

**QLDC Council
18 April 2019****Report for Agenda Item: 9****Department: Community Services****New lease to the Coastguard Wanaka Lakes over Eely Point Recreation Reserve****Purpose**

The purpose of this report is to consider granting a new lease to Coastguard Wanaka Lakes, over a portion of Eely Point Recreation Reserve for the purpose of constructing and operating a Marine Rescue Centre.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** a new lease under sections 54(1)(b)&(c) of the Reserves Act 1977 to the Coastguard Wanaka Lakes Incorporated, located on land with legal descriptions Sections 29 & 1543R Block XIV Lower Wanaka Survey District, subject to the following conditions:

Commencement	TBC
Term	33 Years
Rent	Pursuant to Community Facility Funding Policy (\$1 per annum at commencement)
Reviews	5 yearly or when the Funding Policy is reviewed
Use	Marine Rescue Centre and associated activities including boat storage and provision of space for the Harbourmasters operations
Operational costs	All rates and charges associated with the land to be paid for by lessee
Assignment/Sublease	With Council approval
Liability Insurance	\$2 million
Expiry Conditions	Lessee can elect to remove improvements and make good or improvements to revert

	to Council ownership with no compensation payable
Break Clause	Council can give 5-years cancellation notice if the land is required for the 'provision of core infrastructure services'
Maintenance	All maintenance of the building and lease area including gardening to be paid for by lessee

Building Design Clause

Prior to seeking any Resource Consent for the building, the Lessee shall first provide plans to demonstrate all elevations, access, landscaping, layout, and exterior lighting, to the Lessor for consideration and endorsement as appropriate.

This consideration shall include the Lessor seeking support from the General Manager Community Services and Chair of the Wanaka Community Board together (or a Board member delegated by the chair for that purpose), and the Lessee shall require advice from the Wanaka Urban Design Panel to inform this consideration.

The purpose of this consideration will be to ensure that any suggested building and associated elements, will be of appropriate scale, design and colours, with associated landscaping, to ensure that the structure does not materially detract from the character of reserve, nor adversely dominate the area, and is instead perceived as an attractive and recessive structure that harmonises with its context, principally when viewed from Lakeside Road.

Efforts to reduce the overall mass of any structure are encouraged, and landscaping is necessary. The endorsed plans shall be those for which any resource consent is sought and may only be amended with the written consent of Council Parks & Reserves, and the Chair of the Wanaka Community Board.

3. **Approve** under Section 48(2) of the Reserves Act 1977 a Right of Way easement and associated underground infrastructure easements over Council Recreation Reserve at Eely Point Recreation Reserve, Wanaka, with legal description Sections 29 & 1543R Block XIV Lower Wanaka Survey District, to Coastguard Wanaka Lakes Incorporated subject to the following conditions;
 - a. QLDC or its successor in title may relocate the easements, as required;
 - b. That the easements will be non-exclusive as required by Council and surrendered and expiry or cancellation of the lease;
 - c. Council to retain discretion over the exact placement of the Right of Way and underground easements within the Recreation Reserve.

4. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a new lease to Coastguard Wanaka Lakes Incorporated over Sections 29 & 1543R Block XIV Lower Wanaka Survey District
5. **Delegate** final lease terms and conditions and signing authority to the General Manager Community Services.

Prepared by:

Reviewed and Authorised by:



