

QLDC Council
8 February 2018

Report for Agenda Item: 6

Department: Planning & Development

Ratification of Commissioners' recommendation on submissions on Private Plan Change 52: Cardrona Station Special Zone

Purpose

The purpose of this report is to consider and adopt the Commissioners' recommendations on submissions on Private Plan Change 52 – Mount Cardrona Station Special Zone and to notify the Council decision.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Adopt** the Commissioners' recommendation as a Council decision and direct staff to notify the decision in accordance with the First Schedule of the Resource Management Act 1991.

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15/01/2018

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Background

- 1 The existing Mount Cardrona Station Special Zone (“**MCSSZ**”) is located on a terrace to the north of the Cardrona Village and can be seen from the ski field road up to Cardrona ski field.
- 2 Private Plan Change 52 (“**PC52**”) sought to modify the operative MCSSZ and associated Structure Plans to provide for the inclusion of a golf course, as shown when comparing Figures 1 and 2 below:

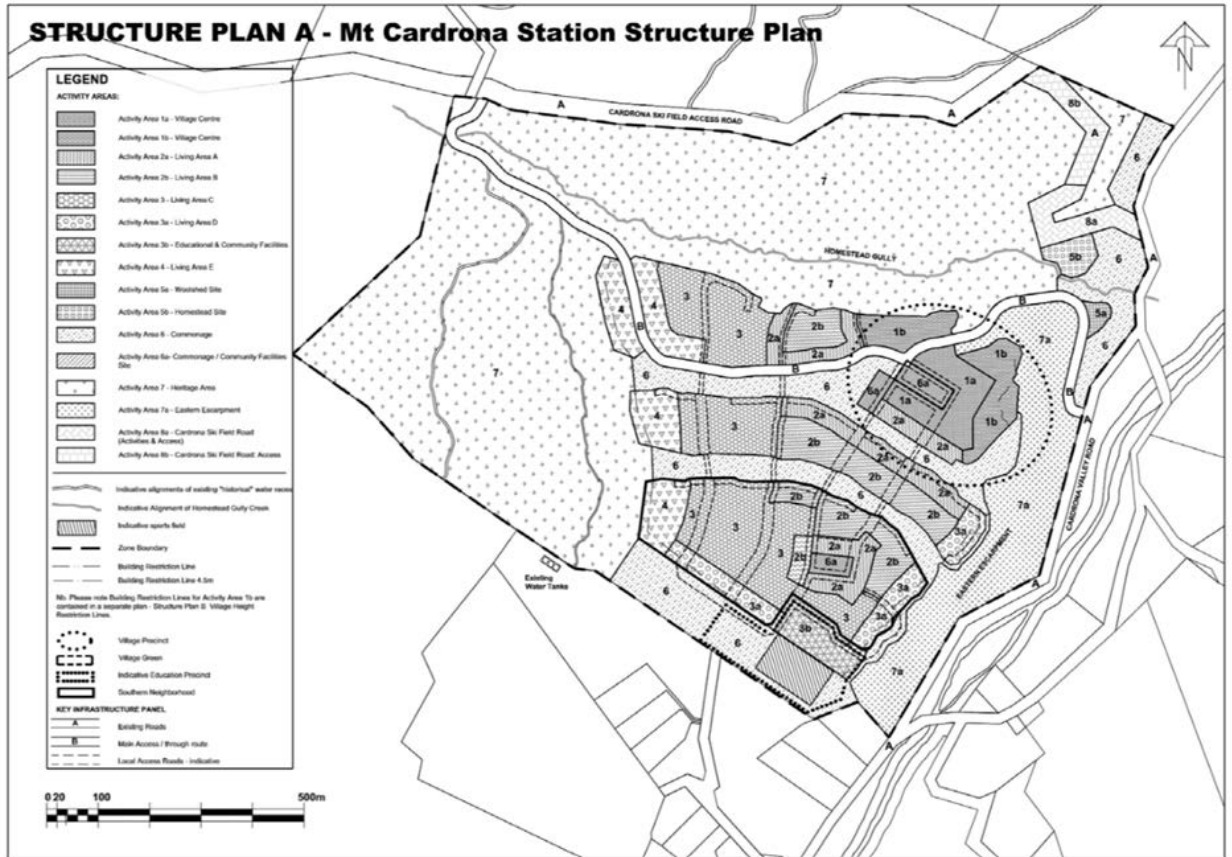


Figure 1: The current Operative MCSSZ Structure Plan A

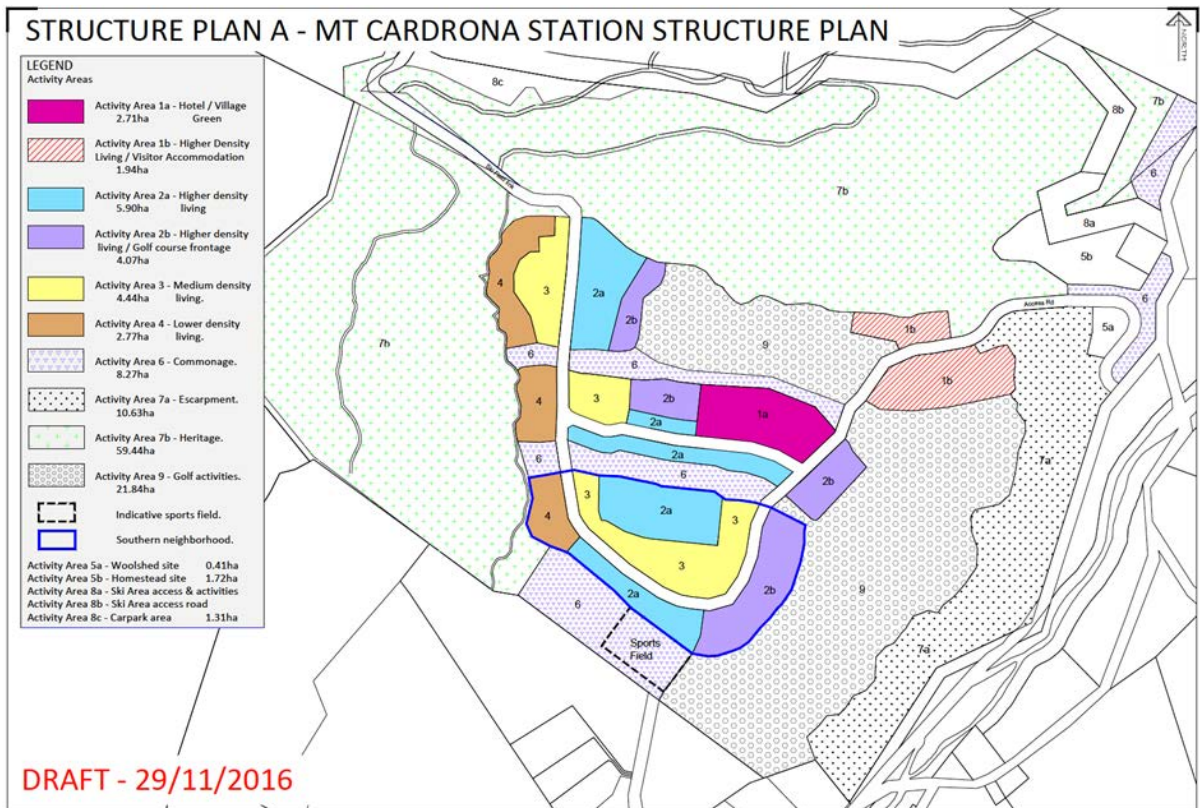


Figure 2: Structure Plan A as Proposed by the Requestor of PC52

- 3 In summary, the proposed PC52 sought changes to Sections 12 and 15 of the Operative District Plan as they relate to the MCSSZ including:
 - a. The following changes to the MCSSZ Structure Plans:
 - i. the introduction of a golf course in a new Activity Area 9;
 - ii. deletion of Activity Area 6a "Village Green" and replacement with public space within the village core in Activity Area 1a;
 - iii. gondola access to the Cardrona Ski Area
 - iv. relocation of the village core (Activity Area 1a) to a more central location
 - v. expansion of Activity Area 4 to the west (in part) to compensate for the residential development area lost by the inclusion of the golf course;
 - vi. the introduction of a new Activity Area 8c to the northwest to enable coordination of car parking and shuttle bus access to the Cardrona Ski Area;
 - vii. deletion of Activity Area 3a to accommodate the golf course;
 - viii. expansion of Activity Area 5b adjacent to the Cardrona Ski Area access road to enable appropriate activities which could benefit from proximity to the road;
