

ATTENTION MIKE ALLISON

MINUTES QLDC/28/03/95

95/043 CHIEF EXECUTIVE OFFICER'S REPORT (Item)

On the motion of Councillors Blackford and Wilson it was resolved that the report be received.

MATTERS ARISING FROM THE CHIEF EXECUTIVE OFFICER'S REPORT

- (a) The Resource Management and Regulatory Services Manager to write to the Southland Regional Council supporting them in Camper Van - Freedom Camping controls.
- (b) Circulate to Councillors, Zone 6 meeting dates.
- (c) Revised list of Annual Plan Meetings.
- (d) The Chief Executive Officer congratulated Mike Ross on his appointment as Chief Executive Officer of the Clutha District.

A number of Councillors also congratulated Mike and thanked him for his help and guidance.

95/044 TOTARA TERRACE RESERVE REVOCATION - REPORT ON SUBMISSIONS (Item 4)

On the motion of Councillors Burdon and Elworthy it was resolved to give speaking rights to Mr Andy Adair, Chairman of the Mount Aspiring College Trust, Mr Colin Kane, Chairman of the Board of Trustees and Mr Mike Allison, Principal, Mount Aspiring College. Mr Adair addressed the Council.

On the motion of Mayor Bradford and Councillor Burdon it was resolved to revoke the designation of the Reserve described as part Lot 221 Deposited Plan 8072 Block XIV Lower Wanaka S.D. Part Totara Terrace Recreation Reserve, and apply to the Minister of Conservation for approval.

Councillor Blackford voted against the motion.

POS

95/045

TOTARA TERRACE - POTENTIAL DEVELOPMENT (Item 5)

On the motion of Mayor Bradford and Councillor Burdon it was resolved that the concept of the Reserve disposal is approved and the application be forwarded to the Minister of Conservation for his approval along with the Reserve revocation application and;

That should the Minister approve the revocation and disposal of the Reserve as per the above proposal the Council initiates the procedures to subdivide and sell the land and:

That the Council resolve to sell the sections. The sections are to be sold subject to a covenant upon the title to the land, which prohibits land owners from objecting to reasonable noise from the School, Hostel and Swimming Pool, or oppose any resource consents which are applied for.

Councillor Blackford voted against the motion.

On the motions of Councillors Lawrence and Neal it was resolved that the return to the Council, should the land be sold by Mount Aspiring College, be 100% of the land value, less the cost of the subdivision development.

Councillors Burdon, Elworthy, Gillespie, Wellman, Kirkland, Turnbull and Mayor Bradford voted against the motion.

On the motion of Councillors Goldsmith and Elworthy it was resolved that any mortgage required by Mount Aspiring College to fund its proposed hostel development be permitted to take priority ahead of the Council's caveat.

95/046

MANAGED GROWTH STRATEGY AND THE NZ TOURISM BOARD (Item 6)

On the motion of Mayor Bradford and Councillor Lawrence it was resolved;

- 1 That the Queenstown Lakes District Council, rejects the mass tourism goals set over the last few years by both the NZ Tourism Board and Government.

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QUEENSTOWN-LAKES DISTRICT COUNCIL

FOR MEETING OF 28 MARCH 1995

REPORT FOR AGENDA ITEM NO:

SUBMITTED BY: Resource Management & Regulatory Services Manager

TOTARA TERRACE RESERVE REVOCATION - REPORT ON SUBMISSIONS

The Council has received three submissions on the revocation of the Totara Terrace Reserve.

The first submission is from the Wanaka Community School Swimming Pool Inc and dated 24 November 1994. The submission states that the Committee "have no objection" to the revoking of the reserves status and the selling off of sections for residential development, and to the transfer of some parts of the land to the School to build student apartments.

The Committee is concerned that residential housing on the pool's boundary could create problems from neighbours complaining about noise activity at the pool. There were four questions concerning bulk and location aspects of the proposed subdivisions.

Status - The submission was on time and in essence did not object to the revocation of the reserve.

The second submission was from Mount Aspiring College ("the School"). It was dated and delivered on 9 December 1994.

The School is in favour of the proposal.

Status - The submission was on time, and is in favour of the proposal.

The third submission was from Mr and Mrs A J Salmond and dated 24 January 1995. The submission objected to the proposal, but was clearly late.

Status - The objection was filed out of time and therefore it is invalid. Section 24(2)(b) of the Reserves Act provides that anyone who does not lodge an objection in terms of the notice is deemed to have accepted the proposal.

Accordingly, I would recommend that Reserve classification be revoked.

3 Sections which could not be developed with multiunit dwellings and therefore preventing dense housing. (Not Mount Aspiring College development.)

4 It would also be an advantage to my committee if we could view the proposed plan of subdivision for the site.

N J Harris

N J HARRIS
For an on behalf of
The Wanaka Community School
Swimming Pool Inc

My name is Neville Harris and I am Treasurer and member of the Wanaka Community School Swimming Pool Committee Inc. and have been appointed to present the committee's concerns regarding the proposed lifting of the reserve status from land adjoining the Swimming Pool Reserve Lease Lot 1 D.P. 22331 Blk 14 Lower Wanaka S.D. part of Totara Terrace Recreation Reserve.

I have been involved from the early stages of the pool's development with substantial fundraising with the Wanaka Lions Club, and later with organising corporate donations, and finally with the local radio-thon which raised the final amounts for the pool complex to be completed at a final cost in excess of \$500,000 completely free of debt.

During the planning stages several sites were considered. (For the planning committee's interest, a district survey which was conducted in the late 1970's came out convincingly in favour of Pembroke Park.) It was finally decided to approach Council to lease part of the reserve in Totara Terrace as it was central to all residents and most importantly had plenty of open space and well away from existing housing to alleviate any complaints from residents regarding noise from patrons and filtration pumps going twenty four hours a day. (It was involved with another club in Wanaka where irrigation pumps going continuously caused so many complaints from nearby residents that finally the pump was resited.)

After being in operation just three years we now find that we are to have housing placed on our boundary.

Although the public notice proposing the revoking of the reserve does not state what will happen to the reserve, we understand that Council intends selling off sections for residential development and transferring some parts to Mount Aspiring College to build residential apartments for students at the college.

The pool committee have no objection to this use but are concerned that residential housing on the pool's boundary could create real problems from permanent retired residents complaining about noise activity at the pool, and eventually curtailing our activities and development.

Our submissions may be met if:

- 1 The pool committee could discuss with Council what yard requirements would be placed on the subdivided land.
- 2 A buffer zone or covenant could be placed on the sections, preventing residents objecting to pool activities and any future development at the pool complex.

Mount Aspiring College

Plantation Rd., P.O. Box 82, Wanaka (03) 443-7106. Fax (03) 443-7106

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9 December 1994

Mr Mike Ross
Queenstown Lakes District Council
QUEENSTOWN

Dear Mike

We refer to recent discussions regarding the revoking of the reserve status on the portion of land bounded by Totorā Crescent, Plantation Road and Mt Aspiring College and the advertising of this intention with submissions to be received by the Queenstown Lakes District Council on or before 4pm on Friday 9 December 1994.

In normal circumstances Mt Aspiring College would object to the submission of this piece of land because of its proximity to the school and its suitability for future expansion of the school's facilities.

However, as the proposal is that a significant portion of the land is to be transferred to Mount Aspiring College for the construction of a Hostel and the future expansion of other school facilities we are in favour of the revocation. We reserve the right to make a submission however in the event that the terms of the transfer of the land to Mount Aspiring College are not appropriate under the circumstances.

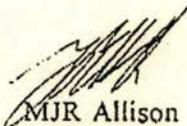
We have now received a Registered Valuation from Robertson Valuations and I enclose a copy for your information.

I also attach a document that looks at the benefits that flow from the project to the Queenstown Lakes District Council, Mount Aspiring College and the Community. It is clear from this document that a substantial discount to the value of \$100,000.00 determined by Robertson Valuations should apply to enable us to proceed with the project.

