

QLDC Council

23 March 2023

Report for Agenda Item | Rīpoata moto e Rāraki take [9]

Department: Community Services

Title | Taitara : Licence for Otago Regional Council water monitoring communication stations at Mill Stream and Hayes Creek, Lake Hayes

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider a Reserve Licence, for the Otago Regional Council to operate the following water monitoring stations (with the ability to transmit data), on Council Esplanade Reserves:

- a) Mill Stream monitoring station (upstream of Lake Hayes inlet). Esplanade Reserve (Lot 4 DP 22389). This is a replacement, upgrade and relocation of an existing monitoring station.
- b) Hayes Creek monitoring station (downstream of Lake Hayes outlet). Esplanade Reserve (Lot 307 DP 505513). This is an existing monitoring station, with an expired Licence.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Approve** a new licence, in accordance with Section 48A of the Reserves Act 1977, to the Otago Regional Council, over Esplanade Reserves on **Lot 4 DP 22389 and Lot 307 DP 505513**, subject to the following conditions:

Commencement	To be determined, upon installation
Term	Ten years
Rent	\$1.00+GST (if charged)
Use	Water monitoring equipment and communication stations, including installation, maintenance, and use of the equipment and conduits running from the housing units to the waterways
Cancellation	By either party with 3 months' notice
Insurance	\$2 million public liability insurance cover
3. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a new licence to Otago Regional Council over Lot 4 DP 22389 and Lot 307 DP 505513.

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

Prepared by:



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23 February 2023

Reviewed and Authorised by:



Name: Kenneth Bailey
Title: GM Community Services
23 February 2023

Context | Horopaki

1. The Otago Regional Council (ORC) currently operates two water monitoring communication stations at Mill Creek (Lake Hayes inlet) and Hayes Creek (Lake Hayes outlet). The purpose of the stations is to collect and transmit information that can assist in understanding the water quality of Lake Hayes, with the intention to ultimately improve the health of the lake. A Licence for these two stations was considered and approved by Full Council on 25 October 2018. That licence has now expired.
2. The ORC now seek to retain the Hayes Creek monitoring station, and to relocate and upgrade the Mill Stream monitoring station, further upstream (on Esplanade Reserve). A new Licence is proposed to accommodate these monitoring stations.
3. Because the recommendation of this report relates to Section 48A of the Reserves Act 1977, the delegation of the 'Minister of Conservation' falls to Full Council to make this decision.
4. Plans and images included as **ATTACHMENTS** to this report, identify the location and context of the stations.

Analysis and Advice | Tatāritaka me kā Tohutohu

5. There is a significant environmental benefit associated with obtaining information necessary to understand and ultimately improve the water quality of Lake Hayes. The monitoring stations will also provide valuable information on the effectiveness of remediation works that are intended for the catchment.
6. Council is committed to providing a safe and healthy environment for the community and to enhance biodiversity. Council has also supported the previous monitoring stations, which have been well-managed by the ORC, with no apparent issues or concerns arising during the previous Licence term. Whilst that previous Licence was for a term just over three years, a ten year term is now sought, given the focus on the quality of Lake Hayes, remediation works and that such will be ongoing for some time.
7. For the Hayes Creek station, the facility comprises water level sensor, and cable terminating at a small box on the river bank.
8. The Mill Stream station will contain a small green cabinet-type enclosure, to house the sensor conduit, with a piped connection to the stream. The location has already been planted in natives along the riparian margin, and the conduit box will not be a dominant feature, and will be effectively screened from the stream margins and opposite bank.
9. The Mill Stream Esplanade Reserve is included in the Arrowtown-Lake Hayes Reserve Management Plan (the Hayes Creek reserve is not referenced in that RMP). The monitoring station is not in conflict with the RMP, albeit that it does not specifically recognise the particular activity of water monitoring and data communication stations.

10. It is considered that the monitoring stations will not materially alter or permanently damage the reserves, or permanently affect the rights of the public in respect of those reserves. This is because they are of a small scale, and relatively unobtrusive. Because of this, notification is not required under the Reserves Act 1977, and a Licence is recommended under Section 48A .
11. 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.
12. Option 1 **Approve a new licence to the ORC, subject to conditions.**

Advantages:

13. Monitoring of the adjacent waterways will enhance the Regional Council's knowledge of water quality, and may ultimately assist in positive environmental outcomes for the catchment and Lake Hayes.

Disadvantages:

14. There will be structures within the reserves for up to ten years.

15. Option 2 **Decline the new licence to the ORC.**

Advantages:

16. Would not place structures within the reserves.

Disadvantages:

17. Would not enable monitoring of the waterways adjacent to the reserves, and alternate locations would need to be found, otherwise there would be no accessible data to monitor the quality of Lake Hayes.
18. This report recommends **Option 1** for addressing the matter, because it will enable equipment to be installed in a timely manner, which will assist in monitoring and management of the water quality, for the benefit of the community.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

19. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to areas of reserve, and structures within those reserves.

20. The persons who are affected by, or interested in this matter, are the residents/ratepayers of the Queenstown Lakes District and visitors to, and users of, the esplanade reserves.
21. For the reasons discussed in the analysis section of this report, public notification is not deemed necessary.

Māori Consultation | Iwi Rūnaka

22. The monitoring stations are either in existence, or a replacement of an existing station, and are deemed to be of a low impact, and necessary to understand and ultimately provide for improved water quality. Specific Māori consultation has not been undertaken for the proposed Licence, although it is recognised that the ORC and their partnership with Iwi, seek to provide for water quality as an important outcome.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

23. This matter relates to the Community & Wellbeing risk category. It is associated with RISK000009 Ineffective management of community assets within the QLDC Risk Register. This risk has been assessed as having a high inherent risk rating, because it is associated with the management of community assets.

Financial Implications | Kā Riteka ā-Pūtea

24. If a licence is approved, any rental would be \$1.00 per annum under the Community Facility and Funding Policy.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

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

- Reserves Act 1977.
- Community and Funding Policy.
- Local Government Act 2002.
- Parks & Open Spaces Strategy 2021.
- Arrowtown-Lake Hayes Reserve Management Plan
- Climate and Biodiversity Plan 2022 – 2025

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

27. This matter is not included in the Ten Year Plan/Annual Plan

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

28. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the

present and for the future. The purpose of the monitoring equipment is to improve the environment of the waterway and Lake Hayes, which is directly related to the wellbeing of the community and positive environmental outcomes.

29. The recommended option:

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

Attachments | Kā Tāpirihaka

A	Hayes Creek Monitoring Location
B	Mill Stream Monitoring Statin
C	Mock-up of Proposed Structure

Document revision: 2023-1