 - ix. reorientation of the main access road to the MCSSZ from Cardrona Valley Road to reflect the advice of traffic engineers;
 - b. Amendments to the relevant plan provisions to reflect the changes to the Structure Plans outlined above;
 - c. Amendments to the subdivision rules in Section 15 to:
 - i. reduce minimum lot sizes for Activity Area 3 from 500m² to 300m² with a 350m² minimum average to provide flexibility for subdivision design;
 - ii. reduce minimum lot sizes for Activity Area 4 from 1000m² to 800m² to increase potential density and compensate in part for the areas lost to the inclusion of the golf course;
 - iii. delete the provision restricting commercial development in Activity Area 1a to increase flexibility in overall development sequencing.
- 4 The changes sought in relation to the gondola were subsequently withdrawn by the Requestor on 21 July 2017.
- 5 PC52 was 'accepted for processing' by the Council's Strategy Committee on 2 February 2017 (rather than adopting it as a Council plan change, or rejecting it). It was publicly notified for submissions on 23 February 2017 and a summary of the decisions requested in submissions was publicly notified on 13 April 2017. Further submissions closed on 1 May 2017. A total of 10 original submissions and 2 further submissions were received.

- 6 Commissioners Jan Caunter (Chair), Rachel Dimery and Councillor Ross McRobie were appointed to hear submissions and make recommendations to Full Council.
- 7 The hearing was held on 11 July 2017 and was adjourned that day awaiting delivery of further information requested. Upon the receipt of that further information, another request for further information was issued by the Commission on 10 August 2017. The hearing was formally closed on 17 November 2017.
- 8 It is noted that officers have also re-negotiated the Stakeholder Deed that was agreed through the initial Mt Cardrona Station plan change, which was Plan Change 18, to reflect the amendments proposed through PC52. The developers of PC52 are making a contribution to the District's housing affordability challenges.

Comment

- 9 The Commissioners' recommendation is that PC52 should be incorporated into the Queenstown Lakes District Plan, subject to amendments.
- 10 This recommendation addresses the issues generated by the notified version of PC52 which were identified by the Commission during the hearing process. A copy of the recommendation is appended as **Attachment A**. Changes to the operative provisions are shown in track changes.
