

**Property Subcommittee
26 May 2016**

Minutes of a meeting of the Property Subcommittee held on Thursday 26 May 2016 in Council Chambers, 10 Gorge Road, Queenstown commencing at 9.30am

Present

Mayor van Uden, Councillors MacLeod and Stammers-Smith

In Attendance

Mr David Wallace (Manager Resource Management Engineering), Mr Blake Hoger (APL Property Ltd), Ms Vanessa Rees-Francis (Property Information Administrator), Ms Jo Conroy (APL) and Ms Shelley Dawson (Senior Governance Advisor)

Apologies

An apology was received from Councillor Aoake.

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

Declaration of Conflicts of Interest

There were no conflicts noted.

Resolution to Exclude the Public

On the motion of Councillors MacLeod and Stammers-Smith 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>

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)
-----------	---	------------------

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 9.31am.

Confirmation of Minutes

It was noted that there was not enough information for *Item 3 Mipad Holdings – Amendment of Easement Fee* to understand the decision made. The minutes are to be brought to the next meeting to be approved.

Matters Lying on the Table

There were no matters lying on the table.

Confirmation of Agenda

Ms Conroy requested her report *Item 5 Application for a Licence to Occupy for Stairs and Architectural Structures in a Recreation Reserve* be considered first.

5. Application for a Licence to Occupy for Stairs and Architectural Structures in a Recreation Reserve

Consideration was given to a report that sought a decision whether to notify the intention to grant a licence for structures on a recreation reserve. The sub-committee had already seen the application in relation to approving planting in the reserve. A Resource Consent (RM 150175) has been granted, but the applicant sought to apply for a variation of that consent to include the structures if a licence to occupy was granted.

It was noted that a licence in recreation reserve has to have an element of benefit for the reserve users. Officers explained that the applicants got approval for planting in the reserve then resource consent. It was noted that the application was for

significant structures in the reserve that do not provide benefit for the reserve users. Councillor MacLeod questioned if a compromise would be leaving only the fan-type structures that partially entered the reserve and removing the lower works. It was noted that the application was still creating a private space within public reserve.

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. Decline the request to notify the intention to grant a licence to occupy on Section 50 Blk XXI Shotover SD6.**

Councillor MacLeod abstained

The meeting considered the items in the order of the printed agenda.

1. Licence to Occupy Road Reserve, AB & DM Paton, 5 Belfast Terrace, Lots 16-17, Deposited Plan 20448, Queenstown

Consideration was given to a licence to occupy application for a new permanent schist retaining wall to entry of driveway together with temporary construction fencing within Belfast Terrace road reserve adjacent to 5 Belfast Terrace, Lots 16-17 Deposited Plan 20448, Queenstown.

It was questioned if this application was in the same situation as others that had been approved. Officers noted that this was a difficult site and that wherever the driveway was placed it would need retaining.

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

- 1. Note the contents of this report and in particular;**
- 2. Approve a licence to occupy application for a new permanent schist boulder retaining wall to entry of driveway and temporary construction fencing within Belfast Terrace road reserve adjacent to 5 Belfast Terrace, Lots 16-17, DP 20448, Queenstown, subject the following conditions:**
 - a. The retaining wall and temporary construction fence hoarding remain at Council's pleasure;**
 - b. The retaining wall is to taper off from the boundary to be flush with the kerb;**

- c. Ongoing maintenance of the retaining wall is to be the responsibility of the property owner along with any damage that may occur to the road reserve as the result of the structure. All costs relating to this are to be covered by the property owner.**
- d. Approval of the final Traffic Management Plan by QLDC Planning and Development before any work commences for the placement of the temporary fence hoarding;**
- e. All activities must be undertaken in accordance with the Department of Labour's Occupational Safety and Health (OSH) Service's standards for the work environment;**
- f. All services including phone, power and gas within the road reserve and any water, sewer and storm water services must be identified and catered for and no compromise shall be made to Council Infrastructure or access to same.**
- g. The applicant consents to the Licence being encumbered against the Title of 5 Belfast Terrace, OT14B/1171 to ensure the recommended terms and conditions continue in perpetuity for all future owners of the property.**
- h. The temporary fencing must be maintained in a stable and secure condition to ensure safe passage for all traffic including pedestrians. The fencing must not impede on safe site distances;**
- i. Fencing shall be designed to the following:**
 - i. Fencing must be a minimum of 1.1 metres high**
 - ii. Fence construction must be capable of sustaining, without failure or undue deflection, a force at any point of 70kg vertically and 45kg horizontally acting separately. An acceptable fence may be constructed with galvanised chain-link netting having a maximum sized grid of 50mm x 50mm.**

- iii. Have a secure supportive top and bottom rail;
 - iv. Have a bottom rail a maximum of 100mm above ground level;
 - v. Be continuous around any hazard;
 - vi. Be clipped or joined together;
 - vii. Remain upright and stable under all expected conditions
 - viii. Be screened with wind cloth over chain mesh, where necessary; and
 - ix. Be free of sharp edges and objects.
- j. On removal of the temporary construction fencing the applicant must return the area of occupation to, at least, the condition prior to occupation and the applicant is liable for any damages and/or reinstatement of Council's or any other person's property that may arise from the proposed activity.
3. Authorise this report and resolution to be made available as part of the next Mayor's report to Council.

