

**Resolution of Council – 15 December 2006**

**ITEM 15**

**On the motion of Councillors Wilson and Heath Council resolved:**

- 1. That the recommended decisions of the Hearings Panel on Plan Change 3 – Heritage Part II be accepted in part, namely all parts except the decisions on those submissions which seek additional items to those publicly notified on June 10 2005.**
- 2. That the Council delays public notification of the first part of this decision pending hearing and determination of the submissions reviewed to in 1. above.**
- 3. That the Council investigate the other recommendations made by the Hearings Panel and action the recommendations through reporting to the Strategy Committee, through incorporating them into the Heritage Strategy or through any other appropriate means.**
- 4. That the additional cost of extending the submissions in 1. above be funded from the existing Plan 3 Change “appeals” budget.**
- 5. That the CEO constitute a new panel to hear the submissions referred to in 1. above.**
- 6. That this report and the resolutions be made available to the public.**

**PUBLIC EXCLUDED**

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**FOR MEETING 15 DECEMBER 2006**

**REPORT FOR AGENDA ITEM: 15**

**SUBMITTED BY: Natasha van Hoppe, Consultant Planner**

**REPORT DATED: 4 December 2006**

**RATIFICATION OF HEARINGS PANEL RECOMMENDED DECISION FOR PLAN CHANGE 3 - HERITAGE PART II**

**PURPOSE**

The purpose of this report is to present to the full Council the recommendations of the Hearings Panel for Plan Change 3 *Heritage Part II*, for ratification by the Council.

The exclusion of the public from this item is necessary as it contains privileged legal information.

**BACKGROUND**

Further to an earlier Variation to the Inventory of Protected Features (contained in Appendix 3 of the District Plan) it was discovered that the Inventory did not accurately represent the heritage values throughout the entire District. It was considered that a number of significant features were not protected, with the rural areas and Townships in the District being the least represented. In addition, significant heritage landscapes throughout the District were not recognised or provided for in the District Plan, with Part 13 only providing protection for individual features and precincts (clusters/groups of heritage buildings). To the contrary heritage landscape are made up of many different interconnecting layers.

As a result Plan Change 3 was initiated to ensure, where practical, that the Queenstown Lakes District's significant heritage features and items are recognised and protected for future generations and that heritage landscapes, and their associated values within the District, are recognised and protected.

Plan Change 3 is comprised of the following amendments to the District Plan:

- The addition of 64 buildings and structures and 28 tree sites to the Inventory of Protected Features contained in Appendix 3 of the District Plan;
- Recognition of Heritage Landscapes through amendment of Issues, Objectives, Policies and Methods contained in Part 13 of the District Plan;
- The addition of a definition of Heritage Landscapes in the District Plan;
- The identification of indicative lines of 5 Heritage Landscapes as Appendix 10 to the Partially Operative District Plan; and
- Consequential amendments to the District Plan Maps.

The Plan Change was notified on 10 June 2005 with submissions closing on 5 August 2005. The summary of submissions was notified on 6 December 2005, with further submissions closing on 23 January 2006.

A total of 80 original submissions and 23 further submissions were received on Plan Change 3. Submissions received seek various forms of relief including:

- The inclusion of additional features and trees in the Plan Change/District Plan;
- The removal/deletion of features and trees included in the Plan Change/District Plan;
- Clarification of features/trees included in the Plan Change;
- Amendment of the District Plan category for features included in the Plan Change;
- Amendment of typographical and technical errors in the Plan Change/Inventory of Protected Features and Register Sheets;
- General protection for trees and features which meet an identified threshold;
- Amendment and/or deletion of reference to heritage landscapes in the Plan Change/District Plan;
- Amendment of the Issues, Objectives and Policies of Part 13 of the District Plan; and
- Amendment to the Heritage Landscapes definition.

A hearing to consider submissions on Plan Change 3 was held between Monday 4 September and Wednesday 6 September 2006. The Hearings Panel consisted of Commissioners Marquet, Kelly, and Wilson. This report details the recommendations from the Hearings Panel on the submissions on Plan Change 3.

#### **ATTACHMENTS** (refer to page 165 in attachments booklet)

1. Additional items sought by way of submission
2. Legal Advice – MacTodd June 2006
3. Legal Advice – MacTodd September 2006
4. Legal Advice – Simpson Grierson November 2006
5. Recommended Decision on Plan Change 3
6. Review of recommended amendments by MacTodd

#### **SIGNIFICANCE OF DECISION**

This decision is not significant in terms on the Council's policy on significance.