- 11 Key changes include:
 - a. Amendments to Section 2.4 of the Design Guidelines which include protection of the night sky and specific reference to the Council's "Southern Lights" lighting strategy.
 - b. Amendments to provisions arising from the withdrawal of changes sought in relation to gondola activities in the MCSSZ by the Requestor.
 - c. Amendments to Rule 12.22.2.3(v) relating to buildings and structures associated with the erection and maintenance of a gondola within Activity Areas 6a, 6b and 7 to exclude Activity Area 6c, with a new rule to classify gondolas in 6c as a non-complying activity and other supporting changes.
 - d. Amendments to Rule 12.22.2.2(v) and Section 2 of the Design Guidelines as proposed by the Requestor and agreed by Council officers in relation to the use of local plant species for planting mitigation and the replacement of macrocarpa with mountain beech or similar.
 - e. Amendments to Rule 12.22.4.2(i) to enable the location of the road intersection with Cardrona Valley Road to move up to 25 metres and to require a minimum separation distance of 25m between the access road / Cardrona Valley Road intersection and the Tuohy's Gully Road / Cardrona Valley Road intersection.
 - f. The inclusion of additional provisions to enable flexibility in the siting and design of all intersections servicing MCSSZ.

- g. Amendments proposed by Heritage New Zealand to Rule 12.22.2.2(viii), Rule 12.22.4.2(x) and Rule 12.22.5(i) requiring consideration and protection of the historic water race for new building activity in Activity Areas 6 and 7b.
- h. Amendments to objectives, policies and rules in relation to Activity Areas 6a, 6b, and 6c (the proposed Commonage ActivityArea)
- i. Various amendments to plan provisions offered by the Requestor to address the protection of Activity Area 7b (Heritage)
- j. Deletion of the Education Precinct from Structure Plan A and amendment of the provisions relevant to the Education Precinct such that these activities must be assessed as a discretionary activity within Activity Areas 4 and 5.
- k. Amendments to Structure Plan C to show pedestrian and cycle linkages to travel in an east-west direction.

12 A large number of other amendments as proposed by the Requestor and the section 42A officer which are included in the decision version of the PC52 provisions and other consequential amendments for consistency and to correct cross-referencing, the full extent of which can be seen in **Attachment A**.

