



Order Paper for an ordinary meeting of the

QUEENSTOWN LAKES DISTRICT COUNCIL

to be held on

Thursday, 14 December 2017

commencing at 1.00pm

In the Council Chambers, 10 Gorge Road,

Queenstown

9.12 ITEMS OF BUSINESS NOT ON THE AGENDA WHICH CANNOT BE DELAYED

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with the item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

REFERENCE:

Queenstown Lakes District Council Standing Orders adopted on 15 December 2016.

Agenda for an ordinary meeting of the Queenstown Lakes District Council to be held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday, 14 December 2017 commencing at 1.00pm

Item	Page No.	Report Title
		Apologies/Leave of Absence Requests Councillor Hill
		Declarations of Conflict of Interest
		Matters Lying on the Table
		Public Forum
		Special Announcements
		Confirmation of Agenda
	6 24	Confirmation of Minutes 26 October 2017 (Public part of ordinary meeting) 8 November 2017 (Public part of extraordinary meeting)
1.	32	Proposed lease of the Frankton Zoological Gardens
2.	141	Queenstown Town Centre Masterplan Programme Business Case
3.	146	Queenstown Public and Passenger Transport Facilities Indicative Business Case
4.	151	Queenstown Town Centre Arterials Indicative Business Case
5.	156	Project Connect: One Office Accommodation Indicative Business Case
6.	167	Supply Boundary Adjustment – Henley Downs Subdivision, Kingston and Woolshed Road, Kawarau Falls
7.	175	2017/18 Capital Works Programme – First Re-forecast
8.	183	Special Housing Area Expression of Interest: Bullendale
9.	223	Request for Private Plan Change 53: Northlake Special Zone
10.	290	Adoption of amendments to the fees and charges schedule for Resource Consent and Engineering Fees and Other Charges
11.	299	Brothel Control Bylaw 2011 Review
12.	313	New lease over part of Section 8 Block XV Town of Queenstown to The Empanada Kitchen Limited
13.	321	New licence to E-Skate Limited to undertake guided electric

Item	Page No.	Report Title
		skateboard tours along the Frankton Track
14.	338	Chief Executive's Report
	346	PUBLIC EXCLUDED Confirmation of Minutes 28 September 2017 (Public excluded part of ordinary meeting)
15.	349	PUBLIC EXCLUDED Economic Development Fund 2017/18
16.	381	PUBLIC EXCLUDED New Management and Maintenance Services for Open Spaces Contract
17.	410	PUBLIC EXCLUDED Well Smart Limited (Thompson Street) Land Transfer Agreement

Public minutes

Confirmation of minutes:

26 October 2017

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 26 October 2017 commencing at 1.00pm

Present:

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

In attendance:

Mr Mike Theelen (Chief Executive), Mr Peter Hansby (General Manager, Property and Infrastructure), Ms Meaghan Miller (General Manager, Corporate Services), Mr Tony Avery (General Manager, Planning and Development), Mr Stewart Burns (General Manager, Finance and Regulatory), Mr Blair Devlin (Planning Practice Manager), Mr Ian Baylis (Planning Policy Manager), Ms Anita Vanstone (Senior Planner - Policy), Ms Mindy McCubbin (Senior Planner - Policy), Mr Lee Webster (Manager, Regulatory), Mr Simon Battrick (Manager, Sport and Recreation), Mr Paul Speedy (Strategic Projects Manager), Mr Nathan Bates (Alcohol Licensing Inspector), Mrs Lyn Zeederburg (Financial Controller), Ms Jane Robertson (Senior Governance Advisor); three members of the media and approximately 30 members of the public

Apologies

An apology was received from Councillor MacLeod (on approved leave of absence).

Declarations of Conflicts of Interest

Councillor Stevens advised that he had been a member of the Arrowtown Community and Sports Centre Inc since 2009, but more recently as the Council representative rather than as a member. Mayor Boulton advised that this did not require Councillor Stevens to step back from the discussion on the item 'Arrowtown Community and Sports Centre Funding' (item 9).

Matters Lying on the Table

On the motion of the Mayor and Councillor McRobie the Council resolved that the item from the ordinary Council meeting held on 17 August 2017 entitled 'Feedback received on proposed amendments to the Council's Lead Policy for Special Housing Areas to include the Ladies Mile' be uplifted from the table for consideration at this meeting.

Public Forum

1. Dave Finlin

Mr Finlin expressed concern that the area proposed for the Ladies Mile SHA had changed from the previous report to exclude his own property from the

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area. He did not understand this internal decision to change the boundary, describing it as 'untenable' and 'a complete U-turn'. He considered this amendment was staff opinion only and did not form part of the Council's previous considerations. He questioned the Council's ability to vote on a plan altered without consultation and different from the plan considered at the 17 August Council meeting that was lying on the table. He believed that instead of what was presented in the agenda, the Council should consider the plan from the 17 August meeting at the meeting today.

The Mayor noted that the land Mr Finlin had mentioned earlier that he had purchased from him had been purchased from a company Meadow Ltd, with which the Mayor was only associated.

2. Paul Deavoll, (Head of South Island, Spark New Zealand)

Mr Deavoll addressed the item contained in the Chief Executive's report about Spark NZ's application for a temporary right of way and underground services easement over reserve in order to install a power supply for a temporary mobile networking facility. This was so that Spark could install mobile infrastructure to meet the high demand for service in the Upper Clutha area during the summer holiday period. These services supported people spending time in the region and connectivity was increasingly needed for health and safety purposes. He acknowledged that the service had performed poorly in Wanaka over Christmas 2016/17 and Spark did not want similar problems in 2017/18. However, Spark would not be able to deliver a satisfactory service over this high use period without the temporary facility proposed and he asked the Council to approve the application.

Suz Kuru (Acquisitions Manager, Spark New Zealand)

Ms Kuru advised that this installation would only be temporary. A permanent site had not yet been chosen but Spark was working to select a site in the next two years. The temporary site was needed to cope with the visitor influx in Wanaka over the summer holiday period and Spark needed it to be in place before Christmas. The site at the edge of Sticky Forest was well concealed and an easement over the reserve was the only way of getting electricity to the site. A very low impact construction method would be used so reinstatement of the reserve to its original appearance would be minimal. Spark was also open to discussing installation methods with the Council if it wanted an alternative. The installation should not take more than 1-3 days so any disruption would be minor and the pole would be coloured to match the surrounding environment.

Confirmation of agenda

On the motion of the Mayor and Councillor Stevens it was resolved that the Council confirm the agenda.

Confirmation of minutes

28 September 2017

On the motion of Councillors Hill and Clark the Council resolved that the public part of the ordinary

meeting of the Queenstown Lakes District Council held on 28 September 2017 be confirmed as a true and correct record.

1. Addition of Ladies Mile into Council's Lead Policy for Special Housing Areas

A report from Blair Devlin (Manager, Planning Practice) responded to the three questions from Council that arose at the 17 August 2017 meeting in relation to Council's decision on whether to include the Ladies Mile area in its Lead Policy for Special Housing Areas [SHA]. The item had been lying on the table since that date pending preparation of these responses. It was noted that since preparation of the report of 17 August 2017 there had been a change to the Lead Policy on 28 September 2017 to include Wanaka.

The report was presented by Mr Devlin and Mr Avery. Mr Devlin detailed the research undertaken in response to the questions raised on 17 August. He highlighted the analysis that had confirmed 10% was an appropriate contribution and detailed the key differences between developing a SHA and the processes involved in a Private Plan Change, highlighting the various benefits of the SHA process.

The Mayor stated that he was troubled by further development of Ladies Mile, but acknowledged that the land owners could also proceed with a Private Plan Change which may not deliver the community benefits of a SHA.

Staff were asked to comment on the amendment proposed since the Council meeting on 18 August 2017 to the Ladies Mile Indicative Master Plan. They highlighted the value placed by the public on the amenity of the current area, its openness and rural aspect. Accordingly, it was considered that the hedgerow would screen urban development, whilst pushing developments further back would help to maintain the feeling of openness.

Councillor Clark noted that the community desperately needed housing. She believed that Ladies Mile presented an important opportunity and she therefore supported reinstating the area of land that staff had recommended taking out and instead consider the area presented in the original report. Councillor Forbes supported this view.

Councillor MacDonald believed that the Ladies Mile SHA was essential because housing was needed quickly and Ladies Mile would make a substantial contribution to this need. He also had concerns about reducing its scope, and was concerned about Council's potential loss of development control on the land if the option of a SHA was not pursued.

Councillor Miller spoke in opposition to the overall proposal, stating that she was uncomfortable about developing Ladies Mile. She considered that development would have a large visual impact even with the inclusion of a soft margin. Councillor Hill stated that he was also uncomfortable with it.

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Councillor Stevens questioned the impact upon the housing targets due to the change in government. Overall it was noted that this did not affect HASHAA, notwithstanding the housing supply problem in the district anyway and the need to take action to address it.

It was moved (Councillor MacDonald/Councillor McRobie):

That the Council:

Note the contents of this report in relation to the three questions from Council when making a decision on the recommendation from the 17 August 2017 agenda item currently lying on the table.

Motion carried.

There was further discussion about changing the recommendation to reinstate the land removed in the updated Master Plan. It was agreed to change this recommendation to 'approve' and take it separately.

It was moved (Councillor Stevens/Councillor Miller):

That the Council:

Approve a reduction in the extent of the Indicative Master Plan is now proposed, pulling the area of development approximately 305m further west from Lake Hayes to align with an existing hedgerow.

The motion was put and lost on a show of hands 6:3, with Councillor Hill abstaining.

The Council then considered the report recommendations from 17 August 2017. It was noted that staff had prepared amended recommendations from that meeting but they were based upon the Council approving a reduction to the extent of the Master Plan. As this had not occurred, staff suggested that the reduction in possible yield of residential units from 2,185 to 1,957 that was recommended should return to the original figure, (namely, 2,185). It was also suggested that the Council needed to acknowledge that subsequent changes had been made to the Lead Policy at the Council meeting held on 28 September 2017.

It was moved (Councillor Macdonald/Councillor Clark):

That the Council:

- 1. Note the public feedback;**
- 2. Include the Ladies Mile Area in Category 2 of the Lead Policy [as shown in Attachment A] by the**

addition of the following documents as appendices to the Lead Policy:

- a. an Indicative Master Plan; and
- b. an Indicative Landscape Strategy; and
- c. the Ladies Mile Development Objectives,

3. Approve the following changes to the Lead Policy following public feedback:

- a. Reduction in total potential yield from a maximum of 2224-2874 residential units to 2,185;
- b. Addition of a new criteria to the Lead Policy for a 'policy pause' when the number of qualifying development resource consents lodged for residential units exceeds 1100;
- c. Re-instatement of the public feedback stage for each expression of interest lodged for a SHA on the Ladies Mile;
- d. Removal of specific areas identified for reserves, and replacement with indicative areas and the types of reserves required under the Parks & Reserves Strategy 2017;
- e. Additional area of 'mixed use' in proximity to the Ladies Mile Pet Lodge; and
- f. Other minor and technical amendments.

4. Note that the Indicative Master Plan is high level and that detailed design and location of activities such as public transport infrastructure, day care centres, schools, and parks/reserves is not precluded and can be addressed through the 'expression of interest' process.

5. Note that since the 17 August 2017 agenda item was prepared, the Lead Policy for Special Housing Areas was amended by Full Council on 28 September 2017 and that proposed changes to the Lead Policy to incorporate Ladies Mile has been added to the revised Policy.

Motion carried on a show of hands 6:4.

2. **Mayoral Housing Affordability Taskforce Update**

A covering report from Mindy McCubbin (Senior Policy Planner) introduced the recommendations of the Mayoral Housing Affordability Taskforce Work Group, including specific recommendations for Council to action.

The report was presented by Mr Avery and Ms McCubbin.

Councillor MacDonald thanked all members of the taskforce for the time and effort they had dedicated to the initiative. He believed the group had developed some innovative products. A key recommendation was to separate the land value from the house value, and in this way an asset was being built for the community. He stressed the importance of having a long term commitment to delivering these initiatives.

On the motion of the Mayor and Councillor Smith it was resolved that Council:

- 1. Note the contents of this report;**
- 2. Receive the report from the Mayoral Housing Affordability Taskforce and note the six recommendations made;**
- 3. In response to the six recommendations made in the Mayoral Housing Affordability Taskforce report, that Council:**
 - 3.1 Consider, endorse and promote the new Secure Home Programme offering;**
 - 3.2 Note that independent advice is currently being sought regarding the implications of providing a Council guarantee to the Shared Home Equity Product, that will be reported back to Council by December 2017;**
 - 3.3 Note that a review of the Council's Visitor Accommodation settings is underway, with the results scheduled to be reported to Council in November 2017 as part of Stage 2 of the Proposed District Plan;**
 - 3.4 Agree to investigate and report back on the way in which consent fees, rates and development contributions could be applied to residential properties to incentivise long-term rentals and the development of additional housing by June 2018;**
 - 3.5 In respect of Special Housing Areas:**
 - 3.5.1 Note that the Council, through amendments to the Lead Policy made at**

its 28 September 2017 Council meeting, has already decided to increase the level of contribution required from developers and to negotiate that contribution itself;

- 3.5.2 Agree that any contribution obtained should be solely directed towards developing and growing the pool of homes delivered where perpetual community affordability is retained over the long-term;
- 3.6 Agree to investigating and reporting back on the options for inclusionary Zoning provisions as part of Stage 3 of the Proposed District Plan to be notified by the first quarter of 2019;
- 3.7 Undertake a review of Council's own land holdings for opportunities to contribute further towards the community investment in Community Affordable housing, to at least the same level to other developers' contributions, by February 2018;
- 3.8 Working with the Queenstown Lakes Community Housing Trust, agree to a review of the form and structure of the Trust to enable the Council to confirm that the Trust is its preferred partner in affordable housing management and delivery and is the preferred entity to receive contributions negotiated by the Council as part of a Special Housing Area or other mechanism by February 2018;
- 3.9 Agree to investigating and establishing an information sharing database and partnership between the Council, Queenstown Lakes Community Housing Trust and Central Government agencies to ensure full access to household income support options for the district's residents by March 2018;
- 3.10 Agree to developing a new Queenstown Lakes Housing Strategy in collaboration with the private sector, Queenstown Lakes Community Housing Trust, and Central Government agencies by June 2018.

3. **Making Plan Change 51 Peninsula Bay North Operative**

A report from Ian Bayliss (Planning Policy Manager) presented the Consent Order of the Environment Court allowing the appeal in relation to Plan Change 51 Peninsula Bay North, amended chapters to the Operative District Plan Chapter (Residential Areas), Chapter 15 (Subdivision, Development and Financial Contributions) and Planning Maps 8 and 18 and sought a Council resolution making Plan Change 51 Peninsula Bay North operative.

This report was presented by Mr Avery and Mr Bayliss.

Mr Bayliss noted that although initially declined, mediation to settle appeals had resulted in a markedly different Plan Change from the original.

On the motion of Councillors McDonald and McRobie it was resolved that Council:

- 1. Note the contents of this report; and**
- 2. Authorise officers to amend the Operative District Plan to incorporate the changes made through Plan Change 51, as set out in the Consent Order approved by the Environment Court.**
- 3. Approve public notification of the date on which Plan Change 51 shall become operative**

4. **Lakeview Development Community Feedback and Transaction Options**

A report from Paul Speedy (Manager, Strategic Project) detailed the community feedback on the nature of tenure of any development of the Lakeview site and sought Council approval to move forward with development of the land in accordance with the approved development objectives.

The report was presented by Ms Miller and Mr Speedy.

The Mayor thanked Mr Speedy for his work on this project. He observed that it had been on the Council table for 15 years, but if the Council decided to proceed as recommended, they would be seeking prompt action. He considered that the recommendations presented a balance between strong community retention and opportunities for raising funds.

Proposed amendments to part (4) of the recommendations were presented. It was recommended that 'endorsement' be replaced by *approval* and that 'financial parameters' read only *parameters*.

Councillor Forbes asked why only a 5% contribution to the housing trust was recommended when the Council had recently decided to increase this to 10%. It was noted however that Lakeview was not a commercial development and as land belonging to ratepayers, it was appropriate to accept a lesser contribution.

Consideration was given to membership of a hearings panel to hear submissions on a proposed lease to Ngai Tahu Tourism.

On the motion of the Mayor and Councillor McRobie it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Note the community feedback;**
- 3. Approve the intention to enter into agreement(s) with the private sector for development of the Lakeview commercial land (the Land) comprising approximately 3.4 hectares and identified as lots 2, 3, 4, 5, 6, 7, 8, and 11 (freehold) and lots 10 and 12 (prepaid leasehold) of the Lakeview subdivision plan as market conditions allow; and**
 - a. provide notice to CCR Limited of the Council's intention to cancel part of the Queenstown Holiday Park Lease area as it relates to Part Blk XXXII TN of Queenstown;**
 - b. remove Designation 211 - Recreation Reserve (Motor Park) from the District Plan as it relates to Part Blk XXXII TN of Queenstown;**
 - c. declare the Land as surplus to be disposed of in accordance with the Property Sale and Acquisition Policy (2014), and on the basis set out in Option 3 (namely the sale of prepaid leasehold interest in lots 10 and 12, and sale of freehold interest in the balance of the lots), once subdivision consent and titles are obtained.**
- 4. Authorise the Chief Executive to:**
 - a. issue a request for an expression of interest (EOI) seeking development partners for the Land, with an intention to shortlist and seek formal request for proposals (RFP) from that shortlist;**
 - b. consider offers for the Land as a whole, or in selected packages and seek the Council's approval of the short listed parties and parameters;**
 - c. negotiate and execute transaction agreements with development partner(s) subject to the parameters.**

5. Agree to commit to deliver the required internal infrastructure, roads and public space to allow transfer of the Land (serviced lots) to developer partner(s);
6. Approve re-establishment of \$708,706 in capital expenditure to this financial year (2017/ 18) to meet estimated programme costs;
7. Agree to set aside for the purposes of affordable housing a financial contribution equivalent to 5% of the consideration received for the Land (as transaction payments are received);
8. Agree to set apart part of the recreation reserve, identified as Lot 1 (stage 1) in the Lakeview subdivision plan (Attachment B) and further shown in Attachment C, as baths under section 53(1)(h) of the Reserves Act 1977;
9. Authorise officers to provide public notice of the Ngai Tahu Tourism lease proposal under section 54(2) of the Reserves Act 1977;
10. Appoint a Hearings Panel consisting of Councillors Clark, MacDonald and McRobie to hear submissions and to recommend whether or not a lease is to be granted to Ngai Tahu Tourism;
11. Direct officers to report back options for the use of reserve land identified as Lot 9 (stage1) of the Lakeview subdivision plan including a plan for managing existing occupiers of the Lakeview site as development proceeds, namely the cabin tenants, community groups and the Queenstown Holiday Park;
12. Direct officers to report back options for the future use of the Lynch Block including specific consideration for use as worker accommodation and/ or affordable housing.

5. **Queenstown Town Centre Parking Indicative Business Case**

A covering report from Gabrielle Tabron (Project Manager) presented the Queenstown Town Centre Parking Indicative Business Case and sought Council authority to proceed on the preferred option within the detailed business case.

The report was presented by Mr Hansby. He noted that the Business Case was part of a wider programme of projects. Staff would be investigating components of the project and the actual programme of works was not fixed.

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For this reason he asked for a minor amendment to the recommendation that the Council *endorse* rather than 'adopt' the Queenstown Town Centre Parking Indicative Business Case as this would give staff the necessary flexibility to develop the programme.

Mr Hansby noted that the following corrections were made to the figures presented on page 121 of the business plan report (Indicative Costs):

Labels	10 Yr Total	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Detailed Business Case/Parking Strategy	\$100,000	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Parking Interventions/Technology (Phase 1)	\$5,425,000	\$ -	\$ 2,491,000	\$ 2,935,000	\$ -	\$ -	\$ -	\$ -
Parking Interventions/Technology (Phase 2)	\$8,298,000	\$ -	\$ -	\$ 984,000	\$ 1,743,000	\$ 3,584,000	\$ 1,172,000	\$ 816,000
Parking Buildings	\$42,920,000	\$ -	\$ 9,800,000	\$10,530,000	\$22,590,000	\$ -	\$ -	\$ -
Grand Total	\$56,743,000	\$ 100,000	\$12,291,000	\$14,449,000	\$24,333,000	\$ 3,584,000	\$ 1,172,000	\$ 816,000

It was noted that mobility would be a key consideration and communications and marketing would embrace SMART technologies and real time information. Councillor Smith acknowledged the attention given to mobility issues.

On the motion of Councillors Forbes and Clark it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Endorse the Queenstown Town Centre Indicative Business Case; and**
- 3. Authorise works to proceed on the preferred option within the detailed business case**

6. Class 4 and TAB Gambling Venue Relocation Policy

A report from Nathan Bates (Liquor Licensing Inspector) assessed the Council's existing Class 4 TAB and Gambling Venue Policy, noting that the Council had omitted to include a relocation policy (to permit the relocation of gaming machines or not) in the most recent review. Accordingly, the report presented a proposed Class 4 and TAB Gambling Venue Relocation Policy and recommended the commencement of the special consultative procedure in relation to it.

The report was presented by Mr Bates and Mr Webster.

Councillor Smith questioned whether the word 'will' should be amended to either 'can' or 'may' in the following sentence of the proposed policy to give the Council discretion if something unanticipated arose:

A new venue consent will be issued by Council in the following circumstances:

Mr Webster advised that if an application complied fully with the Class 4 and TAB Gambling Venue Policy, under that policy it would be issued with a

licence. He therefore did not agree that there was any need to provide latitude for unexpected situations.

Consideration was given to membership of a hearings panel and it was agreed to appoint Councillors Miller, Smith and Stevens to the panel.

On the motion of Councillors Smith and Ferguson it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Approve the commencement of the special consultative procedure in relation to zzzz the proposed Class 4 and TAB Gambling Venue Relocation Policy.**
- 3. Appoint Councillors Miller, Smith and Stevens to hear and consider any submissions on the proposed Class 4 and TAB Gambling Venue Relocation Policy.**

7. 2016/17 Annual Report

A covering report from Lyn Zeederberg (Financial Controller) introduced the Annual Report for the year ended 30 June 2017 for adoption.

The report was presented by Mrs Zeederburg and Mr Burns.

Mr Burns noted that production of an annual report was a statutory requirement. It had been subject to a rigorous audit process and had already been considered by the Audit, Finance and Risk Committee at its 5 October meeting. A surplus of \$68M had been achieved but he stressed that it was not a profit as councils were required to match operating costs with revenue. The larger than budgeted surplus was due to two main factors: an increase in the value of the Council's investment property and rezoning of the Lakeview site which had also increased its value.

Mrs Zeederberg confirmed that the Council had received an unqualified audit opinion. She highlighted two minor amendments to the published report:

- Page 39 Pollution % corrected to **95%**
- Page 102 Pollution related RFS corrected to **81%**

On the motion of the Mayor and Councillor MacDonald it was resolved that the Council adopt the Annual Report for the year ended 30 June 2017 pursuant to Sections 98 and 99 of the Local Government Act 2002, and as recommended by the Audit, Finance and Risk Committee.

Councillors extended thanks to Mr Burns and his staff for their work in preparing the report.

8. Chief Executive's Report

A report from the Chief Executive presented details of the Audit, Finance and Risk Committee meeting held on 5 October 2017 and the Wanaka Community Board meeting held on 25 October 2017. A recommendation from the Board was presented for adoption.

It was noted that the Wanaka Community Board had considered the item the previous day and had made a change to part (f) of the recommendation requiring reinstatement of the area to be to the satisfaction of the 'Community Services Department.'

On the motion of the Mayor and Councillor MacDonald it was resolved that the Council:

1. Note the contents of this report;

Agreement to Grant a Temporary Right of Way & Underground Services Easement – Spark New Zealand Limited, Platinum Ridge Recreation Reserve

- 2. Approve an Agreement to Grant a Temporary Right of Way and Underground Service Easement over Recreation Reserve Lot 726 DP 399076 in accordance with section 48 (1)(d) of the Reserves Act 1977 in favour Spark New Zealand Limited subject to the following conditions:**
- a. Spark New Zealand Limited to notify and liaise with QLDC's Infrastructure Department in advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure;**
 - b. The work site to be evidenced by before and after photographs, video or similar to be provided by Spark New Zealand Limited;**
 - c. A comprehensive safety plan must be prepared and implemented, at Spark New Zealand Limited's cost, to ensure a safe environment is maintained around the subject site;**
 - d. Certificate of adequate public liability cover to be received;**
 - e. Method of installation of power supply and location to be confirmed with Council Engineers before commencement of works;**
 - f. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Community Services Department. Reinstatement to include any roading, fencing or other structures.**

- g. The term of the Agreement shall be for a period of 2 years with a further term of 2 years at Council's sole discretion.
3. Agree that notification of the intention to grant the easements is not required as the statutory test in section 48(3) of Reserves Act 1977 is met for the reasons set out in this report; and
 4. Delegate authority to approve final terms and conditions of the Agreement to Grant an Easement, including location, and execution authority to the General Manager – Property and Infrastructure; and
 5. Agree to exercise the Minister's consent (under delegation from the Minister of Conservation) to the granting of easements to Spark New Zealand Limited over Lot 726 DP 399076.

Resolution to Exclude the Public

On the motion of Councillors McRobie and Stevens the Council resolved that the public be excluded from the following parts of the proceedings of the meeting:

The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution is as follows:

Confirmation of minutes of ordinary meeting held on 28 September 2017

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
19. Appointment of Resource Management Act Hearings Commissioners	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) protect the privacy of natural persons, including that of deceased natural persons	Section 7(2)(a)

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
20. Commonage Land Sale	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <ul style="list-style-type: none"> h) enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities; i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); j) prevent the disclosure or use of official information for improper gain or improper advantage. 	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p> <p>7(2)(j)</p>
21. Proposed new lease to Peak Bungy Limited for the bungy operation on Ben Lomond Reserve	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <ul style="list-style-type: none"> b) protect information where the making available of the information: <ul style="list-style-type: none"> i) would disclose a trade secret; and ii) would likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information 	<p>Section 7(2)(b)(i) & (ii)</p>

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
22. Appointment of QAC Directors	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) protect the privacy of natural persons, including that of deceased natural persons h) enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities;	Section 7(2)(a) Section 7(2)(h)

Agenda Items

9. Arrowtown Community and Sports Centre Funding	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
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This resolution is made in reliance on Section 48 [1] [a] of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982 as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above with respect to each item.

The meeting went into public excluded at 2.15pm.

The meeting came out of public excluded at 2.32pm.

The Council returned to two items not addressed at the start of the meeting.

Requests for Leave of Absence

The following requests for Leave of Absence were made:

- Councillor MacDonald: 8 November 2017
- Councillor Hill: 4-8 December 2017; 21-28 December 2017

Councillor Smith signalled that he may be an apology for the extraordinary Council meeting scheduled for 8 November 2017.

**On the motion of the Mayor and Councillor Stevens
the Council resolved that the requests for Leave of
Absence be approved.**

Declaration of Conflicts of Interest

Councillor Hill advised of a conflict of interest in respect of item 9 ('Arrowtown Community and Sports Centre Funding') as he was Chair of one of the principal funders of the project. It was noted that he had left the meeting for discussion of this item.

The meeting concluded at 2.34pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

M A Y O R

14 December 2017

D A T E

Public minutes

Confirmation of minutes:

8 November 2017

Minutes of an extraordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Wednesday 8 November 2017 commencing at 1.00pm

Present:

Mayor Boulton; Councillors Clark, Forbes, Hill, MacLeod, Miller and Stevens

In attendance:

Mr Mike Theelen (Chief Executive), Mr Ian Bayliss (Manager, Planning Policy), Ms Vicki Jones (Consultant Planner) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and approximately 10 members of the public

Apologies/Requests for Leave of Absence

Apologies were received from Councillor Ferguson, Councillor MacDonald and Councillor Smith (all of whom were on approved leave of absence).

An apology was also received from Councillor McRobie (due to sickness).

**On the motion of the Mayor and Councillor Stevens
the Council resolved that the apology be accepted.**

Declarations of Conflicts of Interest

No declarations were made.

Matters Lying on the Table

There were no matters lying on the table.

Public Forum

1. Niki Gladding

Ms Gladding advised that she had submitted in opposition to changing the visitor accommodation definition that had been notified under the 2015 Proposed District Plan. In particular, she wanted part (c) of that definition to remain: *'Where the provisions above are otherwise altered by Zone Rules, the Zone Rules shall apply'*. She was concerned that the new definition was a significant change and would permit commercial activity in all zones, specifically permitting visitor accommodation facilities to be built without the need for consent. The practical effect of this was that adjacent parties would not be notified of proposals, land values would go up and the Council would essentially be encouraging visitor accommodation in an area where residential accommodation was desperately needed. She wanted part (c) of the definition to be reinstated.

2. Julian Howarth, Upper Clutha Environmental Protection Society

Mr Howarth expressed support for the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct as it would give the Council the tools to control the effects of residential development on landscape values. However, he was concerned that this would only apply to the Wakatipu Basin but the rural Upper Clutha area was facing similar problems of rural landscape degradation with 450 residential building platforms consented in the last few years. He anticipated that this would grow to 1,000 building platforms if the current planning approach remained the same. Accordingly he asked the Council to commission an Upper Clutha Basin Land Use Planning Study immediately, as he was certain it would recommend that the same rules should apply in the Upper Clutha Basin.

Confirmation of agenda

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

1. **Stage 2 Proposed District Plan Notification - Transport**

A covering report from Ian Bayliss (Planning Policy Manager) presented for Council's approval to proceed to statutory public notification the following parts of Stage 2 of the Proposed District Plan (PDP) addressing Transport:

- A new chapter: 'Chapter 29 Transport'; and
- Consequential variations relating to transport to other chapters previously notified as part of Stage 1 of the District Plan review.

This report and all those following were presented by Mr Bayliss. Ms Vicki Jones (Consultant Planner) also joined him for presentation of this report.

On the motion of Councillors Forbes and Clark it was resolved that Council:

1. **Note the contents of this report; and**
2. **Having particular regard to the section 32 evaluation reports, approve pursuant to section 79(1) and clause 5 of the First Schedule of the Resource Management Act 1991 the Stage 2 provisions of the Queenstown Lakes District Council Proposed District Plan 2015 for notification:**
 - a) **Chapter 29 Transport;**
 - and**
 - b) **New definitions in Chapter 2 Definitions, in relation to Park and ride, Accessory car parks, Active Transport network, Balcony, Elderly care home, Large format retail, Mobility parking space, Motor vehicle repair and servicing, Non-accessory parking, Offsite parking, Staff, Public amenities, Public**

transport facility, Transport infrastructure, Transport network, Unformed road, Public water ferry service.

3. Having particular regard to the section 32 evaluation reports, approve pursuant to clauses 5 and 16A of the First Schedule of the Resource Management Act 1991 the following variations to the Stage 1 provisions of the Queenstown Lakes District Council Proposed District Plan 2015 for notification:

- a) Changes to Planning Maps 1-41 (inclusive) varying the spatial extent of Stage 1 zones as a consequence of new roads having been created or existing roads having been stopped since the planning maps were notified;
- b) Changes to Chapter 2 Definitions in relation to Park and ride areas;
- c) Changes to Chapter 9 High Density Residential Zone, Rule 9.2.6.7 addressing reductions in parking requirements close to bus stops and the town centre zone;
- d) Changes to Chapter 12 Queenstown Town Centre Zone, addressing the provision of public water ferry services;
- e) Changes to Chapter 21 Rural, addressing the provision of public water ferry services;
- f) Changes to Chapter 37 Designations
 - i. removing from Rule 37.2 Schedule of Designations, text deeming all roads to be designated;
 - ii. removing Rule A.1 Stopped Roads, text requiring rezoning of stopped roads to zones.

4. Authorise the Manager Planning Policy to:

- a) make minor edits and changes to the chapters, maps and section 32 reports to improve clarity and correct errors and to notify Stage 2 of the Queenstown Lakes District Council Proposed District Plan 2015 in accordance with clause 5 of the First Schedule of the Resource Management Act 1991
- b) notify Stage 2 of the Queenstown Lakes District Council Proposed District Plan 2015 in accordance with clause 5 of the First Schedule of the Resource Management Act 1991 from 23 November 2017 for a period of 50 working days.

5. **Note that a detailed table of changes to parcels and properties affected by updating new roading data into the Planning Maps will be notified along with the new maps.**
6. **Note that the (Stage 2) Planning Maps contain all the changes applicable to notification of Stage 2 of the Proposed District Plan including the Wakatipu Basin Variation, Open Space and Recreation Zones, Visitor Accommodation Sub-zones and roads applicable to the Transport Chapter.**
7. **Note the zones and mapping notations notified in Stage 1 that are not amended by the Stage 2 changes remain part of the Proposed District Plan.**

2. Stage 2 Proposed District Plan Notification – Wakatipu Basin

A covering report from Ian Bayliss (Planning Policy Manager) presented for Council's approval to proceed to statutory public notification the following parts of Stage 2 of the Proposed District Plan (PDP):

- A new chapter: 'Chapter 24 Wakatipu Basin';
- Associated new Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct; and
- Consequential variations to the Proposed District Plan chapters and definitions previously notified as part of Stage 1 of the review.

It was noted that development of these documents had arisen from a recommendation by the Hearings Panel for submissions on the Strategic Direction, Landscape, Urban Development and Rural Zone chapters of Stage 1 of the PDP review. The panel had set out specific matters for the Council to address to manage the character and amenity of the Wakatipu Basin over the long term.

In response to the comments made in the Public Forum Mr Bayliss acknowledged that something similar to the proposed provisions for the Wakatipu Basin could be applied in the Upper Clutha. However, the Wakatipu Basin proposals were designed specifically for the Wakatipu Basin and had resulted from a detailed study of landscape and development issues in that area, so replicating the provisions for the Upper Clutha may not work. It was also not currently clear what the Panel's recommendations for the Upper Clutha would be as they were yet to be released.

On the motion of Councillors Stevens and MacLeod it was resolved that the Council:

1. **Note the contents of this report;**

2. Having particular regard to the section 32 evaluation reports, approve pursuant to section 79(1) and clause 5 of the First Schedule of the Resource Management Act 1991 the Stage 2 provisions of the Queenstown Lakes District Council Proposed District Plan 2015 for notification:
 - a) Chapter 24 Wakatipu Basin

3. Having particular regard to the section 32 evaluation reports, approve pursuant to clauses 5 and 16A of the First Schedule of the Resource Management Act 1991 the following variations to the Stage 1 provisions of the Queenstown Lakes District Council Proposed District Plan 2015 for notification:
 - a) Changes to Planning Maps varying the Wakatipu Basin shown in Attachment 3 to Council Agenda Item: 1, Stage 2 Proposed District Plan Notification – Transport, 8 November 2017.
 - b) Chapter 2 Definitions: in relation to the definition of *site*;
 - c) Chapter 22 Rural Residential and Rural Lifestyle: parts 22.1 Zone Purpose, Rule 22.3.2.10 , Table 6 and the Ferry Hill Rural Residential Sub Zone and concept plan by deleting text and rules relating to areas that will be replaced by the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct;
 - d) Chapter 27 Subdivision and Development amending Rules 27.4.2, 27.4.3, 27.5.1, and 27.7, and deleting Rule 27.8, 27.13;
 - e) Chapter 36 Noise amending Rule 36.5 .5.1 General Standards and noise limits.

4. Authorise the Manager Planning Policy to make minor edits and changes to the chapters, maps and section 32 reports to improve clarity and correct errors and to notify Stage 2 of the Queenstown Lakes District Council Proposed District Plan 2015 in accordance with clause 5 of the First Schedule of the Resource Management Act 1991.

5. Note that the (Stage 2) Planning Maps contain all the changes applicable to notification of Stage 2 of the Proposed District Plan including the Wakatipu Basin Variation, Open Space and Recreation

Zones, Visitor Accommodation Sub-zones and roads applicable to the Transport Chapter.

- 6. Note the zones and mapping notations notified in Stage 1 that are not amended by the Stage 2 changes remain part of the Proposed District Plan.**

3. Stage 2 Proposed District Plan Notification – Visitor Accommodation

A covering report from Ian Bayliss (Planning Policy Manager) presented for Council's approval to proceed to statutory public notification a variation to the Proposed District Plan (PDP) addressing visitor accommodation as part of Stage 2 of the PDP review. The material presented included the following:

- Variations to the Low Medium and High Density Residential Zones, and Arrowtown Residential Historic Management Zone chapters; and
- Changes to definitions relating to Residential Activities, Visitor Accommodation, Homestays and Holiday Homes.

Members acknowledged the efforts of staff to develop a fresh approach and to integrate them within the existing provisions, especially as these changes were complex and had not been easy to devise.

On the motion of the Mayor and Councillor Hill it was resolved that the Council:

- 1. Note the contents of this report.**
- 2. Having particular regard to the section 32 evaluation reports, approve pursuant to clauses 5 and 16A of the First Schedule of the Resource Management Act 1991 the following variations to the Stage 1 provisions of the Queenstown Lakes District Council Proposed District Plan 2015 for notification:**
 - a) Chapters 7 Low Density Residential, 8 Medium Density Residential, 9 High Density Residential, 10 Arrowtown Residential Historic Management, 11 Large Lot Residential inserting new objectives, policies and rules and amending the zone purpose statements**
 - b) Chapters 16 Business Mixed Use, 21 Rural, 22 Rural Residential and Rural Lifestyle, 23 Gibbston Character Zone, 41 Jacks Point, 42 Waterfall Park, 43 Millbrook inserting new rules**
 - c) Chapter 2 Definitions**
 - i. inserting new Residential Visitor Accommodation definition**
 - ii. varying Homestay, Visitor Accommodation and Residential Activity definitions**

- iii. deleting Registered Holiday Home and Registered Homestay definitions.
 - d) Changes to Planning Maps varying Visitor Accommodation Sub-zones set out in Appendix 3 to Council Agenda Item: 1, Stage 2 Proposed District Plan Notification – Transport, 8 November 2017.
3. Authorise the Manager Planning Policy to make minor edits and changes to the chapters and section 32 reports to improve clarity and correct errors and to notify Stage 2 of the Queenstown Lakes District Council Proposed District Plan 2015 in accordance with clause 5 of the First Schedule of the Resource Management Act 1991.
 4. Note that the (Stage 2) Planning Maps contain all the changes applicable to notification of Stage 2 of the Proposed District Plan including the Wakatipu Basin Variation, Open Space and Recreation Zones, Visitor Accommodation Sub-zones and roads applicable to the Transport Chapter.
 5. Note the zones and mapping notations notified in Stage 1 that are not amended by the Stage 2 changes remain part of the Proposed District Plan.

The meeting concluded at 3.30 pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

MAYOR

14 December 2017

D A T E

**QLDC Council
14 December 2017**

Report for Agenda Item: 1

Department: Corporate Services

Proposed lease of the Frankton Zoological Gardens

Purpose

The purpose of this report is to decide whether and, if so, how, to consider any further submissions on the Young family's 30 June 2016 submission on the decision to approve a lease of the Frankton Zoological Gardens.

Recommendation

That Council:

1. **Note** the contents of this report.
2. **Agree** to:
 - a. reconsider the 28 July 2016 resolution;
3. If the above recommendation is agreed to:
 - a. **consider** any further submissions on the Young family's submission of 30 June 2016; and
 - b. **determine** whether to confirm, revoke or vary the 28 July 2016 resolution approving a new lease of the Frankton Zoological Gardens to the Young family under section 54 of the Reserves Act.

Prepared by:



Alice Balme
Legal Manager

17/11/2017

Reviewed and Authorised by:



Mike Theelen
Chief Executive

30/11/2017

Background

- 1 Ivan and Daphne Young were granted a lease over a recreation reserve known as Section 167 Block 1 Shotover Survey District (**Frankton Zoological Gardens**), from 1 April 1983 for 33 years for "the purpose of a parkland for zoological purposes with associated buildings." The lease expired on 31 March

2016 and the Young family (Daphne, Penelope and Rachel Young) sought a new lease on similar terms and conditions as the previous lease.

- 2 The Youngs' application for a new lease was notified in April 2016 with the submission period closing at the end of May 2016. Five submissions were received: one from the applicant, three in support of the new lease and one, from Remarkables Park Limited (**RPL**), opposing the lease.
- 3 A hearing was held on 23 June 2016 attended by Councillors Gazzard and Aoake. Representatives of the applicant appeared, along with those from RPL. Mr Clayton and Mrs Spence were also in attendance. Following the hearing of the submissions, Councillors Gazzard and Aoake recommended that the new lease be granted for a term of five years.
- 4 On 28 July 2016 the full Council was provided with the Youngs' application, the submissions received, the hearing minutes and recommendations of Councillors Gazzard and Aoake, and a further submission received from the Youngs' solicitor, submitted on 30 June 2016, after the date of the hearing. The full Council also heard an oral submission on behalf of the Youngs during the Public Forum section of the meeting. Following the receipt of the above information and hearing from the Youngs, the Council resolved to grant the Young family a new lease over the Frankton Zoological Gardens for a term of 10 years.
- 5 RPL has written to the Council expressing concerns about the process followed in relation to the Council resolution of 28 July 2016 and has signalled an intention to seek judicial review of the Council's decision on the proposed lease. The concern of RPL is that the Council received the further written submission on behalf of the Youngs, heard the oral submission on behalf of the Youngs on 28 July 2016 and did not specifically invite RPL to respond to those further submissions.

Comment

- 6 It is considered that the Council's decision-making process in respect of its 28 July 2016 resolution complied with both the Reserves Act 1977 and the principles of natural justice. But in order to reduce the risk of a potential challenge by RPL, it is proposed that the Council undertake the following process:
 - a. Agree to reconsider the 28 July 2016 resolution;
 - b. Consider any further submissions on the Youngs' 30 June 2016 submission. The other parties which submitted on the application have been invited to provide written submissions, strictly on those matters raised in the 30 June submission, on the basis that the Council may resolve to reconsider the resolution of 28 July 2016 and consider any further submissions received; and
 - c. Determine whether to confirm, revoke, or vary the resolution of 28 July 2016.
- 7 This will not be a re-hearing of the matter, but an opportunity to ensure that the Councillors are fully appraised of all submissions prior to making a decision, by giving other original submitters the opportunity to respond to matters raised by the Young's further submission. The Council will also be provided with copies of

the written submissions, evidence and minutes of the hearing and the recommendation report of Councillors Gazzard and Aoake. After giving full consideration to all submissions and evidence, the Council can then make a decision on whether to confirm, revoke or vary the 28 July 2016 resolution. The decision would be based on all information available.

- 8 For the avoidance of doubt, the decision made by the Council can be the same as or different from the one made on 28 July 2016.
- 9 It is considered that providing an opportunity for the other original submitters to submit further may address RPL's concerns as it would demonstrate that the Councillors were fully and fairly appraised of all submissions on the proposed lease prior to making a decision.
- 10 The Young family has notified Council staff that it is not opposed to the Council considering further submissions provided by RPL, should it do so.

Options

11 Option 1 Agree to:

- a. Reconsider the 28 July 2016 resolution;
- b. Consider any further submissions received; and
- c. Determine whether to confirm, revoke or vary the 28 July 2016 resolution approving a new lease of the Frankton Zoological Gardens to the Young family during this meeting.

Advantages:

- 12 It is considered that providing other parties with an opportunity to submit further may address RPL's concerns as it would demonstrate that the Councillors were fully and fairly appraised of all submissions on the proposed lease prior to making a decision.

Disadvantages:

- 13 As the decision made by the Council may differ from the resolution of 28 July 2016, the plans of the Young family for the Zoological Gardens may be disrupted.
- 14 Option 2 Status quo – proceed to execute the proposed lease of the Frankton Zoological Gardens to the Young family in accordance with the Council's resolution dated 28 July 2016.

Advantages:

- 15 The Young family will be able to proceed with its current plans for the Zoological Gardens without any time delay or disruption.

Disadvantages:

- 16 The concerns expressed by RPL would be left unaddressed. RPL has threatened litigation which, given the ability to undertake the above process, would be needless and is avoidable. RPL has refused to indicate whether the proposed process satisfies its concerns.
- 17 This report recommends **Option 1** for addressing the matter because considering any submissions that other parties wish to file will provide the Council with the opportunity to address RPL's concerns.

Significance and Engagement

- 18 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to the lease of a recreation reserve and is of some community interest.

Risk

- 19 This matter relates to the operational risk OR002 increase in expenditure, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because RPL has signalled an intention to seek judicial review of the Council's 28 July 2016 resolution.
- 20 The recommended option, considered above, mitigates the risk by providing an opportunity for the Council to address the concerns of RPL. Further, the Youngs have confirmed that they do not oppose the process proposed in this report.

Council Policies, Strategies and Bylaws

- 21 The following Council policies, strategies and bylaws were considered:
- Significance and Engagement Policy, in terms of consultation under the Reserves Act 1977.
- 22 The recommended option is consistent with the principles set out in the named policy.
- 23 This matter is not included in the 10-Year Plan/Annual Plan.

Local Government Act 2002 Purpose Provisions

- 24 The recommended option:
- Will help meet the Council's performance of a regulatory function in a way that is most cost-effective for households and businesses by demonstrating that the Councillors were fully and fairly appraised of all relevant matters prior to making a decision on the proposed lease.
 - Can be implemented through current funding under the 10-Year Plan and Annual Plan;
 - Is consistent with the Council's plans and policies; and

- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

- 25 The persons who are affected by or interested in this matter are all persons who submitted on the proposed lease of the Frankton Zoological Gardens by the Young family.
- 26 The Council has notified both the Young Family and RPL of the intention to commence the process laid out in paragraph 8 of this report. The Young Family has indicated that it is happy for the process to occur. RPL has refused to confirm that the process would alleviate its concerns.

Legal Considerations and Statutory Responsibilities

- 27 The Council may grant a lease over recreation reserve under section 54 of the Reserves Act, to the extent necessary to give effect to the principles set out in section 17 of that Act. In summary those principles include providing access to areas for public enjoyment and recreation, and protecting the natural environment.
- 28 The Council is required to comply with sections 54(2) and 120(c) of the Reserves Act 1997 which require that, in making a decision on a proposed lease of a recreation reserve, the Council gives full consideration to every objection or submission received before deciding to proceed with the proposal.

Attachments

- A Agenda item, minutes and Public Forum from the Council meeting of 28 July 2016
- B Material presented at the hearing of submissions on 23 June 2016
- C Further submissions on the Youngs' 30 June 2016 submission

**QLDC Council
28 July 2016**

Report for Agenda Item: 2

Department: Property & Infrastructure

Proposed New Lease for the Young Family: Zoological Gardens, Frankton

Purpose

The purpose of this report is to consider a new lease for the Young family to operate the Zoological Gardens in Frankton.

Recommendation

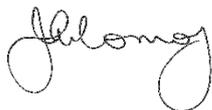
That Council:

1. **Note** the contents of this report;
2. **Approve** a new lease to D, R and P Young over Section 167, Block 1 Shotover Survey District, subject to the following terms and conditions:

Commencement	1 August 2016
Term	5 years
Rent	\$1.00 (Pursuant to Community Pricing Policy)
Reviews	None
Renewal	None
Termination	Council has the ability to give 24 months' notice to terminate the lease
Use	Gardens and animal enclosures and associated buildings and activities
Other	That free access for the public to the lease area be provided (except the buildings); Consideration of Health and Safety; The lessee to maintain a minimum of \$2,000,000 public liability insurance; At termination, all buildings to be removed and the land reinstated; Lessee to assist Council in its effort with regard to the control of invasive weed species in the Kawarau River by whatever means are deemed appropriate within the context of a management plan for the Kawarau River; Lessee to provide access for Council to the lease area if remedial works are required for flooding or subsidence or to terminate if these events make continued use dangerous.

3. **Agree** that a Reserve Management Plan for the area of and around the Zoological gardens in Frankton be prepared within three years of the lease commencement.
4. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting a new lease to D, R and P Young over Section 167 Block 1 Shotover Survey District.

Prepared by:



Property Manager - APL

6/07/2016

Reviewed and Authorised by:



Aaron Burt
Planner: Parks & Reserves

11/07/2016

Background

- 3 Ivan and Daphne Young were granted a lease over a recreation reserve known as Section 167 Block 1 Shotover Survey District, from 1 April 1983 for 33 years for "the purpose of a parkland for zoological purposes with associated buildings". The lease expired on 31 March 2016 and the Young family are seeking a new lease on similar terms and conditions as the previous lease. There is no renewal provision.
- 4 Ivan Young passed away in 2013. In 2014 Council named the reserve the "Ivan Young Zoological Reserve" in his honour. Daphne Young is quite elderly, but their daughters Penny and Rachel live on the property and are continuing with their father's legacy and wish to develop and manage the reserve into the future.
- 5 The Youngs' application (via Berry and Co) along with supporting material is appended as Attachments A-C. The intention to grant such a lease was notified in April with the submission period closing at the end of May. Five submissions were received, one from the applicant, three in support of the new lease and one opposed. The submissions are attached as Attachment D. Below is a summary of the submissions received:

Name	For/ Against	Details
Neil Clayton	For	Use is suitable; good stewardship
Robert Taylor	For	Excellent stewards; asset to community
Lorraine Spence	For	Children get to see animals; picnic area; good for locals and tourists
Applicants (represented by Berry & Co)	For	Change to 12 months' notice clause to 10 years, then 5 years notice
Remarkables Park Ltd	Against	Proposal doesn't comply with Reserves Act; privatises reserve and river frontage; Youngs do not provide free access to the river; land not stable (geotech report); RPL would maintain it at their cost.

- 6 A hearing was held on 23 June 2016 attended by Councillors Gazzard and Aoake. Representatives of the applicant appeared, along with those from Remarkables Park. Mr Clayton and Mrs Spence were also in attendance. The minutes of the hearing are attached as Attachment E and a further submission received from Berry and Co is attached as Attachment F.

Comment

- 7 Following the hearing, Councillors Gazzard and Aoake deliberated on the facts presented and passed the following resolution:

On the motion of Councillors Gazzard and Aoake it was resolved that the hearings panel:

- 1. Note the contents of this report;**
- 2. Consider the submissions received on the proposed intention to grant a new lease to D, R and P Young for the Zoological gardens in Frankton together with advice from officers;**
- 3. Recommend to Council that a new lease be granted over a recreation reserve known as Section 167 Block 1 Shotover Survey District, subject to the following terms and conditions:**

Commencement	1 August 2016
Term	5 years
Rent	Pursuant to Community Pricing Policy (\$1)
Reviews	None
Renewals	None
Termination	Council has the ability to give 24 months' notice to terminate the lease
Use	Gardens and animal enclosures and associated buildings and activities
Other	That free access for the public to the lease area be provided (except the buildings); Consideration of Health and Safety; The lessee to maintain a minimum of \$2,000,000 public liability insurance; At termination, all buildings to be removed and the land reinstated; Lessee to assist Council in its effort with regard to the control of invasive weed species in the Kawarau River by whatever means are deemed appropriate within the context of a management plan for the Kawarau River; Lessee to provide access for Council to the lease area if remedial works are required for flooding or subsidence or to terminate if these events make continued use dangerous.

- 4. Recommend to Council that a Reserve Management Plan for the area of and around the Zoological gardens in Frankton be prepared within three years of the lease commencement.**

- 8 As the land is recreation reserve, the consent of the Minister of Conservation is also required, such consent having been delegated to Council.

Options

- 9 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 10 Option 1 To approve a new lease to D, R and P Young over Section 167, Block I Shotover SD with the terms and conditions detailed as above.

Advantages:

- 11 The reserve will continue to be developed and maintained and the zoological gardens will continue to operate, providing education, beautification and animal shelter at no cost to ratepayers.

Disadvantages:

- 12 There is some privatisation of public land.
- 13 The Council does not receive any rent from this activity.
- 14 Option 2 To approve a new lease to D, R and P Young over Section 167, Block I Shotover SD with different terms and conditions.

Advantages:

- 15 Similar to Option 1 however Council may wish to add, amend or remove certain conditions.

Disadvantages:

- 16 Similar to Option 1.
- 17 Option 3 Not to approve a new lease and for the Youngs to vacate the site.

Advantages:

- 18 The land would more readily be available for public use.

Disadvantages:

- 19 The zoological gardens would cease to operate and no longer be available as an educational activity for visitors and locals.
- 20 Council would need to maintain the reserve.
- 21 There would be no facility for abandoned animals.
- 22 It would be costly to continue improving and developing the site.
- 23 This report recommends **Option 1** for addressing the matter because it would facilitate the ongoing development and availability of the zoological gardens.

Significance and Engagement

24 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to a public recreation reserve.

Risk

25 This matter related to the operational risk OR11 – decision making as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because the process to grant a new lease is detailed in the Reserves Act 1977.

Financial Implications

26 The cost of drafting a lease will be met by the applicant.

27 If the lease is approved, Council will not have to maintain the reserve.

28 If Council approves the drafting of a management plan, funds and officer time will need to be allocated to that project in the coming three years.

Council Policies, Strategies and Bylaws

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

- Significance and Engagement Policy.
- Community Facility Pricing Policy

30 The recommended option is consistent with the principles set out in the named policy/policies. The Youngs do not operate for profit and satisfy the requirements of the Community Facility pricing Policy.

31 This matter is not included in the 10-Year Plan/Annual Plan but will need to be included going forward so that funding is available to undertake the reserve management plan.

Local Government Act 2002 Purpose Provisions

32 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by helping facilitate a privately run gardens and education facility.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan although some adjustment will be required in future years to facilitate the drafting of the management plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

33 The persons who are affected by or interested in this matter are the general public and Remarkables Park Limited (as the adjoining neighbour). The intention to grant a lease was publicly notified.

Attachments

- A Letter of application from Berry and Co
- B Aerials showing the reserve outlined in red, the Young's private property outlined in blue and the approximate area of road reserve occupation outlined in green
- C Photo history of the site as provided by the Youngs
- D Submissions received
- E Hearing minutes
- F Further submission from Berry and Co

2nd Floor | Chester Building

Corner of Camp & Shotover Streets

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Email: info@berryco.co.nz | www.berryco.co.nz

22 March 2016

Queenstown Lakes District Council

C/- APL Property Services

1st Floor, 50 Stanley Street

PO Box 1586

QUEENSTOWN 9348

Attention: Joanne Conroy

Email: joanne.conroy@aplproperty.co.nz

Dear Joanne

IVAN YOUNG ZOOLOGICAL RESERVE

We act for Daphne May Young and her two daughters Rachel and Penelope Young (“the Youngs”) who own and manage the Ivan Young Zoological Reserve (“Zoological Reserve”). The Youngs’ currently lease some of the land contained in the Zoological Reserve area from the Queenstown Lakes District Council (“the Council”) which lease is due to expire on 1 April 2016. The leased land is legally described as Section 167, Block 1 Shotover District contained in CT 8C/594 (**attached** and marked “A”). The Youngs’ own the freehold property that adjoins parts of the Reserve Land (CT OT1C/807 – **attached** and marked “B”). On behalf of our clients’ we now wish to apply for an extension of the lease or a new lease for a further 33 years. In support of this application we note as follows:

1. Continue Ivan Young’s legacy

- (a) Ivan Young and his wife Daphne created the Zoological Reserve over 50 years ago. Although Ivan is now unfortunately deceased, Daphne, Rachel and Penelope have continued to build on Ivan’s original vision and hard work in creating the Zoological Reserve and wish to dedicate their lives to the ongoing preservation and management of this unique environment including the well being of a variety of abandoned and injured animals such as fish, birds, ducks and dogs. They wish to keep the area in its entirety as Ivan first envisioned for the community’s benefit.

2. Erosion control

- (a) Significant parts of the land are made up of hard fill for the purpose of erosion control. That hard fill has not been stabilised to engineering standards and therefore is unsuitable for building.
- (b) As part of their efforts to mitigate further erosion of the land, the Youngs’ have undertaken planting programmes to encourage stabilisation of the area. Erosion is likely

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Oamaru Partners

George Berry *MNZM, LL.B.*
David Salter *BA, LL.B.*
Michael de Buyzer *LL.B., Notary Public*
David Jackson *LL.M. (Hons)*

to have a prejudicial impact on the land and may incur ongoing costs to the Council and community if it is not properly managed.

- (c) We **attach** photographs (marked "C") that illustrate the stages of erosion control undertaken at the Zoological Reserve by our clients'.

3. **Maintain the quality of the land**

- (a) There have been no adverse incidents as a consequence of the historic Lease to the Youngs' and the land is properly maintained, managed and supervised.
- (b) All planting and landscaping to do with the Zoological Reserve is achieved at the cost of the Youngs'. If the Youngs' did not maintain or manage the land, then the property may lose its aesthetic appeal and it could easily revert to rough scrubby pasture type land.
- (c) The entire project is 99.9% organic. The Youngs' create their own compost, which is used together with other fillers as necessary to maintain the erosion protection and enrich the land.
- (d) Part of the Youngs' management programme is to assist and educate people in terms of organic systems, creation of soils, and animal welfare including Bumblebee Hives and Butterflies. The Zoological Reserve allows the facilitation of such a programme to be offered to the community.

4. **Public Access**

- (a) The public have access to the land at all times. In addition, there is a picnic area available to the public and where many visitors can relax using picnic tables and other facilities provided. The area is not fenced off.
- (b) We note that there is no Queen's Chain attached to the land.
- (c) We **attach** an aerial photograph (marked "D") of the layout of the buildings, walking tracks and other facilities including public access ways on the Reserve land and all of which are used for the proper functioning and management of the Zoological Reserve area.

5. **Recreational Use**

- (a) The Zoological Reserve provides many uses and opportunities for the benefit of the community. Some examples of recreational activities that take place at the Zoological Reserve include picnics, birthday parties, gardening awareness and education, children's recreation, animal interactions and an open space for walking and exploring.
- (b) Our clients' believe that the unique nature of the Zoological Reserve should be preserved and promoted as it is a natural environment, where members of the Queenstown public and tourists alike can visit and enjoy.

6. **Not for Profit**

- (a) The Youngs' operate the Zoological Reserve as a not for profit organisation. Access to the Zoological Reserve is free of charge for children and adults are charged a small fee of \$15.00. This money goes to helping maintain the Zoological Reserve and for supplies to feed the animals. The Youngs' do not receive any council or government grants to assist in the management of the Zoological Reserve.

- (b) We advise that none of the Youngs' draw any wage, salary or otherwise from this venture. Rachel Young commits herself full time to the Zoological Reserve and Penelope Young part time.
- (c) We are conscious of the fact that Queenstown is an expensive destination. The Youngs' consider the Zoological Reserve to be an enjoyable, inexpensive and educational entertainment choice for families and locals alike.

7. Relationship with the Department of Corrections

- (a) Since 1987, the Youngs' have engaged in relations with the Department of Corrections to employ men who have been convicted of crimes. These men are placed on site and supervised by the Youngs' while they carry out various tasks on the Reserve. This relationship provides a valuable service to the Probation Department.
- (b) We **attach** correspondence (marked "E") from Alice Cournane that illustrates the relationship with the Youngs'.

8. Relationship with the SPCA

- (a) We **attach** a number of letters (marked "F") from the SPCA outlining their relationship with the Youngs'. We believe these letters show the extent the Youngs' are willing to go to accept and accommodate any wayward or abandoned animals. The contact the Youngs' provide to the SPCA enables the SPCA to use their limited resources for other animal matters arising in the area.

9. Relationship with other groups in the Queenstown Community

- (a) The Zoological Reserve holds a special position in the Queenstown Community. It is regularly visited by various groups from the community, with a particular emphasis on children's groups such as Kindergartens and Schools, as well as the elderly and other community organisations.
- (b) We **attach** a copy of the visitor's book (marked "G") which suggests how people view the experience at the Zoological Reserve. We believe this evidence depicts the extraordinary benefit the community derives from visiting the Reserve and surrounding gardens. Furthermore, the number of global visitors represented in the visitor's books highlights the wide cross section of people that visit the Reserve.
- (c) We further **attach** various newspaper articles (marked "H") that demonstrate the extent of the Youngs' involvement in the community.
- (d) We also **attach** letters (marked "I") from groups in the Queenstown Community which exemplify the opportunity the Zoological Reserve provides for community groups such as theirs.

10. Relationship with the Council

- (a) The Queenstown Lakes District Council encouraged the recent naming of the reserve as the Ivan Young Zoological Reserve, which included a commemorative sign and unveiling ceremony conducted by the Mayor Vanessa Van Uden. We trust such actions reinforce the Council's appreciation and acknowledgment of the work the Youngs' undertake and the enjoyment the Reserve provides to the people of Queenstown and the wider Community.

- (b) We **attach** a newspaper clipping (marked "J") of the unveiling ceremony referred to above.
- (c) We further **attach** a copy of the decision (marked "K") made by the Council to name the reserve.
- (d) We also **attach** correspondence (marked "L") from Local Iwi stating their approval of the naming of the Reserve.

11. Reserves Act 1977

- (a) As the committee will be aware, the area of land in question is designated as a recreation reserve, designation No. 159, pursuant to the provisions of the Queenstown Lakes District Council district plan ("district plan"). We are happy to provide a detailed analysis of the Reserves Act 1977 ("the Act") if required particularly as it relates to the land in question and as it relates to the leasing of recreation reserve. Indeed if the committee has any questions in this regard, then we would welcome the opportunity to address these before any final decision is made. In the meantime however and in support of this application for a Lease, we note the following:
 - (i) Our clients' have at all times complied with the expressed and indeed implied terms of the Memorandum of Lease currently in place and which of course expires on the 1st day of April this year, 2016.
 - (ii) Without providing at this time a detailed summary as to the background to the granting of the Lease and which we anticipate Ms Conroy will address with the committee, we do, with respect, suggest that the current activities undertaken by the Youngs' satisfy the purposes of the Act and indeed provide what is effectively a public amenity with exemplary management which use and management will, based on past experience, continue to meet the expectations of the Act and the ongoing expectations of our community at no cost to the Council. Indeed any costs, particularly in terms of erosion control and general maintenance can be significant but which will continue to be met by the Youngs'.
 - (iii) We also note and as provided for in clause 7 of the existing Lease, that the referred to, walking access, is properly maintained for this purpose and which will continue to be the case irrespective of what intensity of development may occur along the northern boundary.

12. Summary

- (a) Although Daphne Young is the registered proprietor of the family residence and is the current Lessee pursuant to the Lease, Daphne, Rachel and Penelope ask that the Council grant to them an extension of the existing Lease or a new Lease for a further 33 years on the same terms and conditions as currently apply. Indeed due to Daphne's age, the future of the Zoological Reserve and the appropriate management of the Reserve rests in the hands of Rachel and Penelope who as stated previously, have essentially committed their lives to this project.
- (b) The information outlined above hopefully illustrates the Youngs' commitment to the current use and preservation of the Zoological Reserve and their intention to continue

to create a parkland and Zoological Reserve for the benefit of both the Queenstown local community and visitors to the area.

We welcome the opportunity to discuss the above matter at your earliest convenience.

Yours faithfully

BERRY & CO



Abbey James

Law Clerk

e-mail: ajames@berryco.co.nz

Encl.



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED

Queenstown Lakes District Council **Zoological gardens** 0 20 40 60 80 Metres N

Webmaps your view of your information 09 March 2016

49



view
1978?
← →
down ↑
Road



erosion. Reseue. 1986
Rocked up now



FEB
1974



1988



looking up River. 1986

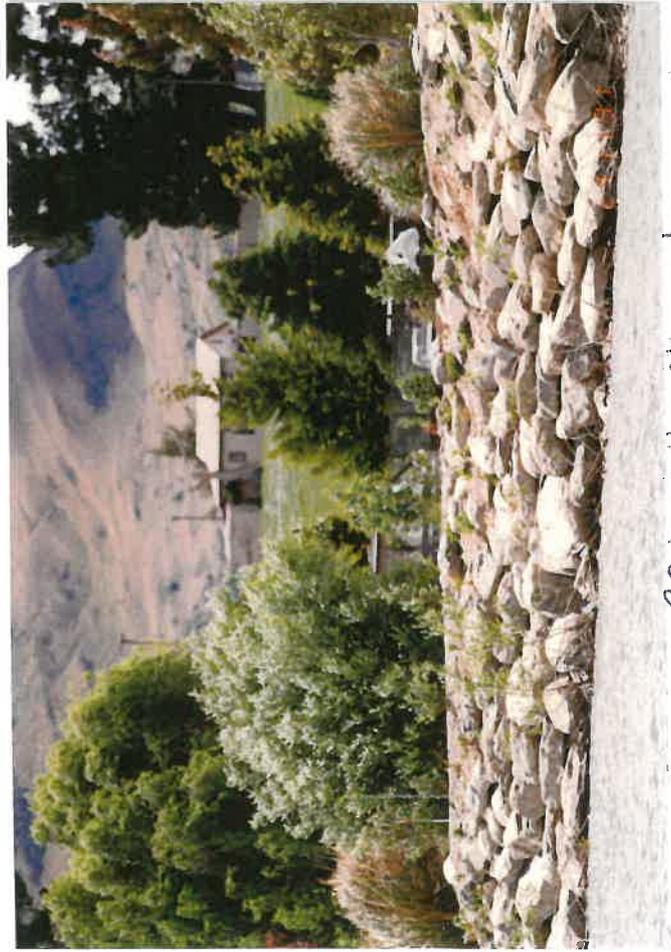


new fill near bend of river

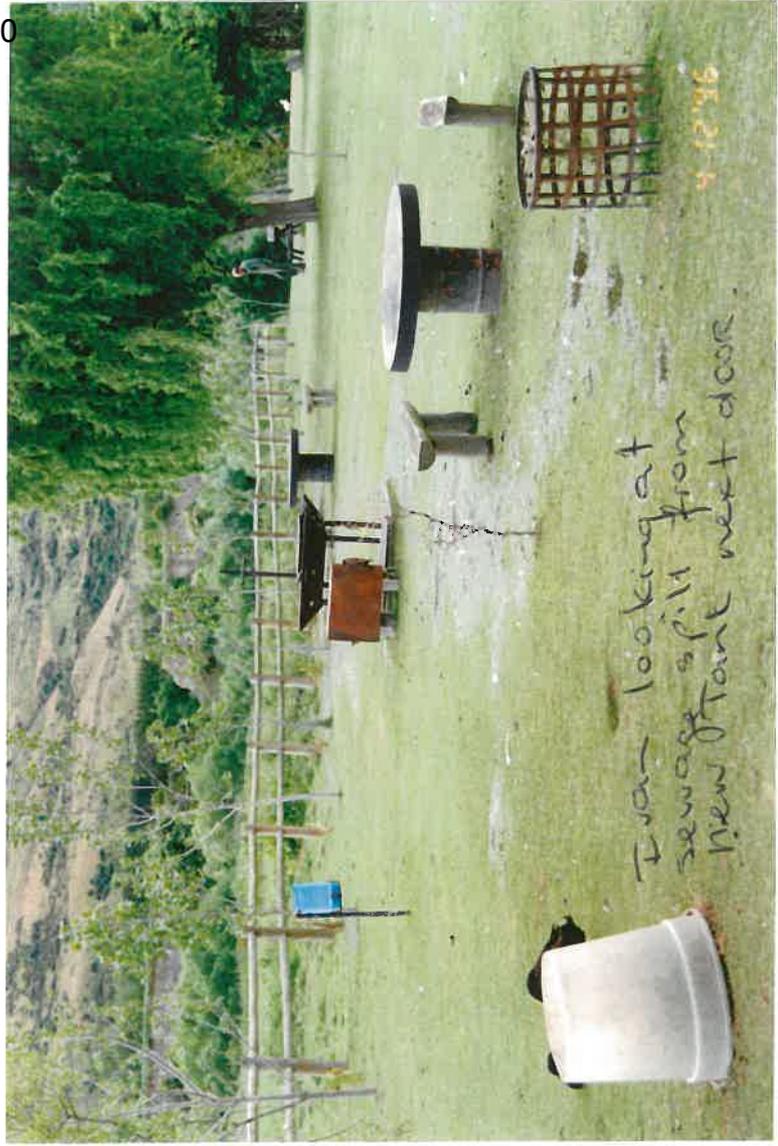


View of River

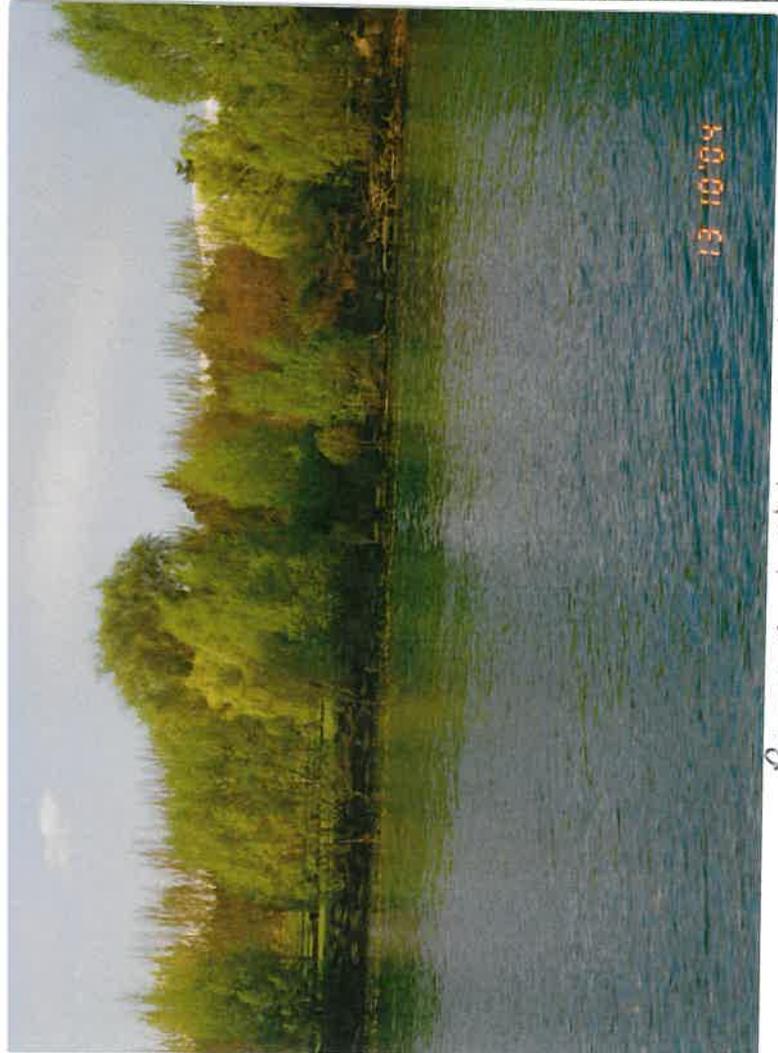
new looks new planting - Numbered special flood trees - willow



New Rock wall. Allens house & trees gone.



