

**QLDC Council
8 February 2018****Report for Agenda Item: 5****Department: Planning & Development****Corporate Submission on Stage 2 Queenstown Lakes Proposed District Plan
and withdrawal of land from Stage 2 proposals****Purpose**

- 1 The purpose of this report is firstly, to seek approval from Council to lodge a submission on Stage 2 of the Proposed District Plan and secondly, to withdraw the Community Purposes Sub Zone (Camping Grounds) from land located to the north of the Lake Hāwea Holiday Park that has been incorrectly rezoned on the Stage 2 Proposed District Plan planning maps.

Executive Summary

- 2 The submission recommended for approval includes changes addressing a series of errors and issues that have been identified with the notified Stage 2 Proposed District Plan provisions. The changes include amending the mapping of the Wakatipu Basin Lifestyle Precinct on Speargrass Flat Road, changes to make it easier to establish and maintain Council docking and boat launching facilities and park and ride facilities, changes to make it easier to establish public transport infrastructure outside of road corridors, changes to encourage electric vehicle facilities and changes to clarify the roading hierarchy in the plan.
- 3 The land recommended to be withdrawn from the Stage 2 planning maps to the north of the Lake Hāwea Holiday Park has been incorrectly rezoned from Rural to Community Purposes Sub Zone (Camping Grounds) on the planning maps notified on 23 November 2017. Withdrawing this land from the Stage 2 proposed district plan provisions will mean it reverts to the Rural zone as shown on the Stage 1 planning maps notified on 26 August 2015.

Recommendations

That Council:

- a) **Note** the contents of this report.
- b) **Approve** Council's Corporate Submission on the Proposed Queenstown Lakes District Plan.
- c) **Authorises**, pursuant to Clause 8D of the First Schedule to the RMA, the withdrawal of the following provisions of the Proposed District Plan:
 - i) The proposed Community Purpose Sub Zone (Camping Grounds) from the land legally described as Lot 1 DP 418972 and Part of Section 1 SO

24546, located to the north of the Lake Hāwea Holiday Park.

- d) **Note** that as a result of the withdrawal described in (c) i) the proposed zone for the land will revert to Rural Zone, being the zone that applied to the land at Stage 1 of the District Plan review. All remaining Stage 1 and Stage 2 district wide provisions (i.e. Subdivision and Development, Earthworks, Signs and Transport) will continue to apply to this land.
- e) **Directs** that the withdrawal described in (c) i) be publicly notified.

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Background

- 1 Stage 2 of the Proposed District Plan was notified on 23 November 2017. The statutory period for submissions closes on 23 February 2018.
- 2 Clause 6(2) of Schedule 1 of the Resource Management Act 1991 specifies that Council may make a submission on the Proposed District Plan. The QLDC made a submission on the PDP Stage 1 in October 2015.
- 3 The submission seeks a number of amendments to the Proposed District Plan. While many of these requested amendments relate to drafting omissions, cross referencing or non-substantive amendments, some of the requested amendments relate to substantive changes.
- 4 The submissions are contained in **Attachment A**.

Comment: Corporate Submission

- 5 Making a submission on a component of the notified Stage 2 PDP provisions provides scope for the hearing panel to make amendments that form the overall recommended provisions after consideration of submissions and evidence presented during the hearings. Without such a submission, Council would have no ability to amend or rectify the plan unless a submission by a third party provided scope for the change, or a separate variation to the proposed district plan is notified to amend the plan. The first of these scenarios provides no certainty and the second is not efficient because it would require separate public notice and statutory notification periods and potentially a second hearing.

- 6 None of the matters recommended in Appendix A. Submission on Specific Provisions of the PDP, for inclusion in a Council submission are a reconsideration, or change in position from the policy approach or environmental outcomes sought from the Stage 2 provisions. Rather, the changes sought would correct errors that have been identified and would better align the provisions as notified with the evidence supporting the Stage 2 provisions.
- 7 The changes sought by the proposed submission detailed in Attachment A. involve the following matters:
 - a. Definitions
Amend the definition of 'transport infrastructure' to include bicycle paths and parking facilities including electric bicycle and electric vehicle charging.
 - b. Stage 2 Planning Maps 13d and 26
Rezone land shown Attachment A. figures 1 - 3 between Millvista Lane and Speargrass Flat Road from Wakatipu Basin Lifestyle Precinct to Wakatipu Basin Rural Amenity Zone.

