

Planning & Strategy Committee
30 July 2020

Report for Agenda Item | Rīpoata moto e Rāraki take 3

Department: Planning & Development

Title | Taitara: Proposed variation to the Queenstown Bay Waterfront Sub-Zone

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to request the Planning and Strategy Committee to recommend a proposed variation to the mapping of the Queenstown Bay Waterfront Sub-Zone in the Proposed District Plan.

EXECUTIVE SUMMARY | WHAKARĀPOPOTOTANGA MATUA

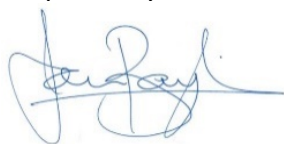
- 2 It is proposed that the Queenstown Bay Waterfront Sub-Zone ('QTWSZ'), is amended to exclude land zoned Informal Recreation in the Proposed District Plan (PDP).
- 3 A mapping omission has been identified where a portion of land zoned Informal Recreation is contained within the QTWSZ. The Stage 3 Section 32 Report supporting a variation to Chapter 38 Open Space and Recreation, notes that the QTWSZ and OSZ rules contradict each other. This creates uncertainty in the application of plan provisions for land zoned Informal Recreation within the QTWSZ.
- 4 The purpose of this variation is to rectify the mapping omission identified and exclude Informal Recreation zoned land from the QTWSZ.

RECOMMENDATION | NGĀ TŪOHUNGA

- 5 That the Planning & Strategy Committee:
 1. **Note** the contents of this report.
 2. **Agree in principle, subject to further work, that** the matters in **Attachment A** and **Attachment B** are suitable for recommending to Council as a variation to be notified as part of the Operative District Plan review.
 3. **Authorise** the Manager Planning Policy to prepare a section 32 evaluation report, to improve clarity and correct errors and to complete steps required to prepare and consult on a future variation to the Proposed District Plan.
 4. **Note** that consultation with Iwi authorities will occur prior to any decision on notifying this variation and advice received may prompt changes to be made to the proposals.
 5. **Note** that agreeing in principle to the above does not mean Council has formed a view on the specific detail of a variation on these matters, on resource consent

applications relating to these matters, or other related decisions on the Proposed District Plan.

Prepared by:



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20/07/2020

Reviewed and Authorised by:



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General Manager, Planning & Development
21/07/2020

CONTEXT | HOROPAKI

- 6 **Stages:** The Queenstown Lakes District Council Operative District Plan (the ODP) is being reviewed in stages similar to a series of plan changes. At this point the reviewed part of the ODP (referred to as the PDP) contains new and revised provisions within 44 new chapters that apply to 99.8% of the land in the district.
- 7 The Queenstown Town Centre and Waterfront Sub-Zone were reviewed as part of Stage 1 with decisions on submissions issued in May 2018 followed by appeals most of which have been resolved by mediation and confirmed through consent orders agreed by the Environment Court.
- 8 The Open Space Chapter and Informal Recreation Zone was developed and notified as part of Stage 2 with decisions on submissions issued in March 2019. These decisions have been appealed to the Environment Court and are awaiting mediation.
- 9 The Open Space and Recreation Zones and the interplay with the Waterfront Sub-Zone including this land between Steamer Wharf and One Mile Point was reviewed as part of Stage 3 and submissions to these proposals are currently being considered by an independent hearing panel.