#### **CONSULTATION - INTERESTED OR AFFECTED PERSONS**

A significant amount of consultation was undertaken with interested parties and landowners during the preparation of the Plan Change.

On notification of the Plan Change copies of the public notice were sent to statutory bodies, landowners affected by the Plan Change (i.e. landowners of land containing heritage items that are proposed to be protected by way of the Plan Change) and interested parties, including community groups and firms.

In addition, the Plan Change received a considerable amount of media attention throughout the entire process, including during the preparation phase, the notification of the Plan Change and the notification of the summary of submissions.

As discussed in greater detail below, a number of submissions on the Plan Change sought the inclusion of additional heritage features and trees in the Plan Change. This comprised of items that were located on land belonging to persons who had not been originally directly notified of the Plan Change. Further to receiving legal advice on this matter, it was decided to not formerly notify the landowners of these submissions at any stage during the process. Rather, specific effort was made to ensure that there was extensive media coverage which encouraged all people to check the submissions that had been lodged with the Council. It is now considered that direct contact should be made with these landowners prior to considering the addition of such items.

### **RELEVANT COUNCIL POLICIES**

The following policy documents have been considered in the preparation of this report:

- The Queenstown Lakes District Council Policy Manual
- The Queenstown Lakes Partially Operative District Plan (2003)
- The Council's "policy on significance"
- Resource Management Act

### **DISCUSSION**

As detailed above a number of submissions were received which sought that additional heritage items and trees be included in the Plan Change process. A list of these items and the landowner (where known) has been attached to this report as Attachment 1. To date these landowners have not formerly been made aware of the Plan Change process or directly invited to participate in it. As such, there is a chance that they are unaware that an item that they own has been suggested for listing in the District Plan and hence, they've not become involved.

During the preparation of the Planners Report it become apparent that legal advice would be required to assist in determining whether the submissions seeking these additional items were within the scope of the Plan Change or not.

As a result, legal advice was sought from MacTodd. In summary this advice concluded that such submissions were within the scope of the Plan Change (refer to Attachment 2). The Planner's Report was subsequently prepared based on this advice.

Further to hearing submissions on the Plan Change the Hearings Panel requested that MacTodd reconsider their legal advice. In reply MacTodd concluded that their advice remained unchanged (refer to Attachment 3).

Concerned that the landowners of the additional items would be treated unfairly by accepting such submissions the Council further requested that Simpson Grierson review the advice received from MacTodd. In summary, Simpson Grierson concluded that technically the submissions seeking additional items could be accepted as being within the scope of the Plan Change. However, as a matter of fairness they advised that the Council should consider options to allow the affected landowner to participate in the Plan Change process (refer to Attachment 4). These options (which are further outlined later in this report) include:

- Reject the submissions and initiate a follow-on plan change process to include the items sought in the submissions:  
The Council may come to the view that the submissions are not on the Plan Change and therefore decide to reject the submissions. It could then incorporate the additional items in the District Plan through a follow-on Plan Change process.
- Initiate a variation to the plan change:  
The Council may come to the view that the submissions are not on the Plan Change and, prior to issuing its Decision on submissions, decide to incorporate the suggested additions by way of a variation to the Plan Change.
- Extend the deadline for further submission:  
The Council may come to the view that the submissions are on the Plan Change but in the interest of fairness choose to extend the timeframe for further submissions in order to allow the affected persons an opportunity to make a submission.

These options are discussed and assessed in greater detail below.

### **Hearings Panel Recommended Decision**

Further to this legal advice the Hearings Panel decided that the tidiest and fairest option would be to conclude that the submissions were not within the scope of the Plan Change and subsequently reject the submissions, and recommend that the Council initiate a follow-on plan change process to include the recommended items in the District Plan. Based on this a recommended Decision has been drafted and is attached as Attachment 5 for consideration by the Full Council.

