

QLDC Council
29 September 2022

Report for Agenda Item | Rīpoata moto e Rāraki take [1]

Department: Planning & Development

Title | Taitara Queenstown Lakes District Council Corporate Submission

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to present the corporate submission made to the Variation on Landscape Schedule to the Proposed District Plan to correct an error.
- 2 This report seeks Council's retrospective approval of the submission's content. The submission was made by the Queenstown Lakes District Council on 2 September 2022 and was also lodged as a late submission.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report; and
2. **Approve** retrospectively the contents of submission to the Variation on Landscape Schedule.

Prepared by:



Alyson Hutton
Manager: Planning Policy
9/09/2022

Reviewed and Authorised by:



Tony Avery General Manager,
Planning & Development

21/07/2022

CONTEXT | HOROPAKI

- 3 The Queenstown Lakes District Council recently notified the Landscape Schedules Variation to its Proposed District Plan (PDP). The need for the corporate submission to this Variation is to enable the correction of a mistake in the original GIS mapping contained in the notification of the Priority Areas Landscape Schedules as it applies to the specific Shotover River ONF Landscape Area, at Arthurs Point.
- 4 The variation to Chapter 21 Rural Zone of the Proposed District Plan, is to introduce landscape schedules 21.22 and 21.23. These schedules set out the landscape values for twenty-nine Priority Area landscapes across the Wakatipu Basin and Upper Clutha.
- 5 The submission related to Landscape Schedule 21.22.3 Kimiākau (Shotover River) ONF.
- 6 As the Variation has already been publicly notified the only manner in which changes can be made is via submissions.
- 7 There have been concerns raised by the owners of the land (Gertrude Saddle and Larchmont Developments) as to the effect of the error, and as there is significant legal history with various parties over this area and the landscape provisions, it is considered that Council should be as fair and transparent as possible, thereby lodging a corporate submission.
- 8 The delegations register provides that the Planning and Strategy Committee has the delegation to make submissions on Council’s behalf, or a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning and Strategy Committee if there is insufficient time for the Planning & Strategy Committee to consider the submission.
- 9 The deadline for agenda items to be presented to the 8 September committee meeting was missed. The urgency for the lodging of this Corporate submission stemmed from the fact that the submission period for the Landscape Priorities Area Variation closed on 26 August 2022 (and so was already a late submission) and the concerns regarding providing for scope through planning process. Therefore the process provided for in the Delegations Register was utilised.

Sch 1 Cl 6(2) & 6A(3)	Authority to make submissions on Council's behalf	> Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee
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- 10 In order to lodge the corporate submission, the following Councillors endorsed the approach (via email):
 - Jim Boulton (Mayor)
 - Penny Clark (Chair Strategy & Planning)

- Calum MacLeod (Deputy Chair – Strategy & Planning)

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

10 Currently there are two PDP processes happening in tandem relating to landscape areas in the Arthurs Point area, being:

- (a) The re-notification of two Stage 1 PDP submissions in the Arthurs Point area, required as a result of an Environment Court decision; and
- (b) The notification of the Priority Areas Landscape Schedules Variation to PDP.

11 It is considered necessary to lodge a corporate submission (to the Priority Areas Landscape Schedules variation) to ensure that there is scope for the Independent Commissioners in that process, when making recommendations on submissions received, to correct the GIS mapping error that was made and to be able to consider the outcomes of the separate hearing process on the re-notified submissions which will have been completed. Process (a) seeks to define the boundary of the outstanding natural landscape, while process (b) seeks to articulate the values of the landscape.

12 The corporate submission being made is as follows:

The Priority Area as shown on 111 Atley Road (the property) requires amendment. The Priority Area as shown over the part of the property (refer Figure 1), should be removed. This part of the property is zoned Lower Density Suburban Residential and that is a settled zoning.

