

Before the Queenstown Lakes District
Council

In the matter of The Resource Management Act 1991

And

In the matter of Proposed District Plan – Stage 2 – Open Space and Recreation
– Hearing Stream 15

Submissions 655 and 2391 by Bridesdale Farm Developments
Limited

LEGAL SUBMISSIONS for

Bridesdale Farm Developments Limited

Dated 13 September 2018

S655 and S2391 – Bridesdale – T15 – Goldsmith W – Legal Submissions

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Introduction

- 1 These Submissions are presented on behalf of Submitter 655/2391 Bridesdale Farm Developments Limited (**BFDL**) which seeks:
 - a. The rezoning of an area of land owned by BFDL from Rural to Active Sports and Recreation (**AS&R**) (or, as a less intensive alternative, Informal Recreation). The land subject to this submission is legally described as Lot 404 DP505513 (**Site**).
 - b. The rezoning of three adjoining and adjacent parcels of land owned by the Queenstown Lakes District Council (**Council**) from Informal Recreation to AS&R. Those three parcels are legally described as Lot 321 DP379403, Lot 400 DP445230 and Lot 205 DP505513 (and are identified as the areas of land numbered 2, 4 and 5 on Figure 1 on page 3 of the Evidence of John Edmonds for BFDL).
 - c. The consent status of Commercial Recreation Activities.
 - d. The maximum height limit under the AS&R zone.
- 2 These Submissions address:
 - a. Jurisdiction;
 - b. Reasons that Open Space and Recreation zones should not apply to private land;
 - c. Informal Recreation Zoning;
 - d. Active Sport and Recreation Zoning;
 - e. Consent status of Commercial Recreation Activities;
 - f. 10m or 12m maximum height.
- 3 In the Hearing Stream 14 hearings, BFDL presented evidence supporting the proposed rezoning of an adjoining area of land owned by BFDL from Rural to Medium Density Residential (**MDR**) and also sought that the landscape classification of the Site be changed from ONL to Rural Landscape Character. It is unclear how the latter decision will be dealt with in relation to the rezoning request the subject of this hearing, due to there being two different Hearing Panels involved. BFDL pursues this rezoning request regardless of the outcome of the T14 landscape classification decision.

Jurisdiction

- 4 Counsel is uncertain as to whether there is a jurisdictional challenge to the ability of BFDL to request that land owned by BFDL be rezoned to one of the Open Space and Recreation zones. I note that:
- a. In the s42A Report for this hearing, Ms Edgley expresses her view that this rezoning submission is not within the scope of this hearing for the alleged reason that it relates to land "... *that was not notified as part of Stage 2*".
 - b. Paragraph 4.1(a) of the Opening Legal Submissions for the Council identify a "*Key issue in dispute*" as being "*the appropriateness of applying the Open Space and Recreation zones to privately-owned land*". That statement signals a substantive debate rather than a jurisdictional challenge. As the legal submissions for the Council do not raise a jurisdictional challenge, Counsel's starting presumption is that there is no jurisdictional issue to address.
 - c. This point also appears to find support in Ms Edgley's Summary of Evidence dated 31 August 2018 as she does not pursue her original point about scope.
- 5 On the above basis Counsel could reasonably assume that there is no jurisdictional point to address. However for completeness, in case there is any potential jurisdictional issue, that issue is now addressed. In addressing that issue I note:
- a. If there is no jurisdictional point needing to be addressed, the following paragraphs 6-25 do not need to be read with that point in mind;
 - b. However that section of these submissions should be read anyway, because the quoted extracts from the documents referred to also provide support for BFDL's primary submission that the appropriate zoning of the Site is an Open Space and Recreation zone rather than the current notified Rural zone.
- 6 I submit for BFDL that there are two separate bases which satisfy any such jurisdictional question. The first is very straightforward. BFDL's Submission 655 requested that the Site be rezoned MDR (along with all of the rest of the land previously owned by BFDL before the Bridesdale development was carried out). Insofar as S655 applies to the Site, that aspect of BFDL's S655 Submission has not yet been dealt with. AS&R zoning is clearly a zoning which falls between the notified Rural zoning of the Site and the requested MDR zoning. AS&R zoning falls between those two extremes in terms of potential intensity of development and nature of development and activities. That provides jurisdiction for an AS&R zoning outcome for the Site.

- 7 The second jurisdictional basis for AS&R zoning arises from the scope and ambit of Chapter 38. I submit that Ms Edgley is incorrect in her contention that the Chapter 38 aspect of Stage 2 of the Review is limited to the specific parcels of land that were notified as being subject to a proposed Open Space zoning under Chapter 38. I submit that both Chapter 38, and the relevant Stage 2 notification, have scope which extends to all land subject to Stage 1 and Stage 2 of the Review.
- 8 In making the above submission I acknowledge that there are various statements in different parts of the documentation relating to Stage 2 and Chapter 38 which refer to the fact that the notified Chapter 38 provisions are intended to apply just to land owned and/or administered by the Council. However I submit that a determination of the scope of Stage 2 Chapter 38 must be arrived at by considering all of the relevant documents in their entirety. If that is done, I submit that a contention that Stage 2 Chapter 38 only applies to Council owned/administered land cannot be sustained.
- 9 I refer to the following statements which can be found in the Section 32 Evaluation for the Stage 2 Open Space and Recreation Zones [footnotes identify location]:
- a. *"In summary, these documents highlight that the provision of existing and new open space areas and the recreation facilities within them will be under continuing pressure from the increasing numbers of visitor and resident populations to the District (including urban intensification). In addition, there is increasing competing demands for different uses of open space (some of them commercial) and higher expectations as to the quality of recreational facilities provided therein. Added to that, those open space areas that serve an environmental function (such as riparian streams and lake edges) are subject to an increasing expectation that through enhancement, they will deliver better environmental outcomes (such as improved water quality and/or habitat)."*¹
 - b. *"Further, given the demand for these areas to be provided for the community, Council initiated a review of the existing provisions to manage the variety of activities that occur on reserves, recreation and open spaces within the District. The review has included the preparation of the proposed Open Space and Recreation Zone chapter within Stage 2 of the Proposed District Plan. The scope of the proposed Open Space and Recreation Zone chapter is to:*
 - a. *Provide a framework of objectives, policies, zones and rules that support the provision of a network of open space and recreation facilities;*

¹ Section 32 Evaluation, second paragraph on page 3.

- b. *Manage use and development and provide for changing recreational needs; and*
 - c. *Provide for the conservation and enhancement of the qualities of the natural environment, waterbodies and their margins.”²*
- c. *“The responsibility on Councils to provide, manage and maintain Open Space and Recreation/Reserve areas is primarily through the Local Government Act 2002 (“the LGA”) and the Reserves Act 1977 (through appointment from the Minister of Conservation). The other relevant legislation includes the RMA and the documents (statements, policies and plans) that are required to be prepared under this legislation.*

In summary, the Council’s provision of open space and recreation through these statutory requirements contributes to:

- a. *Community well-being and economic development (particularly around tourism);*
 - b. *Environmental health and safety;*
 - c. *Managing infrastructure (for example roading and transport, sewerage, water and stormwater);*
 - d. *Facilitating recreation and culture; and*
 - e. *Resource management including land use planning and development control.”³*
- d. *“The NPS documents have been actively considered during the development of the proposed Open Space and Recreation Zone chapter. In particular, the proposed open space provisions provide sufficient development capacity, particularly with regard to “other infrastructure”, to meet the needs of people and communities and future generations in urban environments, in accordance with the NPS Urban Development Capacity.”⁴*
- e. *“In light of the discussion in Section 1 of this report, the relevant resource management issues now, and for the future, have been reframed as follows:*
- **Issue 1** – *Provision of an accessible network of open spaces and recreation/community facilities;*

² Ibid, third paragraph on page 4.

³ Ibid, last two paragraphs on page 8.

⁴ Ibid, middle of page 13.

- **Issue 2** – Protection of natural open space, waterbodies and their margins;

...

- **Issue 5** – A framework that provides certainty, efficiency, and for the effective management of open spaces and recreation areas, including commercial activities undertaken within these areas.”⁵

f. “The continued provision and future development of these existing facilities is integral to the ongoing development of the District. The Open Space and Recreation Zone provisions therefore seek to maintain the existing purpose of each open space/reserve area and where appropriate provide opportunities for them to be developed further. Enabling multifunctional use of larger sites is in some instances helpful to ensure ongoing affordability of sport and recreation facilities in the District.”⁶

g. “One of the key documents of relevance to this section 32 report is the Parks and Open Space Strategy 2017. The Parks and Open Space Strategy 2017 seeks to ensure that any existing open spaces and new reserves are meeting the current and future needs of the community and are protected for future generations.”⁷

h. “The District’s open space and recreation facilities are consistently highly valued by residents in Council’s resident’s surveys. They fulfil a diversity of social, political, economic and environmental demands and outcomes. Demand for development on existing open space and parks, and for new spaces, changes depending on a number of factors, including population and household change, visitor numbers and type, economic sustainability and growth, quality of life, and community needs and desires. Council will support the development of both existing, and the creation of new, open space and recreation areas where they are located in the required places and with the appropriate capacity to meet the needs of the District.”⁸ [underlining added]

10 There is very little, if anything, in any of the passages quoted above which leads to or supports a conclusion that Chapter 38 should be limited in scope and application only to open space areas managed and/or administered by the Council. On the contrary, the fundamental thesis of Stage 2 Chapter 38 appears to be a stated intention by Council to shift the Council function of providing for the open space needs of the residents of and visitors to the District from a regime essentially based upon, and using, the Reserves Act 1977 to a regime essentially based upon, and using, the RMA. Going forward it appears to be the Council’s

⁵ Ibid, bottom page 20 and top page 21.

