

Planning & Strategy Committee
18 August 2022

Report for Agenda Item | Rīpoata moto e Rāraki take [Governance to Complete]

Department: Planning & Development

Title | Taitara Update on Appeals relating to Proposed District Plan Decisions

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to enable the Council to make a decision under Clause 25 of the RMA 1991 First Schedule on whether to accept, adopt or reject Private Plan Change 54 (“PC54”), or to treat it as an application for resource consent.



EXECUTIVE SUMMARY | WHAKARĀPOPOTOTANGA MATUA

- 2 PC54 is a request for private plan change to the Operative District Plan (Northlake Special zone), Chapters 12 and 15. It is spatially confined to a small part of one existing Special Zone in north Wanaka. It has been made by Northlake Investments Ltd (“NIL”). The effect of the Plan Change would be to provide for an increase in the residential yield possible on the land by up to 63 dwellings, and to provide a local road access connection to the Special Zone boundary with land known as Sticky Forest.
- 3 PC54 would not have the effect of changing the planning status of Sticky Forest, which is otherwise subject to an Environment Court appeal (ENV-2018-CHC-069). This arose from the Council’s decisions on the Proposed District Plan for a submission originally made by Mr. Michael Beresford, since succeeded by Mr. Theo Bunker and Ms. Lorraine Rouse.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report; and
2. **Accept** PC54 for notification under Clause 25(2)(b) of the First Schedule of the RMA 1991.

	Name:	Date due:	Sign:
Author:	Alyson Hutton	1 August 2022	
GM:	Tony Avery	4 August 2022	
CE:			

- 4 In 2021 NIL applied to the Minister for the Environment to have an application it had prepared for a retirement village considered under the Government's Fast Track legislation (COVID 19 Recovery (Fast-track Consenting) Act 2020). The Minister accepted the request and as part of establishing that process specifically invited the appointed Expert Consenting Panel to consider whether the application presented an opportunity to address land known as Sticky Forest's access limitations.
- 5 When NIL formally submitted its application to the Expert Consenting Panel, it included a volunteered condition of consent that would require it to lodge a private plan change request enabling road access to be provided to its common boundary with Sticky Forest. The Expert Consenting Panel granted a consent and included in that NIL's volunteered condition of consent.
- 6 Sticky Forest (Section 2 Sec 5 Block XIV Lower Wanaka SD) is approximately 50ha and almost entirely occupied by plantation forest. It is Crown-owned land that has been identified for eventual transfer to relevant successors in terms of the Ngāi Tahu Deed of Settlement, 1997; Ngāi Tahu Claims Settlement Act 1998; and the South Island Landless Natives Act 1906. One of the identified successors, Mr. Michael Beresford, submitted to the Council's Proposed District Plan seeking an urban zone for the land. This submission was rejected and an appeal to the Environment Court was lodged. Mr. Beresford has since been succeeded by Mr. Theo Bunker and Ms. Lorraine Rouse. The appeal remains ongoing at the time of this report.
- 7 At the time Sticky Forest was identified for settlement purposes in the 1990s, it was approximately 115ha and had road frontage to Rata Street (west) and Aubrey Road (south). At that time, it was vested in the Council as a local purpose reserve for plantation purposes. The part that was used for plantation purposes was returned to the Crown (with the reserve status revoked), and a remaining section (the "Wanaka Plantation property", now the Kirimoko Block) was made available to Te Rūnanga o Ngāi Tahu as a commercial redress property and a subdivision to that end occurred directly by the Crown under the provisions of the Settlement Act. As a result of this atypical approach to subdivision, the block of land today known as Sticky Forest became land-locked, with no direct public road access connecting to its boundary¹.
- 8 The condition of consent imposes a requirement only on NIL to lodge a good-faith plan change request; it does not in any way oblige the Council to undertake any action or inaction, nor to take any position on the matter. It is also noted that the relevant condition of consent relates only to a plan change request for the provision of road access to Sticky Forest. The aspect of PC54 that would increase the residential yield in the affected part of the Northlake Special zone as well is not of itself related to the consent condition.

¹ This summary of past events was provided by Ms. Lauren Semple, Greenwood Roche Ltd., on behalf of Theo Bunker and Lorraine Rouse, 23 June 2021, as part of comments provided to the Expert Consenting Panel when the NIL Fast-track application was considered.