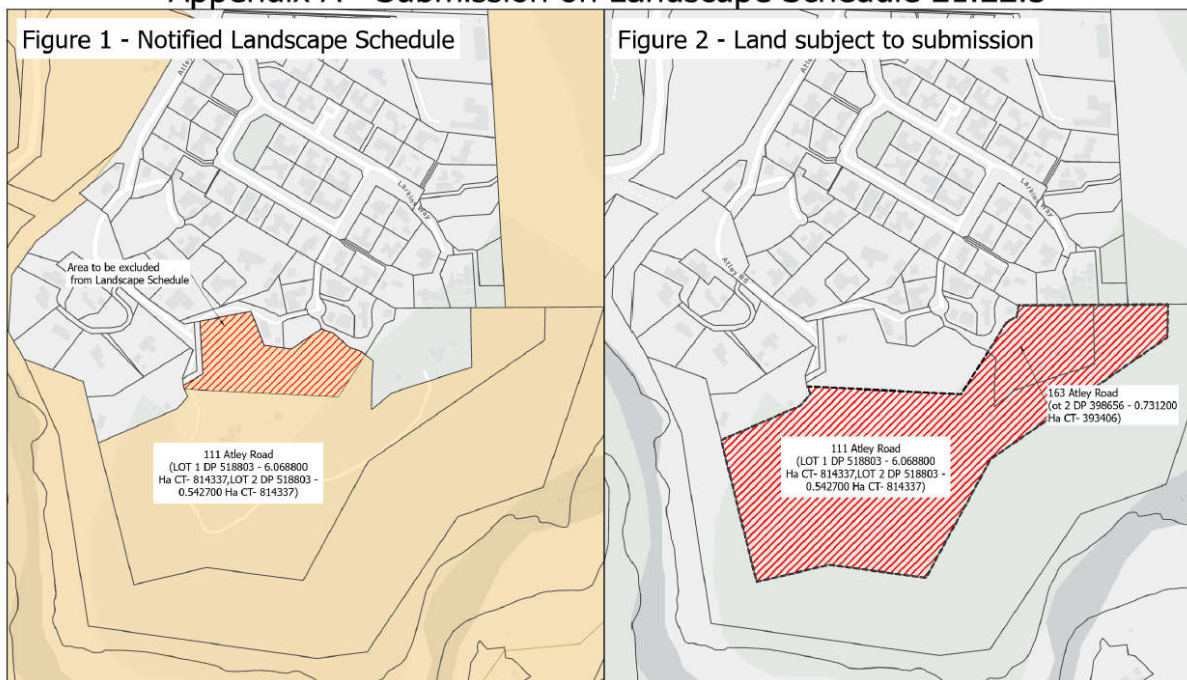
The application of the Priority Area over the rest of the property (refer Figure 2), depends on the outcome of the decisions that still need to be made on the renotified Gertrude Saddlery Ltd and Larchmont Developments Ltd Stage 1 PDP submissions. The Council was directed by the Environment Court to renotify these two submissions, which means that a fresh hearing on those submissions will occur later in 2022. One of the issues raised in those submissions is whether 111 Atley Road (the area shown in Figure 2) should be excluded from any Outstanding Natural Landscape (ONL) or Feature (ONF) boundary around the land in question. A small part of this part of the property, is not currently shown as having the PA apply to it.

The final boundary of the Priority Area, should align with, and is dependent on, the decision made on the renotified submissions.

This submissions seeks that that the part of the property shown in Figure 1 be excluded from the Priority Area mapping. The inclusion of this part of the property in the schedule is an error.

I seek that otherwise, the boundary of the Priority Area around 111 and 163 Atley Road(as shown in Figure 2), align with the final decision made on the renotified Gertrude Saddlery Ltd and Larchmont Developments Ltd Stage 1 PDP submissions

Appendix A - Submission on Landscape Schedule 21.22.3



13 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:

14 Option 1: to retrospectively agree the contents of the attached submission.

Advantages:

15 The submission will provide for scope to correct the mistake in the GIS mapping and ensure both resource management processes align.

Disadvantages:

16 Council has to make a corporate submission thereby making the decision making slightly more complicated i.e., it would be appropriate that any elected members stepped away from decision making on this particular submission. Given there will be at least 3 independent commissioners (to be confirmed) this should not pose a problem.

17 Option 2: to request the withdrawal of the attached submission from the PDP Variation process.

Advantages:

18 The submission will be withdrawn the Variation and Council will not be a submitter in the process. Submissions from others (if any) could be relied on to be correct the error.

