

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management  
Act 1991

**AND**

**IN THE MATTER** of the Proposed  
District Plan

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**MEMORANDUM OF COUNSEL FOR QUEENSTOWN LAKES DISTRICT  
COUNCIL REGARDING APPROACH TO STAGE 1 AND STAGE 2**

**23 November 2016**

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**MAY IT PLEASE THE PANEL:**

1. The purpose of this memorandum is to provide an update to the Hearings Panel (**Panel**) on the approach taken by the Queenstown Lakes District Council (**Council**) to Stages 1 and 2 of the Proposed District Plan (**PDP**).
2. The Council's approach, as at 4 March 2016, was set out in the Council's opening legal submissions for Hearing Streams 1A and 1B (Strategic Direction).<sup>1</sup> An excerpt of the key paragraphs is attached in **Schedule 1**.
3. On 29 September 2016, the Council approved the commencement of Stage 2 of the review of the Operative District Plan (**ODP**). The Council's report is attached in **Schedule 2**. The resolutions passed (as recommended in the report, plus one additional resolution) are attached in **Schedule 3**.
4. Following these resolutions, the review remains a partial review of the ODP.
5. The Stage 2 components subject to the Council's 29 September 2016 resolution are issues on which there is currently reasonable certainty about the need for a review. If other matters arise and require review or variation, those will be subject to a further resolution of Council. A further Memorandum of Counsel will be provided to update the Panel if necessary.
6. The Council's approach to Stages 1 and 2 has evolved since the filing of opening legal submissions for Hearing Streams 1A and 1B. A table showing the Council's updated approach to Stage 2 is set out in paragraph 19.2 below. The red font is new text compared to the equivalent table provided in our 4 March opening legal submissions. This table represents the Council's current intended position. The full Council will make any final decisions as to what is notified in Stage 2, and hence this memorandum is expressly subject to that position.

**"Two Volume" District Plan – outcome at end of partial review process**

7. 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

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<sup>1</sup> Opening Representation / Legal Submissions for Queenstown Lakes District Council, Hearing Streams 1A and 1B – Strategic Chapters in Part B of the Proposed District Plan, dated 4 March 2016, at paragraphs 5.1 – 5.4.

separation of the District Plan into two volumes. The volumes will be as follows:

- 7.1 Applicable across both volumes:** the PDP Introduction and Strategy chapters as notified in Stage 1, will apply across both Volumes A and B. These chapters consist of PDP Chapters 1, 3, 4, 5 and 6. There will also be one Designations chapter, which applies across both Volume A and B geographic areas;
- 7.2 Volume A,** which would comprise the geographic areas that have been notified in either Stages 1 or 2 of the PDP, and District Wide chapters to cover these areas, included PDP definitions; and
- 7.3 Volume B,** which would comprise the ODP as it relates to geographic areas that are excluded from the partial review, and are therefore not being notified in either Stages 1 or 2 of the PDP, and the operative district wide chapters to cover these areas, including ODP definitions.

#### **Council resolutions regarding Stage 2 of the PDP**

- 8.** The Council recommendations are set out in **Schedule 3**. Along with the resolutions recommended in the report, they include an additional resolution which was to "*ask that the transport and other district wide chapters be notified earlier to inform the mapping hearings*".
- 9.** The Council's detailed rationale for review of each of the Stage 2 components is set out in the Council's report, attached in **Schedule 2**.
- 10.** The resolutions (in **Schedule 3**) confirm the exclusion of the following land (as covered by the following ODP zones), from the District Plan Review (together, "**excluded ODP zones**"):
  - 10.1** Frankton Flats B Zone;<sup>2</sup>
  - 10.2** Northlake Special Zone;<sup>3</sup>
  - 10.3** Ballantyne Road Industrial and Residential extension;<sup>4</sup>
  - 10.4** Queenstown Town Centre extension;<sup>5</sup>

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<sup>2</sup> Plan Change 19.

<sup>3</sup> Plan Change 45.

<sup>4</sup> Plan Change 46.

<sup>5</sup> Plan Change 50.

**10.5** Peninsula Bay North;<sup>6</sup>

**10.6** Remarkables Park Zone.

- 11.** The PDP Introduction and Strategic chapters notified in Stage 1, being PDP Chapters 1, 3, 4, 5 and 6, are to continue to apply district-wide, as intended through notification at Stage 1. Consistent with legal submissions presented through the course of hearings on the PDP, as a matter of law through Stage 1 notification the district-wide chapters apply district-wide, with the exception of subdivision which had a specific qualifier included within it at notification of Stage 1.
- 12.** A variation made under clause 16A of the First Schedule of the RMA will however be required to formally amend the other Stage 1 district-wide chapters<sup>7</sup> so that they include a statement to the effect that the respective chapters apply to Volume A land only, and do not apply to the excluded ODP zones, which are instead located in Volume B of the district plan. For the Volume B geographic area, the operative ODP district-wide chapters remain applicable.
- 13.** The 29 September 2016 resolution of the Council cannot change where those Stage 1 district-wide chapters apply as a matter of law, and as mentioned a formal variation under clause 16A of the First Schedule of the RMA will be necessary.
- 14.** A further withdrawal, under clause 8D of the First Schedule will be required for all Stage 1 provisions (except for those in PDP Chapters 1, 3, 4, 5 and 6) as far as they apply to excluded ODP land. For avoidance of any doubt, this withdrawal will also need to specify any particular site or zone specific standards in the notified Stage 1 chapters, that relate to excluded ODP land and therefore should be withdrawn.

#### **Clarification of applicability of PDP Chapters 1, 3-6 in the PDP**

- 15.** Council proposes to add a note at the start of the District-wide strategic chapters in Part Two of the PDP (ie, PDP Introduction 1, Strategic Direction 3, Urban Development 4, Tangata Whenua 5, and Landscape 6) clarifying that

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<sup>6</sup> Plan Change 51.

<sup>7</sup> PDP Chapters 26 (Historic Heritage), 27 (Subdivision and Development), 28 (Natural Hazards), 30 (Energy and Utilities), 32 (Protected Trees), 33 (Indigenous Vegetation & Biodiversity), 34 (Wilding Exotic Trees), 35 (Temporary Activities and Relocated Buildings) and 36 (Noise).

they do apply across both Volumes A and B of the new plan, and therefore across the District. This will ensure that the Council's clear position presented in evidence at the Strategic Directions hearing, that the chapters apply district wide, is the outcome. This also ensures the clear intent of the public notice in Stage 1 is implemented through into the new district plan. This note will also be needed in the Designations chapter.

16. This change will be made under clause 16(2) of the First Schedule of the RMA, being a change of minor effect. Similar changes will also be required to the Introduction chapter of the PDP, to explain the two volume approach confirmed by Council resolution.

### **ODP Signs and Earthworks chapters**

17. The Council has resolved to include the ODP Signs and Earthworks chapters in Stage 2 of the PDP, as far as they relate to Volume A land. This will mean that these two chapters will be reviewed as far as they apply to the geographic area of land that will be covered by Volume A, whereas the ODP version of the two chapters will remain operative, for the Volume B land.
18. Through decisions on the two chapters for Volume A land, the equivalent provisions in the ODP versions of the two chapters, will be replaced as far as they apply to Volume A land, only.

### **Differences between 4 March 2016 legal submissions and present memorandum**

19. The differences between the position provided in March 2016 and in this memorandum are as follows:

#### **Confirmed through resolutions to be excluded from review:**

- 19.1 the geographic area covered by:<sup>8</sup>
  - (a) Frankton Flats B Zone;<sup>9</sup>
  - (b) Northlake Special Zone;<sup>10</sup>
  - (c) Ballantyne Road Industrial and Residential extension;<sup>11</sup>

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8 Recognising that a variation to the Stage 1 district-wide chapters in Part Five (District-wide matters) will be required, to state they do not apply to the excluded ODP land

9 Plan Change 19.

10 Plan Change 45.

11 Plan Change 46.

- (d) Queenstown Town Centre extension,<sup>12</sup>
- (e) Peninsula Bay North;<sup>13</sup>
- (f) Remarkables Park Zone.

**Proposed to be included in Stage 2**

**19.2** The changes between the version given on 4 March 2016 and present, are shown in red font:

PDP	Stage 1 chapter	Stage 2 chapter/provisions
		<i>[Key: Where a chapter number is included, this refers to the PDP chapter, already notified in Stage 1. Otherwise, this is referring to topics and/or zones from the ODP]</i>
<b>Part 1</b>	<b>Introduction</b>	
	1. Introduction 2. Definitions	
<b>Part 2</b>	<b>Strategy</b> <sup>14</sup>	
	3. Strategic Direction 4. Urban Development 5. Tangata Whenua 6. Landscapes	
<b>Part 3</b>	<b>Urban Environment</b>	
	7. Low Density Residential 8. Medium Density Residential 9. High Density Residential 10. Arrowtown Residential Historic Heritage Management Zone 11. Large Lot Residential 12. Queenstown Town Centre* (part withdrawn) 13. Wanaka Town Centre 14. Arrowtown Town Centre 15. Local Shopping Centres 16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use	<ul style="list-style-type: none"> <li>• Township zones</li> <li>• Industrial A and B zones (and Arrowtown Design Guidelines as they relate to the Industrial A Zone at Bush Creek)</li> <li>• Visitor Accommodation provisions within Urban zones (including the Registered Holiday Homes Appendix)</li> <li>• 8. and 9. Residential Design Guidelines for the Medium Density and High Density Residential zones (Variation may be required, depending on the outcome of the review and whether they are statutory or non-statutory)</li> <li>• 9. High Density Residential at</li> </ul>

12 Plan Change 50.

13 Plan Change 51.

14 The Strategic chapters cover all of the District, not just the geographic area covered by the notified Stage 1 zones. The only exception to this is that they do not cover the geographic area covered by PC50, given the Council's withdrawal of *all provisions as they relate to the geographic area addressed by Plan Change 50 – Queenstown Town Centre Zone.*

		Gorge Road (including natural hazards for this land)
<b>Part 4</b>	<b>Rural Environment</b>	
	21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone	<ul style="list-style-type: none"> <li>21. Mapping of the Ferry Hill building restriction area and the Glenorchy building restriction area (Bible Face)</li> </ul>
<b>Part 5</b>	<b>District Wide Matters</b>	
	26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations	<ul style="list-style-type: none"> <li>26. Historic Heritage schedule – mapping of sites of significance to iwi</li> <li>27. Subdivision chapter as it relates to Stage 2 zones, site specific standards for Stage 2 zones, and structure plan guidance</li> <li>Signs</li> <li>Earthworks</li> <li>Affordable and Community Housing</li> <li>Transportation chapter</li> <li>Solid and Hazardous Waste Management</li> <li>Hazardous Substances chapter</li> <li>Open Space and Recreation</li> <li>Open Space Zone – Landscape Protection zone</li> <li>Appendices: <ul style="list-style-type: none"> <li>Appendix 6: Road Hierarchy</li> <li>Appendix 7: Traffic Design Standards</li> <li>Appendix 12: Standards for a Registered Holiday Home or Registered Homestay.</li> </ul> </li> </ul>
<b>Part 6</b>	<b>Special Zones</b>	
		<ul style="list-style-type: none"> <li>Rural Visitor Zone (Cecil Peak, Walter Peak, Cardrona, Blanket Bay, Arthurs Point, Arcadia Station, Windermere)</li> <li>Penrith Park Zone</li> <li>Bendemeer Zone</li> <li>Hydro Generation Zone including Financial Contributions <i>[relocated from Part 5 in 4 March version of this table]</i></li> <li>Quail Rise Zone</li> <li>Meadow Park Zone (and Arrowtown Design Guidelines as they apply to this zone)</li> <li>Frankton Flats Zone</li> <li>Mount Cardrona Station Zone</li> <li>Ballantyne Road Mixed Use</li> </ul>

		<p>Zone</p> <ul style="list-style-type: none"> <li>• Three Parks Zone</li> <li>• Kingston Village Zone</li> <li>• Shotover Country Zone</li> <li>• Arrowtown South Zone</li> </ul>
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## Timing

20. In terms of timing, the Council report prepared for the meeting on 29 September 2016 indicated that all the Stage 2 components could be notified by September 2017. The report also noted that the Stage 1 hearings on chapters are scheduled to finish in March 2017 with Stage 1 mapping hearings beginning after Easter 2017. The report also recommended notifying the five District Wide components of Stage 2 before the rezoning hearings. Resolution 3 was to "*Ask that the transport and other district wide chapters be notified earlier to inform the mapping hearings*". The Council's report, attached in **Schedule 2**, states that because the full set of Stage 2 components would not be ready to notify before the hearings commence on mapping, it is preferred that the remaining District Wide chapters and any necessary variations to Stage 1 components are notified in advance, if possible.
21. As already mentioned, the Signs and Earthworks chapters will also be notified in Stage 2, but only to the extent that they apply to Volume A land.