We would appreciate the opportunity of meeting with you in the near future so that we can prepare a submission to full council regarding the transfer of the land.

We will contact you next week to arrange a meeting.

Yours faithfully


MJR Allison
PRINCIPAL

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QUEENSTOWN-LAKES DISTRICT COUNCIL

FOR MEETING 28 MARCH 1995

REPORT FOR AGENDA ITEM NO:

SUBMITTED BY: Corporate Services Manager

TOTARA TERRACE - POTENTIAL DEVELOPMENTBackground

The previous agenda item paper has outlined for Council the regulatory steps required to uplift a Reserve designation. The next step requires the Council to prepare a report to the Minister of Conservation outlining the Council's intentions for the land.

This whole process has been initiated at the request of the Mount Aspiring College Board of Trustees and has received consistent support as it has moved through the statutory processes required by the Council.

Chronology of Events

30 March 1994 Mt Aspiring College discussed the concept with QLDC staff.
Department of Conservation informed of proposal and they in turn
advised the Council that this should be a community decision.

01 June 1994 Proposal presented to the Wanaka Community Board:

W94/73 Totara Terrace Recreation Reserve

On the motion of Mrs Urquhart and Mrs Kilpatrick, it was resolved that the Wanaka Community Board supports the proposal of the College Trustees and that the matter be referred to the Property Working Party with the recommendation that it be presented by the Trustees.

On the motion of Mrs Kilpatrick and Councillor Wellman it was resolved that following this matter being referred to the Property Working Party, that it be referred back to the Community Board for final recommendation.

17 August 1994: Proposal presented to the District Corporate and Community
Services Committee:

CCS/94/157 Totara Terrace Recreation Reserve

On the motion of Councillors Sharpe and Kirkland, it was resolved:

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- (1) *That the Committee resolves to uplift the Reserves designation on this portion of land.*
- (2) *That the Corporate Services manager negotiate with Aspiring College, a satisfactory settlement for the land with details to be confirmed by full Council.*
- (3) *That should the revocation be approved, Council proceed with the subdivision along the lines detailed.*

26 August 1994 Department of Conservation advised of above resolution.

05 October 1994 Wanaka Community Board resolved:

*W94/159 Totara Terrace Recreation Reserve
Valuation Ref: 29052 44770*

On the motion of Mr Taylor and Mrs Kilpatrick it was resolved that the Community Board supports the revoking of the reserve as it is no longer required as a recreation reserve. The Board requests Council to take the necessary steps to revoke the reserve described as part Lot 221 Deposited Plan 8072 and that the funds be applied towards the capital development of community facilities for the benefit of Wanaka.

12 October 1994 Corporate and Community Services Committee resolves:

*CCS/94/191 Proposed Revocation of Part Totara Terrace
Recreation Reserve Valuation Ref: 29052 44700*

On the motion of Councillors Sharpe and Gillespie, it was resolved that the committee supports the revoking of the reserve as it is no longer required as a recreation reserve. The committee recommends that the Council take the necessary steps to revoke the reserve described as Part Lot 221 Deposited Plan 8072 and that the funds be applied towards the capital development of community facilities for the benefit of Wanaka.

25 October 1994 Queenstown Lakes District Council resolved:

*94/168 Totara Terrace Recreation Reserve - Proposed
Revocation*

On the motion of Mayor Bradford and Councillor O'Connell it was resolved that the Council notes that the revocation of the Totara Terrace Reserve is about to be publicly notified.

07 November 1994 Queenstown Lakes District Council's intent to Revoke Reserve publicly advertised.

09 December 1994 Submissions closed.

At its meeting in August, the Corporate and Community Services Committee resolved that the writer negotiate with the College, a satisfactory settlement for the land with details to be confirmed by full Council. We now wish to consider that particular matter.

Considerations

In considering the settlement, it is important to remember three key factors:

- (1) That Mt Aspiring College promoted the concept with the local residents and have initiated much of the required consultation and consequently have gained a great deal of support from the local community.
- (2) That our case to the Minister will be assisted by both the Corporate & Community Services Committee's resolution of 12th October (regarding reinvestment in local community facilities) and by the fact that the school, as an important element within the community, will benefit significantly from this revocation.
- (3) That the Council will benefit from the revocation by subdividing off approximately eight sections at an estimated net benefit of \$440,000 to be put towards capital funding of community facilities.

The Proposal

The College has, on a number of occasions, presented its case to the Council. They argue that given the benefit to the overall community and the downstream benefits from the further development of their hostel and overseas student programme, that the Council should gift the land to the school.

In the spirit of partnership, it is proposed that the Council consider transferring the land for a nominal sum of \$1.00. In return for this nominal figure a Caveat is placed on the portion of Reserve to transfer to Mt Aspiring College.

The Caveat will state that should at any time in the future the College no longer require the property and all or part of it be sold, the Queenstown Lakes District Council will receive 50% of the current land value of the portion that is sold.

This has considerable benefits to the Council as once the land has been developed commercially the underlying land value will increase substantially. The Council and community will also be protected against any "profiteering" by the school on the sale of this public Reserve.

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A freehold title is required by Mt Aspiring College to ensure that the substantial finance is required can be adequately secured. The school could not be successful in this venture had either a leasehold interest or had to pay market prices for the land.

A letter is *attached* from Mt Aspiring College which discusses the proposal further *attached* is a proposed development plan showing the area for the Mt Aspiring College the eight sections to be sold to fund the Wanaka Community facilities.

Some Councillors may express the view that in operating a quasi-commercial hostel, school should therefore pay accordingly. The school however will point out that any is reinvested in education facilities which, as such, must benefit the school children Wanaka Ward. It should be noted also, that the school is offering to pay commercial the proposed block if this process is successful.

And finally, if the process does not proceed, Wanaka is still left with an over abundant reserves which it can ill-afford to maintain.

(2)

RECEIVED
CIC
13 MAR 1995
LOCAL GOVERNMENT SERVICES
ANSLETT HOUSE
QUEENSTOWN

8 March 1995

Mr M Ross
Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN

Dear Mr Ross

I refer to the discussions and meetings that have taken place between Mt Aspiring College and the Council regarding the revocation of the reserve status on the corner of Plantation Road and Totara Crescent and the subsequent transfer of a portion of that land to Mt Aspiring College.

As we have previously stated, the introduction of Tomorrow's Schools has given the Board of Trustees and the Senior Management within Mt Aspiring College a great deal more flexibility in terms of the delivery of their education product to our community.

However, the reality of Tomorrow's Schools is that the Government will not provide sufficient funds to allow Mt Aspiring College to provide a broadly based curricular and quality education to the children living in the Upper Clutha area.

As a general rule, country high schools have been in decline for some years and as a result they have not been able to attract quality teachers and they are experiencing continuing difficulty in the provision of a quality education.

In 1990 Mt Aspiring College had the foresight to predict this trend and hence initiated our hostel programme and our overseas student programme as a means of arresting the decline.

Both of these programmes have been spectacularly successful and in education circles Mt Aspiring College and its senior management are frequently used as an illustration of what can be achieved under the flexibility provided by Tomorrow's Schools.

The benefits that have occurred to the children of the Upper Clutha Basin are as follows:

- We now provide a broader curricula for students.
- We have been able to attract and retain quality teachers.
- In turn, these two factors have meant that senior students in the Upper Clutha Valley have stayed at Mt Aspiring College rather than transfer to other colleges
- The cash flow has improved within the school facilitating the management of the school.

The academic and non-academic performance at Mt Aspiring College has improved dramatically.

In addition to the above benefits, hundreds of thousands of dollars is bought into the community annually from the initiatives at Mt Aspiring College.

Our hostel and overseas programme is of critical importance for the future of the school. However, we currently board our overseas students within the community and rent accommodation for our hostel. The problem with this is that we are at the vagaries of the market, in terms of the cost of accommodating these students.

