

QLDC Council

16 November 2023

Report for Agenda Item | Rīpoata moto e Rāraki take [4]

Department: Planning & Development

Title | Taitara : Ratification of Independent Hearing Panel Recommendation – PPC54 Northlake Private Plan Change

Purpose of the Report | Te Take mō te Pūroko

1. The purpose of this report is to provide the recommendations report of the Independent Hearings Panel (IHP) on provisions and matters raised in submissions for PC54 Northlake Private Plan Change.
2. A resolution from Council is sought to notify the IHP recommendation report as a Council decision in accordance with Clause 10 and 11 of Schedule 1 of the Resource Management Act of 1991 (RMA or the Act).

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Adopt** the Independent Hearing Panel report and recommendations on provision and matters raised in submissions as the Council's decision and direct staff to notify the decision in accordance with Clause 10 and 11 of Schedule 1 of the Resource Management Act of 1991 and;
3. **Note** that adopting the report and recommendations on submissions as the Council's decision means the Council also adopts the independent hearing panel's reasons for those decision on submissions as set out in the recommendations report.

Prepared by:



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Title: Policy Planning GIS Lead

25 October 2023

Reviewed and Authorised by:



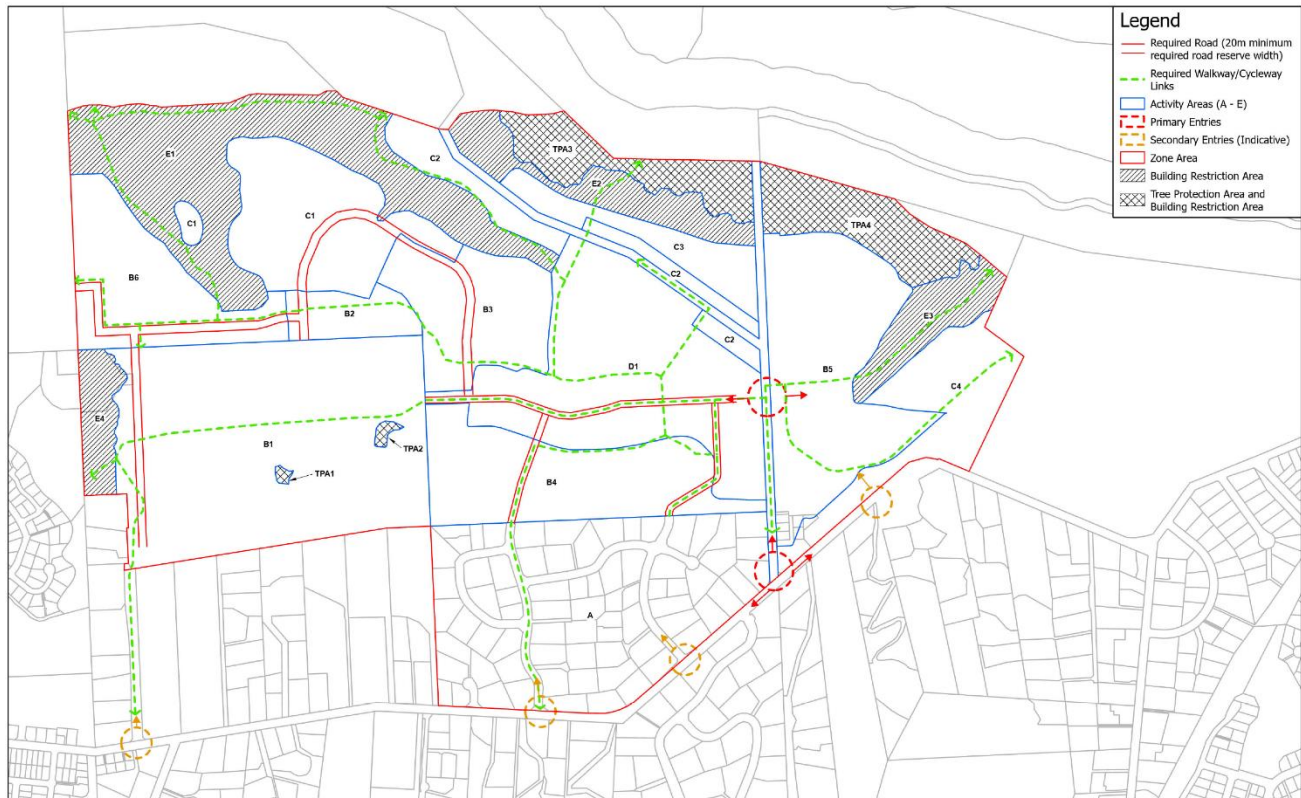
Name: David Wallace
Title: Planning & Development General
Manager