- 9 PC54 has been lodged with the Council as a result of the above. It would amend the existing Northlake Special Zone so as to provide for a total of up to 63 additional dwellings, at a density of 10 dwellings per hectare, and a road connection to Sticky Forest. PC54 would not otherwise affect the existing Northlake Special Zone or other provisions of the ODP (or PDP). It does not include any physical works or development. PC54 would also not change the planning status of Sticky Forest or enable any development or activities on that land other than what would already be a permitted activity. Any future development of the Sticky Forest area would be subject to the Council's existing Proposed District Plan process and the resolution of the appeals currently covering the area.
- 10 Ian Munro (Consultant Planner) has been engaged by the Council to process this Private Plan Change and has prepared this report. The Resource Management Act's First Schedule sets out the process that must be followed for requests made to a Council to change its District Plan.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

The request

- 11 PC54 was received on 3 February 2022 and it has since been assessed by a number of Council specialists. Further information has been requested under Clause 23 of the RMA's First Schedule and subsequently provided. There are no outstanding requests for information and there is sufficient information for the Council to make a decision on the request.
- 12 The request would re-zone parts of current Activity Areas B2, C1 and E1, to E1 and a new B6, resulting in an increase in residential yield from an estimated maximum of 64 to 127 dwellings (an increase of 63 dwellings) (see figure 1 below). It would also provide for a new road connection from the Sticky Forest boundary into the Northlake road network at Stonehenge Road. The connection proposed would in turn allow travel eastwards through NIL's development or (subject to development occurring) southwards through land controlled by Allenby Farms Ltd. **Figure 1** identifies the part of the Northlake Special zone that is subject to PC54, as well as a subdivision consent that has been granted to Allenby Farms Ltd for 354 allotments within the Northlake Special zone but is not under the control of NIL; and **Figure 2** shows a direct comparison between the existing (left) and proposed (right) zones.
- 13 The Council is being asked to make an administrative decision under Clause 25 of the RMA's First Schedule, of whether to 'adopt', 'accept', or 'reject' the request, or treat it as a resource consent. The Council is not at this time being asked to, nor would it be in a position to, make a merits-decision on whether PC54 should be 'approved' or 'refused'. Any decision to approve or refuse PC54 could only be made once the specific procedure set out within the RMA had been followed allowing the merits to be properly and fairly evaluated.

Northlake Structure Plan

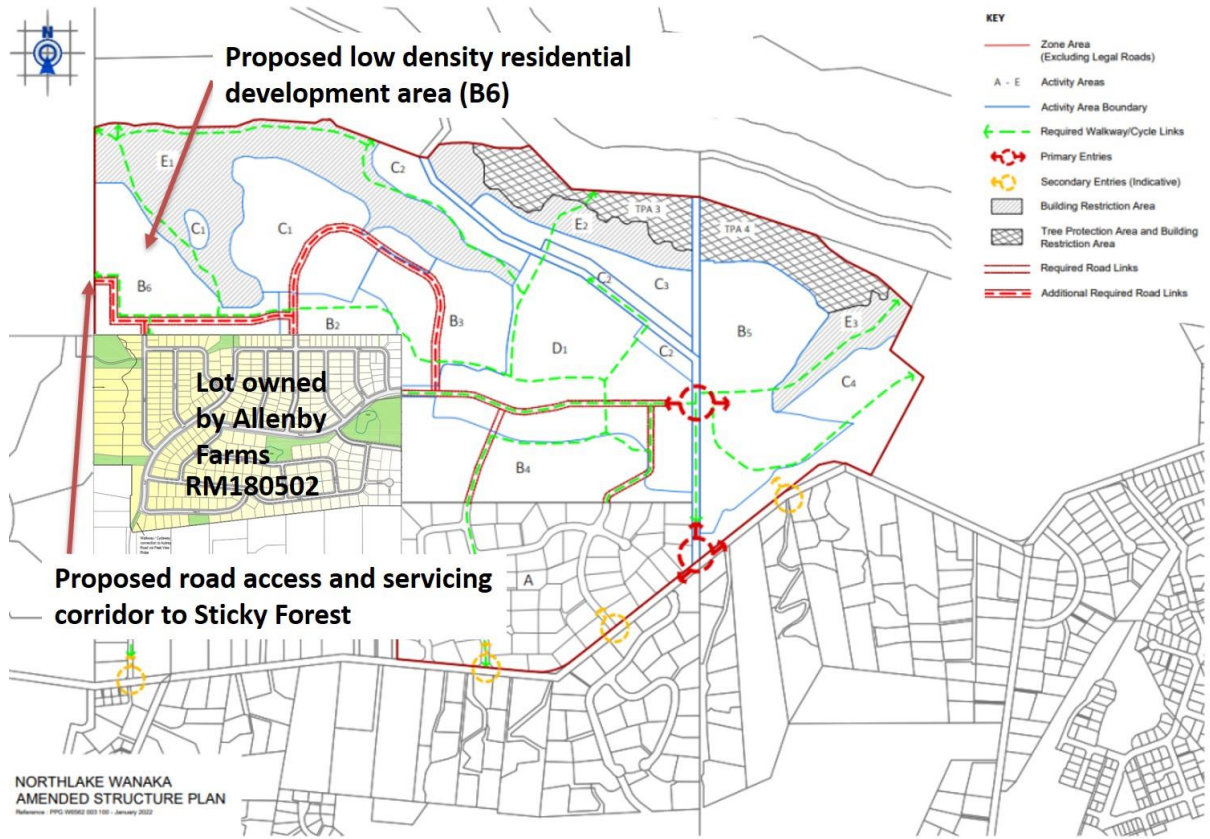


Figure 1 – Northlake Special zone and surrounds, including Allenby Farms Ltd subdivision and the area of the Special zone that is the subject of PC54 (no scale)