We have proposed to the Council and to date have achieved agreement that a portion of the reserve bordering the school on the corner of Plantation Road and Totara Crescent be transferred to the school after its reserve status has been revoked.

LAND USE

We wish to use this area to build our own hostel, build facilities for our overseas student programme and to enhance our outdoor pursuits confidence course.

CONDITIONS OF TRANSFER

It is proposed that the freehold title to the land in question be transferred to the College at no price to the College. The College will pay the Council's legal fees associated with this transfer.

To protect the ratepayers against the College simply selling off the land at a profit after the transfer, a caveat will be registered against the title which will require the College to pay the Council half of the proceeds of the sale of all or part of the land. This caveat will apply to the land content of any such sale, not to improvements that the College may have erected on the site.

The college reserves the right to apply to the Council in the future to have this caveat removed from the title once it is clear to all concerned that the College is honouring its commitment to use the area for the purposes stated above.

Successive Councils have always regarded the College as a centre of focus for community activities and the College has an excellent record of good administration and a proven ability to work with the Council and Community Boards for the welfare of the total community.

It is felt that this proposal reflects the spirit of partnership that has existed between the Community and the School. This spirit of commitment to the community by the school is further illustrated by our 'Students in the Community' programme launched this year.

RATING

It is proposed that the school pay rates on a commercial basis for this piece of land and any improvements.

(3)

It is important to understand that our hostel and overseas student programmes are designed to enhance the education we are able to provide to our local children, that is, if a surplus exists from these programmes, it is immediately put back into our other education activities.

However, this is not a major issue with us, and we will accept a commercial rating of the site and the improvements.

Mt Aspiring College has taken the initiative and developed a successful boarding hostel and an overseas student programme. This has enabled many children in the Upper Clutha basin to receive a comprehensive quality education without having to leave the area. These programmes have brought ten of thousands of dollars into our community.

We must grow our roll toward a critical mass of approx. 400 children if we are to continue to broaden our curricula, attract and retain quality teachers and provide them with the resources that they require. Natural increase will not allow us to achieve this goal.

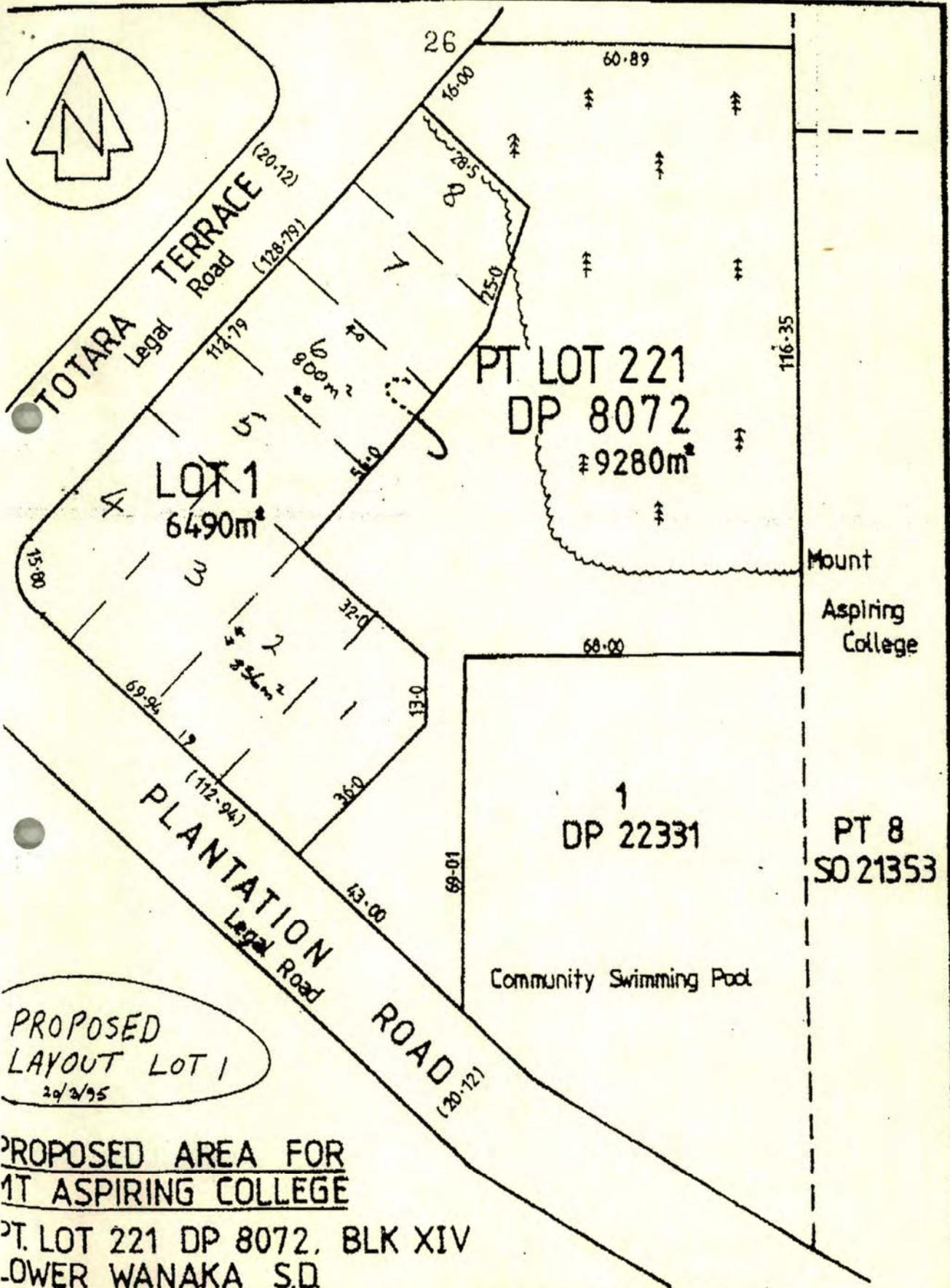
Your support of the sale of this site to Mt Aspiring College after it is freehold will enable us to overcome the major obstacle limiting the future growth of our hostel programme, our overseas programme and other education based opportunities that exist.

We look forward to your approval of this proposal.

Yours faithfully



MIR ALISON
Principal



PROPOSED LAYOUT LOT 1
24/2/95

**PROPOSED AREA FOR
MT ASPIRING COLLEGE**
PT. LOT 221 DP 8072, BLK XIV
LOWER WANAKA S.D.

C. HUGHES & ASSOCIATES

CONSULTANTS IN:
SURVEYING AND LAND DEVELOPMENT
RURAL AND URBAN PLANNING
RESOURCE MANAGEMENT
CROMWELL AND WANAKA

| | |
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| SCALE | JOB No. |
| 1:1 000 | 3659 |
| DATE | PLAN No. |
| Mar. 94 | C 40 |



QUEENSTOWN LAKES DISTRICT COUNCIL

PRIVATE BAG 50072 QUEENSTOWN, NEW ZEALAND

FAX COVER SHEET

File:
Ref:
System: Y

TO: Charlotte Almond

FAX: 01

DATE: 11 December 1996

NO. OF PAGES (including cover) 07

FROM: Fiona Wills

PHONE: 03-442 7333 (Ansett House office)

FAX: 03-442 7334 (Ansett House office)

SUBJECT: TOTARA TERRACE

The information contained in this fax is confidential between Queenstown Lakes District Council and the intended recipient. Any other person receiving this fax is required to respect that confidentiality. If this fax is received in error, please notify Queenstown Lakes District Council

Message

Find attached two items from the Council agenda regarding Totara Terrace—September and July 1996. I have searched the Corporate agendas but found nothing.

If this is not what you are after then please call.