⁶ Ibid, second to last paragraph on page 21.

⁷ Ibid, first significant paragraph on page 25.

⁸ Ibid, second to last paragraph on page 25.

clear intention that the provision of an adequate supply and variety of open space, necessary to meet the needs of the District, is to be managed through the RMA.

- 11 The previous point becomes even more significant when one considers the extent to which the documentation supporting Stage 2 Chapter 38 does, or does not, identify and quantify the extent of the existing and future open space and recreation needs of the District. I note in particular the quotation relating to the NPS documents in paragraph 9(d) above which includes the sentence "... *In particular, the proposed open space provisions provide sufficient development capacity, particularly with regard to "other infrastructure", to meet the needs of people and communities and future generations in urban environments ...*".
- 12 When one searches to find the information which substantiates the statement just quoted, the s32 Report refers specifically to the Parks and Open Space Strategy 2017. I note the following statements in that document:
- a. *"Perhaps because of this great asset, more and more people are moving to the area and international and domestic visitor numbers are steadily increasing. This growth puts pressure on the use of the land as more people want access to open space areas. Development and protection of the open space network and improvements to the quality of open space is therefore increasingly important.*

*There are challenges in acquiring, maintaining or improving the quality, quantity and accessibility of open space. This strategy seeks to address these issues, establish priorities and enable partnerships to deliver public open space opportunities through an agreed plan."*⁹
 - b. *"Competing usage demands, future growth and visitor projections and uneven distribution of open space (relative to some areas) creates a need for more proactive and strategic management now and into the future. Where intensification is planned, the values of the existing open space must be recognised and enhanced where required to ensure a high standard of living can be enjoyed by those residents in these areas."*¹⁰
 - c. *"A relevant strategy is required to ensure the existing open space network and new reserves meet the needs of the community, can provide for growth and will continue to be protected and enhanced."*¹¹
 - d. *"Through the Local Government Act 2002 the Council has a number of roles relating to open space:*

⁹ QLDC Parks and Open Space Strategy 2017, on page 3.

¹⁰ Ibid, on page 5.

¹¹ Ibid, on page 6.

Provider/Owner

The provision, development and maintenance of parks and reserves is a core component of Council's business.

Partnerships

Council has the opportunity to participate in a number of partnerships of varying scales that provide access to open space and can further enhance the network.”¹²

- e. *“The focus of this strategy is primarily on QLDC public owned land, however, it is recognised that DOC and privately owned open space also make a considerable contribution to the development of an open space network (e.g. Ben Lomond Station or Deans Bank). It deals with the provision of land and some of the reserve assets but does not address activities or major facilities that occur on the land. The consideration of these facilities will be more appropriate in a future Sport and Recreation Strategy.”¹³ [underlining added]*

- 13 The most significant conclusion one arrives at, having read the Parks and Open Space Strategy 2017, is that it does not actually contain any assessment of the existing or future needs of the district for open space and recreation opportunities. There is no analysis, either on a district-wide basis or in relation to specific areas, of whether current provision is adequate or what future provision may be necessary. Specifically this document does not contain the information necessary to substantiate the statement quoted in paragraph 11 above in relation to the NPS.
- 14 The previous point is, if anything, highlighted by the last sentence of the final statement quoted above which refers to a “... *future Sport and Recreation Strategy*”. That is effectively an acknowledgment that no such strategy currently exists. That can only support the contention that the Council simply does not know what provision it currently has, and what provision will in future be needed, in order to meet the open space and recreation needs of the District.
- 15 Ironically, further confirmation of the previous point has very recently been supplied by the Council with the release of the QLDC Request for Proposals (RFP) in relation to the Queenstown Events Centre and Wanaka Recreation Centre – a document released on 5 September 2018. A copy of that document is attached in Schedule A to these submissions. I could quote from it at some length in relation to this issue. I will limit my quotations to the following:
- a. *“What we need*

¹² Ibid, on page 11.

¹³ Ibid, on page 15.

In undertaking the development of a Joint Master, the QLDC's objectives and outcomes are:

- 1. To gain a full understanding of the current and future sport and recreation demands for Queenstown/Wanaka and the wider catchment (from existing material);*
- 2. To translate the information available on sport and recreational use into a cohesive Master Plan that allocates use in an efficient and equitable way across the district ..."¹⁴*

b. "2.1 Background

Queenstown Lakes District (QLD) has a land area of 8,704.97km² not counting its inland lakes – Hawea, Wakatipu and Wanaka. As at June 2017, it had an estimated resident population of 37,100 which has more than doubled since 2001 and with the attractiveness and proximity of the mountains and lakes, is predicted to double again within 40 years. The daily influx of domestic and international tourists resulted in 3.6 million guest nights in Queenstown alone for the year ended March 2018. This has also contributed to a 14% increase in passenger movement through Queenstown Airport, which is located in Frankton and adjacent to the QEC.

Sport NZ's 2017 Active NZ Participation Report reports the Otago Regional Sports Trust area in which QLD sits is one of NZ's most active regions with adults participating in sport and recreation 5.8 hours a week and young people 12.3 hours per week. The Sport NZ's Insights Tool data relating specifically to QLD shows participation in mountain biking, fishing and snow sports is higher than the national average. These activities are all drawcards to the area which have contributed to the growth in resident and tourist numbers."¹⁵

16 There are a number of other statements in that document which reinforce the fact that the RFP seeks proposals for a body of work which includes the identification, for the Council's benefit, of the existing and future sport and recreation demands of the District, because that information is necessary to enable development of a Master Plan for the Queenstown Events Centre and the Wanaka Recreation Centre. The only conclusion one can arrive at is that the Council does not have that information at this time.

17 Further evidence of the increasing demand for open space and recreation opportunities and the current inadequate provision for those needs, particularly in the neighbourhood of the Site, can be found in the recent Submission lodged, in respect of the draft QLDC Ten Year Plan 2018-2028, by the Lake Hayes Estate

¹⁴ QLDC RFP for QEC and WRC, towards the top of page 3.

¹⁵ Ibid, on page 8.

and Shotover Country Community Association (**LHSC**). A full copy of that Submission is attached in Schedule B to these submissions. The attention of the Hearing Panel is drawn to:

- a. Those extracts highlighted in yellow (for this hearing);
- b. The requests (by individuals) for additional recreation opportunities listed in Appendix 1, Part 3 commencing on page 6.

18 All of the above becomes relevant when one considers the provisions of the 'Recommended Open Space and Recreation Chapter 38'¹⁶. Again I could quote from that document at length. I will limit myself to quoting the following:

"38.2.1 Objective – The open space and recreation needs of the District's residents and visitors are met through the provision of a wide range of quality Open Space and Recreation Zones that provide for passive and active recreation facilities."

19 It is self-evident that, to enable that Objective to be met, the "needs" must first be identified. To a fundamental and complete extent, Stage 2 Chapter 38 and the supporting documentation completely fails to do that.

20 Virtually the whole of Chapter 38 relates, to a greater or lesser extent and in one way or the other, to that primary objective. The purpose of Chapter 38 is to achieve that objective. That is a fundamentally different purpose to the purpose suggested in the s42A Report which is that the purpose of Chapter 38 is to provide a different mechanism for Council to manage areas of land owned and/or administered by Council. The difference between those two potential objectives is obvious.

21 Reference to individual policies supports the contention just made. By way of example:

- a. Policy 38.2.2.1.c reads:

"38.2.2.1 The design, development, management and maintenance of Open Space and Recreation Zones shall provide for:

a. ...

b. ...

c. the maintenance and enhancement of integrated public access connections to walking and cycling networks throughout the District, including along lake and river margins."

¹⁶ Appendix 1 to the Section 42A Report.

b. Policy 38.4.1.6 reads:

“38.4.1.6 Opportunities are taken to enhance recreational trail networks, cycling and walking linkages within the zone, and to other zones, to create a contiguous network to assist residents and visitors to move through and around neighbourhoods, and to other destinations, thereby providing an alternative and sustainable mode of transport.”

22 The two policies quoted above make virtually no sense at all if the scope and application of Chapter 38 is limited to areas of land owned and/or administered by the Council for the benefit of the general public. Policies are not needed to ensure public access through such areas of land. Those two policies only make sense if they are intended to apply to all of the rest of the land, outside the Council owned/administered land, which the various trail networks do or could run through.

23 As stated above, I could quote extensively from Chapter 38 to support this submission. I will not do so, on the basis that one only has to read the whole of Chapter 38 to arrive at the conclusion which this submission arrives at.

24 I further emphasise the previous point by highlighting the fact that there is only sentence in the whole of Chapter 38 which supports a contention that Stage 2 Chapter 38 is limited in scope to land owned and/or administered by Council. That statement is the second sentence in Part 38.1 Purpose which reads:

“... The zones apply to Council administered reserves, and do not apply to water bodies (including surface of water), Conservation Land (including lakes and rivers) or private open space ...”.

25 A consequential amendment arising from BFDL’s Submission 2391 requires that sentence to be removed, or amended slightly, so that private open space is not excluded. If that one minor amendment is made, there is nothing else in the whole of Chapter 38 which supports a contention that Chapter 38 is designed and intended to apply just to land owned and/or administered by the Council. On the contrary, with that slight amendment, the only possible interpretation of Chapter 38 is that it applies to all land subject to notified Stage 1 and Stage 2 of the Review.

