

**Planning & Strategy Committee
21 April 2017**

Minutes of a meeting of the Planning & Strategy Committee held on Friday 21 April 2017 in Council Chambers, 10 Gorge Road, Queenstown commencing at 10.30am.

Present

Councillor Hill (Chair), Councillors Lawton, MacDonald and McRobie.

In Attendance

Mr Tony Avery (General Manager Planning & Strategy), Mr Ian Bayliss (Planning Policy Manager), Ms Shelley Dawson (Senior Governance Advisor) and 1 member of the media and 9 members of the public.

The Chair thanked Councillor Lawton for her contributions to Planning and Development during her time as a Councillor. He noted that she had been a valuable member of Council and he had enjoyed working with her.

Apologies

An apology for lateness was received from Councillor Miller.

**On the motion of Councillors Hill and Lawton it
was resolved that the apology be accepted.**

Declaration of Conflicts of Interest

No conflicts were declared.

Matters Lying on the Table

There were no matters on the table.

Public Forum

Warwick Goldsmith

Mr Goldsmith commented that he spoke for and on behalf of a number of planners and their clients who had lodged submissions to the Proposed District Plan. He spoke on behalf of his clients at Anderson Lloyd, for Ben Farrell on behalf of JEA & Associates, for Chris Ferguson on behalf of Boffa Miskell, for Amy Wilson-White on behalf of Brown & Company, for Ian Gordon representing Millbrook Country Club Ltd and for Graeme Todd representing a number of submitters. He talked to *Item 1: Proposed District Plan Review Stage 2*.

Mr Goldsmith commented that they were concerned that the agenda item signalled an intention to delay releasing any decisions on the Proposed District

Plan until the review was complete in 2019. He noted that this was causing great concern amongst the planning fraternity.

Mr Goldsmith read from a report to Council dated 30 July 2015 and noted one of the recommendations was to agree that Stage 2 of the District Plan review not be further advanced until hearings for Stage 1 have been completed. He also noted a sentence in the report explaining that focus was required on Stage 1 and the desire to have it complete through to the issue of the commissioners' decision. Mr Goldsmith commented that it will take at least three years to complete all of the hearings therefore it would be 2019 or 2020 before any decisions were released. In 2015 he was told that Stage 1 would be completed through to the decisions and he had told his clients that and that was what they were expecting.

Mr Goldsmith commented that Schedule 1 of the Resource Management Act required a Local Authority to give a decision on the District Plan no less than 2 years after notifying it. He noted that he was concerned about the legality and the reasons given in the report to delay the decisions.

Councillor Miller joined the meeting at 10.37am.

Mr Goldsmith commented that his clients had invested a significant amount of money, some into the millions on the hearings. He noted that all provisions in the proposed plan were dependent on the Stage 1 decisions adding that the changes Council put into the proposed plan to address housing issues would not become operative if decisions were delayed until 2019.

Maree Baker-Galloway

Ms Baker-Galloway commented that she worked for Anderson Lloyd and acted for a range of clients but was also speaking on behalf of the planning fraternity. She noted that she was speaking to the reasons given as to why the decision should be delayed. Ms Baker-Galloway commented that the reports point that releasing a decision on Stage 1 now was unfair to participants was incorrect. She commented that clients had invested a large amount of money and had entered Stage 1 on the understanding that a decision would be made this year. Ms Baker-Galloway commented on the reports view of the risk of getting the plan wrong noting that if consequential issues were discovered through Stages 2 to 5 these could only be fixed through a variation not the decision.

Ms Baker-Galloway noted that the comment in the report that the plan could not be used throughout the appeal period was incorrect. She explained that as soon as the decision on Stage 1 was issued the rules would have effect even if they were under appeal. Not issuing a decision on Stage 1 would cause confusion and could also cause a possible avalanche of appeals to the Environment Court when all decisions were finally released. This could potentially create a delay due to the lack of resources to deal with the volume of appeals

Confirmation of Agenda

The agenda was confirmed without addition or alteration.

Confirmation of Minutes

On the motion of Councillors Miller and MacDonald it was resolved that the minutes of the Planning & Strategy Committee held on 16 March 2017 be accepted.

Councillors Lawton and McRobie abstained

1. Proposed District Plan Review Stage 2

Consideration was given to a report that provided an update on the review of the Proposed District Plan and outlined the proposed components and timing of the next stages of the review. Mr Bayliss and Mr Avery talked to this report.

Mr Bayliss thanked the speakers in public forum for their useful views. He noted that the report was asking for a decision on the timeline for notification and hearings for the next stages of the review. Mr Bayliss commented that he thought it was timely to seek further legal advice about when the Proposed District Plan decisions should be released. He explained that the point in the Council report referred to by Mr Goldsmith was to complete Stage 1 through to hearings and issue of the Commissioners decision. Mr Bayliss commented that this was not the same as the issue of Council's decision though he did acknowledge that people were seeking certainty around the decision. He noted that there was no sanction on Council if they did not issue their decision by the 2 year timeframe noting that this was always a huge challenge for Councils.

There was discussion on public comments that releasing decisions now was better for those involved in the process. It was explained that releasing decisions in stages could be efficient for the Environment Court but it may not be for QLDC and practitioners. Mr Bayliss reiterated that the recommendations were about the notification and hearings of the next stages of the review not about releasing decisions.

Mr Avery suggested getting legal advice on releasing decisions and for a report to the next Committee meeting outlining the options available. The Chair suggested a forum with the key RMA consultants and lawyers be held as well to help inform the report. There was a question if there was adequate funding for the rest of the review. Mr Avery noted that there was sufficient budget however resourcing was an issue as planners were in demand across the country. It was noted that on page 9 paragraph 1 bullet point 3 it should read 'Stages 2-5 processes'.

On the motion of Councillors McRobie and MacDonald it was resolved that the Planning & Strategy Committee:

- 1. Note the contents of this report and in particular;**

2. **Confirm the proposed timeline for notification and hearings for future Stages 2 - 5 of the Operative District Plan Review between July 2017 and December 2018**
3. **Confirm the provisions recommended to be notified:**
 - a. **Stage 2 (including transport, open space, earthworks and Wakatipu Basin) notification in July 2017.**
 - b. **Stage 3 (including affordable and community housing and visitor accommodation) notification in October/November 2017.**
 - c. **Stage 4 (including special zone provisions) notification in February / March 2018.**
 - d. **Stage 5 (including outstanding consequential changes) notification in July / August 2018**
4. **Request legal advice be sought and a report be brought to the next Planning & Strategy Committee meeting on 8 June 2017 on the options for the release of decisions from the Proposed District Plan.**

Resolution to Exclude the Public

On the motion of Councillors Hill and MacDonald the Planning & Strategy Committee resolved to exclude the public from the following parts of the proceedings of the meeting:

Appeals Subcommittee Draft Minutes 16 March 2017

The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution is as follows:

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
<p>Appeals Subcommittee Draft Minutes 16 March 2017</p>	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <p>(g) to maintain legal professional privilege, and</p> <p>(i) enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>Section 7(2)(g)</p> <p>Section 7(2)(i)</p>

This resolution was made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982 as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above with respect to each item.

The meeting moved into public excluded at 11.04am.

The meeting moved out of public excluded and concluded at 11.08am.

Confirmed as a True and Correct Record:

Chairperson

Date