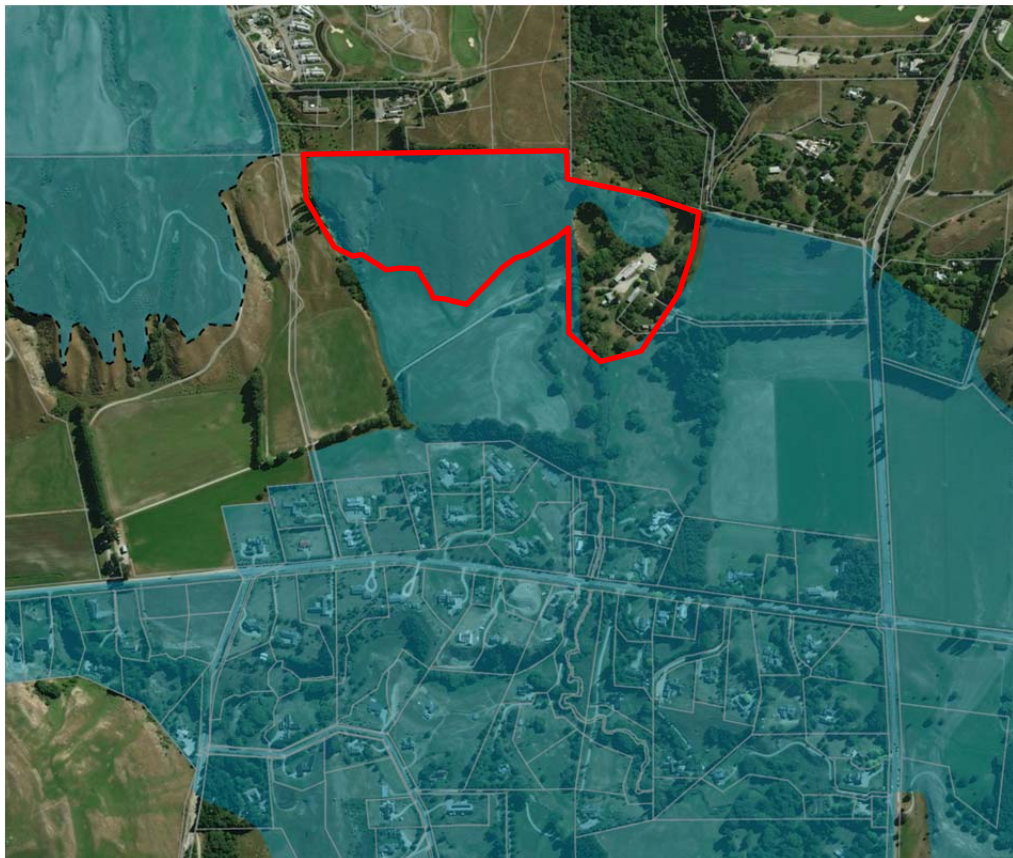


Figure 1. Excerpt of Wakatipu Basin Lifestyle Precinct zoning as notified (blue shading) on planning maps 13d and 26. The escarpment and elevated area incorrectly zoned Wakatipu Basin Lifestyle Precinct is identified by the red line. The area is indicative and is more accurately drawn in Figures 2 and 3 of Attachment A.

c. Stage 2 Planning Map 21

Amend mapping notation on 185 Upton Road to show the site as a Visitor Accommodation Sub-Zone. The Visitor Accommodation Sub-Zone is shown on 181 Upton Street in Wanaka but the intention to identify both 181 and 185 Upton Street as a proposed Visitor Accommodation Sub-Zone (as detailed in the approved Section 32 Evaluation Report for the Visitor Accommodation Proposals) was not mapped correctly.