Dan Cruickshank
Property Advisor - APL

26/03/2019



Aaron Burt
Senior Planner:
Parks & Reserves
2/04/2019



Thunes Cloete
Community Services
General Manager
4/04/2019

Background

1. Coastguard Wanaka Lakes (CWL) have operated in the district since 2011, with informal activity beginning in 2007. They are an important part of the emergency response network on the Wanaka Lakes, with 20 active volunteers in the unit and having been called out to assist 23 people in 2017/18, 27 people in 2016/17 and 14 people in 2015/16.
2. Currently their rescue boat is stored in a building on the A&P Showgrounds, on an informal basis. In peak or adverse traffic conditions, this can result in a considerable delay between collecting the boat and launching it at the Wanaka Marina ramp.
3. CWL identified a preferred location for a new base building at Eely Point Recreation Reserve, land legally described as Sections 29 & 1543R Block XIV Lower Wanaka Survey District. They request that Council consider granting a ground lease over part of the reserve, so that they can self-fund and seek grants to construct a building upon it.
4. Council has one existing ground lease on the reserve to the Scout Association of NZ, which runs through until the 30 June 2027. Council is also currently in the process of designing a boat ramp and jetty at Eely Point, in the location of the existing beach launching area.
5. The Wanaka Community Board considered a request to notify a lease to CWL at their meeting of the 15 November 2018, where the following motion was passed:

On the motion of Councillor MacLeod and Councillor McRobie it was resolved that the Wanaka Community Board:

1. Note the contents of this report;

2. Approve notification under section 119 of the Reserves Act 1977 of an intention to grant a new lease under sections 54(1)(b)&(c) of the Reserves Act to the Coastguard Wanaka Lakes Incorporated, located on land with legal descriptions Sections 29 & 1543R Block XIV Lower Wanaka Survey District, subject to the following conditions:

Commencement	TBC
Term	33 Years
Rent	Pursuant to Community Facility Funding Policy (\$1 per annum at commencement)
Reviews	5 yearly or when the Funding Policy is reviewed
Use	Marine Rescue Centre and associated activities including boat storage and provision of space for the Harbourmasters operations
Operational costs	All rates and charges associated with the land to be paid for by lessee
Assignment/Sublease	with Council approval
Liability Insurance	\$2 million
Expiry Conditions	Lessee can elect to remove improvements and make good or improvements to revert to Council ownership with no compensation payable
Break Clause	Council can give 5-years cancellation notice if the land is required for the 'provision of core infrastructure services'
Maintenance	All maintenance of the building and lease area including gardening to be paid for by lessee 3.

3. Delegate the power to hear any submissions and make a recommendation to Council to three Wanaka Community Board members: Ms Battson, Ms Harrison and Councillor McRobie;

4. Approve notification under Section 48(2) of the Reserves Act 1977 of an intention to grant a Right of Way easement and associated underground infrastructure easements over Council Recreation Reserve at Eely Point Recreation Reserve, Wanaka, with legal description Sections 29 & 1543R Block XIV Lower Wanaka Survey

District, to Coastguard Wanaka Lakes Incorporated subject to the following conditions:

- a. **QLDC or its successor in title may relocate the easements, as required;**
 - b. **That the easements will be non-exclusive as required by Council and surrendered and expiry or cancellation of the lease;**
 - c. **Council to retain discretion over the exact placement of the Right of Way and underground easements within the Recreation Reserve 2.**
6. The intention to grant the lease was notified 21 November 2019 calling for submissions on or before 21 December 2018. In total, 29 submissions were received, with 11 in support and 18 in opposition. A hearing was held at the Lake Wanaka Centre on the 27 February 2019, with a hearing panel consisting of Councillor Ross McRobie and board members Ruth Harrison (chair) and Ed Taylor.

Comment

7. CWL provide an invaluable public service, for those that find themselves in trouble on the lakes. They have undertaken a review of potential locations for their base, which has included consultation with Council's Parks and Reserves Department, QLDC Regulatory, and APL. Other locations considered include, the Wanaka Marina/Yacht Club, A&P Showgrounds, and land on Ballantyne Road adjacent to Council's car impound yard.
8. The lease area requested at Eely Point (Attachment B) would allow a single storey 220m² building to be constructed above and adjacent to the existing Scouts building, providing storage for the rescue boat, a members training room and kitchenette and a further small storage area that may be made available to the Harbourmasters Office to house their equipment along with space for 1 or 2 staff on a non-exclusive part-time operational basis. The building is sited to provide quick access for member parking, boat retrieval and launching into Lake Wanaka during emergencies.