The recommended Decision of the hearings panel can be summarised as follows:

- Where a submission seeks the addition of a feature or tree to the Plan Change/District Plan (and that feature/tree was not included in the notified Plan Change), in the interest of fairness the submission has been deemed to be outside the scope of the Plan Change and has been rejected.
- Some submissions seek the addition of features or trees which were in fact included in the notified Plan Change. A decision has been made to accept these submissions as in affect these submissions support the inclusion of the feature/tree in the Plan Change.
- Submissions that seek amendment or deletion of a feature or tree that was included in the Plan Change have been assessed and a decision on the submission has been made according to this assessment. As a result, the Hearings Panel are recommending that the following features and trees be amended as detailed:

<b>Item</b>	<b>Changes</b>
Kinloch Lodge	Change category from 2 to 3
Thompson House, 66 Hallenstein Street	Amend description of features and change category from 2 to 3
A & P Showground's Building, Wanaka	Delete from Inventory
Pembroke School, Wanaka Primary School	Delete from Inventory
St Ninians Presbyterian Church	Change category from 2 to 3
The Glebe house, Wanaka	Amend description of feature
Hawea Flat School	Amend description of feature
Walnut Cottage	Amend description of feature and change category from 2 to 3
Paradise House, Glenorchy	Change category from 3 to 2
Poplars, Speargrass Flat Road	Amend description of location

Hawthorn Hedge, the triangle, Wakatipu Basin	Amend description of location
Cherry Trees, Coronation Drive	Delete from Inventory
Manatu, Goldfields, 56 Frankton Road	Delete from Inventory
Oak. Pinewood Gardens	Amend location description
Pin Oak, Remarkables Lodge, 595 Kingston Road	Delete from Inventory
Walnut trees, Walnut Grove, Lake Hayes Estate	Clarify number of trees protected
Weeping Elm, Ballarat Street	Amend description of location to allow for transplanting onto the Queenstown Events Centre/ Aquatic Centre site.
Oaks, Cedars and Wellingtonia's, Queenstown Motor Park	Amend description of number of trees, location and legal description
Various trees	Amend common and botanical names and clarify the number protected further to submissions from Gordon Bailey

- Where a submission seeks amendment or deletion of a feature/tree that was listed in the District Plan prior to the notification of the Plan Change, the submission has been rejected. This is based on the submission being deemed outside the scope of the Plan Change.
- Where a submission seeks either general protection of trees or amendment of District Plan provisions to provide for maintenance/trimming of protected trees, the submission has been rejected. This is based on such submissions being deemed to be outside the scope of the Plan Change.
- A number of submissions were received regarding Heritage Landscapes. In considering these submissions the Panel concluded that it did not consider it appropriate to remove reference to Heritage Landscapes in its entirety from the Plan Change as sought by some submitters as:
  - It is important that heritage landscapes in the District are acknowledged in the District Plan;
  - It is appropriate for Heritage Landscapes to be acknowledged through objectives and policies in the District Plan until suitable implementation methods can be established;
  - The Act does not specifically state that a District Plan must provide implementation of its objectives or that it has to contain rules; and
  - Greater clarity and certainty of the proposed Objectives and Policies in the Plan Change can be achieved through amendment of these provisions.

The Panel considered that some of the concerns raised by submitters can be addressed through amendment of the wording of the proposed heritage landscape provisions. These amendments are attached to the Decision.

- Various other submissions sought relief that was unrelated to the Plan Change and hence were deemed outside the scope of the Plan Change and have been rejected.

### **Other Recommendations**

As a result of making a recommended decision on each submission (as summarised above), the Hearings Panel have made other recommendations to the Council which fall outside the current Plan Change process. These are contained in Appendix 4 of the Decision and can be summarised as follows:

- That the additional items sought by submitters be reviewed for potential inclusion in the District Plan through a separate follow-on Plan Change process.
- That the Council forward the submission of Carolyn Gee [3/25.9] onto the Southland District Council for their reference.
- That the Council investigate the options available to detect decay in trees on reserve land (including road reserve), in particular ultra sounding where appropriate.
- That the Council consider the matters raised in the submissions of Anne Marie Bailey [3/3.2] and [3/3.3], Jay Cassells [3/11.2], [3/11.3], [3/11.4], [3/11.5], [3/11.6], [3/11.9] and [3/11.18], Pam Maclean [3/37.2], [3/37.3], [3/37.4], [3/37.5], [3/37.6], [3/37.9] and [3/37.18], Neil Clayton [3/13.1], Karen Boulay on behalf of the Queenstown and District Historical Society [3/4.4], Vicki Buckham on behalf of the Historic Places Trust Queenstown Lakes Branch [3/9.1], Gordon Christie [3/12.7], Katie Deans [3/18.1], [3/18.2], [3/18.6], [3/18.7] and [3/18.8], Queenstown and District Historical Society [3/54.1], and Karen Stuart [3/59.1] in its ongoing work on Council policies and guidelines regarding trees and the general maintenance/trimming of protected trees within the District.
- That the Council support the guidelines drafted with regards to the maintenance and trimming of trees protected under the District Plan (titled “A Guideline to Pruning Heritage Trees in the Queenstown Lakes District”) and that the Council produce specific guidelines for the maintenance of hawthorn hedges.
- That the Council investigate whether the amendments sought in the submissions Gordon Bailey that are outside the scope of the Plan Change can be made to the District Plan in accordance with clause 16(2) and/or clause 20A of the First Schedule to the Act.
- That the Council initiate the amendments to the various categories as recommended by Rebecca Reid through a separate Plan Change process.
- That the Council initiate a process that will allow for ongoing research and documentation of protected features listed under the District Plan.
- That the Council consider talking to the Ministry of Education regarding their request to draft a Memorandum of Understanding between the Council and the Ministry with respect to lodging applications for the Hawea Flat School building.