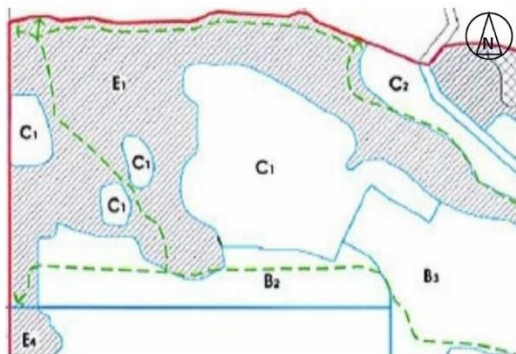


Figure 7: Extract from Approved Structure Plan in District Plan

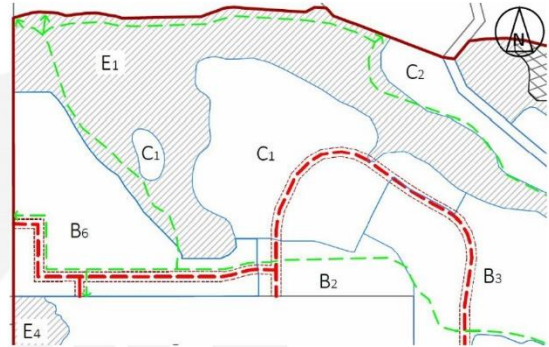


Figure 8: Extract from Proposed Structure Plan

Figure 2 – the existing zone configuration within the PC54 area (left) and the proposed PC54 re-zoning (right), no scale.

- 14 As a District Plan Change request, PC54 does not propose nor would it directly lead to any physical works or changes to the environment. PC54 would amend the planning framework that resource consent applications would need to be considered and determined under only, including the imposition of any relevant conditions of consent as necessary. Based on the rules framework for the zone, there would be no permitted activities of any particular note that could occur as a result of PC54 on NIL's land without resource consent(s) first being obtained.
- 15 The request is of itself not significant either in physical scale or in terms of the policy outcomes sought for the Northlake Special Zone or the ODP (or PDP) more generally. The area of affected land is small and not widely prominent or visible, and the land is already identified for urban residential use (and has extensive land subdivision works underway close by).
- 16 But the request does raise potential adverse effects on the environment and specific potential effects on the Council (as an LGA Asset Manager) that have been particularly carefully evaluated. The key potential effects and issues are:
 - a. Landscape effects;
 - b. Storm water effects; and
 - c. Transport effects
- 17 In terms of all other potential environmental effects, PC54 does not present anything of concern or particularly 'out of the ordinary', including because of its small and spatially focused extent.

Landscape effects

- 18 The request has been supported by a landscape assessment. The assessment concludes that PC54 will not be inappropriately adverse in landscape or visual amenity terms. This documentation has been assessed by the Council's landscape architect.
- 19 On the basis of the above, PC54 is unlikely to create environmental effects or planning policy issues of significant concern, or that could not be managed by District Plan provisions should they prove necessary through the full scrutiny of a public process (such as rules governing building placement or design).

Storm water effects

- 20 The request has been supported by an infrastructure assessment, and in turn a specific storm water assessment was included within that. These have been assessed by the Council's consultant.

- 21 There are two water catchments crossing through the PC54 area, a northern Catchment B and a southern Catchment A. PC54 would discharge stormwater, once it had been managed through ponds or similar facilities within the area, downstream into Catchment B through the network it is currently seeking to establish in association with Stage 16 of its current subdivision consent for Northlake. This is illustrated in **Figure 3**.

