

**Property Subcommittee  
17 December 2015**

Minutes of a meeting of the Property Subcommittee held on Thursday 17 December 2015 in Interview Room 1, 10 Gorge Road, Queenstown commencing at 10.00am.

**Present**

Mayor van Uden, Councillors Aoake and Stammers-Smith

**In Attendance**

Mr Blair Devlin (Manager Planning Practice), Mr David Wallace (Principal Resource Management Engineer), Mr Aaron Burt (Parks & Reserves Planner), Mr Blake Hoger & Ms Averil Kingsbury (APL Property Ltd) and Ms Shelley Dawson (Senior Governance Advisor)

**Apologies**

An apology was received from Councillor MacLeod

**On the motion of Mayor van Uden and Councillor  
Aoake it was resolved that the apology be accepted**

**Declaration of Conflicts of Interest**

Councillor Aoake noted that he had a conflict with item 1: *New Lease for Wakatipu Abuse Prevention Network*.

Councillor Stammers-Smith noted that he used to work for the applicants of item 2: *Lessors Approval for Outdoor Café – Queenstown Ice Arena* 5 years ago. It was noted that as he no longer worked for them that he would be able to consider and vote on the item.

**Resolution to Exclude the Public**

**On the motion of Mayor van Uden and Councillor  
Aoake the Property Subcommittee resolved to  
exclude the public 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>
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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 10.02am.*

### **Confirmation of Minutes**

**On the motion of Councillors Aoake and Stammers-Smith it was resolved that the minutes of the Property Subcommittee meeting held on 10 December 2015 be confirmed as a true and correct record.**

### **Matters Lying on the Table**

It was unanimously agreed to consider item *Licence to Occupy Road Reserve – Mipad Holdings Limited, 4 Henry Street Development* as item 4 on the agenda.

### **Confirmation of Agenda**

The agenda was confirmed without addition or alteration.

*Councillor Aoake sat back from the table and did not take part in discussion or voting on the following item.*

#### **1. New Lease for Wakatipu Abuse Prevention Network (PSC 15/12B/01)**

Consideration was given to an application for a new lease for the Wakatipu Abuse Prevention Network over 67 Ballarat Street. The applicants were issued a lease to occupy the building for administrative and counselling offices, with the lease due to expire 31 March 2016. The lessee sought a new lease for a further term for the same purpose.

It was clarified that with the rolling periodic term of a year (recommendation 2.b.) the lease would not need to come back to Committee for approval each year.

**On the motion of Mayor van Uden and Councillor Stammers-Smith it was resolved that the Property Subcommittee:**

- 1. Note the contents of this report and in particular;**
- 2. Approve a new lease to the Wakatipu Abuse Prevention Network over Section 2 Block XVI Town of Queenstown certificate of title 471453 known as 67 Ballarat Street, subject to the following terms;**
  - a. Commencement from 1 April 2016.**
  - b. Term for a period of 1 year, on a rolling periodic term.**
  - c. Termination to be possible with 3 months' notice by Council.**
  - d. Rent to be set at \$1.00 plus GST (if demanded).**
- 3. Delegate authority to approve final terms and conditions and execution authority to the General Manager, Property & Infrastructure.**
- 4. Authorise this report and resolve for it to be made available to the public as part of the next Mayor's report to Council.**

*Councillor Aoake returned to the table for the rest of the meeting.*

## **2. Lessors Approval for Outdoor Café – Queenstown Ice Arena (PSC 15/12B/02)**

Consideration was given to an application for lessor's approval for the Queenstown Ice Arena to place a BBQ, coffee cart, freezer and tables and chairs within their lease area in the Queenstown Gardens (legally described as being Lot 1 DP 25870 Certificate of Title 18A/764 Otago Registry).

It was questioned if the Friends of the Gardens had been spoken to about the application. It was noted that due to the timeframes they had agreed to consider the application but did not have time to make any comment. Ms Kingsbury noted that in paragraph 10 the term should be between the months of December to April not April through October.

