



Order Paper for an ordinary meeting of the

**QUEENSTOWN LAKES DISTRICT COUNCIL**

to be held on

Thursday, 28 September 2017

commencing at 1.00pm

In the Armstrong Room, Lake Wanaka Centre,

Wanaka

## **9.12 ITEMS OF BUSINESS NOT ON THE AGENDA WHICH CANNOT BE DELAYED**

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with the item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

*s. 46A (7), LGOIMA*

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

**Please note** that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

## **9.13 DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA**

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

## **REFERENCE:**

Queenstown Lakes District Council Standing Orders adopted on 15 December 2016.

Agenda for an ordinary meeting of the Queenstown Lakes District Council to be held in the Armstrong Room, Lake Wanaka Centre, Wanaka on Thursday, 28 September 2017 commencing at 1.00pm

<b>Item</b>	<b>Page No.</b>	<b>Report Title</b>
		<b>Apologies/Leave of Absence Requests</b>
		<b>Declarations of Conflict of Interest</b>
		<b>Matters Lying on the Table</b> <b>Feedback received on proposed amendments to the Council's Lead Policy for Special Housing Areas to include the Ladies Mile (to remain lying on the table until ordinary Council meeting on 26 October 2017)</b>
		<b>Public Forum</b>
		<b>Special Announcements</b>
		<b>Confirmation of Agenda</b>
	6	<b>Confirmation of Minutes</b> 17 August 2017 (Public part of ordinary meeting)
1.	33	<b>Inclusion of Wanaka within the Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines (Lead Policy)</b>
2.	53	<b>Stage 2 Proposed District Plan Notification</b> <b>(Separate attachments)</b>
3.	67	<b>Amendments to Resource Management Act 1991 Register of Delegations</b>
4.	101	<b>Amendments to the fees and charges schedule used for resource consents, building consents, resource management engineering and other matters</b>
5.	117	<b>Proposed District Plan Decision – Chapter 43 Millbrook Resort Zone</b> <b>(Separate attachments)</b>
6.	123	<b>Temporary Alcohol Ban on 2-3 December 2017</b>
7.	149	<b>Navigation Safety Bylaw review</b> <b>(Separate attachments)</b>
8.	159	<b>Frankton Library – Expressions of Interest</b>
9.	164	<b>2017/18 Contestable Economic Development Fund proposed principles and process</b>

Item	Page No.	Report Title
10.	169	<b>Queenstown Integrated Transport Strategy (Separate attachments)</b>
11.	175	<b>Queenstown Town Centre Transport Strategy - Mode Shift Improvements</b>
12.	187	<b>Lessor's and Minister's approval – Skyline Enterprises Limited, Replacement and Upgrade of the Skyline Luge Chairlift and associated development</b>
13.	221	<b>Easement to Skyline Enterprises Limited – Bobs Peak</b>
14.	229	<b>New licence to Free Walking Tours Ltd to undertake guided tours in the Queenstown Town Centre</b>
15.	237	<b>Classification and reclassification of land at Luggate Red Bridge</b>
16.	247	<b>Suburban Estates Ltd, Proposal to Vest Land as Reserve</b>
17.	252	<b>Easement – Wanaka-Mount Aspiring Road</b>
18.	262	<b>Chief Executive's Report</b>
	270	<b>PUBLIC EXCLUDED</b> <b>Confirmation of Minutes</b> 17 August 2017 (Public excluded part of ordinary meeting)
19.	272	<b>PUBLIC EXCLUDED</b> <b>Appointment of Resource Management Act Hearings Commissioners</b>
20.	283	<b>PUBLIC EXCLUDED</b> <b>Commonage Land Sale</b>
21.	293	<b>PUBLIC EXCLUDED</b> <b>Proposed new lease to Peak Bungy Limited for the bungy operation on Ben Lomond Reserve</b>
22.	304	<b>PUBLIC EXCLUDED</b> <b>Appointment of QAC Directors</b>



# Public minutes

Confirmation of minutes:

17 August 2017

**Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 17 August 2017 commencing at 1.00pm**

**Present:**

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

**In attendance:**

Mr Mike Theelen (Chief Executive), Mr Peter Hansby (General Manager, Property and Infrastructure), Mr Stewart Burns (General Manager, Finance and Regulatory), Ms Meaghan Miller (General Manager, Corporate Services), Mr Blair Devlin (Planning Practice Manager), Ms Anita Vanstone (Senior Planner - Policy), Mr Dave Compton-Moen (DCM Urban Design Ltd), Mrs Briana Pringle (Parks and Reserves Officer - Forestry), Mr Aaron Burt (Senior Planner, Parks and Reserves), Mr Paul Speedy (Manager, Strategic Projects), Mr Lee Webster (Manager, Regulatory), Ms Helen Evans (Team Leader, Environmental Health), Mr Thomas Grandiek (Monitoring and Enforcement Officer), Ms Carrie Edgerton (Regulatory Support Coordinator), Ms Nichola McKernan (Regulatory Support), Mr Dan Cruickshank (Property Advisor, APL Property Ltd), Mr Blake Hoger (Property Advisor, APL Property Ltd) and Ms Jane Robertson (Senior Governance Advisor); 2 members of the media and approximately 45 members of the public

**Apologies/Requests for Leave of Absence**

There were no apologies.

The following requests for Leave of Absence were made:

- Councillor MacDonald: 29-30 August 2017
- Councillor Stevens: 22-27 September 2017
- Councillor MacLeod: 20 October - 3 November 2017
- Councillor Hill: 13-19 November 2017

**On the motion of the Mayor and Councillor Forbes the Council resolved that the requests for Leave of Absence be approved.**

**Declaration by New Wanaka Ward Councillor**

Councillor Quentin Smith read the declaration as a Councillor as required by Schedule 7, Clause 14 of the Local Government Act 2002, witnessed by Mayor Jim Boulton.

The Mayor welcomed Councillor Smith to the Council table and extended best wishes to him for the remainder of the current Council triennium.

**Declarations of Conflicts of Interest**

No declarations were made.

## Matters Lying on the Table

There were no matters lying on the table.

## Public Forum

1. Martin Hawes and Julie Scott (Queenstown Lakes Community Housing Trust)  
Ms Scott expressed concern about stating explicitly in the lead policy that 'at least 5% of the residential component of any area (depending on the nature of the development) is to be provided for community housing.' She was concerned that it would open a can of worms and asked for it to be deleted completely.

Mr Hawes stated that he understood the 5% figure was arbitrary.

Members questioned whether 5% was high enough and whether it should be reviewed and raised. It was noted that the Housing Trust intended to get robust and independent figures to enable it to approach this question more rationally.

2. Kristan Stalker (Glenpanel SHA)  
Mr Stalker confirmed that he still wished to progress the Glenpanel SHA. He noted that the proposal had received 233 submissions, of which 80% were positive. If permission was granted to proceed, they would be happy to work with the Mayoral Housing Affordability Taskforce.
3. Hine Marchand (Salvation Army)  
Mrs Marchand set out the scenario of a working couple in Queenstown who earned modest salaries, but their income was still too much to qualify for help from the Housing Trust. They wanted to buy a house but to receive the Kiwi Saver contribution, they had to buy a house costing between \$450,000 and \$500,000. They were unlikely to find a house in Queenstown in this price range as most houses were now costing \$700,000-\$800,000, for which a 20% deposit of \$120,000 was required. This was beyond them, as they paid \$600/week to rent a 3 bedroom house. Unless the situation changed, Mrs Marchand observed that they would never be in a position to buy a house in Queenstown.
4. Keri Lemaire-Sicre (Ladies Mile Pet Lodge)  
Mrs Lemaire-Sicre stated that high quality service was very important to the pet lodge because clients relied on the lodge to ensure that their pets were kept healthy and happy while they were away. The presence of the Ladies Mile SHA would determine the future quality of service and care, including possibly the ability to continue. Furthermore, to be involved in all the developments along Ladies Mile would be a very arduous process, especially for a small business. Mrs Lemaire-Sicre noted that she and her husband were stakeholders in Queenstown, they wanted to have a future in the district and sought consideration through the SHA process.
5. Mark Tilden  
Mr Tilden stated that he was a property owner in Ladies Mile and was committed to sourcing solutions for providing affordable product. He noted that a survey undertaken in June had identified 60% support for development on Ladies Mile.

**QUEENSTOWN LAKES DISTRICT COUNCIL****17 AUGUST 2017****Page 3****6. Sharyn Stalker (Sales Manager, Shotover Country)**

Mrs Stalker advised that there were 1360 purchasers still waiting to buy a section in Shotover Country, but there were only 120 sections left. She supported the Ladies Mile SHA because a plentiful supply of properties was the only way to resolve the affordability problem. In addition, new sections needed to be offered soon to satisfy the demand.

**7. Peter Soundy**

Mr Soundy advised that he had been a submitter at the recent Coronet Forest hearing. He was a neighbour of the forest and accepted it would be harvested, but he did not believe it was appropriate to do so until some major issues were addressed. He raised the concerns:

- Evaluation of felling costs was inadequate.
- No funding yet existed in the 10-Year Plan for replanting; he questioned the legality of the Council approving a plan if there was no funding to realise it.
- It was erroneous to assert that 85% of submitters were in support of early harvest, because a submission in opposition from 114 Millbrook residents had been counted as one. Counting the Millbrook submissions individually would change the statistic to 85% in opposition.
- The replanting programme proposed was different from that presented at the hearing and it did not comply with the Emissions Trading Scheme.
- Evidence had been presented at the hearing that the proposal did not comply with the District Plan and this had not been adequately rebuffed.
- One million people looked at the forest every year and it was important for its reestablishment to be well managed.

**Confirmation of agenda**

The agenda was confirmed with addition or alteration.

**Confirmation of minutes**23 June 2017

**On the motion of the Mayor and Councillor McRobie the Council resolved that the public part of the ordinary meeting of the Queenstown Lakes District Council held on 23 June 2017 be confirmed as a true and correct record.**

**1. Feedback received on proposed amendments to the Council's Lead Policy for Special Housing Areas to include the Ladies Mile**

A report from Blair Devlin (Manager, Planning Practice) assessed the feedback received on the proposal to add the Ladies Mile area (including an Indicative Master Plan) into Council's Lead Policy for Special Housing Areas. The report recommended that the Council agree to include the Ladies Mile area in Category 2 of the Lead Policy and suggested changes to the Lead Policy to control and manage aspects of development.

The report was presented by Mr Devlin, Ms Vanstone and Mr Compton-Moen.

The Chief Executive reminded the Council that the decision sought by the report was only to bring the Ladies Mile area into the Lead Policy and was not to approve a Ladies Mile SHA itself.

Councillor Miller stated that she did not consider there was enough detail presented in the report to allow the Council make a decision today about adding the Ladies Mile area into the Lead Policy. She did not consider that the SHA programme was a solution to affordable housing because people had speculated and sold properties at the current market rate which had effectively boosted the average price. She was very strongly in favour of the suggestion that the 5% contribution be reviewed, describing it as a 'laughable' amount for a developer. She believed that if the community was going to lose Ladies Mile as an entrance to Queenstown it was important for the developer to give something back to the community.

The Mayor advised that he had some questions about the proposal that required investigation before he could form a view on the report. The issues where he sought more detail were:

1. What level of contribution could come to the Queenstown Lakes Community Housing Trust from landowners?
2. What protection can be employed to prevent speculation in sections and how would they work?
3. What other large tracts of land may be available to provide affordable housing at reasonable cost in the district?

The Mayor advised that the reason for his first question was to establish an appropriate level of contribution at which a developer would be providing some real value for the community. His second question was in recognition of the fact that there was no point in creating an affordable section if someone could simply buy it and sell it for a profit. His final question was because he did not have clarity on what land was available at the moment.

The Mayor stated that although he was happy to put the report recommendation to the vote, his preference was for the matter to lie on the table until the next meeting at which responses to his questions could be presented.

Councillor MacDonald noted that the benefit of the SHA model was the opportunity for the Council to influence the Master Plan.

Councillor Stevens was opposed to the item lying on the table because he did not consider that more time would be of benefit. He did not believe that another similar block of land would be identified before the next meeting and he supported the SHA proposal because it at least gave Council the opportunity to lead rather than leaving Ladies Mile available for developers to do what they wished.

**On the motion of Councillor McRobie and the Mayor the Council resolved that the item lie on the table pending the preparation of further information.**

*Councillors Clark and Stevens recorded their votes against the motion.*

## **2. Mayoral Housing Affordability Taskforce Update**

A report from Tony Avery (General Manager, Planning and Development) detailed the activities of the Mayoral Housing Affordability Taskforce since its establishment in April 2017.

The report was presented by Councillor MacDonald. He acknowledged that affordable housing was the biggest single problem for the community. He observed that getting a supply of land was vital for having worker accommodation in town.

It was noted that firm recommendations were due to come from the Taskforce at the end of September.

**On the motion of the Mayor and Councillor Macleod it was resolved that Council note the update from the Mayoral Housing Affordability Taskforce.**

## **3. Making Private Plan Change 44: Hanley Downs – Operative**

A report from Blair Devlin (Manager, Planning Practice) advised that there were no outstanding appeals on Plan Change 44 and it could now be made operative by Council resolution. Appended to the report were a schedule of amendments to the Operative District Plan and the Environment Court Consent Order setting out resolution of the appeals.

The report was presented by Mr Devlin. He confirmed that this was a procedural item, as only the Council could make a plan change operative.

**On the motion of Councillors Stevens and McRobie it was resolved that Council:**

- 1. Note the contents of this report;**
- 2. Authorise officers to amend the Operative District Plan to incorporate the changes made through Plan Change 44, as set out in the Environment Court Consent Order.**
- 3. Approve public notification of the date on which Plan Change 44 shall become operative.**

#### 4. Adoption of Coronet Forest Management Plan 2017

A report from Briana Pringle (Parks and Reserves Officer - Forestry) presented the Coronet Forest Management Plan 2017 following completion of the public consultation process on the proposal to harvest the forest early. The report detailed the key issues raised through the consultation and explained how these had been addressed in the updated plan which supported an early harvest of the forest.

The report was presented by Mrs Pringle and Mr Hansby.

Mrs Pringle advised of the following changes to the draft Coronet Forest Management Plan 2017:

1. Page 6: paragraph 2 deleted: *'The plan is to establish.... Vegetation cover across the site.'*
2. Page 27: paragraph 6 add *'canopy cover': 'To achieve a coverage of at least 30% of the canopy cover of the site,...'*
3. Page 30: Revegetation cross section – deleted from the report.

Councillor Stevens commented briefly on the hearing, stating that it had provided a robust debate. In response to the concerns that there was no budget for revegetation in the 10-Year Plan, it was noted that a draft line of \$12 million had been included. Members agreed that this provision was important to ensure that the project was completed satisfactorily and the Emissions Trading Scheme requirements were met. It was also noted that one of the key drivers for harvesting the forest was to support the work of those trying to control wildings in the district.

**On the motion of the Mayor and Councillor MacDonald it was resolved that the Council:**

- 1. Note the contents of this report;**
- 2. Adopt the Coronet Forest Management Plan 2017;**
- 3. Direct Council staff to undertake an Outline Plan to harvest Coronet Forest in accordance with Designation 375 of the QLDC Partially Operative District Plan; and**
- 4. Direct Council staff to seek agreement from Central Otago District Council to harvest Coronet Forest and delegate the terms of this agreement to the Chief Executive Officer.**

#### 5. Lakeview commercial land development objectives and ownership

A report from Paul Speedy (Manager, Strategic Projects) discussed various development objectives for commercial land within the Lakeview site.

The report considered it an optimal time to take the commercial land to market and sought consultation with the community on tenure before the Council could consider declaring the property surplus and disposing of it.

The report was presented by Mr Speedy and Ms Miller.

There was considerable discussion about the development objectives. Councillor Forbes stated that she did not support objective 2(a): *'Maximise financial return in a manner that minimises risk to ratepayers'*, as she did not consider that financial gain should be a major imperative.

The Mayor suggested that it was important to strike a balance between commercial and non-commercial objectives but he did not believe that any decision would be based on purely on financial outcomes. It was also important to have objectives that would speak to the development community that would allow the Council to consider all options.

Concern was expressed about the use of the term 'housing choices' [recommendation (2(b)(iv))]. The Chief Executive suggested this be amended to housing 'outcomes' and that the 'and' instead be 'and/or'. The Council agreed that these amendments should be adopted.

**On the motion of Councillors MacLeod and McRobie it was resolved that the Council:**

- 1. Note the contents of this report;**
- 2. Approve the proposed development objectives for the commercial land on the Lakeview site to:**
  - a. Maximise financial return in a manner that minimises risk to ratepayers;**
  - b. Establish a thriving residential focused, mixed use precinct, which is stitched into the Queenstown town centre context and:**
    - i. Exhibits best practice urban design principles, is walkable, activated, liveable and authentic;**
    - ii. Exhibits a consistent design language and high quality built form outcomes that complement the natural environment, fit into the Queenstown context and are of human scale;**
    - iii. Provides a diverse retail mix which complements and provides for the natural expansion of the existing town centre core and will appeal to locals and visitors;**
    - iv. Provides for the intensification sought via Plan Change 50 and delivers for a variety of housing outcomes and/or a diverse residential community;**



- v. **Considers opportunities for visitor accommodation and / or visitor facilities where these are economically viable.**
- c. **Ensure Lakeview's development potential is unlocked in a timely and efficient manner.**
- 3. **Agree to a 'transaction approach' to engage with the market and select a development partner (or partners) to be contracted via project development agreement(s) or similar, which will reference the Council's objectives for the commercial land;**
- 4. **Agree to undertake consultation with the community on the nature of tenure for the commercial land;**
- 5. **Direct officers to report back to the Council on transaction options for disposal of the commercial land at Lakeview, including the land previously identified as the preferred location for the proposed Queenstown Convention Centre, together with community feedback.**
- 6. **Cemetery Road (Queenstown) proposed road stopping and land exchange**

A report from Paul Speedy (Manager, Strategic Projects) detailed a proposal to realign Cemetery Road (Queenstown) by means of stopping a section, exchanging part with a neighbouring landowner and dedicating this land a road in order to form a straight road. The report set out the required process under the Local Government Act 1974 and sought Council approval to implement this process.

The report was presented by Mr Speedy. In reply to a question he advised that area 'C' was likely to form part of the campground lease area and would serve to provide access.

**On the motion of Councillors MacLeod and McRobie it was resolved that the Council:**

- 1. **Note the contents of this report;**
- 2. **Agree to stopping the section of Cemetery Road, Queenstown shown as areas 'B' and 'C' in the Cemetery Road (Queenstown) road stopping and land exchange plan [Attachment A to these minutes] under sections 319 and 342 Local Government Act 1974;**

3. Delegate officers to undertake the road stopping process, including public notification of the proposal, as set out under Schedule 10 Local Government Act 1974;
4. Authorise the disposal of Council land shown as area 'B' in the Cemetery Road (Queenstown) road stopping and land exchange plan [Attachment A to these minutes] under section 117(3) Public Works Act 1981; and
5. Delegate the Chief Executive to finalise terms and execute the sale and purchase agreement between the Council and Brecon Street Partnership Limited.

7. **Proposed Fees and Charges Review for Environmental Health Services**

A report from Helen Evans (Team Leader, Environmental Health) presented fees and charges for Environmental Health Services for Council adoption following completion of their review using the special consultative procedure.

The report was presented by Ms Evans and Mr Webster.

There was further discussion about the potential barriers that the Food Act was creating, especially for small businesses. Members were fully supportive of the proposal to communicate this to the Ministry of Primary Industries and agreed that the Mayor's office should write to the Ministry.

**On the motion of the Mayor and Councillor Clark it was resolved that the Council:**

1. Note the contents of this report;
2. Accept the recommendation from the Hearings Panel that Council adopts the fees and charges as proposed in the review;
3. Adopt the proposed fees and charges for food businesses and Environmental Health Services; and
4. Agree that Council writes to the Ministry for Primary Industries to express concerns about the costs for small businesses to comply with the Food Act 2014.

8. **Brothel Control Bylaw 2011 Review**

A report from Thomas Grandiek (Monitoring and Enforcement Officer) presented the proposed Queenstown Lakes District Council Brothel Control Bylaw 2017 for adoption in order to undertake public consultation using the

special consultative procedure. The report noted that it was proposed to continue without change the provisions of the Brothel Control Bylaw 2011.

The report was presented by Mr Webster and Mr Grandiek.

It was agreed that Councillors Stevens, Clark and MacLeod would form the hearings panel.

**On the motion of the Mayor and Councillor Hill it was resolved that the Council:**

- 1. Note the contents of this report and the recommendation from the Community and Services Committee to approve the continuation of the current Queenstown Lakes District Council Brothel Control Bylaw 2011 for public consultation;**
- 2. Approve the proposed Brothel Control Bylaw 2017, Statement of Proposal, and Summary of Statement of Proposal documents for public consultation using the special consultative procedure; and**
- 3. Appoint Councillors Clark, MacLeod and Stevens from the Community and Services Committee to participate in a hearing panel to consider and hear submissions on the proposed Brothel Control Bylaw 2017 and make a recommendation to Council.**

#### **9. Joint Otago Class 4 and TAB Gambling Venue Policy Review 2017**

A report from Carrie Edgerton (Regulatory Support) presented a review of the Queenstown Lakes District Council's Class 4 and TAB gambling venue policy which had been subject to public consultation using the special consultative procedure. The only change from the previous policy was an additional clause prohibiting the introduction of new gambling venues in residential areas.

In addition, the report sought Council approval to change the present delegations giving the Community and Services Committee delegated authority to hear and determine applications for gambling venue relocations. The report also asked the Council to appoint three members of the Community and Services Committee to convene a hearing for a relocation application.

The report was presented by Ms Edgerton and Mr Webster.

Mr Webster advised of an amendment to part 3 of the recommendation as the change to the delegations register was not to the Community and Services Committee to appoint members for hearings as stated in the report, but to have the power to hear and determine Gambling Venue applications.

Consideration was given to membership of the hearings panel in light of the likely timeframe for a hearing. Following discussion it was agreed that Councillors Ferguson, Smith and Miller would form the hearings panel.

**On the motion of Councillors McRobie and Stevens it was resolved that Council:**

- 1. Note the contents of this report;**
- 2. Adopt the proposed Class 4 TAB & Gambling Venue Policy 2017 as recommended by the hearing panel;**
- 3. Amend the delegation register to delegate the Community and Services Committee the power to hear and determine Gambling Venue applications; and**
- 4. Appoint Councillors Ferguson, Miller and Smith from the Community and Services Committee to convene a hearing for a relocation application.**

**10. Dog Control Policy and Practices Report 2016 - 2017**

A report from Nichola McKernan (Regulatory Support) introduced the Dog Control Policy and Practices Report (which was appended) in accordance with Section 10A of the Dog Control Act 1996. The report highlighted the major statistics related to dog control from the past year and recommended that the report be adopted in line with statutory requirements.

The report was presented by Mr Webster and Ms McKernan. Ms McKernan advised of a small correction to her report:

*6. (g) The number of roaming dogs remains the largest issue however there was an increase from 491 to 548.*

**On the motion of the Councillors Stevens and MacDonald it was resolved that the Council:**

- 1. Note the contents of this report;**
- 1. Adopt the Dog Control Policy and Practices report 2016/2017, in accordance with the Dog Control Act 1996, Section 10A;**
- 2. Approve the publication of the Dog Control Policy and Practices report 2016/2017; and**
- 3. Direct Council staff to forward a copy of the Dog Control Policy and Practices report 2016/2017 to the Secretary for Local Government.**

**11. Lease variation for Pisa Alpine Charitable Trust**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) detailed the public consultation process undertaken to review the term of the lease held by the Pisa Alpine Charitable Trust ['PACT'] to allow a total lease term of 99 years. The report noted that a hearing had been held, the outcome of which was to recommend that Council approve this variation to the lease. An additional recommendation from the hearings panel was for the Council to remove the requirement for the Trust to pay rates.

This report and that following were presented by Mr Cruickshank and Mr Burt. Mr Cruickshank noted that the Wanaka Community Board had visited the site and had previously discussed extension of the lease.

**On the motion of Councillors MacLeod and Hill it was resolved that the Council:**

- 1. Note the contents of this report;**
- 2. Approve a variation to Council's resolution of 19 December 2013 to allow two rights of renewal of the PACT lease over Lot 5 DP 460313 of 33 years each (resulting in a total lease term of 99 years) and to remove the requirement for PACT to pay rates;**
- 3. Approve a variation of the terms of the agreement to lease signed by the Council and PACT on 6 November 2012 to provide for the amended terms noted in recommendation 2 above;**
- 4. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to allow two rights of renewal of the PACT lease over Lot 5 DP 460313 of 33 years each (resulting in a total lease term of 99 years);**
- 5. Delegate signing authority to the General Manager, Property and Infrastructure.**

**12. New ground lease for Queenstown Squash Club**

A report from Joanne Conroy (Property Advisor, APL Property Ltd) assessed the renewal of a ground lease in favour of the Queenstown Squash Club in Memorial Street for its clubrooms, as the lease was set to expire on 31 March 2018. The report recommended that the Council approve a lease of three years with a renewal provision for a further three years, as this would enable the club to prepare for relocation during this period, should that prove necessary.

It was noted that the recommended early termination condition contained a timeframe that would work with the Queenstown Town Centre Master Plan programme.

**On the motion of Councillors Hill and Ferguson it was resolved that the Council:**

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

**2. Approve a new lease to Queenstown Squash Club over Lot 2 DP 18993 subject to the following terms and conditions:**

<b>Commencement</b>	<b>1 April 2018</b>
<b>Term</b>	<b>3 years</b>
<b>Renewals</b>	<b>1 of 3 years (by agreement of both parties)</b>
<b>Rent</b>	<b>\$1 per annum pursuant to Community Pricing Policy</b>
<b>Reviews</b>	<b>At renewal or when the Community Pricing Policy is reviewed</b>
<b>Early termination</b>	<b>18 months' notice for core infrastructure requirements</b>
<b>Assignment and Sublease</b>	<b>With Lessor's prior written approval</b>
<b>Use</b>	<b>Clubrooms, change rooms, courts, meeting space and storage facilities associated with squash</b>
<b>Other</b>	<b>At expiry, improvements to be removed. Public liability Insurance required. Health and Safety plan to be provided for approval.</b>

**3. Delegate signing authority to the General Manager, Property and Infrastructure.**

**13. Easement to Aurora Energy Limited – 704 Malaghan's Road, Wakatipu Basin**

A report from Blake Hoger (Property Advisor, APL Property Ltd), sought retrospective approval of an electrical easement over Local Purpose (Esplanade) Reserve (legal description Lot 4 DP 460171) to Aurora Energy

Ltd, to run underground power lines from Malaghans Road to a private property. The report noted that due to timing constraints the Chief Executive had approved the easement on 23 June 2017 and the Council was asked to ratify the Chief Executive's decision and formally approve the easement retrospectively.

This report and item 15 were presented by Mr Hoger.

**On the motion of Councillors McRobie and Clark it was resolved that the Council:**

- 1. Note the contents of this report;**
- 2. Approve an electrical easement over Local Purpose (Esplanade) Reserve, Lot 4 DP 460171 subject to section 48(1)(d) of the Reserves Act 1977, to Aurora Energy Ltd subject to the following conditions:**
  - a. Aurora Energy Ltd to notify and liaise with QLDC Infrastructure Department in advance of any onsite works so that they can oversee and provide input relating to existing in-ground infrastructure;**
  - b. A bond of \$2,000.00 be payable to QLDC prior to any works commencing;**
  - c. The work site to be evidenced by before and after photographs, video or similar to be provided by Aurora Energy Ltd;**
  - d. A comprehensive safety plan must be prepared and implemented, at Aurora Energy Ltd's cost, to ensure a safe environment is maintained around the subject site;**
  - e. Certificate of adequate public liability cover to be received;**
  - f. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Infrastructure Department. Reinstatement to include any fencing or other structures.**
  - g. Within 3 months of completion of the work, Aurora Energy Ltd to provide QLDC with a surveyed easement and signed Deed of Easement.**
- 3. Agree that notification of the intention to grant the easement is not required, as the statutory test in section 48(3) of Reserves Act 1977 is met for the reasons set out in this report;**

4. Delegate authority to approve final terms and conditions of the electrical easement, including location, and execution authority to the General Manager – Property & Infrastructure; and;
5. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement to Aurora Energy Ltd over Lot 4 DP 460171.

14. **Glendhu Adventures – Licence to Occupy Recreation Reserve**

A report from Chris Green (Property Advisor, APL Property Ltd) assessed an application from Glendhu Adventure Ltd for a new licence to operate from Rotary Park Reserve, Glendhu Bay a commercial kayak and stand up paddle board rental, lessons and guided tours operation on Lake Wanaka. The report noted that the Wanaka Community Board had approved public notification of the proposed new lease on 30 March 2017 and no submissions had been received. The report recommended approval of a new lease, subject to conditions.

The report was presented by Mr Cruickshank and Mr Burt. Mr Cruickshank confirmed that previously Glendhu Adventures Ltd had held temporary permits in order to trial the operation and now sought to make it a permanent arrangement.

**On the motion of Councillors MacLeod and Clark it was resolved that the Council:**

1. Note the contents of this report;
2. Approve a new licence over Section 14 SO 347712, Wanaka-Mount Aspiring Road, Wanaka, classified as Recreation Reserve to Glendhu Adventure Ltd for conducting commercial kayak and stand up paddle board rental, lessons and guided tours on Lake Wanaka adjacent to the licence area, subject to the following terms and conditions:
 

<b>Commencement</b>	<b>1 November 2017</b>
<b>Term</b>	<b>5 years</b>
<b>Renewal</b>	<b>One further term of 5 years by agreement of both parties</b>
<b>Rent</b>	<b>Base rent of \$500, or 7.5% of gross turnover, whichever is the greater</b>
<b>Reviews</b>	<b>2.5 yearly</b>
<b>Operating Hours</b>	<b>8.30 am – 7.00 pm</b>
<b>Maximum Craft</b>	<b>No more than 8 stand up paddle boards and no more</b>



	than 5 sit on top kayaks for hire at any one time
<b>Insurance</b>	Requirement to have public liability insurance of \$2 million
<b>Safety/Suspension</b>	Council to retain ability to suspend the licence for safety purposes or to avoid large public events
<b>Other</b>	Licensee must ensure they hold a valid resource consent for the purpose of commercial kayak and stand up paddle board rental, lessons and guided tours

3. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a licence to Glendhu Adventure Limited over Section 14 SO 347712, Wanaka-Mount Aspiring Road, Wanaka.
4. Delegate signing authority to the General Manager, Property and Infrastructure

15. **Right of Way Easement – 47 Howards Drive, Lake Hayes Estate**

A report from Blake Hoyer (Property Advisor, APL Property Ltd) assessed an application for a Right of Way Easement at 47 Howards Drive, Lake Hayes Estate in order to reposition an existing retaining wall to widen the gap between the dwelling and the wall and improve manoeuvrability in and out of the driveway. The report recommended that the Council grant the Right of Way Easement, subject to several recommended conditions.

**On the motion of Councillors Hill and McRobie it was resolved that the Council:**

1. Note the contents of this report;
2. Grant a Right of Way Easement over Council administered Recreation Reserve (Lot 3 DP 447156) in favour of the proprietors of 47 Howards Drive, Lake Hayes Estate (Lot 1 DP 447156) subject to the following conditions:
  - a. A Council inspector is to be present when the excavation works are undertaken to ensure Council infrastructure is not damaged or disturbed, and
  - b. In the event of damage being caused, Council infrastructure it is to be repaired by Council's maintenance contractor, at the applicant's cost,

and to the satisfaction of Council engineers,  
and

- c. Before any works are undertaken, a valuation is prepared, at the expense of the applicant, to determine the market value of the land. Such valuation to be accepted by both parties.

3. Delegate authority to approve final terms and conditions, and execution authority to the General Manager – Property and Infrastructure; and

4. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement over Lot 3 DP 447156 in favour of proposed Lot 1 DP 447156.

#### 16. **Setting of Rates for 2017/18**

A report from Stewart Burns (General Manager, Finance and Regulatory) presented financial details to set the rates for the Queenstown Lakes District Council for the 2017/18 financial year as per section 23 of the Local Government (Rating) Act 2002.

The report was presented by Mr Burns.

Mr Burns advised that the rates increase was slightly lower than signalled at the time of adopting the Annual Plan as there were more properties in the district than originally anticipated, so the cost per property was consequently less than first thought.

Councillor MacLeod commended the work of the finance team in preparing this information.

**On the motion of the Mayor and Councillor MacDonald it was resolved that the Council sets the rates for the Queenstown Lakes District Council for the 2017/18 financial year as per section 23 of the Local Government (Rating) Act 2002. [Attachment B to these minutes].**

#### 17. **Budget Carry Forwards for 2017/18**

A report from Gaynor Webb (Financial Advisory Manager) presented budgetary adjustments in order to provide for capital and operational expenditure carry-forwards from 2016/17 to 2017/18.

The report was presented by Mr Burns and Ms Webb.

Ms Webb advised of an amendment to the recommendation, correcting the amount of negative operational expenditure carry forward of **\$729,559**.

**On the motion of the Mayor and Councillor MacDonald it was resolved that the Council:**

- 1. Authorises adjustments to the budgets for the 2017/18 financial year in order to provide for capital expenditure carry forwards of \$10,121,905 [included in Attachment C to these minutes];**
- 2. Authorises adjustments to the budgets for the 2017/18 financial year in order to provide for operational expenditure carry forwards of \$798,200 [included in Attachment D to these minutes]; and**
- 3. Authorises adjustments from 2017/18 into 2016/17 in order to provide for negative carry forwards of operational expenditure of \$729,559 [as per Attachment C.]**

#### **18. Chief Executive's Report**

A report from the Chief Executive:

- Sought a Council decision pursuant to the Local Electoral Act 2001 on (a) Council's choice of electoral system; and (b) the establishment of Māori Wards;
- Presented adjustments to committee membership to accommodate the recent election of Councillor Quentin Smith;
- Proposed a three-year funding contribution to the Otago Museum at an agreed ratio of 0.72% of the museum's annual budget, beginning from 1 July 2018.
- Sought a Council decision on the order in which the names will appear on the voting documents for the Wanaka Community Board By-election in accordance with section 31 of the Local Electoral Regulations 2001.
- Noted a minor drafting error in the minutes of the 23 June 2017;
- Detailed the business conducted by the Wanaka Community Board (3 August 2017) and Community and Services Committee (10 August 2017), presenting reserve vesting recommendations from both.

The Chief Executive advised of two corrections to the appointment of elected members to committees as detailed in his report:

- Councillor McRobie to be removed from the Community and Services Committee and added as Deputy Chair of the Infrastructure Committee.
- Councillor MacLeod to be removed from the Infrastructure Committee and added as Deputy Chair of the Planning and Strategy Committee.

The Electoral Officer was asked to circulate the Wanaka Community Board by-election timetable to elected members.

**On the motion of the Mayor and Councillor Clark it was resolved that the Council:**

- 1. Note the contents of this report;**
- 2. Directs the Chief Executive to give public notice of the right for electors to demand a poll on the electoral system used for QLDC elections; and**
- 3. Directs the Chief Executive to take no further action on the matter of Māori wards at this time.**
- 4. Appoint Councillor Smith as a member of the:**
  - a) Planning and Strategy Committee**
  - b) Community and Services Committee**
  - c) Dog Control Committee**
  - d) Elected Member Conduct Committee**
  - e) Event Funding Panel**
- 5. Remove Councillor McRobie from Community and Services Committee and appoint him as Deputy Chair of Infrastructure Committee.**
- 6. Remove Councillor MacLeod from the Infrastructure Committee and appoint him as Deputy Chair of Planning and Strategy Committee;**
- 7. Appoint Councillor McRobie as the Council's representative to Lake Wanaka Tourism:**
- 8. Approve a three year funding contribution to the Otago Museum to commence from 1 July 2018.**
- 9. Agree that the funding contribution be at an agreed ratio of 0.72% of the Museum's annual budget (circa \$30,000 pa).**
- 10. Adopt the proposed Otago Museum Heads of Agreement 2017-27.**
- 11. Resolve pursuant to section 31 of the Local Electoral Regulations 2001 that the voting papers for the 2017 Wanaka Community Board By-election be printed in random order;**
- 12. Wanaka Community Board: Proposal to Vest Lands as Reserve and to Offset Reserve Land**

**and Reserve Improvements Contributions as per the Development Contributions Policy**

1. Approve the vesting of the two identified proposed reserves:
  - a. Lots 200 and 201, Kirimoko Limited Partnership, 'Kirimoko Heights' development, Kirimoko Crescent.  
Subject to the following works being undertaken at the applicant's expense:
    - i. Presentation of the reserve in accordance with Council's standards for reserves;
    - ii. A potable water supply point to be provided at the boundary of the reserve lot;
    - iii. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserves to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;
    - iv. A three year maintenance period by the current landowner commencing from vesting of the reserve;
    - v. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.
2. Offset reserve land contributions in accordance with the Development Contributions Policy current at the time of contributions payment and the Parks and Open Space Strategy 2017, subject to recommendation (iii) above.
3. Offset reserve improvement contributions are offset against those payable in accordance with the Development Contributions Policy current at the time of contributions payment, subject to:
  - a. Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the Parks and Reserves Planning Manager.
  - b. Final approval of reserve improvement costs to be delegated to the Parks and Reserves Planning Manager and is subject to the applicant demonstrating the actual costs of the improvements.
  - c. If the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the applicant's expense.

**13. Community and Services Committee: Shotover Country No.2 Ltd/Shotover Country Ltd, Proposal to Vest Various Lands as Reserve and to Offset Reserve Land and Reserve Improvements Contributions as per the Development Contributions Policy**

**1. Approve the vesting of the five identified proposed reserves:**

- a. Lot 1002 SH160139 Recreation Reserve, Shotover Country.
- b. Lot 1003 SH160139 Local Purpose Reserve (water supply, pedestrian and cycle access), Shotover Country.
- c. Lot 1004 SH160139 Recreation Reserve, Shotover Country.
- d. Lot 803 RM161023 Recreation Reserve, Shotover Country.
- e. Lot 804 RM161023 Local Purpose Reserve, Shotover Country.

subject to the following works being undertaken at the applicant's expense:

- i. Presentation of the reserve in accordance with Council's standards for reserves;
  - ii. A potable water supply point to be provided at the boundary of the reserve lot;
  - iii. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserves to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;
  - iv. A five year maintenance period by the current landowner commencing from vesting of the reserve in accordance with the relevant consent;
  - v. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.
- 2. Approve an offset of credit from reserve improvement contributions, provided the amount becomes available through the future development of consented stages of Shotover Country - Shotover Country No.2 Ltd/Shotover Country Ltd: \$209,455.90 (excl GST) subject to the following works being spent in accordance with the associated costs, and in the following order of development/offsets:**

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- a. Sports field in future reserve adjacent to Lower Shotover - \$72,768.95 (additional to the \$138,231.05 agreed by Council on 24 February 2016 for this purpose)
- b. Bike pump track in Richmond Park - \$35,000
- c. Cycleway through future reserve adjacent to Lower Shotover to trail - \$35,000
- d. Play space in Merton Park - \$66,455.90

and subject to:

- i. Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the Parks and Reserves Planning Manager.
- ii. Final approval of reserve improvement costs to be delegated to the Parks and Reserves Planning Manager and is subject to the applicant demonstrating the actual costs of the improvements.
- iii. If the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the applicant's expense.

**Resolution to Exclude the Public**

On the motion of the Mayor and Councillor MacLeod the Council resolved 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:

**Confirmation of minutes of ordinary meeting held on 23 June 2017**

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.

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<p>10. 14 Nairn Street, - Lease Variation, Purchase and Disposal</p>	<p>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: h) enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities; i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	<p>Section 7(2)(h)  Section 7(2)(i)</p>
<p>11. 43 Bedford Street, Lessee Request to Freehold</p>	<p>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: h) enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities; i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	<p>Section 7(2)(h)  Section 7(2)(i)</p>
<p>12. Resolution of appeals to private Plan Change 44: Hanley Downs</p>	<p>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: g) maintain legal professional privilege; i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	<p>Section 7(2)(g)  Section 7(2)(i)</p>



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13. Events Funding Round 2017/18	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: b)ii) protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Section 7(2)(b)(ii)
14. New Management and Maintenance Services for High Profile Turf Contract	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: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
15. Settlement Approval	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: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

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<p>16. Governance Update – Queenstown Airport Corporation (QAC)</p>	<p>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 h) enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities;</p>	<p>Section 7(2)(a) Section 7(2)(h)</p>
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**Agenda Items**

**19. Funding of Legal Settlements**

**20. Chief Executive Salary Review and Tenure**

<p><b>General subject to be considered.</b></p>	<p><b>Reason for passing this resolution.</b></p>	<p><b>Grounds under Section 7 for the passing of this resolution.</b></p>
<p>19. Funding of Legal Settlements 2016/17</p>	<p>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; and i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	<p>Section 7(2)(a) Section 7(2)(i)</p>
<p>20. Chief Executive salary review and tenure</p>	<p>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;</p>	<p>Section 7(2)(a)</p>

**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.**

*The meeting went into public excluded at 3.04pm at which point it adjourned.*

*The meeting reconvened at 3.06pm. Councillor Stevens was not present when the meeting reconvened.*

*The meeting came out of public excluded and concluded at 3.40pm.*

**CONFIRMED AS A TRUE AND CORRECT RECORD**

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**M A Y O R**

**28 September 2017**

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**D A T E**

QLDC Council  
28 September 2017

Report for Agenda Item: 1

Department: Planning & Development

**Inclusion of Wanaka within the Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines (Lead Policy)**

**Purpose**

The purpose of this report is to recommend including the Proposed District Plan residential zoned areas of Wanaka, being the High Density Residential, Medium Density Residential, Low Density Residential, Large Lot Residential and Business Mixed Use Zones in Category 2 of the Housing Accords and Special Housing Areas Act Implementation Guidelines (Lead Policy) and make subsequent changes to this policy.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Include** Wanaka residential zoned land within the Proposed District Plan, being the proposed High, Medium and Low Density Residential, Large Lot Residential and the Business Mixed Use Zones within Category 2 of the Lead Policy (as shown in **Attachment A**);
3. **Approve** the amendments to the Housing Accords and Special Housing Areas Act 2013 Implementation Policy (Lead Policy), as amended at the meeting; and
4. **Agree** that Expression of Interests can now be accepted and processed by the Council only for Category 1 and 2 land that is consistent with the amended Lead Policy.

Prepared by:



Anita Vanstone  
Senior Policy Planner

13/09/2017

Reviewed and Authorised by:



Tony Avery  
General Manager – Planning  
& Development  
15/09/2017

## 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**). This was subsequently updated and amended on 12 July 2017. The updated Accord makes it clear that it relates to the entire District as opposed to a concentration on the Wakatipu Basin only.
- 3 The intention of the Accord is to increase land and 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 the 30 October 2014, as part of this process clarification was also sought regarding community engagement on Expression of Interests (**EOIs**) received. The Lead Policy is seen as an evolving document and was last updated on the 24 November 2016.
- 5 In total eight SHAs have been approved by the Minister. These SHAs would deliver a potential yield of approximately 1030 residential units, thus contributing significantly to the Council's obligations under the Housing Accord. It is noted that the Business Mixed Use SHA is currently the only live SHA. All the other SHAs are consented under and construction, and have been disestablished in accordance with the HASHAA. It is noted that to date all the SHAs have been established in Queenstown only.
- 6 This report is in response to the Council resolution on the 24 November 2016 to:
  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.*
- 7 This report recommends that Wanaka residential sites of the Proposed District Plan (PDP) be included in Category 2 of the Lead Policy.

## Comment

- 8 It is estimated over the past 15 years residential housing demand rose by nearly 7,000 homes across the entire Queenstown Lakes District, while the corresponding supply fell short by over 1,000 dwellings. This latent demand is

currently playing its role in the ongoing and increasing pressure on housing prices and affordability across the entire district.

- 9 Housing affordability and accommodation options for shorter term/seasonal workers and permanent residents/families is a significant issue for the entire district. While, the housing issues are slightly different in Wanaka it is understood there is a real shortage of rental and workers accommodation and smaller more “affordable homes”. Wanaka similar, to Queenstown has its own unique factors that are contributing to the decreased affordability that exists throughout the district. These are discussed further below.
- 10 A significant unique factor in relation to the district and Wanaka is the level of unoccupied dwellings, which absorb considerable levels of residential land for temporary non residents. In 2015 this was approximately 33%, which is a third of the Wanaka ward housing stock.
- 11 The Wanaka ward makes up approximately 38% of the district’s dwellings, with 6,400 in 2015. This is predicted to rise by over 11,300 in 2048, which equates to an additional 5,000 dwellings required over this time period. Essentially the number of dwellings required will be just under double the existing housing stock. An increasing proportion of this demand will be required in the lower price and income brackets.
- 12 The dwelling capacity model work undertaken for the PDP review confirms that there is more than sufficient capacity within the PDP zoned areas in 2048. The estimated ‘realisable’ (residential development that is likely to take place once various factors such as the market, topography, hazards etc have been taken into consideration) capacity for Wanaka within the Urban Growth Boundary was approximately 5,239 dwellings. It is noted that a significant portion of the capacity is tied up in the Northlake and Three Parks Special Zones, which account for approximately 44% of this capacity.
- 13 The dwelling capacity model also highlights that there is only approximately realisable capacity for 522 homes in the Medium and High Residential Density and Business Mixed Use zones of the PDP in Wanaka (excluding the Special Zones which are typically supplying more low density sites).
- 14 The difficulty with the PDP process is that some of the areas that have been residentially up zoned may not become operative for a number of years. Decisions for the Residential Zones, Business Mixed Use Zone and Upper Clutha mapping are due to be released in the first quarter of 2018, but are likely to be delayed being operative due to appeals in the Environment Court.
- 15 The SHA process provides an opportunity to get more medium/high density residential developments in appropriate locations at a much quicker rate than via the PDP. The other advantage to SHAs is that they can potentially target specific markets and presents developers/landowners with the opportunity to provide a mechanism that addresses both speculation and affordability. Discussions with the Queenstown Lakes Community Housing Trust have confirmed there is a high demand for affordable housing in Wanaka.

### ***The Lead Policy and Wanaka***

16 The Lead Policy provides three categories for the consideration of EOIs. These area as follows:

- a. Category 1 – Areas suitable for establishment of SHAs.
- b. Category 2 – Areas that may be suitable for the establishment of Special Housing Areas.
- c. Category 3 – Areas unsuitable due to their sensitivity or inappropriate location for residential development

17 It is considered more appropriate for the Wanaka residential zoned sites of the PDP to be included within Category 2 of the Lead Policy. While it is acknowledged that there are housing issues within Wanaka these are different frp, those that exist in Queenstown. Any proposals for SHAs in Wanaka will need to address the specific housing affordability issues that exist in Wanaka.

18 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 SHA.

19 Conferring SHA status for certain zones only enables the potential for development. SHA status, in itself, does not guarantee applications for qualifying developments will be approved, and planning matters (including UGBs, character / amenity and landscape issues) are a relevant and explicit consideration at the resource consent application stage as third, fourth and fifth tier considerations under HASHAA.

20 It is considered that the proposal to include Wanaka residential sites in Category 2 is generally consistent with the objectives and policies of the PDP. In particular it will promote compact and integrated urban form and Wanaka's rural landscapes will continue to be protected from sporadic and sprawling development. All the areas that are proposed to be included within Category 2 are located within the proposed Urban Growth Boundary of the PDP.

21 In summary, the proposal is considered to be generally aligned with the PDP. Noting that a detailed assessment will take place following the receipt of an EOI.

### ***Other Proposed Amendments to the Lead Policy***

22 It is also recommended that the Lead Policy be amended so that EOIs can be received for Category 1 and 2 areas only. This is to ensure that any SHAs align with the Strategic Direction of the PDP, and / or any other strategic studies that the Council have undertaken, for example the Wakatipu Basin Variation. As a result, it is recommended that the following paragraph be deleted from the Lead Policy (Section 3(1)):

*The Council is not precluded from considering EOIs 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 EOIs will be exceptional cases.*

- 23 This will provide guidance on areas that are potentially suitable or SHAs or may be suitable for SHAs, but more detailed work and investigation is required. The Council resolution of the 24 November 2016 has restricted the receipt of EOIs to be Category 1 areas only. As a result, the change to the Lead Policy represents the current process Council is following for the processing of EOIs and enables Category 2 areas to also be considered.
- 24 The only downside is that other potentially suitable sites maybe identified by developers/developers but it could only be added to the Lead Policy via an agenda item.
- 25 Another change that is recommended is that the “Community Housing Contribution” be changed to “Affordable Housing Contribution”. This is because the contribution being made from developers/landowners will go towards the provision of affordable housing across the District.
- 26 It is recommended that the affordable housing contribution guidance be amended to the following:

*The Council will engage with landowners and developers and the Queenstown Lakes Community Housing Trust (or other suitable affordable housing provider) to identify and make contractual arrangements for an appropriate affordable housing contribution. As guidance, the Council considers at least 5% of the residential component of the development by developed market value or by area (depending on the nature of the development) is identified for affordable housing.*

This is change provides more clarity regarding the affordable housing contribution discussions, which can be agreed as part of the Deed negotiation process.

- 27 It is recommended that another minor amendment be made at 3.6 of the Lead Policy, which clarifies feedback will be sought on all expressions of interests, as opposed to proposed special housing areas.
- 28 The proposed changes are tracked in the document contained in **Attachment A**.

## **Options**

- 29 Option 1 Amend the Lead Policy to include the Wanaka residential zoned sites of the Proposed District Plan (being the Low, Medium and High Density Residential, Large Lot Residential and Business Mixed Use Zones) in Category 2 of the Lead Policy. Accepting the changes for acceptance of EOIs to Categories 1 and 2 only, and the receipt of the affordable housing contribution being made directly to Council.

*Advantages:*

- 30 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.
- 31 Allows the Lead Policy to better align with the Strategic Direction of the Proposed District Plan.
- 32 Helps contribute to the purpose of HASHAA, advancing the principles and priority actions in the Housing Accord, and in particular helps the Council achieve the housing targets in the Housing Accord by increasing the supply of land and housing across the entire District.
- 33 Provides a platform for a range of housing options to be developed across the Queenstown Lakes District Council, including medium and high density sections;
- 34 Has the potential to contribute to affordable housing in Wanaka via a requirement for a contribution to affordable housing. It will ensure that a consistent contribution is received from all SHAs, in line with the requirements of the Lead Policy.
- 35 Provides the Council with the opportunity to require mechanisms for the supply and retention of affordable and community housing across the entire District.
- 36 Enables applications for EOIs to be received for Category 2 areas in Wanaka.
- 37 Represents the current procedure for processing EOIs.

*Disadvantages:*

- 38 Limits areas for EOIs to Category 1 and 2 land, which is linked to the Proposed District Plan and other strategic studies undertaken by Council. This change has the potential to result in some delays to receiving EOIs.
  - 39 Perceived tightening of the location criteria by only accepting Category 1 and 2 sites for consideration.
- 40 Option 2 Retain Status Quo – do not amend the Lead Policy.

*Advantages:*

- 41 Avoids further time and resources required to update the Lead Policy.

*Disadvantages:*

- 42 Would temporarily forgo the opportunity for SHAs to be considered in Wanaka, which could impact on the Council's ability to meet its commitments under the Housing Accord.

- 43 Would forgo the short and long term social, and economic benefits offered by the proposal (outlined above).
- 44 This report recommends **Option 1** for addressing the matter because the revised Lead Policy is consistent with the Housing Accord and provides further direction on areas that maybe suitable for the establishment of SHAs.

### ***Significance and Engagement***

- 45 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because:
- a. Importance: The supply of land and housing (including affordable housing) is a District wide issue.
  - b. Interest: For the reasons above the matter is of high interest to the community.
  - c. Existing Policy and Strategy: The proposal is not consistent with the Operative District Plan, but could result in development that is more consistent with the direction of the PDP. The proposal is considered to be generally consistent with Wanaka 2020 and Structure Plan 2007, and is consistent with the Housing Accord. The Lead Policy also anticipates areas being added into Category 2.
  - d. Capability and Capacity: The key issue relating to the assessment of subsequent EOIs is the demonstration that a site can be adequately serviced in terms of water, waste water, storm water and access. This will be the responsibility of the landowner to provide this evidence.

### ***Risk***

- 46 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.
- 47 This matter relates to this risk because the supply of housing is central to the current and future development needs of the community.

### **Financial Implications**

- 48 Under the HASHAA, developers are required to provide the necessary infrastructure to service their developments. Council negotiates Stakeholder Deeds to ensure the necessary infrastructure is provided. The processing of EOIs will result in additional officer time and input from various departments including; Planning and Development, Property and Infrastructure and Legal Teams. However, as per 24 November 2016 Council resolution all Council staff time is cost recoverable.

### **Council Policies, Strategies and Bylaws**

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

- a. The Operative District Plan
- b. The Proposed District Plan
- c. Wanaka 2020 and Structure Plan 2007
- d. Long Term Plan
- e. Queenstown Lakes District Housing Accord
- f. Lead Policy for SHAs
- g. Housing Our People in our Environment Strategy, which is relevant as it seeks to address the housing affordability issue in the District.
- h. Economic Development Strategy, a key action of which is to “investigate all options for improving housing affordability in the District”.

2017/2018 Annual Plan, within which a number of Community Outcomes that are relevant as they relate to the economy, and the natural and built environment.

- 50 The recommended option is considered generally consistent with the majority of the above documents. In particular, the proposal is considered consistent with the Housing Accord and the Lead Policy envisages areas being added into Category 2. It is considered generally consistent with the PDP. However, the proposal could result in developments that are inconsistent with the Operative District Plan.

### **Local Government Act 2002 Purpose Provisions**

- 51 This item relates to an amendment to the Council’s Lead Policy for Special Housing Areas. The proposed resolution accords with Section 10 of the Local Government Act 2002, in that it fulfils the need for good-quality performance of regulatory functions.

- 52 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 utilising the HASHAA to enable residential development that meets the needs of Wanaka;
- Is generally consistent with the Council's plans and policies; and
- Is unlikely to alter the intended level of infrastructural service provision undertaken by or on behalf of the Council.

### **Consultation**

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

- a. residents/ratepayers of the Queenstown Lakes district community, particularly those who live and/or work in Wanaka;
- b. the business, investment and tourism sectors located within and outside of the district;

- c. infrastructure providers; and
- d. Government.

54 The Council has not undertaken consultation or engagement with the community regarding the amendments to the Lead Policy. HASHAA does not set any statutory responsibilities in terms of consultation on the establishment of SHAs. However, the Council will seek public feedback / comment regarding the establishment of any proposed SHA, which is in accordance with the requirements of the Lead Policy. In addition, should the SHA be established, the consent authority may request the written approval of adjoining land owners if they are deemed to be affected and may undertake a limited notification resource consent process.

### **Legal Considerations and Statutory Responsibilities**

55 HASHAA is the relevant statute with its purpose detailed in paragraph 3 of this report.

56 The Council will need to consider the consistency of any decision to amend the Lead Policy and its decision in July 2015 to notify the PDP. The proposal is considered to be generally consistent with the PDP, and all the areas are located within the Urban Growth Boundary of PDP.

57 The proposal is also considered to be consistent with the Housing Accord and the purpose of the HASHAA.

### **Attachments**

A Updated Lead Policy

# Housing Accords and Special Housing Areas Act 2013 Implementation Policy



[24 November](#)[28 September](#) 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 Queenstown Lakes District Council (**Council**) and Government entered into the Queenstown-Lakes District Housing Accord (**Housing Accord**). The Housing Accord is intended to increase 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 Council and the Minister for Building and Housing (**Minister**). 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 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 approach for applications for resource consent for qualifying developments in special housing areas to the usual process under the Resource Management Act 1991 (**RMA**). 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 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 this 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. All matters are to be considered in the context of the purpose of HASHAA.

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 new 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 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 RMA matters, may be relevant to the Council's exercise of discretion to make a

recommendation to the Minister.<sup>1</sup> Council has full discretion whether to recommend an area to the Minister to be a special housing area.

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 with delegated authority;
5. Should the EOI be accepted in principle, negotiate an appropriate development agreement which may or may not need to be reported back to Full Council or a Council Committee with delegated authority; and
6. Once the development agreement is agreed and signed, the special housing area will be recommended to the Minister.

Note: Pre-application discussions are encouraged. Development agreements 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, as well as 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 category can only be updated following resolution by full Council, which includes the addition and removal of areas from this category. 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**.

- 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 EOIs 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 EOIs will be exceptional cases.~~

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



## 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 but not limited to 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 or environmental 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

Housing affordability is a key issue for the Queenstown Lakes District. The Council is committed to ensuring that as development takes place across the District, the provision of affordable housing is incorporated as part of each development. The Council is particularly interested in ensuring that affordability is retained overtime.

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 240-400m<sup>2</sup>);
- a mixture of housing typologies and sizes is also desirable;
- the nature of any covenants (or similar restrictions) imposed on sections;
- 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-Affordable~~ housing contribution

~~The Council will engage with landowners and developers and the Queenstown Lakes Community Housing Trust (or other suitable affordable housing provider) to identify and make contractual arrangements for an appropriate affordable housing contribution. As guidance, the Council considers at least 5% of the residential component of the development by developed market value or by area (depending on the nature of the development) is identified for affordable housing.~~

~~As guidance the Council considers that at least 5% of any development, by value or by area (depending on the nature of development), is identified for community housing in the Queenstown Lakes context.~~

~~The Queenstown Lakes Community Housing Trust (**the Trust**) has been established to assist with the design and delivery of community housing in the District. The Council will require landowners and developers to engage with the Trust to agree how community housing outcomes will be met.~~

~~The Council is open to proposals that address community housing through other mechanisms that are consistent with the policy objectives, but retains preference for the Trust's involvement.~~

#### 5.6. ~~Community feedback~~

The Council will seek community feedback on all ~~proposed expressions of interest for~~ 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.

#### 6.7. ~~Quality and design outcomes~~

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

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

#### 7.8. ~~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 EOI approved by Council, the Council will secure the agreed outcomes of negotiations with landowners and developers through a suitable and legally binding agreement 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 and community housing outcomes, securing design outcomes, and the timely resource consenting and development of special housing areas.

The Council will not enter into any agreement that fails to address issues of affordability and community housing to the satisfaction of the Council.

## **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 suitable and legally binding method.

## **6. Applications for resource consent for qualifying developments**

Should the Minister 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 within the Queenstown Airport Air Noise Boundary and Outer Control Boundary.

