



Order Paper for an ordinary meeting of the

**QUEENSTOWN LAKES DISTRICT COUNCIL**

to be held on

Thursday, 25 October 2018

commencing at 1.00pm

In the Council Chambers, 10 Gorge Road,

Queenstown

## **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 Council Chambers, 10 Gorge Road, Queenstown on Thursday, 25 October 2018 commencing at 1.00pm

<b>Item</b>	<b>Page No.</b>	<b>Report Title</b>
		<b>Apologies/Leave of Absence Requests</b>
		<b>Declarations of Conflict of Interest</b>
		<b>Public Forum</b>
		<b>Special Announcements</b>
		<b>Confirmation of Agenda</b>
		<b>Items Lying on the Table</b>  Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area
	6	<b>Confirmation of Minutes</b> 6 September 2018
1.	27	<b>Adoption of 2017/18 Annual Report</b>  NOTE: Annual Report and summary Annual Report circulated separately.
2.	30	<b>Proposed Amendment to Policy on Development Contributions</b>
3.	38	<b>Amendments to Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 and Arrowtown-Lake Hayes Reserve Management Plan</b>
4.	67	<b>Responsible Camping Strategy 2018</b>  NOTE: Responsible Camping Strategy circulated separately.
5.	74	<b>Lessor's and Minister's Approval to enable Skyline Enterprises Limited, to establish a (replacement) luge workshop building within their Lease Area on the Ben Lomond Recreation Reserve</b>
6.	99	<b>Millbrook Cricket Club – New Reserve Licence</b>
7.	107	<b>Proposed Reserve Licence - Otago Regional Council Water Monitoring Stations at Hayes Creek and Mill Stream</b>
8.	116	<b>Parkrun New Zealand Ltd – New Wanaka Licence</b>
9.	126	<b>Underground Service Easement – Bannister Street, Hanley's Farm</b>

<b>Item</b>	<b>Page No.</b>	<b>Report Title</b>
10.	133	<b>Mayoral Housing Affordability Taskforce Progress Report</b>
11.	145	<b>Ratification of Hearings Panel’s recommendation on Private Plan Change 53: Northlake Special Zone</b>
12.	200	<b>Queenstown Lakes District Council Alcohol Restrictions in Public Places Bylaw 2018</b>
13.	235	<b>Dog Control Policy and Practices Report 2017 - 2018</b>
14.	245	<b>Chief Executive’s Report</b>
	262	<b>Recommendation to Exclude the Public</b>
	267	<b>Confirmation of Public Excluded Minutes</b> 6 September 2018
14a.	269	<b>PUBLIC EXCLUDED</b> <b>Chief Executive’s Report (Public Excluded section)</b>
15.	271	<b>PUBLIC EXCLUDED</b> <b>New Solid Waste Services Contract</b>
16.	296	<b>PUBLIC EXCLUDED</b> <b>MOU with Ngāi Tahu Property</b>
17.	302	<b>PUBLIC EXCLUDED</b> <b>Lakeview Hot Pools (Ngāi Tahu Tourism) Reserves Lease</b>
18.	330	<b>PUBLIC EXCLUDED</b> <b>Resolution in relation to Housing Infrastructure Fund (“HIF”) funding and related arrangements in connection with the projects at Kingston, Ladies Mile and Quail Rise</b>

# Minutes

Confirmation of minutes:

6 September 2018

**Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Armstrong Room, Lake Wanaka Centre, Wanaka on Thursday, 6 September 2018 commencing at 1.00pm**

**Present:**

Mayor Boulton; Councillors Clark, Ferguson, Forbes, Hill, MacDonald, McRobie, Miller, Smith and Stevens

**In attendance:**

Mr Mike Theelen (Chief Executive), Mr Stewart Burns (General Manager Finance, Regulatory and Legal), Mr Tony Avery (General Manager, Planning and Development), Dr Thunes Cloete (General Manager, Community Services), Mr Peter Hansby (General Manager, Infrastructure and Property), Ms Meghan Pagey (Acting General Manager, Corporate Services), Ms Polly Lambert (Acting Asset Planning Manager), Mrs Ruth Stokes (Consultant, ZQN7 Ltd), Mr Ulrich Glasner (Chief Engineer), Mr Dan Cruickshank (Property Advisor, APL Property Ltd), Mr Aaron Burt (Senior Planner, Parks and Reserves), Mr Paul Speedy (Strategic Projects Manager) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and approximately 60 members of the public

**Apologies/Leave of Absence Requests**

Councillor MacLeod 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**

No declarations were made.

**Matters Lying on the Table**

There were no matters lying on the table.

**Public Forum**

1. Kerry Dunlop

Mr Dunlop advised that he was the owner of the property which was the subject of the report concerning an application for a Licence to Occupy the Bendemeer Bay Recreation Reserve. The vehicle access to the property had originally crossed legal unformed road but the Council had redesignated the land as reserve in 1982 without the family's knowledge. Use of the land was necessary to ensure adequate sightlines into the property and the family had paid for the Property Subcommittee to establish a Right of Way easement in 2015 but had not registered the easement. The strip of land sought was of no use to the reserve but important for sight and he asked the Council to make the decision sought.

**QUEENSTOWN LAKES DISTRICT COUNCIL****6 SEPTEMBER 2018****Page 2****2. Kirsty Sharpe**

Mrs Shape expressed concern about Queenstown Airport's wish to expand its noise boundaries to allow the level of airport business to triple. She considered that such growth was out of scale with a small community such as Queenstown. She noted that there were 95 visitors for every resident and this would only worsen if the airport was allowed to expand.

Although the airport had been a very successful business, it was now important for directors to be appointed that had a community focus.

If the airport was allowed to extend its noise boundaries there was little chance of Queenstown ever being able to get a decent hospital in Frankton, nor would the adjacent schools be able to grow.

**3. Sally Stockdale**

Ms Stockdale also expressed opposition to Queenstown Airport increasing its noise boundaries. She considered that the noise data had been manipulated to demonstrate compliance to serve those who had commissioned the measurements. She considered that the reasons for living in Queenstown would be irreparably damaged if the airport was allowed to extend. She did not believe that the effects could be mitigated especially as the town and infrastructure were currently at their maximum capacity. She asserted that extending the airport's noise boundaries would make everyone unhappy and it was not a long-term solution. It was an international airport in the middle of an outstanding landscape and the community had been told that the airport had capacity until 2037.

**4. Bill Sharpe**

Mr Sharpe suggested that proper software was needed to show the footprint of noise. He noted that a professional noise measurement had recorded the aircraft noise as being more than 85 decibels.

**5. Tim Williams (Planner), speaking on behalf of Lane Hocking (Hawea SHA)**

Mr Williams spoke of Mr Hocking's wish to develop 400 quality homes in Hawea. Quality affordable housing was needed now and not in ten years' time and the development would be delivered in a timely, community friendly fashion. First home buyers would have priority and prices would be tailored to meet the Kiwisaver home start cap. The house and land packages were a compelling proposition and Mr Hocking was 100% committed to delivering on the stakeholder deed.

**6. April Mackenzie**

Ms Mackenzie noted that the Council had already met its targets under the Housing Accord and had therefore fulfilled its statutory requirements. The Hawea community had demonstrated why the proposed SHA did not meet the requirements of the act and had written to the Council with this legal advice but had yet to receive a response. Promoting this SHA was contrary both to the Proposed District Plan that development outside urban boundaries was undesirable and the Council's own expert evidence that there was already substantial urban development land available.

**QUEENSTOWN LAKES DISTRICT COUNCIL****6 SEPTEMBER 2018****Page 3**7. Laura Solbak

Ms Solbak asserted that the Council's decision to approve the Hawea SHA in principle illustrated that planning in the district was being led by developers and the Council had amended its lead policy to accommodate this development. She did not consider that regard had been given to medium or long-term implications and the Council was ignoring its own advice that demand could be met within existing urban boundaries. She noted that the Council had a duty under the Local Government Act to be rigorous in its decision-making and to consider all reasonably practicable options. As Hawea did not have an allocated representative the Council had a special responsibility to look after this community.

8. Jen Rumore

Mrs Rumore noted that she had looked for the Council's Conflicts of Interest Register which should have been displayed on the website according to the QLDC Code of Conduct. The Council had decided to treat a request for the register as an official information request rather than simply supplying the link. Because the register had not been found, the Hawea community had not been able to satisfy itself that elected members had no conflicts. In addition the Chief Executive was the registrar which could hardly be seen as independent because he was a Council employee. The fact that the Council did not display the register was symptomatic of a lack of compliance with its own policies.

Mrs Rumore was disappointed that the Hawea Community Association had not been asked to be part of the Hawea SHA stakeholder deed and that the Council had refused to share with the HCA information that was deemed commercially sensitive.

9. Jude Battson

Ms Battson noted that the Guardians of Lake Hawea had been formed in 1985 and had agreed on lake levels but recent low levels were resulting in erosion and dust storms. The Hawea community had also formed the Community Association and had achieved good outcomes in liaison with the Vincent County Council. Since that time there was a long list of things that the HCA had achieved and most were on QLDC owned recreational reserve land. The HCA brought people together and produced positive community projects with the Council as a partner. There were also local groups that cleared weeds and replaced them with native plantings and Hawea had its own freedom camping wardens. Hawea was a model to hold up of a good relationship with the Council and any further development south of Cemetery Road needed to be well planned.

10. Don Robertson

Mr Robertson stressed that the Hawea community was not anti-progress but it was opposed to development ideas that would harm the community. The SHA project was not supported because it would double the urban boundaries whilst leaving huge areas of land empty and would have a massive impact on the town's infrastructural needs. The fact that three Councillors had opposed the original proposal showed that there were concerns about it. It was accepted that there was a housing crisis but this was not a solution and it would simply add to the problem. It was not clear whether the developer or the town would be



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required to meet the cost of extending the water supply boundaries but the Council had already failed in this regard and there was no confidence in the Council being able to deliver. The proposed SHA was both massive and disruptive and the community wanted to be able to restore its trust in the Council by the Council dealing with these matters transparently.

**On the motion of Councillor Stevens and Councillor McRobie the Council resolved that Standing Orders be suspended to allow the Public Forum to extend beyond 30 minutes.**

**11. Bronwyn Cours**

Ms Cours detailed plans for the upcoming Festival of Sport and Recreation at the Wanaka Recreation Centre on 16 September to which she invited all Councillors. The festival planned to demonstrate all the different sports available and to showcase the health benefits of physical activity. The festival was also a chance for the community to come together and she was grateful for the strong support the event had received from QLDC and staff.

**On the motion of the Mayor and Councillor Forbes the Council resolved to reinstate Standing Orders.**

**Confirmation of agenda**

**On the motion of the Mayor and Councillor Smith the Council resolved that the agenda be confirmed without addition or alteration.**

**Confirmation of minutes**

**On the motion of the Mayor and Councillor Stevens the Council resolved that the minutes of the meeting held on 26 July 2018 be confirmed as a true and correct record.**

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

A report from Blair Devlin (Manager, Planning Practice) assessed the draft Stakeholder Deed to ascertain if the Council could recommend to the Minister of Housing and Urban Development that the Hawea (Universal Developments) expression of interest should be established as a Special Housing Area ['SHA']. The matters examined were detailed in parts 2, 3 and 4 of the Council's earlier resolution on 28 June 2018 and the report concluded that the Council could recommend the proposal to the Minister.

Items 1 and 2 were presented by Mr Avery, Mr Devlin and Mr Glasner.

Mr Devlin advised of a correction to paragraph 40 of the report, in that the minimum number of lots/dwellings proposed was 30 and not 20 as stated in the report. He added that the increase in price cap for the Kiwisaver Home

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Start to \$650,000 had been foreseen and provided for in the Deed of Agreement and would be reflected in the house and land packages offered.

It was confirmed that the Housing Trust contribution needed to be 10% of the total housing land, not lots; in addition, Mr Devlin confirmed that Universal Developments had legal ownership of the subject land.

Councillor McRobie asked why it was permissible to build this style of development on rural general land. Mr Devlin noted that it was allowed because the proposal was being processed under the Housing Accords and Special Housing Areas Act 2013 rather than the Resource Management Act 1991.

Councillor Smith stated that he had not supported the proposal when it was first presented to the Council and he did not support it now. He conceded that the Deed of Agreement went further than any other in providing affordable housing but he still did not support it.

Councillor Clark considered that the proposal represented an accessible start for young families and was a real opportunity.

Councillor Stevens advised that his stance had changed from when it was previously considered because the subject land now fell within Category 2 of the Lead Policy and support of it would not be contrary to the District Plan. However he questioned how the proposal would meld into the wider community and what benefits it would bring. He acknowledged that the proposal had merit in terms of the wider district but he struggled to understand its integration within the existing local community. Further, he questioned whether it would create a 'retail island' that would compete with existing retail developments.

Accordingly, he considered that further work was needed before the proposal could progress further and he therefore supported option two in the report which recommended further negotiation between the developer and Council.

Councillor Miller indicated that she was prepared to second this as a motion.

In speaking to option two, Councillor Stevens considered that a round of further negotiation could provide the opportunity to gain the community's support as it was important for the proposal to add to the community in a positive way. He considered that this was mainly about community facilities and complementarity of existing and proposed retailing areas. Overall, he was fearful of dividing the community along physical boundaries which could result in a fragmented township and he believed that finding solutions to these matters merited a delay.

Councillor Ferguson expressed support for a delay. Councillor Forbes stated that she disliked delays but she also disliked how the community was feeling. However, she was also cognisant of the demand for housing so she was prepared to support a delay provided that the matter did not lapse or the same issues were not relitigated.

**On the motion of Councillors Stevens and Miller the Council resolved that:**

- a. The item lie on the table, pending Council having further discussions with the community and Hawea SHA developer about community integration and development of the retail hub; and**
- b. The item be reported back to the Council no later than the 13 December 2018 Council meeting.**

*Councillor Clark and Councillor Smith recorded their votes against the motion.*

Mr Glasner noted a delay could result in staff not being able to bundle together different infrastructure projects. The Mayor indicated that staff should continue to investigate the necessary infrastructure.

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

A report from Blair Devlin (Manager, Planning Practice) presented measures for the Council to approve for inclusion in the Draft Deed of Agreement which would enable the Council to recommend to the Minister of Housing and Urban Development that the Bright Sky expression of interest be established as a Special Housing Area. The report recommended that the Council agree to recommend the proposal to the Minister subject to three proposed conditions.

It was noted that the roading arrangements were now different from those shown in Figure 2. Councillor Smith expressed concerns about intersection A as he considered it under-specified for the amount of traffic that would use it. There were also additional limitations on the road that created uncertainty around the timelines and the cost. He considered that what was proposed did not provide secure roading services to the development and placed the onus on the Council rather than the developer. He indicated that he could not support the recommendation as a result.

Councillor MacDonald supported the staff view that whilst somewhat untidy, it was not the developer's responsibility because the Bright Sky development was not dependent on Area C for access.

**On the motion of Councillors McRobie and Macdonald it was resolved that the 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;**

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2. **Confirm that the Council agrees to the Bright Sky SHA Deed 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.**

*Councillor Smith recorded his vote against the motion.*

### **3. Representation Review 2018**

A report from Jane Robertson (Electoral Officer) presented the recommendations from the Hearing of Submissions on the 2018 Representation Review held on 13 August 2018, detailing the issues raised in submissions and the Council's response to them and seeking Council agreement on the final proposal for representation within the Queenstown Lakes District.

Item 3 was presented by Ms Pagey. She acknowledged that the Electoral Officer had prepared the paper. Councillor Stevens commented on the value of the hearings process at which a variety of good suggestions had been put forward.

**On the motion of Councillor Clark and Councillor Stevens it was resolved that Council:**

1. **Note the contents of the 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

#### 4. Traffic and Parking Bylaw 2012 Review

A report from Polly Lambert (Acting Asset Planning Manager) presented the draft Traffic and Parking Bylaw 2018 and the Traffic and Parking Bylaw 2018 Statement of Proposal both for adoption for the purposes of beginning public consultation. The report also asked the Council to appoint a panel of Councillors to deliberate and make recommendations back to Council on the submissions received.

The report was presented by Mr Hansby and Mrs Stokes. Mrs Stokes advised of an amendment to part three of the recommendation:

*Adopt the Statement of Proposal [in Attachment A of the agenda report] including the Proposed Traffic and Parking Bylaw [in Attachment B] for public consultation and confirm the proposed Traffic and Parking Bylaw 2018 [in Attachment B] is the most appropriate form of bylaw. and make them publicly*

available for persons to present their views in accordance with Section 83 of the Local Government Act 2002.

**On the motion of the Mayor and Councillor Forbes it was resolved 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] including the Proposed Traffic and Parking Bylaw [in Attachment B] and make them publicly available for persons to present their views in accordance with Section 83 of the Local Government Act 2002;**
  - 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.**
- 5. Waterfall Park - Road Realignment**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed an application from Waterfall Park Developments Ltd for a road realignment at Waterfall Park. The report concluded that it was appropriate

to agree to the realignment subject to various conditions and at nil consideration.

The report was presented by Mr Cruickshank and Mr Glasner.

It was noted that since preparation of the report Fish and Game had provided an Affected Person's Approval. Further, the recommendation made the provision of legal access to the waterfall a condition of the Council's agreement to the road realignment.

**On the motion of Councillor Hill and Councillor McRobie it was resolved that the 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.**

6. **Setting of rates for 2018/19**

A report from Stewart Burns (General Manager Finance, Regulatory and Legal) presented financial details 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.

The report was presented by Mr Burns. He advised that this was a procedural item following confirmation of the final capital values to use to set the rates. He noted that the rates were substantially the same as the impact presented in the 10-Year Plan adopted in June.

**On the motion of the Mayor and Councillor Forbes it was resolved that the Council 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.**

7. **Budget Carry Forwards for 2018/19**

A report from Jeremy Payze (Management Accountant) presented budgetary adjustments for Council approval in order to provide for capital and operational expenditure carry-forwards from 2017/18 to 2018/19.

The report was presented by Mr Burns and Mr Hansby. It was noted that although the carry forward figure was slightly up on last year much of the funding was already committed and work on the projects was underway. Mr Hansby observed that the programme was very large but would be caught up by year 2.

**On the motion of the Mayor and Councillor Clark it was resolved that the 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; 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).**



**QUEENSTOWN LAKES DISTRICT COUNCIL****6 SEPTEMBER 2018****Page 12****8. Go Jets Wanaka – New Reserve Licence**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) detailed an application from Go Jets Wanaka Limited for a new reserve licence 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. The report noted that public consultation on the application had attracted five submissions in opposition with a hearing held on 5 July 2018, but a key consideration at the hearing had been the scope of the application, which was limited to activities occurring on the reserve only. Following consideration of the submissions, the hearings panel had recommended that Council approve a five year licence with one five year right of renewal and subject to various other conditions.

The report was presented by Dr Cloete, Mr Cruickshank and Mr Burt.

Councillor Smith noted that the community's confusion was understandable but the actual scope of the licence was very narrow.

**On the motion of Councillors MacDonald and Ferguson it was resolved that the 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:**

<b>Commencement</b>	<b>1 October 2018</b>
<b>Term</b>	<b>5 years</b>
<b>Rent</b>	<b>\$500.00 plus GST per annum</b>
<b>Reviews</b>	<b>At renewal</b>
<b>Renewals</b>	<b>1 of a further 5 years by agreement of both parties</b>
<b>Assignment/ Sublease</b>	<b>With Council's approval</b>
<b>Use</b>	<b>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.</b>
<b>Insurance</b>	<b>Requirement to have public liability insurance of \$2 million</b>
<b>Safety/Suspension</b>	<b>Council to retain ability to suspend the licence for</b>

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; and
4. Delegate final licence terms and conditions and signing authority to the General Manager, Community Services.

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

A report from Blake Hoger (Property Advisor, APL Property Ltd) detailed an application from the owners of 57 Arrowtown-Lake Hayes Road (the Gree Family Trust) for a Licence to Occupy over the adjacent Bendemeer Bay Recreation Reserve, to enable them to maintain adequate sightlines (for

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safety purposes) for their proposed vehicle crossing from Arrowtown-Lake Hayes Road. The report recommended that a new licence be approved because it would 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.

**On the motion of Councillor Stevens and Councillor Hill it was resolved that the 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/  
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; and
4. Delegate signing authority to the General Manager for Community Services.

#### 10. 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;
- Proposed a meeting schedule for 2019 until the triennial election on 12 October; and
- Sought a change to the membership of the hearings panel established at the Council meeting held on 26 July for the Freedom Camping Control Bylaw 2018/amended Arrowtown-Lake Hayes Reserve Management Plan. A recommendation from the Wanaka Community Board meeting held on 16 August 2018 was also presented for Council ratification.

Councillor Smith noted that as part of the development plan for the Eely Point Recreation Reserve the location of the Wanaka Coastguard had been resolved.

**On the motion of the Mayor and Councillor McRobie 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 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 Arrowtown-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/amended Arrowtown-Lake Hayes Reserve Management Plan.

**QUEENSTOWN LAKES DISTRICT COUNCIL  
6 SEPTEMBER 2018  
Page 18**

**Resolution to Exclude the Public**

**On the motion of the Mayor and Councillor MacDonald the Council resolved 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**

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

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
2. Draft Stakeholder Deed for the Bright Sky Limited Expression of Interest for a Special Housing Area	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)
11. Well Smart (Thompson Street) Sale of Lot 10	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) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
12. CE Remuneration	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: a) protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)

**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**



**QUEENSTOWN LAKES DISTRICT COUNCIL  
6 SEPTEMBER 2018  
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**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 2.43 pm at which point it adjourned.*

*The meeting reconvened in public excluded at 2.49 pm.*

*The meeting came out of public excluded and concluded at 3.10pm.*

**CONFIRMED AS A TRUE AND CORRECT RECORD**

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**M A Y O R**

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**D A T E**

**QLDC Council  
25 October 2018**

**Report for Agenda Item: 1**

**Department: Finance, Legal & Regulatory**

**Annual Report 2017/18**

**Purpose**

The purpose of this report is to adopt the Annual Report for the year ended 30 June 2018.

**Recommendation**

That Council:

1. **Adopt** the Annual Report for the year ended 30 June 2018 pursuant to sections 98 and 99 of the Local Government Act 2002, and as recommended by the Audit, Finance and Risk Committee.

Prepared by:



Lyn Zeederberg  
Financial Controller

8/10/2018

Reviewed and Authorised by:



Stewart Burns  
Chief Financial Officer

8/10/2018

**Background**

- 1 Sections 98 and 99 of the Local Government Act 2002 require Council to prepare its Annual Report for the year ended 30 June 2018 in accordance with the information required by Part 3 of Schedule 10 of the same Act.
- 2 Council is required to adopt its Annual Report by 31 October 2018. The Annual Report was considered at the meeting of the Audit, Finance and Risk Committee ("the Committee") on 4 October 2018.
- 3 The auditors attended this meeting and briefed the Committee on the audit process for the Annual Report 2017/18. Council is expecting to receive an unqualified audit opinion.

- 4 This Annual Report is produced pursuant to the requirements of the Local Government Act 2002. The purposes of an annual report as per section 98 (2) are:
- a. to compare the actual activities and actual performance of the local authority in the year with the intended activities and the intended level of performance as set out in respect of the year in the 10 Year plan and the annual plan; and
  - b. to promote the local authority's accountability to the community for the decisions made throughout the year by the local authority.

### **Comment**

- 5 A copy of the Annual Report 2017/18 has been circulated to all elected members and it is expected that Council's auditors (Deloitte) will have issued an unqualified opinion on the report by the meeting date. This means that in the opinion of the auditors, the financial statements fairly reflect the financial performance and position of the Council and Group for the year ended 30 June 2018.
- 6 The audit process has been completed and no changes are expected to the Annual Report at Attachment A.
- 7 The Committee considered a draft Annual Report 2017/18 at its meeting on 4 October 2018. No changes to the draft Annual Report were made at this meeting. The Committee has recommended that Council adopt the Annual Report 2017/18 at **Attachment A**.
- 8 The introductory information in Section One provides a summary of the main financial issues and also the major achievements over the financial year. The key features are:
- a. QLDC recorded a surplus of \$51.5m for the year. This is down from the 64.8m surplus recorded last year but up against a budget of \$20.8m.
  - b. The main reasons for the higher surplus, which is not profit, are related to higher revenue (\$35.8m) to budget and \$2.7m of other net gains.
  - c. Both revenue and operating expenditure were above budget for the year ended 30 June 2018. Revenue was above estimate by 26% or \$35.8m and expenditure was over by 6.7% or \$7.8m. This reflects extremely high levels of activity across all activities.

### **Options**

- 9 Option 1: The report is for adoption as required by legislation, therefore no options are discussed.

### *Significance and Engagement*

- 10 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the Annual Report process is largely

a reporting back mechanism. The Annual Report neither contains nor requires any new decisions from Council.

### **Financial Implications**

11 The Annual Report provides the main mechanism for reporting back to the community on the year's financial results and on organisational performance.

### **Council Policies, Strategies and Bylaws**

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

- 10 Year Plan 2015-25
- Annual Plan 2017/18

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

### **Local Government Act 2002 Purpose Provisions**

14 The recommended option:

- 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**

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

16 The report provides a basis for communication between the Council and the community on the year's financial results and on organisational performance, and as such no wider consultation is required.

17 The final Annual Report 2017/18 will be made available via the QLDC website.

### **Legal Considerations and Statutory Responsibilities**

18 Section 98 of the Local Government Act 2002 requires that a local authority complete and adopt the annual report by resolution within 4 months after the end of the financial year to which it relates.

### **Attachments**

- A Annual Report for the year ended 30 June 2018 (circulated separately)
- B Annual Report summary (circulated separately)

**QLDC Council  
25 October 2018**

**Report for Agenda Item: 2**

**Department: Finance & Regulatory**

**Proposed Amendment to Policy on Development Contributions**

**Purpose**

To amend the Policy on Development Contributions in order to rectify incorrect differential values within the current Policy.

**Recommendation**

That Council:

1. **Note** the contents of this report; and
2. **Approve** the Council entering into consultation on the proposed amendment to the Policy on Development Contributions in accordance with section 102 (4) (b) of the Local Government Act 2002.

Prepared by:



Stewart Burns  
GM Finance, Legal &  
Regulatory  
9/10/2018

Reviewed by:



Tony Avery  
Acting Chief Executive  
11/10/2018

**Background**

- 1 The Policy on Development Contributions was consulted on, and included within the 2018 – 2028 Long Term Plan (LTP).
- 2 Recently, we have been informed by our lead consultant for Development Contributions that certain differential values provided by them and used in the Policy are incorrect. In order to rectify the matter, an amendment to the Policy on Development Contributions is required.
- 3 The consultant has since reviewed all the differential values and the outcome is that most of the proposed amendments result in a lower differential than was originally published. This will generally result in lower DC assessments than those assessed under the current Policy.
- 4 QLDC staff will ensure that any assessments or estimates previously calculated using the incorrect differentials will be recalculated using the correct information.

We do not expect this to be a large number as the 2018/19 Policy only applies to consents received and issued since 1 July 2018.

- 5 The Local Government Act 2002 (LGA) allows Council to amend the Policy on Development Contributions at any time in accordance with section 102 (4) (b) of the Local Government Act 2002.
- 6 The original differential (incorrect) table is included in the attached Statement of Proposal on pg. 2 & the revised differential table is included on pg. 2. (See Attachment A: Statement of Proposal to Amend the Development Contribution Policy).

### **Options**

- 7 Option 1 – Agree to the consultation on the proposal to amend the Development Contribution Policy

#### *Advantages:*

- 8 Agreement to the proposal will allow the consultation to commence immediately.
- 9 Affected parties may submit on the proposal.

#### *Disadvantages:*

- 10 None
- 11 Option 2 – Do not agree to the consultation on the proposal to amend the Development Contribution Policy

#### *Advantages:*

- 12 Saving of costs associated with running the consultation process.

#### *Disadvantages:*

- 13 Incorrect assessment of Development Contributions.
- 14 Potential for overcharging of Development Contributions for some consents.
- 15 The report recommends that the Council agree to the proposal to enter into consultation on the proposal to amend the Development Contribution Policy.

### **Significance and Engagement**

- 16 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because of its importance to the Queenstown Lakes District and community.

## **Risk**

- 17 This matter relates to the operational risk SR1 Current and future development needs of the community, as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because it impacts the ability of the QLDC to fairly recover the growth related capital costs.
- 18 The recommended option considered above mitigates the risk by treating the risk through the amendment of the Policy to fairly assess development contribution income.

## **Financial Implications**

- 19 The proposed amendment to the Development Contribution Policy provides the necessary mechanism to fairly and correctly recover the growth related capital costs of the LTP. The costs associated with the Policy amendment will be recovered from the consultant.

## **Council Policies, Strategies and Bylaws**

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

- 2018-28 Long Term Plan
- 2018/19 Policy on Development Contributions

## **Consultation**

- 21 The LGA allows Council to amend the Policy on Development Contributions at any time in accordance with section 102 (4) (b) of the Local Government Act 2002. The consultation undertaken must be in accordance with Sec 82 Principles of Consultation (see extract below).

### **22 82 Principles of consultation**

*(1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:*

*(a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:*

*(b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:*

*(c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:*



*(d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:*

*(e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:*

*(f) that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.*

23 There is no requirement to use the Special Consultative Procedure (SCP), and given that the proposed amendments will generally result in lower assessments for DC's, we intend to keep the consultation process as efficient as possible:

- 25 October – (Council meeting) Approval to commence consultation
- 29 October – Commence consultation
- 11 November – Consultation ends
- Mid November – Hearing of submissions
- 13 December 2018 (Council meeting) Final decision on proposal

### **Local Government Act 2002 Purpose Provisions**

24 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 that the local share of the EAR project is funded in an appropriate manner;
- 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.

### **Attachments**

A Statement of Proposal to Amend the Development Contribution Policy

# STATEMENT OF PROPOSAL

## Proposed Amendments to the Policy on Development Contributions

### Proposal

In accordance with section 102 (4) (b) of the Local Government Act 2002 (LGA), the Queenstown Lakes District Council (QLDC or Council) has begun consultation on amendments to the Policy on Development Contributions. The reason for the amendment is to rectify incorrect differential values that were included in the original 2018 Policy:

The proposed amendments to the Policy on Development Contributions are to correct four differential values identified within the 'Dwelling Equivalent Calculation Table', the amendments are as follows:

- 1) Revision of the Commercial and Industrial water and wastewater differential values
- 2) Revision of the Wanaka Commercial and Industrial transportation differential values
- 3) Revision of the Wakatipu Accommodation transportation differential values
- 4) Revision of the Restaurant/Bar transportation differential values

As the proposed changes will generally be of net benefit to applicants, it is proposed that these changes will apply to any application for resource consent, building consent or application for service connection lodged on or after ~~1 July 2018~~ **14 December 2018**

### Consultation Timeline

The LGA allows Council to amend the Policy on Development Contributions at any time in accordance with section 102 (4) (b) of the Local Government Act 2002. The consultation undertaken must be in accordance with section 82 (Principles of Consultation). There is no requirement to use the Special Consultative Procedure (SCP), and given that the proposed amendments will generally result in lower assessments for DC's, we intend to keep the consultation process as efficient as possible:

<del>25</del> 25 October 2018	(Council meeting) Approval to commence consultation
29 October 2018	Commence consultation
11 November 2018	Consultation ends
Mid November 2018	Hearing of submissions
13 December- 2018	(Council meeting) Final decision on proposal

Submissions close on ~~12-11~~ **11 November 2018**. Submissions can be emailed to [liz.simpson@qldc.govt.nz](mailto:liz.simpson@qldc.govt.nz) or posted to DC Policy Submission, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.

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**PART A - PROPOSED CHANGES TO THE POLICY**

**SUMMARY OF PROPOSED AMENDMENTS TO DEVELOPMENT CONTRIBUTIONS**

The following changes are proposed to the Policy on Development Contributions in order to rectify incorrect differential values in the original 2018 policy.

It is proposed that these changes will apply to any application for resource consent, building consent or application for service connection lodged on or after ~~1 July 2018~~ 14 December 2018.

Table one below, highlights the four incorrect differential values (dwelling equivalents) and Table two highlights the proposed changes

Table One: Current in Policy											Table Two: Proposed Changes											
Category	Water Supply	Wastewater	Stormwater	Community Facilities		Reserve Improvements & Reserve Land		Transportation		Transportation - Eastern Access Road	Category	Water Supply	Wastewater	Stormwater	Community Facilities		Reserve Improvements & Reserve Land		Transportation		Transportation - Eastern Access Road	
	Dwelling Equivalents per 100m <sup>2</sup> GFA	Dwelling Equivalents per 100m <sup>2</sup> GFA	Dwelling Equivalent s per 100m <sup>2</sup> Impervious Surface Area	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalent s per 100m <sup>2</sup> GFA		Dwelling Equivalents per 100m <sup>2</sup> GFA	Dwelling Equivalents per 100m <sup>2</sup> GFA	Dwelling Equivalent s per 100m <sup>2</sup> Impervious Surface Area	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalent s per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalent s per 100m <sup>2</sup> GFA	
Residential	1 Dwelling Equivalent (DE) per unit										Residential	1 Dwelling Equivalent (DE) per unit										
Residential Flat	0.71	0.71	0.38	0.71	0.71	0.71	0.71	0.71	0.71	0.71	Residential Flat	0.71	0.71	0.38	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71
Multi Unit Residential	0.71	0.71	0.38	0.71	0.71	0.71	0.71	0.71	0.71	0.71	Multi-Unit Residential	0.71	0.71	0.38	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71
Country Dwelling	Treated as residential if connected to council supply										Country Dwelling	Treated as residential if connected to council supply										
Retirement units	0.68 per unit	0.60 per unit	0.38	0.65 per unit		0.41 per unit		0.35 per unit			Retirement units	0.68 per unit	0.60 per unit	0.38	0.65 per unit		0.41 per unit		0.35 per unit			
Accommodation	0.90	0.49	0.38	0.89	1.71	0.89	1.71	2.13	2.25	1.36	Accommodation	0.90	0.49	0.38	0.89	1.71	0.89	1.71	1.88	2.25	1.36	
Commercial	0.74	0.57	0.38	0.04	0.06	n/a	n/a	2.83	2.62	2.99	Commercial	0.60	0.41	0.38	0.04	0.06	n/a	n/a	2.83	2.71	2.99	
Industrial	0.74	0.57	0.38	0.04	0.06	n/a	n/a	0.94	0.87	0.88	Industrial	0.60	0.41	0.38	0.04	0.06	n/a	n/a	0.94	1.15	0.88	
Other	To be individually assessed at the time of application										Other	To be individually assessed at the time of application										
Childcare Centre	0.63	0.77	0.38	0.04	0.06	n/a	n/a	4.29	4.29	4.29	Childcare Centre	0.63	0.77	0.38	0.04	0.06	n/a	n/a	4.29	4.29	4.29	
CBD Accommodation	0.90	0.49	0.38	0.89	1.71	0.89	1.71	2.13	2.25	-	CBD Accommodation	0.90	0.49	0.38	0.89	1.71	0.89	1.71	1.88	2.25	-	
CBD Commercial	0.74	0.57	0.38	0.04	0.06	n/a	n/a	2.83	2.62	-	CBD Commercial	0.60	0.41	0.38	0.04	0.06	n/a	n/a	2.83	2.71	-	
Mixed Use Accom.	1 DE per Dwelling		0.38	0.97	1.18	0.97	1.18	0.89	0.93	1.09	Mixed Use Accom.	1 DE per Dwelling		0.38	0.97	1.18	0.97	1.18	0.89	0.93	1.09	
Mixed Use Comm.	1 DE per Dwelling		0.38	0.76	0.76	1 DE per Dwelling		1.32	1.46	1.50	Mixed Use Comm.	1 DE per Dwelling		0.38	0.76	0.76	1 DE per Dwelling		1.32	1.46	1.50	
Primary Industry	As per residential					0.66 DE's per Dwelling		1.0 DE's per 27Ha	1.0 DE's per 41Ha	-	Primary Industry	As per residential					0.66 DE's per Dwelling		1.0 DE's per 27Ha	1.0 DE's per 41Ha	-	
Restaurant/Bar	1.42	1.34	0.38	0.04	0.06	n/a	n/a	2.13	1.98	2.99	Restaurant/Bar	1.42	1.34	0.38	0.04	0.06	n/a	n/a	2.83	2.71	2.99	
Unusual Developments	To be individually assessed at the time of application										Unusual Developments	To be individually assessed at the time of application										

Table One: Current Policy

Table Two: Proposed Changes

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**Amendment 1 – Amend the Commercial and Industrial water and wastewater dwelling equivalents**

The Policy includes incorrect water and wastewater differential values (dwelling equivalents) for Commercial, Industrial & CBD Commercial and accordingly the following text is -amended as follows:

(Page 207 – deleted text struck out, (new text underlined))

Category	Dwelling Equivalents per 100m <sup>2</sup> GFA	Dwelling Equivalents per 100m <sup>2</sup> GFA
Commercial	0.74 <u>0.60</u>	0.57 <u>0.41</u>
Industrial	0.74 <u>0.60</u>	0.57 <u>0.41</u>
CBD Commercial	0.74 <u>0.60</u>	0.57 <u>0.41</u>

**Amendment 2 – Revision of the Wanaka Commercial and Industrial transportation dwelling equivalents**

The Policy includes incorrect transport differential values (dwelling equivalents) for Wanaka Commercial, Industrial & CBD Commercial and accordingly the following text is amended as follows:

(Page 207 – deleted text struck out, (new text underlined))

Category	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wanaka
Commercial	<del>2.62</del> <u>2.71</u>
Industrial	<del>0.87</del> <u>1.15</u>
CBD Commercial	<del>2.62</del> <u>2.71</u>

**Amendment 3 – Revision of the Wakatipu Accommodation transportation dwelling equivalents**

The Policy includes incorrect transport differential values (dwelling equivalent), for Wakatipu Accommodation & CBD Accommodation and accordingly the following text is amended as follows:

(Page 207 – deleted text struck out, new text underlined)

Category	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wakatipu
Accommodation	2.43 <u>1.88</u>
CBD Accommodation	2.43 <u>1.88</u>

**Amendment 4 – Revision of the Restaurant/Bar transportation dwelling equivalents**

The Policy includes incorrect transport differential values (dwelling equivalent) for Wakatipu & Wanaka Restaurant & Bar and accordingly the following text is amended as ~~follows~~follows:

(Page 207 – deleted text struck out, new text underlined)

Category	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wanaka
Restaurant/Bar	2.43 <u>2.83</u>	4.98 <u>2.71</u>

**QLDC Council  
25 October 2018**

**Report for Agenda Item: 3**

**Department: Community Services**

**Amendments to Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 and Arrowtown-Lake Hayes Reserve Management Plan Purpose**

The purpose of this report is to consider the amendments to the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 and Arrowtown-Lake Hayes Reserve Management Plan 2013 for adoption

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Amend** the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 to update 'Schedule A Maps' to prohibit freedom camping at all Council administered Lake Hayes Reserves and the parking area at the Shotover Delta located to the northwest of the Shotover Bridge.
3. Amend the Arrowtown-Lake Hayes Reserve Management Plan 2013 to update the policy to:  
*17.1 Freedom Camping is permitted in the Reserves only to the extent allowed in the Council's Freedom Camping Control Bylaw*
4. **Note** that all submissions and feedback received through this consultation will be fed into the responsible camping strategy work that is currently underway.
5. **Agree** to exercise the Conservation Minister's consent (under delegation from the Minister).

Prepared by:



Jeannie Galavazi  
Parks and Reserves Planning  
Manager (Acting)  
9/10/2018

Reviewed and Authorised by:



Stewart Burns  
General Manager, Community  
Services  
10/10/2018

## Background

- 1 There has been significant growth in the Queenstown Lakes District community and in the number of visitors to the district, which includes an increase in the number of freedom campers. Freedom camping numbers have increased dramatically in the past two years specifically at the Shotover Delta and Lake Hayes Reserves. This has resulted in overcrowding, restricted public access and enjoyment of the reserves and public health issues. Queenstown Lakes District Council was receiving many complaints from the public about freedom camping particularly in these two locations.
- 2 The current Freedom Camping Control Bylaw 2012 (the bylaw) permits freedom camping to take place at the Shotover Delta and on the Lake Hayes Reserves, the latter which are also covered by the Arrowtown-Lake Hayes Reserve Management Plan 2013 (the RMP).
- 3 The RMP currently permits freedom camping through the following policies for Lake Hayes Reserves:
  - 17.1 *Permit freedom camping in certified self-contained vehicles for a maximum of two nights at:  
The northern end of Lake Hayes within a designated area.  
  
The area adjacent to the State Highway, north of the rowing club access road within a designated area.*
  - 17.2 *Determine the designated area for freedom camping, with regard to demand for camping and reducing impacts on day visitors*
- 4 The bylaw as amended and notified updated the maps to prohibit freedom camping at the Shotover Delta and Lake Hayes Reserves.
- 5 The RMP as amended and notified deleted policy 17.2 and amended policy 17.1 to read:
  - 17.1 *Freedom Camping is permitted in the Reserve only to the extent allowed in Council's Freedom Camping Bylaw.*
- 6 On 26 July 2018 the Queenstown Lakes District Council resolved to proceed to notify the amendments to the bylaw to prohibit freedom camping at Lake Hayes and Shotover Delta and the amendments to the RMP as relating to freedom camping policies. This was done as a special consultative procedure under the Local Government Act 2002 (LGA).
- 7 Public consultation on the amendments to the bylaw and the RMP opened on 28 July 2018 and closed on 31 August 2018.
- 8 A Responsible Camping Strategy is being developed with partner agencies to provide long term solutions and an implementation plan for freedom camping across the District.

## Comment

- 9 47 public submissions were received within the advertised submission period. 11 submissions were in opposition to the notified amendments, 36 submissions were in support. Seven submitters were heard in support of their submissions.
- 10 The RMP has been prepared in accordance with the Reserves Act 1977. Following the hearing the final step is for Council to adopt the plan under delegation from the Minister of Conservation.
- 11 The hearings committee comprising Councillors Alexa Forbes, Craig Ferguson and Scott Stevens recommend the plan for adoption by Council, which has been amended following the submissions and the hearings process. The final versions of the RMP and bylaw are attached as Attachments A and B. The minutes of the hearing are included as Attachment C.
- 12 A summary of the submissions and the changes made in response is attached as Attachment D. Only one change was made which is to amend the bylaw to update 'Schedule A Maps' to prohibit freedom camping at *all Council administered Lake Hayes Reserves* (as opposed to the three Lake Hayes Reserves areas being Lake Hayes North, the Rowing Club and the Lake Hayes Pavilion).

## Options

Option 1: Adopt the changes to the bylaw and the RMP.

*Advantages:*

- 13 Adopting the amended bylaw and RMP will provide clarity in relation to the rules regarding freedom camping at Lake Hayes and Shotover Delta, while the Responsible Camping Strategy is completed and implemented.
- 14 It will ensure that there is a consistent regime in place to control and enforce freedom camping in the District in areas where issues have been identified.
- 15 Public access to the reserves and public enjoyment of the reserves will be protected.

*Disadvantages*

- 16 Freedom Camping will no longer be available at Lake Hayes Reserves and the Shotover Delta and displacement of campers may occur

Option 2 Do not adopt the changes to the bylaw and the RMP.

*Advantages:*

- 17 None



*Disadvantages:*

- 18 The issues associated with freedom camping at these reserves will not be addressed and will continue to degrade the environment and will negatively impact the public's access to and enjoyment of these areas.
- 19 Council still has a duty to enforce non self-contained camping, this requires the same or similar levels of enforcement to maintain the status qua, with limited public and environmental benefit.
- 20 Council will have a bylaw and RMP that that is not fit for purpose regarding the specified areas, and the bylaw would be inconsistent with the Reserves Act at Shotover Delta, as a result of the issues identified above.
- 21 This report recommends **Option 1** for addressing the matter.

**Significance and Engagement**

- 22 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because of the potentially high level of community interest against the 'low' assessments against the other factors.

**Risk**

- 23 This matter relates to the operational risk OR11 decision making as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because the options highlighted require the Council to follow an approval process that amends current activities on land and reserves

**Financial Implications**

- 24 There is some operational expenditure related to enforcing the rules, however costs to enforce the new prohibitions are similar to enforcing the previous restrictions at the same site and therefore can be covered by existing operational budgets.

**Council Policies, Strategies and Bylaws**

- 25 The following Council policies, strategies and bylaws were considered:
- Arrowtown-Lake Hayes Reserves Management Plan 2013
  - Queenstown Lakes District Council Freedom Camping Control Bylaw 2012
- 26 The recommended option is consistent with the principles set out in the named policy/policies.
- 27 This matter is not included in the 10-Year Plan/Annual Plan but can be paid for from existing operational and capex budgets.

**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 removing a problem activity from high amenity land and reserves
- 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**

29 The persons who are affected by or interested in this matter are the residents, ratepayers and visitors to the Queenstown Lakes District.

30 The Council has publicly notified the changes to the RMP and bylaw and a public hearing was held on 24 November 2018.

### **Legal Considerations and Statutory Responsibilities**

31 The amendments to the RMP are in accordance with the Reserves Act 1977.

32 The Conservation Minister has delegated decision making powers for reserve management plans to local administering bodies.

33 The Freedom Camping Act 2011 provides for local councils to prepare bylaws.

### **Attachments**

- A Amended Arrowtown-Lake Hayes Reserves Management Plan 2013
- B Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 including Amended 'Schedule A Maps'
- C Minutes of the RMP and Freedom Camping Control Hearing
- D Summary of Submissions with recommended changes

## Policy 17 Lake Hayes Reserves

- 17.1 Freedom Camping is permitted in the Reserve only to the extent allowed in Council's Freedom Camping Bylaw.
- 17.2 Undertake the removal of cracked willow from the foreshore of Lake Hayes over time and replace with more suitable shade species to improve habitat for fish and wildlife in recognition of the lake's status as a wildlife refuge.
- 17.3 Permit the formation of a walkway/cycleway from the where the existing Lake Hayes track joins the northern access road at Arrowtown-Lake Hayes Road alongside the lake to the bridge across Mill Stream to take walkers and cyclists off the access road.
- 17.4 Grant a lease to the Lake Hayes Agricultural and Pastoral Society for the construction of a storage shed of up to 100m<sup>2</sup> between the Rowing Club access road and the northern end of the reserve (Section 49 Block IX Shotover SD), subject to the removal of the existing shipping container and A & P Show materials.
- 17.5 Permit commercial balloon flights to launch from and land at the northern end of Lake Hayes Reserve.
- 17.6 Permit the expansion of the Wakatipu Rowing Club and associated storage facilities to facilitate the sport of rowing on Lake Hayes.
- 17.7 8 Permit the storage of a limited number of small sailboats and non-motorised watercraft under 5m in length at Bendemeer Bay (30 boats) and the north end of Lake Hayes (30 boats) subject to:
  - a) boats being less than 5m in length and capable of being launched without the assistance of a vehicle
  - b) Road trailers not being permitted (with or without a boat).
- 17.8 Ensure the removal of boats and associated equipment stored on the reserve overnight that do not comply with Policy 17.8.
- 17.9 Introduce a permit system to manage the allocation of boat storage if demand for boat storage impacts unduly on other recreational users.
- 17.10 Manage the reserves in a manner consistent with the Lake Hayes Management Strategy (1995) to improve the overall ecology and water quality of Lake Hayes.

# Schedule A. - No Freedom Camping Zones

All Council controlled land not specified below is restricted to self-contained vehicles for freedom camping.

No Freedom Camping Zones Boundaries.  
No Freedom Camping permitted in all Council controlled land between:

**Lake Hawea**

- A. 400m North of Intersection of SH6 and Hawea Motor Camp Road
- B. Intersection of Domain Road and Cemetery Road
- C. Intersection of Cemetery Road and Gladstone Road
- D. 400m north west of Johns Creek on Timaru Creek Road

**Wanaka**

- F. Intersection of Riverbank Road and SH6
- G. Intersection of Ruby Island Road and Wanaka-Mt Aspiring Road
- H. Clutha River/ Mata – Au Bridge, Lake Hawea - Albert Town Road (State Highway 6)
- I. Intersection of Cardrona Valley Road and Riverbank Road

**Arrowtown**

- J. Intersection of Jopp Street and Centennial Ave
- K. Intersection of Manse Road and Malaghans Road
- L. Intersection of Malaghans Road, McDonnell Road and Arrowtown Lake Hayes Road

**Lake Hayes Estate**

- M. Intersection of Howards Drive and Ladies Mile (SH6)
- M1. The QLDC reserve land around Lake Hayes, including the area adjacent to the State Highway.
- M2. Shotover Delta - land North and South of the bridge.

**Quail Rise**

- N. Intersection of Ferry Hill Road and Tuckers Beach Road

**Arthurs Point**

- O. Intersection of Arthurs Point Road and Coronet Peak Road
- P. McChesney Creek Bridge, Gorge Road

**Queenstown**

- Q. Intersection of Gorge Road and Industrial Place
- R. Intersection of Moke Lake and Glenorchy Queenstown Road
- S. Intersection of Frankton Ladies Mile Highway and Glenda Drive
- T. Intersection of Peninsula Road and Kingston Road

**Jacks Point/Wye Creek**

- U. Intersection of Kingston Road and Maori Jack Road

**Kingston**

- V. Intersection of Kingston Road and Kent Street

**Glenorchy**

- W. True Right of Buckler Burn/Glenorchy-Queenstown Road
- X. Intersection of Lake Rd (unformed) and Glenorchy Paradise Road

**Kinloch**

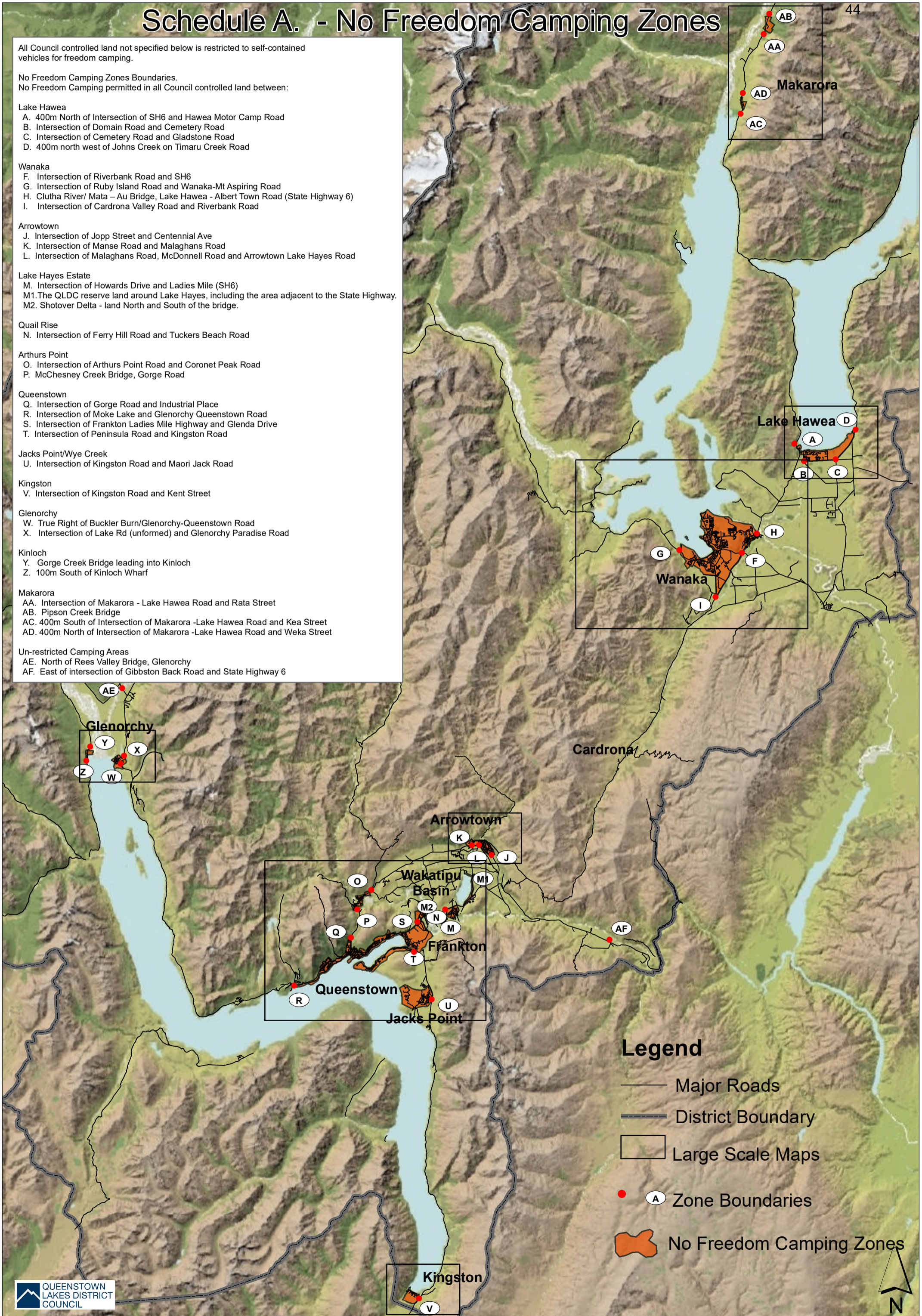
- Y. Gorge Creek Bridge leading into Kinloch
- Z. 100m South of Kinloch Wharf

**Makarora**

- AA. Intersection of Makarora - Lake Hawea Road and Rata Street
- AB. Pipson Creek Bridge
- AC. 400m South of Intersection of Makarora -Lake Hawea Road and Kea Street
- AD. 400m North of Intersection of Makarora -Lake Hawea Road and Weka Street

**Un-restricted Camping Areas**

- AE. North of Rees Valley Bridge, Glenorchy
- AF. East of intersection of Gibbston Back Road and State Highway 6



## Legend

- Major Roads
- District Boundary
- Large Scale Maps
- (A) Zone Boundaries
- No Freedom Camping Zones



# Schedule A. - No Freedom Camping Zones





**Queenstown Lakes District Council  
Proposed Freedom Camping Control Bylaw & Amended Arrowtown-Lake  
Hayes Reserve Management Plan  
Hearing of Submissions**

Minutes of the hearing of submissions to the proposed Freedom Camping Control Bylaw & amended Arrowtown-Lake Hayes Reserve Management Plan held on Monday 24 September 2018 in Council Chambers, 10 Gorge Road, Queenstown commencing at 9.30am.

**Present**

Councillors Ferguson, Forbes and Stevens

**In Attendance**

Dr Thunes Cloete (General Manager Community Services), Ms Jeannie Galavazi (Parks and Reserves Planning Manager, Acting), Shelley Dawson (Senior Governance Advisor) and 1 member of the media

**On the motion of Councillors Ferguson and Forbes it was resolved  
that Councillor Stevens chair the hearing.**

The Chair welcomed everyone and gave a brief explanation of the hearing would run. Ms Galavazi gave an overview of the changes proposed and why the review was taking place. She noted that work was also underway on a responsible camping strategy for the district. Ms Galavazi highlighted that the proposed changes were for just two areas of reserve land and amending the appropriate documentation for them.

Donald and Heather Wallace

Mr Wallace noted that there were several positive things happening in the community such as the bus system but suggested Council could do more such as better dump stations. He commented that if a vehicle was not fully self-contained then it should go to a campground noting that the MBIE level of what constituted self-contained was too low. Mr Wallace suggested that Council provide areas with toilets and showers that could hold small numbers of campers and then charge for using the area. He commented that the technology available should be used to promote responsible camping.

Mr Wallace talked to an area near the Shotover Delta that could potentially be used by the Motor Caravan Association as an association camp site. He commented that discouraging underequipped campers would be beneficial to the district noting that small pockets of responsible, well equipped campers would remove the issues seen at the moment. Ms Galavazi was asked by the panel if QLDC could increase the standard required to obtain "self-contained" level. She commented that the current level was to national standards for consistency around the country and ease of enforcement. There was a discussion around lifting national standards and increasing levels of enforcement. After a question from the panel Mr Wallace commented that the Queenstown area was not as well liked by association members due to the current

issues and was perceived as against campers. He commented that if uncompliant campers were discouraged then word would soon get around to comply or stay away.

#### Evan Cummings – Friends of Lake Hayes Society

Mr Cummings commented that he represented the society, Central Otago and the people of New Zealand who see Lake Hayes as a national treasure. He commented that those responsible for the health and wellbeing of the lake had been negligent. Mr Cummings commented that the society was supportive of moves to eliminate freedom camping at the end of Lake Hayes. He commented that the area was never meant to be a free camping ground for tourists and at times it was like a small town there but with only one toilet available. Mr Cummings noted that the society wanted the situation addressed for the long term so that there was no camping at the end of Lake Hayes or at Bendermeer Bay. The society wanted the reserve left to be a reserve for all to use, not for it to be a camping ground.

The panel asked if there was any number of contained vehicles that could be acceptable and Mr Cummings replied that there would always be issues if the area was not policed. Issues of people not using the toilets impacted on the catchment of Lake Hayes and its water quality. He commented that they asked for Lake Hayes to be reserve by the lake for all to enjoy not for it to be a camping ground. Mr Cummings talked briefly to the monitoring of the lake and impacts on the catchment such as development. The panel asked if there was evidence that people soiling the surrounding area was impacting the water quality of the lake. Mr Cummings commented yes adding that it also impacted general health issues of the area itself. He suggested Council create designated large camping areas with adequate facilities and have enforcement in those areas. He noted that he could not comment on the Shotover Delta site and added that Lake Hayes was never envisioned as a camping ground.

#### James Imlach – NZ Motor Caravan Association

The Chair thanked Mr Imlach for coming down to speak at the hearing. Mr Imlach introduced himself as the association's national policy and planning manager adding that he was familiar with all of the relevant acts, bylaws as well as QLDC policies. Mr Imlach commented that the association empathised with QLDC's problem as it was a complex and challenging issue. He noted that QLDC was trying to make it work for the region and he commended Council for that and he also acknowledged the community's concerns. Mr Imlach commented that when they suggested responsible camping at Lake Hayes they never envisioned what had happened and they supported more controls.

The association agreed with Council on changing the management plan, having better management of camping, welcoming responsible campers and that the community should not have to pay for freedom campers. However the association felt controlled responsible camping should still be allowed at Lake Hayes and Shotover Delta. Association members were worried about getting fines in Queenstown and noted that there were not many safe responsible camping sites. Mr Imlach suggested a dispersal policy to address congestion and work with other stakeholders to set up sites. He also

suggested raising the bar on the type of vehicles allowed and confining camping areas to address issues.

