2 and 38.4.1.5.
112. Kiwi Birdlife Park<sup>44</sup> sought that Objective 38.4.1, Policy 38.4.1.2, and related policies, and any district wide objectives and policies, be amended to provide direct support for commercial activities that enhance wildlife and nature conservation values. The submitter also sought that Policy 38.4.1.2 be amended to encourage commercial activity, through amended objectives or policies provided in the submission. In the course of the hearing, Mr Kavanagh presented evidence which acknowledged that up to 100m<sup>2</sup> of retail space was permitted in the IRZ<sup>45</sup> which he conceded would be satisfactory, and we did not hear any evidence as to the likelihood for increases in the scale and nature of retailing on the site.
113. We note that Policy 38.4.1.2 states as follows:

*Encourage commercial recreation activities and related commercial activities to complement and enhance other uses and experiences in the Informal Recreation Zone while at the same time maintaining or enhancing the landscape and amenity values of the zone.*  
(our emphasis)

114. We appreciate and understand the need for complementary retail activities at the Kiwi Birdlife Park, but given the above, we did not consider it was necessary to make further policy changes. Accordingly, we recommend the submission be rejected.
115. Kiwi Birdlife Park also sought that a new Policy 38.4.1.10 be included within the Ben Lomond Sub-Zone to address its concerns that any new proposals do not have adverse effects on the Park's established operations, noting in particular the sensitivity of conservation activities on the site. We agree these are important considerations, but note that they are already addressed under Policies 38.2.1.4, 38.2.1.5(a) and 38.2.3.3 as amended by our recommendations. While these apply to all Open Space and Conservation zones, we think this is appropriate as the effects of activities on other users within a reserve can occur across a range of locations as well as the

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<sup>44</sup> Submission 2569

<sup>45</sup> P Kavanagh, EiC, paragraph 30

Ben Lomond Sub-Zone. We recommend that this aspect of the submission be rejected on the basis that the matter of concern is already addressed.

116. QAC<sup>46</sup> sought that Objective 38.4.1 and Policies 38.4.1.2 – 38.4.1.6 be retained as notified and this submission is recommended to be accepted. Christine Byrch<sup>47</sup> supports Policy 38.4.1.3 and this submission is also recommended to be accepted.

## 6. SECTION 38.5 – ACTIVE SPORT AND RECREATION ZONE

### 6.1 Purpose

117. No submissions were lodged in respect of this section. We recommend it be adopted as notified.

### 6.2 Objective 38.5.1 and Policies

118. Active Transport Wanaka<sup>48</sup> has sought implementation of a policy for the Active Sport and Recreation Zone (ASRZ) to increase awareness of active transport and to enhance recreational trail networks, cycling and walking linkages within the zone and other zones, to create a contiguous network to assist residents and visitors to move through and around neighbourhoods, and to other destinations, thereby providing an alternative and sustainable mode of transport.

119. The reporting officer noted that land zoned ASRZ is identified as being primarily used for organised sports, is relatively small and tends to be scattered throughout the District. The District-Wide Policy 38.1.1.1(c) addresses the matter of provision of walkways and cycleways which gives effect to Strategic Policies 3.2.2.1 and 4.2.2.2. We concur with her recommendation that further specific inclusion within the ASRZ would duplicate these provisions and recommend that the submission be rejected.

## 7. SECTION 38.6 – CIVIC SPACES ZONE

120. No submissions were lodged in respect of the purpose or objective or policies for this zone. We recommend they be adopted as notified.

## 8. SECTION 38.7 – COMMUNITY PURPOSES ZONE

### 8.1 Purpose

121. No submissions were lodged in respect of this section. We recommend it be adopted as notified.

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<sup>46</sup> Submission 2618

<sup>47</sup> Submission 2357

<sup>48</sup> Submission 2078

## 8.2 Objective 38.7 and Policies

122. Loris King<sup>49</sup> submitted that the purposes of the Community Purposes Zone be made clearer and aligned with the 2016 Parks and Open Space Strategy particularly with respect to the construction of buildings.

123. The CPZ Purpose Statement describes the zone as:

*“... open space areas that play a significant community function, including libraries, halls and recreation centres. It also provides specifically for cemeteries, golf courses, campgrounds and areas that have a significant passive recreation function that are not otherwise encapsulated in other zones, such as the Queenstown Gardens. Community buildings and associated activities are generally provided within the Community Purposes Zone”.*

124. Activities permitted within the CPZ<sup>50</sup> include informal recreation, public amenities, gardens including botanic and community gardens, parks maintenance, recreation facilities, education and research facilities directly related to the open space area and organised sport and recreation with other activities as discretionary activities requiring resource consent. Buildings are permitted up to a maximum floor area of 100m<sup>2</sup>. We consider it is apparent that the CPZ specifically anticipates activities having high levels of public use, and that the scale and range of buildings permitted within it are appropriate. It is recommended that the submission point be rejected.

## 9. ADDITIONAL OBJECTIVES AND POLICIES SOUGHT

### 9.1 Queenstown Airport Corporation Submission

125. QAC<sup>51</sup> sought a new zone wide Objective (to be numbered 38.2.5) and Policy (to be numbered 38.2.5.1). It is also sought an additional rule which will be addressed later in this report.

126. The proposed objective and policy would read as follows;

*Objective 38.2.5*

*Queenstown airport is protected from the reverse sensitivity effects of Activities Sensitive to Aircraft Noise*

*Policy 38.2.5.1*

*To prohibit the location of any new Activity Sensitive to Aircraft Noise on Open Space and Recreation zone land within the Air Noise Boundary or Outer Control Boundary for Queenstown Airport.*

127. The protection of airport operations is specifically recognised under the Strategic Policies in Stage 1 of the PDP, notably Policies 3.3.5, 4.2.2.16, 4.2.2.17 and 4.2.2.18. We note that there is a different or ‘layered’ management approach across different zone provisions relating to noise sensitive activities (ASAN) within the noise contours surrounding Queenstown Airport. These activities are prohibited in the Rural Zone, but are subject to mitigation measures in the

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<sup>49</sup> Submission 2076

<sup>50</sup> Rule 38.9

<sup>51</sup> Submission 2618

Residential Zones. For the Shotover Delta area, it is proposed that it be zoned for Informal Recreation, where ASAN would be a non-complying activity, rather than a prohibited activity as it was under the Rural Zoning. This was a matter of concern, expressed by Mr Kyle for Queenstown Airport<sup>52</sup>. He sought that prohibited activity status be continued under the Informal Recreation zoning.

128. Ms Edgley noted that, under the Proposed Otago Regional Policy Statement<sup>53</sup>, in relation to activities resulting in reverse sensitivity effects on nationally or regionally important infrastructure (which includes Queenstown Airport), the establishment of activities that may result in reverse sensitivity effects are to be “restricted” while “significant” adverse effects on the functional needs of such infrastructure should be avoided. In practical terms, she also noted that a blanket prohibition on ASAN within the Informal Recreation Zone would capture the development of travellers accommodation at the Frankton Motor Camp, which she considered would be nonsensical given it was surrounded by a residential zone in which residential development was subject to mitigation measures.
129. We accept that it is appropriate that Council reserve land should be incorporated in the Open Space and Recreation Zones. We readily appreciate the importance of protecting the airport from incompatible activities, but we are satisfied that the range of activities provided for under the Informal Recreation Zone are very limiting and similar to those in the Rural Zone, and in the case of commercial recreation are more restrictive. We consider that non-complying status for new activities and the application of noise mitigation measures is appropriate.
130. For these reasons, we consider that the submission of QAC should be accepted in part, by the inclusion of a new Objective 38.2.5 and accompanying Policy 38.2.5.1 respectively, reading as follows:

Objective – Activities sensitive to aircraft noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are avoided or managed to mitigate noise and reverse sensitivity effects.

Policy – Require buildings that contain an Activity Sensitive to Aircraft Noise and located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed and built to achieve an internal design Sound level of 40 dB L<sub>dn</sub>.

## 9.2 Fire and Emergency New Zealand Submission

131. FENZ<sup>54</sup> sought that additional provisions be added to the PDP to recognise the importance of firefighting and emergency services, and provision for firefighting facilities, and access to water for firefighting. These included requested amendments to policies and rules in Open Space and Recreation Zones.
132. Ms Edgley’s report dealt with both the background and content of the FENZ submission in considerable detail<sup>55</sup>. FENZ did not attend the hearing to respond or present evidence.

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<sup>52</sup> J Kyle, EiC, paragraph 4.8

<sup>53</sup> Proposed RPS, Policy 4.3.4

<sup>54</sup> Submission 2660

<sup>55</sup> C. Edgley Section 42A Report, paragraphs 12.1 – 12.28

133. Ms Edgley explained that the Hearing Panel’s Report 9A recommended rejection of a submission by FENZ seeking a definition of “Emergency Service Facilities”. Accordingly fire stations and related facilities would fall under the definition of a “Community Activity”. She considered there was a potential for such facilities to have adverse effects, citing the example of a 15m high hose drying tower. She opined that such facilities would be more likely to be located in an urban zone. However she did consider there was a need to provide through the rules, provision for firefighting water supply and vehicular access for emergency and firefighting purposes. This would include rules sought by FENZ respect to requiring activities to provide an adequate water supply, firefighting water connections, and access arrangements.
134. In our assessment of the rules in Part 38.10 (Table 38.2), we agree that it would be appropriate to provide a standard requiring for water supply for firefighting, and access for firefighting vehicles. These matters are addressed later in this report in paragraphs 177 – 178.
135. As a consequential amendment, we consider it will be both appropriate, and within scope, to provide a policy supporting the proposed rules. Accordingly we recommend accepting in part the submission of FENZ, and as part of giving effect to their wider submission, we also recommend the following new policy 38.2.1.7 be added to the chapter:
- 38.2.1.7. Provide adequate firefighting, water, and fire service vehicle access to ensure an efficient and effective emergency response.
136. FENZ also supported objective 38.7.1 and Policies 38.7.1.1 and 38.7.1.3 and we recommend that these submission points be accepted.

## 10. SECTION 38.8 - OTHER PROVISIONS AND RULES

### 10.1 General Amendments

137. Clause 38.8.1 draws attention to ‘District Wide’ rules in other Chapters, and Clause 38.8.2 contains Advice Notes. Consistent with the approach taken by the Hearing Panel with respect to the Stage 1 chapters, we recommend the heading of 38.8.2 be renamed under Clause 16(2) to “Interpreting and Applying the Rules”. We also recommend under Clause 16(2) that those matters which are clearly advice notes in 38.8.2 be moved into a new Section 38.8.3 Advice Notes.

### 10.2 Advice Notes

138. Transpower New Zealand<sup>56</sup> requested that Advice Note 38.8.2.8 be amended to make it clear that proposals for building structures and sensitive activities, as well as earthworks, needed to be cross referenced to Chapter 30 ‘Energy and Utilities’. While we were uncertain whether any parts of the Open Space and Recreation Zones were affected by lines forming part of the National Grid, we agree with Ms Edgley that this was likely<sup>57</sup>. We also agree that other activities besides earthworks could be potentially affected, and accordingly we recommend that the submission point be accepted.
139. We recommend that 38.8.2.8 be moved to be under 38.8.3 and amended to read:

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<sup>56</sup> Submitter 2442

<sup>57</sup> C. Edgley, Section 42A Report, paragraph 20.3

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

140. As part of their submissions, QAC<sup>58</sup> requested that a further advice note be added to the end of the Advice Notes under Clause 38.8.2 – or alternatively a site-specific rule. This note would refer to the potential for developing buildings or structures which might intrude into the airport approach and protection surfaces adjacent to Queenstown Airport. The only land which we are aware could be potentially affected by such activity would be development within the Queenstown Event Centre site, which is part of the Community Purpose Zone.
141. The land use restrictions associated with these provisions are contained in Chapter 37, Designations, Part D 3. Given this context, rather than a further site-specific rule, we recommend the addition of the following new 38.8.2.4 as sought by the submitter:

Activities, buildings and structures proposed to be established within the vicinity of Queenstown Airport, are referred to Chapter 37: Designations, Part D3 which explains the Airport Approach and Protection Measures, and Airport Protection and Horizontal and Conical Surfaces for Queenstown Airport. Land use restrictions associated within these areas are described in in that section. Persons who wish to undertake activities or develop buildings or structures which enter into these surfaces are advised to consult with the relevant requiring authority and the Civil Aviation Authority.

142. Real Journeys Group requested that the Advice Notes be relocated to the end of Chapter 38. This matter was not raised further by the submitter in evidence to the hearing, and Ms Edgley advised that the amendment proposed would result in the chapter format being inconsistent with other Stage 1 decision chapters. Accordingly we recommend that this submission point be rejected.

## 11. RULE 38.9 – ACTIVITIES

### 11.1 Table 38.1 – Activities Open Space and Recreation Zones

143. Part 38.9 ‘Rules – Activities’ as notified comprises Table 38.1 listing 37 activities and their activity status within each of the Open Space and Recreation Zones and their internal subzones.
144. Real Journeys Group sought that all activities listed in Table 38.1 as non-complying activities be reclassified as fully discretionary activities. Remarkables Park Ltd<sup>59</sup> opposed a non-complying status for activities not listed in Table 38.1 as per Rule 38.9.1.
145. Under the ODP, activities not specifically listed are deemed to be permitted activities. This presumption has been reversed under the PDP, which has also moved from an ‘effects based’ to an ‘activity-based’ method of regulating activities. This is the approach which is been taken in all other chapters. With respect to individual activities, we have taken the approach of assessing the status of each activity individually on its merits where this is been raised through submissions, rather than a wholesale reclassification of activities from non-complying to discretionary. We recommend that these submission points be rejected.

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<sup>58</sup> Submission 2618

<sup>59</sup> Submission 2462

146. TJ Investments Pte. Limited<sup>60</sup> opposed Rules 38.9.9 (education and research facilities), 38.9.16, 38.9.17 (restaurants and cafes), 38.9.27 (recreation trails), 38.9.28, and 38.9.29 (vehicle access and car parking areas). The basis of this opposition is that such uses would be inappropriate in Coronet Forest, which, as notified, is zoned as Informal Recreation Zone. A separate submission by the Millbrook Country Club (and other submitters) sought that Coronet Forest be rezoned as Nature Conservation Zone. This matter of the zoning is addressed later in this report in Section 24.2, where we recommend the forest be rezoned Nature Conservation.
147. Under the zoning of Nature Conservation, the permitted activity status of an education and research facility would remain the same. Restaurants and cafes accessory to a permitted activity further than 50m from a residential zone would be a non-complying rather than a controlled activity; restaurants and cafes accessory to a permitted activity within 50m of a residential zone would be non-complying rather than discretionary; recreation trails would remain a permitted activity; vehicle access and car parking areas accessory to permitted activities would remain a controlled activity up to 200m<sup>2</sup>; and construction of vehicle access and car parking areas accessory to permitted activities exceeding 200m<sup>2</sup> would be discretionary rather than restricted discretionary.
148. The change in the zoning of Coronet Forest in response to another submission means that some, but not all, of the activities of concern will have a more restrictive activity status, as sought by the submitter. It is considered that accessory education and research facilities would not be inappropriate on this site, and recreation trails are considered appropriate in view of the long-term intention to harvest the existing forest and supplement existing horse trails with biking and walking trails. It is recommended that this submission point be accepted in part, essentially as a consequence of rezoning.
149. Kirimoko No.2 sought that Rules 38.9.16 and 38.9.17 (restaurants and cafes) within the IRZ be changed from discretionary to non-complying in status, and that Rule 38.9.18 (retail activities) in the IRZ be changed from permitted to discretionary in status. Ms Edgley drew attention to the content of Policy 38.4.1.2, which states:
- Encourage commercial recreation activities and related commercial activities to complement and enhance other uses and experiences in the Informal Recreation Zone while at the same time maintaining or enhancing the landscape and amenity values of the zone.*
150. We also note that all of these activities must be accessory to a permitted activity, and are subject to activity standards such as height (6m)<sup>61</sup> and site coverage (100m<sup>2</sup>)<sup>62</sup>. We consider the rules proposed for these activities are appropriate respect to their status and having regard to the standards applicable. We recommend that the submission point be rejected.
151. Bridesdale Farm Developments Ltd<sup>63</sup> sought that Rule 38.9.20 be amended so that commercial recreation activities in the Active Sports and Recreation Zone be either restricted discretionary

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<sup>60</sup> Submission 2564

<sup>61</sup> Rule 38.10.1.2

<sup>62</sup> Rule 38.10.2.2

<sup>63</sup> Submission 2391

or controlled in status. Under this rule as notified this activity would be fully discretionary in status and is only restricted discretionary in status in the Civic Spaces and Community Purposes Zones which anticipate much more intensive development than either the Informal Recreation or Active Sport and Recreation Zones.