26 The previous point is the conclusion of this section of these submissions relating to the second jurisdictional basis for BFDL’s contention that rezoning its land as AS&R is within scope. However there is a separate but related submission point which flows from that. If, despite the submissions made above, the Council were to contend that the scope of Chapter 38 is limited to land owned and/or administered by the Council, or if (as is the case) the Council contends substantively that Chapter 38 should be limited just to land owned and/or administered by the Council, I submit it would be incumbent upon the Council in

its s42A Report to establish that the Council owned and administered land which has been rezoned through the notified Chapter 38 will meet the existing and future needs of the District and will therefore achieve Objective 38.2.1 quoted above. I submit that the s42A Report, including the various referenced supporting documents, singularly fails to meet that evidentiary burden.

- 27 That effectively leaves the only evidence presented to this Panel which does address the adequacy of open space and recreation provision to achieve Objective 38.2.1 (and other related objectives and policies) being the evidence for the applicant of Dr Shayne Galloway which points to a significant shortfall in such provision, at least as far as the Shotover Country/Lake Hayes Estate/Bridesdale (and potentially Ladies Mile) residential communities are concerned. That evidence, which strongly supports the requested AS&R rezoning, is therefore unchallenged (and is supported by the LHSC Submission in Schedule B).

Reasons that Open Space and Recreation zones should not apply to private land

- 28 The s42A Report and related evidence for Council identifies a number of reasons supporting a contention that, regardless of jurisdiction, the Open Space and Recreation zones should not be applied to private land for substantive reasons. I comment on each of those reasons below. Each alleged reason is identified by an italicised heading.

The open space and recreation zones in Chapter 38 have been drafted specifically to manage land that is controlled by Council Parks¹⁷

- 29 With respect to Ms Galavazi, with the exception of the one sentence referred to in paragraph 24 above, a reading of Chapter 38 simply does not support that contention. None of the provisions of Chapter 38 demonstrate or suggest such an intention. All the provisions of Chapter 38 could equally be applied to privately owned land as to land owned/administered by the Council.

One of the key goals of Chapter 38 from Council Parks' perspective was to provide a consistent planning framework for Council-controlled land to simplify the consenting process for both the Council and the third parties that use reserves¹⁸

- 30 The above statement is not disputed. However that does not constitute any reason for Chapter 38 not to also apply to privately owned land.

¹⁷ Statement of Evidence of Jeannie Galavazi dated 23 July 2018, at paragraph 6.2 on page 15.

¹⁸ Ibid, at paragraph 6.3 on page 15.

As Council approval is still required for third party activities, it can maintain an appropriate level of control and can decide from both an asset management and wider community interest perspective what activities are appropriate on public reserve land¹⁹

- 31 The above statement essentially involves three separate considerations. First it could be rephrased as “*We are the Council and therefore we can be trusted whereas private landowners cannot be trusted*”. With respect to Ms Galavazi, the Council is a landowner like any other landowner. There is plenty of real life experience to suggest that the Council cannot necessarily be ‘trusted’ to do the right thing by the community as compared to a private landowner.
- 32 The second consideration relates to the control over what activities are appropriate on land that is zoned Open Space and Recreation. Chapter 38 contains those controls, whether the relevant land is privately owned or publicly owned. If Ms Galavazi is suggesting that there needs to be another level of landowner control over activities (beyond or outside District Plan control) which is necessary to ensure an appropriate RMA outcome, then such a contention is entirely inappropriate. Any such greater level of control over activities should be contained within the District Plan.
- 33 The third consideration relates to Council control over public land which is vested in Council for the benefit of the community. The fact that Council has a separate method of control as landowner over such land is not a valid justification for excluding private land from this zoning regime when private land could be developed for open space and recreation purposes to supplement the extent of Council provision to either meet the needs of the community or potentially to benefit the community by additional provision.

If the same open space provisions were applied to private land, there would be confusion as to who was responsible for administering the open space²⁰

- 34 With respect to Ms Galavazi, that statement cannot possibly be substantiated. Users of open space frequently have no idea of the underlying land ownership/land control. They are often guided by the practical availability of access, signage, obvious nature of buildings, and other such visual clues. Three examples spring to mind which illustrate this point:
- a. Ben Lomond Reserve contains a range of activities including the gondola, the luge, the zipline, the birdlife park, the bungee operation, parapenting, mountain biking and walking. Those different activities are subject to a range of separate control and management regimes carried out by a range of different bodies and entities. There is no evidence that that situation creates any specific difficulties for the Council Parks department or for the public.

¹⁹ Ibid, at paragraph 6.3 on page 16.

²⁰ Ibid, at paragraph 6.4 on page 16.

- b. The Queenstown Gardens contains the gardens themselves, the tennis courts, the ice rink, and walking tracks. Once again, the different activities are subject to different forms and methods of administration. This does not cause confusion for the public or difficulties for the Council.
- c. Anybody driving down through Bridesdale to access the riverside Queenstown Trail drives and/or walks across legal road, recreation reserve and Crown land – without having any idea where the legal boundaries are. This does not cause any difficulties for the relevant landowners, the users or the Council.

35 All of the above examples demonstrate the fallacy of this alleged reason.

If the land is in private ownership then there is no guarantee to the public that the land will be available for public use in perpetuity²¹

36 The above reason is not a reason for Chapter 38 to not also apply to private land. The Council has mechanisms available to it to ensure the minimum availability of an essential base level of provision of open space and recreation opportunities to meet the needs of the District. That does not mean that additional provision of open space and/or recreation facilities on a private basis is not a desirable outcome which can assist to meet the needs of the District.

37 The proposed Winton Tennis Academy is an example where a private initiative can contribute to public recreational availability through proposed consent conditions (requiring the tennis academy to be available to the general public for specified minimum periods).

38 Skyline decides when, and to what extent, the Bob's Peak Restaurant is open to the public. Whether that is an outcome dictated by relevant Reserves Act consents or RMA consents is unknown, but the outcome is still essentially a public facility subject to private control.

39 This reason appears to be founded upon a basic assumption that provision for the open space and recreation needs of the community can only be on land which is available for the public in perpetuity. There is no logical basis for that assumption. A private landowner may wish to create a recreation facility which is available to the general public at specific times, or perhaps for a specific period of time. That can only add to the open space and recreation opportunities in the District and therefore assist in meeting the objectives and policies of Chapter 38.

Another possible outcome is that private landowners may be less incentivised to vest land for full public use as a reserve if there is an option to apply one of the open space zones

²¹ Ibid, at paragraph 6.5 on page 16.

*and retain the land in private ownership, thus resulting in fewer opportunities for public reserve land to be provided through development projects.*²²

- 40 Once again with respect to Ms Galavazi, that contention cannot be substantiated. The vesting of reserve land in Council, as a consequence of private development, is governed by statutory provisions which sit outside the RMA. There is no possible conceivable basis for a suggestion that the application of Chapter 38 to private land could somehow enable a developer to escape obligations arising under other legislation.
- 41 However if Chapter 38 does apply to private land, that would create wider opportunities in relation to the previous point than might otherwise be available. For example, a developer might wish to provide a significantly greater area of land (than would otherwise be required for vesting as reserve) on the basis that the developer retains a degree of control over activities but is responsible for ongoing maintenance and operational costs. That is not an outcome which could be forced upon the Council. However it is an outcome which might be attractive to the Council under certain circumstances.

Summary

- 42 Ms Edgley relies on Ms Galavazi's reasons for rejecting BFDL's submission that the Site be rezoned as requested by BFDL, and does not provide any additional reasons.
- 43 Assuming the submissions about jurisdiction are accepted, I submit that none of the reasons advanced in the s42A Report against rezoning the Site AS&R withstand scrutiny. That leaves the zoning decision to be made on the basis that all zoning decisions are made, which I would summarise as the zoning which is the preferred zoning, taking into account efficiency, effectiveness, environmental effects, and all of the other relevant considerations which the Panel must take into account.

Informal Recreation zoning

- 44 Assuming the zoning of the Site is at large, the starting point for consideration must be the Informal Recreation zoning which has been notified as applying to the adjoining Council recreation reserves. I submit that, at the very least, the Site should be accorded the same zoning, for the following reasons:
- a. Dr Galloway's evidence (supported by the LHSC Submission in Schedule B) establishes a clear and obvious need for additional recreation zoned land in this general area.

²² Ibid, at paragraph 6.5 on page 16.

- b. The Site is a smallish piece of rural land which is isolated (from other productive rural land) by topography, residential development, the Kowarau River, and the Informal Recreation zoning of the Council land. The Site is clearly not a viable economic unit from a productive farming point of view. The use of that land for recreation purposes must surely be a 'higher and better' use of the land compared to rural production.
- c. Regardless of whether the Site is ONL or not, if visual and landscape effects arising from the Informal Recreation zoning of the Council's land are acceptable, they must also be acceptable on the BFDL Site.
- d. The Council land occupies about half of the river flat and the Site occupies about the other half. There is no reason to zone these two areas of land differently. A split zoning outcome would be illogical.