## Variation 1

22. Variation 1 was notified on 20 July 2016. The variation proposes that the Arrowtown Design Guidelines 2016 (**ADG 2016**) be incorporated into the PDP, replacing the Stage 1 notified 2006 version. As well as notifying the 2016 Guidelines themselves, Variation 1 makes the necessary changes to Stage 1 text, in order to show that the 2016 ADG replaces the 2006 version.<sup>15</sup> Council's section 42A report on Variation 1 was released on 14 October 2016, and the hearing took place on 7 November 2016.
23. Clause 16B of Schedule 1 of the RMA provides that every variation initiated under clause 16A shall be merged in and become part of the proposed plan, as soon as the variation and proposed plan are both at the same procedural

15 <http://www.qldc.govt.nz/assets/Uploads/Your-Views/Arrowtown-Design-Guidelines-Variation-1/Changes-to-PDP-text-arising-from-Variation-1.pdf>

stage. The Council will be undertaking this "merge" in the PDP, formally, in December 2016.

**Clause 16(2) amendments**

24. Council advised through legal submissions in the Strategic Directions hearing (opening and reply), that it intends to make a number of amendments of minor effect and/or to correct minor errors in the PDP through clause 16(2) of Schedule 1 of the RMA. Council proposes to formally make these changes in December 2016, and full details will be provided to the Panel when that has been completed.
  
25. At the same time, the PDP will be updated to remove the withdrawn text associated with Visitor Accommodation.

**DATED** this 23<sup>rd</sup> day of November 2016



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J G A Winchester / S J Scott  
Counsel for Queenstown Lakes District Council

## SCHEDULE 1

### Extract from Council's opening submissions for Hearing Streams 1A and 1B Scope of Intended Review of the PDP as at 4 March 2016

#### 5. SCOPE OF STAGE 1 OF THE PDP

5.1 The Council notified Stage 1 of the PDP on 26 August 2015. Since notification of Stage 1, the Council has withdrawn the following provisions under clause 8D of Schedule 1 of the RMA (the text of the public notice is in **Schedule 2** of these submissions):

- (a) all provisions as they relate to the geographic area addressed by Plan Change 50 (**PC50**);<sup>16</sup> and
- (b) specific Visitor Accommodation provisions from residential chapters 7 to 11 of the PDP.

5.2 As all provisions that apply to the geographic area addressed by PC50 have been withdrawn, this area is now excluded from Stage 1 of the Review.

5.3 Set out in the table below is a summary of the scope of the PDP chapters notified in Stage 1, and an indication of what is intended to be notified in Stage 2, at the time of filing these submissions.

**Table 1 – clarification of scope of staged (partial) Review**

PDP	Stage 1 chapter	Stage 2 chapter/provisions
<b>Part 1</b>	<b>Introduction</b>	
	1. Introduction 2. Definitions	
<b>Part 2</b>	<b>Strategy</b>	
	3. Strategic Direction 4. Urban Development 5. Tangata Whenua 6. Landscapes	
<b>Part 3</b>	<b>Urban Environment</b>	
	7. Low Density Residential 8. Medium Density Residential 9. High Density Residential 10. Arrowtown Residential Historic Heritage Management Zone 11. Large Lot Residential 12. Queenstown Town Centre* (part withdrawn)	<ul style="list-style-type: none"> <li>• Townships</li> <li>• Industrial</li> <li>• Visitor Accommodation provisions within Urban zones</li> </ul>

16 PC50 - Queenstown Town Centre Zone. PC50 is currently under appeal in the Environment Court.

	13. Wanaka Town Centre 14. Arrowtown Town Centre 15. Local Shopping Centres 16. Business Mixed Use Zone 17. Queenstown Airport Mixed Use	
<b>Part 4</b>	<b>Rural Environment</b>	
	21. Rural Zone 22. Rural Residential and Lifestyle 23. Gibbston Character Zone	
<b>Part 5</b>	<b>District Wide Matters<sup>17</sup></b>	
	26. Historic Heritage 27. Subdivision and Development 28. Natural Hazards 30. Energy and Utilities 32. Protected Trees 33. Indigenous Vegetation and Biodiversity 34. Wilding Exotic Trees 35. Temporary Activities and Relocated Buildings 36. Noise 37. Designations	<ul style="list-style-type: none"> <li>• Affordable and Community Housing</li> <li>• Transport</li> <li>• 'Financial Contributions' (for the Hydro Generation Zone only)</li> <li>• Solid and Hazardous Waste Management</li> <li>• Hazardous Substances</li> <li>• Open Spaces Recreation</li> <li>• Open Space Zone – Landscape Protection</li> <li>• Appendices: <ul style="list-style-type: none"> <li>• Appendix 6: Road Hierarchy</li> <li>• Appendix 7: Traffic Design Standards</li> <li>• Appendix 12: Standards for a Registered Holiday Home or Registered Homestay.</li> </ul> </li> </ul>

<sup>17</sup> The District-wide chapters cover all of the District, not just the geographic area covered by the notified Stage 1 zones. The only exception to this is that they do not cover the geographic area covered by PC50, given the Council's withdrawal of *all provisions as they relate to the geographic area addressed by Plan Change 50 – Queenstown Town Centre Zone*.

Part 6	Special Zones	
	41. Jacks Point Zone <sup>18</sup> 42. Waterfall Park 43. Millbrook Resort Zone	<ul style="list-style-type: none"> <li>• Frankton Flats (A)</li> <li>• Frankton Flats (B)</li> <li>• Rural Visitor</li> <li>• Penrith Park</li> <li>• Bendemeer</li> <li>• Remarkables Park</li> <li>• Quail Rise</li> <li>• Meadow Park</li> <li>• Mt Cardrona Station</li> <li>• Ballantyne Road</li> <li>• Three Parks</li> <li>• Kingston Village</li> <li>• Shotover Country</li> <li>• Hydro Generation</li> </ul>

**5.4** The following zones/matters from the Operative District Plan (**ODP**) are not part of either Stages 1 or 2 of the Review:

- (a) the geographic area addressed by PC50 – Queenstown Town Centre;
- (b) District Wide chapters:
  - (i) Signs (Chapter 18); and
  - (ii) Earthworks (Chapter 22);
- (c) Special Zones:
  - (i) Arrowtown South (within Chapter 12); and
  - (ii) Northlake (within Chapter 12).

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<sup>18</sup> The matter of Hanley Downs / PC44 is being considered at the time of this hearing, as raised in the Panel's Memorandum of Counsel dated 15 February 2016.

**SCHEDULE 2**

**Queenstown Lakes District Council Report for Agenda Item 4: Ordinary Meeting of  
the Queenstown Lakes District Council held on 29 September 2016**

**QLDC Council**  
**29 September 2016**

**Report for Agenda Item: 4**

**Department: Planning & Development**

**District Plan Review Stage 2**

**Purpose**

- 1 The purpose of this report is to:
  - a. Provide an update on the District Plan Review.
  - b. Confirm the components to be reviewed in Stage 2 of the District Plan Review that could therefore be notified to form part of the Proposed District Plan.
  - c. Confirm specific components (i.e. areas of land) of the Operative District Plan that are excluded from the District Plan Review.
  - d. Confirm that the method for managing the excluded components from the Proposed District Plan is to locate them in a separate volume of the district plan.
  - e. Foreshadow that changes will be required to the Stage 1 Proposed District Plan to integrate Stage 2 and make consequential changes associated with separating the district plan into two volumes.
  - f. Outline the indicative timing of Stage 1 and Stage 2 processes.

**Executive Summary**

- 2 Five hearing streams on submissions on the PDP have been completed, involving the Strategic, Rural, Indigenous Vegetation and Wilding Exotic Trees, Heritage, Protected Trees, Subdivision and District Wide components comprising sixteen individual chapters.
- 3 A number of plan changes to the ODP that were underway when the PDP was notified, and were not included in the PDP, have been completed. It is recommended that they are excluded from the PDP.
- 4 It is recommended to separate specified areas of land from the District Plan Review (both Stage 1 and Stage 2). The result of this will be to split the District Plan by geographic area into two volumes.
- 5 **Volume A** would be the Stage 1 and Stage 2 PDP components as they become operative, including the recently made operative Signs and Earthworks components subject to minor changes to ensure cross referencing and consistency with the PDP.

- 6 **Volume B** would be the land covered by the following:
  - a. Plan Change 19: Frankton Flats B Zone.
  - b. Plan Change 45: Northlake Special Zone.
  - c. Plan Change 46: Ballantyne Road Industrial and Residential extension.
  - d. Plan Change 50: Queenstown Town Centre extension.
  - e. Plan Change 51: Peninsula Bay North.
  - f. Remarkables Park Zone.
  - g. Any subsequent plan changes to the Operative District Plan.
- 7 Volume B land would be excluded from the District Plan Review. A separate resolution would be required if any text in the PDP referencing these Volume B components were to be withdrawn from the PDP.
- 8 The table attached at **Attachment A** sets out identified issues, zones and district wide chapters that are recommended to be reviewed and notified as Stage 2, and what could be notified as a variation to the Stage 1 Proposed District Plan. Identified issues include:
  - a. Visitor Accommodation
  - b. Residential Development Guidelines
  - c. Gorge Road Natural Hazards
  - d. Affordable and Community Housing
  - e. Ferry Hill and Glenorchy Building Restriction Areas
- 9 Changes will be required to the Stage 1 PDP text and planning maps to reflect Stage 2 topics and make consequential changes associated with separating the district plan into two volumes. Other structural or advisory note changes suggested by the Hearings Panel through the hearings may also be initiated.
- 10 Overall, it is preferred to include as many components as practicable in Volume A, to provide the public with the most up to date and accessible volume of the District Plan in one document. For this reason it is considered less than ideal to advance any new plan changes to the Operative District Plan.
- 11 In particular, it is recommended that private plan changes should be discouraged unless there is a compelling reason not to, noting the requirements of the RMA as to accepting/rejecting plan change requests. Accepting private plan changes or initiating plan changes to the ODP would inflate Volume B. The current ODP is complicated and in addition to achieving environmental, economic and social well-being outcomes, a focus of the PDP is to simplify the district plan, make it more accessible and reduce transaction costs associated with administration of the district plan.

12 It would add to resourcing and administration costs for both the Council and the public if more land, in particular land zoned for residential purposes, were to be located in Volume B (the Operative District Plan).

## **Recommendation**

That Council:

1. **Note** the contents of this report and:
2. **Approve** pursuant to section 79(1) of the Resource Management Act 1991 (RMA) to commence Stage 2 of its review of the Operative District Plan, including the review of following components of the Operative District Plan and identified other matters:
  - a. Township Zones
  - b. Industrial A and B Zones
  - c. Transportation Chapter
  - d. Hazardous Substances Chapter
  - e. Designations. Limited to five designations that were not identified by the New Zealand Transport Agency for notification as part of Stage 1
  - f. Open space and recreation
  - g. Open Space – Landscape Protection Zone
  - h. Affordable and Community Housing
  - i. Rural Visitor Zone
  - j. Penrith Park Zone
  - k. Bendemeer Zone
  - l. Hydro Generation Zone including Financial Contributions
  - m. Quail Rise Zone
  - n. Meadow Park Zone
  - o. Frankton Flats Zone
  - p. Mt Cardrona Station Zone
  - q. Ballantyne Road Mixed Use Zone
  - r. Three Parks Zone
  - s. Kingston Village Zone

- t. Shotover Country Zone
  - u. Arrowtown South Zone
  - v. Visitor Accommodation including the Registered Holiday Homes Appendix
  - w. Residential development guidelines
  - x. Gorge Road High Density Residential and Business zones
  - y. Gorge Road natural hazards investigation
  - z. Ferry Hill and Glenorchy building restriction areas
  - aa. Mapping sites of significance to iwi
  - bb. Include the stage 2 zones and structure plan guidance within PDP Chapter 27 Subdivision and Development
  - cc. Arrowtown Design Guidelines 2016 as they relate to the Stage 2 zones.
  - dd. Updating references and format of the Signs and Earthworks chapters.
3. **Note** that following the review of the matters in (a) to (dd) in 2 above, Council officers will report back to Council on the components recommended to be notified.
4. **Note** that the components that will be excluded from the District Plan Review have changed since the 17 April 2014 Council meeting, including the review of Community and affordable housing, which will now be included.
5. **Approve** the establishment of the preparation of the District Plan by way of territorial sections pursuant to section 73(3) of the RMA to create of two volumes to better manage the land excluded from the district plan review.
6. **Confirm** the exclusion of the land covered by the following from the District Plan Review:
- a. Plan Change 19: Frankton Flats B Zone.
  - b. Plan Change 45: Northlake Special Zone.
  - c. Plan Change 46: Ballantyne Road Industrial and Residential extension.
  - d. Plan Change 50: Queenstown Town Centre extension.
  - e. Plan Change 51: Peninsula Bay North.

- f. Remarkables Park Zone.
- g. Any subsequent plan changes to the Operative District Plan.

7. **Note** while appreciating its duties to consider plan change requests under Clause 25 of Schedule 1 of the Resource Management Act 1991, council strongly discourages private plan change requests during the District Plan review.