Ivan looking at sewage spill from New Taint next door.



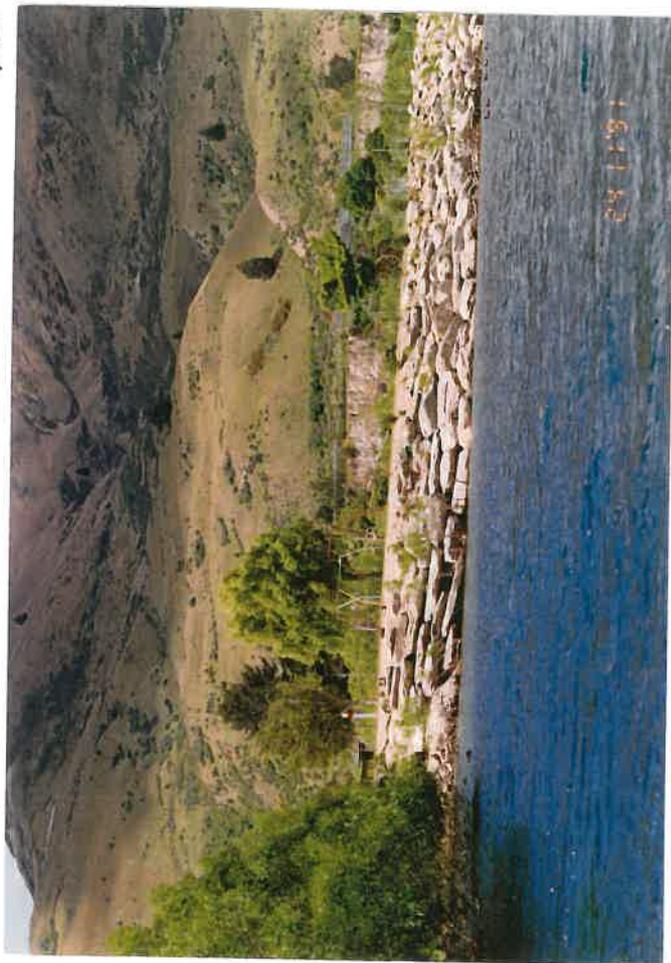
Reserve looking south,

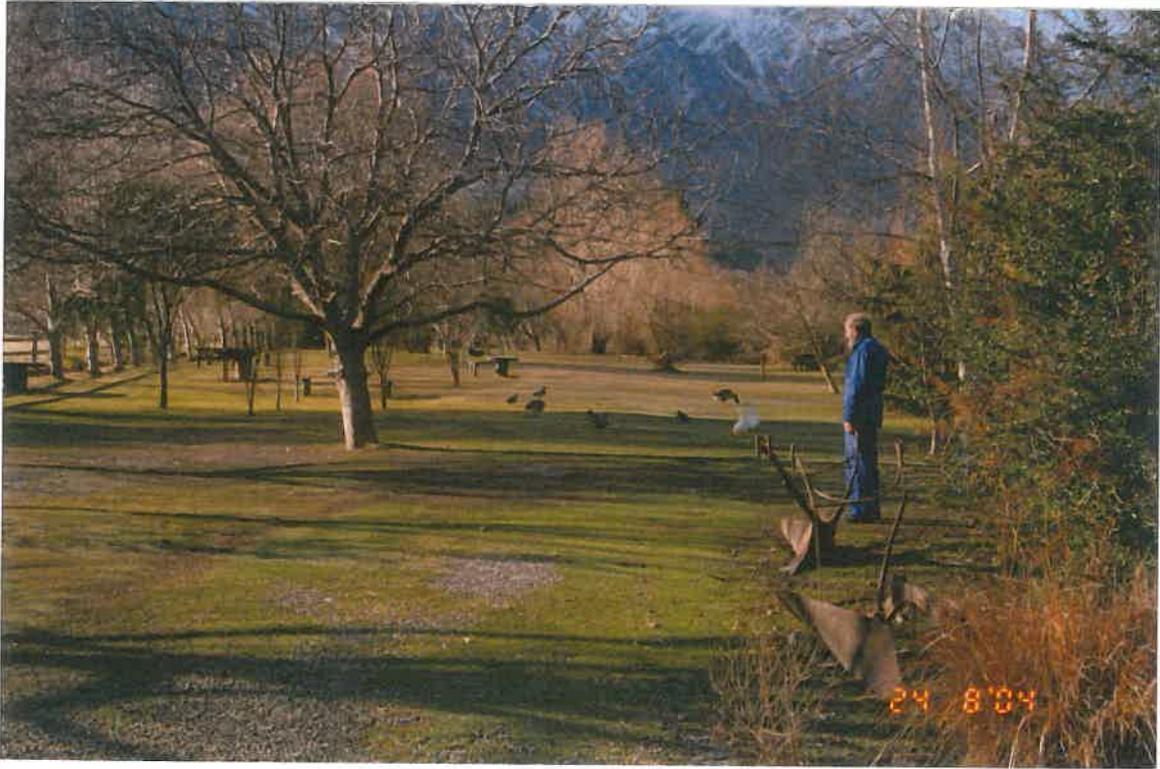


Reserve from pontoon looking north



Sill on River 1991







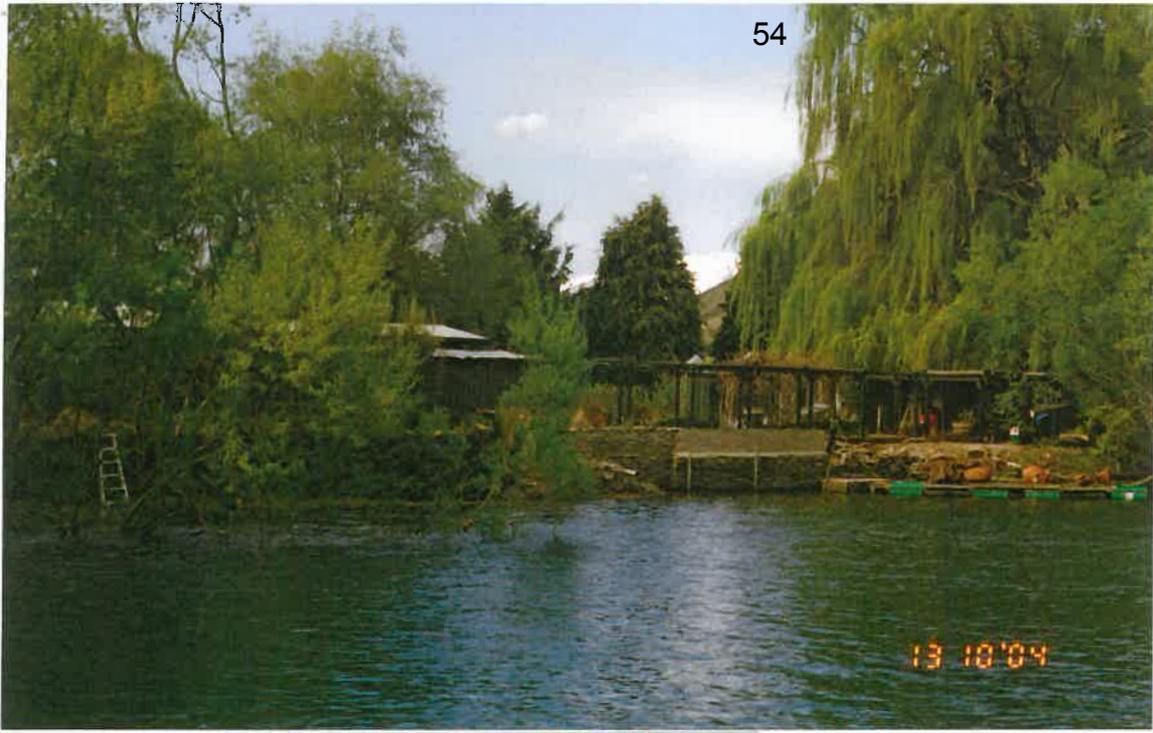
View house
front garden
avery's car
park.
1993.



Ivan fixing
up Reserve
by hand, after
trucks with
fill.



Wall re
done now
woodland
walk. pipe
done by
Council
1991.



left new wall
woodland garden
Right new wall
concreted & high



29.11.1991



Middle now has safety wall
Right Left of it now redone concrete.
29.11.1991

Dr Neil Clayton

27 MAY 2016

417 Portobello Road
RD 2 Dunedin 9077
Tel: 03 476 1384
Mob: 027 476 1384

20 May 2016

Joanne Conroy
APL Property Ltd
PO Box 1586
Queenstown 9348

**Young Family Application to Renew Lease of Reserve, Section 167,
Block 1, Shotover**

Dear Ms Conroy

I support the application by the Young family for a renewal of their lease of this reserve and request that the Queenstown Lakes District Council grant the application.

My reasons for supporting the application are:

1. The intended use of the reserve by the family is suitable for the location;
2. Given the family's record of stewardship of this reserve over many years, QLDC would be hard pressed to find more fitting lessees.

I wish to be heard in support of this submission.

Yours faithfully



Robert Taylor
21 Hobart St
Queenstown
Tel. +64 3 442 8331
Mob 0274 862146

May 27th 2016

Queenstown Lakes District Council
Per APL Property
PO Box 1586
QUEENSTOWN

By e-mail: jo.conroy@aplproperty.co.nz

Dear Council,

**Re: Intention To Grant Lease Over Recreation Reserve to
D, R, and P Young**

I fully **support** QLDC's intention to grant a lease to the applicants to allow them to continue operation of the Zoological Gardens, on land adjoining the Kawarau River at the end of Riverside Road, Frankton described as Section 167 Block 1 Shotover Survey District contained in Certificate of Title OT8C/594.

I am a lifelong permanent resident of Queenstown, and believe the Young Family (Applicants) have been excellent stewards of this reserve land used by them in the past – under guidance of the late Ivan Young, and should be granted a new lease or the existing lease should be extended to allow his children to continue the work, operating the Zoological Gardens, which they have been involved with over many years. This facility is and will continue to be an asset to the Wakatipu Community, especially in the future as much of the districts schooling is relocated to Frankton.

Regards

Robert Taylor

From: [Darryl Spence](#)
To: [Joanne Conroy](#)
Subject: Lease of recreation reserve.D.R.and P Young.
Date: Thursday, 26 May 2016 5:54:27 PM

Dear Jo,

I am writing to you in the hope that the lease on the Zoological gardens can be renewed. Over the years I would take my children there to see the animals and now I take my grandchildren, We take a picnic and the kids love it, I would hate to see it close and I know the children would be very sad.

Penny and Rachel are always very welcoming and love to show the children all the different animals. It's a great place to spend a sunny afternoon for locals and tourists.

Yours sincerely
Lorraine Spence

26 May 2016

Property Subcommittee
Queenstown Lakes District Council
C/- APL Property Services Limited
1st Floor, 50 Stanley Street
PO Box 1586
QUEENSTOWN 9348

Email: joanne.conroy@aplproperty.co.nz

Dear Joanne

SUBMISSION IN RELATION TO THE QUEENSTOWN LAKES DISTRICT COUNCIL INTENTION TO GRANT A LEASE OVER RECREATIONAL RESERVE TO D, R AND P YOUNG

Introduction

1. We refer to our clients' application to the Queenstown Lakes District Council dated 22 March 2016 requesting a renewal of their lease over the recreational reserve legally described as Section 167, Block 1, Shotover District contained in CT 8C/594 and confirm that we act for D, R and P Young, being the applicant's for the lease as described in the notice advertised in the Mirror Newspaper on Wednesday 27 April 2016.
2. In relation to the proposed terms of the new lease as determined by the Property Subcommittee ("Committee") of the Queenstown Lakes District Council we ask the Committee to consider the following:

Further submissions

3. The proposed termination clause under the new lease provides the Council with the ability to terminate the lease upon giving 12 months notice to our clients'. We suggest that this term is inappropriate and unreasonable for the reasons set out below:
 - (a) The fixture of animal enclosures and incidental structures on the land are of a permanent nature, housing many homeless or neglected animals together with other

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David Jackson *LL.M. (Hons)*

zoological specimens. To uplift or dismantle such facilities would require a considerable amount of time (not to mention cost to our clients') to make suitable alternative arrangements. We are of the view that 12 months would be an insufficient timeframe to allow our clients' to terminate 50 years of occupation, in a reasonable and dignified manner.

- (b) The nature of the reserve land is such that it provides a home to many animals. If the lease were to be terminated these animals would require rehousing. The animals are cared for and fed at the cost of our clients' who also provide support to the public and other animal welfare services within the Queenstown district. Therefore a greater period of time to allow the comfortable rehousing of these animals would be appreciated.
 - (c) Our clients' have a profound psychological attachment with the land. Their father (Ivan Young) and Mrs Young created the Zoological Reserve over 50 years ago and since then they have continued to build on their father's original vision and hard work, dedicating their lives to the ongoing preservation and management of this unique environment. 12 month's notice to leave such a setting would impact severely on our clients' as the land is not only their home but their livelihood and life's work. Our clients' own the property that immediately adjoins the reserve land which has allowed them to provide a stewardship role in caring for the health and wellbeing of the land, river, vegetation of the area and erosion issues. This invaluable but discrete role helps ensure the preservation of the reserve land and it's surroundings for the benefit of the Queenstown Community.
 - (d) We further reiterate the submissions in our clients' original application letter in relation to the stability and quality of the land. It is common knowledge and Council records further substantiate, that the land is prone to erosion and is generally unsound for building purposes.
4. We understand that the inclusion of such a termination clause is largely a result of current "council policy" when granting leases of this nature. However we emphasise the longevity and enduring connection our clients' have with the land in question and ask that this fact be taken into account when considering a reasonable notice period.

Proposal

- 5. We propose on behalf of our clients' that the termination clause be amended to allow Council the ability to terminate the lease but with 5 years written notice to our client of their intention to do so. This would assist and provide time for our client to make the necessary arrangements to remove various fixtures on the land, rehouse animals and return the land to the council in an appropriate manner.
- 6. We also suggest that such notice to terminate the lease would only be given in the event that the proposed alternative use of the reserve land would be of greater benefit to the Queenstown Community than the existing use is at the time of notice.

7. We also propose that such a right to terminate the lease by the council be exercised only after the expiration of the first 10 year term of the lease.
8. Should the Committee require any further information or assistance then our clients' would be happy to address the same at the convenience of the Committee.

Yours sincerely

BERRY & CO



Revell Buckham
Partner

e-mail: rbuckham@berryco.co.nz

Encl.

Submission by Remarkables Park Limited on the proposal to grant a new lease of the recreation reserve at the end of Riverside Road, Section 167, Block 1, Shotover SD, (Ivan Young Zoological Reserve) to D, R and P Young

1.0 Introduction

Remarkables Park Limited (RPL) believes that the public should be granted free and unimpeded access to this recreation reserve and the adjoining river and that the reserve should be used for its proper purpose as a recreation reserve. The reserve land and the adjoining area of unformed legal road should be made available to allow the Queenstown Trails Trust's river trail (the Twin Rivers Ride) to be extended and relocated closer to the river in this location. This would allow the publicly owned land to be actively used by the public and for the public amenity values of the reserve area to be further enhanced. For these reasons RPL is opposed to the proposal to grant a new lease of this land to private parties.

2.0 Reserves Act Requirements

2.1. In making this submission RPL notes that; 1, not only is it undesirable from a public access perspective and 2, contrary to the principles of the Reserves Act 1977 (the Act) to continue the privatization of this area of riverside land, but 3, QLDC does not appear to have statutory authority to lease the land for the proposed purpose.

2.2. The powers granted to a territorial authority to lease a recreation reserve are much narrower than the notice advertising this proposal suggests. The APL report states: "*Pursuant to the Reserves Act 1977, leases can be granted on recreation reserves provided they benefit users of the reserve.* " That is not a proper statement of the law relating to leasing recreation reserves. There are limitations on the uses for which a recreation reserve can be leased.

2.3. Firstly, any proposed leasing of a reserve must be done in the exercise of a council's functions under section 40 and "to the extent necessary to give effect to the principles set out in section 17" of the Act. Those two provisions are set out below with underlining added.

40 Functions of administering body

(1) □ The administering body shall be charged with the duty of administering, managing, and controlling the reserve under its control and management in accordance with the appropriate provisions of this Act and in terms of its appointment and the means at its disposal, so as to ensure the use, enjoyment, development, maintenance, protection, and preservation, as the case may require, of the reserve for the purpose for which it is classified.

□(2) □ Every administering body of a reserve that includes any part of the Whanganui River shall, in carrying out its functions, have regard to the spiritual, historical, and cultural significance of the river to the Whanganui iwi.

It is noted that the reserve in question is a recreation reserve. Its purpose is recreation.

17 Recreation reserves

(1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as recreation reserves, for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.

2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every recreation reserve shall be so administered under the appropriate provisions of this Act that—

(a) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 53 and 54, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:

(b) where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve: provided that nothing in this subsection shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:

(c) those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved:

(d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

2.4. It is apparent from these provisions that, as a recreation reserve, priority should be given to providing for recreation and sporting activities and the physical welfare and enjoyment of the public, with an emphasis on the retention of open spaces and on outdoor recreational activities including recreational tracks in the countryside. The activities proposed by the Youngs are not consistent with these mandated purposes. Neither can it be contended that the existing animal enclosures “contribute to the pleasantness, harmony, and cohesion of the natural environment”.

2.5. Secondly, section 54(1) provides only four situations in which a lease of a recreation reserve can be granted. S54(1)(b) & (c) are not relevant as they apply only to sporting facilities and voluntary organisations. S54(1)(d) applies to the carrying on of a trade, business or occupation and is not relevant. So the only

possible provision under which the proposed lease to the Youngs could be authorized is S54(1)(a) which states:

S54 (1) With the prior consent of the Minister, the administering body, in the case of a recreation reserve that is vested in the administering body, may from time to time, in the exercise of its functions under [section 40](#), to the extent necessary to give effect to the principles set out in [section 17](#),—

(a) lease to any person, body, voluntary organisation, or society (whether incorporated or not) any area set apart under [section 53\(1\)\(h\)](#) for baths, a camping ground, a parking or mooring place, or other facilities for public recreation or enjoyment. The lease—

(i) may require the lessee to construct, develop, control, and manage the baths, camping ground, parking or mooring place, or other facilities for public recreation or enjoyment, or may require the lessee to control and manage those provided by the administering body; and

(ii) shall be subject to the further provisions set out in [Schedule 1](#) relating to leases of recreation reserves issued pursuant to this paragraph:

2.6. The first point to note is that, for part of a recreation reserve to be leased, the area has to be “set apart” by the Council under section 53(1)(h) for quite specific purposes. That subsection states:

53 Powers (other than leasing) in respect of recreation reserves

(1) The administering body of a recreation reserve may from time to time, in the exercise of its functions under [section 40](#) and to the extent necessary to give effect to the principles set out in [section 17](#),—...

h) at any time and from time to time set apart any part or parts of the reserve—

(i) for gardens, open spaces, footpaths, driveways, or picnic grounds, or for the provision of any other like facilities for public recreation or enjoyment or for facilities and amenities necessary for the public using the reserve; and construct or develop those gardens, open spaces, footpaths, driveways, picnic grounds, or other facilities for public recreation or enjoyment or facilities and amenities necessary for the public using the reserve; and fix reasonable charges for the use of those picnic grounds, facilities, and amenities:

(ii) with the prior consent of the Minister, for baths, camping grounds, parking places for vehicles, or mooring places for boats, necessary for the convenience of persons using the reserve, and construct and develop such baths, camping grounds, and parking or mooring places, and fix reasonable charges for the use of such baths, camping grounds, and parking or mooring places:

(iii) with the prior consent of the Minister, for compounds for animals for display to persons using the reserve, and construct and develop such compounds, and fix reasonable charges for viewing the animals therein:

2.7. The use proposed to be undertaken on the reserve under the proposed lease is stated to be: “*Gardens and Animal enclosures and associated buildings and activities*”.

The APL report also refers to the following uses:

- *a parkland for zoological purposes with associated buildings*
- *gardens*
- *an animal shelter for wayward or abandoned animals*
- *develop and manage the reserve*
- *educate visitors about flora, fauna and environmental issues*

2.8. However, the authority to lease in S54(1)(a), as highlighted above does not refer to those uses. It refers only to “any area set apart under [section 53\(1\)\(h\)](#) for baths, a camping ground, a parking or mooring place, or other facilities for public recreation or enjoyment.”

2.9. The wording seems to be a direct reference to S153(1)(h)(ii) and may be limited to the type of activity described in that subsection. It is possible that the added words “recreation or enjoyment” extends it to S153(1)(h)(i) but there is no wording that would link the leasing power in S54 to *compounds for animals for display* (S153(1)(h)(iii)). There is no authority to lease this reserve to the Youngs for their proposed purpose.

2.10. Even if the Council did have legal authority to lease a recreation reserve for “gardens and animal enclosures and associated buildings and activities”, any lease (including the old lease and the proposed new lease) is required to be subject to the further provisions set out in Schedule 1. The Schedule 1 provisions deal with renewals and termination but the language is instructive.

2.10.1. For a lease renewal to be granted the Council must be satisfied “that there is sufficient need for ... (the facilities) ... and that some other recreational use should not have priority in the public interest”. No information has been provided on the need for the animal enclosures or other facilities currently occupying the reserve. Neither has any information been provided on other recreational uses that might have priority. However the significance of the Queenstown and Wakatipu trails network is huge and there would be immediate use made of the trails if the Twin Rivers Ride was to be relocated and extended along this part of the river. In 2015, 10,618 people used the Twin Rivers Ride even though the trail was closed for part of the year because of weather damage. RPL contends that walking and cycling are recreational activities that involve many people. They are activities that are specifically in line with the statutory duty with which QLDC is charged and with the principles set out in the Act. They should have priority over a viewing place for caged animals – which is not in line with the section 17 principles that apply to recreation reserves.

In making the above comment on trail usage, it is noted that RPL is a major sponsor of the Queenstown Trails Trust and has an agreement with the Trails Trust under which RPL has taken over the maintenance of the Twin River Ride, from below the bottom of Riverside Road to the Shotover River confluence, for a fifteen year period

from 2015. RPL also resurrected the proposal to repair the major slip that caused the lower trail to be closed and is now managing that repair for the Trust. RPL believes that it has a good appreciation of the importance of the trail network both directly to existing and future residents of the Queenstown Lakes district and as a tourism asset for the whole district and wider region.

2.10.2. A lease under s54(1)(a) of the Reserves Act can be terminated if *the land leased is not being used or is not being sufficiently used for the purpose specified in the lease*. In this regard it is significant that the use of the reserve for the proposed purposes has not been continuous in the past. In particular there have been periods when the gardens have been closed and not accessible by the public. Anecdotally, when locals are asked about the Zoological Gardens the response is: “Is that still open?” This suggests that, had the Council been more vigilant in the administration of this land in the past, the old lease would have been terminated and would definitely not be up for possible renewal now.

3.0 The Current Situation

3.1. The current arrangement between Council and the Youngs effectively privatises a significant section of the Kawarau River. This is partly alluded to in the APL report with the statement: *Access to the site is not ideal, being a single lane, shingle driveway that looks private and is not maintained by Council even though it is legal road.*

3.2. However, the true extent of the privatization is much greater than that. Although the proposed lease would cover 5,520 m² (shown red on the attached plan) and limit access to 189 metres of river frontage, the fencing, gates, gardens and signage installed by the Youngs have effectively privatized an additional 4,677m² of land that is public road (shown green on the attached plan) and have thus limited access to a further 136 metres of river frontage. In addition, the current alignment of the Twin Rivers Ride trail (which avoids the private-looking driveway access to the Youngs’ site) means that an additional 1,922m² (shown yellow) is effectively lost from public use.

3.3. The Youngs’ house is closer to the Kawarau River than any other dwelling in the district. It is far closer than would be permitted under the Council’s District Plan (or under the Regional Plan) and indeed the house is subject to serious inundation when the river is high. It is most unlikely that a dwelling in this location would have been legally able to be consented at any time so it is likely that the structure (and probably the house site itself) has been retrospectively consented at some time in the past. The Youngs have been able to treat the reserve and the area of unformed road (over a hectare in total) as their private curtilage over many years but that is not a good reason to continue the situation.

3.4. The APL report states “(t)hey have continued to provide free access to the river, which was a requirement of the old lease”. However that is not how the public sees the situation. There is no signage indicating that the public has access to the river or the reserve. On the contrary there is signage saying that dogs are prohibited, that there is no exit and that the zoological gardens are only open 10.00am – 4.30 pm. The anecdotal evidence is that local residents do not believe they have free access

to the river through “the Youngs’ property”. The fence between “the Youngs’ property” and the areas of adjoining reserve that were vested in Council by RPL is topped with barbed wire and there is not a single gate along the whole 387-metre length of the fence. This hardly suggests that users of the adjoining reserve areas, or the public generally, are welcome to cross “the Youngs’ property” to gain access to the river, or that free access is available.

3.5. The areas of adjoining reserve that were vested in Council by RPL are shown on the attached plan in green and outlined in a solid black line. The intention is that, as more land is developed within Remarkables Park, RPL will vest additional land in this vicinity in Council as reserve. The original lease to the Youngs would have predated the vesting of reserve by RPL. Council’s acquisition of the adjoining land as reserve is therefore a new factor that needs to be taken into consideration now when the request for a new lease is being considered. There is no logic in Council acquiring these new reserve areas (that range from 30 to 45 metres in width) if they are isolated and cannot be connected to the “Youngs’ reserve” and to the river.

3.6. At the time the first lease was granted to Mr Young, 35 years ago, there were far fewer homes in Frankton and the residential part of it known as Remarkables Park had yet to be developed. Accordingly the demand for reserves was much different than it is today when all of the Riverside Road area has been developed for housing and new residential dwellings are currently being constructed in Cherry Blossom Avenue, a short walk from this reserve. Much more land in this vicinity is currently under development for residential uses and other uses, such as visitor accommodation, that will generate use of the river and adjacent reserve areas.

3.7. The Remarkables Park Zone specifically provides for high density residential, visitor accommodation and commercial activities. Development of the land in accordance with its zoning is being encouraged by the Council and is being actively worked on by RPL. A ferry terminal is planned on the river’s edge a little further downstream from the Ivan Young Zoological Reserve. This new facility, which will provide an easy commuter connection to downtown Queenstown, will attract a new group of users to the riverside reserves. So too will the new Wakatipu High School (due to open at Remarkables Park in 20 months), as students will undoubtedly use the Twin Rivers Ride as a cycle or pedestrian route to and from school.

3.8. Council receives no rental from the Youngs for their occupation of this public land so there is no compensation to the public for forgoing access to the reserve and the river. On the other hand, the APL report notes that the Youngs charge a fee for people to visit the animal enclosures (currently \$15.00 per adult).

3.9. RPL has obtained geotechnical advice from consultant engineers, Tonkin and Taylor that the land in the vicinity of the river in this location will require significant engineering work to stabilize it for long-term use and prior to construction of buildings. RPL submits that it would be inappropriate to give control of this land to any party for any purpose for an extended period as this may restrict the ability for the owner to undertake or enable the required remedial work.

3.10. RPL and Council have agreed on the construction of a new sewer pumping station to be sited within the area of unformed legal road shown shaded bright green on the attached plan. This work is likely to be undertaken within the next 18 months. It makes good sense to terminate now the impression that the Youngs have any rights or expectations to occupy this area into the future.

3.11. If the Council's concern is that it does not want to take on the cost associated with maintenance of this reserve area, then RPL would itself be prepared to maintain the area. As noted above, RPL has a 15 year agreement with the Trails Trust to maintain the Twin Rivers Ride alongside the upper Kowarau River and RPL would be willing to extend that arrangement to cover maintenance of a relocated trail and further enhancement of the public land along that part of the river now occupied by the Youngs.

4.0 Reserve Management Plan

4.1. Council has confirmed that there is currently no Reserve Management Plan for the area identified as the Ivan Young Zoological Reserve. If a reserve management plan had been prepared it would likely have identified many of the above issues, (including the extent of existing use of the reserve, competing uses for the reserve, the importance of the trails network, the appropriate level of reserve land for the expanded Frankton residential area and the expanding Remarkables Park zone (high density residential/visitor accommodation/commercial activities) and the statutory principles that apply to administration and use of a recreation reserve) and perhaps many others. It seems entirely inappropriate to be considering the Youngs' proposal for the future of the reserve in the absence of a reserve management plan, especially when the proposed use would effectively privatize the area for a further 30 years and add considerable financial value to the Youngs' house for no compensation or financial return to the community.

4.2. It is further noted that, in the absence of a management plan, Council cannot avail itself of the exclusion provided by S54(1A) of the Reserves Act. Any decision Council wishes to make in respect of leasing the reserve would require the prior consent of the Minister.

5.0 Request to be heard

RPL requests the opportunity to be heard at any hearing convened to consider this application to lease the reserve.

Remarkables Park Limited

Attachments (3): Aerial photo, recent photograph of entrance, historic photo of site flooding

Plan of areas currently occupied by Youngs and adjoining reserve areas (house site 813m² shown in blue)



Recent photograph of entrance to “Youngs’ property” showing fencing, a gate and signage on unformed legal road and a roadworks cone (behind the fence) that could be positioned to further discourage traffic.





Minutes of a hearing of submissions on a proposed new lease for Zoological Gardens, Frankton held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday, 23 June 2016 beginning at 1.00pm

Present

Councillor Mel Gazzard (Chairperson) and Councillor Merv Aoake

In attendance

Mr Stephen Quin (Parks and Reserves Planning Manager), Mr Aaron Burt (Planner, Parks and Reserves), Mrs Joanne Conroy (Property Advisor, APL Property Ltd) and Ms Jane Robertson (Governance Advisor)

Election of Chairperson

The Governance Advisor called the meeting to order and invited the Councillors to elect a chairperson for the hearing. It was agreed that Councillor Gazzard would chair the hearing.

Apologies

An apology was received from Councillor MacLeod. It was noted that the resolution establishing the hearings panel required only two of the three nominated Councillors to form a hearings panel.

Conflicts

No conflicts of interest were notified.

Confirmation of Agenda

The agenda was confirmed without addition or alteration.

Hearing of submissions

Applicant's Presentation

The applicants (Ms Rachel Young and Ms Penny Young) were represented by Mr Revell Buckham (Solicitor). They were accompanied by Ms Abbie James (Solicitor). It was noted that their mother, Mrs Daphne Young (also an applicant), was unable to attend the hearing.

Mr Buckham sought clarification of the hearing procedure, especially in light of the legal submissions made by Remarkables Park Ltd ('RPL'). There was further discussion and it was agreed that it was appropriate for the applicant to have a right of reply after the submitters (including RPL) had spoken.

Mr Buckham presented evidence on behalf of the Youngs.

- The lease has been expired since 1983 and the Youngs have been stewards of land since.

- In recognition of Mr Ivan Young's involvement in development of the reserve, it had been named in his honour.
- Use of the land was self-explanatory and included the private house and the reserve to the south east. The hearing is dealing with this reserve only, immediately adjoining to which are some buildings for the bird life, taking up a small part of the reserve.
- The purpose of the reserve is the wellbeing of animals and public enjoyment of the gardens. Many of the animals taken in have been neglected and it is one of the few facilities in this area caring for animals in this situation. There are a number of regular visitors to the garden and a broad community aspect to the overall operation.
- There is no charge to enter the site but a small charge is payable for a tour of the site. It is a nominal operation and funded by the applicants' own resources. The applicants were happy to accept any conditions including sighting of financial records.
- Although access to site had been raised as a concern there is a public road to the house and the fence now in place had been put in place by Remarkables Park.
- The applicants acknowledged that it was a privilege to use the property and allowing people to access it free of charge was important to them. To this end the applicants were happy to ensure easy public access to the reserve. Whilst the existing fence could remain in place the applicants suggested that a stile or gates be placed to allow access over the fence. In addition, signage could be installed in consultation with Council officers to indicate that it was a public walkway, so that there was no misunderstanding about access.
- Some sort of security of tenure was sought and the applicants were concerned about the proposed term of the lease and the termination clause. The applicants were aware of the Council's policy review about the use of reserves but Mr Buckham suggested that this lease deserved more favourable conditions than the standard. In particular, he asked the panel to reconsider the one year notice of termination. He highlighted the unique aspects of this lease including its long-standing use as a reserve area and the fact that the family had been stewards of the land at their own cost for many years. They had a consented private jetty that they freely allowed others to use and the plantings had been designed to ensure vehicle access. Overall, they had made a significant investment in the property and it would be difficult to uproot. Furthermore, the family was hesitant to make further investment in the gardens if the lease was to be terminated at short notice. He suggested that a condition more palatable to the applicants was a five year notice period of termination and not in the first 10 years of the lease.
- Mr Buckham pointed out that the area is subject to erosion and flooding and the land edge would have disappeared without the intervention of the Youngs.

Presentations by submitters

Support

Dr Neil Clayton

Dr Clayton spoke to his submission in support of granting the lease. He highlighted the following points:

- He supported the views already expressed by the applicant and questioned the motives of Remarkables Park ('RPL') in opposing the lease.
- Much of the land near the reserve had already been swallowed up by commercial developments in the area, especially those belonging to RPL. This commercial encroachment was steadily advancing towards the Kawarau River and the Council needed to intervene to ensure that this intrusion did not become detrimental to the scenic values of the area. The reserve occupied by the zoological garden provided an effective buffer to this encroachment.
- The Young family had maintained and improved riverbank stability in the area and had not denied access to the reserve in any way as suggested by RPL.
- There was nothing in the RPL submission that suggested that its proposal would provide a better or more appropriate environmental outcome.

Mrs Lorraine Spence

Mrs Spence stated that many of her family and friends visited the gardens and it would be unfortunate to lose this facility.

Opposition

Remarkables Park Ltd

Mr John Young (Brookfields Lawyers)

Mr Young circulated written evidence which he summarised for the hearings panel. His key points were as follows:

- The current and proposed use of the reserve for the zoological gardens did not meet the purpose and principles of the Reserves Act 1977.
- There is no Reserve Management Plan in place covering the reserve.
- Use of the reserve as part of the trails network should be enabled because it would provide direct and free access to the riverbank.
- RPL wanted to see the activities at the zoological gardens to co-exist with RPL and to remain on the site, but it wanted to see new uses accommodated. In addition, RPL wanted the Council to take steps to ensure public awareness of free public access to the area.

- RPL opposed the Council granting a lease on the terms sought by the applicant and the terms proposed by the reporting officer.
- RPL considered the current use as zoological gardens was contrary to the Reserves Act because it did not preserve access for the public to the riverbank. Most ordinary members of the public arriving at the entrance to the zoological gardens would feel that they were not able to access the area. In addition, the garden had operating hours which would affect how people perceived whether they were permitted to enter the area.
- The proposed lease was an impediment to recreational tracks.
- Leasing powers under the Reserves Act required a 'trade, business or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve.' The zoological garden was not a trade because profit was not the object and it was not one that was necessary for the public to enjoy the reserve. Case law was presented which considered the meaning of 'necessary' with the High Court finding that enabling greater use and enjoyment of a reserve was critical.
- The Council had failed in its obligation to prepare a Reserve Management Plan for this area.
- If the Council was of a mind to grant a lease he recommended that:
 - The lease be granted for a much smaller area within the reserve;
 - The lease be granted for a one year term and the panel recommend that Council start preparing a Reserve Management Plan for the area.
 - Should the lease be granted for longer than a year, the 12 termination clause should be retained.
- He recognise that these suggested conditions would not be palatable to the applicants who sought security of tenure but stated that the issue was about public accessing the area without hindrance (fences, operating hours, admission charges). He accepted that the Youngs work meant that more people were aware of the area but it was not freely available to use in terms of the Reserves Act.

Carey Vivian (Planner)

Mr Vivian noted that in speaking at the hearing he was not authorised to give this evidence for the Queenstown Trails Trust.

Mr Vivian's evidence highlighted the following points:

- Consideration of the lease provided an opportunity to manage the reserve in an integrated and coordinated manner.
- It would be short-sighted to lease this much land for such a long period of time in light of the urban growth anticipated to occur around it. It would also be short-sighted to 'isolate' public reserve land from public use and enjoyment.

- The site is strategically important to the urban growth of Frankton and granting a lease is contrary to various urban development policies in the Proposed District Plan. Infill development in Frankton will put more pressure on reserves in this area. Council needs to be more careful and forward thinking in management of reserves.
- The reserve provided an excellent opportunity to be an effective linkage for the Queenstown Trail and to be realigned through the site to a riverside reserve.
- If the Council was of a mind to grant a lease he recommended that:
 - The extent of the lease area be reduced to include only the aviaries, car park and a small area of land to the north of the house;
 - The potential to relocate the Queenstown Trail through the reserve be retained;
 - Maintain the riverside area of the reserve for the benefit of existing and future population growth.

The meeting adjourned at 2.30 pm and reconvened at 2.38pm.

Robert Greenaway (Consultant Recreation and Tourism Planner)

Mr Greenaway presented evidence which recommended the following:

- A reserve management plan be prepared for the all the reserves in the vicinity of the Ivan Young Zoological Reserve as a more comprehensive management approach than was currently applied was needed.
- While the management plan is being prepared, the existing lease should be replaced by a temporary licence to occupy or other similar mechanism.
- The management plan should include an outline development plan to show how the zoological gardens can continue on the site while providing for better public access than at present . This outline development plan should also define the parameters of a future lease.

Mr Brian Fitzpatrick of Remarkables Park Ltd was in attendance at the hearing but did not present evidence on behalf of RPL although he made a number of minor comments clarifying questions raised.

Mrs Conroy left the meeting at 3.00pm.

Applicant's Right of Reply

- Mr Buckham stated that the Council did have authority under 54(1)(b) to grant this lease and the only questions that remained therefore were on what terms. He agreed that a Reserve Management Plan was a relevant point but the lack of one did not prevent granting a lease. He also considered that no evidence had been presented by RPL demonstrating that it would be inappropriate to lease this land.

- The applicants agreed that the public should be able to see this area and use it and the family was happy to consult with the Council about how to make the appearance of access more tangible. He pointed that out few people would visit this area had the attraction not been there.
- In relation to the legal submissions presented, Mr Buckham asserted that it would be contrary to the principles and purpose of the Act if the Council was of a mind to grant a new lease on the terms sought by RPL.

There was further discussion about the possible development of a Reserve Management Plan covering this and the other reserves in the area and where this might fit into the work programme. It was noted that the parks team was preparing information about which reserves were covered by Reserve Management Plans for Council to determine a priority for work.

The public part of the hearing concluded at 3.15pm, at which point deliberations commenced.

Deliberations

Councillors considered the proposed lease conditions provided in the officer report. They did not support a term of ten years or two renewals of a further ten years and instead preferred a shorter term, but one with sufficient time that would allow for the preparation of a Reserve Management Plan.

They considered that a one year timeframe for preparing and finalising a Reserve Management Plan, as suggested at the hearing, was overly optimistic. Further, it was noted that the timeframe also needed to be sufficient to allow for the vesting of reserve land as proposed by Remarkables Park Ltd to take place, as this would allow that land to be included in the Reserve Management Plan. Following further discussion it was agreed that a five year lease term would be recommended along with a termination clause giving the Council the ability to give 24 months' notice to terminate the lease.

It was further agreed that the shortened term of the lease would be balanced by a new recommendation that a Reserve Management Plan covering this area be developed within the term of the lease.

The panel acknowledged that the lease term was shorter than that sought by the applicant and also considered any rights of renewal. The panel agreed that it would not provide any rights of renewal, but this did not preclude a new lease being granted at the expiry of the current lease. Further, a Reserve Management Plan would be developed over the current lease period and it would identify the area leased to the Youngs and the terms and conditions of the lease. This would make any future application for a new lease easy to achieve, in particular, removing the statutory requirement for public consultation.

Members gave consideration to the views expressed at the hearing about public access to the lease area. Some sympathy was expressed with the comments made that the entrance way to the zoological gardens and the 'no exit' road signage could imply that the area was not open to the public. There was extensive discussion about a suitable condition which would address concerns about access and it was agreed that the following would be recommended:

'That free access for the public to the lease area be provided.'

It was noted that the Council's parks and reserves department had good signage that could be used to assist in highlighting public access to the reserve.

On the motion of Councillors Gazzard and Aoake it was resolved that the hearings panel:

1. **Note the contents of this report;**
2. **Consider the submissions received on the proposed intention to grant a new lease to D, R and P Young for the Zoological gardens in Frankton together with advice from officers;**
3. **Recommend to Council that a new lease be granted over a recreation reserve known as Section 167 Block 1 Shotover Survey District, subject to the following terms and conditions:**

Commencement	1 August 2016
Term	5 years
Rent	Pursuant to Community Pricing Policy (\$1)
Reviews	None
Renewals	None
Termination	Council has the ability to give 24 months' notice to terminate the lease
Use	Gardens and animal enclosures and associated buildings and activities
Other	That free access for the public to the lease area be provided (except the buildings); Consideration of Health and Safety; The lessee to maintain a minimum of \$2,000,000 public liability insurance; At termination, all buildings to be removed and the land reinstated; Lessee to assist Council in its effort with regard to the control of invasive weed species in the Kawarau River by whatever means are deemed appropriate within the context of a management plan for the Kawarau River; Lessee to provide access for Council to the lease area if remedial works are required for flooding or subsidence or to terminate if these events make continued use dangerous.

4. **Recommend to Council that a Reserve Management Plan for the area of and around the Zoological gardens in Frankton be prepared within three years of the lease commencement.**

The meeting concluded at 4.05pm.

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30 June 2016

Property Subcommittee
Queenstown Lakes District Council
C/- APL Property Services Limited
1st Floor, Stanley Street
PO Box 1586
QUEENSTOWN 9348

Attention: Joanne Conroy
Email: joanne.conroy@aplproperty.co.nz

Dear Joanne

LEASE APPLICATION – D, R AND P YOUNG

We refer to the abovementioned application as heard before the Property Subcommittee (“Committee”) on the 23rd day of June 2016 and take this opportunity to make the following comments:

1. As the Committee is aware, the writer objected to Remarkables Park Limited as a submitter presenting submissions (without reasonable notice) to the applicant or indeed the Committee itself. The writer had reserved the applicant’s position as acknowledged by counsel for Remarkables Park Limited at that hearing.
2. In relation to the submissions made by Mr Carey Vivian and Mr Robert Greenaway, we reiterate our view that those submissions were not supported by any evidence particularly in terms of the Trails Trust and whereby there is no expectation on the part of the Trails Trust that a future trail be placed through the reserve land in question and neither is such provided for in the 10 year strategic plan of the Trust.

We also reiterate the comments made at the hearing whereby in terms of the planning commentary given by Mr Vivian and Mr Greenaway, such were speculative and have little, if any relevance to the application placed before the Committee at the hearing. Indeed, we are of the view that our clients use of the land satisfies all legal and practical considerations as set out in the written submissions presented to the Committee. We note the following:



Queenstown Partners

Revell Buckham *LL.B.*
Matthew Edwards *LL.B.*
Merrin Gill *LL.B.*

Oamaru Partners

George Berry *MNZM, LL.B.*
David Salter *BA, LL.B.*
Michael de Buyzer *LL.B., Notary Public*
David Jackson *LL.M. (Hons)*

- (a) The Queenstown Lakes District Council ("QLDC") does have the authority at law to grant a Lease and indeed, this is in fact anticipated pursuant to the provisions of the Reserves Act 1977.
- (b) Such authority is contained within Section 54(1)(d) of that Act.
- (c) RPL also raised the issue of management plans and the fact that there was no such management plan in place at this point in time. Although the writer addressed this at the hearing it is relevant to note the following:
 - (i) The lack of a management plan is, as stated, acknowledged however this in no way precludes the QLDC from granting the proposed Lease.
 - (ii) It is reasonable to anticipate that if and when a management plan is prepared, that it will address the current utilisation of the recreation reserve by our clients and reinforce the history of occupation of this land by the Young family, the excellent stewardship of the land during this period and the broader and widespread community benefit as a consequence. Indeed, to speculate on whether any future use may provide a greater community benefit is not a matter which the QLDC could reasonably contemplate at this time however we do acknowledge that such matters would be considered at the time that a management plan is addressed and implemented.
- (d) We submit that there can be no harm in the granting of a Lease to our clients at this time and indeed, to the contrary, it would be unreasonable, harmful and contrary to the evidence, considerations and authority available to the QLDC not to grant such a Lease. No other realistic recreational use of the land was tabled at the hearing and with respect, nor could any future recreational use be reasonably contemplated whereby our clients activities would prejudice such use particularly when reasonable conditions of public access and enjoyment will be maintained, encouraged and indeed, enhanced.

3. We submit therefore for the Committee and QLDC's consideration the following proposal:

- (a) That a Lease for 10 years with 2 rights of renewal be granted to our client.
- (b) That our clients Lease can be terminated on giving 5 years notice after the expiry of the first period of 10 years. Such termination could be invoked in the event that any alternative proposed use would be of greater benefit to the Queenstown community than the then existing use.

With respect, we suggest that:

- (i) This achieves an appropriate outcome as to the utilisation of this land and the expectations and authority contained within the Reserves Act.

- (ii) Provides our client with some security of tenure and therefore confidence to manage, improve and enhance the Zoological Garden and which comprises public recreational areas, picnic areas, children's activities, gardens etc.
- (iii) Would still allow the QLDC to terminate on notice if this was deemed necessary pursuant to the terms of the proposed Lease or as a consequence of the outcome of a future management plan.

Yours faithfully
BERRY & CO



R W Buckham
Partner

e-mail: rbuckham@berryco.co.nz

EXTRACT FROM THE CONFIRMED MINUTES OF THE MEETING OF QUEENSTOWN LAKES DISTRICT COUNCIL HELD ON 28 JULY 2016**Public Forum****1. Revell Buckham, appearing on behalf of Penny Young and Rachel Young**

Mr Buckham commented on the recommendations from the hearings panel on the new lease for the Young Family to occupy recreation reserve to operate their zoological garden at Frankton. He questioned whether a reserve management plan would be prepared within 5 years and detailed various concerns and risks for the Young family under this scenario. He suggested that with so many unknowns, a preferred outcome was to grant a lease for 10 years, with the right for the Council to terminate at its discretion on (say) 2 years' notice. However, if the Council was still of a mind to tie the granting of the lease to the preparation of a Reserve Management Plan, he suggested that the lease be granted for 10 years or for a period of six months from when the Reserve Management Plan was adopted and implemented, whichever period was lesser, but in any event, not less than 5 years from 1 August 2016.

2. **Proposed New Lease for the Young Family: Zoological Gardens, Frankton**

A report from Joanne Conroy (Property Advisor, APL Property Ltd) detailed the process undertaken to determine whether a new lease for the Young family to operate the Zoological Gardens in Frankton should be granted, noting that it had been publicly notified and a hearing had been held to hear submissions. The report highlighted the key considerations to which the hearings panel had had regard and presented the panel's recommendation to grant a new lease for five years, subject to conditions.

Mrs Conroy, Mr Quin and Mr Walker presented the report.

Members noted that the hearings panel's recommendations were for terms and conditions different from the policy adopted in the previous item, but observed that this indicated that the policy would not be appropriate for some situations. Consideration was also given to the applicant's request made in the public forum for a term of at least ten years and the concerns raised about what would occur if the Council was unable to prepare a Reserve Management Plan ['RMP'] for the area within the proposed five years of the lease.

The Mayor invited the members of the hearings panel to comment on the reasons behind their recommendation.

Councillors Gazzard and Aoake stated that key considerations had been a desire to allow the Youngs to continue to use the land which had been developed by their father and was now named for him, whilst balancing the needs and requests of others in the area. Submitters had sought a forward vision for the whole area which highlighted the need for a RMP and staff had

been confident at the hearing that it would be possible to develop a RMP within five years. The panel had therefore suggested a lease term of five years to ensure that there was impetus to prepare a RMP within this timeframe.

There was discussion about other options for the lease and conditions but the Mayor pointed out that the suggestions presented by Mr Buckham in the Public Forum represented a solution that was acceptable to the applicant. She observed that this was an approach which provided the applicants with five more years than the recommended term, but also a reasonable timeframe for the Council to work through the preparation of a RMP.

The Chief Executive considered that the Council had the discretion within the framework of the hearings process to approve a simple extension of the lease period to recognise the uncertainty about preparing a RMP.

Mr Quin responded to questions about open access to the site. He noted that there were plans to put Council signage in place and he would work with the applicants to establish clear access. The Mayor stressed the importance of including the RMP preparation in the work plan.

On the motion of Councillors Aoake and Gazzard it was resolved that the Council:

- 1. Note the content of this report;**
- 2. Approve a new lease to D, R and P Young over Section 167, Block 1 Shotover Survey District, subject to the following terms and conditions:**

Commencement	1 August 2016
Term	10 years
Rent	\$1.00 (Pursuant to Community Pricing Policy)
Reviews	None
Renewal	None
Termination	Council has the ability to give two years' notice to terminate the lease
Use	Gardens and animal enclosures and associated buildings and activities
Other	That free access for the public to the lease area be provided (except the buildings); Consideration of Health and Safety;

The lessee to maintain a minimum of \$2,000,000 public liability insurance;

At termination, all buildings to be removed and the land reinstated;

Lessee to assist Council in its effort with regard to the control of invasive weed species in the Kawarau River by whatever means are deemed appropriate within the context of a management plan for the Kawarau River;

Lessee to provide access for Council to the lease area if remedial works are required for flooding or subsidence or to terminate if these events make continued use dangerous.

- 3. Agree that a Reserve Management Plan for the area of and around the Zoological gardens in Frankton be prepared within three years of the lease commencement.**
- 4. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting a new lease to D, R and P Young over Section 167 Block 1 Shotover Survey District.**

MEMORANDUM ADDRESSING THE RECOMMENDATION MADE BY THE PROPERTY SUB
COMMITTEE DATED THE 23RD DAY OF JUNE 2016

Matters Addressed:

1. The subcommittee has recommended that a Lease be granted for a period of 5 years commencing on the 1st day of August 2016 but on the proviso amongst other things, that such Lease can be terminated at the discretion of the council upon giving 2 years notice. ✓
2. As we understand matters, the relatively short duration is driven by an expectation that within that 5 year period, the council will pursue, adopt and implement a management plan (in accordance with Section 41 of the Reserves Act 1977), in relation to Queenstown Lakes District Council reserves. ✓
3. Potential difficulties with this proposal are (with respect), outlined as follows:
 - (a) Will such plan be adopted and implemented within 5 years? In this regard, it is relevant to note that the period of 5 years is relatively arbitrary and whereby the 5 years referred to in Section 41 of the Reserves Act 1977 has no particular relevance to the council's position on this matter.

Also not having a management plan is not in itself fatal or particularly prejudicial to Queenstown Lakes District Council interests and as such, when and if a management plan is adopted and implemented, will be determined by council based on any number of considerations and timing issues.
 - (b) Will the new council consider, preparing, adopting and implementing a management plan with any particular priority or urgency?
 - (c) The preparation, adoption and implementation of a management plan may also, to some extent, be determined by the outcomes flowing from the current district plan review relevant. Also, any such management plan would realistically address all reserves within the jurisdiction and whereby difficulties or frustrations with 1 reserve may affect the outcome in relation to others.
 - (d) There is always the very real likelihood that the wording of the relevant part of the proposed management plan is such that the specifics of a Lease in favour of the Young family are such that the public notification process must still be followed particularly if there is any doubt at all that any new Lease application in 5 years time is "in conformity with and contemplated by the approved management plan..".

- 3.1 With so many unknowns, there can be no assured outcome as to the completion and adoption of a management plan in relation to this area of recreation reserve.

In addition, such a short period of Lease has the effect of:

- (a) Causing frustration and anxiety to the Young family and effectively limiting any reasonable improvements and cost expenditure.
- (b) Requiring the Young family to re-apply at the expiry of 5 years with all that, that entails if the appropriate management plan is not in fact in effect or does not reasonably allow the granting of a new Lease without going through the costly and demanding public notification process.

4. With respect, may we suggest that a preferred proposal for the benefit of all parties would be along the following lines:

- (a) That a Lease be granted for say, 10 years but which at all times, would be subject to the right for the council at its discretion to terminate such Lease. As mentioned, a Lease along these lines would:
 - (i) Allow the council to terminate at its discretion on say 2 years notice but failing that, would provide the Young family with some sense of reasonable tenure;
 - (ii) If the outcome of any proposed overall management plan was such that the Lease needed to be varied or indeed cancelled as a consequence of that management plan, then the right to cancel or renegotiate would be under the control and at the discretion of the council.

It is suggested that such a proposal would achieve all of council's desired outcomes and provide a reasonable interim foundation for the Young family to proceed with the reasonable and constructive management of the Zoological Gardens.

If however the council is inclined to relate the proposed Lease (if granted), to the adoption and implementation of the management plan, then may we suggest that the Lease be for a period of 10 years or for a period of 6 months from the date that a management plan in relation to this recreation reserve is adopted and implemented whichever is the lesser period but in any event, the term of the Lease shall not be less than 5 years from the 1st day of August 2016.

Revell Buckham

QUEENSTOWN-LAKES DISTRICT COUNCIL

IN THE MATTER

of a hearing on submissions on a new lease
by D, R and P Young

REMARKABLES PARK LIMITED

Submitter

EVIDENCE OF CAREY VIVIAN

(PLANNER)

23 June 2016

1. Qualifications and Experience

- 1.1 My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000 and I am the local committee of the Resource Management Law Association. I am a director of Vivian + Espie Limited, a resource management and landscape planning consultancy based in Queenstown. I have been practising as a resource management planner in twenty-one years, having held previous positions with Davie Lovell-Smith in Christchurch; and the Queenstown Lakes District Council (QLDC), Civic Corporation Limited, Clark Fortune McDonald and Associates and Woodlot Properties Limited in Queenstown.
- 1.2 I have been a Queenstown Trails Trustee since 2007. I will retire from this role in October this year having completed the maximum term permissible of 3 x 3 years. During my time with the Queenstown Trails Trust (QTT) I have been involved in numerous resource consent applications supporting new trails or proposing new trails. I prepared the resource consent application for the construction of the Arrow River trail, as well as obtaining the commercial activity resource consent to use all of the Queenstown Trail for guiding biking.
- 1.3 Earlier this year the QTT released a document entitled **Queenstown Trails for the Future 2015-2025**. I was involved in the formulation of that plan at governance level. The purpose of the Plan is a 10 year strategy for the expansion and ongoing maintenance of the Queenstown trails network; a world-class series of tracks and trails for walking, hiking and biking in and around the Wakatipu Basin. I have attached a copy of this Plan to this evidence as **Attachment A** and refer to it throughout this evidence.
- 1.4 I am also a member of the Queenstown Mountain Bike Club, having been awarded life membership in 2008 for my services to trail development and advocacy. My involvement has included the preparation and sealing of several lease and licenses with the Department of Conservation and the QLDC for trail related activities at Wynyard, Queenstown Bike Park, Jardine Park, Gorge Road and 7 Mile Reserve.
- 1.5 I also note that I live in Frankton, not far from the subject site. I have walked and biked past the site on hundreds of occasions, I have fished in the river adjacent to the site and visited the site twice in my memory (once during a school kindergarten visit with my daughter and once to consult with the Youngs' about holding a biking event in the neighbouring paddocks). I am very familiar with the Queenstown

Trail as it passes the site and with the perception that it is private land (and not public recreation reserve).

- 1.6 I am not authorised to give this evidence for the Trails Trust or any other organisation I am involved with. This is my professional opinion as an expert planning witness. To that extent I advise that I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to comply with it. Even though this hearing is not an Environment Court case, in the interest of good practice, I confirm that this evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person and I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.
- 1.7 For the benefit of the hearings panel not familiar with the Environment Court Practice Note 2014 (as this is not an RMA hearing) this means I am duty bound to assist you in reaching a decision and cannot advocate for my client.

2. Purpose and scope of evidence

- 2.1 As I understand the situation, the Youngs' have sought to lease 0.55 hectares of land to continue to operate a "zoological gardens" that surrounds their house. I understand they wish to continue activities they have been conducting for 50 or so years on the property.
- 2.2 I believe the consideration of the lease presents an opportunity to manage the reserve in an integrated and co-ordinated manner linking together the bird aviaries as a tourism venture, public use of the reserve and the realignment of the Queenstown Trail (which will ultimately link into the wider riverside development plans by Remarkables Park).
- 2.3 From a planning point of view, I consider this opportunity should be considered by this panel in deciding whether or not to grant this lease. While the Youngs' stewardship of this area has been ongoing for a long period of time, that alone is not a reason to grant the lease without considering wider community opportunities and benefits.
- 2.4 The reasons for considering this opportunity are primarily based on the projected urban growth of the area and the future demand this will put on the existing reserve network as a result. To that extent, in my view, it would be short-sighted of the QLDC to lease this much land for such a long period of time given the urban growth anticipated to occur around it. In my view, it would also be short-sighted to

continue to isolate public reserve land, on the margin of the Kawarau River, from public use and enjoyment, particularly given the opportunity to extend the Queenstown Trail to or through such a reserve, and the benefits of doing so to the business of maintaining and enhancing the aviaries.

- 2.5 To that extent I recommend an alternative proposal in Part 5 of my evidence that the area for the lease be reduced in size and provision is made for the Queenstown Trail to be realigned through the site to a riverside reserve.

3. Urban Growth

- 3.1 The subject site is, in my opinion, strategically important to urban growth of Frankton area because it provides direct access to the river and continues the riverside open space that extends along its length. Urban growth is recognised as one of the key resource management issues facing our District. The Proposed District Plan (PDP) states:

“The District experiences considerable growth pressures. Urban growth within the District occurs within an environment that is revered for its natural amenity values, and the District relies, in large part for its social and economic wellbeing on the quality of the landscape, open spaces and environmental image. If not properly controlled, urban growth can result in adverse effects on the quality of the built environment, with flow on effects to the impression and enjoyment of the District by residents and visitors. Uncontrolled urban development can result in the fragmentation of rural land; and poses risks of urban sprawl, disconnected urban settlements and a poorly coordinated infrastructure network. The roading network of the District is under some pressure and more low density residential development located remote from employment and service centres has the potential to exacerbate such problems.”

- 3.2 The Urban Development policies under the PDP provide a framework for a managed approach to urban development that utilises land and resources in an efficient manner, and preserves and enhances natural amenity values. The approach seeks to achieve integration between land use, transportation, services, open space networks, community facilities and education; and increases the viability and vibrancy of urban areas. It does this through the introduction of Urban Growth Boundaries which are seen as a tool to manage anticipated growth while protecting the individual roles, heritage and character of these areas. Specific policy is provided for these areas, including provision for increased density to contribute to a more compact and connected urban form.
- 3.3 Policy 4.2.4.2 of the PDP seeks to achieve the following with respect to the Queenstown Urban Growth Boundary:

“ Ensure that development within the Queenstown Urban Growth Boundary:

- *Provides a diverse supply of residential development to cater for the needs of residents and visitors*
- *Provides increased density in locations close to key public transport routes and with convenient access to the Queenstown Town Centre*
- *Provides an urban form that is sympathetic to the natural setting and enhances the quality of the built environment*
- *Provides infill development as a means to address future housing demand*
- *Provides a range of urban land uses that cater for the foreseeable needs of the community*
- *Maximises the efficiency of existing infrastructure networks and avoids expansion of networks before it is needed for urban development*
- *Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities*
- *Does not diminish the qualities of significant landscape features”*

3.4 Importantly, I consider the proposed lease of this reserve (or at least parts of the reserve) fails to achieve this policy which requires the “*coordinated planning for transport, public open space, walkways and cycleways and community facilities*”.

3.5 In addition to the provision of Urban Growth Boundaries, the PDP (in respect of the existing residential area of Frankton) and the ODP (in respect to Remarkables Park) enable considerable development opportunities which will, in due course, create a densely populated settlement in accordance with the Low Density Residential Zone (LDRZ) and Remarkables Park Zone (RPZ) provisions.

3.6 To the north of the subject site is the established LDRZ. The PDP states that this zone fundamentally provides for traditional suburban densities and housing forms. Houses will typically be detached and set on sections between 450 and 1000 square metres in area. However, the zone supports increased density, whether through smaller scale and low rise infill development, or larger comprehensively designed proposals, to provide more diverse and affordable housing options. Additionally the zone also supports low intensity forms of visitor accommodation such as guest houses, homestays and the commercial letting of a residential unit or flat where this does not adversely impact on the supply of permanent (long term) rental accommodation.

3.7 It is important to recognise that if infill of the existing Frankton residential land base is to occur as anticipated by the PDP there is no opportunity to expand the reserve network within that existing area. In my view, infill will put significant pressure on reserves in the future as these areas become more densely populated with less outdoor space. To that extent I consider the QLDC needs to be careful and forward thinking in the management of its reserves into the future. It shouldn't be thinking about today's demand, but the future population's demand as anticipated by the PDP.

3.8 To the east of the subject site is the RP Zone. The purpose of the RPZ, as outlined in the Operative District Plan (ODP), is to provide for a comprehensively managed and integrated high density

development containing opportunities for a range of supporting and complementary activities. This includes open space, visitor accommodation, transport, educational, recreational and commercial facilities.

3.9 In order to achieve a high standard of integrated development, sustainable management, building and open space design, the zone is subject to a Structure Plan, which details activity areas, and provides for a wide range of matters to be subject to Controlled Activity consent. The zone seeks to achieve maximum flexibility within the parameters of the Structure Plan.

3.10 Directly adjacent to the reserve is Activity Area 2C and 3. Activity Area 2C provides for:

“Activity Area 2 - Riverside Public Recreation

Activity area 2a on the river peninsula adjoining the Kawarau River, to the south covers land owned by the Council and is proposed to be developed for predominantly public open space. This element of the southern Riverside Public Recreation area is the proposed River Access Area. This area will be a public place carefully located on the river’s edge in order to take advantage of the opportunities of such a location for river access. It may provide stopping points and a terminal/ticketing facility for water transport between the Frankton locality, Queenstown and other parts of the District as well as focus for limited commercial uses, eg restaurants, ticketing facilities. Activity Area 2b is a formed access strip joining two public streets. Area 2c is partly vested as a local purpose reserve and partly privately owned.”

3.11 Activity Area 3 provides for:

“Activity Area 3 - Riverside Peninsula

This riverside development area situated on the river peninsula and adjoining the Riverside Public Recreation Area will enable development for commercial and retail activities, offices, apartments and condominiums, visitor facilities and visitor accommodation, church, plaza, restaurants and cafes, educational, recreational, and riverside facilities (including ferry-based transport). The intention is for the Riverside Peninsula area to develop as a vibrant mixed use precinct that includes vehicle access roads, pedestrian activities and shared pedestrian/vehicle environments within the Activity Area.”

3.12 While new open space opportunities will arise as RPZ develops, people will cross zone boundaries and therefore integrate with the older reserves in the Frankton area. In my view the QLDC, in deciding on this application, needs to consider the future population and how the subject reserve can best be utilised for the benefit of the community. In my view, given the forecasted urban growth in this area, that is not as the reserve has been managed in the past. The reserve should be open to the community (present and future) to visit and enjoy. At present the reserve is fenced off and for all intents and purposes reads a private property. Continuing management along these lines, while also promoting significant infill and new urban development adjacent to the reserve is in my opinion, a short-sighted approach.

4. The Queenstown Trail

- 4.1 The Queenstown Trail currently passes through the undeveloped Remarkables Park land from the reserve south of Kawarau Place to two riverside options (described as the upper and lower terrace). I understand the trail, as it passes through Remarkables Park undeveloped land is a license to occupy arrangement with the provision to create an easement once the final trail alignment through this area is determined.
- 4.2 As stated previously, the QTT have recently released a 10 year strategic plan for the expansion and ongoing maintenance of the Queenstown trail network; *“a world class series of tracks and trails for walking, hiking and biking in and around the Wakatipu basin”*.
- 4.3 The Strategy, like the PDP, recognises that one of the key issues facing the District is urban growth and in particular how that growth will affect the Queenstown Trail in years to come. Part 2.2.3 of the strategy states:

“Queenstown’s urban growth is planned to occur mainly in the Frankton Flats area between Queenstown Airport, Remarkables Park and Lake Hayes. Growth in the local population and in visitor arrivals will continue to provide business, employment, social, leisure and other benefits. It will also continue to be a major contributor to traffic congestion and other social issues such as housing affordability. Traffic congestion in Queenstown is already recognised as a serious issue facing the District. As residential and commercial subdivision continues to expand, there will be an associated need for effective and efficient linkages between communities, shops, schools, places of work, leisure facilities and the great outdoors.”