Key Points Raised by Submitters

Support for Coastguard Wanaka Lakes

9. It should be noted that generally all submissions were supportive of the Coastguard and their service to the community along with a need to place their boat and supplies within close access to the Lake Wanaka.
10. The opposing submissions received related to the proposed lease in the location requested and process, with a desire to achieve the 'best' solution possible in respect to reserve placement of a building and activity that are not currently within the Eely Point Reserve.

Location & Development Plan Process

11. CWL has considered a number of locations over the past year at the request of the Wanaka Community Board. These included the Wanaka Marina (yacht club and public toilets areas), adjacent to the Police and Fire Station buildings, the A&P Showgrounds and Eely Point. Following this review, the Coastguard requested that a lease request at Eely Point be progressed. The Wanaka Community Board also broadly considered the pros and cons of each of these locations before agreeing to notify the lease.
12. A number of opposing submissions were received in relation to the proposed location in the draft Development Plan being changed in the final approved plan. Essentially the location that was notified as a potential site for the Coastguard building was adjacent to the Scouts Building, closer to the waterfront. This is the location that people submitted on, but the final location adopted in the plan was moved onto the top of the reserve, directly adjacent to the main entrance to Eely Point and within sight of the adjacent residential properties.
13. It is understood that during the Development Plan review stage, options to relocate the building within the Eely Point reserve were discussed between Coastguard Wanaka Lakes, the Wanaka Community Board, and Council officers. This resulted in the Wanaka Community Board proposing the current location, to improve accessibility to the building by its members. It was also noted that it may lessen the impact upon reserve users in the new location, by taking the boat launching away from the main waterfront reserve trail which is greatly used by the public for picnicking over the summer months, and walking/riding year-round.

Placement of Buildings Upon Eely Point Reserve

14. In considering the location requested by Coastguard, the Wanaka Community Board walked over the reserve and discussed the pros and cons of each potential location.
15. It was noted that the location directly adjacent to the Scouts building, may increase congestion/conflict with existing reserve users and may unreasonably increase costs of construction for the Coastguard.
16. An additional location on the top of the reserve, directly above the boat ramp, was also considered during this process. However, this location was discounted due to it being some distance away from the current built environment (Scout den) and in an area that may present considerable reserve improvement options to the council and community over coming years. Also, should the trees be cleared from this site, it may become particularly visible to the rest of the lake and Wanaka Town Centre.

Reserve Benefit and Development Plan Objectives

17. A number of opposing submitters noted that the Wanaka Lakefront Development concept plan draft (dated Aug 2018), specifically noted the aims of the concept plan were:

(1) “To protect and enhance the amenity and ecological values of the Wanaka lakefront reserves whilst providing opportunities (sic) for both land and water based recreation”.

(2) To “recognise the unique character of the Wanaka lakefront reserves and reflect this in the design, maintenance and management of the lakefront reserves”.

(3) “Manage the impact on the natural amenity values of the lakeside reserves by minimising buildings and positioning them appropriately”.

(4) “Minimise structures in the reserves and their impacts on the landscape”.

18. A reserve lease that increases the buildings upon the Eely Point lakefront reserve, would seem to be somewhat opposed to the aims provided in the Development Plan notification.
19. However, it should be recognised that the reserve lease was approved for notification on the basis that the Coastguard Wanaka Lakes provides an important and critical public service, which also enables reserve use in the form of recreational access to the lake for swimming, boating and other lake-based activities. On this basis, it was considered appropriate to notify the reserve lease.

Assessment of Environmental Effects

20. Submissions were made relating to the impact of the building on the reserve from a visibility and access point of view. Whilst it is important to consider these as part of the reserve lease notification, it is also recognised that the final design for the building and detailed Assessment of Environmental Effects will be provided to Council as part of the resource consenting process under the Resource Management Act.

Notification Period

21. The notification advert was placed in the Wanaka Sun newspaper on the 21st November 2018, directly following approval of the notification by the Wanaka Community Board on the 15th November 2018. This was done in accordance with Reserves Act requirements, and the Council’s usual process for notifying reserves act requests.

