

QLDC Council

1 June 2023

Report for Agenda Item | Rīpoata moto e Rāraki take [6]

Department: Chief Executive

Title | Taitara : Chief Executive Report

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to report on items of general interest and to summarise items from recent meetings of the Wānaka-Upper Clutha Community Board and standing committees.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;
2. **Note** the committee and community appointments for Councillor Melissa White:
 - Planning & Strategy Committee
 - Lake Hayes and Shotover Country Community Association
 - Gibbston Community Association
3. **Approve** retrospectively the application to Local Government New Zealand for the proposed remit “Allocation of risk and liability in the building sector”;

Community & Services Committee

Proposed Reserve to Vest in Queenstown

4. **Approve** the vesting of the following reserves:

RCL Henley Downs Limited RM220406

- Local Purpose (Access) Reserve – Lot 79 being 258m² in area.
- Recreation Reserve – Lot 80 being 1.042 hectares in area for a Local Park.

Subject to the following works being undertaken at the Applicant’s expense:

- a. Compliance with the conditions of resource consent RM220406 (and any subsequent variations) which include:
 - i. The submission of landscape plans to Council for certification by the Parks and Open Spaces Planning Manager;

- ii. The formation of a sealed pathway on the reserves to meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016);
 - iii. Provision of a potable water supply point to be provided at the boundary of the reserve lots;
 - iv. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between any public reserve vested in or administered by the Council and any adjoining land;
 - v. The registration of a Consent Notice (or alternative encumbrance) on any land within the development adjoining the reserve, to ensure any fences on land adjoining, or boundaries along any reserve, shall be no greater than 1.2m in height, and be 50% visually permeable;
 - vi. A three-year maintenance period by the consent holder commencing from vesting of the reserve; and
 - vii. A maintenance agreement for reserve prepared and approved (signed) by the Parks and Open Spaces Planning Manager specifying how the reserves will be maintained during the maintenance period.
- b. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy; and
- c. Presentation of the reserve in accordance with Council's policies.
5. **Agree** that any reserve improvement contributions are offset against those payable in accordance with the Developments Contributions Policy current at the time of contributions payment, subject to:
- a. Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the Parks & Open Spaces Planning Manager.
 - b. Final approval of any reserve improvement costs to be delegated to the Parks & Open Spaces Planning Manager and to be subject to the applicant demonstrating the actual costs of the improvements.
 - c. If the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the Applicant's expense.

Wānaka-Upper Clutha Community Board

Minister's Approval for an Upper Clutha A & P Society Building on the Wānaka

6. **Agree** that the Minister's approval is provided under the current lease to enable the Society to progress with their new building; and

7. **Delegate** signing authority to the General Manager Community Services, noting that any potential subsequent revisions to the design of the building, if not of a significant or material nature, may be resolved by the General Manager Community Services in direct communication with the Wānaka-Upper Clutha Community Board and the advice of the (current) Chair.

Prepared by:



Name: Mike Theelen

Title: Chief Executive

11 May 2023

Context | Horopaki

Minister's Approval for an Upper Clutha A & P Society Building on the Wānaka Recreation Reserve (recommendation from Wānaka-Upper Clutha Community Board)

1. The Upper Clutha A & P Society is proposing to construct a new building on the Wānaka Recreation Reserve. The Council granted the Society a lease in 2015 to occupy part of the reserve with a term of 33 years. This lease commenced on 1 September 2015 and has a final expiry of 31 October 2048. The Society currently owns a building on the reserve and had initially planned to extend that building, but now wishes to construct a single storey new building. The updated design aligns with the intention of the lease and can be contained within the defined lease area. Resource consent has been applied for and is currently being processed.
2. The Wānaka-Upper Clutha Community Board considered the proposal at its meeting on 19 May and recommended to Council that the Minister's approval be provided under the current lease and that signing authority be delegated to the General Manager Community Services. These are presented to the Council for approval.

Changes to Committee and Community Appointments

3. Following the resignation of Councillor Shetty, a vacancy exists in the Planning & Strategy Committee. Additional appointments are also required to community and stakeholder groups that were left without Councillor representation or membership. The recent by-election in the Arrowtown-Kawarau Ward saw Councillor Melissa White elected and the Mayor has considered the vacancies and existing appointments.
4. Under the Local Government Act 2002, sections 41A(3)(b) and (c), the Mayor has the powers to "establish committees of the territorial authority" and to "appoint the chairperson of each committee". The Mayor has considered for both Councillor White and the existing Councillors' local government experience, specific skill sets and interests, along with ensuring geographical representation and gender balance. Councillor White has therefore been appointed to the following positions, for noting by Council:
 - Planning & Strategy Committee
 - Lake Hayes and Shotover Country Community Association
 - Gibbston Community Association

Remits to Local Government New Zealand

5. Local Government New Zealand (LGNZ) has a policy of proposing remits, other than those relating to the internal governance and constitution of LGNZ, which should address major strategic "issues of the moment". Remits should have a national focus articulating a major interest or concern at the national political level, and are voted on at the LGNZ Annual General Meeting (AGM) to direct LGNZ's policy advocacy. This year's AGM is being held on 26 July and the Mayor was delegated to attend and exercise the Council's vote by a resolution of Council at its meeting on 27 April 2023.

6. A proposed remit has been prepared on behalf of Council to address the current joint and several liability approach to building defects which sees councils/Building Consent Authorities (BCAs) often being the only party left to compensate homeowners, known as the 'last party standing'. Existing rules places the risk of insolvency or lack of insurance of one party onto other parties. It is Council's position that requiring ratepayers to pay compensation where defendants are missing is unjust. This is an acute issue for QLDC, but it affects any council that has a BCA function. QLDC is committed to advocating for a change to the current regime, and continuing to work alongside LGNZ, providing policy and strategy support and expertise where indicated. Adopting this remit will empower LGNZ with a specific mandate to progress this issue.
7. The deadline for applications was Wednesday 24 May, and support for the application was garnered by email from Councillors ahead of that deadline. Additionally, the required LGNZ sector group (i.e. Metro Sector) support to progress the remit application has been secured by the Mayor.
8. The purpose of this item is to seek retrospective approval for the proposed remit "Allocation of risk and liability in the building sector".

Committee Meetings of the Previous Round

Community & Services Committee – Councillor Ferguson (Chair) (16 May 2023)

Recommendation:

1. Proposed Reserve to Vest in Queenstown

Planning & Strategy Committee – Councillor Cocks (Chair) (18 May 2023)

Information:

1. Update on Appeals relating to Resource Consent
2. Update on Appeals relating to Proposed District Plan Decisions
3. B Property Group Mediation Report
4. National Policy Statement – Highly Productive Land

All the items were considered with the public excluded.

Wānaka Community Board – Mr Simon Telfer (Chair) (19 May 2023)

Information:

2. Request to remove Council Trees from Reserves in Wānaka
3. Chair's Report

Recommendation:

1. Minister's Approval for an Upper Clutha A & P Society Building on the Wānaka Recreation Reserve
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