2. Licence to Occupy Road Reserve – Park Street, Queenstown

Consideration was given to a licence to occupy application for a retaining wall within Park Street road reserve to relieve pressure on the back wall of the most easterly boatshed on Park Street, with such retaining wall to be topped by a timber landing and stairs to provide access down to the boatshed. The Boatshed is currently experiencing pressure for the subsidence of earth to the north which is jeopardising the integrity of the structure.

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

- 1. Note the contents of this report and in particular;
- 2. Approve a licence to occupy application within Park Street road reserve adjacent to the most easterly boatshed subject to the following conditions:
 - a. Resource and Building Consent is obtained prior to any works commencing, if required.

- b. The retaining wall and structures are to remain at Council's pleasure.
 - c. All services including phone, power and gas within the road reserve and any water, sewer and storm water services must be identified and catered for.
 - d. The retaining wall, decking, stairs and balustrade within the road reserve are the responsibility of the licensee and must be maintained to a good standard at all times.
 - e. No compromise shall be made to Council Infrastructure or access to same.
 - f. A comprehensive safety plan is to be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the subject site. All activities must be undertaken in accordance with the Department of Labour's Occupational Safety and Health (OSH) Service's standards for the work environment;
 - g. The applicant to 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 markings etc.).
 - h. The existing environment prior to works commencing will need to be evidenced by before and after photographs / video or similar.
3. Authorise this report and resolution to be made available as part of the next Mayor's report to Council.

3. Licence to Occupy Road Reserve – Solution Building Limited, 75 Beach Street, Queenstown

Consideration was given to a licence to occupy application from Solution Building Limited for the use of the Beach Street footpath in front of the building at 75 Beach Street, being Lot 2 DP 11371 associated with building alteration works. The site is adjacent to an existing licence area.

The length of the occupation was queried and the Committee was advised that it was approximately 3 months. This is to be confirmed by Council officers. It was noted that

this application was not occupying the entire footpath so should not cause issues with the existing occupation.

On the motion of Councillor Stammers-Smith 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 application from Solution Building Limited for the use of the Beach Street footpath in front of the building at 75 Beach Street, being Lot 2 DP 11371 associated with building alteration works to commence as soon as possible subject to the following conditions:**
 - a. A satisfactory Traffic Management Plan is in place for pedestrian traffic.**
 - b. All activities are to be undertaken in accordance with the Department of Labour's Occupational Safety and Health (OSH) Service's standards for the work environment.**
 - c. 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.**
 - d. All Storm water and Water supply and street lighting assets are to be protected and accessible, and the pavers and surrounding infrastructure are to be correctly protected and reinstated to the satisfaction of QLDC Planning and Development.**
 - e. The applicant to 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 markings etc.).**
 - f. Footpath pavers within the hoarding area are protected.**
 - g. Licence area to be evidenced by before and after photographs, video or similar.**
 - h. The area occupied must be kept tidy at all times with the visual effect of the hoarding to**

be taken into consideration and maintained in a tidy condition.

i. Consultation and notification is undertaken with adjacent properties and affected businesses throughout the occupation period.

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

4. Road Naming Application - Johnston Twose Trust, Off Fishermans Lane, Queenstown

Consideration was given to an application from the Johnston Twose Trust to name a new private right of way located off Fisherman's Lane, Queenstown. The options put forward by the applicant for the road names were outside the provisions of the Council's Road Naming Policy.

There was discussion on previous applications and the need for consistency and process. It was noted that names of developers were not approved in past decisions as they did not comply with the Road Naming Policy. It was agreed to amend the recommendation to take the option to decline the application. It was suggested that as many of the roads in the development were named after native birds that the applicant could be given a list of bird names that weren't in use in the district. This was added as recommendation 3.

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

- 1. Note the contents of this report and in particular;**
- 2. Decline the application**
- 3. Direct Council officers to respond with a list of appropriate of bird names to the applicant**
- 4. Authorise this report and resolution to be made available to the public as part of the next Mayor's report to Council.**

6. Patagonia Chocolates – Licence to Occupy Recreation Reserve

Consideration was given to an application for a licence to occupy over an area of recreation reserve, Lot 7 DP 1172, to enable the applicant to place a small set of steps in order to provide access to their tenancy at Lot 1 DP 20357, through a new doorway which they plan to install.

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

- 1. Note the contents of this report and in particular;**
- 2. Approve notification of the intention to grant a licence to occupy over Recreation Reserve being Lot 7 DP 1172 in favour of Patagonia Chocolates for the subject to the following terms and conditions;**
 - a. The licence be for a period of 5 years with a right of renewal for 2 further 5 year periods.**
 - b. Council may terminate the licence at any time by giving 12 months' notice in writing.**
 - c. The annual rent be at the same rate as set by Council's Table and Chair Policy for that area, currently \$80.00 per m2.**
 - d. The licensee to maintain a minimum of \$2,000,000 public liability insurance.**
 - e. The licence may only be assigned at Council's sole discretion.**
 - f. The relocation of the light pole is to be done in consultation with Council and is to be carried out by Council's approved contractors at the cost of the licensee.**
 - g. Any necessary Resource and Building Consent be obtained prior to the commencement of the licence.**
- 3. Appoint Councillors Stammers-Smith, MacLeod and Fergusson (any two of which can form a hearing panel) to hear any submissions and make a recommendation to Council.**
- 4. 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 Councillor MacLeod and Mayor van Uden it was resolved that the Property Subcommittee move out of public excluded.

The meeting moved out of public excluded and concluded at 9.48am.

Confirmed as a true and correct record:

Chair

Date