



Order Paper for an ordinary meeting of the

QUEENSTOWN LAKES DISTRICT COUNCIL

to be held on

Thursday, 24 November 2016

commencing at 1.00pm

In the Council Chambers, 10 Gorge Road,

Queenstown

ITEMS NOT ON THE AGENDA

3.7.5

An item that is not on the agenda for a meeting may be dealt with at the meeting if –

- (a) the local authority by resolution so decides; and
- (b) the presiding member explains at the meeting at a time when it is open to the public, –
 - (i) the reason why the item is not on the agenda; and
 - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

3.7.6

Where an item is not on the agenda for a meeting, –

- (a) That item may be discussed at that meeting if –
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) The presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) No resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

3.7.7

For the avoidance of doubt in the interpretation of Standing Orders 3.7.5 and 3.7.6, the Council will, when matters of urgent business that are not minor arise, deal with these matters at an extraordinary meeting called in accordance with Standing Order 2.14.

3.7.8

That Standing Orders 3.7.5 and 3.7.7 do not apply to meetings of the Council's Property Subcommittee which may consider relevant items (being items that are not on the agenda and are not minor) in order to resolve property matters in a timely manner if –

- a) The subcommittee by resolution so decides; and
- b) The presiding member explains at the meeting:
 - i) The reason why the item is not on the agenda; and
 - ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

3.7.9

The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation regarding any item brought before the meeting.

REFERENCES:

New Zealand Model Standing Orders NZS 9202:2003 (Incorporating Amendment No. 1) as amended and adopted by the Queenstown Lakes District Council on 27 October 2007 (and additional amendments clause 3.7.8, 3.7.9, 2.12.4A and 2.5.1(4) adopted 22 May 2012).

Agenda for an ordinary meeting of the Queenstown Lakes District Council to be held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 24 November 2016 commencing at 1.00pm

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**QLDC Council
24 November 2016**

Report for Agenda Item: 1

Department: Planning & Development

Review of the Council Lead Policy on Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines (Lead Policy)

Purpose

The purpose of this report is to propose a new Lead Policy to replace the Council Lead Policy on Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines adopted on 30 April 2015.

Recommendation

That Council:

1. **Note** the contents of this report and the recommended changes to the Council Lead Policy dated 30 April 2015 covering the four key areas of:
 - a. Amended location criteria including three categories identifying areas suitable for Special Housing Areas (**SHA**), potentially suitable and unsuitable;
 - b. Amended affordability criteria; and
 - c. Changes in the layout and structure of the Housing Accords and Special Housing Areas Act 2013 Implementation Policy (**Lead Policy**);
2. **Note** a further agenda item will be forthcoming identifying areas for inclusion in Category 2 (areas potentially suitable for SHA proposals) and Category 3 (areas unsuitable for SHA proposals) following the completion of the Wakatipu Basin Land Use Study as part of the Proposed District Plan, including consideration of Wanaka and the wider district;
3. **Adopt** the attached Housing Accords and Special Housing Areas Act 2013 Implementation Policy [as amended at the meeting];
4. **Agree** that Expression of Interests can now be accepted and progressed by the Council only for Category 1 land that is consistent with the adopted Lead Policy;
5. **Resolve** that all Council staff time and other costs of considering EOIs and preparing, reviewing and negotiating SHA agreements will be on-charged to the landowner or developer in line with hourly rates specified in the adopted 'Resource Consent and Engineering Fees and other Charges' schedule adopted 1 July 2016.

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Background

- 1 The purpose of the Housing Accords and Special Housing Areas Act 2013 (**HASHAA**) is:

To enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts [which includes Queenstown Lakes] identified as having housing supply and affordability issues.

- 2 On 23 October 2014, the Queenstown Lakes District Housing Accord (**the Accord**) was signed between the Council and the Minister of Building and Housing (**the Minister**).
- 3 The intention of the Accord was to increase housing supply and improve housing affordability in the Queenstown Lakes District by facilitating development of quality housing that meets the needs of the growing population and the purpose of the HASHAA.
- 4 The Accord required the Council to prepare a Lead Policy. The original Lead Policy was approved by Council on 30 October 2014 and as part of this process clarification was also sought regarding community engagement on Expression of Interests (**EOIs**) received.
- 5 On 30 April 2015, the Lead Policy was amended to provide explicit reference to the need for negotiations to occur with SHA proponents on securing a commitment that a certain number of allotments be provided for community housing, or equivalent purposes. The updated Lead Policy also placed a prohibition on sites within SHAs being used for short term rental/visitor accommodation.
- 6 In total, seven SHAs have been approved by the Minister. These SHAs would deliver a potential yield of approximately 955 residential units, a 172 bed aged care facility and 18 staff accommodation units thus contributing significantly to the Council's obligations under the Housing Accord.
- 7 On 16 September 2016, the Housing Legislation Amendment Act 2016 (**the Amendment Act**) came into effect. The Amendment Act is intended to meet the high housing demand in areas outside of Auckland, where the Auckland Unitary Plan has now been adopted.

- 8 In Queenstown, while our Dwelling Capacity Model confirms a large amount of land is zoned for residential development, the release of zoned land is controlled by a small number of landowners and is currently slow. Existing plan change processes are also too slow to meet immediate needs. The three year extension is intended to allow HASHAA to continue to be used as an interim tool until other Resource Management Act (**RMA**) reforms are progressed.
- 9 The Amendment Act provides the Council with an opportunity to reconsider its strategies for increasing the supply of land and housing in the Wakatipu Basin, and potentially outside of the Wakatipu Basin. It also provides the Council with the opportunity to grow and better direct where the SHAs should be located.
- 10 This report is in response to the Council's resolution on the 6 October 2016 to:
- 1 **Note** the contents of this report and the changes that the Housing Legislation Amendment Act 2016 (**the Amendment Act**) has made to the HASHAA;
 - 2 **Recommend** staff initiate a review of the Special Housing Areas Act 2013 Implementation Guidelines (**the Lead Policy**);
 - 3 **Recommend** this be reported to the new Council meeting for consideration.
 - 4 **Agree** that no Expressions of Interest shall be progressed by the Council until the new Council has made a determination on whether any changes should be made to the Lead Policy, including the criteria that Expressions of Interest should be considered against.
- 11 The existing Lead Policy is appended as **Attachment A**. It guides Council's approach to SHAs and ensures that the process for establishing and administering SHAs is transparent and consistent. It follows a very similar approach to that of Tauranga City Council.
- 12 Importantly, the Lead Policy cannot contradict any of the statutory obligations and requirements of the HASHAA. The key features of the existing Lead Policy are:
- General principles to guide decisions;
 - Listed criteria for recommending a SHA to the Minister;
 - Minimum density requirements;
 - Opportunity for community engagement before decision to recommend to Minister;
 - Community Housing proposal desirables; and
 - Development Dees to secure certain obligations (infrastructure/community housing etc).
- 13 The criteria for the assessment of potential SHAs in the Lead Policy is as follows:
- Location – within or adjacent to an existing urban area;
 - Adequate infrastructure;
 - Demand for Qualifying Development;
 - Affordability – does not mandate the delivery of housing at specified prices points;

- Predominantly residential – primary purpose of supplying residential development;
- Building height;
- Minimum number of dwellings; and
- Residential Quality.

Comment

14 The amended Lead Policy is appended as **Attachment B**. There are five key areas that the Lead Policy has been amended that are summarised under the following headings :

- Location criteria;
- Wakatipu Basin vs entire Queenstown Lakes District;
- Affordability criteria;
- Process for assessing Expression of Interest; and
- Layout of the Lead Policy.

Location

15 The revised Lead Policy seeks to be more strategic and directive around where SHAs will and will not be acceptable that the current approach. This will provide applicants and Council with greater certainty and avoid repeat applications for the same site.

16 The currently approved Lead Policy states that:

“Location is not a statutory consideration under the Act. However, in the interests of sound resource management planning practice, environmental and economic impact, and consistency with the draft Strategic Directions chapter of the District Plan review – location is considered to be vitally important consideration for Council”

17 The criterion for location is:

“The proposed area shall be located within or adjacent to existing urban areas. Areas located in rural areas remote from existing urban areas and services will generally not be viewed favourably.”

18 The above criteria provides for SHAs ‘adjacent’ to existing urban areas, which partly explains why all six of the seven SHAs approved to date are in ‘greenfield’ locations.

19 The ‘location’ criteria can be enhanced by providing a direct link to the Proposed District Plan (**PDP**) zonings, which was notified after the original Lead Policy was first determined. The PDP ‘up-zoned’ some areas, for example from Low Density Residential to Medium Density Residential, or from Rural General to Medium Density Residential, but the provisions have no real effect until submissions have been heard and ‘decisions’ issued.

20 This change could lead to areas that were identified in the PDP as being suitable for residential development potentially being fast tracked, recognising that the hearings on the PDP are not expected to be completed till late 2017 / early 2018.

One downside of this approach is that the submissions against the 'up-zonings' will effectively be negated if the area is developed under a SHA resource consent.

- 21 The revised Lead Policy provides three categories as follows:
- a. Category 1 – Areas suitable for SHAs, specifically areas consistent with the Proposed District Plan zonings and urban growth boundaries.
 - b. Category 2 – Areas potentially suitable subject to assessing proposals and the results of the Wakatipu Basin Land Use Study. Only Council can add items to this Category 2 via a paper to full Council, and
 - c. Category 3 – Areas unsuitable due to their sensitivity or inappropriate location for residential development.
- 22 At this time Categories 2 and 3 are not complete and officers will report back on sites for inclusion in this area via further papers to full Council. The results of the Wakatipu Basin Land Use Study will be material to Categories 2 and 3 in that areas capable of absorbing development could be included, similarly areas that cannot absorb further development.
- 23 The resolution sought is therefore to enable EOIs to be received but only for Category 1 land, as further work is required to identify Category 2 and 3 land. It is anticipated Categories 2 and 3 could be completed in early 2017 once the results of the Wakatipu Basin Land Use Study are available.

Wakatipu Basin only vs entire Queenstown Lakes District

- 24 The Housing Accord that has been signed with the Government does cover the entire Queenstown Lakes District, but has a focus on the Wakatipu Basin. The Council's Lead Policy currently only relates to the Wakatipu Basin. One of the reasons for this is that the targets set under the Housing Accord concentrate on the Wakatipu Basin, as opposed to the entire Queenstown Lakes District.
- 25 Housing affordability and accommodation options for shorter term/seasonal workers and permanent residents/families is a significant issue for the entire Queenstown Lakes District. While the housing issues are slightly different in Wanaka it is understood there is a shortage of rental and workers' accommodation and "affordable homes".
- 26 If a SHA is approved outside of the Wakatipu Basin, the only implication is that it would not count towards the targets that have been set in the Housing Accord. It is understood that the Minister would like to review the Accord and make it clearer that it applies to the entire Queenstown Lakes District. As a result, it is likely that the targets will be altered to take into the account of the development that is taking place district-wide.
- 27 With modified criterion there is no reason why the Lead Policy cannot relate to the entire Queenstown Lakes District. This could also open up smaller areas that are commuter towns from both Queenstown and Wanaka to explore whether or not a SHA could be established. This amended Lead Policy in **Attachment B** has therefore been expanded to apply district-wide. However the proposed resolution will only enable EOIs within certain areas of Queenstown at this time,

as further work is required by the Council to identify and agree on areas to be included in Categories 2 and 3. This will also include consideration of what areas of Wanaka should be included in Category 1, and whether other areas of the district should be included in any of the three categories.

- 28 It is important to note that every application will continue to be assessed on its own merits, and Council has full discretion whether to recommend an area to the Minister to be a Special Housing Area.

Affordability criteria

- 29 It is important to reiterate that the purpose of HASHAA, which is detailed in paragraph 1 above. In order to achieve the targets in the Accord to deliver more dwellings at an affordable price point, the Council's approach to date is to not mandate housing at specified prices points, but to focus on requiring certain proportion of qualifying developments to comprise of smaller subdivisions. This approach is proposed to be retained, due to the difficulties with setting particular price points.
- 30 The revised Lead Policy invites landowners and developers to demonstrate how they will achieve affordability, and provides examples such as that a proportion of any new sections created be at a smaller size (240m² to 400m²), and that a proportion of houses be a smaller size (2 bedroom) to assist in affordability. Mechanisms to control property speculation and affordability in the medium and long term are also encouraged.
- 31 A restriction on sole use of properties for visitor accommodation is required to ensure new housing stock is not immediately lost to visitor accommodation. However the wording of any restriction or covenant will be developed as part of any future resource consent application to ensure the restriction would not prevent a spare room being let out, for instance.
- 32 The requirement that developers engage with the Queenstown Lakes Community Housing Trust (**QLCHT**) is also proposed to be retained. Alternative delivery mechanisms to the QLCHT are not ruled out. To date, six out of the seven currently approved SHAs were able to work with and come to an agreement for a contribution to the QLCHT independent of Council.

Process for assessing EOIs

- 33 The process whereby public feedback is sought and provided to Councillors prior to making a decision on whether to recommend any areas to the Minister is retained. This process is not used by other councils but Council can include it in the Lead Policy to get a sense of the community view of a particular proposal.

Layout of Lead Policy

- 34 The layout and appearance of the Lead Policy has been revised to improve its readability.

Summary

- 35 The Lead Policy has served the Council well for the initial stages of the HASHAA. The Amendment Act has provided an opportunity to review the process and to strengthen the Lead Policy to ensure that the Council's overall strategies for ameliorating the pressure on housing in the district are integrated with other important strategic goals and have the best possible long-term results from the extension of the HASHAA.
- 36 The revised Lead Policy will require further decision from Council on what land should be included in Categories 2 and 3.

Options

- 37 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.
- 38 Option 1 Amend the Lead Policy and accept of Expression of Interests for processing in Category 1 areas in accordance with the requirements of the amended Lead Policy.

Advantages:

- 39 Recognises that housing affordability and accommodation options for shorter term/seasonal workers and permanent residents/families is a significant issue for the entire Queenstown Lakes District not just the Wakatipu Basin.
- 40 Allows the Lead Policy to better align with the Strategic Direction of the Proposed District Plan, and potentially the Wakatipu Basin Land Use Study and the Ladies Mile Masterplan.
- 41 Provides an opportunity for the Council to better strategically achieve the housing targets set in the Accord.
- 42 Provides greater clarity for applicants with regard to the three categories that identify areas as suitable, potentially suitable and unsuitable for development.
- 43 Revised policy removes 'adjacency' criteria from location, but enables sites to be added only by Council to Category 2 if considered suitable.
- 44 Has enabled the Council to review the mechanisms for the supply and retention of affordable and community housing.
- 45 Enables applications for EOIs to be received again.

Disadvantages:

- 46 Temporarily limits areas for EOIs to Category 1 land, which is linked to the Proposed District Plan (Queenstown only). To date, no EOIs have been on Category 1 land except for the Council's own SHA in Gorge Road. The change could reduce the likelihood of EOIs coming in until Categories 2 and 3 are completed in early 2017, temporarily slowing the delivery of housing.

47 Perceived tightening of the location criteria through removal of the 'adjacency' criteria and replacing it with a Category of identified sites.

48 Time and resourcing required by Council to undertake the review.

49 Option 2 Status Quo: Do not amend the Lead Policy

Advantages:

50 Avoids further time and resources required to review the Lead Policy.

51 People and the community are familiar with the existing Lead Policy and the quality of applications has steadily improved over time.

Disadvantages:

52 The opportunity to review the Lead Policy, to reflect the lessons learnt from the first three years of the HASHAA would be lost.

53 Difficult to turn down unsuitable locations that are 'adjacent' to existing urban areas, regardless of where they are.

54 Maintaining status quo would mean that developers proceed with preparing an application based on the existing Lead Policy, as it currently stands.

55 The processing of SHAs may be at odds with the strategic direction of the PDP and the results of the Wakatipu Basin Land Use Study and the Ladies Mile Masterplan.

56 This report recommends **Option 1** for addressing the matter as the revised Lead Policy builds on the lessons learned from three years of working under the HASHAA and provides a more strategic approach to the key criterion of 'location'.

Significance and Engagement

57 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because:

- **Importance:** the matter is of high importance to the District
- **Community interest:** the matter is of considerable interest to the community
- **Existing policy and strategy:** there is an opportunity for SHAs to better align with the objectives and policies of the PDP.

Risk

58 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 is because of economic, social, environmental and reputational risks. There is also a risk that if the Lead Policy is not reviewed efficiently as possible this process will be deemed to be inconsistent with the HASHAA.

59 A key element of this risk is meeting the current and future development needs of the community and providing for development that is consistent with the strategic direction of Council's Policies and Strategies. There is some social risk relating to the economic and social consequences of not meeting development needs, which includes the provision of land and housing.

Financial Implications

60 The review of the Lead Policy has resulted in additional officer time, including input from various departments including: Planning and Development, Property and Infrastructure and Legal teams. The Lead Policy has also been workshopped with Councillors.

Council Policies, Strategies and Bylaws

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

- Lead Policy as amended on 30 April 2015, which provides guidance for Council's assessment of SHAs.
- Queenstown-Lakes District Housing Accord.
- Operative District Plan (**ODP**), which regulates housing development and urban growth management.
- PDP, which sets out proposed changes to the ODP.
- Housing Our People in our Environment Strategy, which is relevant as it seeks to address the housing affordability issue in the District.
- Economic Development Strategy, a key action of which is to "investigate all options for improving housing affordability in the District".
- 2016/2017 Annual Plan, within which a number of Community Outcomes that are relevant as they relate to the economy, and the natural and built environment.
- 10 Year Plan 2015-2025.

62 The recommended option is consistent with the principles set out in the named policy/policies with the exception of the Proposed Category 2, which envisages development that is not consistent with the Operative and Proposed District Plans.

63 This matter is included in the 10-Year Plan/Annual Plan to the extent that it affects strategic regulatory functions and services, and will potentially lead to financial implications for the provision of core infrastructure and services.

Local Government Act 2002 Purpose Provisions

64 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 ensuring that the best possible outcomes are achieved through out the HASHAA process;
- Can be implemented through current funding under the 10-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

65 The persons who are affected by or interested in this matter are:

- a. residents/ratepayers of the Queenstown Lakes district community;
- b. the business, investment and tourism sectors located within and outside of the district;
- c. infrastructure providers; and
- d. Government.

66 The Council has not undertaken consultation or engagement with the community regarding the amended Lead Policy. HASHAA does not set any statutory responsibilities in terms of consultation on the establishment of SHAs.

Legal Considerations and Statutory Responsibilities

67 HASHAA is the relevant statute with its purpose detailed in paragraph 1 of this report.

68 The amended Lead Policy supports the purpose of HASHAA as it will lead to better housing outcomes by facilitating an increase in the supply of land for housing in areas that better align with both the strategic direction of the PDP and the Wakatipu Basin Land Use Study.

69 Legal advice has been taken regarding this matter and the advice received confirms that the amended Lead Policy meets the purpose of the HASHAA and the Accord (noting that this is likely to be amended in the foreseeable future).

70 This report recommends the amended Lead Policy be adopted.

Attachments

- A Existing Lead Policy dated 30 April 2015
- B Amended Lead Policy dated 24 November 2016

Council Lead Policy

POLICY TITLE: HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013 IMPLEMENTATION GUIDELINES

Date of Adoption: 30 April 2015¹

1. POLICY OBJECTIVES

To provide guidance on:

1. Criteria for the consideration by Council of land / sites as potential Special housing areas for recommendation to the Minister for Building and Housing under the Housing Accords and Special Housing Areas Act 2013 (The Act) and;
2. Minimum density, planning rules and other matters that may apply to qualifying developments within a declared Special Housing Area.
3. Council's approach to community engagement with regard to the identification and potential progression of areas of land or sites as Special Housing Areas.
4. Council's expectations with regard to the quality of residential development.
5. Inclusion of Community Housing to promote long term community benefit from SHAs.

2. PRINCIPLES

- 1 The Council will engage with the community on the identification of potential areas in the Wakatipu Basin for consideration as Special Housing Areas.
- 2 The Council will work collaboratively with the private sector and the Government to increase housing supply and opportunities for affordable housing in the Wakatipu Basin.
- 3 Land within special housing areas should to be used to deliver a range of housing types to the market at different price points.
- 4 The Council will expect innovative approaches to ensure the delivery of houses for Community Housing purposes (freehold or rental).
- 5 Land within any special housing area and a qualifying development should be appropriately serviced to urban standards and not have an

¹ Supersedes Lead Policy of 30 October 2014, as per resolution of Council 30 April 2015.

unforeseen or adverse financial effect on the Council or other infrastructure providers.

- 6 Identification of Special Housing Areas and the development facilitated within them should be generally consistent with the direction of the residential policy in the District Plan Review.
- 7 Priority will be given to establishing Special Housing Areas within existing urban areas, or areas that are anticipated to fall within urban growth boundaries in the District Plan review.
- 8 Consideration may be given to a limited number of greenfield locations for Special Housing Areas, where they are located adjacent to existing urban areas and services.
- 9 The Council will require development quality to be consistent with the expectations set out in Appendix B.

3. DEFINITIONS

- **Community Housing** means residential activity that maintains long term affordability for existing and future generations through the use of a Retention Mechanism, and whose cost to rent or own is within the reasonable means of low and moderate income households.
- **District Plan** means the operative Queenstown Lakes District Plan.
- **District Plan review** means the process Council formally commenced in April 2014 to review the operative District Plan.
- **Housing Accord** means an agreement between the Minister of Housing and the Queenstown Lakes District Council made under section 10 of the Act.
- **Maximum calculated height** has the same meaning as set out in section 6 of the Act.
- **Qualifying Development** has the same meaning as set out in section 14 of the Act.
- **Retention Mechanism** means those binding agreements which ensure the long term affordability of Community Housing for existing and future generations, such as Stakeholder Deeds, or the use of covenants, encumbrances or similar legal instruments.
- **Special Housing Area** means an area declared under section 16 of the Act.
- **The Act** means the Housing Accords and Special Housing Areas Act 2013.

4. BACKGROUND

The Act has the purpose of enhancing housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, that have been identified as having housing supply and affordability issues.

Queenstown-Lakes District is one of the areas listed in Schedule 1. The housing affordability issues in the district are well documented.

The Council and the Minister for Building and Housing have entered into a Housing Accord under the Act to assist housing supply and affordability in the District, with a specific focus on the Wakatipu Basin. This Policy should be read in conjunction with the Queenstown-Lakes Housing Accord.

The Queenstown-Lakes Housing Accord is intended to increase housing supply and improve housing affordability in the Queenstown-Lakes District by facilitating development of quality housing that meets the needs of the growing local population.

The Accord seeks to support the Council to address immediate housing issues by increasing the supply of housing and, in doing so, improve housing affordability.

It includes agreed aims and targets related to land supply and dwelling consents. The Accord also acknowledges a number of other actions to improve housing affordability and sufficient land supply.

The Act provides an alternative process to resource consenting for low-rise residential developments in special housing areas than that which would normally be allowed for by the Resource Management Act 1991. Critically, qualifying developments cannot be publicly notified – although there is provision for limited notification of adjoining property owners and occupiers – and there are no appeal rights (with the exception of development proposals over four storeys). In addition, while the Purpose and Principles of the Resource Management Act 1991, and District Plan provisions are relevant assessment considerations for applications for qualifying developments, their status is slightly relegated relative to normal resource consent assessment process under the Resource Management Act 1991.

Appendix A illustrates the consenting process under the Act.

5. POLICY STATEMENT

5.1 Process for considering a Special Housing Area

Council will embark on an engagement process with the community (including land and property developers) in November 2014.

Council will request Expressions of Interest from landowners and developers for land that might be suitable for consideration as Special Housing Areas. The engagement process will also allow members of the general public to contribute their ideas on housing, with a specific focus on where new housing should be focused and what type of housing is required.

This process will not preclude Council from identifying and considering areas as Special Housing Areas which have not been nominated via the Expression of Interest process. For example, there might be broader urban areas in multiple ownership that are not nominated that Council considers might be suitable for Special Housing Area status.

Council will negotiate directly with landowners or developers seeking to use the provisions of the Act to ensure the agreed aims and targets in the Queenstown-Lakes Housing Accord are supported.

Each proposed Special Housing Area will be considered on its own merits. Consistency with this Policy and the Queenstown Housing Accord does not in itself compel the Council to recommend that a Special Housing Area is established as other factors may also be relevant.

5.2 Criteria for recommending a Special Housing Area to Government

The Council will assess an Expression of Interest against the following criteria in 5.2.1 to 5.2.9. These criteria will also be utilised if Council considers other areas of land which have not been the subject of an Expression of Interest.

It should be noted that criterion 5.2.1 Location is not a statutory consideration under the Act. However, in the interests of sound resource management planning practice, environmental and economic impact, and consistency with the draft Strategic Directions chapter of the District Plan review – location is considered to be a vitally important consideration for Council.

5.2.1 Location

The proposed area shall be located within or adjacent to existing urban areas. Areas located in rural areas remote from existing urban areas and services will generally not be viewed favourably.

5.2.2 Adequate Infrastructure

For Council-related services of water supply, wastewater, transport, stormwater and reserves the Council is satisfied:

- a) That infrastructure exists and has additional capacity to accommodate the likely cumulative demand from a qualifying development/s in the special housing area or infrastructure is planned or programmed in the Council's Long Term Plan and Development Contributions Policy, and/or
- b) That infrastructure would be provided and funded by the private sector ahead of the Long Term Plan programmed time at no additional cost to Council, and/or
- c) Where not planned or programmed in the Council's Long Term Plan and Development Contributions Policy, infrastructure would be fully provided and funded by the private sector at no cost to Council and can connect to existing infrastructure that has additional capacity to accommodate the likely cumulative demand from a qualifying development/s in the special housing area, and
- d) For stormwater, mitigation will meet the conditions of any relevant consent held by the Council or such other relevant engineering standards that are applicable, and
- e) That infrastructure will be designed and constructed in accordance with the relevant requirements of the Council's Infrastructure Development Code, and any other specific design, specifications and plans for infrastructure works arising from any consent or infrastructure agreement between the Council and any other party.

For other (non-Council) infrastructure of state highways, government facilities such as education, or network utilities (electricity, gas and telecommunications) the Council is satisfied that infrastructure exists or is planned by the relevant service provider with additional capacity to accommodate the likely cumulative demand generated from a qualifying development/s in the special housing area.

5.2.3 Demand for a Qualifying Development

The Council is satisfied that there is evidence that the qualifying development/s in the Special Housing Area will deliver new residential housing that supports the aims and targets of the Queenstown Lakes Housing Accord in a timely manner.

5.2.4 Demand for Residential Housing

The Council is satisfied that there is evidence of demand for a range of housing types that could be developed within a Special Housing Area. Furthermore Council shall be satisfied that a variety of dwelling sizes and dwelling ownership or tenure arrangements are not ruled out by any proposed terms and conditions or covenants that would apply within the Special Housing Area.

5.2.5 Affordability

In order to achieve the targets in the Housing Accord to deliver more dwellings at affordable price points, the Council will negotiate housing outcomes for each Special Housing Area and/or qualifying development on an individual basis.

The delivery of more affordable housing options within qualifying developments will be appropriately balanced against:

- The need for development to remain profitable and commercially viable.
- Other strategic outcomes important to the Council such as integrated urban growth management.

The approach to affordability will be *not* to mandate the delivery of housing at specified price points, but to focus on requiring a certain proportion of qualifying developments to comprise smaller subdivision allotments or dwellings. Whilst this is the primary means of addressing housing affordability, Council is also keen to promote Community Housing in SHA developments.

The negotiation of these housing outcomes will therefore cover:

- a) The type and size of dwellings to be built; it is anticipated that in most if not all Special Housing Area at least 20% of dwellings will comprise two bedroom dwellings.
- b) The size of sections; for typical low density housing subdivisions where the typical allotment size may be in the order of 500-700 square metres, land developers will be required to provide a certain proportion (typically at least 30%) of the allotments at smaller sizes ie. 250-400 square metres.
- c) The nature of any covenants (or similar restrictions) imposed on sections;
- d) The potential for a development to target specific housing need e.g. first home buyers, the rental market or social housing;
- e) A requirement that the developer engages with the Queenstown Lakes Community Housing Trust to explore options to provide Community Housing or otherwise provides an acceptable mechanism for dwellings to be retained as Community Housing (freehold or rental).
- f) A prohibition on sites within SHAs being used for short term rental / visitor accommodation and an appropriate mechanism for securing this in perpetuity.

- g) The potential to spread or mix the type and size of sections and dwellings to be developed throughout the proposed special housing area.
- h) Other relevant matters that are identified.

5.2.6 Predominantly Residential

A qualifying development within a Special Housing Area will have the primary purpose of supplying residential dwellings to the market. Any non-residential activities should be ancillary to the residential development and negotiated with the Council before the recommendation for a Special Housing Area is made to the Minister of Housing, including reserves and open space areas, commercial or community activities.

5.2.7 Building Height

The maximum calculated building height for a qualifying development in a special housing area will be determined as part of the declaration of that special housing area. It will be determined by the Council in discussion with the landowner/ developer with reference to:

- a) The characteristics of the land in the special housing area and land directly adjoining;
- b) The maximum height provided for in the zone of the operative District Plan that currently applies to the land in question, and any changing and evolving direction regarding building height apparent through the development of the Proposed District Plan;
- c) The maximum height provided for in the Act.

5.2.8 Minimum Number of Dwellings

The minimum number of dwellings required in any special housing area to constitute a qualifying development will vary from area to area. In existing developed areas, the minimum number is likely to be set low eg. two dwellings. In greenfield developments the figure will be higher, but is likely to vary depending on circumstances.

5.2.9 Residential Development Quality

Council's development quality expectations are set out in Appendix B.

Council will seek SHA land owners / developers to agree in principle with these requirements.

5.3 Operative District Plan

5.3.1 Application of Operative District Plan

For the purpose of clarifying the effect of sections 15(8) and 34(1) (d) of the Housing Accords and Special Housing Areas Act 2013, any reference to the Operative District Plan will be a reference to the objectives, rules and policies for the appropriate residential zone or in some cases other provisions including overlay Policy Areas that apply to the area.

The appropriate residential zone may not be the zone that the development is actually located in, particularly in instances where a special housing area is located on land that does not have a residential zoning – for example land with an industrial or rural zoning.

5.3.2 Determination of Appropriate Residential Zone Provisions

The matters that will be considered when determining the appropriate residential zone provisions to be applied in the special housing area in regard to the Operative District Plan include:

- a) The characteristics of the land in the Special Housing Area and land directly adjoining;
- b) The individual development proposal;
- c) The appropriateness of the operative zoning for the delivery of a qualifying development/s;
- d) Whether another zone or other zone provisions in the operative District Plan might be more appropriate for the delivery of a qualifying development/s;
- e) The evolving direction of the residential provisions of the District Plan Review;
- f) The purpose of the Act;
- g) Delivery of the targets in the Queenstown Housing Accord.

5.4 Agreements with Land Owners / Developers

The Council expects that the agreed outcomes of negotiations will be legally secured by an appropriate method to ensure their delivery in an appropriate and timely manner.

5.5 Recommendation of a Special Housing Area to Minister for Building and Housing

Council will only recommend to the Minister of Housing to declare a Special Housing Area when the Council is satisfied that:

- a) The criteria in 5.2 of the Policy have been appropriately met; and
- b) Outcomes of negotiations have been appropriately secured with the land owner /developer; and
- c) Public feedback has been sought on any proposed SHAs, and
- d) The matter has been formally reported to Council and the Council has resolved to recommend the Special Housing Area to the Minister.

6. OTHER MATTERS

- 6.1** The Council's operative Development Contributions Policy is the default approach to all qualifying developments. However, alternative approaches may be considered and potentially applied during the life of the Housing Accord.

- 6.2** The Council is interested in the delivery of dwellings that minimise on-going operating costs and delivers higher environmental performance. Whilst Council cannot mandate higher performance, it will seek to encourage or incentivise such outcomes where possible.
- 6.3** Whilst Council cannot demand a minimum standard of development quality under the Act, it can set non-statutory expectations. In addition, expectations around development quality will be set in the Proposed District Plan, which is anticipated to be notified in May 2015, and which is a relevant assessment consideration under the Act. Appendix B comprises a document that will guide Council's expectations in terms of development quality.

7. RELEVANT DELEGATIONS

- 7.1** The General Manager Planning and Infrastructure is delegated to enter into negotiations with landowners/developers interested in promoting a special housing area in accordance with this policy. Such negotiated agreements are to be signed only after Council has resolved per 5.5 (d).
- 7.2** Hearings Commissioners are invested with the delegation to consider qualifying developments within a Special Housing Area.

8. REFERENCES AND RELEVANT LEGISLATION

- Housing Accord and Special Housing Areas Act 2013
- Queenstown Housing Accord dated 23 October 2014.
- Resource Management Act 1991
- Local Government Act 2002
- Operative District Plan
- Operative Development Contributions Policy
- Operative Annual Plan and Long Term Plan
- Regional Policy Statement
- Regional Land Transport Plan
- Iwi/hapu management plans

Appendix A – Consenting Process for Special Housing Areas

Appendix B – Residential Development Quality Expectations

Appendix A – Consenting Process for Special Housing Areas



Housing Accords and Special Housing Areas Act 2013

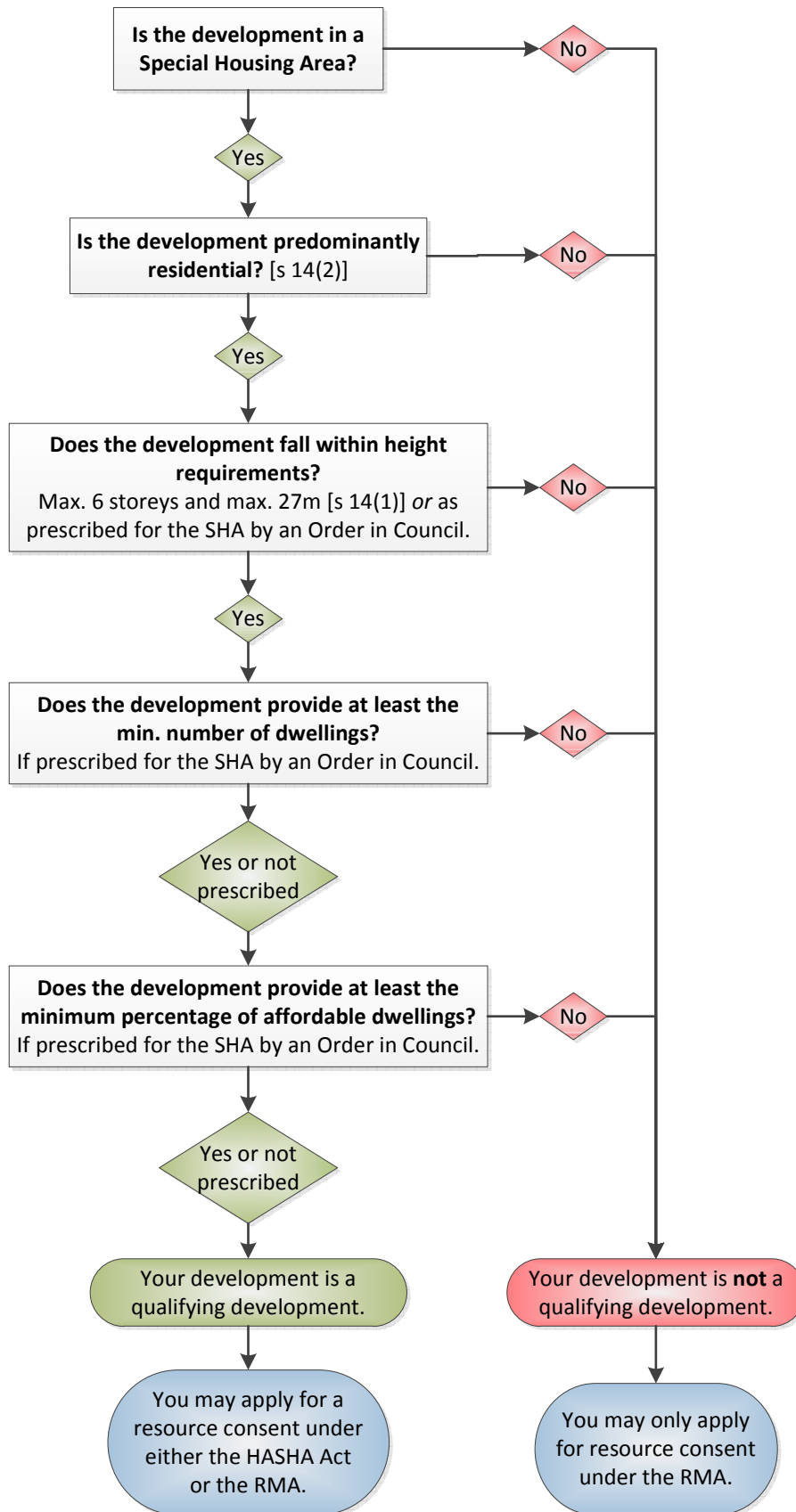
Resource Consenting Process Diagrams

Contents

- Criteria for Qualifying Developments – page 2
- Development Activity Classification – page 3
- Timeline for a Resource Consent – page 4
- Timeline for a Non-notified Concurrent Application – page 5
- Timeline for a Notified Concurrent Application – page 6
- Authorised Agency Decision-making Criteria – page 7

Criteria for Qualifying Developments

Does your development qualify to apply for resource consent under the HASHA Act?



