

QLDC Council

31 August 2023

Report for Agenda Item | Rīpoata moto e Rāraki take [5]

Department: Planning & Development

Title | Taitara : Adoption of Coneburn Industrial Variation to the Proposed District Plan

Purpose of the Report | Te Take mō te Pūroko

A resolution is sought from Council to adopt the notified version of the Coneburn Industrial Variation to the Proposed District Plan (PDP). The variation was notified via Schedule 1 of the Resource Management Act (RMA) and two submissions were received in support of the notified version of the variation. These submissions were subsequently formally withdrawn. A hearing is not required and a decision is now sought to adopt the variation as notified.

Executive Summary | Whakarāpopototaka Matua

The Coneburn Industrial Variation was endorsed for notification at the 2 June 2022 meeting of Full Council. The variation was subsequently notified via Schedule 1 of the Resource Management Act (RMA) for 20 working days from 27 October 2022. Two submissions¹ were received in support of the variation and neither sought changes to the notified version of the proposal. The summary of decisions requested was notified for 10 working days from 24 November 2022 and no further submissions were received. The two submissions received have subsequently been formally withdrawn by the submitters. A hearing is not required, and Council can now make decisions on the variation.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Adopt** the notified version of the Coneburn Industrial Variation to the Proposed District Plan (PDP) which amends provisions in PDP Chapters 44 Coneburn Industrial Zone, 25 Earthworks, 27 Subdivision and Development, 29 Transport, 31 Signs and 36 Noise;
3. **Direct** staff to alter the Proposed District Plan provisions to reflect the changes in the variation and to correct minor errors and make changes of a minor effect in accordance with Clause 16(2) of the First Schedule of the Resource Management Act 1991; and
4. **Direct** staff to notify the decision in accordance with the First Schedule of the Resource Management Act 1991.

¹ The submissions are included in **Attachment C** to this report.

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24 July 2023

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Title: GM Planning & Development
10 August 2023

Context | Horopaki

PDP Chapter 44 – Coneburn Industrial Zone

1. PDP Chapter 44 Coneburn Industrial Zone (the Zone) contains objectives and provisions controlling land use and development within the Zone. The Zone is a special purpose industrial zone which principally provides for the establishment and operation of industrial and service activities.
2. The Zone covers a discrete area of land, approximately 114 Ha in area situated on the Kingston Highway (State Highway 6/SH6) (see Figure 1 below). It is located to the south of the Remarkables ski field access road and across SH6 to the east of the Jacks Point Zone.

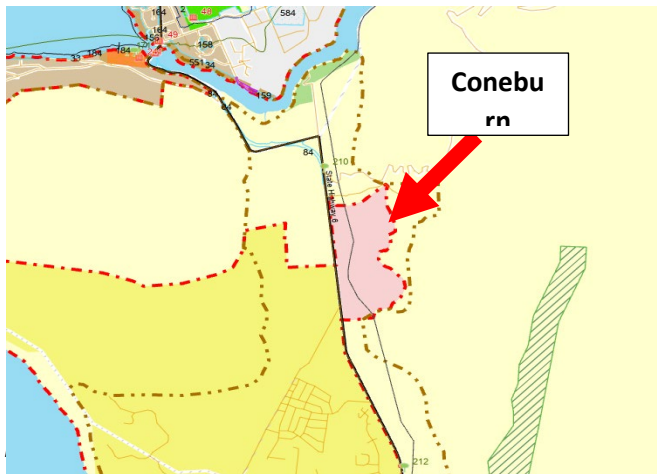


Figure 1 Map of the Coneburn Industrial Zone

The Notified Variation

3. The purpose of the Coneburn Industrial Zone Variation (the variation) is to align the provisions within the Coneburn Industrial Zone (the Zone) with the purpose and desired outcomes of the PDP, simplify the process of obtaining resource consents within the Zone, and to include specific provisions regarding the Zone within various district wide chapters

of the PDP. This is based on the recommendations raised in the agenda report for the endorsement of notification of the Variation from the June 2nd, 2022, Full Council meeting. The variation to Chapter 44 (Coneburn Industrial Zone) and Chapter 27 (Subdivision and Development) of the PDP are included to improve the clarity and the intent of the existing provisions and more closely align them with the overall strategic intent of the PDP. These amendments include:

- Identifying Residential Visitor Accommodation (RVA) and Homestay activities as being prohibited activities within the Zone alongside the existing prohibition of Visitor Accommodation activities; and
 - Amending the language used in the provision controlling custodial units to more accurately portray the application of the definitions for Residential Flat and Residential Unit;
 - Changes to Building Coverage to amend the permitted coverage rules.
 - Amending Rule 27.7.7.3 to reflect that it is no longer acceptable to construct a priority T intersection to service this type of development, and a roundabout is required, as confirmed by Waka Kotahi.
4. The notified amendments to PDP provisions are included as **Attachment A** to this report, and the accompanying Section 32 Report is **Attachment C**.
 5. The amendments to the Zone provisions include removing Rule 44.5.5 (Building Coverage) from the Chapter. This provision required restricted discretionary activity consent for the development of buildings which cover 30% to 40% of sites within Activity Area 1A and 35 to 65% in Activity Area 2A. The variation removes this standard and enables building coverages of up to 40% in Activity Area 1A and 65% in Activity Area 2A as permitted activities, breaches requiring non-complying activity resource consent (as is currently established by Rule 44.5.7).
 6. The remaining amendments to the Coneburn Industrial Zone consist of amendments to two provisions within the Chapter which are to amend the wording of Rule 44.4.9 (Custodial Units) to change the words 'residential flat' to 'residential unit', and to prohibit Residential Visitor Accommodation and Homestay activities from occurring within the Zone.
 7. The variation also includes subsequently required amendments to various District wide chapters of the PDP.
 8. Chapter 25 Earthworks is amended to include standards specifically for the Zone. The variation to Chapter 25 will include a 500m³ maximum earthworks standard for the Coneburn Industrial Zone to Table 25.2.
 9. Chapter 27 Subdivision and development Rule 27.7.7.3(b) is amended to include reference to facilitating the development of a dual lane roundabout, with the amended version of this provision being "any subdivision of land within the Activity Areas 1a and 2a which, by itself or in combination with prior subdivisions of land within the zone, involves subdivision of more than 25% of the land area of Activity Areas 1a and 2a must include a

condition to provide the consent authority written confirmation from Waka Kotahi NZ Transport Agency that access for the subdivision via a dual lane roundabout with State Highway 6 at the Southern Access Point has been designed and constructed to a safe and acceptable standard."

10. Chapter 29 Transport is amended to include specific standards for the Zone in Provision 29.5.10 Loading Spaces.
11. Chapter 31 Signs is amended to include standards for the Zone in Table 31.6 Activity Status of Signs in Commercial Areas.
12. Chapter 36 Noise is amended to include a new Rule (36.5.15) Sound from the Activities in the Coneburn Industrial Zone. This will also include a renumbering of existing provisions within the Chapter after the inclusion of this Rule. Chapter 36 will also include an amendment to Rule 36.7 Ventilation Requirements for other Zones Table 5. This will include Standards for the Zone within Table 5.

Submissions Received and Subsequently Withdrawn

13. Notification via Schedule 1 of the RMA attracted two submissions which were in support of the proposal and did not seek any changes to the notified version.
14. The two submissions received have subsequently been withdrawn by the submitters and a hearing is not necessary.
15. Council is now able to make decisions on the variation.
16. It is of note that both of the submissions received made note of a misalignment between the Coneburn Industrial Zone and the bordering Outstanding Natural Landscape (seen in Figure 2). The primary relief sought is that the proposed variations to the Coneburn Industrial be accepted by the Commissioners and the secondary relief sought is that the Outstanding Natural Landscape boundary be realigned on the cadastral boundary and Coneburn Industrial Zone boundary.
17. As the submitters support the proposed variations and the desired mapping changes are out of scope, an agreement has been reached as seen in **Attachment D** to have the mapping realigned in a future Plan Change for the Southern Corridor.



Figure 2 Mapping misalignment raised in submissions.

Analysis and Advice | Tatāritaka me kā Tohutohu

18. 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.

19. The variation has gone through the consultation process prescribed by Schedule 1 of the RMA and no changes have been sought by submitters to the notified proposal. Consequently there is no impediment to Council in adopting the notified version of the variation.

