

Amy Bowbyes

From: Margaret Ferguson <Margaret.Ferguson@tami.maori.nz>
Sent: Wednesday, 22 March 2023 9:36 AM
To: EJ Matthee; Amy Bowbyes
Cc: Michael Bathgate; Rebecca Blyth
Subject: QLDC - Plan Chnge - Policy 5 of the National Policy Statement on Urban Development
Attachments: Mapping recommendations.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Kia ora koutou,

Ngāi Tahu ki Murihiku comments to the proposed Plan Change to the Queenstown Lakes District Plan – Policy 5 of the National Policy Statement on Urban Development

Pursuant to Schedule 1, Clause 4A of the Resource Management Act 1991, Te Ao Marama (TAMI) on behalf of Ngāi Tahu ki Murihiku (therein referred to as Mana Whenua), provide the following comments to the proposed Queenstown Lakes District Plan (PDP) plan change required by Policy 5 of the National Policy Statement on Urban Development (NPS-UD).

Background -

Mana whenua understands the proposed plan change involves –

- Changes to the extent of the PDP Lower Density Suburban Residential Zone (LDSRZ)
- Changes to the extent of the PDP Medium Density Residential Zone (MDRZ)
- Changes to the extent of the PDP High Density Residential Zone (HDRZ)
- Changes to the PDP maps as shown on the attached 'Mapping Recommendations'

The proposed changes promote heights and density of urban form that is commensurate with a level of accessibility to;

- existing and planned active or public transport,
- a range of commercial activities or community services or relative demand for housing and business use in that location.

In essence, the promotion of intensive development where there is infrastructure available to support the growth including (but not limited to) public transport and services, employment opportunities and public amenities.

Relevant Ngāi tahu ki Murihiku Plans and documents –

We note and advise that '*Te Tangi a Tauira - Iwi Management Plan*' outlines mana whenua policies relating to sustainable development and environmental management. Te Tangi a Tauira is to be considered across all elements of any plan change. Noted issues of interest to mana whenua (and addressed within Te Tangi a Tauira) which are of relevance in this instance are climate change and the provision of infrastructure for wai (water), stormwater and wastewater disposal.

'*Ngāi Tāhū o te Whāriki – Anchoring the Foundation*' is the Ngāi Tāhū Climate Change Strategy.

QLDC Spatial Strategy contains Ngāi Tāhū values. Mana whenua requests that any plan change aligns with the outcomes detailed within the QLDC Spatial Strategy.

Proposed Amendments -

2.1 Definitions

No amendments requested to the proposed changes.

4 Urban Development

No amendments requested to the proposed changes.

7 Lower Density Suburban Residential

7.4.8.j. – include infrastructure capacity as a matter of discretion.

Reason: in general mana whenua do hold concerns around intensive development and its impact on existing and future infrastructure. This is because of the pressure on the environment from infrastructure at capacity if it is breached. Therefore, we consider that a matter for discretion as to whether a development can proceed or not is to assess the development within the carrying capacity of the existing infrastructure. It is not enough to just assess level of servicing, but to maintain a threshold that cannot be exceeded.

8 Medium Density Residential

8.4.10j – include infrastructure capacity as a matter of discretion.

Reason: as above for 7.4.8j

9 High Density Residential

No amendments requested to the proposed changes.

12 Queenstown Town Centre

No amendments requested to the proposed changes.

13 Wānaka Town Centre

No amendments requested to the proposed changes.

15 Local Shopping Centre Zone

No amendments requested to the proposed changes.

16 Business Mixed Use

No amendments requested to the proposed changes.

27 Subdivision and Development

No amendments requested to the proposed changes.

Ngā mihi

Margaret Ferguson

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Memo

To:	Full Council
From:	Elias Matthee
Date:	Thursday, 10 August 2023
cc:	Amy Bowbyes
Subject:	Feedback from Iwi Authorities: cl4 consultation on Intensification at Lake Hāwea South

Purpose

1. The attached (attachment 1) written feedback was received from Iwi authorities regarding the proposed inclusion of Lake Hāwea South in the Urban Intensification Variation on Tuesday 2 August 2023.
2. Clause 4A(1)(b) of Schedule 1 RMA requires Council to have particular regard to any advice received from Iwi authorities on a draft proposed plan variation.