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

#### Wanaka

The following zoned areas within the Wanaka Urban Growth Boundary of the Proposed District Plan:

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

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  
28 September 2017**

**Report for Agenda Item: 2**

**Department: Planning & Development**

**Stage 2 Proposed District Plan Notification**

**Purpose**

The purpose of this paper is to present those parts of Stage 2 of the Proposed District Plan (PDP) addressing Earthworks, Signs, Open space and Recreation areas to Council for its approval to proceed to statutory public notification. The material presented includes a Variation to Stage 1 of the PDP. References to “Stage 2” of the PDP in this report refer to both the introduction of new chapters and provisions into the PDP and to proposed variations to existing parts of the PDP introduced with Stage 1 of the district plan review.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. Having particular regard to the section 32 evaluation reports, **approve** pursuant to section 79(1) and clause 5 of the First Schedule of the Resource Management Act 1991 the Stage 2 provisions of the Queenstown Lakes District Council Proposed District Plan 2015 for notification as set out in **Attachment 2: Stage 2 Proposed District Plan Attachments Bundle**:
  - a) Chapter 25 Earthworks
  - b) Chapter 31 Signs
  - c) Chapter 38 Open Space and Recreation Zones in relation to the purpose statement  
and
  - d) New definitions in Chapter 2 Definitions, in relation to earthworks, signs and open space and recreation zones.
3. Having particular regard to the section 32 evaluation reports, **approve** pursuant to clauses 5 and 16A of the First Schedule of the Resource Management Act 1991 the following variations to the Stage 1 provisions of the Queenstown Lakes District Council Proposed District Plan 2015 for notification:
  - a) Planning Maps 2, 5 - 39 introducing proposed Open Space and Recreation Zones

- b) Chapter 2 Definitions in relation to earthworks, signs, and open space and recreation related definitions
  - c) Chapter 6 Landscapes in relation to the purpose statement and assessment matters
  - d) Chapter 17 Airport Mixed Use in relation to signs provisions
  - e) Chapter 35 Temporary Activities and Relocated Buildings in relation to open space and recreation zones
  - f) Chapter 27 Subdivision and Development in relation to earthworks provisions, and open space and recreation zones
  - g) Chapter 36 Noise in relation to open space and recreation zones
  - h) Chapter 41 Jacks Point Zone in relation to earthworks provisions.
4. **Authorise** the Manager Planning Policy to make minor edits and changes to the chapters, maps and section 32 reports to improve clarity and correct errors;

and

To notify Stage 2 of the Queenstown Lakes District Council Proposed District Plan 2015 in accordance with clause 5 of the First Schedule of the Resource Management Act 1991 from 23 November 2017 for a period of 50 working days.

5. **Note** that the (Stage 2) Wakatipu Basin Variation, Visitor Accommodation Variation and Transport Chapter provisions will be considered for notification at the 26 October meeting of Full Council.

Prepared by:



Ian Bayliss  
Planning Policy Manager

18/09/2017

Reviewed and Authorised by:



Tony Avery  
General Manager, Planning and  
Development

18/09/2017

## Background

- 1 The Proposed District Plan (PDP) was notified on 26 August 2015 as a staged review, commencing with the areas most urgently requiring attention and delivering most immediate benefit contained in Stage 1.
- 2 Stage 1 of the review commenced with 30 key chapters including the residential, rural and commercial zones, designations and maps. Matters

raised in submissions have been considered at a series of 13 hearings the last of which is almost complete at the time of writing this report.

- 3 Recommendations from the Independent Hearings Panel on the Stage 1 provisions are expected in January/February of 2018, which will allow Council to issue decisions in the first quarter of 2018.
- 4 In the mean-time a number of changes have been made to the Operative District Plan (ODP) which have not been duplicated in the Proposed District Plan<sup>1</sup>. Council instead agreed on 29 September 2016, to separate the new plan conceptually and by geographic area into two volumes, which at the end of the staged review process will contain:
  - Volume A, the geographic areas that have been notified into the PDP, and District Wide chapters to cover these areas, including the strategic chapters and PDP definitions; and
  - Volume B, the ODP as it relates to geographic areas that are excluded from the partial review, and the operative district wide chapters to cover these areas, including ODP definitions.
- 5 The intent of this conceptual two-volume approach is to manage areas of land within the District that were subject to a plan change when the Proposed District Plan was notified in August 2015. As PDP provisions become operative, they will form part of Volume A of the district plan, at which point the equivalent provisions in Volume B will cease to apply for that land<sup>2</sup>.
- 6 In June 2017 Council agreed to complete the review in tranches in the sequence set out below:
  - a) Stage 2 (including transport, open space, earthworks, signs, Wakatipu Basin and visitor accommodation) notification in 3rd quarter 2017 (now November 2017) and hearings in 2nd quarter 2018 (now 3rd quarter 2018).
  - b) Stage 3 (including affordable and community housing, township zones, industrial zones and sites of significance to iwi) notification in 1st quarter 2019 and hearings in 3rd quarter 2019.
  - c) Stage 4 (including special zone provisions) notification in 2nd quarter 2019 and hearings in 4th quarter 2019.
- 7 The structure of the PDP splits into strategic umbrella chapters addressing strategic direction, urban development, landscape and tangata whenua, and then more specific urban (commercial and residential zones), rural, and resort zones. These provisions are supported by a number of district wide chapters, and maps. Attachment 1 details the proposed structure of the PDP.
- 8 Council have informally considered the substantive matters addressed in Stage 2 of the district plan review through a series workshops and elected member briefings have been held on the draft chapters and provisions. This paper brings these matters together for Council's final approval.

## Comment

### ***Consultation for Stage 2 of the PDP Review***

- 9 A communications plan has been prepared for this Stage 2 phase of the district plan review, which includes (but is not limited to) the following:
  - Direct mail out of the public notice and a detailed information brochure to all ratepayers in the district
  - Notify a public notice in local papers
  - Setting up a dedicated email address which will log all enquiries and responses
  - 10 week (50 working days) public submission period from 23 November 2017
  - 23 February 2018
  - 2 week (10 working day) further submission period in March-April
  - Facebook advertising including information videos and fact sheets (also available from the Council website and from Council service centres)
  - Notification emails to everyone on the District Plan database (includes around 600 submitters on Stage 1).
- 10 In addition to the above, members of the council policy team will (through a roster system) be available during the submission period to answer enquiries and provide information as well as attend meetings on request.
- 11 Statutory agencies (the Minister for the Environment, neighbouring district councils, the Otago Regional Council and Iwi Authorities) have all been consulted on these proposed changes, provided with information and offers have been made to meet and discuss the proposals further.
- 12 Any feedback received from statutory agencies after the close of the agenda item will be tabled on 28 September along with any changes that may result from this feedback.
- 13 The consultation and submission period for Stage 2 includes the provisions addressed in this report and the following new chapters and variations:
  - Chapter 24 Wakatipu Basin
  - Chapter 29 Transport
  - Visitor Accommodation (including variations to the Stage 1 Low Medium High Density Residential, and Large Lot Residential zone provisions).

- 14 These further parts of Stage 2 will be considered for notification at the 26 October meeting of Full Council and will be notified together in November 2017 with the three chapters addressed in this report.

### ***Proposed Provisions – Earthworks***

- 15 The Earthworks Chapter in the operative District Plan was reviewed relatively recently in 2014 (Plan Change 49) and made operative in July 2016. However, the existing earthworks chapter is considered lacking in terms of effective management of soil erosion, sediment generation and run-off from land use activities, in particular large scale subdivision and development activities. The Otago Region does not have a regional land and water plan and it is important for the Queenstown Lakes District Plan to appropriately manage activities that can generate sediment and cause run-off to waterbodies and properties as part of the Council's functions under section 31 of the Resource Management Act. The ODP earthworks provisions do not specifically address Outstanding Natural Features and Landscapes, Statutory Acknowledgment Areas, Tōpuni or Nohoanga and specific rules relating to earthworks in these areas are included in the new proposed earthworks chapter.
- 16 Earthworks are often a necessary component of land use and development but can have adverse effects on landscape, nature conservation values and amenity values in both rural and urban locations, and adverse effects on heritage and cultural values.
- 17 Earthworks can cause nuisance effects in the form of dust and vibration, which can be appropriately minimised through management during construction. Earthworks can also cause safety issues for people, property and infrastructure.
- 18 Soil erosion, sediment generation and run-off may result in adverse effects on surface water bodies and damage, or adverse effects on stormwater infrastructure. If not properly managed this may have significant adverse effects on water quality and flow and can damage ecosystems of flora and fauna within those water bodies. Damage to these environments can also lead to a loss of cultural values.
- 19 The proposed Earthworks Chapter (see **Attachment 2: Stage 2 Proposed District Plan Attachments Bundle i**) will assist the Council to fulfil its statutory functions and responsibilities through the following objectives, policies and rules:
- objectives to minimise the adverse effects on natural and physical resources, including infrastructure and cultural values
  - policies that address the variability of activities and potential adverse effects associated with earthworks
  - rules that provide limitations on the volume, area and location of earthworks to ensure the adverse effects of earthworks are managed

- exempting certain earthworks or providing for resource consent applications to be processed on a non-notified basis where there is sufficient certainty that those processes are appropriate relative to the activity.
- 20 New Stage 2 definitions are proposed for Cleanfill, Cleanfill Facility, Mineral Exploration and Mineral Prospecting.
- 21 The proposed Earthworks chapter will apply to all land notified into the PDP through Stages 1 and 2. The proposed Earthworks Chapter results in a consequential need to notify a variation to Stage 1 PDP provisions, located in the following Stage 1 chapters:
- Chapter 2 – Definitions, relating to Earthworks, Landfill and Mining
- Chapter 27 - Subdivision and Development
- Chapter 41 – Jacks Point Zone.
- 22 All of the new definitions and proposed variations are located within the Stage 2 Earthworks chapter set out in **Attachment 2.i** to this report.
- 23 The Operative Earthworks chapter has been used as a baseline for the proposed Stage 2 PDP Earthworks provisions and the key changes that are recommended are as follows:
- a) Introduction of limits to the permitted area of land that can be disturbed which will apply alongside the limits on permitted volumes of earthworks;
  - b) Rules specific to Outstanding Natural Features and Landscapes, Statutory Acknowledgement Areas, Tōpuni or Nohoanga;
  - c) Rules that reduce permitted clearance for sites over 1 ha where sites have a slope of over 10 degrees;
  - d) Amending the setback from earthworks from waterbodies from 7m to 10m; and
  - e) Development of a design guide for onsite environment management of construction and development to help encourage good on-site environmental management practices and compliance with the plan.
- 24 An evaluation report prepared under section 32 of the RMA accompanies the chapter (**see Attachment 2.i (a)**). This evaluation has helped determine the appropriateness of the objectives to achieve the purpose of the RMA in light of the issues. It identifies the following as key issues:
- Issue 1 – Earthworks and landscape, visual amenity and nature conservation values
- Issue 2 – Earthworks and people, safety and cultural values
- Issue 3 – Earthworks and soil erosion, sediment and generation of run-off

- 25 The section 32 evaluation report for this chapter (and all the section 32 reports mentioned here) consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. The proposed policies, rules and other methods are examined for their costs, benefits, efficiency, effectiveness and risk in terms of achieving the objectives, and a range of alternative approaches and methods are considered.

### ***Proposed Provisions – Signs***

- 26 Signs are a component of development throughout the district that provide information to the public and assist with creating a sustainable and vibrant community. Signs can also result in adverse effects on visual amenity, and traffic and pedestrian safety. Managing the number, type, location, appearance and design of signs ensures that adverse effects are minimised to assist with maintaining a quality environment.
- 27 This signs chapter seeks to manage the adverse effects of signs. It introduces a suite of objectives, policies and rules that enable signs and manages their adverse effects.
- 28 The proposed Signs chapter will apply to all land notified into the PDP through Stages 1 and 2.
- 29 The proposed Signs Chapter results in a consequential need to notify a variation to Stage 1 PDP provisions, located in the following Stage 1 chapters:
- Chapter 2 – Definitions
- Chapter 17 – Airport Mixed Use.
- 30 The Operative Signs Chapter 18 has been used as a baseline for the proposed Signs chapter (see **Attachment 2.ii**), and the key changes that are recommended, compared against the operative provisions, are as follows:
- a) Hoardings are a prohibited activity, rather than a non-complying activity;
  - b) Off-site signs have a new specific objective and associated policies;
  - c) Signs within the ground floor area of buildings within commercial zones are limited to a maximum sign area of 5m<sup>2</sup> per tenancy as a controlled activity;
  - d) Signs for temporary events will continue to be enabled, including a limited number of signs enabled outside the event site, with a specific objective and associated policies;
  - e) Signs within reserves are addressed through rules applying to the Open Space and Recreation Zones, with flexibility for signs for the purposes of reserves, and limited provision for signs directly associated with lawfully established commercial activities, and flexibility for signs associated with approved temporary events;

- f) Signs within and above roads (as defined in Chapter 2, Definitions) are addressed through a new rule permitting signs associated with a road network activity or public amenity, and a limited number of other sign types will be permitted, including signs for approved temporary events and filming, and electioneering signs;
  - g) Council Design Guidelines for Queenstown, Wanaka and Arrowtown Town Centres will be incorporated by reference within policies, as matters of control and within assessment matters;
  - h) The operability of the operative rules is improved through improvements to drafting, improvements to the interpretative diagrams, amendments to various signs definitions, and by introducing additional definitions to PDP Chapter 2 Definitions; and
  - i) The chapter structure is revised to be consistent with the structure and conventions established for the Stage 1 PDP chapters.
- 31 All of the new definitions and proposed variations are located within the Stage 2 Signs chapter set out in **Attachment 2.ii** to this report.
- 32 The evaluation report prepared under section 32 of the RMA accompanying the chapter (see **Attachment 2.ii (a)**) has helped determine the appropriateness of the objectives to achieve the purpose of the RMA in light of the issues. It identifies the following as key issues:
- Issue 1 - Hoardings
  - Issue 2 - Off-site signs
  - Issue 3 - Signs within the ground floor area of buildings within commercial zones
  - Issue 4 - Signs for temporary events
  - Issue 5 - Signs within reserves
  - Issue 6 - Signs within and above roads
  - Issue 7 - Referencing Council design guidelines
  - Issue 8 - Improving the operability of the operative rules and the definitions in PDP Chapter 2 Definitions
  - Issue 9 - Achieving consistency with other PDP chapters.
- 33 The section 32 evaluation report for this chapter considers the appropriateness of the proposed objectives. The proposed policies, rules and other methods are examined for their costs, benefits, efficiency, effectiveness and risk in terms of achieving the objectives and a range of alternative approaches and methods are considered.

### ***Proposed Provisions – Open Space and Recreation Zones***

- 34 Within Stage 1 of the Proposed District Plan, and also in the Operative District Plan, Council administered open space, parks and reserves in the District are generally zoned PDP Rural Zone/ ODP Rural General Zone (as is the case in



Queenstown and Wanaka town centres) or according to the adjacent and surrounding neighbourhood zones. All reserves are designated for a variety of related purposes under the Operative District Plan (including, but not limited to; Recreation Reserve, Cemetery Reserve, or Historic Reserve), which enables the Council to undertake works in accordance with those designations, and those designations have been rolled over into the PDP.

- 35 This approach creates issues for external organisations who cannot rely on the designations, and means that existing reserve users need to obtain sometimes difficult resource consents in accordance with the underlying zone. Proposed activities which provide for recreation are often incompatible with the underlying zoning. Due to the number of overlapping management tools and legislation that apply, the management, use and development of reserves in the District results in a complex framework for third parties.
- 36 The scope of the proposed Open Space and Recreation Zones chapter (see **Attachment 2.iii**) is to:
- a) Provide a framework of objectives, policies, zones and rules that support the provision of a network of open space and recreation facilities;
  - b) Manage use and development and provide for changing recreational needs;
  - c) Provide for the conservation and enhancement of the qualities of the natural environment, waterbodies and their margins; and
  - d) Protect open space values and enable appropriate activities and development.
- 37 The proposed Open Space and Recreation Zones chapter will apply to land notified with one of these zone types, on the Planning Maps in Stage 2. The majority of the land affected by these zones was notified in Stage 1 with a different zone type, and therefore the new zones are largely a variation to the Stage 1 planning maps. Some new land has also been notified with one of these zone types, in Stage 2.
- 38 The proposed Open Space and Recreation Zones chapter results in a consequential need to notify a variation to Stage 1 PDP provisions, located in the following Stage 1 chapters:
- Chapter 2 – Definitions
- Chapter 35 Temporary Activities and Relocated Buildings
- Chapter 27 Subdivision and Development
- Chapter 36 Noise.
- 39 The Stage 1 PDP Planning Maps are also varied, where the Open Space and Recreation Zones are notified over land that was previously notified in Stage 1 with a different zone type. All of the new definitions and proposed variations are

located within the Stage 2 Open Space and Recreation chapter set out in **Attachment 2.iii** to this report.

- 40 The evaluation report prepared under section 32 of the RMA accompanying the chapter (see **Attachment 2.iii (a)**) has helped determine the appropriateness of the objectives to achieve the purpose of the RMA in light of the issues. It identifies the following as key issues:

Issue 1 – Provision of an accessible network of open spaces and recreation/ community facilities;

Issue 2 – Protection of natural open space, waterbodies and their margins;

Issue 3 – Potential loss of character, quality and amenity of open space and recreation areas;

Issue 4 – Potential adverse effects of recreation activities; and

Issue 5 – A framework that provides certainty, efficiency, and for the effective management of open spaces and recreation areas, including commercial activities undertaken within these areas.

- 41 The section 32 evaluation report for this chapter considers the appropriateness of the proposed objectives. The proposed policies, rules and other methods are examined for their costs, benefits, efficiency, effectiveness and risk in terms of achieving the objectives and a range of alternative approaches and methods are considered.

### ***Legal effect of these decisions***

- 42 As the proposed provisions proceed through the review process from notification, to decisions on submissions, to resolution of any appeals, to being made operative, the legal effect of those provisions will change.

- 43 Following notification, an application for consent on land affected by the Stage 2 provisions, will need to be assessed considering all relevant Operative District Plan (ODP) provisions, and the Stage 1 and 2 PDP objectives policies and definitions can also be considered. If no submissions are made on a PDP rule, it must be treated as operative and any previous rules as inoperative after the close of submissions. For all rules except those in the following paragraph, the proposed Stage 1 and 2 rules will have legal effect when a decision on submissions relating to the rules is publically notified.

- 44 Under section 86B(3) of the RMA a number of the Stage 2 provisions will take immediate legal effect including all rules that do the following:

- a) protect or relate to water, air, or soil (for soil conservation); or
- b) protect areas of significant indigenous vegetation; or
- c) protect areas of significant habitats of indigenous fauna; or
- d) protect historic heritage.

- 45 Once the Stage 2 provisions are notified (November 2017), the submission period is 50 working days (10 weeks) concluding on 23 February 2017. Following this submission period, a summary of decisions requested is prepared by staff and public notice is given of the availability of this summary and a period of 10 working days then allows for further submissions to be made.
- 46 A detailed plan for hearing streams has not yet been confirmed and will depend on the number, extent and content of submissions. In broad terms however, hearings are programmed to occur in the second and third quarter (May – August) of 2018.

## Options

- 47 Option 1 Approve the PDP (Stage 2) for public notification

### *Advantages:*

- 48 Progresses the PDP, which addresses a number of fundamental shortcomings in the Operative District Plan.
- 49 Responds to statutory requirements of the Resource Management Act 1991. In particular, Section 79(1) requires local authorities to commence a review of provisions in its District Plan if the provisions have not been the subject of a review or change during the previous 10 years. Many of the provisions in the Operative District Plan have now been operative for more than 10 years. While no explicit specification exists as to timeframes for notification following commencement of a review, the requirement under section 21 to avoid unreasonable delay applies.

### *Disadvantages:*

- 50 None

Option 2 - Not proceed to approve Stage 2 of the PDP for notification (for example to enable more consultation or analysis to occur)

### *Advantages:*

- 51 Given the breadth of the issues addressed in Stage 2, and the number of potentially interested parties, it is considered unlikely that substantial material progress would result from further pre-notification consultation or discussions such that a delay would be warranted.
- 52 A large amount of analysis has been undertaken for Stage 2 which builds on the strategic chapters of Stage 1 of the plan review, for which extensive non-statutory consultation occurred prior to and after notification.
- 53 The public notification process allows for carefully considered and informed submissions to be made and addressed

*Disadvantages:*

- 54 Would unnecessarily delay progression of the PDP. Further, it would delay the introduction of parts of the PDP that are considered necessary to have a well-functioning and integrated PDP.
- 55 This report recommends **Option 1** for addressing the matter.

**Significance and Engagement**

- 56 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because the PDP impacts on a large number of residents and ratepayers and residents, some of whom may be specifically affected by the proposed provisions.

**Risk**

- 57 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection), as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because the District Plan, along with the 10 Year Plan and Asset Management Plans, is central to the current and future development needs of the community.
- 58 The recommended option considered above mitigates the risk by providing the necessary regulatory framework to provide for these needs.

**Financial Implications**

- 59 Costs associated with the recommended decisions are accounted for in operational budgets.

**Council Policies, Strategies and Bylaws**

- 60 A number of Council policies, strategies and bylaws have been considered in development of the PDP, including:
- Operative District Plan 1995
  - Parks and Open Space Strategy 2017
  - Reserve Management Plans (various)
  - Community Open Spaces and Community Facilities Asset Management Plans 2015-2030
  - Urban Design Strategy 2009
  - Economic Development Strategy 2015.

61 These policies and strategies are of varying age, currency and continued relevance, and are also referenced in the supporting s32 evaluation reports. This matter is included in the 10-Year Plan/Annual Plan.

### **Local Government Act 2002 Purpose Provisions**

62 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;
- 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**

63 The persons who are affected by, or interested in this matter are residents and ratepayers of the District, iwi, the Otago Regional Council, neighbouring district Council's and other statutory bodies.

64 The Council has consulted on draft versions of the Open Space and Recreation chapter with a number of specific parties and both the Earthworks and Signs chapters have fairly recently been reviewed as part of the ODP and have been through public submission and hearing processes (they were made operative in 2016 and 2015 respectively).

65 In addition, some statutory consultation has been undertaken with iwi / statutory bodies.

66 A range of views were expressed during consultation and these views have been taken into account when further developing the provisions. Additionally, it is noted that Council has a duty under both the Local Government and Resource Management Acts to consider the wellbeing of people and communities into the future (i.e. Council's decision making has a strong intergenerational component).

67 Public notification of the PDP provides people with the opportunity to make submissions, to be heard at hearings, and ultimately, if not satisfied with decisions, to appeal to the Environment Court.

### **Legal Considerations and Statutory Responsibilities**

68 Development of the PDP Stage 2 has occurred in accordance with the requirements of the RMA. Particular clauses of relevance include Sections 5-11, 31 and 32, 79 and Schedule 1.

69 The Local Government Act has also informed the review.

70 The process for notifying the PDP Stage 2 is stipulated by and will follow the procedures of the RMA.

### **Attachments [Presented separately]**

**Attachment 1. Structure of the Proposed District Plan**

**Attachment 2. Stage 2 Proposed District Plan Attachments Bundle**

QLDC Council  
28 September 2017

Report for Agenda Item: 3

Department: Planning & Development

Amendments to Resource Management Act 1991 Register of Delegations

Purpose

The purpose of this report is to amend the Resource Management Act 1991 (RMA) Register of Delegations following the Resource Legislation Amendment Act 2017 and to make other miscellaneous changes.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Amend** from 28 September 2017, the existing Resource Management Act delegations to Council officers and appointed Commissioners [as set out in **Attachment A**] and the General Rules for Delegations [as set out in **Attachment B**.]

Prepared by:



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6/09/2017

Reviewed and Authorised  
by:



Tony Avery  
General Manager,  
Planning & Development

15/09/2017

Background

- 1 The current Resource Management Act (RMA) delegations and the 'General Rules Applying to all Delegations' (**Attachment B**) were adopted by the newly elected Council at its first meeting on 15 December 2016. Further minor amendments to the RMA delegations were also adopted by Council on 23 June 2017.

## Comment

2 Changes to the Register of Delegations are necessary for a variety of reasons described below.

(a) Changes following the Resource Legislation Amendment Act 2017.

3 The Resource Legislation Amendment Act 2017 (RLAA 2017) received Royal Assent on 18 April 2017 and the new provisions come into force at varying times. The majority of the changes that require amendments to delegations come into force on 18 October 2017 (6 months after Royal Assent).

4 Many of the changes introduced through the RLAA 2017 are already captured under current delegations, for example Council already has delegations in place for making the notification decision on applications, and while the RLAA 2017 has amended that decision making process, the delegation is already covered under existing delegations for those sections of the RMA.

5 The general approach has been to keep the new delegations consistent with the existing delegations, so for example, when it comes to changes to the resource consent area, such as decision making around permitted boundary activities, these are proposed to be delegated down to Senior Planner consistent with our current level of decision making for resource consents.

6 All modifications shown in **Attachment A**. A reference number has been added to each change to show why the amendment is required as follows:

1 – Amendment required due to RLAA 2017

2 – Amendment required to correct table format issue

3 – Miscellaneous change to tidy up / corrections / omissions

Amendments Required due to RLAA 2017

7 The key changes that require a new delegation are with regard to:

a. Permitted boundary activities (new sections 87BA(2)(a) and (b). This is proposed to be delegated down to Senior Planner level, the same as decisions on resource consents.

b. Determining that an activity is a permitted activity where a non-compliance is marginal or temporary (section 87BB(1)(d). This is also proposed to be delegated down to the Senior Planner level, as some assessment is required as to whether activities are marginal or temporary, although the actual issuing of the notice is delegated right down to the Planning Officer level.

c. Making a direction to striking out a submission at or before a hearing (section 41D). This is proposed to be delegated to Hearings Commissioners. In the unlikely event this power is required when a



decision is made under section 100 (i.e. with no hearing), the power has also been delegated to the Resource Consent Manager.

- d. Delegations relating to the new processes introduced for amending RMA plans. These have generally been delegated down to the Planning Policy Manager level. The RLAA 2017 introduced the option of 'limited notification' for plan changes, a 'streamlined process' where the Minister makes the final decision, and a 'collaborative planning process' which encourages greater front end participation and deliberation. With regard to a request to the Minister for a streamlined planning process, this sits with Full Council (section 80C).

#### Amendments required to correct table format issue

- 8 It has become apparent since the 23 June 2017 agenda item that the table of delegations had formatting issues. Specifically some delegations had 'dropped down' into the following row of the table and were not visible. This agenda item makes three changes to the delegations to correct mistakes caused by the table format issues from last agenda item, specifically to three sections 37 and 41B and 41C where the delegations inadvertently 'dropped down' a line and were hidden in the document.

#### Corrections and other tidy ups

- 9 Other tidy ups are also included, for example no delegation is currently provided for 91A, 91B and 91C which relate to decision on whether to continue processing or return a notified application that has exceeded the 130 day lapse period. It is proposed this is delegated down to Senior Planner level. Other errors and tidy ups have also been included and are shown in track changes.

### **Options**

#### Option 1 – Adopt the amendments to the Register of Delegations

##### *Advantages:*

- 10 Will ensure staff have the appropriate delegation to make decisions following the RLAA coming into force and will tidy up other areas of the delegations.
- 11 Will ensure that decisions of the relevant staff members are not open to challenge on this matter.
- 12 Other changes will enable the efficient implementation of the Council's RMA functions.

##### *Disadvantages:*

- 13 No known disadvantages.

#### 14 Option 2 – Retain the Status Quo

##### *Advantages:*

15 None identified.

*Disadvantages:*

16 Would not enable staff to act under the new provisions of the RMA that come into force on 18 October 2017.

17 Would not tidy up errors and other issues with the current set of delegations.

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

***Significance and Engagement***

19 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it is a decision relating to the administration of Council affairs.

***Risk***

20 This matter related to the operational risk OR011 'Decision Making: Staff Delegations' as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because there are potential political, economic, technical and legal risks associated with the determination of resource consent applications.

21 The recommended option considered above mitigates the risk by:

Treating the risk - putting measures in place which directly impact the risk.

**Financial Implications**

22 There are no financial implications as a result of this proposal.

**Local Government Act 2002 Purpose Provisions**

23 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- 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**

24 No persons are considered to be affected or interested in this matter.

## **Legal Considerations and Statutory Responsibilities**

25 The proposed amendments to the existing delegations are in accordance with the powers delegated under the RMA.

### **Attachments**

- A Proposed amendments to the QLDC – Register of Delegations Resource Management Act 1991 dated 28 September 2017.
- B General Rules Applying to all Delegations

**ITEM 3:**

**Attachment A: Proposed Amendments to QLDC Register of Delegations**

**Resource Management Act 1991 (as of 28 September 2017)**

Key for 28 September 2017 agenda item (numbering shown in superscript after each change):

- 1 – Amendment required due to RLAA 2017
- 2 – Amendment required to correct table format issue
- 3 – Miscellaneous change to tidy up / corrections / omissions

Resource Management Act 1991		
Section	Description	Delegated to
10	Extension of existing use rights	Manager Planning Practice Manager Resource Consents
10A	Authority to allow certain existing activities (now made unlawful/not permitted) to continue while application for resource consent is pending	Manager Planning Practice Manager Resource Consents
10B	Authority to allow certain building work to continue where it has been subsequently made unlawful by a district plan	Manager Planning Practice Manager Resource Consents
32	Duty to meet requirements for preparing s 32 reports and evaluations.	Planning Policy Manager
<del>36(3)</del> <del>36(3A)</del> 36(5) 36(6)	Authority to make decisions about additional administrative charges  <u>To provide a fee estimate<sup>1</sup></u>	Manager Planning Practice Manager Resource Consents
<u>36AAB<sup>1</sup></u>	<u>Remit the whole or part of a charge<sup>1</sup></u>	Manager Planning Practice Manager Resource Consents
37	Power to extend time periods as provided in this section	Manager Planning Practice Manager Resource Consents <u>Hearings Commissioner(s)<sup>2</sup></u>

Resource Management Act 1991		
Section	Description	Delegated to
37A	Requirement to consider matters before extending a time limit.	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Hearings Commissioner(s)
39B	Selection of commissioners for specific hearings from pool of commissioners appointed by the Council.	General Manager, Planning and Development
41B 41C	Power to direct applicant to provide evidence before hearings; power to make directions about conduct of hearings	Manager Planning Practice Manager Resource Consents Planning Policy Manager <u>Hearings Commissioner(s)<sup>2</sup></u>
<u>41D<sup>1</sup></u>	<u>To make a direction striking out a submission before, at, or after a hearing<sup>1</sup></u>	<u>Hearing Commissioner(s)<sup>1</sup></u> <u>Manager Resource Consents<sup>1</sup></u>
42	Power to make directions <del>about hearings</del> <sup>3</sup> to protect sensitive information.	Hearing Commissioner(s) <u>Manager Resource Consents<sup>3</sup></u>
42A	Powers regarding the preparation, commissioning and provision of reports	Manager Planning Practice Manager Resource Consents Planning Policy Manager Team Leader, Resource Consents Senior Planner
44A	Power to amend plans to address national environmental standards	Planning Policy Manager
55(2)	Duty to amend plan or proposed plan if directed by national policy statement.	Planning Policy Manager
<u>58I(2)<sup>1</sup></u>	<u>Duty to amend the plan or proposed plan if directed by national planning standard<sup>1</sup></u>	<u>Planning Policy Manager<sup>1</sup></u>

Resource Management Act 1991		
Section	Description	Delegated to
<a href="#">58I(4)</a> <sup>1</sup>	<a href="#">To exercise the Council's powers under this section in relation to discretionary directions</a> <sup>1</sup>	<a href="#">Planning Policy Manager</a> <sup>1</sup>
<a href="#">80C</a> <sup>1</sup>	<a href="#">To decide to apply to the Minister to use the streamlined planning process.</a> <sup>1</sup>	<a href="#">Full Council</a> <sup>1</sup>
86D	Ability to apply to Environment Court for a rule to have legal effect.	General Manager, Planning and Development
<a href="#">87BA(2)(a)</a> <sup>1</sup>	<a href="#">To issue a written notice confirming that an activity is a permitted boundary activity</a> <sup>1</sup>	<a href="#">Manager, Planning Practice</a> <sup>1</sup> <a href="#">Manager, Resource Consents</a> <sup>1</sup> <a href="#">Team Leader, Resource Consents</a> <sup>1</sup> <a href="#">Senior Planner</a> <sup>1</sup>
<a href="#">87BA(2)(b)</a> <sup>1</sup>	<a href="#">To return an application for a boundary activity to the applicant if it is not a permitted activity, with written reasons.</a> <sup>1</sup>	<a href="#">Manager, Planning Practice</a> <sup>1</sup> <a href="#">Manager, Resource Consents</a> <sup>1</sup> <a href="#">Team Leader, Resource Consents</a> <sup>1</sup> <a href="#">Senior Planner</a> <sup>1</sup> <a href="#">Planner</a> <sup>1</sup> <a href="#">Planning Officer</a> <sup>1</sup>
<a href="#">87BB(1)(d)</a> <sup>1</sup>	<a href="#">To determine that an activity is a permitted activity where a non-compliance is marginal or temporary</a>	<a href="#">Manager, Planning Practice</a> <sup>1</sup> <a href="#">Manager, Resource Consents</a> <sup>1</sup> <a href="#">Team Leader, Resource Consents</a> <sup>1</sup> <a href="#">Senior Planner</a> <sup>1</sup>
<a href="#">87BB(2) and (3)</a> <sup>1</sup>	<a href="#">Provision of a permitted activity notice including reasons</a>	<a href="#">Manager, Planning Practice</a> <sup>1</sup> <a href="#">Manager, Resource Consents</a> <sup>1</sup> <a href="#">Team Leader, Resource Consents</a> <sup>1</sup> <a href="#">Senior Planner</a> <sup>1</sup> <a href="#">Planner</a> <sup>1</sup> <a href="#">Planning Officer</a> <sup>1</sup>
87E	Power to determine Council position on a request for direct referral (87E), prepare reports (87F) and provide information to Environment Court (87G).	87E: Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and

Resource Management Act 1991		
Section	Description	Delegated to
87F 87G		Deputy Chairperson of the Planning & Strategy Committee. 87F and 87G: GM Planning & Development
88	<del>Authority to receive consent applications and determine whether the information meets the minimum requirements of the Act.</del> <u>Making an application for resource consent<sup>1</sup></u>	General Manager Property and Infrastructure General Manager Planning and Development General Manager Corporate Services
88(1)	Authority to receive consent applications and determine whether the information meets the minimum requirements of the Act.	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Planner
88(3) & 3A	Power to determine an application is incomplete	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Planner
91	Power to determine not to proceed with a resource consent application on certain grounds	Manager Planning Practice Manager Resource Consents
<u>91A<sup>3</sup></u> <u>91B<sup>3</sup></u>	<u>Receipt of request for suspension of processing a notified application<sup>3</sup></u> <u>Duty to give written notice of when a suspension ceased<sup>3</sup></u>	<u>Senior Planner<sup>3</sup></u> <u>Planner<sup>3</sup></u> <u>Planning Support<sup>3</sup></u>



Resource Management Act 1991		
Section	Description	Delegated to
<a href="#">91C<sup>3</sup></a>	<a href="#">Decision on whether to return or continue to process the application<sup>3</sup></a>	<a href="#">Senior Planner<sup>3</sup></a>
92 92A <a href="#">23<sup>3</sup></a>	Authority to request further information to be provided, or to commission a report	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Planner
95 <a href="#">95A-95G<sup>1</sup></a> <a href="#">95B<sup>1</sup></a> <a href="#">95C<sup>1</sup></a> <a href="#">95D<sup>1</sup></a>	Requirement to comply with time limit on notification. Authority to determine whether the adverse effects on the environment of an application will be minor. Requirement for notification or limited notification of the application where applicable.	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Planner <a href="#">Hearings Commissioner<sup>2</sup></a>
95E	Duty to determine which persons may be adversely affected by an application and to serve notice of the application on them if required.	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Planner
99	Power to call pre-hearing meetings and invite or require parties to attend and the duty to prepare a report of the meeting.	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents

Resource Management Act 1991		
Section	Description	Delegated to
99A	Power to refer parties who have made a resource consent application or submissions on the application to mediation	Manager Planning Practice <a href="#">Manager Resource Consents<sup>3</sup></a> Team Leader, Resource Consents
100	Authority to determine whether a hearing should be held in respect of any application for a resource consent	Manager Planning Practice Manager Resource Consents
101	Authority to decide when and where a hearing is to be held within the constraints of section 37	Manager Planning Practice Manager Resource Consents
102	Authority to determine issues concerning joint considerations by two or more consent applications in relation to the same proposal.	Manager Planning Practice Manager Resource Consents
103	Authority to determine issues concerning two or more consent authorities.	Manager Planning Practice Manager Resource Consents
104	Duty to take matters into consideration and to exclude other matters when considering an application	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Planner Hearings Commissioner(s)
104A 104B	Power to determine resource consent applications and impose conditions	Manager Planning Practice Manager Resource Consents

Resource Management Act 1991		
Section	Description	Delegated to
104C 104D 105 106	Power to decline subdivision consent	Team Leader, Resource Consents Senior Planner Hearings Commissioner(s) Adonica Giborees (July – December 2017 only)
108 108A <u>108AA<sup>1</sup></u>	Power to impose conditions on resource consent. Power to impose a bond as one of the conditions. <u>Requirements for conditions of resource consents<sup>1</sup></u>	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Hearings Commissioner(s) Adonica Giborees (July – December 2017 only)
108 108A	Power to execute documents to register a bond (whether cash or by registered guarantee) or covenant together with all ancillary administrative tasks	Manager Planning Practice Manager Resource Consents Team Leader, Subdivision and Property Team Leader, Resource Consents Senior Planner Hearings Commissioner(s) Adonica Giborees (July – December 2017 only)

Resource Management Act 1991		
Section	Description	Delegated to
109	Conditions relating to bonds; power to enter on to land to ensure work for which bond is given is being completed.	Manager Planning Practice Manager Resource Consents Team Leader, Subdivision and Property Team Leader, Resource Consents Senior Planner Planner Hearings Commissioner(s)
109	Power to execute documents to discharge, cancel or vary bonds (in part or whole), together with all ancillary administrative tasks including certification and online registration of certificates as authorised officer.  Power to register a land charge (or remove a land charge) on the land for costs of performing works where costs exceed funds secured.	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner
110	Power to refund financial contribution to consent holder where consent has lapsed.	Manager Planning Practice Manager Resource Consents
113	Recording reasons for decisions on resource consent applications in writing.	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
114	Authority to serve consent applicant and submitters with notice of the decision on an application	Team Leader, Resource Consents Planning Support

Resource Management Act 1991		
Section	Description	Delegated to
116	Authority to consent to commencement of consent which is subject to Environment Court appeal	Manager Planning Practice
120	Authority to lodge appeal on Council's behalf in Environment Court	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee
124(2)	Power to allow a consent holder to continue to operate while applicant is seeking a new resource consent	Manager Planning Practice Manager Resource Consents
125	Power to grant extension of period after which a consent will lapse	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
126	Power to cancel a resource consent by written notice	Manager Planning Practice Manager Resource Consents
127	Power to change or cancel conditions imposed on a resource consent	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
128 129	Power to review a resource consent and to give notice of review.	Manager Planning Practice Manager Resource Consents

Resource Management Act 1991		
Section	Description	Delegated to
132	Power to change the conditions of a resource consent on a review under s128, or to cancel resource consent	Manager Planning Practice Manager Resource Consents Hearings Commissioner(s)
133A	Power to make minor changes or corrections to resource consent (within 20 working days of grant).	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner
138	Authority to issue a notice of acceptance of surrender of consent	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner
139 139A	Authority to issue certificate of compliance, other powers and existing use certificates.	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner
149B	Duty of local authority to provide EPA with all related information to a matter (where the Minister has called in a matter and the local authority has been served with a direction under s149A).	General Manager, Planning and Development
149E	Power to make a submission on behalf of Council on a matter of national importance.  Duty to prepare	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee

Resource Management Act 1991		
Section	Description	Delegated to
149G	Duty to prepare a report commissioned by the EPA.	General Manager, Planning and Development
149Q	Authority to receive report from EPA and to make comments on it.	General Manager, Planning and Development
149T	Power to give notice on Council's behalf under s274 of matter referred directly to the Environment Court.	General Manager, Planning and Development
149V	Power to lodge appeal to the High Court on question of law on Council's behalf.	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee
149ZD	Power to recover costs incurred by the Council from the applicant.	General Manager, Planning and Development
<del>149V 149ZD</del>	<del>a report commissioned by the EPA.<sup>3</sup> Authority to receive report from EPA and to make comments on it.<sup>3</sup> Power to give notice on Council's behalf under s274 of matter referred directly to the Environment Court.<sup>3</sup> Power to lodge appeal to the High Court on question of law on Council's behalf.<sup>3</sup> Power to recover costs incurred by the Council from the applicant.<sup>3</sup></del>	<del>Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning &amp; Strategy Committee 149G, 149Q, 149T: General Manager, Planning and Development<sup>3</sup>  149V: Planning &amp; Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning &amp; Strategy Committee<sup>3</sup></del>
149W(2) (a) and (4)	Power to implement decision of Board or Court about proposed plan or change or variation.	General Manager, Planning and Development

Resource Management Act 1991		
Section	Description	Delegated to
168 168A	Duty to receive notice of requirement	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner
168A	Authority to lodge notice of requirement on behalf of Council	Chief Executive Officer General Manager Planning and Development General Manager Property and Infrastructure
168A	Power to determine whether to publicly notify Council's notice of requirement for a designation	Hearings Commissioner(s) Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents
168A	Power to make decision on Council's notice of requirement for a designation	Manager Planning Practice Manager Resource Consents Manager Planning Policy Team Leader, Resource Consents Hearings Commissioner(s)
169	Power to request further information and determine whether to publicly notify notice of requirement for a designation	Manager Planning Practice Manager Resource Consents Manager Planning Policy Team Leader, Resource Consents Senior Planner



Resource Management Act 1991		
Section	Description	Delegated to
171	Power to consider and make recommendations on requirements for a designation	Manager Planning Practice Manager Resource Consents Manager Planning Policy Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
173	Power to give notice of requiring authority's decision on designation	Team Leader, Planning Support Planning Support
174	Power to appeal to Environment Court against requiring authority's decision on designation	General Manager, Planning and Development
175	Authority to include a designation in district plan	Policy Planning Manager
176	Power to give written consent in relation to land subject to Council designation  NOTE: (this is where Council has designated the land, and another party seeks to undertake an activity within Council's designation)	General Manager Property and Infrastructure General Manager Planning and Development Parks and Reserves Planning Manager
176A	Power to lodge an outline plan  Power to request changes & to waive requirement for an outline plan	General Manager Property and Infrastructure Parks and Reserves Planning Manager Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner ( <i>to request changes or waive requirement only</i> ) <u>Hearings Commissioner(s)</u> <sup>3</sup>

Resource Management Act 1991		
Section	Description	Delegated to
181	Power to receive application for alterations to designations	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner
	Power to determine applications for alteration of designations	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
182	Authority to receive withdrawals of designations, <u>decide whether to accept them<sup>3</sup></u> and to amend the District Plan accordingly	Planning Policy Manager
184	Power to extend designation which has not been given effect to	Planning Policy Manager
189	Duty to receive notice of requirement for heritage order	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner
189A	Authority to lodge notice of requirement for a heritage order on behalf of Council	General Manager, Planning and Development
189A	Power to determine whether to publicly notify Council's notice of requirement for a heritage order	Hearings Commissioner(s)
189A	Power to make decision on Council's notice of requirement for a heritage order	Hearings Commissioner(s)
190	Power to request further information and determine notification of notice of requirement for heritage order	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner

Resource Management Act 1991		
Section	Description	Delegated to
191	Power to make recommendations on notice of requirement for heritage order	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
193	Authority to give written consent in relation to land protected by Council's heritage order	General Manager, Planning and Development
195	Power to appeal to Environment Court against heritage protection authority's decisions under sections 193 or 194	General Manager, Planning and Development
195A	Power to receive application for alterations to heritage order  Power to determine applications for alteration of heritage order	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Hearings Commissioner(s)
<u>195B(5)<sup>1</sup></u>	<u>To make a written objection or submission to the Minister on the Minister's proposal to transfer responsibility for an existing heritage order to another heritage protection authority.<sup>1</sup></u>	<u>Manager Planning Policy<sup>1</sup></u> <u>Manager Planning Practice<sup>1</sup></u> <u>Manager Resource Consents<sup>1</sup></u>
<u>195C</u>	<u>To amend the district plan by noting a transfer of responsibility for a heritage order.</u>	<u>Manager Planning Policy<sup>1</sup></u>

Resource Management Act 1991		
Section	Description	Delegated to
196	Power to receive withdrawals of heritage orders and to amend the District Plan accordingly	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Policy Planning Manager
220	Power to impose conditions on subdivision consents	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Team Leader, Subdivision and Property Hearings Commissioner(s) Adonica Giborees (July – December 2017 only)
220(1)(a) and(2)(b)	Authority to undertake registration of certificates as authorised officer	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Team Leader, Subdivision and Property
221(2)	Authority to issue and sign a consent notice	Manager Planning Practice <a href="#">Manager Resource Management Engineering<sup>3</sup></a> Team Leader, Subdivision and Property

Resource Management Act 1991		
Section	Description	Delegated to
221(3)	Authority to vary or cancel a condition specified in a consent notice	Manager Planning Practice Manager Resource Consents Team Leader, Resource Consents Senior Planner Team Leader, Subdivision and Property Supervisor Hearings Commissioner(s) Adonica Giborees (July – December 2017 only)
221(5)	Authority to execute, as authorized person instrument(s) creating, varying, cancelling or recording expiry of consent notice	Manager Planning Practice Team Leader, Subdivision and Property
222	Powers related to the issues of completion certificates enabling the deposit of survey plan	Manager Planning Practice Team Leader, Subdivision and Property
223	Powers related to approval of survey plan as authorised officer	Manager Planning Practice Team Leader, Subdivision and Property
224 (c), (f)	Authority to certify compliance of survey plan as authorised officer (includes circumstances where a bond is registered)  Authority to issue certificate of approval as authorised officer, and all ancillary tasks including the execution of documents for consent notices, bonds and completion certificates.	Manager Planning Practice Team Leader, Subdivision and Property

Resource Management Act 1991		
Section	Description	Delegated to
226(1)(e)	<p>Authority to certify any plans of subdivision or copy thereof, which has not had a previous statutory approval.</p> <p>Authority to issue a certificate for cancellation of an amalgamation condition</p> <p>Authority to confirm compliance with relevant district plan rules.</p> <p>Authority to execute all documents (as authorised officer) for registration</p>	<p>Manager Planning Practice Team Leader, Subdivision and Property</p>
234	Power to vary or cancel esplanade strips on application	<p>Manager Planning Practice Team Leader, Subdivision and Property <b>NOTE:</b> Decisions will be considered on a case-by-case basis and will be escalated to full Council where appropriate.</p>
235	Power to agree on Council's behalf to creation of esplanade strip	<p>Manager Planning Practice Team Leader, Subdivision and Property <b>NOTE:</b> Decisions will be considered on a case-by-case basis and will be escalated to full Council where appropriate.</p>
237	Power to approve a survey plan where esplanade reserves or strips are required	<p>Manager Planning Practice Team Leader, Subdivision and Property</p>
237B	Power to acquire an easement for access strip	<p>Manager Planning Practice Team Leader, Subdivision and Property</p>
237C	Authority to close access strips and give notice of closure	Manager Planning Practice

Resource Management Act 1991		
Section	Description	Delegated to
		Team Leader, Subdivision and Property
237D	Authority to agree to transfer of access strip to Crown or regional council	Manager Planning Practice Team Leader, Subdivision and Property
237H	Authority to object to compensation valuation determination	Manager Planning Practice Team Leader, Subdivision and Property
239	Authority to certify survey plans subject to specified interests and undertake online registration of certificates as authorised officer.	Manager Planning Practice Team Leader, Subdivision and Property
240	Authority to cancel an existing amalgamation condition (in whole or part) and undertake online de-registration of certificates as authorised officer	Manager Planning Practice Team Leader, Subdivision and Property
240(3) and (4)	Authority to certify survey plans subject to an amalgamation covenant against transfer of allotments and execute as authorised officer all documents (includes online de-registration of certificates).	Manager Planning Practice Team Leader, Subdivision and Property
241(1) and (3)	Authority to deal with amalgamation conditions and undertake online registration of certificates as authorised officer.  Authority to issue a certificate for cancellation of an amalgamation condition and execute all necessary documents (including online deregistration of certificates) as authorised officer.	Manager Planning Practice Team Leader, Subdivision and Property  Manager Planning Practice Team Leader, Subdivision and Property Hearings Commissioner(s)
243	Authority to deal with survey plans subject to grant or reservation of easements and undertake online registration of certificates as authorised officer, (includes variation and cancellation of easement instruments).	Manager Planning Practice Team Leader, Subdivision and Property

Resource Management Act 1991		
Section	Description	Delegated to
245	Authority to approve survey plan of reclamation	Manager Planning Practice Team Leader Subdivision and Property
<a href="#"><u>267</u></a> <sup>1</sup>	<a href="#"><u>To participate in a conference and make decisions on behalf of the Council</u></a> <sup>1</sup>	<a href="#"><u>Manager Planning Practice</u></a> <sup>1</sup> <a href="#"><u>Manager Planning Policy</u></a> <sup>1</sup> <a href="#"><u>Manager Resource Consents</u></a> <sup>1</sup>
<a href="#"><u>268A</u></a> <sup>1</sup>	<a href="#"><u>To participate in a mandatory alternative dispute resolution process and make decisions on behalf of Council</u></a> <sup>1</sup>	<a href="#"><u>Manager Planning Practice</u></a> <sup>1</sup> <a href="#"><u>Manager Planning Policy</u></a> <sup>1</sup> <a href="#"><u>Manager Resource Consents</u></a> <sup>1</sup>
269 – 291	Authority to determine and direct Council involvement in Environment Court proceedings	Manager Planning Practice Planning Policy Manager
292	Authority to seek that Environment Court remedy defect in plan	Planning Policy Manager
294	Authority to seek that Environment Court review a decision or rehear proceedings	General Manager, Planning and Development
299 - 308	Authority to determine and direct Council involvement in High Court and Appeal proceedings	General Manager, Planning and Development
311 312	Authority to initiate declaration proceedings and take other necessary steps	General Manager, Planning and Development
314 - 321	Authority to initiate enforcement order and interim enforcement order and take other necessary steps	Chief Financial Officer Regulatory Manager
325	Authority to consent to a stay of abatement notice	Regulatory Manager
325A	Power to cancel abatement notice	Regulatory Manager



Resource Management Act 1991		
Section	Description	Delegated to
330	Power to take preventative or remedial action in emergency circumstances	General Manager, Property and Infrastructure
331	Power to seek reimbursement of Council's costs for emergency works	General Manager, Property and Infrastructure
336	Duty to return property seized under warrant or otherwise dispose of property if not claimed	Principal Enforcement Officer
338	Authority to commence prosecution for breach of the Act	Chief Financial Officer Regulatory Manager
357D <a href="#">357CA</a> <sup>1</sup>	Powers <sup>1</sup> to consider and determine objections	Hearings Commissioner
Sch 1 Cl 3, 3B	Duty to consult on proposed plan, including consultation with local iwi	Planning Policy Manager
Sch 1 Cl 3C	Authority to determine whether consultation has already occurred under other enactments	Planning Policy Manager
Sch 1 Cl 4	Duty to invite requiring authorities by written request on designations in proposed plans.	Planning Policy Manager
Sch 1 Cl 5	Authority to prepare s32 report and publicly notify proposed plan	Planning Policy Manager – but subject to authority of Planning & Strategy Committee Planning

Resource Management Act 1991		
Section	Description	Delegated to
Sch 1 CI 6(2) and 6A(3) <sup>1</sup>	Authority to make submissions on Council's behalf	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee.
Sch 1 CI 7	Duty to give public notice of submissions on proposed plan	Planning Policy Manager
Sch 1 CI 8, 8A	Authority to make further submissions on Council's behalf	General Manager, Planning and Development
Sch 1 CI 8AA	Authority to invite submitters to meetings or refer matters to mediation	Planning Policy Manager
Sch 1 CI 8B	Duty to give notice of hearings	District Plan Administrator
Sch 1 CI 8C	Authority to determine whether hearing is required	Planning Policy Manager
Sch 1 CI 8D	Authority to withdraw proposed plan	General Manager, Planning and Development
Sch 1 CI 9	Power to hear and make recommendations and decisions on requirements	Hearings Commissioner(s)
Sch 1 CI 10	Power to hear and make recommendations on provisions and matters raised in submissions	Hearings Commissioner(s)

Resource Management Act 1991		
Section	Description	Delegated to
Sch 1 CI 11	Duty to give notice of decisions	District Plan Administrator
Sch 1 CI 14	Authority to lodge appeal with Environment Court	General Manager, Planning and Development
Sch 1 CI 16(1)	Duty to amend proposed plan if directed by Court	Planning Policy Manager
Sch 1 CI 16(2)	Authority to amend proposed plan to correct minor errors	Planning Policy Manager
Sch 1 CI 16A(2) <sup>1</sup>	Authority to initiate variation to proposed plan	General Manager, Planning and Development
Sch 1 CI 20	Duty to give notice of plan becoming operative	Planning Policy Manager
Sch 1 CI 20A	Authority to amend operative plan to correct minor errors	Planning Policy Manager
Sch 1 CI 21	Authority to request change to regional plan or regional policy statement	General Manager, Planning and Development
Sch 1 CI 23	Power to seek further information relating to private plan change requests	Planning Policy Manager Senior Policy Planner Policy Planner Hearings Commissioner(s)
Sch 1 CI 24	Power to modify plan change request	General Manager, Planning and Development

Resource Management Act 1991		
Section	Description	Delegated to
Sch 1 Cl 25	Power to determine how to proceed with plan change request, including power to reject request	General Manager, Planning and Development, subject to authority of Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee.
Sch 1 Cl 26	Authority to prepare and notify plan change request	Planning Policy Manager
Sch 1 Cl 28	Power to withdraw plan change request	Planning & Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning & Strategy Committee.
Sch 1 Cl 29(4)	Power to hear and make recommendations on plan change request	Hearings Commissioner(s)
Sch 1 Cl 29(2) and (5)	Duty to send submissions to person who made plan change request and serve copy of its decision	District Plan Administrator
Sch 1 Cl 29(9)	Power to vary plan change request	Planning Policy Manager
Sch 1 Cl 32	Authority to certify material incorporated by reference	Planning Policy Manager
Sch 1 Cl 34	Duty to consult on incorporation of material by reference	Planning Policy Manager
Sch 1 Cl 35	Duty to make information available and give public notice regarding material incorporated by reference	District Plan Administrator

Resource Management Act 1991		
Section	Description	Delegated to
<a href="#">Sch 1 Cl 42</a> <sup>1</sup>	<a href="#">To agree to a notice of requirement proceeding through the collaborative process and to nominate a representative for the collaborative groups</a> <sup>1</sup>	<a href="#">Planning Policy Manager</a> <sup>1</sup>
<a href="#">Sch 1 Cl 43(5)</a> <sup>1</sup>	<a href="#">To approve the Commissioning of a report</a> <sup>1</sup>	<a href="#">Planning Policy Manager</a> <sup>1</sup>
<a href="#">Sch 1 Cl 50(1)</a> <sup>1</sup>	<a href="#">To make submissions on Council's behalf</a> <sup>1</sup>	<a href="#">General Manager, Planning and Development, subject to authority of Planning &amp; Strategy Committee or if insufficient time, a group of Councillors comprising the Mayor, Chairperson and Deputy Chairperson of the Planning &amp; Strategy Committee</a> <sup>1</sup>
<a href="#">Sch 1 Cl 51</a>	<a href="#">To prepare a report under this clause</a> <sup>1</sup>	<a href="#">Senior Policy Planner</a> <sup>1</sup>
MISCELLANEOUS		
Alternative dispute resolution	Authority to enter into and participate in mediation for appeals under the Resource Management Act 1991 and to reach a mediated agreement within guidelines and parameters set by the Appeals Subcommittee.	Manager, Planning Practice Manager Resource Consents Team Leader, Resource Consents
Senior Planner	For the period of July 2017 to December 2017 only, all functions, powers and duties delegated to the role of Senior Planner shall also apply to Adonica Giborees	Adonica Giborees

## **Attachment B: General Rules Applying to All Delegations**

# **Queenstown Lakes District Council Delegations**

## **General rules applying to all delegations**

**13 January 2014**

1. A responsibility, duty or power delegated to an officer holding a named position or level of authority is also delegated to all officers in a direct line of authority above that officer.
2. A responsibility, duty or power delegated to an officer holding a named position is also delegated to any officer who performs or exercises the same or a substantially similar role or function, whatever the name of his or her position.
3. An officer who is delegated a responsibility, duty or power is also delegated any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
4. Where the description of a delegated legislative function is ambiguous or appears to conflict with the wording of the legislation, the wording of the legislation will prevail.
5. Where a delegation refers to repealed legislation, the reference is to be read as a reference to the legislation that, with or without modification, replaces or corresponds to the repealed legislation.
6. Responsibilities, duties or powers delegated to officers by the Chief Executive may not be sub-delegated. Nor may responsibilities, duties or powers delegated to officers (including the Chief Executive) by the Council under the Resource Management Act 1991 or the Local Government (Rating) Act 2002 be sub-delegated.
7. Unless specifically time-limited, a delegation continues in force until revoked, altered or varied by the delegator or the Council.
8. When an officer is exercising a delegation in an acting capacity, this should be expressly stated.
9. An officer must comply with any conditions (such as financial limits and reporting or other procedural requirements) relevant to the exercise of a delegated authority, and should also comply where required with all applicable Council policies.
10. The following matters cannot be delegated to an officer:

- 
- (a) the following powers:
    - (i) the power to make a rate;
    - (ii) the power to make a bylaw;
    - (iii) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
    - (iv) the power to adopt a long-term plan, annual plan, or annual report; or
    - (v) the power to appoint a chief executive;
  - (b) the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement; and
  - (c) any matter not permitted to be delegated by any other Act (for example the approval of a policy statement or plan under the Resource Management Act 1991 or the granting of special exemptions under s.6 of the Fencing of Swimming Pools Act 1987); and
  - (d) any matter that can only be given effect to by a Council resolution.

Note: The conferring of delegated authority means that the officer may exercise the responsibility, duty or power, but not that he or she should do so (either at all, or in a particular case). Whether or not it is appropriate for an officer to exercise a delegated authority which they have will depend on their job description and instructions in particular circumstances etc. Further, where a delegated responsibility, duty or power may be exercised by an officer in more than one department, those officers will be under the direction of the appropriate departmental managers who will work to minimise any potential conflicts in the exercise of that responsibility, power or duty.



**QLDC Council  
28 September 2017**

**Report for Agenda Item: 4**

**Department: Planning & Development**

**Amendments to the fees and charges schedule used for resource consents, building consents, resource management engineering and other matters**

**Purpose**

To update the fees and charges schedules following the Resource Law Amendment Act 2017 and to adjust the Resource Management Engineers hourly charge out rate.

