



Order Paper for an ordinary meeting of the

QUEENSTOWN LAKES DISTRICT COUNCIL

to be held on

Thursday, 6 September 2018

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, 6 September 2018 commencing at 1.00pm

Item	Page No.	Report Title
		Apologies/Leave of Absence Requests
		Declarations of Conflict of Interest
		Public Forum
		Special Announcements
		Confirmation of Agenda
	6	Confirmation of Minutes 26 July 2018
1.	23	Draft Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area
2.	38	Draft Stakeholder Deed for the Bright Sky Limited Expression of Interest for a Special Housing Area
3.	53	Representation Review 2018
4.	66	Traffic and Parking Bylaw 2012 Review
5.	95	Waterfall Park - Road Realignment
6.	103	Setting of rates for 2018/19
7.	123	Budget Carry Forwards for 2017/18
8.	133	Go Jets Wanaka – New Reserve Licence
9.	156	Licence to Occupy Bendemeer Bay Recreation Reserve, for the Gree Family Trust at 57 Arrowtown-Lake Hayes Road
10.	164	Chief Executive’s Report
	169	Recommendation to Exclude the Public
1.	171	PUBLIC EXCLUDED Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area (Attachment A)
2.	195	PUBLIC EXCLUDED Bright Sky SHA Stakeholder Deed (Attachment A)

Item	Page No.	Report Title
11.	219	PUBLIC EXCLUDED Well Smart (Thompson Street) Sale of Lot 10
12.		PUBLIC EXCLUDED CE Remuneration Papers circulated separately.

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday, 26 July 2018 commencing at 1.00pm

Present:

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

In attendance:

Mr Mike Theelen (Chief Executive), Dr Thunes Cloete (General Manager, Community Services), Ms Meaghan Miller (General Manager, Corporate Services), Mr Peter Hansby (General Manager, Infrastructure and Property), Mr Dave Wallace (Acting General Manager, Planning and Development), Mr Lee Webster (Manager, Regulatory), Mr Marty Black (Harbourmaster), Ms Sian Swinney (Team Leader – Alcohol), Mr Tony Pickard (Transport Strategy Manager), Ms Polly Lambert (Acting Asset Planning Manager), Ms Jendi Paterson (Consultant), Mrs Jeannie Galavazi (Acting Parks Planning Manager), Ms Michele Morss (Corporate Manager) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and three members of the public

Apologies/Leave of Absence Requests

Councillors Forbes, Miller and Stevens were absent from the meeting (all on approved leave of absence).

Councillor Smith was an apology for the meeting.

On the motion of the Mayor and Councillor McRobie the Council resolved to accept the apology.

Declarations of Conflicts of Interest

Councillor MacLeod declared an interest in item 2 'Review of Alcohol Ban Bylaw 2014' as he was the owner/operator of a business which held an alcohol licence. The Mayor stated that this was not an interest that would require Councillor MacLeod either to withdraw from the table or the room.

Matters Lying on the Table

There were no matters lying on the table.

Public Forum

1. Glyn Lewers, Chair, Frankton Community Association

Mr Lewers expressed support for the Frankton Masterplan and asked the Council to vote in support of it.

QUEENSTOWN LAKES DISTRICT COUNCIL**26 JULY 2018****Page 2****2. Jim Cowie, Chair, Albert Town Community Association ('ATCA')**

Mr Cowie complained about the poor state of the Albert Town reserve which was leased by the Council to CCR Ltd to operate as a camp ground. He believed that the substandard facilities encouraged people to free-camp on the reserve and misuse of the area was giving it a 'shanty town' appearance with permanent residents, pit toilets, vehicles and structures. Some of the toilets had been set up close to swimming holes which had concerned locals, some of whom were intimidated by the campers. Mr Cowie had contacted APL Property Ltd to clarify the rules for camping, including the maximum stay permissible and whether it was permitted to build structures or store gear on the site. The answers he had received had been brief and to his mind, APL had been embarrassed by his questions. In recent times there had been an influx of 20 long term campers into the area and these people were not obeying any of the Council rules. He was concerned that CCR was not enforcing the rules as lessee and APL and QLDC were not monitoring the situation. ATCA wanted the camp ground to be run in accordance with QLDC rules and not be a squatter settlement.

3. Rob Greg, Pinewood Lodge

Mr Greg advised that he had operated Pinewood Lodge for 35 years and he was strongly opposed to the direction the Mayor was taking on the introduction of a \$10/night bed tax. He asked what would happen if local petrol stations added an extra tax on top of their prices, suggesting that customers would avoid them and instead buy petrol out of the district. He questioned why the Council wanted accommodation providers to do the same. He noted that Pinewood Lodge was a backpackers and \$10/night represented a 30% increase for customers who booked their \$30 beds. This was not a sustainable situation for the business and he was concerned that with added taxes of either \$10 or \$17 clientele would simply cancel. He urged the Council to consider different ways of raising funds that did not destroy local businesses.

Special Announcements

The Mayor referred to the recent helicopter accident which had resulted in the death of Matthew Wallis. He observed that this loss had affected the whole community, referring to the family's major contribution to the district and on behalf of the Council he formally extended condolences to the family.

Confirmation of agenda

The Mayor advised that the Council needed to resolve to add an additional urgent item to the agenda.

On the motion of the Mayor and Councillor MacDonald the Council resolved that the agenda be confirmed with the addition of the item entitled 'International Visitor Conservation and Tourism Levy' to be considered as item 10 on the agenda; the reason the item was not on the agenda is because the Mayor was on leave and could not approve the item; the reason it cannot be delayed is because the

submissions period has already closed and the Council must approve the submission without delay.

Confirmation of minutes

Ordinary meeting, 14 June 2018

On the motion of Councillors MacDonald and Ferguson the Council resolved that the minutes of the public part of the meeting held on 14 June 2018 be confirmed as a true and correct record.

Ordinary meeting, 28 June 2018

On the motion of Councillors MacDonald and MacLeod the Council resolved that the minutes of the public part of the meeting held on 28 June 2018 be confirmed as a true and correct record.

1. Navigation Safety Bylaw 2018 – Clutha River

A report from Lee Webster (Manager, Regulatory) detailed the feedback received during informal public consultation undertaken over April-May 2018 on four specific topics associated with the Navigation Safety Bylaw. Following consideration of the feedback a proposal had been developed for regulating powered vessels on the Clutha River, with a recommendation that the bylaw be amended in line with this proposal. Accordingly, the report recommended that the Council undertake the special consultative procedure to seek public comment on this proposed amendment.

The report was presented by Mr Webster and Mr Black. Mr Webster thanked the community for the input given so far on the bylaw's contents which had helped to shape the proposed amendment.

Councillor McRobie asked whether the proposal would result in increased usage of the boat ramp by the Albert Town Bridge. Mr Webster acknowledged that there was potential for this and the levels of monitoring and enforcement would increase, including the installation of CCTV at the site to address this concern. Councillor McRobie also asked whether consideration had been given to limiting speed on the area of the Clutha River south of the Albert Town Bridge and its confluence with the Cardrona River. Mr Webster noted that this had been considered but the recommendation was a compromise on the diverging views and the level of use. Councillor MacLeod noted that the speed in this area was also impacted by the state of the river, which was shallow and fast.

Councillor MacLeod thanked the Harbourmaster for the good work he had done with local jet boat operators. He asked for the word "River" to be added after the words Upper Clutha and Lower Clutha in the Statement of Proposal and Summary Statement of Proposal to ensure complete clarity. This amendment was accepted.

Consideration was given to the membership of the hearings panel.

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

- 1. Note the contents of this report;**
- 2. Note that on 23 March 2018 the Council adopted the Navigation Safety Bylaw 2018 and directed staff to develop a new proposal for public consultation on possible amendments to the Navigation Safety Bylaw 2018 on four topics.**
- 3. Note that the Council carried out informal consultation and received submissions from the public on four consultation topics concerning possible amendments to the Navigation Safety Bylaw 2018.**
- 4. Note that the Council has considered the results of the informal consultation in April 2018, and has developed a proposed amendment to the Navigation Safety Bylaw 2018 in relation to regulation of vessels on the Clutha River, and agrees not to amend the bylaw regarding river boarding requirements, paddle boarding leg leashes, and changes to the definition of "vessel".**
- 5. Approve the commencement of the special consultative procedure in relation to the proposed amendment to the clauses within the Navigation Safety Bylaw 2018 that regulate vessels using the Clutha River.**
- 6. Appoint Councillors Clark, MacDonald and MacLeod to hear and consider the submissions on the proposal to amend the Navigation Safety Bylaw 2018 and make a recommendation to Council.**

2. Review of Alcohol Ban Bylaw 2014

A report from Sian Swinney (Team Leader - Alcohol) presented a proposed Alcohol Ban Bylaw 2018 to replace the Alcohol Ban Bylaw 2014. Changes in the proposed new bylaw were to increase the current specified period for an alcohol ban of 10.00 pm on any day to 8.00 am the following day to **8.00 pm** on any day to 8.00 am the following day for specific public places and an additional alcohol ban for National Crate Day. The report recommended that the draft bylaw be adopted for consultation via the special consultative procedure.

The report was presented by Mr Webster and Ms Swinney. Ms Swinney clarified that the proposed Crate Day Ban would affect the Queenstown CBD only and not the entire district.

Consideration was given to the membership of the hearings panel.

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

- 1. Notes the contents of this report;**
- 2. Adopt the recommendation for an alcohol ban for National Crate Day (or any other similar event or promotion) within the highlighted area in Attachment D;**
- 3. Adopt the recommendation to increase the hours for current specified period for an alcohol ban to 8.00pm on any day to 8.00am the following day for the public places specified in Schedule A of the proposed Alcohol Ban Bylaw 2018;**
- 4. Agrees that pursuant to sections 155(2)(b) and 155(3) of the Local Government Act 2002, the proposed alcohol control bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990;**
- 5. Authorise Council Officers to consult with the public on the proposed Alcohol Ban Bylaw 2018 using the Special Consultative Procedure; and**
- 6. Appoint a hearings panel of Councillors Clark, Hill and McRobie to hear submissions, deliberate and make recommendations to the Council on the proposed Alcohol Ban Bylaw 2018.**

3. Frankton Masterplan

A covering report from Tony Pickard introduced the Frankton Masterplan Establishment Report (which was attached), detailing the key factors of the project as set out in the report and seeking approval to proceed with the Masterplan and Programme Business Case.

Items 3 and 4 were presented by Mr Hansby and Mr Pickard.

Mr Hansby advised that the Council was still awaiting NZTA signoff on the Frankton Masterplan point of entry. It was hoped this would be received within the next fortnight.

Councillor Hill asked how staff would benchmark the proposed cost of \$840,000. Mr Hansby advised that the built budget had been based on the costs identified in the Queenstown Masterplan, but the costs would be firmed up when the Council went to market for the work.

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

- 1. Note the contents of the report;**
 - 2. Approve the Frankton Masterplan Establishment Report; and**
 - 3. Approve works to proceed on the Masterplan and programme Business Case.**
- 4. Wanaka Integrated Transport Programme Business Case and Town Centre Masterplan**

A covering report from Tony Pickard (Transport) presented the Wanaka Integrated Transport programme Business Case and Town Centre Masterplan, detailing the key aspects of the plan and seeking Council approval to proceed with the programme business case and masterplan.

The report was presented by the same as above.

Mr Hansby advised that NZTA had provided verbal confirmation that they approved the point of entry.

Councillor MacLeod supported this planning phase but also wanted some vision of the activation. He was keen for high levels of community engagement in the planning and activation. Councillor McRobie was hopeful of some activation before 2021.

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

- 1. Note the contents of this report;**
 - 2. Approve the Wanaka Integrated Transport Business Case and Town Centre Masterplan Establishment Report; and**
 - 3. Approve works to proceed on the Programme Business Case and Masterplan.**
- 5. Traffic and Parking Bylaw 2012 Determination Report**

A report from Polly Lambert (Acting Asset Planning Manager) presented the findings of a review undertaken of the Traffic and Parking Bylaw 2012 which had concluded that a bylaw was the most appropriate way of addressing traffic and parking issues in the district. The report therefore sought Council approval to prepare a draft amended bylaw and Statement of Proposal for

Council consideration in September which would commence the special consultative procedure.

The report was presented by Ms Lambert, Ms Paterson and Mr Hansby.

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

- 1. Note the contents of this report;**
 - 2. Note the contents of the *Findings Report of the Traffic & Parking 2012 Bylaw Review*;**
 - 3. Agree that a bylaw is the most appropriate way of addressing traffic and parking issues that could arise from conflicting demands for use of the road way by vehicle type and road user;**
 - 4. Agree that a bylaw is the most appropriate way to support the implementation of future on road changes to support the district's transport and parking strategies;**
 - 5. Agree that the Traffic and Parking Bylaw 2012 is not the most appropriate form of bylaw and requires amendment to support easier communication and future infringement and be focused on all council-controlled places;**
 - 6. Agree that a bylaw is considered consistent with the New Zealand Bill of Rights Act, in that while it can have implications for the freedom of movement, these are considered justified and not inconsistent;**
 - 7. Approve that the Traffic and Parking Bylaw 2012 be amended; and**
 - 8. Request that a Statement of Proposal and draft amended bylaw be prepared for Council consideration in September.**
- 6. Changes to Freedom Camping Bylaw and Lake Hayes Reserve Management Plan**

A report from Jeannie Galavazi (Acting Parks Planning Manager) presented proposed amendments to the Queenstown Lakes District Freedom Camping Control Bylaw 2012 and the Arrowtown-Lake Hayes Reserve Management Plan 2013. These amendments were needed so that freedom camping was restricted at the Shotover Delta and Lake Hayes North. It would also serve to make the policies fit for purpose, consistent with one another and consistent with council recommendations. Adoption of the proposed

QUEENSTOWN LAKES DISTRICT COUNCIL**26 JULY 2018****Page 8**

amendments would enable consultation under the special consultative procedure to commence.

The report was presented by Mrs Galavazi and Dr Cloete.

Mrs Galavazi advised that this amendment was intended to align the Council's resolution from February 2018 with the legislation. This would ensure compliance prior to summer 2018/19, pending a full review on a district-wide camping strategy in the current financial year.

Consideration was given to the membership of the hearings panel.

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

- 1. Note the contents of this report;**
 - 2. Agree to notify the amendments to the Queenstown Lakes District Freedom Camping Control Bylaw 2012 to prohibit freedom camping at Lake Hayes and Shotover Delta;**
 - 3. Approve the amendments to the Arrowtown-Lake Hayes Reserve Management Plan 2013 as relating to freedom camping policies for notification; and**
 - 4. Appoint Councillors Forbes, Miller and Stevens to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Freedom Camping Control Bylaw 2018 and the amended Arrowtown-Lake Hayes Reserve Management Plan.**
- 7. Underground Services Easement for Drivers Road Trust Company Limited and S Hodgson**

A report from Blake Hoger (Property Advisor, APL Property Ltd) assessed an application for an underground services easement for the right to drain stormwater over Section 21 Block I Coneburn SD, being Recreation Reserve along Kelvin Heights waterfront, to the owners of 445 and 451 Peninsula Road, being Drivers Road Trust Company Limited and S Hodgson respectively. The report recommended that the easement be granted subject to conditions because granting the easement would not permanently affect the ability of people to use and enjoy the reserve nor would it materially alter or permanently damage the reserve.

The report was presented by Mr Hoger and Dr Cloete.

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

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

2. Grant an underground services easement for right to drain stormwater over Recreation Reserve, Section 21 Block I Coneburn SD, to Drivers Road Trust Company Limited and S Hodgson, henceforth referred to as the applicants, subject to the following conditions:
 - a. The applicants notify and liaise with QLDC Infrastructure Department in advance of any onsite works so they can approve the design of headwall and oversee and provide input relating to existing in-ground infrastructure;
 - b. The conditions of rule 12.B.1.8 of the Regional Plan: Water for Otago are adhered to at all times.
 - c. A \$2000 bond payable to QLDC prior to installation of pipes and structures commencing;
 - d. The work site to be evidenced by before and after photographs or video to be provided by the applicant to QLDC's Community Services Department;
 - e. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the subject site during duration of works and make specific reference to signage along the track. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment.
 - f. Certificate of adequate public liability cover to be held by persons undertaking the works.
 - g. A Reserves Permit must be obtained from QLDC prior to commencement of physical works.
 - h. Reinstatement of the area to be completed immediately following the works, to the satisfaction of QLDC's Community Services Department.
 - i. Reinstatement of the track immediately following the works to the confirmed satisfaction of the Queenstown Trails Trust.

- j. **Within 3 months of completion of the work, the applicant to provide QLDC with a surveyed easement and signed Deed of Easement.**
 - 3. **Agree that notification to grant the easement is not required as the statutory test in Section 48(3) of the Reserves Act 1977 is met for the reason set out in the report.**
 - 4. **Delegate authority to approve final terms and conditions, and execution authority to the General Manager Community Services; and**
 - 5. **Agree to the exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of the easement to the applicants over Section 21 Block 1 Coneburn SD.**
8. **Delegated Authority for Proposed District Plan Appeals**

A report from Ian Bayliss (Planning Policy Manager) sought approval from the Council to delegate authority to the General Manager Planning and Development, Manager Planning Policy and Principal Planner Planning Policy under section 34(1) of the Resource Management Act 1991 to enable resolution of the appeals on Stage 1 of the Queenstown Lakes District Council Proposed District Plan.

The report was presented by Mr Wallace.

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

- 1. **Note the contents of this report;**
- 2. **Note that the Appeals Subcommittee has the delegated power to approve the resolution of Environment Court appeals and mediations under the Resource Management Act 1991;**
- 3. **Delegate to the General Manager Planning and Development, Manager Planning Policy, and Principal Planner Planning Policy (acting severally) the authority to represent and participate on behalf of Queenstown Lakes District Council in mediation and/or alternative dispute resolution for appeals to the Council's decisions on Stage 1 of the Proposed District Plan and reach an agreement within the guidelines and parameters set by the Appeals Subcommittee;**

4. **Note that once a decision on the district plan is appealed to the Environment Court, the ultimate decision on the outcome of that appeal will be directed by the Court and is not for the Council to decide.**

The Mayor observed that this demonstrated the Council's confidence in the ability of staff to fulfil this important duty.

9. **Chief Executive's Report**

A report from the Chief Executive presented a summary of the items from recent Standing Committee and Wanaka Community Board meetings and a summary of the matters approved under delegated authority during June/July (Licences to Occupy). A recommendation from the Community and Services Committee meeting held on 10 July 2018 was also presented for Council ratification.

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

1. **Note the contents of this report;**
2. **Note the items considered during the past meeting round by the Audit, Finance and Risk Committee, Infrastructure Committee, Wanaka Community Board and Community and Services Committee;**

Recommendation from Community and Services Committee

Proposal to amend the Reserve Improvements offsets for Shotover Country Sports field

3. **Agree to amend the credit from the following previously agreed reserve improvement contributions for Shotover Country, to the Shotover Country Sports fields:**
 - a. **Cycleway linking to future reserve adjacent to Lower Shotover - \$35,000**
 - b. **Playground in Merton Park - \$66,455.90**

subject to the following works being done in accordance with the associated costs:

- a. **Sports field in future reserve adjacent to Lower Shotover - \$69,000 (additional to the \$72,768.95 agreed by Council on 10 August 2017 and \$138,231.05 agreed by Council on 24 February 2016 for this purpose).**

QUEENSTOWN LAKES DISTRICT COUNCIL

26 JULY 2018

Page 12

10. International Visitor Conservation and Tourism Levy

A covering report from Michelle Morss (Corporate Manager) presented the Council's submission to the Ministry of Business, Innovation and Employment on the proposed International Visitor Conservation and Tourism Levy for retrospective endorsement.

The report was presented by Ms Miller and Ms Morss.

The Mayor advised that the speaker in the Public Forum was incorrect in his assertions about the effects of a bed tax. The proposed bed tax would be an average and not a set \$10, so would not affect cheaper accommodation providers disproportionately. Further, the Council had not mooted a \$17 charge, which he understood had come from a journalist.

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

- 1. Note the contents of this report;**
- 2. Approve retrospectively the submission to the Ministry of Business, Innovation and Employment; and**
- 3. Approve representation by the Mayor and Chief Executive to represent the views of the Council in support of the submission as the opportunity arises.**

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:

Confirmation of minutes of ordinary meeting held on 14 June 2018

- Item 11: Commonage Land Sale**
- Item 12: Appointment of Resource Management Act hearing commissioners**
- Item 13: Request for Council Guarantee in Favour of the Queenstown Lakes Community Housing Trust**

Confirmation of minutes of ordinary meeting held on 28 June 2018

- Item 6: Lakeview Development Request for Expressions of Interest (REOI) Evaluation**
- Item 7: Queenstown Town Centre Parking Buildings Detailed Business Case**
- Item 8: Events Funding Allocations**

QUEENSTOWN LAKES DISTRICT COUNCIL

26 JULY 2018

Page 13

Confirmation of minutes of ordinary meeting held on 14 June 2018

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
11. Commonage Land Sale	<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>h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;</p> <p>i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p> <p>j) prevent the disclosure or use of official information for improper gain or improper advantage</p>	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p> <p>Section 7(2)(j)</p>
12. Appointment of Resource Management Act hearing commissioners	<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>Section 7(2)(a)</p>

QUEENSTOWN LAKES DISTRICT COUNCIL

26 JULY 2018

Page 15

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
7. Queenstown Town Centre Parking Buildings Detailed Business Case	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 out, 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) Section 7(2)(j)
8. Events Funding Allocations	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: 2(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 to including that of deceased natural persons.	Section 7(2)(b)(ii)

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 1.36pm.

PUBLIC EXCLUDED

Confirmation of minutes

Ordinary meeting, 14 June 2018

On the motion of the Mayor and Councillor McRobie the Council resolved that the minutes of the public excluded part of the meeting held on 14 June 2018 be confirmed as a true and correct record.

Ordinary meeting, 28 June 2018

On the motion of the Mayor and Councillor McRobie the Council resolved that the minutes of the public excluded part of the meeting held on 28 June 2018 be confirmed as a true and correct record.

On the motion of the Mayor and Councillor MacLeod it was resolved that the Council readmit the public to the meeting.

The meeting came out of public excluded and concluded at 1.37pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

M A Y O R

D A T E

**QLDC Council
6 September 2018**

Report for Agenda Item: 1

Department: Planning & Development

**Draft Stakeholder Deed for the proposed Universal Developments (Hawea)
Special Housing Area**

Purpose

- 1 The purpose of this report is to provide the Draft Stakeholder Deed for consideration so that the Council can recommend to the Minister of Housing and Urban Development (**Minister**) that the Hawea (Universal Developments) expression of interest (**the proposal**) be established as a Special Housing Area (**SHA**).

Public Excluded

- 2 It is recommended that **Attachment A** (Draft Deed of Agreement) to this report is considered with the public excluded in accordance with the Local Government Official Information and Meetings Act 1987 section 7(2)(h) on the grounds that the withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities and section 7(2)(i) on the grounds that withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Recommendation

- 3 That Council:
 1. **Note** the contents of this report and in particular the assessment of the measures implemented to address the resolutions of Full Council of the 28 June 2018;
 2. **Confirm** that the Council agrees with the contents of the (draft) Hawea (Universal Developments) SHA Deed [in Attachment A];
 3. **Delegate** to the General Manager, Planning and Development the authority to execute the Deed on behalf of the Council, subject to any minor changes consistent with Council's Lead Policy and infrastructural requirements identified by Council's Chief Engineer.
 4. **Recommend** to the Minister that the land to which the Hawea (Universal Developments) proposal relates be established as an SHA, subject to the following:
 - a. execution of the draft Deed and the performance of any conditions in it;

- b. a 2 storey and 8m height limit for qualifying developments; and
 - c. minimum number of lots / dwellings to be built is 30.
5. **Agree**, subject to the proposal being approved as an SHA by the Minister and resource consent being granted for the Hawea (Universal Developments) proposal and any upgrade requirements being met by the developer, the Queenstown Lakes District Council (QLDC) water supply and wastewater scheme boundaries be extended to allow servicing of the proposed development.

Prepared by:



Blair Devlin
Manager, Planning Practice

24/08/2018

Reviewed and Authorised by:



Tony Avery
GM Planning and
Development

24/08/2018

Background

- 4 The expression of interest submitted was for a predominantly residential development of approximately 400 sections, plus a community hub area centred on an extended Capell Ave for community and commercial uses. The proposal also includes indicative reserves and roads that would vest with Council. The site is located to the south of Cemetery Road, Hawea. The proposed site location and road layout is shown in Figure One below.

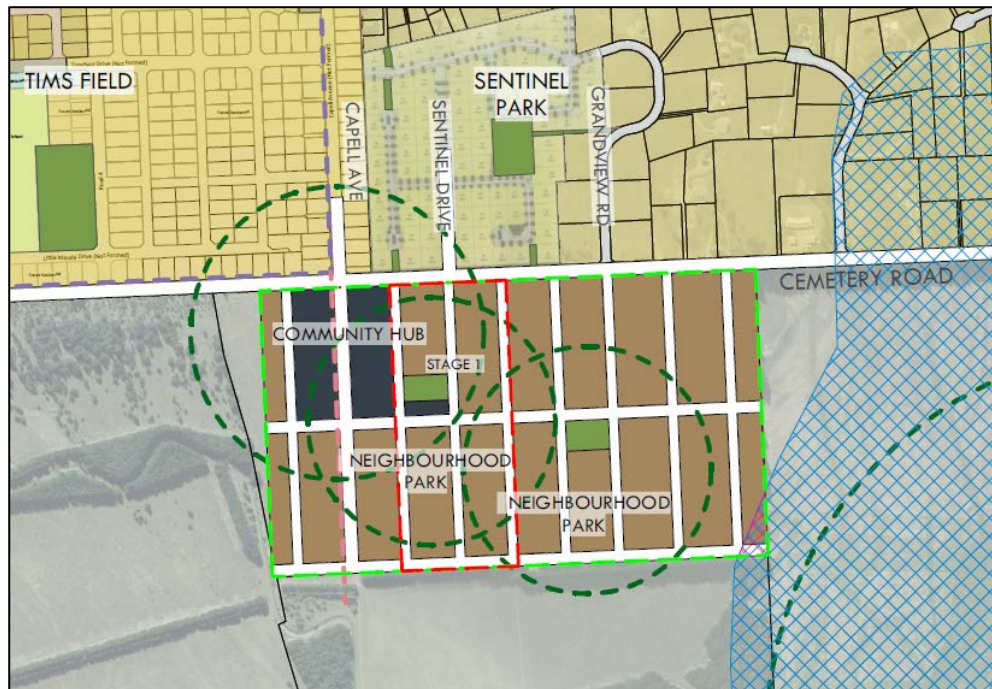


Figure One: Proposed Site Layout

- 5 The site is zoned Rural General / Rural under the Operative and Proposed District Plans. The total area of the site is approximately 32 hectares and it is opposite the Sentinel Park subdivision (90 lots which is currently under construction).
- 6 The developer has confirmed that they will satisfy the affordable housing requirements of the Lead Policy by providing 10% of the developable land area to the Queenstown Lakes Community Housing Trust (**QLCHT**). This will result in approximately 40 sections for the QLCHT. A unique aspect of this EOI is that the proposal includes a contribution of 20% of Stage 1 sections, to ensure the community housing provision is 'front loaded' and not left until the final stages of the development.
- 7 Unlike other SHA proposals, the Hawea EOI proposed fixed pricing for house and land packages between \$464,000 and \$550,000. The EOI targeted first home buyers, and by being within the \$550,000 local ceiling for first-home buyers allows them to access extra financial support through the KiwiSaver HomeStart scheme. Specifically first home buyers will be able to access their Kiwi Saver savings *and* be eligible for up to an extra \$20,000 HomeStart grant toward the purchase.
- 8 The EOI contains concept design plans and detailed reporting on the Hawea SHA, with supporting assessments from a planner, landscape architect, urban designer and engineers. The EOI is available online at: <https://www.qldc.govt.nz/your-council/your-views/expression-of-interest/>
- 9 At the 28 June 2018 meeting, the Council resolved:

That Council:

1. **Note** the contents of this report and;
2. **Note** that public feedback received has been provided to Councillors separately, and that the response from Te Ao Marama will be reported to Councillors at the meeting;
3. **Amend** the Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines (Lead Policy) to:
 - a. add that part of Lot 2 DP343855 shown in the EOI into Category 2 of the Lead Policy; and
 - b. to delete the sentence relating to not accepting proposals for inclusion in Category 2; as set out in **Attachment B**.
4. **Approve in principle** the Hawea EOI for a Special Housing Area and instruct the General Manager of Planning and Development to proceed with negotiation of the Stakeholder Deed that addresses the requirements of the Lead Policy including:
 - a. The contribution to the QLCHT, including the doubling of the contribution for Stage 1;

- b. *The proposed affordability mechanisms set out in section 13 of the EOI, including a requirement to meet the price points specified;*
- c. *A restriction on visitor accommodation;*
- d. *Infrastructure requirements;*
- e. *Parks and reserves (including trails, footpaths and connections); and*
- f. *Qualifying development criteria for the proposed Special Housing Area.*

5. **Instruct** Council officers to report back to the Council on the measures discussed in Point 4 above.

10 The proposal was approved in principle at the Council meeting on the 28 June 2018. Measures taken to address the resolutions are described below.

Feedback from Te Ao Marama Incorporated (Resolution 2).

- 11 Feedback was received from Te Ao Marama on 10 July 2018 and is appended as **Attachment B**. The response did not express opposition to the proposal, but some concern to ensure that SHAs are achieving what they are designed to, specifically to “get good housing for people at a good price”. Reference was made to the Bridesdale SHA, where houses were delivered to the market at the low price point promised, however on-selling quickly resulted in price escalation.
- 12 The proposed Deed addresses this matter as much as possible, recognising there are limits to what can be achieved through a Stakeholder Deed with regard to preventing speculation in bare land. The draft Deed includes clauses relating to the price points for house and land packages, with regard to the limit of the number of sections / house and land packages sold to each party, and the restriction of on sale of bare sections within 5 years of purchase.

Amendment of the Lead Policy (Resolution 3 a. and b)

13 The Lead Policy has been amended as per the resolution and the updated version placed on Council’s website.

Negotiation of Draft Deed (Resolution 4)

- 14 The draft Deed (**Attachment A** – Public excluded) has been developed for consideration by Council to outline conditions on which this proposal could be recommended to the Minister. The draft Deed addresses the resolutions of 28 June 2018 relating to:
- a. the QLCHT contribution;
 - b. the affordability mechanisms,
 - c. a restriction on visitor accommodation,
 - d. infrastructure,

- e. parks and reserves and
- f. the qualifying development criteria.

15 At the time of writing this report, the draft Deed has been agreed in principle by the Developer, however any further minor amendments or updates will be presented to Councillors at the meeting.

Resolution 4a – QLCHT contribution

16 The draft Deed ensures the 10% contribution of the developed land area to the QLCHT. On the basis of a 400 lot development, this is anticipated to be 40 lots going to the QLCHT. The draft Deed also requires that the Stage 1 contribution is doubled, i.e. 20% of the Stage 1 lots (the draft Deed requires that Stage 1 must be a minimum 90 lots). This is consistent with what was proposed in the EOI (Clause 33).

Resolution 4b – Affordability mechanisms

17 The draft Deed goes beyond other Stakeholder Deeds and seeks to lock in the price points specified in the EOI for house and land packages (Clauses 37-38). This includes the following:

- a. two bedroom, two bathroom, single garage dwelling, with driveway and front yard landscaping for \$464,000.00;
- b. two bedroom, one bathroom, double garage dwelling, with driveway and front yard landscaping for \$464,000.00;
- c. three bedroom, two bathroom, single garage dwelling, with, driveway and front yard landscaping for \$499,000.00;
- d. three to four bedroom, two bathroom, double garage dwelling with driveway and front yard landscaping for \$550,000.00.

18 The draft Deed does include a clause that allows the developer to propose changes to these price points to allow for changes in building costs, demand and government and other policies promoting home ownership and first home ownership. The Council has full discretion to accept or reject any proposed revisions.

19 The draft Deed also requires a restrictive covenant in favour of Council be registered on each title issued, restricting the on-sale of bare sections within five years of purchase (Clause 34). This is anticipated to reduce speculation in vacant sections, as any purchaser will be locked in to their purchase for 5 years unless they build a dwelling, which will present significant holding costs and discourage speculation.

20 The draft Deed also requires that the developer:

- a. impose a limit of one section or dwelling and land package per purchaser (Clause 35), but there are exclusions for sales of multiple sections to house builders;

- b. vet prospective purchasers in accordance with the Hawea SHA Purchaser Vetting Process as reviewed and approved by the Council and attached to the Deed as Schedule E (Clause 36); and
- c. offer a 5 per cent deposit requirement for first home buyers and a 10 per cent deposit requirement for purchasers who are not first home buyers (Clause 36b).

21 It is important to note that the EOI was put forward on the basis of targeting first home buyers, and through specifying particular price points for house and land packages. However house and land packages are not suitable for all persons, and under the draft Deed the developer is still able to sell bare land to those to wish to build a different style of dwelling, or who are in the trade and wish to use their own skills to build their own home.

22 The EOI did not state that sales of bare land would not occur. However Clause 39 of the Deed is important to ensure the availability of house and land packages at all times, even when bare sections are available. Clause 39 specifically requires that 70% of sales are for house and land packages, meaning only 30% can be sales of bare land. This will help ensure that new houses are built, which is achieves the purpose of HASHAA.

23 Through the draft Deed, the Council therefore has the ability to require the developer to sell a certain proportion of sections as house and land packages at the price points specified in the EOI, and can control to some degree, who gets to purchase them through the vetting process (Schedule E to the draft Deed), but it is not able to completely prevent speculation.

24 For example if a couple bought a house and land package comprising a two bedroom dwelling with a two car garage for \$464,000, once a house is constructed they can then on-sell to potentially make a profit. The purpose of the vetting system is to try and avoid that type of activity, so that genuine owner occupiers are targeted, and there is low turnover in property generally. However as the Councillors will recall with regard to legal advice concerning the Ladies Mile, it is not possible to completely avoid on-selling at market rates that result in houses becoming more expensive.

25 The vetting document ensures priority in sales is given to first home buyers who are permanent residents and are seeking to be owner occupiers, followed by other owner occupiers who have made preparations for building to commence within 12 months.

Resolution 4c – Visitor accommodation restriction

26 The draft Deed requires the registration of a restrictive covenant on the land, in favour of Council, limiting the commercial letting of residential units or residential flats constructed to three lets, not exceeding a cumulative total of 28 nights per 12 month period (Clauses 11 -12). This is in accordance with the permitted activity standards in the Council's Stage Two Proposed District Plan as at the date of notification. The Clause has flexibility for it to reflect the outcome of the Stage 2 Proposed District Plan process.

27 The restrictive covenant is anticipated to be in the form of a consent notice that gets registered on the certificate of title at the time of subdivision. This would mean the Council can readily use the enforcement mechanisms under the Resource Management Act (e.g. could issue an abatement notice or fine (infringement notice)) if the property was used for visitor accommodation. It would also mean that a person can apply to vary the consent notice. Such applications would be strongly discouraged in an area created for housing under the HASHAA.

Resolution 4d – Infrastructure matters

28 Infrastructure matters are included with regard to water supply, wastewater, stormwater and transport.

29 With regard to water supply (Clauses 13-17), the stakeholder deed commits the developer to paying for the required upgrade to the existing Hawea Bore Pump Station and Treatment Plant. The exact nature and cost of the upgrade was not able to be specified at the time of preparing the draft Deed, however the Clause requires the developer to pay all costs arising.

30 With regard to wastewater (Clauses 18-24), the draft Deed commits the developer to provide for certain interim solutions until the connection to Project Pure is complete. The draft Deed also commits the developer to providing a separate wastewater pipeline connecting to the Project Pure Wastewater Treatment Plant, to be constructed alongside the pipeline that is part of the Hawea Wastewater Upgrades, to achieve the Hawea SHA Outcome.

31 The Separate Pipeline will have to be designed, approved, and constructed by the Council as part of, and at the same time as, the pipeline that is part of the Hawea Wastewater Upgrades. The Developer agrees to pay for all the costs of design, planning approvals, and construction that are attributable to the addition of the separate pipeline (Clauses 18-24)

32 With regard to stormwater, the draft Deed requires the developer to at its sole cost to design and obtain all necessary consents for, and construct any stormwater infrastructure that is necessary to, address the stormwater effects of the Hawea SHA Outcome in accordance with the Three Waters Reports and the initial feedback received from the ORC, dated 15 March 2018, included as Appendix I to the Hawea SHA EOI, which is attached to this Deed as Schedule C (see also Clauses 25-26).

33 With regard to roading / transportation, the existing transport and trails network is likely to have sufficient capacity to service any qualifying development on the Universal Developments Land, as confirmed by the Transport Reports. However the draft Deed requires the Developer to agree to, at its sole cost, design, obtain all necessary consents for, and construct any infrastructure that is necessary to address the transport effects of the Hawea SHA Outcome in accordance with the Council's planning and infrastructure requirements. The need for any upgrades will be affected by the timing of other development in Hawea.