Summary of Iwi feedback

3. In this instance the noted matters of interest to Mana Whenua is around intensive development and the impact on existing and future infrastructure and specifically relating to the capacity of the Hāwea Wastewater Treatment Plant being reached and proposed solutions to pipe wastewater to Project Pure treatment facilities.
4. Mana Whenua has concern for the impact on Te Taiao (the environment) from infrastructure at capacity, if it is breached, and consider that a matter for discretion as to whether a development can proceed or not is to assess the development to ensure its required capacity is within the carrying capacity of the existing and future infrastructure. They consider that is not enough to just assess level of servicing, but to maintain a threshold that cannot be exceeded.
5. In regard to the piping of wastewater to Project Pure, Mana Whenua has concerns relating to the risks associated with the conveyance of wastewater by pipe over two highly important awa (Hāwea River and the Mata-au/Clutha) and states that they would struggle to support a situation that would lead to the need for upsizing the existing Cardrona River wastewater pipe that runs underneath the river.

Background

Infrastructure delivery

6. Intensification will over time place additional demand on the three waters infrastructure which has not been accounted for in the current Long Term Plan, and this will mean that planned upgrades may need to occur sooner than anticipated or infrastructure will reach

capacity sooner than expected. This is also the case for the Lake Hāwea South land as explained by the Council's infrastructure engineer, Mr Powell in the attached memo (attachment 2). As the majority of this land has been included in the Spatial Plan as future Urban and it is now zoned Urban, infrastructure would need to be provided for (as needed) in future long term plans. It is also worth noting that with higher densities enabled, infrastructure investment and upgrades per capita are considered likely to be more viable and feasible in the long term when compared with infrastructure investments to serve further urban expansion in other undeveloped areas.

National Policy Statement on Urban Development (NPS-UD)

7. For context it is important to highlight that the NPS-UD requires:
 - Integration of land use planning and infrastructure planning;
 - That the objective of each zone describes the development outcomes anticipated for the zone and that the policies and rules in its district plan are individually and cumulatively consistent with the development outcomes described in the objectives for each zone; and
 - That Councils provide sufficient development capacity for both standalone dwellings and attached dwellings in the district in the short, medium and long term.
8. The inclusion of the Lake Hāwea South land in the Urban Intensification Variation will help address identified issues with the current provisions in enabling developments to achieve the objectives or development outcomes intended for the zones. It is considered likely that this will also provide more opportunity to address the long-term capacity shortfall in the attached /terrace and apartment housing typologies both within the Low Substitution Demand Scenario and the High Substitution Demand Scenario in the Wānaka/Hāwea reporting area¹.

Queenstown Lakes Spatial Plan (2021)

9. The Spatial Plan (2021) has been adopted by Council and was formulated by the Whairoa Grow Well Partnership, which includes Mana Whenua. The Spatial Plan identifies part of the Lake Hāwea South land as future urban and the land has subsequently been zoned urban.
10. The Spatial Plan seeks to provide for growth and intensification predominantly within existing urban areas through promotion of a compact urban form. It is considered that this will contribute to a well-functioning urban environment that reduces the demand for greenfield development and its adverse effects upon sensitive environments, landscape values and productive land supply as well as the inefficient expansion of infrastructure.
11. Intensification of the Lake Hāwea South land will align with Priority Initiative 1 of the Spatial Plan which sought a review of zoning and other levers to enable higher densities and more flexible use of land within the existing and new urban areas.