Scouts Building/Lease

22. A potential hazard to Scouts children/members being in the vicinity of the Coastguard building was identified by one of the submitters. It is recommended that should the lease be approved in the requested location, that both lessees update their H&S plans to ensure that they operate collectively and safely at the reserve.
23. The Wanaka Lakefront Reserves Management Plan 2014 covers the reserves in this area and contemplates and describes that “the reserve is a popular swimming and picnicking spot and offers an alternative to Wanaka Marina as a boat launching site, supported by a large parking area. However, this high level of activity generates congestion during the peak summer months”.

Wanaka Lakefront Reserve Management Plan

24. The Reserve Management Plan has objectives which include to “manage the impact on the natural amenity values of the lakeside reserves by minimising buildings and positioning them appropriately”. It specifically provides a policy that “ensures that the character of the reserve is not compromised by structures associated with leases and licences and that the reserve values are maintained or enhanced”. Consideration of these objectives and policies are required before any new building can be approved.
25. As the activity is not contemplated by the Reserve Management Plan, public notification under section 54(2) & 119 of the Reserves Act 1977 is required.
26. CWL volunteers would access the building, on existing formed access roads and trails, and launch at the main unformed boat ramp area on the reserve. This would at times require navigating picnickers, walkers and cyclists using the reserve requiring some management and planning on the part of the Council and CWL.
27. Council officers have previously sought advice from the Wanaka Community Board on this request in 2017. This advice outlined a need for a comprehensive reserve development plan at Eely Point, before any new leases should be considered. This was completed in 2017/2018 and adopted by the Wanaka Community Board at their meeting of the 16 August 2018. The plan process considered where it would be most appropriate to locate a Wanaka Marine Rescue Centre on the Reserve. This is the location now requested by CWL and is on the main entrance to the reserve, at a point that is least visible from the lake and township, being behind existing trees, and the Scout building. It also takes the launch vehicle and trailer away from the buys swimming and picnicking are of the lakeside reserve. The Harbourmaster service is contracted by the Queenstown Lakes District Council to Southern Monitoring Services Ltd. Council contract managers have advised that they would support a Harbourmasters office being sub-let within the proposed CWL building, in order to locate personnel and equipment in close vicinity of the lake and Town Centre.

Overall it is considered that the Reserve Management Plan is not inconsistent with the requested reserve lease and activity.

The Eely Point Recreation Reserve landscape analysis and concept design report contains the following in relation to this application:

- Page 9 refers to a possible Marine Rescue Centre
- Page 10 refers to possibly including a Coastguard facility
- Page 13 is the preferred concept plan that shows the indicative Marine Rescue Facility in location 8.

Overall it is considered that this proposal is not inconsistent with the Development Plan.

Reserves Act 1977

28. Section 54(1)(b) of the Reserves Act 1977 provides that Council may grant a lease with the prior consent of the Minister to a voluntary organisation over part of the reserve to erect buildings and structures associated with, and necessary for, the use of the reserve for recreational activities. CWL is a voluntary organisation that provides services that enable the reserve to be used for recreational activities, including boating activities, and swimming.
29. Section 54(1)(b) also provides that buildings or other structures may be built for public recreation that is not directly associated with outdoor recreation, if the Minister provides consent and considers it to be in the public interest. This consent has been delegated to Council, and it is considered that buildings or other structures associated with CWL is in the public interest.
30. Under section 54(1)(c) the Council may grant a lease with prior consent of the Minister to a voluntary organisation over part of the reserve for recreational activities where the preparation and maintenance of the area for such recreational activity requires the voluntary organisation to spend a sum of money that in the opinion of Council is substantial. As above, CWL is a voluntary organisation and provides services that enable the reserve to be used for recreational activities. It is considered that the sum of money CWL will spend on construction of the building is substantial.
31. Under both sections 54(1)(b) and 54(1)(c) of the Reserves Act 1977, Ministerial consent is required before a lease can be granted over a reserve. This consent has been delegated to Council.
32. As the CWL lease is not contemplated by the Wanaka Lakefront Reserve Management Plan 2014, section 54(2) provides that any lease will require public notification in accordance with section 119.
33. A lease term of 33 years is proposed, with a termination clause of 5 years with compensation payable by Council, should it be required for provision of core infrastructure services. This term is proposed in line with Council's community lease terms guidance, as the investment in the building is estimated to be \$900,000.