Prepared by:



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20/09/2016

Reviewed and Authorised by:



Tony Avery  
General Manager  
Planning and Development  
20/09/2016

## Background

13 Council formally commenced the District Plan Review (**DPR**) via a resolution at its meeting on 17 April 2014. This resolution excluded the following components of the ODP from the review:

**TABLE 3: Not to be included in Review**

No.	Section	Existing Chapter	Age years	Benefits	Staff
	Frankton Flats A	Existing	6		N/A
	Frankton Flats B (once operative)	New	0		N/A
	Remarkables Park	Existing	10	Excluded by agreement with landowner	N/A
	Mount Cardrona Station	Existing	2		N/A
	Three Parks	Existing	2		N/A
	Kingston Village Special Zone	Existing	3		N/A
	Registered Holiday Homes Appendix	Existing	4		N/A
	Open Space	Existing	6		N/A
	Affordable housing provisions	Existing policy	1		N/A
	Signs	Existing	10	Already notified in dependent of Review March 2014	TP

**Figure 1. Table 3 of the April 2014 Resolution to formally commence the District plan Review.**

14 At the 30 July 2015 Council meeting the Council approved the PDP (Stage 1) for notification pursuant to section 73 and clause 5 of the First Schedule of the Resource Management Act (**RMA**). The PDP was notified in August 2015, submissions and further submissions were substantially completed by the end of 2015 and hearings on submissions commenced in March 2016.

- 15 Five hearing streams have been completed involving the Strategic, Rural, Indigenous Vegetation and Wilding Exotic Trees, Heritage, Protected Trees, Subdivision and district wide components comprising sixteen individual chapters.
- 16 The residential hearing comprising five chapters will commence in early October. The Designations hearing is also being held in mid-October with a separate Hearings Panel presiding.
- 17 Following the hearing on strategic and rural chapters the Hearing Panel suggested a more detailed study be undertaken on the Wakatipu Basin floor. The Council agreed to undertake a study. The request for proposal for the Wakatipu Basin research has been released. The study will be completed in January 2017.
- 18 Depending on the outcome of the study, the Council can use the outcomes of the study as part of its evidence in the hearings on rezoning submissions or initiate a variation to Stage 1 of the PDP.
- 19 Variation one (incorporating by reference the Arrowtown Design Guidelines 2016) to the Proposed District Plan was notified on 20 July, submissions closed on 17 August. Only 28 submissions were received and this has enabled the hearing to be held as part of the Residential hearing Stream in October.
- 20 A table is attached at **Attachment A** that shows the Stage 1 and recommended Stage 2 components of the District Plan Review. The right hand column of the Table notes whether the Hearing on submissions has been completed, or when it is scheduled to be held for Stage 1 components.

### **Clarifying what is in and out of the District Plan Review.**

Since notification of the proposed District Plan in August 2015, the following plan changes have been made to the ODP:

- a. Plan Change 45: Northlake Special Zone.
  - b. Plan Change 46: Ballantyne Road Industrial and Residential extension.
  - c. Plan Change 48: Signs.
  - d. Plan Change 49: Earthworks.
  - e. Plan Change 50: Queenstown Town Centre extension.
- 21 Plan Change 44: in addition, the decision on Plan Change 44 Hanley Downs was made in March 2016 and appealed. The appeals are expected to be settled within the next month. The land area covered by the Hanley Downs plan change is also part of the PDP Jacks Point Zone and is part of Stage 1 of the District Plan Review. The parties involved in the appeal on Plan Change 44 seek that this land is retained in the PDP and it is not recommended to exclude this land.
  - 22 Plan Change 51: Peninsula Bay North was notified in December 2015 and a hearing was held in August 2016. Commissioners have not yet recommended a decision to Council. It is anticipated a decision will be made before the end of this

year. If this plan change is approved it is recommended to form Volume B of the district plan

- 23 Plan Change 46: Northlake Special Zone and, Plan Change 50: Queenstown Town Centre extension, were appealed to the Environment Court. Both appeals have been resolved and the provisions now form part of the ODP. It is possible the same issues could be submitted on and appealed if these matters were again open to submission through the District Plan Review. This would be inefficient, costly and unnecessary, and create plan integration risks. It also creates uncertainty for development of this land in the interim.
- 24 Changes to the ODP after notification of the PDP create complexities in terms of the relationship between the ODP and PDP. Ideally, there would be no changes made to the ODP once the PDP is notified because the aim of the PDP is to replace the ODP and this is frustrated when changes are made to the ODP during this process.
- 25 To integrate these components of the ODP into the PDP, it is possible to notify these components as part of the notification of Stage 2, however this is not recommended in most instances because it would 'reopen' the ability for submissions and appeals.
- 26 It is recommended therefore, that the district plan is separated into two volumes:
  - a. **Volume A** would comprise the PDP Stage 1 and Stage 2 land (and associated chapters) and District Wide Chapters including the Signs and Earthworks Chapters (subject to reference and format changes) that have recently been made Operative.
  - b. **Volume B** would be the ODP as it relates to the geographic areas that have been the subject of recent plan changes PC 19: Frankton Flats B Zone, PC 45: Northlake, PC 46: Ballantyne, PC 50: Queenstown Town Centre and PC 51: Peninsula Bay North (if approved). In addition, the geographic area and chapter of the Remarkables Park Zone would also be included as this zone is subject to an agreement with the landowner that excludes this zone from the district plan review until 2018. Any further plan changes to the ODP would also form Volume B of the district plan.
- 27 The separation of these components into two volumes will provide certainty for the public and the PDP Hearings Panel. To integrate the PDP as it becomes operative, consequential changes are likely to be required to the Operative Signs and Earthworks Chapters to align numbering and cross referencing, and to change terminology where zone names have changed.
- 28 It is likely that a plan change to the Signs Chapter, or alternatively a variation to some of the PDP Stage 1 chapters would be required to ensure alignment. For example, the Large Lot Residential Zone (PDP Chapter 11) does not currently have any rules relating to signs, and the Operative Signs Chapter does not identify the Large Lot Residential Zone because this zone is new in the PDP.
- 29 Work on Stage 2 components has been initiated, and subject to resourcing and budget constraints, all the Stage 2 components could be notified by September

2017. The timing of notification is also subject to whether the Council seek to undertake consultation over and above the statutory consultation required under the RMA. If it is the Council's desire to expedite the notification of Stage 2, there would not be time for full consultation. However the majority of the land area of the District and the Strategic Directions were notified as part of Stage 1 and it is not likely that the same level of consultation would be necessary for the Stage 2 components.

- 30 It is however, preferable that the Stage 2 components are notified before the hearings on rezoning and mapping annotations commence. The hearings on Stage 1 Chapters are scheduled to run up until the end of March 2017 and the rezoning hearings are planned to commence after Easter 2017. Work is underway planning the hearing and assessing submissions.
- 31 Notifying the Stage 2 components before the hearings commence on rezoning submissions would assist the public and the Hearings Panel to assess the overall environmental outcomes envisaged by the PDP.
- 32 For instance, notification of the Transportation Chapter would assist because it would set out a regulatory framework for car parking and on site manoeuvring and the consequential opportunities or constraints for activities in the respective zones, as well as dealing with the approach to roads and addressing existing uncertainty, arising from the ODP not having a zone or regulatory regime for roads. The Transportation Chapter could also provide a framework to encourage other types of transport in addition to private vehicle use, and reinforce a desire for any future development to occur around key transportation routes.
- 33 On the basis that it is not likely the full set of Stage 2 components would be ready to be notified before the hearings commence on mapping after Easter 2017, it is likely that Council officers will recommend that the remaining District Wide Chapters, and any necessary variations to Stage 1 are notified in advance, if possible. The identified operative District Wide components that are recommended to be reviewed are:
  - a. Transportation Chapter
  - b. Hazardous Substances Chapter
  - c. Designations. Limited to five designations that were not identified by the New Zealand Transport Agency for notification as part of Stage 1
  - d. Open space and recreation
  - e. Open Space – Landscape Protection Zone
- 34 While from an administration perspective this is not as efficient as notifying all of the Stage 2 components at once, it is considered important to assist the public and the Hearings Panel understand the regulatory effect that any District Wide rules might have on their land, and the overall implications associated with submissions for rezoning requests.

## **Confirmation of what is to be included in Stage 2 of the District Plan Review**

- 35 The table attached at **Attachment A** identifies the components to be reviewed as part of Stage 2.
- 36 It is considered important to reiterate that the Stage 2 components are those where there is reasonable certainty at this time that these issues should be reviewed. It is possible that other matters may arise and require review, or a variation to a component notified as part of Stage 1. If this is the case, these matters will be subject to a further resolution of Council.
- 37 It is also possible that the review of these components could identify that it is not practicable, necessary or efficient to make significant modifications to a zone or chapter. It is likely the scope of the Stage 2 notification would then be confined to marrying the existing component with the PDP, while acknowledging that notifying a chapter in full would open it up to potentially a broad range of submissions.
- 38 The Council can use mechanisms such as initiating a variation to the notified Stage 1 PDP, or formally withdrawing text, both of which would require additional resolutions from the Council. The Council can also use Clause 16 of the first Schedule of the RMA to make minor changes. The latter mechanism sits within Council officers' delegations and does not require a resolution from Council. The majority of changes are likely to be associated with the Stage 1 District Wide chapters and not on the strategic chapters or zone chapters of the PDP.
- 39 The following provides a summary of the respective Stage 2 components and a brief rationale for review. It is also noted that agreeing to review these components does not necessarily predetermine there would be significant modification or replacement of the components, but a review to identify resource management issues and determine whether changes (if any) are the best practicable option.

### General components to be reviewed

- 40 Those parts of the ODP subject to the following zones, and the following existing District Wide Chapters of the ODP, are recommended to be reviewed. Many of these have been operative for more than ten years and under the RMA they are obliged to be reviewed:
- a. Township Zones
    - Lake Hawea
    - Albert Town
    - Makarora
    - Glenorchy
    - Kingston

- Kinloch
- b. Industrial A and B Zones
  - c. Transportation Chapter. Including research encouraging multiple types of transportation and a move away from reliance on private vehicle usage where alternative transportation options are possible.
  - d. Hazardous Substances Chapter
  - e. Designations. Limited to five designations that were not identified by the New Zealand Transport Agency for notification of Stage 1.
  - f. Open Space and recreation (existing Operative District Wide Chapter)
  - g. Open Space Zone – Landscape Protection Zone
  - h. Affordable and Community Housing (existing Operative District Wide Chapter)
  - i. Rural Visitor Zone
  - j. Penrith Park Zone
  - k. Bendemeer Zone
  - l. Hydro Generation Zone including Financial Contributions in terms of the Operative Subdivision Chapter (Part 14 ODP)
  - m. Quail Rise Zone
  - n. Meadow Park Zone
  - o. Frankton Flats A Zone
  - p. Mt Cardrona Station Zone
  - q. Ballantyne Road Mixed Use Zone
  - r. Three Parks Zone
  - s. Kingston Village Zone
  - t. Shotover Country Zone
  - u. Arrowtown South Zone
  - v. Visitor Accommodation including the Registered Holiday Homes Appendix (refer to discussion below).
  - w. Residential development guidelines (refer to discussion below)
  - x. Gorge Road High Density Residential and Business zones

- y. Gorge Road natural hazards investigation (refer to discussion below)
- z. Ferry Hill and Glenorchy building restriction areas (refer to discussion below)
- aa. Mapping sites of significance to iwi (refer to discussion below)
- bb. Include the stage 2 zones and structure plan guidance within PDP Chapter 27 Subdivision and Development
- cc. Arrowtown Design Guidelines 2016 as they relate to the Stage 2 zones.
- dd. Updating references and format of the Signs and Earthworks chapters.
- ee. Updating references and format of the Signs and Earthworks chapters.

#### Visitor Accommodation (VA)

- 41 The provisions of the PDP relating to visitor accommodation in the Low Density Residential, Medium Density Residential, High Density Residential, Large Lot Residential and Arrowtown Residential Historic Management Zone were withdrawn from the PDP in November 2015.
- 42 The relatively recent proliferation of ‘peer-to-peer’ accommodation such as ‘airbnb’, coupled with high visitor numbers and a lack of capacity in dedicated motel type accommodation led the Council to become concerned that VA was exacerbating the already tight market for longer term rental and permanent accommodation options. In particular, the use of residential housing in the Queenstown area for peer-to-peer VA. It was agreed that further research was needed into different policy responses possible in the different zones and the consequences (unintended as well as intended), as evidenced already in resorts overseas.
- 43 A primary reason for the withdrawal was associated with the perceived effects of VA utilising housing supply exacerbating the shortage of permanent accommodation options, particularly in Queenstown. The focus of the PDP VA rules as notified was on managing the effects on amenity. The following points were recorded in Council’s resolution of 23 October 2015 associated with the withdrawal of the VA provisions:

***“Agrees the following reasons for the withdrawal:***

- ***Provides greater public certainty as to Council’s position.***
- ***Removes the potential perceptions of inconsistency and uncertainty in Council’s approach.***
- ***Allows for a more in-depth and robust study and analysis of issues and policy options, and for potential non-statutory consultation with key stakeholders.”***

44 The following passage from the Agenda report is considered to provide important context and is cited below:

*Visitor Accommodation- Withdrawal of Particular Provisions in the Proposed District Plan*

*12 Regulating the commercial letting of dwellings in the District is a complex matter for a number of reasons. Whilst this form of visitor accommodation is growing in popularity, and is an important part of the District's tourism offering, its increasing popularity means it is becoming an increasingly lucrative business. Evolving analysis suggests the growing use of residential dwellings for commercial letting may be having a significant impact on both the availability and cost of both permanent rental accommodation and seasonal rental accommodation, with resulting socio-economic impacts. Questions still remain, too, as to potential impacts on the cohesion and amenity values of residential neighbourhoods resulting from this land use activity.*

*13 Consideration was given to submitting, as part of the Corporate Submission, to seek an amendment to the provisions relating to the commercial letting of dwellings as visitor accommodation, with a reversion to the generally more restrictive status quo (with slight variation). This would have recognised the complexities and issues raised above, and indicated that Council was reconsidering the proposed approach. However, it is considered that a cleaner, less ambiguous and more transparent approach is to formally withdraw particular visitor accommodation provisions from the Proposed District Plan.*

*14 This will allow further analysis and investigations to proceed in Stage 2 of the District Plan Review. The final proposed provisions will be notified as part of Stage 2 in 2017. In the meantime, the status quo (Operative District Plan provisions) applies.*

45 It is also important to acknowledge that the effects of VA and housing/accommodation supply could be different between Wanaka and Queenstown. Wanaka has less formal, motel or resort type VA, however Wanaka also suffers from a lack of accommodation options for shorter term residential housing for seasonal workers.