Consideration of Iwi feedback

Impact on existing and future infrastructure & Capacities

¹ Market Economics Memo - Incorporating Lake Hawea South in Baseline Scenario and Preferred Intensification Option, page 11, dated 10 July 2023

12. The first matter raised is in line with the Mana Whenua's principal feedback on the Urban Intensification Variation. It is considered that the inclusion of the proposed matter of discretion ('capacity of existing or planned infrastructure/servicing') within the LDSR, MDRZ and HDRZ for intensification, specifically require the consideration of the carrying capacity of the existing and future infrastructure. Development would not be able to obtain land use consent for intensification if there is no carrying capacity to service the proposed development.
13. There are also existing provisions in the subdivision chapter of the Proposed District Plan (PDP) that requires the consideration of the carrying capacities. Policy 27.2.5.10 specifically requires that the water supply shall have regard to the availability and security of supply. For wastewater, Policy 27.2.5.14 requires proposals to ensure appropriate sewage treatment and disposal by having regard to: the capacity of, and impacts on, the existing reticulated sewage treatment and disposal system; and the location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system. Policy 27.2.5.15 then also requires proposals to ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.
14. Assessment matters in the subdivision chapter of the PDP also require that services are to be provided in accordance with Council's Code of Practice for Subdivision, which specifically directs designers to consider not only capacity for the proposed developments, but also the required capacity needed for future developments enabled by the district plan zoning to be included in capacity calculations.
15. Development would therefore not be able to obtain subdivision consent if there is no carrying capacity to service the proposed development. It is also noted that the Council will also have to obtain Resource consents and comply with the Code of Practice and best practice should they lead infrastructure upgrades to service development.

Capacity of the Hāwea Wastewater Treatment Plant and proposed solutions

16. Mana Whenua raised specific concern in relation to the capacity of the Hāwea Wastewater Treatment Plant and the proposed solutions to pipe wastewater to Project Pure treatment facilities and the associated risk of conveying wastewater over and under awa (rivers).
17. To clarify, work to pipe wastewater from Lake Hāwea to Project Pure treatment facilities in Wānaka via Albert Town is currently underway. This is in response to Hāwea's wastewater treatment plant being at capacity and this project is to facilitate further growth in Hāwea. Mana Whenua has been consulted on this project and is involved through the project implementation. The project is known as the Upper Clutha Wastewater Conveyance Scheme (project) and is a pipeline being constructed mainly in the berm of Camp Hill Road or State Highway 6 (SH6). The alignment does involve the pipeline crossing over the Mata-Au River and Hāwea River by attaching the pipe to existing bridges, and under the Ōrau/Cardrona River by connecting the pipe to a previously installed empty section of pipe. It doesn't require any new structures to be built over awa.

18. The infrastructure team has advised that additional mitigations are incorporated into the design at crossings to direct wastewater to a less sensitive environment in the unlikely event of an overflow/failure, and the alignment provides for crews to rapidly respond if the need arises (no need to cross private land etc.).
19. Should intensification of the Lake Hāwea South land create the need to upgrade the pipeline, it is unlikely to increase the risk associated with conveyance of wastewater over the awa, over and above the existing situation. As explained above, the pipes are proposed to be attached to existing bridges with no new structures needed and additional mitigations are incorporated in the design. If the pipeline would need to be upgrade, it is anticipated that it can be delivered in a similar manner and should this not be the case, any alternative piping solution would be subject to further consultation with Iwi.
20. At this stage it is uncertain whether potential upgrades to the existing infrastructure from Albert Town to Project Pure and/or the pipe under the Ōrau/Cardrona River, would be needed. However, any upgrades outside of the scope of the original works would be subject to consultation with Mana Whenua.

It is also noted that a business case would need to be developed for further upgrades and the Council would need to consider options to fund it. In practice, decisions on specific infrastructure solutions will be determined in the future based on demand. There are infrastructure solutions available to service the capacity enabled by the proposal. These solutions may include upgrades to the pipeline but could also include maintaining and potentially also upgrading the existing Hāwea wastewater treatment plant.

Advice and Recommendation

21. Particular regard has been given to the concerns raised by Mana Whenua. The existing and proposed provisions would ensure that subdivision and/ or development will not be able to proceed if infrastructure capacity is not available. Concerns around how future development is serviced is valid, however it does not inhibit applying intensification provisions to the Lake Hāwea South land. Since there are options available to service intensification of the Lake Hāwea South land and potential future solutions will be subject to resource consents and further consultation with iwi, there are no absolute infrastructure constraints that could be considered as a constraint (“qualifying matter”) to intensification.
22. It is also relevant to highlight, that the majority of this land has been identified in the existing Spatial Plan (2021)(developed in partnership with Mana Whenua) for future urban development; that the Spatial Plan prioritises intensification of existing urban areas; and that the inclusion of the land would help give effect to the three NPS-UD requirements outlined in paragraph 7 above.
23. As the plan variation is recommended to be notified via Schedule 1 of the RMA, Iwi authorities will have the opportunity to submit and participate in a Council hearing and any subsequent appeal process. If Iwi consider that their concerns have not been satisfactorily addressed by

this memo, there would be the opportunity to consider those concerns in more detail through the hearing process.