Mr Imlach commented that the majority of people supported the change to prohibit camping and supported Council's actions against those being responsible. He was confident that people still supported responsible camping. Mr Imlach suggested Council craft the bylaw to expand or reduce the area to cater for seasonal demand. Talking to the previous discussion about the national standard Mr Imlach commented that there was no political appetite to amend the standard to require all vehicles to have a fixed toilet. He noted that councils could set their own standards and suggested QLDC take a leadership role as well as considering the association's solutions. The Chair suggested that if QLDC had standards that were different to national ones there would be difficulties enforcing them and issues with inconsistency for people travelling through the country. Mr Imlach commented that there was no certainty that national standards could be increased. He suggested trialling a solution where QLDC enforced a policy of a fixed toilet that would exclude irresponsible campers.

There was comment on the difficulty of proving the level of self-containment of vehicles and the need for communication and enforcement. The panel asked about the association membership and Mr Imlach commented that they had 82,000 current members. He noted that they actively promoted less visited areas and smaller towns. He explained that association sites were similar to basic DoC sites with access to fresh water, registration and were exclusive to members. The Chair thanked Mr Imlach for attending and for his submission.

#### Chris Blackford

Mr Blackford commented that the self-contained situation was a joke and added that there was a lot of 'not-in-my-back-yard' comments about camping at Lake Hayes. He commented that there were alternatives in the district for freedom camping and suggested parking areas not used overnight such as the events centre and the Frankton golf club. Mr Blackford commented that the Tucker Beach landfill site would be appropriate for the Motor Caravan association to develop as an association camping site. He noted that the Shotover delta site was also a good site. Mr Blackford made comments that people were overreacting about faeces noting that there was a lot of dog poo in the Lake Hayes area already.

Mr Blackford talked to his travels with a motor home in Europe noting that there were many places where limited numbers of motorhomes could park overnight. He suggested places such as the Kelvin Heights golf club and he added that there were many local association members who could help Council to develop sites. The panel noted he was talking about sites that could be used for overnight parking rather than freedom camping sites. It was noted that basic facilities were still needed and Mr Blackford was asked who would pay for them. He suggested a similar rate to an association site such as \$3 a night could be charged.

#### Edgar Burt

Mr Burt thanked Council for the opportunity to speak and noted that he enthusiastically endorsed a total camping ban at the north of Lake Hayes as well as endorsing the



proposed amendments to the bylaw and management plan. Mr Burt noted that he spoke on behalf of his wife Mary and her siblings John and Christine French who owned a property at the north end of the lake. Mr Burt handed out copies of a photo to the panel that showed the scale of camping at Lake Hayes. He commented that there were approximately 56 vehicles camping in the photo that was taken in January 2018. He added that there were on average 50-60 vehicles in the reserve each night.

Mr Burt commented that the lake itself needed to be preserved and applauded the actions of Council to close the freedom camping area at the north end of Lake Hayes. He commented that the sheer numbers using the reserve had a negative impact on the area and day users' enjoyment of the area. Mr Burt noted that there had been a significant increase in the daily use of the lake and the recreation area in the last 20 years. He commented that for preservation of the lake and the beauty of the spot there should not be camping there. Mr Burt noted that there was a management issue and if operating a freedom camping area there needed to be onsite control. He noted that last summer there were two serious fires in the Lake Hayes area in a dry summer. He added there were issues with open fires in the camping area in the middle of the fire restriction in very dry conditions. Mr Burt noted that there were also currently large areas of standing water in the reserve with water draining into the area from the subdivision above.

Mr Burt commented that the reserve at the north end of Lake Hayes was inappropriate for freedom camping and also endorsed a ban at all Lake Hayes reserves. The Chair thanked Mr Burt for his comments noting that the fire risk was a good point showing that camping of that scale needed to be supervised.

#### Donald Putan (via phone conference)

Mr Putan thanked the panel for the chance to speak and noted that as he was not a local he was commenting in general terms. Mr Putan commented that rationing parking spots for camping would not work as people ignore restrictions and rules and it was also hard to enforce. He commented that banning camping altogether from the two suggested areas would lead to more pressure in other areas and noted that New Plymouth District Council was opening up extra areas to spread the load on currently used spots. Mr Putan commented that if Council did choose to ban camping from the proposed areas then it would need to plan for potential increases in other areas. The Chair thanked him for his comments noting that Council was aware that closing the areas would mean the need for alternative sites.

#### Terri Anderson

Ms Anderson commented that people had become involved in the freedom camping issues as they had a passion for the environment and didn't see any benefit to this small part of tourism that was taking advantage of the community. She commented that a big problem was allegedly self-contained vehicles that were not. Ms Anderson commented that the bylaw did not specify that campers had to be self-contained, so she suggested that it should be specified and Council should enforce it. She suggested using Campermate to get the word out that if you don't have a toilet you can't stay here. Ms Anderson also suggested pushing back with commercial rental companies.

The Chair noted they had heard similar points throughout the submissions on the self-contained issue. Ms Anderson commented that Council should not have been investigating camping hubs with central government funding while the consultation was underway and she questioned if the consultation was genuine. The Chair explained that there were several streams of work underway including working with partners to find sites for non-self-contained vehicles as well as the responsible camping strategy. Ms Anderson questioned why the panel was focussing on Lake Hayes and the Shotover Delta. Ms Galavazi explained that the reserve management plan and bylaw had to be amended to prohibit camping at the two sites if Council wished to continue the ban imposed during summer. The consultation was part of that statutory process. Ms Galavazi noted that there would be further consultation and feedback on the responsible camping strategy adding that the feedback from the current consultation would be fed into the strategy.

Ms Anderson commented that it wasn't enough to focus only on banning camping at the two sites. Dr Cloete explained that in February 2018 Council agreed to close the reserves at Lake Hayes and Shotover Delta to camping. He noted that at the same meeting Council asked for a responsible camping strategy. Dr Cloete commented that staff were working with the Central Otago District Council, LINZ, Department of Conservation and the Ministry of Business, Innovation and Employment on the strategy. Ms Anderson commented that the community needed to be represented and Dr Cloete noted that Council was representing the community. Ms Anderson commented that it was not clear that the consultation was only about the two reserves and that the community wanted action on freedom camping in the district. The panel noted that it was typical to have several processes underway at once and that Council needed to make sure the statutory process was legal. The Chair commented that Council had heard the community loud and clear in regards to freedom camping which was why they were going forward in the time frame to amend the bylaw and management plan before summer. He reiterated that the responsible strategy work was still underway.

*The Chair thanked the submitters for their contribution and the Panel adjourned at 11.15am. The panel reconvened at 11.20 for deliberations.*

The Chair commented that they had been given a lot of information outside the scope of the hearing. He noted that he had not heard anything that suggested Lake Hayes was an appropriate area for camping. Ms Galavazi commented that from a parks planning perspective they had to take into account the growth of the district and the increased pressure on the districts reserves for local recreation. She added that as noted by one speaker, there had been exponential increases in day use of the Lake Hayes reserves as well.

Dr Cloete commented that the process was a good baseline as the Parks team would be looking at all the existing reserve management plans as well as the reserves that didn't have one to bring them up to the same level. He acknowledged that it was a large body of work and would take some time. Councillor Forbes commented that a lot of good information had come out that could be used going forward. It was agreed that the feedback be fed into the Responsible Camping strategy. Councillor Forbes suggested that the association could establish one of their camping sites in the area and commented that she liked the idea of QLDC leading the way with their own bylaw

and standards. Ms Galavazi commented that the association had legal advice about enforcement that the team could review. She noted that the QLDC Regulatory Manager had advised that they would achieve a better outcome for the community at large by prohibiting camping at the two suggested sites.

Councillor Ferguson noted that there had not been much feedback on the Shotover Delta. He agreed that QLDC should be leading the way and making its own bylaw. Ms Galavazi commented that the consultation was for two small amendments. She added that out of the wider camping strategy there may be evidence for a full review of the bylaw.

There was discussion around the Shotover Delta reserve and it was noted that the slip road currently under construction would change traffic in that area. It was also noted that while it was a potential area for a future site currently there was a lack of facilities there. Dr Cloete commented that the association was advocating for their own site near the delta.

There was discussion about amending QLDC's standards of self-containment. Ms Galavazi commented that removing Lake Hayes and Shotover Delta as camping areas as well as adding restrictions at Kingston meant there will be fewer areas for people to camp this summer. She noted that this would give the team data to help inform the strategy. Dr Cloete commented that there would need to be good communication and relationships with DoC and LINZ during the summer.

The Chair noted that the panel agreed with the proposed amendment to restrict camping at Lake Hayes and the panel suggested all Lake Hayes reserves be included. It was noted that this had been suggested by several submitters and legal advice was that this inclusion was possible.

The Panel agreed with the proposed amendment to restrict camping at the Shotover Delta reserve noting that there may be an opportunity in the future for a camp there with enforceable defined 'self-contained' standards. Ms Galavazi commented that a full review of the bylaw was due soon however it would be appropriate to review it once the responsible camping strategy was up and running. She commented that given what they had heard today increased 'self-contained' standards for the district was something that should be included in any full review of the bylaw. Dr Cloete commented that everyone was watching QLDC and its bylaw, strategy and standards and MBIE was willing to work with Council on this. Ms Galavazi reiterated that the notified amendments were to ensure that Council had all legal and statutory processes in place to prohibit camping at the two locations.

## **Recommendations to Council**

The hearing panel recommend to Council:

1. That the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 is amended to update 'Schedule A Maps' to prohibit freedom camping at all Council administered Lake Hayes Reserves and the parking area at the Shotover Delta located to the northwest of the Shotover Bridge.

2. That the Arrowtown-Lake Hayes Reserve Management Plan 2013 is amended to update the policy to:
  - 17.1 Freedom Camping is permitted in the Reserves only to the extent allowed in Council's Freedom Camping Control Bylaw
3. That Council note that all submissions and feedback received through this consultation will be fed into the responsible camping strategy work that is currently underway

*The panel finished deliberations and closed the meeting at 11.52am.*

**Attachment D: Summary of Submissions with Officer Comment**

<b>Submitter #</b>	<b>Name:</b>	<b>Heard Y/N</b>	<b>Support/Oppose</b>	<b>Summary</b>	<b>Officers Comment</b>	<b>Changes made at hearing</b>
1	Michelle Munro	No	Support	Submitter supports the changes and submits all campers should be restricted to formal campgrounds to preserve environment and quality of the tourist destination	Support noted.	No changes
2	Olivia Brummer-Taylor	No	Support	Submitter supports the changes and states Lake Hayes is lovely to visit now without the freedom campers.	Support noted.	No changes
3	Jan Rae	No	Support	Protection of recreational access to Lake Hayes is extremely important	Support noted.	No changes
4	Jeremy knight	No	Support	Submitter supports the changes for the protection of the environment and public use of reserves	Support noted.	No changes
5	Sue		Support	Submitter supports the changes and that the north end of Lake Hayes is an areas of significant beauty and should be protected.	Support noted.	No changes
6	Paul Jobbins	No	Support	Submitter supports the changes and that these are public reserves to be enjoyed by all. Increase in freedom campers and misuse resulted in these areas made them off limits.	Support noted.	No changes
7	Terri Anderson	Yes	Support	Submitter supports the changes and submits they do not go far enough. Needs further enforcement of 'self-containment certified' standards and false blue stickers. All campers should have usable accessible toilets, QLDC should enforce this now rather than wait for the phasing in of the new standard. Education and public	Support noted. The Responsible Camping Strategy to be adopted in October seeks to address further, district wide measures. QLDC currently spot-checks campers to ensure compliance with the standards. Enforcement officers undertake education and additional education and ambassador	No changes

Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
				communications of messages is important.	roles will be employed for the 2018/2019 summer. A full public communications programme will be implemented following adoption of the Responsible Camping Strategy. Nationwide work being undertaken on freedom camping including reviewing all relevant legislation and standards. It would be preferable and more efficient to be consistent with this work and not have a regional approach that seeks to enforce additional controls.	
8	Bev Bradford	No	Support	Submits freedom camping must be prohibited from Lake Hayes and Shotover Delta to protect environment and recreational access.	Support noted	No changes
9	Paul Anderson	No	Support	All campers should be restricted to formal campgrounds	Support noted. Freedom Camping Act 2011 provides that freedom camping is allowed anywhere in the District, except at those sites where it is specifically prohibited or restricted.	No changes
10	Xavier Radic	No	Oppose	Lake Hayes and Shotover Delta should be leased to NZMCA for NZMCA members only.	The two sites are very popular and well used recreation areas for residents and visitors. Previous control measures to restrict numbers and length of stay were not respected or adhered to despite high levels	No changes

Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
					of enforcement. How freedom camping will be managed in the long term across the District and leasing of a site for NZMCA members only is being considered as part of the Draft Responsible Camping Strategy.	
11	Judith Chaffe	No	Oppose	Changes do not recognise the economic value of certified self-contained freedom campers. Queenstown is not motorhome friendly and is discouraging the sector from visiting. An overall strategy should be prepared to manage the tourist numbers and provide, as far as is practicable, suitable locations for all types of tourists. Select areas with basic facilities should be provided for self-contained certified campers only.	The Draft Responsible Camping Strategy seeks to recognise and understand the economic value that self-contained campers bring to the District.	No changes
12	Vivienne Smith	No	Support	Submits freedom camping must be prohibited from Lake Hayes and Shotover Delta to protect environment and recreational access.	Support noted	No changes
13	Nigel Zega	No	Oppose	NZMCA and Self-contained campers are not the problem. Problems of overcrowding and disposal of waste have arisen in recent years in tandem with the increase of tourists in non self-contained camper-cars. Current infrastructure can't cope with increasing numbers and contributes to the problem. Possible solutions area: Raising the bar for CSC standards and ending certification of	The two sites are very popular and well used recreation areas for residents and visitors. Previous control measures to restrict numbers and length of stay were often not adhered to despite high levels of enforcement. Leasing of a site for NZMCA members only is being considered as part of the Draft Responsible Camping	No changes

Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
				non-NZMCA vehicles. Need more and better facilities across the board not just toilets and campgrounds and roads, local ratepayers should not be paying to provide solutions for problems caused by growing tourist numbers. Support initiatives for national funding to cope with the numbers. Design and police reasonable bylaws that could get responsible campers on side. Work with campers to police well-equipped sites. Work on making rental companies liable for fines incurred by their clients. Try allowing NZMCA vehicles in overnight.	Strategy. QLDC is working with other agencies at the local and national level through the Responsible Camping Strategy to advocate for Central Government funding and changes in legislation to address liability of fine payment and other legislative issues.	
14	Steve Harris Central Park Camping	No	Support	Freedom camping negatively impacts local campground business and discourages investment in these facilities.	Support noted.	No changes
15	Hamish Bryce	No	Support			No changes
16	Chris Blackford	Yes	Oppose	Submits that freedom camping is not prohibited but formalised with tighter restrictions of self-contained certificates and stickers. Provide for certified self-contained campers at managed sites with some facilities.	QLDC currently spot checks campervans to ensure compliance with the standards. The Responsible Camping Strategy to be adopted in October seeks to address further, district wide measures such as where and how freedom camping should be provided for.	No changes



Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
17	Guy Hughes	Yes	Support	Freedom camping at Lake Hayes creates pollution and congestion. Concept of Freedom Camping locally is dated and in QLD should be user pays not just rate payers.	Support noted	No changes
18	Richard Bowman and Barbara Horrell	No	Support	Submits freedom camping must be prohibited from Lake Hayes to protect environment and recreational access. Too many people abusing the right to camp there. Relieved now that access to Lake Hayes is restricted.	Support noted	No changes
19	Marg Katon	No	Support	Submits freedom camping should be prohibited as submitter has seen the misuse of the areas.	Support noted	No changes
20	Lisa	No	Support	Freedom camping currently unsustainable. Low cost campgrounds should be provided and clamping and fines for freedom campers.	Support Noted. Low cost campgrounds are being considered as part of the Draft Responsible Camping Strategy.	No changes
21	Sheree Newsome	No	Support	Submits freedom camping must be prohibited from Lake Hayes to protect environment and recreational access.	Noted	No changes
22	John Alexander	No	Support	Submitter has observed camper numbers grow at Lake Hayes and the associated impacts. Supports managed, restricted camping area with more facilities at Lake Hayes.	The two sites are very popular and well used recreation areas for residents and visitors. Previous control measures to restrict numbers and length of were often not adhered to, despite high enforcement levels. The provision of all camping across the District is being considered as part of the Draft Responsible Camping Strategy to be implemented commencing October.	No changes

<b>Submitter #</b>	<b>Name:</b>	<b>Heard Y/N</b>	<b>Support/Oppose</b>	<b>Summary</b>	<b>Officers Comment</b>	<b>Changes made at hearing</b>
23	Dale Parsons	No	Oppose	Submits low cost areas should be provided for certified self-contained campers close to Queenstown and the cycle trail network. Queenstown is not motorhome friendly.	The two sites are very popular and well used recreation areas for residents and visitors. Previous control measures to restrict numbers and length of stay were often not adhered to, however the provision of all camping across the District is being considered as part of the Draft Responsible Camping Strategy to be implemented commencing October.	No changes
24	Tara Nathan	No	Support	Supports proposed changes and submits that controls are required throughout the District to protect the environment for all to enjoy.	Support noted	No changes
25	Karen Miles	No	Support	Supports total ban at Lake Hayes reserve but concerned campers will now use Lake Hayes Pavilion parking area. Submits freedom camping should be prohibited at all reserves at Lake Hayes where there is vehicle access. More signage required at Rutherford Road entry.	The proposed amendments include Lake Hayes Pavilion carpark and the rowing club carpark. Freedom camping isn't permitted under the RMP at other Lake Hayes reserves. The maps in the bylaw could be amended to include all Lake Hayes reserves areas to ensure a consistent and straight forward enforcement method under the FCA rather than the Reserves Act for these areas.	Bylaw amended to update 'Schedule A Maps' to prohibit freedom camping at all Council administered Lake Hayes Reserves.
26	Kathryn	No	Support	Submits all freedom camping should be stopped in an area where formal camping grounds and accommodation is available.	Support noted. The FCA provides that freedom camping is allowed anywhere in the District, except at those sites	No changes

Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
					where it is specifically prohibited or restricted.	
27	Matthew Tyrrell	No	Support	Support proposed changes at Shotover Delta to protect amenity for locals, carparks are not designed for the high numbers of campers and to reduce traffic at a busy intersection.	Support noted.	No changes
28	Hudson Turnbull	No	Support	This is a sensible move although some genuine campers may be affected. The blame sits squarely with the 'Careless Campers'.	Support noted.	No changes
29	Michelle McQuoid	No	Support	Keep areas that locals enjoy free from freedom campers and associated impacts.	Support noted.	No changes
30	Ben Rotto	No	Support			No changes
31	Brian J. Marquand	No	Oppose	Provide well managed freedom camping areas in the District, including Lake Hayes. Fence off a designated area along the northern boundary. Increase toilet facilities with separate facilities for washing, charge a small fee. Supports infringement and clamping for use of rest of reserve. QLDC must accept the need for managing freedom campers, in a large, permanent managed site.	The two sites are very popular and well used recreation areas for residents and visitors. Previous control measures to restrict numbers and length of stays were often not adhered to, despite high levels of enforcement. However the provision of all camping across the District is being investigated as part of the Draft Responsible Camping Strategy to be implemented commencing October.	No changes
32	Greg Thompson	No	Support	Submits freedom camping must be prohibited from Lake Hayes and Shotover Delta to protect environment and recreational access.	Support noted	No changes

Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
33	Ryan Newsome	No	Support	Freedom camping should be prohibited for environmental reasons	Support noted	No changes
34	Stephanie Jones	No	Support	Freedom camping should be prohibited across New Zealand for environmental and social reasons	Support noted. Freedom Camping Act 2011 provides that freedom camping is allowed anywhere in the District and New Zealand, except at those sites where it is specifically prohibited or restricted.	No changes
35	Sharne Newsome	No	Support			No changes
36	C Beer	No	Support	Supports proposed changes. Camping on public land should be managed to reflect local priorities and to protect the environment physically and visually. Large fully self-contained campers create visual pollution due to size. Views of residents should be put ahead of NZMCA and tourist groups. No camping to be allowed in popular reserves and no camping close to residents boundaries.	Support noted.	No changes
37	Jules Tapper	Yes	Support	Lake Hayes North has experienced extreme pressure as a result of unregulated camping and associated despoliation/pollution. Friends of Lake Hayes seek to protect Lake and reserve values. Supports changes to prohibit camping at Lake Hayes and submits prohibition should be extended to include other council reserves in immediate vicinity. Campers should be in managed campgrounds and other authorised	The proposed amendments include Lake Hayes Pavilion carpark and the rowing club carpark. Freedom camping isn't permitted under the RMP at other Lake Hayes reserves. The maps in the bylaw could be amended to include all Lake Hayes reserves areas to ensure a consistent and straight forward enforcement method	Bylaw amended to update 'Schedule A Maps' to prohibit freedom camping at all Council administered Lake Hayes Reserves.

Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
				areas. Local reserve areas and lake area should not be spoilt by those not contributing to their upkeep.	under the FCA rather than the Reserves Act for these areas.	
38	Donald Putan	Yes	Support	Supports prohibiting freedom camping at Lake Hayes Reserves and Shotover Delta. Banning campers from these 2 areas will increase pressure on other areas so an alternative solution would be to allow 3 vehicles at a time to camp at 240 to 300m spacing. Spread the load and lower the concentration at any one point.	Support noted. Previous control measures to restrict numbers and length of stay were often not adhered to, despite high enforcement levels. However the provision of all camping across the District is being investigated as part of the Draft Responsible Camping Strategy.	No changes
39	Vanessa	No	Support	Supports changes at Lake Hayes North and Shotover Delta as both locations, until such time as there is a way to better manage the numbers. Particular issues are queueing at toilets and litter.	Support noted.	No changes
40	Cath Gilmour	No	Oppose	Submits that council leave current restrictions in place until council has a change to confirm the broader freedom camping strategy. Increase in campervans, many of which are 'self-contained' where toilet capsule remains unused in bag is a nationwide issue that need central government response.	Support noted. Previous control measures to restrict numbers and length of stay were often not adhered to, despite high enforcement levels. However the provision of all camping across the District is being investigated as part of the Draft Responsible Camping Strategy	No changes
41	Don Lovett	No	Oppose	The community surveys do not appear to support a total ban on freedom camping. Should wait until outcomes of Responsible Camping Forum. A	Provisions have been made in the wording of the RMP to allow incorporation with future changes in the bylaw – a full	No changes

Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
				<p>ban will be difficult to alter. Only a percentage of campers are creating problems and complaints. Protect New Zealand resident's freedom to travel and enjoy their country, as well as overseas visitors. Rubbish is also caused by day visitors, often cleaned up by responsible campers. Enforcement necessary but recovering fines from overseas visitors is a problem. There is a need restrict the activities of those causing problems, not restrict all responsible campers.</p>	<p>review which will be considered as part of the Responsible Camping Strategy. Previous control measures to restrict numbers and length of stay were often not adhered to, however the provision of all camping across the District and a full review of the bylaw is being investigated as part of the Draft Responsible Camping Strategy.</p>	
42	Bridget Burt	No	Support	<p>Supports the changes due to inconsiderate playing of music, lighting of fires. It takes business away from formal campgrounds and pushed out day visitors. Lake Hayes Reserve Management Plan should prohibit freedom camping explicitly.</p>	<p>Support noted. Policies in the RMP intend to allow for the future recommendations of the Responsible Camping Strategy that may recommend a full review of the Bylaw and provision of camping across the district, including Lake Hayes Reserve.</p>	No changes
43	Rachel Burt	No	Support	<p>Supports proposed changes due to overcrowded areas, impacts on landscape and environment, noise impacts from loud music, fire risk, affected enjoyment of the use of the reserve. Prohibiting freedom camping at Lake Hayes Reserve should be permanent.</p>	<p>Support noted. Policies in the RMP intend to allow for the future recommendations of the Responsible Camping Strategy that may recommend a full review of the Bylaw and provision of camping across the district, including Lake Hayes Reserve.</p>	No changes

Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
44	Mary & Edgar Burt	Yes	Support	Submitter supports a total ban on freedom camping at the north end of lake Hayes and that council does not have the right to subsequently vary its rules. Freedom camping causes visual pollution, rubbish, human waste, excessive noise, campers washing in the lake, increased fire risk.	Support noted. Policies in the RMP intend to allow for the future recommendations of the Responsible Camping Strategy that may recommend a full review of the Bylaw and provision of camping across the district, including Lake Hayes Reserve.	No changes
45	Helen	No	Oppose	Does not support blanket ban as this will impact locals who want to take children/grandchildren for overnight stay. There should be better control over non-self-contained campers.	Previous control measures to restrict numbers and length of stay were often not adhered to, however the provision of all camping across the District is being reviewed as part of the Draft Responsible Camping Strategy.	No changes
46	Don and Heather Wallace	Yes	Oppose	Does not support changes. In any one area numbers should be restricted to approximately 6 vehicles with strict controls on noise, parking distance from adjacent vehicles, washing lines and duration of stay. Strict monitoring of a site needs to be carried out. Mobile app could be considered for site reservation and occupation with a fee to cover cost.	Previous control measures to restrict numbers and length of stay were often not adhered to, however the provision of all camping across the District is being reviewed as part of the Draft Responsible Camping Strategy.	No changes
47	James Imlach NZMCA National Policy Manager		Oppose	The NZMCA supports the amendment to policy 17.1 and the revocation of policy 17.2 of the RMP.	Support noted	No changes
				Does not support amendments to the bylaw as will unreasonably prohibit reasonable camping and represents a		No changes

Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
				disproportionate response to perceived problems.		
				<p>Recommends retaining freedom camping at Lake Hayes and Shotover Delta with further restrictions:</p> <ul style="list-style-type: none"> <li>i. Limiting the number of self-contained vehicles permitted on site by identifying responsible camping areas;</li> <li>ii. Reviewing the types of self-contained vehicles permitted to camp on site</li> </ul>	<p>Previous control measures to restrict numbers and length of stay were often not adhered to, however the provision of all camping across the District is being reviewed as part of the Draft Responsible Camping Strategy.</p> <p>Nationwide work is currently being undertaken on freedom camping including reviewing the FCA and the standards. It would be preferable and more efficient to be consistent with this work and not have a regional approach that seeks to enforce additional controls that differs to the rest of New Zealand.</p>	No changes
				Improving education, monitoring and enforcement regimes	Improved education monitoring and enforcement will commence this summer.	No changes
				Providing user pays rubbish bins	Could be installed. Currently not used across the district so new contracts would be required to install and service. User-pays facilities are being considered as part of the Draft Responsible Camping Strategy.	No changes
				Investigating lease opportunities with the NZMCA	Lease opportunities are being considered as part of the Draft Responsible Camping Strategy.	No changes



Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
					Confirming suitable available land that is owned by QLDC and is not a popular recreation reserve is challenging as this is extremely limited.	
				Statement Of Proposal (SOP) incorrectly states current bylaw does not regulate camping at the 2 areas. Current bylaw does regulate but restricts camping for self-contained campers for up to 2 nights stay but does not confine camping to specified areas on each site, this can now be considered.	Previous control measures to restrict numbers and length of stay at the Shotover Delta were often not adhered to, despite high levels of enforcement. A restricted area at Lake Hayes was previously defined, and was not adhered to. High levels of enforcement and infringing were undertaken.	No changes
				SOP misleads the public into assuming Council has little or no control over camping and prohibition is only effective was of addressing the problems at each site.	For Lake Hayes and the Shotover Delta, it is considered prohibition is the most effective way to deal with the large numbers of issues such as overcrowding, displacement of residents, over use of facilities and rubbish, that achieves the preferred result by the community.	No changes
				SOP is silent on councils resolution to enforce temporary prohibition (locked gates and infringing all campers) using FCA enforcement – submitter considers this is unlawful.	The purpose of amending the RMP and Bylaw is to ensure Council's enforcement actions are consistent and In accordance with the Freedom Camping Act.	No changes
				SOP does not confirm whether the council determined the bylaw is the	Council believes its requirements under S155 of the	No changes

Submitter #	Name:	Heard Y/N	Support/Oppose	Summary	Officers Comment	Changes made at hearing
				<p>most proportionate way of addressing the problems. Undertaking a proportionality test is important.</p>	<p>LGA are met and considers the amended bylaw and RMP is the most appropriate means for addressing the issues in the short term while the Responsible Camping Strategy is completed, adopted and then implemented. The exponential increase in freedom campers visiting the District is forecast to continue.</p>	
				<p>Recommend the council takes advantage of this opportunity to test the effectiveness of our practicable solutions over summer, at least while it continues to work on its wider responsible camping strategy.</p>	<p>Measures that have been funded by Central Government will be implemented over the coming summer which include increased enforcement and education and setting up of managed camping hubs across the district.</p>	<p>No changes</p>

**QLDC Council  
25 October 2018**

**Report for Agenda Item: 4**

**Department: Community Services**

**Responsible Camping Strategy 2018**

**Purpose**

The purpose of this report is to consider the Responsible Camping Strategy 2018 for adoption.

**Recommendation**

That Council:

1. **Note** the contents of this report and in particular the collaborative approach taken by DoC, NZTA, MBIE, LINZ and QLDC to develop this district wide strategy.
2. **Adopt** The Responsible Camping Strategy for the Queenstown Lakes District.

Prepared by:



Jeannie Galavazi  
Parks and Reserves Planning  
Manager (Acting)

10/10/2018

Reviewed and Authorised by:



Thunes Cloete  
Community Services General  
Manager

11/10/2018

**Background**

- 1 The Queenstown Lakes District is seeing significant growth in camping numbers in all locations, including camping in formally established campsites where a fee is paid, and freedom camping.
- 2 In particular, the number of freedom campers has expanded. The majority of freedom campers are responsible, respectful, and bring economic benefit to the area. However, in key areas where freedom camping has increased significantly (specifically Lakes Hayes, Shotover Delta, Wanaka Lakefront) residents have escalating concerns regarding freedom camper behaviour such as human waste, overcrowding and the use of lakes to wash in.

- 3 The land upon which formally established campsites are located includes private land and reserve land. Some of this land is coming under pressure from other drivers such as provision of affordable housing and commercial returns.
- 4 The land upon which freedom camping takes place is a mixture of freehold land and reserve owned or administered by Queenstown Lakes District Council (**QLDC**), Department of Conservation (**DOC**), New Zealand Transport Agency (**NZTA**) and Land Information New Zealand (**LINZ**).
- 5 In November 2018, the representatives from each of the parties attended a one-day Investment Logic Map (**ILM**) workshop to flesh out the problems, benefits (including Key Performance Indicators), strategic responses and changes to address the problems. The ILM that was created formed the backbone for the camping review and the basis on which the strategy was written.
- 6 From the ILM, the key problems caused by camping in the District were determined as:
  - a. high demand is increasing costs, impacting the environment and frustrating the community;
  - b. inconsistent data, rules and regulations are leading to perverse behaviours; and
  - c. supply is poorly matched to demand leading to less than optimal outcomes.
- 7 The Parties (as mentioned in paragraph 4) agreed to establish a Governance Group and a Project Control Group (PCG) for the purpose of producing a joint Strategy for Responsible Camping in the Queenstown Lakes District (**the Strategy**). At this time the Ministry of Business, Innovation and Employment (**MBIE**) joined the Governance Group and PCG. A Memorandum of Understanding was signed to:
  - a. Establish a shared set of responsibilities to undertake a review of camping in the District;
  - b. Provide a mechanism for confidential sharing of information to enable consistent communication flow between all partner agencies;
  - c. Apportion the fair allocation of resources (both human and financial) to assist with the delivery of the camping evidence and strategy components; and
  - d. Establish the relationships and governance for future implementation of the camping strategy.
- 8 A funding agreement was subsequently signed by all parties to fund the development of the Strategy and the supporting research.
- 9 Central Otago District Council and Southland District Council subsequently joined the PCG to ensure a broader regional approach and to avoid unintended impacts on the neighbouring districts.
- 10 Xyst Limited were engaged to prepare the Strategy on behalf of the partner agencies.

- 11 To understand the campers in the system (demand side) and the drivers of their behaviour the PCG engaged Thinkplace Limited to understand this and the data set required for the foundation for the strategic decisions.

### **Comment**

- 12 The Strategy is included as Attachment A to this report.
- 13 The definition of camping and why it is important is addressed at the beginning of the Strategy. Camping is defined as ‘Staying overnight for recreation in an outdoor area for one or more nights, usually in a tent, cabin, caravan or other vehicle’. It excludes living temporarily or permanently in a campground.
- 14 Camping is important as it provides an affordable option for visitors who want to stay in the district and for residents who want to explore and holiday in other areas of the district. Camping is a popular recreation activity and campers can experience and connect with nature and the outdoors. However, the sheer numbers of campers coming to our district means that campers need to camp responsibly and that facilities need to be provided to minimise the impact on our environment and residents. Different groups of campers have different needs, expectations, mindsets, skills and equipment.
- 15 The vision of the Strategy is: ‘Leading the way for sustainable and responsible camping in Aotearoa’
- 16 The purpose of the Strategy is ‘to promote the sustainable use of our environment for visitor and community experience through well managed, coordinated and responsible camping in the district’. How the strategy is turned into action is then set out through principles, goals and objectives.
- 17 In a nutshell the Strategy will:

#### Control freedom camping

- 18 Unmanaged non-self contained camping harms the environment and frustrates our community. Non-self contained camping will be removed from the sites where this activity is concentrated and be controlled on-site or elsewhere.

#### Maintain responsible camping

- 19 Opportunities for self-contained camping in permitted zones will continue under continuous review.

#### Develop basic camping

- 20 More opportunities for reasonable cost basic camping facilities will be developed.

#### Provide a unified approach

- 21 Agencies will work together in a unified manner to manage camping, improve knowledge and provide consistent information, education and compliance.

### Understand demand

- 22 The Strategy will have actions to gain a better understanding of the demand, motivations, costs, and benefits of camping across the typologies so that we can be responsive and agile.
- 23 A detailed Action Plan forms part of the Strategy, this is broken into short term (2018/2019), medium term (2020-2023) and long term (2024 +).
- 24 The first short term action is “Develop a unified approach between key stakeholders’. The Department of Conservation (DOC) provided a letter of support (Attachment B) for the development of a unified approach to implement this strategy.
- 25 The second short term actions is for the agencies to prepare a detailed implementation plan. This differs to the action plan in that it has specific tasks, costs and responsible agency.
- 26 This Strategy has been developed at pace to ensure alignment with the Tourism Investment Fund (TIF) and short term actions, to manage the 2018/2019 summer season freedom camping demand. It is an initial step with a review planned in two years to take advantage of improved information and data that will result from the short term actions, and to ensure alignment with potential legislative changes that relate to camping, and the outcomes from the Central Government Responsible Camping Working Group.
- 27 It is an agile approach to camping issues that seeks to gain a better understanding of the demand, motivations, costs and benefits across the camping spectrum and to respond quickly and appropriately.

### **Options**

- 28 Option 1 Do not adopt the Strategy (status quo)

#### *Advantages:*

29 None

#### *Disadvantages:*

- 30 The demand for Freedom camping will continue to increase, and consequently the issues associated with not managing this will continue to increase, which will anger the community.
- 31 Poor camping behaviours will continue and damage to the environment and treasured places spaces will continue.
- 32 Council will not be fulfilling the commitments made to the partner agencies in the MOU.
- 33 An opportunity will be lost to work collaboratively with partner agencies and to lead the way nationally.

### 34 Option 2 Adopt the Strategy

#### *Advantages:*

- 35 The community values for their district and open spaces will be protected.
- 36 The international reputation of the district as a premier place to camp will be protected.
- 37 The environment will be protected from the adverse effects of camping.
- 38 The opportunity to work collaboratively with our partner agencies will be realised.
- 39 Central Government will continue to support our efforts to manage and improve camping opportunities.

#### *Disadvantages:*

- 40 There will be costs to the rate payer to implement some of the actions in the strategy.

This report recommends **Option 1** for addressing camping related issues.

#### ***Significance and Engagement***

- 41 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy due to the high level of public interest and the extent to which the Strategy will impact on the environment, culture and people of the District.

#### ***Risk***

- 42 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 moderate. This is because the Strategy provides policy and guidance for managing the future of camping and freedom camping across the district.

#### **Financial Implications**

- 43 There will be operational and capital expenditure required to implement the Strategy. It is anticipated a funding agreement will be signed between the partner agencies and that applications will be made to future annual and long term plans.

#### **Council Policies, Strategies and Bylaws**

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

- Arrowtown-Lake Hayes Reserve Management Plan 2012
- QLDC Freedom Camping Control Bylaw 2013

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

46 This matter is not included in the 10-Year Plan/Annual Plan. Applications will need to be made.

### **Local Government Act 2002 Purpose Provisions**

47 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 strategy to ensure that camping will be managed, coordinated and sustainable;
- 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**

48 The persons who are affected by or interested in this matter are the residents/ratepayers of the Queenstown Lakes District community and visitors to the area.

49 The Council has consulted with key stakeholders such as campground operators and the New Zealand Motor Caravan Association and two public drop in sessions were held in September. Public and stakeholder consultation will continue throughout implementation of the Strategy. Amendments to the bylaw and RMP were publically notified and all submissions received informed the drafting of the strategy and will inform the implementation plan.

### **Legal Considerations and Statutory Responsibilities**

It is considered that the Strategy is consistent with the principles of the Reserves Act 1977, the Local Government Act 2002 and the Freedom Camping Act 2011.

### **Attachments**

- A Responsible Camping Strategy 2018 (circulated separately)
- B Letter from Department of Conservation





5 October 2018

Thunes Cloete  
General Manager, Community Services  
Queenstown lakes District Council  
Private Bag 50072  
Queenstown 9348

Dear Thunes,

### Queenstown Responsible Camping Strategy

I would like to take this opportunity to thank you for your leadership of the multi-agency collaboration to create the Queenstown Lakes District Council's Responsible Camping Strategy.

We support the approach taken by Queenstown Lakes District Council to develop the strategy. Like you, we are committed to working with others to sustainably manage visitors, protect and enhance the values of New Zealand's natural, cultural and historic values and support our communities.

We believe the collaborative process you have lead is a great example of local and central government agencies working together to shape and agree to a unified approach.

We are particularly impressed that the six agencies (Queenstown Lake District Council, Department of Conservation, Land Information New Zealand, New Zealand Transport Agency, Central Otago District Council and Southland District Council) have created a strategy that understands and supports our shared goals as well as aligning to our individual mandates.

We look forward to continuing to work with Queenstown Lake District Council in future. We anticipate a logical next step; and would support, a broader tourism spatial plan or tourism strategy for the region.

On behalf of the DOC team it was pleasure working with you. We have appreciated your leadership and cooperation throughout this project.

Yours sincerely

Tinaka Mearns  
Recreation and Tourism Planning Manager  
027 5366 976 | [tmearns@doc.govt.nz](mailto:tmearns@doc.govt.nz)

**QLDC Council  
25 October 2018**

**Report for Agenda Item: 5**

**Department: Community Services**

**Lessor's and Minister's Approval to enable Skyline Enterprises Limited, to establish a (replacement) luge workshop building within their Lease Area on the Ben Lomond Recreation Reserve**

**Purpose**

To consider granting Lessor's Approval and exercise the Minister's delegation to provide Minister's Approval to Skyline Enterprises Limited, to establish a (replacement) luge workshop building within their Lease Area on the Ben Lomond Recreation Reserve.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** Lessor's Approval and Minister's Approval for SEL to establish a (replacement) luge workshop building within their Lease Area on Section 1 SO 24832.

Prepared by:



Aaron Burt  
Senior Planner: Parks & Reserves

1/10/2018

Reviewed and Authorised by:



Thunes Cloete  
General Manager Community  
Services

1/10/2018

**Background**

- 1 Skyline Enterprises Limited (SEL) lease an area of the Ben Lomond Recreation Reserve (the Reserve) from the Queenstown Lakes District Council (QLDC). That lease is registered as encumbrance 5014878.1 on the Certificate of Title for the Reserve. For clarity, the land associated with this report is at the SEL restaurant and luge 'upper' site, accessed from the top of the gondola.

2 Clause 6 of the SEL Lease states:

“that the Lessee shall not erect or place any buildings or other improvements or add any addition to any existing building or structure on the demised land without the prior approval in writing of the Lessor and the Minister.”

- 3 SEL were granted resource consent RM180004 on 27 July 2018, to allow for a number of temporary and permanent buildings to be located within their upper lease area, and to undertake associated earthworks. Council similarly approved Lessor’s Approval and Minister’s Approval for that aspect of the greater development at the 14 June 2018 meeting.
- 4 Subsequent to the above, SEL have recently been granted resource consent RM180487 (on 20 September 2018), to enable the construction of the luge workshop building, being the subject of this report. Affected Persons Approval was provided by the QLDC CEO on 28 August 2018, and this facilitated the grant of the resource consent. It is noted that the QLDC (consent) processing planner determined that only the QLDC was affected by the proposed activity, and the resource consent was granted non-notified.
- 5 The applicant has provided a description of the building in their application document ‘*Skyline Enterprises Limited, land use consent to construct a workshop building, Bobs Peak Queenstown*’ (dated April 2018), which is included for reference as **Attachment A** of this report. Please note that the author of this report has substantially abridged that document given that its original size comprises 39 pages, of which not all might be immediately helpful to enable consideration of Lessor’s Approval and Minister’s Approval.
- 6 The associated plans are included as **Attachment B**.
- 7 The proposed luge workshop building will be a permanent structure, and will replace the existing luge workshop, to be demolished under resource consent RM170147 (as varied by RM171122).
- 8 The building will be located in approximately the same position as the existing chairlift terminal/workshop, being to the west of the approved new chairlift. The building will be two storey, with a split level ground floor to contain a workshop and storage area. The first floor will contain additional workshop space, and office and a toilet. The building is described as occupying a footprint of 7.05m x 8.45m. The external cladding will be metal tray in Kingspan Monument (dark grey) and the windows will be aluminium in Dulux Matt Gravel.
- 9 In terms of height, the applicant advises that, the wall height of the existing workshop (to be demolished) is approximately 5m above the existing ground level, and the overall height incorporating the chairlift is close to 8m. Heights are measured from ground level, and as earthworks are proposed in the location, the new height is referred to by the applicant in the context of the resultant earthworks. The applicant informs that the building will be 7.2m in height above the proposed ground level, but 5.7m in height above original ground level.

10 To enable the above, SEL now require Lessor's and Minister's approval for the buildings in accordance with Clause 6 of their Lease. The consideration of this Lessor's and Minister's approval is the purpose of this report.

### **Comment**

11 The underlying land is a recreation reserve administered by QLDC and leased to SEL by QLDC.

12 There is a management plan in place for the reserve and one of the objectives of the Ben Lomond and Queenstown Hill Management Plan is "provision for recreation and tourism activities, including commercial activities that do not adversely impact on the landscape, recreation and natural values."

13 Commercial activities including the luge and restaurant are permitted under the terms of the current lease and will not change fundamentally as a result of the introduction of the building. Council has recently provided Lessor's Approval and Minister's Approval for a number of temporary and permanent buildings to be located within the upper lease area. The proposed luge workshop building will be viewed as a subordinate component within an extensive extent of built form and commercial activities, which characterise the site.

14 Council has the delegation to provide Lessor's and Minister's approval.

### **Options**

15 Option 1 Council can grant Lessor's and Minister's Approval to Skyline Enterprises Limited for the proposed building.

#### *Advantages:*

16 SEL will be able to establish the proposed building and its function is necessary to support the luge activity.

#### *Disadvantages:*

17 The Ben Lomond Recreation Reserve will be further developed, compared to the existing degree of use.

18 Option 2 Council can decline Lessor's and Minister's Approval to Skyline Enterprises Limited for the proposed building.

#### *Advantages:*

19 The Ben Lomond Recreation Reserve won't be occupied by a further building.

#### *Disadvantages:*

20 SEL will either not be able to implement its redevelopment as intended, or will need to reassess how the redevelopment can be delivered without the proposed building, possibly resulting in delays and/or additional expense.

21 This report recommends **Option 1** for addressing the matter as it will enable SEL to establish the building, and approved resource consent conditions can appropriately mitigate any adverse effects on the greater environment.

### ***Significance and Engagement***

22 This matter is considered of low significance, as determined by reference to the Council's Significance and Engagement policy as it does not involve a Council strategic asset, is of low importance to the Queenstown Lakes District, is of moderate interest to the general community, is not inconsistent with policy and strategy and does not impact on Council's capability and capacity.

### **Risk**

23 This matter related to the operational risk OR027 'Delivering levels of service', as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because it requires a decision from Council relating to an existing lease.

24 The risk is tolerated as it is considered the buildings do not impact significantly on the commercial activities which are provided for under lease and the Ben Lomond and Queenstown Hill Management Plan.

### **Financial Implications**

25 Council is likely to benefit from the proposal as the building would support SEL's operations, thereby maintaining revenue. Council and the community benefit from the lessee doing well commercially.

26 All costs associated with the consenting, design and installation of the building will be met entirely by SEL.

### **Council Policies, Strategies and Bylaws**

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

- Significance and Engagement Policy 2014
- Ben Lomond and Queenstown Hill Management Plan

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

29 This matter is included in the 10-Year Plan/Annual Plan as administration associated with overseeing this approval will be covered in existing property budget provisions.

### **Local Government Act 2002 Purpose Provisions**

30 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 opportunity for increased income to Council and making a decision in a timely manner;

- 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**

31 Effects associated with the introduction of the building have been assessed as part of the resource consent application. It is not considered necessary to conduct further consultation relating to the Lessor's Approval.

### **Attachments**

- A Applicant's Proposal '*Skyline Enterprises Limited, land use consent to construct a workshop building, Bobs Peak Queenstown*' (dated April 2018)
- B Plans

**SKYLINE ENTERPRISES LIMITED**

**LAND USE CONSENT TO CONSTRUCT A WORKSHOP  
BUILDING, BOBS PEAK, QUEENSTOWN**

**APRIL 2018**



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## **9.0 CONCLUSION**

## 1.0 THE APPLICANT AND PROPERTY DETAILS

<b>Site Address:</b>	Bob's Peak, Ben Lomond Recreation Reserve, QUEENSTOWN
<b>Applicants Name:</b>	Skyline Enterprises Limited
<b>Full Name/Address of each owner or occupier of the site</b>	Queenstown Lakes District Council Private Bag 50072 Queenstown 9348
<b>Address for Service</b>	Skyline Enterprises Limited C/- Southern Planning Group PO BOX 1081 QUEENSTOWN 9348  <b>Attention:</b> Amanda Leith
<b>Site Legal Description:</b>	The site subject to this application is legally described as Section 1 Survey Office Plan 24832 as held in leasehold Certificate of Title 3417;
<b>Site Area:</b>	The total site area of the abovementioned allotment is 4.1024Ha.
<b>District Plan Zoning:</b>	Rural General Zone (Outstanding Natural Landscape WB).  Designations 221, 248 and 373 also apply to the subject site.
<b>Brief Description of Proposal:</b>	Land use consent is sought to replace the existing Skyline Luge workshop building.
<b>Summary of Reasons for Consent:</b>	All buildings in the Rural General zone require resource consent under the Operative District Plan.

The following is an assessment of environmental effects that has been prepared in accordance with Schedule 4 of the Resource Management Act 1991. The assessment of effects corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

**List of Information Attached:**

Appendix [A]	Certificate of Title
Appendix [B]	Building consent BC971051 plans
Appendix [C]	Resource consent RM170147 decision
Appendix [D]	Variation resource consent RM171122 decision
Appendix [E]	Development plans
Appendix [F]	Profile of chairlift (submitted as part of RM170147)
Appendix [G]	Geotech report for RM170147
Appendix [H]	Acoustic report for RM160647

**Amanda Leith**

5 April 2018

## 2.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT

### 2.1 Site Description

The proposed development is located at the top of the Luge chairlift which sits to the northwest of the Skyline restaurant building atop a landform colloquially known as 'Bob's Peak', within a 4.1 hectare lease area (hereon called the 'subject site') held by Skyline Enterprises Limited (SEL). This lease area is a small part of the overall 387 hectare Ben Lomond Recreation Reserve.



Figure 1: Aerial photo of the subject site

The subject site contains the existing Skyline upper gondola terminal and the restaurant building. The Skyline Luge operates from the site and a helicopter landing area has also operated from the subject site in its south western corner since 1975. A J Hackett Ledge Bungy operate immediately south of the site and Queenstown Commercial Paragliders operate from a lease area immediately adjacent to the sites north eastern boundary. The subject site is also the primary congregation area for mountain bikers before they head to the various mountain bike trails within the Ben Lomond Recreation Reserve. Overall, the subject site can be described as a commercial tourism and recreation hub.

The Skyline Luge includes both a scenic and advanced track and the existing chair lift located near the eastern boundary of the lease area. The top terminal of the chairlift and attached workshop are shown in Figure 2 below.



*Figure 2: Photo of the existing chairlift top terminal and workshop*

The subject site is accessed via a 10m wide ROW that commences from Lomond Crescent in Queenstown's residential area (known as the Skyline Access Road). The surface of this access is gravel and public use (other than for pedestrian use) is restricted. The ROW provides full and uninterrupted vehicle access in favour of SEL.

Ziptrek also has a ROW over the Skyline Access Road for limited vehicular access for construction, maintenance and daily management purposes (to undertake open and close checks and lead guide duties only). The applicant and Ziptrek are jointly responsible for the maintenance and associated costs of the ROW).

The relevant Certificate of Title for the subject site is contained with **Appendix A**.

## **2.2 Receiving Environment**

As identified above, the subject site sits within an area of land comprising some 387 hectares that make up the Ben Lomond Recreation Reserve. A number of commercial recreation activities commence within or immediately adjacent to this lease area including:

- Independent and commercial mountain biking commences within the lease area via Gondola assisted bike lift through the Skyline facilities. Resource consent RM110263 authorises Outside Sports Limited to operate six groups (7 clients + 1 guide per group) of guided mountain bikers through the Ben Lomond Bike Park utilising the Gondola for access;
- G-Force Paragliding operate tandem paragliding flights launching near the north eastern boundary of the lease area and from a secondary site within the Department of Conservation Scenic Reserve approximately 280m horizontally and 100m vertically from the north western boundary of the lease area. All operations are within Designated airspace G756;

- Non-commercial paragliding flights (all pilots must be accredited by a NZHGPA Instructor before they are allowed to fly within G756 airspace) operate from the same launch locations described above;
- A J Hackett operate the ledge bungy and swing near the south western boundary of the lease area pursuant to Resource Consent RM940792 and Environment Court Decision C17/97 and resource consents, RM970230, RM970664 and RM980241;
- ZJV (NZ) Ltd operate their flying fox eco tours commencing from the main platform located near the southern boundary of the lease area pursuant to resource consents RM071053, RM090922, RM100018 and RM100049 with approximately 30,000 clients per annum<sup>1</sup>;

A range of public walking and mountain bike trails exist through both the Ben Lomond Recreation Reserve as well as the Skyline Lease Area. The north western boundary of the subject site adjoins the Department of Conservation (DoC) administered Scenic Reserve.

The Scenic Reserve contains an additional paragliding launch point approximately 100m from the lease area boundary as well as trails that connect to the main Ben Lomond walking trail.

Helicopter landings are also permitted by Concession on Bowen Peak which sits within this Scenic Reserve..

Right on the northern boundary of the Scenic Reserve with the SEL lease area is a fire fighting pond and water tanks that service the SEL restaurant building.

### **2.3 Legal Encumbrances**

There are no legal encumbrances that affect the proposal.

### **2.4 Written Approvals**

The proposal is proposed to be undertaken on land leased from QLDC. Furthermore, the existing access track to the top Luge terminal crosses back and forth from the QLDC administered Ben Lomond Recreation Reserve into the Department of Conservation administered Ben Lomond Scenic Reserve. To the writer's knowledge there are no existing easements or concessions that provide for this historical access.

As such, the Department of Conservation is considered an affected party and their affected party approval is being sought and will be submitted once it is received.

As the land is also administered by QLDC, it is acknowledged that QLDC are an affected party, it is understood that the processing planner will liaise with the QLDC Parks and Reserves Manager in relation to the application.

---

<sup>1</sup> Independent Safety Review of Skyline Helipad by Andrew Shelley and Heather Andrews of Aviation Safety Management Systems Limited dated 25<sup>th</sup> August 2014 – Section 5.3.2, page 23, quoted figures from Trent Yeo

## 3.0 BACKGROUND

### 3.1 Relevant Background

There have been numerous resource consents approved for the subject site, with the following being of most relevance to the current application.

#### RM970293

The existing Skyline Luge and chairlift was established pursuant to Resource Consent RM970293 which was granted by the Council on 4 September 1997. This resource consent also sought the subdivision of the 4.1Ha lease area and to relocate the parapenter low level take off. Building consent BC971051 includes plans of the workshop (see **Appendix B**).

#### RM970548

Resource consent RM970548 was an application lodged for a second luge track to enable riders to travel at different speeds (now known as the Scenic and Fast Tracks). The proposal was heard by the Council's hearings panel and ultimately granted on 03 November 1997.

#### RM050813

Resource consent RM050813 was an application to re-align portions of the two existing luge tracks referred to as the "fast" and "slow" tracks. The consent was granted on a non-notified basis with no written approvals on 30<sup>th</sup> November 2005.

#### RM100130

This resource consent was an application by Skyline to adjust the gradient and location of the luge tracks where they merge near the bottom luge lift terminal. The proposal involved 780m<sup>3</sup> of earthworks and the construction of a timber crib retaining wall beneath the existing restaurant building. The proposal was approved on a non-notified basis with the written approvals of AJ Hackett Bungy Limited and QLDC having been provided. The Council's decision was released on 14<sup>th</sup> May 2010.

#### RM140198

This application sought approval for the construction of an open walled structure over the starting line of the upper luge track. The proposal was granted on a non-notified basis with the written approval of QLDC on 2<sup>nd</sup> May 2014.

#### RM160647

This application was lodged by Skyline on 15<sup>th</sup> July 2016 and seeks a comprehensive suite of approvals to enable the replacement of the existing gondola, construction of a replacement lower terminal building on Brecon Street and the expansion of the restaurant building on Bob's Peak.

This application was publicly notified with submissions closing on 5<sup>th</sup> October 2016. Twenty submissions were received and Skyline has sought (and been granted) approval from QLDC to proceed by Direct Referral to the Environment Court.

The application was considered by the Environment Court in the week commencing 22 May 2017. An interim decision was released by the Court in August 2017 stating that subject to resolution of stormwater discharge from the development and provision of 350 car parking bays that it is likely that consent will be granted for the development.

#### RM170147

Was granted on 26 July 2017 (re-issued 8 August 2017) to replace the existing 2-seater Luge chairlift with a 4-seater chairlift in a location further to the west than the existing chairlift.

Associated earthworks and landscaping were also approved. The earthworks were to create flatter areas at both the base and top terminal of the chairlift. The proposed landscaping was to mitigate any potential adverse landscape effects and for amenity purposes.

A copy of this decision is attached as **Appendix C**. Works to give effect to this consent have been commenced on the site.

#### RM170906

This resource consent application was lodged in 2017 for a boundary adjustment between the subject site and Pt Section 110 (the parapenters lease area). This application is yet to be determined and has been placed on hold by the applicant.

#### RM171122

This application was to vary Conditions 1 and 3 of resource consent RM170147 in relation to earthworks and vehicle movements and was granted on 23 February 2018. A copy of this decision is attached as **Appendix D**.

#### RM171172

This resource consent application has been lodged with QLDC for the construction of a car parking building comprising 448 car parking bays. This application has been publicly notified and the submission period has closed. This application has also been the subject of a Direct Referral to the Environment Court and a tentative hearing date of 11 June 2018 has been set.

#### RM180004

This resource consent application has been lodged with QLDC for the establishment and use of temporary buildings on the skyline lease area in association with the construction activities on the subject site including temporary workshop space/storage for the Luge throughout the



period the existing workshop is removed and until a new workshop is established and operational. This application is yet to be determined by QLDC.

## 4.0 DESCRIPTION OF THE PROPOSED ACTIVITY

### 4.1 Overview

The existing Skyline Luge workshop forms part of the top station of the Luge chairlift, this is to be demolished as part of the works approved under RM170147 (and as varied by RM171122). Consequently, consent is sought for the construction of a replacement workshop building. The proposal is described in detail below:

### 4.2 Proposed Built Form

The proposal involves the construction of a replacement Luge workshop building adjacent to the new top station of the Luge chairlift. The location and design of the proposed building are detailed in the development plans attached as **Appendix E**.

The location of the proposed building is in approximately the same position as the existing chairlift terminal/workshop building is as shown below in Figure 3.

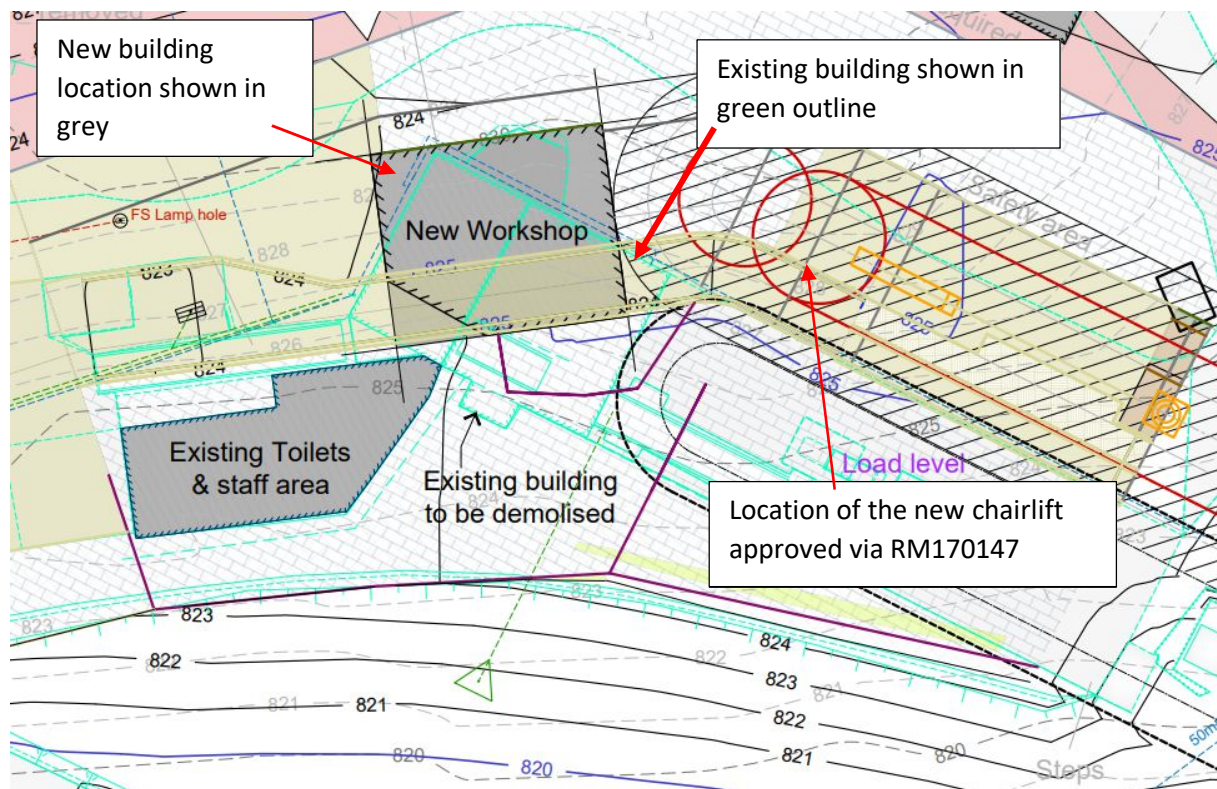


Figure 3: Proposed location of the new workshop building in comparison with the existing terminal/workshop building.