152. This is part of a much broader submission relating to the zoning of Bridesdale land north of the Kawarau River. This matter is addressed later in this report in Section 26.1. Meanwhile, we note that commercial recreation activities are not anticipated under Policy 38.5.1.1 which is specific to the Active Sport and Recreation Zone, and we do not consider it is appropriate through restricted discretionary activity status to signal that the activity is broadly appropriate throughout the zone in the District. We recommend that the submission point be rejected.
153. Wanaka Golf Club Inc<sup>64</sup> requested that Rule 38.9.21 be amended so that commercial activities and buildings associated with, and on the same site as, recreation activities, be a permitted activity. Ms Edgley noted<sup>65</sup> that it was apparent there had been a typographical error, and that the submitter's reference should have been to Rule 38.9.20 (commercial recreation activities) rather than commercial activities. We did not hear from the Golf Club during the course of the hearing.
154. A specific concern raised by the Golf Club was that the hire of a golf professional for instruction purposes would amount to a commercial recreation activity, requiring resource consent. Ms Edgley confirmed that it was not the intention that this be the case, but was of the opinion that such a person would fall under the ambit of Rule 38.9.14 (Organised sport and recreation) which is a permitted activity in the Community Purposes Zone (Golf Sub-Zone).
155. We agree with Ms Edgley that the activities undertaken by the Golf Club would fall under the definition of Organised Sport and Recreation<sup>66</sup>. As such, we are satisfied that the activity of concern to the Golf Club would be a permitted activity. We recommend that the submission point seeking that commercial recreation activities be permitted be rejected, although we consider that the intent behind the submission has been largely satisfied as explained above.
156. Active Transport Wanaka<sup>67</sup> supported the permitted activity status of recreation trails in all Open Space and Recreation Zones, and the Queenstown Trails Trust supported the permitted activity status of recreation trails under Rule 38.9.27. We recommend that these submission points be accepted. Kawarau Jet Services<sup>68</sup> supported the provisions in Activity Table 38.1, and we recommend that this submission point also be accepted.
157. The Wanaka Yacht Club<sup>69</sup> sought that "the parking or placing of any motor vehicle, boat, caravan, trailer, material or equipment associated with a permitted activity is permitted in the Active Sport and Recreation Zone". Ms Edgley noted that under Rule 29.4.3 in notified Chapter 29 Transport, parking for activities listed in table 29.5 is a permitted activity. However Ms Edgley stated that under notified Rule 29.3.3.6, activities on zoned land outside of roads are also

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<sup>64</sup> Submission 2277

<sup>65</sup> C. Edgley, Section 42A Report paragraph 21.12

<sup>66</sup> Ibid, paragraphs 21.14 – 21.15

<sup>67</sup> Submission 2078

<sup>68</sup> Submission 2290

<sup>69</sup> Submission 2232

subject to the zone specific provisions; and provisions relating to activities outside of roads in that chapter do not override zone specific provisions<sup>70</sup>. Rules 38.9.28 and 38.9.29 in this chapter provide for the construction of access and parking for permitted activities up to 200m<sup>2</sup> as a permitted activity in the Active Sport/Recreation Zone. Vehicle access and car parking areas beyond 200m<sup>2</sup> in size are a restricted discretionary activity. She added that storage facilities are addressed through controls on buildings.

158. We consider that larger areas of parking or vehicle/equipment storage can create significant adverse visual effects, and displace other activities, bearing in mind that this chapter is concerned with Council reserves, and not commercial land. On that basis, we consider the level of regulation in the zone as notified is appropriate, and that the submission point be rejected. We note however that this is part of a wider submission concerning the zoning of the land on the foreshore of Lake Wanaka adjacent to the Yacht Club. This is addressed later in Section 29.1 of this report.
159. Ngai Tahu Property Ltd<sup>71</sup> sought that two additional rules be included in Table 38.1 specifying that bus shelters and bicycle parking be a permitted activity in the Informal Recreation Zone and the Active Sports and Recreation Zones. Ms Edgley submitted that in her opinion, bus shelters and bicycle parking falls within the scope of a “public amenity” under Rule 38.9.3, which is a permitted activity in both zones. Although not defined as an activity under Chapter 2, she considers that public amenities are facilities made available to the public without charge and that accordingly these activities did not need to be specified in a rule. We agree, and recommend that the submission points be rejected for this reason.
160. Kiwi Birdlife Park Ltd<sup>72</sup> sought that the activity table be amended to provide for commercial, retail and restaurant/cafe activity, ancillary to the Kiwi Birdlife Park operations, as a permitted activity. (This rule is discussed later from paragraph 189 of this report).
161. Kiwi Birdlife Park Ltd also sought an amendment to Rule 38.9.26 to provide for the keeping, breeding and management of wildlife, to which Ms Edgley’s response was that the rule specifically provided for “species protection and conservation management works”. While we appreciate the submitter’s wish to avoid unnecessary consenting requirements, we agree with Ms Edgley that the wording of the rule clearly encompasses the protection and conservation work undertaken by the submitter. For this reason, we recommend that the submission point be rejected.
162. QAC<sup>73</sup> requested a rule be added to Part 38.9 in addition to the Objective and Policy discussed earlier in paragraphs 121-126. The rule that they have specifically sought would read as follows:

*Rule 38.9.38 Activities Sensitive to Aircraft Noise within the Air Noise Boundary or Outer Control Boundary at Queenstown Airport.  
(Prohibited in all zones)*

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<sup>70</sup> C. Edgley, Section 42A Report, paragraph 21.2

<sup>71</sup> Submission 2336

<sup>72</sup> Submission 2569

<sup>73</sup> Submission 2618

163. Ms Edgley was opposed to the relief sought on the basis that the rule would seek to prohibit Activities Sensitive to Aircraft Noise (ASAN) in circumstances where such activities can be managed through a requirement for noise insulation. Instead, she proposed that a new activity standard be added instead under Part 38.10.<sup>74</sup>

164. The recommended rule would read as follows:

*Table 38.2*

*Standards for Activities in the Open Space and Recreation zones*

*Rule 38.10 12*

*Activities Sensitive to Aircraft Noise*

*New buildings or additions to existing buildings containing Activities Sensitive to Aircraft Noise located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary shall be designed to achieve an indoor Design Sound Level of 40dB within any Critical Listening Environment (based on the 2037 Noise Contours) and ventilated in accordance with Rule 36.6.2.*

*(Non –Complying Activity)*

165. We agree that this would be an appropriate approach to apply within the Open Space and Recreation Zones subject to airport noise, and is consistent with urban zones. We recommend that the submission point be accepted in part and that the above provisions be added as a new Rule 38.10.

## 12. RULE 38.10 – STANDARDS

### 12.1 General Issues Raised

166. Real Journeys Group sought that matters of discretion include consideration of the ‘benefits’ of a proposal, with respect to Rules 38.10.1, 38.10.2, 38.10.4, 38.10.5, 38.10.6, 38.10.7, and 38.10.10. Similar amendments have been sought with respect to provisions in Chapter 29 Transport.

167. This issue has arisen across other chapters and is specifically addressed in some detail in section 3.1 of Report 19.1. For the reasons given therein, we recommend that these submission points be rejected.

168. Real Journeys Group sought that non-compliance with the Rules 38.10.1 (buildings), 38.10.2 (buildings), 38.10.3 (recession planes) and 38.10.8 (recession planes) be changed from discretionary to restricted discretionary, with the addition of matters of discretion.

169. We are mindful that Chapter 38 concerns the regulation of activities within Council parks and reserves. Bearing this in mind, we agree with Ms Edgley<sup>75</sup> that full discretionary status enables consideration of other relevant documents, and in particular open space strategy documents, community plans and in particular Reserve Management Plans. For this reason, we consider it is appropriate for these rules to continue to apply discretionary activity status where buildings

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<sup>74</sup> C. Edgley, Section 42A Report, paragraph 13.10

<sup>75</sup> C. Edgley, Section 42A Report, paragraph 14.42

and structures breach the thresholds in part 38.10. We recommend that the submission points be rejected.

170. Fire and Emergency New Zealand<sup>76</sup> sought that Rules 38.10.1, 38.10.2, and 38.10.4 be amended to include an exemption for emergency service facilities. As described earlier in our discussion of the relief sought by FENZ in paragraphs 127-132, we were satisfied that it would be appropriate to add standards to the rules in Table 38.2 for water supply and access for firefighting facilities. We recommend the adoption of the following standard as proposed by Ms Edgley with the non-compliance status of Restricted Discretionary<sup>77</sup>:

#### Standards for Activities in the Open Space and Recreation Zones

##### Water supply and access for firefighting.

All new buildings over 20m<sup>2</sup> in area that are not connected to the reticulated water supply must make the following provision for firefighting:

- 38.10.11.1 A water supply of 45,000 litres; and
- 38.10.11.2 A hardstand area adjacent to the firefighting water supply connection of a minimum width of 4.5 m and a minimum length of 11 m; and
- 38.10.11.3 A firefighting water connection located more than 6 metres but not less than 90 metres away from the building; and
- 38.10.11.4 Access from the property boundary to the firefighting water connection of a minimum width of 4.5 metres

Discretion is restricted to:

- a) the extent of compliance with any national standards for firefighting water supply;
- b) the accessibility of the firefighting water connection
- c) point for fire service vehicles;
- d) Whether and the extent to which the building is assessed as a low fire risk;
- e) Any advice that may have been received from Fire and Emergency New Zealand.

171. Providing this relief also satisfies two submission points by FENZ seeking that new standards be added for water supply for firefighting and access for firefighting. On the basis of the above amendments to Part 38.10, we recommend that the submission of FENZ be accepted in part. However given the relief proposed, we do not accept that it is then necessary to provide exemptions from Rules 38.10.1, 38.10.2, and 38.10.4, and this part of their submissions are recommended to be rejected.

## 12.2 Rule 38.10.1 – Building Height

172. Rule 38.10.1.2 specifies a maximum height of 6m for buildings in the Informal Recreation Zone. This has been opposed by Kiwi Birdlife Park<sup>78</sup>, who has sought a 10m height limit. The submitter's position is somewhat unusual, because the 'building' is in the form of a bird aviary. The aviary consists of a netting structure supported by poles, but which still falls within the definition of 'building'.

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<sup>76</sup> Submission 2660

<sup>77</sup> C Edgley, Section 42A Report, paragraph 12.24

<sup>78</sup> Submission 2569

173. We disagree with the officer's recommendation to decline this submission point. No submissions were received in opposition to the relief sought. Secondly, the structure concerned is of a highly specialised nature and we are satisfied that a 10m height is necessary for the management and conservation of protected birds. Given its location and character, it would not have the same effect as a solid structure of that height. In any event, it would be difficult to see how consent could be declined should an application be made. In addition, we consider there is some force in Mr Kavanagh's complaint that the Council's position seems inconsistent with that relating to the proposed height of the adjoining Skyline terminal buildings<sup>79</sup>.
174. In normal circumstances, we would agree with the officers that creating a multitude of exceptions is generally undesirable as it can undermine the coherence of a plan. However we also consider that account has to be taken of the particular circumstances that may apply in particular cases, and we consider this is a good example of such a circumstance. Accordingly, we recommend that the submission point be accepted, and the following exception be added to Rule 38.10.1.2:

Except for any aviary at Kiwi Birdlife Park, where the maximum height shall be 10m.

175. Bridesdale Farm Developments Limited<sup>80</sup> sought that Rule 38.10.1.3 be amended to increase building height limit from 10m to 12m in the Active Sport and Recreation Zone. This is a zoning sought by the submitter for land adjacent to Bridesdale and the Kawarau River, and is effectively a bespoke provision aimed at accommodating possible building development as part of the rezoning their site, a wider issue which is addressed later in this report. We recommend that this submission point be rejected, having regard to the discussion in Section 26.1.

### **12.3 Rule 38.10.2 – Ground Floor Area of Buildings**

176. Rule 38.10.2 regulates the ground floor area of buildings. Rule 38.10.2.6 applies to the Community Purposes Golf Sub-Zone and provides for a maximum floor area of 600 m<sup>2</sup>. The Wanaka Golf Club<sup>81</sup> sought that Rule 38.10.2.6 be amended to allow for a total floor area greater than 600m<sup>2</sup>. In its submission, the Club pointed out that in addition to its clubhouse, the buildings on the golf course (both approved and consented) amount to 1130m<sup>2</sup>. The Club argues that the 600m<sup>2</sup> threshold is unrealistically low for golf club facilities generally, and that buildings typically expected in association with this activity would not have a significant impact given the land area occupied by golf courses (56 ha in the case of the Wanaka Golf Course).
177. While we see some merit in the Club's argument, it is not simply the floorspace of buildings relative to the size of the whole site, but the size, location, and visual impact of buildings as seen from within the Sub-Zone and from beyond it. 600m<sup>2</sup> is still a substantial building, and restricted discretionary activity status is not particularly onerous in this context, and bearing in mind that the golf course is located on a public reserve. We recommend that the submission point be rejected.

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<sup>79</sup> P Kavanagh, EiC, paragraph 5.

<sup>80</sup> Submission 2391

<sup>81</sup> Submission 2277

#### **12.4 Rule 38.10.4 – Setback from Internal and Road Boundary**

178. Rule 38.10.4 stipulates setbacks required from internal and road boundaries. QAC<sup>82</sup> sought that Rule 38.10.4 be amended to require that the setback from internal and road boundaries be amended to require buildings and structures to be set back 1.5 m where it adjoins the Airport Zone. Ms Edgley noted that the rule specifies that where a site adjoins another zone, buildings shall be setback from the boundary the same distance as required by the setback from internal boundaries of the adjoining zone. She went on to explain that where an Open Space Zone adjoins the Airport Zone, Rule 17.5.2.2 requires a setback for buildings adjoining a zone (other than the Residential Zone or a public road) to be 3 metres. This actually provides greater protection than the relief sought in the submission. Given this clarification, we recommend that the submission point be rejected.

#### **12.5 Rule 38.10.5 – Setback of Buildings from Water Bodies**

179. The Otago Game and Fish Council<sup>83</sup> supported Rule 38.10.5 but sought that the word “indigenous” be removed where reference is made to biodiversity values in the matters of discretion. This is consistent with the relief sought by the submitter earlier on Policy 38.3.1.1. We recommend that the submission point be accepted and that the matter of discretion refer to “Biodiversity values”.

#### **12.6 Rule 38.10.6 – Outdoor Storage**

180. Rule 38.10.6 relates to Outdoor Storage. Rule 38.10.6.1 as notified reads as follows:

*Outdoor storage and the storage of waste and recycling shall be screened from public places and adjoining zones by planting, solid walls, solid fences or any combination of these to 2m in height along the length of the outdoor storage area. Where such screening is by way of planting it shall be for a minimum depth of 3m as well as 2m high.*

181. Wanaka Golf Club<sup>84</sup> pointed out that the rule as currently drafted would require screening from every potential frontage point noting that public places are defined in Chapter 2 of the PDP as including all reserve land to which the public has access. This has the potential to make the rule nonsensical in some circumstances.