- 4.4 In my view, the reserve provides an excellent opportunity as an effective and efficient linkage for the Queenstown Trail between open space, the river margin and the wider community. It is opportunities such as this that the Strategy seeks to achieve. Part 4.1.2 of the Strategy details the guiding principles for the strategy:

4.1.2 Guiding principles for the trails strategy

- *Range of users...the trail strategy is for walkers, hikers and bikers of all skill levels.*
- *World class the trail network will be of the highest standard.*
- *Intergenerational equity planning today will enable activities that generate a net benefit to future generations.*
- *Leveraging infrastructure...trails will create rewarding visitor experiences and commercial opportunities.*
- *Maintained into the future...the network will be designed to minimise maintenance.*
- *Commuter friendly...trails will be designed to enable cycling as a viable alternative to public transport and encourage healthy lifestyle.*

- *Transparency...the strategy provides direction for transparent use of public and private funding.*

- 4.5 In my view, maintaining the opportunity to link the Queenstown Trail through this reserve recognises and acknowledges these guiding principles.
- 4.6 Importantly Part 4.6 of the Strategy details the decision making criteria for new trails. The Strategy acknowledges the Basin boasts an exceptional network, however there are still *“improvements required that will benefit residents and visitors”*. Such improvements include the links between hubs, connections to the Queenstown Trail for commuters, extensions to the network to offer new tourism experiences for walkers and riders. I consider the realignment of the Trail through the reserve could be of significant benefit to the Zoological Gardens business and the wider community (including visitor) use of the reserve. These activities can co-exist if planned in an integrated and co-coordinated manner. However this opportunity needs to be safeguarded now, otherwise this opportunity for both the Young’s and the community could be lost.
- 4.7 Finally, the Strategy details its goals for the future. “Goal 1” is to create a world class trail network for residents and visitors. The strategy recognises this is achieved through *“the total tourism experience”* including trail location, information, signage, maps, secure places to store or park bikes as well as links to tourism attractions and places to see and things to do. The aviaries could be one such tourism attraction in the future; a popular stopping point while walking or riding on the trail in the future. Approving the lease in the manner proposed is unlikely to ever, in my opinion, realise this opportunity.

5. Recommendation

- 5.1 The recommend in considering this lease application the hearing panel:
- Reduce the extent of the lease area to only include the reserve land containing the aviaries, car park and a small area of land to the north of the house;
 - Safeguard the potential to relocate the Queenstown Trail through the reserve in the future;
 - Maintain the riverside area of the reserve for the benefit of the existing and future population growth.
- 5.2 I have sketched this recommendation on the attached plan.



REF: 1131 - ATT1
DATE: 22.06.2016
SCALE: NOT TO SCALE

ATTACHMENT A

vivian+espie
resource management and landscape planning

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Young Family Application to Renew Lease of Reserve, Section 167, Block 1, Shotover – Submission by Dr Neil Clayton

1. I hold a doctoral degree in environmental history from the University of Otago. I am very familiar with the environmental changes that have occurred in the Wakatipu region over the whole of the period from the beginning of European settlement in the 1860s to the present.
2. I am well aware of the land use changes that have occurred in the Frankton area since the 1950s and 60s, in particular the loss of hitherto productive farmland which previously contributed to the scenic character of the area.
3. Much of the land in the general vicinity of the reserve leased by the Youngs has in more recent times been swallowed up piecemeal by urban and commercial developments promoted by, among other entities, Remarkables Park Limited.
4. This encroachment is steadily advancing towards the Kawarau River. It is evident from the submission by Remarkables Park Limited that if the Queenstown Lakes District Council does not take preventative action, intrusion will continue to the detriment of the scenic values provided by the river itself and its margins.
5. One means of reducing the environmental effects of that encroachment is to ensure that the integrity of the riverside reserves is maintained and enhanced. Those reserve areas provide at least some degree of buffering between the river and, in terms of scenic values, detrimental land use changes. It is evident from the submission by Remarkables Park Limited that the company has other views about that.
6. The intended use of the reserve by the Youngs is suitable for the location because it will assist in providing and maintaining that buffer.
7. I have known the Young family for some forty years. I have had frequent contact with them and their late father Ivan over that time.
8. Ivan evinced a strong sense of stewardship of the land for the whole of the time I knew him, not only with regard to his riverside property but in his public role as the Queenstown Borough Council's reserves foreman.
9. It has long been clear to me that Ivan's ethos has been passed on to his daughters Rachel and Pene and that they are prepared to carry on the

stewardship of the Riverside Road reserve for as long as they are able. Moreover, they will do so at no cost to the Council, as they have done in the past.

10. It has been equally apparent to me that they, like their father, are both quite selfless and entirely lacking in self-interest in their care and concern for both the riverside and the river itself. That, in my opinion, judging by its submission, is more than can be said for Remarkables Park Limited.
11. From the early 1970s until the mid 1980s I was Harbourmaster, Marine Division, Ministry of Transport, with responsibility for Otago inland harbours, including Lake Wakatipu and the upper section of the Kawarau River. In that capacity I became aware of the family's understanding of and concern for the environmental integrity of the river and its surroundings, well beyond the boundaries of their own property and the adjoining reserve areas.
12. From their own meagre resources they have somehow found the means to maintain and improve riverbank stability, which was, and continues to be, vulnerable to the wake effects of high powered commercial and private vessels, particularly at times of high river levels. At no time did they ask for vessels to be ordered off the river, preferring instead to take an educative approach to the environmental problems created by unthinking vessel operators.
13. During that period, and in subsequent years, I also have become deeply aware of just how knowledgeable about, and protective of, the wild life values of the river and the wider Wakatipu region the family is. The numerous letters they have received from various organisations over the years attest to that.
14. Given the family's record of stewardship over many years, QLDC would be hard pressed to find more fitting lessees. There is nothing in the submission from Remarkables Park Limited that leads me to believe that the company's proposals would result in a better or more appropriate environmental outcome.

Neil Clayton (BA, PG Dip A, PhD)
21 June 2016

**STATEMENT OF ROBERT JAMES GREENAWAY FOR REMARKABLES
PARK LTD**

QUALIFICATIONS AND EXPERIENCE

- 1 My name is Robert James Greenaway
- 2 I am a consultant recreation and tourism planner with more than 25 years' experience.
- 3 I graduated from Lincoln University in 1987 with a three-year Diploma in Parks and Recreation Management with Distinction, and completed 18 months of postgraduate study in conservation management. I hold the status of an Accredited Recreation Professional with the NZ Recreation Association (NZRA), and until recently was the Chair of the NZRA Board of Accreditation for member accreditation to professional status, but remain a Board member. I am also a 'core group' member of the New Zealand Association for Impact Assessment. In 2011 I was appointed as an inaugural Board member of the Sir Edmund Hillary Outdoor Recreation Council, to assist Sport New Zealand with the implementation of the National Outdoor Recreation Strategy, amongst other things.
- 4 I was awarded the Ian Galloway Memorial Cup in 2004 by the NZRA (of which I am a past Executive member) to recognise 'excellence and outstanding personal contribution to the wider parks industry'. In 2013 I was awarded the status of Fellow with the NZRA.
- 5 Between 1990 and 1995 I worked with an international tourism and recreation development consultancy, Tourism Resource Consultants, on a range of large and small development and advisory projects. This work included ecotourism development planning in Samoa, for potential World Heritage Sites in the Solomon Islands for the Ministry of Foreign Affairs and Trade, event management (multisport and mountain biking), and domestic reserve, tourism and recreation management planning.
- 6 Between 1995 and 1997 I worked for Boffa Miskell Limited in Christchurch, focusing on recreation planning for local authorities and tourism development planning for private agencies.
- 7 Since 1997 I have worked independently. The majority of my work is for private companies, local and central government, and environmental and community agencies. Over recent years I have prepared assessments and evidence about recreation and tourism for (amongst others): the Porter Heights Ski Area, Contact Energy (Clutha River), Meridian Energy (Project Hayes wind farm, Manapouri hydro, Central Wind, Mokihinui hydro, NBTC hydro, Hunter Downs hydro, Hurunui Wind, Waiau (Amuri) hydro), TrustPower (Wairau hydro, Arnold hydro, Patea hydro, Matahina hydro, Lake Kaniere hydro, Lake Coleridge irrigation and hydro), Genesis Energy (Castle Hill wind), Mighty River Power (Puketoi wind), King Country Energy (Mokau hydro), Marlborough District Council (King Salmon), NZone Skydive (airfield re consenting), the

New Zealand Recreational Sport Fishing Council (Snapper 1 quota review), the New Zealand Fish and Game Council (Hurunui River), the Rena insurers, and MainPower (Mt Cass wind farm). I have completed more than 300 consultancy projects nationally since 1997 and have presented evidence at approximately 70 resource management hearings. I have completed recreation and tourism research and planning projects for almost 30 local and regional councils.

- 8 In the Queenstown Lakes area I have worked on the recreation and tourism components for, for example, Shotover River training and gravel extraction for the Queenstown Airways Corp, the Ladies Mile residential development, the Parkins Bay Preserve development, the Peninsula Bay development, the Hill End development, reconsenting and investigation work for Contact Energy on the Clutha River, a tourism review for the Clutha Mata-Au River Parkway Project, evidence for Pioneer Energy on the Nevis River, a variety of helicopter landing consents and concessions for Helicopters Queenstown, the NZone runway reconsenting, and several other small development investigations. I am currently preparing an assessment of effect for Queenstown Park Ltd for the Queenstown Gondola proposal.
- 9 I have prepared and contributed to numerous reserve management plans and development strategies in Nelson, Tasman, Selwyn, Dunedin, Wellington, Auckland, Christchurch, Banks Peninsula and Waitaki. Much of my assessment work requires the review of reserve values under the Reserves Act. I have recently completed a review of the Open Space and Recreation Zone rules for the revised resource management plan for Nelson City Council with specific reference to reserve management plans as tools for defining permitted activities and/or providing assessment criteria for consent applications.

SUMMARY OF SUBMISSION

- 10 My submission considers
- 10.1 The future likely use of the private land adjacent to the Ivan Young Zoological Reserve and its influence over priority reserve uses;
- 10.2 The value of the future use of the Ivan Young Zoological Reserve for public recreation, particularly considering the Twin Rivers Ride;
- 10.3 The need to complete reserve management planning for the public riparian areas along the true left of the Kawarau River either side of and including the Ivan Young Zoological Reserve, prior to a lease being agreed.

- 11 My recommendation is that:
- 11.1 A reserve management plan be prepared for the Kawarau Falls Recreation Reserve and the reserves extending eastward along the River to the mouth of the Shotover River, including the Ivan Young Zoological Reserve, and riparian road reserves. These areas will develop further as critical scenic and recreation settings and require a more comprehensive management approach than is currently applied.
 - 11.2 While the management plan is being prepared, the existing lease be replaced by a temporary licence to occupy or other similar mechanism.
 - 11.3 The management plan include an outline development plan to show how, if desired, a zoological gardens can continue within the site while providing for enhanced public access, and that the outline plan and the policies of the management plan assist in defining the parameters of a future lease.
- 12 My submission is not that the Ivan Young Zoological Reserve is an inappropriate use for the reserve in at least the short-term, but that a lease agreement needs to reflect the significance of the setting for potential future recreation and tourism development; and that a reserve management plan will provide the necessary comprehensive review to provide security for all parties.

SUBMISSION

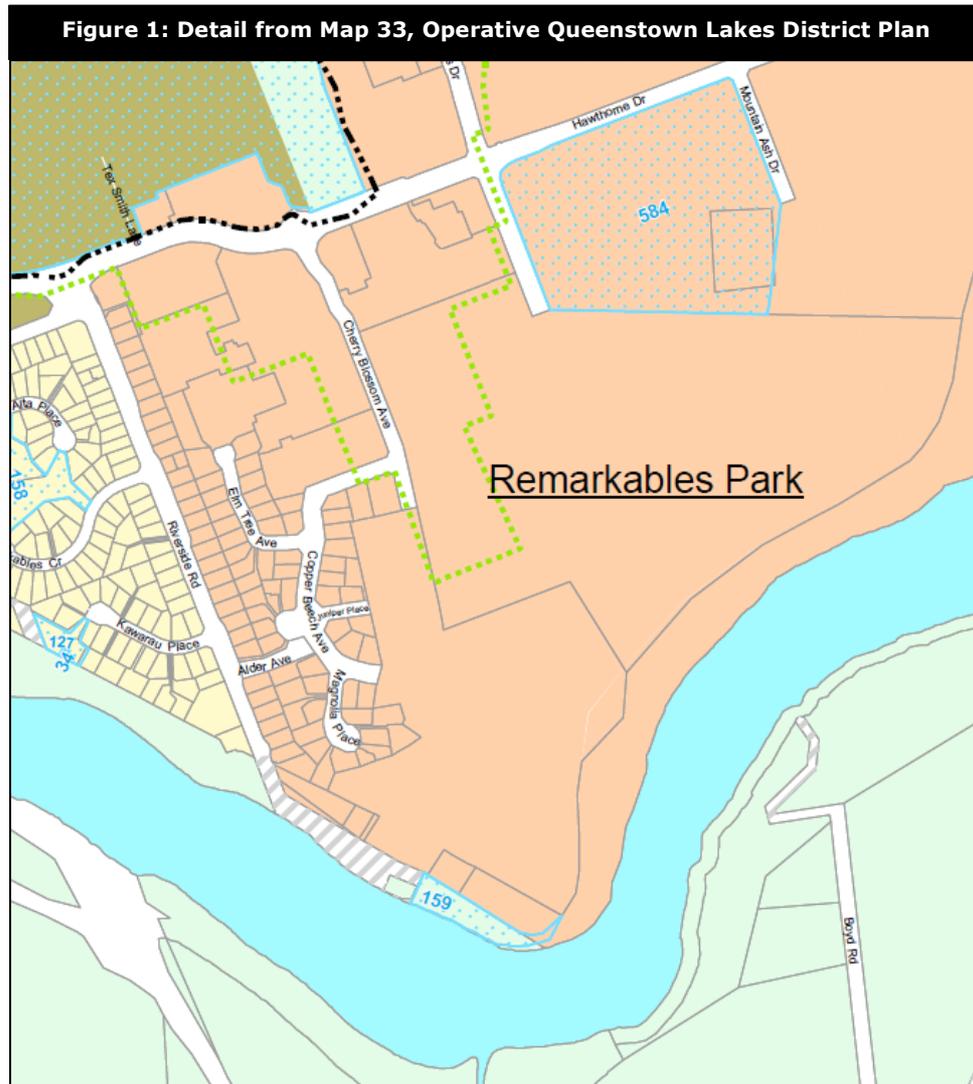
Existing setting

- 13 The Operative Queenstown Lakes District Plan defines the land surrounding the Ivan Young Zoological Reserve as the Remarkables Park Zone (Figure 1). Section 12.10.1 of the Plan notes:

Development of the Remarkables Park Zone acknowledges the outstanding physical resources and landscape value of the land. Within the objectives of determining an optimum strategy for integrated and sustainable resource management, every consideration has been given to developing the area in a way that maximises the key natural and physical resources and amenity values of its location....

The combined effects of these elements is such that the area provides Queenstown with a site which is well suited to higher density development comprising a mix of urban activities including residential, visitor accommodation, recreational, community, educational, commercial and retail activities.

- 14 The Ivan Young Zoological Reserve is zoned Rural with a designation (159) that is common to recreation reserves as defined in the Plan (Designations A1, section B).



- 15 Remarkables Park Ltd (RPL) has a Licence to Occupy agreement in place with the Queenstown Trails Trust for the location of a section of the Twin Bridges trail on its land. This does not define a permanent location for the trail, and I understand the intention is to secure as much of the trail on the border of, or off, RPL land in the future as development proceeds.
- 16 Plans prepared to support the Licence show the 'initial' trail alignment as has now been formed (Figure 2). Options for a final trail route rely on selecting from a variety of alignments, including those within the Ivan Young Zoological Reserve (also shown in Figure 2).

- 17 The 120km Queenstown Trail had almost 700,000 walkers and cyclists using the component tracks between opening and the end of 2015; and 214,000 for the 2015 year. There was an average of 2370 track uses per month on the Twin Bridges Trail section between October 2012 and May 2015 (Queenstown Trail visitation report, June 2015).
- 18 In the 2000/01 season there was 3500 ± 1000 angler days on the Kawarau River and 1930 ± 750 in 2007/08 (Fish & Game national angler survey data). The vast majority of this occurs in the clear water upstream of the Shotover confluence.
- 19 Thunder Jet has consent to operate 40 return trips daily in the Kawarau River above the Arrow confluence; and Kawarau Jet (K Jet) has a higher maximum and operates approximately 60 return trips daily. unReel fishing guides operates up to four angling trips per day on the River (pers. comm. with all operators).
- 20 In summary: the recreation reserve is very close to central Queenstown, has important landscape, tourism and recreation access values; and there is an expectation, as expressed in the Queenstown Lakes District Plan for "higher density development comprising a mix of urban activities including residential, visitor accommodation, recreational, community, educational, commercial and retail activities" to occur immediately adjacent.
- 21 Continuing with a 'status quo' approach to reserve management in this setting is not advisable considering these existing and future influences.

Reserve management planning

- 22 I am well-aware that although the Reserves Act 1977 requires the preparation of reserve management plans by administering authorities, there is a very high level of national non-compliance. And there is good reason – preparing management plans can be expensive and time-consuming, and when there is no exigency, I often recommend that plans not be prepared. It is preferable for plans to be prepared well, rather than a once-over-lightly approach taken merely to comply with the Act.
- 23 However, where there is a set of potentially competing demands for use of a reserve, in my opinion, a management plan must be prepared. This is the case with regard to the Ivan Young Zoological Reserve, particularly when the existing option is to provide for a long-term tenure agreement.
- 24 A future management plan need not foreclose the option for a zoological gardens on-site. However, it will recognise competing demands for use of the reserve.
- 25 In my opinion, the reserve is located in a recreationally strategic setting: fronting the river, including proposals for future cycle access, being near central Queenstown, and, in the future, being immediately adjacent to a high density development area.

- 26 The proximity of the developments permitted in the Remarkables Park Zone will have a significant influence over the use of the reserve with or without a long-term lease in place. Agreeing to a long-term form of occupation without forward planning will handicap all agencies concerned, as well as the community. There will inevitably be pressures on the occupiers of the reserve to respond to increased public access, noise (development and eventual occupation) and the relocation of the cycle trail. The zoological gardens may well remain appropriate in some form on the reserve, but it is highly unlikely that the status quo will remain appropriate.
- 27 An effective reserve management plan will ensure that all expectations for future reserve use and development are commonly understood; and will reduce stress on all parties in the long-term.
- Recommendation**
- 28 A reserve management plan is a requirement of the Reserves Act. In this circumstance, one needs to be prepared.
- 29 In the meantime, a licence to occupy can be agreed to support the continued activities of the zoological gardens. Once a management plan is agreed, an appropriate lease can be developed.
- 30 This lease may well have a longer termination advice period than the 12 months currently on offer, because it will be based on superior forward planning.



Rob Greenaway

22 June 2016

BEFORE A COMMITTEE OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

UNDER the Reserves Act 1977
IN THE MATTER An application by **D, R and P YOUNG** for a new
lease over land designated as Recreation Reserve
AND
IN THE MATTER of a submission by **REMARKABLES PARK**
LIMITED

SUBMISSIONS OF COUNSEL ON BEHALF OF REMARKABLES PARK LIMITED

23 JUNE 2016

**BROOKFIELDS
LAWYERS
J D Young
Telephone No. 09 379 9350
Fax No. 09 379 3224
P O Box 240
DX CP24134
AUCKLAND**

MAY IT PLEASE THE COMMITTEE:**1. INTRODUCTION**

1.1 Remarkables Park Limited (**RPL**) opposes the grant of a lease on the terms sought by D, R and P Young or the terms proposed by Ms Conroy because:

- (a) The current and proposed use does not meet the purpose and principles of the Reserves Act 1977 (**Act**);
- (b) There is no Reserve Management Plan; and
- (c) A trails network is a use of the reserve that should be enabled because it provides direct and free access to the riverbank.

2. PURPOSE AND PRINCIPLES OF THE RESERVES ACT 1977

2.1 Section 3 of the Act states its purpose, which includes “ensuring, as far as possible, the preservation of access for the public to and along...riverbanks”. Given the location of the recreation reserve, this is a particularly relevant statutory directive. The proposed lease does not preserve access for the public to and along the riverbank. To the contrary, it is an impediment to such access because the activity appears as a private enterprise where public access is restricted by time (there is a sign advising that gardens are closed before 10am and after 4pm), the imposition of a charge, and the presence of physical structures. Furthermore, a sign advises that there is “No Exit” and therefore a member of the public would understand that they could not walk through the gardens and continue along the riverbank.

2.2 Section 17 specifically addresses recreation reserves. Section 17(1) states that recreation reserves are:

“...for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, **with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside**”

The proposed lease is also an impediment to recreational tracks. While the future tracks will be in a urban environment and not the countryside, they are in a breathtakingly beautiful “natural environment” and, therefore, have significant recreational value.

- 2.3 The general purpose is further articulated under section 17(2)(a), which requires that “the public shall have freedom of entry and access to the reserve”. The public do not have freedom of entry and access to the reserve.
- 2.4 Section 17(2)(a) is subject to the exercise of powers under sections 53 and 54. Section 54 sets out leasing powers in respect of recreation reserves. Section 54(1) confirms that the leasing powers must be used in accordance with the “principles set out in section 17”. The new lease is proposed to be granted under section 54(1)(d), which states (relevantly):
- (d) grant leases or licences for the carrying on of any **trade, business, or occupation** on any specified site within the reserve, subject to the provisions set out in Schedule 1 relating to leases or licences of recreation reserves issued pursuant to this paragraph:
- provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve:**
- [Emphasis added.]
- 2.5 The Zoological Garden is not a trade, business, or occupation. “Trade” is defined as “a business conducted for a profit (esp. as distinct from a profession); a skilled handcraft requiring an apprenticeship”¹. “Business” is defined as “one’s regular occupation, profession or trade”², implicit in which is the concept of remuneration or profit. “Occupation” is defined as a “person’s temporary or regular employment; a business, calling or pursuit”³. Again, in my submission, the concept of remuneration is implicit. The plain and ordinary meaning of the terms “trade, business, or occupation” includes the concepts of profit or remuneration.
- 2.6 Even if you consider that the Zoological Garden is a trade, business, or occupation, it is not one that is “necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve”. The Zoological Garden is an impediment to freedom of entry and access to the reserve and, for example, does not facilitate access to the riverbank (section 3 – purpose of the Act). Therefore, it cannot be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve.
- 2.7 In **Summit Road Society v The Minister of Conservation**⁴ the High Court considered the meaning of “necessary”. The High Court held that necessary “is a

¹ The New Zealand Oxford Dictionary, Oxford Press, 2005.

² The New Zealand Oxford Dictionary, Oxford Press, 2005.

³ The New Zealand Oxford Dictionary, Oxford Press, 2005.

⁴ CP429/89, Holland J, High Court.

fairly strong word falling between expedient or desirable on the one hand, and essential on the other". The High Court found that a gondola on Mt Cavendish on the Port Hills in Christchurch was necessary in the context of a scenic reserve because it was satisfied:

"...that the view from this reserve is one of its intrinsic scenic qualities and further **that a much larger proportion of the public will be able to enjoy and benefit from the reserve by the provision of the gondola and its accompanying buildings than would otherwise be the case.** In those circumstances the grant of the lease was "necessary" both for the purposes of s.56(1)(b) and s.19(1)(a)."

[Emphasis added.]

Enabling greater use and enjoyment of the reserve was a critical reason of the High Court's conclusion.

- 2.8 In summary, the proposed lease is contrary to the purpose and principles of the Act. Notwithstanding, RPL acknowledges that the Zoological Garden may serve a public good and is enjoyed by some visitors. Given this, a suggested way forward that would open up much of the recreation reserve for unimpeded use but provide the Young's with sufficient space and certainty to continue the Zoological Garden is proposed as part of my conclusion below.

3. RESERVE MANAGEMENT PLAN

- 3.1 Section 41 of the Act requires the Council to prepare a management plan for a reserve under its control, management or administration within 5 years of its appointment or the commencement of the Act. The Council has not met this obligation.
- 3.2 There is no punitive consequence for failure to comply with section 41 and, in fairness to the Council, non-compliance is relatively common (as Mr Greenaway was attest). However, the failure to have a management plan indicates that the Council has not properly turned its mind to the strategic use and importance of this reserve and is simply deferring to the status quo. In my respectful submission, that is a dangerous approach in Queenstown where growth is rapid and numerous greenfields area zoned for urban development (Mr Vivian will comment further in evidence).
- 3.3 RPL appreciates that this Committee cannot address or remedy the lack of a management plan today. It can, however, ensure that free access to the reserve is provided and an arrangement is reached whereby a trail along the riverbank is enabled. In my submission, in the absence of a management plan it is not helpful to

disregard a trail along or near the river bank on the basis of flooding or instability⁵, which are threats to any activity on the reserve.

4. A TRAILS NETWORK SHOULD BE ENABLED

4.1 Both Mr Greenaway and Mr Vivian will address the significant recreational value of the trails network. Mr Fitzpatrick can also comment. It is, in my submission, irrefutable that it is a use of the recreation reserve that gives effect to the purpose and principles of the Act.

4.2 Mr Vivian also addresses future development in the locality and the considerable growth to be accommodated. There will be increasing pressure on public open space. He observes that the area in question is of significant strategic importance.

5. CONCLUSION

5.1 In my submission the proposed lease is contrary to the Act.

5.2 However, if the Committee is minded to grant a lease then it is submitted that:

- (a) The lease be granted for a much smaller area within the recreation reserve. Mr Vivian's evidence attaches a plan with his recommended area for the lease;
- (b) The lease be granted for a 1 year term and that the Committee members recommend to the Council that it commence preparation of a reserve management plan (noting that if the reserve management plan provided for the Zoological Park in a specific area a further lease could be granted without public notice – Section 54(2A)(a)); and
- (c) Should the lease be granted for a longer period than one year, the proposed 12 month termination clause be retained.

DATED the 23rd day of June 2016

J D Young

Counsel for Remarkables Park Limited

⁵ See paragraph 14 of Ms Conroy's Report.

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11 September 2017

Legal Manager
CE Office
Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Attention: Alice Balme

Dear Alice

FRANKTON ZOOLOGICAL GARDENS – YOUNG FAMILY

As requested in accordance with your correspondence of the 30th day of August 2017, we now **enclose** submissions on the part of the Young Family with relevant **attachments**.

We look forward to receiving the submissions filed by other parties in due course noting that the matter will be addressed before full council on the 28th day of this month during the public forum.

Yours faithfully
BERRY & CO

R W Buckham
Partner

e-mail: rbuckham@berryco.co.nz

Encl.

11 September 2017

Queenstown Lakes District Council
1st Floor, 50 Stanley Street
PO Box 1586
QUEENSTOWN 9348

Re: Submissions in support of Grant of a Lease over Recreational Reserve to D, R and P Young

Introduction

1. By letter dated 22 March 2016, D, R and P Young (“the Youngs”) applied for a new lease over zoological gardens in Frankton. The zoological garden is located on part of recreational reserve land.
2. A hearing was held on 23 June 2016. After hearing submissions from all submitters, the Council’s Hearings Panel resolved to recommend to the full Council that the new lease be granted to the Youngs, subject to terms and conditions.
3. On 28 July 2016, the Council accepted that recommendation and resolved to grant the lease to the Youngs.
4. The only reason why this matter is before the full Council is because of a subsequent allegation from Remarkables Park Limited (“RPL”), the only submitter to oppose the grant of the lease, that natural justice principles were not followed when the Panel allowed the Youngs to file a submission after the hearing.
5. The Youngs’ submission is dated 30 June 2016 and it was filed in response to material presented by RPL on the day of the hearing that had not been circulated in advance to the Youngs, or indeed to the Council. To avoid potential prejudice, at counsel’s request leave was given to the Youngs to file submissions in reply to the new material presented by RPL.
6. In my submission, therefore, RPL’s allegation of breach of natural justice is unfounded. However, for the purpose of avoiding a potential application by RPL for judicial review, the Youngs have agreed for the matter to be reconsidered by the full Council.
7. A copy of the reply submissions filed on behalf of the Youngs dated 30 June 2016 is **attached**.

8. It is noted that the Council has directed that any submissions filed in response to the Youngs' reply submissions must be strictly within the scope of those submissions. It follows, therefore, that the parties are not able to present any new evidence or make submissions that extend beyond the scope of what has previously been submitted.

Discussion

9. The only submitter to oppose the Youngs' application is RPL. All other submitters were agreed that the use of the land as a zoological garden is a suitable use for the reserve and that the gardens provide a valuable educational and leisure activity for tourists and locals.
10. Essentially, RPL's opposition to the lease was based on the following:
 - a) The current and proposed use of the reserve for zoological gardens did not comply with the provisions of the Reserves Act 1977.
 - b) The proposed lease privatises the reserve land and river frontage.
 - c) The Youngs do not provide free access to the river.
 - d) The land is not stable.
11. The above matters comprise the full extent of RPL's opposition to the grant of a lease to the Youngs and it is not able to rely upon any new grounds for the purposes of this reconsideration.
12. The submissions filed on behalf of the Youngs for the Hearings Panel addressed all of the matters raised by RPL. A copy of those submissions is **attached**.
13. It is clear from the Hearings Panel's deliberations as recorded in the Council's Minutes of 23 June 2016 that the Panel accepted that the Council had the required statutory authority under section 54(1)(b) of the Reserves Act to grant the lease and that the proposed use was suitable, and that the only questions that remained were on what terms.
14. The specific power relevant to the Youngs' application is contained in section 54 of the Reserves Act. In particular, section 54(1)(d) authorises a proposed lease of a recreation reserve for:

... a trade, business or occupation necessary for the public to obtain the benefit and enjoyment of the reserve or for their convenience in using the reserve.

15. The Hearings Panel and indeed the Council correctly found that the Youngs' activity falls within the phrase "business or occupation" and so within section 54(1)(d).
16. With respect to land stability, it is acknowledged that the area is subject to erosion. The Young family have been maintaining the land particularly against river erosion in excess of 33 years.
17. It is acknowledged that the Hearings Panel expressed some concern about public access to the leased area. The Minutes record that the Panel recommended the following condition be incorporated in the new lease:

"That free access for the public to the lease area be provided."

18. That condition is now included in the new lease at clause 7.1(f) in the following form:

7 USE OF PREMISES

7.1 Use to Which Premises May be Put by Lessee

...

(f) The Lessee shall provide free access for the general public to the Premises at all times (excluding the Buildings). The Lessee may only make admission charges to the Buildings as the Lessor may from time to time approve. The Lessee will at all times observe a strictly uniform and impartial attitude as to admission rates and services and the Lessee will afford as efficient a service as is usual for operations similar to the Permitted Use. The Lessee shall be entitled to exclude dogs from entering the Premises.

19. It is therefore my submission that the claim that the proposed lease privatises the leased area cannot be sustained. The terms of the new lease make it clear that the public will have free access to the reserve land and river at all times.
20. The lease to the Youngs will encourage the public to visit the area by providing recreational facilities for their benefit and enjoyment, such as garden awareness and education, animal interactions and an open space for walking and exploring and fishing.

21. In addition, there are picnic facilities freely available for the public to enjoy.
22. Thus, rather than restricting public access, granting the lease to the Youngs will in fact enhance public access and enjoyment to the area.
23. In my submission, it is relevant that no party has suggested an alternative use for this reserve land.
24. Finally, it is relevant that the termination clause under the Deed of Lease provides the Council with the ability to terminate the lease upon giving two years' prior written notice to the Youngs (refer clause 12.1 of the Deed of Lease). Further, clause 12.4 provides that, upon a Reserve Management Plan being completed for the area, the Council must give the Youngs written notice and the lease will terminate on the date specified in the notice.
25. Those terms should alleviate any concerns that, in granting the lease to the Youngs, the Council has thereby committed itself for the long-term.

Conclusion

26. For these reasons, it is submitted that the decision of the Hearings Panel to grant the proposed lease to the Youngs should be confirmed, on the terms and conditions as set out in the proposed Deed of Lease.



.....
Dated: 11 September 2017

Attachments

1. Application letter dated 22nd March 2016
2. Letter to Council dated 26th May 2016
3. Submission to Property Subcommittee
4. Letter to Council dated 30th June 2016

COPY

BERRY & CO
BARRISTERS & SOLICITORS

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22 March 2016

Queenstown Lakes District Council
C/- APL Property Services
1st Floor, 50 Stanley Street
PO Box 1586
QUEENSTOWN 9348
Attention: Joanne Conroy
Email: joanne.conroy@aplproperty.co.nz

Dear Joanne

IVAN YOUNG ZOOLOGICAL RESERVE

We act for Daphne May Young and her two daughters Rachel and Penelope Young ("the Youngs") who own and manage the Ivan Young Zoological Reserve ("Zoological Reserve"). The Youngs' currently lease some of the land contained in the Zoological Reserve area from the Queenstown Lakes District Council ("the Council") which lease is due to expire on 1 April 2016. The leased land is legally described as Section 167, Block 1 Shotover District contained in CT 8C/594 (attached and marked "A"). The Youngs' own the freehold property that adjoins parts of the Reserve Land (CT OT1C/807 - attached and marked "B"). On behalf of our clients' we now wish to apply for an extension of the lease or a new lease for a further 33 years. In support of this application we note as follows:

1. **Continue Ivan Young's legacy**

- (a) Ivan Young and his wife Daphne created the Zoological Reserve over 50 years ago. Although Ivan is now unfortunately deceased, Daphne, Rachel and Penelope have continued to build on Ivan's original vision and hard work in creating the Zoological Reserve and wish to dedicate their lives to the ongoing preservation and management of this unique environment including the well being of a variety of abandoned and injured animals such as fish, birds, ducks and dogs. They wish to keep the area in its entirety as Ivan first envisioned for the community's benefit.

2. **Erosion control**

- (a) Significant parts of the land are made up of hard fill for the purpose of erosion control. That hard fill has not been stabilised to engineering standards and therefore is unsuitable for building.
- (b) As part of their efforts to mitigate further erosion of the land, the Youngs' have undertaken planting programmes to encourage stabilisation of the area. Erosion is likely

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Queenstown Partners
Revell Buckham *LL.B.*
Matthew Edwards *LL.B.*
Merrin Gill *LL.B.*

Oamaru Partners
George Berry *MNZM, LL.B.*
David Salter *BA, LL.B.*
Michael de Buyzer *LL.B., Notary Public*
David Jackson *LL.M. (Hons)*

to have a prejudicial impact on the land and may incur ongoing costs to the Council and community if it is not properly managed.

- (c) We attach photographs (marked "C") that illustrate the stages of erosion control undertaken at the Zoological Reserve by our clients'.

3. Maintain the quality of the land

- (a) There have been no adverse incidents as a consequence of the historic Lease to the Youngs' and the land is properly maintained, managed and supervised.
- (b) All planting and landscaping to do with the Zoological Reserve is achieved at the cost of the Youngs'. If the Youngs' did not maintain or manage the land, then the property may lose its aesthetic appeal and it could easily revert to rough scrubby pasture type land.
- (c) The entire project is 99.9% organic. The Youngs' create their own compost, which is used together with other fillers as necessary to maintain the erosion protection and enrich the land.
- (d) Part of the Youngs' management programme is to assist and educate people in terms of organic systems, creation of soils, and animal welfare including Bumblebee Hives and Butterflies. The Zoological Reserve allows the facilitation of such a programme to be offered to the community.

4. Public Access

Public access

- (a) The public have access to the land at all times. In addition, there is a picnic area available to the public and where many visitors can relax using picnic tables and other facilities provided. The area is not fenced off.
- (b) We note that there is no Queen's Chain attached to the land.
- (c) We attach an aerial photograph (marked "D") of the layout of the buildings, walking tracks and other facilities including public access ways on the Reserve land and all of which are used for the proper functioning and management of the Zoological Reserve area.

5. Recreational Use

- (a) The Zoological Reserve provides many uses and opportunities for the benefit of the community. Some examples of recreational activities that take place at the Zoological Reserve include picnics, birthday parties, gardening awareness and education, children's recreation, animal interactions and an open space for walking and exploring.
- (b) Our clients' believe that the unique nature of the Zoological Reserve should be preserved and promoted as it is a natural environment, where members of the Queenstown public and tourists alike can visit and enjoy.

6. Not for Profit

- (a) The Youngs' operate the Zoological Reserve as a not for profit organisation. Access to the Zoological Reserve is free of charge for children and adults are charged a small fee of \$15.00. This money goes to helping maintain the Zoological Reserve and for supplies to feed the animals. The Youngs' do not receive any council or government grants to assist in the management of the Zoological Reserve.

- (b) We advise that none of the Youngs' draw any wage, salary or otherwise from this venture. Rachel Young commits herself full time to the Zoological Reserve and Penelope Young part time.
- (c) We are conscious of the fact that Queenstown is an expensive destination. The Youngs' consider the Zoological Reserve to be an enjoyable, inexpensive and educational entertainment choice for families and locals alike.

7. Relationship with the Department of Corrections

- (a) Since 1987, the Youngs' have engaged in relations with the Department of Corrections to employ men who have been convicted of crimes. These men are placed on site and supervised by the Youngs' while they carry out various tasks on the Reserve. This relationship provides a valuable service to the Probation Department.
- (b) We attach correspondence (marked "E") from Alice Cournane that illustrates the relationship with the Youngs'.

8. Relationship with the SPCA

- (a) We attach a number of letters (marked "F") from the SPCA outlining their relationship with the Youngs'. We believe these letters show the extent the Youngs' are willing to go to accept and accommodate any wayward or abandoned animals. The contact the Youngs' provide to the SPCA enables the SPCA to use their limited resources for other animal matters arising in the area.

9. Relationship with other groups in the Queenstown Community

- (a) The Zoological Reserve holds a special position in the Queenstown Community. It is regularly visited by various groups from the community, with a particular emphasis on children's groups such as Kindergartens and Schools, as well as the elderly and other community organisations.
- (b) We attach a copy of the visitor's book (marked "G") which suggests how people view the experience at the Zoological Reserve. We believe this evidence depicts the extraordinary benefit the community derives from visiting the Reserve and surrounding gardens. Furthermore, the number of global visitors represented in the visitor's books highlights the wide cross section of people that visit the Reserve.
- (c) We further attach various newspaper articles (marked "H") that demonstrate the extent of the Youngs' involvement in the community.
- (d) We also attach letters (marked "I") from groups in the Queenstown Community which exemplify the opportunity the Zoological Reserve provides for community groups such as theirs.

10. Relationship with the Council

- (a) The Queenstown Lakes District Council encouraged the recent naming of the reserve as the Ivan Young Zoological Reserve, which included a commemorative sign and unveiling ceremony conducted by the Mayor Vanessa Van Uden. We trust such actions reinforce the Council's appreciation and acknowledgment of the work the Youngs' undertake and the enjoyment the Reserve provides to the people of Queenstown and the wider Community.

- (b) We attach a newspaper clipping (marked "J") of the unveiling ceremony referred to above.
- (c) We further attach a copy of the decision (marked "K") made by the Council to name the reserve.
- (d) We also attach correspondence (marked "L") from Local Iwi stating their approval of the naming of the Reserve.

11. Reserves Act 1977

RA.

- (a) As the committee will be aware, the area of land in question is designated as a recreation reserve, designation No. 159, pursuant to the provisions of the Queenstown Lakes District Council district plan ("district plan"). We are happy to provide a detailed analysis of the Reserves Act 1977 ("the Act") if required particularly as it relates to the land in question and as it relates to the leasing of recreation reserve. Indeed if the committee has any questions in this regard, then we would welcome the opportunity to address these before any final decision is made. In the meantime however and in support of this application for a Lease, we note the following:
 - (i) Our clients' have at all times complied with the expressed and indeed implied terms of the Memorandum of Lease currently in place and which of course expires on the 1st day of April this year, 2016.
 - (ii) Without providing at this time a detailed summary as to the background to the granting of the Lease and which we anticipate Ms Conroy will address with the committee, we do, with respect, suggest that the current activities undertaken by the Youngs' satisfy the purposes of the Act and indeed provide what is effectively a public amenity with exemplary management which use and management will, based on past experience, continue to meet the expectations of the Act and the ongoing expectations of our community at no cost to the Council. Indeed any costs, particularly in terms of erosion control and general maintenance can be significant but which will continue to be met by the Youngs'.
 - (iii) We also note and as provided for in clause 7 of the existing Lease, that the referred to, walking access, is properly maintained for this purpose and which will continue to be the case irrespective of what intensity of development may occur along the northern boundary.

12. Summary

- (a) Although Daphne Young is the registered proprietor of the family residence and is the current Lessee pursuant to the Lease, Daphne, Rachel and Penelope ask that the Council grant to them an extension of the existing Lease or a new Lease for a further 33 years on the same terms and conditions as currently apply. Indeed due to Daphne's age, the future of the Zoological Reserve and the appropriate management of the Reserve rests in the hands of Rachel and Penelope who as stated previously, have essentially committed their lives to this project.
- (b) The information outlined above hopefully illustrates the Youngs' commitment to the current use and preservation of the Zoological Reserve and their intention to continue

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Page 5

to create a parkland and Zoological Reserve for the benefit of both the Queenstown local community and visitors to the area.

We welcome the opportunity to discuss the above matter at your earliest convenience.

Yours faithfully

BERRY & CO



Abbey James

Law Clerk

e-mail: ajames@berryco.co.nz

Encl.

BERRY & CO

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26 May 2016

FILE COPY

Property Subcommittee
 Queenstown Lakes District Council
 C/- APL Property Services Limited
 1st Floor, 50 Stanley Street
 PO Box 1586
 QUEENSTOWN 9348

Email: joanne.conroy@aplproperty.co.nz

Dear Joanne

SUBMISSION IN RELATION TO THE QUEENSTOWN LAKES DISTRICT COUNCIL INTENTION TO GRANT A LEASE OVER RECREATIONAL RESERVE TO D, R AND P YOUNG

Introduction

1. We refer to our clients' application to the Queenstown Lakes District Council dated 22 March 2016 requesting a renewal of their lease over the recreational reserve legally described as Section 167, Block 1, Shotover District contained in CT 8C/594 and confirm that we act for D, R and P Young, being the applicant's for the lease as described in the notice advertised in the Mirror Newspaper on Wednesday 27 April 2016.
2. In relation to the proposed terms of the new lease as determined by the Property Subcommittee ("Committee") of the Queenstown Lakes District Council we ask the Committee to consider the following:

Further submissions

3. The proposed termination clause under the new lease provides the Council with the ability to terminate the lease upon giving 12 months notice to our clients'. We suggest that this term is inappropriate and unreasonable for the reasons set out below:
 - (a) The fixture of animal enclosures and incidental structures on the land are of a permanent nature, housing many homeless or neglected animals together with other



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Queenstown Partners
 Revell Buckham LL.B.
 Matthew Edwards LL.B.
 Merrin Gill LL.B.

Oamaru Partners
 George Berry MNZM, LL.B.
 David Salter BA, LL.B.
 Michael de Buyzer LL.B., Notary Public
 David Jackson LL.M. (Hons)

zoological specimens. To uplift or dismantle such facilities would require a considerable amount of time (not to mention cost to our clients') to make suitable alternative arrangements. We are of the view that 12 months would be an insufficient timeframe to allow our clients' to terminate 50 years of occupation, in a reasonable and dignified manner.

- (b) The nature of the reserve land is such that it provides a home to many animals. If the lease were to be terminated these animals would require rehousing. The animals are cared for and fed at the cost of our clients' who also provide support to the public and other animal welfare services within the Queenstown district. Therefore a greater period of time to allow the comfortable rehousing of these animals would be appreciated.
 - (c) Our clients' have a profound psychological attachment with the land. Their father (Ivan Young) and Mrs Young created the Zoological Reserve over 50 years ago and since then they have continued to build on their father's original vision and hard work, dedicating their lives to the ongoing preservation and management of this unique environment. 12 month's notice to leave such a setting would impact severely on our clients' as the land is not only their home but their livelihood and life's work. Our clients' own the property that immediately adjoins the reserve land which has allowed them to provide a stewardship role in caring for the health and wellbeing of the land, river, vegetation of the area and erosion issues. This invaluable but discrete role helps ensure the preservation of the reserve land and it's surroundings for the benefit of the Queenstown Community.
 - (d) We further reiterate the submissions in our clients' original application letter in relation to the stability and quality of the land. It is common knowledge and Council records further substantiate, that the land is prone to erosion and is generally unsound for building purposes.
4. We understand that the inclusion of such a termination clause is largely a result of current "council policy" when granting leases of this nature. However we emphasise the longevity and enduring connection our clients' have with the land in question and ask that this fact be taken into account when considering a reasonable notice period.

Proposal

- 5. We propose on behalf of our clients' that the termination clause be amended to allow Council the ability to terminate the lease but with 5 years written notice to our client of their intention to do so. This would assist and provide time for our client to make the necessary arrangements to remove various fixtures on the land, rehouse animals and return the land to the council in an appropriate manner.
- 6. We also suggest that such notice to terminate the lease would only be given in the event that the proposed alternative use of the reserve land would be of greater benefit to the Queenstown Community than the existing use is at the time of notice.

7. We also propose that such a right to terminate the lease by the council be exercised only after the expiration of the first 10 year term of the lease.
8. Should the Committee require any further information or assistance then our clients' would be happy to address the same at the convenience of the Committee.

Yours sincerely
BERRY & CO



Revell Buckham
Partner

e-mail: rbuckham@berryco.co.nz

End.

Property Subcommittee
Queenstown Lakes District Council
C/- APL Property Services Limited
1st Floor, 50 Stanley Street
PO Box 1586
QUEENSTOWN 9348

Re: Further submissions in support of Grant of a Lease over Recreational Reserve to D, R and P Young

Introduction

1. By letter dated 22 March 2016, Daphne May Young and her two daughters, Rachel and Penelope, (the Youngs) applied for a renewal of their lease or a new lease over the recreation reserve legally described as Section 167, Block 1, Shotover District contained in CT 8C/594.
2. The Youngs maintain and operate a zoological garden on part of the reserve land at the end of Riverside Road, Shotover District.
3. On 27 April 2016, the Queenstown Lakes District Council (the Council) gave public notice of its intention to grant the lease under section 54(1)(d) of the Reserves Act 1977 (the Act) to the Youngs, and sought submissions from interested persons.
4. Four submissions were made, three in support of the proposed lease, and one, from Remarkables Park Limited (RPL), against.
5. The Youngs now wish to make submissions in response to the submissions made by RPL.
6. These submissions should be read alongside the submissions made in Berry & Co's letters to the Council dated 22 March 2016 and 26 May 2016.

Background

7. The background is fully set out in Berry & Co's letter dated 22 March 2016.
8. Briefly, the area of land in question is part of a recreation reserve, administered by the Council under the Act. Daphne and her husband Ivan (now deceased) leased some of the land contained in reserve from the Council pursuant to a Deed of Lease dated 26 July 1984 for the purpose of operating a zoological reserve or "parkland" for the benefit of the community.

9. That lease expired on 1 April 2016 and the Youngs now seek a new lease for a further 33 years in order to continue Ivan's legacy. As stated in the application:

Ivan Young and his wife Daphne created the Zoological Reserve over 50 years ago. Although Ivan is now unfortunately deceased, Daphne, Rachel and Penelope have continued to build on Ivan's original vision and hard work in creating the Zoological Reserve and wish to dedicate their lives to the ongoing preservation and management of this unique environment including the well being of a variety of abandoned and injured animals such as fish, birds, ducks and dogs. They wish to keep the area in its entirety as Ivan first envisaged for the community's benefit.

10. As the scope of the Council's powers to grant a lease over reserve land is at issue, it will be useful to set out the relevant statutory framework.

Statutory framework

11. The general purpose of the Act is to provide areas of New Zealand possessing various attributes, for example recreational use, "for the preservation and management for the benefit and enjoyment of the public".¹
12. Section 16 of the Act provides for the classification of reserves according to their principal purpose. As already stated, the area in question has been classified as a recreation reserve. Section 16(8) of the Act provides that when classified under section 16, "each reserve shall be held and administered for the purpose or purposes for which it is classified and for no other purpose".
13. Section 17 of the Act sets out the purpose of recreation reserves. Section 17(1) states that recreation reserves have as their purpose:

17 Recreation reserves

- (1) ... **providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside,** with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.
[Emphasis added]

14. Section 17(2) of the Act requires recreation reserves to be administered so that certain objectives are achieved. They include freedom of entry and access to the reserve by the public and the conservation of those qualities that contribute to the "pleasantness, harmony and cohesion of the natural environment and to the better use and enjoyment of the reserve".

¹ Reserves Act 1977, section 3(1).

15. Section 40 provides that the Council, as the administering body responsible for the reserve, is tasked with the duty of managing the reserve in accordance with the Act "to ensure the use, enjoyment, development, maintenance, protection, and preservation, as the case may require, of the reserve for the purpose for which it is classified".
16. It is quite clear that the original creation of the zoological reserve and the current running of it is consistent with providing an area for the public recreation and enjoyment.
17. The zoological reserve is visited and enjoyed by the public without hindrance.
18. The only submitter to oppose the Youngs' application is RPL. RPL is opposed to the proposal to grant a lease of the land to the Youngs because:
 - (a) It is undesirable from a public access perspective;
 - (b) It is contrary to the "principles" of the Reserves Act to "continue the privatization of this area of riverside land"; and
 - (c) The Council does not have statutory authority to lease the land for the proposed purpose.

Public access

19. RPL contends that granting a lease to the Youngs is undesirable from a public access perspective.
20. It is accepted that there is a strong theme of public access throughout the Act.
21. Having said that, RPL's contention is clearly flawed and seems to misunderstand the nature of the Youngs' operation.
22. The grant of the lease to the Youngs will not restrict in any way public access to the river. The public have free and unimpeded access to the river at all times. In addition, there is a picnic area available to the public where members of the public can relax, using the facilities provided.
23. The area is not fenced off and there is no Queen's Chain attached to the land.
24. The lease to the Youngs will in fact encourage the public to visit the area by providing recreational facilities for their benefit and enjoyment, such as garden awareness and education, animal interactions and an open space for walking and exploring.
25. In addition, there are picnic facilities freely available for the public to enjoy.

26. The point is that rather than restricting public access, granting the proposed lease will promote the purposes of the Act by providing activities so that the public will be encouraged to visit the area.

Contrary to the principles of the Reserves Act

27. RPL also contends that it is contrary to the principles of the Act to grant a lease to the Youngs because it will continue the "privatisation" of land.
28. At page 2 of its submissions, RPL states that the proposed lease will be contrary to section 17 because:

It is apparent [from section 17] that, as a recreation reserve, priority should be given to providing for recreation and sporting activities and the physical welfare and enjoyment of the public, with an emphasis on the retention of open spaces and on outdoor recreational activities including recreational tracks in the countryside. **The activities proposed by the Youngs are not consistent with these mandated purposes. Neither can it be contended that the existing animal enclosures "contribute to the pleasantness, harmony, and cohesion of the natural environment".**

[Emphasis added]

29. RPL repeats (at page 5 of its submissions) its claim that the current arrangement between the Council and the Youngs "effectively privatises a significant section of the Kawarau River".
30. This argument is based on a flawed factual argument. The zoological reserve itself provides both recreation and enjoyment to the public.
31. The public benefit of zoological reserves or similar has been recognised throughout the world in countless cities.
32. In my submission, the argument that the Youngs have "privatised" a large area of reserve land cannot be sustained. The fact is that the Youngs have always provided free access to the river, which was a requirement of the old lease. They will continue to do so under the proposed new lease.
33. In addition, the grant of the proposed lease to the Youngs will not be contrary to the principles set out in section 17, as contended by RPL.
34. The principles that govern recreation reserves are those set out in sections 3 and 17, in particular that recreation reserves be available for public enjoyment, with the public having freedom of entry and access for their "benefit or enjoyment".

35. As stated already, the grant will in fact promote the principles of the Act by providing for the better use and enjoyment of the reserve by the public in the following ways:
- (a) Making the area available for public enjoyment and use;
 - (b) Ensuring that the public have freedom of entry and access to the land at all times. The area is not fenced off.
 - (c) Providing recreational activities for the benefit and enjoyment of the community, including picnics, birthday parties, gardening awareness and education, children's recreation, animal interactions and an open space for walking and exploring.
36. In addition, the grant will contribute to the pleasantness, harmony and cohesion of the natural environment (section 17(2)(c)). The land is properly maintained, managed and supervised by the Youngs. All planting and landscaping associated with the zoological gardens is achieved at the Youngs' cost.
37. If the Youngs did not maintain the land, it would very likely lose its aesthetic appeal and revert to its original rough scrub.
38. As stated in the application, part of the Youngs' management programme is to assist and educate people in terms of organic systems (the project is practically 100% organic), soil creation, flora and fauna, and animal welfare. Particular features include the Bumblebee Hives and Butterflies programmes, which are very popular with the public.
39. In summary, it is submitted that the grant of the lease to the Youngs will in fact promote the principles of the Reserves Act.

Statutory authority to grant the lease to the Youngs

40. RPL's third argument is that the Council does not have statutory authority to lease the land for the proposed purpose.
41. The purpose stated in the proposed terms of the new lease as determined by the Property Subcommittee is "Gardens and Animal enclosures and associated buildings and activities".
42. The specific power relevant to the Youngs' application is contained in section 54 of the Act. Section 54 provides for four situations in which a lease of a recreation reserve can be granted. They are:
- (a) Baths, camping grounds, parking, mooring or any other facilities for public recreation or enjoyment (section 54(1)(a)). For an area of a

recreation reserve to be leased for any of these purposes, the area must have been set apart by the Council under section 53(1)(h)(ii).²

- (b) Stands, pavilions, gymnasiums and other associated buildings and structures necessary for use for outdoor sports (section 54(1)(b)).
- (c) For the playing of outdoor sports where the preparation of the area requires substantial expenditure (section 54(1)(c)).
- (d) For a trade, business or occupation necessary for the public to obtain the benefit and enjoyment of the reserve or for their convenience in using the reserve (section 54(1)(d)).

43. RPL contends (at pages 2-3 of its submissions):

S54(1)(b) & (c) are not relevant as they apply only to sporting facilities and voluntary organisations. S54(1)(d) applies to the carrying on of a trade, business or occupation and is not relevant. So the only possible provision under which the proposed lease to the Youngs could be authorised is S54(1)(a) ...

- 44. The Youngs agree that sections 54(1)(b) and (c) are not relevant. Nor, in my submission, is section 54(1)(a), which is primarily concerned with baths, camping grounds, parking and mooring places, although the Youngs' operation could easily fall within "other facilities for public recreation or enjoyment". It is conceded that if the Council wished to grant the lease under section 54(1)(a), it would have to set the area apart as required by section 53(1)(h) of the Act.
- 45. The Council has correctly, in my submission, relied on section 54(1)(d) for authority to grant this lease to the Youngs.
- 46. The zoological reserve is clearly either a business or an occupation, although it is one which is operated as a good corporate citizen and not as a cut-throat money-making operation.
- 47. It is clear that the Youngs' activity falls within the definition "business or occupation" and so is within section 54(1)(d).
- 48. It is also clear, in my submission, that the occupation of operating the zoological gardens is "necessary", in the sense of being expedient or desirable, to enable the public to obtain the benefit and enjoyment of the reserve, as required by the proviso to section 54(1)(d).³

² Section 53(1)(h)(ii) provides that, with the prior consent of the Minister, the Council may set apart any part of a recreation reserve for baths, camping grounds, parking places for vehicles, or mooring places for boats.

³ In *Summit Road Society (Inc) v The Minister of Conservation* (HC Christchurch CP429/89, 18 May 1990) Holland J adopted the following definition of "necessary" for

- 49. For these reasons, it is submitted that that the Council has the statutory authority to grant the lease to the Youngs.

Conclusion

- 50. In conclusion, it is submitted that the grant of the lease to the Youngs will in terms of section 17 of the Reserves Act 1977 protect and preserve this area of land for the benefit and enjoyment and use of the public and so achieve the purposes of the Act.
- 51. The Council has the requisite statutory authority to grant the lease under section 54(1)(d) of the Act.
- 52. For these reasons, it is submitted that that the proposed lease to the Youngs should be granted on the terms as determined by the Property Subcommittee. However, for the reasons stated in Berry & Co's letter dated 26 May 2016, it is requested that that the proposed termination clause be amended to allow the Council to terminate the lease, but with five years written notice of its intention to do so.
- 53. If the Council wishes clarification on any aspect of these submissions, the Youngs would be happy to do so.

.....
[date]

the purposes of section 56(1) of the Reserves Act 1977: "... 'necessary' is a fairly strong word falling between expedient or desirable on the one hand, and essential on the other."

Attachment F: Right of Reply

BERRY & CO

BARRISTERS & SOLICITORS

2nd Floor | Chester Building
 Corner of Camp & Shotover Streets
 PO Box 179 | DX ZP 95002 | Queenstown 9348 | New Zealand
 Phone: +64 3 441 0302 | Fax: +64 3 441 0307
 Email: info@berryco.co.nz | www.berryco.co.nz

30 June 2016

Property Subcommittee
 Queenstown Lakes District Council
 C/- APL Property Services Limited
 1st Floor, Stanley Street
 PO Box 1586
 QUEENSTOWN 9348

Attention: Joanne Conroy
 Email: joanne.conroy@aplproperty.co.nz

Dear Joanne

LEASE APPLICATION – D, R AND P YOUNG

We refer to the above mentioned application as heard before the Property Subcommittee ("Committee") on the 23rd day of June 2016 and take this opportunity to make the following comments:

1. As the Committee is aware, the writer objected to Remarkables Park Limited as a submitter presenting submissions (without reasonable notice) to the applicant or indeed the Committee itself. The writer had reserved the applicant's position as acknowledged by counsel for Remarkables Park Limited at that hearing.
2. In relation to the submissions made by Mr Carey Vivian and Mr Robert Greenaway, we reiterate our view that those submissions were not supported by any evidence particularly in terms of the Trails Trust and whereby there is no expectation on the part of the Trails Trust that a future trail be placed through the reserve land in question and neither is such provided for in the 10 year strategic plan of the Trust.

We also reiterate the comments made at the hearing whereby in terms of the planning commentary given by Mr Vivian and Mr Greenaway, such were speculative and have little, if any relevance to the application placed before the Committee at the hearing. Indeed, we are of the view that our clients use of the land satisfies all legal and practical considerations as set out in the written submissions presented to the Committee. We note the following:



Queenstown Partners
 Revell Buckham LL.B.
 Matthew Edwards LL.B.
 Merrin Gill LL.B.

Oamaru Partners
 George Berry MNZM, LL.B.
 David Salter BA, LL.B.
 Michael de Buyser LL.B., Notary Public
 David Jackson LL.M. (Hons)

- (a) The Queenstown Lakes District Council ("QLDC") does have the authority at law to grant a Lease and indeed, this is in fact anticipated pursuant to the provisions of the Reserves Act 1977.
- (b) Such authority is contained within Section 54(1)(d) of that Act.
- (c) RPL also raised the issue of management plans and the fact that there was no such management plan in place at this point in time. Although the writer addressed this at the hearing it is relevant to note the following:
 - (i) The lack of a management plan is, as stated, acknowledged however this in no way precludes the QLDC from granting the proposed Lease.
 - (ii) It is reasonable to anticipate that if and when a management plan is prepared, that it will address the current utilisation of the recreation reserve by our clients and reinforce the history of occupation of this land by the Young family, the excellent stewardship of the land during this period and the broader and widespread community benefit as a consequence. Indeed, to speculate on whether any future use may provide a greater community benefit is not a matter which the QLDC could reasonably contemplate at this time however we do acknowledge that such matters would be considered at the time that a management plan is addressed and implemented.
- (d) We submit that there can be no harm in the granting of a Lease to our clients at this time and indeed, to the contrary, it would be unreasonable, harmful and contrary to the evidence, considerations and authority available to the QLDC not to grant such a Lease. No other realistic recreational use of the land was tabled at the hearing and with respect, nor could any future recreational use be reasonably contemplated whereby our clients activities would prejudice such use particularly when reasonable conditions of public access and enjoyment will be maintained, encouraged and indeed, enhanced.

3. We submit therefore for the Committee and QLDC's consideration the following proposal:

- (a) That a Lease for 10 years with 2 rights of renewal be granted to our client.
- (b) That our clients Lease can be terminated on giving 5 years notice after the expiry of the first period of 10 years. Such termination could be invoked in the event that any alternative proposed use would be of greater benefit to the Queenstown community than the then existing use.

With respect, we suggest that:

- (i) This achieves an appropriate outcome as to the utilisation of this land and the expectations and authority contained within the Reserves Act.

Berry & Co

Page 3

- (ii) Provides our client with some security of tenure and therefore confidence to manage, improve and enhance the Zoological Garden and which comprises public recreational areas, picnic areas, children's activities, gardens etc.
- (iii) Would still allow the QLDC to terminate on notice if this was deemed necessary pursuant to the terms of the proposed Lease or as a consequence of the outcome of a future management plan.

Yours faithfully
BERRY & CO



R W Buckham
Partner

e-mail: rbuckham@berryco.co.nz

27 September 2017

EMAIL: Alice.Balme@qldc.govt.nz

Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

ATTENTION: Alice Balme

Contact: John Young
Direct dial: +64 9 979 2155
email: youngj@brookfields.nz

YOUNG LEASE – SUBMISSION FROM REMARKABLES PARK LIMITED

We refer to the invitation from the Council to comment on the letter from Berry and Co dated 30 June 2016 (**Berry and Co Letter**) in respect of the proposed lease to D, R and P Young over public reserve land. RPL appreciates the opportunity to comment on the Berry and Co Letter. However, we are obliged to record at the outset that Remarkables Park Limited (**RPL**) have significant and justified concerns about the Council's decisions making process and reserves its rights in that regard¹. Having said that, we have endeavoured to be constructive. Our detailed comments follow the paragraphs in the Berry and Co Letter. In summary, RPL considers:

- (a) The Youngs have no proper basis for any procedural complaint;
- (b) The independent expert evidence for RPL was compelling. Mr Buckham's post-hearing challenges to the veracity of that evidence cannot be sustained.
- (c) Unlike RPL, the Young's choose not to call independent expert evidence;
- (d) The grant of the lease would be contrary to the Reserves Act 1977, in particular the overarching requirement to preserve free public access; and
- (e) The grant of the lease is inappropriate in the absence of a reserve management plan and/or in advance of the outcome of the hearings on submission on Chapter 38 "Open Space and Recreation".

¹ Those concerns have been communicated to the Council and need not be repeated here. However, it is important that we record that the Council has been put on notice of those concerns and RPL's participation on the further submission process is without prejudice to pursue its remedies in relation to those concerns.

Paragraph 1

1. There was no proper basis to object to the conduct of RPL's counsel or its experts at the Council hearing. RPL lodged a comprehensive submission raising all issues pursued at the hearing. There was no direction to pre-file evidence. RPL agreed that Mr Buckham should have a right of reply following the presentation of submitter's cases. That right was exercised by Mr Buckham at the hearing.² It is noted that Mr Buckham also provided a written response to RPL's submission by letter dated 22 June 2016.
2. RPL did not agree that Mr Buckham should have a further right of reply (in writing or orally) at a subsequent meeting of the Full Council following the adjournment of the hearing before the Committee.

Paragraph 2

3. The material adduced by Mr Vivian and Mr Greenaway (the experts engaged by RPL) was not a submission. It was independent expert evidence.
4. In terms of the Queenstown Trails Trust (**Trust**), it is noted that:
 - (a) Mr Vivian was a Trustee of the Trust at the time of giving his evidence. While his evidence was provided on behalf of RPL³, Mr Vivian had direct knowledge of the views and aspirations of the Trust;
 - (b) Mr Vivian addressed urban growth and pressure on reserves⁴;
 - (c) Mr Vivian addressed the Trust's document "Queenstown Trails for the Future 2015 to 2025" in detail at section 4 of his evidence;
 - (d) That detailed analysis led him to conclude that the lease area should be significantly reduced to "safeguard the potential to relocate the Queenstown Trail through the reserve" and "maintain...the reserve for the benefit of the existing and future population growth"; and
 - (e) Mr Greenaway emphasised the importance of enhanced public access as part of an integrated plan for the reserve.
5. These matters were not meaningfully addressed in the material adduced by the Young's or their counsel. In fact, the Berry and Co Letter appears to assert that they are irrelevant matters (see the second section of paragraph 2). The evidence was not "speculative". It was carefully considered expert opinion that appropriately considered the relevant statutory requirements (Reserves Act 1977) and policy documents (district plan and the Trust's strategy).

² See page 1, 5 and 6 of the Minutes of the Hearing of Submissions (noting that the pages are not numbered).
³ Mr Vivian expressly recorded that he was not giving evidence for the Trust.
⁴ Section 3 of his evidence.

6. **Attached** and marked "A" is a letter from the Queenstown Trails Trust recording its view that public access to the reserve is supported and emphasising the importance an off road commuter link in this location.

Paragraph 2(a) and (b)

7. It is accepted that the Reserves Act 1977 (**Act**) provides authority to grant a lease over public reserve land. However, the powers under the Act should be exercised in a manner that gives effect to the purpose and principles of the Act, which is another matter that was never satisfactorily addressed in the application for a lease or any subsequent material.

8. Section 3 of the Act states one of its purposes as:

“ensuring, as far as possible, the preservation of access for the public to and along...lakeshores and riverbanks”

The reserve land in question has its western boundary on the lakeshore and riverbank. Access should be preserved.

9. It is quite clear that the manner in which the existing lease has been used is an impediment to public access. Signs at the entrance of property state that there is “No Exit”, advise whether the area is “OPEN” or not, and state hours of 10am to 4pm. There is a “No Dogs” sign⁵. For all intents and purposes, the area is presented as private land.
10. The original submission lodged by RPL addressed section 17 in detail, as did the legal submissions provided at the hearing. It was emphasised that:
- (a) Section 17 requires that recreation reserves retain “open spaces” and “outdoor recreational opportunities, **including recreational tracks in the countryside**” (section 17(1));
 - (b) Section 17 also requires that the public have “freedom of entry and access” (section 17(2)); and
 - (c) The specific powers under section 54 (to which reference is made in the Berry and Co Letter) expressly states leases may be granted “...to the extent necessary to give effect to the principles set out in section 17”.⁶

Paragraph 2(c)(i)

11. While the absence of a management plan doesn't preclude the granting of a lease, it is a relevant factor in deciding if it is desirable to grant a lease and, if it is considered desirable to do so, on what terms a lease may be granted.
12. It is RPL's view that the recreation reserve land is extremely valuable to the public from an amenity and recreation perspective. It will adjoin the high density urban development

⁵ See the photos attached to the RPL's original submission.
⁶ Section 54(1).

within the Remarkables Park Zone (RPZ), including 5 and 6 star accommodation. It bears emphasis that the RPZ enables a wide range of activities with Activity Area 3⁷ such as a ferry terminal, visitor accommodation and retail (up to 21m in height). Activity Area 2 (which adjoins the proposed lease area) is intended to be developed for public open space and river access under the RPZ⁸. RPL has vested land as reserve that consolidates and expands the existing reserve area. The public reserve is a large area of waterfront land that should be integrated with the RPZ and available to the public without impediment.