34 It should be noted that Capell Avenue is a Council owned unformed legal road ('paper road'). The agenda item on 28 June 2018 stated:

The formation of Capell Ave is not currently in the Council's LTP and would normally fall to the developer of the surrounding land as the land is subdivided. Capell Ave runs through the Timsfield subdivision and on the Timsfield masterplan would provide access to many lots [40]. Capell Ave is therefore likely to be formed as part of the Timsfield development. If there is a delay to the formation, the existing route out of Hawea via Cemetery Road and Domain Road remains and is the same in terms of travel time.

- 35 Capell Avenue is the obvious desire line for linking the Universal land to the existing Hawea shops, and it is expected that this will be built in due course by the developer who can make best use of the legal frontage. Until such time as this happens, the balance of the network (i.e. access via Cemetery and Domain roads) will suffice.
- 36 The Developer also agrees to work with the Council to ensure that the walking and cycling shared paths and any associated infrastructure are integrated with the existing network of trails.

Resolution 4e – Parks and reserves

- 37 The draft Deed requires the provision of parks and reserves in accordance with the Parks and Open Space Strategy 2017. This is anticipated to be a 3000m² local park (Clause 30). An indicative location for two reserves, one next to the Community Hub area and one located centrally within the housing, were proposed in the EOI. The reserve provision may be better achieved by combining the two areas into one larger space, and this can be worked through at the time of subdivision. A Council resolution will also be required before a reserve vests.

Resolution 4f – Qualifying development criteria

- 38 The HASHAA legislation specifies a default SHA height limit of 27m unless otherwise specified. It is recommended that an 8m height limit and two storey maximum apply to the proposed Hawea SHA.
- 39 An 8m height limit currently applies for the Rural General/Rural Zones, which would typically enable two storey development. This would mean that if SHA status was conferred, and a subsequent application for a qualifying development was received by Council that exceeded this height limit or storey height, it would not be able to be accepted as a 'qualifying development' under the SHA.
- 40 A minimum number of 20 lots / dwellings is also being proposed as one of the qualifying development criteria. This means that to be a qualifying development, at least 20 residential lots / units need to be proposed to be able to be processed under the HASHAA. The draft Deed requires the site to be developed in general accordance with the Expression of Interest which provides for some 400 sections.
- 41 It is also noted that when processing a resource consent under the HASHAA, it must not be publicly notified. Only adjacent landowners can be heard in relation to an application, if Council considers that necessary. It is important to note therefore that the future resource consent will not be an opportunity for the wider Hawea community to submit on the application.

General matters

- 42 As with all developments including SHAs, there will be an ongoing cost to Council for maintaining any vested services or reticulation constructed to service the development, but the developer otherwise agrees to fund the planning and construction of the necessary infrastructure.
- 43 The draft Deed has been agreed to by the developer. The draft Deed is structured such that it would be executed prior to recommendation of the SHA to the Minister.

Water and Wastewater Scheme Boundary Adjustments

- 44 The proposal site is zoned Rural General / Rural under the Operative and Proposed District Plans. The site therefore falls outside the existing water and waste water scheme boundaries. The developer has agreed, at its sole cost, to design and obtain all necessary consents and construct any infrastructure that is necessary to enable an adequate water supply and address the wastewater effects of the proposal in accordance with Council standards.
- 45 If the Minister agrees to establish the proposal site as a SHA a technical issue arises when processing resource consents that propose use of Council water and waste water infrastructure. Connections to reticulated infrastructure are limited to within approved scheme boundaries. Conditionally approving an extension to water and waste water supply/scheme boundaries to cater for the approved qualifying development will overcome this technicality.
- 46 To effectively process resource consent applications for the proposal, confirmation is required from Council that the supply boundaries will be extended to meet the associated demand if relevant resource consents are granted within the proposed SHA area. There are considered to be no adverse effects from conditionally extending the scheme boundaries if resource consent is approved. Council's Infrastructure Development Engineer has not raised any concerns with the proposal, as all the infrastructure requirements to service the proposal site will need to be met by the developer prior to the extension of the scheme boundary.

Conclusion

- 47 In recommending the SHA to the Minister, the Council has to be satisfied that the proposal is generally consistent with the principles espoused in the Lead Policy. The assessment provided to Councillors on 28 June was that the proposal is contrary to the Operative and Proposed District Plans but consistent with the Lead Policy. The proposal targets a specific housing market (being first home owners), and would provide a mixture of dwelling sizes (2-4+ bedrooms). Council's Infrastructure Department have confirmed that adequate infrastructure is likely to exist to service the development.
- 48 It should be emphasised that conferring SHA status for the site 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, infrastructure provision and impact on neighbouring properties) are a relevant and explicit consideration at the

resource consent application stage as second, third and fourth tier considerations under HASHAA.

Options

49 Option 1: Agree with the terms of the draft Deed and the conditional scheme boundary extension. Resolve to enter into the Deed.

Advantages:

- 50 Helps contribute to achieving the purpose of the HASHAA, advancing the principles and priority actions in the Housing Accord, and helps the Council to achieve the housing targets in the Housing Accord by enabling new housing aimed at first home owners to be constructed.
- 51 Generates a number of social and economic benefits (both short term and long term) such as the creation of jobs during the construction phase and long term benefits relating to the increased provision of the supply of a range of houses;
- 52 Contributes to affordable housing in the Upper Clutha;
- 53 Ensures the developers commitments to the provision of affordable housing, infrastructure and reserves are legally binding after the SHA is established;
- 54 Provides certainty over conditions for recommendation to the Minister via a draft Deed; and
- 55 While the proposal is contrary to the Operative and proposed District Plans, the proposal is considered to be generally consistent with the Council's Lead Policy, as assessed in the 28 June 2018 agenda item.

Disadvantages:

- 56 Given the Council's approval in principle for the Hawea (Universal Developments) proposal, there are no significant disadvantages in entering the draft Deed.
- 57 Option 2: Not agree with the terms of the draft Deed and the conditional scheme boundary extension.

Advantages:

- 58 Given the Council's approval in principle for the Hawea (Universal Developments) proposal, there are no significant advantages in not entering the draft Deed.

Disadvantages:

- 59 Given the Council's support in principle for the proposal, not entering the Deed would mean that the Council would not be in a position to recommend to the Minister that the SHA be established. This would risk the District's acute

housing supply and affordability issues continuing to grow, resulting in adverse social and economic benefits; and

60 The Council would forgo the opportunity of providing a significant new housing option in the Upper Clutha, and the long and short term social and economic benefits offered by the proposal.

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

62 If **Option 2** is adopted:

- a. further negotiation between the developer and Council will be required to secure any remaining HASHAA and Lead Policy requirements such that the Council can be confident in recommending the proposal to the Minister; or
- b. the Council will not be able to recommend the proposal to the Minister for establishment as an SHA.

Significance and Engagement

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

- **Importance:** the matter is of high importance to the District. Housing supply and affordability is a significant issue for the District;
- **Community interest:** the matter is of considerable interest to the community;
- **Existing policy and strategy:** The proposal is considered consistent with the Housing Accord, and is generally consistent with the Council's Lead Policy. The proposal is contrary to the Operative and Proposed District Plans because urban development is not anticipated on Rural / Rural General zoned land.
- **Capability and Capacity:** The site can be serviced by proposed infrastructure.

Risk

64 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.

65 This matter relates to this risk because the supply of housing is central to the current and future development needs of the community. In this instance, it is considered that the social and economic benefits towards the provision of housing and land packages that are targeted at first home owners are met. The subsequent resource consent assessment process under the HASHAA also provides the opportunity for further mitigation of risk.

Financial Implications

66 Under the HASHAA, developers are required to provide the necessary infrastructure to service their developments. This has been secured in the draft Deed. It is acknowledged that there will be some ongoing infrastructure

maintenance costs, but these are likely to be minor. Where infrastructure has already been provided for through the Long Term Plan, the developer will be required to pay development contributions prior to the new land titles being issued.

Council Policies, Strategies and Bylaws

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

- Lead Policy for SHAs;
- The Operative District Plan;
- The Proposed District Plan;
- Growth Management Strategy 2007;
- Housing Our People in our Environment Strategy;
- Economic Development Strategy;
- 2017/2018 Annual Plan and the Long Term Plan;
- Mayoral Housing Affordability Taskforce Report;
- Monitoring Reports for

68 This matter is partly included in the 10-Year Plan/Annual Plan, due to the fact that some infrastructure upgrades are provided for Hawea.

Local Government Act 2002 Purpose Provisions

69 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.

70 The recommended option:

- a. 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 increased levels of residential development on the proposal site;
- b. Can currently be implemented through current funding under the 10-Year Plan and Annual Plan;
- c. Is considered to be generally consistent with the Council's plans and policies; and
- d. Would alter the intended level of infrastructural service provision undertaken by or on behalf of the Council.

Consultation: Community Views and Preferences

71 HASHAA does not set any statutory responsibilities in terms of consultation on the establishment of SHAs. However, the Council has sought public feedback / comment regarding the proposed SHA, which it has done for all SHA proposals. This feedback was provided to Councillors prior to the 28 June 2018 Full Council meeting and is available on the Council's website

- 72 In addition, should the SHA be established, the consent authority may request the written approval of adjacent land owners if they are deemed to be affected, and may undertake a limited notification resource consent process with adjacent landowners, local authorities (Otago Regional Council), infrastructure providers (limited to those who have assets on, under or above, or adjacent to the proposal site) and requiring authorities (if the adjacent land is subject to a designation).

Legal Considerations and Statutory Responsibilities

- 73 The HASHAA provides limited guidance as to the assessment of potential SHAs, beyond housing demand and infrastructure concerns. HASHAA is silent on the relevance of planning considerations; however the Council's legal advice is that these are relevant considerations and this has been confirmed by a High Court decision. The weight to be given to these matters is at the Council's discretion, having regard to the overall purpose of HASHAA. These matters have been considered in this report and the previous report presented to Council at the 28 June 2018 Full Council meeting.
- 74 The Council will need to consider the consistency of any decision to recommend this SHA to the Minister and its adoption of the Panel recommendations with regard to Stage 1 of the Proposed District Plan in May 2018, which zone the site Rural. However, as noted on 28 June 2018, the Township zones are up for review in Stage 3, and the extent of the Township zoning for Hawea can be reconsidered at that time. The proposal is considered to be generally consistent with the Lead Policy, the Accord and the purpose of the HASHAA.
- 75 In this instance the provision of houses outweighs the adverse effects of proceeding with a development that promotes increased levels of development anticipated by the ODP and PDP.
- 76 The proposal would help achieve the purpose of HASHAA.
- 77 The draft Deed has been drafted and reviewed by Council's lawyers.

ATTACHMENTS

- A Draft Deed – *Publicly excluded*
- B Agency Response – Te Ao Marama Inc

Jane Robertson

Subject: FW: Attachment B - Response from Te Ao Marama Inc regarding Universal EOI

From: Dean Whaanga [mailto:Dean@tami.maori.nz]

Sent: Tuesday, 10 July 2018 4:48 PM

To: Blair Devlin <Blair.Devlin@qldc.govt.nz>

Subject: Attachment B - Response from Te Ao Marama Inc regarding Universal EOI

Kia ora Blair

Hope things are going well.

Sorry I was too late to respond to this, went of my radar.

Universal is very large- 1000 homes.

I hope they (SHA) are doing what they are supposed to do and get good housing for people at a good price, was some concern that some of the first SHA houses are being sold for \$890000.

Personally I'm not sure what we are creating here.

How would you like to catch up? Be good to meet your team..

Kind Regards

Dean

From: Blair Devlin [mailto:Blair.Devlin@qldc.govt.nz]

Sent: Wednesday, 23 May 2018 10:29 a.m.

To: Dean Whaanga

Subject: TAMI - Expression of Interest for a Special Housing Area - Universal Developments, Hawea

Kia ora Dean,

The purpose of this email is to seek Te Ao Marama's comments on the proposed Hawea (Universal Developments) Special Housing Area within the Queenstown Lakes District on a site adjacent to Cemetery Road, Hawea. I'm aware the applicant has already been in contact with you regarding this proposal.

The application is for a residential development, which includes the following:

- Approx. 400 residential sections
- A community hub to provide for community services and / or commercial uses ancillary to the residential activity
- Internal roading, parking and footpaths; and
- Reserves.

The *Housing Accords and Special Housing Areas Act 2013* (HASHAA) was established by the Office of the Minister of Housing in 2013 with the purpose to increase housing supply in specific parts of New Zealand affected by housing affordability issues. On 16 September 2016, the Housing Legislation Amendment Act 2016 (the Amendment Act) came into effect, which increased the time period of the HASHAA by three years. A Housing Accord was approved for the Queenstown Lakes District by the Mayor and the Minister of Housing in October 2014 and was subsequently updated on the 12 July 2017 to provide between 3600 to 3900 homes across the entire District over the next 3 years.

The Council formally received the Expression of Interest on the Monday 21 May 2018. This will be shortly be placed on Councils website and public feedback sought. We are endeavouring to present this at the 28 June 2018 Full Council meeting and we are hoping to provide ORC's feedback at this meeting.

Accordingly, the purpose of this email is to provide you with information relating to the Hawea (Universal Developments) Expression of Interest.

Enclosed for your review (on the share-file link provided) are the following documents (Please note these documents will also soon be available online on Council's website):

- Hawea (universal Developments) SHA EOI
 - [A] Ignite Wanaka Chamber of Commerce - Letter
 - [B] First National - Letter
 - [C] Master Plan
 - [D] Mortgage Broker - Letters
 - [E] Certificate of Title
 - [F] R A Skidmore - Landscape and Urban Design Review
 - [G] Hawea Drop in Session - Flyer
 - [H] New Zealand Transport Agency - Letter
 - [I] Otago Regional Council - Correspondence
 - [J] Queenstown Lakes Community Housing Trust - Letter
 - [K] QLDC Infrastructure - Correspondence
 - [L] Southern Land Infrastructure - Report
 - [M] e3 Scientific – Soil Assessment
 - [N] Carriageway Consulting – Traffic Assessment
 - [O] House Designs
 - [P] Design Guidelines
 - [Q] Street Cross Sections
 - [R] Infinite Energy NZ - Letter
 - [S] Recommended Plant List
 - [T] Assessment of QLDC Quality Design Outcomes

The Sharelink file is here: <https://qldc.sharefile.com/d-sea1bf8e5d65452c8>

Can we please have your comments back by the **Friday 8 June 2017**. If this date will not work for you please let me know.

Please contact me if you would like to discuss the above further.

Kind regards

Blair

Blair Devlin | Manager, Planning Practice | Planning & Development
 Queenstown Lakes District Council
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 **QUEENSTOWN
LAKES DISTRICT
COUNCIL**
www.qldc.govt.nz

QLDC Council
6 September 2018

Report for Agenda Item: 2

Department: Planning & Development

Draft Stakeholder Deed for the Bright Sky Limited Expression of Interest for a Special Housing Area

Purpose

- 1 The purpose of this report is to identify measures to be adopted by way of the Draft Deed of Agreement (**Stakeholder Deed**) so that the Council can recommend to the Minister of Housing and Urban Development (**Minister**) that the Bright Sky expression of interest (**the proposal**) be established as a Special Housing Area (**SHA**).

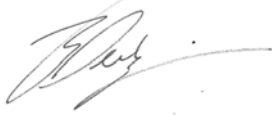
Public Excluded

- 2 It is recommended that **Attachment A** (Draft Deed of Agreement) to this report is considered with the public excluded in accordance with the Local Government Official Information and Meetings Act 1987 section 7(2)(h) on the grounds that the withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities and section 7(2)(i) on the grounds that withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Recommendation

- 3 That Council:
 1. **Note** the contents of this report and in particular the assessment of the measures implemented to address the resolutions of the meeting of 23 March 2018;
 2. **Confirm** that the Council agrees to the Bright Sky SHA Deed (Attachment A) and **delegate** to the General Manager, Planning and Development the authority to execute the Deed on behalf of the Council, subject to any minor changes consistent with Council's Lead Policy and infrastructural requirements identified by Council's Chief Engineer;
 3. **Recommend** to the Minister that the land to which the Bright Sky proposal relates be established as an SHA, subject to the following:
 - a. execution of the draft Deed and the performance of any conditions in it;
 - b. a 3 storey and 11m height limit for qualifying developments; and
 - c. minimum number of sections / dwellings to be built 30.

Prepared by:



Blair Devlin
Manager, Planning Practice
27/08/2018

Reviewed and Authorised by:



Tony Avery
GM Planning and
Development
27/08/2018

Background

- 4 The Bright Sky proposal comprises a residential development of approximately 281 dwellings, with a mix of section sizes and housing types. The site is located between Ballantyne Road and Cardrona Valley Road, adjacent to the undeveloped Industrial B zoned land accessed off Gordon Road. The land is accessed from five possible access points, although the primary access is expected to be via Gordon Road which will connect up between Ballantyne Road and Cardrona Valley Road.
- 5 Full details of the proposed development are available in the EOI. The proposal site is shown outlined in red in Figure 1 below.

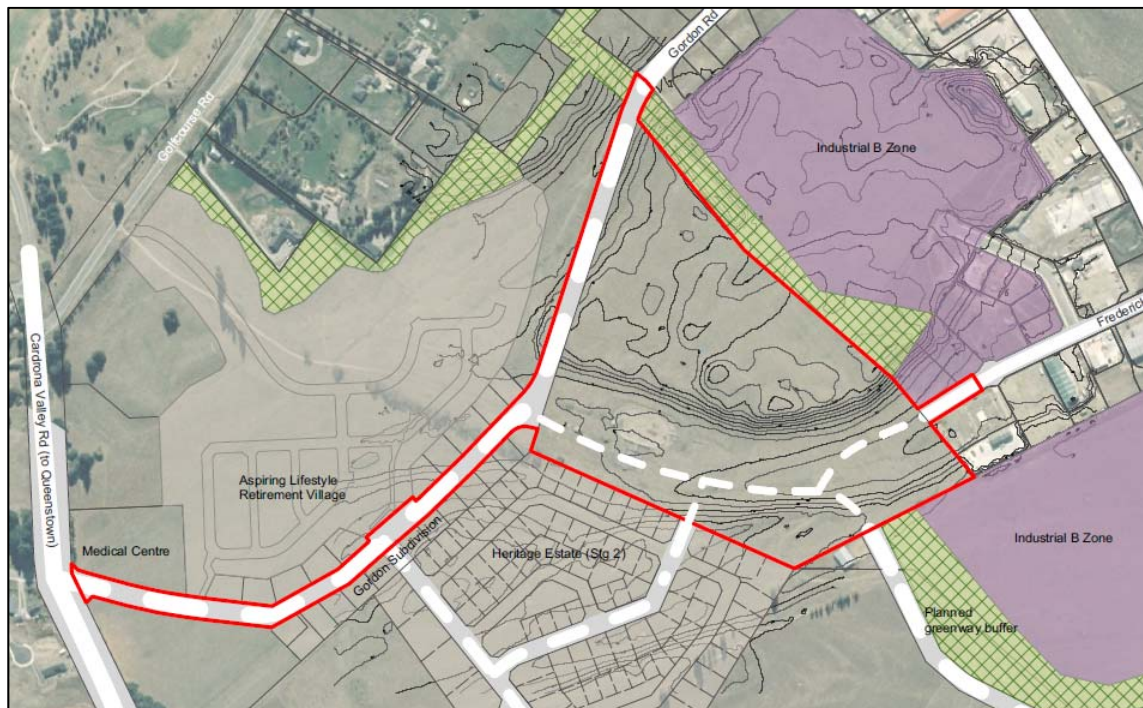


Figure 1: Proposed Bright Sky SHA location

- 6 The proposal involves the construction of the 281 units in a mix of sizes from 1-4 bedroom units as shown in Figure 2 below. The buildings are in a range of different building styles up to three storeys high, as shown in the EOI.
- 7 Councillors will recall from the community feedback a concern from some residents of the Aspiring Lifestyle Retirement Village regarding the proximity of the

new part of Gordon Road to the retirement village. It was noted at the Full Council meeting on 23 March 2018 that there is a section of land between the residential properties and the future road, providing separation between the retirement village and future road.



Figure 2: Proposed building sizes and layout

- 8 The proposal also includes the vesting of reserves and roads with Council and through the draft Deed the developer has confirmed compliance with the affordable housing contribution of the Lead Policy.
- 9 At the 23 March 2018 meeting, the Council resolved:

That Council:

1. **Note** the contents of this report and;
2. **Note** feedback received from the public will be provided to Councillors separately, and that responses from Aukaha, Te Ao Marama and Stantec (transportation peer review) will be reported to Councillors at the meeting;
3. **Note** the plans provided as part of the EOI have been amended to include the land linking the site to Frederick Street.
4. **Approve** in principle the Bright Sky Land Limited Special Housing Area, subject to further consideration of the below requirements:
 - a) *Instruct the General Manager of Planning and Development to proceed with negotiation of the Stakeholder Deed that fulfils the infrastructure, parks and reserves (including trails, footpaths and connections) and affordable housing requirements of the Special Housing Area Lead Policy*

titled: Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines; and

- b) Negotiate qualifying development criteria for the proposed Special Housing Area.*
 - c) Amend the proposed development to provide for a connection through to Enterprise Drive.*
 - d) As a consequence of the amendment above, to ensure that the reserves provision is consistent with the Parks and Open Spaces Strategy 2017.*
5. **Instruct** Council officers to report back to the Council on the measures discussed in Point 4 above.

10 Measures taken to address the resolution are detailed further below.

Feedback from Aukaha, Te Ao Marama Incorporated (Resolution 2).

11 Feedback received from Aukaha in a letter dated 20 March 2018 was presented at the meeting on 23 March 2018. No response has been received from Te Ao Marama Incorporated.

Feedback from Stantec (Resolution 2)

12 With regard to Stantec comment on traffic / transport related matters, Councillors were advised by officers at the 23 March 2018 meeting that Stantec had raised some detailed traffic / transport related matters that Officers considered could be worked through. The Bright Sky land is connected by five different roads and the transport / traffic matters have proved the most challenging matters to resolve.

13 In the discussion below, the parts of the roading network referred to are described as per the areas shown in Figure 3 below:

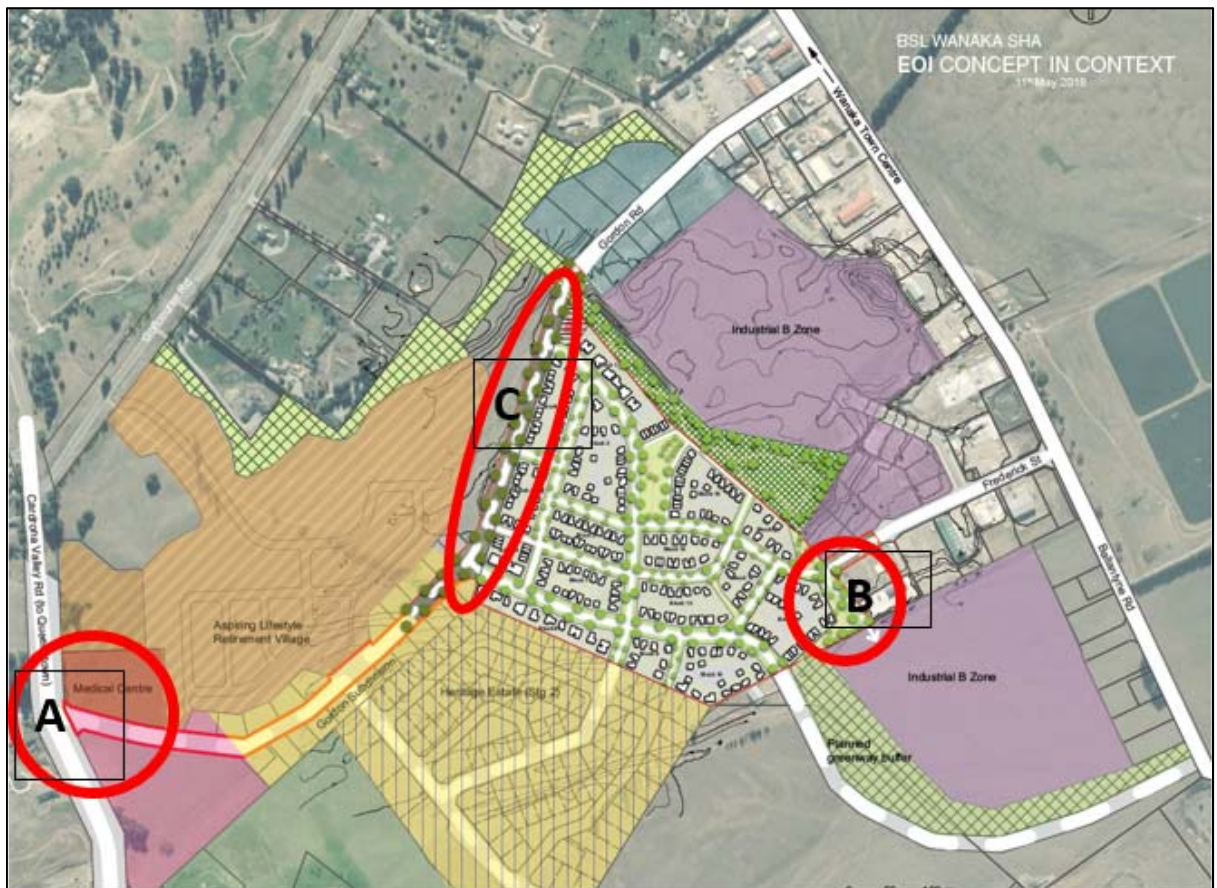


Figure 3: Parts of roading network referred to in agenda item

- 14 Since the 23 March 2018 meeting, further work has been undertaken with regard to the roading matters, particularly the intersection of the new section of Gordon Road and the Cardrona Valley Road (Area A). The Bright Sky development will ultimately result in the two ends of Gordon Road being connected up via area C, which would mean the road would serve much more of a ‘collector’ function, rather than simply providing access to residential properties. This linkage is important to serve Three Parks and other zoned areas going forward.
- 15 A new intersection has recently been completed at Cardrona Valley Road under resource consent RM170094, which was a subdivision consent to create the first part of Gordon Road and 23 residential lots (Area A). The consent was obtained by P Gordon & HGW Trustees Ltd. This subdivision is shown in Figure 4 below:

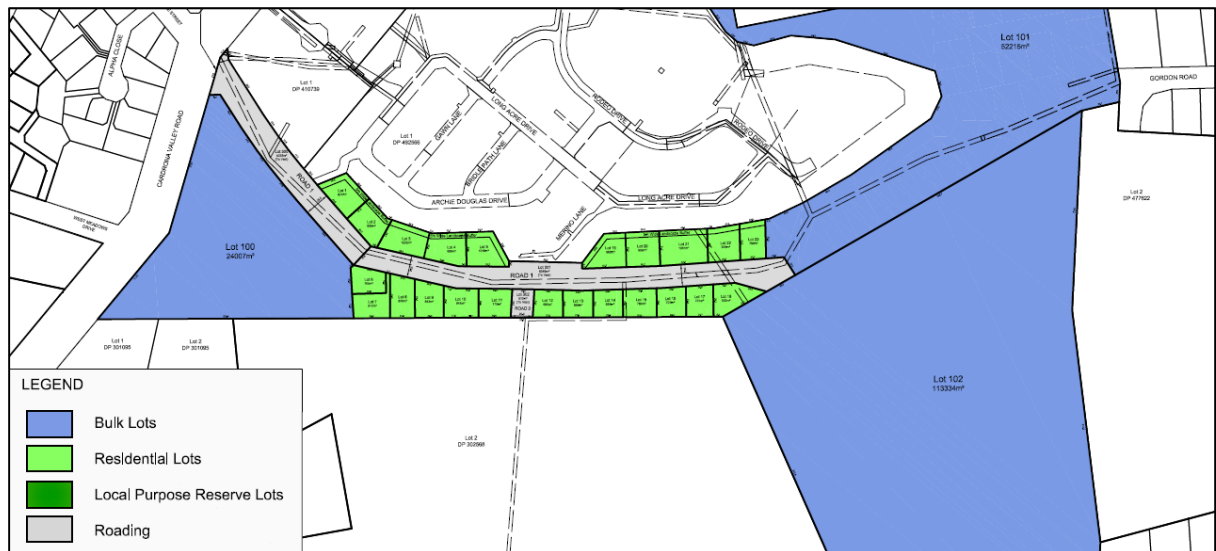


Figure 4: Adjoining development approved under RM170094

- 16 Independent commissioners were satisfied that the offset T intersection with Stone Street created under this consent (RM170094) was satisfactory for the 23 lot subdivision they were considering, and received advice from the applicants traffic / transport expert that there was sufficient land in the vicinity of the intersection to create a roundabout in the future. Significantly, the Commissioners did not require the applicant to build the intersection to the standard necessary for a future 'collector' connection.
- 17 The new intersection was originally proposed to include a separate turning lane off Cardrona Valley Road for vehicles heading towards Queenstown, however following a safety audit by WSP Opus, this turning bay was removed. Significantly, the new intersection that has been constructed is still satisfactory for serving the consented subdivision under RM170094 *and* the Bright Sky residential development (281 dwellings).
- 18 An issue arises with the Cardrona Valley / Gordon Road intersection because Bright Sky will result in the future 'collector' road (Gordon Road) between Cardrona Valley Road and Ballantyne Road being completed (Area C). This will open up the route to through traffic, including potentially heavy vehicle from the Ballantyne Road industrial area. Stantec are concerned the offset T intersection approved under RM170094 in Area A is not safe for heavy vehicles and greater traffic volumes likely once the 'collector' link going through. However the recently constructed intersection is suitable and can cope with traffic volumes from RM170094 and the 281 Bright Sky residential dwellings subject to raised splitter islands and pedestrian refuges being installed.
- 19 It is not appropriate to require Bright Sky to solely fund and construct a roundabout through the Stakeholder Deed, as they are one of many developments which will result in vehicles using this intersection. Other beneficiaries include Three Parks, the Connell Terrace industrial area, the Ballantyne Road / Enterprise Drive industrial extension, the new residential area created through Plan Change 46, the new local shopping centre, development on the Councils former wastewater treatment site, and the Alpine Estates subdivision, as can be seen in the image below which shows zoned development in the vicinity:

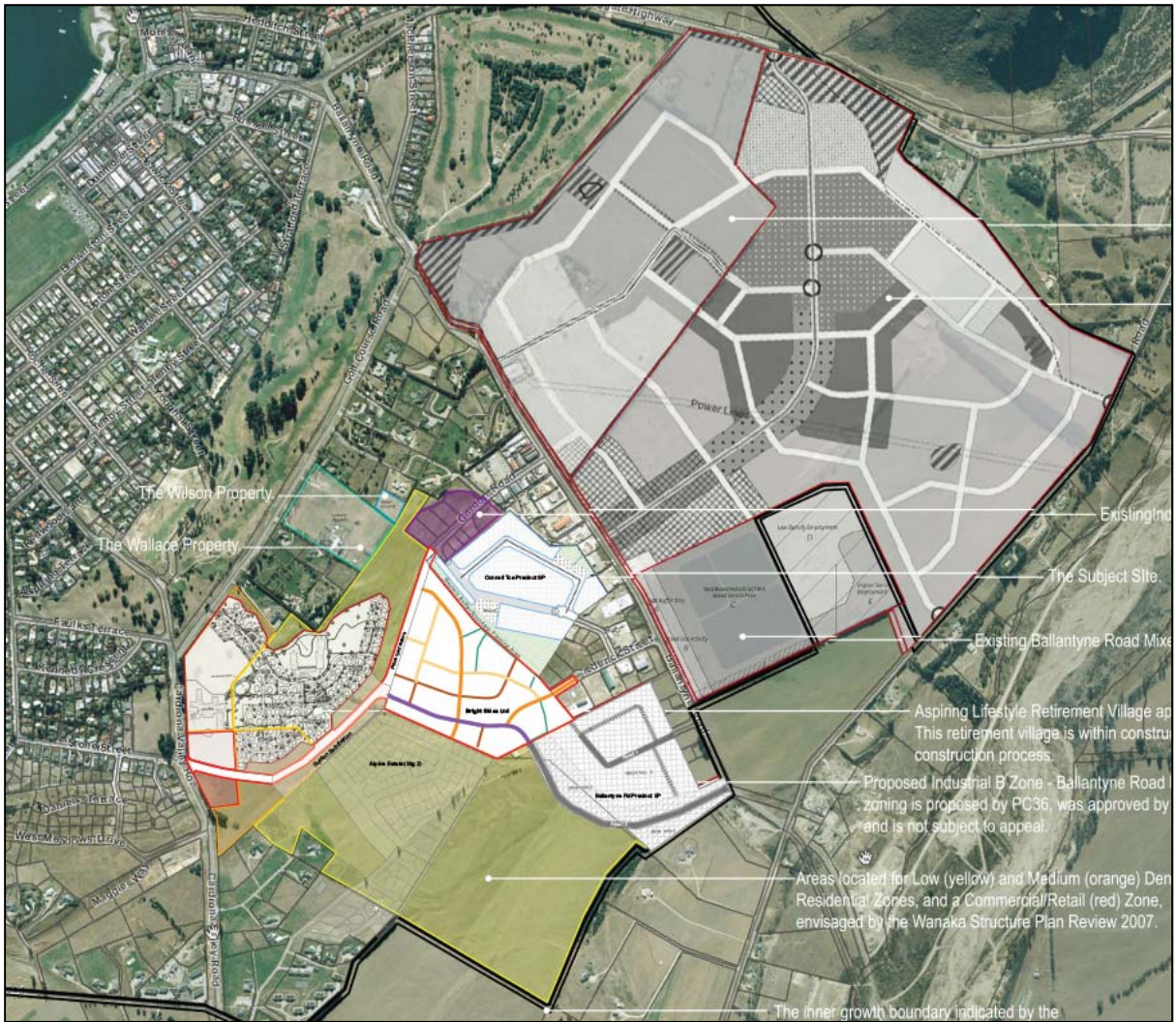


Figure 5: Zoned development within proximity of subject site

- 20 In order to address this, the draft Deed is based on the Stantec recommended 'alternative to option 1' (Clause 25). This covers the scenario that should Area C be constructed, but no upgrade of the Area A intersection has occurred, traffic must be calmed to discourage it as a through route (and prevent heavy vehicles), until such time as a roundabout can be installed through the normal Annual Plan / Long Term Plan process (Clauses 25-27).
- 21 If the intersection upgrade at Area A has occurred, the Deed recognises there will be no need for the raised splitter islands and pedestrian refuges at the current offset T intersection (Clause 25c)
- 22 At this time there is no funding in the LTP for a roundabout at the intersection of Cardrona Valley Road and the new western part of Gordon Road. In discussion with the General Manager Regulatory and Finance and the Chief Engineer, it is accepted that given the number of beneficiaries from a roundabout at the Area A location, the fairest approach to funding is for Council to consider adding it as a project to a future Annual Plan and recoup costs through development contributions from all landowners who benefit. The project may also be eligible for NZTA funding, and can be considered as part of the Wanaka Master Plan project.

23 This solution will enable the Bright Sky development to proceed, including potentially the completion of Gordon Road (if Gordon family proceed with development of their land – refer following section), but requires temporary traffic calming measures to be installed to prevent heavy vehicle usage and discourage its use as a through route until such time as the Cardrona Valley / Gordon Road intersection can be upgraded.

Formation of Area C – connecting the ends of Gordon Road

24 The Stakeholder Deed provides for the connection of both ends of Gordon Road, however only half of the required road corridor (i.e. 10m width rather than 20m) is within the ownership of Bright Sky. The other half of the corridor is in the ownership of the Peter Duncan Gordon and Southern Trustees Ltd (“Gordon family”).

25 This is somewhat untidy, and was not apparent when the EOI was submitted, which showed all of the roading required for Area C being part of the EOI. A subsequent subdivision consent split the land between the Gordon family and Bright Sky, so that the cost of the road is shared between the two parties.

26 The draft Deed has therefore required that Bright Sky pay to Council half of the cost of forming this road (Area C) when it completes Stage 4 (approximately mid programme) of the Bright Sky development, or alternatively when construction commences by the Gordon family or subsequent owners on the Gordon Road extension (Clauses 20-29).

27 Discussions with the Gordon family have indicated no immediate plans to develop the adjoining land owned to the north of the Bright Sky development, and which is also now zoned Low Density Suburban Residential under the Proposed District Plan. Should the Gordon family progress a development and start constructing the road in Area C, the Council will either already have the cash payment to form the half of the road, or Bright Sky will be required to form it (Clauses 22-23).

28 This means there is some uncertainty as to exactly when the road in Area C will actually be formed. Council will have the money to form half of it, however it is dependent on the Gordon family progressing their own development plans, which is uncertain. Depending on the timing of development activity by the Gordon family this may in fact allow the upgrade of the intersection in Area A to be undertaken, so that when the road in Area C is constructed it is ready for all types of vehicles.

29 Councillors need to be aware that the timing for the completion of the road in Area C is therefore uncertain, with only half the required corridor in Bright Sky control. Ultimately the Bright Sky development is not actually dependent on Area C for access, as the land can still be accessed from Cardrona Valley Road and Frederick Street, and the Deed requires the payment of half of the construction cost. Officers therefore consider while this outcome is a little untidy, it should not prevent the much needed Bright Sky housing from commencing.