182. In addition, Ms Edgley notes that outdoor storage is defined in Chapter 2 as including the storage of waste, making the inclusion of that wording superfluous. In addition, as noted earlier in section 3.3 of this report, landscaping is defined by Chapter 2 as including ‘screening’. We consider that the necessary amendments to ‘tidy up’ this rule are within the scope of the submission, under Clause 16 (2). We recommend that the submission be accepted in part, and the wording of Rule 38.10.6.1 be changed to read as follows:

*Outdoor storage that is visible from roads or adjoining zones shall be landscaped with planting, solid walls, solid fences or any combination of these to 2 m in height along the length of the outdoor storage area. Where such landscaping is by way of planting it shall be for a minimum depth of 3m and a height of 2m.*

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<sup>82</sup> Submission 2618

<sup>83</sup> Submission 2455

<sup>84</sup> Submission 2277

### **12.7 Rule 38.10.7 – Fencing**

183. Rule 38.10.7 contains rules relating to fencing. Kiwi Birdlife Park<sup>85</sup> submitted on Rule 38.10.7.2 which stipulates that:

*The maximum height of any fences erected on the boundary of any Open Space and Recreation Zones shall be 1.2 m. (they must also be visually permeable)*

184. As was the case with the height of the aviary at this facility, we consider that Ms Edgley's report failed to consider the unique and specific requirements that the submitter requires. Kiwi Birdlife Park explained that fences for wildlife protection are typically have a height of at least 2.2m<sup>86</sup>, examples being those at Orokonui in Dunedin, and Zealandia in Wellington. While it would be more helpful for the submitter to have actually specified a height limit on its submission, we do not consider that predator proof fences on the submitter's site have the potential to adversely affect neighbouring properties, noting that the submission was not opposed. The alternative suggestion of the reporting officer of setting back the predator proof fence from the boundary on what is a clearly constrained site is neither realistic nor helpful. For similar reasons relating to the issue of building height addressed earlier in this report, we recommend that the submission point be accepted and an exception added as new Rule 38.10.7.3 stating that:

At Kiwi Birdlife Park, the maximum height of any fence installed for wildlife protection shall be 2.2m, and in such a case Rules 38.10.7.1 and 38.10.7.2 do not apply.

### **12.8 Rule 38.10.8 – Lighting and Glare**

185. Rule 38.10.8 concerns lighting and glare. QAC<sup>87</sup> sought the retention of Rules 38.10.8.1 and 38.10.8.2. We recommend that these submission points be accepted.

### **12.9 Rule 38.10.9 – Maximum Gross Retail Floorspace**

186. Rule 38.10.9 relates to the Maximum gross retail floorspace allowed in association with activities in specified Open Space and Recreation Zones. It provides for a maximum gross retail floorspace of 100m<sup>2</sup> or no more than 10% of the gross floor area (whichever is the lesser)
187. The Wanaka Golf Club<sup>88</sup> sought that this threshold be increased to 200m<sup>2</sup> in the Community Purposes Golf Sub-Zone. Although critical of the Council's adoption of what the club sees as an arbitrary number, apart from suggesting a doubling of the permitted retail floorspace, there is no justification offered as to why the standard might be inappropriate. We agree with Ms Edgley that it aligns with the relevant Objective 38.2.3 and Policies 38.2.3.1 and 38.2.3.2 and is consistent with the threshold in the Rural General Zone. We recommend that the submission point be rejected.
188. Kiwi Birdlife Park also sought that Rule 38.10.9 be amended, in this case to increase the maximum gross retail floor space where it is ancillary to permitted activities. This submission did not specify what would be an alternative appropriate threshold. In his evidence<sup>89</sup> Mr

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<sup>85</sup> Submission 2569

<sup>86</sup> P Kavanagh, EiC, paragraph 23

<sup>87</sup> Submission 2618

<sup>88</sup> Submission 2277

<sup>89</sup> P Kavanagh, EiC, paragraph 31

Kavanagh stated that he did not necessarily oppose the 100m<sup>2</sup> threshold, provided that the Park's existing operations were protected (presumably by existing use rights).

### 13. RULE 38.11 - INFORMAL RECREATION ZONE: BEN LOMOND SUB-ZONE

#### 13.1 Overview of Table 38.3

189. The PDP has effectively 'separated out' the rules applicable to the Ben Lomond Sub-Zone, presumably on the basis of the specific characteristics and relative complexity of the Sub-Zone.

#### 13.2 Rule 38.11.1 – Buildings

190. Rule 38.11.1 provides that the construction, relocation, addition or alteration of any building in the Sub-Zone be a Restricted Discretionary Activity. Two separate submissions were received on this rule, one from ZJV<sup>90</sup> and the second from Skyline Enterprises<sup>91</sup>. It was apparent that ZJV entertained some concerns about the implications of activities by Skyline Enterprises on its zipline operation, including (what appeared to be competitive) access to the reserve. It also entertains concerns about the effects of forestry activities, and the potential effects of helicopter operations to and from the Skyline site.

191. Beginning with the Skyline submissions, the submitter sought that the matters of discretion be amended by adding stormwater disposal as a matter of discretion, and removing effects on the transportation network from the matters of discretion under Rules 38.11.1 and 38.11.3. A similar submission was made in respect to Rule 38.11.5 which also made reference to the traffic generation and traffic assessments.

192. Having regard to the effects on the transportation network, Ms Edgley submitted that given the nature of activities that occur within the reserve, ongoing increases in visitor numbers and cumulative effects, and acknowledging that transport related considerations are included as matters of discretion under similar rules in other zones (and within this chapter), effects on the transportation networks should still remain as a matter of discretion. This was accepted by Mr Dent in his evidence<sup>92</sup>.

193. However we agree with the submitter, as did Ms Edgley, that a number of these provisions duplicated those addressed under Chapter 29 Transport. This includes assessment of high traffic generators where 50 or more car parking spaces are proposed, or which required assessment beyond specified levels of traffic generation. Similarly, matters relating to access, parking layout and design, pedestrian and vehicle access are also addressed under Chapter 29. Thus, while we accept that effects on transportation networks should remain as a matter of discretion, we consider that the requirement to assess transport network effects and the provision of an integrated transport assessment is not required as part of the rules in Chapter 38 for this Sub-Zone. We recommend that the submission be accepted in part. We agree it is appropriate to include stormwater disposal as a matter of discretion.

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<sup>90</sup> Submission 2485

<sup>91</sup> Submission 2493

<sup>92</sup> S Dent, EiC, paragraph 163

194. ZJV sought some more complex wording amendments through adding additional matters of discretion. In summary, these included the location and external appearance of buildings; the spatial layout of buildings in public reserves and their relationship with open space and methods of access to activities and to the reserve; discretion to include the manner in which access is gained to ensure fair and reasonable access to the reserve is maintained for current and future operators, including effects on building and related activities on nearby reserve users; and that biological and ecological values be enhanced as part of the development of the reserve.
195. Ms Edgley was not persuaded that the amendments sought by ZJV to Rule 38.11.1 were necessary, primarily on the basis that they were already addressed in the existing matters of discretion.
196. The concerns of the submitter with respect to Rule 38.11.1 were more focused in the evidence presented by Mr Brown<sup>93</sup> to the hearing, who considered that one additional matter of discretion that was justified was a requirement to consider public access to and use of open space in the reserve, which he argued was not captured by any of the other matters of discretion. We consider this is a valid consideration and recommend that the submission point be accepted in part by the addition of the following matter of discretion to Rule 38.11.1:

Public access to, and the use of, open space.

### **13.3 Rule 38.11.3 – Commercial Recreation Activity**

197. Rule 38.11.3 regulates commercial recreation activity in the Ben Lomond Sub-Zone. ZJV sought an amendment to this rule to add additional matters of discretion having regard to the more rural than urban nature of the reserve. Skyline sought that the rule be amended by making it applicable to commercial and commercial recreation activity, (effectively by differentiating between the two) and providing for commercial recreation undertaken on land outdoors and involving not more than 10 persons to be a restricted discretionary activity.
198. With respect to the Skyline submission, we agree that the rule should reflect the distinction between the two activities – for example, retail sales of souvenirs, the operation of a restaurant or conference facilities, are distinct from people undertaking active recreation activities at the site. Ms Edgley explained that, as drafted<sup>94</sup>, the rule was intended to ensure that commercial activities or retail activities are associated with and ancillary to the commercial recreation activity. With respect to the number of people, she noted that the Stage 1 definition of commercial recreation did not limit the number of people, and that such a change as sought was unnecessary.
199. Turning secondly to the ZJV submission, we agree with Ms Edgley that a number of the matters raised in the submission point are already covered by the Council’s reserve management and reserve planning functions outside the Act and the District Plan. However, at the hearing Mr Brown<sup>95</sup> for the applicant focused on the more detailed wording of Rule 38.11.3.2 and submitted that the words “related”, “associated with” and “ancillary to” may have different interpretations and were potentially confusing, noting that the words “ancillary to” was

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<sup>93</sup> J Brown, EiC, paragraph 13

<sup>94</sup> C. Edgley, Section 42A Report, paragraph 11.26

<sup>95</sup> J Brown, EiC, paragraph 14

preferable because it is used in other instances within the PDP. We note that the rule as notified reads as follows:

*38.11.3.2 Commercial activity only where:*

- a) *The commercial activity is associated with and located on the same site as, the commercial recreation activity; or*
- b) *Commercial activity is retail ancillary to the commercial recreation activity.*

#### **13.4 Rule 38.11.4 – Harvesting and Management of Existing Forestry**

200. ZJV sought that Rule 38.11.4 have an additional matter of discretion added to ensure that any harvesting or forestry will not impact its operations and that harvesting trees should not impact other leisure activities that rely on the naturalness that forestry planting brings to the reserve. This is linked to the submitter’s concerns that their zipline operation is entirely dependent on the presence of the existing large exotic trees in the reserve.

201. In his evidence to the hearing, Mr Brown stated that forest harvesting should be changed from controlled to a restricted discretionary activity. Leaving aside issues of scope, we subsequently understood that the submitter accepted the existing controlled activity status applicable to this rule. Mr Brown sought that an additional matter of control be added reading as follows:

*Effects on the amenity values of the forest and other uses of the reserve.*

202. Although Ms Edgley felt such an amendment was unnecessary, we consider that the inclusion of this as an additional matter of control was justified given the potential effects of harvesting operations on the submitter’s business. We recommend that this matter be added as a matter of control and that the submission point be accepted in part.

203. In addition, Mr Brown raised another matter with respect to the wording of the rule which refers to “harvesting and management of existing Forestry”<sup>96</sup>. We understand that harvesting does not simply imply that trees are removed and disposed of, but that they are removed and used for other purposes. Mr Brown points out that the inclusion of the word ‘management’ could mean that everyday forestry activities including pruning for example, would require a resource consent. It could also raise issues with respect to the removal of exotic species within Open Space and Recreation zones generally, having regard to Rule 38.9.30 in Table 38.1. This matter is of sufficient significance, that we recommend that the Council consider amending this provision by way of a variation to the PDP.

204. Skyline also sought an additional matter of control for Rule 38.11.4 reading as follows:

*Debris flow and rock fall hazards and long-term slope stability*

205. Given the nature of the terrain and the scale of works potentially undertaken within the reserve in association with the development of tourist infrastructure, we recommend that this submission point be accepted and the proposed wording be added as a matter of control.

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<sup>96</sup> J Brown, EiC, paragraphs 18 – 19

### **13.5 Rule 38.11.5 – Parking: Lower Terminal Area**

206. Skyline sought that Rule 38.11.5 be amended such that parking within the Lower Terminal Area of the Ben Lomond Sub zone be made a permitted rather than a controlled activity. Mr Dent<sup>97</sup> explained that the basis of this submission is that Skyline has obtained a lease from the Council which allows for the development of a commercial car parking building for Skyline patrons and other users of the Ben Lomond Recreation Reserve. He argued that while no landscaping exists within the existing 'at grade' car park, the site is entirely screened from Brecon Street by the Lower Terminal Building, and that the Kiwi Birdlife Park is being extensively planted along its western boundary in combination with plants provided by Skyline. He added that topography and vegetation currently screen the western and northern areas of this car park area.
207. In her rebuttal evidence, Ms Edgley<sup>98</sup> responded that reliance cannot be placed on the retention of trees on the Kiwi Birdlife Park site (and perhaps more realistically) forested areas to the north and west. While we accept the development of a large car parking structure is now almost inevitable, and that the matter is finely balanced, we consider that in this case it would be prudent to maintain provision for on-site landscaping as a matter of control. We do not consider that this level of regulation would be onerous, and recommend that this submission point be rejected.

### **13.6 Rule 38.11.7 – Building Height**

208. Notified Rule 38.11.7 concerns building height within the Ben Lomond Sub-Zone. Skyline sought that Rule 38.11.7c be amended to provide a building height of 20m instead of 17m as notified. Skyline is in the process of obtaining consents through the Environment Court for further major redevelopment of their facilities within the Reserve, and under an interim decision from the Court would have the ability to erect the car parking building to the height of 18.5m<sup>99</sup>. Ms Edgley was amenable to supporting a building of this height. However, the proposed car park building is subject to a further application lodged with the Council in October 2017 and awaiting a final decision from the Environment Court<sup>100</sup>. This building would have a maximum height of 19.918m.
209. In order to address the potential visual impacts of a building of this height, the submitter sought landscape evidence from Ms Michelle Snodgrass. She undertook an assessment of the visual effects of development of the gondola top and bottom stations, car park building and gondola corridor from a range of vantage points, which was presented to the Hearings Panel. This concluded that the effects of the height of the car parking building, and bearing in mind its location at the bottom site, would range in visual terms from negligible to moderate (e.g. from the car parking area for climbing Queenstown Hill).
210. The Council did not bring evidence challenging that of Ms Snodgrass. Our strong inclination would be to recommend that this part of the submission be granted, but we are aware that the height of the building is going to be subject to the Environment Court's findings on RM 171172, and we consider it would be inappropriate to pre-empt the findings of the Court on this matter. Ms Edgley made the valid point that if RM 171172 is consented, Skyline would be able to rely

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<sup>97</sup> S. Dent, EiC, paragraphs 168 – 172

<sup>98</sup> C. Edgley, Rebuttal Evidence, paragraph 5.13

<sup>99</sup> RM 160647

<sup>100</sup> RM 171172

on that consent to build to their preferred height. For this reason we recommend that the submission point be accepted in part, to the extent that the permitted height be increased to 18.5 m.

211. ZJV sought an amendment to height Rule 38.11.7 to add a new standard providing for a building height limit of up to 20m for treehouse structures and other buildings associated with zipline operations. The submitter uses platforms and structures (typically up to 10m<sup>2</sup> floor area) attached to the tall Douglas Fir trees within the reserve to anchor and provide access to this ziplines. The effect of the relief sought by the submitter would be to provide for structures lower than 20m in height as a restricted discretionary activity, rather than a fully discretionary activity as for other buildings.
212. We assume the purpose of the amendment to the rule would be to keep options open for further development of ziplines, as we heard no specific proposals as to future intentions or where the ziplines might be within the reserve. The effect of the relief sought would be to provide a slight differentiation in consent status between the height of buildings generally, and those associated with ziplines. We recommend that the submission be rejected.

### **13.7 Additional Rules Sought**

213. Skyline Enterprises sought that an additional rule be added to make buildings within the Gondola Corridor a non-complying activity. ZJV<sup>101</sup> sought that the width of the Gondola Corridor Area be reduced. Ms Edgley advised that the 75m wide corridor both east and west of the gondola cableway centreline is sought to provide for the future upgrading of the gondola, and was based on Skyline Enterprises submission on Stage 1<sup>102</sup> and the interim resource consent granted by the Environment Court in 2017<sup>103</sup>. We recommend that the submission by ZJV be rejected. Given that buildings would logically not be anticipated within the gondola corridor, we recommend that the submission of Skyline Enterprises be accepted and a new rule 38.11.7 be added reading as follows:

Building within the Gondola Corridor Area  
Any building within the Gondola Corridor Area excluding passenger lift systems  
(non-complying activity)

214. Skyline Enterprises<sup>104</sup> also sought that a new rule be added providing for Informal Airports as a restricted discretionary activity with matters of discretion.
215. Under the 'Rezoning' part of this report (in Section 23.1) we discuss a request by the submitter to establish a helipad adjacent to the northern edge of the Ben Lomond Sub-Zone. As part of our assessment of that submission point, we agreed that the relief sought was appropriate, and as a consequence it is necessary to have an accompanying rule, providing for what the PDP has defined as an 'Informal Airport' within the zone.
216. Mr Dent's evidence for the submitter included a draft rule, which also included a provision only allowing for one such facility within the zone given concerns raised by the reporting officers

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<sup>101</sup> Submission 2485

<sup>102</sup> Submission 574

<sup>103</sup> RM 160647

<sup>104</sup> Submission 2493

(although we agree with Mr Dent that the likelihood of a second helipad within the zone was unlikely). We recommend adopting the wording proposed by Mr Dent with some minor alterations to better address potential effects on other activities within the Sub-Zone such as ZJV and Kiwi Birdlife Park. Furthermore, we note that the proposal put forward by Mr Dent for Skyline was preferred by Mr Brown in his evidence for ZJV<sup>105</sup>. We recommend that the submission point be accepted, and the proposed wording of the rule for a restricted discretionary activity be as set out below:

38.11.8 Informal Airport Located within the Future Helipad Area  
Discretion is restricted to the following:

- a. Aviation safety including helicopter landing area design and proximity to on ground structures and track networks;
- b. the frequency and intensity of daily and weekly flight numbers;
- c. separation distance and potential effects on the operations of other existing or incompatible occupiers within the Ben Lomond Sub-Zone.
- d. Helicopter flight paths

The information requirements for aviation safety shall include provision of either a PT157 Determination issued by the Director of Civil Aviation New Zealand or an independent aviation safety assessment prepared by a suitably qualified professional.  
(Restricted Discretionary Activity)

38.10.9 Two or More Informal Airports within the Bob's Peak Area of the Ben Lomond Sub-Zone  
(Non-complying Activity)

217. As a consequence, existing Rules 38.11.7 and 38.11.8 are renumbered 38.11.10 and 38.11.11 respectively.

#### 14. RULE 38.12 - NON—NOTIFICATION OF APPLICATIONS

218. Skyline Enterprises<sup>106</sup> sought that Rule 38.12.2 be deleted. This rule states:

*Controlled activities within the Informal Recreation Ben Lomond Sub-Zone shall not be publicly notified but may require the written approval of affected persons or give limited notification to affected persons.*

219. We understand that controlled activities in the Sub-Zone include passenger lift systems in parts of the Sub-Zone, harvesting and management of existing forestry, and parking in the Lower Terminal Area. An expectation with controlled activity status is that the activity is appropriate and consent will be granted, possibly subject to conditions, we do not consider that a limited notification requirement for these activities is appropriate.

