

Agenda for an ordinary meeting of the Queenstown Lakes District Council to be held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday, 13 December 2018 commencing at 1.00pm

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		<b>Declarations of Conflict of Interest</b>
		<b>Public Forum</b>
		<b>Special Announcements</b>
		<b>Confirmation of Agenda</b>
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	6 35	<b>Confirmation of Minutes</b> Ordinary meeting: 25 October 2018 Extraordinary meeting: 20 November 2018
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**Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday, 25 October 2018 commencing at 1.00pm**

**Present:**

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

**In attendance:**

Mr Mike Theelen (Chief Executive), Mr Stewart Burns (General Manager Finance, Regulatory and Legal), Mr Tony Avery (General Manager, Planning and Development), Dr Thunes Cloete (General Manager, Community Services), Mr Peter Hansby (General Manager, Infrastructure and Property), Mrs Lyn Zeederberg (Financial Controller), Mrs Jeannie Galavazi (Acting Parks Planning Manager), Mr Dan Cruickshank (Property Advisor, APL Property Ltd), Mr Aaron Burt (Senior Planner, Parks and Reserves), Ms Sarah Pickard (Senior Planner, Policy), Mr Lee Webster (Manager, Regulatory), Ms Tara McGivern (Alcohol Licencing Inspector), Ms Laura Gledhill (Contracts Manager, Maintenance and Operations), Mr Paul Speedy (Strategic Projects Manager) and Ms Jane Robertson (Senior Governance Advisor); three members of the media and four members of the public

**Apologies/Leave of Absence Requests**

There were no apologies.

The following requests for Leave of Absence were made:

- Councillor Stevens: 31 October – 3 November 2018
- Councillor MacLeod: 11-15 November 2018; 25 November – 19 December 2018
- Councillor MacDonald: 21 November – 3 December 2018
- Councillor Forbes: 16 December 2018 – 8 January 2019
- Councillor Smith: 20 January – 4 February 2019

**On the motion of the Mayor and Councillor Ferguson the Council resolved to grant the requests for leave of absence.**

**Declarations of Conflicts of Interest**

Councillor Stevens advised that he had been a Commissioner for item 11 ('Private Plan Change 53: Northlake Special Zone'). The Mayor advised that Councillor Stevens should retire from the table for this item.

Councillor Smith advised that he was associated with the Wanaka Yacht Club as a member of one of their subcommittees and the club was affected by the Community Pricing Policy. He questioned whether this was deemed a conflict. The Mayor did not consider that this disqualified Councillor Smith from the item.

### **Matters Lying on the Table**

The following item remained lying on the table, pending presentation at the 13 December ordinary Council meeting:

- Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area.

### **Public Forum**

1. Michael Ross

Mr Ross spoke about future air access in the region and the concerns of the Wanaka Stakeholders Group about Queenstown Airport Corporation's ('QAC') plans to advance the Wanaka Airport Master Plan following the decision to put the plan to develop Queenstown Airport on hold. This had raised concerns that QAC wished to use Wanaka Airport for jet aircraft because growth could not be accommodated in Queenstown. This was a sea-change from original plans for Wanaka Airport, was both sweeping and radical and would affect the whole community. There had been no substantive community consultation on what was a major change in use and it would have a major impact upon local infrastructure, amenities and the environment. Council should be leading this process rather than QAC needed to work alongside the community to understand the district-wide impact. He asked the Council:

1. How it planned to get a mandate from the local community to redevelop Wanaka Airport to accommodate the overflow from Queenstown Airport;
2. In light of the negative feedback on the Queenstown Noise Boundary issue, the Council should start getting the Wanaka community's views now;
3. Council should determine the community's capacity through a Destination Management Master Plan before advancing the Wanaka Airport Masterplan.

2. Julie Scott and Joanne Conroy, Queenstown Lakes Community Housing Trust

Ms Scott addressed item 10 on the agenda ('Mayoral Housing Affordability Taskforce Progress Report'). She was concerned about the pessimistic tone of the report and the way in which the comment about slow progress could reflect negatively on the Trust. She reminded the Council of the time it took to acquire land and build a house. She was also critical of the statement that the QLCHT housing developments were "well below the need" of the Trust's waiting list, as the report only showed some the developments proposed for the next few years.

Ms Scott observed that the price point for the Toru apartments at \$500,000 was as affordable as Queenstown got and should not be regarded as being "too high". She added that it was the underlying programme that provided the affordability, not the market value. She remained confident that the goal of 1,000 affordable homes was achievable, pointing out that 60-70 homes could be built in Jopp Street and the Council could play a significant role in this.

### **Special Announcements**

The Mayor referred with sorrow to the deaths of several local identities in recent days:

Alan Wilson

Robert Rutherford

Nick Wallis

Scott Theobald

Paul Hondelink

On behalf of the district he offered sincere sympathies to all five families affected.

Those present stood for a moment's silence in memory of these people.

### **Confirmation of agenda**

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

### **Confirmation of minutes**

**On the motion of the Mayor and Councillor Stevens the Council resolved that the minutes of the meeting held on 6 September 2018 be confirmed as a true and correct record.**

*Councillor MacLeod abstained from voting because he was not present at the meeting.*

#### **1. Adoption of 2017/18 Annual Report**

A covering report from Lyn Zeederberg (Financial Controller) introduced the Annual Report for the year ended 30 June 2018. The Annual Report and the Annual Report summary were appended as separate documents.

The report was presented by Mr Burns, Mrs Zeederberg and Ms Morss.

Mr Burns advised that completion of the Annual Report represented an important milestone for the Council and the report had received a clean audit opinion. He highlighted some of the key results, stressing that the surplus of \$51M did not represent profit. He noted that high levels of development throughout the district had driven the workload and the main revenue streams all related to development. He considered that the Council had managed well through a period of significantly increased activity.

Councillor McRobie as Chair of the Audit, Finance and Risk Committee conveyed that committee's congratulations and appreciation for the work on completing the report.

Mrs Zeederberg advised of a small amendment to part of the report. The following was added as the first sentence to Note 26 Subsequent Events on p168 of Attachment A:

*“On the 8 August 2018 additional LGFA borrowings were entered into of \$10m with the money currently being held in a new term deposit.”*

**On the motion of the Mayor and Councillor McRobie it was resolved that the Council accept this change to the 2017/18 Annual Report.**

The Council returned to the original report recommendation.

**On the motion of the Mayor and Councillor MacDonald it was resolved that the Council adopt the Annual Report for the year ended 30 June 2018 pursuant to sections 98 and 99 of the Local Government Act 2002, and as recommended by the Audit, Finance and Risk Committee.**

## **2. Proposed Amendment to Policy on Development Contributions**

A report from Stewart Burns (General Manager, Finance, Legal and Regulatory) presented a Statement of Proposal to amend the policy on Development Contributions in order to rectify incorrect differential values within the current policy.

The report was presented by Mr Burns.

Councillor Smith stated that he had concerns about development contributions as they related to roading transport costs and how they were borne by developers. He also considered that water and wastewater development costs should be able to be dealt with on a more local basis. He was particularly concerned that the Council was failing to recover costs through development contributions under the existing structure.

The Chief Executive advised that this concern, whilst valid, was well outside the scope of the agenda item which was only to address an earlier error in the Development Contributions policy. He considered that the issues Councillor Smith had raised involved a number of intertwining Council projects but he would follow up on these outside the meeting.

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

- 1. Note the contents of this report;**
- 2. Approve the Council entering into consultation on the proposed amendment to the Policy on Development Contributions in accordance with section 102 (4) (b) of the Local Government Act 2002.**

**3. Amendments to Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 and Arrowtown-Lake Hayes Reserve Management Plan**

A report from Jeannie Galavazi (Acting Parks and Reserves Planning Manager) presented proposed amendments to the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 and Arrowtown-Lake Hayes Reserve Management Plan 2013 for adoption following completion of a public consultation process. The general object of the amendments was to control freedom camping.

Items 3 and 4 were presented by Dr Cloete and Mrs Galavazi. Dr Cloete introduced a new staff member who was seated in the public gallery, Mr Graeme Davies, who had recently commenced work as the Parks Manager.

Councillor MacLeod observed that there was a cost for freedom camping, and the continuing practice of naming it as such was misleading and did not reflect its social and infrastructural costs.

Councillor Stevens (who had chaired the hearing panel) acknowledged this concern but noted that the Council was obliged to continue using the name as it was amending a 2012 bylaw of that name. He reminded the Council that the scope of this item was very narrow and was limited to a minor amendment to both the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 and Arrowtown-Lake Hayes Reserve Management Plan 2013. He added that a number of submitters had also commented on matters beyond the scope of the consultation and it had therefore been a recommendation of the panel that all feedback to this process also went to Responsible Camping Strategy.

Councillor Forbes noted that the Responsible Camping Strategy had made great advances but asked whether changes made via the Strategy would require consequential amendments to the Freedom Camping Control Bylaw. Dr Cloete agreed that this was a valid concern and observed that there would need to be a comprehensive review of the bylaw in the future, which may also involve renaming it.

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

- 1. Note the contents of the report;**
- 2. Amend the Queenstown Lakes District Council Freedom Camping Control Bylaw 2012 to update 'Schedule A Maps' to prohibit freedom camping at all Council administered Lake Hayes Reserves and the parking area at the Shotover Delta located to the northwest of the Shotover Bridge.**
- 3. Amend the Arrowtown-Lake Hayes Reserve Management Plan 2013 to update the policy to:**

***17.1 Freedom Camping is permitted in the Reserves only to the extent allowed in the Council's Freedom Camping Control Bylaw***

- 4. Note that all submissions and feedback received through this consultation will be fed into the responsible camping strategy work that is currently underway.**
- 5. Agree to exercise the Conservation Minister's consent (under delegation from the Minister).**

**4. Responsible Camping Strategy 2018**

A report from Jeannie Galavazi (Acting Parks and Reserves Planning Manager) presented the Responsible Camping Strategy for adoption.

Mrs Galavazi expressed thanks to the partner organisations in this project for their involvement in the strategy and the funding received from them. She added that Central Otago District Council and the Southland District Council had also joined the discussions and work had started with these agencies about implementing the actions identified in the strategy. A Memorandum of Understanding would be developed with these agencies to guide how they would work together to implement the plan.

Mrs Galavazi noted a correction to of her report, in that the workshop detailed in paragraph 5 had taken place in November 2017 and not 2018 as printed.

Councillor Stevens stated that the strategy's development was an acknowledgment that the QLDC could not manage this problem alone. He observed that the lack of an effective definition of self-containment made enforcement difficult and it had ultimately been left to the QLDC to lead this process, with other councils waiting to see what would happen. He warned against getting too far ahead of the rest of the country which could be confusing for travellers, but the problem was so nationally important he was confident other councils would soon follow. He believed a priority in any new bylaw was to redefine 'self-containment'.

The Mayor considered that as probably the most affected community in New Zealand it was appropriate for the QLDC to take a lead on freedom camping.

Councillor Forbes noted that the Council was still trying to find camping locations that people could use for nothing, but the option of people paying to 'freedom' camp had not been examined. She considered that the Council needed to start educating both campers and the local community about the provision of basic camping facilities at an affordable level that nonetheless covered the Council's expenses. The Mayor advised he was conflicted on this point, as whilst he did not know if it was reasonable to expect to camp for 'free' he was aware of the expectation of New Zealanders being able to camp in the bush if they wished to do so.



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

- 1. Note the contents of this report and in particular the collaborative approach taken by DoC, NZTA, MBIE, LINZ and QLDC to develop this district wide strategy; and**
  - 2. Adopt the Responsible Camping Strategy for the Queenstown Lakes District.**
- 5. Lessor's and Minister's Approval to enable Skyline Enterprises Limited, to establish a (replacement) luge workshop building within their Lease Area on the Ben Lomond Recreation Reserve**

A report from Aaron Burt (Senior Planner, Parks and Reserves) assessed whether the Council should provide Lessor's Approval and exercise the Minister's delegation to provide Minister's Approval to Skyline Enterprises Limited ('SEL'), to establish a (replacement) luge workshop building within their Lease Area on the Ben Lomond Recreation Reserve. The report recommended that the Council give approval as it would enable SEL to establish the building, whilst approved resource consent conditions would appropriately mitigate any adverse effects on the greater environment.

The report was presented by Dr Cloete and Mr Burt.

Councillor Stevens asked why any small variation to SEL's lease required Council's approval. Mr Burt advised that a condition of SEL's lease, which was common to many leases, was the approval of the Minister of Conservation and this responsibility had been delegated to the full Council.

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

- 1. Note the contents of this report; and**
  - 2. Approve Lessor's Approval and Minister's Approval for SEL to establish a (replacement) luge workshop building within their Lease Area on Section 1 SO 24832.**
- 6. Millbrook Cricket Club – New Reserve Licence**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed an application from the Millbrook Cricket Club for a new licence for the clubhouse building to occupy Recreation Reserve located on the corner of Malaghans Road and Arrowtown-Lake Hayes Road, locally known as Millbrook Corner. The report advised that the proposal had been subject to public consultation with no submissions received and it was therefore recommended that a licence be granted for an initial term of 10 years, subject to various conditions.

Items 6-9 were presented by Dr Cloete, Mr Burt and Mr Cruickshank.

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

- 1. Note the contents of this report;**
- 2. Grant a new licence under section 54(1)(c) of the Reserves Act 1977, to the Millbrook Cricket Club (or nominee), for clubrooms and storage, on Section 8 SO 434963, subject to the following conditions:**

<b>Commencement</b>	<b>TBC</b>
<b>Term</b>	<b>10 years</b>
<b>Rent</b>	<b>\$1 per annum pursuant to Community Pricing Policy</b>
<b>Reviews</b>	<b>At renewal or when Community Facility Funding Policy is reviewed</b>
<b>Renewals</b>	<b>One of 10 years (by agreement of both parties)</b>
<b>Use</b>	<b>Clubrooms, meeting space and storage facilities associated with cricket</b>
<b>Assignment and Sublease</b>	<b>With Lessor's prior written approval</b>
<b>Insurance</b>	<b>\$2 million public liability insurance cover</b>
<b>Termination</b>	<b>Council can give 2-years cancellation notice if the land is required for the 'provision of core infrastructure services' (not in the first 2 years)</b>
<b>Special Conditions</b>	<b>At expiry, lessee to remove all chattels from the premise but all fixtures and fittings affixed to the premises shall revert to the lessor without any compensation</b>

- 3. Agree to the exercise of the Minister's consent under delegation from the Minister of Conservation, to grant a licence to the Millbrook Cricket Club over the reserve land detailed above.**

- 4. Delegate final licence terms and conditions, approval of entity name and signing authority to the General Manager Community Services.**

**7. Proposed Reserve Licence - Otago Regional Council Water Monitoring Stations at Hayes Creek and Mill Stream**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed an application from the Otago Regional Council for a reserve licence to enable water quality monitoring equipment to be sited on the banks of Hayes Creek and Mill Stream, upon reserve land legally described as Lot 3 DP 15096 and Lot 307 DP 505513. The report did not consider that the proposal required public notification as the equipment would not materially alter the reserve or affect the rights of the public to access the report. Accordingly, the report recommended that the Council approve the licence, subject to various recommended conditions.

The Mayor expressed appreciation for the Otago Regional Council's efforts to become more active in this district.

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

- 1. Note the contents of this report;**
- 2. Approve a new licence, in accordance with Section 48(a) of the Reserves Act 1977, to Otago Regional Council over Lot 3 DP 15096 and Lot 307 DP 505513 subject to the following conditions:  
Commencement TBC**

<b>Term</b>	<b>Three years</b>
<b>Rent</b>	<b>\$1.00+GST (if charged)</b>
<b>Use</b>	<b>Water Monitoring Equipment including installation, maintenance and use of the equipment and conduits running from the housing units to the creek.</b>
<b>Cancellation</b>	<b>By either party with 3 months' notice</b>
<b>Insurance</b>	<b>\$2 million public liability insurance cover</b>
<b>Renewals</b>	<b>None</b>

- 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 3 DP 15096 and Lot 307 DP 505513; and**
- 4. Delegate final licence terms and conditions and signing authority to the General Manager Community Services**

**8. Parkrun New Zealand Ltd – New Wanaka Licence**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed an application from Parkrun New Zealand Limited for a new licence to use parts of the Roys Bay Recreation Reserve and Wanaka Station Park to host free, weekly, 5km timed runs. The Wanaka Community Board had considered the licence at its meeting held on 5 July 2018 and had approved notification of the intention to grant a licence. No submissions had been received and the report recommended that a licence be granted subject to conditions. It was noted that the licence did not enable exclusive use of the reserve areas, with the applicant required to share the reserves with otherwise unrestricted public use.

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

- 1. Note the contents of this report;**
- 2. Approve a licence over the areas of Recreation Reserve outlined in the Schedule below, to Parkrun New Zealand Limited for hosting free, weekly, 5km timed runs, subject to the following terms and conditions:**

**Schedule – Recreation Reserve Land**

<b>Commonly known as</b>	<b>Legal description</b>	<b>Certificate of title</b>
<b>Wanaka Station Park</b>	<b>Lot 1 DP 16152 and Lot 14 DP 26147</b>	<b>OT18A/1013</b>
<b>Roys Bay Recreation Reserve</b>	<b>Section 45 Blk III Lower Wanaka SD</b>	<b>-</b>
<b>Waterfall Creek to Wanaka Station Park</b>	<b>Section 46 Blk III Lower Wanaka SD</b>	<b>2290</b>

**Commencement TBC**

**Term 3 years**

**Renewal One further term of 3 years by agreement of both parties**

<b>Rent</b>	<b>\$1.00 (if demanded) per annum pursuant to Community Facility Funding Policy</b>
<b>Reviews</b>	<b>At renewal</b>
<b>Operating Hours</b>	<b>Each Saturday morning from 7.30 am – 11.00 am</b>
<b>Insurance</b>	<b>Requirement to have public liability insurance of \$2 million</b>
<b>Safety/Suspension</b>	<b>Council to retain ability to suspend the licence for safety purposes or to avoid large public events</b>
<b>Termination</b>	<b>Council to retain ability to terminate the licence at their sole discretion with a minimum of three months' notice</b>
<b>Other</b>	<b>Licensee to ensure they hold a valid resource consent (if required)</b>  <b>Participants to be capped to a maximum of 200 persons engaged in the activity upon the land, as a licence condition</b>  <b>Licensee to monitor ground conditions (including grass) and modify their activity if noticeably adverse effects are occurring as a result of the activity.</b>  <b>Licensee to ensure that all attendees to the event be made aware of the location of public toilets on the reserve, and that all rubbish be placed in designated Council rubbish bins post event or be collected and removed offsite should Council require such</b>  <b>Licensee to ensure that the event is well sign posted to forewarn other users of the reserve of the event</b>

- 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 Parkrun New Zealand Limited over Lot 1 DP 16152, Lot 14 DP 26147, Section 45 Blk III Lower Wanaka SD and Section 46 Blk III Lower Wanaka SD;**
- 4. Delegate final licence terms and conditions and signing authority to the General Manager Community Services.**

**9. Underground Service Easement – Bannister Street, Hanley's Farm**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed an application for an underground service easement in favour of Queenstown Lakes District Council over land previously vested through subdivision as Recreation Reserve Lot 97 DP 505055, by the developer of Hanley's Farm, RCL Henley Downs Ltd. The easement was required for a stormwater pipe for the Hanley's Farm development. The report advised that the proposed easement did not require public notification because it would not affect the ability of people to use the reserve nor would it have any long-term effect, and the report recommended that the easement be granted subject to various recommended conditions.

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

- 1. Note the contents of this report;**
- 2. Approve an underground stormwater easement, for right to drain water (in gross), over Recreation Reserve Lot 97 DP 505055 subject to section 48(1)(f) of the Reserves Act, to Queenstown Lakes District Council subject to the following conditions;**
  - a. Any works to be undertaken to the specification and approval of Council's Engineers in accordance with the current Land Development and Subdivision Code.**
  - b. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the subject site.**
  - c. Certificate of adequate public liability cover to be held.**
  - d. Reinstatement of the area to be completed immediately following installation and to the satisfaction of the Council.**

e. **Within 3 months of completion of the work, RCL Henley Downs Limited to provide QLDC with a surveyed easement and signed Deed of Easement.**

3. **Agree 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 for the reasons set out in this report;**

4. **Delegate authority to approve final terms and conditions of the easement, including location, and execution authority to the General Manager – Community Services;**

5. **Agree to exercise the Minister’s consent (under delegation from the Minister of Conservation) to granting of an easement to Queenstown Lakes District Council over Lot 97 DP 505055.**

#### 10. **Mayoral Housing Affordability Taskforce Progress Report**

A report from Katie Russell (Policy Planner) updated the Council on progress with implementing the six recommendations of the Mayoral Housing Affordability Taskforce report.

The report was presented by Mr Avery.

Councillor MacDonald commented further on the contents of the report and the points raised in the Public Forum. He noted that whilst not yet evident, much activity was soon to be rolled out.

The Mayor agreed that the pace of delivery was somewhat frustrating but he acknowledged that major initiatives often took a while to gain traction. He believed that the pace would increase noticeably through the 10% contribution from SHA developments. The Mayor also acknowledged the valuable input to the work of the Housing Trust of the outgoing Chair, Martin Hawes.

Councillor Forbes observed that the present steps all came from the current system and systemic change was needed on the way housing was provided in New Zealand to make a significant difference. The Mayor advised that the Council continued to lobby central government strongly about housing and whilst the Minister of Housing was supportive, widespread systemic change was harder to achieve. Councillor MacDonald added that there were initiatives being planned that could not be discussed at this stage but the district could anticipate major changes over the next few years.

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

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

**2. Note the progress implementing the recommendations of the Mayoral Housing Affordability Taskforce Report.**

**11. Ratification of Hearings Panel's recommendation on Private Plan Change 53: Northlake Special Zone**

A report from Sarah Picard (Senior Planner – Policy) presented the report and recommendation of the Hearings Panel on matters raised in submissions on Private Plan Change 53 – Northlake Special Zone which was presented for ratification as a Council decision.

Concern was expressed that the Plan Change effectively eroded what had been proposed under the Northlake Special Zone Structure Plan in the Operative District Plan. Ms Pickard confirmed that approval of the Plan Change would remove the rule requiring certain community facilities to be provided beyond 50 lots being created.

The Mayor questioned why the Council would agree to what was proposed in the Plan Change. Councillor Smith agreed that it removed the positive carrots that had been provided under the original Private Plan Change process.

There was discussion about the Council's limited ability to change the Hearings Panel recommendation as it had not heard the evidence at the hearing or read the submissions.

In light of his grave discomfort in approving the Plan Change, the Mayor suggested that the Council consider leaving the item on the table which would still leave the Council able to appoint a new hearing panel or for the Council to become the hearings panel itself.

**On the motion of the Mayor and Councillor Smith the Council resolved that the item lie on the table pending legal advice and the advice of the Executive Leadership Team.**

**12. Queenstown Lakes District Council Alcohol Restrictions in Public Places Bylaw 2018**

A report from Tara McGivern (Liquor Licencing Inspector) presented the final form of the Alcohol Restrictions in Public Places Bylaw 2018 following completion of the public consultation process. It was noted at the beginning of the consultation the bylaw had been known as the 'Alcohol Ban Bylaw' but submissions about the negative connotations of the name had resulted in the recommendation that it be renamed.

The report was presented by Mr Webster and Ms McGivern.



Councillor McRobie asked why part 7 of the recommendation had been included. Mr Webster advised that currently the Local Government Act 2002 only permitted a Council to introduce a bylaw for alcohol control purposes if there was evidence that an area had experienced “a high level of crime or disorder” that had either been “caused or made worse by alcohol consumption” and could be justified as “a reasonable limitation on people’s rights and freedoms.” He considered that because of this need to provide evidence, communities could not be proactive and he considered it would be helpful to be able to change this criteria.

*Councillor Smith left the meeting at 2.13pm.*

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

- 1. Note the contents of this report;**
- 2. Accept the proposal to increase the hours of the current alcohol restrictions in the specified areas e.g. Queenstown CBD from 8.00 pm on any day to 8.00 am the following day;**
- 3. Accept the proposal to include alcohol restrictions in the Queenstown CBD from 12.00 am on National Crate Day (or any variation of this event or promotion) of any given year to 12.00 am the following day;**
- 4. Accept the title of the bylaw be amended to ‘Alcohol Restrictions in Public Places Bylaw 2018’, following the hearing panels deliberations;**
- 5. Adopt the Alcohol Restrictions in Public Places Bylaw 2018;**
- 6. Agree that Council endorses a greater level of collaboration with the Southern District Health Board and NZ Police, to ensure stronger evidence and information is available from them to assist Council’s decision making in any future reviews of the bylaw;**
- 7. Agree that Council write to Central Government requesting a review of clause 147(b) of the Local Government Act 2002 to allow councils to create more proactive measures to reduce alcohol harm in their communities.**

*Councillor Smith returned to the meeting at 2.16pm.*

**13. Dog Control Policy and Practices Report 2017 – 2018**

A report from Lee Webster (Manager, Regulatory) presented information about the administration of the Council's dog control practices and dog control policy in accordance with section 10A of the Dog Control Act 1996.

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

- 1. Note the contents of this report;**
- 2. Adopt the Dog Control Policy and Practices report 2017/2018, in accordance with Section 10A of the Dog Control Act 1996;**
- 3. Approve the publication of the Dog Control Policy and Practices report 2017/2018; and**
- 4. Direct Council staff to forward a copy of the Dog Control Policy and Practices report 2017/2018 to the Secretary for Local Government.**

**14. Chief Executive's Report**

A report from the Chief Executive:

- Presented a minor amendment to the Rates Resolution made at the Council meeting on 6 September 2018;
- Asked the Council to rescind resolution 4 of a motion made at a Council meeting on 25 May 2017 on a proposed Frankton Flats land exchange with Remarkables Park because it was now proposed to take the land under the Public Works Act as Local Purpose (Access way) reserve;
- Asked the Council to rescind a portion and then vary a resolution made on 8 October 2018 in relation to a Morven Ferry Road stopping request;
- Sought the appointment of a hearings panel of three from the Community and Services Committee to hear submissions made on the Community Facility Funding Policy;
- Noted a change to the hearings panel for Traffic and Parking Bylaw;
- Sought endorsement of Andrew Blair as a new Trustee and new Chair of the Queenstown Lakes Community Housing Trust; and
- Presented a summary of the items from recent Standing Committee and Wanaka Community Board meetings, including recommendations for ratification from the Wanaka Community Board and Community and Services Committee.

Due to the size of the Community and Services Committee it was agreed that the hearings panel for the Community Facility Funding Policy did not need all to come from the Community and Services Committee. It was further agreed to appoint four, from which a panel of three form a hearings panel.

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

1. Note the contents of this report;
2. Note the items considered during the past meeting round by the Planning and Strategy Committee, Infrastructure Committee, Wanaka Community Board, Community and Services Committee and Appeals Subcommittee.

**Alteration to Rates Resolution from 6 Sept 2018**

3. Amend the setting of rates for the Queenstown Lakes District Council for the 2018/19 financial year as per section 23 of the Local Government (Rating) Act 2002 by inserting the rates and charges applicable for rating category “11. Country Dwelling plus Flat” and amending the numbering of “12. Other” and “13. Mixed Use Apportioned.”

**Frankton Flats Land Exchange**

4. Rescind the following resolution from the Council meeting held on 25 May 2017 in regard to the Frankton Flats Land Exchange report:

*4. Approve the land being acquired from Remarkables Park Ltd measuring approximately 370 square metres and situated at the Eastern end of the exchange area, being amalgamated with Council freehold land currently held in Computer Freehold Register 507467, subject to resource consent being granted.*

And replace it with:

5. Approve the land being acquired from Remarkables Park Ltd measuring approximately 370 square metres and situated at the Eastern end of the exchange area, being taken for local purpose (access way), pursuant to section 20 of the Public Works Act;

**Road Stopping – Unformed Roads in the vicinity of Morven Ferry Road – Approval Amendment**

6. Rescind the following resolution from the Council meeting held on 8 October 2013 in regard to the Road Stopping - Unformed Roads in the vicinity of Morven Ferry Road report:

*i) Alignments 'ABC', 'BD' and 'FG' amalgamate*

*with C.F.R. OT82/232 and further to ensure that the residual titles retain legal frontage, C.F.R.s OT18C/655 and 3324 amalgamate with C.F.R. OT84/82, and C.F.R. 3323 amalgamates with C.F.R. OT82/232.;*

7. Approve alignments, 'ZD' and 'FG' amalgamate with C.F.R. OT82/232 and further to ensure that the residual titles retain legal frontage, C.F.R.s OT18C/655 and 3324 amalgamate with C.F.R. OT84/82, and C.F.R. 3323 amalgamates with C.F.R. OT82/232, in conjunction with the updated road closure plan; and
8. Approve applying compensation for the trail easements to the purchase value of the land.

**Community Facility Funding Policy – Appointment of Hearings Panel**

9. Appoint Councillors Clark, Miller, Smith and Stevens, of whom any three may form a panel to hear submissions and make a recommendation to Council on the Community Facility Funding Policy.

**Traffic and Parking Bylaw - Hearings Panel Membership Change**

10. Note that Councillors Clark, Forbes and McRobie will participate in a hearing panel to consider and hear submissions on the draft Traffic and Parking Bylaw 2018 and the Traffic and Parking Bylaw 2018 Statement of Proposal and make recommendations on its final form back to Council.

**Membership of Queenstown Lakes Community Housing Trust**

11. Endorse the appointment of Andrew Blair as a Trustee and Chair of the Queenstown Lakes Community Housing Trust.

**Recommendation from Wanaka Community Board Proposal to vest land in Wanaka as two Local Purpose Reserves and to offset Reserve Improvement Contributions as per the Development Contributions Policy**

12. Approve the vesting of the two proposed Local Purpose reserves:  
**Orchard Road Holdings Ltd – RM171177**

**13. Lot 997 (0.936 hectares): Local Purpose (Stormwater) Reserve, Ballantyne Road**

**14. Lot 998 (2.162 hectares): Local Purpose (Connection) Reserve, Ballantyne Road**

*subject to the following works being undertaken at the applicant's expense:*

**15. Consent being granted (and subject to any variations to RM171177) for the subdivision required to formally create the reserves and to level out topography (if advised necessary by the Parks & Reserves Planning Manager);**

**16. Presentation of the reserve in accordance with Council's standards for reserves;**

**17. Areas of reserve shall exclude areas of road;**

**18. The submission of a Landscape Plan to Council by the developer for certification as appropriate, including subsequent implementation of landscape and planting for the reserves. The certification of such a plan shall be by the Parks & Reserves Planning Manager;**

**19. All areas of mounding shall be mowable, and not have a gradient steeper than 1:5;**

**20. Final locations of all specimen tree planting and the tree planting methodology should be determined on site with the QLDC Arborist Officer prior to planting;**

**21. The formation of sealed pathways within Lot 998 to a minimum 2 metre wide width, and to also meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016). Pathways shall connect Ballantyne Road with Lot 1 DP 477622, and Road 2 via pathway linkages between lots 37/38 and 45/46;**

**22. Confirmation that the pathways on Lot 998 will connect and align with any corresponding pathways proposed in association with the potential Special Housing Area on Lot 1 DP 477622. The Parks & Reserves Planning Manager shall approve the location of such connections;**

**23. A potable water supply point to be provided at the boundary of the reserve lots;**

24. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserves to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;
25. The registration of a Consent Notice on any land (being Lots created by RM171177) adjoining the reserves, to ensure any fences on land adjoining, or boundaries along the reserve, shall be 50% visually permeable;
26. A three year maintenance period by the current landowner commencing from vesting of the reserves;
27. A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and
28. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.
29. Agree that reserve improvement contributions for the Local Purpose (Connection) Reserve (Lot 998) are offset against those payable in accordance with the Development Contributions Policy current at the time of contributions payment, subject to:
30. Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the Parks & Reserves Planning Manager.
31. Final approval of reserve improvement costs to be delegated to the Parks & Reserves Planning Manager and is subject to the applicant demonstrating the actual costs of the improvements.
32. 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.

**Recommendation from Community and Services Committee**

***Proposal to Vest Two Local Purpose Reserves***

33. Approve the vesting of the two proposed Local Purpose Reserves:

**Moreteon Investments Ltd – RM170870**

**34. Lot 300 (7,250m<sup>2</sup>): Local Purpose (Stormwater) Reserve, Kent St, Kingston.**

**RCL Henley Downs Ltd - RM180631**

**35. Lot 94 (223m<sup>2</sup>): Local Purpose (Utility) Reserve, Jack Hanley Drive, Hanley Farm.**

***subject to the following works being undertaken at the applicant's expense:***

- 36. Consent being granted (and subject to any variations) for subdivision required to formally create the reserves and to level out topography (if advised necessary by the Parks & Reserves Planning Manager);**
- 37. Presentation of the reserve in accordance with Council's standards for reserves;**
- 38. Areas of reserve shall exclude areas of road;**
- 39. The submission of a Landscape Plan to Council by the developer for certification as appropriate, including subsequent implementation of landscape and planting for the reserves. The certification of such a plan shall be by the Parks & Reserves Planning Manager;**
- 40. All areas of Lot 94 RM180631 shall be mowable, and not have a gradient steeper than 1:5;**
- 41. A potable water supply point to be provided at the boundary of the reserve lots;**
- 42. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserves to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between the reserve vested in or administered by the Council, and any adjoining land;**
- 43. The registration of a Consent Notice on any land (being Lots created by RM180631) adjoining the Lot 94 RM180631 reserve, to ensure any fences on land adjoining, or boundaries along the reserve, shall be 50% visually permeable and no higher than 1.2 metres;**

- 44.A three year maintenance period by the current landowner commencing from vesting of the reserves;
- 45.A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and
- 46.Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

**Resolution to Exclude the Public**

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

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

**Confirmation of minutes**

- Item 1: Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area*
- Item 2: Draft Stakeholder Deed for the Bright Sky Limited Expression of Interest for a Special Housing Area*
- Item 11: Well Smart (Thompson Street) Sale of Lot 10*
- Item 12: CE Remuneration*

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.



**QUEENSTOWN LAKES DISTRICT COUNCIL**

**25 OCTOBER 2018**

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
<p>1. Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area (Attachment A)</p>	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <p>h) enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities;</p> <p>i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p>
<p>2. Draft Stakeholder Deed for the Bright Sky Limited Expression of Interest for a Special Housing Area</p>	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <p>h) enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities;</p> <p>i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p>

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
11. Well Smart (Thompson Street) Sale of Lot 10	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)
12. CE Remuneration	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)

**Agenda items**

**Item 14a: Chief Executive’s Report: TechnologyOne: Software as a Service**

**Item 15: New Solid Waste Services Contract**

**Item 16: MOU with Ngāi Tahu Property**

**Item 17: Lakeview Hot Pools (Ngāi Tahu Tourism) Reserves Lease**

**Item 18: Resolution in relation to Housing Infrastructure Fund (“HIF”) funding and related arrangements in connection with the projects at Kingston, Ladies Mile and Quail Rise**

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
14a. CE report: TechnologyOne: Software as a Service	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)
15. New Solid Waste Services Contract	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

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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. MOU with Ngāi Tahu Property	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
17. Lakeview Hot Pools (Ngāi Tahu Tourism) Reserves Lease	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)
18. Resolution in relation to Housing Infrastructure Fund (“HIF”) funding and related arrangements in connection with the projects at Kingston, Ladies Mile and Quail Rise	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, 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 2.22pm.*

*The meeting came out of public excluded and concluded at 2.55pm.*

**CONFIRMED AS A TRUE AND CORRECT RECORD**

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**M A Y O R**

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**D A T E**

**Minutes of an extraordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Tuesday, 20 November 2018 commencing at 1.00pm**

**Present:**

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

**In attendance:**

Mr Mike Theelen (Chief Executive), Mr Stewart Burns (General Manager Finance, Regulatory and Legal), Mr Lee Webster (Manager, Regulatory), Mr David Collins (Legal Counsel, Meredith Connell) and Ms Jane Robertson (Senior Governance Advisor); one member of the media and three members of the public

**Apologies/Leave of Absence Requests**

An apology was received from Councillor Hill.

No requests for Leave of Absence were made.

It was agreed that the apology be accepted.

**Declarations of Conflicts of Interest**

No declarations of conflicts of interest were made.

**Matters Lying on the Table**

The following items remained lying on the table pending presentation to the Council on 13 December 2018:

- Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area
- Ratification of Hearings Panel's recommendation on Private Plan Change 53: Northlake Special Zone

**Public Forum**

The Mayor advised that under Standing Order 14.15 he had discretion to decline to hear a speaker or to terminate a presentation where the matter being discussed was subject to a hearing (including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity), or the speaker had previously spoken on the same issue. Notwithstanding these provisions, he was prepared to accept speakers at the meeting.

1. Eddie McKenzie (Jet Boating New Zealand)

Mr McKenzie stated that he represented the 3,500 members of Jet Boating New Zealand ('JBNZ') and he detailed the organisation's objectives which included encouraging jet boating, coordinating national activities, protecting boaties' rights and promoting good relationships with statutory authorities.

He noted that the Clutha River had been open for jet boats to use for many years. The Maritime Transport Amendment Act 2017 only permitted restrictions to be imposed to address matters of either navigation or safety but other issues (noise or other environmental effects) were not relevant. There had been no jet boating accidents on the Clutha River and there was no reason to claim it was unsafe, provided that proper maritime rules were observed. He likened the situation to reducing the speed limit on Aubrey Road, pointing out that closing the road to all traffic had not be contemplated.

The Mayor advised Mr McKenzie that he was now addressing matters that had been covered at the hearing and it was not appropriate for him to continue in this vein during the Public Forum. He asked him to complete his address.

Mr McKenzie stated that what was proposed was a big compromise. JBNZ felt hard done by as the outcome was different from what they had believed was going to happen and they considered that the process had been unfair. He asked the Council to retain the status quo (the report's option 2).

### **Confirmation of agenda**

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

#### **1. Proposed amendment to the Queenstown Lakes District Council Navigation Safety Bylaw 2018 – Clutha River**

A covering report from Lee Webster (Manager, Regulatory) presented the final form of the Navigation Safety Bylaw 2018 following the completion of a Special Consultative Procedure. The report noted that the changes to the bylaw recommended by the hearings panel were as follows:

- a. Extend the proposed prohibition on recreational powered vessels operating in the Upper Clutha by 1 month to cover the period 1 December - 30 April inclusive (clause 35.1(a));
- b. Removal of the proposed restrictions on powered vessels (commercial) operating in the Upper Clutha under a resource consent between 15 January and 1 February (clause 35.1(a)(i)); and
- c. Insert a list of expressly permitted activities on the Clutha River under clause 21.5.44 of the Queenstown Lakes Proposed District Plan subject to a requirement to seek permission from the Harbourmaster (clause 35.1(a)(ii)).

The report recommended that the Council adopt the proposed amendment to the Navigation Safety Bylaw because it reflected public concerns regarding collision risks in the Upper Clutha River and recognised the different navigation safety risk profile in relation to the upper and lower parts of the Clutha River at different times of the year.

The report was presented by Mr Webster and Mr Collins.



Mr Webster acknowledged that the comments during the Public Forum which was demonstrable of the breadth of views in submissions and the divided feelings of both the local and wider communities. He observed that the amendment proposed was a compromise intended to balance maintaining access for powered vessels whilst improving the safety of passive users. He noted that the matter had attracted significant public interest with as many as 1,800 submissions received on the subject over the course of the last 12 months. He thanked all submitters for participating in the process although he recognised that the outcome would not satisfy everyone. Nonetheless, he considered that the process had been thorough and the discussions robust.

Councillor Smith questioned the safety of the hours of winter speed uplifting (10am to 6pm) as it would be dark after 5pm in winter. Mr Webster considered that it was a reasonable provision, provided boats had suitable navigation lights. Further, it was likely that vessels would travel more slowly in the dark.

Councillor Smith also questioned the conflict between the bylaw and the Proposed District Plan rule which prohibited motorised craft on the Clutha except for no more than six jet boat races per year. Mr Webster advised that it was now accepted that this interpretation of the wording was not the intention of the rule and operators with a consent would still be able to use the river.

Councillor Clark noted that a key consideration of the hearings panel had been the significant growth of both the Upper Clutha population and the number of visitors which had prompted the panel to consider the safety of passive users of the river.

Councillor MacLeod acknowledged the work of Mr Webster and Mr Collins throughout the process. He noted that a priority now was to gather data to obtain robust evidence of the different activities on the Clutha River.

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

- 1. Note the contents of this report;**
- 2. Adopt the recommendation of the Navigation Safety Bylaw Hearings Panel to amend the Navigation Safety Bylaw 2018 pursuant to section 156 of the Local Government Act 2002 to take effect on 1 December 2018;**
- 3. Direct Council staff to:**
  - a. replace existing signage on the Clutha River with new signage to reflect the Bylaw (as amended); and**

- b. produce materials to educate users of the Clutha River and the wider community regarding the amendment to the Bylaw.**

The Mayor asked Mr Webster to pass the Council's thanks onto others in his team who had contributed to the bylaw's review. The efforts of the hearings panel were also acknowledged.

*The meeting concluded at 1.17pm.*

**CONFIRMED AS A TRUE AND CORRECT RECORD**

\_\_\_\_\_  
**M A Y O R**

\_\_\_\_\_  
**D A T E**

QLDC Council  
13 December 2018

Report for Agenda Item: 1

Department: Planning and Development

**Report back to Council on measures to further integrate the proposed Universal Developments Hawea Limited Special Housing Area with the existing Hawea township prior to approval of the Stakeholder Deed**

**Purpose**

- 1 To report back on the meetings held with community groups and developers in Hawea regarding how to further integrate the proposed Special Housing Area with the existing township, and following those meetings, to provide an updated Draft Stakeholder Deed for consideration so that the Council can recommend to the Minister of Housing and Urban Development that the Hawea (Universal Developments Hawea Limited) expression of interest be established as a Special Housing Area (**SHA**).

**Public Excluded (partially)**

- 2 It is recommended that **Attachment B** (Updated Draft Deed of Agreement) to this report is considered with the public excluded in accordance with the Local Government Official Information and Meetings Act 1987 section 7(2)(h) on the grounds that the withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities and section 7(2)(i) on the grounds that withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

**Recommendation**

That Council:

1. **Note** that Councillors Stevens and Smith and Council officers met with the Hawea Community Association, the Wanaka Community Board, the applicant and three Hawea land developers regarding how the SHA can be further integrated with the existing Hawea Township;
2. **Note** that following the Hawea meetings, several amendments to the draft Stakeholder Deed are proposed to further assist with integrating the development into the existing township, including the following changes:
  - a. To provide greater certainty that Capell Avenue will be formed, the SHA developer has agreed to pay a financial contribution up to a maximum of \$500,000 towards its formation upon the issuing of title for the 100<sup>th</sup> residential allotment (i.e. as part of Stage 1);

- b. Changes to the indicative master plan to reduce the number of connections to Cemetery Road, but retaining the key roading connections through to Capell Avenue, Grandview Terrace and Sentinel Drive;
  - c. Re-naming of the Community Hub to 'Township Service Centre' and
  - d. Specific exclusions for a range of activities in the new proposed Township Service Centre to ensure it is complementary to, rather than competing with, what the Hawea community identifies as the existing community hub in the Hawea township;
3. In respect of the formation of Capell Avenue for vehicular traffic:
- a. **Note** that an agreement, to be recorded through a Heads of Agreement, has been reached with Universal Developments Hawea Limited and Willowridge Developments Limited to fund a third each to the cost of forming Capell Avenue, with Council providing a third towards the cost;
  - b. **Note** that a separate legal agreement will be required to confirm the funding agreement between the Council and Willowridge Developments Limited;
  - c. **Agree to add** the formation of Capell Avenue for vehicular traffic (between Nichol Street and Cemetery Road) into the Council's forward work programme at an estimated cost of \$1.5 million with two thirds of this to be funded through contributions from the two developers.
4. **Confirm** that the Council agrees with the contents of the (amended draft) Hawea (Universal Developments Hawea Limited) SHA Deed in **Attachment B**;
5. **Uplift** the agenda item left lying on the table on 6 September 2018 (**Attachment A**) and, noting that resolution (2) below has been amended to now reference the revised draft Deed attached to this agenda item:
- a. Note the contents of the 6 September 2018 report and in particular the assessment of the measures implemented to address the resolutions of Full Council of the 28 June 2018;
  - b. Confirm that the Council agrees with the contents of the (amended draft) Hawea (Universal Developments) SHA Deed [**Attachment B**];
  - c. Delegate to the General Manager, Planning and Development the authority to execute the Deed on behalf of the Council, subject to any minor changes consistent with Council's Lead Policy and infrastructural requirements identified by Council's Chief Engineer;
  - d. Recommend to the Minister that the land to which the Hawea (Universal Developments) proposal relates be established as an SHA, subject to the following:

- i. execution of the amended draft Deed and the performance of any conditions in it;
  - ii. a 2 storey and 8m height limit for qualifying developments; and
  - iii. minimum number of lots / dwellings to be built is 30.
- e. **Agree**, subject to the proposal being approved as an SHA by the Minister and resource consent being granted for the Hawea (Universal Developments) proposal and any upgrade requirements being met by the developer, that the Queenstown Lakes District Council (QLDC) water supply and wastewater scheme boundaries be extended to allow servicing of the proposed development.

Prepared by:



Blair Devlin  
Consultant Planner  
29/11/2018

Reviewed and Authorised by:



Tony Avery  
GM Planning and  
Development  
29/11/2018

## Background

3 The purpose of the HASHAA is:

*to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues.*

4 Universal Developments Hawea Limited (“**Universal**”) submitted an expression of interest (**EOI**) submitted was for a predominantly residential development of approximately 400 sections, plus a ‘community hub’ area centred on an extended Capell Avenue for community and commercial uses. The proposal also includes indicative reserves and roads that would vest with Council. The site is located to the south of Cemetery Road, Hawea. The original proposed site location and road layout as submitted with the EOI is shown in Figure 1 below.



**Figure 1: Original Indicative Masterplan Submitted with EOI**

- 5 The site is zoned Rural General / Rural under the Operative and Proposed District Plans. The total area of the site is approximately 32 hectares and it is opposite the completed Sentinel Park subdivision for 90 lots (houses are currently under construction).
- 6 The developer has confirmed that they will satisfy the affordable housing requirements of the Lead Policy by providing 10% of the developable land area to the Queenstown Lakes Community Housing Trust (**QLCHT**). This will result in approximately 40 sections for the QLCHT. A unique aspect of this EOI is that the proposal includes a contribution of 20% of Stage 1 sections, to ensure the community housing provision is 'front loaded' and not left until the final stages of the development.
- 7 Unlike other SHA proposals, the Hawea EOI proposed fixed pricing for house and land packages between \$464,000 and \$550,000. The EOI targeted first home buyers, and by being within the \$550,000 local ceiling for first-home buyers allows them to access extra financial support through the KiwiSaver HomeStart scheme. Specifically first home buyers will be able to access their KiwiSaver savings *and* be eligible for up to an extra \$20,000 HomeStart grant toward the purchase. The full EOI is available at: <https://www.qldc.govt.nz/your-council/your-views/expression-of-interest/>
- 8 The proposal was approved in principle at the Council at its meeting on 28 June 2018 where Council resolved:

*That Council:*

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

2. **Note** that public feedback received has been provided to Councillors separately, and that the response from Te Ao Marama will be reported to Councillors at the meeting;
  3. **Amend** the Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines (Lead Policy) to:
    - f. add that part of Lot 2 DP343855 shown in the EOI into Category 2 of the Lead Policy; and
    - g. to delete the sentence relating to not accepting proposals for inclusion in Category 2; as set out in Attachment B.
  4. **Approve in principle** the Hawea EOI for a Special Housing Area and instruct the General Manager of Planning and Development to proceed with negotiation of the Stakeholder Deed that addresses the requirements of the Lead Policy including:
    - a. The contribution to the QLCHT, including the doubling of the contribution for Stage 1;
    - b. The proposed affordability mechanisms set out in section 13 of the EOI, including a requirement to meet the price points specified;
    - c. A restriction on visitor accommodation;
    - d. Infrastructure requirements;
    - e. Parks and reserves (including trails, footpaths and connections); and
    - f. Qualifying development criteria for the proposed Special Housing Area.
  5. **Instruct** Council officers to report back to the Council on the measures discussed in Point 4 above.
- 9 Officers reported back on how the draft Stakeholder Deed addressed the resolution of Council at the Council's 6 September 2018 meeting. At that meeting, the Council resolved to leave the item lying on the table, resolving that:

*On the motion of Councillors Stevens and Miller the Council resolved that:*

- a. *The item lie on the table, pending Council having further discussions with the community and Hawea SHA developer about community integration and development of the retail hub; and*
- b. *The item be reported back to the Council no later than the 13 December 2018 Council meeting.*

- 10 The full minute extract is appended as **Attachment C**. Measures taken to address the 6 September 2018 resolution are described below.

### **Meetings Held**

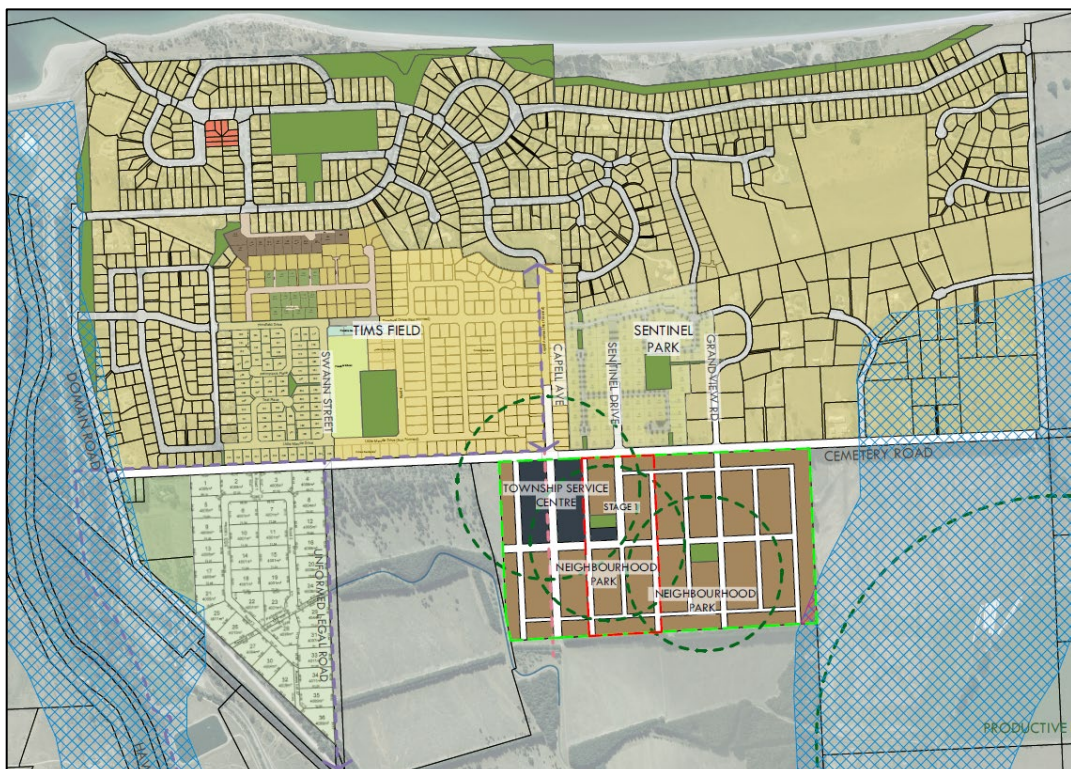
- 11 Councillors Stevens and Smith, and officers met with the following six parties:
- a) Hawea Community Association

- b) Wanaka Community Board
- c) Lane Hocking and Tim Williams, Universal Developments Hawea Ltd
- d) Matt Laming, Sentinel Park developer and landowner of existing Local Shopping Centre zone.
- e) Allan Dippie, Willowridge Developments Ltd (“**Willowridge**” - Timsfield developer)
- f) Chris Streat, developer of the Rural Residential zone south of Cemetery Road and to the west of the proposed SHA.