**Recommendation**

That Council:

1. **Note** the contents of this report and in particular the Statement of Proposal and proposed changes to the fees and charges schedule used for resource consents, building consents, resource management engineering and other matters;
2. **Adopt** the Statement of Proposal including amendments to the fee schedules used for resource consents, building consents, resource management engineering and other matters [contained in **Attachment A**] as part of a special consultative procedure; and
3. **Appoint** the Planning and Strategy Committee to hear the submissions and report back to full Council.

Prepared by:



Blair Devlin  
Manager, Planning Practice  
8/09/2017

Reviewed and Authorised by:



Tony Avery  
General Manager, Planning &  
Development

**Background**

- 1 Section 36 of the Resource Management Act (RMA) enables the Queenstown Lakes District Council to set fees and charges payable by applicants for resource consent, by holders of resource consents, and for other matters set out in section 36 that relate to the Council's administration of its functions under the RMA.

- 2 Section 150 of the Local Government Act allows a local authority to prescribe fees or charges payable for a certificate, approval, permit or consent from, or inspection by, the local authority in respect of a matter set out in a bylaw or any other enactment.
- 3 Following the Resource Law Amendment Act 2017 (RLAA 2017), officers consider that Council needs to amend the present fees and charges, which were last reviewed as part of the 2017/18 Annual Plan. The Council is proposing to amend its fees schedule to reflect the changes brought about by the RLAA 2017 and the increases in cost of securing engineers and engineering services in the Queenstown Lakes District.

### **Comment**

- 4 The Resource Law Amendment Act 2017 (RLAA 2017) introduces some new matters that Council can recover its reasonable costs of performing. The key changes are:
  - a. New section “87BA Boundary activities approved by neighbours on infringed boundaries are permitted activities.” This section established a new class of permitted activity, where when in a residential zone a side yard or height plane breach is permitted, if the affected neighbour provides affected party approval. A person can make an application to the Council. It is proposed to charge a fixed fee of \$320 for the processing and issuing of these notices. These applications should be relatively straight forward so the fee is based on processing time of the planner with a brief review by a Senior Planner, plus the administration fee for setting up and recording the application in the system.
  - b. New section “87BB Activities meeting certain requirements are permitted activities.” This section provides the discretion for a consent authority to make marginal or temporary breaches a permitted activity. For example a temporary breach of a noise standard. It is proposed to charge an initial fee of \$390 for these activities. An initial fee is required as there is assessment of environmental effects, and effects on people, under these provisions. The initial fee is based on an assessment of the required processing planner time, a review by a Senior Planner plus an administration fee for setting up the application in the system.
  - c. New sub-section 36(1)(af) where a person making an objection under section 357A(1)(f) or (g) (relating to decisions on resource consents) can request an independent commissioner. The cost of using an independent commissioner can then be recovered. It is proposed that the cost of the hearings commissioners be recovered at their hourly rate for the time spent considering the objection.
- 5 Due to increases in cost of securing engineers and engineering services in the Queenstown Lakes District the hourly rate for RM Engineering services is proposed to increase from \$165 to \$185 (\$160.86 ex GST). This is to ensure that ratepayers are not burdened with increased costs due to recognised national and local shortages in engineers driving up the cost of engineering related services.

- 6 **Attachment A** is the Statement of Proposal and sets out the proposed changes to the fee schedule that covers Resource Consent and Engineering Fees and Other Charges.
- 7 Section 36(3) of the RMA does require the use of a special consultative procedure to amend the Council's fees and charges. The documents required to undertake the special consultative procedure are attached.

### **Options**

- 8 Option 1 – Do not amend the current fee schedule

#### *Advantages:*

- 9 Does not increase costs to the industry
- 10 Retains the fees structure that many are familiar with
- 11 Does not require a separate Special Consultative Procedure as no change is proposed

#### *Disadvantages:*

- 12 Council could not recover its reasonable costs for dealing with boundary activity notices and deemed permitted temporary and marginal consents.
- 13 Will not cover the reasonable costs of providing engineering comment.
- 14 Would not assist in meeting the revenue targets or achieve the funding policy for the Planning and Development activities as contained in the draft 2017/18 annual plan.

- 15 Option 2 – Amend the fee schedule as Shown in **Attachment A**

#### *Advantages:*

- 16 Would recover the reasonable costs of providing the services required by the RLAA 2017.
- 17 Will cover the reasonable costs of providing engineering comment.
- 18 Will assist Council in meeting its budgets.

#### *Disadvantages:*

- 19 New costs to the applicants in some areas (although these are typically less than a normal resource consent process).
- 20 This report recommends **Option 2** for addressing the matter because it will improve the administration of regulatory functions.

### *Significance and Engagement*

21 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because it affects every user of the regulatory services performed by Planning & Development.

***Risk***

22 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)', as documented in the Council's risk register. The risk is classed as moderate.

23 This matter relates to this risk because the regulatory process around environmental management is central to the current and future development needs of the community. Amending the fee schedule works towards mitigating the risk identified above by treating the risk.

**Financial Implications**

24 The proposed amendments will ensure Council recovers its reasonable costs for performing the services listed.

**Council Policies, Strategies and Bylaws**

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

- Annual Plan 2016/17

26 The recommended option is consistent with the principles set out in the named policy as the changes are generally considered to be fine tuning / amendments to the existing fee schedule.

**Local Government Act 2002 Purpose Provisions**

27 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 refining and improving the existing fee schedule.
- 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**

28 The proposed changes will be subject to a special consultative procedure process.

**Attachments**

A Statement of Proposal including Appendix A, proposed amendments to Fee Schedules



**PROPOSED AMENDMENTS TO THE  
RESOURCE CONSENT, ENGINEERING FEES  
AND OTHERS CHARGES SCHEDULE**

**STATEMENT OF PROPOSAL**

**11 September 2017**

## 1. INTRODUCTION

- 1 Section 36 of the Resource Management Act (RMA) enables the Queenstown Lakes District Council (the Council; 'QLDC') to set fees and charges payable by applicants for resource consent, by holders of resource consents, and for other matters set out in section 36 that relate to the Council's administration of its functions under the RMA.
- 2 Section 150 of the Local Government Act allows a local authority to prescribe fees or charges payable for a certificate, approval, permit or consent from, or inspection by, the local authority in respect of a matter set out in a bylaw or any other enactment.
- 3 Following the Resource Act 2017 (RLAA 2017) the Council has undertaken a review of the present fees and charges, which were last reviewed as part of the 2017/18 Annual Plan. The Council is proposing to amend its fees schedule to reflect the changes brought about by the RLAA 2017.
- 4 Where the proposal includes a new fee, consideration has been given to new section 36AAA(2) and (3) of the RLAA 2017 which state:

*(2) The sole purpose of a charge is to recover the reasonable costs incurred by the local authority in respect of the activity to which the charge relates.*

*(3) A particular person or particular persons should be required to pay a charge only—*

*(a) to the extent that the benefit of the local authority's actions to which the charge relates is obtained by those persons as distinct from the community of the local authority as a whole; or*

*(b) where the need for the local authority's actions to which the charge relates results from the actions of those persons; or*

*(c) in a case where the charge is in respect of the local authority's monitoring functions under section 35(2)(a) (which relates to monitoring the state of the whole or part of the environment),—*

*(i) to the extent that the monitoring relates to the likely effects on the environment of those persons' activities; or*

*(ii) to the extent that the likely benefit to those persons of the monitoring exceeds the likely benefit of the monitoring to the community of the local authority as a whole.*

- 5 This Statement of Proposal has been prepared in accordance with the requirements of sections 83 of the LGA.

## 2. PROPOSAL

- 6 It is proposed to make a small number of amendments to the fee schedule as shown in **Attachment A**. Key changes are described below:
  - a. New section "87BA Boundary activities approved by neighbours on infringed boundaries are permitted activities." This section establishes a new class of permitted activity, where in a residential zone a side yard or height plane breach is permitted, if the affected neighbour provides affected party approval. A person can make an application to the Council.

It is proposed to charge a fixed fee of \$320 for the processing and issuing of these notices.

- b. New section “87BB Activities meeting certain requirements are permitted activities.” This section provides the discretion for a consent authority to make marginal or temporary breaches a permitted activity. For example a temporary breach of a noise standard. It is proposed to charge an initial fee of \$390 for these activities. An initial fee is required as there is assessment of environmental effects, and effect son people, under these provisions.
- c. New sub-section 36(1)(af) where a person making an objection under section 357A(1)(f) or (g) (relating to decisions on resource consents) can request an independent commissioner. The cost of using an independent commissioner can then be recovered. It is proposed that the cost of the hearings commissioners be recovered at their hourly rate for the time spent.
- d. Due to increases in cost of securing engineers and engineering services in the Queenstown Lakes district the hourly rate for RM Engineering services is proposed to increase from \$165 to \$185 (\$160.86 ex GST). This is to ensure that ratepayers are not burdened with increased costs due to recognised national and local shortages in engineers driving up the cost of engineering related services.

### **3. REASON FOR PROPOSAL**

- 7 The changes are primarily the result of the RLAA 2017 which has introduced new provisions and types of applications. Council is seeking to recover the reasonable costs it incurs in respect of the activity to which the charge relates.
- 8 With regard to the increase in the hourly rate for resource management engineers, Council is seeking to recover the reasonable costs it incurs in respect of the activity to which the charge relates. It has proven necessary to outsource the processing of engineering comments, and the hourly rate as it currently stands is not adequate to cover the reasonable cost of providing the service, either internally or externally.

### **4. OPTIONS CONSIDERED**

- 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 – Do not amend the current fee schedule

Advantages:

- Does not increase costs to the industry
- Retains the fees structure that many are familiar with

- Does not require a separate Special Consultative Procedure as no change is proposed

Disadvantages:

- Does not address the costs associated with new provisions of the RLAA 2017.
- Council could not recover its reasonable costs for dealing with boundary activity notices and deemed permitted temporary and marginal consents.
- Will not cover the reasonable costs of providing engineering comment.
- Would not assist in meeting the revenue targets or achieve the funding policy for the Planning and Development activities as contained in the draft 2016/17 annual plan and may result in a funding deficit for the year

11 Option 2 – Amend the fee schedule as shown in **Appendix A**

Advantages:

- Would recover the reasonable costs of providing the services required by the RLAA 2017.
- Will cover the reasonable costs of providing engineering comment
- Will assist Council in meeting its budgets.

Disadvantages:

- New costs to applicants for the new activity classes (although these are typically less than a normal resource consent process).
- Increase in hourly rate of Resource Management Engineering comment will result in increased costs of providing engineering comment.

12 The Council resolved to consult on **Option 2** as its preferred option for addressing the matter.

## 5. TIMETABLE FOR CONSULTATION

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

- a. The draft Statement of Proposal and agenda items goes to Council – 28 September 2017.
- b. Advertisement in Otago Daily Times, Southland Times, The Mirror and Wanaka Sun stating that submissions open on Wednesday 4 October 2017 and **close on Wednesday 8 November 2017**.
- c. Submissions heard (if any) between 13 November 2017 and 24 November 2017 by the Planning & Strategy Committee (to be confirmed).



- d. Council considers outcome of consultation process and goes to Council for consideration / adoption at next available Full Council meeting (likely 14 December 2017).

14 The proposed fees and charges come into effect subject to the above.

## 6. INSPECTION OF DOCUMENTS AND OBTAINING COPIES

15 Copies of this Statement of Proposal and the proposed fees and charges schedules 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; or
- c. the Council website – [www.qldc.govt.nz](http://www.qldc.govt.nz)

## 7. RIGHT TO MAKE A SUBMISSION AND BE HEARD

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

17 The Council would prefer that all parties intending to make a submission:

- a. go to the Queenstown Lakes District Council website: [www.qldc.govt.nz](http://www.qldc.govt.nz) or email [feesandcharges@qldc.govt.nz](mailto:feesandcharges@qldc.govt.nz)
- b. post their submission to: Planning & Development, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.

18 Submissions must be received by **Wednesday 8 November 2017**. The Council will then convene a hearing, at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.

19 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.

20 Every submission made to the Council will be acknowledged in accordance with the LGA 2002, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

21 Section 82 of the LGA 2002 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.

## 8. MAKING AN EFFECTIVE SUBMISSION

22 Written submissions can take any form (e.g. email, letter). An effective submission references the particular aspect of the proposed initial fees and other charges you wish to submit on, states why the initial fee or charge is

supported or not supported and states what change to the proposed initial fee or charge is sought.

- 23 Submissions on matters outside the scope of the proposed initial fees and charges cannot be considered by the Hearings Panel.

Mike Theelen  
CHIEF EXECUTIVE

**Appendix A** – Proposed Amendments to the ‘Resource Consent and Engineering Fees and Other Charges’ fee schedule



### **Resource Consent and Engineering Fees and Other Charges – from 1 July 2017**

Charges for processing resource consents, private plan changes and undertaking related activities have been set by the Queenstown Lakes District Council in accordance with section 36(1) of the Resource Management Act 1991 (RMA) and section 150 of the Local Government Act. Council has fixed a formula for charges as provided by section 36(1). The charges are comprised of an administrative fee of \$225.00, plus an amount calculated as the reasonable time spent processing the application by the staff involved at the hourly rates scheduled below. The initial fees and charges are set out below. All Land Use applications include a \$215 monitoring fee.

In accordance with section 36(3) of the RMA, the applicant is also required to pay an additional charge to cover the actual and reasonable cost of items such as printing, advertising, postage, additional reports and commissioners that may be required in the processing of their application.

At the time of lodging an application the applicant is required to pay the applicable initial fee set out below. They will then be invoiced monthly for other amounts payable under the fixed formula and for any additional charges payable under section 36(3).

Applications will not be received and processing will not continue while charges remain unpaid or overdue.

The following schedule of initial fees and charges is effective from 1<sup>st</sup> July 2017.

- All charges and initial fees are inclusive of GST and are payable on application.
- The initial fees are minimum charges based on the expected reasonable costs relative to the work. Further costs will be invoiced on a time basis and are payable before further work is completed.
- The use of [hearings commissioner and](#) external consultants where required will be charged on a full recovery basis [according to their hourly rate](#). Disbursements will be charged on a full recovery basis.

<b>HOURLY RATES</b>	<b>\$</b>
Senior Planner	165.00
Planner	145.00
Monitoring / Compliance	145.00
Development Contributions Officer	145.00
Engineering	<del>165</del> 185.00
Environmental Health	125.00
Administration Support	90.00

<b>INFRASTRUCTURE AND PARKS</b>	<b>\$</b>
Senior Infrastructure Engineer	165.00
Infrastructure Engineer/ Logistics	145.00
Infrastructure Other	145.00
Parks & Reserves Senior Planner / Planning Manager	165.00
Parks & Reserves Planner / Officer	145.00



<b>MONITORING (Initial Fees)</b>	<b>\$</b>
Compliance inspections	hourly rate
<b>ADMINISTRATIVE CHARGE (Fixed fee)</b>	<b>\$</b>
Administrative charge per consent	225.00
Administrative charge per pre-application request	90.00
<b>PRE-APPLICATION MEETINGS (Initial Fees)</b>	<b>\$</b>
Pre-Application Meeting including preparation - first hour free, after which at the applicable hourly rate.	hourly rate
<b>LAND USE CONSENTS (Initial fees unless otherwise stated)</b>	
<u>Boundary activity notice (fixed fee)</u>	<u>320.00</u>
<u>Marginal and temporary non-compliance notice</u>	<u>390.00</u>
Breach of site standard other than earthworks (all zones except Town Centre, Business and Industrial)	1045.00
Breach of site standard other than earthworks, Town Centre, Business and Industrial zones	1240.00
Breach of zone standard (all zones except Town Centre, Business and Industrial)	1,515.00
Breach of zone standard Town Centre, Business and Industrial zones	2165.00
Comprehensive residential development Low Density Residential zone	5,865.00
Controlled Activity	1,195.00
Design control minor (e.g. building in Town Centre, Business or Industrial zones or dwelling in any special zone)	1,195.00
Design control other (e.g. dwelling in Rural Residential zone or dwelling on a platform in Rural Lifestyle zone)	1,495.00
Earthworks minor (e.g. single dwelling or similar)	1,240.00
Earthworks other	3,340.00
Establish residential building platform in Rural General	4,065.00
Extensions or alterations to existing Rural General dwelling	1,515.00
Heritage Orders	2,165.00
Minor alterations to heritage building	730.00
New Rural General dwelling not on building platform	4065.00
Non-residential activity in residential or special zones	3,415.00
Signs	855.00
Visitor accommodation 1-2 units Low Density Residential zone	1,240.00
Visitor accommodation multi-units Low Density Residential zone	6,615.00
Visitor accommodation 1-2 units High Density Residential zone	855.00



Visitor accommodation or residential multi-units High Density Residential zone	5340.00
Other applications	1,240.00

<b>SUBDIVISION CONSENTS (Initial fees)</b>	<b>\$</b>
Amalgamation Certificate - fixed fee	102.00
Boundary adjustment	1,025.00
Controlled activity up to two lots	1,300.00
Controlled activity more than two lots	1,950.00
Engineering Review & Acceptances, Inspections and Road Naming	412.50
Other subdivision (e.g. Rural Residential, Rural Lifestyle)	3,200.00
Rural General subdivision	3,850.00
Registered Bond / release of Registered Bond (each)	102.00
Cancellation of amalgamation conditions (s241)	1025.00
Section 223 Certificate	140.00
Section 224(c) Certificate	250.00
Signing and Sealing other plan or certificate	102.00

#### **MULTIPLE ACTIVITIES**

*Where an application includes both land-use and subdivision activities or multiple activities, only the higher or highest relevant charge is payable*

<b>OTHER APPLICATIONS / PROCESSES (Initial Fees)</b>	
Notice of Requirement for a Designation	3,850.00
Alteration of Designation	640.00
Removal of Designation or Heritage Order	195.00
Certificate of Compliance	640.00
Existing Use Certificate	640.00
Extension of lapse period of a resource consent	640.00
Outline Plan Approval Section 176A	640.00
Outline Plan Waivers Section 176A(2)(c)	300.00
Surrender of consent	195.00



Trees e.g. <i>trimming or removal of protected or heritage tree</i>	195.00
Residential Arrowtown Historic Management zone (with supporting Arboriculturist's report)	
Variation to resource consent conditions	640.00
Private plan change	10,000.00
<a href="#">Section 357</a>	

<b>LOCAL GOVERNMENT ACT CHARGES (Initial Fees)</b>		
Section 348 Right of Way certificate		512.00
Development Contribution Assessment and Estimates		hourly rate
Traffic Management Plans		125.00
Licence to Occupy		600.00
Temporary Road Closures		500.00
Corridor Access (Road Opening Permits)	< 20 m	185.00
	20-100 m	375.00
	100-500 m	560.00
	500-2000 m	750.00
	> 2000 m	1,875.00
Engineering Connection to Council Services (one connection)		280.00
Engineering Connection to Council Services (for each additional connection)		120.00
<b>OTHER APPLICATIONS / PROCESSES (Fixed Fees)</b>		
Urban Design Panel (prior to lodging resource consent)		250.00
Urban Design Panel (post lodging resource consent)		500.00

<b><a href="#">OBJECTIONS UNDER SECTION 357A(1)(f) OR (g) REQUESTED TO BE HEARD BY AN INDEPENDENT COMMISSIONER (initial fees)</a></b>	
<a href="#">Requested Commissioner consideration of objections under section 357A(1)(f) or (g)</a>	<a href="#">hourly rate</a>

<b>NOTIFIED AND LIMITED NOTIFIED APPLICATIONS (Initial Fees)</b>		
<b>Limited Notification / Service (Section 95B)</b>		
The charges fixed by council under section 36(1) include the following extra charge if limited notification of an application is required. The extra limited notification charge is also payable at the time of lodgement. However, where the need for notification / service is not apparent at the time of lodgement, the extra \$1,300 is payable as soon as it becomes apparent that limited notification is required.		1,300.00
<b>Notified Applications (Section 95A or 95C) (Initial Fees)</b>		4,500.00
The charges fixed by council under section 36(1) include the following extra charge if full notification of a resource consent or designation is required. The extra notification charge is payable at the time of lodgement or as soon as it becomes apparent that notification is required and is to proceed. Public notification will not occur before payment is made.		

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<b>INITIAL CHARGES FOR HEARINGS (Initial Fees)</b>		
Where a hearing is required the applicant is liable to pay the costs for Commissioners attending hearings, undertaking site inspections and writing decisions as well as the cost of attendance of professional and secretarial staff.	Half Day	6,000.00
	Full Day	11,000.00
Prior to a hearing date being confirmed, an estimate of the hearing time (including site visit) will be made and the applicant will be required to pay the appropriate hearing initial fee. If the cost of the hearing and decision writing exceeds the hearing initial fee, the additional amounts will be invoiced. If actual charges are less than the initial fee, a refund will be issued.	Each additional day	9,700.00



**QLDC Council  
28 September 2017**

**Report for Agenda Item: 5**

**Department: Planning & Development**

**Proposed District Plan Decision – Chapter 43 Millbrook Resort Zone**

**Purpose**


The purpose of this report is to provide the report and recommendation of independent commissioners regarding the provisions and matters raised in submissions for Chapter 43 of the Proposed District Plan and to seek ratification as a Council decision. This report seeks a resolution from Council to notify the decision on the Millbrook Resort Zone alone in accordance with the First Schedule of the Resource Management Act 1991.

**Recommendation**

That Council:

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

Prepared by:



Ian Bayliss  
Planning Policy Manager

7/09/2017

Reviewed and Authorised by:



Tony Avery  
General Manager Planning  
and Development

15/09/2017

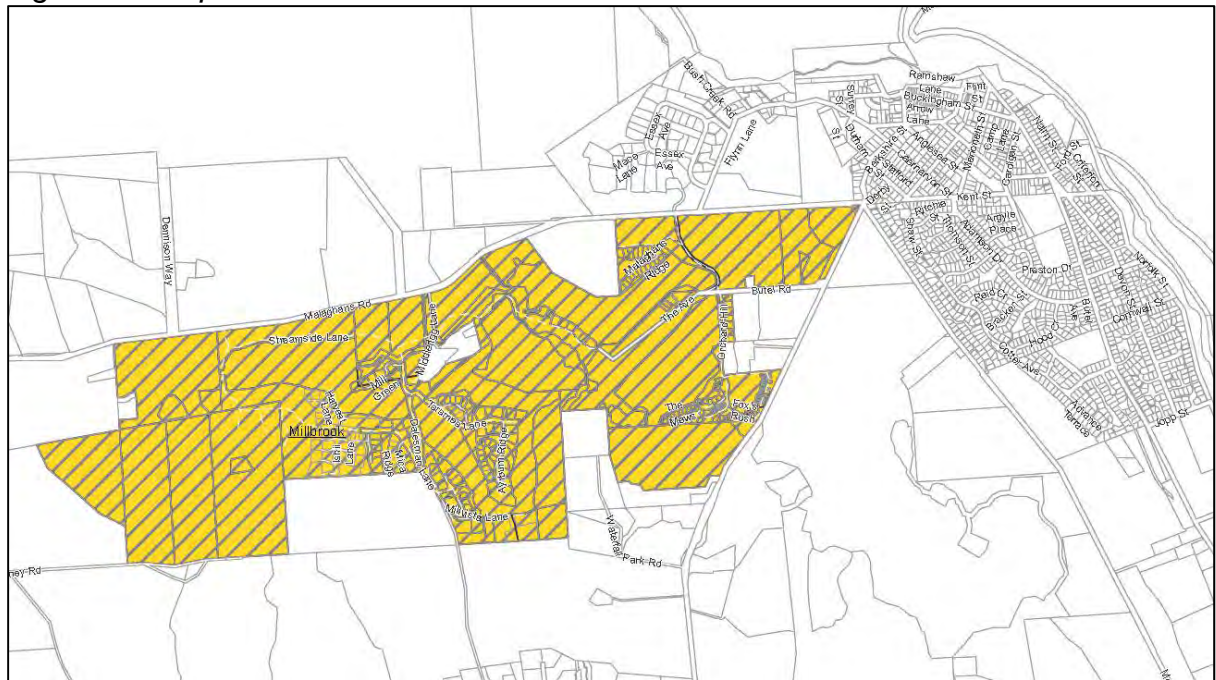
**Background**

**Proposed District Plan Chapter 43 Millbrook Resort Zone**

- 1 Chapter 43 Millbrook Resort Zone is one of three resort zones notified with Stage 1 of the Proposed District Plan (PDP) in August 2015.
- 2 The zone is located on a series of sites between Malaghans Road and Arrowtown - Lake Hayes Road and provides for a visitor resort including recreational activities (including golf), commercial activities, a helipad, residential and visitor accommodation together with support facilities and services. The zone provides for development enclaves located in landscaped grounds, design controls, and a structure plan requiring an integrated approach to development.

- 3 The recommended chapter extends the resort zone over the neighbouring 66 hectare block referred to as the 'Dagleish Farm' and provides for 27 holes of golf and an overall residential development capacity of 450 dwellings over around 5% of the Millbrook Resort Zone.
- 4 The structure plan contains a series of overlays that address landscape amenity, height restrictions, earthworks, and the arrangement of plantings and residential sites. Its eight different activity areas include:
  - Village Activity Area
  - Golf / Open Space Activity Area
  - Residential Activity Area
  - Recreational Facilities Activity Area
  - Landscape Protection Areas
  - Resort Services Area
  - Helicopter Landing and Takeoff Activity Area.

*Figure 1: Chapter 43 Millbrook Resort Zone*



## **Comment**

### ***Early Release of Decisions***

- 5 The Council and Independent Hearings Panel (the Panel) are approaching the release of decisions on the PDP on the basis that the inter-related nature of the PDP text notified in Stage 1 and the zonings applied means that decisions of the Council should be made at one time. However, in the case of Chapter 43, the application of the Millbrook Resort Zone involves a set of matters on which the participants at the Resort Zone hearings were agreed by the end of the hearings. Also, the Millbrook Resort Zone is largely self-contained in the context of the notified Stage 1 provisions of the PDP.

- 6 The recommendation of the Panel is that the public interest will be better served by releasing recommendations and decisions on the zone provisions and the application of the zone at this stage. This will allow consenting in the Dalgleish portion of the zone to proceed with the benefit of the revised Millbrook Resort Zone provisions.

***Effect of these decisions***

- 7 A decision from Council to adopt the recommendations of the Panel as a decision will bring the Millbrook Resort Zone rules into legal effect. For those undertaking activities in the Millbrook Resort Zone (including the Dalgleish portion of the Resort Zone), when the PDP Millbrook Resort Zone rules have legal effect they will both benefit from and need to comply with the rules, or seek consent to breach or infringe them.
- 8 Consent will also need to be obtained under any relevant rule in the Operative District Plan (the ODP). Practically, if a decision is made on the Millbrook Resort Zone chapter in advance of other Stage 1 chapters, it will be the first chapter to sit within 'Volume A' of the District Plan. Until the rest of the Stage 1 PDP provisions are made operative, the ODP provisions will continue to apply and the Millbrook Resort Zone chapter should be applied as though it forms part of the ODP.

***Summary of Recommendations***

- 9 The Panel recommendation is that the provisions of Chapter 43, incorporating the Panel's recommended amendments, will best enable the council to carry out its functions under the Act in respect of the land to which the zone applies. They consequently recommend that an amended Chapter 43 be adopted and be shown on the planning maps.
- 10 They also recommend that the council initiate a variation to insert matters of discretion into Rule 43.5.2 in order to help with the assessment of proposals infringing the setbacks rule. It is important to note that the recommendations of this report do not equate to a decision to make this variation. That decision will need to be made at the relevant time along with a number of other 'fixes' to the PDP.
- 11 The reasons are set out in the "Report and Recommendations of Independent Commissioners Regarding Chapter 43 – Millbrook" (Attachment 1) and in summary address the following:
- updating and modifying the structure plan amending the layout of activity areas, modifying requirements for mounding and planting for visual screening and ecological restoration, restrictions on building locations, specific height controls, restricting the number of dwellings within activity areas, and modifying setbacks in residential areas.
  - accepting the extension of the Millbrook Resort Zone over Dalgleish Farm.
  - a range of controls on development in the Landscape Protection Area was the best approach.
  - landscaping should be required to be completed and certified by the Council prior to residential or golf course development.

- prohibited activity status was unnecessary for mining, panel beating, spray painting, motor vehicle repair and forestry and non-complying activity was preferred.
- the 8m height limit in R13 is appropriate
- the density in R17 and R13 should be capped at 7 and 10 units respectively.

- 12 The Panel rejected all of the submissions in opposition to the Millbrook Resort Zone and its extension and accepted or accepted in part all of the submissions supporting it. The Panel made no recommendations on submissions opposing the extension of the Millbrook Resort Zone over the Dalgleish Farm area unless other land was also rezoned as part of the Millbrook Resort Zone or as a Rural Lifestyle Zone on the basis that they have been transferred for hearing under the Hearing Stream dealing with mapping issues in the Wakatipu Basin.
- 13 The Panel noted that proposed Rule 43.5.1, which addresses infringements of the setbacks requirement, does not specify assessment matters, which is contrary to the RMA. The Panel recommends that due to the lack of scope to address this matter, that the Council should initiate a variation to insert matters of discretion into Rule 43.5.2.

### Options

- 14 Option 1 - Accept the Commission's recommendation to adopt the recommendations of the Panel on Chapter 43 as set out in Attachment 2 and Attachment 3 as a decision.

#### *Advantages:*

- 15 This component of the PDP has been through a thorough process of consultation, public notification, submissions, evaluation of costs and benefits under section 32 and consideration against the relevant legal tests set out in the RMA.
- 16 Experienced Commissioners had the benefit of submissions and further submissions including professional assistance from submitter representatives as well as assistance from council officer's, technical experts and legal counsel. The Panel have arrived at their recommended decision based on well-informed consideration.
- 17 The submissions and hearing process gave people the opportunity to either support or oppose the proposal and be heard in relation to their submissions over several days.
- 18 Adopting the recommendations will bring the rules of the proposed Millbrook Resort Zone into legal effect and move the zone towards being made operative

#### *Disadvantages:*

- 19 None. Council appointed the Panel to hear and make recommendations on the notified provisions and matters raised by the submissions received.

- 20 Should the Council reach a view that aspects of the recommendations are incorrect, inappropriate, or in other ways contrary to sound resource management, Council could undertake a variation to the PDP.
- 21 If an appeal against this decision is made that raises similar concerns the Council could align its position with that appeal.
- 22 As the Council made a corporate submission to the PDP which addresses the Millbrook Resort Zone it could (in theory) appeal the decision in its corporate capacity however this is likely to be problematic as the Council will also be the respondent to such an appeal.
- 23 Option 2 - Reject the Panel's recommendation and rehear submissions on this aspect of the PDP.

*Advantages:*

- 24 Would allow Council to appoint new Commissioners onto the panel to re-hear submissions on aspects of the decision it was unhappy with.

*Disadvantages:*

- 25 Council have not heard the evidence presented at the hearing or read the submissions. All submitters' submissions, Council officer recommendations and the evidence will need to be re-heard at another hearing.
- 26 To change the recommendations without undertaking the hearing process again would not demonstrate fairness or natural justice to those who have inputted into the process, and submitters entered the process in good faith.
- 27 Additional Council, applicant and submitter resources will be required to rehear this aspect of the PDP.
- 28 This report recommends **Option 1** for addressing the matter.

***Significance and Engagement***

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

***Risk***

- 30 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 class//d as moderate.
- 31 The recommended option considered above mitigates the risk by adopting the decision of the panel who heard all the evidence before them and made a decision based upon that evidence.

### **Financial Implications**

32 There is no budget or cost implications resulting from the decision. Council Policies, Strategies and Bylaws

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

- Operative District Plan
- Proposed District Plan

34 The recommended option is consistent with the principles set out in the named policies.

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

### **Local Government Act 2002 Purpose Provisions**

36 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 making the decision in a timely fashion;
- 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**

37 The persons who are affected by or interested in this matter are the submitters visitors to and residents within the resort and the wider Arrowtown and Wakatipu Basin community. Submissions from these parties were considered by the appointed Panel.

### **Legal Considerations and Statutory Responsibilities**

38 The process for dealing with plan changes is set out in the First Schedule of the Resource Management Act.

### **Attachments [Presented separately]**

- A. Report and Recommendations of Independent Commissioners Regarding Chapter 43 – Millbrook Resort Zone.
- B. Recommended Chapter 43, including Structure Plan and Planning Map 26.
- C. List of submitters, and whether the submissions are accepted, accepted in part or rejected
- D. List of submissions and related further submissions transferred to Wakatipu Basin Mapping Hearing Stream
- E. Proposed District Plan Map 26 - Speargrass Flat, Millbrook

**QLDC Council  
28 September 2017**

**Report for Agenda Item: 6**

**Department: Finance & Regulatory**

**Temporary Alcohol Ban on 2-3 December 2017**

**Purpose**

The purpose of this report is to recommend that the Council adopt a temporary alcohol ban to apply in specified areas within Queenstown on the weekend of 2 and 3 December 2017.

**Executive Summary**

- 1 The police have requested that the Council adopt a 48 hour temporary alcohol ban to apply to specified areas in Queenstown on the weekend which includes 'National Crate Day': 2 - 3 December 2017. The ban is sought to prevent a repeat of high levels of disorder in Queenstown that occurred during the same weekend last year as a part of the 2016 Crate Day event. The disorder included the congregation of large crowd of intoxicated young people during the day in the Village Green. This group engaged in foul language, littering, and caused members of the public to complain about feeling unsafe.
- 2 The increasing popularity of the Crate Day event has resulted in the police having to arrange for extra police staff and resources to be relocated to Queenstown from throughout the Otago region to maintain order during this weekend. There is an increased concern this year as the event also coincides with the 'Nines Carnival' rugby league tournament, which will take place 200 metres from the Village Green.
- 3 The Council has the power to impose a temporary alcohol ban under clause 6 of the Alcohol Ban Bylaw 2014 if satisfied that the statutory criteria in s147B of the Local Government Act 2002 are met. For the reasons outlined in this report, Council staff consider that the statutory criteria is satisfied, and the proposed 48 hour temporary ban is an appropriate and proportionate response to the risk of disorder posed by this event, and it is not an unreasonable limitation of individual rights and liberties.

**Recommendation**

That Council:

1. **Note** the contents of this report and the recommendation that the Council adopt a temporary alcohol ban on the weekend of 2 and 3 December 2017;
2. **Adopt** pursuant to clause 6 of the Alcohol Control Bylaw 2014 a temporary alcohol ban to apply between 12am Saturday 2 December

2017 until 12am Monday 4 December 2017 within the highlighted area in Attachment C of this report.

3. **Approve** the public notification of this decision by publication in Otago Daily Times, Southland Times, Mirror and Wanaka Sun.
4. **Authorise** the Council's General Manager of Finance and Regulatory to arrange for staff to install appropriate signage in conspicuous locations in or adjacent to the geographical area to be subject to the temporary alcohol ban prior to the weekend of 2-3 December 2017.

Prepared by:



Lee Webster  
Manager, Regulatory

15/09/2017

Reviewed and Authorised by:



Stewart Burns  
General Manager: Finance &  
Regulatory

15/09/2017

## Background

- 1 The police have approached the Council and requested that a temporary 48 hour alcohol ban is imposed in Queenstown for the weekend of 2-3 December 2017. The temporary alcohol ban is proposed to prevent the consumption of alcohol in public places during the upcoming 'National Crate Day' event, an unofficial event where participants consume a crate of beer during the first weekend of summer. The 'National Crate Day' event has been going for a number of years, but since 2015 the police have noticed a significant uplift in the numbers of people congregating in public places in the district to consume large amounts of alcohol. This has caused significant issues of disorder and placed a strain on police resources.
- 2 During the 2016 Crate Day, a group of young people began drinking alcohol in the Queenstown Village Green from mid-morning. By early afternoon the entire reserve was occupied with a large crowd drinking large quantities of alcohol, with crates of beer kept chilled in Horne Creek. Police describe the crowd as initially good natured, but during the afternoon police became concerned with escalating disorder in the area, including:
  - a. Participants engaging in foul language and deteriorating behaviour to the point where police had serious concerns that violence would occur.
  - b. Police responded to a number of disorderly incidents with interventions such as issuing warnings and using de-escalation techniques. The police say that they exercised restraint on this occasion and decided not to make arrests because of concerns that a strict application of the law to disorderly incidents might inflame the intoxicated crowd and lead to a wider disturbance.



- c. Several members of the public approached the police during the day and expressed concerns that they felt unsafe due to the behaviour and language of the Crate Day participants.
- 3 After the 2016 Crate Day event, Council staff observed a significant amount of alcohol related litter (crates, bottles, etc) left in the Village Green area. Photographs of the litter are contained in **Attachment B**.
  - 4 Police consider that there is a significant risk of a repeat or escalation of the disorder observed during the 2016 'Crate Day'. As a result of these concerns, extra police staff and resources have been commissioned from Invercargill and throughout the Otago region for 2-3 December 2017. Police officers based in Queenstown have also been re-rostered for this weekend to ensure there is sufficient capacity to deal with potentially large numbers of intoxicated persons occupying the town centre.
  - 5 This year 'National Crate Day' coincides with a popular rugby league tournament, the 'Nines Carnival', which will also be held near the Queenstown town centre at the Memorial Rugby Grounds. This location is approximately 200 metres from the Village Green. Police have concerns that some of those attending the 'Nines Carnival' will use the event as an opportunity to both watch the rugby league and consume alcohol in public as part of 'National Crate Day'. The police assess the likelihood of alcohol related harm, including increased disorder and crime, from this combination of events to be high.

## Comment

### *Scope of temporary ban*

- 6 The Alcohol Ban Bylaw 2014 (**Alcohol Bylaw**) (**Attachment A**) currently prohibits the consumption and possession of alcohol in the following specified public places between 10pm and 8am every day:
  - a. the foreshore of Lake Wakatipu from One Mile Roundabout to Park Street including the Queenstown Gardens; and
  - b. the area from the foreshore to an outer boundary formed by and including Lake Esplanade, Lake Street, Man Street, Memorial Street, Stanley Street, Coronation Drive, Park Street to the Lake Wakatipu foreshore area directly adjacent to Queenstown Gardens.
- 7 The police propose to impose a temporary alcohol ban for 48 hours to apply **between 12am Saturday 2 December 2017 until 12am Monday 4 December 2017**. The geographical coverage of the proposed temporary ban will extend the specified public areas in Queenstown in Schedule A of the Alcohol Bylaw to include the Queenstown Recreation Ground. A map of the proposed temporary ban is attached as **Attachment C**.

### ***Grounds for temporary ban***

- 8 The Alcohol Bylaw empowers the Council to impose a temporary alcohol ban in a specific area in the district under clause 6 of the Alcohol Bylaw, by Council resolution. In order to justify a temporary 48 hour ban for the weekend of 2 - 3 December 2017, the Council must be satisfied that the following criteria in section 147B of the Local Government Act 2002 are met:
- a. there is evidence that the area to which the temporary ban is proposed to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area;
  - b. the imposition of the temporary ban is appropriate and proportionate in the light of the evidence; and
  - c. the temporary ban can be justified as a reasonable limitation on people's rights and freedoms.
- 9 The police have also requested that the temporary ban is not limited to a small geographical area, as there is a risk of participants relocating using social media to areas just outside of the temporary ban zone. The area covered by the proposed temporary ban involves all of the specified areas in Queenstown in addition to an extended area surrounding the Queenstown Recreation Grounds.
- 10 Council staff agree that the concerns raised by police and Council staff (including photographs in **Attachment B**) demonstrate that the 2016 Crate Day resulted in a high level of disorder shown to be made worse by alcohol consumption. The extension of the ban to apply over a 48 hour period is an appropriate and proportionate regulatory response to the level of disorder described in this report. The proposed temporary ban will not prevent members of the public consuming alcohol on licensed premises, or at private homes. While a temporary alcohol ban might inconvenience some people, it is targeted and will only last for 48 hours. Therefore, Council staff consider it is not an unreasonable limitation on individual rights and freedoms having regard to the risk of disorder, resulting from the Council taking no action.

### ***Activities in Public Places Bylaw 2016***

- 11 Council staff also observe that any large gathering of persons in public for the 'National Crate Day' or 'Nines Carnival' event is likely to require permission from Council under the Activities in Public Places Bylaw 2016. At this stage no application has been received by Council from an event organiser associated with these events. If these events go ahead without Council permission it will be a breach of the Activities in Public Places Bylaw 2016, which is designed to protect the public from nuisance, and minimise potential for offensive behaviour in public places.

### **Options**

#### **12 Option 1 Do nothing**

*Advantages:*

- 13 Members of the public who wish to consume moderate amounts of alcohol between 8am and 10pm in public places can continue to do so. Some members of the community may think that it is only a small minority of participants in the Crate Day event that cause disorder, and that the majority of persons who drink in public are responsible.

*Disadvantages:*

- 14 The police will be powerless to prevent day-time alcohol consumption in public on the weekend of 2 – 3 December 2017. The police will only be able to intervene where disorderly or criminal conduct is observed, and may have difficulty controlling a large crowd of intoxicated persons. There is likely to be an increase in public disorder, including littering, and may cause some members of the public to feel unsafe.
- 15 **Option 2 Adopt a temporary alcohol ban to apply to the Queenstown area [specified in Attachment C] from 12am Saturday 2 December 2017 until 12am Monday 4 December 2017**

*Advantages:*

- 16 The proposed temporary ban will give the police preventative enforcement tools to respond immediately to the public consumption of alcohol in breach of the temporary ban. These tools include seizing and removing alcohol in breach of the ban, issuing infringement notices, arresting any person refusing to surrender alcohol or refusing to leave a place subject to the ban, and searching persons or vehicles within the area to ascertain whether alcohol is present.
- 17 A temporary alcohol ban coupled with increased police presence in Queenstown is likely to reduce the risk of disorder and crime posed by the heavy consumption of alcohol during 'National Crate Day'. Members of the public and visitors may feel safer if there is no public consumption of alcohol in the city centre on this weekend.

*Disadvantages:*

- 18 A temporary alcohol ban may interfere with plans by members of the public to consume alcohol in public on that date, for example, at a wedding or picnic event. Some parts of the community may consider a public alcohol ban to be an overreaction to the bad behaviour of a minority group.

*Conclusion*

- 19 This report recommends **Option 2** for addressing the matter because Council staff agree with the Police that the consumption of alcohol in Queenstown during the 2016 'Crate Day' resulted in comparatively high levels of disorder when compared with a typical weekend. The police report that large groups of intoxicated young people engaged in foul language, littering and causing members of the public to feel intimidated. Council staff consider that the police proposal to impose a temporary ban in parts of Queenstown for the weekend of 2-3 December 2017 is a proportionate response to the high level of disorder

observed during the 2016 Crate Day, and is not an unreasonable limitation on individual rights and freedoms.

### ***Significance and Engagement***

20 This matter is of low/medium significance, as determined by reference to the Council's Significance and Engagement Policy because it is only temporal in nature, and primarily impacts persons who intend to drink in a public on 2-3 December 2017. Some members of the public may also be concerned about the scope of any temporary ban if they are concerned about a repeat of issues experienced during the 2016 'Crate Day'.

### ***Risk***

21 This matter relates to the operational risk OROO4 – Serious injury to member of community, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because it involves a ban to prevent the day-time consumption or possession of alcohol in public places.

22 Imposing a temporary alcohol ban within Queenstown will reduce the risk to the public by equipping the police with an early intervention tool to prevent public consumption of alcohol.

### **Financial Implications**

23 It is anticipated that the costs associated with implementing a temporary alcohol ban can be met with current budgets.

### **Council Policies, Strategies and Bylaws**

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

- Alcohol Ban Bylaw 2014
- Activities in Public Places Bylaw 2016
- Enforcement Strategy and Prosecution Policy
- Significance and Engagement Policy

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

26 This matter is included in the 10-Year Plan. The Council's 10 Year Plan refers to minimising alcohol related harm as a consequence of excessive or inappropriate consumption of alcohol by avoiding and reducing the risk of alcohol related harm to our community, and protecting the image of the district.

### **Local Government Act 2002 Purpose Provisions**

27 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 reducing risks resulting from the public consumption of alcohol;

- 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**

28 The persons who are affected by or interested in this matter are the police, residents and ratepayers of Queenstown District, tourists, local businesses, and persons intending to participate in the 'National Crate Day' and 'Nines Carnival' events.

29 The Council has engaged with the police to ascertain the grounds for the temporary alcohol ban being imposed. Council staff received complaints from members of the public relating to the 2016 Crate Day.

### **Legal Considerations and Statutory Responsibilities**

30 The Local Government Act 2002 requires that the Council must be satisfied that the statutory criteria in section 147B are met before imposing a temporary ban:

- a. there is evidence that the area to which the temporary ban is proposed to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area;
- b. the imposition of the temporary ban is appropriate and proportionate in the light of the evidence;
- c. the temporary ban can be justified as a reasonable limitation on people's rights and freedoms.

31 If the Council adopts the proposed temporary alcohol ban it should publicly notify its decision at least 14 days before the ban is proposed to take effect (s170(3)(a), LGA). The Council should also fix clearly legible notices in conspicuous locations on or adjacent to the places where the proposed temporary alcohol ban will apply (s170(3)(b), LGA). These steps are necessary to enable the police to exercise search powers under s169(2)(a) of the LGA during the temporary alcohol ban.

### **Attachments**

- A QLDC Alcohol Control Bylaw 2014
- B Photographs showing the aftermath of Crate Day 2016 in Queenstown town centre
- C Proposed geographical scope of the temporary alcohol ban

## QUEENSTOWN LAKES DISTRICT COUNCIL

### ALCOHOL BAN BYLAW 2014

Pursuant to the powers vested in it by the Local Government Act 2002 and the Bylaws Act 1910, Queenstown Lakes District Council makes this bylaw.

#### 1 Title and Commencement

(1) This bylaw is the Queenstown Lakes District Alcohol Ban Bylaw 2014.

(2) The bylaw shall come into force on 22nd December 2014.

#### 2 Objective

(1) The objective of this bylaw is to reduce the potential for alcohol related offensive behaviour and harm, damage, disorder and crime and to promote and improve community health and safety.

(2) This bylaw seeks to achieve its objective by putting in place controls and restrictions on the possession, consumption and carriage of alcohol, in some public places within the Queenstown Lakes District.

#### 3 Interpretation

In this bylaw, unless the context requires otherwise:

**Act** means the Local Government Act 2002.

**Alcohol** means a substance—

(a) that—

- (i) is or contains a fermented, distilled, or spirituous alcohol; and
- (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or

(b) that—

- (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and

- (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or

(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people

**Council** means the Queenstown Lakes District Council.

**Offence** means an offence under Section 239A of the Act that is a breach of this bylaw

**Public Place** means a place –

- (a) that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but

- (b) does not include licensed premises.

**Specified Period** means:

- (a) From 10.00 pm on any day to 8.00 am the following day; and
- (b) 6.00 am on 27 December of any given year to 6.00 am on 6 January the following year; and

- (c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival; and
- (d) any additional period that may be defined by the Council by resolution from time to time in accordance with clause 5 of this bylaw.

**Specified Public Place** means a public place defined or listed in Schedule A and such additional place as may be defined by the Council by resolution from time to time in accordance with clause 5 of this bylaw.

**Temporary Alcohol Ban Area** means an area described in a resolution of the Council made under this bylaw in which the prohibitions under clause 4 are temporarily in place in the public places within the area and during the times, days or dates specified in the resolution.

**Vehicle means** a vehicle as defined in section 2 of the Land Transport Act 1998, but does not include an ambulance, fire engine or police vehicle.

#### **4 Prohibitions**

(1) The following acts are prohibited:

- (a) The consumption of alcohol in any Specified Public Place during any Specified Period;
- (b) The possession of alcohol in any Specified Public Place during any Specified Period;
- (c) The bringing of alcohol into any Specified Public Place during any Specified Period; and
- (d) The consumption and possession of alcohol in a vehicle in any Specified Public Place during any Specified Period.

#### **5 Additions to Specified Periods and Specified Public Place by resolution**

(1) The Council may from time to time (by resolution adopted following use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional period to be included within the meaning of Specified Period as defined in this bylaw.

(2) The Council may from time to time (by resolution adopted following the use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional area to be included within the meaning of Specified Public Place as defined in this bylaw.

(3) Every resolution made under clause 5.1 or clause 5.2 above shall be publicly notified at least 14 days before it shall take effect.

#### **6 Temporary Alcohol Ban Areas**

(1) The Council may declare a Temporary Alcohol Ban Area by resolution which will describe the specific area and the times, days or date during which the prohibitions imposed under clause 4 apply to any public place in that area;

(2) Before the Council declares a Temporary Alcohol Ban Area it will comply with sections 77 – 82 of the Act;

(3) Any resolution made under clause 6.1 shall be publicly notified at least 14 days before it shall take effect.

## **7 Exemptions**

- (1) The bylaw does not prohibit, in the case of alcohol in an unopened bottle or other unopened container. –
- (a) the transport of that alcohol from premises that adjoin a Specified Public Place during any period when, under the Sale and supply of Alcohol Act 2012 it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the Specified Public Place;
  - (b) the transport of that alcohol from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012.
  - (c) the transport of that alcohol from outside a Specified Public Place to premises that adjoin a Specified Public Place –
    - (i) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
    - (ii) from those premises to a place outside the Specified Public Place by a resident of those premises, provided the alcohol is promptly removed from the Specified Public Place.
- (2) This bylaw does not apply to any areas or activities where the sale or consumption of alcohol is authorised by any licence issued under the Sale and Supply of Alcohol Act 2012, including:
- (a) any public place which is part of a licensed premises' outdoor area, where permission to occupy the area has been granted by the Council.
  - (b) any public place that is subject to a special licence issued by the Council for the term of that licence;
  - (c) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies;
  - (d) any event held in a public place at which alcohol is served pursuant to a caterer's licence endorsed pursuant to section 38 of the Sale and Supply of Alcohol Act 2012;

## **8 Police powers of search in Temporary Alcohol Ban Areas**

- (1) This bylaw authorises members of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in relation to any area which has been declared a Temporary Alcohol Ban Area by resolution of the Council under clause 6.
- (2) Subject to clause 8.3 below, the powers of search contemplated under clause 8.1 can be exercised by the Police immediately and without further notice.
- (3) Clause 8.1 only applies if the resolution declaring a Temporary Alcohol Ban Area provides that clause 8.1 of this bylaw will apply.



## **9 Penalties**

- (1) Every person who breaches this bylaw commits an offence
- (2) Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

## **10 Signage**

- (1) Where it is practicable and reasonable to do so, the Council will erect signage within public places covered by this bylaw to provide information to the public about the restrictions imposed under the bylaw. The size, location and terms of the signage will be at the Council's discretion.
- (2) To avoid any doubt, the absence of signage in any public place does not authorise a breach of this bylaw.

## **11 Dispensing Powers**

- (1) The Chief Executive of the Council may waive full compliance with any provisions of this bylaw in any case where the Chief Executive is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community.
- (2) The Chief Executive may in his discretion impose conditions of any such waiver granted under clause 11(1).

## **12 Revocations**

- (1) The Queenstown Lakes District Council Control of Alcohol in Public Places Bylaw 2009 is revoked.

This bylaw is made under the provision of the Local Government Act 2002 by resolution of the Queenstown Lakes District Council at a meeting of the Council on 18 December 2014 and publicly notified on 20 December 2014.

## SCHEDULE A

The areas identified below are those areas which have been classified as Specified Public Places in relation to which the prohibited acts as defined in clause 4 of this bylaw apply during any Specified Period.

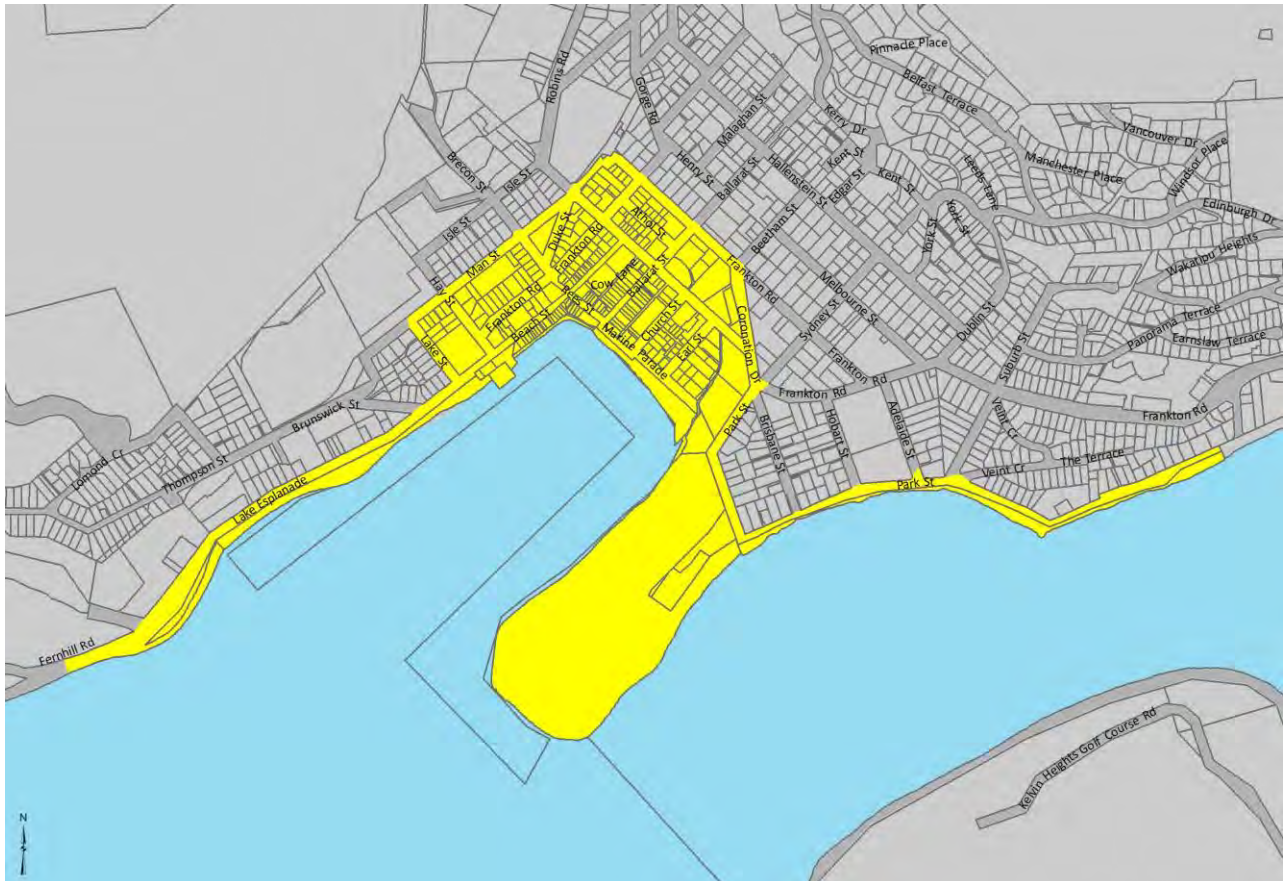
### (1) Queenstown

- (i) The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following street and road reserves:

Lake Esplanade  
 Lake Street  
 Man Street  
 Memorial Street  
 Stanley Street  
 Coronation Drive  
 Park Street to the Lake Wakatipu foreshore area directly adjacent to the Queenstown Gardens

### Explanatory note:

This note and the associated map is not part of the bylaw, but is included to illustrate the location of the Specified Public Place described in this schedule.



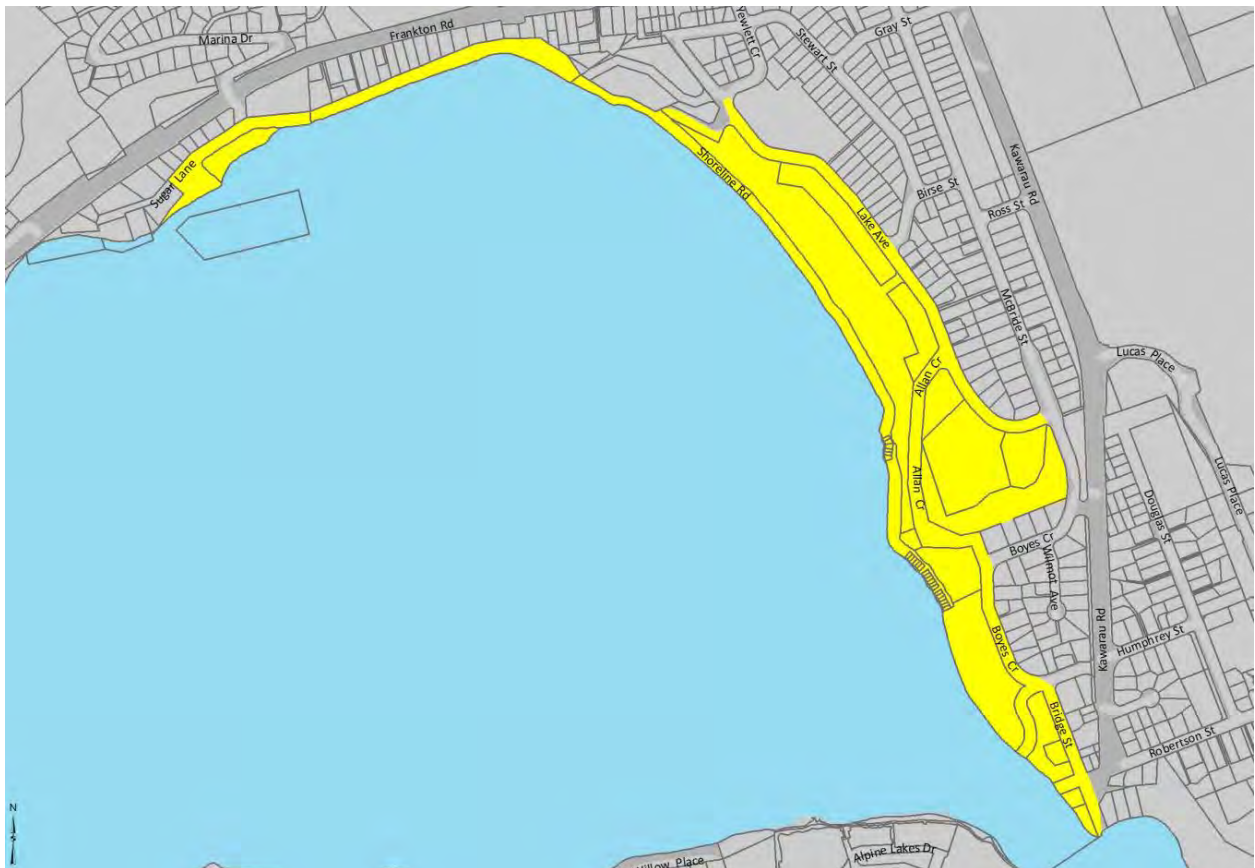
**(2) Frankton**

- (i) The whole of the Lake Wakatipu foreshore from the Kawarau Bridge to Frankton Marina, and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Bridge Street  
 Boyes Crescent  
 Allan Crescent  
 McBride Street (from Boyes Crescent to Lake Avenue)  
 Lake Avenue  
 Frankton Beach  
 Sugar Lane

**Explanatory note:**

This note and the associated map is not part of the bylaw, but is included to illustrate the location of the Specified Public Place described in this schedule.