220. Counsel for ZJV<sup>107</sup> was of the view that limited notification<sup>107</sup> for controlled activities may be appropriate, and suggested that the rule be amended to specify (by way of an advice note)

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<sup>105</sup> J Brown, EiC, paragraph 9

<sup>106</sup> Submission 2493

<sup>107</sup> Submission 2485

where ‘special circumstances’ may exist. However, we are of the view that in terms of requiring written approval of affected persons, or providing limited notification, the Council is obligated to work through the steps under section 95B of the Act. We doubt whether the Council’s discretion can be fettered by a provision of the nature sought by the submitter. Accordingly we recommend that the submission point be accepted and Rule 38.12.2 be deleted.

## 15. RULE 38.13 - MATTERS OF CONTROL FOR CONTROLLED ACTIVITIES

221. Ms Edgley advised that there was a typographical error in Rule 38.13.3<sup>108</sup> where Rule 38.9.16 is duplicated ahead of Rule 38.9.28 (to which Rule 38.13.3 relates). This requires the removal of the first paragraph which reads:

*Rule 38.9.16: Restaurants and cafes that are accessory to a permitted activity and are located further than 50m from a Residential Zone in the Civic Spaces Zone, Informal Recreation Zone, Active Sports and Recreation Zone, CP Z CPZ (Golf), CPZ (Camping Ground)*

222. We recommend that an amendment deleting the above clause be made pursuant to Clause 16(2).

## 16. RULE 38.14 - MATTERS OF DISCRETION FOR RESTRICTED DISCRETIONARY ACTIVITIES

223. Ms Edgley advised<sup>109</sup> that while there were no submissions on this clause of the plan, she noted that a rule (which we assume to be rule 38.9.14) listed as restricted discretionary in Table 38.1 was left out of the provisions listed under Part 38.14 in error, which means there are no matters of discretion for that rule relating to organised sport and recreation. She noted that there were no submissions providing scope to make amendments, and that Council’s legal advice was that because the notified rule did not meet the description of a restricted discretionary activity under Section 77A (3) of the Act, the appropriate status for the activity is fully discretionary.

224. We recommend amending Rule 38.9.14 (organised sport and recreation activities in the Informal Recreation Zone) to show the activity as fully discretionary.

## 17. SECTION 38.15 - LANDSCAPE ASSESSMENT MATTERS FOR DISCRETIONARY AND NON-COMPLYING ACTIVITIES

225. These provisions set out the landscape matters that the Council must be satisfied are applied when considering applications for discretionary and non-complying activities in the Open Space and Recreation Zone. The landscape assessment matters are structured as those that apply to Outstanding Natural Landscapes, Outstanding Natural Features, Rural Character Landscapes, and those that are applicable to all landscape categories.

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<sup>108</sup> C. Edgley, Section 42A Report, paragraph 23.1

<sup>109</sup> Ibid, paragraphs 24.1 – 24.2

226. Real Journeys Group<sup>110</sup> sought the deletion of the landscape assessment matters on the basis that much of the Council’s reserve land is not afforded protection under Section 6 of the Act, and is not recognised as being ONL/ONF.
227. Under the section “Variation to Stage 1 Chapter 6 Landscapes” below (Section 19), we address the wider issue of the application of landscape matters to land zoned Open Space and Recreation. Under that section we recommend the addition of a new policy under Chapter 6 relating to landscapes within Open Space and Recreation Zones.
228. We note that there is a substantial policy framework in Chapter 38 in support of restrictions on activities, which in turn reflect the classification of the open space and question<sup>111</sup>. These were extensively covered in the Section 42A Report<sup>112</sup>. There was little evidence presented at the hearing in support of the submission. However a significant issue does arise within the scope of this submission. We do not believe that it is appropriate in law to have assessment matters for a non-complying activity, particularly noting the application of section 104D of the Act. Such activities must be assessed in terms of their effects, and the application of the objectives and policies of the district plan. Accordingly we recommend that the submission be accepted in part, and that reference to the assessment matters under this rule having application to non-complying activities, be deleted.

## 18. RECOMMENDED AMENDMENTS UNDER CLAUSE 16(2)

229. Clause 16(2) provides that:

*(2) A local authority make an amendment, without using the process in the schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.*

230. Throughout the report we have recommended a number of Clause 16(2) amendments to correct errors. In addition, we recommend a further three such amendments be made pursuant to this clause.

231. Policy 38.2.1.5 (c) as notified reads:

*maintains and/or enhances the recreation and amenity values.*

232. We recommend that subclause be amended to read:

maintains or enhances the recreation and amenity values.

233. Rule 38.13.3 concerns “Matters of control for Controlled Activities identified in Table 38.1”. Rule 38.13.3 incorrectly makes reference to restaurants and cafes and duplicates the identical wording under Rule 38.13.1. We recommend that the first four lines of the text under Rule 38.13.3 be deleted.

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<sup>110</sup> Submissions 2466, 2581, 2494

<sup>111</sup> Policies 38.2.1.1, 38.2.1.4, 38.2.1.5, 38.2.2.4, 38.2.2.5 and all policies under Objectives 38.3 and 38.4

<sup>112</sup> at paragraphs 25.4 and 25.5

234. Rule 38.15 concerns “Landscape Assessment Matters for Discretionary and Non-Complying Activities”.
235. Under Rules 38.15.2 and 38.15.3, the text makes reference to “Rural Landscape Classification (RLC)” and “Rural Landscape”. In accordance with the terminology used as a result of Stage 1 decisions, it is necessary to change the wording to read “Rural Character Landscapes (RCL)”. We recommend that these clauses be changed to reflect the correct terminology.

## PART B – AMENDMENTS TO STAGE 1 CHAPTERS

### 19. VARIATION TO STAGE 1 CHAPTER 6 LANDSCAPES

236. As part of Chapter 38 Open Space and Recreation, the PDP Stage 1 Chapter 6 Landscapes was varied to address issues arising with the application of the landscape provisions in Chapter 6 to zones other than Rural. With respect to Open Space and Recreation Zones introduced through Chapter 38, a difficulty arose as land outside the Urban Growth Boundary and within reserves was zoned Rural under Stage 1 of the PDP. Landscape provisions with respect to any land which was classified as Outstanding Natural Landscape (ONL) or Outstanding Natural Feature (ONF) only applied to land which was zoned Rural, and did not apply to former Rural zoned land now incorporated within the new Open Space and Recreation Zones introduced through Chapter 38 as part of Stage 2 of the PDP<sup>113</sup>.
237. Matters relating to this variation have however been addressed separately under the Stream 14 report relating to the Chapter 6 variation<sup>114</sup>. This reflects the fact that nearly all of the submissions relating to the variation to Chapter 6 lodged in Stage 2 were made with reference to Chapter 24 and other rural zones.
238. Ms Edgley addressed the background to this matter in some detail in her Section 42A Report on Chapter 38. She explained that there was a difficulty in making any amendments to policies in Chapter 6, as many of these were already subject to appeal. She recommended that the matter be resolved by the addition of the following new policy to Chapter 6:

#### 6.3XX

*Classify the Open Space and Recreation zones land located outside the Urban Growth Boundary as ONL, ONF or RCL, and provide a separate regulatory framework for the Open Space and Recreation Zones within which the remaining policies of this chapter do not apply.*

239. We concur with this recommendation, and her recommendations with respect to the submissions on Chapter 38 relating to this matter. We recommend it be included as Policy 6.3.3B.
240. Stream 14 have recommended to us a further policy to include in Chapter 6 to give effect to the variation and respond to the submissions lodged on this variation. We accept the reasoning provided in Report 18.1 and recommend that the following Policy 6.3.3A be included in Chapter 6:

*Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).*

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<sup>113</sup> C Edgley, Section 42A Report, paragraph 10.5

<sup>114</sup> Refer Section 2.5, Report 18.1

## 20. VARIATIONS TO CHAPTERS 35 AND 36

241. Amendments were proposed to Rules 35.4.7 and 36.5.4 (notified Stage 1 rule numbers). No submissions were received on these variations. Rule 35.4.7 has been renumbered as 35.4.3 in the Decisions Version of the PDP and Rule 36.5.4 has been renumbered 36.5.2. We recommend that Decisions Version Rules 35.4.3 and 36.5.2 be amended as proposed in the variation.

## 21. AMENDMENTS TO CHAPTER 2

242. QAC<sup>115</sup> requested some amendments to Chapter 2 ‘Definitions’, to add definitions for informal recreation, public amenities, parks maintenance, recreation facilities, organised sport and recreation and recreational trails. The basis of the submission was that these were new terms included within the PDP and it is difficult to interpret the meaning and intent of these provisions.
243. Ms Edgley was of the view that most of these terms will be understood within their ordinary meanings<sup>116</sup>. However in reviewing the submission, she noted that ‘Recreation Facilities’ is the subject of its own rule<sup>117</sup>, but is also included within the definition of Commercial Recreation Activity. In order to clarify potential confusion, she recommended that ‘Recreation Facility’ be defined as follows:

*A facility where the primary purpose is to provide for sport and recreation activities and includes recreation centres, swimming pools, fitness centres and indoor sports centres, but excludes activities otherwise defined as Commercial Recreation Activities.*

244. Related to the matter of definitions, Ms Edgley noted that a Minute from the Hearings Panel<sup>118</sup> had requested the following information particularly relating to the Open Space and Recreation chapter:

*Provide definitions of terms used to differentiate activities in Table 38.1, such as informal recreation, organised sport and recreation and public amenities and advise on whether scope exists to include those definitions in Chapter 2.*

245. In her response to this Minute, she noted that ‘Commercial recreation’ and ‘Recreation’ are both defined in Chapter 2, however ‘Informal recreation’ and ‘Organised sport and recreation’ are not.
246. She added that scope to add some additional definitions was available under the submission by QAC. These included the following:

*Informal recreation: Means a pastime, leisure, sport or exercise activity that occurs on an ad hoc basis or irregularly and contributes to a person’s enjoyment and/or relaxation. Excludes organised sport and recreation.*

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<sup>115</sup> Submission 2618

<sup>116</sup> *ibid*, paragraphs 13.14 – 13.16

<sup>117</sup> Rule 38.9.6

<sup>118</sup> Minute of Hearings Panel, 28 September 2018.

*Organised sport and recreation: Means activities that require physical effort and skills, are competitive, occur on a regular basis, have formal rules, referees and officials, and are organised within formal structures. The activity typically involves the following:*

- *exclusive use of public open space during the course of the activity;*
- *participants and spectators;*
- *use of clubrooms, changing facilities;*
- *training and practice sessions;*
- *payment of money to conduct activity;*
- *organised by a club, sporting body or group;*
- *booking and recording system of scheduled hours per week of each sport filed by the owner or administrator of the sports field.*

247. She added that these definitions were derived from the Auckland Unitary Plan. Other definitions she considered were within scope included the following:

*Parks Maintenance: Means maintenance and repair undertaken within Council-controlled reserves, including:*

- *maintenance and repair of any buildings and structures;*
- *maintenance and repair of foot paths and tracks;*
- *clearing or reforming drainage channels;*
- *topsoiling, reseeding, sandslitting of sports fields and grassed areas;*
- *weed management, grass mowing and planting of trees and gardens;*
- *replacement, repairs, maintenance or upgrading of existing bridges boardwalks and culverts; and resealing and sealing metalled parking and access drives and internal park roads.*

248. She also identified an issue with the activity 'Recreation Trails' in Rule 38.9.27. She said that the term "trail" is already defined in Chapter 2 and explicitly excludes public access routes over any reserve administered by the Council, the Crown or any of its entities. She recommended that Rule 38.9.27 be amended to refer to recreational tracks rather than trails. She proposed the following definition of recreational tracks:

*Recreational tracks: Means a sealed or unsealed pathway or greenway within Council controlled reserves that is used for informal or organised recreational purposes such as walking, cycling, horse-riding, or fitness.*

249. We concluded that Ms Edgley's approach to the submission and her suggested amendments were appropriate, apart from minor grammatical changes, and on this basis we recommend that the submission point be accepted in part.

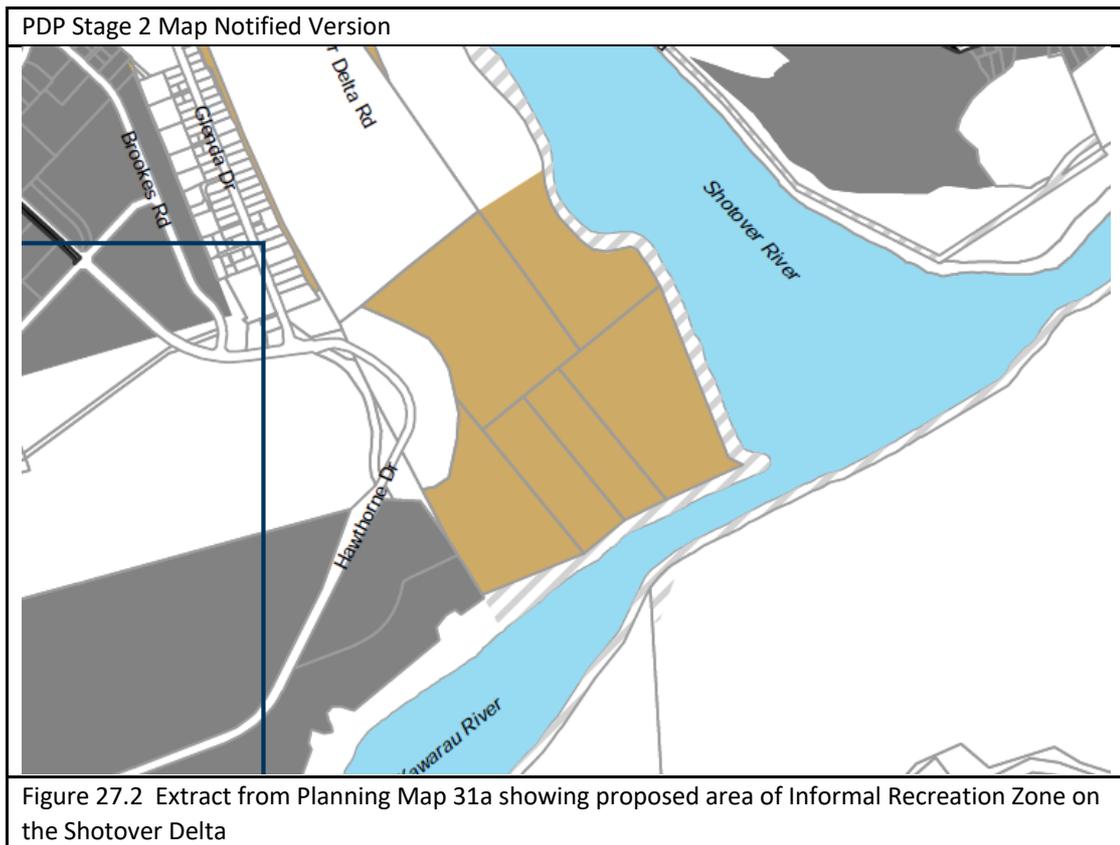
## 27. SHOTOVER RIVER DELTA

### 27.1 Queenstown Airport Corporation – Submission 2618; Queenstown Park Limited – Submission 2462; Remarkables Park Limited – Submission 2466

Property and submission information	
Further Submitters	Submission 2618.23 FS2754 - Remarkables Park Limited – Oppose FS2755 - Queenstown Park Limited – Oppose
Land area/request referred to as	The Informal Recreation zoning over the Lower Shotover Delta at the end of the Runway End Safety Area.
Legal Description	Lots 2-3 DP 422388 and Sections 143, 144 and 153 Block I Shotover SD, Section 4 SO 409393
Area	Approximately 43Ha (QLDC GIS)



Figure 27.1 Aerial photo – site subject to submission outlined in red



324. Queenstown Airport Corporation<sup>145</sup> sought that the Informal Recreation Zone over the Lower Shotover Delta, at the end of the Runway End Safety Area either retain the Stage 1 zoning of Rural, or alternatively create a new “Shotover Delta Sub-Zone” and restrict activities within this Sub-Zone to the following:

- Informal recreation (Rule 38.9.2);
- Public amenities (Rule 38.9.3);
- Parks maintenance (Rule 38.9.5);
- New buildings associated with a permitted activity, not otherwise listed in Table 38.1 (Rule 38.9.24);
- Recreation Trails (walking, horse and cycling trails) (Rule 38.9.27);
- Construction of vehicle access and car parking areas, accessory to permitted activities, up to 200m<sup>2</sup> (Rule 38.9.29); and
- All other activities should be a non-complying activity, except for ASAN, the parking or placing of any motor vehicle, boat, caravan, trailer or material for the purposes of sale or lease, or mining activities which should all be a prohibited activity.