Development Activity Classification

How will your development activity be treated under the HASHA Act?

This table shows:

- Under which section of the HASHA Act you may apply for a resource consent.
- How the authorised agency must treat your application.

1. How does the current plan classify your development activity?

		Current plan		
		Prohibited	Non-complying / Discretionary / Restricted discretionary / Controlled / Permitted	
2. Is there a proposed plan?* How does it classify your development activity? * A proposed plan is a plan proposal that has been publicly notified under RMA sch 1 cl 5.	Proposed plan	Prohibited	Section 25(2)(c) - treated as Discretionary (within 10 working days of the application a request for variation to the proposed plan may be required in conjunction with the application)	Section 25(2)(d) - treated as Discretionary (within 10 working days of the application a request for variation to the proposed plan may be required in conjunction with the application)
		Non-complying	Section 25(2)(a)(v) - treated as if the proposed plan applied.	Section 25(1) - treated as stated by the current plan.
		Discretionary	Section 25(2)(a)(iv) - treated as if the proposed plan applied.	
		Restricted discretionary	Section 25(2)(a)(iii) - treated as if the proposed plan applied.	
		Controlled	Section 25(2)(a)(ii) - treated as if the proposed plan applied.	
		Permitted	Section 25(2)(a)(i) - treated as if the proposed plan described the activity as Controlled .	
	No proposed plan	Section 25(2)(b) - treated as Discretionary (within 10 working days of the application a request for plan change may be required in conjunction with the application)		

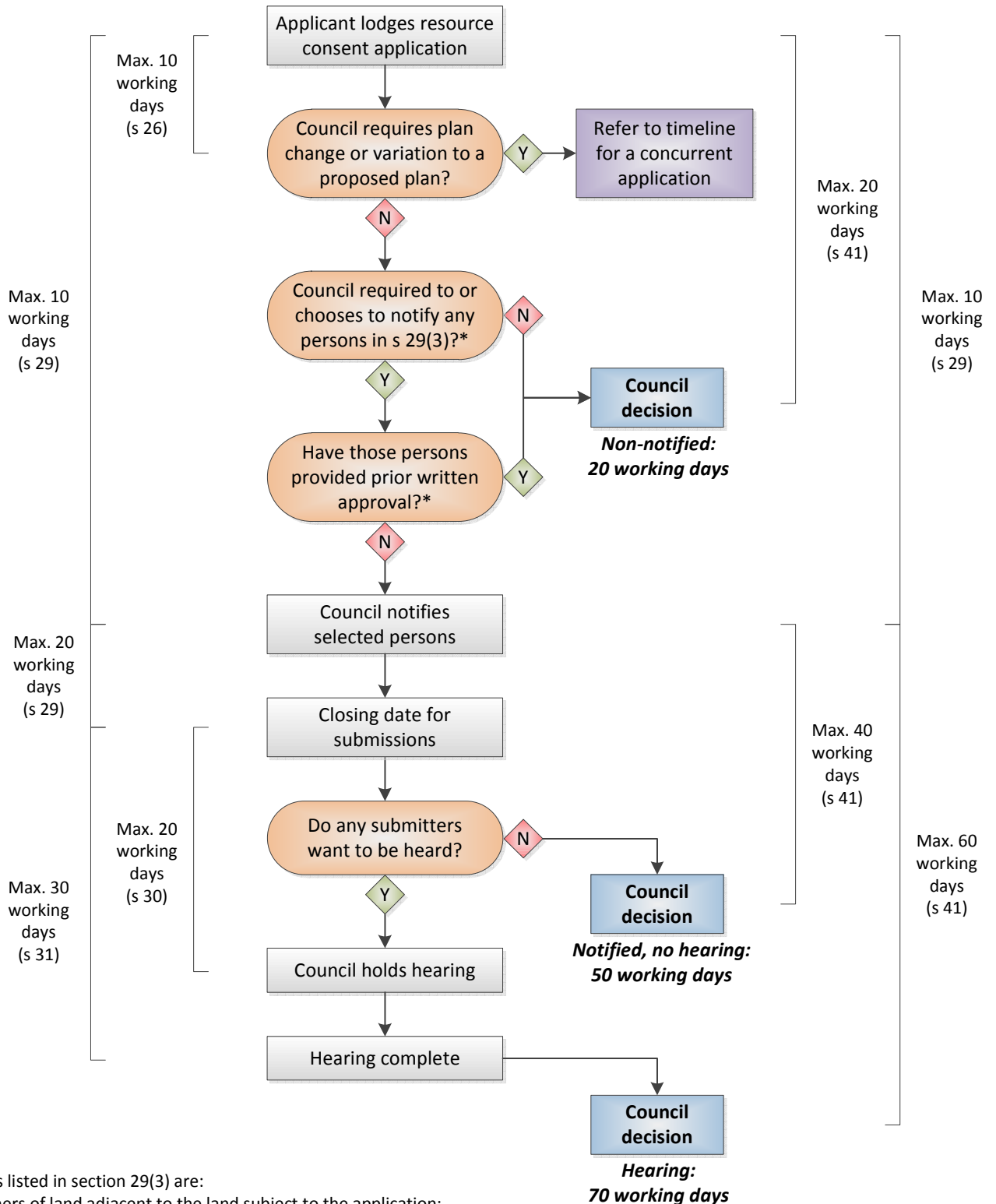
3. What if your activity doesn't fit the table?

If there is no relevant plan or proposed plan, or no relevant rule or proposed rule, but Part 3 of the RMA requires a resource consent, you may apply under section 25(2)(e). The authorised agency must treat the activity as Discretionary.

If the relevant plan or proposed plan requires a resource consent, but does not classify the activity as controlled, restricted discretionary, discretionary, or non-complying, you may apply under section 25(2)(f). The authorised agency must treat the activity as Discretionary.

Timeline for a Resource Consent

How long will your resource consent take under the HASHA Act?

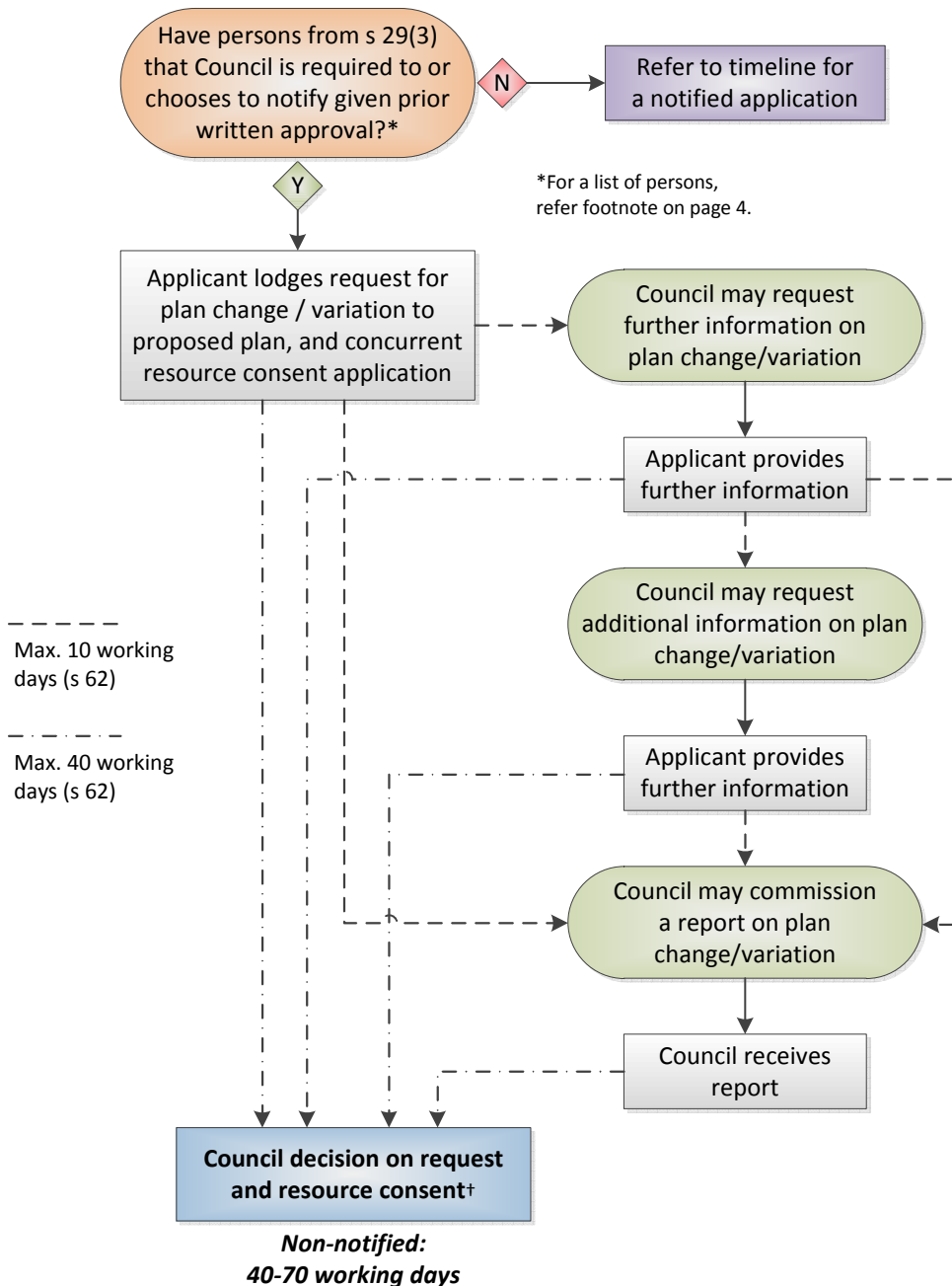


* Persons listed in section 29(3) are:
 - the owners of land adjacent to the land subject to the application;
 - local authorities in whose district or region the land subject to the application falls;
 any infrastructure providers who have assets on, under, or over the land subject to the application or the land adjacent to that land; and
 - if the land subject to the application or land adjacent to that land is subject to a designation, the requiring authority that required the designation.

Timeline for a Non-notified Concurrent Application

How long will your resource consent take under the HASHA Act when the Council requires a plan change or variation to a proposed plan?

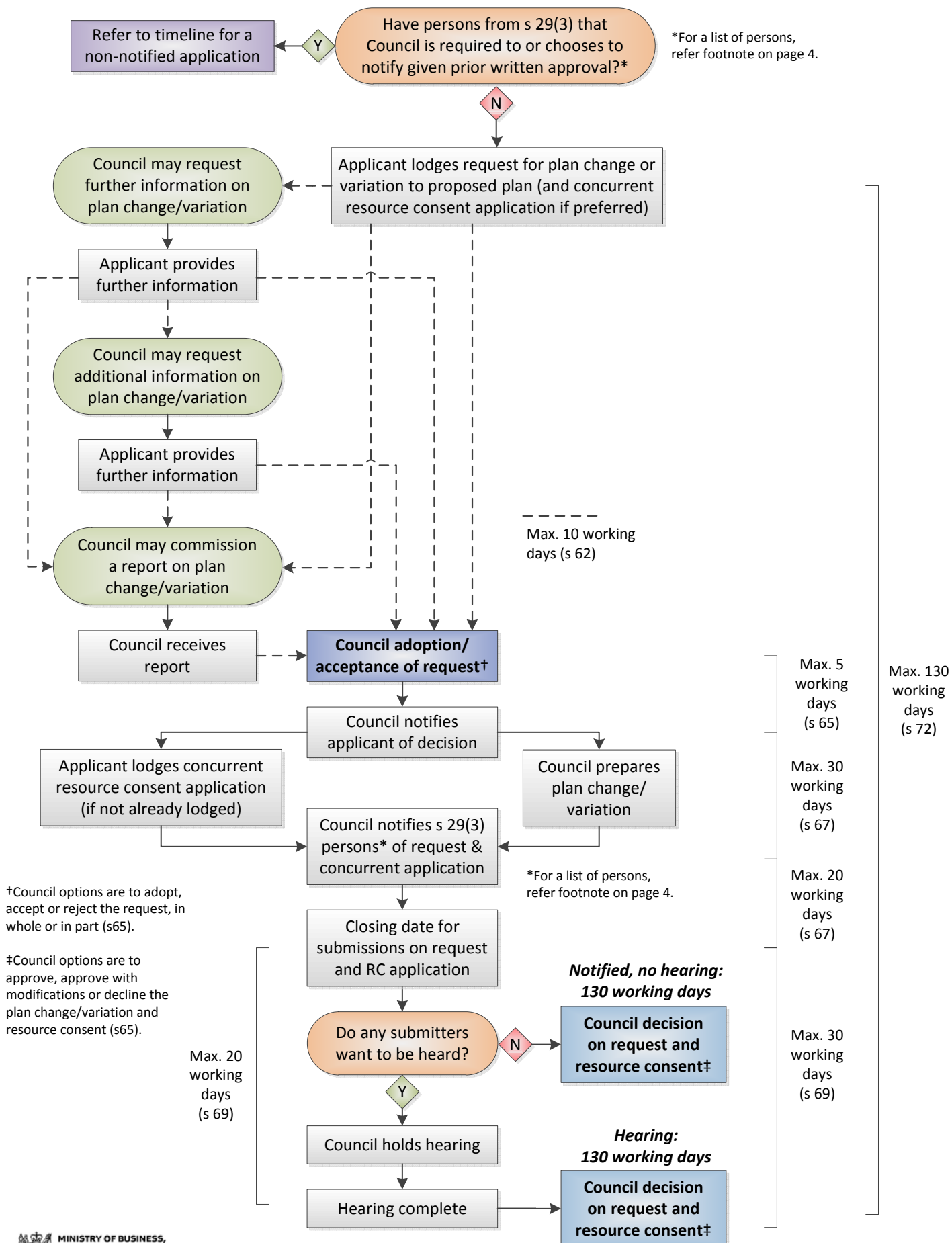
The request must seek to make the activity to which the resource consent application relates a **controlled, restricted discretionary, discretionary, or non-complying** activity. The resource consent application must be consistent with the request for plan change or variation to proposed plan (s 26).



†Council options are to approve, approve with modifications, or decline the plan change/variation and the resource consent (s62).

Timeline for a Notified Concurrent Application

How long will your resource consent take under the HASHA Act when the Council requires a plan change or variation to a proposed plan?

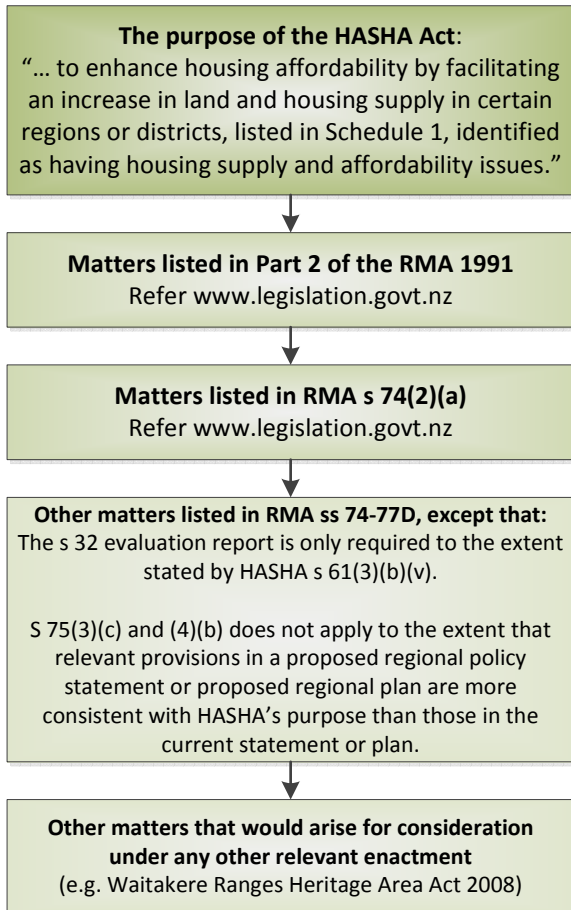


Authorised Agency Decision-making Criteria

How will your plan change/variation and resource consent be considered under the HASHA Act?

PLAN CHANGE/VARIATION

1. The authorised agency must have regard to the following matters, giving them weight (greater to lesser) in the order listed:



Section 61(4)

Note:

A request for plan change can only be made under the HASHA Act if the development activity is Prohibited in the current plan.

A request for variation to a proposed plan can only be made under the HASHA Act if the development activity is Prohibited in the proposed plan.

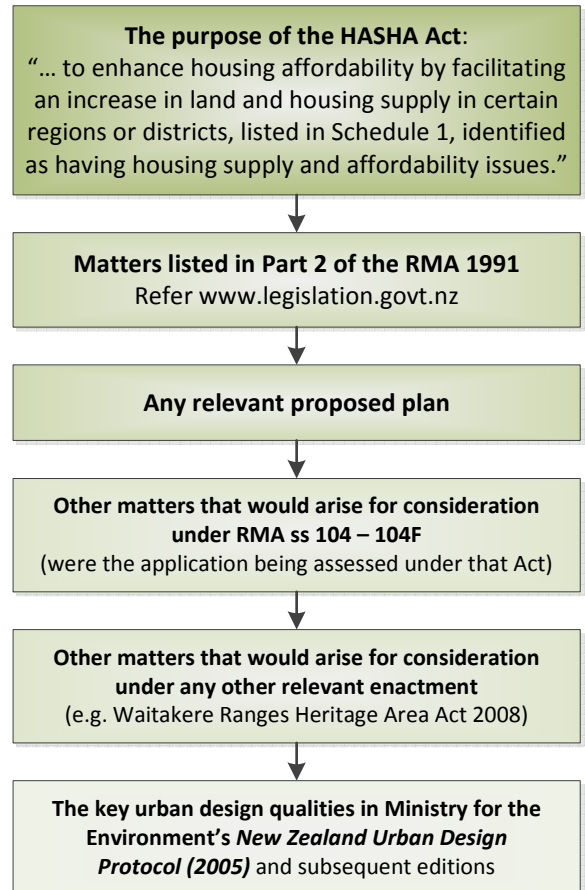
2. If the request is being considered with a concurrent resource consent application:

The authorising agency must first determine matters in relation to the request, and then determine matters in relation to the concurrent resource consent application, based on its determination of matters in relation to the request.

Section 71

RESOURCE CONSENT

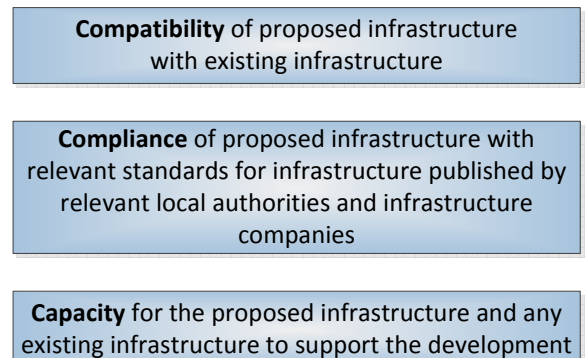
1. The authorising agency must have regard to the following matters, giving them weight (greater to lesser) in the order listed:



Section 34(1)

2. The authorised agency must be satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.

This must take into account the following matters without limitation and in no particular order :



Section 34(2-3)

NB. This section requires more detailed infrastructure analysis than at the establishment of a special housing area.

The Housing Accords and Special Housing Areas Act 2013 is designed to reduce resource consenting timeframes in certain situations.

The timelines contained in this booklet show the streamlined process under the HASHA Act. They presume that all information has been provided to the authorised agency on time, modifications are not made to the application, and decisions are not appealed. Periods excluded from the time limits are detailed in Schedule 2 of the HASHA Act (refer www.legislation.govt.nz). These are not included in the timelines.

For any questions relating to the flowcharts in this document, contact the Housing Policy Development team at the Ministry for Business, Innovation and Employment.

For information on standard processing times under the Resource Management Act, refer to the Ministry for the Environment's website:

- Applying for a resource consent: <https://www.mfe.govt.nz/publications/rma/everyday/>
- Council plan preparation and plan change process: <https://www.mfe.govt.nz/publications/rma/everyday/plan-submission/>

Appendix B – Residential Development Quality Expectations

‘High Quality Residential Development’

What does it mean for QLDC?

Defined as:

Residential development that integrates well into neighbourhoods (acknowledging it may be of significantly higher density), contributes to place making and interacts with the public realm. It comprises well designed, comfortable homes with good amenity and storage, exceeding Building Code requirements wherever possible in terms of environmental performance to minimise ongoing living costs.

It is emphasised that this definition of High Quality Residential Development emphasises good to very good performance across the four facets outlined below. The definition does not tolerate an “Average” performance on any single facet. Similarly, it does not demand a “High “performance on any one facet (recognising that setting the bar too high can impact negatively on housing affordability, and that there can be other site-specific barriers to achieving high performance in one single facet eg. the location may be zoned for urban purposes but located relatively remote from some community services).

It should be noted that ‘High Quality Residential Development’ does not demand high quality materials and finishes. Therefore, the term ‘High Quality Residential Development’ encapsulates affordable housing developments where, for example, less expensive materials are utilised, but where the design quality is good and the development addresses all facets outlined above and below.

Four facets are highlighted:

1. Integrating into the Neighbourhood

a. Connections

Does the scheme integrate into its surroundings by reinforcing existing vehicular, pedestrian and cycling connections and creating new ones; while also respecting existing buildings and land uses along the boundaries of the development site?

b. Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, parks, workplaces, play areas?

c. Public transport

Does the scheme have good access to public transport?

d. Meeting Local Housing Requirements

Does the development have a mix of housing types and tenures that suit local requirements, including the need for lower cost housing options?

2. Creating a Place

a. Articulation and Design

Does the scheme provide for a good degree of visual interest and variation, as opposed to blandness and homogeneity?

b. Working with the site and its context

Does the scheme take advantage of existing topography, landscape features, habitats, existing buildings, site orientation and microclimates?

c. Creating well defined streets and places

Are buildings designed and positioned with landscaping to define and enhance streets and public spaces?

d. Easy to find your way around

Is the scheme designed to make it easy to find your way around?

3. Street & Home

a. Carparking and Access

Is sufficient – but not excessive – parking and access provided in an integrated manner, in a way that the street and internal site environment is not dominated by it?

b. Public and private spaces

Are public and private spaces clearly defined and designed to be attractive, functional, well managed and safe?

c. Good Quality homes

Are the homes well designed, comfortable, well insulated and practical, optimise solar gain, and provide good storage?

4. Environmental Responsibility

a. Reducing environmental footprint

Does the scheme demonstrate methods for minimising its environmental footprint?

And in particular does the development achieve at least four of the following:

- Buildings are healthy and comfortable, where it is easy to keep the warmth in and the moisture out
- Minimise energy consumption through energy efficient devices, reducing appliance numbers and onsite energy generation
- Water efficiency of taps, showers and toilets. Reusing, collecting and treating water onsite.
- Systems for reducing waste and increasing recycling
- Site and building aspect to maximise passive solar gain
- Select sustainable building materials

Does the scheme provide compact housing in locations near centres or on / near public transport routes and pedestrian and cycle routes, and access to food growing areas?

Housing Accords and Special Housing Areas Act 2013 Implementation Policy



24 November 2016

1. Background

The purpose of the Housing Accords and Special Housing Areas Act 2013 (**HASHAA**) is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, including Queenstown-Lakes District.

In October 2014 the Council and Government entered into the Queenstown-Lakes District Housing Accord (**Housing Accord**). The Housing Accord is intended to increase the housing supply and improve housing affordability in the district by facilitating development of quality housing that meets the needs of the growing local population.

The Housing Accord included agreed targets related to housing supply for Years 1-3 of the Accord. Targets for years 4-6 are to be agreed between the Queenstown Lakes District Council (**Council**) and Minister of Housing. The Housing Accord includes priority actions aiming to increase the supply of housing in the district and to guide the Council's exercise of powers provided by HASHAA. It also addresses governance, processes, monitoring and review.

Under HASHAA the Council may at any time recommend to the Minister of Building and Housing (**Minister**) that one or more areas within the district be established as special housing areas.

If the Minister agrees with the Council, he or she may recommend that the Governor-General make an Order in Council declaring an area within the district to be a special housing area for the purpose of HASHAA.

HASHAA then provides an alternative, streamlined approach for applications for resource consent for qualifying developments in special housing areas to the usual process under the Resource Management Act 1991. Under that alternative approach, applications for resource consent for qualifying developments must not be publicly notified, although there is provision for limited notification of adjoining property owners and occupiers. There are no appeal rights in relation to decisions on such applications, except where development over four storeys is proposed. In addition, while Part 2 (the purpose and principles) of the Resource Management Act 1991 (**RMA**) and District Plan provisions (both Operative and Proposed) are relevant assessment matters when considering applications for resource consent for qualifying developments, these matters are given a lower weighting than the purpose of HASHAA.

The purpose of this policy is to assist the Council in deciding whether to recommend the establishment of special housing areas to the Minister and in considering applications for resource consent for qualifying developments within special housing areas.

The contents of the policy are not intended to be exhaustive and do not limit the Council's discretion whether to make a recommendation or whether to grant resource consent. The Council may take into account additional factors and changed circumstances where relevant.

In September 2016 HASHAA was amended to extend the deadline for establishing special housing areas to 16 September 2019 and to extend the date of its repeal (for the purpose of consenting qualifying developments) to 16 September 2021.

Before HASHAA was amended the Council recommended a number of special housing areas to the Minister in accordance with its previous Lead Policy: Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines, adopted on 30 October 2014 and updated on 30 April 2015. From the date of its adoption, this policy applies to the recommendation of all further special housing areas by Council to the Minister and the consideration of all further applications for resource consent for qualifying developments.

2. Objectives

The Council's objectives in recommending the establishment of special housing areas to the Minister and considering applications for resource consent for qualifying developments are that:

1. Recommendation of special housing areas facilitates an increase in land for housing supply.
2. Special housing areas are established in appropriate locations, where there is evidence of demand for residential housing.
3. The establishment of special housing areas accords with the Council's overall strategic direction for urban development in the District.
4. Adequate infrastructure exists or is likely to exist to service qualifying developments in special housing areas.
5. Qualifying developments within special housing areas take a proactive approach to improving housing affordability issues by providing an appropriate mix of housing options including housing for owner occupiers, first home buyers, accommodation for workers, and facilitating the provision of community housing.
6. There is community feedback as part of the establishment of proposed special housing areas.
7. The development of special housing areas will achieve high quality and good urban design outcomes.
8. Development of housing in special housing areas occurs as quickly as practicable.

3. Criteria and Process for considering Special Housing Areas and qualifying developments

Special housing areas may originate from:

- The Council identifying, considering and recommending areas to the Minister on its own initiative; and

- Expressions of interest (**EOIs**) from landowners and developers for special housing areas that the Council considers meet the criteria listed below.

The Council will consider each proposed special housing area on its merits. In addition to the degree of consistency with this policy, other factors, such as planning and Resource Management Act 1991 matters, may be relevant to the Council's exercise of discretion to make a recommendation to the Minister.¹

The below process will generally be followed on receipt of an EOI:

1. An initial consideration of an EOI to ensure it is consistent with the Council's intent, and there is sufficient information provided to be able to assess it;
2. Seek public feedback including statutory agencies and iwi;
3. Seek comments from internal Council departments and others as necessary;
4. Report to Full Council or a Council Committee according to delegations;
5. Should the EOI be accepted in principle, negotiate an appropriate legal mechanism which may or may not need to be reported back to Full Council or a Council Committee according to delegations; and
6. Once the legal mechanism is agreed and signed, the EOI will be recommended to the Minister.

Note: Pre-application discussions are encouraged. Legal mechanisms may not be required for Council-led proposals.

The deadline for establishing special housing areas has been extended by HASHAA to the 16 September 2019. The Council may, in its discretion, decide not to assess any EOI received after 16 April 2019.

In deciding whether to recommend a special housing area to the Minister the Council will consider the statutory criteria, including the following matters:

1. Location

The Council will group areas of land in the District into three categories:

- a. **Category 1** includes areas that are considered suitable for establishment as special housing areas. These areas have been identified or zoned in the Proposed District Plan for residential development or intensification and/or are located within the proposed urban growth boundary. Category 1 areas are listed in **Attachment A**.
- b. **Category 2** includes areas that may be suitable for establishment as special housing areas, subject to further assessment against this policy.

This schedule can only be updated following resolution by a full Council. The Council will not accept proposals or EOIs from landowners or developers to include areas on this schedule. Category 2 areas are listed in **Attachment A**.

¹ *Ayrburn Farm Developments Limited v Queenstown Lakes District Council* [2016] NZHC 693.

- c. **Category 3** includes areas that are not considered suitable for establishment as special housing areas. Category 3 areas are listed in **Attachment A**.

The Council is not precluded from considering EOs outside of these categories for the establishment of special housing areas. However, Criterion 2 – Strategic direction (below) will be stringently applied to the effect that successful EOs will be exceptional cases.

2. Strategic direction

The Council will consider proposed special housing areas in light of its overall strategic direction for development in the District. This includes ensuring that urban development occurs in a logical manner:

- to promote a compact, well designed and integrated urban form;
- to manage the cost of Council infrastructure; and
- to protect the District's rural landscapes from sporadic and sprawling development.

This includes establishing special housing areas within existing urban areas, or proposed urban areas in the Proposed District Plan, including those that are anticipated to fall within urban growth boundaries.

The Council may also consider the findings of other relevant investigations, such as the Wakatipu Basin Land Use Study and the Ladies Mile Masterplan, which is investigating the future capacity of this area to absorb change.

3. Infrastructure

The Council must be satisfied that either:

- a. Adequate infrastructure exists to service qualifying development in the area; or
- b. Infrastructure can and will be provided and funded by the landowner or developer at no cost to, and without unforeseen or adverse financial costs on, the Council or other relevant infrastructure providers.

The Council will assess the infrastructure requirements of a proposed special housing area against the matters listed in **Attachment B**.

4. Affordability

The Council expects landowners and developers to identify appropriate mechanisms to ensure that housing developed in a special housing area addresses the district's housing affordability issues. The Council considers that an appropriate mix of housing is necessary in the district, including housing for owner-occupiers, first home buyers, and accommodation for workers.

Examples of mechanisms to achieve affordability may include:

- a range of appropriately sized sections (including smaller sized sections of 240-400m²);
- a mixture of housing typologies and sizes is also desirable;

- methods to reduce property speculation of vacant sections; and
- methods to retain affordability in the medium to long term.

Housing developed in special housing areas will be expected not to be used solely for visitor accommodation and landowners and developers should identify an appropriate legal mechanism for securing this outcome.

5. Community housing

The Council will require engagement with the Queenstown-Lakes Community Housing Trust (**QLCHT**) to explore options to either:

- Provide a proportion of a qualifying development in a special housing area as community housing (freehold or rental) to the QLCHT; or
- Make a financial contribution to the QLCHT in relative proportion to a qualifying development in a special housing area.

The Council is open to the provision of an alternative mechanism for dwellings to be retained as community housing (freehold or rental), although engagement with the QLCHT is preferred.

6. Community feedback

The Council will seek community feedback on all proposed special housing areas.

This will include the Council seeking advice from the New Zealand Transport Agency, Ministry of Education, Otago Regional Council, Local Iwi and any other parties considered to be relevant to the consideration of a special housing area.

7. Quality and design outcomes

The Council will expect all qualifying developments in special housing areas to achieve high quality and good urban design outcomes.

The Council's development quality expectations are set out in **Attachment C**.

8. Timely development

The Council wishes to see evidence that the special housing area proponent is motivated to obtain resource consent before the repeal of HASHAA and to implement the resource consent in a timely manner, such that the development assists in addressing the District's housing supply and affordability issues.

4. **Agreements with Land Owners / Developers**

For every expression of interest approved by Council, the Council will secure the agreed outcomes of negotiations with landowners and developers through a suitably binding legal method to ensure their delivery in an appropriate and timely manner. This shall occur before the EOI is recommended to the Minister.

These agreements will cover matters including, but not limited to, the provision of

infrastructure, securing housing affordability outcomes, securing design outcomes, and the timely resource consenting and development of special housing areas.

5. Recommendations to the Minister

The Council will only recommend the establishment of a special housing area to the Minister following a formal report to the Council, and the Council resolving to recommend the proposed special housing area to the Minister, only if satisfied that:

1. The criteria in section 3 of this policy have been met to the Council's satisfaction; and
2. The outcomes of negotiations with the landowner or developer resulting from sections 3 and 4 have been appropriately secured via a suitably binding legal method.

6. Applications for resource consent for qualifying developments

Should the Minister of Building & Housing approve the special housing area, then prior to the making of any application for resource consent for a qualifying development, the land owner or developer and the Council shall enter into pre-application discussions. These discussions will involve input from various Council departments.

The Council will consider any application for resource consent for a qualifying development in a special housing area in accordance with this policy. This is subject to the matters listed for consideration in s 34(1) of HASHAA.

Where a special housing areas was established prior to the adoption of this policy, the Council may consider any application for resource consent for a qualifying development under the previous policy or this policy, or both, as appropriate.

All Council staff time and other costs of processing and considering any resource consent application will be on-charged to the landowner or developer in accordance with the Resource Consent and Engineering Fees and Other Charges Schedule adopted by Council on the 1 July 2016.

The final date an application for resource consent for a qualifying development in a special housing area can be lodged is 16 September 2019.

Attachment A – Categories 1, 2 and 3

Category 1: Areas suitable for the establishment of special housing areas

Queenstown

The following zoned areas within the Queenstown Urban Growth Boundaries of the Proposed District Plan:

- Low Density Residential Zone;
- Medium Density Residential Zone;
- High Density Residential Zone; and
- Business Mixed Use Zone.

This excludes any land that is located in the Queenstown Airport Air Noise Boundary and Outer Control Boundary.

Category 2: May be suitable for the establishment of special housing areas

To be completed following further consideration by Council.

Category 3: Not suitable for the establishment of Special Housing Areas

To be completed following further consideration by Council.

Attachment B – Infrastructure Requirements

The relevant infrastructure **includes**:

- Stormwater
- Wastewater
- Water
- Transport (including impact on state highways, impact on local roads, public transport, provision of public transport facilities, under passes, trails and tracks etc)
- Parks and Reserves
- Social and Community Infrastructure
- Education
- Network utilities (electricity, gas and telecommunications)

For Council-related services of water supply, wastewater, transport, stormwater and reserves the Council is satisfied:

1. That infrastructure exists and has additional capacity to accommodate the likely cumulative demand from a qualifying development/s in the special housing area or infrastructure is planned or programmed in the Council's Long Term Plan and Development Contributions Policy, and/or
2. That infrastructure would be provided and funded by the private sector ahead of the Long Term Plan programmed time at no additional cost to Council, and/or
3. Where not planned or programmed in the Council's Long Term Plan and Development Contributions Policy, infrastructure would be fully provided and funded by the private sector at no cost to Council and can connect to existing infrastructure that has additional capacity to accommodate the likely cumulative demand from a qualifying development/s in the special housing area, and
4. For stormwater, mitigation will meet the conditions of any relevant consent held by the Council or such other relevant engineering standards that are applicable, and
5. That infrastructure will be designed and constructed in accordance with the relevant requirements of the Council's Infrastructure Development Code, and any other specific design, specifications and plans for infrastructure works arising from any consent or infrastructure agreement between the Council and any other party.

For other (non-Council) infrastructure of state highways, public transport, government facilities such as education, or network utilities (electricity, gas and telecommunications) the Council is satisfied that infrastructure exists or is planned by the relevant service provider with additional capacity to accommodate the likely cumulative demand generated from a qualifying development/s in the special housing area

Attachment C –Quality and Design Outcomes

‘High Quality Residential Development’

What does it mean for QLDC?

Defined as:

Residential development that integrates well into neighbourhoods (acknowledging it may be of significantly higher density), contributes to place making and interacts with the public realm. It comprises well designed, comfortable homes with good amenity and storage, exceeding Building Code requirements wherever possible in terms of environmental performance to minimise ongoing living costs.

It is emphasised that this definition of High Quality Residential Development emphasises good to very good performance across the four facets outlined below. The definition does not tolerate an “Average” performance on any single facet. Similarly, it does not demand a “High “performance on any one facet (recognising that setting the bar too high can impact negatively on housing affordability, and that there can be other site-specific barriers to achieving high performance in one single facet eg. the location may be zoned for urban purposes but located relatively remote from some community services).