13. Mr Greenaway considered that achieving an integrated and properly planned outcome for the reserve was a sufficient reason to not proceed with the lease. There was a fear that a further long-term lease would discourage and delay the development of a proper reserve management plan.
14. Furthermore, the Council has recently commenced consultation on how its reserves will be managed in the future. As part of Stage 2 of the District Plan review, the Council is proposing to introduce a new chapter – Chapter 38 “Open Space and Recreation”. This is also a relevant factor in deciding if it is desirable to grant a lease. RPL considers that it would be prudent to not grant a further lease prior to completion of a reserve management plan or the hearing of submissions on proposed Chapter 38.

Paragraph 2(d)

15. Mr Buckham has accepted that there is a strong theme of public access throughout the Act.⁹ He initially maintained that the “Young’s operation” would not “unreasonably” restrict public access¹⁰. The “unreasonably” qualifier places an inaccurate gloss on the plain words of the Act. There is no “reasonableness” test in the Act in relation to public access. An argument was then developed in the letter of 22 June 2016 that without the Youngs’ operation members of the public would not use the reserve at all. This line of argument is pursued in the Berry and Co Letter where Mr Buckham suggests that “No other realistic recreational use of the land was tabled at the hearing”. This is something of a straw man argument. A proposal that does not meet the principles of the Act and will have adverse implications for the future use of public land cannot be validated by the absence of a counter proposal. Further, Mr Buckham’s reasoning completely ignores the zoning of adjacent land which anticipates high density development and access to the public reserve land and river edge.
16. Furthermore, the Act does not require an evaluation of alternatives. It requires that any lease give effect to the principles of the Act.
17. RPL advised at the hearing that it would be prepared to maintain the reserve. This includes further landscaping. A park like reserve for passive and active recreation would be delivered unencumbered by structures and signs that discourage public access. In fact, RPL’s proposal would encourage public access and use in a manner similar to the Botanical Gardens in Queenstown Bay. Further, trails are also an obvious option for the

⁷ Activity Area 3 of the RPZ is near the public reserve land.

⁸ Mr Vivian’s evidence addresses the RPZ and Activity Areas 2 and 3 at paragraphs 3.8 to 3.12.

⁹ Paragraph 20 of his letter dated 22 June 2016.

¹⁰ Paragraph 22 of his letter dated 22 June 2016.

land (as addressed in RPL's evidence). RPL already maintains the trails in the vicinity for the Queenstown Trails Trust under an agreement with the Trust.

18. RPL also has plans to establish a ground and flood protection wall around the lake and river edge of the reserve. The lease could be an impediment to that project and the significant public benefits it will deliver. **Attached** and marked "B" is a plan showing the proposed location of the ground and flood protection wall. RPL's experts have advised that it is desirable to construct the wall on the rivers edge where it can have the dual function of providing flood protection and protection against subsidence.
19. It is RPL's view (and that of its independent experts) that the lease will be an impediment to public access generally and the development of an integrated plan for the reserve. It will also impede the planned uses (trails) and projects (ground and flood protection).
20. For completeness, it is noted that the offer of a "stile" and "enhancing public access from the legal road" (see paragraph 35(b) of the 22 June 2016 letter) is a tacit acknowledgment that public access is currently impeded. As far as RPL is aware, no actual or formal steps have been advanced as to how access will be enhanced. The reality is that if a further lease is granted the vast majority of the public will continue to see the land as under private control.

Conclusion

21. RPL seeks that the lease application be declined.
22. If the Council is minded to grant the lease, RPL seek that:
 - (a) The land area subject to the lease be reduced to that land containing the aviaries and carpark;
 - (b) The lease be for a 2 year term, but with a right to terminate with 3 months notice at any time during the period lease. This term would broadly align with the completion of the reserve management plan (which should take no more than 2 years) and/or district plan review processes; and
 - (c) That the measures to "enhance" public access be formally described and imposed as conditions of the lease.
23. RPL also seeks the immediate removal of the fence south of the aviaries which currently prevents public access to the reserve land. It was suggested at the Committee hearing that this fence was erected by RPL. The fence was upgraded by RPL when it actively farmed the land. Since then, RPL has vested in the Council over 10,600m² of land adjoining the reserve. If it is considered that RPL owns or controls the fence, RPL will remove it at its cost.

24. A representative(s) for RPL will speak to this letter at the Council meeting.

Yours faithfully
BROOKFIELDS



John Young
Partner

Direct dial: +64 9 979 2248
email: youngj@brookfields.nz

Copy to: Client



QUEENSTOWN TRAILS TRUST

7 August 2017

RE; Frankton Zoological Gardens – Reserves Act Lease

To whom it may concern;

The Queenstown Trails Trust is currently investigating a proposed cycle/pedestrian route to provide an essential commuter linkage for the growing populations South of the Kawarau River to access Frankton and the new Wakatipu High School.

This link requires the provision of a pedestrian overbridge from a willowed gulley on the south bank of the river to the peninsula of council reserve on the north bank which is currently leased to the Frankton Zoological Gardens.

The Trails Trust is committed to providing off-road commuter routes and connecting our communities as outlined in our 10-year plan 'Trails for the Future'. This link is especially important in providing a means for students to cycle to the new school, as well as allowing public access to a stunning part of Queenstown Reserve land which could become a major tourist attraction.

Wherever possible, we would welcome public access to this council reserve for the benefit of the community via the provision of a riverside trail, and would like the suggestion of a pedestrian bridge to be considered in any lease negotiations regarding the site.

Kind regards

Mark

Mark Williams | CEO | Queenstown Trails Trust

M: +64 (0) 27 5540941 | **E:** mark.williams@queenstowntrail.org.nz

www.queenstowntrail.org.nz



Image © 2017 DigitalGlobe

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 12 September 2017 3:29 PM
To: Alice Balme
Subject: RE: FW: Frankton Zoological Gardens - Reserves Act Lease [MC-MCDMS.FID597722]

Good afternoon Alice

Thank you for your advice and I note your later email regarding the matter being deferred to the October 10 meeting in Queenstown.

In the circumstances as you have outlined them please advise Council that I stand by my original submission and fully support the decision to grant a 10 year lease.

Dr Neil Clayton
[REDACTED]
Queenstown 9300
[REDACTED]

- > Neil,
- >
- > Apologies for the delayed response.
- >
- > The concerns raised by RPL are not relevant to the submissions we have
- > called for. Your submission should be strictly limited to responding
- > to the matters raised in the Young's late submission of 30 June 2016.
- >
- > For background only, RPL advised the Council that it would seek
- > judicial review of the Council's decision to grant a lease for a
- > period of 10 years. They expressed concerns about the Councils
- > decision making process and whether the Council could have made the
- > decision it did based on the information before it (i.e. it did not
- > have all relevant information before it when making the decision).
- >
- > We do not agree with these concerns. However, in order to ensure that
- > no one is prejudiced by this process, we have agreed to have the
- > Council consider the information again and make a decision.
- >
- > I realise this email is reaching you after the end date for submission.
- > However, I am happy to receive your submission before close of
- > business tomorrow.
- >
- > Please give me a call if you would like to discuss this further.
- >
- > Kind regards,
- > Alice
- >

**QLDC Council
14 December 2017**

Report for Agenda Item: 2

Department: Property & Infrastructure

Queenstown Town Centre Masterplan Programme Business Case

Purpose

The purpose of this report is to present the Queenstown Town Centre Masterplan Programme Business Case to allow further detailed work to proceed on the programme and associated business cases.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the Queenstown Town Centre Masterplan Programme Business Case; and
3. **Approve** works to proceed on the programme and project business cases into the detailed planning phase.

Prepared by:



Tony Pickard
Principal Planner, Property
and Infrastructure
30/11/2017

Reviewed and Authorised by:



Name: Peter Hansby
Title: GM Property & Infrastructure
30/11/2017

Background

- 1 Property & Infrastructure are leading a multi-disciplinary team to identify and address the challenges facing the Town Centre through the development of a Masterplan. The Masterplan is a 35-year vision that will coordinate a set of integrated projects and sets the direction for the Town Centre to achieve the Council's vision of "supporting a thriving heart to Queenstown, now and into the future".
- 2 The district is currently experiencing significant and unprecedented population, traffic, residential and tourism growth. Projected visitor growth is significant.

Long range forecasts predict that domestic visitors will double and international visitors will nearly triple by 2026.

- 3 It is crucial that the Town Centre delivers an attractive experience to locals and visitors. To do this a collective and collaborative shift must be achieved through well considered planning. The evidence outlined within the Queenstown Town Centre Masterplan Programme Business Case demonstrates how this experience is becoming degraded in a way that threatens the cherished liveability, local resident appeal and rich visitor experience that people expect from Queenstown.
- 4 Rapid and organic growth has created a situation where the needs of the private motor vehicle are taking priority over people and the much-needed balance of transport across public, passenger and active modes cannot occur at anywhere near the level required.
- 5 Through the development of the Masterplan programme and its supporting projects, the historical evidence that informed previous strategies has been re-tested with stakeholders, analysed at a high level and integrated through a spatial framework. The critical difference in the current planning is the way that people have been placed at the centre of the analysis, with the behaviour and needs of people driving the consideration of issues, opportunities and solutions.
- 6 The Masterplan programme brings together a set of business cases and documents to describe an integrated investment story. These are focused on the following:

Transport related business cases to be approved in 2017:

- Town Centre Arterials
- Public and Passenger Transport Facilities
- Parking

Spatial Documents and business cases to be developed in 2018:

- A Spatial Framework for the town centre (to be completed in early 2018)
- Public Realm improvements
- Community and Civic Facilities (the business case for the development of a Community Heart precinct is to be developed).

- 7 The Queenstown Town Centre Parking Indicative Business Case was approved by Council in October. The Town Centre Arterials and Public and Passenger Transport Facilities business cases will be presented alongside this business case.

Comment

- 8 The Better Business Case framework has been followed as it provides clear investment objectives; is evidenced based and includes transparent options analysis to achieve co-investor agreement.

Options

9 Option 1: Reject the Business Case and do nothing.

Advantages:

- 10 No capital expenditure required.

Disadvantages:

- 11 Consistent problems around congestion, access, liveability, loss of heritage and culture and reduced quality of local and visitor experiences in the town centre will continue to increase along with resident and visitor dissatisfaction.
- 12 Town Centre projects proceed in isolation and are less likely to attract funding due to lack of integration.
- 13 An opportunity for economic growth and development of the town centre will be lost.

14 Option 2: Approve the Business Case preferred programme.

Advantages:

- 15 Town centre projects are fully integrated and are more likely to attract funding.
- 16 New town centre arterials enable the town centre to grow, public and passenger transport to have better access and town centre parking to be developed around the town centre fringes.
- 17 Improved parking supply and management through the introduction of new parking buildings on the town centre fringes, expansion of the town centre paid parking area, development of new park and ride facilities, introduction of enabling technology and demand management to optimise occupancy levels.
- 18 A new public transport hub on Stanley St, which supports the growth in bus services and forecast passenger increases, while supporting improved arrangements for passenger transport.
- 19 Development of wharf facilities to support waterborne transport.
- 20 A programme of public realm improvements that aim to enhance the visitor and local experience in the town centre through enhancing streets and lanes, improving connections between attractions and celebrating Queenstown's unique heritage and culture.
- 21 Introduction of technology to better manage and connect people with public transport and parking options, together with marketing communications campaigns to better educate people on transport options.

22 Improved walking and cycling routes and facilities in the town centre, supporting the uptake of active transport and integrating with wider networks.

Disadvantages:

23 Significant capital expenditure is required which will be considered during the Long Term Plan (LTP).

24 This report recommends **Option 2** to ensure that QLDC provides a forward thinking integrated strategy for achieving the objectives of the Town Centre Masterplan and enabling its key projects.

25 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because the programme will cause a significant change to the transport networks and enable growth of the Town Centre. As an integrated package of individually significant projects, the overall outcome will be positive.

26 This matter relates to strategic risk SR1 Current and future development needs of the community, as documented in the Council's Risk Register. The risk is classed as high. This matter relates to this risk because the change to the community will result in growth, behavioural changes, significant effects on infrastructure and high capital expenditure.

27 The recommended option considered above mitigates the risk by:

Treating the risk – through a staged approach, good communications and multi-agency integration.

Mitigating the risk – by integrating several large projects into a planned sequence of events.

Financial Implications

28 The expected budget for the detailed business cases for the Town Centre Arterials, Parking Supply and Management, Public and Passenger Transport Facilities and the indicative business case for the Community Heart is \$1,210,000 and this is provisioned for within the Town Centre Masterplan Implementation budget and the first year of the LTP. The costs associated with the design, consenting and construction of the physical works will be subject to the LTP consultation process.

Council Policies, Strategies and Bylaws

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

- Queenstown Town Centre Transport Strategy
- Queenstown Integrated Transport Strategy

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

31 This matter is included in the 10-Year Plan/Annual Plan. The Masterplan enables key projects that address key issues around reducing traffic congestion, access, liveability, loss of heritage and culture, increasing the liveability experience within the town centre.

Local Government Act 2002 Purpose Provisions

32 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by having a robust business case supporting the investment;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

33 The persons who are affected by or interested in this matter are Queenstown residents, visitors, business owners and operators.

34 Throughout the Masterplan process a wide range of community stakeholders and representatives have been engaged formally since January 2017.

35 An independent Advisory Group (with local representation) was engaged on a monthly basis to provide feedback throughout the Masterplan process. Their final comments in September 2017 noted that "In order to support and achieve implementation, community ownership of the plan is important. We see the challenge as being how to get wider interests involved, including representatives of 'communities of interest', broadly covering business, the community, arts/cultural and sports sectors".

36 In July 2017, QLDC published a community engagement document for the Queenstown Town Centre Masterplan and conducted several community engagement events encouraging feedback across a wide variety of mediums. 46% of respondents agreed that the preferred options included within the draft Masterplan addressed the challenges facing the town centre (33% were neutral).

37 Consultation regarding the physical works will be dealt with under the LTP consultation process.

Attachments

A Queenstown Town Centre Masterplan Programme Business Case (circulated separately)

**QLDC Council
14 December 2017**

Report for Agenda Item: 3

Department: Property & Infrastructure

Queenstown Public and Passenger Transport Facilities Indicative Business Case

Purpose

The purpose of this report is to present the Queenstown Public and Passenger Transport Facilities Indicative Business Case to allow work to proceed on the preferred option within the detailed business case.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the Queenstown Public and Passenger Transport Facilities Indicative Business Case; and
3. **Approve** works to proceed on the preferred option within the detailed business case.

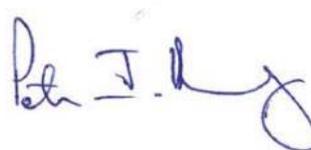
Prepared by:



Tony Pickard
Principal Planner, Property
and Infrastructure

30/11/2017

Reviewed and Authorised by:



Peter Hansby
GM Property & Infrastructure

30/11/2017

Background

- 1 Property & Infrastructure are leading a multi-disciplinary team to identify and address the challenges facing the Town Centre through a Masterplan. The Masterplan is a 35-year vision that sets the direction for the future of the Town Centre.
- 2 The district is currently experiencing significant and unpredicted population, traffic, residential and tourism growth. Projected visitor growth is significant. Long

range forecasts predict that domestic visitors will double and international visitors will nearly triple by 2026.

- 3 Access to the Town Centre is a major challenge with significant congestion on the arterial routes, very low use of public transport, inefficient parking and an ad hoc approach to passenger transport contributing to a very constrained and dysfunctional transport network. The state of this network supports car domination and this is reducing the Town Centre's ability to be a walkable, social and engaging area.
- 4 The need to address public transport within the Wakatipu has been recognised since the 2007 Wakatipu Transport Study. The main access corridors to Queenstown are constrained in their size due to the land form and this means that significant mode shift must be achieved to allow the town centre to grow, without creating more congestion. Public transport services are managed by Otago Regional Council ['ORC'] but QLDC and NZTA provide the facilities to support the services.
- 5 Public and passenger transport facilities improvements will play a crucial role in improving town centre access while supporting (and benefiting from) integrated initiatives around parking reform, public realm upgrades and arterial road upgrades. All of these things combined will ensure the town centre can continue to deliver a positive experience for all.
- 6 The Queenstown Public and Passenger Transport Facilities Indicative Business Case is part of a wider programme of projects that form a Masterplan Programme for the Queenstown Town Centre. This programme brings together a set of business cases and documents to describe an integrated investment story. These are focused on the following:
 - Masterplan (Spatial Framework including Public Realm improvements)
 - Town Centre Arterial Routes
 - Parking
 - Community and Civic Facilities (the business case for the development of a Community Heart is to be developed).
- 7 The Queenstown Town Centre Parking Indicative Business Case was approved by Council in October. The Masterplan and Town Centre Arterials business cases will be presented alongside this business case.

Comment

- 8 The Better Business Case framework has been followed as it provides clear investment objectives; is evidenced based and includes transparent options analysis to achieve co-investor agreement.

Options

- 9 Option 1: Reject the Indicative Business Case and do nothing.

Advantages:

- 10 Nil, based on the recently initiated public transport/mode shift improvements.

Disadvantages:

- 11 Public transport will not be attractive to users if it is not efficient, convenient and well located in terms of the town centre attractions.
 - 12 Significant mode shift will not occur and congestion in the town centre will continue to increase along with resident and visitor dissatisfaction.
 - 13 ORC's Public Transport Network Review Detailed Business Case states that public transport use will decline if facilities are not provided.
- 14 Option 2: Approve the Indicative Business Case preferred option.

Advantages:

- 15 Improves efficiency and reliability of public and passenger transport.
- 16 Improves local and visitor experience of public and passenger transport.
- 17 Reduces congestion and allows a more pedestrian focus within the town centre.
- 18 Enhanced public space on Stanley Street with the opportunity for use of 'active edges' encouraging mixed use development around the public transport interchange.
- 19 Enables due to a reduction in private car usage due to an uptake in public and passenger transport
- 20 Aligns with the Queenstown Integrated Transport Strategy and contributes to the Town Centre Masterplan vision.

Disadvantages:

- 21 Capital expenditure is required.
 - 22 Delivery of the Stanley Street bus interchange is dependent on the provision of the town centre arterial.
- 23 Option 3: Further investigate the Stanley Street off-street public and passenger transport facility.

Advantages:

- 24 A higher capacity of public and passenger transport vehicles can be accommodated.

Disadvantages:

- 25 High cost of land acquisition.
 - 26 Potential pedestrian safety concerns with crossing Ballarat Street and with reverse manoeuvring of vehicles within the site.
 - 27 Potential congestion on Stanley Street due to queuing of buses on Ballarat Street.
 - 28 Reduced ability to contribute to the Town Centre Masterplan vision.
- 29 This report recommends **Option 2** because it delivers the desired benefits without the high cost of land acquisition and safety concerns associated with the off-street facility.
- 30 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because the proposed Public and Passenger Transport Facility will cause a significant change to the current transport networks. Together with the associated changes within the Town Centre Masterplan the overall outcome will be positive.
- 31 This matter relates to strategic risk SR1 Current and future development needs of the community, as documented in the Council's Risk Register. The risk is classed as high. This matter relates to this risk because the change to the community will result in behavioural changes to accessing the town centre, the use of public transport options and changes to transport networks.
- 32 The recommended option considered above mitigates the risk by:
- Treating the risk – through a staged approach, good communications and multi-agency integration.

Financial Implications

- 33 The expected budget for the detailed business case is \$75,000 and this is provisioned for within the Town Centre Masterplan Implementation budget. The costs associated with the design, consenting and construction of the physical works will be subject to the LTP consultation process.

Council Policies, Strategies and Bylaws

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

- Queenstown Town Centre Transport Strategy
- Queenstown Integrated Transport Strategy

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

- 35 This matter is included in the 10-Year Plan/Annual Plan. Significant mode shift to public transport in particular, is a key component to reducing congestion, improving travel time reliability and increasing the liveability experience.

Local Government Act 2002 Purpose Provisions

36 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by having a robust business case supporting the investment;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

37 The persons who are affected by or interested in this matter are Queenstown residents, visitors, business owners and operators.

38 In July 2017, QLDC published a community engagement document for the Queenstown Town Centre Masterplan and conducted several community engagement events encouraging feedback across a wide variety of mediums. A popular theme was that “anything convenient that gets there on time will be popular”. 72% of respondents confirmed they would use a bus and 46% confirmed they would use a ferry.

39 Consultation regarding the physical works will be dealt with under the LTP consultation process.

40 QLDC has worked in partnership with NZTA and ORC in the development of the Business Case. This partnership has been critical to alignment of passenger transport services and their associated facilities. The Public and Passenger Transport Facilities Indicative Business Case has been formally submitted to NZTA to approval to proceed to detailed Business Case.

Attachments

A Queenstown Public and Passenger Transport Facilities Indicative Business Case (circulated separately)

QLDC Council
14 December 2017

Report for Agenda Item: 4

Department: Property & Infrastructure

Queenstown Town Centre Arterials Indicative Business Case

Purpose

The purpose of this report is to present the Queenstown Town Centre Arterials Indicative Business Case to allow work to proceed on the preferred option within the detailed business case.

Recommendation

That Council:

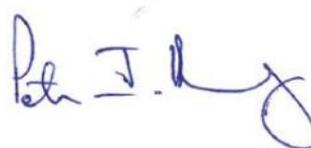
1. **Note** the contents of this report;
2. **Approve** the Queenstown Town Centre Arterials Indicative Business Case.
3. **Approve** works to proceed on the preferred option within the detailed business case.

Prepared by:



Tony Pickard
Principal Planner, Property
and Infrastructure
30/11/2017

Reviewed and Authorised by:



Peter Hansby
GM Property & Infrastructure
30/11/2017

Background

- 1 Property & Infrastructure are leading a multi-disciplinary team to identify and address the challenges facing the Town Centre through a Masterplan. The Masterplan is a 35-year vision that sets the direction for the future of the Town Centre.
- 2 The district is currently experiencing significant and unprecedented population, traffic, residential and tourism growth. Projected visitor growth is significant. Long range forecasts predict that domestic visitors will double and international visitors will nearly triple by 2026.

- 3 Access to the Town Centre is a major challenge with significant congestion on the arterial routes, very low use of public transport, inefficient parking and an ad hoc approach to passenger transport contributing to a very constrained and dysfunctional transport network. The state of this network supports car domination and this is reducing the Town Centre's ability to be a walkable, social and engaging area.
- 4 The need to address the town centre roads has been recognised since the 2005 Future Links Transport & Parking Strategy and considerable change has occurred since the 2014 Indicative Business Case for Inner Links. The Town Centre Arterials project is now seen not as a 'bypass route' but as a catalyst for positive interventions, that improve liveability and visitor experience, while reducing car dominance in the town centre.
- 5 Arterial route improvements will play a crucial role in improving town centre access while supporting (and benefiting from) integrated initiatives around parking reform, public realm upgrades and public and passenger transport. The preferred Arterial Route will take through-traffic away from Shotover and Stanley Streets allowing them to develop their place-functions through the masterplanning exercise.
- 6 The Town Centre Arterials preferred route option includes three stages:
 - Stage 1: Replacement of Stanley Street (with Melbourne and Henry Streets)
 - Stage 2: Intersection of Henry Street and Memorial link with Gorge Road
 - Stage 3: Replacement of Shotover Street (with Man and Thompson Streets connection with the One Mile roundabout)
- 7 The Queenstown Town Centre Arterials Indicative Business Case is part of a wider programme of projects that form a Masterplan Programme for the Queenstown Town Centre. This programme brings together a set of business cases and documents to describe an integrated investment story. In addition to the Queenstown Town Centre Arterials Indicative Business Case, these are focused on the following:
 - Masterplan (Spatial Framework including Public Realm improvements)
 - Public and Passenger Transport
 - Parking
 - Community and Civic Facilities (the business case for the development of a Community Heart has yet to be developed).
- 8 The Queenstown Town Centre Parking Indicative Business Case was approved by Council in October. The Masterplan and Public and Passenger Transport Facilities business cases will be presented alongside this business case.

Comment

- 9 The Better Business Case framework has been followed as it provides clear investment objectives; is evidenced based and includes transparent options analysis to achieve co-investor agreement.

Options

- 10 Option 1: Reject the Business Case and do nothing.

Advantages:

- 11 No capital expenditure required.

Disadvantages:

- 12 Congestion in the town centre will continue to increase along with resident and visitor dissatisfaction.
- 13 An opportunity for economic growth and development of the town centre will be lost.

- 14 Option 2: Approve the Business Case preferred option.

Advantages:

- 15 Enables the re-development of Stanley St for a new public and passenger transport facility with dedicated space and priority access.
- 16 Progressively removes traffic from the core of the town centre to allow an enhanced atmosphere for residents, shoppers, workers and visitors.
- 17 Enables Shotover Street to be realised as the town's busiest high street with less pedestrian-traffic conflicts and promoting a more vibrant town centre.
- 18 Improves and increases pedestrian and cyclist connectivity as the town centre extends and redevelops.
- 19 Provides easier access to new parking facilities and reduces circulation, currently causing congestion, within the town centre core.
- 20 Enables the upgrade of town centre streets to more pedestrian friendly shared spaces.
- 21 Aligns with the Queenstown Integrated Transport Strategy and contributes to the Town Centre Masterplan vision.

Disadvantages:

- 22 Considerable capital expenditure is required.
- 23 The timeframe for delivery of the full route is anticipated to be 5-6 years.

24 This report recommends **Option 2** to ensure that QLDC provides a forward thinking integrated strategy for achieving the objectives of the Town Centre Masterplan and enabling its key projects.

Significance and Engagement

25 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy, because the proposed new arterial route will cause a significant change to the roading network. This will allow development and economic growth of the Town Centre. Together with the associated changes within the Town Centre Masterplan, the overall outcome will be positive.

26 This matter relates to strategic risk SR1 Current and future development needs of the community, as documented in the Council's Risk Register. The risk is classed as high. This matter relates to this risk because the change to the community will result in significant transport network and behavioural changes in and around the town centre.

27 The recommended option considered above mitigates the risk by:

Treating the risk – through a staged approach, good communications and multi-agency integration.

Financial Implications

28 The expected budget for the detailed business case is \$690,200 and this is provisioned for within the Town Centre Masterplan Implementation budget. The costs associated with the design, consenting and construction of the physical works will be subject to the LTP consultation process.

Council Policies, Strategies and Bylaws

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

- Queenstown Town Centre Transport Strategy
- Queenstown Integrated Transport Strategy

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

31 This matter is included in the 10-Year Plan/Annual Plan. Relocating the arterial route away from Stanley and Shotover Streets is a key issue to reducing congestion, enabling other key projects and increasing the liveability experience within the town centre.

32 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by having a robust business case supporting the investment;

- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

33 The persons who are affected by or interested in this matter are Queenstown residents, visitors, business owners and operators.

34 In July 2017, QLDC published a community engagement document for the Queenstown Town Centre Masterplan and conducted several community engagement events encouraging feedback across a wide variety of mediums. 61% of respondents agreed that the preferred route would help achieve a more people focused town centre and 74% agreed that it was important to have easy access to carparking directly off the arterial route. 56% of respondents supported the demolition of the Memorial Centre on the proviso that a new facility was built to replace it.

35 With regard to Stage 2 of the arterial route it is proposed that three options are taken forward for further investigation within the detailed business case. Two of the options require the demolition of the Memorial Centre and one does not.

36 Consultation regarding the physical works will be dealt with under the LTP consultation process.

37 QLDC has worked in partnership with NZTA and ORC in the development of the Business Case. The Queenstown Arterials Indicative Business Case has been formally submitted to NZTA to approval to proceed to detailed Business Case.

Attachments

A Queenstown Town Centre Arterials Indicative Business Case (circulated separately)

**QLDC Council
14 December 2017**

Report for Agenda Item: 5

Department: Corporate Services

Project Connect: One Office Accommodation Indicative Business Case

Purpose

The purpose of this report is to consider the Project Connect Indicative Business Case to continue to progress the one Council office accommodation proposal for consultation through the Draft 10 Year Plan 2018-2028.

Executive Summary

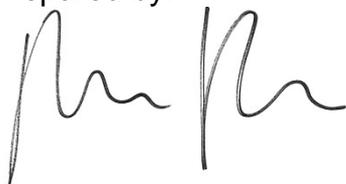
Since 1989 consecutive Councils have been considering, planning and designing a one office solution for the Queenstown CBD. The resulting poor accommodation and service solutions spread across four corners of the town is no longer tenable for the community or the staff. Council's intention to address this challenge has been signalled over the last two years through the 2016/17 and 2017/18 Annual Plans and this year through the Town Centre Strategy consultation. The Council has embraced an ambitious 'can do' approach and we are looking to ensure the organisation is in a position to deliver.

Recommendation

That Council:

1. **Note** the contents of this report and in particular the Project Connect Indicative Business Case outlining the case for the one office Council accommodation (Project Connect) proposal;
2. Agree to include funding for Project Connect in the Draft 10 Year Plan 2018-2028 for consultation.

Prepared by:



Meaghan Miller
General Manager Corporate
Services
1/12/2017

Reviewed and Authorised by:



Mike Theelen
Chief Executive
1/12/2017

Background

- 1 Since 1989 the Queenstown Lakes District Council has been working on the premise that Council should be located in one office, in the Queenstown CBD on Stanley Street (Attachment A).
- 2 For today's Council a number of the challenges associated with multiple office solutions have compounded and for the last two years, QLDC has been telling the story of compromised customer service and staff inefficiencies due to Council being located in offices in four different corners of the town.
- 3 It has consulted the community over a clear intention through the previous two Annual Plans and the Queenstown Town Centre Strategy on a proposal to create a one office accommodation solution.
- 4 The key driver is that the community is not receiving the service it deserves. It is creating significant time and cost inefficiencies for the community and staff and challenges to Council's culture.
- 5 Two of the four occupied offices are community-owned, the others are lease arrangements. The cost of leasing staff accommodation, as well as lease costs for fleet, is now in the order of excess of \$600,000 per annum. One of the buildings, namely Gorge Road was deemed not fit for purpose by Council in 2015. The building is a former Working Men's Club, into which Council moved in April 1999.
- 6 The image portrayed by the compromised council accommodation solutions and in the case of Gorge Road, dated and run down décor, is not in keeping with the image of the district as an iconic destination of choice, nor does it evoke a sense of pride for the community or the staff.
- 7 Additionally there remains potential for the Gorge Road site to be compromised by future arterial and transport solutions.
- 8 Council has spent the last 12 months in the build up to the 10 Year Plan 2018-2028 developing a robust rationale for change in the form of an Indicative Business Case (Attachment B).

Comment

- 9 The case for investment in a Council office accommodation solution can be made on multiple levels. First and foremost the Council desire to be a 'can do' Council delivering exemplary service for the community it serves is daily compromised through the poor state of the current office configuration and the cost inefficiencies of a community and staff who must spend considerable time travelling between buildings. It should be acknowledged here that Council is very aware that a similar challenge exists for the Wanaka community, where the community is also poorly served by the geographical separation of offices. A separate project is being considered.
- 10 Customer Service reports (November 2017) that on any given day of the week an average of 15 members of the public seeking planning and building services

must be redirected from the Gorge Road office to the Shotover Street office, a walking journey of approximately 7.5-10 minutes and particularly challenging in winter. A similar number daily are redirected from Shotover to Gorge Road seeking regulatory services.

- 11 Additionally with Infrastructure and Finance now based at Church Street the occurrence of frustration for professional and business individuals attending the wrong building for meetings or appointments with staff is daily. It should also be noted that teams are now forced to be split with Corporate located in Gorge Road, Stanley Street and Church Street and Finance and Regulatory split between Gorge Road and Church Street. This is clearly not culturally optimal.
- 12 Meetings with dignitaries and international delegates occur at QLDC in the Council Chamber 2-3 times a month on average. It instils a poor image for the district. The Chamber is dated, stuffy and cramped and often is not able to accommodate the members of our community who would like to attend public forum at Council meetings or those who are being officially sworn in at Citizenship Ceremonies.
- 13 It was also found in 2015 that the building does not meet the Building Code resilience requirement for an Emergency Operations Centre and the EOC was moved from the Council Chamber to the Queenstown Event Centre as a result. The building itself is not deemed earthquake prone (33% or below) but sits just above the risk line at 35% of current code.
- 14 The current state of Gorge Road in particular has seen staff satisfaction with their physical accommodation continue to slide with a drop of 9% in 2017 from 67% to 58%. A poor working environment arguably impacts both recruitment and retention.
- 15 Meanwhile Council has had to broaden lease arrangements at Church Street and Shotover Street to accommodate the growing staff (total lease costs including fleet parking is now in excess of \$600,000 per annum) and this year commenced housing staff in the old Destination Queenstown building on Stanley Street as a fourth office.
- 16 These shortcomings and unprecedented growth in areas such as building and consenting, regulatory and parks and sport and recreation, rates and finance and all the corporate services required to support Council have long been recognised by previous Councils and on 26 August 2015 the Council made the following resolution that the Gorge Street offices were not fit for purpose: *note that the current Gorge Road premises do not meet the current and future needs of the Council.*
- 17 Subsequently the Council passed the following resolution on 25 February 2016:

That the Council:

- 1. Note the contents of this report and the report prepared by Colliers International Queenstown dated November 2015;**

2. **Agree that the Council considers a proposal to develop a 'one office' Council office accommodation by 2018 and support the provision of \$250,000 in the 2016/17 Annual Plan (as a maximum placeholder) for project investigation, planning and design;**
3. **Confirm that the Council's preferred location for a future Council office building is the Queenstown CBD, in accordance with the Queenstown Town Centre Strategy 2009 (section 8.1), subject to an assessment of any consenting, designation or similar issues;**
4. **Confirm that any proposal would require:**
 - a. **The proposed building be constructed on a Council-owned site.**
 - b. **Further consideration of the merits or legality of a joint venture versus a Council-owned option.**
 - c. **The proposed building being capable of accommodating all Queenstown-based Council office staff with an acceptable provision for growth.**
 - d. **Further consideration of the 2020 Frankton Library Hub as included in the current 10 Year Plan with potential to either bring the 2020 proposal forward or develop an interim library solution for implementation in 2018.**
 - e. **Consultation on the proposal detail and options in the 2017/18 Annual Plan. noting this as an amendment to the 10 Year Plan [Local Government Act 2002 Section 93(4)]**

18 The 2016/17 Annual Plan highlighted 6 key priorities, one of them being the requirement to build new Council offices. This was flagged in the Council Consultation Document with Mayor Jim Boulton stating: "This Council needs to have its offices on one site in the Wakatipu, not four, and it's a no-brainer that we need staffing levels that match growth to meet your [community] expectations for service."

19 The 2015/16 Annual Plan likewise highlighted as a key issue Council's intention to build a 'one stop shop'.

Potted History

20 Council records of meeting minutes (Attachment A) show that the requirement for one office to be located on Stanley Street was first proposed in 1989. The Council then took a lease property at Shotover Street (still housing planning

today) but commissioned an architect to design a building at Stanley Street in 1993. Instead the Council purchased and moved into the existing Gorge Road premise in April 1999.

- 21 In 2006, after a year in the making an ambitious design for a Civic Centre including an auditorium, gallery, community space, a Council office and library on Stanley Street was shelved. In 2007 Council decided to build a building in the Gorge Road carpark and enter into a joint venture. This proposal lost support and in 2011 Council was considering a lease for one office at a premise on Shotover Street. This also lost support, a major factor being that Council considered owning its own building in perpetuity was an important legacy issue for future generations.

Cost

- 22 The indicative business case seeks approval to including \$41.5million of funding for a one office solution in the Draft 10 Year Plan 2018/28 for consultation. It would be simplistic to sensationalise this figure given current financial challenges facing the district.
- 23 The reality is that Council, its function, its purpose and its role in the community is not discretionary. Growth in any community is reflected in increased levels of service by Councils. More cleans, more consents, more infrastructure, more builds, more parks, more roads, more traffic, more freedom campers, more dogs, more burials, more citizenship ceremony's etc etc. All this equates to more staff, and staff and the function of Council must be accommodated.
- 24 It will be important that the 10 Year Plan contextualises the proposal but some key issues that will need to be factored include:
- a. A community-owned property becomes a legacy building and asset for future generations with the significant financial advantage of being developed on community land. This is the only solution that delivers tenure in perpetuity.
 - b. Building the solution in the Queenstown CBD is a strategic and deliberate decision supported by Councils over the decades to ensure that the CBD retains relevancy for locals and visitors. This is a clear mandate of Council.
 - c. There is no one building in the district that can be held up as a statement of pride of place: where new citizens can be sworn in, where the community feels welcome and connected, and that respectfully reflects the connection with the whenua (land) and the mana whenua (people of the land).
 - d. The intention is to partly offset the cost of the new building through the sale of 10 Gorge Road.
 - e. Councils are able to secure very favourable loan margins through the Local Government Funding Agency (current weighted average 4.28% per annum). Loan funding a Council building is the most affordable way of developing a building that represents to a key community asset in the long term.

- f. Council's current lease arrangements for Queenstown office space and fleet storage are currently in excess of \$600,000 per annum. This becomes a direct cost saving which can be offset against the debt servicing associated with a Council-owned development.
- g. The cost to ratepayers, residents and visitors who in the course of their customer interactions with Council are forced to walk or drive across town to obtain the appropriate Council services can no doubt be counted in terms of time wasted and levels of frustration.
- h. The proposal is seeking to include a Queenstown Library in the capacity that the proposed building will hold to accommodate future growth. By working smarter and through the introduction of a workplace strategy there is potential for this arrangement to endure. Short of fit-out this is a cost neutral solution to enhancing the Queenstown library offering in the short term.
- i. Although it has not been quantified the number of staff travelling daily between offices in the CBD, taking on average 15 minutes return per journey is delivering a considerable toll on productivity and value.

In Summary

25 Project Connect will enable the 'can do' Council approach by delivering:

- a. A significantly enhanced customer experience at one location to meet the needs of our community.
- b. A significantly more efficient Council business operation enabling 'one Council' to be delivered in terms of philosophy, culture and location.
- c. Long term financial and community benefit.

Options

26 The Indicative Business Case identifies and assesses reasonably practicable options for assessing a one office accommodation project as required by section 77 of the Local Government Act 2002.

27 The Council can choose not to support the recommendation as outlined and adopt the Status Quo or redirect officers to reconsider another option, contrary to the findings of the Indicative Business Case.

28 Option 1 Status Quo

Advantages:

29 No significantly changed financial implications.

Disadvantages:

30 As outlined in terms of:

- No change to existing poor customer service.
- No investment today to provide a legacy asset for generations of tomorrow.

- Continued and increasing lease costs, which continue to impact rates.
- Risks around the future of 10 Gorge Road.
- Failure to deliver on mandated Council resolutions.
- Failure to be a 'good employer'.
- Failure to address a lack of staff productivity

31 Option 2 Include funding for One Office Solution in the Queenstown CBD in the 10 Year Plan for consultation.

Advantages:

- Enhanced customer service.
- Creation of a legacy asset for future generations.
- Save on lease costs.
- Manage the risk to 10 Gorge Road.
- Deliver on mandated resolutions.
- Deliver on being a 'good employer'.
- Staff productivity and retention enhanced.

Disadvantages:

32 Cost implications in a challenging financial environment, which will impact rates.

33 Option 3 Support neither option and direct the Chief Executive to set aside the findings of the Indicative Business Case and reconsider an alternate option.

Advantages:

- Potential to revisit developing a more affordable office solution outside the Queenstown CBD.
- Potential to offer a mandate to set aside all previous engagement, resolutions and strategies in relation to the location of any office solution.

Disadvantages:

- Potential delay that would see the Status Quo continue.
- This would potentially undermine all previous engagement, resolutions and strategies in relation to the location of any office solution.
- Risk the future vibrancy and success of the Queenstown CBD

34 This report recommends **Option 2** for addressing the matter because this option supports the standing resolutions of Council, previous public engagement, Town Centre Strategies and will enable further community consultation through the Draft 10 Year Plan.

Significance and Engagement

35 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because it is of high community interest and signals a change to the 2015/25 10 Year Plan. It is therefore subject to the

special consultation process which will be undertaken through consultation on the 10 Year Plan 2018/28.

Risk

36 This matter relates to the strategic risk SR6B as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because office accommodation is critical to service delivery within the District.

37 The recommended option mitigates this risk, ensuring provision of a long term asset that will deliver efficient, improved services to the community.

Financial Implications

38 The recommendation is to include \$41.5million of loan funding in the Draft 10 Year Plan 2018/28 for consultation.

Council Policies, Strategies and Bylaws

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

- Annual Plan 2016/17
- Annual Plan 2017/18

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

41 This matter is not included in the 2015/25 10-Year Plan.

Local Government Act 2002 Purpose Provisions

42 The recommended option will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by enabling Council to consult on a solution that will greatly enhance community service;

Consultation: Community Views and Preferences

43 The persons who are affected by or interested in this matter are the residents and ratepayers of the Queenstown Lakes District, iwi and Council staff. As outlined consultation will be undertaken through the 10 Year Plan 2018/28.

44 The Council has consulted with the community on the intention of this proposal through the Annual Plan 2016/17 and 2017/18.

Attachments

- A Council Agenda Item 1996
- B Project Connect Indicative Business Case (circulated separately)

QUEENSTOWN LAKES DISTRICT COUNCIL
FOR THE MEETING OF 25 OCTOBER 1996

REPORT FOR AGENDA ITEM : 6

SUBMITTED BY: Chief Executive Officer

PROPOSED COUNCIL BUILDING

This paper is presented at the request of Councillors who wish to deliberate whether a new building should be provided.

Following is the recent history of this decision.

Buildings Committee—20 March 1989

The Council reported that before deciding to extend the Stanley Street offices all other possible alternatives were considered, including leasing space in Queenstown, relocation to Frankton and other sites close to Queenstown.

At that time the Council was housed in five locations:

- Stanley Street building (previously extended in 1974)
- Former High School site (said to be temporary)
- Works Depot, Industrial Place, Queenstown
- Works Depot, Wanaka
- Offices, Wanaka.

The report included extracts from a Department of Labour report on overcrowding and a threatened closure of the building.

A decision was made to develop a new building on the Stanley Street site. However, in the event this became a heated issue which was shelved.

Council Meeting—28 November 1989

The General Manager reported that he had completed investigations for the rental of suitable premises based upon the continued use of the existing administration building, the reinstatement of the Council Chambers, and the relocation of staff from the former school buildings.

Staff were to be relocated to Ansett House, Shotover Street by 31 January 1990.

Council 26 November 1991 (two papers)

Council Office Accommodation.

The paper outlined the pre-1989 decisions of the Council and the eleven alternative sites which were considered. It included an analysis of population and staffing growth and office visitor numbers.

Several new options were considered.

- Locate all staff at Ansett House
- Gorge Road Industrial Park
- Old School site, Stanley Street
- Frankton Golf Course
- Frankton Airport site
- Frankton Airport Terminal
- O'Connell's Pavilion
- Armada House, Camp Street
- Existing Stanley Street site
 - a. Earlier design
 - b. Revised layouts A and B.

Council Meeting—26 January 1993

A progress report of sub-committee work in sizing, costing, programming and briefing an architect to proceed with the project on the existing Stanley Street site.

Council Meeting—28 September 1993

Decision to proceed with the project on the existing Stanley Street site.

Council Meeting—14 December 1993

Report indicating anticipated completion date of 01 July 1995.

Council Meeting—26 July 1994

Updated report and loan funding agreed.

Councillors will be aware that the project became bogged down by an appeal against the resource consent approval which was granted, and by the blocking of the Council's proposal to close Athol Street.

The condition of the existing building remains unsatisfactory and staff are working in unfavourable conditions. The Environmental Health Department is located in the old School building and the Corporate Services and Operations Department occupy a floor of Ansett House.

Various alternatives are again available:

- Resolve the planning issues and develop the Stanley Street site
- Do nothing, and refurbish the Stanley Street site
- Move across the road to the old School (stadium) site and sell the site of existing offices
- Move to another site.

RECOMMENDATION

That the Queenstown Lakes District Council considers its next course of action.

Q/96/145 PROPOSED COUNCIL BUILDING (Item 6)

On the motion of Councillors Hohneck and Burdon it was resolved that a Working Party of Mayor Cooper, Councillors Hayes, Neal, Blackford, Hohneck and Spijkerbosch investigate and report back to the Council, a plan for a new council office building, including a library, on a site opposite the existing library (Sections 14-17, Block XVI, Town of Queenstown), and that the remaining site (Sections 1-2 & 9, Block XVIII, Queenstown Reserve), opposite the Stanley Street offices be reserved for a future arts and cultural centre.

Councillor Turnbull voted against the motion

Councillor McHugh and the Chief Executive Officer left the meeting at 4.00 pm.

Q/96/146 WANAKA WATERFRONT DEVELOPMENT (Contract 269) (Item 7)

On the motion of Councillors Rennie and Burdon it was resolved that the tender submitted by Maungatua Contracting (Wanaka) Limited for \$46,433.50 be accepted.

Q/96/147 WANAKA MARINA SLIP LANE (Contract 268) (Item 8)

On the motion of Councillors Rennie and Burdon it was resolved that the tender submitted by Maungatua Contracting (Wanaka) Limited for \$29,961.58 be accepted.

Q/96/148 DEDICATION OF ROAD—UPTON STREET, WANAKA (Item 9)

On the motion of Councillors Wellman and Rennie it was resolved that the Queenstown Lakes District Council dedicate and accept for dedication the land described as Part Section 2 SO 24170 (Pt CT 15C/1019).

Q/96/149 DUNMORE STREET CARPARK—WANAKA (Item 10)

On the motion of Councillors Rennie and Wellman it was resolved that pursuant to Section 230 of the Local Government Act 1974, the Queenstown Lakes District Council hereby resolves to sell Sections 2, 3, 4 and 12, Block IV, Town of Wanaka.

**QLDC Council
14 December 2017**

Report for Agenda Item: 6

Department: Property & Infrastructure

Supply Boundary Adjustment – Henley Downs Subdivision, Kingston and Woolshed Road, Kawarau Falls

Purpose

To seek Council approval to extend the wastewater supply boundary for the Henley Downs and Jacks Point Village subdivisions and water supply boundary for Henley Downs subdivision at Kingston Road (SH6) and Woolshed Road.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Agree** to extend the wastewater supply boundary for the Henley Downs and Jacks Point Village subdivisions [refer to attached proposed Wastewater Scheme Boundary plans].
3. **Agree** to extend the water supply boundary for Henley Downs subdivision at Kingston Road (SH6) and Woolshed Road [refer to attached proposed Water Scheme Boundary plans].

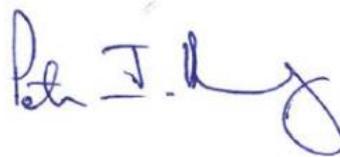
Prepared by:



Ulrich Glasner
Chief Engineer

28/11/2017

Reviewed and Authorised by:



Peter Hansby
General Manager, Property
and Infrastructure

28/11/2017

Background

1. The proposed residential subdivision is covered under the Jacks Point Resort Zone which was made operative in 2004. The Henley Downs and Jacks Point Village subdivisions component is located in the northern portion of the Jacks Point Resort Zone.

2. The proposed site is located along Kingston Road (SH6) and Woolshed Road in Kawarau Falls. This location is being serviced by new water and wastewater infrastructure across the new two-lane Kawarau Bridge and Kingston Road (SH6). New water and wastewater infrastructure is being planned and constructed within the Henley Downs and Jacks Point Village subdivisions including:
 - a) Wastewater pump stations
 - b) Emergency wastewater storage
 - c) Gravity sewerage
 - d) Water supply connections
3. Jacks Point Village will be solely serviced for wastewater as water supply in Jacks Point Village is supplied from a private scheme. The existing Jacks Point subdivision has its own private water and wastewater scheme.

Comment

4. Wastewater services will be available for Henley Downs and Jacks Point Village subdivisions and water supply will be available for the Henley Downs subdivision with the completion of the Kawarau Bridge and Kingston Road water and wastewater pipelines.
5. Water modelling for a population of 1800 (Henley Downs only) has been completed showing no supply constraints.
6. Wastewater modelling for a population of 2800 (combined Henley Downs and Jacks Point Village) has been completed showing no service constraints.

Options

7. Option 1 Decline the proposed water supply and wastewater service boundary adjustment.

Advantages:

8. No increase of operation and maintenance for additional infrastructure.

Disadvantages:

9. Possible installation of on-site wastewater systems with risk of negative impact on the environment by not well managed and monitored treatment systems.

10. Option 2 Approve the water supply and wastewater service boundaries adjustment.

Advantages:

11. Control over supply schemes.

12. Council obligations will be addressed.

Disadvantages:

13. Increased demand on existing infrastructure.

Significance and Engagement

14. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the decision has nearly no impact to the existing ratepayers.

Risk

15. This matter relates to the strategic risk SR1, as documented in the Council's risk register. The risk is classed as moderate. This is because of economic, social, environmental and reputational risks.

16. A key element of this risk is meeting the current and future development needs of the community. Whilst there is an element of environmental protection to this risk, the risk relates more to the economic and social consequences of not meeting development needs. The matter therefore can be considered to terminate the risk by providing the service.

Financial Implications

17. There are no budgets or cost implications resulting from the decision.

18. The developer will be responsible for infrastructure connections and the provision of appropriate infrastructure to support the development.

19. It is acknowledged that there will be some ongoing infrastructure maintenance costs.

Council Policies, Strategies and Bylaws

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

- Water Supply Bylaw 2008
- Water supply boundary adjustment policy (November 2016)
- Water meter policy (June 2017)

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

22. No budget is necessary.

Local Government Act 2002 Purpose Provisions

23. The recommended option will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing infrastructure to an agreed level of service which is safe to use and affordable.

24. The recommended option can be implemented through current funding under the 10-Year Plan and Annual Plan.
25. The recommended option is consistent with the Council's plans and policies.
26. The recommended option would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

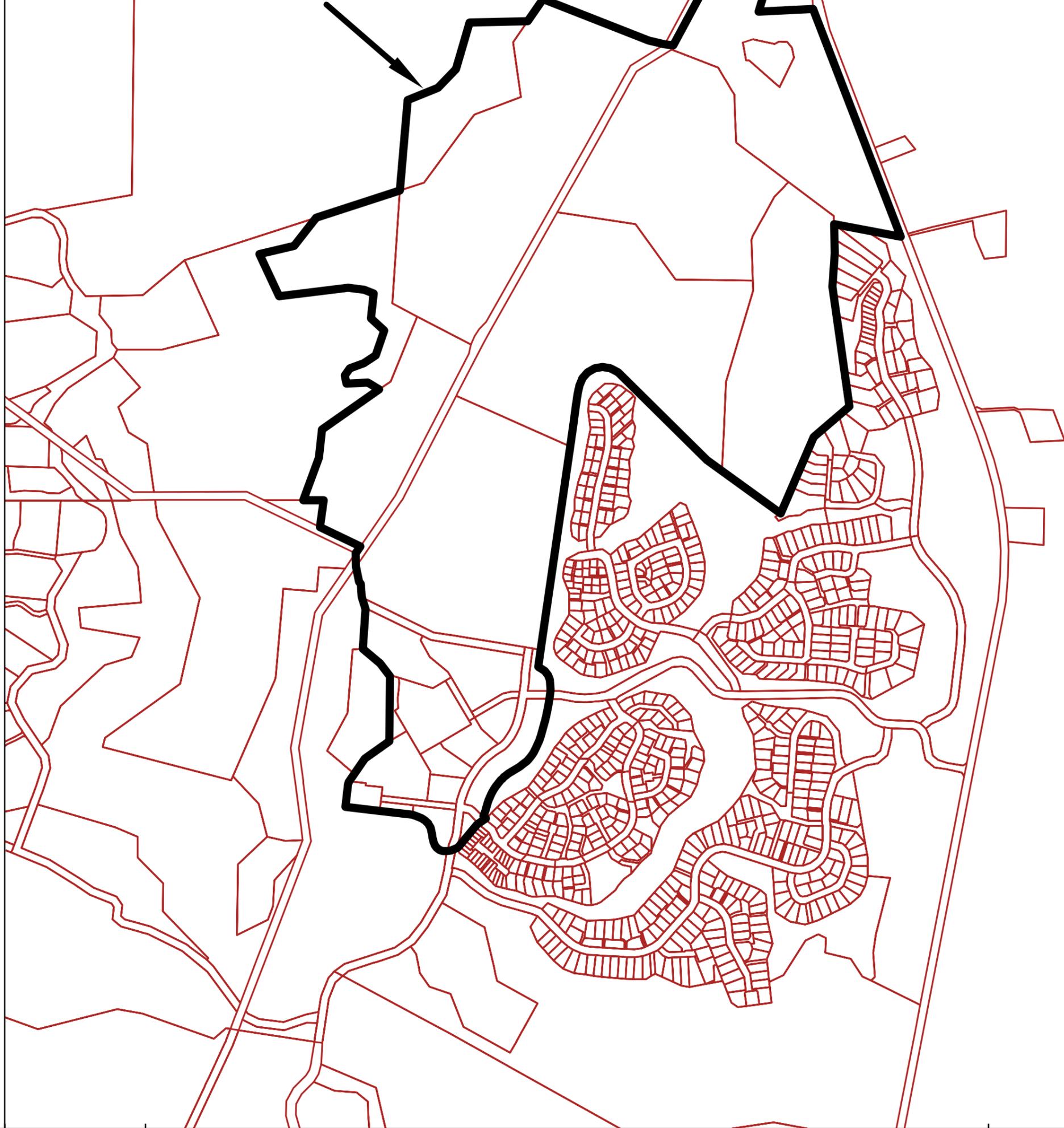
27. Consultation has been undertaken with the developers in association with this request.

Attachments

- A. Area to be included within the Queenstown Wastewater Scheme Boundary (Plan)
- B. Area to be included within the Queenstown Wastewater Scheme Boundary (Satellite Photo)
- C. Area to be included within the Queenstown Water Scheme Boundary (Plan)
- D. Area to be included within the Queenstown Water Scheme Boundary (Satellite Photo)



Area to be included within
the Queenstown Wastewater
Scheme Boundary



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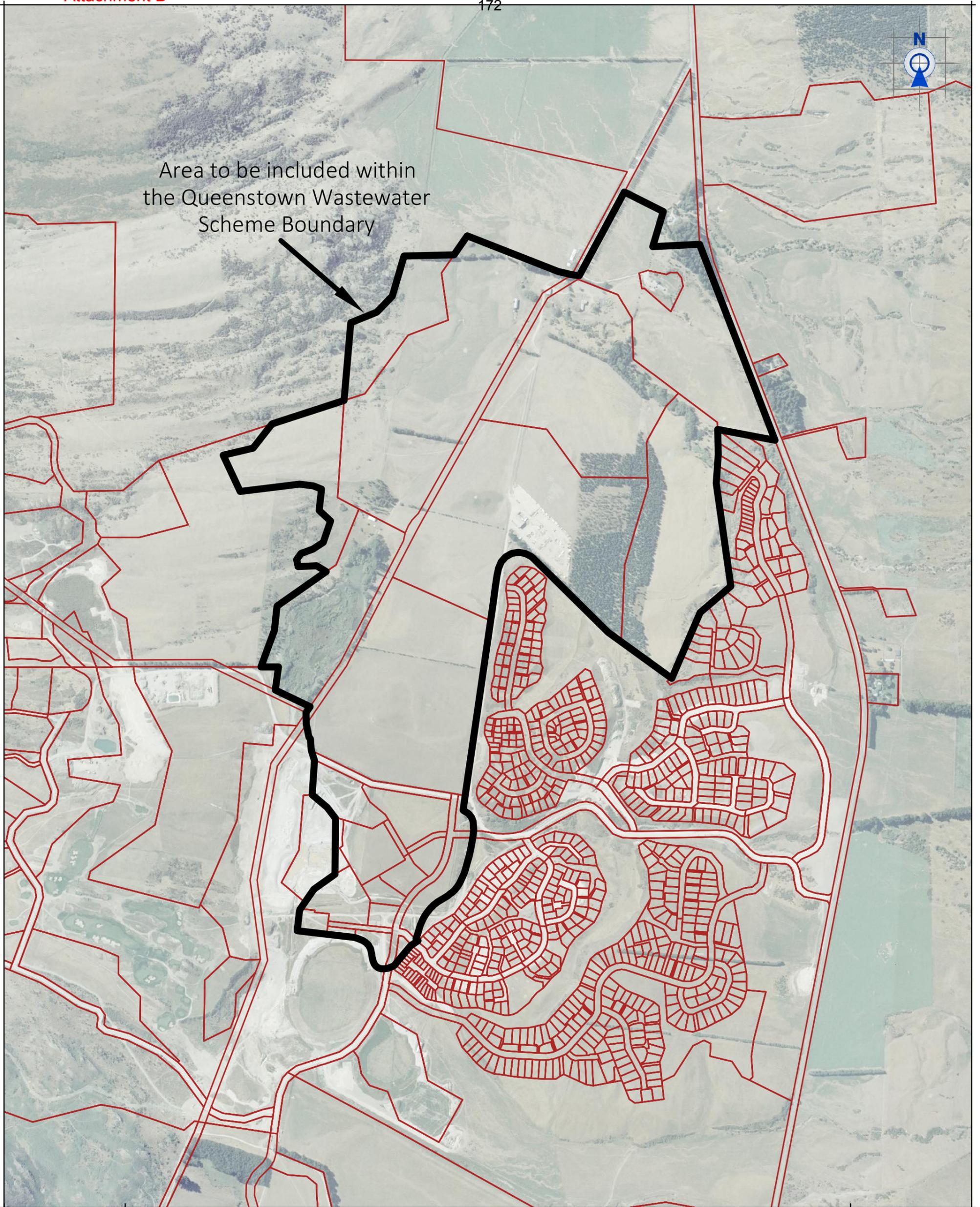
Client/Location:
RCL Henley Downs Limited
Hanley's Farm
Kingston Road, Queenstown

Purpose/Drawing Title:
Area to be included within the
Queenstown Wastewater
Scheme Boundary

Surveyed by:	-	Original Size:	Scale:	1:10,000
Designed by:	-	A3	DO NOT SCALE	
Drawn by:	MA Oct 2017			
Checked by:	DB Oct 2017			
Approved by:	-	Sheet No:	Revision No:	Date Created:
Job Ref:	Q6205 - 14	9	A	12/10/2017



Area to be included within
the Queenstown Wastewater
Scheme Boundary



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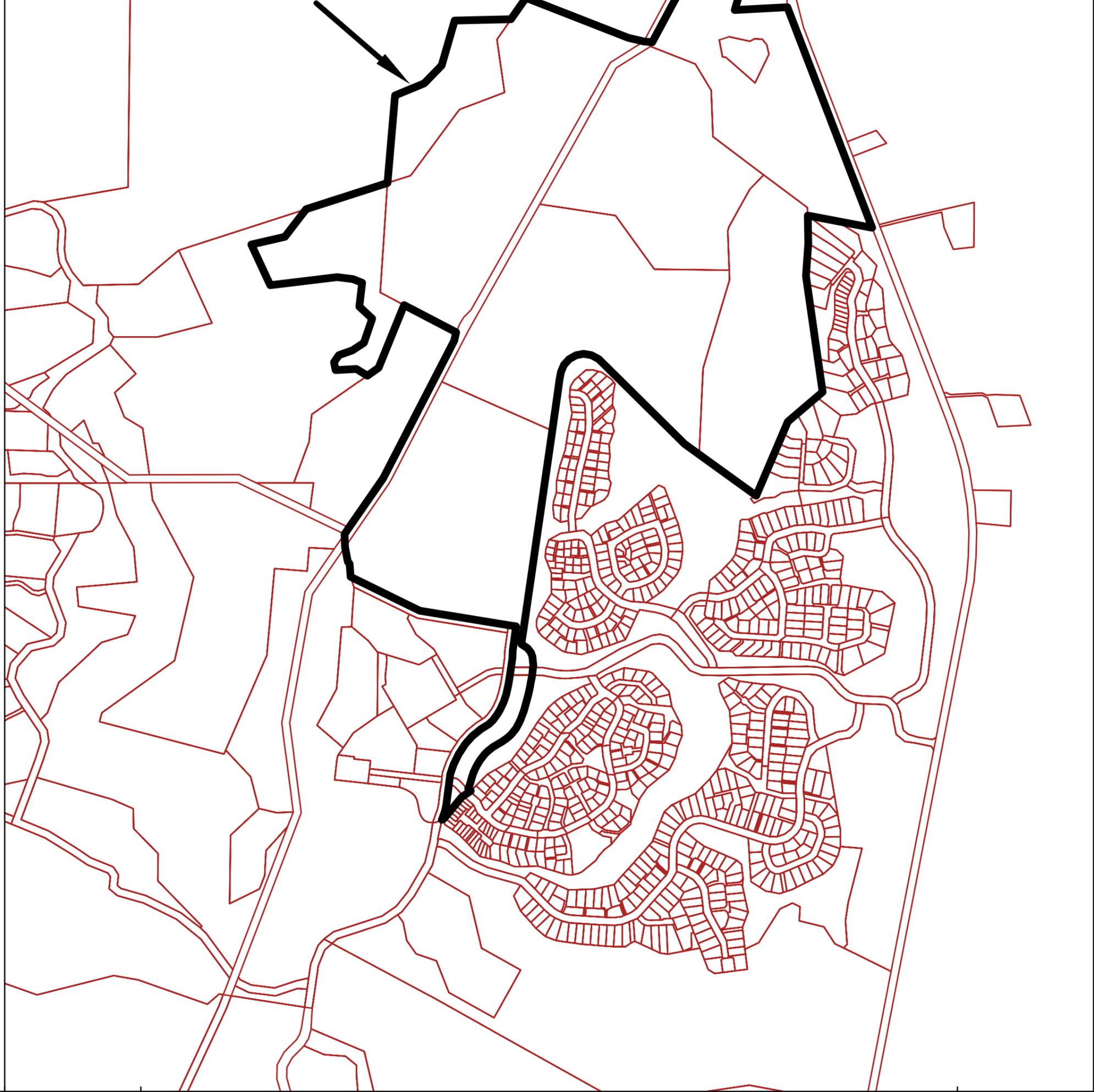
Client/Location:
RCL Henley Downs Limited
Hanley's Farm
Kingston Road, Queenstown

Purpose/Drawing Title:
Area to be included within the
Queenstown Wastewater
Scheme Boundary

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Checked by:	DB Oct 2017			
Approved by:	-	Sheet No:	Revision No:	Date Created:
Job Ref:	Q6205 - 14	10	A	12/10/2017



Area to be included within
the Queenstown Water
Scheme Boundary



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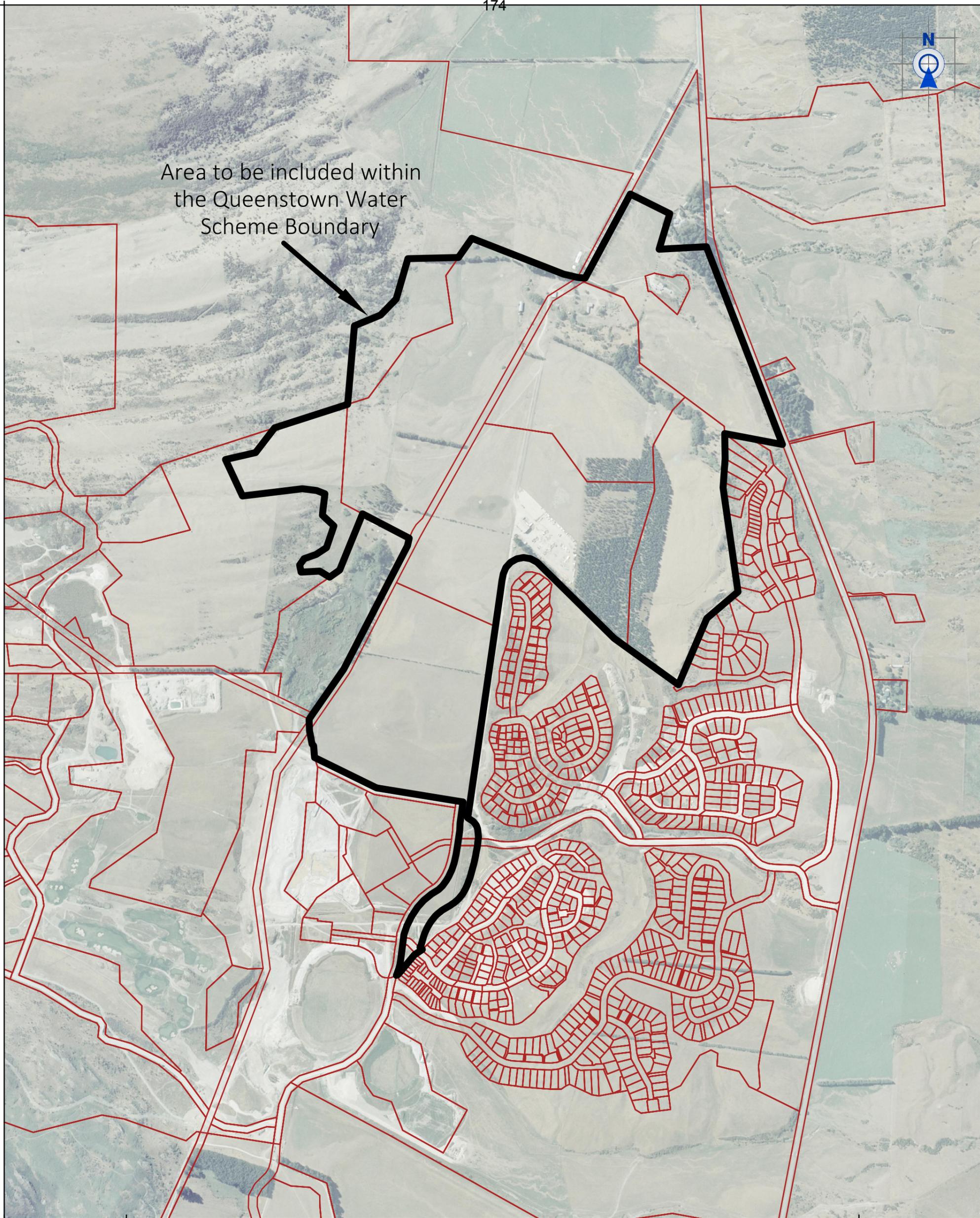
Client/Location:
RCL Henley Downs Limited
Hanley's Farm
Kingston Road, Queenstown

Purpose/Drawing Title:
Area to be included within the
Queenstown Water Scheme
Boundary

Surveyed by:	-	Original Size:	Scale:	1:10,000
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Drawn by:	MA Nov 2017			
Checked by:	DB Nov 2017			
Approved by:	-	Sheet No:	Revision No:	Date Created:
Job Ref:	Q6205 - 14	11	A	24/11/2017



Area to be included within the Queenstown Water Scheme Boundary



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Client/Location:
RCL Henley Downs Limited
Hanley's Farm
Kingston Road, Queenstown

Purpose/Drawing Title:
Area to be included within the
Queenstown Water Scheme
Boundary

Surveyed by:	-	Original Size:	Scale:	1:10,000
Designed by:	-	A3	DO NOT SCALE	
Drawn by:	MA Nov 2017			
Checked by:	DB Nov 2017	Sheet No:	Revision No:	Date Created:
Approved by:	-	12	A	24/11/2017
Job Ref:	Q6205 - 14			

**QLDC Council
14 December 2017**

Report for Agenda Item: 7

Department: Property & Infrastructure

2017/18 Capital Works Programme – First Re-forecast

The purpose of this report is to consider proposed amendments to the 2017/18 capital works programme for property and infrastructure projects.