The proposed building will be located to the west of the top of the approved new Luge chairlift (which works are underway for on - site) and to the southwest of the existing toilet

and staff building. The building will be setback 21.91m from the north-eastern boundary and 38.28m from the north-western boundary.

The proposed workshop will not be incorporated into the top station of the chairlift as is currently the case (see Figure 2 above), with the approved chairlift station being of a more modern and streamlined design than the existing station and therefore less bulky (see the profile in **Appendix F** which was submitted as part of the RM170147 resource consent application).

The proposed replacement workshop building is to be of the same approximate ground floor area as the existing workshop building being 7.05m x 8.45m and its location is a re-orientation of the existing location as shown in Figure 3 above.

The building is to be two storied with a split level ground floor. The ground floor level is to contain the workshop and a storage area. The first floor level also contains more workshop space, an office and a toilet.

In terms of height, the existing workshop building which is part of the top station of the Luge chairlift is being demolished once the new chairlift is constructed. The wall height of the existing workshop is approximately 5m above the existing ground level and the overall height incorporating the chairlift structure would be close to 8m.

The original ground level and existing ground level are identified on the proposed plans in **Appendix B**. The existing ground level is being altered further via the earthworks approved under RM170147 (and as varied by RM171122) and the proposed building is to sit atop the new level. The proposed building will be approximately 7.2m in height above this level but only a maximum of 5.7m above original ground level.

The external cladding material proposed is metal tray in Kingspan Monument (dark grey) and the windows are to be aluminium in Dulux Matt Gravel.

#### **4.3 Services**

The service connections to the existing terminal/workshop building will be extended to the new building. No new service connections are required.

#### **4.4 Earthworks**

No further earthworks beyond that approved under RM170147 (and as varied by RM171122) are proposed. These approved earthworks are to flatten the proposed workshop location which will allow for the construction of the building.

#### **4.5 Landscaping**

No further landscaping beyond that approved under RM170147 is proposed.

#### **4.6 Proposed Construction Access**

The proposal will necessitate getting construction vehicles, trucks and machinery onto the subject site for the construction of the building. It is proposed that all vehicles will access the subject site via Lomond Crescent and the Skyline Access Road.

From the Skyline Access Road the existing access track that winds back and forth between the Skyline Lease Area, the Ben Lomond Recreation Reserve and the Bob's Peak Scenic Reserve is proposed to be utilised. This track commences on the uphill side of the Skyline Access Road approximately 130m below the Ziptrek tree deck and Skyline helipad.

The total number of vehicle movements is not known however, it is proposed to limit all vehicle movements to and from Lomond Crescent from 7:30am to 6pm Monday to Friday, 7:30am to 12:30pm on Saturdays with no movements occurring on Sundays or public holidays.

In addition, it is proposed that a Traffic Management Plan be provided to the Council for approval prior to works commencing to ensure that adequate provision is afforded over the Skyline Access Road for pedestrian and mountain bike conflict and also for maintaining Ziptrek's limited rights of vehicle access as detailed under their lease with QLDC. The following condition is volunteered in this respect. This condition is that same as that applied in Condition 8 of RM170147 with the addition of reference to the works approved by that consent.

*Prior to commencing works on site, the consent holder shall submit a traffic management plan to the QLDC Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. The Traffic Management Plan will as a minimum address the following matters:*

- *Maintenance of pedestrian and MTB access along the Skyline Access Road at all times;*
- *Maintenance of vehicular access along the Skyline Access Road for Ziptrek;*
- *Identification of a maximum specified speed limit for vehicles on the Skyline Access Road in recognition of its steep and narrow formation;*
- *Identification of a maximum specified speed limit for Lomond Crescent on the approach to and from the Skyline Access Road crossing point in recognition of the residential environment and lack of footpaths;*
- *Ensure consistency with the TMP's prepared in association with resource consent RM160647 (Skyline re-development), Outline Plan RM160956 (forestry activities), RM170147 (Luge works) and RM180004 (temporary construction*

*building application) if the scheduling of construction works coincides with the land use approved in those decisions.*

#### **4.7 Proposed Hours of Operation for Construction**

While the applicant proposes to restrict vehicle movements as outlined in Section 4.6 to 6:00pm to mitigate the effects on the residents of Lomond Crescent, it is not proposed to implement any restrictions on the hours of operation for construction on the subject site. In other words, these activities will be undertaken 24 hours a day.

#### **4.8 Proposed Parking & Access – Permanent and Temporary Construction Vehicles**

The proposed Luge workshop building will not in itself generate additional demand for car parking. It is a replacement of the existing workshop and is for the storage and maintenance of the Luge carts.

The overall construction timing and methodology is not presently known however given that the works associated with RM170147 are currently underway to upgrade the existing chairlift, it is likely that, depending upon the timeframe for the issuing of the resource consent and subsequently the granting of lessor approval by the Council under the Reserves Act 1977, the construction of the building could occur concurrently or consecutively to the chairlift works. There is no certainty that this would be the case however and so this application has been lodged separately so that it can proceed independently.

If undertaken independently, the majority of the construction workers will travel up the gondola on a daily basis as opposed to utilising vehicles on the Skyline Access Road. Furthermore, it is expected that all construction vehicles and machinery necessary for this project will be contained within the Skyline Lease Area after having accessed the site via the Skyline Access Road.

If contractor / tradesmen parking is required, it is expected that this will be provided within the Skyline lower terminal staff car park which will allow for the transfer of tools and contractors/tradesmen to the site via the gondola.

## **5.0 STATUTORY CONSIDERATIONS**

### **5.1 Queenstown Lakes Operative District Plan**

As identified above, the subject site is contained within the Rural General Zone – Outstanding Natural Landscape (Wakatipu Basin) of the Operative Queenstown Lakes District Plan.

The proposed activity requires the following resource consents:

- A **Discretionary** activity consent pursuant to Rule 5.3.3.3(i)(a) for the addition, alteration and construction of any building and associated physical activities such as earthworks, landscaping and roading.

## **5.2 Queenstown Lakes Proposed District Plan**

There are no rules in the Proposed District Plan (in Stages 1 and 2) which are of relevance to the proposed development which have immediate legal effect.

## **5.3 NES for Assessing and Managing Contaminants in Soil to Protect Human Health**

All applications for resource consent need to be determined if they apply under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES").

We have consulted with the Otago Regional Council and undertaken a review of the QLDC's property information for the subject site and make the following assessment:

Under these regulations, land is considered to be actually or potentially contaminated if an activity or industry on the Hazardous Activities or Industries List (HAIL) has been, or is more likely than not to have been, undertaken on that land.

Therefore, the NES only applies to land that is potentially or actually affected by contaminants because of its historical and/or current use and the types of activities previously undertaken on the site. The land use history is therefore the trigger for determining whether land is considered by the NES.

The Otago Regional Council have confirmed that the sites subject to this application are not listed on the Council's contaminated sites register.

The QLDC's E-doc's web system does not list any consents that would indicate a hazardous activity has occurred on the site subject to this resource consent application.

Given the above, it is concluded that there is no evidence that an activity on the HAIL list ever occurred on the subject sites to this application.

Based on this research it is highly unlikely that there will be a risk to human health if the proposed activity proceeds. Accordingly, the proposal is considered to be a Permitted Activity pursuant to this National Environmental Standard.

## **6.0 RESOURCE MANAGEMENT ACT 1991 ASSESSMENT**

The matters that must be addressed pursuant to Clauses 6 and 7 of Schedule 4 of the Resource Management Act 1991 are detailed below.

### **6.1 If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:**

# LUGE WORKSHOP BUILDING FOR SKYLINE ENTERPRISES QUEENSTOWN



## DRAWING LIST:

A001 SITE PLAN & LOCATION PLAN  
A100 FLOOR PLAN  
A200 ELEVATIONS  
A201 ELEVATIONS

## RESOURCE CONSENT ISSUE 19-03-2019

### CLIENT:

Skyline Enterprises  
Contact: Matt Freeman  
Phone: 021 190 1000

### SURVEYOR:

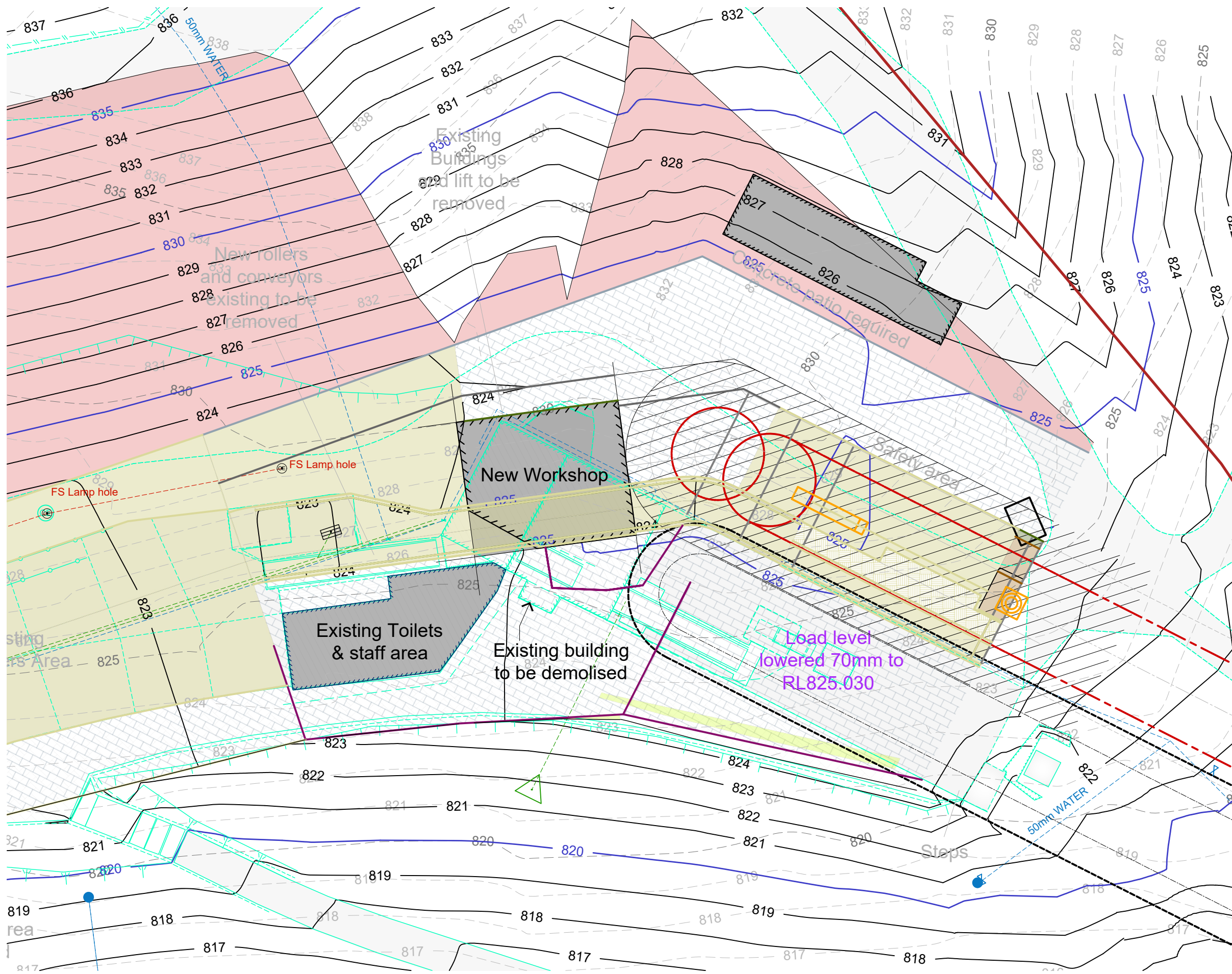
Paterson Pitts Group  
Contact: Sean McLeod  
Phone: 03 441 4715

### PROJECT MANAGER:

Peak Projects  
Contact: Paul Woodward  
Phone: 03 442 5430

### ARCHITECT:

Wyatt + Gray Architects Ltd  
Contact: Matt Barnett  
Phone: 03 442 8709



- GENERAL LEGEND**
- Original GL 1.0m Contour
  - Original GL 5.0m Contour
  - Proposed GL 1.0m Contour
  - Proposed GL 5.0m Contour

- NOTES**
- a. 1m Contour interval
  - b. Original Contours from survey data collected 1997-1998 before Luge development
  - c. Proposed contours are generally existing and include earthworks consented in RM17014.7



**LOCATION PLAN**  
NOT TO SCALE

**PROPOSED SITE PLAN**  
scale 1:100 @ A1, 1:200 @ A3



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JOB TITLE:  
**LUGE WORKSHOP BUILDING**  
FOR SKYLINE ENTERPRISES QUEENSTOWN

DRAWING TITLE:  
**SITE PLAN**

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DRAWN: MSB  
SCALE: 1:100 @ A3  
STATUS: RESOURCE CONSENT  
UPDATE: 19-03-2018  
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REVISIONS	
A	RESOURCE CONSENT 19-03-2018

DRAWING NO: **a001** REVISION: **(A)**

**GENERAL LEGEND**

- beam — Indicates beams or walls above.
- C/W = complete with. dp = downpipe
- FFL = finished floor level. wc = toilet
- FGL = finished ground level. whb = wash hand basin
- AFFL = above finished floor level.
- COS = confirm this dimension on site.
- CLR = clear dimension between finished face.



**WINDOW/DOOR LEGEND**

- W02 Window # (in this case 02)
- D02 Door No.

**CARPENTRY**

1. All work is to be carried out in accordance with Holmes Consulting documentation, NZS 3604:2011 where applicable, and NZBC.
2. All timber in contact with concrete or steel is to have DPC placed between.
3. Allow to work in with all other trades
4. Allow to fit dwangs where required for other trades especially where new plumbing works occur.
5. Read all plans in conjunction with other consultants plans.

**STRUCTURAL**

Architectural Plans & Specifications are to be read in conjunction with Holmes Consulting Group plans and specifications. Any structural work omitted on the Architectural Plans but shown on the Structural plans, and vice versa, forms part of this contract and shall be allowed for in the contract

**HVAC**

The removal of moisture & other contaminants will be ventilated via fresh air openings meeting the minimum 5% requirement as stated in NZBC 1992: G4/AS1.

**FIRE ENGINEER**

Architectural Plans & Specifications are to be read in conjunction with OLLSON FIRE & RISK Fire Report. Smoke alarms complying with the NZBC clause F7 are required in this building.

**SELECTED FINISHES LEGEND**

- KS1 40mm Core (75mm overall) KS1000 RW insulated trapezoidal wall panel cladding system installed to manufacturers requirements. Colour: Kingspan Monument
- WF1 Selected powdercoated aluminium window Colour: Dulux Matt Gravel

**WALL CONSTRUCTION LEGEND**

- WT1 140mm H1.2 timber framed wall to engineers requirements.
- WT2 90mm timber framed internal walls with studs at 400ctrs
- Fire rated wall construction TBC

**FLOOR CONSTRUCTION LEGEND**

- F1 Concrete floor with SIKA CUREHARD 24 additive and selected epoxy paint finish
- F2 suspended floor system TBC
- F3 Selected Vinyl on HARDIES SECURA 19mm compressed board flooring on floor structure by engineer
- F4 Selected Carpet tiles on HARDIES SECURA 19mm compressed board flooring on floor structure by engineer

**BUILDING ELEMENT LEGEND**

- E1 QUINN LIFTS Goods lift. Strictly goods only - no passengers.
- E2 Acero G1 stainless steel wall mount basin c/w upstand, mounting brackets and custom stainless steel shroud. Plus Foreno Le Tap Sink mixer or similar
- E3 45ø Stainless steel tube handrail c/w handrail brackets
- E4 wall mounted heat pump by others
- E5 K200 ACO drain or similar approved with slotted iron grate to be confirmed with client prior to construction
- E6 90mm timber framed wall 1200mm above Storage Floor level & lined both sides with BD grade Ply, capped with 30mm pine capping

**WALL FINISHES SCHEDULE**

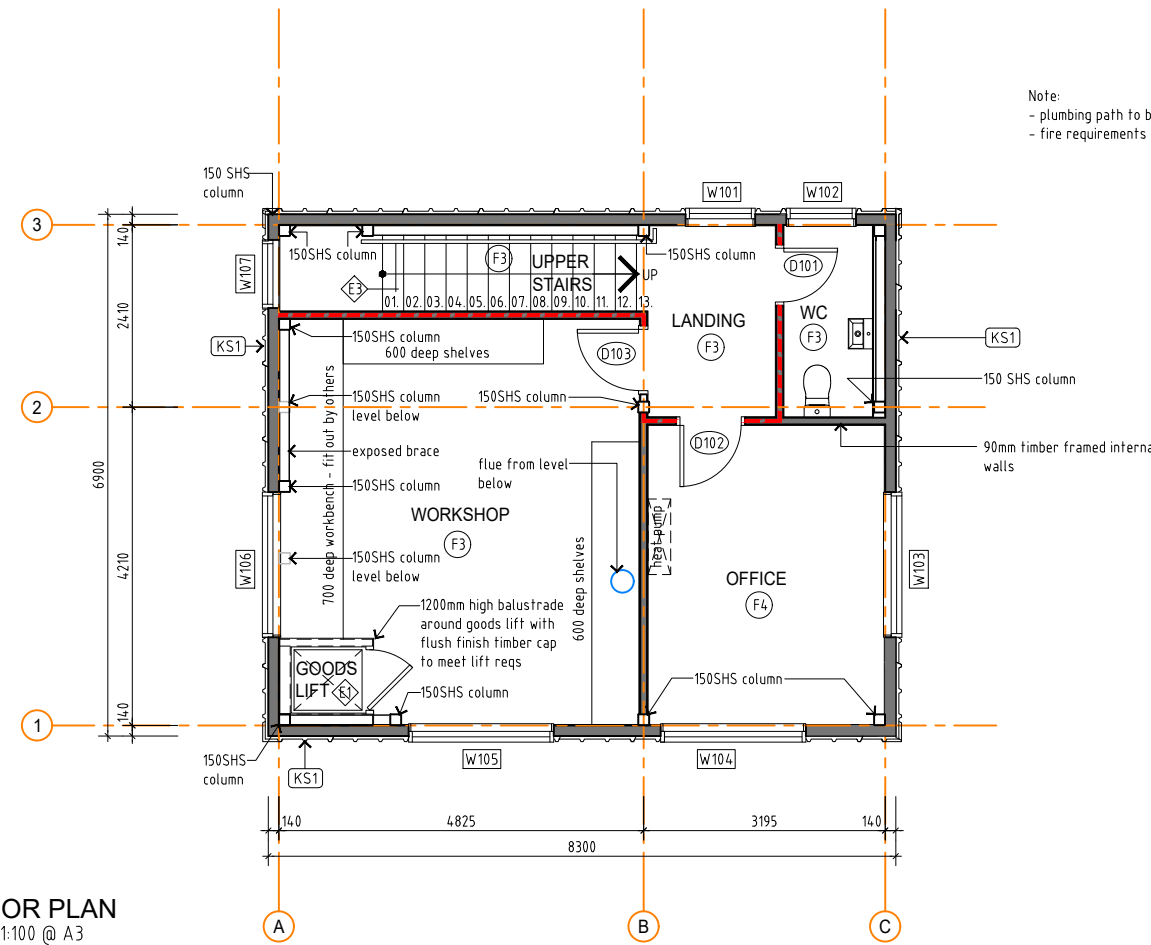
SPACE	WALL	LINING	FINISH
Stair	All	9mm Villaboard	Paint - level 4
Landing	All	9mm Villaboard	Paint - level 4
Office	All	9mm Villaboard	Paint - level 4
Workshop	All	12mm B grade ply	butt joint. jolt head nail

96

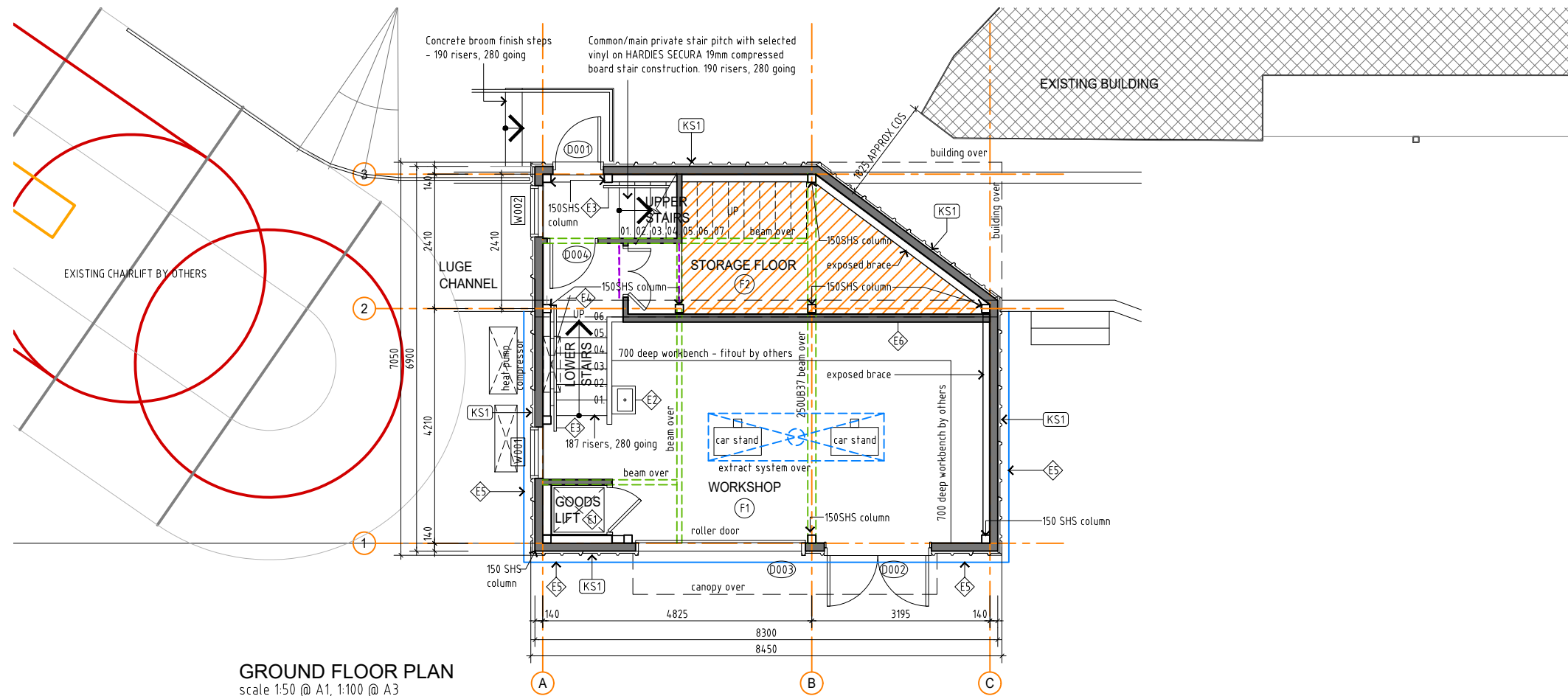
**CEILING FINISHES SCHEDULE**

SPACE	LINING	FINISH
Stair	9mm Villaboard	Paint - level 4
Landing	9mm Villaboard	Paint - level 4
Office	9mm Villaboard	Paint - level 4
Workshop	12mm B grade ply	butt joint. robertson screw

Note:  
- plumbing path to be confirmed  
- fire requirements to be confirmed



**FIRST FLOOR PLAN**  
scale 1:50 @ A1, 1:100 @ A3



**GROUND FLOOR PLAN**  
scale 1:50 @ A1, 1:100 @ A3

**REVISIONS**

NO.	DESCRIPTION	DATE
A	RESOURCE CONSENT	19-03-2018



9-11 MARINE PARADE, PO BOX 172, QUEENSTOWN  
PHONE (03) 442-8709  
www.wyattgrayarchitects.nz

JOB TITLE:  
**LUGE BUILDING**  
FOR SKYLINE ENTERPRISES QUEENSTOWN

DRAWING TITLE:  
**FLOOR PLANS**

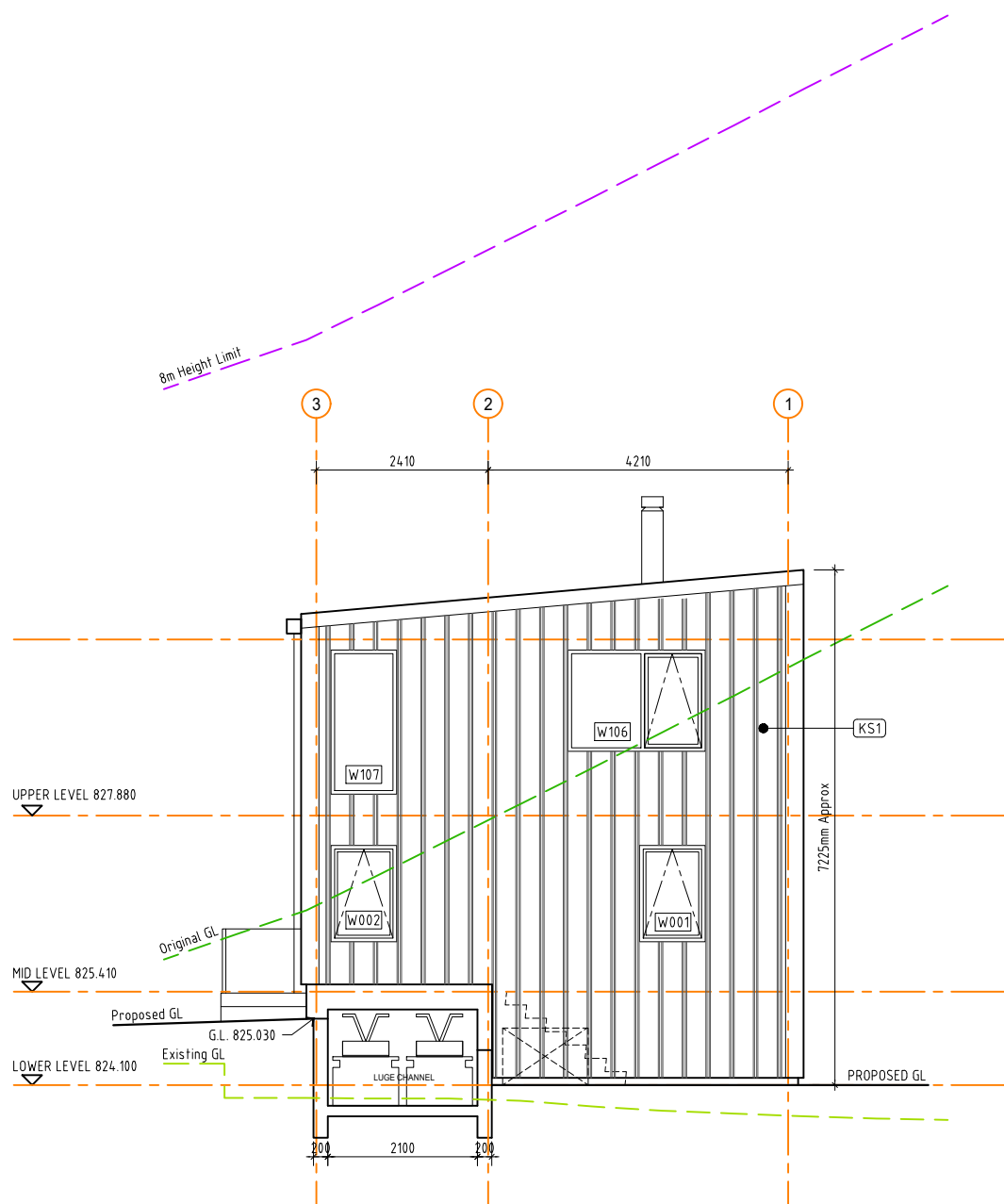
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STATUS: RESOURCE CONSENT  
UPDATE: 19-03-2018  
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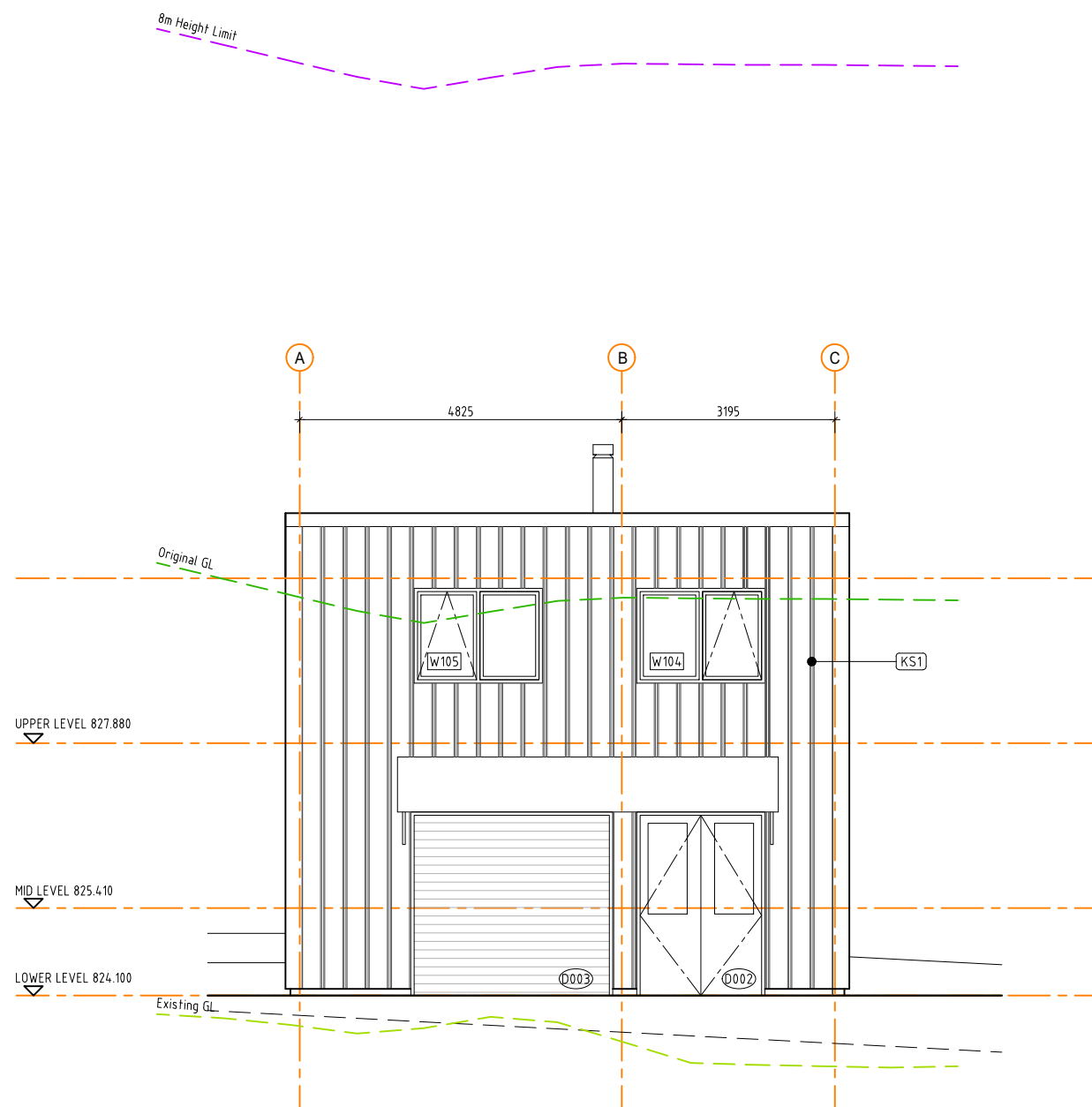
DRAWING NO: **a100**  
REVISION: **A**



**MATERIALS LEGEND**  
 (KS1) 40mm Core (75mm overall) KS1000 RW insulated trapezoidal wall panel cladding system installed to manufacturers requirements.  
 Colour: Kingspan Monument  
 (WF1) Selected powdercoated aluminium window  
 Colour: Dulux Matt Gravel



**WEST ELEVATION**  
 scale 1:50 @ A1, 1:100 @ A3



**SOUTH ELEVATION**  
 scale 1:50 @ A1, 1:100 @ A3

REVISIONS	
A	RESOURCE CONSENT 19-03-2018



9-11 MARINE PARADE, PO BOX 172, QUEENSTOWN  
 PHONE (03) 442-8709  
 www.wyattgrayarchitects.nz

JOB TITLE:  
**LUGE WORKSHOP BUILDING**  
 FOR SKYLINE ENTERPRISES QUEENSTOWN

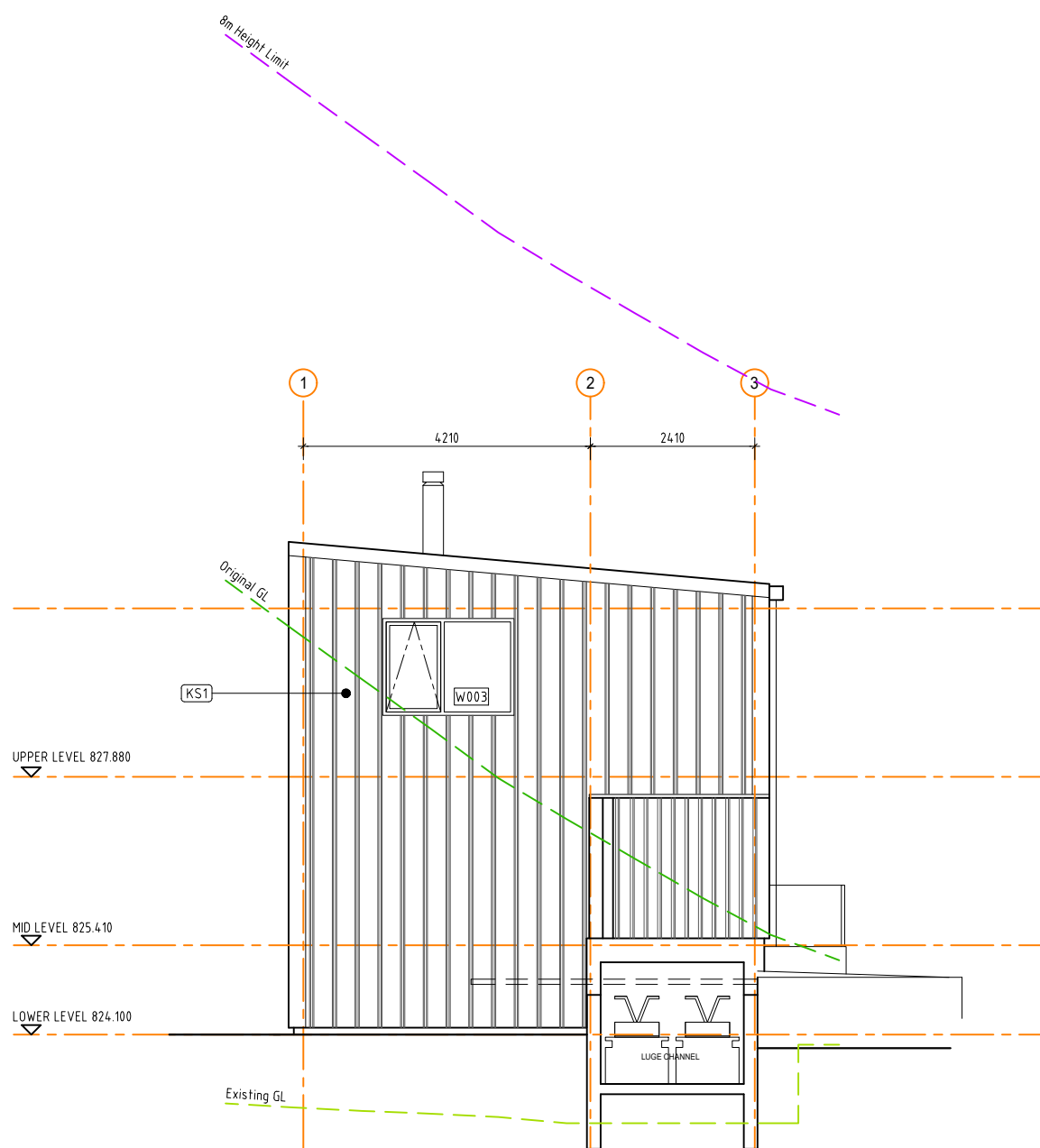
DRAWING TITLE:  
**ELEVATIONS**

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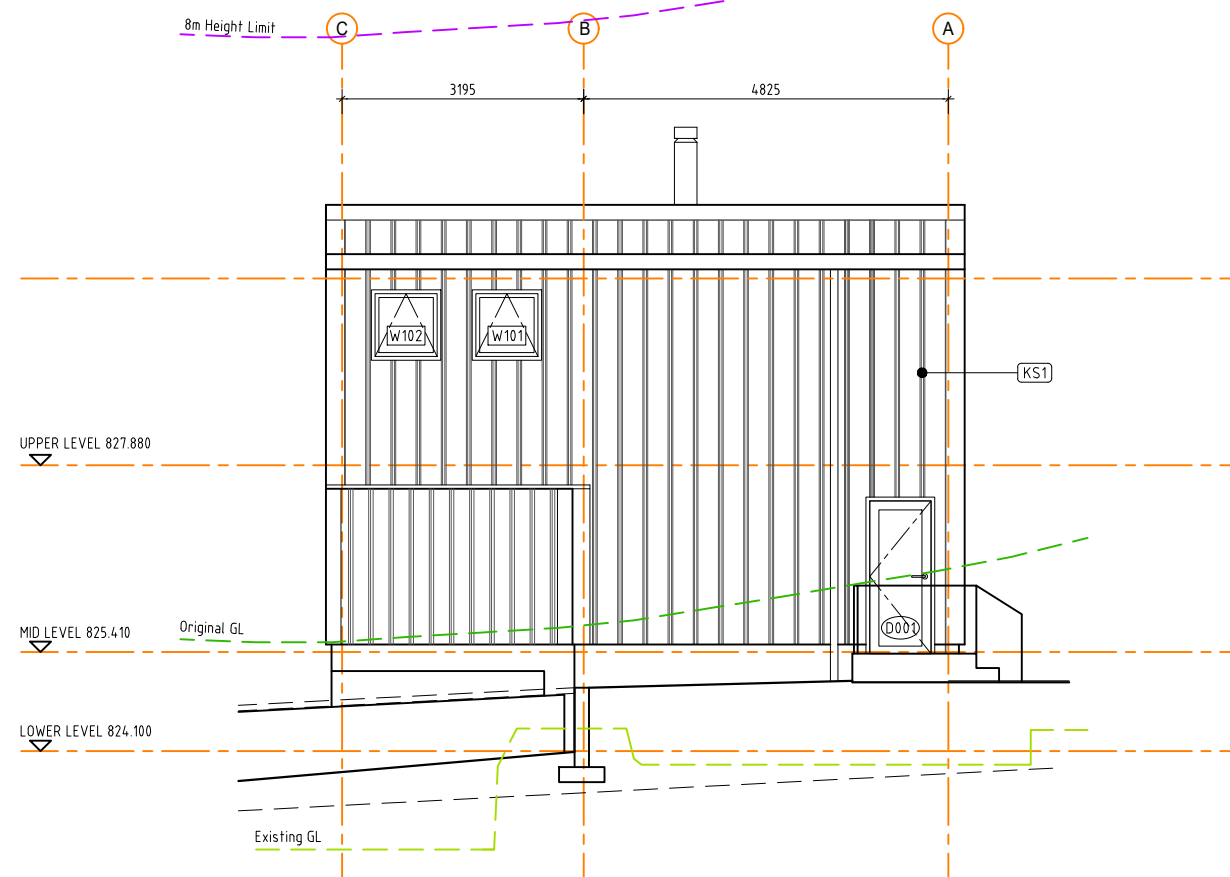
DRAWN: MSB  
 SCALE: 1:100 @ A3  
 STATUS: RESOURCE CONSENT  
 UPDATE: 19-03-2018  
 DO NOT SCALE FROM THESE DRAWINGS.

DRAWING NO: **a200** REVISION: **(A)**

**MATERIALS LEGEND**  
 (KS1) 40mm Core (75mm overall) KS1000 R/W insulated trapezoidal wall panel cladding system installed to manufacturers requirements.  
 Colour: Kingspan Monument  
 (WF1) Selected powdercoated aluminium window  
 Colour: Dulux Matt Gravel



**EAST ELEVATION**  
 scale 1:50 @ A1, 1:100 @ A3



**NORTH ELEVATION**  
 scale 1:50 @ A1, 1:100 @ A3

REVISIONS	
A	RESOURCE CONSENT 19-03-2018



9-11 MARINE PARADE, PO BOX 172, QUEENSTOWN  
 PHONE (03) 442-8709  
 www.wyattgrayarchitects.nz

JOB TITLE:  
**LUGE WORKSHOP BUILDING**  
 FOR SKYLINE ENTERPRISES QUEENSTOWN

DRAWING TITLE:  
**ELEVATIONS**

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DRAWN: MSB  
 SCALE: 1:100 @ A3  
 STATUS: RESOURCE CONSENT  
 UPDATE: 19-03-2018  
 DO NOT SCALE FROM THESE DRAWINGS.

DRAWING NO:  
**a201**  
 REVISION:  
 (A)

**QLDC Council  
25 October 2018**

**Report for Agenda Item: 6**

**Department: Community Services**

**Millbrook Cricket Club – New Reserve Licence**

**Purpose**

To consider approving a new licence to the Millbrook Cricket Club, for part of a building located on Recreation Reserve at Millbrook Corner.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Grant** a new licence under section 54(1)(c) of the Reserves Act 1977, to the Millbrook Cricket Club (or nominee), for clubrooms and storage, on Section 8 SO 434963, subject to the following conditions:

Commencement	TBC
Term	10 years
Rent	\$1 per annum pursuant to Community Pricing Policy
Reviews	At renewal or when Community Facility Funding Policy is reviewed
Renewals	One of 10 years (by agreement of both parties)
Use	Clubrooms, meeting space and storage facilities associated with cricket
Assignment and Sublease	With Lessors prior written approval
Insurance	\$2 million public liability insurance cover
Termination	Council can give 2-years cancellation notice if the land is required for the 'provision of core infrastructure services' (not in the first 2 years)

## Special Conditions

At expiry, lessee to remove all chattels from the premise but all fixtures and fittings affixed to the premises shall revert to the lessor without any compensation

3. **Agree** to the exercise of the Minister's consent under delegation from the Minister of Conservation, to grant a licence to the Millbrook Cricket Club over the reserve land detailed above.
4. **Delegate** final licence terms and conditions, approval of entity name and signing authority to the General Manager Community Services.

Prepared by:

Reviewed and Authorised by:



Dan Cruickshank  
Property Advisor - APL

2/10/2018



Aaron Burt  
Senior Planner:  
Parks & Reserves  
2/10/2018



Thunes Cloete  
Community Services  
General Manager  
10/10/2018

## Background

- 1 The QLDC is responsible for the Recreation Reserve located on the corner of Malaghans Road and Arrowtown-Lake Hayes Road, locally known as Millbrook Corner. This is reserve legally described as Section 8 SO 434963.
- 2 The Millbrook Cricket Club has been using the reserve since the clubs' inception in 1992. The club is not currently incorporated, but this is expected to be completed over the next few months.
- 3 After approximately two years of negotiations and discussions between the club, QLDC and Millbrook Resort, a building was constructed on the reserve, which functions as both public rest rooms, as well as the club house for the Millbrook Cricket Club.
- 4 In early 2014, an agreement was made between the Millbrook Cricket Club and QLDC, which outlined each parties' responsibilities following the completion of the building. The club is responsible for the cleaning to those areas not accessible to the public (inside the club room & storage area), while QLDC is responsible for cleaning to the public toilets, exterior maintenance to the building and the surrounding land.

- 5 The building was opened in 2015 under a second agreement with Council, which provided the club with five years' free use, to be reassessed on the 7th of November 2019. Free use of the space is in line with the conditions outlined in the Community Facility Funding Policy.
- 6 Following this agreement, an official licence has never been put in place. The club are currently seeking a licence which will provide some longevity and security for the clubs previous 25 years of development.
- 7 The process to grant a licence required notification under section 119 of the Reserves Act. The intention to grant a new licence was notified on 23 August 2018 and no submissions were received.

### **Comment**

- 8 As the licence is proposed on a Recreation Reserve, and is not contemplated by the Reserve Management Plan, the intention to grant a licence was publicly notified, calling for submissions. The Reserve Management Plan specifically provides for sporting activities, but not for buildings aside from public toilets and shelters.
- 9 The club often allow other cricketers to use the facilities. The club is used for T20 competition, Saturday club cricket, and regular Sunday games.
- 10 The club is nearing completion of two top level practice wickets, which will be gifted to Council to operate on behalf of the community.
- 11 The actual cricket grounds are booked through the QLDC Events Office, however priority of use is given to the Millbrook Cricket Club. Other events are considered and addressed on a case by case basis.
- 12 The club has contributed upwards of \$80,000 to the construction of the various facilities, including cricket wickets, practice nets and contributions to the clubhouse construction. The club has also provided at their expense, plants for the landscaping and currently maintain the area within the picket fence and immediately around the car park.
- 13 An artificial cricket wicket was installed on the ground at the club's expense in 2008/9 at an approximate cost of \$25,000.
- 14 The licence covers the use of the clubhouse portion of the building only and all exterior building maintenance and grounds landscaping will be undertaken by Council.
- 15 An initial term of 10 years is proposed, with one renewal by agreement of both parties, in line with Council's community lease terms guidance, due to contribution to the construction of the facility and the additional improvements made at the grounds by the club over the past few years.

## Options

- 16 Option 1 Approve a new licence to the Millbrook Cricket Club, for the clubhouse building, subject to the terms and conditions listed above

*Advantages:*

- 17 Will enable the Millbrook Cricket Club to continue to provide cricket facilities for ten years.
- 18 Will provide clarity to both parties as to the agreement in place.
- 19 Will be in line with other local community group licences

*Disadvantages:*

- 20 Will commit Council to having the club on site for at least another 10 years (unless the land and/or building are required for significant infrastructure purposes).
- 21 Option 2 Decline a licence to the Millbrook Cricket Club and to require them to vacate the site when the current agreement ends in 2019.

*Advantages:*

- 22 Would not commit Council to having the club on the site for a further 10 years.

*Disadvantages:*

- 23 The Cricket Club would cease to provide facilities to support cricket in Arrowtown.
- 24 It would severely impact the success of a local community club and may force the club to find an alternate location.
- 25 This report recommends **Option 1** for addressing the matter because it will allow cricket to continue in Arrowtown and permit a local community group to continue to grow and develop.

### ***Significance and Engagement***

- 26 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves the use of a reserve that is a strategic Council asset.

### ***Risk***

- 27 This matter relates 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**

28 The cricket club will meet the cost of advertising and drafting the new licence.

## **Council Policies, Strategies and Bylaws**

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

- Community Facility Funding Policy 2011
- Community Lease and Licence Terms Resolution of 2016
- Arrowtown – Lake Hayes Reserve Management Plan 2013

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

31 This matter is not included in the 10-Year Plan/Annual Plan and has no impact on it.

## **Local Government Act 2002 Purpose Provisions**

32 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 enabling the sport of cricket to continue in Arrowtown for the next 10 years;
- 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**

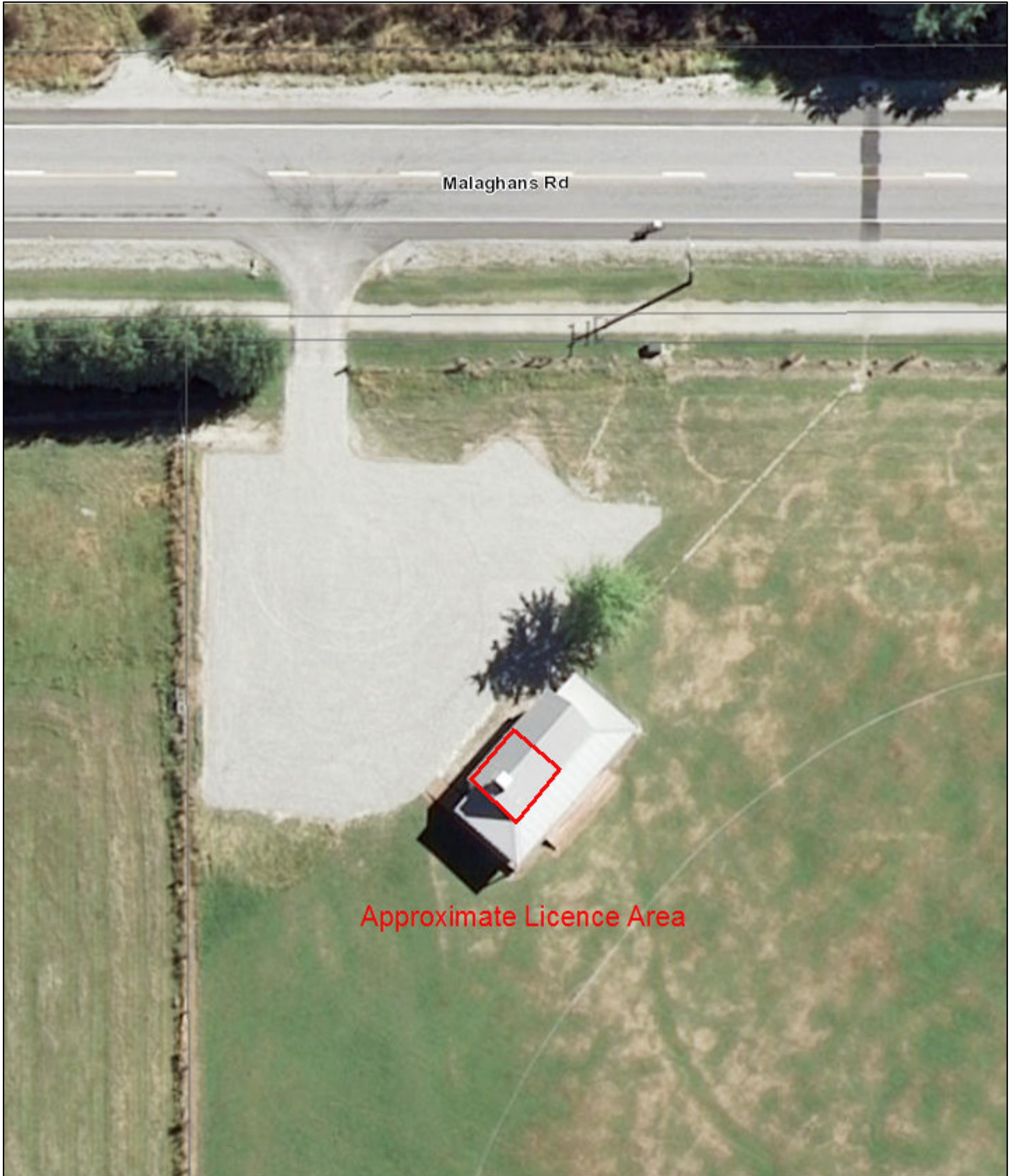
33 The persons who are affected by or interested in this matter are the residents and visitors the Queenstown Lakes District, including the club members and other visitors to the reserve.

34 The Council provided a mechanism for community consultation through the public notification of the intention to grant a licence. No submissions were received, although an information pack was provided to the Millbrook Country Club.

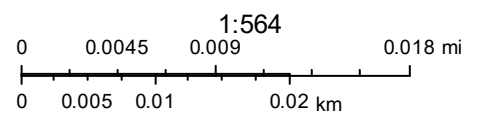
## **Attachments**

- A Licence Area Aerial Image
- B Plan of Building and Licence Area
- C Site Location

# Attachment A - Millbrook Cricket Club - Licence Area<sup>104</sup>



1/25/2018, 2:00:08 PM



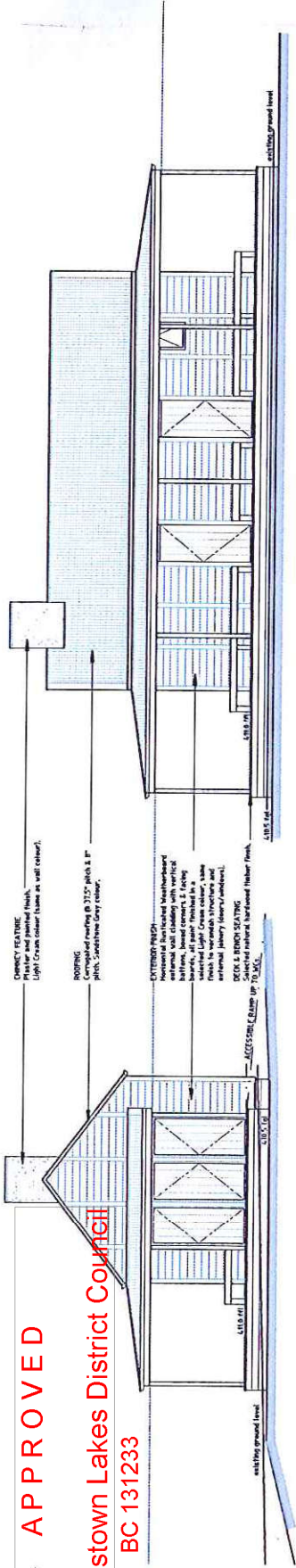
QLDC; NZTA; LINZ  
QLDC  
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the  
GIS user community



APPROVED

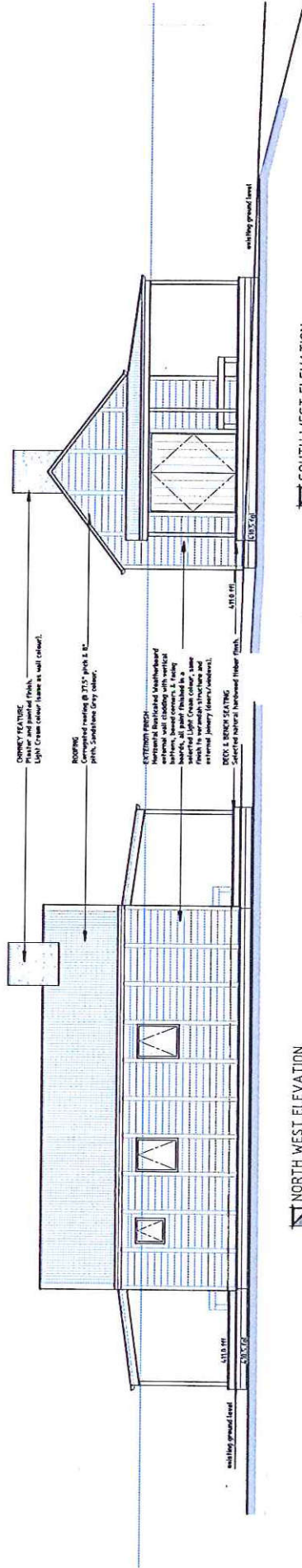
Queenstown Lakes District Council

BC 131233



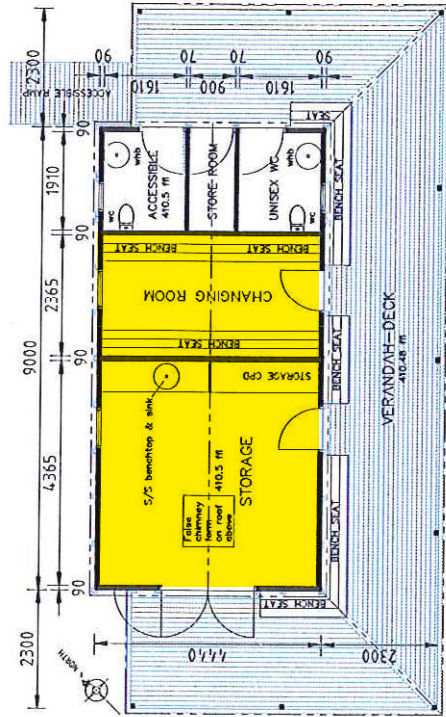
NORTH EAST ELEVATION  
SCALE 1:100

SOUTH EAST ELEVATION  
SCALE 1:100



NORTH WEST ELEVATION  
SCALE 1:100

SOUTH WEST ELEVATION  
SCALE 1:100



The verandah posts are to be painted a grey similar to the 'Sandstone Grey' roof rather than light cream.

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RMI30471

Tuesday, 29 October 2013

Revisions: 0 - minor revisions made, Resource consent issue. Date: 21-5-13.

MATTHEW WHITE  
REMARKABLE  
ARCHITECTURAL  
DESIGN-LTD.

ARCHITECTURAL DESIGNER  
PLOUGH COTTAGE  
CLIBBETON VALLEY  
TELEPHONE 03 442-7320  
TELEPHONE 021-177-1100  
EMAIL - matt@remarkable.co.nz

PROPOSED NEW TOILET & STORAGE BUILDING at  
MILLBROOK CORNER for QUEENSTOWN LAKES DISTRICT COUNCIL.  
FLOOR PLAN AND ELEVATIONS

Scale: 1:100  
ORIGINAL DRAWING SIZE - A3  
FILE: MILLBROOK CORNER  
Update: 21-5-13.  
Drawn: MATTHEW WHITE  
DESIGN: 0

Sheet: sk5-2

# Attachment C - Reserve Location



**QLDC Council  
25 October 2018**

**Report for Agenda Item: 7**

**Department: Community Services**

**Proposed Reserve Licence - Otago Regional Council Water Monitoring Stations at Hayes Creek and Mill Stream**

**Purpose**

To consider granting a reserve licence to the Otago Regional Council, for water quality monitoring equipment on the banks of Hayes Creek and Mill Stream, upon reserve land legally described as Lot 3 DP 15096 and Lot 307 DP 505513.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** a new licence, in accordance with Section 48(a) of the Reserves Act 1977, to Otago Regional Council over Lot 3 DP 15096 and Lot 307 DP 505513 subject to the following conditions:

Commencement	TBC
Term	Three years
Rent	\$1.00+GST (if charged)
Use	Water Monitoring Equipment including installation, maintenance and use of the equipment and conduits running from the housing units to the creek.
Cancellation	By either party with 3 months' notice
Insurance	\$2 million public liability insurance cover
Renewals	None

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 Otago Regional Council over Lot 3 DP 15096 and Lot 307 DP 505513.
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

20/08/2018



Aaron Burt  
Senior Planner:  
Parks & Reserves

1/10/2018



Thunes Cloete  
Community Services  
General Manager

10/10/2018

## Background

- 1 The Otago Regional Council (ORC) seek to install water monitoring equipment into and out of Lake Hayes, and therefore require a licence for reserves at Mill Stream (the inlet) and Hayes Creek (the outlet). The equipment stations will relay water information electronically for assessment by the ORC. The reserve at Mill Stream is a Recreation Reserve known as Lot 3 DP 15096. At Hayes Creek the site is a Local Purpose Reserve (no purpose given) identified as Lot 307 DP 505513. Both reserves are administered by the Council, and shown on the **Attachments A, C & D**.
- 2 Council has previously granted a licence to the ORC for air monitoring purposes on legal road adjacent to the Arrow River in Arrowtown.