It should be noted that ‘High Quality Residential Development’ does not demand high quality materials and finishes. Therefore, the term ‘High Quality Residential Development’ encapsulates affordable housing developments where, for example, less expensive materials are utilised, but where the design quality is good and the development addresses all facets outlined above and below.

Four facets are highlighted:

1. Integrating into the Neighbourhood

a. Connections

Does the scheme integrate into its surroundings by reinforcing existing vehicular, pedestrian and cycling connections and creating new ones; while also respecting existing buildings and land uses along the boundaries of the development site?

b. Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, parks, workplaces, play areas?

c. Public transport

Does the scheme have good access to public transport?

d. Meeting Local Housing Requirements

Does the development have a mix of housing types and tenures that suit local requirements, including the need for lower cost housing options?

2. Creating a Place

a. Articulation and Design

Does the scheme provide for a good degree of visual interest and variation, as opposed to blandness and homogeneity?

b. Working with the site and its context

Does the scheme take advantage of existing topography, landscape features, habitats, existing buildings, site orientation and microclimates?

c. Creating well defined streets and places

Are buildings designed and positioned with landscaping to define and enhance streets and public spaces?

d. Easy to find your way around

Is the scheme designed to make it easy to find your way around?

3. Street & Home

a. Carparking and Access

Is sufficient – but not excessive – parking and access provided in an integrated manner, in a way that the street and internal site environment is not dominated by it?

b. Public and private spaces

Are public and private spaces clearly defined and designed to be attractive, functional, well managed and safe?

c. Good Quality homes

Are the homes well designed, comfortable, well insulated and practical, optimise solar gain, and provide good storage?

4. Environmental Responsibility

a. Reducing environmental footprint

Does the scheme demonstrate methods for minimising its environmental footprint?

And in particular does the development achieve at least four of the following:

- Buildings are healthy and comfortable, where it is easy to keep the warmth in and the moisture out
- Minimise energy consumption through energy efficient devices, reducing appliance numbers and onsite energy generation
- Water efficiency of taps, showers and toilets. Reusing, collecting and treating water onsite.
- Systems for reducing waste and increasing recycling
- Site and building aspect to maximise passive solar gain
- Select sustainable building materials

Does the scheme provide compact housing in locations near centres or on / near public transport routes and pedestrian and cycle routes, and access to food growing areas?

**QLDC Council
24 November 2016**

Report for Agenda Item: 2

Department: Planning & Development

Update on the National Policy Statement on Urban Development Capacity

Purpose

The purpose of this report is to provide an overview of the National Policy Statement on Urban Development Capacity (NPS-UDC) and how it will affect Council.

Recommendation

That Council:

1. **Note** the contents of this report, in particular the key required deliverables and timeframes to give effect to the NPS-UDC [in paragraph 12];
2. **Note** the relationship between this agenda item, the Proposed District Plan and the review of Council's Lead Policy for Special Housing Areas, both of which provide a mechanism to deliver additional land supply; and
3. **Note** the required deliverables will have resourcing implications that will be determined and reported for consideration as part of the 2017/18 Annual Plan.

Prepared by:



Blair Devlin
Manager, Planning Practice

11/11/2016

Reviewed and Authorised
by:



Tony Avery
General Manager,
Planning & Development
11/11/2016

Background

- 1 In August 2015, the Ministry for the Environment announced 'A way forward for National Direction' involving a suite of updates to existing National Environmental Standards and National Policy Statements under the Resource Management Act 1991 (RMA).
- 2 On 2 June 2016 the '*Proposed NPS on Urban Development Capacity: Consultation Document*' was released, seeking feedback from the public via a submissions process.
- 3 A workshop was held with Councillors on 14 June 2016, and an agenda report outlining the submissions process was considered by Full Council at its meeting of 30 June 2016. A submission was lodged by QLDC on 15 July 2015 (**Attachment A**). A summary of the main submission points is provided below.
- 4 The NPS-UDC was developed using the 'streamlined' process under the RMA, where it was simply issued by the Minister following consideration of submissions. The NPS-UDC will take effect on 1 December 2016. A copy is appended as **Attachment B**.
- 5 A NPS sets objectives and policies for matters of national significance. The RMA directs that a local authority must amend its district plan to be consistent with the National Policy Statement. They are also directly applicable when considering resource consent applications.

Summary of the NPS-UDC

- 6 The NPS-UDC provides national direction on planning for urban environments, with a particular focus on ensuring that local authorities, through their planning:
 - *enable urban environments to grow and change in response to the needs of the communities and future generations, and*
 - *provide enough space for their populations to happily live and work".*
- 7 The overall intent is to require councils having Medium and High Growth urban areas to provide "sufficient" and "feasible" housing and business land development capacity to meet demand. Queenstown is identified as a 'High-Growth Urban Area'
- 8 Demand for housing and business land is required to be assessed over the short (3 years), medium (3-10 years) and long terms (10-30 years); and in response, enough feasible development capacity is required to be provided by District Plans to meet this demand.
- 9 The NPS specifies that "sufficient" development capacity should account for the likelihood that not all feasible capacity will be developed and, therefore, requires provision of an additional margin of 20% over and above the projected short and medium-term residential business demand, and 15% over and above the projected long term residential and business demand (Policy PC1).

- 10 Local authorities must consider all methods under the RMA to enable sufficient development capacity, including changes to plans, consenting processes, and the conditions of consent. The provision of development capacity is not limited to the supply of greenfield land and can include infill and brownfield development.
- 11 The provision of development capacity required by the NPS-UDC can be supported by the recent extension to the Housing Accords and Special Housing Areas Act legislation (HAASHA), and the proposed revision of Councils Lead Policy, including the proposed nomination of locations in which SHAs proposals are anticipated. This is detailed within a separate Agenda item.

Key required deliverables and timeframes for Council

12 The NPS-UDC requires the following key deliverables from QLDC:

- Preparation of a housing and business development capacity assessment (PB1): to estimate the demand for dwellings, including the demand of different types of dwellings, locations and price points. Prepared initially by end of 2017, and thereafter every 3 years.
- Monitoring of indicators and price signals: start monitoring within 6 months of NPS being operative; thereafter revised on a quarterly basis. Begin using this information by the end of 2017.
- Setting of minimum development targets (PC5 to PC11): setting of targets within the District Plan (and working with the ORC to set targets in the Regional Policy Statement) to meet demand for housing. Complete by 31 December 2018.
- Preparation of a Future Development Strategy: preparation of a Future Development Strategy to demonstrate there will be sufficient, feasible development capacity in the medium and long term, and set out how the minimum targets will be met (PC12). Complete by 31 December 2018.

13 Plan changes will then be required to action the results of the above

Implications for Council

- 14 The NPS-UDC requires the analysis of “sufficient” development capacity. This should account for the likelihood that not all capacity will be developed and, therefore, requires provision of an additional margin of 20% over and above the projected short and medium-term residential business demand, and 15% over and above the projected long term residential and business demand.
- 15 The sufficient development capacity referred to above must be serviced with infrastructure in the short (1-3 years) and medium terms (3-10 years), which could have significant budgetary implications for small local authorities with high growth like QLDC. In the past, QLDC has tended to require developers to provide all infrastructure, rather than building it *before* development and seeking to recoup the capital costs through development contributions.

Short term	Development capacity must be feasible, zoned and serviced with development infrastructure.
Medium term	Development capacity must be feasible, zoned and either: <ul style="list-style-type: none"> • serviced with development infrastructure, or • the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.
Long-term	Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.

16 Policy PB7 requires high and medium-growth local authorities to monitor indicators of price efficiency. Price efficiency and competitiveness indicators will be specified in guidance. Government will provide some of the data that local authorities will need efficiency indicators and the preparation of guidance on implementing policies PB6 and PB7

17 Policy PC5 requires *regional councils* to set minimum targets for sufficient, feasible development capacity for housing. Policy PD1 strongly encourages Councils to work together. QLDC will have to work closely with the Otago Regional Council to ensure the minimum targets set are suitable.

Implications for QLDC workload and resourcing

18 The NPS-UDC imposes a number of additional requirements on QLDC as described in paragraph 12 above. The exact implications are still to be assessed, but further work will be required and could include engaging external expertise to complete the necessary monitoring and assessment, particularly with regard to determining the feasibility of development. Preparation of the Future Development Strategy will also require staff and Councillor resource.

19 Officers will report back in time on resourcing implications as part of the 2017/18 Annual Plan round.

QLDC submission points and key changes since the notified version:

20 Key points of QLDC's submission were:

- a. *recognition of costs of compliance for smaller local authorities, and support through preparation of guidance or standard methodologies for dwelling capacity models;*

21 This submission point appears to have been accepted through invites for officers to be involved in technical groups preparing methodologies.

- a. *highlighting difficulties with land banking, and methods to overcome this;*

22 This submission point has not been addressed in the revised NPS.

- a. *required support through the RMA to achieve "responsive" and timely planning outcomes;*

23 This submission point is to be addressed through changes to the Resource Management Act.

- a. *providing an equally strong direction around supporting high quality redevelopment and intensification, in addition to greenfield availability;*

24 This submission point was accepted through changes to the NPS-UDC.

- a. *integration with infrastructure planning processes under the LGA;*

25 This submission point was accepted and the NPS-UDC now requires integration with infrastructure planning under the LGA

- a. *complexities of visitor accommodation and holiday / second homes as a portion of local housing demand;*

26 The NPS-UDC clarifies the need for housing for visitor accommodation will also need to be analysed and provided as a portion of plan enabled capacity

- a. *QLDC is the only 'high growth' area within the Otago Region and is therefore best placed to understand the complexities of the local housing market and to undertake assessments and set targets under the NPS, rather than the regional council;*

27 This submission point was not accepted. The ORC will set targets for Queenstown.

- a. *potential for legal challenge over the targets set by Council and supporting assessments in relation to resource consents.*

28 This submission point was not addressed.

Options

29 There are no options applicable to this agenda item, which contains only a 'note' recommendation.

Significance and Engagement

30 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because of:

- a. the potential risks to the environment, landscape and social, economic and cultural wellbeing
- b. the importance of growth management approaches to the community
- c. the Proposed NPS potentially compromises the integrity of Councils Proposed District Plan which seeks to achieve a compact urban form
- d. the financial implications associated with compliance, and processes of the Financial Strategy, Ten Year Plan and Annual Plan.

Risk

31 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 NPS will have a significant influence on future planning processes under both the Operative and Proposed District Plans, in addition to affecting processes of the 10 Year Plan and Asset Management Plans.

Financial Implications

32 The implementation of the proposed NPS will create additional responsibilities for Council, with associated financial costs and resourcing requirements that have not been accounted for within current operational budgets. The provision of infrastructure needed to support new development capacity (if enabled under the NPS) will also affect funding processes under the 10 Year Plan and Annual Plan.

Council Policies, Strategies and Bylaws

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

- Operative District Plan
- Proposed District Plan
- Proposed Annual Plan 2016/2017
- 10 Year Plan 2015-2025

34 This matter is included in the 10-Year Plan/Annual Plan to the extent that it affects strategic regulatory functions and services, and will potentially lead to financial implications for the provision of core infrastructure and services.

Consultation: Community Views and Preferences

35 No consultation has been undertaken in relation to this agenda item.

Legal Considerations and Statutory Responsibilities

36 The proposed NPS, if implemented, will create additional statutory responsibilities for Council under the RMA and LGA 2002.

Attachments

- A QLDC submission on the proposed NPS
- B Final National Policy Statement on Urban Development (not attached)
<http://www.mfe.govt.nz/publications/towns-and-cities/national-policy-statement-urban-development-capacity-2016>

14 July 2016

NPS Urban Development Capacity
Ministry for the Environment
PO Box 106483
Auckland City 1143

File:
Your Ref:

Dear Hon. Nick Smith

SUBMISSION ON THE PROPOSED NPS FOR URBAN DEVELOPMENT CAPACITY

Overview

The Queenstown Lakes District Council (QLDC) wishes to lodge a formal submission on the Proposed NPS for Urban Development Capacity (the Proposed NPS).

Council supports the Government in creating a national policy framework which connects planning and economics. We acknowledge the benefit of the NPS direction, however have some concerns that the Proposed NPS may not achieve its purpose in realising available land supply because it does not address other economic influences which affect *demand*, *price* and *availability* of land, particularly landbanking.

Our comments on the proposed NPS therefore focus on those areas in which we see some practical difficulties; and also highlights where improvements could be made to the NPS (or supporting legislative framework) to better achieve its intentions.

The main points of our submission are outlined in greater detail below. **Attachment A** addresses the specific questions raised in the NPS consultation document. **Attachment B** provides comments on specific provisions of the NPS

QLDC requests further consultation with the Ministry in finalising the provisions of the NPS.

Land supply and availability

Whilst not expressly stated in the document, it is understood that the driver for the Proposed NPS has been the rapidly increasing price of housing across the country, and seeks to resolve this by providing more capacity via plan enabled (or zoned) supply. However, the provision of zoned land may have limited effect on whether this land is actually brought to market, or at what price point. It is considered that even where plan-enabled (zoned) capacity is increased under the NPS, the decision to develop remains at the hands of the landowner, who may landbank or stage developments for greatest financial return.

This is evidenced in Queenstown whereby Councils' dwelling capacity model (which already accounts for the 'feasibility' of development) indicates capacity for 17,000 new sections/dwellings in Queenstown's existing urban areas under the Operative District Plan. However, a review of this data has found that approximately 80% of this land capable of additional dwellings in Queenstown urban areas is held by 5 landowners, and is not available to the market. While this zoned capacity exists, Queenstown has nonetheless seen an increase to the median house price \$532,500 to \$798,500 in the past year.

Where QLDC sees added potential benefit from government legislation would be in overcoming Councils' inability to control landbanking; and in providing an efficient consenting framework which minimises time delays and costs.

The prevalence of landbanking in Queenstown is well known, and Council has previously considered alternative methods to address this issue. As part of the District Plan review, "sunset clauses" were considered which would remove zoning rights after a defined time period. However, legal advice raised concerns that this method was not a proper exercise of the Council's functions under the *Resource Management Act* (RMA). Council also recently considered via its annual plan process the ability to impose increased rates on undeveloped rural land that is zoned for residential development. Again, questions of Council operating outside its powers were raised, and the proposal was unsuccessful¹.

We also highlight that QLDC is currently investigating a potential Master Plan which would provide for the redevelopment of an area of greenfield rural land on the northern side of Ladies Mile (SH6). While this process would provide for additional plan-enabled capacity, it is also acknowledged that it may also take many years for housing to be realised on the ground due to the time (and costs) for developments to progress under the RMA.

To be effective in providing realistic housing supply, Councils require support by a legislative framework which enables control of the timing of land release to market; and compels developers to act.

Responsive Planning

The "responsive planning" outcomes sought by the NPS are not appropriately supported by the RMA framework (although we note amendments are currently being considered by select committee). The principles of the NPS could be improved by ensuring the RMA provides the necessary support to enable Councils to apply alternative methods to tackle issues such as landbanking (such as rates increases, sunset clauses), and to remove legal instruments preventing intensification (such as restrictive covenants), without lengthy appeal processes.

QLDC Proposed District Plan

QLDC is currently progressing through a District Plan review process, which incorporates strategic objectives to provide for a range of housing needs and to improve competition, within the wider range of issues and objectives the District Plan must address. Our current model indicates that with intensification enabled under the Proposed District Plan, there would be zoned capacity to provide for 20,000 to 22,000 dwellings within existing urban areas (an additional capacity of 3,000 to 5,000 sections/dwellings enabled under the Proposed District Plan).

The NPS is however divorced from the extensive community and stakeholder consultation and strategic planning process of the District Plan review. Considering the strong development pressure, we believe that this process better addresses competing factors, such as efficiency, landscape, public transport, affordability.

Encouraging the zoning of more greenfields land rather than encouraging the timely release of already zoned land leads to inefficiencies in council's already budgeted and planned infrastructural networks, public transport, urban sprawl and a consequent increase in ongoing costs of living/operation to individuals, communities and the Council. In the Queenstown Lakes area in particular, urban sprawl would also threaten the environmental basis of our economy - with local, regional and national consequences.

¹ <http://www.scene.co.nz/council-to-drop-landbankers-hike/328974a1.page>

Economic wellbeing

The NPS indicates a preference for unrestrained growth, with the potential to result in urban sprawl where further capacity cannot be easily provided in existing urban areas and already zoned land. This is at odds with the urban growth management approach of QLDC's Proposed District Plan, and has the potential to compromise the amenity of the rural landscape, which drives tourism and economic growth at local, regional and national levels.

Because Queenstown is physically constrained, there can be difficulty in providing capacity in the locations where it is demanded (i.e. PD4). Greenfield urban growth may be pushed increasing distances from existing urban areas, where the land is 'commercially feasible' to develop. This can lead to economic inefficiencies in terms of infrastructure provision, but also overall household unaffordability (considering, for example, travel costs).

Most urban areas will seek to promote a mixture of growth and intensification and the latter, while socially and economically desirable in the long run, is unlikely to be attractive to investors where there are quicker and more certain returns from releasing greenfield sections. The NPS potentially undermines the ability of urban authorities to drive the density debate, and runs the risk of pushing more and more marginalised or young communities to the fringes of our urban centres.

We consider that the NPS could be improved by providing an equally strong direction around supporting high quality redevelopment and intensification, in addition to greenfield availability.

Infrastructure

Due to physical and landscape constraints affecting the locations of urban development in Queenstown, the need to provide a rolling supply of zoned land may create inefficient and costly 'pockets' of infrastructure. The effect of greenfield development necessitating greater travel distances is difficult to mitigate through public transport in Queenstown due to scale (affecting commercial viability of the bus service).

Although we acknowledge the recent announcement of the \$1 billion infrastructure fund, the NPS does not appear aligned with the timeframes of the *Local Government Act 2002* (LGA). Funding for the next Long Term Plan process (2018) is essentially confirmed by late 2017; before the first Housing and Business land assessments would be completed.

Visitor Accommodation (VA)

The NPS does not consider the complexities of analysing and predicting the portion of housing stock that is used for VA in Queenstown (such as AirBNB). VA not only creates demand for housing (i.e. landowners/investors are incentivised to build new homes for visitor accommodation), but also removes the availability of housing stock for the resident population.

We note that QLDC made the decision to withdraw VA from Stage 1 of its District Plan review to ensure this aspect received the appropriate research and consideration, as the issues involved are complex. Council's position on the use of dwellings for visitor accommodation is not resolved.

We are of the understanding that the NPS is targeted at housing supply for permanent residents, and not for tourism. Under the definition of "sufficient capacity" (which requires provision of an additional margin of 15% to 20%) accounting for VA/tourism demand may create a level of demand that is almost impossible to meet.

Therefore QLDC seeks that the NPS, if adopted, is limited to providing capacity to cater for the resident population only; OR is more flexible in the assessment of such demand. Where capacity models are required to account for VA demand, flexibility should be enabled to separate out this aspect of the market from any requirements to increase capacity (i.e. under PD1).

Second homes

Queenstown has a large supply of second homes (or holiday homes) that are vacant for much of the year, and not contributing to either rental supply or visitor accommodation. This is a separate issue from VA, but also changes the demand/supply equation and creates a level of demand that the environment could not sustain under the NPS model. Again, it is considered this aspect of the market should be excluded from the NPS.

Business versus residential land capacity

Whilst we accept that an understanding of the demand for business land is relevant to the assessment of the economy and housing needs, the need to provide for business land capacity in the same manner as residential land capacity is confusing. The definition of "business land" is wide in application and a responsive planning approach has the potential to result in adverse effects to the environment. This aspect appears to be beyond the primary intentions of the NPS.

In Queenstown there is currently no shortage of commercial land. Under the NPS umbrella, there is the potential for developers to argue that more land should be committed to this use, profiting from the increased property values of upzoning, to the detriment of housing land availability.

Functions of regional authorities

The need for regional councils to undertake assessments in areas like Wellington and Christchurch that comprise multiple local authorities within what is essentially a combined metropolitan area could have merit. However, Queenstown does not share these circumstances because the other metropolitan areas within the Otago region are separated a significant distance.

MBIE has advised that basis for integration between regional and territorial authorities has largely arisen due to many of the 'high growth' urban areas overlapping a number of territorial authority boundaries. The Queenstown high growth urban area does not overlap with other territorial authority boundaries, and no other area within the Otago Regional Council's ambit shares these growth issues. Therefore we consider that mandatory integration at the regional level is inefficient.

QLDC is best placed to understand the complexities of the local housing market and to undertake assessments and set targets under the NPS. It is acknowledged that coordination with ORC will however be necessary to address resource management issues under their ambit, such as natural hazards, transportation and an integrated approach is likely to be necessary in the development of the Future Land Release and Intensification Strategy (PD7).

Compliance costs

The compliance requirements of the NPS, as notified, will create significant financial implications for Council and its community. QLDC is distinct from other 'high growth' areas, having a smaller rate base to fund such compliance costs; and an even smaller rating base actually located within the 'high growth' urban area of Queenstown/Wakatipu. Council does not currently employ staff with the expertise to collect and analyse the range of data indicated by the NPS.

Furthermore, the demand for housing to provide visitor accommodation and second homes/holiday homes has a significant influence on the Queenstown market, and the complexity of analysing this will add further to the cost.

Currently, the benefit of imposing this cost on the community (including further legal risks and expenses), over and above Councils current efforts to provide capacity (via the Proposed District Plan, a possible Master Plan for Ladies Mile, and a number of Special Housing Area's) is not clear.

Legal risks

In many instances the provisions of the NPS appear wide in interpretation. We assume that this was intended to enable Councils some flexibility in applying the NPS to local circumstances, but this also leaves scope for legal challenge.

For example, how would the NPS be weighed up against new subdivision or Plan Change proposals seeking to provide capacity over and above councils' analysis under the NPS, or in a different location? It is expected in these circumstances the NPS itself would be the subject of litigation – in addition to the method of its application by the Council.

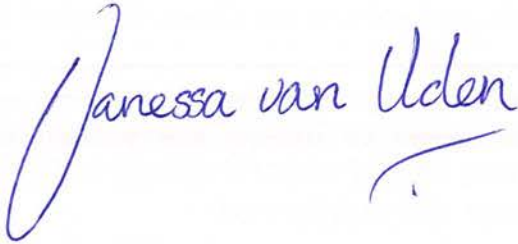
Scope for legal challenge could be reduced where the NPS provides consistent sources of data, methodology for capacity models, and a consistent format for Housing and Business land assessments. The methodology for capacity models must, however, have the capacity to deal with very different environments from highly urbanised Auckland, such as Queenstown.

Summary

QLDC requests further engagement with the Ministry in an endeavour to ensure the NPS provides a practical and workable policy regime. Should the NPS be progressed, QLDC considers the following amendments may improve its implementation:

- is limited to requiring regular Housing Assessments only, with discretion remaining with the Council as to how (and when) it uses this information, based on the needs of the community (recognising the potential economic risks and inefficiencies of greenfield sprawl under the requirements of PD1)
- remains the responsibility of the territorial authority to set minimum targets and undertake Housing and Business Assessments where there is no overlapping boundary with other territorial authorities;
- the scope of the NPS is limited to the Wakatipu basin only, with flexibility to allow Council to incorporate other areas of the District, if demand patterns change;
- funding is provided to local authorities to limit financial burden to the community, recognising QLDC's lower rating base and unique issues
- price signal data is collected by central government and provided to local authorities to analyse;
- provides a consistent 'high level' methodology/inputs for developing 'capacity models'; but recognising the different environments/issues these models need to cover;
- provides a consistent format for Housing and Business Assessments (noting we consider that Business Assessments should be removed)
- incorporates methods to control the timing of land being brought to market;
- excludes the need to provide "sufficient capacity" for visitor accommodation and second home demand, therefore focussing on resident population demand only;
- is supported by a legislative framework that enables "responsive" (timely) planning and provides Councils with the mandate to address landbanking; and
- provides more direct wording to provide clarity over outcomes sought and reducing potential for legal risks.

Yours sincerely

A handwritten signature in blue ink that reads "Vanessa van Uden". The signature is written in a cursive style with a large initial 'V' and a horizontal flourish at the end.

Vanessa van Uden
Major, Queenstown Lakes District Council



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www.qldc.govt.nz

Attachment A – Response to specific questions

<p>Enabling growth and development while managing the effects</p>	<p>What impact would the policy to recognise the positive impacts of development have?</p> <p>The NPS consultation document considers that current planning decisions appear to focus more on the negative effects of development, rather than the positive contribution it can make. While this may have historically been the case, the QLDC is currently in the process of developing a new generation district plan, which is significantly more positive and enabling of development, with fewer rules and greater scope for the intensification of existing urban areas.</p> <p>Would these policies result in better decision making under the RMA for urban development?</p> <p>According to current calculations obtained from Councils' dwelling capacity model, there is existing capacity for 17,000 new sections/dwellings in Queenstown's existing urban areas under the Operative District Plan. In addition, a number of Special Housing Areas (SHA's) and Plan Changes are in progress, which will add further capacity. The Proposed District Plan is estimated to provide an additional capacity of 3,000 to 5,000 dwellings in the sections/dwellings via increased densities and relaxed rules.</p> <p>The value of the NPS (including the significant costs associated with compliance) over and above the efforts Council is already undertaking to provide additional housing capacity, is questionable. For example, the below is an extract of relevant objectives and policies of QLDC's Proposed District Plan, Strategic Direction Chapter (Chapter 3), which highlights Councils' aims to achieve sustainable and logical urban growth, and enable a competitive market:</p> <p>Objective 3.2.2.1 <i>Ensure urban development occurs in a logical manner:</i></p> <ul style="list-style-type: none"> • to promote a compact, well designed and integrated urban form; • to manage the cost of Council infrastructure; and • to protect the District's rural landscapes from sporadic and sprawling development. <p>"Policy 3.2.2.1.6</p> <p><i>Ensure that zoning enables effective market competition through distribution of potential housing supply across a large number and range of ownerships, to reduce the incentive for land banking in order to address housing supply and affordability.</i></p> <p>Objective 3.2.6.1</p> <p><i>Provide access to housing that is more affordable.</i></p> <p>Policy 3.2.6.1.1</p> <p><i>Provide opportunities for low and moderate income Households to live in the District in a range of accommodation</i></p>
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	<p><i>appropriate for their needs.</i></p> <p>Policy 3.2.6.1.2</p> <p><i>In applying plan provisions, have regard to the extent to which minimum site size, density, height, building coverage and other controls influence Residential Activity affordability”.</i></p> <p>As to whether the NPS will result in better decision making under the RMA for urban development, we note that the NPS appears to duplicate the proposed RMA amendments, which seek to include housing affordability within Section 7, and amend sections 30 and 31 RMA to make it a function of regional councils and territorial authorities to ensure residential and business development capacity to meet long-term demand.</p> <p>The Proposed NPS, to be adequately implemented in terms of “responsive planning” requires support by the RMA planning framework to readily enable supply. RMA plan change processes and appeal rights result in significant delays (years) to the release of land. It appears that this process would not be greatly improved under the RMA amendments. The proposed ‘streamlined plan making processes’ are likely to still require notification to the wider community, with appeal rights. Hence, the NPS again would fail to achieve its intentions, as it is not supported by a legislative framework that allows for responsive planning.</p> <p>We also consider that the NPS does not provide any guidance on the merits of intensification versus sprawl, and the possibility to result in ongoing sprawl under the NPS undermines the Strategic intentions of QLDC’s Proposed District Plan to achieve compact and connected urban settlements. The NPS poses significant risks to the landscape - which would impact on national and regional economies if our environment was no longer so attractive for tourists. The NPS also does not consider methods to achieve quality place making for new urban areas, which is vitally important for residents as well as tourists. Overall, QLDC considers that the NPS does not, as currently drafted, provide for better decision making under the RMA, and compromises Councils’ approach to the ongoing management of urban growth, and to drive the density debate.</p>
<p>Meeting a range of demands</p>	<p><i>What could the government do to help local authorities carry out the assessments?</i></p> <p>Local authorities in implementing the NPS will be faced with a considerable additional workload, with associated financial costs. It is estimated to require the resourcing by (at least) 0.5 FTE in addition to the need to engage economic experts in data collection/analysis (council does not currently employ an economist/data analyst). As noted, this is a significant cost for Queenstown, considering the smaller rate base when compared to other high growth areas under the NPS. Currently, the benefit of imposing this cost on the community (recognising the actions that Council are currently progressing via SHA’s and the District Plan Review) is not clear.</p> <p>The government should consider the potential to collect the necessary data, and provide this to local authorities to input into their assessments. This way consistent sources are used and cost efficiency can be achieved.</p> <p>QLDC request the provision of funding to meet compliance costs of the NPS.</p> <p><i>Is three years an appropriate timeframe to update the assessments?</i></p> <p>The quarterly monitoring of indicators required by PB5 is onerous, and likely to result in significant financial costs. Monitoring</p>

	<p>requirements should be aligned with the census data, available every 5 years.</p> <p><i>Is there anything else that would contribute to better understanding the supply and demand of development capacity?</i></p> <p>The NPS treats Business land in the same manner as Residential land in terms of provision of land capacity. Whilst Business land is understood to be relevant to the analysis of the wider market, and influenced by the locations and need for housing, it is considered that it should not be supplied to the market in the same manner, and has effects that warrant consideration under typical RMA processes.</p> <p>We also consider that VA and second home demand should be subtracted from analysis of residential demand.</p>
<p>Understanding and enabling the market</p>	<p><i>What else would help local authorities and the Government better understand how planning interacts with the market?</i></p> <p>According to current calculations obtained from Councils' Dwelling Capacity Model (which already incorporates feasibility factors), there is existing capacity for 17,000 new sections/dwellings in Queenstown's existing urban areas under the Operative District Plan, which based upon current population projections will cater for the usually resident population beyond 2045. The Proposed District Plan is estimated to provide further capacity of 3,000 to 5,000 sections/dwellings via increased densities and relaxed rules. In addition, a number of Special Housing Areas (SHAs) and Plan Changes are in progress, which will add further capacity.</p> <p>However, while capacity currently exists within Queenstown, it is not necessarily available to the market, and may also not be affordable. An analysis of this land capacity indicates that 80% is held by 5 landowners, who can landbank and stage developments for the greatest financial gain. Landbanking is not addressed by the NPS, and it is expected that this effect would still occur under the NPS even in the event that new greenfield land is rezoned (i.e. land would remain at the control of a small number of landowners, and is unlikely to be released all at one time or as demand requires).</p> <p>Other economic drivers not addressed by the NPS, which affect the availability and price of housing at a given point in time include: the portion of housing occupied for visitor accommodation, second home market, high building costs, restrictive covenants which prevent intensification, speculation, low interest rates, and tax free gains on investment. Even where plan enabled capacity is increased, the decision to re-develop lies at the hands of the landowner, who may not act rationally in a market sense.</p> <p>The assumption of the NPS for unrestrained urban growth will result in the need for ongoing provision of plan enabled supply, with associated risks to the landscape and economy, yet fail to target the factors which more directly influence land <u>demand, availability and price</u>. There is no method within the NPS to ensure plan enabled supply is brought to market.</p> <p>QLDC accepts that plan enabled supply is one factor affecting competition and housing availability, however, it is not the sole solution, and the extent of work required under the NPS to address this one element of the market is questionable, especially when, our dwelling capacity model indicates there is already plan enabled supply adequate through to at least 2045. So, whilst the NPS states "<i>the government sees price signals as a key indicator of the competitiveness of the market</i>" it does not provide any methods to address these other factors which greatly influence competition.</p> <p>The NPS would be more effective if it provided the tools to address landbanking, enabling enforcement of price points and ensuring the responsive timing of supply (for example sunset clauses on land zoning).</p>

	<p><i>Are the margins of development capacity over and above projected demand set at an appropriate level?</i></p> <p>Guidance is needed as to the base inputs to capacity models. There is the potential that the additional margin required to provide "sufficient" capacity is 'double-counted' by capacity models where a consistent methodology is not adopted. For example, QLDC's DCM currently takes into account feasibility factors, and the resulting capacity is therefore a realistic estimate. The need to then provide a further 15% to 20% over and above this figure may result in an over estimation of the capacity actually required. Further clarification is sought as to how these percentages were chosen and justification for these margins. Such models also assume rational market behaviour, which is not guaranteed.</p> <p>It is also considered that trying to assess capacity and strategise land release over the long term (30 year) timeframe, is an arduous task and may lead to considerable inaccuracies.</p> <p>Whilst there may be a development need, the requirement for continuous over supply is not appropriate in a sensitive environment (Queenstown is the 'jewel' in the tourism crown) nor should it be mandatory in all circumstances.</p>
<p><i>Implications for infrastructure</i></p>	<p><i>Would the proposed policies contribute to better coordination between land-use planning and infrastructure provision?</i></p> <p>The Proposed NPS presents a challenge for the integration of infrastructure with urban development, as it does not consider the processes for planning and funding new infrastructure under the LGA (Annual Plan, 10 Year Plan and Asset Management Plan processes). There is the potential that where assessments under the NPS identify more development capacity is needed, that has not been allocated within current budgets Infrastructure networks may be inefficient (in terms of spatial location and long term integrated planning), or require site specific private systems to be established for new greenfield areas (which our experience with failed private systems has proven can be problematic and costly long term).</p>
<p><i>Roles and relationships between councils</i></p>	<p><i>What are your views on setting minimum targets in the regional policy statement?</i></p> <p>The need for both regional and territorial authorities to undertake assessments under the NPS is a duplication of effort, considering the large body of work encapsulated by the NPS. We can understand the rationale for an RPS setting minimum targets where high growth areas have overlapping territorial boundaries, but this is not the case in Queenstown. It is acknowledged that coordination with ORC will however be necessary to address resource management issues under their ambit, such as natural hazards, and an integrated approach is likely to be necessary in the development of the Future Land Release and Intensification Strategy (PD7).</p> <p>It is submitted that QLDC is best placed to understand the complexities of the local housing market and to undertake assessments under the NPS. Requiring the regional council to do the same would result in duplication of effort and may compromise the timeliness of actions under the NPS. It is not considered desirable for the Otago Regional Council to be setting minimum targets for QLDC.</p> <p><i>Are policies in the proposed NPS clear enough on how local authorities within medium and high growth urban areas should work together?</i></p> <p>The NPS does not consider the potential for conflicting assessments by regional and territorial authorities, and the timing required to reach agreement, potentially compromising "responsive planning" objectives. QLDC is best placed to understand the</p>

<p>Implementation programme</p>	<p>complexities of the local housing market and to undertake assessments under the NPS.</p> <p><i>Which of the suggested guidance information would be most useful for local authorities?</i></p> <p>Whilst methodologies for assessing demand and capacity would be useful, a lack of a consistent approach in developing the models will result in a wide range of results and potential inaccuracies. There is the potential that this leaves room for challenge whereby Councils' methodology will be scrutinised by proponents of private plan changes or resource consent applications seeking to provide additional capacity, over and above that enabled by Council under the NPS, or in a different location. Political pressure may also be applied.</p> <p>Additionally, as noted above, the need to develop 'realistic' capacity models (i.e. to account for 'feasible' development) potentially leads to an overestimation of the capacity needed. For the additional 15% to 20% provision for "sufficient" capacity to work, capacity models should not first incorporate feasibility factors.</p> <p>We also question how the NPS would be weighed up against new subdivision proposals seeking to provide capacity over and above councils' analysis under the NPS? It is expected in these circumstances the NPS itself including the wording of policies and objectives would be the subject of litigation – in addition to the method of its application by the Council. Once again, this has the potential to create significant cost burden to the community and further time delays.</p> <p><i>Would it be good to involve practitioners in the development of the guidance material? For example, one model could be a technical expert group made up of New Zealand practitioners (including local authorities, infrastructure providers and developers) with some international input.</i></p> <p>QLDC is of the view that the Proposed NPS should be refined prior to implementation to ensure it is reasonable and provides a meaningful result. This should be undertaken in consultation with relevant local authorities.</p> <p>To avoid each local authority reinventing the wheel in developing a 'capacity model', it would be most efficient for a consistent methodology to be developed and applied under the NPS. Acknowledging local differences will be necessary for each local authority, the methodology could outline the framework/data inputs to the model, and the feasibility factors to be accounted for. Development of this methodology could be undertaken by a technical expert group.</p> <p><i>Apart from supplying guidance, how could the Government help local authorities to apply the NPS?</i></p> <p>It would be useful to understand the availability of data required to monitor the economic and market indicators specified by PB5. Council does not hold such market data, and obtaining this on a quarterly basis is likely to come at a significant cost. It is requested that this data is collected by Central Government, and provided to Councils for input into Housing Assessments and capacity models.</p>
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Attachment B – Comments on specific provisions of the NPS

Preamble	Question reference to “cities” as more than 30,000 people. Queenstown is not considered to be a ‘city’ and has never been referred to as such.
Definition of “Demand”	Occupation of housing by visitors is impacted by many external factors and is difficult to predict over the long term. VA use of dwellings is also influenced by the availability of hotels at a given time (Noting that Queenstown is predicted to have a hotel shortfall in 2016/17 of around 2100 beds ²). Definition of “demand” should exclude VA use of dwellings and second homes.
Definition of “sufficient”	Request basis for the margins of 15% and 20% applied by the definition of “sufficient”.
Definition of Urban Area/Secondary Urban Area	Clarify that the intent of the NPS is to apply only to Queenstown/Wakatipu, and not other areas of the District (eg. Wanaka) that are not experiencing growth pressures. It is requested that scope of the NPS is limited to the Wakatipu basin only, with flexibility to allow Council to incorporate other areas of the District, if demand patterns change. Definitions refer to Appendix 2 and Stats NZ. Appendix 2 does not include Queenstown, and Stats NZ present population data for the “Queenstown Lakes District”. A map would assist in depicting the area to which the NPS applies in the Queenstown Lakes District.
OA1	The use of the term “effective and efficient urban areas” could also enable infill development and urban growth boundaries.
OA2	Provision of “sufficient” capacity over the long term (30 years) is a considerable task and analysis over such lengthy time periods can result in inaccuracies and ineffective decision making.
OA3	This objective potentially conflicts with s6 and s7 of the RMA, in particular section 7(c) “ <i>the maintenance and enhancement of amenity values</i> ”.
OC1	Responsive planning is limited by the lengthy timeframes under Schedule 1 of the RMA and associated appeal rights.
OD1	‘Urban development’ is not defined by the NPS. This should exclude Rural Residential/Rural Lifestyle/Rural Living areas (or similar), and Resort Zones (eg Millbrook).
OD2	Responsive planning in the short and medium terms is limited by the lengthy timeframes under schedule 1 of the RMA and associated appeal rights. Plan changes are estimated to take 2 years on average.
PA1	Not clear whether the NPS aims to promote intensification, brownfield or greenfield development – there is no direction provided as to how to balance provision of such capacity.
PA2	Use of “ <i>at all times</i> ” does not allow for the lead-in time taken to revise housing and business assessments. Request these words be removed from the policy.
PA3	Policy should be balanced for positive and adverse effects of development – urban development in Queenstown, if pushed to increasing distances where land is ‘commercially viable’ has the potential for adverse effects to household affordability and infrastructure provision.
PB1	Statement regarding the consideration for publishing assessments is not considered to be within the scope of an NPS. No guidance is provided as to how to account for and analyse the impacts of visitor accommodation and short term tourist visas on housing demand. Request that visitor accommodation and second home demand for housing is excluded from the scope of the NPS. Timeframes for preparation of assessments should be aligned with the LTP process, for which funding is essentially confirmed by late 2017.