Overall it is considered that granting the lease is not inconsistent with the Reserves Act 1977.

Associated Easements

34. Service and access right of way easements associated with the building, have also been requested by CWL. The exact locations of these easements are to be confirmed, subject to the final design of the building, but are expected to be approximately within the area shown as the access route to the building from Lakeside Road. Council will retain final discretion of the placement and location of the proposed easements once they are confirmed by CWL.
35. Earthworks will be necessary to excavate and install the in-ground infrastructure and will be considered by Council officers at the time of construction, through the

reserve permit process if the lease is fully approved and the necessary reserve and building consents obtained.

36. Council's Easement Policy 2008 requires that one off fee be payable where easements are agreed over Council land. This is calculated at 30% of the land value (CV). In this instance, as the easements area associated with a proposed community lease and will be surrendered on expiry, a fee is not recommended.
37. Existing infrastructure exists in the recreation reserve, notably a sewer line from the public toilets blocks on the reserve. This is likely to require relocation by CWL before the building can be construction, and other infrastructure installed.
38. Granting an easement is permitted by section 48(1) of the Reserves Act 1977 for any public purpose or providing access to any area included in a lease under the Reserves Act 1977, with the prior consent of the Minister. This consent has been delegated to Council. Any such easement must be publicly notified in accordance with Section 48(2). Section 48(3) provides that notification is not necessary if it can be shown that the reserve is not likely to be materially altered or permanently damaged, and the public's rights to use and enjoy the reserve is not likely to be permanently affected by the establishment and use of the easement. These matters are considered below.

Is the easement likely to materially alter or permanently damage the reserve?

39. Aside from during the installation process, the easements will not affect the ability of the reserve to provide for its current purpose. As the infrastructure will be either underground or on existing formed access ways through the reserve, it is considered the creation of the easements will not have any long-term effect on the reserve.

Does the easement affect the ability of the public to use and enjoy the reserve?

40. As there is an existing accessway upon the reserve where the easements are intended to be located, there is unlikely to be any change to the reserve from the proposed easements. Some temporary minor disruption may be created during the installation of the underground services. Long term there would be no detrimental effect on the ability of the public to use and enjoy the reserve once the installation is complete, and users of the reserve would be unaware that any changes that have been made to the reserve.
41. Considering the above factors, and also that the application requires notification of an intention to grant a lease to the Coastguard, it was considered appropriate to notify the potential easements at the same time. However, none of the submissions received addressed the proposed easements.

Overall it is considered that in view of no submissions being received in relation to the easements, that if the lease is approved, the easements could also be approved.

Proposed Easement Terms

42. The following easement terms and conditions were approved for notification by the Wanaka Community Board, but notification was not necessarily required under

the Reserves Act due to there be no lasting impact to users of the reserve following installation:

- a. QLDC or its successor in title may relocate the easements, as required;
- b. That the easements will be non-exclusive as required by Council and surrendered and expiry or cancellation of the lease;
- c. Council to retain discretion over the exact placement of the Right of Way and underground easements within the Recreation Reserve;

It should be noted that notification was not issued for the above easements at the time of the lease notification, but notification or final approval without notification may be undertaken in the future subject to a further report to Council.

Hearing

43. When submissions are received in relation to a proposed lease, the Territorial Authority is required to hold a hearing to give submitters an opportunity to speak in support of their submission. The hearing relating to the CWL was held on 27 February 2019 with a hearing panel consisting of Councillor Ross McRobie and board members Ruth Harrison (chair) and Ed Taylor
44. A copy of the hearing report is attached as Attachment G and the minutes as Attachment H.
45. The main theme of objectors was in relation to the change of location of the building within the reserve under the development plan process.
46. While the hearing panel considered the submissions on this point, they agreed to recommend to Council that the lease be approved, subject to additional design review terms and conditions for the building, that would enable Council to mitigate the impact of the building upon the reserve for reserve users and adjacent owners.