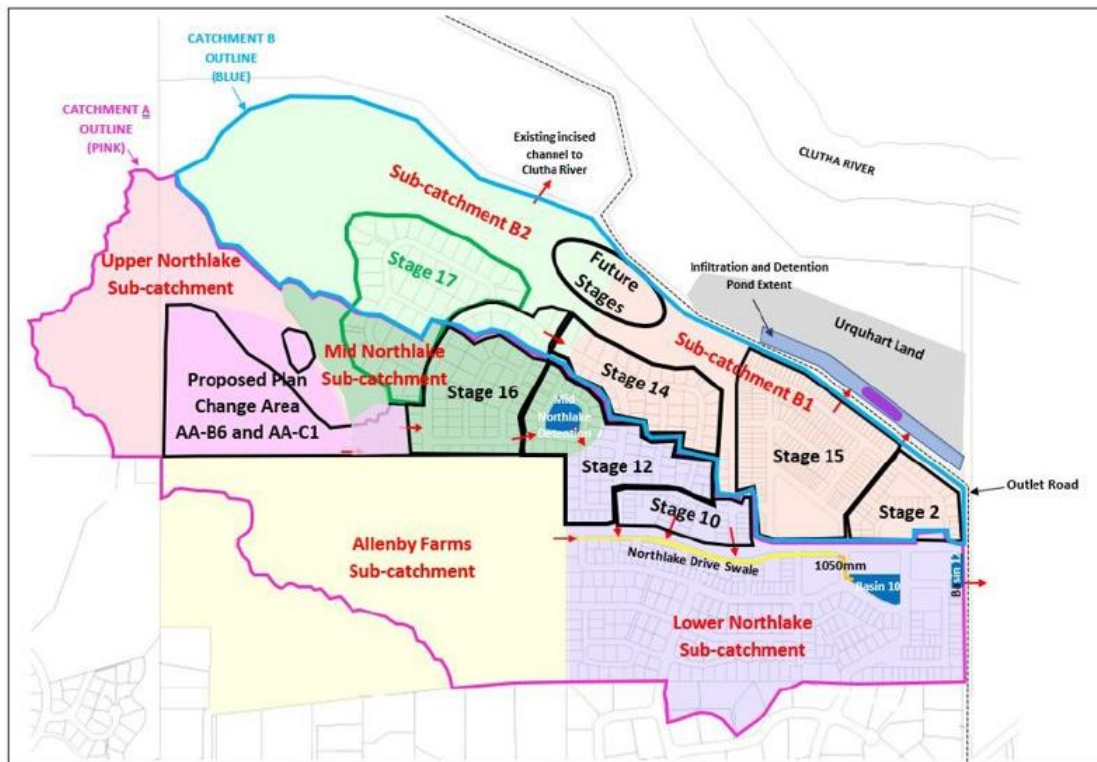


Figure 3 -indicative areas of storm water catchments A and B, showing NIL Stages 16 and 17 subdivisions, no scale

- 22 The Council has been reviewing the storm water system proposed by NIL within its Stage 16 subdivision that discharges to Catchment A, as part of the engineering approval process and is concerned that as designed it may not be sufficient to meet the Council's requirements. There is also a Council initiated review underway of stage 17 to ensure there will be sufficient capacity within Catchment B to cope with discharges from new developments into it, with concerns existing about the current capacity.
- 23 Importantly, the Plan provisions that would apply to PC54 if it were eventually approved mean that any application for residential activities within the proposed residential Activity Area B6 would be a restricted discretionary activity under Rule 12.34.2.3(i). Restricted discretionary activities are a category of resource consent that can be granted or refused by a Council, but only in terms of specific restrictions of discretion specified within a District Plan. In this instance, restrictions of discretion (f) ("the proposed methods of servicing by infrastructure") and (g) ("proposed methods of low impact stormwater disposal") mean that the Council would be able to refuse consent to any consent application arising from PC54 that could not demonstrate a suitable infrastructure solution was available.

- 24 For this reason, the potential storm water effects of PC54 should be manageable through engineering solutions although further modelling and work will likely be required, but that further specific consideration of these through a public process would be optimal to confirm what, if any, development on the PC54 land over and above the existing zoned yield is sustainable.

Transport effects

- 25 The request has been supported by a transport assessment. This has been assessed by the Council's traffic engineering consultant.
- 26 In summary, the Applicant's and the Council's engineers are in general agreement as to the traffic generation, assumptions, and effects likely from PC54 although working through this has identified a potential for operational issues to arise on the road network that could affect the Council as the asset-owner of the public road network, as well as the residents of various residential streets within the Northlake subdivision.
- 27 Since the time of the Wanaka Structure Plan in 2006, no anticipation was made of urban development ever occurring on Sticky Forest and, following on from that, no planning for a road network connecting through it occurred. When the Northlake Special zone was proposed (a private plan change, PC45), no road connectivity through or to Sticky Forest was seen as necessary. Within the Northlake Special zone itself, what has resulted from several subdivision consents is an east-west road built to a collector standard (Northlake Drive) connecting to Outlet Road (also a collector). The curvilinear Riverslea Road and also Stonehenge Road have been designed in a manner that could also function as collector roads catering to the traffic of up to 800 dwellings but in totality this collector route is relatively meandering. Several other roads have been formed to local road standards (including the design of intersections), catering for traffic volumes generally of to up to 200 dwellings each. These include Northburn Road, Mount Linton Avenue, and Lammermoor Street. Separate to NIL's land, the approved resource consent on the Allenby Farms Ltd land (RM180502) also provides for a series of local roads. I refer to **Figure 4**.