Disadvantages:

- 19 There may be no ability to correct the error (as there may be no scope for this to be undertaken). There may not be an opportunity to ensure both landscape processes are aligned.
- 20 This report recommends Option 1 for addressing the matter to ensure that there is sufficient scope for the commissioners to correct the error and align both processes.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 21 This matter is of low significance, as determined by reference to the [Council's Significance and Engagement Policy](#). This advice deals with a matter of interest to a range of individuals, organisations, groups, and sectors in the community.
- 22 The persons who are affected by or interested in this matter are all residents and ratepayers of the Queenstown Lakes District communities. They all have had the opportunity to make submissions in this process.

> MĀORI CONSULTATION | IWI RŪNANGA

- 23 No specific Maori consultation was undertaken in drafting of the corporate submission.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 24 This matter relates to the Strategic/Political/Reputation. It is associated with RISK00038 within the [QLDC Risk Register](#). This risk has been assessed as having a low inherent risk rating.
- 25 The approval of the recommended option will support the Council by allowing us to avoid the risk. This shall be achieved by lodging a corporate submission to ensure that there is sufficient scope to correct a mistake.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 26 There are no financial implications.

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

- 27 The following Council policies, strategies and bylaws were considered:

- The QLDC Proposed District Plan

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

27 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:

- Can be implemented through current funding under the Ten Year Plan and Infrastructure Strategy;
- 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.

LINKS |

A	QLDC Corporate Submission to the Landscape Priority Areas.
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FORM 5: SUBMISSION

ON NOTIFIED PROPOSED DISTRICT PLAN OR PLAN CHANGE OR VARIATION OR POLICY STATEMENT



Clause 6 of Schedule 1, Resource Management Act 1991



TO // Queenstown Lakes District Council

Name of submitter [full name] Queenstown Lakes District Council

This is a submission on the following proposed policy statement (or on the following proposed plan or on a change proposed to the following policy statement or plan or on the following proposed variation to a proposed policy statement or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing policy statement or plan) (the **proposal**):



NAME OF // Proposed or existing policy statement or plan and (where applicable) change or variation

Landscape Schedules

I could / could not**

gain an advantage in trade competition through this submission.

*I am / am not**

~~directly affected by an effect of the subject matter of the submission:~~

~~(a) adversely affects the environment; and~~

~~(b) does not relate to trade competition or the effects of trade competition.~~

* Delete entire paragraph if you could not gain an advantage in trade competition through this submission.

** Select one.



SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:

[give details] Schedule 21.22.3 Kimitākau (Shotover River) ONF where the mapping extends into the Shotover loop covering 111 Atley Road (LOT 1 DP 518803 - 6.068800 Ha CT- 814337, LOT 2 DP 518803 - 0.542700 Ha CT- 814337) and 163 Atley Road (Lot 2 DP 398656 - 0.731200 Ha CT- 393406).



MY SUBMISSION

[Include: whether you support or oppose the specific provisions or wish to have them amended; and reasons for your view]

The Priority Area as shown on 111 Atley Road (the property) requires amendment. The Priority Area as shown over the part of the property (refer Figure 1), should be removed. This part of the property is zoned Lower Density Suburban Residential and that is a settled zoning.

The application of the Priority Area over the rest of the property (refer Figure 2), depends on the outcome of the decisions that still need to be made on the renitified Gertrude Saddlery Ltd and Larchmont Developments Ltd Stage 1 PDP submissions. The Council was directed by the Environment Court to renotify these two submissions, which means that a fresh hearing on those submissions will occur later in 2022. One of the issues raised in those submissions is whether 111 Atley Road (the area shown in Figure 2) should be excluded from any Outstanding Natural Landscape (ONL) or Feature (ONF) boundary around the land in question. A small part of this part of the property, is not currently shown as having the PA apply to it.

The final boundary of the Priority Area, should align with, and is dependent on, the decision made on the renitified submissions.

*If your submission relates to a proposed policy statement or plan prepared or changed using the collaborative planning process, you must indicate the following:

- > whether you consider that the proposed plan or policy statement or change fails to give effect to a consensus position and therefore how it should be modified; or
- > in the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan or policy statement should be modified.