Options

47. Option 1 To approve a lease and easements to Coastguard Wanaka Lakes at Eely Point Recreation Reserve.

Advantages:

48. CWL would be able to support recreational users of the reserve and lake, by providing a dedicated fast response for the craft and volunteers if the lease was progressed and the building constructed.
49. Would provide a lakefront location for the Harbourmaster.

Disadvantages:

50. Would enable a permanent building to be constructed upon the reserve taking away some open space used for general recreation.

51. Would generate additional traffic movements within the reserve, which may require ongoing management by Council for health and safety and adherence to other lease terms.
52. Would occupy additional land through provision of service easements and a Right of Way access easement to the lease area.
53. Option 2 To decline the request by Coastguard Wanaka Lakes at Eely Point Recreation Reserve.

Advantages:

54. Would not enable a permanent building to be constructed upon the reserve taking away some open space used for general recreation
55. Would not generate additional traffic movements within the reserve, which may require ongoing management by Council for health and safety and adherence to other lease terms.
56. Would not occupy additional land through provision of service easements and a Right of Way access easement to the lease area.

Disadvantages:

57. CWL would not be able to support recreational users of the reserve and lake, by providing a dedicated fast response for the craft and volunteers if the lease was progressed and the building constructed.
58. Would not provide a lakefront location for the Harbourmaster.
59. This report recommends **Option 1** for addressing the matter as it will enable the lease granted and the proposed building to be constructed following consultation with the Lessor and Wanaka Urban Design Panel.

Significance and Engagement

60. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because involves use of a reserve that is a strategic Council asset.

Risk

61. This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 Ineffective management of community assets within the QLDC Risk Register. This matter relates to this risk because it requires the board to make a decision regarding the long-term use of a lake front reserve.

Financial Implications

62. None.

Council Policies, Strategies and Bylaws

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

- Wanaka Lakefront Development Plan, Eely Point Recreation Reserve, 2018.
- Wanaka Lakefront Reserve Management Plan, 2014.
- Significance and Engagement Policy, 2014.
- Community Facility Funding Policy, 2011.

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

65. This matter is included in the 10-Year Plan/Annual Plan

- Within existing Property operating budgets.

Local Government Act 2002 Purpose Provisions

66. The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by progressing a lease request that will support the delivery of emergency recreational support to waterways users in a location that is most likely to support a timely and efficient delivery of service;
- 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

67. The persons who are affected by or interested in this matter are the residents and visitors to Wanaka and in particular those users of the reserve and adjacent residents.

68. The Council will provide a mechanism for community consultation through the public notification of the intention to grant a lease required by the Reserves Act 1977.

Legal Considerations and Statutory Responsibilities

69. Before granting any lease under sections 54(1)(b) or (c) of the Reserves Act, Council is required to publicly notify its intention to grant the lease in accordance with section 119. This notice must specify the proposed lease to be granted and Council shall give full consideration to all objections and submissions in relation to the proposal in accordance with section 120. The requirement has been fulfilled.

70. Before granting any easements under section 48(1), Council is required to publicly notify the intention to grant the easements in accordance with section 119. This notice must specify the easements intended to be granted and Council shall give full consideration to all objections and submissions in relation to the proposal in accordance with section 20. Section 48(3) provides that notification is not necessary if the reserve is not likely to be materially altered or permanently damaged; and the rights of the public in respect of the reserve are not likely to be permanent affected by the establishment and use of the easement.