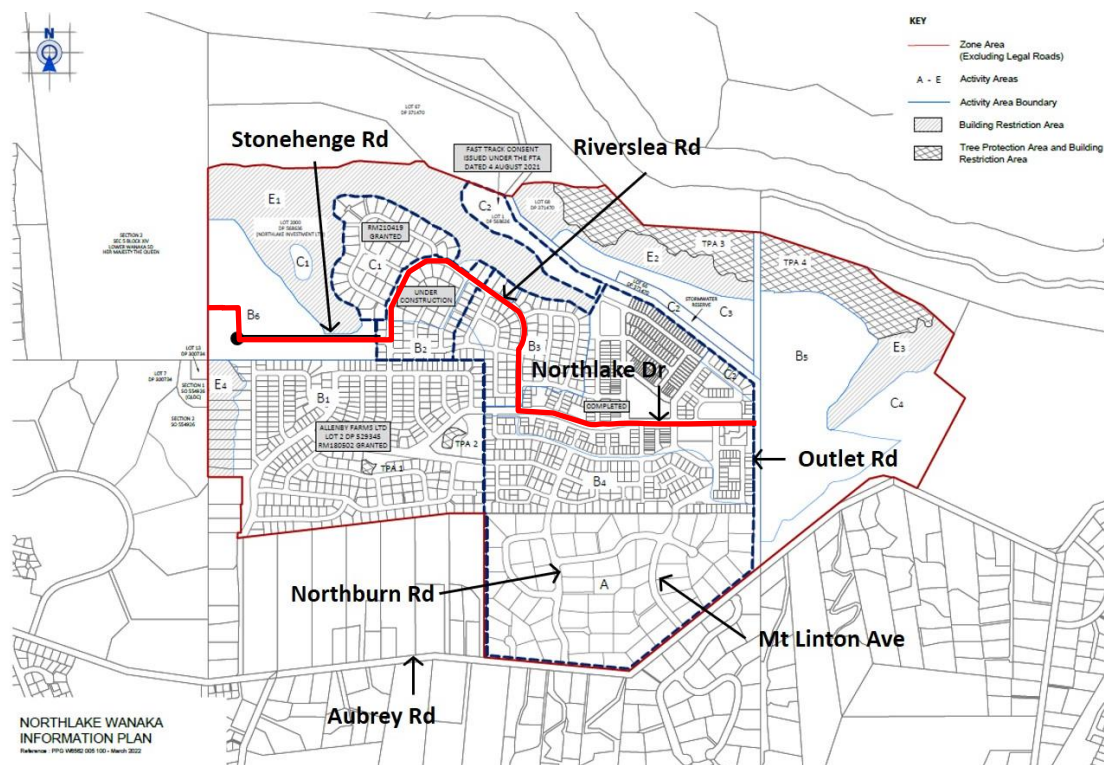


Figure 4 – consented transportation network within the Northlake Special zone with potential collector road route marked in red, no scale.

- 28 In the case of PC54 and the long-term sustainability of the road network that would result, there is sufficient total capacity in the collector road network (connecting Sticky Forest to Outlet Road) for development within the Northlake Special zone including PC54 and the Allenby Farms Ltd site.
- 29 Although PC54 would also require road access to the Allenby Farms Ltd land to be provided, a question remains where and in what form such connections might continue through that land. This would be a matter that, if PC54 was subjected to a public process, submissions would be able to contribute to.

Other effects

- 30 As noted earlier, PC54 will give rise to a number of additional potential environmental effects. These have been addressed within the Applicant’s documentation and these do not present any concern relating to the Council’s initial Clause 25 decision.
- 31 For completeness, these effects are in terms of urban land supply, reserves, geotechnical, soil contamination, archaeological, and ecological matters, effects on surrounding land owners, and lastly cultural effects. In terms of cultural effects, these will be addressed in the following section as it relates to consultation that the Applicant has undertaken with mana whenua. Notably, potential effects relating to many of the categories listed above

have been addressed already through the resource consents for bulk earthworks already given effect to on the PC54 land.

Planning analysis

Statutory planning documents

- 32 Based on the above analysis of key issues and effects likely from PC54, adverse effects will be able to be managed although may require additional planning requirements to those that have been proposed by the Applicant to be imposed.
- 33 The request has been accompanied by a planning analysis. This provides an analysis of PC54 against the ODP. The Applicant was asked to also provide an assessment of PC54 against the strategic district-wide chapters 3 (Strategic Directions) and 5 (Tangata Whenua) of the PDP that are Operative. This was provided on 25 March 2022.
- 34 In terms of regional planning documents, the Applicant has provided an analysis of PC54 against the Partially-operative Otago Regional Policy Statement 2019, and the Proposed Otago Regional Policy Statement 2021. Assessment has also been undertaken in terms of the Otago Regional Plan: Water, and the Otago Regional Plan: Air.
- 35 In terms of national planning documents, the Applicant has provided an analysis of PC54 against the National Policy Statement on Urban Development and the National Policy Statement on Freshwater Management, noting that other National Policy Statements are either not or only very partially relevant.
- 36 PC54 is generally consistent with the scheme of these documents and presents no particular resource management concern other than the management of potential adverse effects. Ultimately, the land subject to PC54, albeit proposed for a densification, is already zoned for a form of urban use and the change proposed does not significantly change its resource management characteristics.