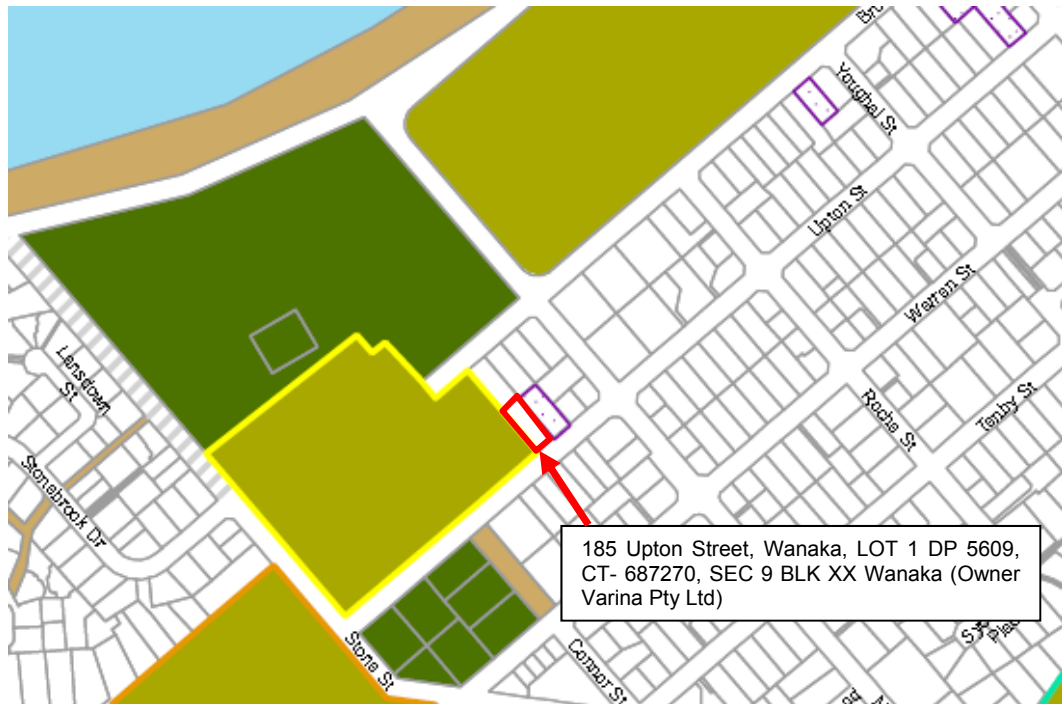


Figure 2. Excerpt from PDP Stage 2 Planning Map 21. The Visitor Accommodation Sub-Zone is shown on 181 Upton Street in Wanaka but both 181 and 185 Upton Street should be shown as a proposed Visitor Accommodation Sub-Zone.

d. Earthworks

- i. Provide rules to exempt/permit minor dredging or excavation around Council docking facilities.
- ii. Provide rules and/or provisions to facilitate dredging or excavation around Council docking facilities.

e. Transport

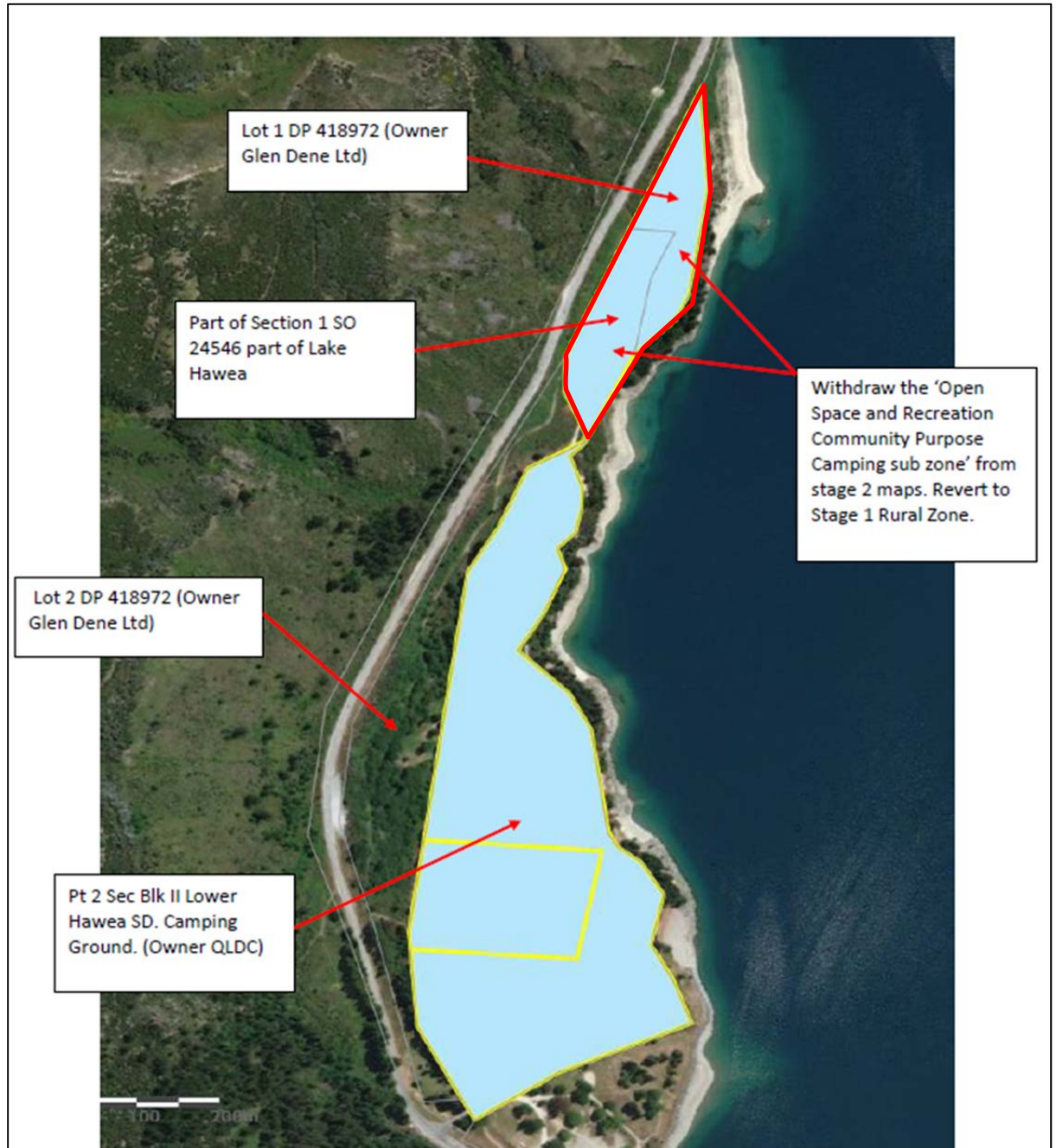
- i. Reword Policy 29.2.1.5 to clarify that public transport routes may at times be established outside of road corridors.
- ii. Add new policy enabling and encouraging the provision of electric vehicle charging and parking as part of Park and Ride and parking for high traffic generating activities.
- iii. Amend Rules 29.4.7,8 and 10 by adding text to the matters of discretion addressing the provision of EV charging points/parking spaces

