



MEMORANDUM TO THE PLANNING AND DEVELOPMENT GENERAL MANAGER
WITHDRAWAL OF PART OF THE PROPOSED DISTRICT PLAN
PURSUANT TO CLAUSE 8D OF THE FIRST SCHEDULE OF THE RMA 1991

MEMO FROM: Sarah Picard, Senior Policy Planner

MEMO DATED: 09/10/2020

SUBJECT: Withdrawal of Informal Recreation Zone from the Waiorau/Pisa Ski area.

WITHDRAWAL:

Section of the Proposed District Plan:

Queenstown Lakes District Council Proposed District Plan (PDP) Stage 2 GIS web mapping application

Subject Site:

The subject area is located on the western part of the Pisa range along the eastern district boundary of the district. Access to the site is off Cardrona Valley Road. The main portion of the area is Council owned reserve land with an area of 297ha, surrounded by an additional 9.3ha of privately owned land.

The 'Snow Farm' cross-country ski field operates on the reserve land. Cardrona Valley Farms own the surrounding land and the Southern Hemisphere Proving Ground (SHPG), car-testing facilities, operates from here.

Legal Description:

Lot 5 DP 460313 Certificate of Title 603225 owned by Queenstown Lakes District Council

Lots 1, 2, 3 & 4 DP 460313 Certificate of Title 603224 owned by Cardrona Valley Farms Limited

The withdrawal will remove the Informal Recreation Zone (shown in brown in Figure 1 below) from the land set out in the legal description above (mapped in **Appendix A**). This zoning was applied as part of the Stage 2 variation to the PDP that introduced Open Space zones to reserves throughout the district that are owned or administered by Council. The Informal Recreation Zone is one of five different open space zones described in Chapter 28. *Open Space and Recreation Zones*. The Informal Recreation Zone has been applied generally to local parks, reserves and lake front areas.

The subject area was originally zoned Rural as part of Stage 1 of the PDP and was within the Waiorau/Pisa Ski Area Subzone (SASZ) as (shown as a blue outline on Figure 1 below).

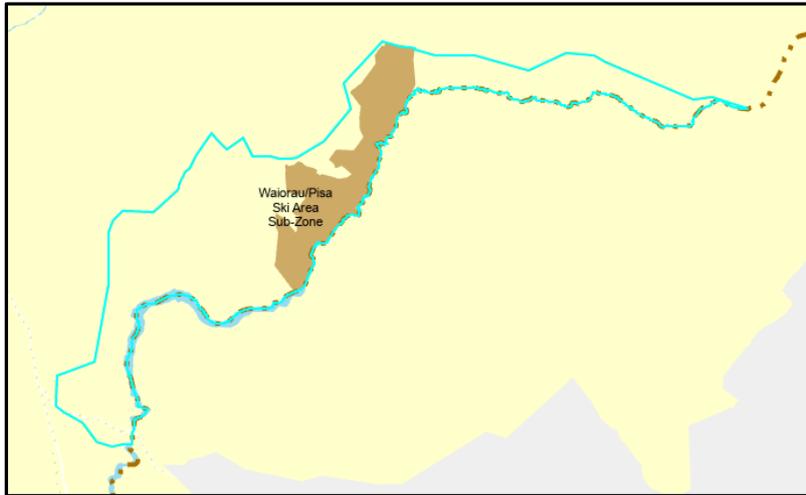


Figure 1 Open Space zone (brown) & Waiorau/Pisa Ski Area Subzone (blue outline)

The withdrawal addresses two main issues, as set out below.

First, zoning the subject area Informal Recreation has unintentionally included privately owned land (set out in **Appendix A**) which is currently contrary to the purpose of the zone. The Open Space zones are intended to only apply to Council administered reserves¹. It is not appropriate for privately owned areas to be administered through the Open Space chapter.

Secondly, the Informal Recreation Zone does not recognise the cross-country ski operation or car testing facility activities (Lot 5 DP 460313 includes a circular testing flat). There are no rules relating to the SASZ within Chapter 28, or rules that recognise or provide for the ski area or car testing facilities specifically. The SASZ rules are contained within Chapter 21 Rural of the PDP.

This reserve was created for the purpose of enabling the continuation of the ski area, it being New Zealand's only cross-country ski field. The Pisa Alpine Charitable Trust (PACT) have a 99-year lease to operate from the area. Parks and Reserves have confirmed they support the withdrawal of the Informal Recreation zone from this land. Council has no intention to manage this area as a reserve whilst this lease is in place.

Clause 8D of Schedule 1 of the Resource Management Act 1991 enables the withdrawal of parts of a Council initiated plan change. Pursuant to Clause 8D (1)(a) a withdrawal can occur at any time before the plan is approved by the local authority. There are no appeals relating to this area of land or provisions relating specifically to the area. Although these aspects of Stage 2 of the PDP are treated as operative², Council has not formally approved the plan (made operative³) under clause 17 of the Schedule 1.

The effect of the withdrawal of the Informal Recreation Zone would be that the Stage 1 PDP Rural Zone and Ski Area Subzone (SASZ) overlay would apply. This is consistent with the surrounding land, where SHPG operates. The area that was zoned Informal Recreation under Stage 2 is wholly contained within the SASZ area.

