

**Property Subcommittee
12 February 2015**

Minutes of a meeting of the Property Subcommittee held on Thursday, 12 February 2015 in Council Chambers, 10 Gorge Road, Queenstown commencing at 10.08am

Present

Mayor van Uden (chair), Councillors MacLeod and Stammers-Smith

In Attendance

Mr David Wallace, Mr Dan Cruickshank and Ms Shelley Dawson

Apologies

There were apologies from Councillors Aoake and Stammers-Smith.

On the motion of Mayor van Uden and Councillor MacLeod it was resolved that the apologies be accepted.

Declaration of Conflicts of Interest

There were no conflicts noted.

Resolution to Exclude the Public

On the motion of Mayor van Uden and Councillor MacLeod it was resolved that the public be excluded from all items of the Property Subcommittee 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:

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

All Items	<p><i>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</i></p> <p><i>i) enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i></p>	Section 7 (2)(i)
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This resolution was 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 moved into public excluded at 10.09am.

Matters Lying on the Table

There were no matters lying on the table

Confirmation of Agenda

The agenda was confirmed without addition or alteration.

Confirmation of Minutes

On the motion of Mayor van Uden and Councillor MacLeod it was resolved that the minutes of the Property Subcommittee meeting held on 12 January 2015 be confirmed as a true and correct record.

The draft minutes of the meeting held on 29 January 2015 were not able to be confirmed as there were insufficient members present to do so.

1. Right of Way Easement – 57 Arrowtown-Lake Hayes Road (PSC 15/02A/01)

Consideration was given to an application for a right of way easement over Recreation Reserve adjacent to 57 Arrowtown-Lake Hayes Road. The residential property at 57 Lake Hayes – Arrowtown Road is currently reliant on a historic informal agreement for access and they wished to formalise this access.

It was questioned why the fee was being waived and it was explained that while there was no formal record of Council asking the applicant to relocate access, the applicant was sincere and genuine. There was discussion that one person accessing via the reserve due to a past arrangement was fine however if the site was subdivided then there would be an increase in traffic. It was suggested that when the land was subdivided then the land impact fees should be applied. There was a further suggestion that a no-complaint covenant be created so future owners of the subdivided sections could not complain about the Council sewage pumping station nearby.

The Committee was advised that the land impact fees would have to be calculated now and the applicant advised so that all parties were clear of the potential fees. It was agreed to amend the first recommendation (listed as 2a. in the agenda) to add *“with a condition to include a no-complaint covenant lodged against the titles”*. Recommendation listed as 2c in the agenda was amended to read *“Agree to waive land impact fees payable by the applicant but that waiving the fee only applies to the one large block of land. If the intention is to apply the easement to subdivided titles then the easement policy shall apply in its current form”*.

On the motion of Mayor van Uden and Councillor MacLeod it was resolved

1 That the Property Sub-Committee:

- a. Approve a right of way easement over Section 65 & 87, Block IX Shotover Survey District subject to section 48(1) of the Reserves Act 1977, in favour of the Gree Family Trust, Kerry John and Kay Elizabeth Dunlop with final terms and conditions to be delegated to APL Property with a condition to include a no-complaint covenant lodged against the titles.**
- b. Agree that notification of the grant of the easement is not required as the statutory test in section 48(2) of Reserves Act 1977 is met for the reasons set out below.**
- c. Agree to waive land impact fees payable by the applicant but that waiving the fee only applies to the one large block of land. If the intention is to apply the easement to subdivided titles then the easement policy shall apply in its current form.**
- d. Agree to delegate approval of final easement alignment to APL Property.**

2 That the Property Sub-Committee recommend to full Council to:

- a. **Agree to the exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of an easement to the Gree Family Trust, Kerry John and Kay Elizabeth Dunlop over Section 65 & 87, Block IX Shotover Survey District.**

3 That the Property Sub-Committee:

- a. **Authorise this report and resolution to be made available to the public as part of the next Mayor's report to Council.**

2. Licence Request by Mountain Beech NZ Ltd for Guided Walks at Pigeon Island, Lake Wakatipu (PSC 15/02A/02)

Consideration was given to a report that discussed notifying a licence to occupy reserve request for commercial guided walks at Pigeon Island, pursuant to the Reserves Act 1977. Mountain Beech NZ Ltd applied to operate a small boutique tourism guiding business at Pigeon Island. The trips are intended to be low occupant (less than 6 persons) and no more than twice per month up to 24 trips in total per year.

On the motion of Councillor MacLeod and Mayor van Uden it was resolved that the Property Subcommittee:

- a. **Approve notification of the intention to grant a licence to Mountain Beech NZ Ltd to operate commercial guided walks at Pigeon Island Scenic Reserve.**
- b. **Agree to appoint three councillors to hear submissions if required and make a recommendation to full Council.**
- c. **Authorise the non-commercial terms of this report and resolution to be made available to the public as part of the next Mayor's report to Council.**

On the motion of Mayor van Uden and Councillor MacLeod it was resolved that the Property Subcommittee move out of public excluded.

The meeting concluded at 10.22am.

Confirmed as a true and correct record:

Chairperson

Date