325. Conversely, Remarkables Park Limited and Queenstown Park Limited<sup>146</sup> sought that the Shotover Delta be zoned for Active Sport and Recreation rather than Informal Recreation. The basis of this submission was that the land area involved was large and flat, was sheltered, had reasonably high amenity and was reasonably well connected to the urban environment and the presence of growing housing estates nearby.

<sup>145</sup> Submission 2618

<sup>146</sup> Submissions 2462, 2466

326. The land is located on the broad alluvial flats of the Shotover River, east of Queenstown Airport runway. It is made up of a number of legal parcels and is undeveloped but utilised extensively for passive recreation. The Queenstown Trail's Twin Rivers ride runs through the subject site.
327. Ms Galavazi advised in her evidence that the inclusion of part of Section 4 SO 409393 as Informal Recreation Zone was in error, and that parcel should be zoned entirely Rural. This is because it is not land administered by the Council and the recommended zoning for this area is shown below in Figure 19. We recommend that this be amended pursuant to Clause 16(2) on the basis that it is correcting a minor mapping error. We note also that this amendment is within the scope of the Queenstown Airport Corporation submission.
328. Turning to the relief sought in the Queenstown Airport submission, Ms Galavazi noted that (with the exception of the above minor error) all of subject land is Council-administered land. She argued that to leave it zoned Rural would be inconsistent with the intention of the Council through Chapter 38 to provide Open Space and Recreation zonings over all reserve land.
329. Ms Edgley explained that a number of activities permitted in the Informal Recreation Zone are also permitted in the Rural Zone, such as Recreational Activity, and buildings in some circumstances. She added that commercial recreation activities involving less than 12 people are permitted in the Rural Zone, whereas in the Informal Recreation Zone they are discretionary regardless of the number of people. She was of the opinion that the Informal Recreation Zoning generally provided the same level of protection as the Rural Zone.
330. QAC sought a number of amendments to protect the airport from reverse sensitivity effects, and particularly the establishment of Activities Sensitive to Aircraft Noise (ASAN). Insofar as any Open Space and Recreation zones are concerned, objective, policy, and rule provisions were sought to be added to Chapter 38 consistent with this approach. These have been addressed earlier in submissions on objectives, policies, and rules (refer Sections 9.1, 10.2 and 11.1).
331. In his evidence for the submitter, Mr Michael Clay noted that a Runway End Safety Area (RESA) was provided at the end of the runway but he added that an additional protective measure had already been implemented at some airports<sup>147</sup> to provide an additional buffer area in the event of a runway incident. The corporation was content with the use of the Shotover Delta for passive recreation, but was concerned the range of activities enabled by the Informal Recreation Zone would potentially encourage greater public presence in the area.
332. In addition to noise, the submitter was also concerned about highly unlikely but potentially serious hazard associated with an aircraft overshoot/under shoot on the approach to the main runway, and the potential for activities to attract birds and thereby create a potential bird strike hazard for aircraft.
333. We note that Queenstown Airport has designations to protect their operational requirements, and amendments have been recommended with respect to the objective, policy and rules provisions in Chapter 38 earlier in our report – for example proposed Rule 38.10.12. The submitter indicated at the hearing that they no longer see it is necessary to revert to a Rural zoning. However, while we do not have as many concerns about the concept of a bespoke zone

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<sup>147</sup> M Clay, EiC, paragraph 3.4

as the reporting officers, we do not agree that it is necessary to create such a subzone to address the issues raised in the submission. We are satisfied that the Informal Recreation Zoning proposed over the site will have the effect of significantly constraining activities which could have an adverse effect on airport operations, and on the intensity of activity in the Shotover Delta.

334. With respect to the Remarkables Park submission, we do not consider that sufficient information is available to contemplate developing the Shotover Delta for active recreation, including potentially large buildings. Even if we were to disregard effects on Queenstown Airport, considerable work would need to be undertaken to establish that the site was suitable for much more intensive recreational activity, and no evidence was put before us to establish that. We recommend that the submissions of Remarkables Park and of Queenstown Airport be rejected.

335. We acknowledge the need for the rezoning of Section 4 SO 409393 to Rural, to correct a mapping error. Figure 27.3 shows the recommended zoning taking account of that correction.

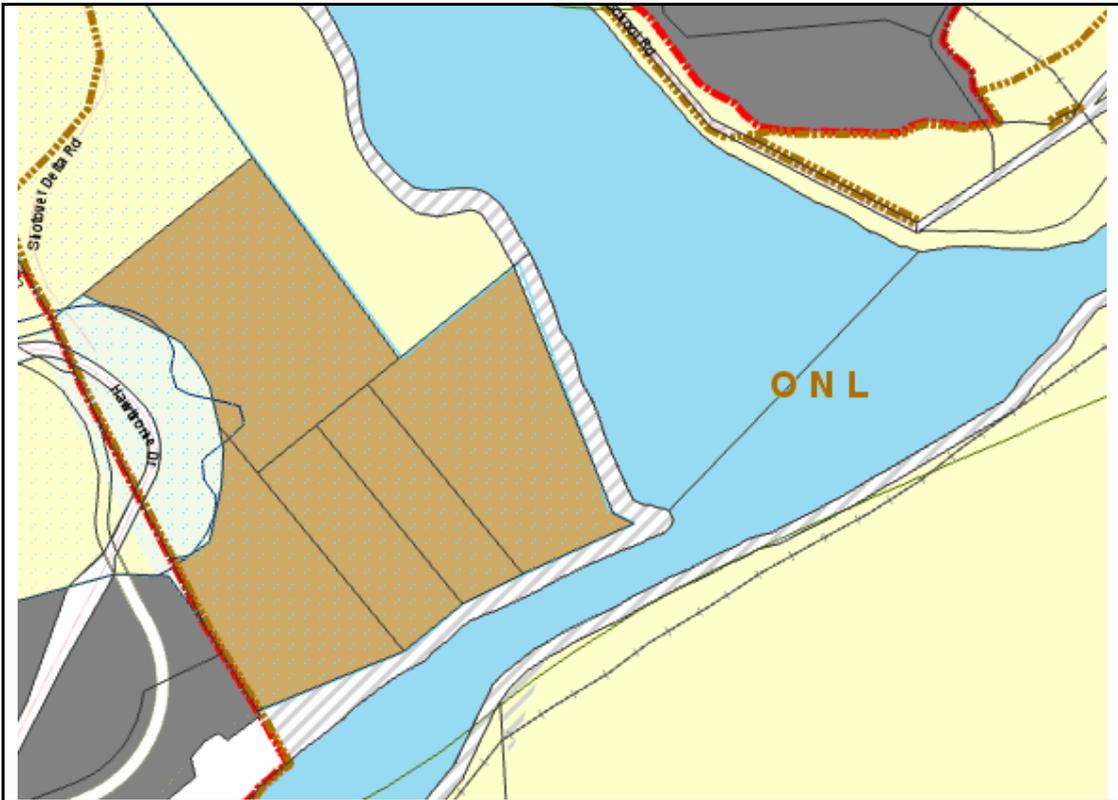


Figure 27.3 Recommended zoning to correct a mapping error.

**Appendix 1: Recommended Revised Chapter 38 Open Space and Recreation and Associated Variations**

## 38 Open Space and Recreation Zones

### 38.1 Purpose

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

Open Space is a significant resource to the District and Region. This resource requires protection from inappropriate activities that could degrade its qualities, character and values.

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

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

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

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

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

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

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

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

## **38.2 Objectives and Policies – District Wide**

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

### **Policies**

**38.2.1.1** The design, development, management and maintenance of Open Space and Recreation Zones shall provide for:

- a. the needs of the community in the area in which the zones are located, and the needs of the wider community and visitors to the District;
- b. the effective and efficient use of resources so as to ensure that Open Space and Recreation Zones are fit for purpose and safe for all users;
- c. the maintenance and enhancement of integrated public access connections to walking and cycling networks throughout the District, including along lake and river margins;
- d. recognise and provide for users of all ages and different physical capacities
- e. the location within which Open Space and Recreation Zones are situated, responding to recognised natural character, landscape and heritage values; and
- f. the provision of infrastructure necessary to service Open Spaces and Recreation Zones, including recreation facilities and amenities.

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

**38.2.1.3** Promote the protection of existing ecological values having regard to the purpose, objectives and policies specific to each Open Space and Recreation Zone, and opportunities for enhancing natural values-

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

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

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

- 38.2.1.6** Provide a District Plan framework that establishes the roles, functions and activities for each Open Space and Recreation Zones, within which the outcome of public participation into the design, development, management and enhancement of reserves can be implemented through processes other than through the Act, such as reserve management plans.
- 32.2.1.7** Provide adequate firefighting, water, and fire service vehicle access to ensure an efficient and effective emergency response.
- 38.2.2** **Objective - Recreation activities are undertaken and facilities constructed in a way that maintains or enhances the values of open space areas and the recreation opportunities available within the District.**

#### **Policies**

- 38.2.2.1** Ensure activities are undertaken, in a manner that maintains or enhances the amenity values of the relevant reserve and surrounding environment, including natural, scenic and heritage values.
- 38.2.2.2** Limit activities, buildings and structures to those compatible with the role and function of the zone, and the sensitivity of the surrounding environment, and which are necessary to maintain or enhance the anticipated use or values of the zone.
- 38.2.2.3** Require areas surrounding buildings, structures, outdoor storage and parking areas to be screened and landscaped to mitigate visual impacts and maintain or enhance amenity values.
- 38.2.2.4** Ensure the scale and location of buildings including associated structures, trails and accesses, and noise and lighting associated with recreation activities is consistent with the level of amenity anticipated in the zone and in the surrounding environment, having particular regard to the following where new buildings, structures or lighting are proposed:
- a. the purpose, number, size and location of new buildings, structures and lighting are appropriate, in terms of their function and the sensitivity of the environment;
  - b. that building design and appearance positively contributes to amenity, cultural, ecological and landscape values;
  - c. that buildings or structures do not unduly preclude or limit public access, particularly along the margins of the District's lakes and rivers;
  - d. that cumulative adverse effects of buildings and activities are taken into account; and
  - e. the provision for and standard of lighting, including:
    - i. its siting and location, in particular, how it contributes to public safety; and
    - ii. minimising upward light spill on the night sky.
- 38.2.2.5** Ensure that any buildings or structures located within, adjoining or nearby to an Outstanding Natural Feature or Landscape, protect, maintain or enhance those values by:
- a. limiting development and activities in the vicinity of water bodies to the land based components of community recreation water based activities, which have a practical and functional need to be located within these areas; (refer also to Objective 38.2.4)
  - b. preserving the natural character of the margins of waterbodies; (refer also to Objective 38.2.4)
  - c. ensuring buildings are located in areas that are least sensitive to change and have capacity to absorb development;
  - d. requiring buildings to be designed and finished so they:
    - i. avoid visual dominance; and
    - ii. mitigate or remedy adverse effects on the values of the Outstanding Natural Feature or Landscape; and

- e. ensuring trails, access and carparking areas (including associated earthworks) do not degrade visual amenity values or disrupt the natural character or landforms.

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

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

**38.2.3** **Objective – Commercial activities are limited to those that have a functional requirement to locate within Open Space and Recreation Zones and maintain open space and recreation values.**

**Policies**

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

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

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

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

**Policies**

**38.2.4.1** Provide recreation, commercial and public transport opportunities within Open Space and Recreation Zones in a manner that supports the preservation of the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities.

**38.2.4.2** Recognise and provide for the maintenance and enhancement of public access to, and enjoyment of, the margins of lakes and rivers, particularly where access and enjoyment is compatible with protecting the natural character and nature conservation values of those lakes and rivers.

**38.2.4.3** Enable people to have access to a wide range of community recreational experiences on the margins of waterbodies, including the limited provision of commercial recreation activities that maintain landscape, amenity and nature conservation values, especially where they integrate with recreation activities on and under the surface of the waterbody.

**38.2.5** **Objective – Activities sensitive to aircraft noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are avoided or managed to mitigate noise and reverse sensitivity effects.**

**Policy**

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

## **38.3 Objectives and Policies – Nature Conservation Zone**

### **Purpose**

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

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

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

### **Policies**

- 38.3.1.1** Provide for appropriate use and development by:

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

## **38.4 Objectives and Policies – Informal Recreation Zone**

### **Purpose**

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

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

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

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

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

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

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

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

##### **Policies**

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

##### **Within the Ben Lomond Sub-Zone**

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

##### **Policies**

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

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

### **Purpose**

The Active Sport and Recreation Zone includes larger parks and reserves that are primarily used for organised sport and events, usually with associated buildings and structures. The zone primarily applies to open space that is easily accessible, used for indoor and outdoor organised sports, active recreation and community activities.

The Active Sport and Recreation Zone areas are designed and used for organised sport and recreation with toilets, changing facilities, car parking and turf or playing surfaces formally maintained to an appropriate standard for the relevant sports code. These include sports fields, hard-court areas, club facilities as well as associated infrastructure such as car parking and changing rooms.

Commercial activities accessory to sport and active recreation activities, such as those that provide food or beverage services to support recreational use, may be undertaken in appropriate locations within this zone.

The Active Sport and Recreation Zone applies in the main urban centres and contain provisions that recognise the intensive use made of these areas, and the need to provide sufficient facilities to support these uses, while at the same time, providing for the open space and amenity values of a park or reserve within this zone, as well as avoiding or mitigating adverse effects on the surrounding areas.

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

### **Policies**

- 38.5.1.1** Provide for indoor and outdoor organised sports, active recreation, recreation facilities, community activities, accessory activities and associated buildings and structures.
- 38.5.1.2** Active sport and recreation and associated buildings, structures (including additions) and car parking, are designed, located and operated to be compatible with the surrounding

environment in which they are located, particularly within or adjacent to residential environments, and to avoid or mitigate any adverse effects of the activities (such as noise, hours and frequency) and of buildings, including visual dominance, outlook from adjoining or nearby sites and buildings, and shading.

## **38.6 Objectives and Policies – Civic Spaces Zone**

### **Purpose**

The Civic Spaces Zone provides for civic activities.

Civic spaces contribute to the character of centres and urban areas and provide opportunities for informal recreation, social interaction and community gatherings and events. They also support local character and provide a sense of identity.