* This paragraph may be deleted if the proposal is not subject to a collaborative planning process.



I SEEK THE FOLLOWING DECISION // From the local authority

[give precise details]

I seek that the part of the property shown in Figure 1 be excluded from the Priority Area mapping. The inclusion of this part of the property in the schedule is an error.

I seek that otherwise, the boundary of the Priority Area around 111 and 163 Atley Road(as shown in Figure 2), align with the final decision made on the renotified Gertrude Saddlery Ltd and Larchmont Developments Ltd Stage 1 PDP submissions

Please refer to the Appendix A included in this submission package for the mapping sought.

*I wish / do not wish** to be heard in support of my submission.

I will / will not** consider presenting a joint case with others presenting similar submissions.

* In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.

** Select one.

SIGNATURE

**Signature

[or person authorised to sign on behalf of submitter]

Date 2 September 2022

** A signature is not required if you make your submission by electronic means.

YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Electronic address for service of submitter [email] Jennifer.fraser@qldc.govt.nz

Telephone [work] 4410499

[home]

[mobile]

Postal Address

[or alternative method of service under section 352 of the Act]

Post code

Contact person [name and designation, if applicable] Jennifer Fraser - Manager Policy

NOTE // To person making submission

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- > it is frivolous or vexatious:
- > it discloses no reasonable or relevant case:
- > it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- > it contains offensive language:
- > it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.