Fiona Wills



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QUEENSTOWN LAKES DISTRICT COUNCIL

FOR MEETING OF 26 JULY 1996

REPORT FOR AGENDA ITEM NO: 8

SUBMITTED BY: Property Services Manager

TOTARA TERRACE - WANAKA SUBDIVISION

PURPOSE

To address a requirement for the Council to resolve to sell this property.

CURRENT STATUS

Pursuant to Section 230 (2) of the Local Government Act 1974, public notice is required before the Council resolves to sell the sections.

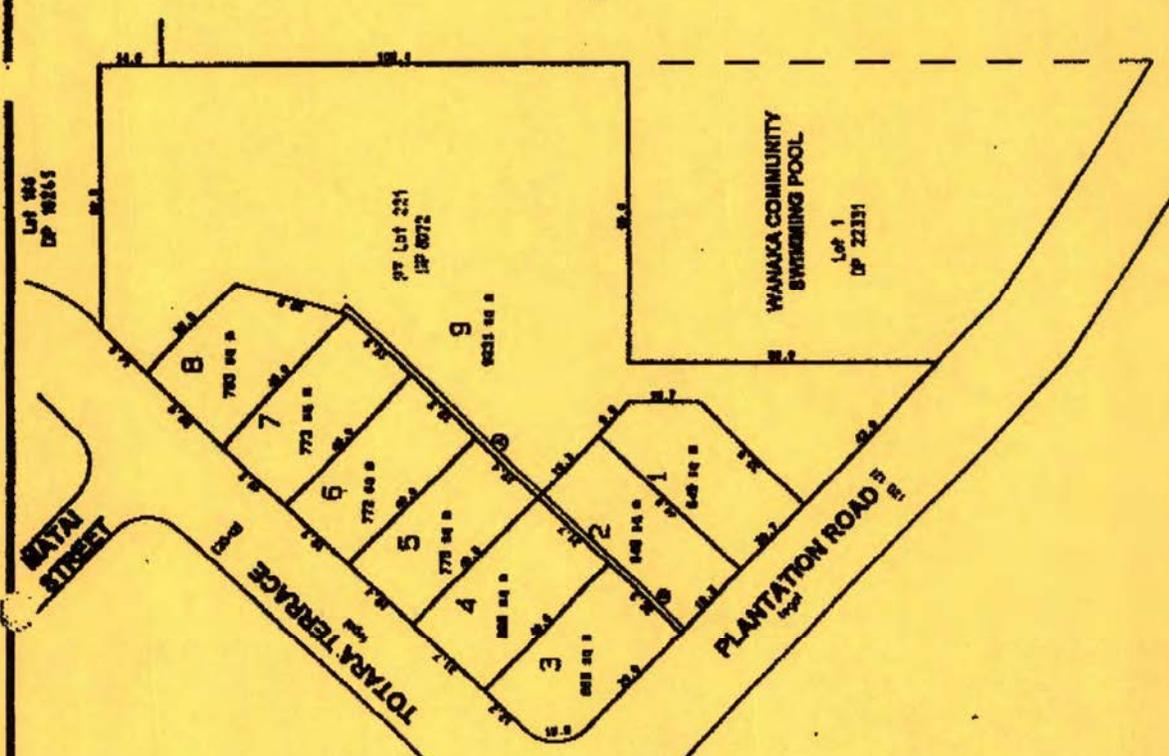
Public Notice has now been given and the Council is asked to resolve to sell this property.

RECOMMENDATION

That the Council resolves to sell all that parcel of land being Part Lot 221 Deposited Plan 8072 being all the land contained in Certificate of Title 17B/776



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MT ASPIRING COLLEGE
PT Sec 8
SO 21353

WAKA COMMUNITY
SWIMMING POOL
Lot 1
DP 22131

Proposed Memorandum of Easements in Gross

| Section | Minimum | Maximum | Area | Comments |
|---------------------------------|---------|---------|------|----------------|
| Right to walk over/under | 0 | 0 | | Overhead Lines |
| Right to drain surface water | 0 | 0 | | Public Council |
| Right to drain subsurface water | 0 | 0 | | Overhead Lines |
| Right to drain surface water | 0 | 0 | | Public Council |

| DATE | BY | SCALE | JOB NO. |
|------|----|-------|---------------|
| | | | 3853 |
| | | | PLAN NO. |
| | | | C123 |
| | | | DATE |
| | | | MSL |
| | | | 1 of 2 sheets |

LOTS 1-9 BEING PROPOSED SUBDIVISION OF PT LOT
221 DP6072, BLOCK XV, LOWER WANAKA SN

C. HUGHES & ASSOCIATES
CONSULTANTS IN:
SURVEYING AND LAND DEVELOPMENT
RURAL AND URBAN PLANNING
RESOURCE MANAGEMENT
CROCHBELL AND WANAKA

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QUEENSTOWN LAKES DISTRICT COUNCIL

FOR MEETING OF 27 SEPTEMBER 1996

REPORT FOR AGENDA ITEM NO: 6

SUBMITTED BY: Corporate Services Manager

RESOLUTION TO SELL COUNCIL LAND

PURPOSE

To address the statutory requirements for the Queenstown Lakes District Council to sell land.

CURRENT STATUS

It is a requirement of the Local Government Act 1974 that the Council publicly notifies its intention to sell land.

The following areas of land have been notified to be sold.

1. Stage VIII Commonage, this comprises 23 Sections being part of Section 1, SO Plan 24322, Block XX, Shotover Survey District. (Map A)
2. Stage III Scurr Heights Subdivision, this comprises 26 Sections being Part Section 101, Block XIV, Lower Wanaka Survey District. (Map B)
3. 1494 square metres, being Section 1, SO Plan 24322, Block XX, Shotover Survey District. (Map C)

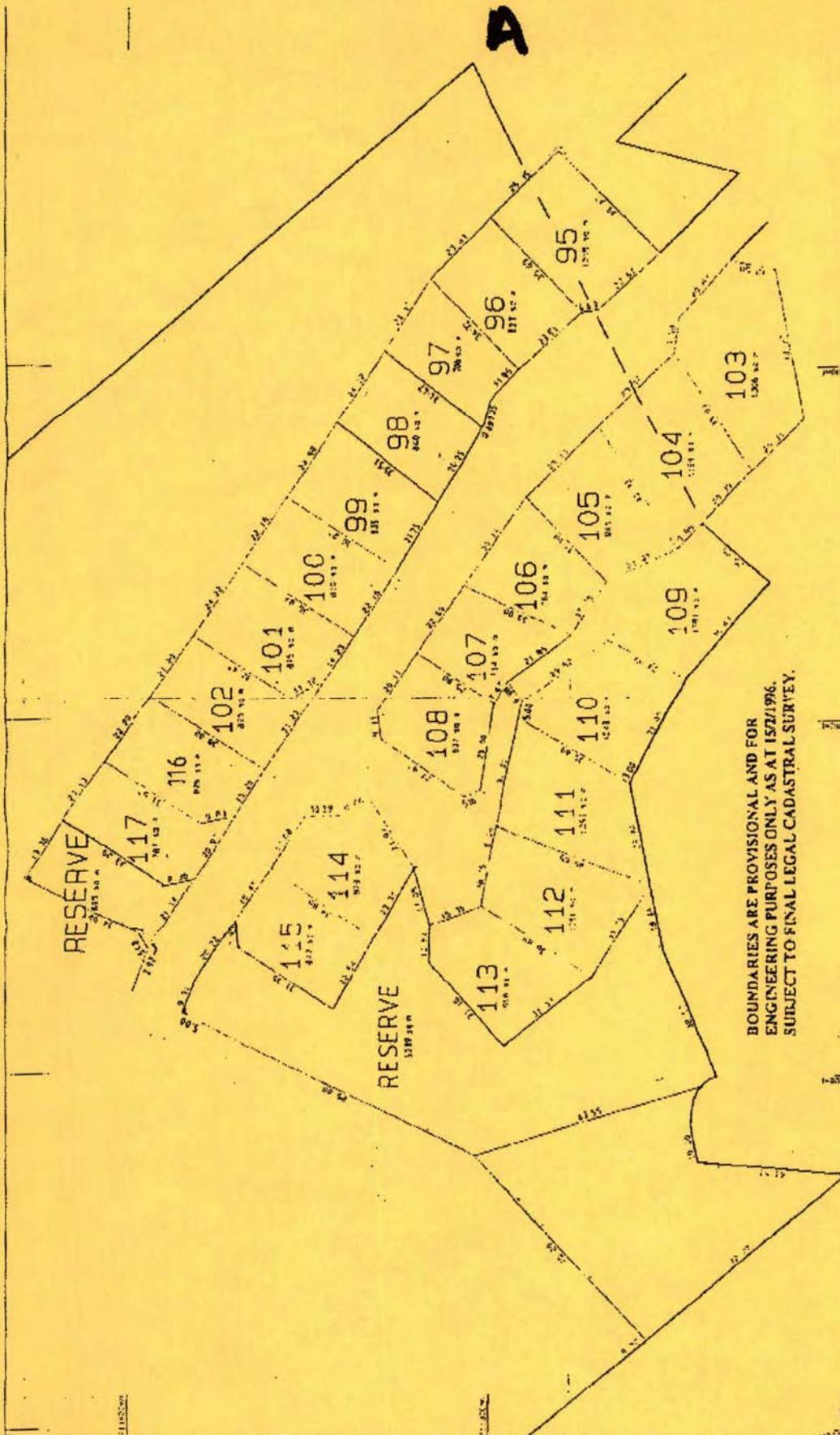
This property is located on an area of land which is part of the land included in the Queenstown Reserves Vesting and Empowering Act 1971. The land is now freehold and it is proposed to sell the land to Central Electric Limited for the purposes of a new electrical substation.