Attachments

- A Lease location plan
- B Proposed lease area
- C Minutes of the hearing



Proposed lease location

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

ATTACHMENT B



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Client & Location:
**Queenstown Lakes District Council
Eely Point, Wanaka**

Purpose & Drawing Title:
**Lease Plan
Coastguard Wanaka
Eely Point**

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				Date Created:	09/10/2018

**Hearing of Submissions
Application for lease by Coastguard Wanaka Lakes
27 FEBRUARY 2019
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Minutes of a meeting to hear submissions on an application for a lease of recreation reserve from Coastguard Wanaka Lakes held in the Armstrong Room, Lake Wanaka Centre, Ardmore Street, Wanaka on Wednesday, 27 February 2019 commencing at 10.00am

Present:

Ms Ruth Harrison (Chair), Councillor Ross McRobie and Mr Ed Taylor

In attendance:

Ms Diana Manson (Parks and Reserves Officer), Mr Dan Cruickshank (Property Advisor, APL Property Ltd), Mr Aaron Burt (Senior Planner - Parks and Reserves) and Ms Jane Robertson (Senior Governance Advisor); one member of the media and 12 members of the public

Commencement of the hearing

The Governance Advisor called the meeting to order and asked the elected members to determine the Chairperson for the hearing.

On the motion of Councillor McRobie and Mr Taylor it was resolved that Ms Harrison chair the hearing.

Ms Harrison took the chair.

Ms Harrison reminded those in attendance at the hearing of the scope of the hearing, namely, that it was determining a lease over a reserve in accordance with the provisions of the Reserves Act and in accordance with the applicable Reserve Management Plan. Its purpose was not to consider the mitigation of environmental effects, as this would be addressed in the resource consent process.

Declarations of Conflicts of Interest

No declarations were made.

Confirmation of Agenda

The agenda was confirmed without addition or alteration.

Officer's covering report

Mr Cruickshank presented his report. He noted that although the application had commenced in 2017 the Board had determined to defer consideration of it pending the preparation of an Eely Point Development Plan. The plan had been completed in August 2018 and accordingly, approval to notify the application had been presented again to the Board at its meeting on 15 November 2018. Following public notification, 29 submissions had been received, of which 11 were support and 18 in opposition.

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Application for lease by Coastguard Wanaka Lakes
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There was further discussion about the building site; it was noted that the Board had agreed to vary the location in the final development plan that was adopted.

Hearing of submissions

Colin Chisholm

Mr Chisholm stated that Eely Point is a special reserve that should not be built on as a building would encroach onto the green space which he felt should remain undeveloped. It was a special reserve for Wanaka and developing it was a backward step. A more logical area for the Coastguard building was at the boat harbour where it would be more central to the boating area, or they could use the Scout Den when its lease came up for renewal. He did not consider that a site near the boat ramp would be opposed and there would not be much difference in costs.

Jo Fyfe appearing for Dara Shearer

Ms Fyfe tabled evidence on behalf of Ms Shearer which she presented verbally. The evidence highlighted the following key points:

- The Shearers were not opposed to the Coastguard building in the Eely Point Reserve but were opposed to the proposed location of this lease application and the lack of consultation about it;
- A traffic warning system could alert members of the public to an urgent launch, thereby addressing any alleged potential conflict with existing reserve users;
- There were no figures provided to support the claim that amending the proposed location would result in an increase in the cost of building;
- Trees that would be removed would increase the visibility of the building to the lake and town centre.
- The amenity of neighbours had not been considered in determining the proposed location.
- There had been no public consultation on the proposed location and the site shown in the August 2018 version of the Eely Point Development Plan was different from that shown in 2017. The original location should be revisited.
- The building would be subject to the resource consent process but it was generally if one arm of the Council supported a lease for a building in a location, it was very difficult for another arm of the Council to come to a different conclusion. Accordingly, it was considered that the risk of a pre-determined view was high.
- The proposal was inconsistent with the Operating and Proposed District Plan relating to areas of Outstanding Natural Landscape; the Otago Regional Policy Statement; District Plan Designation 88 conditions; the Wanaka Lakefront Reserves Management Plan 2014 and Part 2 of the RMA.

Ms Shearer's submission recommended either deferring the lease decision until the resource consent application had been through its process; or approving a lease for the building in its previous location; or approving a lease in principle, with the location to be determined through the resource consent process.

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There was further discussion about the points raised by Ms Fyfe on Ms Shearer's behalf.