24. In conclusion it is not considered that the Clause 4 feedback received from Iwi raise insurmountable impediments to including the Lake Hāwea South land in the Urban Intensification variation as recommended.

Amy Bowbyes

From: Margaret Ferguson <Margaret.Ferguson@tami.maori.nz>
Sent: Wednesday, 2 August 2023 2:01 PM
To: Amy Bowbyes; EJ Matthee
Cc: Michael Bathgate; Rebecca Blyth
Subject: Urban Intensification Variation to the Queenstown Lakes District Plan – Policy 5 of the National Policy Statement on Urban Development
Attachments: Consent Order - Lake Hāwea South land - 29 May 2023.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Kia ora koutou,

Ngāi Tahu ki Murihiku and Kāi Tahu ki Otago comments to the proposed inclusion of Lake Hāwea South into the Urban Intensification Variation to the Queenstown Lakes District Plan – Policy 5 of the National Policy Statement on Urban Development

Pursuant to Schedule 1, Clause 4A of the Resource Management Act 1991, Te Ao Marama (TAMI) on behalf of Ngāi Tahu ki Murihiku and Aukaha on behalf of Kāi Tahu ki Otago (therein referred collectively as Mana Whenua), provide the following comments to the proposed inclusion of Lake Hāwea South into the Urban Intensification Variation to the Queenstown Lakes District Plan – Policy 5 of the National Policy Statement on Urban Development (NPS-UD).

Background -

Mana whenua understands the proposal involves –

- The inclusion of land subject to Environment Court consent order [2023] NZEnv 110 (attached to this email), referred to in the Urban Intensification Variation plan change as Lake Hāwea South.
- The consent order amends the zoning of the Lake Hāwea South land to include:
 - o Lower Density Suburban Residential Zone (LDSRZ), Medium Density Residential Zone (MDRZ), Local Shopping Zone (LSZ) and Information Recreation Zone.
 - o A structure plan and associated changes to the subdivision chapter as well as bespoke rules.
- The consent order land is now also subject to the NPS-UD and therefore it has been decided to incorporate it into the existing Urban Intensification Variation Plan Change.
- Changes as described in the Urban Intensification Variation Plan Change to the extent of the PDP Lower Density Suburban Residential Zone (LDSRZ)
- Changes as described in the Urban Intensification Variation Plan Change to the extent of the PDP Medium Density Residential Zone (MDRZ)
- Bespoke rules relating to the building height for the Local Shopping Centre zone located within the consent order land (Lake Hāwea South).
- Changes to the PDP maps as shown in the diagrams below to reflect inclusion of consent order land (Lake Hāwea South):

1. As a consequence of an Environment Court Consent Order, Lake Hāwea South is now zoned Lower Density Suburban Residential Zone, Medium Density Residential Zone, Local Shopping Centre Zone, and Informal Recreation as shown in Figure 1 below.