- iv. Correct a cross reference the standards for drop off / pick up (set down).
 - v. Clarify that land uses such as park and ride facilities are not affected by the rules for non-specified activities located in the zone text of other chapters.
 - vi. Amend Schedule 29.1 to make it clear that the whole of the Wanaka-Mt Aspiring road is a Collector Road, as per the road classification maps.
- 8 Included in the above changes are clauses that enable or support the establishment of public infrastructure or council developed infrastructure. One reason why an approach differing from what is recommended for commercial businesses looking to establish structures on the shores of lakes, is because of the public benefit of such development. Also, the time and expense of requiring consents to be obtained for such works is sometimes hard to justify where Council or other agencies have the ability to control the outcome of such development such as through license to occupy agreements and contractual arrangements with companies carrying out such works. Finally, there are a range of potential ways to get public feedback on such activities and to address concerns such as reserve management plans and through consultation on Long Term Plans and Annual Plans. As a result, the resource consent process can sometimes require duplication of other more effective processes.

Withdrawal of Land from Map of Proposed Open Space and Recreation Zones

- 9 The Lake Hāwea Holiday Park is owned by QLDC. As part of Stage 2 of the district plan review, the Lake Hāwea camping and caravan accommodation park at Lake Hāwea was zoned from Rural Zone to Community Purpose Sub Zone (Camping Grounds). The new zone will replace the existing Rural Zone and Camping Purposes designation that currently apply to the Lake Hāwea Holiday Park.
- 10 The Lake Hāwea Holiday Park is owned by QLDC and has been correctly rezoned Community Purposes Sub Zone (Camping Grounds) as part of Stage 2 of the district plan review. However, additional land located to the north of the Lake Hāwea Holiday Park has been incorrectly zoned from Rural Zone to Community Purposes Sub Zone (Camping Grounds). **Figure 3** below illustrates the land that has been incorrectly rezoned from Rural Zone to Community Purposes Sub Zone (Camping Grounds).
- 11 Chapter 38: Open Space and Recreation Zones is intended to apply only to land owned by the QLDC, with the exception of some small areas of land owned by Land Information New Zealand (LINZ) near the edge of Lake Wakatipu, and the Department of Conservation at Feehlys Hill near Arrowtown. The Community Purposes Sub Zone (Camping Grounds) is more enabling than the Rural Zone. Development is encouraged within existing camping grounds in the District that are owned and have oversight by the QLDC. The zone is not intended to apply to private land.

- 12 It should also be noted that the owners of part of the land that has been incorrectly zoned to Community Purposes Sub Zone (Camping Grounds), Glen Dene Limited, have made submissions on and appeared at hearings on Stage 1 of the PDP seeking to rezone the land from Rural to a Rural Visitor Zone¹. Council officers reporting on submissions at the hearing on rezonings in the Upper Clutha have recommended their submission is not accepted on the basis of the potential for adverse landscape effects.