## Comment

- 3 The Lake Hayes water quality, particularly during peak summer, has been identified by the ORC as a concern. To better understand the quality of the water flowing through the lake, the ORC proposes to install monitoring equipment at Mill Stream and Hayes Creek.
- 4 An example of the equipment to be installed is shown in **Attachment B**. The equipment will be temporary and will not affect the ability of the public to enjoy the reserves.
- 5 At Mill Stream the ORC will be monitoring water quality. It would include a conduit running underground from the station to the creek. Sensors will be mounted on pipework on the bank.
- 6 The flow recorder at Hayes Creek will comprise a water level sensor and cable terminating at a small box on the river bank and would have very low visual impact.
- 7 The project is intended to run for a year initially, but may be extended, therefore a term of up to three years is proposed with this approval.

- 8 It is proposed to grant the licence pursuant to clause 48A of the Reserves Act 1977. That clause allows the administering body to grant a licence to any person to:

“erect, maintain, and use buildings, dwellings, masts, and other structure, and plant and machinery; and to construct, maintain, and use tracks and engage in other works comprising or in connection with and for the purposes of any station for the transmission, emission, or reception of any form of radio, electric, or electronic communication on any reserve or part of a reserve that is not set apart as a wilderness area..”

- 9 The clause goes on to say that public notification is not required if the reserve is not likely to be materially altered or permanently damaged; or the rights of the public in respect of the reserve are unlikely to be permanently affected; or that they cannot readily be provided outside the reserve. This report considers that the equipment proposed by ORC meets these criteria.

## Options

- 10 Option 1 Approve a new licence to Otago Regional Council over Lot 3 DP 15096 and Lot 307 DP 505513 subject to the above conditions.

*Advantages:*

- 11 Effective monitoring of the waterways running through and adjacent to the reserves is intended to assist in the management and improvement of the surrounding environment.

*Disadvantages:*

- 12 Places structures within the reserves, albeit temporarily.

- 13 Will not enable members of the public to be consulted on the proposal.

- 14 Option 2 Notify the intention to grant a licence to ORC seeking public submissions.

*Advantages:*

- 15 Will enable members of the public to be consulted on the proposal.

*Disadvantages:*

- 16 Would take an additional two to three months to consider the licence through this process.

- 17 Option 3 Decline the new licence to Otago Regional Council over Lot 3 DP 15096 and Lot 307 DP 505513.

*Advantages:*

- 18 Would not place structures within the reserves, albeit temporarily.

*Disadvantages:*

- 19 Would not provide effective monitoring of the waterways running through and adjacent to the reserves is intended to assist in the management and improvement of the surrounding environment.
- 20 This report recommends **Option 1** for addressing the matter because it will enable equipment to be installed in a timely manner which will assist in monitoring and management of the water past the reserves and into and out of Lake Hayes for the benefit of the community.

**Significance and Engagement**

- 21 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to reserves which are a strategic asset, but the proposed equipment has minimal impact on those reserves and are temporary in duration.

**Risk**

- 22 This matter relates to the operational risk OR11 (decision making), as documented in the Council's risk register. The risk is classed as low. This report helps to address this risk by enabling Council to make a well-informed and timely decision.

**Financial Implications**

- 23 The applicant will meet any costs incurred in granting this licence. Rent is proposed to be set at \$1+GST (if charged) to reflect the community benefit in ORC's proposal.

**Council Policies, Strategies and Bylaws**

- 24 The following Council policies, strategies and bylaws were considered:
- Arrowtown-Lake Hayes Reserve Management Plan
- 25 The recommended option is consistent with the principles set out in the named policy although it only relates to the Mill Creek location. The Management Plan permits utility services where they are "necessary for servicing the reserve, its buildings and other facilities within it" which is relevant in this case.
- 26 This matter is included in the 10-Year Plan/Annual Plan through existing property operating budgets.

**Local Government Act 2002 Purpose Provisions**

- 27 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 assisting the Regional Council to monitor the quality water into and out of Lake Hayes;

- 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**

28 The persons who are affected by or interested in this matter are the residents and visitors of the Queenstown Lakes District. Consultation is not required under section 48(A) of the Reserves Act and is not advised in this case because the proposal does not have a long-term impact on the reserves or people's ability to enjoy them.

### **Attachments**

- A Site Plan
- B Photo of water monitoring station
- C Mill Stream – Location plan
- D Hayes Creek – Location 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



Example of water monitoring equipment installation



Location of the Proposed Water Monitoring Equipment – ORC – Mill Stream (shown as a yellow dot)



Lake Hayes Water Monitoring Equipment – ORC – Hayes Creek Site (shown as blue square)



**QLDC Council  
25 October 2018**

**Report for Agenda Item: 8**

**Department: Community Services**

**Parkrun New Zealand Ltd – New Wanaka Licence**

**Purpose**

To consider a new licence to Parkrun New Zealand Limited. A licence is sought to utilise parts of Roys Bay Recreation Reserve and Wanaka Station Park, to host free, weekly, 5km timed runs.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** a licence over the areas of Recreation Reserve outlined in the Schedule below, to Parkrun New Zealand Limited for hosting free, weekly, 5km timed runs, subject to the following terms and conditions:

**Schedule – Recreation Reserve Land**

<b>Commonly known as</b>	<b>Legal description</b>	<b>Certificate of title</b>
Wanaka Station Park	Lot 1 DP 16152 and Lot 14 DP 26147	OT18A/1013
Roys Bay Recreation Reserve	Section 45 Blk III Lower Wanaka SD	-
Waterfall Creek to Wanaka Station Park	Section 46 Blk III Lower Wanaka SD	2290

Commencement	TBC
Term	3 years
Renewal	One further term of 3 years by agreement of both parties
Rent	\$1.00 (if demanded) per annum pursuant to Community Facility Funding Policy.

Reviews	At renewal.
Operating Hours	Each Saturday morning from 7.30 am – 11.00 am.
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.
Termination	Council to retain ability to terminate the licence at their sole discretion with a minimum of three months' notice.
Other	Licensee to ensure they hold a valid resource consent (if required).

Participants to be capped to a maximum of 200 persons engaged in the activity upon the land, as a licence condition.

Licensee to monitor ground conditions (including grass) and modify their activity if noticeably adverse effects are occurring as a result of the activity.

Licensee to ensure that all attendees to the event be made aware of the location of public toilets on the reserve, and that all rubbish be placed in designated Council rubbish bins post event or be collected and removed offsite should Council require such.

Licensee to ensure that the event is well sign posted to forewarn other users of the reserve of the event.

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 Parkrun New Zealand Limited over Lot 1 DP 16152, Lot 14 DP 26147, Section 45 Blk III Lower Wanaka SD and Section 46 Blk III Lower Wanaka SD.
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

3/09/2018



Aaron Burt  
Senior Planner:  
Parks & Reserves

2/10/2018



Thunes Cloete  
Community Services  
General Manager

10/10/2018

## Background

- 1 Parkrun is the name given to a collection of free, weekly, 5km timed runs around the world. They are open to everyone and are promoted as being safe and easy to take part in.
- 2 Parkrun New Zealand Ltd (the applicant) is currently operating throughout the North and South Island, with other South Island locations including Invercargill, Balclutha, Dunedin, Christchurch, Pegasus, Blenheim and Queenstown (under a Reserve Permit).
- 3 The applicant previously held a temporary permit for a six-week trial run from late February through March 2018. Following this, a second permit was issued to extend the operating period from April through to October 2018.
- 4 The permits mentioned above were subject to the requirement of a licence application being made to Council should the applicant wish to operate beyond the permitted time. This licence application is consequently made to continue the activity. The licence area includes the reserves in the Schedule of Reserve land, and specifically the trail/route over that land. It is expected that with multiple runners using the overall reserve areas, use will be spread over the greater area during the time of the event.

## Comment

- 5 The applicant does not hold a resource consent for the activity, and participant levels have been capped at a maximum of 200 people. It is appropriate to provide an upper limit of participants under any proposed licence, and Council Officers advise that a 200-person limit is appropriate for the locations sought.
- 6 The applicants have requested a licence in an area specified in the Wanaka Lakefront Reserves Management Plan 2014. The overall vision of the plan specifies "providing opportunities for both land and water-based recreation". The policies and objective specify the support of commercial and community activities that are compatible with the purpose of the reserve classification.

- 7 The Reserve Management Plan specifies no activities shall be conducted between the hours of midnight and 7am. This application complies with this policy.
- 8 The event aims for a zero-waste strategy at the venue. Any waste will be disposed of in available rubbish bins within the reserves, or collected and removed from the site, should Council require it.
- 9 Wanaka Station Park has a public toilet block within the reserve. Other public toilets are available approximately 700m to the east at Roys Bay Recreation Reserve as well as the northern end of the race route near Ruby Island Road. It is possible that Council may need to time its cleaning of the toilets in and around the event.
- 10 Parking for those attending the event is provided for upon adjacent reserves and streets.
- 11 The Wanaka Community Board considered the licence at the meeting of 5 July 2018 and approved notification of the intention to grant a licence. It should be noted that the licence does not enable an exclusive use of the reserve areas, and the applicant must share the reserves with otherwise unrestricted public use.
- 12 The licence was notified in accordance with the requirements of the Reserves Act. Submissions closed on 20 August 2018, and no submissions were received.

### Options

- 13 Option 1 Approve a licence over the areas of Recreation Reserve outlined in the Schedule, subject to the terms and conditions outlined above.

#### *Advantages:*

- 14 Will allow a not-for-profit activity that provides a popular form of recreation and enjoyment to both residents and visitors to the District, upon the reserve land.
- 15 Encourages the use of the reserve in a way that promotes a healthy active lifestyle.

#### *Disadvantages:*

- 16 Will increase congestion on the reserve land and lakeside trail during the event hours.
  - 17 Will increase the possibility of minor damage to the reserve due to high volumes of foot traffic.
  - 18 May cause some disruption to those residential homes neighbouring the reserve.
- 19 Option 2 Decline the licence request by Parkrun New Zealand Ltd.

#### *Advantages:*

- 20 Will not increase congestion on the reserve land and lakeside trail during the event hours.

21 Will not increase the possibility of minor damage to the reserve due to high volumes of foot traffic.

22 Would not cause disruption to those residential homes neighbouring the reserve.

*Disadvantages:*

23 Will not allow a not-for-profit activity that provides a popular form of recreation and enjoyment to both residents and visitors to the district, upon the reserve land.

24 Will not encourage the use of the reserve in a way that promotes a healthy active lifestyle.

25 This report recommends **Option 1** for addressing the matter as it provides measures to manage the activity, whilst allowing for the continuation of a popular recreation event.

***Significance and Engagement***

26 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves the use of lakeside reserves that are a strategic Council asset.

***Risk***

27 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 because the licence was publicly notified.

**Financial Implications**

28 Council will not receive any income from the proposed licence under the current Community Facility Funding Policy, however the applicant will pay the costs associated with drafting a new licence document.

**Council Policies, Strategies and Bylaws**

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

- Wanaka Foreshore Reserves Management Plan 2014. Conforms to the policy, specifically event policies under section 5.2.2.2.
- Community Facility Funding Policy 2011

30 The recommended option is consistent with the principles set out in the named plan/policies.

**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 land for a free public sporting event in a timely manner;
- 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**

32 The persons who are affected by or interested in this matter are predominantly local residents and visitors to the reserve.

33 The Council provided a mechanism for community consultation through the public notification of the intention to grant a licence, with no submissions being received.

### **Attachments**

A Location maps

# Attachment A

## Parkrun New Zealand Limited – Licence Application – Location Maps

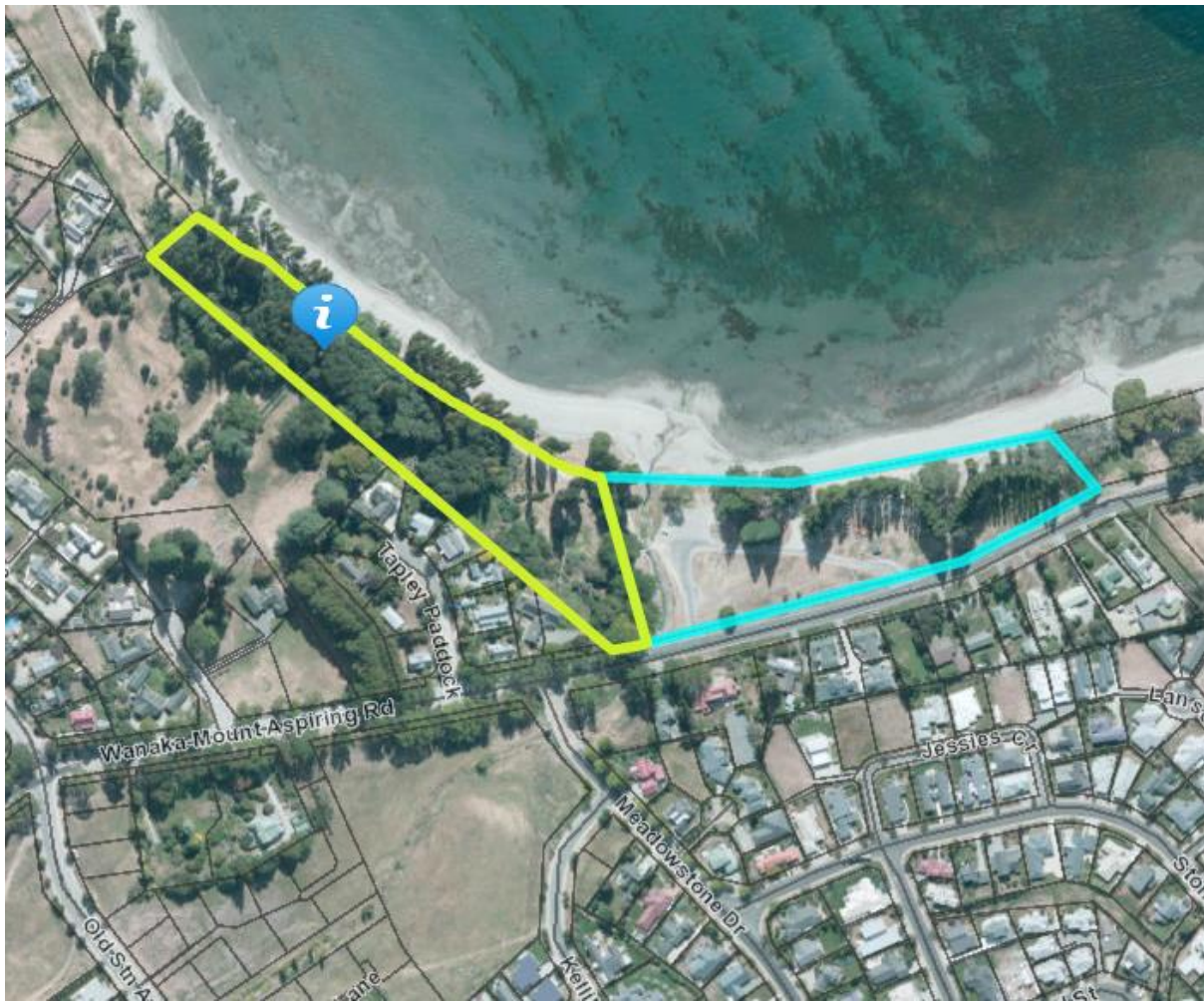
Route Map:



### Wanaka Station Park



Roys Bay Recreation Reserve



Waterfall Creek to Wanaka Station Park



**QLDC Council  
25 October 2018**

**Report for Agenda Item: 9**

**Department: Community Services**

**Underground Service Easement – Bannister Street, Hanley’s Farm**

**Purpose**

To grant an underground service easement in favour of Queenstown Lakes District Council over land previously vested through subdivision as Recreation Reserve Lot 97 DP 505055, by the developer of Hanley’s Farm, RCL Henley Downs Ltd.

**Recommendation**

That Council:

1. **Note** the contents;
2. **Approve** an underground stormwater easement, for right to drain water (in gross), over Recreation Reserve Lot 97 DP 505055 subject to section 48(1)(f) of the Reserves Act, to Queenstown Lakes District Council subject to the following conditions;
  - a. Any works to be undertaken to the specification and approval of Council’s Engineers in accordance with the current Land Development and Subdivision Code.
  - b. 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.
  - c. Certificate of adequate public liability cover to be held.
  - d. Reinstatement of the area to be completed immediately following installation and to the satisfaction of the Council.
  - e. Within 3 months of completion of the work, RCL Henley Downs Limited to provide QLDC with a surveyed easement and signed Deed of Easement.
3. **Agree** notification of the intention to grant the easement is not required, as the statutory test in section 48(3) of Reserves Act 1977 is met for the reasons set out in this report;
4. **Delegate** authority to approve final terms and conditions of the easement, including location, and execution authority to the General Manager – Community Services;

5. **Agree** to exercise the Minister's consent (under delegation from the Minister of Conservation) to granting of an easement to Queenstown Lakes District Council over Lot 97 DP 505055.

Prepared by:

Reviewed and Authorised by:




Dan Cruickshank  
Property Advisor - APL

2/10/2018



Aaron Burt  
Senior Planner:  
Parks & Reserves

2/10/2018



Thunes Cloete  
Community Services  
General Manager

10/10/2018

## Background

- 1 As part of the Hanley's Farm subdivision, the Recreation Reserve legally described as Lot 97 DP 505055 is to be formally vested in Council as part of the DP1 Stage 2 works. This is shown on the Site Plan in Attachment A.
- 2 The Recreation Reserve and easement area are currently a construction site, associated with the ongoing Hanley's Farm development.

## Comment

- 3 RCL Henley Downs Limited (herein referred to as "the applicant") are in the process of developing the Hanley's Farm subdivision Stage 3.
- 4 A stormwater pipe is required to be installed as part of the Engineering Acceptance for the approved subdivision consent RM161129. The pipe will be a 900mm concrete pipe and will be an asset vested in Council. It will take stormwater from a large portion of the Stage DP3 subdivision under the Recreation Reserve to an adjacent Local Purpose Reserve (Drainage), which is also to be vested in Council.
- 5 The route chosen for the pipe is the most practical and direct. It is not possible to locate the pipe in the adjacent future legal road (Lot 17 RM161129) as the location of an existing dam constructed under the previous Hanley's Farm consent prevents this.
- 6 The easement corridor is proposed to be 3m wide and 21m long and is shown on the Easement Plan (Attachment B) as 'Area YE' – Right to drain water (in gross), in favour of Queenstown Lakes District Council.
- 7 As per the Easement Policy 2008 a one off underground easement fee is applicable. In accordance with the policy, the easement fee is calculated at \$100.32 plus GST

Land value of property	\$5,000
------------------------	---------

Size of property	855 m <sup>2</sup>
------------------	--------------------

Easement area	57 m <sup>2</sup>
---------------	-------------------

Calculation:

\$5,000 / 855	\$5.85 /m <sup>2</sup>
---------------	------------------------

30% of \$5.85	\$1.76 /m <sup>2</sup>
---------------	------------------------

\$1.76 x 57m <sup>2</sup>	\$100.32
---------------------------	----------

- 8 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is now delegated to Council and must be granted prior to the easement being lodged with LINZ.
- 9 Granting an easement is permitted by the Reserves Act 1977, however, such easement must be publicly notified in accordance with Section 48(2) unless as per Section 48 (3) it can be shown that people's ability to enjoy the reserve is not affected and there is no long term effect on the land. These matters are considered below:

Does the easement affect the ability of people to use and enjoy the reserve?

- 10 The wider area is currently a construction site and will remain so during the installation of the pipe and is therefore not available for the public to use. Once installed the underground infrastructure will not impact on the public's use of the reserve.

Does the easement create any long term permanent effect on the reserve?

- 11 Being that the pipe is underground it is considered the creation of the easement will not have any long term effect on the reserve.
- 12 Taking into account the above factors, it is not considered that the easement will permanently affect the reserve of the ability of people to use and enjoy the reserve and therefore public notification is not deemed necessary.

### Options

- 13 Option 1 Council can grant the easement over Lot 97 DP 505055, subject to the conditions outlined above.

*Advantages:*

- 14 The easement will allow for effective stormwater management through the reserve.
- 15 The applicant will be able to install the stormwater pipe as per Resource Consent RM161129.



16 Council will receive an easement fee.

17 Stormwater infrastructure will be installed as part of the subdivision and vested to Council at no cost.

*Disadvantages:*

18 The easement will encumber the reserve and future maintenance of the pipe may temporarily prevent full enjoyment of the reserve

19 Option 2 Council can decline the easement over Lot 97 DP 505055.

*Advantages:*

20 The reserve will not be encumbered by the easement and no future maintenance will be required.

*Disadvantages:*

21 The applicant would be required to amend their Resource Consent

22 Council would not receive an Easement Fee

23 This report recommends **Option 1** for addressing the matter, as it will allow the applicant to complete the subdivision works in accordance with the existing Resource Consent with minimal impact to the general public.

***Significance and Engagement***

24 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. While all reserves are considered strategic assets, an easement in favour of Council with no disruption to the public is unlikely to be of interest to the general community, is consistent with policy and strategy and does not impact Council's capability and capacity.

***Risk***

25 The risk is classed as moderate. This matter relates to this risk because a perpetual property right contained in the recreational reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving the easement. This risk is somewhat mitigated as the easement is to favour Council.

**Financial Implications**

26 Council will receive an easement fee of approximately \$100.32 plus GST in accordance with the easement policy.

27 All costs associated with the survey and registration of the easement on Councils title will be paid for by the applicant.

28 A fee to process this application has been paid by the applicant.

## **Council Policies, Strategies and Bylaws**

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

- Significance & Engagement Policy 2014 – the proposal is a matter with low significance in terms of this policy.
- Easement Policy 2008 – the application is consistent with the policy for underground service easements.

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

31 This matter is not included in the 10-Year Plan/Annual Plan

## **Local Government Act 2002 Purpose Provisions**

32 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 enabling infrastructure installation at no cost to Council or disruption to the community;
- 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**

33 No consultation is envisaged or required by Council as it has low significance with regard to the Significance & Engagement Policy 2014 and is not included in the 10-Year Plan. In accordance with the Reserves Act, people's ability to enjoy the reserve is not affected and there is no long-term effect on the land.

## **Attachments**

- A Site Plan
- B Easement Plan



Notes:


- a. Data sourced from LINZ Data Service and licenced for re-use under Creative Commons Attribution 4.0 Licence
- b. This plan has been prepared for discussion purposes only. Areas and measurements are subject to LINZ approved cadastral survey and are likely to vary from those shown herein.

Plan Name:

**Lot 97 DP 505055  
Recreation Reserve**

Date: 26/09/2018  
Version: A  
Sheet 1  
Drawn By: ER

Legend

 Lot 97 DP 505055

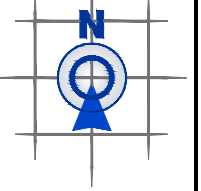
Prepared By:



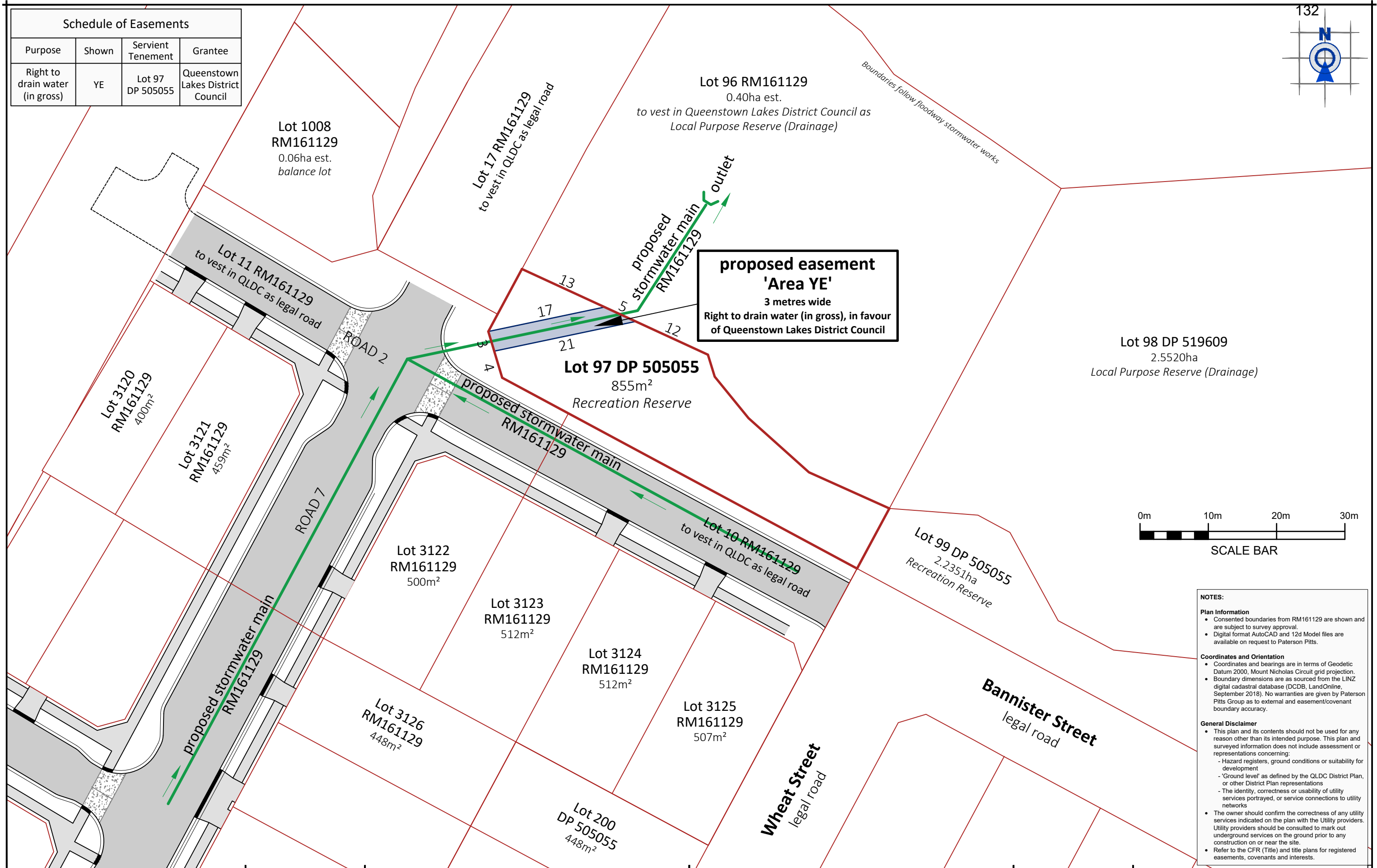
P: 03 442 7133  
w: www.aplproperty.co.nz

Prepared For:





Schedule of Easements			
Purpose	Shown	Servient Tenement	Grantee
Right to drain water (in gross)	YE	Lot 97 DP 505055	Queenstown Lakes District Council



**proposed easement 'Area YE'**  
 3 metres wide  
 Right to drain water (in gross), in favour of Queenstown Lakes District Council

**NOTES:**

**Plan Information**

- Consented boundaries from RM161129 are shown and are subject to survey approval.
- Digital format AutoCAD and 12d Model files are available on request to Paterson Pitts.

**Coordinates and Orientation**

- Coordinates and bearings are in terms of Geodetic Datum 2000, Mount Nicholas Circuit grid projection.
- Boundary dimensions are as sourced from the LINZ digital cadastral database (DCDB, LandOnline, September 2018). No warranties are given by Paterson Pitts Group as to external and easement/covenant boundary accuracy.

**General Disclaimer**

- This plan and its contents should not be used for any reason other than its intended purpose. This plan and surveyed information does not include assessment or representations concerning:
  - Hazard registers, ground conditions or suitability for development
  - "Ground level" as defined by the QLDC District Plan, or other District Plan representations
  - The identity, correctness or usability of utility services portrayed, or service connections to utility networks
- The owner should confirm the correctness of any utility services indicated on the plan with the Utility providers. Utility providers should be consulted to mark out underground services on the ground prior to any construction on or near the site.
- Refer to the CFR (Title) and title plans for registered easements, covenants and interests.

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 Queenstown 9349.  
 T 03 441 4715  
 E queenstown@ppgroup.co.nz

Client/Location:  
**RCL Henley Downs Limited**  
 Bannister Street, Hanley's Farm  
 Lot 97 DP 505055

Purpose/Drawing Title:  
**Proposed Drainage Easement**  
**over Recreation Reserve**

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Surveyed by:	MA	Original Size:	A3	Scale:	1:500
Designed by:	MA				
Drawn by:	MA				
Checked by:	DB				
Approved by:	SW				
Job Ref:	Q6205 - 32	Sheet No:	9	Revision No:	A
		Date Created:	17/09/2018		

QLDC Council  
25 October 2018

Report for Agenda Item: 10

Department: Planning & Development

Mayoral Housing Affordability Taskforce Progress Report

**Purpose**

The purpose of this report is to present an update to Council on progress implementing the six recommendations of the Mayoral Housing Affordability Taskforce Report.

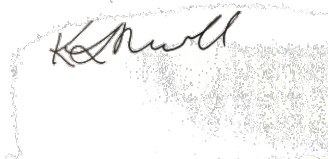
**Recommendation**

That Council:

1. **Note** the contents of this agenda report; and
2. **Note** the progress implementing the recommendations of the Mayoral Housing Affordability Taskforce Report.

Prepared by:

Reviewed and Authorised by:



Katie Russell  
Policy Planner

11/10/2018



Tony Avery  
GM, Planning & Development

11/10/2018

**Background**

1. Recently the Queenstown Lakes District has experienced well documented exponential growth<sup>1</sup>. Housing costs in the district have risen at the highest rates in the country, and on almost any measure; the District is one of the most unaffordable places to live in New Zealand.
2. The Mayoral Housing Affordability Taskforce was set up in April 2017 by Mayor Jim Boulton to investigate new ways of addressing housing availability and affordability in the district. Membership of the Taskforce was drawn from a wide

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<sup>1</sup> See the [Mayoral Taskforce's October 2017 Report](#);

range of parties with an interest or involvement in the supply of housing within the Queenstown Lakes District.

3. The Taskforce had a clear vision – helping committed residents of the Queenstown Lakes District into decent affordable housing with secure tenure.
4. The Taskforce report set out a clear goal – all of our workforce will be able to own or occupy a home in our District at a cost that allows them to live within their means by 2048, with an initial target of 1000 Community Affordable homes with secure tenure by 2028.
5. The Taskforce produced a report in October 2017 that listed a series of key recommendations and actions to implement the vision of affordable housing in the QLD (appendix 1), and nominated a smaller committee to follow through with the recommendations.
6. The Council endorsed this report and there are actions in this report the Council has agreed to uphold.
7. The last update to Council on Taskforce progress was in May 2018.

#### **Where we are now – how is progress tracking against the goal?**

8. The work towards 1000 homes stemming from the Mayoral Taskforce Report is ongoing. Several key elements of the Report have been initiated, these are listed below, and discussed in more detail later in this paper.
  - a) Create market-appropriate affordable home offerings
  - b) Implement planning mechanisms encouraging intensification and infilling
  - c) Encourage the provision of land
  - d) Engage with Central Government
  - e) Confirm the relationship with the Queenstown Lakes Community Housing Trust
9. Despite progress in these areas, forward movement in terms of physical homes for our residents is slow.
10. As one measure of the demand, the Queenstown Lakes Community Housing Trust currently has over 500 eligible households and is growing monthly.
11. The following table shows upcoming affordable house projects slated to be developed by QLCHT.

### QLCHT affordable housing developments

Status	Development	Unit Yield
Confirmed and going ahead	Cherwell Lane at Shotover Country	6
	Onslow Road at QT Country Club	14
	Bullendale at Arthurs Point	9
In early planning stages*	Ladies Mile	25 initially

\* 50 units at the Toru Apartments at Remarkables Park is also being planned, however the price point may be too high to be considered affordable housing.

12. The table above shows that the upcoming yields are well below the need demonstrated by the QLCHT's waiting list.
13. Beyond the work of the QLCHT, other affordable home developments in the District currently are few, with the exception of the recent Kiwibuild initiative in Wanaka.
14. The Kiwibuild project in Wanaka is an excellent example of affordable homes provision in our district. However, as these homes will be owned by individuals drawn from a ballot, they will eventually be on sold at normal market rates and will no longer be a part of the longer term solution to perpetual home affordability.
15. While progress has been made by both the QLDC and Central Government, work remains to achieve 1000 affordable secure tenure homes for local residents by 2028.

### Workstream Summary

16. The following tables summarise the six broad recommendations/work streams from the Taskforce, as well as the status of the work (see appendix 2 for all recommendations). Due to resourcing constraints a portion of the work previously projected to have been completed since May was delayed and is now planned and resourced for over the coming six months.

### Recommendation 1: Build a range of affordable market offerings for affordable homes

<b>Completed</b>	<ul style="list-style-type: none"> <li>• The confirmation of two updated product offerings that retain housing within the community housing pool in perpetuity.</li> </ul>
	<ul style="list-style-type: none"> <li>• The Shared Home Equity Product (SHEP) model and the Secure Homes model was approved in principle Feb 8 2018 by Council.</li> </ul>

	<ul style="list-style-type: none"> <li>• QLCHT is confirmed as the Council's preferred Community Housing provider.</li> </ul>
<b>In progress</b>	<ul style="list-style-type: none"> <li>• Both new market offerings created by the Taskforce are being presented by the QLCHT to their list of applicants.</li> <li>• With recent changes to legislation, it has been confirmed that SHEP is viable.</li> <li>• The QLCHT is intending to use Secure Homes for the 14 units at their Onslow Road development and 9 units at Bullendale</li> </ul>
<b>The next step</b>	<ul style="list-style-type: none"> <li>• The Taskforce believes that the new market offerings are excellent models and that using them with the QLCHT is only the first step. In particular, there is potential to connect the Secure Homes model through Central Government initiatives with MBIE and Kiwibuild to achieve a large pool of homes that will be perpetually affordable for our residents.</li> <li>• In the Taskforce view it is critical to connect well with Kiwibuild to ensure all options are explored for a substantial provision of additional homes, and discussions with MBIE and other parts of Central Government will continue.</li> </ul>

### **Recommendation 2: Adjust the visitor accommodation settings**

<b>Completed</b>	<ul style="list-style-type: none"> <li>• Control for visitor accommodation settings have been approached through the RMA with a Variation to the Proposed District Plan on Visitor Accommodation. The variation proposed more restrictive rules for residential home letting to short-stay visitors.</li> </ul>
<b>In progress</b>	<ul style="list-style-type: none"> <li>• The proposed Variation elicited a strong response with almost 4,984 initial submission points from the community, with a majority being primarily against. The final decision on the Variation is with the Commissioners and is expected in December.</li> </ul>
<b>The next step</b>	<ul style="list-style-type: none"> <li>• Adjustments to Visitor Accommodation settings remains a key focus and the Taskforce awaits the Commissioners' decision on the Variation.</li> </ul>

### **Recommendation 3: Provide more land, intensification and inclusionary zoning**

<b>Completed</b>	<ul style="list-style-type: none"> <li>• Council resolved to include Wanaka residentially zoned sites and the Ladies Mile in Category 2 of the Housing Accords and Special Housing Areas Act 2013 Implementation Policy at the Full Council meetings on the 28 September and 26 October 2017 respectively.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Special Housing Area Lead Policy amended by Council to require 10% of the residential component of the SHA development by developed market value or area to be identified for affordable housing.</li> <li>• At the Council meeting on 26 October 2017 the Council resolved to set aside 5% of the proceeds from Lakeview for affordable housing</li> <li>• The Proposed District Plan includes provisions to provide for higher residential densities in specific zones, as well as increased building heights.</li> </ul>
<b>In progress</b>	<ul style="list-style-type: none"> <li>• An extension to Bullendale in Arthur's Point is awaiting approval. This is in process to be signed by Associate Minister for Housing and Urban Development Jenny Salesa (9 lots for affordable housing).</li> <li>• Bright Skies in Wanaka has been approved in principal by the QLDC, and Council officers and the developer are in late stage negotiation (28 lots for affordable housing).</li> <li>• The proposed SHA at Hawea is to be reported back to Council following meetings held to consider better integration of the SHA with the existing Hawea township</li> <li>• There are 11 historic stakeholder deeds with affordable housing components still to be fulfilled that were drawn up in the early 2000s. These deeds are being monitored and pursued as necessary. QLDC has employed an external commercial land agent to negotiate on our behalf who is providing additional resource to assist with developer compliance.</li> <li>• A Development Contributions and rates relief paper is being worked up and will be provided to Council for consideration in December.</li> </ul>
<b>Looking forward</b>	<ul style="list-style-type: none"> <li>• An updated survey of present Council-owned land is commencing.</li> <li>• There are five other enquiries with Council officers about potential SHAs that are in early stages of the pipeline.</li> </ul>
<b>The Next Step</b>	<ul style="list-style-type: none"> <li>• Given land is a finite resource, the provision of land will continue to be the crucial component in addressing housing affordability issues in the District going forward. Continuing to ensure 10% of any future SHAs negotiated are passed to QLCHT or a similar organisation is vital to maintaining and growing the pool of affordable homes in our region.</li> <li>• Beyond SHAs, the Taskforce sees that more work can be done by Council to ensure access to land is available for this purpose. As a piece of this work, planning controls such as Inclusionary Zoning will be further researched as an aspect of the proposed Affordable Housing Strategy, and implemented if deemed appropriate through Stage 3 of District Plan review.</li> </ul>

**Recommendation 4: Invest in scaling up the Trust so that it is able to contribute strongly to the taskforce's goal of delivering 1000 affordable homes with secure tenure by 2028**

<p><b>Completed and Ongoing work</b></p>	<ul style="list-style-type: none"> <li>• A Memorandum of Understanding to confirm relationship between QLDC and the QLCHT was initiated in May and is now in the final stages of consideration with external solicitors, the QLDC and the QLCHT; this should be completed by December 2018.</li> <li>• The provision of land in particular through SHAs and the requirement of 10% to be provided to the QLCHT to be use for affordable housing will provide much needed supply to continue to grow the Trust's ability to build a pool of homes for the community.</li> </ul>
<p><b>The Next Step</b></p>	<ul style="list-style-type: none"> <li>• To maintain and grow the support for the Trust and the bigger vision of the Mayoral Taskforce of affordable housing for our residents, a comprehensive Affordable Housing Communications Plan developed with the Communications Team will be a guiding document to grow the support of community housing efforts.</li> </ul>

**Recommendation 5: Address household income support**

<p><b>Completed and Ongoing work</b></p>	<ul style="list-style-type: none"> <li>• Central government outreach to address the accommodation supplement will be an ongoing project. At the present a letter from the Mayor to Ministers Salesa and Twyford has been drafted to address the inadequate mapping of our region for the accommodation supplement from MSD.</li> <li>• Council officers are attending local interagency meetings to better understand the current need locally and gather data as appropriate.</li> <li>• We are increasing internal council connectivity around our own knowledge and data of community social service requirements, QLCHT as a social housing provider for MSD has a good grasp of the demand for support.</li> </ul>
<p><b>The Next Step</b></p>	<ul style="list-style-type: none"> <li>• The Taskforce sees that continuing to hone and improve the connection with Central Government, as mentioned in other areas of this report, is essential to the success of our local population particularly those on the lower end of the earnings spectrum. Addressing household income support will need to</li> </ul>

be an ongoing piece of work as our population continues to grow and evolve.

### Recommendation 6: Build a strategy for long term community support

<p><b>Completed and Ongoing work</b></p>	<ul style="list-style-type: none"> <li>• The Queenstown Lakes Housing Strategy is in the early stages of development, we will likely be working with Community Housing Aotearoa to help facilitate this collaborative piece of work with QLDC, QLCHT and Central Government, and are working through the contract for this work with them at present.</li> <li>• There has been a slight delay on the progress due to staff resourcing.</li> <li>• At present Council Officers are working with the QLDC Communication team to build a cohesive communication plan for all of QLDC around housing for the community to develop a common language and approach across QLDC to this core issue.</li> <li>• The Future Development Strategy is a large piece of work currently in progress and will address aspects of the affordable housing problem within its scope.</li> </ul>
<p><b>The Next Step</b></p>	<p>The Queenstown Lakes Housing Strategy needs to be a clearly defined piece of work with the end aim of facilitating the creation of perpetually affordable secure tenure homes for committed local residents. Council and the Taskforce need to consult with all stakeholders and consider the barriers to housing innovation in our district. Key actions in the next few months will include:</p> <ol style="list-style-type: none"> <li>a. Workshops with councillors, council officers and stakeholders to clarify the Structure and intent of the Housing Strategy.</li> <li>b. Developing good information about housing in the QLD and communicate it well to stakeholders – better market information will assist at all levels of investment.</li> </ol>

### Options

17. As this report is an update on work underway, no analysis of options is required.

## **Significance and Engagement**

18. This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because affordable housing is of considerable importance to the Queenstown Lakes District and has a very high degree of community interest.

## **Risk**

19. 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.

20. This matter relates to this risk because the supply of housing is central to the current and future development needs of the community.

The recommended option mitigates the risk by: Treating the risk- putting measures in place which directly impact the risk. Council is already undertaking a range of initiatives to address housing availability and affordability and continues to consider other options.

## **Financial Implications**

21. There are no direct budget or cost implications resulting from the recommendation. Further decisions could be made that will have budgetary implications.

## **Council Policies, Strategies and Bylaws**

24. The following Council policies, strategies and bylaws were considered:

- a. The Operative District Plan
- b. The Proposed District Plan
- c. Growth Management Strategy 2007
- d. Long Term Plan
- e. Lead Policy for SHAs
- f. Mayoral Housing Affordability Taskforce Report 2017

22. This matter is not included in the 10 Year Plan/Annual Plan

## **Consultation: Community Views and Preferences**

23. There has been no consultation to date on any proposals other than with the taskforce members who are drawn from wide range of parties with an interest or involvement in the supply of housing within Queenstown Lakes area.

## **Attachments**

- A Mayoral Taskforce Recommendation
- B Timeline

## Attachment A

### Mayoral Taskforce recommendations

<b>Recommendation 1</b>	<p><b>Build a range of Community Affordable market offerings</b></p> <p>1.1 That the Secure Home Programme be:</p> <p>1.1.1 Considered, endorsed and promoted by the Queenstown Lakes District Council (Council).</p> <p>1.1.2 Queenstown Lakes Community Housing Trust (QLCHT) further develop the Secure Home Programme and use it for any future developments that are on land provided through an SHA process or with any other similar contributions obtained by the Council.</p> <p>1.2 That the Shared Home Equity Product be:</p> <p>1.2.1 Considered by the Council as to whether it is able to provide a cashflow repayments guarantee to facilitate the development of the offerings and if so, under what terms.</p> <p>1.2.2 The QLCHT further consider and if appropriate, develop the Shared Home Equity Product and make it available to those on its waiting list as an alternative funding option to enable home ownership.</p> <p>1.3 The QLCHT undertake further analysis on what is required to scale up Affordable Rental to deliver say 40% of the 1000 homes by 2028.</p> <p>1.4 The QLCHT and Council report back by February 2018 on progress toward implementing offerings set out above.</p>
<b>Recommendation 2</b>	<p><b>Adjust the Visitor Accommodation settings</b></p> <p>2.1 Council review its current approach to the use of private residential properties for short term paying guests to provide a simpler regime that in turn addresses the need to rebalance the availability of rental stock to encourage greater long-term rentals.</p>

<b>Recommendation 3</b>	<p><b>Provide more land, intensification and inclusionary zoning</b></p> <p>3.1 The Taskforce encourages the Council to look at ways of enabling more development land and infilling options to reduce existing impediments to additional homes being brought to market.</p> <p>3.2 Council consider further incentives by mid-2018 that brings Community Affordable homes to market by exploring consent fees, development contributions and rates relief.</p> <p>3.3 Council, when approving any future SHAs:</p> <p>3.3.1 Require a greater contribution than has been obtained in the past, to go towards affordable housing from the SHA given the significant benefits derived by the developer from the SHA process.</p> <p>3.3.2 Manage and receive all stakeholder deeds and contributions, to be passed on.</p> <p>3.3.3 Contributions should be solely directed towards developing and growing the pool of homes delivered where perpetual community affordability is retained over the long-term.</p> <p>3.4 Council investigate and consider progressing a mandatory inclusionary zoning programme by 1<sup>st</sup> quarter 2019 through the District Plan review, to capture a portion of the on value uplift to be put towards long-term housing affordability.</p> <p>3.5 Council review its own land holdings and look for opportunities to be able to contribute further towards the community investment in Community Affordable housing to at least the same level to other developers' contributions by February 2018.</p> <p>3.6 Council report back on progress toward implementing offerings set out above by June 2018.</p>
<b>Recommendation 4</b>	<p><b>Invest in scaling up the QLCHT so that it is able to contribute strongly to the goal of delivering 1,000 Community Affordable homes with secure tenure by 2028</b></p> <p>4.1 The Council should confirm QLCHT is its preferred partner for receiving any contribution obtained by the Council and to be the primary delivery organisation for affordability product offerings to the residents of the District.</p> <p>4.2 If confirmed, that the Council and QLCHT review the form and structure of the Trust by June 2018 to:</p> <p>4.2.1 Ensure the appropriate structure is in place and that it is fit for purpose to achieve perpetual affordability.</p> <p>4.2.2 Confirm the relationship between the two organisations.</p> <p>4.2.3 Ensure it retains the support of the shared stakeholders—the entire community—as it grows.</p>

<b>Recommendation 5</b>	<p data-bbox="357 277 817 304"><b>Address household income support</b></p> <p data-bbox="357 340 1310 427">5.1 Council to engage with Ministry of Social Development (MSD) to confirm the updated Accommodation Supplement levels available in the District that come into effect on 1 July 2018.</p> <p data-bbox="357 463 1305 551">5.2 Council and QLCHT to engage with MSD to track District applicants for Social Housing by July 2018, and if not eligible, to develop a data exchange approach that informs the housing needs assessment in the District.</p> <p data-bbox="357 586 1273 642">5.3 A partnership approach with Government be outlined and included in the Strategy (set out in Recommendation 6).</p>
<b>Recommendation 6</b>	<p data-bbox="357 705 1011 732"><b>Build a strategy for long-term community support</b></p> <p data-bbox="357 768 1310 945">6.1 Council develop a new Queenstown Lakes Housing Strategy in collaboration with the many parties across the private sector, QLCHT, and central government, with the aim of achieving the goal that: all of our workforce will be able to own or occupy a home in our District at a cost that allows them to live within their means by 2048, with an initial target of 1000 Community Affordable homes with secure tenure by 2028.</p> <p data-bbox="357 981 1283 1037">6.2 Council ensure that the Community Affordable housing needs are considered in the development of the Council's response to the NPS-UDC.</p> <p data-bbox="357 1072 1310 1128">6.3 Council and QLCHT each reviews the recommendations and reports back on achievements on a six monthly basis.</p> <p data-bbox="357 1164 1241 1220">6.4 Confirm the definitions of 'affordable', Community Affordable and how 'perpetual affordability' is measured and achieved.</p> <p data-bbox="357 1256 1268 1312">6.5 Clarify an ongoing stewardship role for the Taskforce, for the purpose of accountability on progress toward the goals.</p>

## Attachment B: Timeline

### Completed Work

- **23 October 2014** The Queenstown Lakes District Housing Accord (the Accord) was signed;
- **30 October 2014** The Lead Policy for the Accord prepared by the Council was approved;
- **August 2015** Stage 1 of the Proposed District Plan was notified seeking to increase residential densities in residential zones;
- **April 2017** Mayoral Housing Affordability Taskforce formed;
- **28 September 2017**
  - Council resolved to include Wanaka residentially zoned sites in Category 2 of the Housing Accords and Special Housing Areas Act 2013 Implementation Policy;
  - Council resolved to amend its Lead Policy to require 10% of the residential component of the SHA development by developed market value or area to be identified for affordable housing;
- **26 October 2017**
  - *Mayoral Housing Affordability Taskforce report approved by Council*
    - Secure Home Programme overall approach endorsed by Council;
    - Council resolved QLCHT is its preferred partner for receiving any contribution to affordable housing obtained by the Council
    - Council resolved QLCHT is the primary delivery organisation for affordability product offerings to residents in the Queenstown Lakes District;
  - *Housing Accords and Special Housing Areas Act 2013 Implementation Policy amended*
    - Council resolved to include Ladies Mile in Category 2 of the Housing Accords and Special Housing Areas Act 2013 Implementation Policy;
- **23 November 2017** A variation to the Proposed District Plan on Visitor Accommodation was notified;
- **February 2018** Council identified the Lakeview site and Lynch Block, Queenstown and Jopp Street in Arrowtown as opportunities to contribute affordable housing to match other developers' contributions
- **20 February 2018** Trust held strategic planning session on how to bring 1000 community affordable homes to market and a strategic plan was formulated;
- **26 February 2018** Review of Memorandum of Understanding and Trust Deed between Council and QLCHT currently underway;
- **23 November 2017** A variation to the Proposed District Plan on Visitor Accommodation was notified;
- **8 February 2018** Trusts proposal to utilise the Shared Home Equity Product supported by Council;
- **20 February 2018** Trust held strategic planning session on how to bring 1000 community affordable homes to market and a strategic plan was formulated;
- **26 February 2018** Review of MOU between Council and QLCHT and Trust Deed currently underway;

### Next Steps

- **December 2018** Council to consider further incentives that bring community affordable homes to market through consent fees, development contributions and rates relief
- **November 2018** Affordable Housing Strategy whiteboard brainstorming session to be held with the Mayoral Top HAT and QLDC Councillors, other stakeholders;
- **November 2018** Affordable Housing Strategy workshop session with Councillors;
- **February 2019** Council to report back on progress surrounding providing more land, intensification and inclusionary zoning
- **February 2019** Affordable Housing Strategy community consultation;
- **May 2019** Delivery of Affordable Housing Strategy;



**QLDC Council  
25 October 2018**

**Report for Agenda: 11**

**Department: Planning & Development**

**Ratification of Hearings Panel's recommendation on Private Plan Change 53:  
Northlake Special Zone**

**Purpose**

The purpose of this report is to provide the report and recommendations of the Hearings Panel on matters raised in submissions on Private Plan Change 53 – Northlake Special Zone and to seek ratification as a Council decision. A resolution from Council is sought to notify a decision on chapter 12.34 in accordance with Clause 10 and 11 of the First Schedule of the Resource Management Act.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. Adopt the Hearings Panel recommendation as a Council decision and direct staff to notify the decision in accordance with the First Schedule of the Resource Management Act 1991; and
3. Direct staff to alter the Operative District Plan provisions to reflect the recommended changes and to correct minor errors and make changes of minor effect in accordance with Clause 16(2) of the First Schedule of the Resource Management Act 1991.

Prepared by:



Sarah Picard  
Senior Planner - Policy

9/10/2018

Reviewed and Authorised by:



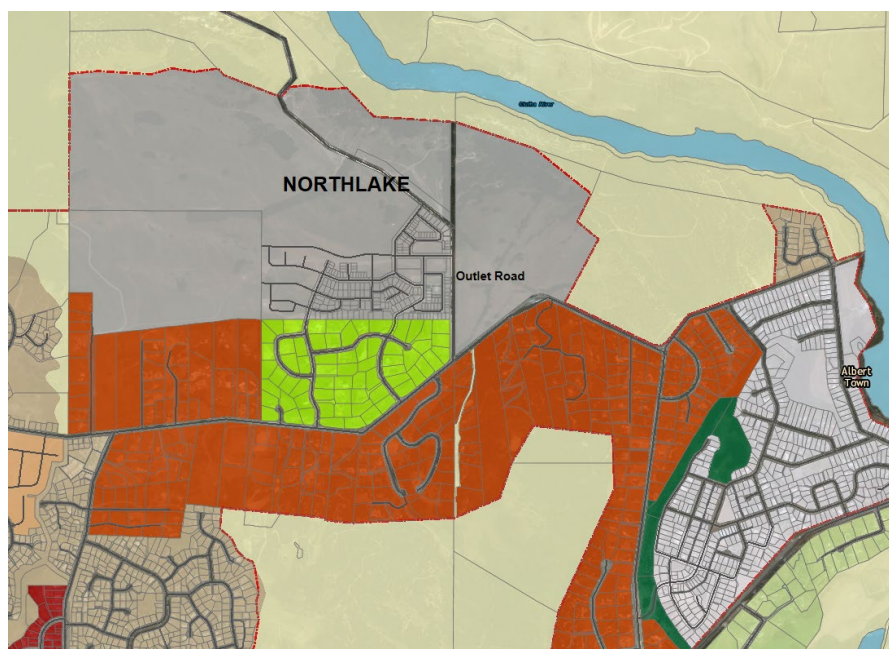
Tony Avery  
General Manager Planning &  
Development

10/10/2018

## Background

- 1 The Operative Northlake Special Zone applies to 220 hectares of land located in-between Wanaka and Albert Town (refer to **Figure 1**). The Northlake Special Zone enables the development of approximately 1,520 residential homes within several different neighbourhoods with a range of different densities of development. The zone includes a small commercial and community facilities 'node' located alongside the main street, known as Northlake Drive.

**Figure 1.** Location of the Northlake Special Zone (shown in grey and light green).



- 2 Private Plan Change 53 (**PC53**) seeks to amend the boundaries of existing Activity Areas identified on the Northlake Special Zone Structure Plan in Chapter 12.34 of the Operative District Plan (**ODP**). The plan change does not seek to increase the overall size of the Northlake Special Zone.
- 3 The key reasons for the change to the boundaries of the Activity Areas are to increase Activity Area D1 to facilitate a retirement village and a supermarket. The specific changes sought by PC 53 seek to:
  - a. Alter the Northlake Special Zone Structure Plan boundaries. This will increase the size of the zone (Activity Area D1) where retirement villages and commercial activities are provided for (see Attachment A);
  - b. Modify the size of Activity Area B3 to reflect what is considered by the applicant as more efficient subdivision and land development patterns. The modifications will enable more intensive housing on flatter areas of the Northlake Special Zone;
  - c. Amend the rule limiting retail floor area from 200m<sup>2</sup> per activity with a maximum floor area of 1000m<sup>2</sup>. It is sought to allow up to 2,500m<sup>2</sup> total retail floor area within the zone, a single retail activity of up to 1,250m<sup>2</sup>

gross floor area to facilitate a supermarket, while retaining the 200m<sup>2</sup> cap for other commercial and retail activities;

- d. Undertake amendments to rules controlling landscaping and the bulk and location of development to recognise the extension to Activity Area D1, with regard to the setback of buildings, building height, access, and landscaping adjacent to Outlet Road;
  - e. Amend existing Rule 12.34.2.6 that states that fish and meat processing is prohibited. It is sought to add an exemption to this rule that would permit fish and meat processing that is ancillary to a retail activity such as a supermarket;
  - f. Delete a rule in the Subdivision, Development and Financial Contributions Chapter 15 that requires a minimum amount of house lots to be approved prior to permitting community facilities; and
  - g. Amend the sign rules in Chapter 18 Signs where they relate to the Northlake Special Zone;
- 4 Plan Change 53 was accepted for processing and notification for submissions by Council at its meeting on 14 December 2017. It was then publicly notified for submissions on 18 January 2018. A total of 14 original submissions and 3 further submissions were received. 7 submissions were subsequently withdrawn.
- 5 A Hearings Panel consisting of Commissioner David Whitney (Chair), Commissioner David Mead and Councillor Scott Stevens were appointed to hear submissions and make recommendations to Council. A hearing was held in Wanaka on the 5th and 6th June 2018.

### **Comment**

- 6 The Hearings Panel recommendation is that PC53 should be accepted, generally in accordance with the changes outlined above. However, the following amendments have been recommended by the Hearings panel:
- a. Amendments to Policies 1.6 and 2.7 to identify and provide for one single supermarket up to 1,250m<sup>2</sup>. This is to ensure that retail activity in the Northlake Special Zone does not compromise the function and viability of the Wanaka Town Centre and Three Parks Commercial Zones. A new policy (Policy 2.8) has also been recommended to ensure satisfactory urban design outcomes associated with what is likely to be a single large format retail scale building within Activity Area D1;
  - b. That additional retail floor area is limited to 1,250m<sup>2</sup>, 250m<sup>2</sup> less than that requested by the applicant. The additional 1250m<sup>2</sup> retail floor area is for the purposes of a small supermarket. Further, this is only to be provided at one of two locations within Activity Area D1. The applicant volunteered this during hearing to ensure the activity is located centrally within the development area and not adjacent to Outlet Road;

- c. Although an additional 250m<sup>2</sup> of retail activity was sought, the Hearings Panel considered that insufficient evidence was provided in support of this aspect of the increase in retail activity and as such the Panel felt it appropriate to retain the existing 1000m<sup>2</sup> cap on any other retail activity.
- 7 The Hearings Panel have recommended the following rules in Chapter 12.34 are amended consistent with the Plan change request;
- a. Amend Rule 12.34.2.6i to allow for fish or meat processing ancillary to retail or restaurant activity;
  - b. Amend Rule 12.34.4.1ii(b) in relation to minimum setbacks for Outlet Road;
  - c. Amend Rule 12.34.4.1viii to restrict residential and non-residential access directly onto Outlet Road for any of the new Activity Area D1 sites;
  - d. Amend Rule 12.34.4.1x(d) to provide for specific landscaping requirements along Outlet Road;
  - e. Amend Rule 12.34.4.2iv(a) in relation to building height. The 10m maximum height limit is to be modified such that any building within 40m of Outlet Road legal boundary, north of Mt Burke Drive, should have no more than two levels;
  - f. Amend Rule 12.34.4.2viii to provide for one small supermarket, no greater than 1250m<sup>2</sup>, within one of two specified sites;
  - g. Replace the Northlake Structure Plan to reflect the changes in the Activity Areas D1 and B3; and
  - h. The Hearings Panel have recommended that Section 18.2 Signs rules are amended so that signage consistent with other commercial areas are provided for within Activity Area D1 and that the existing Northlake residential signage rules exclude Activity Area D1.
- 8 The Hearings Panel have also recommended that Rule 15.2.16.3 subdivision zone standard be deleted in relation to the requirement for provision of community facilities as part of subdivision and development of a minimum number of residential units. Specifically, Rule 15.2.16.3 required the provision of community facilities such as a indoor 20m – 25m lap pool, a fitness/gym facility, a children’s play area, and at least one tennis court.
- 9 The Hearings Panel recommend deletion of this rule on the basis that some of the facilities have been, or are to be provided by the applicant. The Hearings Panel also accepted that a swimming pool is no longer a prerequisite associated with development at Northlake because the Council has constructed and operates an indoor swimming pool at Three Parks. During the hearing, the applicant confirmed that Northlake have provided a tennis court and playground in Activity Area D1, and a gym is proposed to be constructed by way of resource consent (RM161230 granted on 5 May 2017).