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PB3	The range of factors considered within the estimate of 'sufficient' capacity is likely to be analysed differently across local authorities, and each of the four bullet points under PB3, depending on how they are applied, can result in inaccuracies and inconsistencies in the resulting calculations.
PB5	<p>Not clear how ratio of house price to income, and rent price to income, would take account of seasonal workers on lower comparative wages, with multiple people living in one dwelling. Measurement of house price to income is also crude and unable to account for the situation where many home owners may supplement their mortgage costs through renting out a portion of their house for either a permanent resident or visitor accommodation.</p> <p>The ration of the value of land between rural and urban zoned land is not a good measure of the markets response, particularly in Queenstown where rural land also has high land value.</p> <p>Is the data required to monitor the specified indicators readily available? Council does not currently monitor such market data.</p> <p>It is considered the policy should refer to the "market's response to <i>urban development</i>" and not "planning". Planning is only one of the many factors influencing market response.</p> <p>Determination of the relative value of improvements to the value of the land is difficult in Queenstown at present, and capital values provide little indication of possible sale price. Real estate agents have suggested they cannot value property because all house sales are taken to auction, and the price paid is simply what the market is willing to pay.</p>
PC1	<p>Provides a method and is not appropriate as a policy.</p> <p>Creates inefficient duplication of effort (and associated cost).</p>
PC3	NPS does not consider the processes required under the LGA to plan and fund new infrastructure. Councils are reluctant to use debt to fund new infrastructure; and for a community such as Queenstown with only around 30,000 ratepayers it is difficult to fund new infrastructure.
PD1 PD9	<p>Request these provisions are deleted from the NPS. NPS should be limited to requiring regular Housing and Business assessments only, with discretion remaining with the Council as to how (and when) it uses this information, based on the needs of the community. The Responsive Planning element, if retained, could be limited to the provision of the 'Future Land Release and Intensification Strategy' within which Councils could determine appropriate timeframes for implementation.</p> <p>Requirement for compliance with the NPS should remain with the Territorial Authority. Delete provisions related to regional assessments.</p>
PD2	For simplification, this policy could just collectively refer to 'rules'.
PD4	Not expressly clear how this policy applies to different areas within a district. It is assumed the requirements of the NPS would apply only to Queenstown – but this should be clarified within the provisions and with the aid of a map. It is also assumed this provision would not apply at suburb level.
PD 7	<p>PD7 of the Proposed NPS requires preparation of a 'future land release and intensification strategy' to sit alongside and inform district plans, and must demonstrate sufficient land capacity over the medium (10 years) and long terms (30 years).</p> <p>Determination of methods to provide the necessary capacity over such long time periods is a considerable task that may lead to inaccuracies in predictions, and decisions that are based on assumptions around future growth</p>
PD5/6	<p>QLDC is best placed to understand the complexities of the local housing market and to undertake assessments under the NPS.</p> <p>On this basis, we request that PD5 and PD6 are amended to refer to territorial authorities only.</p>
Appendix 2	<p>Queenstown is not identified in Appendix 2, yet is defined as a high growth area.</p> <p>Question the need for Appendix 2 given the figures are regularly updated, and the provisions refer to the "most recent" Stats NZ predictions, which would make the table quickly outdated.</p> <p>The NPS does not state which Stats NZ growth series is used.</p>

**QLDC Council
24 November 2016**

Report for Agenda Item: 3

Department: Finance & Regulatory

Local Easter Sunday Shop Trading Policy

Purpose

To consider the proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy for public consultation.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Adopt** the proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy for public consultation; and
3. Appoint three Councillors [to be named] to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy.

Prepared by:



Lee Webster
Manager, Regulatory

8/11/2016

Reviewed and Authorised by:



Stewart Burns
General Manager,
Finance & Regulatory

8/11/2016

Background

- 1 The Shop Trading Hours Act 1990 specifies three and a half days in the year, when almost all shops in New Zealand are required to be closed. These are Christmas Day, Good Friday, Easter Sunday and ANZAC day until 1pm.
- 2 Shops that can be open on restricted trading days are:
 - a) Shops with conditions and provided they meet certain conditions e.g. service station or restaurant where they only sell prepared or cooked food ready to be eaten immediately in the form it is sold ; or
 - b) Because the shops are within an area of exemption.

- 3 There are a limited number of areas across New Zealand, which are generally tourist areas e.g. Queenstown and Taupo, which have exemptions to these trading restrictions. The restrictions in place cannot be changed and new ones cannot be added.
- 4 Currently there are exemptions in place for Queenstown and Wanaka, however these vary and do not cover the whole district.
- 5 In August 2016, new legislation was passed which allows Council to develop and implement a policy to allow shops in the district or parts of the district to trade on Easter Sunday, but does not allow the policy to include any other days.
- 6 Council recognises the importance of tourism-related trade to the Queenstown Lakes District economy and the advantage of allowing trading on Easter Sunday, but also recognises the cultural and religious beliefs of our community.

Comment

Exemptions

- 7 There are currently exemptions in place for both Queenstown and Wanaka, which were granted in 1980s. However these exemptions are quite different, which causes frustrations to some of the business community.
- 8 Queenstown has an exemption for Queenstown District (Attachment A), which permits trading on Good Friday and Easter Sunday at any time, in addition to ANZAC Day after 12pm.
- 9 Wanaka has an exemption for Pembroke Mall, stage 1(Attachment B) for Easter Sunday between 7am and 9pm only.

Proposed Policy

- 10 The legislative change provides Council with an opportunity to develop a policy to permit trading on Easter Sunday.
- 11 The proposed district wide policy (Attachment C) provides consistency of trading on Easter Sunday for all businesses. The Shop Trading Hours Act 1990 details what an employer must do if they want employees to work on Easter Sunday, along with what an employee must do if they don't want to work on Easter Sunday.
- 12 A Local Easter Sunday Shop Trading Policy cannot:
 - a) Permit shops to open only for some purposes; or
 - b) Permit only some types of shops in the area to open; or
 - c) Specify times at which shops may or may not open; or
 - d) Include any other conditions as to the circumstances in which shops in the area may open.

Options

13 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.

14 Option 1 Status quo

Advantages:

This would support some religious and cultural beliefs

15 There is likely to be support from some of the community regarding religious and cultural beliefs, along with some who believe that no trading on Easter Sunday provides for an opportunity for family time.

Disadvantages:

16 There are inconsistencies across the district of which shops can trade on Easter Sunday, which provides a degree of frustration for some of the community.

17 The restriction prevents some economic opportunity for local businesses.

18 Option 2 New Local Easter Sunday Shop Trading Policy

Advantages:

19 A new Local Easter Sunday Shop Trading Policy would provide clarity on which shops can open and when for the whole community.

Disadvantages:

20 There may be some of the community that do not believe that shops should be open for trading on Easter Sunday.

21 This report recommends **Option 2** for addressing the matter because a Local Easter Sunday Shop Trading Policy enables Council to provide a clear and simple policy to determine if shops can trade on Easter Sunday or not, which can apply to either the whole district or to part(s) of the district. Each business can then make an individual choice on whether to trade or not.

Significance and Engagement

22 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because of the extent the policy is likely to impact on the people of the district and the level of potential community interest.

Risk

23 Choose an item.SR3 – Management Practise – working within legislation, as documented in the Council's risk register. The risk is classed as moderate. This

matter relates to this risk because a recent change in legislation has enabled the development of a policy to enable trading on Easter Sunday.

Financial Implications

24 There are minimal costs associated with the development of a Local Easter Sunday Shop Trading Policy, which will be met through current resourcing and budgets.

Council Policies, Strategies and Bylaws

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

- Significance and Engagement Policy

26 The recommended option is consistent with the principles set out in the named policy/policies.

27 This matter is included in the 10-Year Plan/Annual Plan

- Volume 1 – Community Outcomes and Council Priorities

Local Government Act 2002 Purpose Provisions

28 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 the opportunity for each business to trade on Easter Sunday;
- Can be implemented through current funding under the 10-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

29 The persons who are affected by or interested in this matter are residents/ratepayers and tourists of the Queenstown Lakes District community.

30 The Council must consult on any proposed policy following the special consultative procedure.

Legal Considerations and Statutory Responsibilities

31 Council must review the first Easter Sunday Shop Trading Policy adopted no later than five years after its adoption.

32 Any Local Easter Sunday Shop Trading Policy that is not reviewed within this time frame is revoked two years after the date by which the policy was required to be reviewed by.

33 This is consistent with the Bylaw process under the Local Government Act 2002.

Attachments

- A Current Queenstown exemption
- B Current Wanaka exemption
- C Proposed Queenstown Lakes District Easter Sunday Trading Policy
- D Statement of Proposal
- E Summary of Statement of Proposal

Attachment A - Current Queenstown Exemption

Queenstown - Order 1462

SHOP TRADING HOURS COMMISSION

1462
Lab. STHC 9.IN THE MATTER of the Shop
Trading Hours Act 1977

and

IN THE MATTER of an application
for an order relating to the
Lake Wakatipu Basin area,
under Section 18(2).

ORDER OF THE COMMISSION

Upon reading the application and hearing the submissions on behalf of the majority of shop occupiers in the Lake Wakatipu Basin area.

~~* IT IS ORDERED THAT THE APPLICATION BE GRANTED~~

* IT IS ORDERED THAT EXTENDED HOURS OF OPENING BE GRANTED to the following effect:

That the shops in the area may open at any time on any day except for Christmas Day, Easter Sunday and for Anzac Day to 12 noon.

All former orders for extended hours made under the Shop Trading Hours Act 1977 or former Statutes governing Shop Trading Hours or Awards are hereby revoked.

The said Order shall apply to all shops in the following area.
(full description of boundaries required)

All that area comprised within a radius of 35 kilometres from the Post Office premises situated on the corner of Camp Street and Market Street, Queenstown but excluding therefrom the area comprised within a radius of 1 kilometre from the Post Office in Kingston.

The said Order is granted subject to the following conditions:

There shall be no requirement in terms of employment for permanent employees that they must work on Sundays and

(ii) That where a permanent employee works on a Sunday his or her employer shall, unless the employee agrees otherwise, provide two consecutive days off for that employee each working week.

Dated at Wellington this 26th day of August 1986.

Kevin J. Bell
Commissioner

NOTE: The attention of each occupier is drawn to section 20(13) of the Shop Trading Hours Act 1977 which requires prominent display in his shop of a notice setting out the full terms of this Order. The notice may be a copy of this Order.

* Delete as appropriate

825610-826481 MK

Queenstown - Amendment to original order - Order 2156

PR-1995 18:53 FROM INDUST RELAT SERV DUNEDIN TO 2156
SHOP TRADING HOURS COMMISSION

IN THE MATTER of the Shop Trading Hours Act 1977 and IN THE MATTER of an application for an order relating to Lake Wakatipu Basin under Section 18(2) of the Act (7)

ORDER OF THE COMMISSION

Upon reading the application and hearing the submissions on behalf of the majority of shop occupiers in Lake Wakatipu Basin area.

~~THIS ORDER IS MADE BY THE COMMISSIONER OF THE COMMISSION~~

IT IS ORDERED THAT ~~THE EXISTING ORDER BE AMENDED TO THE FOLLOWING EFFECT:~~ THE EXISTING ORDER BE AMENDED TO THE FOLLOWING EFFECT:

The existing order dated 26th August 1986 is amended by deleting reference to Easter Sunday as a restricted day.

The said Order shall apply to all shops in the following area (full description of boundaries required)

The area is defined in the existing order

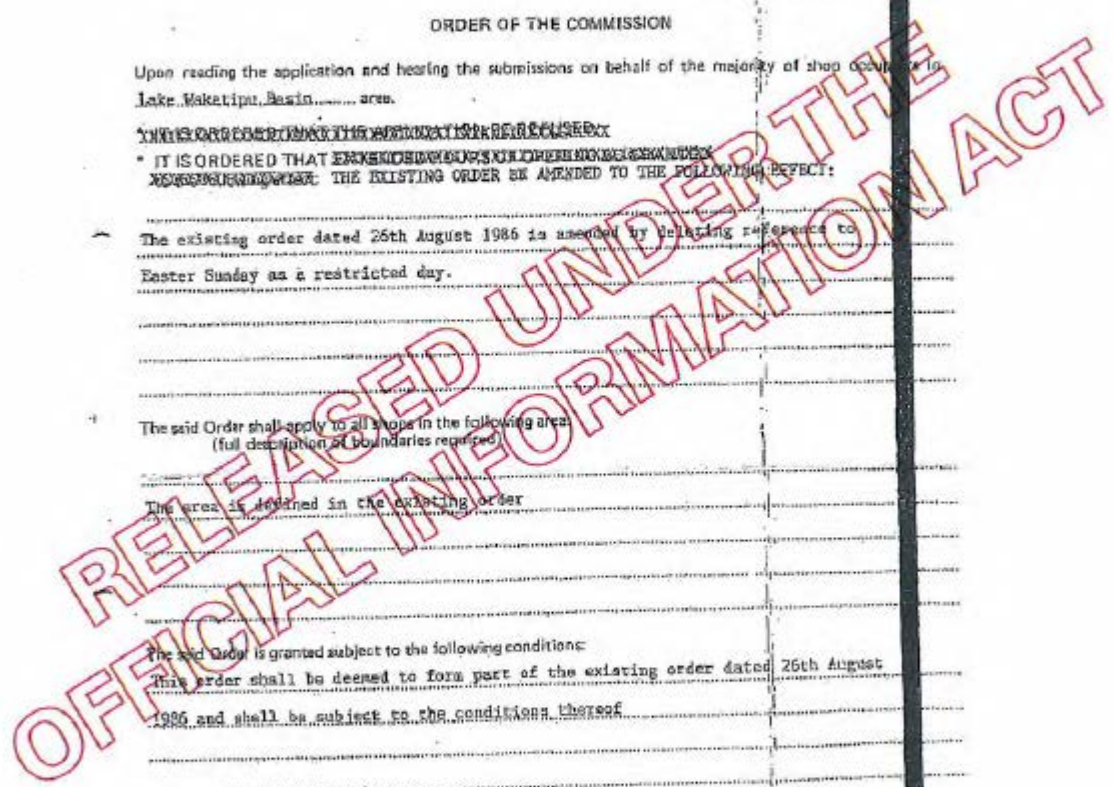
The said Order is granted subject to the following conditions:

This order shall be deemed to form part of the existing order dated 26th August 1986 and shall be subject to the conditions thereof

Dated at Queenstown this 29th day of May 1991

[Signature]
Commissioner

NOTE: The attention of each occupier is drawn to section 20(15) of the Shop Trading Hours Act 1977 which requires display in his shop of a notice setting out the full terms of this Order. The notice may be a copy of this Order.



Queenstown - Amendment to original order - Order 2155

2155 2/5
Lab. 5

SHOP TRADING HOURS COMMISSION

IN THE MATTER of the Shop Trading Hours Act 1977

and

IN THE MATTER of an application for an order relating to the Lake Wakatipu Basin area under Section 18(2).

ORDER OF THE COMMISSION

Upon reading the application and hearing the submissions on behalf of the majority of shop occupiers in the Lake Wakatipu Basin area.

~~IT IS ORDERED THAT THE APPLICATION BE REFUSED~~

IT IS ORDERED THAT EXTENDED HOURS OF OPENING BE GRANTED to the following effect:

That the shops in the area may open at any time on any day except for Christmas Day, Easter Sunday and for King's Day to 12 noon.

All former orders for extended hours made under the Shop Trading Hours Act 1977 or former Statutes governing Shop Trading Hours or Awards are hereby revoked.

The said Order shall apply to all shops in the following area: (full description of boundaries required)

All that area comprised within a radius of 35 kilometres from the Post Office premises situated on the corner of Camp Street and Ballarat Street, Queenstown but excluding therefrom the area comprised within a radius of 5 kilometres from the Post Office in Kingston.

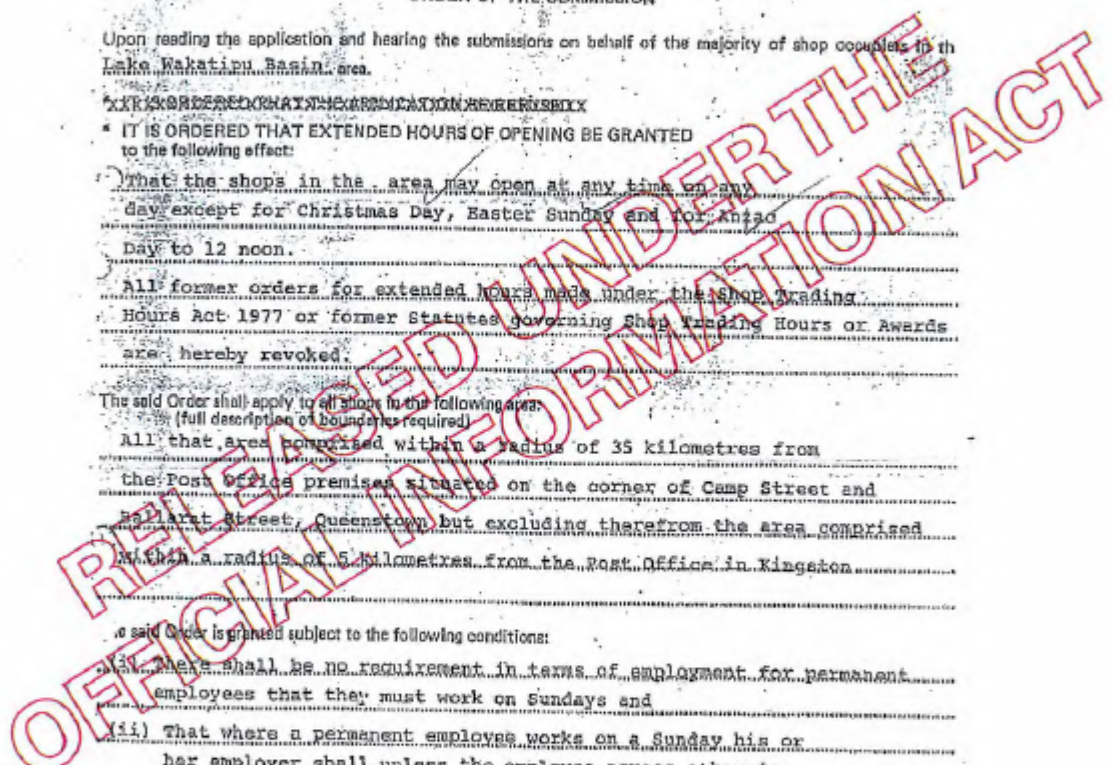
The said Order is granted subject to the following conditions:

- (i) There shall be no requirement in terms of employment for permanent employees that they must work on Sundays and
- (ii) That where a permanent employee works on a Sunday his or her employer shall, unless the employee agrees otherwise, provide two consecutive days off for that employee each working week.

Dated at Wellington this 26th day of August 1986.

Heaven Q. Park
Commissioner

NOTE: The attention of each occupier is drawn to section 20(13) of the Shop Trading Hours Act 1977 which requires prominent display in his shop of a notice setting out the full terms of this Order. The notice may be a copy of this Order.



Queenstown Lakes District Council

Proposed Local Easter Sunday Shop Trading Policy

Introduction

This policy is made under Shop Trading Hours Act 1990 (“Act”), regarding the opening of shops on Easter Sunday.

The Act was amended in 2016 to allow Councils to have a policy to allow shops to open on Easter Sunday.

The restrictions applying to Anzac Day morning, Good Friday and Christmas Day remain unchanged.

Currently most shops in most districts around New Zealand are unable to open for trade on Easter Sunday because of the day’s status as a restricted trading day under the Act.

Definition

a **shop** is a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include:

- a private home where the owner or occupier's effects are being sold (by auction or otherwise); or
- a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or
- a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.

Strategic Alignment

This policy assists in the delivery of the following Council outcomes and goals:

- Protects the interests of the District and its community;
- Is cost effective and achieves the regulatory objectives; and
- Enables our community to comply with national and local legislation because they are well understood and easy to comply with.

Scope of policy

This Policy applies to the whole of the Queenstown Lakes District.

This Policy does not apply to the sale or supply of alcohol, which is regulated under the Sale and Supply of Alcohol Act.

Shop trading permitted

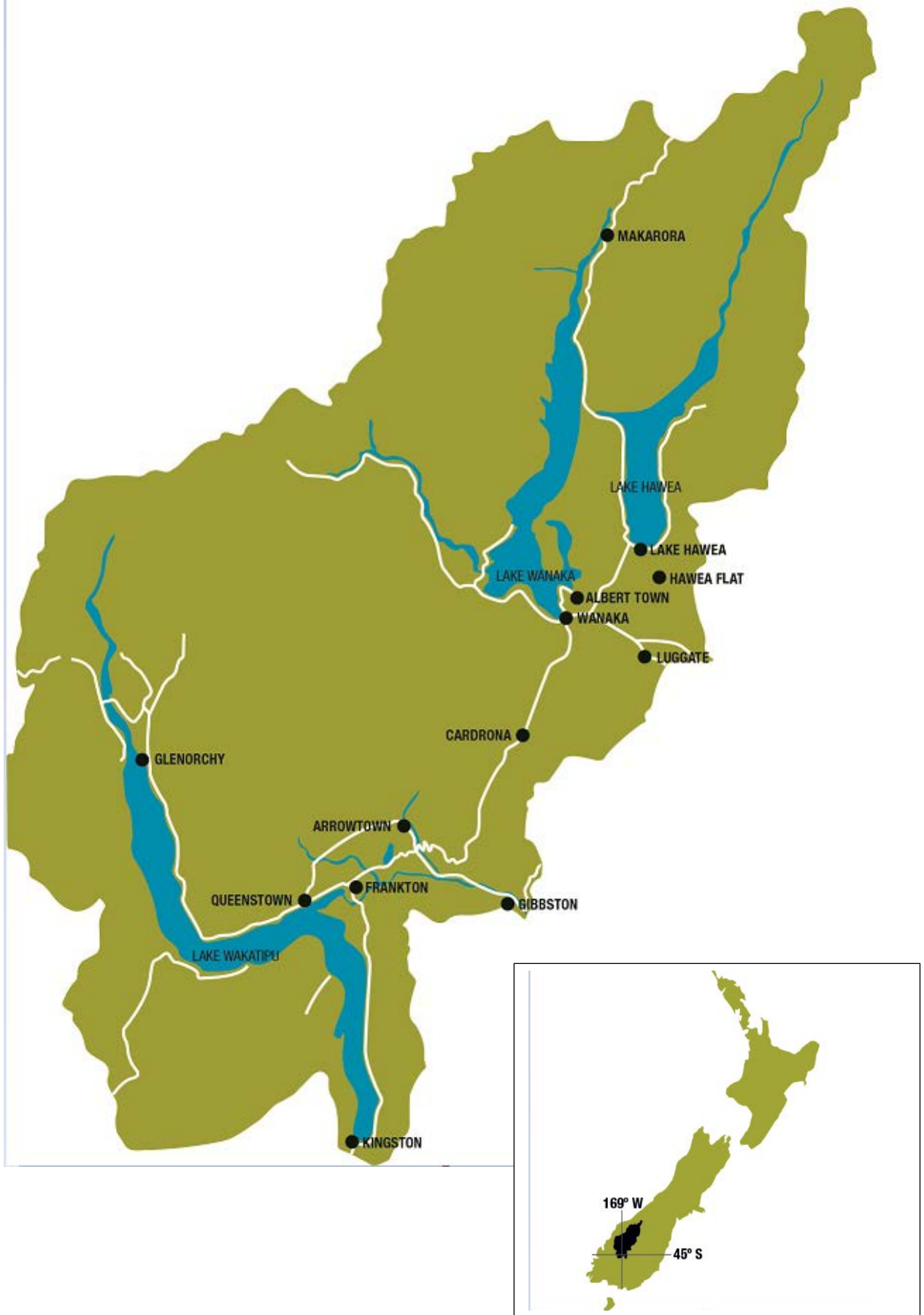
Shop trading is permitted on Easter Sundays throughout the Queenstown Lakes District (Appendix A).

Shop employees’ right to refuse to work

Easter Sunday continues to be a day of significance across New Zealand and some people would rather not work on this day.

There are 'right to refuse' provisions that allow employees to negotiate freely, and means that all shop employees will have the ability to refuse to work on Easter Sunday without any repercussions for their employment relationship.

Appendix A – Map of Queenstown Lakes District



Attachment D: Statement of Proposal



**QUEENSTOWN LAKES DISTRICT
PROPOSED LOCAL EASTER SUNDAY SHOP
TRADING POLICY**

STATEMENT OF PROPOSAL

INTRODUCTION

Queenstown Lakes District Council has adopted a proposed Local Easter Sunday Shop Trading Policy (LESTP) to allow all shops within the district to open on Easter Sundays.

Many of the existing exemptions for shop trading on Easter Sunday create an unfair advantage for certain businesses across the district. Businesses in tourist centres with exemptions are able to benefit from tourist trade on Easter Sunday, while businesses in tourist orientated regions without exemptions cannot.

An amendment to the Shop Trading Hours Act 1990 allows Council to determine a policy for their communities regarding trading on Easter Sunday only, which can either cover the whole district or parts of the district.

Council cannot develop a policy regarding trading on any of the other restricted days i.e. Christmas Day, ANZAC day before 1pm or Good Friday or develop a policy that is controlled by other legislation e.g. the sale of alcohol.

PROPOSAL

To adopt a local policy for Easter Sunday shop trading within the Queenstown Lakes District. The policy would allow shop trading on Easter Sundays in all parts of the Queenstown Lakes District.

The Policy does not apply to the sale or supply of alcohol which is regulated under the Sale and Supply of Alcohol Act 2012.

ARE THERE ANY IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS?

No implications have been identified.¹

TIMETABLE FOR CONSULTATION

The following dates represent the key times in the consultation programme:

24 November 2016	Council resolves to undertake public consultation regarding the proposed bylaw
28 November 2016 – 9 December 2016	Advertisement in Otago Daily Times, Mirror and Wanaka Sun.
4 January 2017	Submissions close
16 – 20 January 2016	Submissions heard by a subcommittee of Councillors (to be confirmed)
?? February 2017	Council considers outcome of consultation process and the proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy.
?? February 2017	Public notice of final decision (if Council resolve to adopt the policy)

The Policy comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

Copies of the proposed Local Easter Sunday Shop Trading Policy and the supporting documents may be inspected, and a copy obtained, at no cost, from:

- a) Either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka
- b) Any Council library within the Queenstown Lakes District.
- c) The Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

Any person or organisation has a right to be heard in regard to this proposal and the Council would encourage everyone with an interest to do so.

The Council would prefer that all parties intending to make a submission complete the submission form at www.qldc.govt.nz or submit them to QLDC, Private Bag 50072, Queenstown, no later than 4 January 2017. The Council will then convene a hearing, which it intends to hold between 16 – 20 January 2017, at which any party who wishes to do so can present their submission in person.

Equal weight will be given to written and oral submissions.

The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.

Every submission made to the Council will be acknowledged in accordance with the Act, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

Section 82 of the Local Government Act sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

MAKING AN EFFECTIVE SUBMISSION

Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the proposed policy you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.

Submissions on matters outside the scope of the policy cannot be considered by the Hearings Panel.

Lee Webster
Manager, Regulatory

APPENDIX 1 – Proposed Queenstown Lakes District Council Local Easter Sunday Shop Trading Policy

APPENDIX 2 – A Summary of the Statement of Proposal

¹Section 18 New Zealand Bill of Rights Act 1990



SUMMARY OF STATEMENT OF PROPOSAL

PROPOSED LOCAL EASTER SUNDAY SHOP TRADING POLICY

BACKGROUND

Queenstown Lakes District Council has adopted a proposed Local Easter Sunday Shop Trading Policy (LESTP) to allow all shops within the district to open on Easter Sundays.

Many of the existing exemptions for shop trading on Easter Sunday create an unfair advantage for certain businesses and regions. Businesses in tourist centres with old existing exemptions are able to benefit from tourist trade on Easter Sunday, while businesses in tourist orientated regions without exemptions cannot.

An amendment to the Shop Trading Hours Act 1990 now allows Council to develop a policy to determine what is best for their communities regarding Easter Sunday trading.

KEY FEATURES OF PROPOSAL

To adopt a Local Easter Sunday Shop Trading Policy to permit trading on Easter Sunday within the Queenstown Lakes District.

TIMETABLE FOR CONSULTATION

The following dates represent the key times in the consultation programme:

24 November 2016	Council resolves to undertake public consultation regarding the proposed bylaw
28 November 2016 – 9 December 2016	Advertisement in Otago Daily Times, Mirror and Wanaka Sun.
4 January 2017	Submissions close
16 – 20 January 2016	Submissions heard by a subcommittee of Councillors (to be confirmed)
?? February 2017	Council considers outcome of consultation process and the proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy.
?? February 2017	Public notice of final decision (if Council resolve to adopt the policy)
	The Policy comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

Copies of this proposal and the supporting reports may be inspected, and a copy obtained, at no cost, from:

- a) Either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka
- b) Any Council library within the Queenstown Lakes District.
- c) The Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

Any person or organisation has a right to be heard in regard to this proposal and the Council would encourage everyone with an interest to do so.

The Council would prefer that all parties intending to make a submission, complete the submission form at www.qldc.govt.nz or submit them to QLDC, Private Bag 50072, Queenstown, no later than 4 January 2017. The Council will then convene a hearing, which it intends to hold between 16 – 20 January 2017, at which any party who wishes to do so can present their submission in person.

Equal weight will be given to written and oral submissions.

The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.

Every submission made to the Council will be acknowledged in accordance with the Act, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

Section 82 of the Local Government Act sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

MAKING AN EFFECTIVE SUBMISSION

Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the proposed policy you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.

Submissions on matters outside the scope of the policy cannot be considered by the Hearings Panel.

Lee Webster
Manager, Regulatory

Attachment 1: Proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy

**QLDC Council
24 November 2016**

Report for Agenda Item: 4

Department: Property & Infrastructure

Queenstown Town Centre Transport Strategy – Public Car Pooling

Purpose

The purpose of this report is to request the review of the existing public car pooling scheme and the immediate implementation of a revised scheme.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Agree** to revise the existing scheme, including:
 - a. Incorporation of amended rules,
 - b. Introduction of an administrative fee, and
 - c. Retention of the existing parking provision (spaces) for the scheme.
3. **Authorise** officers to implement the changes without further recourse to Council.

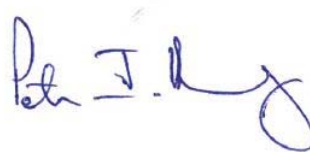
Prepared by:



Tony Pickard
Principal
Infrastructure

4/11/2016

Reviewed and Authorised by:



Peter Hansby
General Manager
Property and Infrastructure

7/11/2016

Background

- 1 The Queenstown Town Centre Transport Strategy includes a review of on – and off – road public parking. As part of these investigations, it has been noted that in two town centre car parks (Ballarat Street and Boundary Street), there is an existing provision for some 29 car parking spaces which are currently dedicated as car pooling spaces (see Attachment A for locations).
- 2 With the availability of public spaces in these parks being highly sought after, consideration must be given to whether these should revert to full public spaces or whether they should be retained for car pooling.

Comment

- 3 Demand for parking spaces is increasing, with current public availability already exceeding the best practice levels (2016 QLDC Traffic and Parking Survey – shows that the Queenstown CBD is 91% full, whereas we should be aiming for 80 – 85% so that there is some capacity for additional peaks – Attachment B). Traffic into the town centre is also growing in volume (between 2011 and 2016 – a rise from 4140 to – 5880 vehicles in the same monitoring period equates to approximately 7% per annum on average.)
- 4 Across the town centre, trials are being implemented to increase the efficiency of the existing parking spaces, while business case planning has begun to identify the wider needs of the town's more significant projects (Inner Links, Public Transport Hub, possible new parking facilities). Parking space availability in the Ballarat Street and Boundary Street car parks is impacted by these car pooling spaces, which revert to general parking if not occupied by permitted users in the early morning time slot (currently 07.00 – 10.00am). Ballarat Street caters for some 150 spaces (18 car pool spaces) and the revised Boundary Street has approximately 100 car spaces (11 car pool spaces).

Current provisions

- 5 The existing scheme has approximately 75 recorded users, although random inspections by the report writer in the September / October period identified that these spaces are significantly underused. In Boundary Street, the highest number on any one day was three permitted vehicles, and six in Ballarat Street – with the remaining spaces being filled with general parking.
- 6 The existing database of permit holders is not up to date, and identifies that many holders record addresses that are in Queenstown, and some within a kilometre of the town centre.
- 7 The existing rules (and process documentation) are also very brief, requiring little more consistent information than a valid NZ Driving Licence. The administration requirements are minimal and no charge is made.
- 8 The current spaces are denoted by two types of signs, identifying that car poolers have preference for these spaces 07.00am to 10.00am daily, and that normal pay and display parking is available at other times.

Opportunity

- 9 Car pooling is active across NZ and elsewhere and exists as formal schemes (such as QLDC) but also as informal private arrangements through like-minded individual users. New Zealand Transport Agency (NZTA) have comprehensive guidelines encouraging the formal practice, including templates for permits and signage / line marking (Attachment C).
- 10 In consultation with the Regulatory Team, the application form and process have been provisionally revised (Attachment D). The key amendments to the provision and documentation being:
 - a. A current qualifying address is required – this is to target those users who will have a greater effect on traffic reduction, being those in catchments outside the town.
 - b. The need to have a minimum of three users each trip. This is to ensure that the incentive (of free parking in dedicated slots) is significantly valuable to help promote the change in behaviour. The current average occupancy is 1.53 users per vehicle.
 - c. The spaces will be available all day, free of charge, to accommodate the range of working hours within the town.
 - d. Parking under the scheme will be restricted to up to 10 hours in each 24 hour period for permit holders only. This is to ensure that cars are not left for longer periods, i.e. multi day parking.
 - e. The existing permits will be cancelled, through individual contact (where details are still correct) and by press release. Expressions of interest in the revised scheme will be advertised at the same time. It is envisaged that this will be limited to 100 permits in the first tranche, to align with the number of existing spaces.
 - f. If the level of interest significantly exceeds 100, then an independent selector will be utilised to prevent the perception of bias to Council staff. If the interest is higher than the provision, officers will monitor the demand and report back to Council on possible extensions of the scheme.
 - g. A low administration fee, nominally \$10 annually initially (and reviewable annually) will also be raised to assist resourcing the additional work which will be undertaken by the Regulatory Team, and will ensure genuine applications are received.