The Civic Spaces Zone receives a high level of use and the zone and facilities shall be designed, operated and maintained with a high level of service. Events are often held within civic spaces, such as festivals and markets. They are places that help to establish communities and a sense of place. These areas are typically subject to higher demand from public and commercial use and are important civic spaces that directly support the District's tourism industry.

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

### **Policies**

**38.6.1.1** Manage and promote passive recreation activities, while providing for commercial and community activities of a temporary nature that are of public benefit.

**38.6.1.2** Limit buildings and structures to those that are necessary to support civic activities, and where this is demonstrated, ensure that buildings and structures enhance the amenity values, functionality and use of the zone.

**38.6.1.3** Enable public amenities and the installation of artworks and interpretive signs, that enhance the use and enjoyment of civic spaces.

## **38.7 Objectives and Policies – Community Purposes Zone**

### **Purpose**

The Community Purposes Zone primarily accommodates open space areas that play a significant community function, including libraries, halls and recreation centres. It also provides specifically for cemeteries, golf courses, campgrounds and areas that have a significant passive recreation function that are not otherwise encapsulated in other zones, such as the Queenstown Gardens. Community buildings and associated activities are generally provided within the Community Purposes Zone.

Community Purposes Zones located within the townships and outlying settlements often have multiple activities that host a variety of passive and active activities and associated infrastructure.

Where the Community Purposes Zone is for a specific function, the zone has been broken into sub-zones for the purposes of better articulating management outcomes for each sub-zone. The three sub-zones are:

Community Purposes Zone (Cemeteries);

Community Purposes Zone (Golf); and  
Community Purpose Zone (Camping Ground).

Both the Community Purposes Zone (Golf) and the Community Purposes Zone (Camping Ground), comprise the District's golf courses and campground facilities that are owned by the Council, but are leased to private interests. These two sub-zones include provisions that recognise the specialised use of these open space areas. Accordingly, the Community Purposes Zone allows for greater flexibility in the scale and nature of development of these spaces, while at the same time ensuring that development of these spaces is sympathetic to adjoining areas. As an example, this includes where a Community Purposes Zone (Camping Ground) may border one of the District's lakes or Outstanding Natural Landscapes.

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

#### **Policies**

**38.7.1.1** Enable community activities and associated buildings and structures (including indoor and outdoor organised sports, active recreation and recreation facilities) that contribute to the function of the zone as focal points for District and Regional activities, while ensuring that the location and design of new buildings and structures, additions to existing buildings and structures and parking areas, maintain the character and values of each Community Purposes Zone.

**38.7.1.2** Enable the continued operation of the District's existing cemeteries while maintaining public access, the open space amenity, and any historic heritage values of these community spaces.

**38.7.1.3** Buildings, structures and activities associated with the community activities themselves are designed and located so that any adverse effects including noise, lighting and traffic effects, are managed to maintain the level of amenity value of the surrounding environment within which they are located.

**38.7.1.4** Ensure that the development of golf courses and camping ground areas continue to provide for a mixture of restricted and full public use, as well as the open space visual amenity enjoyed by the wider public.

**38.7.1.5** Ensure that the development of golf courses and camping grounds maintains and enhances the landscape and amenity values of the surrounding environment.

## **38.8 Other Provisions and Rules**

### **38.8.1 District Wide**

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities

31 Signs	32 Protected Trees	33 Indigenous Vegetation and Biodiversity
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	Planning Maps	

## 38.8.2 Interpreting and Applying the Rules

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

**38.8.2.2** Where an activity does not comply with a standard listed in the Rules - Standards for the Open Space and Recreation Zone tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the activity.

**38.8.2.3** The Ben Lomond Sub-Zone and the 3 Community Purpose Sub-Zones, being sub-zones of the Informal Recreation Zone and Community Purpose Zone, require that all rules applicable to the Zone apply. Where specific rules are identified for the sub-zone, these shall prevail over the rules of the Informal Recreation Zone or Community Purpose Zone.

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

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

**38.8.2.6** Table 38.1 specifies the activity status of land use activities in the Open Space and Recreation Zones, pursuant to section 9(3) of the Resource Management Act 1991. Notwithstanding the following rules, the Reserves Act 1977 applies to land vested under section 14 of the Reserves Act 1977. Reserves and land controlled by Council or the Department of Conservation may be subject to further controls under the Reserves Act 1977 or through Reserve Management Plans. Discussion should be held with these agencies as to the existence and nature of these controls.

**38.8.2.7** These abbreviations are used in the Rules – Activities (Section 38.9) and Rules - Standards for the Open Space and Recreation Zone (Section 38.10) tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

**38.8.2.8** The following abbreviations are used within this chapter.

CPZ	Community Purpose Zone
CPZ (Golf)	Community Purpose Sub Zone (Golf)
CPZ (Camping Ground)	Community Purpose Sub Zone (Camping Ground)
CPZ (Cemeteries)	Community Purpose Sub Zone (Cemeteries)

**38.8.3 Advice Notes:**

- 38.8.3.1** Freedom camping in the District is controlled by the Council’s Freedom Camping Control Bylaw.
- 38.8.3.2** Resource consent may be required for activities associated with telecommunications under the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016. In these instances, this NES applies instead of the District Plan provisions.
- 38.8.3.3** Resource consent may be required for activities associated with electricity transmission under the Resource Management (National Environmental Standards for Electricity Transmission Activities) regulations 2009. In these instances, this NES applies instead of the District Plan provisions.
- 38.8.3.4** Land use activities within the National Grid Yard or Electricity Distribution Corridor are managed in Chapter 30 Energy and Utilities.

## 38.9 Rules – Activities

Table 38.1: Activities Open Space and Recreation Zones.

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

Rule	Activities	Nature Conservation Zone	Informal Recreation Zone	Active Sports/ Recreation Zone	Civic Spaces Zone	CPZ	CPZ (Golf)	CPZ (Camping Ground)	CPZ (Cemeteries)
38.9.1	Any activity not listed in Table 38.1	NC	NC	NC	NC	NC	NC	NC	NC
38.9.2	Informal recreation	P	P	P	P	P	P	P	P
38.9.3	Public amenities	P	P	P	P	P	P	P	P
38.9.4	Gardens, including botanic and community gardens	P	P	P	P	P	P	P	P
38.9.5	Parks Maintenance	P	P	P	P	P	P	P	P
38.9.6	Recreation facilities	NC	D	P	D	P	P	P	P
38.9.7	Community centres and halls	NC	D	D	D	D	NC	NC	NC
38.9.8	Day Care Facilities including buildings	NC	NC	D	NC	D	NC	NC	NC
38.9.9	Education and research facilities directly related to the open space area	P	P	P	P	P	D	D	NC
38.9.10	Art galleries, arts and cultural centres including buildings	NC	D	D	D	D	NC	NC	NC
38.9.11	Clubrooms including buildings	NC	D	P	NC	D	P	D	NC
38.9.12	Libraries including buildings	NC	NC	NC	NC	P	NC	NC	NC
38.9.13	Grandstands	NC	NC	D	NC	D	NC	NC	NC
38.9.14	Organised sport and recreation	D	<u>RDD</u>	P	D	P	P	D	NC
38.9.15	Camping grounds	D	D	NC	NC	NC	NC	P	NC
38.9.16	Restaurants and cafes that are accessory to a permitted activity and are located within 50m of a Residential Zone including buildings	NC	RD	RD	RD	RD	RD	RD	NC

Rule	Activities	Nature Conservation Zone	Informal Recreation Zone	Active Sports/ Recreation Zone	Civic Spaces Zone	CPZ	CPZ (Golf)	CPZ (Camping Ground)	CPZ (Cemeteries)
38.9.17	Retail accessory to a permitted activity that complies with the floor area standards for retail activities (Rule 38.10.9)	D	P	P	P	P	P	P	NC
38.9.18	Retail not otherwise provided for in Table 38.1	NC	D	D	D	D	D	D	NC
38.9.19	Commercial Recreation Activities and buildings associated with Commercial Recreation Activities	D	D	D	RD	RD	RD	RD	NC
38.9.20	Commercial Activities and buildings associated with, and located on the same site as recreation activities	D	D	D	RD	RD	RD	RD	NC
38.9.21	Artworks	P	P	P	P	P	P	P	P
38.9.22	Demolition of buildings (which is not a listed as a protected feature)	P	P	P	P	P	P	P	P
38.9.23	New buildings associated with a permitted activity, not otherwise listed in Table 38.1	P	P	P	P	P	P	C	P
38.9.24	Construction, addition or alteration to existing buildings	P	P	P	P	P	P	C	P
38.9.25	Conservation Planting, species protection and conservation management works, including associated trapping, restoration and re-vegetation work, noxious plant and pest control and scientific research	P	P	P	P	P	P	P	P
38.9.26	Recreation tracks (walking, horse and cycling tracks)	P	P	P	P	P	P	P	P

<b>Rule</b>	<b>Activities</b>	<b>Nature Conservation Zone</b>	<b>Informal Recreation Zone</b>	<b>Active Sports/ Recreation Zone</b>	<b>Civic Spaces Zone</b>	<b>CPZ</b>	<b>CPZ (Golf)</b>	<b>CPZ (Camping Ground)</b>	<b>CPZ (Cemeteries)</b>
<b>38.9.27</b>	Construction of vehicle access and car parking areas accessory to permitted activities, up to 200m <sup>2</sup>	C	C	P	P	P	P	P	P
<b>38.9.28</b>	Construction of vehicle access and car parking areas accessory to permitted activities exceeding 200m <sup>2</sup>	D	RD	RD	RD	RD	RD	RD	RD
<b>38.9.29</b>	Harvesting and management of existing Forestry within the Outstanding Natural Features or Landscapes	D	D	D	D	D	D	D	D
<b>38.9.30</b>	Planting of new Forestry within the Outstanding Natural Features or Landscapes	NC	D	D	NC	NC	NC	NC	NC
<b>38.9.31</b>	Farming including grazing of stock	RD	P	RD	RD	RD	RD	RD	RD
<b>38.9.32</b>	Cemeteries	D	NC	NC	NC	NC	NC	NC	P
<b>38.9.33</b>	The parking or placing of any motor vehicle, boat, caravan, trailer, or material for the purposes of sale or lease	PR	PR	PR	PR	PR	PR	PR	PR
<b>38.9.34</b>	Mining Activity	PR	PR	PR	PR	PR	PR	PR	PR
<b>38.9.35</b>	Boat Ramps, Jetties and Marinas	D	D	D	D	D	D	D	NC
<b>38.9.36</b>	Informal Airports	D	D	D	D	D	D	D	D

## 38.10 Rules - Standards for Open Space and Recreation Zones

	<b>Table 38.2: Standards for Activities in the Open Space and Recreation Zones</b>	<b>Non- compliance Status</b>
<b>38.10.1</b>	<p><b>Building Height</b></p> <p>The maximum height in the following zones shall be:</p> <p><b>38.10.1.1</b> Nature Conservation Zone: 4m.</p> <p><b>38.10.1.2</b> Informal Recreation Zone: 6m.</p> <p>Except for any aviary at Kiwi Birdlife Park, where the maximum height shall be 10 m.</p> <p><b>38.10.1.3</b> Active Sports and Recreation Zone: 10m.</p> <p><b>38.10.1.4</b> Civic Spaces Zone: 8m.</p> <p><b>38.10.1.5</b> CPZ: 10m.</p> <p><b>38.10.1.6</b> CPZ (Golf): 8m.</p> <p><b>38.10.1.7</b> CPZ (Camping Ground): 8m.</p> <p><b>38.10.1.8</b> CPZ (Cemeteries): 8m.</p>	D

	<b>Table 38.2: Standards for Activities in the Open Space and Recreation Zones</b>	<b>Non-compliance Status</b>
<b>38.10.2</b>	<p><b>Ground Floor Area of Buildings</b></p> <p>The total maximum ground floor area of buildings per site in the following zones is:</p> <p><b>38.10.2.1</b> Nature Conservation Zone: 50m<sup>2</sup>.</p> <p><b>38.10.2.2</b> Informal Recreation Zone: 100m<sup>2</sup>.</p> <p><b>38.10.2.3</b> Active Sports and Recreation Zone:400m<sup>2</sup>.</p> <p><b>38.10.2.4</b> Civic Spaces Zone: 100m<sup>2</sup>.</p> <p><b>38.10.2.5</b> CPZ: 300m<sup>2</sup>.</p> <p><b>38.10.2.6</b> CPZ (Golf): 600m<sup>2</sup>.</p> <p><b>38.10.2.7</b> CPZ (Camping Ground): 600m<sup>2</sup>.</p> <p><b>38.10.2.8</b> CPZ (Cemeteries): 50m<sup>2</sup>.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Building dominance;</li> <li>b. Effects on visual amenity and landscape character values and in particular views of significance;</li> <li>c. The size, design and location of buildings relative to the public realm and adjoining properties;</li> <li>d. Consistency with the character of the locality and the role and function of the open space;</li> <li>e. Pedestrian and vehicle access;</li> <li>f. Functional needs;</li> <li>g. Scale and intensity;</li> <li>h. Cumulative effect of buildings; and</li> <li>i. Design and integration of landscaping.</li> </ul>

	<b>Table 38.2: Standards for Activities in the Open Space and Recreation Zones</b>	<b>Non-compliance Status</b>
<b>38.10.3</b>	<p><b>Recession Plane</b></p> <p><b>38.10.3.1</b> Where a building is proposed on a site that adjoins another zone, the building shall comply with the recession plane standard for the adjoining zone, applied at the zone boundary.</p> <p><b>38.10.3.2</b> In the CPZ (Camping Ground) the following standards shall apply:</p> <ul style="list-style-type: none"> <li>a. On boundaries adjoining a site zoned Low and Medium Density Residential Zones, buildings shall not project beyond a building envelope constructed by a recession line inclined towards the site at the following angles: <ul style="list-style-type: none"> <li>i. Northern Boundary: 2.5m and 55 degrees;</li> <li>ii. Western and Eastern Boundaries: 2.5m and 45 degrees; and</li> <li>iii. Southern Boundary: 2.5m and 35 degrees.</li> </ul> </li> <li>b. On boundaries adjoining a site zoned High Density Residential Zone, buildings shall not project beyond a building envelope constructed by a recession line inclined towards the site at the following angles: <ul style="list-style-type: none"> <li>i. Northern Boundary: 2.5m and 55 degrees; and</li> <li>ii. All other boundaries: 2.5m and 45 degrees.</li> </ul> </li> </ul>	D

	<b>Table 38.2: Standards for Activities in the Open Space and Recreation Zones</b>	<b>Non-compliance Status</b>
<b>38.10.4</b>	<p><b>Setback from Internal and Road Boundaries</b></p> <p><b>Setback from internal boundaries</b></p> <p><b>38.10.4.1</b> Where a site adjoins another zone, buildings shall be setback from the boundary the same distance as required by the set back from internal boundaries of the adjoining zone.</p> <p><b>Setback from roads</b></p> <p><b>38.10.4.2</b> The minimum road boundary setbacks that apply to the open space and recreation zones, shall be the standards that apply in the adjoining zone.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Building dominance;</li> <li>b. Privacy effects on adjoining properties;</li> <li>c. Access to sunlight and impacts on shading;</li> <li>d. Effects on visual amenity;</li> <li>e. The size, design and location of buildings relative to the public realm and adjoining properties;</li> <li>f. Consistency with the character of the locality; and</li> <li>g. The historic heritage value of any adjacent heritage item and or feature.</li> </ul>

	<b>Table 38.2: Standards for Activities in the Open Space and Recreation Zones</b>	<b>Non-compliance Status</b>
<b>38.10.5</b>	<p><b>Setback of buildings from water bodies</b></p> <p>The minimum setback of any building from the bed of a river or lake or wetland shall be 10m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. biodiversity values;</li> <li>b. Public access;</li> <li>c. Effects on visual amenity and landscape character values;</li> <li>d. Open space</li> <li>e. The functional and locational need and interaction of the development with the water body;</li> <li>f. Landscaping;</li> <li>g. Environmental protection measures (including landscaping and stormwater management); and</li> <li>h. Natural hazards.</li> </ul>