Consultation relating to mana whenua interests and cultural effects

- 37 As lodged, PC54 did not include specific analysis relating to these matters. Additional information was requested and was provided variously on 25 March 2022, 2 June 2022 and 1 July 2022.
- 38 The Applicant has provided an assessment of PC54 against the provisions of the Te Tangi a Tauira 2008 and Kāi Tahu ki Otago Natural Resource Management Plan, 2005, both being iwi management plans. The Applicant's assessment is that PC54 is consistent with both of these documents.
- 39 The Applicant has also initiated consultation with the Aukaha, Te Rūnanga o Ngāi Tahu, and Te Ao Marama iwi authorities. As at 1 July 2022, no response had been received from Te Rūnanga o Ngāi Tahu. Aukaha have responded positively to the proposal for a road access (20 June 2022), but have reserved a position on the proposed residential activity area B6 extending to the common boundary, which Aukaha indicates could impede future use of Sticky Forest. Aukaha indicated that, assuming that PC54 was subject to a public

process, it may submit in due course. Te Ao Marama, dated 30 June 2022, has supported Aukaha's response.

- 40 I note that in respect of the iwi authorities, if PC54 was adopted by the Council then it would become a Council-initiated plan change and consultation with mana whenua would be mandatory. Although the PC54 applicant has undertaken consultation, the Council could consider whether it wished to undertake additional consultation prior to public notification of the plan change. If PC54 was accepted by the Council, it would proceed directly to public notification. But in either of these scenarios that led to notification, each of the iwi authorities would be free to lodge a submission as they saw fit.
- 41 In terms of Sticky Forest, the Applicant has also consulted with Mr. Bunker and Ms. Rouse, as successors to the Beresford appeal. Through their Counsel Ms. Semple dated 28 March 2022, they have confirmed support for NIL's proposed road access. The Applicant has also consulted with the Crown as the current land owner. Sticky Forest is currently administered by Te Arawhiti (the Office for Māori Crown Relations). Te Arawhiti has confirmed, on 28 March 2022, that it has been consulted and is supportive of the proposed access. Neither Mr. Bunker and Ms. Rouse, or Te Arawhiti, have commented on the proposed additional dwellings that PC54 would enable.
- 42 In terms of all of the above, the Applicant has consulted its proposed plan change appropriately and has taken account of mana whenua concerns, and cultural effects.

Overall planning evaluation

- 43 PC54 has ultimately arisen because of Sticky Forest's role in a long-term process of cultural redress and the process by which, here and now, development occurring in the Northlake Special zone represents one of the few plausible means of providing access to what is a land-locked site.
- 44 PC54 is sufficiently complete and coherent such that the Council can make a reasonable and informed Clause 25 decision on the request. The application includes identification and assessment of all relevant planning matters and environmental effects, and has demonstrated that it has consulted with the owners of Sticky Forest and mana whenua.

Options evaluation

- 45 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 46 The options available to the Council are in this instance specified under Clause 25 of the First Schedule of the RMA 1991. These are to:
- a. Adopt the request in full or part and treat it as if it were a Council-initiated plan change under Clause 25(2)(a) of the First Schedule;
 - b. Accept the request in full or in part, and proceed to notify it under Clause 25(2)(b) of the First Schedule;

- c. Reject the request in whole or in part under Clause 25(4); or
- d. Treat the request as if it were an application for resource consent under Clause 25(3) of the First Schedule.

Option 1 Adopt in full or in part

- 47 Under Clause 25(2)(a) of the First Schedule, the Council may adopt a request for a plan change in full or in part. Doing so has the effect of making the plan change a Council-initiated plan change. From that point the plan change would cease to be NIL's proposal and it would be the Council's.
- 48 In this instance there are no reasons why the Council would only adopt part of PC54 rather than the whole of it. Given the design and scale of the new road as being suitable as a collector road, additional housing density is also desirable in terms of helping efficiently utilise that road capacity and spread its increased costs (compared to a narrower local street) across more parties when the developer sells allotments.

Advantages:

- 49 The Council would be able to undertake additional consultation directly with mana whenua and the Crown, should it see that as desirable, and make changes to PC54 to suit (although it is noted that the information available is that the Crown; Mr. Bunker and Ms. Rouse; Aukaha; and Te Ao Marama are each satisfied with the road as currently proposed).
- 50 The Council would be able to change the request as it saw fit (although NIL would be free to seek to reverse such changes in the role of a submitter).
- 51 The Council would be able to change the request to also consider its scope and area, possibly looking more broadly at Sticky Forest and a more strategic, long-term approach to this part of North Wanaka.