Plans are attached showing the location of these three areas of land.

RECOMMENDATION

That pursuant to the provisions of the Local Government Act 1974, the Queenstown Lakes District Council resolves to sell:

1. *Stage VIII Commonage, this comprises 23 Sections being part of Section 1, SO Plan 24322, Block XX, Shotover Survey District.*
2. *Stage III Scurr Heights Subdivision, this comprises 26 Sections being Part Section 101, Block XIV, Lower Wanaka Survey District.*
3. *1494 square metres, being Section 1, SO Plan 24322, Block XX, Shotover Survey District.*

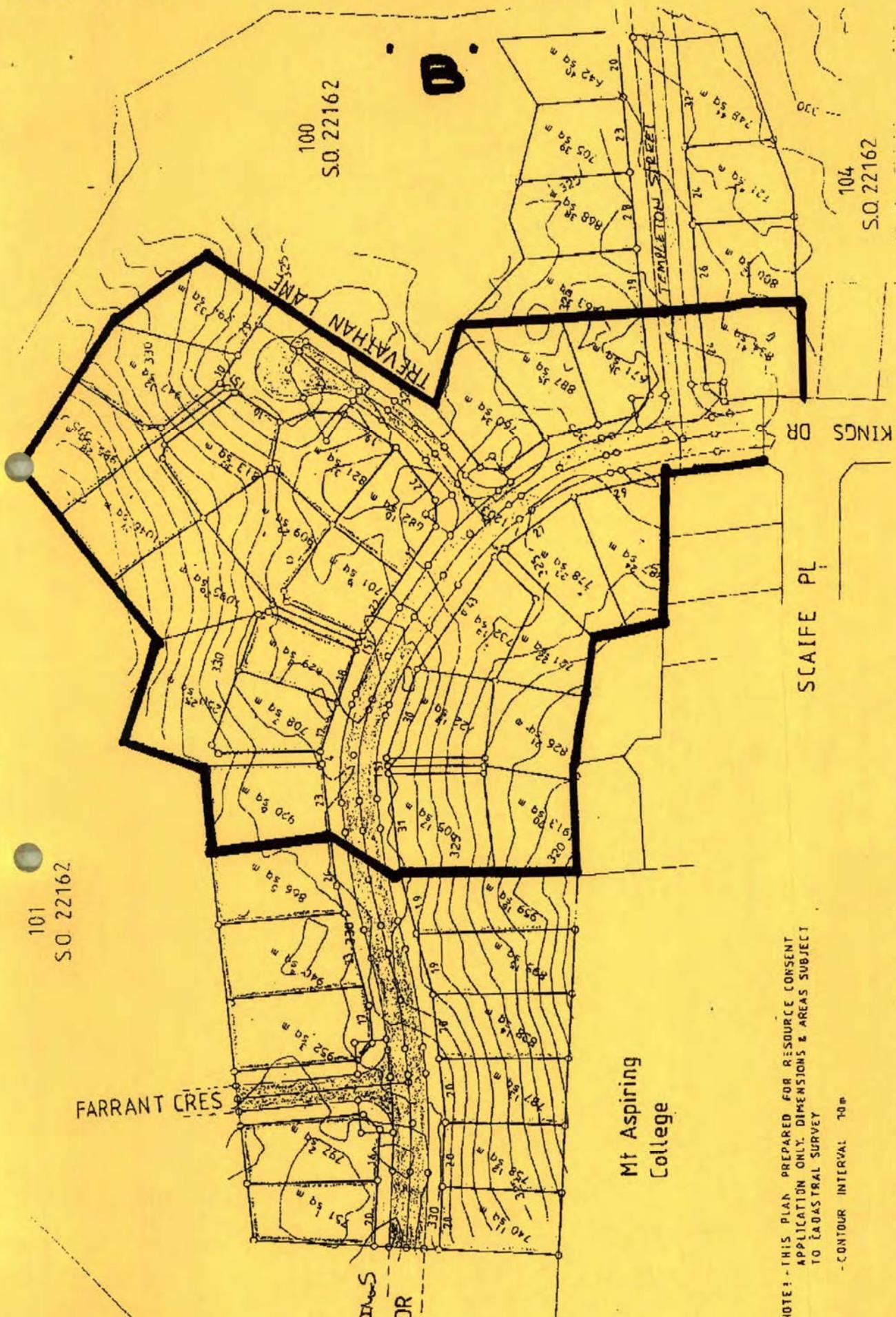


SCALE: 1:750
DATE: 26 MAR 1995
CONTOUR INTERVAL: 0.5M
DATUM: ASSUMED
JOB REF: 6377

SHEET 1 OF 1

PROPOSED COMMONAGE STAGE 8

**CLARK FORTUNE
MCDONALD &
ASSOCIATES**
RESIDENTIAL ENGINEERS LTD
100 RANGITIKEI STREET
WELLINGTON, NEW ZEALAND



NOTE: - THIS PLAN PREPARED FOR RESOURCE CONSENT
APPLICATION ONLY. DIMENSIONS & AREAS SUBJECT
TO CADASTRAL SURVEY

- CONTOUR INTERVAL 70m

155 90: N 27798 C.L.F.
100 Reference 301

EXTRACT FROM THE MINUTES OF THE MEETING

QUEENSTOWN LAKES DISTRICT COUNCIL

HELD ON

28 MARCH 1995

95/045 TOTARA TERRACE - POTENTIAL DEVELOPMENT (Item 5)

1. On the motion of Mayor Bradford and Councillor Burdon it was resolved that the concept of the Reserve disposal is approved and the application be forwarded to the Minister of Conservation for his approval along with the Reserve revocation application and;

That should the Minister approve the revocation and disposal of the Reserve as per the above proposal the Council initiates the procedures to subdivide and sell the land and:

as per Mike Ross' proposal

That the Council resolve to sell the sections. The sections are to be sold subject to a covenant upon the title to the land, which prohibits land owners from objecting to reasonable noise from the School, Hostel and Swimming Pool, or oppose any resource consents which are applied for.

Councillor Blackford voted against the motion.