That Council:

1. **Note** the contents of this report; and
2. **Approve** the budget changes proposed and detailed in Attachment A.

Prepared by:



Peter Hansby
GM Property & Infrastructure

29/11/2017

Reviewed and Authorised by:



Mike Theelen
Chief Executive

29/11/2017

- 1 At the 23 June 2017 meeting of the Queenstown Lakes District Council, the Council resolved to adopt the 2017/18 Annual Plan.
- 2 In order to provide the Council oversight of any changes proposed to the capital works programme and to gain approval to these changes, the Property and Infrastructure Department provides the Council with regular updates and proposed re-forecasts of the current year capital works programme.
- 3 This report is the first capex forecast review for the 2017/18 financial year.
- 4 The summary document is contained within Attachment A of this report.
- 5 This report breaks the programme into six asset categories: Buildings, Solid Waste, Transport, Storm Water, Waste Water and Water Supply.
- 6 Contained within the asset group we have categorised projects as follows:
 - 7 **New:** Where additional (new) funding is sought for existing projects or new projects are identified which the Council may consider suitable due to a change in legislation or some other business environment changes to those understood at the time of adopting the Annual Plan.

- 8 **Budget Transfer:** The project has, or is forecast to exceed, (or be below) the budget allocated through the Annual Plan process. The explanation of overspend / underspend and the proposed reallocation of funding between projects is contained within Attachment A.
- 9 **Defer:** Projects that will not be completed within the current financial year but will be completed in the 2018/19 financial year. Deferred budgets cannot be used to fund other projects in the current financial year.
- 10 Projects that are recommended to be deferred are being considered in conjunction with the draft 2018 LTP programmes for synergies.
- 11 Where it is shown that the deferred projects cannot be delivered without affecting the draft 2018 LTP programme, these projects will be stopped.
- 12 Stopped projects will then undergo a revised better business case and following the outcome of that process, programmed in a future LTP.

Options

- 13 Option 1 Approve the changes to the 2017/18 proposed capital works programme as proposed in Attachment A.

Advantages:

- 14 Provides an opportunity for the Council to consider the latest recommendation from officers in respect to projects planned for 2017/18 financial year
- 15 Provides the ability to manage the impacts of overspends against current budget and where possible the opportunity to take steps to keep capital expenditure within overall annual budgets.

Disadvantages:

- 16 This would change or delay the delivery of the projects consulted on and approved through the Long Term Planning (LTP) process.

- 17 Option 2 Status Quo, Do not approve the changes (do nothing option)

Advantages:

- 18 This would ensure that there are no changes to the programme of projects consulted on and approved through the Long Term Planning (LTP) process.

Disadvantages:

- 19 The Council will not be able to make changes to the capital programme to reflect the latest available information and investment will be less effective.
- 20 The Council will not be able to respond in a timely way to changes its operating environment and investment will be less effective.

- 21 Projects which have commenced and where sufficient alternate budget is available will be deferred, increasing the costs of delivery.
- 22 Option 3 Approve only some of the changes to the 2017/18 proposed capital works programme as proposed in Attachment A.

Advantages:

- 23 Provides an opportunity for the Council to consider the latest recommendation from officers in respect to projects being delivered in the 2017/18 financial year.
- 24 Provides the ability to manage the impacts of overspends against current budget and where possible the opportunity to take steps to keep capital expenditure within overall annual budgets.

Disadvantages:

- 25 This would change or adjust the timing of the projects consulted on and approved through the Long Term Planning (LTP) process.
- 26 This report recommends **Option 1** for addressing the matter.
- 27 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. The proposed project adjustments are of relatively low value or, in the case of projects; Hawthorne Drive (EAR), Mt Aspiring Road Widening, Rising Main – Shotover Country to Glenda Drive and the LED Street Lighting Programme, budget adjustments best reflect the project scope.
- 28 This matter related to the operational risk : SR1 Current and Future Development needs of the Community, as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because it seeks to amend projects contained within the 10-Year Plan.
- 29 The recommended option mitigates the risk by:
- Treating the risk - putting measures in place which directly impact the risk. This is achieved through ensuring that the right projects are being funded and completed based on the most recent information available to Council officers.
- 30 The financial implications are outlined in Attachment A.
- 31 The following Council Policies were considered:
- Policy on Significance – Although the decision is in respect to strategic assets, namely, water supply infrastructure, sewage treatment plants and the roading network, the decision does not involve the transfer of ownership, sale or long term lease of these strategic assets. The policy of significance therefore does not apply.
- 32 This matter is included in the 10-Year Plan/Annual Plan:

- The projects identified form part of the capital works projects for the 2017/18 financial year.

33 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring that the right projects are completed at the right time;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

34 Most of the proposed changes can be implemented through current funding under the 10-Year Plan and Annual Plan. The exceptions are listed in the financial section of this report.

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

36 It is not considered possible to consult fully on these changes if it is intended to complete the works within the current financial year.

ATTACHMENTS

A Summary of proposed project changes.

Programme	Project Code	Project Description	2017-18 Budget	New	Budget Transfer	Defer	Budget Forecast	2017-18 versus Forecast	Budget Comments
Buildings	000109	Hawea Flat Hall - Extension	35,558		(5,000)		30,558	(5,000)	Project complete and under budget. Propose budget transfer 5K to new project; Church Street Office extension.
	000293	6 Merioneth St Arrowtown	40,000		(40,000)		-	(40,000)	Project budget to undertake fire protection works not required as garage is no longer being used as a commercial workshop. Propose full budget transfer to new project; Church Street Office extension.
	000378	Security - CCTV Cameras - CBD	5,335		20,000		25,335	20,000	Additional budget is required for install of new CCTV installations districtwide at fixed sites in public spaces for general crime prevention operated in conjunction with the Police.
	000564	Wanaka Airport	150,000		(100,000)		50,000	(100,000)	Budget provision \$50K for handover works. Propose reallocate residual budget to new project; Luggate Hall design and investigation works.
	NEW 1	Civic Building (Gorge Road Office)	-	190,000			190,000	190,000	Queenstown Council Buildings renewals and Minor Improvements CAPEX. New budget to re-roof part of building; renovate bathrooms; refurb office including fit out (new desks) to accommodate additional staff.
	NEW 2	Church Street Office Extension	-	45,000			45,000	45,000	Additional office space at Church St is available for potential lease mid January. New budget required to; reconfigure office area, refurbish and fit out (8 to 12 workstations). Budget to be reallocated from Projects 109 and 293.
	NEW 3	Wanaka Office Improvements	-	20,000			20,000	20,000	Proposed budget in draft LTP allows for a potential office fit out over 2 years. Budget requested AP 17/18 to determine project scope.
	NEW 4	Luggate Hall Replacement	-	90,000			90,000	90,000	New budget request for design and investigation of replacement hall. Reallocate budget from Project 564 Wanaka Airport minor improvements capex.
	NEW 5	Athenaeum Hall Toilets - Upgrade	-	15,000			15,000	15,000	Proposed budget in draft LTP allows for decommissioning of existing toilets. Budget requested 17/18 to determine project scope.
Buildings Total			230,893	360,000	(125,000)	-	465,893	235,000	
Solid Waste	NEW 6	Wakatipu Recycling Centre remedial construction	-	70,700			70,700	70,700	New project budget requested to undertake remedial construction and structural strengthening works at Wakatipu Recycling Centre.
	000190	Composting System / Dump Station	27,500		(27,500)		-	(27,500)	H&S issue needs to be resolved urgently. Reallocate budgets from projects 190 and 370 no longer required.
	000370	Weighbridge Transfer Station Renewal	2,100		(2,100)		-	(2,100)	
	NEW 7	Wanaka Transfer Station	-	120,000			120,000	120,000	New budget requested to reconfigure site; construct separate access for commercial tipping vehicles to allow safe disposal of waste. Proposed reconfiguration will eliminate the need to open gate at top of pit and eliminate H&S risk.
Solid Waste Total			29,600	190,700	- 29,600	-	190,700	161,100	

Programme	Project Code	Project Description	2017-18 Budget	New	Budget Transfer	Defer	Budget Forecast	2017-18 versus Forecast	Budget Comments
Transport	000061	WANAKA - Sealed road pavement rehab (Subsidised)	306,743		120,000		426,743	120,000	Additional budget \$120K requested to undertake heavy duty maintenance works on the Cardrona Valley Road.
	000623	Camp Hill Rd - Sealed Rd Pavement Rehab	136,514		(70,000)		66,514	(70,000)	Transfer \$70K budget from Project 623 Camp Hill Rd Rehab. This project is now complete.
	000380	Resilience - Crown Range Road Land Construction	917,021		(432,775)		484,246	(432,775)	Reallocate an additional \$50K budget from project 380 Crown Range Resilience. Project budget no longer required.
	000562	Mt Aspiring Road Widening	1,500,000			(1,400,000)	100,000	(1,400,000)	BBC underway, concept design budget 17/18 \$100K. Defer budget \$1.4M to 18/19 for detailed design and physical works. (As project not included in current RLTP more likely to secure subsidy in 18/19 not 17/18).
	000580	Ballantyne Road Design	275,000			(75,000)	200,000	(75,000)	BBC complete, detailed design budget 17/18 \$200K. Defer budget \$75K to 18/19 for physical works.
	000245	Frankton Flats Strategy Implementation	394,534		(14,000)		380,534	(14,000)	Request reallocation of budgets to fund two new transport projects; installation of new water taxi jetties at Queenstown Bay and Frankton Beach.
	000575	New Public Transport Hub in Frankton	180,000		(180,000)		-	(180,000)	Reallocate budget \$180K from Project 575 New Public Transport Hub Frankton. This project budget is no longer required as NZTA funding changes to existing PT Hub at Frankton.
	NEW 8	Frankton Beach Jetty	-		102,000		102,000	102,000	Transfer budget \$14k from Project 245 Frankton Flats Strategy Implementation.
	NEW 9	Queenstown Bay Jetty	-		92,000		92,000	92,000	
	000391	Ardmore St/Lakefront Streetscape	199,650		(100,000)		99,650	(100,000)	Programme of works limited at Ardmore Street 17/18. Budget \$100K to be reallocated to new project Wanaka Town Centre Masterplan to undertake initial establishment works/report.
NEW 10	Wanaka Town Centre Masterplan-Establishment Report	-		100,000		100,000	100,000		
Transport Total			3,909,462	-	(382,775)	(1,475,000)	2,051,687	(1,857,775)	
Waste Water	000023	Luggate Reticulation - extension	58,001		(58,001)		-	(58,001)	Combine budgets Projects 23 and 625 with Project 554, Connect Luggate to Project Pure. Concept design budget \$350K 17/18. Defer \$483K to 18/19 for physical works.
	000554	Connect Luggate to Project Pure	500,000		333,001	(483,001)	350,000	(150,000)	
	000625	Project Pure Treatment Upgrades Stage 2	275,000		(275,000)		-	(275,000)	
	000359	Remarkables Park Pump Stn Upgrade - Stg4	393,941			(393,941)	-	(393,941)	Defer project budget to 18/19. Further works has identified that existing pump systems have greater capacity than anticipated. Work to replace the pump station not as urgent as earlier indicated. Complete works 18/19.
	000366	Recreation Ground Pump Station - Stage 1	474,199			(300,000)	174,199	(300,000)	BBC, concept design and feasibility budget 17/18 \$174K. Defer budget \$300K to 18/19 for detailed design and physical works.
Waste Water Total			1,701,141	-	-	(1,176,942)	524,199	(1,176,942)	

Programme	Project Code	Project Description	2017-18 Budget	New	Budget Transfer	Defer	Budget Forecast	2017-18 versus Forecast	Budget Comments
Water Supply	000281	Rising Main - Shotover Country to Glenda Drive	2,351,537			(2,000,000)	351,537	(2,000,000)	Concept design budget 17/18 \$351K. Defer budget \$2M to 18/19 for detailed design and physical works.
	000361	Glenorchy Water Reservoir Upgrade	495,215			(395,000)	100,215	(395,000)	BBC & Concept design budget \$100K 17/18. Defer budget \$395K to 18/19 for physical works.
	000363	Kelleher Drive Extension	54,293		(54,293)		-	(54,293)	Project no longer required. Propose reallocation of this budget to new project Western Wanaka Pressure to address levels of service/low pressure.
	NEW 11	Western Wanaka Pressure	-	50,000			50,000	50,000	
	000553	Frankton Ring Main and Hanley Downs CXN	490,000			(310,000)	180,000	(310,000)	Concept design budget 17/18 \$180K. Defer budget \$310K to 18/19 for physical works.
	000626	Rising Main Upgrade Two Mile - Reservoir	114,194		(114,194)		-	(114,194)	Project budget \$114K Rising Main Upgrade Two Mile no longer required. Budget to design and construct a new WTP at Two Mile has been included in draft LTP.
Water Supply Total			3,505,238	50,000	(168,487)	(2,705,000)	681,751	(2,823,487)	
Hawthorne Drive (EAR)	000318	Frankton Flats Stormwater - Construction	3,260,541		(950,000)		2,310,541	- 950,000	Revised project budgets based on forecast final cost. Budgets reallocated across EAR Projects 317, 318, 319, 519 and N East Frankton Stormwater Project 728.
	000319	Frankton Flats Water Supply - Construction	355,231		500,000		855,231	500,000	
	000519	Hawthorne Drive (EAR) - Other Services	135,133		100,000		235,133	100,000	
	000728	N East Frankton Stormwater Connection	150,000		350,000		500,000	350,000	
Hawthorne Drive (EAR) Total			3,900,905	-	-	-	3,900,905	-	
Asset Management Improvements	000226	Stormwater - AM Improvements	57,005		22,000		79,005	22,000	Additional budget is requested across the three waters asset management codes to increase available resources in support of new legislative requirements under the NPS on Urban Development Capacity. Includes additional budget \$20K to undertake condition investigations in CBD. This is an increase in scope to support the infrastructure requirements of the Future Development Strategy. This budget has been supported by the Planning and Development team who are leading the NPS and FDS work programmes.
	000229	Wastewater - AM Improvements	166,170		30,000		196,170	30,000	
	000228	Water Supply - AM Improvements	166,435		52,000		218,435	52,000	
AM Improvements Total			389,610	-	104,000	-	493,610	104,000	
Grand Total			13,666,849	600,700	(601,862)	(5,356,942)	8,308,745	(5,358,104)	

Programme	Project Code	Project Description	2017-18 Budget	New	Budget Transfer	Defer	Budget Forecast	2017-18 versus Forecast	Budget Comments
LED Street Lighting Programme	000591	LED street light replacements Wanaka	75,000	1,000,000			1,075,000	1,000,000	NZTA has approved a budget of \$2M to implement an accelerated LED street lighting programme at an enhanced Funding Assistance Rate of 85%. Council approved the work but it was not identified where the funding was to come from. \$300K local share to be transferred from projects 76 and 77 Unsub Minor Improvements budgets.
	000600	LED street light replacements Wakatipu	26,520	1,000,000			1,026,520	1,000,000	
	000076	Wakatipu - Unsub Minor Improvements	537,952		(150,000)		387,952	(150,000)	
	000077	Wanaka Unsub - Minor Improvements	478,919		(150,000)		328,919	(150,000)	
LED Street Lighting Programme Total			1,118,391	2,000,000	(300,000)	-	2,818,391	1,700,000	

**QLDC Council
14 December 2017**

Report for Agenda Item: 8

Department: Planning & Development

Special Housing Area Expression of Interest: Bullendale

Purpose

- 1 The purpose of this report is to present the Bullendale Expression of Interest (**EOI**) for consideration for recommendation to the Minister for Housing and Urban Development (**the Minister**) as a Special Housing Area (**SHA**).

Executive Summary

- 2 This report to Council sets out how the Bullendale EOI is generally consistent with the Lead Policy (titled: Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines) (**the Lead Policy**), which includes the affordable housing contribution. Peer reviews of the infrastructure and transport assessments have confirmed that in principle the site can be adequately serviced however further detailed investigation is required to assess whether or not any upgrades are required. Confirmation from the Department of Conservation in regards to the proposed stormwater solution is also required.
- 3 At a high level, the Bullendale EOI is considered to be consistent with the purpose of the purpose of the Housing Accord and Special Housing Areas Act (**the HASHAA**), the Queenstown Lakes District Housing Accord (**the accord**) and the Lead Policy although some further detailed investigation is required.
- 4 This report endorses that Council should approve in principle the recommendation of the Bullendale SHA to the Minister of Housing and Urban Development, subject to the negotiation of a Stakeholder Deed and qualifying development criteria, further investigation of the infrastructure (including connections to reserves) and confirmations from the specified Statutory Authorities (Aukaha) (formerly Kai Tahu ki Otago) and the Department of Conservation).

Recommendation

That Council:

1. **Note** the contents of this report and;
2. **Note** feedback received from the public will be provided to Councillors separately;
3. **Approve** in principle the potential development of the Bullendale Special Housing Area, subject to further consideration of the below requirements:

- a) Instruct the General Manager of Planning and Development to proceed with negotiation of the Stakeholder Deed that fulfils the infrastructure, parks and reserves (including trails, footpaths and connections) and affordable housing requirements of the Special Housing Area Lead Policy titled: Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines;
 - b) The developer to obtain confirmation from the Department of Conservation that the proposed stormwater solution to increase flows over their land is acceptable;
 - c) Gain confirmation from Aukaha that the proposal is supported in principle; and
 - d) Negotiate qualifying development criteria for the proposed Special Housing Area.
4. **Instruct** Council officers to report back to the Council on the measures discussed in Point 3 above.

Prepared by:

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30/11/2017

Reviewed and Authorised by:

Tony Avery
GM Planning and
Development
30/11/2017

Background

- 5 The purpose of the HASHAA is:

The purpose of this Act is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues.

- 6 On 16 September 2016, the Housing Legislation Amendment Act 2016 (**the Amendment Act**) came into effect. One of the key changes of the Amendment Act is that the date for establishing SHAS and the date of repeal of the HASHAA had been extended by 3 years to 16 September 2019 and 16 September 2021 respectively. The implications of this are that any new Special Housing Areas (**SHAs**) will have until 16 September 2019 until they are disestablished.
- 7 On the 23 October 2014 the Council entered into the Queenstown Lakes District Housing Accord (**the accord**) with the Government. This was subsequently updated on 12 July 2017. The accord is “...a key tool to facilitate development in SHAs that align with the Council’s policy and regulatory framework (including the District Plan), and is therefore an important component of the Council’s approach to housing in the District”.

- 8 On the 24 November 2016 the Council adopted an amended Lead Policy (titled: Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines) (**the Lead Policy**), to guide the Council's implementation of the HASHAA. This is seen as a live document and has been subsequently amended with the most recent version being adopted by Council on the 26 October 2017.
- 9 In total seven SHAs have been recommended By Council and subsequently approved by the Minister including:
- Bridesdale Farm;
 - Onslow Road;
 - Arrowtown Retirement Village;
 - Arthurs Point;
 - Shotover Country;
 - Business Mixed Use Zone (Gorge Road) (This SHA has been re-established); and
 - Queenstown Country Club.
- 10 These SHAs will deliver a potential yield of approximately 885 residential units and bed aged care facilities, thus contributing significantly to the Council's obligations under the accord. With the exception of the Business Mixed Use Zone (Gorge Road) all of these SHAs have been disestablished.

Criteria and process for considering SHAs

- 11 The Council will consider each proposed SHA on its own merits. In addition, to the degree of consistency with the Lead Policy, other factors, such as planning and RMA matters, may be relevant to the Council's exercise of discretion to make a recommendation to the Minister. The below process is generally followed when assessing the EOI:

Step 1 - An initial consideration of an EOI to ensure it is consistent with the Council's intent, and there is sufficient information provided to be able to assess it;

Step 2 - Seek public feedback including statutory agencies and iwi;

Step 3 - Seek comments from internal Council departments and others as necessary;

Step 4 - Report to Full Council to consider whether or not to agree in principle the establishment of an SHA;

Step 5 - Should the EOI be accepted in principle, negotiate an appropriate Stakeholder Deed that fulfils the requirements of the Lead Policy (and other matters that are deemed to be relevant) and any other outstanding matters raised;

Step 6 - Council considers the draft Stakeholder Deed and makes a determination on whether or not to recommend the EOI to the Minister as a potential SHA; and

Step 7 - If Stakeholder Deed is agreed and signed, the proposed SHA will be recommended to the Minister.

- 12 Steps 1 to 3 have been completed and this report addresses Step 4. If the EOI is accepted in principle a subsequent report to Full Council will address Steps 5 and 6.

Bullendale Expression of Interest

- 13 The EOI for the proposed Bullendale SHA was submitted to Council on the 7 November 2017. The site is located at 117 Arthurs Point Road, Arthurs Point. The total area of the site is approximately 4.12ha and it adjoins the Arthurs Point SHA (located to the east of the subject site and is currently under construction). The proposal comprises of a residential development that is very similar to the approved development within the neighbouring site. The proposal site is located on the left hand side of Figure One below, while the approved Arthurs Point SHA development is shown on the right hand side.



Figure One: Proposed Site Layout (indicated on the left hand side)

- 14 The site is located in the following zones of both the Proposed and Operative District Plans:

Operative District Plan (ODP)	Proposed District Plan (PDP)
<ul style="list-style-type: none"> • Rural General • Partly located within the Outstanding Natural Landscape • Low Density Residential • Building line restriction adjacent to Arthurs Point Road 	<ul style="list-style-type: none"> • Rural • Outstanding Natural Landscape • Low Density Residential • Partly located within the Urban Growth Boundary (UGB) • Building line restriction adjacent to Arthurs Point Road.

- 15 The site is located in an area that has a nil to low liquefaction risk and the rear portion of the site is identified as being a landslide area.
- 16 In summary the proposal will be predominantly residential and involves the construction of the following (these numbers will be subject to final resource consent):

Dwelling Type	Bedrooms	Total	Dwelling Type	Bedrooms	Total
House	2 bedroom	19	Apartment	1 bedroom	9
	3 bedroom	16		2 bedroom	32
	3.5 bedroom	4		3 bedroom	12
Total	17	39			53
Overall Total					92

- 18 Overall, the proposal provides for 2 car parking spaces per dwelling (184 in total). However, it is unclear from the EOI if this is allocated evenly to each dwelling.
- 19 The proposal also includes the vesting of reserves and roads with Council. The developer has also confirmed that they will satisfy the affordable housing requirements of the Lead Policy.
- 20 The EOI comprises of concept design plans and images of the Arthurs Point SHA, with supporting assessments from a planner, urban designer and engineers. The EOI forms part of **Attachment A**. It is noted that the same consultant team is involved in the development of the Arthurs Point SHA. The appendices to the EOI are not included in the published version of the agenda but are available on the Council's website: <http://www.qldc.govt.nz/your-council/your-views/bullendale-special-housing-area-expression-of-interest/>

Housing Accord Targets and potential yield

- 21 The Housing Accord sets the following targets:

Total number of dwellings and sections consented						
	Year 1	Year 2	Year 3	Year 3	Year 4	Year 5
	(24 Oct 2014 to 23 Oct 2015)	Oct 24 2015 to Oct 23 2016)	(Oct 24 2016 to 23 Oct 2017)	(1 Jan to 31 Dec 2017)	(1 Jan to 31 Dec 2018)	(1 Jan to 31 Dec 2019)
Targets	350	450 650	500 750	1100-1200	1200-1300	1300-1400
Actual	557	760	317 at the 30 April 2017			

- 25 The Accord targets were amended on the 12 July 2017 with the key changes being that these targets now relate to the entire district (Year 1 to 3 only relate to the Wakatipu Basin) and the reporting period for the targets is 1 January to the 31 December.
- 26 As noted above, 7 SHAs have been approved. These qualifying developments are anticipated to deliver a yield of approximately 885 units plus bed aged care facilities, thus contributing significantly to Council's obligations under the accord in the Wakatipu Basin, especially directly relating to the specified targets.
- 27 The Council has also recommended the re-establishment of the Business Mixed Use (Gorge Road) SHA that was approved via an Order in Council on the 14 August 2017. Approximately 100 to 150 apartments are anticipated to be delivered from this SHA.
- 28 The potential yield from the proposed SHA being considered in this report would contribute approximately 92 residential units (final numbers would be determined at the resource consent stage). The portion of the site that is zoned low density residential has an approximate yield of 15 residential allotments and a proposed yield of 27 residential allotments (removing 32% for roads and reserves) under the ODP and PDP respectively. The SHA process will significantly increase the yield. In this respect, the proposal, if accepted, is considered to be consistent with the purpose of the HASHAA, which is set out in paragraph 6 above.

Councils Lead Policy on SHAs

- 29 The developer has undertaken a review of the proposal against the Lead Policy. It should be noted that consideration of the Lead Policy is not a 'tick box' exercise – whilst important the Lead Policy provides a framework of relevant considerations for the Council to assess proposed SHAs, other factors, such as planning and RMA matters may be relevant to the Council's exercise of discretion to make a recommendation to the Minister. These still need to be considered in the context of the HASHAA's purpose of increasing housing supply. Full discretion lies with Council on whether or not to recommend an area to the Minister to be a SHA.
- 30 An assessment of the criteria for recommending a SHA to Government is set out further below.

Assessment of the Lead Policy's criteria

Location & Strategic Direction (Point 3.1 & 3.2 of the Lead Policy)

- 31 The majority of the subject site is zoned Low Density Residential Zone in the PDP, which has been identified in the Lead Policy as an area suitable for the establishment of a SHA (Category 1 of the Lead Policy). The rear half of the site is located in the Rural Zone of the PDP and some dwellings are proposed to be located in this area.
- 32 The Lead Policy is consistent with the strategic direction set out in the PDP. In particular, Goal 3.2.2 of the PDP specifies:

Ensure urban development occurs in a logical manner:

- to promote a compact, well designed and integrated urban form;
- to manage the cost of Council infrastructure; and
- to protect the District's rural landscapes from sporadic and sprawling development.

- 33 In particular, it emphasises the establishment of SHAs within existing or proposed urban areas that are contained within the proposed UGB of the PDP. The area of the site that is zoned Low Density Residential is located within the proposed UGB of the PDP, but the Rural Zoned portion is not. Only approximately 9 dwellings are proposed to be located in this portion of the site.
- 34 Notwithstanding the above, it is recommended that the entire site be included as an SHA and the merits of whether or not residential development is appropriate in the Rural zoned portion of the site are assessed in detail at the resource consent stage. Any qualifying development application would need to be supported by a landscape assessment. For example, in the Bridesdale and Queenstown Country Club SHAs, it was deemed inappropriate to locate any residential dwellings within the Outstanding Natural Landscape (**ONL**) and this aspect of the resource consent application was declined.
- 35 The developer's EOI notes that the site is not located on or adjacent to any sensitive natural environment. The ONL is considered to be a highly sensitive environment and any development within this portion of the site needs to be carefully considered in detail.
- 36 Overall, the proposal is considered to be well located for SHA purposes, particularly as the majority of the site that built form is proposed is located within the proposed Low Density Residential Zone and the UGB of the PDP.

Infrastructure (Point 3.3 of the Lead Policy)

- 37 A Three waters assessment has been prepared for the developer by Aurum Survey Consultants Limited (**Aurum**). This report forms part of the EOI. Aurum confirms the development can be serviced with existing services; however, they note that more detailed modelling is required. If Council agrees with the establishment of the SHA in principle, a Stakeholder Deed would need to be negotiated that secures the infrastructure requirements. This would be reported back to Council at a later stage. A summary of the report and Council Officer response is provided below.
- 38 As with all developments in SHAs, there would be an ongoing cost to Council for maintaining any vested services or reticulation constructed to service the development, but the Developer otherwise agrees to fund the planning and construction of necessary infrastructure.
- 39 The Council's Infrastructure Development Engineer (**Councils Engineer**) has undertaken a review of the information submitted as part of the EOI. In summary, Council accepts in principle that the site can be adequately serviced, subject to further investigation.

- 40 Aurum have confirmed that potable water demands and firefighting flows for the proposed site are expected to be available via the existing water main from the Arthurs Point SHA development. Due to the elevation gain throughout the development a booster pump may be required to service the upper dwellings. As a result, Aurum requested an update of the water pressure of the existing water main from Council. Council's Engineer has not been able to locate this request from the developer, but agrees that a detailed water model assessment would be required to determine the above water supply assumptions. The outcome of this modelling will be reported at the next Council meeting. The requirement to install a booster pump (if required) would be at the developers sole cost and would form part of any Stakeholder Deed.
- 41 In terms of the wastewater connection, Aurum has noted that connection to the Council wastewater network is available via an existing main in Arthurs Point Road or through the Arthurs Point SHA. As part of the Arthurs Point SHA it was assessed there was sufficient capacity within the existing network to cope with the increased levels of demand generated. However, a number of network elements downstream showed capacity issues, which were all known to Council. Council's Engineer has not been able to locate Aurum's request to further assess the network, but agrees that further investigation on downstream impacts and planned wastewater network upgrades is required. The outcome of this detailed modelling would be reported back to Council. Any identified wastewater network improvements/upgrades would be at the developers sole cost and would form part of the draft Stakeholder Deed.
- 42 Aurum have confirmed that subject to obtaining Department of Conservation (**DOC**) approvals for increase in flows through the existing approved outlet, there are no issues with connecting to the Council's network within the Arthurs Point SHA. Council's Engineer agrees there is capacity for stormwater discharges from the site via existing and new culverts that would drain under Arthurs Point Road to the DOC Creek. These flows would need to be detained to the 100 year predeveloped runoff flowrate. Council's Engineer agrees approval from DOC would be required for any discharge that changes the flows through these culverts. Council's Engineer notes that onsite stormwater management needs to be addressed to meet the QLDC Land Development and Subdivision Code of Practice and will be assessed prior to an alternative stormwater connection to the Atley road drainage network is considered. This requirement can be secured within the draft Stakeholder Deed.
- 43 A traffic assessment provided by the developer was prepared by Traffic Design Group (**TDG**). TDG have concluded that Bullendale Drive has been designed to be constructed to a standard that is capable of accommodating up to 200 residential dwellings and is therefore able to accommodate the additional traffic that is being proposed as part of the development. TDG have recommended that the shared pedestrian/cycle link adjacent to Arthurs Point Road be constructed to provide access to Arthurs Point Road opposite the legal extension of Atley Road. This would allow for the future opportunity to extend a shared pedestrian/cycle link on Arthurs Point Road and utilise the legal extension of Atley Road opposite.
- 44 The site is located adjacent to a bus route which has been approved as part of the Queenstown public transport improvements 2017. Existing bus stops are located approximately 300m to the east of the site on both sides of Arthurs Point

Road. However, no footpaths exist on either side of Arthurs Point Road. This is something else that needs to be further investigated.

- 45 Overall, TDG conclude that the proposal can be supported from a transport perspective. Council's Engineer has agreed with this conclusion. He supports the additional walking and cycling share paths proposed and the investigation of further links to public transport stops along Arthurs Point Road. The development cost of the necessary upgrades, including the installation of a crossing and footpath across the entire Arthurs Point Road frontage (if deemed necessary) would be borne by the developer and would form part of the draft Stakeholder Deed.
- 46 Further information has been requested from the developer in terms of capacities, as the transport assessment remains silent on the impact of the proposed residential flats. It is considered that this detail could be assessed at the time of the resource consent application, as well as compliance with the car parking requirements of the PDP (an issue raised by Council's Engineer).
- 47 Bell Consulting Ltd have undertaken a preliminary geotechnical review of the site which formed part of the EOI. The site is partly located on the Coronet Peak Landslide and partly on alluvial terrace sourced from the Shotover River in an area designated as 'possibly susceptible' to liquefaction. No alluvial fan hazard has been identified at the site. Geotechnical investigations are recommended to confirm the actual risk and extent of the affected areas. This is also consistent with the advice received from the Otago Regional Council, which is further discussed below.
- 48 Overall, all the proposed infrastructure is accepted in principle, however further detailed investigation is required to ensure that adequate infrastructure exists or is likely to exist. This includes a detailed assessment of the connections with existing reserves.

Affordability and Affordable Housing Contribution

- 49 The EOI would help to address housing supply issues by providing for a variety of compact townhouses situated on compact sections, with a particular focus on first time home owners. The developer has confirmed that 54% of the purchasers of dwellings (14 of the 26 that have been sold) within the Arthurs Point SHA have been to first time home owners. It is anticipated that a similar percentage would be first time home owners in the proposed SHA. The developer has advised that property speculation would be avoided as the whole development would be delivered by the developer, as opposed to vacant sections. The lot sizes from the dwellings also range in size from 150m² to 350m². The developer has had a lot of success with this model with a high portion of the Arthurs Point SHA residential units being sold to first time home owners.
- 50 The developer has confirmed they would satisfy the affordable housing requirements of the Lead Policy (10% contribution). If the EOI is accepted in principle, the details of this would be negotiated and form part of the Deed that would be reported back at a Full Council meeting in early 2018.

- 51 The proposed SHA is not to be used for visitor accommodation purposes. Clauses can be added to the Draft Deed to restrict the proposed SHA being used for short term rental/visitor accommodation, as identified by section 3.4 of the Lead Policy. This has been agreed with the developer.

Community Feedback

- 52 HASHAA does not set any statutory responsibilities in terms of consultation on the establishment of SHAs. However, the Council has sought public feedback / comment regarding the proposed SHA, which it has done for all SHA proposals. In addition, should the SHA be established, the consent authority may request the written approval of adjoining land owners if they are deemed to be affected and may undertake a limited notification resource consent process.
- 53 The EOI was placed on the Council's website on 13 November 2017, which is consistent with how other SHAs were considered. This process calls for feedback/comment to the Mayor and Councillors and closes on the 7 December 2017. Feedback will be collated and provided to Councillors and made public prior to the Council meeting on the 14 December 2017.

Quality and Design Outcomes (Point 3.7 of the Lead Policy)

- 54 The EOI integrates into its surroundings by reinforcing existing vehicular access ways and continuing a similar development to what has been approved within the neighbouring Arthurs Point SHA. Some concern is raised with the proposed layout, the level of development and its relationship with the residential properties to the west of site. This will be assessed in detail by a planner and urban designer once a resource consent application has been submitted. However, it is highlighted at this point to ensure the developer is aware of these initial concerns.
- 55 An 8m height limit currently applies to both the Low Density Residential and Rural General/Rural Zones of the ODP and PDP. For design reasons, the developer prefers that some flexibility is provided for height to enable three storey development with a basement car parking area. As the legislation specifies a default SHA height limit of 27m unless otherwise specified, it is recommended that a 12m height limit and four storey limit apply to the proposed SHA. A request was made to the developer to confirm what height would be appropriate and this is yet to be agreed with the developer. This would mean that if SHA status was conferred, and a subsequent application for a qualifying development was received by Council that exceeded this height limit or storey height, it would not be accepted as a 'qualifying development' under the SHA.
- 56 In terms of connections, Council's Reserves Department has noted that a development of this size should have a flat area for informal recreation such as kicking a ball around and ideally a playground, as the site is not within easy walking distance from an established playground. Further details of the proposed reserve have been requested from the developer. Ideally, any reserve would be centrally located with connections to the proposed and existing residential area.
- 57 The indicated connections to the open space are not formed or legal access ways (pedestrian and cycle way). It is not clear from the EOI if a pedestrian footpath/cycleway is proposed adjacent to Arthurs Point Road and how it connects with the existing residential development, Atley Road and the bus stops

on Arthurs Point Road. The connection to Atley Road is an unformed road reserve down a relatively steep incline. Further clarification has been sought from the applicant on these matters. This is a particular issue if the developer is relying on these connections as mitigation for a smaller onsite reserve and no playground. Any connections (if deemed appropriate by Council) and costs associated with this should be borne by the applicant and would form part of the draft Stakeholder Deed.

- 58 Any network trails should be developed in conjunction with the Council and the Queenstown Trails Trust. This requirement could also be included in a draft Deed.

Timely Development (Point 3.8 of the Lead Policy)

- 59 The developer has confirmed that they are motivated and willing to develop as soon as possible. The developer has delivered the residential development within the Arthurs Point SHA in a timely manner. The requirement to proceed in a timely manner would form part of the draft Stakeholder Deed.

Conclusion

- 60 In recommending the SHA to the Minister, the Council has to be satisfied that the proposal is generally consistent with the principles espoused in the Lead Policy. The majority of the portion of the site that is proposed for residential purposes is located on Low Density Residential zoned land that is within the proposed UGB in the PDP. The proposal targets a specific housing market (being first home owners), it would provide both a mixture of dwellings and apartments and different sizes sized dwellings (1 to 3 + bedrooms). Council's Infrastructure Department have confirmed that the proposal is acceptable in principle, subject to further investigation.
- 61 Council's Reserve Department has also raised concerns with the size of the reserves and the connections of the site with the neighbouring residential development and the existing reserves in Arthurs Point. Further information from the developer is required.

Agency Responses

Otago Regional Council (ORC)

- 62 Correspondence from ORC is included in **Attachment B**.
- 63 ORC has noted that there are a number of policies in the Regional Land Transport Plan ensuring all modes of transport are recognised and provided for. ORC have noted that for new developments it is important for footpaths on both sides of internal road and directly walking tracks from the back of the development to the main road. Connectivity between neighbouring development is also important. Further information has been requested from the developer.
- 64 ORC notes that the site is partly covered by a very large historic landslide (part of Coronet Peak Landslide) and partly on the old terraces of the Shotover River. ORC state there are likely to be very few hazard issues on the lower portion of the site.

65 Based on the concept plans, few of the dwellings are proposed to be located on the steeper historic landslide area, however there is some development proposed on the toe of the landslide. There is also the potential for sites in front of the landslide to be affected if it advanced onto the terraced area. The ORC has advised that large complex landslides flank much of the Wakatipu Basin area, and there is little data about their history or activity. It appears the landslide on the site has advanced onto the river terraces, implying it has moved since the terraces were formed, probably sometime since the last glacial period (~15,000 years ago).

66 A more detailed site investigation would need to address these matters and would form part of any resource consent application. The potential for rockfall or debris flows to impact the site is another matter that would need to be addressed. The ORC has noted that landslide features like this have been built upon in other parts in the broader Queenstown area, which includes the neighbouring site containing the Arthurs Point SHA.

Ministry of Education (MoE)

67 The MoE have advised that they expect minimal impact on the schooling network (primary and high school). MoE is planning for the expansion of both the Queenstown School and Wakatipu High School in response to ongoing residential development within the catchments of both these schools. Correspondence from the MoE is included in **Attachment C**.

Aukaha (formerly Kai Tahu Ki Otago) and Te Ao Marama Inc. (TAMI)

68 TAMI have advised that they have no comments at this stage and would like to stay updated on the projects progress.

69 Aukaha have not provided a response at the time of writing the Council report.

New Zealand Transport Agency (NZTA)

70 NZTA has advised (**Attachment D**) that the majority of the proposed SHA is located within the proposed UGB and within a developed area that is serviced by existing bus links. NZTA are supportive in principle of SHAs in the Arthurs Point area and are satisfied that the proposal is unlikely to have any immediate adverse effects on the safety, efficiency and functionality of the transport network.

71 The NZTA note that it is proposed to share lanes down the road to the edge pathway/cycle way to deliver pedestrian links along Arthurs Point Road. The nearest bus stop is located approximately 200m east of Bullendale Drive at Coronet Peak Hotel. NZTA have suggested that some consideration as to whether there is an opportunity to extend this path further to the east to connect with the bus stop, as this would assist the Queenstown Bus Service and would contribute to the sustainable management of the transport network. This is a matter that is being further investigated.

Planning Considerations

- 72 When the Minister considers a recommendation from a local authority to establish a particular area as an SHA, the Minister is required to consider whether:
- *adequate infrastructure to service qualifying developments in the proposed special housing area either exists or is likely to exist, having regard to relevant local planning documents, strategies, and policies, and any other relevant information; and*
 - *there is evidence of demand to create qualifying developments in specific areas of the scheduled region or district; and*
 - *there will be demand for residential housing in the proposed special housing area.*
- 73 Other than (by extension) considering these matters, HASHAA provides no guidance by way of specified criteria on what other matters local authorities may consider when deciding whether or not to make a recommendation to the Minister on potential SHAs. In particular, it does not indicate whether it is appropriate to consider ‘planning issues’, such as landscape, District Plan provisions, and previous Environment Court decisions.
- 74 However, the High Court in *Ayrburn Farm Developments Ltd v Queenstown Lakes District Council* [2016] NZHC 693 confirmed that:
- “...the HASHAA gave both the Minister and a local authority a discretion and, clearly, the actual location of areas of land to be recommended (and to that extent what could be described as planning or RMA matters) were always appropriate considerations in any such recommendation”.¹*
- 75 This decision confirmed the legal advice provided previously by Council’s lawyers, that planning considerations are relevant matters for Council to consider when deciding whether to recommend a potential SHA to the Minister. However, while these considerations are relevant, Council’s decision-making should remain focussed on the purpose and requirements of HASHAA and how to best achieve the targets in the accord. While the weight to be afforded to any consideration – including the local planning context – is at the Council’s discretion, HASHAA considerations are generally considered to carry more weight. The purpose of HASHAA has been set out in paragraph 6 of this report.
- 76 To this effect, targets have been set in the accord that Council has agreed with the Minister to meet.
- 77 In theory, all or most proposed SHAs are likely to be contrary to an ODP / PDP provision – an EOI would not be made for a permitted or a controlled activity. Therefore, a logical approach is to consider which plan provisions may have greater significance and which may therefore need to be given greater consideration.

¹ Paragraph 56

Urban Growth Boundary (UGB) and Landscape Matters

- 78 The majority of the residential development on the site is located within the proposed UGB of the PDP. It is noted that at this point in time Arrowtown is the only location in the District where an urban growth boundary is afforded statutory weight in the ODP. Currently the PDP has limited weight, with decisions on the Stage 1 chapters (which includes the position of the UGB) due in the first quarter of 2018. Urban development outside the UGB is not prohibited, but would require resource consent as a Discretionary Activity under the PDP. As noted earlier however, HASHAA's purpose is increasing housing supply, so an assessment that weighs up these competing matters is required.
- 79 UGBs have several purposes, not just protecting the 'edge' of urban areas. They also seek to ensure a distinction between urban and rural land uses, whether near town edges or not, and seek to discourage urban development in the countryside. It is noted that many of the approved SHA's are located outside of the proposed UGB of the PDP. These include; Arrowtown Retirement Village, Queenstown Country Club, Onslow Road and parts of Bridesdale, Arthurs Point and Shotover Country SHAs.
- 80 The determination of whether or not it is acceptable to locate residential development within the ONL needs to be assessed in detail as part of any resource consent application. The masterplan is currently showing approximately 9 of the residential units are located in the ONL (of both the ODP and PDP).
- 81 The developer is committed to a comprehensive and well considered design response that seeks to respond sensitively to the built and landscape character of the area. The acceptability of the proposed setbacks and mitigation measures will be assessed in detail as part of the resource consent application. Particular attention will need to be paid to the relationship with the ONL and the neighbouring residential properties to the west.
- 82 Conferring SHA status for the site only enables the potential for development. SHA status, in itself, and does not guarantee applications for qualifying developments will be approved. Planning matters (including UGBs, character / amenity and landscape issues) are a relevant and explicit consideration at the resource consent application stage as second, third and fourth tier considerations under HASHAA.

Options

- 83 Option 1: Accept in principle, the establishment of the Bullendale SHA subject to the negotiation of a Stakeholder Deed, further infrastructure assessment (including shared pedestrian/cycle links and connections to the reserves network) and confirmation from Department of Conservation and Aukaha.

Advantages:

- 84 Helps contribute to achieving the purpose of the HASHAA, advancing the principles and priority actions in the Housing Accord, and helps the Council to achieve the housing targets in the Housing Accord by enabling new housing aimed at first home owners to be constructed.

- 85 Generates a number of social and economic benefits (both short term and long term) such as the creation of jobs during the construction phase and long term benefits relating to the increased provision of the supply of a range of houses;
- 86 Contributes to affordable housing in the Wakatipu Basin;
- 87 Provides the opportunity for a Stakeholder Deed to be negotiated ensuring that the proposal is consistent with the Lead Policy and can be appropriately serviced, thus reducing the overall risks to Council; and
- 88 The proposal is considered to be generally consistent with the Council's Lead Policy, due to the majority of the site being located within the proposed UGB and the proposed Low Density Residential zone of the PDP. It is a logical extension of the Arthurs Point SHA.

Disadvantages:

- 89 The proposal has the potential to set a precedent for increased levels of residential density for sites along Arthurs Point Road. The site is not unique or distinguishable from many other sites that are located in this area and the granting of this SHA could lead to a precedent of further increased levels of residential development in this area.
 - 90 Aspects of the proposal are considered to be inconsistent with the ODP and PDP, due to it promoting an increased level of density above the level promoted in the District Plans. In addition, part of the site is located outside the UGB and being zoned Rural General and Rural, in locations where the scale and density of development is not anticipated.
- 91 Option 2: Not recommend the proposed Special Housing Area to the Minister

Advantages:

- 92 Would help preserve District Plan integrity by avoiding a density of development that is inconsistent with the density stipulated in both the ODP and PDP.
- 93 Would avoid creating a precedent for an urban development that is not unique or distinguishable from many other sites in Arthurs Point.

Disadvantages:

- 94 Would forgo the opportunity of potentially providing housing option in the Wakatipu Basin area and potentially adversely impacting on Council's ability to meet its commitments under the accord.
 - 95 Would forgo the short term and long term social and economic benefits offered by the proposed (outlined above).
- 96 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

97 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because:

- **Importance:** the matter is of high importance to the District. Housing supply and affordability is a significant issue for the District;
- **Community interest:** the matter is of considerable interest to the community
- **Existing policy and strategy:** The proposal is considered consistent with the Housing Accord, and is generally consistent with the Council's Lead Policy. Some aspects of the proposal are generally consistent with the provisions of the ODP and PDP because urban development is anticipated on the residentially zoned portion of the site. However, the proposal also promotes increased levels of density to those anticipated by both the ODP and PDP, and proposes residential development on Rural zoned land that is located outside the UGB and within the ONL. This is not entirely consistent with either the ODP or PDP.
- **Capability and Capacity:** In principle it is accepted that the site can be serviced by existing infrastructure but further modelling is required in terms of water supply and waste water.

Risk

98 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)' as documented in the Council's risk register. The risk is classed as high. This is because of economic, social, environmental and reputational risks.

99 This matter relates to this risk because the supply of housing is central to the current and future development needs of the community. In this instance, it is considered that the social and economic benefits towards the provision of housing and land packages that are targeted at first home owners are met. The subsequent resource consent assessment process under the HASHAA also provides the opportunity for further mitigation of risk.

Financial Implications

100 Under the HASHAA, developers are required to provide the necessary infrastructure to service their developments. Council negotiates Stakeholder Deeds to ensure the necessary infrastructure is provided.

Council Policies, Strategies and Bylaws

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

- Lead Policy for SHAs;
- The Operative District Plan;
- The Proposed District Plan;
- Growth Management Strategy 2007;
- Housing Our People in our Environment Strategy;
- Economic Development Strategy;

- 2016/2017 Annual Plan and the Long Term Plan; and
- Mayoral Housing Affordability Taskforce Report.

102 This matter is partly included in the 10-Year Plan/Annual Plan, due to the fact that some level of development is anticipated on the site. Further investigation will confirm whether or not any upgrades are required.

Local Government Act 2002 Purpose Provisions

103 The proposed resolution accords with Section 10 of the Local Government Act 2002, in that it fulfils the need for good-quality performance of regulatory functions.

104 The recommended option:

- a. Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by utilising the HASHAA to enable increased levels of residential development on the proposal site;
- b. Can currently be implemented through current funding under the 10-Year Plan and Annual Plan;
- c. Is considered to be generally consistent with the Council's plans and policies; and
- d. Would alter the intended level of infrastructural service provision undertaken by or on behalf of the Council.

Consultation: Community Views and Preferences

105 HASHAA does not set any statutory responsibilities in terms of consultation on the establishment of SHAs. However, the Council has sought public feedback / comment regarding the proposed SHA, which it has done for all SHA proposals. In addition, should the SHA be established, the consent authority may request the written approval of adjoining land owners if they are deemed to be affected and may undertake a limited notification resource consent process.

106 The persons who are affected by or interested in this matter are neighbours adjoining the proposed SHA site, and more generally the wider Wakatipu Basin community. There is also likely to be some wider community interest in the EOI in Queenstown, given the high cost of housing across the District.

107 The Council has also provided for community comment/feedback process on the EOI, consistent with how other EOIs were considered. The process calls for feedback to Councillors and closes on 7 December 2017. Feedback will be collated and provided to Councillors and made public prior to the Council meeting on 14 December 2017.

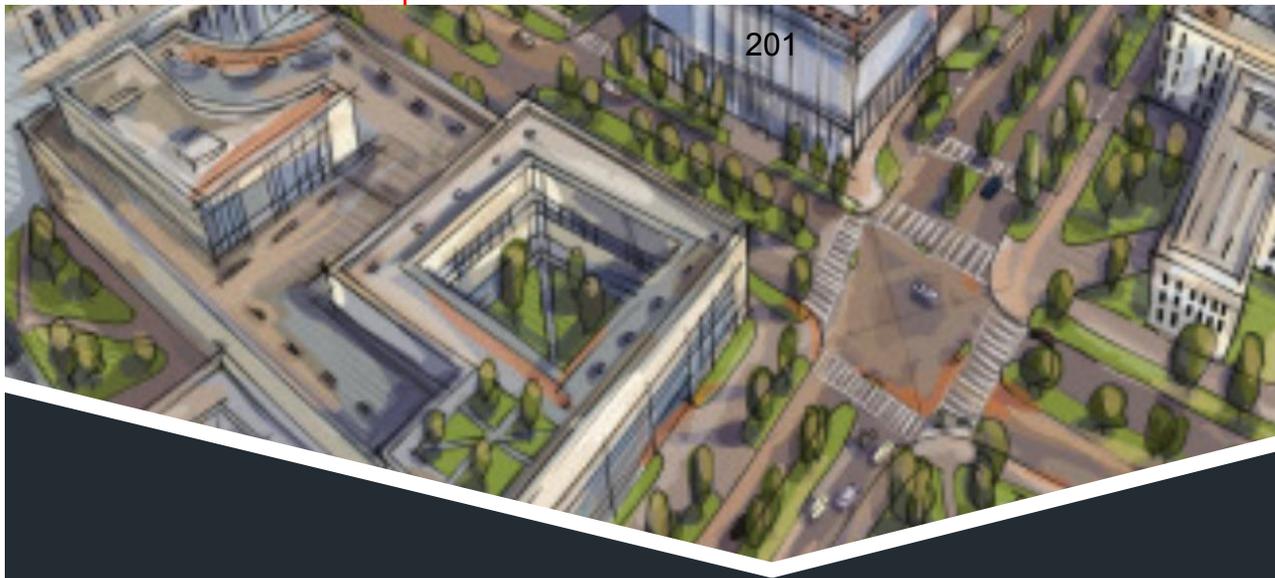
Legal Considerations and Statutory Responsibilities

108 HASHAA is the relevant statute with its purpose detailed in paragraph 6 of this report.

- 109 As stated previously, HASHAA provides limited guidance as to the assessment of potential SHAs, beyond housing demand and infrastructure concerns. HASHAA is silent on the relevance of planning considerations; however the Council's legal advice is that these are relevant considerations and this has been confirmed by the recent High Court decision. The weight to be given to these matters is at the Council's discretion, having regard to the overall purpose of HASHAA. These matters have been considered in this report.
- 110 The Council will need to consider the consistency of any decision to recommend this SHA to the Minister and its decision in July 2015 to notify the PDP which maintains the sites as Low Density Residential / Rural Zone. However, the majority of the proposal site is located within the proposed UGB and it adjoins an existing urban area being Arthurs Point. The proposal is considered to be generally consistent with the Lead Policy, the accord and the purpose of the HASHAA.
- 111 In this instance the provision of houses outweighs the adverse effects of proceeding with a development that promotes increased levels of development anticipated by the ODP and PDP.
- 112 The Proposal would help achieve the purpose of HASHAA.

ATTACHMENTS

- A Bullendale Expression of Interest
- B Agency Response – Otago Regional Council
- C Agency Response – Ministry of Education
- D Agency Response – New Zealand Transport Agency



Bullendale Developments Limited

Expression of Interest:

Arthurs Point Special Housing Area Extension

November 2017

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Appendices

Appendix 1 – Computer Freehold Register

Appendix 2 – Urban Design Assessment

Appendix 3 – Three Waters Assessment

Appendix 4 – Traffic Assessment

Appendix 5 – Geotechnical Assessment

Executive Summary

Bullendale Developments Limited, in association with Frank Tomasi and family (current owners of the land), submits this Expression of Interest (EOI) for the site legally described as Lot 2 DP 12913, for consideration as an extension to the existing Arthurs Point Special Housing Area (SHA).

The EOI comprises a master-planned residential development scheme. The scheme comprises a medium density proposal consisting of townhouses on compact sections.

The proposed SHA extension has been designed to deliver a seamless development extension from the existing SHA development on the adjoining land (legally described as Lot 1 DP 12913). Rooding connections stitch the sites together, as does a consistent urban design approach. It is consistent with Council's Implementation Policy on Special Housing Areas, and the statutory considerations under the Housing Accords and Special Housing Areas Act 2103.

Of particular note, the SHA will:

- Provide significant additional housing supply to Queenstown in a timely manner;
- Provide increased diversity of housing options to the Queenstown market;
- Provide new housing that is priced at a 'market affordable' price point, through the use of small section sizes and compact and efficient housing designs;
- Be underpinned by a comprehensively designed, cohesive master plan based on best practice urban design principles;
- Be adequately serviced by infrastructure.
- Reinforce an evolving 'village' node of development at Arthurs Point, located adjacent to the Queenstown Bus Service bus stop.

Bullendale Developments Limited commit to the 10% Community Housing contribution as specified in Council's Implementation Policy on Special Housing Areas.

Most importantly, Bullendale Developments Limited have demonstrated, with the Bullendale development currently well into construction, that they will deliver well designed housing solutions to a high standard at 'market affordable' price points. This should give Council the confidence that Bullendale will continue to deliver much needed housing into the Queenstown market efficiently and in a timely manner.

1. The Bullendale Proposal

1.1 The Bullendale Team

The Tomasi Family

The Tomasi Family are the owners of the land.

Mr Gianfranco (Frank) Tomasi is a leading figure in Australia's peak electrical industry body the National Electrical and Communications Association (NECA) and was awarded an Order of Australia in the 2013 Australia Day Honours List. Mr Tomasi has a strong and long standing background in the Australian electrical industry. Mr Tomasi's electrical contracting interests have in the past contracted in New Zealand providing support to major mining operations. Mr Tomasi has owned the Arthurs Point site since 2006.

The March Family

The March Family is well known for their involvement in New Zealand's mining industry.

The family's mining story began in 1983, with their first mining venture in the Kawarau River in Gibbston Valley. The March's went onto establish robust mining operations in the nearby Shotover River in Skippers Canyon - an area renowned for its isolation, cold climate and flooded rivers. They mined there until recently when they shifted to a large and successful open cast operation in Southland's Waikaka Valley.

Momentum Projects – Development Manager

Mr Fairmaid is the director of Momentum Projects and is one of New Zealand's leading project managers. Mr Fairmaid has considerable experience in land and property development and is involved in multiple residential developments across the South Island.

Mr Fairmaid's primary focus is on moving projects forward smoothly and efficiently for his clients, to ensure their build is completed on time and as planned. In partnership with the March Family, Mr Fairmaid has been instrumental in driving the successful execution of the Bullendale housing development currently progressing in the Arthurs Point SHA.

1.2 The Arthurs Point SHA Extension Site

The existing Arthurs Point SHA comprises the site with the legal description of Lot 1 DP 12913. The land is currently being developed, with completion of all stages anticipated by 2020.

This EOI proposes extending the existing SHA westwards, to incorporate the land legally described as Lot 2 DP 12913. The title for the site is attached as **Appendix 1**.

Similar to the land on the existing SHA site, the site slopes up gently / moderately from the Arthurs Point frontage to the top of the site (the site slope steepens through its mid to upper portions). Much of the

upper slope of the site is vegetated with wilding pines (to be removed).

An existing house is located on the property, just below the mid portion of the site. This house would be demolished to facilitate the proposed development.

While the site has characteristics more akin to a rural residential property, the lower half of the site is zoned Low Density Residential in both the Operative and Proposed Queenstown Lakes District Plans. Development of the site will form a natural development linkage between the development underway on the established Arthurs Point SHA, and the established residential subdivision in Arthurs Point.

Several residential properties adjoin the western boundary of the site. Like the subject site, these properties are zoned Low Density Residential. These properties contain large areas of mature trees, and trees running along the common boundary of the subject site provide a good level of screening between the properties.

1.3 Proposed Urban Design and Development Approach

The urban design approach to the masterplanning of the site is comprehensively set out in **Appendix 2** to this EOI.

The proposed development will attain vehicular access from the roading network being developed on the land to the east of the site in the existing SHA development. This means that the development will not require a further vehicle access from Arthurs Point Road. Within the development, the following proposed roads are to be vested:

- Lane – serving 20 residential dwellings or less, legal width 9m with target operating speed 20km/hr. This allows for parking and pedestrians to share the carriageway with vehicles.
- Local roads – serving 200 residential dwellings or less, legal width 15m with a target operating speed 30km/hr. These roads require footpaths both sides and indented car park bays.

A full unit typology is enclosed in the masterplan documentation in Appendix 2. The masterplan illustrates a total 91 dwellings of which 50 (55%) are in the walk-up terraced apartment configuration and the balance are low-level semi-detached and free-standing dwellings. While a developed concept for resource consent may reduce the percentage or number of Walk-up Terraces, this typology was designed for (but not utilised in Bullendale) dual-key self-contained ancillary units – and implementing this innovation would maintain an equivalent yield. Consequently the 91 dwelling outcome represents a ‘deliverable’ yield to underpin the EOI but the levels of 1 or 2 bedroom dwellings is hard to cement, suffice to say it will be significant.

The design utilises all of the same housing types as are being used in Bullendale, and will have maximum building heights of 4 storeys, or 3 storeys above the basement/ground level car park. This is not only to maintain a visual coherence but also because these have been proven to be desirable and cost-effective to deliver for first home buyers.

The walk-up terraced apartment buildings have been sited with consideration for cost-effective extension of the wood-chip fuelled central heating system being considered for Bullendale. This innovation will be a significant contributor to reducing utility costs and delivering a high-quality living

environment for apartment dwellers – contributing to affordability outcomes.

The area of reserves/open space for the development equates to a total area of 1,500m² of the development site. Bullendale is undertaking ongoing consultation with Council's Reserves team.

1.4 Proposed Architectural Approach

Foley Architects undertook the architectural design for the Bullendale development. Foley will be reengaged to develop the house designs for the SHA extension site.

As outlined above, similar dwelling types will be utilised for the SHA extension. In addition, the architectural 'language' will be similar, with some opportunity for subtle variations.

2. Statutory and Council Policy Considerations for the Assessment of Potential Special Housing Areas

2.1 Housing Accords and Special Housing Areas Act

In terms of establishing Special Housing Areas (as distinguished from assessing Qualifying Development applications within established SHA's) the key statutory matters are set out in Section 16(3) of HASHAA:

The Minister must not recommend the making of an Order in Council under this section unless the Minister is satisfied that—

- (a) *adequate infrastructure to service qualifying developments in the proposed special housing area either exists or is likely to exist, having regard to relevant local planning documents, strategies, and policies, and any other relevant information; and*
- (b) *there is evidence of demand to create qualifying developments in specific areas of the scheduled region or district; and*
- (c) *there will be demand for residential housing in the proposed special housing area.*

While the matters relate to the Minister of Housing's decision making functions, it follows that Council must be satisfied as to these matters in order to recommend a SHA to the Minister.

With regard to the question of 'adequate infrastructure', the majority of the site subject to development is zoned Low Density Residential which contemplates the potential for comprehensive residential development at relatively high densities. Council asset plans would have taken into account the future potential development of this and other under-developed sites in Arthurs Point, and development contributions will be charged against any development to fund future infrastructure upgrades in the area. Only a very small area of development will extend above the boundary between the Low Density Residential zone and the Rural zone, and as this part of the development is contiguous with the development below, contained within the Low Density Residential zone, there will be seamless provision of infrastructure.

Aurum Consultants have undertaken an assessment of water, stormwater and wastewater infrastructure capacity to service the development. Their report is attached as **Appendix 3**. While the masterplan shows a yield of 91 dwellings, Aurum have taken a conservative view, assuming the development of 100 dwellings.

Aurum conclude:

'Based on the existing services within close proximity to the proposal it is understood capacity is available to adequately cater for this development.'

Meanwhile, Jason Bartlett Consulting have undertaken a transport assessment to confirm that roading infrastructure in the locality is adequate to cater for the proposed development. The traffic assessment report is attached as **Appendix 4**. The assessment concludes:

'It is considered that the existing transport infrastructure, including the construction of consented infrastructure at Bullendale, will be able to accommodate the additional transport demands of the proposed Tomasi SHA.'

David Bell of BG Consultants has advised that there are no geotechnical issues with establishing foundations at the lower part of the site consisting of the alluvial terrace. Further investigation is required for the upper part of the site for the dwelling foundations and roading due to the Coronet Peak Landslide, although it is noted that infrastructure can realistically be installed (refer to **Appendix 5**).

With regard to the matters of demand, sales data over the past two years shows strong ongoing demand for housing in Queenstown. The Queenstown Housing Accord between Council and central government is predicated on the strong evidence of population growth and high levels of housing demand in the district.

Section 15 of HASHAA sets out the criteria that may be prescribed for 'Qualifying Developments' in SHAs. The criteria include maximum building heights, maximum number of storeys, minimum number of dwellings. With regard to these matters, the following criteria are proposed:

Maximum Building Height: 27m

Maximum Number of Storeys: 4

Minimum Number of Dwellings: 3

2.2 Queenstown Lakes District Council's 'Housing Accords and Special Housing Areas Act 2013 Implementation Policy' (24 November 2016)

Council's Implementation Policy sets out 8 Objectives that frame Council's overall approach to the Housing Accord and Special Housing Areas. The objectives are outlined below and commented on.

1. Recommendation of special housing areas facilitates an increase in land for housing supply.

As the lower half of the site (over which the majority of the development is occurring) is already zoned Low Density Residential, SHA status in and of itself does not in itself facilitate a significant increase in land *area* for housing supply. However, SHA status for the land allows for greater design flexibility and housing yield, through levels of density higher than what might be contemplated by the Low Density Residential zoning. In addition, the streamlined consenting process associated with SHA status assists significantly with the risk profile of development, which enables the development to be brought forward with greater speed and confidence.

2. *Special housing areas are established in appropriate locations, where there is evidence of demand for residential housing.*

As outlined above, The Queenstown Housing Accord is predicated on the fact that there is evidence of strong demand for residential housing existing in the District.

The proposed SHA is considered to be in an appropriate location. The majority of the land that is being developed has a zoning of Low Density Residential under the Proposed District Plan, and is located within the Queenstown Urban Growth Boundary in the Proposed District Plan. A minor proportion of the development is proposed to occur just above the boundary of the Low Density Residential zone, within a very small area of the Rural zone.

The development of the site as a coordinated 'extension' to the existing development occurring on the established Arthurs Point SHA site immediately to the east is logical and desirable.

The site has excellent access to Queenstown, either by private motor vehicle or bus.

3. *The establishment of special housing areas accords with the Council's overall strategic direction for urban development in the District.*

The establishment of the SHA accords with the Council's overall strategic direction for urban development in the District. The majority of the proposed development sits within the Queenstown Urban Growth Boundaries shown in the Proposed Queenstown Lakes District Plan, and is consistent with the expectations for urban growth and form espoused in the Strategic Direction and Urban Development chapters of the Proposed Plan. Only a minor proportion of the proposed development extends a short distance above the Urban Growth Boundary and into the Rural Zone. Overall, this is considered a minor and non-consequential policy divergence.

4. *Adequate infrastructure exists or is likely to exist to service qualifying developments in special housing areas.*

As outlined above, adequate infrastructure exists to service any qualifying development that may occur in the SHA.

5. *Qualifying developments within special housing areas take a proactive approach to improving housing affordability issues by providing an appropriate mix of housing options including housing for owner occupiers, first home buyers, accommodation for workers, and facilitating the provision of community housing.*

The masterplan for the development builds on the development approach advanced on the adjoining land to the east in the existing SHA, whereby compact townhouses are delivered on compact sections to deliver 'market affordable' housing. These housing typologies have wide ranging and flexible applicability, providing options for owner occupiers, first home buyers, and 'workers'. Furthermore, Bullendale have engaged in preliminary discussions with the Queenstown Community Housing Trust.

6. *There is community feedback as part of the establishment of proposed special housing areas.*

Council will manage a process of community feedback following submission of this Expression of Interest.

7. *The development of special housing areas will achieve high quality urban design outcomes.*

The SHA development vision is underpinned by strong urban design principles. Urban Designer Bruce Weir (The Property Group) has advanced an urban design structure for the site, which seeks to enhance community wellbeing through a design that:

- Fosters strong connectivity within the development and with other adjacent developments and wider Arthurs Point;
- Provides for a permeable transport network;
- Provides for diversity and housing choice;
- Utilises green spaces and lanes to provide good amenity for residents.

8. *Development of housing in special housing areas occurs as quickly as practicable.*

Development within the proposed SHA is planned to be delivered promptly, building on the team and resources that have been mobilised for the development currently occurring on the existing SHA site to the east.

2.3 Council Criteria for Assessing Special Housing Area Proposals

Section 3 of the Council's Lead Policy sets out the criteria that council will use to assess SHA proposals, in addition to the statutory considerations.

The criteria are addressed under the headings below:

1. Location

This criterion relates to Council's categorization of land in the District, into 3 categories:

a. Category 1 includes areas that are considered suitable for establishment as special housing areas. These areas have been identified or zoned in the Proposed District Plan for residential development or intensification and/or are located within the proposed urban growth boundary. Category 1 areas are listed in Attachment A.

b. Category 2 includes areas that may be suitable for establishment as special housing areas, subject to further assessment against this policy. This category can only be updated following resolution by full Council, which includes the addition and removal of areas from this category. The Council will not accept proposals or EOIs from landowners or developers to include areas on this schedule. Category 2 areas are listed in Attachment A.

c. Category 3 includes areas that are not considered suitable for establishment as special housing areas. Category 3 areas are listed in Attachment A.