Amendment of the Plans to include the land linking to Frederick Street (Resolution 3)

30 The proposed plans presented at Full Council on 23 March 2018 were already amended to include the narrow section of land circled in blue in Figure 5 below,

so the formation of this portion of road can be included as part of any future HASHAA application.

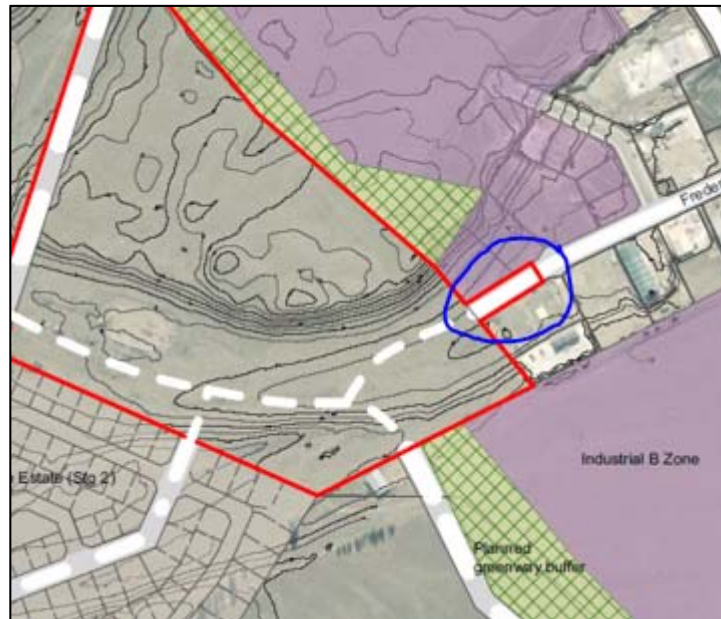


Figure 6: Extension of SHA area to include link to Frederick Street

Negotiation of Draft Deed (Resolution 4)

31 The draft Deed (**Attachment A** – Public excluded) has been developed for consideration by Council to outline conditions on which this proposal could be recommended to the Minister. The draft Deed addresses the resolutions of 23 March 2018 relating to:

- a. Infrastructure requirements;
- b. parks and reserves including trails, footpaths and connections;
- c. the affordability housing contribution;
- d. the qualifying development criteria; and
- e. the connection through to Enterprise Drive

Resolution 4a(1) – Infrastructure matters

32 Infrastructure matters are included with regard to water supply, wastewater, stormwater and transport.

33 With regard to water supply (Clauses 10-14), the existing water supply network is unlikely to have sufficient capacity to service any qualifying development on the Bright Sky Land, but it is expected that sufficient capacity will exist once the Golf Course Road Water Supply Trunk Main Replacement has been constructed.

34 The stakeholder deed commits the developer to paying the Water Supply Charge which has been calculated at 4.96 per cent (plus GST) of the total cost of the Golf Course Road Water Supply Trunk Main Replacement. This percentage represents the proportion of the design capacity required to service the Bright Sky SHA dwellings.

- 35 With regard to wastewater, the existing wastewater network is unlikely to have sufficient capacity to service any qualifying development on the Bright Sky Land, as confirmed by the Three Waters reports. This is to be addressed by the Council's upgrades to the Gordon Road Pump Station and Riverbank Road Pump Station, which are scheduled for the start of the Wanaka 2018 Long Term Plan.
- 36 As these are in the LTP, the development will pay its share of development contributions towards these costs. The draft Deed commits the developer to covering the costs associated with any other wastewater infrastructure associated with the Bright Sky development (Clauses 15-17).
- 37 With regard to stormwater, the existing stormwater network is likely to have sufficient capacity to service any qualifying development on the Bright Sky Land, as confirmed by the Three Waters reports. However should any other infrastructure be necessary to address the stormwater effects of the Bright Sky SHA Outcome, the Developer agrees to, at its sole cost, design, obtain all necessary consents for, and construct that infrastructure (Clauses 18-19).
- 38 With regard to traffic / transport, these matters have been set out in the agenda report earlier in paragraphs 12-28.

Resolution 4a(2) – QLCHT contribution

- 39 The draft Deed ensures the 10% contribution of the developed land area to the QLCHT, which must be capable of accommodating at least 28 lots. The draft Deed includes the developer having preferential tender rights to construct the housing for the QLCHT. This is acceptable to the QLCHT and has been drafted to reflect the EOI (Clauses 33-35). The provision of this lot is required within 36 months of resource consent being granted. The QLCHT have reviewed the draft Deed and are satisfied with it.

Resolution 4b – Qualifying development criteria

- 40 The legislation specifies a default SHA height limit of 27m unless otherwise specified. The EOI proposed qualifying development criteria of 11 metres height and a maximum of three storeys.
- 41 It is recommended that the proposed 11m height limit and three storey limit apply to the proposed SHA. It is noted that height limits of 8m / 7m currently apply for the Rural General/Low Density Suburban Residential zonings, so the qualifying development criteria are more enabling, potentially allowing three storey high buildings. This is consistent with the architectural typologies shown in the EOI.
- 42 A minimum number of 30 lots / dwellings is also being proposed as one of the qualifying development criteria. This means that each resource consent for a qualifying development must be for at least 30 residential units. In other SHAs, the whole proposal has been consented at once (e.g. Queenstown Country Club), however the 30 figure does allow the developer to progress their consent in stages provided that each application is for at least 30 lots / dwellings. The draft Deed requires the site to be developed in general accordance with the Expression of Interest, i.e. the full 281 lots / dwellings.

- 43 The qualifying development criteria mean that if SHA status was conferred, and a subsequent application for a qualifying development was received by Council that exceeded this height limit or storey limit, or did not involve more than 30 lots / dwellings, it would not be able to be accepted as a 'qualifying development' under the HASHAA legislation.
- 44 Qualifying development criteria do not need to be specified in the Deed, however they need to form part of Council's resolution and will form part of the Order in Council signed by the Governor General, should the Minister accept Council's recommendation to create the SHA.

Resolution 4c – Connection through to Enterprise Drive

- 45 Consistent with Council's resolution, the revised plans show a roading link through to the adjoining industrial of Enterprise Drive, shown circled in red in Figure 7 below. This is also a requirement of the draft Deed (Clause 24).



Figure 7 - Additional roading connection linking Frederick St and Ballantyne Road industrial areas

Resolution 4d – Parks and reserves

- 46 The draft Deed requires the provision of parks and reserves in accordance with the Parks and Open Space Strategy 2017. This is anticipated to be an area of approximately 4600m² for a local park as shown in the EOI (Clause 30). The EOI also shows the trail locations linking the two open space areas adjoining the land, specifically adjacent to the Industrial B zoned land off Connell Terrace and Ballantyne Road industrial precincts.

General matters

- 47 As with all developments including SHAs, there will be an ongoing cost to Council for maintaining any vested services or reticulation constructed to service the development, but the developer otherwise agrees to fund the planning and construction of the necessary infrastructure.
- 48 The draft Deed has been agreed to by the developer. The draft Deed is structured such that it would be executed prior to recommendation of the SHA to the Minister.

Visitor Accommodation

- 49 Consistent with other Stakeholder Deeds, there is a restriction on visitor accommodation (Clauses 8 – 9). This is based on Stage 2 of the proposed District Plan (as notified) of 28 nights per 12 month period, but includes a proviso that allows for the ultimate decision around the permitted amount of visitor accommodation through the PDP process.

Water and Wastewater Scheme Boundary Adjustments

- 50 The proposal site has been upzoned to Low Density Suburban Residential under the Proposed District Plans and is within the proposed Wanaka Urban Growth Boundary. The site therefore falls within the existing water and waste water scheme boundaries. No resolution is required to extend the scheme boundaries.

Conclusion

- 51 In recommending the SHA to the Minister, the Council has to be satisfied that the proposal is consistent with its Lead Policy. The assessment provided to Councillors on 23 March 2018 was that the proposal is contrary to the Operative District Plan due to the Rural General zoning, but consistent with the Proposed District Plan and Lead Policy. Adequate infrastructure is likely to exist to service the development.
- 52 It should be emphasised that conferring SHA status for the site only enables the potential for development. SHA status, in itself, does not guarantee applications for qualifying developments will be approved, and planning matters (including traffic / transport, character / amenity values, infrastructure provision and impact on neighbouring properties) are a relevant and explicit consideration at the resource consent application stage as second, third and fourth tier considerations under HASHAA.

Options

- 53 Option 1: Agree with the terms of the draft Deed and resolve to enter into the Deed.

Advantages:

- 54 Helps contribute to achieving the purpose of the HASHAA, advancing the principles and priority actions in the Housing Accord, and helps the Council to achieve the housing targets in the Housing Accord by enabling new housing (281 units) to be constructed.

- 55 Generates a number of social and economic benefits (both short term and long term) such as the creation of jobs during the construction phase and long term benefits relating to the increased provision of the supply of a range of houses;
- 56 Contributes to affordable housing in the Upper Clutha;
- 57 Ensures the developers commitments to the provision of affordable housing, infrastructure and reserves are legally binding after the SHA is established;
- 58 Provides certainty over conditions for recommendation to the Minister via a draft Deed; and
- 59 While the proposal is contrary to the Operative District Plan, the proposal is consistent with the Proposed District Plan and Council's Lead Policy, as assessed in the 23 March 2018 agenda item.

Disadvantages:

- 60 Given the Council's approval in principle for the Bright Sky proposal, there are no significant disadvantages in entering the draft Deed.
- 61 Option 2: Not agree with the terms of the draft Deed and the conditional scheme boundary extension.

Advantages:

- 62 Given the Council's approval in principle for the Bright Sky proposal on 23 March 2018, there are no significant advantages in not entering the draft Deed.

Disadvantages:

- 63 Given the Council's support in principle for the proposal, not entering the Deed would mean that the Council would not be in a position to recommend to the Minister that the SHA be established. This would risk the District's acute housing supply and affordability issues continuing to grow, resulting in adverse social and economic benefits; and
- 64 The Council would forgo the opportunity of providing a significant new housing option in the Upper Clutha, and the long and short term social and economic benefits offered by the proposal.

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

66 If **Option 2** is adopted:

- a. further negotiation between the developer and Council will be required to secure any remaining HASHAA and Lead Policy requirements such that the Council can be confident in recommending the proposal to the Minister; or
- b. the Council will not be able to recommend the proposal to the Minister for establishment as an SHA.

Significance and Engagement

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

- **Importance:** the matter is of high importance to the District. Housing supply and affordability is a significant issue for the District;
- **Community interest:** the matter is of considerable interest to the community;
- **Existing policy and strategy:** The proposal is considered consistent with the Housing Accord, and is consistent with the Council's Lead Policy. The proposal is also consistent with the Proposed District Plan because urban development is anticipated on Low Density Suburban Residential zoned land.
- **Capability and Capacity:** The site can be serviced by proposed infrastructure.

Risk

68 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.

69 This matter relates to this risk because the supply of housing is central to the current and future development needs of the community. In this instance, it is considered that the social and economic benefits from the provision of housing and land are achieved. The subsequent resource consent assessment process under the HASHAA also provides the opportunity for further mitigation of risk.

Financial Implications

70 Under the HASHAA, developers are required to provide the necessary infrastructure to service their developments. This has been secured in the draft Deed. It is acknowledged that there will be some ongoing infrastructure maintenance costs, but these are likely to be minor. Where infrastructure has already been provided for through the Long Term Plan, the developer will be required to pay development contributions prior to the new land titles being issued.

Council Policies, Strategies and Bylaws

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

- Lead Policy for SHAs;
- The Operative District Plan;
- The Proposed District Plan;
- Growth Management Strategy 2007;
- Housing Our People in our Environment Strategy;
- Economic Development Strategy;
- 2017/2018 Annual Plan and the Long Term Plan;
- Mayoral Housing Affordability Taskforce Report;

72 This matter is partly included in the 10-Year Plan/Annual Plan, due to the fact that some infrastructure upgrades in Wanaka are already provided for.

Local Government Act 2002 Purpose Provisions

- 73 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.
- 74 The recommended option:
- a. 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 increased levels of residential development on the proposal site;
 - b. Can currently be implemented through current funding under the 10-Year Plan and Annual Plan;
 - c. Is considered to be consistent with the Council's plans and policies; and
 - d. Would not alter the intended level of infrastructural service provision undertaken by or on behalf of the Council.

Consultation: Community Views and Preferences

- 75 There has been no community consultation with regard to the Stakeholder Deed. HASHAA does not set any statutory responsibilities in terms of consultation on the establishment of SHAs. However, the Council has sought public feedback / comment regarding the proposed SHA, which it has done for all SHA proposals. This feedback was provided to Councillors prior to the 23 March 2018 Full Council meeting and is available on the Council's website.
- 76 In addition, should the SHA be established, the consent authority may request the written approval of adjacent land owners if they are deemed to be adversely affected, and may undertake a limited notification resource consent process with adjacent landowners, local authorities (Otago Regional Council), infrastructure providers (limited to those who have assets on, under or above, or adjacent to the proposal site) and requiring authorities (if the adjacent land is subject to a designation).

Legal Considerations and Statutory Responsibilities

- 77 The HASHAA provides limited guidance as to the assessment of potential SHAs, beyond housing demand and infrastructure concerns. HASHAA is silent on the relevance of planning considerations; however the Council's legal advice is that these are relevant considerations and this has been confirmed by a High Court decision. The weight to be given to these matters is at the Council's discretion, having regard to the overall purpose of HASHAA. These matters have been considered in this report and the previous report presented to Council at the 23 March 2018 Full Council meeting.
- 78 The proposal would help achieve the purpose of HASHAA.
- 79 The draft Deed has been drafted and reviewed by Council's lawyers.

ATTACHMENTS

- A Draft Deed – *Publicly excluded*

**QLDC Council
6 September 2018**

Report for Agenda Item: 3

Department: Corporate Services

Representation Review 2018

Purpose

To present the recommendations from the Hearing of Submissions on the 2018 Representation Review held on 13 August 2018 and to gain Council agreement on the final proposal for representation within the Queenstown Lakes District.

Recommendation:

That Council:

1. **Notes** the contents of this report;
2. **Adopts** for as its final proposal pursuant to S19H of the Local Electoral Act 2001:
 - a. That all Councillors shall be elected in three wards;
 - b. The names of the wards shall be: Queenstown-Wakatipu, Arrowtown and Wanaka;
 - c. The boundaries of each ward will be as at present except that Queenstown-Wakatipu Ward will lose meshblocks 4001187, 4011665, 401188, 401189, 4011666 and 3039806 which will become part of the Arrowtown Ward with boundaries that will now take in MacDonnell Road and the area of Millbrook and its environs;
 - d. Six Councillors will be elected by the voters in the Queenstown-Wakatipu Ward; one Councillor will be elected by the voters in the Arrowtown Ward; and three Councillors will be elected by the voters in the Wanaka Ward;
3. **Adopts** for its final proposal pursuant to S19J of the Local Electoral Act 2001 that there shall be a Wanaka Community and a Wanaka Community Board comprising four members elected directly by voters in the Wanaka Ward as a whole and the three Wanaka Ward Councillors appointed by Council;
4. **Notes** that pursuant to S19V(4) of the Local Electoral Act 2001 the Council must refer its final proposal to the Local Government Commission because it has decided not to comply with S19V(2) in respect of the Arrowtown Ward;
5. **Notes** that appeals and objections to the final proposal may be received until 5.00pm on Monday, 8 October 2018; and

6. **Resolves** pursuant to S19H(2)(h) LEA to undertake the representation review prior to the 2021 triennial general election.

Prepared by:



Jane Robertson
Electoral Officer

Reviewed and Authorised by:



Meghan Pagey
General Manager Corporate
Services (Acting)

22/08/2018

23/08/2018

Background

- 1 Councils are required by the Local Electoral Act 2001 ['LEA'] to review their representation arrangements at least once every six years. Queenstown Lakes District Council [QLDC] was required to undertake this review in 2018 for the 2019 triennial election. The process is known as the 'Representation Review' and enables Council to reassess the structure of its membership and the way Councillors and Community Board members are elected.
- 2 The Council last undertook a review in 2012. The present ward structure has been in place since 2006 and has been used for four elections (2007, 2010, 2013 and 2016).
- 3 The Arrowtown Ward is outside the +/-10% variance allowable under the LEA. It did not comply at the time of the last review in 2012 and several alternative options were considered at that time, but none was adopted. As Council's decision was unopposed, this non-compliance was not subject to further consideration by the Local Government Commission.
- 4 Legislative change introduced in 2013 now mandates any decision by the Council not to comply with the +/-10% rule to be referred to the Local Government Commission for determination, whether opposed or not. The referral is treated by the Commission as an appeal under LEA. Following the period of objection/appeal the Council will refer its final proposal to the Local Government Commission along with any objections or appeals received.

Consultation and Hearing

- 5 The Council adopted the following proposal for public consultation at its meeting held on 14 June 2018:
 - a. *All Councillors are elected in wards;*
 - b. *The names of the wards shall be: Queenstown-Wakatipu, Arrowtown and Wanaka;*

- c. *The boundaries of each ward will be as at present except that Queenstown-Wakatipu Ward will lose meshblocks MB3039711 and MB3039806 which will become part of the Arrowtown Ward;*
 - d. *Six Councillors will be elected by the voters in the Queenstown-Wakatipu Ward; one Councillor will be elected by the voters in the Arrowtown Ward; and three Councillors will be elected by the voters in the Wanaka Ward;*
 - e. *There will be a Wanaka Community Board comprising four members elected directly by voters in the Wanaka Ward and the three Wanaka Ward Councillors appointed by Council.*
- 6 Consultation commenced immediately with public notification via print, radio coverage, the Council website and social media channels; it closed on 16 July 2018.
- 7 The Council received 37 submissions on its proposal. Eighteen submissions were in favour of the Council's proposal. Eight submissions raised objections to the Council's proposal, as follows:
- Four submitters wanted the present Arrowtown Ward boundaries to be retained; and
 - Four submitters wanted the Arrowtown Ward to be merged with the Queenstown-Wakatipu Ward, electing seven Councillors.
- 8 The remaining submissions contained objections to various other elements of the Council's proposal as follows:
- Disestablishment of the Wanaka Community Board;
 - Increase the number of Councillors elected in the Wanaka Ward from three to five;
 - Subdivide Hāwea from the Wanaka Ward to create a Hāwea Ward, with the Hāwea Ward to elect one Councillor and the Wanaka Ward to elect two Councillors;
 - Subdivide Frankton from the Queenstown-Wakatipu Ward;
 - Extend the boundary of the Arrowtown Ward through the Gibbston Valley;
 - Create a Council for Wanaka;
 - No change to ward boundaries but for the Queenstown-Wakatipu Ward to elect eight Councillors (increase from six) and the Wanaka Ward to elect four Councillors (increase from three); the Arrowtown Ward to continue to elect one Councillor;
 - Council to review its practice of appointing all three Wanaka Ward Councillors to the Wanaka Community Board for the full term of Council;
 - Council to undertake a 'blue sky' look at dividing the district into wards in 2024.
- 9 In addition, Statistics NZ provided advice to the Council on 31 July that the 2018 meshblock pattern had altered and the Council's final proposal needed to use the latest meshblock pattern.

- 10 A hearing of submissions by the full Council was held on 13 August 2018. The minutes of the hearing are Attachment A to this report.
- 11 The Council considers that the proposed boundary changes to the Arrowtown Ward are appropriate for the following reasons:
- The proposal reduces the non-compliance of the Arrowtown Ward significantly (-21.09% to -12.74%) and brings it much closer to compliance with S19V(2) of LEA (+/-10%);
 - The proposal preserves the community of interest of Arrowtown by including within the boundary areas that have historically been closely associated with Arrowtown; compliance with section 19V(2) by extending the boundary of the Arrowtown Ward further would limit effective representation of communities of interest by uniting within a ward communities of interest with few commonalities of interest.
- 12 The other matters raised in objections are rejected for the following various reasons:
- The resulting representation would not comply with S19V(2);
 - The resulting representation would be over-government relative to other areas in the district;
 - Disestablishment of the Wanaka Community Board was not aligned with the submissions from the Wanaka Ward which sought greater and more local representation;
 - Increasing the number of Councillors elected by the Queenstown-Wakatipu and Wanaka Wards to accommodate the present Arrowtown Ward without change was not seen as necessary, nor was it a matter raised in a large number of submissions.
 - The ratio of appointed Wanaka Ward Councillors to elected Wanaka Community Board members was noted but rejected as being out of scope for the representation review itself. This matter may be considered at any time as a Council resolution.
 - The Representation Review as prescribed by the LEA does not include the ability to create new territorial authorities, e.g. a new district council subdivided from Queenstown Lakes District Council.
- 13 The Council accepted the submission which sought a 'blue sky' review of the present representation system prior to the 2024 triennial general election. It agreed with the submitter that arrangements had remained largely the same since amalgamation in 1989 and in that period, the district had changed immensely. The Council considered that there would be value in undertaking the review sooner than submitted, noting that a more frequent review than every six years was permissible under LEA.
- 14 The final representation proposal is set out below.

Council Representation

15 It is proposed that the Council comprise ten members elected from three wards, and the mayor. The three wards reflect the following identified communities of interest:

Ward	Description
Queenstown-Wakatipu Ward	All of the Wakatipu Basin area from just beyond Kingston to the top of the Crown Range and including Glenorchy <u>except</u> those areas around Arrowtown covered by the Arrowtown Ward.
Arrowtown Ward	The village area of Arrowtown bounded by Butel Park, Millbrook, Centennial Avenue and including the area of MacDonnell Road to the intersection with State Highway 6.
Wanaka Ward	From the top of the Crown Range and all of the Upper Clutha Area including Hāwea up to just beyond Makarora and including part of the Matukituki Valley in Mt Aspiring National Park.

16 The population that each member will represent is as follows:

Ward	Population (2013 census)	Members	Population per member
Queenstown-Wakatipu Ward	22,290	6	3,715
Arrowtown Ward	3,240	1	3,240
Wanaka Ward	11,600	3	3,883
District	37,130	10	3713

17 In accordance with section 19V(2) of the *Local Electoral Act 2001* the population that each member represents must be within the range of 3,713 +/- 10% (3,342 to 4,084), unless particular community of interest considerations justify otherwise.

18 Only the representation of the Arrowtown Ward falls outside the stipulated range. The Council considers that the Arrowtown Ward warrants a single member for the following reasons:

- Arrowtown is a separate community of interest in the district because of its unique historical importance and individual character different from the wider district.
- Compliance with subsection (2) would limit effective representation of communities of interest by uniting within a ward two or more communities of interest with few commonalities of interest.

Community Board Representation

19 It is proposed that the following community board be elected:

Ward	Description
Wanaka Community Board	From the top of the Crown Range and all of the Upper Clutha Area including Hāwea up to just beyond Makarora and including part of the Matukituki Valley in Mt Aspiring National Park.

20 The Wanaka Community Board will elect four members. It will not be subdivided for electoral purposes. It will have three appointed members, being the three Councillors elected from the Wanaka Ward.

Next Steps

- 21 The Council must give public notice of the final proposal. The public notice must incorporate any amendments made, and these are the new meshblock numbers. However, because the proposal has technically changed between the initial and final, both a right of appeal (by parties who have already submitted) and objection (by any interested person or organisation) exist. Those appealing may only raise matters already contained within their original submissions. Those objecting must identify the specific matters to which their objection relates.
- 22 The period of appeals/objections must be open for at least one month. It is proposed that the period close on 8 October 2018.
- 23 The Council is obliged by S19Q of LEA to forward any appeals and objections to the Local Government Commission. As noted earlier, because of non-compliance with S19V(2) the Council is obliged to forward its final proposal to the Commission regardless of whether other appeals or objections are received.

Options

- 24 This report does not assess options in the usual way as the Council is required by law to pass a resolution in relation to its representation arrangements. The only options open to the Council at this meeting are either to adopt the recommendation as presented or to amend the recommendation in some way.

Significance and Engagement

- 25 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it will have a moderate impact upon the culture and the people of the district because it will impact upon the way they vote for the Council and the Wanaka Community Board.

Risk

- 26 This matter relates to operation risk OR011A Decision Making. The risk is classed as moderate as the Council's decision will result in the matter being referred to the Local Government Commission.

Financial Implications

- 27 The cost of undertaking the Representation Review is covered by operational budgets.

Council Policies, Strategies and Bylaws

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

- Significance and Engagement Policy
- Local Electoral Act 2001

- 29 The recommended option is consistent with the principles set out in the named policy/policies
- 30 This matter is not included in the Ten Year Plan/Annual Plan because it does not have any financial impact on Council.

Local Government Act 2002 Purpose Provisions

31 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing income to Council and a decision in a timely manner;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

32 The initial proposal that the Council adopted was subject to public consultation and a right of objection/appeal applies to the final proposal.

ATTACHMENTS

A Minutes of hearing of submissions held on 13 August 2018

Minutes of a meeting to hear submissions on the Representation Review 2018 held in Council Chambers, 10 Gorge Road, Queenstown on Monday, 13 August commencing at 1.00pm

Present:

Councillor MacLeod (Deputy Mayor and Acting Chair); Councillors Clark, Ferguson, Forbes, Hill, MacDonald, McRobie, Miller and Stevens

In attendance:

Ms Meaghan Miller (General Manager, Corporate Services), Mr Naell Crosby-Roe (Manager, Communication and Engagement) and Ms Jane Robertson (Senior Governance Advisor); five members of the public and one member of the media; three members of the public and one member of the media joined the hearing via Skype from Wanaka.

Apologies:

Apologies were received from Mayor Jim Boulton and Councillor Quentin Smith. Councillor Forbes also indicated that she would have to leave the meeting just prior to 2pm.

On the motion of Councillors MacLeod and McRobie the Council resolved that the apologies be accepted.

Declarations of Conflicts of Interest

No declarations were made.

Councillor Miller entered the meeting at 1.03 pm

Confirmation of Agenda

The agenda was confirmed without addition or alteration.

Hearing of submissions

The Council noted that two submissions had been received after the closing date for submissions. Further, comment had been received from Stats NZ on 31 July 2018 about the 2018 meshblock pattern and the Local Government Commission had recommended be considered as a submission.

On the motion of Councillors MacLeod and Forbes the Council resolved that the late submissions be accepted for consideration.

The Deputy Mayor stated that for reasons of practicality, it was his intention to hear the submitters taking part in the hearing via Skype first in the meeting.

**Hearing of Submissions
Representation Review 2018
13 AUGUST 2018
Page 2**

1. Rachel Brown

Speaking on behalf of the submission made by the members of the Wanaka Community Board ('WCB')

The Board members supported the retention of the WCB. It provided an interface between the Upper Clutha community and Council and brought decision-making down to a level where people believed that they could make a real difference. The WCB wanted to be involved in any further discussions about representation in this district.

2. Rachel Brown

(Personal submission)

Ms Brown stressed her interest in the principles of democracy, the role of community boards and their effective representation. She had been involved in the Council's 2006 representation review which had attracted a lot of submissions because of the proposed abolition of WCB and she was a member of the Community Boards' Executive Committee.

The first part of her submission supported retention of the status quo for representation, but also sought a comprehensive review when the representation review was done again in 2024. She pointed out that the present model had been largely in place since amalgamation in 1989 and it was timely to have a proper reshuffle. This would require a direct approach to communities asking they felt they were being fairly and effectively represented and it was important to address the current feelings of disaffection from smaller communities. The 2024 review needed to look at completely new and different models, including community boards district-wide. This would serve to enhance democracy through localism, thereby allowing those with an interest in common to manage their joint interests themselves.

The second part of her submission was a request for the Council to reconsider appointing all three Wanaka Ward Councillors to WCB for the full three years of the Council term. She noted that Board members made a different declaration from Councillors, requiring them to have the interests of the Wanaka Ward in mind when serving as a Board member. She considered that this could result in difficult situations for the individual. A case in point was the advice given to the Board that it would create a potential conflict for the Board as a whole to make a submission to the Representation Review. She wanted the role of Councillors as community board members to be a strength and not a weakness.

3. Bruce Hebbard

Mr Hebbard supported the proposal upon which the Council had undertaken consultation. He opposed the establishment of a separate Councillor for Hawea as this could lead similarly sized communities such as Albert Town to seek their own Councillor. At present the WCB contained two members who were resident in Hawea and he believed these members could put the community's view across satisfactorily.

**Hearing of Submissions
Representation Review 2018
13 AUGUST 2018
Page 3**

He agreed with the previous speaker that a closer look was needed at representation in Wanaka in 2024 as population trends would be more locked in by that date.

4. Tim Ryan

Speaking on behalf of Keep Hawea Beautiful

Mr Ryan advised that he had received responses from 185 people indicating support for a dedicated Councillor for Hawea. He noted that the Stats NZ definition of the Hawea area took in multiple communities from Luggate to Makarora and he was concerned that such a broad community had almost zero representation on the Council. He observed that Hawea was in a similar situation as Arrowtown which sought to retain its own seat on the Council.

Mr Ryan wanted a future of localised decision-making that was very different from at present. He believed that the Council could begin decentralisation by empowering the community board and community associations with decision-making abilities. This would provide a greater local voice and localism would make a lot of people happy that they were having an impact on decisions. The community sought a whole new way of governing and the community's rate of growth meant it now needed more than three Councillors to ensure representation parity with Queenstown. He suggested that if there were two additional members, one should be elected solely by the Hawea community.

5. David Clarke

Mr Clarke sought the retention of the Arrowtown Ward, either in its current form or with the addition of the two areas proposed by the Council in its original proposal. He had served two terms as the Arrowtown Ward Councillor so had a personal interest in retention of the Ward especially because development pressure across the district meant that a strong voice for Arrowtown was needed. He considered that the formula based on population was flawed as it was solely related to number and not necessarily need, pointing out that when the borough was first amalgamated into the district in 1989 there had been three Councillors for a population of only 850. By contrast, it was now a struggle to justify electing one Councillor. Needing a local Ward Councillor to lobby on Arrowtown's behalf was not parochialism as the individual elected recognised that they needed to represent the whole district. However, Arrowtown had a special character and punched above its weight as an economic driver for the district. It had also recently been named by the Ministry of Culture and Heritage as one of Otago's 'Landmarks' and this was another reason for Arrowtown's separate representation.

Mr Clarke supported retention of the status quo or adoption of the wider boundary that the Council had proposed. He did not support extending the boundary further to make up numbers to retain a Ward Councillor. He added that the fact that there was rarely an election for the Arrowtown Ward Councillor because only a single candidate was put forward was a challenge to the community to put up a number of candidates.

**Hearing of Submissions
Representation Review 2018
13 AUGUST 2018
Page 4**

6. Mark Samways

Mr Samways thanked the Council for permitting him to speak because his submission had been late. He had wanted to have the deadline for submissions pushed out to allow for wider debate in Arrowtown but this had not occurred. He believed that the sense of belonging to Arrowtown extended to other areas in the vicinity. Inclusion of the areas north and southwest of Arrowtown into the Ward would address the population imbalance now and prevent having to do so every electoral cycle. Arrowtown was neither an island nor isolated but it was logical to connect with residents in Gibbston and the Arrow Junction as these people had a greater affinity with Arrowtown as their social and cultural hub than people elsewhere in the district. He was concerned that the requirement for fair and effective representation was only based on numbers and did not recognise cultural identity. He noted that development land was not freely available in Arrowtown and it was sensible to expand the boundaries to extend the reach much wider than the current representation recognised.

7. Mike Farrier

Mr Farrier advised that he had owned property in Arrowtown since 1987. He was disappointed that the Council had arranged no public meetings to discuss the proposed change in the Arrowtown Ward boundaries and had instead relied on social media which was not a democratic choice until all had access to the internet.

He did not agree with enlarging the Arrowtown Ward boundary, adding that Millbrook was a lifestyle village and a business that was different in character from Arrowtown. He believed that the Local Government Commission should enable democratic local decision making by local communities and recognise the Arrowtown community of interest. He noted that elections for the Arrowtown Councillor were rare because often there was only one candidate which resulted in a low voter turnout and this mirrored the declining interest in local government over the last few years. He observed that larger electorates with more candidates were better for the first past the post electoral system and he therefore favoured option 4 (merging Arrowtown Ward with Queenstown-Wakatipu Ward) whilst making provision for an Arrowtown Community Board.

8. Sue Patterson

Speaking on behalf of Arrowtown Business Association (ABA)

Mrs Patterson stated that the ABA supported the retention of the Arrowtown Ward but this was not a new stance because they had supported this for a number of years. ABA accepted the proposed expansion to include the other meshblocks (Millbrook and MacDonnell Road) as these areas already considered themselves to be part of the Arrowtown village and Millbrook had been around for 25 years. Arrowtown was a town of special character and significance that benefitted from its own representation and having a local resident on the Council who was able to voice special concerns was important. This role was currently very ably done by Councillor Stevens who also attended many of the meetings of local associations in the community. She referred to

**Hearing of Submissions
Representation Review 2018
13 AUGUST 2018
Page 5**

Mr Clarke's point about Arrowtown's special landmark status but added that this was a double whammy because the Chinese village and the heritage part of the town were separately identified. Overall there were 70 historical buildings and trees in Arrowtown and these unique qualities required a voice to ensure that they were looked after. 90% of the business owners in Arrowtown were local residents and there had been a huge growth in visitor numbers to the town. Arrowtown needed a local Councillor to ensure that Arrowtown had the necessary infrastructure. Further, Arrowtown was the only area in the district where there were pensioner homes and there was also a block of affordable housing.

Mrs Patterson noted that the Arrowtown Village Association also supported the retention of the Ward Councillor.

9. John Glover

Mr Glover noted that the Council had only been forced to consider changing the boundaries of the Arrowtown Ward because the population could not meet the populations of the other two wards. He noted that the proportions would be evened up if Queenstown-Wakatipu Ward elected 8 Councillors instead of 6 and Wanaka Ward elected 4 rather than 3. This would result in a fully compliant proposal without having to change the present boundaries of the Arrowtown Ward. A larger Council would also serve to improve representation in the other wards where population was increasing at a faster rate than in Arrowtown.

He did not believe there was any point in introducing other lower democratic structures like local community boards because there was no budget for them and it was important to have real engagement with communities. Mr Glover believed that more Wakatipu Councillors would improve the opportunities for community engagement by spreading the workload and increased representation would provide a better feeling of empowerment locally. Increasing the representation in Wanaka would also deal with some of the concerns of Wanaka.

It was noted that because the number of appointed members on WCB needed to be fewer than the number of elected members, four Wanaka Ward Councillors would necessitate increasing the number of elected board members to five, which would be relative over government.

Councillors thanked Mr Glover for taking a district-wide view.

The meeting adjourned at 1.46pm and reconvened at 1.47pm.

Deliberations

It was noted that although the Council was required to undertake the representation review every six years, it had the option to do it every three years. Councillor

**Hearing of Submissions
Representation Review 2018
13 AUGUST 2018
Page 6**

Macleod suggested that there may be value in undertaking another review in 2021 when up to date census figures would be available.

Members agreed that Arrowtown was a place of special significance that needed a Councillor who understood these characteristics.

Councillor Forbes left the meeting at 1.58pm.

It was noted that population growth would always be dominated by the south east of the Queenstown-Wakatipu area and there was a risk that in future the western area would have no representation at all. Splitting the Queenstown-Wakatipu and Arrowtown Wards into eastern and western wards could be an option in the future.

It was noted that the addition of meshblocks to Arrowtown only served to make it less non-compliant and the matter would still have to be referred to the Local Government Commission for determination.

Consideration was given to Ms Brown's submission about the allocation of Wanaka Ward Councillors to the Wanaka Community and whether this should be on a one-year rotational basis. The Council noted that making this change had not been part of its original proposal and there was currently no appetite to including in the option being put forward.

Having had regard to the submissions and the dominant theme they contained of retaining the Arrowtown ward, with or without additional meshblocks, it was agreed to adopt the original proposal upon which consultation had been undertaken:

- a. **All Councillors shall be elected in wards;**
- b. **The names of the wards shall be: Queenstown-Wakatipu, Arrowtown and Wanaka;**
- c. **The boundaries of each ward will be as at present except that Queenstown-Wakatipu Ward will lose meshblocks 3039806, 4001187, 4011665, 401188, 401189 and 4011666 which will become part of the new and enlarged Arrowtown Ward with boundaries that will now take in MacDonnell Road and the general area of Millbrook;**
- d. **Six Councillors will be elected by the voters in the Queenstown-Wakatipu Ward; one Councillor will be elected by the voters in the Arrowtown Ward; and three Councillors will be elected by the voters in the Wanaka Ward;**
- e. **There will be a Wanaka Community Board comprising four members elected directly by voters in the Wanaka Ward and the three Wanaka Ward Councillors appointed by Council.**

The meeting concluded at 2.19pm.