46 It is further acknowledged that the use of VA including Airbnb type activities has positive effects for those undertaking the activity. This matter will also be taken into account as part of the research and recommended regulatory approach.

47 The Stage 2 work intended for VA is to research the matter and determine the extent to which residential housing supply is affected by VA, and what are the best practicable options and resource management methods to manage these matters. It is expected that methods used by other New Zealand councils and

overseas will be investigated, including alternative regulatory options to district plan regulation.

### Community and Affordable Housing

- 48 The Council initially decided not to review the specific ODP provisions for community and affordable housing in the April 2014 resolution, because these had been made operative relatively recently and involved substantial litigation.
- 49 Plan Change 24: Community and Affordable Housing was notified in 2007 and made operative in August 2013. The plan change was appealed to the Environment Court, High Court and Court of Appeal. The mediated result was significantly different from the original plan change, which had provided much of the initial resource for the Queenstown Lakes Housing Trust.
- 50 The PDP Strategic Direction and Urban Development Chapters are alive to the District's housing supply and affordability issues. The Objectives and policies in the PDP Strategic Chapters flow through to the respective residential chapters through increasing density opportunities to provide more housing options.
- 51 Housing affordability and accommodation options for shorter term/seasonal workers and permanent residents/families is a significant issue in this District.
- 52 By way of background, discussion at the 30 April 2015 Council meeting between Council and the Community Housing Trust led to subsequent agreement from Council to include discussion on affordable and community housing in Stage 2 of the District Plan review.
- 53 Furthermore, Resolution 8 of the 3 June 2015 Council meeting on the first wave of Special Housing Area expressions of interest confirmed the following:

***“Instruct the General Manager Planning and Development to table a report on how to progress the broader issues of housing affordability in the district. This to include, but not be limited to, how to balance the housing needs and special character of Arrowtown, the District Plan review, availability of Council land, an expert forum, and the participation of nationwide developers, Queenstown Lakes Community Housing Trust and the government.”***

- 54 While this report has not yet been advanced, relevant components identified to be undertaken are underway through the following work streams:
  - a. Variation 1: Arrowtown Design Guidelines 2016, and
  - b. The Wakatipu Basin Land Use Planning Study, explained further in Paragraph 70 below.
  - c. Investigations are also underway to provide a structured land use and planning approach to the areas adjacent to State Highway 6 in the Ladies Mile and Lake Hayes and Shotover Country areas associated with Special Housing Area expressions of interest.

- d. The assessment of submissions on Stage 1 of the PDP and preparation of evidence for the hearings on submissions. In particular, the finalising of evidence to address submissions and advance the Council's position on the upcoming Residential Hearing Stream to be held in October 2016 comprising the Low, Medium and High Density Residential Zones. The Arrowsmith Residential Historic Management Zone, and the Large Lot Residential Zone (located in Wanaka).
- e. In addition to (d) above, the Heritage and Protected Trees hearing stream (3) completed in June 2016 responded to submissions on the Council's position to identify and protect trees through a regulatory approach in the District Plan. This includes the survey and identification of trees to be protected on private land and the blanket protection of trees on streets and public places within the Arrowsmith Residential Historic Management zone.
- f. Work has commenced on the refinement of the Council's Dwelling Capacity Model (DCM) as part of the Council's evidence basis on the District Plan Review and to foreshadow the introduction by Government of the National Policy Statement on Urban Development Capacity (NPSUDC), which is expected to be in effect in the next 12 months. The NPSUDC would require councils to create and keep up to date a dwelling capacity model and that it include market related parameters to ensure the models are not just based on theoretical supply. The NPSUDC would encourage councils to have an oversupply of land. The Council is considered well placed in terms of this work and its evidence base to support Stage 1 of the PDP.

In addition, Council formally received the Roadmap and Report of the Queenstown Lakes Community Affordable Housing Group, identifying a broad range of initiatives for local and central government and the broader community over two, ten and thirty-year horizons, at an extraordinary meeting on March 1. This work, led by Catalyst Trust, provided input from a range of sectors (including financial, planning, architectural, business and community) on the broad issues of housing affordability and helped trigger various work streams being adopted for the Chief Executive's 2016/17 work plan, including a review of strategic property into possible affordable housing sites within Council property holdings and investigation of a housing policy.

55 Based on the above it is important to revisit this matter through research and investigations of Stage 2 of the District Plan Review. It is important to note that this does not predetermine that any substantive changes to the Operative provisions that resulted from Plan Change 24 would follow, but to advance complementary provisions that encourage the betterment of housing affordability in the District, not just in Queenstown but Wanaka.

#### Residential Design Guidelines

56 It is important that quality urban planning and design are given appropriate consideration in the Medium and High Density Residential Zones, because the built environment of these areas has a higher impact on the environment. Good quality development makes a positive impact on the amenity of residents and the

street and public spaces, making them better places to both live and visit. It is considered good practice to provide guidelines for these two zones.

- 57 This research could also further advance the encouragement and use of Green Star and Homestar building efficiency techniques and the benefits to the occupants that can be derived from sustainable approaches to building design and energy consumption.
- 58 It is intended that these residential development guidelines would be incorporated by reference into the PDP, similar to the process and reference for the Arrowtown Design Guidelines 2016. A variation may be required to integrate them into the Stage 1 residential zones.
- 59 It is noted in Council's resolution of 23 October 2015 on the Council's corporate submission on Stage 1 of the PDP that a commitment would be made to preparing the guidelines.
- 60 In particular, the following components of the 23 October Agenda Report are considered to be particularly important:

#### Urban Design and Related Provisions

*9 Good design is an important aspect of increasing the density of development. Whilst the Proposed District Plan contains a number of provisions promoting good design, it is considered that a Residential Design Guide, which is ultimately incorporated by reference in to the Proposed District Plan, would help reinforce design expectations. A workstream will be pursued to develop a Design Guide, with community and design professional involvement.*

#### Gorge Road Natural Hazards Investigation

- 61 The land currently zoned operative High Density Residential in the Gorge Road area of Queenstown was intended to be included in Stage 1. Initial non-statutory consultation was undertaken in 2015. An outcome of this exercise was acknowledgement that collation of geotechnical information already held in Council files under building and resource consents and additional technical engineering work would be of benefit in fully understanding the known hazards in this area and developing a suitably balanced policy and regulatory response. For this reason, this area was to be deferred until Stage 2 of the District Plan Review.
- 62 At the 30 July 2015 Council meeting, a resolution was made to agree that the operative High Density Residential Zone land in the Gorge Road area was to be deferred until Stage 2 of the DPR. In particular, the matter of alluvial fan hazards will be further researched.

#### Ferry Hill and Glenorchy Building restriction areas

- 63 These two areas were intended to have building restriction areas identified over them on the PDP Planning Maps, replicating long standing Operative District Plan

provisions. These were inadvertently left out of the respective PDP Planning Maps at the date of notification. These planning map annotations will need to be notified in Stage 2.

#### Mapping of sites of significance to iwi

64 An outcome of Hearing Stream 1A (Introduction and Tangata Whenua) held in March 2016 is that iwi will identify and map sites of significance in the Planning Maps. It is acknowledged that the result of separating the District Plan into two volumes means that any sites identified by iwi on land contained in Volume B, would not apply. However the land subject to Volume B has been through relatively recent plan changes and iwi have had the opportunity through statutory consultation processes to submit on these plan changes, if sites of significance were present.

#### Subdivision and Development

65 The PDP subdivision chapter will require a variation to include the Stage 2 zones. This would include zone specific site standards and existing provisions that are still applicable. It also provides the opportunity to improve, or remove provisions where the subdivision and development have been completed.

66 The notified subdivision chapter encourages future plan changes to include a structure plan. However this could be made clearer. It is recommended that research is undertaken with a view to including information requirements and guidance for future structure plans associated with future plan changes in this chapter.

#### Special Housing Areas (SHA)

67 Immediately prior to or since notification of the PDP, the Council has approved 7 Special Housing Areas under the Housing Accords and Special Housing Areas Act 2013 in various locations around the Wakatipu Basin.

68 It is noted that the SHA process is not related to the statutory requirements and processes of the RMA associated with the district plan review. However, any changes to the environment from SHA approvals will be taken into account as part of the ongoing research associated with the district plan review.

#### Wakatipu Basin Land Use Planning Study

69 Upon completion of the hearing of submissions on the Strategic Direction, Landscape, Urban Development and Rural Zone chapters, the Hearing Panel issued a memorandum on 1 July 2016 which stated:

*that continuation of the fully discretionary development regime of the Rural General Zone of the ODP, as proposed by the PDP, was unlikely to achieve the Strategic Direction of the PDP in the Wakatipu Basin over the life of the PDP. We are concerned that, without careful assessment, further development within the Wakatipu Basin has the potential to cumulatively and irreversibly damage the*

*character and amenity values which attracts residents and other activities to the area*

*In addition, we consider there is some merit in the proposition that the rural character and amenity values of the Wakatipu Basin do not derive predominantly from farming and agricultural practices.*

70 The Hearing Panel considered that an additional study of the Wakatipu Basin was required and the Council has agreed to undertake such a study. In their memo, the Panel's preliminary view was that a detailed study was required so as to:

- a. Identify the environmental characteristics and amenity values of the area that should be maintained and enhanced, noting that these will vary across the Wakatipu Basin floor;
- b. Identify those areas able to absorb development without adversely affecting the values derived in (a) and without adversely affecting the values associated with the surrounding Outstanding Natural Landscapes and Outstanding Natural Features;
- c. Identify those areas that are unable to absorb such development;
- d. Determine whether, given the residual development already consented, there is any capacity for further development in the Wakatipu Basin floor and, if there is, where it should be located and what form it should take;

71 The Council has also requested that the study identify, at a high level, other constraints and opportunities for land use planning in the Wakatipu Basin including hazards, transportation and infrastructure.

72 The results of this investigation will be used to assist the Council in determining how it can address the matters raised by the Hearings Panel and submissions on the PDP. By way of example, two options include either using this information as part of the evidence for the hearings on submissions for rezoning and mapping to be held in 2017, or initiating a variation to Stage 1 of the PDP.

Exclusion of the Remarkables Park Zone and Frankton Flats B ODP Zone from the district plan review

73 Part of the settlement of Plan Change 19 (Frankton Flats B Zone), involved the signing of a deed between Shotover Park Limited, Remarkables Park Limited and the Council.

74 The parties entered a deed to settle a judicial review proceeding in respect of the Five Mile shopping centre development. The deed of agreement sets out that the Council will not initiate or support any plan review or plan changes within the boundaries of the PC 19 land from the date it is made operative.

75 According to this deed the Frankton Flats B Zone cannot be reviewed until 12 December 2024, ten years from the date it is made operative.

76 The deed also states that any District Plan review process commenced before 2018 does not affect, compromise or remove any of the existing development opportunities contained within the Operative District Plan Remarkables Park Zone.

77 The deed does not require the exclusion outright of the RPZ, however, the drafting does not provide certainty for the Council as to whether any PDP provisions promulgated would 'affect' the RPZ. Therefore, it is recommended that the RPZ zone is excluded from the PDP and located within Volume B.

## **Options**

78 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:

79 The first step is to identify all "reasonably practicable" options. If an option is not reasonably practicable, then it will not require consultation. One option that should always be considered is the option of doing nothing – the status quo.

80 Option 1 Do nothing

*Advantages:*

81 None identified.

*Disadvantages:*

82 Doing nothing would add to uncertainty and complexities associated with the status of the PDP Stage 1 and recently completed plan changes to the ODP.

83 Option 2 Include the abovementioned plan changes in the PDP.

*Advantages:*

84 The end result would be one district plan. All areas of the District would be located in one document. The ODP could be phased out and in the long term this would assist with reducing complexities and transaction costs.

*Disadvantages:*

85 It would require the notification of the land covered by these plan changes and open this land up to litigation processes that have already occurred. This could be costly and time consuming and discourage, or even halt the development of this land that is provided for in the ODP.

86 Option 3 Separate the District Plan into territorial sections.

*Advantages:*

87 This method provides certainty for the public and the Hearings Panel on the status of the PDP and land covered by Plan Changes 45, 46, 50, 51 and the Remarkables Park Zone. The land can be developed as contemplated by the

ODP provisions and does not face the uncertainty of being open to further regulatory changes through the PDP submission process.

- 88 This method will make the research and statutory processes associated with Stage 2 of the District Plan review more efficient and certain.