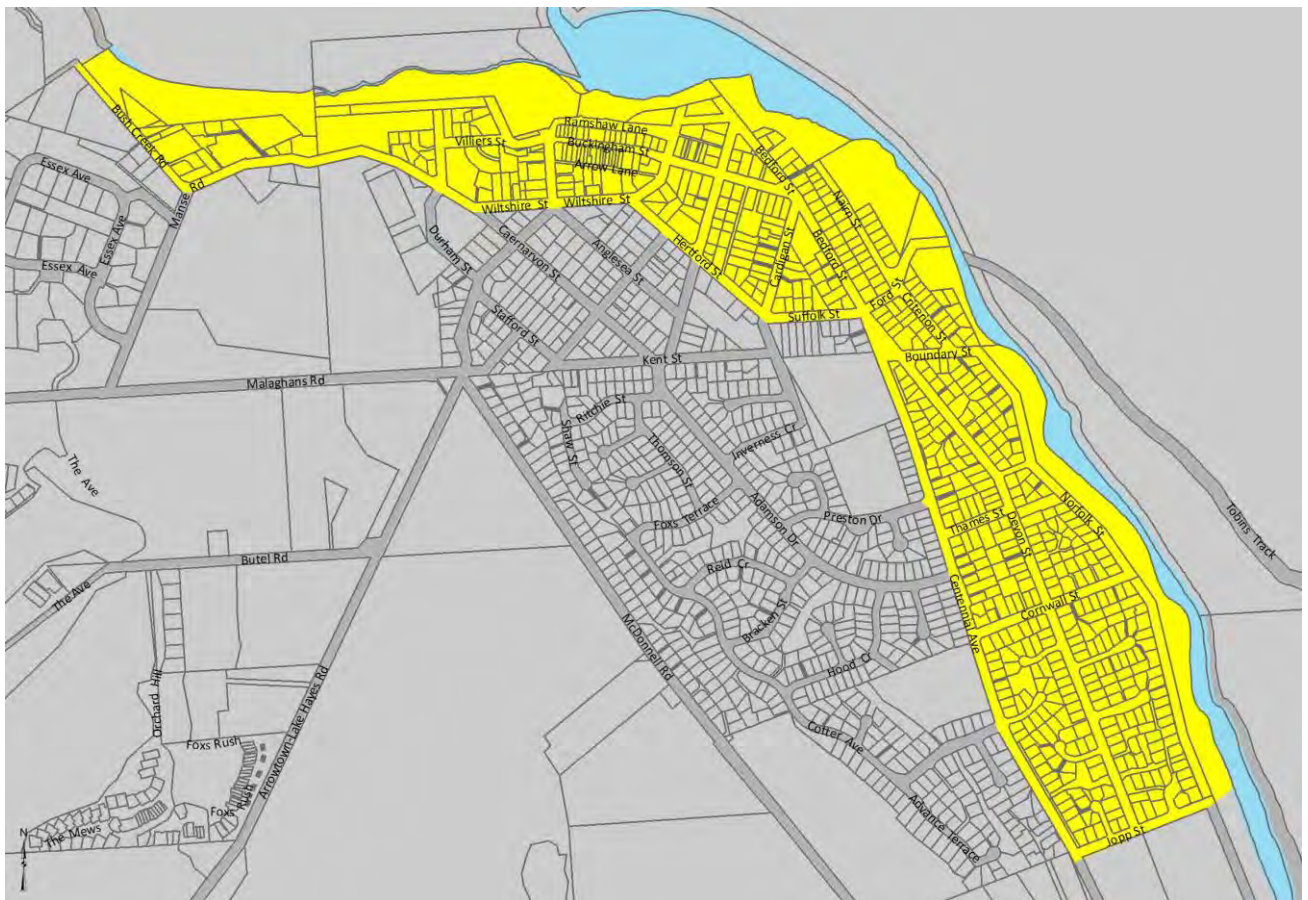
**(3) Arrowtown**

- (i) The north–eastern boundary being formed by the area 50m to the north of Bush Creek river bank, including Bush Creek Reserve, 100m either side of the Arrow River to the point where the Arrow Irrigation Company pipeline crosses the river, 50m to the north of the Arrow River and including Wilcox Green, O’Callaghan Reserve and the Arrow River 150<sup>th</sup> Anniversary walking track to and including the bridge to the south of Jopp Street; and
- (ii) The area from the north –eastern boundary to an outer boundary formed by and including the following streets and road reserves:

Bush Creek Road  
 Manse Road  
 Caernarvon Street  
 Wiltshire Street  
 Hertford Street  
 Suffolk Street  
 Centennial Avenue  
 Jopp Street

**Explanatory note:**

This note and the associated map is not part of the bylaw, but is included to illustrate the location of the Specified Public Place described in this schedule.





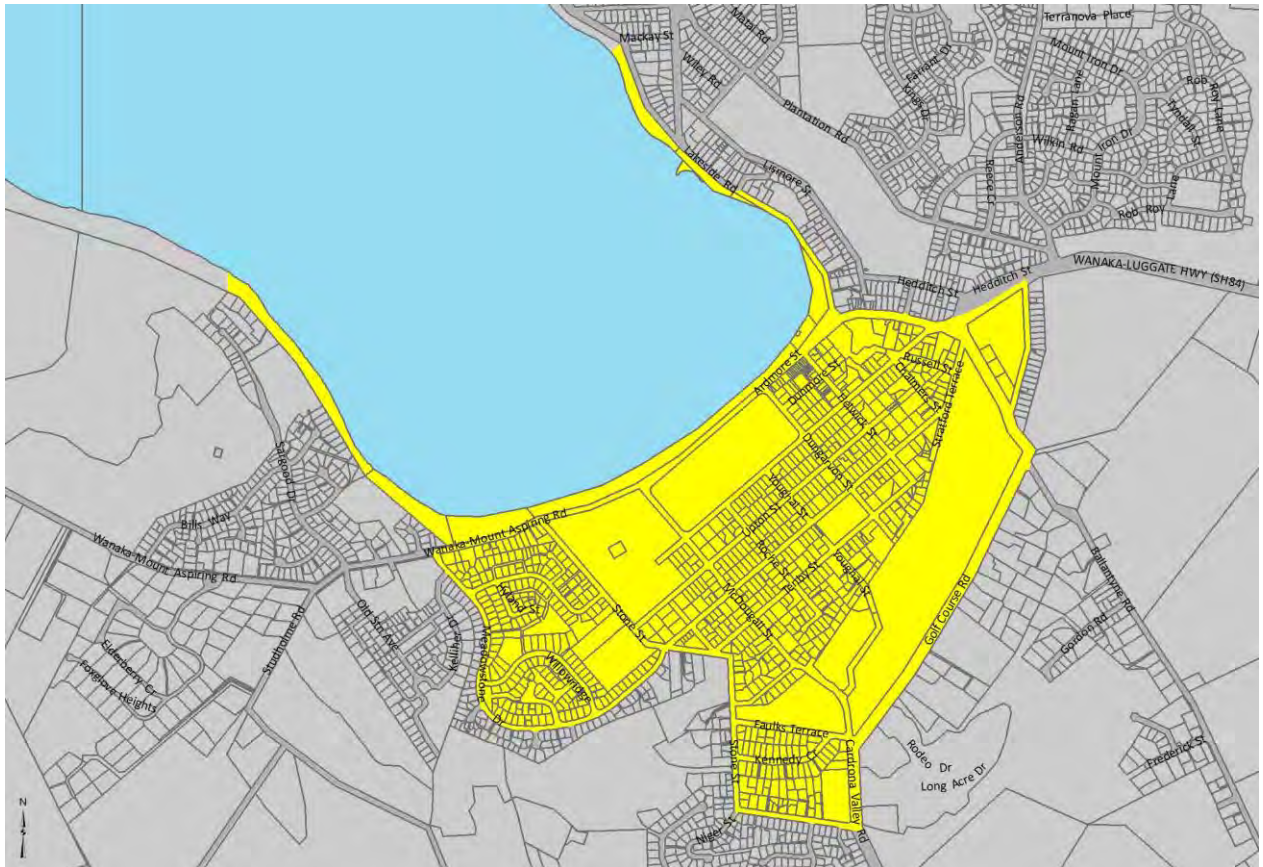
**(4) Wanaka**

- (i) The whole of the Lake Wanaka foreshore area from Sunrise Bay/ Edgewater to Penrith Park; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Meadowstone Drive  
 Stone Street  
 Golf Course Road  
 Macpherson Street  
 State Highway 84  
 Ardmore Street

**Explanatory note:**

This note and the associated map is not part of the bylaw, but is included to illustrate the location of the Specified Public Place described in this schedule.



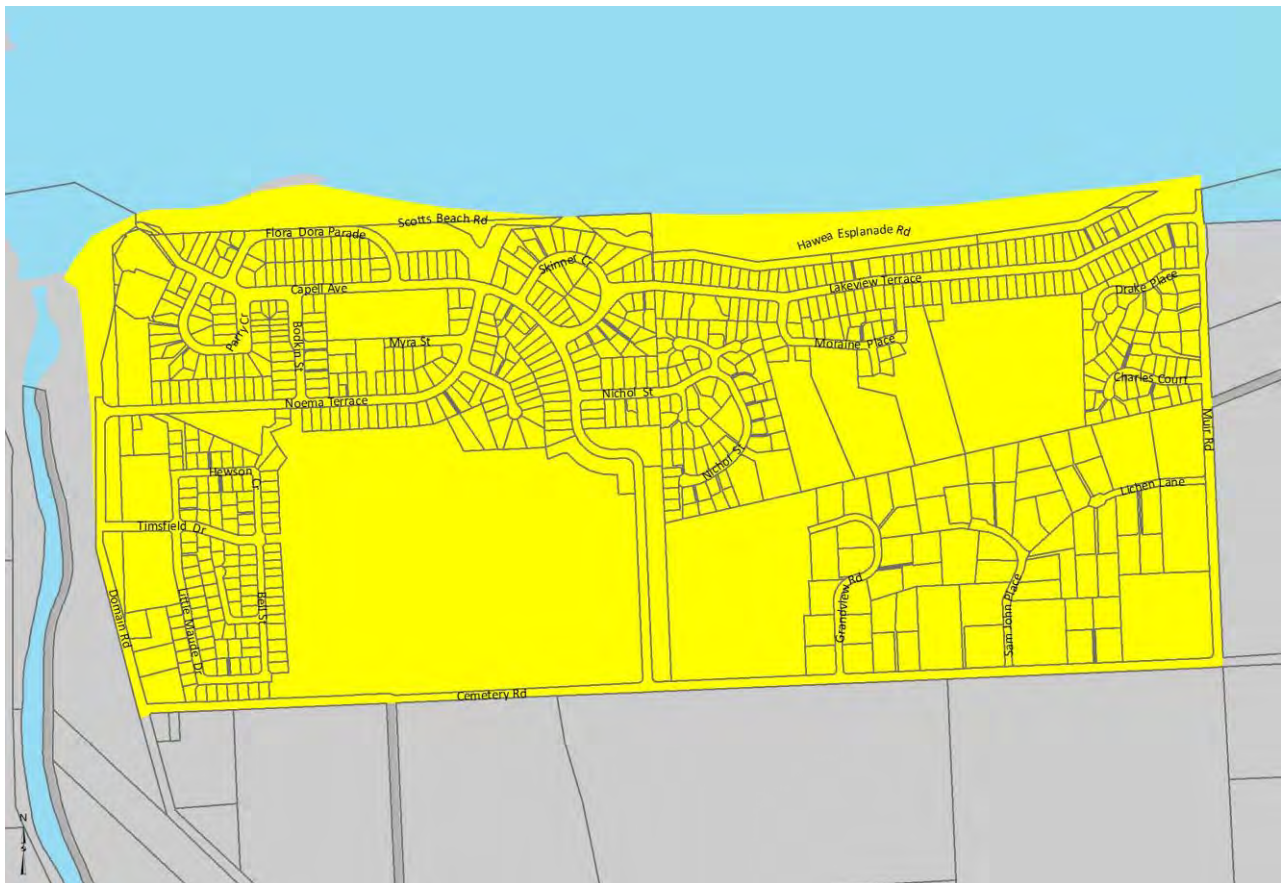
**(5) Lake Hawea**

- (i) The whole of the Lake Hawea foreshore area from Domain Road to Muir Road; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Muir Road  
Cemetery Road  
Domain Road

**Explanatory note:**

This note and the associated map is not part of the bylaw, but is included to illustrate the location of the Specified Public Place described in this schedule.





Attachment B: Photographs showing the aftermath of Crate Day 2016 in Queenstown town centre























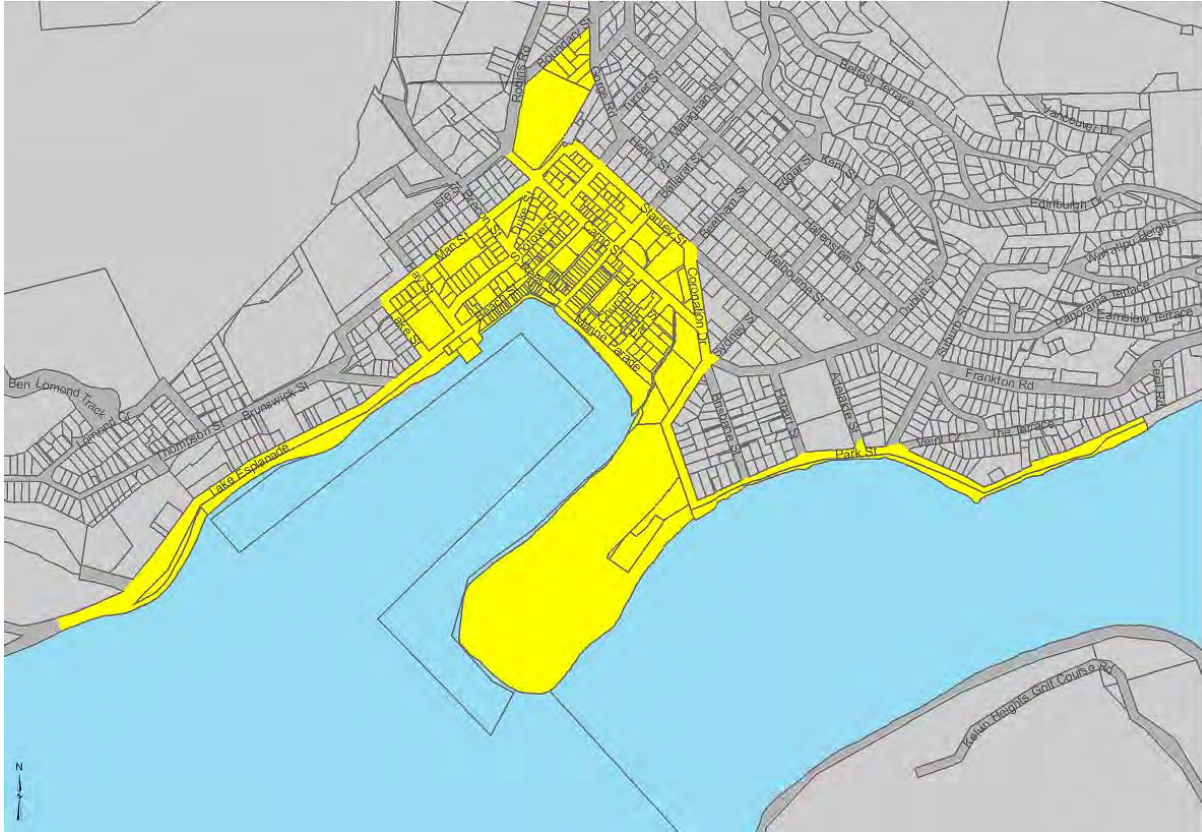








**Attachment C – Proposed geographical scope of the temporary alcohol ban**





QLDC Council  
28 September 2017

Report for Agenda Item: 7

Department: Finance & Regulatory

Navigation Safety Bylaw review

Purpose

To consider the proposal to commence a special consultative procedure in relation to the proposed Navigation Safety Bylaw 2017 (**proposed bylaw**) and revocation of Waterways and Ramp Fees Bylaw 2014 (**Waterways bylaw**) and Navigation Safety Bylaw 2014 (**current bylaw**).

Executive Summary

- 1 Council staff have completed an internal review of the Waterways Bylaw and the current Navigation Safety bylaw. The objective of the review is to update existing navigation safety controls to ensure greater consistency with the requirements of the Maritime Transport Act 1994 (**MTA**) and maritime rules, reduce duplication, remove controls that are no longer required, and to simplify regulation where appropriate.
- 2 This report recommends that the Council commence a special consultative procedure in relation to the proposal to adopt the proposed Navigation Safety bylaw and revoke both the current Navigation Safety bylaw and Waterways bylaw. The proposed bylaw removes duplication and redundant provisions within the current bylaw, improves consistency with the MTA, and rationalises the waterways permitting system to make it easier for the Council to implement and the public to understand. It is proposed that some of the provisions from the Waterways bylaw are to have continuing effect (eg. mooring permits) by incorporation within the proposed bylaw, and others are to be revoked. It is also recommended that the Council commence consultation regarding the proposed maritime fees and charges, which is intended to replace the fees applicable under the current bylaws.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the commencement of the special consultative procedure in relation to the proposal to:
  - a. adopt the proposed Navigation Safety Bylaw 2017 ;
  - b. revoke the Waterways and Ramp Fees Bylaw 2014;
  - c. revoke the Navigation Safety Bylaw 2014; and

- d. adopt the proposed maritime fees and charges.
3. **Appoint** three Councillors [to be named] to hear and consider the submissions on the proposal to:
- a. adopt the proposed Navigation Safety Bylaw 2017 :
  - b. revoke the Waterways and Ramp Fees Bylaw 2014;
  - c. revoke the Navigation Safety Bylaw 2014; and
  - d. adopt the proposed maritime fees and charges.

Prepared by:



Lee Webster  
Manager, Regulatory

13/09/2017

Reviewed and Authorised by:



Stewart Burns  
General Manager: Finance &  
Regulatory

13/09/2017

## Background

- 1 In 2015, the Council initiated a review of the Waterways Bylaw to determine how to resolve issues with the implementation of the waterways permitting system in the District. The issues identified included: unnecessary complexity in permit types and processing requirements, duplication of fees and the inflexibility of the charging timeframe.
- 2 During 2016 the Council carried out a special consultative procedure regarding a proposal to substantially simplify the waterways permitting system by incorporating the Waterways Bylaw within the current bylaw. In the course of the special consultative process the Council identified that a more comprehensive review of the current bylaw was warranted.
- 3 On 6 October 2016, the previous Council resolved to recommend to the incoming Council (after the election) to carry out a full review of the current Navigation Safety bylaw and the Waterways Bylaw. The objective of the review is to update existing navigation safety controls to ensure greater consistency with the requirements of the MTA and maritime rules, reduce duplication, remove controls that are no longer required, and to simplify the bylaw where appropriate.
- 4 Council staff have completed an internal review of the current Navigation Safety Bylaw and the Waterways Bylaw, in consultation with the Harbourmaster and Deputy Harbourmasters. Internal meetings have occurred with staff and contractors responsible for overseeing the waterways permitting system under the Waterways Bylaw. A copy of the proposed Navigation Safety Bylaw has also

been provided to Maritime New Zealand for comment, although no feedback has been provided at this stage.

## Comment

- 5 Navigation safety is regulated through the adoption of navigation safety bylaws under the MTA. These bylaws make provision both for nationwide rules relating to navigation safety<sup>1</sup>, and for rules to address specific local navigation safety issues, within the legislative framework of the MTA. The last comprehensive review of the Council's Navigation Safety Bylaw occurred in 2014.
- 6 Following an internal review of the Waterways Bylaw in 2016, the Council consulted with the public regarding a proposal to overhaul and consolidate the Waterways permitting system and incorporate it within the current bylaw (Navigation Safety Bylaw 2014). The Council also consulted with the public regarding targeted amendments to navigation safety rules within the current bylaw (eg. excluding certain life pouches from the lifejacket definition, altering the location of the Lake Wakatipu access lane, and requiring children under the age of 10 to wear lifejackets on large vessels).
- 7 In the course of the consultation process, Council staff identified that a comprehensive review of the bylaw was necessary to improve consistency between the current bylaw and maritime rules, and to remove rules that were either redundant or duplicated elsewhere.

### *Navigation Safety Bylaw 2014*

- 8 The Harbourmaster and Council staff consider that most of the existing rules under the current bylaw are appropriate and effective in addressing navigation safety issues within the District. However, a number of changes to the current bylaw are proposed to improve consistency with the provisions in the MTA and Maritime Rule 91. The proposed bylaw does not include an amendment to the lifejacket definition to exclude certain life pouches, which was considered during the last review process. A definition of lifejacket consistent with the definition used in the Maritime Rules is preferred, which will leave decisions regarding compliance of new products with applicable standards to Maritime New Zealand. Council staff have also identified some rules within the current bylaw that are redundant, or contain requirements relating to specific activities that are already effectively regulated elsewhere.
- 9 A table providing a comparison between the current Navigation Safety Bylaw 2014 and the proposed Navigation Safety Bylaw 2017 is set out in **Appendix 5** to the statement of proposal. The table is not exhaustive, but provides an overview of the key changes identified by Council staff and the Harbourmaster.
- 10 The proposed bylaw aims to scale back or revoke parts of the current bylaw which are more appropriately covered under the MTA. It is also proposed to develop a Navigation Safety information document which will incorporate technical and administrative requirements, such as application considerations, permit terms and conditions, processing requirements and application forms.

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<sup>1</sup> Maritime Rules 91 – Navigation Safety Rules.

This document will remove the need for much of this detailed content contained in the current bylaw. Similarly, fees associated with the bylaw will no longer be set out in the bylaw, but will be prescribed following a consultation process in accordance with the Local Government Act 2002 (see maritime fees section below).

- 11 The current bylaw imposes rules affecting the operation of commercial vessels that are already subject to specific maritime rules (eg parasailing, white water boarding). Council staff propose to replace existing detailed requirements on commercial operators with a general obligation to carry out specific water based activities (eg whitewater boarding) in compliance with the applicable maritime rule for that activity (eg. Maritime Rule 81 – Commercial Whitewater Rafting). For consistency, the proposed bylaw will also require that jet boat operators meet the applicable maritime rules. Commercial operators will continue to be subject to specific local rules that apply to all vessels (for example, speed limits).
- 12 The Harbourmaster has recommended minor modifications to existing access lanes, reserved areas, and rules affecting river users, to address the changing navigation risk profile in these locations.

#### ***Waterways and Ramp Fees Bylaw 2014***

- 13 Council staff propose to incorporate most of the amendments developed during the last review of the Waterways Bylaw. Those amendments are intended to facilitate a simpler waterways permitting system by rationalising existing permit types, fee structures, and processing requirements in a manner that will simplify the Waterways permitting system. The changes will still allow the Council to recover the costs of providing and maintaining the district's waterways, facilities and services from users. A summary of the key changes are set out below.

<b>Waterways permit (under Waterways Bylaw)</b>	<b>Proposed replacement (under Navigation Safety Bylaw)</b>
Maritime Structure Permit (Commercial)	Revoked, and replaced by existing processes requiring Council permission through leases.
Maritime Structure Permit (Non-commercial)	Revoked, and replaced by existing processes requiring Council permission through leases.
Commercial Activity Permit	Revoked.
Ramp Permit	Revoked and replaced through fees and charges set in accordance with the MTA and LGA.
Mooring Permit	Retained under the proposed Navigation safety Bylaw 2017.

- 14 The current system of ramp / launch permits is not the most efficient means of ensuring users contribute to the maintenance and upkeep of Council ramps and launch facilities, as it is difficult to administer consistently across the district. Staff propose to revoke the existing ramp / launch permit, and replace it with paid parking areas around all Council ramps / launch facilities in the district. A separate work stream is being developed to investigate the implementation of the paid parking areas, which will ultimately require allocation of funds and amendments to the Council's Traffic and Parking Bylaw 2012. In the meantime, charges will be set for the use of Council ramps and launch facilities in accordance with the Local Government Act 2002 (see maritime fees section below).
- 15 Mooring permits will be retained, but will be incorporated within the proposed bylaw, rather than a separate Waterways Bylaw. The proposed bylaw reduces the number of prescribed requirements regarding matters such as the content of applications for moorings, terms and conditions, and processing requirements. Instead the Council proposes to prescribe administrative requirements in a Navigation Safety information document that can be adopted or amended by resolution of Council.
- 16 It is appropriate to require that members of the public seek Council approval to occupy and/or use the Council's maritime structures. The proposed clause gives the Council greater flexibility as to the form its approval to occupy or use Council maritime structures will take.

### ***Maritime Fees***

- 17 If the special consultative procedure for the proposal is commenced, Council staff consider that it would be logical to also seek public feedback regarding the proposed maritime fees and charges for the use and occupation of Council maritime assets and administrative fees associated with the proposed bylaw. Staff consider that maritime fees should be set by Council resolution following consultation with the public under the Local Government Act 2002, rather than within the proposed bylaw. The reason for this is that the proposed maritime fees and charges (below) may need to be revisited after current permits expire on 30 June 2018. Specifying fees by Council resolution will enable the Council to update the fees without amending the proposed bylaw.
- 18 Staff recommend seeking public feedback regarding the proposal to adopt the following maritime fees and charges by Council resolution:

#### **1. Fee for use of launch facilities / ramps**

<b>Duration</b>	<b>Proposed fee (including GST)</b>
Annual	\$50 (Recreational vessels) \$70 (Commercial vessels)
Daily/Casual	\$5 (any vessel)

## 2. Council permission to occupy maritime structure

Size of structure	Proposed fee (including GST)
Up to 15m <sup>2</sup>	\$115
15m <sup>2</sup> to 28m <sup>2</sup>	\$230
28m <sup>2</sup> up to 56m <sup>2</sup>	\$460
56m <sup>2</sup> up to 84m <sup>2</sup>	\$750
84m <sup>2</sup> and over	\$920

## 3. Mooring permits

Duration	Proposed fee (including GST)
Annual fee	\$250
Application / renewal fee	\$200

## 4. Other fees

Description	Proposed fee (including GST)
Annual fee for commercial vessel licence	\$1,000
Application for special event exemption	\$120 per hour, plus actual costs
Application for bylaw exemption	\$120 per hour, plus actual costs
Application for speed uplifting	\$120 per hour, plus actual costs

## Options

### 19 Option 1 Do nothing

*Advantages:*

- 20 If the Council does nothing, the current bylaw and Waterways Bylaw will continue to have effect at least until the next statutory review of the Waterways Bylaw in 2019. The advantage of this option is it does not require the Council to undertake a special consultative procedure this year, or to incur costs updating its internal

systems. The Council will continue to receive fees in relation to the various permits under the waterways permitting system.

*Disadvantages:*

- 21 The disadvantage is that the Council will be responsible for implementing the existing provisions of the current bylaw despite the inconsistency of parts of the current bylaw with maritime rules. The consistency issues may delay the development and passage of updated infringement regulations to facilitate effective enforcement of local navigation safety rules.
- 22 If the Council does nothing, the existing waterways permitting system will continue despite concerns regarding the workability and fairness of some aspects of the system. The Council will need to improve public awareness of the Waterways Bylaw. The costs of administering and enforcing a number of different permits and fees will continue to fall on the Council. These matters will remain unresolved, and will still need to be addressed in the next review in 2019.
- 23 **Option 2 Commence special consultative procedure in relation to:**
  - a. **proposed Navigation Safety Bylaw 2017**
  - b. **revocation of Navigation Safety Bylaw 2014 and Waterways and Ramp Fees Bylaw 2014**
  - c. **proposed maritime fees and charges**

*Advantages:*

- 24 The proposed bylaw will effectively achieve greater consistency with the MTA and applicable maritime rules, particularly Maritime Rule 91 (Navigation Safety). Further, the proposed bylaw substantially reduces duplication, and removes redundant clauses that deal with matters more effectively regulated elsewhere. The modifications proposed by the Harbourmaster to specific rules in the current bylaw are intended to meet changes to the existing maritime risk profile applicable to specific waterways, or water based activities.
- 25 The revocation of the Waterways Bylaw and incorporation of mooring permit regime within the proposed bylaw will achieve the objective of reducing the complexity of the current waterways permitting system. The Council considers that these changes will promote better public understanding of the process and costs associated with using Council infrastructure, and will make compliance easier. Council staff consider that it is more efficient to consult on maritime fees at the same time as the proposed bylaw, rather than conducting a separate consultation later.

*Disadvantages:*

- 26 Some members of the public may be unhappy about changes to existing requirements within the current bylaw and Waterways Bylaw. Council staff anticipate that any particular concerns with the changes can be addressed in the course of the special consultative procedure. An effective system for recovering user fees in relation to launch facilities and ramps must be implemented promptly

after the revocation of the Waterways Bylaw in accordance with the Local Government Act 2002.

- 27 The removal of specific clauses with the current bylaws that set out technical and administrative detail of application processes arguably reduces the transparency of the process. The Council can rectify this by issuing clear policy guidance to the public as to how the application process functions, what information is required, what fees apply, and what conditions are to be imposed.
- 28 This report recommends **Option 2** because the proposed bylaw will remove duplication and redundant provisions within the current bylaw, improves consistency with the MTA, and rationalise the Waterways permitting system to make it easier for the Council to implement and the public to understand.

### ***Significance and Engagement***

- 29 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because there is community interest regarding the safe use of the District's waterways, and the regulation of infrastructure under the waterways permitting system.

### ***Risk***

- 30 This matter relates to the operational risk OR005 – Death of a member of the community, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because it directly affects the use of the Council's waterways, ramps and jetties.
- 31 The recommended option considered above mitigates the risk by rationalising the rules regarding the use of waterways in the district, by providing simplified rules to facilitate self-compliance.

### **Financial Implications**

- 32 It is anticipated that the costs associated with the review and combining of the bylaws and associated replacement signage can be met from current budgets and the current fees and charges remain in place.

### **Council Policies, Strategies and Bylaws**

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

- Waterways and Ramp Fees Bylaw 2014
- Navigation Safety Bylaw 2014
- Jetties and Moorings Policy
- Enforcement and Prosecution Policy
- Finance Policy
- 10 Year Plan

- 34 If following consultation, the proposed bylaw is adopted, the current bylaw and Waterways Bylaw will be revoked. It is envisaged under the proposed bylaw that a policy can be adopted by Council to address certain technical and administrative requirements set out in the proposed bylaw. The new policy is



likely to update and supersede the content of the current Jetties and Moorings Policy.

35 This matter is included in the Annual Plan under Section 3 – Regulatory Functions and Services.

### **Local Government Act 2002 Purpose Provisions**

36 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 single bylaw that consolidates and simplifies navigation and waterways regulation;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies apart from the Jetties and Moorings Policy, which will require updating if the proposed bylaw is adopted; 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**

37 The persons who are affected by or interested in this matter are residents and ratepayers of the Queenstown District, iwi, tourists, and any other users of the District's lakes and waterways.

38 To date, Council staff have consulted with the Harbourmaster and Deputy Harbourmaster to identify matters within the current bylaw that require updating, and to address specific concerns they have with the current bylaw. A copy of the proposed bylaw has also been provided to Maritime New Zealand, although they are yet to provide any feedback. Internal meetings have also been carried out between Council staff and contractors responsible for overseeing the waterways permitting system under the Waterways Bylaw.

39 Council staff recommend that the Council commences the special consultative procedure regarding the proposed bylaw, which will ensure that members of the community are appropriately consulted, and have an opportunity to provide feedback regarding the proposal. Council staff also intend to notify submitters who participated in the most recent bylaw review processes in 2014 and 2016, to advise that a special consultative procedure is underway.

### **Legal Considerations and Statutory Responsibilities**

40 The power to make the proposed bylaw is set out in section 33M of the Maritime Transport Act 1994. The Council is required to carry out a special consultative procedure in accordance with the requirements set out in the Local Government Act 2002.

- 41 The power to set maritime fees and charges is set out in section 33R of the Maritime Transport Act 1994. The Council is required to comply with its obligations for setting fees in accordance with s150(3) – (6) of the LGA, which includes giving effect to the principles of consultation. Compliance with these principles is achieved by consulting on the maritime fees during a special consultative procedure.

**Attachments [Presented separately]**

- A Statement of Proposal for proposed Navigation Safety Bylaw 2017 and revocation of Navigation Safety Bylaw 2014 and Waterways and Ramp Fees Bylaw 2014 (including):

**APPENDIX 1** – Proposed Navigation Safety Bylaw 2017

**APPENDIX 2** – Current Navigation Safety Bylaw 2014

**APPENDIX 3** – Current Waterways and Ramp Fees Bylaw 2014

**APPENDIX 4** – Summary of the Statement of Proposal

**APPENDIX 5** – Table comparing proposed Navigation Safety Bylaw 2017 and current Navigation Safety Bylaw 2014

**APPENDIX 6** – Proposed Maritime Fees and Charges

**QLDC Council  
28 September 2017**

**Report for Agenda Item: 8**

**Department: Corporate Services**

**Frankton Library – Expressions of Interest**

**Purpose**

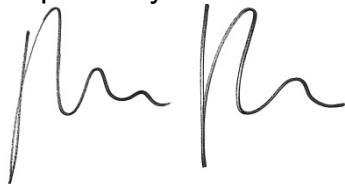
The purpose of this report is to enable QLDC to seek Expressions of Interest for the provision of a short-term leased library facility at Frankton.

**Recommendation**

That the Council:

1. **Note** the contents of this report;
2. **Direct** the Chief Executive to seek Expressions of Interest for a potential Frankton Library lease;
3. **Agree** that the Chief Executive direct officers to prepare a Business Case for a leased library facility in Frankton;
4. **Note** that the terms conveyed in the EOI should reflect the short term intention of any lease arrangement, namely 3+2 years;
5. **Agree** that any proposal to enter into a lease for a Frankton Library be consulted on through the 2018 10 Year Plan given that this potential decision would require funding and timelines to be brought forward from 2020 (as per the 2015 10 Year Plan) to 2018/19.

Prepared by:



Meaghan Miller  
GM Corporate Services

15/09/2017

Reviewed and Authorised by:



Mike Theelen  
Chief Executive

15/09/2017

## Background

1. Since 2012, the Council has flagged the potential for a library facility at Frankton. In 2014, a public consultation process and the subsequent development of a Strategic Review of Library Services Report reinforced the projection that a Frankton Library would be necessary in the long term.
2. In 2015 Council consulted on the development of a Frankton Library Hub and included funding of \$5.3m in 2020. Although the location remained unconfirmed, it was assumed that co-location at the Queenstown Event Centre (QEC) was the most cost effective and convenient solution, as this did not involve a land purchase and the potential of a shared entrance.
3. This funding and the strategy assumed that the Queenstown Library presence would be reduced to become a 'shop front' presence ostensibly for the return and pick up of books for CBD workers.

## Comment

4. Since 2015, a number of factors have influenced a shift in thinking around the provision of a Frankton library. The recent Queenstown Master Plan work has clearly demonstrated that a more significant library presence is not only desirable but appropriate for the CBD. This position was supported through the public engagement and as a consequence, a library has notionally been included on the Stanley St Master Plan Civic Heart space (in addition to the Frankton library outlined in the Ten Year Plan).
5. The QEC is also experiencing high growth and demand in relation to sport and recreation, with opportunities for the inclusion of a library seeming unlikely. This has cost implications.
6. Furthermore, Frankton and environs (Bridesdale, Lake Hayes Estate, Shotover Country, Retirement Village, Jacks Point etc) have experience significant residential growth in addition to the relocation of schools. As such, there has been some demand from the community to accelerate the Frankton Library proposal.
7. To this end, a trial 'pop up' library has been established at the QEC on a Friday afternoon for two hours per week. The 'pop up' library has been open since 11 August 2017 and has already doubled its circulation (number of books, magazines etc that have been checked out).
8. Despite only opening mid-way through the month and for half the amount of hours per week than most of the smaller libraries, utilisation is already out-pacing some of the more established libraries. The service has grown organically with one book now being issued every two minutes. This strongly suggests that the appetite for an appropriate library facility exists.

## Recommendation

9. Although the future of a Queenstown Library presence has yet to be finalised, it is probable that a business case can be made for escalating the development of a Frankton Library.
10. A fast track and affordable solution would be to enter into a short term lease (3+2 years) of an existing premise or a proposed premise of approximately 550-850m<sup>2</sup> with easy access and ample parking in the Frankton area. The fit-out would be functional but modest to reflect the short term nature of the lease.
11. The leased library could be used as a pilot opportunity to test contemporary library layouts, technologies and fit-out. It is currently anticipated that the patrons of the Frankton Library would predominantly be the local community.
12. A short term lease is recommended in order to trial and refine a model of operation that will inform longer-term investment decisions i.e. location, size and configuration, and the ownership and development models for a more permanent library facility in Frankton.
13. The proposal creates an opportunity to focus on the creation of a flexible, technologically enabled, light and modern environment which would encourage the community to use the space for other purposes, such as performances and meetings. This could potentially build upon initiatives already finding success at other library locations in the district, such as wheeled shelving and hosting of events. It therefore could contribute significantly to the cultural, artistic and literary landscape of the wider Frankton area.
14. It is recommended that QLDC approaches the market seeking Expressions of Interest in providing suitable leased premises that are available in the near term, such that a comparison of options can be made to select the best fit to requirements.

## Options

15. Option 1 Maintain the Status Quo

### *Advantages:*

- No change to the timing of the existing budget as established in the Ten Year Plan.
- Provides time to develop the future requirements for the Library

### *Disadvantages:*

- Unlikely to meet the demand from the community for the provision of a library facility in Frankton.
- Minimal opportunity to physically test and development the requirements

21. Option 2 Provide a near term cost effective library service in Frankton

*Advantages:*

- Provides a near term library solution to meet demand
- Minimal investment outlay
- Provides ideal opportunity to test, refine and develop longer-term library service model
- Minimises investment risk in a changing sector

*Disadvantages:*

None

22. Option 3 Accelerate the construction of a longer-term Frankton Library facility

*Advantages:*

- Brings the library on-stream earlier to meet the demand

*Disadvantages:*

- Potential investment risk

23. This report recommends **Option 2** for addressing the matter because this decision does not commit Council to the proposal but will enable the Council to consult on the matter through the 10 Year Plan process

**Significance and Engagement**

24. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the decision is to seek an EOI and prepare a Business Case.

**Risk**

25. This matter relates to the strategic risk SR1 as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because library provisions in a new location relate to the current and future development needs of the community.

**Financial Implications**

26. There are no material financial implications in relation to this specific set of recommendations. It should be noted that in 2015 Council consulted on and included funding for \$5.3m in the year 2020 to develop a Frankton Library Hub.

**Council Policies, Strategies and Bylaws**

27. This matter is included in the 2015 10-Year Plan/Annual Plan

**Local Government Act 2002 Purpose Provisions**

28. The recommended option:

- Will help meet the current and future needs of communities
- 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. **Following the EOI process**, the proposal to bring funding forward to lease a Frankton Library could be included in the 2018 10 Year Plan. This would then be the subject of broad consultation. This engagement will give a strong indication as to whether the proposal has community support prior to Council adopting the 10 Year Plan at the end of June 2018.
30. Further engagement to gauge support or otherwise for this concept can be undertaken. Clearly it would also be essential that some form of community engagement would also be undertaken to inform the design and services.

**QLDC Council  
28 September 2017**

**Report for Agenda Item: 9**

**Department: Corporate Services**

**2017/18 Contestable Economic Development Fund proposed principles and process**

**Purpose**

The purpose of this report is to outline the goals, principles and processes for the Economic Development Fund for 2017/18 and seek a decision to proceed.

**Recommendation**

That the Council

1. **Note** the contents of this report;
2. **Accept** the recommended goals, principles, criteria and processes for the 2017/18 contestable Economic Development Fund in order to proceed with a round of funding in the 2017 calendar year;
3. **Delegate** to the Mayor the appointment of a panel four Councillors to deliberate on applications and make a recommendation to Council on allocation of the remaining Economic Development Fund.

Prepared by:



Peter Harris  
Economic Development  
Manager

13/09/2017

Reviewed and Authorised by:



Michelle Morss  
Corporate Manager (Acting  
General Manager Corporate  
Service)

13/09/2017

**Background**

- 1 In the 2016/17 Annual Plan there were a significant number of funding requests that related to economic development that were more aligned to the Economic Development Strategy 2015. The previous Council felt a more considered and structured approach needed to be established around economic development related funding in the district.

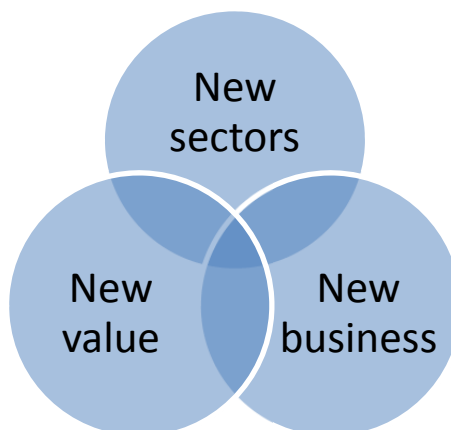


- 2 In December 2016 a decision was taken to appoint an Economic Development Manager who is principally focused on delivering the objectives of the Economic Development Strategy 2015, including the development of a contestable economic development fund. A dedicated budget for economic development was first introduced in 2015 and money is available in the 2017/18 Annual Plan budget.
- 3 It is appropriate for the Council to approve the proposed goals, principles, criteria and process for the allocation of a contestable fund from the allocated budget.

### **Comment**

#### **Themes for the 2017/18 Economic Development Contestable Fund**

- 4 There are three proposed themes for the contestable fund which align with the objectives of the Economic Development Strategy:
  - i. New Sectors – helping emerging industries grow (i.e. which businesses in the same industry could combine forces to share costs, reduce risks or amplify sales opportunities?)
  - ii. New Value – helping existing businesses boost their scale and margin (i.e. what technology could help local tourism businesses improve their efficiency, or add value to the visitor experience?)
  - iii. New Business – supporting entrepreneurs to launch and grow innovative new businesses (i.e. how can we support people with a business idea to decide whether it is worth launching?)



- 5 Because some projects may cover more than one theme, it is recommended the fund be retained as one budget rather than split into tranches.

### **Funding principles**

- 6 The following principles are recommend to underpin the contestable fund:

- i. *The contestable fund will be initially restricted to the 2017/18 financial year* – The decision about whether it should be repeated in future will be made within the context of the future economic development model.
- ii. *No direct funding will be given to individual businesses* – Funding individual businesses is a high risk approach for local government bodies, given the potential levels of failure surrounding new businesses and initiatives. Individual businesses can seek funding from central government or private investors separately. QLDC backed projects should benefit multiple businesses via improved skills, networks, access to investment etc., but not provide a cash injection for individual businesses.
- iii. *All applicants must agree that the details of their projects and the results can be shared publicly.* While specific business information can be treated as confidential, the details of the project and its benefits should be public.
- iv. *QLDC will only co-fund projects* – businesses and/or other agencies must contribute.

### **Assessment Criteria**

- 7 The panel would assess the applications against the following criteria. To varying degrees the initiative needs to demonstrate that it will:
  - Add new customers, expertise or value to the District
  - Have a clear impact and go beyond ‘business as usual’
  - Benefit businesses across the District
  - Solve a challenge voiced by a specific group/industry/consumer group
  - Receive financial or in-kind support from others
  - Involve experienced and committed people
  - Leverage national and international models and expertise
  - Align with the objectives of the Economic Development Strategy

### **Fund process and timing**

- 8 Applicants will be required to consult with the Economic Development Manager prior to submitting an application. This will help ensure that the criteria are well understood, whilst offering the chance for feedback to be provided in order to strengthen applications.
- 9 Applications will be made online using the same software used for Events funding applications (SurveyMonkey). The application format will be designed to be ensure ease of use and submission.
- 10 A panel of four Councillors determined by Council will consider the applications and make a recommendation to Full Council.
- 11 The proposed timing is as follows;
  - September-October – promote the fund and work with potential applicants

- Monday 6 November – applications close
- Week commencing Monday 20 November – panel considers applications
- Thursday 14 December – Council considers recommended funding allocations

### **Funding 2017/18**

- 12 As outlined Council has included dedicated economic development funding since adopting the strategy in 2015.
- 13 The funding available in the 2017/18 year is a total fund of \$335k. Of that total fund the Council allocated \$150k to both the Wanaka and Queenstown Chambers of Commerce for economic development projects highlighted through the 2017/18 Annual Plan process.
- 14 It is proposed that an additional \$50k be set aside for discretionary economic development projects for the remainder of the year. These minor projects will be delegated for sign off by the General Manager Corporate Services.
- 15 The remaining fund (\$135k) will be treated as contestable through the proposed November funding round.

### ***Significance and Engagement***

- 16 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it involves relatively small amounts of funding supported by an adopted strategy.

### **Financial Implications**

- 17 The Contestable fund has been included within the approved Economic Development budget in the 2017/18 Annual Plan.

### **Council Policies, Strategies and Bylaws**

- 18 The Economic Development Strategy was considered in the development of this funding approach. The recommended option is consistent with the principles set out in the named policy/policies.
- 19 This matter is not included in the 10-Year Plan/Annual Plan but will be a consideration when Council decides on the appropriate structure, goals and funding for future economic development efforts.

### **Local Government Act 2002 Purpose Provisions**

- 20 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 encouraging new industries and businesses within our community.

- 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**

21 The Economic Development Strategy 2015 and subsequent Annual Plan funding of economic development which inform this proposal have been the subject of consultation with residents/ratepayers of the Queenstown Lakes District community, and local businesses and industry groups.

QLDC Council  
28 September 2017

Report for Agenda Item: 10

Department: Property & Infrastructure

Queenstown Integrated Transport Strategy

Purpose

The purpose of this report is to seek Council's endorsement for this multi-agency transport programme.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Endorse** the Queenstown Integrated Transport Strategy as its main transport strategy for the Wakatipu area.

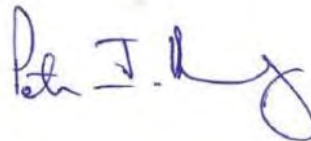
Prepared by:



Tony Pickard  
Principal  
Infrastructure

Planner

Reviewed and Authorised by:



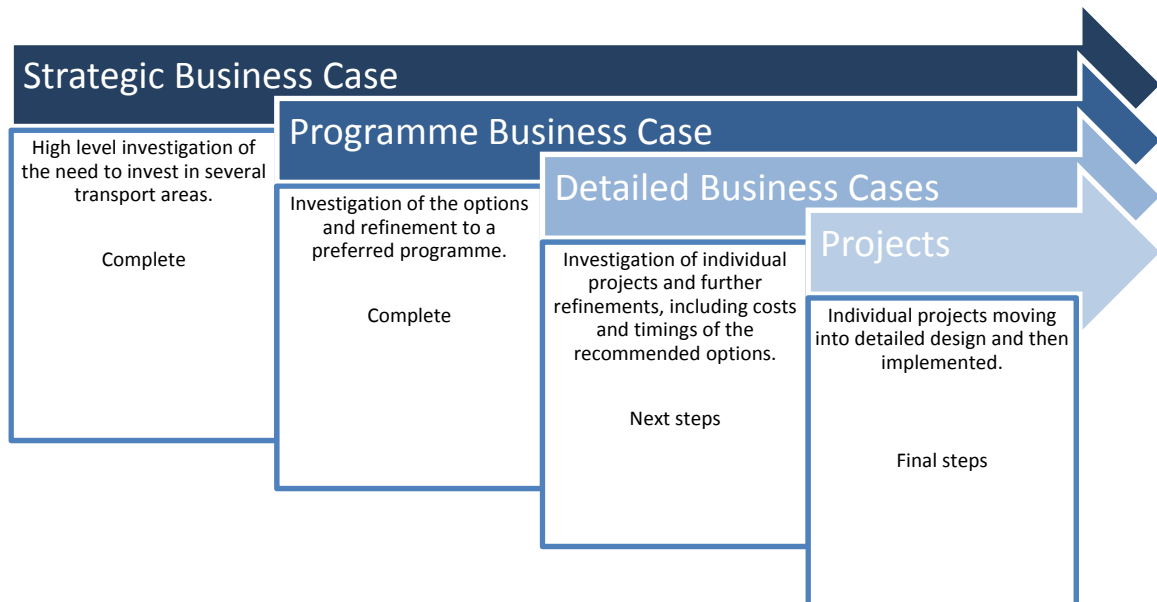
Peter Hansby  
General Manager  
Property and Infrastructure

Background

- 1 The Wakatipu Transport Strategy came into effect in 2007. This strategy was replaced in 2014 by separate activity based strategies in the Transportation Strategy Review, led by the various transport activity owners. The Queenstown Integrated Transport Strategy (QITS) proposes to integrate and update the 2014 strategy with shared principles, partnerships and programmes of transport investments. QITS is proposed to supersede the Queenstown Town Centre Transport Strategy that still has ongoing implementations in this financial year.
- 2 QITS is a Programme Business Case (PBC) (see Attachment A) that combines several existing strategies to produce a programme of transport projects. The Partners to the programme are QLDC, New Zealand Transport Agency (NZTA), Otago Regional Council (ORC) and Queenstown Airport Corporation (QAC). The programme is intended to provide direction for land (and water) transport projects

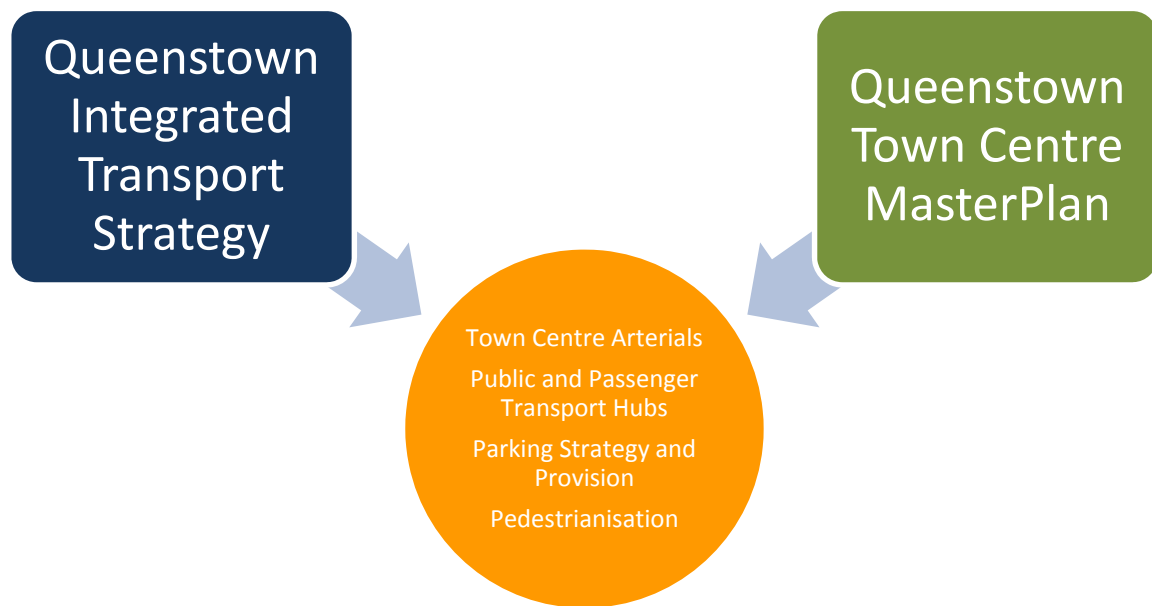
in the Wakatipu over the next ten years, with a planning horizon of some 30 years.

- 3 The PBC is the second stage of the process (simplified here for ease of understanding) which will lead to the projects shown in Table 16, p74 of Attachment A.

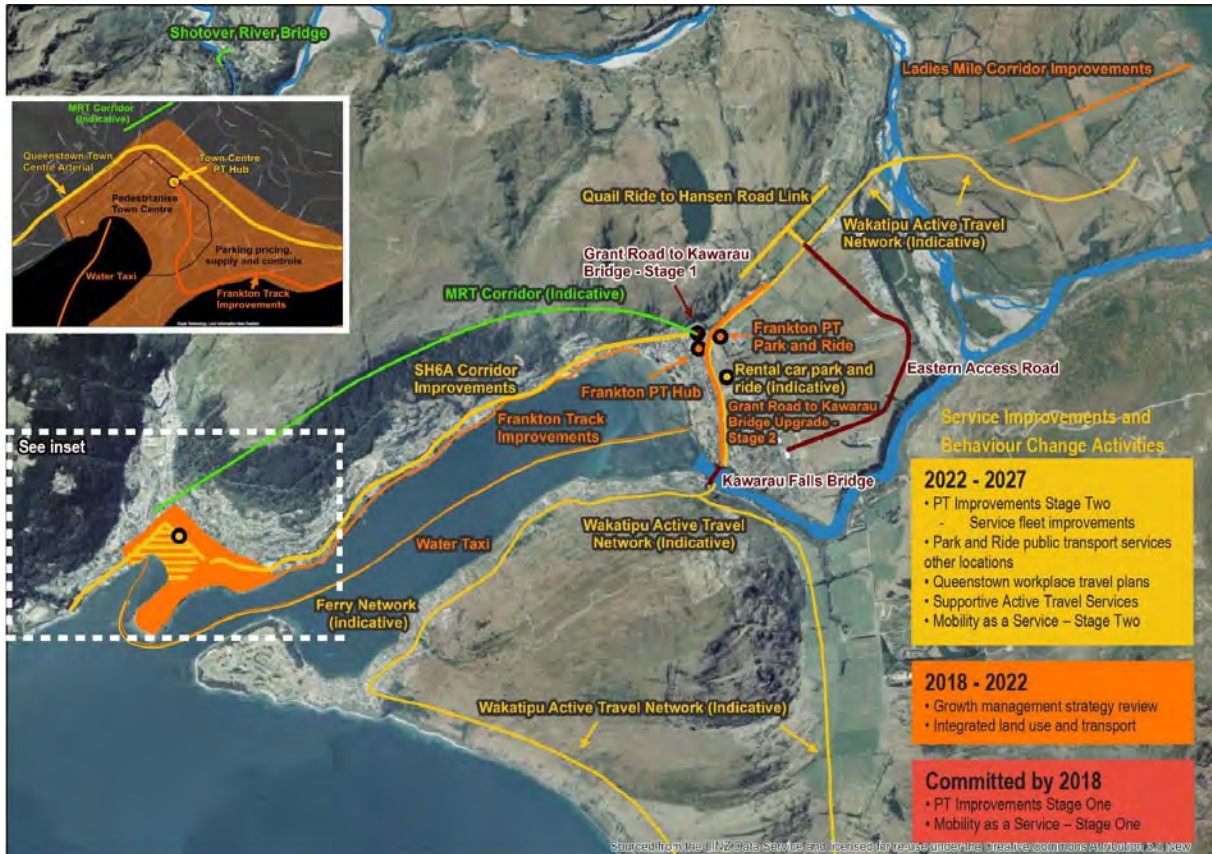


- 4 The integrated nature of the QITS project allows a joint approach to projects that address multi-modal transport options. The underlying aim of the programme is to encourage greater use of active travel (cycling and walking) and public transport options. NZTA have led the PBC but the result is a reflection of combined inputs.
- 5 NZTA will present the programme to their Board and ORC will also request endorsement from their Council.
- 6 The programme represents a very significant investment for the District, in terms of cost, resources and commitment. The indicative cost range is four to six hundred million dollars (expected costs and higher range costs) over the full 30 plus year term of the programme, funded by partners. Costs and timing of projects will be refined as the business case process continues. This paper does not formally commit QLDC to funding the indicative costs. This paper proposes endorsement of a multi-agency approach to combining and refining the Wakatipu transport requirements.
- 7 Funding is proposed to be spread over ten (or more) years (more detail will come with the progression of Detailed Business Cases (DBC) for each subsequent project). This will be “smoothed” where practical to do so, over that full period and within the Long Term Plan.
- 8 A significant element of the funding is anticipated to be provided by NZTA, with a smaller element from ORC.

- 9 The programme is aimed to align with the next three-year cycle of the Regional Land Transport Plan (2018 – 2021), and will be proposed in QLDC’s 2018 Long Term Plan.
- 10 The QITS PBC initiation pre-dates the Queenstown Masterplan, which is also a PBC, but has a significant overlap with the transport elements of that project, such as new arterial routes, public transport and passenger vehicle hubs in the town centre. The ongoing and mutual support of the investment partners and stakeholders will be a critical factor in that project. Where overlaps occur, these can be combined into single DBC’s to prevent duplication.



- 11 The integration of the QITS PBC which is a Wakatipu wide strategy, will complement the Queenstown Town Centre MasterPlan which includes spatial and public realm planning as well as its significant transport elements. The indicative outcomes from these transport programmes to be delivered by 2040, is shown below.



12 The programme and its outcomes are summarised in Attachment B.

## Options

13 Option 1 **Do not adopt the Queenstown Integrated Transport Strategy.**

Advantages:

14 QLDC will continue to work independently of other agencies and organisations with a transport focus to achieve shared outcomes.

Disadvantages:

15 QLDC's forward programme of transport projects may not align with those of other agencies.

16 Significant national funding opportunities may be missed.

17 Transport networks may not be integrated and effectiveness of investment and levels of service may be adversely affected.

18 Option 2 **Adopt the Queenstown Integrated Transport Strategy.**

Advantages:

19 QLDC will support multi agency planning and implement an agreed programme of transport projects throughout the Wakatipu.



20 An integrated approach to planning and delivery of transport investment will result in efficiencies and avoid ineffective investment.

Disadvantages:

21 QLDC will need to continue to align with partner agencies to deliver the work programme, and address the challenges that this may bring in the separate decision-making processes

22 Option 3 Adopt individual aspects of the Programme

Advantages:

23 QLDC can give preference to sub projects that are in its control.

Disadvantages:

24 The integrated nature of the programme and the interdependencies may be lost making the programme inefficient.

25 Funding support may not be available.

26 Duplication of projects may occur.

27 **Option 2** is recommended, to ensure that QLDC provides a forward thinking and realistic transport programme that delivers efficient integrated projects and outcomes.

### **Significance and Engagement**

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

- a. Is of high importance to the Queenstown Lakes District.
- b. Is of high interest to Community.
- c. May impact on the Council's capability and capacity.

29 Specifically this is of high importance to the District, as the effective integration of transport projects has connotations for economic and development growth. As such, this is expected to be of high interest to the Community. The scale of the programme of works may affect the Council's capability and capacity to fund and deliver other programmes and projects.

### **Risk**

30 The risk associated with this programme is classed as SR1: High.

31 The matter relates to the current and future needs of the community, including, but not limited to the transport network.

32 This report is key element in treating the management of that risk because it provides governance oversight of the strategic approach to an essential element of the district's infrastructure.