	<b>Table 38.2: Standards for Activities in the Open Space and Recreation Zones</b>	<b>Non-compliance Status</b>
<b>38.10.6</b>	<p><b>Outdoor Storage</b></p> <p><b>38.10.6.1</b> Outdoor storage that is visible from roads or adjoining zones shall be landscaped with planting, solid walls, solid fences, or any combination of these, to 2m in height along the length of the outdoor storage area. Where such landscaping is by way of planting it shall be for a minimum depth of 3m and a height of 2m.</p> <p><b>38.10.6.2</b> Any outdoor storage area shall not be located within the minimum setbacks specified in Rule 38.10.4 and 38.10.5.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Visual amenity;</li> <li>b. The location relative to the public realm and adjoining residential properties;</li> <li>c. Consistency with the character of the locality;</li> <li>d. Landscaping;</li> <li>e. Practical and functional constraints; and</li> <li>f. Pedestrian and vehicle access.</li> </ul>
<b>38.10.7</b>	<p><b>Fencing</b></p> <p><b>38.10.7.1</b> Fences erected on the boundary of any Open Space and Recreation Zone shall be at least 50% visually permeable.</p> <p><b>38.10.7.2</b> The maximum height of any fences erected on the boundary of any Open Space and Recreation Zone shall be 1.2m.</p> <p><b>38.10.7.3</b> At Kiwi Birdlife Park, the maximum height of any fence installed for wildlife protection shall be 2.2m, and in such a case Rules 38.10.7.1 and 38.10.7.2 do not apply.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Visual amenity values;</li> <li>b. Opportunities for passive surveillance;</li> <li>c. Consistency with any established fencing; and</li> <li>d. Functional constraints, including the use of land, security, and wind shelter.</li> </ul>

	<b>Table 38.2: Standards for Activities in the Open Space and Recreation Zones</b>	<b>Non-compliance Status</b>
<b>38.10.8</b>	<p><b>Lighting and Glare</b></p> <p><b>38.10.8.1</b> No activity on a Nature Conservation Zone, CPZ, CPZ (Golf), CPZ (Camping Ground) and CPZ (Cemeteries) shall result in a greater than 2.5 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site (when measured or calculated 2.0m inside the boundary of the adjoining property).</p> <p><b>38.10.8.2</b> No activity on an Informal Recreation Zone, Active Sports and Recreation Zone and Civic Spaces Zone shall result in a greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site (when measured 2.0m inside the boundary of the adjoining property).</p>	D
<b>38.10.9</b>	<p><b>Maximum gross retail floor space</b></p> <p>Within the Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), and CPZ (Camping Ground) the maximum gross retail floor space associated to recreation activities permitted within these zones shall be 100m<sup>2</sup> or no more than 10% of the gross floor area (whichever is the lessor) of the building supporting the recreation and leisure activities.</p>	D
<b>38.10.10</b>	<p><b>Building Colours Within the Nature Conservation, Informal Recreation and Community Purposes (Camping Ground) Zones</b></p> <p><b>38.10.10.1</b> All exterior surfaces, including fences, shall be coloured in the range of browns, greens, greys or black (except soffits), with a maximum reflective value of 35%.</p> <p><b>38.10.10.2</b> All roofs shall have a maximum reflective value of 20%.</p> <p><b>38.10.10.3</b> All other surface finishes shall have a maximum reflective value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>External appearance;</li> <li>Visual prominence from both public places and private locations; and</li> <li>Effects on visual amenity and landscape character values and in particular views of significance.</li> </ol>

	<b>Table 38.2: Standards for Activities in the Open Space and Recreation Zones</b>	<b>Non-compliance Status</b>
<b>38.10.11</b>	<p><b>Water supply and access for firefighting</b></p> <p>All new buildings over 20m<sup>2</sup> in area that are not connected to the reticulated water supply must make the following provision for firefighting:</p> <p><b>38.10.11.1</b> A water supply of 45,000 litres; and</p> <p><b>38.10.11.2</b> A hardstand area adjacent to the firefighting water supply connection of a minimum width of 4.5 metres and a minimum length of 11 metres; and</p> <p><b>38.10.11.3</b> A firefighting water connection located more than 6 metres but not less than 90 metres away from the building; and</p> <p><b>38.10.11.4</b> Access from the property boundary to the firefighting water connection of a minimum width of 4.5 metres.</p>	<p><u>RD</u></p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. the extent of compliance with any national standards for firefighting water supply;</li> <li>b. the accessibility of the firefighting water connection point for fire service vehicles;</li> <li>c. whether and the extent to which the building is assessed as a low fire risk.</li> <li>d. any advice that may have been received from Fire and Emergency New Zealand.</li> </ol>
<b>38.10.12</b>	<p><b>Activities Sensitive to Aircraft Noise</b></p> <p>New buildings or additions to existing buildings containing Activities Sensitive to Aircraft Noise located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary shall be designed to achieve an Indoor Design Sound Level of 40dB within any Critical Listening Environment (based on the 2037 Noise Contours) and ventilated in accordance with Rule 36.6.2.</p>	<p><u>NC</u></p>

### 38.11 Informal Recreation Zone: Ben Lomond Sub Zone

	Table 38.3: Activities and Standards for Activities in the Ben Lomond Sub Zone	Activity or Non-compliance Status
	Activity	Activity Status
38.11.1	<p><b>Buildings</b></p> <p>Construction, relocation, addition or alteration of any building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Landscape and visual amenity values;</li> <li>b. Scale, intensity and cumulative effects;</li> <li>c. Associated earthworks and landscaping;</li> <li>d. Lighting;</li> <li>e. Provision of water supply, sewerage treatment and disposal, storm water disposal, electricity and communication services;</li> <li>f. Natural Hazards; and</li> <li>g. Effects on the transportation network.</li> <li>h. Public access to, and the use of, open space.</li> </ul>

	<b>Table 38.3: Activities and Standards for Activities in the Ben Lomond Sub Zone</b>	<b>Activity or Non-compliance Status</b>
<b>38.11.2</b>	<p><b>Passenger Lift Systems</b></p> <p>Passenger Lift Systems within the 'Bob's Peak' area and the 'Gondola Corridor' area of the Ben Lomond Sub Zone.</p>	<p>C</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. Location, external appearance and alignment;</li> <li>b. Other occupiers or users;</li> <li>c. Night lighting;</li> <li>d. Height;</li> <li>e. Associated earthworks; and</li> <li>f. Natural Hazards.</li> </ul>
<b>38.11.3</b>	<p><b>Commercial recreation activity and ancillary Commercial activity</b></p> <p><b>38.11.3.1 Commercial recreation activity</b></p> <p><b>38.11.3.2 Commercial activity</b> only where the commercial activity is ancillary to, and located on, the same site as, the commercial recreation activity</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Intensity and scale of the activity and effects on recreation use and amenity values;</li> <li>b. Noise;</li> <li>c. Public access to, and use of the open space;</li> <li>d. Other occupiers or users of the site or adjoining sites;</li> <li>e. Infrastructure;</li> <li>f. Access and parking; and</li> <li>g. Effects on the transportation network.</li> </ul>

	<b>Table 38.3: Activities and Standards for Activities in the Ben Lomond Sub Zone</b>	<b>Activity or Non-compliance Status</b>
38.11.4	<b>Harvesting and management of existing Forestry</b>	<p>C</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. Hours of operation;</li> <li>b. Noise;</li> <li>c. Health and safety;</li> <li>d. Traffic generation;</li> <li>e. Earthworks;</li> <li>f. Soil erosion, sediment generation and run-off;</li> <li>g. Debris flow and rock fall hazards and nong- term slope stability;</li> <li>h. Landscape rehabilitation; and</li> <li>i. Effects on the amenity values of the forest and other users of the reserve</li> </ul>
38.11.5	<b>Parking within the Lower Terminal area of the Ben Lomond Sub Zone.</b>	<p>C</p> <p>Control is reserved to Landscaping.</p>
38.11.6	<p><b>Building within the Building Restriction Area: Bob's Peak Area</b></p> <p>Any building within the Building Restriction Area, excluding retaining walls.</p>	PR
38.11.7	<p><b>Building within the Gondola Corridor Area</b></p> <p>Any building within the Gondola Corridor Area excluding passenger lift systems.</p>	NC

	<b>Table 38.3: Activities and Standards for Activities in the Ben Lomond Sub Zone</b>	<b>Activity or Non-compliance Status</b>
<b>38.11.8</b>	<p><b>Informal Airport Located within the Future Helipad Area</b></p> <p>The information requirements for aviation safety shall include provision of either a PT157 Determination issued by the Director of Civil Aviation New Zealand or an independent aviation safety assessment prepared by a suitably qualified professional.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Aviation safety including helicopter landing area design and proximity to on ground structures and track networks;</li> <li>b. The frequency and intensity of daily and weekly flight numbers;</li> <li>c. Separation distance and potential effect on the operation of other existing or incompatible occupiers within the Ben Lomond Sub-Zone.</li> <li>d. Helicopter flight paths</li> </ul>
<b>38.11.9</b>	Two or More Informal Airports within the Bob's Peak Area of the Ben Lomond Sub-Zone	NC
	<b>Standards</b>	<b>Non-Compliance Status</b>
<b>38.11.10</b>	<p><b>Building Height</b></p> <p>The maximum height of buildings and structures as specified shall be:</p> <ul style="list-style-type: none"> <li>a. Buildings within the Bob's Peak Area: 10m.</li> <li>b. Passenger Lift Systems within the Bob's Peak Area: 12m.</li> <li>c. Buildings within the Lower Terminal Area: 18.5m.</li> </ul>	D
<b>38.11.11</b>	<p><b>Building Coverage</b></p> <p>The maximum building coverage within the Bob's Peak Area shall be 15%</p>	D

## **38.12 Rules - Non-notification of Applications**

All applications for controlled and restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified, except for the following:

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

### 38.13 Matters of control for Controlled Activities identified in Table 38.1

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application.

Table 38.4: Matters of Control for Activities in the Open Space and Recreation Zones	
38.13.1	<p><b>Rule 38.9.16: Restaurants and cafes that are accessory to a permitted activity and are located further than 50m from a Residential Zone in the Civic Spaces Zone, Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), CPZ (Camping Ground):</b></p> <ul style="list-style-type: none"> <li>a. Scale and intensity of the activity on recreation use and amenity values;</li> <li>b. Public access to, and use of the open space;</li> <li>c. Traffic generation, access and parking; and</li> <li>d. Infrastructure and servicing, including the provision of storage and loading/service areas.</li> </ul>
38.13.2	<p><b>Rules 38.9.24 and 38.9.25: Construction and alteration of buildings in the Community Purpose Camping Ground Zone:</b></p> <ul style="list-style-type: none"> <li>a. Building location, character, scale and form.</li> <li>b. External appearance including materials and colours.</li> <li>c. Infrastructure and servicing, access and parking.</li> <li>d. Natural hazards.</li> </ul>
38.13.3	<p><b>Rule 38.9.28: Construction of vehicle access and car parking areas accessory to permitted activities up to 200m<sup>2</sup>:</b></p> <ul style="list-style-type: none"> <li>a. Traffic generation, access and parking;</li> <li>b. Public access to, and use of, the open space;</li> <li>c. Pedestrian and vehicle access; and</li> <li>d. Landscaping.</li> </ul>

## 38.14 Matters of discretion for Restricted Discretionary Activities identified in Table 38.1

The Council will restrict its discretion over the following matters when assessing a restricted discretionary activity resource consent application.

<b>Table 38.5: Matters of Discretion for Activities in the Open Space and Recreation Zones</b>	
<b>38.14.1</b>	<p><b>Rule 38.9.17: Restaurants and cafes that are accessory to a permitted activity and are located within 50m of a Residential Zone in the Civic Spaces Zone, Informal Recreation Zone, Active Sports and Recreation Zone, CPZ, CPZ (Golf), CPZ (Camping Grounds):</b></p> <ul style="list-style-type: none"> <li>a. Intensity and scale of the activity on recreation use and amenity values;</li> <li>b. Public access to, and use of, the open space;</li> <li>c. Location, in particular distance from adjoining properties;</li> <li>d. Traffic generation, access and parking;</li> <li>e. Noise; and</li> <li>f. Infrastructure and servicing, including the provision of storage and loading/service areas.</li> </ul>
<b>38.14.2</b>	<p><b>Rules 38.9.20 and 38.9.21: Commercial recreation activity including commercial activities associated with and located on the same site as recreation activities, including buildings in the Civic Spaces Zone, CPZ, CPZ (Golf), CPZ (Camping Grounds):</b></p> <ul style="list-style-type: none"> <li>a. Intensity and scale of the activity on recreation use and amenity values;</li> <li>b. Public access to, and use of the open space;</li> <li>c. Other occupiers or users of the site or adjoining sites;</li> <li>d. Traffic generation, access and parking.</li> </ul>
<b>38.14.3</b>	<p><b>Rule 38.9.29: Construction of vehicle access and car parking areas accessory to permitted activities exceeding 200m<sup>2</sup> in respect of all Open Space and Recreation Zones (except the Nature Conservation Zone):</b></p> <p>Location of facility and access;</p> <ul style="list-style-type: none"> <li>a. Number, design and layout of car parks and associated manoeuvring areas;</li> <li>b. Surface treatment of parking facility and access;</li> <li>c. Landscaping; and</li> <li>d. Cumulative effect of the number of car parking facilities within the Zone.</li> </ul>

<b>Table 38.5: Matters of Discretion for Activities in the Open Space and Recreation Zones</b>	
<b>38.14.4</b>	<p><b>Rule 38.9.32: Farming including grazing of stock</b></p> <ul style="list-style-type: none"> <li>a. Intensity and duration;</li> <li>b. Public access to, and use of the open space;</li> <li>c. Pest and wilding pine control;</li> <li>d. Maintenance of landscape values; and</li> <li>e. Restriction of areas to protect or restore indigenous biodiversity values.</li> </ul>

## **38.15 Landscape Assessment Matters for Discretionary Activities**

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

<b>Table 38.6: Landscape Assessment Matters for Discretionary and Non-Complying Activities in the Open Space and Recreation Zones</b>	
<b>38.15.1</b>	<p><b>Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).</b></p> <p><b>38.15.1.1</b> Effects on landscape quality and character</p> <p>In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:</p> <ul style="list-style-type: none"> <li>a. Physical attributes: <ul style="list-style-type: none"> <li>i. Geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;</li> <li>ii. Vegetation (exotic and indigenous);</li> <li>iii. The presence of waterbodies including lakes, rivers, streams, wetlands.</li> </ul> </li> <li>b. Visual attributes: <ul style="list-style-type: none"> <li>i. Legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;</li> <li>ii. Aesthetic values including memorability and naturalness;</li> <li>iii. Transient values including values at certain times of the day or year;</li> <li>iv. Human influence and management – settlements, land management patterns, buildings, roads.</li> </ul> </li> <li>c. Appreciation and cultural attributes: <ul style="list-style-type: none"> <li>i. Whether the elements identified in (a) and (b) are shared and recognised;</li> <li>ii. Cultural and spiritual values for Tangata whenua;</li> </ul> </li> </ul>

<b>Table 38.6: Landscape Assessment Matters for Discretionary and Non-Complying Activities in the Open Space and Recreation Zones</b>	
	<p>iii. Historical and heritage associations.</p> <p>The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.</p> <p>d. In the context of (a) to (c) above, the degree to which the proposed activity or development will affect the existing landscape quality and character, including whether the proposed activity or development accords with or degrades landscape quality and character, and to what degree.</p> <p><b>38.15.1.2 Effects on visual amenity</b></p> <p>In considering whether the potential visibility of the proposed activity or development will maintain and enhance visual amenity, values the Council shall be satisfied that:</p> <p>a. the extent to which the proposed activity or development detracts from visual amenity values as viewed from public roads and other public places;</p> <p>b. the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;</p> <p>c. the proposal will be appropriately integrated, screened or hidden from view by elements that are in keeping with the character of the landscape;</p> <p>d. the proposed activity or development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);</p> <p>e. structures will not be located where they will break the line and form of any ridges, hills and slopes;</p> <ul style="list-style-type: none"> <li>• any carparking, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.</li> </ul>
<b>38.15.2</b>	<p><b>Rural Character Landscapes (RCL)</b></p> <p><b>38.15.2.1 Effects on landscape quality and character</b></p> <p>The following shall be taken into account:</p> <p>a. where the site is adjacent to or nearby an Outstanding Natural Feature or Landscape, whether and the extent to which the proposed development will adversely affect the quality and character of the adjacent Outstanding Natural Feature or Landscape;</p> <p>b. whether and the extent to which the scale and nature of the proposed activity or development will degrade the quality and character of the Open Space Zone or the surrounding Rural Character Landscape;</p> <p>c. whether the design and any landscaping would be compatible with or would enhance the quality and character of the Open Space Zone or the Rural Character Landscape.</p> <p><b>38.15.2.2 Effects on visual amenity:</b></p> <p>Whether the activity or development will result in a loss of the visual amenity of the Open Space Zone or the Rural Character Landscape, having regard to whether and the extent to which:</p>