10 A copy of the Hearings Panel's recommendation is appended as Attachment B.

## Options

11 Option 1 – Accept the Commissioner's Recommendation

### *Advantages:*

- a. The plan change has been through a thorough a process under Schedule 1 of the RMA. An experienced Hearings Panel had the benefit of submissions and further submissions, expert evidence from the applicant's representatives, submitters, and Council staff in the form of an officer's recommendation and accompanying expert reviews from traffic, urban design and retail economics experts. It is considered the Hearing's Panel have reached a robust recommendation.
- b. The submissions and hearing process gave people the opportunity to either support or oppose the proposal and be heard in relation to their submissions.
- c. Would advance the plan change towards being made operative.

### *Disadvantages:*

- d. None. Council appointed the Hearings Panel to hear and make recommendations on the submissions received.

12 Option 2- Reject the Hearings Panel Recommendation

### *Advantages:*

- a. Would allow Council to appoint new Hearings Panel to re-hear submissions on any aspects of the recommendation it was unhappy with.

### *Disadvantages:*

- b. Council cannot make changes to the Hearings Panel recommendation as they have not heard the evidence presented at the hearing or read the submissions. To change the recommendations would not demonstrate fairness or natural justice to the applicant or submitters.
- c. All submitters and their expert evidence would need to be re-heard at another hearing, requiring additional Council, applicant and submitter cost and delays.

13 This report recommends **Option 1** for addressing the matter because the issues raised by the by the PC53 have been thoroughly addressed through the hearing process and changes recommended by the Commission.

### ***Significance and Engagement***

- 14 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it impacts on the environment and people of the district, and has a degree of community interest.
- 15 The level of significance determines the level of compliance necessary with the decision making requirements in sections 76-78 of the Local Government Act 2002. A higher level of compliance must be achieved for a significant decision.

### ***Risk***

- 16 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 matter relates to this risk because it relates to residential and commercial land supply providing for future development needs of the community.
- 17 Option 1, as recommended above, mitigates the risk by adopting the recommendations of the experienced Hearings Panel who heard all the evidence before them and made a decision based on that evidence. Their consideration of the issues and risks generated by the proposed PC53 and their recommended changes in response to these is considered to have 'treated the risk' by putting measures in place which directly impact the risk.

### **Financial Implications**

- 18 There are no budget or cost implications that would arise from adopting the decision in line with Option 1.

### **Council Policies, Strategies and Bylaws**

- 19 The following Council policies, strategies and bylaws were considered:
- Operative District Plan: in that the PC53 directly relates to its provisions.
- 20 The recommended **Option 1** is consistent with the principles set out in the named Operative District Plan ("ODP") in that any conflict between PC53 and the ODP has been addressed by the Commission in its recommending report.

### **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 a decision on PC53 in a timely fashion;
  - 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 community has had the opportunity to submit on PC53 through the notified plan process and submissions and further submissions were received. A public hearing was also held. The Commissioners considered submissions and hearing appearances.

**Legal Considerations and Statutory Responsibilities**

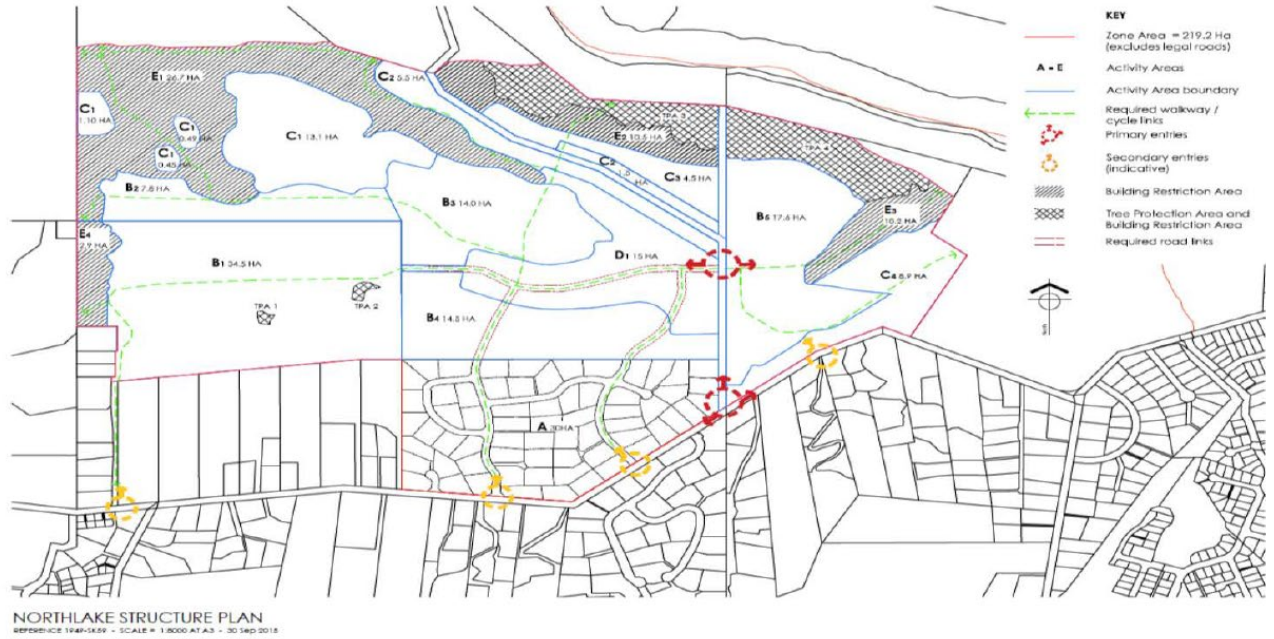
23 Making the plan changes operative is in accordance with Clause 17 of the First Schedule of the RMA.

**Attachments**

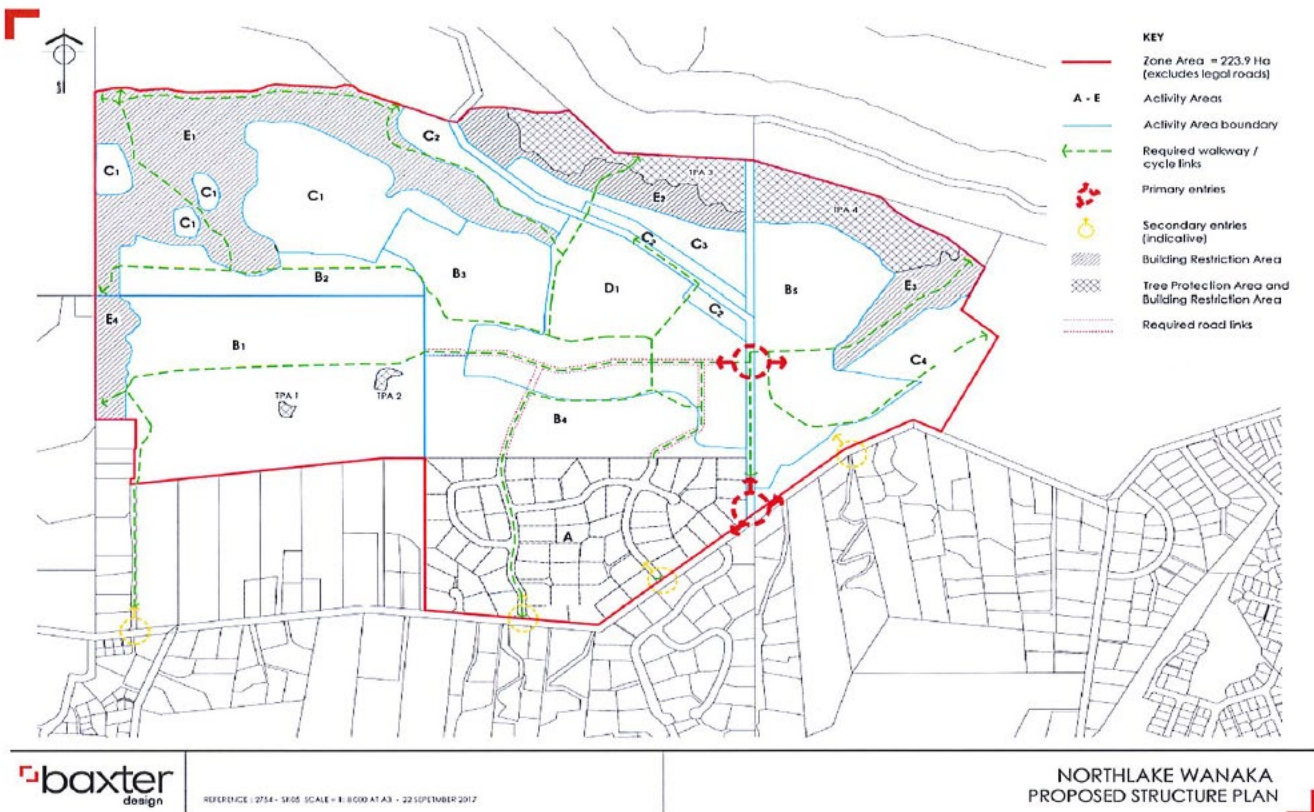
- A Northlake Special Zone Structure Plan – current and proposed
- B Report and recommendations of hearings panel – PC53 dated 6 September 2018

**ATTACHMENT A: Northlake Special Zone Structure Plan – current and proposed**

**Northlake Structure Plan**



**Figure 1: Northlake Special Zone Current Structure**



**Figure 2: PC53 Northlake Special Zone updated Structure Plan**





**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**HEARINGS PANEL TO CONSIDER PLAN CHANGE 53 COMPRISING**

**Commissioner David Whitney (Chair)**  
**Commissioner David Mead**  
**Councillor Scott Stevens**

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**REPORT & RECOMMENDATIONS OF HEARINGS PANEL**

**PLAN CHANGE 53 : NORTHLAKE**

**DATED : 6 SEPTEMBER 2018**

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## **Appendices**

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## **Abbreviations**

District Plan/Operative District Plan – Queenstown Lakes Operative District Plan

NSZ – Northlake Special Zone

ONF – Outstanding Natural Feature

ONL – Outstanding Natural Landscape

PC53/Plan Change 53 – Proposed Plan Change 53

Proposed District Plan – Queenstown Lakes Proposed District Plan

QLDC/the Council – Queenstown Lakes District Council

RMA/the Act – Resource Management Act 1991

## 1.0 THE HEARING

The hearing on proposed Plan Change 53 and the submissions (including further submissions) thereto took place at Edgewater at Wanaka on Tuesday 5 June 2018 and Wednesday 6 June 2018. A site visit was undertaken by the Hearings Panel with Mr Barr on 5 June 2018 prior to the commencement of the hearing.

## 2.0 APPEARANCES & INFORMATION SIGHTED

### **Requestor:**

#### **For Northlake Investments Limited.**

**Mr Warwick Goldsmith**, Barrister

**Mr Andy Carr**, Traffic Engineer, Carriageway Consulting Limited

**Mr Marc Bretherton**, Development Manager, Northlake Investments Limited

**Mr Alex Todd**, Registered Surveyor, Paterson Pitts Group

**Mr Paddy Baxter**, Landscape Architect, Baxter Design Group Limited.

**Mr John Polkinghorne**, Retail Economist, RCG Limited

**Mr John Edmonds**, Planning Consultant, John Edmonds & Associates Limited

### **Submitters:**

#### **For Willowridge Developments Limited and Central Land Holdings Limited.**

**Ms Jayne Macdonald**, Counsel, Macalister Todd Phillips

**Ms Alison Devlin**, General Manager for Property and Planning, Willowridge Developments Limited

**Mr Michael Copeland**, Consulting Economist, Brown, Copeland and Company

**Mr Carey Vivian**, Planning Consultant, Vivian and Espie Limited

#### **For Exclusive Developments Limited.**

**Mr Michael Nidd**, Counsel, Farry and Co Law (written submission of Mr Nidd presented *in absentia* by Ms Brown).

**Ms Lisa Brown**, Representative, Exclusive Developments Limited

**Mr Lee Brown**, Director, Exclusive Developments Limited

### **Officers & Advisors in Attendance:**

**Mr Craig Barr**, Senior Planner, Queenstown Lakes District Council. Mr Barr prepared a section 42A report on Plan Change 53 and the submissions including further submissions received thereto. Mr Barr was present throughout the hearing on 5 June 2018 and 6 June 2018 and he subsequently provided written notes at the request of the Hearings Panel that recorded the matters that he had discussed following the presentation of submissions and evidence by the requestor and submitters. These written notes were dated 8 June 2018.

**Mr Dave Smith**, Traffic Engineer, Abley Transportation Consultants Limited. Mr Smith prepared a review of the requestors transportation assessment report which informed the section 42A report. Mr Smith was present at the hearing on 5 June 2018 and 6 June 2018.

**Ms Rebecca Skidmore**, Urban Designer, R Skidmore Urban Design Limited. Ms Skidmore prepared a report containing peer review comments on urban design, landscape and visual effects of the proposal which informed the section 42A report. Ms Skidmore was present throughout the hearing on 5 June 2018 and 6 June 2018.

**Ms Natalie Hampson**, Retail Economist, Market Economics Limited. Ms Hampson prepared a review of the proposal from a retail economics perspective which informed the section 42A report. Ms Hampson was present throughout the hearing on 5 June 2018 and 6 June 2018 and she presented a summary and rebuttal statement dated 6 June 2018.

**Mr Adam Vail**, Senior Project Engineer, Holmes Consulting LP was not in attendance but was available in the event that the Hearings Panel had any questions of him, which we did not. Mr Vail prepared a review of the requestor's infrastructure assessment which informed the section 42A report.

**Ms Charlie Evans** and **Ms Hope Marson**, Planning Support, Queenstown Lakes District Council. Ms Evans and Ms Marson provided administrative support to the Hearings Panel and were in attendance throughout the hearing on 5 June 2018 and 6 June 2018.

***Additional Material:***

As noted above following the adjournment of the hearing on 6 June 2018 Mr Barr, at the Panel's request, provided written notes that recorded his response to matters raised at the hearing, these notes being dated 8 June 2018.

Subsequently Ms Macdonald, for Willowridge Developments Limited and Central Land Holdings Limited, filed a Memorandum dated 13 June 2018 which sought leave to file further submissions on the jurisdictional issue as addressed in Mr Barr's written notes. Such leave was granted in a Minute issued by the Hearings Panel Chair on 14 June 2018; and the Minute confirmed that an opportunity was to be provided for Exclusive Developments Limited (being the other submitter that appeared at the hearing) to also file a further submission on the jurisdictional issue, if it wished to do so. Mr Nidd took this opportunity on behalf of Exclusive Developments Limited, his Memorandum of Submissions being dated 19 June 2018.

Mr Goldsmith made brief closing remarks on 6 June 2018. Mr Goldsmith was also granted leave to file his full closing legal submissions in reply in writing and these were forwarded to the Council on 21 June 2018. At the hearing Mr Edmonds was requested to provide his final suggested amendments to the Plan Change 53 provisions in writing. These did not accompany Mr Goldsmith's closing submissions as they had been overlooked; and Mr Edmonds's final suggested amendments were circulated to the Hearings Panel on 29 June 2018.

### **3.0 INTRODUCTION**

The Northlake Special Zone applies to approximately 219 hectares of land and is located generally to the north of Aubrey Road at Wanaka. The Northlake Special Zone was introduced to the Operative Queenstown Lakes District Plan via Plan Change 45 which became operative on 17 December 2015.

Northlake Investments Limited owns some 104.6499 hectares more or less of land within the Northlake Special Zone. This land is described in the Request Document as being Lots 90 and 2000 DP 510104 and Lot 66 DP 371470 as contained in Computer Freehold Register Identifier 781044 at the Otago Land Registry. The requestor is in the process of developing this land for urban purposes.

Plan Change 53 has been requested by Northlake Investments Limited to amend certain provisions that relate to the Northlake Special Zone in the Operative District Plan. The plan change Request Document as notified that is dated November 2017 indicated that the request involves five components:

- Amend the boundaries of particular Activity Areas to enable more efficient use of urban zoned land, and to provide flexibility to develop a retirement village; and
- Increase the retail floor area restriction to enable a small supermarket to be established; and

- Amend the signage rules to recognise that increased signage is appropriate for commercial buildings in Activity Area D1; and
- Remove the Part 15 subdivision rule relating to Community Facilities, for future administrative certainty; and
- Consequential rule changes that address matters raised in expert reports.

The requested plan change, as publicly notified, confirmed that the fifth component promoted changes to several rules to address recommendations made in Mr Baxter's report (contained in the Request Document) and in response to matters raised by Council officers. The changes to specific rules were summarised in the Request Document, as notified, as follows:

- Amend the Prohibited Activity rule to clarify that "fish and meat processing" can occur within a food retail premises;
- Amending the Setbacks from Roads rule, so that buildings within Activity Area D1 to the north of Mt Burke Drive are setback a minimum of 7.0m;
- Amending the Access rule to restrict vehicle access from Activity Area D1 directly onto Outlet Road;
- Amending the Landscaping and Planting rule to ensure that a consistent landscaped edge develops along the western side of Outlet Road; and
- Amending the Building Height rule to limit buildings within 40 metres of Outlet Road that are within that part of Activity Area D1 to the north of Mt Burke Drive to 2 levels.

The relevant provisions of the Operative District Plan that are affected by Plan Change 53 are:

- Part 12 (Special Zones) by amending rules which relate to the Northlake Special Zone.
- Part 15 (Subdivision) by deleting Rule 15.2.16.3.
- Part 18 (Signs) by amending Activity Table 1 (Commercial Areas) and Activity Table 2 (Residential Areas).

## 4.0 NOTIFICATION AND SUBMISSIONS

Plan Change 53 was notified for submissions on 18 January 2018 and the period for submissions closed on 23 February 2018. A summary of the decisions requested in submissions was publicly notified on 8 March 2018 and the period for further submissions closed on 22 March 2018.

A total of 14 original submissions and 3 further submissions were received as listed in **Appendix 1**. Six of the original submissions were withdrawn. The original submission by **Karen Birkby** was withdrawn on 16 February 2018; by **Greg Ford** on 7 March 2018; by **Kim & Gareth Parry** on 20 March 2018; by **Peter Eastwood** and by **John Patrick**, both on 22 March 2018; and by **Lindsey Turner** and **Andrew Thompson** on 31 May 2018.

The original submission from **Allenby Farms Limited** was received subsequent to the closing date for submissions. At the commencement of the hearing and having taken into account the matters stated in section 37A(1) of the Act we extended the relevant time limit and accepted the late submission of **Allenby Farms Limited**. No party present at the commencement of the hearing objected to us granting such an extension.

**Appendix 2** contains a summary of the decisions requested in the submissions that have not been withdrawn and of the corresponding further submissions received.

Our report assesses the points raised by submitters and further submitters and we make recommendations in Sections 8.1-8.8 as to whether these points should be **accepted**, **accepted in part**, or **rejected**.

## 5.0 DESCRIPTION OF PLAN CHANGE 53

PC 53 as notified sought a number of amendments to the Operative Queenstown Lakes District Plan. It seeks the following amendments:

- **Amend Section 12 (Special Zones) by amending Chapter 12.34 Northlake Special Zone – Rules as follows:**
  - i. Amend Rule 12.34.2.6i to provide an exception for fish or meat processing as a prohibited activity if ancillary to any retail activity or restaurant.
  - ii. Amend Rule 12.34.4.1ii(b) to provide for a minimum setback in that part of Activity Area D1 that adjoins Outlet Road north of Mt Burke Drive, where the minimum setback from Outlet Road shall be 7 metres.
  - iii. Amend Rule 12.34.4.1viii to specify that within Activity Area D1 no residential unit shall have direct access to Outlet Road.
  - iv. Amend Rule 12.34.4.1x(d) to confirm that the rule shall not apply to Activity Area D1 to the west of Outlet Road where roadside landscaping within 3.5 metres of Outlet Road shall consist of a post and rail timber fence located on the property boundary and a Grisilinea hedge located immediately behind the post and rail fence, maintained to a minimum height of 1.5 metres.
  - v. Amend Rule 12.34.4.2iv(a) to stipulate that buildings within 40 metres of Outlet Road north of Mt Burke Drive shall be no more than 2 levels.
  - vi. Amend Rule 12.23.4.2viii(b) to permit one retail activity with a maximum gross floor area of 1250m<sup>2</sup> to be an exception to the rule which prescribes that no retail activity shall have a gross area exceeding 200m<sup>2</sup>; and to amend Rule 12.23.4.2viii(c) to provide for the total amount of retail floor space within the Northlake Special Zone to not exceed 2500m<sup>2</sup> (rather than 1000m<sup>2</sup>).
  - vii. Amend the Northlake Structure Plan to expand the Activity Area D1 by 4.2 hectares incorporating parts of the western slopes of Activity Area B3, a small area of Activity Area E1 and that part of Activity Area C2 that adjoins Outlet Road; and to slightly adjust other boundaries such that a small area of Activity Area E1 becomes Activity Area B2, 2,460m<sup>2</sup> (in aggregate) of Activity Area C1 becomes Activity Area B2 and 7571m<sup>2</sup> of Activity Area C1 becomes Activity Area B3.
- **Amend Section 15 Subdivision, Development & Financial Contributions by deleting Rule 15.2.16.3 Zone Subdivision Standard – Northlake Special Zone – Community Facilities.**
- **Amend Section 18 Signs to include Northlake Special Zone – Activity Area D1 with the Corner Shopping Centre Zone in Activity Table 1 (Commercial Areas); and amending Activity Table 2 (Residential Areas) to confirm that the reference to Northlake in Activity Table 2 does not apply to the Activity Area D1 at Northlake.**

The NSZ provisions as summarised above were amended by the requestor in response to matters raised in submissions, in response to the section 42A report and in response to matters raised during the course of the hearing by various parties.

The outcome of this process is the suite of amended provisions prepared by Mr Edmonds that was circulated to the Hearings Panel on 29 June 2018.

The Hearings Panel notes that these amendments refine the NSZ Rules as included in Plan Change 53 as notified; but do not change these rules in substance.

Mr Edmonds also provided suggested amendments to policies as presented in Chapter 12.33 being Northlake Special Zone – Issues, Objectives and Policies. These amendments related to matters initially raised in Mr Barr’s section 42A report and were discussed at the hearing albeit that they are not as comprehensive as the provisions suggested by Mr Barr. The Hearings Panel notes that Plan Change 53, as notified, proposed no change to the policies which relate to the Northlake Special Zone.

The Hearings Panel confirms that it has considered Plan Change 53 on the basis of the amended provisions as presented by Mr Edmonds at the hearing; and as provided in writing by him on 29 June 2018.

The Hearings Panel has taken the opportunity to study the Request Document entitled “Private Plan Change Request Northlake Special Zone Outlet Road, Wanaka” dated November 2018 that contained a section 32 assessment relating to PC 53; and the various technical reports and other documents which accompanied the Request Document. These documents are presented as Attachments to the Request Document and included the following:

Attachment A : Computer Freehold Registers

Attachment B : Landscape and Urban Design Assessment (Baxter Design Group Ltd)

Attachment C : Infrastructure Report (Paterson Pitts Group)

Attachment D : Transportation Assessment (Carriageway Consulting Limited)

Attachment E : Assessment of Retail Economic Effects (RCG Ltd)

Attachment F : Structure Plan

The Request Document including the Attachments can be viewed on the Council’s website.

Further technical reports were provided by the Requestor in response to a request for additional information from Mr Barr dated 12 March 2018. These documents were presented in Appendix 6 to Mr Barr’s section 42A report and included the following:

- Correspondence from John Edmonds & Associates dated 22 March 2018.
- Northlake Stages 2/3 – Flow Rates and Capacities.
- GeoSolve Ltd Geotechnical Report dated August 2017 (prepared for RM 171190).
- Updated Northlake Master Plan dated 22 March 2018 prepared by Paterson Pitts Group.
- Urban Design Assessment of Amended Signage Rules – Activity Area D1 dated 22 March 2018 prepared by Baxter Design Group Ltd.

On 30 May 2018 Mr Goldsmith filed a Memorandum accompanied by the following two documents:

- Northlake Investments Limited Memo : Response to QLDC s42A report on PC 53 dated 16 May 2018 prepared by Paterson Pitts Group.
- Correspondence from Mr Andrew Tipene of the Queenstown Lakes District Council dated 22 May 2018 which confirmed that QLDC Property and Infrastructure are satisfied that Water and Wastewater infrastructure can be provided to support Plan Change 53.



## 6.0 STATUTORY REQUIREMENTS

Section 73(2) of the Resource Management Act 1991 (the Act) confirms that any person may request a territorial authority to change a district plan, and the district plan may be changed in the manner set out Schedule 1 to the Act. Provisions specific to requests for plan changes are detailed in Part 2 of Schedule 1 to the Act.

Clause 10 of Schedule 1 requires that a local authority give a decision on the provisions and matters raised in submissions, and the reasons for accepting or rejecting the submissions, although it is not required to give a decision that addresses each submission individually. The decision may also include making any consequential amendments necessary to the proposed plan change arising from submissions.

Section 75 of the Act prescribes the contents of district plans. Subsection (3) states:

*(3) a district plan must give effect to-*

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (ba) a national planning standard; and*
- (c) any regional policy statement.*

Subsection (4) goes on to state that a district plan must not be inconsistent with a water conservation order or a regional plan for any regional function.

Section 74 requires that a territorial authority shall prepare and change its district plan in accordance with its functions under section 31; the provisions of Part 2; a direction given under section 25A(2); its obligation to have particular regard to an evaluation report prepared in accordance with section 32; a national policy statement, a New Zealand coastal policy statement and a national planning standard; and any regulations.

Section 74(2), (2A) and (3) state as follows:

*(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*

*(a) Any—*

- (i) Proposed regional policy statement; or*
- (ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*

*(b) Any—*

- (i) Management plans and strategies prepared under other Acts; and*
- (ii) [Repealed]*
- (iia) Relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
- (iii) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*

*to the extent that their content has a bearing on resource management issues of the district; and*

*(c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

*(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.*

*(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

(emphasis added by underlining)

The Hearings Panel is only empowered to make a recommendation to the territorial authority in terms of the limits of its delegated authority under section 34A (1) of the Act.

## 7.0 THE EVIDENCE

### 7.1 Submissions and Evidence for Requestor

The expert evidence had been precirculated and was taken as read.

#### **Mr Warwick Goldsmith**

**Mr Goldsmith** presented legal submissions. Overall, he considered that the plan change was straightforward and did not raise any significant policy or environment effects issues.

Mr Goldsmith observed that the plan change had a number of components to it, but the main issue in contention related to the supermarket aspect. He noted that the Council staff supported the retail elements of the plan change, subject to some amendments, while the main opposition to the change come from submitters who were landowners in the Wanaka area and who had a strong trade competitor element to them. As a result, he considered that the Hearings Panel should place limited weight on the submitters' evidence and submissions. Mr Goldsmith stopped short of saying that the Hearings Panel should disregard (or even strike out) their submissions.

Mr Goldsmith did not consider that the plan change needed to amend any of the existing policies in the Northlake Special Zone (NSZ), such as policies 1.7 and 2.6. For reference purposes, these policies state:

#### *Policy 1.7*

*To provide for small scale neighbourhood retail activities to serve the needs of the local community within Activity Area D1 and to avoid visitor accommodation, commercial, retail and community activities and retirement villages within Activity Areas other than Activity Area D1.*

#### *Policy 2.6*

*To enable visitor accommodation, commercial, retail and community activities and retirement villages within Activity Area D1 including limited areas of small scale neighbourhood retail to service some daily needs of the local community, while maintaining compatibility with residential amenity and avoiding retail development of a scale that would undermine the Wanaka Town Centre and the commercial core of the Three Parks Special Zone.*

Mr Goldsmith observed that the only substantial constraint in these policies on the nature and extent of retail activities in the NSZ was that retail should not undermine Wanaka Town Centre and Three Parks. There was no evidence that this would eventuate. Reference in the policies to small scale retail that met the needs of local residents were of an enabling

tone; they were not restrictive policies to the effect that retail could only be of a small scale or only serve local residents. A small supermarket that may end up drawing its customers from across Wanaka (not just the local area) was not ruled out by the policies, so long as the Wanaka Town Centre and Three Parks were not undermined. Issues of building scale and fit with a village feel for the area (another interpretation of the term 'small scale retail') could be addressed through the existing urban design based assessment provisions of the NSZ, as well as the amended rule that would limit the size of the supermarket. It was further proposed by the requestor during the hearing that the supermarket could be restricted to a specific site. Mr Goldsmith suggested that an additional urban design based policy could be added. While he observed that the scope basis for such a change was not clear, the requestor did not strongly object to this.

Mr Goldsmith took issue with the changes proposed by the Council's section 42A report, particularly the proposed new 'non-residential activity' objective [Objective 7] and policies that would replace Policies 1.7 and 2.6; and the proposed inclusion of commercial activities in the amended floorspace rule. Mr Goldsmith was concerned that there was no scope for such changes and that there was no need to amend the objectives and policies in the form proposed. Mr Goldsmith was of the opinion that if the Commission found that adjustments to the existing Policies 1.7 and 2.6 were needed to accommodate the supermarket, then these could be accomplished by some minor changes, such as those set out in the evidence of Mr Edmonds.

Mr Goldsmith's submissions did not directly address the removal of the community facilities subdivisional rule but it is noted that during the course of his submissions and at the hearing a number of resource consents were referred to that had addressed this rule. These consents clarified that the Council had determined that it was not necessary for NSZ subdivision and development to provide for the 20 to 25m lap pool listed in the rule.

#### **Mr Andy Carr**

**Mr Carr** (Traffic Engineer) responded to questions from the Hearings Panel. He stated that he did not consider that Mt Linton Avenue and Northburn Road were likely to attract much extra traffic from potential customers living to the west of the Northlake centre. Even if traffic volumes did increase, traffic speeds would be low. He clarified that there were no traffic engineering reasons to restrict vehicle access to Outlet Road, subject to compliance with standard vehicle crossing requirements albeit that there may be urban design issues. The Council can control construction traffic through the consent process, as well as through a requirement for traffic management plans to be prepared.

#### **Mr Marc Bretherton**

**Mr Bretherton** (Development Manager for the requestor), presented a short statement responding to submitter's evidence. He addressed the issue of whether the supermarket might 'grow' over time. He said that the requestor would accept a rule limiting the supermarket to a specific lot – being Lot 1006. This lot was 4,590m<sup>2</sup> in area. Taking into account required set backs, car parking and loading areas etc, then the lot could accommodate a 1,250m<sup>2</sup> building. This was the reason for the floorspace limit.

The Hearings Panel notes that Mr Goldsmith, in his reply, suggested on behalf of the requestor that the supermarket could be limited to being located on either Lot 1005 DP 515015 or Lot 1006 DP 515015.

#### **Mr Alex Todd**

**Mr Todd** (Registered Surveyor) responded to questions from the Hearings Panel. He clarified that the enlarged Activity Area D1 would involve substantial earthworks. The ground level along Outlet Road was, however, at finished ground level.

**Mr Paddy Baxter**

**Mr Baxter** (Landscape Architect) responded to questions from the Hearings Panel. He clarified the proposed landscape treatment at the Outlet Road frontage with reference to diagrams in his evidence. These showed a post and rail fence and low hedge on the top of a low bank, set back about 6m from the road edge. This arrangement would mean, along with the other proposed rules relating to building heights and set backs, that the larger buildings possible in Activity Area D1 (as compared to Activity Area C2) would be appropriately screened. Mr Baxter agreed that it would be appropriate to add a policy relating to urban design issues.

**Mr John Polkinghorne**

**Mr Polkinghorne** (Retail Economist) presented a supplementary statement, responding to a number of issues raised in the evidence of the submitters. He addressed the issue of size and whether the supermarket could be said to be 'small-scale' in terms of the NSZ policies. He noted that the average size of a supermarket is around 3,000m<sup>2</sup> gross floor area. In his view the 1,250m<sup>2</sup> supermarket proposed at Northlake was small in comparison to this average. Mr Polkinghorne did not consider Anderson Heights to be a 'centre' in terms of the retail hierarchy of the District Plan (with the implication that retail activities in this area did not need or warrant a degree of planning 'support'). He then went on to address the potential effects identified by the submitters in terms of impacts on Three Parks. He considered that any impacts were marginal. The potential for the Northlake supermarket to delay or defer a second supermarket at Three Parks was an unlikely effect, given that dual supermarket centres are rare.

Mr Polkinghorne considered, in reference to the district plan's requirement that retail development in Northlake not undermine Three Parks, that there would have to be a substantial negative impact on the viability of Three Parks for this threshold to be reached. There was no evidence that this was likely.

**Mr John Edmonds**

**Mr Edmonds** (Planning Consultant) provided a supplementary statement and verbally responded to a number of matters raised by submitters and to questions from the Hearings Panel. He clarified that the proposed amended rules relating to frontage treatment along Outlet Road needed to be altered to reflect the treatment proposed by Mr Baxter. He also pointed out that in addition to the frontage rules, landscaping was a matter that the Council could address when considering resource consents for buildings in Activity Area D1. Mr Edmonds maintained that there was no need for additional policy direction on building design. He pointed to the recent consent for a medical / health centre building in the NSZ where urban design issues had been appropriately addressed by the Council, based on the operative provisions. Mr Edmonds did not support the proposed new Objective 7 and associated policies identified in the section 42A report.

**7.2 Submissions and Evidence for Submitters****7.2.1 Willowridge Developments Limited and Central Land Holdings Limited****Ms Jayne Macdonald**

**Ms Macdonald** presented legal submissions for two submitters: Willowridge Developments Limited and Central Land Holdings Limited. Willowridge Developments Ltd is involved in the Three Parks development, while Central Land Holdings Limited owns land in Anderson Heights. The submissions raised three main issues.

Firstly, Ms Macdonald submitted that the proposed rule changes to the NSZ did not give effect to the policy framework of the Operative Plan. In particular Policies 1.7 and 2.6 should be interpreted as placing an emphasis on limiting retail to small scale activities meeting the needs of residents in the Northlake area. The supermarket did not meet these tests.

Secondly, there was no scope to amend the objectives and policies to the extent proposed by the Council's 42A report, which further raised the issue of whether the amended rules were appropriate. The section 42A report supported the rule change provided that the objectives and policies were amended. However if they could not be amended as suggested, then by implication, the rule change was inappropriate.

Finally, Ms Macdonald submitted that there were potential effects on Three Parks and Anderson Heights that extend beyond trade competition effects.

On the last point, Ms Macdonald identified that an underlying concern of the submitters was that the plan change would open the door to a much larger retail centre at Northlake, perhaps achieved through a number of consents. If a larger store was provided for in the NSZ provisions, in clear contradiction to policies referring to small scale retail, then the ability of those policies to restrain further increases in floor area would be significantly diminished. The offer from the applicant to limit to store to a particular site (initially Lot 1005) was acknowledged, but there was plenty of scope through the consent processes to 'get around' such a standard.

Ms Macdonald confirmed that the submitters would support enabling a small grocery type store at Northlake to meet local needs, such as a 300m<sup>2</sup> store, similar to the controls that apply to the Local Shopping Centre Zone.

#### **Ms Alison Devlin**

**Ms Devlin** (General Manager for Property and Planning, Willowridge Developments Limited) described the Three Parks Special Zone commercial centre and outlined the progress made to date in developing this centre. She was concerned that uncertainty over the demand for retail floorspace in Three Parks due to retail developing in other centres could delay necessary enabling works (such as earthworks and roading). This in turn would frustrate the ability to develop a range of retail and non-retail activities in the centre.

#### **Mr Michael Copeland**

**Mr Copeland** (Consulting Economist) spoke to his evidence. He considered that there were a number of potential effects on Three Parks from the increased floor area proposed by the plan change. The District Plan had established a retail hierarchy for a number of important resource management reasons and in his view it was important that this hierarchy was allowed to 'develop' and get established before changes to it were promoted. He agreed that the rezoning under the Proposed District Plan of the Anderson Heights area as 'Mixed Use' did open the door to much more retail in this area, posing a different and possibly more substantial threat to Three Parks, than Northlake. However the nature of existing development and activities in the Anderson Heights area would reduce this potential effect.

#### **Mr Carey Vivian**

**Mr Vivian** (Planning Consultant) spoke to his evidence. He was of the view that NSZ Policies 1.7 and 2.6 limited retail to smaller scale activities serving the local community; and that Plan Change 53 was clearly stepping away from this outcome. In addition the plan change would undermine Three Parks. He said that the Local Shopping Centre Zone was a relevant benchmark in terms of the scale of retail that was appropriate at the NSZ.

### **7.2.2 Exclusive Developments Limited**

#### **Ms Lisa Brown for Mr Michael Nidd**

**Ms Brown** spoke on behalf of Exclusive Developments Limited. She read out legal submissions prepared by **Mr Nidd** who was unable to attend the hearing. The submitter owns land in the Northlake Special Zone, fronting Outlet Road. The submitter is concerned that the additional retail development and a larger Activity Area D1 will see a number of off-site effects that will adversely impact the submitter's development. This included more traffic on Outlet Road, more stormwater runoff that would cross the submitter's site and

taller and bulkier buildings. Exclusive Developments Limited was not confident that the plan change would appropriately control these effects.

**Mr Lee Brown** (Director of Exclusive Developments Limited) was also in attendance.

### 7.3 The Officers Report

**Mr Barr's** section 42A report dated 3 May 2018 discussed the matters raised by submitters and further submitters to assist us in our consideration of these matters. Mr Barr's section 42A report was informed by the reports of several consultants, such reports being presented in Appendices to Mr Barr's section 42A report.

Mr Barr and several other report authors addressed us following the presentation of evidence and submissions and prior to the adjournment of the hearing to address matters that had been raised by the parties who appeared before us.

#### **Mr Dave Smith**

**Mr Smith** (Traffic Engineer) provided short comments on his review of the traffic assessment. He remained of the view that Outlet Road could easily accommodate the additional traffic; and that no adjustments were needed to the Aubrey Road / Outlet Road intersection. Equally, no changes were needed in the design of Mt Linton Avenue and Northburn Road.

#### **Ms Rebecca Skidmore**

**Ms Skidmore** (Urban Designer) retained the view that trees were an important element of the landscape treatment of the Outlet Road frontage, particularly given the change from Activity Area C2 to Activity Area D1. She was unsure how the proposed 'fence and hedge' rule would work in practice, given that the fence and hedge would need to be placed in a specific position relative to set back from the road edge and on top of a small bank. She supported additional policy guidance on built form outcomes, given the larger area of Activity Area D1 enabled and the provision for the larger retail store.

#### **Ms Natalie Hampson**

**Ms Hampson** (Retail Economist) provided a written statement dated 6 June 2018, updating her assessment of retail effects. She questioned a number of aspects of the evidence presented, but overall remained of the opinion that the plan change would provide some benefits to the community in the northern part of Wanaka, while possibly having some minor 'environmental' impacts on Three Parks.

#### **Mr Craig Barr**

**Mr Barr** (Senior Planner, Queenstown Lakes District Council) updated the Hearings Panel on his analysis of the scope provided for in the submissions for the changes he had recommended in his section 42A report. He was confident that the changes he had made to the policies were in scope. He provided an annotated copy of the proposed changes with each change referenced to a particular submitter. He also referred to a legal opinion that the Proposed District Plan Hearings Panel had received as to the scope to make changes, particularly where submitters had requested changes to rules but not necessarily to the guiding policies.

Mr Barr clarified that a number of the amendments in his track changes version of the plan provisions could now be removed or modified, such as reference to restrictions on vehicle access to Outlet Road applying to residential activities. This should refer to all activities.

Mr Barr remained of the view that the new, non-residential objective and policies were necessary and appropriate amendments. On the issue of whether commercial activities should be included in the floorspace limit, he did acknowledge that this was not a matter that was directly raised in the plan change request, or in submissions, but was a matter that

flowed from the enlarged Activity Area D1, that increased the potential for more, larger commercial type buildings to be developed that may disrupt the village intent.

At the Hearing Panel's request Mr Barr provided written notes of his concluding remarks to us, such notes being dated 8 June 2018.

#### 7.4 Further Legal Submissions by Submitters

Leave was granted to **Mrs Macdonald** on behalf of Willowridge Developments Limited and Central Land Holdings Limited to file further legal submissions on the matter of jurisdiction (being a matter traversed in Mr Barr's written notes) such further submissions being dated 13 June 2018. Further legal submissions on the jurisdiction matter were also provided by **Mr Nidd** on behalf of Exclusive Developments Limited, those submissions being dated 19 June 2018.

#### 7.5 Requestor's Reply

After hearing from submitters and council officers, **Mr Goldsmith** made a few brief comments at the hearing. Leave was granted to Mr Goldsmith to provide his formal reply in writing. He also indicated that Mr Edmonds would provide a final, updated, copy of the amendments requested.

Mr Goldsmith's closing legal submissions dated 21 June 2018 were lodged with the Council on that date. Mr Edmonds's final amendments were lodged with the Council on 29 June 2018.

The reply focussed, in particular, on addressing the provision for a small supermarket as provided for in Plan Change 53. Mr Goldsmith confirmed that the requestors primary position is that no policy amendments are necessary for Plan Change 53 to proceed; albeit that he addressed two minor policy amendments (with respect to Policy 1.7 and Policy 2.6) either of which might be considered by the Hearings Panel to be necessary and/or appropriate. Mr Goldsmith also distinguished the two *Halswater* cases<sup>1</sup> (being decisions provided by Ms Macdonald at the hearing that were referred to in her further submissions) from the current situation. Mr Goldsmith noted that *Halswater* involved the addition of a new suite of objectives and policies which would have enabled a significantly different rule regime outcome, rather than involving minor "clarification" amendments of the nature now suggested by the requestor.

Mr Goldsmith concluded that Plan Change 53 can appropriately be recommended for acceptance by the Council on the basis publicly notified, subject to:

- (a) The minor tweaks to the retail rule which have been sorted out through the hearing process;
- (b) The possible additional amendment limiting the location of a supermarket to one of Lots 1005 and 1006;
- (c) The possible minor amendments to Policy 1.7 and/or 2.6 as discussed in his reply.

## 8.0 ASSESSMENT

The Act requires that submission points are addressed by grouping them according to the provisions of the plan change to which they relate, or to the matters to which they relate. In this instance the requested Plan Change 53 has five components as listed in Clause 1.3 of the Request Document. These are to:

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<sup>1</sup> C183/2000 and AP41/00 (HC)

- Amend the boundaries of particular Activity Areas to enable more efficient use of urban zoned land, and to provide flexibility to develop a retirement village; and
- Increase the retail floor area restriction to enable a small supermarket to be established; and
- Amend the signage rules to provide for increased signage for commercial buildings in Activity Area D1; and
- Remove the Part 15 Subdivision rule relating to Community Facilities, for future administrative certainty; and
- Consequential rule changes that address matters raised in expert reports (in support of Plan Change 53).

The Commission also acknowledges that Mr Barr's report in Section 7 contains an analysis of both the effects on the environment of Plan Change 53 and the appropriateness, costs and benefits of the plan change request in terms of the relevant national, regional and district plan provisions and objectives. He identifies the relevant matters as falling into the following issues:

Issue 1 : Effects on housing supply.

Issue 2 : Effects on retail economics and the viability of Wanaka's business zones.

Issue 3 : Urban amenity.

Issue 4 : Transportation.

Issue 5 : Infrastructure.

The Hearings Panel has decided to assess Plan Change 53 and the submissions and further submissions thereto based on the five components of Plan Change 53 as listed in the Request Document. The Hearings Panel has had regard to the submission points in the context of each of these components.

A number of specific matters were raised in the submissions and/or were raised by submitters or officers at the hearing. We address those matters commencing at 8.6 below.

The full list of the submitters and further submitters to PC 53 is provided in **Appendix 1**.

Attached at **Appendix 2** is a summary of the submissions that have not been withdrawn. The summary identifies the submission points and indicates whether these are supported or opposed by any further submitter.

Our analysis in 8.1-8.10 below is generally structured as follows:

- The issue and decision requested – being a general summary of the issue and the main points raised in the submissions and further submissions.
- A discussion which reflects our assessment of the submission points that relate to the issue and which provide reasons for our recommendations.
- Our recommendations as these relate to the submission points that relate to each issue. These state whether each submission point is to be **accepted, accepted in part** or **rejected**. We attach at **Appendix 3** the plan provisions that relate to PC 53 as amended by our recommendations.

The Hearings Panel confirms that it has given consideration to the full contents of all submissions and further submissions which have not been withdrawn, copies of which were provided to the Hearings Panel prior to the hearing.



## **8.1 AMEND THE BOUNDARIES OF PARTICULAR ACTIVITY AREAS ON THE NORTHLAKE STRUCTURE PLAN**

### **The Issues and Decisions Requested**

Plan Change 53 provides for the amendment of the Northlake Structure Plan as detailed at Attachment F to the Request Document. The adjustment of the Activity Area boundaries occurs within that part of the site involving Activity Areas D1, C2, B3, B2 and E1 being land generally located to the north of Northlake Drive and west of Outlet Road.

The primary adjustment provides for 4.2 hectares of land (in total) to be changed from Activity Areas B3, C2 and E1 to Activity Area D1, for the stated purpose of enabling a retirement village to be established in a location that is considered appropriate for that activity. It is noted that a retirement village could be established in the existing Activity Area D1 but the intent of the requestor is that a more substantial retirement village be provided for on the expanded Activity Area D1. It is also noted that use of the expanded Activity Area D1 is not restricted to a retirement village. Activity Area D1 provides for a wide range of residential and commercial activities (as defined in the Operative District Plan). The Hearings Panel has assessed the proposed expansion of Activity Area D1 on the basis that this land could be used for a variety of activities as enabled by the NSZ provisions.

The other adjustments to Activity Area boundaries are intended to ensure that land proposed for residential development is fully contained in the appropriate Activity Area. These amendments include an aggregate area of 2460m<sup>2</sup> being transferred from Activity Area C1 to Activity Area B2; and an area of 7,571m<sup>2</sup> to be transferred from Activity Area C1 to Activity Area B3.

While several submitters have promoted that the entire plan change be rejected; no submissions have challenged this component of Plan Change 53 specifically.

### **Discussion & Reasons**

Following consideration of the evidence and reports the Hearings Panel has come to the conclusion that the amendments to the boundaries of the relevant activity areas, as proposed, are appropriate.

The Hearings Panel notes that a key amendment is to transfer 1.5588 hectares of land adjacent to Outlet Road that is currently in Activity Area C2 to Activity Area D1. The Hearings Panel acknowledges that specific amendments to rules are proposed (as discussed in Section 8.5 of this report below) which are intended to provide for an appropriate urban design response at the interface of the extended Activity Area D1 and Outlet Road. The Commission considers that such treatment at the boundary is an important element in Plan Change 53.

With regard to other potential effects arising from the expansion of Activity Area D1, the Hearings Panel agrees that the expanded Activity Area D1 will be able to accommodate more dwellings and/or a retirement village which would be beneficial in terms of housing choice and supply. The expanded Activity Area D1 may also enable more commercial activities and the Hearings Panel is satisfied in this regard that the NSZ provisions contain sufficient methods to manage the effects of these activities on the surrounding residential amenity.

In all the circumstances the Hearings Panel finds that it is appropriate to adjust the Activity Area boundaries on the Northlake Structure Plan as proposed by the requestor in Plan Change 53.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that those submissions which have requested that the entire plan change be rejected, be accepted in part.

### **Hearings Panel's Recommendations**

1. That the submissions by Stephen Popperwell (03.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Michael and Eyre McCauley (10.2); Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17); and Allenby Farms Ltd (14.1) be **accepted in part**.

## **8.2 INCREASE THE RETAIL FLOOR AREA RESTRICTION TO ENABLE A SMALL SUPERMARKET**

### **The Issues and Decisions Requested**

Plan Change 53 provides for the amendment of Zone Standard 12.34.4.2viii(b) and (c) which relate to retail activity in Activity Area D1 in the Northlake Special Zone. Zone Standard 12.34.4.2viii(b), as amended in Mr Edmonds's evidence, is to enable one activity with a maximum gross floor area of 1250m<sup>2</sup> that is to be limited to the supermarket. It is proposed that Zone Standard 12.34.4.2viii(c) limit the total amount of retail activity, excluding the supermarket, to 1250m<sup>2</sup> in total.

The requestor has advised that the purpose of this component of Plan Change 53 is to enable a small supermarket to be established within the Northlake Special Zone to provide local residents with a local grocery shopping alternative.

The submission by Jo & Mark Harry (05.1) supports provision for a supermarket at Northlake.

Submitters who have explicitly opposed any increase to the maximum floor area for retail activities include Gary Tait (02.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16), Willowridge Developments Limited (06.1 & 06.2) and Central Land Holdings Limited (07.1 & 07.2).

### **Discussion & Reasons**

This component of Plan Change 53 received considerable attention at the hearing in terms of both legal submissions and expert evidence. It is not proposed to traverse all of the matters discussed here; but rather to focus on the key elements which have influenced the Hearings Panel in its decision making.

At the outset it is appropriate to acknowledge that Plan Change 53 is a change to the Operative District Plan. Accordingly the Hearings Panel has given particular attention to the relevant objectives and policies of the Operative District Plan. Consideration has also been given to the relevant objectives and policies of the Proposed District Plan as amended by the Council's decisions on submissions (which were released in May 2018).

Section 4.9 of the Operative District Plan contains district wide objectives and policies relating to Urban Growth.

Objective 4 and its associated policies are of particular relevance in this instance:

#### **“Objective 4 – Business Activity and Growth**

***A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.***

**Policies:**

- 4.1 *To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.*
- 4.2 *To promote and enhance a network of compact commercial centres which are easily accessible to, and meet the regular needs of, the surrounding residential environments.*
- ...

The Hearings Panel considers that this component of Plan Change 53 is consistent with the above District Wide objective and policies.

Objectives and policies presented in Part 12.33 of the Operative District Plan that are specific to the Northlake Special Zone include the following:

**“Objective 1 – Residential Development**

***A range of medium to low density and larger lot residential development in close proximity to the wider Wanaka amenities.***

...

- 1.7 *To provide for small scale neighbourhood retail activities to serve the needs of the local community within Activity Area D1 and to avoid visitor accommodation, commercial, retail and community activities and retirement villages within Activity Areas other than within Activity Area D1.*
- 1.8 *To provide for community activities, including educational facilities, to serve the needs of the Northlake community and to be available for use by the wider Wanaka community.*

...

**Objective 2 – Urban Design**

***Development demonstrates best practice in urban design and results in a range of high quality residential environments.***

...

- 2.6 *To enable visitor accommodation, commercial, retail and community activities and retirement villages within Activity Area D1 including limited areas of small scale neighbourhood retail to service some daily needs of the local community, while maintaining compatibility with residential amenity and avoiding retail development of a scale that would undermine the Wanaka Town Centre and the commercial core of the Three Parks Special Zone.*

...”

While Objective 1 and Objective 2 refer to “residential development” and “residential environments”, respectively, Policies 1.7 and 2.6 provide for retail and other non-residential activities. The residential focus of the respective objectives appears to reflect the primary function of the Northlake Special Zone as a residential zone.

The Hearings Panel notes that Policy 1.7 refers to serving the “local community” whereas Policy 1.8 refers to community activities that are to be available for use by the “wider Wanaka community”. The Hearings Panel accepts that the reference to “local community” in Policy 1.7 does not specifically relate to the Northlake community (ie. those with properties in the Northlake Special Zone) but rather to a wider community at North Wanaka. The Hearings Panel notes in this context that the decision on Plan Change 45 (that

provided for the rezoning of approximately 219.26 hectares of land being the Northlake Special Zone), in the context of the retail area at Northlake, stated as follows:

*“It is envisaged that such retail area will primarily serve the land subject to PC 45 albeit that this amenity may also be utilised by those that live in the immediate vicinity....”*

This statement supports the Hearings Panel’s conclusion that the “local community” extends beyond the Northlake Special Zone.

The Hearings Panel has come to the conclusion that the retail component of Plan Change 53 is consistent with providing for small scale neighbourhood retail activities to serve the needs of the local community within Activity Area D1. The Hearings Panel notes in this context the evidence of Mr Polkinghorne which was that the supermarket proposed at Northlake will be smaller than any other in the Queenstown Lakes District. The Hearings Panel also notes in this context that it is theoretically possible that a range of food retail activities could be accommodated at Northlake in terms of the current Zone Standard 12.34.4.2viii comprising a series of shops which, together, could result in a food offering similar in scale to that anticipated for the proposed small supermarket.

Policy 2.6 contains direction to avoid retail development of a scale that would undermine the Wanaka Town Centre and the commercial core of the Three Parks Special Zone.

Messrs Copeland and Polkinghorne along with Ms Hampson have advised that the small supermarket proposed for Northlake would not undermine the Wanaka Town Centre. The Hearings Panel accepts that this is the case.

The Hearings Panel has given particular consideration to whether the retail component of Plan Change 53 would undermine the commercial core of the Three Parks Special Zone. Ms Devlin’s evidence discussed the development which has occurred at Three Parks to date and the potential for further development. She noted that Rule 12.26.7.3 of the Operative District Plan provides for 10,000m<sup>2</sup> of retail floor space as a permitted activity (subject to resource consent for the buildings as a controlled activity) at Three Parks. Releasing floor space above the initial 10,000m<sup>2</sup> requires resource consent as a restricted discretionary activity and is subject to a “health check” of the Wanaka Town Centre and a retail needs assessment. Overall the commercial core of Three Parks is capable of accommodating over 30,000m<sup>2</sup> of retail floor space.

Ms Devlin also advised that in mid-2016 the Wanaka Recreation Centre opened at Three Parks and the Hearings Panel understands that a new 3-pool swimming pool complex at the Recreation Centre was to open on 10 June 2018.

Ms Devlin advised us that Foodstuffs has sought resource consent for a 4,353m<sup>2</sup> supermarket at Three Parks being RM 171541; and that resource consent was anticipated on 6 June 2018 (the second day of our hearing). Ms Devlin advised that Foodstuffs intends to start construction on-site in August 2018 with the supermarket opening in 2019. Ms Devlin also referred to the prospect of the BP Service Station relocating from the Wanaka Town Centre to Three Parks; and to talks that are underway with a number of retail operators wishing to acquire land or premises in the commercial core at Three Parks.

The Hearings Panel’s conclusion, having considered the evidence of the economists and Ms Devlin’s evidence with respect to development at Three Parks, is that providing for a small supermarket at Northlake would not undermine the Three Parks Special Zone.

Land at Anderson Heights is included in the Business Zone in terms of the Operative District Plan. The Hearings Panel notes, in the first instance, that there is no reference to Anderson Heights in Policy 2.6. In terms of the Operative District Plan retail activity is

generally provided for as a discretionary activity at Anderson Heights. The Hearings Panel considers that providing for a small supermarket at Northlake will not have an adverse effect on activity in the Business Zone at Anderson Heights.

The Hearings Panel was informed that the decisions version of the Proposed District Plan provides for Anderson Heights to be included in the Business Mixed Use Zone, where retail activity is a permitted activity. The Hearings Panel was also advised that no submissions were lodged in opposition to this change in status of retail activity at Anderson Heights notwithstanding this will result in some 7.8 hectares of land becoming potentially available for retail activity (as a permitted activity). Ms Devlin confirmed that Willowridge Developments Limited had not lodged a submission opposing this aspect of the Proposed District Plan.

Given the relative scale of retail proposed at Northlake (via Plan Change 53) and the extent of the land proposed to be zoned at Anderson Heights where retail activity is to be permitted, the Hearings Panel has concluded that the retail component of Plan Change 53 will not have a significant adverse effect on Anderson Heights.

The Hearings Panel's conclusion is that amending Zone Standard 12.34.4.2viii, to provide for a small supermarket in Activity Area D1 at Northlake, will be consistent with Policy 1.7 and Policy 2.6 of the Operative District Plan.

At the hearing Mr Goldsmith, for the requestor, confirmed that the requestor is agreeable to Zone Standard 12.34.4.2viii(b) specifically providing for a small supermarket on Lot 1006 as identified on a plan attached to Mr Bretherton's evidence. Lot 1006 is located to the south of Northlake Drive, has roads to the east and west and a Local Purpose Reserve (Recreation and Drainage) immediately to the south. Locating the supermarket on Lot 1006 would ensure that this activity is located centrally within the requestors land at Northlake; and that the supermarket would not be located, say, adjacent to Outlet Road.

In his reply Mr Goldsmith raised the possibility that the supermarket could be located on Lot 1005 as an alternative to Lot 1006. Lot 1005 has frontage to Northlake Drive and has been partially developed for community facilities. Again Lot 1005 is not located adjacent to Outlet Road.

The Hearings Panel is satisfied that Zone Standard 12.34.4.2viii(b) should specify that the supermarket is to be located on Lot 1005 or Lot 1006 DP 515015.

The Hearings Panel notes that the retail component of Plan Change 53 promotes that other retail activity be permitted to an area of 1,250m<sup>2</sup>, an increase of 250m<sup>2</sup> over the current 1000m<sup>2</sup> limit in the NSZ. Little evidence was advanced in support of this amendment. In all the circumstances the Hearings Panel considers it appropriate to retain the cap on the amount of retail activity (apart from the small supermarket) at 1,000m<sup>2</sup> gross floor area in Activity Area D1 at Northlake.

As noted above the Hearings Panel has found that amending Zone Standard 12.34.4.2viii is consistent with Policy 1.7 and Policy 2.8. Notwithstanding this the Hearings Panel considers that, as a consequential amendment, it would be advantageous for these policies to specifically refer to the provision of one small supermarket within Activity Area D1. Such an amendment is consistent with the clear intent of the retail component of Plan Change 53 (albeit that this relates to the zone standard only) and reinforces the requestors intention that one small supermarket only be provided for at Northlake. This matter is discussed further in Section 8.7 of this report.

The Hearings Panel has given consideration to the traffic effects of this component of Plan Change 53 and particularly traffic effects on Outlet Road, Mt Linton Avenue and Northburn Road. Mr Carr observed that drivers typically select their routes to minimise their travel

times and that for vehicles approaching from the east, the shortest route will be to use Outlet Road because:

- The operating speed on Outlet Road is faster than on either Mt Linton Avenue or Northburn Road due to reduced potential to encounter drivers turning to/from driveways;
- There are fewer intersections to negotiate if travelling on Outlet Road;
- The distance is slightly shorter via Outlet Road (being approximately 200 metres shorter).