Appendix A - Submission on Landscape Schedule

Figure 1 - Notified Landscape Schedule

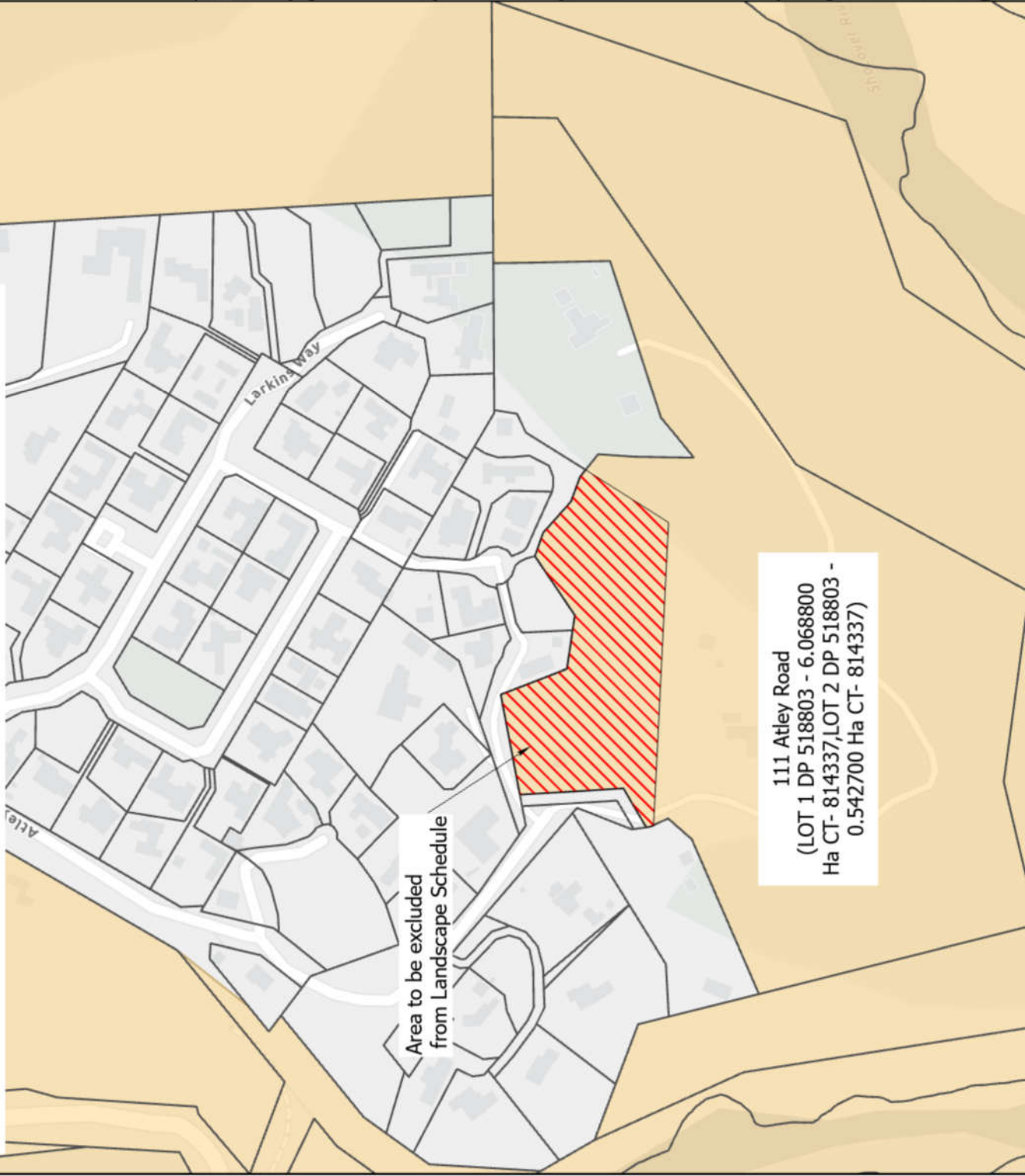


Figure 2 - Land subject



Submitter Number:	494	Submitter:	Gertrude Saddlery Limited (Successor of Submitter #494 Michael Swan)
Summary of Submission	<p>Submitter owns the land at 111 Atley Road, Arthurs Point, Queenstown, as shown on the map attached to the submission (Appendix 1) (being Lot 1 DP 518803 (RT 814337)).</p> <p>Requests that council:</p> <ul style="list-style-type: none">• Rezone the area of land shown on the map, as attached to submission 494, from Rural zone to Low Density Residential Zone.• Relocate the Urban Growth Boundary to include the area of land shown on the map as attached to submission 494, so that it includes all of the Low Density Residential Zone within the UGB. The balance of the land is to remain as Rural Zone and outside the UGB.• In addition to the relief expressly sought, the submission implicitly seeks to exclude the land sought for rezoning from any outstanding natural landscape or feature, by drawing a brown dashed line indicating an outstanding natural landscape or feature boundary around the land shown on the map/comprised in Lot 1 DP 518803 (RT 814337).		

Submitter Number:	527	Submitter:	Larchmont Developments Limited
Summary of Submission	<p>Amend Map 39 (<i>please note that individual maps have been superseded by the District Plan web mapping application</i>) as follows;</p> <ul style="list-style-type: none">• Rezone the area of land shown on the map, as attached to the submission, from Rural zone to Low Density Residential• Relocate the Urban Growth Boundary to include the area of land shown on the map, as attached to the submission.• In addition to the relief expressly sought, the submission implicitly seeks to exclude the land shown on the map, as attached to the submission, from any outstanding natural landscape or feature, by drawing a brown dashed line indicating an outstanding natural landscape or feature boundary around the land shown on the map/comprised in Lot 1 DP 518803 (RT 814337) and Lot 2 DP 398656 (RT 393406).		

Submitter Number:	494	Submitter:	Gertrude Saddlery Limited (Successor of Submitter #494 Michael Swan)
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Submitter Number:	527	Submitter:	Larchmont Developments Limited
Summary of Submission	<p>Amend Map 39 (<i>please note that individual maps have been superseded by the District Plan web mapping application</i>) as follows;</p> <ul style="list-style-type: none">• Rezone the area of land shown on the map, as attached to the submission, from Rural zone to Low Density Residential• Relocate the Urban Growth Boundary to include the area of land shown on the map, as attached to the submission.• In addition to the relief expressly sought, the submission implicitly seeks to exclude the land shown on the map, as attached to the submission, from any outstanding natural landscape or feature, by drawing a brown dashed line indicating an outstanding natural landscape or feature boundary around the land shown on the map/comprised in Lot 1 DP 518803 (RT 814337) and Lot 2 DP 398656 (RT 393406).		