Disadvantages:

- 52 Adopting PC54 would mean that the costs associated with its processing would fall to the Council to meet. A typical plan change with approximately only 10 submitters each bringing expert evidence, and all associated costs, would based on prior experience easily exceed several hundred thousand dollars.
- 53 The Council 'taking over' the issue of access to Sticky Forest could bring with it a greater expectation that the Council would also look to take on other associated costs such as undertaking enabling works.
- 54 The Council is currently involved in an appeal relating to the future of Sticky Forest and it taking control of PC54 could be seen by some as the Council looking to influence the outcome of that appeal. Retaining PC54 as a private plan change would in this respect best separate the interests of the different parties and the Council as consent authority.

Option 2 Accept in full or in part

55 Under Clause 25(2)(b) of the First Schedule, the Council may accept a request for a plan change in full or in part. By accepting a private plan change the Council is not signalling whether the Plan Change should be ultimately granted or refused on merit; or that changes should not be made. Accepting a plan change request enables public notification and submissions to occur, a period of evaluation, and a public hearing to determine the merits.

56 In this instance there are no reasons why the Council would only accept part of PC54 rather than the whole of it.

Advantages:

57 Accepting the plan change request would place the burden of costs onto the Applicant rather than the Council. Given that PC54 has arisen because of NIL volunteering to lodge such as part of responding to the Minister for the Environment's suggestion at the time of the Northbook retirement village Fast-track Consent, it is appropriate for that party to meet those costs.

58 Accepting the plan change request would enable the community to make submissions and provide evidence in support of their opinions either in support or opposition to PC54.

Disadvantages:

59 Accepting the plan change request retains it under NIL's editorial control and it may not voluntarily make changes that submitters or the Council might prefer.

Option 3 Reject in full or in part

60 Clause 25(4) allows the Council to reject a request for a private plan change, but only in terms of specified matters within that clause, being:

(a) *the request or part of the request is frivolous or vexatious; or*

(b) *within the last 2 years, the substance of the request or part of the request—*

(i) *has been considered and given effect to, or rejected by, the local authority or the Environment Court; or*

(ii) *has been given effect to by regulations made under [section 360A](#); or*

(c) *the request or part of the request is not in accordance with sound resource management practice; or*

(d) *the request or part of the request would make the policy statement or plan inconsistent with [Part 5](#); or*

(e) *in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.*

- 61 Clauses (b) and (e) do not apply and could not be relied on to reject the request. Clause (a) also does not apply; PC54 has come about as a result of a well-documented issue of cultural redress and a voluntary offer by NIL to seek a plan change to provide access to a land locked site. PC54 could not be reasonably said to be frivolous or vexatious.
- 62 This leaves clauses (c) and (d) able to be considered by the Council. Clause (d) refers to the purpose, content and function of statutory plans and in that respect, and also clause (c), PC54 is generally in accordance with the relevant National Policy Statements, Regional Policy Statements and Plans, District Plans, and iwi management plans. The interests of sound resource management practice would also be best served through practical opportunities such as are presented by PC54 to provide access to landlocked sites, more so noting the cultural (redress) significance of this particular land locked site and that Section 8 of Part 2 of the RMA specifically requires consideration of the principles of the Treaty of Waitangi. Because of this, rejection under clauses (c) and (d) is not warranted.
- 63 For completeness, if the Council determined to adopt PC54 in part, or accept it in part, the balance of PC54 that was not either adopted or accepted would by definition be being rejected; the merits of those partial-rejection scenarios have been addressed as part of Options 1 and 2 above.

Advantages:

- 64 There are no obvious advantages to rejecting PC54.

Disadvantages:

- 65 The issue of providing access to Sticky Forest is one that will need to be addressed at some point and although there may be opportunities other than via PC54, PC54 is of itself one logical point of access that seems readily achievable and has the support of the current owner / steward (the Crown). Rejecting PC54 could foreclose the option of providing access in this part of Wanaka given that the land does already have an operative zone that could be developed now.
- 66 The likely environmental effects of PC54 are manageable (including potentially through additional Plan provisions), and rejection would appear disproportionate in that respect, and in terms of the time and cost that the Applicant has invested preparing the application to date.
- 67 Rejecting PC54 would preclude public submissions or the views of the community to be voiced and tested through an impartial hearings process.

Option 4 Treat as a resource consent

- 68 Clause 25(3) allows the Council to treat a request for a private plan change as if it were an application for resource consent under Part 6 of the RMA. PC54 is unsuited to being treated as a resource consent and this option is not appropriate. The key reason is that PC54 is limited to changes to the Operative planning framework for the Northlake Special zone. No earthworks, subdivision or development (or any physical works) are proposed as

part of PC54. Due to the lack of any physical works, there would be no basis for a resource consent or any conditions of consent to be determined on.

Advantages:

69 There are no advantages to this option as PC54 is not compatible with what would be required for the Council to assess, determine and then monitor a resource consent.

Disadvantages:

70 Administratively and procedurally this option would not be workable as there is no physical subdivision, use or development proposed as part of PC54 that could be the subject of a resource consent assessment, decision or consent conditions.