**QLDC Council
6 September 2018**

Report for Agenda Item: 4

Department: Property & Infrastructure

Traffic and Parking Bylaw 2012 Review

Purpose

The purpose of this report is to adopt the Traffic and Parking 2018 Bylaw Statement of Proposal for public consultation and decide to appoint a panel to deliberate and make recommendations on feedback received.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Note** that Council completed the statutory review of the Traffic and Parking Bylaw 2012 and:
 - a. determined a bylaw is still the most appropriate way to regulate vehicle use and parking in the district
 - b. determined that the current form of the bylaw is not the most appropriate form of bylaw because it does not address all the issues identified in the district
 - c. gave directions to prepare amendments to the current bylaw.
3. **Adopt** the Statement of Proposal [in Attachment A of the agenda report] for public consultation and confirm the Proposed Traffic and Parking Bylaw 2018 [in Attachment B] is the most appropriate form of bylaw.
4. **Appoint** the Infrastructure Committee Chair (Councillor Forbes) and Councillors McRobie and Stevens as a panel to hear submissions, to deliberate and make recommendations to the Council on public feedback to the Statement of Proposal.
5. **Delegate** authority to the Infrastructure Committee Chair to make replacement appointments to the panel if a member of the panel is unavailable.
6. **Delegate** through the General Manager, Property and Infrastructure to a manager responsible for bylaws to make any amendments to the Statement of Proposal to correct errors, omissions or reflect decisions made by the Council.

Prepared by:

Reviewed and Authorised
by:


Polly Lambert
Acting Asset Planning Manager
24/08/2018



Peter Hansby
General Manager, Property
and Infrastructure
24/08/2018

Background

- 1 The Queenstown Lakes District Council Traffic and Parking Bylaw 2012 (the bylaw) regulates parking and vehicle use of roads and public spaces under Council's control.
- 2 The Council directed staff to begin the process to amend the bylaw in July 2018.
- 3 The process leading up to this decision is summarised below.

3 May 2018	Council instructs staff to begin a review of the Traffic & Parking Bylaw 2012
25 July	<p>Council endorse review findings that:</p> <ul style="list-style-type: none"> • traffic and parking issues still arise from conflicting demands for use of the road way by vehicle type and road user • a framework is required for on road changes supporting the district's transport and parking strategies • the bylaw has been largely effective but could be improved
25 July	<p>Council completes statutory review and determines:</p> <ul style="list-style-type: none"> • a bylaw is the most appropriate way to address conflicting demands for use of the road way by vehicle type and road user and support the implementation of future on road changes to support the district's transport and parking strategies • the bylaw is not the most appropriate form of bylaw and requires amendment to support easier communication and future infringement and be focused on all council-controlled places
25 July	<p>Council instructs staff to draft an amended bylaw after considering the following options:</p> <ul style="list-style-type: none"> • Status quo – no change to the bylaw • Revoking the bylaw • Amending the bylaw

- 4 Council must use the special consultative procedure to amend the bylaw as the amendment could significantly impact the public.
- 5 Staff have prepared a statement of proposal (Attachment A) and a proposed bylaw (Attachment B). This implements the decision to amend the bylaw in accordance with statutory requirements and best practice drafting guidelines.
- 6 The proposed bylaw would ensure traffic and parking is better regulated through broader coverage of issues and would be clear and enforceable.

Comment

Summary of major proposed changes to the Traffic & Parking Bylaw

- 7 The key changes proposed in the new bylaw (as compared to the current bylaw) are:
 - a. The current bylaw is not clearly structured into traffic and parking issues; hence the draft bylaw has been re-designed for clarity and ease of reference.
 - b. The current bylaw is said to have been made under the Local Government Act 2002, however many of its provisions are based on the bylaw-making powers in the Land Transport Act 1998. The proposed new bylaw is expressly made under both the Land Transport Act 1998 and Part 8 of the Local Government Act 2002, providing greater certainty for the regulation and a greater range of tools for Council to encourage compliance.
 - c. The proposed bylaw includes technical revisions and new definitions to address several inadequacies and gaps identified in the current bylaw and to reflect legislative change since the last bylaw was adopted.
 - d. The current bylaw addresses taxis, however national legislation has subsequently removed many of the distinctions between taxis and other small passenger service vehicles. This has led to an increase in the number of vehicles in the district and competition for space, particularly in the Queenstown central business district. This change is addressed in the proposed bylaw, with new clauses to enable Council to implement a permitting system for the parking of small passenger service vehicles, to help control numbers and access to standing locations across the district. The permitting system can also be applied to any class of vehicle in the event an issue arises that a permit is considered an appropriate response.
 - e. The current bylaw does not prevent parking on verges. This can cause damage to Council's above and below ground assets and introduces safety risks by blocking sight lines and narrowing road ways. The proposed bylaw includes a clause which will enable Council to issue infringement notices or remove vehicles that are parked in this manner.
 - f. The current bylaw specifies the roads to which weight and time restrictions apply and therefore changing or adding to these restrictions requires a full bylaw amendment process. This is inflexible and makes it hard for the Council to respond efficiently when issues arise. Under the proposed bylaw,

this detailed information will not be part of the bylaw itself, but the Council will make resolutions under the bylaw and those resolutions will be held in publicly accessible schedules. This will enable a faster response time to issues identified in the district and conversely, easier removal of restrictions deemed no longer appropriate or necessary.

- g. The current bylaw restricts bus parking to designated areas marked for this purpose. The proposed new bylaw includes an amended clause to allow for pick-ups and drop offs, reflecting the need for buses to park for periods to allow this in otherwise un-marked areas.
 - h. The current bylaw does not provide for establishing special vehicle lanes e.g. bus lanes, which may be required to support transport initiatives. The proposed bylaw enables Council to set aside parts of the roadway for certain classes of vehicles.
 - i. The current bylaw does not provide for situations where demand for on street parking is conflicting with residents' needs. The proposed bylaw enables Council to establish residents' parking areas or zones, or as mentioned above this could also be addressed through the proposed permitting system.
 - j. It is proposed that the clause in the current bylaw requiring snow chains to be fitted on direction be removed, as the Land Transport Act 1998 already provides the ability to Council to direct road users to implement vehicle safety instructions.
 - k. The clause relating to the removal of vehicles is also to be removed, as the Land Transport Act 1998 already provides the ability for Council to remove vehicles and recover reasonable costs.
- 8 Staff recommend that Council appoint three councillors to hear submissions, deliberate and make recommendations back to Council on public feedback on the statement of proposal.

Options

- 9 Option 1 Do not consult on the statement of proposal

Advantages:

- 10 The current bylaw will remain in effect until it lapses in 2020.
- 11 Resource assigned to the consultation can be reallocated to other projects.

Disadvantages:

- 12 Council will continue to operate under a bylaw that is inconsistent with and does not contemplate many of the current traffic and parking operational issues, strategies and plans.

- 13 Council may not meet external stakeholder expectations raised through the review process.
- 14 Council will miss the opportunity to continue positive engagement with the community in addressing perceived current and future traffic and parking issues.

15 Option 2 Consult on the statement of proposal

Advantages:

- 16 Council will have the opportunity to address identified current traffic and parking operational issues, strategies and plans that are not contemplated under the existing bylaw.
- 17 Council will meet external stakeholder expectations raised through the review process.
- 18 Council will have the opportunity to continue positive engagement with the community in addressing perceived current and future traffic and parking issues.

Disadvantages:

- 19 Resource cannot be reallocated to other projects.

20 This report recommends **Option 2** for addressing the matter because:

- a. It is supported by the recommendation of the Findings Report of the Traffic and Parking 2012 Bylaw
- b. Council will meet its statutory requirements for the bylaw review as set out in the LGA
- c. The bylaw will continue to be in force during the review meaning council can continue to regulate vehicle use on roads and parking

Significance and Engagement

- 21 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because there is community interest in the regulating of traffic and parking to support a safe, efficient road system.

Risk

- 22 This matter relates to the strategic risk SR3 - Management Practice - working within legislation, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because the primary legislation which Council operates within, requires reviews of bylaws to be completed within set, fixed timeframes, and comply with community engagement and set consultative procedures, including confirmation that any bylaw does not breach the New Zealand Bill of Rights Act 1990.

23 The recommended option considered above mitigates the risk by treating the risk – putting measures in place which directly impact the risk.

24 The recommended option will address the risk by improving the quality of the regulation and in turn the efficiency and effectiveness of its implementation.

Financial Implications

25 Costs relating to the special consultative procedure will be covered within existing budgets.

Council Policies, Strategies and Bylaws

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

- 10-Year Plan 2018-2028 strategic framework contributing to efficient and effective infrastructure and a responsive organisation
- Traffic and Parking Bylaw 2012 as existing regulation
- Queenstown Integrated Transport Strategy supporting improved network performance and customer experience for all modes and improved liveability and visitor experience
- Wanaka Transport Strategy 2008 supporting an appropriate transport network and parking provision.

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

28 This matter is not explicitly identified in the 10-Year Plan/Annual Plan as a separate line item or activity.

29 It can be delivered within general infrastructure management activities, in alignment with other supporting projects such as town centre planning and the broader Council road safety initiatives and roading maintenance contracts.

30 There are three phases to a bylaw review:

- a. Evaluation of the existing bylaw and next steps (is a bylaw appropriate)
- b. Further recommendations (investigate alternative approaches or significant changes) – Council is here
- c. Statutory consultation.

Local Government Act 2002 Purpose Provisions

31 The recommended option:

- Will help meet the current and future foreseeable 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 an enabling and responsive regulatory framework for the management of traffic and parking issues in the district;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan; and

- Is consistent with the Council's plans and policies.

Consultation: Community Views and Preferences

- 32 The persons who are affected by or interested in this matter are residents/ratepayers; business associations; emergency services; schools; large tourism transport operators; passenger service vehicles; heavy motor vehicle users; NZTA.
- 33 The use of the special consultative procedure will enable members of the community from across the district with an interest in the regulation of traffic and parking to have their say.
- 34 Stakeholders engaged during the information gathering phase of the review will also be advised of the opportunity to participate formally through the public consultation process.

Legal Considerations and Statutory Responsibilities

- 35 The proposed Traffic & Parking Bylaw 2018 is being released for public consultation by way of the special consultative procedure pursuant to section 156 of the Local Government Act 2002 and section 22AD of the Land Transport Act 1998.

Attachments

- A Statement of Proposal
- B Proposed Traffic and Parking Bylaw 2018
- C Traffic and Parking Bylaw 2012 (not attached but can be accessed by clicking this link) <https://www.qldc.govt.nz/assets/Uploads/Council-Documents/Bylaws/Traffic-and-Parking-Bylaw-2013.pdf>



**PROPOSED QUEENSTOWN LAKES DISTRICT
TRAFFIC & PARKING BYLAW 2018**

STATEMENT OF PROPOSAL

INTRODUCTION

- 1 Queenstown Lakes District Council (**Council**) has reviewed its Traffic & Parking Bylaw 2012. The bylaw regulates parking and vehicle use of roads and public places under Council's control.
- 2 Council is seeking your views on a proposed new Traffic & Parking Bylaw 2018, a revised and updated version of the existing bylaw. A draft of the proposed bylaw is attached along with a submission form, so you can provide feedback, or you can do this online ([insert link](#)).
- 3 The bylaw enables Council to regulate and enforce behaviours that it is unable to under other mechanisms (such as the Land Transport Act, Local Government Acts or Road User Rules) in response to issues identified in the district.

PROPOSAL

- 4 The Council proposes to revoke the Traffic & Parking Bylaw 2012 and replace it with the Traffic & Parking Bylaw 2018.
- 5 The proposed Traffic & Parking Bylaw 2018 is being released for public consultation by way of the special consultative procedure pursuant to section 156 of the Local Government Act 2002 and section 22AD of the Land Transport Act 1998.

REASONS FOR THE PROPOSAL

- 6 Under sections 158 to 160 of the Local Government Act 2002, Council is required to review all bylaws made under that Act within five years of their adoption and every 10 years thereafter. A further two year grace period is provided if a review is initiated. Some of the provisions in the current bylaw were made under the Local Government Act 2002 and some under the Land Transport Act 1998, however the council resolved to review it in its entirety.
- 7 As part of this review, the Council engaged with community, business, education, social service and central government representatives on traffic & parking issues across the district.
- 8 The informal engagement, together with research into problem evidence and how other councils are addressing traffic & parking issues, was included in a findings report presented to Council.
- 9 The findings report supported council in determining that there were problems with the structure and language of the current bylaw, gaps in the bylaw coverage of existing issues and opportunities to support the council's strategic priorities for transport through bylaw change.
- 10 The Council considered whether it should have a new bylaw or retain the existing bylaw. In the Council's view, it is essential, in the interests of a safe and efficient road transport system, to have a bylaw which regulates parking and other vehicle use, however it believes that the form and content of the bylaw should be changed to address the issues and opportunities identified.
- 11 The key changes proposed in the new bylaw (as compared to the current bylaw) are:

- a. The current bylaw is not clearly structured into traffic and parking issues; hence the draft bylaw has been re-designed for clarity and ease of reference.
- b. The current bylaw is said to have been made under the Local Government Act 2002, however many of its provisions are based on the bylaw-making powers in the Land Transport Act 1998. The proposed new bylaw is expressly made under both the Land Transport Act 1998 and Part 8 of the Local Government Act 2002, providing greater certainty for the regulation and a greater range of tools for Council to encourage compliance.
- c. The proposed bylaw includes technical revisions and new definitions to address several inadequacies and gaps identified in the current bylaw and to reflect legislative change since the last bylaw was adopted.
- d. The current bylaw addresses taxis, however national legislation has subsequently removed many of the distinctions between taxis and other small passenger service vehicles. This has led to an increase in the number of vehicles in the district and competition for space, particularly in the Queenstown central business district. This change is addressed in the proposed bylaw, with new clauses to enable Council to implement a permitting system for the parking of small passenger service vehicles, to help control numbers and access to standing locations across the district. The permitting system can also be applied to any class of vehicle in the event an issue arises that a permit is considered an appropriate response to.
- e. The current bylaw does not prevent parking on verges. This can cause damage to Council's above and below ground assets and introduces safety risks by blocking sight lines and narrowing road ways. The proposed bylaw includes a clause which will enable Council to issue infringement notices or remove vehicles that are parked in this manner.
- f. The current bylaw specifies the roads to which weight and time restrictions apply and therefore changing or adding to these restrictions requires a full bylaw amendment process. This is inflexible and makes it hard for the Council to respond efficiently when issues arise. Under the proposed bylaw, this detailed information will not be part of the bylaw itself, but the Council will make resolutions under the bylaw and those resolutions will be held in publicly accessible schedules. This will enable a faster response time to issues identified in the district and conversely, easier removal of restrictions deemed no longer appropriate or necessary.
- g. The current bylaw restricts bus parking to designated areas marked for this purpose. The proposed new bylaw includes an amended clause to allow for pick ups and drop offs, reflecting the need for buses to park for periods to allow this in otherwise un-marked areas.
- h. The current bylaw does not provide for establishing special vehicle lanes e.g. bus lanes, which may be required to support transport initiatives. The proposed bylaw enables Council to set aside parts of the roadway for certain classes of vehicles.
- i. The current bylaw does not provide for situations where demand for on street parking is conflicting with residents' needs. The proposed bylaw enables

Council to establish residents' parking areas or zones, or as mentioned above this could also be addressed through the proposed permitting system.

- j. It is proposed that the clause in the current bylaw requiring snow chains to be fitted on direction be removed, as the Land Transport Act 1998 already provides the ability to Council to direct road users to implement vehicle safety instructions.
- k. The clause relating to the removal of vehicles is also to be removed, as the Land Transport Act 1998 already provides the ability for Council to remove vehicles and recover reasonable costs.

12 A summary of the issues and recommended direction for the new bylaw is included in Table 1.

Table 1	Outcome of statutory review		
Issue identified	Bylaw appropriate to address issue?	Form of bylaw appropriate to address issue?	Response as reflected in proposed new bylaw
Traffic			
<i>Turning restrictions</i>	√	X	Amended – for completeness
<i>Direction of travel</i>	√	X	Amended – on road changes by resolution; supports safety, asset protection and transport strategy
<i>Cycle paths</i>	√	X	Amended – to support district’s transport strategy
<i>Special vehicle lanes</i>	√	X	Amended – to support district’s transport strategy
<i>Cruising</i>	√	X	Amended – for safety
<i>Heavy motor vehicles</i>	√	X	Amended – on road changes by resolution; supports safety, asset protection and transport strategy
<i>Light motor vehicles</i>	√	X	Amended – on road changes by resolution; supports safety, asset protection and transport strategy
<i>Bus routes and frequency</i>	X		Outside of Bylaw scope
<i>Engine braking</i>	√	√	Retained
<i>Unformed legal roads</i>	√	X	Amended – for safety
<i>Snow chains</i>	X	X	Revoked – other enforcement options available
<i>Skateboards</i>	X	X	Revoked – to support district’s transport strategy
<i>Signage</i>	X		Revoked – signage will still be necessary but no need for Bylaw to say so
Parking			
<i>Parking availability</i>	X		Outside of Bylaw scope
<i>Parking areas</i>	√	X	Amended – for clarification
<i>Parking restrictions</i>	√	X	Amended – for clarification and completeness
<i>Method of parking</i>	√	X	Amended – for clarification
<i>Payment for parking</i>	√	X	Amended – supports alternative payment options
<i>Interfering with machines</i>	√	X	Amended – for completeness
<i>Loading zones</i>	√	X	Amended – for clarification
<i>Angle parking</i>	√	X	Amended – for clarification
<i>Mobility parking</i>	√	X	Amended – for clarification
<i>Small passenger service vehicles</i>	√	X	Amended – to support safety and recognise legislative/rule change
<i>Goods vehicles</i>	√	X	Amended – for clarification
<i>Rental car parking</i>	√	√	Retained
<i>Commercial premise parking</i>	X		Not amended – other enforcement options
<i>Parking off roadway</i>	√	X	Amended – supports safety and asset protection
<i>Broken down vehicles</i>	√	X	Amended – for clarification
<i>Things on roadway</i>	√	X	Amended – for clarification
<i>Removal of vehicles</i>	X	X	Revoked – other enforcement options
<i>Vehicles for sale</i>	√	√	Retained
<i>Exempt vehicles</i>	√	X	Amended – for clarification

TIMETABLE FOR CONSULTATION

- 13 Council invites the community to give feedback on the proposed bylaw.
- 14 The following dates represent the key times in the consultation programme:
- a. Council resolves to undertake public consultation regarding the proposed bylaw – 6 September 2018.
 - b. Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun – between 7 September and 1 October 2018.
 - c. Submissions close on 12 October 2018.
 - d. Submissions heard by a subcommittee of Councillors - (to be confirmed – late October 2018).
 - e. Council considers outcome of consultation process – 13 December 2018.
 - f. Council provides outcome to Ministry of Transport – 14 December 2018.
 - g. Public notice of final decision – 22 December 2018.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 15 Copies of this Statement of Proposal and the proposed bylaw 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, 33-35 Reece Crescent, Wanaka;
 - b. any Council library within the Queenstown Lakes District; or
 - c. the Council website – www.qldc.govt.nz

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 or
 - b. post their submission to: Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 18 Submissions must be received by **12 October 2018**. The Council will then convene hearings in both Wanaka and Queenstown, which it intends to hold between **Tuesday 23 October and Friday 26 October 2018** 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 not permit parties to make oral submissions (without prior written material) or to make a late submission, except where it considers that special circumstances apply.

- 20 Every submission made to the Council will be acknowledged in accordance with the Local Government Act 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 Local Government Act 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.

MAKING AN EFFECTIVE SUBMISSION

- 22 Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the draft Bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.
- 23 Submissions on matters outside the scope of the proposed Bylaw cannot be considered as part of this consultation process.

Mike Theelen
CHIEF EXECUTIVE

APPENDIX 1 - Proposed Queenstown Lakes District Council Traffic and Parking Bylaw 2018

[Insert coat of arms]

The Queenstown Lakes District Council Traffic and Parking Bylaw 2018

[Insert te reo title]

Queenstown Lakes District Council

Date of making: **[Insert]**

Commencement: **[Insert]**

This bylaw is made pursuant to section 22AB of the Land Transport Act 1998 and Part 8 of the Local Government Act 2002.

Contents

	Page		Page
1	Title and Commencement	2	
2	Area within which Bylaw applies	2	
3	Purpose	2	
4	Bylaw to bind the Crown	2	
5	Delegation	2	
6	Interpretation	2	
	8	Enforcement	3
	9	Offences and penalties	3
	10	Revocations	3
	11	Savings	3
		Schedule 1 - [Insert schedule name]	4
		Additional Information to [Insert Bylaw name]	5

Part 1 – Preliminary

1 Title and commencement

- 1.1 This bylaw is the “Queenstown Lakes District Council Traffic and Parking Bylaw 2018”.
- 1.2 This bylaw comes into force on **[insert date]**.

2 Area within which Bylaw applies

This bylaw applies to the area of the Queenstown Lakes District.

3 Purpose

The purpose of this bylaw is to regulate parking and the use of vehicles or other traffic on roads and other public places in the Queenstown Lakes District.

4 Interpretation

- 4.1 Any word used in this bylaw that is defined in the Act or the Rules has the same meaning as in the Act or the Rules, unless the context otherwise requires or a different definition is given in clause 4.2.

Explanatory note: for convenience, some of these definitions are reproduced below, in their form as at the date this bylaw was made. However, the Act and Rules are subject to change, and the wording of the definitions at any particular time should be confirmed in the Act or Rules themselves.

Goods service vehicle means a motor vehicle used or capable of being used in a goods service for the carriage of goods; but does not include a vehicle specified as an exempt goods service vehicle in the regulations or the rules

Heavy motor vehicle means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross vehicle mass exceeding 3 500 kg

Large passenger service vehicle means any passenger service vehicle that is designed or adapted to carry more than 12 persons (including the driver).

Motorcycle means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and includes a vehicle with motorcycle controls that is approved as a motorcycle by the Agency; but does not include a moped

Motor vehicle means a vehicle drawn or propelled by mechanical power; and includes a trailer; but does not include-

- (a) a vehicle running on rails; or
- (b) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
- (c) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
- (d) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
- (e) a pedestrian-controlled machine; or

- (f) a vehicle that the Agency has declared under section 168A of the Land Transport Act 1998 is not a motor vehicle; or
- (g) a mobility device

Parking means,—

- (a) in relation to any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes:
- (b) in relation to any other portion of a road, the stopping or standing of a vehicle on that portion of the road

and **park** has a corresponding meaning.

Parking place means a place (including a building) where vehicles or any class of vehicles may wait or park

Parking warden means a person appointed to hold the office of parking warden under section 128D of the Land Transport Act 1998

Passenger service vehicle means a vehicle used or available for use in a passenger service for the carriage of passengers; but does not include—

- (a) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried; or
- (b) a vehicle specified as an exempt passenger service vehicle in the regulations or the rules

Rental service vehicle means a vehicle used or available for use in a rental service for letting on hire for the carriage of passengers or goods, or both, to a person who drives the vehicle or provides a driver for the vehicle; but does not include a vehicle specified as an exempt vehicle in the Land Transport Act 1998 or the regulations or the rules made under that Act.

Road includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment

Small passenger service vehicle means any passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver).

Transport station means a place where transport service vehicles or any class of transport service vehicles may wait between trips.

Vehicle means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes a hovercraft, a skateboard, in-line skates, and roller skates; but does not include—

- (a) a perambulator or pushchair:
- (b) a shopping or sporting trundler not propelled by mechanical power:
- (c) a wheelbarrow or hand-trolley:
- (d) a pedestrian-controlled lawnmower:
- (e) a pedestrian-controlled agricultural machine not propelled by mechanical power:

- (f) *an article of furniture:*
- (g) *a wheelchair not propelled by mechanical power:*
- (h) *any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:*
- (i) *any rail vehicle*

Zone parking, in relation to a road, means a parking restriction imposed by the Council:

- (a) *that applies to an area comprising a number of roads; and*
- (b) *in respect of which persons using vehicles within the area could reasonably be expected to be aware of the application of the parking restriction to the area without the need for the erection of signs at each intersection within the area, for reasons including:*
 - (i) *the nature of the area; or*
 - (ii) *the nature of the parking restriction; or*
 - (iii) *traffic patterns into and within the area; or*
 - (iv) *the nature and number of entry points to the area; and*
- (c) *that the Council specifically declares to be a zone parking control.*

Zone restriction means an area of roadway the use of which is restricted to a specified class or classes of vehicle or class or classes of road user (with or without a time restriction).

4.2 In this bylaw, unless the context otherwise requires,-

Act means the Land Transport Act 1998.

Authorised officer means any person appointed or authorised by the Council to act on its behalf under this bylaw and includes any Parking Warden or Enforcement Officer.

Council means the Queenstown Lakes District Council.

Driver in relation to a vehicle, includes the rider of a motorcycle or moped or bicycle; and **drive** has a corresponding meaning.

Enforcement officer means-

- (a) in relation to powers exercised under the Land Transport Act 1998:
 - (i) a sworn member of the Police
 - (ii) a non-sworn member of the Police who is authorised for the purpose by the commissioner of Police.
 - (iii) a person who is appointed to that office by warrant under section 208 of the Land Transport Act 1998 or who holds that office by virtue of that Act and any parking warden appointed by the Council and warranted accordingly.
- (b) in relation to powers exercised under the Local Government Act 2002, an enforcement officer appointed under section 177 of the Local Government Act 2002

Infringement offence has the same meaning as it has in section 2(1) of the Land Transport Act 1998.

Operate, in relation to a vehicle, means to drive or use the vehicle on a road, or to cause or permit the vehicle to be on a road or to be driven on a road, whether or not the person is present with the vehicle; and **operator** has a corresponding meaning

Mobility parking permit means a mobility parking permit issued by CCS Disability Action.

Owner in relation to a motor vehicle, means the person lawfully entitled to possession of the vehicle, except where-

- (a) the motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or
- (b) the motor vehicle is let on hire pursuant to the terms of a rental- service licence.-

in which case owner means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and

owned and **ownership** have corresponding meanings

Parking machine means a machine which is used to facilitate the payment of charges for parking, and includes a parking meter, pay and display machine or other device.

Person has the meaning given in the Interpretation Act 1999.

Public place means all or part of a place -

- (a) that is under the control of the Council; and
- (b) that is open to, or being used by, the public, whether or not there is a charge for admission; and includes:
- (c) a road, whether or not the road is under the control of the Council.

Road means a road as defined in the Act which is under the control of the Council.

Rule means the Land Transport Rule: Traffic Control Devices 2004.

Use in relation to a vehicle, includes driving, drawing or propelling on a road by means of such vehicle, and includes permitting to be on any road; and to **use** and **user** have corresponding meanings.

4.3 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended or revoked without any formality.

4.4 The Interpretation Act 1999 applies to this bylaw.

5 Resolutions made under this Bylaw

5.1 In making a resolution under this bylaw, the Council will take into account the following considerations, if and to the extent they are relevant and in proportion to the significance of the decision:

- (a) the purpose of this bylaw;
- (b) the statutory context of the relevant bylaw-making power under section 22AB of the Land Transport Act 1998 and/or Part 8 of the Local Government Act 2002, as the case may be;
- (c) the public interest in a safe and efficient road transport system and the Council's contribution to that objective in relation to roads under its control;
- (d) the likely effect of the decision on members of the public or categories of the public;
- (e) the nature and extent of the problem being addressed by the proposed decision and the reasonably available options for addressing the problem (if any) apart from making a resolution under this bylaw;
- (f) the public interest in protecting from damage land and assets which are owned or under the control of the Council.

5.2 A resolution made under this bylaw may:

- (a) regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case;
- (b) apply to all vehicles or traffic or to any specified class of vehicles or traffic;
- (c) apply to any road or part of a road under the care, control or management of the Council;
- (d) apply at any specified time or period of time;
- (e) be made subject to any such conditions as are reasonable in the circumstances;
- (f) amend, revoke or revoke and replace any previous resolution made under this bylaw or any equivalent former bylaw.

Part 2 – Vehicle and road use

6 One-way roads

6.1 No person shall drive any vehicle on any of the roads specified in Schedule 1 of this Bylaw, except in the direction specified in that schedule.

6.2 The Council may by resolution:

- (a) require vehicles on a specified road to travel in one specified direction only;
- (b) specify that cycles may travel in the opposite direction on a one-way road.

- 6.3 A person must not drive a vehicle on a one-way road in a direction contrary to that specified in Schedule 1 or pursuant to clause 6.2.

7 Left or right turns and U-turns

- 7.1 The Council may by resolution prohibit on any specified road:
- (a) any vehicle generally or any specified class of vehicle from turning to the left or turning to the right of the path of travel;
 - (b) any vehicle turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn).
- 7.2 A person must not turn a vehicle to the left, or to the right, or perform a U-turn, where that movement has been prohibited pursuant to this clause.

8 Traffic control because of size, nature or goods

- 8.1 The Council may by resolution prohibit or restrict the use of a road as unsuitable for any specified class of traffic or any specified class of vehicle due to its size or manner of operation or the nature of the goods carried.
- 8.2 Unless the resolution says otherwise, no prohibition or restriction made under clause 8.1 applies to a waste collection vehicle collecting waste pursuant to a waste collection contract.
- 8.3 A person must not use a road in a manner contrary to a prohibition or restriction made under this clause.
- 8.4 The Chief Executive of the Council may issue permits to contractors in respect of specified construction contracts or projects, authorising vehicles of the permit-holder to be used on any roads or streets in respect of which a prohibition or restriction under clause 8.1 is in place, and to load and unload materials and supplies for such projects, between 10.00am and 6.00pm on any specified day, and subject to such conditions as may be included in the permit.
- 8.5 The Chief Executive Officer of the Council may issue permits to events organisers in respect of specified events, authorising vehicles of the permit-holder to occupy parking spaces, and to be used on any roads or streets in respect of which a prohibition or restriction under clause 8.1 is in place, between 10.00am and 6.00pm on any specified day, and subject to such conditions as may be included in the permit.
- 8.6 A person is not in breach of clause 8.3 if they are acting pursuant to, and in accordance with, a permit issued under clause 8.4 or clause 8.5.

9 Special vehicle lanes

- 9.1 The Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.
- 9.2 A person must not use a special vehicle lane contrary to any restriction made under this clause.

10 Cycle paths

- 10.1 The Council may by resolution regulate the use of cycle paths including by:

- (a) prohibiting the use of the cycle path by specified vehicles or classes of vehicle;
- (b) determining priority for users of the cycle path by some or all of the following persons:
 - (i) pedestrians;
 - (ii) cyclists;
 - (iii) riders of mobility devices;
 - (iv) riders of wheeled recreational vehicles.

10.2 A person must not use a cycle path in a manner contrary to any prohibition or restriction made under this clause.

11 Engine braking

11.1 The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed does not exceed 70 km/hr.

11.2 A person must not use engine braking on any road contrary to a prohibition or restriction made under this clause.

12 Cruising

12.1 The Council may by resolution:

- (a) specify any section of road or roads on which cruising is controlled, restricted or prohibited;
- (b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for a driver to avoid being regarded as cruising.

12.2 A person must not use a motor vehicle contrary to a control, prohibition or restriction made under this clause.

13 Unformed legal roads

13.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purpose of protecting the environment, the road and adjoining land, and/or the safety of road users.

13.2 A person must not use a motor vehicle on an unformed legal road contrary to a restriction made under this clause.

14 Temporary restrictions on the use of roads

14.1 The Council may temporarily restrict the use of, or class of vehicles which may use, any road or part of a road when the Council's Chief Executive considers that:

- (a) there is, or is likely to arise, at any place on that road a risk of danger to the public or to a person working on or near a road or a risk of damage to the road; or

- (b) it is necessary for the safety of a special event.
- 14.2 A person must not drive or use the vehicle contrary to any restriction made under clause 14.1.
- 14.3 Any vehicle being used for the purpose of maintenance or construction of roading, or a vehicle of a utility operator, may, with the permission of an authorised officer, be driven or parked in a manner contrary to any restriction made under clause 14.1, provided it is driven or parked with due consideration to other road users.

Part 3 – Parking

15 Stopping, standing and parking

- 15.1 The Council may by resolution:
- (a) prohibit or restrict the stopping, standing or parking of vehicles on any road; or
 - (b) limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description, and limit the period of time that such vehicles may stop, stand or park on the road.
- 15.2 For the purposes of clause 15.1(b):
- (a) a class or description of vehicles may be specified by reference to whether the vehicle, or the driver or owner of the vehicle, has a permit or approval issued by the Council to stop, stand or park the vehicle on that road; and
 - (b) the Council may by resolution establish a permit or approval system which may include, without limitation, specifying or providing for:
 - (i) the criteria for obtaining the permit or approval;
 - (ii) the process for applying for the permit or approval including the provision of any information to the Council;
 - (iii) the payment of any application fee to the Council, and the amount of that fee;
 - (iv) the procedure for determining applications;
 - (v) the imposition of conditions on any permit or approval issued by the Council;
 - (vi) the duration of the permit or approval;
 - (vii) the revocation of approvals or permits;
 - (viii) any other matter relevant to the approval or permit system.
- 15.3 A person must not stop, stand or park a vehicle on a road in contravention of a prohibition, restriction or limitation made under this clause, including any condition attaching to a permit or approval referred to in clause 15.2(a).

16 Parking restrictions - parking places and transport stations

16.1 The Council may by resolution:

- (a) prescribe the times, manner (such as angle parking only) and conditions for the parking of vehicles or classes of vehicles in a parking place or transport station;
- (b) specify the vehicles or classes of vehicles that may or must not use a parking place or transport station, such classes including but not limited to:
 - (i) motorcycles;
 - (ii) cycles, including electric bicycles;
 - (iii) electric vehicles, while in the course of being recharged at an electric vehicle charging station;
 - (iv) goods service vehicles;
 - (v) passenger service vehicles, including large passenger service vehicles and small passenger service vehicles;
 - (vi) vehicles in the course of loading or unloading goods or passengers (“loading zone”);
 - (vii) vehicles used by disabled persons;
 - (viii) vehicles used by pregnant women or by persons accompanied by infants or young children.
- (c) prescribe:
 - (i) any charges to be paid for the use of the parking place or transport station; and
 - (ii) the manner by which parking charges may be paid, through the use of parking machines or by way of electronic payment or in any other specified manner, and the way in which proof of payment must be demonstrated (such as display of a receipt);
- (d) make any other provision for the efficient management and control of the parking place or transport station.

16.2 For the purposes of clause 16.1(a) and (b):

- (a) a class of vehicles may be specified by reference to whether the vehicle, or the driver or owner of the vehicle, has a permit or approval issued by the Council to park the vehicle in the parking place or transport station; and
- (b) clause 15.2(b) applies, with any necessary changes, to the establishment of the permit or approval system.

16.3 To avoid doubt, the restrictions in clause 16.1 may be imposed, in the case of a road, by way of zone parking or a zone restriction.

16.4 Any restrictions that apply generally to a zone do not apply to locations within that zone where other specific stopping, standing or parking restrictions apply.

- 16.5 Where the conditions of parking require display in or on the vehicle of a ticket or receipt for payment or other similar document, then the requirement of display is not satisfied if the ticket, receipt or document:
- (a) is torn, defaced, or mutilated to such an extent that any material particular is not legible; or
 - (b) has been tampered with so that it differs from the original document; or
 - (c) is not used in accordance with the instructions (if any) relating to its use given on the ticket, receipt or document or on any sign relating to the parking; or
 - (d) is not prominently displayed in the vehicle or is obscured or cannot easily be read and inspected by any person outside the vehicle.

- 16.6 A person must not park a vehicle in a parking place or transport station in contravention of a prohibition or restriction made under this clause, or without complying with a condition prescribed or applying under this clause. This includes, without limitation:
- (a) failing to pay a prescribed parking charge, either in the prescribed manner or at all;
 - (b) failing to demonstrate proof of payment in the prescribed manner;
 - (c) parking for a time period which is in excess of the time period for which payment has been made;
 - (d) parking for a time period which is in excess of any maximum authorised period of parking prescribed by the Council.

17 Method of parking

- 17.1 Where individual parking spaces within a parking place or transport station are indicated by painted lines or other markings:
- (a) each vehicle must be parked entirely within a single parking space;
 - (b) where the parking spaces are to be used for angle parking only, vehicles must be parked on the angle indicated;
 - (c) where the parking spaces comprise bays for angle parking of motorcycles, no motorcycle (other than a motorcycle with a sidecar attached) shall be parked across any line marking the edge of the bay.

18 Mobility parking

- 18.1 A person may not park a vehicle in a parking place set aside for mobility parking unless:
- (a) a current mobility parking permit is prominently displayed in the vehicle; and
 - (b) the vehicle is being used to convey the holder of that permit or to pick up or drop off that person.

19 Residents' parking

19.1 The Council may by resolution:

- (a) if it considers it reasonable to do so, reserve any specified parking place or places as a residents' parking area, for the exclusive use of persons residing in the vicinity;
- (b) prescribe:
 - (i) the criteria for qualifying to use the residents' parking area, and any conditions attaching to such use such as a requirement to display an approved resident's parking permit;
 - (ii) any fees to be paid for the use of the residents' parking area including the manner in which the fees are calculated and the manner of payment;

19.2 A person must not park a vehicle in a resident's parking area in contravention of a prohibition or restriction made, or a condition imposed, under this clause.

20 Passenger service vehicles, goods service vehicles, rental service vehicles

20.1 No small passenger service vehicle shall be parked on any road other than a parking place or transport station set aside for the use of small passenger service vehicles, unless the vehicle:

- (a) is in the course of hire; or
- (b) is not available for hire.