### **Financial Implications**

33 The costs of the programme outputs are significant, but proportionate to the growth of the District and will be considered in the proposed Long Term Plan. The indicative budgets required are from a QLDC share of \$116,000,000 - \$168,000,000.

### **Council Policies, Strategies and Bylaws**

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

- Significance and Engagement Policy
- Queenstown Town Centre Transport Strategy 2015
- Infrastructure Strategy

### **Local Government Act 2002 Purpose Provisions**

35 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 implementing an efficient forward planned transport network.
- 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**

36 The persons who are affected by or interested in this matter are the public in general, transport stakeholders and partner agencies.

37 The Council has consulted through the involvement a wide stakeholder base and will consult further as part of the SCP required in the Long Term Plan.

### **Attachments [Presented separately]**

- A Queenstown Integrated Transport Programme Business Case
- B Queenstown Integrated Transport Programme Business Case Summary

QLDC Council  
28 September 2017

Report for Agenda Item: 11

Department: Property & Infrastructure

Queenstown Town Centre Transport Strategy – Mode Shift Improvements

Purpose

The purpose of this report is to identify the measures necessary to encourage a mode shift from private car usage to public transport. These include:

- a. Parking charge review
- b. Further parking restrictions
- c. Additional resources (enforcement)

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Agree** to the further restrictions and amendments to parking provisions in the Town Centre and CBD [as set out in Attachment B].
3. **Note** the provision of new minor infrastructure for Public Transport.
4. **Direct** officers to amend the Parking Charges [as detailed in Attachment A.]
5. **Note** the additional resources required to cover the transition period.

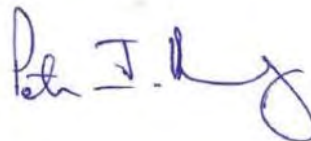
Prepared by:



Tony Pickard  
Principal  
Infrastructure

12/09/2017

Reviewed and Authorised by:



Peter Hansby  
General Manager  
Property and Infrastructure

12/09/2017

## Background

- 1 The Queenstown Town Centre Transport Strategy includes the need to encourage a behavioural change to public transport as the preferred travel choice. More recently this has been supported by both the ongoing Queenstown Masterplan project and the Queenstown Integrated Transport Strategy.
- 2 Three major components of this modal shift are brought together in this report, being:
  - a. Parking Fee changes and the establishment of a Transport Improvements Fund (TIF).
  - b. Identification and installation of new/amended Public Transport Bus Stops.
  - c. Consolidation of Town Centre/CBD parking restrictions.

## Comment

- 3 The transport strategies referenced above all refer to a necessary change in the approach to transport in and around Queenstown. Historically, the private car has been the preferred mode for the majority of residents, business and visitors alike. Public Transport has been poorly supported and is viewed as an expensive, inefficient and limited service. Queenstown is also seen as the adventure capital of New Zealand which brings a high proportion of outdoor sports users as residents and visitors, which in turn increases the preference for active travel, if suitable infrastructure exists.
- 4 Private car use is high. This results in congestion and lack of availability of parking, which in turn initiates demands for Council to provide more parking and more efficient roading. As the demand grows the ability to increase parking availability and install more roading is severely limited by geography, topography and funding. To make transport more efficient, economic and possibly more enjoyable, a behavioural change is required and is addressed here collectively as Mode Shift Improvements. The aim is to increase the usage of alternative modes, by making them more attractive than the private car to all user groups.
- 5 The methods included in this project will encourage a mode shift towards public transport, which is a service about to be improved by its regulator, the Otago Regional Council<sup>1</sup>. This will see more direct routes, more frequent service and a significant lowering of fares. This is currently indicated as occurring on 20 November 2017. The infrastructure changes necessary to action this shift are mainly the responsibility of QLDC and include measures to make parking and the use of the private car proportionally unattractive, as the attractiveness of other modes is increased. The main shift is expected towards public transport (buses) with an element of active travel also being increased, although a separate and significant improvement to Active Travel Networks<sup>2</sup> is also being planned. Importantly the new bus service and the “encouragement” must be aligned and delivered reasonably close together.

<sup>1</sup> Public Transport Network Review Detailed Business Case (ORC) 2017

<sup>2</sup> Queenstown Integrated Transport Programme Business Case 2017

## Public Transport Infrastructure

- 6 The new/improved bus services require the installation of new stops in strategic locations to allow efficient operation. The revised routes and these new facilities are part of the first stage of these improvements and if the increased use is realised, then further improvements will be planned (these may include prioritised intersections, park and ride and transport hubs). The installation work will be in stages, allowing signage in the first tranche and then further improvements including shelters in some locations to be added. A total of 25 new stops, with a range of minor work and installation of bus shelters where required, are being planned over the period from October 2017 to March 2018.
- 7 The total costs of these implementations are indicatively around \$900,000 including any additional enforcement costs. This is a high cost and is anticipated to be revised downwards significantly, as more detailed design is progressed.

## Parking Charges / Restrictions

- 8 One of the main deterrents from using other modes is the availability of free or low cost parking in the town centre. Parking fees have remained unchanged since 2010 and are currently accepted as being very low. Additionally there is a large amount of free car parking available within walking distance (5 mins = 400m, 10 mins = 800m) of the town centre. Competition is fierce for these free or low price parks, which encourages their use. The ongoing occupancy rate across the town of over 90% confirms this.
- 9 Historically there has been adequate parking for all users around the town, with enough capacity to allow cheaper parking for daily, weekly, monthly and quarterly periods. The high occupancy rates now necessitate a review of this liberal approach. With the current high levels of occupancy, combined with low or zero cost, the alternatives of active travel and Public Transport are not being incentivised or encouraged.
- 10 It is accepted that a range of parking provisions will still be required and existing parking areas will be retained, although the charging regime will be increased to the point that modelling shows the shift to public transport will occur. Further restrictions will also be added to reduce some commuter all day parking.
- 11 The new charges and changes to parking restrictions are detailed in Attachments A and B respectively. The proposed changes are targeted at all user groups, residents (commuters), visitors and commercial users. These will be implemented in stages before March 2018. These have been staged with consideration to a variety of user groups, noting the Christmas break, and notice will be given to the longer term permit holders following adoption of this report.

## CBD Trials

- 12 Over several months in 2016, a number of minor changes were introduced to the CBD / Town centre. Some are trials whilst others are open ended, and feedback on their effectiveness was collected from an on-line survey, and directly from the business community, and Customer Service and Enforcement teams. The overall effect of these changes was to encourage more turnover of spaces,

especially for all day parkers. In this respect the feedback is positive, although there were negative responses to some of the individual measures.

- 13 Given that QLDC has now embarked on a Master Planning project for Queenstown Town Centre it is recommended that these previous changes are all generally left in place at this time, to allow continuity. Some further amendments will be required to accommodate the public transport infrastructure and are detailed in Attachment B. For clarity, evening parking restrictions, CBD zones and no return times, campervan restriction in the CBD, car-pooling, overnight bus /coach parking, campervan parking and winter changes will all remain as per earlier Council resolutions.

### **Transport Improvements Fund (TIF)**

- 14 The revenue from parking charging has been previously reinvested, after covering operational charges and maintenance to the meters, including software updates and consumables (tickets). The surplus has been placed back into the general fund. The surplus has now been allocated to QLDC's share of a subsidy for Public Transport fares and if that requirement is exceeded, into public transport infrastructure. This will be the Transport Improvements Fund.

- 15 QLDC's share of the subsidy for the first and subsequent years of public transport is expected to be \$600,000 with an additional \$300,000 allocated to cover a risk factor. It is anticipated that the parking charge surplus will exceed this sum from the first year onwards. The Public Transport subsidy will be shared as follows:

- a. QLDC: 25%
- b. ORC: 25%
- c. NZTA: 50%

### **Camp Street**

- 16 To enable the Public Transport service to operate efficiently there will need to be an increase in the number and availability of dedicated bus stops in the Town Centre. A total of four stops will be utilised, and some re-configuration of adjacent parking, loading and taxi stops will occur. These stops will be restricted to the regulated public transport vehicles only and will remain on Camp Street until the Queenstown Masterplan design has been completed and implemented. The delivery times in Searle Lane will also be amended, back to closing at 10am to encourage earlier deliveries in this increasingly busy area and to accord with the recent changes to Beach Street. An indicative layout is shown at Attachment B.

### **Additional Resources**

- 17 The Regulatory Manager has identified that sufficient enforcement (traffic warden) capacity exists in the CBD on a business as usual basis, but agrees with the need for one additional staff role to assist the transition period and also increased admin support. The additional resource is intended to have more of an ambassadorial role, to assist the public with the transitions by maintaining a presence especially on Camp Street, but will have the power to enforce where

required. Additionally, enforcement will be supported by use of QLDC's CCTV system.

- 18 These resources will be for 1 FTE for the period October 2017 – March 2018, and 0.6 FTE for an admin support role on an ongoing basis. The costs for these posts are effectively funded on a cost recovery basis, but are indicatively \$70,000.

### **Parking restrictions on berms / verges**

- 19 As further control of parking, combined with an increase in parking charges is likely to cause displacement of parking to other public areas, adjacent to the town centre, this needs to be actively monitored. A further 1 x FTE for the transition period October 2017 – May 2018 is required, supported by another 0.6 FTE admin support. The findings from this monitoring will be reported back to Council before the end of March 2018.

### **Procedure**

- 20 Consultation is required as follows:

- a. New bus shelters are required to be consulted on through (LGA) by QLDC, and will be assisted by ORC. The GM property and Infrastructure will respond to any objections to locations.
- b. Due to the varied uses present in Camp St, officers will communicate the intended changes directly with both owners and occupiers before implementation.

- 21 Good communications will be essential and a joint QLDC / ORC / NZTA plan will be devised and implemented to cover the full transition period.

### **Options**

#### **22 Option 1 Do Nothing**

*Advantages:*

- a. Nil

*Disadvantages:*

- a. Public Transport will continue to be inefficient.
- b. Mode shift will likely not occur due to the lack of alternative modes.
- c. Parking occupancy will remain in excess of 85% (the standard planning figure).
- d. Congestion will continue to grow.

#### **23 Option 2 Raise Parking Charges only.**

*Advantages:*

- a. This may deter some users.
- b. This may displace some parking from the town centre.
- c. This will raise parking revenue.

*Disadvantages:*

- a. This will displace parking demand not reduce it.
- b. This will not reduce traffic numbers.

**24 Option 3 Impose Further Restrictions only***Advantages:*

- a. This will result in minor behavioural change.
- b. The community would not face additional parking costs.

*Disadvantages:*

- a. Unlikely to cause the mode shift required.
- b. Will not reduce congestion or increase parking availability.

**25 Option 4(a) Raise parking charges and impose further restrictions.***Advantages:*

- a. The combined effect will encourage the mode shift.
- b. Parking availability will be within the planning range (up to 85%).
- c. Congestion will be eased through fewer private cars travelling into / through the town centre.

*Disadvantages:*

- a. The changes will be significant to the community.

**26 Option 4 (b) Raise parking charges and impose further restrictions on a staged basis.***Advantages:*

- a. As per Option 4(b) but will be achieved through a transition to facilitate the changes required by the community.



27 This report recommends **Option 4 (b)** for addressing the matter because it will effect the necessary change in a manner that allows the change to be managed.

### ***Significance and Engagement***

28 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because the changes will cause a significant change to the current practice for travel to the town centre but the overall outcome however, is seen as positive.

### ***Risk***

29 This matter relates to the strategic 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 the change to the community will result in behavioural changes allowing infrastructure to be focussed away from a car centric environment.

30 The recommended option mitigates the risk by:  
 a. Treating the risk – through a staged approach, good communications and multi-agency working.

### **Financial Implications**

31 Existing budgets are anticipated to be sufficient for this project.

32 The Transport Improvements Fund is expected to provide subsidies for public transport on an ongoing basis.

### **Council Policies, Strategies and Bylaws**

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

- a. Queenstown Town Centre Transport Strategy
- b. Traffic and Parking Bylaw

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

35 This matter is included in the 10-Year Plan/Annual Plan. Transport, specifically reducing congestion, is a key issue.

### **Local Government Act 2002 Purpose Provisions**

36 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 developing a more efficient transport network in and around 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**

37 The persons who are affected by or interested in this matter are Queenstown residents, visitors, business owners and operators.

38 Consultation for adjacent residents/owners is required for the location of public transport infrastructure (bus stops).

39 Consultation for bus stops is required under s339, Local Government Act

**Attachments**

A Parking charges

B Parking restrictions

**ITEM 11:**  
**Attachment A – MSI – Revised Parking Charges 2017/2018**

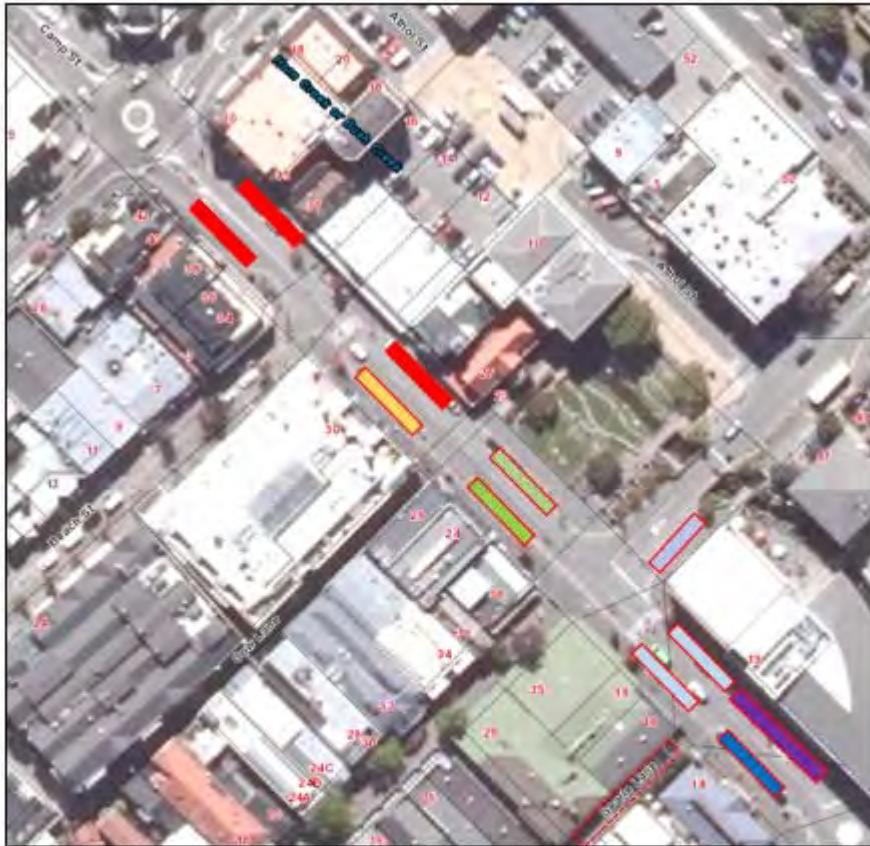
Location	Monday- Sunday (Existing)	Monday – Sunday (Interim)	Monday- Sunday (Final)
Athol Street	9am - 9pm \$2/hr Max 4hrs	9am - 9pm \$4/hr Max 4hrs	9am - 9pm \$4/hr Max 4hrs
Camp Street	9am - 9pm \$2/hr Max 2hrs	9am - 9pm \$4/hr Max 2hrs	9am - 9pm \$4/hr Max 2hrs
Earl Street	9am - 9pm \$2/hr Max 2hrs	9am - 9pm \$4/hr Max 2hrs	9am - 9pm \$4/hr Max 2hrs
Marine Parade	9am - 9pm \$2/hr Max 2hrs	9am - 9pm \$4/hr Max 2hrs	9am - 9pm \$4/hr Max 2hrs
Memorial Street	8am - 9pm \$2/hr Max 1hr	8am - 9pm \$4/hr Max 1hr	8am - 9pm \$4/hr Max 1hr
Stanley Street	8am - 9pm \$2/hr Max 1hr	8am - 9pm \$4/hr Max 1hr	8am - 9pm \$4/hr Max 1hr
Coronation Drive	8am - 9pm Free Max 2hrs	8am - 9pm \$4/hr Max 2hrs	8am - 9pm \$4/hr Max 2hrs
Ballarat A	8am - 6pm \$1 Max 10 hrs \$40.00/Week, 7 Days	8am - 6pm \$2/hr Max 10 hrs \$80.00/Week, 7 Days	8am - 6pm \$2/hr Max 10 hrs
Ballarat B	8am - 6pm, \$1/hr Max 10 hrs \$40.00/Week, 7 Days	8am - 6pm \$2/hr Max 10 hrs \$80.00/Week, 7 Days	8am - 6pm \$2/hr Max 10 hrs
Ballarat C	Permit holders only	Permit holders only	8am - 6pm 2/hr Max 10 hrs
Ballarat Street	8am - 6pm, \$2/hr Max 1hr	8am - 6pm, \$4/hr Max 1hr	8am - 6pm, \$4/hr Max 1hr
Boundary Street	8am - 6pm, \$0.50/hr Max 5 Hrs \$2.50 All Day, Max 10 Hrs \$12.50/Week, 7 DAYS	8am - 6pm \$1/hr Max 10 Hrs \$5.00 All day, Max 10 hrs \$25.00 / Week, 7 Days	8am - 6pm \$1/hr Max 10 Hrs
Recreation Ground	8am - 6pm \$0.50/hr Max 5 Hrs \$2.50 All Day, Max 10 Hrs \$12.50/Week, 7 DAYS	8am - 6pm \$1/hr Max 10 Hrs \$5.00 All day, Max 10 hrs \$25.00 / Week, 7 Days	8am - 6pm \$1/hr Max 10 Hrs
Church Street (Covered)	\$2/hr \$5 Earlybird \$10 Maximum daily rate	\$4/hr \$10 Earlybird \$20 Maximum daily rate	\$4/hr







Note: Weekly tickets do not guarantee a space will be available. This is the same as the existing situation.

**Nov 20 New Fares and Routes – Dec 04 Interim Parking Charges – Feb 05 Final parking Charges – March 05 Queenstown Gardens / One Mile Car Parks – March 31 Quarterly / Monthly permits removed.**

**ITEM 11:**  
**Attachment B Mode Shift Improvements – Further Restrictions**

Camp Street



- |   |   |   |  |
|---|---|---|--|
|  | <p>New Public Transport Bus Stop</p>        |  | <p>Existing taxi ranks retained</p>                            |
|  | <p>Existing bus stop reduced to one bay</p> |  | <p>Loading zone – reverts to taxi rank 6pm daily until 6am</p> |
|  | <p>Loading zones operating 24/7</p>         |  | <p>Existing public parking retained</p>                        |

Athol, Rees and Shotover Streets



New loading zone 24/7



New loading zone 24/7



Existing loading zones but restriction altered to 24/7

Queenstown Gardens and One Mile car Park



Free parking – maximum  
4 hrs – no overnight  
parking – no parking on  
verges



Free parking – maximum  
4 hrs – no overnight  
parking – no parking on  
verges

**QLDC Council  
28 September 2017**

**Report for Agenda Item: 12**

**Department: Property & Infrastructure**

**Lessor's and Minister's approval – Skyline Enterprises Limited, Replacement and Upgrade of the Skyline Luge Chairlift and associated development**

**Purpose**

The purpose of this report is to consider granting Lessor's and Minister's approval to Skyline Enterprises Limited for a proposed replacement and upgrade of the existing luge chairlift and associated development.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** Lessor's Approval and Minister's Approval for the proposed replacement and upgrade of the existing luge chairlift and associated development, granted in accordance with resource consent RM170147, on Section 1 SO 24832.
3. **Ensure** that prior to any works being undertaken upon the site, a Health and Safety Plan is first provided to Council to ensure the health and safety of users of the Ben Lomond Recreation Reserve, for all works associated with the proposal.
4. **Require** that the development of the chairlift and associated development is undertaken in accordance with RM170147.

Prepared by:



Aaron Burt  
Senior Planner: Parks &  
Reserves  
8/09/2017

Reviewed and Authorised by:



Stephen Quin  
Parks Planning Manager  
8/09/2017

**Background**

- 1 Skyline Enterprises Limited (SEL) own and operate the Skyline Luge on Bob's Peak within the Ben Lomond Recreation Reserve (Reserve). SEL holds a lease which enables the operation to take place on the Reserve. That lease is registered as encumbrance 5014878.1 on the Certificate of Title for the Reserve (Lease).



2 Clause 6 of the Lease states:

“That the Lessee shall not erect or place any buildings or other improvements or add any addition to any existing building or structure on the demised land without the prior approval in writing of the Lessor and the Minister.”

- 3 Skyline Enterprises Limited (SEL) has obtained resource consent to replace and upgrade the Skyline Luge chairlift that operates on Bob’s Peak, within the Ben Lomond Recreation Reserve including associated earthworks (RM170147). They now seek Lessor’s and Minister’s approval for the development in accordance with the Lease. Council has the delegation to provide these approvals.
- 4 Affected Persons Approval was provided by Council for that activity, but Lessor’s and Minister’s approval was not (at that time) because it was considered appropriate to await the outcome of the resource consent process. This would enable an assessment under that resource consent process to identify any effects on the environment and persons, and determine appropriate means to mitigate any such effects.
- 5 Resource Consent RM170147 approved the following aspects of the activity for which both Lessor’s and Minister’s approval is now sought:
- i. Proposed New Luge Chair Lift
  - ii. Building for emergency drive and LV room (9m<sup>2</sup>)
  - iii. Top terminal building to contain operator’s room (13.34m<sup>2</sup>)
  - iv. Southern building to contain operator’s room (10.5m<sup>2</sup>)
  - v. Walkway over luge tracks
  - vi. Widening of luge track and cart conveyor system
  - vii. Resurfacing of some areas
  - viii. Associated earthworks
- 6 Because resource consent has been approved, SEL now requests that the necessary approvals are provided by QLDC in accordance with Clause 6 of Lease 5014878.1. The consideration of this Lessor’s and Minister’s approval is the purpose of this report.
- 7 Southern Planning Group, as the agent of SEL has outlined their request for approval in the document included as Attachment A to this report. The proposal includes a new higher capacity four seat chairlift, new pedestrian path to the lower terminal, relocation of the luge tracks along with associated earthworks and landscaping. Some of the works associated with the pedestrian path and associated earthworks will occur outside of SEL’s lease area. The approved plans appended to RM170147 are included as Attachment B.
- 8 SEL’s have sought an easement to enable the works on land outside their lease area (on Pt Sec 110 Blk XX Shotover SD). This will be considered as a separate matter to this report.
- 9 The proposal will result in the removal of an existing photo shop building near the lower terminal and the workshop building at the upper terminal.



- 10 The current two seat chair lift is located on four pylons ranging in height from 3.5m to 11.9m in height, all coloured Karaka Green. The proposed (40 x) four seater chair lift will sit on six pylons ranging in height from 5.05m to 8.05m and will also be painted Karaka Green, with bare metal head gear and cables.
- 11 A new luge cart conveyor system is proposed to be installed adjacent to the learner's area at the upper terminal to transport the luge carts up from the terminal into the learner's area.
- 12 The luge tracks currently terminate at the lower terminal. In order for the tracks to connect with the newly positioned lower terminal and avoid the foundations of the new restaurant building proposed in RM160647, the tracks will be relocated slightly to the south.
- 13 The lower terminal is constructed on top of an existing timber crib retaining wall which will need to be removed and replaced. The replacement wall will be pushed south and will wrap around the plateau that the existing lift sits upon. It will also require the removal of an existing stacked schist rock wall. The maximum height of the retaining wall will be 9.4m<sup>3</sup>.

### **Comment**

- 14 Resource Consent (RM170147) has been granted for the proposed works and the Queenstown Lakes District Council in its capacity as lessor provided affected persons approval. It is understood that SEL are seeking to vary that consent, and affected persons approval will likely again be necessary.
- 15 The underlying land is a recreation reserve administered by QLDC and leased to SEL by QLDC.
- 16 There is a management plan in place for the reserve and one of the objectives of the Ben Lomond and Queenstown Hill Management Plan is "provision for recreation and tourism activities, including commercial activities that do not adversely impact on the landscape, recreation and natural values."
- 17 The commercial luge activity, permitted under the terms of the current lease, will not change fundamentally and is included as an existing activity under the management plan.
- 18 The proposal will increase the capacity of the luge chair lift, and conditions of RM170147 will ensure that any adverse effects on the landscape, recreation and natural values are mitigated.
- 19 Recessive colours are being used for the new pylons which match the existing.
- 20 Approximately 150m<sup>3</sup> of fill will need to be brought to site, and conditions of RM170147 will ensure any associated effects are appropriately mitigated.
- 21 Proposed landscaping will be in keeping with the existing landscaping and will not impact on the amenity of the area.
- 22 The Council has delegated to the Chief Executive any and all of its responsibilities, duties and powers to act on any matter subject to specified limitations. None of the limitations apply in this instance. The Chief Executive

therefore has delegated authority to determine whether to grant lessors approval as requested by SEL.

## Options

23 Option 1 Council can grant Lessor's and minister's Approval to Skyline Enterprises Limited for the proposed replacement / upgrade of the luge chair lift and associated development in accordance with RM170147.

### *Advantages:*

- 24 SEL will be able to undertake the proposed replacement / upgrade of the luge chair lift.
- 25 SEL will be able to increase the capacity of the luge chair lift speeding up the waiting times for customers.
- 26 Recreational use of the Ben Lomond Reserve will be enhanced in a manner that does not adversely impact the landscape and natural values of the reserve.

### *Disadvantages:*

- 27 The Ben Lomond Recreation Reserve will be further developed albeit in a relatively minor way when compared with the existing use.
- 28 There will be some initial adverse effects during earthworks and construction relating to noise and transport.

29 Option 2 Council can decline Lessor's and Minister's approval to Skyline Enterprises Limited for the proposed replacement / upgrade of the luge chair lift in accordance with RM170147.

### *Advantages:*

- 30 The Ben Lomond Recreation Reserve won't be further developed.
- 31 There will be no effects relating to noise and transport as a result of this proposal.

### *Disadvantages:*

- 32 SEL will not be able to implement its resource consent to increase the capacity of the luge chair lift which may lead to delays for patrons.

33 This report recommends **Option 1** for addressing the matter as it will lead to improved facilities in a popular Queenstown tourist attraction, and because conditions of RM170147 can appropriately mitigate any adverse effects.

34 Significance and Engagement

35 This matter is considered of low significance, as determined by reference to the Council's Significance and Engagement policy as it does not involve a Council strategic asset, is of low importance to the Queenstown Lakes District, is of moderate interest to the general community, is not inconsistent with policy and strategy and does not impact on Council's capability and capacity.

## **Risk**

- 36 This matter related to the operational risk OR027 'Delivering levels of service', as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because it requires a decision from Council relating to a commercial activity.
- 37 The risk is tolerated as it is considered a relatively minor change to an existing commercial activity which is provided for under lease and the Ben Lomond and Queenstown Hill Management Plan.

## **Financial Implications**

- 38 Council is likely to benefit from the proposal as it will potentially increase the use of luge track and therefore SEL's revenue. Council and the community benefit from the lessee doing well commercially.
- 39 All costs associated with the consenting, design and construction of the new luge chair lift will be met entirely by SEL.

## **Council Policies, Strategies and Bylaws**

- 40 The following Council policies, strategies and bylaws were considered:
- Significance and Engagement Policy 2014
  - Ben Lomond and Queenstown Hill Management Plan
- 41 The recommended option is consistent with the principles set out in the named policy/policies.
- 42 This matter is included in the 10-Year Plan/Annual Plan as administration associated with overseeing this approval will be covered in existing property budget provisions.

## **Local Government Act 2002 Purpose Provisions**

- 43 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 opportunity for increased income to Council and making a decision in a timely manner;
  - 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**

- 44 As part of the resource consent, effects associated with this development have been assessed. It is not considered necessary to conduct further consultation relating to the Lessor's Approval.

**Attachments**

- A Applicant's Description of Activity
- B Plans

26<sup>th</sup> July 2017

Queenstown Lakes District Council  
Private Bag 50072  
QUEENSTOWN 9348

**Attention:** Stephen Quinn

Dear Stephen;

**SKYLINE ENTERPRISES LIMITED – APPLICATION FOR LESSOR APPROVAL PURSUANT TO CLAUSE 6 OF LEASE 5014878.1 AND A PEDESTRIAN ROW EASEMENT PURSUANT TO SECTION 48(1) OF THE RESERVES ACT 1977**

**Introduction**

As you are aware Southern Planning Group act for Skyline Enterprises Limited (“SEL”) who had sought resource consent for the replacement of the Skyline Luge chair lift that operates on Bob’s Peak within the Ben Lomond Recreation Reserve, Queenstown.

Queenstown Lakes District Council (“Council”) were asked to provide an affected party approval to SEL’s resource consent application by way of correspondence addressed to Peter Hansby and dated 16<sup>th</sup> December 2016. This approval request was granted under delegated authority by Mike Theelen on 03 February 2017.

While affected party approval was obtained the correspondence of 16<sup>th</sup> December 2016 also included a request for ‘Lessor Approval’ from the Council pursuant to Clause 6 of the existing Lease<sup>1</sup> held by SEL. Specifically, Clause 6 of this lease states:

*“That the Lessee shall not erect or place any buildings or other improvements or add any addition to any existing building or structure on the demised land without the prior approval in writing of the Lessor and the Minister.”*

It is understood that the Council has delegated authority from the Minister of Conservation to make a determination for approval pursuant to this Clause of the Lease although Council advised that they would not consider the RMA affected party approval and the Reserves Act ‘Lessor Approval’ concurrently<sup>2</sup>.

Rather, at the time that resource consent was issued and the final development outcome is confirmed, Lessor Approval would then be considered by the Council.

SEL resource consent for the replacement luge chair lift (RM170147) was granted by the Council on a non-notified basis on 26<sup>th</sup> July 2017. A copy of this decision is contained within **Appendix [A]**.

Accordingly, the primary purpose of this correspondence is to formally request ‘Lessors Approval’ in accordance with Clause 6 of Lease 5014878.1. In addition, a non-notified pedestrian ROW Easement is requested over the Queenstown Commercial Parapenters Limited Lease Area.

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<sup>1</sup> Lease registered as encumbrance 5014878.1 on Certificate of Title 185162

<sup>2</sup> E-mail and phone conversation with Stephen Quinn dated 01 February 2017

An overview of the approved development is detailed below and illustrated on the various development plans contained within the RM170147 decision in **Appendix [A]**.

### **Overview of Proposal**

'Lessor Approval' is sought from the Queenstown Lakes District Council to authorise the replacement and subsequent construction of a new chair lift for the Skyline Luge.

The proposal involves associated earthworks and significant ecological and amenity planting, the removal of the existing photo sales building at the lower chair lift terminal site and the removal of the existing workshop at the top terminal chair lift site.

The current chair lift is a two seater chair lift located on four pylons being 3.5m tall (lowermost pylon), 11.9m tall, 10.9m tall and 6.44m tall (uppermost pylon). The pylons are coloured 'Karaka Green' and the head gear and cables are galvanized metal.

It is proposed to remove this lift and establish a new four seater chair lift that has six pylons ranging in height from 5.05m to 8.05m tall and containing 40 four seater chairs. The proposed pylons will be coloured karaka green and will have galvanised metal headgear and cables similar to the existing chairlift infrastructure.

The new lift will require the removal of the existing covered top terminal and workshop building. All that will remain of the existing building infrastructure in this area is the staff room, toilet block and the colour steel roofed area over the learner's area which was previously approved pursuant to resource consent RM140198.

The existing concrete surfaced luge track learner's area adjacent to the top terminal will be widened and a new luge cart conveyor system will be installed to transport the luge carts from the new chair lift top terminal into the learner's area. The area to the western side of the new lift top terminal and luge track learners area will be sealed in cobblestones to match the existing track network. The area on the north and eastern side will remain a gravel surface as is currently the case.

The luge tracks presently terminate at the bottom chair lift terminal following a gentle chicane and right hand bend. In order to remove the tracks into a position where they connect with the new lift and to keep them away from the foundation of the new restaurant building proposed in RM160647<sup>3</sup>, the tracks will be relocated south of their present position.

Due to the topography which falls away steeply in this particular area the proposal will include a cantilevered platform structure connecting to a new and enlarged cobblestone surfaced queuing area. This is illustrated in Photograph 1 below:

---

<sup>3</sup> RM160647 is an application for major re-development of the restaurant building and replacement of the existing gondola. It is proceeding by way of Direct Referral to the Environment Court with a hearing having been held in the week commencing 22 May 2017.



*Photograph 1. Proposed Cantilevered Luge Track and Enlarged Queuing Area. Source Stantiall Studios Limited*

There is an existing pedestrian pathway to the lower luge which is accessed from the deck behind the market kitchen of the existing Skyline restaurant building.

In order to keep this access operational the top section of the track needs to be relocated into the existing embankment to make way for the lift pylon foundations for tower 2 and to ensure that an adequate clearance is achieved by the chairs and luge carts when passing over people on this track.

To assist in the disposal of fill on site it is proposed to commence construction of the new lower chair lift pedestrian track that will be required following the grant of resource consent RM160647. This track passes over a small portion of the existing Queenstown Commercial Parapenters Limited Lease Area.

Affected persons approval was obtained from Queenstown Commercial Parapenters Limited who hold the Lease over this area of land as part of the processing of SEL resource consent RM170147.

A total of 344 heavy vehicle movements + 12 heavy machines will access the subject site via Lomond Crescent and the Skyline Access Road during the following hours:

- Monday to Friday (inclusive): 7.30 to 6.00pm.
- Saturday: 7.30am to 12 noon
- Sundays and Public Holidays: No Activity

Comprehensive landscape treatment is proposed for all areas of exposed earthworks and mechanically stabilised earth retaining walls and comprises a mixture of low lying native ground covers and native trees and shrubs.

### **Statutory Approvals**

#### **Resource Consent**

The proposal by SEL limited required resource consent subject to a number of provisions in the Operative District Plan and was assessed as a fully Discretionary Activity. SEL submitted affected party approvals from

the Department of Conservation, Queenstown Commercial Parapenters Limited, Bungy New Zealand Limited and the Queenstown Lakes District Council.

The decision was ultimately approved on a non-notified basis and was signed off by independent commissioner Mr. Andrew Henderson on 26<sup>th</sup> July 2017.

ROW Easement pursuant to Section 48 of the Reserves Act 1977

As identified above SEL proposes to construct a small portion of a new pedestrian path over the edge of the Queenstown Commercial Parapenters Lease Area as illustrated in the plan below:

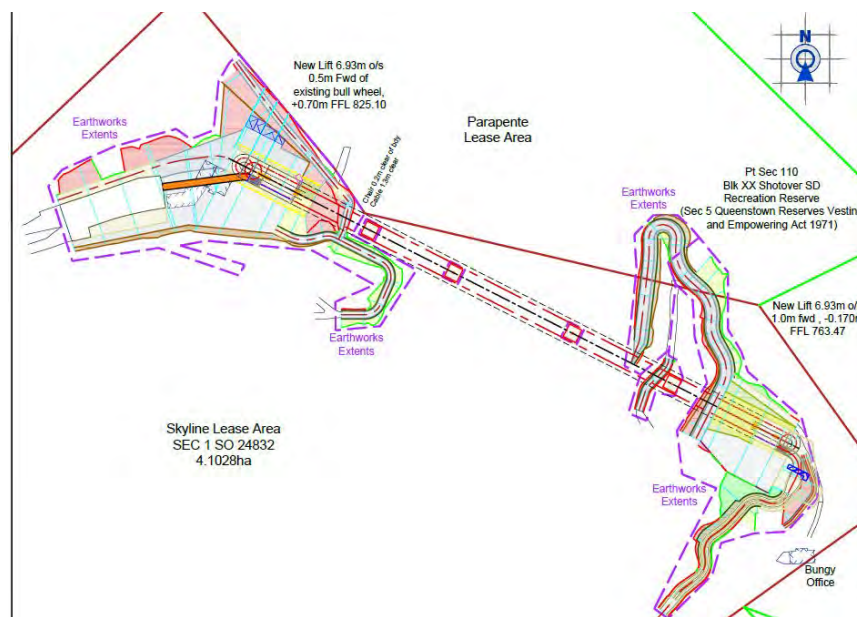


Figure 1. Path to Lower Chairlift Terminal. Source Patterson Pitts Group.

The Queenstown Commercial Parapenters Limited agreed to these works and provided affected party approval for the resource consent application RM170147 on the basis that the legal rights of occupation and use was formally addressed thereafter.

Condition 20(a) of the RM170147 decision in Appendix [A] addresses this matter and states:

*“A computed Easement Plan shall be submitted to Council for approval showing details of any necessary easements to legalise any services associated with the development. This shall include new right of way easements for the relocated luge track on Pt Sec 110 Blk XX Shotover SD Recreation Reserve. Once approved by council, the easements shall then be registered on the Computer Freehold Register for the site, prior to commercial operation of the new luge chairlift.”*

SEL therefore requests the granting of an Easement pursuant to Section 48(1)(b) of the Reserves Act 1977 for pedestrian purposes over Pt Section 110 Blk XX Shotover SD in favour of Section 1 SO 24832 (SEL Lease Area) and the Bungy Lease Area on Pt Section 110 Blk XX Shotover SD (this is not a separately defined parcel of land).

It is considered that Council can grant this Easement on a non-notified basis pursuant to Section 48(3) of the Reserves Act 1977 because:



- (a) the reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and
- (b) the rights of the public in respect of the reserve are not likely to be permanently affected—by the establishment and lawful exercise of the right of way or other easement.

It is therefore requested that the Council approve this ROW Easement concurrently with the Lessor's Approval.

**Summary**

SEL is seeking Lessor Approval and approval for a pedestrian ROW Easement for the replacement and upgrading of the Skyline Luge chair lift.

The proposal is described in greater detail in the approved resource consent decision RM170147 and associated development plans contained in **Appendix [A]**.

It is requested that the Council's approval as Lessor and landowner is granted to SEL to provide certainty in proceeding with the resource consent and other statutory processes.

I trust that the information contained within and **attached** to this correspondence provides a comprehensive understanding of the proposal. Should you have any questions, please do not hesitate to contact the writer directly.

Yours faithfully



Sean Dent  
DIRECTOR

**SOUTHERN PLANNING GROUP**  
16255 – SEL LUGE LIFT LESSOR APPROVAL

# ATTACHMENT B

LEGEND	
	Cut Batters
	Fill Batters
	Concrete
	Grass berms
	Gravel paths
	Retaining wall
	Paved areas
	Site boundary
	Chair stop control
	Chair stop lanyard
	Chair stop gate



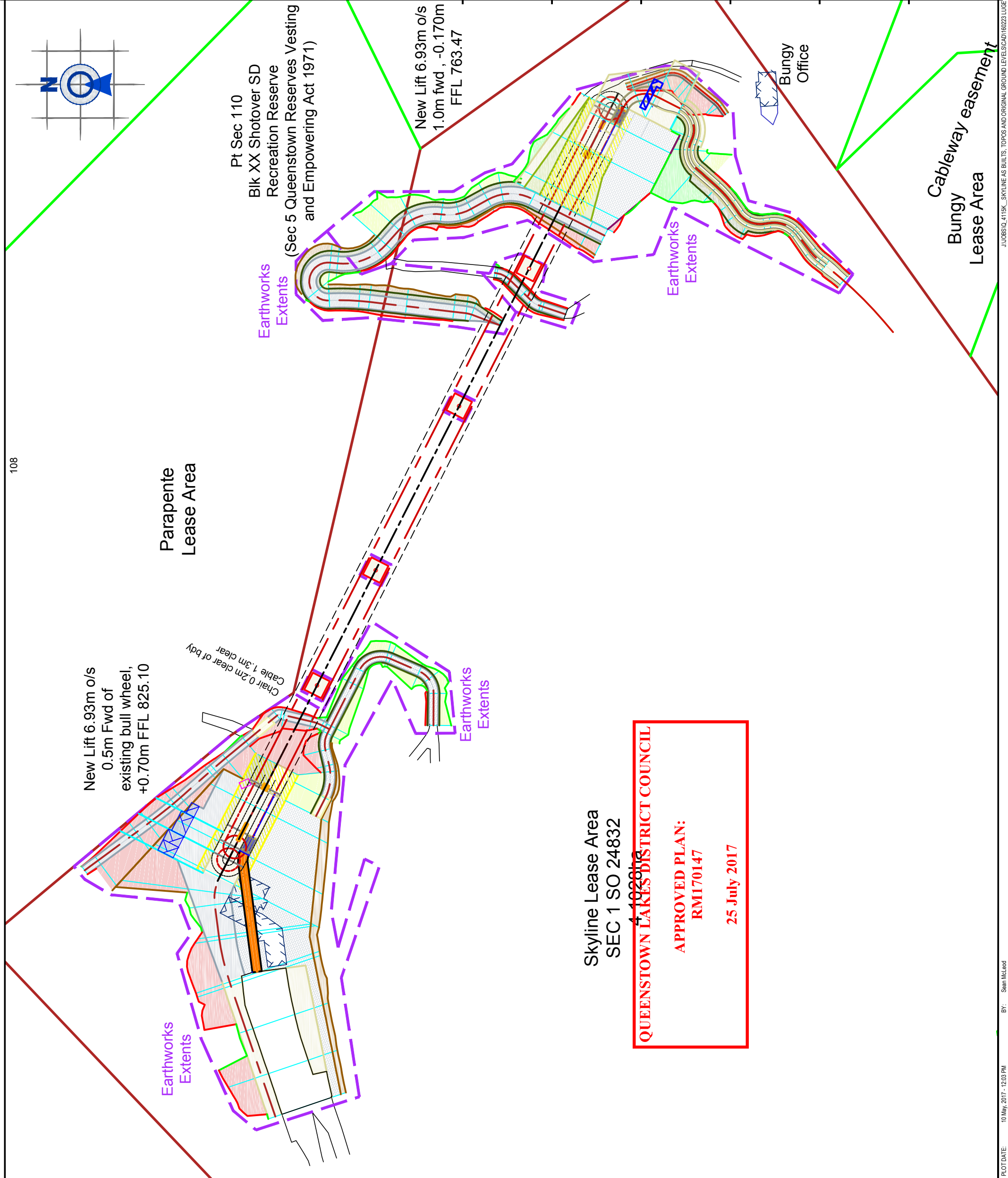
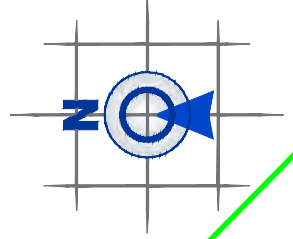
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Client Location:  
**SKYLINE ENTERPRISES LIMITED**  
 SEC 1 SO 24832, 53 BRECON STREET  
 LUGE CHAIRLIFT  
 REDEVELOPMENT 2017-2018

Purpose/Drawing Title:  
**OVERALL PLAN**  
**4 SEAT FIXED GRIP 4.8m GAUGE**  
**- ISSUED FOR APPROVAL -**

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				10/05/2017

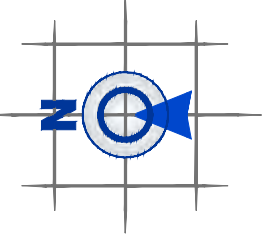


Skyline Lease Area  
 SEC 1 SO 24832

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM170147**  
**25 July 2017**

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Note: In consultation with G-Force path can be widened and batter flattened but it will cross into their lease area.

Upgraded path to Ben Lomond 2.0m Wide

Emergency Drive & LV Room each 3.6 x 2.5m, 3.0m high partially buried

Operators room 4.6 x 2.9m, 3.0m high partially buried

New Lift 6.93m o/s 0.5m fwd, +0.70m FFL 825.10

New Transformer

Area under chair reshaped for clearance

New path to parapente Tower Excavation

Existing Buildings and lift to be removed

New rollers and conveyors existing to be removed

Existing Toilets and office to remain

Existing path removed

reinforced earth fill

Path and flat area to remain

Existing path removed

Emergency Drive & LV Room each 3.6 x 2.5m, 3.0m high partially buried

Operators room 4.6 x 2.9m, 3.0m high partially buried

New Lift 6.93m o/s 0.5m fwd, +0.70m FFL 825.10

Area under chair reshaped for clearance

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Existing Buildings and lift to be removed

New rollers and conveyors existing to be removed

Existing Toilets and office to remain

Existing path removed

reinforced earth fill

Path and flat area to remain

Existing path removed

Existing path removed

Existing path removed

LEGEND	
	Cut Batters
	Fill Batters
	Concrete
	Grass berms
	Gravel paths
	Retaining wall
	Paved areas
	Site boundary
	Chair stop control
	Chair stop lanyard
	Chair stop gate



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**LUGE CHAIRLIFT**  
 REDEVELOPMENT 2017-2018

Purpose/Drawing Title:  
**TOP STATION DETAIL**  
**4 SEAT FIXED GRIP 4.8m GAUGE**  
**- ISSUED FOR APPROVAL -**

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**APPROVED PLAN:**  
**RMI70147**  
**25 July 2017**



**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM170147**  
**25 July 2017**



LEGEND	
	Cut Batters
	Fill Batters
	Concrete
	Grass berms
	Gravel paths
	Retaining wall
	Paved areas
	Site boundary
	CSC
	Chair stop control
	CSL
	Chair stop lanyard
	CSG
	Chair stop gate



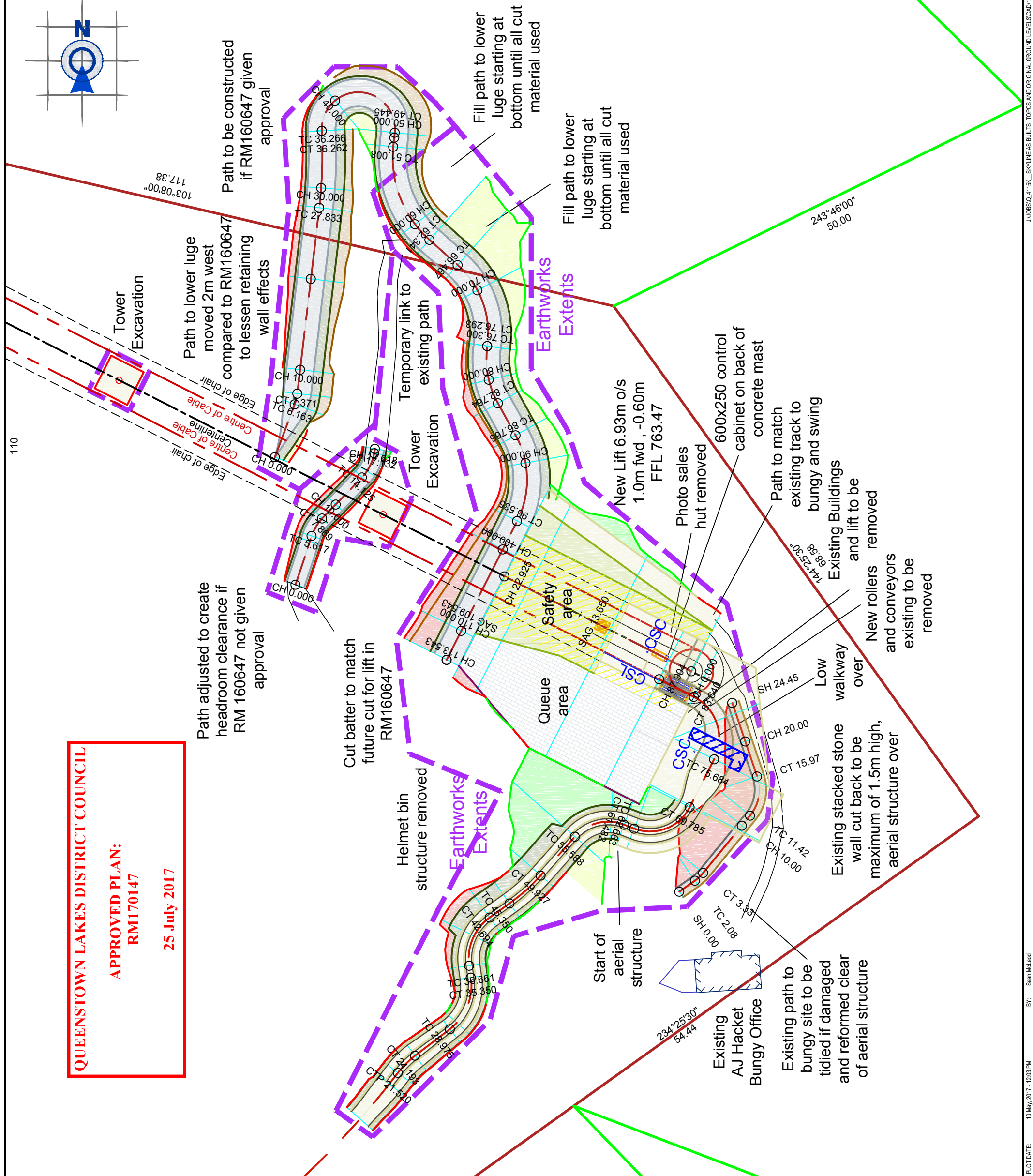
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**SKYLINE ENTERPRISES LIMITED**  
 SEC 1 SO 24832, 53 BRECON STREET  
 LUGE CHAIRLIFT  
 REDEVELOPMENT 2017-2018

Purpose/Drawing Title:  
**BOTTOM STATION DETAIL**  
**4 SEAT FIXED GRIP 4.8m GAUGE**  
**- ISSUED FOR APPROVAL -**

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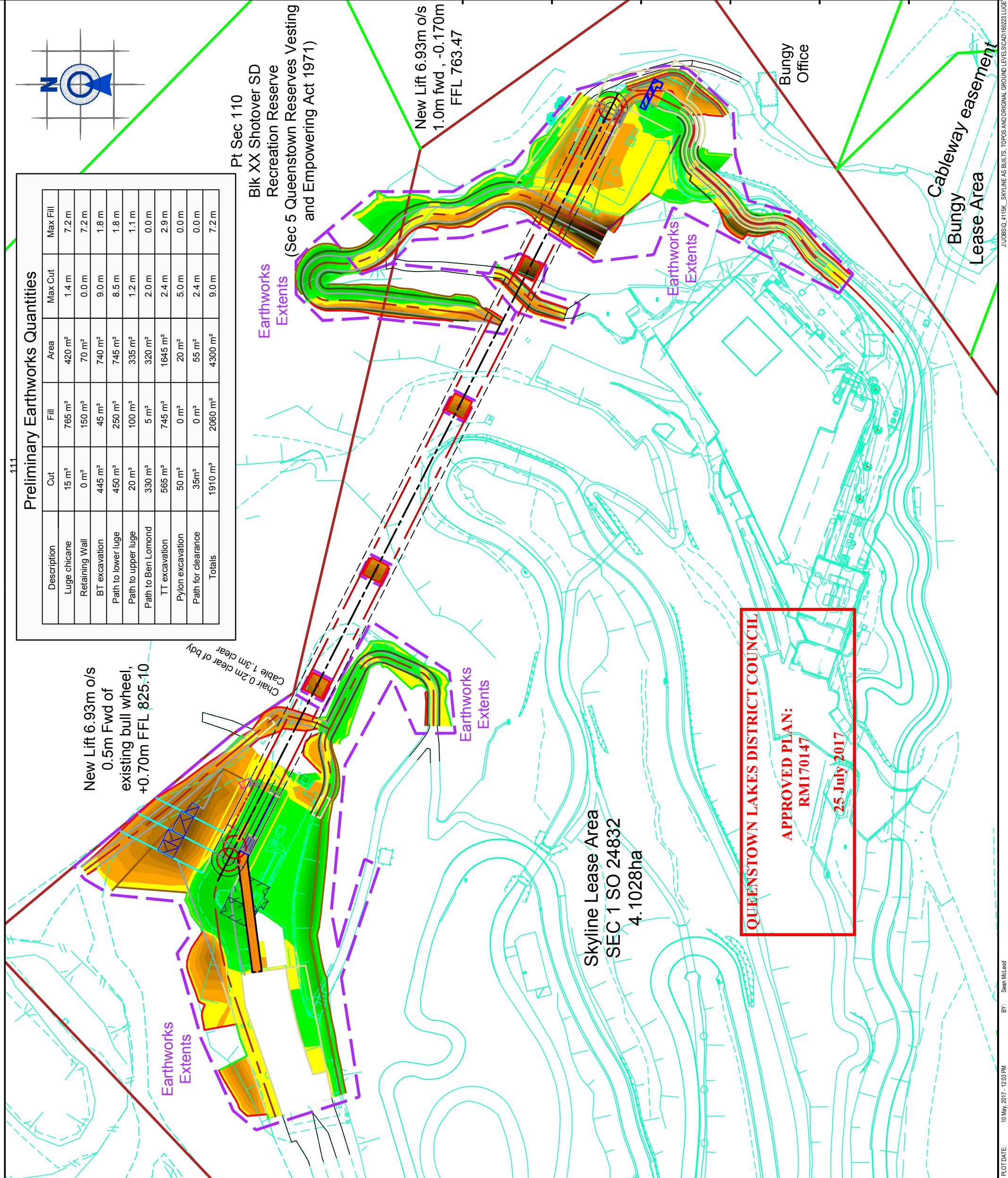
**Preliminary Earthworks Quantities**

Description	Cut	Fill	Area	Max Cut	Max Fill
Luge chicane	15 m³	765 m³	420 m²	1.4 m	7.2 m
Retaining Wall	0 m³	150 m³	70 m²	0.0 m	7.2 m
BT excavation	445 m³	45 m³	740 m²	9.0 m	1.8 m
Path to lower luge	450 m³	250 m³	745 m²	8.5 m	1.8 m
Path to upper luge	20 m³	100 m³	335 m²	1.2 m	1.1 m
Path to Ben Lomond	330 m³	5 m³	320 m²	2.0 m	0.0 m
TT excavation	565 m³	745 m³	1645 m²	2.4 m	2.9 m
Pylon excavation	50 m³	0 m³	20 m²	5.0 m	0.0 m
Path for clearance	35 m³	0 m³	55 m²	2.4 m	0.0 m
<b>Totals</b>	<b>1910 m³</b>	<b>2060 m³</b>	<b>4300 m²</b>	<b>9.0 m</b>	<b>7.2 m</b>

New Lift 6.93m o/s  
0.5m Fwd of  
existing bull wheel,  
+0.70m FFL 825.10

Chair 0.2m clear of body  
Cable 1.3m clear of body

New Lift 6.93m o/s  
1.0m fwd, -0.170m  
FFL 763.47



**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM170147**  
**25 July 2017**

Skylines Lease Area  
SEC 1 SO 24832  
4.1028ha

**Cut/Fill Depths**

Cut >5.25m
Cut 4.75-5.25m
Cut 4.25-4.75m
Cut 3.75-4.25m
Cut 3.25-3.75m
Cut 2.75-3.25m
Cut 2.25-2.75m
Cut 1.75-2.25m
Cut 1.25-1.75m
Cut 0.75-1.25m
Cut 0.25-0.75m
Cut/Fill <0.25m
Fill 0.25-0.75m
Fill 0.75-1.25m
Fill 1.25-1.75m
Fill 1.75-2.25m
Fill 2.25-2.75m
Fill 2.75-3.25m
Fill 3.25-3.75m
Fill 3.75-4.25m
Fill 4.25-4.75m
Fill 4.75-5.25m
Fill >5.25m

- Existing major contour
- Existing minor contour
- - - Proposed major contour
- - - Proposed minor contour



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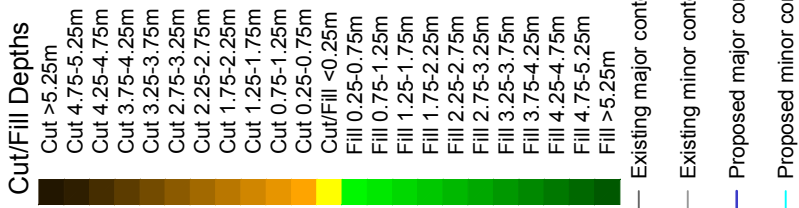
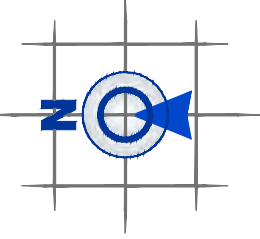
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LUGE CHAIRLIFT  
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Purpose/Drawing Title:  
**OVERALL EARTHWORKS PLAN**  
**4 SEAT FIXED GRIP 4.8m GAUGE**  
**- ISSUED FOR APPROVAL -**

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- Existing major contour
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- Proposed major contour
- Proposed minor contour