2. On the motions of Councillors Lawrence and Neal it was resolved that the return to the Council, should the land be sold by Mount Aspiring College, be 100% of the land value, less the cost of the subdivision development.

50% originally proposed.

Councillors Burdon, Elworthy, Gillespie, Wellman, Kirkland, Turnbull and Mayor Bradford voted against the motion.

3. On the motion of Councillors Goldsmith and Elworthy it was resolved that any mortgage required by Mount Aspiring College to fund its proposed hostel development be permitted to take priority ahead of the Council's caveat.

Finance priority

*should also include:
facilities for overseas student programme + outdoor pursuit confidence course.*

Auth
copy

QUEENSTOWN-LAKES DISTRICT COUNCIL

FOR MEETING OF 28 MARCH 1995

REPORT FOR AGENDA ITEM NO:

SUBMITTED BY: Resource Management & Regulatory Services Manager

TOTARA TERRACE RESERVE REVOCATION - REPORT ON SUBMISSIONS

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The first submission is from the Wanaka Community School Swimming Pool Inc and dated 24 November 1994. The submission states that the Committee "have no objection" to the revoking of the reserves status and the selling off of sections for residential development, and to the transfer of some parts of the land to the School to build student apartments.

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Status - The submission was on time and in essence did not object to the revocation of the reserve.

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The School is in favour of the proposal.

Status - The submission was on time, and is in favour of the proposal.

The third submission was from Mr and Mrs A J Salmond and dated 24 January 1995. The submission objected to the proposal, but was clearly late.

Status - The objection was filed out of time and therefore it is invalid. Section 24(2)(b) of the Reserves Act provides that anyone who does not lodge an objection in terms of the notice is deemed to have accepted the proposal.

Accordingly, I would recommend that Reserve classification be revoked.

Mount Aspiring College

Plantation Rd., P.O. Box 82, Wanaka (03) 443-7106. Fax (03) 443-7106

7 November 1996

Mr Neville Harris
[REDACTED]

WANAKA

Dear Neville

I enclose a copy of a letter that I intend to send to Council once I have your comment and hopefully your support.

The letter refers to some unfinished business regarding the Sales and Purchase Agreement for the Totara Terrace Reserve and is self explanatory.

I would be pleased to meet with you and to listen to your opinion.

Kind regards



Mike Allison

Mount Aspiring College

Plantation Rd., P.O. Box 82, Wanaka (03) 443-7106. Fax (03) 443-7106

8 October 1996

The General Manager
Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN

Dear Sir

I refer to QLDC Minutes of the Meeting on 28 March, 1995 and specifically to reference 95/045 Totara Terrace - Potential Development.

I also refer to reference papers 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 (copies attached) provided to Council Members prior to their consideration of the above item.

As a result of various motions on that day, the Reserve in Totara Terrace was revoked, subdivided and Lot 9 was sold to the Mt Aspiring College Foundation.

The terms and conditions of that sale were defined in the attached Sales and Purchase Agreement.

The Sales and Purchase Agreement was negotiated over several months and in general is acceptable to the Mt Aspiring College Foundation. However, significant difficulty arose with Clause 22 which relates to the Council giving priority to any mortgage required to finance development on the land.

I believe an explanation of the events leading up to meeting on the 28 March, 1995 will explain how the problem arose and will assist in its resolution. Reference Papers 20, 21 and 22 define the events leading up to the aforementioned meeting on the 28 March, 1995.

Please note the Resolution dated 17 August, 1994 of the District Corporation and Community Services Committee, especially Item 2 instructing:

"the Corporate Services Manager negotiate with Mt Aspiring College a satisfactory settlement of the land with details to be confirmed by full Council."

The settlement negotiated between Mt Aspiring College and the Corporate Services Manager (Mike Ross) is defined in Papers 22 and 23 under the heading "**The Proposal**".

For clarity we repeat the relevant paragraphs of Mr Ross's proposal:

"The College, has on a number of occasions, presented its case to Council. They argue that given the benefit to the overall community and the down-stream benefits from the

further development of their hostel and overseas student programme, that the Council should gift the land to the school.

In the spirit of partnership, it is proposed that the Council consider transferring the land for a nominal sum of \$1.00. In return for this nominal figure a caveat is placed on the portion of the reserve to transfer to Mt Aspiring College.

The caveat will state that should at any time in future the College no longer require the property, and all or part of it be sold, the QLDC will receive 50% of the current land value of the portion that is sold".

Paper 24 is a copy of a letter from Mt Aspiring College to Mr Ross which discusses the proposal. The relevant paragraph is under the heading "Land Use" and it reads:

"We wish to sue this area to build our own hostel, build facilities for our overseas student programme and to enhance our outdoor pursuits confidence course."

At the aforementioned meeting the Council resolved that:

".....the concept of the reserve proposal is approved....."

And further:

"that should the Minister approve the revocation and disposal of the reserve as per the above proposal, the Council initiates the procedures to subdivide and sell the land.....".

Clearly it was the intention of the Council to sell the land to the College so that we could develop our new hostel, facilities for our overseas student programme and our outdoors pursuit programme.

The only difficulty that the Council had with the proposal was the issue of the percentage that would be returned to the Council if the College sold all or part of the land.

This percentage was changed from 50% to 100% on the motion of Councillors Lawrence and Neale.

The problem that then arose was explained to the meeting by Mr Adair. He pointed out that the proposed hostel, overseas student and outdoor pursuits developments would require in excess of \$1 million and that without the equity of the land, it would not be possible to raise the money.

Councillors Goldsmith and Elworthy then moved that:

"any mortgage required by Mt Aspiring College to fund its proposed hostel development be permitted to take priority ahead of the Council's caveat."

This motion was passed, however it is the wording of this motion that has caused the problem in Clause 22 of the Sales and Purchase Agreement.

We believe that to properly reflect the earlier decisions of the Council, this motion should have included reference to our overseas student facilities and to our outdoor pursuits programme because these were referred to in our letter, the proposal Mr Ross made to Council, and the motion of Council which resolved that the concept of the reserve disposal to be approved and that the subdivision and sale of the land proceed as per Mr Ross's proposal.

Clause 22 currently reads as follows:

"22. The vendor agrees that if:

- (a) The purchaser needs to raise a loan to carry out its proposal to build a student hostel on the property; and
- (b) Such loan is required by the lender thereof to be secured by a Memorandum of Mortgage registered against the Title of the property as a First Mortgage Charge; and
- (c) The purchaser provides to the vendor evidence to the satisfaction of the vendor of such need for a loan and of the requirement that it be secured by a First Mortgage over the land;

THEN the vendor will execute a Memorandum of Priority granting such Mortgage priority over the Memorandum of Encumbrance securing to the vendor the unpaid balance of the purchase price PROVIDED THAT such priority shall be limited in the Mortgage or in a separate Deed of Priority entered into between the vendor and the Mortgagee named in the Mortgage to which priority is to be granted, to the Principal amount, or amount of priority, as may be the case specified in the Mortgage or the Deed of Priority as may be applicable plus a maximum sum of one year's interest thereon and the costs of enforcement or attempted enforcement of repayment of the loan secured by the Mortgage."

We propose that Clause 22 be modified to read as follows:

22. The vendor agrees that if:

- (a) The purchaser needs to raise a loan to carry out its proposal to build a student hostel, build facilities for its overseas student programme or to enhance its outdoor pursuits confidence course on the property; and
- (b) Such loan is required by the lender thereof to be secured by a Memorandum of Mortgage registered against the title to the property as a first mortgage charge:

THEN the vendor will execute a Memorandum of Priority granting such Mortgage priority over the Memorandum of Encumbrance securing to the vendor the unpaid balance of the purchase price PROVIDED THAT such priority shall be limited in the Mortgage or in a separate Deed of Priority entered into between the vendor and the Mortgagee named in the Mortgage to which priority is to be granted, to the principle amount, or amount of priority as may be the case specified in the Mortgage or Deed of Priority as may be applicable plus a maximum sum of one years interest thereon and the costs of enforcement or attempted enforcement of repayment of the loan secured by the Mortgage.