Mr Carr also noted that while each potential route for vehicles approaching from the west (Northburn Road, Mt Linton Avenue and Outlet Road) are approximately the same; it is likely that the Outlet Road route will be favoured as it remains the quicker for the reasons listed above. As a consequence Mr Carr did not consider that any measures to dissuade drivers from using Northburn Road and Mt Linton Avenue need to be implemented, but rather he considered that clear signposting of the Outlet Road route will be sufficient. It is anticipated that such signage will refer to a “Village Centre” or similar.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that those submissions which have requested that the entire plan change be rejected, be accepted in part.

### Hearings Panel’s Recommendations

1. That the submission by Jo & Mark Harry (05.1) be **accepted**.
2. That the submissions by Gary Tate (02.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Willowridge Developments Limited (06.1); and Central Land Holdings Limited (07.1) be **accepted in part**.
3. That the submissions by Willowridge Developments Limited (06.2) and Central Land Holdings Limited (07.2) be **rejected**.
4. That the submissions by Stephen Popperwell (03.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Michael and Eyre McCauley (10.2); Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17); and Allenby Farms Ltd (14.1) be **accepted in part**.

## 8.3 AMEND THE SIGNAGE RULES IN CHAPTER 18

### The Issues and Decisions Requested

Plan Change 53 provides for the amendment of Chapter 18 of the Operative District Plan, which relates to signs, to provide for commercial signage rules to be applied to buildings and activities in Activity Area D1 at Northlake.

The requestor has noted that the operative sign rules apply the residential standards across the whole of the Northlake Special Zone; and do not differentiate Activity Area D1, where commercial buildings up to 10 metres high are anticipated to occur, from the other Activity Areas at Northlake which are essentially residential in character. This component of Plan Change 53 promotes that Activity Table 1 (Commercial Areas) in Part 18 be amended to refer to the “Corner Shopping Centre Zone and Northlake Special Zone – Activity Area D1”; and for Activity Table 2 (Residential Areas) to refer to “Quail Rise, Meadow Park, Northlake (except Activity Area D1) & Shotover Country Special Zones”.

While several submitters have promoted that the entire plan change be rejected; no submissions have specifically challenged this component of Plan Change 53.

### **Discussion & Reasons**

The Hearings Panel acknowledges that Activity Area D1 at Northlake is intended to accommodate retail and other commercial activities as evidenced by Policies 1.7 and 2.6 and by the relevant rules which apply in the Northlake Special Zone. Given the range of activities to be accommodated in Activity Area D1 it is incongruous that residential rather than commercial standards should apply to associated signage. Accordingly the Hearings Panel has concluded that the amendments to Chapter 18, as promoted by the requestor in Plan Change 53, are appropriate.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that those submissions which have requested that the entire plan change be rejected, be accepted in part.

### **Hearings Panel's Recommendations**

1. That the submissions by Stephen Popperwell (03.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Michael and Eyre McCauley (10.2); Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17); and Allenby Farms Ltd (14.1) be **accepted in part**.

## **8.4 DELETE ZONE SUBDIVISION STANDARD 15.2.16.3 ENTITLED "NORTHLAKE SPECIAL ZONE : COMMUNITY FACILITIES"**

### **The Issues and Decisions Requested**

Plan Change 53 proposes that Zone Subdivision Standard 15.2.16.3 as contained in Chapter 15 Subdivision, Development and Financial Contributions be deleted. This Zone Standard is titled "Northlake Special Zone – Community Facilities" and requires that particular "community activities" be provided during the early stages of subdivision of land at Northlake. The requestor has advised that these subdivision stages have occurred and that the facilities have either been provided or alternative facilities approved and completed or under construction.

The requestor also advises that the Council has interpreted Zone Subdivision Standard 15.2.16.3 as applying to all subsequent subdivision activity within the Northlake Special Zone; and as a consequence future subdivisions have status as a non-complying activity. The requestor considers that this outcome is inappropriate and unnecessarily administratively cumbersome.

While several submitters have promoted that the entire plan change be rejected; no submissions have specifically challenged this component of Plan Change 53.

### **Discussion and Reasons**

Zone Subdivision Standard 15.2.16.3(iv)(a) confirms that for the purposes of the rule community facilities that are required means an indoor 20m – 25m lap pool, a fitness/gym facility, a children's play area, and at least one tennis court.

The children's play area and a tennis court are in existence in Activity Area D1. A fitness/gym facility is being provided within the new Health Centre building which was consented under RM 161230 on 5 May 2017. The Commission notes in passing that the buildings consented under RM 161230 were to be located on Lot 1006; and, given the

requestors intention to possibly locate the small supermarket on Lot 1006, the buildings provided for in terms of RM 161230 would under such circumstances need to be located elsewhere within Activity Area D1; probably on Lot 1005 to the north of Northlake Drive.

The request document at Clause 3.3.4 advised that “the Council has recognised that the 25m indoor swimming pool requirement is appropriately substituted by the provision of the Health Care Centre; and that the Council has accepted the provision of a Health Centre as an alternative to the pool”. The Hearings Panel enquired of the requestor whether further documentation is available to confirm that this was the case given that the Council’s decision RM 161230 simply observes that “the applicant states that the proposal fulfils part of the requirement to provide community facilities....”.

Mr Goldsmith tabled an extract from the Council’s decision RM 161292 being the subdivision consent for Stages 4-6 of the Northlake subdivision. That decision observes that the applicant (being Northlake Investments Limited, the requestor) wishes to proceed with the subdivision without providing a 20-25 metre indoor swimming pool facility as the applicant no longer intends to provide a pool facility within the development. That decision acknowledges that a public pool is under development at Three Parks [which was to be opened on 10 June 2018]; and the decision observes that opportunities would still be available for residents to access a covered pool within the wider Wanaka area (at Three Parks). The Council concluded in RM 161292 that any adverse effects associated with additional lots being created without the necessary community facilities were considered to be minor.

The Hearings Panel also acknowledges that Mr Edmonds advised that in his consultation with Council officers it was clearly understood that a pool would not now be provided at Northlake; and Mr Goldsmith submitted that the existing requirement for a pool in Zone Subdivision Standard 15.2.16.3 was inserted at a time when there was uncertainty with respect to the location of a new pool at Wanaka; and that Northlake had proposed to establish such a pool for the wider community in the proposed Northlake Special Zone.

Having regard to the information now available the Hearings Panel is satisfied that the community facilities intended to be provided at Northlake (in terms of Zone Subdivision Standard 15.2.16.3) have been provided; and that it is clearly understood that an indoor 20m – 25m lap pool is no longer to be provided at Northlake.

Given that the community facilities sought through Zone Subdivision Standard 15.2.16.3 (with the exception of the lap pool) have been or are to be provided in the NSZ, the Hearings Panel concurs that the deletion of Zone Subdivision Standard 15.2.16.3 is now appropriate. This component of Plan Change 53 will enhance efficiency as it avoids a situation whereby the subdivision of urban land for urban purposes would otherwise default to a non-complying status.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that those submissions which have requested that the entire plan change be rejected, be accepted in part.

### **Hearings Panel’s Recommendations**

1. That the submissions by Stephen Popperwell (03.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Michael and Eyre McCauley (10.2); Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17); and Allenby Farms Ltd (14.1) be **accepted in part**.



## 8.5 CONSEQUENTIAL CHANGES TO SPECIFIC RULES

### The Issues and Decisions Requested

Plan Change 53 provides for various rule changes to address recommendations made in Mr Baxter's Landscape and Urban Design Assessment (being Attachment B to the Request Document) and in response to requests for information/clarification from Council officers in the process of preparing Plan Change 53 for notification. The consequential changes proposed to the rules are as follows:

- Amend Rule 12.34.2.6i to clarify that fish and meat processing can occur within a food retail premises; and is therefore not a prohibited activity in terms of that rule.
- Amending Rule 12.34.4.1ii(b) to require a setback 7 metres from Outlet Road north of Mt Burke Drive.
- Amending Rule 12.34.3.4.1viii(b) to prevent direct access to Outlet Road.
- Amending Rule 12.34.4.1x(d) to provide for a consistent landscape edge along the western side of Outlet Road.
- Amending Rule 12.34.4.2iv(a) to limit buildings within 40 metres of Outlet Road to the north of Mt Burke Drive to two levels.

The Hearings Panel notes that apart from the amendment to Rule 12.34.2.6i all other amendments relate to Activity Area D1 and are intended to mitigate the effects of development within Activity Area D1 where this replaces Activity Area C2 adjacent to Outlet Road.

The amendment to Rule 12.34.2.6i is subject to a specific submission by Gary Tate (02.2); and the submission by Joe & Mark Harry (05.2) appears to relate specifically to the amendment proposed to Rule 12.34.3.4.1viii(b).

### Discussion & Reasons

The Hearings Panel considers that the amendment proposed to Rule 12.34.2.6i is appropriate. It is common place for fish or meat processing to occur within the context of a retail activity (particularly a small supermarket) or a restaurant; and it would be inappropriate for such activity to have status as a prohibited activity. The Hearings Panel therefore accepts the amendment as proposed by the requestor and considers that the submission by Gary Tate (02.2) should be rejected.

The Hearings Panel also accepts that the other amendments which are proposed in the context of Activity Area D1 for urban design purposes, are appropriate subject to minor amendments. In particular the restriction of access (in terms of Rule 12.34.4.1viii(b)) should relate to any activity (ie residential or non-residential activity) within Activity Area D1, rather than just residential activity; and accordingly the submission by Jo & Mark Harry (05.2) which appears to promote access to the commercial area from Outlet Road should be rejected.

The Hearings Panel notes that the landscape treatment proposed in terms of the new Rule 12.34.4.1x(d)(iv) is consistent with the landscape treatment achieved elsewhere along the Outlet Road frontage. It is also noted in this context that Mr Baxter observed that the post and rail timber fence is to be located on the top of mounding adjacent to Outlet Road; and that space exists within private land between the fence and the legal road boundary. The Hearings Panel anticipates that this area will be subject to management via a covenant or similar to ensure a uniform standard of appearance between the post and rail timber fence and the footpath adjacent to Outlet Road. The Hearings Panel agrees with Ms Skidmore that trees are also an important component of landscape treatment. While the amended rule removes the need to plant trees at regular intervals in Activity Area D1, this does not preclude tree planting here. Street trees are likely and it is noted that the matters for

discretion for buildings in Activity Area D1 include landscaping. As a consequence, in addition to the fence and hedge, a larger commercial building close to the Outlet Road frontage could also involve tree planting between the building and the road, depending upon building design and orientation.

The Hearing Panel's conclusion is that the consequential amendments to various rules, as further amended by the requestor at the hearing and as provided in writing by Mr Edmonds on 29 June 2018, are generally appropriate.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that those submissions which have requested that the entire plan change be rejected, be accepted in part.

### **Hearings Panel's Recommendations**

1. That the submission by Gary Tate (02.2) be **rejected**.
2. That the submission by Jo & Mark Harry (05.2) be **rejected**.
3. That the submissions by Stephen Popperwell (03.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Michael and Eyre McCauley (10.2); Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17); and Allenby Farms Ltd (14.1) be **accepted in part**.

## **8.6 PLAN CHANGE 53 V DISTRICT PLAN PROCESS**

### **The Issues and Decisions Requested**

Michael and Eyre McCauley (10.1) have requested that if Plan Change 53 is allowed it should form part of the district plan and not be by way of a private plan change request.

### **Discussion & Reasons**

The Hearings Panel simply notes that section 73(2) of the Resource Management Act 1991 confirms that any person may request a territorial authority to change a district plan; and that the district plan may be changed in the manner set out in Schedule 1 to the Act.

In this instance Northlake Investments Limited has requested proposed Plan Change 53 and this plan change is progressing through the Schedule 1 process. There is no basis to direct that an amendment be made via the district plan review process rather than via a plan change process.

### **Hearings Panel's Recommendation**

1. That the submission by Michael and Eyre McCauley (10.1) be **rejected**.

## **8.7 MINOR POLICY CHANGES**

### **The Issues and Decisions Requested**

Mr Goldsmith in his reply referred to two minor policy amendments which (either or both) might be considered by the Hearings Panel to be necessary and/or appropriate; such amendments relating to Policy 1.7 and Policy 2.6. These amendments were reproduced at paragraph 79 of Mr Goldsmith's reply as follows:

- “1.7 To provide for small scale neighbourhood retail activities including one small supermarket to serve the needs...”
- “2.6 To enable visitor accommodation, commercial, ~~retail~~ and community activities, ~~and retirement villages~~ and limited small scale retail activities including one small supermarket, within Activity Area D1 ~~including limited areas of small scale neighbourhood retail~~ to service...”

Mr Goldsmith also noted that, depending on the Hearings Panel’s final interpretation of Policies 1.7 and 2.6, the word “including” in the amendments suggested above could be replaced by “plus”.

Mr Edmonds also promoted the inclusion of a new Policy 2.8 that relates to the design and appearance of non-residential buildings. Mr Baxter and Ms Skidmore agreed that such a policy was appropriate.

## Discussion & Reasons

A person who perused Plan Change 53, as notified, will have been aware that the proposed increase in the retail floor area restriction was to enable a small supermarket to be established. This is clearly stated in, for example, Section 1.1 of the Request Document dated November 2017.

The minor policy amendments suggested by the requestor to Policy 1.7 and 2.6 are consistent with the intent of Plan Change 53 (as notified) to provide for a small supermarket at Northlake. The minor policy amendments suggested by the requestor recognise that a small supermarket is to be enabled (consistent with the submission by Jo & Mark Harry (05.1)) and, at least in part, addresses the concern with respect to large scale retail development expressed in the submission by Gary Tate (02.1). In all the circumstances the Hearings Panel has concluded that there is jurisdiction to make these two minor policy amendments as suggested by the requestor.

The Hearings Panel does not consider it appropriate to replace the word “including” with the word “plus” in the two policies. The Hearings Panel has accepted in Section 8.2 of this report (above) that small scale neighbourhood retail activities are deemed to include a small supermarket being the retail component of Plan Change 53; and on this basis the word “plus” would be inappropriate.

The Hearings Panel is satisfied that the relevant assessment matters provide a sufficient basis for assessing any application for a building to accommodate a small supermarket; such building having status as a restricted discretionary activity in terms of Rule 12.34.4.3iv. While this is the case the Hearings Panel also considers that it would be beneficial for a new Policy 2.8 to be inserted which relates to the design and appearance of non-residential buildings in the context of Objective 2 – Urban Design. The new Policy 2.8 complements the relevant assessment matters; and the Hearings Panel is satisfied that such a policy is a consequential amendment with respect to the retail component of Plan Change 53.

## Hearings Panel’s Recommendation

1. That the submission by Jo & Mark Harry (05.1) be **accepted**.
2. That the submission by Gary Tate (02.1) supported by Willowridge Developments Limited (FFS-15) and Central Land Holdings Limited (FS-16) be **accepted in part**.

## 8.8 STORMWATER

### The Issues and Decisions Requested

The submission by Exclusive Developments Limited (11.1) has raised the issue of stormwater discharge into neighbouring properties. Mr Nidd's legal submission (as presented by Ms Brown) addressed this matter further and provided photographs with respect to repeated flooding of the submitter's land.

### Discussion & Reasons

The stormwater effects described in the legal submissions presented on behalf of Exclusive Developments Limited relate to the existing situation at Northlake. The Hearings Panel concurs with Mr Goldsmith that the only stormwater effect arising as a consequence of Plan Change 53 is the extent to which an increase in building density, arising from the expanded Activity Area D1 area, may increase the amount of stormwater required to be managed as a result of an increase in impervious surfaces.

The Infrastructure Report (at Attachment C to the Request Document dated November 2017) confirms that the Northlake development proposes to maintain the runoff characteristics of the existing catchment and that the proposed adjustments to the Activity Areas are not going to result in a change to the stormwater catchments. The Infrastructure Report noted that the development will result in an alteration to the existing runoff flow paths and will result in an increase in peak flow runoff once the development is completed and all dwellings are built due to a slight increase in proposed density. Stormwater design is a matter that can be addressed through the Outline Development Plan process. The proposed approach to stormwater management is deemed to be acceptable by Mr Vail, as confirmed in the review of the Infrastructure Report (Appendix 5 to the section 42A report).

In his reply Mr Goldsmith noted, as he had done during the course of the hearing, that the more intensive development of the expanded Activity Area D1 will be located in a completely different stormwater catchment than that which has caused the issues depicted in the photographs attached to Mr Nidd's submission.

Mr Goldsmith also summarised issues relating to High Court proceedings relating to an Easement Agreement for stormwater to be conveyed across Exclusive Developments Limited land.

The Hearings Panel's conclusion is that the stormwater issue is a matter to be addressed under other existing legislation and rules. No evidence has been presented to the Hearings Panel to demonstrate that Plan Change 53 would have any particular effect in terms of stormwater management on the Exclusive Developments Limited property.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that the submission by Exclusive Developments Limited which has requested that the entire plan change be rejected, be accepted in part.

### Hearings Panel's Recommendation

1. That the submission by Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17) be **accepted in part**.

## 8.9 RECOMMENDED CHANGES TO OBJECTIVES AND POLICIES

### The Issues and Decisions Requested

Mr Barr in his section 42A report recommended that the plan change be accepted with modifications; and in particular he promoted that more prescriptive objectives and policies

be incorporated into the Northlake Special Zone provisions to ensure potential adverse effects of retail activities are appropriately managed.

On 6 June 2018 Mr Barr tabled a set of his recommended provisions at the hearing, such information being provided at the request of the Hearings Panel. Mr Barr recommended the inclusion of a new Objective 7 – Non-Residential Activities and related Policies 7.1-7.4 to replace current Policy 1.7 and (in part) current Policy 2.6; a rewritten Policy 2.6 and new Policies 2.9 and 2.10. For completeness it is noted that Mr Barr also supported a new Policy 2.8 (which is discussed in Section 8.7 of this report).

Mr Barr considered that his recommended amendments to the Northlake Special Zone provisions were within scope for the Hearings Panel to consider as valid changes for the reasons listed in Clause 2.1 of his written notes dated 8 June 2018. Ms Macdonald in her Memorandum dated 13 June 2018 submitted that there was no jurisdiction to introduce Objective 7 and its associated policies; and this submission was supported by Mr Nidd in his further legal submissions dated 19 June 2018.

## Discussion & Reasons

The Hearings Panel received considerable submissions on the issue of jurisdiction from Mr Goldsmith (in his opening), from Ms Macdonald (in her opening and in her further submissions), from Mr Nidd (in his further submissions) and from Mr Goldsmith again in his reply.

It is important to note in the first instance that the deletion of Policy 1.7 and Policy 2.6 and their replacement with a new Objective 7 and associated policies (and other replacement and new policies) were not promoted in Plan Change 53 as notified. These amendments were recommended in Mr Barr's report which was prepared subsequent to the notification of Plan Change 53 and the receipt of submissions and further submissions thereon.

The scope for decisions lies between what was notified and what was sought in submissions. Mr Barr has helpfully provided the Hearings Panel with a Memorandum from Meredith Connell dated 9 August 2016 which was provided to the Hearings Panel responsible for hearing submissions and further submissions on the Proposed District Plan. Paragraph 2 of that Memorandum states:

*“2. In our view, the Panel is not prevented from amending the overlaying objectives and policies where a submitter has only sought amendments to the relevant rule(s) as long as any such amendments do not go beyond what is fairly and reasonably raised in the submission.”*

In this instance the Hearings Panel has concluded that the new Objective 7 and associated policies and the other new and amended policies (apart from Policy 2.8), as recommended by Mr Barr, go beyond what is fairly and reasonably raised in the submissions on Plan Change 53. The Hearings Panel has therefore concluded that there is no jurisdiction to make the recommended changes to objectives and policies, as promoted by Mr Barr.

Notwithstanding the jurisdictional issue addressed above, the Hearings Panel emphasises that it saw no need to amend the objective and policies as recommended. The Hearings Panel is satisfied that Policies 1.7 and 2.6 (as amended at Appendix 3 to this report) and the new Policy 2.8 provide sufficient guidance on the nature and form of retail and other non-residential activities in the NSZ.

As an aside the Hearings Panel has concluded in Section 8.7 of this report (above) that the submissions do provide the basis for minor changes to Policy 1.7 and Policy 2.6 as promoted by the requestor; and that the new Policy 2.8 is acceptable as a consequential amendment.

Mr Barr recommended the changes to objectives and policies to ensure that potential adverse effects of commercial activities are appropriately managed. The Hearings Panel notes that the operative Northlake Special Zone provisions already enable community and commercial buildings within Activity Area D1 without, apart from retail, any limitation on gross floor area. Any such large building has discretionary restricted activity status; and the Council has control, *inter alia*, over the location, external appearance and design of the building and associated earthworks and landscaping. There are also assessment matters to guide the exercise of discretion.

In all the circumstances the Hearings Panel considers that the existing suite of objectives, policies, rules and assessment matters, along with the amended Policies 1.7 and 2.6 and the new Policy 2.8, provide an adequate basis to ensure that retail development, as provided for in Plan Change 53, is appropriately managed.

### **Hearings Panel's Recommendation**

As this matter was simply raised in Mr Barr's section 42A report it not necessary for the Hearings Panel to make a formal recommendation on this matter.

## **8.10 TRADE COMPETITION**

### **The Issues and Decisions Requested**

In his opening for the requestor Mr Goldsmith addressed us on the subject of trade competition. He noted that section 74(3) of the Act states that in preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition. Ms Macdonald also discussed trade competition effects and effects which go beyond trade competition effects in her opening legal submissions for Willowridge Developments Limited and Central Land Holdings Limited.

The Hearings Panel has had to determine whether Plan Change 53 (and particularly the changes proposed to the retail rule) will have actual or potential adverse effects that extend beyond trade competition effects.

### **Discussion & Reasons**

Information provided by Mr Goldsmith has demonstrated that both Willowridge Developments Limited and Northlake Investments Limited are trade competitors as both are in the market for the development and sale of residential lots; and as both are commercial land developers to the extent that commercial development at Northlake (including a small supermarket) may compete with commercial development at Three Parks.

Central Land Holdings Limited owns land described as Lot 1 DP 302791 and Lot 2 DP 302791 at Anderson Heights, such land being occupied by the Mitre 10 and associated parking. Mr Goldsmith presented searches of the Companies Register which confirmed a degree of common ownership between Willowridge Developments Limited and Central Land Holdings Limited.

In his reply Mr Goldsmith also noted that Exclusive Developments Limited is also a trade competitor to Northlake Investments Limited as both Exclusive Developments Limited and Northlake Investments Limited are adjoining and competing large scale residential land developers.

In response to questions from the Hearings Panel Mr Goldsmith confirmed that the requestor was not urging the Panel to disregard or strike out the submissions based on trade competition effects. Rather he was submitting that there was a lack of evidence in

opposition to the retail component of Plan Change 53 which goes beyond trade competition effects.

The Hearings Panel is satisfied that there are effects beyond trade competition effects which have to be considered including effects on the existing retail centres, in particular on the Wanaka Town Centre and the commercial core of the Three Parks Special Zone. These effects have been considered as detailed in Section 8.2 of this report. The Hearings Panel is satisfied that the submissions by Willowridge Developments Limited, Central Land Holdings Limited and Exclusive Developments Limited have raised actual and potential effects beyond trade competition effects and accordingly the Hearings Panel has given due regard to the contents of these submissions in response to Plan Change 53.

### **Hearings Panel's Recommendation**

As the matter of trade competition was raised in legal submissions rather than in the submissions and further submissions in response to Plan Change 53 it is not necessary for the Hearings Panel to make a formal recommendation on this matter.

## **9.0 STATUTORY DOCUMENTS**

### **9.1 Objectives and Policies of the National Policy Statement on Urban Development Capacity**

The National Policy Statement on Urban Development Capacity 2016 (NPSUDC) is the key national policy statement relevant to Plan Change 53.

The Queenstown Lakes District is "high growth urban area" under the NPSUDC; and the NPSUDC applies to the District as a whole, including the Wanaka Urban Area.

The objectives and policies of the NPSUDC are addressed in Mr Barr's section 42A report. Having regard to his analysis the Hearings Panel finds that Plan Change 53 generally accords with the NPSUDC; and that Plan Change 53 will assist the Council in achieving its functions to give effect to this national policy statement. Again the Hearings Panel acknowledges in this context that providing for a small supermarket at Northlake will not undermine the Wanaka Town Centre or the commercial core of the Three Parks Special Zone.

### **9.2 Objectives and Policies of the Otago Regional Policy Statement**

The Otago Regional Policy Statement became operative on 1 October 1998 and is a broad document that sets out a range of high level objectives and policies for activities within Otago. The Regional Policy Statement contains objectives and policies relating to the Built Environment including Objective 9.4.1 which states as follows:

***"9.4.1 To promote the sustainable management of Otago's built environment in order to:***

- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and***
- (b) Provide for amenity values, and***
- (c) Conserve and enhance environmental and landscape quality; and***
- (d) Recognise and protect heritage values."***

The Hearings Panel is satisfied that Plan Change 53 is consistent with Objective 9.4.1 of the Regional Policy Statement and with its supporting policies. The Hearings Panel considers that Plan Change 53, which is primarily concerned with urban zoning and the

alteration of District Plan rules relating thereto, is consistent with the objectives and policies stated in the Regional Policy Statement. The Hearings Panel acknowledges that the relevant provisions of the Otago Regional Policy Statement are presented more comprehensively in Section 6.3 of the Request Document dated November 2017 that accompanied Plan Change 53 at the time of notification.

### **9.3 Objectives and Policies of the Proposed Otago Regional Policy Statement**

The Proposed Regional Policy Statement was notified for public submissions on 23 May 2015 and decisions on submissions were released on 1 October 2016.

Mr Barr noted in his section 42A report that the majority of the provisions of the decisions version have been appealed and that mediation was currently taking place. In these circumstances the Hearings Panel concurs with Mr Barr that limited weight can be placed on the decisions version of the Proposed Regional Policy Statement.

The Hearings Panel acknowledges that the relevant provisions of the decisions version of the Proposed Regional Policy Statement are presented in Section 6.4 of the Request Document dated November 2017 that accompanied Plan Change 53 at the time of notification.

The Hearings Panel concurs with the requestor that Plan Change 53 is not inconsistent with the relevant objectives and policies of the decisions version of the Proposed Regional Policy Statement.

### **9.4 Objectives and Policies of the Queenstown Lakes District Plan**

The Queenstown Lakes District Plan became fully operative on 10 December 2009.

Section 4 of the Queenstown Lakes District Plan contains higher order objectives and policies that apply throughout the District. The Hearings Panel considers that the objectives and policies stated in Section 4.9 Urban Growth are of particular relevance to Plan Change 53. The relevant objectives and policies state as follows:

#### **“4.9.3 Objectives and Policies**

##### **Objective 1 – Natural Environment and Landscape Values**

***Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.***

##### ***Policies***

- 1.1 *To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.*
- 1.2 *To ensure growth does not adversely affect the life supporting capacity of soils unless the need for this protection is clearly outweighed by the protection of other natural or physical resources or important amenity values.”*

##### **“Objective 2 – Existing Urban Areas and Communities**

***Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well being.***



**Policies:**

- 2.1 *To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships.*
- 2.2 *To cluster growth of visitor accommodation in certain locations so as to preserve other areas for residential development.*
- 2.3 *To protect the living environments of existing low-density residential areas by limiting higher density development opportunities within these areas.”*

**“Objective 3 – Residential Growth**

***Provision for residential growth sufficient to meet the District’s needs.***

**Policies:**

- 3.1 *To enable urban consolidation to occur where appropriate.*
- 3.2 *To encourage new urban development, particularly residential and commercial development, in a form, character and scale which provides for higher density living environments and is imaginative in terms of urban design and provides for an integration of different activities, e.g. residential, schools, shopping.*
- 3.3 *To provide for high density residential development in appropriate areas.*
- 3.4 *To provide for lower density residential development in appropriate areas and to ensure that controls generally maintain and enhance existing residential character in those areas.”*

**“Objective 4 – Business Activity and Growth**

***A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.***

**Policies:**

- 4.1 *To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.*
- 4.2 *To promote and enhance a network of compact commercial centres which are easily accessible to, and meet the regular needs of, the surrounding residential environments.*
- 4.3 *To recognise and promote the established commercial character of the Commercial Precinct which contributes to its ability to undertake commercial, health care and community activities without adversely affecting the character and amenity of the surrounding environment.”*

**“Objective 7 – Sustainable Management of Development**

***The scale and distribution of urban development is effectively managed.***

**Policies:**

- 7.1 *To enable urban development to be maintained in a way and at a rate that meets the identified needs of the community at the same time as maintaining the life supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects on the environment.*

- 7.2 *To provide for the majority of urban development to be concentrated at the two urban centres of Queenstown and Wanaka.*
- 7.3 *To enable the use of Urban Growth Boundaries to establish distinct and defensible urban edges in order to maintain a long term distinct division between urban and rural areas.*
- ...”

The Hearings Panel considers that Plan Change 53, as amended in accordance with the Hearing Panel’s recommendations, is consistent with the above objectives and policies. The Hearings Panel notes in this context that the Northlake Special Zone is already provided for in Section 12 of the Operative District Plan; and that the amendments to the NSZ provisions, as provided for in Plan Change 53, are consistent with the District Wide objectives and policies.

The objectives and policies which apply to the Northlake Special Zone are presented in Section 12:34 of the Operative District Plan. The Hearings Panel has discussed the retail component of Plan Change 53 in the context of Objective 1 and Objective 2 and Policies 1.7 and 2.6 in Section 8.2 of this report, above. The Hearings Panel’s conclusion is that amending Zone Standard 12.34.4.2viii, as promoted in Plan Change 53, is consistent with Policy 1.7 and Policy 2.6.

The Hearings Panel’s general conclusion is that Plan Change 53 is consistent with the objectives and policies which apply to the Northlake Special Zone and that Plan Change 53, as amended in terms of the Hearings Panel’s recommendations, better achieves the objectives of the Operative District Plan.

The Hearings Panel is satisfied, having regard to their efficiency and effectiveness, that the amendments to the policies and rules, as provided for in Plan Change 53 as amended in terms of the Hearings Panel’s recommendations, are the most appropriate for achieving the relevant District Wide objectives and policies presented in Section 4 of the Operative District Plan and the objectives which relate to the Northlake Special Zone as presented in Part 12.33 of the Operative District Plan.

## **9.5 Objectives and Policies of the Proposed Queenstown Lakes District Plan**

The first stage of the Proposed District Plan was notified in October 2015; and the decisions on submissions version was notified in May 2018. It is important to note at the outset that the NSZ is not zoned in the Proposed District Plan and as a consequence none of the NSZ provisions of the Operative District Plan are amended by the Proposed District Plan.

The Hearings Panel acknowledges that the provisions of the Proposed District Plan may be changed as a consequence of appeals. At the time of the hearing of Plan Change 53 and submissions thereto the decisions version of the Proposed District Plan remained subject to potential appeals; the period for such appeals closing on or about 20 June 2018.

The Hearings Panel notes that the outcomes sought in terms of the objectives and policies of the Proposed District Plan are not significantly different to the corresponding provisions of the Operative District Plan. As a consequence the Hearings Panel considers that there is no need to address the weighting of the objectives and policies of the Proposed District Plan against the corresponding objectives and policies of the Operative District Plan.

Chapter 3 – Strategic Directions of the Proposed District Plan sets out the over-arching strategic directions for the District. Mr Barr’s report presented the relevant objectives and

policies from the decisions version of Chapter 3 of the Proposed District Plan. Policy 3.3.9 and Policy 3.3.10 are of particular relevance to Plan Change 53 and state as follows:

**Policy 3.3.9**

*Support the role township commercial precincts and local shopping centres fulfil in serving local needs by enabling commercial development that is appropriately sized for that purpose.*

**Policy 3.3.10**

*Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton and Three Parks fulfil.*

In terms of Policy 3.3.9 the Hearings Panel has concluded that it is appropriate to provide for a small supermarket in Activity Area D1 at Northlake. Plan Change 53 will enable commercial development that is appropriately sized.

In terms of Policy 3.3.10 the Hearings Panel has concluded that providing for a small supermarket at Northlake will not undermine the Wanaka Town Centre or the Three Parks Special Zone.

The Hearings Panel has concluded that Plan Change 53 is consistent with the relevant objectives and policies of the Proposed District Plan.

## **10.0 SECTION 32 AND SECTION 32AA RMA**

The Hearings Panel acknowledges that an evaluation has previously been undertaken under section 32 of the Resource Management Act 1991 with respect to Plan Change 53, as required by section 32(1) and (2) of the Act and as presented in the Section 32 Assessment as contained in Section 4.0 of the Request Document dated November 2017.

The Hearings Panel also acknowledges that a further evaluation must be undertaken by a local authority before making a decision under clause 29(4) of Schedule 1 (see section 32AA of the Act). The Hearings Panel has undertaken such an evaluation when considering the changes that have been made to the proposal since the original evaluation (as contained in the Request Document) was completed.

Changes have been made in response to matters raised in the section 42A report and to address matters raised by the Hearings Panel with counsel and witnesses at the hearing. These changes have served to refine the provisions of Plan Change 53 and, in particular, to avoid any unintended consequences that would otherwise result from enabling some form of commercial development apart from a small supermarket to take advantage of the increased retail floor space enabled by Plan Change 53.

The Hearings Panel has now evaluated whether, having regard to their efficiency and effectiveness, the policies and rules provided for in Plan Change 53 (as amended in terms of our recommendations) are the most appropriate for achieving the objectives stated in the Operative District Plan. Section 32(4) of the Act requires that such evaluation must take into account –

- (a) The benefits and costs of the effects anticipated from the implementation of the policies or rules; and
- (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies or rules.

The Hearings Panel has assessed each provision to be changed having regard to the contents of the relevant submissions and further submissions and to all of the evidence before us; and having regard to section 32AA(1)(c) which directs that a further evaluation is to be undertaken at a level of detail that corresponds to the scale and significance of the changes to be made. The Hearings Panel has determined which submissions and further submissions should be accepted, accepted in part or rejected. The Hearings Panel's overall finding is that, following evaluation under section 32 and section 32AA, Plan Change 53 as amended in terms of the Hearing Panel's recommendations makes the most appropriate provision for achieving the District Wide objectives specified in Part 4 of the Operative District Plan and the objectives specific to the Northlake Special Zone as specified in Part 12.33 of the Operative District Plan.

The Hearings Panel considers that Plan Change 53, as amended in terms of our recommendations and as presented at **Appendix 3** to this report, best achieves the purpose of the Act.

## 11.0 PART 2 RMA

Part 2 of the Resource Management Act 1991 contains sections 5-8. We refer to them in reverse order.

Section 8 requires us, in exercising our functions on this plan change, to take into account the principles of the Treaty of Waitangi. No issues were raised with us in reports or evidence in relation to section 8.

Section 7 directs that in achieving the purpose of the Act we are to have particular regard to certain matters which include, of relevance here, the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; the maintenance and enhancement of the quality of the environment; and any finite characteristics of natural and physical resources. The Hearings Panel is satisfied that Plan Change 53, as amended in terms of the Hearings Panel's recommendations, will promote efficient use and development of the resources comprising the land subject to Plan Change 53; will serve to maintain and enhance amenity values; and will serve to maintain and enhance the quality of the environment. The Hearings Panel is satisfied that Plan Change 53, as amended, is necessary for enabling the better use and development of this finite land resource. There are no other matters stated in section 7 which are of any particular relevance to Plan Change 53.

Section 6 sets out a number of matters which are declared to be of national importance and directs us to recognise and provide for them. Amendments to the Structure Plan have had the effect of reallocating the eastern portion of Activity Area E1 to Activity Area D1. Activity Area E1 relates to the ONL/ONF that exists at the northern portion of Northlake, adjacent to Lake Wanaka and the Clutha River. Ms Skidmore agreed with the analysis contained in the Baxter Design Group report (Attachment B to the Request Document) that the changes sought will not result in adverse visual effects from outside the property. The Hearings Panel concurs that this is a relatively minor adjustment and notes that the land does not contain any Kanuka or any other features of natural or landscape significance. In all the circumstances the Hearings Panel has concluded that Plan Change 53 will not result in inappropriate subdivision, use and development in terms of section 6(b). There are no other matters of national importance listed in section 6 that are of any particular relevance in this instance.

Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2) the Hearings Panel has reached the view that on balance Plan Change 53, as amended in terms of the Hearings Panel's recommendations, will achieve the purpose of the Act.

## 12.0 OUTCOME

Following our consideration of Plan Change 53 and the submissions and further submissions received thereto we have concluded that submissions and further submissions should be **accepted, accepted in part or rejected** as detailed in Sections 8.1 – 8.8 of this report. The Hearings Panel has formulated its recommendations having regard to the matters to be considered in terms of section 74, the provisions of sections 32 and 32AA, to Part 2 and in particular to the purpose of the Act as set out in section 5 of the RMA. The outcome of our consideration is that we **recommend** that Plan Change 53, as amended in terms of our recommendations, should be incorporated into the Operative Queenstown Lakes District Plan.

The Hearings Panel has presented the provisions of Plan Change 53, as amended by our recommendations, at **Appendix 3** to this report.

This report incorporating our recommendations on Plan Change 53 is dated **6 September 2018**.



**DAVID WHITNEY**  
**CHAIR**

**For the Hearings Panel being Commissioners David Whitney and David Mead and Councillor Scott Stevens**

## APPENDIX 1 - List of Submitters to Plan Change 53

Those original submitters with an 'asterisk' alongside them also made a further submission.

<b>Original submitters</b>
Allenby Farms Limited
Birkby, Karen – WITHDRAWN
Central Land Holdings Limited *
Eastwood, Peter – WITHDRAWN
Exclusive Developments Limited
Ford, Greg – WITHDRAWN
Harry, Jo and Mark
McCauley, Michael and Eyre
Parry, Kim and Gareth – WITHDRAWN
Patrick, John – WITHDRAWN
Popperwell, Stephen
Tate, Gary
Turner, Lindsey and Thompson, Andrew - WITHDRAWN
Willowridge Developments Limited *
<b>Further submitters, where no original submission lodged</b>
Hellebrekers, Robyn & Paul

## APPENDIX 2

### Summary of Submissions and Further Submissions – Plan Change 53

<p><b>Submitter Number:</b> 02</p> <p><b>Contact Name:</b> Gary Tate</p> <p><b>Address:</b> PO Box 352 Wanaka</p>	<p><b>Submitter:</b> Gary Tate</p> <p><b>Email/Contact:</b> gary@latinlink.co.nz</p>
<p><b>Point Number:</b> 02.1</p> <p><b>Position:</b> Oppose.</p> <p><b>Summary of Decision Requested:</b> Reject the rule to increase the maximum floor area of retail activities to 2500m<sup>2</sup>.</p>	<p><b>Supported by FS-15 WDL</b> <b>Supported by FS-16 CLHL</b></p>
<p><b>Point Number:</b> 02.2</p> <p><b>Position:</b> Oppose</p> <p><b>Summary of Decision Requested:</b> Reject the rule enabling the processing of fish and meat processing.</p>	
<p><b>Submitter Number:</b> 03</p> <p><b>Contact Name:</b> Stephen Popperwell</p> <p><b>Address:</b> 701 Aubrey Road Wanaka 9305.</p>	<p><b>Submitter:</b> Stephen Popperwell</p> <p><b>Email/Contact:</b> stevetrish@xtra.co.nz</p>

**Point Number:** 03.1

**Supported by FS-15 WDL**  
**Supported by FS-16 CLHL**

**Position:** Oppose

**Summary of Decision Requested:**

Reject the entire plan change.

**Submitter Number:** 05

**Submitter:** Jo and Mark Harry

**Contact Name:** Jo Harry

**Email/Contact:** joharry@nzcmhn.org.nz

**Address:** Not provided.

**Point Number:** 05.1

**Position:** Support

**Summary of Decision Requested:**

Accept the change for a supermarket at Northlake.

**Point Number:** 05.2

**Position:** Oppose

**Summary of Decision Requested:**

Access to the commercial area is from Outlet Road with clearly marked entry points and methods to slow traffic.

**Submitter Number:** 06

**Submitter:** Willowridge Developments Limited

**Contact Name:** Alison Devlin

**Email/Contact:**  
alison@WILLOWRIDGE.CO.NZ

**Address:** PO Box 170 Dunedin



**Point Number:** 06.1

**Position:** Oppose

**Summary of Decision Requested:**  
Reject the increase of retail floorspace.

**Point Number:** 06.2

**Position:** Oppose

**Summary of Decision Requested:**  
Reject the proposal to enable one retail activity of 1250m<sup>2</sup>

**Submitter Number:** 07

**Submitter:** Central Land Holdings Limited

**Contact Name:** Alison Devlin

**Email/Contact:** Alison Devlin  
<alison@WILLOWRIDGE.CO.NZ>

**Address:** PO Box 170 Dunedin

**Point Number:** 07.1

**Position:** Oppose

**Summary of Decision Requested:**  
Reject the increase of retail floor space.

**Point Number:** 07.2

**Position:** Oppose

**Summary of Decision Requested:**  
Reject the proposal to enable one retail activity of 1250m<sup>2</sup>.

<b>Submitter Number:</b> 10	<b>Submitter:</b> Michael and Eyre McCauley
<b>Contact Name:</b> Michael and Eyre McCauley	<b>Email/Contact:</b> memcc@xtra.co.nz
<b>Address:</b> 29 Mount Linton Ave. Wanaka 9305	
<b>Point Number:</b> 10.1	
<b>Position:</b> Oppose	
<b>Summary of Decision Requested:</b> That if the plan change is allowed it should form part of the District Plan and not by way of private plan change requests.	
<b>Point Number:</b> 10.2	
<b>Position:</b> Oppose	
<b>Summary of Decision Requested:</b> The plan change request is rejected.	

<b>Submitter Number:</b> 11	<b>Submitter:</b> Exclusive Developments Limited
<b>Contact Name:</b> Lee Brown	<b>Email/Contact:</b> hello@hikuwai.com
<b>Address:</b> 444 Aubrey Road Wanaka 9305	
<b>Point Number:</b> 11.1	<b>Supported by FS-15 WDL</b> <b>Supported by FS-16 CLHL</b> <b>Supported by FS-17 Robyn and Paul Hellebrekers</b>
<b>Position:</b> Oppose	
<b>Summary of Decision Requested:</b> The entire plan change is rejected.	

**Submitter Number:** 14

**Submitter:** Allenby Farms Ltd

**Contact Name:** Duncan White

**Email/Contact:** [Duncan.White@ppgroup.co.nz](mailto:Duncan.White@ppgroup.co.nz)

**Address:** PO Box 196 Wanaka

**Point Number:** 14.1

**Position:** Support

**Summary of Decision Requested:**

That the plan change is approved.

## APPENDIX 3 – Recommended Amendments to Operative Queenstown Lakes District Plan

1. Amend Section 12:33 Northlake Special Zone – Issues, Objectives and Policies 12.33.2 Objectives and Policies by amending Policy 1.7 and Policy 2.6 and by inserting a new Policy 2.8 as follows:
  - 1.7 *To provide for small scale neighbourhood retail activities including one small supermarket to serve the needs of the local community within Activity Area D1 and to avoid visitor accommodation, commercial, retail and community activities and retirement villages within Activity Areas other than within Activity Area D1.*
  - 2.6 *To enable visitor accommodation, commercial, ~~retail and~~ community activities and retirement villages and limited small scale retail activities including one small supermarket within Activity Area D1 ~~including limited areas of small scale neighbourhood retail~~ to service some daily needs of the local community, while maintaining compatibility with residential amenity and avoiding retail development of a scale that would undermine the Wanaka Town Centre and the commercial core of the Three Parks Special Zone.*
  - 2.8 *Ensure the design and appearance of non-residential buildings is compatible with the character of the wider neighbourhood and considers variation in form, articulation, colour and texture and landscaping to add variety, moderate visual scale and provide visual interest, especially where facades front streets and public spaces.*
  
2. Amend Section 12.34 Northlake Special Zone – Rules as follows:
  - a. Amend Rule 12.34.2.6i Prohibited Activities as follows:
    - i. **Panelbeating, spray-painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (except if ancillary to any retail activity or restaurant), or any activity requiring an Offensive Trade Licence under the Health Act 1956.**
  - b. Amend Rule 12.34.4.1ii(b) Site Standards – Setback from Roads as follows:
    - (b) The minimum setback from road boundaries of any building within Activity Area D1 shall be 3m, except for that part of Activity Area D1 that adjoins Outlet Road, north of Mt. Burke Drive, where the minimum setback from Outlet Road shall be 7m.
  - c. Amend Rule 12.34.4.1viii Site Standards – Access as follows:
    - (a) Each residential unit shall have legal access to a formed road.
    - (b) Within Activity Area D1 no residential or non-residential activity shall have direct access to Outlet Road.
  - d. Amend Rule 12.34.4.1x(d) Site Standards – Landscaping and Planting as follows:
    - (d) On ~~residential~~ sites adjoining Outlet Road, tree planting within a 3.5 m setback from that road shall achieve 100% coverage.

Note: For the purposes of rule (d) above:

- (i) tree planting' shall consist of species that will be higher than 1.5 at maturity spaced at a maximum of 5m between centres of trees.
  - (ii) planting shall be completed within 12 months of Code of Compliance certification of a building on the site in accordance with the Building Act 2004.
  - (iii) this rule shall not apply to Activity Area A.
  - (iv) This rule shall not apply to Activity Area D1 to the west of Outlet Road where roadside landscaping along Outlet Road shall consist of:
    - a. A 1.1 metre high post and rail fence that shall be located at the top of the batter slope that extends generally parallel to and 6m back from Outlet Road.
    - b. A Grisilinea hedge that shall be planted behind the fence and maintained to a minimum height of 1.5m
- e. Amend Rule 12.34.4.2iv(a) Zone Standards – Building Height as follows:
- (a) Flat sites
 

Where all elevations indicate a ground slope of less than 6 degrees (approximately 1:9.5), then the maximum height for buildings shall be:

    - 8.0m for residential activities within Activity Areas A, B1 – B5, and C2 – C4;
    - 5.5m in Activity Area C1;
    - 10.0m for activities within Activity Area D1 (provided that buildings within 40m of the legal boundary of Outlet Road north of Mt. Burke Drive shall be no more than 2 levels),

...
- f. Amend Rule 12.34.4.2viii Zone Standards – Retail as follows:
- viii Retail**
- (a) No retail activity shall occur within the Northlake Special Zone except in Activity Area D1.
  - (b) No retail activity shall have a gross floor area exceeding 200m<sup>2</sup> except for one activity which may have a maximum gross floor area of 1,250m<sup>2</sup> being limited to a small supermarket on Lot 1005 DP 515015 or Lot 1006 DP 515015.
  - (c) The total amount of retail activity floor area within the Northlake Special Zone (excluding a small supermarket established pursuant to (b)) shall not exceed a gross floor area of 1000m<sup>2</sup>.
- g. Delete the existing Northlake Structure Plan on page 12-383 of the Operative District Plan and insert the Replacement Northlake Structure Plan (attached) instead.
3. Delete from Section 15 Subdivision, Development and Financial Contributions Rule 15.2.16.3 Zone Subdivision Standard – Northlake Special Zone – Community Facilities.
4. Amend Section 18.2 Signs – Rules as follows:
- a. Amend Activity Table 1 – Commercial Areas as follows:
 

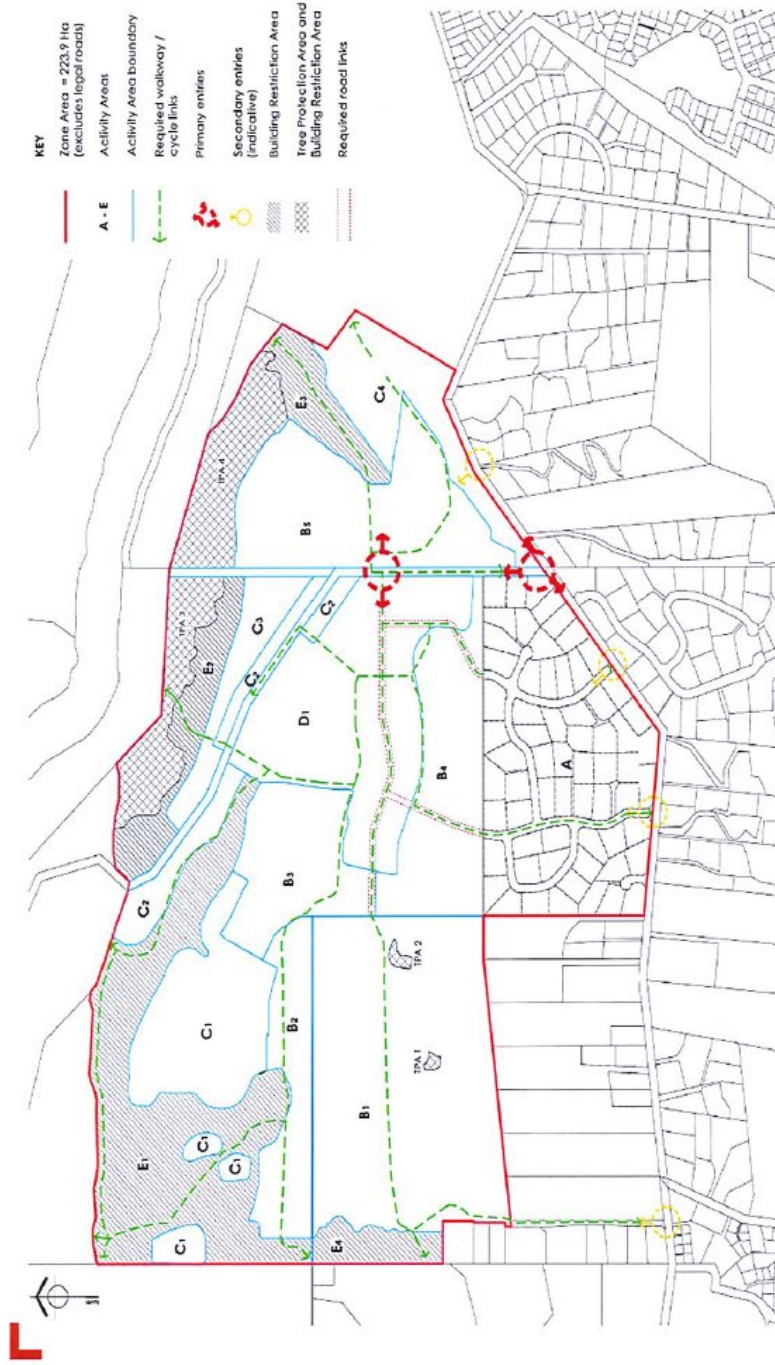
Corner Shopping Centre Zone and Northlake Special Zone – Activity Area D1

b. Amend Activity Table 2 – Residential Areas as follows:

Quail Rise, Meadow Park, Northlake (except Activity Area D1) &  
Shotover Country

Note: For the provisions presented above deletions are struck out and insertions are underlined.

Northlake Structure Plan



REFERENCE: 0734 - 1605 SCALE: 1:8000 A1.A3 - 22 OCTOBER 2017

NORTHLAKE WANAKA  
PROPOSED STRUCTURE PLAN

Replacement Structure Plan

QLDC Council  
25 October 2018

Report for Agenda Item: 12

Department: Finance, Legal & Regulatory

Queenstown Lakes District Council Alcohol Restrictions in Public Places  
Bylaw 2018

**Purpose**

To consider the adoption of the Alcohol Restrictions in Public Places Bylaw 2018<sup>1</sup>, following public consultation and a public hearing.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Accept** the proposal to increase the hours of the current alcohol restrictions in the specified areas e.g. Queenstown CBD from 8.00 pm on any day to 8.00 am the following day;
3. **Accept** the proposal to include alcohol restrictions in the Queenstown CBD from 12.00 am on National Crate Day (or any variation of this event or promotion) of any given year to 12.00 am the following day;
4. **Accept** the title of the bylaw be amended to 'Alcohol Restrictions in Public Places Bylaw 2018', following the hearing panels deliberations;
5. **Adopt** the Alcohol Restrictions in Public Places Bylaw 2018;
6. **Agree** that Council endorses a greater level of collaboration with the Southern District Health Board and NZ Police, to ensure stronger evidence and information is available from them to assist Council's decision making in any future reviews of the bylaw;
7. **Agree** that Council write to Central Government requesting a review of clause 147(b) of the Local Government Act 2002 to allow councils to create more proactive measures to reduce alcohol harm in their communities.

Prepared by: Tara McGivern



Tara McGivern  
Title: Alcohol Licensing  
Inspector  
10/10/2018

Reviewed and Authorised by:



Stewart Burns  
Title: General Manager:  
Finance, Legal & Regulatory  
10/10/2018

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<sup>1</sup> Attachment A



## Background

- 1 On 26 July 2018, Council commenced a special consultative procedure in relation to a review of the Alcohol Ban Bylaw 2014.
- 2 The proposed 'Alcohol Ban Bylaw 2018'<sup>2</sup> and 'Summary of Proposal'<sup>3</sup>, was publicly notified. 41 public submissions were received<sup>4</sup>.
- 3 Three of the 41 public submitters (New Zealand Police, the Southern District Health Board and Ms Rachel Brown on behalf of the Wanaka Alcohol Group) made oral submissions before the Alcohol Ban Bylaw Hearing Panel (hereafter, the 'Panel') at a public hearing<sup>5</sup>.

## Comment

- 4 Following the hearing, the Panel deliberated the written and oral submissions and have made the aforementioned recommendations to Council.
- 5 The Panel highlighted three main topics of discussion, raised in the written and oral submissions;

### Topic 1 - Title of the Bylaw

- 6 The Panel considered the submissions regarding the negative connotations of the word 'ban' in the title of the bylaw and recommends that the title is changed.
- 7 Council officers have considered alternative titles that denote positive connotations and propose that the bylaw is renamed 'Alcohol Restrictions in Public Places Bylaw 2018'.
- 8 New signage and educational promotions reflecting 'Alcohol-Free Zones' instead of 'Alcohol Ban Areas' will also be established.

### Topic 2 - Interpretation of the term 'National Crate Day'

- 9 The Panel recognised that in some submissions there was a misinterpretation of the wording of the proposed bylaw;
- 10 Interpretation (1.4) of the proposed Alcohol Ban Bylaw 2018 reads -

#### ***Specified Period means:***

- (a) *From 8.00 pm on any day to 8.00 am the following day; and*
- (b) *6.00 am on 27 December of any given year to 6.00 am on 6 January the following year; and.*

<sup>2</sup><https://www.qldc.govt.nz/assets/Uploads/Council-Documents/Full-Council-Meetings/2018/26-July-2018/2a.-Alcohol-Ban-Bylaw-2018.pdf>

<sup>3</sup><https://www.qldc.govt.nz/assets/Uploads/Council-Documents/Full-Council-Meetings/2018/26-July-2018/2d.-Statement-of-Proposal.pdf>

<sup>4</sup> Refer to the 'Hearing of submissions on the proposed Queenstown Lakes District Council Alcohol Ban Bylaw 2018' report (attachment C)

<sup>5</sup> Refer to 'Proposed Alcohol Ban Bylaw 2018 Hearing of Submissions' Minutes (attachment D).

- (c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival; and
- (d) 12.00 am on National Crate Day (or any other similar event or promotion) of any given year to 12.00 am on the following day for the public areas in Queenstown defined in Schedule 2; and
- (e) any additional period that may be defined by the Council by resolution from time to time in accordance with clauses 1.6 to 1.8 of this bylaw.

11 The Police and members of the public in some written submissions indicated that they interpret the words '(or any other similar event or promotion)' as a clause that could be utilised to enforce a 'ban' on other event days, such as Christmas Day and St Patricks Day.

12 In the media coverage of the public hearing, Josh Walton's online report for the Otago Daily Times on 15<sup>th</sup> September 2018 stated "The proposed bylaw would also ban events and promotions similar to Crate Day, which Sgt Haggart said could involve extending restrictions to cover Christmas"<sup>6</sup>.

13 The intention of this wording is to capture all variations of National Crate Day only, e.g. if the promoters of Crate Day choose to change the day or title of the event. The clause is *not* intended to be used to restrict alcohol on other event days.

14 Council officers propose that the wording in the bylaw is changed to –

**Specified Period means:**

- (a) From 8.00 pm on any day to 8.00 am the following day; and
- (b) 6.00 am on 27 December of any given year to 6.00 am on 6 January the following year; and.
- (c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival; and
- (d) 12.00 am on National Crate Day (or any variation of this event or promotion) of any given year to 12.00 am on the following day for the public areas in Queenstown defined in Schedule 2; and
- (e) any additional period that may be defined by the Council by resolution from time to time in accordance with clauses 1.6 to 1.8 of this bylaw.

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<sup>6</sup><https://www.odt.co.nz/regions/queenstown/%E2%80%98crate-day%E2%80%99-slammed-hearing>

### Topic 3 - Evidence

15 During the deliberations after the hearing, the Panel discussed whether or not the Crate Day 'ban' area, which is proposed only for the Queenstown CBD, should be district wide. Council Officers advised the Panel of the legislative restrictions which states that evidence is required to justify any resolutions.

16 The Local Government Act 2002 states –

[Section 147B]

Criteria for making resolutions relating to bylaws

*Before making under section 151 a resolution relating to a bylaw under section 147, a territorial authority must be satisfied that—*

*(a) there is evidence that the area to which the bylaw applies (or will apply by virtue of the resolution) has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and*

*(b) the bylaw, as applied by the resolution,—*

*(i) is appropriate and proportionate in the light of the evidence; and*

*(ii) can be justified as a reasonable limitation on people's rights and freedoms.*

17 The harm and disorder on Crate Day submitted by Police and members of the public are specific to the Queenstown CBD. Due to the lack of evidence of issues elsewhere in the district, Council Officers advised that a district wide ban is not appropriate or proportionate.

18 The Police and the Southern District Health Board proposed 24 hour alcohol restrictions. The Panel deliberated this notion but concluded that more evidence is required, in accordance with Section 147B of the Local Government Act 2002, to assist Council in its decision making.

19 The Panel acknowledged that section 147B of the Local Government Act 2002 restricts Council to a 'reactive' approach, rather than a 'proactive' approach in dealing with alcohol related harm and disorder in the community. The Panel recommend Council seek to have this clause reviewed by Central Government.

### **Options**

20 Option 1 Status Quo – decline to adopt the Alcohol Restrictions in Public Places Bylaw 2018.

*Advantages:*

21 The desires of some submitters will be met by maintaining the status quo, allowing them to continue to consume alcohol in public places until 10.00 pm any day and on National Crate Day.

*Disadvantages:*

- 22 There is evidence of an increase in alcohol related harm incidences on National Crate Day. If the bylaw is not adopted, Police will be fewer controls to deal with these matters.
- 23 Option 2 Partial adoption of the Alcohol Restrictions in Public Places Bylaw 2018 – adopt *either*;
- i. Additional alcohol restrictions to include National Crate Day, or;
  - ii. An increase in the hours included in the current alcohol restrictions, from 10.00 pm to 8.00 am the following day to 8.00 pm to 8.00 am the following day.