Options

13 Option 1 – Accept the Commission’s Recommendation

Advantages:

- a. The plan change has been through a thorough First Schedule process. Experienced Commissioners had the benefit of submissions and further submissions as well as professional assistance (in the form of an officer’s recommendation) and have reached a robust decision.
- b. The submissions and hearing process gave people the opportunity to either support or oppose the proposal and be heard in relation to their submissions.
- c. Would move the plan change towards being made operative.

Disadvantages:

- a. None. Council appointed the three Commissioners to hear and make recommendations on the submissions received.

14 Option 2 – Reject the Commission’s Recommendation

Advantages:

- a. Would allow Council to appoint new Commissioners to re-hear submissions on any aspects of the Commissioner decision it was unhappy with.

Disadvantages:

- a. Council cannot make changes to the Commissioner recommendation as they have not heard the evidence presented at the hearing or read the submissions. To change the recommendations would not demonstrate fairness or natural justice to the Requestor or submitters.
- b. All submitters will need to be re-heard at another hearing, requiring additional Council and submitter cost and delays.

15 This report recommends **Option 1** for addressing the matter because the issues raised by the proposed PC52 have been thoroughly addressed through the hearing process and changes recommended by the Commission.

Significance and Engagement

16 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it impacts on the environment and people of the district, has a degree of community interest and is not entirely consistent with the operative District Plan.

17 The level of significance determines the level of compliance necessary with the decision-making requirements in sections 76-78 of the Local Government Act 2002. A higher level of compliance must be achieved for a significant decision.

Risk

18 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection), as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because PC52 relates to residential land supply providing for the future development needs of the community and because future infrastructure supply to the Cardrona Township is linked to the delivery of PC52.

19 Option 1, as recommended above, mitigates the risk by adopting the decision of the experienced Commissioners who heard all the evidence before them and made a decision based on that evidence. Their consideration of the issues and risks generated by the proposed PC52 and their recommended changes in response to these is considered to have 'treated the risk' by putting measures in place which directly impact the risk.

Financial Implications

20 There are no budget or cost implications that would arise from adopting the decision in line with Option 1.

Council Policies, Strategies and Bylaws

21 The following Council policies, strategies and bylaws were considered:

- Operative District Plan: in that PC52 directly relates to its provisions.

- Cardrona Community Plan 2020 (2003): relevant to PC52 in that it identifies the vision, goals and priorities for the Cardrona community for the 10-20-year period following its adoption. There are a number of infrastructural responses to this that will be delivered through the future development of the MCSSZ, including the wastewater system.
- Long Term Council Plan 2012-2022: relevant to PC52 in relation to the coordination of growth issues and infrastructure responses.
- Housing Our People in our Environment Strategy (2005): relevant to PC52 in relation to the provision of affordable and community housing. It is noted that the level of community housing proposed through PC52 will not be less than the provision agreed with Council under PC18 which originally established the MCSSZ.
- A Growth Management Strategy for the Queenstown Lakes District (2007): relevant to PC52 in that its growth management principles outline that growth should be accommodated mainly in the two urban centres of Queenstown and Wanaka and in existing special zones outside those centres. Growth in the PC52 area is centred on the Cardrona Township and existing MCSSZ.
- Southern Sky Lighting Strategy 2017: relevant to PC52 in that it addresses the adverse effects of light pollution from development on the viewing of the night sky. Such effects were raised by several submitters.

22 The recommended **Option 1** is consistent with the principles set out in the documents named above in that any conflict between PC52 and the named policies has been addressed by the Commission in its recommended changes.

Local Government Act 2002 Purpose Provisions

23 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing a decision on PC52 in a timely fashion;
- Expedite the upgrade of infrastructure servicing to existing Cardrona residents, namely through the effluent disposal option being delivered by PC52;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly 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.

Consultation: Community Views and Preferences

24 Through the notified Plan Change process all affected parties have had the opportunity to submit on and be heard regarding their opposition or support of PC52. Submissions and hearing appearances were considered by the appointed Commissioners.

Attachments

- A Report and recommendations of independent commissioners – PC52 dated 21 December 2017 including:
 - Appendix 1 – Amended objectives and policies – Mount Cardrona Station Special Zone
 - Appendix 2 – Amended rules – Mount Cardrona Station Special Zone
 - Appendix 3 – Amended rules – Subdivision chapter