12 As per the resolution, the focus of the meetings was on how the SHA can best integrate with the existing Hawea township. A short report by the applicant (**Attachment D**) was prepared to help inform the discussions, recognising that the EOI design had already made efforts to integrate with the existing township including:

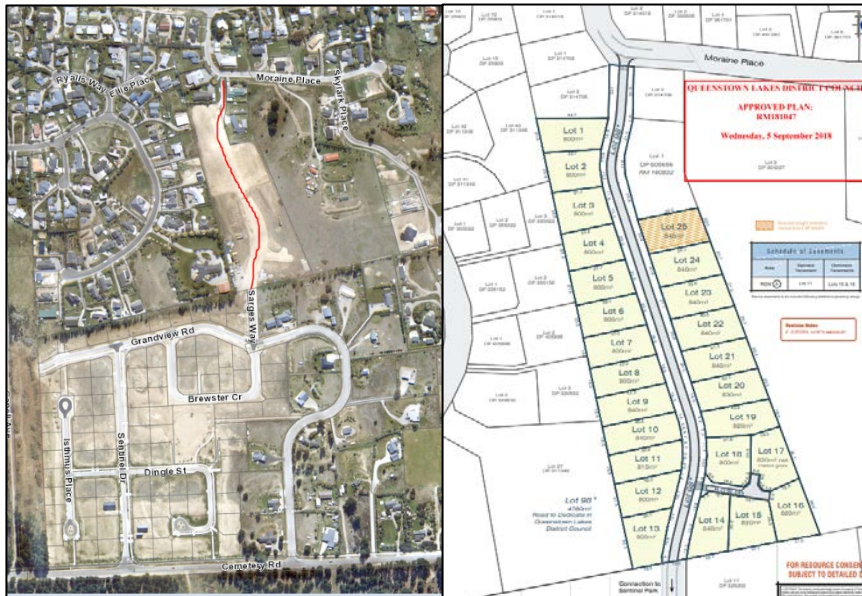
- a. Aligning proposed new roads with the existing roading network, with specific connections aligning with Capell Avenue, Sentinel Drive, and Grandview Terrace;
- b. Extension of the Capell Avenue walking and cycling connection along the alignment of the future road within the SHA to the playground;
- c. Providing for a playground in stage 1, which will be available to be used by the whole community;
- d. Providing for future connections through to adjoining land;
- e. Central location of the Community Hub at the key north-south and east-west roading intersection for the township, and in a central location taking a longer term view of potential growth to the south of the Hawea township.
- f. An updated indicative master plan showing Hawea as a whole is appended as **Attachment E** and also in Figure 2 below.

**Figure 2: Revised Indicative Master Plan Showing Fewer Connections to Cemetery Road**





13 Since the last Full Council meeting, it has also been identified that a new roading connection has now been completed between the upper and lower parts of Hawea, though the vesting of a road linking Sentinel Park through to the original township via a new road to Moraine Place. This new road is not a substitute for the formation of Capell Avenue, and the community feedback was strongly that this is a narrow road serving a local access function and is not suitable as a through route. It is however the first roading connection linking the original and newer parts of Hawea, and is shown in Figure 3 below:



**Figure 3: Roading link through Sentinel Park to Moraine Place**

### Feedback received

14 Two key issues arose consistently through feedback:

- a. The need to ensure that Capell Avenue is formed for vehicular traffic (recognising it is already formed for walking and cycling).
- b. The size, location and purpose of the proposed community hub, with an emphasis on ensuring it is complementary to the existing Local Shopping Centre and existing Hawea community centre area, and not competing with it.

15 Other issues relating to integration, considered later in this report, included:

- a. Links to walkways exiting Sentinel Park;
- b. Roading / traffic matters at existing intersections;
- c. Opportunities for connections along the irrigation race corridor;
- d. Whether a longer, narrower SHA connecting to Rural Residential zone would be better.
- e. The speed limit of Cemetery Road (not able to be dealt with through the SHA process);

16 The two key issues are addressed first below.

## Formation of Capell Avenue for vehicular traffic

- 17 Council approved the EOI in principle at its meeting on 28 June 2018 without requiring the formation of Capell Avenue for vehicles. The legal corridor of Capell Avenue is already in Council ownership and it was understood that the timing of the formation for Capell Avenue for vehicular traffic was uncertain but linked to the Timsfield development.
- 18 Officers remain comfortable that the EOI can be recommended to the Minister without a confirmed timeframe for the formation of Capell Avenue for vehicular traffic, given the alternative route of Cemetery / Domain Roads is available. A further transportation report was prepared (appended as **Attachment F**) which confirms that even if Capell Avenue is never formed, the existing access via Cemetery / Domain Roads will still function at an acceptable level. In terms of the HASHAA test, the Minister would need to be satisfied that adequate infrastructure exists, and the Cemetery / Domain Road access is adequate. The draft Deed requires the developer to upgrade intersections if necessary although this will depend on the timing of other development in to the township.
- 19 However almost all parties spoken to in the last few months felt that the formation of Capell Avenue for vehicular traffic was going to be important to ensure the SHA is well integrated with the existing township. While it is formed for walking and cycling at present (which is to be encouraged), a vehicular link was seen as very important for integration.
- 20 A detailed estimate has been obtained that forming and sealing Capell Avenue over its 695 metre length would cost approximately \$1.2 – 1.4 million. A figure of \$1.5 million has been used as a contingency.
- 21 Discussions have occurred with Universal (the SHA developer) and Willowridge (the developer of the Timsfield development). Based on an offer by Universal, and agreement with Willowridge to accelerate the formation of Capell Avenue, a cost sharing arrangement to fund the road formation has been agreed between the parties to provide a third share each, with the Council to provide one third funding. The contribution from each party is to be secured through:
  - a. Including the funding requirement on Universal in the draft SHA Stakeholder Deed appended as **Attachment B**. The payment would be to Council, and would be payable on the issuing of the 100<sup>th</sup> title in the development (i.e. part of Stage 1).
  - b. The signing of a Heads of Agreement between the three parties that confirms the third each contribution to be paid by each party, with formal separate legal agreements to be prepared to formalise and confirm the funding agreement between the Council and Willowridge.
  - c. The Council adding the formation of Capell Ave into its forward work programme with two thirds of the cost being met by the two developers.

- 22 The rationale for the Council to provide funding is that the formed part of Capell Ave (between 50kmph signs and Skinner Crescent) is identified as a ‘Collector Road’ in the Operative District Plan. Part of the alignment of the new road formation also includes other land not owned by Willowridge but who have no ambition to develop (the Capell block at the bend in the Capell Avenue road alignment). Wider use of the road will also occur from recent subdivisions (such as Sentinel Park) but who cannot now be made to contribute to the cost of the road formation.
- 23 The Council made its decision to support the SHA originally knowing that Capell Avenue was not going to be formed immediately, and that the roading network provided adequate capacity for the 400 lot development. However the meetings regarding further integration have highlighted the need to form Capell Avenue for vehicles.
- 24 This now presents itself as a situation where, through the negotiations over the SHA integration, the Council has commitments from two developers to meet 66% of the cost of the development of the road. As Hawea grows to the south, the connection through Capell Avenue will become more and more important and requests from Hawea residents to form the road will increase.
- 25 The resolution before Council seeks that the remaining one-third of formation costs be borne by Council, and that a project be added into the forward work programme.

**Options – Capell Avenue formation for vehicles**

- 26 The Council therefore has two options in relation to the formation of Capell Avenue. These are set out in Table 1 below with advantages and disadvantages of both:

**Table 1:**  
**Options for Council regarding the formation of Capell Avenue for vehicles**

<b>Option 1 – Status Quo</b>	
<b>Recommend the SHA to the Minister, accepting the timing of the formation of Capell Avenue is uncertain / linked to the development of Timsfield</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Recognises the adjoining developer would normally have to form and seal Capell Avenue given its local access function servicing approximately 40 lots.	Community feedback is strongly that a walking / cycling link is not acceptable over the long term and a vehicle link on Capell Avenue is crucial to integrate the SHA.
Recognises an adequate alternative route exists via Cemetery and Domain Roads and would ensure much needed housing is not delayed.	The Timsfield subdivision adjoining Capell Avenue could be delayed for many years meaning no vehicle route is completed for some time.
	Funding for the future formation of the road remains uncertain

**Option 2 – Accept the offer of a 66% contribution to the formation of Capell Avenue from Universal and Willowridge**

Advantages	Disadvantages
Accept Universal and Willowridge offer to pay two-thirds of the road formation cost (to be held by Council) through the Stakeholder Deed and through a Heads of Agreement to accelerate road formation.	Will require commitment from Council to contribute a proportionate share to ensure that Capell Avenue will be formed.
A Heads of Agreement would provide certainty around timing and payment for the formation of Capell Ave.	
Most likely to result in Capell Avenue being formed the fastest.	

27 **Option 1** was approved in principle by Council on 28 June 2018. This was because under the normal course of events, the adjoining developer would be required to form and seal the majority of Capell Avenue to access the approximately 40 lots directly off it. As noted above in paragraph 19, Officers remain comfortable with Option 1 as **Attachment F** confirms that even if Capell Ave is never formed, the existing access via Cemetery / Domain Roads will still function at an acceptable level.

28 However following the meetings with the community and other developers, it is recommended that **Option 2** above is pursued. The EOI applicant is willing to make a financial contribution to the cost of forming and sealing Capell Avenue and this has been added into the draft Deed. Willowridge has also indicated a willingness to contribute one-third of the cost, and this to be covered in a Heads Of Agreement. While this will not guarantee the road is formed by a certain date (as Council will need to consider adding it into its Forward Work Programme), the SHA developer is doing all they can to speed the formation of Capell Ave.

29 Option 2 has been included in the amended draft Deed (refer Clauses 28-29) which requires payment of the \$500,000 on the issuing of the 100<sup>th</sup> title for the development (i.e. part of Stage 1).

30 It is therefore recommended that *Option 2* is pursued.

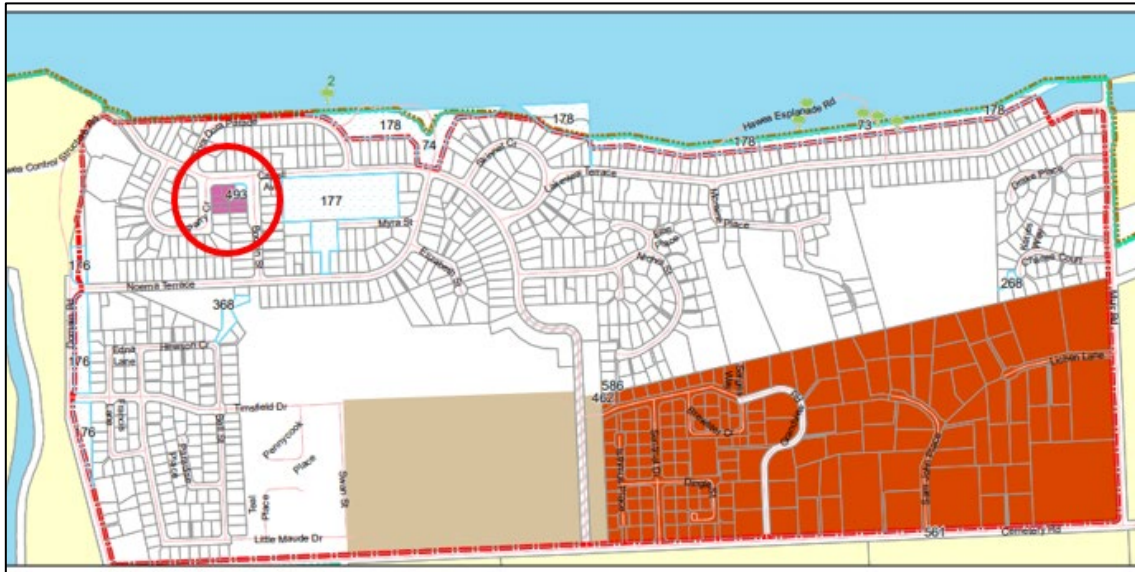
**Size, location and purpose of the proposed community hub**

31 Concern was expressed by the Wanaka Community Board (WCB), Hawea Community Association (HCA) and Willowridge about the size of the proposed community hub, its role in relation to the existing Local Shopping Centre zone and what is already seen as the community hub area, being the area occupied by the Hawea Community Centre, Peter Fraser Park, the bowling club, playground and domain.

32 The feedback from the WCB and HCA was strongly that they felt the community needed to be further involved in the discussion around the size and location of the community hub. The WCB and HCA also stated that Hawea does not need another community hub, it already has one by the Hawea Community Centre, and the size

of the proposed community hub would adversely affect the local shopping centre zoned area.

- 33 With regard to **size**, the Local Shopping Centre zone is shown below in purple (circled in red) and measures 4555m<sup>2</sup>. It was recognised by all parties that the existing local shopping centre has a very limited offering, but that plans were advancing to develop the zone and include additional retail and services, for example such as a medical centre. Feedback received was that the proposed SHA community hub could undermine the redevelopment of the existing Local Shopping Centre.



**Figure 3: Location of Hawea Local Shopping Centre Zone**

- 34 The existing local shopping centre zone has Sailz Café and a convenience retail premises, however the majority of the zoned area is vacant as shown in the images below, and two sections are occupied by a dwelling. This is the only retail offering in all of Hawea at present, which in 2013 had a population of approximately 2172 according to Statistics NZ. The current population is unknown until the latest census data is released, however it is predicted to increase significantly.



**Figure 4: Images of Hawea Local Shopping Centre Zone**

- 35 The Local Shopping Centre zone is almost all in the single ownership of Lake Hawea Holdings Ltd, who are intending to develop the area in the short term. Therefore it is possible further development of the LSCZ could proceed ahead of the Hawea SHA.
- 36 The Local Shopping Zone rules limit retail activities to 300m<sup>2</sup> gross floor area, and 200m<sup>2</sup> gross floor area for office activities. Consent for exceeding these limits is a non-complying activities.
- 37 The proposed Community Hub measures 28,000m<sup>2</sup>, which is six times the size of the existing local shopping centre. The SHA developer has proposed an area this size on the basis of:
- Hawea is presently underprovided for in terms of retail / commercial / community space with only the Local Shopping Zone, and
  - Providing for an adequate area for growth over a long-term horizon (30 years), i.e. future proofing Hawea for commercial / retail growth over the long term (30 years) and avoiding multiple small retail / commercial centres.
  - That a number of activities are not well suited to the Local Shopping Zone due to the size limits for retail and office activities identified above, and the need for car parking. For example car parking for the pick up and drop off associated with child care centres, medical centres and a convenience retailer such as a Four Square can consume a large amount of the zoned land.
- 38 To put the propose Community Hub / Township Service Centre into perspective, it is useful to compare it to Arrowtown.
- 39 The community hub has two main blocks, each block either side of the future Capell Avenue extension is 195m long and 67m deep. By way of comparison, Arrowtown has a small, busy and vibrant commercial area with no *onsite* parking within the Arrowtown Centre Zone (albeit with a stronger tourism component that would be expected in Hawea). The town centre zone for Arrowtown is longer, measuring 216m in length and the block depth is 26m.



**Figure 5 Comparison of Arrowtown Town Centre and proposed Hawea Community Hub**

- 40 While the total square meterage in Hawea is bigger than Arrowtown, that is to recognise that the Arrowtown Town Centre zone does not provide for onsite car parking (which in Arrowtown occupies an extensive area along the river side). With an eye to the long term, the size of the community hub is not dissimilar to Arrowtown, and is not considered excessively large.
- 41 With regard to the **location** of the community hub / Township Service Centre, it has been deliberately proposed in a central location of the Hawea urban area at what will likely be the key future north-south and east-west roading intersection for the township.
- 42 As noted in the 28 June 2018 agenda item, Hawea is constrained to the north by the lake, to the west by the river, and to the east by the lake overflow area. Over a 30-year horizon further growth to the south is possible, and the central location is suitable taking a longer-term view of potential growth to the south of the Hawea township.
- 43 With regard to the **purpose** of the community hub, the WCB and HCA advised that Hawea does not need another community hub, and that it already has one, being the area occupied by the Hawea Community Centre, Peter Fraser Park, the bowling club, playground and domain.
- 44 In this regard calling the area a 'community hub' may not be appropriate as the applicant has advised they have no desire to try and replace or compete with the existing community hub area in Hawea. The applicant has suggested renaming it as 'Township Service Centre', and it is proposed that a range of activities be excluded from this area so as not to compete with the area viewed by locals as the existing community hub. Activities proposed to be excluded include:
- i. Town Hall
  - ii. Public Library
  - iii. Tennis Club
  - iv. Bowling Club
  - v. Community Centre
- 45 Given the limit on retail floorspace above 300m<sup>2</sup> in the Local Shopping Zone, it was contemplated whether the Township Service Centre / proposed community hub should be limited to activities with a floor area greater than 300m<sup>2</sup>, in order that it be complementary to, rather than competing with the Local Shopping Centre.
- 46 Officers were not comfortable with that approach as it would be a significant impost that would notably constrain the Township Service Centre area, and would not recognise the drastic under provision of retail and commercial land to the existing township.

## Options – Community Hub / Township Service Centre

47 The Council therefore has a range of options in relation to the Township Service Centre. These are set out in Table 2 below with advantages and disadvantages of both:

**Table 2:**

**Options for Council regarding the location / scale / purpose of Township Service Centre**

<b>Option 1 – Status Quo</b> <b>Retain the Township Service Centre in its current location / size</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Provides for long term (30 years) future growth and recognises existing township is severely underserved for commercial floor space	Could compete with Local Shopping Centre area which is highly valued by locals
	Community feedback is that further consultation and studies are required before making the decision on size and location
<b>Option 2 – Restrict some activities</b> <b>Restrict the range of activities in the Township Service Centre to avoid competing with existing Hawea Community hub</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Will help ensure Township Service Centre does not directly compete with existing community hub area	Community feedback is that further consultation and studies are required before making the decision on size and location
<b>Option 3 – Reduce the scale</b> <b>Reduce the size of the Township Service Centre to avoid competing with existing Hawea Community hub and Local Shopping Zone</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Could protect the Local Shopping Centre	Would not future proof the growth of Hawea over the long term
	Would not recognise commercial demand does not necessarily go hand in hand with housing growth but is playing catch up.
<b>Option 4 – Remove the Township Service Centre completely</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Would allow time for further assessment and research into the scale of community hub	Would leave Hawea very poorly serviced for commercial needs in the short term.
	Would continue to require travel for local shopping needs
	Would not create a more sustainable community where people can live, work and shop



48 It is recommended that **Option 2** above is pursued. This will involve restricting some types of activities from establishing in the Township Service Centre and will ensure it does not compete with what the community considers to be the existing community hub around the Hawea Community Centre.

### **Other Integration Matters**

49 Other matters raised in meetings in relation to integration include:

- a. Links to walkways exiting Sentinel Park – the detailed design of the subdivision should consider whether direct connections are required to connect to the walkways exiting the Sentinel Park subdivision onto Cemetery Road. This has been added to the draft Deed (Clause 32).
- b. Roading / traffic matters at existing intersections – the draft Deed requires intersection upgrades if necessary (which is dependent on the timing of other developments in Hawea).
- c. Opportunities for connections along the irrigation race corridor – this should be explored at the resource consent stage, recognising health and safety issues around open waterways. No changes to the draft deed are necessary.
- d. Whether a longer, narrower SHA connecting to Rural Residential zone would be better – this is likely to be beyond the scope of the EOI that was lodged.
- e. The speed limit of Cemetery Road – this is not able to be dealt with through the SHA process;

### Amendments to the Draft Deed to enhance integration between Hawea and the SHA

50 The amended draft Deed (**Attachment B** – Public excluded) has been amended to seek to better integrate the development with the Hawea township in the following ways:

51 Clause 28 of the draft Deed has been added to reflect the financial contribution of the applicant towards the formation of Capell Ave. This timing of this contribution is to be addressed in the Head of Agreement with Willowridge and Council.

52 Clause 1 of the draft Deed has been amended to reflect the updated Indicative Master Plan appended as **Attachment E**, with key connections shown to Capell Avenue, Sentinel Drive and Grand View Roads, and with less connections directly on to Cemetery Road.

53 Clause 45 of the draft Deed the Community Hub has been renamed to 'Township Service Centre' to reflect the objective that it is complementary to the existing local shopping centre and existing community hub area.

54 Clause 1 of the draft Deed lists a range of activities that are not permitted to be located in the Community hub, including:

- i. Town Hall
- ii. Public Library
- iii. Tennis Club
- iv. Bowling Club
- v. Community Centre

## Options

55 Option 1: Agree with the terms of the amended draft Deed that seek to better address the integration of the SHA with the existing Hawea township.

### *Advantages:*

- 56 Further improves integration of the SHA with the existing Hawea township.
- 57 Seeks to address the key concerns raised by community groups and other developers.
- 58 Achieves financial contribution of one-third of the cost of forming Capell Avenue.

### *Disadvantages:*

- 59 Relies on contributions being confirmed with Willowridge and Council to guarantee the formation of Capell Avenue for vehicular traffic.

60 Option 2: Not agree with the terms of the amended draft Deed that seek to better address the integration of the SHA with the existing Hawea township.

### *Advantages:*

- 61 None

### *Disadvantages:*

- 62 Would mean the extra efforts towards integration as set out in the amended Deed would not form part of the Stakeholder Deed.

63 This report recommends **Option 1** for addressing the matter.

64 If **Option 2** is adopted:

- a. The amended draft Deed attached to this agenda item would require further negotiation between the developer and Council to secure any remaining matters relating to integration that the Council directs, such that it can be confident in recommending the proposal to the Minister; and
- b. the Council will not be able to recommend the proposal to the Minister for establishment as a SHA at this time.

## Significance and Engagement

65 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because:

- **Importance:** the matter is of high importance to the District. Housing supply and affordability is a critical issue for the District;
- **Community interest:** the matter is of considerable interest to the Hawea community;
- **Existing policy and strategy:** The proposal is considered consistent with the Housing Accord, and is generally consistent with the Council's Lead Policy. The proposal is contrary to the Operative and Proposed District Plans because urban development is not anticipated on Rural / Rural General zoned land.
- **Capability and Capacity:** The site can be serviced by proposed infrastructure.

## Risk

66 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)' as documented in the Council's risk register. The risk is classed as high. This is because of economic, social, environmental and reputational risks.

67 This matter relates to this risk because the supply of housing is central to the current and future development needs of the community. In this instance, it is considered that the social and economic benefits towards the provision of housing and land packages that are targeted at first home owners are met. The subsequent resource consent assessment process under the HASHAA also provides the opportunity for further mitigation of risk.

## Financial Implications

68 The resolution and recommended option to amend the draft Deed would mean that one third of the cost of the formation of Capell Avenue for vehicles would fall to Council. As noted, there is no budget for this work at present, and the resolution seeks that it be added into the forward work programme.

## Council Policies, Strategies and Bylaws

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

- Lead Policy for SHAs;
- The Operative District Plan;
- The Proposed District Plan;
- Growth Management Strategy 2007;
- Housing Our People in our Environment Strategy;
- Economic Development Strategy;
- 2017/2018 Annual Plan and the Long Term Plan;
- Mayoral Housing Affordability Taskforce Report;
- Monitoring Reports on the Housing Accord.

- 70 This matter is partly included in the 10-Year Plan/Annual Plan, due to the fact that some infrastructure upgrades are provided for Hawea.

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

- 71 The proposed resolution accords with Section 10 of the Local Government Act 2002, in that it fulfils the need for good-quality performance of regulatory functions.
- 72 The recommended option:
- a. Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by utilising the HASHAA to enable increased levels of residential development on the proposal site;
  - b. Cannot currently be implemented through current funding under the 10-Year Plan and Annual Plan, however the project is recommended to be added to the forward work programme and the Council contribution towards the formation of Capell Avenue can be revisited as part of the next Annual Plan;
  - c. Is considered to be generally consistent with the Council's plans and policies; and
  - d. Would alter the intended level of infrastructural service provision undertaken by or on behalf of the Council.

### **Consultation: Community Views and Preferences**

- 73 HASHAA does not set any statutory responsibilities in terms of consultation on the establishment of SHAs. However, the Council has sought public feedback / comment regarding the proposed SHA, which it has done for all SHA proposals. This feedback was provided to Councillors prior to the 28 June 2018 Full Council meeting and is available on the Council's website.
- 74 At its meeting on 6 September 2018, the Council directed that further discussions be undertaken regarding how best the development can be integrated with the existing township. This involved meetings with the Hawea Community Association, Wanaka Community Board, the applicant and three local developers.
- 75 In addition, should the SHA be established, the consent authority may request the written approval of adjacent land owners if they are deemed to be affected, and may undertake a limited notification resource consent process with adjacent landowners, local authorities (Otago Regional Council), infrastructure providers (limited to those who have assets on, under or above, or adjacent to the proposal site) and requiring authorities (if the adjacent land is subject to a designation).

### **ATTACHMENTS**

- A Agenda item from 6 September 2018 – excluding appendices
- B Amended Draft Deed – *Public excluded*
- C Full minute extract from 6 September 2018 Full Council meeting
- D Report prepared by Universal on existing methods of integration in EOI
- E Updated Indicative Master Plan following meetings
- F Transport assessment report on implications if Capell Avenue never formed

**QLDC Council  
6 September 2018**

**Report for Agenda Item: 1**

**Department: Planning & Development**

**Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area**

**Purpose**

- 1 The purpose of this report is to provide the Draft Stakeholder Deed for consideration so that the Council can recommend to the Minister of Housing and Urban Development (**Minister**) that the Hawea (Universal Developments) expression of interest (**the proposal**) be established as a Special Housing Area (**SHA**).

**Public Excluded**

- 2 It is recommended that **Attachment A** (Draft Deed of Agreement) to this report is considered with the public excluded in accordance with the Local Government Official Information and Meetings Act 1987 section 7(2)(h) on the grounds that the withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities and section 7(2)(i) on the grounds that withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

**Recommendation**

- 3 That Council:
  1. **Note** the contents of this report and in particular the assessment of the measures implemented to address the resolutions of Full Council of the 28 June 2018;
  2. **Confirm** that the Council agrees with the contents of the (draft) Hawea (Universal Developments) SHA Deed [in Attachment A];
  3. **Delegate** to the General Manager, Planning and Development the authority to execute the Deed on behalf of the Council, subject to any minor changes consistent with Council's Lead Policy and infrastructural requirements identified by Council's Chief Engineer.
  4. **Recommend** to the Minister that the land to which the Hawea (Universal Developments) proposal relates be established as an SHA, subject to the following:
    - a. execution of the draft Deed and the performance of any conditions in it;

- b. a 2 storey and 8m height limit for qualifying developments; and
  - c. minimum number of lots / dwellings to be built is 30.
5. **Agree**, subject to the proposal being approved as an SHA by the Minister and resource consent being granted for the Hawea (Universal Developments) proposal and any upgrade requirements being met by the developer, the Queenstown Lakes District Council (QLDC) water supply and wastewater scheme boundaries be extended to allow servicing of the proposed development.

Prepared by:



Blair Devlin  
Manager, Planning Practice

24/08/2018

Reviewed and Authorised by:



Tony Avery  
GM Planning and  
Development

24/08/2018

## Background

- 4 The expression of interest submitted was for a predominantly residential development of approximately 400 sections, plus a community hub area centred on an extended Capell Ave for community and commercial uses. The proposal also includes indicative reserves and roads that would vest with Council. The site is located to the south of Cemetery Road, Hawea. The proposed site location and road layout is shown in Figure One below.



**Figure One: Proposed Site Layout**

- 5 The site is zoned Rural General / Rural under the Operative and Proposed District Plans. The total area of the site is approximately 32 hectares and it is opposite the Sentinel Park subdivision (90 lots which is currently under construction).
- 6 The developer has confirmed that they will satisfy the affordable housing requirements of the Lead Policy by providing 10% of the developable land area to the Queenstown Lakes Community Housing Trust (**QLCHT**). This will result in approximately 40 sections for the QLCHT. A unique aspect of this EOI is that the proposal includes a contribution of 20% of Stage 1 sections, to ensure the community housing provision is 'front loaded' and not left until the final stages of the development.
- 7 Unlike other SHA proposals, the Hawea EOI proposed fixed pricing for house and land packages between \$464,000 and \$550,000. The EOI targeted first home buyers, and by being within the \$550,000 local ceiling for first-home buyers allows them to access extra financial support through the KiwiSaver HomeStart scheme. Specifically first home buyers will be able to access their Kiwi Saver savings *and* be eligible for up to an extra \$20,000 HomeStart grant toward the purchase.
- 8 The EOI contains concept design plans and detailed reporting on the Hawea SHA, with supporting assessments from a planner, landscape architect, urban designer and engineers. The EOI is available online at: <https://www.qldc.govt.nz/your-council/your-views/expression-of-interest/>
- 9 At the 28 June 2018 meeting, the Council resolved:

*That Council:*

1. **Note** the contents of this report and;
2. **Note** that public feedback received has been provided to Councillors separately, and that the response from Te Ao Marama will be reported to Councillors at the meeting;
3. **Amend** the Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines (Lead Policy) to:
  - a. add that part of Lot 2 DP343855 shown in the EOI into Category 2 of the Lead Policy; and
  - b. to delete the sentence relating to not accepting proposals for inclusion in Category 2; as set out in **Attachment B**.
4. **Approve in principle** the Hawea EOI for a Special Housing Area and instruct the General Manager of Planning and Development to proceed with negotiation of the Stakeholder Deed that addresses the requirements of the Lead Policy including:
  - a. The contribution to the QLCHT, including the doubling of the contribution for Stage 1;

- b. *The proposed affordability mechanisms set out in section 13 of the EOI, including a requirement to meet the price points specified;*
- c. *A restriction on visitor accommodation;*
- d. *Infrastructure requirements;*
- e. *Parks and reserves (including trails, footpaths and connections); and*
- f. *Qualifying development criteria for the proposed Special Housing Area.*

5. **Instruct** Council officers to report back to the Council on the measures discussed in Point 4 above.

10 The proposal was approved in principle at the Council meeting on the 28 June 2018. Measures taken to address the resolutions are described below.

#### Feedback from Te Ao Marama Incorporated (Resolution 2).

- 11 Feedback was received from Te Ao Marama on 10 July 2018 and is appended as **Attachment B**. The response did not express opposition to the proposal, but some concern to ensure that SHAs are achieving what they are designed to, specifically to “get good housing for people at a good price”. Reference was made to the Bridesdale SHA, where houses were delivered to the market at the low price point promised, however on-selling quickly resulted in price escalation.
- 12 The proposed Deed addresses this matter as much as possible, recognising there are limits to what can be achieved through a Stakeholder Deed with regard to preventing speculation in bare land. The draft Deed includes clauses relating to the price points for house and land packages, with regard to the limit of the number of sections / house and land packages sold to each party, and the restriction of on sale of bare sections within 5 years of purchase.

#### Amendment of the Lead Policy (Resolution 3 a. and b)

13 The Lead Policy has been amended as per the resolution and the updated version placed on Council’s website.

#### Negotiation of Draft Deed (Resolution 4)

14 The draft Deed (**Attachment A** – Public excluded) has been developed for consideration by Council to outline conditions on which this proposal could be recommended to the Minister. The draft Deed addresses the resolutions of 28 June 2018 relating to:

- a. the QLCHT contribution;
- b. the affordability mechanisms,
- c. a restriction on visitor accommodation,
- d. infrastructure,



- e. parks and reserves and
- f. the qualifying development criteria.

15 At the time of writing this report, the draft Deed has been agreed in principle by the Developer, however any further minor amendments or updates will be presented to Councillors at the meeting.

#### Resolution 4a – QLCHT contribution

16 The draft Deed ensures the 10% contribution of the developed land area to the QLCHT. On the basis of a 400 lot development, this is anticipated to be 40 lots going to the QLCHT. The draft Deed also requires that the Stage 1 contribution is doubled, i.e. 20% of the Stage 1 lots (the draft Deed requires that Stage 1 must be a minimum 90 lots). This is consistent with what was proposed in the EOI (Clause 33).

#### Resolution 4b – Affordability mechanisms

17 The draft Deed goes beyond other Stakeholder Deeds and seeks to lock in the price points specified in the EOI for house and land packages (Clauses 37-38). This includes the following:

- a. two bedroom, two bathroom, single garage dwelling, with driveway and front yard landscaping for \$464,000.00;
- b. two bedroom, one bathroom, double garage dwelling, with driveway and front yard landscaping for \$464,000.00;
- c. three bedroom, two bathroom, single garage dwelling, with, driveway and front yard landscaping for \$499,000.00;
- d. three to four bedroom, two bathroom, double garage dwelling with driveway and front yard landscaping for \$550,000.00.

18 The draft Deed does include a clause that allows the developer to propose changes to these price points to allow for changes in building costs, demand and government and other policies promoting home ownership and first home ownership. The Council has full discretion to accept or reject any proposed revisions.

19 The draft Deed also requires a restrictive covenant in favour of Council be registered on each title issued, restricting the on-sale of bare sections within five years of purchase (Clause 34). This is anticipated to reduce speculation in vacant sections, as any purchaser will be locked in to their purchase for 5 years unless they build a dwelling, which will present significant holding costs and discourage speculation.

20 The draft Deed also requires that the developer:

- a. impose a limit of one section or dwelling and land package per purchaser (Clause 35), but there are exclusions for sales of multiple sections to house builders;

- b. vet prospective purchasers in accordance with the Hawea SHA Purchaser Vetting Process as reviewed and approved by the Council and attached to the Deed as Schedule E (Clause 36); and
- c. offer a 5 per cent deposit requirement for first home buyers and a 10 per cent deposit requirement for purchasers who are not first home buyers (Clause 36b).

21 It is important to note that the EOI was put forward on the basis of targeting first home buyers, and through specifying particular price points for house and land packages. However house and land packages are not suitable for all persons, and under the draft Deed the developer is still able to sell bare land to those to wish to build a different style of dwelling, or who are in the trade and wish to use their own skills to build their own home.

22 The EOI did not state that sales of bare land would not occur. However Clause 39 of the Deed is important to ensure the availability of house and land packages at all times, even when bare sections are available. Clause 39 specifically requires that 70% of sales are for house and land packages, meaning only 30% can be sales of bare land. This will help ensure that new houses are built, which is achieves the purpose of HASHAA.

23 Through the draft Deed, the Council therefore has the ability to require the developer to sell a certain proportion of sections as house and land packages at the price points specified in the EOI, and can control to some degree, who gets to purchase them through the vetting process (Schedule E to the draft Deed), but it is not able to completely prevent speculation.

24 For example if a couple bought a house and land package comprising a two bedroom dwelling with a two car garage for \$464,000, once a house is constructed they can then on-sell to potentially make a profit. The purpose of the vetting system is to try and avoid that type of activity, so that genuine owner occupiers are targeted, and there is low turnover in property generally. However as the Councillors will recall with regard to legal advice concerning the Ladies Mile, it is not possible to completely avoid on-selling at market rates that result in houses becoming more expensive.

25 The vetting document ensures priority in sales is given to first home buyers who are permanent residents and are seeking to be owner occupiers, followed by other owner occupiers who have made preparations for building to commence within 12 months.

#### Resolution 4c – Visitor accommodation restriction

26 The draft Deed requires the registration of a restrictive covenant on the land, in favour of Council, limiting the commercial letting of residential units or residential flats constructed to three lets, not exceeding a cumulative total of 28 nights per 12 month period (Clauses 11 -12). This is in accordance with the permitted activity standards in the Council's Stage Two Proposed District Plan as at the date of notification. The Clause has flexibility for it to reflect the outcome of the Stage 2 Proposed District Plan process.

27 The restrictive covenant is anticipated to be in the form of a consent notice that gets registered on the certificate of title at the time of subdivision. This would mean the Council can readily use the enforcement mechanisms under the Resource Management Act (e.g. could issue an abatement notice or fine (infringement notice)) if the property was used for visitor accommodation. It would also mean that a person can apply to vary the consent notice. Such applications would be strongly discouraged in an area created for housing under the HASHAA.

#### Resolution 4d – Infrastructure matters

28 Infrastructure matters are included with regard to water supply, wastewater, stormwater and transport.

29 With regard to water supply (Clauses 13-17), the stakeholder deed commits the developer to paying for the required upgrade to the existing Hawea Bore Pump Station and Treatment Plant. The exact nature and cost of the upgrade was not able to be specified at the time of preparing the draft Deed, however the Clause requires the developer to pay all costs arising.

30 With regard to wastewater (Clauses 18-24), the draft Deed commits the developer to provide for certain interim solutions until the connection to Project Pure is complete. The draft Deed also commits the developer to providing a separate wastewater pipeline connecting to the Project Pure Wastewater Treatment Plant, to be constructed alongside the pipeline that is part of the Hawea Wastewater Upgrades, to achieve the Hawea SHA Outcome.

31 The Separate Pipeline will have to be designed, approved, and constructed by the Council as part of, and at the same time as, the pipeline that is part of the Hawea Wastewater Upgrades. The Developer agrees to pay for all the costs of design, planning approvals, and construction that are attributable to the addition of the separate pipeline (Clauses 18-24)

32 With regard to stormwater, the draft Deed requires the developer to at its sole cost to design and obtain all necessary consents for, and construct any stormwater infrastructure that is necessary to, address the stormwater effects of the Hawea SHA Outcome in accordance with the Three Waters Reports and the initial feedback received from the ORC, dated 15 March 2018, included as Appendix I to the Hawea SHA EOI, which is attached to this Deed as Schedule C (see also Clauses 25-26).

33 With regard to roading / transportation, the existing transport and trails network is likely to have sufficient capacity to service any qualifying development on the Universal Developments Land, as confirmed by the Transport Reports. However the draft Deed requires the Developer to agree to, at its sole cost, design, obtain all necessary consents for, and construct any infrastructure that is necessary to address the transport effects of the Hawea SHA Outcome in accordance with the Council's planning and infrastructure requirements. The need for any upgrades will be affected by the timing of other development in Hawea.

34 It should be noted that Capell Avenue is a Council owned unformed legal road ('paper road'). The agenda item on 28 June 2018 stated:

*The formation of Capell Ave is not currently in the Council's LTP and would normally fall to the developer of the surrounding land as the land is subdivided. Capell Ave runs through the Timsfield subdivision and on the Timsfield masterplan would provide access to many lots [40]. Capell Ave is therefore likely to be formed as part of the Timsfield development. If there is a delay to the formation, the existing route out of Hawea via Cemetery Road and Domain Road remains and is the same in terms of travel time.*

- 35 Capell Avenue is the obvious desire line for linking the Universal land to the existing Hawea shops, and it is expected that this will be built in due course by the developer who can make best use of the legal frontage. Until such time as this happens, the balance of the network (i.e. access via Cemetery and Domain roads) will suffice.
- 36 The Developer also agrees to work with the Council to ensure that the walking and cycling shared paths and any associated infrastructure are integrated with the existing network of trails.

#### Resolution 4e – Parks and reserves

- 37 The draft Deed requires the provision of parks and reserves in accordance with the Parks and Open Space Strategy 2017. This is anticipated to be a 3000m<sup>2</sup> local park (Clause 30). An indicative location for two reserves, one next to the Community Hub area and one located centrally within the housing, were proposed in the EOI. The reserve provision may be better achieved by combining the two areas into one larger space, and this can be worked through at the time of subdivision. A Council resolution will also be required before a reserve vests.

#### Resolution 4f – Qualifying development criteria

- 38 The HASHAA legislation specifies a default SHA height limit of 27m unless otherwise specified. It is recommended that an 8m height limit and two storey maximum apply to the proposed Hawea SHA.
- 39 An 8m height limit currently applies for the Rural General/Rural Zones, which would typically enable two storey development. This would mean that if SHA status was conferred, and a subsequent application for a qualifying development was received by Council that exceeded this height limit or storey height, it would not be able to be accepted as a 'qualifying development' under the SHA.
- 40 A minimum number of 20 lots / dwellings is also being proposed as one of the qualifying development criteria. This means that to be a qualifying development, at least 20 residential lots / units need to be proposed to be able to be processed under the HASHAA. The draft Deed requires the site to be developed in general accordance with the Expression of Interest which provides for some 400 sections.
- 41 It is also noted that when processing a resource consent under the HASHAA, it must not be publicly notified. Only adjacent landowners can be heard in relation to an application, if Council considers that necessary. It is important to note therefore that the future resource consent will not be an opportunity for the wider Hawea community to submit on the application.

## General matters

- 42 As with all developments including SHAs, there will be an ongoing cost to Council for maintaining any vested services or reticulation constructed to service the development, but the developer otherwise agrees to fund the planning and construction of the necessary infrastructure.
- 43 The draft Deed has been agreed to by the developer. The draft Deed is structured such that it would be executed prior to recommendation of the SHA to the Minister.

## Water and Wastewater Scheme Boundary Adjustments

- 44 The proposal site is zoned Rural General / Rural under the Operative and Proposed District Plans. The site therefore falls outside the existing water and waste water scheme boundaries. The developer has agreed, at its sole cost, to design and obtain all necessary consents and construct any infrastructure that is necessary to enable an adequate water supply and address the wastewater effects of the proposal in accordance with Council standards.
- 45 If the Minister agrees to establish the proposal site as a SHA a technical issue arises when processing resource consents that propose use of Council water and waste water infrastructure. Connections to reticulated infrastructure are limited to within approved scheme boundaries. Conditionally approving an extension to water and waste water supply/scheme boundaries to cater for the approved qualifying development will overcome this technicality.
- 46 To effectively process resource consent applications for the proposal, confirmation is required from Council that the supply boundaries will be extended to meet the associated demand if relevant resource consents are granted within the proposed SHA area. There are considered to be no adverse effects from conditionally extending the scheme boundaries if resource consent is approved. Council's Infrastructure Development Engineer has not raised any concerns with the proposal, as all the infrastructure requirements to service the proposal site will need to be met by the developer prior to the extension of the scheme boundary.

## *Conclusion*

- 47 In recommending the SHA to the Minister, the Council has to be satisfied that the proposal is generally consistent with the principles espoused in the Lead Policy. The assessment provided to Councillors on 28 June was that the proposal is contrary to the Operative and Proposed District Plans but consistent with the Lead Policy. The proposal targets a specific housing market (being first home owners), and would provide a mixture of dwelling sizes (2-4+ bedrooms). Council's Infrastructure Department have confirmed that adequate infrastructure is likely to exist to service the development.
- 48 It should be emphasised that conferring SHA status for the site only enables the potential for development. SHA status, in itself, does not guarantee applications for qualifying developments will be approved, and planning matters (including UGBs, character / amenity and landscape issues, infrastructure provision and impact on neighbouring properties) are a relevant and explicit consideration at the

resource consent application stage as second, third and fourth tier considerations under HASHAA.

## Options

49 Option 1: Agree with the terms of the draft Deed and the conditional scheme boundary extension. Resolve to enter into the Deed.

### *Advantages:*

- 50 Helps contribute to achieving the purpose of the HASHAA, advancing the principles and priority actions in the Housing Accord, and helps the Council to achieve the housing targets in the Housing Accord by enabling new housing aimed at first home owners to be constructed.
- 51 Generates a number of social and economic benefits (both short term and long term) such as the creation of jobs during the construction phase and long term benefits relating to the increased provision of the supply of a range of houses;
- 52 Contributes to affordable housing in the Upper Clutha;
- 53 Ensures the developers commitments to the provision of affordable housing, infrastructure and reserves are legally binding after the SHA is established;
- 54 Provides certainty over conditions for recommendation to the Minister via a draft Deed; and
- 55 While the proposal is contrary to the Operative and proposed District Plans, the proposal is considered to be generally consistent with the Council's Lead Policy, as assessed in the 28 June 2018 agenda item.

### *Disadvantages:*

- 56 Given the Council's approval in principle for the Hawea (Universal Developments) proposal, there are no significant disadvantages in entering the draft Deed.
- 57 Option 2: Not agree with the terms of the draft Deed and the conditional scheme boundary extension.

### *Advantages:*

- 58 Given the Council's approval in principle for the Hawea (Universal Developments) proposal, there are no significant advantages in not entering the draft Deed.

### *Disadvantages:*

- 59 Given the Council's support in principle for the proposal, not entering the Deed would mean that the Council would not be in a position to recommend to the Minister that the SHA be established. This would risk the District's acute

housing supply and affordability issues continuing to grow, resulting in adverse social and economic benefits; and

60 The Council would forgo the opportunity of providing a significant new housing option in the Upper Clutha, and the long and short term social and economic benefits offered by the proposal.

61 This report recommends **Option 1** for addressing the matter.

62 If **Option 2** is adopted:

- a. further negotiation between the developer and Council will be required to secure any remaining HASHAA and Lead Policy requirements such that the Council can be confident in recommending the proposal to the Minister; or
- b. the Council will not be able to recommend the proposal to the Minister for establishment as an SHA.

### **Significance and Engagement**

63 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because:

- **Importance:** the matter is of high importance to the District. Housing supply and affordability is a significant issue for the District;
- **Community interest:** the matter is of considerable interest to the community;
- **Existing policy and strategy:** The proposal is considered consistent with the Housing Accord, and is generally consistent with the Council's Lead Policy. The proposal is contrary to the Operative and Proposed District Plans because urban development is not anticipated on Rural / Rural General zoned land.
- **Capability and Capacity:** The site can be serviced by proposed infrastructure.

### **Risk**

64 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)' as documented in the Council's risk register. The risk is classed as high. This is because of economic, social, environmental and reputational risks.

65 This matter relates to this risk because the supply of housing is central to the current and future development needs of the community. In this instance, it is considered that the social and economic benefits towards the provision of housing and land packages that are targeted at first home owners are met. The subsequent resource consent assessment process under the HASHAA also provides the opportunity for further mitigation of risk.

### **Financial Implications**

66 Under the HASHAA, developers are required to provide the necessary infrastructure to service their developments. This has been secured in the draft Deed. It is acknowledged that there will be some ongoing infrastructure

maintenance costs, but these are likely to be minor. Where infrastructure has already been provided for through the Long Term Plan, the developer will be required to pay development contributions prior to the new land titles being issued.

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

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

- Lead Policy for SHAs;
- The Operative District Plan;
- The Proposed District Plan;
- Growth Management Strategy 2007;
- Housing Our People in our Environment Strategy;
- Economic Development Strategy;
- 2017/2018 Annual Plan and the Long Term Plan;
- Mayoral Housing Affordability Taskforce Report;
- Monitoring Reports for

68 This matter is partly included in the 10-Year Plan/Annual Plan, due to the fact that some infrastructure upgrades are provided for Hawea.

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

69 The proposed resolution accords with Section 10 of the Local Government Act 2002, in that it fulfils the need for good-quality performance of regulatory functions.

70 The recommended option:

- a. Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by utilising the HASHAA to enable increased levels of residential development on the proposal site;
- b. Can currently be implemented through current funding under the 10-Year Plan and Annual Plan;
- c. Is considered to be generally consistent with the Council's plans and policies; and
- d. Would alter the intended level of infrastructural service provision undertaken by or on behalf of the Council.

### **Consultation: Community Views and Preferences**

71 HASHAA does not set any statutory responsibilities in terms of consultation on the establishment of SHAs. However, the Council has sought public feedback / comment regarding the proposed SHA, which it has done for all SHA proposals. This feedback was provided to Councillors prior to the 28 June 2018 Full Council meeting and is available on the Council's website



- 72 In addition, should the SHA be established, the consent authority may request the written approval of adjacent land owners if they are deemed to be affected, and may undertake a limited notification resource consent process with adjacent landowners, local authorities (Otago Regional Council), infrastructure providers (limited to those who have assets on, under or above, or adjacent to the proposal site) and requiring authorities (if the adjacent land is subject to a designation).

### **Legal Considerations and Statutory Responsibilities**

- 73 The HASHAA provides limited guidance as to the assessment of potential SHAs, beyond housing demand and infrastructure concerns. HASHAA is silent on the relevance of planning considerations; however the Council's legal advice is that these are relevant considerations and this has been confirmed by a High Court decision. The weight to be given to these matters is at the Council's discretion, having regard to the overall purpose of HASHAA. These matters have been considered in this report and the previous report presented to Council at the 28 June 2018 Full Council meeting.
- 74 The Council will need to consider the consistency of any decision to recommend this SHA to the Minister and its adoption of the Panel recommendations with regard to Stage 1 of the Proposed District Plan in May 2018, which zone the site Rural. However, as noted on 28 June 2018, the Township zones are up for review in Stage 3, and the extent of the Township zoning for Hawea can be reconsidered at that time. The proposal is considered to be generally consistent with the Lead Policy, the Accord and the purpose of the HASHAA.
- 75 In this instance the provision of houses outweighs the adverse effects of proceeding with a development that promotes increased levels of development anticipated by the ODP and PDP.
- 76 The proposal would help achieve the purpose of HASHAA.
- 77 The draft Deed has been drafted and reviewed by Council's lawyers.

### **ATTACHMENTS**

- A Draft Deed – *Publicly excluded*
- B Agency Response – Te Ao Marama Inc

**EXTRACT FROM THE ORDINARY MEETING OF THE QUEENSTOWN LAKES DISTRICT COUNCIL HELD ON THURSDAY, 6 SEPTEMBER 2018**

**1. Draft Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area**

A report from Blair Devlin (Manager, Planning Practice) assessed the draft Stakeholder Deed to ascertain if the Council could recommend to the Minister of Housing and Urban Development that the Hawea (Universal Developments) expression of interest should be established as a Special Housing Area ['SHA']. The matters examined were detailed in parts 2, 3 and 4 of the Council's earlier resolution on 28 June 2018 and the report concluded that the Council could recommend the proposal to the Minister.