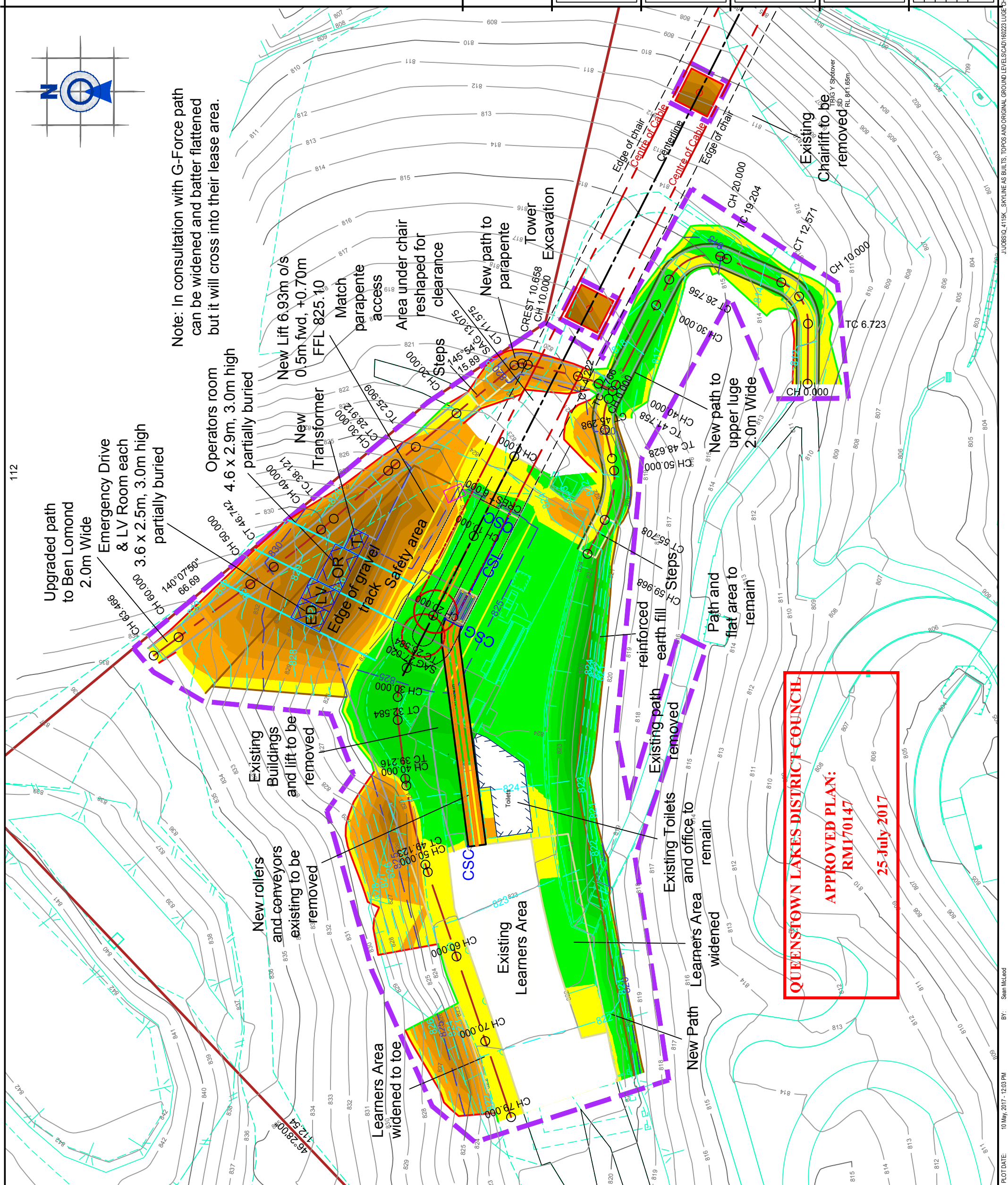
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Purpose/Drawing Title:  
**TOP STATION EARTHWORKS**  
**4 SEAT FIXED GRIP 4.8m GAUGE**  
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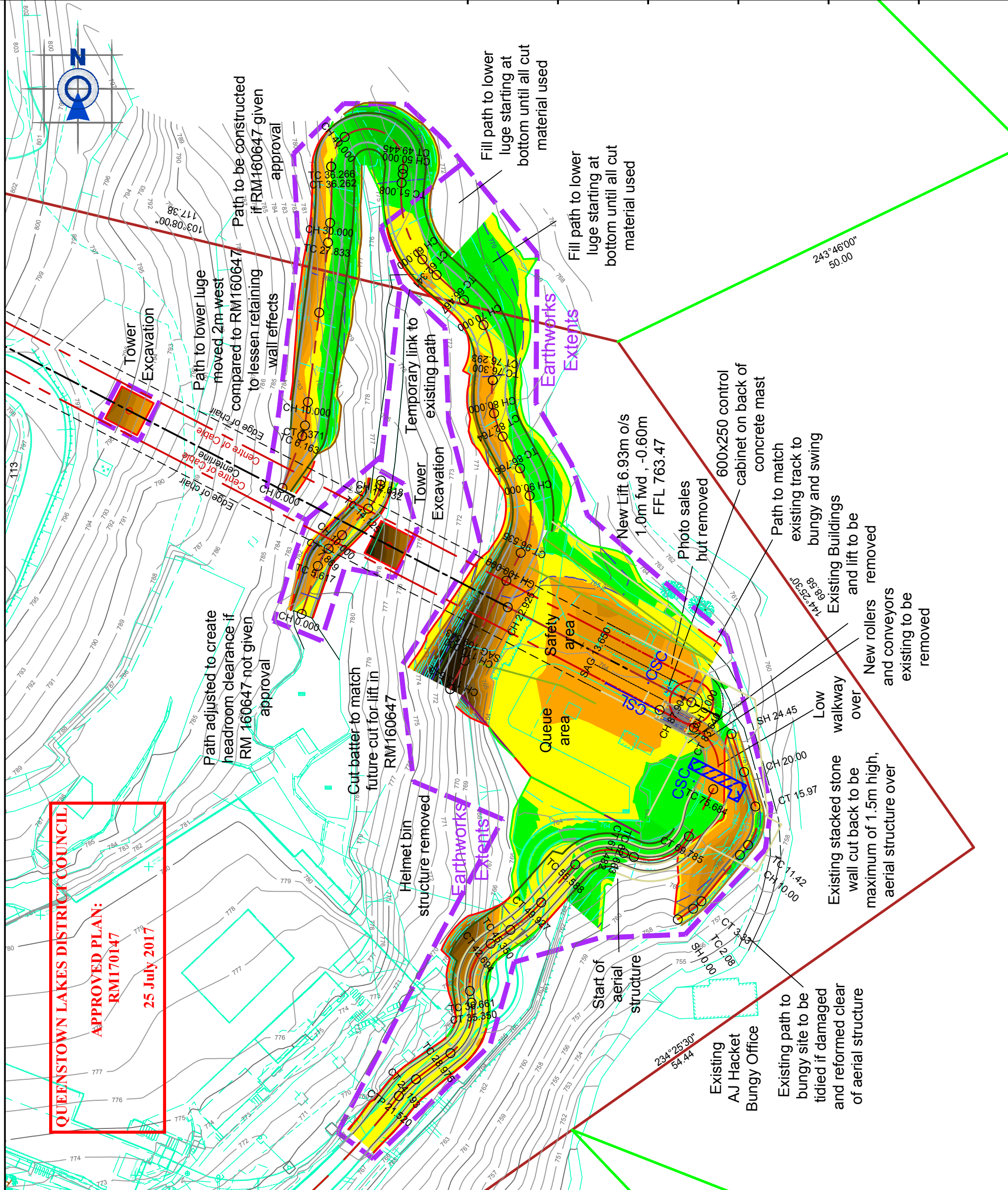


**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM170147**  
**25 July 2017**

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**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM170147**  
**25 July 2017**

**Cut/Fill Depths**

Cut >5.25m
Cut 4.75-5.25m
Cut 4.25-4.75m
Cut 3.75-4.25m
Cut 3.25-3.75m
Cut 2.75-3.25m
Cut 2.25-2.75m
Cut 1.75-2.25m
Cut 1.25-1.75m
Cut 0.75-1.25m
Cut 0.25-0.75m
Cut/Fill <0.25m
Fill 0.25-0.75m
Fill 0.75-1.25m
Fill 1.25-1.75m
Fill 1.75-2.25m
Fill 2.25-2.75m
Fill 2.75-3.25m
Fill 3.25-3.75m
Fill 3.75-4.25m
Fill 4.25-4.75m
Fill >5.25m

- Existing major contour
- Existing minor contour
- Proposed major contour
- Proposed minor contour



203

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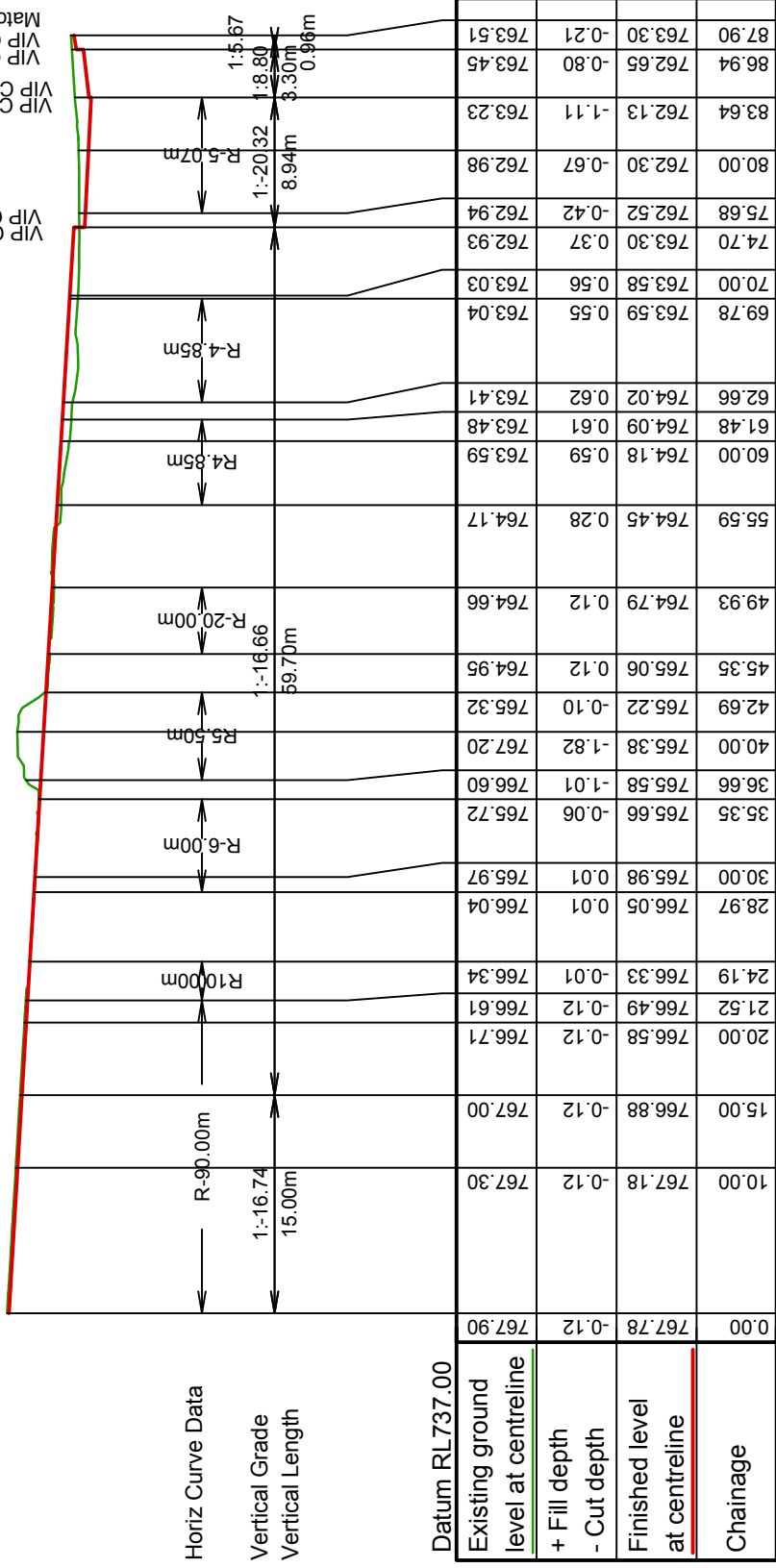
**PURPOSE/DRAWING TITLE:**  
 BOTTOM STATION  
 EATRHWORKS  
 4 SEAT FIXED GRIP 4.8m GAUGE  
 - ISSUED FOR APPROVAL -

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		Revision No:		
		Date Created:		10/05/2017

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RMI70147**  
**25 July 2017**

VIP CH. 15.00 RL. 766.88  
Match existing

VIP CH. 74.70 RL. 763.30  
VIP CH. 83.64 RL. 762.13  
VIP CH. 86.94 RL. 763.13  
Match chair lift excavation



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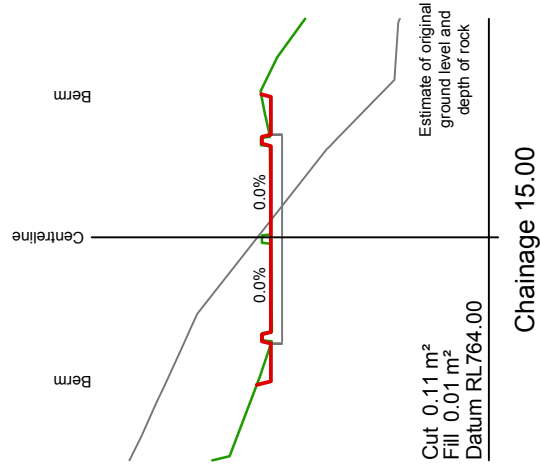
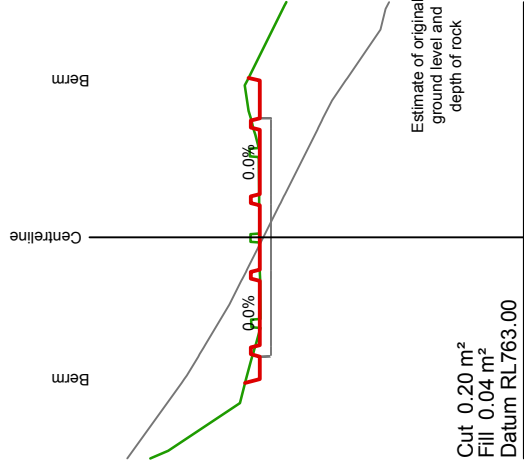
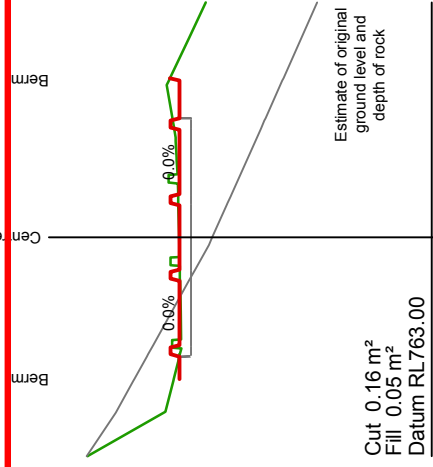
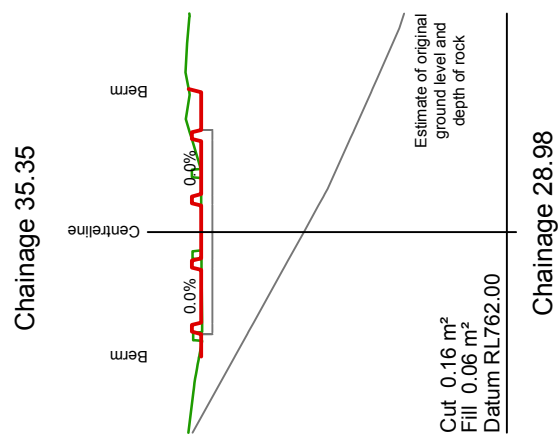
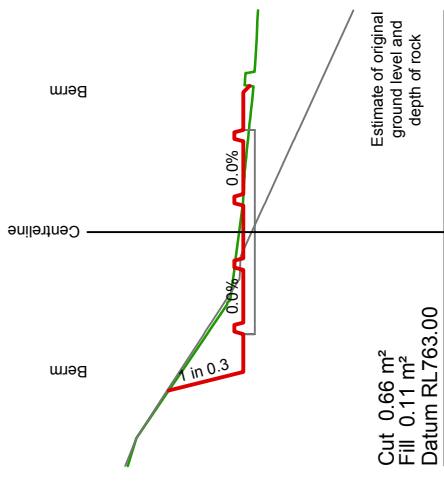
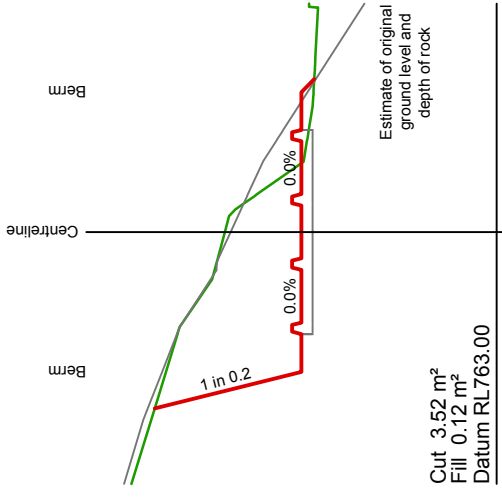
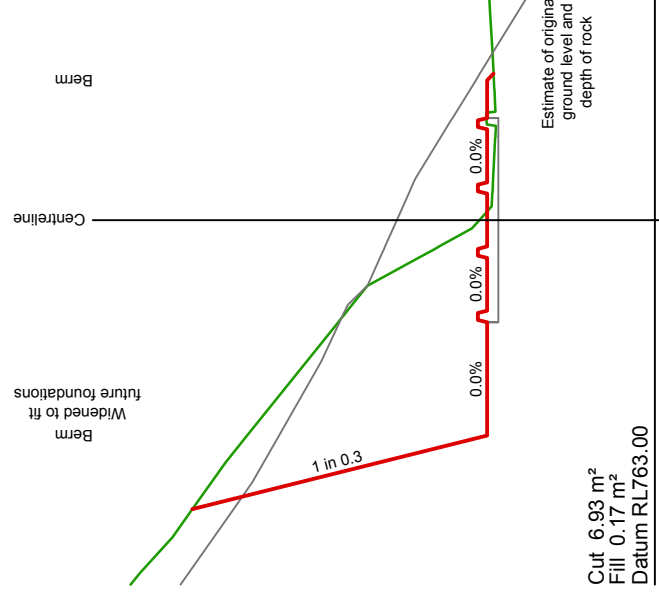
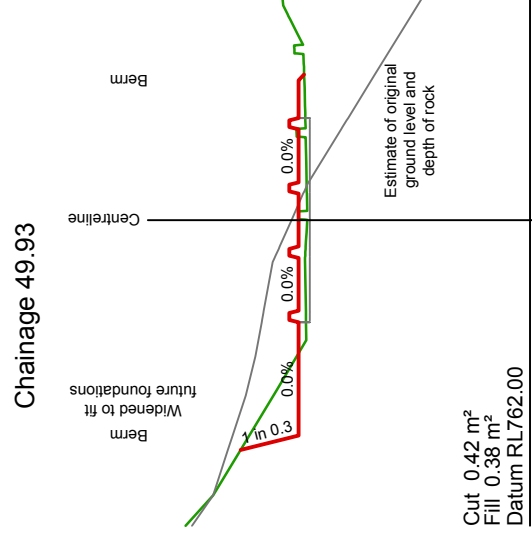
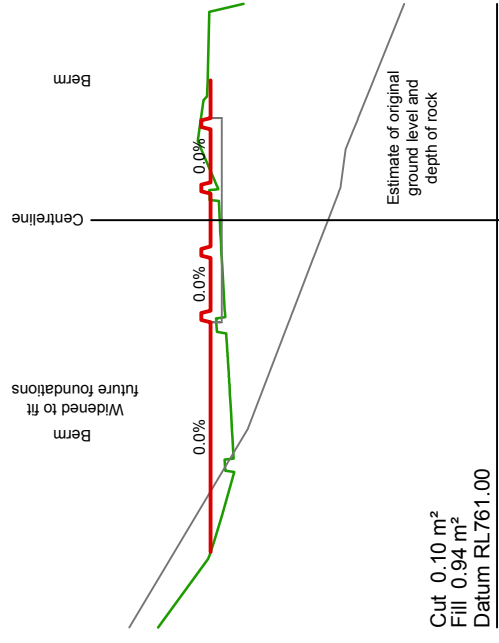
Client Location:  
**SKYLINE ENTERPRISES LIMITED**  
 SEC 1 SO 24832, 53 BRECON STREET  
 LUGE CHAIRLIFT  
 REDEVELOPMENT 2017-2018

Purpose/Drawing Title:  
**LONGSECTION OF  
 LUGE TRACK CHICANE  
 - ISSUED FOR APPROVAL -**

Surveyed by:	LR 2012 2015	Original Size:	Scale:
Designed by:	SAM Sept 2016	A3	1:500Hz 1:500Vert
Drawn by:	SAM Oct 2016		
Checked by:			
Approved by:		Sheet No:	DO NOT SCALE
Job Ref:	Q4115j - 64	18	Revision No: C Date Created: 10/05/2017



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**APPROVED PLAN:**  
**RM170147**  
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**REDEVELOPMENT 2017-2018**

Purpose/Drawing Title:  
**CROSS SECTIONS OF**  
**LUGE TRACK CHICANE**  
**- ISSUED FOR APPROVAL -**

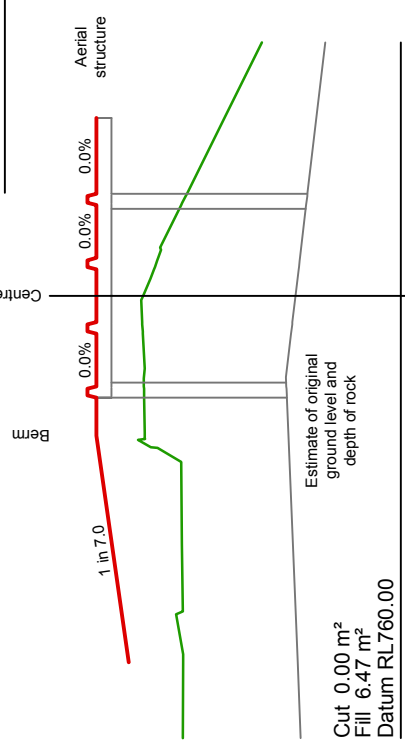
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Checked by:			
Approved by:		Sheet No:	DO NOT SCALE
Job Ref:	Q4115i - 64	Revision No:	C
		Date Created:	10/05/2017

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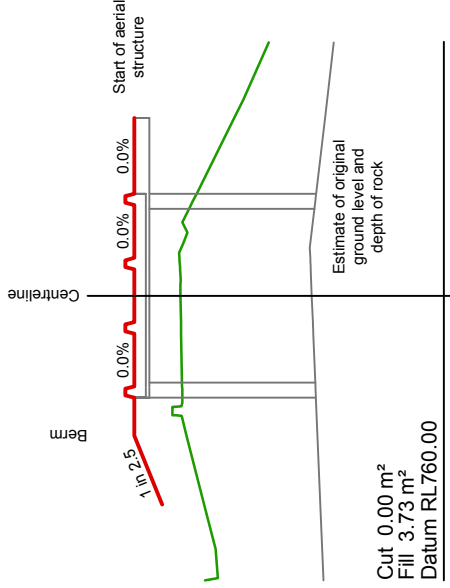
**25 July 2017**

Cut 2.37 m<sup>2</sup>  
Fill 6.26 m<sup>2</sup>  
Datum RL760.00



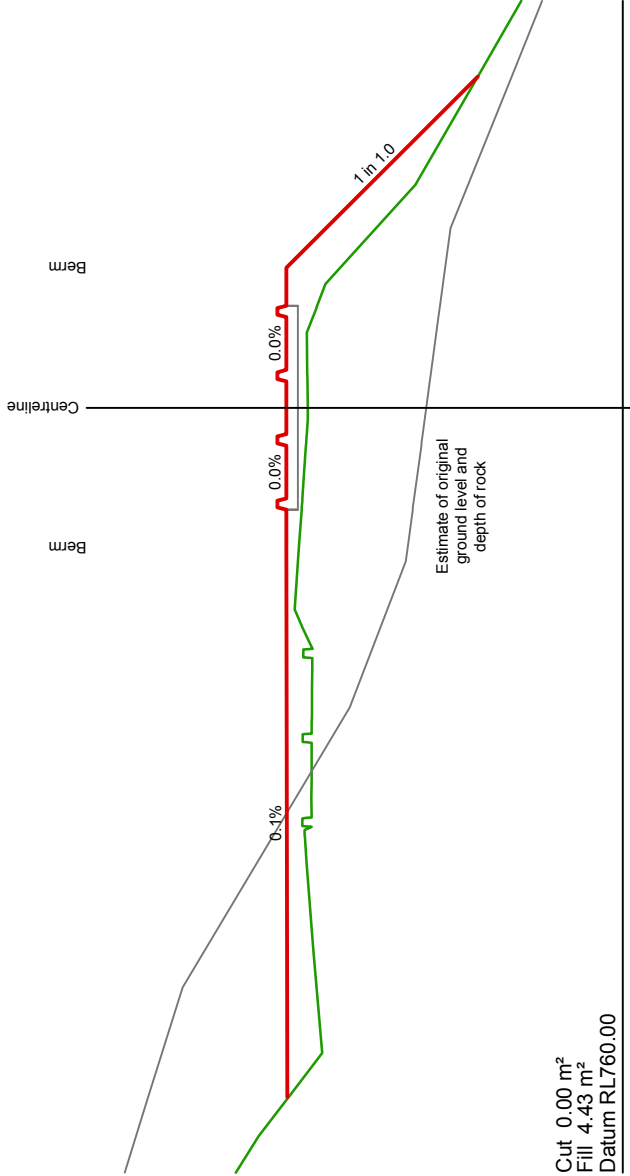
Cut 0.00 m<sup>2</sup>  
Fill 6.47 m<sup>2</sup>  
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Chainage 62.66



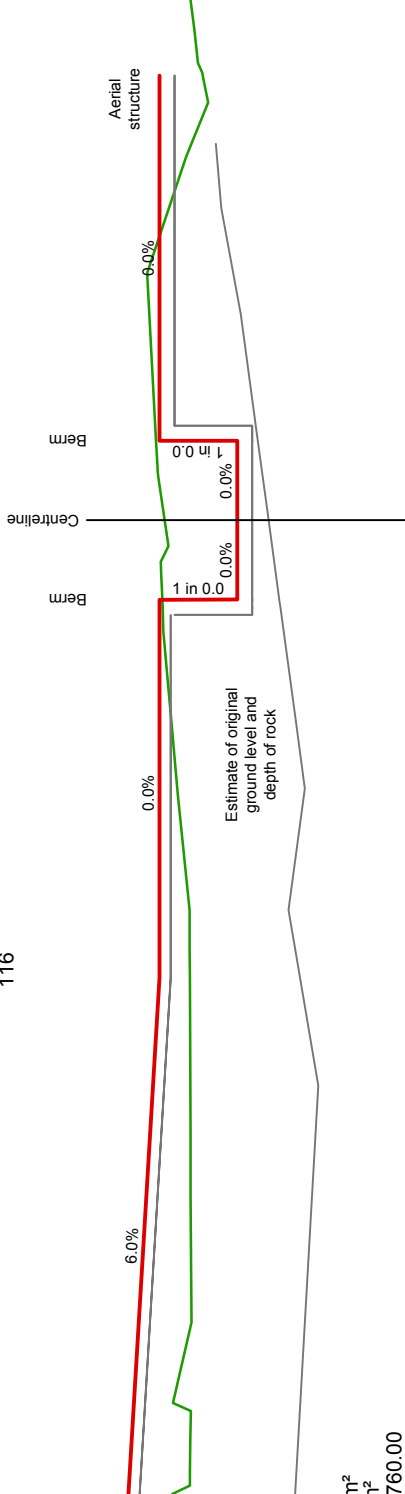
Cut 0.00 m<sup>2</sup>  
Fill 3.73 m<sup>2</sup>  
Datum RL760.00

Chainage 61.48

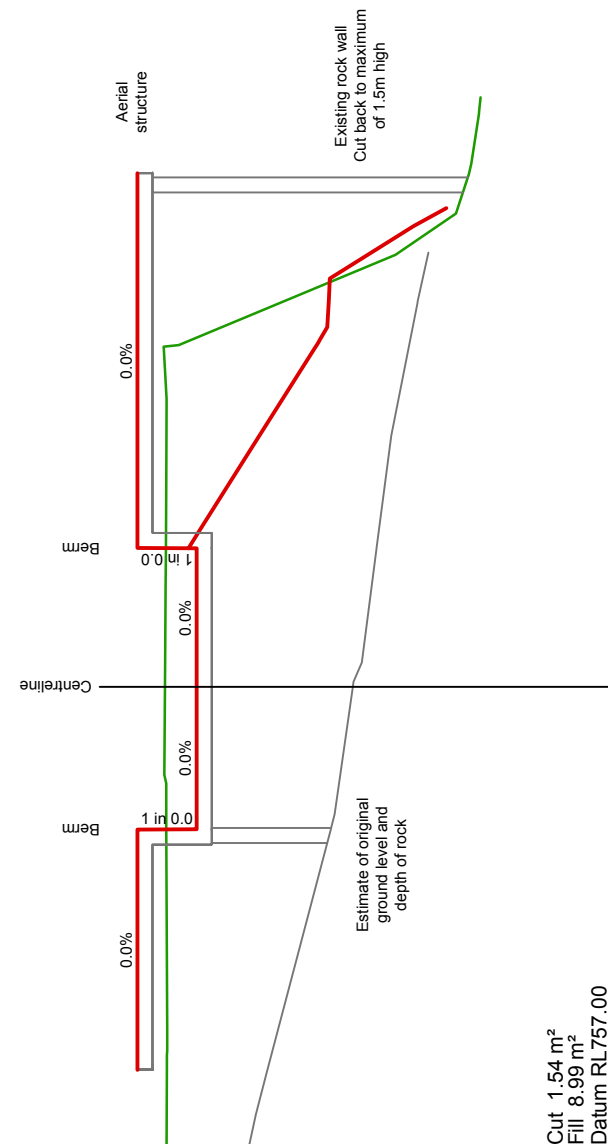


Cut 0.00 m<sup>2</sup>  
Fill 4.43 m<sup>2</sup>  
Datum RL760.00

Chainage 55.59

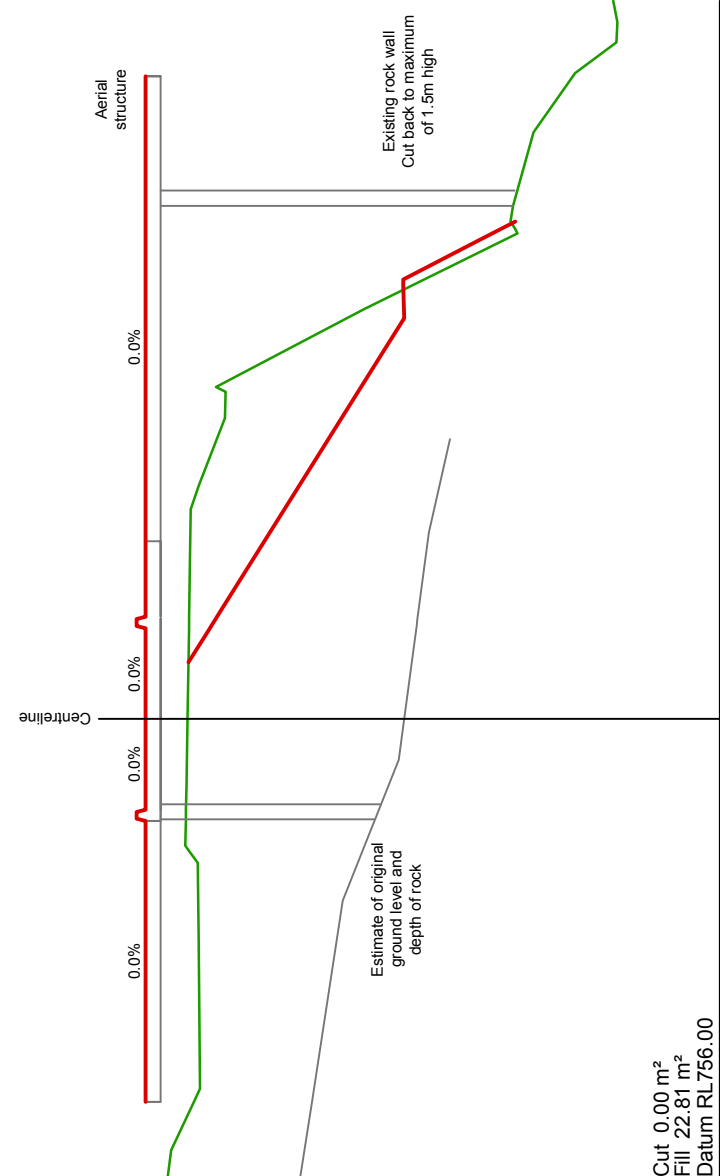


Chainage 83.64



Cut 1.54 m<sup>2</sup>  
Fill 8.99 m<sup>2</sup>  
Datum RL757.00

Chainage 75.68



Cut 0.00 m<sup>2</sup>  
Fill 22.81 m<sup>2</sup>  
Datum RL756.00

Chainage 69.78



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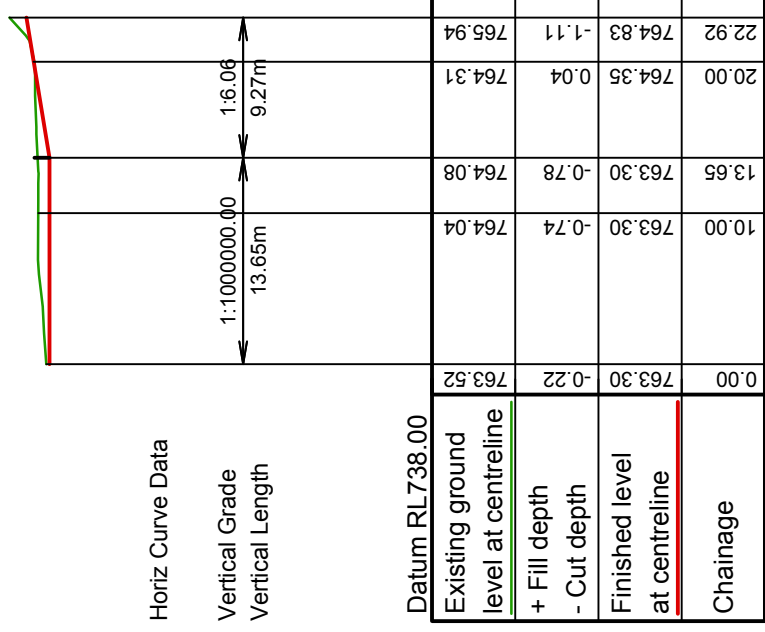
Client Location:  
**SKYLINE ENTERPRISES LIMITED**  
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 LUGE CHAIRLIFT  
 REDEVELOPMENT 2017-2018

Purpose/Drawing Title:  
**CROSS SECTIONS OF  
 LUGE TRACK CHICANE  
 - ISSUED FOR APPROVAL -**

Surveyed by:	LR 2012 2015	Original Size:	Scale:
Designed by:	SAM Sept 2016	A3	1:200Hz 1:200Vert
Drawn by:	SAM Oct 2016		
Checked by:			
Approved by:			
Job Ref:	Q4115j - 64	Sheet No:	20
		Revision No:	C
		Date Created:	10/05/2017

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VP CH. 13.65 RL.763.30



SCALE 1:500 horizontal  
 1:500 vertical

207



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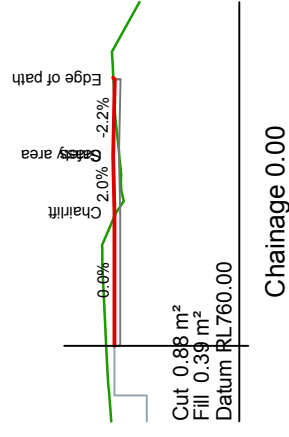
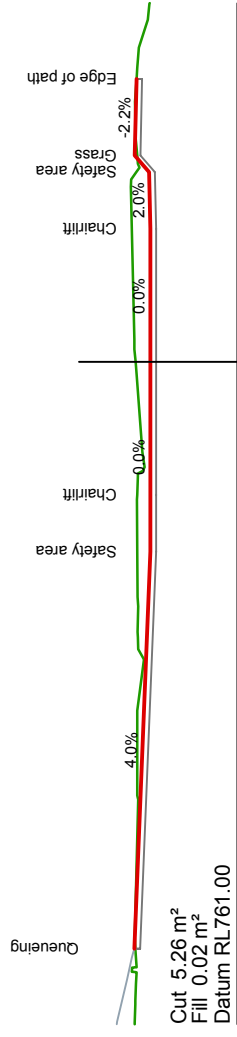
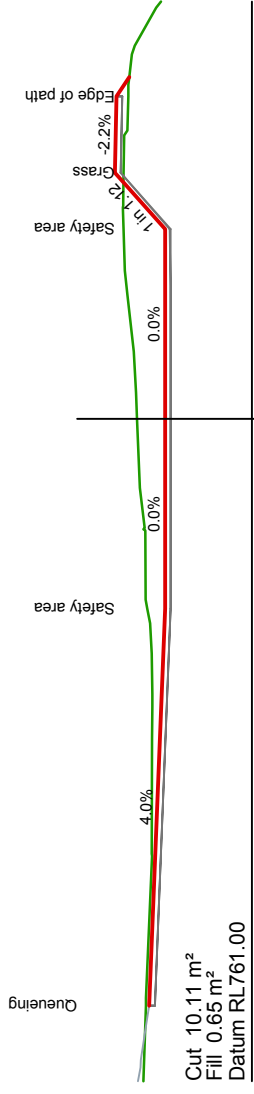
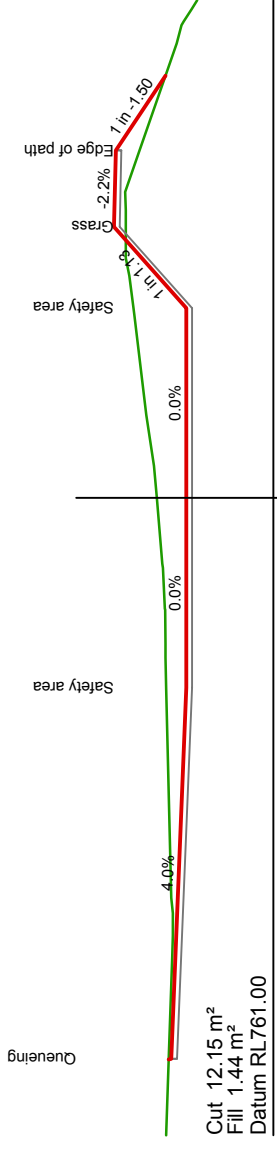
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**LUGE CHAIRLIFT**  
**REDEVELOPMENT 2017-2018**

Purpose/Drawing Title:  
**LONG SECTION OF**  
**LOWER LUGE EXCAVATION**  
**- ISSUED FOR APPROVAL -**

Surveyed by:	LR 2012 2015	Original Size:	Scale:
Designed by:	SAM Sept 2016	A3	1:500Hz 1:500Vert
Drawn by:	SAM Oct 2016		
Checked by:			
Approved by:			DO NOT SCALE
Job Ref:	Q4115j - 64	Sheet No:	Revision No:
		21	B
			Date Created: 11/05/2017

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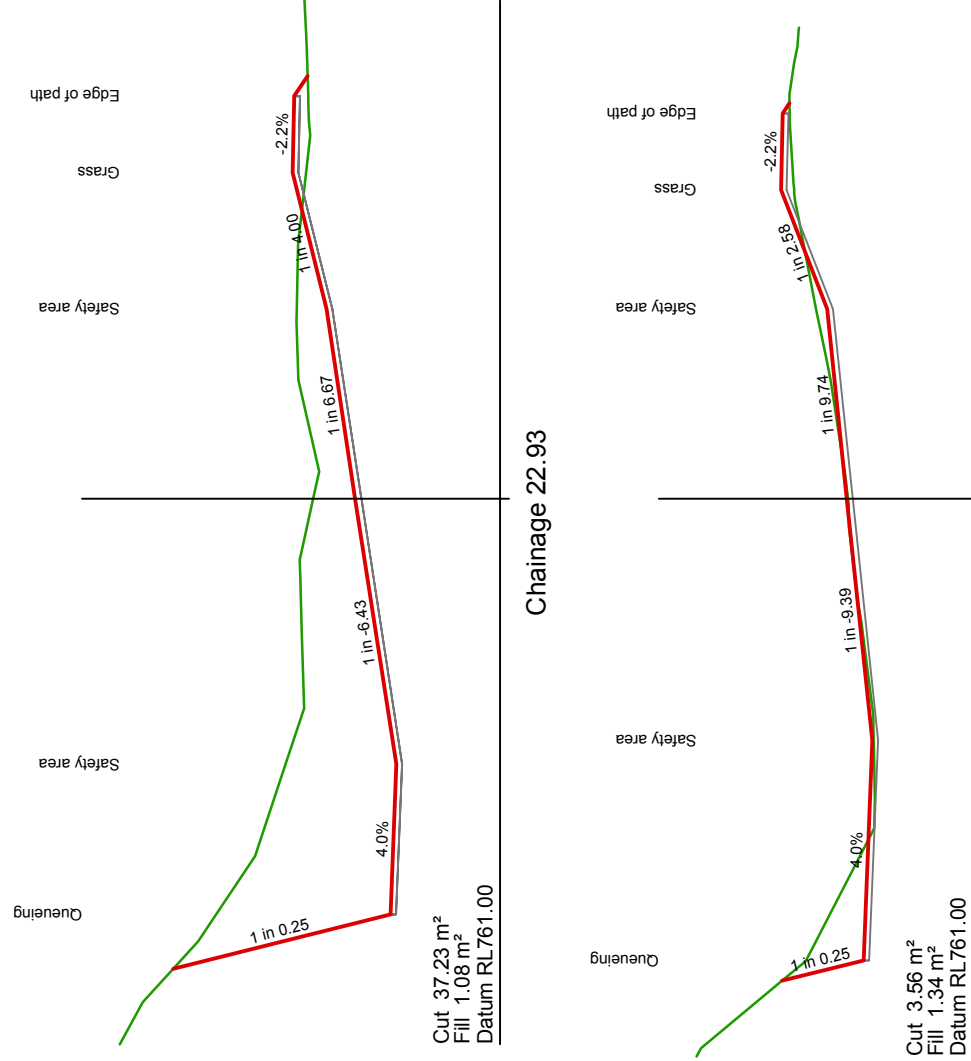
Client/Location:  
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**LUGE CHAIRLIFT**  
**REDEVELOPMENT 2017-2018**

Purpose/Drawing Title:

**CROSS SECTIONS OF**  
**LOWER LUGE EXCAVATION**  
**- ISSUED FOR APPROVAL -**

Surveyed by:	LR 2012 2015	Original Size:	Scale:
Designed by:	SAM Sept 2016	A3	1:200Hz 1:200Vert
Drawn by:	SAM Oct 2016		
Checked by:			
Approved by:		Sheet No:	DO NOT SCALE
Job Ref:	Q4115j - 64	Revision No:	B
		Date Created:	11/05/2017

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**REDEVELOPMENT 2017-2018**

Purpose/Drawing Title:

**CROSS SECTIONS OF**  
**LOWER LUGE EXCAVATION**  
**- ISSUED FOR APPROVAL -**

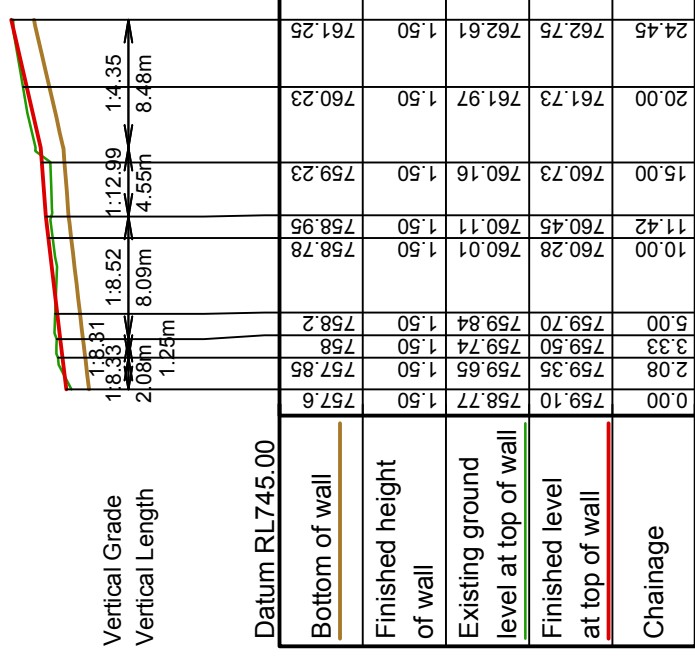
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Job Ref:	Q4115j - 64	Revision No:	B
		Date Created:	11/05/2017

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Scale: 1:500 horizontal  
1:500 vertical

210



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**LUGE CHAIRLIFT**  
**REDEVELOPMENT 2017-2018**

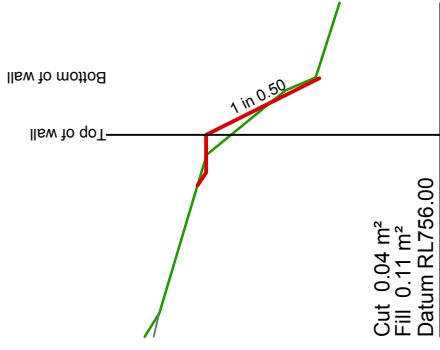
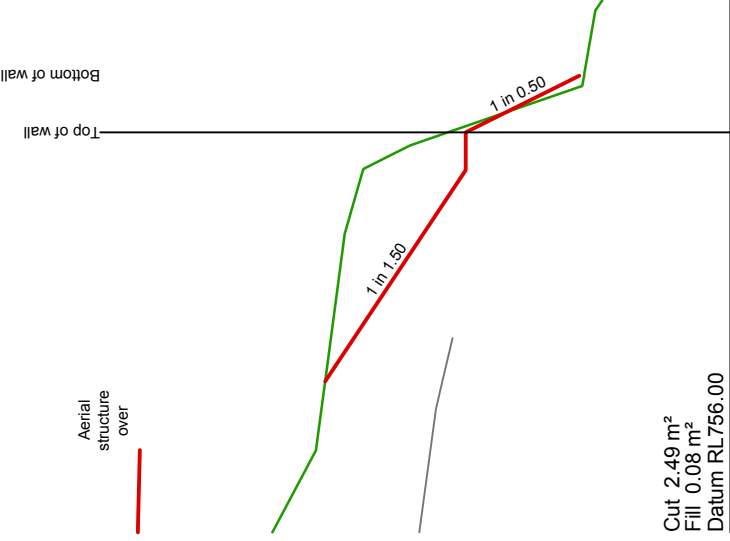
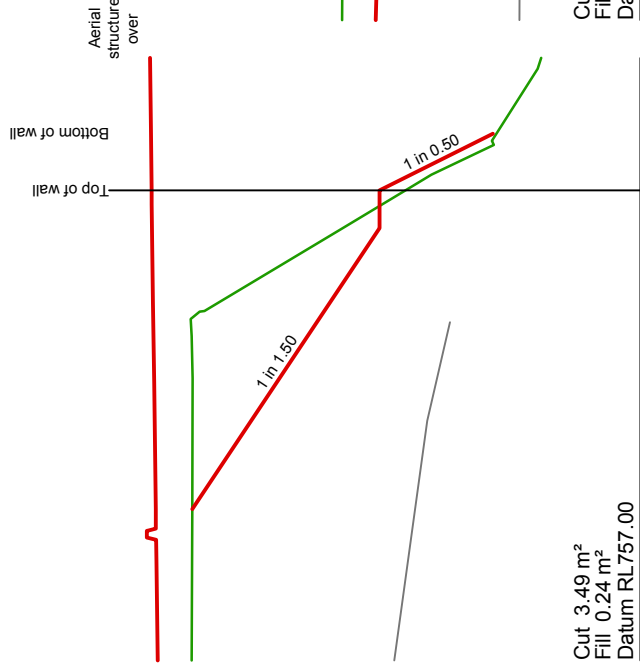
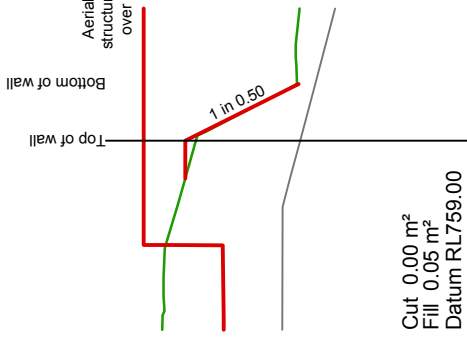
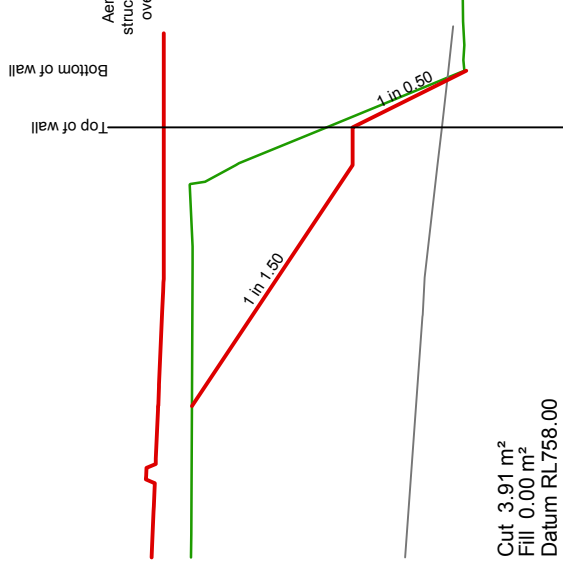
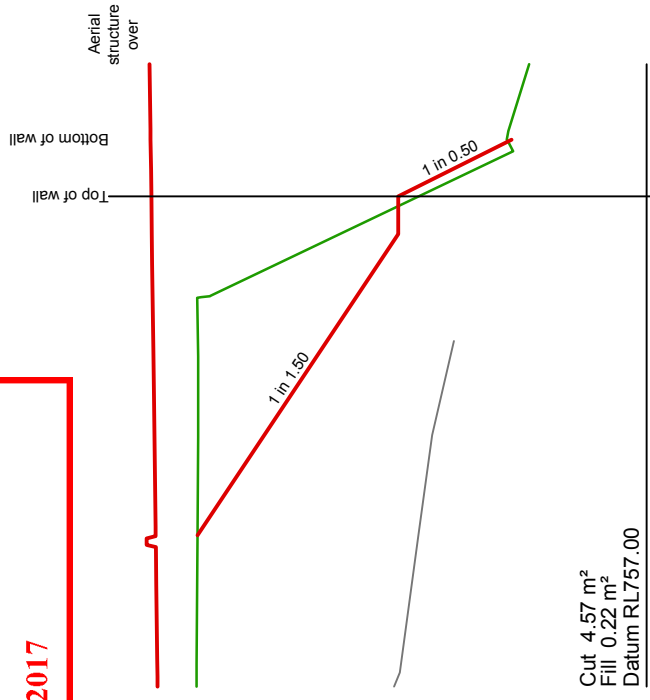
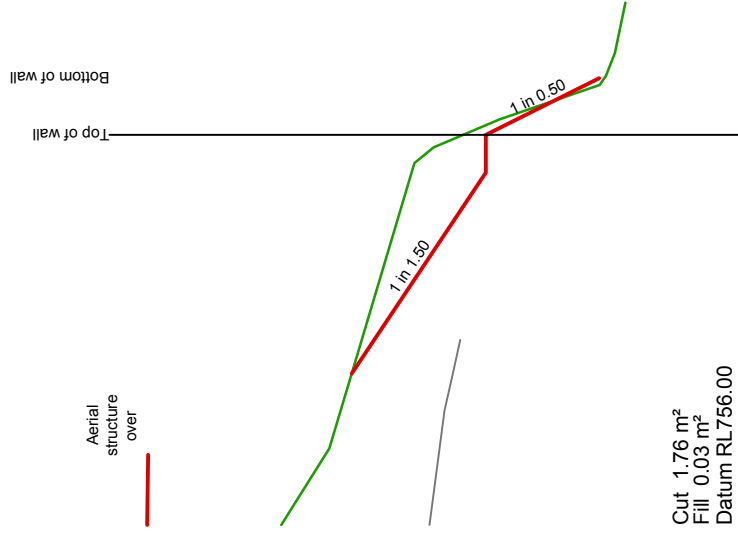
Purpose/Drawing Title:

**LONG SECTION OF CHICANE RETAINING WALL - ISSUED FOR APPROVAL -**

Surveyed by:	LR 2012 2015	Original Size:	Scale:
Designed by:	SAM Sept 2016	A3	1:500Hz 1:500Vert
Drawn by:	SAM Oct 2016		
Checked by:			
Approved by:		Sheet No:	DO NOT SCALE
Job Ref:	Q4115j - 64	Revision No:	C
		Date Created:	11/05/2017



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 REDEVELOPMENT 2017-2018

Purpose/Drawing Title:  
**CROSS SECTIONS OF CHICANE RETAINING WALL - ISSUED FOR APPROVAL -**

Surveyed by:	LR 2012 2015	Original Size:	A3	Scale:	1:200Hz 1:200Vert
Designed by:	SAM Sept 2016	Sheet No:	28	DO NOT SCALE	
Drawn by:	SAM Oct 2016	Revision No:	C	Date Created:	11/05/2017
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Approved by:					

122

830

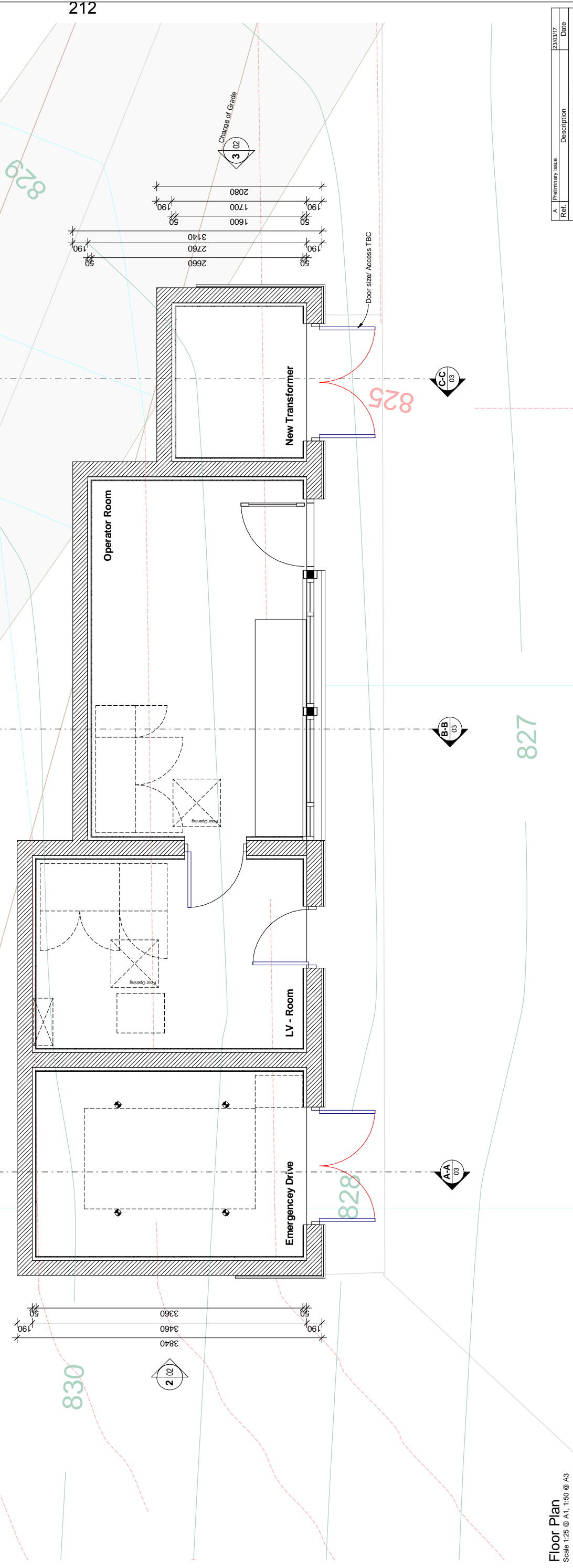
**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**837 RMI170147**  
**25 July 2017**

828

829

831

830



212

827

Floor Plan  
Scale 1:25 @ A1, 1:50 @ A3

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Floor Plan

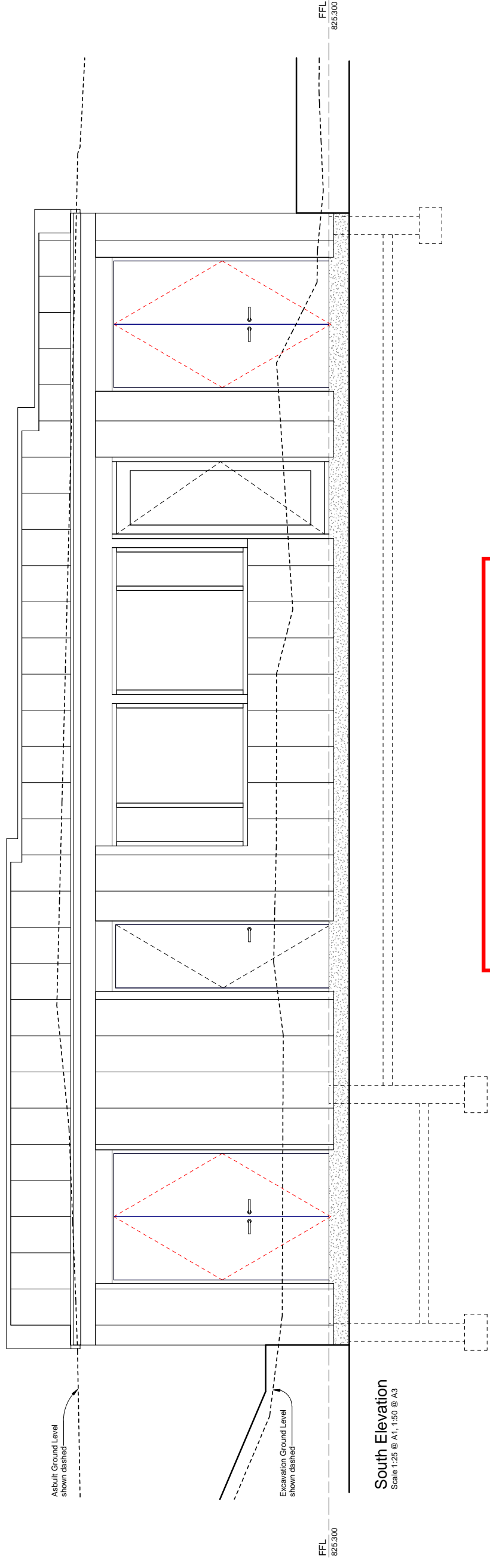
ALL DIMENSIONS  
SHALL BE CHECKED  
ON SITE BEFORE  
COMMENCING WORK

REVISION SCHEDULE	
Ref.	Description
A	Preliminary Issue

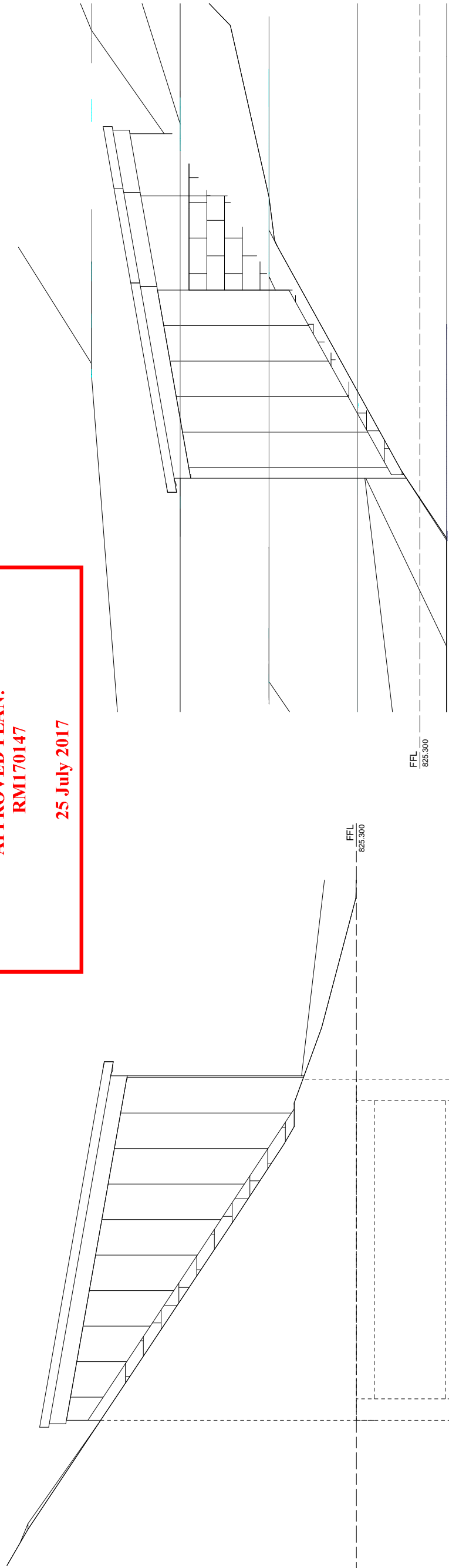
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SCALE	1:25 @ A1, 1:50 @ A3
DESIGN	MW
DRAWN	MW
ISSUE DATE	23/03/17
PRINTED	23/03/2017 4:56:28 pm

01  
REV. A





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**RM170147**  
**25 July 2017**



East Elevations  
Scale 1:25 @ A1, 1:50 @ A3

West Elevation  
Scale 1:25 @ A1, 1:50 @ A3

DO NOT SCALE - IF IN DOUBT, ASK ORIGINAL SIZE A1

Ref.	Primary Issue	Description	Date
REVISION SCHEDULE			

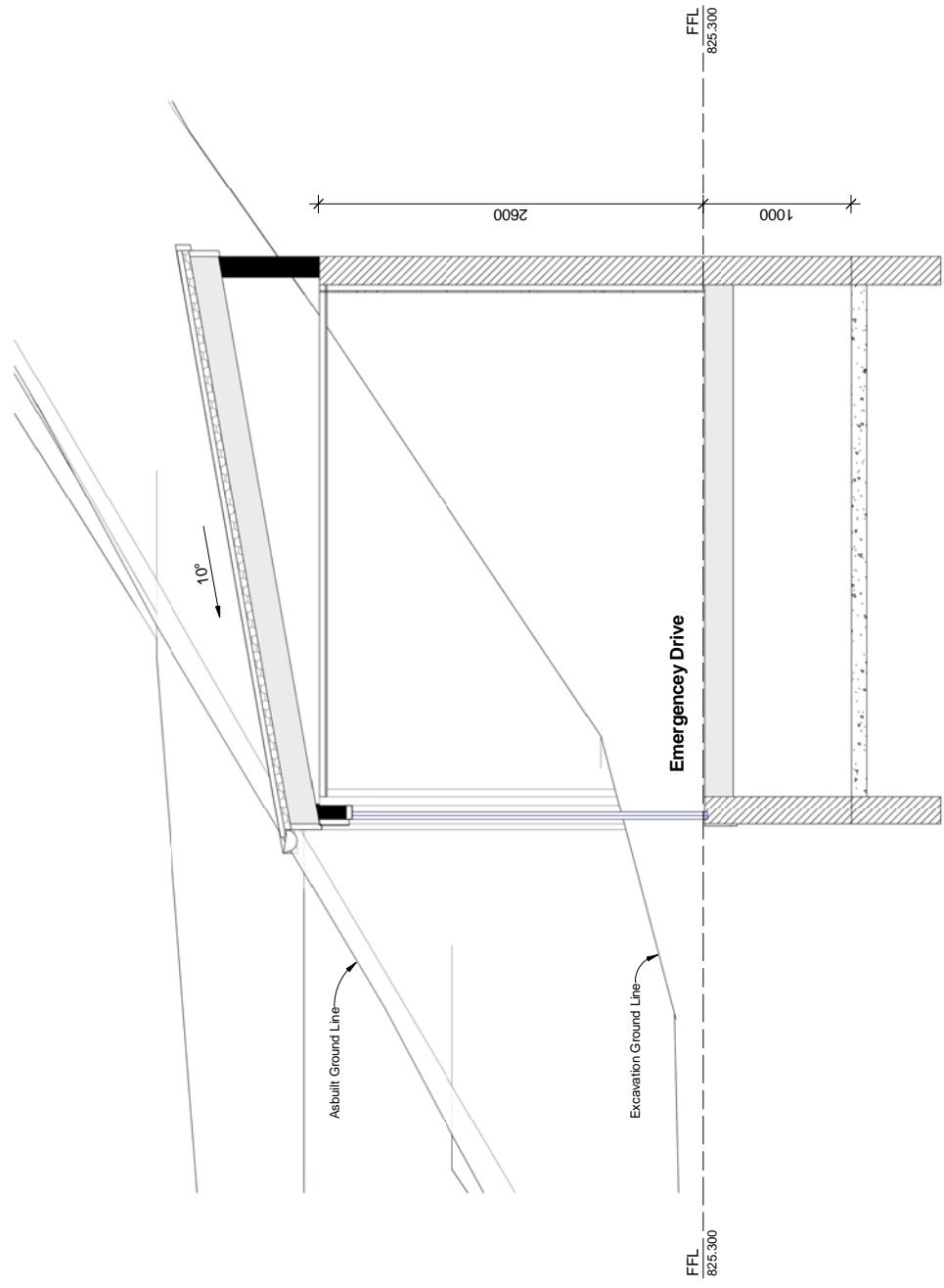
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SCALE	1:25 @ A1, 1:50 @ A3
DESIGN	MW
DRAWN	MW
ISSUE DATE	23/03/17
PRINTED	23/03/2017 4:56:28 p.m.