General parking

- 11 Despite the apparent benefits of the car pooling option, it should also be considered whether a return to general public parking is an efficient use of these spaces, given the short supply. The spaces do make a contribution to the overall provision, however limited, and with acknowledgement to the growing demand in the short term at least.

12 Ballarat Street (A, B and C together) also accommodates approximate 100 monthly leased spaces, charged at a very low level, ranging from \$25 to \$45 per month. This provision and the leased spaces in the Recreation Ground car park (15 @ \$210.94 quarterly), impact on the public availability more, and will be reviewed in a separate report.

13 With the aim of the Transport Strategy partly to encourage a reduction in the number of vehicles coming into town, especially private cars, it is our opinion that the benefits from the continued use of the spaces as a car pooling provision outweighs the small increase in contestable parking spaces.

Options

14 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.

15 **Option 1 Do the minimum – leave the scheme as it stands and just heighten awareness through public media.**

Advantages:

16 This requires no changes to administration or signage and may revitalise the scheme.

Disadvantages:

17 Despite growing demand for parking spaces and reduction of congestion, the uptake may not be high.

18 Uptake in use may be from addresses in close proximity to the town, which will not assist in the reduction of congestion.

19 **Option 2 Revise the existing scheme, including – incorporation of amended rules, introduction of an administrative fee, and retention of the existing parking provision (spaces) for the scheme.**

Advantages:

20 The dual effect of traffic reduction through higher occupancy and fewer required parking spaces aligns closely with the aims of the Transport Strategy.

21 The incentive of free parking will attract interest.

22 Administrative costs will be recovered to an extent.

Disadvantages:

23 Contestable public parking spaces will be lost in favour of the scheme, as currently if the uptake is low, the spaces revert to general parking.

24 **Option 3 Revoke the scheme and revert the spaces back to general parking.**

Advantages:

25 Additional public spaces will be made available.

Disadvantages:

26 The opportunity to incentivise behavioural change resulting in decreased traffic volumes and decreased parking requirements is lost.

27 This report recommends **Option 2** for addressing the matter because it presents the most efficient use of an existing but underused provision. The amended scheme would support the wider aims of the Transport Strategy and could be easily expanded if shown to be successful.

Significance and Engagement

28 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the overarching strategy (Queenstown Town Centre Transport Strategy) has previously been adopted by Council (December 2015).

Risk

29 The report to the December 2015 Council meeting described the risk associated with the QTCTS as relating 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 it is fundamental to the future performance of the transport system.”

30 This report is key element in treating the management of that risk because it provides governance oversight of the strategy impacts.

Financial Implications

31 The costs of the amended scheme (which will be will be low) are for media, and minor signage changes, which are anticipated in the current budget. Introducing a small administrative fee will assist with funding, but will also allow a control over redundancy of users.

Council Policies, Strategies and Bylaws

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

- Significance and Engagement Policy
- Queenstown Town Centre Transport Strategy 2015
- Traffic and Parking Bylaw 2012
- The recommended option is consistent with the principles set out in the named policy/policies.

33 This matter is included in the 10-Year Plan/Annual Plan through the provision of \$150k per annum. The business case work set out in the strategy may result in

changes to the long term plan, which would generally be addressed in the development of the 2018-28 long term plan.

Local Government Act 2002 Purpose Provisions

34 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 improving the effectiveness of a scheme that may reduce traffic and parking issues in the Frankton and Queenstown areas;
- Can be implemented through current funding under the 10-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

35 The persons who are affected by or interested in this matter are the public in general.

36 The Council has consulted on the Transport Strategy.

Legal Considerations and Statutory Responsibilities

37 Council Resolution is required as the amended scheme would result in changes to matters covered in the Traffic and Parking Bylaw. This is required to allow the changes to parking, to be enforced by the Regulatory Team.

Attachments

A Locations of existing car pool parks

B 2016 QLDC Traffic and Parking Survey

<http://www.qldc.govt.nz/assets/Uploads/Council-Documents/Full-Council-Agendas/2016/26-May-2016/Item-1/1a-Attachment-A-QT-and-Wanaka-Traffic-Survey.PDF>

C NZTA Car Pool Guidelines

<https://www.nzta.govt.nz/assets/resources/carpooling/docs/carpooling-guide-no-trims.pdf>

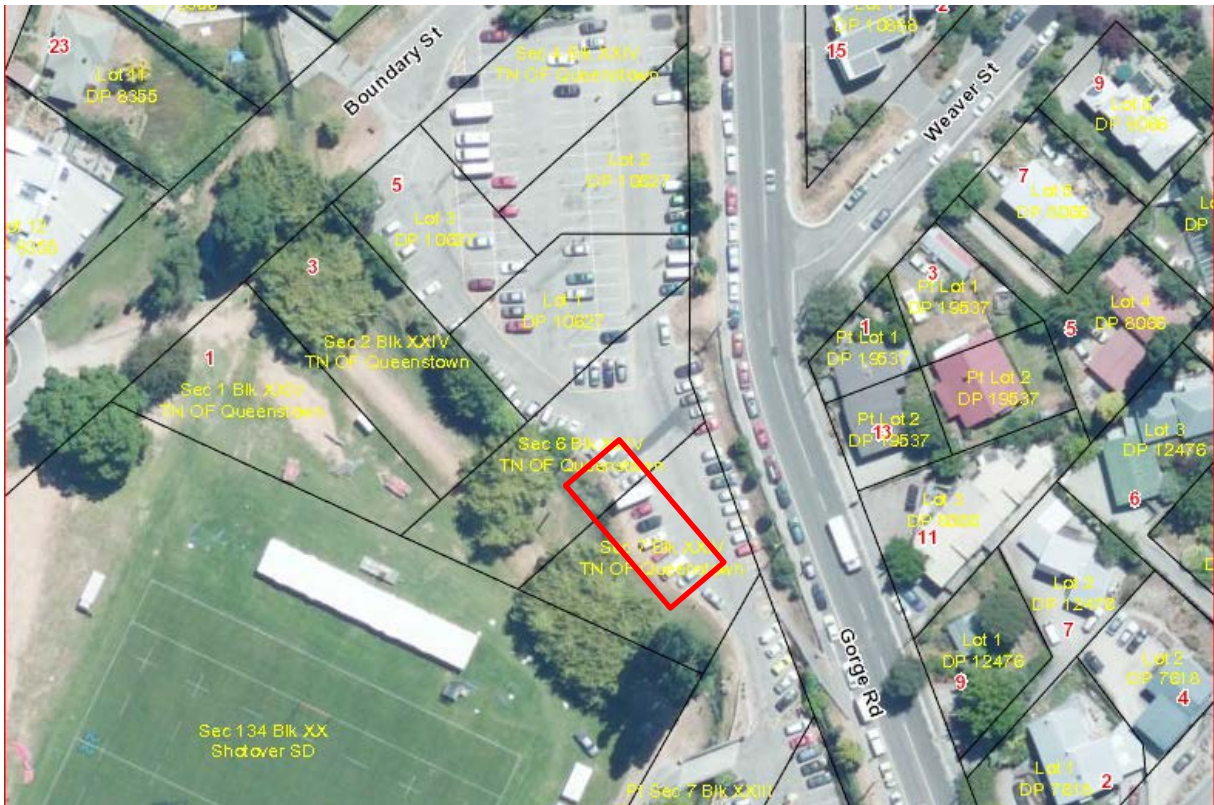
D Amended Rules and Application Form

Attachment A

Existing Car Pooling Spaces – Ballarat St Car Park



Existing Car Pooling Spaces – Boundary St Car Park



Attachment D

Car Pooling Rules

1. Permit holders may park in the allocated spaces in Boundary and Ballarat St Car Parks only within the allotted times. Holding a permit does not guarantee a space.
2. A minimum of 3 permits must be clearly displayed at all times in the vehicle of the persons using the vehicle that day.
3. Permits will only be granted to persons living outside Queenstown (see figure 1 below).
4. Permits will only be issued to persons of legal driving age who are holders of valid New Zealand driving licences. This must be presented at the time of application along with proof of address.
5. Permits are non – transferable.
6. Permits are valid from XXX each year to the following XXX.
7. Any person found not adhering to the above rules will forfeit their permit and infringement notices may be issued.
8. An administration fee for each permit of \$10.00 is payable for each permit or subsequent replacement.¹

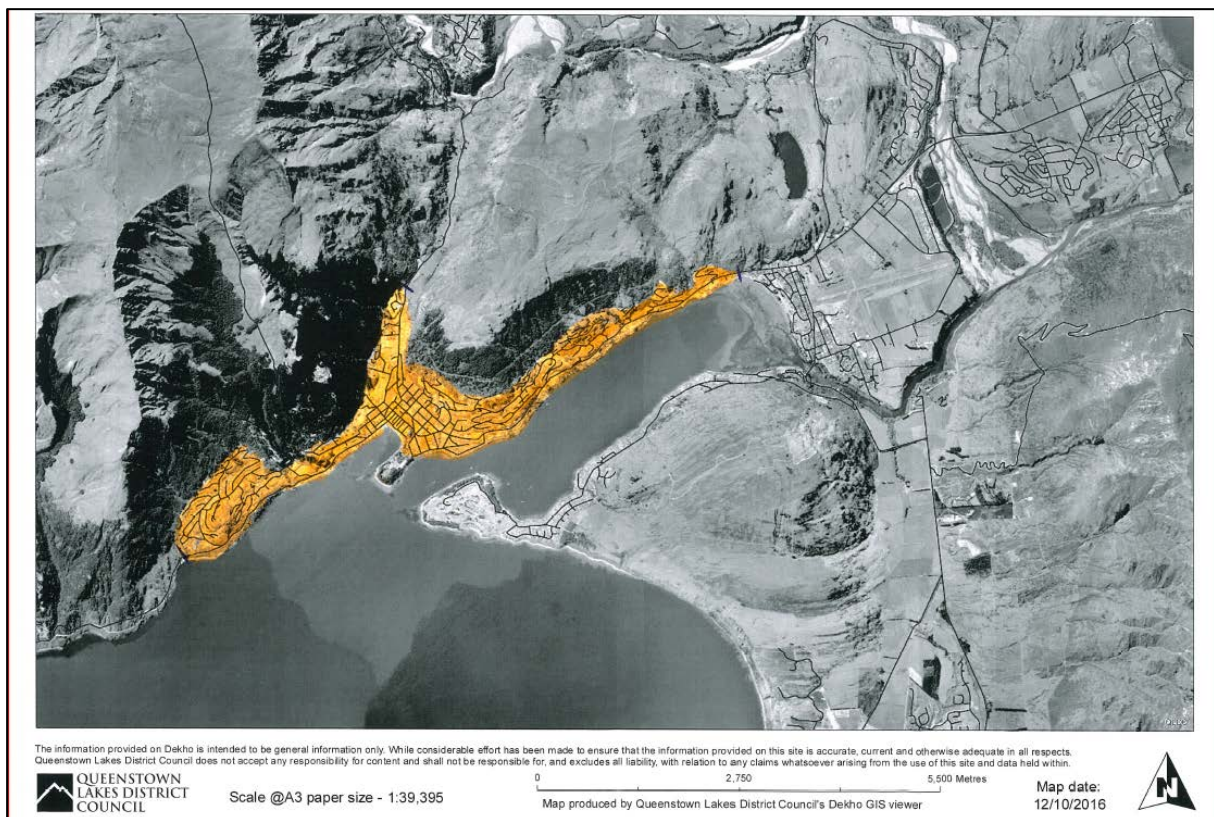


Figure 1 – Car pool permits – Excluded Area

¹ Reviewable annually at QLDC's discretion.

Application Process

1. Applicants must complete an application form. This must be completed in person at a QLDC service centre and be accompanied with a copy of the applicant's New Zealand driving licence and proof of address.
2. Customer services will ensure the application is fully completed and take a copy of the driving licence / proof of address. They will inform the customer that their permit will take up to 10 working days to be issued and that they may not use the carpooling system until the permit is issued.
3. Customer services will scan the application and the copy of the driving licence / proof of address through to Regulatory support.
4. Regulatory support will TRIM the application.
5. Regulatory support will enter the applicants details onto the carpooling register (also in the same folder on TRIM).
6. Regulatory support will create the permit and either post it or leave it in the office for collection.

CARPOOLING PERMIT APPLICATION

Please note all fields are mandatory.

Name	
Contact Number	
Email	
Residential Address	
Postal Address	
NZ Driver's License Number	

I confirm that I will notify QLDC of any changes to the information above and that relocation of residential address may invalidate my permit.

I confirm I have read the rules governing the issue of this permit.

I acknowledge that I will be liable for a fine and to have my permit revoked if I breach the rules pertaining to this permit.

Signed Dated

Office use only

Date received

Received By

**QLDC Council
24 November 2016**

Report for Agenda Item: 5

Department: Property & Infrastructure

New Lease – Citizens Advice Bureau

Purpose

To consider granting a new lease to the Citizens Advice Bureau over part of the historic Malaghan building.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** granting a lease to the Queenstown Citizens Advice Bureau Incorporated over part of the Malaghan Building at 44 Stanley Street Queenstown, and described as Section 7 Block XXXI Town of Queenstown, subject to the following terms and conditions:

Commencement	19 December 2016
Term	3 years
Renewals	2 of 3 years each by agreement of both parties
Rent	Pursuant to Community Facility Pricing Policy
Early Termination	1 year (but not in the first 3 years), if required for core infrastructure purposes
Use	Community support services housed in the historic portion of the Malaghan building. Shared use of boardroom only.
Reviews	19 December 2021 (subject to renewal)
Insurance	Requirement to hold public liability insurance of \$2 million
OPEX	Paid for by lessee excluding building insurance and exterior maintenance.

3. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a lease over Section 7 Block XXXI Town of Queenstown.
4. **Delegate** signing authority for the lease to the General Manager, Property and Infrastructure.

Prepared by:



Dan Cruickshank
Property Advisor - APL

3/11/2016

Reviewed and Authorised by:



Aaron Burt
Park and Reserves Planner

11/11/2016

Background

- 1 The Queenstown Citizens Advice Bureau Incorporated (CAB) has leased its current site from Council in the historic Malaghan building at 44 Stanley Street since the year 2000.
- 2 The land known as Section 7 Block XXXI Town of Queenstown on CT 72/294 was vested in Council under the Reserve and Other Lands Disposal Act 1965, with the land being declared as a public reserve for library purposes and a site for municipal buildings.
- 3 The CAB lease was most recently varied in 2011 to provide a final expiry date of 19 December 2016.

Comment

- 4 CAB is a non-profit national organisation focused on providing a wide range of support services to the community, delivered by trained volunteers.
- 5 Having a central town centre location for people to be able to visit easily is a key requirement for the service. CAB estimate that between 70-80% of people requiring their services, do so via "walk ins".
- 6 The current area of the Malaghan building occupied by CAB is ideal for their purposes, with a moderately sized information foyer/reception, a staff office, 2 meeting rooms, kitchenette and toilet. It also has had use of the boardroom next door to the lease space, shared with Destination Queenstown which resides in the newer part of the building.
- 7 The building is heritage listed and a key site of interest to the community. It is very important that a careful and considerate lessee occupies the building, which the CAB has proven itself to be over the years.

- 8 As with the earlier lease terms, it is proposed that Council continue to be responsible for maintaining the exterior of the building, and that CAB as lessee be responsible for the internal upkeep.

Options

- 9 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.

- 10 Option 1 Approve a lease to the Queenstown Citizens Advice Bureau Inc over Section 7 Block XXXI Town of Queenstown subject to the terms and conditions outlined in this report.

Advantages:

- 11 It will enable a valuable community service group to continue their operations in central Queenstown.
- 12 Will enable the building to be occupied, lessening some operational costs Council would otherwise need to cover for the building.

Disadvantages:

- 13 Will lock up the use of the building for a period of at least 3 years.

- 14 Option 2 Approve a lease to the Queenstown Citizens Advice Bureau Inc over Section 7 Block XXXI Town of Queenstown subject to different terms and conditions.

Advantages:

- 15 Council may consider there are advantages with proposing different lease terms.

Disadvantages:

- 16 None identified.

- 17 Option 3 Decline a lease to the Queenstown Citizens Advice Bureau Inc over Section 7 Block XXXI Town of Queenstown.

Advantages:

- 18 Council may prefer to use the building for another unknown purpose or keep the building unoccupied.

Disadvantages:

- 19 The lessee would have to find another location which would potentially impact their ability to provide the community with free support services.

- 20 The Council would need to cover additional operating expenses that would otherwise be paid for by the lessee.
- 21 This report recommends **Option 1** for addressing the matter because it will enable a valuable community service organisation to continue to operate in Queenstown.

Significance and Engagement

- 22 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because the Malaghan building is listed as a strategic asset. The term of lease is comparatively short, considering that the renewals are 'by agreement of both parties'.

Risk

- 23 This matter related to the operational risk OR011A Decision Making as documented in the Council's risk register. The risk is classed as moderate.
- 24 The recommended option considered above mitigates the risk by ensuring the process of granting a new lease is commenced in a timely and legally compliant manner.

Financial Implications

- 25 Council will agree to cover exterior maintenance and building insurance costs for the term of the lease (9 years if all renewals are exercised). Costs associated with drafting of lease documentation will be met by the applicant.

Council Policies, Strategies and Bylaws

- 26 The following Council policies, strategies and bylaws were considered:
- Significance and Engagement Policy
 - Community Facility Pricing Policy
 - Community Lease and Licence Terms
- 27 The recommended option is consistent with the principles set out in the named policy/policies.
- 28 This matter is included in the 10-Year Plan/Annual Plan, through existing property operating budgets.

Local Government Act 2002 Purpose Provisions

- 29 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 free community service to the community in central Queenstown;

- Can be implemented through current funding under the 10-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

30 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community.

31 Council has consulted with descendants of the Malaghan family of which the building was named. They have provided their support to the building being released to CAB.

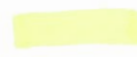

32 The Council has not notified the intention to grant a lease, as the use is consistent with the municipal classification.

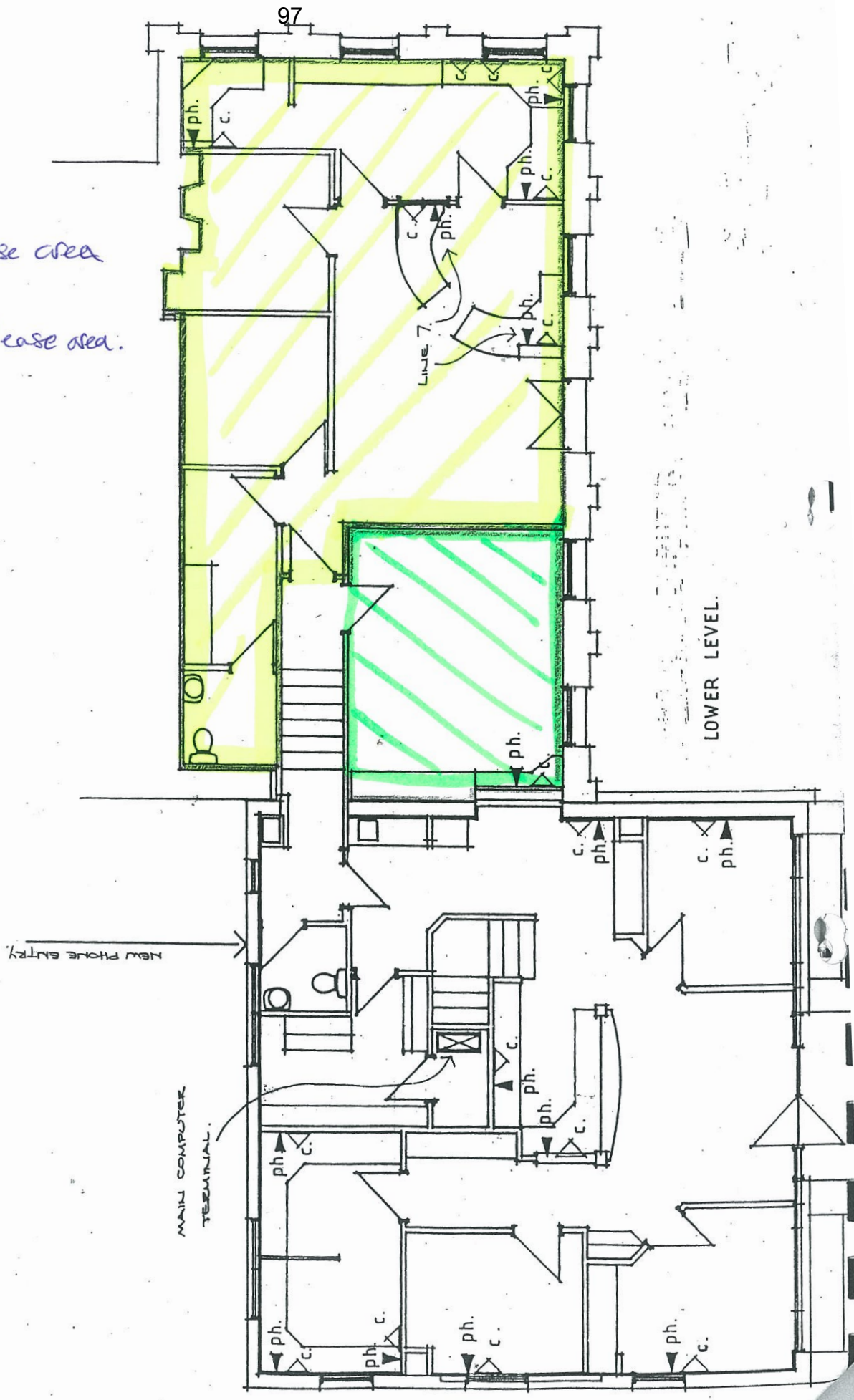
Attachments

A Malaghan building site plan and lease area

Attachment A: Malaghan building site plan and lease area

7

 CAB lease area
 Shared lease area.



QLDC Council
24 November 2016

Report for Agenda Item: 6

Department: Property & Infrastructure

QLDC Water Supply Boundary Adjustment Policy

Purpose

The purpose of this report is to seek adoption of the QLDCs newly developed Water Supply Boundary Extension Policy.

Executive Summary

This report seeks the adoption of a newly created policy which outlines criteria for council officer decision-making that will be applied when assessing applications to extend the water supply boundary.

Recommendation

That Council:

1. **Note** the contents of this report;
2. Adopt the QLDC Water Supply Boundary Adjustment Policy as a Council policy document.
3. Authorise the Chief Engineer to make further changes to the QLDC Water Supply Boundary Adjustment Policy without further recourse to the Council, where this is necessary to:
 - i. Fix identified minor errors and/or omissions.
 - ii. Ensure continuity with other proposed provisions.


Prepared by:



Ulrich Glasner
Chief Engineer

8/11/2016

Reviewed and Authorised by:



Peter Hansby
General Manager – Property
& Infrastructure

8/11/2016

Background

- 1 On 29 October 2015, Council resolved to direct the Chief Executive Officer to prepare a set of criteria for evaluating requests from landowners and developers to extend water supply schemes beyond their current boundaries. The Council also resolved to not consider any new approvals until the criteria was prepared. The concern was about the ongoing incremental effect of approving applications in an ad hoc manner. It was determined to develop a policy that would set out criteria for decision making.
- 2 Currently applications to extend the water supply boundary have been presented to Council for approval. Once adopted, this policy will authorise the Council's Chief Engineer to approve the applications that comply with the principles outlined in the policy. Applications which do not fit easily within the policy will still be presented to Council for approval.

Comment

Options

- 3 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.
- 4 Option 1 Do Nothing
 - 5 Advantages: Council continue to review all applications.
 - 6 Disadvantages: No new approvals will be considered. Council will continue to receive every application and there will be no criteria for approving them.
- 7 Option 2 Adopt as recommended.
 - 8 Advantages: Councils policy will establish a framework of principles to be applied when assessing future applications. Applications that comply will not need to be brought to Council for approval.

The policy will provide applicants with a better understanding of the conditions of being granted a connection outside the boundary.
 - 9 Disadvantages: The policy will not accommodate all applications.
- 10 This report recommends **Option 2** for addressing the matter because adoption of the proposed policy will provide objective criteria for reviewing applications to extend the water supply boundary.

Significance and Engagement

- 11 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. The significance level has been determined by assessment of its importance to the QLDC community interest, inconsistency with existing policy and strategy, and the impact on the Council's capability and

capacity. Whilst the policy will have an impact on the wider environment, it will provide best practice.

Risk

- 12 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 low. The likelihood of it occurring is low due to the relatively small number of applications.
- 13 A mitigation action has been identified as a sub-task in the Corporate Mitigation activities. The sub task is a documented process flow chart for Council business units. The purpose of this process is to mitigate the risk by providing guidance to QLDC staff and the applicants when constructing assets that may be vested in Council.

Financial Implications

- 14 There are no operational and capital expenditure requirements or other budget or cost implications resulting from the decision.

Council Policies, Strategies and Bylaws

- 15 The following Council policies, strategies and bylaws were considered:
- QLDC Water Metering Policy
 - QLDC Water Supply Bylaw
 - QLDC Land Development and Subdivision Code of Practice
 - QLDC Extension and Connection Costs for Water and Sewerage Policy
 - QLDC Policy for the Provision of New Water Supply and Sanitary Sewer Connections
 - QLDC Three Waters Asset Management Plan 2015
- 16 The recommended option is consistent with the principles set out in the named policy/policies.
- 17 This matter is not included in the 10-Year Plan/Annual Plan
- This document does not require additional funding and has no impact on the current budgets. The ongoing review of best practice is business as usual.

Local Government Act 2002 Purpose Provisions

- 18 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 allowing the extension of the area utilising the public supply when certain criteria are met without needing to be raised to the elected members for approval;

- Can be implemented through current funding under the 10-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

19 The persons who are affected by or interested in this matter are Council officers involved with the approval of future water supply boundary extensions, the development community including developers, engineers and surveyors and property owners near the water supply boundary.

20 The Council has internally reviewed the documentation within the Infrastructure and Planning and Development teams. The document was technically and peer reviewed by Council's Chief Engineer and his staff.

Attachments

A (Draft) QLDC Water Supply Boundary Adjustment Policy



QUEENSTOWN LAKES DISTRICT COUNCIL

WATER SUPPLY BOUNDARY ADJUSTMENT POLICY

VERSION 2

November 2016

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2. PURPOSE

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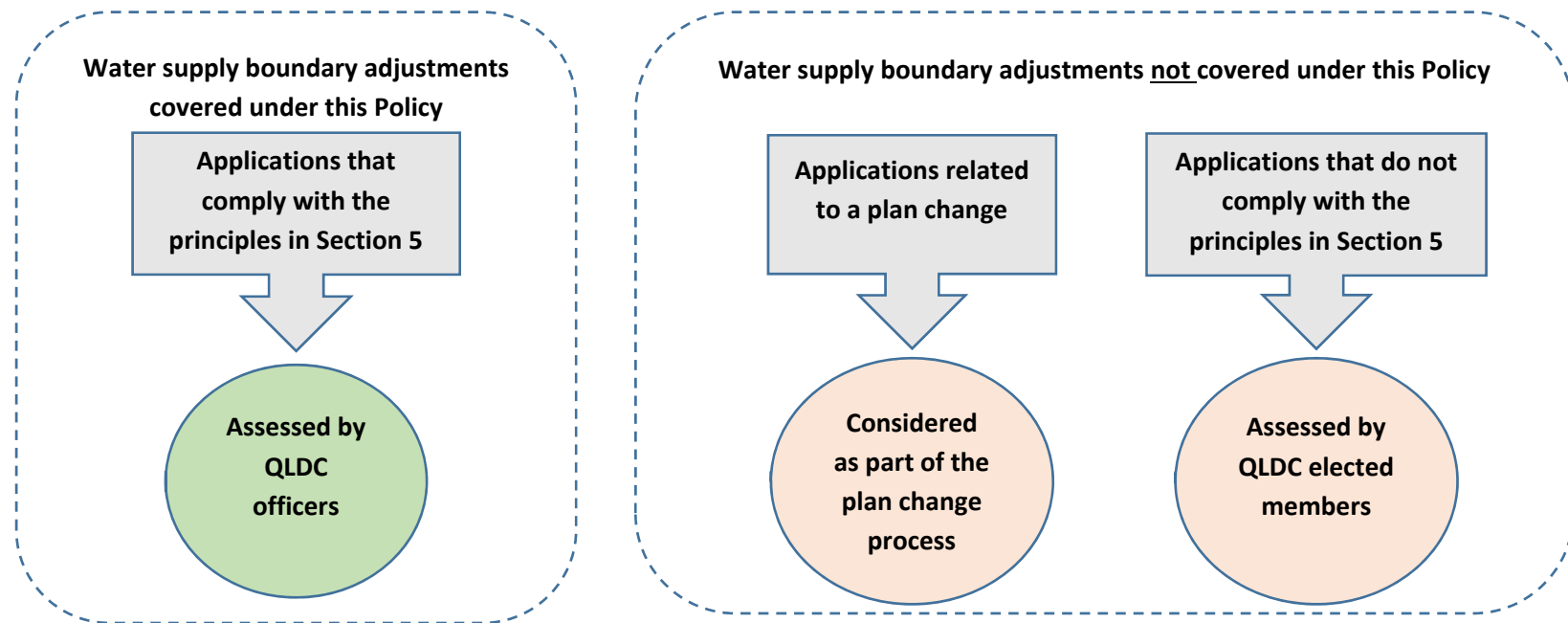
7. APPLICATION PROCESS

1. Application

This policy applies to applications for an extension to Queenstown Lakes District Council's (QLDC) water supply boundary. This does not include changes to the district plan, in which case provision of water will be considered as part of the plan change process.

2. Purpose

The purpose of this policy is to show the criteria for decision making that will be applied when assessing applications to extend the water supply boundary.



3. Related Documents

The policy should be read in conjunction with the following documents:

1. Local Government Act 2002
2. Utilities Access Act
3. QLDC District Plan (Both the Operative and Proposed District Plans)
4. QLDC Water Metering Policy
5. QLDC Water Supply Bylaw
6. QLDC Land Development and Subdivision Code of Practice
7. QLDC Extension and Connection Costs for Water and Sewerage Policy
8. QLDC Policy for the Provision of New Water Supply and Sanitary Sewer Connections
9. QLDC Three Waters Asset Management Plan 2015
10. Drinking-water Standards for New Zealand 2005 (Revised 2008)
11. NZ Fire Fighting Water Supplies Code of Practice 2008 (SNZ PAS 4509:2008)

4. Definitions

Water Supply Boundary

QLDC maintains eight public water supply schemes throughout the district: Queenstown, Arrowtown, Glenorchy, Lake Hayes, Arthurs Point, Wanaka, Lake Hawea and Luggate. The **Water Supply Boundary** is the line defining the limit of each QLDC water supply scheme. The QLDC water supplies are designed to supply water to all properties within or partially within the boundary lines, taking into account the zonings defined in the District Plan. The water supply boundary is physically defined on the QLDC WebMap (available - <http://maps.qldc.govt.nz/qldcviewer/>) where it is referred to as 'the water scheme'.

Types of Supply (from QLDC Water Supply By-Law)

On demand supply means a supply which is available on demand directly from the point of supply, subject to the agreed level of service (LOS) as set out in QLDC's 10 year long term plan.

Restricted flow supply means a type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations, e.g. on-site storage tanks.

Water Supply Area means an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and/or on demand supplies, but not necessarily with a firefighting capability.

5. Principles

QLDC officers with delegated authority may approve applications that comply with the following principles:

1. That an existing water main is adjacent to the property boundary.
2. All cost to extend the QLDC water supply network shall be covered by the applicant. Full development contributions and rates shall be levied and paid.
3. The level of service of the scheme should not be significantly compromised by the extension. Validation by a QLDC officer or a suitably qualified professional will be required. The effects of future development shall also be considered. The cost of the validation will be the responsibility of the applicant.
4. Design and construction must comply with the applicable QLDC design standards and policies to ensure the integrity and quality of QLDC owned assets are maintained.
5. Any reticulation extensions should be vested to QLDC when on council land and/or where there are multiple owners. Otherwise the extension should be privately owned.
6. The agreement with QLDC shall define the level of service to be provided and any landowner requirements, e.g. restricted flow supply, private storage for fire-fighting purposes.
7. The agreement with QLDC shall acknowledge that the use of the public supply for large scale irrigation by private landowners is not viable in the long term. The water use of the public supply shall not exceed 1,100 litres/day per dwelling. This is based on the residential average daily consumption identified throughout the water meter trial 2015/16.
8. The extension is for a development that has obtained an agreement with Council that water will be available, only if resource consent is granted the boundary change applies. The new water supply boundary does not extend beyond the consented development.

Any application that does not meet the above criteria shall be referred to the elected members for approval. This may include any connections that may be required to mitigate a public health risk.

6. Responsibilities

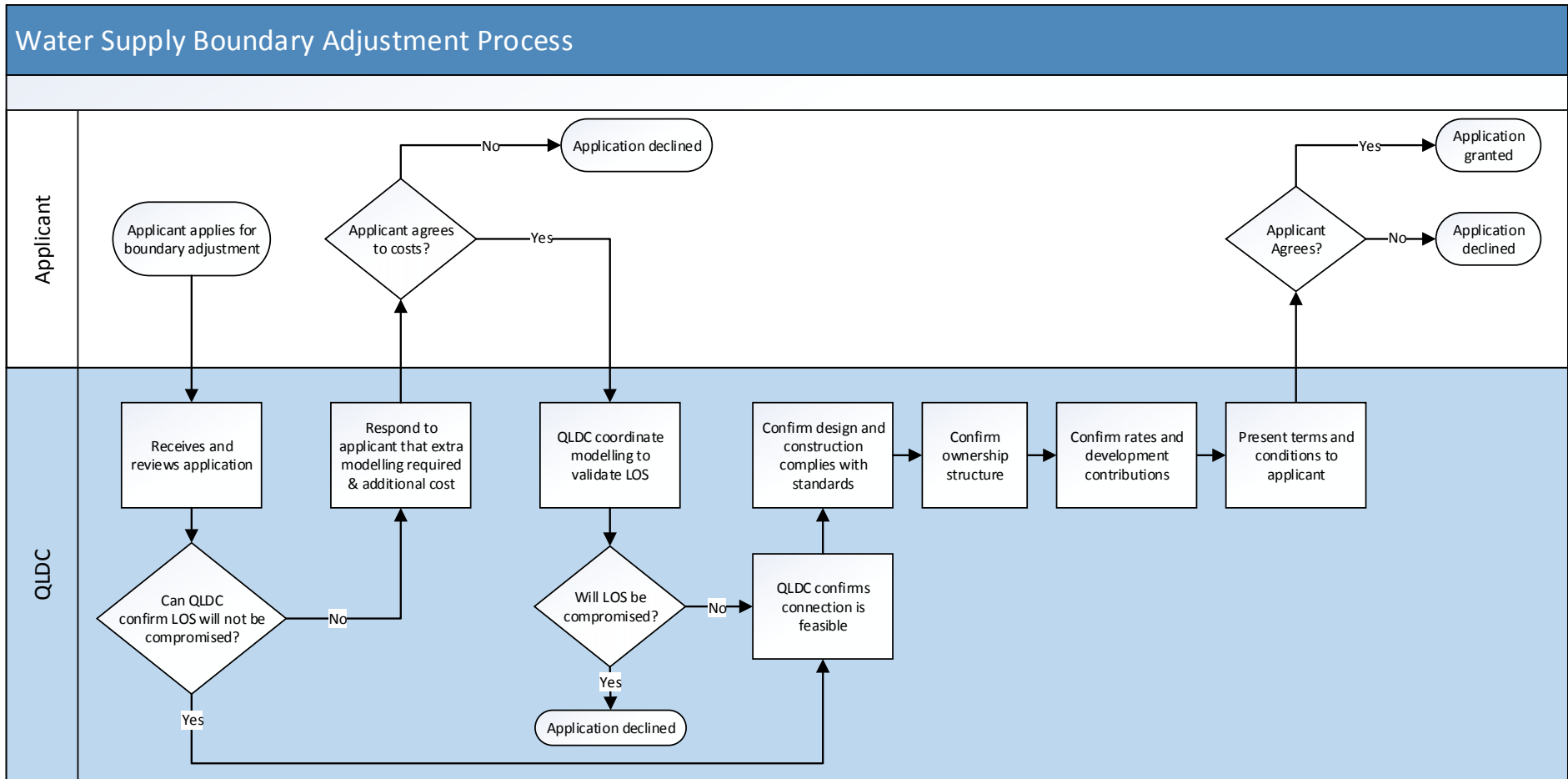
The Applicant is responsible for:

1. Lodging a complete application via the Duty Planner.
2. Providing extra information as required by QLDC.
3. Covering the cost of extra water supply modelling (if required) to validate that the level of service is not compromised.
4. Covering all internal cost related to QLDC's responsibilities as outlined below.
5. Signing an agreement with QLDC regarding capital cost, rates, development contributions, vesting ownership, construction requirements, timeframes for construction and meeting all costs associated with preparation of the legal agreement.
6. Fulfilling obligations stated on the agreement with QLDC and following normal QLDC processes for water service extensions and connections.