30 October 2023

Context | Horopaki

1. In February 2022 the Queenstown Lakes District Council received a Private Plan Change relating to the Operative District Plan Northlake Special Zone, the plan change Requestor was Northlake Investments Limited. The plan change was assigned the unique identifier 'PC54'.
2. The plan change had two parts:
 - a. Provide a roading and infrastructure corridor to the adjacent property known as Sticky Forest, which is currently landlocked; and
 - b. Amend the activity area boundaries for the Northlake Special Zone to provide for an additional 63 residential dwellings.
3. PC54 does **not** address the question of what development should or should not be enabled on the adjacent property known as Sticky Forest. The appropriate land use and zoning for Sticky Forest is the subject of a separate Proposed District Plan (PDP) Environment Court appeal process.
4. At 18 August 2022 QLDC Planning and Strategy Committee meeting the committee was presented with the option to accept, adopt, or reject the Plan Change Request. The Committee voted to accept the Plan Change Request for Notification, PC54 was notified on 27 October 2022 for submission.
5. PC54 received 31 submissions and 4 further submissions with matters raised both in support and opposition to PC54.
6. At 27 April 2023 meeting Council appointed and delegated commissioners Richard Blakey and Rachel Dimmery to the Independent Hearing Panel to hear, deliberate and make recommendations on all submissions and further submissions received on PC54
7. A two-day hearing was held on 24 and 25 July in Wānaka for submitters and their experts to speak to their submissions.
8. The IHP has provided recommendations on the plan change, this report seeks the ratification of the IHP recommendations as a council decision. The recommendations are set out in the Recommendations Report appended as Attachment A.
9. Overall the report recommends the following:
 - a. That Proposed Plan Change 54 to the Operative Queenstown Lakes District Plan be **approved**, subject to minor amendments that are described in the decision. The Structure provided below is recommended by the IHP. It confirms that the road to the boundary of Sticky Forest and amends the boundary of the activity areas to enable an additional 63 dwellings in the Northlake Special Zone;
 - b. Amendments to Chapter 15 – Subdivision, Development and Financial Contributions (assessment matters for resource consents) to specifically address the adequacy of the proposed stormwater management methods to mitigate the downstream effects of the development;

- c. The subdivision of Activity Areas B6 (new activity area) will be a non-complying activity if legal vehicle access and infrastructure servicing access is not provided to Hawea/Wanaka Sticky Forest.



10. The reasons for the recommendation are that PC54:

- (a) Accords with and will assist the Council in carrying out its statutory functions and achieve the purpose of the RMA;
- (b) Accords with Part 2 of the RMA especially in terms of s.8 of the RMA and is enabling the future owners of Sticky Forest to provide for social, economic and cultural well-being by way of enabling road access to a currently land-locked site;
- (c) Gives effect to the partially operative Otago Regional Policy Statement 2019, and otherwise in keeping with the proposed Otago Regional Policy Statement 2021;
- (d) Gives effect to the National Policy Statement on Urban Development 2020 and the National Policy Statement on Freshwater Management 2020;
- (e) Includes rules sufficient to manage the environmental effects of development that could foreseeably result from PC54, including in particular the avoidance, remediation or mitigation of adverse effects and the avoidance of any fundamentally unacceptable adverse effects;

- (f) Includes objectives that are the most appropriate way to achieve the purpose of the RMA; and
- (g) Includes policies and methods that are the most appropriate way to achieve the objectives, including after having had regard to their efficiency and effectiveness, and taking into account both the benefits and costs of those proposed policies and methods; and the risk of acting or not acting in the case of uncertainties that exist in relation to the future use and potential traffic generation that may result within the NSZ from Sticky Forest.

Analysis and Advice | Tatāritaka me kā Tohutohu

- 11. 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.
 - a. **Adopt** the IHP recommendations as a Council decision, or
 - b. **Reject** the IHP recommendations and rehear submissions on the plan change.
- 12. The status quo is not an option, it has not been considered further. The recommendations of the IHP can only be Adopted or Rejected in full, there is no option to Accept/Reject in part.
- 13. **Option 1 (Recommended)**
 - a. **Adopt** the IHP recommendations as a Council decision.

Advantages

- The hearing into the submissions and further submissions was an open and transparent process in accordance with RMA Schedule 1.
- The submissions and hearing process gave the community an opportunity to be heard in support or opposition to the plan change.
- Commissioners are qualified decision makers who had the benefit of reviewing submissions, further submissions, expert evidence, and evidence from council appointed reporting planner in the form of a S42A planners report.
- Parties unhappy with the decisions or processes can appeal the Environment Court once the recommendation has been ratified and notified by the Council.

Disadvantages

- There are no disadvantages.

14. **Option 2**

- a. **Reject** the IHP recommendations as a Council decision and rehear submissions on the plan change.

Advantages

- Council can appoint new Commissioners to a new Independent Hearing Panel to re-hear submissions on the decision it was unsatisfied with, or consider the merits directly itself in a subsequent hearing process.

Disadvantages

- An additional hearing will be required to demonstrate procedural fairness / natural justice to those who have inputted into the process in good faith.
- An additional hearing will impose significant additional costs and time delays on all parties.
- The decision will not be issued as promptly as possible. Section 21 of the RMA requires individuals carrying out functions under the Act to act out promptly as is reasonable in the circumstance.

15. This report recommends **Option 1** for addressing the matter for the reasons outlined in the advantages column of the options assessment.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

16. This matter is of **medium** significance, as determined by reference to the Council's Significance and Engagement Policy because the matter relates to the Operative District Plan, which is a significant statutory document for social, economic, and environmental wellbeing; however, it only applies to a discrete area of the district.

17. The persons who are affected by or interested in this matter are those who made submissions on the plan change and those who spoke to their submissions at the Hearing into the Plan Change.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

18. This matter relates to the Community & Wellbeing risk category. It is associated with Risk 56 – provision for the future planning and development needs of the district within the QLDC Risk Register. This risk has been assessed as having a moderate inherent risk rating.

19. This matter relates to this risk because it is of importance in terms of the management of growth and regulation of development for the district.

20. The approval of the recommended option will support the Council by allowing the risk to be retained at its current level.

Financial Implications | Kā Riteka ā-Pūtea

21. There are no financial implications to ratifying the IHP recommendations as a Council decision.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

22. The process has been undertaken under the requirements of Schedule 1 of the Resource Management Act of 1991.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

23. 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. The recommended option will assist in the provision of planning for community outcomes.

24. The recommended option:

- 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 significantly alter 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 | Kā Tāpirihaka (All circulated separately)

A	PC54 Hearing Recommendation Report
B	PC54 Hearing Decisions on Submissions
C	PC54 Hearing Decision on NSZ Provisions