It was noted that the applicants lease and the Gardens Management Plan allowed for the activity. It was agreed that the recommended conditions allowed for any concerns raised by the Friends of the Gardens to be addressed.

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

- 1. Note the contents of this report and in particular;**
- 2. Agree to grant Lessors Approval to D.B. Graham & Sons Ltd to place a BBQ, coffee cart, freezer and table and chairs within their lease area over part of the Queenstown Gardens, Lot 1 DP 25870, Recreation Reserve, subject to the following conditions:**
  - a. No objections raised by the Friends of the Queenstown Gardens and Reserves;**
  - b. Monthly operations meeting between Council, Friends of the Gardens and the lessee to address and mitigate any concerns;**
  - c. Council to temporarily cease approval of activity if matters raised in the operations meetings are not addressed by the lessee in a timely manner, or if Council is concerned that the operation of the activity is having negative effects on the publics enjoyment of the gardens. Council to determine length of period of cessation;**
  - d. Any amplified music to be kept at a low ambient level;**
  - e. No alcohol to be sold, brought on site, or otherwise consumed on the approved area;**
  - f. No functions or events to be held, without the prior approval of Council;**
  - g. Persons using the outdoor area shall be kept to a maximum of 40;**
  - h. The lessor shall keep the area and surrounds free from litter and refuse, and shall ensure that all rubbish is collected and removed from the café site at the end of each day's activities.**
  - i. All planters and associated furniture shall be kept off the grassed areas.**
- 3. Authorise this report and resolution to be made available to the public as part of the next Mayor's report to Council.**

The Committee discussed matters regarding *Right of Way Easement – Mipad Holdings Limited* and *Licence to Occupy Road Reserve – Mipad Holdings Limited, 4 Henry Street Development* together.

There was discussion and explanation of the history of the site and the application. It was noted that the activity was allowed for within the zone. The Playcentre and QPACT were deemed as unaffected and not notified of the consent. However the Playcentre were very concerned about the effect on them. The Mayor noted that the Licence to Occupy (LTO) item had been left on the table to get more information and be assured that pedestrians would be coped with safely. She commented that the Committee had allowed many similar occupations but noted that there was no further clarity around pedestrian safety in the report. Officers commented that the Road Corridor Engineer was working with the applicants on the traffic management plan. The Committee noted that APL and the Road Corridor Engineer would need to ensure this work happened.

It was explained that if the Committee gave their approvals today the applicant could do the more intrusive and noisy sheet piling over the holiday period while the Playcentre was quiet. There was discussion around private use of the reserve that had many public activities taking place on it. Officers commented that the applicants could do the work within their land however it would be easier and safer if they had access to the easement area. The Mayor asked if QPACT had been spoken to, to understand the extent of the application and if they had given their approval.

There was discussion around the Committee's delegations to grant easements noting that if the Committee recommended to Council the item would not be considered until February. The Mayor requested legal advice be sought to confirm that the Property Subcommittee could make the decision on the easement application without having to go to full Council.

*The meeting adjourned at 10.27am and reconvened at 10.50am.*

It was confirmed that the Property Subcommittee had delegation to make the decision.

### **3. Right of Way Easement – Mipad Holdings Limited (PSC 15/12B/03)**

Consideration was given to application that sought a temporary right of way easement over Section 9 Block XVIII Town of Queenstown to enable the owner of 4 Henry St, Lot 2 DP 9106, to develop a 6 storey, 54 unit accommodation building. The right of way easement over this section would consist of a 1.5 meter wide strip running the length of the shared boundary which would be used for safety fencing, sheet piling & scaffolding.

It was agreed that the conditions listed in paragraph 14 of the report and the suggested easement fee in paragraph 15 be part of the recommendation and that recommendation 2. be amended to grant approval.