The QLDC is responsible for:

1. Assessing the application using the application approval process outlined in Section 7.
2. Coordinating any extra water supply modelling (if required) to validate that the level of service is not compromised.
3. Approving or declining application using the appropriate authority.
4. Escalating the application to elected members if it cannot be approved within the principles of this policy.
5. Preparing the agreement with QLDC.
6. Carrying out internal post construction processes.

7. Application Approval Process



**QLDC Council
24 November 2016**

Report for Agenda Item: 7

Department: Property & Infrastructure

Supply Boundary Adjustment – Subdivision McDonnell Road, Arrowtown

Purpose

To seek Council approval to extend the water supply and wastewater service boundaries for a proposed subdivision along McDonnell Road, Arrowtown.

Recommendation

That Council:

1. **Note** the contents of this report;
2. Agree that the water supply and wastewater service boundaries be extended to cover the proposed subdivision along McDonnell Road, Arrowtown – Lot 29 DP 369201.

Prepared by:



Ulrich Glasner
Chief Engineer

3/11/2016

Reviewed and Authorised by:



Peter Hansby
General Manager, Property
and Infrastructure

7/11/2016

Background

- 1 The proposed site – Lot 29 DP 369201 - is located along McDonnell Road, to the south of Arrowtown between Cotter Avenue/Advance Terrace and McDonnell Road. This location is a close to existing water and wastewater infrastructure. A wastewater pump station is located directly adjacent to the proposed site.
- 2 The proposed 20 lot residential subdivision is covered under the “Arrowtown South Special Zone” which has been operative since 21st May 2015.

Comment

3 Infrastructure reviews

- Existing services for water supply and wastewater are available at the boundary. Stormwater will be managed to low impact design feeding into a proposed retention /filtration wetland prior to discharge into an unnamed creek that runs through the subdivision.
- Water Supply – current modelling shows no constraints.
- Stormwater – developer proposes to address this onsite, considered as part of resource consent.
- Wastewater – pump station upgrade are currently investigated, costs for any upgrades will be paid by the developer, considered as part of resource consent. No further network upgrade required.

Options

Option 1 Decline the proposed water supply and wastewater service boundary adjustment.

Advantages:

- 4 No increase of operation and maintenance for additional infrastructure.

Disadvantages:

- 5 Site is already zoned therefore Council could be forced to provide service connection.
- 6 Possible installation of on-site wastewater systems with risk of negative impact on the environment by not well managed and monitored treatment systems.

Option 2 Approve the water supply and wastewater service boundaries adjustment

Advantages:

- 7 Control over supply schemes.
- 8 Council obligations will be addressed.

Disadvantages:

- 9 Increased demand on existing infrastructure.

Significance and Engagement

- 10 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the decision has nearly no impact to the existing ratepayers.

Risk

- 11 This matter relates to the strategic risk SR1, as documented in the Council's risk register. The risk is classed as moderate. This is because of economic, social, environmental and reputational risks.

A key element of this risk is meeting the current and future development needs of the community. Whilst there is an element of environmental protection to this risk, the risk relates more to the economic and social consequences of not meeting development needs. The matter therefore can be considered to terminate the risk by providing the service.

Financial Implications

- 12 There are no budgets or cost implications resulting from the decision.
- 13 The developer will be responsible for infrastructure connections and the provision of appropriate infrastructure to support the development.
- 14 It is acknowledged that there will be some ongoing infrastructure maintenance costs, but these are likely to be minor.

Council Policies, Strategies and Bylaws

- 15 The following Council policies, strategies and bylaws were considered:

- Water Supply Bylaw 2008

- 16 This matter is not included in the 10-Year Plan/Annual Plan

- No budget necessary.

Local Government Act 2002 Purpose Provisions

- 17 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 infrastructure to an agreed level of service which is safe to use and affordable.
- Can be implemented through current funding under the 10-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

- 18 No further consultation has been undertaken in association with this request.

19 Council has provided for a community feedback process during the SHA proposal. This feedback was provided at the 26 November 2015 meeting and was made public, which helped inform Council's decision-making. Speakers also spoke in support of the proposal at the 26 November meeting, with no-one speaking in opposition.

Attachments

A Outline Plan



Schedule of Existing Easements in Gross			
PURPOSE	SHOWN	SERVIENT TENEMENT	CREATED BY
Right to convey water	B	Lot 6	150113557
	D	Lot 7	
Right to drain sewage and water	G	Lot 100	E17095612 &
Right to convey sewage	I, K, L, N	Lot 100	79036614

Memorandum of Easements in Gross			
PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
Right to drain sewage	A	Lot 5	Queenstown Lakes District Council
Right to convey water	C	Lot 7	Queenstown Lakes District Council
Right of way (public access)	F, F, G, H, I, J, L, M	Lot 100	Queenstown Lakes District Council

NOTES:
 1. AA-AR are land covenant areas (building restriction and landscaping maintenance areas)
 2. Areas and dimensions are subject to survey.
 3. Underlying plans (Arrowsouth Structure Plan & Indicative Subdivision Layout Plan) prepared by Vivian-Expe
 4. © This work is copyright. If being reproduced, it must be reproduced in full. It may only be reproduced in part with the express approval of C. Hughes & Associates Ltd.

Proposed Subdivision of Lot 29 DP 369201
 (Sheet 1 - Overlay on Arrowsouth Structure Plan & Indicative Subdivision Layout Plan)

Arrowsouth Properties Ltd
 McDonnell Road, Arrowtown South

C. HUGHES & ASSOCIATES LTD
 Surveying and Resource Management • Central Otago
 CROMWELL WANAKA
 17A Murray Tce, Tel 03 445 0376 80 Ardmore St, Tel 03 443 5052
 PO Box 51 Fax 03 445 0375 PO Box 599 Fax 03 443 5052
 cromwell@chasurveyors.co.nz wanaka@chasurveyors.co.nz
 www.chasurveyors.co.nz



ISSUE	AMENDMENTS	DATE	Scale:	Job No:		
A	Easements added/altered	2/6/16	1 : 1750 (A3)	5479		
B	Easements, Covenants, & Lots 7-9	28/6/16				
C			Datum: -	Plan No: C1212		
D					Origin: -	Drawn: CRH
E						

**QLDC Council
24 November 2016**

Report for Agenda Item: 8

Department: Property & Infrastructure

2016/17 Capital Works Programme – First Re-forecast

The purpose of this report is to consider proposed amendments to the 2017/18 capital works programme for property and infrastructure projects.

That Council:

1. **Note** the contents of this report; and
2. **Approve** the budget changes proposed and detailed in Attachment A.

Prepared by:



Peter Hansby
GM Property & Infrastructure

7/11/2016

Reviewed and Authorised by:



Mike Theelen
Chief Executive

11/11/2016

- 1 At the 30 June 2016 meeting of the Queenstown Lakes District Council, the Council resolved to adopt the 2016/17 Annual Plan.
- 2 In order to provide the Council oversight of any changes proposed to the capital works programme and to gain approval to these changes, the Property and Infrastructure Department provides the Council with regular updates and proposed re-forecasts of the current year capital works programme.
- 3 This report is the first capex forecast review for the 2016/17 financial year.
- 4 The summary document is contained within Attachment A of this report.
- 5 This report breaks the programme into five asset categories: Buildings, Parks and Reserves, Transportation, Waste Water and Water Supply.
- 6 Contained within the asset group we have categorised projects as follows:
 - 7 **New:** Where additional (new) funding is sought for existing projects or new projects are identified which the Council may consider suitable due to a change in legislation or some other business environment changes to those understood at the time of adopting the Annual Plan.

- 8 **Budget Transfer:** The project has, or is forecast to exceed, (or be below) the budget allocated through the Annual Plan process. The explanation of overspend / underspend and the proposed reallocation of funding between projects is contained within Attachment A.
- 9 **Brought forward:** Where additional funding was programmed in future years for an existing project and the timing of the funding needs to be brought forward to complete the project.
- 10 **Defer:** Projects that will not be completed within the current financial year but will be completed in the 2017/18 financial year. Deferred budgets cannot be used to fund other projects in the current financial year.
- 11 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.
- 12 Option 1 Approve the changes to the 2016/17 proposed capital works programme as proposed in Attachment A.

Advantages:

- 13 Provides an opportunity for the Council to consider the latest recommendation from officers in respect to projects planned for 2016/17 financial year
- 14 Provides the ability to manage the impacts of overspends against current budget and where possible the opportunity to take steps to keep capital expenditure within overall annual budgets.

Disadvantages:

- 15 This would change or delay the delivery of the projects consulted on and approved through the Long Term Planning (LTP) process.
- 16 Option 2 Status Quo, Do not approve the changes (do nothing option)

Advantages:

- 17 This would ensure that there are no changes to the programme of projects consulted on and approved through the Long Term Planning (LTP) process.

Disadvantages:

- 18 The Council will not be able to make changes to the capital programme to reflect the latest available information and investment will be less effective.
- 19 The Council will not be able to respond in a timely way to changes its operating environment and investment will be less effective.
- 20 Projects which have commenced and where sufficient alternate budget is available will be deferred, increasing the costs of delivery.

- 21 Option 3 Approve only some of the changes to the 2016/17 proposed capital works programme as proposed in Attachment A.

Advantages:

- 22 Provides an opportunity for the Council to consider the latest recommendation from officers in respect to projects planned for 2016/17 financial year
- 23 Provides the ability to manage the impacts of overspends against current budget and where possible the opportunity to take steps to keep capital expenditure within overall annual budgets.

Disadvantages:

- 24 This would change or adjust the timing of the projects consulted on and approved through the Long Term Planning (LTP) process.
- 25 This report recommends **Option 1** for addressing the matter because it provides the ability to manage the impacts of overspends against current budget and where possible, the opportunity to take steps to keep capital expenditure within overall annual budgets. Not approving the proposed budget changes would alter or delay the delivery of the projects consulted on and approved through the Long Term Planning (LTP).

Significance and Engagement

- 26 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy although the decision on the Shotover Wastewater Treatment Plant is in respect of a strategic asset. However, the decision sought on this is a change to the phasing of the budget and will have no impact on the planned works or the timing of project completion. Other project adjustments are not in relation to strategic assets and are of relatively low value or, in the case of the Eastern Access Road, reflect a more realistic programme for the project.

Risk

- 27 This matter related to the operational risk : SR1 Current and Future Development needs of the Community, as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because it seeks to amend projects contained within the 10-Year Plan.
- 28 The recommended option mitigates the risk by:

Treating the risk - putting measures in place which directly impact the risk. This is achieved through ensuring that the right projects are being funded and completed based on the most recent information available to Council officers.

Financial Implications

- 29 The financial implications are outlined in Attachment A.

Council Policies, Strategies and Bylaws

30 The following Council Policies were considered:

- Policy on Significance – Although the decision is in respect to strategic assets, namely, water supply infrastructure, sewage treatment plants and the roading network, the decision does not involve the transfer of ownership, sale or long term lease of these strategic assets. The policy of significance therefore does not apply.

31 This matter is included in the 10-Year Plan/Annual Plan

- The projects identified form part of the capital works projects for the 2016/17 financial year

Local Government Act 2002 Purpose Provisions

32 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 ensuring that the right projects are completed at the right time;
- 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.

33 Most of the proposed changes can be implemented through current funding under the 10-Year Plan and Annual Plan. The exceptions are listed in the financial section of this report.

Consultation: Community Views and Preferences

34 The persons who are affected by or interested in this matter are residents and ratepayers of the Queenstown Lakes district community.

35 It is not considered possible to consult fully on these changes if it is intended to complete the works within the current financial year.

ATTACHMENTS

A Summary of proposed project changes

ATTACHMENT A

Programme	Project Code	Project Description	2016_17 Budget	New	Budget transfer	Budget brought forward	Defer	Budget Forecast	2016_17 versus Forecast	Comments
Buildings	307	Arrowtown Athenaeum Hall Seismic Strengthening	364,568		15,000			379,568	(15,000)	Surplus budget from Project Arrowtown Cottages heat pumps to be transferred to cover remedial works at Arrowtown Hall Seismic strengthening
	416	Heat Pumps - Arrowtown cottages	15,000		(15,000)			-	15,000	Transfer budget to Arrowtown Hall Seismic Strengthening, Project 307. Budget no longer required as heat pumps were installed 15/16.
	225	Wanaka Aquatic Centre	8,225,600				(2,910,550)	5,315,050	2,910,550	Revised budget for 16/17 due to delays in contract tender negotiations.
Buildings Total			8,605,168	-	-	-	(2,910,550)	5,694,618	2,910,550	
Parks and Reserves	213	Arrowtown Public Toilet Master Plan	149,600				(109,600)	40,000	109,600	Budget required for design only 16/17 with remaining budget to be deferred to 17/18. Propose to combine design works for toilet renewal Projects 213 and 214 (Wakatipu).
	215	Aspiring Road - replace permaloo with Exeloo	130,100				(110,100)	20,000	110,100	Additional budget required due to increased scope to be considered in 17/18 AP.
	214	Frankton - Replace with Exeloo	166,700				(146,700)	20,000	146,700	
	138	Minor Renewal Reserve Works - Wakatipu	203,200		(9,600)			193,600	9,600	Proposed budget transfer to Project 252, Playground Renewal Kingston to cover minor increase in costs.
	252	Playground Renewal Kingston	57,944		9,600			67,544	(9,600)	Cost increase due to footing design changes as a result of soft ground conditions and extra concrete required. Proposed budget transfer from Project 138, Minor Renewal Reserve Works - Wakatipu
	382	Playground Renewal Queenstown Bathhouse	30,000		(30,000)			-	30,000	Projects proposed to be combined and called the Queenstown Lakefront Development Plan.
	424	Queenstown Bay Reserves Development Plan	30,000		50,000			80,000	(50,000)	
	428	Queenstown Gardens Development Plan	20,000		(20,000)			-	20,000	
	255	Shotover Bridge to Morven Ferry	21,941		2,400			24,341	(2,400)	Minor increase in cost. Proposed budget transfer from Project 422, Walkways Renewals - Wakatipu
	422	Walkway Renewals - Wakatipu	326,480		(2,400)			324,080	2,400	Proposed budget transfer to Project 255, Shotover Bridge to Morven Ferry Road to cover minor increase in costs.
Parks and Reserves Total			1,135,965	-	-	-	(366,400)	769,565	366,400	
Transport	305	CROWN RANGE RD Sealed Rd Pavement Rehab	317,000		(65,000)			252,000	65,000	Opus report recommended full reseal 16/17 year. Proposed transfer of budget to Project 352 - Crown Range Sealed Road resurfacing to fund increased programme.
	352	CROWN RANGE SPR - Sealed Rd resurfacing	185,000		65,000			250,000	(65,000)	Budget transfer required to carryout additional works identified by Opus report. NZTA budget available to match.
	74	Glenorchy SPR - Minor improvements	150,008	161,897				311,905	(161,897)	Budget increase to fund Bennetts Bluff safety improvements agreed with NZTA. To match NZTA budget.
	306	GORGE ROAD - Sealed Road Pavement Rehab	17,767		(4,000)			13,767	4,000	Budget carried forward to complete remedial works and planting. Budget surplus to be transferred to Project 63 - Wakatipu Sealed Rd Pavement Rehab.
	63	WAKATIPU - Sealed road pavement rehab	18,000		16,000			34,000	(16,000)	Increase in budget to complete investigation work into land stability on southern end of Gorge Rd site.
	61	WANAKA - Sealed road pavement rehab	534,100		(12,000)			522,100	12,000	Proposed budget transfer to Project 63 - Wakatipu Sealed Rd Pavement Rehab.
	456	Street lighting & data improvements - Wakatipu	45,000	25,000				70,000	(25,000)	NZTA has increased the funding assistance rate to 85% for LED Street Lighting replacements. QLDC is taking this opportunity before it expires in June 2018 to utilise additional NZTA funding. A separate funding request for implementation will be made in the 2017/18 Annual Plan.
	New1	Street lighting & data improvements - Wanaka	-	21,000				21,000	(21,000)	
	New2	Street lighting & data improvements - Glenorchy	-	10,000				10,000	(10,000)	
Transport Total			1,266,875	217,897	-	-	-	1,484,772	(217,897)	
Waste Water	37	Glenorchy New Wastewater Scheme	6,044,669				(5,744,669)	300,000	5,744,669	Design budget required only this year. Delays due to requirement for further site evaluations.
	440	Wanaka Airport WWater cxn Project Pure	20,000			28,998		48,998	(28,998)	Bring forward budget from 17/18 to complete to complete BBC on preferred concept for wastewater reticulation at both Wanaka Airport and Luggate. Luggate Scheme Design, Project ID 6617.
	480	Wastewater - O&M Renewals - Arthurs Pt	10,000	60,000				70,000	(60,000)	Increase budget required as a result of car crash into pump station. Costs recoverable under insurance.
	479	Wastewater - O&M Renewals - Hawea	10,000			10,000		20,000	(10,000)	Bring forward renewals budget from 17/18 to cover electrical repairs at the pump station. No further works anticipated at this time.
Waste Water Total			6,084,669	60,000	-	38,998	(5,744,669)	438,998	5,645,671	

ATTACHMENT A

Programme	Project Code	Project Description	2016_17 Budget	New	Budget transfer	Budget brought forward	Defer	Budget Forecast	2016_17 versus Forecast	Comments
Water Supply	17	Albert Town Ring Main	232,557		(162,557)			70,000	162,557	Balance of work to be completed under Anderson Road Project 347 this year.
	347	Wanaka Water Supply, Anderson Road Ext	299,200		192,557			491,757	(192,557)	Budget transferred from Albert Town Ring Main and Wanaka Yacht Club Borefield projects to cover increase in scope requirements.
	16	Wanaka Yacht Club Borefield Stage 1	60,000		(30,000)			30,000	30,000	Surplus budget to be transferred to cover increase in scope at Anderson Road Project 347.
	360	Lake Hayes Estate Water Metering	6,400			18,600		25,000	(18,600)	Additional budget brought forward from 18/19 to cover internal time component for project BBC and scoping.
	350	Upper Mount Iron Reservoir	5,300			21,420		26,720	(21,420)	Bring forward remaining budget from 17/18 to complete project.
	438	Wanaka Airport water supply reticulation	30,000	15,000				45,000	(15,000)	Increase in budget to complete BBC on preferred concept for water supply at both Wanaka Airport and Luggate.
	469	Water Supply - O&M Renewals - Luggate	24,100			2,000		26,100	(2,000)	Bring forward budget from 17/18 to cover legacy works from 15/16 and bore redevelopment works required 16/17. No further works anticipated at this time.
	New3	Beacon Point Reservoir	-	220,000				220,000	(220,000)	New budget is required to complete design and construction to support Northlake water supply infrastructure. Existing funding plans have this project scheduled to commence 2025/26 - which outside the current LTP.
Water Supply Total			657,557	235,000	-	42,020	-	934,577	(277,020)	
Convention Centre										
Buildings	286	Convention Centre - Other Infrastructure	1,419,194				(1,419,194)	-	1,419,194	
	276	Queenstown Convention Centre	495,678				(495,678)	-	495,678	
Transport	387	Convention Centre - Footpaths	81,300				(81,300)	-	81,300	
	386	Convention Centre - Parking	111,800				(111,800)	-	111,800	
	285	Convention Centre - Transportation Upgrades	1,775,900				(1,775,900)	-	1,775,900	
Storm Water	283	Convention Centre - Stormwater Upgrades	495,678				(495,678)	-	495,678	
Waste Water	384	Convention Centre - Sewer Upgrades	117,800				(117,800)	-	117,800	
Water Supply	385	Convention Centre - Water Upgrades	229,000				(229,000)	-	229,000	
Convention Centre Total			4,726,350	-	-	-	(4,726,350)	-	4,726,350	As per November AP workshop all budgets related to Convention Centre to be deferred to year 19/20.
Grand Total			22,476,583	512,897	-	81,018	(13,747,969)	9,322,529	13,154,054	

**QLDC Council
24 November 2016**

Report for Agenda Item: 9

Department: Property & Infrastructure

Proposed new licence for Fork and Pedal Limited

Purpose

The purpose of this report is to consider a proposed new licence and Affected Person Approval ('APA') for Fork and Pedal Limited to operate a commercial walking tour through various reserves in the Queenstown CBD.

Recommendation

That Council:

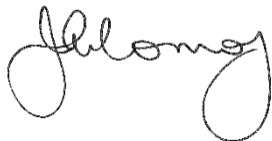
1. **Note** the contents of this report;
2. **Approve** a licence over Section 6 Blk LI TN of Queenstown, Part Recreation Reserve Block XV TN of Queenstown, Sec 17 Blk XV TN of Queenstown, Section 18 Blk XV TN of Queenstown, Section 1 Blk IX TN of Queenstown to Fork and Pedal Limited for guided commercial walking tours subject to the follow terms:

Commencement	1 November 2016
Term	1 year
Renewals	3 of 3 years each by agreement of both parties
Rent	\$500 + GST per annum base rent, or 7.5% of gross revenue, whichever is the greater
Reviews	Upon renewal
Insurance	Requirement to have public liability insurance of \$2 million
Other	Must have resource consent and permit pursuant to obstructions in public places by-law. Must avoid blocking paths and give way to other path users. Council to retain ability to suspend the licence for safety purposes or to avoid large public events. Health and Safety plan to be provided. Must not congregate in front of, or around the

Moa statute, as the grass in this area is easily affected/damaged.

3. **Approve** the Affected Person Approval for the Fork and Pedal operation and delegate signing authority to the Manager Parks and Reserves.
4. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a licence over Section 6 Blk LI TN of Queenstown, Part Recreation Reserve Block XV TN of Queenstown, Sec 17 Blk XV TN of Queenstown, Section 18 Blk XV TN of Queenstown, Section 1 Blk IX TN of Queenstown to Fork and Pedal Limited for guided commercial walking tours.
5. **Delegate** signing authority for the licence to the General Manager, Property and Infrastructure.

Prepared by:



Joanne Conroy
Property Advisor - APL

6/10/2016

Reviewed and Authorised by:



Aaron Burt
Planner: Parks & Reserves

26/10/2016

Background

- 1 Fork and Pedal Limited are seeking to set up a new commercial walking tour throughout Queenstown on footpaths and pedestrian trails. Some of the trails and the meeting area are on reserve land so they will require a licence. Approval for using footpaths that are not reserve will be sought under the Control of Activities and Obstructions in a Public Place Bylaw (2010).
- 2 The applicants are currently seeking resource consent and because they are operating on Council land, they will require an affected person approval (APA) to complete the consent. The Property Subcommittee of Council considered both the licence and the APA in August this year. They approved notification of the licence but did not want to consider the APA until the notification process was complete, deferring that decision to Council.
- 3 The reserves concerned are Marine Parade, Earnslaw Park and Brian Smith Park. They are variously known as Section 6 Blk LI TN of Queenstown, Pt Section 74 Blk XX Shotover SD (note this is Lake Wakatipu Foreshore), PT Recreation Reserve Block XV TN of Queenstown, Sec 17 Blk XV TN of Queenstown, Section 18 Blk XV TN of Queenstown, Section 1 Blk IX TN of Queenstown. They are all recreation reserves.

- 4 The operation will involve guiding groups of up to 12 customers, with tours departing twice daily, usually at 10am and 2pm and in any case only one tour in any hour. They will meet at the William Rees Statue, visit Patagonia and then walk along the waterfront towards the Moa Statue. They will then take streets to Brian Smith Park where they will stop and eat takeaways from Fergbaker. The remainder of the tour will be on the streets.
- 5 The Property Subcommittee of Council approved notification of the intention to grant this licence in August 2016, seeking that the rent payable was the same as the licence granted in 2015 to Free Walking Tours, rather than being 10% of 7.5% of turnover as recommended. That recommendation was on the basis that the licence only covers approximately 10% of the route with the balance being on the streets rather than reserves.
- 6 The intention to grant a licence was publicly notified calling for submissions to be made by 28 September 2016. No submissions were received and therefore no hearing was held or required.

Comment

- 7 The foreshore area is covered by the Sunshine Bay to Kelvin Heights Foreshore Reserve Management Plan. Policy S27 of that plan says that “commercial activities of a temporary nature and that are of public benefit shall be considered favourably”. It could be argued that this proposal is of benefit to the public by creating another commercial activity option that is both low impact and of benefit to some local food outlets.
- 8 The Queenstown Bay Foreshore Management Plan was adopted in 2016. It contemplates accommodating “appropriate commercial activity in defined areas that enhance public i.e. safety and access to and enjoyment of the foreshore and adjoining waters provided it does not inappropriately impact on the area’s natural qualities or where passive recreation is promoted”. This proposal is in zone 2 of the plan and allows “consideration of temporary commercial and community activities compatible with the passive recreation use of the reserves.” The proposed activity conforms with the policies.
- 9 The licence would be granted pursuant to the Reserves Act 1977. The suggested terms and conditions are as follow:

Commencement	1 November 2016
Term	1 year
Renewals	3 of 3 years each by agreement of both parties
Rent	\$500 + GST per annum base rent, or 7.5% of gross revenue, whichever is the greater
Reviews	Upon renewal
Insurance	Requirement to have public liability insurance of \$2 million

Other Must have resource consent and permit pursuant to obstructions in public places by-law. Must avoid blocking paths and give way to other path users. Council to retain ability to suspend the licence for safety purposes or to avoid large public events. Health and Safety plan to be provided. . Must not congregate in front of, or around the Moa statue, as the grass in this area is easily affected/damaged.

10 The reason for these terms being recommended is to allow the applicant to trade for a year and then evaluate if there is any detrimental effect on the public because of congestion. The suggestion in regards to rent is to match the rent set for the Free Walking Tours operation approved in 2015.

11 The applicants will meet all costs incurred in considering this proposal.

Options

12 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.

13 Option 1 To approve a licence and APA to Fork and Pedal Limited to operate guided walking tours through the recreation reserves known as Section 6 Blk LI TN of Queenstown, Pt Section 74 Blk XX Shotover SD (note this is Lake Wakatipu Foreshore), PT Recreation Reserve Block XV TN of Queenstown, Sec 17 Blk XV TN of Queenstown, Section 18 Blk XV TN of Queenstown, Section 1 Blk IX TN of Queenstown subject to the terms and conditions outlined above.

Advantages:

14 This will enable another commercial activity option for visitors.

15 Will generate income for Council.

Disadvantages:

16 May result in additional congestion on the reserve paths.

17 Option 2 To approve a licence and APA to Fork and Pedal Limited to operate guided walking tours through the identified recreation reserves subject to different terms and conditions.

Advantages:

18 As above.

Disadvantages:

19 As above.

20 Option 3 To decline the application for Fork and Pedal to operate walking tours on the CBD reserves.

Advantages

21 Will avoid any additional congestion that might result from the proposed walking tours.

Disadvantages

22 Will prevent a new commercial activity from operating in the CBD.

23 Will not generate additional income for Council.

24 This report recommends Option1 for addressing this matter as the controls proposed will minimise congestion and in the event it does occur, the activity can be terminated after one year.

Significance and Engagement

25 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves a commercial operation on reserves in central Queenstown.

Risk

26 This matter relates to operation risk OR011A Decision Making. The risk is classed as moderate.

Financial Implications

27 As all costs incurred in granting this licence will be met by the applicant, there are no financial implications from this report. Council will earn minimal income from this activity.

Council Policies, Strategies and Bylaws

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

- Significance and Engagement Policy
- Sunshine Bay to Kelvin Heights Reserve Management Plan
- Queenstown Bay Foreshore Management Plan

29 The recommended option is consistent with the principles set out in the named policy/policies.

30 This matter is not included in the 10-Year Plan/Annual Plan and does not have any impact on the plan.

Local Government Act 2002 Purpose Provisions

31 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 enabling a new commercial activity to operate in Queenstown.

- Can be implemented through current funding under the 10-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

32 The persons who are affected by or interested in this matter are the residents/ratepayers of the Queenstown Lakes District community.

33 The proposal was publicly notified calling for submissions so the public have had the opportunity to consider and comment on the proposal.

Attachments

A Fork and Pedal application

FORK AND PEDAL LIMITED

PROPOSAL TO OBTAIN A PERMIT UNDER CONTROL OF ACTIVITIES AND OBSTRUCTIONS IN PUBLIC PLACES BYLAW (2010)

To Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9343

1. **Fork and Pedal Limited** (t/a Fork & Pedal Tours), whose registered address is 7 Kilmister Grove, Lower Hutt, wishes to obtain a permit to use public road reserve under the Council's Control of Activities and Obstructions in Public Places Bylaw (2010). Detail are described below:

A permit is sought to establish and operate guided food walking tours on established footpaths and pedestrian trails within Queenstown town centre.

The proposal involves groups with a maximum of 12 customers and one guide, with any given group inclusive of customers and guides not exceeding 13 people. Where customers exceed 12, we will split the group and send out two trips with a staggered start. We will be visiting specialty food stores, historical buildings and landmarks along the route. Trips are conducted within daylight hours (morning and afternoon) and operate 7 days a week, any day of the year. Each tour will last from 2 – 2.5 hours.

The Fork and Pedal Limited proposal involves multiple applications to the Queenstown Lakes District Council for a license under the Reserves Act, a permit to use public road reserve under the Council's Control of Activities and Obstructions in Public Places Bylaw (2010) and the resource consent in terms of the Queenstown Lakes District Plan for the use of land administered under the District Plan. An application for a licence under the Reserves Act will also be submitted, it is my understanding that this will bypass the need for an Affected Party Approval by Queenstown Lakes District Council.

2. **The names and addresses of the owner and occupier (other than the applicant) of land to which the application relates are as follows:**

Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

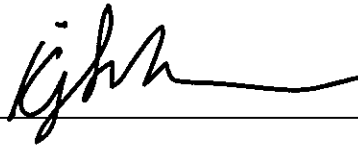
3. **The location of the proposed activity is as follows;**

Fork and Pedal Tours are located on the established footpaths and pedestrian trails within Queenstown town centre, Low Density Residential Area and the network of foreshore trails extending from the Marine Parade to Earnslaw Park, and Brian Smith Park. A plan of the location of the route proposed to be taken by the applicant is contained within Appendix B.

For the purposes of this application, the proposal relates to use of public road reserve under the Council's Control of Activities and Obstructions in Public Places Bylaw (2010).

4. **Management Plan**

Refer to attached management plan

 12/07/16

Kate Scrimshaw, Managing Director, Fork and Pedal Limited

Address for Service: 7 Kilmister Grove
Lower Hutt 5011

Telephone: 027 344 1704

Email: kate@forkandpedal.co.nz

Invoicing Address: Fork and Pedal Limited
7 Kilmister Grove
Lower Hutt 5011

Attachments:

Appendix A - Fork and Pedal Route Plan

Appendix B - Management Plan

Appendix B - Fork and Pedal Tour Management Plan July 2016

1. Introduction

The purpose of this Management Plan is to establish the process and procedures for maintaining the safety of the activity for customers and other users of the pedestrian paths used by Fork and Pedal Limited.

The terms of this management plan are intended to provide a common basis for undertaking Walking Tours along all trails and paths used in the operation, irrespective of the ownership of the land.

The Management Plan details limitations on the nature of the activity (granted by license and resource consent), the role and responsibilities of guides, safety procedures, measures to minimize nuisance and maintain public amenity, a process for monitoring the activity and lastly to review these procedures.

2. Background

Fork and Pedal Tours is in the process of applying for a permit to operate walking tours under the Control of Activities and Obstructions in a Public Place Bylaw (2010) from the Queenstown Lakes District Council Legal and Regulatory Team.

Fork and Pedal Tours is in the process of applying for a license for resource consent under the Resource Management Act 1991, for the use of the foreshore Marine Parade to Earnslaw Park (inclusive) and Brian Smith Park on Shotover Street. Once consent is received Fork and Pedal Tours shall ensure that the operation is conducted at all times in accordance with the terms and conditions of the License and Resource Consent.

Fork and Pedal Tours shall ensure that their walking tours occur predominantly within the formed tracks within the reserve areas subject to its license.

The operation involves groups with a maximum of 12 customers and one guide, with any given group inclusive of customers and guides not exceeding 13 people. Typically we expect to have 2-12 customers and one guide. Where customers exceed 12, we will split the group and send out two trips at the same time, with a slight delay between. Trips are conducted within daylight hours (morning and afternoon) and operate 7 days a week, any day of the year. Each tour last for 2 – 2 ½ hours.

3. Guides

Fork and Pedal Tours shall ensure that guides receive appropriate instruction in the operation of the walking tours.

It is the responsibility of the Guides to ensure:

1. Ensure customers are not under the influence of alcohol, drugs or other substances.
2. Undertake adequate customer training in accordance with the procedures detailed within Section 4.2 below.
3. Instruction for the procedure for crossing roads.
4. Monitoring customers throughout the tour.
5. Inform customers of any immediately relevant information pertaining to their safety.
6. Provide customers with an entertaining, relevant, and informative tour.

4. Safety Procedures

The safety of customers and other public users of the pedestrian paths are paramount and shall guide all decisions made with respect to the operation of Fork and Pedal Tours.

It is the responsibility of Fork and Pedal Tours to ensure each tour is provided with guided supervision. The roles and responsibilities of guides are detailed in Section 3 above.

Fork and Pedal Tours shall ensure all customers are familiar with and have agreed to comply with the Code of Conduct.

4.1 Fork and Pedal Tours Code of Conduct

Fork and Pedal Limited has established a 'Code of Conduct' to ensure the safety of its customers and other users of the public trails where the operation occurs.

The Code of Conduct requires all walkers to:

- a. Be careful and considerate of others.
- b. Respect other pedestrians and give way when appropriate.
- c. When walking side by side ensure there is plenty of room left for other pedestrians.
- d. On the narrower areas of the route (i.e. on the trail around the gardens) to minimise the conflict between tour groups and others pedestrians we will require customers to walk in a straight line behind the guide to ensure the free flow of pedestrian/cycle traffic.
- e. When crossing roads, give way to traffic.
- f. Stick to the trails and footpaths, do not walk on the road unless you are crossing and it is safe to do so.
- g. Use existing rubbish bins for waste, and/or take rubbish out with them once the tour has finished.
- h. Obey applicable laws and regulations.

5. Nuisance and Public Amenity

The activity is being undertaken entirely on public land, including the foreshore reserves used by the public and administered by the Queenstown Lakes District Council. This imposes a duty of care of Fork and Pedal Tours to conduct the operation in a manner that respects the rights of other track users and to maintain the amenity values present within this area.

Fork and Pedal Tours seeks to maintain and protect the amenity values for other track users through general obligations relating to the operation of Fork and Pedal Tours as well as more specific procedures relating to special events and activities occurring on reserves.

5.1 General Obligations

Fork and Pedal Tours shall not allow any tour group to use the reserve paths in a manner that would constitute a nuisance or annoyance to any other person lawfully on or using the reserve tracks. In particular, guides must ensure that Fork and Pedal Tour groups:

- Give way to other track users
- Avoid blocking paths
- Slow down in anticipation of any known hazards or to enable safe passage of other track users.

5.2 Special Events and Activities

The reserve areas and trails extending from the Marine Parade to Earnslaw Park (inclusive) and Brian Smith Park host special events and activities that result in times of high pedestrian use. These include, but are not limited to:

- Loading and unloading of the Earnslaw on Steamer Wharf;
- Market Days on Earnslaw Reserve;
- Winter Festival activities – Mardi Gras, Street Parade, etc;
- ANZAC Day Parade

The process used by Fork and Pedal Tours to avoid it becoming a nuisance or annoyance during these times is to:

- Identify the times and dates of key events and activities.
- Plan routes for tours that wherever possible travel around areas being used for events involving high numbers of pedestrians.
- Where alternative routes are not available seek to minimize potential conflict by adjusting travel times through these areas.
- Where activities or events do occur that cannot be avoided, exercise good judgment to wait, and proceed only once it is safe to do so.
- In extreme situations where the only route available cannot be passed without compromising safety and/or causing nuisance to other users, proceed back along the path and return to starting point.

6. Monitoring

Fork and Pedal Tours shall keep a record of the operation of the activity, including a log of the number of trips, size of groups and number of daily customers.

Any issues or complaints made by a member of the public shall be forwarded in writing to the Queenstown Lakes District Council, noting the date, time and nature of the issue, incident or complaint.