### **Review of Recommended Amendments**

Further to new Council policy the Hearings Panel recommended amendments to the District Plan have been reviewed by a senior processing planner and by legal expertise.

CivicCorp Planner Amanda Templeton reviewed the recommended amendments from a processing planner’s perspective and provided the following feedback in reply:

*“All in all, it’s quite clear what we are trying to achieve with the Plan Change. My main concern with this Plan Change is that we are aiming through the new policies and objectives to protect and enhance the heritage landscapes in the District however I see little ability for these to be implemented through the lack of rules which trigger these to be looked at. Say if we had a proposed subdivision in Skippers - sure we could look at the overall effect on the heritage landscape when assessing the policies and objectives but for other applications, particularly those that are permitted or controlled activities I would say that these policies and objectives would not be given the opportunity to be assessed.*”

*However, I do believe that the following provision goes some way towards assessing the effects of development on the heritage landscape at the time it is categorised.*

*“13.1.3 Objective and Policies*

*Objective 3*

*Implementation Methods*

*(i) Partially Operative District Plan*

*(c) Develop assessment criteria to identify heritage landscapes. These criteria need to be able to:*

*iii) assess what the potential adverse effects of development, subdivision or other use will be on the heritage landscape.”*

*Aside from this it seems good to me.”*

Jayne Macdonald of MacTodd reviewed the recommended amendments from a legal perspective. Feedback from this review is attached as attachment 6.

### **Queenstown Motor Park Trees**

One final matter that needs to be brought to the Council's attention relates to the Oaks and Cedar trees in the Queenstown Motor Park. These trees (being 6 Oaks and 7 Cedars on the old Motor Park site and 4 Cedars on the new Motor Park site) were intended to be protected through the Plan Change as Ref 198. After the hearing proceedings it was however brought to the Council's attention that the description of Ref 198 is incorrect, in particular the legal description for these trees indicates that these trees are located on the neighbouring Clouston Reserve. There are two submissions which provide the opportunity for Council to make amendment to the listings of these trees. Therefore, as summarised above, the Hearings Panel recommend that the description of the number of trees, location and legal description be amended through the Decision to reflect the intentions of the Plan Change.

This is brought to the Council's attention as it may have some impact on the Council's Lakeview Project as, due to the identified errors, the trees were not recognised as being protected by the project team until very recently. Subsequent meetings with the project manager Ken Gousmett have however concluded that while a non-heritage listing would enable more flexibility in how the trees could be managed while still protecting them, it is considered that there is a level of community expectation that the identified trees be protected as "heritage trees" as intended by the Plan Change.

### **OPTIONS FOR THE COUNCIL IN ITS DECISION MAKING**

Pursuant to Section 79 of the LGA 2002, all reasonably practicable options available to the Council have been considered, with the level of assessment being directly relative to the significance of the effects of the decision.

In recommending its decision on the submissions which seek the inclusion of additional items in the Plan Change, the Hearings Panel has considered the three options recommended by Simpson Grierson. In this instance “do nothing” was not an option as the Hearings Panel were in the middle of a legal process that needed to be continued and completed in a timely manner.