¹ Refer to the planning evidence filed at the Upper Clutha Hearing on rezoning: <http://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-12/Pre-Lodged-and-Pre-Tabled-Evidence/S0282-Burdon-and-Glen-Dene-T12-WhiteD-Evidence.pdf>

Figure 3. Excerpt of Proposed District Plan Stage 2 zoning maps illustrating the land that has been incorrectly zoned Community Purposes Sub Zone (Camping Grounds). The land incorrectly zoned is Part of Section 1 SO 24546 (part of Lake Hawea) and Lot 1 DP 418972 owned by Glen Dene Ltd.

13 It is recommended that the Community Purposes Sub Zone (Camping Grounds) is withdrawn from the land located to the north of the Lake Hāwea Holiday Park for the following reasons:

- a. The Camping Grounds Sub Zone provisions are significantly more enabling of a range of activities than the Rural Zone discussed in Council's evidence to the Upper Clutha mapping and zoning hearing. Because the QLDC is not the owner of the land, it would not have any ability to control development enabled by the zone;
- b. Rezoning the land would be at odds with the Council's recent expert landscape evidence that development resulting from the Rural Visitor Zone in the area to the north of the Lake Hāwea Camping would be inappropriate;
- c. Retaining private land zoned Community Purposes Sub Zone (Camping Grounds) would not accord with Chapter 38 Open Space and Recreation text where it states in the Zone Purpose:

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).

Options

Corporate Submission

Option 1: Make a Corporate Submission on the Proposed District Plan, addressing both substantive, and non-substantive (errors, omissions) matters.

14 *Advantages:*

- a. Ensures errors and omissions, and necessary remedial actions, are identified in a pro-active manner.
- b. Allows Council to request changes to provisions where it has identified improvements can be made.

15 *Disadvantages:*

- a. May suggest uncertainty in Council's position on policy matters and accuracy with drafting provisions and mapping. However, this is not considered a significant issue, as all Plans require refinement and critical review, especially as new information and perspectives arise.

Option 2: Make a Corporate Submission on the Proposed District Plan, addressing only non-substantive (errors, omissions) matters.

16 *Advantages:*

- a. Ensures errors and omissions, and necessary remedial actions, are identified in a pro-active manner.
- b. Avoiding substantive submissions on provisions would result in a simpler submission, and is arguably 'cleaner' in terms of Council's roles.

17 *Disadvantages:*

- a. Would not allow opportunity for substantive changes to be made, where necessary changes or refinements have been identified by Council. If submissions on similar matters are not made by other parties, then it may be difficult for the changes to be made at a later date.
- b. Would not allow the district plan to better align with the evidence base supporting the zoning and provisions.

Option 3: Do not make a Corporate Submission on the Proposed District Plan

18 *Advantages:*

- a. None.

19 *Disadvantages:*

- b. Would not ensure errors and omissions, and necessary remedial actions, are identified in a pro-active manner.
- c. Would not allow Council to request changes to provisions where it has identified improvements can be made, or where further information has become available that suggests a different approach is justified.

20 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

21 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy. Whilst submissions made on errors and omissions are generally of lower significance, submissions on more substantive matters may have significant impact on development rights and environmental outcomes.

Risk

22 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 high. This matter relates to this risk because the District Plan, along with the 10 Year Plan and Asset Management Plans, is central to the current and future development needs of the community.

- 23 The recommended option mitigates the risk by ensuring errors and omissions in the Proposed District Plan are addressed proactively, and aligns with the evidence supporting the rezoning changes.

Financial Implications

- 24 There are no cost implications resulting from the decision.

Council Policies, Strategies and Bylaws

- 25 No particular Council policies, strategies and bylaws are considered relevant to the submission. The parameters for the preparation of the submissions are provided by the Resource Management Act 1991.

Local Government Act 2002 Purpose Provisions

- 26 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;
- 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

- 27 The persons who are affected by or interested in this matter are residents and ratepayers of the District, iwi, the Otago Regional Council and other statutory bodies.
- 28 The submission is being made within a formal statutory process, and other parties will have the opportunity of making a further submission on Council's submission. Submitters will not be able to make a primary submission on the provisions set out in the recommended submission, unlike the notified provisions but this will not

Legal Considerations and Statutory Responsibilities

- 29 The submission is being made in accordance with the requirements and parameters of the Resource Management Act 1991.

Attachments

- A Submission on Specific Provisions of the Proposed District Plan Stage 2