Active Sport and Recreation Zoning

- 45 BFDL has proposed AS&R zoning for both the Site and the adjoining Council recreation reserves. I acknowledge at the outset that it is almost certainly appropriate to treat the broader river flat as a single area of land for zoning purposes. There would be little logic in half being zoned Informal Recreation and the other half being zoned AS&R.
- 46 In response to BFDL's Submission that the Council recreation reserve be zoned AS&R (rather than Informal Recreation) Ms Galavazi states:²³
- "... currently the land is not suitable for the zone because it is too small to accommodate active sporting facilities, does not have appropriate access and is subject to flooding issues that would make active recreation activities difficult ..."*
- 47 In response I comment:
- a. The comment that over 21ha of Council recreation reserve is "*too small*" to accommodate active sporting facilities is ludicrous;
 - b. The Council land has perfectly adequate access via Widgeon Place;
 - c. While infrequent flooding issues create challenges, they do not make active recreation activities difficult during virtually all of the time when the land is not flooded.
- 48 Ms Edgley advances two reasons against the AS&R zoning option. The first is that "*In her evidence Ms Galavazi notes that Council Parks have yet to determine*

²³ Evidence of Jeannie Galavazi dated 23 July 2018, at paragraph 9.17 on page 24.

*whether the area can accommodate Active Sport and Recreation Activities*²⁴. In response I comment:

- a. I am not quite sure what the words “*can accommodate*” mean or are meant to say. Obviously the land can physically accommodate AS&R activities. The proposed Winton Academy Tennis Centre is an example of what can be achieved, even on a flood plain, if the zoning or consent process allows it.
- b. Possibly that phrase is intended to be a reference to ‘need’. In that case we are back to one of the fundamental deficiencies of the s42A Report in that it contains no attempt to establish ‘need’ which is necessary to provide a basis for assessment against the Chapter 38 objectives and policies.
- c. My simple answer on this point is that the zoning applied, in the absence of information about need, should take the precautionary approach by applying the higher density and more enabling zoning in case that proves to be necessary to meet the needs of the District (or this part of the District). If the more enabling zoning is applied, and the need proves to be less, then the more enabling zoning will presumably not be used. However if the converse applies, and there is need but the less enabling zoning is applied, then that will result in consent problems and challenges in the future.

49 The second reason for Ms Edgley’s recommendation relates to the fact that AS&R zoning would allow buildings up to 10m in height and 400m² on land which may end up being classified as part of an ONL. In response to that reason I comment:

- a. This land is a flood plain. It will flood on regular occasions. Buildings can be designed to address that, as evidenced by the proposed Winton Tennis Academy, but that is unlikely to be proposed frequently. The practical reality is that the number of buildings is likely to be limited because of the flood plain issue.
- b. In terms of effects on part of an ONL, what is the real difference between a building 6m high and up to 100m² in area compared to a building up to 10m high and up to 400m² in area? Once there is a building there I submit that the consequential effects arise. I query the significance of the difference in effects on the ONL between those two different maximum sized buildings.
- c. This is the ONL which comprises The Remarkables, Ben Cruachan and the Kawarau River. This river flat comprises a minute fraction of that ONL and it is a fraction which, in itself, does not display any ONL characteristics. The river flat will always be obviously a river flat, even if it is used for recreation purposes. In reality, what effect would some recreation related development

²⁴ Section 42A Report at paragraph 34.5 on page 106.

really have on the intrinsic qualities and characteristics of the vast and overpowering wider ONL?

Discretionary or restricted discretionary status for commercial recreation activities

50 My simple question here for the Panel to consider is a query about the difference between a commercial recreation activity and a non-commercial recreation activity. What environmental effect arises from the payment of money to justify a difference in consent status?

51 I acknowledge an element of confusion arising from this particular point of relief requested in BFDL's Submission 2391. The point of relief refers to the status of Commercial Recreational Activities by reference to Rule 38.9.20. However Rule 38.9.20 refers to "*Commercial Recreation Activities and buildings associated with Commercial Recreation Activities*". Given the reference in the point of relief to the rule, it is probably reasonable to assume that the point of relief relates to both components of that rule. If that is accepted, then as far as buildings are concerned, BFDL repeats the point just made in relation to activities but acknowledges that, if ONL landscape classification is retained for the river flat, then fully discretionary activity status would be appropriate. However if the landscape classification changes to RLC, BFDL contends that restricted discretionary activity status is more than adequate to deal with the issue of the effects of a building.

10m or 12m maximum height

52 The final point of BFDL's submission seeks an increase in the height limit for buildings in the AS&R zone from 10m to 12m. BFDL acknowledges that the reason for that submission point arises from the fact that the proposed Winton Academy Tennis Centre maximum height happens to be about 11.7m above ground level. The question I would put to the Panel on this point is whether the difference between 10m and 12m is particularly significant in the context of the relatively expansive views available from virtually every public vantage point in this area.

Evidence

53 The following witnesses will be present at the hearing in respect of the following disciplines:

- a. Hayden Knight – infrastructure;
- b. Andy Carr – transportation;
- c. Steve Skelton – landscape;
- d. Dr Shayne Galloway – recreation;

- e. John Edmonds – planning.
- 54 All witnesses except for Dr Galloway will not present any further evidence and will be available just to answer questions.
- 55 Dr Galloway will read the Executive Summary of his circulated evidence, before answering any questions.

Warwick Peter Goldsmith
Counsel for Bridesdale Farm Developments Limited

Dated 13 September 2018

Schedule A

QLDC RFP for the QEC and the WRC

Queenstown Lakes District Council Request for Proposals (RFP)



Queenstown Events Centre (QEC) and Wanaka Recreation Centre (WRC) Master Plan

RFP released: 05 09 18

Deadline for Questions: 1700hrs 19 09 18

Deadline for Proposals: 1200hrs 17 10 18

Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

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This opportunity in a nutshell

Master Plan for the Queenstown Events Centre and the Wanaka Recreation Centre

The purpose of this request for proposals (RFP) is to seek proposals to undertake the development of a Joint Master Plan that would cover both the Queenstown Events Centre (QEC) and the Wanaka Recreation Centre (WRC) and their surrounding areas.

This RFP sets out the background relating to these two sites and outlines the required scope of works to undertake this project.

What we need

In undertaking the development of a Joint Master, the QLDC's objectives and outcomes are:

1. To gain a full understanding of the current and future sport and recreation demands for Queenstown/ Wanaka and their wider catchment (from existing material);
2. To translate the information available on sport and recreation use into a cohesive Master Plan that allocates use in an efficient and equitable way across the district;
3. To produce a Master Plan for QEC and WRC to guide the development of both or alternative sites over a 20 year period;
4. To ensure the Master Plan reflects both organised and informal uses and provides a degree of flexibility to address changes that may occur over time;
5. To produce a plan that is leading edge and innovative in accommodating the various uses and elements and provides a functional and visually pleasing environment;
6. To produce a detailed development plan for Stage 1 for work for both the QEC/WRC or alternative sites to enable implementation to proceed.

What we don't want

We are not looking for the provision of project management or capital works delivery. The Master Plan Report should also exclude:

- Production of a QS report
- Detailed needs analysis (refer draft QL/CO Regional Sports and Recreation Facility Strategy)
- Detailed geotechnical investigation (refer to earlier Master Plans for details)

What's important to us?

We are looking for providers who have experience in the development of Community Master Plans. Key delivery attributes include:

- Undertaking a gap analysis of available data in relation to:
 - iwi consultation/engagement
 - needs analysis
 - geo tech requirements;
- Preparation of a report on the finding from the gap analysis work with recommendations on approach to source missing data;
- Preparation of a consultation/engagement strategy to connect with the community as required to source missing data, develop the draft Master Plan and keep stakeholders informed of the process;
- Preparation of a report on the allocation of space for sport, recreation and community activities in Queenstown and Wanaka and the wider catchment;
- Production of a Master Plan for QEC and WRC to guide development of both or alternative sites over a 20 year period including appropriate staging based on demand projections.

Why should you bid?

An approach that might entail "doing what we did before" is unlikely to succeed. This is an opportunity to play a part in the determination and implementation of a significant master plan programme that will benefit and enrich the lives of local residents and visitors, and to contribute to the success of meeting this important challenge.

A bit about us

QLDC is the local authority for the Queenstown Lakes district and is responsible for the delivery of local government services to the district including formulating the district's strategic direction, providing and maintaining core infrastructure, and administering various statutory and regulatory functions. Peak day population in 2028 is estimated to be almost 150,000 (this will exceed the current population of Dunedin by more than 20,000).

The Community Services Group consists of sport & recreation facilities, community facilities, parks & reserves, camping grounds and libraries.



SECTION 1: Key information



1.1 Context

- a. This Request for Proposal (RFP) is an invitation to suitably qualified providers to submit a Proposal for the development of a Joint Master Plan that will cover both the Queenstown Events Centre (QEC) and the Wanaka Recreation Centre (WRC) and their surrounding areas.
 - b. This RFP is a single-step procurement process.
 - c. Words and phrases that have a special meaning are shown by the use of capitals e.g. Respondent, which means *'a person, organisation, business or other entity that submits a Proposal in response to the RFP. The term Respondent includes its officers, employees, contractors, consultants, agents and representatives. The term Respondent differs from a supplier, which is any other business in the market place that does not submit a Proposal.'* Definitions are at the end of [Section 6](#).
-



1.2 Our timeline

- a. Here is our indicative timeline for this RFP.

