

QLDC Council
17 August 2017

Report for Agenda Item: 3

Department: Planning & Development

Making Private Plan Change 44: Hanley Downs – Operative

Purpose

The purpose of this report is to make private Plan Change 44 – Hanley Downs, operative.

Recommendation

That Council:

1. **Note** the contents of this report and;
2. **Authorise** officers to amend the Operative District Plan to incorporate the changes made through Plan Change 44, as set out in the Environment Court Consent Order.
3. **Approve** public notification of the date on which Plan Change 44 shall become operative.

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3/08/2017

Reviewed and Authorised by:



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4/08/2017

Background

- 1 Plan Change 44 ("PC44") originally sought to re-zone approximately 520 hectares of land at the northern-most (currently undeveloped) part of the 'Resort Zone' at Jacks Point as a new 'Hanley Downs Zone'. The re-zoning proposed to expand the urban area and enable a higher density of residential development; remove the requirement to create a commercial village within the Hanley Downs area; and retain the surrounding land as predominantly rural.

- 2 Plan Change 44 was 'accepted for processing' by Council's Strategy Committee on 19 March 2013. It was then publicly notified for submissions on 27 March 2013. The hearing began in November 2013 but was adjourned almost immediately at the request of the Requestor, RCL Queenstown Pty Ltd ("RCL"). The hearing was halted due to concerns raised by other Jacks Point landowners / submitters (the "Jacks Point entities") whose land was affected by PC44 as notified.
- 3 During the period of adjournment the Requestor worked with the "Jacks Point entities" to revise PC44. The hearing recommenced on 1 July 2015 and continued until 3 July 2015. The proposal was substantially different from what had been publicly notified. Significantly, an arrangement had been reached between RCL and the Hanley Downs entities where the parties came together, rather than the Hanley Downs entities opposing the RCL proposal.
- 4 Commissioners issued their recommendation on 28 January 2016 and the decision to adopt the Commissioners recommendations was made by full Council in February 2016.
- 5 Three appeals were received. One from Scope Resources Ltd was later withdrawn, and the two remaining appeals from the Jacks Point entities and the Jacks Point Residents and Owners Association have been resolved through the Consent Order issued by the Environment Court.

Comment

- 6 PC44 can now be made operative. A plan change can only be made operative by the Council when there are no outstanding submissions or appeals. The three appeals have now been resolved. A copy of the Consent Order will be made available at the Council meeting.
- 7 Following a resolution to notify, the plan change becomes operative five working days after the date of the public notice. The schedule of amendments is contained in **Attachment A**.

Options

- 8 The Council does not have any other options on this matter.

Significance and Engagement

- 9 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because it has a high degree of community interest, as witnessed by the submissions and further submissions received on PC44, plus the appeal proceedings.
- 10 Compliance with the decision making requirements in sections 76-78 of the Local Government Act 2002 has been achieved through the public participation process of the Resource Management Act (RMA), including calling for submissions, holding a hearing, and the right of appeal that was exercised to the Environment Court.

Risk

- 11 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)', as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because the rezoning will make a small contribution towards the residential and industrial development needs of the district that will affect the current and future development needs of the community.
- 12 This matter does not have significant risk. It is following the statutory process set out in the RMA for making plan changes operative. The appeals have now been resolved and a Consent Order issued. The recommended option mitigates the risk by following the statutory process set out in the RMA.

Financial Implications

- 13 None

Council Policies, Strategies and Bylaws

- 14 The following Council policies, strategies and bylaws were considered:
- Operative District Plan
- 15 The recommended option is consistent with the principles set out in the named policy/policies.
- 16 This matter is not included in the 10-Year Plan/Annual Plan

Local Government Act 2002 Purpose Provisions

- 17 The recommended option:
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by simplifying the earthworks provisions;
 - Can be implemented through current funding under the 10-Year Plan and Annual Plan;
 - Is consistent with the Council's plans and policies; and
 - Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

- 18 The Council has already consulted on PC44 and submissions and further submissions were received. A public hearing was also held.

Legal Considerations and Statutory Responsibilities

- 19 Making the plan changes operative is in accordance with Clause 17 of the First Schedule of the RMA.

Attachments

- A Schedule of amendments to the Operative District Plan
- B Environment Court Consent Order (presented separately)