*Disadvantages:*

- 89 It is less than ideal to have two volumes of the District Plan and it will create an administrative burden to keep a legacy plan current when the overall intent of a district plan review is to replace and phase out dated components. However this is considered a minor cost relative to the disadvantages of pursuing with Option 2.

- 90 This report recommends Option 3 for addressing the matter because overall the costs associated with having two volumes are outweighed by the benefits in terms of providing certainty to investment in the land covered by these areas to be located in Volume B, and clarity associated with administration of the PDP.

**Significance and Engagement**

- 91 This matter is of high significance as determined by reference to the Council's Significance and Engagement Policy because the matter relates to the confirmation of a substantial component of the district plan review and makes a recommendation to exclude specified areas of land from the district plan review. the district plan, meaning both the ODP and PDP are significant statutory documents in terms of the social, economic and environmental wellbeing of the District.

**Risk**

- 92 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)' as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because it is considered to be of significant importance in terms of the managed growth and regulation of development for the District.

- 93 The recommended options considered above mitigate the risk by:

- 94 Treating the risk – putting measures in place which directly impact the risk.

- 95 Council resolving to confirm the components of Stage 2 of the Proposed District Plan, and resolving to separate specified land areas from the district plan review process addresses the risk by providing certainty of the relationship of the PDP with land that is subject to a recently completed, or in-train plan change.

**Financial Implications**

- 96 The recommended option provides certainty and will assist with increasing the efficiency of the PDP process, which has already been budgeted for. More certainty moving forward will reduce the potential for matters of scope arising. There are not any direct financial implications.

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

97 There are no Council policies, strategies or bylaws relating to this matter because it is primarily associated with process.

98 This matter is included in the 10-Year Plan/Annual Plan as part of the District Plan commitment.

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

99 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;
- 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**

100 The persons who are affected by or interested in this matter are parties who have submitted on the Proposed District Plan or a Plan Change. It is also noted that the Remarkables park Zone representatives prefer that the Remarkables park Zone is excluded from the District plan review.

## **Legal Considerations and Statutory Responsibilities**

101 Development of the PDP has occurred in accordance with the requirements of the RMA. Particular clauses of relevance include Sections 5-11, 31 and 32 and Schedule 1. The recommendations accord with the provisions of the RMA. In particular section 73(3) that allows a district plan to be prepared in territorial sections.

## **Attachments**

Attachment A: Table 1 Stage 2 Review Programme.

## ATTACHMENT A: District Plan Review: Stage 2

**TABLE 1: Stage 2 Review Programme**

'To be reviewed' does not predetermine that particular component of the ODP will be included for notification or being subject to modifications, but a review and evaluation is proposed to be undertaken to confirm whether the best option to manage that component is to retain unmodified, modify or remove.

PDP	Stage 1 Review Programme	Stage 2 Review Programme	Not Being Reviewed (Retained in Volume A)	Status (August 2016)
<b>Part 1</b>	<b>Introduction</b>			
1.	Introduction			Hearing completed
2.	Definitions	Any new definitions or amendments to Stage 1 definitions		Hearing to be held in March 2017 for Stage 1 definitions.
<b>Part 2</b>	<b>Strategy</b>			
3.	Strategic Direction			Hearing completed
4.	Urban Development			Hearing completed
5.	Tangata Whenua			Hearing completed
6.	Landscapes			Hearing completed
<b>Part 3</b>	<b>Urban Environment</b>			
7.	Low Density Residential	Visitor Accommodation		Stage 1 - Hearing to be held in October 2016.
8.	Medium Density Residential	Visitor Accommodation Medium Density Residential Design Guidelines		Stage 1 - Hearing to be held in October 2016.
9.	High Density Residential	Visitor Accommodation Gorge Road (The geographic area as shown on the PDP)		Stage 1 – Hearing to be held in October 2016

PDP	Stage 1 Review Programme	Stage 2 Review Programme	Not Being Reviewed (Retained in Volume A)	Status (August 2016)
		Planning Maps as High Density Residential and Business in the Operative District Plan).  High Density Residential Design Guidelines		
10.	Arrowtown Residential Historic Heritage Management Zone	Visitor Accommodation		Stage 1 - Hearing to be held in October 2016
11.	Large Lot Residential	Visitor Accommodation		Stage 1 Hearing to be held in October 2016.
12.	Queenstown Town Centre			Stage 1 - Hearing to be held in December 2016
13.	Wanaka Town Centre			Stage 1 - Hearing to be held in December 2016
14.	Arrowtown Town Centre			Stage 1 - Hearing to be held in December 2016
15.	Local Shopping Centres			Stage 1 - Hearing to be held in December 2016
16.	Business Mixed Use Zone	Gorge Road (The geographic area as shown on the PDP Planning Maps as High Density Residential and Business by way of Operative District Plan annotations).		Stage 1 - Hearing to be held in December 2016
17.	Queenstown Airport Mixed Use			Stage 1 - Hearing to be held in December 2016
18.		Townships <ul style="list-style-type: none"> <li>• Lake Hawea</li> <li>• Albert Town</li> <li>• Makarora</li> <li>• Glenorchy</li> <li>• Kingston</li> <li>• Kinloch</li> </ul>		
19.		Industrial A and B		

PDP	Stage 1 Review Programme	Stage 2 Review Programme	Not Being Reviewed (Retained in Volume A)	Status (August 2016)
	<p>Arrowtown Design Guidelines 2016 (Variation 1)</p> <p>As these relate to the following Stage 1 components:</p> <ul style="list-style-type: none"> <li>• Low Density Residential Zone</li> <li>• Medium Density Residential Zone</li> <li>• Arrowtown Residential Historic Management Zone</li> <li>• Arrowtown Town Centre Zone.</li> </ul>	<p>As these relate to the following Stage 2 components:</p> <ul style="list-style-type: none"> <li>• Meadow Park Special Zone</li> <li>• Industrial A Zone (Bush Creek)</li> </ul>		Stage 1 - Hearing to be held in October 2016
<b>Part 4</b>	<b>Rural Environment</b>			
21.	Rural Zone	<p>Mapping Ferry Hill building restriction area</p> <p>Mapping Glenorchy building restriction area (Bible Face)</p>		Stage 1 - Hearing completed.
22.	Rural Residential and Rural Lifestyle Zones			Stage 1 - Hearing completed.
23.	Gibbston Character Zone			Stage 1 - Hearing completed.
<b>Part 5</b>	<b>District Wide</b>			

PDP	Stage 1 Review Programme	Stage 2 Review Programme	Not Being Reviewed (Retained in Volume A)	Status (August 2016)
24.		Change Chapter & number references; align zones to those in PDP	Signs	Operative 24 June 2015.
25.		Change Chapter & number references; align zones to those in PDP	Earthworks	Operative 27 July 2015.
26.	Historic Heritage	Historic Heritage Schedule - Mapping of sites of significance to iwi		Stage 1 Hearing completed.
27.	Subdivision and Development	<p>The following zones:</p> <ul style="list-style-type: none"> <li>• Townships</li> <li>• Industrial A and B</li> <li>• Rural Visitor Zone</li> <li>• Penrith Park Zone</li> <li>• Bendemeer Zone</li> <li>• Hydro Generation Zone</li> <li>• Quail Rise Zone</li> <li>• Meadow Park Zone</li> <li>• Frankton Flats</li> <li>• Frankton Flats B</li> <li>• Mt Cardrona Station</li> <li>• Ballantyne Road Mixed Use</li> <li>• Three Parks</li> <li>• Kingston Village</li> <li>• Shotover Country</li> <li>• Arrowtown South</li> </ul> <p>Provisions for developing/information requirements for Structure</p>		Stage 1 - Hearing completed.

PDP	Stage 1 Review Programme	Stage 2 Review Programme	Not Being Reviewed (Retained in Volume A)	Status (August 2016)
		Plans		
28.	Natural Hazards			Hearing to be Held in March 2017
29.		Transportation		
30.	Energy and Utilities			Hearing to be Held in September 2016
31.		Hazardous Substances		
32.	Protected Trees			Stage 1 - Hearing completed.
33.	Indigenous Vegetation and Biodiversity			Stage 1 - Hearing completed.
34.	Wilding Exotic Trees			Stage 1 - Hearing completed.
35.	Temporary Activities and Relocated Buildings			Hearing to be held in September 2016
36.	Noise			Hearing to be Held in September 2016
37.	Designations	Five NZTA designations sought to be rolled over by NZTA not included in Stage 1.		Hearing to be Held in October 2016
38.		Open Space and Recreation		
39.		Open Space Zone – Landscape Protection		
40.		Affordable and Community Housing		
<b>Part 6</b>	<b>Special Zones</b>			
41.	Jacks Point			Hearing to be Held in February 2017
42.	Waterfall Park			Hearing to be Held in February 2017
43.	Millbrook Resort Zone			Hearing to be Held in February 2017
44.		Rural Visitor Zone		

PDP	Stage 1 Review Programme	Stage 2 Review Programme	Not Being Reviewed (Retained in Volume A)	Status (August 2016)
45.		Penrith Park Zone		
46.		Bendemeer Zone		
47.		Hydro Generation Zone and Financial Contributions		
48.		Quail Rise Zone		
49.		Meadow Park Zone		
50.		Frankton Flats		
51.		Mt Cardrona Station		
52.		Ballantyne Road Mixed Use		
53.		Three Parks		
54.		Kingston Village		
55.		Shotover Country		
56.		Arrowtown South		

**Operative District Plan Components excluded from the District Plan Review and to form Volume B of the District Plan**

**The geographic area covered by:**

- **Plan Change 45: Northlake (Identified as the greyed out area on PDP Planning Maps 08, 18, 19 and 20).**
- **Plan Change 46: Ballantyne Road industrial and residential extension (Plan change boundary area identified on PDP Planning Maps 34, 35 and 36).**
- **Plan Change 50: Queenstown Town Centre Zone extension (Identified on PDP Planning Maps 08, 18 and 23)**
- **Plan Change 51: Peninsula Bay North**
- **The Remarkables Park Zone (Identified on PDP Planning Maps 31, 31a and 33)**
- **Frankton Flats B Zone (Identified on PDP Planning Maps 31, 31a and 33)**

**SCHEDULE 3**

**Council resolutions of 29 September 2016**

**Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 29 September 2016 commencing at 1.00pm**

**Present:**

Mayor Vanessa van Uden; Councillors Aoake, Cocks, Ferguson, Forbes, Gazzard, Gilmour, Lawton, MacLeod, Stammers-Smith and Stevens

**In attendance:**

Mr Stewart Burns (Acting Chief Executive/General Manager, Finance and Regulatory), Mr Peter Hansby (General Manager, Property and Infrastructure), Mr Tony Avery (General Manager, Planning and Development), Mr Stephen Quin (Parks and Reserves Planning Manager), Mr Lee Webster (Manager, Regulatory), Ms Heidi Thomson (Regulatory Support Coordinator), Mr Paul Speedy (Manager Strategic Projects and Support), Mr Richard Pope (Property Manager), Mr Simon Battrick (Sport and Recreation Manager), Mr Craig Barr (Acting Planning Policy Manager), Mr Nick Whittington (Solicitor, Meredith Connell Ltd), Mr Blake Hoger (Property Manager, APL Property Ltd), Mr Aaron Burt (Planner, Parks and Reserves), Mrs Meghan Pagey (Human Resources Manager) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and approximately 16 members of the public

**Apologies**

There were no apologies or requests for leave of absence.

**Declarations of Conflicts of Interest**

- Councillor Aoake declared a conflict in respect of Jigsaw (item in Mayor's Report), as he was an employee of this organisation.
- Councillors Aoake, Forbes, Gazzard and Gilmour declared a conflict of interest in Item 2 ('Proposed New Right of Way Easement application by Skyline Enterprises Ltd') because they were all shareholders in Skyline Enterprises.
- Councillors MacLeod and Stevens declared a conflict of interest in item 6 ('Alcohol Licensing Fee Reduction Policy') as they both had an interest greater than 10% in a business with a liquor licence.

The Mayor asked that for all except Councillor Aoake's Jigsaw conflict the affected members leave the meeting for the item.

**Matters Lying on the Table**

There were no matters lying on the table.

**Confirmation of agenda**

The agenda was confirmed without addition or alteration.

**Public Forum**

1. Ben Calder

Mr Calder spoke as a previous owner of Licenced Premises Tour operator, 'Big Night Out'. He expressed opposition to the proposed Activities in Public Places Bylaw under which he believed Licenced Premises Tours were deemed a nuisance. He questioned how this could be concluded as there had been no public complaint about their activities or any need for attendance by emergency services. He believed the recommendation to introduce provisions to control these activities was contrary to the 540 submissions which had opposed their introduction. He considered that the outcome of the consultation process had been pre-determined. He encouraged the Council to vote in opposition to the bylaw's adoption and instead to work in cooperation with affected businesses.

In reply to questions Mr Calder stated that the bylaw would impact upon the ability of businesses to operate, citing in particular the proposed staffing ratio. He was also fearful that once in place the regulations would get tighter and would make it impossible for businesses to operate. He believed that these businesses were different from daytime walking tours as the tours worked closely with bar security, participants walked only a short distance and staff were well trained.

2. Basil Walker

Mr Walker presented a proposal for an area of affordable housing to be developed on a site of 30 acres in West Lake, adjoining Sunshine Bay. This proposal had a board of directors and was accessed from two partly formed roads off Arawata Terrace. It complied with the Council's lead policy in terms of location and it was planned to provide options for long term rental properties and affordable houses and apartments. Preliminary reports indicated the presence of services nearby, there were extensive plantings on site and the development would not be visible from the roadway because of its distance from the road.