Steps in RFP process:	Date:
RFP issued on GETS	05 09 18
Deadline for Questions from providers:	19 09 18
Deadline for the Buyer to answer providers' questions:	26 09 18
Deadline for Proposals:	12:00 17 10 18
Shortlisted Respondents' presentations (if required):	week starting 29 10 18
Unsuccessful Respondents notified of award of Contract:	19 11 18
Respondents' debriefs:	week starting 26 11 18
Anticipated Contract start date:	26 11 18

- b. All dates and times are dates and times in New Zealand.
-



1.3 How to contact us

- a. All enquiries must be directed to our Point of Contact. We will manage all external communications through this Point of Contact.

- b. **Our Point of Contact**

Name: Simon Battrick
Title/role: Sports and Recreation Manager
Email address: simon.battrick@qldc.govt.nz



1.4 Developing and submitting your Proposal

- a. This is an open competitive tender process. The RFP sets out the step-by-step process and conditions that apply.
 - b. Take time to read and understand the RFP. In particular:
 - i. develop a strong understanding of our Requirements detailed in [Section 2](#).
 - ii. in structuring your Proposal consider how it will be evaluated. [Section 3](#) describes our Evaluation Approach.
-



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- c. For helpful hints on tendering and access to a supplier resource centre go to: [www.procurement.govt.nz / for suppliers](http://www.procurement.govt.nz/for-suppliers).
 - d. If anything is unclear or you have a question, ask us to explain. Please do so before the Deadline for Questions. Email our [Point of Contact](#).
 - e. In submitting your Proposal you must use the Response Form provided as referenced in Section 7 of this document. This is a Microsoft Word document that you can download.
 - f. You must also complete and sign the declaration at the end of the Response Form.
 - g. Your pricing schedule must be in Microsoft Word but may be in a format of your own choosing.
 - h. Your submission must not exceed forty A4 pages excluding CVs, excluding the QLDC Response Form.
 - i. Check you have provided all information requested, and in the format and order asked for.
 - j. Having done the work don't be late – please ensure you get your Proposal to us before the Deadline for Proposals!
-



1.5 Address for submitting your Proposal

- a. Hard copy submissions are not required. Proposals must be submitted electronically through the GETS e-tender box function. To submit a Proposal through GETS:
 - i. be registered as a supplier in GETS
 - ii. subscribe to the Tender Notice for this RFP
 - iii. in the Tender Notice, click "Tender a Response"
 - iv. complete the on-line form, attach your Proposal and click "Commit" (Respondents will receive an automatically generated email acknowledgement of its receipt from GETS).
- b. Proposals submitted other than through the GETS e-tender function may be rejected as non-compliant.
- c. Respondents must submit Parts A (Non price criteria) and B (Price) of their Proposal as separate files clearly named



1.6 Our RFP Process, Terms and Conditions

- a. **Offer Validity Period:** In submitting a Proposal the Respondent agrees that their offer will remain open for acceptance by the Buyer for 3 calendar months from the Deadline for Proposals.
 - b. The RFP is subject to the RFP Process, Terms and Conditions (shortened to RFP-Terms) described in [Section 6](#). For QLDC purposes, we have made the following variations to the RFP-Terms:
 - 6.13 Buyer's Point of Contact – paragraph (e)
 - 6.16 Anti-collusion and bid rigging – paragraph (a, b, c)
 - 6.20 Joint Ventures or Consortia ("Joint Proposal") (a)
 - 6.21 Respondents to inform themselves (a)
 - 6.23 No binding legal relations (d, e)
-



-
- 6.25 Attempts to influence RFP outcome (a)
 - 6.26 Buyer's additional rights (b: v, vii, xi, xii, xiv, xv)
 - 6.28 Disclaimer (b).

Add definition "Named Personnel": The Respondent's individual personnel that the Buyer has a Requirement to name in the Contract and who will undertake specific roles for the duration of the Contract (or other timeframe as set by the Buyer).



1.7 Later changes to the RFP or RFP process

- a. If, after publishing the RFP, we need to change anything about the RFP, or RFP process, or want to provide suppliers with additional information we will let all suppliers know by placing a notice on GETS (Government Electronic Tenders Service) <https://www.gets.govt.nz>
 - b. Changes to the RFP will be published via GETS.
-

SECTION 2: Our Requirements

2.1 Background

Queenstown Lakes District (QLD) has a land area of 8,704.97 square kilometres not counting its inland lakes – Hāwea, Wakatipu and Wanaka. As at June 2017. It had an estimated resident population of 37,100 which has more than doubled since 2001 and with the attractiveness and proximity of the mountains and lakes, is predicted to double again within 40 years. The daily influx of domestic and international tourists resulted in 3.6 million guest nights in Queenstown alone for the year ended March 2018. This has also contributed to a 14% increase in passenger movement through Queenstown Airport, which is located in Frankton and adjacent to the QEC.

Sport NZ's 2017 Active NZ Participation Report reports the Otago Regional Sports Trust area in which QLD sits is one of NZ's most active regions with adults participating in sport and recreation 5.8 hours a week and young people 12.3 hours per week. The Sport NZ Insights Tool data relating specifically to QLD shows participation in mountain biking, fishing and snow sports is higher than the national average. These activities are all drawcards to the area which have contributed to the growth in resident and tourist numbers.

The increasing population growth and tourism is placing considerable strain on the regions infrastructure and demand for better roading/access, airport expansion and housing is putting pressure on recreation places and spaces both from a use and placement/availability perspective. Developments with the Shotover transport route are likely to impact on the golf course, extensions of the Queenstown airport on the QEC, a proposed Otago Regional Council bus passenger hub and proposed commercial and residential developments at Frankton Flats will impact on the availability of green space for recreation and the demand for greater access to both green space and facilities. The development of a new primary school behind the WRC creates an opportunity for both shared and increased use of the complex. Continued commercial and community developments nearby (including a supermarket and medical centre) will create additional demand for use of the facility and active transport to and from the facility.

THE MASTERPLAN SITES

There are two sites that the Master Plan needs to be developed for:

- The Queenstown Events Centre(QEC) area: and,
- The Wanaka Recreation Centre (WRC)

The sites are outlined below, GIS images are also provided at Section 9 of this RFP:

QEC, which opened in 1997, is QLDC's premier multi-purpose indoor/outdoor sports venue located in Frankton on the outskirts of Queenstown. The site and surrounding Council owned land covers 30ha. The indoor venue hosts trade shows, exhibitions, seminars and concerts, along with regular sporting participation in a range of activities including netball, futsal and climbing. QEC also has aquatic and fitness facilities, along with outdoor tennis and netball courts. The John Davies Oval at QEC has a capacity for 19,000 spectators with 6,000 permanent seating and 13,000 temporary. It has recently hosted several international cricket matches and Super Rugby warm up games.

WRC was opened in in July 2016 and is situated on the Three Parks Reserve which covers 5.2ha. It has an indoor stadium and outdoor artificial turf that can be configured for netball, basketball, volleyball, badminton, tennis, futsal and hockey. Two grass sports fields are available for football and also utilized for other activities including running. A new three pool aquatic complex opened in June 2018.

2.2 What we are buying and why

Queenstown Lakes District Council (QLDC) requires a consultant team with a high level of knowledge and capability in facility/open space master planning to undertake this work to the required standards and within specified timeframes.

The project encompasses development of a Master Plan for the QEC and WRC and any additional sites should they be needed.

The parameters and requirements for this project are as follows:

1. The planning horizon will be for a 20 year period (expected timeframe for full site developments) with an estimated population in Queenstown Lakes District of more than 55,000.
2. Extensive needs analysis work and stock-take of existing facilities was undertaken in the preparation of QL/CO Regional Sport and Recreation Facilities Strategy which is currently in draft form. Accordingly this work is not required as part of this project.
3. A gap analysis exercise is to be carried out of all existing needs analysis and stock-take data in relation to all current sports/recreation groups in Queenstown/Wanaka and the wider catchment area as well as new potential users;
4. If any additional needs analysis work is required an approach for engagement with existing clubs/groups to gauge aspirations, growth, facility and space requirements as well as considering new sports/uses is to be prepared for sign off by QLDC before the work is undertaken.
5. Any such work would need to consider existing levels of usage and how this is managed to ascertain surplus/deficits, reallocation opportunities, facility/surface upgrading etc.
6. Existing reserves and facilities used for organised sports/recreation activities to be considered in terms of effects, future use allocation, club and other ancillary facilities (change rooms etc.).
7. The stock-take and needs analysis work will lead to allocation of use/activities on a site basis. This may mean consolidation of some uses to a single site, relocation or distribution of uses amongst a number of sites across Queenstown/Frankton and Wanaka.
8. The planning needs to consider what activities may not be located at the QEC or WRC or where re-location may occur at a later time and over what timeframe.
9. Population growth and demographic trends will need to be considered as well as sports and recreation trend information from Sport NZ surveys.
10. The overall planning for the sites will need to provide a balance between organised sports/recreation use and the provision of space and facilities for informal recreation. It needs to cater for the "whole of the community" in providing recreation and leisure opportunities.
11. Physical connection to other community facilities (e.g. schools) needs consideration as does linkage with commercial/retail and surrounding residential developments via walking/cycling routes;