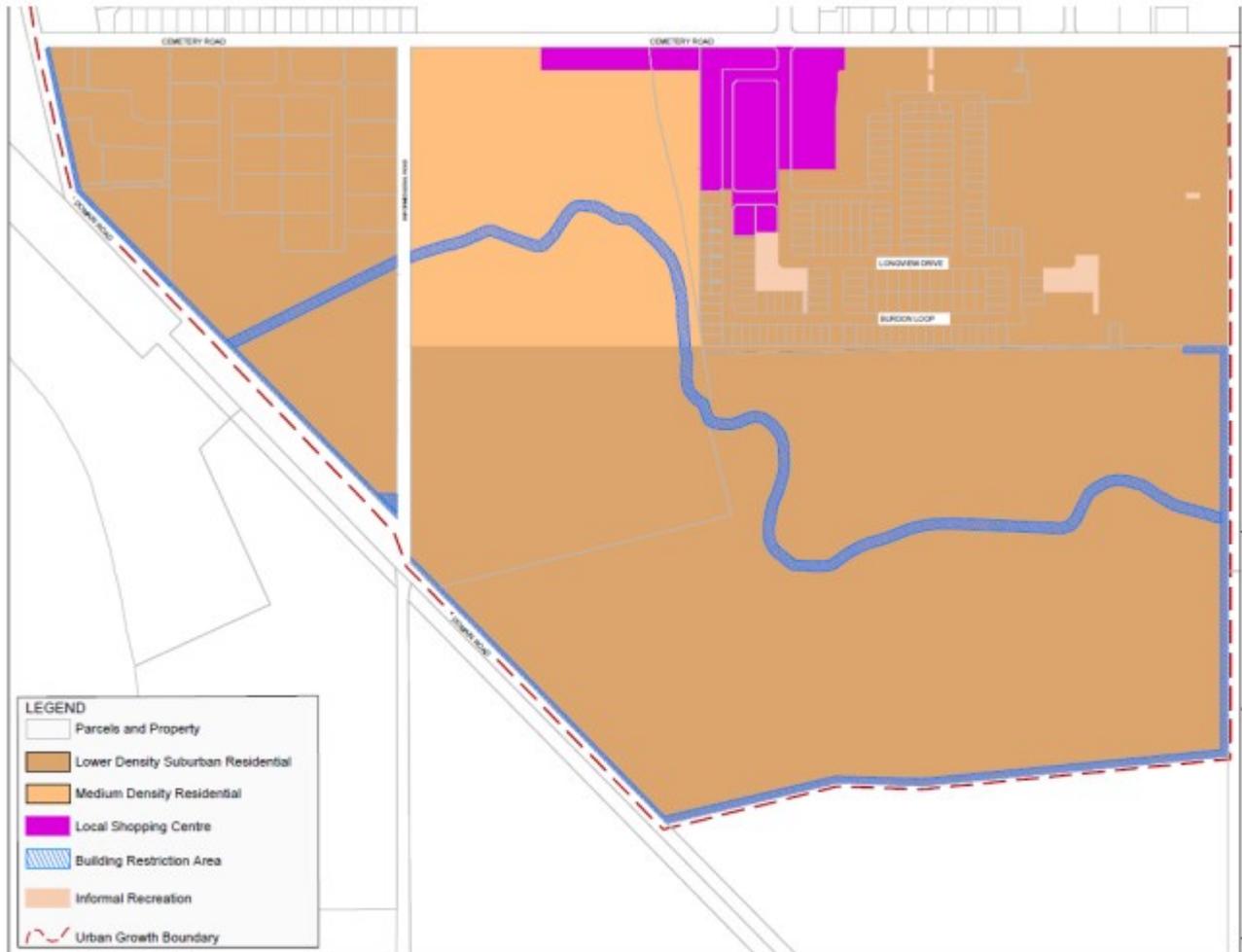


Figure 1: PDP zoning of Lake Hāwea South.

2. The Proposed District Plan (**PDP**) now also includes a structure plan for this land which shows the location of key roads and street connections, recreation & stormwater reserves, pedestrian & cycleways, and building restriction areas, as shown in Figure 2 below:

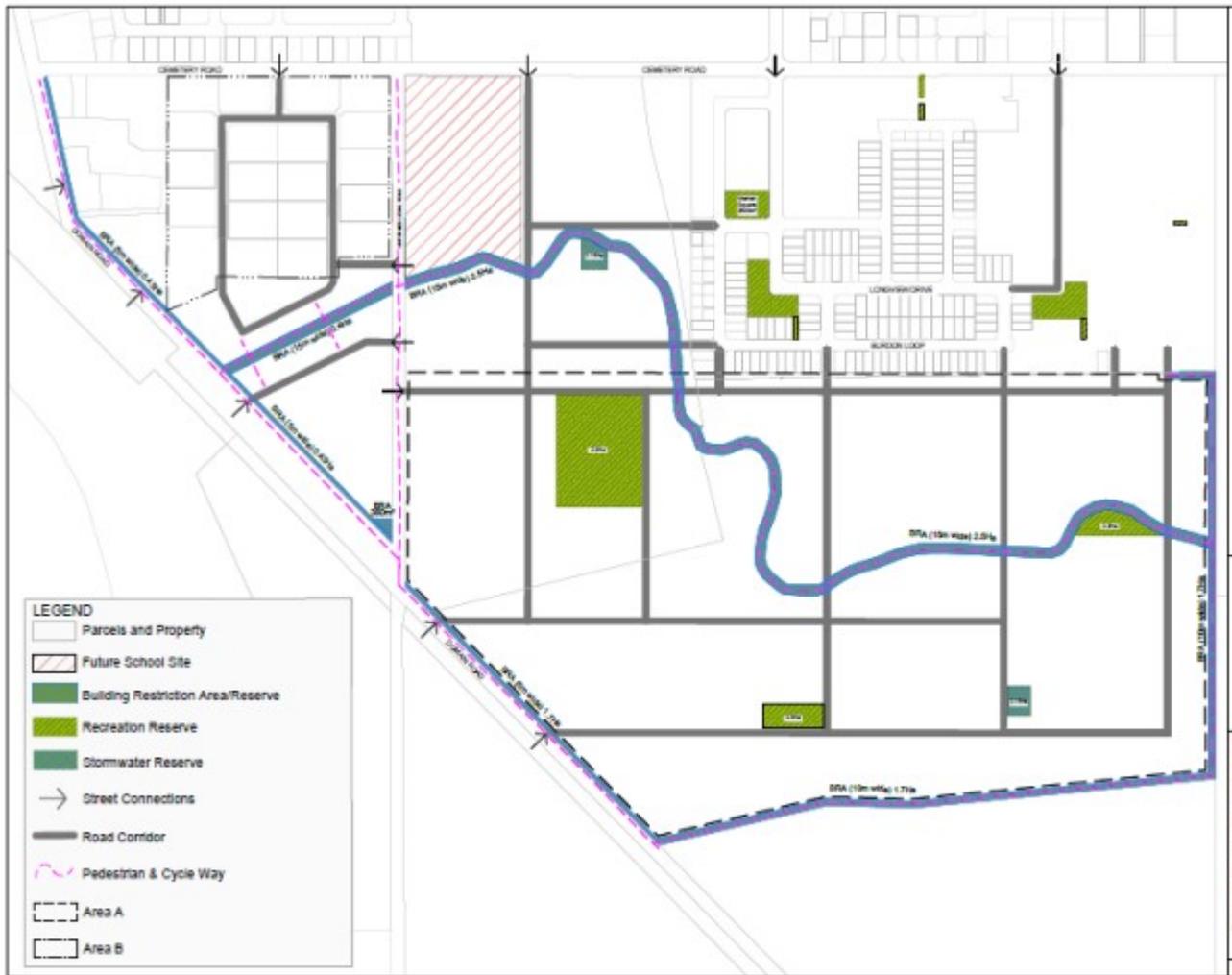


Figure 2: Lake Hāwea South Structure Plan (Included in the Subdivision & Development Chapter of the PDP at 27.13.19)

In summary the above proposed changes promote heights and density of urban form that is commensurate with a level of accessibility to:

- existing and planned active or public transport,
- a range of commercial activities or community services or relative demand for housing and business use in that location.

In essence, the promotion of intensive development where there is infrastructure available to support the growth including (but not limited to) public transport and services, employment opportunities and public amenities.

Relevant Iwi Plans and documents –

We note and advise that ‘Te Tangi a Tauria - Iwi Management Plan 2008’ and ‘Kāi Tahu ki Otago – Natural Resource Management Plan 2005’ outline mana whenua policies relating to sustainable development and environmental management. Both Te Tangi a Tauria and Kāi Tahu ki Otago are to be considered across all elements of any plan change. Noted issues of interest to mana whenua (and addressed within Te Tangi a Tauria and Kāi Tahu Ki Otago NRMP) which are of relevance in this instance are climate change and the provision of infrastructure for wai (water), stormwater and wastewater disposal.