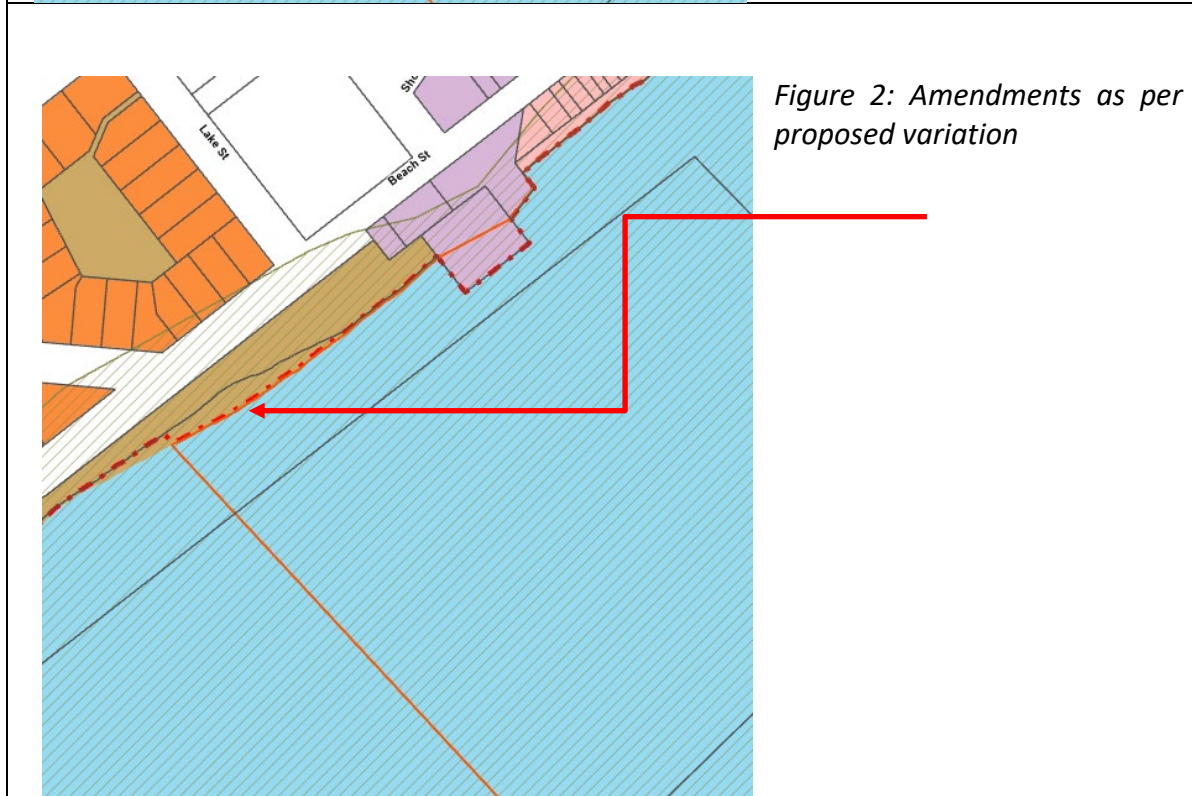
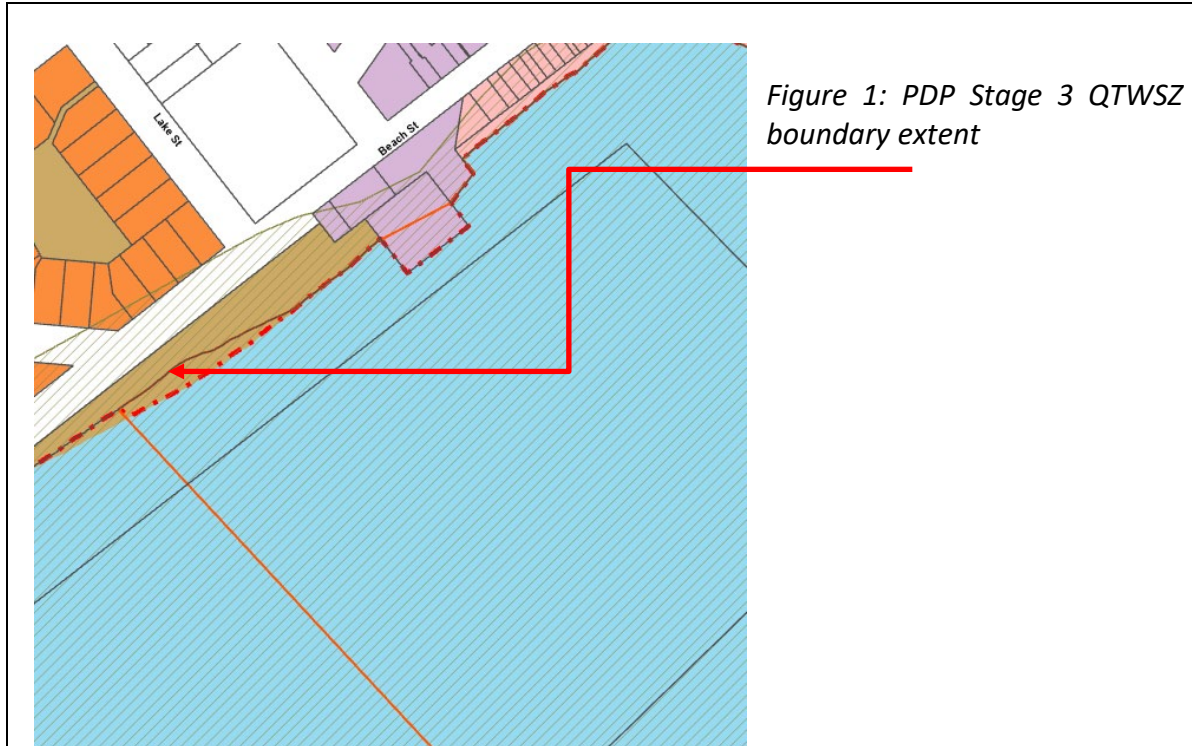
ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