20.2 No large passenger service vehicle shall be parked on any road other than a parking place or transport station set aside for such vehicles, unless the vehicle is in the process of loading or unloading passengers.

20.3 No passenger service vehicle exceeding 2,000 kilograms in tare weight or goods service vehicle exceeding 4,000 kilograms in tare weight shall be parked on any road between midnight and 5.00am, except where such overnight parking has been specifically authorised by the Council.

20.4 No goods service vehicle, large passenger service vehicle, small passenger service vehicle, or rental service vehicle parked on any road shall be washed down or cleaned in such a way that any water, sludge or other liquid flows from the vehicle onto any road or into a culvert, ditch or drain associated with the road.

20.5 No goods service vehicle, large passenger service vehicle, small passenger service vehicle, or rental service vehicle shall be parked on any road with its engine running for a period in excess of 5-minutes.

20.6 No rental service vehicle shall be parked on any road other than a parking place or transport station set aside for such vehicles, unless the vehicle is under hire at the time of the parking.

21 Parking off a roadway

- 21.1 A person must not stop, stand or park a motor vehicle on that part of a road which is laid out as a lawn or cultivated area, including a grass plot, a flower bed or a shrubbery.
- 21.2 A person must not stop, stand or park a vehicle off a roadway in any reserve, park or similar land used for public recreation, and which is under the Council's control, except:
- (a) in an area designed and constructed to accommodate a parked vehicle; or
 - (b) where the Council has given specific permission to stop, stand or park the vehicle in that place.

22 Miscellaneous

- 22.1 A person must not drive or park a vehicle on any road or in any public place in a manner that causes a nuisance.
- 22.2 A person must not:
- (a) chain or otherwise attach a bicycle or other vehicle to street furniture or public infrastructure;
 - (b) leave such a vehicle in a way which unreasonably obstructs the footpath.
- 22.3 A person must not, without the prior written consent of the Council:
- (a) leave or place on a road any thing other than a vehicle (for example, but without limitation, any machinery, equipment, containers or materials), except that this prohibition does not apply to containers which are placed off the roadway and are used solely for a council-authorized kerbside collection of waste or diverted material, if such containers do not remain on the road for more than 24 hours;
 - (b) stop, stand or park a vehicle on a road or parking place for the purpose of advertising a good or service or offering the vehicle for sale, unless the vehicle is being used for bona fide travel and is parked, incidentally, in the course of such travel.
 - (c) leave a vehicle (including a vehicle which is broken down) parked on a road or parking place for a continuous period of more than 7 days other than in a designated long term parking area;
 - (d) carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.
- 22.4 A person must not:
- (a) remove, deface, or otherwise interfere with any notice, board, sign, picture or device which has been erected or placed by the Council in relation to parking or the control of vehicles on any road or in any public place;
 - (b) misuse, damage, interfere or tamper with any parking machine.

Part 4 – General Provisions

23 Inspection

- 23.1 Any parking warden or any enforcement officer may, for the purposes of this bylaw:
- (a) inspect any parked vehicle;
 - (b) take any action to assist in determining or proving the period for which a vehicle is parked including marking the tyres of the vehicle;
 - (c) inspect any ticket or receipt for payment or similar document demonstrating payment for parking, or any parking machine;
 - (d) require the driver, or any person appearing to be in charge of a parked vehicle, to produce for inspection any ticket or receipt for payment or similar document (including an electronic document) demonstrating payment for parking;
 - (e) retain, for the purposes of any enforcement action under this bylaw, any such document where the parking warden or enforcement officer believes on reasonable grounds that it may be evidence relevant to a breach of this bylaw in relation to parking.

24 Offences and penalties

- 24.1 The operation, driving, using or parking of any vehicle in breach of any of the provisions of this bylaw or any resolution made under this bylaw is a breach of this bylaw.
- 24.2 Without limiting the liability of any person under any enactment, every person commits an offence who:
- (a) commits a breach of this bylaw.
 - (b) causes or permits to be done, anything contrary to this bylaw.
 - (c) omits, fails or refuses to do anything required by this bylaw.
 - (d) operates any vehicle contrary to this bylaw.
 - (e) as the owner of anything parked or left on any road or in any public place does any act contrary to the provisions of this bylaw.
 - (f) is the driver, operator, person in charge, or user of any vehicle, which is driven, operated, used or parked in breach of this bylaw.
- 24.3 Nothing in clause 24.2 limits the liability of any person for an infringement offence as defined in the Act.
- 24.4 Any person breaching a provision of this bylaw made under section 22AB of the Land Transport Act 1998 and in respect of which no other penalty provision applies is liable for a fine of \$500.
- 24.5 Subject to any provision to the contrary, any person convicted of an offence of breaching a provision of this bylaw made under the Local Government Act 2002 is liable for the penalties set out in section 242 of the Local Government Act 2002.

- 24.6 Every person guilty of an infringement offence is liable for the applicable infringement fee relating to that offence together with any applicable towage fee.

25 Exceptions

- 25.1 A person is not in breach of this bylaw if that person proves that:
- (a) the act or omission complained of took place in response to a situation on a road; and
 - (b) the situation was not of the person's own making; and
 - (c) the act or omission was taken—
 - (i) to avoid the death or injury of a person; or
 - (ii) if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- 25.2 A person is not in breach of this bylaw if that person proves that the act or omission:
- (a) took place in compliance with the directions of an enforcement officer or a parking warden, constable, traffic signal or traffic sign; or
 - (b) in the case of an act or omission done by an enforcement officer, constable or parking warden, was necessary in the execution of the person's duty.
- 25.3 Any restrictions made under Part 2 and 3 of this bylaw do not apply to:
- (a) a vehicle that is engaged in urgent repair work to a public utility service;
 - (b) a vehicle that is being used as an emergency vehicle in attendance at an emergency situation (including a civil defence emergency);
 - (c) a vehicle that is being used to transport registered medical personnel to assist at an emergency situation.
- 25.4 Any restrictions made under Part 3 of this bylaw do not apply to the parking of a branded Council vehicle, but only when being used by an officer of the Council on specific Council business away from the premises where that officer customarily works.

26 Revocation

The Queenstown Lakes District Council Traffic and Parking Bylaw 2012, including all amendments, is revoked.

27 Savings

Any resolutions, approvals, permits or other acts of authority made pursuant to the Queenstown Lakes District Council Traffic and Parking Bylaw 2012, or any previous traffic and parking bylaw made by the Council, and in force as at the date of revocation of the Queenstown Lakes District Council Traffic and Parking Bylaw 2012, remains in force and is deemed to have been made under this bylaw, until revoked or amended by the Council.

**QLDC Council
6 September 2018**

Report for Agenda Item: 5

Department: Property & Infrastructure

Waterfall Park - Road Realignment

Purpose

The purpose of this report is to consider a road realignment at Waterfall Park, between Waterfall Park Developments Ltd and the Council.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** initiation of the procedures of section 114 of the Public Works Act 1981 to declare as road those portions of land shown on the attached Paterson Pitts plan Q6388-24-2 dated the 27/03/18, shown in green and held in Computer Freehold Registers 789176 & 770518 totalling 0.3314 hectares;
3. **Approve** initiation of the procedures of section 116 of the Public Works Act 1981 to stop those portions of road shown on the attached Paterson Pitts plan Q6388-24-2 dated the 27/03/18, shown in red totalling 0.3314 hectares;
4. **Approve** the road shown in red, when stopped, being disposed of in exchange for the portions of land shown in green, in accordance with sections 117 & 120(3) of the Public Works Act 1981 and amalgamated with the adjoining land held in Computer Freehold Register 789176;
5. **Approve** that the exchange be at Nil consideration;
6. **Agree** that Council's approval shall be subject to the applicant providing legal access to the Waterfall, to the satisfaction of Council;
7. **Agree** that Council's approval to undertake this process and any sale and purchase agreements relating to it shall be limited to a period of 2 years from the date of this resolution;
8. **Agree** Council's costs in undertaking the process, be billed and paid monthly by the applicant; and
9. **Delegate** final terms and conditions along with approvals for the placing or removal of easements, minor alignment and area changes and signing authority to the Chief Executive of Council.

Prepared by:



Dan Cruickshank
Property Advisor

20/08/2018

Reviewed and
Authorised by:



Ulrich Glasner
Chief Engineer

23/08/2018



Peter Hansby
GM Property and
Infrastructure

23/08/2018

Background

- 1 Waterfall Park is a rural 'no exit' road positioned to the north of Lake Hayes, but south of Millbrook. The road services a small number of properties, which access the road via the Arrowtown to Lake Hayes Road.
- 2 The Council has received a request to realign a portion of the road adjoining properties owned by Waterfall Park Development Ltd. The realignment is requested for the northern end of the road, leading up to the waterfall itself. A comprehensive Hotel and Wellness development is currently planned for the site and has been the focus of a previous Special Housing Area request to Council.
- 3 Council has previously agreed to process requests to realign legal roads, where they are within a development area, and still maintain their overall width and start and end locations.
- 4 The legal alignment of Waterfall Park Road is currently approximately 10 metres wide, and this width will be retained with the proposed.

Comment

- 5 Council is considering the road realignment because it does not impact Council or public access through the privately-owned land and is a preferable location for the planned development.
- 6 Under the proposal illustrated on Attachment B, legal road will be stopped and transferred (highlighted in red), with new road (highlighted green). The road realignment takes place beyond the last neighbour's driveway access, and therefore will not directly affect other owners nearby. The suitability of the site for the proposed development, will be assessed separately through the resource consenting process.
- 7 Beyond the road stopping area to the north, is privately owned land held by the developers. They are proposing the construction of a walking track up to the waterfall, however it should be noted that legal access to the waterfall is not currently provided and it is recommended that this be confirmed and provided as part of this realignment request.

- 8 We understand from the applicant, that Fish and Game have agreed to provide an Affected Person's Approval for their development. Waterfall Creek is an important spawning river in the district.
- 9 With a road realignment, the Council is typically concerned with ensuring that public access is preserved, and that the new alignment will be no less favourable than at its existing position. These are also requirements for the Public Works Act road legalisation process.
- 10 Council's Chief Engineer, Transport Strategy Manager and Manager of Planning Practice have been consulted on the application and approve of the stopping. The road width proposed under the new alignment is similar to the existing at approximately 10m and will therefore not materially affect the use of the road. However, it is acknowledged that the road will be placed closer to the adjoining bank which may increase requirements on the developer to form retaining on that side of the road.
- 11 The process of stopping the road and taking of new road will be undertaken pursuant to sections 114 & 116 of the Public Works Act. Section 114 covers the process to declare land to be road, whilst section 116 relates to the stopping of existing legal road. Final approval of the stopping sits with the Minister of Lands, whom will review the overall impact of the proposal, along with any written consents before making a decision.
- 12 As the road being stopped is equal to the new road being vested, the exchange is considered to be equitable and is therefore proposed on a nil consideration basis.

Options

- 13 Option 1 Agree to commence the road realignment shown on the attached plan by Paterson Pitts Q6388-24-2.

Advantages:

- 14 Will realign the road to provide for a more beneficial and optimal utilisation of the land for the proposed development.

Disadvantages:

- 15 May increase requirements for retaining land adjacent to the repositioned road.
- 16 Does not provide a legal access solution all the way to the Waterfall.

- 17 Option 2 Decline the request.

Advantages:

- 18 Would not increase requirements for retaining land adjacent to the repositioned road.

Disadvantages:

- 19 Would not realign the road to provide for a more beneficial and optimal utilisation of the land for the proposed development.
- 20 This report recommends **option one** for addressing the matter because it will result in a more beneficial layout for the development and utilisation at the land and will come at no cost to the Council.

Significance and Engagement

- 21 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because the issue relates to roads, identified as a strategic asset. In this case the significance is considered to be low as the portion of road to be realigned is small and does not affect access to the public or adjoining properties.

Risk

- 22 This matter relates to the strategic risk SR3, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because stopping roads must follow the process detailed in the Public Works Act.
- 23 This report addresses the risk by seeking a Council resolution to stop the road, enabling the correct process to be commenced.

Financial Implications

- 24 The applicant has agreed to pay all costs incurred by Council to enact the proposed road realignment.

Council Policies, Strategies and Bylaws

- 25 The following Council policies, strategies and bylaws were considered:
- Property Sale and Acquisition Policy 2014
- 26 The recommended option is consistent with the principles set out in the named policy.
- 27 This matter is not included in the 10-Year Plan/Annual Plan because the road stopping was not contemplated at the time the plan was written. As all costs to Council are being met by the applicant, Council will not require specific budgets to progress the project.

Local Government Act 2002 Purpose Provisions

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

by ensuring Council has roading assets in locations most beneficial to the community and rate payers; and

- Can be implemented through current funding under the 10-Year Plan and Annual Plan; and
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

29 The persons who are affected by or interested in this matter are the users and visitors to Waterfall Creek and adjacent property owners. As adjacent owners are all have their access to their properties placed prior to the proposed realignment, and that the road is a 'no exit' no direct consultation is required. Further written approvals will be included for any directly affected property owners with the request to the Minister of Lands, however as the road is not being materially affected for any other owner other than the applicant, it is likely that the road stopping will progress without any further written approvals.

Attachments

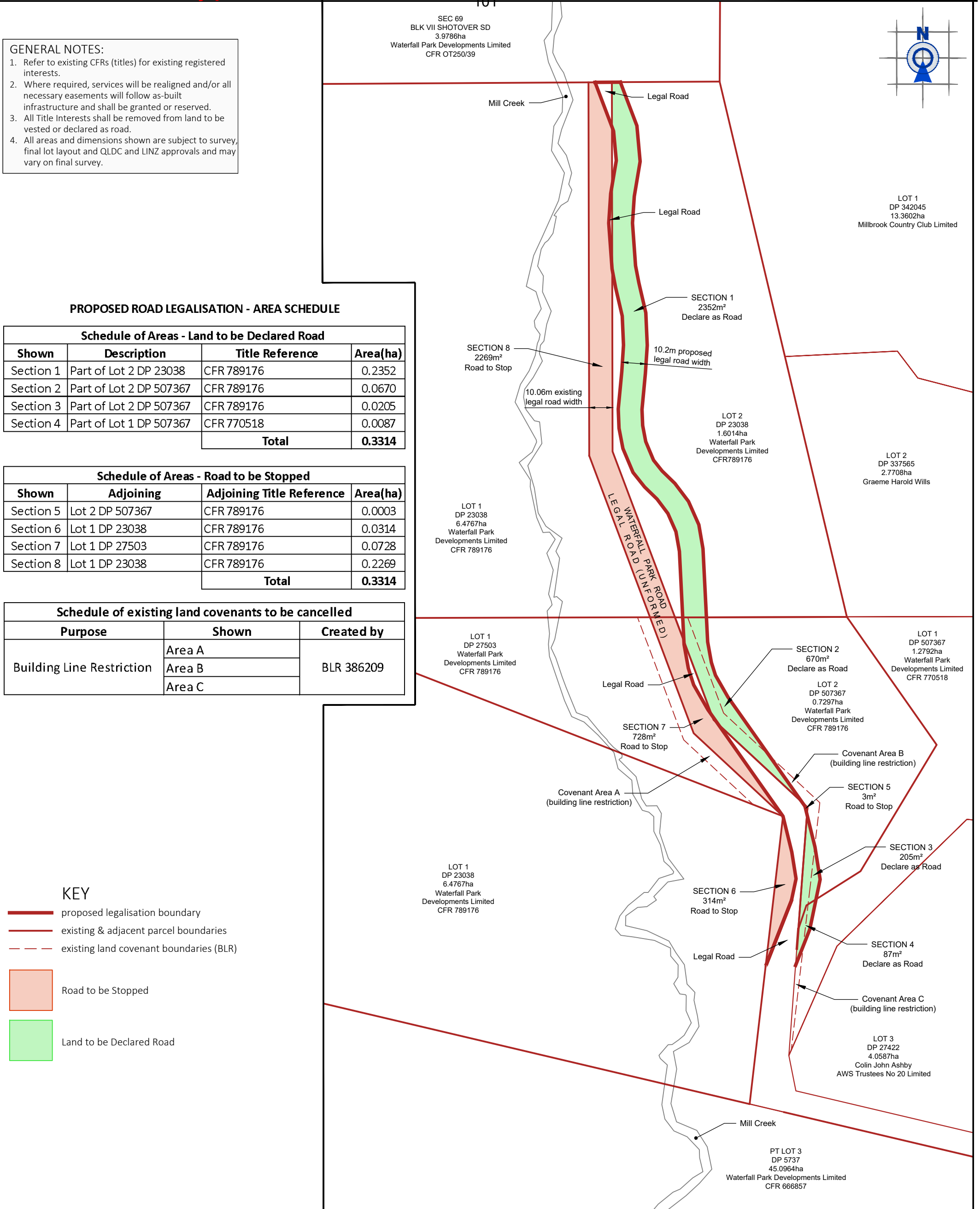
- A Overview plan
- B Survey plan with affected areas
- C Photos from site

Attachment A: Overview Plan



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

Attachment B: Survey plan with affected areas



GENERAL NOTES:

1. Refer to existing CFRs (titles) for existing registered interests.
2. Where required, services will be realigned and/or all necessary easements will follow as-built infrastructure and shall be granted or reserved.
3. All Title Interests shall be removed from land to be vested or declared as road.
4. All areas and dimensions shown are subject to survey, final lot layout and QLDC and LINZ approvals and may vary on final survey.

PROPOSED ROAD LEGALISATION - AREA SCHEDULE

Schedule of Areas - Land to be Declared Road			
Shown	Description	Title Reference	Area(ha)
Section 1	Part of Lot 2 DP 23038	CFR 789176	0.2352
Section 2	Part of Lot 2 DP 507367	CFR 789176	0.0670
Section 3	Part of Lot 2 DP 507367	CFR 789176	0.0205
Section 4	Part of Lot 1 DP 507367	CFR 770518	0.0087
Total			0.3314

Schedule of Areas - Road to be Stopped			
Shown	Adjoining	Adjoining Title Reference	Area(ha)
Section 5	Lot 2 DP 507367	CFR 789176	0.0003
Section 6	Lot 1 DP 23038	CFR 789176	0.0314
Section 7	Lot 1 DP 27503	CFR 789176	0.0728
Section 8	Lot 1 DP 23038	CFR 789176	0.2269
Total			0.3314

Schedule of existing land covenants to be cancelled		
Purpose	Shown	Created by
Building Line Restriction	Area A	BLR 386209
	Area B	
	Area C	

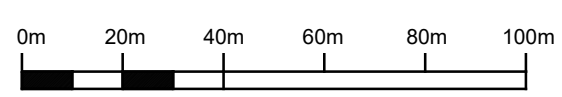
KEY

- proposed legalisation boundary
- existing & adjacent parcel boundaries
- - - existing land covenant boundaries (BLR)

Road to be Stopped
 Land to be Declared Road

QUEENSTOWN:
Terrace Junction,
1092 Frankton Road.
PO Box 2645,
Queenstown 9349.
T 03 441 4715
E queenstown@ppgroup.co.nz

Notes:
If this plan used as the basis for any sale and purchase agreement, then it is done so on the basis that the areas and dimensions are preliminary, and may vary upon completion of the final survey.



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Client/Location:
Waterfall Park Developments Ltd
Sec 69 BIK VII Shotover SD, Lots 1 & 2
DP 23038, Lot 1 DP 27503, Lots 1 & 2
DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:
**Waterfall Park Road
Proposed Road Closing**

Surveyed by: PPG	Original Size: A3	Scale: 1:1500
Designed by: SJP		
Drawn by: SJP/AWJ		
Checked by: SJW		
Approved by:		
Job Ref: Q6388 - 24 - 2	Sheet No: 2	Revision No: A
		Date Created: 27/03/2018

PHOTOS FROM SITE



QLDC Council
6 September 2018

Report for Agenda Item: 6

Department: Finance

Setting of Rates for 2018/19

Purpose

- 1 The purpose of this report is to set the rates for the Queenstown Lakes District Council for the 2018/19 financial year as per section 23 of the Local Government (Rating) Act 2002.

Recommendation

That Council:

- 1. Set the rates for the Queenstown Lakes District Council for the 2018/19 financial year as per section 23 of the Local Government (Rating) Act 2002 (Per Attachment A)**

Prepared by:



Stewart Burns
General Manager Finance,
Legal and Regulatory

22/08/2018

Reviewed and Authorised by:



Mike Theelen
Chief Executive Officer

23/08/2018

Background

- 1 The Council adopted the 10 Year Plan (LTP) on 28 June 2018, and the detailed work required to calculate the rates for 2018/19 has been completed. The rates are largely as expected. The rates resolution can only be made after the 10 Year Plan (LTP) has been adopted.
- 2 The process for setting and assessing rates changed in 2002. The enactment of the Local Government (Rating) Act 2002 and the Local Government Act 2002 has meant that the draft Annual Plan or draft 10 Year Plan (LTP) has become the primary notification to the public of the proposed rates for the new year.
- 3 It is now necessary for the draft Annual Plan or draft 10 Year Plan (LTP) to contain all relevant rating information rather than this being subject to a separate public notification process as was previously the case. Rates can only be set by resolution of the Council.

Growth in Rating Base

- 4 The final rates for the 2018/19 year as per the attached resolution are substantially as expected.
- 5 The indicative rates information published in the 10 Year Plan (LTP) are the Council's best estimate at that time. They are subject to change as a result of alterations made to the draft budgets through the submission process which may have a funding impact and to changes in the capital value of the district which may occur between adoption of the draft plan and the 30th June.
- 6 District-wide the actual annual increase in capital value is 2.51% (2017: 3.56%) compared to 3.5% allowed for in the 10 Year Plan (LTP). The overall increase in the Wanaka ward was 2.4% (2017: 3.4%) compared to 2.6% (2017: 3.6%) within the combined Wakatipu/Arrowtown wards.
- 7 The total number of rateable properties for the 2018/19 year is estimated to be 26,198 (2017: 25,076) which represents an increase of 4.47% (2017: 4.19%) on last year. The overall growth factor for the year is therefore essentially as per forecast at 3.49%; slightly less than the 3.5% allowed for in the 10 Year Plan (LTP).

Impact on Rates

- 8 The forecast overall rates increase for 2018/19 is therefore as per forecast and sits at 6.9% after allowing for growth (2017: increase of 3.34%). This is the same as the increase signalled for the year in the 10 Year Plan (LTP).
- 9 Accordingly, there is minimal effect on the indicative rate movements shown in the 10 Year Plan (LTP) as a result of the actual growth for the year.
- 10 The impact of a 6.9% rates increase for 2018/19 will not be even across all property types and locations. This is because of the impact of targeted rates which are often ward or scheme based. The updated rating values from the 2017 revaluation of property values in the district can also impact rates increases for the 2018/19 year.
- 11 The Council has balanced the impact of the change in values by adjusting the differentials that apply to some rating categories. This will ensure that the existing allocation of capital value rates to each rate category is largely maintained. The main exception to this is vacant land for whom the existing differentials are maintained.
- 12 The main features of the 2018/19 rates movement are:
 - Increase in rates for wastewater - Queenstown \$34 per connection per annum; Wanaka \$58, Luggate \$60; Arrowtown \$18 and Arthurs Point \$70;
 - Increase in rates for water supply - Wanaka and Arrowtown \$20 per connection per annum;

- Increase in rates for the sports, halls and libraries charge of \$46 per annum which impacts residential properties only;
- Increase in rates for Wanaka Pool of \$41 per annum - this is within forecast. This impacts residential properties in the Wanaka ward;
- Increase in waste management rates of \$23 for residential properties and \$32 for non-residential;
- Decrease in uniform annual general charge of \$6 per property;
- Decrease in rates for Alpine Aqualand of \$4 per annum; this impacts residential in the Wakatipu/Arrowtown wards;
- Change in rates differential factors following the 2017 Rating Revaluation (this was a matter consulted on); and
- Change in rating policy for Arthurs Point water to the urban 2 tier model (this was a matter consulted on).

13 The following tables shows the final indicative rate movements, in the vast majority of cases the movements shown here reflect a more favourable outcome than presented in the final 10 Year Plan (LTP):

SUMMARY OF INDICATIVE TOTAL RATE MOVEMENTS 18/19				
Median Values				
			Rates	Rates
PROPERTY TYPE	CV	LOCATION	%	\$
RESIDENTIAL	\$1,090,000	QUEENSTOWN	6.95%	\$189
COMMERCIAL	\$1,890,000	QUEENSTOWN	4.74%	\$281
ACCOMMODATION	\$2,081,000	QUEENSTOWN	5.66%	\$528
M/U ACCOMMODATION	\$1,260,000	QUEENSTOWN	3.15%	\$117
VACANT	\$700,000	QUEENSTOWN	7.74%	\$153
M/U COMMERCIAL	\$1,250,000	QUEENSTOWN	9.23%	\$304
RESIDENTIAL	\$845,000	WANAKA	7.00%	\$182
COMMERCIAL	\$1,045,000	WANAKA	0.48%	\$23
ACCOMMODATION	\$1,100,000	WANAKA	0.67%	\$47
M/U ACCOMMODATION	\$900,000	WANAKA	1.38%	\$49
PRIMARY INDUSTRY	\$5,050,000	WANAKA	1.08%	\$43
COUNTRY DWELLING	\$1,560,000	WANAKA	1.13%	\$25
VACANT	\$550,000	WANAKA	11.77%	\$223
M/U COMMERCIAL	\$880,000	WANAKA	2.98%	\$97
RESIDENTIAL	\$890,000	ARROWTOWN	7.26%	\$185
COMMERCIAL	\$1,650,000	ARROWTOWN	1.35%	\$77
ACCOMMODATION	\$1,700,000	ARROWTOWN	3.66%	\$260
M/U ACCOMMODATION	\$900,000	ARROWTOWN	3.24%	\$104
VACANT	\$720,000	ARROWTOWN	7.01%	\$139
M/U COMMERCIAL	\$900,000	ARROWTOWN	5.85%	\$174
PRIMARY INDUSTRY	\$4,100,000	WAKATIPU	6.86%	\$191
COUNTRY DWELLING	\$2,050,000	WAKATIPU	5.90%	\$126
RESIDENTIAL	\$700,000	GLENORCHY	2.38%	\$52
RESIDENTIAL	\$820,000	LAKE HAYES	6.00%	\$145
RESIDENTIAL	\$570,000	HAWEA	3.60%	\$85
RESIDENTIAL	\$700,000	LUGGATE	2.93%	\$60
RESIDENTIAL	\$650,000	KINGSTON	0.85%	\$12
RESIDENTIAL	\$860,000	ARTHURS POINT	5.84%	\$155

SUMMARY OF INDICATIVE TOTAL RATE MOVEMENTS 18/19				
Lower Values				
PROPERTY TYPE	CV	LOCATION	Rates	
			%	\$
RESIDENTIAL	\$750,000	QUEENSTOWN	9.30%	\$219
COMMERCIAL	\$430,000	QUEENSTOWN	6.92%	\$168
ACCOMMODATION	\$685,000	QUEENSTOWN	-3.41%	-\$136
M/U ACCOMMODATION	\$830,000	QUEENSTOWN	7.74%	\$229
VACANT	\$345,000	QUEENSTOWN	9.07%	\$150
M/U COMMERCIAL	\$800,000	QUEENSTOWN	10.16%	\$275
RESIDENTIAL	\$730,000	WANAKA	6.79%	\$169
COMMERCIAL	\$520,000	WANAKA	2.53%	\$77
ACCOMMODATION	\$570,000	WANAKA	-6.86%	-\$286
M/U ACCOMMODATION	\$690,000	WANAKA	7.58%	\$224
PRIMARY INDUSTRY	\$1,330,000	WANAKA	2.19%	\$40
COUNTRY DWELLING	\$1,100,000	WANAKA	6.36%	\$111
VACANT	\$440,000	WANAKA	17.69%	\$300
M/U COMMERCIAL	\$600,000	WANAKA	6.84%	\$184
RESIDENTIAL	\$925,000	ARROWTOWN	6.45%	\$168
COMMERCIAL	\$550,000	ARROWTOWN	1.96%	\$57
ACCOMMODATION	\$520,000	ARROWTOWN	0.02%	\$1
M/U ACCOMMODATION	\$760,000	ARROWTOWN	4.43%	\$132
VACANT	\$390,000	ARROWTOWN	6.33%	\$108
M/U COMMERCIAL	\$775,000	ARROWTOWN	9.52%	\$259
PRIMARY INDUSTRY	\$1,410,000	WAKATIPU	6.78%	\$107
COUNTRY DWELLING	\$1,015,000	WAKATIPU	6.12%	\$92
RESIDENTIAL	\$480,000	GLENORCHY	5.12%	\$101
RESIDENTIAL	\$730,000	LAKE HAYES	6.44%	\$151
RESIDENTIAL	\$480,000	HAWEA	5.79%	\$129
RESIDENTIAL	\$570,000	LUGGATE	4.70%	\$90
RESIDENTIAL	\$460,000	KINGSTON	6.96%	\$85
RESIDENTIAL	\$690,000	ARTHURS POINT	3.43%	\$86

SUMMARY OF INDICATIVE TOTAL RATE MOVEMENTS 18/19				
Higher Values				
PROPERTY TYPE	CV	LOCATION	Rates	
			%	\$
RESIDENTIAL	\$3,650,000	QUEENSTOWN	7.79%	\$393
COMMERCIAL	\$22,700,000	QUEENSTOWN	1.34%	\$1,041
ACCOMMODATION	\$57,000,000	QUEENSTOWN	7.95%	\$19,588
M/U ACCOMMODATION	\$4,250,000	QUEENSTOWN	-1.36%	-\$113
VACANT	\$1,010,000	QUEENSTOWN	2.90%	\$68
M/U COMMERCIAL	\$1,655,000	QUEENSTOWN	9.67%	\$366
RESIDENTIAL	\$1,820,000	WANAKA	1.60%	\$61
COMMERCIAL	\$10,700,000	WANAKA	-6.31%	-\$3,287
ACCOMMODATION	\$16,900,000	WANAKA	-3.37%	-\$2,861
M/U ACCOMMODATION	\$3,550,000	WANAKA	-0.29%	-\$27
PRIMARY INDUSTRY	\$21,750,000	WANAKA	-5.57%	-\$802
COUNTRY DWELLING	\$3,710,000	WANAKA	-4.47%	-\$182
VACANT	\$1,430,000	WANAKA	10.65%	\$299
M/U COMMERCIAL	\$1,150,000	WANAKA	7.24%	\$257
RESIDENTIAL	\$2,230,000	ARROWTOWN	6.97%	\$265
COMMERCIAL	\$4,400,000	ARROWTOWN	2.60%	\$364
ACCOMMODATION	\$3,000,000	ARROWTOWN	14.11%	\$1,781
M/U ACCOMMODATION	\$2,200,000	ARROWTOWN	-2.85%	-\$155
VACANT	\$980,000	ARROWTOWN	6.99%	\$154
M/U COMMERCIAL	\$1,070,000	ARROWTOWN	5.06%	\$163
PRIMARY INDUSTRY	\$18,300,000	WAKATIPU	-1.47%	-\$161
COUNTRY DWELLING	\$6,080,000	WAKATIPU	4.01%	\$190
RESIDENTIAL	\$920,000	GLENORCHY	-0.04%	-\$1
RESIDENTIAL	\$1,150,000	LAKE HAYES	4.71%	\$128
RESIDENTIAL	\$870,000	HAWEA	-2.93%	-\$82
RESIDENTIAL	\$830,000	LUGGATE	-2.00%	-\$46
RESIDENTIAL	\$900,000	KINGSTON	-3.96%	-\$68
RESIDENTIAL	\$1,275,000	ARTHURS POINT	9.99%	\$300

Options

14 Option 1 Set the Rates for 2018/19

- Advantages: Allows Council to assess and collect rates for 2018/19.
- Disadvantages: None

15 Option 2 Do not Set the Rates for 2018/19

- Advantages: None.
- Disadvantages: Does not Allow Council to assess and collect rates for 2018/19.

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

Significance and Engagement

17 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because the setting of rates impacts on all ratepayers and is a matter of high public interest. The 10 Year Plan/ Annual Plan process, however, requires the Special Consultative Process, and as the rates are in line with those consulted on, no further consultation is required.

18 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 it provides for the delivery of Council's capital programme, which has been developed to meet the community's needs.

Financial Implications

19 The rates which are set as a result of this decision have no direct financial implication for Council. They represent the mechanism for collecting budgeted revenues adopted in the 10 Year Plan (LTP).

Council Policies, Strategies and Bylaws

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

- 10 Year Plan 2018-28, Revenue and Financing Policy

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

Local Government Act 2002 Purpose Provisions

22 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 compliance with the statutory process for the setting and collection of rates for 2018-19;

- 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

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

24 The indicative rates for 2018-19 were subject to the 10 Year Plan (LTP) process, which requires the Special Consultative Process, and as such no wider consultation is required.

Attachments

A Rates and Charges for 2018/19

(A) Rates and Charges for 2018/19

The rating system used by Council is based on Capital Value. Property valuations produced by Quotable Value as at 1 July 2017 are to be used for the 2018/19 rating year. All proposed rates in the section that follows are inclusive of GST.

Uniform Annual General Charge

Pursuant to sections 15 of the Local Government (Rating) Act 2002 (the Act), Council proposes to set a uniform annual general charge of \$74.00 on each separately used or inhabited part of every rating unit in the district.

The uniform annual general charge revenue (\$1,927,665) will be used to fund the costs associated with the following activities:

- Cemeteries.
- Community development and grants.
- Property including housing and Wanaka airport
- A general contribution to the promotion of the district.

Sports, Halls & Libraries Annual Charge

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted annual charge on each separately used or inhabited part of every rating unit with a residential component in the district as follows:

1. Residential	\$373.00
2. Residence plus Flat	\$522.00
3. Hydro Electric/Utilities	\$0.00
4. Vacant Sections	\$373.00
5. Accommodation	\$0.00
6. CBD Accommodation	\$0.00
7. Commercial	\$0.00
8. CBD Commercial	\$0.00
9. Primary Industry	\$373.00
10. Country Dwelling	\$373.00
11. Other	\$0.00
12. Mixed Use Apportioned	\$373.00

The targeted Sports, Halls & Libraries Annual charge revenue (\$8,242,795) will be used to fund the costs associated with the following activities:

Community grants (for recreational activities).

District library services.

Public halls and other community facilities.

Active recreation facilities including sportsfields and community swimming pools (excludes Alpine Aqualand and Wanaka Aquatic Centre).

Governance Rate

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted differential governance rate based on land use on the rateable capital value of all property within the Queenstown Lakes District as follows:

1. Residential	0.000110 cents in the \$
2. Residence plus Flat	0.000110 cents in the \$
3. Hydro Electric/Utilities	0.000055 cents in the \$
4. Vacant Sections	0.000110 cents in the \$
5. Accommodation	0.000110 cents in the \$
6. CBD Accommodation	0.000110 cents in the \$
7. Commercial	0.000110 cents in the \$
8. CBD Commercial	0.000110 cents in the \$
9. Primary Industry	0.000083 cents in the \$
10. Country Dwelling	0.000110 cents in the \$
11. Other	0.000110 cents in the \$
12. Mixed Use Apportioned	See note (i)

Note (i): The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The governance rate revenue (\$3,435,605) will be used to fund 80% of the costs associated with the following activities:

- Cost of democratic functions including Council and standing committees
- Cost of communications and management of Council including corporate, financial and rating administration services.

Regulatory Rate

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted differential regulatory rate based on land use on the rateable capital value of all property within the Queenstown Lakes District as follows:

1. Residential	0.000183 cents in the \$
2. Residence plus Flat	0.000183 cents in the \$
3. Hydro Electric/Utilities	0.000096 cents in the \$
4. Vacant Sections	0.000183 cents in the \$
5. Accommodation	0.000192 cents in the \$
6. CBD Accommodation	0.000192 cents in the \$
7. Commercial	0.000192 cents in the \$
8. CBD Commercial	0.000192 cents in the \$
9. Primary Industry	0.000137 cents in the \$
10. Country Dwelling	0.000183 cents in the \$
11. Other	0.000183 cents in the \$
12. Mixed Use Apportioned	See note (i)

Note (i): The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The regulatory rate revenue (\$5,793,926) will be used to fund 80% of the costs associated with the following activities:

- Regulatory and advisory services relating to planning and resource management, the district plan, building control, dog control and health and liquor licensing.

Governance & Regulatory Charge

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted Governance & Regulatory Charge on each separately used or inhabited part of every rating unit in the district as follows:

1. Residential	\$80.00
2. Residence plus Flat	\$112.00
3. Hydro Electric/Utilities	\$148.00
4. Vacant Sections	\$80.00
5. Accommodation	\$106.00
6. CBD Accommodation	\$106.00
7. Commercial	\$148.00
8. CBD Commercial	\$148.00
9. Primary Industry	\$178.00
10. Country Dwelling	\$80.00
11. Other	\$80.00
12. Mixed Use Apportioned	See note (i)

Note (i): The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The Governance & Regulatory Charge revenue (\$2,307,383) will be used to fund 20% of the costs associated with the following activities:

- Cost of democratic functions including Council and standing committees

- Cost of communications and management of Council including corporate, financial and rating administration services.
- Regulatory and advisory services relating to planning and resource management, the district plan, building control, dog control and health and liquor licensing.