ALL DIMENSIONS SHALL BE CHECKED ON SITE BEFORE COMMENCING WORK

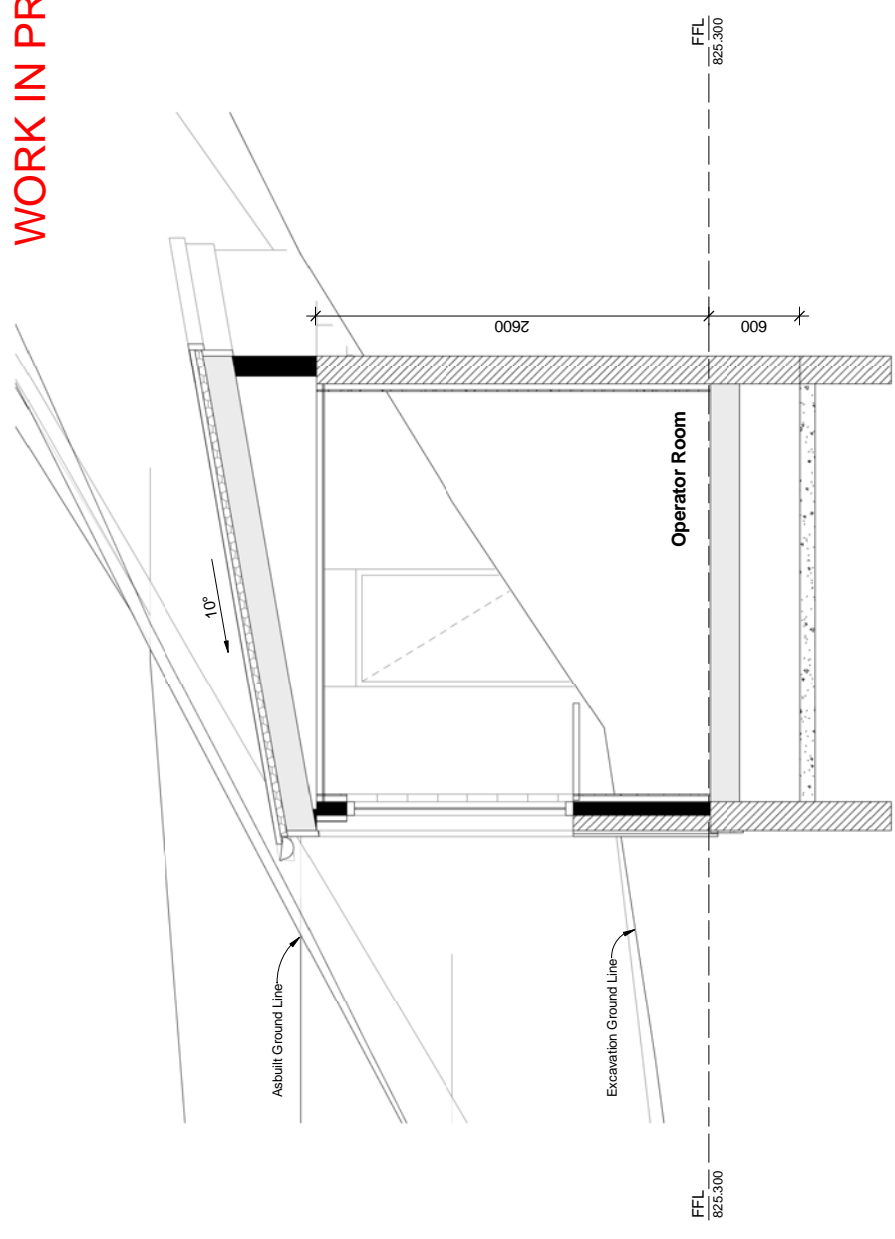
Elevations

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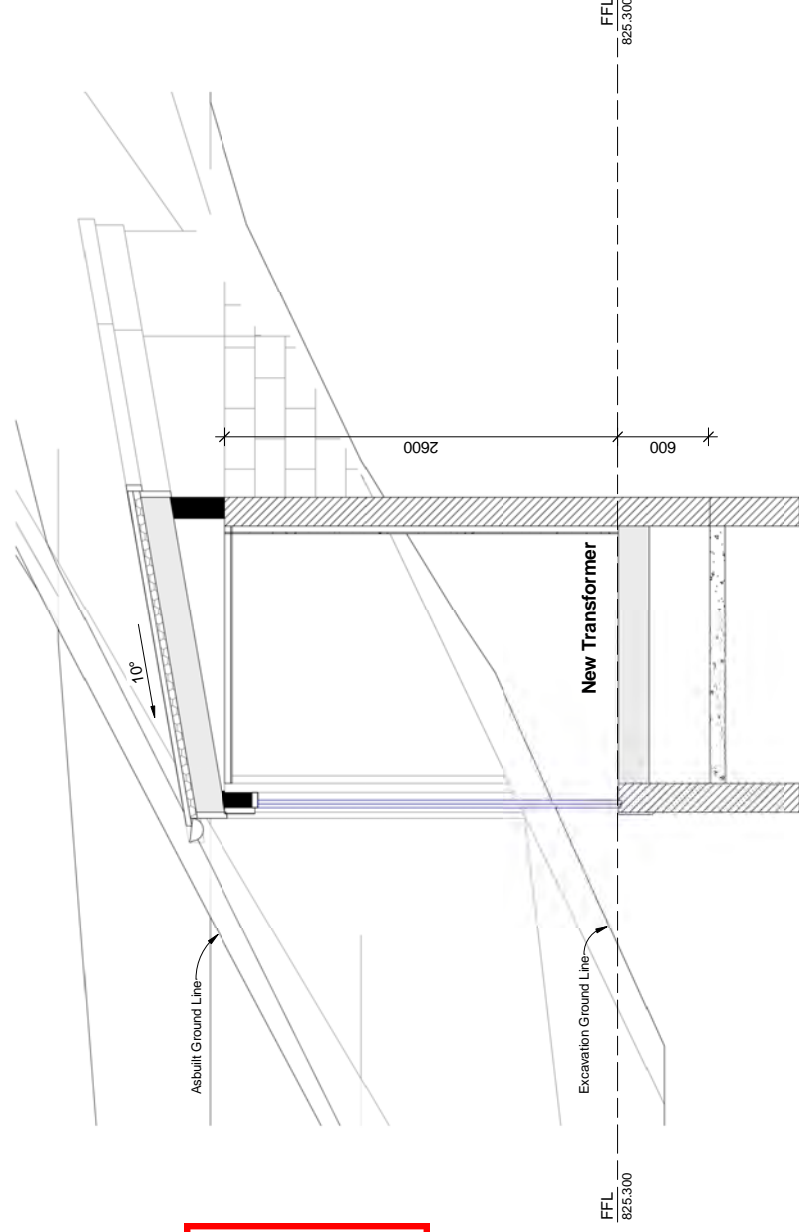
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 +64 3 477 1098  
 MASONANDWALES.COM



Section A-A  
Scale 1:25 @ A1, 1:50 @ A3



Section B-B  
Scale 1:25 @ A1, 1:50 @ A3



Section C-C  
Scale 1:25 @ A1, 1:50 @ A3

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ORIGINAL SIZE A1  
DO NOT SCALE - IF IN DOUBT, ASK

Ref.	Primary Issue	Description	Date
REVISION SCHEDULE			

PROJECT No.	5961
SCALE	1:25 @ A1, 1:50 @ A3
DESIGN	MWV
DRAWN	MWV
ISSUE DATE	23/03/17
PRINTED	23/03/2017 4:56:30 p.m.

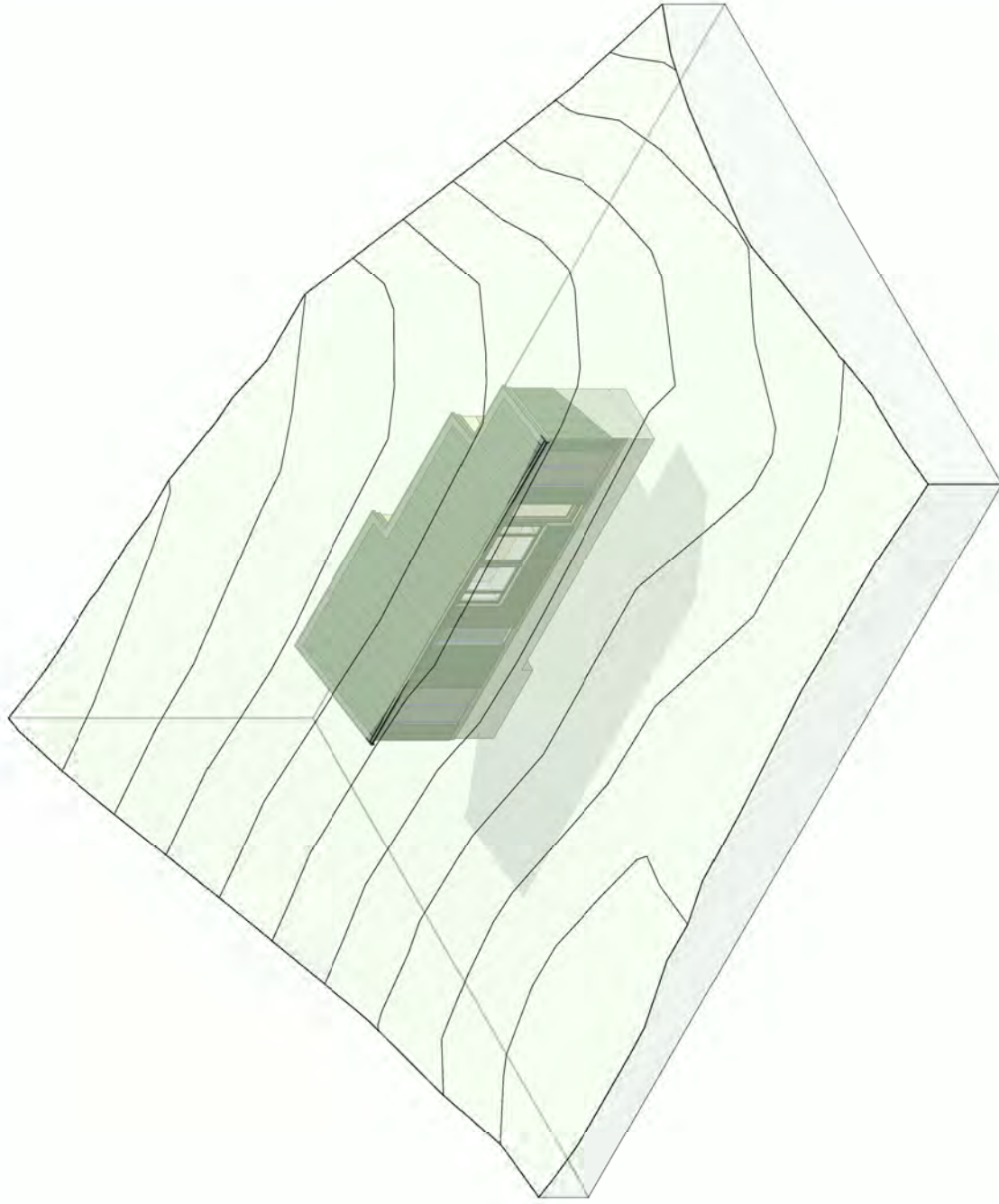
ALL DIMENSIONS SHALL BE CHECKED ON SITE BEFORE COMMENCING WORK

Sections

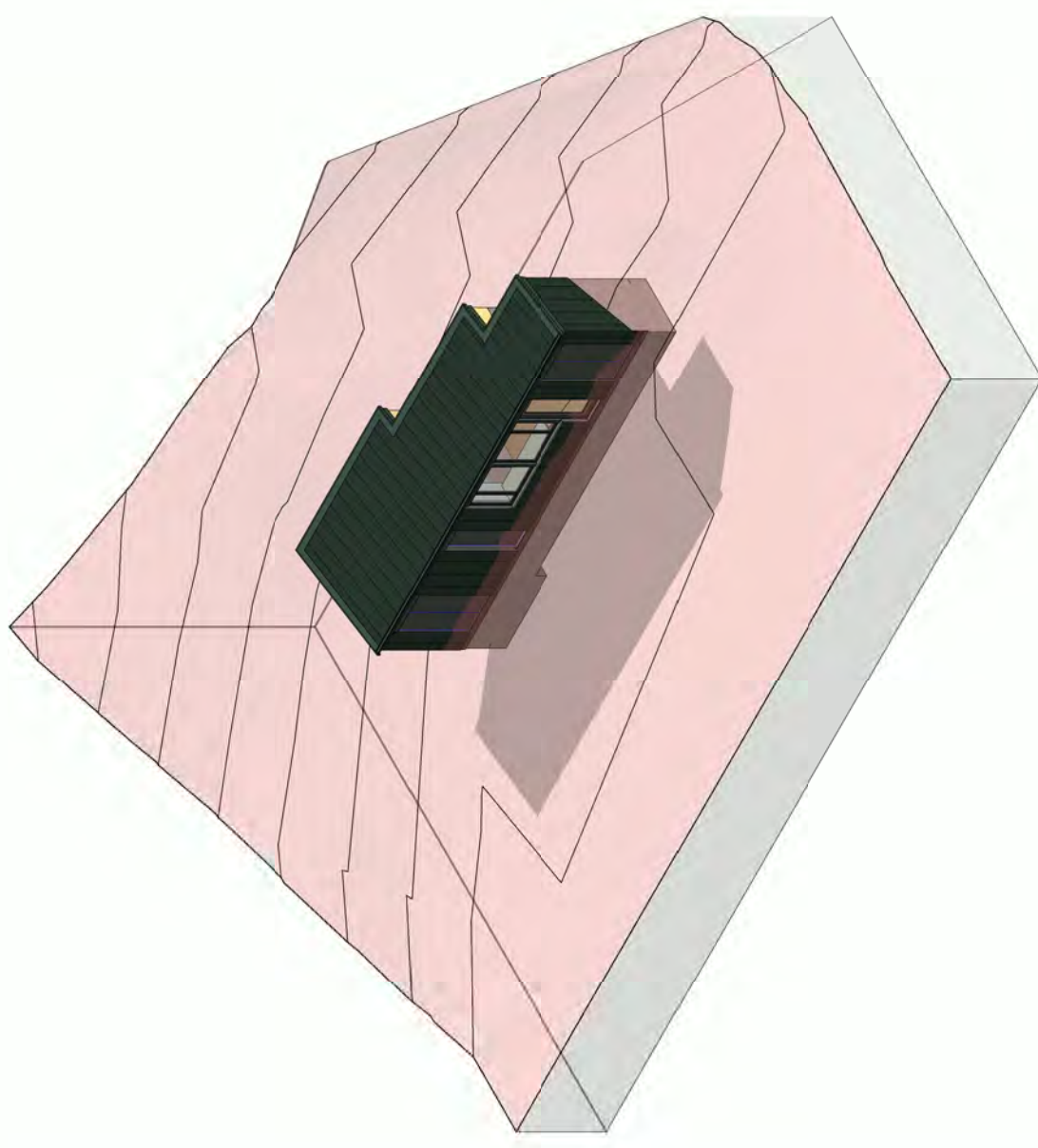
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Asbuilt Ground Levels



Excavation Ground Levels

ORIGINAL SIZE A1  
DO NOT SCALE - IF IN DOUBT, ASK

Ref.	Preliminary/Issue	Description	Date
REVISION SCHEDULE			

PROJECT NO.	5961
SCALE	MAY
DESIGN	MAY
DRAWN	MAY
ISSUE DATE	23/03/17
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Ref.	Primary Issue	Description	Date
REVISION SCHEDULE			

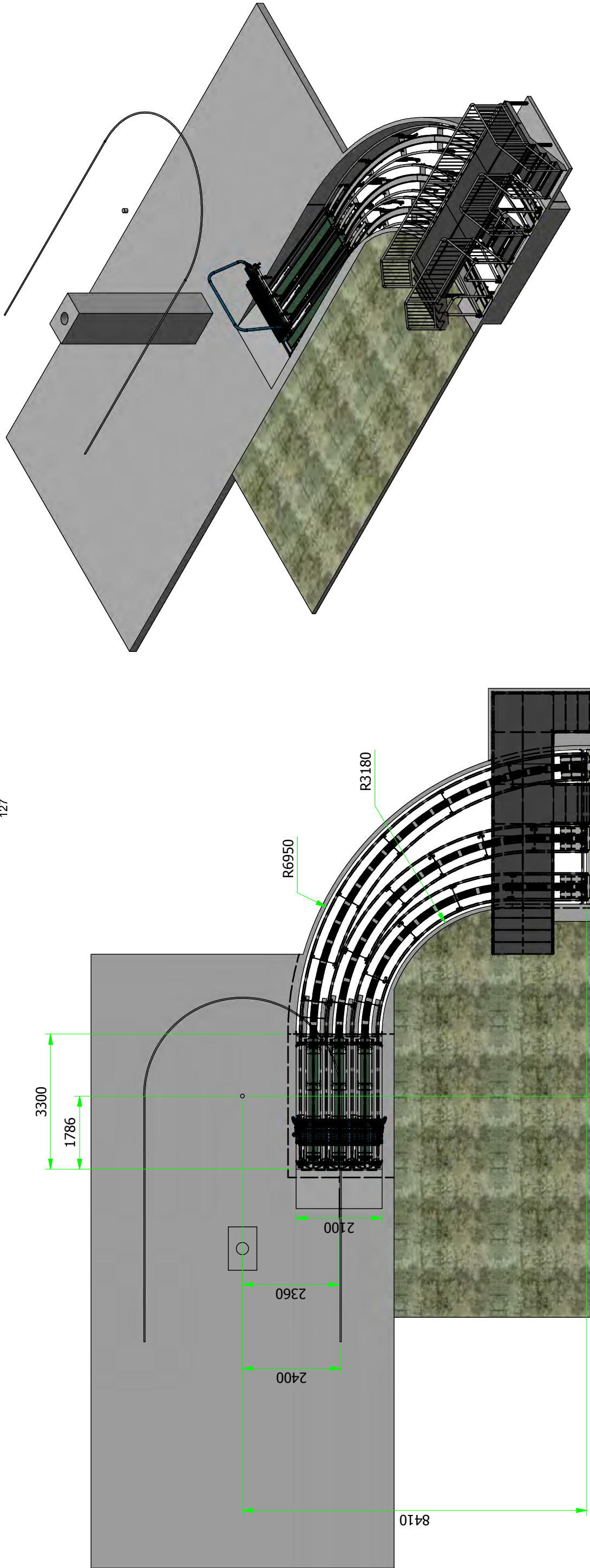
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DRAWN	MAY
ISSUE DATE	23/03/17
PRINTED	23/03/2017 4:56:50 p.m.

ALL DIMENSIONS SHALL BE CHECKED ON SITE BEFORE COMMENCING WORK

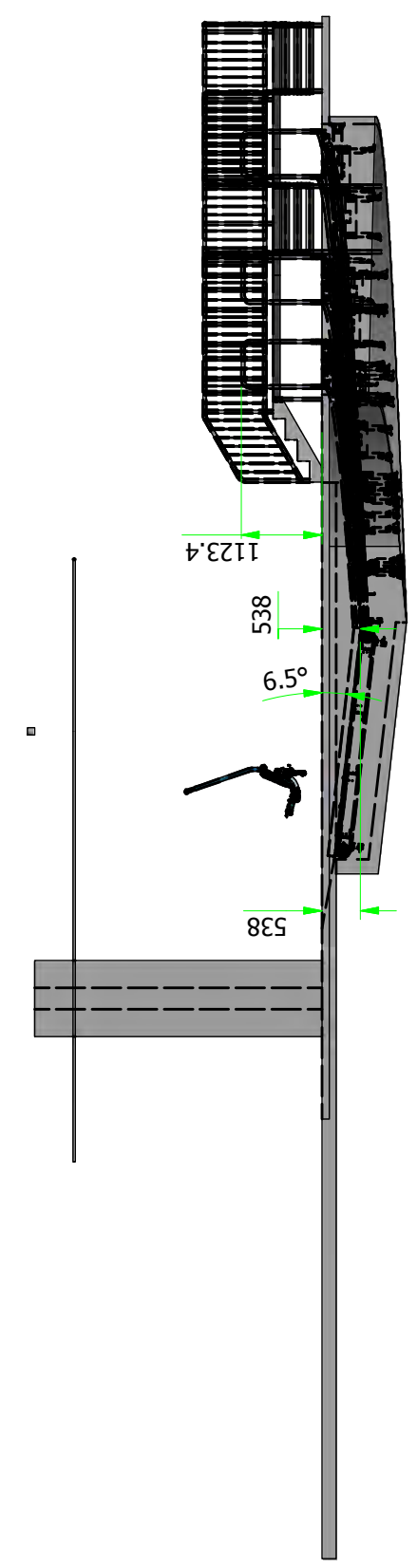
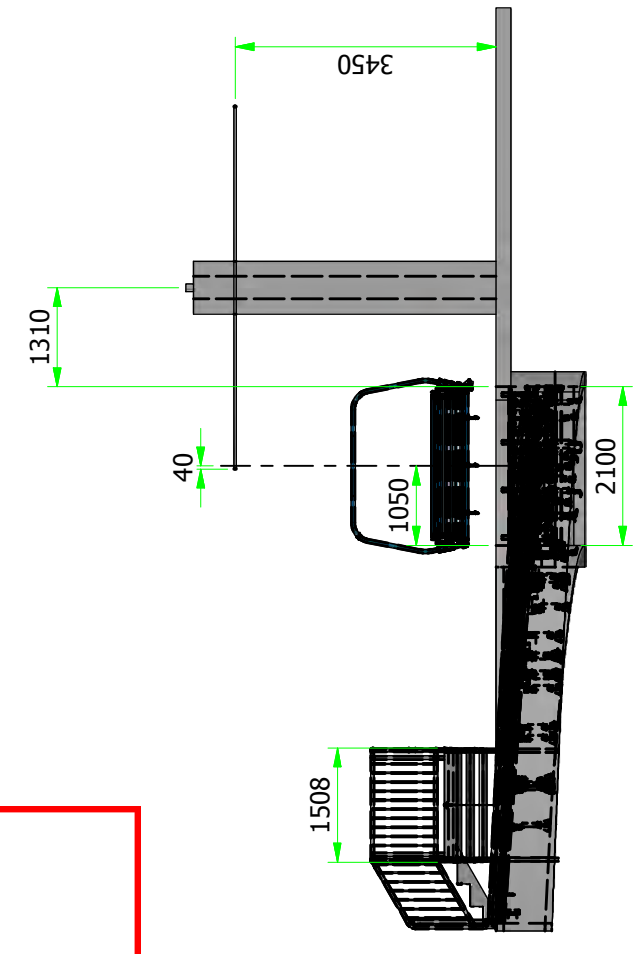
Perspective View

**SKYLINE ENTERPRISES LTD NEW CHAIRLIFT BUILDINGS**  
**SEC 1 SO 24832 • 53 BRECON STREET • QUEENSTOWN**

**MASON & WALES ARCHITECTS**  
ARCHITECTS  
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**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM170147**  
**25 July 2017**



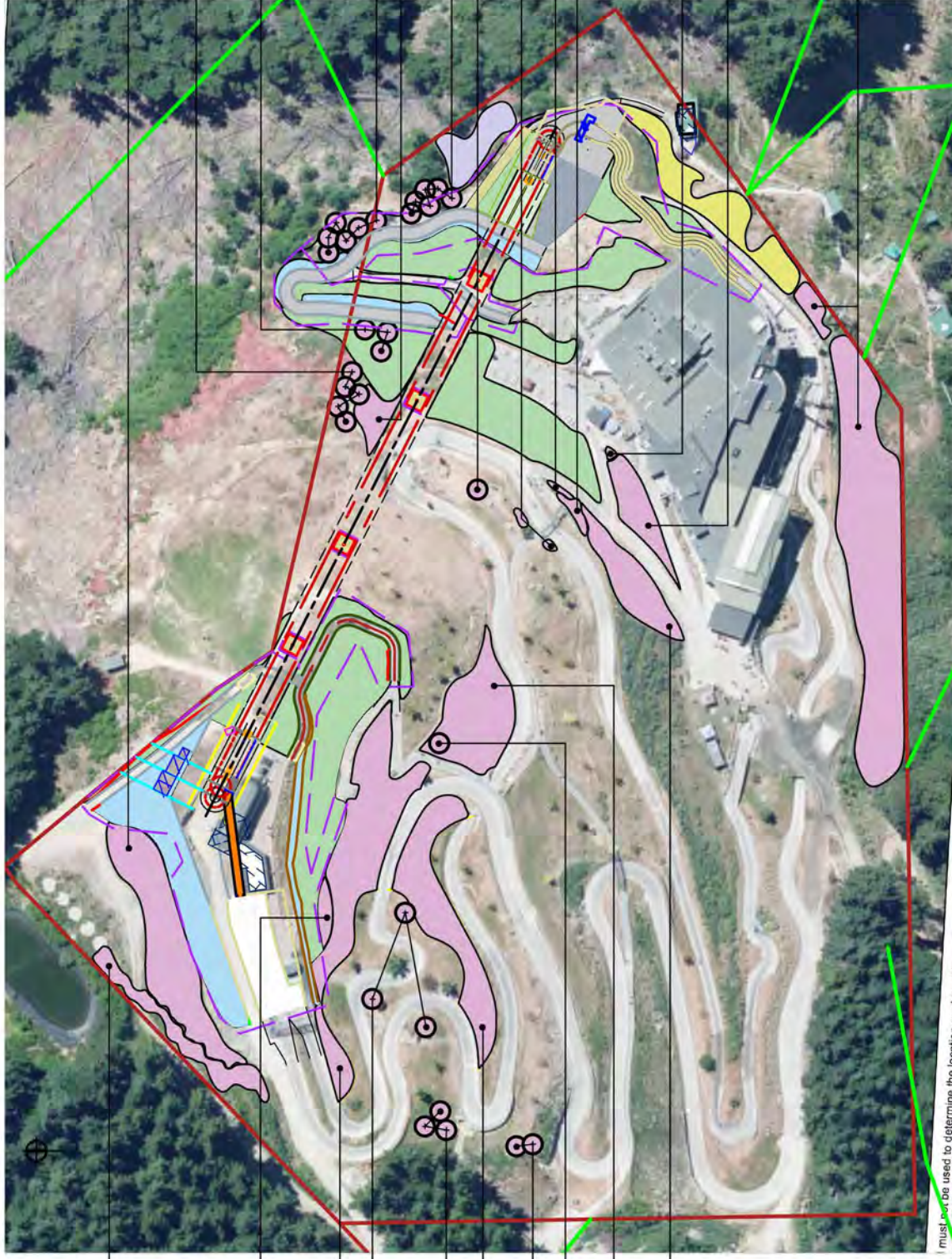
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 Ph: 0275 307140  
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NO.	REVISION DETAILS	DRAWN	APP.	DATE

Skyline Queenstown  
 Bottom Terminal  
 Conveyor Layout

SHEET SIZE	DESIGNED	Drawing No:
A3	DRAWN	B55
Copyright © HP Engineering Design	CHECKED	Job No:
	APPROVED	
	DATE	3-05-2017
	SCALE	





Aristotelia serrata x 4, Myrsine divaricata x 4,  
Hoheria lyallii x 4, Coprosma lucida x 2  
Pittosporum tenuifolium x 9, Hebe salicifolia x 3  
Hebe odora x 4

Chionochloa conspicua x 125

Poa cita x 718

Fuscospora cliffortioides x 3

Fuscospora cliffortioides x 3

Poa cita x 482

Fuscospora cliffortioides x 2

Fuscospora cliffortioides x 1

Poa cita x 412

Chionochloa conspicua x 237

Chionochloa conspicua x 1450

Fuscospora cliffortioides x 5

Fuscospora cliffortioides x 3

Fuscospora cliffortioides x 6

Chionochloa conspicua x 93

Fuscospora cliffortioides x 6

Fuscospora cliffortioides x 1

Astelia fragrans x 3 and Scleranthus biflorus x 12

Helichrysum bellidioides x 15

Astelia fragrans x 9, Coprosma lucida x 1,

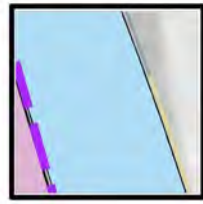
Aristotelia serrata x 1, Olearia avicenniaefolia x 1,

Cordylone australis x 1

Astelia fragrans x 3

Chionochloa conspicua x168

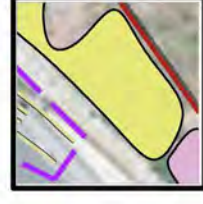
Poa cita x 2000



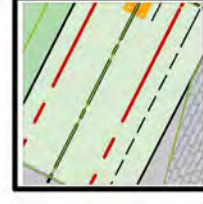
Proposed reinforced earth retaining walls and steep bank planting



Native ground cover planting



Native tree and shrub planting



Grassed areas



Native beech planting



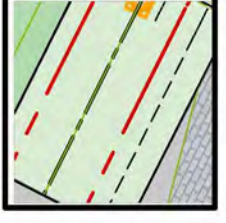
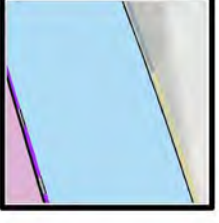
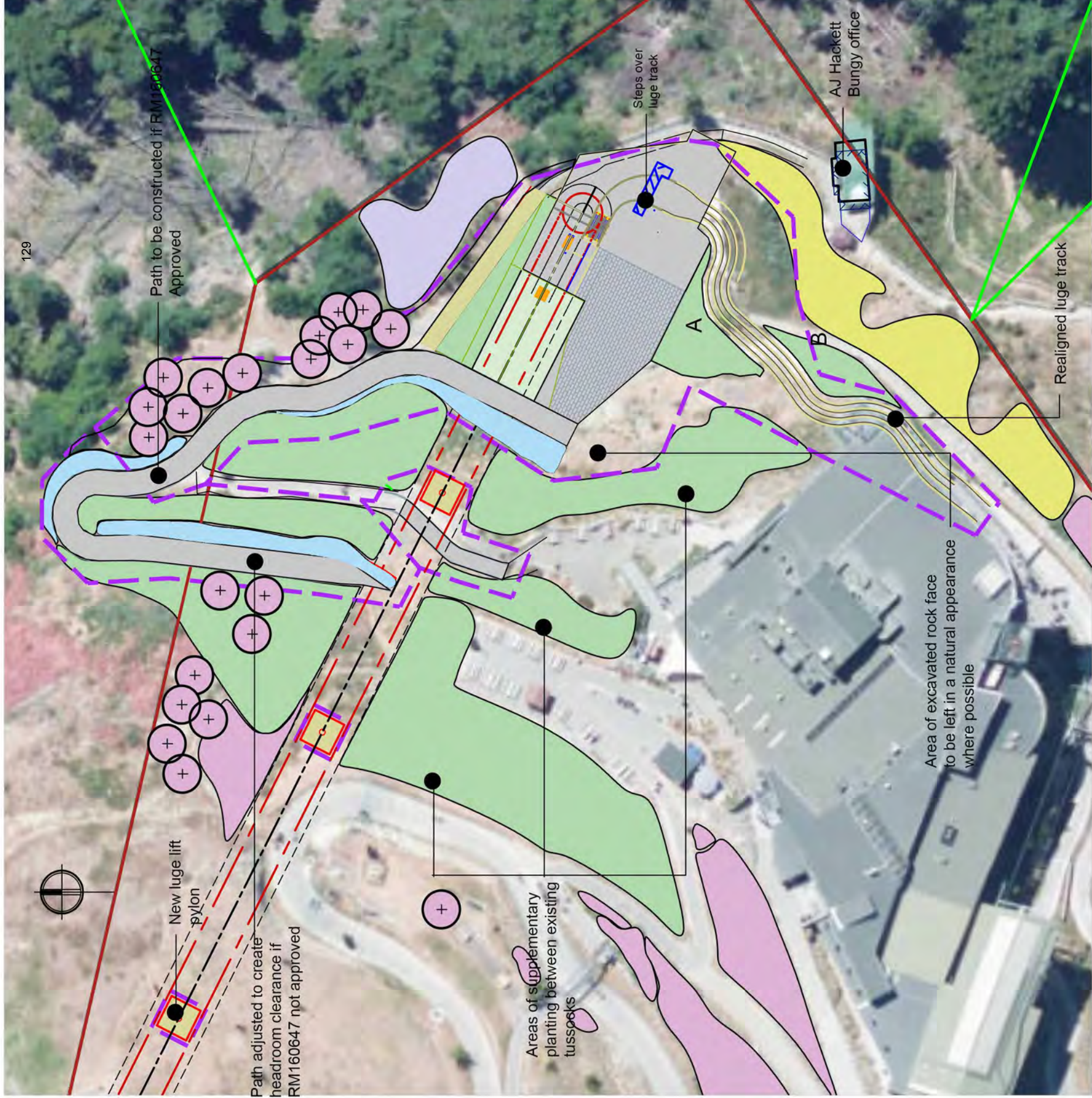
Planting from sheets 1 and 3 RM970293/RM970548, 1998

Note: plant numbers apply to the pink coloured planting areas shown on this sheet only, and have been adapted from Sheets 1 and 3 of 'Skyline Luge Development Plan, dated March 1998' of RM970293/RM970548. All plants to be PB5 grade at time of planting. Plans to be read in conjunction with Luge Chairlift plans produced by Patterson Pitts Ltd Job No. Q4115i-64. Plans for consent purposes only.

# SKYLINE NEW LUGE LIFT LINE







Proposed reinforced earth retaining walls planting. PB5 grade and planted at 1.0m centres.

- Cyathodes juniperina x 15
- Festuca novae-zelandiae x 15
- Gaultheria antipoda x 15
- Meuhlenbeckia axillaris x 15
- Meuhlenbeckia complexa x 15
- Sophora prostrata x 15
- Festuca 'Banks Peninsula' x 15

Proposed native ground covers at PB5 grade, and planted at 1.0m centres in areas A and B either side of realigned luge track. All other areas to be supplementary planting between existing tussocks. Areas A and B either side of realigned luge track to be bark mulched.

- Poa cita x 50
- Phormium cookianum x 45
- Chionochloa conspicua ssp. conspicua x 50
- Chionochloa rubra x 45
- Cyathodes juniperina. x 15
- Chionochloa rigida x 45
- Festuca novae-zelandiae x 45
- Hebe salicifolia x 45
- Gaultheria antipoda x 45

Proposed native trees and shrubs at PB5 grade, and planted at 2.0m centres. Area to be bark mulched:

- Pseudopanax crassifolius x 30
- Coprosma rhamnoides x 30
- Coprosma lucida x 30
- Griselinia littoralis x 30
- Coprosma propinqua x 30
- Olearia hectori x 30
- Olearia arborescens x 30

Grassed area  
**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM170147**  
**25 July 2017**

Proposed beech trees at PB5 grade

- Fuscospora cliffortioides x 30

Note: plant numbers apply to the planting areas shown on this sheet only. Existing planting under luge lift line to remain in current state.

Plans to be read in conjunction with Luge Chairlift plans produced by Patterson Pitts Ltd Job No. Q41151-64

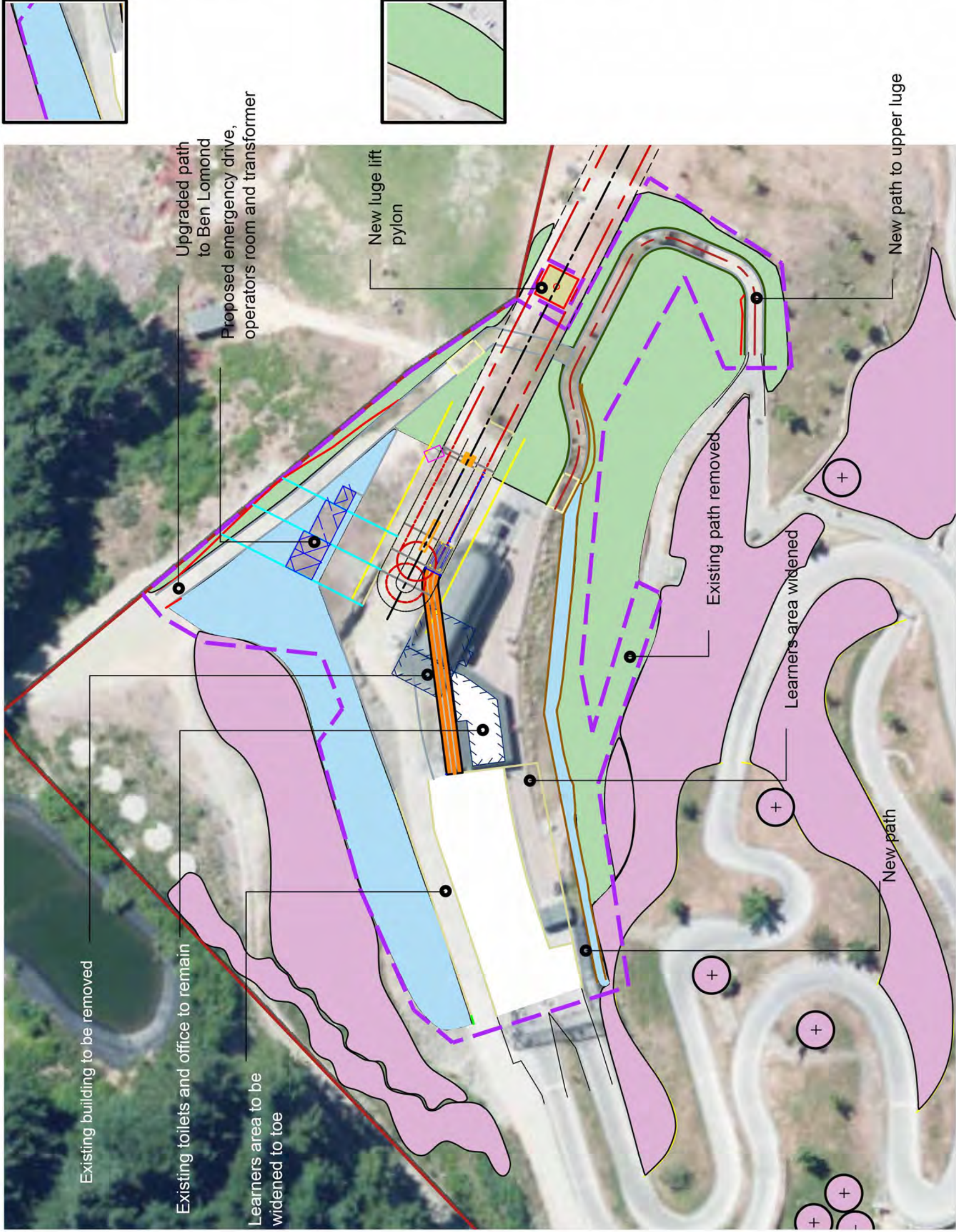


**Michelle Snodgrass**  
**LANDSCAPE ARCHITECT**  
 0275 777 909 | michelle@msla.co.nz  
 7 Ferry Lane, Central Otago 9383

For consent purposes only

# SKYLINE NEW LUGE LIFT LINE





QUEENSTOWN LAKES DISTRICT COUNCIL  
**APPROVED PLAN:**  
 RM170147  
 25 July 2017

# SKYLINE NEW LUGE LIFT LINE

Proposed reinforced earth retaining walls and steep bank planting. PB5 grade and planted at 1.0m centres.  
 Coconut matting to be pegged to steep banks only.

- Cyathodes juniperina x 115
- Festuca novae-zelandiae x 115
- Gaultheria antipoda x 115
- Meuhlenbeckia axillaris x 115
- Meuhlenbeckia complexa x 115
- Sophora prostrata x 115
- Festuca 'Banks Peninsula' x 115

Proposed native ground covers at PB5 grade, and planted at 1.0m centres. All areas to be bark mulched.

- Poa cita x 190
- Phormium cookianum x 140
- Chionochoa conspicua ssp. conspicua x 140
- Chionochoa rubra x 140
- Cyathodes juniperina. x 65
- Chionochoa rigida x 140
- Festuca novae-zelandiae x 140
- Hebe salicifolia x 190
- Gaultheria antipoda x 65

Note: plant numbers apply to the planting areas shown on this sheet only. Existing planting under luge lift line to remain in current state.

Plans to be read in conjunction with Luge Chairlift plans produced by Patterson Pitts Ltd Job No. Q4115i-64

For consent purposes only



Michelle Snodgrass  
**LANDSCAPE ARCHITECT**

0275 777 909 | michelle@msla.co.nz  
 7 Ferry Lane, Central Otago 9383



**QLDC Council  
28 September 2017**

**Report for Agenda Item: 13**

**Department: Property & Infrastructure**

**Easement to Skyline Enterprises Limited – Bobs Peak**

**Purpose**

The purpose of this report is to consider granting a pedestrian right of way easement over recreation reserve land identified as Pt Section 110 Blk XX Shotover SD, for the purpose of enabling Skyline Enterprises Limited (SEL) to form and utilise a pedestrian pathway. The proposed easement will be over land which is not within the SEL lease area, and is instead part of the lease area occupied by Queenstown Commercial Parapenters Ltd.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** a pedestrian right of way easement over Recreation Reserve, Pt Section 110 Blk XX Shotover SD, in favour of SEL, subject to section 48(1)(d) of the Reserves Act 1977, and the following conditions;
  - a. Queenstown Parapenters Limited first provide information necessary to formally endorse the easement, and all matters necessary to enable the easement over the land are resolved.
  - b. Commencement: To be determined.
  - c. Extent of Easement: To be confirmed prior to commencement, and having regard to the endorsement of Queenstown Parapenters Limited.
  - d. Fees: As per QLDC's Easement Policy 2008, and subject to the extent of the easement being confirmed. This shall also include any outstanding application fees.
  - e. A bond of \$5,000.00 be payable to QLDC prior to any works commencing;
  - f. The work site to be evidenced by before and after photographs, video or similar to be provided to QLDC by Skyline Enterprises Ltd;
  - g. A comprehensive safety plan must be prepared and implemented, at Skyline Enterprises Ltd's cost, to ensure a safe environment is maintained around the subject site;
  - h. Certificate of adequate public liability cover to be received;

- i. Reinstatement and landscaping of the area to be completed within two months following construction and to the satisfaction and timeframes communicated by the QLDC's Property & Infrastructure Department. Reinstatement to include any landscaping, fencing or other structures.
  - j. Within 3 months of completion of the work, Skyline Enterprises Ltd to provide QLDC with a surveyed easement and signed Deed of Easement.
3. **Agree** that notification of the intention to grant the easement is not required, as the statutory test in section 48(3) of Reserves Act 1977 is met for the reasons set out in this report;
  4. **Delegate** authority to approve final terms and conditions of the pedestrian right of way easement, including location, and execution authority to the General Manager – Property & Infrastructure; provided all relevant requirements of the Easement Policy 2008 are addressed; and;
  5. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement to Skyline Enterprises Ltd over Pt Section 110 Blk XX Shotover SD.

Prepared by:



Aaron Burt  
Senior Planner: Parks &  
Reserves  
11/09/2017

Reviewed and Authorised by:



Stephen Quin  
Parks Planning Manager  
11/09/2017

## Background

- 1 Council administers the reserve legally described as Pt Section 110 Blk XX Shotover SD, and classified as Recreation Reserve. Queenstown Commercial Parapenters Ltd has a lease over that reserve.
- 2 SEL has a lease over adjacent Recreation Reserve identified as Section 1 SO 24832. This area upon Bobs Peak contains the Skyline building, luge tracks, etc.
- 3 SEL seeks to establish a pedestrian footpath over Pt Section 110 Blk XX Shotover SD. This will involve earthworks, landscaping and the formation of the footpath. As it is necessary to assure access over the footpath, a right of way easement is sought. The applicant has provided a plan to illustrate the extent of the easement, and this appears to require an area of 864m<sup>2</sup>. That plan is included as ATTACHMENT A of this report.
- 4 Resource Consent RM170147 (granted 26 July 2017) requires that such an easement is created, given that the pedestrian footpath is an aspect of the luge

chairlift upgrade and associated developments approved by that consent. Please note that this luge chairlift upgrade is the subject of the separate report to Council for Lessor's and Minister's approval, which is also on this agenda for the 28 September 2017 Council meeting. Please refer to Attachment A of that report, as it also discusses the easement now sought.

### Comment

- 5 Whilst Council has been informed by SEL that Queenstown Commercial Parapenters Ltd (QCPL) support the easement, it is appropriate that this is formally confirmed by QCPL. Any process to create the easement as requested will include QCPL, and any implications on their lease must be agreed by QCPL. It is a recommendation of this report that QCPL must provide their formal approval for any easement over their lease area.
- 6 As per the Easement Policy 2008, both an application fee along with an easement fee are applicable. Because any ultimate easement fee will be dependent upon a defined area and valuation (and at this stage neither are absolutely confirmed), it is recommended that final terms and conditions, including commencement, location, extent, fees and execution authority be delegated to the General Manager Property & Infrastructure.
- 7 The Easement Policy 2008 allows for a bond of between \$1,000 and \$5,000 to be held by Council subject to the reinstatement of the property to Council's standards and satisfaction. Given the potential damage to the reserve (being excavation with no guarantee that this will be completed, and constrained access) this report recommends a bond of \$5,000 be held.
- 8 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is now delegated to Council and must be granted prior to the Easement being lodged with LINZ.
- 9 Granting an easement is permitted by the Reserves Act 1977, however, such easement must be publicly notified in accordance with Section 48(2) unless it can be shown that there is no long-term effect on the land and that people's ability to enjoy the reserve is not affected in accordance with section 48(3) below. These matters are considered below:

The reserve is vested in an administering body and is not likely to be materially altered or permanently damaged

- 10 The Council is the administering body. Aside from during the earthworks and partway construction process, this easement will not affect the ability of the reserve to provide for its current recreational purpose. As the pathway is intended to facilitate access, including to QCPL, it is considered that the creation of the easement will not have any long-term effect on the reserve.

The rights of the public in respect of the reserve are not likely to be permanently affected

- 11 While there would be some temporary minor disruption during the earthworks and pathway construction, long term there would be no detrimental effect on the

ability of the public to use and enjoy the reserve. Once the pathway is formed, the public will have improved access over Section 1 SO 24832 and Pt Section 110 Blk XX Shotover SD. The public as users of the reserve would be unaware that they are crossing over two different lease areas, and the easement would instead serve to allow SEL to manage and maintain the greater footpath area.

12 Taking into account the above factors, it is not considered that the easement will permanently affect the reserve or affect the ability of people to use and enjoy the reserve and therefore public notification is not deemed necessary.

13 This report recommends that any approval granted for an easement be subject to the following conditions;

- a. Queenstown Parapenters Limited first provide information necessary to formally endorse the easement, and all matters necessary to enable the easement over the land are resolved.
- b. Commencement: To be determined.
- c. Extent of Easement: To be confirmed prior to commencement, and having regard to the endorsement of Queenstown Parapenters Limited.
- d. Fees: As per QLDC's Easement Policy 2008, and subject to the extent of the easement being confirmed. This shall also include any outstanding application fees.
- e. Skyline Enterprises Ltd to notify and liaise with QLDC Infrastructure Department in advance of any onsite works, so that they can oversee and provide input relating to any existing in ground infrastructure;
- f. A bond of \$5,000.00 be payable to QLDC prior to any works commencing;
- g. The work site to be evidenced by before and after photographs, video or similar to be provided to QLDC by Skyline Enterprises Ltd;
- h. A comprehensive safety plan must be prepared and implemented, at Skyline Enterprises Ltd's cost, to ensure a safe environment is maintained around the subject site;
- i. Certificate of adequate public liability cover to be received;
- j. Reinstatement and landscaping of the area to be completed within two months following construction and to the satisfaction and timeframes communicated by the QLDC's Property & Infrastructure Department. Reinstatement to include any landscaping, fencing or other structures.
- k. Within 3 months of completion of the work, Skyline Enterprises Ltd to provide QLDC with a surveyed easement and signed Deed of Easement.

14 As the land is recreation reserve, the consent of the Minister of Conservation is required, with such consent having been delegated to Council.

### **Options**

15 Option 1 Council can grant the easement in favour of SEL over Recreation Reserve Pt Section 110 Blk XX Shotover SD, subject to the conditions recommended above.

*Advantages:*

- 16 Pedestrian access can be improved, and this will support SEL's activities
- 17 Council will receive an Easement Fee of.

*Disadvantages:*

- 18 The reserve will be encumbered.
- 19 Access to the reserve will be temporarily limited during construction.
- 20 Option 2 Council can grant the easement in favour of SEL over Recreation Reserve Pt Section 110 Blk XX Shotover SD, subject to alternative conditions.

*Advantages:*

- 21 Similar to Option 1 however Council may wish to amend the conditions proposed.

*Disadvantages:*

- 22 Similar to Option 1
- 23 Option 3 Council can decline the easement in favour of SEL over Recreation Reserve Pt Section 110 Blk XX Shotover SD.

*Advantages:*

- 24 The easement area would be unencumbered and undeveloped.

*Disadvantages:*

- 25 The applicants will need to consider alternative means to provide pedestrian access.
- 26 Council would not receive an Easement Fee.
- 27 This report recommends **Option 1** for addressing the matter as it will enable the development to proceed as planned without significant disturbance to Council land.

**Significance and Engagement**

- 28 This matter is considered of low significance, as determined by reference to the Council's Significance and Engagement policy as it does not involve a Council strategic asset, is of low importance to the Queenstown Lakes District, is of moderate interest to the general community, is not inconsistent with policy and strategy and does not impact on Council's capability and capacity.

**Risk**

- 29 This matter relates to operation risk OR011A Decision making. The risk is classed as moderate. A perpetual property right contained in the recreational

reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving the easement.

### **Financial Implications**

30 Council will receive an easement fee in accordance with the Easement Policy 2008, although this is subject to a percentage of market valuation and no valuation has been provided at this time. Because it will first be a requirement that RM160647 is granted, and the date of such an approval is not possible to determine, it will be necessary to undertake a valuation and establish the appropriate easement fee at that time.

31 All costs associated with the survey and registration of the easement on Councils title will be paid for by the applicant.

32 All costs associated with the survey and registration of the easement on Councils title will be paid for by Skyline Enterprises Limited.

### **Council Policies, Strategies and Bylaws**

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

- Identify Significance & Engagement Policy 2014 – the proposal is a matter with low significance in terms of this policy as it does not impact Council's strategic assets, affect a large number of residents, ratepayers and the environment and is not expected to create a community interest in the matter.
- Easement Policy 2008 – the application is consistent with the policy.
- Ben Lomond and Queenstown Hill Management Plan

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

35 This matter is not included in the 10-Year Plan/Annual Plan, however can be met from existing property operating budgets.

### **Local Government Act 2002 Purpose Provisions**

36 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 improved electrical supply to a member of the public at no cost to 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.

**Consultation: Community Views and Preferences**

- 37 No consultation is envisaged or required by Council as it has low significance with regard to the Significance & Engagement Policy 2014, is consistent with s10 of the Local Government Act and is not included in the 10-Year Plan/Annual Plan. Further, it is not considered that the easement will permanently affect the reserve or affect the ability of people to use and enjoy the reserve and, therefore, public notification is not deemed necessary in accordance with sections 48(2) and 48(3) of the Reserve Act 1977.
- 38 As part of the resource consent, effects associated with this development have been assessed. It is not considered necessary to conduct further consultation relating to the easement request.

**Legal Considerations and Statutory Responsibilities**

- 45 This matter is subject to section 48 of the Reserves Act 1977, which prescribes the requirements for the granting of an easement over a reserve. It is considered that option 1 is consistent with these requirements.

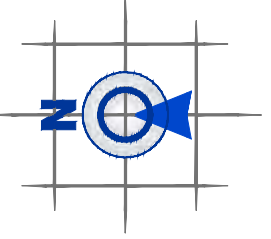
**Attachments**

- A Easement Plan



# ATTACHMENT A

228



Pt Sec 110  
Blk XX Shotover SD  
Recreation Reserve  
(Sec 5 Queenstown Reserves Vesting  
and Empowering Act 1971)

GForce Lease Area  
Existing 1.5870 Ha  
Proposed 1.5006 Ha

Sec 77  
Blk XX Shotover SD  
Scenic Reserve  
(GAZ 1982 P3558)

New Lift 6.93m o/s  
0.5m Fwd of  
existing bull wheel,  
+0.70m FFL 825-10

Area A 864 m<sup>2</sup>  
removed from GForce  
lease and added to  
Skyline lease

New Lift 6.93m o/s  
1.0m fwd, -0.170m  
FFL 763.47

Skyline Lease Area  
SEC 1 SO 24832  
Existing 4.1028 Ha  
Proposed 4.1892 Ha

Proposed earthworks for  
new quad chair shown

Proposed earthworks for  
new quad chair shown

LEGEND	
	Rock Cut Batters
	Cut Batters
	Fill Batters
	Concrete
	Grass berms
	Gravel paths
	Retaining wall
	Paved areas
	Site boundary

**Notes:**

- Proposal shown as a boundary adjustment for discussion purposes with GForce and QLDC
- Second option is that GForce retains their lease over Area A and Skyline is given a right of way
- Third option boundary adjustment occurs and GForce is given a right of way over Area A



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Queenstown, 9349.  
T 03 441 4715  
E queensstown@ppgroup.co.nz

Client Location:  
**SKYLINE ENTERPRISES LIMITED**  
SEC 1 SO 24832, 53 BRECON STREET  
LUGE CHAIRLIFT  
REDEVELOPMENT 2017-2018

Purpose/Drawing Title:  
**POSSIBLE BOUNDARY  
ADJUSTMENT OR ROW  
SKYLINE/GFORCE LEASES  
- ISSUED FOR DISCUSSION -**

Surveyed by:	Original Size:	Scale:	1:750 Hz
Designed by:	A3	DO NOT SCALE	
Drawn by: SAM Aug 2017	Sheet No:	Revision No:	Date Created:
Checked by:	Q41151 - 64	48	A
Approved by:			18/08/2017
Job Ref:			

**QLDC Council  
28 September 2017**

**Report for Agenda Item: 14**

**Department: Property & Infrastructure**

**New licence to Free Walking Tours Ltd to undertake guided tours in the Queenstown Town Centre**

**Purpose**

The purpose of this report is to consider granting a new licence to Free Walking Tours Ltd for guided walking tours in the Queenstown Town Centre, once their current licence expires on 31 October 2017.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** a new reserve licence under Section 54(1)(d) of the Reserves Act to Free Walking Tours Ltd on the following properties, subject to the terms and conditions listed below:

Description	Authority Responsible	Legal Description	Area	District Plan Zone	District Plan Designation
St Omer Park	QLDC	Section 2 Block XVII, Town of Queenstown, Part Sec 110 Blk XX Shotover SD. Certificate of title OTB1/226.	1.4670ha	Rural General Zone	217 – Recreation Reserve
Earnslaw Park	QLDC	Sections 6-18, 27, Crown Land Block XV, Queenstown. Certificate of title OT6A/439, OT4D/228, OT94/273, OT223/156, OT223/155, OT41/117, OT2/78, OT33/164 and OT109/87	0.1847ha	Queenstown Town Centre	219 – Recreation Reserve
Marine Parade	QLDC	Section 6 BLK L1, Town of Queenstown and Part Marine Parade. Certificate of title 46575.	0.6600ha	Queenstown Town Centre	204 – Recreation Reserve
Adjacent to Horne Creek	QLDC	Section 1-3, Block LII, Town of Queenstown. Certificate of Title OT18A/765.	1.3137ha	Rural General Zone	185 – Recreation Reserve
Queenstown Gardens	QLDC	Part section 4, Section 5 and Section 7 Blok L1, Town of Queenstown. Certificate of Title OT18A/765.	13.4545ha	Rural General Zone	205 – Recreation Reserve

Term:	Two years
Rent:	\$500 + GST per annum base rent, or 7.5% of gross revenue, whichever is the greater
Reviews:	Reviewed two-yearly upon renewal
Renewal	Three of two years each by agreement of both parties

Commencement: Upon Signing

Use: Commercially guided walking tours

Insurance: \$2 million public liability insurance cover

Advertising: Signs, advertising hoardings and other billboards etc are not permitted

Assignments: With the approval of Council

Special conditions:

- a. Licensee to ensure all rubbish associated with their operation is removed from the area immediately.
- b. Max group size of 20 people, plus 1 guide.
- c. Sale of merchandise on or about the tracks or trails is not permitted
- d. Health and Safety plan to be provided

3. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a new licence to Free Walking Tours Limited over the reserves detailed above.
4. **Delegate** signing authority to the General Manager – Property and Infrastructure.