Issues Addressed By Proposed Variations

- 10 The zoning between One Mile Point and Steamer Wharf as it stands is ambiguous as the QTWSZ rules are more permissive for commercial activities in comparison to Informal Recreation zone rules. For example wharfs and jetties, buildings on wharfs, commercial activities, licensed premises, restaurants and cafes, commercial outdoor dining, and commercial recreation activities all have slightly different or very different assessments frameworks and activity status.
- 11 As it stands, resource consent applications in this area are required to be assessed under QTWSZ and Informal Recreation zone provisions, which increases the complexity of resource consent applications, leads to uncertainty for plan users and decision makers and potentially to sub-optimal decisions.

Proposed Amendment to the Queenstown Bay Waterfront Sub-Zone

12 The proposed amendment to the Queenstown Bay Waterfront Sub-Zone is as follows:



13 The above mapping change is hard to discern at this scale but it entails moving the boundary of the QTWSZ (the orange line) to the waterline so that it aligns with the zone boundary and the Urban Growth Boundary (**UGB**), rather than aligning it with the parcel boundary which currently passes through the reserve (See **Attachment 1** for details). The land subject to this variation has been gazetted as reserve and is owned and/or administered by Council and (along with other similar reserves) has been zoned Informal Recreation Zone as part of Stage 2 of the current district plan review. The proposed variation (together with the Stage 3 variations to the mapping and Open Space and Recreation chapter) better recognises the function of the open space land, and will strengthen the Open Space and Recreation zone policy framework.

Other options considered

14 The status quo (no change to the QTWSZ boundary) has led to implementation difficulties due to contradicting rules, additional complexity and therefore costs due to the necessity to assess rules in both QTWSZ and Informal Recreation zone, and uncertainty in determining resource consent applications.

15 This status quo option has the benefit of avoiding the cost of initiating plan changes in this area where Council already has a high level of control through its ability to control activities in its parks and reserves, together and the use of designation powers and Reserve Management Plan processes. Never-the-less this approach has been discounted as it is considered important to have a clear and integrated RMA framework to manage the resources and competing issues in this land-water interface and that relying on these alternate mechanisms does not promote efficiency and effectiveness.

16 The preferred option is to amend the QTWSZ boundary to exclude Informal Recreation zoned land from the Waterfront Sub-Zone. This will result in easier plan implementation and certainty for applicants, as it clearly defines which rules are applicable for the relevant zones.

17 Amending the alignment of the Sub-Zone through a clause 16 change is not supported as it would change the legal effect of rules and the status of activities that could potentially locate in this area. Under clause 16 of the 1st Schedule to the RMA Council is limited to alterations “of minor effect”, or amendments to “correct any minor errors”.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

18 This matter is of low significance, as determined by reference to the [Council’s Significance and Engagement Policy](#) because it is a matter relating to the administration of Council affairs and although it has the potential to impact on the environment, culture and people in a part of the District it is a very small change.

19 The persons who are affected by or interested in this matter are individuals or entities who have consents and leases on the waterfront or aspirations for development in and

around the land/water interface in this area. Particular individuals and entities affected will have substantial opportunities to participate in submitting on the notified provisions and participating in hearings, appealing the decisions and joining any appeals.

> MĀORI CONSULTATION | IWI RŪNANGA

20 Consultation with tangata whenua under the Resource Management Act 1991 (RMA) is a legal requirement before notifying a district plan and it is noted that legal requirements in this regard will have to be met before finalising a section 32 evaluation and a decision on notification.

21 Iwi entities will have the opportunity to submit if this proposed variation were to proceed to notification.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

22 This matter relates to the Strategic/Political/Reputation risk. It is associated with SR1 'Current and future development needs of the community (including environmental protection)' within the QLDC Risk Register. This risk has been assessed as having a high inherent risk rating but in this instance the risk is minimal.

23 This report sets out measures to reduce and mitigate the risk with options that implement additional controls for this risk.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

24 There are no budget or cost implications resulting from the decision. The recommended approach can be implemented through current funding under the 10-Year Plan and Annual Plan.

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

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

- The Proposed District Plan

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

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

27 The process for undertaking plan changes and variations to a Proposed Plan is set out in the First Schedule of the Resource Management Act.

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

28 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 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.

ATTACHMENTS | NGĀ TĀPIRIHANGA

A	Map depicting proposed variations to the Queenstown Bay Waterfront Subzone and the strip of land near Queenstown Gardens
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