Items 1 and 2 were presented by Mr Avery, Mr Devlin and Mr Glasner.

Mr Devlin advised of a correction to paragraph 40 of the report, in that the minimum number of lots/dwellings proposed was 30 and not 20 as stated in the report. He added that the increase in price cap for the Kiwisaver Home Start to \$650,000 had been foreseen and provided for in the Deed of Agreement and would be reflected in the house and land packages offered.

It was confirmed that the Housing Trust contribution needed to be 10% of the total housing land, not lots; in addition, Mr Devlin confirmed that Universal Developments had legal ownership of the subject land.

Councillor McRobie asked why it was permissible to build this style of development on rural general land. Mr Devlin noted that it was allowed because the proposal was being processed under the Housing Accords and Special Housing Areas Act 2013 rather than the Resource Management Act 1991.

Councillor Smith stated that he had not supported the proposal when it was first presented to the Council and he did not support it now. He conceded that the Deed of Agreement went further than any other in providing affordable housing but he still did not support it.

Councillor Clark considered that the proposal represented an accessible start for young families and was a real opportunity.

Councillor Stevens advised that his stance had changed from when it was previously considered because the subject land now fell within Category 2 of the Lead Policy and support of it would not be contrary to the District Plan. However he questioned how the proposal would meld into the wider community and what benefits it would bring. He acknowledged that the proposal had merit in terms of the wider district but he struggled to understand its integration within the existing local community. Further, he questioned whether it would create a 'retail island' that would compete with existing retail developments.

Accordingly, he considered that further work was needed before the proposal could progress further and he therefore supported option two in the report which recommended further negotiation between the developer and Council.

Councillor Miller indicated that she was prepared to second this as a motion.

In speaking to option two, Councillor Stevens considered that a round of further negotiation could provide the opportunity to gain the community's support as it was important for the proposal to add to the community in a positive way. He considered that this was mainly about community facilities and complementarity of existing and proposed retailing areas. Overall, he was fearful of dividing the community along physical boundaries which could result in a fragmented township and he believed that finding solutions to these matters merited a delay.

Councillor Ferguson expressed support for a delay. Councillor Forbes stated that she disliked delays but she also disliked how the community was feeling. However, she was also cognisant of the demand for housing so she was prepared to support a delay provided that the matter did not lapse or the same issues were not relitigated.

**On the motion of Councillors Stevens and Miller the Council resolved that:**

- a. The item lie on the table, pending Council having further discussions with the community and Hawea SHA developer about community integration and development of the retail hub; and**
- b. The item be reported back to the Council no later than the 13 December 2018 Council meeting.**

*Councillor Clark and Councillor Smith recorded their votes against the motion.*

## HAWEA SPECIAL HOUSING AREA

### INTEGRATION WITH EXISTING TOWNSHIP

#### Pedestrians/Cyclists

- An existing formed pedestrian and cycle path runs along the unformed section of Capell Avenue and provides connection from the existing township to Cemetery Road. As part of Stage 1 of the SHA the pedestrian and cycle path will be extended along the alignment of the future road within the SHA to the proposed playground. Therefore ensuring an immediate pedestrian and cycle connection from the township to the new playground and SHA development.
- The grid pattern of proposed streets within the SHA will accommodate footpaths and promote slow speed environments supporting cyclists and convenient connections to Cemetery Road opposite existing streets (Sentinel Drive, Grandview Road etc). This is confirmed via the EOI and Master Plan.

#### Vehicles

- Stage 1 of the SHA development as confirmed in the EOI will see the formation of a road directly opposite Sentinel Drive.
- Sentinel Drive will connect to Moraine Place via a new road being constructed as part of RM170773 thereby, ensuring a vehicle connection between the SHA and existing township irrespective of when Capell Avenue is formed. Figure 1 and 2 below.



Figure 1: RM170773 Site

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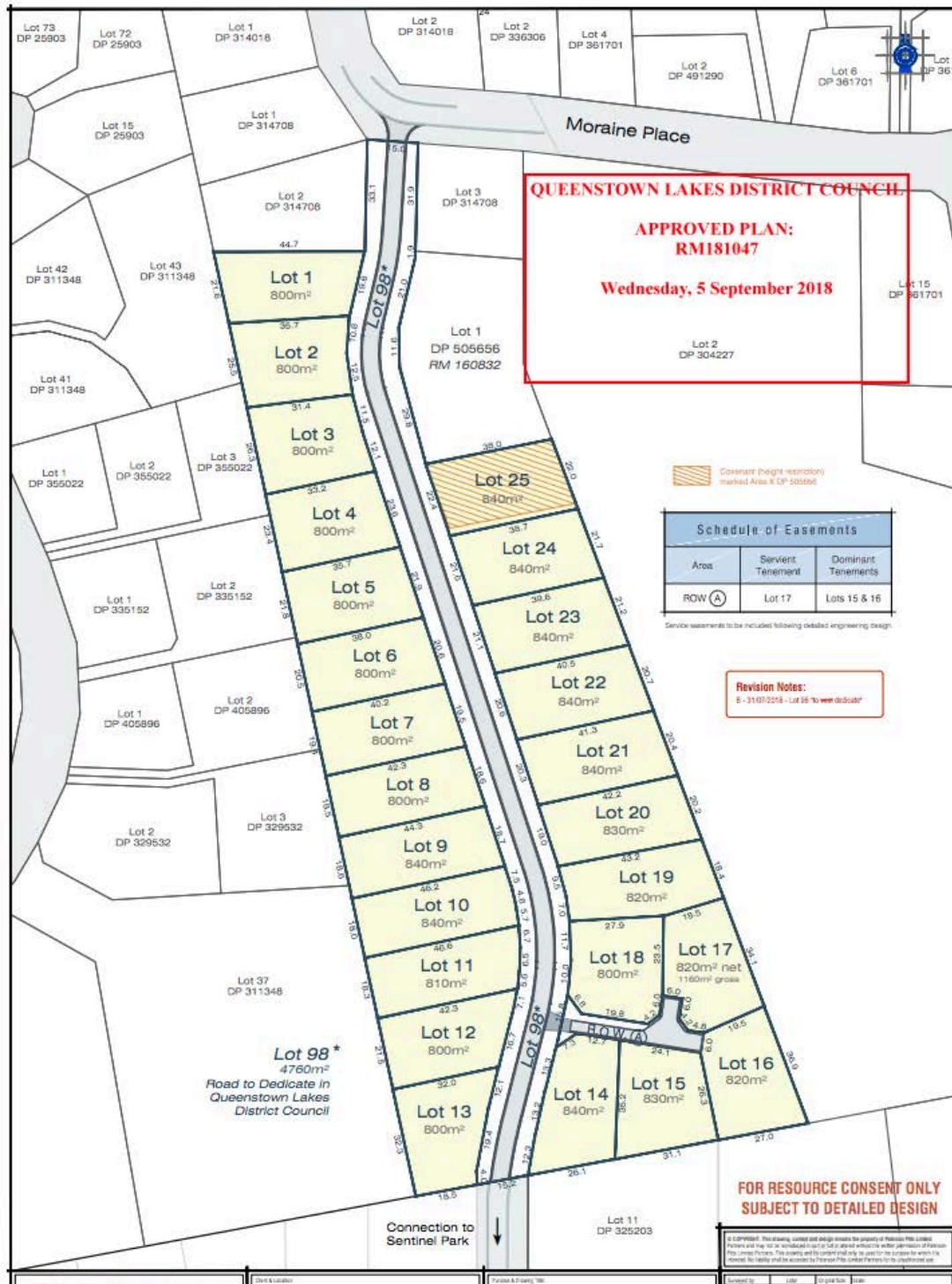


Figure 2: Approved Roading Connection

- The Stage 1 roading will also provide a direct connection to the Playground/Reserve as identified in the EOI and discussed further below.
- A new road within the SHA is proposed opposite Capell Avenue so that when Capell Avenue is formed it will provide further connectivity into the existing township. Given pedestrian and cycle access along this alignment already exists and the Sentinel Drive to Moraine Place connection provides for vehicles, forming Capell Avenue is not considered fundamental to providing connectivity.

**WILLIAMS & CO.**

PLANNING / URBAN DESIGN / DEVELOPMENT

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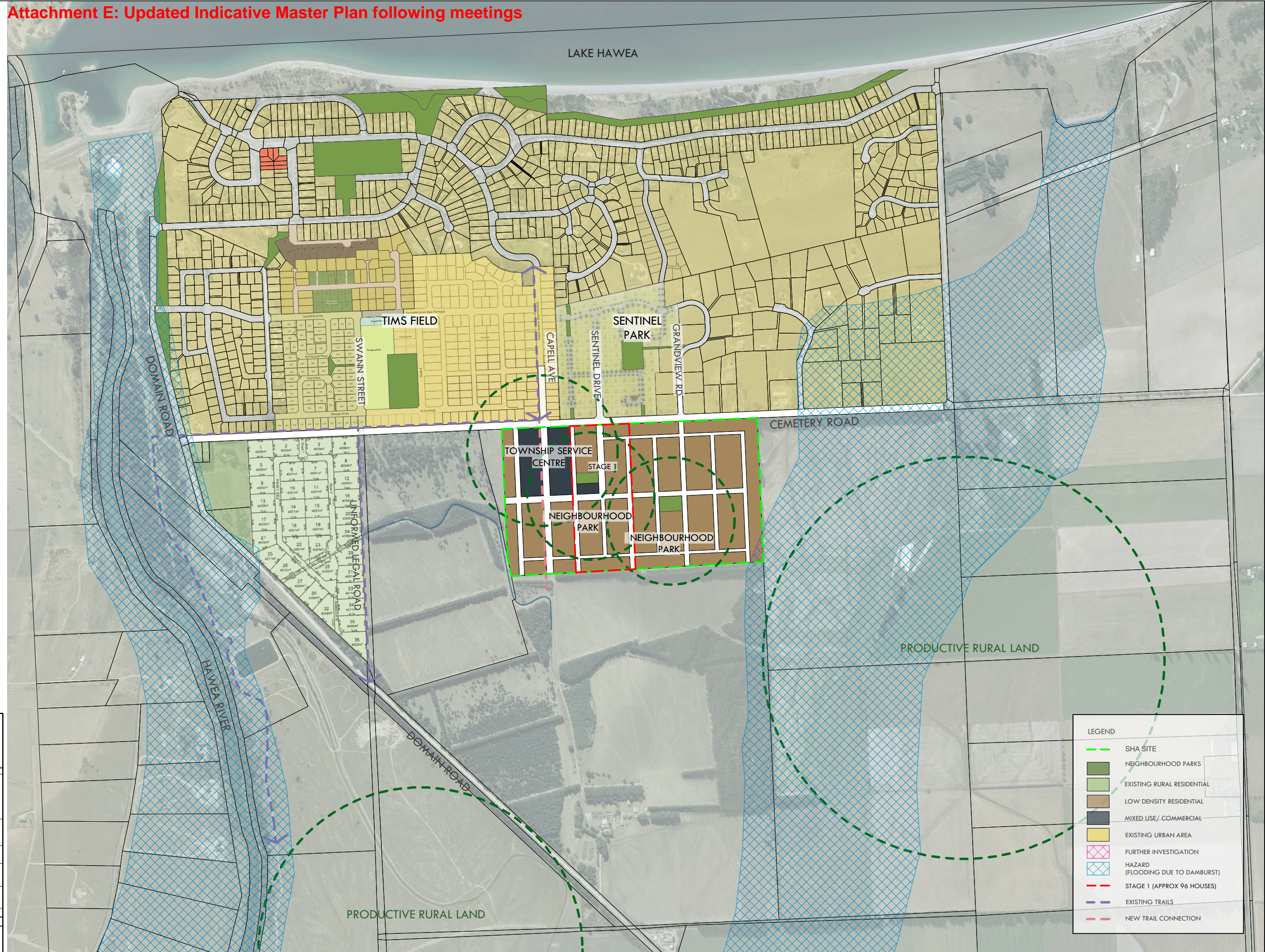
### **Playground/Reserve**

- As confirmed in the EOI a playground and associated reserve will be formed as part of Stage 1 of the SHA.
- As noted above the Stage 1 roading will provide a direct connection from Cemetery Road to the playground/reserve and with the connection via Sentinel Drive to Moraine Place will ensure the playground and reserve is well integrated with the wider environment of Hawea.
- The playground/reserve has also been located adjacent to the Community Hub and primary street network to ensure it is integrated within the future SHA development and wider Hawea environs.

### **Community Hub**

- The Community Hub has been strategically located opposite Capell Avenue to ensure immediate pedestrian and cycle connectivity with the existing township via the formed path on Capell Avenue.
- The vehicle connection via Sentinel Drive to Moraine Avenue will ensure convenient vehicle access.
- Given the primary residential growth in Hawea is occurring around Cemetery Road the Community Hub is also considered conveniently located to serve this growing residential catchment.
- The Community Hub will also complement the existing Hawea Local Shopping Zone (LSZ) by accommodating activities requiring a larger footprint. The LSZ limits individual business floor areas, Retail to 300m<sup>2</sup> and Offices 200m<sup>2</sup>.
- The Community Hub being flat land and specifically design to accommodate community use will also be able to integrate parking that is often required with uses such as a Church or Daycare Centre and can be challenging to integrate within an existing LSZ. This illustrates the opportunity the Community Hub has to compliment the LSZ by providing for a wider range of activities to establish in Hawea.

**Attachment E: Updated Indicative Master Plan following meetings**



AC	01/10/18	Adjust SHA Bdy
AB	01/10/18	Survey Street layout
AA	26/09/18	Add commercial
Z	26/09/18	Adjust Arrows
Y	25/09/18	Extend Arrows Content
X	24/09/18	Add Subdiv Marine Pl
No.	Date	Issue Notes

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Stephen Riddle Landscape Design  
 022 105 0225

Hawea Masterplan

Indicative Masterplan

SR	1014
SR	1:10,000@A3
7/12/2017	75
1014-1E.vwx	

**FOR DEVELOPMENT APPLICATION ONLY**

LEGEND	
	SHA SITE
	NEIGHBOURHOOD PARKS
	EXISTING RURAL RESIDENTIAL
	LOW DENSITY RESIDENTIAL
	MIXED USE / COMMERCIAL
	EXISTING URBAN AREA
	FURTHER INVESTIGATION
	HAZARD (FLOODING DUE TO DAMBURST)
	STAGE 1 (APPROX 96 HOUSES)
	EXISTING TRAILS
	NEW TRAIL CONNECTION

CCL Ref: 14447-181118-williams.docx

18 November 2018

Tim Williams  
Williams and Co Limited

**By e-mail only: [tim@williamsandco.nz](mailto:tim@williamsandco.nz)**



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Dear Tim

### **Proposed Special Housing Area, Lake Hawea Township: Additional Information**

Further to our emails and conversations, we understand that Queenstown Lakes District Council has requested an assessment of the traffic effects should the Capell Avenue link to Cemetery Road not be formed, and that traffic instead uses the Cemetery Road / Domain Road route.

The Council has also asked that the sizes of the consented Sentinel Park and Timsfield subdivisions are revised to reflect what has been consented (in this regard we note that the subdivisions are smaller than previously modelled).

The analysis relies upon some information previously presented in the Transportation Assessment and we have therefore replicated this below to assist.

#### ***Executive Summary***

Based on our assessment, we consider that there is no difference in the level of service provided by Domain Road when comparing the scenario with and without the Capell Avenue link being formed.

Similarly there are negligible differences in the queues and delays at the Capell Avenue / Domain Road intersection with or without the Capell Avenue link being provided.

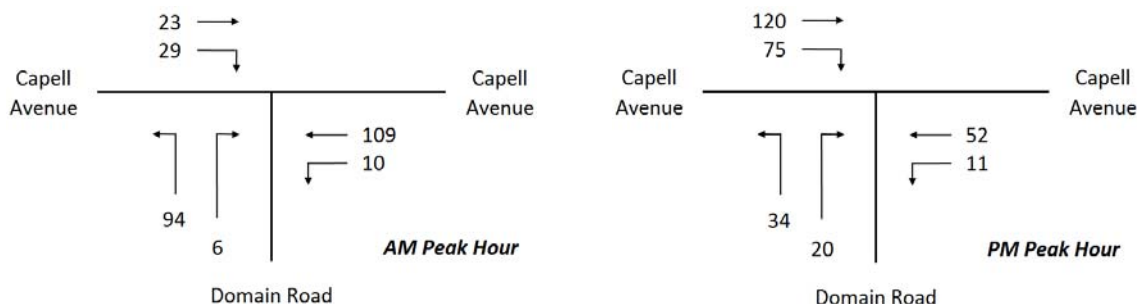
On this basis we consider that the difference between the scenarios with the Capell Avenue link formed, and the link not being formed, will be imperceptible to road users.

#### ***Background***

Within the Transportation Assessment, we set out the existing peak hour volumes on Domain Road south of Capell Avenue as 90-135 vehicles per hour.

We also noted the location through which the bulk of vehicles would travel would be the Capell Avenue / Domain Road intersection. Observed traffic volumes were:





**Figure 1: Morning and Evening Peak Hour Volumes (2018 Observed)**

We then highlighted that additional traffic volumes were anticipated to be generated by the Timsfield and Sentinel Park subdivisions as follows:

Period	In	Out	Total
Morning Peak Hour	50	450	500
Evening Peak Hour	325	175	500
Daily	2,000	2,000	4,000

**Table 1: Traffic Generation of the Timsfield and Sentinel Park Subdivisions**

We distributed these vehicles with 20% being internal to Lake Hawea township and the remaining 80% being external. Of the latter half were expected to use Domain Road and half use Capell Avenue (east of Domain Road), due to the Capell Avenue extension being in place.

Taking this into account, we found that traffic flows on Domain Road would increase to 340 vehicles per hour. The Austroads Guide to Traffic Management Part 3 ('Traffic Studies and Analysis') sets out a process by which the level of service of a road can be calculated. This showed that under these traffic flows, Domain Road would provide Level of Service B. This is within the zone of stable flow.

We also evaluated the performance of the Capell Avenue / Domain Road intersection using these volumes:

Road and Movement		Morning Peak Hour			Evening Peak Hour		
		Avg Delay (secs)	95 %ile Queue (veh)	Level of Service	Avg Delay (secs)	95 %ile Queue (veh)	Level of Service
Domain Road (south)	L	6.9	2	A	5.3	0	A
	R	7.0	0	A	9.2	0	A
Capell Avenue (east)	L	4.6	0	A	4.6	0	A
Capell Avenue (west)	R	5.8	0	A	5.3	1	A

**Table 2: Peak Hour Levels of Service at the Capell Avenue / Domain Road Intersection with Consented Subdivisions**

We concluded that the intersection provided an excellent level of service with low queues and delays.

We then added the traffic associated with the proposed SHA, and found that the peak hour volumes on Domain Road would increase to 500 vehicles per hour, which equates to Level of Service D.



Adding the traffic to the modelling of the Capell Avenue / Domain Road intersection produced the following queues and delays:

Road and Movement		Morning Peak Hour			Evening Peak Hour		
		Avg Delay (secs)	95 %ile Queue (veh)	Level of Service	Avg Delay (secs)	95 %ile Queue (veh)	Level of Service
Domain Road (south)	L	11.7	5	B	5.7	1	A
	R	8.8	0	A	14.0	0	B
Capell Avenue (east)	L	4.6	0	A	4.6	0	A
Capell Avenue (west)	R	6.7	1	A	5.7	3	A

**Table 3: Peak Hour Levels of Service at the Capell Avenue / Domain Road Intersection with Consented Subdivisions and Proposed SHA**

### **Additional Analyses**

#### *Size of Sentinel Park and Timsfield*

Our earlier assessment allowed for Sentinel Park and Timsfield to have 300 and 200 residential lots respectively. We understand that these are now confirmed as 90 residential lots within Sentinel Park and 300 lots within Timsfield. Thus there is a reduction of 110 lots (22%) that was previously modelled as being part of the receiving environment. Thus the traffic generation of the two subdivisions is as follows:

Period	In	Out	Total
Morning Peak Hour	39	351	390
Evening Peak Hour	254	136	390
Daily	1,506	1,560	3,120

**Table 4: Revised Traffic Generation of the Timsfield and Sentinel Park Subdivisions**

#### *Redistribution of Sentinel Park and Timsfield Traffic*

Our earlier assessment allowed for the traffic from Sentinel Park and Timsfield to be split between Domain Road and Capell Avenue (east).

In the first instance, we have allowed for full development of these subdivisions but assuming that 80% of the generated traffic uses the Domain Road route to reach Capell Avenue (the remaining 20% is an internal movement). For this analysis, no development of the SHA has been allowed for.

This results in an increase of 310 vehicle movements in the peak hour on Domain Road, meaning that the total volumes would increase from 90-135 vehicles per hour (without any subdivision traffic) to up to 450 vehicles per hour. The Austroads Guide to Traffic Management Part 3 sets out that this equates to Level of Service C. This is not uncommon for a road in the peak hours and remains within the zone of stable flow.

We have then remodelled the Capell Avenue / Domain Road intersection using these volumes, and the results are summarised below.

Road and Movement		Morning Peak Hour			Evening Peak Hour		
		Avg Delay (secs)	95 %ile Queue (veh)	Level of Service	Avg Delay (secs)	95 %ile Queue (veh)	Level of Service
Domain Road (south)	L	5.4	2	A	4.9	1	A
	R	5.7	0	A	7.7	0	A
Capell Avenue (east)	L	4.6	0	A	4.6	0	A
Capell Avenue (west)	R	5.0	0	A	5.1	1	A

**Table 5: Peak Hour Levels of Service at the Capell Avenue / Domain Road Intersection with Consented Subdivisions, All External Movements via Domain Road**

The modelling shows that the intersection continues to perform well with the consented subdivisions being fully developed.

#### *Addition of SHA Traffic*

We have then added the expected traffic generation for the SHA, as set out in the Transportation Assessment but adding all traffic onto Domain Road. This increases the volume on Domain Road by a further 320 vehicle movements, to 770 vehicles per hour. The Austroads Guide to Traffic Management Part 3 sets out that this equates to Level of Service D. Again, this is not uncommon for a road in the peak hours and remain within the zone of stable flow.

We have then remodelled the Capell Avenue / Domain Road intersection using these volumes, and the results are summarised below.

Road and Movement		Morning Peak Hour			Evening Peak Hour		
		Avg Delay (secs)	95 %ile Queue (veh)	Level of Service	Avg Delay (secs)	95 %ile Queue (veh)	Level of Service
Domain Road (south)	L	5.6	3	A	4.9	1	A
	R	6.0	0	A	10.3	1	B
Capell Avenue (east)	L	4.6	0	A	4.6	0	A
Capell Avenue (west)	R	5.1	0	A	5.4	2	A

**Table 6: Peak Hour Levels of Service at the Capell Avenue / Domain Road Intersection with Consented Subdivisions plus SHA, All External Movements via Domain Road**

The intersection continues to perform well, and the difference between this and the situation without the SHA is very low. The reason for this is that existing traffic flows at the intersection are low, meaning that the predominant volumes relate to Sentinel Park, Timsfield and the proposed SHA. As such, although Domain Road carries a large volume of vehicles, there is little existing (non-subdivision) traffic which opposes the turning movements.

#### **Comparison with Previous Assessment**

The particular matter raised by the Council is whether there are any implications for the roading network if the Capell Avenue link to Cemetery Road was not to be formed. With that in mind, we have compared the analysis above with that set out in our earlier Transportation Assessment, in order to highlight any differences.



Comparing the two, we find there is no difference in the level of service provided by Domain Road. In each of the assessments, Level of Service D is provided.

Similarly there is little difference in the level of service forecast on any movement at the Capell Avenue / Domain Road intersection, other than for the left-turn out of Domain Road in the morning peak hour, when the level of service is better than previously forecast due to the lower traffic volumes expected to be generated by the consented subdivisions.

On this basis we consider that the difference between the scenarios with the Capell Avenue link formed, and the link not being formed, will be imperceptible to road users.

### **Summary / Conclusions**

This assessment has been carried out on the basis that all traffic was to exit Hawea township via Domain Road. On Domain Road, there is no change in the level of service provided compared to the scenario previously presented where the Capell Avenue link was formed.

Queues and delays at the Capell Avenue / Domain Road intersection remain low and are virtually unchanged from those expected if the Capell Avenue link was to be formed. The difference is such that it is unlikely to be perceptible by road users.

We understand that if the SHA proceeds, there may be a reduced extent of development progressed in Timsfield. If this situation was to arise, then the results presented above would not arise, but rather, queues and delays would be lower than shown.

Please do not hesitate to contact me if you require anything further or would like clarification of any matters.

Kind regards

**Carriageway Consulting Limited**

Andy Carr  
**Traffic Engineer | Director**

Mobile 027 561 1967  
Email andy.carr@carriageway.co.nz

QLDC Council  
13 December 2018

**Report for Agenda: 2**

**Department: Planning & Development**

**Ratification of Hearings Panel's recommendation on Private Plan Change 53:  
Northlake Special Zone**

**Purpose**

The purpose of this report is to provide the report and recommendations of the Hearings Panel on matters raised in submissions on Private Plan Change 53 – Northlake Special Zone and to seek ratification as a Council decision. A resolution from Council is sought to notify a decision on chapter 12.34 in accordance with Clause 10 and 11 of the First Schedule of the Resource Management Act.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. Adopt the Hearings Panel recommendation as a Council decision and direct staff to notify the decision in accordance with the First Schedule of the Resource Management Act 1991; and
3. Direct staff to alter the Operative District Plan provisions to reflect the recommended changes and to correct minor errors and make changes of minor effect in accordance with Clause 16(2) of the First Schedule of the Resource Management Act 1991.

Prepared by:



Sarah Picard  
Senior Planner - Policy

9/10/2018

Reviewed and Authorised by:



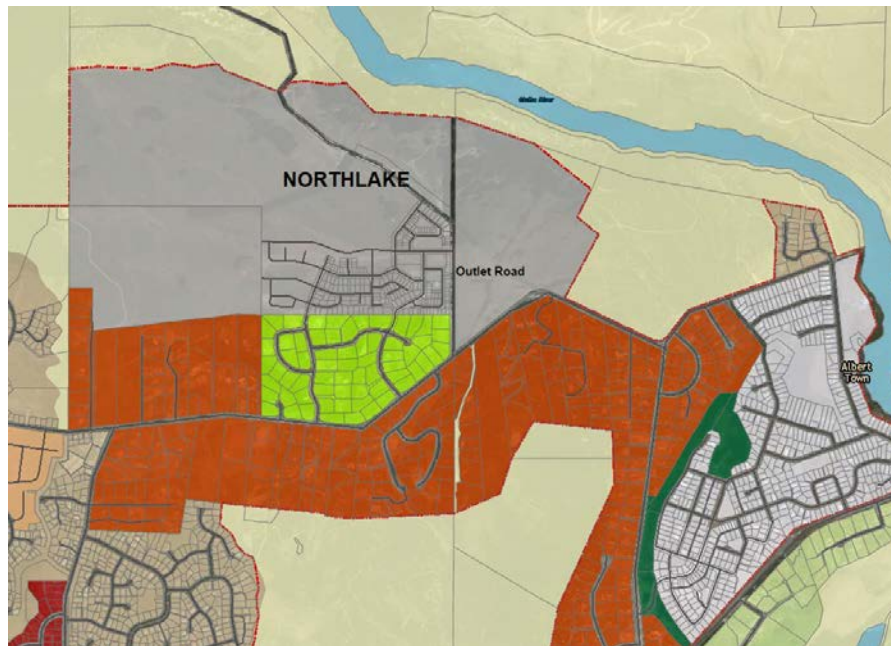
Tony Avery  
General Manager Planning &  
Development

10/10/2018

## Background

- 1 The Operative Northlake Special Zone applies to 220 hectares of land located in-between Wanaka and Albert Town (refer to **Figure 1**). The Northlake Special Zone enables the development of approximately 1,520 residential homes within several different neighbourhoods with a range of different densities of development. The zone includes a small commercial and community facilities 'node' located alongside the main street, known as Northlake Drive.

**Figure 1.** Location of the Northlake Special Zone (shown in grey and light green).



- 2 Private Plan Change 53 (**PC53**) seeks to amend the boundaries of existing Activity Areas identified on the Northlake Special Zone Structure Plan in Chapter 12.34 of the Operative District Plan (**ODP**). The plan change does not seek to increase the overall size of the Northlake Special Zone.
- 3 The key reasons for the change to the boundaries of the Activity Areas are to increase Activity Area D1 to facilitate a retirement village and a supermarket. The specific changes sought by PC 53 seek to:
  - a. Alter the Northlake Special Zone Structure Plan boundaries. This will increase the size of the zone (Activity Area D1) where retirement villages and commercial activities are provided for (see Attachment A);
  - b. Modify the size of Activity Area B3 to reflect what is considered by the applicant as more efficient subdivision and land development patterns. The modifications will enable more intensive housing on flatter areas of the Northlake Special Zone;
  - c. Amend the rule limiting retail floor area from 200m<sup>2</sup> per activity with a maximum floor area of 1000m<sup>2</sup>. It is sought to allow up to 2,500m<sup>2</sup> total retail floor area within the zone, a single retail activity of up to 1,250m<sup>2</sup>

gross floor area to facilitate a supermarket, while retaining the 200m<sup>2</sup> cap for other commercial and retail activities;

- d. Undertake amendments to rules controlling landscaping and the bulk and location of development to recognise the extension to Activity Area D1, with regard to the setback of buildings, building height, access, and landscaping adjacent to Outlet Road;
  - e. Amend existing Rule 12.34.2.6 that states that fish and meat processing is prohibited. It is sought to add an exemption to this rule that would permit fish and meat processing that is ancillary to a retail activity such as a supermarket;
  - f. Delete a rule in the Subdivision, Development and Financial Contributions Chapter 15 that requires a minimum amount of house lots to be approved prior to permitting community facilities; and
  - g. Amend the sign rules in Chapter 18 Signs where they relate to the Northlake Special Zone;
- 4 Plan Change 53 was accepted for processing and notification for submissions by Council at its meeting on 14 December 2017. It was then publicly notified for submissions on 18 January 2018. A total of 14 original submissions and 3 further submissions were received. 7 submissions were subsequently withdrawn.
- 5 A Hearings Panel consisting of Commissioner David Whitney (Chair), Commissioner David Mead and Councillor Scott Stevens were appointed to hear submissions and make recommendations to Council. A hearing was held in Wanaka on the 5th and 6th June 2018.

### **Comment**

- 6 The Hearings Panel recommendation is that PC53 should be accepted, generally in accordance with the changes outlined above. However, the following amendments have been recommended by the Hearings panel:
- a. Amendments to Policies 1.6 and 2.7 to identify and provide for one single supermarket up to 1,250m<sup>2</sup>. This is to ensure that retail activity in the Northlake Special Zone does not compromise the function and viability of the Wanaka Town Centre and Three Parks Commercial Zones. A new policy (Policy 2.8) has also been recommended to ensure satisfactory urban design outcomes associated with what is likely to be a single large format retail scale building within Activity Area D1;
  - b. That additional retail floor area is limited to 1,250m<sup>2</sup>, 250m<sup>2</sup> less than that requested by the applicant. The additional 1250m<sup>2</sup> retail floor area is for the purposes of a small supermarket. Further, this is only to be provided at one of two locations within Activity Area D1. The applicant volunteered this during hearing to ensure the activity is located centrally within the development area and not adjacent to Outlet Road;

- c. Although an additional 250m<sup>2</sup> of retail activity was sought, the Hearings Panel considered that insufficient evidence was provided in support of this aspect of the increase in retail activity and as such the Panel felt it appropriate to retain the existing 1000m<sup>2</sup> cap on any other retail activity.
- 7 The Hearings Panel have recommended the following rules in Chapter 12.34 are amended consistent with the Plan change request;
  - a. Amend Rule 12.34.2.6i to allow for fish or meat processing ancillary to retail or restaurant activity;
  - b. Amend Rule 12.34.4.1ii(b) in relation to minimum setbacks for Outlet Road;
  - c. Amend Rule 12.34.4.1viii to restrict residential and non-residential access directly onto Outlet Road for any of the new Activity Area D1 sites;
  - d. Amend Rule 12.34.4.1x(d) to provide for specific landscaping requirements along Outlet Road;
  - e. Amend Rule 12.34.4.2iv(a) in relation to building height. The 10m maximum height limit is to be modified such that any building within 40m of Outlet Road legal boundary, north of Mt Burke Drive, should have no more than two levels;
  - f. Amend Rule 12.34.4.2viii to provide for one small supermarket, no greater than 1250m<sup>2</sup>, within one of two specified sites;
  - g. Replace the Northlake Structure Plan to reflect the changes in the Activity Areas D1 and B3; and
  - h. The Hearings Panel have recommended that Section 18.2 Signs rules are amended so that signage consistent with other commercial areas are provided for within Activity Area D1 and that the existing Northlake residential signage rules exclude Activity Area D1.
- 8 The Hearings Panel have also recommended that Rule 15.2.16.3 subdivision zone standard be deleted in relation to the requirement for provision of community facilities as part of subdivision and development of a minimum number of residential units. Specifically, Rule 15.2.16.3 required the provision of community facilities such as a indoor 20m – 25m lap pool, a fitness/gym facility, a children’s play area, and at least one tennis court.
- 9 The Hearings Panel recommend deletion of this rule on the basis that some of the facilities have been, or are to be provided by the applicant. The Hearings Panel also accepted that a swimming pool is no longer a prerequisite associated with development at Northlake because the Council has constructed and operates an indoor swimming pool at Three Parks. During the hearing, the applicant confirmed that Northlake have provided a tennis court and playground in Activity Area D1, and a gym is proposed to be constructed by way of resource consent (RM161230 granted on 5 May 2017).



10 A copy of the Hearings Panel's recommendation is appended as Attachment B.

## Options

11 Option 1 – Accept the Commissioner's Recommendation

### *Advantages:*

- a. The plan change has been through a thorough a process under Schedule 1 of the RMA. An experienced Hearings Panel had the benefit of submissions and further submissions, expert evidence from the applicant's representatives, submitters, and Council staff in the form of an officer's recommendation and accompanying expert reviews from traffic, urban design and retail economics experts. It is considered the Hearing's Panel have reached a robust recommendation.
- b. The submissions and hearing process gave people the opportunity to either support or oppose the proposal and be heard in relation to their submissions.
- c. Would advance the plan change towards being made operative.

### *Disadvantages:*

- d. None. Council appointed the Hearings Panel to hear and make recommendations on the submissions received.

12 Option 2- Reject the Hearings Panel Recommendation

### *Advantages:*

- a. Would allow Council to appoint new Hearings Panel to re-hear submissions on any aspects of the recommendation it was unhappy with.

### *Disadvantages:*

- b. Council cannot make changes to the Hearings Panel recommendation as they have not heard the evidence presented at the hearing or read the submissions. To change the recommendations would not demonstrate fairness or natural justice to the applicant or submitters.
- c. All submitters and their expert evidence would need to be re-heard at another hearing, requiring additional Council, applicant and submitter cost and delays.

13 This report recommends **Option 1** for addressing the matter because the issues raised by the by the PC53 have been thoroughly addressed through the hearing process and changes recommended by the Commission.

### ***Significance and Engagement***

- 14 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it impacts on the environment and people of the district, and has a degree of community interest.
- 15 The level of significance determines the level of compliance necessary with the decision making requirements in sections 76-78 of the Local Government Act 2002. A higher level of compliance must be achieved for a significant decision.

### ***Risk***

- 16 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 relates to residential and commercial land supply providing for future development needs of the community.
- 17 Option 1, as recommended above, mitigates the risk by adopting the recommendations of the experienced Hearings Panel who heard all the evidence before them and made a decision based on that evidence. Their consideration of the issues and risks generated by the proposed PC53 and their recommended changes in response to these is considered to have 'treated the risk' by putting measures in place which directly impact the risk.

### **Financial Implications**

- 18 There are no budget or cost implications that would arise from adopting the decision in line with Option 1.

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

- 19 The following Council policies, strategies and bylaws were considered:
- Operative District Plan: in that the PC53 directly relates to its provisions.
- 20 The recommended **Option 1** is consistent with the principles set out in the named Operative District Plan ("ODP") in that any conflict between PC53 and the ODP has been addressed by the Commission in its recommending report.

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

- 21 The recommended option:
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing a decision on PC53 in a timely fashion;
  - 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**

22 The community has had the opportunity to submit on PC53 through the notified plan process and submissions and further submissions were received. A public hearing was also held. The Commissioners considered submissions and hearing appearances.

### **Legal Considerations and Statutory Responsibilities**

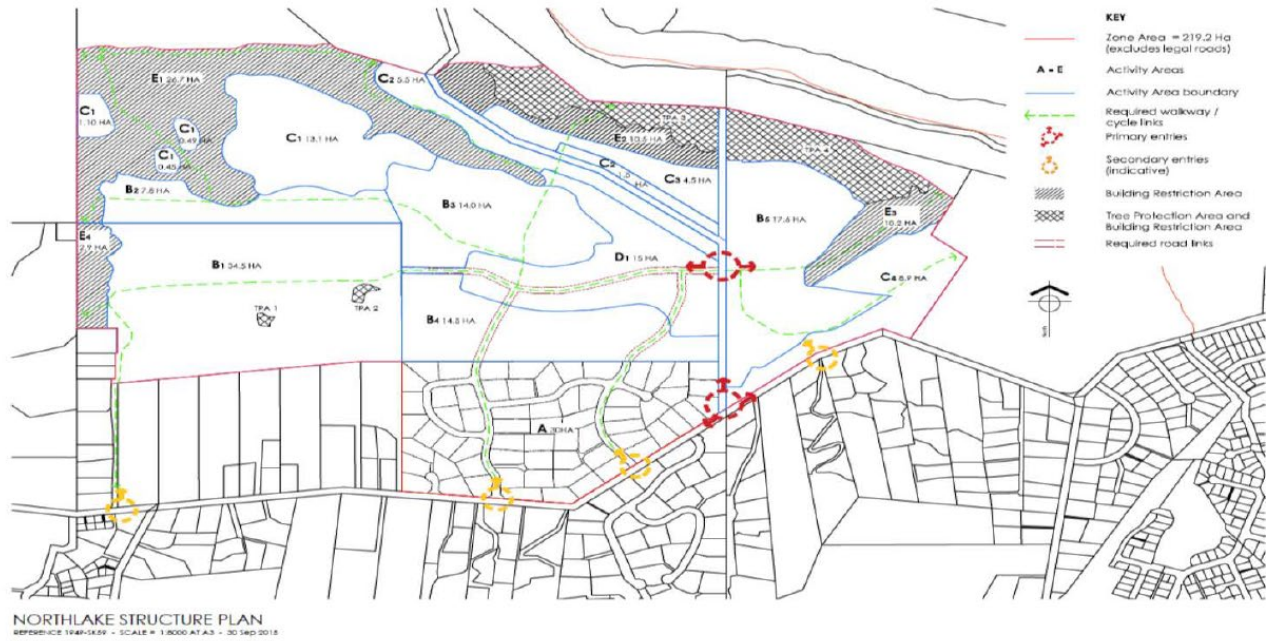
23 Making the plan changes operative is in accordance with Clause 17 of the First Schedule of the RMA.

### **Attachments**

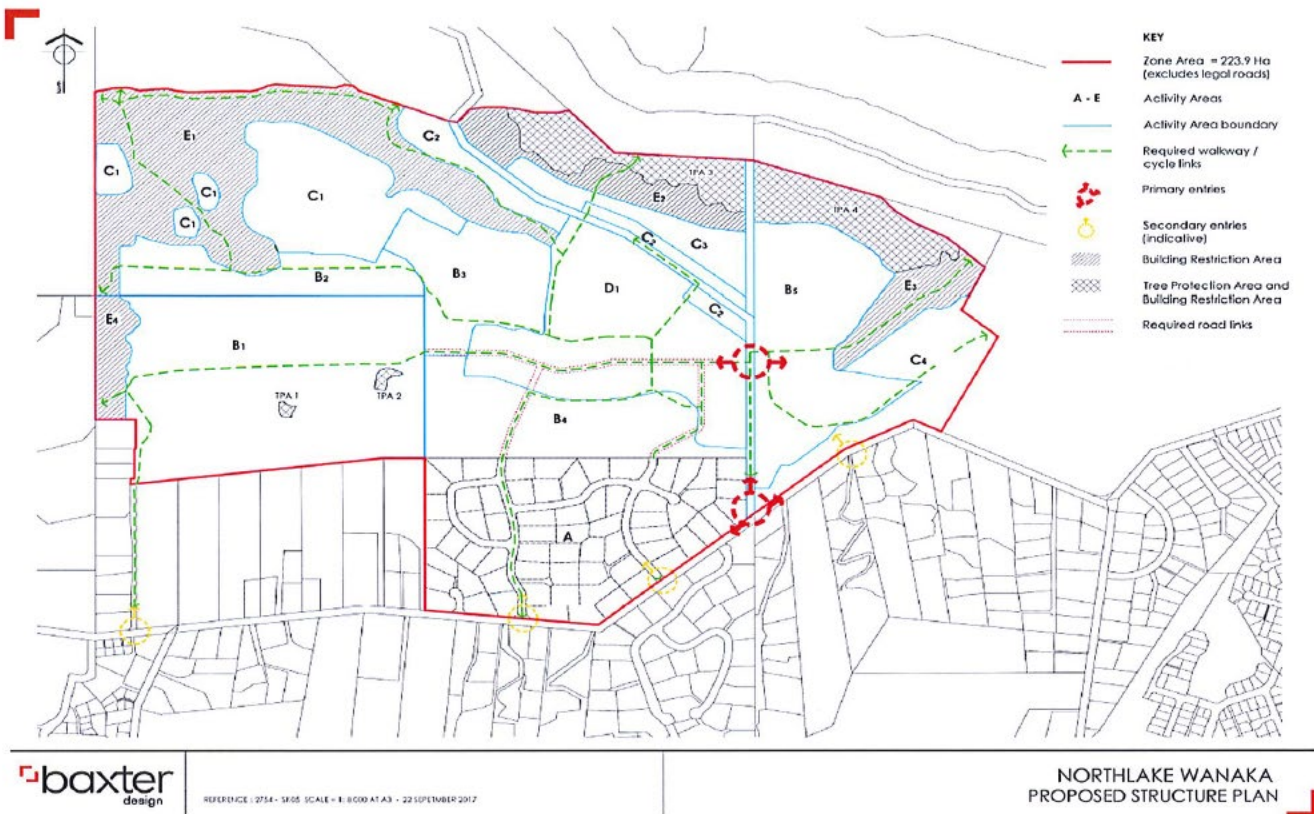
- A Northlake Special Zone Structure Plan – current and proposed
- B Report and recommendations of hearings panel – PC53 dated 6 September 2018

**ATTACHMENT A: Northlake Special Zone Structure Plan – current and proposed**

**Northlake Structure Plan**



**Figure 1: Northlake Special Zone Current Structure**



**Figure 2: PC53 Northlake Special Zone updated Structure Plan**



**QUEENSTOWN LAKES DISTRICT COUNCIL  
HEARINGS PANEL TO CONSIDER PLAN CHANGE 53 COMPRISING**

**Commissioner David Whitney (Chair)  
Commissioner David Mead  
Councillor Scott Stevens**

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**REPORT & RECOMMENDATIONS OF HEARINGS PANEL  
PLAN CHANGE 53 : NORTHLAKE  
DATED : 6 SEPTEMBER 2018**

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## **Appendices**

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| <b>Appendix</b> | <b>1</b> | List of Submitters to Plan Change 53                               |
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## **Abbreviations**

District Plan/Operative District Plan – Queenstown Lakes Operative District Plan

NSZ – Northlake Special Zone

ONF – Outstanding Natural Feature

ONL – Outstanding Natural Landscape

PC53/Plan Change 53 – Proposed Plan Change 53

Proposed District Plan – Queenstown Lakes Proposed District Plan

QLDC/the Council – Queenstown Lakes District Council

RMA/the Act – Resource Management Act 1991

## **1.0 THE HEARING**

The hearing on proposed Plan Change 53 and the submissions (including further submissions) thereto took place at Edgewater at Wanaka on Tuesday 5 June 2018 and Wednesday 6 June 2018. A site visit was undertaken by the Hearings Panel with Mr Barr on 5 June 2018 prior to the commencement of the hearing.

## **2.0 APPEARANCES & INFORMATION SIGHTED**

### ***Requestor:***

#### **For Northlake Investments Limited.**

**Mr Warwick Goldsmith**, Barrister  
**Mr Andy Carr**, Traffic Engineer, Carriageway Consulting Limited  
**Mr Marc Bretherton**, Development Manager, Northlake Investments Limited  
**Mr Alex Todd**, Registered Surveyor, Paterson Pitts Group  
**Mr Paddy Baxter**, Landscape Architect, Baxter Design Group Limited.  
**Mr John Polkinghorne**, Retail Economist, RCG Limited  
**Mr John Edmonds**, Planning Consultant, John Edmonds & Associates Limited

### ***Submitters:***

#### **For Willowridge Developments Limited and Central Land Holdings Limited.**

**Ms Jayne Macdonald**, Counsel, Macalister Todd Phillips  
**Ms Alison Devlin**, General Manager for Property and Planning, Willowridge Developments Limited  
**Mr Michael Copeland**, Consulting Economist, Brown, Copeland and Company  
**Mr Carey Vivian**, Planning Consultant, Vivian and Espie Limited

#### **For Exclusive Developments Limited.**

**Mr Michael Nidd**, Counsel, Farry and Co Law (written submission of Mr Nidd presented *in absentia* by Ms Brown).  
**Ms Lisa Brown**, Representative, Exclusive Developments Limited  
**Mr Lee Brown**, Director, Exclusive Developments Limited

### ***Officers & Advisors in Attendance:***

**Mr Craig Barr**, Senior Planner, Queenstown Lakes District Council. Mr Barr prepared a section 42A report on Plan Change 53 and the submissions including further submissions received thereto. Mr Barr was present throughout the hearing on 5 June 2018 and 6 June 2018 and he subsequently provided written notes at the request of the Hearings Panel that recorded the matters that he had discussed following the presentation of submissions and evidence by the requestor and submitters. These written notes were dated 8 June 2018.

**Mr Dave Smith**, Traffic Engineer, Abley Transportation Consultants Limited. Mr Smith prepared a review of the requestors transportation assessment report which informed the section 42A report. Mr Smith was present at the hearing on 5 June 2018 and 6 June 2018.

**Ms Rebecca Skidmore**, Urban Designer, R Skidmore Urban Design Limited. Ms Skidmore prepared a report containing peer review comments on urban design, landscape and visual effects of the proposal which informed the section 42A report. Ms Skidmore was present throughout the hearing on 5 June 2018 and 6 June 2018.

**Ms Natalie Hampson**, Retail Economist, Market Economics Limited. Ms Hampson prepared a review of the proposal from a retail economics perspective which informed the section 42A report. Ms Hampson was present throughout the hearing on 5 June 2018 and 6 June 2018 and she presented a summary and rebuttal statement dated 6 June 2018.



**Mr Adam Vail**, Senior Project Engineer, Holmes Consulting LP was not in attendance but was available in the event that the Hearings Panel had any questions of him, which we did not. Mr Vail prepared a review of the requestor's infrastructure assessment which informed the section 42A report.

**Ms Charlie Evans** and **Ms Hope Marson**, Planning Support, Queenstown Lakes District Council. Ms Evans and Ms Marson provided administrative support to the Hearings Panel and were in attendance throughout the hearing on 5 June 2018 and 6 June 2018.

***Additional Material:***

As noted above following the adjournment of the hearing on 6 June 2018 Mr Barr, at the Panel's request, provided written notes that recorded his response to matters raised at the hearing, these notes being dated 8 June 2018.

Subsequently Ms Macdonald, for Willowridge Developments Limited and Central Land Holdings Limited, filed a Memorandum dated 13 June 2018 which sought leave to file further submissions on the jurisdictional issue as addressed in Mr Barr's written notes. Such leave was granted in a Minute issued by the Hearings Panel Chair on 14 June 2018; and the Minute confirmed that an opportunity was to be provided for Exclusive Developments Limited (being the other submitter that appeared at the hearing) to also file a further submission on the jurisdictional issue, if it wished to do so. Mr Nidd took this opportunity on behalf of Exclusive Developments Limited, his Memorandum of Submissions being dated 19 June 2018.

Mr Goldsmith made brief closing remarks on 6 June 2018. Mr Goldsmith was also granted leave to file his full closing legal submissions in reply in writing and these were forwarded to the Council on 21 June 2018. At the hearing Mr Edmonds was requested to provide his final suggested amendments to the Plan Change 53 provisions in writing. These did not accompany Mr Goldsmith's closing submissions as they had been overlooked; and Mr Edmonds's final suggested amendments were circulated to the Hearings Panel on 29 June 2018.

### **3.0 INTRODUCTION**

The Northlake Special Zone applies to approximately 219 hectares of land and is located generally to the north of Aubrey Road at Wanaka. The Northlake Special Zone was introduced to the Operative Queenstown Lakes District Plan via Plan Change 45 which became operative on 17 December 2015.

Northlake Investments Limited owns some 104.6499 hectares more or less of land within the Northlake Special Zone. This land is described in the Request Document as being Lots 90 and 2000 DP 510104 and Lot 66 DP 371470 as contained in Computer Freehold Register Identifier 781044 at the Otago Land Registry. The requestor is in the process of developing this land for urban purposes.

Plan Change 53 has been requested by Northlake Investments Limited to amend certain provisions that relate to the Northlake Special Zone in the Operative District Plan. The plan change Request Document as notified that is dated November 2017 indicated that the request involves five components:

- Amend the boundaries of particular Activity Areas to enable more efficient use of urban zoned land, and to provide flexibility to develop a retirement village; and
- Increase the retail floor area restriction to enable a small supermarket to be established; and

- Amend the signage rules to recognise that increased signage is appropriate for commercial buildings in Activity Area D1; and
- Remove the Part 15 subdivision rule relating to Community Facilities, for future administrative certainty; and
- Consequential rule changes that address matters raised in expert reports.

The requested plan change, as publicly notified, confirmed that the fifth component promoted changes to several rules to address recommendations made in Mr Baxter's report (contained in the Request Document) and in response to matters raised by Council officers. The changes to specific rules were summarised in the Request Document, as notified, as follows:

- Amend the Prohibited Activity rule to clarify that "fish and meat processing" can occur within a food retail premises;
- Amending the Setbacks from Roads rule, so that buildings within Activity Area D1 to the north of Mt Burke Drive are setback a minimum of 7.0m;
- Amending the Access rule to restrict vehicle access from Activity Area D1 directly onto Outlet Road;
- Amending the Landscaping and Planting rule to ensure that a consistent landscaped edge develops along the western side of Outlet Road; and
- Amending the Building Height rule to limit buildings within 40 metres of Outlet Road that are within that part of Activity Area D1 to the north of Mt Burke Drive to 2 levels.