‘Ngāi Tāhū o te Whāriki – Anchoring the Foundation’ is the Ngāi Tāhū Climate Change Strategy.

QLDC Spatial Strategy contains Ngāi Tāhū values. Mana whenua requests that any plan change aligns with the outcomes detailed within the QLDC Spatial Strategy.

Comment -

In general mana whenua do hold concerns around intensive development and its impact on existing and future infrastructure. In this instance, given there is already a significant strain anticipated on infrastructure from the proposed Urban Intensification Variation plan change, mana whenua seek clarification as to how the additional requirements which will be placed on infrastructure are to be accommodated. At the heart of the matter is Mana whenua concern for the impact on Te Taiao (the environment) from infrastructure at capacity if it is breached. Therefore, we consider that a matter for discretion as to whether a development can proceed or not is to assess the development within the carrying capacity of the existing and future infrastructure. It is not enough to just assess level of servicing, but to maintain a threshold that cannot be exceeded.

Further, mana whenua hold specific concerns relating to the capacity of the Hāwea Wastewater Treatment Plant being reached, and proposed solutions to pipe wastewater to Project Pure treatment facilities. These concerns relate in part to the risks associated with the conveyance of wastewater by pipe over two highly important awa, being the Hāwea River and the Mata-au/Clutha. In addition, it is the understanding of mana whenua that the Hāwea wastewater upgrade solution would not involve any enlargement, replacement or disturbance otherwise of the existing pipe under the Ōrau/Cardrona River. Mana whenua would struggle to support a situation where intensification of the Lake Hāwea South land leads to the need for upgrade works involving the existing Cardrona River wastewater pipe.

Mana whenua are overall supportive of spatial planning.

Mana whenua are neutral to a bespoke maximum building height of 12m within the Lake Hāwea South Local Shopping Centre zone.

Ngā mihi

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Memo

To:	EJ Matthee
From:	Richard Powell
Date:	Tuesday, 8 August 2023
cc:	
Subject:	Lake Hāwea South - Urban Intensification Variation

Introduction:

I have been asked to consider the effects on the 3 waters infrastructure should the current urban area known as Hawea South be subject to further intensification.

The existing number of potential dwellings for the current urban area and the wider Hawea township is 6100-6300 the potential further intensification would increase this to 7300-7400 therefore the below assessment is based on what effects this increase will have on the existing and planned 3 waters infrastructure.

Wastewater:

The limiting factor when it comes to Hawea's wastewater is the current wastewater treatment plant, this is already at capacity and cannot take any further demand from development outside the current wastewater scheme boundary.

To account for future growth within Hawea, based on the current potential development within the urban area, there is a project to pipe wastewater from Hawea to Albert Town and then utilising existing infrastructure to take it to Wanaka's wastewater treatment plant (project pure). This solution has been chosen through a business case process.

If further intensification is allowed we would likely need to revisit the business case to see if piping to Albert Town and then on to Project Pure is still the appropriate solution, and if it is we would need to understand what effect this would have on sizing that infrastructure.

For example while we might be able to increase the pipe to Albert Town we would need to understand if the existing infrastructure (from Albert Town to Project Pure) has enough capacity for the increased demand, having to upgrade the existing infrastructure is not part of the current project or budgeted for.

Funding for the project to pipe wastewater from Hawea to Albert Town has come from Central Government via Kianga Ora through the Infrastructure Acceleration Fund (IAF), if an effect of this further intensification is scaling up of the existing solution further funding would be required.

Water supply:

The existing water supply infrastructure and the way it is configured will hit its capacity limit long before even the current urban area is fully developed as such investigations into a different or expanded configuration of the water supply network is already planned to be undertaken in the coming years.

As the investigation into how Hawea will be adequately serviced in the future is yet to be undertaken there is still the ability to influence that investigation with increased numbers if the further intensification is realised.

Stormwater:

The proposed further intensification of Hawea South would not alter the approach for dealing with stormwater from development of this area, each development or stage of development would need to meet the requirements of the QLDC Subdivision and Land Development Code of Practice with regard to stormwater disposal.

The development of this area will not rely on any existing stormwater infrastructure therefore any new stormwater infrastructure will need to be sized adequately for the stormwater generated from the development.