3. Gavin Larsen

Mr Larsen stated that he was a Director of 'Kiwi Crawl', a Licence Premises Tour operator. He disagreed with the heavy handed approach by the Council to develop and introduce the proposed Activities in Public Places bylaw. He considered that the proposed permit system would give too much control to the Council and would make it unviable to operate Licenced Premises Tours. Mr Larsen expressed concern about the proposed staff ratio, adding that the current ratio of 1:20 had never presented any problems or need to be higher whilst staff were trained to deal with large groups. He did not consider Licenced Premises Tours were comparable with daily walking tours in terms of a staff ratio as the latter was an activity that required little staff training.

Mr Larsen stated that the proposed restriction on hours of operation for Licence Premises Tours would come into force too soon and operators did not have time to put in place the changes needed in this timeframe.

4. Matthew Sutherland

Mr Sutherland stated that he was Director of 'Big Night Out'. He had concerns about how the bylaw had come about. He believed that its introduction had been inevitable regardless of public opinion. He believed that the recent meeting with Council staff to discuss permit conditions had been a waste of time because operators' opinions and ideas had not been accepted and they had been told to 'take it or leave it'. He was particularly concerned about how the bylaw would restrict the hours and days of operation and would limit group size. He stated that clauses restricting music were not needed as this was not a feature of the tours. He expressed concern about the date of the bylaw's implementation which he considered showed the Council failed to understand how long the conditions would take to implement. He believed that it would take 90 days to get staff in place and train appropriately.

5. Dexter Devlin

Mr Devlin spoke in opposition to the provisions of the Activities in Public Places Bylaw in relation to Licenced Premises Tours. He highlighted the following:

- The current operation had a 1:20 staff ratio and 1:12 was too low. Staff spent about 2-3 minutes/hour moving the group and new staff would have to hired and paid for 4-5 hours of work for only 12 minutes of moving a tour.
- It was unreasonable to restrict hours.
- He requested more time before the bylaw came into force to provide time for staff training and recruitment.

6. Inspector Olaf Jensen

Inspector Jensen stated that he was the Otago Lakes-Central Area Police Commander. He noted that the police purpose was to keep people safe and to prevent them becoming either a victim or an offender. He observed that at night intoxicated people in queues outside premises often created situations where there was the potential for conflict. Queenstown was over-represented by alcohol-related harm and whilst police did not oppose Licenced Premises Tours per se, they sought the introduction of a permit to keep people safe. Police did not want to ban the tours but would like to see some structure around the activity.

**On the motion of Councillors Forbes and Gilmour it was resolved to suspend Standing Orders to extend the Public Forum.**

7. Alastair Porter

Mr Porter expressed concern about the timing for construction of the Eastern Access Road ('EAR'). He hoped that the Council had sufficient funds for the works to proceed. He considered that the Remarkables Park to Glenda Drive extension was a priority and a partial opening of the EAR by May 2017 would have a significant effect on traffic congestion and delays at the BP corner.

He stated that there had never been an agreement that Remarkables Park would fund the road.

8. Evan Jenkins

Mr Jenkins encouraged the Council to get rid of the wall along Marine Parade. He believed that the current works in the street provided the opportunity to open up the promenade properly. He also commented about street signage, the unkempt appearance of tear-drop signs and recent tree trimming for the Night Noodle Markets. He agreed with some of the views expressed by Licenced Premises Tour operators as they should not have to notify Council of a staff change and there needed to be further negotiation with Council about operating hour provisions, but he also encouraged them to stop being cry-babies and just get on with it. In relation to the bylaw provisions, he suggested that homeless and begging clauses should be introduced and that a better definition for 'busking' than what was currently provided was 'to perform in public for a voluntary donation'. He again correct 'aerobatics' to 'acrobatics' and suggested that a description of what buskers do was unnecessary. He did not believe that an on-line busker permit system would work, instead believing that buskers should have to come into the office to get a permit and should also be required to show it when performing, as by nature buskers were free-spirited people and needed these rules. He also tabled pictures showing overflowing rubbish bins in the CBD near the Rees statue and on Earnslaw Park.

**On the motion of Councillors Gilmour and Lawton it was resolved that Standing Orders be reinstated.**

1. **Activities in Public Places Bylaw 2016**

A covering report from Heidi Thomson (Regulatory Support Co-ordinator) presented the final version of the proposed Queenstown Lakes District Council Activities in Public Places 2016 following completion of the Special Consultative Procedure.

The report was presented by Mr Webster and Ms Thomson.

Ms Thomson responded to the comments in the Public Forum which had been especially critical that the Council had accepted a late submission from police. She stated that there had been no 'badgering' of police, adding that police had made it clear from the start of the consultation process of their intention to lodge a submission. Some opposing Licence Premises Tour submitters had sought leave to make a late submission one month after the closing date and had been refused.

Mr Webster explained the background reasons for developing the Licenced Premises Tours provisions of the proposed bylaw. He believed that the proposed bylaw was an opportunity to put in place some moderate controls. He could appreciate the concerns expressed but did not consider that the bylaw provisions or the proposed permit conditions were overly cumbersome.

Mr Webster noted that because the permit was being adopted separately from the bylaw, the conditions could be altered without amending the bylaw, as changes to the latter would require the special consultative procedure. Accordingly, he considered that if the recommended staff ratio of 1:12

proved unworkable, this could be reviewed. It was also noted that the report recommended that the Licensed Premises Tour Permit Conditions be reported back to Council after 12 months of operation to test if the proposed provisions were successful and whether changes were needed.

Councillor Stammers-Smith questioned whether the effects of the bylaw on other operators who operated group tours such as wine-tasting tours and trips to bungy-jumping sites had been considered. Mr Webster confirmed that regard had been had to these.

The Mayor questioned whether there was any barrier to pushing out the implementation date of the bylaw to address some of the concerns expressed during the Public Forum. It was agreed it would be reasonable to amend the date from 31 October 2016 to 30 November 2016.

A correction of 'aerobatics' to 'acrobatics' was made [Interpretation: definition of 'Busk']. To avoid constraining the definition of busking it was suggested that the idea raised in the Public Forum that the definition be simplified to 'performing for a voluntary donation' but concern was expressed that this could also encompass begging. The inclusion of the words 'including but not limited to....' was agreed instead.

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

- 1. Note the contents of this report;**
- 2. Accept the recommendation from the Activities in Public Places Bylaw hearing panel to adopt the Bylaw as amended and formalise the permit conditions for Licenced Premises Tours;**
- 3. Adopt the proposed Queenstown Lakes District Council Activities in Public Places Bylaw 2016 as amended, to be implemented on Wednesday 30 November 2016 and direct officers to publicly notify the Council's decision; and**
- 4. Agree that the Licensed Premises Tour Permit Conditions be reported back to Council after 12 months of operation.**

*Councillor Stammers-Smith recorded his vote against the motion.*

*Councillors Aoake, Forbes, Gazzard and Gilmour left the meeting at 2.25pm (conflict of interest).*

*Councillor MacLeod also left the meeting at this point.*

**2. Proposed New Right of Way Easement application by Skyline Enterprises Limited**

A report from Aaron Burt (Planner, Parks and Reserves) presented the recommendation from the hearings panel which had heard submissions in relation to an application from Skyline Enterprises Ltd ('SEL') for a new right of way easement pursuant to Section 48 of the Reserves Act 1977 over the adjoining land, legally described as Lot 2 Deposited Plan 345184. The panel had recommended that the right of way easement be approved, subject to conditions.

The report was presented by Mr Burt and Mr Quin. Mr Burt confirmed that all other effects would be considered as part of the resource consent. Much of what had been presented at the hearing had been deemed out of scope with this application dealing with the easement only.

*Councillor MacLeod returned to the meeting at 2.26pm.*

**On the motion of Councillors Stammers-Smith and Stevens it was resolved that the Council:**

**1 Note the content of this report;**

**2 Approve a Right of Way Easement over Council Reserve Land (Lot 2 Deposited Plan 345184) in favour of Skyline Enterprises Limited (Section 1 SO 22971 & Lease 'Area A' (carpark); subject to the following terms and conditions:**

**Commencement** To be determined and only subsequent to any potential grant/and conditions of, resource consent RM160647.

**Extent of Easement** To be confirmed prior to commencement, having regard to any potential grant/and conditions of, resource consent RM160647, and the advice of SEL and ZJV(NZ) Ltd (trading as Ziptrek Ecotours) communicated at the hearing on 1 September 2016.

**Fees** As per QLDC's Easement Policy 2008, and subject to the extent of the easement being confirmed. This shall also include any outstanding application fees.

**3 Delegate authority to approve final terms and conditions, including commencement, location, extent, fees and execution authority to the General**

**Manager – Property & Infrastructure, provided all relevant requirements of the Easement Policy 2008 are addressed; and**

- 4 Agree to the exercise of the Minister’s consent (under delegation from the Minister of Conservation) to the granting of a Right of Way Easement over Council Reserve Land (Lot 2 Deposited Plan 345184) in favour of SEL.**

*Councillors Forbes and Gilmour returned to the meeting at 2.27pm.*

### **3. Stanley Street Opportunity**

A report from Meaghan Miller (General Manager, Corporate Services) presented information about the Council’s land in Stanley Street and initial thoughts about its possible use in the future. The report sought authority to seek community feedback on potential future uses.

The report was presented by Mr Speedy.

*Councillor Aoake returned to the meeting at 2.28 pm.*

The Mayor identified various other organisations which used the QPACT and Queenstown Art Society rooms and asked what measures were in place to ensure that all the different groups had been identified. She asked staff to make every effort to make contact with all small ad hoc users of the site in a structured way.

*Councillor Gazzard returned to the meeting at 2.29pm.*

Councillor Gilmour was critical of the proposed method of seeking feedback as detailed in paragraph 23 of the report. She stated that it was not adequate to publish something on a website and expect the community to respond. She also did not consider that a month of consultation via email was a satisfactory time period and she questioned the adequacy of the map. She suggested that a communications plan was needed to ensure the entire community of stakeholders who used the site was reached.

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

- 1. Note the content of this report;**
- 2. Confirm that the Council supports development of a masterplan to strategically develop the reserve blocks known as the Stanley Street holding;**
- 3. Agree to enable an opportunity for community feedback on the intended and potential future use**

**of the reserve blocks known as the Stanley Street holding; and**

- 4. Direct the Chief Executive to brief the newly appointed Council in relation to the feedback, after 8 October 2016.**

#### **4. Stage Two, District Plan Review**

A report from Craig Barr (Acting Planning Policy Manager) presented:

- a. An update on the District Plan Review;
- b. Confirmation of the components to be reviewed in Stage 2 of the District Plan Review that could be notified to form part of the Proposed District Plan;
- c. Confirmation of specific components (i.e. areas of land) of the Operative District Plan that were excluded from the District Plan Review;
- d. Confirmation that the method for managing the excluded components from the Proposed District Plan has been to locate them in a separate volume of the District Plan;
- e. A signal that changes will be required to the Stage 1 Proposed District Plan to integrate Stage 2 and make consequential changes associated with separating the district plan into two volumes; and
- f. Information about the indicative timing of Stage 1 and Stage 2 processes.

The report was presented by Mr Barr and Mr Avery.

The Mayor expressed concern that the work on alluvial fans in Gorge Road that the Council had asked for immediately in 2015 had not been started. She asked about its current timing as it was an issue that was wider than simply Stage 2 of the District Plan Review. Mr Avery stated that it was part of natural hazards chapter that was due to be heard in March. This timing was good because by that time, a decision on the Regional Policy Statement would be available which would provide a guide. He confirmed that the technical work could now be prepared.

Councillor Gilmour stated that research and technical work on Visitor Accommodation, affordable housing and design guidelines also needed to be complete before staff could start the Stage Two chapters. Mr Avery observed that present resources meant this would be difficult.

Councillor Gilmour considered it was important to expedite the notification of the district-wide chapters because they would inform the others. She specifically requested for the transport and other district wide chapters to be notified earlier to inform the mapping hearings and asked for the recommendation to be altered accordingly. This addition was supported.

Mr Avery acknowledged the work of Council officers on the District Plan Review thus far.