12. The Master Plan will need to integrate with the planning work being undertaken in relation to the proposed primary school behind the WRC and will need to demonstrate how space and facilities can be shared. An innovative approach is required to realise the best outcomes for the community with this opportunity.
13. The impact of work being proposed for improved roading, possible airport expansion and developments for Frankton need to be considered, especially in relation to location of important community facilities and where these activities may be positioned in the future. e.g. at the QEC or WRC or alternative site options.
14. The Master Plan needs to consider functional aspects in terms of positioning of key facilities to ensure they are accessible, laid out efficiently and any site conflicts are minimised.
15. The Master Plan will be required to indicate staged development of the sites based on existing demands, projected growth in demand, sports and recreation trends and the impact of other associated developments. Flexibility needs to be built into the plan to cater for future changes.
16. The Master Plan will provide a level of detail that clearly defines the location/size of facilities, playing fields, hard courts, pedestrian and cycle access/pathways, car/bus roadways/parking, landscape treatment, shelter planting, ancillary buildings etc.
17. The Master Plan needs to identify, consider and review:
 - planning constraints/designations, airport noise, boundaries;
 - civil infrastructure including power/data/waste/water/fire/stormwater
 - land use/acquisition requirements for QLDC, Ngai Tahu, Queenstown Airport Corporation, NZTA, Ministry of Education
18. The Master Plan needs to take cognisance of the existing site features that provide design or functional opportunities as well as identifying any physical constraints.
19. In developing the Master Plan a number of consultation/engagement exercises will be required. These include but are not limited to:
 - Engagement with Ngai Tahu;
 - Engagement with clubs/users and key stakeholder groups (if further needs analysis work is required);
 - Reporting to clubs/users and key stakeholder groups on project progress and possible implications;
 - Workshop with key QLDC staff on up to three Master Plan options;
 - Ongoing engagement with QLDC representatives as the Master Plan process progresses.
20. The consultant team will be required to report and present to QLDC Councillors three times at agreed project milestones.

2.3 What we require: the solution

The aim of the project is to produce a Master Plan for the existing sites and any potential new sites, should the existing sites be compromised by non-sport and recreation developments and therefore not able to meet the current and future needs of this ever growing community.

The completed Master Plan should:

- Set out the location of key facilities and spaces;
- Allocate spaces to specific users, based on need;
- Consider the development of all current and potential sites over a 20 year period and the need to allow for future uses, changes in use and future proofing in terms of space allocation;
- Consider the local network of sport and recreation spaces and facilities (within Queenstown/Frankton and Wanaka);
- Provide a balance between organised sports/community uses and more informal uses of the sites (e.g. walking, running, cycling, picnics);

- Provide a site layout and landscape treatment that works from a functional perspective as well as creating an aesthetically pleasant environment;
- Demonstrate linkages to all proposed transport, commercial, residential and educational plans/proposals and how facilities/spaces could be shared;
- Provide three options for proposed development to meet priority needs;
- Indicate the staging of development to meet projected demand;
- Provide a plan for the first stage of development that has sufficient detail as a basis for implementation;
- Be underpinned by robust needs analysis data, that may already exist or need to be collected, that fully considers current and future uses;
- Be representative of community aspirations for the area.

2.4 What we require: capacity

We are seeking providers that are able to demonstrate the following capacity:

- Appropriately experienced personnel with demonstrable experience in the preparation of Master Plans for Sports and Recreation Hubs
- Resources who are willing to be based either partially or wholly in Queenstown, and with the flexibility to make themselves available in Queenstown, or via video conferencing as may be appropriate, at short notice.
- Support resources as may be required based elsewhere in New Zealand.

2.5 What we require: capability

We are seeking providers that are able to demonstrate the capability to provide the services and solution outlined at Section 2.2 and Section 2.3 of this RFP.

2.6 Information Required

The following information is required and shall be provided within the Response Form. The basis of evaluating this information is described in Section 3.

- Relevant Company Experience in providing similar services.
- Capacity to deliver the services.
- A schedule of the key personnel you are proposing, stating name, title, position within company, main qualification, intended role and a brief bio - no more than ½ A4 page per person. A two page CV for each person proposed may be included as an appendix to the Form of Response.
- At least three but no more than five recent examples of your company's experience of working in similar programmes of work, stating Client, Location, Contract value, type and configuration of contracts, challenges, outcomes, date and contract length. (Max one page per example)
- Name, company name, position, address and contact details of 3 referees, preferably directly relating to your project examples.
- A description of your approach and methodology, including a description of your company's approach to working collaboratively within a project team.
- Completed fee schedule identifying your fees for the services as described in this procurement inclusive of disbursements, fees and charges. These shall be the maximum rates to be charged for any engagement.

- Evidence of Professional Indemnity Insurance of \$2,000,000 held for a period of 3 years from the date of appointment – please provide a certified copy of your PI certificate or certificate of currency from your insurance company or broker.
- Evidence of Public Liability Insurance of \$5,000,000 – please provide a certified copy of your PL certificate or certificate of currency from your insurance company or broker.
- Information on any claims or any claims pending against the company or personnel and the value of such claims. Please give a brief synopsis of the basis of the claims.

2.7 Contract term

Tenderers are to note the following key deliverable dates within their proposals:

- Identification of any gaps in data that may require follow up
- Draft Master Plan to be completed by end of January 2019.
- Final Master Plan completed by 1 March 2019.

2.8 Key outcomes

The key outcomes to be achieved are stated at Section 2.3 of this RFP.

2.9 Other information

- a. Payment will be made monthly on satisfactory submission of invoice.
- b. New Intellectual Property arising as a result of the Contract will be the property of QLDC.

Schedule B

**Submission to the Ten Year Plan 2018-2028 by Lake Hayes Estate and Shotover
Country Community Association**

QUEENSTOWN HEARING OF SUBMISSIONS

to the Ten Year Plan 2018-2028



LAKE HAYES ESTATE AND SHOTOVER COUNTRY COMMUNITY ASSOCIATION (LHSC)

SUBMISSION ON LONG TERM COUNCIL COMMUNITY PLAN 2018

The Lake Hayes Estate and Shotover Country Community Association (LHSC) appreciates the opportunity to submit on the Long Term Council Community Plan (LTCCP) and commends the Council's aim to engage with the community, and its ambitious goals to strategically plan for and manage the predicted growth in both residential and visitor numbers.

The LHSC aims to represent the residents and ratepayers within Lake Hayes Estate and Shotover Country. Our community has seen significant growth and has been impacted upon by both the growth within Shotover and Lakes Hayes Estate, and in the wider Queenstown area. It is important that Lake Hayes Estate and Shotover Country continue to become a community rather than a 'development' or suburb.

Key issues for our community are:

- Lack of a community hub/community shared use facility and consequent need to travel for all recreational pursuits (e.g. indoor activities such as yoga, ballet, bridge, etc as well as outdoor facilities)
- Lack of a community vision or community plan, and lack of community engagement. Without a community plan Council is unable to make informed strategic decisions for our community. For example, how are reserves best developed or development contributions spent locally?
- Impacts of developments on local infrastructure and the resulting adverse effects on local amenity.
- Difficulty for our community to gain traction with Council staff to masterplan and develop the Widgeon Place reserve.

In order to focus this submission on the LTCCP, we have attached our submission that was lodged to the 2017 Annual Plan. What is disappointing is that it remains relevant and unfortunately little if any of the issues raised have been addressed, let alone discussed with our community. We look forward to a greater level of engagement through this LTCCP and moving forward. Our goals are consistent with the LTCCP's goals of creating a liveable, vibrant community.

We have also attached feedback from our community. This was generated through our community association meeting prior to the draft LTCCP and also through the Shotover Primary school students.

Community plan and funding mechanisms for facilities

The LTCCP proposes that funding for community facilities and recreation is limited to maintenance, rather than the development of new facilities. While this is unfortunate, it is accepted that this lack of prioritisation results from the significant infrastructure costs that are faced by the District.



However, unlike historic townships such as Arrowtown, Kingston, Glenorchy and Cardrona, Lake Hayes Estate and Shotover Country have been developed as 'suburbs'. We have the benefit of the Shotover Primary School, and now a café, but there are no community facilities such as a hall, church or clubrooms. This lack of local, community owned facilities means that there is no community hub, and for all indoor recreation activities residents have to travel outside of our community.

We suggest that if there is a lack of funding from Council, the Council should support our community and empower us to generate funding and develop resources ourselves. Council has an important role as the landowner of reserves and can have an important coordination and engagement role. Our community would benefit greatly from an increased level of support from Council. Funding a community plan that establishes our community's vision is not expensive, and importantly paves the way for the community to become engaged and have the potential to fundraise towards projects itself.

The Lake Hayes Estate community has an excellent track record of fundraising, with the construction of the extremely popular pump track a good demonstration of what can be achieved. We also engage with our community through the school and through facebook. However, our association members are volunteers with little time and resources, and greater support from Council is needed.

Relief sought

That the Council recognises that the LHESC lacks community facilities and recognises the importance of developing a community hub.

That funding is put towards the development of a community plan so that a clear vision is established for Lake Hayes and Shotover Country that is based on engagement with the community and that can be then used into the future to help guide decision making.

That the Council engages with the community and empowers it to develop community facilities.

Widgeon Place reserve

The LHSC has been in discussions with QLDC, the Queenstown Trails Trust, Queenstown Country Club and Queenstown Mountain Bike Club to attempt to coordinate in the short term a bike park (mountain bike jumps) and in the long term a wider master plan for the Widgeon Place reserve.

Widgeon Place reserve is over 30ha in size and while a large part of it is flood prone it has potential to become an amazing resource, with potential for bike park and tracks, sports fields and a community facility/clubroom. Unfortunately the LTCCP does not provide funding for a master plan for another four years, and in the meantime there is no clear direction or communication from Council as to how development of the reserve can progress, or how opportunities can be taken to work with other organisations and private developers.