Attachment A of Council's Implementation Policy outlines that the following zoned areas within the Queenstown Urban Growth Boundaries of the Proposed District Plan are Category 1 locations:

• Low Density Residential Zone; • Medium Density Residential Zone; • High Density Residential Zone; and • Business Mixed Use Zone. This excludes any land that is located within the Queenstown Airport Air Noise Boundary and Outer Control Boundary.

The majority of the proposed SHA is zoned Low Density Residential under the Proposed District Plan. As noted above, a minor proportion of the proposed development is located just outside of the Urban Growth Boundary, which is considered to have minimal impact.

2. Strategic Direction

The Lead Policy criterion states:

The Council will consider proposed special housing areas in light of its overall strategic direction for development in the District. This includes ensuring that urban development occurs in a logical manner:

- to promote a compact, well designed and integrated urban form;*
- to manage the cost of Council infrastructure; and*
- to protect the District's rural landscapes from sporadic and sprawling development.*

This includes establishing special housing areas within existing urban areas, or proposed urban areas in the Proposed District Plan, including those that are anticipated to fall within urban growth boundaries.

The proposed SHA is generally consistent with this criterion. The majority of the proposed development is zoned residential, and located within Queenstown's Urban Growth Boundary, in the Proposed District Plan. The slight extension into the adjoining Rural zone is of limited consequence, and due to the steep slope of the upper reaches of the site will not lead to sprawling development beyond this point.

The proposal is assessed against the Strategic Direction (Chapter 3) objectives and policies of the Proposed District Plan, and as outlined below, considered to be consistent with these.

1. Develop a prosperous, resilient and equitable economy.

Affordable housing is central to the development of a prosperous, resilient and equitable economy. The proposal will contribute to the provision of affordable housing which will help achieve these economic outcomes.

2. *The strategic and integrated management of urban growth.*

The proposal is an extension of the consented (and under construction) Arthurs Point SHA located to the east of the site. The proposal mimics the general site layout, varying unit typology, and amenities, to represent an integrated and cohesive residential development that will be developed over time (i.e. in stages). The residential development is relatively compact in form and concentrated at the lower slopes of the sites adjacent to Arthurs Point Road. This also enables ease of access and connection to public infrastructure.

The majority of the proposed development is located within the Queenstown Urban Growth Boundary, and integrated urban development is further promoted by virtue of the site's location on a public transport route, near a bus stop. Along with other large scale development under construction or planned at Arthurs Point, the Queenstown Bus Service will receive significant patronage support from development at this node.

3. *A quality built environment taking into account the character of individual communities.*

The proposal residential development of the site will seamlessly integrate with the adjoining approved (and under construction) Bullendale SHA to the east. As proposed, the unit layout, typology, character and onsite amenities are an extension of the consented/existing Bullendale development. The sympathetic building heights and scale of the development will not dominate the local environment, rather integrate with the mixed residential/visitor accommodation character of the area. Further the inclusion of affordable units provides a more inclusive community.

4. *The protection of our natural environment and ecosystems.*

The proposed development is focused around the lower part of the sloped site, closest to Arthurs Point Road and where the development will seamlessly integrate with the adjoining Bullendale development to the east. The upper and steeper parts of the slope remain protected from development. The site is not located on or adjacent to any sensitive natural environments. Accordingly, there are no adverse effects on the natural environment (that are not adequately mitigated) or on any known notable ecosystems.

5. *Our distinctive landscapes are protected from inappropriate development.*

As outlined above, the majority of the proposed development is for the lower parts of the site directly adjacent to Arthurs Point Road. Part of the proposed development will extend by a small margin into the Outstanding Natural Landscape, however this represents a small encroachment into this landscape that, in the context of the overall contiguous development, is not considered to be inappropriate development.

6. *Enable a safe and healthy community that is strong, diverse and inclusive for all people.*

The variety of unit typology provides for and accommodates a diverse community. The development intends to provide a variety of site and unit sizes, and varying unit/dwelling height, which creates an individual yet cohesive residential environment. The incorporation of affordable housing as part of the development also achieves this. Strong consideration and analysis of onsite amenity (i.e. providing parks, open spaces) of the development and private spaces of the units ensures a safe and enjoyable environment for residents.

Overall, the proposal is consistent with these objectives and policies and therefore achieves the strategic direction of the Proposed District Plan.

3. Infrastructure

This matter has been addressed under the relevant objective above.

4. Affordability

The Lead Policy criterion states:

Housing affordability is a key issue for the Queenstown Lakes District. The Council is committed to ensuring that as development takes place across the District, the provision of affordable housing is incorporated as part of each development. The Council is particularly interested in ensuring that affordability is retained overtime. The Council expects landowners and developers to identify appropriate mechanisms to ensure that housing developed in a special housing area addresses the district's housing affordability issues. The Council considers that an appropriate mix of housing is necessary in the district, including housing for owner-occupiers, first home buyers, and accommodation for workers. Examples of mechanisms to achieve affordability may include:

- *a range of appropriately sized sections (including smaller sized sections of 240-400m²);*
- *a mixture of housing typologies and sizes is also desirable;*
- *the nature of any covenants (or similar restrictions) imposed on sections;*
- *methods to reduce property speculation of vacant sections; and*
- *methods to retain affordability in the medium to long term. Housing developed in special housing areas will be expected not to be used solely for visitor accommodation and landowners and developers should identify an appropriate legal mechanism for securing this outcome.*

The advancement of the proposed SHA proposal has placed these matters at the centre of design considerations. The proposal focuses on an 'Affordability by Design' approach. Central to this is the

provision of compact townhouses sited on compact sections.

Property speculation of vacant sections will be avoided as the whole development will be delivered by the developer, as opposed to a model whereby single or multiple vacant sections are sold to individual parties, and potentially speculated on.

5. Affordable housing

As outlined above, a strong 'Affordability by Design' approach to the proposed master planning of the development scheme has been undertaken.

Bullendale Developments Limited confirms that it will satisfy the affordable housing requirements of the Lead Policy. The precise details of any agreement will be worked through carefully with Council and the Community Housing Trust.

6. Community feedback

The Council will seek community feedback on all proposed special housing areas. This will include the Council seeking advice from the New Zealand Transport Agency, Ministry of Education, Otago Regional Council, Local Iwi and any other parties considered to be relevant to the consideration of a special housing area.

7. Quality and design outcomes

The Council will expect all qualifying developments in special housing areas to achieve high quality urban design outcomes. The Council's development quality expectations are set out in Attachment C.

The SHA proposal is considered to meet and even exceed the Council's design expectations.

It is noted that in reviewing the recent Bullendale SHA qualifying development, preeminent Urban Designer Garth Falconer stated:

Overall the applicant's urban design assessment and the architectural set are clear and comprehensive and outline the way in which stage three of Bullendale is indeed developing to be an exemplar development.

The Proposed SHA extension will build on the approach taken in the Bullendale development, to continue and build on the exemplar approach.

8. Timely development

The Council wishes to see evidence that the special housing area proponent is motivated to obtain resource consent before the repeal of HASHAA and to implement the resource consent in a timely

manner, such that the development assists in addressing the District's housing supply and affordability issues.

Assuming the SHA is established, Bullendale is strongly motivated to obtain resource consent before the repeal of HASHAA. This is for Bullendale's own commercial reasons, but also reflects the fact that obtaining a SHA represents a 'Use it or Lose it' scenario of development rights, as the density and therefore yield of development contemplated in the SHA is significantly higher than that contemplated by the site's Low Density zoning under the Proposed District Plan.

Council should gain confidence in Bullendale's commitment to building the housing proposed in this SHA with their performance in promptly delivering housing on the existing Arthurs Point SHA site.

3. Conclusion

Bullendale appreciates Queenstown Lakes District Council's consideration of this EOI.

We consider that the proposed SHA will contribute significantly to the social, economic and environmental wellbeing of the Queenstown community, by delivering affordable housing to the community in an appropriate location, underpinned by strong urban design principles.

Anita Vanstone

Subject: FW: Proposed SHA - Bullendale Expression of Interest - ORC initial comment
Attachments: ArthursPt3.jpg; ArthursPt2.jpg; ArthursPt.jpg

From: Warren Hanley [<mailto:warren.hanley@orc.govt.nz>]
Sent: Wednesday, 22 November 2017 4:16 PM
To: Anita Vanstone
Subject: Proposed SHA - Bullendale Expression of Interest - ORC initial comment

Hi Anita,

Thank you again for the opportunity for ORC to provide some feedback. I've gone to ORC staff and received the following comments. If you have any questions or want clarifications/further information, please feel welcome as always to come back to me.

Walking Provisions:

Otago has a joint Regional Land Transport Plan with Southland. It has a number of policies for ensuring all modes of transport are recognised and provided for. For new developments, it is important to provide for footpaths on both sides of internal roads, and direct walking tracks from the back of the development to the main road please – not ones that wind around. In part this is to support people being able to connect with other forms of transport, such as public transport, effectively. Connectivity between neighbouring developments is also important to provide for either at the time, or ensuring there is provision for future connectivity. ORC's Transport plans can be found here: <https://www.orc.govt.nz/plans-policies-reports/transport-plans>

Natural Hazards:

Without more detailed site information, further detailed comment is difficult to provide. However, ORC's Natural Hazards team provided the following:

The proposed site is partly covered by a very large landslide complex (part of the Coronet Peak Landslide), and partly on old terraces of the Shotover River.

There are likely to be few geotechnical or hazard issues with the lower part of the site on the old terraces.

Based on the concept plans, there are not proposed to be many dwellings located on the steeper landslide area, however there is some development proposed to be on the toe of the landslide. There is also the potential for sites in front of the landslide to be affected if it advanced onto the terraced area.

Large complex landslides flank much of the Wakatipu Basin area, and there is little data about their history or activity. It appears the landslide on the site has advanced onto the river terraces, implying it has moved since the terraces were formed, probably sometime since the last glacial period (~15,000 years ago).

The attached figures show the site highlighted, with the adjacent landslide complex shaded yellow. There is clear evidence for landslide activity on the broader slope, but when this occurred or whether it is ongoing is unknown as far as I know. There appears to be a more recently active lobe of the landslide covering part of the proposed site, as shown outlined red in the attached figure.

These are the questions that more detailed site investigation would need to address, in addition to susceptibility to reactivation after an earthquake. The potential for rockfall or debris flows to impact the

site is another consideration. Note that landslide features like this have been built upon in other parts in the broader Queenstown area.

There may be some additional comment from our passenger transport team but as yet I haven't received this – they have been busy with the set-up of Orbus in Queenstown. But in the interests of meeting the deadline I wanted to provide this feedback to you now.

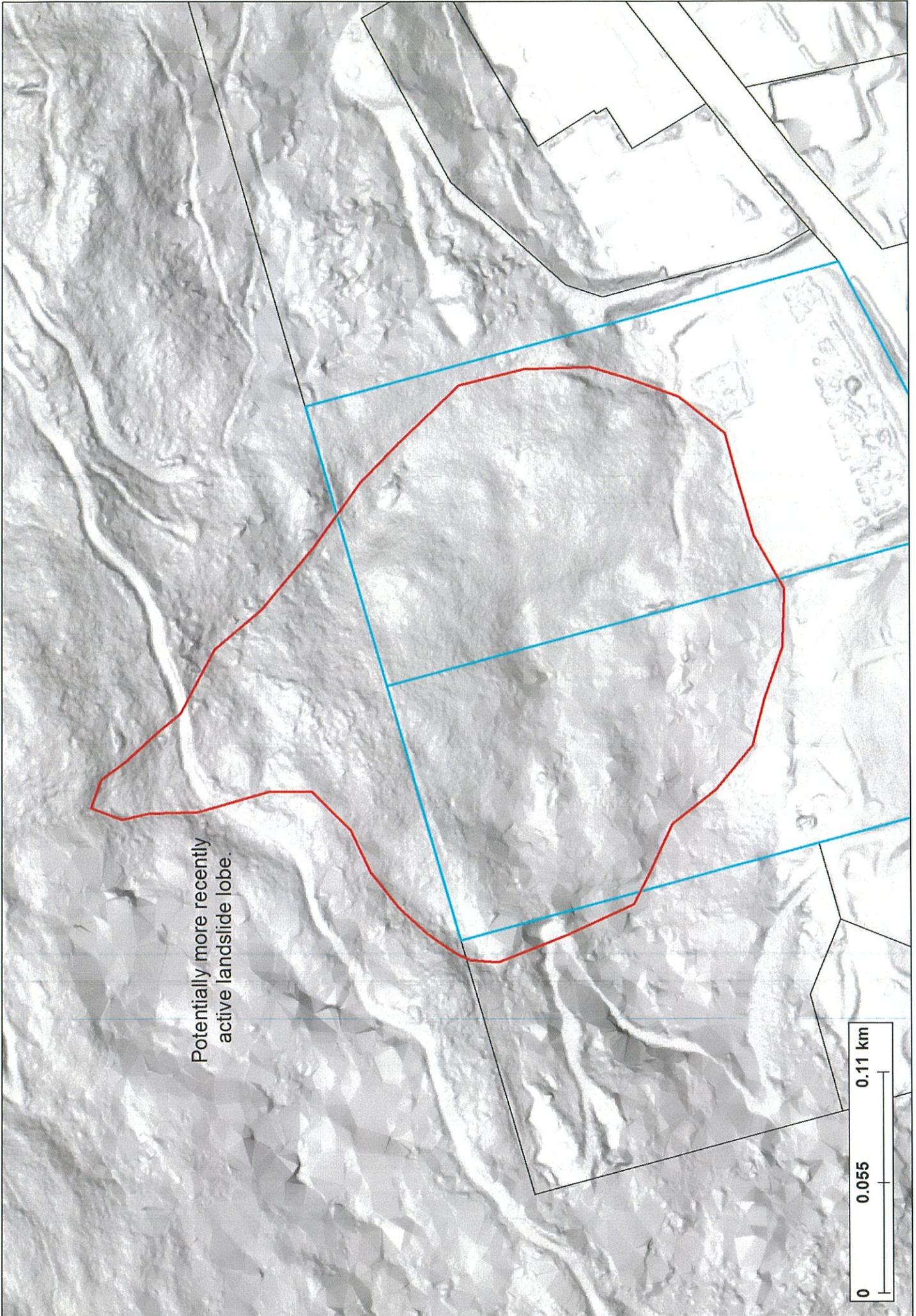
Regards

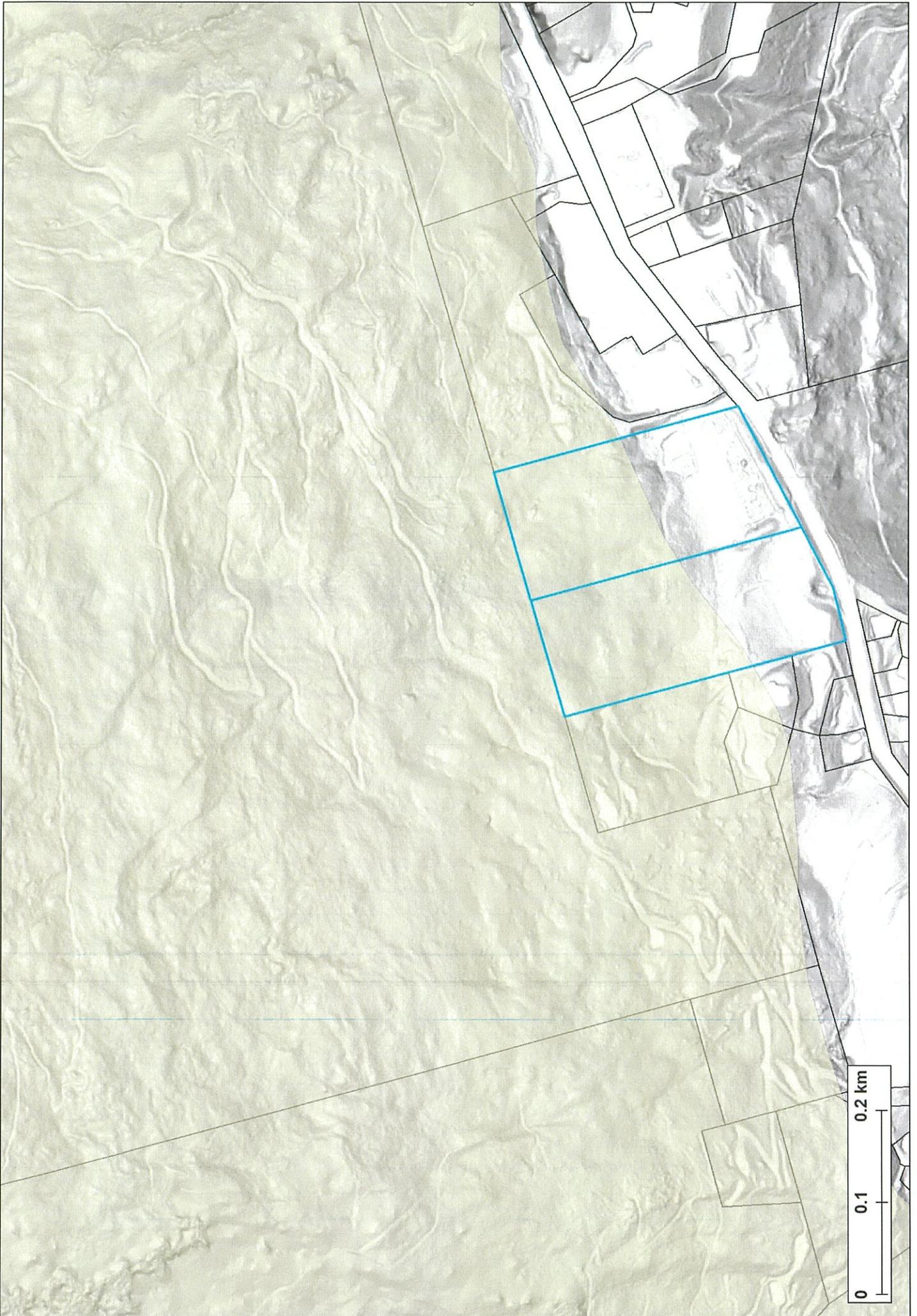
Warren.



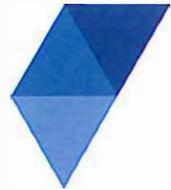
Warren Hanley
Senior Resource Planner
Liaison

Otago Regional Council
70 Stafford St, Private Bag 1954,
Dunedin 9054
Phone (03) 470 7443 or 0800 474 082
www.orc.govt.nz









22 November 2017

Anita Vanstone – Senior Planner
Queenstown Lakes District Council,
Private Bag 50072
Queenstown 9348
New Zealand

Tēnā koe Anita

Expression of Interest – Bullendale - Proposed Special Housing Area

Thank you for your email of 8 November 2017 seeking the Ministry of Education's feedback on the proposed Bullendale Special Housing Area (SHA). The Expression of Interest is for a total of 92 dwellings.

We expect that that the proposed Bullendale SHA, with a total of 92 dwellings would have a minor impact on the Queenstown School. Similarly, given the scale of the proposal, the impact on Wakatipu High School is also considered minor. We are planning for the expansion of Queenstown School and Wakatipu High School in response to the ongoing residential development within the catchments of both these schools.

I would like to acknowledge the opportunity provided for the Ministry of Education to give feedback to Queenstown Lakes District Council as part of the information it considers in making decisions about Special Housing Areas. I look forward to this continuing in the future as both organisations plan to meet the needs of the community within this District.

Nāku noa, nā

Julie Anderson
Director of Education Otago Southland
Sector Enablement and Support

17 November 2017

Anita Vanstone
Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Via Email

Dear Anita

Bullendale - Proposed Special Housing Area - Comments

Thank you for providing details of the above proposal to the NZ Transport Agency for comment. We understand that the proposal relates to a residential development that includes the following:

- 92 residential units
- Internal roading, parking and footpaths; and
- Reserves.

The development will extend westwards from the existing SHA at Arthurs Point. Access to the site will be from Bullendale Drive which intersects with Arthurs Point Road.

The majority of the proposed SHA is located within the Queenstown Urban Growth Boundary and within a developed area which is serviced by existing bus links. We are supportive in principle of SHA's in the Arthurs Point area and on the basis of the information currently available to us, we are satisfied that the proposal is unlikely to have any immediate adverse effects on the safety, efficiency and functionality of the transport network.

We note that there are shared lanes down to the road-edge pathway/cycleway to deliver pedestrian connectivity through and out of the site to the north. However, there are no specific footpaths or cycle links along Arthurs Point Road and the nearest bus stop is located approximately 200m east of Bullendale Drive at Coronet Peak Hotel. There is a widened sealed shoulder on Arthur Point Road and it is likely that this will be used for walking and cycling. We therefore suggest there should be some consideration as to whether there is an opportunity to extend the cycle/pedestrian path further to the east to connect to the bus stop. Having a cycle/pedestrian path connected to the bus stop will assist the Queenstown Bus Service in increasing its patronage support from this residential development which will contribute to the sustainable management of the transport network.

Please do not hesitate to contact me if you have any further queries or require further information.

Yours sincerely



Tony MacColl
Principal Planning Advisor

**QLDC Council
14 December 2017**

Report for Agenda Item: 9

Department: Planning & Development

Request for Private Plan Change 53: Northlake Special Zone

Purpose

- 1 The purpose of this report is to recommend that Council accept for processing a private plan change request by Northlake Investments Limited (**NIL**) to alter the structure plan and text of Chapter 12.34 Northlake Special Zone in the Operative District Plan (**ODP**).

Executive Summary

- 2 The private plan change request seeks to amend the boundaries of existing activity areas identified on the Northlake Special Zone Structure Plan in Chapter 12.34 of the ODP. The key reasons for the change to the boundaries of the activity areas is to facilitate a retirement village and a supermarket. The specific changes sought by NIL to the ODP are:
 - a. Alter the Northlake Special Zone Structure Plan boundaries. This will increase the size of the zone (Activity Area D1) where retirement villages and commercial activities are provided for;
 - b. Modify the size of Activity Area B3 to reflect what is considered by the applicant as more efficient subdivision and land development patterns. The modifications will enable more intensive housing on flatter areas of the Northlake Special Zone;
 - c. Amend the rule limiting retail floor area from 200m² per activity with a maximum floor area of 1000m². It is sought to allow up to 2,500m² total retail floor area within the zone, a single retail activity of up to 1,250m² gross floor area to facilitate a supermarket, while retaining the 200m² cap for other commercial and retail activities;
 - d. Undertake amendments to rules controlling landscaping and the bulk and location of development to recognise the extension to Activity Area D1, with regard to the setback of buildings, building height, access, and landscaping adjacent to Outlet Road;
 - e. Amend existing Rule 12.34.2.6 that states that fish and meat processing is prohibited. It is sought to add an exemption to this rule that would permit fish and meat processing that is ancillary to a retail activity such as a supermarket;

- f. Delete a rule in the Subdivision, Development and Financial Contributions Chapter 15 that requires a minimum amount of house lots to be approved prior to permitting community facilities; and
 - g. Amend the sign rules in Chapter 18 Signs where they relate to the Northlake Special Zone;
- 3 The information supporting the application is considered adequate to enable persons who are interested in the private plan change request to understand the proposals and make a submission.
 - 4 Council officers have not yet formed a view as to the merits of the private plan change request, or whether or not it is appropriate to be granted. However, the proposal satisfies the relevant matters of consideration set out in the Resource Management Act (**Act**)¹ for the Council to consider when determining whether to accept private plan changes for processing.
 - 5 It is considered appropriate to accept the proposal for processing as a private plan change, rather than for instance, rejecting the request and processing it as a resource consent, or adopting the proposal as a Council-led plan change or as a variation to the Proposed District Plan. The reasons for this recommendation are set out in the body of this report.

Recommendation

That Council:

- a) **Note** the contents of this report.
- b) **Authorise** private plan change request 53 Northlake Special Zone for processing by the Council and proceed to notification.

Prepared by:



Craig Barr
Senior Planner
29/11/17

Reviewed and Authorised by:



Tony Avery
General Manager Planning and
Development
29/11/17

¹ Refer to Clauses 23(6) and 25(4) of Schedule 1 of the Act.

Background

Northlake Special Zone

- 6 The Northlake Special zone was confirmed and incorporated into the Operative District Plan on 17 December 2015, following a private plan change (Plan Change 45) process.
- 7 Plan Change 45 was notified on 1 August 2013. Following submissions, a hearing and recommendation from the Hearing Commissioners, the Council resolved to accept the plan change at a Council meeting on 30 July 2014. The decision was appealed to the Environment Court by Appealing Wanaka, a group of individual submitters who made a single appeal. The Environment Court dismissed the appeal and the Northlake Special Zone was made operative by the Council on 17 December 2015.
- 8 The Operative Northlake Special Zone applies to 220 hectares of land located in-between Wanaka and Albert Town (refer to **Figure 1**). The Northlake Special Zone enables the development of approximately 1,520 residential homes within several different neighbourhoods which promote a range of different densities of development. The zone includes a small commercial and community facilities 'node' located alongside the main street, known as Northlake Drive.

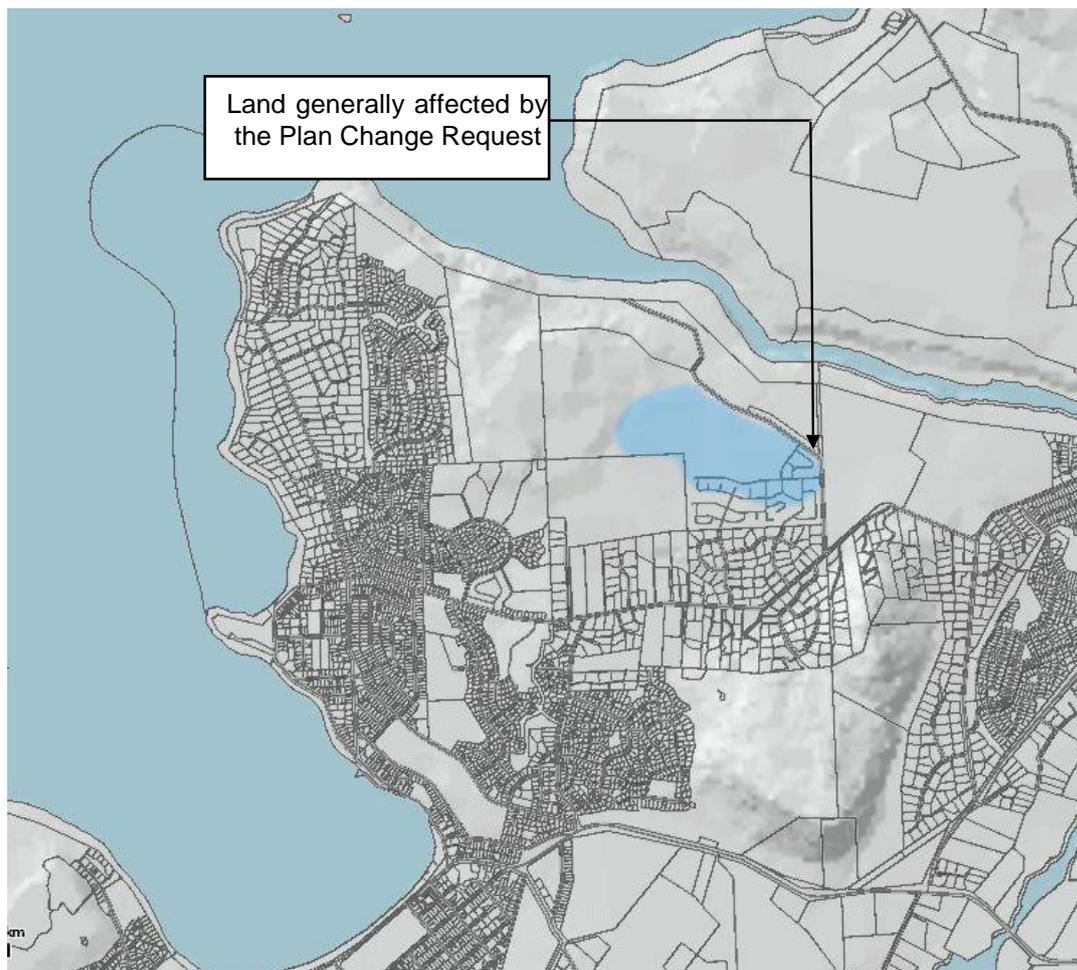


Figure 1. Location of the Northlake Special Zone, the general area subject to the private plan change request is annotated by the blue circle.

- 9 Resource consents have been granted within the NIL owned part of the Northlake Special Zone that enable:
- a. Outline Plan Approval for Stages 1 to 9;
 - b. Earthworks and subdivision stages 1 to 9;
 - c. Bulk earthworks;
 - d. Health centre;
 - e. Early Childhood Centre; and
 - f. Café / restaurant.
- 10 This private plan change request relates primarily to the land located centrally within the Northlake Special Zone that is owned by the applicant (NIL). The remainder of the undeveloped portion of the Northlake Special Zone is held in ownership by three separate landowners.
- 11 The fundamental changes relating to the extension of Activity Area D1 to facilitate a retirement village and supermarket will occur on land owned by the applicant. The changes sought to the rules and community facilities will affect the entire zone. The application document does not identify whether consultation has been undertaken with the other land owners within the Northlake Special Zone. These persons, along with any other member of the public will be able to make a submission, providing it is not related to trade competition.

The application and reasons for the plan change

- 12 The application is supported by an assessment of effects on the environment and section 32 planning evaluation, landscape and urban design, infrastructure, transportation and retail assessments. The following is a summary of the reasons for the plan and specific modifications that are sought to the operative Northlake Special Zone.

Increased zoned land for a retirement village and a supermarket

- 13 NIL seek to better utilise the flat land within the Northlake Special Zone by providing for a retirement village and supermarket. The applicant considers that land zoned for retail activities is undersupplied in the Wanaka area and in particular, that there is an undersupply of supermarkets at the present time. The applicant considers that there is a sufficient demand for an additional supermarket and for retirement style living to justify the change to the existing zone. The specific changes sought to the Operative Northlake Special Zone are to facilitate these activities are:
- a. Alter the Northlake Special Zone Structure Plan boundaries. This will reduce the size of Activity Areas B3, E1 and C2 to increase the size of the zone (Activity Area D1) where retirement villages and commercial activities are provided for;
 - b. Within Activity Area D1, it is sought to amend the rule limiting retail floor area from 200m² per activity with a maximum floor area of 1000m². It is

sought to allow up to 2,500m² retail floor area and retaining the existing 200m² cap for each activity. Except one activity will be allowed a retail floor area of 1250m² to facilitate a supermarket;

- c. The overall increase in the size of Activity Area D1 will be 4.1 hectares;
- d. Undertake amendments to rules controlling landscaping and the bulk and location of development to recognise the extension to Activity Area D1 with regard to the setback of buildings, building height, access, and landscaping adjacent to Outlet Road; and
- e. Amend existing Rule 12.34.2.6 that states that fish and meat processing is prohibited. It is sought to add an exemption to this rule that would permit fish and meat processing that is ancillary to a retail activity such as a supermarket.

Modify the Structure Plan boundaries for different types of residential development

- 14 Changes are also sought to reduce the size of Activity Areas C1 and B2 where these adjoin Activity Area B3. This would occur within the central part of the Northlake Special Zone, to the west of the proposed location of the retirement village in proposed Activity Area D1.
- 15 These modifications would result in an increase in the size of Activity Area B3 by an additional 1 hectare. The reason for this change is to realise a more efficient subdivision and land development pattern. Activity Areas C1, B2 and B3 provide for residential development at varying densities. The change would enable increased densities of residential activities.

Other Changes to improve the administration of the Northlake Special Zone

- 16 The applicant seeks to delete a rule specific to the Northlake Special Zone that is located within the Subdivision, Development and Financial Contributions Chapter 15. The rule requires that a minimum of 50 residential lots are created prior to permitting community facilities.
- 17 The applicant considers that this rule has been implemented as part of the stages of development already approved within the Northlake Special Zone and that this rule is no longer necessary. The applicant also considers that the rule is problematic in its administration in that the Council still consider it applicable. Retaining the rule would mean that any further non-residential activity is non-complying, irrespective of the implementation of community facilities.
- 18 The applicant also seeks that the Operative Signs Chapter 18 is amended to provide for rules that are more specific to the site and provide for different types of signs in the different activity areas.

Implications for the Proposed District Plan

- 19 Stage 1 of the Proposed District Plan was notified on 26 August 2015. On 29 September 2016 the Council approved the commencement of Stage 2 of the review of the Operative District Plan. As part of the 29 September 2016 resolutions, the Council addressed what the plan outcome would be at the end of

the partial review, and approved the separation of the District Plan into two volumes, Volume A and Volume B. Volume A consists of the Proposed District Plan chapters notified in Stages 1 and 2 of the proposed District Plan.

- 20 All other land currently forms Volume B of the District Plan. This includes the Northlake Special Zone, and other zones that have not yet been reviewed and notified (i.e. Township Zone, Industrial A and B Zones, Rural Visitor Zone), land that has been withdrawn from the district plan review (i.e. the land subject to Plan changes).
- 21 A report to the Council's Planning and Strategy Committee presented at the March 16 2017 meeting, confirmed that the land subject to the Northlake Special Zone was to be excluded from the Proposed District Plan. The initial private plan change 45 for the Northlake Special Zone was still being processed at the time the Proposed District Plan was notified on 26 August 2015.
- 22 Land that was subject to a plan change at the time of notification has been excluded from the PDP to eliminate the potential for these plan changes to be submitted upon and re-litigated through the Proposed District Plan hearings and appeal processes.
- 23 For these reasons, the Northlake Special Zone is not intended to be notified as part of the Proposed District Plan at this point in time. The matter of whether this request should be used as an opportunity to include the Northlake Special Zone in the Proposed District Plan is discussed below.

Options

- 24 The Act provides the Council with a range of options to consider private plan change requests. The Council may either:
- a. Adopt the request as if it were a proposed plan prepared by the local authority itself²; or
 - b. Accept the request (in whole or in part) and proceed to notify it³; or
 - c. Deal with the request as it were an application for resource consent⁴; or
 - d. Reject the request (in whole or in part), but only on the grounds that⁵:
 - i. The request is frivolous or vexatious
 - ii. The substance of the request has been considered or given effect to (or rejected) by the Council or the Environment Court within the past 2 years; or
 - iii. The request is not in accordance with sound resource management practice; or

² Clause 25(2)(a) of the first Schedule of Act.

³ Ibid Clause 25(2)(b).

⁴ Ibid Clause 25(3).

⁵ Ibid Clause 25(4).

- iv. The request would make the policy statement or plan inconsistent with Part 5; or
- v. The policy statement or plan has been operative for less than 2 years.

25 These options are considered below.

Assessment of Options

a. Adopt the request as if it were a proposed plan prepared by the local authority itself.

26 The request for the plan change presents a potential opportunity for the Council to adopt the plan change and instead of retaining the Northlake Special Zone in the Operative District Plan, include the Northlake Special Zone in the proposed District Plan as a variation.

27 From the Council's perspective, this would have the benefit of reducing the amount of land, and in turn, the amount of future residents that will need to deal with the Operative District Plan. This would reduce complexity in the medium to long term by only having the single district plan volume and benefitting from updated district wide chapters and rules located in the Proposed District Plan that are more efficient than the equivalent rules in the Operative District Plan.

28 An opposing perspective is that the Northlake Special Zone has only relatively recently been made operative, there are not any significant deficiencies or inefficiencies identified in the Northlake Special Zone provisions. From this perspective there is not a strong incentive for the Council to adopt the plan change.

29 Another reason this option is not preferred is that the key components of the private plan change request involving the extension of Activity Area D1 applies to a confined area of the site and not on the parts of the Northlake Special Zone owned by other persons, including the many separate residents within the part of Northlake that has already been developed within Activity Area A (Northburn Drive and surrounds).

30 Adopting the request will require the costs of progressing the plan change to be met by the Council whereas the costs of processing a private plan change are payable by the applicant.

31 Overall, it is considered appropriate to retain the Northlake Special Zone within the Operative District Plan. There are not any other reasons identified for the Council to adopt the plan change.

b. Accept the request (in whole or in part) and proceed to notify it

32 This option is preferred by the applicant. This option would also enable the Council to process the application as a private request by a third party and recover actual and reasonable costs associated with the processing of the plan change, up to the release of the Council's decision.

33 Accepting the request allows it proceed for notification, submissions and potentially a hearing but it does not imply that the Council supports the merits of the plan change as a whole, in part, or in principle.

34 Council can submit on a private plan change through a corporate submission but this would have to be a wholly separate matter to any section 42A evidence report provided to assist decision making.

c. Deal with the request as it were an application for resource consent

35 Under this scenario the plan change request is converted to a resource consent application and is processed by the Council as a resource consent. This would mean:

- The requestor bears all the costs associated with a resource consent including any appeals.
- The Council has no influence over what is publicly notified, whereas if it accepts a plan change, it is common for the applicant to agree to modifications to the application prior to notification as a result of a consultation with the council at this stage.
- The resource consent does not have effect until it is beyond challenge.

36 Although the changes sought are of a relatively confined nature, processing the plan change as if it were a resource consent is not considered the most appropriate option because the activities do not accord with the existing arrangement of the Northlake Special Zone Structure Plans. In addition, there is a rule that prohibits fish and meat processing, which would have implications for a butcher that is ancillary to a supermarket. The rule is intended to disqualify objectionable activities from residential and light commercial zones, however it would be likely to have implications for any butcher or deli components of the supermarket.

37 It is therefore considered not the most appropriate option to process the plan change request as if it were a resource consent application.

d. Reject the request (in whole or in part), but only on the grounds that

- i. The request is frivolous or vexatious*
- ii. The substance of the request has been considered or given effect to (or rejected) by the Council or the Environment Court within the past 2 years; or*
- iii. The request is not in accordance with sound resource management practice; or*
- iv. The request would make the policy statement or plan inconsistent with Part 5; or*
- v. The policy statement or plan has been operative for less than 2 years.*

- 38 This request is not considered to be frivolous or vexatious. It does not lack seriousness or set out to annoy others. It is understood that the proposed location of the retirement village and supermarket are new concepts and this request does not seek to re-litigate components that were proposed but refused in the initial Plan Change 45 litigation.
- 39 While the 'substance' of the request has been dealt with by the Council or the Environment Court in the last two years, the December 17 timeframe is so close to considering the new request it is not considered reasonable to withhold accepting the plan change request for this reason.
- 40 The change is not contrary to sound resource management practice. The Courts have confirmed that 'sound resource management practice' is tied to the purpose and principles of the Act and should be based on a high level assessment of the merits. At a high level, the plan change is not considered to be contrary to sound resource management.
- 41 While the specific merits of the change have not been determined, from a broad perspective the change would not make the District Plan inconsistent with Part 5 of the Act (relating to National Environmental Standards and other policies and plans).
- 42 The Operative District Plan has been operative since 2007 and therefore this time period is greater than two years.

Recommendation

- 43 It is considered appropriate to accept the plan change request for the following reasons:
- It is appropriate to retain the Northlake Special Zone within the Operative District Plan.
 - There is sufficient information to notify the plan change. For instance, a person could read the plan change and understand what is proposed and determine any potential effects.
 - The Council will have the opportunity to obtain further advice and information through the submission process and the planner's report.
 - The Council is able to make a submission on the merits of the plan change, and to give Commissioners scope to make changes, if this is considered necessary.
 - The Council does not bear the costs of processing the plan change, except those costs that it might incur as a result of having to defend its decision in the Environment Court, should it be appealed.
 - The plan change would have no weight until decisions on submissions are released and limited weight until it is made operative, removing the risk of resource consent decisions pre-empting the outcome.

Significance and Engagement

44 This matter is of low level of significance, as determined by reference to the Council's Significance and Engagement Policy because:

- Its impact on the community and environment is able to be considered and the effects avoided or mitigated through the RMA process.
- While there is likely to be public interest in the matter, the RMA process can adequately accommodate this.
- It will not adversely affect Council's capacity to carry out, or the cost to the Council in carrying out, any activity identified in the Long-Term Council Community Plan as the cost of processing the plan change will be borne by the Requestor.

45 The level of significance determines the level of compliance necessary with the decision making requirements in sections 76-78 of the Local Government Act 2002. A higher level of compliance must be achieved for a significant decision.

Risk

46 This matter does not have significant risk. Assuming the Council adopts the recommendation to *accept* the plan change request for processing, the risk is classed as low. Accepting the plan change request for processing does not predetermine any outcome, as the RMA process needs to be followed.

Financial Implications

47 There are no direct operational and capital expenditure requirements or other budget or cost implications resulting from the decision recommended in this report. The Council are able to recover actual and reasonable costs of processing the plan change up to the issue of the decision.

Council Policies, Strategies and Bylaws

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

- Queenstown Lakes District Plan Volume A (Proposed District Plan) and Volume B (Operative District Plan)
- Wanaka 2020 (2002) and Wanaka Structure Plan (2007)
- Growth Management Strategy (2007)
- Long Term Council Community Plan (2015-2025)

49 The recommended option is consistent with the principles set out in the above policies.

50 This matter is included in the 10-Year Plan to the extent there is a small contingency for the processing of private plan changes and there is not anticipated to be any costs to Council at least in the 2016-17 period.

Local Government Act 2002 Purpose Provisions

51 The recommended option:

- Can be implemented through current funding under the 10-Year Plan and Annual Plan; and
- Fulfils the need for good-quality performance of regulatory functions
- Is consistent with the Council's plans and policies in that it is enabling a private party to pursue their interests through an established RMA process.

Consultation: Community Views and Preferences

- 52 Those affected by or interested in this matter are statutory bodies such as the Ministries for the Environment and Conservation and Otago Regional Council; residents and ratepayers of the Queenstown Lakes district community (particularly those in the Wanaka community generally); iwi; and those individuals and groups who could potentially be directly affected by the zone change.
- 53 The Council has not, itself, undertaken any consultation in relation to this plan change request but, rather, will rely on the formal consultation process as stipulated by the RMA.
- 54 Should the recommendation be adopted by Council, the formal consultation provisions of the RMA will ensure that parties will have the opportunity to comment on the application and speak to their submission at a public hearing.

Legal Considerations and Statutory Responsibilities

- 55 The processes set out in the First Schedule of the RMA must be complied with in the processing of this plan change. It has not been necessary to obtain any legal advice on any matter thus far.

Attachment

Northlake Investments Limited. Private Plan Change Request October 2017. Northlake Special Zone, Outlet Road Wanaka, comprising:

- A Cover letter dated 25 October 2017
- B Letter by Northlake Investments Ltd dated 27 November 2017 addressing points raised by email from QLDC dated 22 November 2017
- C Section 32 evaluation November 2017 and supporting information:
 - Computer freehold register;
 - Landscape and Urban Design Assessment;
 - Feasibility of services and infrastructure report;
 - Traffic impact assessment;
 - Economic assessment;
 - Northlake Wanaka Proposed Structure Plan.



03 450 0009 | info@jea.co.nz
www.jea.co.nz

Level 2, 36 Shotover Street, PO Box 95, Queenstown 9300

25 October 2017

Ian Bayliss
Policy Manager
Queenstown Lakes District Council
Shotover Street
Queenstown

Dear Ian

Northlake Investments Limited

Private Plan Change Request to Queenstown Lakes District Council

The attached request has been prepared on behalf of Northlake Investments Limited for a private plan change.

This private plan change request proposes to:

- Adjust the Northlake Special Zone Structure Plan boundaries; and
- Amend the retail floor area rule in the Northlake Special Zone; and
- Delete the Northlake Special Zone community facility rule in Chapter 15 of the Operative District Plan; and
- Amend the signage rules in Chapter 18 of the Operative District Plan for commercial buildings in Activity Area D1 of the Northlake Special Zone

Information

The attached documentation includes:

- An evaluation under Section 32 of RMA
- Identification of any actual or potential effects and an “Assessment of Environmental Effects” as per the Fourth Schedule, including all necessary specialist reports
- Details of consultation undertaken to date and/ or proposed and the outcomes of this.
- Specification as to when each of the affected parts of the District Plan were made operative.
- An assessment of the Request in relation to the Council’s relevant strategic documents.
- All necessary supporting technical reports

Fees

A deposit fee of \$10,000 for processing this application has been lodged via the Council’s on-line payment portal, using the payment reference NLPPC.

Correspondence Details

Please refer all correspondence to:

John Edmonds
John Edmonds and Associates Limited
PO Box 95
Queenstown

john@jea.co.nz
021-409-075

Invoicing Details

Please forward all invoicing to:

Marc Bretherton
Northlake Investments Limited
PO Box 818
Wanaka

marc.bretherton@wintonpartners.co.nz
027 696 9550

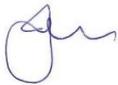
Declaration

Northlake Investments Limited:

- Certifies that, to the best of its knowledge and belief, the information given in this Request is complete, true and correct; and
- Undertakes to pay all actual and reasonable costs incurred by Queenstown Lakes District Council in the processing of this Request; and
- Accepts that should it default, it agrees to pay all costs of collection, including agency fees, court costs and disbursements made in the collection of debt and reasonable solicitors fees regardless of judgement.

Please contact me if you require further information or clarification of any point.

Yours sincerely



John Edmonds
John Edmonds & Associates Limited



03 450 0009 | info@jea.co.nz
www.jea.co.nz

Level 2, 36 Shotover Street, PO Box 95, Queenstown 9300

27 November 2017

Craig Barr
Senior Planner: Planning Policy
Planning and Development
Queenstown Lakes District Council
Shotover Street
Queenstown

Dear Craig

Northlake Investments Limited

Private Plan Change Request to Queenstown Lakes District Council – Further Information

The letter provides a response to the matters raised by your e-mail dated 22 November 2017.

I have responded to the matters you have raised in the same order

- 1. It would be helpful if a structure plan was provided with the application to illustrate the requested final location of the activity areas (if not the entire structure plan, at least the area affected by the plan change). The application only shows excerpts in the body of the text as each area is discussed.*

The proposed Structure Plan is now included as Attachment F to the Request (refer 2 below).

- 2. Part 7.7 of the landscape/urban design report makes some recommendations that appear to require to involve new rules. In the applicants view, are these intended to become new rules? or are the issues already managed within the rules/provisions. Are any new provisions required to be identified as part of the application?*

Correct, the recommendations in the Baxter Design Group report are most appropriately addressed as consequential rule amendments. An amended Request is attached, that incorporates these recommendations together with additional assessment in terms of Section 32 of the Act (refer part 7 of the Request from page 48).

- 3. Although unrelated to the application, Rule 12.34.2.5 x specifies that the removal and/or felling of trees in a 'tree protection area' requires a resource consent. Would it also be helpful to add works within the root protection zone and significant trimming? If the intent of the rule is to protect vegetation? (PDP Chapter 32 contains definitions of these activities that might be useful).*

It is considered that the existing Tree Protection Area rule is appropriate, and does not need to be changed or altered.

The Tree Protection Area is located on land that is outside of the Plan Change area, and not within the ownership of Northlake Investments Limited. The Tree Protection Area notation occurs on land owned by: Allenby Farms Limited, Exclusive Developments Limited, and Callum Urquhart.

Northlake Investments Limited does not wish to propose changes to rules that affect other people's land.

4. *The Northlake Chapter does not appear to include any rules to manage hazardous substances. Do you consider this to be an opportunity to include rules, or do you consider this issue to be managed by other legislation?*

The operative Northlake Zone does not include any rules that manage the effects of hazardous substances. The current Operative District Plan is structured to manage hazardous substances through district-wide chapter 16 (Hazardous Substances)

It is considered that the existing framework is the most appropriate and consistent method of managing this issue.

5. *Rule 12.34.2.6 states that Fish and meat processing is prohibited. This could have implications for a supermarket if it includes a butchers, or any other boutique butchery that is probably a reasonable expectation to occur in AA-D1. On the basis that effects such as odour and noise can be managed by other rules, does this rule need to be modified to enable these activities within Area D1, at least? Perhaps an advice note or exception could also be helpful setting out these prohibited activities do not apply to permitted residential activities?*

Having reviewed other chapters in the operative District Plan it is considered appropriate to provide an exemption to the Prohibited Activity status of 'fish and meat processing' where such processing is related to food retail premises (refer part 7 of the Request at page 48).

This amendment to the Northlake Special zone rule is consistent with and uses the same wording as the Remarkables Park Special zone.

Please contact me if you require further information or clarification of any point.

Yours sincerely



John Edmonds
John Edmonds & Associates Limited

Encl. Private Plan Change Request – Northlake Special Zone
November 2017
(including Attachment F – Northlake Structure Plan – Amended)

Private Plan Change Request

Northlake Special Zone
Outlet Road, Wanaka

November 2017

November 2017

The Requester and Property Details

Requester

Northlake Investments Limited

Address for Service

John Edmonds & Associates Limited
PO Box 95
Queenstown

Site Address

Outlet Road, Wanaka

Site Area

106.88 hectares

Legal Description

Lot 90, 2000 DP 510104 and Lot 66 DP 371470 (CFR 781044)

Zoning

Northlake Special Zone

Request

This private plan change request proposes to:

- a. Adjust the Northlake Special Zone Structure Plan boundaries; and
- b. Amend the retail floor area rule in the Northlake Special Zone; and
- c. Delete the Northlake Special Zone community facility rule in Chapter 15 of the Operative District Plan; and
- d. Amend the signage rules in Chapter 18 of the Operative District Plan for commercial buildings in Activity Area D1 of the Northlake Special Zone
- e. Make consequential amendments to specific rules

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Attachment D	Traffic Impact Assessment (Carriageway Consultants Ltd)
Attachment E	Economic Assessment (RCG Ltd)
Attachment F	Structure Plan (Amended)

1.0 Introduction

1.1 Executive Summary

This Evaluation Report has been prepared to support a private plan change request to by Northlake Investments Limited (Requester) in respect of provisions of the Operative District Plan (ODP) which apply to the Northlake Special Zone (NSZ). The Request seeks to:

- Amend the boundaries of particular Activity Areas to enable more efficient use of urban zoned land, and to provide flexibility to develop a retirement village; and
- Increase the retail floor area restriction to enable a small supermarket to be established; and
- Amend the signage rules to recognise that increased signage is appropriate for commercial buildings in Activity Area D1; and
- Remove Subdivision Rule 15.2.16.3 relating to Community Facilities from Part 15 of the ODP for future administrative certainty.
- Make consequential changes to specific rules in response to expert reports.

1.2 The First Schedule of the Resource Management Act 1991 (Act)

The procedure for requests to change a District Plan are set out in the Part 2 of Schedule 1 of the Act.

This Request is made in accordance with those requirements, and the assessment required by Section 32 of the Act.

Clause 25 sets out the processing options for a local authority which are:

- a. *Adopt the request as if it were a proposed plan prepared by the local authority itself; or*
- b. *Accept the request (in whole or in part) and proceed to notify it; or*
- c. *Deal with the request as it were an application for resource consent; or*
- d. *Reject the request (in whole or in part), but only on the grounds that:*
 - i. *The request is frivolous or vexatious*
 - ii. *The substance of the request has been considered or given effect to (or rejected) by the Council or the Environment Court within the past 2 years; or*
 - iii. *The request is not in accordance with sound resource management practice; or*
 - iv. *The request would make the policy statement or plan inconsistent with Part 5; or*
 - v. *The policy statement or plan has been operative for less than 2 years.*

The Requester seeks that the Queenstown Lakes District Council (Council) accept the request in whole in accordance with clause 25(2)(b) of Schedule 1.

This Evaluation Report confirms that the request is:

- a. neither frivolous nor vexatious (cl. 25 (4)(a)), and
- b. in accordance with sound resource management practice (cl. 25 (4)(c)); and
- c. consistent with Part 5 of the Act (cl. 25 (4)(d)).

In terms of Clause 25(4)(b)(i) and 25(4)(e); the substance of the request has been considered by the Environment Court within the 2 years prior to 17 December 2017. The Environment Court's decision confirmed the re-zoning of the land on 17 November 2015, and the Council adopted that decision at its meeting in November 2015. The Northlake Plan Change 45 was made operative by the Council by public notice on 17 December 2015.

The Northlake Zone has been operative for 22 months (as of September 2017), and will be close to the 2-year period by the time that the Council has received and reviewed this request.

By the time the Council gets to consider its processing options for this request, it will be only a matter of weeks at the most before the 2-year period referred to in clause 25 (a)V) is reached on 17 December 2017.

1.3 Scope of the Plan Change

The proposed change relates to part of the land owned by Northlake Investments Limited, located entirely within the NSZ.

More specifically, the request involves five components:

- Amend the boundaries of particular Activity Areas to enable more efficient use of urban zoned land, and to provide flexibility to develop a retirement village; and
- Increase the retail floor area restriction to enable a small grocery store to be established; and
- Amend the signage rules to recognise that increased signage is appropriate for commercial buildings in Activity Area D1; and
- Remove the Part 15 subdivision rule relating to Community Facilities, for future administrative certainty.
- Consequential rule changes that address matters raised in expert reports.

1.3.1 Amend the Structure Plan

The adjustment of the Activity Area boundaries occurs within that part of the site involving Activity Areas D1, C2, B3, B2 and E1, which is generally located to the north of Northlake Drive and west of Outlet Road.

The adjustments include relatively small movements of the Activity Area boundaries to ensure that land proposed for residential development is fully contained within the appropriate urban Activity Area.

The primary adjustment provides for 4.2 hectares of land (cumulatively) to be changed from B3, C2 and E1 to D1, for the purpose of enabling a retirement village to be established, in a location, that is appropriate for that activity.

1.3.2 Retail

The second part of the Request relates to the Zone Standard 12.34.4.2 (viii) (b) and (c) regarding the gross floor area of retail activity individually and cumulatively. The change proposes enable the provision of a single retail activity of up to 1,250m² gross floor area (gfa), and increase the total retail floor area enabled within the zone to 2,500m².

The purpose of this change is to enable a small supermarket to be established within the NSZ that can provide local residents with a local grocery shopping alternative.

1.3.3 Signage

The third aspect of the Request is to amend the Sign rule in Chapter 18 of the ODP, to ensure that commercial signage rules are applied to buildings and activities within the D1 area. The operative sign rules apply the residential standards across the whole of the NSZ, and do not differentiate the D1 area where commercial buildings up to 10m high are anticipated to occur. The Zone Statement describes a small commercial precinct developing that serves local needs, and as part of developing that activity it is important that adequate provision is made for commercial signage.

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1.3.4 Community Facilities

The fourth aspect to the Request is to delete Zone Standard 15.2.16.3, which is titled ‘Northlake Special Zone – Community Facilities’. This intent of this rule is to ensure particular ‘community activities’ are provided during early stages of subdivision of land in the zone. Those subdivision stages have occurred, and the facilities either provided or alternative facilities approved and completed or under construction. The Council has interpreted this rule as applying to all subsequent subdivision activity within the zone; beyond the point at which the facilities have been provided. This is inappropriate and unnecessarily administratively cumbersome. To avoid any future complications over the status of subdivision applications it is considered that it will be most efficient to delete this rule.

1.3.5 Consequential Changes

The fifth aspect to the Request is to make consequential changes to specific rules to address the recommendations made in the Landscape/ Urban design report, and in response to requests for information/ clarification from Council staff. These changes relate to:

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

1.4 Structure of this Report

This Evaluation Report has been prepared to fulfil the statutory requirements for a private plan change request. Expert reports were commissioned to assess specific aspects of the proposal in support of the request:

Landscape/ Urban Design:	Baxter Design Group Ltd
Report Title:	Northlake Investments Limited – Private Plan Change Request
Date:	September 2017

Attachment B

Infrastructure:	Paterson Pitts Group Ltd
Report Title:	Feasibility of Utility Services & infrastructure Report
Date:	September 2017

Attachment C

Transportation:	Carriageway Consultants Ltd
Report Title:	Northlake subdivision – Proposed Plan Change
Date:	September 2017

Attachment D

Economics:	RCG Limited
Report title:	Northlake Special Zone- Assessment of Economic Effects

November 2017

Date: September 2017
Attachment E

Structure Plan: Baxter Design Group Ltd
Date: 22 September 2017
Attachment F

This Evaluation Report is structured in the following manner:

- Part 1 Introduction, scope, purpose and features of the plan change;
- Part 2 Location and existing environment;
- Part 3 A detailed description of the proposed changes in the context of the operative NSZ purpose, objectives, policies and rules;
- Part 4 Identification and assessment of the most appropriate objectives, policies and methods to address the issues raised in the request in the context of the NSZ (section 32(1));
- Part 5 Assessment of the effects on the environment;
- Part 6 An outline of the statutory framework, and an assessment of all of the relevant issues and documents; and
- Part 7 The proposed amendments to the ODP.

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2.0 Location and Existing Environment

2.1 Location

The request relates to land contained within the northern half of the NSZ, which is located on the western side of Outlet Road, Wanaka as indicated in Figure 2 below:



Figure 1: Location Plan

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2.2 Land Owner and Legal Description

The land to which the request applies is described as Lot 90 and 2000 DP 510104 and Lot 66 DP371470 (CT781044). The land is held in the ownership of the applicant; Northlake Investments Limited.

A copy of the title is included as Attachment A. The total area of this title is 106.88 hectares.

Legal Description	Computer Freehold Register	Landowner	Parcel Area
Lot 90, 2000 DP 510104 and Lot 66 DP 371470	781044	Northlake Investments Limited	104.6499 hectares

Table 1: Land Subject to the Plan Change Request

2.3 Zoning

The NSZ was incorporated into the ODP by resolution of the Council on 17 December 2015, following a privately initiated plan change process.

The zone is included as Chapter 12-33 & 12-34 in the ODP.

The zoning applies to 220 hectares of land located in between Wanaka and Albert Town, with the intention of enabling the development of approximately 1,520 residential homes within several different neighbourhoods that are based upon a range of density. The zone includes a small commercial and community facilities node located alongside the main street, known as Northlake Drive.

The purpose of the Zone is described at page 12-358:

The purpose of the Northlake Zone is to provide for a predominantly residential mixed use neighbourhood. The area will offer a range of housing choices and lot sizes ranging from predominantly low to medium density residential sections, with larger residential sections on the southern and northern edges. The zone enables development of the land resource in a manner that reflects the zone's landscape and amenity values.

The Northlake Special Zones includes a Structure Plan showing existing and proposed roads, the position of Activity Areas, the Building Restriction areas and Tree Protection Areas. Subsequent provisions refer to these terms. An important component of the zone is the need to submit an Outline Development Plan as part of an application for consent to specified activities prior to development, to ensure the zone is developed in an integrated manner.

The Zone includes six objectives and associated policies that inform the development of the land, and they include:

Objective 1 – Residential Development

A range of medium to low density and larger lot residential development in close proximity to the wider Wanaka amenities.

Objective 2 – Urban Design

Development demonstrates best practice in urban design and results in a range of high quality residential environments.

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*Objective 3 – Connectivity**Development that is well-connected internally and to networks outside the zone.**Objective 4 – Landscape and Ecology**Development that takes into account the landscape, visual amenity, and conservation values of the zone.**Objective 5 – Recreation**The establishment of areas for passive and active recreation.**Objective 6 – Infrastructure**Provision of servicing infrastructure to cater for demands of development within the zone in an environmentally sustainable manner and to enhance wider utility network systems where appropriate.*

The objectives and policies are implemented through a Structure Plan (refer Page 12-383) which identifies the various Activity Areas. The Structure Plan also defines:

- the general layout of the zone;
- the primary internal road network;
- external road intersections,
- pedestrian linkages and routes through the zone;
- areas to be protected from any development;
- tree protection and building restriction areas and
- the developable areas.

Activity Area A is a 30-hectare block of land that has been subdivided and developed for Rural Residential purposes. This land is located at the corner of Aubrey and Outlet Roads.

Activity Area B1 to B5 is the largest area (88.4 hectares), and is intended for low density residential development. Rather than a minimum lot size, a target density has been introduced for this area, to provide landowners with flexibility and encourage better urban design outcomes. The target density is 10 dwellings per hectare, with a range of plus or minus 15%. The density calculation includes land held as reserve, open space, access or roading.

Activity Area C (C1 – C4) is located toward the northern and eastern edges of the zone, and includes the more elevated areas. The target density is 4.5 dwellings per hectare to recognise the topography of these areas.

Activity Area D1 (15 hectares) is the central node which enables a higher density of 15 dwellings per hectare, while also including an area for commercial and community activities. That part of AA-D1 that is used for non-residential activities is excluded from the density targets.

There is scope (Rule 12.X.6.2 (i)) for the boundary of Activity Area D1 to be expanded by up to 50m into the adjoining AA-B areas. The movement of the AA-D1 boundary was approved as part of the Council approval of the initial Outline Development Plan decision – RM160152.

Activity Area E (E1 – E4) applies to those areas within the northern parts of the zone, the margins of the Clutha River and the ephemeral stream that runs through the Exclusive Developments Limited land east of Outlet Road towards the Hikuwau Conservation area.

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2.4 Receiving Environment

The receiving environment is defined by the urban zoning of the NSZ, which contemplates a mixed density residential neighbourhood that will be progressively developed.

The first stage of development within this zone involved implementing a pre-existing subdivision consent for 67 rural-residential sized lots within the southern-most part of the zone (adjoining Aubrey Road) from 2012 to 2015. Over half of the sites have been built upon in this part of the zone.

Resource consent (RM160152) for an integrated Outline Development Plan for Stages 1 to 9 of the Northlake Investments Limited (NIL) land was approved by the Council for the creation of 421 lots in June 2016. Significant earthworks have occurred throughout Activity Area B4 and all but the northern part of Activity Area D1 in conjunction with recently approved subdivisions (RM160509, RM161292). New roads have been constructed, infrastructure installed, and residential sites established. This has included a new 'low impact design' stormwater network. Telephone and power reticulation has been substantially upgraded to service these new lots; ultra-fast broadband has been brought to the site from the town centre. Outlet Road has been sealed from the intersection of Aubrey Road for a distance of 730 metres. A playground, tennis court and public reserves have been completed, with construction about to commence on the medical centre, early childhood centre, restaurant and café.

The northern more elevated land owned by NIL (mostly Activity Areas C and E) remain in pasture.

The other land within the NSZ is owned by Allenby Farms Limited, Exclusive Developments Limited (both 38 hectares each) and Callum Urquhart (21 hectares) and all blocks remain undeveloped at this time, with no resource consent approvals to enable development. The Allenby Farms Limited block is mostly included within Activity Area B4 (34.5 hectares) and likely to result in approximately 345 dwellings, whilst the Exclusive Developments Limited land on the eastern side of Outlet Road may yield approximately 200 dwellings. The Urquhart land will result in approximately 20 residential units

The recent consent history for the zone, since the NSZ was made operative, is as follows:

RM160152	Outline Plan approval for stages 1 - 9 QLDC 9 June 2016
16-078	Certificate of Compliance for Stormwater disposal Otago Regional Council 26 April 2016
RM160186	Land Use: Bulk earthworks for Stages 1 - 7 QLDC 9 May 2016
RM160509	Subdivision: Stages 1 – 3 QLDC 10 October 2016
RM161292	Subdivision: Stages 4 – 6 QLDC 5 May 2017

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RM161127	Land Use: QLDC 14 February 2017	Bulk earthworks for Stages 8 & 9
RM170361	Subdivision: QLDC 30 June 2017	Stages 8 – 9
RM161230	Land Use: QLDC 5 May 2017	Health Centre
RM170418	Land Use: QLDC 6 July 2017	Restaurant
RM170368	Land Use: Early Childcare Centre QLDC 14 July 2017	

2.5 Consultation

Consultation has occurred with senior Council staff (Monday 28 August) when the scope of the proposed plan change was raised and discussed.

Feedback was received highlighting information requirements that Council staff would anticipate reviewing as part of the change including:

- Economic effects on the vitality of the town centre and other areas
- The relevance of the National Policy Statement- Urban Development Capacity
- Whether an integrated traffic management assessment is necessary at the plan change stage
- Assessment of consistency with current objectives and policies for the zone
- Future connectivity

3.0 The Issues that the Plan Change Seeks to Address

3.1 Introduction

In order to undertake the evaluation required by section 32 of the Act it is necessary to understand the context of the plan change – the issues that it seeks to address.

This part of the report provides the context of this proposed plan change.

3.2 Identification of Issues

The key resource management issues that NIL faces are related to improving the efficiency of the zone provisions to ensure that appropriate land uses can occur that will most appropriately achieve the intentions of the zone which are to provide a predominately mixed use residential neighbourhood that offers a range of housing choices and necessary services that enable an integrated residential community to properly function.

As NIL has progressed through the first development phase, it has recognised that there is a need to enable more efficient utilisation of its zoned land; which includes making better use of the lower lying land to the west of Outlet Road. This includes the opportunity to establish a retirement village within that same area. A retirement village does require an adequate provision of predominantly flat land that is located within an established residential community, close to essential services such as shops, medical and community facilities.

Initial consenting of the Activity Area D1 precinct has occurred, and construction is about to commence on the medical centre, childcare facilities and also the café/ restaurant. NIL has reviewed the various commercial and community facilities for this area, and recognised that, with general growth that has occurred in Wanaka in recent years, combined with the residential potential of Northlake and the surrounding urban area, a suitably sized retail food outlet and additional retail facilities should be established within the D1 area.

Secondary issues include recognition that signage within the D1 area is more appropriately managed under most relevant/ similar commercial precinct rules; which are the 'Corner Shopping Centre Zone' signage rules.

It is also recognised that the required community facilities have either been provided or alternate facilities consented and being constructed; and as a result, the retention of those rules is no longer appropriate or necessary.

The land within this northern part of the NSZ comprised a series of low rolling hummocks that were used to define Activity Area boundaries. However, as master-planning and detailed street design has occurred, the appropriateness of these boundaries has been reassessed and re-evaluated. The Baxter Design Group landscape report recognises that as earthworks have progressed over the site the boundaries of those Activity Areas have become less well defined. The landscape values of the northern part of the NSZ will not be adversely affected by adjusting these activity area boundaries.

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3.2.1 Integrated Master Planning the NSZ

The development of the NIL land has logically progressed from the southern corner of the site, with a focus on initially creating residential lots within AA-A, B3 and D1.

More recently consents have been obtained for a range of commercial buildings adjoining Northlake Drive; including a health centre (including doctor's surgery, pharmacy, dentist, and health and fitness facility), a childcare centre (up to 80 children) and a café/restaurant.

Providing for urban development at Northlake has required some re-shaping of the land to provide affordable sections supported by a safe and efficient roading and infrastructure network. An important design factor has also been to align the roading network within the landform; minimising the need for excessive cut and fill.

Detailed design work and the layout of the residential neighbourhoods has been occurring for the past two years. These designs include the necessary cut and fill to create practical developable residential sections and neighbourhoods throughout the lower slopes of the NIL land. The land to the north of Northlake Drive, and to the west of Outlet Road will be developed in a series of north-facing elevated terraces with a high residential amenity. The remaining land to the west (B2 and B3) will be separated by a more significant high terrace – that will become the more defining landscape element and will more appropriately signal a change in character and density between the Activity Areas. The proposed amended boundary between Activity Areas D1 and B3 is based upon this new terrace feature.

The recent designs for Activity Areas B2, B3 and C1 ensure they form part of a well-connected urban environment (Objective 3). These neighbourhoods are located on those plateaus to the north and west of the D1 area. There is a need to slightly adjust the boundaries of those Activity Areas to better suit the updated master plan for these areas. These changes are very minor and are supported by the landscape analysis.

3.2.2 Developing a Cohesive Community

The NSZ provides the opportunity for approximately 1,520 residential units to be developed. The zone is structured around the central village area that is aligned either side of Northlake Drive within the D1 area.