The relevant provisions of the Operative District Plan that are affected by Plan Change 53 are:

- Part 12 (Special Zones) by amending rules which relate to the Northlake Special Zone.
- Part 15 (Subdivision) by deleting Rule 15.2.16.3.
- Part 18 (Signs) by amending Activity Table 1 (Commercial Areas) and Activity Table 2 (Residential Areas).

## 4.0 NOTIFICATION AND SUBMISSIONS

Plan Change 53 was notified for submissions on 18 January 2018 and the period for submissions closed on 23 February 2018. A summary of the decisions requested in submissions was publicly notified on 8 March 2018 and the period for further submissions closed on 22 March 2018.

A total of 14 original submissions and 3 further submissions were received as listed in **Appendix 1**. Six of the original submissions were withdrawn. The original submission by **Karen Birkby** was withdrawn on 16 February 2018; by **Greg Ford** on 7 March 2018; by **Kim & Gareth Parry** on 20 March 2018; by **Peter Eastwood** and by **John Patrick**, both on 22 March 2018; and by **Lindsey Turner** and **Andrew Thompson** on 31 May 2018.

The original submission from **Allenby Farms Limited** was received subsequent to the closing date for submissions. At the commencement of the hearing and having taken into account the matters stated in section 37A(1) of the Act we extended the relevant time limit and accepted the late submission of **Allenby Farms Limited**. No party present at the commencement of the hearing objected to us granting such an extension.

**Appendix 2** contains a summary of the decisions requested in the submissions that have not been withdrawn and of the corresponding further submissions received.

Our report assesses the points raised by submitters and further submitters and we make recommendations in Sections 8.1-8.8 as to whether these points should be **accepted**, **accepted in part**, or **rejected**.

## **5.0 DESCRIPTION OF PLAN CHANGE 53**

PC 53 as notified sought a number of amendments to the Operative Queenstown Lakes District Plan. It seeks the following amendments:

- **Amend Section 12 (Special Zones) by amending Chapter 12.34 Northlake Special Zone – Rules as follows:**
  - i. Amend Rule 12.34.2.6i to provide an exception for fish or meat processing as a prohibited activity if ancillary to any retail activity or restaurant.
  - ii. Amend Rule 12.34.4.1ii(b) to provide for a minimum setback in that part of Activity Area D1 that adjoins Outlet Road north of Mt Burke Drive, where the minimum setback from Outlet Road shall be 7 metres.
  - iii. Amend Rule 12.34.4.1viii to specify that within Activity Area D1 no residential unit shall have direct access to Outlet Road.
  - iv. Amend Rule 12.34.4.1x(d) to confirm that the rule shall not apply to Activity Area D1 to the west of Outlet Road where roadside landscaping within 3.5 metres of Outlet Road shall consist of a post and rail timber fence located on the property boundary and a Grisilinea hedge located immediately behind the post and rail fence, maintained to a minimum height of 1.5 metres.
  - v. Amend Rule 12.34.4.2iv(a) to stipulate that buildings within 40 metres of Outlet Road north of Mt Burke Drive shall be no more than 2 levels.
  - vi. Amend Rule 12.23.4.2viii(b) to permit one retail activity with a maximum gross floor area of 1250m<sup>2</sup> to be an exception to the rule which prescribes that no retail activity shall have a gross area exceeding 200m<sup>2</sup>; and to amend Rule 12.23.4.2viii(c) to provide for the total amount of retail floor space within the Northlake Special Zone to not exceed 2500m<sup>2</sup> (rather than 1000m<sup>2</sup>).
  - vii. Amend the Northlake Structure Plan to expand the Activity Area D1 by 4.2 hectares incorporating parts of the western slopes of Activity Area B3, a small area of Activity Area E1 and that part of Activity Area C2 that adjoins Outlet Road; and to slightly adjust other boundaries such that a small area of Activity Area E1 becomes Activity Area B2, 2,460m<sup>2</sup> (in aggregate) of Activity Area C1 becomes Activity Area B2 and 7571m<sup>2</sup> of Activity Area C1 becomes Activity Area B3.
- **Amend Section 15 Subdivision, Development & Financial Contributions by deleting Rule 15.2.16.3 Zone Subdivision Standard – Northlake Special Zone – Community Facilities.**
- **Amend Section 18 Signs to include Northlake Special Zone – Activity Area D1 with the Corner Shopping Centre Zone in Activity Table 1 (Commercial Areas); and amending Activity Table 2 (Residential Areas) to confirm that the reference to Northlake in Activity Table 2 does not apply to the Activity Area D1 at Northlake.**

The NSZ provisions as summarised above were amended by the requestor in response to matters raised in submissions, in response to the section 42A report and in response to matters raised during the course of the hearing by various parties.

The outcome of this process is the suite of amended provisions prepared by Mr Edmonds that was circulated to the Hearings Panel on 29 June 2018.

The Hearings Panel notes that these amendments refine the NSZ Rules as included in Plan Change 53 as notified; but do not change these rules in substance.

Mr Edmonds also provided suggested amendments to policies as presented in Chapter 12.33 being Northlake Special Zone – Issues, Objectives and Policies. These amendments related to matters initially raised in Mr Barr’s section 42A report and were discussed at the hearing albeit that they are not as comprehensive as the provisions suggested by Mr Barr. The Hearings Panel notes that Plan Change 53, as notified, proposed no change to the policies which relate to the Northlake Special Zone.

The Hearings Panel confirms that it has considered Plan Change 53 on the basis of the amended provisions as presented by Mr Edmonds at the hearing; and as provided in writing by him on 29 June 2018.

The Hearings Panel has taken the opportunity to study the Request Document entitled “Private Plan Change Request Northlake Special Zone Outlet Road, Wanaka” dated November 2018 that contained a section 32 assessment relating to PC 53; and the various technical reports and other documents which accompanied the Request Document. These documents are presented as Attachments to the Request Document and included the following:

Attachment A : Computer Freehold Registers

Attachment B : Landscape and Urban Design Assessment (Baxter Design Group Ltd)

Attachment C : Infrastructure Report (Paterson Pitts Group)

Attachment D : Transportation Assessment (Carriageway Consulting Limited)

Attachment E : Assessment of Retail Economic Effects (RCG Ltd)

Attachment F : Structure Plan

The Request Document including the Attachments can be viewed on the Council’s website.

Further technical reports were provided by the Requestor in response to a request for additional information from Mr Barr dated 12 March 2018. These documents were presented in Appendix 6 to Mr Barr’s section 42A report and included the following:

- Correspondence from John Edmonds & Associates dated 22 March 2018.
- Northlake Stages 2/3 – Flow Rates and Capacities.
- GeoSolve Ltd Geotechnical Report dated August 2017 (prepared for RM 171190).
- Updated Northlake Master Plan dated 22 March 2018 prepared by Paterson Pitts Group.
- Urban Design Assessment of Amended Signage Rules – Activity Area D1 dated 22 March 2018 prepared by Baxter Design Group Ltd.

On 30 May 2018 Mr Goldsmith filed a Memorandum accompanied by the following two documents:

- Northlake Investments Limited Memo : Response to QLDC s42A report on PC 53 dated 16 May 2018 prepared by Paterson Pitts Group.
- Correspondence from Mr Andrew Tipene of the Queenstown Lakes District Council dated 22 May 2018 which confirmed that QLDC Property and Infrastructure are satisfied that Water and Wastewater infrastructure can be provided to support Plan Change 53.

## 6.0 STATUTORY REQUIREMENTS

Section 73(2) of the Resource Management Act 1991 (the Act) confirms that any person may request a territorial authority to change a district plan, and the district plan may be changed in the manner set out Schedule 1 to the Act. Provisions specific to requests for plan changes are detailed in Part 2 of Schedule 1 to the Act.

Clause 10 of Schedule 1 requires that a local authority give a decision on the provisions and matters raised in submissions, and the reasons for accepting or rejecting the submissions, although it is not required to give a decision that addresses each submission individually. The decision may also include making any consequential amendments necessary to the proposed plan change arising from submissions.

Section 75 of the Act prescribes the contents of district plans. Subsection (3) states:

*(3) a district plan must give effect to-*

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (ba) a national planning standard; and*
- (c) any regional policy statement.*

Subsection (4) goes on to state that a district plan must not be inconsistent with a water conservation order or a regional plan for any regional function.

Section 74 requires that a territorial authority shall prepare and change its district plan in accordance with its functions under section 31; the provisions of Part 2; a direction given under section 25A(2); its obligation to have particular regard to an evaluation report prepared in accordance with section 32; a national policy statement, a New Zealand coastal policy statement and a national planning standard; and any regulations.

Section 74(2), (2A) and (3) state as follows:

*(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*

*(a) Any—*

- (i) Proposed regional policy statement; or*
- (ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*

*(b) Any—*

- (i) Management plans and strategies prepared under other Acts; and*
- (ii) [Repealed]*
- (iia) Relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
- (iii) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*

*to the extent that their content has a bearing on resource management issues of the district; and*

*(c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

*(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.*

*(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

*(emphasis added by underlining)*

The Hearings Panel is only empowered to make a recommendation to the territorial authority in terms of the limits of its delegated authority under section 34A (1) of the Act.

## **7.0 THE EVIDENCE**

### **7.1 Submissions and Evidence for Requestor**

The expert evidence had been precirculated and was taken as read.

#### **Mr Warwick Goldsmith**

**Mr Goldsmith** presented legal submissions. Overall, he considered that the plan change was straightforward and did not raise any significant policy or environment effects issues.

Mr Goldsmith observed that the plan change had a number of components to it, but the main issue in contention related to the supermarket aspect. He noted that the Council staff supported the retail elements of the plan change, subject to some amendments, while the main opposition to the change come from submitters who were landowners in the Wanaka area and who had a strong trade competitor element to them. As a result, he considered that the Hearings Panel should place limited weight on the submitters' evidence and submissions. Mr Goldsmith stopped short of saying that the Hearings Panel should disregard (or even strike out) their submissions.

Mr Goldsmith did not consider that the plan change needed to amend any of the existing policies in the Northlake Special Zone (NSZ), such as policies 1.7 and 2.6. For reference purposes, these policies state:

#### *Policy 1.7*

*To provide for small scale neighbourhood retail activities to serve the needs of the local community within Activity Area D1 and to avoid visitor accommodation, commercial, retail and community activities and retirement villages within Activity Areas other than Activity Area D1.*

#### *Policy 2.6*

*To enable visitor accommodation, commercial, retail and community activities and retirement villages within Activity Area D1 including limited areas of small scale neighbourhood retail to service some daily needs of the local community, while maintaining compatibility with residential amenity and avoiding retail development of a scale that would undermine the Wanaka Town Centre and the commercial core of the Three Parks Special Zone.*

Mr Goldsmith observed that the only substantial constraint in these policies on the nature and extent of retail activities in the NSZ was that retail should not undermine Wanaka Town Centre and Three Parks. There was no evidence that this would eventuate. Reference in the policies to small scale retail that met the needs of local residents were of an enabling

tone; they were not restrictive policies to the effect that retail could only be of a small scale or only serve local residents. A small supermarket that may end up drawing its customers from across Wanaka (not just the local area) was not ruled out by the policies, so long as the Wanaka Town Centre and Three Parks were not undermined. Issues of building scale and fit with a village feel for the area (another interpretation of the term 'small scale retail') could be addressed through the existing urban design based assessment provisions of the NSZ, as well as the amended rule that would limit the size of the supermarket. It was further proposed by the requestor during the hearing that the supermarket could be restricted to a specific site. Mr Goldsmith suggested that an additional urban design based policy could be added. While he observed that the scope basis for such a change was not clear, the requestor did not strongly object to this.

Mr Goldsmith took issue with the changes proposed by the Council's section 42A report, particularly the proposed new 'non-residential activity' objective [Objective 7] and policies that would replace Policies 1.7 and 2.6; and the proposed inclusion of commercial activities in the amended floorspace rule. Mr Goldsmith was concerned that there was no scope for such changes and that there was no need to amend the objectives and policies in the form proposed. Mr Goldsmith was of the opinion that if the Commission found that adjustments to the existing Policies 1.7 and 2.6 were needed to accommodate the supermarket, then these could be accomplished by some minor changes, such as those set out in the evidence of Mr Edmonds.

Mr Goldsmith's submissions did not directly address the removal of the community facilities subdivisional rule but it is noted that during the course of his submissions and at the hearing a number of resource consents were referred to that had addressed this rule. These consents clarified that the Council had determined that it was not necessary for NSZ subdivision and development to provide for the 20 to 25m lap pool listed in the rule.

#### **Mr Andy Carr**

**Mr Carr** (Traffic Engineer) responded to questions from the Hearings Panel. He stated that he did not consider that Mt Linton Avenue and Northburn Road were likely to attract much extra traffic from potential customers living to the west of the Northlake centre. Even if traffic volumes did increase, traffic speeds would be low. He clarified that there were no traffic engineering reasons to restrict vehicle access to Outlet Road, subject to compliance with standard vehicle crossing requirements albeit that there may be urban design issues. The Council can control construction traffic through the consent process, as well as through a requirement for traffic management plans to be prepared.

#### **Mr Marc Bretherton**

**Mr Bretherton** (Development Manager for the requestor), presented a short statement responding to submitter's evidence. He addressed the issue of whether the supermarket might 'grow' over time. He said that the requestor would accept a rule limiting the supermarket to a specific lot – being Lot 1006. This lot was 4,590m<sup>2</sup> in area. Taking into account required set backs, car parking and loading areas etc, then the lot could accommodate a 1,250m<sup>2</sup> building. This was the reason for the floorspace limit.

The Hearings Panel notes that Mr Goldsmith, in his reply, suggested on behalf of the requestor that the supermarket could be limited to being located on either Lot 1005 DP 515015 or Lot 1006 DP 515015.

#### **Mr Alex Todd**

**Mr Todd** (Registered Surveyor) responded to questions from the Hearings Panel. He clarified that the enlarged Activity Area D1 would involve substantial earthworks. The ground level along Outlet Road was, however, at finished ground level.

### **Mr Paddy Baxter**

**Mr Baxter** (Landscape Architect) responded to questions from the Hearings Panel. He clarified the proposed landscape treatment at the Outlet Road frontage with reference to diagrams in his evidence. These showed a post and rail fence and low hedge on the top of a low bank, set back about 6m from the road edge. This arrangement would mean, along with the other proposed rules relating to building heights and set backs, that the larger buildings possible in Activity Area D1 (as compared to Activity Area C2) would be appropriately screened. Mr Baxter agreed that it would be appropriate to add a policy relating to urban design issues.

### **Mr John Polkinghorne**

**Mr Polkinghorne** (Retail Economist) presented a supplementary statement, responding to a number of issues raised in the evidence of the submitters. He addressed the issue of size and whether the supermarket could be said to be 'small-scale' in terms of the NSZ policies. He noted that the average size of a supermarket is around 3,000m<sup>2</sup> gross floor area. In his view the 1,250m<sup>2</sup> supermarket proposed at Northlake was small in comparison to this average. Mr Polkinghorne did not consider Anderson Heights to be a 'centre' in terms of the retail hierarchy of the District Plan (with the implication that retail activities in this area did not need or warrant a degree of planning 'support'). He then went on to address the potential effects identified by the submitters in terms of impacts on Three Parks. He considered that any impacts were marginal. The potential for the Northlake supermarket to delay or defer a second supermarket at Three Parks was an unlikely effect, given that dual supermarket centres are rare.

Mr Polkinghorne considered, in reference to the district plan's requirement that retail development in Northlake not undermine Three Parks, that there would have to be a substantial negative impact on the viability of Three Parks for this threshold to be reached. There was no evidence that this was likely.

### **Mr John Edmonds**

**Mr Edmonds** (Planning Consultant) provided a supplementary statement and verbally responded to a number of matters raised by submitters and to questions from the Hearings Panel. He clarified that the proposed amended rules relating to frontage treatment along Outlet Road needed to be altered to reflect the treatment proposed by Mr Baxter. He also pointed out that in addition to the frontage rules, landscaping was a matter that the Council could address when considering resource consents for buildings in Activity Area D1. Mr Edmonds maintained that there was no need for additional policy direction on building design. He pointed to the recent consent for a medical / health centre building in the NSZ where urban design issues had been appropriately addressed by the Council, based on the operative provisions. Mr Edmonds did not support the proposed new Objective 7 and associated policies identified in the section 42A report.

## **7.2 Submissions and Evidence for Submitters**

### **7.2.1 Willowridge Developments Limited and Central Land Holdings Limited**

#### **Ms Jayne Macdonald**

**Ms Macdonald** presented legal submissions for two submitters: Willowridge Developments Limited and Central Land Holdings Limited. Willowridge Developments Ltd is involved in the Three Parks development, while Central Land Holdings Limited owns land in Anderson Heights. The submissions raised three main issues.

Firstly, Ms Macdonald submitted that the proposed rule changes to the NSZ did not give effect to the policy framework of the Operative Plan. In particular Policies 1.7 and 2.6 should be interpreted as placing an emphasis on limiting retail to small scale activities meeting the needs of residents in the Northlake area. The supermarket did not meet these tests.



Secondly, there was no scope to amend the objectives and policies to the extent proposed by the Council's 42A report, which further raised the issue of whether the amended rules were appropriate. The section 42A report supported the rule change provided that the objectives and policies were amended. However if they could not be amended as suggested, then by implication, the rule change was inappropriate.

Finally, Ms Macdonald submitted that there were potential effects on Three Parks and Anderson Heights that extend beyond trade competition effects.

On the last point, Ms Macdonald identified that an underlying concern of the submitters was that the plan change would open the door to a much larger retail centre at Northlake, perhaps achieved through a number of consents. If a larger store was provided for in the NSZ provisions, in clear contradiction to policies referring to small scale retail, then the ability of those policies to restrain further increases in floor area would be significantly diminished. The offer from the applicant to limit to store to a particular site (initially Lot 1005) was acknowledged, but there was plenty of scope through the consent processes to 'get around' such a standard.

Ms Macdonald confirmed that the submitters would support enabling a small grocery type store at Northlake to meet local needs, such as a 300m<sup>2</sup> store, similar to the controls that apply to the Local Shopping Centre Zone.

#### **Ms Alison Devlin**

**Ms Devlin** (General Manager for Property and Planning, Willowridge Developments Limited) described the Three Parks Special Zone commercial centre and outlined the progress made to date in developing this centre. She was concerned that uncertainty over the demand for retail floorspace in Three Parks due to retail developing in other centres could delay necessary enabling works (such as earthworks and roading). This in turn would frustrate the ability to develop a range of retail and non-retail activities in the centre.

#### **Mr Michael Copeland**

**Mr Copeland** (Consulting Economist) spoke to his evidence. He considered that there were a number of potential effects on Three Parks from the increased floor area proposed by the plan change. The District Plan had established a retail hierarchy for a number of important resource management reasons and in his view it was important that this hierarchy was allowed to 'develop' and get established before changes to it were promoted. He agreed that the rezoning under the Proposed District Plan of the Anderson Heights area as 'Mixed Use' did open the door to much more retail in this area, posing a different and possibly more substantial threat to Three Parks, than Northlake. However the nature of existing development and activities in the Anderson Heights area would reduce this potential effect.

#### **Mr Carey Vivian**

**Mr Vivian** (Planning Consultant) spoke to his evidence. He was of the view that NSZ Policies 1.7 and 2.6 limited retail to smaller scale activities serving the local community; and that Plan Change 53 was clearly stepping away from this outcome. In addition the plan change would undermine Three Parks. He said that the Local Shopping Centre Zone was a relevant benchmark in terms of the scale of retail that was appropriate at the NSZ.

### **7.2.2 Exclusive Developments Limited**

#### **Ms Lisa Brown for Mr Michael Nidd**

**Ms Brown** spoke on behalf of Exclusive Developments Limited. She read out legal submissions prepared by **Mr Nidd** who was unable to attend the hearing. The submitter owns land in the Northlake Special Zone, fronting Outlet Road. The submitter is concerned that the additional retail development and a larger Activity Area D1 will see a number of off-site effects that will adversely impact the submitter's development. This included more traffic on Outlet Road, more stormwater runoff that would cross the submitter's site and

taller and bulkier buildings. Exclusive Developments Limited was not confident that the plan change would appropriately control these effects.

**Mr Lee Brown** (Director of Exclusive Developments Limited) was also in attendance.

### **7.3 The Officers Report**

**Mr Barr's** section 42A report dated 3 May 2018 discussed the matters raised by submitters and further submitters to assist us in our consideration of these matters. Mr Barr's section 42A report was informed by the reports of several consultants, such reports being presented in Appendices to Mr Barr's section 42A report.

Mr Barr and several other report authors addressed us following the presentation of evidence and submissions and prior to the adjournment of the hearing to address matters that had been raised by the parties who appeared before us.

#### **Mr Dave Smith**

**Mr Smith** (Traffic Engineer) provided short comments on his review of the traffic assessment. He remained of the view that Outlet Road could easily accommodate the additional traffic; and that no adjustments were needed to the Aubrey Road / Outlet Road intersection. Equally, no changes were needed in the design of Mt Linton Avenue and Northburn Road.

#### **Ms Rebecca Skidmore**

**Ms Skidmore** (Urban Designer) retained the view that trees were an important element of the landscape treatment of the Outlet Road frontage, particularly given the change from Activity Area C2 to Activity Area D1. She was unsure how the proposed 'fence and hedge' rule would work in practice, given that the fence and hedge would need to be placed in a specific position relative to set back from the road edge and on top of a small bank. She supported additional policy guidance on built form outcomes, given the larger area of Activity Area D1 enabled and the provision for the larger retail store.

#### **Ms Natalie Hampson**

**Ms Hampson** (Retail Economist) provided a written statement dated 6 June 2018, updating her assessment of retail effects. She questioned a number of aspects of the evidence presented, but overall remained of the opinion that the plan change would provide some benefits to the community in the northern part of Wanaka, while possibly having some minor 'environmental' impacts on Three Parks.

#### **Mr Craig Barr**

**Mr Barr** (Senior Planner, Queenstown Lakes District Council) updated the Hearings Panel on his analysis of the scope provided for in the submissions for the changes he had recommended in his section 42A report. He was confident that the changes he had made to the policies were in scope. He provided an annotated copy of the proposed changes with each change referenced to a particular submitter. He also referred to a legal opinion that the Proposed District Plan Hearings Panel had received as to the scope to make changes, particularly where submitters had requested changes to rules but not necessarily to the guiding policies.

Mr Barr clarified that a number of the amendments in his track changes version of the plan provisions could now be removed or modified, such as reference to restrictions on vehicle access to Outlet Road applying to residential activities. This should refer to all activities.

Mr Barr remained of the view that the new, non-residential objective and policies were necessary and appropriate amendments. On the issue of whether commercial activities should be included in the floorspace limit, he did acknowledge that this was not a matter that was directly raised in the plan change request, or in submissions, but was a matter that

flowed from the enlarged Activity Area D1, that increased the potential for more, larger commercial type buildings to be developed that may disrupt the village intent.

At the Hearing Panel's request Mr Barr provided written notes of his concluding remarks to us, such notes being dated 8 June 2018.

#### **7.4 Further Legal Submissions by Submitters**

Leave was granted to **Mrs Macdonald** on behalf of Willowridge Developments Limited and Central Land Holdings Limited to file further legal submissions on the matter of jurisdiction (being a matter traversed in Mr Barr's written notes) such further submissions being dated 13 June 2018. Further legal submissions on the jurisdiction matter were also provided by **Mr Nidd** on behalf of Exclusive Developments Limited, those submissions being dated 19 June 2018.

#### **7.5 Requestor's Reply**

After hearing from submitters and council officers, **Mr Goldsmith** made a few brief comments at the hearing. Leave was granted to Mr Goldsmith to provide his formal reply in writing. He also indicated that Mr Edmonds would provide a final, updated, copy of the amendments requested.

Mr Goldsmith's closing legal submissions dated 21 June 2018 were lodged with the Council on that date. Mr Edmonds's final amendments were lodged with the Council on 29 June 2018.

The reply focussed, in particular, on addressing the provision for a small supermarket as provided for in Plan Change 53. Mr Goldsmith confirmed that the requestors primary position is that no policy amendments are necessary for Plan Change 53 to proceed; albeit that he addressed two minor policy amendments (with respect to Policy 1.7 and Policy 2.6) either of which might be considered by the Hearings Panel to be necessary and/or appropriate. Mr Goldsmith also distinguished the two *Halswater* cases<sup>1</sup> (being decisions provided by Ms Macdonald at the hearing that were referred to in her further submissions) from the current situation. Mr Goldsmith noted that *Halswater* involved the addition of a new suite of objectives and policies which would have enabled a significantly different rule regime outcome, rather than involving minor "clarification" amendments of the nature now suggested by the requestor.

Mr Goldsmith concluded that Plan Change 53 can appropriately be recommended for acceptance by the Council on the basis publicly notified, subject to:

- (a) The minor tweaks to the retail rule which have been sorted out through the hearing process;
- (b) The possible additional amendment limiting the location of a supermarket to one of Lots 1005 and 1006;
- (c) The possible minor amendments to Policy 1.7 and/or 2.6 as discussed in his reply.

### **8.0 ASSESSMENT**

The Act requires that submission points are addressed by grouping them according to the provisions of the plan change to which they relate, or to the matters to which they relate. In this instance the requested Plan Change 53 has five components as listed in Clause 1.3 of the Request Document. These are to:

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<sup>1</sup> C183/2000 and AP41/00 (HC)

- Amend the boundaries of particular Activity Areas to enable more efficient use of urban zoned land, and to provide flexibility to develop a retirement village; and
- Increase the retail floor area restriction to enable a small supermarket to be established; and
- Amend the signage rules to provide for increased signage for commercial buildings in Activity Area D1; and
- Remove the Part 15 Subdivision rule relating to Community Facilities, for future administrative certainty; and
- Consequential rule changes that address matters raised in expert reports (in support of Plan Change 53).

The Commission also acknowledges that Mr Barr's report in Section 7 contains an analysis of both the effects on the environment of Plan Change 53 and the appropriateness, costs and benefits of the plan change request in terms of the relevant national, regional and district plan provisions and objectives. He identifies the relevant matters as falling into the following issues:

Issue 1 : Effects on housing supply.

Issue 2 : Effects on retail economics and the viability of Wanaka's business zones.

Issue 3 : Urban amenity.

Issue 4 : Transportation.

Issue 5 : Infrastructure.

The Hearings Panel has decided to assess Plan Change 53 and the submissions and further submissions thereto based on the five components of Plan Change 53 as listed in the Request Document. The Hearings Panel has had regard to the submission points in the context of each of these components.

A number of specific matters were raised in the submissions and/or were raised by submitters or officers at the hearing. We address those matters commencing at 8.6 below.

The full list of the submitters and further submitters to PC 53 is provided in **Appendix 1**.

Attached at **Appendix 2** is a summary of the submissions that have not been withdrawn. The summary identifies the submission points and indicates whether these are supported or opposed by any further submitter.

Our analysis in 8.1-8.10 below is generally structured as follows:

- The issue and decision requested – being a general summary of the issue and the main points raised in the submissions and further submissions.
- A discussion which reflects our assessment of the submission points that relate to the issue and which provide reasons for our recommendations.
- Our recommendations as these relate to the submission points that relate to each issue. These state whether each submission point is to be **accepted, accepted in part** or **rejected**. We attach at **Appendix 3** the plan provisions that relate to PC 53 as amended by our recommendations.

The Hearings Panel confirms that it has given consideration to the full contents of all submissions and further submissions which have not been withdrawn, copies of which were provided to the Hearings Panel prior to the hearing.

## **8.1 AMEND THE BOUNDARIES OF PARTICULAR ACTIVITY AREAS ON THE NORTHLAKE STRUCTURE PLAN**

### **The Issues and Decisions Requested**

Plan Change 53 provides for the amendment of the Northlake Structure Plan as detailed at Attachment F to the Request Document. The adjustment of the Activity Area boundaries occurs within that part of the site involving Activity Areas D1, C2, B3, B2 and E1 being land generally located to the north of Northlake Drive and west of Outlet Road.

The primary adjustment provides for 4.2 hectares of land (in total) to be changed from Activity Areas B3, C2 and E1 to Activity Area D1, for the stated purpose of enabling a retirement village to be established in a location that is considered appropriate for that activity. It is noted that a retirement village could be established in the existing Activity Area D1 but the intent of the requestor is that a more substantial retirement village be provided for on the expanded Activity Area D1. It is also noted that use of the expanded Activity Area D1 is not restricted to a retirement village. Activity Area D1 provides for a wide range of residential and commercial activities (as defined in the Operative District Plan). The Hearings Panel has assessed the proposed expansion of Activity Area D1 on the basis that this land could be used for a variety of activities as enabled by the NSZ provisions.

The other adjustments to Activity Area boundaries are intended to ensure that land proposed for residential development is fully contained in the appropriate Activity Area. These amendments include an aggregate area of 2460m<sup>2</sup> being transferred from Activity Area C1 to Activity Area B2; and an area of 7,571m<sup>2</sup> to be transferred from Activity Area C1 to Activity Area B3.

While several submitters have promoted that the entire plan change be rejected; no submissions have challenged this component of Plan Change 53 specifically.

### **Discussion & Reasons**

Following consideration of the evidence and reports the Hearings Panel has come to the conclusion that the amendments to the boundaries of the relevant activity areas, as proposed, are appropriate.

The Hearings Panel notes that a key amendment is to transfer 1.5588 hectares of land adjacent to Outlet Road that is currently in Activity Area C2 to Activity Area D1. The Hearings Panel acknowledges that specific amendments to rules are proposed (as discussed in Section 8.5 of this report below) which are intended to provide for an appropriate urban design response at the interface of the extended Activity Area D1 and Outlet Road. The Commission considers that such treatment at the boundary is an important element in Plan Change 53.

With regard to other potential effects arising from the expansion of Activity Area D1, the Hearings Panel agrees that the expanded Activity Area D1 will be able to accommodate more dwellings and/or a retirement village which would be beneficial in terms of housing choice and supply. The expanded Activity Area D1 may also enable more commercial activities and the Hearings Panel is satisfied in this regard that the NSZ provisions contain sufficient methods to manage the effects of these activities on the surrounding residential amenity.

In all the circumstances the Hearings Panel finds that it is appropriate to adjust the Activity Area boundaries on the Northlake Structure Plan as proposed by the requestor in Plan Change 53.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that those submissions which have requested that the entire plan change be rejected, be accepted in part.

### **Hearings Panel's Recommendations**

1. That the submissions by Stephen Popperwell (03.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Michael and Eyre McCauley (10.2); Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17); and Allenby Farms Ltd (14.1) be **accepted in part**.

## **8.2 INCREASE THE RETAIL FLOOR AREA RESTRICTION TO ENABLE A SMALL SUPERMARKET**

### **The Issues and Decisions Requested**

Plan Change 53 provides for the amendment of Zone Standard 12.34.4.2viii(b) and (c) which relate to retail activity in Activity Area D1 in the Northlake Special Zone. Zone Standard 12.34.4.2viii(b), as amended in Mr Edmonds's evidence, is to enable one activity with a maximum gross floor area of 1250m<sup>2</sup> that is to be limited to the supermarket. It is proposed that Zone Standard 12.34.4.2viii(c) limit the total amount of retail activity, excluding the supermarket, to 1250m<sup>2</sup> in total.

The requestor has advised that the purpose of this component of Plan Change 53 is to enable a small supermarket to be established within the Northlake Special Zone to provide local residents with a local grocery shopping alternative.

The submission by Jo & Mark Harry (05.1) supports provision for a supermarket at Northlake.

Submitters who have explicitly opposed any increase to the maximum floor area for retail activities include Gary Tait (02.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16), Willowridge Developments Limited (06.1 & 06.2) and Central Land Holdings Limited (07.1 & 07.2).

### **Discussion & Reasons**

This component of Plan Change 53 received considerable attention at the hearing in terms of both legal submissions and expert evidence. It is not proposed to traverse all of the matters discussed here; but rather to focus on the key elements which have influenced the Hearings Panel in its decision making.

At the outset it is appropriate to acknowledge that Plan Change 53 is a change to the Operative District Plan. Accordingly the Hearings Panel has given particular attention to the relevant objectives and policies of the Operative District Plan. Consideration has also been given to the relevant objectives and policies of the Proposed District Plan as amended by the Council's decisions on submissions (which were released in May 2018).

Section 4.9 of the Operative District Plan contains district wide objectives and policies relating to Urban Growth.

Objective 4 and its associated policies are of particular relevance in this instance:

#### **"Objective 4 – Business Activity and Growth**

*A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.*

**Policies:**

- 4.1 *To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.*
- 4.2 *To promote and enhance a network of compact commercial centres which are easily accessible to, and meet the regular needs of, the surrounding residential environments.*
- ...

The Hearings Panel considers that this component of Plan Change 53 is consistent with the above District Wide objective and policies.

Objectives and policies presented in Part 12.33 of the Operative District Plan that are specific to the Northlake Special Zone include the following:

***“Objective 1 – Residential Development***

***A range of medium to low density and larger lot residential development in close proximity to the wider Wanaka amenities.***

...

- 1.7 *To provide for small scale neighbourhood retail activities to serve the needs of the local community within Activity Area D1 and to avoid visitor accommodation, commercial, retail and community activities and retirement villages within Activity Areas other than within Activity Area D1.*
- 1.8 *To provide for community activities, including educational facilities, to serve the needs of the Northlake community and to be available for use by the wider Wanaka community.*

...

***Objective 2 – Urban Design***

***Development demonstrates best practice in urban design and results in a range of high quality residential environments.***

...

- 2.6 *To enable visitor accommodation, commercial, retail and community activities and retirement villages within Activity Area D1 including limited areas of small scale neighbourhood retail to service some daily needs of the local community, while maintaining compatibility with residential amenity and avoiding retail development of a scale that would undermine the Wanaka Town Centre and the commercial core of the Three Parks Special Zone.*

...”

While Objective 1 and Objective 2 refer to “residential development” and “residential environments”, respectively, Policies 1.7 and 2.6 provide for retail and other non-residential activities. The residential focus of the respective objectives appears to reflect the primary function of the Northlake Special Zone as a residential zone.

The Hearings Panel notes that Policy 1.7 refers to serving the “local community” whereas Policy 1.8 refers to community activities that are to be available for use by the “wider Wanaka community”. The Hearings Panel accepts that the reference to “local community” in Policy 1.7 does not specifically relate to the Northlake community (ie. those with properties in the Northlake Special Zone) but rather to a wider community at North Wanaka. The Hearings Panel notes in this context that the decision on Plan Change 45 (that

provided for the rezoning of approximately 219.26 hectares of land being the Northlake Special Zone), in the context of the retail area at Northlake, stated as follows:

*“It is envisaged that such retail area will primarily serve the land subject to PC 45 albeit that this amenity may also be utilised by those that live in the immediate vicinity....”*

This statement supports the Hearings Panel’s conclusion that the “local community” extends beyond the Northlake Special Zone.

The Hearings Panel has come to the conclusion that the retail component of Plan Change 53 is consistent with providing for small scale neighbourhood retail activities to serve the needs of the local community within Activity Area D1. The Hearings Panel notes in this context the evidence of Mr Polkinghorne which was that the supermarket proposed at Northlake will be smaller than any other in the Queenstown Lakes District. The Hearings Panel also notes in this context that it is theoretically possible that a range of food retail activities could be accommodated at Northlake in terms of the current Zone Standard 12.34.4.2viii comprising a series of shops which, together, could result in a food offering similar in scale to that anticipated for the proposed small supermarket.

Policy 2.6 contains direction to avoid retail development of a scale that would undermine the Wanaka Town Centre and the commercial core of the Three Parks Special Zone.

Messrs Copeland and Polkinghorne along with Ms Hampson have advised that the small supermarket proposed for Northlake would not undermine the Wanaka Town Centre. The Hearings Panel accepts that this is the case.

The Hearings Panel has given particular consideration to whether the retail component of Plan Change 53 would undermine the commercial core of the Three Parks Special Zone. Ms Devlin’s evidence discussed the development which has occurred at Three Parks to date and the potential for further development. She noted that Rule 12.26.7.3 of the Operative District Plan provides for 10,000m<sup>2</sup> of retail floor space as a permitted activity (subject to resource consent for the buildings as a controlled activity) at Three Parks. Releasing floor space above the initial 10,000m<sup>2</sup> requires resource consent as a restricted discretionary activity and is subject to a “health check” of the Wanaka Town Centre and a retail needs assessment. Overall the commercial core of Three Parks is capable of accommodating over 30,000m<sup>2</sup> of retail floor space.

Ms Devlin also advised that in mid-2016 the Wanaka Recreation Centre opened at Three Parks and the Hearings Panel understands that a new 3-pool swimming pool complex at the Recreation Centre was to open on 10 June 2018.

Ms Devlin advised us that Foodstuffs has sought resource consent for a 4,353m<sup>2</sup> supermarket at Three Parks being RM 171541; and that resource consent was anticipated on 6 June 2018 (the second day of our hearing). Ms Devlin advised that Foodstuffs intends to start construction on-site in August 2018 with the supermarket opening in 2019. Ms Devlin also referred to the prospect of the BP Service Station relocating from the Wanaka Town Centre to Three Parks; and to talks that are underway with a number of retail operators wishing to acquire land or premises in the commercial core at Three Parks.

The Hearings Panel’s conclusion, having considered the evidence of the economists and Ms Devlin’s evidence with respect to development at Three Parks, is that providing for a small supermarket at Northlake would not undermine the Three Parks Special Zone.

Land at Anderson Heights is included in the Business Zone in terms of the Operative District Plan. The Hearings Panel notes, in the first instance, that there is no reference to Anderson Heights in Policy 2.6. In terms of the Operative District Plan retail activity is



generally provided for as a discretionary activity at Anderson Heights. The Hearings Panel considers that providing for a small supermarket at Northlake will not have an adverse effect on activity in the Business Zone at Anderson Heights.

The Hearings Panel was informed that the decisions version of the Proposed District Plan provides for Anderson Heights to be included in the Business Mixed Use Zone, where retail activity is a permitted activity. The Hearings Panel was also advised that no submissions were lodged in opposition to this change in status of retail activity at Anderson Heights notwithstanding this will result in some 7.8 hectares of land becoming potentially available for retail activity (as a permitted activity). Ms Devlin confirmed that Willowridge Developments Limited had not lodged a submission opposing this aspect of the Proposed District Plan.

Given the relative scale of retail proposed at Northlake (via Plan Change 53) and the extent of the land proposed to be zoned at Anderson Heights where retail activity is to be permitted, the Hearings Panel has concluded that the retail component of Plan Change 53 will not have a significant adverse effect on Anderson Heights.

The Hearings Panel's conclusion is that amending Zone Standard 12.34.4.2viii, to provide for a small supermarket in Activity Area D1 at Northlake, will be consistent with Policy 1.7 and Policy 2.6 of the Operative District Plan.

At the hearing Mr Goldsmith, for the requestor, confirmed that the requestor is agreeable to Zone Standard 12.34.4.2viii(b) specifically providing for a small supermarket on Lot 1006 as identified on a plan attached to Mr Bretherton's evidence. Lot 1006 is located to the south of Northlake Drive, has roads to the east and west and a Local Purpose Reserve (Recreation and Drainage) immediately to the south. Locating the supermarket on Lot 1006 would ensure that this activity is located centrally within the requestors land at Northlake; and that the supermarket would not be located, say, adjacent to Outlet Road.

In his reply Mr Goldsmith raised the possibility that the supermarket could be located on Lot 1005 as an alternative to Lot 1006. Lot 1005 has frontage to Northlake Drive and has been partially developed for community facilities. Again Lot 1005 is not located adjacent to Outlet Road.

The Hearings Panel is satisfied that Zone Standard 12.34.4.2viii(b) should specify that the supermarket is to be located on Lot 1005 or Lot 1006 DP 515015.

The Hearings Panel notes that the retail component of Plan Change 53 promotes that other retail activity be permitted to an area of 1,250m<sup>2</sup>, an increase of 250m<sup>2</sup> over the current 1000m<sup>2</sup> limit in the NSZ. Little evidence was advanced in support of this amendment. In all the circumstances the Hearings Panel considers it appropriate to retain the cap on the amount of retail activity (apart from the small supermarket) at 1,000m<sup>2</sup> gross floor area in Activity Area D1 at Northlake.

As noted above the Hearings Panel has found that amending Zone Standard 12.34.4.2viii is consistent with Policy 1.7 and Policy 2.8. Notwithstanding this the Hearings Panel considers that, as a consequential amendment, it would be advantageous for these policies to specifically refer to the provision of one small supermarket within Activity Area D1. Such an amendment is consistent with the clear intent of the retail component of Plan Change 53 (albeit that this relates to the zone standard only) and reinforces the requestors intention that one small supermarket only be provided for at Northlake. This matter is discussed further in Section 8.7 of this report.

The Hearings Panel has given consideration to the traffic effects of this component of Plan Change 53 and particularly traffic effects on Outlet Road, Mt Linton Avenue and Northburn Road. Mr Carr observed that drivers typically select their routes to minimise their travel

times and that for vehicles approaching from the east, the shortest route will be to use Outlet Road because:

- The operating speed on Outlet Road is faster than on either Mt Linton Avenue or Northburn Road due to reduced potential to encounter drivers turning to/from driveways;
- There are fewer intersections to negotiate if travelling on Outlet Road;
- The distance is slightly shorter via Outlet Road (being approximately 200 metres shorter).

Mr Carr also noted that while each potential route for vehicles approaching from the west (Northburn Road, Mt Linton Avenue and Outlet Road) are approximately the same; it is likely that the Outlet Road route will be favoured as it remains the quicker for the reasons listed above. As a consequence Mr Carr did not consider that any measures to dissuade drivers from using Northburn Road and Mt Linton Avenue need to be implemented, but rather he considered that clear signposting of the Outlet Road route will be sufficient. It is anticipated that such signage will refer to a “Village Centre” or similar.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that those submissions which have requested that the entire plan change be rejected, be accepted in part.

### **Hearings Panel’s Recommendations**

1. That the submission by Jo & Mark Harry (05.1) be **accepted**.
2. That the submissions by Gary Tate (02.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Willowridge Developments Limited (06.1); and Central Land Holdings Limited (07.1) be **accepted in part**.
3. That the submissions by Willowridge Developments Limited (06.2) and Central Land Holdings Limited (07.2) be **rejected**.
4. That the submissions by Stephen Popperwell (03.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Michael and Eyre McCauley (10.2); Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17); and Allenby Farms Ltd (14.1) be **accepted in part**.

## **8.3 AMEND THE SIGNAGE RULES IN CHAPTER 18**

### **The Issues and Decisions Requested**

Plan Change 53 provides for the amendment of Chapter 18 of the Operative District Plan, which relates to signs, to provide for commercial signage rules to be applied to buildings and activities in Activity Area D1 at Northlake.

The requestor has noted that the operative sign rules apply the residential standards across the whole of the Northlake Special Zone; and do not differentiate Activity Area D1, where commercial buildings up to 10 metres high are anticipated to occur, from the other Activity Areas at Northlake which are essentially residential in character. This component of Plan Change 53 promotes that Activity Table 1 (Commercial Areas) in Part 18 be amended to refer to the “Corner Shopping Centre Zone and Northlake Special Zone – Activity Area D1”; and for Activity Table 2 (Residential Areas) to refer to “Quail Rise, Meadow Park, Northlake (except Activity Area D1) & Shotover Country Special Zones”.

While several submitters have promoted that the entire plan change be rejected; no submissions have specifically challenged this component of Plan Change 53.

**Discussion & Reasons**

The Hearings Panel acknowledges that Activity Area D1 at Northlake is intended to accommodate retail and other commercial activities as evidenced by Policies 1.7 and 2.6 and by the relevant rules which apply in the Northlake Special Zone. Given the range of activities to be accommodated in Activity Area D1 it is incongruous that residential rather than commercial standards should apply to associated signage. Accordingly the Hearings Panel has concluded that the amendments to Chapter 18, as promoted by the requestor in Plan Change 53, are appropriate.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that those submissions which have requested that the entire plan change be rejected, be accepted in part.

**Hearings Panel’s Recommendations**

- 1. That the submissions by Stephen Popperwell (03.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Michael and Eyre McCauley (10.2); Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17); and Allenby Farms Ltd (14.1) be **accepted in part**.

**8.4 DELETE ZONE SUBDIVISION STANDARD 15.2.16.3 ENTITLED “NORTHLAKE SPECIAL ZONE : COMMUNITY FACILITIES”**

**The Issues and Decisions Requested**

Plan Change 53 proposes that Zone Subdivision Standard 15.2.16.3 as contained in Chapter 15 Subdivision, Development and Financial Contributions be deleted. This Zone Standard is titled “Northlake Special Zone – Community Facilities” and requires that particular “community activities” be provided during the early stages of subdivision of land at Northlake. The requestor has advised that these subdivision stages have occurred and that the facilities have either been provided or alternative facilities approved and completed or under construction.

The requestor also advises that the Council has interpreted Zone Subdivision Standard 15.2.16.3 as applying to all subsequent subdivision activity within the Northlake Special Zone; and as a consequence future subdivisions have status as a non-complying activity. The requestor considers that this outcome is inappropriate and unnecessarily administratively cumbersome.

While several submitters have promoted that the entire plan change be rejected; no submissions have specifically challenged this component of Plan Change 53.

**Discussion and Reasons**

Zone Subdivision Standard 15.2.16.3(iv)(a) confirms that for the purposes of the rule community facilities that are required means an indoor 20m – 25m lap pool, a fitness/gym facility, a children’s play area, and at least one tennis court.

The children’s play area and a tennis court are in existence in Activity Area D1. A fitness/gym facility is being provided within the new Health Centre building which was consented under RM 161230 on 5 May 2017. The Commission notes in passing that the buildings consented under RM 161230 were to be located on Lot 1006; and, given the

requestors intention to possibly locate the small supermarket on Lot 1006, the buildings provided for in terms of RM 161230 would under such circumstances need to be located elsewhere within Activity Area D1; probably on Lot 1005 to the north of Northlake Drive.

The request document at Clause 3.3.4 advised that “the Council has recognised that the 25m indoor swimming pool requirement is appropriately substituted by the provision of the Health Care Centre; and that the Council has accepted the provision of a Health Centre as an alternative to the pool”. The Hearings Panel enquired of the requestor whether further documentation is available to confirm that this was the case given that the Council’s decision RM 161230 simply observes that “the applicant states that the proposal fulfils part of the requirement to provide community facilities....”.

Mr Goldsmith tabled an extract from the Council’s decision RM 161292 being the subdivision consent for Stages 4-6 of the Northlake subdivision. That decision observes that the applicant (being Northlake Investments Limited, the requestor) wishes to proceed with the subdivision without providing a 20-25 metre indoor swimming pool facility as the applicant no longer intends to provide a pool facility within the development. That decision acknowledges that a public pool is under development at Three Parks [which was to be opened on 10 June 2018]; and the decision observes that opportunities would still be available for residents to access a covered pool within the wider Wanaka area (at Three Parks). The Council concluded in RM 161292 that any adverse effects associated with additional lots being created without the necessary community facilities were considered to be minor.

The Hearings Panel also acknowledges that Mr Edmonds advised that in his consultation with Council officers it was clearly understood that a pool would not now be provided at Northlake; and Mr Goldsmith submitted that the existing requirement for a pool in Zone Subdivision Standard 15.2.16.3 was inserted at a time when there was uncertainty with respect to the location of a new pool at Wanaka; and that Northlake had proposed to establish such a pool for the wider community in the proposed Northlake Special Zone.

Having regard to the information now available the Hearings Panel is satisfied that the community facilities intended to be provided at Northlake (in terms of Zone Subdivision Standard 15.2.16.3) have been provided; and that it is clearly understood that an indoor 20m – 25m lap pool is no longer to be provided at Northlake.

Given that the community facilities sought through Zone Subdivision Standard 15.2.16.3 (with the exception of the lap pool) have been or are to be provided in the NSZ, the Hearings Panel concurs that the deletion of Zone Subdivision Standard 15.2.16.3 is now appropriate. This component of Plan Change 53 will enhance efficiency as it avoids a situation whereby the subdivision of urban land for urban purposes would otherwise default to a non-complying status.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that those submissions which have requested that the entire plan change be rejected, be accepted in part.

### **Hearings Panel’s Recommendations**

1. That the submissions by Stephen Popperwell (03.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Michael and Eyre McCauley (10.2); Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17); and Allenby Farms Ltd (14.1) be **accepted in part**.

## 8.5 CONSEQUENTIAL CHANGES TO SPECIFIC RULES

### The Issues and Decisions Requested

Plan Change 53 provides for various rule changes to address recommendations made in Mr Baxter's Landscape and Urban Design Assessment (being Attachment B to the Request Document) and in response to requests for information/clarification from Council officers in the process of preparing Plan Change 53 for notification. The consequential changes proposed to the rules are as follows:

- Amend Rule 12.34.2.6i to clarify that fish and meat processing can occur within a food retail premises; and is therefore not a prohibited activity in terms of that rule.
- Amending Rule 12.34.4.1ii(b) to require a setback 7 metres from Outlet Road north of Mt Burke Drive.
- Amending Rule 12.34.3.4.1viii(b) to prevent direct access to Outlet Road.
- Amending Rule 12.34.4.1x(d) to provide for a consistent landscape edge along the western side of Outlet Road.
- Amending Rule 12.34.4.2iv(a) to limit buildings within 40 metres of Outlet Road to the north of Mt Burke Drive to two levels.

The Hearings Panel notes that apart from the amendment to Rule 12.34.2.6i all other amendments relate to Activity Area D1 and are intended to mitigate the effects of development within Activity Area D1 where this replaces Activity Area C2 adjacent to Outlet Road.

The amendment to Rule 12.34.2.6i is subject to a specific submission by Gary Tate (02.2); and the submission by Joe & Mark Harry (05.2) appears to relate specifically to the amendment proposed to Rule 12.34.3.4.1viii(b).

### Discussion & Reasons

The Hearings Panel considers that the amendment proposed to Rule 12.34.2.6i is appropriate. It is common place for fish or meat processing to occur within the context of a retail activity (particularly a small supermarket) or a restaurant; and it would be inappropriate for such activity to have status as a prohibited activity. The Hearings Panel therefore accepts the amendment as proposed by the requestor and considers that the submission by Gary Tate (02.2) should be rejected.

The Hearings Panel also accepts that the other amendments which are proposed in the context of Activity Area D1 for urban design purposes, are appropriate subject to minor amendments. In particular the restriction of access (in terms of Rule 12.34.4.1viii(b)) should relate to any activity (ie residential or non-residential activity) within Activity Area D1, rather than just residential activity; and accordingly the submission by Jo & Mark Harry (05.2) which appears to promote access to the commercial area from Outlet Road should be rejected.