If requested Fork and Pedal Tours shall submit an Annual Report to Queenstown Lakes District Council within 10 days of the anniversary of the grant of its resource consent. The Annual Report shall incorporate:

- a. Any complaints received by the Queenstown Lakes District Council.
- b. A summary of the number of daily trips, size of groups and customers.
- c. Any changes proposed to the Management Plan to improve safety or amenity of other track users.

7. Review

The consent holder may submit to Queenstown Lakes District Council a review of this Management Plan at any stage to update the procedures or processes detailed in this document arising from monitoring undertaken in accordance with Section 6 above and/or and further limitations imposed on the nature of the operation through other statutory approvals.

Fork and Pedal Tours Map Legend / Stopping Points

1. The William Rees Statue

Meet group and introduce tour.

2. Patagonia Chocolates (New store opening in July where pumpkin patch used to be)

Walk a few meters to Patagonia Chocolates.
Food tasting.

3. Moa Statue

Walk along the waterfront path to the Moa Statue.
Information stop

4. Fergbaker

Turn right onto Beach Street and walk until you reach Rees Street. Wait for the whole group and cross Rees Street and then cross Beach Street on the zebra crossing. Walk along Beach Street and turn right onto Shotover Street and stop at Fergbaker.
Food tasting.

5. Brian Smith Park

If Fergbaker is busy we will take the group to Brian Smith Park to eat the food. Wait for the whole group and cross via the zebra crossing to Brian Smith Park. The guides will ensure all rubbish/recycling is put in the bins provided.

6. Bespoke Kitchen

Head up Brecon Street steps and wait for the whole group at the top. Cross Main Street and continue up Brecon Street to Bespoke Kitchen on Isle Street.
Food Tasting

7. Opposite Queenstown Primary (looking up at the gondola)

Head down Isle Street until you get to the Zebra crossing by the Queenstown Primary School. Wait for the whole group and cross the road. Walk a little further down the road and stop opposite the Queenstown Primary School field. Group instructed not to block the path and stand in single file.
Information stop.

8. Raeward Fresh

Continue down Robins Road and instruct the group to be careful when walking through the carpark to the entrance.
Food tasting.

9. 1876

From Raeward Fresh follow Gorge Road until you get to the zebra crossing at the corner of Shotover Street and Stanley Street. Wait for the whole Group and cross over Shotover Street. Follow Stanley Street until you get to the zebra crossing on the corner of Stanley Street and Ballarat Street. Wait for the whole group and cross over Stanley Street and stop in front of 1876 on Ballarat Street where the footpath widens. Advise the group to stay close to the fence so they don't block the path.
Information Stop.

10. Rata Restaurant

Walk down the lane and stop in front of Rata Restaurant
Information Stop

11. Taco Medic

Walk back out to Ballarat Street and head towards Camp Street. Wait for the whole group at the zebra crossing on the corner of Ballarat Street and Camp Street. Cross Camp Street and head towards Searle Lane. Walk down Searle Lane keeping to the left hand side to avoid cars.
Food Tasting

12. Cup & Cake

Head down the lane way to Cup & Cake.
Food Tasting

13. Botswana Butchery

Head out onto Church Street and cross the road and turn right. Turn left onto Marine Parade and stop outside Botswana Butchery. Advise group to stand single file and not block the footpath.
Information stop

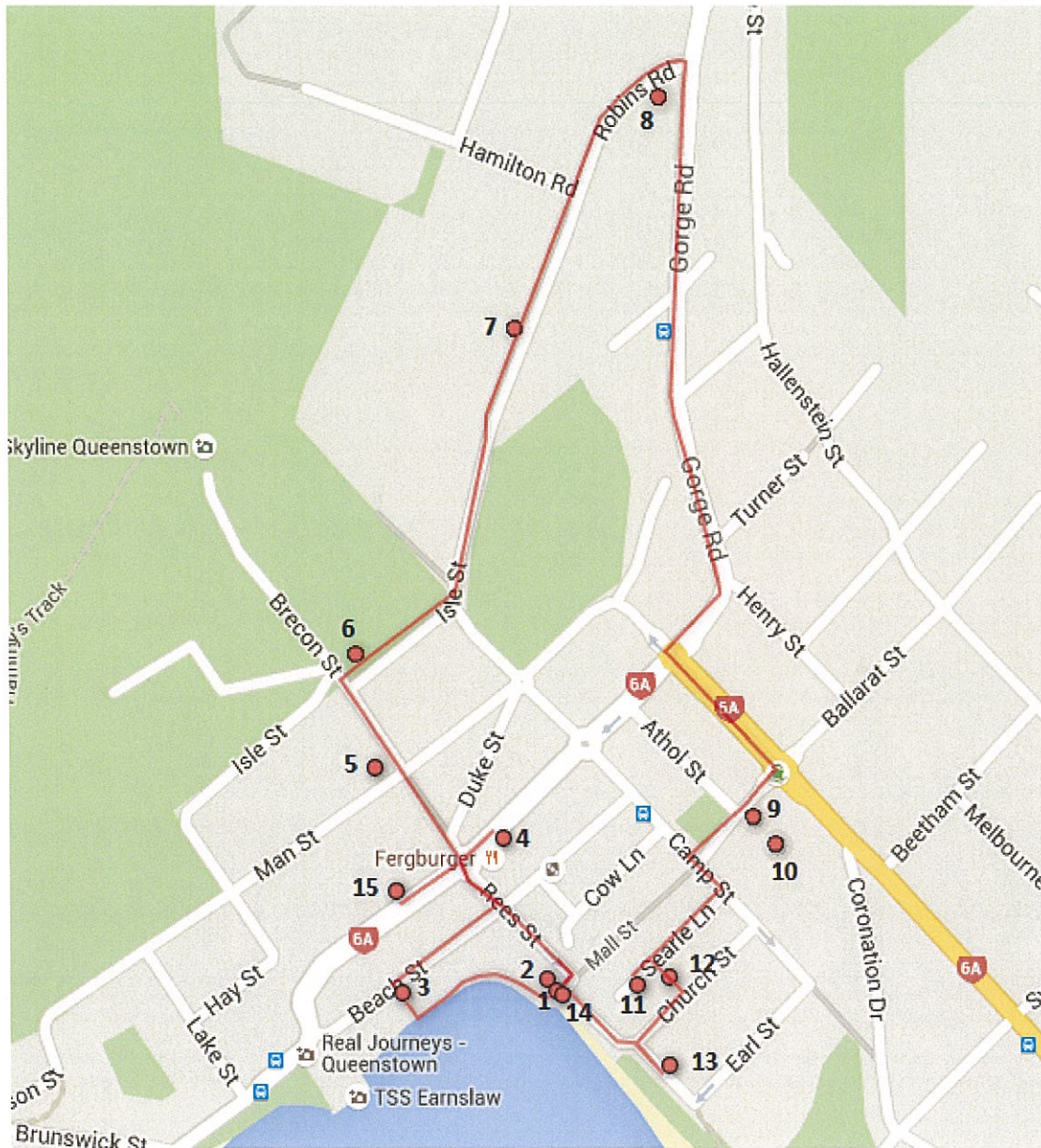
14. Rees Statue

Cross Marine Parade and turn right and return to the Rees Statue along the waterfront trails. The tour will officially finish here but the guide will offer to lead the group to Smiths Craft Beer Bar so they can finish with a drink together.

15. Smith's Craft Beer Bar

Head along Rees street until you reach Shotover Street and cross at the Zebra Crossing. Show group where Smith's Craft Beer Bar is and the tour is complete.

Appendix A – Fork and Pedal Tours Route Map



**QLDC Council
24 November 2016**

Report for Agenda Item: 10

Department: Corporate Services

Reappointment of Directors to Queenstown Airport Corporation (QAC)

Purpose

The purpose of this report is to

- a. Reappoint John Gilks as chairman of the QAC board of directors for a period of 6 months;
- b. Reappoint Grant Lilly as a director for another 3 year term; and
- c. Approve the continuation of the Governance Subcommittee ('GSC') on the same terms as the previous GSC.

Recommendation

That Council:

1. **Note** the contents of this report.
2. **Delegate** to the Mayor/Chief Executive jointly, to exercise the Council's power to vote at the 2016 Annual General Meeting of the QAC;
3. **Direct** the Mayor/Chief Executive to vote in favour of the reappointment of John Gilks as chairman of the QAC board of directors for a causal vacancy basis to 30 June 2017;
4. **Direct** the Mayor/Chief Executive to vote in favour of the reappointment of Grant Lilly as a director of the Board of QAC for a further 3 year term; and
5. **Appoint** the Mayor, a Councillor (to be nominated by Council) and the Chief Executive to continue the Governance Subcommittee previously established on the same terms.

Prepared by:



Michael Walker
Senior Solicitor

8/11/2016

Reviewed and Authorised by:



Mike Theelen
Chief Executive

11/11/2016

Background

- 1 QAC currently has five directors sitting on its Board.
- 2 The directors are:
 - a. John Gilks, chairman (appointed October 2011)
 - b. James Hadley (appointed November 2008)
 - c. Grant Lilly (appointed November 2011)
 - d. Michael Stiassny (appointed December 2014)
 - e. Norman Thompson (appointed December 2014)
- 3 Last year the Governance Subcommittee (GSC) resolved that both Messrs Gilks and Lilly would be reappointed on a casual vacancy basis for 12 months to ensure continuity following the passing of the then CEO, Scott Paterson.
- 4 This report recommends recommending that Mr Gilks remains as chair for a further 6 month casual vacancy period to provide for guidance during a transition period in 2017 for the Board as a number of directors' terms will be up at next year's AGM (Messrs Hadley (retiring), Stiassny and Thompson) and new directors will be required.
- 5 As set out in the Appointment and Remuneration of Directors Policy 2014 (see Attachment A) it is important that the current chairperson provides for smooth transition of leadership.
- 6 The QAC constitution provides for no less than three directors and no maximum number. There is no perfect number for a board of directors, but consideration should be given to:
 - a. Ensuring the level of representation on the board covers an appropriate range of general (e.g. governance/legal and financial) and specialist (marketing and aviation) skills;
 - b. Diversity;
 - c. Adequate capacity for absences due to ill-health etc.;
 - d. Adequate capacity to govern requisite subcommittees; and
 - e. The complexity and scale of a company.
- 7 QAC is not a large organisation in terms of revenue, staff, or locations. However it operates in a highly regulated industry (both in terms of aeronautical safety and competition law issues) with numerous complex issues. Additionally, it has two very discrete businesses – aeronautical (i.e. managing planes and passengers) and non-aeronautical (which comprises property development and associated retail and commercial opportunities).
- 8 An additional consideration is the current tenure arrangements. It is likely that three of the five directors' appointments expire at the same time in 2017 at the AGM. This creates a potential difficulty in governance continuity for QAC. An approach which avoids this would be to start recruiting for replacement directors and a new chairman in early 2017 so that they could be brought on as directors whilst the current directors finish their terms and ensure a smooth transition.

- 9 When the Appointment and Remuneration of Directors Policy 2014 was adopted it also provided for the appointment of a Governance Subcommittee (GSC) comprising the Mayor, Chief Executive and a councillor. The terms of reference for the GSC are attached to this report as Attachment B. As the previous term of Council has expired, for the subcommittee to continue it requires a resolution for the GSC to continue to have effect.

Significance and Engagement

- 10 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it does not exceed any significant thresholds specified in this policy.

Risk

- 11 This decision involves Strategic Risk SR2 – Business capability planning and continuity as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because it directly relates and influences the governance model of a Council-controlled Trading organisation.
- 12 The recommended option considered above mitigates the risk by:

Applying appropriate succession planning to the governance model to ensure continuity is retained both now and into the future for the Company.

Financial Implications

- 13 There are no budget implications from this report.

Council Policies, Strategies and Bylaws

- 14 The following Council policies, strategies and bylaws were considered:

- a. *Appointment and Remuneration of Directors Policy 2014*
- b. *Significance and Engagement Policy 2014*

- 15 The recommended option is consistent with the principles set out in the named policy/policies.

Local Government Act 2002 Purpose Provisions

- 16 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;
- Section 10 of the LGA is not directly applicable to the operation of CCTO's. However, the proposed resolutions are consistent with the principles relating to local authorities, specifically; conducting business transparently (s.14(1)(a)(i)), and undertaking commercial activities according to sound business practices (s.14(1)(f)).

- 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

17 There are no formal consultation requirements for this decision. However the chair of QAC has been consulted as part of the process.

Attachments

- A Policy on the Appointment and Remuneration of Directors
- B Governance Subcommittee terms of reference

Policy on the Appointment and Remuneration of Directors

Adopted – Council 25 September 2014

Purpose

1. The purpose of this policy is to set out, in accordance with Section 57(1) of the Local Government Act 2002, an objective and transparent process for:
 - a) The identification and consideration of the skills, knowledge and experience required of directors of a council organisation (CO), council-controlled organisation (CCO) or council-controlled trading organisation (CCTO).
 - b) The appointment of directors to such organisations.
 - c) The remuneration of directors of such organisations.
2. The terms “council organisation”, “council-controlled organisation”, or “council-controlled trading organisation” are used as defined in s.6 of the Local Government Act.
3. As at 1 October 2014, the Queenstown Lakes District Council operates one CCTO - Queenstown Airport Corporation (QAC). The Council may establish further CCTOs or CCOs during the life of this policy, and the provisions of this policy will apply to them.

Principles

4. The following principles underlie this policy:
 - a) Appointments will be made on the basis of merit.
 - b) The Council will follow corporate governance best practice.
 - c) Directors of CCTOs will be appointed on the basis of the contribution they can make to the organisation, and not on the basis of representation.
 - d) All Council appointed directors must comply with the Council’s Code of Conduct for Directors.
5. Except where express provision is made to the contrary, the provisions of this policy will apply equally to CCTOs, CCOs and COs.

POLICY ON APPOINTMENT OF DIRECTORS

6. No directors will be appointed to CCTO, CCO or CO boards other than through the processes described in this policy.
7. The process for selecting directors will be undertaken by the Governance Subcommittee (GSC) comprising;
 - a) The Mayor;
 - b) A nominated councillor;
 - c) The Chief Executive.
8. The GSC will make a recommendation for appointment of directors to the Full Council.

Identification of required skills, knowledge and experience of directors

9. The required skills, knowledge and experience for director appointments to a board are assessed in the first instance by the Governance Subcommittee of the Council, in consultation with the Chairperson. Reference is made to current governance best practice in this area, as encapsulated in the Institute of Directors' "*Four Pillars of Governance Best Practice*" and other relevant material. External assistance may be used by the GSC in some cases.
10. The mix of skills and experience on the Board will be taken into account, and consideration given to complementing and reinforcing existing skills and reducing any known weaknesses where necessary.
11. The skillsets and attributes required of candidates will generally include:
 - a) Intellectual ability;
 - b) Commercial experience;
 - c) Understanding of governance issues;
 - d) Sound judgement;
 - e) High standard of personal integrity;
 - f) Commitment to the principles of good corporate citizenship;
 - g) Understanding of the wider interests of the publicly-accountable shareholder;
 - h) Able to maintain the trust of the Council;
 - i) Able to maintain a close, but independent, working relationship with the CEO;
 - j) Ability to harness the collective skills of the Board and executive team to achieve the business objectives and maintain the confidence of the shareholders;
 - k) Ability to lead Board evaluation process;
 - l) Ability to demonstrate leadership and good interpersonal skills;
 - m) Ability to efficiently conduct meetings;
 - n) Ability to effectively participate in Board deliberations;
 - o) Ensure timeliness and relevance of information to the Board;
 - p) Ability to be the spokesperson for the company;
 - q) Ability to retain the confidence of the community and able to build relationships within the community's networks.
12. It is expected that all appointees to boards will undergo, or already have undergone, formal corporate governance training, or have the requisite experience in this area.

The Appointment of Officers or Elected Members as Directors

13. Neither Councillors nor Council staff are precluded under this policy from appointment to boards.
14. Staff or elected representatives (including the Mayor and Community Board members) acting as directors of commercial companies, are to be particularly conscious of their responsibilities in the role of a director, and the role of an impartial advisor/objective decision maker. Conflicts of interest must be avoided between these roles.
15. There may be special circumstances where a Councillor or officer may be the most appropriate person to be appointed as company director. These special circumstances should be fully recorded by the Council in making that decision. All other parts of this policy should be considered and applied to such an appointment.

Appointment process for directors

16. When a vacancy arises, the GSC, having identified the skills, knowledge and experience required for the position (in consultation with the Chairperson) will then follow the process set out below:
 - a) The vacancy will be advertised on the Institute of Directors "Director Vacancy Noticeboard"; or
 - b) Where a suitable candidate has been identified and advertising is not expected to add significant value to the selection process, the GSC may choose to not advertise.
 - c) The candidate will be requested to supply:
 - A curriculum vitae which establishes how well they meet the role specification for the directorship role
 - A letter detailing why they are interested in the particular role
 - A report on any conflicts of interest their appointment may cause.
17. The GSC may engage a specialist consultant or advisor to assist with the provision of names of possible candidates.

Interview

- a) Following the search process, the GSC will draw up a short list of candidates.
- b) Where appropriate the committee will co-operate with minority shareholders in the selection process.
- c) Each candidate will be interviewed by the GSC. The committee will then decide its preferred candidate(s), check all references and report back to the Council with a recommendation for appointment.

Appointment

- a) The report recommending the candidate will be "public excluded" in order to protect the privacy of the individual(s) concerned. The Council will consider the report from GSC and make its decision on selection.

- b) Public announcement of the appointment will be made as soon as practicable after the Council has made its decision.

Tenure

- 18. Rotation of all directors is to be encouraged to the extent that it is practical under the law and constitution of the organisation.
- 19. Directors will normally be appointed for terms of three years (unless the constitution of the organisation provides otherwise).
- 20. At the end of each term of an appointment, the incumbent will be asked to provide a report on their contribution to the organisation concerned.

Reappointment

- 21. Where a director's term of appointment has expired and he or she is offering him/herself for reappointment, a representative of the GSC will consult on a confidential basis with the Chairperson with regard to:
 - a) Whether the skills of the incumbent add value to the work of the board.
 - b) Whether there are other skills which the board needs.
 - c) Succession planning matters.
- 22. The GSC will consider the information obtained and, taking into account the director's length of tenure, form a view on the appropriateness of reappointment or making a replacement appointment.
- 23. Where reappointment is considered appropriate, then the GSC is authorised to approve the re-appointment without further decision of Council.
- 24. Where it is not intended to reappoint the existing incumbent, the appointment process outlined above will apply.

Chairperson selection

- 25. It is the responsibility of the Council (on the recommendation of the GSC) to appoint the Chairperson. However, normally the GSC will consult with the Board on the person to be so appointed, and where appropriate, will seek its view on who it considers to be the appropriate person to fill the Chairperson's position.

Chair Succession Planning

- 26. The aim of a succession plan is to provide for smooth transition of leadership in the event of a planned or unexpected retirement of an incumbent Chairperson. It is expected that the Chairperson will identify and develop potential successors or advise the GSC if there are no candidates suitable for the role of Chairperson.

Removal of Board Members

- 27. Board members hold office at the pleasure of the Council and may be removed at any time by council resolution.

28. Without limiting the right of the Council, reasons which would justify removal of a board member would be where that board member:
- a) Is regularly absent from board meetings without good justification.
 - b) No longer has the confidence of the board or the Council.
 - c) Has breached ethical standards and this reflects badly on the board and/or Council.
 - d) Does not act in the best interests of the organisation.
 - e) Breaches the confidence of the board in any way, including speaking publicly on board issues without the authority of the board or;
 - f) Does not act in accordance with the principles of collective responsibility.
29. Where the board has concerns regarding the behaviour of one of its members, it should be considered by the board in the first instance and, where necessary, the board may recommend the removal of the board member to the GSC. The Council will not make any payment by way of compensation to board members who have been removed from boards.

PROVISIONS SPECIFIC TO COUNCIL ORGANISATIONS

30. The Council may have a non-controlling interest in numerous COs. These will be not-for-profit bodies.
31. Appointments to COs are made for a number of reasons. These include:
- a) To provide a means of monitoring where the Council has made a grant to that body.
 - b) To enable Council involvement where the CO's activity is relevant to the Council.
 - c) To satisfy a request from the CO that the Council appoint a representative.
 - d) Statutory requirements.
32. Appointments to a CO are generally for a three year term and are made after the triennial Council elections, by the Council.
33. The Council will endeavour to minimise the number of appointments where the benefit to the Council of such an appointment is minimal.

Identification of required skills, knowledge and experience of CO directors, and appointment

34. The range of reasons for the appointment of Council representatives to COs results in a wider range of desired attributes for appointees to these bodies.
35. The Council will determine the required skills, knowledge and experience for each appointment. Candidates are not restricted to Councillors – in some cases, it may be more appropriate to appoint Council staff or external people with affiliations to the Council.

Remuneration of CO directors

36. CO directors appointed by the Council will receive the remuneration (if any) offered by that body. Council staff members appointed to such bodies will not accept any remuneration.

EXPECTATION OF APPOINTEES

37. Directors must adhere to the code of conduct annexed as Appendix 1 to this policy.
38. Directors are appointed to CCTOs or CCOs for the value and skills they can add to the organisation and not as Council representatives. The first expectation of appointees is that they will satisfy all statutory requirements of the role and pursue the requirements of the body's constitution. Where it is consistent with that role, the appointee will have regard to the policies of Council and will seek to advance such policies.

DIRECTOR REMUNERATION POLICY

Remuneration

39. In general, it is intended that boards of CCTOs or CCOs will receive a level of remuneration that is appropriate to the relevant market, while recognising the public service element to a CCTO or CCO. Professional advice will be sought where necessary.
40. The Council also supports the payment by CCTOs or CCOs of directors' liability insurance and the indemnification of all directors.
41. Any remuneration earned by Councillors or staff as directors of a CCTO or CCO will be remitted to the Council.

Remuneration Review and Fee Setting

42. Periodically the GSC will review the level of remuneration made available to the boards of the CCTOs or CCOs for distribution amongst directors on each board.
43. The fees will be reviewed on an overall basis for each CCTO or CCO, leaving the board of that CCTO or CCO to apportion the fee between board members as it sees fit. Under exceptional circumstances, Council may approve an application from a CCTO or CCO for additional fees; for a special project; a temporary increase in workload for the board; difficulties in recruiting particular skills; or similar considerations.
44. In performing its review of remuneration, the GSC will have regard to the following factors:
 - a) The need to attract and retain appropriately qualified directors.
 - b) The levels of remuneration paid to comparable companies in New Zealand.
 - c) The performance of the CCTO or CCO and any changes in the nature of its business.
 - d) The size and scale of the CCTO or CCO (e.g. turnover, value of assets, number of employees).
 - e) Complexity and scope of operations (e.g. complexity of issues, level of guidance for decision-making, relationship management responsibilities).
 - f) Accountability (e.g. scale of market risk, public interest and profile, potential risk to director reputation, and other key risks).
 - g) Skills - the type of expertise and specialisation needed.
 - h) Any other relevant factors.
45. The final decision on directors' remuneration will be made by a resolution of Council.

Appendix 1 - CODE OF CONDUCT

- a) Directors must act honestly and in good faith in what the director believes to be the best interests of the company. Directors must ensure that all shareholders and classes of shareholder are treated fairly according to their rights as between each other.
- b) Directors must carry out their duties in a lawful manner and use reasonable endeavours to ensure that the company conducts its business in accordance with the law and with a high standard of commercial morality.
- c) Directors should avoid conflicts of interest so far as is possible. Where a conflict or potential conflict arises, as a minimum they must adhere scrupulously to the procedures provided by law and by the constitution of the company for dealing with conflicts and with the position of directors having an interest in a particular contract or issue. A director who has a continuing conflict of interest of a material nature should consider resignation as a director of the company.
- d) Directors should be diligent, attend board meetings and devote sufficient time to make and keep themselves familiar with the nature of the company's business and the environment in which it operates. They should be aware of all statutory and regulatory requirements affecting their company and, where applicable, the requirements of bodies such as the New Zealand Stock Exchange, and see that these are observed.
- e) Directors must observe the confidentiality of non-public information acquired by them as directors and not disclose it to any other person without the authority of the board. A director who is nominated by, or who has special allegiance to a particular shareholder or group of shareholders, may only disclose confidential information to such shareholders with the authority of the board and in strict compliance with any procedures prescribed by law or the constitution of the company.
- f) Directors of public issuers should ensure that their company has in place an approved procedure for the buying and selling of shares or securities in the company by directors or their relatives or associates. Directors should not engage in short term trading in the company's shares or securities. Directors should notify the board in advance of any intended transaction by them or their relatives or associates involving shares or securities in the company.
- g) Directors must act in accordance with their fiduciary duties. They should comply with the spirit as well as the letter of the law and remember that in addition to purely legal requirements there is a standard of ethical and moral behaviour against which all their actions can be judged.
- h) A director should not bind himself or herself to a pre-determined stance or course of action in the public arena which may then significantly impact on decisions taken at the board table.
- i) A director may not publicly criticise the Council, the company or its subsidiaries, or dissent from a collective board decision in a manner likely to damage confidence in the company or its subsidiaries or Council.
- j) Directors must familiarise themselves with the legal risks, both to the company and to the individual director involved with the position, and take all reasonable steps to minimise such risks.

Attachment B

November 2016

Governance Subcommittee Terms of Reference

Membership

The Governance Subcommittee will have three appointed members:

- 1) the Mayor
- 2) A Councillor
- 3) The Chief Executive

Quorum

The quorum for every meeting shall be two.

Chair

The Mayor will be the Chair.

Frequency of Meetings

The Governance Subcommittee will meet as required.

Parent Body

The Governance Subcommittee reports to the Queenstown Lakes District Council.

Objectives of the Committee

To provide prompt authoritative recommendations on the recruitment and selection of directors to Council Controlled Organisations and Council Controlled Trading Organisations.

Terms of Reference

- 1 To identify the skills, knowledge and attributes required for director appointments to the board of a CCTO or CCO.

Explanatory note: To identify these requirements the Governance Subcommittee will consult with the Chairperson of the relevant CCTO or CCO, and any professional agency (if required) and will also have regard to the Institute of Directors' 'Four Pillars of Governance Best Practice'.

- 2 To recommend to Council the appointment of directors to a CCO or CCTO.
- 3 To advertise any vacancy for a position as a director on a CCO or CCTO.
- 4 To re-appoint a director to the Board.
- 5 To recommend to the Council the appointment of a director to the role of Chairperson.

- 6 To recommend to Council the removal of a director.
- 7 To review and recommend to Council the remuneration of the board of directors.

Public Excluded

Due to the commercially sensitive nature of the matters considered by the Governance Subcommittee the public will be excluded under sections 7(2)(a), [*protecting the privacy of natural persons*] and 7(2)(h) [*conducting commercial activities without commercial disadvantage or prejudice*] and 7(2)(i) [*carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)*] of the Local Government Meetings and Officials Information Act.

Delegated Authority

The Governance Subcommittee will have delegated authority to carry out activities within its terms of reference.

Delegation Limitations

The Governance Subcommittee may not delegate any of its responsibilities, duties or powers and its powers exclude powers that cannot be delegated to committees under the Local Government Act 2002.

Procedure

The Chairperson will report all decisions of the Governance Subcommittee to the next Council meeting.

**QLDC Council
24 November 2016**

Report for Agenda Item: 11

Department: Corporate Services

Council Appointments to Community Organisations

Purpose

The purpose of this report is to appoint elected members to various societies, trusts and community groups on which it has been traditional to have an elected member for liaison and representative purposes, or is in response to a specific request.

Recommendation

That Council:

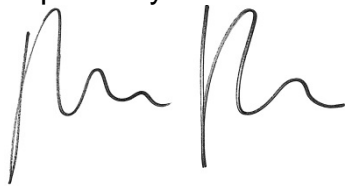
1. **Note** the contents of this report;
2. **Approve** the appointments to the following trusts and societies:

Aspiring Arts and Culture Trust	Ruth Harrison (WCB) Councillor McRobie
Arrowtown Heritage Trust	Councillor Stevens
Arrowtown Heritage Advisory Panel	Councillor Stevens
Arrowtown Museum and Post Office Trust	Councillor Stevens
Arrowtown Promotion and Business Association	Councillor Stevens
Creative Communities Queenstown	Councillor Hill
Destination Queenstown	Councillor Clark Councillor MacDonald
Lake Wanaka Tourism	Councillor Lawton
Management of tracks on Coronet Peak and Glencoe Stations – Governance Group	Councillor Stevens
Otago Conservation Board	Councillor Ferguson
Otago Wilding Trust	Councillor Stevens
Queenstown Trails Trust	Councillor Forbes
Social Services Strategy Group, Wakatipu	Councillor Miller
SPARC Rural Travel Fund	Councillor Ferguson
Wanaka Airport Liaison	Councillor McRobie
Wanaka Chamber of Commerce	Councillor MacLeod
Wakatipu Heritage Trust	Councillor Ferguson
Wakatipu Interagency Group	Councillor Hill
Wakatipu District Youth Trust	Councillor Clark

3. **Approve** the designation of Councillors to Community Associations in the Queenstown-Wakatipu and Arrowtown Wards as follows:

Arrowtown Village Association	Councillor Stevens
Arthurs Point Community Association	Councillor Ferguson
Fernhill/Sunshine Bay Community Association	Councillor Clark
Frankton Community Association	Councillor Forbes
Gibbston Community Association	Councillor MacDonald
Glenorchy Community Association	Councillor Ferguson
Kelvin Peninsula Community Association	Councillor Hill
Kingston Community Association	Councillor Clark
Lake Hayes Estate Residents Association	Councillor Miller

Prepared by:



Meaghan Miller
General Manager Corporate
Services
9/11/2016

Reviewed and Authorised by:



Mike Theelen
Chief Executive
10/11/2016

Background

- 1 There are a number of external trusts, organisations and groups within the wider community on which the Council has customarily had representation. The Council needs to consider these and determine an appropriate appointee, taking into account individuals' particular interests and preferences.
- 2 It is also expected that a Councillor will be allocated to each Community Association in the district, with the expectation that this Councillor will take a particular interest in this group, attend regular meetings and be a liaison point back to the full Council.
- 3 Appointments to groups and community associations based in the Wanaka and Upper Clutha areas have been considered separately by the Wanaka Community Board.

Comment

- 4 Appointments need to be made to the following external organisations and elected members have been approached to ascertain their preferences and personal interests:

Aspiring Arts and Culture Trust
Arrowtown Heritage Trust
Arrowtown Heritage Advisory Panel
Arrowtown Museum and Post Office Trust

Arrowtown Promotion and Business Association
 Creative Communities Queenstown
 Destination Queenstown
 Lake Wanaka Tourism
 Management of Tracks on Coronet Peak and Glencoe Stations – Governance Group
 Otago Conservation Board
 Otago Wilding Trust
 Queenstown Trails Trust
 Social Services Strategy Group, Wakatipu
 SPARC Rural Travel Fund
 Wanaka Airport Liaison
 Wanaka Chamber of Commerce
 Wakatipu Heritage Trust
 Wakatipu Interagency Group
 Wakatipu District Youth Trust

- 5 An elected member also needs to be allocated to each of the following community associations:

Arrowtown Village Association
 Arthurs Point Community Association
 Fernhill/Sunshine Bay Community Association
 Frankton Community Association
 Gibbston Community Association
 Glenorchy Community Association
 Kelvin Peninsula Community Association
 Kingston Community Association
 Lake Hayes Estate Residents Association

The Wanaka Community Board has allocated members to these groups as follows:

Albert Town Community Association	Councillor Lawton
Cardrona Community Association	Ruth Harrison
Hawea Community Association	Rachel Brown
Luggate Community Association	Councillor MacLeod
Makarora Valley Community Inc	Councillor McRobie
Mt Barker Residents Association	Ed Taylor
Wanaka Residents Association	Quentin Smith

Options

- 6 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.
- 7 Option 1 Make appointments as recommended.

Advantages:

- 8 Allows elected members to fulfil their responsibilities to the wider community as elected representatives.

Disadvantages:

- 9 Additional workload.

- 10 Option 2 Don't make appointments as recommended.

Advantages:

- 11 None.

Disadvantages:

- 12 Council will not have a means of regular liaison with key community organisations in the district.

- 13 This report recommends **Option 1** for addressing the matter because it is important for elected members to fill these roles within the community to ensure that communication channels between Council and these groups remain open and effective.

Significance and Engagement

- 14 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy. It has a significant level of community Interest as there would be many organisations, groups and sectors in the community who would be affected if these appointments were not made.

Risk

- 15 This matter relates to the strategic risk SR1 as documented in the Council's risk register because it relates to the current and future development needs of the community (including environmental protection). The risk is classed as low. This matter relates to this risk because Councillor representation is important to retain liaison on issues of moment with different areas of the community.

- 16 The recommended option considered above mitigates the risk by: 'Treating the risk - putting measures in place which directly impact the risk.'

Financial Implications

- 17 There are no budget or cost implications resulting from the decisions sought from this report.

Local Government Act 2002 Purpose Provisions

- 18 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 maintaining effective levels of communications between local community groups and the Council;

- Can be implemented through current funding under the 10-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.

**QLDC Council
24 November 2016**

Report for Agenda Item: 12

Department: Corporate Services

QLDC Organisational Health Safety and Wellbeing Performance

Purpose

The purpose of this report is to provide Councillors with a regular update on the Health & Safety performance of the organisation.

Recommendation

That Council:

1. **Note** the contents of this report.

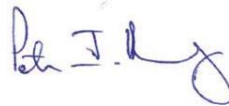
Prepared by:



Meghan Pagey
Manager, Human Resources

10/11/2016

Reviewed and Authorised by:



Peter Hansby
GM Property & Infrastructure

10/11/2016

Background

- 1 Queenstown Lakes District Council (QLDC) has duties under the Health and Safety at Work Act and subsequent regulations to ensure the safety of employees, and all other persons, at, or in, the vicinity of work or subsequently affected by the work. This duty is upheld through QLDC's safety management system, which is guided by best practice and designed to address operational risks and workforce behaviour.
- 2 As officers under the Health and Safety at Work Act, elected members have duties to ensure the organisation is fulfilling its Health and Safety requirements and therefore need an understanding of the functioning and ongoing effectiveness of the QLDC safety management system. Elected members have requested such information to be provided in this report.

Comment

- 3 On 30 October 2015 Council's safety management system was externally audited by the nationally recognised ACC Workplace Safety Management Practices (WSMP) standards and achieved the highest possible rating (Tertiary). The

WSMP audit examines ten robust elements critical to good health and safety management systems;

- a. Employer Commitment. The employer demonstrates active and consultative commitments to health and safety in the workplace.
 - b. Planning, Review & Evaluation. The employer demonstrates a focus on continuous and systematic improvement of health and safety in the workplace.
 - c. Hazard Identification, Assessment and Management. The employer actively and systematically identifies, assesses and manages controllable hazards in the workplace.
 - d. Information, Training & Supervision. The employer and employees are informed of their responsibilities for health and safety in the workplace and have specific knowledge concerning the management of hazards and risks.
 - e. Incident & Injury Reporting, Recording & Investigation. The employer has an active reporting, recording and investigation system that ensures incidents appropriate investigation and corrective actions are taken.
 - f. Employee Participation. The employer will ensure that all employees have ongoing opportunities to be involved in the development, implementation and evaluation of safe workplace.
 - g. Emergency Planning. The employer has the capacity to manage emergencies likely to occur within any part of the organisation's operation.
 - h. Management of work undertaken by contractors and sub-contractors. The employer has a systematic approach to ensure that contractors, subcontractors and their employees do not cause harm.
 - i. Workplace Observation. On-site review of the employers systems in action.
 - j. Employee Verification. Employee focus group conducted to confirm and validate safety management systems and safety culture.
- 4 Council's tertiary achievement indicates a good level of compliance with safety management practices legislated in the Health and Safety at Work Act. In order to maintain compliance with the Health and Safety at Work Act and the ACC WSMP audit standards, a process of 'continuous improvement' is required. Accordingly, QLDC regularly reports safety performance measures to ensure the safety management system is assessed and improved. The following report outlines key measures.

Health and Safety Committee Chair: Monthly Summary

- 5 Performance and engagement across the board in Health, Safety & Wellbeing in October was strong. It is an encouraging indication of a positive cultural shift

within the organisation to see a consistently increasing trend toward pro-active reports and activities correlating with a reduction in employee accident and incident reports.

QLDC's new Health & Safety Officer, Glyn Roberts, commenced on 31 October 2016. With his commencement, a review of QLDC's health & safety management systems, including reports and reporting mechanisms will be conducted. Once this review has been completed, an action plan will be agreed for future health & safety initiatives or updates as required, to ensure QLDC continues to meet its health, safety & wellbeing obligations. It is expected that the monthly report to Councillors will be updated as part of this process.