Recreation & Events Rate

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted differential recreation and events rate based on land use on the rateable capital value of all property within the Queenstown Lakes District as follows:

1. Residential	0.000152 cents in the \$
2. Residence plus Flat	0.000152 cents in the \$
3. Hydro Electric/Utilities	0.000076 cents in the \$
4. Vacant Sections	0.000152 cents in the \$
5. Accommodation	0.000532 cents in the \$
6. CBD Accommodation	0.000532 cents in the \$
7. Commercial	0.000152 cents in the \$
8. CBD Commercial	0.000152 cents in the \$
9. Primary Industry	0.000030 cents in the \$
10. Country Dwelling	0.000091 cents in the \$
11. Other	0.000152cents in the \$
12. Mixed Use Apportioned	See note (i)

Note (i): The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The recreation and events rate revenue (\$5,520,150) will be used to fund 50% of the costs associated with the following activities:

- Passive recreation areas, gardens, walkways and reserves.
- The provision on public toilets.
- Provision of events and facilitation events.
- Contribution to the operating shortfall of Alpine Aqualand attributable to non-residents

Recreation & Events Charge

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a new targeted Recreation & Events Charge on each separately used or inhabited part of every rating unit in the district as follows:

1. Residential	\$161.00
2. Residence plus Flat	\$225.00
3. Hydro Electric/Utilities	\$248.00
4. Vacant Sections	\$161.00
5. Accommodation	\$728.00
6. CBD Accommodation	\$728.00
7. Commercial	\$248.00
8. CBD Commercial	\$248.00
9. Primary Industry	\$105.00
10. Country Dwelling	\$105.00
11. Other	\$161.00
12. Mixed Use Apportioned	See note (i)

Note (i): The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The recreation and events charge revenue (\$5,520,150) will be used to fund 50% of the costs associated with the following activities:

- Passive recreation areas, gardens, walkways and reserves.
- The provision on public toilets.
- Provision of events and facilitation events.
- Contribution to the operating shortfall of Alpine Aqualand attributable to non-residents

General Rate

Pursuant to Sections 13 and 14 of the Act, Council proposes to set a differential general rate based on land use on the rateable capital value of all property within the Queenstown Lakes District as follows:

1. Residential	0.000035 cents in the \$
2. Residence plus Flat	0.000035 cents in the \$
3. Hydro Electric/Utilities	0.000018 cents in the \$
4. Vacant Sections	0.000035 cents in the \$
5. Accommodation	0.000042 cents in the \$
6. CBD Accommodation	0.000042 cents in the \$
7. Commercial	0.000035 cents in the \$
8. CBD Commercial	0.000035 cents in the \$
9. Primary Industry	0.000042 cents in the \$
10. Country Dwelling	0.000042 cents in the \$
11. Other	0.000035 cents in the \$
12. Mixed Use Apportioned	See note (i)

Note (i): The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The general rate revenue (\$1,203,206) will be used to fund the costs associated with the following activities:

- Provision of emergency services (civil defence & rural fire).
- Waste management including landfill establishment.
- Forestry including wilding pine control

Roading Rate (Wanaka Ward)

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted differential roading rate based on land use on the rateable capital value of all property within the Wanaka ward on the Queenstown Lakes District as follows:

1. Residential	0.000350 cents in the \$
2. Residence plus Flat	0.000350 cents in the \$
3. Hydro Electric/Utilities	0.000088 cents in the \$
4. Vacant Sections	0.000525 cents in the \$
5. Accommodation	0.001313 cents in the \$
6. CBD Accommodation	0.001313 cents in the \$
7. Commercial	0.001313 cents in the \$
8. CBD Commercial	0.001313 cents in the \$
9. Primary Industry	0.000284 cents in the \$
10. Country Dwelling	0.000350 cents in the \$
11. Other	0.000350 cents in the \$
12. Mixed Use Apportioned	See note (i)

Note (i) The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The Wanaka roading rate revenue (\$4,599,524) will be used to fund the costs associated with the following activities:

- Wanaka wards roading network, which includes footpaths and other amenities within the road reserve.
- The development of town centre areas.
- The maintenance and upgrading of roading drainage systems.

Roading Rate (Queenstown/Wakatipu and Arrowtown Wards)

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted differential roading rate based on land use on the rateable capital value of all property within the Queenstown/Wakatipu and Arrowtown wards of the Queenstown Lakes District as follows:

1. Residential	0.000232 cents in the \$
2. Residence plus Flat	0.000232 cents in the \$
3. Hydro Electric/Utilities	0.000058 cents in the \$
4. Vacant Sections	0.000348 cents in the \$
5. Accommodation	0.000870 cents in the \$
6. CBD Accommodation	0.000870 cents in the \$
7. Commercial	0.000870 cents in the \$
8. CBD Commercial	0.000870 cents in the \$
9. Primary Industry	0.000188 cents in the \$
10. Country Dwelling	0.000232 cents in the \$
11. Other	0.000232 cents in the \$
12. Mixed Use Apportioned	See note (i)

Note (i) The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The Wakatipu/Arrowtown roading rate revenue (\$8,780,295) will be used to fund the costs associated with the following activities:

- Wakatipu/Arrowtown ward's roading network, which includes footpaths and other amenities within the road reserve.
- The development of town centre areas.
- The maintenance and upgrading of roading drainage systems.

Stormwater Rate (Wanaka Ward)

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted stormwater rate based on land use of the rateable capital value of the following categories of property within the Wanaka ward of the Queenstown Lakes District as follows:

1. Residential	0.000120 cents in the \$
2. Residence plus Flat	0.000120 cents in the \$
3. Hydro Electric/Utilities	0.000030 cents in the \$
4. Vacant Sections	0.000120 cents in the \$
5. Accommodation	0.000120 cents in the \$
6. CBD Accommodation	0.000120 cents in the \$
7. Commercial	0.000120 cents in the \$
8. CBD Commercial	0.000120 cents in the \$
9. Other	0.000120 cents in the \$
10. Mixed Use Apportioned	See note (i)

Note (i) The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The Wanaka stormwater rate revenue (\$843,578) will be used to fund the costs associated with the following activities:

- The maintenance and upgrading of stormwater reticulation systems.

Stormwater Rate (Queenstown/Wakatipu and Arrowtown Wards)

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted stormwater rate based on land use of the rateable capital value of the following categories of property within the Queenstown/Wakatipu and Arrowtown wards of the Queenstown Lakes District as follows:

1. Residential (ii)	0.000086 cents in the \$
2. Residence plus Flat plus Flat (ii)	0.000086 cents in the \$
3. Hydro Electric/Utilities	0.000022 cents in the \$
4. Vacant Sections (ii)	0.000086 cents in the \$
5. Accommodation	0.000086 cents in the \$
6. CBD Accommodation	0.000086 cents in the \$
7. Commercial	0.000086 cents in the \$
8. CBD Commercial	0.000086 cents in the \$
9. Other	0.000086 cents in the \$
10. Mixed Use Apportioned	See note (i)

Note (i) The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

Note (ii) Excludes property within the Jacks Point Special Zone.

The Wakatipu/Arrowtown stormwater rate revenue (\$1,447,777) will be used to fund the costs associated with the following activities:

- The maintenance and upgrading of stormwater reticulation systems.

Tourism Promotion Rate (Wanaka Ward)

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted tourism promotion rate based on land use on the rateable capital value of the following categories of property within the Wanaka ward of the Queenstown Lakes District as follows:

1. Accommodation	0.001050 cents in the \$
2. CBD Accommodation	0.001050 cents in the \$
3. Commercial	0.001050 cents in the \$
4. CBD Commercial	0.001050 cents in the \$
5. Hydro Electric/Utilities	0.000263 cents in the \$
6. Mixed Use Apportioned	See note (i)

Note (i) The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The Wanaka tourism promotion rate revenue (\$1,184,335) will be used to fund the costs associated with the following activities:

- To finance promotional activities of Lake Wanaka Tourism.

Tourism Promotion Rate (Queenstown/Wakatipu Wards)

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted tourism promotion rate based on land use on the rateable capital value of the following categories of property within the Queenstown/Wakatipu Wards of the Queenstown Lakes District as follows:

1. Accommodation	0.000731 cents in the \$
2. CBD Accommodation	0.000731 cents in the \$
3. Commercial	0.000731 cents in the \$
4. CBD Commercial	0.000731 cents in the \$
5. Hydro Electric/Utilities	0.000183 cents in the \$
6. Mixed Use Apportioned	See note (i)

Note (i) The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The Wakatipu tourism promotion rate revenue (\$3,943,129) will be used to fund the costs associated with the following activities:

- To finance promotional activities of Destination Queenstown

Tourism Promotion Rate (Arrowtown Ward)

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted tourism promotion rate based on land use on the rateable capital value of the following categories of property within the Arrowtown Ward of the Queenstown Lakes District as follows:

1. Accommodation	0.000833 cents in the \$
2. CBD Accommodation	0.000833 cents in the \$
3. Commercial	0.000833 cents in the \$
4. CBD Commercial	0.000833 cents in the \$
5. Hydro Electric/Utilities	0.000208 cents in the \$
6. Mixed Use Apportioned	See note (i)

Note (i) The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

The Arrowtown tourism promotion rate revenue (\$140,930) will be used to fund the costs associated with financing the following activities:

- To finance promotional activities of the Arrowtown Promotion Association.

Waste Management Charges

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted waste management charge on each separately used or inhabited part of every rating unit in the district, as follows:

1. Residential	\$152.00
2. Residence plus Flat	\$213.00
3. Hydro Electric/Utilities	\$125.00
4. Vacant Sections	\$125.00
5. Accommodation	\$125.00
6. CBD Accommodation	\$125.00
7. Commercial	\$125.00
8. CBD Commercial	\$125.00
9. Primary Industry	\$152.00
10. Country Dwelling	\$152.00
11. Other	\$125.00
12. Mixed Use Apportioned	\$152.00

The Waste Management Charge revenue (\$3,743,145) will be used to fund the costs associated with the following activities:

- To fund the operating deficit of the transfer stations and the recycling initiatives proposed in the Waste Management Strategy.

Aquatic Centre Charge (Queenstown/Wakatipu and Arrowtown Wards)

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted Aquatic Centre charge on each separately used or inhabited part of every rating unit with a residential component in the Queenstown / Wakatipu and Arrowtown Wards, as follows:

1. Residential	\$96.00
2. Residence plus Flat	\$134.00
3. Hydro Electric/Utilities	\$0.00
4. Vacant Sections	\$96.00
5. Accommodation	\$0.00
6. CBD Accommodation	\$0.00
7. Commercial	\$0.00
8. CBD Commercial	\$0.00
9. Primary Industry	\$96.00
10. Country Dwelling	\$96.00
11. Other	\$0.00
12. Utilities	\$0.00
13. Mixed Use Apportioned	\$96.00

The Aquatic Centre Charge revenue (\$1,312,213) will be used to fund the costs associated with the following activities:

- To fund the operating shortfall of Alpine Aqualand attributable to residents

Aquatic Centre Charge (Wanaka Ward)

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted Aquatic Centre charge on each separately used or inhabited part of every rating unit with a residential component in the Wanaka Ward, as follows:

1. Residential	\$181.00
2. Residence plus Flat	\$253.00
3. Hydro Electric/Utilities	\$0.00
4. Vacant Sections	\$181.00
5. Accommodation	\$0.00
6. CBD Accommodation	\$0.00
7. Commercial	\$0.00
8. CBD Commercial	\$0.00
9. Primary Industry	\$181.00
10. Country Dwelling	\$181.00
11. Other	\$0.00
12. Utilities	\$0.00
13. Mixed Use Apportioned	\$181.00

The Aquatic Centre Charge revenue (\$1,508,136) will be used to fund the costs associated with the following activities:

To fund the operating shortfall of Wanaka Aquatic Centre attributable to residents

Water Supply Rates

Queenstown and District Water Supply, Arrowtown Water Supply and Wanaka Water Supply

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted rate for water supply on each separately used or inhabited part of every connected or serviceable rating unit within the respective water supply areas as follows:

Queenstown and District water supply:	\$260.00
Arrowtown water supply:	\$200.00
Wanaka and District water supply:	\$200.00
Arthurs Point water supply:	\$250.00

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted differential water supply rate based on land use on the rateable capital value of all rating units connected in the following water supply areas.

	Queenstown (cents in the \$)	Arrowtown (cents in the \$)	Wanaka (cents in the \$)	Arthurs Pt (cents in the \$)
1. Residential	0.000185	0.000200	0.000179	0.000389
2. Residential plus Flat	0.000185	0.000200	0.000179	0.000389
3. Accommodation	0.000333	0.000360	0.000322	0.000700
4. CBD Accommodation	0.000333	0.000360	0.000322	0.000700
5. Commercial	0.000296	0.000320	0.000286	0.000622
6. CBD Commercial	0.000296	0.000320	0.000286	0.000622
7. Primary Industry	0.000137	0.000148	0.000132	0.000288
8. Country Dwelling	0.000152	0.000164	0.000147	0.000319
9. Other	0.000185	0.000200	0.000179	0.000389
10. Mixed Use Apportioned	See note (i)	See note (i)	See note (i)	See note (i)

Note (i) The mixed use apportioned properties will be treated as 25% Commercial or Accommodation and 75% Residential (or plus Flat) or Country Dwelling (or plus Flat) as appropriate.

Note (ii) those properties comprising a Residence plus Flat will charged the targeted rate a factor of 1.5.

Other Water Supplies

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted rate for water supply on each separately used or inhabited part of every rating unit connected to the respective scheme, and a half charge on each separately used or inhabited part of every serviceable rating unit.

Water Supply	Full Charge (\$)	Half Charge (\$)
Glenorchy	750.00	375.00
Hawea	350.00	175.00
Lake Hayes	500.00	250.00
Luggate	560.00	280.00

The Targeted Water Supply Rates revenue (\$9,998,307) will be used to fund the costs associated with the following activities:

- (i) To provide supplies of potable (drinkable) water to the above communities.

Note (i) those properties comprising a Residence plus Flat will charged the targeted rate a factor of 1.5.

Sewerage Rates

Pursuant to sections 16, 17 and 18 of the Act, Council proposes to set a targeted sewerage rate on every rating unit connected to a district sewerage scheme, on the basis on one full charge per first pan or urinal connected, with a discounted charge on every subsequent pan or urinal connected. A half charge will apply to every serviceable rating unit. The charges for each scheme are set out in the schedule below.

Note (i): every rating unit used exclusively or principally as a residence of not more than one household is deemed to have not more than one connection.

Note (ii) those properties comprising a Residence plus Flat will charged the targeted rate a factor of 1.5.

Sewerage Scheme	Charge for 1st pan connected (\$)	Half Charge capable of connection (\$)	Charge per pan after 1 connected (\$)
Wanaka/Albert Town	612.00	306.00	306.00
Arrowtown	704.00	352.00	352.00
Arthurs Point	600.00	300.00	432.00
Hawea	530.00	265.00	265.00
Lake Hayes	480.00	240.00	240.00
Luggate	740.00	370.00	370.00
Queenstown	646.00	323.00	323.00

The Targeted Sewerage Rates revenue (\$13,741,186) will be used to fund the costs associated with providing public sewerage services to the above communities.

Due Dates for Payments

The Council proposes that the above rates and charges for the financial year commencing on the 1st day of July 2015 are payable in four instalments, the due dates and last days for payment without penalty being as follows:

	Due Date	Last Day for Payment (without 10% penalty)
Instalment One	7 September 2018	28 September 2018
Instalment Two	19 October 2018	23 November 2018
Instalment Three	18 January 2019	22 February 2019
Instalment Four	19 April 2019	24 May 2019

Payment of Rates

Rates payments can be made during normal office hours at:

- Civic Centre, 10 Gorge Road, Queenstown
- Wanaka Service Centre, Ardmore Street, Wanaka
- Arrowtown Public Library, Buckingham Street, Arrowtown

Or by direct debit and internet banking.

Additional Charges (Penalties)

Pursuant to Sections 24, 57 and 58 of the Act, Council proposes that the following penalties will apply under delegated authority to the Rating Administrator:

- A penalty of 10% will be added to the rates and charges levied in each instalment which remains unpaid on the day after the last day for payment date as shown above (i.e. the penalty will be added on 29 September 2018, 24 November 2018, 23 February 2019 and 25 May 2019 respectively).
- A penalty of 10% will be added to the amount of rates or instalments (including penalties) levied in any previous financial year and remaining unpaid on 30 September 2018.
- A second penalty of 10% will be added to the amount of rates or instalments (including penalties) levied in any previous financial year which remains unpaid on 31 March 2019.

Differential Matters Used to Define Categories of Rateable Land

Where Council's propose to assess rates on a differential basis they are limited to the list of matters specified in Schedule Two of the Local Government (Rating) Act 2002. Council is required to state which matters will be used for what purpose, and the category or categories of any differentials.

Differentials by Land Use

The categories are:

1. **Residential**
All rating units which are used exclusively or principally for residential purposes, but excluding properties categorised as pursuant to clause 8 (Primary Industry), clause 9 (Country Dwelling) or to clause 13 (Mixed Use Apportioned).
2. **Residential plus Flat**
All rating units comprising a single dwelling and a residential flat which are used exclusively or principally for residential purposes, but excluding properties categorised as clause 11 (Country Dwelling plus Flat).
3. **Hydro Electric/ Utilities**
All rating units on which there are structures used exclusively or principally for, or in connection with, the generation of hydro-electric power, including structures used to control the flow of water to other structures used for generating hydro-electric power and all rating units used exclusively or principally for network utility services including water supply, wastewater, stormwater, electricity, gas & telecommunications.
4. **Vacant Sections**
All rating units which are vacant properties and suitable for development.
5. **Accommodation**
All rating units used exclusively or principally for the accommodation of paying guests on a short term basis (nightly, weekly or for periods up to a month) including hotels, motels, houses and flats used for such purposes, commercial time share units, managed apartments, bed and breakfast properties, motor camps and home stay properties; but excluding properties categorised as pursuant to clause 13 (Mixed Use Apportioned) or clause 6 (CBD Accommodation).
6. **CBD Accommodation**
All rating units used exclusively or principally for the accommodation of paying guests on a short term basis including hotels, motels, houses and flats used for such purposes, commercial time share units, managed apartments, bed and breakfast properties, motor camps and home stay properties located within the Town Centre Zones contained in the Queenstown Lakes District Council's District Plan as at 1 July of the current rating year; but excluding properties categorised as pursuant to clause 13 (Mixed Use Apportioned).
7. **Commercial**
All rating units used exclusively or principally for commercial activities including industrial, retail, transport, utility services, storage, recreation and tourist operations, offices, or rest homes; but excluding properties categorised as Hydro-Electric Power, Accommodation, CBD Accommodation, Primary Industry, or pursuant to clause 13 (Mixed Use Apportioned) or clause 8 (CBD Commercial).
8. **CBD Commercial**
All rating units used exclusively or principally for commercial activities including industrial, retail, transport, utility services, storage, recreation and tourist operations, offices, or rest homes located within the Town Centre Zones contained in the Queenstown Lakes District Council's District Plan as at 1 July of the current rating year; but excluding properties categorised as CBD Accommodation or pursuant to clause 13 (Mixed Use Apportioned).
9. **Primary Industry**
All rating units:
Used exclusively or principally for agricultural or horticultural purposes including dairying, stock fattening, arable farming, sheep, market gardens, vineyards, orchards, specialist livestock, forestry or other similar uses, or which are ten hectares or more in area and located in any of the Rural or Special Zones contained in the Queenstown Lakes District Council's District Plan as at 1 July of the current rating year.

10. Country Dwelling

All rating units of less than 10 hectares, located in any of the Rural Zones (except for the land zoned as Rural Residential north of Wanaka township in the vicinity of Beacon Point Road bounded by the low density residential zone to the south, Penrith Park zone to the north and Peninsula Bay to the east and the land zoned as Rural General off Mt Iron Drive comprising of Liverpool Way; Cascade Drive; Bevan Place and Islington Place) or Special Zones (excluding Penrith Park; Remarkables Park; Quail Rise; Woodbury Park; Lake Hayes Estate; Shotover Country; Jacks Point; Peninsula Bay; and Meadow Park) as shown in the Queenstown Lakes District Council's District Plan, which are used exclusively for Residential purposes.

11. Country Dwelling plus Flat

All rating units comprising a single dwelling pursuant to clause 10 and a residential flat which are used exclusively or principally for residential purposes.

12. Other

Any rating unit not classified under any of the other categories.

13. Mixed Use Apportioned

All rating units which are used in part, but not exclusively, for residential purposes, and in part, but not principally, for commercial or accommodation purposes. Usage in part may be determined by:

- a. The physical portion of the rating unit used for the purpose, or
- b. The amount of time (on an annual basis) that the rating unit is used for the purpose.

Note: the Mixed Use Apportioned classification will not be applied to residential rating units used for accommodation purposes for a single period of up to 28 consecutive days in any rating year.

These categories are used to differentiate the following rates:

general rate, targeted rates: sports halls & libraries charge; governance rate; regulatory rate; recreation & events rate; governance & regulatory charge; recreation & events charge; roading rate; stormwater rate; tourism promotion rates; waste management charge; aquatic centre charges; water supply rates.

Targeted Rates Based on Location

The categories are:

1. Location within the Wanaka ward.
2. Location within the Queenstown/Wakatipu ward or the Arrowtown ward.

These categories are used to differentiate the following targeted rates:

- roading rate; stormwater rate; tourism promotion rates; aquatic centre charge.

Targeted Rates Based on Availability of Service

The categories are:

1. Connected
Any rating unit that is connected to a Council operated water scheme or is connected to a public sewerage drain.
2. Serviceable
Any rating unit within the area of service that is not connected to a Council operated water scheme but is within 100 metres of any part of the waterworks and to which water can be supplied. Any rating unit within the area of service, that is not connected to a public sewerage drain, but is within 30 metres of such a drain, and is capable of being connected.

These categories are used to differentiate the following targeted rates:

- water supply rates, water scheme loan rates, sewerage rates, sewerage scheme loan rates.

Definition of “Separately Used or Inhabited Parts of a Rating Unit”

Where rates are calculated on each separately used or inhabited part of a rating unit, the following definitions will apply:

- Any part of a rating unit that is used or occupied by any person, other than the ratepayer, having a right to use or inhabit that part by virtue of a tenancy, lease, licence, or other agreement.
- Any part or parts of a rating unit that is used or occupied by the ratepayer for more than one single use.

The following are considered to be separately used parts of a rating unit:

- Individual flats or apartments
- Separately leased commercial areas which are leased on a rating unit basis
- Vacant rating units
- Single rating units which contain multiple uses such as a shop with a dwelling or commercial activity with a dwelling
- A residential building or part of a residential building that is used, or can be used as an independent residence.

An independent residence is defined as a liveable space with its own kitchen, living and toilet/bathroom facilities that can be deemed to be a secondary unit to the main residence. Note: the definition of a kitchen comes from the District Plan.

The following are not considered to be separately used parts of a rating unit:

- A residential sleep-out or granny flat that does not meet the definition of an independent residence
- A hotel room with or without kitchen facilities
- A motel room with or without kitchen facilities
- Individual storage garages/sheds/portioned areas of a warehouse
- Individual offices or premises of business partners.

District Plan definition of a Kitchen:

Means any space, facilities and surfaces for the storage, rinsing preparation and/or cooking food, the washing of utensils and the disposal of waste water, including a food preparation bench, sink, oven, stove, hot-plate or separate hob, refrigerator, dish-washer and other kitchen appliances.

**QLDC Council
6 September 2018**

Report for Agenda Item: 7

Department: Finance

Budget Carry Forwards for 2017/18

Purpose

The purpose of this report is to adjust the budget for the 2018/19 financial year as a result of requests for budget carry forwards.

Recommendation

That Council:

1. **Authorises** adjustments to the budgets for the 2018/19 financial year in order to provide for capital expenditure carry forwards of \$22,494,699 and Transport Infrastructure Funding of \$755,000 from the 2017/18 Parking Surplus as included in Attachment A; and
2. **Authorises** adjustments to the budgets for the 2018/19 financial year in order to provide for operational expenditure carry forwards of \$691,500 (net) as included in Attachment B.

Prepared by:

Reviewed and Authorised by:



Jeremy Payze
Management Accountant

22/08/2018



Stewart Burns, GM Finance
Legal & Regulatory

22/08/2018

Background

- 1 In some instances, it will not be possible to complete all capital projects within original time frames. Where projects have not been completed by 30 June 2018, the budget manager must request that funding be carried forward from 2017/18 to 2018/19.
- 2 Once the carry forward is approved, the budget for 2018/19 is then adjusted.

Carry Forwards 2017/18

- 3 The process for approving carry forwards for inclusion in the 2018/19 budget is as follows:
 - a) Initial requests for carry forward called for by 27 July 2018
 - b) Carry forward requests reviewed by GM, CEO and CFO
 - c) Requests for carry forward endorsed by executive are prepared for consideration by full Council
 - d) Final requests for carry forward updated for latest financial data
 - e) Consideration by full Council on 6 September 2018

The instructions given to Budget managers regarding requests for carry forwards are as follows:

- i) The amount of carry forward is limited to the total amount of unspent capital budgets for the GL activity in question.
 - ii) Applications for carry forward must relate to the original approved project.
 - iii) Budgets comprising provisions (with no defined projects) will not be considered for carry forward.
- 4 In addition to these basic principles, the executive sought to minimise carry forwards by testing requests against provision of budgets in the 2018/19 year.
 - 5 Most of the final carry forwards reflect the situation where the project is committed and is underway but incomplete at 30 June 2018.

Options

- 6 Option 1: Authorise the Carry Forwards and adjust the 2018/19 budget.
 - 7 Advantages: Provides budget for previously approved projects in the year that the work is carried out.
 - 8 Disadvantages: None
- 9 Option 2: Do not authorise the Carry Forwards and do not adjust the 2018/19 budget
- 10 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

- 11 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because all of these projects were subject to the Annual Plan process, which requires the Special Consultative Process, and as such no wider consultation is required.

- 12 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 it provides for the delivery of Council's capital programme, which has been developed to meet the community's needs.

Financial Implications

- 13 The approved capital budget for the 17/18 Annual Plan totalled \$64.2m, this was further supplemented by \$11.7m of carried forward budget from the 2016/17 financial year. Adjustments to this budget have been agreed throughout the year. A summary of these movements is detailed below in Table A.
- 14 The actual expenditure in 17/18 was \$55.6m, which was 80.4% of the adjusted budget of \$69.19m as at 30 June 2018.
- 15 The total of capital carry forward requests from 2017/18 to 2018/19 for approval now by Council is \$10.3m. The addition of this carry forward to carry forwards approved throughout the year brings the total to \$22.5m (2016/17 to 2017/18 was \$20.1m). An additional \$0.75m is requested as a budget adjustment to be allocated to public transport minor Infrastructure projects in 18/19. This will be funded from the 17/18 operational parking surplus (Transport Infrastructure Fund) and has been approved by the Infrastructure Committee
- 16 The total operational carry forward requests approved by senior executives is \$0.7m (2016/17 to 2017/18 was 0.8m). \$0.2m of this is for economic development labour market initiatives; \$0.04m timing of Coronet Peak harvest costs; \$0.2m for timing of the Skyline tree management contribution; and \$0.25m for allocation of Transport Infrastructure Funding from the 17/18 Parking Surplus to 18/19 Projects to support public transport initiatives including network mapping and website development.
- 17 Through the carry forward process we recognised negative carry forwards were required. This situation occurs where larger construction projects are ahead of schedule. The total of capital budget to be brought forward from 2018/19 to 2017/18 is \$0.2m, which mainly represents timing of deliver for the Project Shotover Disposal Field.
- 18 The financial impact on approved budgets for 2018/19 is neutral because the approved funding from 2017/18 is also brought forward. The funding will be a mix of loans, transfers from reserves (depreciation, development contributions and land sales), NZTA subsidy and rates.

Table A

		\$
Original Total Annual Plan Budget 17/18		64,118,200
Budget carried forwards from 16/17 to 17/18		11,667,191
Adjustments throughout the year - carry forwards, new projects & brought Forwards		
Budget Carry Forwards 17/18 to 18/19		
- Wanaka Land Reserve (Provision)	- 2,000,000	
- Rising Main - Shotover Country to Glenda Dr	- 2,000,000	
- Project Shotover Disposal Field	- 1,181,616	
- Other Carry Forwards	- 6,959,363	
Subtotal Carry Forwards		- 12,140,979
New Budget approved		
- LED Street Light Replacements Wak & Wan	2,000,000	
- Arrowtown Community & Sports Centre Fund	950,000	
- LTP Enabling Works & Procurement Plan	700,000	
- Other	712,140	
Subtotal New Budget approved		4,362,140
Budget Brought Forward 18/19 to 17/18		
- HIF Business Cases for Quail Rise, Ladies Mile and Kingston	840,000	
- Wanaka Office Improvements	200,000	
- Other	400,000	
Subtotal Brought Forward approved		1,440,000
Other Adjustments		- 253,090
Adjusted capital budget 17/18		69,193,462

Council Policies, Strategies and Bylaws

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

- 10 Year Plan 2015-25, Annual Plan 17-18, Annual Plan 18/19.

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

Local Government Act 2002 Purpose Provisions

21 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 budget for the completion of the 2017-18 capital programme;
- 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

- 22 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes district community.
- 23 These projects were all subject to the Annual Plan process, which requires the Special Consultative Process, and as such no wider consultation is required.

Attachments

- A Combined Capital Carry Forwards from 2017/18 to 2018/19
- B Combined Operational Carry Forwards for 2018/19

CAPEX Carry Forwards 2017/18 to 2018/19

Line Ref	Programme	Project Code	Project Description	Carry forward comment	Budget 2017-18	Actuals 2017-18	Var to Budget	Commitments	C Fwds 17/18 Previously approved	Carry Forward June 18	Total Carry Forward
1	Property	000101	Waterways Minor Repairs and Renewals Wak	Order placed for sealight buoys and lanterns. No budget 18/19.	15,707	675	15,032	7,400	-	7,400	7,400
2		000231	AMP Improvements - Property	Bring financial transactions from property related expenses into TechOne, so they can be analysed in-house. Build on the existing property asset data and introduce an asset structure to accommodate condition inspections and maintenance schedules.	62,835	4,573	58,262	1,078	-	58,262	58,262
3		000489	Arrowtown Property Lighting	To complete stage 2 of property lighting for alignment with the Arrowtown Heritage Lighting Plan. Estimated completion date 30th September. Delay due to contractor availability.	84,484	29,367	55,116	20,874	-	55,116	55,116
4		000520	QEC Resilience Project - Stage 1	Investigations continue to determine preferred design option for strengthening works and minor upgrades.	344,614	72,644	271,970	41,588	-	271,970	271,970
5		000607	Event Signage	Works underway to complete design, consenting and install of new Events Signage. Location for initial trial now determined at Lake Hayes Pavilion.	40,000	-	40,000	-	-	40,000	40,000
6		000736	Frankton Beach Jetty	Required to continue with consenting and design for new ferry service.	189,000	63,677	125,323	26,182	-	125,323	125,323
7		000490	Frankton Marina Boat Ramp Reinstatement	To complete relocation of public jetty. Contract now awarded for the removal of pontoon and piles. Project delay due to limited contractor availability to undertake this specialist work within time frame required.	262,932	28,149	234,783	18,704	-	234,783	234,783
8		000742	14 Nairn Street Disposal - Costs of Sale	To dispose of property, costs of sale include maintenance, conveyancing and Agents fees.	62,000	8,355	53,645	2,145	-	53,645	53,645
9		000565	Wanaka Land Reserve	Carry forward previously approved.	-	-	-	-	2,000,000	-	2,000,000
10		000730	Luggate Hall Replacement	To complete works to install a relocatable building to serve as a temporary Community Hall and progress with design of new building.	90,000	16,770	73,230	70,977	-	73,230	73,230
11		000221	Civic Building (Gorge Road Office)	Work underway to determine scope, project plan dependant on structural walls.	331,000	8,877	322,123	529	-	322,123	322,123
12		000731	Wanaka Office Improvements	To complete works to install 2 x relocatable buildings at Ardmore St and refurbishment of existing office.	112,140	39,822	72,318	171,453	-	72,318	72,318
13		000732	Church Street Office Extension	To complete works to upgrade additional office accommodation.	119,000	-	119,000	105,623	-	119,000	119,000
14		000932	Queenstown Office Improvements	To complete works to install 1 x relocatable buildings at QEC (additional office accommodation).	262,440	-	262,440	-	-	262,440	262,440
15		000493	Project Connect New Office Accommodation	Remaining budget required 18/19 to complete feasibility including legal advice and concept designs.	279,306	173,050	106,256	58,788	-	106,256	106,256
	Property Total				2,255,458	445,959	1,809,500	525,341	2,000,000	1,801,868	3,801,866
16	Solid Waste	000431	Public Litter Bin Upgrades	Litter bins have been purchased. Carry forward balance for install July 18.	204,478	186,786	17,692	12,131	-	17,692	17,692
17		000558	Vermi-composting Trial	Trial is ongoing, awaiting invoices and reporting. Works forecast to be complete March 2019.	80,000	45,123	34,877	26,000	-	34,877	34,877
18		000582	Waste Diversion Project	18/19 budget \$100K. Carry forward balance to continue investigations into sludge disposal options. Closure of Project Groundswell imminent, sludge currently being diverted to land fill site out of district.	50,000	1,120	48,880	-	-	48,880	48,880
19		000735	Wanaka Transfer Station	Following works to complete access realignment to enable safe tipping into pit area, a major fault was discovered with the existing soak pit causing flooding of the surrounding area. Carry forward balance to progress investigations, determine scope and complete sump replacement and soak pit improvements.	120,000	37,378	82,622	52,137	-	82,622	82,622
20		000745	Gas Capture Facility	Budget previously brought forward to 17/18 to get project underway. Carry forward balance.	100,000	12,173	87,827	-	-	87,827	87,827
	Solid Waste Total				554,478	282,580	271,898	90,268	-	271,898	271,898
21	Transport - Sub	000074	Glenorchy SPR - Minor improvements	Carry forward balance for design of Bennetts Bluff safety improvements and installation of guardrails. Programmed to take advantage of the higher NZTA funding support rate 92%.	312,812	236,776	76,035	43,200	-	76,035	76,035
22		000352	CROWN RANGE SPR - Sealed rd resurfacing	Carry forward budget \$250K previously approved. Insufficient budget 17/18 to complete the 2 sites identified requiring rehab works.	82,000	57,576	24,424	2,254	250,000	24,424	274,424
23		000379	Resilience - GY Road Land Stabilisation	Geotechnical investigations partially complete. Budget in 18/19 for design & resilience works. Carry forward budget to align with NZTA funding at 92%.	77,564	-	77,564	-	-	77,564	77,564
24		000380	Resilience - Crown Range Road Land Const	On hold 17/18 subject to further decision on remediation measures to be undertaken. Carry forward to match NZTA funding at 84%.	484,246	36,108	448,138	-	-	448,138	448,138
25		000580	Ballantyne Road Design	Carry forward budget \$75k previously approved for physical works. Construction budget \$2.5M 18/19. Carry forward balance to complete DBC and design. NZTA approved Strategic Business Case.	200,000	57,132	142,868	60,000	75,000	142,868	217,868
26		000591	LED street light replacements Wanaka	Budget previously deferred to 18/19. Invoice received for lights July 2018. Balance	575,000	16,469	558,531	5,330	500,000	558,531	1,058,531