The Hearings Panel notes that the landscape treatment proposed in terms of the new Rule 12.34.4.1x(d)(iv) is consistent with the landscape treatment achieved elsewhere along the Outlet Road frontage. It is also noted in this context that Mr Baxter observed that the post and rail timber fence is to be located on the top of mounding adjacent to Outlet Road; and that space exists within private land between the fence and the legal road boundary. The Hearings Panel anticipates that this area will be subject to management via a covenant or similar to ensure a uniform standard of appearance between the post and rail timber fence and the footpath adjacent to Outlet Road. The Hearings Panel agrees with Ms Skidmore that trees are also an important component of landscape treatment. While the amended rule removes the need to plant trees at regular intervals in Activity Area D1, this does not preclude tree planting here. Street trees are likely and it is noted that the matters for

discretion for buildings in Activity Area D1 include landscaping. As a consequence, in addition to the fence and hedge, a larger commercial building close to the Outlet Road frontage could also involve tree planting between the building and the road, depending upon building design and orientation.

The Hearing Panel's conclusion is that the consequential amendments to various rules, as further amended by the requestor at the hearing and as provided in writing by Mr Edmonds on 29 June 2018, are generally appropriate.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that those submissions which have requested that the entire plan change be rejected, be accepted in part.

### **Hearings Panel's Recommendations**

1. That the submission by Gary Tate (02.2) be **rejected**.
2. That the submission by Jo & Mark Harry (05.2) be **rejected**.
3. That the submissions by Stephen Popperwell (03.1) supported by Willowridge Developments Limited (FS-15) and Central Land Holdings Limited (FS-16); Michael and Eyre McCauley (10.2); Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17); and Allenby Farms Ltd (14.1) be **accepted in part**.

## **8.6 PLAN CHANGE 53 V DISTRICT PLAN PROCESS**

### **The Issues and Decisions Requested**

Michael and Eyre McCauley (10.1) have requested that if Plan Change 53 is allowed it should form part of the district plan and not be by way of a private plan change request.

### **Discussion & Reasons**

The Hearings Panel simply notes that section 73(2) of the Resource Management Act 1991 confirms that any person may request a territorial authority to change a district plan; and that the district plan may be changed in the manner set out in Schedule 1 to the Act.

In this instance Northlake Investments Limited has requested proposed Plan Change 53 and this plan change is progressing through the Schedule 1 process. There is no basis to direct that an amendment be made via the district plan review process rather than via a plan change process.

### **Hearings Panel's Recommendation**

1. That the submission by Michael and Eyre McCauley (10.1) be **rejected**.

## **8.7 MINOR POLICY CHANGES**

### **The Issues and Decisions Requested**

Mr Goldsmith in his reply referred to two minor policy amendments which (either or both) might be considered by the Hearings Panel to be necessary and/or appropriate; such amendments relating to Policy 1.7 and Policy 2.6. These amendments were reproduced at paragraph 79 of Mr Goldsmith's reply as follows:

*“1.7 To provide for small scale neighbourhood retail activities including one small supermarket to serve the needs...”*

*“2.6 To enable visitor accommodation, commercial, ~~retail~~ and community activities, ~~and retirement villages~~ and limited small scale retail activities including one small supermarket, within Activity Area D1 ~~including limited areas of small scale neighbourhood retail~~ to service...”*

Mr Goldsmith also noted that, depending on the Hearings Panel’s final interpretation of Policies 1.7 and 2.6, the word “including” in the amendments suggested above could be replaced by “plus”.

Mr Edmonds also promoted the inclusion of a new Policy 2.8 that relates to the design and appearance of non-residential buildings. Mr Baxter and Ms Skidmore agreed that such a policy was appropriate.

## **Discussion & Reasons**

A person who perused Plan Change 53, as notified, will have been aware that the proposed increase in the retail floor area restriction was to enable a small supermarket to be established. This is clearly stated in, for example, Section 1.1 of the Request Document dated November 2017.

The minor policy amendments suggested by the requestor to Policy 1.7 and 2.6 are consistent with the intent of Plan Change 53 (as notified) to provide for a small supermarket at Northlake. The minor policy amendments suggested by the requestor recognise that a small supermarket is to be enabled (consistent with the submission by Jo & Mark Harry (05.1)) and, at least in part, addresses the concern with respect to large scale retail development expressed in the submission by Gary Tate (02.1). In all the circumstances the Hearings Panel has concluded that there is jurisdiction to make these two minor policy amendments as suggested by the requestor.

The Hearings Panel does not consider it appropriate to replace the word “including” with the word “plus” in the two policies. The Hearings Panel has accepted in Section 8.2 of this report (above) that small scale neighbourhood retail activities are deemed to include a small supermarket being the retail component of Plan Change 53; and on this basis the word “plus” would be inappropriate.

The Hearings Panel is satisfied that the relevant assessment matters provide a sufficient basis for assessing any application for a building to accommodate a small supermarket; such building having status as a restricted discretionary activity in terms of Rule 12.34.4.3iv. While this is the case the Hearings Panel also considers that it would be beneficial for a new Policy 2.8 to be inserted which relates to the design and appearance of non-residential buildings in the context of Objective 2 – Urban Design. The new Policy 2.8 complements the relevant assessment matters; and the Hearings Panel is satisfied that such a policy is a consequential amendment with respect to the retail component of Plan Change 53.

## **Hearings Panel’s Recommendation**

1. That the submission by Jo & Mark Harry (05.1) be **accepted**.
2. That the submission by Gary Tate (02.1) supported by Willowridge Developments Limited (FFS-15) and Central Land Holdings Limited (FS-16) be **accepted in part**.

## 8.8 STORMWATER

### The Issues and Decisions Requested

The submission by Exclusive Developments Limited (11.1) has raised the issue of stormwater discharge into neighbouring properties. Mr Nidd's legal submission (as presented by Ms Brown) addressed this matter further and provided photographs with respect to repeated flooding of the submitter's land.

### Discussion & Reasons

The stormwater effects described in the legal submissions presented on behalf of Exclusive Developments Limited relate to the existing situation at Northlake. The Hearings Panel concurs with Mr Goldsmith that the only stormwater effect arising as a consequence of Plan Change 53 is the extent to which an increase in building density, arising from the expanded Activity Area D1 area, may increase the amount of stormwater required to be managed as a result of an increase in impervious surfaces.

The Infrastructure Report (at Attachment C to the Request Document dated November 2017) confirms that the Northlake development proposes to maintain the runoff characteristics of the existing catchment and that the proposed adjustments to the Activity Areas are not going to result in a change to the stormwater catchments. The Infrastructure Report noted that the development will result in an alteration to the existing runoff flow paths and will result in an increase in peak flow runoff once the development is completed and all dwellings are built due to a slight increase in proposed density. Stormwater design is a matter that can be addressed through the Outline Development Plan process. The proposed approach to stormwater management is deemed to be acceptable by Mr Vail, as confirmed in the review of the Infrastructure Report (Appendix 5 to the section 42A report).

In his reply Mr Goldsmith noted, as he had done during the course of the hearing, that the more intensive development of the expanded Activity Area D1 will be located in a completely different stormwater catchment than that which has caused the issues depicted in the photographs attached to Mr Nidd's submission.

Mr Goldsmith also summarised issues relating to High Court proceedings relating to an Easement Agreement for stormwater to be conveyed across Exclusive Developments Limited land.

The Hearings Panel's conclusion is that the stormwater issue is a matter to be addressed under other existing legislation and rules. No evidence has been presented to the Hearings Panel to demonstrate that Plan Change 53 would have any particular effect in terms of stormwater management on the Exclusive Developments Limited property.

As certain provisions of Plan Change 53, as notified, have been amended it is appropriate that the submission by Exclusive Developments Limited which has requested that the entire plan change be rejected, be accepted in part.

### Hearings Panel's Recommendation

1. That the submission by Exclusive Developments Limited (11.1) supported by Willowridge Developments Limited (FS-15), Central Land Holdings Limited (FS-16) and Robyn & Paul Hellebrekers (FS-17) be **accepted in part**.

## 8.9 RECOMMENDED CHANGES TO OBJECTIVES AND POLICIES

### The Issues and Decisions Requested

Mr Barr in his section 42A report recommended that the plan change be accepted with modifications; and in particular he promoted that more prescriptive objectives and policies



be incorporated into the Northlake Special Zone provisions to ensure potential adverse effects of retail activities are appropriately managed.

On 6 June 2018 Mr Barr tabled a set of his recommended provisions at the hearing, such information being provided at the request of the Hearings Panel. Mr Barr recommended the inclusion of a new Objective 7 – Non-Residential Activities and related Policies 7.1-7.4 to replace current Policy 1.7 and (in part) current Policy 2.6; a rewritten Policy 2.6 and new Policies 2.9 and 2.10. For completeness it is noted that Mr Barr also supported a new Policy 2.8 (which is discussed in Section 8.7 of this report).

Mr Barr considered that his recommended amendments to the Northlake Special Zone provisions were within scope for the Hearings Panel to consider as valid changes for the reasons listed in Clause 2.1 of his written notes dated 8 June 2018. Ms Macdonald in her Memorandum dated 13 June 2018 submitted that there was no jurisdiction to introduce Objective 7 and its associated policies; and this submission was supported by Mr Nidd in his further legal submissions dated 19 June 2018.

## **Discussion & Reasons**

The Hearings Panel received considerable submissions on the issue of jurisdiction from Mr Goldsmith (in his opening), from Ms Macdonald (in her opening and in her further submissions), from Mr Nidd (in his further submissions) and from Mr Goldsmith again in his reply.

It is important to note in the first instance that the deletion of Policy 1.7 and Policy 2.6 and their replacement with a new Objective 7 and associated policies (and other replacement and new policies) were not promoted in Plan Change 53 as notified. These amendments were recommended in Mr Barr's report which was prepared subsequent to the notification of Plan Change 53 and the receipt of submissions and further submissions thereon.

The scope for decisions lies between what was notified and what was sought in submissions. Mr Barr has helpfully provided the Hearings Panel with a Memorandum from Meredith Connell dated 9 August 2016 which was provided to the Hearings Panel responsible for hearing submissions and further submissions on the Proposed District Plan. Paragraph 2 of that Memorandum states:

*"2. In our view, the Panel is not prevented from amending the overlaying objectives and policies where a submitter has only sought amendments to the relevant rule(s) as long as any such amendments do not go beyond what is fairly and reasonably raised in the submission."*

In this instance the Hearings Panel has concluded that the new Objective 7 and associated policies and the other new and amended policies (apart from Policy 2.8), as recommended by Mr Barr, go beyond what is fairly and reasonably raised in the submissions on Plan Change 53. The Hearings Panel has therefore concluded that there is no jurisdiction to make the recommended changes to objectives and policies, as promoted by Mr Barr.

Notwithstanding the jurisdictional issue addressed above, the Hearings Panel emphasises that it saw no need to amend the objective and policies as recommended. The Hearings Panel is satisfied that Policies 1.7 and 2.6 (as amended at Appendix 3 to this report) and the new Policy 2.8 provide sufficient guidance on the nature and form of retail and other non-residential activities in the NSZ.

As an aside the Hearings Panel has concluded in Section 8.7 of this report (above) that the submissions do provide the basis for minor changes to Policy 1.7 and Policy 2.6 as promoted by the requestor; and that the new Policy 2.8 is acceptable as a consequential amendment.

Mr Barr recommended the changes to objectives and policies to ensure that potential adverse effects of commercial activities are appropriately managed. The Hearings Panel notes that the operative Northlake Special Zone provisions already enable community and commercial buildings within Activity Area D1 without, apart from retail, any limitation on gross floor area. Any such large building has discretionary restricted activity status; and the Council has control, *inter alia*, over the location, external appearance and design of the building and associated earthworks and landscaping. There are also assessment matters to guide the exercise of discretion.

In all the circumstances the Hearings Panel considers that the existing suite of objectives, policies, rules and assessment matters, along with the amended Policies 1.7 and 2.6 and the new Policy 2.8, provide an adequate basis to ensure that retail development, as provided for in Plan Change 53, is appropriately managed.

### **Hearings Panel's Recommendation**

As this matter was simply raised in Mr Barr's section 42A report it not necessary for the Hearings Panel to make a formal recommendation on this matter.

## **8.10 TRADE COMPETITION**

### **The Issues and Decisions Requested**

In his opening for the requestor Mr Goldsmith addressed us on the subject of trade competition. He noted that section 74(3) of the Act states that in preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition. Ms Macdonald also discussed trade competition effects and effects which go beyond trade competition effects in her opening legal submissions for Willowridge Developments Limited and Central Land Holdings Limited.

The Hearings Panel has had to determine whether Plan Change 53 (and particularly the changes proposed to the retail rule) will have actual or potential adverse effects that extend beyond trade competition effects.

### **Discussion & Reasons**

Information provided by Mr Goldsmith has demonstrated that both Willowridge Developments Limited and Northlake Investments Limited are trade competitors as both are in the market for the development and sale of residential lots; and as both are commercial land developers to the extent that commercial development at Northlake (including a small supermarket) may compete with commercial development at Three Parks.

Central Land Holdings Limited owns land described as Lot 1 DP 302791 and Lot 2 DP 302791 at Anderson Heights, such land being occupied by the Mitre 10 and associated parking. Mr Goldsmith presented searches of the Companies Register which confirmed a degree of common ownership between Willowridge Developments Limited and Central Land Holdings Limited.

In his reply Mr Goldsmith also noted that Exclusive Developments Limited is also a trade competitor to Northlake Investments Limited as both Exclusive Developments Limited and Northlake Investments Limited are adjoining and competing large scale residential land developers.

In response to questions from the Hearings Panel Mr Goldsmith confirmed that the requestor was not urging the Panel to disregard or strike out the submissions based on trade competition effects. Rather he was submitting that there was a lack of evidence in

opposition to the retail component of Plan Change 53 which goes beyond trade competition effects.

The Hearings Panel is satisfied that there are effects beyond trade competition effects which have to be considered including effects on the existing retail centres, in particular on the Wanaka Town Centre and the commercial core of the Three Parks Special Zone. These effects have been considered as detailed in Section 8.2 of this report. The Hearings Panel is satisfied that the submissions by Willowridge Developments Limited, Central Land Holdings Limited and Exclusive Developments Limited have raised actual and potential effects beyond trade competition effects and accordingly the Hearings Panel has given due regard to the contents of these submissions in response to Plan Change 53.

### **Hearings Panel's Recommendation**

As the matter of trade competition was raised in legal submissions rather than in the submissions and further submissions in response to Plan Change 53 it is not necessary for the Hearings Panel to make a formal recommendation on this matter.

## **9.0 STATUTORY DOCUMENTS**

### **9.1 Objectives and Policies of the National Policy Statement on Urban Development Capacity**

The National Policy Statement on Urban Development Capacity 2016 (NPSUDC) is the key national policy statement relevant to Plan Change 53.

The Queenstown Lakes District is "high growth urban area" under the NPSUDC; and the NPSUDC applies to the District as a whole, including the Wanaka Urban Area.

The objectives and policies of the NPSUDC are addressed in Mr Barr's section 42A report. Having regard to his analysis the Hearings Panel finds that Plan Change 53 generally accords with the NPSUDC; and that Plan Change 53 will assist the Council in achieving its functions to give effect to this national policy statement. Again the Hearings Panel acknowledges in this context that providing for a small supermarket at Northlake will not undermine the Wanaka Town Centre or the commercial core of the Three Parks Special Zone.

### **9.2 Objectives and Policies of the Otago Regional Policy Statement**

The Otago Regional Policy Statement became operative on 1 October 1998 and is a broad document that sets out a range of high level objectives and policies for activities within Otago. The Regional Policy Statement contains objectives and policies relating to the Built Environment including Objective 9.4.1 which states as follows:

***"9.4.1 To promote the sustainable management of Otago's built environment in order to:***

- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and***
- (b) Provide for amenity values, and***
- (c) Conserve and enhance environmental and landscape quality; and***
- (d) Recognise and protect heritage values."***

The Hearings Panel is satisfied that Plan Change 53 is consistent with Objective 9.4.1 of the Regional Policy Statement and with its supporting policies. The Hearings Panel considers that Plan Change 53, which is primarily concerned with urban zoning and the

alteration of District Plan rules relating thereto, is consistent with the objectives and policies stated in the Regional Policy Statement. The Hearings Panel acknowledges that the relevant provisions of the Otago Regional Policy Statement are presented more comprehensively in Section 6.3 of the Request Document dated November 2017 that accompanied Plan Change 53 at the time of notification.

### **9.3 Objectives and Policies of the Proposed Otago Regional Policy Statement**

The Proposed Regional Policy Statement was notified for public submissions on 23 May 2015 and decisions on submissions were released on 1 October 2016.

Mr Barr noted in his section 42A report that the majority of the provisions of the decisions version have been appealed and that mediation was currently taking place. In these circumstances the Hearings Panel concurs with Mr Barr that limited weight can be placed on the decisions version of the Proposed Regional Policy Statement.

The Hearings Panel acknowledges that the relevant provisions of the decisions version of the Proposed Regional Policy Statement are presented in Section 6.4 of the Request Document dated November 2017 that accompanied Plan Change 53 at the time of notification.

The Hearings Panel concurs with the requestor that Plan Change 53 is not inconsistent with the relevant objectives and policies of the decisions version of the Proposed Regional Policy Statement.

### **9.4 Objectives and Policies of the Queenstown Lakes District Plan**

The Queenstown Lakes District Plan became fully operative on 10 December 2009.

Section 4 of the Queenstown Lakes District Plan contains higher order objectives and policies that apply throughout the District. The Hearings Panel considers that the objectives and policies stated in Section 4.9 Urban Growth are of particular relevance to Plan Change 53. The relevant objectives and policies state as follows:

#### **“4.9.3 Objectives and Policies**

##### **Objective 1 – Natural Environment and Landscape Values**

***Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.***

##### ***Policies***

- 1.1 *To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.*
- 1.2 *To ensure growth does not adversely affect the life supporting capacity of soils unless the need for this protection is clearly outweighed by the protection of other natural or physical resources or important amenity values.”*

##### **“Objective 2 – Existing Urban Areas and Communities**

***Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well being.***

**Policies:**

- 2.1 *To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships.*
- 2.2 *To cluster growth of visitor accommodation in certain locations so as to preserve other areas for residential development.*
- 2.3 *To protect the living environments of existing low-density residential areas by limiting higher density development opportunities within these areas.”*

**“Objective 3 – Residential Growth**

***Provision for residential growth sufficient to meet the District’s needs.***

**Policies:**

- 3.1 *To enable urban consolidation to occur where appropriate.*
- 3.2 *To encourage new urban development, particularly residential and commercial development, in a form, character and scale which provides for higher density living environments and is imaginative in terms of urban design and provides for an integration of different activities, e.g. residential, schools, shopping.*
- 3.3 *To provide for high density residential development in appropriate areas.*
- 3.4 *To provide for lower density residential development in appropriate areas and to ensure that controls generally maintain and enhance existing residential character in those areas.”*

**“Objective 4 – Business Activity and Growth**

***A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.***

**Policies:**

- 4.1 *To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.*
- 4.2 *To promote and enhance a network of compact commercial centres which are easily accessible to, and meet the regular needs of, the surrounding residential environments.*
- 4.3 *To recognise and promote the established commercial character of the Commercial Precinct which contributes to its ability to undertake commercial, health care and community activities without adversely affecting the character and amenity of the surrounding environment.”*

**“Objective 7 – Sustainable Management of Development**

***The scale and distribution of urban development is effectively managed.***

**Policies:**

- 7.1 *To enable urban development to be maintained in a way and at a rate that meets the identified needs of the community at the same time as maintaining the life supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects on the environment.*

- 7.2 *To provide for the majority of urban development to be concentrated at the two urban centres of Queenstown and Wanaka.*
- 7.3 *To enable the use of Urban Growth Boundaries to establish distinct and defensible urban edges in order to maintain a long term distinct division between urban and rural areas.*
- ...”

The Hearings Panel considers that Plan Change 53, as amended in accordance with the Hearing Panel’s recommendations, is consistent with the above objectives and policies. The Hearings Panel notes in this context that the Northlake Special Zone is already provided for in Section 12 of the Operative District Plan; and that the amendments to the NSZ provisions, as provided for in Plan Change 53, are consistent with the District Wide objectives and policies.

The objectives and policies which apply to the Northlake Special Zone are presented in Section 12:34 of the Operative District Plan. The Hearings Panel has discussed the retail component of Plan Change 53 in the context of Objective 1 and Objective 2 and Policies 1.7 and 2.6 in Section 8.2 of this report, above. The Hearings Panel’s conclusion is that amending Zone Standard 12.34.4.2viii, as promoted in Plan Change 53, is consistent with Policy 1.7 and Policy 2.6.

The Hearings Panel’s general conclusion is that Plan Change 53 is consistent with the objectives and policies which apply to the Northlake Special Zone and that Plan Change 53, as amended in terms of the Hearings Panel’s recommendations, better achieves the objectives of the Operative District Plan.

The Hearings Panel is satisfied, having regard to their efficiency and effectiveness, that the amendments to the policies and rules, as provided for in Plan Change 53 as amended in terms of the Hearings Panel’s recommendations, are the most appropriate for achieving the relevant District Wide objectives and policies presented in Section 4 of the Operative District Plan and the objectives which relate to the Northlake Special Zone as presented in Part 12.33 of the Operative District Plan.

## **9.5 Objectives and Policies of the Proposed Queenstown Lakes District Plan**

The first stage of the Proposed District Plan was notified in October 2015; and the decisions on submissions version was notified in May 2018. It is important to note at the outset that the NSZ is not zoned in the Proposed District Plan and as a consequence none of the NSZ provisions of the Operative District Plan are amended by the Proposed District Plan.

The Hearings Panel acknowledges that the provisions of the Proposed District Plan may be changed as a consequence of appeals. At the time of the hearing of Plan Change 53 and submissions thereto the decisions version of the Proposed District Plan remained subject to potential appeals; the period for such appeals closing on or about 20 June 2018.

The Hearings Panel notes that the outcomes sought in terms of the objectives and policies of the Proposed District Plan are not significantly different to the corresponding provisions of the Operative District Plan. As a consequence the Hearings Panel considers that there is no need to address the weighting of the objectives and policies of the Proposed District Plan against the corresponding objectives and policies of the Operative District Plan.

Chapter 3 – Strategic Directions of the Proposed District Plan sets out the over-arching strategic directions for the District. Mr Barr’s report presented the relevant objectives and

policies from the decisions version of Chapter 3 of the Proposed District Plan. Policy 3.3.9 and Policy 3.3.10 are of particular relevance to Plan Change 53 and state as follows:

**Policy 3.3.9**

*Support the role township commercial precincts and local shopping centres fulfil in serving local needs by enabling commercial development that is appropriately sized for that purpose.*

**Policy 3.3.10**

*Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton and Three Parks fulfil.*

In terms of Policy 3.3.9 the Hearings Panel has concluded that it is appropriate to provide for a small supermarket in Activity Area D1 at Northlake. Plan Change 53 will enable commercial development that is appropriately sized.

In terms of Policy 3.3.10 the Hearings Panel has concluded that providing for a small supermarket at Northlake will not undermine the Wanaka Town Centre or the Three Parks Special Zone.

The Hearings Panel has concluded that Plan Change 53 is consistent with the relevant objectives and policies of the Proposed District Plan.

## **10.0 SECTION 32 AND SECTION 32AA RMA**

The Hearings Panel acknowledges that an evaluation has previously been undertaken under section 32 of the Resource Management Act 1991 with respect to Plan Change 53, as required by section 32(1) and (2) of the Act and as presented in the Section 32 Assessment as contained in Section 4.0 of the Request Document dated November 2017.

The Hearings Panel also acknowledges that a further evaluation must be undertaken by a local authority before making a decision under clause 29(4) of Schedule 1 (see section 32AA of the Act). The Hearings Panel has undertaken such an evaluation when considering the changes that have been made to the proposal since the original evaluation (as contained in the Request Document) was completed.

Changes have been made in response to matters raised in the section 42A report and to address matters raised by the Hearings Panel with counsel and witnesses at the hearing. These changes have served to refine the provisions of Plan Change 53 and, in particular, to avoid any unintended consequences that would otherwise result from enabling some form of commercial development apart from a small supermarket to take advantage of the increased retail floor space enabled by Plan Change 53.

The Hearings Panel has now evaluated whether, having regard to their efficiency and effectiveness, the policies and rules provided for in Plan Change 53 (as amended in terms of our recommendations) are the most appropriate for achieving the objectives stated in the Operative District Plan. Section 32(4) of the Act requires that such evaluation must take into account –

- (a) The benefits and costs of the effects anticipated from the implementation of the policies or rules; and
- (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies or rules.

The Hearings Panel has assessed each provision to be changed having regard to the contents of the relevant submissions and further submissions and to all of the evidence before us; and having regard to section 32AA(1)(c) which directs that a further evaluation is to be undertaken at a level of detail that corresponds to the scale and significance of the changes to be made. The Hearings Panel has determined which submissions and further submissions should be accepted, accepted in part or rejected. The Hearings Panel's overall finding is that, following evaluation under section 32 and section 32AA, Plan Change 53 as amended in terms of the Hearing Panel's recommendations makes the most appropriate provision for achieving the District Wide objectives specified in Part 4 of the Operative District Plan and the objectives specific to the Northlake Special Zone as specified in Part 12.33 of the Operative District Plan.

The Hearings Panel considers that Plan Change 53, as amended in terms of our recommendations and as presented at **Appendix 3** to this report, best achieves the purpose of the Act.

## **11.0 PART 2 RMA**

Part 2 of the Resource Management Act 1991 contains sections 5-8. We refer to them in reverse order.

Section 8 requires us, in exercising our functions on this plan change, to take into account the principles of the Treaty of Waitangi. No issues were raised with us in reports or evidence in relation to section 8.

Section 7 directs that in achieving the purpose of the Act we are to have particular regard to certain matters which include, of relevance here, the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; the maintenance and enhancement of the quality of the environment; and any finite characteristics of natural and physical resources. The Hearings Panel is satisfied that Plan Change 53, as amended in terms of the Hearings Panel's recommendations, will promote efficient use and development of the resources comprising the land subject to Plan Change 53; will serve to maintain and enhance amenity values; and will serve to maintain and enhance the quality of the environment. The Hearings Panel is satisfied that Plan Change 53, as amended, is necessary for enabling the better use and development of this finite land resource. There are no other matters stated in section 7 which are of any particular relevance to Plan Change 53.

Section 6 sets out a number of matters which are declared to be of national importance and directs us to recognise and provide for them. Amendments to the Structure Plan have had the effect of reallocating the eastern portion of Activity Area E1 to Activity Area D1. Activity Area E1 relates to the ONL/ONF that exists at the northern portion of Northlake, adjacent to Lake Wanaka and the Clutha River. Ms Skidmore agreed with the analysis contained in the Baxter Design Group report (Attachment B to the Request Document) that the changes sought will not result in adverse visual effects from outside the property. The Hearings Panel concurs that this is a relatively minor adjustment and notes that the land does not contain any Kanuka or any other features of natural or landscape significance. In all the circumstances the Hearings Panel has concluded that Plan Change 53 will not result in inappropriate subdivision, use and development in terms of section 6(b). There are no other matters of national importance listed in section 6 that are of any particular relevance in this instance.

Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2) the Hearings Panel has reached the view that on balance Plan Change 53, as amended in terms of the Hearings Panel's recommendations, will achieve the purpose of the Act.

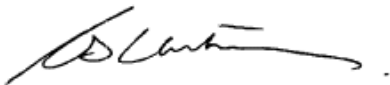


## 12.0 OUTCOME

Following our consideration of Plan Change 53 and the submissions and further submissions received thereto we have concluded that submissions and further submissions should be **accepted, accepted in part or rejected** as detailed in Sections 8.1 – 8.8 of this report. The Hearings Panel has formulated its recommendations having regard to the matters to be considered in terms of section 74, the provisions of sections 32 and 32AA, to Part 2 and in particular to the purpose of the Act as set out in section 5 of the RMA. The outcome of our consideration is that we **recommend** that Plan Change 53, as amended in terms of our recommendations, should be incorporated into the Operative Queenstown Lakes District Plan.

The Hearings Panel has presented the provisions of Plan Change 53, as amended by our recommendations, at **Appendix 3** to this report.

This report incorporating our recommendations on Plan Change 53 is dated **6 September 2018**.



**DAVID WHITNEY**  
**CHAIR**

**For the Hearings Panel being Commissioners David Whitney and David Mead and Councillor Scott Stevens**

## APPENDIX 1 - List of Submitters to Plan Change 53

Those original submitters with an 'asterisk' alongside them also made a further submission.

<b>Original submitters</b>
Allenby Farms Limited
Birkby, Karen – WITHDRAWN
Central Land Holdings Limited *
Eastwood, Peter – WITHDRAWN
Exclusive Developments Limited
Ford, Greg – WITHDRAWN
Harry, Jo and Mark
McCauley, Michael and Eyre
Parry, Kim and Gareth – WITHDRAWN
Patrick, John – WITHDRAWN
Popperwell, Stephen
Tate, Gary
Turner, Lindsey and Thompson, Andrew - WITHDRAWN
Willowridge Developments Limited *
<b>Further submitters, where no original submission lodged</b>
Hellebrekers, Robyn & Paul

## APPENDIX 2

### Summary of Submissions and Further Submissions – Plan Change 53

**Submitter Number:** 02

**Submitter:** Gary Tate

**Contact Name:** Gary Tate

**Email/Contact:** gary@latinlink.co.nz

**Address:** PO Box 352 Wanaka

**Point Number:** 02.1

**Supported by FS-15 WDL**  
**Supported by FS-16 CLHL**

**Position:** Oppose.

**Summary of Decision Requested:**

Reject the rule to increase the maximum floor area of retail activities to 2500m<sup>2</sup>.

**Point Number:** 02.2

**Position:** Oppose

**Summary of Decision Requested:**

Reject the rule enabling the processing of fish and meat processing.

**Submitter Number:** 03

**Submitter:** Stephen Popperwell

**Contact Name:** Stephen Popperwell

**Email/Contact:** stevetrish@xtra.co.nz

**Address:** 701 Aubrey Road Wanaka  
9305.

**Point Number:** 03.1

**Supported by FS-15 WDL**  
**Supported by FS-16 CLHL**

**Position:** Oppose

**Summary of Decision Requested:**  
Reject the entire plan change.

**Submitter Number:** 05

**Submitter:** Jo and Mark Harry

**Contact Name:** Jo Harry

**Email/Contact:** joharry@nzcmhn.org.nz

**Address:** Not provided.

**Point Number:** 05.1

**Position:** Support

**Summary of Decision Requested:**  
Accept the change for a supermarket at Northlake.

**Point Number:** 05.2

**Position:** Oppose

**Summary of Decision Requested:**  
Access to the commercial area is from Outlet Road with clearly marked entry points and methods to slow traffic.

**Submitter Number:** 06

**Submitter:** Willowridge Developments Limited

**Contact Name:** Alison Devlin

**Email/Contact:**  
alison@WILLOWRIDGE.CO.NZ

**Address:** PO Box 170 Dunedin

**Point Number:** 06.1

**Position:** Oppose

**Summary of Decision Requested:**  
Reject the increase of retail floorspace.

**Point Number:** 06.2

**Position:** Oppose

**Summary of Decision Requested:**  
Reject the proposal to enable one retail activity of 1250m<sup>2</sup>

**Submitter Number:** 07

**Submitter:** Central Land Holdings Limited

**Contact Name:** Alison Devlin

**Email/Contact:** Alison Devlin  
<alison@WILLOWRIDGE.CO.NZ>

**Address:** PO Box 170 Dunedin

**Point Number:** 07.1

**Position:** Oppose

**Summary of Decision Requested:**  
Reject the increase of retail floor space.

**Point Number:** 07.2

**Position:** Oppose

**Summary of Decision Requested:**  
Reject the proposal to enable one retail activity of 1250m<sup>2</sup>.

**Submitter Number:** 10

**Submitter:** Michael and Eyre McCauley

**Contact Name:** Michael and Eyre McCauley

**Email/Contact:** memcc@xtra.co.nz

**Address:** 29 Mount Linton Ave.  
Wanaka 9305

**Point Number:** 10.1

**Position:** Oppose

**Summary of Decision Requested:**

That if the plan change is allowed it should form part of the District Plan and not by way of private plan change requests.

**Point Number:** 10.2

**Position:** Oppose

**Summary of Decision Requested:**

The plan change request is rejected.

**Submitter Number:** 11

**Submitter:** Exclusive Developments Limited

**Contact Name:** Lee Brown

**Email/Contact:** hello@hikuwai.com

**Address:** 444 Aubrey Road Wanaka  
9305

**Point Number:** 11.1

**Supported by FS-15 WDL**  
**Supported by FS-16 CLHL**  
**Supported by FS-17 Robyn and Paul Hellebrekers**

**Position:** Oppose

**Summary of Decision Requested:**

The entire plan change is rejected.

**Submitter Number:** 14

**Submitter:** Allenby Farms Ltd

**Contact Name:** Duncan White

**Email/Contact:** [Duncan.White@ppgroup.co.nz](mailto:Duncan.White@ppgroup.co.nz)

**Address:** PO Box 196 Wanaka

**Point Number:** 14.1

**Position:** Support

**Summary of Decision Requested:**

That the plan change is approved.

## APPENDIX 3 – Recommended Amendments to Operative Queenstown Lakes District Plan

1. Amend Section 12:33 Northlake Special Zone – Issues, Objectives and Policies 12.33.2 Objectives and Policies by amending Policy 1.7 and Policy 2.6 and by inserting a new Policy 2.8 as follows:

- 1.7 *To provide for small scale neighbourhood retail activities including one small supermarket to serve the needs of the local community within Activity Area D1 and to avoid visitor accommodation, commercial, retail and community activities and retirement villages within Activity Areas other than within Activity Area D1.*
- 2.6 *To enable visitor accommodation, commercial, ~~retail and~~ community activities and retirement villages and limited small scale retail activities including one small supermarket within Activity Area D1 including limited areas of small scale neighbourhood retail to service some daily needs of the local community, while maintaining compatibility with residential amenity and avoiding retail development of a scale that would undermine the Wanaka Town Centre and the commercial core of the Three Parks Special Zone.*
- 2.8 *Ensure the design and appearance of non-residential buildings is compatible with the character of the wider neighbourhood and considers variation in form, articulation, colour and texture and landscaping to add variety, moderate visual scale and provide visual interest, especially where facades front streets and public spaces.*

2. Amend Section 12.34 Northlake Special Zone – Rules as follows:

- a. Amend Rule 12.34.2.6i Prohibited Activities as follows:
  - i. **Panelbeating, spray-painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (except if ancillary to any retail activity or restaurant), or any activity requiring an Offensive Trade Licence under the Health Act 1956.**
- b. Amend Rule 12.34.4.1ii(b) Site Standards – Setback from Roads as follows:
  - (b) The minimum setback from road boundaries of any building within Activity Area D1 shall be 3m, except for that part of Activity Area D1 that adjoins Outlet Road, north of Mt. Burke Drive, where the minimum setback from Outlet Road shall be 7m.
- c. Amend Rule 12.34.4.1viii Site Standards – Access as follows:
  - (a) Each residential unit shall have legal access to a formed road.
  - (b) Within Activity Area D1 no residential or non-residential activity shall have direct access to Outlet Road.
- d. Amend Rule 12.34.4.1x(d) Site Standards – Landscaping and Planting as follows:
  - (d) On ~~residential~~ sites adjoining Outlet Road, tree planting within a 3.5 m setback from that road shall achieve 100% coverage.

Note: For the purposes of rule (d) above:



- (i) tree planting' shall consist of species that will be higher than 1.5 at maturity spaced at a maximum of 5m between centres of trees.
  - (ii) planting shall be completed within 12 months of Code of Compliance certification of a building on the site in accordance with the Building Act 2004.
  - (iii) this rule shall not apply to Activity Area A.
  - (iv) This rule shall not apply to Activity Area D1 to the west of Outlet Road where roadside landscaping along Outlet Road shall consist of:
    - a. A 1.1 metre high post and rail fence that shall be located at the top of the batter slope that extends generally parallel to and 6m back from Outlet Road.
    - b. A Grisilinea hedge that shall be planted behind the fence and maintained to a minimum height of 1.5m
- e. Amend Rule 12.34.4.2iv(a) Zone Standards – Building Height as follows:
- (a) Flat sites
 

Where all elevations indicate a ground slope of less than 6 degrees (approximately 1:9.5), then the maximum height for buildings shall be:

    - 8.0m for residential activities within Activity Areas A, B1 – B5, and C2 – C4;
    - 5.5m in Activity Area C1;
    - 10.0m for activities within Activity Area D1 (provided that buildings within 40m of the legal boundary of Outlet Road north of Mt. Burke Drive shall be no more than 2 levels),

...
- f. Amend Rule 12.34.4.2viii Zone Standards – Retail as follows:
- viii Retail**
- (a) No retail activity shall occur within the Northlake Special Zone except in Activity Area D1.
  - (b) No retail activity shall have a gross floor area exceeding 200m<sup>2</sup> except for one activity which may have a maximum gross floor area of 1,250m<sup>2</sup> being limited to a small supermarket on Lot 1005 DP 515015 or Lot 1006 DP 515015.
  - (c) The total amount of retail activity floor area within the Northlake Special Zone (excluding a small supermarket established pursuant to (b)) shall not exceed a gross floor area of 1000m<sup>2</sup>.
- g. Delete the existing Northlake Structure Plan on page 12-383 of the Operative District Plan and insert the Replacement Northlake Structure Plan (attached) instead.
3. Delete from Section 15 Subdivision, Development and Financial Contributions Rule 15.2.16.3 Zone Subdivision Standard – Northlake Special Zone – Community Facilities.
4. Amend Section 18.2 Signs – Rules as follows:
- a. Amend Activity Table 1 – Commercial Areas as follows:
 

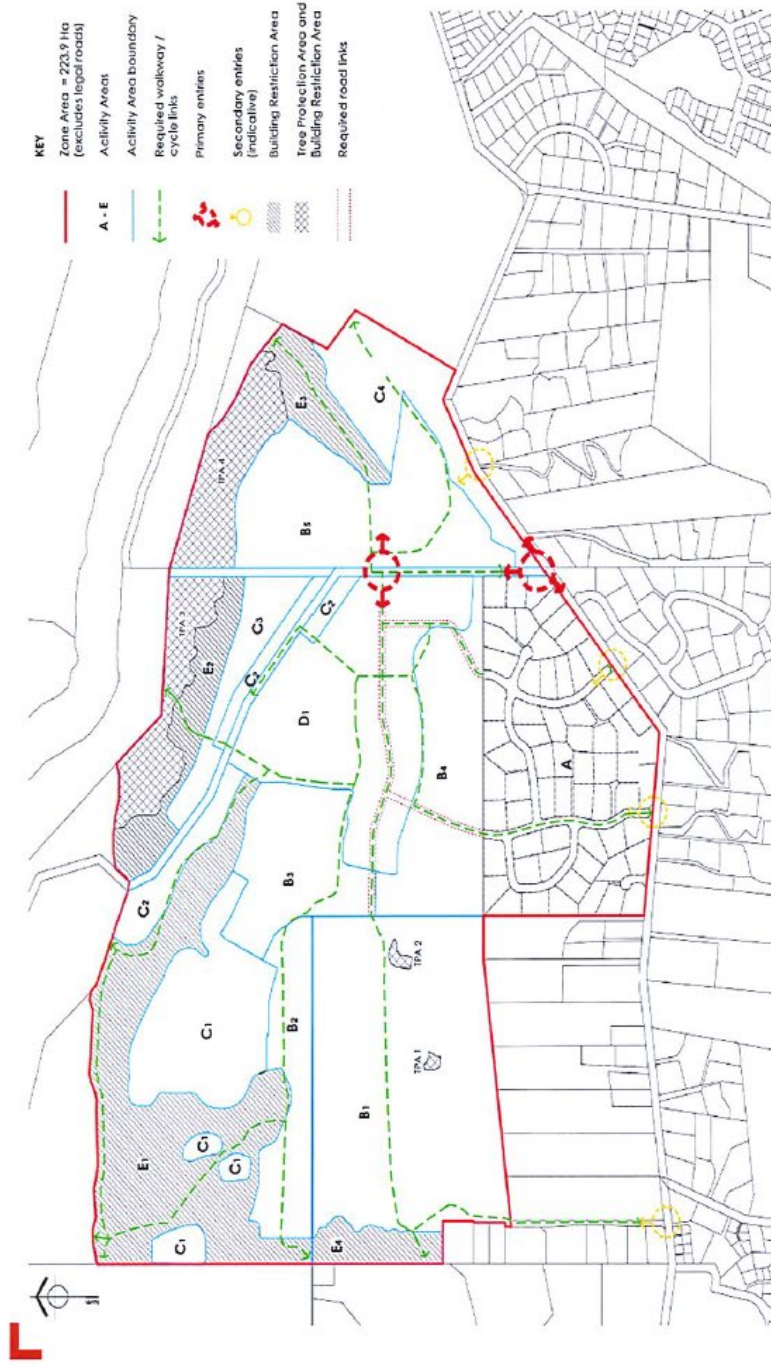
Corner Shopping Centre Zone and Northlake Special Zone – Activity Area D1

b. Amend Activity Table 2 – Residential Areas as follows:

Quail Rise, Meadow Park, Northlake (except Activity Area D1) &  
Shotover Country

Note: For the provisions presented above deletions are struck out and insertions are underlined.

### Northlake Structure Plan



REFERENCE: 0734 - 1605 SCALE: 1:8000 A1.A3 - 22 OCTOBER 2017

### NORTHLAKE WANAKA PROPOSED STRUCTURE PLAN

Replacement Structure Plan

QLDC Council  
13 December 2018

Report for Agenda Item: 3

Department: Property & Infrastructure

Transport and Parking

Purpose

The purpose of this report is to request formal approval of several transport infrastructure implementations and parking changes.

Executive Summary

- 1 Several requests have been received from the Wanaka community and the Wanaka Community Board for additional parking restrictions and allowances in the township, to cope with changing demands and the requirement for additional turnover of central car parks.
- 2 Following increased demand for public transport, a number of new bus stops are required in the Wakatipu area.
- 3 Safety concerns have been raised with conflicting parking uses at 19 – 23 Shotover Street and 35 Fernhill Road.
- 4 The proposed Traffic and Parking Bylaw 2018 (the proposed bylaw) was publicly consulted on from 10 September – 12 October 2018, with a hearing held on 1 November 2018. The proposed bylaw, if adopted by Council on 13 December 2018, will revoke the current bylaw and come into effect from 1 March 2019. Given the urgency and demand for the changes and restrictions it is recommended that the Council resolves to adopt the recommendations outlined in this report.
- 5 The proposed bylaw has a savings clause which will ensure the recommendations, if adopted are carried through to the new bylaw on 1 March 2019.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** Dedicated campervan parking bays on McDougall Street [as outlined in Attachment A].
3. **Approve** the vehicle size restricted parking bay on McDougall Street [as outlined in Attachment A].
4. **Approve** restricting parking on one parking bay on Brownston Street to 240 minutes, with no return within one hour, between the hours of 8:00 and 20:00, seven days a week, and no overnight parking [as outlined in Attachment A.]

5. **Approve** restricting parking in Ardmore Street car park to 240 minutes maximum, with no return within one hour, between the hours of 8:00 and 20:00, seven days a week [as outlined in Attachment A].
6. **Approve** five car parking spaces in Ardmore Street car park to be restricted to car pool permit holders only, to a maximum of ten hours daily, with no overnight parking [as outlined in Attachment A].
7. **Approve** verge parking off the roadway on Lismore Street where indicated by signs, subject to no overnight parking [and as outlined in Attachment A].
8. **Approve** restricting the marked bus stops at Lakefront Car Park to pick up and drop off only [as outlined in Attachment A].
9. **Approve** the restriction of a bus stop on Camp Street to vehicles with 22 seats and over [as outlined in Attachment B].
10. **Approve** the removal of three car parking spaces on Shotover Street, to be replaced with a bus stop for vehicles with 10 – 22 seats [as outlined in Attachment B].
11. **Approve** the installation of bus stops for use by Large Passenger Service Vehicles [outlined in Attachment B]:
  - a) Willow Place (Peninsula Road)
  - b) Lake Hayes - Arrowtown Road (adjacent to Amisfield Winery)
  - c) Ramshaw Lane
  - d) Fernhill Road (Heritage Hotel)
12. **Approve** the installation of new 'no parking lines' 19-23 Shotover Street for safety reasons [as outlined in Attachment C].
13. **Approve** the removal of one car parking space and the installation of 'no parking lines' at 135 Fernhill Road.

**Note** the above recommendations are required to meet safety concerns, user demand requirements and adapt for improvements to public transport in the district.

Prepared by:



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Transport Strategy Manager

14/11/2018

Reviewed and Authorised by:



Pete Hansby  
General Manager  
Property and Infrastructure

28/11/2018

## **Background**

- 6 There are several infrastructure changes and parking restrictions that require amendment prior to the festive season. Under the Traffic and Parking Bylaw 2012 (the bylaw), a resolution from Council is required. The changes include:
  - a. Wanaka Parking Displacements
  - b. Public Transport Infrastructure
  - c. Other areas
- 7 Several of the changes outlined in this report represent changes in priorities of different modes of transport. Priority is given to walking, cycling, shared travel and public transport over private car provisions where it is practicable to do so.
- 8 The proposed Traffic and Parking Bylaw 2018 (the proposed bylaw) was publicly consulted on from 10 September – 12 October 2018, with hearings held on 1 November 2018. The proposed bylaw, if adopted by Council 13 December 2018, will revoke the current bylaw and come into effect from 1 March 2019. Given the urgency and demand for the changes and restrictions it is recommended that the Council resolves to adopt the recommendations outlined in this report.

## **Wanaka Parking Displacements**

- 9 To coincide with the Lakefront Development Plan's initial stages, Ardmore Street Council office refurbishment, safety issues and various requests to address anticipated levels of parking, the implementations as detailed in Attachment A are requested. These include:
  - a. Additional temporary parking for vehicles in the campground / showground until the end of January 2019.
  - b. Dedicated campervan bays on McDougall Street.
  - c. Time restrictions imposed on one parking bay on Brownston Street.
  - d. New restrictions in the Council car park behind Ardmore Street offices.
  - e. Allowing verge parking on part of Lismore Street.
  - f. Bus stop changes in the lake front car park (adjacent to the Log Cabin).
- 10 The campground has capacity over the summer to accommodate several vehicles that would otherwise likely park on the lake front. An approximate number identified is 148 and parking will be permitted between the hours of 08.00 – 20.00 daily, after which the facility will be closed each day. This will continue until the end of January 2019.
- 11 On McDougall Street, there are four unrestricted public parking bays which are slightly wider than is required for standard cars. It is proposed that three of these will accommodate camper vans only, to both assist with parking displacement from the lake front – but also to give clear directions to campervan drivers. The fourth bay will remain as general parking, with restrictions prohibiting campervans and

large vehicles, to avoid sight line issues. All will be restricted 08.00 – 20.00 daily, no overnight parking.

- 12 In the easternmost parking bay on Brownston Street by Pembroke Park, a time restriction will be imposed to match the car park in Pembroke Park. This will allow for parking up to 240 minutes. The restrictions will be in place from 08.00 to 20.00 daily, and include no overnight parking, no return within 1 hour.
- 13 As the initial stage of the Lakefront Development Plan has been initiated (Mount Aspiring Car Park), the long term aim to remove car parking from the immediate lakefront needs to be signalled. The second stage, including a dedicated active travel path connecting to Stage 1, will be implemented in the second half of this financial year. The change in activity will be socialised through an activation of the Reserve, encouraging more people centric usage.
- 14 Physical barriers to parking will be introduced temporarily as part of the Lakefront Development Plan. This event, consisting of a temporary gathering area complete with information boards will be managed by the Parks and Reserves team and will also see increased pedestrian activity in the area.
- 15 Behind the Council's Ardmore Street offices, the car park will have new time restrictions allowing a maximum of 240 minutes parking, with no return within one hour. A car pool trial will be established, with similar conditions to the Queenstown scheme, being free parking, subject to a minimum of three qualifying users, for a maximum of ten hours per day, and no overnight parking. These measures are designed to assist the turnover of vehicles between the hours of 08.00 and 20.00 daily and to introduce the move away from free all day parking in the town centre.
- 16 A section of Lismore Street has been identified as having capacity to provide for formalised verge parking, which is otherwise prohibited by the Bylaw. This will provide free all-day parking close to town, with a restriction of no overnight parking.
- 17 Bus parking – lake front car park (adjacent to the Log Cabin). The two parallel bus bays are currently significantly oversubscribed and not being operated efficiently or safely. The signage and line marking will be upgraded to clearly signal its use as a bus stop, which allows for pick up and drop off only, no parking.

### **Public Transport infrastructure.**

- 18 The Transport Improvements Fund project has identified the following requirements:

#### *Willow Place / Peninsula Road*

- a. This stop has been previously utilised as a bus stop on an informal basis. Recently, bus stop box markings had been covered during a re-seal activity because of the lack of formal recognition. The location has undergone consultation and a new shelter is included in the first round of work Nov – Dec 2018. It is appropriate to now formalise the bus stop through Resolution.

### *Amisfield*

- b. A pair of stops has been identified to serve the small but growing community in this area, the Lakes Hayes Pavilion area, and a connection to the recreational trails / active travel network. This lies on the Arthurs Point to Arrowtown route (via Queenstown and Frankton). Consultation has been completed.

### *Ramshaw Lane*

- c. A new bus stop is proposed on the north side of Ramshaw Lane to allow the Orbus service to work efficiently, as requested by the Otago Regional Council. The location will be close to the new toilet block and will remove nine existing car spaces. The location has been identified through close working with groups from the Arrowtown Community. The existing stop immediately behind the Museum will remain, and improvements to the seating area will be carried out in agreement with the Museum staff.

### *Fernhill Road, Heritage Hotel*

- d. The bus service previously stopped under the porte-cochere of the hotel which is no longer a viable manoeuvre. In agreement with the hotel management, a new location has been identified.

### *Shotover Street / Camp Street*

- e. A change to the existing provision around the Station Building has been requested by the business operators, and supported by officers for safety and efficiency reasons. Smaller vehicles have been blocking the bus stop space, causing larger vehicles to partially block traffic on Shotover Street as they queue for space. This has been impacting on general traffic in Shotover Street, especially larger vehicles such as Public Transport buses, negotiating the roundabout. The current stop on Camp Street will have a restriction imposed to allow only larger bus / coaches (22 seats and over). Three car parking bays on Shotover Street will be modified to allow smaller passenger vehicles (10 to 22 passengers). NZTA have been consulted (the State Highway runs through Shotover Street to Steamer Wharf).