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

- 1. Note the contents of this report;**
- 2. Approve pursuant to section 79(1) of the Resource Management Act 1991 (RMA) to commence Stage 2 of its review of the Operative District Plan, including the review of following components of the Operative District Plan and identified other matters:**
  - a. Township Zones**
  - b. Industrial A and B Zones**
  - c. Transportation Chapter**
  - d. Hazardous Substances Chapter**
  - e. Designations. Limited to five designations that were not identified by the New Zealand Transport Agency for notification as part of Stage 1**
  - f. Open space and recreation**
  - g. Open Space – Landscape Protection Zone**
  - h. Affordable and Community Housing**
  - i. Rural Visitor Zone**
  - j. Penrith Park Zone**
  - k. Bendemeer Zone**
  - l. Hydro Generation Zone including Financial Contributions**
  - m. Quail Rise Zone**
  - n. Meadow Park Zone**
  - o. Frankton Flats Zone**
  - p. Mt Cardrona Station Zone**
  - q. Ballantyne Road Mixed Use Zone**
  - r. Three Parks Zone**
  - s. Kingston Village Zone**
  - t. Shotover Country Zone**
  - u. Arrowtown South Zone**
  - v. Visitor Accommodation including the Registered Holiday Homes Appendix**
  - w. Residential development guidelines**
  - x. Gorge Road High Density Residential and Business zones**

- y. Gorge Road natural hazards investigation
  - z. Ferry Hill and Glenorchy building restriction areas
  - aa. Mapping sites of significance to iwi
  - bb. Include the stage 2 zones and structure plan guidance within PDP Chapter 27 Subdivision and Development
  - cc. Arrowtown Design Guidelines 2016 as they relate to the Stage 2 zones.
  - dd. Updating references and format of the Signs and Earthworks chapters.
3. Ask that the transport and other district wide chapters be notified earlier to inform the mapping hearings.
  4. Note that following the review of the matters in (a) to (dd) in 2 above, Council officers will report back to Council on the components recommended to be notified.
  5. Note that the components that will be excluded from the District Plan Review have changed since the 17 April 2014 Council meeting, including the review of Community and affordable housing, which will now be included.
  6. Approve the establishment of the preparation of the District Plan by way of territorial sections pursuant to section 73(3) of the RMA to create of two volumes to better manage the land excluded from the district plan review.
  7. Confirm the exclusion of the land covered by the following from the District Plan Review:
    - a. Plan Change 19: Frankton Flats B Zone.
    - b. Plan Change 45: Northlake Special Zone.
    - c. Plan Change 46: Ballantyne Road Industrial and Residential extension.
    - d. Plan Change 50: Queenstown Town Centre extension.
    - e. Plan Change 51: Peninsula Bay North.
    - f. Remarkables Park Zone.
    - g. Any subsequent plan changes to the Operative District Plan.

8. **Note while appreciating its duties to consider plan change requests under Clause 25 of Schedule 1 of the Resource Management Act 1991, council strongly discourages private plan change requests during the District Plan review.**

*The meeting adjourned at 3.00pm and reconvened at 3.15pm.*

5. **Special Consultative Procedure (SCP) to help determine the Wanaka Airport future governance and management model**

A report from Richard Pope (Property Manager) presented the Business Case and proposed Statement of Proposal for the Wanaka Airport's future governance and management model and sought approval to undertake the Special Consultative Procedure on these issues.

The report was presented by Mr Pope, Mr Hansby and Mr Whittington.

In reply to a question, Mr Whittington noted that whilst the Local Government Act 2002 required the preparation of a Statement of Proposal, a judgement could be made on the preparation of a Summary Statement of Proposal depending upon the complexity of the issue being considered. In this case, the recommendation was not to have a Summary and the Council needed to resolve as such.

Councillor Gilmour expressed concern about the lack of detail in the Statement of Proposal especially about governance. Staff confirmed that the plans would accompany it along with information about the different governance structures. Members considered that the governance options currently given were not particularly clear and asked under paragraph 2.4 for further explanation about present governance arrangements in comparison with governance options in the future.

Councillor Lawton stated that there was a general lack of identification of disadvantages. She questioned whose development aspirations were being described and suggested that there needed to be greater discussion about potential resistance to development.

Concern was expressed that in the discussion of advantages the benefits of a lease did not come across clearly. It was suggested that these needed to describe not only the financial impact but also the impact on the community and to stress the levels of control still possible under a lease arrangement.

A request was made to reword clause 9.4 to ensure it did not read that special circumstances needed to apply in order to make an oral submission.

It was suggested that paragraph 3.1 was too Queenstown-centric and that opportunities for increased demand should not only focus on demand from this direction.

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

1. Note the contents of this report;
2. Adopt the Statement of Proposal for consultation on the Wanaka Airport future governance and management model;
3. Determine that it is not necessary to prepare a summary of the proposal for the public;
4. Direct Council officers to report back to the Council following the completion of the Special Consultative Procedure on the Wanaka Airport future governance and management model; and
5. Note that the Councillors to hear public submissions on the proposal will be determined following the forthcoming local body elections.

*Councillors MacLeod and Stevens left the meeting at 3.28pm.*

#### 6. **Alcohol Licensing Fee Reduction Policy**

A report from Lee Webster (Manager, Regulatory) presented the proposed alcohol licensing fee reduction policy for adoption.

Mr Webster presented this report and the item following.

On the motion of Councillor Gilmour and Forbes it was resolved that the Council:

1. Note the contents of this report;
2. Adopt the proposed Queenstown Lakes District Council Alcohol Licensing Fee Reduction Policy; and
3. Delegate the role of administering the Queenstown Lakes District Council Alcohol Licensing Fee Reduction Policy to the Manager; Regulatory.

*Councillors MacLeod and Stevens returned to the meeting at 3.30pm.*

#### 7. **Wanaka Recreation Centre – Alcohol Policy**

A report from Lee Webster (Manager, Regulatory) presented a proposed Alcohol Policy for the Wanaka Recreation Centre for adoption in response to a request for such a policy from the Wanaka Community Board.

Councillor Lawton noted that the Wanaka Alcohol Group had been very proactive about identifying ways to work with Council to inform the community about responsible alcohol use. She supported the recommendation as she considered it was important for the Council to show some leadership in relation to the harm to the community caused by alcohol use. She considered it was a token gesture as the policy would not stop alcohol from being served at the venue, but would simply place some controls around it. To reflect this Councillor Gilmour suggested that the poster note that the centre was alcohol-free 'except by special licence'.

Councillor Stammers-Smith spoke against the recommendation stating that it was an ad hoc decision that was a mistake because it was inconsistent with the Memorial Centre and Queenstown Events Centre. Councillor Gazzard noted that such a policy for all Council facilities would be a major impediment for them hosting events.

Councillor Stevens indicated that whilst he supported the community making its own decisions, he did not support the proposed policy. He advised of his intention to abstain from voting.

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

- 1. Note the content of this report; and**
- 2. Adopt the Queenstown Lakes District Council Alcohol Policy for the Wanaka Recreation Centre for immediate implementation.**

*Councillors Gazzard and Stammers-Smith voted against the motion; Councillor Stevens abstained.*

#### **8. Development of sports fields at the Wanaka Recreation Centre**

A report from Stephen Quin proposed the Council funding irrigation and turf works from the Wanaka reserve improvement development contributions to establish sports fields at the Wanaka Recreation Centre in the 2016/17 financial year.

The report was presented by Mr Quin and Mr Burns.

The Mayor acknowledged that there was funding available for this project from within the development contributions fund, but she questioned whether it was still permissible to do the project if it was not identified in the 10 Year Plan. Mr Burns stated that the effect of part (2) of the recommendation was to add the project to the Development Contributions schedule for the following year meaning that no borrowing would be required, with the Council collecting for the project from next year onward. He considered that something of this materiality could be determined by the Council at this time.

**On the motion of Councillors Gilmour and Lawton it was resolved that Council:**

1. **Note the contents of this report;**
  2. **Agree to include a new capital project to develop two sports fields at the Wanaka Recreation Centre with a budget of \$260,000 for the 2016/17 financial year;**
  3. **Agree to fund this through the Wanaka Improvement Development Contributions; and**
  4. **Note the requirement to include additional operational funding per annum to maintain the new sports fields for 2017/18 and beyond.**
9. **Proposed new grazing licence for Jacks Point Recreation Reserve**

A report from Joanne Conroy (Property Advisor, APL Property Ltd) presented and assessed an application for a new grazing licence for an area of recreation reserve at Jacks Point. The report recommended that the Council grant the licence subject to conditions.

This report and the two following were presented by Mr Hoger and Mr Burt.

**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 grazing licence to Jack Point Farm Limited over Lot 13 DP 364700 subject to the following conditions:**

<b>Commencement</b>	<b>1 September 2016</b>
<b>Term</b>	<b>Five years</b>
<b>Renewals</b>	<b>One of a further five years at Council's discretion</b>
<b>Rent</b>	<b>\$1.00 (if demanded)</b>
<b>Rent Reviews</b>	<b>Upon renewal</b>
<b>Insurance</b>	<b>Licensee to provide \$2 million public liability insurance</b>
<b>Use</b>	<b>Grazing sheep only, ability to spray, fertilise and seed</b>
<b>Other</b>	<b>Council able to give 12 months' notice of early termination Licensee to control noxious weeds on the land at his cost.</b>

**3. Delegate signing authority to the General Manager, Property and Infrastructure.**

**10. New licence for Wanaka Farmers' and Gardeners' Market**

A report from Joanne Conroy (Property Advisor, APL Property Ltd) presented a recommendation from the Wanaka Community Board to grant a new licence to the Wanaka Farmers' and Gardeners' Market to operate on part of Pembroke Park, a recreation reserve. The report recommended that the licence be granted subject to conditions.

Mr Hoger stated that the recommended termination notice was now one year rather than the three month notice originally recommended by the Wanaka Community Board. This was because the policy on community lease and licence terms had changed in the interim. In addition, the Board had asked that condition (i) requiring public access to be maintained at all times also cover the path and had added 'including the path' to the condition.

Councillor Lawton noted that the Wanaka Craft Market occupied the area indicated by the red line in Appendix A which showed the licence area, adding that the Board had asked for the area to be extended down to the end of the skatepark to accommodate the Farmers' and Gardeners' Market. She stated that this was important because the groups were two separate entities and should not be mixed up. The Mayor asked staff to ensure the correct area was identified on the plan.

**On the motion of Councillors Aoake and MacLeod it was resolved that Council**

- 1. Note the report;**
- 2. Approve a new licence to the Wanaka Farmers and Gardeners Market Inc over part of the Recreation Reserve legally described as Section I Block L Town of Wanaka, certificate of title 130939 and known as Pembroke subject to the following terms:**
  - a. Term to be for a period of 3 years, with two further renewals of 3 years each by mutual agreement of both parties;**
  - b. Rent pursuant to the Community Pricing Policy;**
  - c. Rent reviewed upon renewal in accordance with the Community Pricing Policy;**
  - d. Early termination with 1 year notice by Council if the land is required for core infrastructure purposes (but not in the first 3 year term);**
  - e. Public Liability Insurance of \$2 million to be provided;**
  - f. Operating health and safety plan to be received;**

- g. Applicant to ensure appropriate food and liquor licenses are held if required;**
- h. Operating day and hours to be limited to Sundays between 10am and 2pm;**
- i. Public access to be maintained at all times including the pathway. Adequate safety measures to be put in place to ensure public safety is maintained;**
- j. Market to sell domestically sourced handcrafted goods, with exclusion placed on the sale of manufactured or imported goods;**
- k. Reinstatement of the area to be completed within 2 hours of closing;**
- l. Craft market permitted to operate from the same area, subject to the craft market holding a current licence or hire agreement.**

**3. Agree to exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of a licence to the Wanaka Farmer's and Gardener's Market Inc.**

**4. Delegate signing authority to the General Manager, Property and Infrastructure.**

**11. Easement – Reserve Adjacent to Sugar Lane, Frankton**

A report from Blake Hoger (Property Manager, APL Property Ltd) presented and assessed an application from Aurora Energy Ltd for an in-ground easement over Local Purpose (Marina and Accessway) Reserve at the Frankton Marina to lay electrical cables for street lighting and CCTV as part of the Frankton Marina Development.

The report also considered whether the easement should be publicly notified and concluded that this was not necessary because the easement would not affect the ability of people to use and enjoy the reserve nor would it create any long term permanent effect on the reserve. Overall, the report recommended that the easement be approved, subject to conditions.

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

- 1. Note the contents of this report;**
- 2. Approve an underground easement over Local Purpose Reserve, Sections 52 & 53 Blk XXI Shotover SD subject to section 48 (1)(d) of the Reserves Act 1977, in favour of Aurora Energy Limited subject to the following conditions:**
  - a. Aurora Energy Limited to notify and liaise with QLDC Infrastructure Department in**

- advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure;
- b. Operating health and safety plan to be received;
  - c. Certificate of adequate public liability cover to be received;
  - d. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Infrastructure Department. Reinstatement to include any fencing or other structures.
3. Agree that notification of the intention to grant the easement is not required as the statutory test in section 48(3) of Reserves Act 1977 is met;
  4. Delegate authority to approve final terms and conditions, including location, and execution authority to the General Manager – Property & Infrastructure; and
  5. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement to Aurora Energy Limited over Sections 52 & 53 Blk XXI Shotover SD.
12. **Delegations to the Chief Executive during the interim election period October 2016**

A report from Michele Poole (Communications Manager) asked the Council to delegate to the Chief Executive all of its responsibilities, duties and powers under all legislation without limitation, except for those set down in legislation that could not be delegated, from election day until the inauguration of the new Council, in order for the normal business of the Council to be carried out without interruption.

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

1. Note the contents of this report; and
2. Delegate to the Chief Executive all of the functions, duties and powers of the Council under all legislation without limitation, except for those powers set down in legislation that cannot be delegated, from 8 October 2016 until the inauguration of the new Council.

**13. QLDC Organisational Health Safety and Wellbeing Performance**

A report from Meghan Pagey (Manager, Human Resources) presented information detailing how the Council was fulfilling its statutory health and safety responsibilities.