Line Ref	Programme	Project Code	Project Description	Carry forward comment	Budget 2017-18	Actuals 2017-18	Var to Budget	Commitments	C Fwds 17/18 Previously approved	Carry Forward June 18	Total Carry Forward
27		000600	LED street light replacements Wakatipu	required for install. NZTA approved Funding Assistance Rate 85%.	526,520	20,063	506,457	5,157	500,000	506,457	1,006,457
28		000593	Bus stop information panels and service	Information panels purchased, carry forward balance for installation.	100,000	44,586	55,414	34,130		55,414	55,414
29		000868	Wakatipu Active Travel Network	Budget previously brought forward to 17/18 to get project underway. Carry forward balance. Active Travel contract in draft.	50,000	5,530	44,470	53,055	-	44,470	44,470
30		000275	Wanaka Transport Strategy Implementation	Balance required for Wanaka Master Plan 18/19. Consolidate in project 739.	362,252	162,759	199,492	77,153	-	199,492	199,492
31		000739	Wanaka Town Centre Masterplan- Establish		100,000	44,527	55,473	149,800	-	55,473	55,473
32		000245	Frankton Flats Strategy Implementation		180,534	152,118	28,417	18,700	-	28,417	28,417
33		000747	Frankton Flats Masterplan	Balance required for Frankton Master Plan 18/19. Consolidate in project 747.	200,000	35,529	164,471	131,866	-	164,471	164,471
34		000529	Town Centre Arterials	Ongoing project. Balance required to complete Arterials Detailed Business Case.	365,411	329,660	35,751	9,830	-	35,751	35,751
35		000570	Town Centre Master Plan Implementation	Consolidate in Project 529.	1,430,107	933,299	496,808	145,804	-	496,808	496,808
36	Transport - Unsub	000076	Wakatipu - Unsub Minor Improvements	To complete physical works to formalise Glenorchy lakefront carpark. Design approved by Community Association 17/18.	387,952	239,183	148,769	9,684	-	115,000	115,000
37		000077	Wanaka Unsub - Minor Improvements	To complete upgrades to Crown Range zig zags carpark, improving entry and exit and remodelling. Design complete 17/18.	328,919	88,245	240,674	9,290	-	155,000	155,000
38		000391	Ardmore St/Lakefront Streetscape	Final programme of works to be agreed with WCB. Carry forward balance.	99,650	64,729	34,921	37,317	-	34,921	34,921
39		000562	Mt Aspiring Road Widening	Project budget removed through LTP Internal submissions process April 2018.	100,000	29,498	70,502	-	1,400,000	- 1,400,000	-
40		000604	Wiltshire St - Arrowtown	Contract agreed. Committed costs for construction 18/19.	120,000	1,979	118,021	100,000	-	118,021	118,021
41		000749	Parking Strategy	Balance required for Parking Strategy 18/19 under contract. Consolidate proj 749.	100,000	9,753	90,247	93,767	-	90,247	90,247
42		000246	Queenstown Town Centre Strategy Implement		426,038	351,573	74,465	70,000	-	74,465	74,465
	Transport Total				6,609,004	2,917,093	3,691,911	1,056,337	2,725,000	2,101,967	4,826,967
43	Storm Water	000581	Threepwood Upgrades	Construction underway to mitigate stormwater issues. Due for completion August 2018.	721,000	452,120	268,880	9,400	-	268,880	268,880
44		000728	N East Frankton Stormwater Connection	Carry forward balance to complete design works.	550,000	280,242	269,758	75,852	-	269,758	269,758
	Storm Water Total				1,271,000	732,363	538,638	85,252	-	538,638	538,638
45	Waste Water	000037	Glenorchy New Wastewater Scheme	Carry forward balance for committed costs associated with Public Consultation and Resource Consents.	201,386	161,853	39,533	25,174	-	25,000	25,000
46		000039	Aubrey Rd Stg1 Wastewater Rising Main	Carry forward budget previously approved for design phase of new Rata St Wastewater PS and Aubrey Road rising main 18/19. Construction years 2019 to 22.	-	-	-	-	137,160	-	137,160
47		000164	Cardrona New Wastewater Scheme	Works at design stage under discussions with developers. Budget in 2018-20 to complete construction. carry forward balance.	295,746	70,195	225,551	54,537	-	225,551	225,551
48		000229	Wastewater - AM Improvements	\$43k of 17/18 PO commitments substantially underway. Required to support planned 2018/19 projects.	208,270	154,713	53,557	46,092	-	43,000	43,000
49		000346	Kelvin Heights Wastewater Upgrades	carry forward budget \$350K previously approved for upgrade to Willow Place rising main, Project 781. Carry forward remaining budget to progress design.	147,537	58,285	89,252	-	350,000	89,252	439,252
50		000359	Remarkables Park Pump Stn Upgrade - Stg4	Carry forward budget previously approved. Investigations underway to confirm scope and timings of upgrades.	-	-	-	-	393,941	-	393,941
51		000366	Recreation Ground Pump Station - Stage 1	Carry forward budget \$300k previously approved to complete detailed design 18/19. Physical works 19/20.	50,000	27,549	22,451	11,135	300,000	22,451	322,451
52		000455	Establish Maintenance Access Road	Commitment \$58K for design and construction of access track to Threepwood WWPS which sits on private land.	24,009	9,694	14,315	58,400	-	14,315	14,315
53		000464	Project Shotover Stg2 - Disposal Field	Carry forward budget \$1.3M previously approved to complete upgrades to disposal field 2018-2019.	2,600,000	2,750,261	- 150,261	232,259	1,331,877	- 150,261	1,181,616
54		000552	Wwater Network Cond Deterioration Model	Physical works significantly completed on \$93k of PO commitments.	227,050	109,553	117,497	91,649	-	93,000	93,000
55		000554	Connect Luggate to Project Pure	Carry forward budget previously approved for physical works 18/19, Construction budget \$2.4M. carry forward balance of budget to progress design.	350,000	243,044	106,956	54,220	483,001	106,956	589,957
56		000560	Wastewater Treatment Screenings Facility	Contract signed for the works. Screens are ordered and long lead time. Due for completion February 2019.	600,000	9,287	590,713	541,721	-	541,721	541,721
57		000561	Marine Parade Pumping Station Risk	Further improvements to install new manhole connections (existing manhole failure as unsuitable for new connection).	1,183,186	1,032,584	150,602	3,691	-	150,602	150,602
58		000588	Trade Waste - Customer Management System	Bylaw review underway. carry forward budget previously approved to complete system implementation 18/19.	20,000	7,713	12,287	7,288	35,000	12,287	47,287
59		000740	Network Consents Programme	Slip due to slow response from ORC, engagement now underway, remaining budget required to complete project in 2018/19.	200,000	168,476	31,524	133,629	-	31,524	31,524
60		000750	Luggate New Wastewater Treatment Plant	Council has recently acquired the Luggate Waste Water Treatment Plant. New budget approved in Mar 18 re-forecast to undertake works following risk assessment and plant defects list. Underway.	50,000	-	50,000	21,766	-	50,000	50,000
	Waste Water Total				6,157,184	4,803,208	1,353,977	1,281,559	3,030,979	1,255,398	4,286,377

Line Ref	Programme	Project Code	Project Description	Carry forward comment	Budget 2017-18	Actuals 2017-18	Var to Budget	Commitments	C Fwds 17/18 Previously approved	Carry Forward June 18	Total Carry Forward
61	Water Supply	000228	Water Supply - AM Improvements	Works substantially underway on \$30k of 17/18 commitments, generally will be completed in July/Aug 2018.	271,935	165,589	106,346	43,685	-	30,000	30,000
62		000279	Shotover Country WS - Bore	Carry forward previously approved for physical works 18/19.	50,153	62,739	- 12,586	9,515	260,000	- 12,586	247,414
63		000280	Shotover Country WS - Treatment	Carry forward previously approved for physical works 18/19.	107,934	114,330	- 6,396	57,827	650,000	- 6,396	643,604
64		000281	Rising Main - Shotover Country to Glenda	\$2m budget previously deferred to 18/19 for detailed design and physical works. Carry forward balance.	351,537	280,299	71,237	50,843	2,000,000	71,237	2,071,237
65		000330	Cardrona New Water Supply Scheme	Carry forward balance to complete interim upgrades underway for water supply plant acquired. Additional budget in 18/19 to complete.	321,684	77,703	243,981	-	-	243,981	243,981
66		000361	Glenorchy Water Reservoir Upgrade	Carry forward budget previously approved to complete physical works 18/19. carry forward balance to complete design phase.	100,215	36,490	63,724	3,974	395,000	63,724	458,724
67		000369	Hawea Water Supply Upgrades - Caples Ave	Carry forward budget previously approved for physical works. carry forward balance 17/18 budget to complete design phase.	30,713	2,150	28,563	-	220,000	28,563	248,563
68		000518	Beacon Point Reservoir	Carry forward budget \$170k previously approved. \$660k in 18/19 for physical works. Carry forward balance for design phase.	50,000	15,540	34,460	-	170,000	34,460	204,460
69		000553	Frankton Ring Main and Hanley Downs CXN	Carry forward budget \$310K previously approved. Project budget 18/19 \$1.5M to complete physical works.	180,000	167,159	12,841	58,927	310,000	12,841	322,841
70		000571	Algae Interim Investigations	\$30k grant to Upper Clutha trust paid in 18/19.	150,000	30,000	120,000	-	-	30,000	30,000
71		000578	Upgrades to meet NZDWS	Ongoing project to comply with drinking water standards. Carry forward balance to complete cryptosporidium monitoring for Lake Hayes and finalisation of standard bore design works underway.	250,000	80,183	169,817	28,836	-	23,000	23,000
72		000606	SCADA System Replacement	Required for investigation/design work underway around how to improve the robustness of our SCADA/Telemetry system.	32,600	-	32,600	41,000	-	32,600	32,600
73		000741	Western Wanaka Pressure	Project necessary to address pressure issues along Mt Aspiring Rd. Investigation work underway but will lead to some physical works and hence full budget is being sought for carry forward. Target work complete pre-summer.	50,000	-	50,000	25,147	-	30,000	30,000
74		000756	Frankton flats supply Main Section 3	Design budget previously brought forward from 18/19 to progress design to align with NZTA. Carry forward balance.	100,000	8,710	91,290	26,154	-	91,290	91,290
	Water Supply Total				2,046,769	1,040,892	1,005,877	345,907	4,005,000	672,714	4,677,714
	3 Waters Renewals										
75	Storm Water	000047	Stormwater - Renewals - Wanaka	To investigate and propose solutions for a number of high profile storm water issues in Wanaka, including; flooding sites along Aubrey Rd, Anderson Rd, Kelleher Drive and Norman Tce.	111,840	10,519	101,321	106,988	-	76,988	76,988
76	Waste Water	000025	Wastewater - Renewals - Wanaka	Required for the replacement of odour treatment systems for two of the major pump stations in Wanaka. The existing systems are no longer performing and are generating complaints. The order was committed to some months ago but the equipment has a lead time of 4-6mths.	366,000	228,307	137,693	79,406	-	79,406	79,406
77		000026	Wastewater - Renewals - Arrowtown	Required for two projects; the quicklock campaign for pipe repair, and the replacement of the switchboard at McDonnell WWPS. Minimal budget 18/19 \$119K with programme of works identified.	300,000	42,548	257,452	313,220	-	257,452	257,452
78		000028	Wastewater - Renewals - Lake Hayes	To construct an access track to one of our pump stations which sits on private land (and easement for the same).	86,081	5,749	80,332	103,902	-	42,000	42,000
79		000031	Wastewater - Renewals - Luggate	Order placed for bearings which are under order but have to come from overseas.	12,191	-	12,191	13,500	-	12,191	12,191
80	Water Supply	000007	Water Supply - Renewals - Wanaka	Two projects committed to via contract to replace Asbestos Cement pipework. Due for completion November 2018. These were delayed due to lengthy negotiations to establish a standard form of contract with Veolia for these larger works.	475,294	153,675	321,618	343,995	-	321,618	321,618
81		000011	Water Supply - Renewals - Arthurs Pt	Equipment under order and committed via PO. Due for delivery/completion September 2018. To replace UVT instrument, and replacement valve actuators which have been ordered awaiting delivery.	48,011	-	48,011	40,000	-	40,000	40,000
82		000013	Water Supply - Renewals - Hawea	To supply spare pumps (current set up has no redundancy). Pumps under order but are long lead time items.	70,000	10,975	59,025	36,000	-	30,000	30,000
	3 Waters Renewals Total				1,469,417	451,773	1,017,643	1,037,011	-	859,656	859,655

Line Ref	Programme	Project Code	Project Description	Carry forward comment	Budget 2017-18	Actuals 2017-18	Var to Budget	Commitments	C Fwds 17/18 Previously approved	Carry Forward June 18	Total Carry Forward
83	LTP Enabling Works	000746	LTP Enabling Works - Stormwater		50,000	-	50,000	19,000	-	50,000	50,000
84		000751	LTP Enabling works - Waste Water	Carry forward balance to complete enabling works required to deliver LTP 3 waters projects including planning, consenting, compliance and developing a strategic procurement plan and associated tender and contact documents.	200,000	49,768	150,232	30,000	-	150,232	150,232
85		000752	LTP Enabling works - Water Supply		300,000	135,818	164,182	91,091	-	164,182	164,182
86		000755	LTP Strategic Procurement Plan		150,000	89,980	60,020	35,583	-	60,020	60,020
	LTP Enabling Works Total				700,000	275,566	424,434	175,674	-	424,434	424,434
87	Parks and Reserves	000248	Lower Shotover Cemetery - new beams	Contract now agreed. Works to be completed 18/19.	66,695	- 264	66,959	2,506	-	66,959	66,959
88		000215	Aspiring Road - replace permaloo with Ex	Works deferred to 18/19 to align with Aspiring Road carpark upgrade.	442,792	252,559	190,233	3,922	-	190,233	190,233
89		000337	Estate of Joan Mary Anderson	Contract now agreed with works to be completed 18/19. Delayed due to contractor availability. Donated funds for memorial park including seating and paving at Windsor Place Reserve on Queenstown Hill.	107,356	2,874	104,482	-	-	104,482	104,482
90		000338	Wanaka Lakefront Reclamation	To complete design. Budget carry forward \$380K previously approved for construction works 17/18. \$2.5M budget 18/19 - Project 894 Wanaka Lakefront Development Plan.	300,297	154,517	145,780	16,470	380,000	145,780	525,780
91		000426	New vehicle access- GY Airstrip Reserve	New project setup April 18 to get works underway for access road, carpark, fencing and associated minor improvements to enable the operation of the Airstrip in accordance with the Reserve Management Plan. Carry forward balance.	200,000	38,553	161,447	25,630	-	161,447	161,447
92		000382	Playground Renewal Queenstown Bathhouse	Construction underway. Carry forward balance.	729,853	223,502	506,351	90,139	-	506,351	506,351
	Parks and Reserves Total				1,846,993	671,741	1,175,251	138,667	380,000	1,175,251	1,555,252
93	Venues and Facilities	000112	Arrowtown Hall Improvements	Required for Strengthening works - could not be completed due to operational bookings.	145,000	-	145,000	-	-	145,000	145,000
		000377	Queenstown Events Centre - Renewals Cond	The emergency lighting was not able to be completed due to waiting for the QEC resilience design work to see the impacts.	108,000	65,434	42,566	-	-	42,566	42,566
94		000540	Lake Wanaka Centre - Renewals Condition	The seating has been delivered. Payment withheld until Issues with installation resolved.	150,000	102,137	47,863	23,020	-	47,863	47,863
95		000934	Arrowtown Community & Sports Centre Fund	Per resolution at the 26/10/17 Council Meeting. \$800k contribution to new community facility at Jack Reid Park. Additional \$150k to underwrite any shortfall from grants from Central Lakes Trust of Southland	950,000	119,802	830,198	-	-	830,198	830,198
	Venues and Facilities Total				1,353,000	287,373	1,065,627	23,020	-	1,065,627	1,065,627
96	Information Management	000145	ICT Projects	Performance Planning and Risk Management delayed due to TechOne consultant availability. Hard copy file off site storage delayed to accommodate ECM resource requirements. Other projects planned for 2017/18 but not 100% completed due to competing priorities.	442,500	265,918	176,582	129,953	-	125,382	125,382
97		000151	GIS software and projects	QLDC share of Otago aerial photo consortium to be completed in 18/19.	44,400	17,413	26,987	26,987	-	26,987	26,987
98		000153	QLDC Website	To progress website review.	22,313	3,520	18,793	-	-	18,793	18,793
99		000159	Library Systems	Budget required for Frankton Library technology.	21,500	6,391	15,109	-	-	15,109	15,109
	Information Management Total				530,713	293,242	237,471	156,940	-	186,271	186,271
	Grand Total				24,794,017	12,201,791	12,592,226	4,915,975	12,140,979	10,353,721	22,494,699
Allocation of Transport Infrastructure Funding from 17/18 Parking Surplus to 18/19 Projects											
100	TIF Allocation	New Project	Public Transport Minor Infrastructure	Reallocation from OPEX Parking Surplus in cost centre 116. TIF (Transport Infrastructure Fund) allocation for public transport improvements.	-	-	-	-	-	755,000	755,000

Total Adjustment to 18/19 Capital Budgets **23,249,699**

Operational Carry Forwards from 2017/18 to 2018/19

Cost Centre	Natural Account	Amount	Comments
100 - CEO Administration	2535 - Oth Consult	8,500	Vision 2050
102 - Grants & Levies	2410 - Economic Development	198,000	Labour market initiatives - now planned for 18/19
105 - Civil Defence	2607 - Emergency Management	28,000	To contribute to cofunding of Emergency Management officer (1FTE)
106 - Infrastructure Admin	2535 - Other Consultants	67,000	One of costs for Property review, procurement and legal re contract tender
165 - Forestry - Wakatipu	1699 - Sundry Income	- 2,900,000	Forestry - Coronet Forest timing of income from harvest deferred to 18/19.
165 - Forestry - Wakatipu	2530 - Building & Grounds Maintenance	2,840,000	Forestry - Coronet Forest timing of harvest costs deferred to 18/19.
165 - Forestry - Wakatipu	2530 - Building & Grounds Maintenance	200,000	\$200k budget for Skyline tree management. Timing dependent on Skyline development
	Total Operational Carry Forwards	441,500	
Allocation of Transport Infrastructure Funding from 17/18 Parking Surplus to 18/19 Projects			

**QLDC Council
6 September 2018**

Report for Agenda Item: 8

Department: Community Services

Go Jets Wanaka – New Reserve Licence

Purpose

To consider granting a new reserve licence to Go Jets Wanaka Limited. A licence is sought to use reserve land adjacent to State Highway 6 and the Clutha River as a loading and unloading point for commercial jetboats and their passengers.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** a licence to Go Jets Wanaka Ltd over recreation reserve at Albert Town, with legal description Lot 2 DP 375247, subject to the following terms and conditions:

Commencement	1 October 2018
Term	5 years
Rent	\$500.00 plus GST per annum
Reviews	At renewal
Renewals	1 of a further 5 years by agreement of both parties
Assignment/ Sublease	With Council's approval
Use	Utilise the Albert Town reserve for loading and unloading of a boat and passengers for commercial jetboating trips. Frequency of trips to be periodically reviewed by Council.
Insurance	Requirement to have public liability insurance of \$2 million
Safety/Suspension	Council to retain ability to suspend the licence for safety purposes or to avoid large public events.

Health and Safety plan to be provided.

Council to retain the ability to suspend or terminate the activity within the reserve if required.

Other

Licensee must ensure they hold a valid resource consent for the commercial jetboating trips.

The licensee must obtain a Commercial Activity Permit in accordance with the Waterways and Ramp Fees Bylaws (if required) or successors to this policy.

Licensee must ensure that all customers/staff are aware there is no bathroom facility at the reserve, and that all rubbish is to be removed.

Vehicle parking upon the reserve may be conditional upon directives from QLDC to ensure that any vehicle presence does not affect the character and public use of the area.

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 Go Jets Wanaka Limited over Lot 2 DP 375247.
4. **Delegate** final licence terms and conditions and signing authority to the General Manager, Community Services.

Prepared by:

Reviewed and Authorised by:



Dan Cruickshank
Property Advisor - APL

16/08/2018



Aaron Burt
Senior Planner:
Parks & Reserves
20/08/2018



Thunes Cloete
Community Services
General Manager
23/08/2018

Background

- 1 Go Jets Wanaka Ltd (the applicant) has been in operation since 2004. The company has been active under two existing resource consents granted over the past 13 years and is now seeking a licence to operate on Council's reserve. The licence requirement was an oversight at the time the resource consents were granted.

- 2 The two existing resource consents allow for eight return trips on the Clutha River per day and 100 trips per annum respectively. It is intended that the new licence as sought, will supplement the applicant's existing resource consents.
- 3 The reserve land will serve as the primary location to enable access from the road and toward the boat ramp for boat loading and unloading. The reserve will also serve to provide an area for customers to embark and disembark the passenger vehicle, and enable access for trips on the river. The vehicle and trailer will remain on the reserve for the duration of the trips
- 4 The Wanaka Community Board considered the matter at a meeting on 12 April 2018 and approval was given to notify the intention to grant a licence. The intention to grant the licence was notified on 25 April 2018, calling for submissions. The submission period closed on 25 May 2018 and five submissions were received, all opposed. They are summarised as follows:

Submitter	For/Against	Overview (please refer to original submissions attached)
Adrian Camm	Against	Unsafe due to increasing river users, noise for nearby residents
Ian Hall	Against	Unsuitable location for commercial jet boating, damage to river bank, dangerous, no facilities.
Graham Walmsley	Against	Many submissions on the matter of the Navigation Safety Bylaw (NSB) process, area well used and only getting busier, sets precedent for other commercial jet boat companies, resource consent would allow even more trips if landowner approval given, noise, safety (for swimmers), inconsistent with management plan (see commentary below), inconsistent with QLDC District Plan (see submission). Maybe grant temporary licence (until NSB is complete) with limited times (e.g. not weekends or late afternoons).
Albert Town Community Association (Nathan Weathington)	Against	Noise, environmental degradation and safety, contrary to management plan. Maybe issue short-term licence until NSB is complete.
Catherine Rezaei	Against	Noise, safety, conflict with private users, request contrary to Reserve Management Plan and District Plan.

- 5 A hearing was held on 5 July 2018. The minutes of that hearing are included as Attachment B. In considering the submissions, the hearing panel was only able to have regard to matters associated with the applicant's use of the reserve. The deliberations are taken to constitute a statement to the extent to which the submissions have been allowed or accepted, or disallowed or not accepted. A number of the matters being submitted on (as summarised in the table above), instead relate to the activity on the river or river bank, which is outside of the reserve.

6 The hearing panel's recommendation to Council is as follows:

That Queenstown Lakes District Council approve a licence to Go Jets Wanaka Ltd over recreation reserve at Albert Town, with legal description Lot 2 DP 375247, subject to the following terms and conditions:

Commencement	1 October 2018
Term	5 years
Rent	\$500.00 plus GST per annum
Reviews	At renewal
Renewals	1 of a further 5 years by agreement of both parties
Assignment/ Sublease	With Council's approval
Use	Utilise the Albert Town reserve for loading and unloading of boats and passengers for commercial jetboating trips. Frequency of trips to be periodically reviewed by Council.
Insurance	Requirement to have public liability insurance of \$2 million
Other	<p>Council to retain ability to suspend the licence for safety purposes or to avoid large public events.</p> <p>Health and Safety plan to be provided.</p> <p>Council to retain the ability to suspend or terminate the activity within the reserve if required.</p> <p>Licensee must ensure they hold a valid resource consent for the commercial jetboating trips.</p> <p>The licensee to obtain a Commercial Activity Permit in accordance with the Waterways and Ramp Fees Bylaws (if required) or successors to this policy.</p> <p>Licensee to ensure that all customers/staff are aware there is no bathroom facility at the reserve, and that all rubbish is to be removed.</p> <p>Vehicle parking upon the reserve may be conditional upon directives from QLDC to ensure that any vehicle presence does not affect the character and public use of the area.</p>

Comment

- 7 The reserve is covered by the Albert Town Recreation Reserve Management Plan (2010). The current activities do not contravene any of the policies in the Management Plan as no structures are proposed and the activity will not inhibit any of the listed activities from operating. However, it is noted the existing resource consents were granted prior to this management plan implementation in 2010.
- 8 The harbourmaster has been consulted on the proposed operating procedures and has provided approval to the company's Safety Operating Procedures Plan. However, this relates to activities upon the waterway.
- 9 The proposed licence will be conditional on the applicant abiding by all rules and requirements of the existing resource consents. These include a variety of conditions covering hours of operation, number of trips per year/day and health and safety requirements etc.
- 10 The applicants have specified in their application how they will manage waste and toilet requirements for their customers. Prior to arriving at the reserve, it will be outlined that there are no toilet facilities on site and customers will be offered the use of public toilets in Wanaka. All waste from the activity and any additional rubbish found on site will be removed by the applicant.

Options

- 11 Option 1 To approve a licence to Go Jets Wanaka Limited over recreation reserve with legal description Lot 2 DP 375247.

Advantages:

- 12 Allows for a commercial activity that provides an enabling form of recreational tourism and enjoyment.
- 13 Supports an established local business operator.
- 14 Will provide a rental fee.

Disadvantages:

- 20 Will be generally at odds with the submissions made by the Albert Town Community Association and the other submitters.
- 21 May increase or create congestion on the reserve, particularly in peak periods.
- 22 Will require Council management of the activity on the reserve to ensure that the applicant abides by the licence terms.
- 23 Option 2 To decline the application by Go Jets Wanaka Ltd.

Advantages:

- 24 Would not be generally at odds with the submissions made by the Albert Town Community Association and the other submitters.

25 Would not increase or create congestion on the reserve, particularly in peak periods.

26 Would not require Council management of the activity on the reserve.

Disadvantages:

27 Would not allow for a commercial activity that provides an enabling form of recreational tourism and enjoyment.

28 Would not support an established local business operator.

29 Would not provide a rental fee.

30 This report recommends **Option 1** for addressing the matter as the recommendations proposed provide a balance between Council control and the ability for the reserve to be used for recreational tourism.

Significance and Engagement

31 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves a riverside reserve and council infrastructure (upper boat ramp/access), that can be used by many local rate payers as well as tourists visiting the area.

Risk

32 This matter related to the operational risk, OR011A Decision Making as documented in the Council's risk register. The risk is classed as moderate. The risk is mitigated by the need to publicly notify the licence and consider any submissions received prior to considering granting a licence.

Financial Implications

33 It is proposed that Council will receive base income of \$500+GST.

34 All legal fees associated with issuing the licence will be met by the applicant.

Council Policies, Strategies and Bylaws

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

- Significance and Engagement Policy
- Albert Town Recreation Reserve Management Plan
- Community Facility Funding Policy

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

37 This matter is included in the 10-Year Plan/Annual Plan through the existing property budgets.

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 providing enabling a commercial tourism venture to be undertaken 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

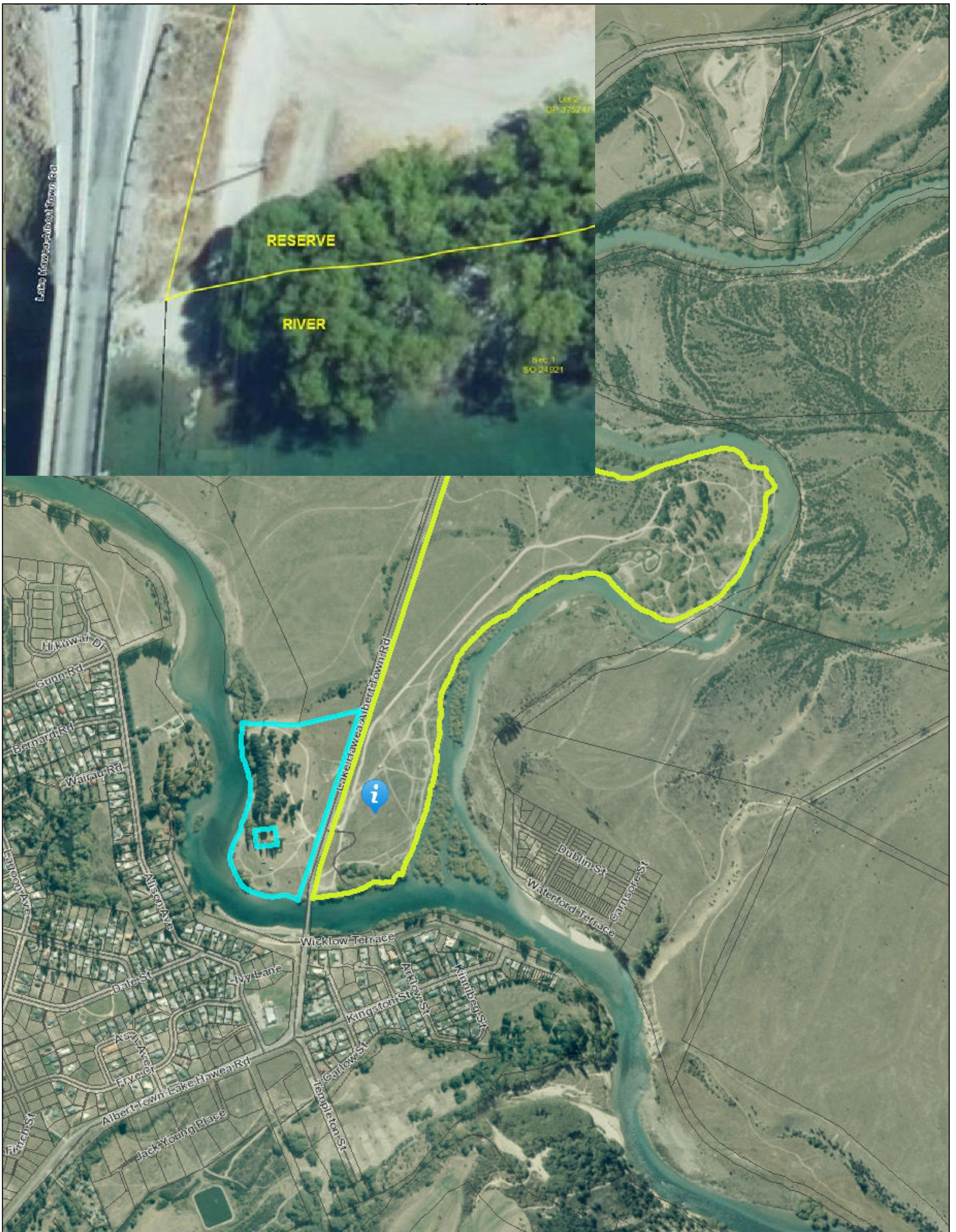
39 The persons who are affected by or interested in this matter are predominantly the users of the reserve and the residents and ratepayers of the Queenstown Lakes District community.

40 The Council provided a mechanism for community consultation through the public notification of the intention to grant a licence, with those submitters/submissions being heard and evaluated by a panel of Wanaka Community Board Members. The Hearing Panel has considered those matters on the reserve that are within scope.

41 The Harbourmaster has been consulted prior to this application has approved the request.

Attachments

- A Site Plan of the Albert Town Recreation Reserve
- B Minutes of Hearing
- C Reserve Application



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

Minutes of a meeting to hear submissions on a Proposed New Licence for Go Jets Wanaka held in Armstrong Room, Ardmore Street, Wanaka on Thursday, 5 July 2018 commencing at 1.00pm

Present:

Ms Ruth Harrison (Chair), Ms Jude Battson and Councillor Ross McRobie

In attendance:

Mrs Joanne Conroy (Property Advisor, APL Property Ltd), Mr Aaron Burt (Senior Planner, Parks and Reserves), Mr Chris Green (Property Advisor, APL Property Ltd) and Ms Jane Robertson (Senior Governance Advisor); applicants and their representative; submitters

Commencement of the hearing: Election of Chairperson

The Governance Advisor called the meeting to order and asked the elected members to determine the Chairperson for the hearing.

**On the motion of Councillor McRobie and Ms Battson
it was resolved that Ms Harrison chair the hearing.**

Ms Harrison took the chair.

Declarations of Conflict of Interest

No declarations were made.

Confirmation of Agenda

The agenda was confirmed without addition or alteration.

Hearing Opening

Upon an indication from submitters that there would be comment about the scope of the hearing, the Chair invited the report's author (Mrs Conroy) to comment about this issue. Mrs Conroy stated that the lease sought was in relation to use of the reserve for loading and unloading passengers. Anything to do with river activity was out of scope including noise effects and health and safety which were part of the resource consent, which the applicants already possessed.

It was agreed to permit Jim Cowie to speak as the new Chair of the Albert Town Community Association as part of the Association's submission to be presented by Nathan Weathington, although Mr Cowie had not personally made a submission.

Hearing of submissions

1. Graham Walmsley

Mr Walmsley questioned the extent of the scope described by Mrs Conroy. He was of the view that the panel should have regard to the applicable Reserve

Management Plan. This stated that water-based activities adjacent to the reserve which impacted upon the reserve (e.g. by affecting the quiet values) should be considered. This was because noise on the water was heard on the reserve.

He observed that although the jet boat rides had been operational since 2004, there had been a marked change in the operation in late 2016 with many more jet boats in use from that time. This had been raised with the harbourmaster who had said that the appropriate concessions were in place, but this was not correct.

It was inaccurate to claim there had been no complaints about the Go Jets' operation. Furthermore, the community generally was concerned about the noise and safety of speed boats as indicated by the 299 submissions against the recent Navigation Safety Bylaw.

He asserted there was a disjoint in interpretation if an activity that was not physically happening on the reserve could not be considered. He highlighted clauses from the Reserve Management Plan that supported this view. He also observed that paragraph 19 of the officer report noted that *'the issue about boats idling while waiting to load and unload the next load of passengers is very relevant to the reserve...'*

He cited the examples of the kayak slalom and jet-skiing as also being activities that accessed the water whilst also impacting upon the activity on the reserve.

He did not agree with the operators' claim that there was always a spotter on the bank, but observed that the operation could not be safe if a spotter was necessary. He also raised safety concerns with jet boat spins and turns when swimmers were in the water and drivers failing to observe the 5 knot limit.

He suggested that the present tension with the jet boating community could be improved if drivers warmed up their boats further down the river or picked people up at a different location further down the river away from the residential area.

Mr Walmsley suggested that it would be unwise to grant a five year licence in light of the present uncertainty about what may occur with the Navigation Safety Bylaw. This would also be a consideration if another site down river was used for embarking and disembarking.

Mrs Conroy addressed the connection between an activity happening on the river and the noise created. She noted that the operators of Go Jets had consent to operate on the river. There was a dependency between the land and the river, with the boat ramp half on the reserve and half in the river. The activity of loading passengers was on the reserve although it was crown land directly on the river edge.

It was noted that the intention of the spotter was for the safety of passengers on the land and not on the river.

2. Nathan Weathington and Jim Cowie, Albert Town Community Association

Mr Weathington was critical of the narrowness of the hearing scope and the piecemeal approach to the various different processes.

Mr Cowie noted that the Albert Town Community Association represented 162 households. He was concerned that the application was a foregone conclusion because the only occurrence of its public notification on 2 May described the proposal as an 'intention to grant'. He considered that this demonstrated that the decision was pre-determined.

In relation to the above concern, Mrs Conroy advised that the wording used was standard text required by the Reserves Act. There had therefore been no pre-determination by the panel.

Although the professional advice was that regard had to be had to noise generated from the reserve and not the river, Mr Cowie asserted that it was impossible to ignore the relationship between cause and effect. The panel was asked to consider what operating from the Albert Town reserve really entailed and that it was not just the physical act of launching and retrieving boats.

Mr Cowie suggested that a better outcome was to take into account the bigger picture by not approving a long-term licence and instead working with the applicant to develop a more holistic solution. He observed that the riverbank was being degraded because of the presence of boats and he was opposed to a five year licence being granted when there were so many other things in play. Accordingly, he suggested that granting another temporary licence would be the best outcome at present.

Population growth would probably result in more people using the boat ramp which could create land safety issues.

Mr Cowie agreed that use of the other reserve as proposed by previous speaker would address most of the adverse effects.

3. Catherine Rezaei

Ms Rezaei advised that she lived exactly opposite the boat ramp, having bought the land in 2002. She noted that Go Jets' website referred to their establishment in 2016 and she believed they had started operating in summer 2016. She was particularly disturbed by the noise of boats idling which was a deep throbbing penetrating noise that occurred daily. She was also concerned about boats doing Hamilton turns at the ramp which was both very dangerous for swimmers and breached the noise limits.

The Reserve Management Plan required that activity on the reserve should not be in conflict with recreational users but she had observed queues of cars waiting to launch their boats at the ramp whilst waiting for commercial jet boats to complete their operations.

She favoured the other location discussed earlier in the meeting for passengers to embark/disembark because it would address the noise at the present site.

She did not believe that the panel could rely on the applicants' word about their operations.

She expressed concern that if a speed uplifting on the Clutha occurred under the Navigation Safety Bylaw there could be more boats and therefore greater levels of noise.

4. Adrian Camm

Mr Camm advised that he lived directly across the river from the boat ramp and was its nearest neighbour. He was opposed to someone using a noisy machine for profit from a public reserve but because of the noise he had approached the boat operator directly for a discussion.

Mr Camm in particular wanted the panel to make a decision about how long boats could spend idling at the boat ramp. He agreed with the previous speaker that it was an unpleasant low pitched throbbing. He suggested that an agreement in writing about the amount of time that could be spent at the ramp was desirable to provide adjacent parties with some sort of guarantee about the limit.

He did not support the recommended five year licence term which he felt 'seems like forever'.

He supported the suggestion of Go Jets gaining access from a different reserve and launching from further down the river.

Applicant's Presentation

The applicants (Patrick and Tracey Perkins) appeared and were represented by Jo Fyfe (Planning Consultant). Ms Fyfe highlighted the following points:

- The present operators (Mr and Mrs Perkins) had been operating since the start of 2016 having taken over existing resource consents. Patrick drove the boats whilst Tracey fulfilled customer service.
- The company operated under two consents originally granted in 1995. At the time of applying for resource consent the effects of the activity (noise, safety, hours of operation, number of boat trips) had been assessed. The consent had been publicly notified and had included the appropriateness of using the Albert Town Reserve. The consent had been active since that time and the community had had the opportunity to object.
- Discussion at this hearing should only relate to passengers embarking and disembarking on the reserve and the use of vehicles on the reserve.
- A licence to use the reserve was critical to continuation of the business.