19 Further stops and facilities are currently being designed and will be brought to Council in the New Year.

### **Other Areas**

- a. 19 – 23 Shotover Street - The current food retail activity is causing a frequent issue for the enforcement team and represents a safety hazard. Motor scooters / bikes continually park outside the loading bay but partially inside the white line delineating the edge of the traffic lane, and consequently overhanging that lane. Addressing this issue is on the NZTA work programme but yet to have a definite time frame. To address risk and simplify enforcement procedures, no-parking lines will be installed.
- b. 135 Fernhill Road - Additional no-parking lines are required immediately adjacent to the Alpine Meadows apartments access. The works are needed



due to the road gradient and curvature, to ensure sight distances are achieved. One parking space will be removed.

### **Relevant Council Bylaws**

20 The relevant bylaws are:

- Traffic and Parking Bylaw 2012
- Traffic and Parking Bylaw 2018 (Proposed)

These requirements allow Council to make changes to the Bylaw by way of resolution. This enables the enforcement of the restrictions.

### **Budgets**

21 Budget is available for the changes in existing budgets. Costs are low and required for project management, traffic engineering, and the installation of signs and marking.

### **Options**

22 Option 1 Do nothing, do not implement traffic and parking restrictions included in Attachments A, B, and C.

#### *Advantages:*

- No disruption to existing provisions.
- No direct costs.

#### *Disadvantages:*

- Parking displacements from various projects will not be addressed, leading to community dissatisfaction.
- Increased enforcement resources will be required.
- Changes to activities in and around the Wanaka Lakefront and town centre may result in lowered levels of safety.
- Wanaka Community Board's request for safety has not been met.

23 Option 2 Implement the traffic and parking restrictions included in Attachments A, B, and C.

#### *Advantages:*

- The displacement parking in Wanaka will be achieved in a controlled manner.
- Safety will be improved at perceived problem locations in Wanaka, Arrowtown and Queenstown.
- Community views have been incorporated.

- Wanaka Community Board's request for safety has been met.
- Signals will be sent to the wider community about changing priorities in transport.

*Disadvantages:*

- Increased enforcement will be required
- Minor disruption to previous informal parking on the Wanaka Lakefront.
- Minor disruption to established uses in Arrowtown and Queenstown.

24 This report recommends **Option 2** - Implement the traffic and parking restrictions included in Attachments A, B, and C for addressing the matter because it will result in operational efficiency and not disadvantage those who may be affected.

***Significance and Engagement***

25 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because those directly affected will be consulted.

26 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 low. This matter relates to this risk because potentially affected parties are consulted so the risk is mitigated.

**Financial Implications**

27 Costs of the projects are within existing budgets.

**Council Policies, Strategies and Bylaws**

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

- 10-Year Plan 2018-2028 strategic framework contributing to efficient and effective infrastructure and a responsive organisation
- Traffic and Parking Bylaw 2012 as existing regulation
- Queenstown Integrated Transport Strategy supporting improved network performance and customer experience for all modes and improved liveability and visitor experience
- Wanaka Transport Strategy 2008 supporting an appropriate transport network and parking provision.

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

30 This matter is not explicitly identified in the 10-Year Plan/Annual Plan as a separate line item / activity.

31 It can be delivered within general infrastructure management activities, in alignment with other supporting projects such as town centre planning and the broader Council road safety initiatives and roading maintenance contracts.

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

32 The recommended option:

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

### **Consultation: Community Views and Preferences**

33 The persons who are affected by or interested in this matter are the Wanaka Community, NZTA, and the immediate neighbours to new bus stops.

34 Consultation with the Wanaka Community Board has occurred as they have sought the changes proposed in Wanaka.

35 The location for the bus stop at Ramshaw Lane has provided a divided response from Arrowtown community representatives. The matter is opposed by the Arrowtown Promotion and Business Association but accepted by the Arrowtown Planning Advisory Group. The former wish to see displacement parking at Hansen Park, a small Reserve between Ramshaw Lane and Merioneth Street. Parks and Reserves staff are investigating the matter. Both the Arrowtown groups would like to see different routing so that the second stop is not required in the longer term. Officers note that route choice is not currently under QLDC's control.

### **Attachments**

A Wanaka Parking Displacements

B Public Transport Infrastructure

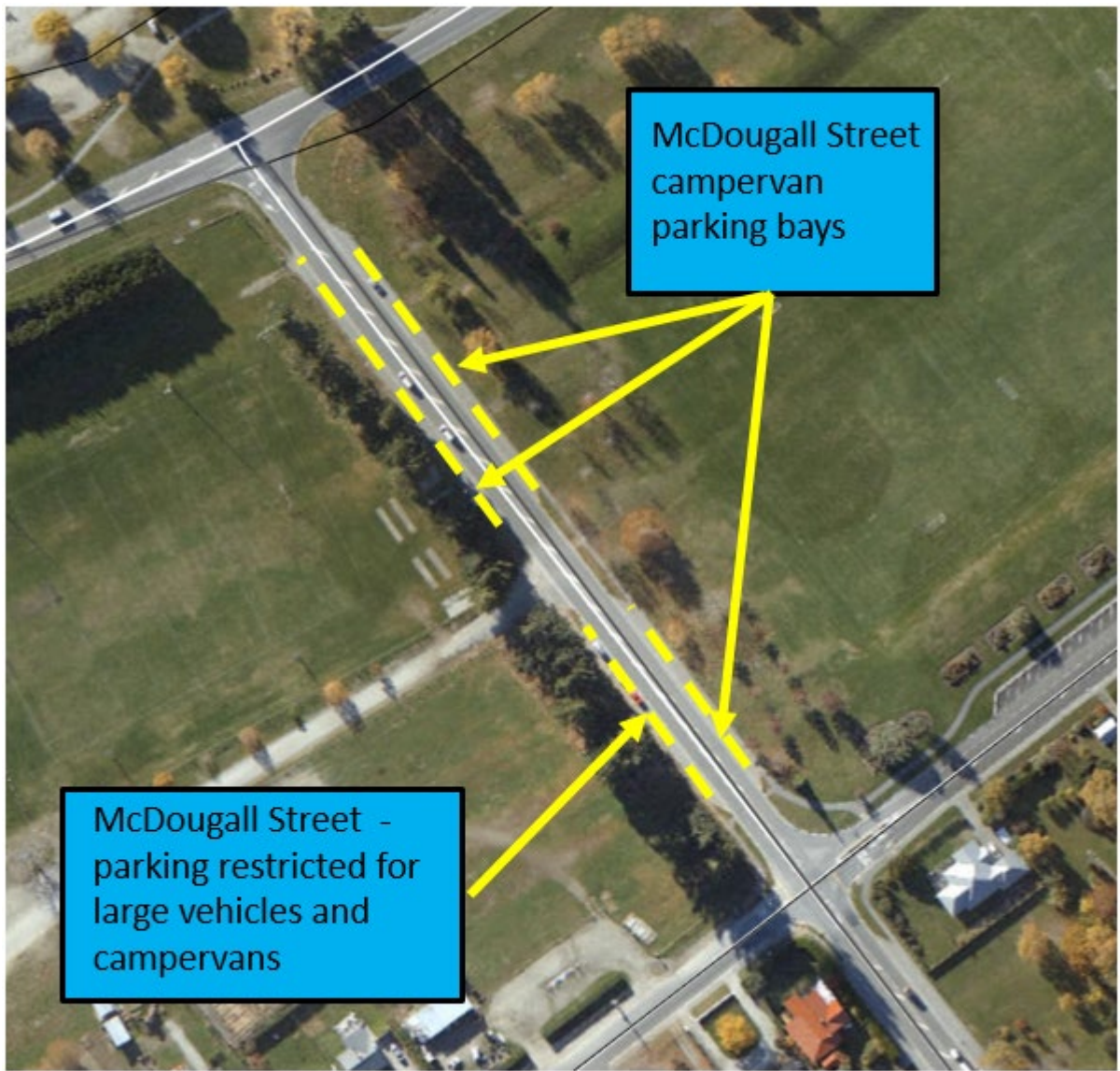
C Other Areas

# Attachment A

## Camp ground temporary parking



Campervan bays



Brownston Street parking bay



Ardmore Street – Council office parking



Lismore Street





Lakefront car park – bus stops



**Attachment B**

Willow Place



Amisfield (Lake Hayes / Arrowtown Road)



Ramshaw Lane

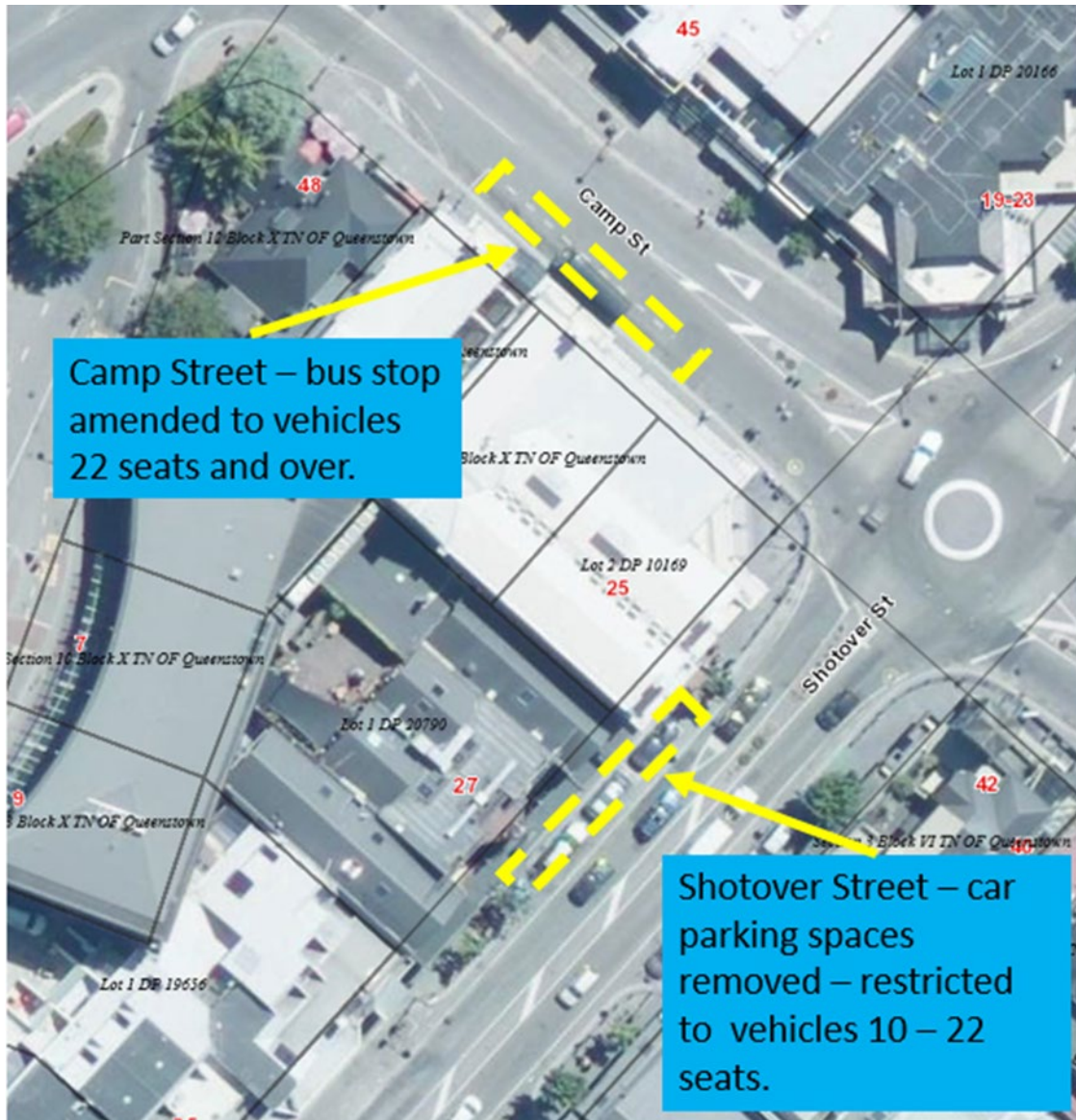


Heritage Hotel, Fernhill Road



## Attachment C

### Station Building (Camp Street / Shotover Street)



# Shotover Street



Fernhill Road



QLDC Council  
13 December 2018

Report for Agenda Item: 4

Department: Property & Infrastructure

Adoption of Traffic and Parking Bylaw 2018

Purpose

The purpose of this report is to adopt the Traffic and Parking Bylaw 2018 (“the bylaw”).

Executive Summary

- 1 The Traffic and Parking Bylaw hearings panel (the panel) was appointed to consider submissions and make recommendations on the review of the traffic and parking bylaw which was publicly notified for submissions in September 2018.
- 2 Panel members included Councillors Forbes (panel chairperson), McRobie and Clark.
- 3 The panel considered 109 submissions and heard from six submitters.
- 4 After considering the views of submitters the panel recommends adopting the bylaw as proposed, acknowledging that many issues raised by submitters will be addressed through subsequent decisions made pursuant to the bylaw, and through operational implementation of the bylaw.
- 5 The panel also acknowledges the requirement for a communications plan to ensure public understanding of the new bylaw and its implications.
- 6 The Hearings Panel report is included at **Attachment A** and the recommended bylaw for adoption is included at **Attachment B**.
- 7 The bylaw is proposed to come into effect from 1 March 2019, from which date the Traffic and Parking Bylaw 2012 will be revoked.
- 8 A Traffic and Parking sub-Committee will be established to undertake council’s obligations under the new bylaw. A draft Terms of Reference is included at **Attachment C**.

Recommendation

That Council:

1. **Adopt** the recommendations of the Hearings Panel on the review of the Traffic and Parking Bylaw contained in the Traffic and Parking Bylaw 2018 Deliberations Report dated 20 November 2018.
2. **Confirm** it has determined pursuant to s155 of the Local Government Act that the Traffic and Parking Bylaw in Attachment B is the most appropriate



way to address issues relating to traffic and parking in the district, is the most appropriate form of bylaw, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

3. **Agree** to make the Queenstown Lakes District Council Traffic and Parking Bylaw 2018 contained in Attachment B of the agenda report pursuant to the Land Transport Act 1998 and the Local Government Act 2002, to come into force on 1 March 2019.
4. **Note** that pursuant to clause 26 of the new bylaw, the Queenstown Lakes District Council Traffic and Parking Bylaw 2012 contained in the section entitled "Additional information to the Traffic and Parking Bylaw 2018" will also be revoked as from 1 March 2019.
5. **Delegate** the Property and Infrastructure Manager, Policy and Programme Performance, in consultation with the chair of the hearing panel, to make any minor edits or amendments to the bylaw and additional information [Attachment B to the agenda report] to correct any identified errors or typographical edits or to reflect decisions made by the Council.
6. **Note** that the Traffic and Parking Bylaw 2018 will be forwarded to the Minister of Transport within one week of adoption, consistent with the requirements of the Land Transport Act 1998.
7. **Confirm** the establishment of the Traffic and Parking Subcommittee for the purposes of undertaking Council's obligations under the new Traffic and Parking Bylaw 2018.
8. **Adopt** the Traffic and Parking Subcommittee Terms of Reference including membership [contained in Attachment C of the agenda report].
9. **Confirm** the delegations contained in the section entitled "Additional Information to the Traffic and Parking Bylaw 2018" [contained in Attachment B] of the agenda report.

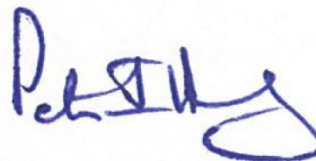
Prepared by:



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Policy and Programme  
Performance Manager

23/11/2018

Reviewed and Authorised by:



Peter Hansby  
General Manager, Property  
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30/11/2018

## **Background**

- 9 On 6 September 2018, Council approved the Statement of Proposal (SoP) and proposed Traffic and Parking Bylaw 2018 for public consultation.
- 10 The proposal was publicly notified with a submission period from 10 September to 12 October 2018 inclusive.
- 11 A traffic and parking bylaw hearings panel, comprising the Infrastructure Committee Chair Councillor Alexa Forbes and Councillors McRobie and Stevens, was appointed to hear submissions, deliberate and make recommendations to Council.
- 12 On advice that Councillors Stevens was previously committed at the time of the hearings, Councillor Forbes exercised her delegation to appoint an alternative to the panel and this was Councillor Clark.
- 13 A total of 109 submissions were received, with six oral submissions made at a public hearing on 1 November, after which the panel deliberated in public.

## **Comment**

### **Overview**

- 14 Submitters generally made comments based on the traffic and parking topics contained in the Statement of Proposal with a few submitters commenting on specific clauses in the bylaw.
- 15 Most written submissions commented on the new structure, the introduction of permitting systems, parking off a roadway and special vehicle lanes.
- 16 A smaller number of submitters commented on mobility parks, heavy vehicles in town centres and engine braking.

### **Deliberations**

- 17 Topics discussed by the hearings panel during deliberations were categorised into nine areas:
  - a. Change to bylaw form
  - b. Parking off a roadway
  - c. Permits – small passenger service vehicles
  - d. Permits – mobility parks
  - e. Heavy vehicles in the CBD
  - f. Permits – residential parking permits
  - g. Engine braking
  - h. Cycle lane and bus lane provision
  - i. Enforcement

- 18 The panel considered all substantive issues related to future decisions which may be made pursuant to the new bylaw, or the implementation of the bylaw, rather than with the bylaw as proposed.
- 19 The report from the Hearings Panel detailing the matters presented during consultation and hearings, its deliberations and subsequent recommendations is included at **Attachment A** and the recommended bylaw for adoption at **Attachment B**.
- 20 To undertake Council's obligations under the new bylaw, and to ensure timeliness and effectiveness of decision-making, it is recommended a Traffic and Parking sub-Committee be established, reporting to the Infrastructure Committee. A draft Terms of Reference including proposed membership is included at **Attachment C**.

### **Options**

- 21 Option 1 Council adopts the Traffic and Parking Bylaw 2018 (Recommended Option)

#### *Advantages:*

- 22 Consistent with the recommendation of the Hearings Panel
- 23 Consistent with the outcome of public consultation, with most submitters supporting the proposed Traffic and Parking Bylaw 2018
- 24 Council will have a framework to address the concerns identified with current traffic and parking operational issues and support the strategies and plans in place and under development that are not contemplated under the current bylaw
- 25 Council will have the ability to efficiently and effectively respond to issues and make on road changes as necessary to support both a safe and efficient road network and future transport strategies.

#### *Disadvantages:*

- 26 Additional resource will be required in the short term to deliver new operating procedures, public communications and signs.

#### Option 2 Council adopts the Traffic and Parking Bylaw 2018 with amendments

- 27 Submissions were either in favour of or, to a much lesser extent, opposed to specific bylaw provisions. Submissions did not generally raise issues which would involve an amendment to the bylaw itself, as distinct from affecting the way it is subsequently implemented.
- 28 Therefore, it is not considered that amending the bylaw as proposed is a reasonable option.

#### **Option 3 Council retains the Traffic and Parking Bylaw 2012**

#### *Advantages:*

29 Additional resource will not be required in the short term to deliver new operating procedures, public communication and signs

*Disadvantages:*

30 Inconsistent with the recommendation of the Hearings Panel

31 Inconsistent with the outcome of public consultation, with most submitters supporting the proposed Traffic and Parking Bylaw 2018

32 Council will continue to operate under a bylaw that is inconsistent with, and does not contemplate, many of the current traffic and parking operational issues, strategies and plans

33 The current bylaw will lapse in 2020 and implementing a new bylaw at this stage will require another review and special consultative procedure.

34 This report recommends **Option 1**, that Council adopts the Traffic and Parking Bylaw 2018.

***Significance and Engagement***

35 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because there is community interest in regulating traffic and parking to support a safe and efficient road system

***Risk***

36 This matter relates to the strategic risk SR3 - Management Practice - working within legislation, as documented in the Council's risk register. The risk is classed as moderate.

37 This matter relates to this risk because the primary legislation which Council operates within, requires reviews of bylaws to be completed within set timeframes.

38 The recommended option mitigates the risk by completing the review process as required under legislation and is the most appropriate way of addressing the issues identified.

**Financial Implications**

39 It is anticipated that the costs associated with the review and implementation can be met from current budgets.

**Council Policies, Strategies and Bylaws**

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

- 10-Year Plan 2018-2028 strategic framework contributing to efficient and effective infrastructure and a responsive organisation
- Traffic and Parking Bylaw 2012 as existing regulation

- Queenstown Integrated Transport Strategy supporting improved network performance and customer experience for all modes and improved liveability and visitor experience
- Wanaka Transport Strategy 2008 supporting an appropriate transport network and parking provision.

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

42 This matter is not explicitly identified in the 10-Year Plan/Annual Plan as a separate line item / activity.

43 It can be delivered within general infrastructure management activities, in alignment with other supporting projects such as town centre planning and the broader Council road safety initiatives and roading maintenance contracts.

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

44 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing a single bylaw that simplifies traffic and parking regulation;
- 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.

### **Consultation: Community Views and Preferences**

45 The persons who are affected by or interested in this matter are residents/ratepayers; business associations; emergency services; schools; large tourism transport operators; passenger service vehicles; heavy motor vehicle users; NZTA.

46 The Council has completed a Special Consultative Procedure including formal public consultation.

### **Section 155 Local Government Act 2002**

47 The bylaw is principally made under the Land Transport Act 1998, but some provisions, for example those addressing nuisance and protection of council property, are (also) able to be made under the Local Government Act 2002.

48 Section 155 of the Local Government Act requires the Council, before making a bylaw under that Act, to determine whether the bylaw:

- is the most appropriate way of addressing the perceived problem;
- is the most appropriate form of bylaw; and
- gives rise to any implications under the New Zealand Bill of Rights Act 1990.

49 It is considered that the Traffic and Parking Bylaw 2018 is the most appropriate way of addressing issues related to traffic and parking in the district, and that this is the most appropriate form of bylaw.

50 It is widely accepted that parking and traffic need to be regulated for the safety and convenience of the whole community, and there are no other available mechanisms for achieving that which provide the same ease and security of enforcement as a bylaw.

51 The bylaw, or decisions which will be made under the bylaw, may in theory engage the right of freedom of movement in the New Zealand Bill of Rights Act 1990, in that they may affect where and how people may drive and park their vehicles.

52 However, the controls will be reasonable and proportionate and ones which are justified in terms of section 5 of that Act. The bylaw does not give rise to any Bill of Rights implications.

### **Legal Considerations and Statutory Responsibilities**

53 The power to make a bylaw is set out in sections 145 and 146 of the Local Government Act and section 22AD of the Land Transport Act 1998

### **Attachments**

- A Traffic and Parking Bylaw 2018 Deliberations Report dated 20 November 2018  
Includes as attachments:
  - (a) Officer report to hearings panel
  - (b) Statement of Proposal
- B Traffic and Parking Bylaw 2018
- C Traffic and Parking Subcommittee Terms of Reference

## Traffic and Parking Bylaw 2018

### Deliberations Report of Traffic and Parking Bylaw 2018 Hearings Panel

#### PURPOSE

- 1 This report presents the recommendations of the Hearings Panel (the panel) following consideration of submissions on the proposed Traffic and Parking Bylaw 2018.

#### EXECUTIVE SUMMARY

- 2 At its 6 September 2018 meeting, Council approved the commencement of the Special Consultative Procedure (SCP) and publicly notified a proposed new bylaw to regulate traffic and parking in the district.
- 3 The Statement of Proposal (SoP) outlined the key proposed changes to the bylaw relative to the current bylaw including a re-design for better clarity of issues and ease of reference. A copy of the SoP is Attachment (b).
- 4 The submission form sought specific public support of:
  - a. the new bylaw structure
  - b. a new ability to establish permits
  - c. a new ability to infringe or remove vehicles parked off a roadway that may cause safety issues or damage council assets
  - d. a new ability to set aside parts of a roadway for certain vehicles.
- 5 The consultation period began on 10 September and closed on 12 October, with 109 submissions received, 106 electronically and three via post or delivery to Council offices. Although 17 submitters indicated a wish to speak in support of their submission, on follow-up, only five confirmed that they would attend the hearing.
- 6 Council delegated the Infrastructure Committee Chair Councillor Forbes, and Councillors McRobie and Stevens as the panel, with Councillor Forbes delegated to make replacements in the event a member was unavailable. Councillor Stevens subsequently advised of a meeting conflict and Councillor Clark was confirmed in his place.
- 7 At the conclusion of the hearing, the panel deliberated both the written and oral submissions, as well as staff advice relating to the implications for the proposed bylaw in respect of the submissions.
- 8 The panel was also advised by staff that implementation of the new bylaw would include establishing a Subcommittee to undertake Council's obligations, developing an operational manual and communications plan.

9 Following deliberations, the panel resolved to:

- a) **Adopt** Option One - The Hearings Panel recommends to Council that the proposed Traffic and Parking Bylaw 2018 be adopted without changes

## **BACKGROUND**

10 The Council's Traffic and Parking Bylaw 2012 (the bylaw) regulates parking and vehicle use of roads and public spaces under Council's control.

11 At its 3 May 2018 meeting, Council resolved to commence a review of the bylaw, consistent with the statutory review timeframes and process requirements of the Local Government Act 2002, noting that traffic and parking can also be regulated under the Land Transport Act 1998.

12 At its 6 September 2018 meeting, Council endorsed a SCP to determine the community's views on a proposed new Traffic & Parking Bylaw 2018.

13 For the purpose of the SCP and in accordance with Section 83 of the Local Government Act 2002, Council approved a draft SoP which outlined proposed changes to the bylaw and included the proposed Traffic & Parking Bylaw 2018. A copy of the SoP is Attachment (b).

14 The SoP was publicly notified for submissions from 10 September – 12 October 2018. It was advertised through:

- Otago Daily Times, Southland Times, Wanaka Sun and Mountain Scene
- notice on the QLDC website
- notice on the QLDC Facebook page

15 All relevant documents, including submission forms were posted on the Council's website and made available in hard copy when requested.

16 A panel of the Infrastructure Committee Chair Councillor Forbes and Councillors McRobie and Stevens were delegated to consider written and oral submissions. Councillor Forbes was delegated the ability to make replacements should a scheduling conflict arise, and this delegation was exercised in replacing Councillor Stevens with Councillor Clark.

17 The panel met on 1 November 2018 to hear oral submissions and deliberate on the written and oral submissions received.

## **DISCUSSION**

### **Summary of Submissions and Deliberations**

18 A total of 109 written submissions were received during the consultation period, 106 were submitted electronically and three via post or dropped into Council offices.



- 19 Although seventeen submitters requested to speak to their submissions, only five subsequently confirmed they would attend the hearing. At the hearing, an additional submitter also asked to speak.
- 20 Following the oral submissions, two members of the public attending the hearing but who had not submitted sought to speak to the panel. The panel declined these requests as it did not consider special circumstances applied nor was it consistent with the Right to make a Submission and Be Heard section of the publicly notified SoP.
- 21 Topics discussed by the panel during deliberations, following consideration of the written and oral submissions, were categorised into nine areas.

### **Deliberation Topic 1: Change to Bylaw Form**

#### **Proposal as publicly notified**

22 The proposal as publicly notified was to make the proposed bylaw under both the Land Transport Act 1998 and the Local Government Act 2002 (LGA) as opposed to the current bylaw made under only the LGA. The proposed approach also involved:

- a re-design for clarity and ease of reference
- technical revisions and new definitions
- addressing the change in legislation on 'taxis'
- ability to control parking on verges
- ability to establish special vehicle lanes
- ability to establish permitting systems.

#### **Matters raised in submissions**

- 23 The proposed bylaw change in form was supported by 102 submitters.
- 24 Five of the seven submitters opposed to the proposed bylaw form change referenced the below reasons:
- Too many taxis in town now (one submitter)
  - Not enough parking in district so need to park on verges (two submitters)
  - Concern Council will not consult with stakeholders on proposed changes that affect businesses (one submitter)
  - Request for speed limit change on Aubrey road (outside of scope of bylaw but has been passed to appropriate department) (one submitter)

#### **Hearings panel deliberations**

25 The panel deliberated on the views of the submitters and acknowledged both written and oral submissions.

26 The panel discussed with staff the opposed submissions to the bylaw form and concluded the operations manual, which will be publicly available and include such elements as delegations and required communication for decision making under the bylaw, parking terms and conditions, the enforcement policy, permit criteria and processes, and rules applying to various classes of vehicles and roadways, is the most appropriate tool to address the issues raised.

27 The panel recommended no change required to the form of the bylaw.

### **Deliberation Topic 2: Parking off a roadway**

#### **Proposal as publicly notified**

28 The proposal as publicly notified was to prohibit parking on grassed areas, parks and other recreational space beside roads (clause 21). The proposed approach is to address safety concerns and protect council above and below ground assets.

#### **Matters raised in submissions**

29 Twenty submitters supported the clause noting:

- safety concerns caused by vehicles hindering sightlines
- damage to infrastructure
- decreased amenity value or road reserves and reserves due to damage caused by vehicles
- concern for pedestrian safety in some residential areas with vehicles parking on or near footpaths

30 Two submitters did not support the clause stating there was not enough parking in the district at present.

#### **Hearings panel deliberations**

31 The panel deliberated on the views of the submitters and acknowledged both the written and oral submissions. The panel concluded the clause was appropriate for the objectives of the bylaw and should remain unchanged.

### **Deliberation Topic 3: Permits - Small Passenger Service Vehicles**

#### **Proposal as publicly notified**

32 The proposal as publicly notified was to allow for the control of class or description of vehicles in areas and the ability to establish permits (Clause 15,16). This approach would allow Council to regulate access to on-road vehicle waiting areas previously known as 'taxi ranks' since changes to the Road User Rule in 2017, which removed the designation 'taxi'.

#### **Matters raised in submissions**

33 A range of views were received from 23 submitters with regards to Small Passenger Service Vehicles including:

- Excess volumes of vehicles parking or trying to park relative to 'taxi rank/ waiting areas'
- Road safety due to vehicle behaviour and patron's behaviour while waiting
- Passenger safety due to perceived lower standards including lack of understanding around safety and rights [e.g. who to complain to and about what] associated with regulatory changes
- Location of stands and associated traffic flows in built up town area
- Information for visitors on access to and use of vehicles
- Anti-social behaviour at stands during peak demand times [events, Christmas/New Year]
- Introducing a permitting system administered by council for use of "taxi stands" would help to manage the numbers and the behaviour of drivers
- Lack of local knowledge and bad representation to visitors effecting Queenstown image
- Several driver related issues such as excess driving hours could be dealt with by NZTA however no resource from NZTA to monitor P-Endorsement requirements
- Council should keep a full register of vehicles using ranks and ensure health and safety plans are complete- mainly around driver hours
- Any permit system should ensure meters are compulsory
- Local 'taxi' companies are working and lobbying central government for change and appreciate the support of the local Council
- The airport has a good permitting system

34 No written or oral submissions were received opposing the provision in the proposed bylaw for a future permitting system.

### **Hearings panel deliberations**

35 The panel deliberated on the views of submitters and acknowledged both written and oral submissions. The panel recommended the following as the most appropriate way of managing the issues of small passenger service vehicles:

- Continue to work collaboratively with external stakeholders to develop a permitting system that is fit for purpose and address the safety issues raised in submissions.

36 The panel considered that there was no requirement to change the bylaw as many of the issues outlined could be addressed through implementation.

### **Deliberation Topic 4: Permits - Mobility Parks**

#### **Proposal as publicly notified**

37 The proposal as publicly notified is to limit access to mobility parks to those vehicles displaying a valid permit issued by CCS Disability Action and the holder of the permit is traveling in the vehicle (clause 18).

## **Matters raised in submissions**

38 One submission, from the Wakatipu Access Group, was received in support of the proposal and commented on mobility parking specifically. The key elements of the submission were:

- the intent of mobility parks is to support an inclusive community
- concern that no mobility parks in the district had time restrictions. This allowed parks to be occupied in premium areas all day, preventing other potential users from being able to enter town centres. Suggested some high use parks are restricted to 4 hours per day
- several other councils allow permit holders 'double time in parks' e.g. if the time restriction is 60 minutes, permit holders are allowed 120 minutes. This was once an 'unwritten' rule in Queenstown
- more mobility parks are needed
- taxi drivers are receiving infringements when leaving vehicles to assist people with compromised mobility into premises - more enforcement flexibility required in such situations or a permit for these drivers
- some mobility parks are impractical to use due to distance from CBD e.g. the five mobility parks at Gorge road (Boundary street carpark) are underused due to location
- Areas surround parking spaces need to be reviewed from an accessibility perspective e.g. kerb and footpath condition, width of angle parks to ensure safe access between the car and footpath and destination.

## **Hearings panel deliberations**

39 The panel deliberated on the views of the submitter and acknowledged the verbal and oral submissions received. The panel recommended the following:

- The location and form/function of mobility parks to be considered as part of the Queenstown Town Centre Master Plan, with ongoing involvement from appropriate users
- Criteria and processes to support delivering extended time allowances in non-mobility parks for mobility permit holders.

40 No changes to the proposed bylaw were recommended, and while several issues were raised by the submitter outside of the scope of the proposed bylaw, staff were asked to raise these issues with the appropriate council teams for consideration.

## **Deliberation Topic 5: Heavy Vehicles in the CBD**

### **Proposal as publicly notified**

41 The proposal as publicly notified is for Council to have the ability to introduce restrictions or impose requirements on vehicles to contribute to a safe and efficient road transport system and ensure council's assets are protected (Clause 8 and Clause 16).

## **Matters raised in submissions**

42 One written submission was received on heavy motor vehicles in the town centre that did not support the proposed bylaw. The submitter also spoke at the hearing. The key points raised were:

- At present non-compliant vehicles in the restricted town centre area were not being enforced
- To ensure compliance with the Traffic and Parking 2012 bylaw significant investment had been made in a new fleet of vehicles, others had not and compliance was not enforced
- Non-compliant vehicles (notably trade vehicles) are parking in loading zones without appropriate permit or adhering to time restrictions - effecting business operation and ability to deliver
- Concern with proposed bylaw structure and concern with future consultation and engagement
- Loading zones are under pressure at peak delivery times and no enforcement in place
- Under Council's Food Grading Bylaw 2016, compliant delivery and temperature controls are at risk of not being achieved with vehicles having no space to unload
- Pending O'Connell's development needs to be planned for now, not last minute
- Delivery vehicles are being forced to park illegally and unsafely

## **Hearings panel deliberations**

43 The panel deliberated on the submitter's views and acknowledged the positive approach and delivery of the oral and written submission received. The panel recommended the following:

- The location and form/function of loading zones to be considered as part of the Queenstown Town Centre Master Plan (QTCMP)
- Ongoing involvement and input from external stakeholders should be an essential consideration in future transportation hubs and short-term construction in the town centre
- Criteria and processes to support appropriate use of loading zones (authorised vehicle only) should be investigated during bylaw implementation
- Criteria and processes to support appropriate vehicle restrictions in the Queenstown town centre should be considered through the QTCMP and bylaw implementation
- Appropriate consultation following Council's Significant and Engagement Policy would be required for any future restrictions to be imposed in the CBD
- Further enforcement and user education of loading zones to be considered during bylaw implementation.

44 The panel recommended no change to the proposed bylaw and staff were asked to raise the panel recommendations with the appropriate council teams for consideration.

## **Deliberation Topic 6: Permits- Residential Parking Permits**

### **Proposal as publicly notified**

45 The proposal as publicly notified was to allow for control of class or description of vehicles in areas and the ability to establish permits (Clause 15,16). The proposed bylaw would allow council to regulate access to on-road parking in residential area.

### **Matters raised in submissions**

46 Seven submitters from the Frankton area supported the ability for a future residential permitting system to address:

- Issues with commuter parking
- Long term parking in residential streets
- Rental car parking when vehicles not for hire
- Airport traveller's parking

47 No submissions were received opposing the proposal as publicly notified and no oral submissions were received on the proposal.

### **Hearings panel deliberations**

48 The panel deliberated on the views of submitters. The panel discussed with staff the potential for future permitting in residential areas which had high demand on parking from various users.

49 The panel considered that there was no requirement to change the bylaw and recommended criteria and processes to support residential parking permits should be developed for confirmation during bylaw implementation.

## **Deliberation Topic 7: Engine Braking**

### **Proposal as publicly notified**

50 The proposal as publicly notified was to introduce restrictions where necessary and enable signs indicating where the restrictions applied. The intention is to support a safe and efficient road and transport system and for public health and safety (Clause 11).

### **Matters raised in submissions**

51 One submission was received against the inclusion of Clause 11 in the bylaw. The submitter commented that it was too hard to enforce across too many roads across the district.

### **Hearings panel deliberations**

52 The panel deliberated on the view of the submitter and acknowledged the written submission.

53 Staff advised that while enforcement of this clause was with the Police and there were challenges with this, the ability to erect signs is considered to support better driver behaviour than would be achieved without.

54 The panel decided on balance that no change was required to the proposed bylaw.

### **Deliberation Topic 8: Cycle Lane and Bus Lane Provisions**

#### **Proposal as publicly notified**

55 The proposal as publicly notified is for Council to be able to set-aside parts of a roadway for specific vehicles including cycles (Clauses 9 and 10).

#### **Matters raised in submissions**

56 One submission was received in support of the new clauses. The submitter encouraged promoting active transport options and bus lanes to reduce vehicle use.

#### **Hearings panel deliberations**

57 The panel deliberated on the view of the submitter and acknowledged the written submission.

58 The panel recommended no change Clause 9 or Clause 10 of the proposed bylaw.

### **Deliberation Topic 9: Enforcement**

#### **Proposal as publicly notified**

59 The proposal as publicly notified defines enforcement officers under the Land Transport Act 1998. Various enforcement options are available under both the LTA and LGA depending on the nature of the offence.

#### **Matters raised in submissions**

60 One submitter, in its oral submission, commented that its business operation received five infringements in the past year for inconsiderate parking. The submitter considered this method of parking was the result of too few bus stops for tour operators in the town centre and requested greater flexibility from enforcement officers.

61 Another submitter, in its oral submission, requested that parking enforcement be more proactive rather than reactive, with the view that complaints were required prior to action being taken in many cases.

#### **Hearings panel deliberations**

62 The panel deliberated on the view of the submitters and acknowledged the written and oral submissions.

63 The panel considered the matters of enforcement would be debated during bylaw implementation and recommended no change to the proposed bylaw.

## Panel deliberations

64 On 1 November 2018, at the conclusion of the hearing, the panel deliberated both the written and oral submissions, as well as staff recommendations relating to the implementation of the proposed changes to the bylaw. A copy of the report to the Hearings Panel is included at Attachment (a).

65 The panel was further advised by staff that if Option One was approved, to adopt the proposed bylaw without change, the following would be completed prior to the 1 March 2019 commencement:

- a. Establishment of a Traffic & Parking Subcommittee to exercise Council's delegations under the Bylaw
- b. Confirmation by the Traffic & Parking Subcommittee of, among other items, the traffic controls, parking restrictions including zones, and permits and approval systems that would apply in the district
- c. Development of an operations manual that would, among other topics, document the criteria, processes and delegations for implementing the new permit and approval systems. This manual would be publicly available and assist with both staff and public understanding of how decisions are made and implemented under the new bylaw.
- d. Development of a community engagement and education plan that will support the implementation of the new controls, restrictions and permit and approval processes.

66 After consideration of the issues raised through the consultation and staff advice, the panel concluded that the topics could be addressed through either bylaw implementation processes or through business as usual considerations. As such, the panel considered no changes were required to the bylaw as proposed.

67 The panel resolved to:

**Adopt Option One -**

- a) The Hearings Panel recommends to Council that the proposed Traffic and Parking Bylaw 2018 be adopted without changes following consideration of public feedback from submissions and the hearing.**

## OPTIONS

68 As this report discusses the outcome of a hearing held at the conclusion of the special consultative procedure and presents that panel's recommendations to Council, no options are presented.

Authorised by:





Councillor Forbes  
Hearings Panel Chair  
3/12/2018

**ATTACHMENTS**

- (a) Officer report to hearings panel
- (b) Statement of Proposal



**Traffic and Parking Bylaw 2018 Hearing Panel  
1 November 2018**

**Report for Agenda Item: 1**

**Department: Property & Infrastructure**

**Title: Hearing of submissions on the proposed Queenstown Lakes District Council Traffic and Parking Bylaw 2018**

**Purpose**

- 1 The purpose of this report is to present the written submissions received by the Queenstown Lakes District Council (Council) on the proposed Traffic and Parking Bylaw 2018 (the proposed bylaw), and to outline the options available to the Hearing Panel.

**Executive Summary**

- 2 On 6 September Council approved the commencement of the special consultative procedure and publicly notified a proposed new bylaw to regulate traffic and parking in the district.
- 3 The consultation period began on 10 September and closed on 12 October, during which time 109 submissions were received, 106 electronically and three via post or delivery to Council offices. Seventeen submitters have indicated that they wish to speak in support of their submission.
- 4 This report presents the submissions for consideration by the Hearings Panel.

**Recommendation**

That **Traffic and Parking Bylaw 2018 Hearing Panel:**

1. **Note** the contents of this report;
2. **Recommends** to Council the final form of the Traffic and Parking Bylaw 2018 for adoption, incorporating any changes following consideration of public feedback from the submissions hearing.

Prepared by: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "Polly Lambert", written over a horizontal line.

Polly Lambert  
Policy and Performance  
Programme Manager  
18/10/2018

## Background

- 5 The Council's Traffic and Parking Bylaw 2012 (the bylaw) regulates parking and vehicle use of roads and public spaces under Council's control.
- 6 At its 3 May 2018 meeting, Council resolved to commence a review of the bylaw, consistent with the statutory review timeframes and process requirements of the Local Government Act 2002, noting that traffic and parking can also be regulated under the Land Transport Act 1998.
- 7 The review process and subsequent decisions leading the special consultative procedure are summarised below:

3 May 2018	Council instructed staff to begin a review of the Traffic & Parking Bylaw 2012
26 July	<p>Council endorsed review findings that:</p> <ul style="list-style-type: none"> <li>• traffic and parking issues still arise from conflicting demands for use of the roadway by vehicle type and road user</li> <li>• a framework is required for on road changes supporting the district's transport and parking strategies</li> <li>• the bylaw has been largely effective but could be improved</li> </ul>
26 July	<p>Council completed statutory review and determined:</p> <ul style="list-style-type: none"> <li>• a bylaw is the most appropriate way to address conflicting demands for use of the roadway by vehicle type and road user and support the implementation of future on-road changes to support the district's transport and parking strategies</li> <li>• the bylaw is not the most appropriate form of bylaw and requires amendment to support easier communication and future infringement and be focused on all council-controlled places</li> </ul>
26 July	<p>Council instructed staff to draft an amended bylaw after considering the following options:</p> <ul style="list-style-type: none"> <li>• Status quo – no change to the bylaw</li> <li>• Revoking the bylaw</li> <li>• Amending the bylaw</li> </ul>

- 8 At its 6 September meeting Council resolved that it:

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

2. **Note** that Council completed the statutory review of the Traffic & Parking Bylaw 2012 and:
  - a. *determined a bylaw is still the most appropriate way to regulate vehicle use and parking in the district*
  - b. *determined that the current form of the bylaw is not the most appropriate form of bylaw because it does not address all the issues identified in the district*
  - c. *gave directions to prepare amendments to the current bylaw.*
3. **Adopt** the Statement of Proposal in Attachment A (and including the draft bylaw contained in Attachment B) of the agenda report for public consultation under s83 of the Local Government Act 2002.
4. **Appoint** the Infrastructure Committee Chairperson Councillor Forbes and Councillors McRobie and Stevens as a panel to attend hearings, to deliberate and make recommendations to the Council on public feedback to the Statement of Proposal in Attachment A (and including the draft bylaw contained in Attachment B) of the agenda report.
5. **Delegate** authority to the Infrastructure Committee Chairperson to make replacement appointments to the panel if a member of the panel is unavailable.

9 Subsequent to this resolution, Councillor Stevens advised that he was unavailable on the proposed hearing date and suggested that he be replaced on the panel by Councillor Clark. The Council resolution delegated the ability to the Chair to replace appointments and Councillor Forbes agreed formally via email on 1 October 2018 to appoint Councillor Clark in place of Councillor Stevens on the hearings panel for the Traffic and Parking Bylaw.

## **Proposal**

- 10 Following Council approval staff commenced a special consultative procedure on the proposed bylaw. The proposed bylaw establishes the rules that will apply to the future regulation of traffic and parking in the district. It does not set out the detail of how Council will apply these rules.
- 11 The key changes in the proposed bylaw (compared to the current bylaw) consulted on were:
  - a. The current bylaw is not clearly structured into traffic and parking issues; hence the draft bylaw has been re-designed for clarity and ease of reference.
  - b. The current bylaw is said to have been made under the Local Government Act 2002, however many of its provisions are based on the bylaw-making powers in the Land Transport Act 1998. The proposed new bylaw is expressly made under both the Land Transport Act 1998 and Part 8 of the

Local Government Act 2002, providing greater certainty for the regulation and a greater range of tools for Council to encourage compliance.

- c. The proposed bylaw includes technical revisions and new definitions to address several inadequacies and gaps identified in the current bylaw and to reflect legislative change since the last bylaw was adopted.
- d. The current bylaw addresses taxis, however national legislation has subsequently removed many of the distinctions between taxis and other small passenger service vehicles. This has led to an increase in the number of vehicles in the district and competition for space, particularly in the Queenstown central business district. This change is addressed in the proposed bylaw, with new clauses to enable Council to implement a permitting system for the parking of small passenger service vehicles to help control numbers and access to standing locations across the district. The permitting system can also be applied to any class of vehicle in the event an issue arises that a permit is considered an appropriate response.
- e. The current bylaw does not prevent parking on verges. This can cause damage to Council's above and below ground assets and introduces safety risks by blocking sight lines and narrowing road ways. The proposed bylaw includes a clause which will enable Council to issue infringement notices or remove vehicles that are parked in this manner.
- f. The current bylaw specifies the roads to which weight and time restrictions apply and therefore changing or adding to these restrictions requires a full bylaw amendment process. This is inflexible and makes it hard for the Council to respond efficiently when issues arise. Under the proposed bylaw, this detailed information will not be part of the bylaw itself, but the Council will make resolutions under the bylaw and those resolutions will be held in publicly accessible schedules. This will enable a faster response time to issues identified in the district and conversely, easier removal of restrictions deemed no longer appropriate or necessary.
- g. The current bylaw restricts bus parking to designated areas marked for this purpose. The proposed new bylaw includes an amended clause to allow for pick-ups and drop-offs, reflecting the need for buses to park for periods to allow this in otherwise unmarked areas.
- h. The current bylaw does not provide for establishing special vehicle lanes e.g. bus lanes, which may be required to support transport initiatives. The proposed bylaw enables Council to set aside parts of the roadway for certain classes of vehicles.
- i. The current bylaw does not provide for situations where demand for on street parking is conflicting with residents' needs. The proposed bylaw enables Council to establish residents' parking areas or zones, or as mentioned above this could also be addressed through the proposed permitting system.
- j. It is proposed that the clause in the current bylaw requiring snow chains to be fitted on direction be removed, as the Land Transport Act 1998 already

provides the ability to Council to direct road users to implement vehicle safety instructions.

- k. The clause relating to the removal of vehicles is also to be removed, as the Land Transport Act 1998 already provides the ability for Council to remove vehicles and recover reasonable costs.

12 The proposed bylaw was publicly notified by advertisement in local newspapers between 7 September 2018 and 1 October 2018, including the Otago Daily Times and Wanaka Sun. The proposed bylaw, statement of proposal and other supporting documents were made available on the Council's website, at the Council offices at 10 Gorge Road, Queenstown and 47 Ardmore Street, Wanaka, at any Council library within the Queenstown Lakes District and upon request from the public.

### Submissions received

13 From 10 September to 12 October 2018, 109 submissions were received on the proposed bylaw.

14 103 submissions were received by individuals and 6 submissions were on behalf of organisations. Submissions are provided as **Attachment B**.

15 Seventeen submitters have indicated they wish to speak in support of their submission.

16 In addition to feedback, several questions were posed in the submissions form. Responses to these are provided below. Note percentages are given as proportions of those who responded to the question, not of total submissions received.

17 Are you in favour of the proposed changes to the Traffic and Parking Bylaw?

Yes – 102 (93.6%)

No – 7 (6.4%)

No response – 0

18 Do you support the ability for Council to establish permits for specific parking requirements? For example: small passenger service vehicles resident parking areas, zone parking?

Yes – 106 (100%)

No – 0

No response – 3

19 Do you support the ability for Council to ticket or remove vehicles that are parked on verges or parks and reserves, damaging assets or creating safety issues?

Yes – 104 (97.2 %)

No – 3 (2.8%)

No response – 2

20 Do you support future options for Council to set aside parts of the roadway for certain vehicles? For example: bus lanes, cycle lanes

Yes – 100 (94.3%)

No – 6 (5.7%)

No response – 3

### **Key submission themes**

21 Majority support was received for the new structure and design changes of the proposed bylaw, with 102 (93.6%) submitters supporting the new form.

22 The 2017 change to the Land Transport Road User Rule, which removed the definition of ‘taxi’ and its associated operating requirements and replaced it with the concept of a small passenger service vehicle (SPSV), regularly appeared in submissions. This change and the growth in these services across the district has seen high levels of demand on existing “taxi stands” particularly in the Queenstown town centre. Several submitters raised issues of safety, district reputational damage, congestion and anti-social behaviour associated with the high levels of demand for the spaces currently available.

23 Permits, particularly ‘residential parking permits’, were strongly supported by Frankton based submitters (seven submissions). Issues raised for this location included demands from commuter, long term and rental car parking leading to restricted access to residences and safety concerns.

24 Damage to road and recreation reserves was highlighted by 20 submitters; referencing amenity and infrastructure damage caused by vehicles, and safety concerns when sight lines were compromised.

25 A full summary of submission themes is included at **Attachment A** and full submissions are **Attachment B**.

### **Submissions received from organisations**

26 Four commercial operators (Bidfood, Go Orange, Green Cabs and Queenstown Taxis) and two health and community organisations (Southern District Health Board and Wakatipu Access Group) provided submissions.

27 Issues raised included bus parking and size of commercial vehicles in town centres, nature of permitting systems, access to mobility parks and support for greater availability of active transport options.

### **Other submission topics**

28 A small number of submissions referenced topics outside of the consultation, these are summarised for information and can be found at **Attachment C**.

## **Comment**

- 29 The key themes raised through the submissions which relate to the bylaw include supporting Council's ability to implement parking permitting systems and issues of damage to road and recreation reserves by vehicles.
- 30 Several operational issues were identified and feedback received through submissions. For example, the formalisation of extended time limits for mobility parking. These topics will be considered, and addressed as required by staff developing the implementation plan for the new bylaw.
- 31 A communications plan will also be developed to ensure the district's communities and visitors become familiar with new and changed traffic and parking requirements.
- 32 Outside of the considerations for operational review and implementation, there are no changes recommended to the proposed bylaw following the feedback received through the SCP process.