*Advantages:*

- 16 The advantage of adopting only the Crate Day restrictions is that controls can be used by Police on this day to manage alcohol related harm and disorder associated with this event. However, on any other day, members of the public can continue to consume alcohol in public places until 10.00 pm.
- 17 The advantage of adopting only the cause to increase the hours on any day will mean that on annual event days, such as National Crate Day, Saint Patricks Day and Christmas Day, enforcement measures can take place earlier than in previous years, e.g. from 8.00 pm instead of 10.00 pm.

*Disadvantages:*

- 18 The disadvantage of adopting only the alcohol restrictions on Crate Day and not an increase in hours alcohol is restricted on any day, is that the Police have fewer enforcement tools on any day until 10.00 pm. The Police submit that to have these tools earlier in the day would be beneficial in contributing towards the management of alcohol related harm in the community.
- 19 The disadvantage of adopting the bylaw with only an increase in alcohol restricted hours and not the inclusion of Crate Day, is that the Police will have fewer enforcement tools until 8.00 pm.

20 Option 3 Adopt the Alcohol Restrictions in Public Places Bylaw 2018*Advantages:*

- 21 The bylaw provides Police with additional enforcement tools, thus addressing the issues reported by the community, which include alcohol related harm and disorder on National Crate Day, as well as the issues submitted by Police after 8.00 pm on 'normal' days.

*Disadvantages:*

- 22 Some submitters are not supportive of 24 hours alcohol restrictions on National Crate Day and/or an increase in alcohol restricted hours on any day.

- 23 An increase in Police resources will be required to manage the enforcement of the bylaw on National Crate Day and for an additional two hours on a daily basis.
- 24 This report recommends **Option 3**, which enables appropriate and proportionate alcohol restrictions in public places, in accordance with the Local Government Act 2002.

### **Significance and Engagement**

- 25 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the matter has a low impact on the environment culture and people of the District. There will only be a low number of organisations that will be affected by this policy.

### **Risk**

- 26 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 current policy is required to be reviewed under section 158 of the Local Government Act 2002.
- 27 The review of the current Bylaw mitigates risk by enabling any amendments that will address the issues raised by Police within the community.

### **Financial Implications**

- 28 The costs associated with the review, adoption of the new bylaw and associated replacement signage and notifications will be met from current budgets and resources.

### **Council Policies, Strategies and Bylaws**

- 29 The following Council policies, strategies and bylaws were considered:
- a. Alcohol Ban Bylaw 2014
  - b. Local Government Act 2002
  - c. Bill of Rights Act 1990
  - d. Enforcement and Prosecution Policy
  - e. Finance Policy
  - f. 10 Year Plan
  - g. Significance and Engagement Policy
  - h. QLDC Ten Year Plan (TYP)
- 30 The current Alcohol Ban Bylaw 2014 will be revoked, should the 'Alcohol Restrictions in Public Places Bylaw 2018' be adopted.
- 31 This matter is included in the District's Ten Year Plan to develop an alcohol strategy to reduce alcohol related harm in the community.

## Local Government Act 2002 Purpose Provisions

32 The recommended option:

- Will help meet the current and future needs of communities for good-quality local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing a bylaw that meets the needs of the community;
- 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

33 The persons affected by or interested in this matter are residents and ratepayers of the Queenstown District, tourists, and any other users of the District's public places.

34 The Council publicly consulted using the special consultative procedure on the proposed bylaw.

35 41 public submissions were received, with two of these heard by the Hearing Panel at the public hearing.

## Legal Considerations and Statutory Responsibilities

36 The power to make the proposed bylaw is set out in section 147 of the Local Government Act 2002. In accordance with the Act, the Council can make bylaws to prohibit or control the consumption and possession of alcohol in public places. A ban must be justified as a reasonable limitation on people's rights and freedoms and there must be evidence of a high level of crime or disorder that is caused by alcohol consumption.

## Attachments

- A Alcohol Restrictions in Public Places Bylaw 2018 (clean)
- B Alcohol Restrictions in Public Places Bylaw 2018 (track changes)
- C Agenda for hearing of submissions (includes officer report and full submissions) (*not attached in hard copy*)  
<https://www.qldc.govt.nz/assets/Uploads/Council-Documents/Hearings/Alcohol-Ban-Bylaw-2018/Alcohol-Ban-Bylaw-2018-Agenda-Hearing-of-submissions-14-September-2018.pdf>
- D Minutes of hearing of submissions to the proposed Alcohol Ban Bylaw 2018



## Alcohol Restrictions in Public Places Bylaw 2018

Queenstown Lakes District Council

Date of making: 25<sup>th</sup> October 2018  
Commencement: 30<sup>th</sup> November 2018

This bylaw is adopted pursuant to the Local Government Act 2002 and the Bylaws Act 2010, by Resolution of the Queenstown Lakes District Council on 25<sup>th</sup> October 2018.

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## Part 1 – Preliminary

### Title

- 1.1 This Bylaw shall be the “Alcohol Restrictions in Public Places Bylaw 2018”.

### Commencement

- 1.2 The Bylaw shall come into effect on 30<sup>th</sup> November 2018.

### Purpose

- 1.3 The purpose of this Bylaw is to:
- (a) reduce the potential for alcohol related offensive behaviour and harm, damage, disorder and crime and to promote and improve community health and safety.
  - (b) achieve its objective by putting in place controls and restrictions on the possession, consumption and carriage of alcohol, in some public places within the Queenstown Lakes District.

### Interpretation

- 1.4 For the purposes of this Bylaw, the following definitions shall apply,-

**Act** means the Local Government Act 2002 or any superseding legislation.

**Alcohol** means a substance—

- (a) that—
  - (i) is or contains a fermented, distilled, or spirituous alcohol; and
  - (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or
- (b) that—
  - (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and
  - (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C;  
or
- (c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people

**Council** means the Queenstown Lakes District Council.

**National Crate Day** means the first Saturday of December.

**Offence** means an offence under Section 239A of the Act that is a breach of this bylaw.



**Person** has the same meaning given in the Interpretation Act 1999.

**Public Place** means a place –

- (a) that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
- (b) does not include licensed premises.

**Specified Period** means:

- (a) From 8.00 pm on any day to 8.00 am the following day; and
- (b) 6.00 am on 27 December of any given year to 6.00 am on 6 January the following year; and.
- (c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival; and
- (d) 12.00 am on National Crate Day (or any variation of this event or promotion) of any given year to 12.00 am on the following day for the public areas in Queenstown defined in Schedule 2; and
- (e) any additional period that may be defined by the Council by resolution from time to time in accordance with clauses 1.6 to 1.8 of this bylaw.

**Specified Public Place** means a public place defined or listed in Schedule 1 and such additional place as may be defined by the Council by resolution from time to time in accordance with clauses 1.6 to 1.8 of this bylaw.

**Temporary Alcohol Restriction Zone** means a zone described in a resolution of the Council made under this bylaw in which the prohibitions under clauses 1.5 are temporarily in place in the public places within the zone and during the times, days or dates specified in the resolution.

**Vehicle** means a vehicle as defined in section 2 of the Land Transport Act 1998, but does not include an ambulance, fire engine or police vehicle.

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

1.6 The Interpretation Act 1999 applies to this Bylaw.

## Part 2 –Alcohol restrictions

### Prohibitions

1.7 The following acts are prohibited:

- (a) The consumption of alcohol in any Specified Public Place during any Specified Period;
- (b) The possession of alcohol in any Specified Public Place during any Specified Period;
- (c) The bringing of alcohol into any Specified Public Place during any Specified Period; and
- (d) The consumption and possession of alcohol in a vehicle in any Specified Public Place during any Specified Period.

## Additions to Specified Periods and Specified Public Place by resolution

- 1.8 The Council may from time to time (by resolution adopted following use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional period to be included within the meaning of Specified Period as defined in this bylaw.
- 1.9 The Council may from time to time (by resolution adopted following the use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional zone to be included within the meaning of Specified Public Place as defined in this bylaw.
- 1.10 Every resolution made under clause 1.8. or clause 1.9 above shall be publicly notified at least 14 days before it shall take effect.

## Temporary Alcohol Restriction Zones

- 1.11 The Council may declare a Temporary Alcohol Restriction Zone by resolution which will describe the specific zone and the times, days or date during which the prohibitions imposed under clause 1.7 apply to any public place in that zone;
- 1.12 Before the Council declares a Temporary Alcohol Restriction Zone it will comply with sections 77 – 82 of the Act;
- 1.13 Any resolution made under clause 1.11 shall be publicly notified at least 14 days before it shall take effect.

## Exemptions

- 1.14 The bylaw does not prohibit, in the case of alcohol in an unopened bottle or other unopened container. –
- (a) the transport of that alcohol from premises that adjoin a Specified Public Place during any period when, under the Sale and supply of Alcohol Act 2012 it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the Specified Public Place:
  - (b) the transport of that alcohol from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012.
  - (c) the transport of that alcohol from outside a Specified Public Place to premises that adjoin a Specified Public Place –
    - (i) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
    - (ii) from those premises to a place outside the Specified Public Place by a resident of those premises, provided the alcohol is promptly removed from the Specified Public Place.
- 1.15 This bylaw does not apply to any areas or activities where the sale or consumption of alcohol is authorised by any licence issued under the Sale and Supply of Alcohol Act 2012, including:
- (a) any public place which is part of a licensed premises' outdoor area, where permission to occupy the area has been granted by the Council.

- (b) any public place that is subject to a special licence issued by the Council for the term of that licence;
- (c) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies;
- (d) any event held in a public place at which alcohol is served pursuant to a caterer's licence endorsed pursuant to section 38 of the Sale and Supply of Alcohol Act 2012.

## **Police powers of search in Temporary Alcohol Restriction Zones**

- 1.16 This bylaw authorises members of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in relation to any zone which has been declared a Temporary Alcohol Restriction Zone by resolution of the Council under clauses 1.11 to 1.13.
- 1.17 Subject to clause 1.18 below, the powers of search contemplated under clause 1.16 can be exercised by the Police immediately and without further notice.
- 1.18 Clause 1.16 only applies if the resolution declaring a Temporary Alcohol Restriction Zone provides that clause 1.16 of this bylaw will apply.

## **Part 3 – General Provisions**

### **Offence**

- 1.19 Every person who breaches this bylaw commits an offence.
- 1.20 Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

### **Signage**

- 1.21 Where it is practicable and reasonable to do so, the Council will erect signage within public places covered by this bylaw to provide information to the public about the restrictions imposed under the bylaw. The size, location and terms of the signage will be at the Council's discretion.
- 1.22 To avoid doubt, the absence of signage in any public place does not authorise a breach of this bylaw.

### **Dispensing Powers**

- 1.23 The Chief Executive of the Council may waive compliance with any provision of this bylaw in any case where the Chief Executive is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community.
- 1.24 The Chief Executive may in his discretion impose conditions of any such waiver granted under clause 1.23.

### **Revocations**

- 1.25 The Queenstown Lakes District Council Alcohol Ban Bylaw 2014 is revoked.

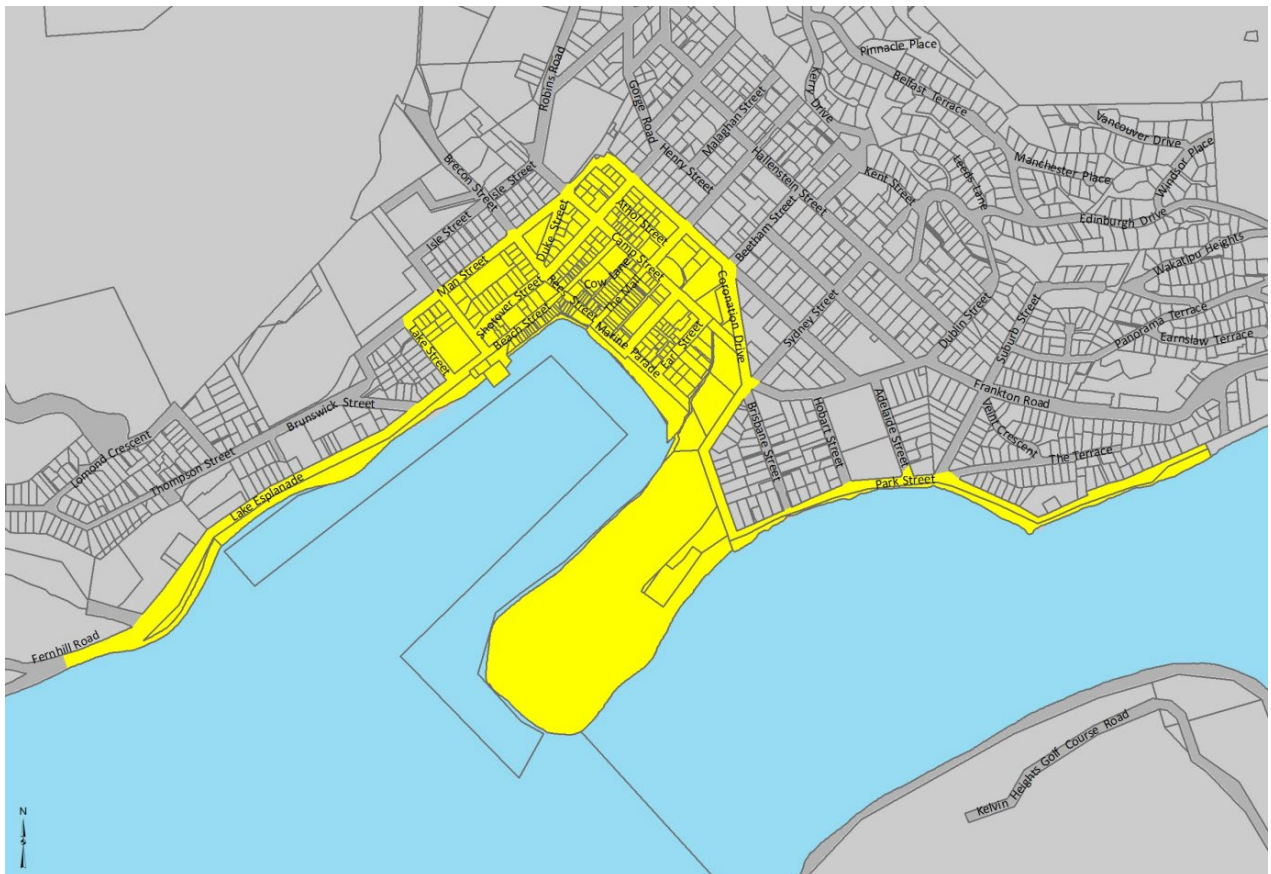
## Schedule 1 - Specified Public Places

The zones identified below are those zones which have been classified as Specified Public Places in relation to which the prohibited acts as defined in clause 1.7 of this bylaw apply during any Specified Period.

**(i) Queenstown**

- (i) The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following street and road reserves:

Lake Esplanade  
 Lake Street  
 Man Street  
 Memorial Street  
 Stanley Street  
 Coronation Drive  
 Park Street to the Lake Wakatipu foreshore area directly adjacent to the Queenstown Gardens



(2) **Frankton**

- (i) The whole of the Lake Wakatipu foreshore from the Kawarau Bridge to Frankton Marina, and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

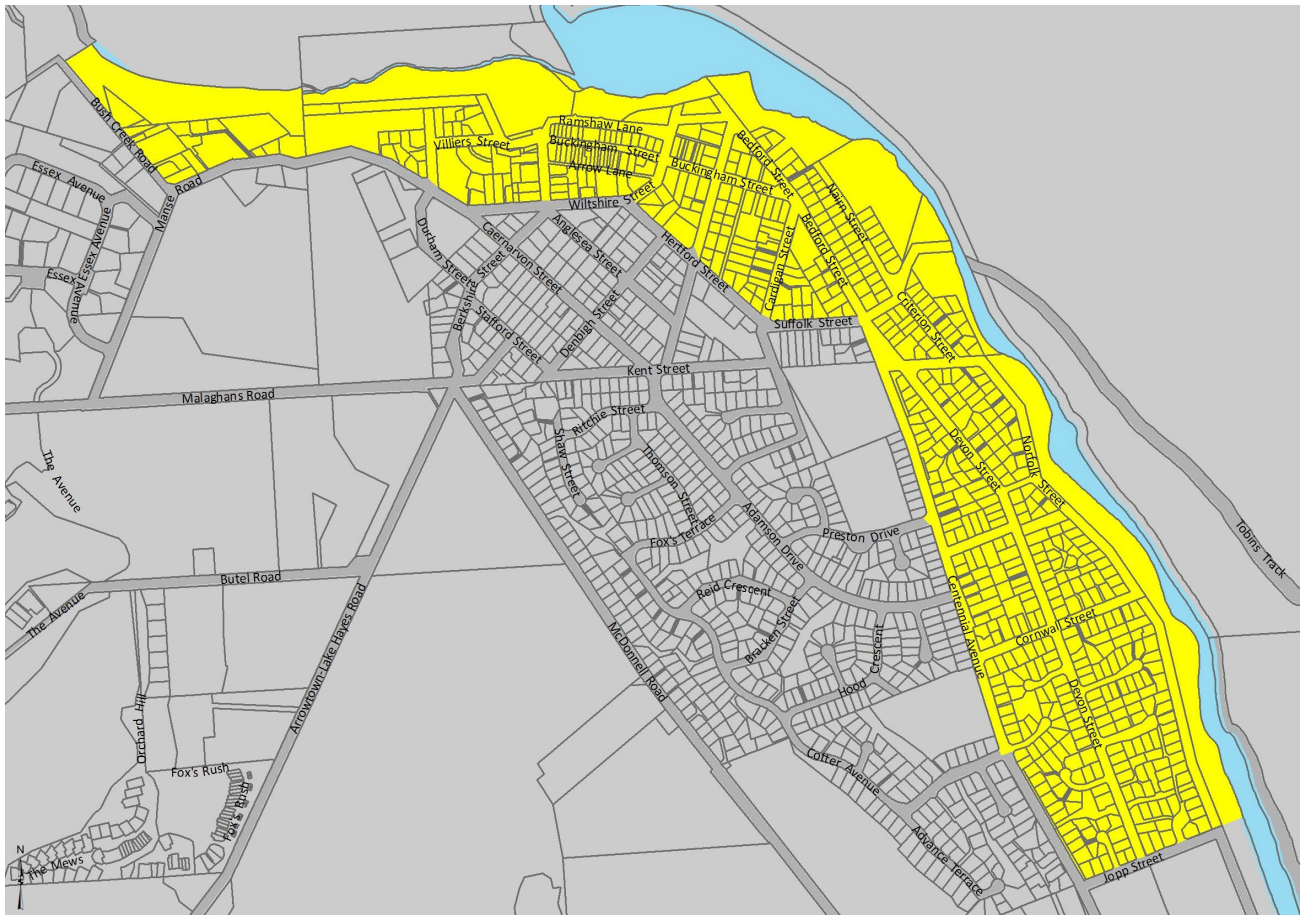
Bridge Street  
 Boyes Crescent  
 McBride Street (from Boyes Crescent to Lake Avenue) Lake Avenue



**(3) Arrows town**

- (i) The north-eastern boundary being formed by the area 50m to the north of Bush Creek river bank, including Bush Creek Reserve, 100m either side of the Arrow River to the point where the Arrow Irrigation Company pipeline crosses the river, 50m to the north of the Arrow River and including Wilcox Green, O’Callaghan Reserve and the Arrow River 150<sup>th</sup> Anniversary walking track to and including the bridge to the south of Jopp Street; and
- (ii) The area from the north –eastern boundary to an outer boundary formed by and including the following streets and road reserves:

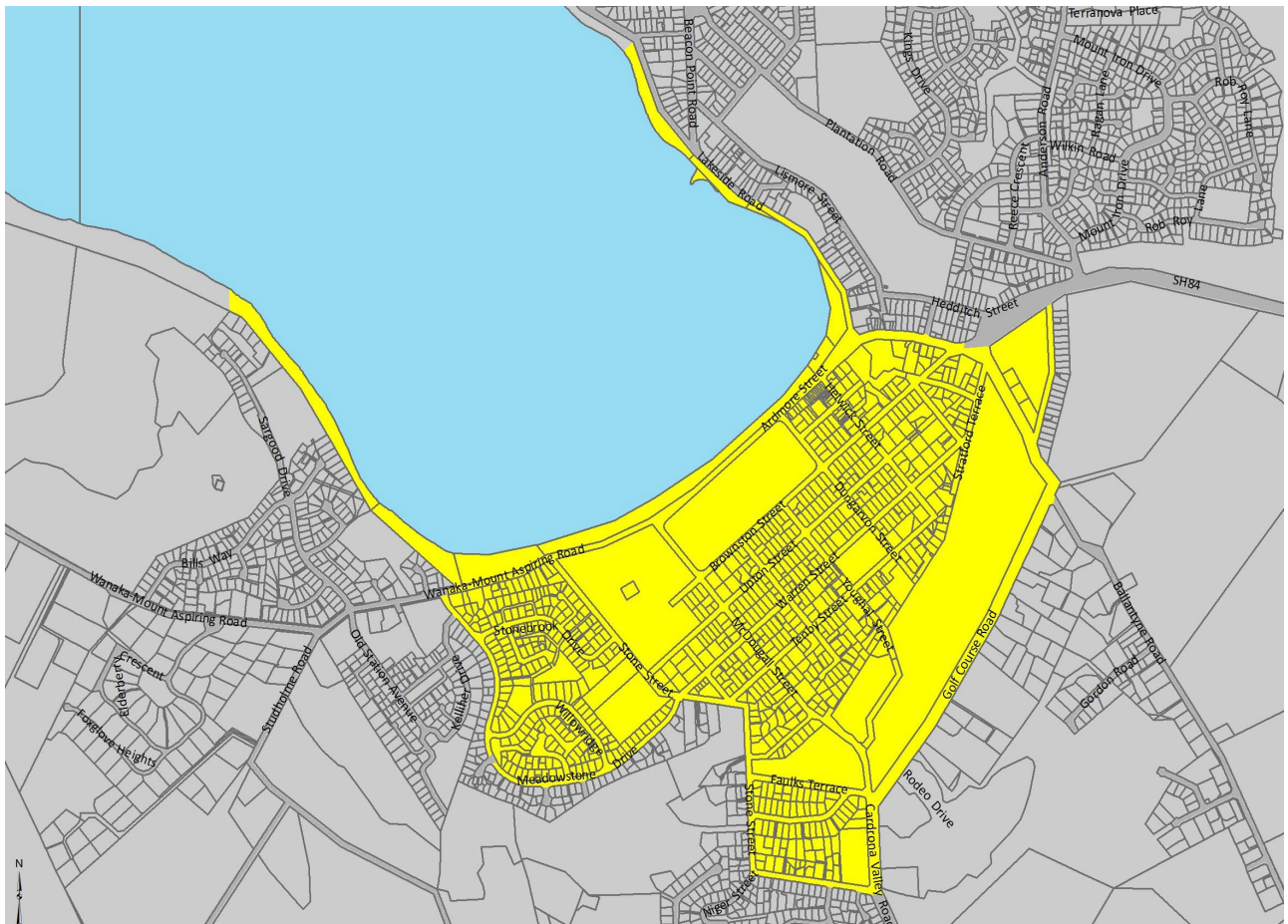
Bush Creek Road  
 Manse Road  
 Caernarvon Street  
 Wiltshire Street  
 Hertford Street  
 Suffolk Street  
 Centennial Avenue  
 Jopp Street



**(4) Wanaka**

- (i) The whole of the Lake Wanaka foreshore area from Sunrise Bay/ Edgewater to Penrith Park; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

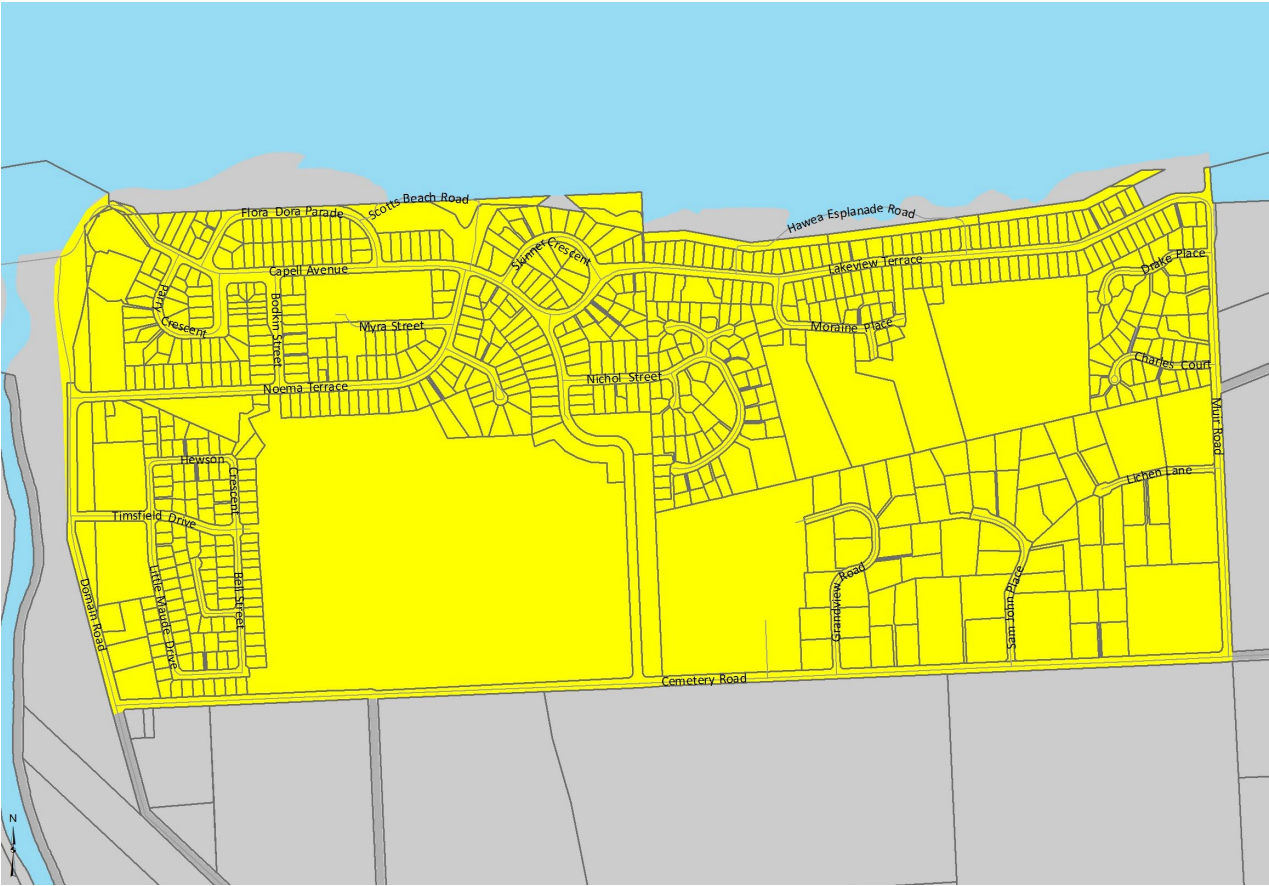
Meadowstone Drive  
 Stone Street  
 Golf Course Road  
 Macpherson Street  
 State Highway 84  
 Ardmore Street



(5) Lake Hawea

- (i) The whole of the Lake Hawea foreshore area from Domain Road to Muir Road; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Muir Road  
 Cemetery road  
 Domain Road



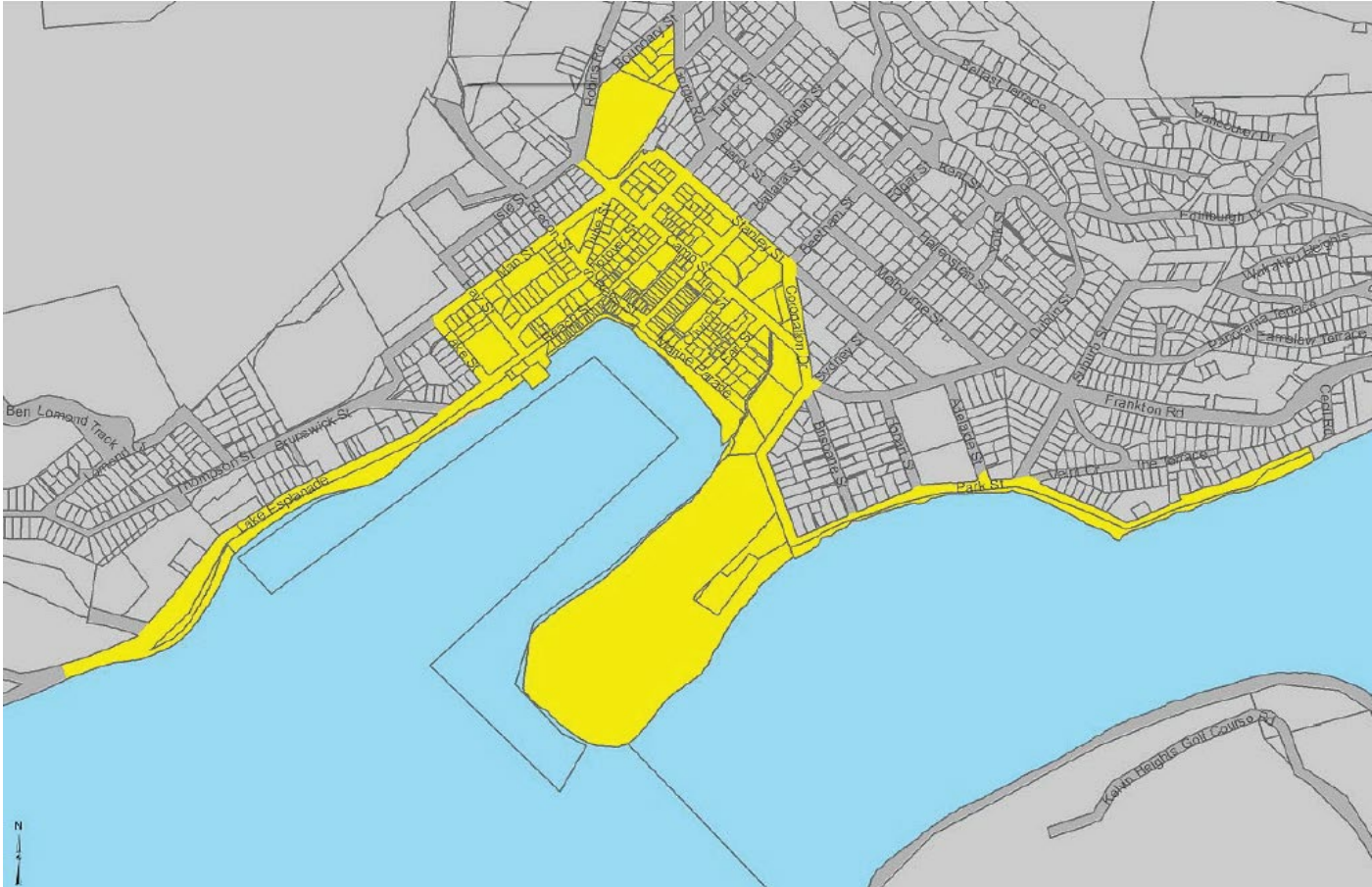


# Schedule 2 - National Crate Day (Or Any Variation of this Event or Promotion) Restriction

**(6) Queenstown**

- (i) The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and
- (ii) The zone from the foreshore to an outer boundary formed by and including the following street and road reserves:

- Lake Esplanade
- Lake Street
- Man Street
- Memorial Street
- Stanley Street
- Coronation Drive
- Park Street to the Lake Wakatipu foreshore area directly adjacent to the Queenstown Gardens
- Boundary Street Carpark





## Alcohol Restrictions in Public Places ~~Ban~~ Bylaw 2018

Queenstown Lakes District Council

Date of making:  
Commencement:

This bylaw is adopted pursuant to the Local Government Act 2002 and the Bylaws Act 2010, by Resolution of the Queenstown Lakes District Council on [REDACTED].

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## Part 1 – Preliminary

### Title

- 1.1 This Bylaw shall be the “~~Queenstown Lakes District Alcohol~~ Restrictions in Public Places ~~Ban~~ Bylaw 2018”.

### Commencement

- 1.2 The Bylaw shall come into effect on [REDACTED].

### Purpose

- 1.3 The purpose of this Bylaw is to:
- (a) reduce the potential for alcohol related offensive behaviour and harm, damage, disorder and crime and to promote and improve community health and safety.
  - (b) achieve its objective by putting in place controls and restrictions on the possession, consumption and carriage of alcohol, in some public places within the Queenstown Lakes District.

### Interpretation

- 1.4 For the purposes of this Bylaw, the following definitions shall apply,-

**Act** means the Local Government Act 2002 or any superseding legislation.

**Alcohol** means a substance—

- (a) that—
  - (i) is or contains a fermented, distilled, or spirituous alcohol; and
  - (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or
- (b) ~~\_\_\_\_\_~~ that—
  - (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; ~~\_\_\_\_\_~~ and
  - (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or
- (c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight ~~\_\_\_\_\_~~ in a form that can be assimilated by people

**Council** means the Queenstown Lakes District Council.

National Crate Day means the first Saturday of December.

**Offence** means an offence under Section 239A of the Act that is a breach of this bylaw.

**Person** has the same meaning given in the Interpretation Act 1999.

**Public Place** means a place –

- (a) that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
- (b) does not include licensed premises.

**Specified Period** -means:

- (a) \_\_\_ From 8.00 pm on any day to 8.00 am the following day; and
- (b) \_\_\_ 6.00 am on 27 December of any given year to 6.00 am on 6 January the following year; and.
- (c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival; and
- (d) 12.00 am on National Crate Day (or any other similar variation of this event or promotion) of any given year to 12.00 am on the following day for the public areas in Queenstown defined in Schedule 1; and
- (e) any additional period that may be defined by the Council by resolution from time to time in accordance with clauses 1.6 to 1.8 of this bylaw.

**Specified Public Place** means a public place defined or listed in Schedule 1 and such additional place as may be defined by the Council by resolution from time to time in accordance with clauses 1.6 to 1.8 of this bylaw.

**Temporary Alcohol ~~Ban~~ Restriction Area-Zone** means a ~~zone~~ area described in a resolution of the Council made under this bylaw in which the prohibitions under clauses 1.5 are temporarily in place in the public places within the area-zone and during the times, days or dates specified in the resolution.

**Vehicle** means a vehicle as defined in section 2 of the Land Transport Act 1998, but does not include an ambulance, fire engine or police vehicle.

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

1.6 The Interpretation Act 1999 applies to this Bylaw.

## Part 2 – Alcohol ~~bans~~ restrictions

### Prohibitions

1.7 The following acts are prohibited:

- (a) The consumption of alcohol in any Specified Public Place during any Specified Period;
- (b) The possession of alcohol in any Specified Public Place during any Specified Period;
- (c) The bringing of alcohol into any Specified Public Place during any Specified Period; and

- (d) The consumption and possession of alcohol in a vehicle in any Specified Public Place during any Specified Period.

## Additions to Specified Periods and Specified Public Place by resolution

- 1.8 The Council may from time to time (by resolution adopted following use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional period to be included within the meaning of Specified Period as defined in this bylaw.
- 1.9 The Council may from time to time (by resolution adopted following the use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional area-zone to be included within the meaning of Specified Public Place as defined in this bylaw.
- 1.10 Every resolution made under clause 1.8. or clause 1.9 above shall be publicly notified at least 14 days before it shall take effect.

## Temporary Alcohol ~~Ban~~ Restriction AreasZones

- 1.11 The Council may declare a Temporary Alcohol ~~Ban~~ Restriction Area-Zone by resolution which will describe the specific area-zone and the times, days or date during which the prohibitions imposed under clause 1.7 apply to any public place in that areazone;
- 1.12 Before the Council declares a Temporary Alcohol ~~Ban~~ Restriction Area-Zone it will comply with sections 77 – 82 of the Act;
- 1.13 Any resolution made under clause 1.11 shall be publicly notified at least 14 days before it shall take effect.

## Exemptions

- 1.14 The bylaw does not prohibit, in the case of alcohol in an unopened bottle or other unopened container. –
- (a) the transport of that alcohol from premises that adjoin a Specified Public Place during any period when, under the Sale and supply of Alcohol Act 2012 it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the Specified Public Place:
- (b) the transport of that alcohol from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012.
- (c) the transport of that alcohol from outside a Specified Public Place to premises that adjoin a Specified Public Place –
- (i) by, or for delivery to, a resident of those premises or by his or her bona fide visitors;  
or
- (ii) from those premises to a place outside the Specified Public Place by a resident of those premises, provided the alcohol is promptly removed from the Specified Public Place.
- 1.15 This bylaw does not apply to any areas or activities where the sale or consumption of alcohol is authorised by any licence issued under the Sale and Supply of Alcohol Act 2012, including:

- (a) any public place which is part of a licensed premises' outdoor area, where permission to occupy the area has been granted by the Council.
- (b) any public place that is subject to a special licence issued by the Council for the term of that licence;
- (c) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies;
- (d) any event held in a public place at which alcohol is served pursuant to a caterer's licence endorsed pursuant to section 38 of the Sale and Supply of Alcohol Act 2012.

## **Police powers of search in Temporary Alcohol ~~Ban~~ Restriction AreasZones**

- 1.16 This bylaw authorises members of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in relation to any area-zone which has been declared a Temporary Alcohol ~~Ban~~ Restriction Area-Zone by resolution of the Council under clauses 1.11 to 1.13.
- 1.17 Subject to clause 1.18 below, the powers of search contemplated under clause 1.16 can be exercised by the Police immediately and without further notice.
- 1.18 Clause 1.16 only applies if the resolution declaring a Temporary Alcohol ~~Ban~~ Restriction Area-Zone provides that clause 1.16 of this bylaw will apply.

## **Part 3 – General Provisions**

### **Offence**

- 1.19 Every person who breaches this bylaw commits an offence.
- 1.20 Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

### **Signage**

- 1.21 Where it is practicable and reasonable to do so, the Council will erect signage within public places covered by this bylaw to provide information to the public about the restrictions imposed under the bylaw. The size, location and terms of the signage will be at the Council's discretion.
- 1.22 To avoid doubt, the absence of signage in any public place does not authorise a breach of this bylaw.

### **Dispensing Powers**

- 1.23 The Chief Executive of the Council may waive compliance with any provision of this bylaw in any case where the Chief Executive is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community.
- 1.24 The Chief Executive may in his discretion impose conditions of any such waiver granted under clause 1.23.

## Revocations

- 1.25 The Queenstown Lakes District Council Alcohol Ban Bylaw 2014 is revoked.

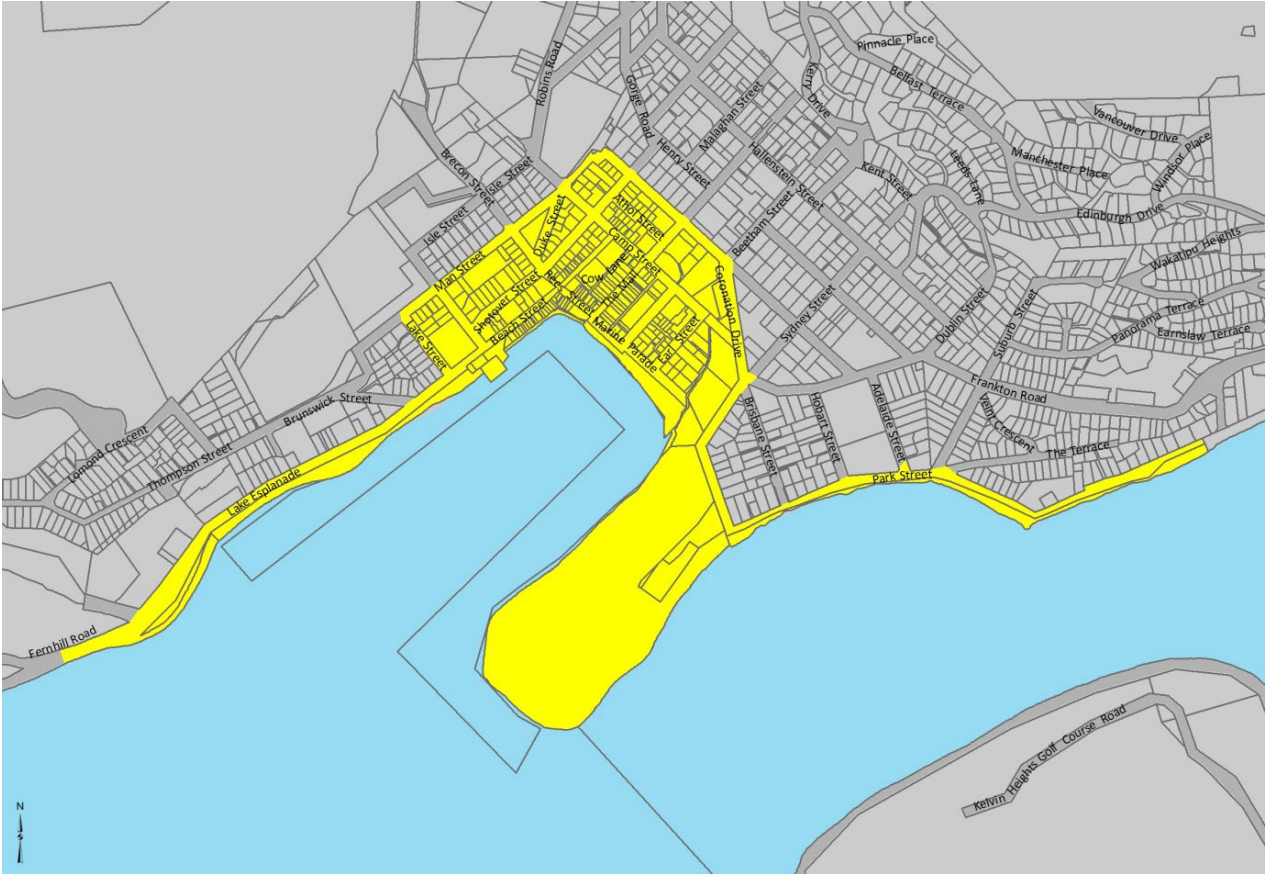
# Schedule 1 - Specified Public Places

The areas-zones identified below are those areas-zones which have been classified as Specified Public Places in relation to which the prohibited acts as defined in clause 1.7 of this bylaw apply during any Specified Period.

(1) **Queenstown**

- (i) The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following street and road reserves:

- Lake Esplanade
- Lake Street
- Man Street
- Memorial Street
- Stanley Street
- Coronation Drive
- Park Street to the Lake Wakatipu foreshore area directly adjacent to the Queenstown Gardens





(2) Frankton

- (i) The whole of the Lake Wakatipu foreshore from the Kawarau Bridge to Frankton Marina, and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

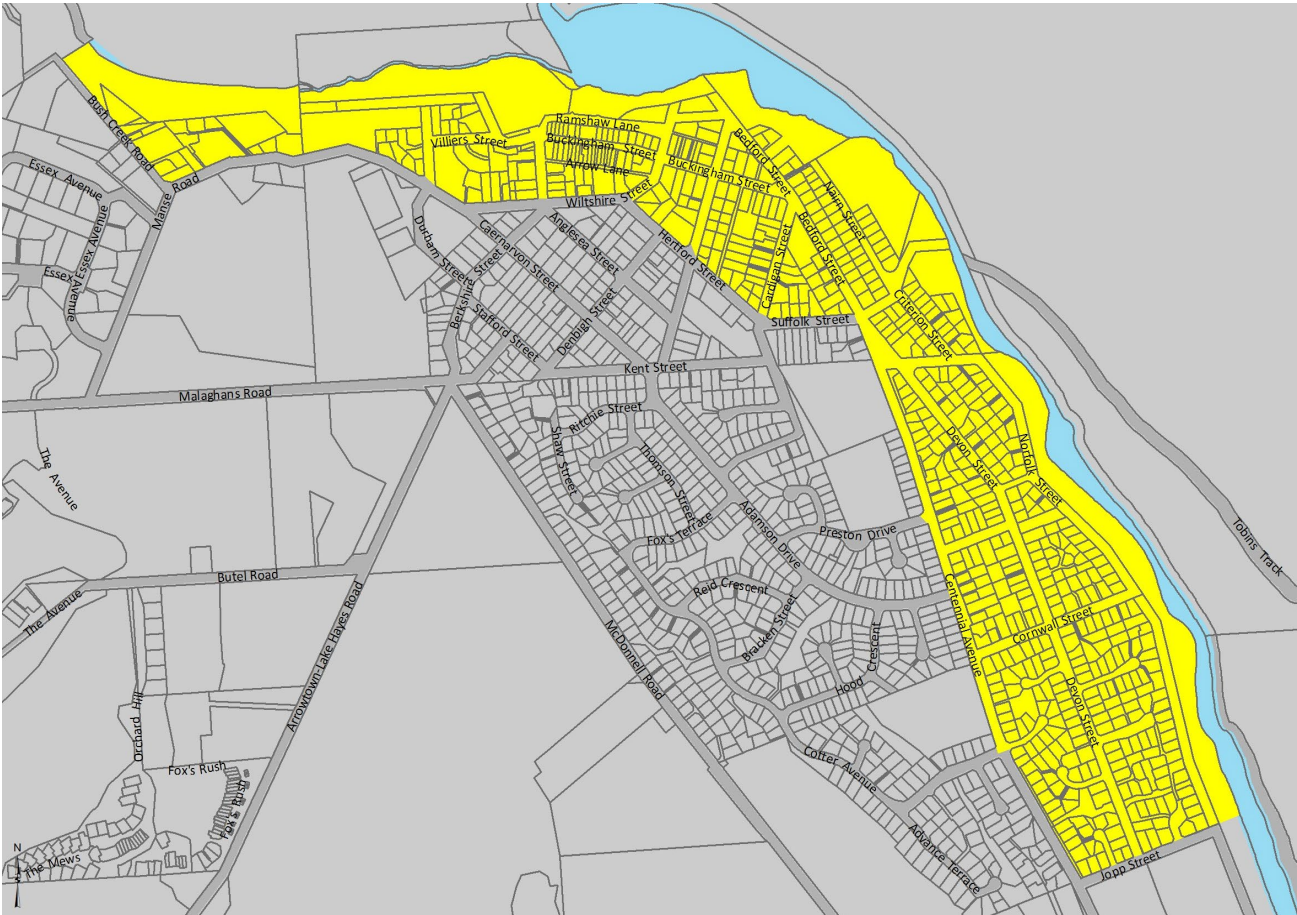
Bridge Street  
 Boyes Crescent  
 McBride Street (from Boyes Crescent to Lake Avenue) Lake Avenue



(3) **Arrowtown**

- (i) The north-eastern boundary being formed by the area 50m to the north of Bush Creek river bank, including Bush Creek Reserve, 100m either side of the Arrow River to the point where the Arrow Irrigation Company pipeline crosses the river, 50m to the north of the Arrow River and including Wilcox Green, O’Callaghan Reserve and the Arrow River 150<sup>th</sup> Anniversary walking track to and including the bridge to the south of Jopp Street; and
- (ii) The area from the north –eastern boundary to an outer boundary formed by and including the following streets and road reserves:

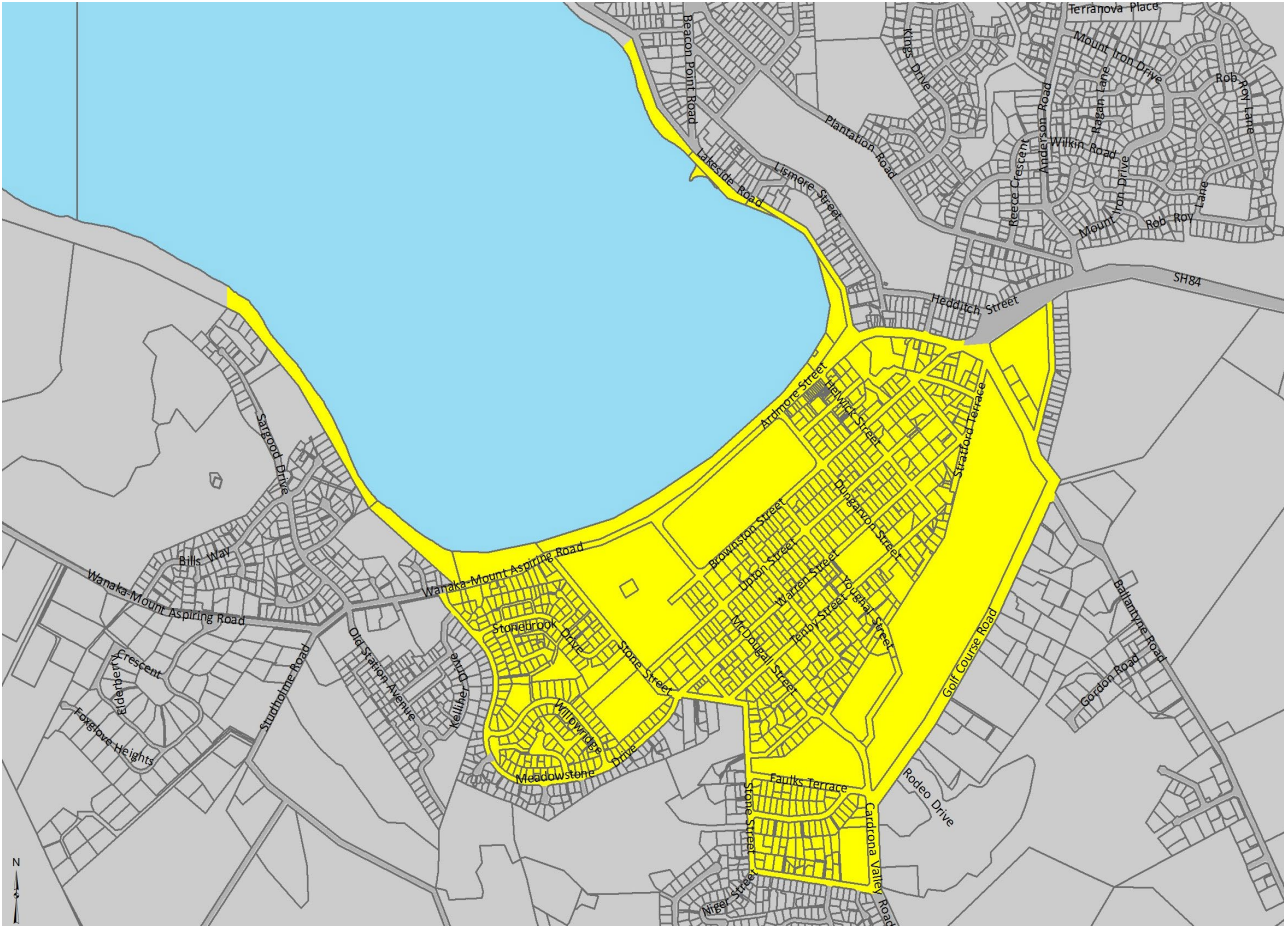
Bush Creek Road  
 Manse Road  
 Caernarvon Street  
 Wiltshire Street  
 Hertford Street  
 Suffolk Street  
 Centennial Avenue  
 Jopp Street



(4) Wanaka

- (i) The whole of the Lake Wanaka foreshore area from Sunrise Bay/ Edgewater to Penrith Park; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

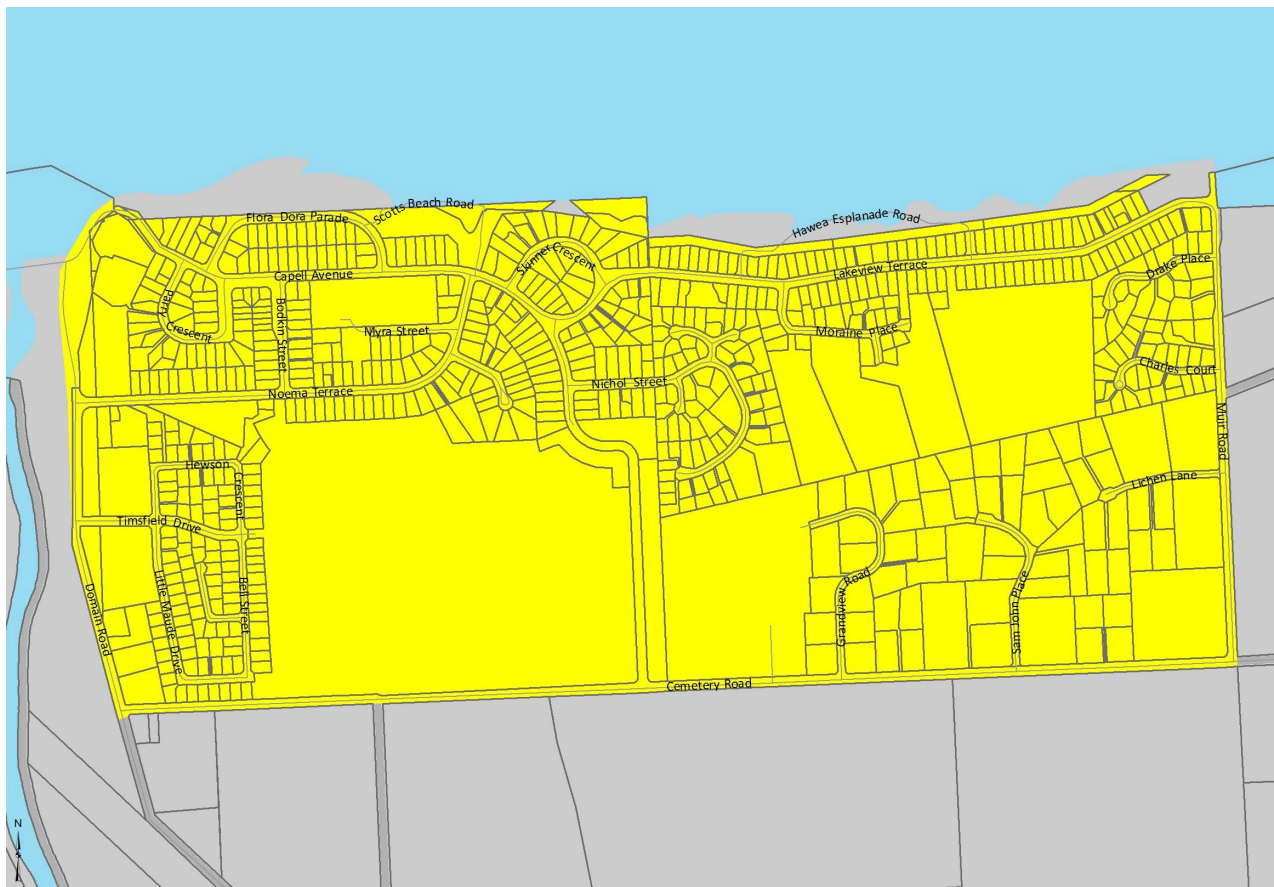
Meadowstone Drive  
 Stone Street  
 Golf Course Road  
 Macpherson Street  
 State Highway 84  
 Ardmore Street



(5)     Lake Hawea

- (i) The whole of the Lake Hawea foreshore area from Domain Road to Muir Road; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Muir Road  
 Cemetery road  
 Domain Road



## **Schedule 2 - National Crate Day (Or Any Other Similar Variation of this Event or Promotion) Ban Restriction**

### **(6) Queenstown**

(i) The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and

(ii) The area zone from the foreshore to an outer boundary formed by and including the following street and road reserves:

Lake Esplanade

Lake Street

Man Street

Memorial Street

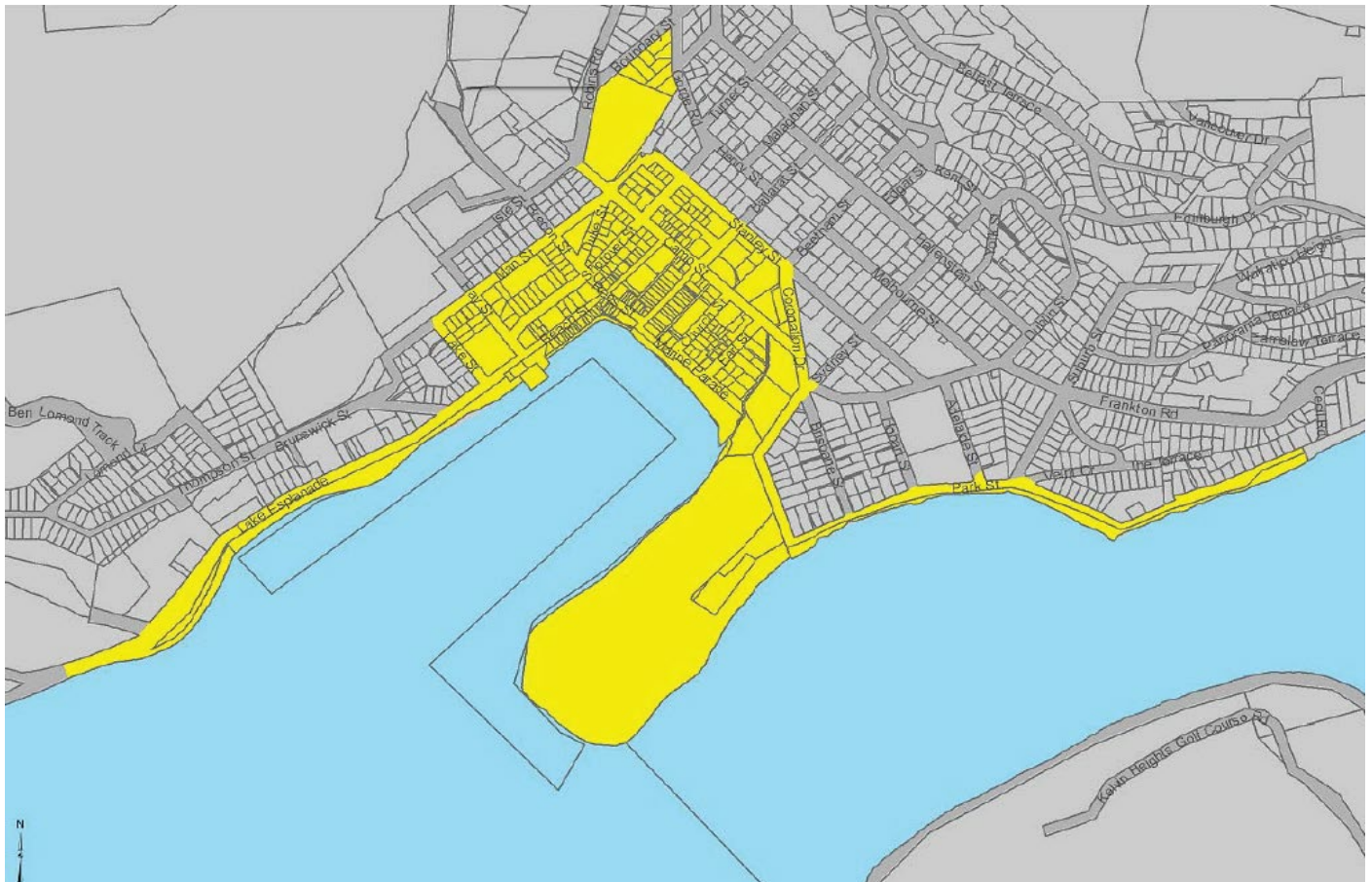
Stanley Street

Coronation Drive

Park Street to the Lake Wakatipu foreshore area directly adjacent to the

Queenstown Gardens

Boundary Street Carpark





**Queenstown Lakes District Council  
Proposed Alcohol Ban Bylaw 12018  
Hearing of Submissions**

Minutes of the hearing of submissions to the proposed Alcohol Ban Bylaw 2018 held on Friday 14 September 2018 in Council Chambers, 10 Gorge Road, Queenstown commencing at 9.30am.