In considering these options the following costs and benefits of each option have been taken into account:

<b>Option</b>	<b>Benefits</b>	<b>Costs</b>
1. Reject the	Allows the Decision on the current Plan Change to be	It is likely to be a longer process than the other two options, thereby

submissions and initiate a follow-on plan change	issued without any further delays.	providing a greater period of time in which the features are unprotected.
	Allows other matters associated with the Plan Change to be resolved without further delay.	There will be additional costs for the Council to process a new plan change, including costs associated with preparing a section 32 report, consultation with landowners, notification, and the submission and hearing phase. Research and assessment of the features has already been undertaken hence the costs to prepare the Plan Change itself will be minimal.
	Allows for affected landowners to be involved in a process.	
	Allows for the existing Plan Change process to remain tidy and avoids any confusion of the process by the general public.	
	If a clear and specific purpose is established for the follow-on Plan Change, extension of the Plan Change and its timeframes and budgets can be avoided and the issues that have arisen in this current Plan Change will be prevented from re-occurring.	
2. Initiate a variation to the Plan Change	Allows for affected landowners to be involved in the process.	It may be a confusing process for the public.
	Is consistent with relief sought by a number of submitters. I.e. To delay the existing process to allow for the inclusion of the additional items.	Delays the issuing of the Decision on submissions and therefore other matters associated with the Plan Change.
		Costs for the Council to process a variation, including preparing a section 32 report, consultation, notification of the variation, processing submissions, the hearing and the issuing of the final decision. Research and assessment of the features has already been undertaken hence the costs to prepare the Variation itself will be minimal.
3. Extend the timeframe for further submissions	Allows for affected landowners to be involved in the process.	It may be a confusing process for the public.
	It is consistent with relief sought by a number of submitters. I.e. To delay the existing process to allow for the inclusion of the additional items.	Delays the issuing of the Decision on submissions and therefore other matters associated with the Plan Change.
	It is likely to be a shorter timeframe than the other two	Costs for the Council to notify the extension of timeframe, report on

	options, offering earlier protection of the features and time costs to the Council.	any new further submissions, hear any new further submissions, rehear the related original submissions, and make decisions on the further submissions.
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There are three options available in terms of the scope of the follow-on Plan Change in Option 1 above:

- a) Limit it to considering the addition of the 57 items (comprising of trees and features) in the District Plan as sought in submissions.
- b) As per a), plus consider other items that may also be suggested by interested public.
- c) As per a) above plus consider the changes in categories that have been suggested by Heritage consultant, Becky Reid, as part of the further research and analysis she did for Council following the notification of Plan Change 3.
- d) As per b) above plus consider the changes in categories that have been suggested by Heritage consultant, Becky Reid, as part of the further research and analysis she did for Council following the notification of Plan Change 3.

The above options are all of quite a different scale and will incur quite differing costs to the Council, with option a) being the most simple and option d) the most complex.

**FINANCIAL IMPACT**

The ratification of the Hearing Panel’s recommended decision on Plan Change 3 and its subsequent notification will have no unforeseen financial impacts that are not already captured in the 2006-07 CCP.

A follow-on plan change process will however have financial impacts that have not yet been provided for. These costs will need to be assessed and considered in detail (ultimately through a request for actual proposals from consultants). However, having undertaken preliminary considerations, the Council’s Manager: Strategy and Planning would suggest that the following indicative funding would need to be made available to enable this process to proceed:

**Option a) - Limit the addition of the 57 items**

<p>Stage 1. Preparation of the Plan Change (limited only to considering those new items suggested in submissions) and the accompanying S 32 report, up to notification – including some (although limited) consultation with the landowners.</p> <ul style="list-style-type: none"> <li>• Research on these items has been done.</li> <li>• 25 individual parties have made these submissions, QLDC representatives made 17 of these, the QLDC or a related or similar public agency is the owner in 21 of the cases, 15 owners are unknown, 2 affect multiple owners, and the owners of the rest are unclear (largely due to unclear submissions/ locations). It is assumed the public agency ones will be relatively uncontentious but that those in private ownership, and especially those stemming from unclear submissions, are likely to take considerable time throughout</li> </ul>	<p>\$15,000.00 plus in-house project management and administration time.</p>
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the process.	
Stage 2(a). Submission period (assuming 30 submissions)	\$5,000.00 plus in-house project management and considerable administration time.
Stage 2(b). The writing of a planner's report and the hearing of submission. Assumes no more expert research is required	\$13,000.00 plus an estimated \$6,000 of commissioner's time.
Stage 3. Appeals.	Unknown - Include a contingency of \$38,000 as "standard" in the CCP (plus legal costs).
<b>Total estimated budget (including a 10% contingency)</b>	<b>\$84,700 with \$33,000 in Year 1 and the remaining in Year 2</b>

Options b), c) and d)

Based on the above indicative costings it is estimated that either options b) or c) would be likely to cost a 1/3 more again and option d) would cost 2/3 more.