## **Options**

### **Option 1 The Hearing Panel recommends to Council that the proposed Traffic and Parking Bylaw 2018 be adopted without changes**

#### ***Advantages:***

- 33 Council will have a framework to address the concerns identified with current traffic and parking operational issues and support the strategies and plans in place and under development that are not contemplated under the current bylaw.
- 34 Council will meet most submitters' expectations highlighted through the consultation process.
- 35 Council will have the ability to respond to issues and make on road changes as necessary to support a safe and efficient road network and support future transport strategies.

#### ***Disadvantages:***

- 36 Some submitters may perceive issues raised through consultation are not addressed within the proposed bylaw, with operational changes and communications occurring later than bylaw adoption.
- 37 Additional cost and resource will be required in the short term to deliver new operating procedures, public communications and new signs.

### **Option 2 The Hearing Panel recommends to Council that the proposed Traffic and Parking Bylaw 2018 be adopted with changes**

#### ***Advantages:***



- 38 Council will have a framework to address the concerns identified with current traffic and parking operational issues and support the strategies and plans in place and under development that are not contemplated under the current bylaw.
- 39 Council will meet most submitters' expectations highlighted through the consultation process.
- 40 Council will have the ability to respond to issues and make on road changes as necessary to support a safe and efficient road network and support future transport strategies.

***Disadvantages:***

- 41 Increasing the level of operational detail within the bylaw to address issues raised by submitters may have unintended consequences and would require another special consultative procedure to amend the bylaw in future to address these.
- 42 Additional cost and resource will be required in the short term to deliver new operating procedures, public communications and new signs.

**Option 3 The Hearing Panel recommends to Council that the proposed Traffic and Parking Bylaw 2018 is not adopted**

***Advantages***

- 43 Additional cost and resource will not be required in the short term to deliver new operating procedures, public communications and new signs.

***Disadvantages***

- 44 Council will continue to operate under a bylaw that is inconsistent with, and does not contemplate, many of the current traffic and parking operational issues, strategies and plans.
- 45 Council may not meet submitters or stakeholders' expectations raised through consultation process.
- 46 The current bylaw will lapse in 2020 and implementing a new bylaw at this stage will require another special consultative procedure.

**Recommendation**

- 47 This report recommends **Option 1**, that that Hearings Panel recommend to Council that the proposed Traffic and Parking Bylaw 2018 be adopted at the 13 December Council meeting as it is considered the best option to support a safe and effective transport network.

***Significance and Engagement***

- 48 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because there is community interest in the regulating of traffic and parking to support a safe and efficient road system

## **Risk**

- 49 This matter relates to the strategic risk SR3 - Management Practice - working within legislation, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because the primary legislation which Council operates within requires reviews of bylaws to be completed within set, fixed timeframes, and comply with community engagement and set consultative procedures.
- 50 The recommended option considered above mitigates the risk by: 'Treating the risk - putting measures in place which directly impact the risk.' The recommended option will address the risk by improving the quality of the regulation and in turn the efficiency and effectiveness of its implementation.

## **Financial Implications**

- 51 It is anticipated that the costs associated with the review and implementation can be met from current budgets.

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

- 52 The following Council policies, strategies and bylaws were considered:
- 10-Year Plan 2018-2028 strategic framework contributing to efficient and effective infrastructure and a responsive organisation
  - Traffic and Parking Bylaw 2012 as existing regulation
  - Queenstown Integrated Transport Strategy supporting improved network performance and customer experience for all modes and improved liveability and visitor experience
  - Wanaka Transport Strategy 2008 supporting an appropriate transport network and parking provision.
- 53 The recommended option is consistent with the principles set out in the named policies.
- 54 This matter is not explicitly identified in the 10-Year Plan/Annual Plan as a separate line item / activity.
- 55 It can be delivered within general infrastructure management activities, in alignment with other supporting projects such as town centre planning and the broader Council road safety initiatives and roading maintenance contracts.

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

- 56 The recommended option:
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing a single bylaw that consolidates and simplifies navigation and waterways regulation;
  - 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**

57 The persons who are affected by or interested in this matter are residents/ratepayers, business associations, emergency services, schools, large tourism transport operators, passenger service vehicles, heavy motor vehicle users and NZTA.

58 The proposed bylaw was publicly notified by advertisement in local newspapers between 7 September 2018 and 1 October 2018, including the Otago Daily Times and Wanaka Sun. The proposed bylaw, statement of proposal, and other documents were made available on the Council's website, at the Council offices at 10 Gorge Road, Queenstown and 47 Ardmore Street, Wanaka, at any Council library within the Queenstown Lakes District and upon request from the public.

### **Legal Considerations and Statutory Responsibilities**

59 The power to make a bylaw is set out in section 156 of the Local Government Act and section 22AD of the Land Transport Act 1998



**PROPOSED QUEENSTOWN LAKES DISTRICT  
TRAFFIC & PARKING BYLAW 2018**

**STATEMENT OF PROPOSAL**

## **INTRODUCTION**

- 1 Queenstown Lakes District Council (**Council**) has reviewed its Traffic & Parking Bylaw 2012. The bylaw regulates parking and vehicle use of roads and public places under Council's control.
- 2 Council is seeking your views on a proposed new Traffic & Parking Bylaw 2018, a revised and updated version of the existing bylaw. A draft of the proposed bylaw is attached along with a submission form, so you can provide feedback, or you can do this online ([insert link](#)).
- 3 The bylaw enables Council to regulate and enforce behaviours that it is unable to under other mechanisms (such as the Land Transport Act, Local Government Acts or Road User Rules) in response to issues identified in the district.

## **PROPOSAL**

- 4 The Council proposes to revoke the Traffic & Parking Bylaw 2012 and replace it with the Traffic & Parking Bylaw 2018.
- 5 The proposed Traffic & Parking Bylaw 2018 is being released for public consultation by way of the special consultative procedure pursuant to section 156 of the Local Government Act 2002 and section 22AD of the Land Transport Act 1998.

## **REASONS FOR THE PROPOSAL**

- 6 Under sections 158 to 160 of the Local Government Act 2002, Council is required to review all bylaws made under that Act within five years of their adoption and every 10 years thereafter. A further two year grace period is provided if a review is initiated. Some of the provisions in the current bylaw were made under the Local Government Act 2002 and some under the Land Transport Act 1998, however the council resolved to review it in its entirety.
- 7 As part of this review, the Council engaged with community, business, education, social service and central government representatives on traffic & parking issues across the district.
- 8 The informal engagement, together with research into problem evidence and how other councils are addressing traffic & parking issues, was included in a findings report presented to Council.
- 9 The findings report supported council in determining that there were problems with the structure and language of the current bylaw, gaps in the bylaw coverage of existing issues and opportunities to support the council's strategic priorities for transport through bylaw change.
- 10 The Council considered whether it should have a new bylaw or retain the existing bylaw. In the Council's view, it is essential, in the interests of a safe and efficient road transport system, to have a bylaw which regulates parking and other vehicle use, however it believes that the form and content of the bylaw should be changed to address the issues and opportunities identified.
- 11 The key changes proposed in the new bylaw (as compared to the current bylaw) are:

- a. The current bylaw is not clearly structured into traffic and parking issues; hence the draft bylaw has been re-designed for clarity and ease of reference.
- b. The current bylaw is said to have been made under the Local Government Act 2002, however many of its provisions are based on the bylaw-making powers in the Land Transport Act 1998. The proposed new bylaw is expressly made under both the Land Transport Act 1998 and Part 8 of the Local Government Act 2002, providing greater certainty for the regulation and a greater range of tools for Council to encourage compliance.
- c. The proposed bylaw includes technical revisions and new definitions to address several inadequacies and gaps identified in the current bylaw and to reflect legislative change since the last bylaw was adopted.
- d. The current bylaw addresses taxis, however national legislation has subsequently removed many of the distinctions between taxis and other small passenger service vehicles. This has led to an increase in the number of vehicles in the district and competition for space, particularly in the Queenstown central business district. This change is addressed in the proposed bylaw, with new clauses to enable Council to implement a permitting system for the parking of small passenger service vehicles, to help control numbers and access to standing locations across the district. The permitting system can also be applied to any class of vehicle in the event an issue arises that a permit is considered an appropriate response to.
- e. The current bylaw does not prevent parking on verges. This can cause damage to Council's above and below ground assets and introduces safety risks by blocking sight lines and narrowing road ways. The proposed bylaw includes a clause which will enable Council to issue infringement notices or remove vehicles that are parked in this manner.
- f. The current bylaw specifies the roads to which weight and time restrictions apply and therefore changing or adding to these restrictions requires a full bylaw amendment process. This is inflexible and makes it hard for the Council to respond efficiently when issues arise. Under the proposed bylaw, this detailed information will not be part of the bylaw itself, but the Council will make resolutions under the bylaw and those resolutions will be held in publicly accessible schedules. This will enable a faster response time to issues identified in the district and conversely, easier removal of restrictions deemed no longer appropriate or necessary.
- g. The current bylaw restricts bus parking to designated areas marked for this purpose. The proposed new bylaw includes an amended clause to allow for pick ups and drop offs, reflecting the need for buses to park for periods to allow this in otherwise un-marked areas.
- h. The current bylaw does not provide for establishing special vehicle lanes e.g. bus lanes, which may be required to support transport initiatives. The proposed bylaw enables Council to set aside parts of the roadway for certain classes of vehicles.
- i. The current bylaw does not provide for situations where demand for on street parking is conflicting with residents' needs. The proposed bylaw enables

Council to establish residents' parking areas or zones, or as mentioned above this could also be addressed through the proposed permitting system.

- j. It is proposed that the clause in the current bylaw requiring snow chains to be fitted on direction be removed, as the Land Transport Act 1998 already provides the ability to Council to direct road users to implement vehicle safety instructions.
- k. The clause relating to the removal of vehicles is also to be removed, as the Land Transport Act 1998 already provides the ability for Council to remove vehicles and recover reasonable costs.

12 A summary of the issues and recommended direction for the new bylaw is included in Table 1.

<b>Table 1</b>	<b>Outcome of statutory review</b>		
<b>Issue identified</b>	<b>Bylaw appropriate to address issue?</b>	<b>Form of bylaw appropriate to address issue?</b>	<b>Response as reflected in proposed new bylaw</b>
<b>Traffic</b>			
<i>Turning restrictions</i>	√	X	Amended – for completeness
<i>Direction of travel</i>	√	X	Amended – on road changes by resolution; supports safety, asset protection and transport strategy
<i>Cycle paths</i>	√	X	Amended – to support district’s transport strategy
<i>Special vehicle lanes</i>	√	X	Amended – to support district’s transport strategy
<i>Cruising</i>	√	X	Amended – for safety
<i>Heavy motor vehicles</i>	√	X	Amended – on road changes by resolution; supports safety, asset protection and transport strategy
<i>Light motor vehicles</i>	√	X	Amended – on road changes by resolution; supports safety, asset protection and transport strategy
<i>Bus routes and frequency</i>	X		Outside of Bylaw scope
<i>Engine braking</i>	√	√	Retained
<i>Unformed legal roads</i>	√	X	Amended – for safety
<i>Snow chains</i>	X	X	Revoked – other enforcement options available
<i>Skateboards</i>	X	X	Revoked – to support district’s transport strategy
<i>Signage</i>	X		Revoked – signage will still be necessary but no need for Bylaw to say so
<b>Parking</b>			
<i>Parking availability</i>	X		Outside of Bylaw scope
<i>Parking areas</i>	√	X	Amended – for clarification
<i>Parking restrictions</i>	√	X	Amended – for clarification and completeness
<i>Method of parking</i>	√	X	Amended – for clarification
<i>Payment for parking</i>	√	X	Amended – supports alternative payment options
<i>Interfering with machines</i>	√	X	Amended – for completeness
<i>Loading zones</i>	√	X	Amended – for clarification
<i>Angle parking</i>	√	X	Amended – for clarification
<i>Mobility parking</i>	√	X	Amended – for clarification
<i>Small passenger service vehicles</i>	√	X	Amended – to support safety and recognise legislative/rule change
<i>Goods vehicles</i>	√	X	Amended – for clarification
<i>Rental car parking</i>	√	√	Retained
<i>Commercial premise parking</i>	X		Not amended – other enforcement options
<i>Parking off roadway</i>	√	X	Amended – supports safety and asset protection
<i>Broken down vehicles</i>	√	X	Amended – for clarification
<i>Things on roadway</i>	√	X	Amended – for clarification
<i>Removal of vehicles</i>	X	X	Revoked – other enforcement options
<i>Vehicles for sale</i>	√	√	Retained
<i>Exempt vehicles</i>	√	X	Amended – for clarification



## TIMETABLE FOR CONSULTATION

- 13 Council invites the community to give feedback on the proposed bylaw.
- 14 The following dates represent the key times in the consultation programme:
  - a. Council resolves to undertake public consultation regarding the proposed bylaw – 6 September 2018.
  - b. Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun – between 7 September and 1 October 2018.
  - c. Submissions close on 12 October 2018.
  - d. Submissions heard by a subcommittee of Councillors - (to be confirmed – late October 2018).
  - e. Council considers outcome of consultation process – 13 December 2018.
  - f. Council provides outcome to Ministry of Transport – 14 December 2018.
  - g. Public notice of final decision – 22 December 2018.

## INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 15 Copies of this Statement of Proposal and the proposed bylaw may be inspected, and a copy obtained, at no cost, from:
  - a. either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 33-35 Reece Crescent, Wanaka;
  - b. any Council library within the Queenstown Lakes District; or
  - c. the Council website – [www.qldc.govt.nz](http://www.qldc.govt.nz)

## RIGHT TO MAKE A SUBMISSION AND BE HEARD

- 16 Any person or organisation has a right to be heard in regard to this proposal and the Council encourages everyone with an interest to do so.
- 17 The Council would prefer that all parties intending to make a submission:
  - a. go to the Queenstown Lakes District Council Website: [www.qldc.govt.nz](http://www.qldc.govt.nz) or
  - b. post their submission to: Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 18 Submissions must be received by **12 October 2018**. The Council will then convene hearings in both Wanaka and Queenstown, which it intends to hold between **Tuesday 23 October and Friday 26 October 2018** at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.
- 19 The Council will not permit parties to make oral submissions (without prior written material) or to make a late submission, except where it considers that special circumstances apply.

- 20 Every submission made to the Council will be acknowledged in accordance with the Local Government Act 2002, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
- 21 Section 82 of the Local Government Act 2002 sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

#### **MAKING AN EFFECTIVE SUBMISSION**

- 22 Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the draft Bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.
- 23 Submissions on matters outside the scope of the proposed Bylaw cannot be considered as part of this consultation process.

Mike Theelen

CHIEF EXECUTIVE

[Insert coat of arms]

# The Queenstown Lakes District Council Traffic and Parking Bylaw 2018

[Kā Waeture Huarahi kā Tūka Waka 2018]

Queenstown Lakes District Council

Date of making: 13 December 2018

Commencement: 1 March 2019

This bylaw is made pursuant to section 22AB of the Land Transport Act 1998 and Part 8 of the Local Government Act 2002.

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# Part 1 – Preliminary

## 1 Title and commencement

- 1.1 This bylaw is the “Queenstown Lakes District Council Traffic and Parking Bylaw 2018”.
- 1.2 This bylaw comes into force on 1 March 2019.

## 2 Area within which Bylaw applies

This bylaw applies to the area of the Queenstown Lakes District.

## 3 Purpose

The purpose of this bylaw is to regulate parking and the use of vehicles or other traffic on roads and other public places in the Queenstown Lakes District.

## 4 Interpretation

- 4.1 Any word used in this bylaw that is defined in the Act or the Rules has the same meaning as in the Act or the Rules, unless the context otherwise requires or a different definition is given in clause 4.2.

*Explanatory note: for convenience, some of these definitions are reproduced below, in their form as at the date this bylaw was made. However, the Act and Rules are subject to change, and the wording of the definitions at any particular time should be confirmed in the Act or Rules themselves.*

**Goods service vehicle** means a motor vehicle used or capable of being used in a goods service for the carriage of goods; but does not include a vehicle specified as an exempt goods service vehicle in the regulations or the rules

**Heavy motor vehicle** means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross vehicle mass exceeding 3 500 kg

**Large passenger service vehicle** means any passenger service vehicle that is designed or adapted to carry more than 12 persons (including the driver).

**Motorcycle** means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and includes a vehicle with motorcycle controls that is approved as a motorcycle by the Agency; but does not include a moped

**Motor vehicle** means a vehicle drawn or propelled by mechanical power; and includes a trailer; but does not include-

- (a) a vehicle running on rails; or
- (b) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
- (c) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or

- (d) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
- (e) a pedestrian-controlled machine; or
- (f) a vehicle that the Agency has declared under section 168A of the Land Transport Act 1998 is not a motor vehicle; or
- (g) a mobility device

**Parking** means,—

- (a) in relation to any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes:
- (b) in relation to any other portion of a road, the stopping or standing of a vehicle on that portion of the road

and **park** has a corresponding meaning.

**Parking place** means a place (including a building) where vehicles or any class of vehicles may wait or park

**Parking warden** means a person appointed to hold the office of parking warden under section 128D of the Land Transport Act 1998

**Passenger service vehicle** means a vehicle used or available for use in a passenger service for the carriage of passengers; but does not include—

- (a) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried; or
- (b) a vehicle specified as an exempt passenger service vehicle in the regulations or the rules

**Rental service vehicle** means a vehicle used or available for use in a rental service for letting on hire for the carriage of passengers or goods, or both, to a person who drives the vehicle or provides a driver for the vehicle; but does not include a vehicle specified as an exempt vehicle in the Land Transport Act 1998 or the regulations or the rules made under that Act.

**Road** includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment

**Small passenger service vehicle** means any passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver).

**Transport station** means a place where transport service vehicles or any class of transport service vehicles may wait between trips.

**Vehicle** means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes a hovercraft, a skateboard, in-line skates, and roller skates; but does not include-

- (a) a perambulator or pushchair:
- (b) a shopping or sporting trundler not propelled by mechanical power:
- (c) a wheelbarrow or hand-trolley:
- (d) a pedestrian-controlled lawnmower:
- (e) a pedestrian-controlled agricultural machine not propelled by mechanical power:
- (f) an article of furniture:
- (g) a wheelchair not propelled by mechanical power:
- (h) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:
- (i) any rail vehicle

**Zone parking**, in relation to a road, means a parking restriction imposed by the Council:

- (a) that applies to an area comprising a number of roads; and
- (b) in respect of which persons using vehicles within the area could reasonably be expected to be aware of the application of the parking restriction to the area without the need for the erection of signs at each intersection within the area, for reasons including:
  - (i) the nature of the area; or
  - (ii) the nature of the parking restriction; or
  - (iii) traffic patterns into and within the area; or
  - (iv) the nature and number of entry points to the area; and
- (c) that the Council specifically declares to be a zone parking control.

**Zone restriction** means an area of roadway the use of which is restricted to a specified class or classes of vehicle or class or classes of road user (with or without a time restriction).

4.2 In this bylaw, unless the context otherwise requires,-

**Act** means the Land Transport Act 1998.

**Authorised officer** means any person appointed or authorised by the Council to act on its behalf under this bylaw and includes any Parking Warden or Enforcement Officer.

**Council** means the Queenstown Lakes District Council.

**Driver** in relation to a vehicle, includes the rider of a motorcycle or moped or bicycle; and **drive** has a corresponding meaning.

**Enforcement officer** means-

- (a) in relation to powers exercised under the Land Transport Act 1998:
  - (i) a sworn member of the Police
  - (ii) a non-sworn member of the Police who is authorised for the purpose by the commissioner of Police.

- (iii) a person who is appointed to that office by warrant under section 208 of the Land Transport Act 1998 or who holds that office by virtue of that Act and any parking warden appointed by the Council and warranted accordingly.
- (b) in relation to powers exercised under the Local Government Act 2002, an enforcement officer appointed under section 177 of the Local Government Act 2002

**Infringement offence** has the same meaning as it has in section 2(1) of the Land Transport Act 1998.

**Operate**, in relation to a vehicle, means to drive or use the vehicle on a road, or to cause or permit the vehicle to be on a road or to be driven on a road, whether or not the person is present with the vehicle; and **operator** has a corresponding meaning

**Mobility parking permit** means a mobility parking permit issued by CCS Disability Action.

**Owner** in relation to a motor vehicle, means the person lawfully entitled to possession of the vehicle, except where-

- (a) the motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or
- (b) the motor vehicle is let on hire pursuant to the terms of a rental- service licence.-

in which case owner means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and

**owned** and **ownership** have corresponding meanings

**Parking machine** means a machine which is used to facilitate the payment of charges for parking, and includes a parking meter, pay and display machine or other device.

**Person** has the meaning given in the Interpretation Act 1999.

**Public place** means all or part of a place -

- (a) that is under the control of the Council; and
- (b) that is open to, or being used by, the public, whether or not there is a charge for admission; and includes:
- (c) a road, whether or not the road is under the control of the Council.



**Road** means a road as defined in the Act which is under the control of the Council.

**Rule** means the Land Transport Rule: Traffic Control Devices 2004.

**Use** in relation to a vehicle, includes driving, drawing or propelling on a road by means of such vehicle, and includes permitting to be on any road; and to **use** and **user** have corresponding meanings.

4.3 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended or revoked without any formality.

4.4 The Interpretation Act 1999 applies to this bylaw.

## **5 Resolutions made under this Bylaw**

5.1 In making a resolution under this bylaw, the Council will take into account the following considerations, if and to the extent they are relevant and in proportion to the significance of the decision:

- (a) the purpose of this bylaw;
- (b) the statutory context of the relevant bylaw-making power under section 22AB of the Land Transport Act 1998 and/or Part 8 of the Local Government Act 2002, as the case may be;
- (c) the public interest in a safe and efficient road transport system and the Council's contribution to that objective in relation to roads under its control;
- (d) the likely effect of the decision on members of the public or categories of the public;
- (e) the nature and extent of the problem being addressed by the proposed decision and the reasonably available options for addressing the problem (if any) apart from making a resolution under this bylaw;
- (f) the public interest in protecting from damage land and assets which are owned or under the control of the Council.

5.2 A resolution made under this bylaw may:

- (a) regulate, control or prohibit any matter or thing generally, or for any specific classes of case, or in a particular case;
- (b) apply to all vehicles or traffic or to any specified class of vehicles or traffic;
- (c) apply to any road or part of a road under the care, control or management of the Council;
- (d) apply at any specified time or period of time;
- (e) be made subject to any such conditions as are reasonable in the circumstances;

- (f) amend, revoke or revoke and replace any previous resolution made under this bylaw or any equivalent former bylaw.

## **Part 2 – Vehicle and road use**

### **6 One-way roads**

- 6.1 No person shall drive any vehicle on any of the roads specified in Schedule 1 of this Bylaw, except in the direction specified in that schedule.
- 6.2 The Council may by resolution:
- (a) require vehicles on a specified road to travel in one specified direction only;
  - (b) specify that cycles may travel in the opposite direction on a one-way road.
- 6.3 A person must not drive a vehicle on a one-way road in a direction contrary to that specified in Schedule 1 or pursuant to clause 6.2.

### **7 Left or right turns and U-turns**

- 7.1 The Council may by resolution prohibit on any specified road:
- (a) any vehicle generally or any specified class of vehicle from turning to the left or turning to the right of the path of travel;
  - (b) any vehicle turning from facing or travelling in one direction to facing or travelling in the opposite direction (performing a U-turn).
- 7.2 A person must not turn a vehicle to the left, or to the right, or perform a U-turn, where that movement has been prohibited pursuant to this clause.

### **8 Traffic control because of size, nature or goods**

- 8.1 The Council may by resolution prohibit or restrict the use of a road as unsuitable for any specified class of traffic or any specified class of vehicle due to its size or manner of operation or the nature of the goods carried.
- 8.2 Unless the resolution says otherwise, no prohibition or restriction made under clause 8.1 applies to a waste collection vehicle collecting waste pursuant to a waste collection contract.
- 8.3 A person must not use a road in a manner contrary to a prohibition or restriction made under this clause.
- 8.4 The Chief Executive of the Council may issue permits to contractors in respect of specified construction contracts or projects, authorising vehicles of the permit-holder to be used on any roads or streets in respect of which a prohibition or restriction under clause 8.1 is in place, and to load and unload materials and supplies for such projects, between 10.00am and 6.00pm on any specified day, and subject to such conditions as may be included in the permit.

8.5 The Chief Executive Officer of the Council may issue permits to events' organisers in respect of specified events, authorising vehicles of the permit-holder to occupy parking spaces, and to be used on any roads or streets in respect of which a prohibition or restriction under clause 8.1 is in place, between 10.00am and 6.00pm on any specified day, and subject to such conditions as may be included in the permit.

8.6 A person is not in breach of clause 8.3 if they are acting pursuant to, and in accordance with, a permit issued under clause 8.4 or clause 8.5.

## **9 Special vehicle lanes**

9.1 The Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.

9.2 A person must not use a special vehicle lane contrary to any restriction made under this clause.

## **10 Cycle paths**

10.1 The Council may by resolution regulate the use of cycle paths including by:

- (a) prohibiting the use of the cycle path by specified vehicles or classes of vehicle;
- (b) determining priority for users of the cycle path by some or all of the following persons:
  - (i) pedestrians;
  - (ii) cyclists;
  - (iii) riders of mobility devices;
  - (iv) riders of wheeled recreational vehicles.

10.2 A person must not use a cycle path in a manner contrary to any prohibition or restriction made under this clause.

## **11 Engine braking**

11.1 The Council may by resolution prohibit or restrict engine braking on any road where the permanent speed does not exceed 70 km/hr.

11.2 A person must not use engine braking on any road contrary to a prohibition or restriction made under this clause.

## **12 Cruising**

12.1 The Council may by resolution:

- (a) specify any section of road or roads on which cruising is controlled, restricted or prohibited;

- (b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for a driver to avoid being regarded as cruising.
- 12.2 A person must not use a motor vehicle contrary to a control, prohibition or restriction made under this clause.
- 13 Unformed legal roads**
- 13.1 The Council may by resolution restrict the use of motor vehicles on unformed legal roads for the purpose of protecting the environment, the road and adjoining land, and/or the safety of road users.
- 13.2 A person must not use a motor vehicle on an unformed legal road contrary to a restriction made under this clause.
- 14 Temporary restrictions on the use of roads**
- 14.1 The Council may temporarily restrict the use of, or class of vehicles which may use, any road or part of a road when the Council's Chief Executive considers that:
  - (a) there is, or is likely to arise, at any place on that road a risk of danger to the public or to a person working on or near a road or a risk of damage to the road; or
  - (b) it is necessary for the safety of a special event.
- 14.2 A person must not drive or use the vehicle contrary to any restriction made under clause 14.1.
- 14.3 Any vehicle being used for the purpose of maintenance or construction of roading, or a vehicle of a utility operator, may, with the permission of an authorised officer, be driven or parked in a manner contrary to any restriction made under clause 14.1, provided it is driven or parked with due consideration to other road users.

## **Part 3 – Parking**

- 15 Stopping, standing and parking**
- 15.1 The Council may by resolution:
  - (a) prohibit or restrict the stopping, standing or parking of vehicles on any road; or
  - (b) limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description, and limit the period of time that such vehicles may stop, stand or park on the road.
- 15.2 For the purposes of clause 15.1(b):
  - (a) a class or description of vehicles may be specified by reference to whether the vehicle, or the driver or owner of the vehicle, has a permit or approval issued by the Council to stop, stand or park the vehicle on that road; and

- (b) the Council may by resolution establish a permit or approval system which may include, without limitation, specifying or providing for:
  - (i) the criteria for obtaining the permit or approval;
  - (ii) the process for applying for the permit or approval including the provision of any information to the Council;
  - (iii) the payment of any application fee to the Council, and the amount of that fee;
  - (iv) the procedure for determining applications;
  - (v) the imposition of conditions on any permit or approval issued by the Council;
  - (vi) the duration of the permit or approval;
  - (vii) the revocation of approvals or permits;
  - (viii) any other matter relevant to the approval or permit system.

15.3 A person must not stop, stand or park a vehicle on a road in contravention of a prohibition, restriction or limitation made under this clause, including any condition attaching to a permit or approval referred to in clause 15.2(a).

## **16 Parking restrictions - parking places and transport stations**

16.1 The Council may by resolution:

- (a) prescribe the times, manner (such as angle parking only) and conditions for the parking of vehicles or classes of vehicles in a parking place or transport station;
- (b) specify the vehicles or classes of vehicles that may or must not use a parking place or transport station, such classes including but not limited to:
  - (i) motorcycles;
  - (ii) cycles, including electric bicycles;
  - (iii) electric vehicles, while in the course of being recharged at an electric vehicle charging station;
  - (iv) goods service vehicles;
  - (v) passenger service vehicles, including large passenger service vehicles and small passenger service vehicles;
  - (vi) vehicles in the course of loading or unloading goods or passengers (“loading zone”);
  - (vii) vehicles used by disabled persons;

- (viii) vehicles used by pregnant women or by persons accompanied by infants or young children.
  - (c) prescribe:
    - (i) any charges to be paid for the use of the parking place or transport station; and
    - (ii) the manner by which parking charges may be paid, through the use of parking machines or by way of electronic payment or in any other specified manner, and the way in which proof of payment must be demonstrated (such as display of a receipt);
  - (d) make any other provision for the efficient management and control of the parking place or transport station.
- 16.2 For the purposes of clause 16.1(a) and (b):
- (a) a class of vehicles may be specified by reference to whether the vehicle, or the driver or owner of the vehicle, has a permit or approval issued by the Council to park the vehicle in the parking place or transport station; and
  - (b) the permit or approval system.
- 16.3 To avoid doubt, the restrictions in clause 16.1 may be imposed, in the case of a road, by way of zone parking or a zone restriction.
- 16.4 Any restrictions that apply generally to a zone do not apply to locations within that zone where other specific stopping, standing or parking restrictions apply.
- 16.5 Where the conditions of parking require display in or on the vehicle of a ticket or receipt for payment or other similar document, then the requirement of display is not satisfied if the ticket, receipt or document:
- (a) is torn, defaced, or mutilated to such an extent that any material particular is not legible; or
  - (b) has been tampered with so that it differs from the original document; or
  - (c) is not used in accordance with the instructions (if any) relating to its use given on the ticket, receipt or document or on any sign relating to the parking; or
  - (d) is not prominently displayed in the vehicle or is obscured or cannot easily be read and inspected by any person outside the vehicle.
- 16.6 A person must not park a vehicle in a parking place or transport station in contravention of a prohibition or restriction made under this clause, or without complying with a condition prescribed or applying under this clause. This includes, without limitation:
- (a) failing to pay a prescribed parking charge, either in the prescribed manner or at all;
  - (b) failing to demonstrate proof of payment in the prescribed manner;

- (c) parking for a time period which is in excess of the time period for which payment has been made;
- (d) parking for a time period which is in excess of any maximum authorised period of parking prescribed by the Council.

## **17 Method of parking**

17.1 Where individual parking spaces within a parking place or transport station are indicated by painted lines or other markings:

- (a) each vehicle must be parked entirely within a single parking space;
- (b) where the parking spaces are to be used for angle parking only, vehicles must be parked on the angle indicated;
- (c) where the parking spaces comprise bays for angle parking of motorcycles, no motorcycle (other than a motorcycle with a sidecar attached) shall be parked across any line marking the edge of the bay.

## **18 Mobility parking**

18.1 A person may not park a vehicle in a parking place set aside for mobility parking unless:

- (a) a current mobility parking permit is prominently displayed in the vehicle; and
- (b) the vehicle is being used to convey the holder of that permit or to pick up or drop off that person.

## **19 Residents' parking**

19.1 The Council may by resolution:

- (a) if it considers it reasonable to do so, reserve any specified parking place or places as a residents' parking area, for the exclusive use of persons residing in the vicinity;
- (b) prescribe:
  - (i) the criteria for qualifying to use the residents' parking area, and any conditions attaching to such use such as a requirement to display an approved resident's parking permit;
  - (ii) any fees to be paid for the use of the residents' parking area including the manner in which the fees are calculated and the manner of payment;

19.2 A person must not park a vehicle in a resident's parking area in contravention of a prohibition or restriction made, or a condition imposed, under this clause.

**20 Passenger service vehicles, goods service vehicles, rental service vehicles**

20.1 No small passenger service vehicle shall be parked on any road other than a parking place or transport station set aside for the use of small passenger service vehicles, unless the vehicle:

- (a) is in the course of hire; or
- (b) is not available for hire.

20.2 No large passenger service vehicle shall be parked on any road other than a parking place or transport station set aside for such vehicles, unless the vehicle is in the process of loading or unloading passengers.

20.3 No passenger service vehicle exceeding 2,000 kilograms in tare weight or goods service vehicle exceeding 4,000 kilograms in tare weight shall be parked on any road between midnight and 5.00am, except where such overnight parking has been specifically authorised by the Council.

20.4 No goods service vehicle, large passenger service vehicle, small passenger service vehicle, or rental service vehicle parked on any road shall be washed down or cleaned in such a way that any water, sludge or other liquid flows from the vehicle onto any road or into a culvert, ditch or drain associated with the road.

20.5 No goods service vehicle, large passenger service vehicle, small passenger service vehicle, or rental service vehicle shall be parked on any road with its engine running for a period in excess of 5-minutes.

20.6 No rental service vehicle shall be parked on any road other than a parking place or transport station set aside for such vehicles, unless the vehicle is under hire at the time of the parking.

**21 Parking off a roadway**

21.1 A person must not stop, stand or park a motor vehicle on that part of a road which is laid out as a lawn or cultivated area, including a grass plot, a flower bed or a shrubbery.

21.2 A person must not stop, stand or park a vehicle off a roadway in any reserve, park or similar land used for public recreation, and which is under the Council's control, except:

- (a) in an area designed and constructed to accommodate a parked vehicle; or
- (b) where the Council has given specific permission to stop, stand or park the vehicle in that place.

**22 Miscellaneous**

22.1 A person must not drive or park a vehicle on any road or in any public place in a manner that causes a nuisance.

22.2 A person must not:



- (a) chain or otherwise attach a bicycle or other vehicle to street furniture or public infrastructure;
- (b) leave such a vehicle in a way which unreasonably obstructs the footpath.

22.3 A person must not, without the prior written consent of the Council:

- (a) leave or place on a road any thing other than a vehicle (for example, but without limitation, any machinery, equipment, containers or materials), except that this prohibition does not apply to containers which are placed off the roadway and are used solely for a council-authorized kerbside collection of waste or diverted material, if such containers do not remain on the road for more than 24 hours;
- (b) stop, stand or park a vehicle on a road or parking place for the purpose of advertising a good or service or offering the vehicle for sale, unless the vehicle is being used for bona fide travel and is parked, incidentally, in the course of such travel.
- (c) leave a vehicle (including a vehicle which is broken down) parked on a road or parking place for a continuous period of more than 7 days other than in a designated long term parking area;
- (d) carry out repairs or modifications to a vehicle on a road unless those repairs or modifications are of a minor nature and do not impede the flow of traffic or are necessary to enable the vehicle to be moved.

22.4 A person must not:

- (a) remove, deface, or otherwise interfere with any notice, board, sign, picture or device which has been erected or placed by the Council in relation to parking or the control of vehicles on any road or in any public place;
- (b) misuse, damage, interfere or tamper with any parking machine.

## **Part 4 – General Provisions**

### **23 Inspection**

23.1 Any parking warden or any enforcement officer may, for the purposes of this bylaw:

- (a) inspect any parked vehicle;
- (b) take any action to assist in determining or proving the period for which a vehicle is parked including marking the tyres of the vehicle;
- (c) inspect any ticket or receipt for payment or similar document demonstrating payment for parking, or any parking machine;
- (d) require the driver, or any person appearing to be in charge of a parked vehicle, to produce for inspection any ticket or receipt for payment or

similar document (including an electronic document) demonstrating payment for parking;

- (e) retain, for the purposes of any enforcement action under this bylaw, any such document where the parking warden or enforcement officer believes on reasonable grounds that it may be evidence relevant to a breach of this bylaw in relation to parking.

## **24 Offences and penalties**

- 24.1 The operation, driving, using or parking of any vehicle in breach of any of the provisions of this bylaw or any resolution made under this bylaw is a breach of this bylaw.
- 24.2 Without limiting the liability of any person under any enactment, every person commits an offence who:
  - (a) commits a breach of this bylaw.
  - (b) causes or permits to be done, anything contrary to this bylaw.
  - (c) omits, fails or refuses to do anything required by this bylaw.
  - (d) operates any vehicle contrary to this bylaw.
  - (e) as the owner of anything parked or left on any road or in any public place does any act contrary to the provisions of this bylaw.
  - (f) is the driver, operator, person in charge, or user of any vehicle, which is driven, operated, used or parked in breach of this bylaw.
- 24.3 Nothing in clause 24.2 limits the liability of any person for an infringement offence as defined in the Act.
- 24.4 Any person breaching a provision of this bylaw made under section 22AB of the Land Transport Act 1998 and in respect of which no other penalty provision applies is liable for a fine of \$500.
- 24.5 Subject to any provision to the contrary, any person convicted of an offence of breaching a provision of this bylaw made under the Local Government Act 2002 is liable for the penalties set out in section 242 of the Local Government Act 2002.
- 24.6 Every person guilty of an infringement offence is liable for the applicable infringement fee relating to that offence together with any applicable towage fee.

## **25 Exceptions**

- 25.1 A person is not in breach of this bylaw if that person proves that:
  - (a) the act or omission complained of took place in response to a situation on a road; and
  - (b) the situation was not of the person's own making; and

- (c) the act or omission was taken—
  - (i) to avoid the death or injury of a person; or
  - (ii) if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.

25.2 A person is not in breach of this bylaw if that person proves that the act or omission:

- (a) took place in compliance with the directions of an enforcement officer or a parking warden, constable, traffic signal or traffic sign; or
- (b) in the case of an act or omission done by an enforcement officer, constable or parking warden, was necessary in the execution of the person's duty.

25.3 Any restrictions made under Part 2 and 3 of this bylaw do not apply to:

- (a) a vehicle that is engaged in urgent repair work to a public utility service;
- (b) a vehicle that is being used as an emergency vehicle in attendance at an emergency situation (including a civil defence emergency);
- (c) a vehicle that is being used to transport registered medical personnel to assist at an emergency situation.

25.4 Any restrictions made under Part 3 of this bylaw do not apply to the parking of a branded Council vehicle, but only when being used by an officer of the Council on specific Council business away from the premises where that officer customarily works.

## 26 **Revocation**

The Queenstown Lakes District Council Traffic and Parking Bylaw 2012, including all amendments, is revoked.

## 27 **Savings**

Any resolutions, approvals, permits or other acts of authority made pursuant to the Queenstown Lakes District Council Traffic and Parking Bylaw 2012, or any previous traffic and parking bylaw made by the Council, and in force as at the date of revocation of the Queenstown Lakes District Council Traffic and Parking Bylaw 2012, remains in force and is deemed to have been made under this bylaw, until revoked or amended by the Council.

# Additional Information to the Traffic and Parking Bylaw 2018

This document contains matters for information purposes only and does not form part of any bylaw. It may include matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance. The information contained in this document may be updated at any time

## Contents

		Page
1	History of Bylaw	18
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3	Enforcement powers	19
4	Delegations	20

### 1 History of Bylaw

Action	Description	Date of decision	Date of commencement
Make	Traffic and Parking Bylaw 2018	13 December 2018	1 March 2019
Revoke	Traffic and Parking Bylaw 2012	13 December 2018	1 March 2019
Make	Traffic and Parking Bylaw 2012	18 December 2012	2 May 2013
Revoke	Traffic and Parking Bylaw 2006	18 December 2012	2 May 2013
Make	Traffic and Parking Bylaw 2006	24 November 2006	1 December 2006
Revoke	Traffic and Parking Bylaw 2001	24 November 2006	1 December 2006
Make	Traffic and Parking Bylaw 2001	20 July 2001	1 September 2001

### 2 Related documents

Document title	Description	Location
Decision minutes and agenda	Decisions on submissions to proposed Traffic & Parking bylaw	<a href="http://www.qldc.govt.nz">www.qldc.govt.nz</a>
Hearings report	Background and summary of submissions on proposed Traffic & Parking bylaw	<a href="http://www.qldc.govt.nz">www.qldc.govt.nz</a>
Traffic & Parking Bylaw review Statement of Proposal	Provides background to proposed Traffic & Parking bylaw	<a href="http://www.qldc.govt.nz">www.qldc.govt.nz</a>
Long Term Plan	Outlines financial plans	<a href="http://www.qldc.govt.nz">www.qldc.govt.nz</a>
Annual Plan	Sets fees and charges	<a href="http://www.qldc.govt.nz">www.qldc.govt.nz</a>
Land Transport Act 1998	Provides certain functions, duties, powers and penalties to make and enforce the bylaw	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Local Government Act 2002	Provides certain functions, duties, powers and penalties to make and enforce the bylaw	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Interpretation Act 1999	Provides for certain matters related to the interpretation of bylaws	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>

### 3 Enforcement powers

Legislative provision	Description
<b>Sections 128E and 139 of the Land Transport Act 1998</b>	<p>Allows parking wardens to enforce any stationary vehicle offence or special vehicle lane offence, to direct the driver to remove any vehicle if it is obstructing the road or if it is desirable to remove the vehicle in the interests of road safety or for the convenience or interests of the public etc, or in those same circumstances, to move the vehicle or have someone else do so.</p> <p>Allows parking wardens to issue an infringement notice or proceed with a prosecution under the Criminal Procedures Act 2011.</p>
<b>Part 8 of the Local Government Act 2002</b>	<p>162 Injunctions restraining commission of offences and breaches of bylaws</p> <p>163 Removal of works in breach of bylaws</p> <p>164 Seizure of property not on private land</p> <p>165 Seizure of property from private land</p> <p>168 Power to dispose of property seized and impounded</p> <p>171 General power of entry</p> <p>172 Power of entry for enforcement purposes</p> <p>173 Power of entry in cases of emergency</p> <p>175 Power to recover for damage by wilful or negligent behaviour</p> <p>176 Costs of remedying damage arising from breach of bylaw</p> <p>178 Enforcement officers may require certain information</p> <p>183 Removal of fire hazards</p> <p>185 Occupier may act if owner of premises makes default</p> <p>186 Local authority may execute works if owner or occupier defaults</p> <p>187 Recovery of cost of works by local authority</p> <p>188 Liability for payments in respect of private land</p>

## 4 Delegations

### Council delegations

<b>Clause</b>	<b>Function, duty, power to be delegated</b>	<b>Delegated authority</b>	<b>Date of delegation decision</b>	<b>Date of commencement</b>
6.2	Power to make controls for one-way roads	Traffic and Parking	13 December 2018	1 March 2019
7.1	Power to make controls for left or right turns and U-turns	Traffic and Parking Subcommittee	13 December 2018	1 March 2019
8.1	Power to make traffic controls because of size, nature or goods	Traffic and Parking Subcommittee	13 December 2018	1 March 2019
9.1	Power to make special vehicle lanes	Traffic and Parking Subcommittee	13 December 2018	1 March 2019
10.1	Power to regulate use of cycle paths	Traffic and Parking Subcommittee	13 December 2018	1 March 2019
11.1	Power to make controls for engine braking	Traffic and Parking Subcommittee	13 December 2018	1 March 2019
12.1	Power to make controls for cruising	Traffic and Parking Subcommittee	13 December 2018	1 March 2019
13.1	Power to make controls for unformed legal roads	Traffic and Parking Subcommittee	13 December 2018	1 March 2019
15.1	Power to make controls for stopping, standing and parking	Traffic and Parking Subcommittee	13 December 2018	1 March 2019
15.2	Power to make, amend and revoke permit or approval system conditions excluding the setting of fees	Traffic and Parking Subcommittee	13 December 2018	1 March 2019
16.1 and 16.2 and 16.3	Power to set restrictions for parking in parking places and transport stations, including zones.	Traffic and Parking Subcommittee	13 December 2018	1 March 2019
19.1	Power to make controls for residents' parking	Traffic and Parking Subcommittee	13 December 2018	1 March 2019
20.3	Power to set aside roadway for large passenger service vehicle overnight parking	Traffic and Parking Subcommittee	13 December 2018	1 March 2019

**Staff delegations**

<b>Clause</b>	<b>Function, duty, power to be delegated</b>	<b>Delegated authority</b>	<b>Date of delegation decision</b>	<b>Date of commencement</b>
Part 2 clauses 6-14	Provision of signs and markings to evidence controls	Infrastructure Tiers 3-5	13 December 2018	1 March 2019
Part 3 clauses 15-22	All powers, duties and functions as required to enforce	Regulatory Tiers 3-5 (parking wardens)	13 December 2018	1 March 2019
8.4	Power to issue permits to contractors	Regulatory Tiers 3-5 Customer services Tiers 3-4	13 December 2018	1 March 2019
8.5	Power to issue permits to events' organisers	Regulatory Tiers 3-5 Customer services Tiers 3-4	13 December 2018	1 March 2019
15.2	Power to determine and issue permits or approvals	Regulatory Tiers 3-5 Customer services Tiers 3-4	13 December 2018	1 March 2019
22.3	Power to issue written consent	Regulatory Tiers 3-5 Customer services Tiers 3-4	13 December 2018	1 March 2019

# Queenstown Lakes District Council

## Traffic & Parking Subcommittee

### Terms of Reference

#### **MEMBERSHIP**

##### **Chairperson**

Chairperson of the Infrastructure Committee

##### **Members**

Chairperson of the Community and Services Committee

General Manager Property and Infrastructure

General Manager Finance Legal and Regulatory

##### **Quorum**

The quorum for every meeting shall be 3 Members

##### **Frequency of Meetings**

As required

##### **Parent Body**

The Subcommittee reports to the Infrastructure Committee

##### **Objectives of the Committee**

The objectives of the Traffic and Parking Subcommittee are to exercise Council's delegations in the establishing traffic and parking requirements, restrictions and conditions across the district pursuant to the Traffic and Parking Bylaw 2018 made under the Land Transport Act 1998 and Local Government Act 2002.

In fulfilling their role on the Traffic and Parking Subcommittee, members shall be impartial and independent at all times.

#### **TERMS OF REFERENCE**

##### **Activity Areas**

- Traffic and parking

##### **Delegated Authority**

The Traffic and Parking Subcommittee will have delegated authority to carry out activities within its terms of reference and the activity areas listed above (excluding all powers reserved to the Council by law, or by resolution of the Council).

##### **Power to Act**

1. The Traffic and Parking Subcommittee will approve all restrictions relating to vehicles and road use under the Traffic and Parking Bylaw 2018
2. The Traffic and Parking Subcommittee will approve all restrictions, requirements and conditions relating to parking under the Traffic and Parking Bylaw 2018

##### **Delegation Limitations**

The Traffic and Parking Subcommittee may not delegate any of its responsibilities, duties or powers and its powers exclude powers that cannot be delegated to committees under the Local Government Act 2002.

##### **Procedure**

The Chairperson will report back to the Infrastructure Committee at the next Infrastructure Committee meeting following each Subcommittee meeting.



**QLDC Council  
13 December 2018**

**Report for Agenda Item: 5**

**Department: Property & Infrastructure**

**2018/19 Capital Works Programme – First Re-forecast**

The purpose of this report is to consider proposed amendments to the 2018/19 capital works programme for all Queenstown Lakes District Council capital projects.

That Council:

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

Prepared by:



Peter Hansby  
General Manager  
Property & Infrastructure

30/11/2018

Reviewed and Authorised by:



Mike Theelen  
Chief Executive

30/11/2018

- 1 At the 28 June 2018 meeting of the Queenstown Lakes District Council, the Council resolved to adopt the 2018/28 Ten Year Plan, which included a capital investment programme.
- 2 In order to demonstrate sustainable management of the financial assets committed to the capital investment programme, this paper provides the Council oversight of proposed changes to the current years capital programme and to gain approval to these changes.
- 3 This report is the first capex forecast review for the 2018/19 financial year.
- 4 The summary document and graphs are contained within Attachment A and B of this report.
- 5 This report breaks the programme into eight asset categories: Buildings, Libraries, Parks and Reserves, Transport, Storm Water, Venues and Facilities, Waste Water and Water Supply.
- 6 Contained within the asset group we have categorised projects as follows:

- 7 **New:** Where additional (new) funding is sought for existing projects or new projects are identified which the Council may consider suitable due to a change in legislation or some other business environment changes to those understood at the time of adopting the Annual Plan.
- 8 **Budget Transfer:** The project has, or is forecast to exceed, (or be below) the budget allocated through the Annual Plan process. The explanation of overspend / underspend and the proposed reallocation of funding between projects is contained within Attachment A.
- 9 **Bring Forward:** The project is complex or has a longer lead-time and with available resource capacity, it is recommended to bring part of the expenditure forward from future years to enable work to commence ahead of the projects planned start date.
- 10 **Defer:** Projects that will not be completed within the current financial year but will be completed in future financial years. Deferred budgets cannot be used to fund other projects in the current financial year.
- 11 Projects that are recommended to be deferred are being considered in conjunction with the 2018 LTP programmes for synergies.
- 12 Where it is shown that the deferred projects cannot be delivered without affecting the 2018 LTP programme, these projects will be stopped.
- 13 Stopped projects will then undergo a revised better business case and following the outcome of that process, programmed in a future LTP.
- 14 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.
- 15 Option 1 Approve the changes to the 2018/19 proposed capital works programme as proposed in **Attachment A**.

*Advantages:*

- 16 Provides an opportunity for the Council to consider the latest recommendation from officers in respect to projects planned for 2018/19 financial year.
- 17 Provides the ability to manage the impacts of overspends against current budget and where possible the opportunity to take steps to keep capital expenditure within overall annual budgets.

*Disadvantages:*

- 18 This would change or delay the delivery of the projects consulted on and approved through the Long Term Planning (LTP) process.
- 19 Option 2 Status Quo, Do not approve the changes (do nothing option)

*Advantages:*

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

*Disadvantages:*

- 21 The Council will not be able to make changes to the capital programme to reflect the latest available information and investment will be less effective.
- 22 The Council will not be able to respond in a timely way to changes its operating environment and investment will be less effective.
- 23 Projects which have commenced and where sufficient alternate budget is available will be deferred, increasing the costs of delivery.
- 24 Option 3 Approve only some of the changes to the 2018/19 proposed capital works programme as proposed in **Attachment A**.

*Advantages:*

- 25 Provides an opportunity for the Council to consider the latest recommendation from officers in respect to projects being delivered in the 2018/19 financial year.
- 26 Provides the ability to manage the impacts of overspends against current budget and where possible the opportunity to take steps to keep capital expenditure within overall annual budgets.