**On the motion of Councillors Stammers-Smith and Aoake it was resolved that the Property Subcommittee:**

1. **Note the contents of this report and in particular;**
2. **Grant a temporary right of way easement across Section 9 Block XVIII Town of Queenstown in favour of Mipad Holdings Limited for a period of sixteen (16) months subject to conditions;**
  - a. **MHL should ensure public liability of a minimum \$2,000,000 cover is obtained for the site including the easement area with a copy to be provided to Council prior to commencement.**
  - b. **MHL to provide a Health & Safety Plan for the entire construction site, including the easement area, with a copy to be provided to Council prior to commencement.**
  - c. **Underground services running through Section 9 Block XVIII Town of Queenstown must to be considered and redirected if necessary.**
  - d. **MHL be responsible for the replacement of any trees to the satisfaction of Council should they be removed through the process of sheet piling or scaffolding.**
  - e. **Upon completion of the sheet piling from Section 9 Block XVIII Town of Queenstown, the land is to be reinstated to the specification of an Engineer, at construction standards.**
  - f. **An easement fee of \$1,200.00 + GST per month be charged for the duration of the temporary easement.**
3. **Authorise this report and resolution to be made available to the public as part of the next Mayor's report to Council**

**4. Licence to Occupy Road Reserve – Mipad Holdings Limited, 4 Henry Street Development (PSC 15/12B/04)**

Consideration was given to an application for a licence to occupy for the use of the footpath and 32 meters of parking spaces adjacent to 4 Henry Street, Queenstown Lot 2 DP 9106 in association with the development of a 6 storey, 54 unit hotel. The occupied footpath area (20 meters x 2.8 meters) would be fenced with security gate fencing along the kerb. This area would contain temporary ground retention during the construction of the lower levels of the building and scaffolding during the

construction of the building's external envelope. A crane would also be positioned from approximately early March 2016. The applicant also sought a licence to occupy 32 meters of parking space (approximately 6 - 7 parking spaces) for unloading materials and contractor vehicles.

This item was left lying on the table at the 17 November 2015 meeting as the Committee requested further information on the original Affected Party Approval application (in 2011) and agreement, and information on how pedestrians would be safely dealt with during the occupation.

It was agreed to remove condition b. from recommendation 2. The Committee emphasised that the traffic management plan and pedestrian safety were very important and needed to be managed well. It was agreed to amend recommendation 2b. to read "*Approval of the Traffic Management Plan including safe pedestrian movement ....*"

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

- 1. Note the contents of this report and in particular;**
- 2. Approve the licence to occupy the footpath and parking spaces adjacent to 4 Henry St, Queenstown Lot 2 DP 9106 for a period of 14 months subject to the following conditions;**
  - a. All terms and conditions of the Agreement between QLDC and Kelso Investments Limited, executed 16 April 2015 are adhered to.**
  - b. Approval of the Traffic Management Plan including safe pedestrian movement, by QLDC Planning and Development before work commences.**
  - c. Approval of the Traffic Management Plan by QLDC Planning and Development before a crane is introduced to the site.**
  - d. Approval of, at the applicant's expense, development requirements affecting the area of occupation, including the sheet piling temporary support system, by QLDC Planning and Development before any work commences.**
  - e. The applicant be liable for any damages and/or reinstatement of Council's or any other person's property that may arise from the proposed activity (i.e. reinstatement of footpaths, road marks etc.). Reinstatement of**

**the area to occur immediately after occupation is complete.**

**f. The applicant pays for the use of the car parking spaces at a cost of \$15.00 per park per day for the duration of the occupation.**

**g. Stormwater assets are to be protected and accessible, and the pavers and surrounding infrastructure are to be correctly protected and reinstated to the satisfaction of the Contract Manager and Roding Corridor Engineer.**

**h. Sheet pile design to be completed by a suitably qualified professional in accordance with NZS4404:2010 with Council amendments and a Schedule 1A certificate shall be provided to Principal Engineer at Council prior to construction of the support system**

**3. Authorise 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 Councillors Aoake and Stammers-Smith it was resolved that the Property Subcommittee move out of public excluded.**

*The meeting moved out of public excluded and concluded at 10.53am.*

**Confirmed as a true and correct record:**

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**Chair**

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**Date**