

**QLDC Council
10 October 2019**

Report for Agenda Item | Rīpoata moto e Rāraki take : 4

Department: Planning & Development

Title | Taitara Corporate Submission on Proposed Queenstown Lakes District Plan Stage 3

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to seek approval from Council for the QLDC to lodge a submission on Stage 3 of the Proposed District Plan (PDP) to include a variation to Chapter 31 – Signs, which was omitted from the notified package of documents in error.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report.
2. Approve Council's Corporate Submission on Stage 3 of the Proposed Queenstown Lakes District Plan.

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26/09/2019

Reviewed and Authorised by:



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26/09/2019

CONTEXT | HOROPAKI

Corporate Submission

- 1 Stage 2 of the PDP was notified on 19 September 2019. The statutory period for submissions closes on 18 November 2019.
- 2 Clause 6(2) of Schedule 1 of the Resource Management Act 1991 specifies that Council may make a submission on the PDP. The QLDC made a submission on the PDP Stage 1 in October 2015 and on Stage 2 in February 2018.
- 3 The submission seeks to vary Chapter 31 – Signs with changes that, although they are small in terms of their extent could be considered substantive in terms of their effects.
- 4 The submission is attached at **Attachment A**.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 5 The reason for making the corporate submission is to include a variation to Chapter 31 – Signs which was omitted in error from the package of notified Stage 3 documents.
- 6 Chapter 31 is a district wide chapter of the PDP. It includes objectives, policies and rules intended to manage the number, type, location, appearance and design of signs across all zones.
- 7 Chapter 31 was notified on 23 November 2017 and considered by the Independent Hearings Panel (IHP) as part of Stage 2 of the PDP review. Decisions on submissions relating to Chapter 31 were released by the IHP and ratified by the Council on 7 March 2019.
- 8 The decisions version of Chapter 31 does not incorporate objectives, policies or rules managing signs on land which had yet been included within the overall PDP review process. As such, none of the yet to be notified Stage 3 chapters were included within the chapter. It was intended to incorporate all notified Stage 3 zones into Chapter 31 as part of the Stage 3 review process. The General Industrial Zone (GIZ), which forms part of Stage 3, did not include a specific variation to Chapter 31 due to a clerical error. In the absence of these provisions, the PDP and any subsequent decisions may not apply to land located within the General Industrial Zone.
- 9 The recommended corporate submission requests a further variation to Chapter 31 to enable appropriate signage and to ensure that signs within the GIZ are appropriately managed to avoid adverse environmental effects.
- 10 Making this submission on the notified GIZ component of Stage 3 provides scope for the Independent Hearing Panel to make amendments that form the overall recommended GIZ provisions after consideration of submissions and evidence presented during the hearings. If a submission is not made by the Council on a matter it has identified that requires amendments, it would need to rely on a submission being made by a third party, or promulgate a separate variation to the PDP at a future time. This latter scenario is not

efficient because it would require separate public notice and statutory notification periods and a separate set of hearings and decisions – separate from the consideration of submissions on the balance of the GIZ and its objectives and policies.

- 11 The recommended corporate submission is included in Appendix A.
- 12 None of the matters recommended in the submission are a reconsideration, or change in position to the policy approach, or environmental outcomes sought from the Stage 3 GIZ provisions. Rather, the changes sought would correct an error that has been identified.

Corporate Submission

Option 1: Make a Corporate Submission on the PDP addressing the omission of a variation to Chapter 31 Signs relating to the GIZ.

13 *Advantages:*

- a. Ensures the omission, and necessary remedial actions, are identified.
- b. Allows decision makers to consider changes to the provisions where improvements are identified.
- c. Ensures the overall intent of the PDP is achieved in terms of managing adverse environmental effects associated with signs within the GIZ.

14 *Disadvantages:*

- a. May imply uncertainty in Council's position on this matter. This is not considered a significant issue, as all Plans require refinement and critical review.
- b. May raise fairness issues in regard to submissions made of the notified version of the GIZ as interested parties can make a further submission in support or opposition they won't have an opportunity to make a primary submission on the proposals in the submission. This is not considered a significant issue as the Operative District Plan provisions already manage signs within the land identified within the GIZ and the control of signs in all PDP zones is unlikely to be unexpected.

Option 2: Do not make a Corporate Submission on the Proposed District Plan

15 *Advantages:*

- a. None.

16 *Disadvantages:*

- a. Would not ensure the omission, and necessary remedial actions, are identified in a pro-active manner.
- b. Would not allow changes to be made to the provisions where it has identified improvements can be made and are justified.

- c. May result in signage within the GIZ not being managed by the PDP.

17 This report recommends **Option 1** for addressing the matter.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

18 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy. Whilst submissions made on omissions are generally of lower significance, submissions on more substantive matters may have significant impact on development rights and environmental outcomes.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

19 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 high. This matter relates to this risk because the District Plan, along with the 10 Year Plan and Asset Management Plans, is central to the current and future development needs of the community.

20 The recommended option mitigates the risk by ensuring omissions in the PDP are addressed proactively, and ensures the overall intent of the PDP is achieved in regards to managing the adverse effects of signage.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

21 There are no cost implications resulting from the decision

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

22 No particular Council policies, strategies and bylaws are considered relevant to the submission. The parameters for the preparation of the submissions are provided by the Resource Management Act 1991.

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

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 [explain how it will help];
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- 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 The persons who are affected by or interested in this matter are residents and ratepayers of the District, iwi, the Otago Regional Council and other statutory bodies.
- 25 The submission is being made within a formal statutory process, and other parties will have the opportunity of making a further submission on Council's submission.

Legal Considerations and Statutory Responsibilities

- 26 The submission is being made in accordance with the requirements and parameters of the Resource Management Act 1991.

ATTACHMENTS | NGĀ TĀPIRIHANGA

- A Corporate Submission on Proposed Queenstown Lakes District Plan Stage 3