Relief sought

That the development of a master plan for Widgeon Place is fast tracked. Importantly, the masterplan must be developed through community engagement.

That Council supports community initiatives so that if facilities can not be funded via rates then opportunities to work with private developers or other community organisations are supported.



That Council recognises the importance of the Widgeon Place (and other reserves) to the local community and ensures that decision making is informed through community engagement.

Town Centre master plan

It is agreed that the Queenstown CBD should remain accessible and relevant to locals, and its importance is recognised. It is agreed that Option 1 (rates targeted at the CBD) is the most appropriate for the funding of the master plan.

It is noted however that as Queenstown develops and the population of the 'satellite' suburbs such as Lake Hayes Estate and Shotover Country increase, future proofing is needed and consideration given to how relevant the CBD will remain. It needs to be considered carefully as to whether it is the best location for the library, and for an arts and cultural centre. If these facilities are to remain in the CBD they must be accessible, and this means by either bus (an efficient and effective service) or car.

It is important that satellite facilities are provided, so that while the CBD remains the 'hub', our local communities also provide local support and resources.

Relief sought:

That rates are targeted to those who benefit most from the proposed upgrades to the town centre.

That a 'hub and spoke' approach is taken, and care taken to ensure that as Queenstown develops the CBD remains relevant and accessible, but that community facilities are also provided locally within Lake Hayes Estate and Shotover Country.

Library

The establishment of a library in Frankton is supported. If LHESC were to have a community facility, then this could also operate a mobile library. Once more, creating a community hub and reducing the need to travel.

Relief sought

That the library is provided in Frankton.

That the community facility for LHESC could provide library services.

Wastewater- pump station at Erskine Street

The existing pump station on Erskine Street isn't fit for purpose and urgent attention is needed to silence it, remove the vibration and smell and no further services to be added to it.

The recent emergency (when raw sewage was flowing across the street and into the stormwater drain) demonstrated that the facility is not fit for purpose. It also demonstrated that the emergency management system is not adequate.

It is considered that long term the pump station should be relocated to a site away from residents homes. Without any consultation with the community the existing facility has been constantly upgraded to cater for increased development well beyond what it was originally designed for. Its location and design are no longer fit for purpose.



There is possibly no resource consent for the generator when power is off as very noisy and expels a lot of fumes.

Relief sought

That funding is made available to relocate the pump station. That in the meantime, work is undertaken to:

- Reduce noise
- Improve emergency management
- Halt any proposals to add to the existing system.

Stop the continued upgrading and retrofitting of the pump station

Conclusion

We would like to thank the Council for providing the opportunity to have our say in the LTCCP.

There is a great opportunity for Council to work with our community and take advantage of our enthusiasm to create a truly great community, the benefits of which flow beyond Lake Hayes Estate and Shotover Country.

We would like to present our submission at the hearing and we look forward to further engagement with the Council.

Kind regards

Jenny Carter

On behalf of Lake Hayes Estate Shotover Country Community Association.

Appendix 1

Community Comments – 10 Year Plan early engagement Sept/Oct 2017

Top 5 themes (verbatim comments)

LAKE HAYES ESTATE AND SHOTOVER COUNTRY (Total comments = 186)

1. Want new community hall/sports facilities in Lake Hayes Estate and Shotover Country, and in Frankton.

Related comments:

- A hall that you can use for afternoon activities ie ballet, karate
- Community Hall/Community Centre/Club rooms (x6)
- Gym
- Gymnastics club
- Community rooms -- shared but could also be used for therapy and consultants such as dieticians, speech therapy, pediatric physio
- Facilities/space for teenagers/Youth Booth; Somewhere for teenagers to hang out, evening entertainment for them; Teen(ish) community rooms (x3)
- Shared Community rooms --- dance, yoga, sports groups, meetings, youth group
- Communal Sports room and area
- Club rooms with Emergency Services hub to utilise specialised staff already living in Lake Hayes Estate and Shotover Country.
- Centralised community facilities, sports fields, hall, pool etc.
- Community sports facility at Widgeon Place (LHE). All sport: rugby, tennis, cricket, netball, softball etc.
- LHE/Shotover: a community hall with a wooden floor (current school hall flooring limits use for some activities e.g. dancing).
- Additional community pool as Alpine at capacity for schools. Say at Shotover Country.
- Community Facilities - meeting place; sporting/clubs; swimming pool
- Events Centre: would ideally have an additional pool, expanded stadium, squash courts, new netball courts and WAY MORE parking!!
- Lengthen present [QEC] pool to 50m. Turn it around 90 degrees. Split in the middle to double users.
- Sport club rooms - parking around it. Swimming Pool. Squash Courts.
- Community Swimming Pool
- Swimming Pool, Skate Park, Jetboat straight to Shotover
- Community Hall, Swimming Pool, Gym
- Swimming Pool (x14)
- Community Swimming Pool
- Swimming pool, can be difficult to get into lessons currently

- Swimming Pool at Widgeon Place
- Swimming Pool, Sports Pavilion, Skate park (BIG)
- Small pool -- easy to access in local community for those with disabilities
- Horse riding Club.
- Sports field
- Skate Park and ramp, underpass to LHE, Bike access to high school, new bridge? New track?

(50 comments)

2. Want more/better/safer cycleways/walkways, including safe road crossing points, particularly to new high school.

Related comments:

- Bikeway to new High School (x6)
- Better straight through bike track to high school.
- Clip on foot and cycle bridge to State Highway over Shotover
- Cycle and walk underpass under SH6
- Attach walk/cycle track to Bridge [Shotover] especially with Wakatipu High School moving to Frankton and no school buses, and increasing recreational cyclists.
- Improved cycle access over river [Shotover]. Ban cycles over existing bridge.
- Better access to High School
- Cycle bridge to the high school
- Easy way to High School
- Alternative (shorter) cycle route from LHE to the new high school.
- change wide verges to bike lanes
- Link to Lake Hayes Underpass (x2) -
- Howards Drive pedestrian crossing or underpass
- Underpass between LHE and Lake Hayes walking track.
- Trail upgrade to commuter status between SC and LHE and Frankton Flats (can they be solar generating?).
- safe crossing from LHE to Lake Hayes
- Safe crossing on Ladies Mile to Lake Hayes
- safe crossings (around Shotover Primary)
- Safer crossing from LHE to Lake Hayes --- crossing that road is dangerous!

(25 comments)

3. Want new outdoor community recreation spaces in Lake Hayes Estate and Shotover Country

Related comments:

- Developing Widgeon Place
- A basketball court; a skate park
- Skate ramp/park (x10)
- Bigger flying fox
- Motorbike track

- Athletics track and field (x3)
- Athletics facilities
- Full size hockey turf (x2)
- Confidence course
- Ropes/ Confidence/ Agility course --- something challenging for older kids
- Widgeon Place sports and rec grounds
- Mini golf for kids
- BMX track
- BMX Park
- Bring Frankton Golf Course to Shotover
- Dirt jumps for bikes (x3)
- Dirt jumps for bikes and mini ramp
- Downhill track for bikes
- Flying fox to river
- Soccer club
- Swings
- Bike tracks and sports fields down Widgeon Place (LHE).
- Zip line
- Upgrade court turf area, install tennis net, hedge around the current turf --- too windy at present.
- Tennis courts

(36 comments)

4. Want improved public transport/commuter options and facilities.

Related comments:

- Jet boat to high school
- Shotover/LHE don't have half hour buses Put a park and ride at Frankton for us to use
- Very regular bus 15-30 mins all day and night
- Bus service
- Bus/transport shelters.
- Formal and covered bus stops for new suburban service.
- Public transport needs improving - buses more often, bus shelters.
- Park and Ride facilities - gondala - near school
- Water taxi along the river - esp high school students.
- Water taxi Kawarau to High School and Frankton.
- Public Transport, high speed ferry, buses
- Jet Ferry from Widgeon place, stop at SC and onto High School
- Extend water taxi to SC and LHE in peak times
- Electric bike station
- E bike station --- especially for high school kids biking with bags and gear and going on to after school activities

(15 comments)

5. Community gardens (including edible/fruit trees etc.) in Lake Hayes Estate/Shotover Country.

Related comments:

- Community gardens (x10 comments)

Unique/interesting ideas:

Neighbourhood watch

Community initiative to build a sense of community



APPENDIX 2-

LAKE HAYES ESTATE AND SHOTOVER COUNTRY COMMUNITY ASSOCIATION (LHSC)

SUBMISSION ON 2017-2018 ANNUAL PLAN

The Lake Hayes Estate and Shotover Country Community Association (LHSC) appreciates the opportunity to submit on the Annual Plan and commends the Council's aim to engage with the community. Our Community Association aims to represent the residents and ratepayers within Lake Hayes Estate and Shotover Country. Our community has seen significant growth, and has been impacted upon by both the growth within Shotover and Lakes Hayes Estate, and in the wider Queenstown area. It is important that Lake Hayes Estate and Shotover Country continue to become a community rather than a 'development'.

General comment

While we agree that it is necessary to invest in infrastructure, it is important that the Council continues to source funding for the growth in tourism and new development from avenues other than rates; i.e development contributions and bed tax. The growth in tourist numbers has impacted significantly on our communities and the true costs of that tourism growth can not be funded by the ratepayers. Further, our community is being impacted upon by surrounding developments and there is concern that the true cost of those developments is not being met by the developers. Queenstown is already an extremely expensive place to live and the cost of meeting tourist needs and development costs (increased demand on infrastructure) should not fall on the ratepayer.