Should the purchaser need to raise a loan to carry out any other development on the land and such loan is required by the lender thereof to be secured by a Memorandum of Mortgage to be registered against the title to the property as a first mortgage charge and the purchaser provides to the vendor evidence to the satisfaction of the vendor of such need for a loan, and of the requirement that it be secured by a first mortgage charge over the land, a similar Memorandum of Priority will be granted."

We look forward to your early and favourable consideration of our request for the modification of Clause 22.

Yours faithfully

MJR Allison
Principal

5 December 1996

Mt Aspiring College Foundation
C/o A Adair
Alpine Golf
P O Box 215
WANAKA

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION
FOR RESOURCE CONSENT

I acknowledge receipt of your application for a resource consent under Section 88 of the Resource Management Act 1991 to construction a common room for the new college hostel at Plantation Road. The property is legally described as Part Seciton 8 Block XIV Lower Wanaka Survey District.

The application has been allocated the number **RM960673** and it is requested that you use this number as reference when corresponding on this matter.

You will be contacted at a later date by the Planner dealing with your application if further information is required.

The amount charged for the processing of this application is a deposit fee only. You may be charged further or be refunded part of the deposit depending on the costs incurred by the Council in processing the application.

Please note that, for land use consents, if your application is approved you will be required to meet the costs of monitoring the conditions contained in your consent.

Due to the large number of applications that are being processed by the Council at this time, I advise that there may be some delay in processing your application. We will, however, endeavour at all times to ensure that your application is processed as quickly as possible.

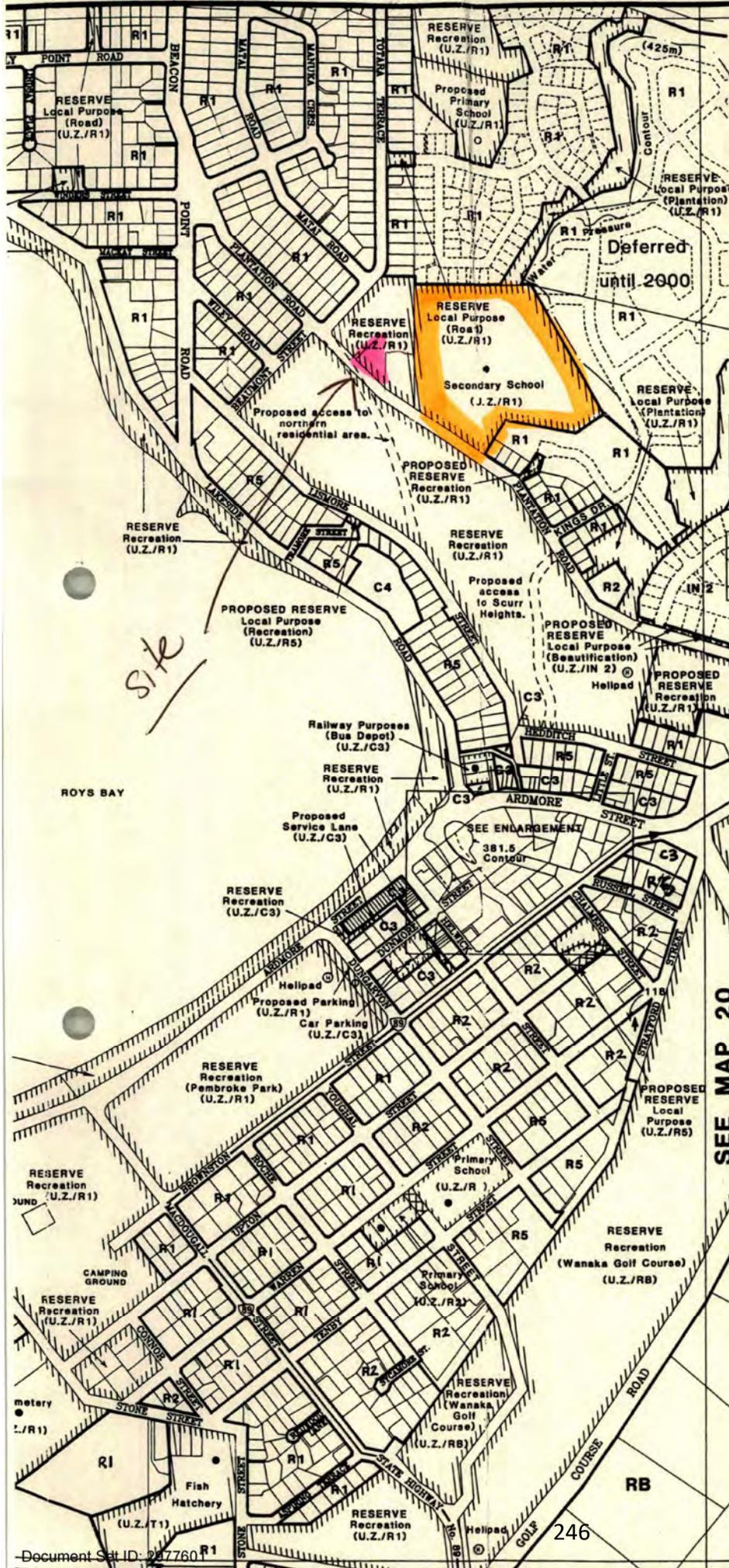
Yours faithfully

Jeri Elliot
CONSENTS OFFICER

Received with thanks by 15/01
Queenstown-Lakes District Council

5-12-96 15:17 Receipt no.291269

| | |
|---|---------|
| DR RM960673 | |
| RESOURCE CONSENT APPLN | 130.00- |
| MT ASPIRING COLLEGE FOUNDATION::C/O A A | |
| CQ ANZ CROM | |
| MT ASPIRING COLLEGE | 130.00 |



LAKES-QUEENSTOWN WAKATIPU COMBINE DISTRICT SCHEME

Prepared by **JOHNSTON & WHITNEY**

LEGEND

| ZONES | | | |
|--------------------------------|-----|------------------------------|-----|
| RURAL A | RA | RURAL T (Tourist) | RT |
| RURAL B | RB | RURAL R (Residential) | RR |
| RURAL C | RC | RURAL P (Airport Protection) | RP |
| RURAL L (Landscape Protection) | RL | RURAL F (Forestry) | RF |
| RURAL H (Historical) | RH | RECREATION S (Ski Field) | RS |
| RURAL MA (Mining) | RMA | RURAL BP (Beacon Point) | RBP |
| RURAL MB (Red Hills) | RMB | | |

| | | | |
|---------------|----|---------------|----|
| RESIDENTIAL 1 | R1 | RESIDENTIAL 5 | R5 |
| RESIDENTIAL 2 | R2 | RESIDENTIAL 6 | R6 |
| RESIDENTIAL 3 | R3 | RESIDENTIAL 7 | R7 |
| RESIDENTIAL 4 | R4 | RESIDENTIAL 8 | R8 |
| COMMERCIAL 1 | C1 | COMMERCIAL 4 | C4 |
| COMMERCIAL 2 | C2 | COMMERCIAL 5 | C5 |
| COMMERCIAL 3 | C3 | COMMERCIAL 6 | C6 |

| | | | |
|--------------|-----|-----------------------|-----|
| INDUSTRIAL 1 | IN1 | TOURIST DEVELOPMENT 1 | TD1 |
| INDUSTRIAL 2 | IN2 | TOURIST DEVELOPMENT 2 | TD2 |