The zoning in Activity Area D1 enables a wide range of activities including medium density residential, retirement living, commercial, community and retail activities.

As the Wanaka community continues to expand there is an opportunity to provide a local food retail offering within the NSZ. Such an offering significantly reduces travel distances for consumers and adds to the convenience of living at Northlake and north Wanaka.

Work on the establishing the NSZ commenced in 2011, when background reports were first prepared. Almost 7 years has passed, and during that time Wanaka has experienced significant growth. It will take approximately 2 years for this proposed plan change process to be complete and for any grocery offering to be constructed and trading for business. Those reports have been updated to reflect the current and future commercial retail floor space requirements.

Wanaka is currently served by a single supermarket located in the centre of the CBD. That location is highly inefficient from a consumer and traffic management perspective, as it requires all shopping to occur in the one location, and places strain on the local roading and parking networks.

The RCG Report assesses the existing retail and commercial floor space in Wanaka as well as future zoning for retail (including Large Format Retail) and concludes that Wanaka is “currently under-supplied with retail

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space” and that it will “...be able to support substantial increases in its retail offering - indeed it could accommodate substantial increases already”.

3.2.3 Ensuring Efficient and Predictable Consent Processes

The NSZ was made operative in December 2015. Since that time a series of land use and subdivision applications have been submitted and approved for development (refer 2.4).

These consents have given effect to the purpose and intent of the underlying zoning, and all of the applications have been processed on a non-notified basis.

Plan provisions are not always perfect, and as land development occurs it is appropriate to identify any issues in those provisions and rectify them where possible.

The subdivision chapter contains a particular rule that only applies to the NSZ, and requires the provision of ‘Community Facilities’ in connection with approval of the 51st residential lot. Non-complying activity status applies to all subdivision in the NSZ where these facilities are not all provided in that first instance.

Some of those facilities were provided at the first instance, whilst other alternative facilities were provided in connection with subsequent subdivision or land use applications. As a result of not providing all of those facilities in the first instance, all subsequent applications for subdivision anywhere in the NSZ inherit a non-complying consent status. In a residentially zoned neighbourhood that consent status carries an inappropriately high risk, and is administratively inefficient.

Given these facilities have now all been provided or are under construction, it is more efficient that this rule be removed from the Plan, for the benefit of NIL and other landowners in the zone.

In a similar context, the rules that manage signage on buildings is contained within Chapter 18 of the ODP. These rule categorise similar zones together and apply a standard set of rules. All of the Activity Areas of the NSZ are currently grouped together with the other residential zones.

The D1 area anticipates a wide range of commercial, retail and community activities and it is important that adequate and appropriate signage is available to the various business that will want to establish in this area.

3.3 Consideration of Options to Address the Issue

The Council notified a partial Proposed District Plan (PDP) in September 2015. That notification did not include any of the zones or issues that had been recently considered by the Council through plan change processes, including the Northlake Zone.

The available resource management options to address the issues identified above include:

1. Do nothing, and instead rely upon the operative zoning. This approach relies upon addressing the issues through separate resource consent applications.
2. Address these issues through the private plan change process.
3. Address these issues through a future stage of the Proposed District Plan

Whether option (3) of addressing these issues through the Proposed District would be available is uncertain and, if available, the timing is unknown. The current inefficient and costly situation

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would continue for an unknown period of time. This option is not considered further in this Report.

Each of the four components of this request have been assessed under options (1) and (2):

3.3.1 Adjusting Activity Area Boundaries

This option includes amending the Structure Plan for the NSZ to increase the size of the D1 area as described below:

3.3.1.1 Adjusting the boundaries of AA-B2, B3 and C1.

These adjustments are based upon efficient earthworks and subdivision plans being developed to a much higher level of detail. An actual street layout underpins the necessary boundary adjustments.

On the western boundary between Activity Areas B2 and E1, there are small areas of refinement.

The boundary between B2 and C1 (and E1) extends to the north by up to 20m (increasing the size of the B2 area by 2,460m²), whilst the boundary between B3 and C1 extends to the north-west by 40-50m (increasing the size of the B3 area by 7,571m²).

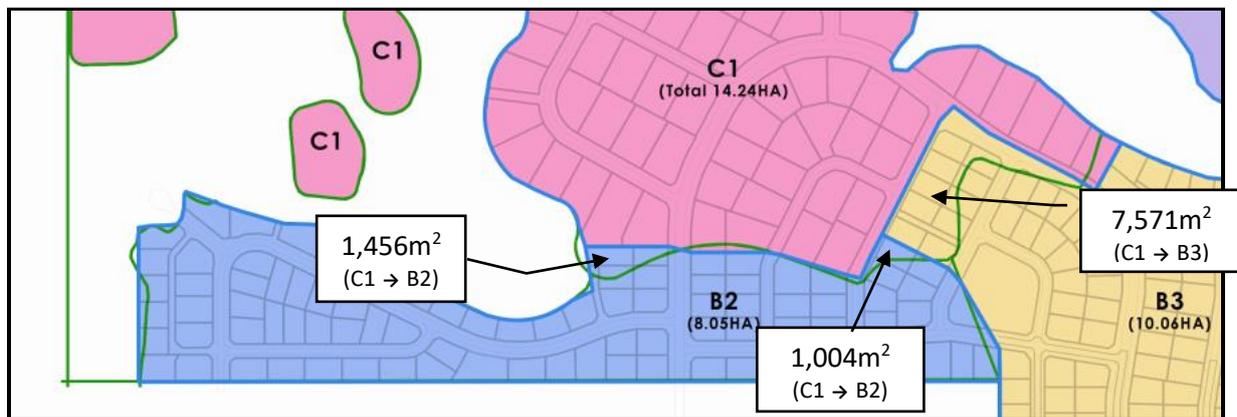


Figure 2: Activity Area Boundary Adjustments – C1

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3.3.1.2 Adjusting the boundaries of AA-B3, E1, C2 and D1

Adjustments occur to expand the D1 area to the west and north by 4.2 hectares, incorporating parts of the western slopes of B3, a small area of E1, and that part of the C2 area that adjoins Outlet Road.

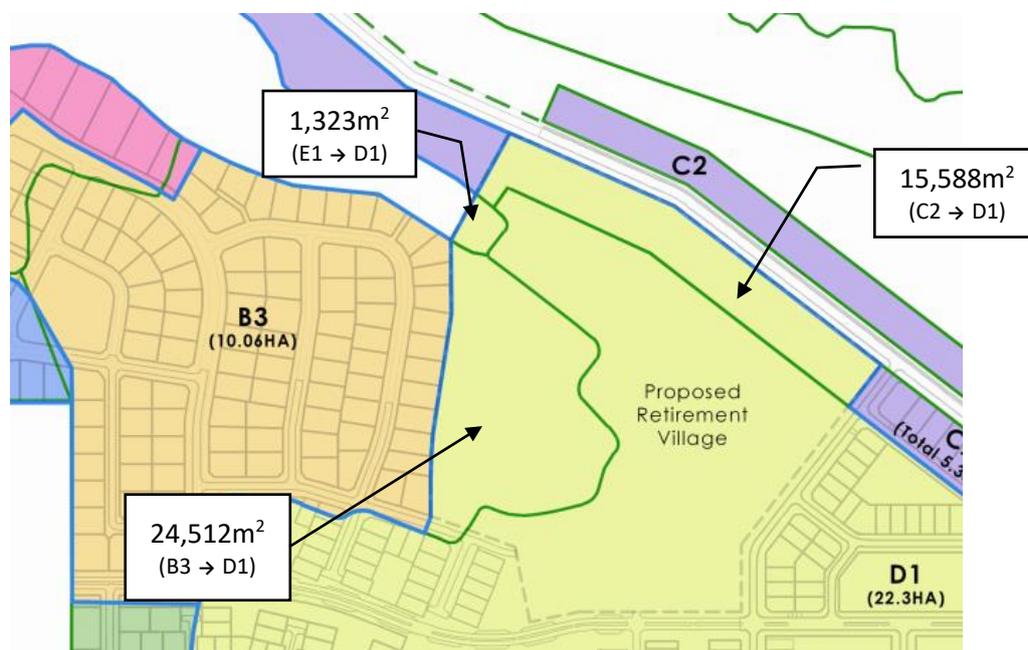


Figure 3: Activity Area Boundary Adjustments – D1

Option 1: Status Quo – Maintain current zoning and rely on resource consent processes	
Benefits	<ul style="list-style-type: none"> Allows full details of application to be assessed. Costs of process are met by the applicant.
Costs	<ul style="list-style-type: none"> Inconsistent with the current planning framework; does not enable a retirement village (provided for in AA-D1, but listed non-complying activity in the operative Plan in Activity Areas B3, C2 and E1). A resource consent (RC) application for a retirement village, in the location planned, will require an extensive set of very detailed plans of each structure to be prepared. A resource consent is an approval for a specific set of plans that are required to be implemented. Resource consent process is uncertain, costly and time consuming. Inconsistent with the target densities for these areas – unlikely to gain Council support through RC process. Lost opportunity to provide a retirement village at the appropriate scale in the northern part of Wanaka.
Efficiency & Effectiveness	<ul style="list-style-type: none"> The RC process is inefficient because a retirement village requires significant investment to prepare necessary documentation – whilst there is a high level of risk/ uncertainty of outcome, after a long duration consent process. Ineffective method due to the time and cost required to prepare and process an application, with the inherent uncertainty that involves.
Risk of acting (or not acting)	<ul style="list-style-type: none"> Risk of consent applications being refused given operative rule framework of the ODP (refer to costs section above). Land suitable for higher density housing would be used for low-density housing purposes which would be comparatively inefficient.

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Option 2: Private Plan Change	
Benefits	<ul style="list-style-type: none"> Clearly identify intended outcomes. Provides certainty to Council and community on intended use of the land. More efficient use of network infrastructure. Simplicity for future District Plan administration. Provides for variety and diversity within the residential community. Specific detail on a supermarket proposal can still be assessed through a subsequent RC application. Costs of process are met by the applicant.
Costs	<ul style="list-style-type: none"> RC will still be required for specific retirement village development proposal after the re-zoning occurs.
Efficiency & Effectiveness	<ul style="list-style-type: none"> Efficient use of existing infrastructure as zoning responds to growth. Efficient pattern of development in terms of transport and pedestrian linkages. Efficient use of land in enabling housing choice. PC can be a very effective tool to respond to growth, allowing development to make efficient use of infrastructure and meet community needs.
Risk of acting (or not acting)	<ul style="list-style-type: none"> Risk of Acting: site-specific zoning may be refused. Risk of Not Acting: Risk of series of RC's for preferred development outcome, resulting in environmental and administrative costs and uncertain outcomes.

Table 2: Amending Activity Area Boundaries: RC v PC

3.3.2 Amending the Retail Rule

The ODP rule is Zone Standard 12.34.4.2 (viii) which states:

Retail

- (a) No retail activity shall occur within the Northlake Special Zone except in Activity Area D1.
- (b) No retail activity shall have a gross floor area exceeding 200m².
- (c) The total amount of retail floor area within the Northlake Special Zone shall not exceed 1000m².

The operative zoning does not enable the development of a local supermarket facility due to the individual and cumulative floor area restrictions listed above.

This retail rule is associated with a (Restricted Discretionary) consent requirement for all commercial and community buildings – to ensure that they are appropriately designed as part of the local neighbourhood.

Site development will be subject to the bulk and location requirements of Activity Area D, which include:

- Road setback of 3m; and
- Internal boundary setbacks of 1.5m; and
- Building height of up to 10m; and
- Building coverage of up to 65%
- Modulated building forms (continuous building)

These bulk and location standards continue to be appropriate.

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The adjusted retail rule provides:

Retail

- (a) *No retail activity shall occur within the Northlake Special Zone except in Activity Area D1.*
- (b) *No retail activity shall have a gross floor area exceeding 200m², except for one activity with a maximum gross floor area of 1,250m².*
- (c) *The total amount of retail floor area within the Northlake Special Zone shall not exceed 2,500m².*

Option 1: Status Quo – Maintain current zoning and rely on resource consent processes	
Benefits	<ul style="list-style-type: none"> Allows a full proposal/ application to be assessed.
Costs	<ul style="list-style-type: none"> Inconsistent with the current rule framework. Any application would be publicly notified. Current rules impose a non-complying consent status to exceed the retail footprint. Section 104D threshold for approving a non-complying activity is a high risk. Resource consent process under the current zoning is uncertain and time consuming, and the outcome is uncertain. Potential lost opportunity to provide local community with an improved range of necessary retail and community services. If consent is refused, then potential for increased use of roading network/ travel times and associated network impacts and costs by local residents to access other supermarkets.
Efficiency & Effectiveness	<ul style="list-style-type: none"> The RC process is an inefficient and ineffective process for assessing the suitability of an increased retail floor area in the NSZ.
Risk of acting (or not acting)	<ul style="list-style-type: none"> High risk of consent applications being refused given current rule framework of the District Plan (refer to costs section above).

Option 2: Private Plan Change	
Benefits	<ul style="list-style-type: none"> Clearly identify intended outcomes. Provides certainty to Council and community on intended use of the land. Simplicity for future District Plan administration. Enables appropriate food retail offering to be centrally located within a residential area. Ensures that specific details can still be assessed through subsequent RC applications for a supermarket.
Costs	<ul style="list-style-type: none"> PC process takes to time/ cost to work through issues.
Efficiency & Effectiveness	<ul style="list-style-type: none"> Efficient process to allow all issues to be assessed.
Risk of acting (or not acting)	<ul style="list-style-type: none"> High risk of RC application being refused given policy framework of the District Plan and zoning requirements (refer to costs section above).

Table 3: Amending the Retail Rule: RC v PC

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3.3.3 Amending the Signage Rule

In the case of Signage – the ODP was updated via Plan Change 48 in 2015, to provide a comprehensive set of district-wide rules. The rules affecting Northlake do not distinguish between activity areas, and as a result the D1 area has been included with the general sign rules for residential activity. The D1 zoning enables and anticipates a village centre area that includes a range of commercial, retail and community buildings.

The current signage restrictions are set out in *Activity Table 2 – Residential Areas*, at page 18-6 of the ODP. Those rules allow:

Activity	Signage Area
Residential	up to 0.5m ² .
Recreation grounds, churches, medical facilities, nursing homes, educational institutions and community buildings	2m ² .
Visitor accommodation	2m ² + 0.15m ² for vacancy signage.

Table 4: Existing Signage Rules

Any sign that exceeds these standards requires discretionary activity consent, and particular assessment matters apply (18.3.1 (iii)) that are limited to only considering the effects of additional signage from a residential context.

It is proposed to amend the *Activity Table 1 – Commercial Areas* rules as set out at page 18-4 in the ODP, by adding 'Activity Area D1' to the Corner Shopping Centre Zone column. Additional text is also included to *Activity Table 2 – Residential Areas* to clearly reference the exclusion of AA-D1.

Option 1: Status Quo – Maintain current zoning and rely on resource consent processes	
Benefits	<ul style="list-style-type: none"> All commercial signage assessed by separate consents.
Costs	<ul style="list-style-type: none"> Resource consent process is uncertain and time consuming. Potential for ad hoc outcome. Potential for tenancies to suffer from lack of reasonable commercial exposure – due to enforcement of residential sign rules.
Efficiency & Effectiveness	<ul style="list-style-type: none"> Inefficient and ineffective method to managing signage within the village centre.
Risk of acting (or not acting)	<ul style="list-style-type: none"> (risk of not acting) upcoming tenants faced with extra costs of RC, and uncertainty of obtaining adequate commercial exposure. Potential for publicly notified resource consents for signage – whilst activities are permitted, and buildings are consented. High risk of consent applications either being refused or minimal signage allowed given operative rule framework of the District Plan and zoning requirements (refer to costs section above).

Option 2: Private Plan Change	
Benefits	<ul style="list-style-type: none"> Provides tenants with certainty that commercial premises can be appropriately signed/ advertised. Consistent approach to the local shopping nodes across the district in the District Plan. Existing set of rules – will be more likely to secure consistent outcomes.
Costs	<ul style="list-style-type: none"> No apparent costs.

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Efficiency & Effectiveness	<ul style="list-style-type: none"> • More efficient to adopt existing signage rules from other existing small commercial precincts.
Risk of acting (or not acting)	<ul style="list-style-type: none"> • No apparent risk of acting.

Table 5: Amending the Signage Rule: RC v PC

3.3.4 Deleting the Community Facilities Rule

The subdivision of land in the NSZ is generally a Restricted Discretionary consent process, with discretion restricted to ensuring that the subdivision plan is consistent with any previously approved Outline Development Plan. Such applications are listed as being ‘non-notified’ (rule 15.2.2.6 (i)), which provides landowners in the zone with a high level of certainty.

In respect of the Community Facilities requirements, subdivision rule 15.2.16.3 requires that particular ‘community facilities’ are provided by the subdivider. The requirement to provide these facilities occurs after consent has been granted for more than 50 residential lots within the zone (except for AA-A). These facilities include a 20 – 25m long indoor swimming pool, a fitness/ gym facility, a children’s play area and at least one tennis court.

NIL has constructed a children’s play area, a tennis court, and will provide a gym fitness facility within the new health centre building. The Council has recognised that the 25m indoor swimming pool requirement is appropriately substituted by the provision of the health centre, and in particular the medical centre that will provide for up to six doctors and specialists and support staff.

This rule applies across all land zoned NSZ (including Allenby Farms Limited and Excusive Developments Limited). The plan stipulates a non-complying consent status if this rule is breached.

NIL has been the first landowner within the NSZ to undertake subdivision. Through the course of subdivision approvals RM160509 and RM161292, NIL has built/ is building over 250 residential lots. Both consents have been assessed as non-complying, because not all of the facilities were provided in the first subdivision application. However, Council has accepted the provision of a health centre as an alternative to the pool.

Council consent staff now maintain that, even though the community facilities issue has now been addressed by compliance or consent, every subsequent application for subdivision will also be assessed as non-complying. That interpretation affects NIL and the other land-owners in the zone into the future.

Non-complying subdivision consent status is highly inefficient for urban zoned land and places unnecessary costs and risks on landowners. It is not in the Council’s interests to maintain this consent status. It is proposed to delete this rule to avoid this administrative uncertainty and associated process costs.

Option 1: Status Quo – Maintain current zoning and rely on resource consent processes	
Benefits	<ul style="list-style-type: none"> • No apparent benefits.
Costs	<ul style="list-style-type: none"> • Non-Complying resource consent required for every subdivision in the NSZ. • Complicated, costly and time-consuming process.
Efficiency & Effectiveness	<ul style="list-style-type: none"> • Inefficient and ineffective method of responding to the issue.
Risk of acting (or not acting)	<ul style="list-style-type: none"> • Risk of consent applications being refused. • Deferred development of urban zoned land for housing purposes; increasing land costs for consumers.

Option 2: Private Plan Change	
Benefits	<ul style="list-style-type: none"> Removes uncertainty. Costs of process are met by the applicant.
Costs	<ul style="list-style-type: none"> No apparent costs.
Efficiency & Effectiveness	<ul style="list-style-type: none"> Most efficient and effective method – as the removed rule is no longer required.
Risk of acting (or not acting)	<ul style="list-style-type: none"> Risk of not acting: Retains inappropriate rule (refer 'costs' above).

Table 6: Deleting the Community Facilities Rule: RC v PC

3.4 Appropriateness of Options

In each of the four issues identified above; Option 1 (Resource Consent) is considered inappropriate because the operative NSZ rules do not anticipate these outcomes and subsequent resource consent processes would involve a high level of risk and cost and a lack of certainty. Option 1 would result in unpredictable outcomes.

Option 2 (Plan Change) is considered the most appropriate, and enables the issues to be properly assessed and scrutinized at a strategic level. The plan change still ensures that specific development proposals are assessed through a consent process, whilst removing the uncertainties such as unnecessarily complicated consent processes for activities that are generally anticipated to occur.

4.0 Section 32 Assessment

4.1 Introduction to Section 32

The format of this part of the report is guided by section 32 of the Resource Management Act 1991, as amended by the Resource Legislation Amendments Act 2017. Section 32(1) requires an evaluation report to:

- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
- (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

When assessing the ‘efficiency’ and ‘effectiveness’ of the provisions in achieving the objectives the report must:

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

This plan change request is defined as an ‘Amending Proposal’ for the purposes of section 32(3), and therefore any examination under section 32(1)(b) must relate to:

- (a) *the provisions and objectives of the amending proposal; and*
- (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*

The following sections sets out the relevant operative objectives, and provides a corresponding assessment under section 32(1)(a).

The four elements to this plan change request are then assessed under section 32(1)(b), taking into account those matters referred to above.

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4.2 Examining the Appropriateness of the Objectives

This section of the Evaluation Report addresses section 32(1)(a), and assesses the four components of the Plan Change Request against the operative NSZ objectives, and other relevant operative plan objectives.

Given that this is an amending proposal, it is also necessary to provide an assessment of the NSZ operative policies, as they provide clarification on the scope of the objective.

Objective – Northlake Special Zone	Relevant Component of the Plan Change Request	Is the objective the most appropriate way to achieve the purpose of the Act?
<p><i>Objective 1 – Residential Development</i></p> <p><i>A range of medium to low density and larger lot residential development in close proximity to the wider Wanaka amenities.</i></p> <p><i>1.1 To establish a mix of residential densities that will provide a residential environment appealing to a range of people.</i></p> <p><i>1.2 To enable medium density living within the less sensitive parts of the zone in order to give Northlake a sense of place and to support a neighbourhood commercial and retail precinct.</i></p> <p><i>1.7 To provide for small scale neighbourhood retail activities to serve the needs of the local community within Activity Area D1 and to avoid visitor accommodation, commercial, retail and community activities and retirement villages within Activity Areas other than within Activity Area D1.</i></p>	<p>The first objective is an enabling objective that facilitates the creation of a residential zone, which meets the expectations of the community for the site. A range of housing choice is promoted to enable future residents to meet their social and economic needs. This objective is the most appropriate way to achieve the purpose of the Act.</p>	
	<p>Amend the Structure Plan</p>	<p>The proposed amendments to the Structure Plan do not constrain or undermine the objective.</p> <p>There will remain a mix of residential densities across the zone.</p> <p>The expansion of the D1 area enables a necessary and adequate area of land to be made available for the purpose of a retirement village at an appropriate location.</p> <p>A retirement village is an important component to establishing an integrated community that provides a range of densities and typologies.</p>
	<p>Amend Retail Rule</p>	<p>The provision of a small supermarket and additional retail floor space (Policy 1.7) remains consistent with the relevant policy. The 1,250m² supermarket and the remainder of the 1,250m² of other retail floorspace (at no more than 200m² tenancies) remains as “small scale” to serve local community needs.</p> <p>The objective and policy can remain unchanged and still be relevant and consistent.</p>
	<p>Amend Sign Rule</p>	<p>N/A</p>

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<p>1.8 To provide for community activities, including educational facilities, to serve the needs of the Northlake community and to be available for use by the wider Wanaka community.</p> <p>1.9 To enable affordable housing by providing for cost effective development and by requiring a range of lot sizes and housing typologies, including 20 affordable lots (as defined in Rule 15.2.20.1).</p>	Delete Community Activity Rule	<p>The community activities required by the operative plan have been provided through previous resource consent approval processes.</p> <p>The objective and Policy 1.8 can remain unchanged.</p> <p>Construction is about to commence on a childcare facility.</p>
<u>Summary</u>	Objective 1 (and the associated policies) can remain without change – and is the most appropriate way of achieving the purpose of the Act.	

<p><i>Objective 2 – Urban Design</i></p> <p><i>Development demonstrates best practice in urban design and results in a range of high quality residential environments.</i></p>	The objective provides for well-designed residential development that enables future residents to meet their social, economic and culture needs through good urban design practice.	
	Amend the Structure Plan	An appropriate urban design outcome can be achieved through methods that remain a priority
	Amend Retail Rule	Enabling additional retail floor space will ensure that residents within the Northlake community can improve access and convenience for daily shopping needs; avoiding unnecessary vehicle trips.
	Amend Sign Rule	Commercial signage within AA-D1 will contribute to a focal point for this community, allowing commercial tenants to successfully advertise their premises
<u>Summary</u>	Objective 2 can remain without change – and is the most appropriate way of achieving the purpose of the Act.	

<p><i>Objective 3 – Connectivity</i></p>	The zone will be connected to the rest of Wanaka, and internal connections will enhance the amenities of future residents.	
	Amend the Structure Plan	The adjustment to the boundaries will not alter existing pedestrian, cycling and road

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<i>Development that is well-connected internally and to networks outside the zone.</i>		connectivity routes that are shown in the Structure Plan.
	Amend Retail Rule	Additional retail floorspace is proposed to be located in AA-D1 – which is centrally located within the NSZ.
	Amend Sign Rule	N/A
	Delete Community Activity Rule	Community facilities have been provided within AA-D1 where they are accessible to the community.
Summary	Objective 3 can remain without change – and is the most appropriate way of achieving the purpose of the Act.	

<i>Objective 4 – Landscape and Ecology</i> <i>Development takes into account the landscape, visual amenity, and conservation values of the zone.</i>	The more visually prominent areas within the zone will be protected from development, and remnants of native flora will be protected.	
	Amend the Structure Plan	The adjusted Activity Area boundaries have no impact upon the areas of vegetation identified on the Structure Plan and only minor impacts on the areas of landscape protection.
	Amend Retail Rule	N/A
	Amend Sign Rule	N/A
	Delete Community Activity Rule	N/A
Summary	Objective 4 can remain without change – and is the most appropriate way of achieving the purpose of the Act.	

<i>Objective 5 – Recreation</i> <i>The establishment of areas for passive and active recreation.</i>	The Structure Plan identifies areas that are to be retained in open space. Outline Development Plans will ensure that trails and connections are established.	
	Amend the Structure Plan	The amendments to the Structure Plan do not compromise the ability to establish suitable areas of passive and active recreation.
	Amend Retail Rule	N/A
	Amend Sign Rule	N/A
	Delete Community Activity Rule	The required Community facilities have already been provided or alternative facilities approved by consent.

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<u>Summary</u>	Objective 5 can remain without change – and is the most appropriate way of achieving the purpose of the Act.
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<p><i>Objective 6 – Infrastructure</i></p> <p><i>Provision of servicing infrastructure to cater for demands of development within and outside the zone in an environmentally sustainable manner and to enhance wider utility network systems where appropriate.</i></p>	The objective ensures infrastructure within the zone connects to existing networks and responds to requirements for upgrades.	
	Amend the Structure Plan	<p>The net increase of residential units can be adequately serviced by existing and proposed infrastructure.</p> <p>Existing roading can accommodate supermarket traffic.</p>
	Amend Retail Rule	<p>Enabling a grocery store in AA-D1 can be adequately serviced by existing and proposed infrastructure.</p> <p>Existing roading can accommodate additional residential units or retirement village.</p>
	Amend Sign Rule	N/A
	Delete Community Activity Rule	N/A
<u>Summary</u>	Objective 6 can remain without change – and is the most appropriate way of achieving the purpose of the Act.	

Table 7 – Assessing the Appropriateness of the Operative Northlake Zone Objectives

The operative Northlake zone objectives remain the most appropriate way to achieve the purpose of the Act, and do not require change.

Objective – Subdivision Chapter	In what way is the objective the most appropriate way to achieve the purpose of the Act?
<p><i>Objective 1 – Servicing</i></p> <p><i>The provision of necessary services to subdivided lots and developments in anticipation of the likely effects of land use activities on those lots and within the developments.</i></p>	The PPG report confirms that all infrastructure can adequately service the plan change area.
<p><i>Objective 2 - Cost of Services to be Met by Subdividers</i></p> <p><i>The costs of the provision of services to and within subdivisions and developments, or the upgrading of services made necessary by that subdivision and development, to the extent that any of those things are necessitated by the subdivision or development to be met by subdividers.</i></p>	The objective provides for well-designed residential development that enables future residents to meet their social, economic and culture needs through good urban design practice.

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<p><i>Objective 5 - Amenity Protection</i></p> <p><i>The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.</i></p>	<p>The amenity of the NSZ and the amenity within the Outlet Road environment will remain largely unchanged as a result of the change. The objective does not require change.</p>
<p><i>Summary</i></p>	<p>The relevant Subdivision objectives can remain without change – and is the most appropriate way of achieving the purpose of the Act.</p>

Table 8 – Assessing the Appropriateness of the Operative Signage Objectives

Objective – Signs Chapter	In what way is the objective the most appropriate way to achieve the purpose of the Act?
<p><i>Objective 1 – Signs</i></p> <p><i>Signs which convey necessary information and assist in creating a sustainable and vibrant community, while avoiding or mitigating any adverse effects on public safety, convenience and access and on the District’s important landscape, streetscape, cultural heritage and water area visual amenity values.</i></p>	<p>Amending the Signs chapter to enable the D1 area to utilise commercial signage provisions is the most appropriate way to achieve the purpose of the Act.</p> <p>Amending the signs rule provides a consistent approach to local scale commercial nodes in the District Plan, across the district.</p>
<p><i>Summary</i></p>	<p>Objective 1- Signs can remain without change – and is the most appropriate way of achieving the purpose of the Act.</p>

Table 9: Assessing the Appropriateness of the Operative Subdivision Objectives

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4.3 Examining the Appropriateness of the Provisions

Section 32 (1)(b)(ii) requires an examination of whether the proposed provisions are the most appropriate way to achieve the objectives.

Amend the Structure Plan		
	Benefits	Costs
Environmental	An efficient use of land and infrastructure	
Economic (incl. growth & employment)	Appropriate land available for a retirement village at an attractive location in a currently under-supplied market.	
Social	As above	
Cultural	-	

Amend Prohibited Activity Rule		
	Benefits	Costs
Environmental	Clarifies that food retail premises can 'process' fish and meat	
Economic (incl. growth & employment)	Ensure that supermarket can establish within the Northlake Zone – providing a full range of food offerings to the community	
Social	-	
Cultural	-	

Amend Building Setback Rule		
	Benefits	Costs
Environmental	Ensures that increase of building height within that part of the AA-C2 area is offset by greater building setbacks; retaining a balance of open space	
Economic (incl. growth & employment)	-	
Social	-	
Cultural	-	

Amend Access Rule		
	Benefits	Costs
Environmental	Ensures that traffic safety on Outlet Road is maintained by reducing potential points so conflict	
Economic (incl. growth & employment)	-	
Social	-	
Cultural	-	

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Amend Landscaping and Planting Rule		
	Benefits	Costs
Environmental	Ensures that traffic safety on Outlet Road is maintained by reducing potential points so conflict	
Economic (incl. growth & employment)	-	
Social	-	
Cultural	-	

Amend Building Height Rule		
	Benefits	Costs
Environmental	Ensures that appropriate offset occurs between increased building density, within the that part of AA-C2 that is proposed to change to D1 remains, with building scale	
Economic (incl. growth & employment)	-	
Social	-	
Cultural	-	

Amend Retail Rule		
	Benefits	Costs
Environmental	Reduced travel on the roading network for essential services	
Economic (incl. growth & employment)	Increased retail provides for additional employment for a range of staff	
Social	Enhances opportunity for D1 area to become a focus of the Northlake community, encouraging complementary activities that benefit local residents	
Cultural	-	

Amend Sign Rule		
	Benefits	Costs
Environmental		Increased visual presence of signs in the D1 area
Economic (incl. growth & employment)	Enables business to properly advertise their presence and helps make the Northlake D1 area a viable commercial precinct	
Social	Relevant commercial signage will clearly identify the form and function of this D1 area – and	

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	helps it develop as the focal point of the community	
Cultural	-	-

Delete Community Activity Rule		
	Benefits	Costs
Environmental	N/A	N/A
Economic (incl. growth & employment)	Ensures that consent processes and provision of residential housing is not unnecessarily delayed by complicated consent processes	
Social	The Northlake residential community can establish without consent delays	
Cultural	-	-

Table 10: Examining the Appropriateness of the Provisions

In summary, this Request are considered to be the most appropriate method of achieving the objectives of the NSZ.

5.0 Assessment of Effects on the Environment

5.1 Overview

This part of the report provides an assessment of effects on the environment in accordance with Clause 22 (2) of the First Schedule of the Act. This assessment relates to the effects anticipated from the implementation of the proposed plan change.

5.2 Landscape and Urban Design

The landscape and urban design aspects of this plan change request are interrelated, and primarily involve the adjustment of the Activity Area boundaries and to a lesser degree the change to the retail rule.

The landscape assessment has been prepared by Baxter Design Group Limited, and identifies that the key consideration is the expansion of the D1 area.

The other changes to the boundaries of the C1/ B2, B3 areas are considered to be of minor consequence from both a landscape and urban design perspective.

Urban design is the key consideration in expanding the D1, particularly towards Outlet Road into the AA-C2 area.

The report recognises that the operative rules provide NIL with some flexibility on the layout of development within the C2, provided it achieves a maximum density of 4.5 dwellings per hectare (including the 15% float).

This could result in NIL increasing density within the southern part of the C2 area. The plan change area) resulting in a medium density development (10 – 12 dwellings per hectare), whilst still enabling the northern part of the C2 to be developed

The report recognises the change that will occur to the land form as a result of earthworks necessary to create functional residential sections, that will result in activity area boundaries becoming blurred over time.

The report recommends that sensitive edge treatment occurs for land adjoining Outlet Road, including a consistent depth and pattern of planting and fencing. It is also recommended that cladding materials and colour palette maintain a degree of consistency. It recommends that buildings be limited to 2 levels within that C2 strip, to retain a generally consistent appearance of built form.

The retirement village concept for the expanded D1 area is acknowledged as being an appropriate land use within this part of the zone, and likely to positively contribute towards residential and community coherence that results from a mixed environment.

The urban design aspect of increasing the retail footprint and overall retail cap is to ensure that buildings alongside Northlake Drive are designed to address the street as the principal pedestrian place. This might include additional tenancies being supported alongside Northlake Drive. The actual detailed design response to this type of matter will be addressed appropriately at the resource consent stage.

Both the supermarket and the retirement village will be subject to a Restricted Discretionary resource consent for the buildings within the D1 area. The matters over which the Council has restricted its discretion (12.34.2.3 (iv)(a), (f) and (h)) and the associated Assessment Matters (12.34.5.2 (v)(b), (c) and

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(d)) – ensure that consideration will be given to all of those building design, appearance and streetscape issues.

5.3 Transport

Carriageway Consulting Limited has been engaged to provide an assessment of the request in respect of the amendments to the Structure Plan to increase the area of AA-D1, and to assess the implications of increasing the amount of retail floor area.

The Carriageway report first assessed the existing zoning of the plan change area, and the traffic impacts that are likely to occur. In that case the report identifies the existing D1 land (relying upon that part of the Outline Development Plan that would result in 105 residential units), and the permitted yield of the C2 and B3 land – that would result in 141 residential units, and generate about 127 vehicle movements (2 way) in the peak hours.

The alteration to the Structure Plan provides an additional 4.2 hectares of AA-D1 land (The C2 + B3 land), which results in a net increase (taking into account the residential yield under the operative C2 and B3 zoning) of 36 residential units. This would result in an additional 32 vehicle movements in the peak hours or an equivalent of 1 additional vehicle movement every 1.9 minutes. Carriageway Consulting describe this effect as being “imperceptible”, and on that basis, they were not asked to report on the other less significant changes to the Structure Plan in the AA-C1 and AA-B2/3 areas.

Carriageway were also asked to assess the traffic effects that might occur if a retirement village is developed within that same expanded D1 area, occupying a cumulative area of approximately 9.4 hectares. Comparisons with other similarly sized and located retirement villages confirms a conservative assessment of 12.1 vehicle movements per hectare during peak hours; resulting in around 114 vehicle movements (2 way) in those peak hours.

In summary, the operative zoning would result in 127 vehicle movements per hour, medium density residential over that same area would result in up to 159 vehicle movements per hour, or alternatively a retirement village would generate about 114 vehicle movements per hour. The Carriageway report concludes that “the traffic generated by the proposed plan change is relatively small” and that “there is very little difference in the traffic generation between the proposed rezoned land towards the north of Northlake and that which can already occur as of right...”.

The change to the retail provisions include increasing the retail cap to 2,500m², and within that increased cap, providing for a grocery store of up to 1,250m².

The standard traffic generation for a retail food outlet of this size is 15 vehicle movements (2 way) per 100m² in the evening peak hour, which in this case equates to 180 vehicle movements (2 way). The assessment relies upon recognised survey data, that supermarkets trips are generally divided on a 33% basis to ‘primary trips’ that are newly generated as a result of the supermarket, ‘pass-by trips’ where the route of the driver does not change, and ‘diverted trips’.

The location of the supermarket within a growing residential area will ensure that most ‘trips’ are generated from within an existing local catchment of 3,395 residences¹ where this will be the closest grocery store.

The Carriageway report concludes that a 1,250m² supermarket will generate an additional 36 vehicle movements on Aubrey Road during the peak hour, at that movements through that Aubrey/ Outlet Road

¹ RCG Limited, Assessment of Economic Effects – Northlake, September 2017, page 34

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intersection will be evenly split to the east (Albert Town) and west (Wanaka). This traffic volume represents one vehicle movement every 1.7 minutes which carriageway describe as “imperceptible”.

5.4 Retail

RCG Limited have prepared an assessment of the effects of increasing the retail cap to enable a 1,250m² supermarket, whilst also increasing the retail cap to 2,500m².

This report confirms that:

- Growth projections for the Wanaka area have previously underestimated actual growth rates.
- Recent growth projections (2017) indicate that Wanaka will grow from a resident population of 10,910 (2016) to 16,700 (2028) – an increase of over 53%.
- Building consent records indicate there are 350 – 400 new homes in Wanaka per annum
- House prices in Wanaka continue to increase, with an average house price of \$800,000 (June 2017)
- Tourism growth is projected to continue.
- Total passenger arrivals through Queenstown airport have grown 81% in the past 5 years
- Wanaka Airport is likely to also expand and be used for domestic flight routes
- Guest nights in Wanaka have grown to 840,000 per annum (521,000 international / 319,000 domestic)
- Tourism spending in Wanaka is at record levels of \$313,000,000.00, up 71% from two years ago
- There is currently 20,000m² of retail floor space in Wanaka, and a further 10,000m² possible at Three Parks, plus 1,000m² at Northlake.
- There is one supermarket (New World) and two smaller grocery stores (Four Square and Mediterranean Market)
- Wanaka is currently “seriously undersupplied with retail space”, and can support substantial increases in its retail offering”
- The existing New World supermarket trades very strongly and that tourist spending alone is sufficient to support a supermarket of this size
- The ‘northern Wanaka’ area could support 10,484m² of retail floor space, including 3,069m² food retail floor space, by 2028 if that area is fully developed.
- The proposed 1,250m² supermarket and total retail cap of 2,500m² will not undermine the Wanaka CBD or Three Parks.

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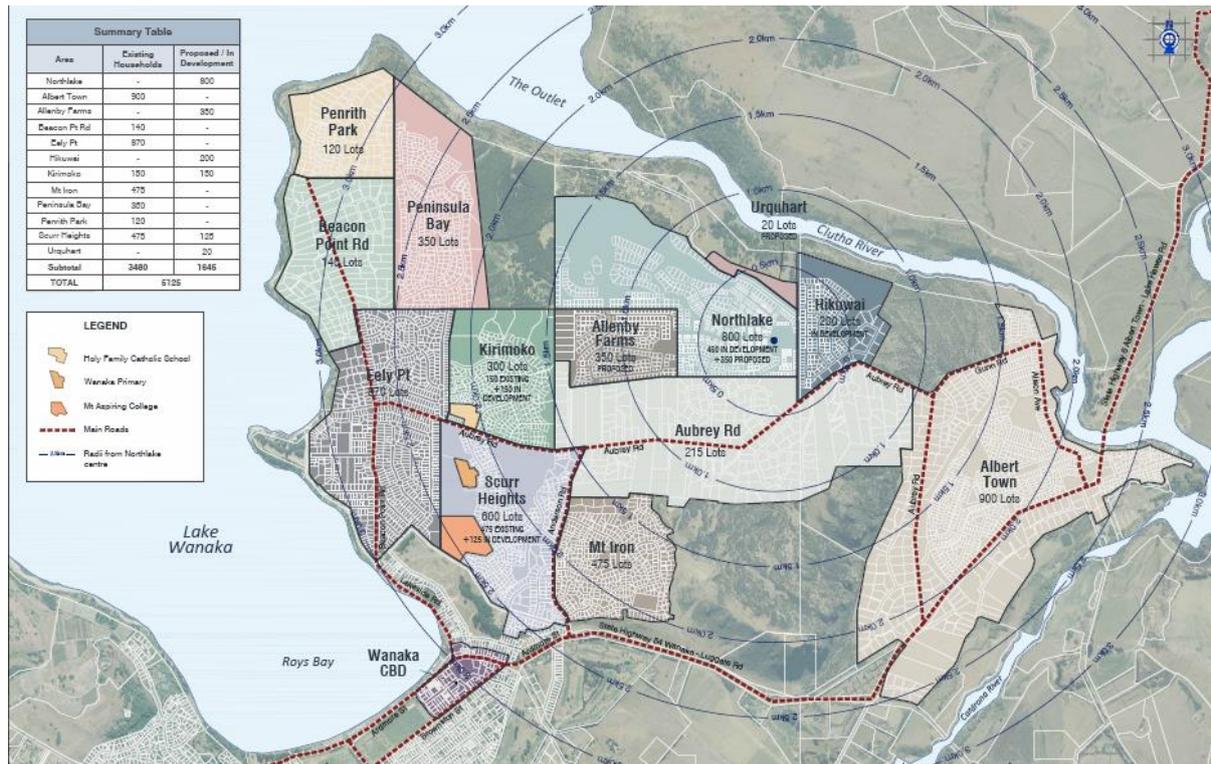


Figure 4: Northern Wanaka Catchment

5.5 Services and Infrastructure

Paterson Pitts Group have undertaken an assessment of the 3-waters infrastructure, and provided confirmation on the adequacy of the telephone and electrical supplies in the vicinity.

5.5.1 Stormwater

The report confirms that stormwater will continue to be collected, treated and disposed via the Low Impact Design that has been constructed to ensure there is no increase from pre-to post development flows leaving the site and to ensure that stormwater quality is maintained prior to ultimate discharge into the Clutha River.

5.5.2 Water Supply

Water demands have been assessed, and consultation undertaken with the Council engineers contracted for modelling water supply requirements within Wanaka. It is acknowledged that under both the density of the operative district plan and the proposed plan change that a water upgrades will be required (and are programmed to be undertaken by Council). As a result the amendment to the Structure Plan boundaries will have no effect upon water supply.

Current modelling indicates that 682 residential lots can be serviced by the current reservoir (located on the western boundary of the zone) after which the 250mm trunk main will need to be linked back to that reservoir. It is estimated that there is at least 5 years capacity before that demands are fully realised and upgrades are required.

Water supply hourly peak flow will increase slightly as a result of the proposed changes to the activity areas. However, it is anticipated with planned upgrades that the site can be appropriately serviced.

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5.5.3 Wastewater

PPG confirm that the 300mm main that was recently extend from the intersection of Aubrey and Outlet Roads as far as Northlake Drive will have adequate capacity for the increase in density proposed by the plan change.

Internal pipe reticulation extends west along Northlake Drive (150mm) as far as the intersection with Mt. Linton Avenue. This infrastructure is currently being extended to also service the lots in Stages 4 – 6.

The land north of Mt Creighton crescent (in the vicinity of the C2) is at a lower elevation and a pump station of low pressure reticulation will be required to convey wastewater up to the existing network.

5.6 Summary

The reports prepared in relation to specific aspects of the proposed plan change have confirmed that:

- a) The alteration to the Structure Plan boundaries will not result in any adverse effects upon the landscape qualities of the area;
- b) The alteration to the Structure Plan boundaries will result in a slightly different character and urban form. However, that change is appropriate and particular methods have been introduced that ensure consistency with the relevant objectives and policies of the zone;
- c) The existing infrastructure network and planned upgrades have capacity to appropriately service the increased density;
- d) There is currently a significant under-supply of retail floorspace in Wanaka built and projected; and that the alteration of the retail rule to enable a supermarket, and to increase the overall allowable retail gross floor area, will not result in any adverse effect on Wanaka CBD and Three Parks.

6.0 Statutory Framework

6.1 Resource Management Act 1991

This private plan change request has been made under Clause 21, Part 2 of the 1st Schedule of the Resource Management Act 1991.

The request has been prepared in accordance with Clause 22 and includes an evaluation report prepared in accordance with section 32 and a description of the environmental effects, taking into account clauses 6 and 7 of Schedule 4.

6.2 National Policy Statements and Standards

The following National Policy Statements (NPS) and National Environmental Standards (NES) have been examined:

- National Policy Statement on Electricity Transmission 2008
- Coastal Policy Statement 2010
- National Policy Statement on Renewable Electricity Generation 2011
- National Policy Statement on Freshwater Management 2014
- National Policy Statement on Urban Development Capacity 2016

National policy statements guide subsequent decision-making under the Resource Management Act at the national, regional and district levels and can therefore significantly affect resource management practices in New Zealand.

Regional policy statements, regional plans and district plans are all required to give effect to all national policy statements. The phrase “give effect to” means “implement”. It is a strong directive that creates a firm obligation on the part of those subject to it.

The national policy statement is about recognising the national significance of:

- a) urban environments and the need to enable such environments to develop and change; and
- b) providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.

The National Policy Statement on Urban Development Capacity is relevant to this plan change request. It contains objectives and policies that local authorities must give effect to in their resource management decisions that provide direction on:

- the outcomes that urban planning decisions should achieve
- the evidence underpinning those decisions
- responsive planning approaches
- coordination between local authorities and providers of infrastructure.

Within these four, the NPS-UDC targets the more challenging requirements for urban areas experiencing the most significant growth. Of particular relevance to this plan change are the first group of Objectives that occur under the heading ‘Outcomes for planning decisions’:

OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.

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- OA2: *Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.*
- OA3: *Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.*

The associated policies (PA1 to PA4) apply to “any urban environment that is expected to experience growth”. These policies require that:

- PA1: *Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity...that must be feasible, zoned and serviced with development infrastructure in the short, medium and long term.*
- PA2: *Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.*
- PA3: *When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:*
- a) *Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;*
 - b) *Promoting the efficient use of urban land and development infrastructure and other infrastructure; and*
 - c) *Limiting as much as possible adverse impacts on the competitive operation of land and development markets.*
- PA4: *When considering the effects of urban development, decision-makers shall take into account:*
- a) *The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and*
 - b) *The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects.*

In addition, the Wanaka area is a “high growth urban area” as it will be likely to experience significantly more than the 10% growth threshold between 2013 and 2023 (more likely 50%). As a result, Policies PB1 to PB7 also apply to the Council. This includes research, monitoring and publication of demand and capacity studies.

The ‘Responsive Planning’ policies (PC1 to PC11) include a requirement to ensure that the ‘feasible development capacity’ requirements of PA1 also include an ‘additional margin of feasible development capacity over and above projected demands of at least 20% in the short-medium term and 15% in the long term.

This proposed plan change acknowledges that there is demand for additional medium density zoned land (including provision for a retirement village), and that there is a significant undersupply of retail zoned land in the Wanaka urban area. The Request is consistent with these policy expectations

Whilst the NPS places the responsibility for its implementation on local authorities, it is relevant to note that this plan change request assists the Council to ensure that the wellbeing of future generations is appropriately provided for. Supplementary reports prepared for this plan change confirm that there are

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no adverse impacts upon landscape, urban design, or the amenity of the existing zoned retail areas (Wanaka town centre, Three Parks or other areas), that there is adequate provision of infrastructure,

The other Environmental Standards and National Policy Statements include:

- National Environmental Standard for Air Quality 2004
- National Environmental Standard for Sources of Human Drinking Water 2008
- National Environmental Standard for Telecommunications Facilities 2008
- National Environmental Standard for Electricity Transmission 2010
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

None of the National Environmental Standards are relevant to this plan change request.

6.3 Otago Regional Policy Statement - Operative

The purpose of a Regional Policy Statement is to promote the sustainable management of natural and physical resources. The Otago Regional Policy Statement (“RPS”) became operative on 1 October 1998, and establishes the framework for planning documents and plans such as Air, Waste, Water and Coast.

The RMA Section 75(3)(c) states that a District Plan must give effect to a Regional Policy Statement. Accordingly, it is important to consider the relevant provisions of the Regional Policy Statement to ensure they are being given effect to. The relevant provisions are from Chapter 9 – Built Environment.

Objective 9.4.1

To promote the sustainable management of Otago’s built environment to:

- (a) *Meet the present and reasonably foreseeable needs of Otago’s people and communities; and*
- (b) *Provide for amenity values; and*
- (c) *Conserve and enhance environmental and landscape quality; and*
- (d) *Recognise and protect heritage values.*

The provision of additional land for either medium density housing or for the development of a retirement village is consistent with the Objective, in meeting the reasonably foreseeable needs of the Otago community.

The amenity values of the NSZ area will be enhanced by the opportunity to provide a grocery store within the zone minimising vehicle trips to the town centre and other localities

Attention to urban design principles and the provision of recreational areas and trails are provided for by the plan change.

Policy 9.5.2

To promote and encourage the sustainable management of Otago’s transport network through:

- (a) *Promoting the use of fuel efficient modes of transport...*
- (b) *Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and*

Policy 9.5.3

To promote and encourage the sustainable management of Otago’s transport network through:

- (a) *Promoting the use of fuel efficient modes of transport; and*
- (b) *Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and*
- (c) *Promoting a safer transport system; and*

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- (d) *Promoting the protection of transport infrastructure from the adverse effects of land use activities and natural hazards.*

Policy 12.5.3

To improved energy efficiency within Otago through:

- (d) *Encouraging energy efficient transport modes in Otago*

The plan change request is consistent with these policies, in particular by altering the Structure Plan to more readily facilitate the development of a retirement village in this zone. The complementary development of a grocery store also contributes towards a more self-sustaining community that is less reliant upon traffic movements across already stressed arterial routes across town, and to and from the Wanaka town centre.

Policy 9.5.4

To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:

- (a) *Discharges of contaminants to Otago's air, water or land; and*
 (b) *The creation of noise, vibration and dust; and*
 (c) *Visual intrusion and reduction in landscape qualities; and*
 (d) *Significant irreversible effects on:*
 (i) *Otago community values; or*
 (ii) *The creation of noise, vibration and dust; and*
 (iii) *The natural character of water bodies and the coastal environment; or*
 (iv) *Habitats of indigenous fauna; or*
 (v) *Heritage values; or*
 (vi) *Amenity values' or*
 (vii) *Intrinsic values of ecosystems; or*
 (viii) *Salmon or trout habitat.*

Existing reticulated network infrastructure has capacity for the changes proposed by this plan change.

Overall, the plan change request is consistent with the operative Regional Policy Statement.

6.4 Otago Regional Policy Statement - Proposed

The Regional Council released decisions on the Proposed RPS on 1 October 2016. The appeal period closed on 9 December 2016, and 26 appeals were lodged.

Of relevance to this plan change are the objectives and policies relating to the built environment, which occur at 3.7 and 3.8 of the notified RPS:

Objective 3.7

Urban areas are well designed, sustainable and reflect local character.

Policy 3.7.1

Encourage the use of good urban design principles in subdivision and development in urban areas, as detailed in Schedule 6, to:

- f) *Create areas where people can live, work and play, including by:*
 i. *Enabling a diverse range of housing, commercial, industrial and service activities; and*
 ii. *Enabling a diverse range of social and cultural opportunities.*

Objective 3.8

Urban growth is well designed and integrates effectively with adjoining urban and rural environments.

Policy 3.8.1

Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by:

- a) *Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for demand for such land, projected over at least the next 10 years; and*
- b) *Co-ordinating urban growth and extension of urban areas with relevant infrastructure development programmes, to:

 - i. *Provide infrastructure in an efficient and effective way; and*
 - ii. *Avoid additional costs that arise from unplanned infrastructure expansion; and**
- c) *Identifying future growth areas that:

 - i. *Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and*
 - ii. *Maintain or enhance significant biodiversity, landscape or natural character values; and*
 - iii. *Maintain important cultural or heritage values; and*
 - iv. *Avoid land with significant risk from natural hazards; and**
- e) *Ensuring efficient use of land; and*

The Proposed RPS was altered as a result of decision on submissions, and these quoted objectives and policies remain subject to further potential change as a result of appeals.

The Plan change request is not inconsistent with any of the above-mentioned objectives and policies, because that plan also seeks to ensure that there is urban consolidation and promotes the efficient use of existing urban infrastructure.

However, for the purpose of this evaluation minimal weight should be applied to the Proposed RPS.

6.5 Otago Regional Land Transport Strategy

The Otago Regional Land Transport Strategy (“RLTS”) 2011-2041 describes a series of key result areas for achieving the goal of *“a safe transport system that provides connections between communities, leading to regional prosperity, the creation of wealth and employment, social inclusion and the minimisation of adverse environmental effects a sustainable quality of life for current and future generations”*.

The transport network has been assessed, and the plan change is consistent with the Regional Land Transport Strategy.

6.6 Regional Plans

6.6.1 Regional Plan: Air (2009)

The Air Plan contains objectives, policies and rules that allow the Regional Council to independently manage the air quality of settlements throughout the region. Part of the plan change site is within Air Zone 2 (Wanaka).

6.6.2 Regional Plan: Waste (2007)

The purpose of the Waste Plan is to provide an integrated approach to waste issues. The Waste Plan is also relevant in respect of the disposal of commercial and domestic waste and collection of recycling. Waste and recycling in Wanaka is collected by Queenstown Lakes District Council on a user pays system. The zone is covered by this managed waste collection.

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6.6.3 Regional Plan: Water (2004)

The utility services and infrastructure report concludes that the land is not subject to any significant constraints in relation to water supply reticulation, wastewater reticulation, stormwater control.

The plan change is consistent with all three of the Regional Plans.

6.7 Kai Tahu ki Otago Natural Resource Management Plan (2005)

The Act requires that when preparing a change to a District Plan a local authority must take into account any relevant planning document recognised by an iwi authority, to the extent that its content has a bearing on resource management issues of the district.

The Kai Tahu ki Otago Natural Resource Management Plan (“NRMP”) was adopted in 2005 and contains a series of objectives and policies which are relevant to this Plan Change. The Clutha/ Mata-au catchments include the territorial boundaries of the Queenstown-Lakes District.

There are no objectives or policies in the NRMP that are relevant to the resource management issues raised by this plan change request.

6.8 Queenstown Lakes District Plan - Operative (2002) - ODP

The ODP was made operative in 2002, and subsequently amended by Plan Change 45 in December 2015. It contains both district-wide (Chapter 4) and zone-specific (Chapter 12-33) objectives and policies, the relevant matters of which, are reproduced below and an assessment provided.

6.8.1 Chapter 4 – District-Wide

Objective 1 - Natural Environment and Landscape Values

Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.

Policies

- 1.1 *To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.*

The assessment prepared by Baxter Design Group Limited (Attachment B) confirms that the land affected by the proposed Plan Change does not contain landscape values that require protection. The NSZ already identifies those areas of ecological significance and provides for their protection (TPA 1 and TPA 2). In addition, the NSZ also provides for the protection of landscape values by inclusion of AA E1 which classifies those more elevated slopes in the northern part of the zone. Similarly, the NSZ also provides for the protection of the values of margins of the Clutha River by classifying those areas as the 'Tree Protection and Building Restriction Area'. The Request is therefore consistent with these matters.

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Objective 2 - Existing Urban Areas and Communities

Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well-being.

Policies:

- 2.1 *To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships.*
- 2.3 *To protect the living environments of existing low-density residential areas by limiting higher density development opportunities within these areas.*

The Request provides for intensification of part of the AA B3 and C2 (and other minor Activity Area boundary adjustments).

These changes are all part of a planned residential community, that include an integrated street and (off-road) pedestrian network.

The requestor has obtained an Outline Development Plan resource consent (RM160152) that demonstrates the future built character of this environment.

In regard to Policy 2.3, NIL is the owner of the land that immediately adjoins the plan change area. The proposed medium density outcomes of AA D1 are contained within and surrounded by NIL owned land.

The proposed changes will maintain that same general character and anticipated residential amenity.

Objective 3 - Residential Growth

Provision for residential growth sufficient to meet the District's needs.

Policies

- 3.1 *To enable urban consolidation to occur where appropriate.*
- 3.2 *To encourage new urban development, particularly residential and commercial development, in a form, character and scale which provides for higher density living environments and is imaginative in terms of urban design and provides for an integration of different activities, e.g. residential, schools, shopping.*
- 3.3 *To provide for high density residential development in appropriate areas.*
- 3.4 *To provide for lower density residential development in appropriate areas and to ensure that controls generally maintain and enhance existing residential character in those areas.*

The Request provides for urban consolidation to occur, and that may also enable a retirement village to be established (under a separate resource consent). Policy 3.2 encourages integration of different complementary activities to occur that enable residential communities to develop.

The change to the Activity Area boundaries and the provision of a supermarket within the D1 area are both consistent with this objective and policies.

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Objective 4 - Business Activity and Growth

A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.

Policies:

- 4.1 *To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.*
- 4.2 *To promote and enhance a network of compact commercial centres which are easily accessible to, and meet the regular needs of, the surrounding residential environments.*

Wanaka town centre is the principal focus for commercial, visitor and cultural activities in the Upper Clutha, and the Plan Change request does not impact upon that hierarchy. The RCG report confirms that the provision for additional retail floor space in the NSZ will not result in any adverse effects upon the vibrancy of either the Wanaka or Three Parks commercial areas.

Wanaka contains two commercial areas; the existing town centre and the future development at Three Parks. These areas contain the existing and future supermarkets for the Upper Clutha that provide, amongst other things, for the regular needs of the community. Neither area is 'easily accessible' from parts of the North Wanaka neighbourhoods, and require independent vehicle trips.

The Request is consistent with Objective 4 and both of Policies 4.1 and 4.2.

6.8.2 Chapter 15 – Northlake Special Zone

The operative Northlake Special Zone is based upon six objectives and associated policies. The relevant matters are reproduced and assessed below:

Objective 1 – Residential Development

A range of medium to low density and larger lot residential development in close proximity to the wider Wanaka amenities.

Policies

- 1.1 *To establish a mix of residential densities that will provide a residential environment appealing to a range of people.*
- 1.2 *To enable medium density living within the less sensitive parts of the zone in order to give Northlake a sense of place and to support a neighbourhood commercial and retail precinct.*
- 1.7 *To provide for small scale neighbourhood retail activities to serve the needs of the local community within Activity Area D1 and to avoid visitor accommodation, commercial, retail and community activities and retirement villages within Activity Areas other than within Activity Area D1.*
- 1.8 *To provide for community activities, including educational facilities, to serve the needs of the Northlake community and to be available for use by the wider Wanaka community.*

The Request remains consistent with this objective and associated policies, by continuing to provide that range of housing densities.

Policy 1.7 refers to the provision of "small scale neighbourhood retail activities to serve the needs of the local community". The RCG report confirms that the 'North Wanaka' community will be the primary catchment. The comparatively small size of the supermarket will provide a much smaller retail offering that will be focused upon the needs and convenience of the local neighbourhood.

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Policy 1.8 provides the framework for the provision of ‘community facilities’. These facilities have now either been provided or like facilities consented and construction of those facilities about to commence.

Objective 2 – Urban Design

Development demonstrates best practice in urban design and results in a range of high quality residential environments.

Policies

2.5 *To ensure that development recognises and relates to the wider Wanaka character and is a logical extension of the urban form of Wanaka.*

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

Objective 2 is concerned with achieving high quality urban design outcomes., which includes providing for a range of complementary activities and necessary facilities that ensure that the Northlake neighbourhood can develop as an integrated community; with convenience retail and supporting commercial, community and retirement facilities.

The Request remains consistent with these matters.

Objective 4 – Landscape and Ecology

Development that takes into account the landscape, visual amenity, and conservation values of the zone.

Policies

4.1 *To identify areas where buildings are inappropriate, including ridgelines, hilltops and other visually prominent landforms, and to avoid buildings within those areas*

The Landscape and Ecology objective is identified because a small area of AA-E1 is proposed to change to AA-D1. The Baxter design report recognises the purpose of the E1 area, but concludes that this particular part of the E1 (1,323m²) at the southern-most end of the Activity Area, and that including that area within d1 will not result in any adverse landscape effects.

6.9 Queenstown Lakes District Plan - Proposed (2015) - PDP

The first stage of the PDP was notified in October 2015, and hearings on that first stage are almost completed. Decisions on submissions are anticipated in early 2018.

The NSZ was not included in the notified PDP.

The relevant parts of the PDP are those district-wide matters, which have been reproduced and assessed below.

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Objective 3.2.1.1

Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy.

Policies

- 3.2.1.1.1. *Provide a planning framework for the Queenstown and Wanaka central business areas that enables quality development and enhancement of the centres as the key commercial hubs of the District, building on their existing functions and strengths.*
- 3.2.1.1.2. *Avoid commercial rezoning that could fundamentally undermine the role of the Queenstown and Wanaka central business areas as the primary focus for the District's economic activity.*

Objective 3.2.1.2

Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District.

Policies

- 3.2.1.2.1. *Avoid commercial rezoning that would fundamentally undermine the key local service and employment function role that the larger urban centres outside of the Queenstown and Wanaka central business areas fulfil.*
- 3.2.1.2.2. *Reinforce and support the role that township commercial precincts and local shopping centres fulfil in serving local needs.*

Objective 4.2.1

Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.

Policies

- 4.2.1.3. *Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycleways or are in close proximity to community and education facilities.*

The PDP policies maintain and strengthen the primacy of the Wanaka town centre

Essentially, these two objectives outline a hierarchy for centres in the Queenstown- Lakes District, with the Queenstown and Wanaka central business areas at the top, followed by other large urban centres. The objective and policy framework support the top-tier and second-tier centres. Lower in the hierarchy are "township commercial precincts and local shopping centres".

7.0 THE PLAN CHANGE

7.1 The Amended Provisions

This plan change proposes amendments to Chapters 12.34 (The Northlake Special Zone), chapter 15 (subdivision) and Chapter 18 (Signs).

7.1.1 Amendment to Part 12 – Rule 12.34.2.6 (i) – page 12-365

i. Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (except if ancillary to any retail activity or restaurant), or any activity requiring an Offensive Trade Licence under the Health Act 1956.

7.1.2 Amendment to Part 12 – Rule 12.34.4.1 (ii) – page 12-366

ii Setbacks from Roads

(a) The minimum setback from road boundaries of any building shall be 4.5m except within activity Area D1;

(b) The minimum setback from road boundaries of any building within Activity Area D1 shall be 3m, except for that part of Activity Area D1 that adjoins Outlet Road, north of Mt. Burke Street, where the minimum setback from Outlet Road shall be 7m.

7.1.3 Amendment to Part 12 – Rule 12.34.4.1 (viii) – page 12-368

viii Access

(a) Each residential unit shall have legal access to a formed road;

(b) Within Activity Area D1 no residential unit shall have direct access to Outlet Road.

7.1.4 Amendment to Part 12 – Rule 12.34.4.1 (x) – page 12-369

x Landscaping and Planting

(d) On residential sites adjoining Outlet Road, tree planting within a 3.5 m setback from that road shall achieve 100% coverage.

Note: For the purposes of rule (d) above:

(i) 'tree planting' shall consist of species that will be higher than 1.5 at maturity spaced at a maximum of 5m between centres of trees.

(ii) planting shall be completed within 12 months of Code of Compliance certification of a building on the site in accordance with the Building Act 2004.

(iii) this rule shall not apply to Activity Area A or the land referred to in (e) below.

(vi) This rule shall not apply to Activity Area D1 to the west of Outlet Road where roadside landscaping within 3.5m of Outlet Road shall consist of:

- 1. Post and (2) rail timber fence located on the property boundary*
- 2. Grisilinea hedge located immediately behind the post and rail fence, maintained to minimum height of 1.5m.*

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7.1.5 Amendment to Part 12 – Rule 12.34.4.2 (iv) – page 12-372

iv Building Height

Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.

(a) Flat sites

Where all elevations indicate a ground slope of less than 6 degrees (approximately 1:9.5), then the maximum height for buildings shall be:

- 8.0m for residential activities within Activity Areas A, B1 – B5, and C2 – C4;

- 5.5m in Activity Area C1;

- 10.0m for activities within Activity Area D1 (provided that buildings within 40m of Outlet Road north of Mt. Burke Street shall be no more than 2 levels).

and in addition no part of any building shall protrude through a recession line inclined towards the site at an angle of 40° and commencing at 2.5m above ground level at any given point on the site boundary: except:

(i) Gable, hip, dormer and other similar projections may encroach beyond the recession lines provided they are contained within a calculated area(s) no greater than 6m² with the apex no higher than a point 1m below the maximum height for the zone and the base of the area(s) at the level of recession line protrusion.

(ii) The recession line shall not apply to buildings that share a common wall on an internal boundary and shall not apply to Activity Area D1.

7.1.6 Amendment to Part 12 - Rule 12.23.4.2 (viii) – page 12-373

viii. Retail

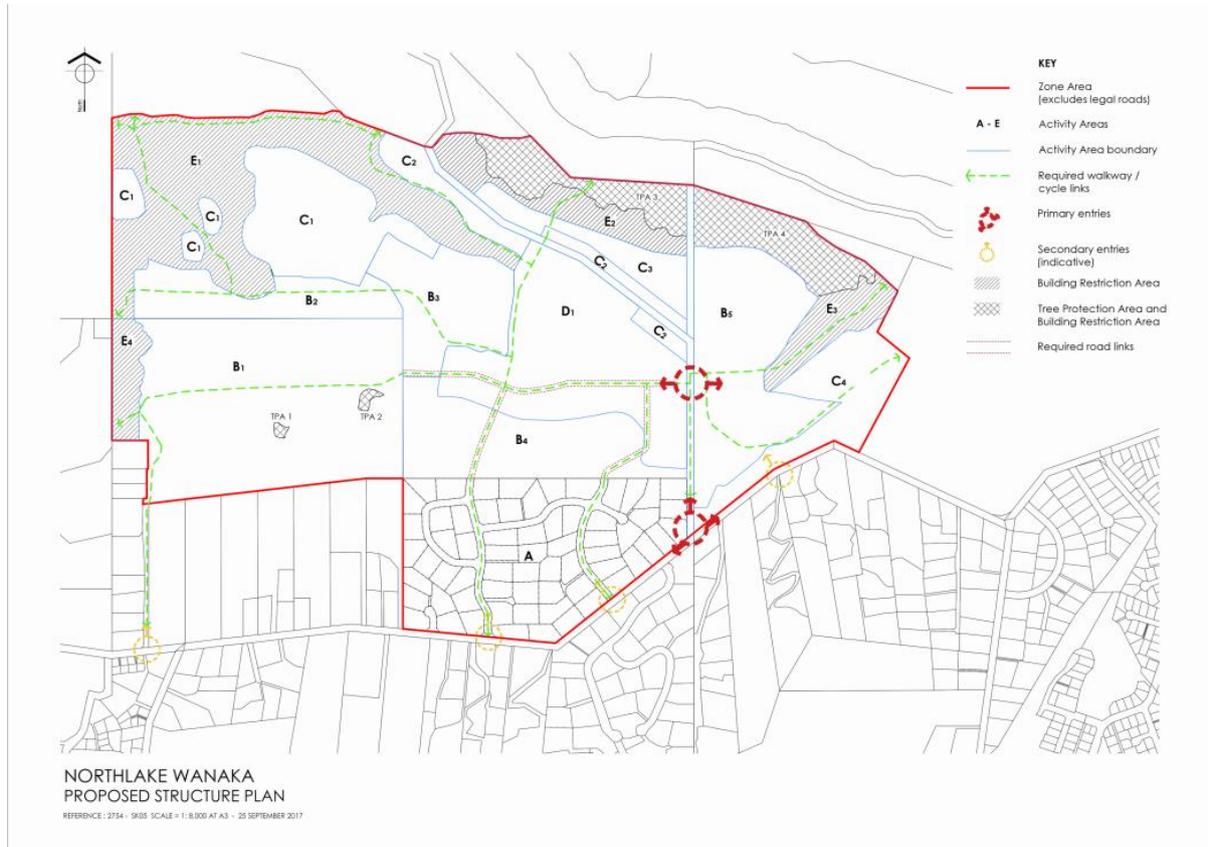
(a) No retail activity shall occur within the Northlake Special Zone except in Activity Area D1.