Prepared by:



Dan Cruickshank  
Property Advisor APL

26/08/2017

Reviewed and Authorised by:



Aaron Burt  
Senior Planner: Parks &  
Reserves

6/09/2017

## Background

1. Free Walking Tours were granted a licence from 1 November 2015 to operate walking trips for up to 20 people and one guide on recreation reserve trails administered by Queenstown Lakes District Council for two years (expiring 31 October 2017).
2. The tours last 2½ hours and are located in the town centre, most particularly the foreshore reserves, Earnslaw Park, the Gardens and St Omer Park. The tours provide customers with an entertaining and educational experience. The planned routes visit landmarks and historical buildings, and will include information and stories about local Māori, early settlers, mining and tourism within the area.
3. Tours start at the War Memorial Arch on Marine Parade, with a finishing point at St Omer Park and use trails, paths and pedestrian crossings wherever possible.

Alternative tour options are used during large events (such as Winter Festival). The land to be covered by the licence is as follows:

Description	Authority Responsible	Legal Description	Area	District Plan Zone	District Plan Designation
St Omer Park	QLDC	Section 2 Block XVII, Town of Queenstown, Part Sec 110 Blk XX Shotover SD. Certificate of title OTB1/226.	1.4670ha	Rural General Zone	217 – Recreation Reserve
Earnslaw Park	QLDC	Sections 6-18, 27, Crown Land Block XV, Queenstown. Certificate of title OT6A/439, OT4D/228, OT94/273, OT223/156, OT223/155, OT41/117, OT2/78, OT33/164 and OT109/87	0.1847ha	Queenstown Town Centre	219 – Recreation Reserve
Marine Parade	QLDC	Section 6 BLK L1, Town of Queenstown and Part Marine Parade. Certificate of title 46575.	0.6600ha	Queenstown Town Centre	204 – Recreation Reserve
Adjacent to Horne Creek	QLDC	Section 1-3, Block LII, Town of Queenstown. Certificate of Title OT18A/765.	1.3137ha	Rural General Zone	185 – Recreation Reserve
Queenstown Gardens	QLDC	Part section 4, Section 5 and Section 7 Blok L1, Town of Queenstown. Certificate of Title OT18A/765.	13.4545ha	Rural General Zone	205 – Recreation Reserve

- The licence fee proposed is to be the greater of \$500 plus GST or 7.5% of gross revenue, pursuant to the Community Facility Funding Policy.
- The intention to grant the new licence was notified 26 July 2017 with submissions closing 26 August 2017. No submissions were received.

### Comments

- The activity has operated over the past 21 months with no complaints having been received. Rent paid for the year ended 31 October 2016 was \$2,229. They commenced in December 2015, and when they ceased operating in April 2017 for the winter, they had taken a total of 5,688 people on tour. Their TripAdvisor rating is currently #38 of 160 tours in Queenstown.
- The Queenstown Bay Foreshore Reserves Management Plan covers the reserves in this area and contemplates low impact guided tours, but not this operation specifically, so notification was undertaken.
- Free Walking Tours are a common activity internationally and can be found in most major tourist destinations.
- Terms and conditions in this report reflect the current licence, but lengthen the term to allow two-yearly renewals by agreement of both parties. Suggested terms are:

Term:	Two years
Rent:	\$500 + GST per annum base rent, or 7.5% of gross revenue, whichever is the greater
Reviews:	Reviewed two-yearly upon renewal
Renewal	Three of two years each by agreement of both parties
Commencement:	Upon Signing



Use:	Commercially guided walking tours
Insurance:	\$2million public liability insurance cover
Advertising:	Advertising hoardings and other billboards not permitted
Assignments:	With the approval of Council
Special conditions:	<ul style="list-style-type: none"> <li>a. Licensee to ensure all rubbish associated with their operation is removed from the area immediately.</li> <li>b. Max group size of 20 people, plus 1 guide.</li> <li>c. Sale of merchandise on or about the tracks or trails is not permitted</li> <li>d. Health and Safety plan to be provided</li> </ul>

### Options

10 Option 1 To approve a new reserve licence to Free Walking Tours Limited over the land in the table above subject to the terms and conditions listed above.

*Advantages:*

- 11 Enables a low impact small business to continue to operate.
- 12 Increases the enjoyment, vibrancy and education of Queenstown Town Centre Reserves.
- 13 Generates income of over \$2,000 per annum.

*Disadvantages:*

- 14 May lead to increased congestion upon the Queenstown Town Centre reserves.

18 Option 2 To approve a new reserve licence to Free Walking Tours Limited over the land in the table above subject to different terms and conditions.

*Advantages:*

- 19 As above.

*Disadvantages:*

- 20 As above.

21 Option 3 To decline a new reserve licence to Free Walking Tours Limited.

*Advantages:*

- 22 May lead to decreased congestion upon the Queenstown Town Centre reserves.

*Disadvantages:*

- 23 Would not enable a low impact small business to continue to operate.
- 24 Would not increase the enjoyment, vibrancy and education of Queenstown Town Centre Reserves.
- 25 Council would not receive income of over \$2,000 per annum.
- 26 This report recommends Option 1 for addressing the matter because it will enable Free Walking Tours Ltd to continue to operate a low impact tourism activity in the Queenstown Town Centre.

### ***Significance and Engagement***

- 27 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves reserves that are a strategic Council asset.

### ***Risk***

- 28 This matter relates to operation risk OR011A Decision Making. The risk is classed as moderate and is mitigated through public notification of the intention to grant a licence.

### **Financial Implications**

- 29 The activity generated a licence fee of \$2,229 in the year ended 31 October 2016. The turnover figures for the current year are not yet available.
- 30 The licensee will pay all costs incurred in granting the licence.

### **Council Policies, Strategies and Bylaws**

- 31 The following Council policies, strategies and bylaws were considered:
- Significance and Engagement Policy 2014.
  - Community Facility Funding Policy update 2012.
  - Queenstown Bay Reserves Management Plan 2016.
- 32 The recommended option is consistent with the principles set out in the named policy/policies.
- 33 This matter is not included in the 10-Year Plan/Annual Plan and does not have any impact on it.

### **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 enabling a low impact commercial tourist activity to operate on Council land;

- 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 residents and visitors in the Queenstown Lakes district.

36 The Council has publicly notified the intention to grant this new licence calling for submissions. No submissions were received.

### **Attachments**

- A List of stops on the tour
- B Map of tour



**Free Walking Tours Queenstown Stopping Points**

- 1. The Fallen Soldiers Memorial Archway**
- 2. Botanical Gardens Bridge**
- 3. Small Wharf**
- 4. Lookout on corner of Gardens**
- 5. Sailing boat**
- 6. Botanical Gardens Bridge**
- 7. Native Garden**
- 8. Citizens Advice Bureau**
- 9. Cookie Time**
- 10. St Peter's Church**
- 11. Vesta (William's Cottage)**
- 12. Masonic Lodge**
- 13. Sasso (Dux de lux)**
- 14. The Mall**
- 15. The Cow Restaurant**
- 16. Corner by Glassons looking across to the Mountaineer building**
- 17. Eicharts and Rees statue**
- 18. Moa statue in the waterfront park**
- 19. Steamer Wharf – Earnslaw**
- 20. New artwork on St Omer's Park land**
- 21. Atlas**

**Attachment B: Map of Tour**

**Free Walking Tours Queenstown Route Plan**



**QLDC Council  
28 September 2017**

**Report for Agenda Item: 15**

**Department: Property & Infrastructure**

**Classification and reclassification of land at Luggate Red Bridge**

**Purpose**

The purpose of this report is to consider classification and reclassification for the land at the Luggate Red bridge pursuant to the Reserve Act 1977.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** the following reserve classifications for the land at the Luggate Red Bridge Reserves:
  - a. To be classified or reclassified as Historic Reserve
    - i. Lot 5 DP 490602
    - ii. Section 37 Blk VII Lower Hawea SD
    - iii. Section 6 Blk VII Lower Hawea SD
    - iv. Section 1 SO 489559
    - v. Section 3 SO 489559
  - b. To be reclassified as Recreation Reserve
    - vi. Section 34 Blk VII Lower Hawea SD
3. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the classification and reclassification of the reserves as detailed above.
4. **Delegate** signing authority and to register the appropriate notices in the New Zealand Gazette to the General Manager, Property and Infrastructure.

Prepared by:



Dan Cruickshank  
Property Advisor - APL

26/08/2017

Reviewed and Authorised by:



Stephen Quin  
Parks Planning Manager

31/08/2017

## Background

- 1 Council administers a number of reserves at the Luggate Red Bridge. The blocks along with their current reserve classifications are as follows:

Legal Description	Classification – Existing
Lot 5 DP 490602	Local Purpose (Gravel) Reserve
Section 37 Blk VII Lower Hawea SD	Local Purpose Reserve – Gravel Reserve
Section 6 Blk VII Lower Hawea SD	Local Purpose Reserve – Gravel Reserve
Section 1 SO 489559	Fee Simple / Freehold
Section 3 SO 489559	Fee Simple / Freehold
Section 34 Blk VII Lower Hawea SD	Local Purpose Reserve - Gravel Pit

- 2 The land is located either side of the Clutha River and Historic Red Bridge (Attachment A), which celebrated its centenary in 2015. Since that time the Community has led a project to clear the site of wilding pines and enhance public access to the reserves, predominately on the North side of the river.
- 3 A significant portion of the land was effectively donated by Contact Energy in 2014 and 2015, covering land parcels 1 & 3 SO 489559 on the South bank of the river and Lot 5 DP 490602 (the narrow rectangular parcel) on the north bank. The other remaining parcels were vested in the former Vincent County Council by the Crown during the mid-1950's.
- 4 The north bank reserves have previously been used by roading contractors to store gravel for roading construction and gritting purposes, detracting from the visual potential of this land. The area is also a problem for unauthorised disposal of household rubbish.
- 5 The Wanaka Community Board considered this matter at their meeting of 22 June 2017 and passed the following resolution:

**On the motion of Mr Smith and Councillor McRobie it was resolved that the Wanaka Community Board:**

- 1. Note the contents of this report;**
- 2. Approve notification of the intention to classify and reclassify reserve land, collectively known as the Luggate Red Bridge Reserves, with the legal descriptions:**

**To be Historic Reserve**

- a. Lot 5 DP 490602**
- b. Section 37 Blk VII Lower Hawea SD**
- c. Section 6 Blok VII Lower Hawea SD**
- d. Section 1 SO 489559**
- e. Section 3 SO 489559**

**To be Recreation Reserve**

- a. Section 34 Blk VII Lower Hawea SD**

- 6 Councillor MacLeod and Community Board Members Smith and Taylor were appointed to hear any submissions received.
- 7 Notification of the intention to classify and reclassify the reserves was published on 12 July 2017 with submissions closing 11 August 2017. No submissions were received.

**Comment**

- 8 The Luggate Community Association (LCA), and those directly involved in tidying the area for the Bridge centenary have requested approval from Council to clear wilding pines and develop a viewing/focal point on the North bank of the river overlooking the bridge.
- 9 Through this process, Council commissioned archaeological/heritage and landscaping reports to aid in the planning process. The archaeological/heritage report identified a number of significant features on the land that should be protected under the Heritage New Zealand Pouhere Taonga Act 2014. These features, the landscaping plan (Attachment B) and Council's suggested process for implementing improvements onsite are being developed by Council's Parks and Reserves department in conjunction with the Community.
- 10 The LCA are keen to start the process of improving the land, and have sought and been granted financial support from Council through the Annual Plan process 17/18. The site is being assessed by Council officers to ascertain whether a public toilet should be installed on site over the coming years.

## Classification Overview

11 Reserves are classified pursuant to section 16 of the Reserves Act 1977. They are classified “to ensure the control, management, development, use, maintenance, and preservation of reserves for their appropriate purposes...”

12 Council may classify a reserve vested in or owned by it. The intention to classify a reserve must first be notified calling for submissions, and if any are received, a hearing is held to consider those submissions. Council then passes a resolution approving the classification including the delegated approval of the Minister of Conservation, and the classification is recorded in the New Zealand Gazette.

13 We consider that the types of reserve that might be appropriate for the Red Bridge are as follows:

### **a) Recreation Reserve**

15 These are for “the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with an emphasis on the retention of open spaces and on outdoor recreational activities, including recreation tracks in the countryside”.

16 The administering body can do many things in respect of a recreation reserve including setting aside part or parts of the reserve for camping ground, parking places, and may construct and develop these amenities and fix reasonable charges for their use. Leases can be granted on the land, either to a voluntary organization for recreation, or commercially if the trade or business “must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve”.

17 Classifying the reserve for recreation would essentially make recreation the priority activity on the land. It gives no specific protection to the historic features, although that can be achieved through a Historic Places registration or the District Plan.

### **b) Historic Reserve**

18 These are for the “purpose of protecting and preserving in perpetuity such places, objects, and natural features and such things thereon or therein contained as are of historic, archaeological, cultural, educational and other special interest”. It further requires:

- i) The structures, objects and sites to illustrate with integrity the history of New Zealand.
- ii) The public shall have freedom of entry (although rules may be put in place).
- iii) Indigenous flora and fauna shall be preserved.

19 The Minister of Conservation may give approval for buildings, but they must be necessary for the beneficial management, protection and maintenance of the reserve, or for the provision of displays and information for visitors to the reserve,

so long as such buildings cannot be provided outside and in close proximity to the reserve. The provision of public toilets could be seen as beneficial for the protection of the reserve. Fees can be charged for the use of amenities.

- 20 Historic reserves can be leased to voluntary organisations, for residential purposes, or for commercial purposes, so long as such leases do not compromise or threaten the historic features. We have been advised verbally by the Department of Conservation that camping would be an acceptable activity on a historic reserve.

### **c) Scenic Reserve**

- 21 Scenic reserves are for “the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment and use of the public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable or in the public interest”. The focus is generally on the protection of indigenous flora and fauna, and natural beauty, and as far as possible exotic flora and fauna should be exterminated. The public shall have free entry, but rules can apply.
- 22 Where the reserve contains historical or archaeological features, those features shall be managed and protected to the extent compatible with the principal purpose of the reserve, that is, the protecting of the scenic amenities take precedence over the historic features. Facilities may be developed if they are deemed necessary and camping grounds may be set aside, so long as they cannot be readily provided outside and in close proximity to the reserve.
- 23 Leases can be granted on the land, either to a voluntary organization for recreation, or commercially if the trade or business “must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve”.

### **Review of Options**

- 24 We understand the land is intended to be used primarily for recreational purposes, for walking, picnicking, launching kayaks, swimming and maybe camping, but that the preservation of the historic features is a priority.
- 25 If Council feels that recreation is the main priority, then the land should be classified as recreation reserve. The historic features can still benefit from protection, but recreation would be the priority.
- 26 Conversely, if Council feels that protection of the historic features is the priority, then it should be classified as historic reserve. A broad range of recreational activities can still be undertaken on the land, but only if they do not compromise the historic features.
- 27 As the main purpose of a scenic reserve is the protection of flora and fauna and natural beauty, we do not believe this option is appropriate. Those features would take priority over protection of the historic features.



- 28 The final option is to classify the various land parcels differently. We do not see any benefit in having a wide range of reserve types because it may make the management of the area more complex. However, there could be merit in classifying section 34 Block VII as recreation reserve because it has fewer historic features, and any amenities buildings and car parking could be concentrated on that site, therefore negating the need to have to justify to the Minister of Conservation the need for buildings.
- 29 Giving regard to the above considerations, we propose that the following reserve classifications be approved:

<b>Legal Description</b>	<b>Classification – Existing</b>	<b>Classification – Proposed</b>
Lot 5 DP 490602	Local Purpose (Gravel) Reserve	Historic Reserve
Section 37 Blk VII Lower Hawea SD	Local Purpose Reserve – Gravel Reserve	Historic Reserve
Section 6 Blk VII Lower Hawea SD	Local Purpose Reserve – Gravel Reserve	Historic Reserve
Section 1 SO 489559	Fee Simple / Freehold	Historic Reserve
Section 3 SO 489559	Fee Simple / Freehold	Historic Reserve
Section 34 Blk VII Lower Hawea SD	Local Purpose Reserve - Gravel Pit	Recreation Reserve

- 30 Option 1 Approve classification and reclassification of the reserve land as proposed above.

*Advantages:*

31 It will provide more appropriate reserve classifications to the land.

32 Would help in the long-term improvement, development and protection of the historic features on the reserves.

*Disadvantages:*

33 None noted.

- 34 Option 2 To classify and reclassify the reserve land but as other reserve types.

*Advantages:*

35 There may be other considerations that can be incorporated in a revised type of classification.

*Disadvantages:*

36 None noted.

37 Option 2 To decline the proposed classification and reclassification of the reserves.

*Advantages:*

38 None noted.

*Disadvantages:*

39 It would not provide more appropriate reserve classifications to the land.

40 It would not help in the long-term improvement, development and protection of historic features on the reserves.

41 This report recommends **Option 1** for addressing the matter, as it provides appropriate historic classification to the reserves with historic features, whilst making one parcel recreation reserve.

***Significance and Engagement***

42 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves the future management and development of reserve land.

***Risk***

43 This item relates to OR11 as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because the recommendation will see a decision that is timely, as delegated and compliant with legislation.

**Financial Implications**

44 The recommendation does not have any significant impact on the financial plans of Council.

**Council Policies, Strategies and Bylaws**

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

- Property Sale and Acquisition Policy 2014

46 The recommended option is consistent with the principles set out in the named policy/policies, specifically #9, providing that property will be re-purposed for a more appropriate use.

47 This matter is not included in the 10-Year Plan/Annual Plan and will not have any impact on it.

### **Local Government Act 2002 Purpose Provisions**

48 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 reserve land which is held and used for its best purpose;
- 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**

49 The persons who are affected by or interested in this matter are residents of the Queenstown Lakes District.

50 Formal notification of the intention to classify the reserves was undertaken and no submissions were received.

### **Attachments**

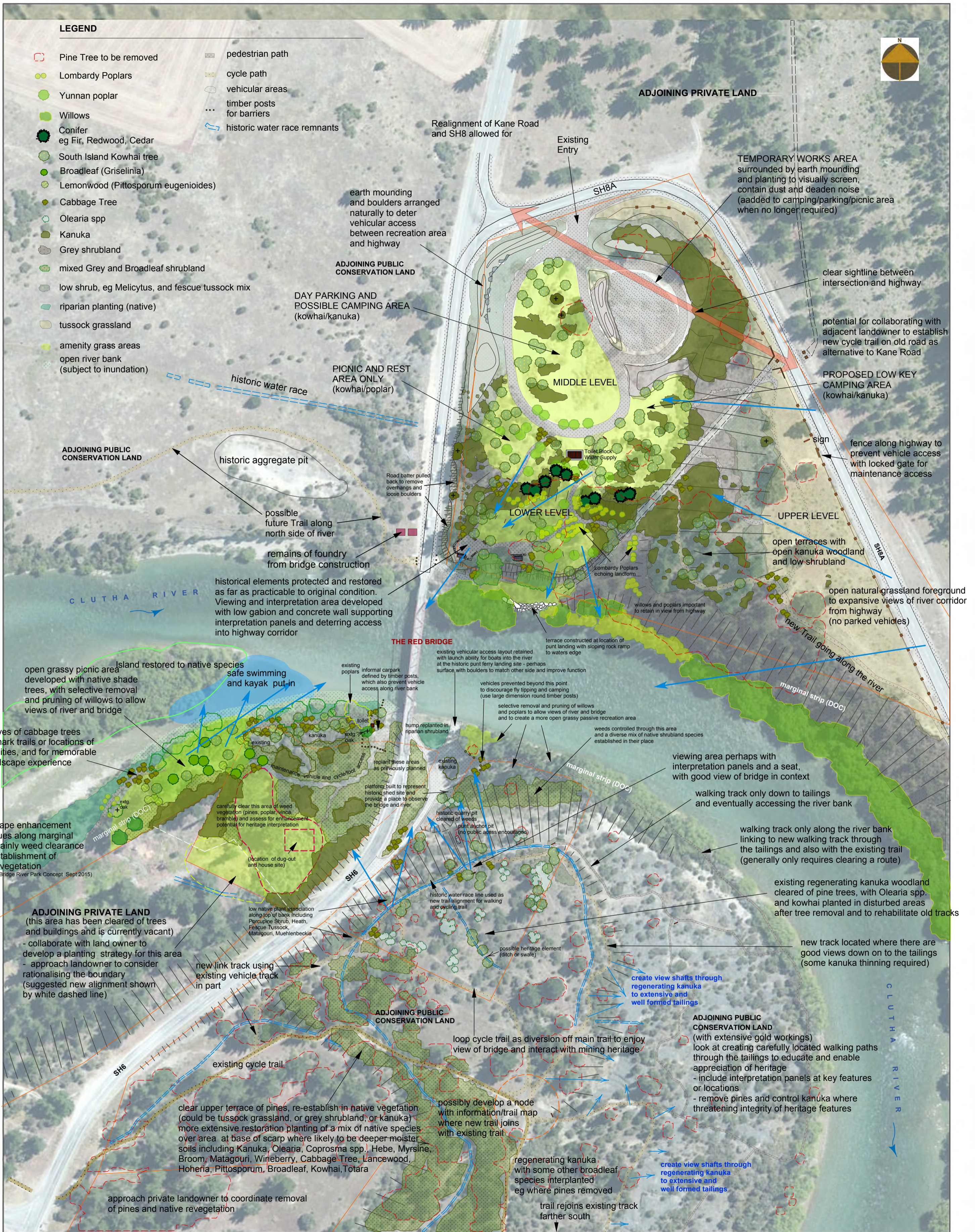
- A Aerial plan of the proposed reserve classifications
- B Landscape Plan (draft)





The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED





**NOTE:**  
 All proposals in areas of heritage elements will require full archaeological assessment and an authority from Heritage NZ. Heritage features must not be disturbed until such authority is obtained and a process of record, monitoring and restoration or removal is approved and ready to execute.

**LANDSCAPE CONCEPT PLAN  
 RED BRIDGE RECREATION AREA  
 for the Queenstown Lakes District Council  
 and Luggate Community Association**

Plan Ref. 248.LP01  
 prepared by Anne Steven  
 Landscape Architect  
 Anne Steven  
 LANDSCAPE  
 ARCHITECT  
 February 2017

scale 1:1500 at A2  
 0 10 20 30 40 50m



**QLDC Council  
28 September 2017**

**Report for Agenda Item: 16**

**Department: Property & Infrastructure**

**Suburban Estates Ltd, Proposal to Vest Land as Reserve**

**Purpose**

To seek Council approval to vest a proposed reserve.

**Recommendation**

That Council:

1 **Approve** the vesting of the proposed reserve;

a. Lot 201 Recreation Reserve.

subject to the following works being undertaken at the applicant's expense:

- i. Presentation of the reserve in accordance with Council's standards for reserves;
- ii. A potable water supply point to be provided at the boundary of the reserve lot;
- iii. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;
- iv. A three year maintenance period by the current landowner commencing from vesting of the reserve in accordance with the relevant consent, and subject to consent conditions being imposed under variation RM170060 to ensure such;
- v. A landscape plan to be provided to the Parks Planning Manager to identify removal/replacement trees to be established prior to the commencement of the maintenance period;
- vi. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

2 **Approve** reserve land contributions are offset in accordance with the Development Contributions Policy current at the time of contributions payment and the Parks and Open Space Strategy 2017, subject to recommendation (iii) above.

Prepared by:



Aaron Burt  
Senior Planner: Parks  
and Reserves

11/09/2017

Reviewed and Authorised by:



Stephen Quin  
Parks and Reserves Planning  
Manager

11/09/2017

## Background

- 1 One recreation reserve is proposed in association with a development being undertaken by Suburban Estates Ltd. The reserve is described as Lot 201 (602m<sup>2</sup>), and is illustrated in Attachment A of this report.
- 2 A different recreation reserve (also referenced as Lot 201) was initially consented under resource consent RM150887, and its vesting was endorsed by Council officers in 2015, as being consistent with an earlier reserve (Lot 300) approved by Resource Consent RM070943, and endorsed by Council on 31 March 2009.
- 3 Lot 201 RM150887 had an area of 390m<sup>2</sup> and was located in a different westward position within the subdivision, than the reserve currently proposed.
- 4 However, RM150887 was varied under RM160492 on 14 July 2016, and the resource consent decision approved a change to Lot 201, to make it larger at 602m<sup>2</sup>, in a different eastward location, and to contain mature trees.
- 5 Given the substantial changes to Lot 201 as consented in 2016, Council now cannot rely on the previous endorsement of the different initial reserve accepted in 2015. Hence, this report seeks Council approval for the new Lot 201. This is necessary to facilitate the process toward release of titles associated with the residential lots proposed by the Suburban Estates Ltd Development, as Section 224(c) approval is currently being sought.
- 6 The new Lot 201 reserve has recently been identified to Council Officers in the Parks Planning Department, and the recommendation of this report is the result of discussions concerning its suitability. Potential conditions of an undecided current variation application to RM150887 (being RM170060) can ensure the usefulness of the proposed reserve will be required under the consent process. This can ensure that the reserve will not place any undue financial burden upon Council. Such conditions include requiring maintenance periods prior to acceptance, fencing covenants, and meeting Council's standards for reserves.

## Comment

- 7 The reserve will provide a linkage that will assist with pedestrian and cycle movement. Lot 201 will link the internal road for the subdivision with Manse



Road. The proposed reserve is consistent with the 'Connections' parks and open space typology as identified in the Parks and Open Space Strategy 2017.

### Options

- 8 Option 1 Accept the proposal for the vesting of the reserve as per the Parks and Open Space Strategy 2017.

*Advantages:*

- 9 The land is proposed to be vested in Council at no cost.
- 10 The vesting of the reserve will confirm what is envisaged and in accordance with the Resource Consent for the development.

*Disadvantages:*

- 11 Council will have to maintain or manage the reserve at a cost to the ratepayer after the maintenance period.
- 12 Option 2 Reject or modify the proposal for the vesting of the reserve as per the Parks and Open Space Strategy 2017.

*Advantages:*

- 13 Council will not have to maintain/manage the reserve at a cost to the ratepayer.

*Disadvantages:*

- 14 Council will refuse areas of land being offered at no cost.
- 15 The reserve has been consented through the consent process, and not vesting it will create conflicts with the grant of Resource Consent and the timing associated with the potential release of residential titles.
- 16 This report recommends **Option 1** for addressing the matter.

### Significance and Engagement

- 17 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because there will be little impact on Council's function if the recommended option is taken.

### Risk

- 18 This matter related to the operational risk OR002 and OR010b. OR002 relates to an Increase in Expenditure and OR010b relates to Damage or loss to third party asset or property as documented in the Council's risk register. The risks are classed as moderate.
- 19 This matter relates to this risk because accepting the land may increase Council's expenditure on maintenance after the initial land owner maintenance period. The recommended option ensures conditions are required to be met in terms of

Reserve specifications prior to handover to Council which should ensure expenditure on maintenance is at anticipated levels. The vesting is also in accordance with the Parks and Open Space Strategy 2017 further reducing risk of judicial review of any decision to accept the land.

### **Financial Implications**

20 The applicants will be required to maintain the reserve for the first 3 years. Following this point provision will need to be made available within Council's maintenance budgets dependent on the facilities in the reserves and the level of service they will be maintained to.

### **Council Policies, Strategies and Bylaws**

21 The following Council policies were considered:

- Significance and Engagement Policy
- Parks and Open Space Strategy 2017
- Development Contributions Policy
- Vesting of Roads and Reserves Policy

### **Local Government Act 2002 Purpose Provisions**

22 In relation to section 10(1)(b) of the Local Government Act 2002 the proposed activity involves meeting the current and future needs of the Queenstown community for good quality local public services in a way that is most cost effective for households and businesses.

### **Consultation: Community Views and Preferences**

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

24 No specific media statement or public communication is considered necessary.

### **Attachment**

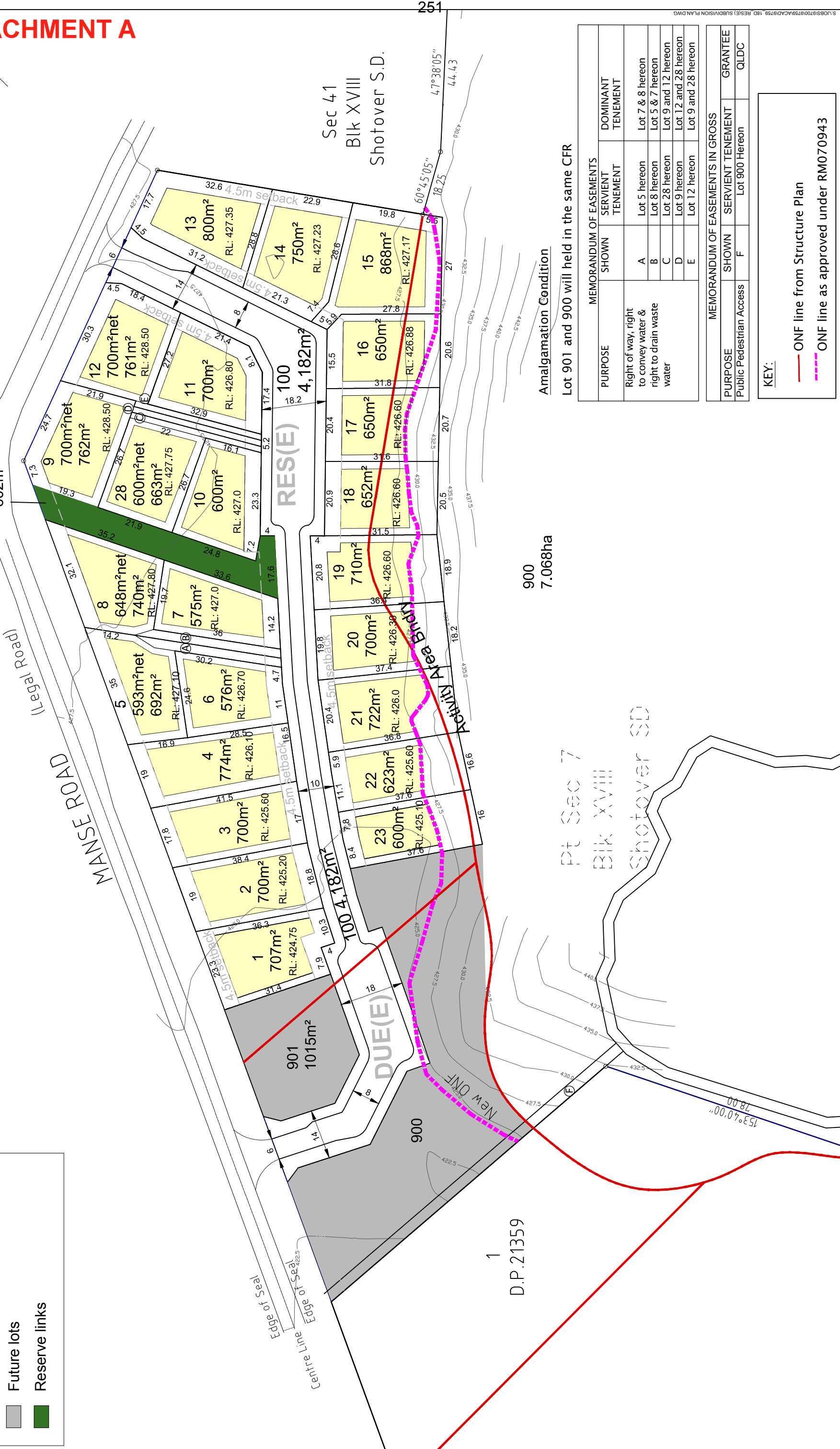
A Suburban Estates Limited: Recreation Reserve Lot 201

# ATTACHMENT A



**KEY:**

- Proposed building platform
- Future lots
- Reserve links



**Amalgamation Condition**  
 Lot 901 and 900 will held in the same CFR

PURPOSE	MEMORANDUM OF EASEMENTS SHOWN			DOMINANT TENEMENT
	SHOWN	SERVIENT TENEMENT		
Right of way, right to convey water & right to drain waste water	A	Lot 5 hereon	Lot 7 & 8 hereon	
	B	Lot 8 hereon	Lot 5 & 7 hereon	
	C	Lot 28 hereon	Lot 9 and 12 hereon	
	D	Lot 9 hereon	Lot 12 and 28 hereon	
	E	Lot 12 hereon	Lot 9 and 28 hereon	

PURPOSE	MEMORANDUM OF EASEMENTS IN GROSS		
	SHOWN	SERVIENT TENEMENT	GRANTEE
Public Pedestrian Access	F	Lot 900 Hereon	QLDC

**KEY:**

- ONF line from Structure Plan
- ONF line as approved under RM070943

<p><b>CLARK FORTUNE McDONALD &amp; ASSOCIATES</b>                  REGISTERED LAND SURVEYORS/LAND DEVELOPERS                  308 Leitch Street, P.O. Box 653, Dunedin                  Tel: (03) 471 1562, Fax: (03) 471 1563, Email: admin@cfma.co.nz</p>		Project: <b>MANSE ROAD SUBDIVISION</b>	Drawing Title: <b>LOTS 1-23 &amp; 28 BEING A PROPOSED SUBDIVISION OF THE RES(E) ACTIVITY AREA &amp; LOT 900 &amp; 901 BEING A BALANCE LOT IN OS-HL(E)</b>	Job No: <b>9759</b>	Sheet No: <b>18</b>
		Client: <b>SUBURBAN ESTATES LTD</b>	Date: <b>26.1.16</b>	Scale: <b>1:500 @ A1</b> <b>1:1000 @ A3</b>	Date: <b>26.1.16</b>
Rev: <b>19.0.17</b> Add Public Pedestrian Access <b>D</b> <b>13.7.16</b> Add Lot 7 as Dominant Tenement <b>C</b> <b>11.7.16</b> Add amalgamation text <b>B</b> <b>5.7.16</b> Revise Lot numbers <b>A</b> <b>17.5.16</b> Revise Lot layout	By: <b>JC</b> <b>CRW</b> <b>CRW</b> <b>CRW</b>	Ver: <b>JC</b> <b>CRW</b> <b>CRW</b> <b>CRW</b>	Date: <b>19.0.17</b> <b>13.7.16</b> <b>11.7.16</b> <b>5.7.16</b> <b>17.5.16</b>	Signed: <b>CH</b> <b>ED</b> <b>Designed</b> <b>Approved</b>	Date: <b>19.0.17</b> <b>26.1.16</b> <b>26.1.16</b> <b>26.1.16</b>

**NOTES:**  
 1. All dimensions shown are in meters unless shown otherwise.  
 2. Please note that the services that are depicted on this plan are from the field survey. For confirmation of the type and position of each service please refer to the AS Built plan.  
 Any person using Clark Fortune McDonald drawings and other data accepts the risk of:  
 - Inaccuracy of the information in the original hard copy version.  
 - Ensuring the information is the most recent issue.  
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**REVISION DETAILS**

Rev	Date	By	Ver.	App.
E	19.0.17	JC		
D	13.7.16	CRW		
C	11.7.16	CRW		
B	5.7.16	CRW		
A	17.5.16	CRW		

**SHEET 1 OF 2**

**QLDC Council  
28 September 2017**

**Report for Agenda Item: 17**

**Department: Property & Infrastructure**

**Easement – Wanaka-Mount Aspiring Road**

**Purpose**

The purpose of this report is to consider granting an in-ground service easement over reserve land for the purposes of draining sewerage via a foul sewer line to existing infrastructure in the adjacent Road Reserve.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** an underground easement over Scenic Reserve Lot 2 DP 23625 subject to section 48 (1)(d) of the Reserves Act 1977, in favour Roys Bay Estate Limited subject to the following conditions:
  - a. Roys Bay Estate Limited to notify and liaise with QLDC's Infrastructure Department in advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure;
  - b. The new sewer connection must be installed in accordance with the Conditions of RM 081295 relating to work around the trees and QLDC's subdivision code of practice.
  - c. Works are to be completed in a manner and supervised by an arborist to ensure no damage occurs to the existing trees. The arborist must provide a report on completion of the works identifying the degree of any root severance undertaken, and demonstrating that no damage has occurred to the health of the tree as a consequence.
  - d. A bond of \$2,000.00 be payable to QLDC prior to any works commencing;
  - e. The work site to be evidenced by before and after photographs, video or similar to be provided by Roys Bay Estate Limited;
  - f. A comprehensive safety plan must be prepared and implemented, at Roys Bay Estate Limited's cost, to ensure a safe environment is maintained around the subject site;
  - g. Certificate of adequate public liability cover to be received;

- h. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Infrastructure Department. Reinstatement to include any fencing or other structures.
  - i. Within 3 months of completion of the work, Roys Bay Estate Limited to provide QLDC with a surveyed easement and signed Deed of Easement.
3. **Agree** that notification of the intension to grant the easement is not required as the statutory test in section 48(3) of Reserves Act 1977 is met for the reasons set out in this report;
  4. **Delegate** authority to approve final terms and conditions, and execution authority to the General Manager - Property and Infrastructure; and
  5. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement to Roys Bay Estate Limited over Lot 4 DP 300273.

Prepared by:



Blake Hoger  
Property Advisor  
APL Property Limited

1/09/2017

Reviewed and Authorised by:



Aaron Burt  
Senior Planner: Parks &  
Reserves

13/09/2017

## Background

- 1 Council administers the reserve known as Mt Aspiring Road Segregation Reserve and legally described as Lot 4 DP 300273, Certificate of title OT16C/145, classified as Scenic Reserve.
- 2 Roys Bay Estate Limited are seeking an in-ground easement over the Scenic Reserve as part of their development of Lot 105 DP 346120. The Easement will be used to run a foul sewer line to connect with existing Council infrastructure.

## Comment

- 3 Resource Consent (RM 081295) was granted by the Environment Court for the development of Lot 105 DP 346120 to create a 73-unit retirement village at the corner of Wanaka-Mount Aspiring Road and Meadowstone Drive.
- 4 Between the development site and Wanaka-Mount Aspiring Road is Lot 4 DP 300237, a narrow strip of Scenic Reserve. The reserve appears as a continuation of the Wanaka-Mount Aspiring Road berm and comprises grass cover and a row of established trees.

- 5 The first stage of the development at Lot 105 DP 346120 is the construction of a block of 4 units in the north-western corner of the site which is bordered to the north by the Scenic Reserve. There is an existing 225mm Foul Sewer main running along the southern berm of Wanaka-Mount Aspiring Road within road reserve. It is proposed to bring a new foul sewer connection from this main into the site, through the Scenic Reserve, to service the development.
- 6 The proposed location of drainage line falls between two trees and through a stump of a pre-existing tree. While no trees are proposed to be removed, trenching for the services will be through the drip line of the existing trees. The applicants have undertaken to hand trim the roots, dampen them down and protect them from the sun during works.
- 7 QLDC's Arboriculture Officer has inspected the site noting that the trees within the area of the works are Common Ash (*Fraxinus excelsior*), a surface rooting species of tree that is known to be susceptible to works within the root zone. In his opinion, should the easement and trench be created to the east of the aforementioned stump, the effect on the remaining surrounding trees will be minor in nature.
- 8 QLDC's Arboriculture Officer does however recommend that the applicants appoint an arborist to supervise the works and produce a report on completion of the works identifying the degree of root severance required including photographs of the works as evidence.
- 9 Trenching will require a 3m wide easement parcel crosses the 5m width of the reserve.
- 10 As per the Easement Policy 2008, both an application fee along with a one-off underground services easement fee are applicable. In accordance with the policy, the easement fee is calculated at \$167.55 plus GST.

Land value of property	= \$93,000
Size of property	= 2497 m <sup>2</sup>
Easement area	= 15 m <sup>2</sup>

Calculation:

\$93,000 / 2497 m <sup>2</sup>	= \$37.24 / m <sup>2</sup>
30% of \$37.24	= \$11.17 / m <sup>2</sup>
\$11.17 x 15 m <sup>2</sup>	= \$167.55 plus GST

- 11 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is currently delegated to Council and must be granted prior to the easement being lodged with LINZ.
- 12 Granting an easement is permitted by the Reserves Act 1977, however, such easement must be publicly notified in accordance with Section 48(2) unless it can be shown that people's ability to enjoy the reserve is not affected and that there is no long-term effect on the land. These matters are considered below.



Does the easement affect the ability of people to use and enjoy the reserve?

13 While there would be some temporary minor disruption during the installation of the sewer connections, long-term there would be no detrimental effect on the ability of the public to use and enjoy the reserve. Once the installation is complete, users of the reserve would be unaware that any changes that have been made to the reserve.

Does the easement create any long term permanent effect on the reserve?:

14 Aside from during the installation process, this easement will not affect the ability of the reserve to provide for its current purpose. As the infrastructure will be underground it is considered that the creation of the easement will not have any long-term effect on the reserve.

15 Taking into account the above factors, it is not considered that the easement will permanently affect the reserve or the ability of people to use and enjoy the reserve.

16 This report recommends that any approval granted for an easement be subject to the following conditions:

- a. Roys Bay Estate Limited to notify and liaise with QLDC's Infrastructure Department in advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure.
- b. The new sewer connection must be installed in accordance with the Conditions of RM 081295 relating to work around the trees and QLDC's subdivision code of practice.
- c. Works are to be completed in a manner and supervised by an arborist to ensure no damage occurs to the existing trees. The arborist must provide a report on completion of the works identifying the degree of root severance undertaken.
- d. A bond of \$2,000.00 be payable to QLDC prior to any works commencing.
- e. The work site to be evidenced by before and after photographs, video or similar to be provided by Roys Bay Estate Limited.
- f. A comprehensive safety plan must be prepared and implemented, at Roys Bay Estate Limited's cost, to ensure a safe environment is maintained around the subject site.
- g. Certificate of adequate public liability cover to be received.
- h. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Property & Infrastructure Department.
- i. Within 3 months of completion of the work, Roys Bay Estate Limited to provide QLDC with a surveyed easement and signed Deed of Easement.

### **Options**

- 17 Option 1 Council can grant the easement over Scenic Reserve Lot 4 DP 300273 subject to the conditions recommended above.

*Advantages:*

- 18 Sewerage drainage can be established for the new development.  
19 Council will receive an Easement Fee of \$167.55 plus GST.

*Disadvantages:*

- 20 The reserve will be encumbered with utility infrastructure.  
21 Access to the reserve will be temporarily limited.

- 22 Option 2 Council can grant the easement over Scenic Reserve Lot 4 DP 300273 subject to alternative conditions.

*Advantages:*

- 23 Similar to Option 1 however Council may wish to amend the conditions proposed.

*Disadvantages:*

- 24 Similar to Option 1

- 25 Option 3 Council can decline the easement over Scenic Reserve Lot 4 DP 300273.

*Advantages:*

- 26 The easement area would be available for other utility infrastructure.

*Disadvantages:*

- 27 The applicants will need to consider alternative means for sewerage drainage from the site.  
28 Council would not receive an Easement Fee of approximately \$167.55 plus GST.  
29 This report recommends **Option 1** for addressing the matter as it will enable the development to proceed as planned without significant disturbance to Council land.

### **Significance and Engagement**

- 30 This matter is of low significance, as determined by reference to the Council's Significance and Engagement policy because it does not involve a Council strategic asset, is of low importance to the Queenstown Lakes District, is not of interest to the general community, is not inconsistent with policy and strategy and does not impact on Council's capability and capacity.

### **Risk**

- 31 This matter relates to operation risk OR011A Decision making. The risk is classed as moderate. A perpetual property right contained in the reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving the easement.

### **Financial Implications**

- 32 Council will receive a fee of \$167.55 plus GST as per the easement policy.
- 33 All costs associated with the survey and registration of the easement on Council's title will be paid for by the applicant.

### **Council Policies, Strategies and Bylaws**

- 34 The following Council policies, strategies and bylaws were considered:
- Significance & Engagement Policy 2014 – the proposal is a matter with low significance in terms of this policy as it does not impact Council's strategic assets, affect a large number of residents, ratepayers and the environment and is not expected to create a community interest in the matter.
  - Easement Policy 2008 – the application is consistent with the policy.
- 35 The recommended option is consistent with the principles set out in the named policies.
- 36 This matter is not included in the 10-Year Plan/Annual Plan, however all expenses will be met by the applicant.

### **37 Local Government Act 2002 Purpose Provisions**

- 38 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 sewerage draining for a new retirement village at no cost to 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.

**Consultation: Community Views and Preferences**

39 No consultation is envisaged or required by Council as it has low significance with regard to the Significance & Engagement Policy 2014, is consistent with s10 of the Local Government Act and is not included in the 10-Year Plan/Annual Plan.

40 Further, it is not considered that the easement will permanently affect the reserve or affect the ability of people to use and enjoy the reserve and, therefore, public notification is not deemed necessary in accordance with sections 48(2) and 48(3) of the Reserve Act 1977.

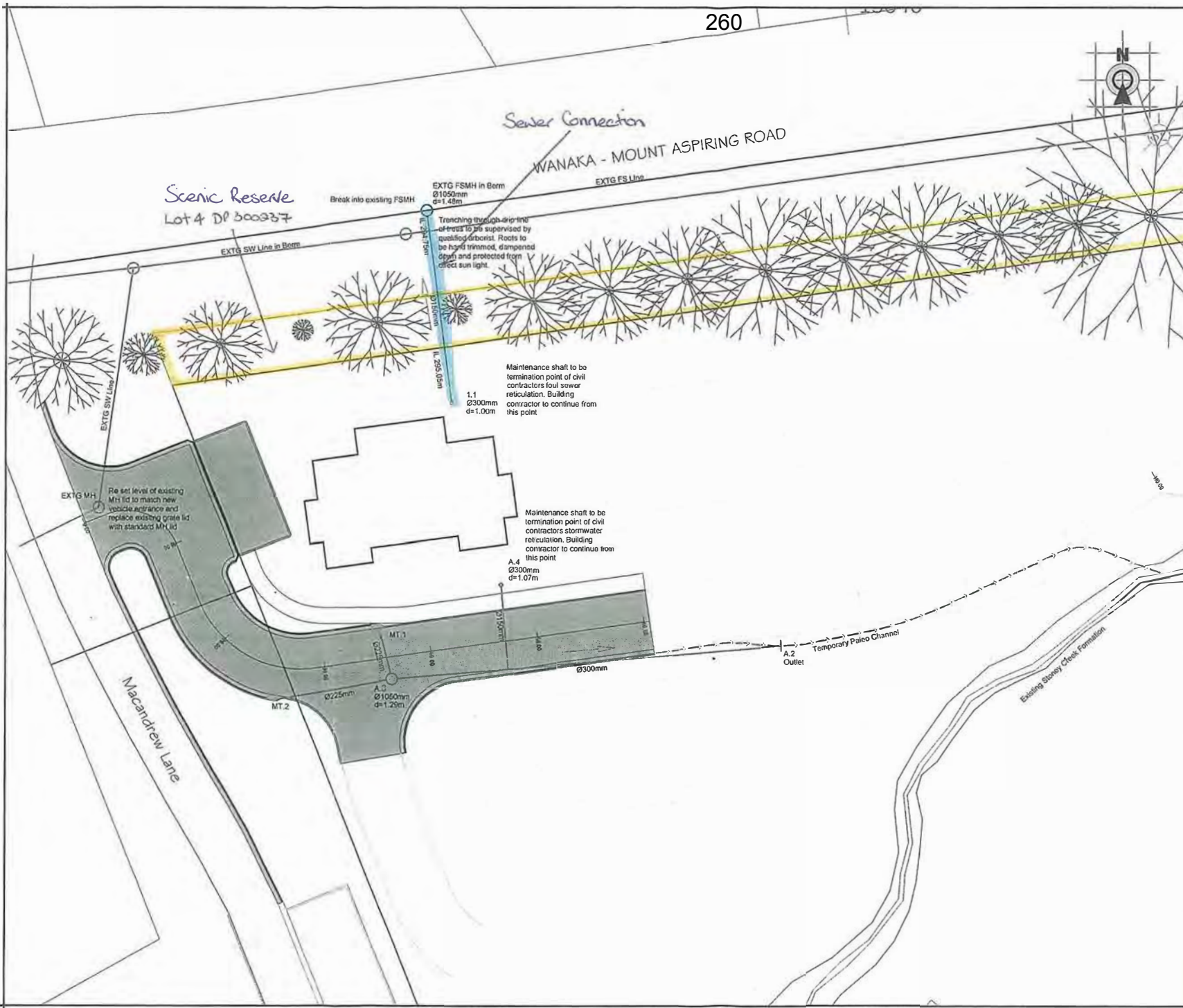
**Attachments**

- A Site Plan
- B Engineering Drawings
- C Photograph of Scenic Reserve Lot 4 DP 300273

Easement – Wanaka-Mount Aspiring Road

Attachment A – Site Plan





**NOTES: Att B: Engineering Drawings**

1. The contractor shall be responsible for locating all existing services prior to commencement of works. The contractor shall make good at their own expense any damage to existing services.
2. Levels are in terms of Dunedin vertical datum 1958
3. All works are to be installed as per NZS 4104:2004 and QLDC amendments to those standards. Standard drawings are available from the Engineer
4. Contours at x.xm interval
5. All pipe diameters are NOMINAL diameter unless otherwise stated.

**DRAINAGE STORMWATER KEY**

- Lot Boundaries
- Kerbs
- SW manhole
- Maintenance Shaft
- DEC
- Mud Tank single
- Mud Tank double

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**Client & Location:**  
 Roys Bay Estate  
 Stoney Creek, Wanaka

**Purpose & Drawing Title:**  
 Engineering Drawings  
 Drainage Layout

Surveyed by:	PGS	Original Size:	Scale:
Designed by:	PGS	A1	1:167 @ A1
Drawn by:	ALB		1:333 @ A3
Checked by:	ALB		<b>DO NOT SCALE</b>
Approved by:	ALB		
Job No:	01	Sheet No:	401
Drawing No:	01	Revision No:	0
		Date Created:	17/05/2017



Easement – Wanaka-Mount Aspiring Road

Attachment C – Photograph of Scenic Reserve Lot 4 DP 300273



**QLDC Council****28 September 2017****Report for Agenda Item: 18****Department: CEO Office****Chief Executive's Report****Purpose**

To provide updates on matters of general democratic interest and to present updates on items from meetings earlier in the meeting cycle.

**Recommendation**

That the Council:

1. **Note** the contents of this report;
2. **Adopt** the schedule of ordinary Council, Standing Committee and Wanaka Community Board meetings for 2018;
3. **Agree** that the ordinary Council meetings to be held on 23 March 2018 and 6 September 2018 be held in Wanaka; and
4. **Appoint** Councillor McRobie as the Council's third elected representative on the Queenstown Lakes Community Housing Trust Liaison Group.

**Adoption of 2018 Meeting Schedule**

1. The Council's adopted meeting schedule only covers the period until December 2017. Accordingly, a new schedule of ordinary Council, Standing Committee and Wanaka Community Board meetings needs to be adopted in accordance with Clause 19(6)(a)(i) Schedule 7 of the Local Government Act 2002.
2. The proposed meeting dates for 2018 are set out in the attached table. They follow the same recurrence and sequence of Council/committee/board meetings held during 2017. It is recommended that the ordinary Council meetings scheduled for 23 March 2018 and 6 September 2018 be held in Wanaka.

**Queenstown Community Housing Trust Liaison Group**

The Memorandum of Understanding between the Council and the Trust states:

*The nature of the on-going partnership between the parties requires that a working party of three councillors, three trustees and officer meet quarterly or as required to review matters to progress the housing agenda in the District.*

At the Council meeting on 26 January 2017 the Council appointed Councillors Lawton, MacDonald and Miller to the Councillor positions on this group. To fill the position left by Councillor Lawton's resignation, it is recommended that Councillor McRobie be appointed to the Queenstown Community Housing Trust Liaison Group.

## **Committee meetings of previous round**

### **Infrastructure Committee – Councillor Forbes (7 September 2017)**

Information:

2. Adoption of the Arrowtown Lighting Design and Masterplan (May 2017)

Ratification:

1. Amendment to QLDC Land Development and Subdivision Code of Practice (to be presented for ratification at October Council meeting)

### **Wanaka Community Board - Ms R Brown (14 September 2017)**

Information:

1. Request to notify new lease to the Coastguard Wanaka Lakes over Eely Point Recreation Reserve
2. Wanaka Table and Chair Licence Renewals 2017
3. Chair's report

## **ATTACHMENTS**

- A Meeting schedule for 2018 (proposed)

Attachment A: Meeting schedule for 2018 (Proposed)

Meeting	Date	Time
Wanaka Community Board	Thursday 1 February 2018	10.00am
<b>Council</b>	Thursday 8 February 2018	1.00pm
Planning & Strategy Committee	Thursday 15 February 2018	10.00am
Infrastructure Committee	Thursday 22 February 2018	10.00am
Audit, Finance & Risk Committee	Thursday 22 February 2018	1.00pm
Wanaka Community Board	Thursday 1 March 2018	10.00am
<b>Council</b>	Thursday 8 March 2018	1.00pm
<b>(Adopt LTP for consultation)</b>		
Community & Services Committee	Thursday 15 March 2018	10.00am
<b>Council</b>	Friday 23 March 2018	1.00pm
Planning & Strategy Committee	Thursday 29 March 2018	10.00am
Infrastructure Committee	Thursday 5 April 2018	10.00am
Wanaka Community Board	Thursday 12 April 2018	10.00am
Community & Services Committee	Thursday 19 April 2018	10.00am
<b>Council</b>	Thursday 3 May 2018	1.00pm
Planning & Strategy Committee	Thursday 10 May 2018	10.00am
Infrastructure Committee	Thursday 17 May 2018	10.00am
Wanaka Community Board	Thursday 24 May 2018	10.00am
Community & Services Committee	Thursday 31 May 2018	10.00am
Audit, Finance & Risk Committee	Thursday 7 June 2018	10.00am
<b>Council</b>	Thursday 14 June 2018	1.00pm
Planning & Strategy Committee	Thursday 21 June 2018	10.00am
Infrastructure Committee	Thursday 28 June 2018	10.00am
<b>Council</b>	Thursday 28 June 2018	1.00pm
<b>(Adopt LTP)</b>		
Wanaka Community Board	Thursday 5 July 2018	10.00am
Community & Services Committee	Thursday 12 July 2018	10.00am
<b>Council</b>	Thursday 26 July 2018	1.00pm
Planning & Strategy Committee	Thursday 2 August 2018	10.00am
Infrastructure Committee	Thursday 9 August 2018	10.00am
Wanaka Community Board	Thursday 16 August 2018	10.00am
Community & Services Committee	Thursday 23 August 2018	10.00am
<b>Council</b>	Thursday 6 September 2018	1.00pm

Planning & Strategy Committee	Thursday 13 September 2018	10.00am
Infrastructure Committee	Thursday 20 September 2018	10.00am
Wanaka Community Board	Thursday 27 September 2018	10.00am
Audit, Finance & Risk Committee	Thursday 4 October 2018	10.00am
Community & Services Committee	Thursday 11 October 2018	10.00am
<b>Council</b>	Thursday 25 October 2018	1.00pm
<b>(Adopt Annual Report)</b>		
Planning & Strategy Committee	Thursday 1 November 2018	10.00am
Infrastructure Committee	Thursday 8 November 2018	10.00am
Wanaka Community Board	Thursday 15 November 2018	10.00am
Community & Services Committee	Thursday 22 November 2018	10.00am
Audit, Finance & Risk Committee	Thursday 6 December 2018	10.00am
<b>Council</b>	Thursday 13 December 2018	1.00pm

### 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:

#### Confirmation of minutes of ordinary meeting held on 17 August 2017

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
19. Funding of Legal Settlements 2016/17	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; and i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(a) Section 7(2)(i)
20. Chief Executive salary review and tenure	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;	Section 7(2)(a)

#### Agenda Items

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.



General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
19. Appointment of Resource Management Act Hearings Commissioners	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)
20. Commonage Land Sale	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: h) enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities; i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); j) prevent the disclosure or use of official information for improper gain or improper advantage.	Section 7(2)(h) Section 7(2)(i) 7(2)(j)
21. Proposed new lease to Peak Bungy Limited for the bungy operation on Ben Lomond Reserve	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: b) protect information where the making available of the information: i) would disclose a trade secret; and ii) would likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Section 7(2)(b)(i) & (ii)

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
22. Appointment of QAC Directors	<p>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:</p> <p>a) protect the privacy of natural persons, including that of deceased natural persons</p> <p>h) enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities;</p>	<p>Section 7(2)(a)</p> <p>Section 7(2)(h)</p>

**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.**