



MEMORANDUM TO THE PLANNING AND DEVELOPMENT GENERAL MANAGER
WITHDRAWAL OF PART OF THE PROPOSED DISTRICT PLAN
PURSUANT TO CLAUSE 8D OF THE FIRST SCHEDULE OF THE RMA 1991

MEMO FROM: Tara Hurley, Policy Planner

MEMO DATED: 16/10/2020

SUBJECT: Withdrawal of Informal Recreation Zone from Shotover Delta

SUMMARY

The Open Space Informal Recreation Zone, that was applied as part of Stage 2 of the District Plan Review, is to be removed from Lot 2-3 DP 422388 and Section 143-144, 152 Block I Shotover Survey District, reverting it to the Rural Zone, as the site was notified in Stage 1. This should resolve an appeal to Council's Stage 2 decision to zone the land Informal Recreation by QAC.

WITHDRAWAL

Section of the Proposed District Plan:

Queenstown Lakes District Council Proposed District Plan (PDP) Stage 1 and 2 Decisions and Appeals Maps as shown on the GIS web mapping application

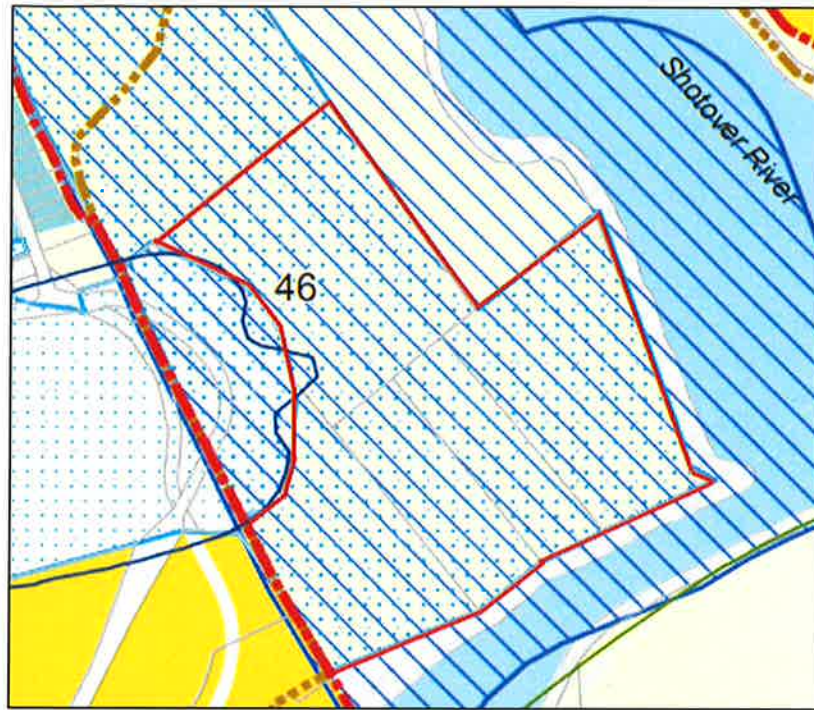
Subject Site:

The subject area is located at the confluence of the Shotover and Kawarau Rivers. Access to the site is off Shotover Delta Road. The site is freehold land owned by Council. It is operated under Designation 46 (Notice of Requirement for a Designation at a Shotover Sewage Treatment Facility, Shotover River, Queenstown).

Legal Description: Lot 2-3 DP 422388 and Section 143-144, 152 Block I Shotover Survey District

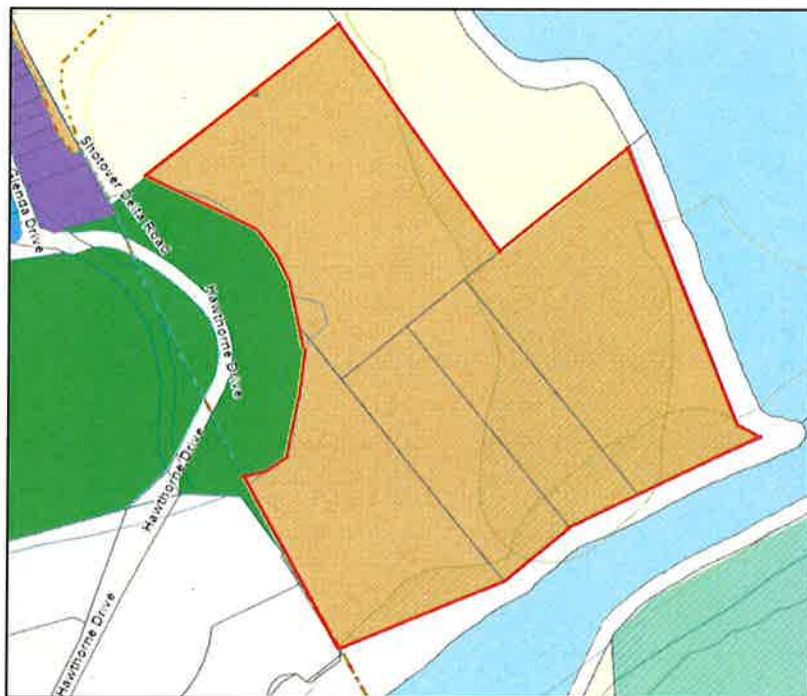
The subject area, outlined in solid red in the maps below, was originally zoned Rural as part of Stage 1 of the PDP (Figure 1).