20. Option 1: Council adopts the notified version of the variation

Advantages:

- The resource management issues addressed by the variation would be resolved.
- The formal public consultation step in the development of the variation has been completed and no submissions are required to be considered in making decisions on the variation.
- Efficient plan-making process that has met the requirements of Schedule 1 of the RMA.

Disadvantages:

- None identified.

21. Option 2: Council does not adopt the notified version of the variation

Advantages:

- None identified.

Disadvantages:

- Amendments to the notified version may require renotification of the variation, resulting in inefficiencies and delays.
- The proposal has been put through the Schedule 1 RMA requirements for formal public consultation and no submissions have sought changes to the notified version of the variation. Amending the variation or retaining the status quo is not an outcome sought by submitters.
- The resource management issues addressed by the variation would not be resolved.

22. This report recommends **Option 1** for addressing the matter as it would result in the most advantages without any disadvantage. Council endorsed the notified variation, which has now progressed through the statutory consultation process set by Schedule 1 of the RMA.

As no amendments to the variation are sought by submitters and there is no need for a Council hearing, it is appropriate for Council to adopt the notified version of the variation. Option 1 would result in a timely and efficient decision on the variation.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

23. The Council's Significance and Engagement Policy identifies an area that needs to be assessed when determining the significance of matters to be decided.

24. The proposal requires an assessment against the following thresholds:

- a. ***Importance to the Queenstown Lakes District*** – the extent to which the matters impact on the environment, culture and people of the district (e.g. significant capital projects).
- b. ***Community Interest*** – the extent to which individuals, organisations, groups and sectors in the community are affected by the Council's decisions.
- c. ***Inconsistency with existing policy and strategy*** – the extent of inconsistency and the likely impact.
- d. ***The impact on the Council's capability and capacity*** – the impact on the objectives set out in the Financial Strategy, Ten Year Plan and Annual Plan.²

25. The impact of the Variation was determined to not be 'significant' in respect to any of the above-mentioned thresholds in the Agenda Report produced for the June 2nd 2022 Full Council Meeting. The variations would apply to a discrete area of land which has yet to be developed. The standards included within the notified version of the Zone would be consistent with previously established provisions within the PDP for building coverages and the management of District Wide matters within industrial zones in the District.

26. The subject matter of this report would not affect any such special interests.

27. As the submissions received during the statutory notification period have been formally withdrawn, no Environment Court appeal process will follow the Council decision.

28. Taking into account the above, this matter is considered to be of low significance.

Māori Consultation | Iwi Rūnaka

29. Consultation with tangata whenua is a legal requirement under the RMA before notifying a district plan legal requirements in this regard have been met. Consultation was undertaken with representatives from Te Ao Marama and Auhaka on 6 April 2022.

30. Iwi authorities also had the opportunity to submit on the notified variation.

² Page 3, Significance and Engagement Policy, September 2017

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

31. This matter relates to the Strategic/Political/Reputation risk. It is associated with SR1 'Current and future development needs of the community (including environmental protection)' within the QLDC Risk Register. This risk has been assessed as having a low inherent risk rating, because it is not considered to be of significant importance in terms of the managed growth and regulation of development for the District.
32. However, a higher risk rating would be applied if the Council chooses not to endorse the variation, as changes to the notified version would need to be supported by a s32 analysis and renotified which would open up a new opportunity for submissions, hearings and appeals.

Financial Implications | Kā Riteka ā-Pūtea

33. There are no budget or cost implications resulting from the decision. The recommended approach can be implemented through current funding under the 10-Year Plan and Annual Plan. As the two submissions have been formally withdrawn there is no opportunity for Environment Court appeals.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

34. The following Council policies, strategies and bylaws were considered:

- The Operative District Plan
- The Proposed District Plan

35. The recommendations are consistent with the principles set out in the above policies.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

36. The process for undertaking variations to a Proposed Plan is set out in the First Schedule of the Resource Management Act. The prescribed process has been followed for this variation.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

37. 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 proposed variations to the Coneburn Industrial Zone Chapter and the District-Wide Chapters will better align with the Proposed District Plan which is reflective of the desired outcomes of the community.

As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

38. The recommended option:

- 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 significantly alter 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.

Attachments | Kā Tāpirihaka

A	Notified amendments to PDP provisions
B	Submissions received
C	Section 32 Evaluation Report
D	Letter of Withdrawal from submitters