**Present**

Councillors Clark, Hill and McRobie.

**In Attendance**

Mr Lee Webster (Regulatory Manager), Ms Sian Swinney (Team Leader Alcohol Licencing), Ms Tara McGivern (Alcohol Licensing Inspector), Ms Sharon Dinneen (Alcohol Licensing Inspector), Mr Nathan Bates (Alcohol Licensing Inspector), Shelley Dawson (Senior Governance Advisor) and 1 member of the media

**On the motion of Councillors McRobie and Clark it was resolved that  
Councillor Hill chair the hearing.**

The Chair introduced the hearing panel, the two Queenstown speakers and staff. He noted that Ms Rachel Brown from the Wanaka Alcohol Group was joining via skype from Wanaka.

Sergeant Tracy Haggart - NZ Police

Sergeant Haggart explained that the object of the Sale and Supply of Alcohol Act 2012 (SSAA) was to ensure the supply and consumption of alcohol was undertaken safely and responsibly with the harm caused by excessive use minimised. She noted that the bylaw was a key tool for the Police working alongside other agencies to reduce harm. Sergeant Haggart commented that Police supported the increase in hours, supported the existing New Year and Winterfest bans and supported the proposed 24 hour Crate Day ban.

Sergeant Haggart suggested that a 24 hour alcohol free area all year round would be easier to enforce, would cause less confusion and create a safer environment for the public. She noted that outside of the ban hours Police could only intervene once a person was drunk, offensive or aggressive and it was too late at this point. Sergeant Haggart explained that the photos submitted were typical of any night in Queenstown and suggested that the drinking and behaviours had become normalised. She suggested that there needed to be clearer signage at the boundary of the zone and more information given to accommodation providers and liquor stores inside the zone.

Sergeant Haggart gave a briefing of the event in the video on the Esplanade noting the noise, alcohol consumption and offensive behaviour increased as the night wore on. She also talked to the Christmas Day images and video noting that at peak time there were approximately 1000 people on the beach with 600-700 of those drinking.

She highlighted the debris, rubbish, offensive behaviour and intoxicated people as a result of this gathering.

Sergeant Haggart was asked if there was any evidence or information from other districts since they had enforced a 24/7 alcohol ban and she replied that she had not discussed this with the districts. There was discussion whether the crate day ban should cover the district rather than just the Queenstown CBD and Sergeant Haggart commented that the Police would support a wider ban.

There was discussion about displacement from the CBD into other areas if the crate day ban was put in place. Sergeant Haggart commented that at the last event with a CBD ban in place, Police were able to react to and deal with smaller groups as they formed in other areas. There was discussion on alternative names for the bylaw and Sergeant Haggart commented that positive wording such as alcohol free zone was used in other districts.

#### Dr Marion Poore and Ms Stephanie Beckuis-Pay- Southern District Health Board (SDHB)

Dr Poore commented that the SDHB supported the intent of the bylaw to assist in reducing alcohol harm noting that it primarily focussed on reducing disorderly behaviour. She commented that the harmful use of alcohol was a big issue in the district noting the number of alcohol related presentations at Lakes District Hospital in their submission. Dr Poore commented that the proposed bylaw had several specified time periods which made it too complex. She suggested that a 24/7 alcohol free zone would be less confusing and more consistent. Dr Poore noted that alcohol impaired people were alarming to others, impacted on the perception of public safety and did not contribute to a vibrant lively CBD.

Dr Poore proposed that the bylaw be renamed to the Alcohol Free Zone bylaw as it was less intimidating and more positive and inclusive. She noted that people don't like being told what to do so the word 'ban' was not helpful. Dr Poore suggested the need for more creative signage around the zone such as painting on the footpath and commented that the advice needed to be consistent. She noted that the proposed crate day ban was just for the Queenstown CBD and suggested it be extended to the district. Dr Poore suggested there could be more promotion by several agencies around health before the event. She commented that Council should collect basic data to inform the next bylaw review. After questioning she noted that the SDHB figures in her report were collected for the first time this year and they would have more data to compare in 12 months' time.

#### Rachel Brown – Wanaka Alcohol Group (via skype)

Ms Brown explained that they had sent their submission directly to a regulatory email address that had automatically filed it in a junk folder, and it was only discovered the day before the hearing.

Ms Brown explained that the group had formed in 2013 as a response to issues with alcohol in the community. She noted that they had representatives from a wide range of stakeholders in the community and the group had done both research and education work. Ms Brown commented that there was a cultural problem with alcohol

and that the community and council needed to have ongoing conversations about alcohol use and harm. She acknowledged that alcohol was a big part of the local economy and industry. Ms Brown explained that the bylaw was aimed at reducing alcohol harm and suggested Council look at how proactive and preventative it was being. She commented that there needed to be better communication with the licence holders that the bylaw was not targeted at them.

Ms Brown supported changing the name to Alcohol Free Zone or similar and compared it to the Smokefree movement and how Smokefree was now part of NZ culture. She suggested that there could be more alcohol free areas and events. Ms Brown commented that signage and consistency was important and suggested that Council work towards 24/7 alcohol free areas. She supported the conversations around the crate day ban and suggested that it be extended to cover the district.

Ms Brown commented that any alcohol free zone relied on support from the Police for enforcement and support. She noted that there had been issues in the past due to lack of enforcement.

Mr Webster explained that the panel would deliberate and make recommendations to Council. Council officers would present these recommendations in a report to the October Council meeting. He noted that as a courtesy they would provide a copy of the report to submitters.

*The Chair thanked the submitters for their contribution and the Panel moved into deliberations at 10.13am.*

#### Suggestion to rename the bylaw

There was discussion around the naming of the bylaw and the use of the term 'alcohol free zone'. It was agreed that more positive wording should be used to get away from the word 'ban'. **The panel agreed for staff to work on a suggested name to take to Council in the final report.**

#### Proposal to include an alcohol ban on 'Crate Day'

There was discussion around making the crate day restrictions district wide. Mr Webster advised the panel around the legislation to make and amend the bylaw. He explained that there had to be evidence specific to the area that the bylaw would apply to and the problem had to be experienced at a high level. Mr Webster commented that where there was no evidence Council had to be very careful around making the decision to ban as the proposal was effectively restricting peoples' rights. This was why they had proposed that the crate day restriction be for the Queenstown CBD only.

There was discussion around the potential for increased issues in other areas such as Sunshine Bay when crate day was moved out of the CBD. Mr Webster commented that people should be encouraged to complain to Police if there were issues so that there would be evidence going forward to support a change to the bylaw. Mr Webster suggested a recommendation to Council to work with the SDHB



and Police to get more evidence to support Council in a bylaw change. He noted that if Council received information and evidence they could review the bylaw. **The panel agreed with the proposal to include a ban in the Queenstown CBD for crate day.**

#### Proposal to increase the alcohol ban hours

It was noted that the SDHB and Police supported a 24/7 ban and it was explained that the legislation asked for evidence of high levels of crime and alcohol related harm as reasonable justification for the limitation on peoples' freedoms and rights. Staff noted that there was currently no evidence to support a 24/7 ban. Mr Webster commented that the amended LGA put in a higher threshold than previously. Clause 147(b) of the LGA was hindering council from taking proactive measures to reduce alcohol related harm. **Mr Webster suggested a recommendation for Council to central government asking for a review of clause 174(b) and the panel agreed.**

There was clarification that the bylaw did not affect people in the outdoor areas of licensed premises as they were governed by the terms of their individual licences. There was further discussion on the need for evidence and information. **The panel agreed with the proposal to increase the alcohol ban hours from 8.00pm to 8.00am** based on the available evidence and information. Mr Webster commented that there needed to be figures on the number of drinking infringement notices, the resources called into the region to help, the number of alcohol related callouts, the number of people presenting at the hospital with alcohol related injuries and so on and it was currently difficult to get this information from the Police or the SDHB. **Mr Webster suggested a Council recommendation asking for greater collaboration with the SDHB and Police to gather the evidence needed for any future bylaw reviews. The panel agreed noting this should include joint programmes around education and health.**

There was discussion around the lack of enforcement of the current rules. Officers noted there was a recently formed Police alcohol harm reduction squad that could perhaps be more visible on the streets especially during times when the ban came into effect. It was suggested that they could focus on attending large events or be present in the CBD at ban enforcement times.

Mr Webster talked to the submission from the Motor Caravan Association and he noted that alcohol in a vessel inside a motorhome was not a problem and not an issue staff were focussed on.

#### **Recommendations to Council**

The hearing panel recommend that Council:

1. Accept the proposal to increase the hours of the alcohol ban in specified areas e.g. Queenstown CBD to cover from 8.00pm on any day to 8.00am the following day;

2. Accept the proposal to include an alcohol ban in the Queenstown CBD from 12.00am on National Crate Day (or any other similar event or promotion) of any given year to 12.00am the following day;
3. That the title of the bylaw be amended to a name such as “Alcohol Free Zone Bylaw” or similar, to be suggested by officers in their report to Council;
4. That Council endorse greater collaboration with the Southern District Health Board and NZ Police to ensure stronger evidence and information is available from them to assist Council’s decision making in any future reviews of the bylaw; and
5. That Council write to central Government requesting a review of clause 147(b) of the Local Government Act 2002 to allow councils to create more proactive measures to reduce alcohol harm in their communities.

*The panel finished deliberations and closed the meeting at 11.06am.*

**QLDC Council  
25 October 2018**

**Report for Agenda Item: 13**

**Department: Finance & Regulatory**

**Dog Control Policy and Practices Report 2017 - 2018**

**Purpose**

To inform Council on the dog control policy and practices undertaken in the 2017/2018 financial year, in accordance with Section 10A of the Dog Control Act 1996.

**Recommendation**

That Council:

1. **Note** the contents of this report
2. **Adopt** the Dog Control Policy and Practices report 2017/2018, in accordance with Section 10A of the Dog Control Act 1996;
3. **Approve** the publication of the Dog Control Policy and Practices report 2017/2018; and
4. **Direct** Council staff to forward a copy of the Dog Control Policy and Practices report 2017/2018 to the Secretary for Local Government.

Prepared by:



Lee Webster  
Regulatory Manager

9/10/2018

Reviewed and Authorised by:



Stewart Burns  
General Manager; Finance, Legal  
& Regulatory  
10/10/2018

## Background

- 1 The Dog Control Act 1996 (“Act”) requires Council to report on the administration of its dog control practices and dog control policy each financial year.
- 2 The report must include details regarding:
  - The number of registered dogs, probationary owners and disqualified owners in the district;
  - The number of dogs classified menacing or dangerous as a result of their actions, and the number of dogs classified as menacing by the type or breed; and;
  - Infringement notices issued, the type and number of complaints received and prosecutions taken.
- 3 The Act also requires that the report of these activities must be publicly notified in one or more daily newspapers circulating in the district, or one or more newspapers that have at least an equivalent circulation in the district to that of daily newspaper.
- 4 A copy of the report (Attachment A) must also be forwarded to the Secretary for the Local Government within one month after adopting the report.
- 5 The report details the dog control activities undertaken by Queenstown Lakes District Council in the 1 July 2017 – 30 June 2018 financial year.

## Comment

- 6 Council has identified dog control as a primary area of focus within its Enforcement Strategy and Enforcement Action Plan. The specific objective of the Action Plan is to “ensure a safe environment from roaming and aggressive dogs for our community”.

The key areas and figures within the report are:

- a) An increase in the resourcing levels of Animal Control Officers (ACO) has enabled Council to implement a number of initiatives across the district, which include:
  - Working with primary schools to help educate children on how to approach and act around dogs, especially loose dogs in school grounds;
  - Improved educational signage throughout the district regarding dog control matters;
  - Additional dog waste bag dispensers and bins placed in high priority locations;

- Free dog training sessions offered to newly registered dog owners, in collaboration with animal behaviourists; and
  - Additional regular weekend ACO patrols targeting popular walking trails
- b) There was an 8% increase in the number of registered dogs (4485 in 2016-17 to 4836 in 2017/18). This growth has contributed to the overall increase of complaints reported to Council during this financial year.
- c) During 2017/18 ACOs targeted 309 dogs that had no micro-chip numbers as required by the Dog Control Act 1996. Of these, 289 owners provided their dogs' micro-chip numbers when contacted (93%). 20 dog owners failed to comply with the micro-chip requirement and were subsequently issued infringements.
- d) There were four dangerous dogs registered during this year, which remains unchanged from the previous period. While several dogs were newly classified as 'Menacing by Act' the overall number of Menacing dogs has reduced from 23 to 19.
- e) We have one probationary owner in our district, which has not changed from 2016/17.
- f) The overall number of attacks increased from 54 to 73. There have been two serious dog attacks on people – both of these incidents involved courier drivers and occurred on the dogs' own property. There were five attacks on stock in 2017/18.
- g) The number of roaming dogs remains the largest issue for our district; which increased from 548 to 563 incidents.
- h) There was a 19% increase in the number of impounded dogs from 92 to 110.
- i) There was a slight increase in fouling complaints from 9 to 11. One fouling infringement was issued following these complaints. Additional dog waste bins and bag dispensers have been deployed around the district to meet demand, which the proactive work may account for the low numbers of complaints.
- j) There was an increase in the number of complaints regarding barking dogs from 166 to 205. One infringement was issued for failing to comply with a barking dog abatement notice. ACOs continue to provide education to owners of barking dogs along with the free use of barking collars.

Additionally, new products have been purchased to give dog owners an opportunity to try different options. These included an ultrasonic bark collar and an ultrasonic 'bark box' designed for properties housing multiple dogs. ACOs have received positive feedback from customers regarding the new products and they have generally been effective for most dogs.

- k) There has been a significant increase in infringements issued for failure to keep dogs controlled or confined. 24 infringements were issued in the 2017-18 financial year compared to 10 in 2016/17.

There were 110 impounded dogs, of which 70 of these were first time offenders. Education for first time offenders continued to be the priority in 2017/18.

There has been no change to impound fees last financial year, however second and third impounds within a two year period are generally accompanied by an infringement unless unique circumstances apply.

- First impound \$125
- Second impound \$200 + \$200 infringement
- Third impound \$300 + \$200 infringement

7 Option 1 Adopt the Dog Control Policies and Practices Report 2017/2018

*Advantages:*

- 8 Legislative compliance. This enables Council to comply with Section 10A of the Dog Control Act 1996.

*Disadvantages:*

- 9 There is a small cost to publicly notify this report.

10 Option 2 Reject the Dog Control Policies and Practices Report 2017/2018

*Advantages:*

- 11 No cost to publicly notify this report.

*Disadvantages:*

- 12 Council will fail to comply with Section 10A of the Dog Control Act 1996.

- 13 This report recommends Option 1 for addressing the matter, as it is a statutory requirement for Council to adopt and publicly notify its annual dog control policy and practices report.

***Significance and Engagement***

- 14 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because there is a low impact on our environment and culture from the decision of the report.

### **Risk**

- 15 This matter related to the operational risk OR004 – Serious injury to a member of the community, as documented in the Council’s risk register. The risk is classed as moderate. This matter relates to this risk because of the risk from roaming dogs throughout our community.
- 16 The recommended option mitigates the risk by treating the risk – putting measures in place which directly impact the risk, through Councils response to urgent Requests for Service within two hours across the district, conducting routine dog control patrols, enforcing Council’s Dog Policy and education programmes for schools around dogs and safety.

### **Financial Implications**

- 17 The costs associated with publically notifying the adoption of the Dog Control Policy and Practices will be met from current budgets.

### **Council Policies, Strategies and Bylaws**

- 18 The following Council policies, strategies and bylaws were considered:
- Dog Control Policy – This policy provides the principal rules regarding dog control throughout the district;
  - Significance and Engagement Policy – the decision is not significant, as the report is to be noted and does not detail further;
  - Council Enforcement Strategy and Prosecution Policy – This policy outlines Council’s enforcement approach and options available.
- 19 The recommended option is consistent with the principles set out in the named policy/policies.
- 20 This matter is included in the 10-Year Plan/Annual Plan
- Volume 1 – Regulatory functions and services

### **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 raising awareness of the educational and enforcement matters identified;
  - 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**

- 22 The persons who are affected by or interested in this matter are dog owners, visitors, and the wider residents /ratepayers of the Queenstown Lakes District.
- 23 The Council will publicly notify the report, in addition to placing a copy on the Council's website.

**Legal Considerations and Statutory Responsibilities**

Section 10A of the Dog Control Act 1996 requires the Council to adopt a dog control policy and practices report annually. A copy of the report must be sent to the Secretary for Local Government, and must be publicly notified following its adoption.

**Attachments**

- A Dog Control Policy and Practices Report 2017/2018



## Attachment A



## **DOG CONTROL POLICY AND PRACTICES REPORT**

### **2017 – 2018 Financial year**

Section 10A of the Dog Control Act 1996 (“Act”) requires that Council reports on its dog control policies and practices over the financial year.

#### **DOG CONTROL POLICY**

Section 10 of the Act requires Council to develop a policy on dogs, which establishes Council’s philosophy for dog control throughout the district.

The current policy was adopted in December 2014 and establishes Council’s criteria to be followed regarding controlling dogs.

#### **Policy - Key Aspects:**

- The requirement for all dogs classified as menacing to be neutered;
- Dogs must be on a leash in public places except Rural General Zones (unless they are at a cemetery or a playground) or any dog exercise area, (generally, most Council Controlled Tracks and Reserves);
- The expectations for dog owners to maintain owner responsibility during an emergency;
- That any Probationary and Disqualified owners shall be classified for the maximum period, unless they can demonstrate to Council’s satisfaction that the full period is unnecessary;
- The criteria for issuing a multiple dog licence have been clarified;
- Fees for dog registration have been amended to recognise and reward behavior that complies with the Dog Control Act 1996.

#### **MICRO-CHIPPING**

All dogs registered for the first time on or after 1 July 2006 (excluding working dogs) and all dogs classified as dangerous or menacing since 1 December 2003 are required to be micro-chipped.

During 2017-18 Animal Control Officers (ACO) targeted 309 dogs that had no micro-chip numbers as required. Of these 289 owners provided their dogs’ micro-chip number when contacted (93%), with 20 dog owners failing to comply with the micro-chip requirement and were subsequently issued infringements.

The requirement for micro-chips is an on-going matter that the ACO’s will continue to work through as new dogs are registered throughout the year to achieve 100% compliance.

#### **DOG REGISTRATION**

Council registration fees provide a discount to dog owners with positive history for the previous two years, e.g. no impounding of a dog and also for having effective fencing at the property.

There was an increase (8%) in the number of registered dogs over the last year 4485 to 4836, which is consistent with the increasing trend over the previous years.

Council was notified of 313 deceased dogs and 246 were transferred out of Queenstown Lakes District.

Category	2014 - 2015	2015 - 2016	2016 - 2017	2017- 2018
Total number of Registered Dogs	4073	4302	4485	4836
a) Dangerous by owner conviction under s.31(1)(a)	1	2	2	2
b) Dangerous by sworn evidence under s.31(1)(b)	1	2	2	2
c) Dangerous by owner admittance in writing under s.31(1)(c)	1	0	0	0
Total number of Dangerous Dogs	3	4	4	4
a) Menacing under s33A(1)(b)(i) – Behaviour	17	17	15	19
b) Menacing under s33A(1)(b)(ii) - Breed characteristics	7	7	8	0
c) Menacing under s33C(1) - Schedule 4 Breed/Type	2	2	0	0
Total number of Menacing Dogs	26	26	23	19
Total number of Probationary Owners	0	0	1	1
Total number of Disqualified Owners	0	0	0	0

### **DISQUALIFIED AND PROBATIONARY DOG OWNERS**

There is one Probationary owner in the District. This has not changed from 2016/17. There were no Disqualified dog owners in the district within this financial period.

### **MENACING AND DANGEROUS DOGS**

There are four dangerous dogs registered for the 2017-2018 registration period, this is the same as 2016–2017. Four dogs were newly classified as Menacing by Behaviour. These were a result of incidents reported to Council and were comprised of one attack on stock that resulted in the death of a deer and three separate incidents of minor dog attacks on other dogs.

### **DOG CONTROL RESPONSE**

This section describes the number and type of complaints received and the manner in which Council has responded to address the complaints and general issues regarding dogs over the last year.

Dog Control is a priority area of focus within the QLDC Enforcement Strategy 2014. The priorities are:

- To have all dogs that live in the district registered;
- Ensure all dogs are kept under control at all times; and
- Reducing ignorance and apathy of dog owners to their responsibilities.

Category of Complaint	2014 - 2015	2015 - 2016	2016 - 2017	2017- 2018
<b>Public Safety related complaints</b>				
Dog attack on people – minor	13	14	14	34
Dog attack on people –	3	0	0	2
Dog attack on animal – minor	42	34	26	25
Dog attack on animal –	35	11	14	7
Dog attack on stock (worrying stock)	2	5	0	5
Dog rushing	25	33	49	36
Roaming dogs	436	491	548	563
General concern	67	64	32	63
<b>Non-safety Concerns</b>				
Lost dogs	364	319	332	321
Barking	220	172	166	205
Fouling	11	13	9	11
<b>Total complaints</b>	<b>1218</b>	<b>1157</b>	<b>1190</b>	<b>1272</b>

**ATTACKS**

When an attack occurs on a person or animal, the incident can be extremely distressing for all parties and it is imperative that there is a fast response to such matters.

Over the last year there has been an increase of the number of attacks from 54 to 73. However, this is an increase of 26% when proportionally compared to the total number of registered dogs.

**ROAMING DOGS**

The number of roaming dogs still remains the single largest issue. Roaming dogs can frighten, intimidate or annoy others, in addition to attacking other animals and people. We have seen a slight increase in reports from 548 last year to 563 this year. This increase may be due to Animal Control Officers logging the details of dogs collected during proactive patrols.

**LOST DOGS**

There has been a slight decrease from 332 to 321 in the number of lost dogs reported to Council.

**BARKING DOGS**

There was an increase in the number of complaints received from 166 to 205. However, when taking into account the growth in the number of registered dogs this financial year there has been a 15% increase in barking dog complaints proportionally.

Council continues to provide the free use of bark collars to dog owners to use, to assist in addressing this issue. Additional collars were purchased last year to meet the demand. There are now 12 electronic collars available for use in addition to two new ultrasonic products that were purchased to give customers additional options. These included an ultrasonic collar and an outdoor ultrasonic device (or "bark box") designed for properties with multiple dogs. After trialing the new products, Animal Control Officers received positive feedback from customers.

**IMPOUNDINGS**

There was a slight increase (11% proportionally) in the amount of impounded dogs, from 92 to 110 with the majority of impounded dogs being in response to roaming dogs. As the overall number of roaming dog reports has increased it is expected that the number of impounding events would increase in relation to this.

**PROSECUTIONS**

There were no prosecutions in 2017/2018.

**INFRINGEMENTS**

There has been a 56% proportional increase in the number of infringements issued for 2017/18 from 40 to 67. Animal Control Staff have been issuing additional infringements to owners of roaming dogs that have been impounded multiple times, following comments received after reporting to Council last year. This will have contributed to the increase in infringements. A number of failure to micro-chip infringements were issued as previously noted.

Three infringements were issued for failing to comply with bylaws. These relate to fouling dog incidents.

11 infringements were issued in relation to offences of failing to keep dog under control (roaming and dog attacks).

Despite receiving 205 barking dog complaints one infringement was issued for failing to comply with barking dog abatement notice. The majority of barking complaints are resolved as dog owners are cooperative with Animal Control officers and successfully work towards reducing their dogs' barking behavior.

<b>OFFENCE</b>	<b>2014 - 2015</b>	<b>2015 - 2016</b>	<b>2016 - 2017</b>	<b>2017 - 2018</b>
Failure to comply with classification	0	0	0	0
Failure to register dog	25	45	30	19
Failure to advise of address change	0	0	0	0
Failure to keep dog controlled/confined on owner's property	34	26	3	13
Failure to keep dog under control	10	3	7	11
Failure to carry a leash in public	0	0	0	0
Falsely Notifying death of dog	1	0	0	0
Failure to supply owner information	1	0	0	0
Failure to comply with any bylaws authorized by the section	1	1	0	3
Failure to implant microchip transponder in dog	0	0	0	20
Failure to comply with barking dog abatement notice	0	0	0	1
<b>Total</b>	<b>72</b>	<b>75</b>	<b>40</b>	<b>67</b>

QLDC Council  
25 October 2018

## Report for Agenda Item: 14

Department: CEO Office

## Chief Executive's 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 Alteration to Rates Resolution from 6 September 2018  
**Amend** the setting of rates for the Queenstown Lakes District Council for the 2018/19 financial year as per section 23 of the Local Government (Rating) Act 2002 by inserting the rates and charges applicable for rating category "11. Country Dwelling plus Flat" and amending the numbering of "12. Other" and "13. Mixed Use Apportioned." (As per Attachment A)
- 4 Frankton Flats Land Exchange  
**Rescind** the following resolution from the Council meeting held on 25 May 2017 in regard to the Frankton Flats Land Exchange report:  
*4. Approve the land being acquired from Remarkables Park Ltd measuring approximately 370 square metres and situated at the Eastern end of the exchange area, being amalgamated with Council freehold land currently held in Computer Freehold Register 507467, subject to resource consent being granted.*  
And replace it with:  
**Approve** the land being acquired from Remarkables Park Ltd measuring approximately 370 square metres and situated at the Eastern end of the exchange area, being taken for local purpose (access way), pursuant to section 20 of the Public Works Act;
- 5 Road Stopping – Unformed Roads in the vicinity of Morven Ferry Road – Approval Amendment  
**Rescind** the following resolution from the Council meeting held on 8 October 2013 in regard to the Road Stopping - Unformed Roads in the vicinity of Morven Ferry Road report:
  - i) Alignments 'ABC', 'BD' and 'FG' amalgamate with C.F.R. OT82/232 and further to ensure that the residual titles retain legal frontage, C.F.R.s

OT18C/655 and 3324 amalgamate with C.F.R. OT84/82, and C.F.R. 3323 amalgamates with C.F.R. OT82/232.;

**Approve** alignments, 'ZD' and 'FG' amalgamate with C.F.R. OT82/232 and further to ensure that the residual titles retain legal frontage, C.F.R.s OT18C/655 and 3324 amalgamate with C.F.R. OT84/82, and C.F.R. 3323 amalgamates with C.F.R. OT82/232, in conjunction with the updated road closure plan [included as Attachment C]; and

**Approve** applying compensation for the trail easements to the purchase value of the land.

- 6 Community Facility Funding Policy – Appointment of Hearings Panel  
**Appoint** three members of the Community and Services Committee as a panel to hear submissions and make a recommendation to Council on the Community Facility Funding Policy.
- 7 Traffic and Parking Bylaw - Hearings Panel Membership Change  
**Note** that Councillors Clark, Forbes and McRobie will participate in a hearing panel to consider and hear submissions on the draft Traffic and Parking Bylaw 2018 and the Traffic and Parking Bylaw 2018 Statement of Proposal and make recommendations on its final form back to Council.
- 8 Membership of Queenstown Lakes Community Housing Trust  
**Endorse** the appointment of Andrew Blair as a Trustee and Chair of the Queenstown Lakes Community Housing Trust.
- 9 Recommendation from Wanaka Community Board  
**Proposal to vest land in Wanaka as two Local Purpose Reserves and to offset Reserve Improvement Contributions as per the Development Contributions Policy**

**Approve** the vesting of the two proposed Local Purpose reserves:

Orchard Road Holdings Ltd – RM171177

- a. Lot 997 (0.936 hectares): Local Purpose (Stormwater) Reserve, Ballantyne Road.
- b. Lot 998 (2.162 hectares): Local Purpose (Connection) Reserve, Ballantyne Road.

subject to the following works being undertaken at the applicant's expense:

- i. Consent being granted (and subject to any variations to RM171177) for the subdivision required to formally create the reserves and to level out topography (if advised necessary by the Parks & Reserves Planning Manager);
- ii. Presentation of the reserve in accordance with Council's standards for reserves;
- iii. Areas of reserve shall exclude areas of road;
- iv. The submission of a Landscape Plan to Council by the developer for certification as appropriate, including subsequent implementation of landscape and planting for the reserves. The certification of such a plan shall be by the Parks & Reserves Planning Manager;

- v. All areas of mounding shall be mowable, and not have a gradient steeper than 1:5;
- vi. Final locations of all specimen tree planting and the tree planting methodology should be determined on site with the QLDC Arborist Officer prior to planting;
- vii. The formation of sealed pathways within Lot 998 to a minimum 2 metre wide width, and to also meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016). Pathways shall connect Ballantyne Road with Lot 1 DP 477622, and Road 2 via pathway linkages between lots 37/38 and 45/46;
- viii. Confirmation that the pathways on Lot 998 will connect and align with any corresponding pathways proposed in association with the potential Special Housing Area on Lot 1 DP 477622. The Parks & Reserves Planning Manager shall approve the location of such connections;
- ix. A potable water supply point to be provided at the boundary of the reserve lots;
- x. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserves to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;
- xi. The registration of a Consent Notice on any land (being Lots created by RM171177) adjoining the reserves, to ensure any fences on land adjoining, or boundaries along the reserve, shall be 50% visually permeable;
- xii. A three year maintenance period by the current landowner commencing from vesting of the reserves;
- xiii. A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and
- xiv. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

**Agree** that reserve improvement contributions for the Local Purpose (Connection) Reserve (Lot 998) are offset against those payable in accordance with the Development Contributions Policy current at the time of contributions payment, subject to:

- a. Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the Parks & Reserves Planning Manager.
- b. Final approval of reserve improvement costs to be delegated to the Parks & Reserves Planning Manager and is subject to the applicant demonstrating the actual costs of the improvements.
- c. If the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the applicant's expense.

Recommendation from Community and Services Committee

**Proposal to Vest Two Local Purpose Reserves**

**Approve** the vesting of the two proposed Local Purpose Reserves:

Moreteon Investments Ltd – RM170870

- a. Lot 300 (7,250m<sup>2</sup>): Local Purpose (Stormwater) Reserve, Kent St, Kingston.

RCL Henley Downs Ltd - RM180631

- b. Lot 94 (223m<sup>2</sup>): Local Purpose (Utility) Reserve, Jack Hanley Drive, Hanley Farm.

*subject to the following works being undertaken at the applicant's expense:*

- i. Consent being granted (and subject to any variations) for subdivision required to formally create the reserves and to level out topography (if advised necessary by the Parks & Reserves Planning Manager);
- ii. Presentation of the reserve in accordance with Council's standards for reserves;
- iii. Areas of reserve shall exclude areas of road;
- iv. The submission of a Landscape Plan to Council by the developer for certification as appropriate, including subsequent implementation of landscape and planting for the reserves. The certification of such a plan shall be by the Parks & Reserves Planning Manager;
- v. All areas of Lot 94 RM180631 shall be mowable, and not have a gradient steeper than 1:5;
- vi. A potable water supply point to be provided at the boundary of the reserve lots;
- vii. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserves to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between the reserve vested in or administered by the Council, and any adjoining land;
- viii. The registration of a Consent Notice on any land (being Lots created by RM180631) adjoining the Lot 94 RM180631 reserve, to ensure any fences on land adjoining, or boundaries along the reserve, shall be 50% visually permeable and no higher than 1.2 metres;
- ix. A three year maintenance period by the current landowner commencing from vesting of the reserves;
- x. A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and
- xi. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

Prepared by:



Name: Mike Theelen  
Title Chief Executive  
18/10/2018



### **Alteration to Rates Resolution from 6 September 2018**

- 1 The original rates resolution adopted by Council on 6 September, 2018 omitted the rates and charges for the rating category 11. Country Dwelling plus Flat. The attached schedule of rates and charges amends the original resolution by inserting the rates and charges applicable for rating category '11. Country Dwelling plus Flat' and amending the numbering of '12. Other' and '13. Mixed Use Apportioned.' (See **Attachment A**).

### **Frankton Flats Land Exchange**

- 2 Council approved a Frankton Flats exchange with Remarkables Park at the meeting held on 25 May 2017.
- 3 Council officers are progressing the matter and consider that it will be more timely and less costly to progress the acquisition of two small parcels transferring to Council via the Public Works Act, instead of as originally proposed through a resource consenting process.
- 4 It is therefore proposed to rescind resolution 4 of the original approval and to seek approval to take the land under the Public Works Act as Local Purpose (Access way) reserve. The necessary resolutions are detailed above. Maps and plans showing the size and location of the proposed land exchange are attached. (**Attachment B**)

### **Road Stopping – Unformed Roads in the vicinity of Morven Ferry Road – Approval Amendment**

- 5 Council approved a Morven Ferry Road stopping request at a meeting held on 8 October 2013 at which the following resolution was passed:
  - i. **That in accordance with Section 319(h) and Section 342 of the Local Government Act 1974:**
    - a. **The portions of road to be stopped, shown on the attached map [Appendix 1], be considered not to be of any practical use for physical access now or in the future and when stopped will be disposed of in accordance with the requirements of Section 345(1)(a) of the Local Government Act 1974 subject to the following amalgamations:**
      - i) **Alignments 'ABC', 'BD' and 'FG' amalgamate with C.F.R. OT82/232 and further to ensure that the residual titles retain legal frontage, C.F.R.s OT18C/655 and 3324 amalgamate with C.F.R. OT84/82, and C.F.R. 3323 amalgamates with C.F.R. OT82/232.**
      - ii) **Alignment 'EF' and Section 1 to amalgamate with C.F.R. 441856.**
      - iii) **Section 2 to amalgamate with C.F.R. 389550.**
      - iv) **Section 3 to amalgamate with C.F.R. 603350.**

**b. The Council's costs incurred in undertaking the Local Government Act procedures shall be billed and paid on a monthly basis by the applicants with those costs being deducted from the value of the land.**

- 6 Council officers are progressing the final transfer of the stopped parcels of road to adjoining owners, but it has been identified that not all of the road approved to be stopped has been completed, mainly due to a lack of adjoining owner interest by one of the purchasers.
- 7 It is further noted that negotiation of a trail easement offset was discussed with adjoining owners on behalf of the Council, but was not specifically provided for in the resolution. The proposed compensation equates to a total value of \$30,610+GST (if any), decreasing 3 of the 4 transfers down to effectively nil consideration transfers.
- 8 This resolution is to vary the original road stopping request, rescinding the approval to stop the portion of road next to the Hamilton property, and to provide approval to apply compensation for the trail easement to the other owners (where relevant).
- 9 With these approvals in place it is expected that final approvals will be in place to complete the transfers by the end of 2018. (See **Attachment C** for updated road stopping plan).

**Community Facility Funding Policy – Appointment of Hearings Panel**

- 10 The Community Facility Funding Policy 2011 (CFFP) was adopted by Council in accordance with Section 102(4)(a) of the Local Government Act 2002 and provides specific detail concerning the fees and charges for reserves and community facilities under Council's General Revenue Policy. In setting the revenue policy Council is required to act in a manner that promotes the current and future interests of the community. The CFFP contains information on the fees and charges for QLDC's community facilities, grounds and reserves, in addition to fees for leases and licences. The policy was last adopted in 2011, with a recommendation that it be reviewed every 3 years. This policy has never been reviewed. Staff undertook a consultation process from 31 August to 28 September 2018 and the consultation methods used within the Community Facility Funding Policy review were designed to ensure the views, concerns and ideas of the community were heard and captured.
- 11 The following opportunities were devised and implemented to allow people to present their views in person or online:
  1. Online Survey on QLDC website
  2. Individual consultative meetings with sports clubs explaining policy changes and financial implications
  3. Conversations with regular hirers
- 12 15 responses were received and 11 submitters wished to be heard. Accordingly, a hearings panel now needs to be convened with a hearing to be undertaken in November 2018 before final report to Council for a decision in December 2018. The hearings panel requires a minimum of three Councillors to be appointed. It is suggested that these Councillors come from the Community and Services Committee.

## **Traffic and Parking Bylaw 2018/Traffic and Parking Statement of Proposal 2018 Hearings Panel**

- 13 At the Council meeting on 6 September 2018, a hearings panel comprising Councillors Forbes, McRobie and Stevens was established to consider and hear submissions on the draft Traffic and Parking Bylaw 2018 and the Traffic and Parking Bylaw 2018 Statement of Proposal and make recommendations on its final form back to Council.
- 14 Councillor Stevens has since advised that he will be unavailable on the dates proposed for the hearing (31 October and 1 November). So that the timeframes for this project can be maintained, it is suggested that Councillor Stevens be replaced on the panel.
- 15 Councillors have been canvassed and Councillor Clark has indicated that she would be available to take Councillor Stevens' place.
- 16 The resolution of 6 September delegated authority to the Infrastructure Committee Chair to make replacement appointments to the panel if a member of the panel was unavailable. Councillor Forbes confirmed via email on 1 October 2018 that she approved replacing Councillor Stevens with Councillor Clark on the hearings panel.

## **Membership of Queenstown Lakes Community Housing Trust**

- 17 At a meeting of the Queenstown Lakes Community Housing Trust on 18 September, a Trustee/Chair selection committee unanimously resolved to appoint Andrew Blair as a Trustee and to take the Chair role following the resignation of Martin Hawes.
- 18 Clause 3.4 of the Memorandum of Understanding requires the Council to endorse the appointment of new Trustees on the Queenstown Lakes Community Housing Trust. Accordingly, an appropriate recommendation is presented above.

## **Committee Meetings of Previous Round**

### Wanaka Community Board – Councillor Smith (27 September 2018)

#### Information:

- 1 Wanaka Tennis Club Incorporated – Notification of New Lease
- 3 Licence to Occupy Road Reserve – 22 Lismore Street, Wanaka
- 4 Chair's report

#### Ratification:

- 2 Proposal to vest land in Wanaka as two Local Purpose Reserves and to offset Reserve Improvement Contributions as per the Development Contributions Policy

### Audit, Finance and Risk – Councillor McRobie (4 October 2018)

#### Information:

- 1 2017/18 Full Year Actual to Budget and Full Year Actual to Re-forecast Financial Overview
- 2 Sensitive Expenditure
- 4 Organisational Health, Safety and Wellbeing Performance

- 5 Infrastructure Earthquake Loss Modelling and Insurance Report
- 6 Treasury Update – September 2018
- 7 Audit of Annual Report for 2017/18
- 8 Legal Update

Ratification:

- 3 Risk Management Update (Updated risk framework to be presented to Council in early 2019)

Note that items 6-8 were considered with the public excluded.

Appeals Subcommittee - Councillor Hill (4 October 2018)

Information:

- 1 Request to mediate in relation to the appeal by Peak View Ridge lot owners against the grant of Resource Consent RM171015
- 2 Update on appeals relating to Council's resource consent and plan change functions under the Resource Management Act
- 3 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.

Community and Services Committee - Councillor Stevens (11 October 2018)

Ratification:

- 1 Proposal to vest land as two local purpose reserves

## (A) Rates and Charges for 2018/19

The original rates resolution adopted by Council on 6 September, 2018 omitted the rates and charges for the rating category 11. Country Dwelling plus Flat. The following schedule of rates and charges amends the original resolution by inserting the rates and charges applicable for rating category 11. Country Dwelling plus Flat and amending the numbering of 12. Other & 13. Mixed Use Apportioned. All proposed rates in the section that follows are inclusive of GST.

### 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:

11. Country Dwelling plus Flat	\$522.00
12. Other	\$0.00
13. Mixed Use Apportioned	\$373.00

### 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:

11. Country Dwelling plus Flat	0.000110 cents in the \$
12. Other	0.000110 cents in the \$
13. 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.

### 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:

11. Country Dwelling plus Flat	0.000183 cents in the \$
12. Other	0.000183 cents in the \$
13. 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.

### 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:

11. Country Dwelling plus Flat	\$112.00
12. Other	\$80.00
13. 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.

### 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:

11. Country Dwelling plus Flat	0.000091 cents in the \$
12. Other	0.000152cents in the \$

13. 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.

## 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:

- |                                |              |
|--------------------------------|--------------|
| 11. Country Dwelling plus Flat | \$147.00     |
| 12. Other                      | \$161.00     |
| 13. 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.

## 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:

- |                                |                          |
|--------------------------------|--------------------------|
| 11. Country Dwelling plus Flat | 0.000042 cents in the \$ |
| 12. Other                      | 0.000035 cents in the \$ |
| 13. 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.

## 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:

- |                                |                          |
|--------------------------------|--------------------------|
| 11. Country Dwelling plus Flat | 0.000350 cents in the \$ |
| 12. Other                      | 0.000350 cents in the \$ |
| 13. 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.

## 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:

- |                                |                          |
|--------------------------------|--------------------------|
| 11. Country Dwelling plus Flat | 0.000232 cents in the \$ |
| 12. Other                      | 0.000232 cents in the \$ |
| 13. 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.

## 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:

11. Country Dwelling plus Flat	\$213.00
12. Other	\$125.00
13. Mixed Use Apportioned	\$152.00

## 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:

11. Country Dwelling plus Flat	\$134.00
12. Other	\$0.00
13. Mixed Use Apportioned	\$96.00

## 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:

11. Country Dwelling plus Flat	\$253.00
12. Other	\$0.00
13. Mixed Use Apportioned	\$181.00



Remarkables Park  
Upper Trail  
Proposed Legalisation  
Areas

Note:

- (1) Cadastral boundaries have been obtained from Land on Line.
- (2) Areas and measurements are subject to a LINZ approved cadastral survey.

SHEET 1 OF 5

Scale: 1:1000 (A3)

Date: September 2017

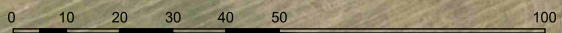


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**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**25 MAY 2017**  
**Page 8**

#### **4. Frankton Flats Land Exchange**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) considered a proposal to exchange land on the Frankton Flats between **Remarkables Park** Ltd (RPL) and the Council. The exchange would legalise land adjacent to part of the Queenstown Trail, as well as Hawthorne Drive (EAR) and the report recommended that the Council approve a land exchange subject to several recommended conditions.

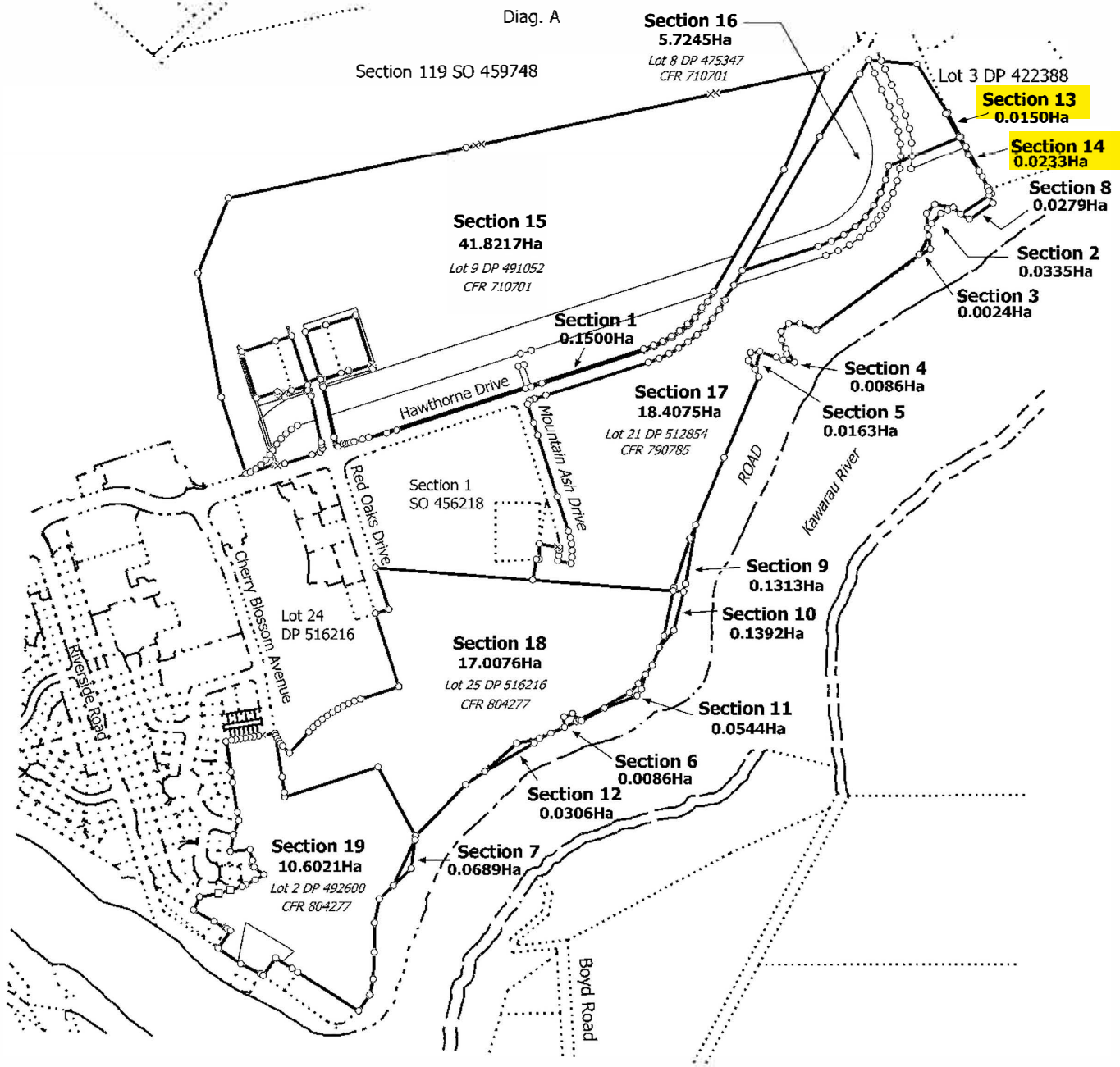
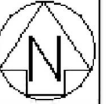
The report was presented by Mr Hansby.

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

- 1. Note the contents of this report;**
- 2. Approve a land exchange between Remarkables Park Ltd and the Council on the Frankton Flats, in accordance with Section 114, 116, 117 and 120 of the Public Works Act 1981 and as per the attached plans showing land transferring to Remarkables Park in blue and to Council in green, subject to the approval of the Queenstown Airport Corporation; and**
- 3. Approve the road, when stopped, being disposed of via amalgamation with adjoining Remarkables Park Ltd land currently held in Computer Freehold Registers 654720 and 689640, subject to resource consent being granted; and**
- 4. Approve the land being acquired from Remarkables Park Ltd measuring approximately 370 square metres and situated at the Eastern end of the exchange area, being amalgamated with Council freehold land currently held in Computer Freehold Register 507467, subject to resource consent being granted; and**
- 5. Approve the exchange being for nil consideration, but costs to enact the exchange be shared equally between both parties, less any additional surveying required which would be paid for by Council; and**

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- 6. 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 3 years from the date of this resolution; and**
- 7. Note that entering into this agreement will not affect the existing Kawarau River Trails Works and Maintenance Agreement between Remarkables Park Ltd and the Queenstown Trails Trust; and**
- 8. Delegate final terms and conditions along with approvals for removing or granting any easements, covenants, encumbrances in relation to the relevant land, minor alignment and area changes and signing authority to the Chief Executive of Council.**



T 1/17

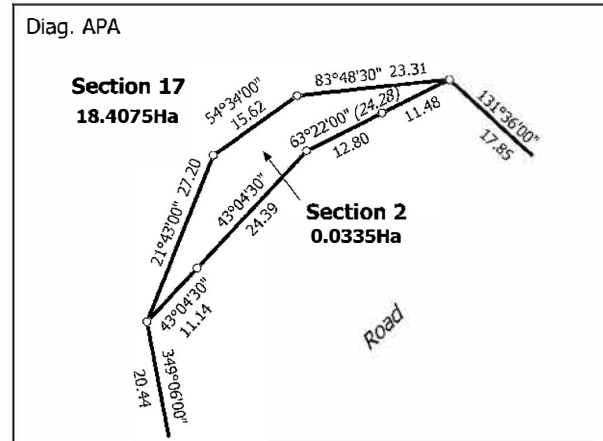
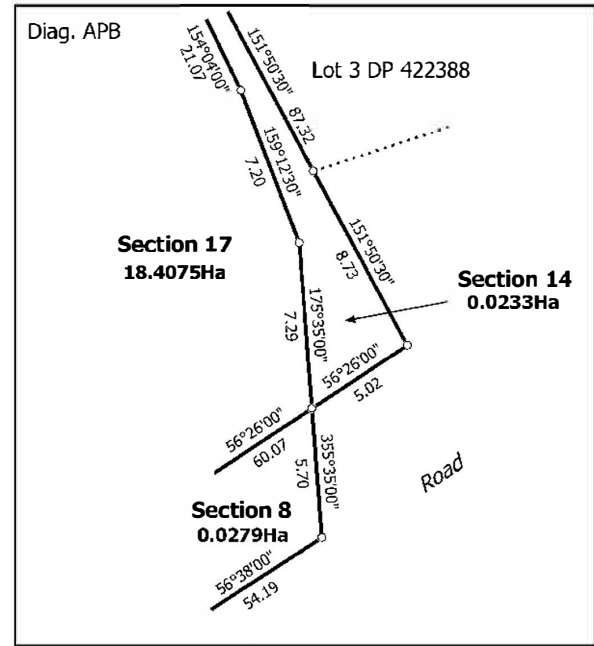
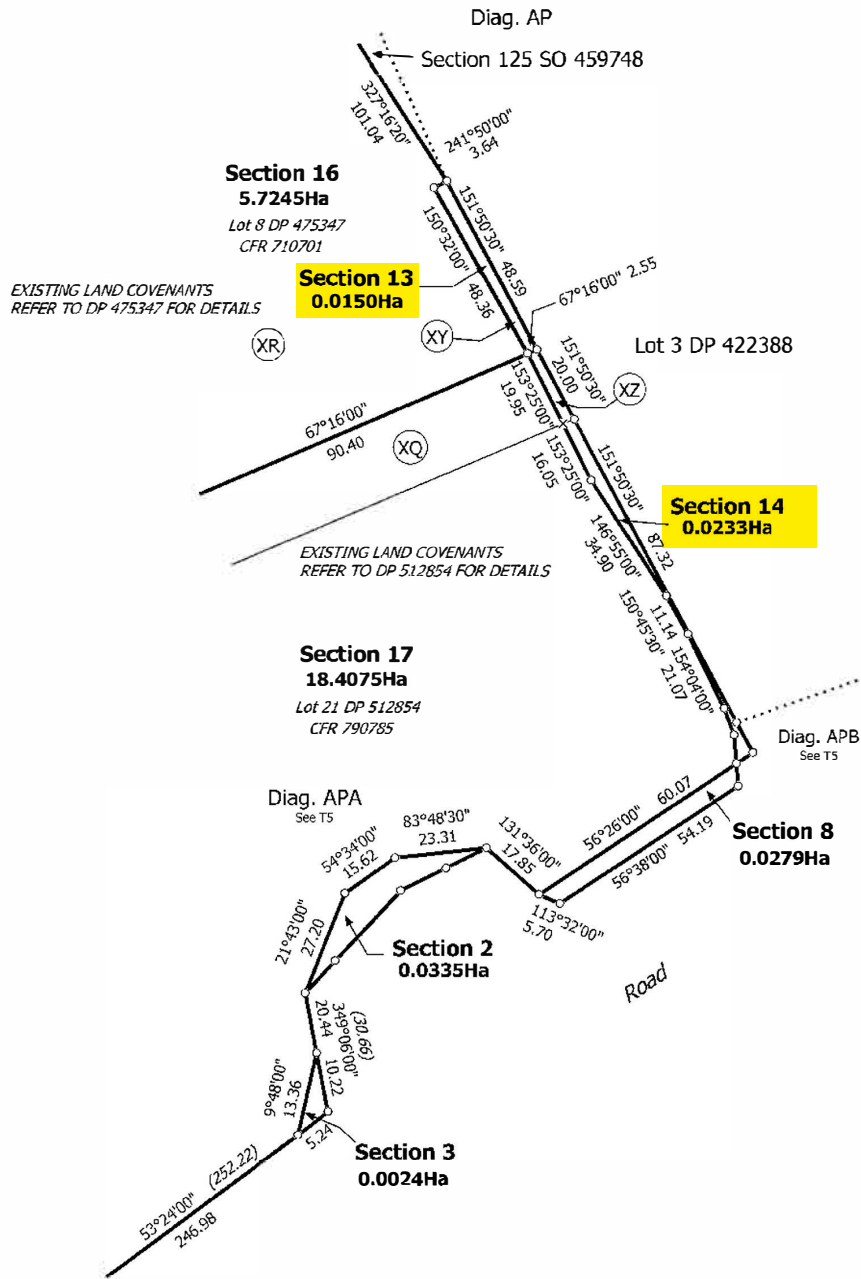
Land District: Otago

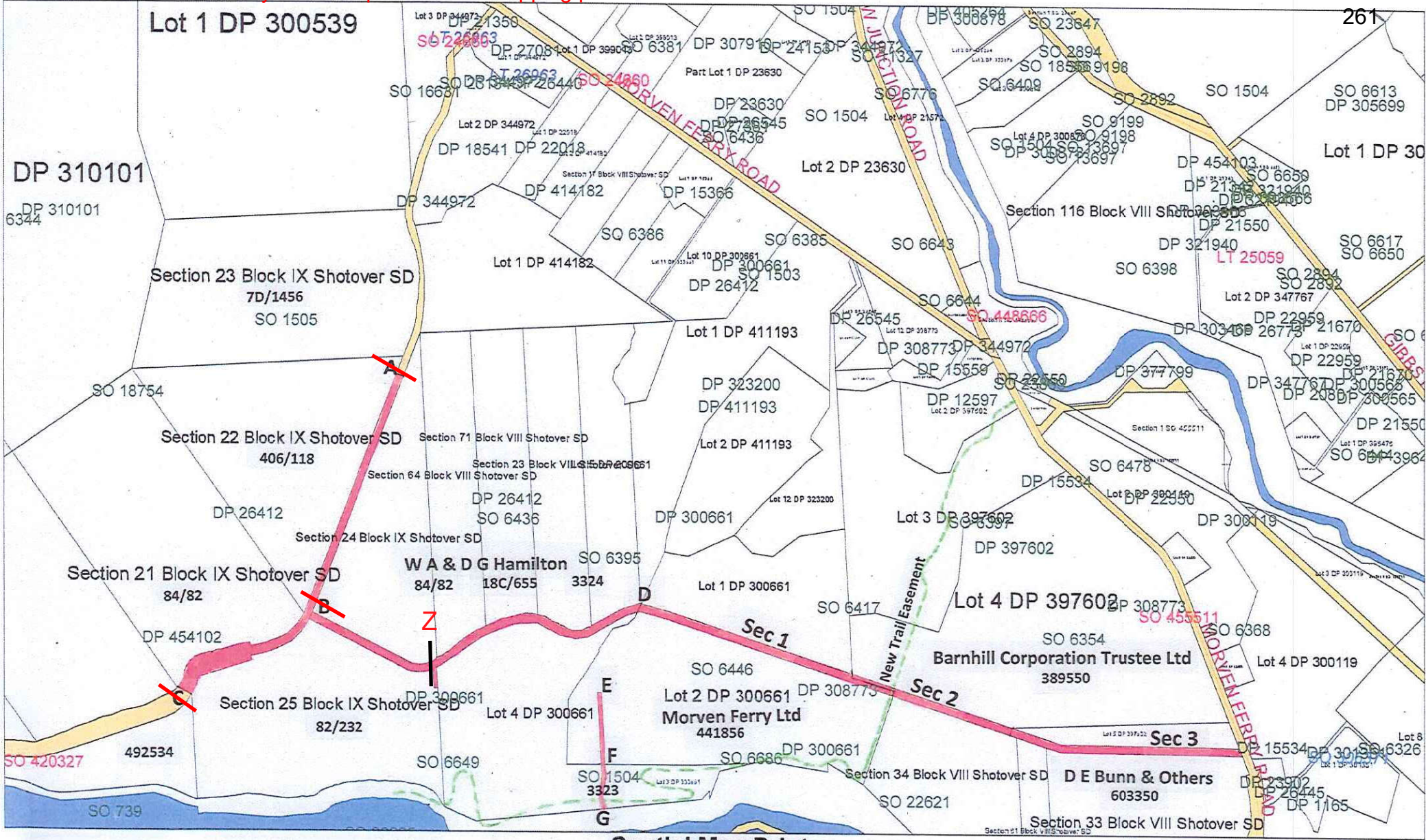
Sections 1 - 19

Surveyor: Steven James Green  
Firm: Apex Surveying Ltd (Auckland)

Title Plan  
SO 517372  
DRAFT

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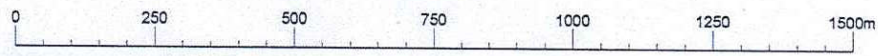




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Spatial Map Print

Scale 1 : 13000



This data has been compiled from official records. Location of boundaries requires an analysis of all relevant information in compliance with the Survey Regulations. Attribute data requires an analysis of the appropriate legal record.





General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
2. Draft Stakeholder Deed for the Bright Sky Limited Expression of Interest for a Special Housing Area	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)
11. Well Smart (Thompson Street) Sale of Lot 10	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) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
12. CE Remuneration	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: a) protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)

**Agenda items****Item 14a: TechnologyOne: Software as a Service****Item 15: New Solid Waste Services Contract****Item 16: MOU with Ngāi Tahu Property****Item 17: Lakeview Hot Pools (Ngāi Tahu Tourism) Reserves Lease****Item 18: Resolution in relation to Housing Infrastructure Fund (“HIF”) funding and related arrangements in connection with the projects at Kingston, Ladies Mile and Quail Rise**

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
14a. TechnologyOne: Software as a Service	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) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
15. New Solid Waste Services Contract	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) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
16. MOU with Ngāi Tahu Property	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) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)



General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
17. Lakeview Hot Pools (Ngāi Tahu Tourism) Reserves Lease	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) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
18. Resolution in relation to Housing Infrastructure Fund ("HIF") funding and related arrangements in connection with the projects at Kingston, Ladies Mile and Quail Rise	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	Section 7(2)(h)

**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.**