The withdrawal will remove the Informal Recreation Zone (shown in brown in Figure 2 below) from the land set out in the legal description above. This zoning was applied as part of the Stage 2 variation to the PDP that introduced Open Space zones to reserves throughout the district that are owned or administered by Council.



Rural

Figure 1. Zoning notified in Stage 1 of the District Plan Review



Informal Recreation

Figure 2. Zoning notified through the Open Space Variation as part of Stage 2 of the District Plan Review

BACKGROUND

The Informal Recreation Zone was applied to this area as part of an across-the-board rezoning of hundreds of Council owned or administered parcels of land to various open space and recreation zones. The section 32 report for these changes does not itemise the work undertaken to determine the best fit zone for each of these areas. The rezonings were applied to sites captured through GIS analysis and there is no documented consideration of the implications of rezoning this specific land as an Informal Recreation Zone on file.

The Informal Recreation Zone is one of five different open space zones described in *Chapter 38. Open Space and Recreation Zones*. The Informal Recreation Zone has been applied generally to local parks, reserves and lake front area that are easily accessible and provide a basic informal recreation experience, including play opportunities (such as flat, kick around space) and areas for respite and relaxation. It is also intended to provide physical links to other areas (such as cycle ways or pedestrian access ways). The Informal Recreation Zone includes both small local parks and neighbourhood reserves, through to large open areas fronting the District's lakes. It also includes small reserves that provide visual relief from the built environment. The Informal Recreation Zone accommodates a number of facilities, including public toilets, children's playgrounds, public barbeques, public art, car parks, tracks and general park furniture.

ISSUE

Zoning the subject area Informal Recreation has unintentionally included privately operated land (outlined in red), which is currently used for purposes that are contrary to the purpose of the Informal Recreation zone. The Open Space zones are intended to only apply to Council administered reserves. This reserve was created for the purpose of enabling the continuation of the operation of the wastewater treatment plant. Council has no intention to manage this area as a public reserve and to produce a Reserve management Plan whilst this operation is in place.

DISCUSSION

Clause 8D of Schedule 1 of the Resource Management Act 1991 enables the withdrawal of parts of a Council initiated plan change. Pursuant to Clause 8D (1)(a), a withdrawal can occur at any time before the plan is approved by the local authority.

The effect of the withdrawal of the variation that introduced the Informal Recreation Zone would be that the Stage 1 PDP Rural Zone would apply. This is consistent with the surrounding zoning. The application of the Informal Recreation zone would restrict continued operation of the sewerage treatment plant.

Withdrawal will provide for the Rural Zone, to apply and better enable the ongoing operation and development of these operations and will also address the concerns from QAC that the Informal Recreation Zone could introduce activities that are incompatible with the operation of the airport through their sensitivity to air noise and development with high potential to attract birds that increase risks from bird strikes

RECOMMENDATION

That the variation to the district plan that proposed an Open Space Informal Recreation Zone, as part of Stage 2 of the District Plan Review, is withdrawn from Lot 2-3 DP 422388 and Section 143-144, 152 Block I Shotover Survey District, reverting it to the Rural Zone as determined through decisions on Stage 1 of the District Plan Review.

For completeness, it is noted that the withdrawal would update the PDP Stage 1 and 2 consolidated web mapping application. All PDP mapping is being undertaken within the application and updates are no longer being made to the PDF maps.

AUTHORISATION FOR WITHDRAWAL TO BE MADE TO THE PROPOSED DISTRICT PLAN PURSUANT TO CLAUSE 8D

By Council resolution, the General Manager of Planning and Development has been delegated authority to withdraw a proposed or operative policy statement or plan:

8D Withdrawal of a proposed policy statement and plans

(1) Where a local authority has initiated the preparation of a policy statement or plan, the local authority may withdraw its proposal to prepare, change, or vary the policy statement or plan at any time—

- (a) if an appeal has not been made to the Environment Court under clause 14, or the appeal has been withdrawn, before the policy statement or plan is approved by the local authority; or
- (b) if an appeal has been made to the Environment Court, before the Environment Court hearing commences.

(2) The local authority shall give public notice of any withdrawal under subclause (1), including the reasons for the withdrawal.

AUTHORISED BY:



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16/02/2021

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26/02/2021