<b>Table 38.6: Landscape Assessment Matters for Discretionary and Non-Complying Activities in the Open Space and Recreation Zones</b>	
	<ul style="list-style-type: none"> <li>a. the visual prominence of the proposed development from any public places will reduce visual amenity;</li> <li>b. the proposed development is likely to be visually prominent such that it detracts from private views;</li> <li>c. any screening or other mitigation by any proposed method such as earthworks and/or new planting will detract from or obstruct views of the Rural Character Landscape from both public and private locations;</li> <li>d. the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;</li> <li>e. any proposed carparking, planting, lighting, earthworks and landscaping will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;</li> </ul> <p><b>38.15.2.3</b> Tangata Whenua, biodiversity and geological values:</p> <ul style="list-style-type: none"> <li>a. whether and to what extent the proposed development will degrade Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.</li> </ul> <p>The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.</p>
<b>38.15.3</b>	<p><b>Other factors and positive effects, applicable in all the landscape categories</b></p> <p><b>38.15.3.1</b> The extent to which the proposed activity or development detracts from, or enhances the amenity of the Open Space Zone and wider natural or rural environment with particular regard to the experience of remoteness or wildness.</p> <p><b>38.15.3.2</b> The extent to which cumulative effects of activities will adversely affect landscape quality, character or visual amenity values.</p> <p><b>38.15.3.3</b> In considering whether there are any positive effects, or opportunities for remedying or mitigating the continuing adverse effects of activities, the Council shall take the following matters into account:</p> <ul style="list-style-type: none"> <li>a. whether the proposed activity would enhance the character of the landscape, or assists with the protection and enhancement of indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;</li> <li>b. any positive effects including environmental compensation, enhanced public access such as the creation or improvement of walking, cycling or bridleways or access to lakes, rivers or conservation areas;</li> <li>c. where adverse effects cannot be avoided, mitigated or remedied, the merits of any compensation.</li> </ul>

## Part B – Variations to Stage 1 Chapters

### Variation to Stage 1 PDP Chapter 2 Definitions:

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

<b>Camping Ground</b>	Means any area of land used, or designed or intended to be used, for rent, hire, donation, or otherwise for reward, for the purposes of placing or erecting on the land temporary living places for occupation, <u>or permanent tourist cabins</u> , by 2 or more families or parties (whether consisting of 1 or more persons) living independently of each other, whether or not such families or parties enjoy the use in common of entrances, water supplies, cookhouses, sanitary fixtures, or other premises and equipment; and includes any area of land used as a camping ground immediately before the commencement of the Camping Ground Regulations 1985.
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#### New Stage 2 PDP Definitions:

<b><u>Ground Floor Area</u></b>	<u>Means any areas covered by a building or parts of a building, and includes overhanging or cantilevered parts, but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks that are less than 1.0 m above ground level.</u>
<b><u>Informal recreation</u></b>	<u>Means a pastime, leisure sport or exercise activity that occurs on an ad hoc basis or are regularly and contributes to a person's enjoyment and/or relaxation. Excludes Organised sport and recreation.</u>
<b><u>Organised sport and recreation</u></b>	<p><u>Means activities that require physical effort and skills, are competitive, occur on a regular basis, have formal rules, referees and officials, and are organised within formal structures. The activity typically involves the following:</u></p> <ul style="list-style-type: none"> <li>• <u>exclusive use of public open space during the course of the activity;</u></li> <li>• <u>participants and spectators;</u></li> <li>• <u>use of club rooms, changing facilities;</u></li> <li>• <u>training and practice sessions;</u></li> <li>• <u>payment of money to conduct activity;</u></li> <li>• <u>organised by a club, sporting body or group;</u></li> <li>• <u>booking and recording system of scheduled hours per week of each sports field by the owner or administrator of the sports field.</u></li> </ul>
<b><u>Parks Maintenance</u></b>	<p><u>Means maintenance and repair undertaken within Council -controlled reserves, including:</u></p> <ul style="list-style-type: none"> <li>• <u>maintenance and repair of any buildings and structures;</u></li> <li>• <u>maintenance and repair of foot paths and tracks;</u></li> <li>• <u>clearing or reforming drainage channels;</u></li> <li>• <u>topsoiling, reseeding, sandslitting of sports fields and grassed areas;</u></li> <li>• <u>Weed management, grass mowing and planting of trees and gardens;</u></li> <li>• <u>replacement, repairs, maintenance or upgrading of existing bridges, boardwalks and culverts; and resealing and sealing metalled parking and access drives and internal park roads.</u></li> </ul>

*Shading indicates provisions withdrawn under Clause 8D of the Resource Management Act 1991 as publicly notified on 4 April 2019*

<b><u>Recreation facility</u></b>	Means a facility where the primary purpose is to provide for sport and recreation activities and includes recreation centres, swimming pools, fitness centres and indoor sports centres but excludes activities otherwise defined as Commercial Recreation Activities.
<b><u>Recreational tracks</u></b>	Means a sealed or unsealed pathway or greenway within Council controlled reserves that is used for informal or organised recreational purposes such as walking, cycling, horseriding, or fitness.
<b><u>Visually Permeable</u></b>	In reference to a wall, gate, door or fence: Means continuous vertical or horizontal gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50mm, occupying at least one half of the face in aggregate.

# Variation to Stage 1 Landscapes Chapter 6:

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

## Part 6.2 Values - Last paragraph: Delete.

~~Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes Classification (RLC) makes up the remaining Rural Zoned land and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations.~~

Insert in Section 6.3

~~6.3.3A Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).~~

~~6.3.3B Classify the Open Space and Recreation zoned land located outside the Urban Growth Boundary as outstanding Natural Landscape, Outstanding Natural Feature or Rural Character Landscape, and provide a separate regulatory framework for the Open Space and Recreation Zones within which the remaining policies of this chapter do not apply.~~

## Part 6.4 Rules - Delete:

~~6.4.1.2 The landscape categories apply only to the Rural Zone. The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.~~

~~6.4.1.3 The landscape categories assessment matters do not apply to the following within the Rural Zones:~~

- ~~a. Ski Area Activities within the Ski Area Sub Zones.~~
- ~~b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.~~
- ~~c. The Gibbston Character Zone.~~
- ~~d. The Rural Lifestyle Zone.~~
- ~~e. The Rural Residential Zone.~~

# Variation to Stage 1 Subdivision and Development Chapter 27:

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

## 27.5 Rules – Standards for Subdivision Activities

Zone	Minimum Lot Area
<u>Open Space and Recreation Zones</u>	<u>No minimum</u>

# Variation to Stage 1 Temporary Activities and Relocated Buildings Chapter 35:

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

## 35.4 Rules - Activities

35.4.7	<p><b>Temporary Events</b> held <u>within the Open Space and Recreation Zones or any other</u> <del>on</del>-Council-owned public recreation land, provided that:</p> <ul style="list-style-type: none"><li>Noise Events do not occur during hours in which the night-time noise limits of the relevant Zone(s) are in effect, except for New Year's Eve.</li></ul> <p>For the purpose of this rule the relevant noise standards of the Zone shall not apply.</p>	P
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## Variation to Stage 1 Noise Chapter 36:

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

### 36.5 Rules – Standards

Table 2: General Standards

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

## **Appendix 2: Recommendations on Submissions and Further Submissions**

## Appendix 2: Recommendations on Submissions

### Part A: Submissions

<b>Submission Number</b>	<b>Submitter</b>	<b>Commissioners' Recommendation</b>	<b>Reference in Report</b>
229.1	Felzar Properties Ltd	Reject	30.2
282.3	Sarah Burdon	Accept in Part	Report 19.2
384.2	Glen Dene Ltd	Accept in Part	Report 19.2
407.4	Mount Cardrona Station Limited	Accept in Part	19
443.8	Trojan Helmet Limited	Accept in Part	19
452.8	Trojan Helmet Limited	Accept in Part	19
574.5	Skyline Enterprises Limited	Accept in Part	23.1
580.4	Contact Energy Limited	Accept in Part	19
608.54	Darby Planning LP	Accept in Part	19
631.3	Cassidy Trust	Accept in Part	19
655.1	Bridesdale Farm Developments Limited	Reject.	26.1
669.9	Cook Adam Trustees Limited, C & M Burgess	Accept in Part	19
671.3	Queenstown Trails Trust	Accept in Part	19
694.21	Glentui Heights Ltd	Accept in Part	19
696.15	Millbrook Country Club Ltd	Accept in Part	19
712.11	Bobs Cove Developments Limited	Accept in Part	19
790.2	Queenstown Lakes District Council	Accept	23.2
806.94	Queenstown Park Limited	Accept in Part	19
836.19	Arcadian Triangle Limited	Accept in Part	19
836.20	Arcadian Triangle Limited	Accept in Part	19
836.21	Arcadian Triangle Limited	Accept in Part	19
2019.8	Jonathan Holmes	Accept	2
2019.9	Jonathan Holmes	Reject	2
2040.16	Public Health South	Accept in Part	3.2
2040.17	Public Health South	Reject	3.2
2040.18	Public Health South	Reject	3.2
2076.5	Loris King	Reject	8.1
2076.6	Loris King	Reject	2
2078.10	Active Transport Wanaka	Reject	6.2
2078.11	Active Transport Wanaka	Accept	11.1

<b>Submission Number</b>	<b>Submitter</b>	<b>Commissioners' Recommendation</b>	<b>Reference in Report</b>
2405.4	Kirimoko No.2 Limited Partnership	Reject	11
2405.5	Kirimoko No.2 Limited Partnership	Reject	3.1
2407.1	Glen Dene Ltd and Sarah Burdon	Reject	3.1
2407.2	Glen Dene Ltd and Sarah Burdon	Reject	Report 19.2
2442.15	Transpower New Zealand Limited	Accept in Part	10
2446.3	Heritage New Zealand	Accept	2
2455.27	Otago Fish and Game Council	Accept	12.5
2455.28	Otago Fish and Game Council	Accept	4.2
2455.29	Otago Fish and Game Council	Accept in Part	3
2457.27	Paterson Pitts (Wanaka)	Accept in Part	19
2457.28	Paterson Pitts (Wanaka)	Reject	2
2461.1	Queenstown Commercial Parapenters	Reject	23.1
2461.2	Queenstown Commercial Parapenters	Reject	13
2462.12	Queenstown Park Limited	Accept in Part	3.2
2462.13	Queenstown Park Limited	Accept	3.5
2462.14	Queenstown Park Limited	Reject	2
2462.15	Queenstown Park Limited	Accept in Part	3.3
2462.16	Queenstown Park Limited	Accept	3.5
2462.17	Queenstown Park Limited	Accept	3.5
2462.18	Queenstown Park Limited	Accept	3.5
2462.20	Queenstown Park Limited	Reject	11.1
2465.1	RCL Henley Downs Ltd	Accept in Part	19
2466.119	Real Journeys Ltd	Accept in part	3.1
2466.120	Real Journeys Ltd	Reject	3.2
2466.121	Real Journeys Ltd	Reject	3.2
2466.122	Real Journeys Ltd	Reject	3.2
2466.123	Real Journeys Ltd	Reject	3.2
2466.124	Real Journeys Ltd	Accept in Part	3.3
2466.125	Real Journeys Ltd	Accept in Part	3.3
2466.126	Real Journeys Ltd	Accept in Part	3.3
2466.127	Real Journeys Ltd	Accept in Part	3.3

<b>Further Submission Number</b>	<b>Relevant Submission Number</b>	<b>Submitter</b>	<b>Commissioners' Recommendation</b>	<b>Reference in Report</b>
FS1097.726	836.21	Queenstown Park Limited	Accept in Part	19
FS1229.33	836.21	NZSki Limited	Accept in Part	19
FS1340.129	655.1	Queenstown Airport Corporation	Reject.	26.1
FS1340.66	229.1	Queenstown Airport Corporation	Reject	30.2
FS1370.1	574.5	ZJV (NZ) Limited	Accept in Part	23.1
FS2710.16	2388.4	McGuinness Pa Limited	Accept in Part	19
FS2720.126	2295.14	Boundary Trust	Accept	24.1
FS2720.127	2295.15	Boundary Trust	Reject	24.2
FS2723.126	2295.14	Spruce Grove Trust - Malaghans Road	Accept	24.1
FS2723.127	2295.15	Spruce Grove Trust - Malaghans Road	Reject	24.2
FS2724.126	2295.14	Spruce Grove Trust - Butel Road	Accept	24.1
FS2724.127	2295.15	Spruce Grove Trust - Butel Road	Reject	24.2
FS2725.4	2519.4	Guenther Raedler	Accept in Part	19
FS2752.10	2462.16	Go Orange Limited	Reject	3.5
FS2752.11	2462.17	Go Orange Limited	Reject	3.5
FS2752.12	2462.18	Go Orange Limited	Reject	3.5
FS2752.13	2462.20	Go Orange Limited	Accept	11.1
FS2752.14	2290.1	Go Orange Limited	Accept in Part	3.2
FS2752.15	2290.2	Go Orange Limited	Accept	5
FS2752.16	2290.3	Go Orange Limited	Accept	11.1
FS2752.18	2290.5	Go Orange Limited	Accept	Part C
FS2752.19	2290.6	Go Orange Limited	Accept	Part C
FS2752.20	2290.7	Go Orange Limited	Accept	Part C
FS2752.6	2462.12	Go Orange Limited	Accept in Part	3.2

<b>Further Submission Number</b>	<b>Relevant Submission Number</b>	<b>Submitter</b>	<b>Commissioners' Recommendation</b>	<b>Reference in Report</b>
FS2754.51	2618.17	Remarkables Park Limited	Accept in Part	3
FS2754.52	2618.18	Remarkables Park Limited	Reject	3.3
FS2754.53	2618.19	Remarkables Park Limited	Reject	5
FS2754.54	2618.20	Remarkables Park Limited	Accept in Part	10
FS2754.55	2618.21	Remarkables Park Limited	Accept	12.4
FS2754.56	2618.22	Remarkables Park Limited	Reject	12
FS2754.57	2618.23	Remarkables Park Limited	Accept	27.1
FS2754.58	2618.24	Remarkables Park Limited	Accept in Part	21
FS2755.26	2076.6	Queenstown Park Limited	Accept	2
FS2755.27	2466.6	Queenstown Park Limited	Reject	2
FS2755.28	2618.17	Queenstown Park Limited	Accept in Part	3
FS2755.29	2618.18	Queenstown Park Limited	Reject	3.3
FS2755.30	2618.20	Queenstown Park Limited	Accept in Part	10
FS2755.31	2618.21	Queenstown Park Limited	Accept	12.4
FS2755.32	2618.22	Queenstown Park Limited	Reject	12
FS2755.33	2618.24	Queenstown Park Limited	Accept in Part	21
FS2755.50	2618.17	Queenstown Park Limited	Accept in Part	3
FS2755.51	2618.18	Queenstown Park Limited	Reject	3.3
FS2755.52	2618.19	Queenstown Park Limited	Reject	5
FS2755.53	2618.20	Queenstown Park Limited	Accept in Part	10
FS2755.54	2618.21	Queenstown Park Limited	Accept	12.4
FS2755.55	2618.22	Queenstown Park Limited	Reject	12
FS2755.56	2618.23	Queenstown Park Limited	Accept	27.1
FS2755.57	2618.24	Queenstown Park Limited	Accept in Part	21
FS2756.1	2493.1	Kiwi Birdlife Park Limited	Accept in Part	23.1
FS2756.2	2493.3	Kiwi Birdlife Park Limited	Accept in Part	5
FS2756.3	2493.7	Kiwi Birdlife Park Limited	Reject	13.7
FS2756.4	2493.5	Kiwi Birdlife Park Limited	Accept in Part	13.3