**On the motion of Councillors Gazzard and MacLeod  
it was resolved that Council note the report.**

**14. Mayor's Report**

A report from the Mayor:

- a) Set out the functions and meetings attended during the period 25 August to 29 September 2016;
- b) Presented a recommendation about the grant in the 2016/17 Annual Plan to the Queenstown Lakes Family Centre Trust;
- c) Presented Portfolio Leader reports; and
- d) Summarised the items from and appended the minutes of the following meetings:
  - Property Subcommittee meeting (23 August 2016)
  - Resource Consent Commissioner Appointments Subcommittee meeting (23 August 2016) (Public Excluded)
  - Property Subcommittee meeting (7 September 2016)
  - Resource Consent Commissioner Appointments Subcommittee meeting (13 September 2016) (Public Excluded)
- e) Detailed the actions taken from previous Council meetings

Councillor Aoake sat back from the table for discussion on the request for the grant approved in the 2016/17 Annual Plan to the Queenstown Lakes Family Centre for rent to instead be paid to Jigsaw.

Councillor Gilmour spoke to the recent announcement by the Housing Minister to extend the special housing areas ('SHA') legislation for a further three years. She considered that the Council had learned much since signing the original housing accord and in the future needed a much stronger lead policy and accord. She expressed the desire for the new Council not to accept new SHA applications until it had updated the lead policy and had a new accord.

It was confirmed that a request had been made for staff to bring a report on this subject to the following week's Council meeting.

Councillor Gilmour questioned the update provided in the Actions Report on affordable housing actions. She noted that the Council had required six monthly reports and whilst one had been presented in a workshop, she stated that instead it should be included on a public agenda every six months. She also questioned the current timing of June 2017 for affordable housing opportunities under the strategic property review, noting that no response had been received to date on the request to bring this project forward under the Chief Executive's work plan.

Requests were also made for updates on the following actions:

- Timing for the preparation of a Reserve Management Plan for the area around the Young Family Zoological Gardens in Frankton;
- LINZ progress on processing statutory procedures for land acquisition and road stopping at Stalker Road.

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

- 1. Note the report;**
- 2. Note that the Queenstown Lakes Family Centre has recently merged with Jigsaw and agree that the \$26,400 approved in the 2016/17 Annual Plan for their rent shall instead be paid to Jigsaw.**

*Councillor Aoake did not vote on part 2 of the motion.*

#### **15. Chief Executive's Monthly Report**

A report from the Chief Executive provided an update for the Council on recent activities and progress with achieving Council priorities.

The Council directed the Chief Executive that no long term leases for the Malaghan Building should be entered into to ensure flexibility going forward.

Members asked for all items in the work programme to be included in the report and not just those under action.

**On the motion of Councillors Forbes and Gilmour it was resolved that Council note the report.**

#### **Confirmation of minutes**

##### Extraordinary meeting, 11 August 2016

Councillor Gilmour sought the following addition to the presentation by Jeff Staniland of Skyline Enterprises in the Public Forum:

*'Councillor Gilmour asked if Skyline Enterprises was looking at providing affordable accommodation for staff and Mr Staniland replied 'yes.'*

**On the motion of Councillors Gilmour and Stevens the Council resolved that the public part of the minutes of the extraordinary meeting of the Queenstown Lakes District Council held on 11 August 2016 as amended be confirmed as a true and correct record.**

*Councillors Lawton and MacLeod abstained because they were not at the meeting.*



**Confirmation of minutes – 24 August 2016**

**Item 14: Shotover Jet Concession Agreement – Fee Increase**

**Item 15: Direction on Three Resource Consent Appeals**

**Item 16: Emergency Management Share Services Delegation**

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
14. Shotover Jet Concession Agreement – Fee Increase	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) to 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)
15. Direction sought on Three Resource Consent Appeals	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: g) Maintain legal professional privilege; i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(g) Section 7(2)(i)

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
16. Emergency Management Share Services Delegation	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 – 29 September 2016**

- Item 5 Special Consultative Procedure (SCP) to help determine the Wanaka Airport future governance and management model (Attachment E – Legal advice)**
- Item 14 Resource Consent Commissioner Appointments Subcommittee minutes (23 August 2016 and 13 September 2016)**
- Item 16: Wanaka Recreation Centre and Wanaka Pool Status Update**
- Item 17: Appointment of Hearing Commissioner(s) to hear and determine applications for resource consent under the Housing Accords and Special Housing Areas Act 2013**
- Item 18: Direction on Resource Consent Appeal – Wanaka Watersports Facility**
- Item 19: Delegation to award the construction of the Eastern Access Road (Hawthorne Drive)**

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
5. Special Consultative Procedure (SCP) to help determine the Wanaka Airport future governance and management model (Attachment E – Legal advice)	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: g) Maintain legal professional privilege;	Section 7(2)(g)

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
14. Resource Consent Commissioner Appointments Subcommittee minutes (23 August 2016 and 13 September 2016)	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)
16. Wanaka Recreation Centre and Wanaka Pool Status Update	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: g) Maintain legal professional privilege; h) Enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities;	Section 7(2)(g) Section 7(2)(h)
17: Appointment of Hearing Commissioner(s) to hear and determine applications for resource consent under the Housing Accords and Special Housing Areas Act 2013	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)

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
18. Direction on Resource Consent Appeal – Wanaka Watersports Facility	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: g) Maintain legal professional privilege; i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(g) Section 7(2)(i)
19. Delegation to award the construction of the Eastern Access Road (Hawthorne Drive)	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: h) Enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities;	Section 7(2)(h)

This resolution is made in reliance on Section 48 [1] [a] of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982 as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above with respect to each item.

*The meeting went into public excluded at 4.15pm.*

**PUBLIC EXCLUDED**

**Confirmation of public excluded minutes**

Extraordinary meeting, 11 August 2016

**On the motion of Councillors Stevens and Ferguson the Council resolved that the public excluded part of the minutes of the extraordinary meeting of the Queenstown Lakes District Council held on 11 August 2016 be confirmed as a true and correct record.**

Ordinary meeting, 24 August 2016

**On the motion of Councillors Gazzard and Stevens the Council resolved that the public excluded part of the minutes of the ordinary meeting of the Queenstown Lakes District Council held on 24 August 2016 be confirmed as a true and correct record.**

Councillor Forbes stated that she had omitted to declare a conflict of interest during the public part of the meeting in respect of the Wanaka Waterports Facility as she was a 20% owner of Scope Media which has done a lot of publicity for the parties involved. She stated that she would leave the meeting for the item.

**16. Wanaka Recreation Centre and Wanaka Pool Status Update**

A report from Simon Battrick (Sport and Recreation Manager) provided a status update on the construction of the Wanaka Recreation Centre and Wanaka Pool project.

The report was presented by Mr Battrick.

Councillor Lawton referred to the changes proposed through the value management process and asked whether it would be possible to retrofit energy efficient materials without too much additional cost. Mr Battrick noted that this should not be necessary as the amount of glazing required had been reduced which had improved the energy efficiency of the building as it had reduced the amount of window space. In addition, the change of materials proposed was in keeping with the same efficiency standards.

The Mayor questioned the continued use of consultants for the project, especially if they replicated in-house staff. She stated that once information had been gained from RCP, staff needed to take the lead in the project.

In reply to a question Mr Battrick noted that whilst the whole project would come in under budget it would not be necessary to refund grants. He stated

that the project goal was to deliver a fit for service facility with nothing extraneous.

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

- 1. Note the contents of this report;**
  - 2. Note that the Chief Executive is entering into a negotiated construction contract with Cook Brothers for \$9,800,000 + GST for the construction of the Wanaka Pool.**
  - 3. Note that Council officers have conducted a value management exercise to ensure that the approved budget of \$12,280,000 as agreed by Council on 30 July 2015 is achievable for the project.**
  - 4. Note that the recently completed Wanaka Recreation Centre project is projected to be under budget by approximately \$350,000 - \$500,000.**
  - 5. Authorise the Mayor and/or Chief Executive to make a public statement on this report and resolution after the meeting.**
- 17. Appointment of Hearing Commissioner(s) to hear and determine applications for resource consent under the Housing Accords and Special Housing Areas Act 2013**

A report from Blair Devlin (Manager, Planning Practice) sought Council approval to appoint Hearings Commissioners to hear and determine applications for resource consents for qualifying developments within Special Housing Areas, established by the Minister of Housing under the Housing Accords and Special Housing Areas Act 2013 ('HASHA').

The report was presented by Mr Avery.

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

- 1. Note the contents of this report;**
- 2. Note that some of the HASHA resource consent applications listed below may be able to be processed by officers non-notified under delegated authority, in which case the appointed Commissioners will not be required.**

3. Either appoint the following persons to hear and determine applications for resource consent(s) relating to a qualifying development in the following Special Housing Areas, noting that in the event of a disagreement between the two person panels, the Chairperson shall have the deciding vote:

**Arthurs Point Road – Two Commissioner Panel**

- a. Andrew Henderson – Chair (planning)
- b. Councillor Simon Stammers-Smith

Or, if either of the above two Commissioners are not available:

- c. David Clarke – Alternate Chair (planning) and Councillor Mel Gazzard

**Queenstown Country Club AND Onslow Road – Three Commissioner Panel**

- a. David Mead – Chair (planning and urban design)
- b. Jan Caunter – (legal)
- c. Councillor Cath Gilmour

Or, if any of the above three Commissioners are not available:

- d. David Clarke – Alternate Chair (planning) and Councillor Scott Stevens

**Arrowtown Retirement Village – Three Commissioner Panel**

- a. Andrew Henderson – Chair (planning)
- b. David Whitney (planning)
- c. Councillor Mel Gazzard

Or, if any of the above three Commissioners are not available:

- d. David Mead (planning and urban design), Jan Caunter (legal) and Councillor Cath Gilmour

**Shotover Country – Three Commissioner Panel**

- a. David Whitney – Chair (planning)
- b. David Clarke – Alternate Chair (planning)
- c. Councillor Scott Stevens

Or, if any of the above three Commissioners are not available:

- d. Councillor Mel Gazzard and Leigh Overton

**Gorge Road Business Mixed Use Zone – Two Commissioner Panel**

- a. David Mead – Chair (planning and urban design)
- b. Councillor Calum MacLeod

Or, if either of the above two commissioners are not available:

- c. Councillor Mel Gazzard and David Clarke – Alternate Chair (planning)

Or appoint other Commissioners from the list appended as Attachment A.

*Councillor Forbes left the meeting at 4.31pm.*

#### 18. **Direction on Resource Consent Appeal – Wanaka Watersports Facility**

A report from Blair Devlin (Manager, Planning Practice) sought authority from the Council to mediate and, if necessary, defend the decision of its Commissioners in the Environment Court against the appeals received relating the RM150679 – Wanaka Watersports Facility.

The report was presented by Mr Avery.

The Mayor sought feedback from the Council on its level of comfort with the proposed delegation to the Manager, Planning Practice.

Councillor Gilmour suggested that part (3) of the recommendation be amended to place a rider over the 'concerns of the appellants' that they be 'without derogation of the intent of the resource consent' as she was concerned that the recommendation as currently drafted would permit anything that would meet the concerns of the appellants. She considered that proposed amendment would still allow the objectives of the resource consent to be met whilst still giving the staff a significant amount of discretion. The proposed amendment was supported.

**On the motion of Councillors Gilmour and Lawton it was resolved that Council:**

1. **Note the contents of this report;**
2. **Note that at the time of writing, the period for parties to join the appeal as a section 274 party had yet to close.**
3. **Delegate to the Manager, Planning Practice, the power to resolve the appeal against the decision on RM150679 by way of mediation with one parameter, that consent be granted subject to the amendment or addition of consent conditions to address the concerns of the appellants, without derogation of the intent of the resource consent, or should mediation fail, defend the decision of its Commissioners in the Environment Court.**

*Councillor Forbes returned to the meeting at 4.39 pm.*

**19. Delegation to award the construction of the Eastern Access Road (Hawthorne Drive)**

A report from Myles Lind (Manager, Asset Planning) sought a delegation from the Council to award the contract to construct the Eastern Access Road (Hawthorne Drive) up to a specified figure in order to be able to progress the contract through a change of elected members. The recommendation of the report was to delegate authority up to a value of \$24.2 million.

The report was presented by Mr Hansby.

As signalled in the report, Mr Hansby circulated updated forecast and budget figures. He highlighted a construction contingency in the contract of \$1.17M. This represented about 5% of the total and was risk over the contingency risk that would not be covered in contingency amount. Whilst he would normally be comfortable with the original recommended figure, during the inter-Council period he believed there was value in adding a further \$1.1 M to cover risk. This would take the delegation from \$24.2M to \$25.3M.

Information was circulated about residual risk.

Mr Hansby confirmed that he was confident of the designation for the road being forthcoming in the next few days.

It was agreed that at present there would be no comment about the report or resolution.

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

- 1. Note the contents of this report;**
- 2. Authorise the Chief Executive to negotiate final terms with the preferred tender party; and**
- 3. Delegate to the Chief Executive the awarding and execution of the construction of the Eastern Access Road Project, up to a value of \$25.253 million.**
- 4. Delegate the Chief Executive authority to make a public statement about this report/resolution at an appropriate time.**

**On the motion of Councillors Stevens and MacLeod the Council resolved that the public be readmitted to the meeting.**

*The meeting came out of public excluded and concluded at 5.07pm.*

**CONFIRMED AS A TRUE AND CORRECT RECORD**

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**M A Y O R**

**6 October 2016**

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**D A T E**