¹ See Chapter 38.1 Purpose

² Section 86F of the RMA 1991

³ Clause 20 Operative date, Schedule 1 RMA 1991

Chapter 21.1 Zone Purpose states:

“Ski Area Sub-Zones are located within the Rural Zone. These Sub-Zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area Sub-Zones is to enable the continued development of Ski Areas as year round destinations for ski area, tourism and recreational activities within the identified Sub-Zones where the effects of the development are cumulatively minor.”

The SASZ sets out a regulatory framework⁴ that provides for ski area activities and the car testing facilities⁵ specifically within the Waiorau/Pisa SASZ.

The application of the Informal Recreation zone does not consider these matters and would restrict continued development for the ski-field and car testing operations. This is considered unintentional. Withdrawal will provide for the SASZ zoning, (which was determined to be appropriate under Stage 1 of the PDP) to apply and better enable the ongoing operation and development of these operations.

For completeness, it is noted that the withdrawal would update the PDP Stage 1 and 2 consolidated webmap mapping application. All PDP mapping is being undertaken within the application and updates are no longer being made to the pdf maps.

AUTHORISATION FOR WITHDRAWAL TO BE MADE TO THE PROPOSED DISTRICT PLAN PURSUANT TO CLAUSE 8D

By Council resolution, the Manager of Planning and Development has been delegated authority to withdraw a proposed or operative policy statement or plan:

8D Withdrawal of a proposed policy statement and plans

(1) Where a local authority has initiated the preparation of a policy statement or plan, the local authority may withdraw its proposal to prepare, change, or vary the policy statement or plan at any time—

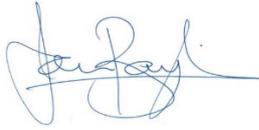
- (a) if an appeal has not been made to the Environment Court under clause 14, or the appeal has been withdrawn, before the policy statement or plan is approved by the local authority; or
- (b) if an appeal has been made to the Environment Court, before the Environment Court hearing commences.

(2) The local authority shall give public notice of any withdrawal under subclause (1), including the reasons for the withdrawal.

⁴ Objective 21.2.6, Policy 21.2.6.1-5, Rules 21.12

⁵ Rule 21.12.5

AUTHORISED BY:



Ian Bayliss
Planning Policy Manager

09/10/2020

AUTHORISED BY:

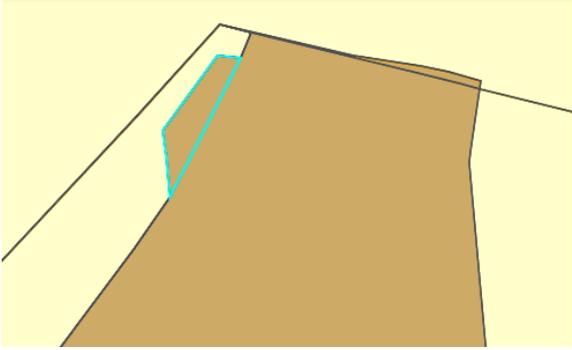
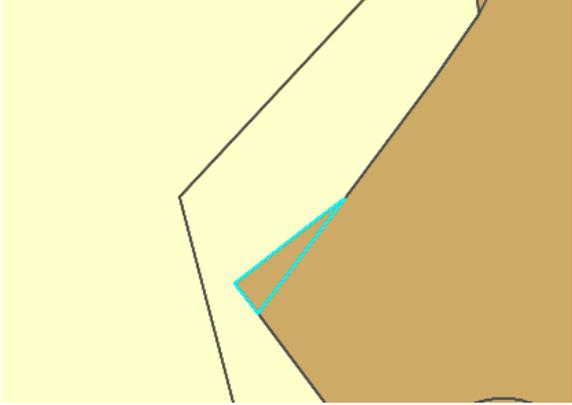
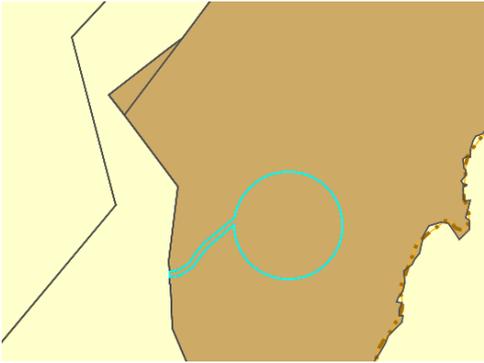
Tony Avery
Planning and Development General
Manager

XX/XX/XXXX

Appendix A: Details of properties subject to the section 8D withdrawal

APPENDIX A

Details of properties subject to the section 8D withdrawal

Property details	Map (property shown with blue outline)
<p>Lot 1 DP 460313 16,043m² Certificate of Title 603224 owned by Cardrona Valley Farms Limited</p>	
<p>Lot 2 DP 460313 8,067m² Certificate of Title 603224 owned by Cardrona Valley Farms Limited</p>	
<p>Lot 3 DP 460313 64,922m² Certificate of Title 603224 owned by Cardrona Valley Farms Limited</p> <p>A circular test flat that forms part of the Southern Hemisphere Proving Ground car testing operation.</p>	

Lot 4 DP 460313
4,447m²
Certificate of Title 603224 owned by
Cardrona Valley Farms Limited



Lot 5 DP 460313
Certificate of Title 603225

owned by Queenstown Lakes District
Council, held as reserve

Pisa Alpine Charitable Trust (PACT) hold
a 99-year lease to operate a cross-
country ski field