Request:

The LHSC requests that the Council continues to work with Central Government to ensure that the true costs of increased tourist numbers are not imposed on the ratepayers. That the Council ensures that when determining development contributions it is the true cost of development that is met, and that developments do not place an increased burden on the ratepayers to assist in upgrades to infrastructure that are necessary to support those new developments.

Public transport

The LHSC commends the Council's efforts to make public transport affordable and effective. Unfortunately residents in both Lake Hayes Estate and Shotover Country have to travel to work. If public transport were both efficient (in terms of regular services and timeliness) and cost effective then many residents would choose to use it. It is important that any bus service from Lake Hayes Estate/Shotover Country has direct service into the Queenstown CBD. A park and ride in Frankton is not of benefit to our residents, and nor are bus services that have transfers/long stops in Frankton.

Regular bus services are needed between Lake Hayes Estate/Shotover Country and Five Mile, Airport, Queenstown CBD and the High School.



Consideration should also be given to the location of services and places of employment, so that into the future residents do not have to travel as extensively for these services. For instance, library services should be provided in Frankton so that Lake Hayes Estate and Shotover Country Residents do not have to travel into Queenstown CBD. Other communities such as Arrowtown have their own library, and consideration should be given to providing such services within our community.

Request

We request that the Council continue to work on provision of an effective and efficient public transport service.

Recognise that any system needs to be efficient, and for Lake Hayes Estate/Shotover Country residents a park and ride in Frankton is not helpful.

To plan strategically for the future service needs of Shotover Country and Lake Hayes Estate, so that the need to travel is reduced.

Water quality

The water quality in our lakes and rivers is extremely important and the Council's proposal to invest in maintaining and enhancing water quality is supported. The statement of what the Council plans, particularly in regard to stormwater is not very inspiring, it is unclear as to the actions that Council is taking to achieve its statements regarding water quality.

Request

That the Council clarifies the actions to be taken to improve water quality. This will include increased focus on stormwater management, both through resource consents but also through monitoring and upgrading existing stormwater systems. For example, it is understood that stormwater from Lake Hayes Estate empties into a drainage channel at the bottom of Widgeon Place without any treatment. Given the importance of the Kawarau River (to which a Water Conservation Order applies) greater care should be taken to the management of this stormwater.

Water quality is a function of the Regional Council. The District Council should include provision in its plans to encourage increased ORC input into the management of our water resources.

Affordable Housing

The need for more affordable housing is well recognised. The LHSC has been impacted upon by two Special Housing Areas, namely Bridesdale and Sanderson Group's retirement Queenstown Country Club, which have been approved to increase the supply of housing. However, those developments have only increased supply, not a supply of affordable housing.

Request

That the Council ensures that only those Special Housing Areas that contribute to long term affordability are supported. Further that the location of Special Housing Areas is considered carefully, so that they are located in close proximity to services (libraries, shops, medical centres) so that there is not such an increase in traffic on our roads. Also, they should be located and designed to integrate with the existing communities, and avoid or mitigate effects on the amenities of existing communities.



Congestion

The Council's investment in roading and public transport to reduce congestion is supported.

Request

We request that the Council continues to focus on completion of roading projects and public transport to reduce congestion. At a strategic level consideration should also be given to the location of key services in order to reduce the need for travel to and from LHSC.

Howards Drive – Entrance to Lake Hayes Estate

The footpath from Howards drive to Shotover country which is used for access to Shotover Primary requires a demarcation barrier, as this footpath is frequently used by school children on their way to and from school. This corner is hazardous, winter conditions will increase the need for a barrier to protect footpath users from vehicles.

Request

That a barrier is constructed on the road edge of the footpath connecting Lake Hayes Estate to Shotover Country so that school children can travel safely to and from school.

Traffic Crossing the top of Howards Drive to Sanderson's Retirement Village worker accommodation

A lot of heavy vehicles are crossing this section of road across the path frequently used by school children, there should be a block out of vehicles using his access route at the times children are heading to and from school.

Request

That it is ensured that heavy traffic does not cross the footpath/cycle track linking Shotover Country and Lake Hayes Estate during the morning and afternoon when children are travelling to and from school. (between approx. 8.30-9am and 2.50 and 3.15pm).

Footpath from Judge and Jury to McBride Park

There is no footpath along Hope Ave from Judge and Jury to McBride Park, school children and other users have to cross the road multiple times to access the park, and High School children wait for the bus on the grass verge.

There is enough room on the verge for a footpath to be added, and such a footpath would increase safety.

Request

That a footpath is constructed on the south side of Howards drive connecting Judge and Judy Drive to Rere Road.

Infrastructure



There is concern that the infrastructure at LHSC is already at capacity and with the addition of Bridesdale and the Queenstown Country Club this will cause increased pressure on an already over-allocated system.

Request

We request that the Council ensures that existing systems (wastewater and water supply) are not burdened with the increased demand from new developments. New developments should bear the full costs of the increased infrastructure requirements.

Parks and reserves

The Reserves Strategy is very broad brush and does not provide any detail about where and how money will be spent on reserves. It is important to our community that we are engaged with for any proposed developments and their maintenance. For instance, the reserve land at the end of Widgeon Place is currently in rank grass and is likely going to be upgraded. The community wishes to be engaged in how best this reserve land can be developed. After all, we are the people that use this resource and we wish to be a part of its future development. It should be a resource for the locals, and therefore it should be the locals who have a say in how it is developed and managed. Currently it is used by many people as a place to walk dogs; it may be that this is a good use, and the money that would be needed for its upgrade would be better spent elsewhere in sports fields and playgrounds.

A discussion about the overall strategy for parks and reserves that are local to LHSC should be discussed with our community; we are very keen to be a part of the strategic development of our community and the parks and reserves form a key focus for our community. We would like Council to engage with us.

Our community is now of a scale where we should have access to good sports facilities and consideration should be given to upgrading the facilities in our community rather than continuing to try and fit everyone into the Events Centre. Sports facilities with club rooms are needed. Because we are not a historic town (like Arrowtown or Glenorchy) we don't have a hall or community facility. We have the school but this is often not available.

Request

That the Council provides budget to engage with the LHSC as to the future management of the parks and reserves in our area. That the Council, in collaboration with the LHSC, plans strategically for the future sports and other community facilities that will be needed.

Freedom camping

We support the stronger management of freedom camping, and request that the reserve at the head of Lake Hayes is no longer a location for freedom camping. This is because it has simply become too popular, and means that locals can no longer access this reserve. Further, freedom camping is another example of tourists not meeting the full costs of their visit to Queenstown. The result is that ratepayers are funding these visitors and are being displaced.

Request



That freedom camping is not allowed at the end of Lake Hayes.

Dogs

Many people in LHSC are dog owners, and many residents enjoy walking their dogs around the many local trails, and at the reserve at the end of Widgeon Place. Additional rubbish bins would assist in dog owners being able to pick up the dog poo- have you ever tried running for 8km while carrying a plastic bag full of poo? It is not recommended, and without rubbish bins it is the only option (other than leaving said poo on the footpath). Given the number of dogs, and the dog registration fees the cost of additional rubbish bins should be catered for.

Request

Please provide rubbish bins for dog poo in and around Lake Hayes Estate and Shotover Country.

Emergency services and resilience to a civil defence situation

Given the size of our community it is important that our access to community services is considered carefully. At present the nearest fire station is in Frankton. We have 12 firefighters resident in our community, and in the event of an emergency they would have to travel all the way to Frankton (in the potentially slow traffic) to access the fire appliance. Given the continued growth in our area and the difficulty in accessing the existing services consideration should be given to providing facilities within our community. Further, in the event of an earthquake it is likely that our community would be cut off from Queenstown (for instance, if the Shotover Bridge were to collapse). We have only the school as a civil defence centre and as our community grows this will be inadequate.

Further, in past winters Lake Hayes Estate has experienced frequent power cuts. Because our only heating source is power and gas (which also needs power in many heaters) we are very vulnerable.

Request

We request that the Council supports the LHSC in its bid to locate emergency (and other) services within our community. Further consideration is needed to provide a community centre. The Council should work with our community to ensure resilience in emergency situations, and to ensure power cuts are avoided.

Entrance to Lake Hayes Estate and Shotover Country

Our Community Association has requested that the entrance to Lake Hayes Estate is upgraded on a number of occasions. It is a logical place for people to car pool from and therefore rather than cars being either excluded or forced to park alongside the road, this parking area should be formalised. Trees should be planted, and the grass on the road verges maintained.

Request

Upgrade the entrances to both Shotover Country and Lake Hayes Estate. The entrance to Lake Hayes Estate should provide formal car park areas to avoid the mud and puddles created, and should include tree planting.

Car park adjacent the Lake Hayes Estate playground



We have also raised this issue a number of times. People visiting the playground park on the grass verge in order to get their kids out safely. A formal parking area is needed in this location. Please note that discussions have been had about providing a car park on either Rere or Quill Streets. However the car park is needed adjacent the playground. When people visit with small children they will park as close as possible to the playground.

Request

That a pull in car park area is provided on Howards Drive adjacent to the Lake Hayes Estate playground.

Conclusion

We would like to thank the Council for providing the opportunity to have our say in the Annual Plan. We would like to present our submission at the hearing.

Lake Hayes Estate Shotover Country Community Association.