(b) No retail activity shall have a gross floor area exceeding 200m², except for one activity with a maximum gross floor area of 1,250m².

(c) The total amount of retail floor area within the Northlake Special Zone shall not exceed ~~1000m²~~ 2,500m².

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7.1.7 Amended Part 12 Northlake Structure Plan



A full copy of the amended Structure Plan is included as Attachment F to this Request.

7.1.8 Deletion of Part 15 - Rule 15.2.16.3 – pages 15-56 and 15-57

15.2.16.3 Zone Subdivision Standard – Northlake Special Zone – Community Facilities

- (i) ~~This rule applies to subdivision of land situated north of Aubrey Road, Wanaka, which is zoned Northlake Special Zone (“Northlake”) (excluding Activity Area A) as shown on Planning Maps 18, 19 and 20 in addition to any other applicable subdivision rules.~~
- (ii) ~~There shall be no restriction under this rule on the first stage(s) of subdivision which create a total of up to 50 individual residential lots within Northlake (excluding Activity Area A). This rule only applies to any subsequent subdivision that creates a total of more than 50 residential lots within Northlake.~~
- (iii) ~~No resource consent shall be granted for any subdivision that will result in the cumulative total creation of more than 50 residential lots within Northlake unless the community facilities detailed in subclause (iv) below have been constructed and are operational and available to the public, or any such resource consent includes a condition requiring that the community facilities detailed in subclause (iv) below must be completed, operational and available to the public prior to the issuing of any s224c certificate in respect of such subdivision (excluding Activity Area A).~~
- (iv) ~~For the purposes of this rule:~~
- (a) ~~Community facilities' means an indoor 20m – 25m lap pool, a fitness/gym facility, a children's play area, and at least one tennis court.~~
- (b) ~~Operational' includes operating on a commercial basis requiring payment of commercial user charges as determined by the commercial operator.~~

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~~(c) Available to the public' means open and available for use by any member of the public willing to pay the relevant user charges for such facilities (excluding the play area which is likely to be free).~~

~~(d) The Council shall impose a condition on any resource consent enabling the construction and operation of the community facilities requiring them to be available to the public as detailed in this rule.~~

7.1.9 Amendment to Part 18 - Activity Table 1 (Commercial Areas) and Activity Table 2 (Residential Areas) – pages 18-4 to 18-6

Activity Table 1 (Commercial Areas): Corner Shopping Centre Zone and Northlake Special Zone – Activity Area D1

Activity Table 2 (Residential Areas): Quail Rise, Meadow Park, Northlake (except Activity Area D1) & Shotover Country Special Zones

**QLDC Council
14 December 2017**

Report for Agenda Item: 10

Department: Planning & Development

Adoption of amendments to the fees and charges schedule for Resource Consent and Engineering Fees and Other Charges

Purpose

To request that Council adopt the amended fee schedule following the closure of the submission period on proposed changes to the 'Resource Consent and Engineering Fees and Other Charges'.

Recommendation

That Council:

1. **Note** that no submissions were received on the Statement of Proposal to amend the 'Resource Consent and Engineering Fees and Other Charges' schedule; and
2. **Adopt** the fee schedule used for 'Resource Consent and Engineering Fees and Other Charges' [contained in **Attachment A**].

Prepared by:



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20/11/2017

Reviewed and Authorised by:



Tony Avery
General Manager, Planning &
Development

Background

- 1 At its meeting on 28 September 2017, Council adopted the Statement of Proposal to update the present fees and charges schedules and adjustments to the Resource Management Engineers' hourly charge-out rate.
- 2 The proposed updates to the fees and charges schedule are primarily to reflect changes arising the Resource Law Amendment Act 2017 (RLAA 2017), which allows Council to recover its reasonable costs of performing the new actions. Changes primarily related to new categories of consent created under the RLAA 2017, including deemed permitted boundary activities, deemed permitted marginal and temporary activities, and the use of independent commissioners for objections.

- 3 In addition, the hourly charge out rate of the Resource Management Engineers has been increased to reflect the to ensure that ratepayers are not burdened with increased costs due to recognised national and local shortages in engineers driving up the cost of engineering related services.
- 4 Council notified the proposed amendments for public submission over the period of 11 October 2017 to 8 November 2017.

Comment

- 5 No submissions were received. Following the completion of the special consultative procedure as prescribed under Section 36(3) of the RMA, the Council is now able to adopt the fee change schedule as set out in Attachment A.

Options

- 6 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002 following closure of the special consultative procedure and with no submissions received.
- 7 Option 1 – Do not adopt the revised fee schedule

Advantages:

- 8 Does not increase costs to the industry
- 9 Retains the fees structure that many are familiar with

Disadvantages:

- 10 Council could not recover its reasonable costs for dealing with boundary activity notices, deemed permitted temporary and marginal consents and for independent commissioners hearing objections.
- 11 Will not cover the reasonable costs of providing engineering comment.
- 12 Would not assist in meeting the revenue targets or achieve the funding policy for the Planning and Development activities as contained in the draft 2017/18 annual plan.
- 13 Option 2 – Adopt the updated fee schedule in Attachment A

Advantages:

- 14 Would recover the reasonable costs of providing the services required by the RLAA 2017.
- 15 Will cover the reasonable costs of providing engineering comment.
- 16 Will assist Council in meeting its budgets.

Disadvantages:

- 17 New costs to the applicants in some areas (although these are typically less than a normal resource consent process).
- 18 This report recommends **Option 2** for addressing the matter because it will allow the Council to recover the costs of providing regulatory functions.

Significance and Engagement

- 19 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because it affects every user of the regulatory services performed by Planning & Development.

Risk

- 20 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)', as documented in the Council's risk register. The risk is classed as moderate.
- 21 This matter relates to this risk because the regulatory process around environmental management is central to the current and future development needs of the community.
- 22 Amending the fee schedule works towards mitigating the risk identified above by treating the risk.

Financial Implications

- 23 The proposed amendments will ensure Council recovers its reasonable costs for performing the services listed.

Council Policies, Strategies and Bylaws

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

- Annual Plan 2016/17

- 25 The recommended option is consistent with the principles set out in the named policy as the changes are generally considered to be fine tuning / amendments to the existing fee schedule.

Local Government Act 2002 Purpose Provisions

- 26 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by refining and improving the existing fee schedule.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and

- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

27 The proposed changes were subject to a special consultative procedure process.

Attachments

A Resource Consent and Engineering Fees and Other Charges – 14 December 2017

Resource Consent and Engineering Fees and Other Charges – 14 December 2017

Attachment A

Charges for processing resource consents, private plan changes and undertaking related activities have been set by the Queenstown Lakes District Council in accordance with section 36(1) of the Resource Management Act 1991 (RMA) and section 150 of the Local Government Act. Council has fixed a formula for charges as provided by section 36(1). The charges are comprised of an administrative fee of \$225.00, plus an amount calculated as the reasonable time spent processing the application by the staff involved at the hourly rates scheduled below. The initial fees and charges are set out below. All Land Use applications include a \$215 monitoring fee.

In accordance with section 36(3) of the RMA, the applicant is also required to pay an additional charge to cover the actual and reasonable cost of items such as printing, advertising, postage, additional reports and commissioners that may be required in the processing of their application.

At the time of lodging an application the applicant is required to pay the applicable initial fee set out below. They will then be invoiced monthly for other amounts payable under the fixed formula and for any additional charges payable under section 36(3).

Applications will not be received and processing will not continue while charges remain unpaid or overdue.

The following schedule of initial fees and charges is effective from 1st July 2017.

- All charges and initial fees are inclusive of GST and are payable on application.
- The initial fees are minimum charges based on the expected reasonable costs relative to the work. Further costs will be invoiced on a time basis and are payable before further work is completed.
- The use of hearings commissioner and external consultants where required will be charged on a full recovery basis according to their hourly rate. Disbursements will be charged on a full recovery basis.

HOURLY RATES	\$
Senior Planner	165.00
Planner	145.00
Monitoring / Compliance	145.00
Development Contributions Officer	145.00
Engineering	185.00
Environmental Health	125.00
Administration Support	90.00

INFRASTRUCTURE AND PARKS	\$
Senior Infrastructure Engineer	165.00
Infrastructure Engineer/ Logistics	145.00
Infrastructure Other	145.00
Parks & Reserves Senior Planner / Planning Manager	165.00
Parks & Reserves Planner / Officer	145.00

MONITORING (Initial Fees)		\$
Compliance inspections		hourly rate
ADMINISTRATIVE CHARGE (Fixed fee)		\$
Administrative charge per consent		225.00
Administrative charge per pre-application request		90.00
PRE-APPLICATION MEETINGS (Initial Fees)		\$
Pre-Application Meeting including preparation - first hour free, after which at the applicable hourly rate.		hourly rate
LAND USE CONSENTS (Initial fees unless otherwise stated)		
Boundary activity notice (fixed fee)		320.00
Marginal and temporary non-compliance notice		390.00
Breach of site standard other than earthworks (all zones except Town Centre, Business and Industrial)		1045.00
Breach of site standard other than earthworks, Town Centre, Business and Industrial zones		1240.00
Breach of zone standard (all zones except Town Centre, Business and Industrial)		1,515.00
Breach of zone standard Town Centre, Business and Industrial zones		2165.00
Comprehensive residential development Low Density Residential zone		5,865.00
Controlled Activity		1,195.00
Design control minor (e.g. building in Town Centre, Business or Industrial zones or dwelling in any special zone)		1,195.00
Design control other (e.g. dwelling in Rural Residential zone or dwelling on a platform in Rural Lifestyle zone)		1,495.00
Earthworks minor (e.g. single dwelling or similar)		1,240.00
Earthworks other		3,340.00
Establish residential building platform in Rural General		4,065.00
Extensions or alterations to existing Rural General dwelling		1,515.00
Heritage Orders		2,165.00
Minor alterations to heritage building		730.00
New Rural General dwelling not on building platform		4065.00
Non-residential activity in residential or special zones		3,415.00
Signs		855.00
Visitor accommodation 1-2 units Low Density Residential zone		1,240.00
Visitor accommodation multi-units Low Density Residential zone		6,615.00
Visitor accommodation 1-2 units High Density Residential zone		855.00

Visitor accommodation or residential multi-units High Density Residential zone	5340.00
Other applications	1,240.00

SUBDIVISION CONSENTS (Initial fees)	\$
Amalgamation Certificate - fixed fee	102.00
Boundary adjustment	1,025.00
Controlled activity up to two lots	1,300.00
Controlled activity more than two lots	1,950.00
Engineering Review & Acceptances, Inspections and Road Naming	412.50
Other subdivision (e.g. Rural Residential, Rural Lifestyle)	3,200.00
Rural General subdivision	3,850.00
Registered Bond / release of Registered Bond (each)	102.00
Cancellation of amalgamation conditions (s241)	1025.00
Section 223 Certificate	140.00
Section 224(c) Certificate	250.00
Signing and Sealing other plan or certificate	102.00

MULTIPLE ACTIVITIES

Where an application includes both land-use and subdivision activities or multiple activities, only the higher or highest relevant charge is payable

OTHER APPLICATIONS / PROCESSES (Initial Fees)	
Notice of Requirement for a Designation	3,850.00
Alteration of Designation	640.00
Removal of Designation or Heritage Order	195.00
Certificate of Compliance	640.00
Existing Use Certificate	640.00
Extension of lapse period of a resource consent	640.00
Outline Plan Approval Section 176A	640.00
Outline Plan Waivers Section 176A(2)(c)	300.00
Surrender of consent	195.00

Trees e.g. <i>trimming or removal of protected or heritage tree</i>	195.00
Residential Arrowtown Historic Management zone (with supporting Arboriculturist's report)	
Variation to resource consent conditions	640.00
Private plan change	10,000.00
Section 357	

LOCAL GOVERNMENT ACT CHARGES (Initial Fees)		
Section 348 Right of Way certificate		512.00
Development Contribution Assessment and Estimates		hourly rate
Traffic Management Plans		125.00
Licence to Occupy		600.00
Temporary Road Closures		500.00
Corridor Access (Road Opening Permits)	< 20 m	185.00
	20-100 m	375.00
	100-500 m	560.00
	500-2000 m	750.00
	> 2000 m	1,875.00
Engineering Connection to Council Services (one connection)		280.00
Engineering Connection to Council Services (for each additional connection)		120.00
OTHER APPLICATIONS / PROCESSES (Fixed Fees)		
Urban Design Panel (prior to lodging resource consent)		250.00
Urban Design Panel (post lodging resource consent)		500.00

OBJECTIONS UNDER SECTION 357A(1)(f) OR (g) REQUESTED TO BE HEARD BY AN INDEPENDENT COMMISSIONER (initial fees)	
Requested Commissioner consideration of objections under section 357A(1)(f) or (g)	hourly rate

NOTIFIED AND LIMITED NOTIFIED APPLICATIONS (Initial Fees)	
Limited Notification / Service (Section 95B)	
The charges fixed by council under section 36(1) include the following extra charge if limited notification of an application is required. The extra limited notification charge is also payable at the time of lodgement. However, where the need for notification / service is not apparent at the time of lodgement, the extra \$1,300 is payable as soon as it becomes apparent that limited notification is required.	1,300.00
Notified Applications (Section 95A or 95C) (Initial Fees)	
The charges fixed by council under section 36(1) include the following extra charge if full notification of a resource consent or designation is required. The extra notification charge is payable at the time of lodgement or as soon as it becomes apparent that notification is required and is to proceed. Public notification will not occur before payment is made.	4,500.00

INITIAL CHARGES FOR HEARINGS (Initial Fees)

Where a hearing is required the applicant is liable to pay the costs for Commissioners attending hearings, undertaking site inspections and writing decisions as well as the cost of attendance of professional and secretarial staff.	Half Day	6,000.00
	Full Day	11,000.00
Prior to a hearing date being confirmed, an estimate of the hearing time (including site visit) will be made and the applicant will be required to pay the appropriate hearing initial fee. If the cost of the hearing and decision writing exceeds the hearing initial fee, the additional amounts will be invoiced. If actual charges are less than the initial fee, a refund will be issued.	Each additional day	9,700.00

**QLDC Council
14 December 2017**

Report for Agenda Item: 11

Department: Finance & Regulatory

Brothel Control Bylaw 2011 Review

Purpose

The purpose of this report is to present the Queenstown Lakes District Council Brothel Control Bylaw 2017 for adoption.

Recommendation

That Council:

1. **Note** the contents of this report.
2. **Adopt** the Queenstown Lakes District Council Brothel Control Bylaw 2017.

Prepared by:



Thomas Grandiek
Monitoring & Enforcement
Officer

30/11/2017

Reviewed and Authorized by:



Stewart Burns
General Manager
Finance and Regulatory

30/11/2017

Background

- 1 On 6th April 2017 the Community and Services Committee considered the proposed continuation of the Brothel Control Bylaw 2011 (**current bylaw**), <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/Committees/Community-and-Services-Committee/6-April-2017/Item-8.-Brothel-Control-Bylaw-2011-Review/8.-Brothel-Control-Bylaw-2011-Review.pdf>. The Community and Services Committee resolved to recommend that the Council reviews the current bylaw and undertake public consultation.

- 2 Following the Community and Services Committee meeting on 6 April 2017, the Committee queried whether the permitted activity area for brothels may need to be extended to reflect the proposed Plan Change 50. This plan change amended the operative Queenstown Lakes District Plan, by establishing a larger town centre zone to recognise the growth experienced across Queenstown and Wanaka.
- 3 The Brothel Control Bylaw 2017 proposes to retain the existing rules in the current bylaw. This includes the permitted area of activity remaining the same for both Queenstown and Wanaka. Council considers that the current bylaw is working appropriately, and provides for reasonable regulation of the location of brothels and associated signage. The current permitted areas of activity are best suited to a brothel operation as there is CCTV in operation, the areas are in close proximity to a Police Station, and there is frequent pedestrian traffic.
- 4 On 18 July 2017 a report was presented to Council including the proposed Brothel Control Bylaw 2017, statement of proposal, and the summary of the statement of proposal documents for public consultation using the special consultative procedure. <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/Full-Council-Agendas/2017/17-August-2017/8.-Brothel-Control-Bylaw-Review-covering-report/8.-Brothel-Control-Bylaw-Review-covering-report.pdf>
- 5 Public consultation took place between 19 August and 18 September 2017. Only one submission was received, which was in support of the proposed Brothel Control Bylaw 2017 and to maintain current permitted areas of operation. The submitter did not wish to be heard.
- 6 Due to only one submission being received in support of the Bylaw, the hearings panel being Councillors MacLeod, Clark and Stevens were contacted and accepted that it was not necessary for the scheduled hearing to take place and recommended instead that the proposed Brothel Control Bylaw 2017 be adopted at the Council meeting on 14 December.
- 7 The current bylaw was adopted under the Prostitution Reform Act 2003 (**the Act**) and the Local Government Act 2002 ("**LGA**"). A brothel includes a premises kept or habitually used for the purposes of prostitution, but does not include accommodation that is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere. The Act does not envisage the blanket prohibition of brothels across the district, but does allow the Council to restrict the location of brothels to certain areas in order to reduce or prevent harmful effects, such as nuisances.
- 8 Council staff have completed a review of the current bylaw, and recommend that the Council adopt the Brothel Control Bylaw 2017 (**proposed bylaw**). A copy of the proposed bylaw is contained in **Attachment A**.

Comment

- 9 Council staff proposes to substantially continue the current approach to the regulation of brothels, which includes specifying suitable areas within the district

for the establishment and safe operation of brothels, and requiring publicly visible brothel signage to meet minimum standards.

- 10 This approach is consistent with the Act, and an appropriate fit for the district and the community. Some amendments have been included within the proposed bylaw to update and clarify the scope of the controls (eg. improving consistency with legislation, clarifying rules and using improved maps, and removing redundant content).
- 11 As part of the special consultative procedure, Council staff invited feedback from the public regarding the possible extension of the permitted activity area for the establishment of brothels in the district. Submitters also had the ability to comment on the continuation of the current bylaw without change, instead of the adoption of the proposed bylaw, which includes some amendments.
- 12 Only one submission was received with the submitter supporting the proposed Brothel Control Bylaw 2017 and that the present permitted zones remain the same. The submitter did not wish to be heard in a hearing. The submitter stated "Although I am strongly opposed to the concept of Brothels and would prefer that they did not exist, I accept that the Council has a duty to regulate the activity. I support the objectives of the proposed amendment and in particular I strongly agree that the present permitted zones (which do not appear to have caused any issues) should not be expanded in either Wanaka or Queenstown".
- 13 The proposed bylaw includes the existing restrictions to brothel locations. To date no complaints have been received regarding the permitted activity area, although no known brothels have been established. The rationale of the current permitted activity areas is to facilitate CCTV monitoring, close proximity to a Police station, and regular pedestrian traffic.

Local Government Act 2002 (LGA)

- 14 The LGA enables Council to make a bylaw to address local issues and provides the ability to operate proactively to:
 - a) Protect the public from nuisance;
 - b) Protect, promote, and maintain public health and safety; and
 - c) Minimise the potential for nuisance behaviour in public places.
- 15 The process for adopting a new bylaw is set out in the LGA. The LGA requires that the current bylaw must be reviewed within five years after the date on which it was made. If a bylaw is not reviewed within five years it will be revoked two years after the date it was required to be reviewed. The current bylaw was adopted on April 27, 2011 and is due to expire on 27 April, 2018, unless a new bylaw is adopted.
- 16 If the current bylaw was to lapse, the Council would have not be able to effectively regulate and control the advertising and the location of brothels within the District. Brothel advertising would still be subject to rules affecting other commercial signage under the Queenstown Lakes District Plan, but without a bylaw the Council would be unable to impose specific regulations on the size, display and content of brothel advertising.

Proposed Bylaw

- 17 The current bylaw provides the ability to have a brothel within a specified area of the Queenstown Town Centre and the Wanaka Town Centre only. The rationale for this is to ensure that any brothels are in locations where there is CCTV in operation, within close proximity of a Police Station and where there is regular pedestrian foot traffic. Council staff propose to reduce the risk of potential negative issues that may eventuate if a brothel was situated in more remote locations in the District. The permitted areas were also identified to prevent the potential nuisance of brothels in residential neighbourhoods.
- 18 There are no known brothels currently located within the permitted areas as specified in the current bylaw.
- 19 It is proposed that the controls under the current bylaw are substantially continued in the proposed bylaw, which meets legislative requirements, and is an appropriate tool for reducing the risk of nuisances in our communities.

Options

20 Option 1- Adopt the proposed Brothel Control Bylaw 2017.

Advantages:

- 21 Continuity, effective management and control of potential impacts of brothels on the public, and the prevention of brothels in residential areas. The permitted zones specified in the Queenstown Town Centre and the Wanaka Town Centre are best suited to a brothel operation as there is CCTV in operation, the areas are in close proximity to a Police Station, and there is frequent pedestrian traffic. Amendments in the proposed bylaw are required to update and clarify the scope of the controls, although this will not substantially alter existing brothel regulation.

Disadvantages:

- 22 No disadvantages have been identified.

23 Option 2 – Do not adopt the Brothel Control Bylaw 2017.

Advantages:

- 24 Council will be perceived as being less bureaucratic. Some members of the community may prefer less regulation on the location and signage of brothels.

Disadvantages:

- 25 The existing Brothel Control Bylaw 2011 will expire on 27 April 2018. If the Bylaw expires the Queenstown Lakes' District Council will not have the ability to exercise controls on the establishment of Brothels in the Queenstown Lakes District.

26 After the current bylaw lapses, there will be no restrictions on the location of brothels and display of brothel signage in the District. If in future a person decides to establish a brothel, they could do so in any area, including in a residential neighbourhood. The Council considers that this may lead to harmful effects in those areas, such as nuisances.

27 Publicly visible brothel advertising will still be subject to the Queenstown Lakes District Council District Plan, which prohibits sexually explicit, lewd or offensive content. However, brothel advertising may still contain sexual innuendo or other content that falls short of being offensive, which would be technically permissible without a bylaw in effect.

28 This report recommends **Option 1** for addressing the matter, as this directly addresses the issue or perceived issues of brothels and where they are permitted to operate.

Significance and Engagement

29 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy; the Bylaw affects few people and substantially continues controls set out in the Brothel Control Bylaw 2011.

Risk

30 This matter relates to the strategic risk SR3 Management Practise - Working within Legislation, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this strategic risk due to the associated legislation and controls surrounding the activity.

31 The recommended option considered above mitigates the risk by 'Treating the risk' – putting measures in place which directly impact the risk by regulating and controlling, in accordance with the LGA.

Financial Implications

32 There are operational cost implications resulting from the decision regarding the review of this Bylaw. These costs will be met through current budgets.

Council Policies, Strategies and Bylaws

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

- Brothel Control Bylaw 2011
- Enforcement Strategy and Prosecution Policy 2014
- New Zealand Bill of Rights Act 1990 ("**BORA**")
- Activities in Public Places Bylaw 2016
- Prostitution Reform Act 2003
- Queenstown Lakes Council District Plan

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

This matter is included in the 10-Year Plan/Annual Plan.

Volume 1 – Our Long Term Council Outcomes to encourage compliance and to protect the interests of the district.

Local Government Act 2002 Purpose Provisions

35 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by; governing the effective management and control of potential impacts of brothels on the public and protect the interests of the district.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

36 The persons who are affected by or interested in this matter are the residents/ratepayers of the Queenstown Lakes' District community, local Iwi and brothel operators.

37 Public consultation was undertaken on the proposed bylaw. Consultation was undertaken in accordance with the special consultative procedure pursuant to section 156 of the Local Government Act 2002. One submission was received which is in support of the proposed Brothel Control Bylaw 2017.

Attachments

- A Queenstown Lakes District Council Brothel Control Bylaw 2017
- B Submission received

Attachment A



Brothel Control Bylaw 2017

Queenstown Lakes District Council

Date of making:
Commencement: [Insert]

This Bylaw is adopted pursuant to the provisions of the Local Government Act 2002 and the Prostitution Reform Act 2003 by resolution of the Queenstown Lakes District Council at a meeting of the Council on [].

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4 Powers to enforce bylaw	4
5 Offences	4
Schedule 1 - Map of permitted areas within Queenstown Town Centre Zone	
Schedule 2 - Map of permitted areas within Wanaka Town Centre Zone	

Part 1 - Preliminary

1 Short title and commencement

- 1.1 This bylaw may be cited as “the Queenstown Lakes District Council Brothel Control Bylaw 2017”.
- 1.2 This bylaw comes into force on a date specified by Council resolution.
- 1.3 The Queenstown Lakes District Brothel Control Bylaw 2011 is revoked on the date this bylaw comes into force.

2 Interpretation

- 2.1 In this bylaw, unless the context otherwise requires–

Brothel means any premises kept or habitually used for the purposes of prostitution but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere.

Commercial Sexual Services means sexual services that:

- (a) involve physical participation by a person in sexual acts with, and for the gratification of another person; and
- (b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).

Council means the Queenstown Lakes District Council.

District means the Queenstown Lakes District.

Premises includes a part of premises.

Prostitution means the provision of commercial sexual services.

Public place –

- (a) means any place that is open to, or being used by the public, whether admission is free or on payment of a charge and whether any owner or occupier of the place is lawfully entitled to exclude or eject a person from that place; and
- (b) includes any aircraft, hovercraft, ship, ferry, or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Part 2 – Brothel control

3 Locations of brothels

- 3.1 No person may establish, operate, or permit the operation of a brothel unless the brothel satisfies all of the following requirements:
- (a) the brothel is located in either:
 - (i) the area of permitted activity within the Queenstown Town Centre Zone identified on the map contained in Schedule 1; or
 - (ii) the area of permitted activity within the Wanaka Town Centre Zone identified on the map contained in Schedule 2;
 - (b) the brothel is located in a building lawfully established under a building consent issued pursuant to the Building Act 2004 (or its predecessor);
 - (c) the brothel is not located at ground level or beneath ground level of any building; and
 - (d) the brothel is not located within 100 metres of any existing brothel.

4 Regulation of brothel advertising

- 4.1 No person may erect or display any sign that advertises the business of a brothel and is visible from a public place, unless it satisfies all of the following requirements:
- (a) the only information displayed on the sign is the registered name of the brothel or the name of the person who operates the brothel;
 - (b) the sign does not exceed 0.3 square metres in size; and
 - (c) must comply with all applicable requirements in the Queenstown Lakes District Council District Plan (or its successor), or be authorised by a resource consent.
- 4.2 No person may permit the erection or display of any sign that advertises the business of a brothel and is visible from a public place, unless it satisfies all of the requirements in clause 4.1 above.

Part 3 – Enforcement

5 Powers to enforce bylaw

- 5.1 The Council may use its powers under the Local Government Act 2002 to enforce this bylaw.

6 Offences

- 6.1 Every person who breaches this Bylaw commits an offence.
- 6.2 Every person who commits an offence against this Bylaw is liable on conviction to the penalty set out in Section 242(4) of the Local Government Act 2002.

The common seal of the Queenstown Lakes District Council is attached in the presence of:

Mayor:

Chief Executive:

Schedule 1 – Map of permitted areas within Queenstown Town Centre Zone



Schedule 2 – Map of permitted areas within Wanaka Town Centre Zone



#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, August 18, 2017 8:47:34 PM
Last Modified: Friday, August 18, 2017 8:51:50 PM
Time Spent: 00:04:16
IP Address: 122.57.189.51

Page 1

Q1 I am giving feedback as: **An individual**

Q2 Please select the statement that applies to you: **I DO NOT wish to be heard in support of my feedback at a public hearing**

Page 2

Q3 Name of organisation **Respondent skipped this question**

Q4 Email address **Respondent skipped this question**

Q5 Contact numberPlease enter a contact phone number. (This will not be made public.) **Respondent skipped this question**

Q6 Would you like to include your name as part of this feedback? **Respondent skipped this question**

Page 3

Q7 Full name

Peter Bernard Degerholm

Q8 Contact numberPlease enter a contact phone number. (This will not be made public.) **Respondent skipped this question**

Q9 Email address

[REDACTED]

Q10 Postal address

[REDACTED]

Page 4

Q11 Do you approve of the proposed Brothel Control Bylaw 2017. **Yes**

Q12 Please explain your decision

Although I am strongly opposed to the concept of brothels, and would prefer that they did not exist, I accept that the Council has a duty to regulate their activity.

I support the objectives of the proposed amendment, and in particular I strongly agree that the present permitted zones (which do not appear to have caused any issues) should NOT be expanded in either Wanaka or Queenstown.

Q13 I understand that all submissions will be treated as public information. Your name and comments will be publicly available, however we will not disclose your contact details. **I understand**

**QLDC Council
14 December 2017**

Report for Agenda Item: 12

Department: Community Services

New lease over part of Section 8 Block XV Town of Queenstown to The Empanada Kitchen Limited

Purpose

To consider a new lease to The Empanada Kitchen Limited for approximately 3.816 square metres, being part of the Council building located on section 8 block XV, Town of Queenstown.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** a new lease under section 54(1)(d) of the Reserves Act for The Empanada Kitchen Limited for approximately 3.816 square metres of the Council building, part of which is located on section 8 Block XV Town of Queenstown subject to the following conditions:
 - Term: Two years
 - Rent: \$16,000 plus GST per annum plus OPEX
 - Reviews: At renewal (to market, or CPI at Council's discretion)
 - Renewal: One of two years
 - Commencement: Upon Signing
 - Use: Sale of pre-prepared takeaway foods and drinks
 - Insurance: \$2 million public liability insurance cover
 - Assignments: With the approval of Council
 - Special conditions:
 - a. At expiry, Lessee to remove chattels from the premises but all fixtures and fittings affixed to the premises shall revert to the Lessor without any compensation.
 - b. Lessor to maintain the building in which the premises are located.
3. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a lease to The Empanada Kitchen Limited for 3.816 square meters of the Council building located on section 8, block XV, Town of Queenstown.
4. **Delegate** signing authority to the General Manager, Community Services.

Prepared by:



Dan Cruickshank
Property Advisor, APL

13/11/2017

Reviewed by:



Stephen Quin
Parks & Reserves
Planning Manager

13/11/2017

Reviewed and Authorised
by:


Thunes Cloete
General Manager,
Community Services

Background

1. The Empanada Kitchen Limited was granted a lease over the kiosk located in the public toilet block on Earnslaw Park from 1 September 2013 for two years, following a public tender of the space. The lease included one right of renewal for a further two years, which was exercised and expired 31 August 2017. At the time of notification of the proposed lease under the Reserves Act in 2013, Council received submissions both for and against issuing the lease, and was required to hold a reserve hearing to evaluate the submissions. The lease was ultimately approved by Council and the lease agreement commenced.
2. The Empanada Kitchen Limited now seeks a new lease over the same site to continue to operate as the current lease has expired. The lease area is approximately 3.816 square metres, part of the Council building, part of which is located on section 8 Block XV Town of Queenstown (the public toilet block). The land is recreation reserve subject to the Reserves Act 1977.
3. The Lessee prepares the empanadas elsewhere in a commercial kitchen and brings them to the site where they store them in a pie warmer for sale directly to the public as a takeaway food item. They also sell non-alcoholic drinks. While there was some opposition to the lease when it was notified in 2013, we have no recorded complaints since the Lessee commenced operation.
4. The process to grant a lease required notification under section 119 of the Reserves Act. The intention to grant a new lease was notified on 7 September 2017, with submissions sought.
5. In the interim, the Lessee has been operating with a temporary reserve permit.

Comment

6. The activity has operated over the past 4 years with no complaints received. Rent was \$12,000 per annum plus GST but a recent market assessment has resulted in the new rent agreed at \$16,000 if the new lease is granted.
7. The Queenstown Bay Foreshore Reserves Management Plan covers the reserves in this area and contemplates "commercial and community activities compatible with the passive recreation use of the reserves". It specifically allows consideration of temporary commercial activities. In this case, the activity is not

temporary, but is low impact because it is within an existing building and will not occupy any undeveloped land within the reserve. As the activity is not contemplated by the Management Plan, it was publicly notified.

8. Terms and conditions reflect the previous lease including one renewal of two years by agreement of both parties. Suggested terms are:

Term:	Two years
Rent:	\$16,000 plus GST per annum plus OPEX
Reviews:	At renewal (to market, or CPI at Council's discretion)
Renewal	One of two years
Commencement:	Upon Signing
Use:	Sale of pre-prepared takeaway foods and drinks
Insurance:	\$2 million public liability insurance cover
Assignments:	With the approval of Council
Special conditions:	
	a. At expiry, Lessee to remove chattels form the premises but all fixtures and fittings affixed to the premises shall revert to the Lessor without any compensation.
	b. Lessor to maintain the building in which the premises are located.

Options

9. Option 1 Approve a new lease to The Empanada Kitchen Limited over approximately 3.816 square metres part of the Council building, part of which is located on section 8 Block XV Town of Queenstown subject to the terms and conditions listed above.

Advantages:

10. It makes use of an otherwise empty portion of an existing reserve building.
11. It will enable users of the reserve to be able to purchase a unique food which may be consumed on the reserve.
12. It allows for an element of oversight of the reserve, that may be beneficial to users of it.
13. It provides an element of vibrancy to the town centre.
14. It will generate income to Council of \$16,000 per annum.

Disadvantages:

15. Maintains the existing commercial activity on the reserve that may be more appropriate in another location.

16. Option 2 Approve a new lease to The Empanada Kitchen Limited over approximately 3.816 square metres part of the Council building, part of which is located on section 8 Block XV Town of Queenstown subject to potentially different terms and conditions to revise the activity and controls.

Advantages:

17. As above.

Disadvantages:

18. As above.

19. Option 3 Not approve a new lease to The Empanada Kitchen Limited and for the activity to cease.

Advantages:

20. Would not compete with other food outlets in the town centre.

Disadvantages:

21. It would severely impact the business of the lessee.
22. It would not make use of an otherwise empty portion of an existing reserve building.
23. It would not provide an element of oversight of the reserve, that may be beneficial to users of it.
24. It would not enable users of the reserve to be able to purchase a unique food which may be consumed on the reserve.
25. Potentially reduces the vibrancy of the town centre.
26. Council would not receive income of \$16,000 per annum.
27. Council's position may be viewed as inconsistent with the notified intention to grant the lease.
28. This report recommends **Option 1** for addressing the matter because it will enable an existing well run commercial business to continue to operate from Earnslaw Park and will also provide income to the Council.

Significance and Engagement

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

Risk

30. This matter relates to operation risk OR011A Decision Making. The risk is classed as moderate.

Financial Implications

31. The lease will generate rent of \$16,000 per annum plus GST if it is granted.

32. The Lessee will pay all costs incurred in granting the lease.

Council Policies, Strategies and Bylaws

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

- Significance and Engagement Policy 2014.
- Community Facility Funding Policy update 2012
- Queenstown Bay Foreshore Reserves Management Plan 2016

34. The recommended option is consistent with the principles set out in the named policy/policies. It should be noted that whilst this trade is not contemplated in the Queenstown Bay Reserves Management Plan, commercial trade is common on the reserve and the lessee's business operations are in line with other existing table and chair licences granted in the vicinity.

35. This matter is not included in the 10-Year Plan/Annual Plan and does not have any impact on it.

Local Government Act 2002 Purpose Provisions

36. The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by enabling a low impact commercial activity to operate in a Council building;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

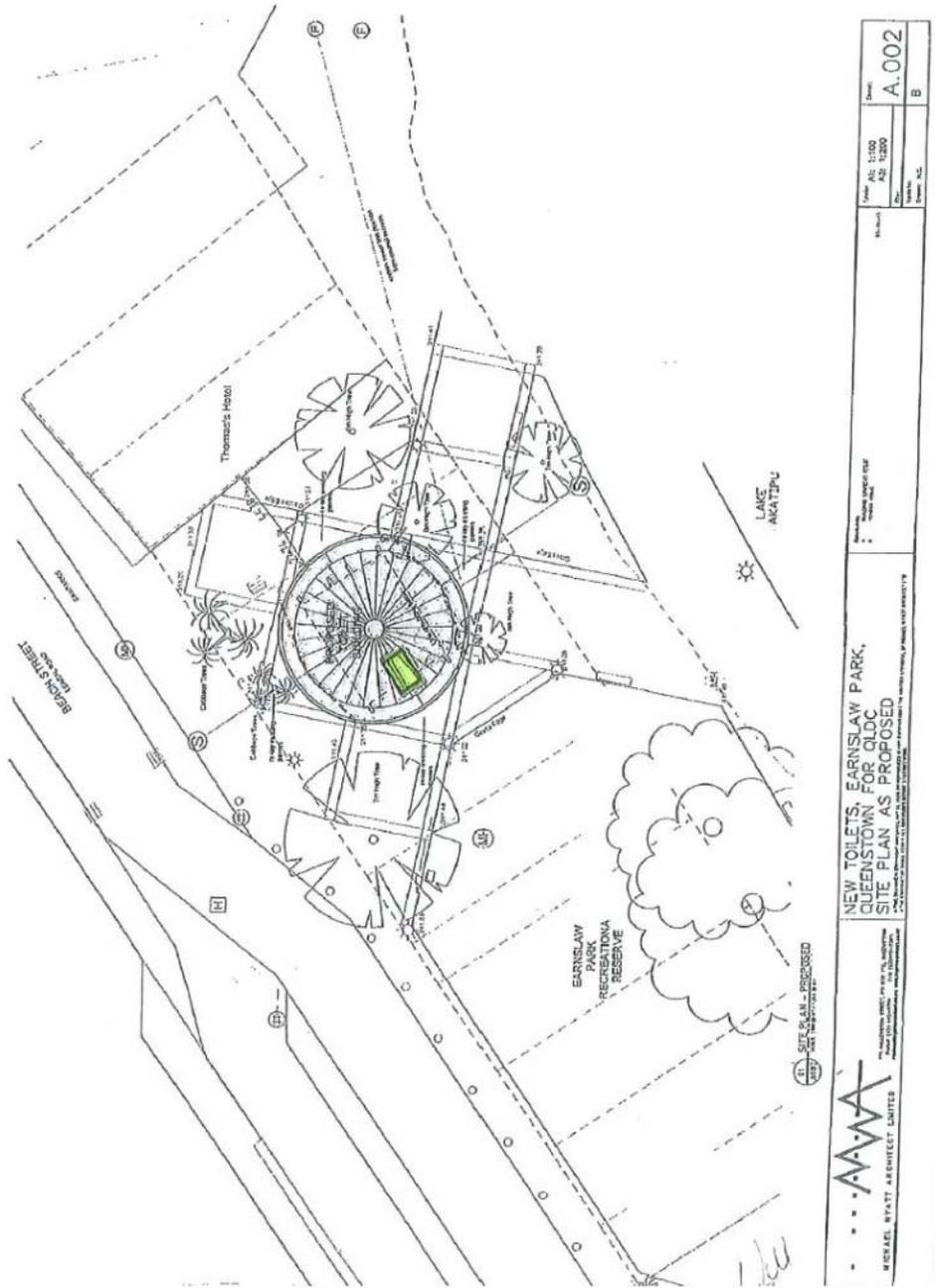
37. The persons who are affected by or interested in this matter are residents of and visitors to the Queenstown Lakes District. The intention to grant a new lease was publicly notified with no submissions being received.

Attachments

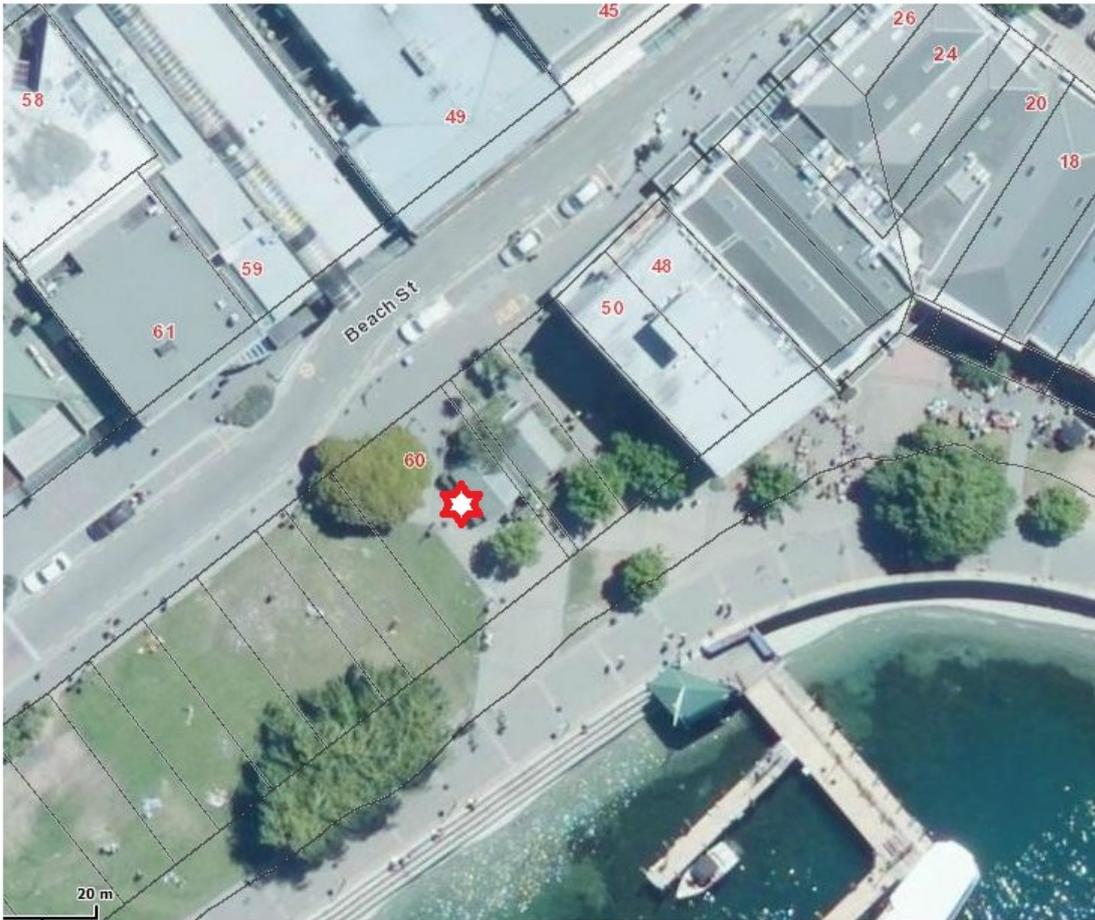
- A Building plan showing lease area
- B Aerial plan showing lease location

ATTACHMENT A: Building plan showing lease area

Attachment A: Building plan showing lease area



Attachment B: Empanada Lease Location



**QLDC Council
14 December 2017**

Report for Agenda Item: 13

Department: Property & Infrastructure

New licence to E-Skate Limited to undertake guided electric skateboard tours along the Frankton Track

Purpose

The purpose of this report is to consider granting a new licence to E-Skate Limited to operate commercial guided electric skateboard tours on the Frankton track.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** a new reserve licence over the areas of reserve land outlined in the Schedule below to E-Skate Limited, subject to the following terms and conditions:

Schedule – Reserve Land

Commonly known as	Legal description	Certificate of title	Reserve type
Jubilee Park	Lot 2 Deposited Plan 316049	62847	Recreation
Queenstown Gardens (Perimeter trail only)	Part Section 4-5 and Part Section 7 Block LI Town of Queenstown and Section 1-3 Block LII Town of Queenstown	OT18A/765	Recreation
Park Street Reserve	Section 1 Survey Office Plan 410336	463142	Esplanade
Frankton Track Reserve	Section 2 Survey Office Plan 410336	463143	Esplanade
Frankton Recreation Reserve	Section 50 Block XXI Shotover Survey District	583561	Recreation

Frankton Marina / Frankton Recreation Reserve	Section 49 Block XXI Shotover Survey District and Section 1 Survey Office Plan 22996	647859	Local Purpose (Marina & Accessway) Reserve
Frankton Marina / Frankton Recreation Reserve	Section 60 Block XXI Shotover Survey District	2937	Local Purpose (Marina & Accessway) Reserve
Frankton Marina / Frankton Recreation Reserve	Section 2 Survey Office Plan 21582	OT13A/645	Local Purpose (Marina & Accessway) Reserve
Frankton Marina / Frankton Recreation Reserve	Section 48 and Section 52-53 Block XXI Shotover Survey District	OT7B844	Local Purpose (Marina & Accessway) Reserve
Frankton Domain	Section 1 Survey Office Plan 325746	149849	Recreation
Frankton Domain	Section 9 Block XXXI Town of Frankton	106447	Recreation
Frankton Domain	Section 36-41 Block XXXI Town of Frankton	544615	Recreation
Frankton Domain	Section 44 Block XXXI Town of Frankton	Unknown	Recreation
Frankton Domain	Section 27 Block XVII Town of Frankton	Unknown	Recreation
Hilton Waterfront Reserve	Lot 3 Deposited Plan 300002	1032	Local Purpose (esplanade)

Commencement	TBC
Term	5 years.
Renewal	One further term of 5 years by agreement of both parties.
Rent	Base rent of \$750, or 7.5% of gross turnover, whichever is the greater.
Reviews	At renewal.

Insurance	Requirement to have public liability insurance of \$2 million.
Safety/Suspension	Council to retain ability to suspend the licence for safety purposes or to avoid large public events. Health and Safety plan to be provided to Council, prior to commencing the activity.
Termination	Council to retain the ability to cancel the licence at their discretion with a minimum of 12 months' notice.
Hours of operation	Only between the hours of 10.00am and 4.00pm.
Other	Licensee must ensure they hold all permissions as allowed under the district plan for the purpose of electronic skateboard tours. Licensee must only operate on the Queenstown Trails within the scheduled reserves, except for the specified training areas.

3. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a new licence to E-Skate Limited over the reserves detailed above.
4. Delegate signing authority to the Community Services General Manager.

Prepared by:



Dan Cruickshank
Property Advisor, APL

13/11/2017

Reviewed by:



Stephen Quin
Parks & Reserves
Planning Manager

13/11/2017

Reviewed and Authorised
by:



Thunes Cloete
General Manager,
Community Services

Background

- 1 E-Skate Ltd (**the applicant**) has been in operation over the past two summers of 2015/2016 and 2016/2017. The company has provided guided electric skateboard tours beginning from the Queenstown Gardens, along the Frankton Track to Willow Place Reserve (in front of The Hilton Hotel).
- 2 The applicant guides customers in small groups of no more than five people (one instructor and four customers) along the established trails. Customers are then free to ride a water taxi back to central Queenstown if they wish.
- 3 The applicant's previous permits were subject to a maximum of no more than 40 days operation in total, with no more than 6 consecutive days, which is a Reserves Act 1977 requirement.

- 4 The previous permits mentioned above were subject to the requirement of a licence application being made to Council if the applicant wished to continue in the future. It was a requirement that the applicant kept a record of all trips and any reported incidents, which would be provided to QLDC. A total of 29 days was used during the last permit of 1 October 2016 through 30 April 2017 and no negative feedback was received.
- 5 The intention to grant the new licence was approved for notification by the Chief Executive under delegation on 29 September 2017 with submissions closing 12 November 2017. No submissions were received.

Comment

- 6 The applicant has requested a licence over an area approved by the Reserve Management Plan of 2015/2016. They have proven their ability to safely and efficiently operate over the past two summers.
- 7 The trails used include those parcels of land shown in the Schedule and include Recreation Reserve, Esplanade Reserve and Local Purpose Reserve.
- 8 The operation currently does not require a resource consent as the group numbers are restricted to a maximum group size of five people, including the guide. If the numbers are to increase, a resource consent will be required.
- 9 Access to the Queenstown Gardens will be limited to the trail around the perimeter of the gardens, no access into the gardens will be granted.
- 10 Safety is a paramount consideration for an activity of this nature. The applicant has supplied a Safety Management Plan as well as having an approved Permit to Operate an Amusement Device permit issued by QLDC.
- 11 Customers will be required to undertake a training session at a location away from members of the public before they ride along the trail. Depending on which direction the tour goes, they will either train at Jubilee Park, or at the southern end of Frankton Bay. These locations have been endorsed by QLDC's Parks and Reserves team and have been deemed the safest location with the least impact on other reserve users.
- 12 The customers will have the option to ride in either direction on the trail depending on their starting location. Clients will have the option to arrange their own transport to and from the tour, use the water taxi, or be shuttled by the applicant's vehicle.
- 13 The applicant will be responsible to manage any rubbish and recycling from the activity or its participants, with all waste being removed from the reserve. Customers will be encouraged to utilise public bathrooms located at various points throughout the tour when required.

Options

- 14 Option 1 Approve a new reserve licence to E-Skate Limited over the land in the Schedule subject to the terms and conditions listed above.

Advantages:

- 15 Allows participants to enjoy some of Queenstown's reserves in a unique way that embraces the adventure tourism style of the district.
- 16 Will allow a small commercial activity to operate off the reserve.
- 17 Will generate additional income for Council.

Disadvantages:

- 18 Will increase commercial user congestion on the reserve land.
- 19 Possible disruption to other users of the reserves.

- 20 Option 2 Approve a new reserve licence to E-Skate Limited over the land in the Schedule above subject to different terms and conditions.

Advantages:

- 21 As above.

Disadvantages:

- 22 As above.

- 23 Option 3 Decline a new reserve licence to E-Skate Limited.

Advantages:

- 24 Avoid any potential complaints from other users of the reserves and local residents.
- 25 Will avoid any additional congestion on the reserves.

Disadvantages:

- 26 Will prevent a new commercial activity from operating off the reserves.
- 27 Will not generate additional income for Council.

- 28 This report recommends **Option 1** for addressing the matter because it will enable E-Skate Limited to continue to operate a tourism activity on those reserves outlined in the Schedule.

Significance and Engagement

- 29 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves multiple

Council strategic assets that can be used by many local rate payers as well as those visiting the area.

Risk

30 This matter related to the operational risk OR011A Decision Making. The risk is classed as moderate and has been mitigated through public notification of the intention to grant a licence.

Financial Implications

31 Council is set to receive minimum aggregate income per annum of \$750+GST, or 7.5% of gross revenue, whichever is the greater. Licence administration costs will be covered by existing property operating budgets.

Council Policies, Strategies and Bylaws

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

- Significance and Engagement Policy
- Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan. The objective of this policy is “to accommodate appropriate commercial development that enhances public use and enjoyment of the foreshore and adjoining waters.”
- Queenstown Bay Foreshore Reserves Management Plan 2016. This activity will only use a small section of Zone 4, where licences for low impact guided tours will be considered.
- Community Facility Pricing Policy 2011

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

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

Local Government Act 2002 Purpose Provisions

35 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing income to Council and a decision in a timely manner;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

- 36 The persons who are affected by or interested in this matter are residents and visitors in the Queenstown Lakes district.
- 37 The Council has publicly notified the intention to grant this new licence calling for submissions. No submissions were received.
- 38 The Queenstown Trails Trust has been consulted and have provided endorsement of the activity.

Attachments

- A Location maps

Attachment A

E-Skate Limited – Licence Application – Location Maps

Overview



Commonly known as	Legal description	Certificate of title	Reserve type
Jubilee Park	Lot 2 Deposited Plan 316049	62847	Recreation



Queenstown Gardens (Perimeter trail only)	Part Section 4-5 and Part Section 7 Block LI Town of Queenstown and Section 1-3 Block LII Town of Queenstown	OT18A/765	Recreation
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Park Street Reserve	Section 1 Survey Office Plan 410336	463142	Esplanade
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Frankton Track Reserve	Section 2 Survey Office Plan 410336	463143	Esplanade
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Frankton Recreation Reserve	Section 50 Block XXI Shotover Survey District	583561	Recreation
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Frankton Marina / Frankton Recreation Reserve	Section 49 Block XXI Shotover Survey District and Section 1 Survey Office Plan 22996	647859	Local Purpose (Marina & Accessway) Reserve
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Frankton Marina / Frankton Recreation Reserve	Section 60 Block XXI Shotover Survey District	2937	Local Purpose (Marina & Accessway) Reserve
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24/11/17

Frankton Marina / Frankton Recreation Reserve	Section 2 Survey Office Plan 21582	OT13A/645	Local Purpose & Accessway Reserve
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Frankton Marina / Frankton Recreation Reserve	Section 48 and Section 52-53 Block XXI Shotover Survey District	OT7B844	Local Purpose & Accessway Reserve
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Frankton Domain	Section 36-41 Block XXXI Town of Frankton	544615	Recreation
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Frankton Domain	Section 36-41 Block XXXI Town of Frankton	544615	Recreation
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Frankton Domain	Section 44 Block XXXI Town of Frankton	Unknown	Recreation
 <p>The map shows an aerial view of a residential area with several streets: Wilnot Ave, Boles Cr, and Bridge St. A large area on the left is outlined in yellow, representing the Frankton Domain. Various lots and sections are labeled with numbers and text, including:</p> <ul style="list-style-type: none">Sec 25 Blk XXXI TN OF FranktonSec 26 Blk XXXI TN OF FranktonSec 44 Blk XXXI TN OF FranktonSec 27 Blk XXXI TN OF FranktonSec 1 Blk XXXI TN OF FranktonSec 13 Blk VII TN OF FranktonSec 14 Blk VII TN OF FranktonSec 17 Blk VII TN OF FranktonSec 18 Blk VII TN OF FranktonSec 19 Blk VII TN OF FranktonSec 20 Blk VII TN OF FranktonSec 21 Blk VII TN OF FranktonSec 22 Blk VII TN OF FranktonSec 23 Blk VII TN OF FranktonSec 24 Blk VII TN OF FranktonSec 24A Blk VII TN OF FranktonSec 24B Blk VII TN OF FranktonSec 25 Blk VII TN OF FranktonSec 26 Blk VII TN OF FranktonSec 27 Blk VII TN OF FranktonSec 28 Blk VII TN OF FranktonSec 29 Blk VII TN OF FranktonSec 30 Blk VII TN OF FranktonSec 31 Blk VII TN OF FranktonSec 32 Blk VII TN OF FranktonSec 33 Blk VII TN OF FranktonSec 34 Blk VII TN OF FranktonSec 35 Blk VII TN OF FranktonSec 36 Blk VII TN OF FranktonSec 37 Blk VII TN OF FranktonSec 38 Blk VII TN OF FranktonSec 39 Blk VII TN OF FranktonSec 40 Blk VII TN OF FranktonSec 41 Blk VII TN OF FranktonSec 42 Blk VII TN OF FranktonSec 43 Blk VII TN OF FranktonSec 44 Blk VII TN OF FranktonSec 45 Blk VII TN OF FranktonSec 46 Blk VII TN OF FranktonSec 47 Blk VII TN OF FranktonSec 48 Blk VII TN OF FranktonSec 49 Blk VII TN OF FranktonSec 50 Blk VII TN OF FranktonSec 51 Blk VII TN OF FranktonSec 52 Blk VII TN OF FranktonSec 53 Blk VII TN OF FranktonSec 54 Blk VII TN OF FranktonSec 55 Blk VII TN OF FranktonSec 56 Blk VII TN OF FranktonSec 57 Blk VII TN OF FranktonSec 58 Blk VII TN OF FranktonSec 59 Blk VII TN OF FranktonSec 60 Blk VII TN OF FranktonSec 61 Blk VII TN OF FranktonSec 62 Blk VII TN OF FranktonSec 63 Blk VII TN OF FranktonSec 64 Blk VII TN OF FranktonSec 65 Blk VII TN OF FranktonSec 66 Blk VII TN OF FranktonSec 67 Blk VII TN OF FranktonSec 68 Blk VII TN OF FranktonSec 69 Blk VII TN OF FranktonSec 70 Blk VII TN OF FranktonSec 71 Blk VII TN OF FranktonSec 72 Blk VII TN OF FranktonSec 73 Blk VII TN OF FranktonSec 74 Blk VII TN OF FranktonSec 75 Blk VII TN OF FranktonSec 76 Blk VII TN OF FranktonSec 77 Blk VII TN OF FranktonSec 78 Blk VII TN OF FranktonSec 79 Blk VII TN OF FranktonSec 80 Blk VII TN OF FranktonSec 81 Blk VII TN OF FranktonSec 82 Blk VII TN OF FranktonSec 83 Blk VII TN OF FranktonSec 84 Blk VII TN OF FranktonSec 85 Blk VII TN OF FranktonSec 86 Blk VII TN OF FranktonSec 87 Blk VII TN OF FranktonSec 88 Blk VII TN OF FranktonSec 89 Blk VII TN OF FranktonSec 90 Blk VII TN OF FranktonSec 91 Blk VII TN OF FranktonSec 92 Blk VII TN OF FranktonSec 93 Blk VII TN OF FranktonSec 94 Blk VII TN OF FranktonSec 95 Blk VII TN OF FranktonSec 96 Blk VII TN OF FranktonSec 97 Blk VII TN OF FranktonSec 98 Blk VII TN OF FranktonSec 99 Blk VII TN OF FranktonSec 100 Blk VII TN OF Frankton			

Frankton Domain	Section 27 Block XVII Town of Frankton	Unknown	Recreation

Willow Place Reserve	Lot 3 Deposited Plan 300002	1032	Local Purpose (esplanade)

QLDC Council**14 December 2017****Report for Agenda Item: 14****Department: CEO Office****Chief Executive's Report****Purpose**

To provide updates on matters of general democratic interest and to present updates on items from meetings earlier in the meeting cycle.

Recommendation

That the Council:

1. **Note** the contents of this report;

Cemetery road realignment

2. **Amend** the resolution made at the Council meeting held on 17 August 2017 so that it reads as follows:

1. **Note the contents of this report;**
2. **Agree to stopping the section of Cemetery Road, Queenstown shown as areas 'B' and 'C' in the Cemetery Road (Queenstown) road stopping and land exchange plan (Attachment B) under sections 319 and 342 Local Government Act 1974;**
3. **Delegate officers to undertake the road stopping process, including public notification of the proposal, as set out under Schedule 10 Local Government Act 1974;**
4. **Authorise the disposal of Council land shown as area 'B' in the Cemetery Road (Queenstown) road stopping and land exchange plan (Attachment B) under section 117(3) Public Works Act 1981 or section 345 of the Local Government Act 1974; and**
5. **Delegate the Chief Executive to finalise terms and execute the sale and purchase agreement between the Council and Brecon Street Partnership Limited.**

Waste Management and Minimisation Plan

3. **Adopt** the Waste Management and Minimisation Plan (WMMP) 2011, following its review in 2017, until the adoption of the amended draft WMMP 2018 occurs as part of the Long Term Plan 2018-28 consultation process;

Kerbside Rubbish Collection Services

4. **Note** that to meet increased demands on kerbside collection services, there will be a change in requirement from placing your rubbish and recycling out on the kerb before 8am on your rubbish day for collection, to before 7am.

Wanaka Community Board recommendations for ratification

Wanaka Swimming Pool Funding

5. **Allocate** a sum of \$6million in 2018/19 from the Wanaka asset Sale reserve to repay Wanaka Swimming Pool debt in the draft 10 Year plan 2018-28 (LTP) budgets.

Draft Reserve Management Plan for Lismore Park, Allenby Park, Kelly's Flat, Faulks Terrace, Domini Park and Kennedy Crescent Recreation Reserves

6. **Notify** the Draft Reserve Management Plan for Lismore Park, Allenby Park, Kelly's Flat, Faulks Terrace Domini Park and Kennedy Crescent Recreation Reserves.

Proposal to Vest Land in Peninsula Bay North as Reserve and to Offset Reserve Land Contributions as per the Development Contributions Policy

7. **Approve** the vesting of the proposed reserve land (identified as Lot 925 comprising 12.23ha), subject to the following works being undertaken at the applicant's expense:
 - a. Consent being granted (as necessary) for any subdivision required to formally create the reserve land;
 - b. The removal of the Existing Spoil from the land and the rehabilitation of any land disturbed as a consequence.
 - c. Presentation of the reserve land in accordance with Council's standards for reserves;
 - d. The submission to Council by the developer, certification as appropriate by Council, and subsequent implementation of any landscape and planting plan if required by Plan Change 51.
 - e. The submission to Council by the developer, certification as appropriate by Council, and subsequent implementation of a weed management and wilding tree removal plan;
 - f. A potable water supply point to be provided at the boundary of the reserve lot;
 - g. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve land to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;

- h. A three year maintenance period by the current landowner commencing from vesting of the reserve, to include weed control and the removal of wilding trees;
 - i. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.
8. **Agree** to offset any applicable reserve land contributions in accordance with the Development Contributions Policy current at the time of contributions payment, subject to recommendation (c) above.

Proposal to Vest Lands between Mt Iron Drive and Mercury Place, Wanaka, as Reserve and to Offset Reserve Land and Reserve Improvements Contributions as per the Development Contributions Policy

9. **Approve** the vesting of the two identified proposed Local Purpose Reserves (access):
- a. Lots 97 and 99, Allenby Farms Limited, Mount Iron Drive, Wanaka.
- subject to the following works being undertaken at the applicant's expense:
- i. Consent being granted (as necessary) for any subdivision required to formally create the reserve;
 - ii. Presentation of the reserve in accordance with Council's standards for reserves;
 - iii. A continuous sealed path of minimum 2 meter width being provided;
 - iv. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserves to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;
 - v. A three year maintenance period by the current landowner commencing from vesting of the reserve;
 - vi. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.
10. **Agree** to offset reserve land contributions in accordance with the Development Contributions Policy current at the time of contributions payment and the Parks and Open Space Strategy 2017, subject to recommendation (iii) above.
11. **Agree** to offset reserve improvement contributions against the cost of the paths within the reserves, in accordance with the Development Contributions Policy current at the time of contributions payment, subject to:
- a. Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the Parks and Reserves Planning Manager.

- b. Final approval of reserve improvement costs to be delegated to the Parks and Reserves Planning Manager and is subject to the applicant demonstrating the actual costs of the improvements.
- c. If the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the applicant's expense

Cemetery road realignment

- 1 It is recommended that the Council make a minor procedural amendment to a resolution made at the Council meeting on 17 August 2017. The amendment will provide flexibility and potentially streamline the process in relation to disposal of the stopped road, as the Minister may have a preference that the process is carried out under the Local Government Act 1974. The proposed amendment will allow for that preference and is set out in the recommendations above.

Waste Management and Minimisation Plan

- 2 The Ministry of the Environment funds the Council's waste minimisation education programmes under the Waste Minimisation Act 2008. To continue to receive these waste levy payments, the Council is required to review its Waste Management and Minimisation Plan ['WWMP'] every six years.
- 3 The current 2011 plan is due to expire very soon, but the Council is in an LTP year and staff consider that that the most efficient approach is to combine consultation on the WWMP with the LTP 2018/28. This will also bring the Council into a closer review alignment with neighbouring Councils, as QLDC reviewed its WWMP earlier than others and have therefore had limited opportunities to date to explore shared opportunities.
- 4 The Ministry of the Environment agrees that if the Council continues to adopt the 2011 WWMP in the interim while consultation is undertaken as part of the LTP, the waste levy payments can continue. It is therefore recommended that the Council adopt the existing 2011 Waste Management and Minimisation Plan.

Kerbside Rubbish Collection Services

- 5 With the increase in eligible properties for kerbside collections across the district, compounded by increased travel times through congested roads, our contractors are struggling to complete their required runs and empty their trucks so that they can continue to collect prior to our facilities closing. The simplest way to provide relief is to change the current 8am start to 7am across the district. This will allow the contractors some flexibility to start earlier on those days they are struggling to meet the closing time. This will require a change in messaging from "Out by 8" to "Out by 7" for the public. The contractors have indicated that most residents do this already.
- 6 The costs are set by contract and there are no additional cost implications of this change.

Committee meetings of previous round

Community and Services Committee - Councillor Stevens (2 November 2017)

Information:

1. Naming of a future reserve in Hanley's Farm to be vested with the Queenstown Lakes District Council
2. Ten Year Plan – Community Pre-Consultation
3. Key Principles for the Disability Policy

Planning and Strategy - Councillor Hill (16 November 2017)

Information:

1. Landmarks Whenua Tohunga - Otago Region

Infrastructure Committee - Councillor Forbes (23 November 2017)

Information:

1. Bennetts Bluff Car Park and Viewing Area - Single Stage Business Case
2. Lake Hawea Water Supply Review
3. Queenstown Central Business District Electric Vehicle Fast Charging Stations

Wanaka Community Board - Ms R Brown (30 November 2017)

Information:

5. Lessor's Approval and Affected Person's Approval for Proposed Extension to the Upper Clutha Rugby Clubrooms
6. Temporary Road Closure - Challenge Wanaka 2018
7. Chair's Report

Ratification:

1. Wanaka Swimming Pool Funding
2. Draft Reserve Management Plan for Lismore Park, Allenby Park, Kelly's Flat, Faulks Terrace, Domini Park and Kennedy Crescent Recreation Reserves
3. Proposal to Vest Land in Peninsula Bay North as Reserve and to Offset Reserve Land Contributions as per the Development Contributions Policy
4. Proposal to Vest Lands between Mt Iron Drive and Mercury Place, Wanaka, as Reserve and to Offset Reserve Land and Reserve Improvements Contributions as per the Development Contributions Policy

Community and Services Committee - Councillor Stevens (7 December 2017)

Information:

1. Film Otago Southland Annual Report
2. Glenorchy Lakefront Development Plan
3. Draft Disability Policy

Audit, Finance and Risk Committee – Councillor McRobie (13 December 2017)

Information:

1. Ten Year Plan (Long Term Plan) Project Update
2. Risk Management Update
3. QLDC Organisational Health Safety and Wellbeing Performance
4. Sensitive Expenditure
5. Quarterly Financial Overview - September 2017
6. Treasury Update: December 2017 (Public Excluded)

Recommendation to Exclude the Public

It is recommended that the Council resolve that the public be excluded from the following parts of the proceedings of the meeting:

The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution is as follows:

Confirmation of minutes of ordinary meeting held on 26 October 2017

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
9. Arrowtown Community and Sports Centre Funding	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

Agenda Items

15. Economic Development Fund 2017/18
16. New Management and Maintenance Services for Open Spaces Contract
17. Well Smart Limited (Thompson Street) Land Transfer Agreement

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
15. Economic Development Fund 2017/18	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: b)ii) protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Section 7(2)(b)(ii)
16. New management and maintenance services for Open Spaces Contract	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
17. Well Smart Limited (Thompson Street) Land Transfer Agreement	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

This resolution is made in reliance on Section 48 [1] [a] of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982 as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above with respect to each item.