**Timing and Funding of a Follow-On Plan Change**

If the Council adopts to proceed with a follow-on Plan Change, then the timing of when this project can commence needs to be carefully considered. Pursuant to Section 79 of the LGA 2002, all reasonably practicable options have been considered. In order to determine how best to achieve the objective of effective heritage protection the following options available to the Strategy Committee have been determined:

1. To defer the further Plan Change until June 2007 and seek further funding through the 2007 Annual Plan process.
2. To commence this further Plan Change as soon as possible and, as a consequence, defer other projects until the 2007 Annual Plan.
3. To increase the Strategy budget for 2005/06 in order to enable the Plan Change to commence. This option may involve changing the CCP, thereby requiring special consultative procedures, which brings with it costs and time delays. Even if it does not require a change to the CCP, it will require the Council to increase the loan that currently part-funds District Plan development.

The following criteria for making a decision between the above options (and in particular whether to commence a project not otherwise identified in the current CCP) are outlined in the report that went to the full Council in May 2006 that was entitled "Project Initiation and Approval Process" (from the CEO):

- Connections to other council or outside agency programmes - i.e. is the work critical to another activity? Can the work be done elsewhere in a more effective way?
- Value that the project would add to community outcome - i.e. what benefit do we get?
- Reason for urgency – there must be a very strong and obvious case for this project to proceed immediately such as statutory obligation, major loss of amenity, large economy of scale, etc.
- Implications - what are obvious risks/impediments of not proceeding promptly? Can these be managed?
- What are risks of proceeding promptly – Can we manage these?
- Implications for growth/grow modeling projections used.

- Projects to be re-prioritised in order that project may proceed - whose workload is going to be re-prioritised and in what ways in order that project can proceed?

### **Financial Impacts if Council Declines the Hearings Panel Recommendations**

If the Council decides not to proceed with the Hearings Panel recommendations and instead decides to proceed with one of the two other options identified by Simpson Grierson, this will result in financial impacts that have not yet been provided for. As for the follow-on plan change process these costs will need to be assessed and considered in detail. However, it is considered that the following indicative funding would need to be made available to enable either of these two options to proceed.

It is important to note that by declining the Hearings Panel recommended Decision (either in whole or part) the Council will need to repeat (either in whole or with respect to those parts not accepted) the current hearing and decision process. This will include preparing a planners report, appointing a new Hearings Panel, hearing submissions, and drafting and issuing a decision.

#### Initiate a variation

<p>Stage 1. Preparation of the variation (limited only to considering those new items suggested in submissions) and the accompanying S 32 report, up to notification – including some (although limited) consultation with the landowners.</p> <ul style="list-style-type: none"> <li>• Research on these items has been done.</li> <li>• 25 individual parties have made these submissions, QLDC representatives made 17 of these, the QLDC or a related or similar public agency is the owner in 21 of the cases, 15 owners are unknown, 2 affect multiple owners, and the owners of the rest are unclear (largely due to unclear submissions/ locations). It is assumed the public agency ones will be relatively uncontentious but that those in private ownership, and especially those stemming from unclear submissions, are likely to take considerable time throughout the process.</li> </ul>	\$15,000.00 plus in-house project management and administration time.
Stage 2(a). Submission period (assuming 30 submissions)	\$5,000.00 plus in-house project management and considerable administration time.
Stage 2(b). The writing of a planner's report and the hearing of submission on the variation. Assumes no more expert research is required	\$13,000.00 plus an estimated \$6,000 of commissioner's time.
Stage 2(c). The writing of a planners report and hearing of submissions on remainder of Plan Change 3. Assumes that it will occur the same time as Stage 2(b) and that no more expert research is required. Includes re-hearing relevant submissions and issuing a final decision.	\$13,000.00
Stage 3. Appeals.	Unknown - Include a contingency of \$38,000 as "standard" in the CCP (plus legal costs).
<b>Total estimated budget (including a 10% contingency)</b>	<b>\$99,000 with \$33,000 in Year 1 and the remaining in Year 2</b>

### Extend the Deadline for Further Submissions

Stage 2(a). Submission period (assuming 15 further submissions)	\$2,500 plus in-house project management and considerable administration time.
Stage 2(b). The writing of a planners report and hearing of submissions on the remainder of Plan Change 3. Assumes that no more expert research is required. Includes re-hearing all necessary submissions (including additional further submissions) and issuing a final decision. It is noted that prior to making a recommended decision the Hearings Panel will need to firstly consider the jurisdiction of the original submissions that seek additional items.	\$30,000.00 plus an estimated \$6,000 of commissioner's time.
Stage 3. Appeals.	Unknown - Include a contingency of \$38,000 as "standard" in the CCP (plus legal costs).
<b>Total estimated budget (including a 10% contingency)</b>	<b>\$84,150 with \$33,000 in Year 1 and the remaining in Year 2</b>

Note that there is a risk involved with this option which could incur greater unforeseen costs. This would occur if the newly appointed hearings panel concluded that the submissions which seek additional items are not within the scope of the Plan Change and hence can not be considered.