- Not only did the business have to operate in accordance with the conditions of its consent is also had to comply with the Navigation Safety Bylaw, its own health and safety plan, the rules of the harbour master and national maritime law.
- Damage to the river bank was out of scope for this hearing.
- The applicants did not favour switching their launch point to another location further downstream for a number of reasons. The access would have to be upgraded, the area was susceptible to flooding and there were lot of fishermen in the area. Loading people in this area could be hazardous because of the flood risk and they would need to seek a variation to their consent because the location was not covered by the existing consent. This could impact upon other aspects of the business (e.g., the number of Hamilton turns permitted).
- The business had been monitored and they complied with their consent. This included use of the boat ramp and the noise of the boat which had been measured by an acoustic engineer.
- The present location for idling had come about following discussion with one of the submitters which showed a willingness to negotiate.
- A licence with a term of 5 years was needed for business certainty.
- The current consent required Go Jets to use the reserve but they did not have a licence to use it.
- The business had originally operated from town but had transferred to Albert Town because of complaints about the boats exceeding the 5 knot speed limit. The usual trip went down river to the Nook and back to the rapids area. Weather conditions were sometimes such that it was not possible to cross the lake.
- Go Jets were open to finding solutions with the Albert Town Community Association. The fact that the boat was noisy was acknowledged and efforts would be made to quieten it down.

The meeting adjourned at 2.39pm and reconvened for deliberations at 2.49pm.

The panel was present with staff in attendance (Joanne Conroy and Chris Green (APL Property), Aaron Burt and Jane Robertson (QLDC)).

Deliberations

Consideration was given to the suggested alternative location. The panel decided to discount it because it would be opposed by those who fished at the site. Further, as a variation to Go Jets' consent it would be publicly notified and would attract public objections.

**Hearing of Submissions
Proposed New Licence for Go Jets Wanaka
5 JULY 2018
Page 6**

It was agreed that there were no safety issues raised in using the reserve nor did the activity have a detrimental physical effect on the reserve. Further it was accepted that the applicant complied with all legal requirements (e.g. resource consent, navigation safety bylaw, maritime laws, and health and safety plan).

It was accepted that the operation loaded and unloaded from the reserve and this was the reason that they were in this location for longer and idled there. There was discussion about whether the boat could idle at another location further away from the residential area.

The panel considered the recommended term of five years was questioned if this was too ambitious in light of the proposed review of the navigation safety bylaw and the changes that might result in use of the river.

There was discussion about the power of the Council to make any licence subject to the following conditions that had been detailed in the officer report:

- Start up the boat on the trailer
- Warm up for 2-3 minutes before removing the boat off the trailer
- Warm up the boat in the water far down the river from Albert Town
- Drive the boat back up to the boat ramp and nose into the bank. The engine is then turned off
- The engine is not turned on until after the passengers have loaded onto the boat and listened to the safety briefing. At this point the engine is turned on for approximately 2 minutes until it is warm enough to continue
- The engine is warmed up further again by driving slowing down the river until it is back up to the required temperature
- A new muffler is fitted to the boat to reduce operational noise.

Staff questioned whether such conditions would be legal or enforceable. Questions were also raised about whether any licence should be subject to the outcome of the proposed navigation safety bylaw review.

It was agreed to ask staff to prepare a decision option for the panel to consider of granting a licence for 12 months, with conditions to be added about boat warm-up, idling and muffling. There was discussion about adding a renewal clause but the panel considered that any renewal should be subject to a public process because of the community interest.

Separately from the hearing, the panel agreed that the Council needed to develop a policy to guide the levels of commercial use permissible on the Clutha River.

The meeting adjourned at 3.25 pm.

On 1 August 2018, legal advice procured by Mr Burt was circulated to the panel. The purpose of the advice was to confirm the scope of the activity. The advice confirmed that the scope was limited to activities occurring upon the reserve.

**Hearing of Submissions
Proposed New Licence for Go Jets Wanaka
5 JULY 2018
Page 7**

On 4 August 2018 Ms Battson responded indicating that she favoured a longer term than initially discussed at the hearing to avoid GoJets having to reapply immediately for their next licence. She supported their continued use of the reserve, having observed their operation during the busy summer season, considering that their attention to safety for all other reserve users and their customers was excellent. She was cognisant of the need for the panel's decision to be based on use of the reserve only.

The panel accepted the legal advice and the scope of the hearing and gave further consideration to an appropriate licence term. It was agreed that the initial recommendation of five years was appropriate. The panel also asked for clarification of a termination clause and this was circulated by Mrs Conroy on 10 August 2018.

The panel reviewed the proposed recommendation on 14 August 2018 and a subsequent minor amendment to the 'use' clause was made on 21 August 2018.

Legal advice on whether a bylaw would prevail over a resource consent was also sought on 21 August. The advice confirmed that any person with an existing resource consent would have to comply both with the conditions of their resource consent and any bylaw. It also noted that if the bylaw was more restrictive than the resource consent, it would still have to be complied with.

Following consideration of this additional information, the panel agreed unanimously to recommend to the Queenstown Lakes District Council that:

Queenstown Lakes District Council approve a licence to Go Jets Wanaka Ltd over recreation reserve at Albert Town, with legal description Lot 2 DP 375247, subject to the following terms and conditions:

Commencement	1 October 2018
Term	5 years
Rent	\$500.00 plus GST per annum
Reviews	At renewal
Renewals	1 of a further 5 years by agreement of both parties.
Assignment/Sublease	With Council's approval.
Use	Utilise the Albert Town reserve for loading and unloading of a boat and passengers for commercial jetboating trips. Frequency of trips to be periodically reviewed by Council
Insurance	Requirement to have public liability insurance of \$2 million
Other	Council to retain ability to suspend the licence for safety purposes or to avoid large public events. Health and Safety plan to be provided.

Council to retain the ability to suspend or terminate the activity within the reserve if required.

Licensee must ensure they hold a valid resource consent for the commercial jetboating trips.

The licensee to obtain a Commercial Activity Permit in accordance with the Waterways and Ramp Fees Bylaws (if required) or successors to this policy.

Licensee to ensure that all customers/staff are aware there is no bathroom facility at the reserve, and that all rubbish is to be removed.



Application for a Reserve Licence

At Albert Town Recreation Reserve

For Go Jets Wanaka

November 2017

TABLE OF CONTENTS

		Page No.
1.0	Introduction	2
2.0	Description of the Proposal	2
3.0	Assessment of Effects	3
3.1	Positive Effects	3
3.2	Accessibility	3
3.3	Visual Effect	3
3.4	Cumulative Effects	3
3.5	Summary of Effects	4
4.0	Relevant Legislation	4
4.1	Reserves Act 1977	4
4.1.1	Notification	4
4.1.2	Schedule 1 of the Reserves Act 1977	4
4.2	Resource Management Act 1991	5
5.0	Queenstown Lakes District Council Management Plan	5
5.1	Albert Town Recreation Reserve Management Plan	5
6.0	Conclusion	6
 LIST OF APPENDICES		
Appendix 1A	Resource Consent Decision RM040018A	
Appendix 1B	Resource Consent Decision RM040018B	
Appendix 2	Resource Consent Monitoring	

1.0 INTRODUCTION

Go Jets Wanaka seeks a Reserve Licence under s54(1)(d) of the Reserves Act 1977 to continue embarking and disembarking passengers at the Albert Town boat ramp, for the existing commercial jetboating operation on the Clutha River, in accordance with their resource consent.

The subject site is shown on [Figure 1](#) below.



Figure 1- Area of Boat Ramp and Launching Area

2.0 DESCRIPTION OF THE PROPOSAL

Go Jets Wanaka operate a commercial jetboating operation around Wanaka, under two existing resource consents- RM040018A and RM040018B, attached as **Appendix 1A** and **1B**, respectively. These resource consents have been in operation since 2004, have changed ownership since consent was granted, and although a complex history, the consents have been continually operating since approval, and the applicant is operating within their consent, as confirmed by the Council's Monitoring Team in **Appendix 2**. This includes the loading and unloading of passengers from the subject recreation reserve, as specifically mentioned in Condition 6(e) of RM040018B.

Both resource consents owned by Go Jets Wanaka allow for:

- RM040018A allows 8 return trips on the Clutha River (equates to 2920 per annum); and
- RM040018B allows for 100 trips per annum on the Clutha River.

From the date of commencing operation by the current owner in 11 November 2016, 425 trips down the Clutha River have taken place. As part of these consents, provision is allowed for loading and unloading at the Albert Town reserve, alongside the boat ramp, as identified in [Figure 1](#) above.

The Albert Town recreational reserve is outlined as Designation 318 within the Operative Queenstown Lakes District Plan. As such approval is sought from Queenstown Lakes District Council, as the administrative authority over this reserve, under s54(1)(d) of the Reserves Act for a licence on reserve land to allow for the loading and unloading of boats at the existing boat ramp.

The reserve licence is sought now, 13 years after the granting of consent, as it appears this was never undertaken at the time of resource consent.

3.0 ASSESSMENT OF EFFECTS

3.1 Positive Effects

The applicant has adjusted the operation of the activity within the realms of the resource consent approval to minimise travelling through the 5-knot area of the Clutha River, so there is less effect on the people living nearby the river, or other users of that part of the river. This adjustment includes the river trips being back-to-back, so the first trip is transported by van to Albert Town, passengers loaded into a boat in this location, and driven downstream to the nook. The boat then travels back up stream through the outlet at approximately 11am, and then unloaded in town. The second boat trip then leaves from town to the nook, back to Albert Town, where the passengers will disembark. The operators van will then run people back into town. This halves the number of boat trips in this area, and is all within the approval of the resource consents.

The area subject to the reserve licence is safer and larger than the other areas of use approved in the resource consent, and therefore with these adjustments, the effects of the use is reduced.

The operators of the activity currently, and will continue to clean up rubbish from the Council reserve area that is left by public and visitors to the reserve (not associated with the jet boating operation). They remove this from the area in their van and improve the general look, feel and safety of the area. Given this part of the reserve is not frequented often, with the operators being present in this reserve, unsavoury behaviour by public is reduced, and so is the presence of unlawful freedom campers.

Passengers will be advised of bathroom opportunities on pick up, and that there are no opportunities once passengers arrive at the reserve. The jetboat is regularly washed after each use, to inhibit the spread of any lake or river weed.

Overall, the presence of the applicant in this area is a positive effect on the reserve, and with the adjustments to operation have reduced the impact upon the area and the river by reducing their operations.

3.2 Accessibility

The recreation reserve is 49 hectares in size. The boat ramp is located at the southern end of the reserve, beneath the Albert Town bridge. To access the boat ramp there are public unformed tracks from the eastern side of the Lake Hawea Albert Town Road. The applicant currently utilises this track to drive the boat to the boat ramp. The passenger van towing the boat will transport passengers to this area via this public vehicular track, and down to the boat ramp where the passengers will embark the boat. The open area around the boat ramp is large, and not highly utilised on a day to day basis. The effects with accessibility were assessed at the time of the resource consent, and were considered to be acceptable. The application of the reserve licence will not change the accessibility as approved in the resource consent, and the proposal will not have any effect on the accessibility of the area for other users of the reserve, for other vehicles, pedestrians, bicycles and boats.

3.3 Visual Effect

Given the gradient of the boat ramp and parking area is down below the bridge, it is largely visually concealed from public view. The boat ramp and parking area will be utilised for the purpose it was provided for- boat launching, and recreation activities. The area is utilised for passengers entering the boat. There will be no new buildings or structures; as such the visual effect of the licence application is no more than what is anticipated in this area.

3.4 Cumulative Effects

As mentioned above, the proposal has been approved by RM040018A and RM040018B, which allows for 2920 trips down the Clutha River per annum. The applicant has not been utilising the consents to the maximum effect, and does not plan to. Notwithstanding, the use of the reserve area for embarking the vessel will not have any

effects on cumulative effects. The area is not currently utilised by many vehicles or boat launching per day, and the use by boat operators is an anticipated use in this area. Notwithstanding, the assessment of the resource consent has deemed it appropriate in terms of cumulative effects, and the applicant is operating less than that approved.

3.5 Summary of Effects

The presence of embarking and disembarking in the Albert Town reserve next to the boat ramp is within the realms of the resource consent, and the operation has been adjusted to reduce and actual or potential effects on other river users and occupants of sites around the river. Positive effects arise from the presence of the operators utilising this area, as noted above. In summary, the approval of a licence for utilising the reserve in this manner will have minimal effects on other users, and would be approving an operation that is lawfully established in this area, from a landowner perspective.

4.0 RELEVANT LEGISLATION

4.1 Reserves Act 1977

The Reserves Act 1977 is the applicable legislation for reserves in New Zealand. The proposal will be within Recreation Reserve 318 vested with the QLDC. Use or occupation of a Council Recreation Reserve are required to obtain a licence under the Reserves Act 1977.

4.1.1 Notification

As per the requirements of s54(2), prior to any licence granted under s54(1), the administering authority shall publicly notify such an application in accordance with s199, while giving full consideration to the matters listed in s120.

4.1.2 Schedule 1 of the Reserves Act 1977

Schedule 1 of the Reserves Act 1997 sets out the provisions applicable to leases or licences of recreation reserve land. The provisions as they relate to leases or licences granted under s54(1)(d) have been included in **Table 1** below;

Table 1: Provisions of Lease or Licence under s54(1)(d) of the Reserves Act 1977

Term	Not exceeding 33 years
Renewal	May include a provision that further similar terms may be granted if the lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with, that some sport, game, or recreational activity should not have priority and that the trade, business, or occupation is still needed to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves
Admission charges	Such admission charges, appropriate to the circumstances, as the Minister may from time to time approve

Termination	The land leased or licensed shall be used for the carrying on of such trade, business, or occupation as is specified in the lease or licence, and, if at any time the lessor or licensor is of the opinion that the land leased or licensed is not being used or is not being sufficiently used for the purpose specified in the lease or licence, the lessor or licensor, after making such enquiries as the lessor thinks fit and giving the lessee or licensee an opportunity of explaining the usage of the land leased or licensed, and if satisfied that the land leased or licensed is not being used or is not being sufficiently used for the purpose specified in the lease or licence, may terminate the lease or licence on such terms as the Minister approves in any case where an administering body is the lessor or licensor, and as the Minister thinks fit in any other case
Compensation for improvements	On termination of the lease or licence under the termination clause of the lease or licence or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor or licensor without compensation payable to the lessee or licensee or otherwise
Erection of buildings	The lease or licence shall prohibit the erection of any building without the prior consent in writing of the Minister
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he or she may require that the lease or licence shall provide that— <ul style="list-style-type: none"> a) notwithstanding anything to the contrary in the compensation for improvements clause of the lease or licence, the lessor or licensor may require the lessee or licensee to remove the whole or some of his or her improvements; or b) where improvements are of value to the lessor or licensor, the lessor or licensor may pay to the lessee or licensee the value of the improvements as determined by the Minister; or c) (c) an incoming lessee or licensee shall pay to the outgoing lessee or licensee the value as determined by the Minister of specified improvements

4.2 Resource Management Act 1991

The current application is solely for a licence under the Reserves Act 1977. Resource Consent under the RMA has been approved in 2004, and no changes are sought to these consents.

5.0 QUEENSTOWN LAKES DISTRICT COUNCIL MANAGEMENT PLAN

5.1 Albert Town Recreation Reserve Management Plan

The Albert Town Recreation Reserve Management Plan was made operative on 4th October 2010, and is the operative Management Plan for the Albert Town reserve. It is noted this management plan was brought into effect 6 years after the resource consent was granted for this activity.

The proposal does not contravene any of the policies in the Management Plan, as no buildings are proposed, and the proposed licence will not inhibit any of the listed activities from operating. Policy 11.1(1) identifies that it may be appropriate to provide a concession for commercial activities associated with access to the adjoining river. In this instance approval has already been provided by the Council for use of this area and the river for this

commercial recreation activity, and the land owner licence to allow for embarking the boat will not have any effect, or conflict with the reserve management, over that already provided for by the resource consent.

6.0 CONCLUSION

The proposal for a licence is simply sought for land owner approval, 13 years after the resource consent was granted, as it appears it was not done so at that time. The applicant is operating within the realms of the resource consent granted in 2004, where all effects of the use of this area were assessed in full. The granting of this reserve licence to use the area for loading passengers onto the boat will have no additional effects over than that assessed under the RMA, and will not inhibit the safe and enjoyable operation and management of the recreation reserve.

**QLDC Council
6 September 2018**

Report for Agenda Item: 9

Department: Community Services

Licence to Occupy Bendemeer Bay Recreation Reserve, for the Gree Family Trust at 57 Arrowtown-Lake Hayes Road

Purpose

To consider granting a Licence to Occupy to the owners of 57 Arrowtown-Lake Hayes Road, The Gree Family Trust, over adjacent Bendemeer Bay Recreation Reserve, to enable them to maintain adequate sightlines for their proposed vehicle crossing.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Grant** a new licence, in accordance with Section 54(2) of the Reserves Act, to the owners of 57 Arrowtown-Lake Hayes Road, being Lot 1 DP 7630, subject to the following conditions:

Commencement	TBC
Term	Ongoing unless otherwise terminated.
Rent	\$1.00 if demanded.
Use	Maintain adequate sightlines
Assignment and Sublease	With Licensor's prior written approval
Insurance	\$2 million public liability insurance cover
Termination	1 year for core infrastructure purposes
Special	The licence is granted to maintain the sightlines for Lot 1 DP 7630 only and does not permit the licensee to exclusively use the licence area.

Prior to any grant of 224(c) to enable subdivision of Lot 1 DP 7630, the existing access through Section 87 BLK IX Shotover SD shall be decommissioned, landscaped in established grass, and the boundary fenced, all at the expense of the applicant, and to the written satisfaction of the Parks and Reserves Planning Manager.

The applicant consents to the Licence being encumbered against the title of Lot 1 DP 7630 to ensure the recommended terms and conditions continue in perpetuity for all future owners of the property.

If Lot 1 DP 7630 is subdivided, the subdivision shall include a volunteered condition that a Maintenance Company be formed with all new lot owners to be party to that Company and be responsible for meeting the terms and conditions of the licence.

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 The Gree Family Trust over the reserve.
4. **Delegate** signing authority to the General Manager for Community Services.

Prepared by:

Reviewed and Authorised by:



Blake Hoger
Property Advisor
APL Property
Limited

31/07/2018



Aaron Burt
Senior Planner: Parks
& Reserves

14/08/2018



Thunes Cloete
General Manager
Community Services

23/08/2018

Background

- 1 The Gree Family Trust (the applicants) own the property at 57 Arrowtown-Lake Hayes Road, legally described as Lot 1 DP 7630 BLK IX Shotover SD.
- 2 Adjacent to the property is the Bendemeer Bay Recreation Reserve, legally described as Section 87 BLK IX Shotover SD (the Reserve). The applicants' property and the reserve are illustrated on the location and site plans included as Attachment A.
- 3 The applicants have historically relied upon an informal access to their property over the Reserve. In 2015 they sought to formalise the access and were granted approval in principle, to progress with the establishment of a Right of Way ['ROW'] Easement over the land.
- 4 At the time the ROW was approved, the Property Subcommittee imposed terms which would require the applicants to share with the Council any value derived should the property be subdivided. The applicants subsequently chose not to register the ROW Easement.

- 5 The applicants wish to establish access directly from the road with a vehicle crossing from Arrowtown-Lake Hayes Road.
- 6 The proposed vehicle crossing is on a bend of the Arrowtown-Lake Hayes Road and it has been assessed that sightlines across the Reserve will need to be maintained for safety purposes. The sightline is marked as area 'C' on the Subdivision and Sight Line Plan included as Attachment B.
- 7 Maintaining the sightlines will require that no structures are installed or trees planted within the area. The existing vegetation will also need to be maintained.
- 8 A Licence to Occupy the reserve to manage and maintain the area has been sought by the applicants so that they may seek approval for their vehicle crossing.

Comment

- 9 It is proposed that a licence be entered into with the applicants which will prevent both structures and plants being positioned in the sightline area and, also, place an obligation on the licensee to maintain the area to ensure it doesn't become overgrown. The licence is not intended to allow the licensee to use the land exclusively or do anything other than maintain it.
- 10 The applicants consider a licence to be desirable over a ROW Easement for the sightline area as, in accordance with QLDC's Easement Policy, an Easement Land Impact Fee would otherwise be applicable. A licence is deemed an appropriate instrument for formalising this arrangement.
- 11 Given that the applicant has existing access over the reserve which will be lost and that they will now be obliged to maintain an area of reserve, it is deemed that they gain no significant benefit from the proposal. It is therefore considered appropriate that only a peppercorn fee be charged for the licence.
- 12 Should the licence be approved, it would be appropriate that the existing access across the reserve, albeit informal, be decommissioned by the applicant and a fence installed along the boundary. It is a recommendation of this report that the decommissioned access is landscaped in grass at the applicants' expense. This is so that there will be no cost to Council to remedy the applicants' previous use of the reserve to enable vehicle access to their property.
- 13 There is a potential that Council will require the reserve for another purpose in the future. As the continuation of this licence will be necessary to maintain private access to the property, it is recommended that a termination clause be included within the licence enabling Council to terminate for core infrastructure purposes only.
- 14 An example of a core infrastructure project is future road widening however in such a circumstance it is expected that the road widening would actually improve the sightlines for the private road crossing and in such an event, there may not be a need for a licence.
- 15 It is also recommended that the licence be encumbered upon the title of the applicants' property to ensure the terms and conditions of the licence continue in perpetuity. Given the intention to subdivide, it is further recommended that a

Management Company of all future owners who will benefit from the licence be formed to take responsibility for the licence.

- 16 As the licence is proposed on a recreation reserve and is not contemplated by the Arrowtown and Lake Hayes Reserve Management Plan, the Council's intention to grant a licence must be publicly notified in accordance with the Reserves Act. Such intention was notified with submissions due 20 July 2018 however no submissions either in favour or against the proposal were received.

Options

- 17 Option 1 To grant a new licence to The Gree Family Trust over Section 87 BLK IX Shotover SD subject to the terms and conditions listed above

Advantages:

- 18 The applicants will be able to form a private accessway to their property.
- 19 The applicants will be responsible for maintaining an area of reserve at no cost to the public.
- 20 The applicants will be able to proceed with their subdivision application should they choose to do so.
- 21 An area of reserve will be unencumbered by private vehicle use.

Disadvantages:

- 22 There may be a cost to Council in monitoring the terms and conditions of the licence.
- 23 Council may be prevented from using the reserve for another purpose in future.
- 24 Option 2 To decline granting a new licence to The Gree Family Trust over Section 87 BLK IX Shotover SD

Advantages:

- 25 There will be no costs involved in monitoring a licence.
- 26 Council won't be prevented from utilising the reserve in future as they see fit.

Disadvantages:

- 27 Alternative means of securing a private access for the applicants currently, and for their potential subdivision, will need to be considered which will likely involve an ongoing private use of the reserve.
- 28 The reserve won't be maintained by the applicant.
- 29 This report recommends **Option 1** for addressing the matter as it will enable the applicants to establish an accessway to their property directly from the road rather than over recreation reserve with no significant impact to the public.

Significance and Engagement

30 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as although it involves a reserve, the impact of this decision is minor on the general public.

Risk

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

Financial Implications

32 All associated costs including legal, design, and installation of the crossing will be met entirely by the applicant. Due to the low impact nature of the licence, no ongoing licence fee is recommended.

Council Policies, Strategies and Bylaws

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

- Significance and Engagement Policy
- Arrowtown – Lake Hayes Reserve Management Plan 2013

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

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 providing a decision in a timely manner;
- 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 predominantly the users of the reserve and residents/ratepayers of the Queenstown Lakes District community.

37 The Council has provided a mechanism for community consultation through public notification of the intention to grant a licence. No submissions have been received.

Attachments

- A Location and Site Plan
- B Subdivision and Sight Line Plan



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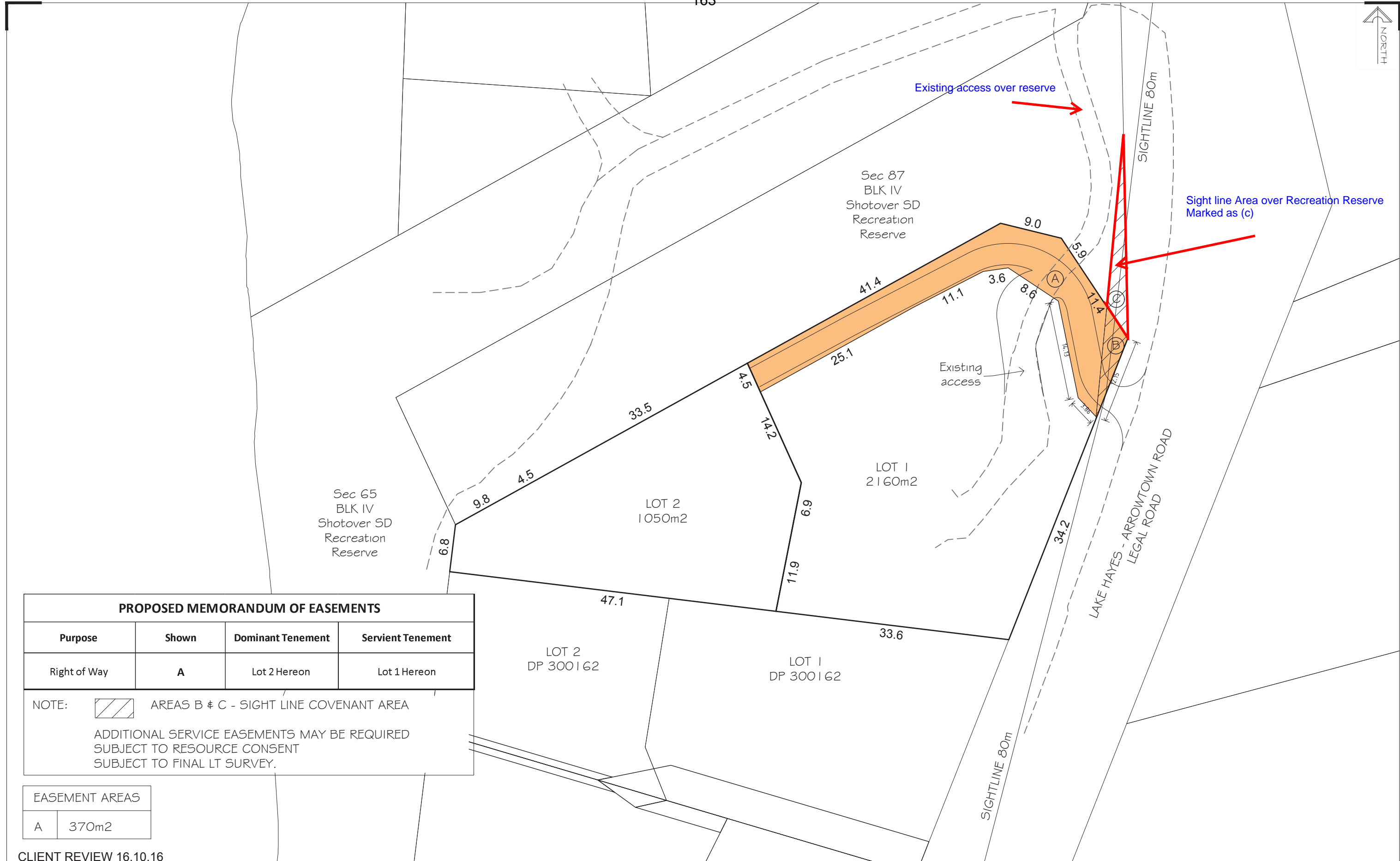
**57 Arrowtown - Lake Hayes Road
Lot 1 DP 7630**

Date: 14 January 2016
Created By: ER



SITE PLAN - Licence Area Not To Scale





PROPOSED MEMORANDUM OF EASEMENTS			
Purpose	Shown	Dominant Tenement	Servient Tenement
Right of Way	A	Lot 2 Hereon	Lot 1 Hereon

NOTE: AREAS B & C - SIGHT LINE COVENANT AREA

ADDITIONAL SERVICE EASEMENTS MAY BE REQUIRED
SUBJECT TO RESOURCE CONSENT
SUBJECT TO FINAL LT SURVEY.

EASEMENT AREAS	
A	370m2

CLIENT REVIEW 16.10.16

Clark Fortune McDonald & Associates
 Licensed Cadastral Surveyors - Land Development - Planning Consultants
 309 Lower Shotover Road, P.O.Box 553 Queenstown
 Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz

Shop 2, Otago House, 475 Moray Place, P.O. Box 5960
 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
B	4.12.16	Change easements	RB
C	7.4.17	Remove Lot 2, amend ROW	CH
D	25.5.17	Amend ROW to Lot 3	CH
E	13.7.17	Reduce ROW size	RB
F	23.8.17	RELOCATE ACCESS	RB
G	21.09.17	Sightlines added, reduction of covenant area	SL
H	20.04.18	Add additional sightline covenant area	RB

LOTS 1 & 2 BEING A PROPOSED SUBDIVISION OF LOT 1 DP 7630

Client	K Dunlop	Surveyed	-	Signed	-	Date	-	Job No.	12673	Drawing No.	01
		Drawn	RWB	Signed	-	Date	16.10.16	Scale	1:250 @ A1 1:500 @ A3	Sheet	001
		Designed	-	Signed	-	Date	-	Datum & Level	Mt Nic 2000 & MSL	Rev.	H

Notes:
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QLDC Council
6 September 2018

Report for Agenda Item: 10

Department: CEO Office

Chief Executive's Monthly Report

Purpose

The purpose of this report is to present a summary of items considered at recent Standing Committee and Wanaka Community Board meetings, and to present other updates on various matters.

Recommendation

That Council:

- 1 **Note** the contents of this report;
- 2 **Note** the items considered during the past meeting round by the Planning and Strategy Committee, Infrastructure Committee, Wanaka Community Board, Community and Services Committee and Appeals Subcommittee.
- 3 **Adopt** the schedule of ordinary Council, Standing Committee and Wanaka Community Board meetings for 2019 until the triennial general election to be held on 12 October 2019;
- 4 Recommendation from Wanaka Community Board
Easement for 450A Wanaka-Mt Aspiring Road
 - a. That subject to section 48(1) of the Reserves Act 1977, an easement to convey lake water over Section 12 BLK XIII Lower Wanaka SD and Section 18 BLK XIII Lower Wanaka SD (Recreation Reserve) in favour of A & P Todd on Lot 1 DP 395762, is endorsed subject to the following conditions:
 - i. Any necessary resource consent is first granted for the proposed earthworks.
 - ii. Approval is provided from LINZ for any authorisations necessary to convey and draw water over the bed of Lake Wanaka.
 - iii. Notify and liaise with the QLDC Infrastructure Department in advance of any onsite works, so that they can oversee and provide input relating to any existing in-ground infrastructure (as appropriate);
 - iv. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment.
 - v. A \$2000 bond payable to QLDC prior to any excavation and the installation of pipes commencing;
 - vi. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained

around the site during excavation and works associated with laying the pipeline, and make specific reference to signage along the Millennium Track;

- vii. Certificate of adequate public liability cover to be received; and
 - viii. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Parks & Reserves Department.
 - ix. Reinstatement of the track immediately following installation and associated works, to the satisfaction of the Upper Clutha Tracks Trust.
 - x. Council to retain the ability to vary any permitted water take through Recreation Reserve.
 - xi. Easement approval to be valid for a period of up to 5 years from the date of full Council approval.
- b. Agree that notification to grant the easement is not required, as the statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report;
 - c. Agree that authority to approve final terms and conditions, and execution authority, is delegated to the General Manager Community Services; and
 - d. Agree that the exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of the easement to A & P Todd, Lot 1 DP 395762 over Section 12 BLK XIII Lower Wanaka SD and Section 18 BLK XIII Lower Wanaka SD (Recreation Reserve) is supported.

5 Hearings panel membership change

Rescind the following resolution from the meeting held on 26 July 2018:

Appoint Councillors Forbes, Miller and Stevens to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Freedom Camping Control Bylaw 2018 and the amended Arrowsmith-Lake Hayes Reserve Management Plan; and

Appoint Councillors Ferguson, Forbes and Stevens to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Freedom Camping Control Bylaw 2018 and the amended Arrowsmith-Lake Hayes Reserve Management Plan.

Adoption of Meeting Schedule 2019 (until Election)

- 1. The Council's adopted meeting schedule only covers the period until December 2018. 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 until October 2019 are set out in the attached table. Note that the date of the Council election is 12 October 2019. The proposed meetings dates follow the same recurrence and sequence of Council/committee/board meetings held during 2018. It is recommended that the ordinary Council meetings scheduled for 18 April and 29 August be held in Wanaka.

Freedom Camping Control Bylaw 2018 and amended Arrowtown-Lake Hayes Reserve Management Plan hearing panel

- 1 At the Council meeting on 25 July 2018, a hearings panel comprising Councillors Forbes, Miller and Stevens was established to consider and hear submissions on the proposed Queenstown Lakes District Freedom Camping Control Bylaw 2018 and the amended Arrowtown-Lake Hayes Reserve Management Plan.
- 2 Councillor Miller has since advised that she will be unavailable on the dates proposed for a hearing (during the period 20-24 September). So that the timeframes for this project can be maintained, it is suggested that Councillor Miller be replaced on the panel.
- 3 Councillors have been canvassed and Councillor Ferguson has indicated that he would be available to take Councillor Miller's place.
- 4 This report proposes that the earlier resolution be rescinded and replaced with a new resolution appointing Councillors Ferguson, Forbes and Stevens to the hearings panel.

5 Committee Meetings of Previous Round

Planning and Strategy Committee – Councillor Hill (2 August 2018)

Information:

- 1 Council submission on the draft first set of National Planning Standards

Appeals Subcommittee - Councillor Hill (2 August 2018)

Information:

- 1 Request to Mediate in Relation to the Appeal by P, J and S Beadle Against the Grant of Resource Consent RM171280 to construct a new road to the Waterfall Park Resort Zone
- 2 Proposed District Plan Appeals to Stage 1 Decisions Interim Report
- 3 Update on appeals relating to Council's functions under the Resource Management Act

Note that this meeting was held with the public excluded.

Infrastructure Committee – Councillor Forbes (9 August 2018)

Information:

- 1 Transport Improvements Fund

Wanaka Community Board – Councillor Smith (16 August 2018)

Information:

- 2 Wanaka Lakefront Development Plan: Eely Point Recreational Reserve
- 3 Chair's report

Ratification:

- 1 Easement for 450A Wanaka-Mt Aspiring Road

Community and Services Committee - Councillor Stevens (23 August 2018)

Information:

- 1 Community Services Fees and Charges

Appeals Subcommittee - Councillor Hill (23 August 2018)

Information:

- 1 Update on Appeals to Council's Decisions on the Proposed District Plan under the Resource Management Act

Note that this meeting was held with the public excluded.

P0025231 P0025231 Meeting	Date	Time
Council	Thursday 31 January 2019	1.00pm
Planning & Strategy Committee	Thursday 7 February 2019	10.00am
Audit, Finance & Risk Committee	Thursday 7 February 2019	1.00pm
Infrastructure Committee	Thursday 14 February 2019	10.00am
Wanaka Community Board	Thursday 21 February 2019	10.00am
Community & Services Committee	Thursday 28 February 2019	10.00am
Council (Adopt AP for consultation)	Thursday 7 March 2019	1.00pm
Planning & Strategy Committee	Thursday 21 March 2019	10.00am
Infrastructure Committee	Thursday 28 March 2019	10.00am
Wanaka Community Board	Thursday 4 April 2019	10.00am
Community & Services Committee	Thursday 11 April 2019	10.00am
Council	Thursday 18 April 2019	1.00pm
Planning & Strategy Committee	Thursday 2 May 2019	10.00am
Infrastructure Committee	Thursday 9 May 2019	10.00am
Wanaka Community Board	Thursday 16 May 2019	10.00am
Community & Services Committee	Thursday 23 May 2019	10.00am
Council	Thursday 30 May 2019	1.00pm
Audit, Finance & Risk Committee	Thursday 6 June 2019	10.00am
Planning & Strategy Committee	Thursday 13 June 2019	10.00am
Infrastructure Committee	Thursday 20 June 2019	10.00am
Council (Adopt AP)	Thursday 27 June 2019	1.00pm
Wanaka Community Board	Thursday 4 July 2019	10.00am
Community & Services Committee	Thursday 11 July 2019	10.00am
Council	Thursday 25 July 2019	1.00pm
Planning & Strategy Committee	Thursday 1 August 2019	10.00am
Infrastructure Committee	Thursday 8 August 2019	10.00am
Wanaka Community Board	Thursday 15 August 2019	10.00am
Community & Services Committee	Thursday 22 August 2019	10.00am
Council	Thursday 29 August 2019	1.00pm
Planning & Strategy Committee	Thursday 5 September 2019	10.00am
Infrastructure Committee	Thursday 12 September 2019	10.00am
Community & Services Committee	Thursday 19 September 2019	10.00am
Audit, Finance & Risk Committee	Thursday 19 September 2019	1.00pm
Wanaka Community Board	Thursday 26 September 2019	10.00am
Council (Adopt Annual Report)	Thursday 3 October 2019	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:

Item 1: Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area

Item 2: Draft Stakeholder Deed for the Bright Sky Limited Expression of Interest for a Special Housing Area

Item 11: Well Smart (Thompson Street) Sale of Lot 10

Item 12: CE Remuneration

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
1. Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area (Attachment A)	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);	Section 7(2)(h) Section 7(2)(i)