Ms Manson was asked to comment on the assertion that trees would be removed. She stated that there was no certainty that trees would be removed as the Council was aware how much they were valued by the wider community. The situation would be monitored and overall it was the Wanaka Community Board's view that this green belt should remain.

There was discussion about visual mitigation measures. There was further discussion about the connection between the RMA and Reserve Act processes.

Councillor McRobie asked about the position of the vehicle crossing. Mr Cruickshank noted that the vehicle entry point to the building would be inside the reserve. He added that the legal road stopped at the boundary of Eely Point reserve.

A question was raised about the requirement for the asset to revert back to the Council at the expiry of lease. Mr Cruickshank stated that it was a condition of all lease agreements that any building was to be maintained so that there would be no cost to Council.

Ms Fyfe asked why the new location of the proposed building had not been notified to the community and subject to an additional consultation process because in the original plan it had been below the road. Ms Manson advised that the Wanaka Community Board had taken all feedback on the development plan into account and had sought the most appropriate and least intrusive site before approving the final plan.

Ross Macdonald

Mr Macdonald was concerned about the potential visual impact of the building. The Scout Den was already there but the proposed Coastguard building was in the wrong location and was very high. It would be better positioned at the yacht club or at the marina.

Andrea Kendrick

Ms Kendrick supported what the Coastguard did in the community but she was opposed to the principle of any building on Eely Point Reserve and siting a building on the top of the reserve would change it for the worse. She also questioned the timing of the consultation period as many people had been were unaware of it and the possibility of alternative sites.

There were questions from the panel on aspects of the proposal, especially why it was not proposed to be constructed at the yacht club marina. Mr Jonathan Walmsley of Coastguard Wanaka Lakes was invited to comment.

He noted that the Yacht Club had not considered a co-location with the Wanaka Coastguard appropriate, especially as a rescue shed and a place for the

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Harbourmaster also needed to be accommodated in the design. The Yacht Club did not have a sufficiently large space without adversely affecting their operations and putting their own users at risk. Access through a busy carpark could also not be assured, as there were weeks in the year when it was so busy the Coastguard would not be able to drive through the area. A letter from 2017 had been received indicating that use of the yacht club was not a possibility.

Mr Walmsley advised that Coastguard Wanaka Lakes would write to the hearings panel addressing the points made at the hearing.

The panel noted that although the officer report observed that increasing buildings on the reserve could be viewed as being 'somewhat in conflict' with the aims of the Development Plan, the Plan did not prohibit buildings, stating that they should be 'minimised'.

Gerry Clemens

Mr Clemens spoke briefly to his submission which largely supported providing a lease to Coastguard Wanaka.

The public part of the meeting concluded at 10.45am and adjourned at this point.

The hearing reconvened for deliberations at 10.53am.

Deliberations

The panel was generally supportive of the proposed site as clustering buildings together would minimise their effect. However, questions were raised about the proposed height of the building which it was agreed was very high. Members understood this was necessary to accommodate the boat and that the Coastguard eventually wanted to procure a larger boat than the one they possessed at present. Further, the Coastguard wanted the boat to be loaded and ready to go at all times. These factors had increased the building size and was the reason why co-location with the yacht club had not been possible.

There was discussion about the panel adding conditions to any lease agreement. The panel asked staff to prepare conditions that would ensure that Coastguard Wanaka could only construct a low profile building with the least impact upon the view from Lakeside Road. To mitigate these concerns it was suggested that the building height and visual impact should be subject for endorsement by the WCB Chair (or delegate) prior to applying for resource consent. Building maintenance should also be added as a condition.

On the motion of Ms Harrison and Councillor McRobie it was resolved that the hearings panel:

1. Not the contents of the report;

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- 2. Consider the submissions received on the proposed intention to grant a new lease to Coast Wanaka Lakes for the Wanaka Marine Rescue Centre at Eely Point, together with advice from officers;**
- 3. Agree that a new lease be granted subject to conditions and that a recommendation be made to Council on that basis; and**
- 4. Accept that the proposed easement be granted, subject to conditions and that a recommendation be made to Council on that basis.**

The meeting concluded at 11.16am.