71 This report recommends **Option 2** “Accept the request in full, and proceed to notify it in accordance with Clause 25(2)(b) of the First Schedule of the RMA 1991” because:

- a. There are insufficient grounds that would warrant rejection of PC54 and it is not suitable for consideration as a resource consent.
- b. PC54 is of a small scale and has general support from the iwi authorities that have engaged with the Applicant’s attempts to consult as well as the representatives able to speak on behalf of the land owner. The plan change is unlikely to present environmental effects that cannot be managed, and is generally in line with the scheme of relevant statutory planning documents. On this basis and in consideration of the costs that would fall on the Council by adopting PC54 as its own, there is no reason why the Council would need to adopt the request or expect that a materially different outcome would eventuate compared to accepting the request.
- c. PC54 has arisen in the context of a long-term Treaty of Waitangi settlement (redress) process for Sticky Forest and NIL’s voluntary offer to prepare and lodge a plan change request on its land to facilitate vehicle access to Sticky Forest. In this context it is appropriate that the request remain under the control of that party.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

72 This matter is of low-to-moderate significance, as determined by reference to the Council’s *Significance and Engagement Policy*. This is because although limited to a small area of the Northlake Special zone and possessing low significance in and of itself, PC54’s ultimate purpose is to provide road access to Sticky Forest. The matter of providing access to land locked Sticky Forest is of moderate significance in part due to the importance of the land and its utility to mana whenua, and in part because although the PC54 road link would not change the planning status of Sticky Forest, it is one factor that would be relevant to separate processes to determine that status and that will in turn be also of interest to the local community.

73 In terms of the decision making requirements in sections 76-78 of the [Local Government Act 2002](#), PC54 if accepted would become subject to a prescribed process under Clause 26 of the RMA's First Schedule. This requires full public notification of the request. Any person may make a submission and then an opportunity for a further submission on any submission, call evidence, and attend a public hearing. Although separate to the specific processes described within the Local Government Act 2002, the RMA process provides a sufficiency of opportunity for the community to participate that no further consultation or action under the Local Government Act 2002 is considered necessary. This conclusion would apply whether the Council elected to accept PC54 as recommended (wherein it remains a full private request not promoted by the Council), or adopted it and made it into a Council-initiated and led plan change. If the Council determined to consider PC54 as a resource consent, then the provisions of the RMA would require a specific decision to be made on public notification separately.

74 The persons who are affected by or interested in this matter are the Wanaka community, mana whenua, and in particular the occupants of the Northlake Special zone.

75 The Council has sought information from NIL in terms of its engagement with mana whenua and this has been provided. No other consultation has been undertaken although in the specific process set out in the RMA First Schedule, it is anticipated that consultation generally occur after the Clause 25 decision in terms of acceptance or adoption as the case may be, and this is what the Applicant has anticipated.

> MĀORI CONSULTATION | IWI RŪNANGA

76 The Council has not undertaken direct consultation of its own with mana whenua although NIL has done so and provided evidence of this. If PC54 was accepted by the Council, mana whenua would also have the opportunity to make submissions and be heard.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

77 This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00056 (Ineffective provision of the future planning and development needs of the District) within the [QLDC Risk Register](#). This risk has been assessed as having a low inherent risk rating.

78 The approval of the recommended option will support the Council by allowing us to retain the risk at its current level. This shall be achieved by processing the Plan Change in accordance with the requirements of the Resource Management Act.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

79 If the Council accepted PC54, then all costs associated with it would fall to the Applicant to meet.

80 If the Council adopted PC54, then all costs associated with it would fall to the Council to meet.

81 For all other options, financial implications would be limited primarily to the risks of legal challenge, which apply in the case of all Council decisions.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

82 The following Council policies, strategies and bylaws were considered:

- Operative District Plan
- Proposed District Plan
- Wanaka Structure Plan
- Land development and Subdivision Code of Practice 2020
- Land Transport Asset Management Plan 2021-2031
- Three Waters Asset Management Plan 2018/19-2027/28
- Vision Beyond 2050: <https://www.qldc.govt.nz/vision-beyond-2050/>
- Queenstown Lakes spatial plan
- National Policy Statement on Urban Development – Council monitoring report
- Speed limits bylaw
- Traffic and parking bylaw
- The QLDC Disability Policy

83 The recommended option is consistent with the principles set out in the named policies.

84 This matter is not included in the Ten Year Plan/Annual Plan as it is an initiative proposed by NIL.

LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

85 Requests to change the District Plan are subject to provisions of the Resource Management 1991. PC54 has been prepared in accordance with the relevant provisions of that Act and sufficient information has been provided to enable the Council to make a Clause 25 First Schedule decision. This report has also been prepared to allow the Council to comply with Clause 25's requirements.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

86 The recommended option will be consistent with the Local Government Act 2002 purpose and principles because:

- Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Accepting PC54 will enable NIL and members of the community who wish to participate as submitters to express their preferences and have those tested on merit at an open, public hearing. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act;

- Will be funded entirely by the PC54 Applicant, and will therefore be neutral on funding matters under the Ten 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.