### DELEGATIONS REGISTER REFERENCE

Changes in policy, such as notification of a decision on a Plan Change as recommended by this report, needs to be ratified by Full Council before it can be notified.

### RECOMMENDATION

- 1. That the recommended decisions of the Hearings Panel are adopted as the Council's Decision on Plan Change 3 – Heritage Part II.***
- 2. That in accordance with the First Schedule of the Resource Management Act 1991 the Council publicly notifies the Decision.***
- 3. That the Council immediately initiates a follow-on Plan Change process to include in the District Plan the recommended additional heritage features and trees sought through submissions on Plan Change 3.***
- 4. That a report be presented to the February Strategy Committee detailing the timeframes, costs and scope of a follow-on Plan Change process for their approval.***
- 5. That the Council investigate the other recommendations made by the Hearings Panel and action the recommendations through reporting to the Strategy Committee, through incorporating them into the Heritage Strategy or through any other appropriate means.***

- 6. That this report and the resolutions be made available to the public (as and when appropriate).***

**ATTACHMENT 1: CALL FOR FUTHER SUBMISSIONS  
SUBMISSIONS SEEKING ADDITIONAL ITEMS BE INCLUDED IN PLAN CHANGE 3**

TABLE 1: Submissions seeking additional heritage features be included in the Plan Change

<b>Submitter #</b>	<b>Submitter Name</b>	<b>Addition Sought</b>	<b>Landowner (all subject to verification)</b>
10.3	Jay Cassells	New precinct – area enclosed Brisbane & Park Streets	Numerous private landowners
10.4	Jay Cassells	Boatshed & slipway at Frankton marina	QLDC
11.10 & 37.10	Jay Cassells & Pam Maclean	The structures and grounds known as Paddy Mathias Place at Arthur's Point	Private owner
11.11	Jay Cassells	The Frankton Track	QLDC
11.15 & 37.15	Jay Cassells & Pam Maclean	Bowling Club buildings and grounds (in Queenstown Gardens)	QLDC
11.17 & 37.17	Jay Cassells & Pam Maclean	Any relics or sites of Chinese settlement on the Arrow River	DOC/QLDC
25.1	Carolyn Gee	The rail between Kingston and Fairlight	Private owner
25.2	Carolyn Gee	Telephone wire running from Kingston to Half Way Bay	Location unknown
25.5	Carolyn Gee	2 engines, 4 carriages & numerous wagons in Kingston	Private owner
25.8	Carolyn Gee	Weir and piping supplying water from the hill to the rail water tank [at Kingston]	Private owner
27.1	John Glover	New Precinct – area immediately adjacent to and occupied by the Kinloch Lodge	Submitter
29.1	Jill Hamel	Abutments of the bridge over McChesney Creek, Arthur's Point	DOC
38.1	Anne Maguire	Stone stable on Lot 9 DP 301885 at Littles Road	Private Owner
54.2	Queenstown Historical Soc	Features on Arranmore Farm, Grants Road	QLDC/Queenstown Airport Corporation Limited
61.1	Barbara Syme	Pig & Whistle building, Queenstown	Private Owner