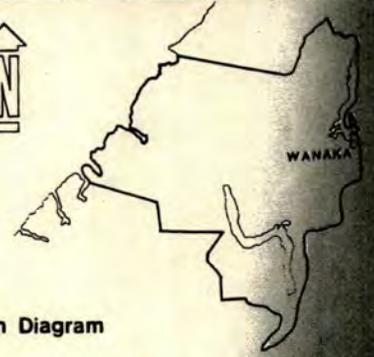
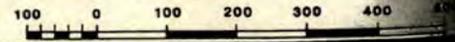
DESIGNATIONS

| | | | |
|----------------------|----------|--------|----------|
| RESERVES | Existing | RES | Proposed |
| NATIONAL PARKS | Existing | NAT.PK | Proposed |
| PUBLIC WORKS | Existing | ● | Proposed |
| STATE HIGHWAYS | Existing | ≡ | |
| LIMITED ACCESS ROADS | Existing | ≡ | Proposed |
| ROAD TO BE STOPPED | | ≡ | Proposed |
| ROAD TO BE WIDENED | | ≡ | Proposed |

NOTATIONS

| | | | |
|---------------------------------|------|---|---|
| DISTRICT (County) BOUNDARY | — | AREAS SUITABLE FOR DEVELOPMENT IN R4 ZONE | □ |
| BOROUGH BOUNDARY | ... | VERANDAH FRONTAGE REQUIRED | ▨ |
| ZONE BOUNDARY | □ | SUGGESTED ROAD ALIGNMENT | — |
| DESIGNATION BOUNDARY | ▨ | BUILDING RESTRICTION | ● |
| COMMUNITY USES | HALL | RESERVE CLASSIFICATION DIVISION | ■ |
| NOTABLE OBJECT OR PLACE | ● | UNDERLYING ZONE | — |
| NOTABLE BUILDING | ■ | HELIPAD | ○ |
| NOTABLE TREE | ↑ | | |
| FORMER WANAKA DISTRICT BOUNDARY | — | | |

Scale 1:5000



Location Diagram

CENTRAL WANAKA

Third Review

Map 18

SEE MAP 20

186
1098
5

P' 221
1-5710
447
(2-2211)

Site

441
D.P. 22331

247

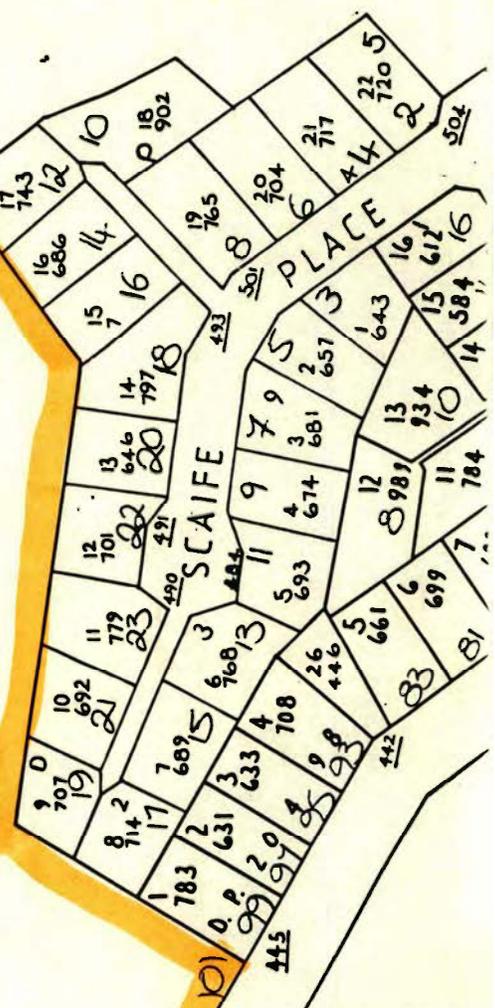
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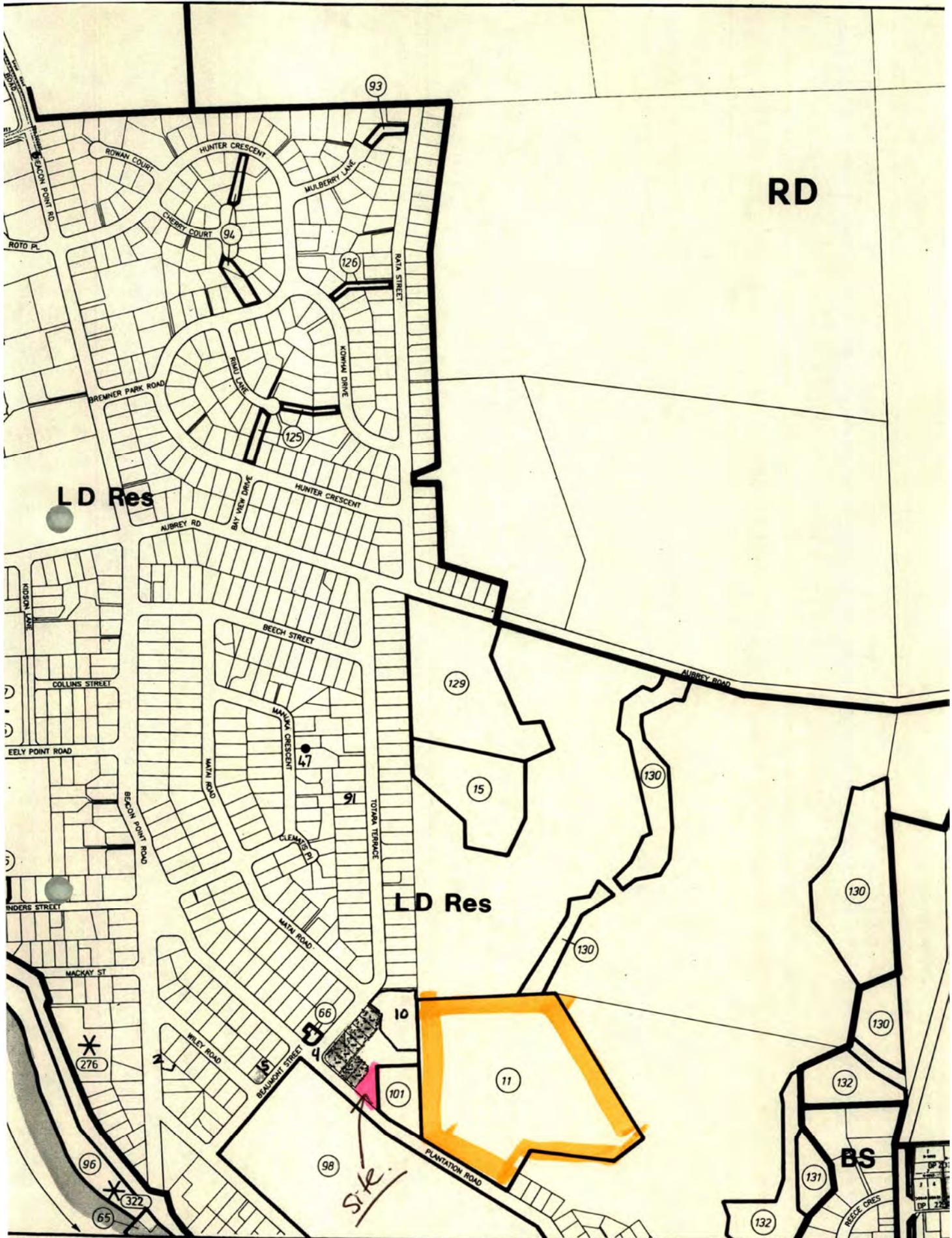
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MT ASPIRING COLLEGE

119

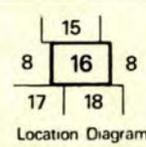
121





NOTATIONS

- * (56) Proposed Road
- (95) Road to be Closed
- (95) (12) Document Set ID: 2977601
- XXXX ZONE BDY.
- XXXX DISTRICT BDY.



Original Scale
1: 5,000 @ A2

Northpoint Vertical
Compiled from DOSLI records

Prepared by
Davie, Lovell-S
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