For Councillors' reference, a statistics key is available at Appendix A.

Key Risks:

6 Key organisational health and safety risk themes that require continuous or improved management, are outlined below:

a. **Contractor Activities**

Refers to contract workers and work, engaged by or on behalf of QLDC

b. **Fleet Operations**

Refers to all QLDC work related vehicle and mobile plant use

c. **Public Interaction**

Refers to all direct engagement with the general public for work purposes

d. **Fitness for Work**

Refers to workers physical & mental capacity to perform work safely

e. **Isolated Workers**

Refers to workers operating alone or from remote locations

f. **Volunteer Activities**

Refers to volunteer workers and work, engaged by or on behalf of QLDC

Lead Indicators:

7 Steps Council employees have taken to prevent harm.

a. Improvement Reports: Any pro-active reporting which generate a safety improvement action.

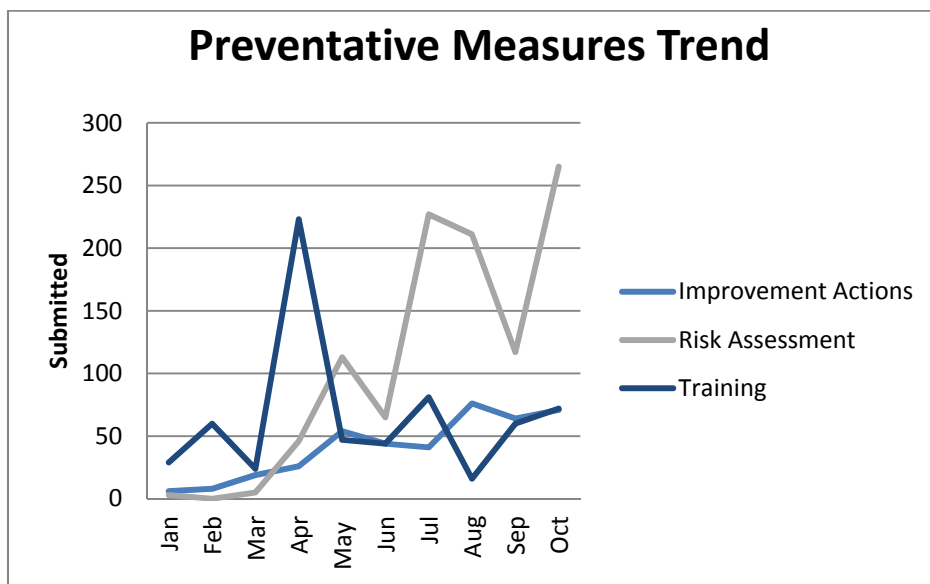
Hazards	Audits	That Was Lucky
32	11	28

b. Training-Education: Any sessions conducted with employees that provide skills and knowledge to perform work safely.

Inductions	Other
19	68

- c. Risk Analysis. Any assessments that identify the risks and control measures associated with a work process or situation.

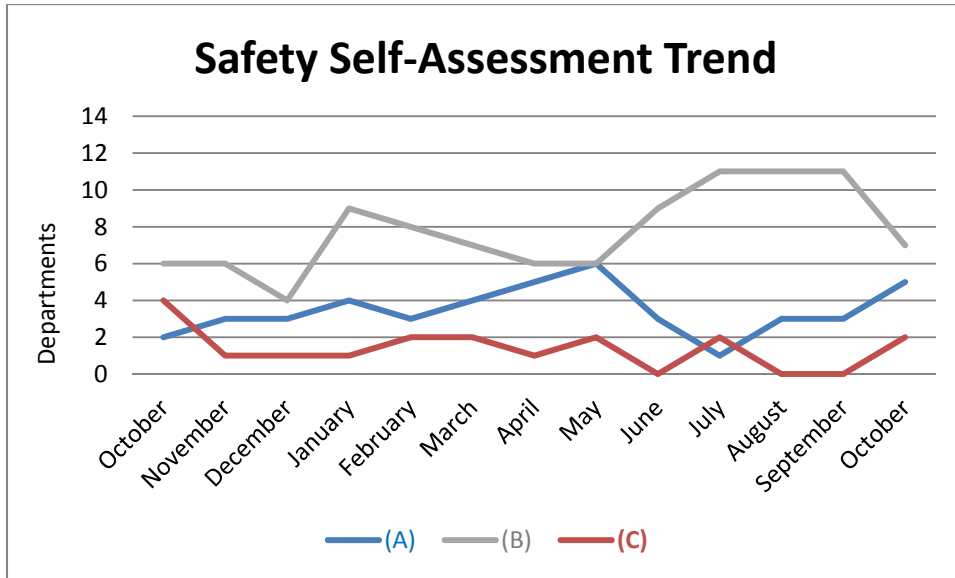
Take 5	Safe Work Plans	Other
263	2	0



- d. Department Safety Performances: Council departments are required to rate their monthly safety performance based on a simple question; Have they improved safety (A score) or has it been business as usual (B score)? A department is usually expected to rate themselves a C in response to a significant accident or incident or where they consider their performance is in need of improvement.

A	B	C
5	7	2

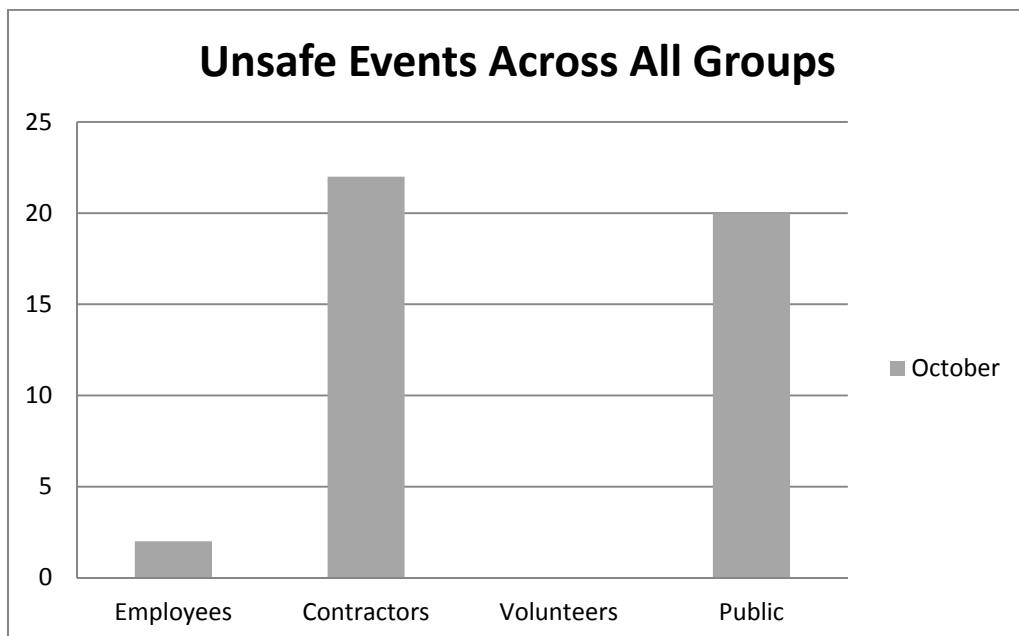
Reflects self reported department safety performances since measuring began in September 2015.



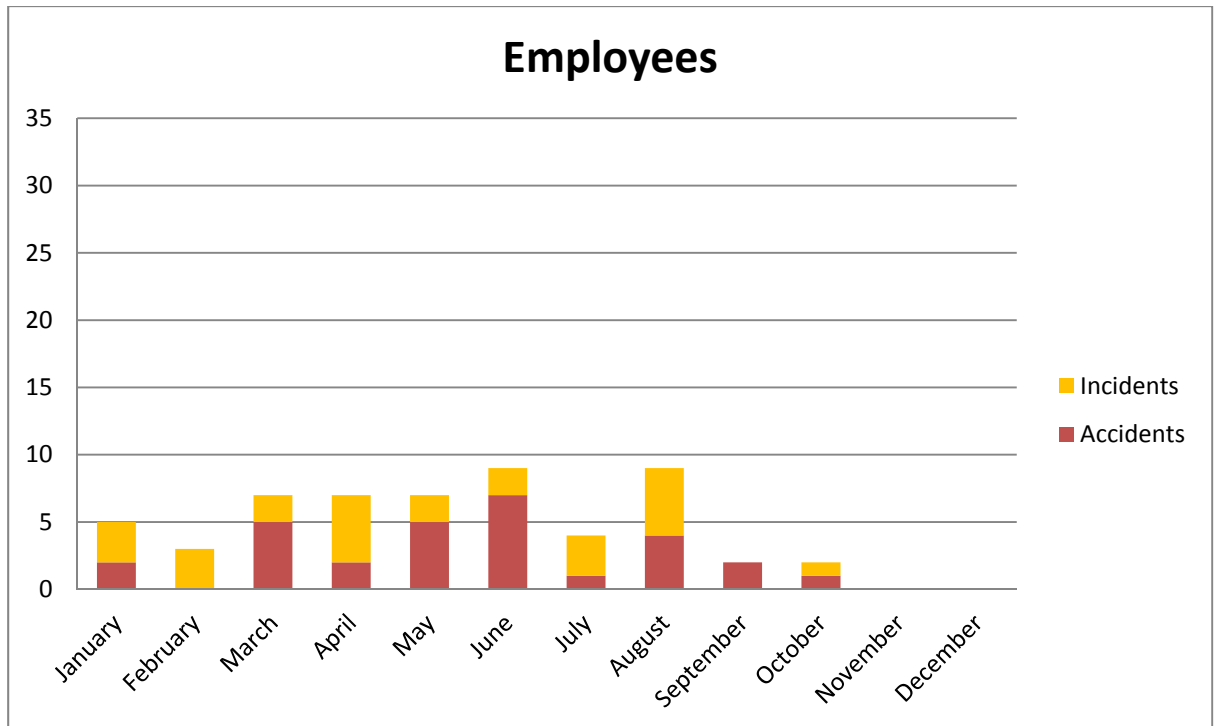
8 **Lag indicators; Unsafe Events:** Reflects unplanned work situations or occurrences that have (or could have) resulted in harm to the workforce or public.

No significant accidents, incidents or injuries occurred in October as a result of work undertaken for or on behalf of QLDC. Key unsafe events are noted at item 9.

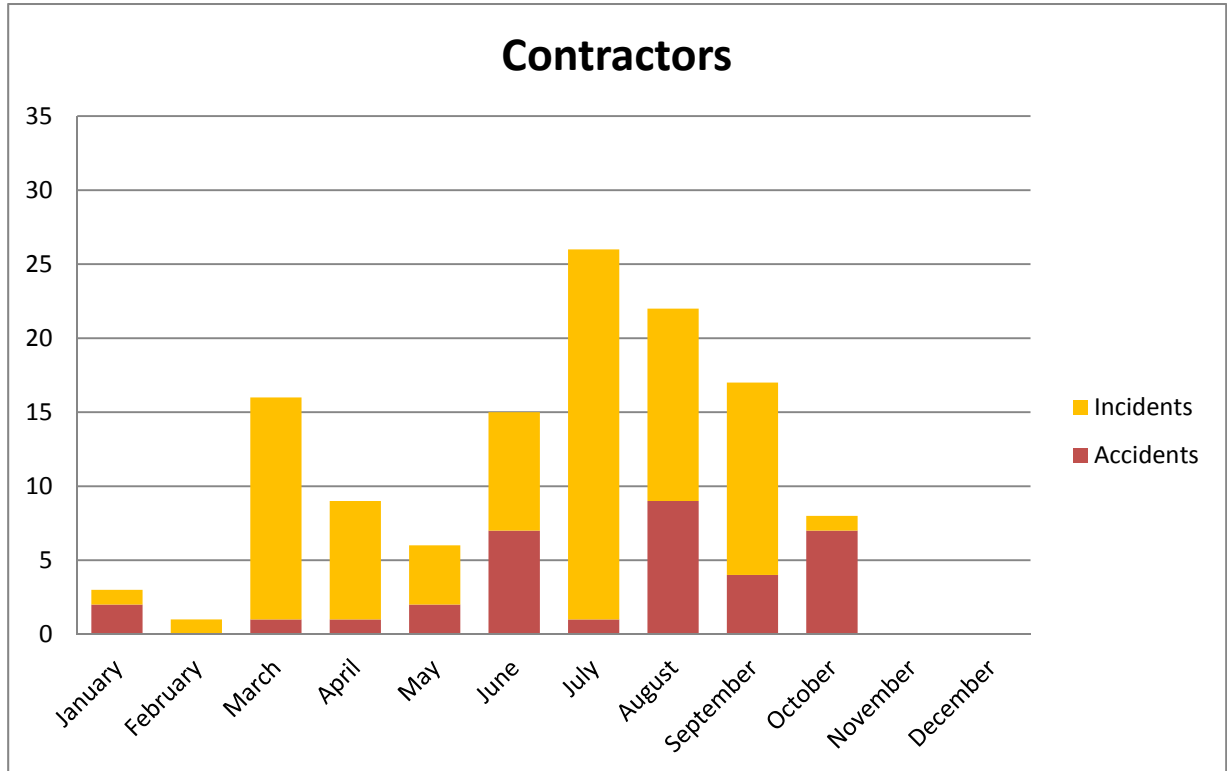
a. All Council related Accidents & Incidents



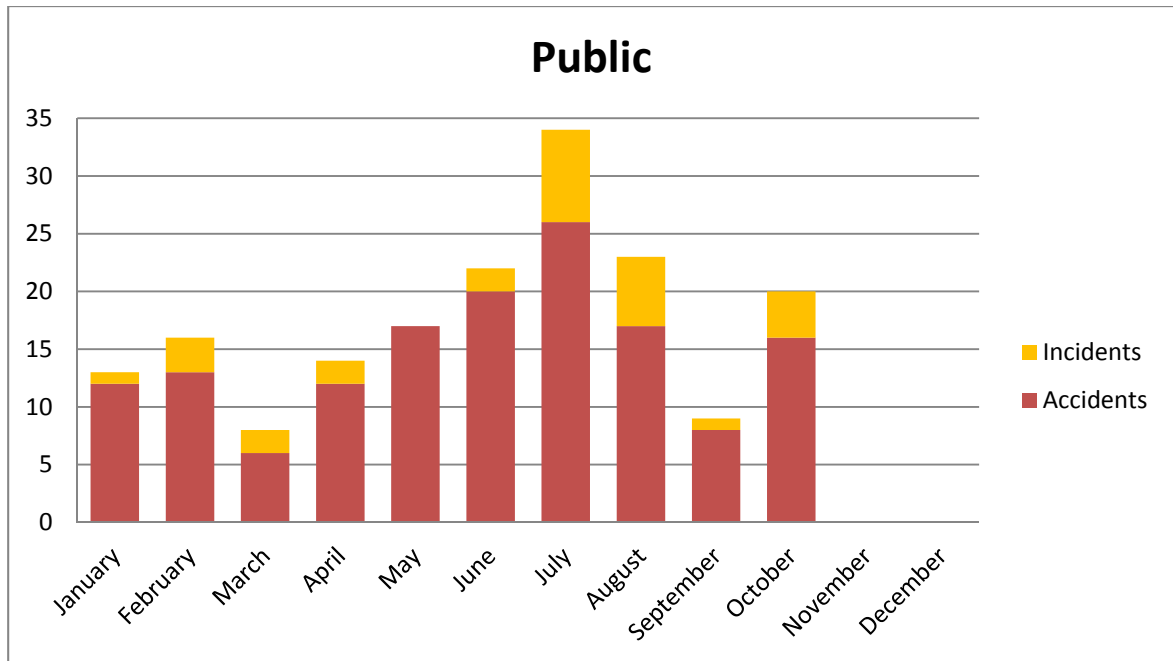
b. Breakdown of Employee Accidents & Incidents



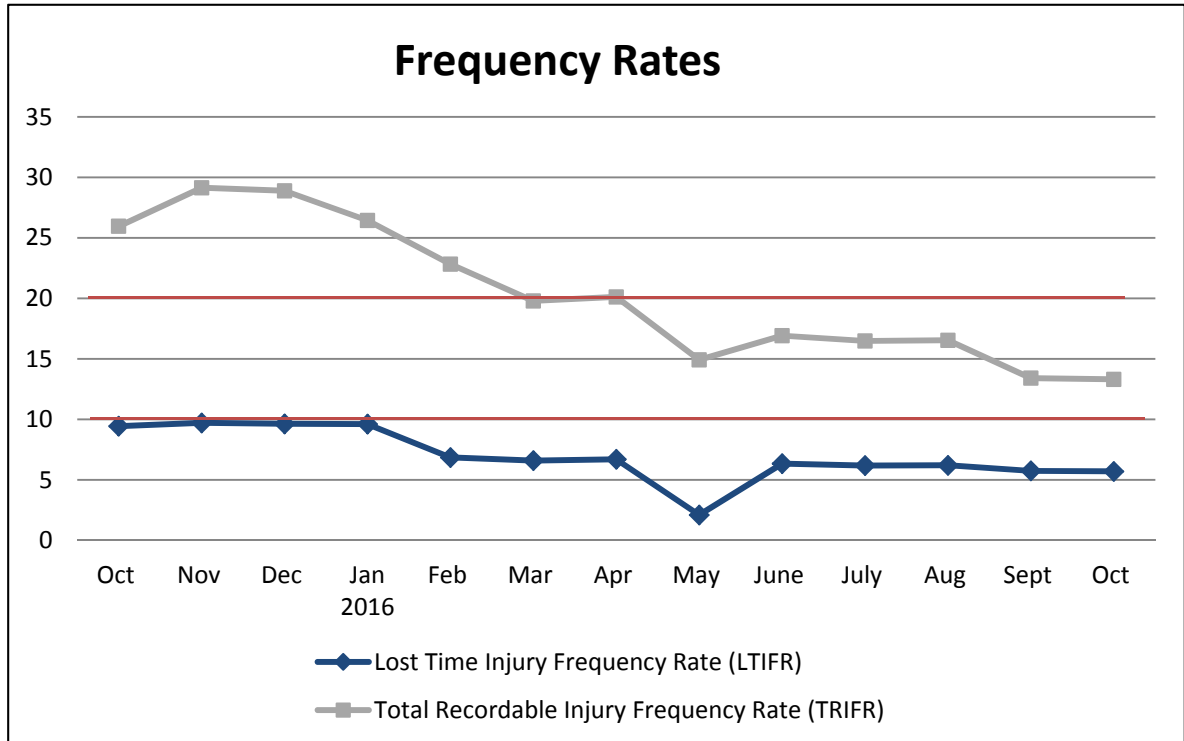
c. Breakdown of Contractor Accidents & Incidents



d. Breakdown of Public Accidents & Incidents




e. Identifies the rate of serious employee injuries over the last 12 months



9 **Key Unsafe Events:** Details about significant Accidents, Incidents and Near-Misses.

Unsafe Event	Details	Corrective Actions
Accidents	Ambulance called for member of public who fainted at Alpine Aqualand. They had been in the Spa Pool for approx. 15 mins prior to this event.	Careful monitoring of Spa Pool. Reminders to customers to take regular break and drink plenty of water.
	Member of the public broke arm during an event held at Arrowtown Hall. Event was hosted by external event organiser.	Consultation with Worksafe. As event not controlled by QLDC, no further reporting or action required
Incidents	Road sweeper reversed into window, breaking it on contact.	Post-incident drug & alcohol test conducted. Driver reminded to take more care around corners and store fronts.
Near-Miss	Event set up, by external event organiser at Queenstown Event Centre. Carabiner supporting new lighting rigging in ceiling failed, causing a piece of rigging to fall a short distance (10cm) before being caught by safety stop.	Chain block system will be used in the future to provide more control.

10 **WorkSafe Notification:** Unsafe events/tasks that required notification to regulator.

		
Notifiable Event Type	#	Description
Death	0	N/A
Injury	0	N/A
Illness	0	N/A
Incident	0	N/A
Work	0	N/A

11 **Training:** Courses that have been prepared to ensure employees perform work safely.

Month	Type
October	<ul style="list-style-type: none"> ○ H&S Induction for Elected Members ○ Full QEC evacuation training 16th October ○ Manual Handling QEC
November	<ul style="list-style-type: none"> ○ Site Safe training ○ ICAM (Incident Causation Analysis Method: Accident Investigations) training ○ Online emergency evacuation training for building wardens ○ Bullying & Harassment training for contact people ○ First Aid ○ Emergency Management CIMS course

Significance and Engagement

12 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it is purely operational in matter and does not directly affect Council's level of service to the community.

Risk

13 Some matters connected with this report are (or could be), with varying degrees of classification (from low to moderate) related to strategic risk items listed below.

- a. SR3 Management Practise - Working within legislation,
- b. SR7 Planning, training and capacity for Emergency Response.

Some matters connected with this report are (or could be), with varying degrees of classification (from low to high) related to operational risk items listed below.

- a. OR004 Serious Injury to members of the community,
- b. OR005 Death to members of the community,
- c. OR006 Child missing from Council holiday program,
- d. OR010 Damage or loss to third party property or asset,
- e. OR015 Staff not fit for work,
- f. OR016 Staff not adequately resourced,

- g. OR017 Sufficient , qualified or capable staff,
- h. OR018 Serious injury to member of staff,
- i. OR019 Serious injury to a contractor,
- j. OR020 Serious injury to a volunteer.

Consultation: Community Views and Preferences

14 The persons who are affected by or interested in this matter are: Employees, contractors, volunteers and public persons engaged with council for the purposes of work or directly influenced by the councils work process.

15 The Council has not consulted directly on this matter in the past.

16 This matter is of low significance and does not require community consultation

Legal Considerations and Statutory Responsibilities

Queenstown Lakes District Council has legal duties owed under the Health and Safety in Employment Act and/or incoming Health and Safety at Work Act that must be considered in all Council health, safety and wellbeing matters

Attachments

A Health & Safety Statistics Key

Health & Safety Statistics Key



Title	Definition
Lost Time Injury (LTI)	A work related injury which results in the person losing one normal working shift or day after the date of the injury.
Restricted Work Injury (RWI)	A work related injury which results in an employee being placed on selected or restricted duties and is unable to carry out their regular job for one or more working shifts/ days, however, is able to attend the workplace in a support function.
Medical Treatment Injury (MTI)	A work related injury that requires treatment from a medical specialist.
Report Only (RO)	Any work related minor injury that can be treated with basic first aid or does not impact on the employees' ability to continue working in their normal capacity.
Lost Time Injury Frequency Rate (LTIFR)	$\frac{\text{Number of LTI's} \times 1,000,000}{\text{Hours Worked}}$
Total Recordable Injury Frequency Rate (TRIFR)	$\frac{\text{Number of LTI} + \text{MTI} + \text{RWI} \times 1,000,000}{\text{Hours Worked}}$
Notifications to Worksafe NZ	<p>The amount of contact with the safety regulator. Specifically:</p> <ul style="list-style-type: none"> i. Serious Harm notifications indicate the serious harm injuries that have occurred, and subsequently been reported to Worksafe. ii. Notifiable Work relates to high-risk work that is required to be registered with Worksafe i.e. working at heights, scaffolding, underground work etc.

QLDC Council
24 November 2016

Report for Agenda Item: 13

Department: CEO Office

Chief Executive's Monthly Report

Purpose

- 1 To update the Council on some of the key areas of work being undertaken vis-à-vis the Council 2016/17 Work Programme.

The report also addresses a number of minor matters that require Council consent. These relate to extending a temporary delegation to the Chief Executive to approve minor property matters (pending the establishment of Committees), the setting up by Council of four hearing panels, setting of the next meeting date and a modification to the Council's delegation register in the light of the recent change to the CDEM management arrangements across the Otago region.

Recommendation

That Council:

- a. **Note** the contents of this report;
- b. **Delegate** to the Chief Executive all of the functions, duties and powers of the Council with respect to matters that were formerly considered by the Property Subcommittee during the previous triennium (2013 – 2016), without limitation, except for those powers set down in legislation that cannot be delegated, from the date of inauguration of the Council on 25 October 2016 to the date that the Council adopts Terms of Reference and delegations for the new triennium;
- c. **Agree** that Councillors McRobie, Hill and Forbes be appointed to hear submissions on the Amendment to the Development Contributions Policy and make a recommendation to Council;
- d. **Agree** that a hearings panel of two (being Councillors) be formed to hear submissions on the Reserve Management Plan for the Wanaka Recreation Reserve and make a recommendation to the Wanaka Community Board;
- e. **Agree** that a hearing panel of three (being Councillors) be formed to hear submissions on Wanaka Airport Governance Options and make a recommendation to Council;

- f. **Agree** that a hearings panel of three (being Councillors) be formed to hear submissions on the trial of pedestrianising Upper Beach Street and make a recommendation to Council.
- g. **Agree** to hold an ordinary meeting of the Queenstown Lakes District Council on Thursday 15 December 2016 beginning at 1pm.
- h. **Delegates** authority to the Mayor to vote on behalf of the Queenstown Lakes District Council as a full member of the Otago Civil Defence Emergency Management Group in the fulfilment of the function, obligation and powers of the Group under the Civil Defence Emergency Management Act 2002.

Prepared by:



Mike Theelen
Chief Executive

16/11/2016

1. Extension of former Property Subcommittee delegation to Chief Executive

- a. On 29 September 2016, the Council resolved to delegate to the Chief Executive the power to exercise all of the Council's functions, duties and powers, from 8 October 2016 (election day) to the date of inauguration of the new Council. This was necessary to enable routine business to continue without undue delay during the period prior to the newly elected Councillors taking their oaths of office.
- b. While the Councillors have now taken their oaths of office, and can legally act, the new Committee structure and Terms of Reference are still being developed and are not expected to be finalised until the next Council meeting, on 15 December 2016. However there are a number of applications that, in the last triennium, would have normally been dealt with by the Property Subcommittee. These include approval of licences to occupy, temporary road closures, reserves licences and affected party approvals. There are a number of applications of this nature that need to be processed before the TOR and delegations are finalised, and any delays will result in inconvenience and expense to applicants.
- c. The most practical way to enable these decisions to be made in a timely manner is to delegate to the Chief Executive all of the functions, duties and powers of the Council with respect to matters that were formerly considered by the Property Subcommittee under the previous triennium, from the date of inauguration until adoption of new Terms of Reference.

2. Hearings Panels

- a. Four matters were adopted by the previous Council and put out for public submission. These have now been completed or are soon to be completed, and hearings need to be scheduled. The previous Council deliberately deferred making any appointments to Hearings Panels for these ahead of the election, and it is now appropriate to establish these. In each instance the Hearings Panel will make recommendations to Council for final adoption.
- b. Amendment to Development Contributions Policy
 Consultation concluded on 10 November with three submissions received. A hearing will be required and a hearing date of 30 November is proposed either at 10am or 1pm. The General Manager Regulatory and Finance has proposed a panel of three based on the three proposed Committee Chairs with a strong connection to future district development. Accordingly, he is recommending a panel comprising Councillors McRobie, Hill and Forbes.
- c. Reserve Management Plan for the Wanaka Recreation Reserve
 Consultation concluded on 12 November and 12 submissions were received. A hearings panel of two is sought. The hearing will take place in Wanaka.
- d. Wanaka Airport Special Consultative Procedure
 Consultation closes on 25 November. It is recommended that a hearings panel of three is formed, with a hearing to take place early in 2017. The hearing will be held in Wanaka.
- e. Beach Street Pedestrianisation
 The trial of pedestrianising upper Beach Street finishes at the end of February and the Council needs to determine before this date if pedestrianisation should continue. The trial was initiated by Downtown Queenstown and its Chief Executive would not be available for a hearing during the period 6 December until mid-January 2017. Accordingly, the hearing is likely to be mid to late January and a hearings panel of three is sought.

3. Next Ordinary Council meeting

Until the Council adopts a meeting schedule covering a future period, we are simply setting meetings month by month. In order for a December meeting to take place at which a schedule will be adopted, it is recommended that the Council resolve to hold a meeting on Thursday, 15 December beginning at 1pm.

4. Otago Civil Defence Emergency Management Group

At the end of the last triennium, the collective Councils of Otago established a new arrangement for the delivery of Civil Defence and Emergency Management Services across the region. This will in effect centralise the management and operation of Civil Defence Emergency Management Services with the ORC, while ensuring that the ORC retains a local CDEM presence in each district,

and that the delivery of services be co-ordinated by the ORC across all districts. The governance of Civil Defence and Emergency Management continues through the Otago Civil Defence Emergency Management Group, which is made up of the Mayors of the contributing Districts, and the Chair of the Otago Regional Council. As part of creating a more effective governance arrangement, the Councils have agreed to delegate their representatives the power to act on their Councils behalf. Previously this had been mixed across the District, but most Mayors could only vote on a case by case basis with the explicit approval of their Council. The proposed delegation to the Mayor streamlines this and ensures that the Mayors are able to act effectively as members on behalf of their Councils.

5. Council Work Programme

The following notes are a brief summary of key actions that have occurred over the past month in support of the Council Work Programme 2016/17.

1. Moving People Around

Key Actions Underway:

- Hawthorne Drive construction contract awarded, and project commenced with a Sod Turning Ceremony in early November.
- Ongoing discussions with NZTA re acceleration of the Kawarau Road four laning and development of the larger revised Frankton Roundabout. This conversation is closely linked to Frankton Flats Masterplan project (8b) which is also well underway.

2. QLDC will continue to Improve Support for Governance and Elected Members

Key Actions Underway:

- Council and Wanaka Community Board inaugurated.
- An induction programme for Councillors and Community Board Members successfully conducted, and workshop programme on key workshop topics underway.
- Staff are currently developing Terms of Reference for Committees, for consideration and adoption by Council in December 2016.

3. Organisational Performance

Key Actions Underway:

- Otago Mayoral Forum met and adopted the recommendation from a Cross Council team and Section 17A priorities for review. These are Harbours and Waterways, Regulatory Services, and Solid Waste. Three waters and roading were identified as larger projects needing to be addressed following these. The combined staff team will now complete an initial business case on the three identified key high level

opportunities for alternative and modified service delivery options for these activities and report back to the Mayoral Forum.

- Council completed its October IANZ accreditation review and was confirmed as an accredited Building Control Authority (BCA). The next review will be in October 2017. The audit identified two CARS (Corrective Actions) which are currently being addressed.
- Annual Plan preparation has commenced, and an initial workshop was held with elected members in early November. The Capex workshop is scheduled for 13 December 2016.

Key Milestones and Dates:

- IANZ Accreditation Review; October 2016 – Completed.
- Monthly Report; revised template and report process; November 2016 - underway

4. Housing and Accommodation

Key Actions Underway:

- Revised HASHAA legislation workshopped with Council and a new lead policy is being developed and considered by Council at its 24 November 2016 meeting.
- HIF fund: Staff have identified a number of projects that could be eligible for HIF funding and are scoping these. The first (indicative round) of submissions is in December 2016, with full applications required in the new year.
- The National Policy Statement on Urban Development has been released and submissions called for. Staff will report this to Council for consideration in December 2016. Proposed NPS compliance will place significantly more emphasis on active promotions of increased capacity to address future demand.

5. Council Investment in Community Infrastructure

Key Actions Underway:

- Staff are continuing to develop approach to single office accommodation for QLDC. Initial workshop planned with Councillors to confirm key location parameters and ownership preferences. Work on capacity and functional requirements has also commenced.
- Wanaka Pool – costings finalised, and award of contract underway. Final completion date is March 2018.
- Special Consultation Process underway for Wanaka Airport. Hearings on submissions are intended to be held in December 2016, and a decision on the proposal in February 2017.

6. Spatial (Strategic) Planning

Key Actions Underway:

- Frankton Flats Masterplanning – scoping work underway.
- Proposed National Policy Statement on Urban Development being reviewed, and its requirement to be reported to Council and applied to Councils PDP work, as well as the Special Housing Areas, and Housing Accord programmes.

Key Milestones and Dates:

- Frankton Flats Masterplan – to be workshopped with Council; November 2016 – initial scoping underway and process agreed. Workshop timetable to be confirmed.

Confirmation of minutes

25 October 2016 (Inaugural Council)

Minutes of the first meeting of the Queenstown Lakes District Council following the triennial election held in the Lake Hayes Pavilion, State Highway 6, Queenstown on Tuesday 25 October 2016 commencing at 1.00pm.

Present:

Mayor Boulton; Councillors Clark, Ferguson, Forbes, Hill, Lawton, MacDonald, MacLeod, McRobie, Miller and Stevens

In attendance:

Mr Mike Theelen (Chief Executive Officer) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and approximately 30 members of the public

1 Welcome by the Chief Executive

The Chief Executive, as initial chair of the meeting prior to the Mayor making and attesting the declaration, welcomed all to the first meeting of the Queenstown Lakes District Council following the triennial general election and extended congratulations to those present for their success in the recent elections.

2 Apologies

There were no apologies

3 The Making and Attesting of Declarations

The Chief Executive invited the Mayor elect, Jim Boulton, to give his declaration as Mayor of the Queenstown Lakes District Council in accordance with clause 14, Schedule 7 of the *Local Government Act 2002*. Following his declaration, the Mayor received the chains of office and assumed the chair. Each of the Councillors then made and signed their individual declarations in accordance with the Act, witnessed by the Chief Executive.

4 Blessing

Mr Michael Skerrett, kaumātua of Ngāi Tahu, presented a blessing karakia and explained its content. He extended best wishes to the Council for its term of office and for a positive and productive relationship with tangata whenua.

5 Legal Responsibilities

Mr Jonathan Salter extended congratulations to the newly elected Council for the commitment made to serve the community. He briefed

the Council on the general legal responsibilities of Councillors in accordance with Clause 21(5)(c), Schedule 7 of the *Local Government Act 2002*, referring to the provisions of the *Local Government Act 2002*, *Local Government Official Information and Meetings Act 1987*, *Local Authorities (Members' Interests) Act 1968*, *Crimes Act 1961*, *Secret Commissions Act 1910* and *Financial Markets Conduct Act 2013*.

6 Appointment of Deputy Mayor

Mayor Boulton advised that pursuant to Section 41A(3)(a) of the *Local Government Act 2002* he wished to appoint Councillor Calum MacLeod as the Deputy Mayor.

On the motion of the Mayor and Councillor Stevens the Council resolved that Councillor MacLeod be appointed Deputy Mayor of the Queenstown Lakes District for the 2013-2016 triennium.

Councillor MacLeod received the chains of office of Deputy Mayor.

7 Appointed Members of Wanaka Community Board

Mayor Boulton advised that the membership of the Wanaka Community Board as determined by the Review of Representation Arrangements for Elections of Territorial Authorities required the Board to be constituted of four elected members and the three members of Council elected in the Wanaka Ward.

On the motion of the Mayor and Councillor Hill the Council resolved to note that Councillors Lawton, MacLeod and McRobie will be appointed members of the Wanaka Community Board for the 2016 – 2019 triennium.

8 First Ordinary Council Meeting

Mayor Boulton advised that pursuant to Clause 21(5)(d), Schedule 7 of the *Local Government Act 2002* the Council was required at its first meeting either to fix the date and time of the first ordinary meeting of the local authority or to adopt a schedule of ordinary meetings.

On the motion of the Mayor and Councillor Lawton the Council resolved that the first ordinary meeting of the Queenstown Lakes District Council will take place on Thursday, 24 November 2016 in the Council Chambers, 10 Gorge Road, Queenstown beginning at 1.00pm.

QUEENSTOWN LAKES DISTRICT COUNCIL**25 OCTOBER 2016****Page 3**

Mayor Boulton signalled that he planned to present a recommendation to the first meeting that the Council reinstate a system of four committees, namely:

- Planning and Strategy, chaired by Councillor Hill
- Infrastructure, chaired by Councillor Forbes
- Community Services, chaired by Councillor Stevens
- Finance, Audit and Risk, chaired by Councillor McRobie

He intended for this system to commence from January 2017.

Mayor Boulton commented briefly on his vision for this Council term.

The meeting concluded at 1.32pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

M A Y O R

D A T E

Recommendation to Exclude the Public

It is recommended that the Council resolve that the public be excluded from the following parts of the proceedings of the meeting:

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:

- Item 14 Appointment of Commissioners to hear and determine resource consent applications
- Item 15: Review and update of Commissioners appointments for Resource Management Act hearings
- Item 16: Appointment of Commissioners for the Hearings Panel on Stage 1 Hearings to be held in 2017 of the District Plan Review under the Resource Management Act 1991
- Item 17: Film Otago Southland Trust

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
14. Appointment of Commissioners to hear and determine resource consent applications	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: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)
15. Review and update of Commissioners appointments for Resource Management Act hearings	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: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)
16. Appointment of Commissioners for the Hearings Panel on Stage 1 Hearings to be held in 2017 of the District Plan Review under the Resource Management Act 1991	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: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
17. Film Otago Southland Trust	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: a) Protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)

This resolution is 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.