TABLE 2: Submissions seeking additional trees be included in the Plan Change

<b>Submitter #</b>	<b>Submitter Name</b>	<b>Addition Sought</b>	<b>Landowner</b>
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2.1	Arrowtown Village Assoc.	Wellingtonias in the Arrowtown Camp Ground cabin area	QLDC
2.2	Arrowtown Village Assoc.	Mature trees next to the Greek Fir (ref 269) in Old Manse grounds, 51 Manse Road	Private Owner
5.1	Karen Boulay	Trees at 5 Huff Street	Submitter
6.1	Jo Boyd	Wellingtonias, Boyd Road	Submitter
12.1	Gordon Christie	All major trees around the [Wanaka] Lake edge	QLDC and possibly multiple private landowners
12.2	Gordon Christie	The poplars opposite the [Wanaka] showground and around to Edgewater	QLDC and possibly multiple private landowners
12.3	Gordon Christie	The trees in the Eely point area	QLDC and possibly multiple private landowners
12.6	Gordon Christie	The poplars and blue gums in groups in the paddocks above the Stoney Creek Subdivision	Possibly multiple private landowners
14.1	P A & W A Cody Family Trust	Trees on the lake front near 885 Frankton Road	DOC, QLDC, possibly other private landowners
18.5	Katie Deans	Smoke trees along Frankton Rd	QLDC and possibly multiple private landowners
20.2	Sharon Duncan	Chestnut Tree at 93 Thompson St	Submitter
21.1	Neil Farrin	Trees on QLDC reserve next to 297 Dublin Bay Road	QLDC
22.1	David Finlin	Two gum trees on Frankton road adjacent to the Sherwood Manor Hotel	Private Owner
22.2	David Finlin	Snow Gum, Glenorchy Road, Bobs Cove	Private Owner
22.3	David Finlin	Horse Chestnut, along driveway to the Sutherland Farm on Gorge Road	Private Owner
22.4	David Finlin	Oak trees in farm land by old white stone cottage, SH between Kelvin Heights turnoff and Boyd Road, 148 Kingston Road	Private Owner
24.1 & 60.1	Chiga Fukuda & Dorothea Ramsay	Eucalypt trees on Council reserve (Lot 39 DP 16397) adjacent to Panorama Terrace	QLDC
26.2	Jackie Gillies	6 Oaks on the property of Mrs Lynley Hansen, adjacent to Hansen Road, Frankton	Private Owner
36.1	Pasty Lambert-Robinson	Eucalyptus Trees on the Lake Hawea foreshore	Further research required
45.1	Gordon Bailey	2 Taxus Baccata 'Fastigiata' at the old Queenstown Primary School site	QLDC
45.2	Gordon Bailey	Sequoiadendrum giganteum at the site of the old Bottle House	Private Owner
45.3	Gordon Bailey	Tilia x europea at Earnslaw Park	QLDC

45.4	Gordon Bailey	Juglans regia - Walnut - at St Peters Anglican Church	Private Owner
45.5	Gordon Bailey	Ulmus glabra 'Horizontalis' at the St Peters Anglican Church	Private Owner
45.6	Gordon Bailey	Aesculus hippocastanum - Horse Chestnut at St Peters Anglican Church	Private Owner
45.7	Gordon Bailey	9 Pyrus Communis - common Pear - at Wanaka Station Park	QLDC
45.8	Gordon Bailey	Pyrus Communis - Pear - at reserve corner Gorge Road / Stanley Street	QLDC
45.9	Gordon Bailey	2 Pyrus Sp - Eating Plum - at reserve corner of Gorge Road and Stanley Street	QLDC
45.10	Gordon Bailey	Ficus Sp. - Fig - at reserve corner Gorge Road and Stanley Street	QLDC
45.11	Gordon Bailey	Aesculus hippocastanum at reserve corner of Gorge Road and Stanley Street	QLDC
46.2	Gordon Bailey	Larix decidua (European larch) at Wanaka Station Homestead	QLDC
46.3	Gordon Bailey	Larix kaemferi (Japanese larch) at Wanaka Station Homestead	QLDC
46.4	Gordon Bailey	Cedrus atlantica glauca (Atlantic cedar blue) at Wanaka Station Homestead	QLDC
51.1	Duncan Field	Gun Tree in Wanaka cemetery	Wanaka Cemetery Trustees
51.2 & 63.1	Duncan Field & K & B Taylor	Liriodendron, cnr Capell Ave & Skinner Cres, Lake Hawea	Private Owner
52.1	Duncan Field	Tall red oak next to Buckingham Green, Arrowtown	Private Owners
55.2	Barry Robertson	Poplars, Domain Road	Multiple private owners; QLDC if in road reserve
57.1	Kirsty Sharpe	Significant trees around lake edge within the Kawarau Falls Lakeside Holiday Park	QLDC and multiple private owners
66.2	B & N Thompson	Walnut Tree at Pinewood Gardens	Submitter
76.1	Mary Hansen	Tress at Arranmore Farm, Grants Road – walnuts, horse chestnuts, elms, black popular	QLDC/Queenstown Airport Corporation Limited and possible private owner
79.1	Murray McClennan	Nine Elm trees on submitters property (Section 25D Block VII Shotover SD)	Submitter