*Disadvantages:*

- 27 This would change or adjust the timing of the projects consulted on and approved through the Long Term Planning (LTP) process.
- 28 This report recommends **Option 1** for addressing the matter.
- 29 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. The proposed project adjustments best reflect present day understanding of assumptions and project scope.
- 30 This matter related to the operational risk : SR1 Current and Future Development needs of the Community, as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because it seeks to amend projects contained within the 10-Year Plan.
- 31 The recommended option mitigates the risk by:
- Treating the risk - putting measures in place which directly impact the risk. This is achieved through ensuring that the right projects are being funded and completed based on the most recent information available to Council officers.
- 32 The financial implications are outlined in **Attachment A**.
- 33 The following Council Policies were considered:

- Policy on Significance – Although the decision is in respect to strategic assets, namely, water supply infrastructure, sewage treatment plants and the roading network, the decision does not involve the transfer of ownership, sale or long term lease of these strategic assets. The policy of significance therefore does not apply.

34 This matter is included in the 10-Year Plan/Annual Plan:

- The projects identified form part of the capital works projects for the 2018/19 financial year.

35 The recommended option:

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

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

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

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

## **ATTACHMENTS**

- A Summary of proposed project changes
- B LTP Budget vs Reforecast graphs

ATTACHMENT A - December 2018 Capex Reforecast

Line #	Programme	Project Code	Project Description	Budget 2018-19	New Budget	Budget Increase	Budget Transfer	Sum of B/Fwd	Budget Deferred	Sum of Cancelled	Budget Forecast	Budget Comments
1	Property	000211	Albert Town Boat Ramp Upgrades	5,000	-	-	-	5,000	-	-	-	
2		000236	Glenorchy Marina Minor maintenance	35,000	-	-	-	20,000	-	-	15,000	
3		000323	Glenorchy Library Building	5,000	-	-	-	5,000	-	-	-	
3		000789	Lake Hawea Jetty & Ramp	10,000	-	-	-	7,700	-	-	2,300	
4		000900	Queenstown Bay Ramp	5,000	-	-	-	5,000	-	-	-	
5		000731	Wanaka Office Improvements	622,318	-	420,000	42,700	-	-	-	1,085,018	
6		000493	Project Connect New Office Accommodation	5,834,923	-	-	-	-	5,334,923	-	500,000	MOU agreement in process. \$5.33m deferred 18/19 to 20/21.
8		NEW 1	Bradley Building New Premises	-	378,250	-	-	-	-	-	378,250	New premises required for staff accommodation.
	<b>Property Total</b>			<b>6,517,241</b>	<b>378,250</b>	<b>420,000</b>	<b>-</b>	<b>-</b>	<b>5,334,923</b>	<b>-</b>	<b>1,980,568</b>	
9	Libraries	000886	Wakatipu Library Service	250,000	-	-	125,000	-	-	-	375,000	
10		000929	District - Mobile facility	275,000	-	-	-	-	150,000	-	-	\$125k funds to be reallocated from district mobile library project for Frankton Library fitout. \$150k deferred 19/20
	<b>Libraries Total</b>			<b>525,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>150,000</b>	<b>-</b>	<b>375,000</b>	
11	Parks and Reserves	000215	Aspiring Road - replace permaloo with Ex	190,233	-	-	-	182,403	-	-	7,830	
12		000338	Wanaka Lakefront Reclamation	525,780	-	-	-	500,110	-	-	25,670	
13		000894	Wanaka Lakefront Development Plan	2,530,000	-	-	-	682,513	-	-	3,212,513	Transfer from Wanaka Lakefront Reclamation and Aspiring Road Toilet to Wanaka Lakefront Development Plan
14		000382	Playground Renewal Queenstown Bathhouse	506,351	-	-	-	169,000	-	-	675,351	
15		000420	Playground Renewals - Wakatipu	300,000	-	-	-	169,000	-	-	131,000	Transfer \$169k from project 420 Playground Renewals Wakatipu to Bathhouse Playground as agreed prior to tender approval.
16		000422	Tracks and Trails Renewals - Wakatipu	150,000	-	-	-	50,000	-	-	100,000	Transfer \$50k from project 422 Tracks & Trails Wakatipu to project 906 Wakatipu Trail Development
17		000906	Wakatipu Trail Development	100,000	-	-	-	50,000	-	-	150,000	
18		NEW 2	Wanaka Skate Park Stage 1 - upgrade	-	200,750	-	-	-	-	-	200,750	Increase to allow for urgent refurb due to H&S issues (crack in main bowl). Decommission and removal of existing Stage 1 precast bowls and replace with in-situ concrete bowls.
19		NEW 3	Access upgrades to Lake Hayes Pavilion and Rowing Club	-	110,000	-	-	-	-	-	110,000	Upgrades required to entrances to both reserves to allow safe access/exit. Entrances currently not wide enough to accommodate 2 car access.
	<b>Parks and Reserves Total</b>			<b>4,302,364</b>	<b>310,750</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4,613,114</b>	
20	Stormwater	000766	Recreation Ground SW new box culverts	20,000	-	-	-	-	-	20,000	-	Budget no longer required.
21		000046	Stormwater - Renewals - Wakatipu	376,282	-	-	-	100,000	-	-	276,282	
22		000047	Stormwater - Renewals - Wanaka	195,491	-	-	-	100,000	-	-	295,491	Transfer \$100k from project 46 to 47
23		000786	Ladies Mile HIF Stormwater new scheme	630,000	-	-	-	-	460,000	-	170,000	Cashflow forecast defer \$460k to 20/21.
24		000858	Kingston HIF Stormwater new scheme	3,402,374	-	-	-	-	3,182,374	-	220,000	Cashflow forecast defer \$3.18m to 20/21.
25		000945	Anderson Heights new SW pipeline	-	-	-	-	90,000	-	-	90,000	Budget b/f from 19/20 to 18/19 in line with 3W procurement bundles.
26		000946	Belfast Terrace new SW pipeline	-	-	-	-	180,000	-	-	180,000	Budget b/f from 21/22 to 18/19 in line with 3W procurement bundles.
27		000947	Windsor Place - Edinburgh Dr new SW pipe	-	-	-	-	20,000	-	-	20,000	Budget b/f from 22/23 to 18/19 in line with 3W procurement bundles.
28		000948	Wiley Rd - Beacon Pt new SW outlet	-	-	-	-	90,000	-	-	90,000	Budget b/f from 20/21 to 18/19 in line with 3W procurement bundles.
29		000949	Mt Aspiring College SW drainage upgrade	-	-	-	-	180,000	-	-	180,000	Budget b/f from 22/23 to 18/19 in line with 3W procurement bundles.
30		000950	Bills Way SW pipeline replacement	-	-	-	-	80,000	-	-	80,000	Budget b/f from 22/23 to 18/19 in line with 3W procurement bundles.
	<b>Storm Water Total</b>			<b>4,624,147</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>640,000</b>	<b>3,642,374</b>	<b>20,000</b>	<b>1,601,773</b>	
31	Transport	000074	Glenorchy SPR - Minor improvements	1,055,035	-	-	-	769,000	-	-	1,824,035	B/f \$769k from Year 3 required to complete Bennetts Bluff safety improvements (project cost approx \$900k). NZTA approved budget.
32		000788	Queenstown Parking Improvements	10,249,000	-	-	-	-	8,749,000	-	1,500,000	Budget \$8.7m deferred to 21/22. Balance 18/19 to progress options/ site investigations.
33		000850	Queenstown Town Centre Pedestrianisation	4,940,000	-	-	-	-	2,440,000	-	2,500,000	Budget \$2.4m deferred to 19/20 to complete Brecon and Upper Beach St upgrades. Balance 18/19 to progress with design.
34		000914	Travel Management Queenstown	1,930,500	-	-	-	-	1,900,000	-	30,500	\$1.9m deferred to 20/21 in line with parking buildings development.
35		000935	Public Transport Minor Infrastructure	755,000	-	-	327,129	-	-	-	1,082,129	Reallocation of TIF (Transport Infrastructure Funding) from OPEX Transport Information projects 51 (Network Mapping) \$100k & 52 (Website) \$25k. Plus allocation of remaining TIF parking surplus from 17/18 \$202,129.
	<b>Transport Total</b>			<b>18,929,535</b>	<b>-</b>	<b>-</b>	<b>327,129</b>	<b>769,000</b>	<b>13,089,000</b>	<b>-</b>	<b>6,936,664</b>	
36	Venues and Facilities	000912	Jack Reid Field Improvements	230,000	-	-	81,000	-	-	-	311,000	\$81k Budget to be reallocated from QEC Sportfields proj 927 as agreed.
37		000807	Accessibility change room	100,000	-	-	-	100,000	-	-	-	
38		000808	Replace / resurface outdoor courts	200,000	-	-	-	140,000	-	-	60,000	Transfer from proj 807 and 808 to project 836 to fund removal of roof tiles Alpine Aqualand.
39		000836	Alpine Aqualand building (Hampton Jones)	264,709	-	-	-	240,000	-	-	504,709	
40		000927	QEC Sportsfield Improvements	170,000	-	-	-	81,000	-	-	89,000	\$81k budget reallocated to Jack Reid Field Improvements proj 912.
	<b>Venues and Facilities Total</b>			<b>964,709</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>964,709</b>	

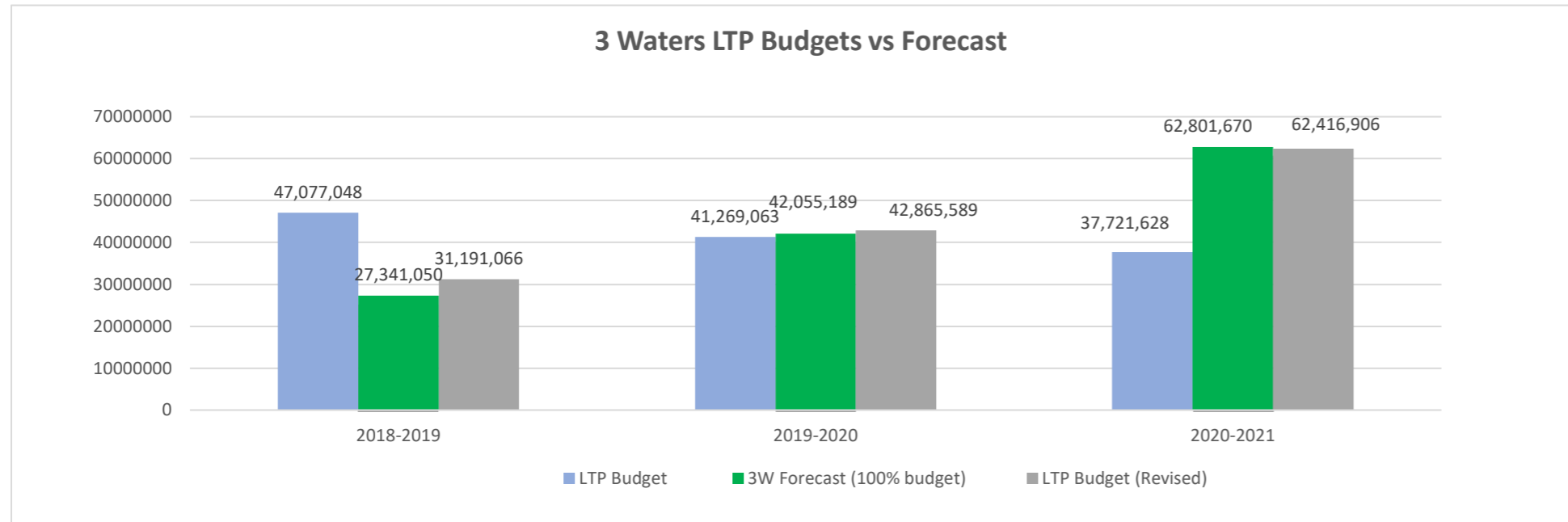
ATTACHMENT A - December 2018 Capex Reforecast

Line #	Programme	Project Code	Project Description	Budget 2018-19	New Budget	Budget Increase	Budget Transfer	Sum of B/Fwd	Budget Deferred	Sum of Cancelled	Budget Forecast	Budget Comments
41	Waste Water	000784	Drainage Water Minor Capex	9,354	-	-	55,000	-	-	-	64,354	Transfer \$35k from proj 12 and \$20k from project 783 to proj 784.
42		000366	Recreation Ground new WW Pump Station	751,201	-	-	-	-	301,201	-	450,000	Cashflow forecast defer \$300k to 20/21.
43		000771	Ladies Mile HIF Wastewater new Scheme	1,600,000	-	-	-	-	1,430,000	-	170,000	Cashflow forecast defer \$1.43m to 20/21.
44		000779	Hawea WW Cxn to Project Pure WWTP	704,875	-	-	-	-	594,875	-	110,000	Cashflow forecast defer \$595k to 20/21.
45		000871	Project Shotover FOG Treatment facility	500,000	-	-	-	-	440,000	-	60,000	Cashflow forecast defer \$440k to 20/21.
46		000895	Luggate Scheme Design	5,000	-	-	-	-	-	5,000	-	No longer required.
47		000909	Kingston HIF Wastewater new scheme	1,582,977	-	-	-	-	762,977	-	820,000	Cashflow forecast defer \$760k to 20/21.
48		000943	Project Pure FOG Treatment facility	-	-	-	-	50,000	-	-	50,000	Budget b/f from 19/20 to 18/19 in line with 3W procurement bundles.
49		000944	North Wanaka new WW conveyance scheme	137,160	-	-	-	162,840	-	-	300,000	Budget b/f from 19/20 to 18/19 in line with 3W procurement bundles.
	<b>Waste Water Total</b>			<b>5,290,567</b>	-	-	<b>55,000</b>	<b>212,840</b>	<b>-3,529,053</b>	<b>-5,000</b>	<b>2,024,354</b>	
50	Water Supply	000012	Water Supply - Renewals - Lake Hayes	96,240	-	-	35,000	-	-	-	61,240	Transfer \$35k from proj 12 to proj 784.
51		000001	Glenorchy WS Bore upgrades	300,000	-	-	-	-	290,000	-	10,000	Cashflow forecast defer \$290k to 20/21.
52		000280	Shotover Country WS new WTP	2,433,604	-	-	-	-	1,643,604	-	790,000	Cashflow forecast defer \$1.64m to 20/21.
53		000281	Shotover Country Rising Main (bridge)	2,071,237	-	-	-	-	1,401,237	-	670,000	Cashflow forecast defer \$1.4m to 20/21.
54		000361	Glenorchy Reservoir upgrade	1,258,724	-	-	-	-	788,724	-	470,000	Cashflow forecast defer \$790k to 20/21.
55		000518	Beacon Point Reservoir	3,314,460	-	-	-	-	2,364,460	-	950,000	Cashflow forecast defer \$2.36m to 20/21.
56		000762	Beacon Point new Water Treatment Plant	660,000	-	-	-	-	360,000	-	300,000	Cashflow forecast defer \$360k to 20/21.
57		000783	Drinking Water Minor Capex - Queenstown	46,771	-	-	20,000	-	-	-	26,771	Transfer \$20k from proj 786 to proj 784.
58		000790	Ladies Mile Reservoir & WS trunk mains	200,000	-	-	-	450,000	-	-	650,000	Budget b/f from 19/20 to 18/19 in line with 3W procurement bundles.
59		000817	Ladies Mile HIF Water Supply new scheme	1,600,000	-	-	-	-	1,240,000	-	360,000	Cashflow forecast defer \$1.24m to 20/21.
60		000881	Hawea WTP minor upgrades	210,000	-	-	-	-	200,000	-	10,000	Cashflow forecast defer \$200k to 19/20.
61		000888	Arrowtown new WPS & bores	1,544,013	-	-	-	-	534,013	-	1,010,000	Cashflow forecast defer \$534k to 20/21.
62		000905	Luggate New WTP,PS & pipeline to airport	1,841,000	-	-	-	-	921,000	-	920,000	Cashflow forecast defer \$921k to 20/21.
63		000930	Kingston HIF Water Supply new scheme	1,630,201	-	-	-	-	1,160,201	-	470,000	Cashflow forecast defer \$1.16m to 20/21.
64		000936	Quail Rise new Reservoir	-	-	-	-	450,000	-	-	450,000	Budget b/f from 19/20 to 18/19 in line with 3W procurement bundles.
65		000937	Hanley's Farm PS & Rising/Falling mains	-	-	-	-	170,000	-	-	170,000	Budget b/f from 20/21 to 18/19 in line with 3W procurement bundles.
66		000938	Wanaka WS Transmission Pipeline stage 2	-	-	-	-	90,000	-	-	90,000	Budget b/f from 20/21 to 18/19 in line with 3W procurement bundles.
67		000939	Arrowtown new Reservoir	-	-	-	-	370,000	-	-	370,000	Budget b/f from 19/20 to 18/19 in line with 3W procurement bundles.
68		000940	Glenorchy WS new WTP and building	-	-	-	-	10,000	-	-	10,000	Budget b/f from 20/21 to 18/19 in line with 3W procurement bundles.
69		000941	Wanaka WS Transmission Pipeline stage 1	-	-	-	-	690,000	-	-	690,000	Budget b/f from 19/20 to 18/19 in line with 3W procurement bundles.
70		000942	Kelvin Peninsula new Reservoir	-	-	-	-	200,000	-	-	200,000	Budget b/f from 19/20 to 18/19 in line with 3W procurement bundles.
	<b>Water Supply Total</b>			<b>17,206,250</b>	-	-	<b>55,000</b>	<b>2,430,000</b>	<b>-10,903,239</b>	-	<b>8,678,011</b>	
	<b>Lakeview Development</b>											
71	Buildings	000148	Lakeview Development	750,000	-	-	-	100,000	-	-	850,000	B/F \$100k from 19/20 to 18/19 to progress development agreements.
72	Storm Water	000283	Lakeview Development SW servicing	1,128,205	-	-	-	-	818,205	-	310,000	Cashflow forecast defer \$820k to 20/21.
73	Water Supply	000385	Lakeview Development WS servicing	375,951	-	-	-	-	275,951	-	100,000	Defer budget \$275,951 to Yr2 & Yr3.
74	Buildings	000286	Lakeview Development - Other Inf	2,108,799	-	-	-	-	1,758,799	-	350,000	
75	Transport	000285	Lakeview Development - Transportation	183,546	-	-	-	-	133,546	-	50,000	Reduce transport and other services to \$500k 18/19 to progress design.
76	Transport	000794	Lakeview Development Road & Public Realm	391,027	-	-	-	-	341,027	-	50,000	Balance deferred to 19/20.
77	Transport	000893	Lakeview Development - Market Square	191,486	-	-	-	-	141,486	-	50,000	
	<b>Lakeview Development Total</b>			<b>5,129,014</b>	-	-	-	<b>100,000</b>	<b>-3,469,014</b>	-	<b>1,760,000</b>	
	<b>Grand Total</b>			<b>63,488,827</b>	<b>689,000</b>	<b>420,000</b>	<b>327,129</b>	<b>4,151,840</b>	<b>-40,117,603</b>	<b>-25,000</b>	<b>28,934,193</b>	

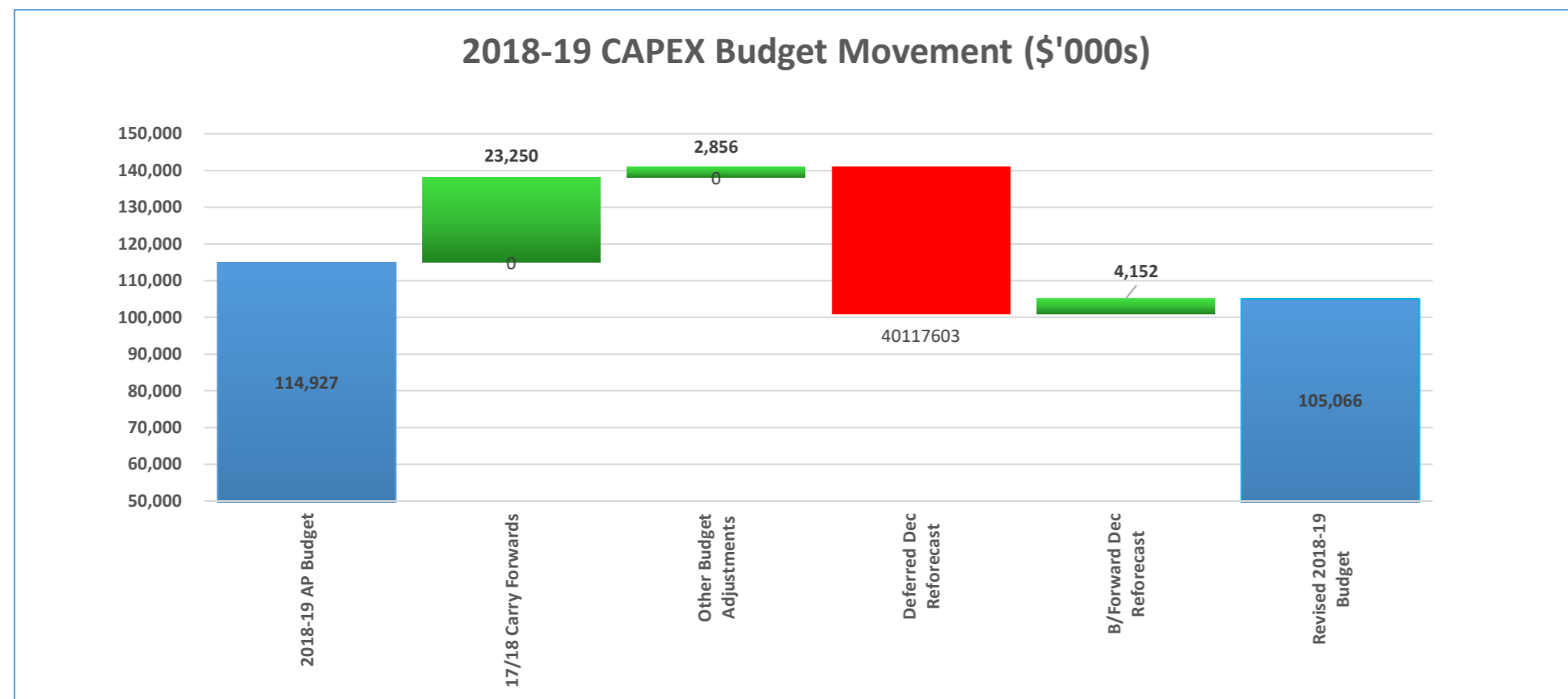
**ATTACHMENT B - December 2018 Capex Reforecast**

**3 Waters Programme Comments:** The complexity and scale of the 3 Waters Programme has led to a bundled approach to take this work to market. To ensure the efficient and effective delivery of asset improvements, similar and compatible types of work have been bundled together into packages, representing approximately 60 projects. A number of project budgets in the 3 year programme have been re-phased to reflect this delivery approach and are consistent with the long term plan.

The following graph illustrates the movement across the 3 Waters programme to reflect revised deliver dates:



	LTP Budget	3W Forecast (100% budget)	LTP Budget (Revised)
2018-2019	47,077,048	27,341,050	31,191,066
2019-2020	41,269,063	42,055,189	42,865,589
2020-2021	37,721,628	62,801,670	62,416,906



**QLDC Council  
13 December 2018**

**Report for Agenda Item: 6**

**Department: Community Services**

**Community Services Fees and Charges**

**Purpose**

The purpose of this report is to seek approval from Council to change community services fees and charges following a review of the Community Facilities Funding Policy.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Adopt** the Community Facility Funding Policy 2018.

Prepared by:

Reviewed and Authorised by:



Simon Battrick  
Sport and Recreation  
Manager  
30/11/2018

Thunes Cloete  
GM Community Services  
30/11/2018

**Background**

- 1 The Community Facility Funding Policy 2011 (hereafter referred to as CFFP) (**Attachment A**) was adopted by Council in accordance with Section 102 (4)(a) of the Local Government Act 2002 and provides specific detail concerning the fees and charges for reserves and community facilities under Council's *General Revenue Policy*. In setting the revenue policy Council is required to act in a manner that promotes the current and future interests of the community.
- 2 The CFFP contains information on the fees and charges for QLDC's community facilities, grounds and reserves, in addition to fees for leases and licences. The policy was last adopted in 2011, with a recommendation that it be reviewed every 3 years. This policy has never been reviewed.
- 3 Fee changes were to apply to community facilities, reserves and grounds only. Leases and licences were not to be reviewed at this point in time.



- 4 In addition to the policy regarding CFFP, Council officers undertook a review of aquatic facility and cemetery pricing. Staff consulted the Community and Services Committee in November 2017 about the cemeteries proposed pricing (as a recommendation from the Cemeteries Bylaw adopted by Council in March 2017). The aquatic pricing has been reviewed by Sport and Recreation staff considering national and regional benchmarking. Cemetery pricing has not been reviewed for 6+ years but some aquatic pricing was last increased in 2015/16.
- 5 Prior to these discussions council officers engaged a consultant to complete a benchmarking exercise of other council facilities fees and charges, national standards and recovery ratios. A financial analysis of the impacts on the proposed fees and charges on the community and commercial users has also been undertaken.
- 6 Current recovery targets in the Ten Year Plan for facilities is 30% user pays, 70% rate payer funded and for grounds it is 40% user pays and 60% rate payer funded. The current ratios are to remain.
- 7 In August 2018 the Community and Services Committee gave approval for community consultation to be undertaken on a change to CFFP.
- 8 Consultation took place from 31 August 2018 for a period of 4 weeks closing on 28 September 2018.
- 9 The proposed change was publicly notified by a media release, posts on social media, Alpine Health and Fitness email newsletter; Council snippets column in LWB and Upper Clutha Messenger; email to 285 hirers of community facilities and sports grounds.
- 10 Direct consultation with clubs about financial implications for proposed pricing was conducted with Queenstown Football Club, Wakatipu Rugby Club, Queenstown Cricket Club, Upper Clutha Rugby Club, Wakatipu Netball, Wanaka Football Club, Wanaka Junior Football Club and Wanaka Athletics.
- 11 On 23 November 2018 a hearing of submissions took place where 2 submitters spoke in support of their submissions.
- 12 The hearing panel has recommended that the Queenstown Lakes District Council Community Funding Facility Policy be adopted without changes (**Attachment B**).

## **Community Facility Funding Policy**

### ***Principles***

- 13 The 2011 CFFP has a range of principles that are still relevant to today's approach to setting fees and charges but are not particularly clear to the wider public. The proposed changes to these principles are based around the existing policy principles of community / customer centric, affordability, fairness, consistency, transparency and accountability (see **Attachment A**.)

## **Main Policy Changes**

- 14 Rapid population growth is leading to more demand on services and maintenance. The updated policy aims to future proof issues around supply and demand by introducing peak and off peak rates. Peak rates apply from 4pm onwards and weekends. Off peak rates apply to any hire prior to 4pm on weekdays. Peak rates can have a 50% uplift on off peak rates.
- 15 The three different pricing tiers are community, standard (private hires) and commercial. Using the standard rate as the benchmark, community rates have been calculated at 40% of the standard rate, while commercial rates have been calculated at 150 to 300% more based on the desirability of the venue.
- 16 Recognising that small businesses providing community recreation are beneficial to the community, these hires are to be charged at the community rate.
- 17 Seasonal club rates have been determined by hour's usage rather than one flat rate for all recognising it is a fairer approach.
  - a. Less than 200 hours usage – pay 50% off the full seasonal rate
  - b. 201 – 499 hours usage - pay 25% off the full seasonal rate
  - c. 500 hours plus usage – pay full seasonal rate
- 18 Parks and reserves categorised by premium, gold and silver standards based around levels of service and facilities available at the grounds. Peak and off peak rates to apply.

Fees and charges are annually adjusted by CPI and or major industry market changes.

## **Aquatic Fees and Charges**

- 19 In the 2016/17 Annual Plan process a selected range of aquatic prices were approved to be increased. The rationale for the movement was based on ensuring Council was consistent with national/regional benchmarks and the need to increase the revenue recovery ratio (30% private/70% public subsidy).
- 20 In 2017/18 Annual Plan process Alpine Aqualand/Wanaka Pool Swim School pricing moved from \$9.50 per lesson to \$10.50 per lesson.
- 21 Council officers undertook a benchmarking exercise again in late 2017/early 2018 to review the entire aquatic fees and charges and the proposed changes are documented in **Attachment C**.

## **Main Aquatic Changes**

- 25 The main changes areas are around increasing adult prices, ensuring minimal changes to children and senior/beneficiaries and increasing casual use pricing.
- 26 Wanaka Pool has been excluded from a proposed price increase for the 2018/19 financial year due to the opening of the new Wanaka Pool. When this pool was opened on 10 June 2018, it opened with increased/new pricing consistent with Alpine Aqualand and officers believe another increase so close to the new increase would not be fair to the Wanaka residents.

27 An increase in Swim School lesson pricing (\$10.50 to \$11.50) is proposed to implemented at Alpine Aqualand but not Wanaka Recreation Centre Pool until such time the EOI for the Wanaka Swim School process is concluded or alternatively until the beginning of the 2018/19 financial year.

### **Cemeteries Pricing Review**

28 Following the adoption of the Cemeteries Bylaw (March 2017 a range of recommendations were implemented by Council officers including a review of cemetery pricing and a review of the cemeteries handbook.

29 The rationale to changes to the cemeteries pricing has been a lack of movement for 6+ years, the Districts rapid growth requires a new perspective on funding and service levels including new investment, i.e. new Shotover cemetery, and the increased costs of quality maintenance through the High Performance Turf Contract (**Attachment D**).

#### Main Cemetery Pricing Changes

30 Introduce a differentiated pricing model (by groups of cemeteries with similar cost structure) to improve the recovery ratio and ability to steer demand.

31 Maintenance fee is to be included in the internment fees rather than a separate fee.

32 Define and re price baby and children categories for burials and ash internments (keeping the fee well below benchmarked standards).

33 Elimination of unnecessary items from the price list and compile into a simpler easy to understand structure and pricing list.

34 Increase the recovery ratio from user pays fees and charges, i.e. 63% - 74 recovery%.

### **Options**

35 Option 1 Council adopt the policy without changes.

#### *Advantages:*

36 Review of the policy accurately reflecting national benchmarks for hire fees.

37 A policy that future proofs for venue and grounds allocation during a period of exponential population growth.

38 Increased revenue to meet Council revenue targets and higher maintenance costs across venues and grounds.

39 Provides clarity and transparency to user groups regarding Councils' community services fees and charges.

#### *Disadvantages:*

40 Not for profit groups and small businesses may have to pass on any increases in fees to members.

- 41 Increased cost for individuals / ratepayers hiring privately.
  - 42 50% increase in seasonal fees for sports clubs.
  - 43 Possible disagreement with levels of service being provided and proposed fees and charges increase to sporting groups.
- 44 Option 2 Council do nothing and retain the status quo.
- Advantages:*
- 45 No further financial impact on users of our facilities.
- Disadvantages:*
- 46 Outdated policy with fees and charges not accurately reflecting the current standard benchmarks.
  - 47 No provision for planning to manage expected population growth and allocation of venues and grounds.
  - 48 Lack of transparency and fairness for the community user groups and individuals.
- 49 The hearing panel recommends **Option 1** for addressing the matter because of the requirements under the Local Government Act 2002 regarding setting of fees and charges as part of the Council revenue and financing policy.

### **Significance and Engagement**

- 50 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because there will be a financial impact on all users of our facilities and grounds.

### **Risk**

- 51 This matter relates to the Strategic Risk SR6B – Assets critical to service delivery, as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because it relates to the financial performance of the assets and cost recovery
- 52 The proposed changes to the community services fees and charges puts in place measures to directly impact the risk of loss of financial performance of the assets in the community services area

### **Financial Implications**

#### Financial Analysis Summary

A financial impact review was undertaken by an external consultant considering the sensitivity of community pricing for non-profit clubs and organisations, Council financial rating policy and national/regional benchmarking of similar type regions. The financial summary of the main changes are below based on the 2016/17 actual financial performance.

**Community Facilities**

	Proposed \$	Actuals \$	Adjustment	
<b>Total Venue Hire</b>				
Community	209,722.72	147,493.33	62,229	42%
Commercial	265,990.60	190,815.13	75,175	39%
Standard	82,830.48	66,728.08	16,102	24%
	558,543.80	405,036.55	153,507	38%

**Parks and Reserves**

	Proposed \$	Actuals \$	Adjustment	
<b>Total Parks Hire</b>				
Community	269,180	228,522	40,658	18%
Commercial	150,326	82,640	67,686	82%
Standard	273,196	247,605	25,591	10%
	692,702	558,767	133,935	24%

**Cemeteries**

	Proposed \$	Actuals \$	Adjustment	
<b>Total Cemetery Hire</b>				
Community	91,014	77,836	13,178	18%

**Aquatic Fees and Charges**

	Proposed \$	Actuals \$	Adjustment	
<b>Total Aquatic Hire</b>				
Pool pricing	837,868	710,956	126,912	18%
Swim School	467,417	461,912	5505	1.2%
Lane Hire	TBC	TBC		TBC

53 As per the QLDC Revenue and Financing Policy the proposed financial costs for private and public subsidy are consistent with the revenue recovery ratios of 30/70 for community and aquatic facilities, 40/60 for parks and reserves and 27/73 for cemeteries.

54 Council Policies, Strategies and Bylaws

55 The option presented to Council supports the principles of the policy

56 This matter is included in the 10-Year Plan/Annual Plan financial forecasts.

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

57 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring assets are able to be maintained through the cost recovery ratios
- 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**

58 22 submissions (**Attachment E**) were received. 18 were on-line submissions and 4 were email submissions to QLDC officers.

59 In addition to feedback from consultation meetings, questions were asked on the online survey. Responses are provided below. Note figures are given as proportions of those who responded to the online survey, not of total submissions received.

60 For sports grounds, indoor / outdoor courts, venues, parks and reserves. Do you agree with the new pricing?

Yes = 7

No = 8

No response = 3

61 For cemeteries: Do you agree with the proposed new pricing?

Yes = 10

No = 2

No response = 6

- 62 For Alpine Aqualand Pool Facilities: Do you agree with the new pricing?  
Yes = 5  
No = 9  
No response = 4
- 63 2 submissions supported the increases providing QLDC still continued to give in kind support for venue hire for community hires.
- 64 There was general understanding from the sports clubs of the price increases, however there was also an expectation that levels of service should improve because of the increase.
- 65 2 on-line submissions opposing the price increases were commenting on areas not being reviewed in the policy i.e. leases and licences and rock wall pricing
- 66 Wanaka Football Clubs play on Pembroke Park and Kelly's Flat which are reserves and want to see the pricing reduced because they are substandard playing surfaces to sports fields.

### **Legal Considerations and Statutory Responsibilities**

- 67 Council is not required to undertake formal consultation regarding changes to fees and charges in the community services area, however best practice would ensure that all fees and charges are transparent and freely available for review by the wider community. Council also needs to take into account the potential financial impacts on the assets under their management and ownership in accordance with the revenue and financing policy.

### **Attachments**

- A. Community Facility Pricing Policy 2018 (includes seasonal charges for sports clubs)
- B. Hearing Panel Minutes
- C. 2018 Aquatic Pricing Review
- D. Cemetery Pricing Review Fees and Charges
- E. Submissions

# Community Facility Funding Policy

January 2019

Prepared by the Queenstown Lakes District Council

Review Date: Next Review due June 2021

QLDC, Private Bag 50072, Queenstown





# Our approach to funding community facilities

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The Council provides a wide range of community facilities including parks, halls, pools, venues and sports fields. It also provides leases and licences to enable clubs to develop their own facilities for their members. The community's use of these facilities is vital for the health and well-being of our community.

Council is able to fund the cost of providing and maintaining these facilities via user charges and rate payer funding. This funding policy seeks to strike the right balance of rates funding and direct user charges for the various facilities provided by the Council.

In striking this balance the Council wants to ensure that:

- Community, sporting and cultural groups prosper and deliver services and facilities to their members and the wider community
- Groups share facilities to maximise their efficient use and reduce the cost to the community
- Using community facilities is affordable (particularly for youth) and is not a barrier to participation.
- When public facilities are used for private commercial gain, the community should receive a fair return for the use of the communities' facilities.

This policy includes both long term leases and licences of land and short term facility hire.

# How fees and charges are set

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This policy has been adopted by the Council in accordance with Section 102 (4)a of the Local Government Act 2002 and provides specific detail concerning fees and charges for reserves and community facilities under Council's general Revenue and Financing Policy. In setting this policy the Council is required to act in a manner that promotes the current and future interests of the community including:

- the community outcomes to which the activity primarily contributes
- the distribution of benefits between the community as a whole, any identifiable part of the community, and individuals
- the period in or over which those benefits are expected to occur
- the extent to which the actions or inaction of particular individuals or a group contribute to the need to undertake the activity
- the costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities; and the overall impact of any allocation of liability for revenue needs on the current and future social, economic, environmental, and cultural well-being of the community

Having adopted this Policy, the Council requires:

- APL (as Council's property management contractor) to administer leases and licences and:

Fees and charges will be reviewed by Council via the Annual Plan in accordance with this policy. Steps should also be taken to introduce greater consistency, including review dates in new leases.

This policy should be reviewed every three years.

The following sections regarding rates, leases and licences have not been updated:

- Rates
- Principles
- Costs
- Benefits
- How the policy works
- Rental policy for leases and licences.

# Rates

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The Council imposes rates in accordance with the Local Government (Rating) Act 2002. The Act describes the categories of land and activities which are rateable and those which are partially or non-rateable. The information below is summarised from the Act as it is interpreted to relate to likely scenarios under this policy.

## **Non Rateable Land**

In summary the following is non-rateable:

- A Reserve held under the Reserves Act 1977 or crown managed foreshore
- Land used by the Council for a public garden or reserve for sports, public halls and swimming pools
- An early childhood centre under section 308 (1) of the Education Act 1989, excluding any early childhood centres that operate for profit.

Where non-rateable land is used by a tenant primarily or exclusively for private or commercial purposes under a lease or licence, that area of the land is rateable land. Licensed food and beverage vending associated with a club is considered commercial activity in respect to rates and clubs will be rated for the licensed portion of the tenancy.

## **Land 50% non-rateable**

In summary the following land is 50% non-rateable:

- Land used by a society incorporated under the Agricultural and Pastoral Societies Act 1908 as a showground or place of meeting
- Land used by a society for games or sports
- Land used by a society for the purpose of any branch of the arts.

Where non-reserve land is used for the private pecuniary profit of members or where non-reserve land is used for which a club licence under the Sale of Liquor Act 1989 is held, that area of land is rateable land.

## **Effect for Tenants**

Generally, most clubs occupying land for a charitable purpose will be occupying non-rateable land and therefore will not be charged general rates. The exception to this is where clubs use part of the premises for commercial activities or hold a liquor licence for the premise. In these cases rates will be payable on that portion of the leased area. Tenants will also pay the relevant targeted rates for water, sewage and waste collection where these services are provided.

# Principles

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In considering the Council's approach to fees and rentals the Council has adopted the following principles:

- Council supports community groups who provide public good services, facilities and recreation opportunities by funding via the general rating base.
- Council encourages the sharing and optimisation of facilities by subsidising fees and charges.
- Council ensures that the community receives a fair return when the community's assets are used for private gain.
- Where coaching and tuition for profit occurs, Council will permit this where there is a contractual relationship with the host club that is beneficial to the not-for-profit objectives of the club.
- The level of subsidisation will be proportional to the degree of public good, cost of provision, level of commercial activity and private benefit.
- Capacity and peak demand may be managed via price mechanisms when required to ensure efficient use of facilities and to minimise the cost to ratepayers.
- Costs incurred through misuse or neglect should be borne by the persons or group who caused the damage.
- Individuals and groups should not profit from the on-sale or sub-letting of rights provided by the Council
- Fees and charges should be applied consistently. There will occasionally be circumstances however when administrators will need to have a degree of discretion to manage unusual situations.
- A current schedule of fees and charges will be made widely available including online.

Agreements should manage risk to Council, the parties, other users and the general public and ensure the proper and appropriate use of public facilities in accordance with relevant Bylaws and legislation including Health & Safety at Work Act (HSWA) 2015, Reserves Act and Resource Management Act. These should be simple plain language agreements.

# Costs

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Occupation of land and facilities imposes a cost on the community. These costs may be direct costs or indirect costs.

## ***Rates***

Properties are rated to provide a contribution to services provided to the community including water, sewage, refuse and other community services. Many activities place additional demand on these services and the community incurs additional costs.

## ***Repairs and maintenance***

Facilities such as sports grounds, halls, car parks etc all require repairs and maintenance to keep them in an acceptable condition that is safe and fit for purpose.

## ***Insurance***

Buildings require insurance in case of loss or damage.

## ***Operating Costs***

Some facilities incur direct operating costs proportional to use such as energy, cleaning and compliance costs like maintaining a building warrant of fitness.

## ***Administration***

All facilities require administration including answering enquiries, preparing agreements, collecting revenue and taking reservations, opening facilities, inspections, complaints and general property management.

## ***Damage***

Properties sometimes sustain damage due to misuse or accident. These incidents incur additional repair and or cleaning expenses.

## ***Depreciation***

The Council has made significant capital improvements to the facilities and needs to budget for the eventual replacement of these facilities when they reach the end of their life.

## ***Opportunity Cost***

Some properties occupied by one use could be occupied by other public uses or commercial paying tenants (where this is consistent with the purpose of the land). As such this represents an opportunity cost in that the occupation by the existing use prevents the opportunity for an alternative use.

# Benefits

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Occupation of land and buildings by sporting and cultural groups provides a number of community benefits.

## ***Healthy Community***

Clubs provide an important function in the provision of recreation and social opportunities within the community.

## ***Facility Development***

Clubs can through the voluntary efforts of their members raise significant capital for facility development and maintenance.

## ***Amenity Provision***

Where clubs occupy land they can often manage and maintain land for the benefit of the wider community via the provision of improved amenity.

# How the policy works

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There are two types of occupation of public space addressed in this policy. The first is long term occupations requiring a lease or licence and the second is short term hire of facilities and/or services.

Leases and Licences are provided to formalise the long term occupation of land managed by the Council. These provide the lessee or licensee with security and certainty over the use and development of the assets created on the Council's land. As many leases have long terms, this policy will only come into effect if the lease has reached expiry or the Council is able to review the rental in accordance with this policy. A club may also wish to voluntarily move to the terms and conditions offered under this policy if they are more favourable to the club when the lease rental comes up for review.

## **Licences for special situations**

In some instances, such as golf clubs in the small communities, a licence to occupy may be more appropriate than a lease. This reflects the fact that in small communities like

Kingston and Glenorchy club facilities are developing, membership numbers are small and the land occupied is used by the wider community for a variety of purposes. Rentals will not be charged in these instances at the discretion of the Council.

## **Leases**

This policy seeks to provide a fair and equitable basis for establishing a rental. Rentals have in the past been set in a variety of ways including valuation of market rentals. This practice is both costly to administer, often is of little relevance and is open to interpretation. As such it is recommended that rentals be charged on land area combined with a discounting and levy approach. The following table provides the rationale for the rentals.

User Description	Definition	Rationale
<b>Service group in Council building</b>	A <b><i>voluntary charitable organisation</i></b> providing community services in support of Council's Community Outcomes.	No rental is charged as the use provides an open community service. (e.g Citizens Advice Bureau)
<b>Service group in own building on Council land</b>	A <b><i>voluntary charitable organisation</i></b> providing community services in support of Council's Community Outcomes.	No rental is charged as the use provides an open community service.
<b>Sporting, Arts or Culture groups occupying Council building</b>	A <b><i>voluntary charitable organisation</i></b> providing sporting, arts or culture opportunities in support of Council's Community Outcomes.	A nominal rental is charged to recover 50% of the average cost of building maintenance.  (e.g Queenstown Arts Society)
<b>Sporting, Arts or Culture groups occupying Council land</b>	A <b><i>voluntary charitable organisation</i></b> providing sporting, arts or culture opportunities in support of Council's Community Outcomes occupying land with or without buildings for members	A nominal rental is charged only where the area of land leased exceeds 1 ha. For areas beyond 1 ha. a nominal rental will be charged for the additional area on a square meter basis. This rental for large land users reflects the largely exclusive use of the land, the ability for such users to have recourse to revenue particularly from non-members and the opportunity cost of the occupation to the community.
<b>Sporting, Arts or Culture groups occupying Council land – non-exclusive use</b>	A <b><i>voluntary charitable organisation</i></b> providing sporting, arts or culture opportunities in support of Council's Community Outcomes occupying land for open free and unencumbered use by public	No rental is charged as the facility is open to the public at no cost  (e.g. Queenstown Mountain Bike Club)
<b>Education</b>	An early childhood centre under section 308 (1) of the Education	A nominal rental is charged to reflect the opportunity cost of



User Description	Definition	Rationale
	Act 1989, excluding any early childhood centres that operate for profit.	the land
<b>Above with retail sales, catering, bar or gaming facilities</b>	Retail sales, food and beverage retailing exceeding gross turnover of \$300,000 excluding GST per annum	Food and beverage sales in support of not- for profit club fundraising efforts are an important part of club revenue and social activity. Where such activity reaches a commercial like scale the club should provide some return to the community just as a commercial operator would be required to. A threshold of \$300,000 trading turnover has been established as a point where activity would be considered to be commercial in nature.

Leases and licences are managed on behalf of Council by APL in accordance with Council's Revenue and Financing Policy and the applicable legislation.

## Coaching

Some non-for-profit clubs and societies have professional coaches and teachers operating within the facilities leased from the Council. In other cases professional coaches and teachers are operating independently of the club.

The Reserves Act 1977 Sec 94.1 (k) prohibits any trade, business, or occupation without the appropriate licence. Where coaches, personal trainers, teachers etc. are operating independently within a reserve or on land administered by the Council, the Council will require a licence and the payment of a fee as set by this policy as it would for any other trade or business. Such fees are applied to the maintenance and improvement of the reserves within the District.

Where coaches, personal trainers, artists in residence and teachers are operating a trade or business in close association with the club or society, the Council will authorise this via the lease or licence and will not charge any licence fee as long as the Council is satisfied that the relationship between the trade or business and the club is symbiotic and in the best interests of the club or society.

The Council will work with the club/society to document the terms of an agreement between the club/society and coach/tutor/artist.

### **Lease of Council Buildings by sports, art and cultural groups**

Clubs who lease Council buildings receive a greater level of support/subsidy from the Council than groups who have fund raised, built and maintained their own club rooms. As such the Council should seek some recovery of the direct costs of maintenance and insurance from tenants in Council buildings. Ideally this should be on a full cost recovery basis as the costs of maintenance and insurance are fully funded by clubs who own their own building.

However, in reviewing the level of rental that this would impose on existing tenants, the Council has elected to charge 50% of the budgeted maintenance rate per square meter of building. The maintenance cost is calculated by the following formula to arrive at an annual rental:

$$0.5 \times \text{Total Annual Maintenance Budget for Tenanted Buildings} = \text{Annual rental m}^2$$

The rental represents an average cost as is not calculated on a per building basis. It is assumed that all buildings will receive a similar level of maintenance over the life of the tenancy.

The Council will need to review the rental in accordance with the amount budgeted for maintenance at least every three years. Council should over time seek to move towards full recovery of maintenance costs.

# Rental Policy for Leases and Licences

## Community uses

Ref	User Description	Base Rental p.a.	Energy	Rates	Insurance	Maintenance
1.1	Service group in Council building	\$ 1	Tenant	Council	Council	Council
1.2	Service group in own building on Council land	\$1	Tenant	Tenant where applicable	Tenant	Tenant
1.3	Sporting, Arts or Culture groups in Council building	\$6.20 /m <sup>2</sup>	Tenant	Tenant where applicable	Council	Council
1.4	Sporting, Arts or Culture groups occupying Council land – exclusive use	\$1 up to 10,000m <sup>2</sup> and then \$0.018/m <sup>2</sup> thereafter	Tenant	Tenant where applicable	Tenant	Tenant
1.5	Sporting, Arts or Culture groups occupying Council land – non-exclusive use	\$1	Tenant	N/A	Council	Council or Tenant as appropriate
1.6	Education	\$0.60c/m <sup>2</sup>	Tenant	N/A	Tenant	Tenant
1.7	Markets (Operated by Not for Profit)	\$1.00/m <sup>2</sup> for total perimeter area per annum	Tenant – as assessed if un-metered	n/a	n/a	Cleaning and damage – tenant Council – other maintenance
a.	All above with retail sales, catering, bar or gaming facilities exceeding \$300,000 gross turnover p.a. excl GST	5% of Gross Turnover after \$300,000 excluding GST				

## Commercial uses

Ref	User Description	Base Rental p.a.	Energy	Rates	Insurance	Maintenance
2.1	Council building and land	Market rental	Tenant	Tenant	Council	Council
2.2	Ground lease of Council land	7.5% of gross revenue	Tenant	Tenant	n/a	Tenant or Council as applicable
2.3	Guiding	7.5% of gross revenue	Tenant	n/a	n/a	Council
2.4	Filming	\$500 per day	Tenant	n/a	n/a	Council
2.5	Still Photography (Commercial Shoots)	\$300 per day	Tenant	n/a	n/a	Council
2.6	Mobile Vending	\$ 2000 p.a (annual) or \$50 wk (1 – 6 mths) or \$10 day (casual)	Tenant – fixed Council fee if council supplied	n/a	n/a	n/a
2.7	Aircraft Landing	\$50 per landing	n/a	n/a	n/a	n/a
2.8	Grazing/horticulture	By negotiation	n/a	n/a	n/a	Tenant
2.9	Other licensed commercial uses (including private coaching when not under a Council approved agreement with a host lessee)	7.5% of gross revenue or per head fee as appropriate to activity	n/a	n/a	n/a	Council
2.10	Multi-sport events	7.5% of gross revenue x % of council reserve land used for total event. (note other bookable venue and reserve hire fees apply)	n/a	n/a	n/a	Council

Note: Fees exclude any regulatory, consent and licensing charges administered by QLDC or Otago Regional Council. All charges exclude GST where applicable.

# Charging policy for facilities

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## Facility charges

Charges are made for the hire of Council owned facilities and services. The charges are set in accordance with Council's revenue policy and are aimed at recovering a small portion of the cost directly from the users of facilities.

The charging policy recognises the need to subsidise the costs of facility hire for local community groups and to minimise the costs of participating in sport and recreation.

Fees and charges are set by Queenstown Lakes District Council in accordance with this policy. The level of user subsidy will directly influence the level of rates funding provided by Council to Queenstown Lakes District Council.

## Peak and Off Peak hours

A discounted rate is offered on hires during off peak hours.

- Off Peak – 6.00am to 4.00pm weekdays
- Peak – 4.00pm onwards weekday and weekends

## How fees have been calculated

Seasonal charges for sports grounds has been calculated on a user number cost and contributes to the 40% / 60% field recovery rate.

Casual hire charges for venues have been calculated based on operating and cleaning costs for venues. Charitable users will receive these facilities at or below actual operating cost.

## Supporting schools

The Council supports the use of community facilities by local schools and will provide each local school with up to six days per annum of free hire of any sport and recreation venue administered by Queenstown Lakes District Council subject to availability.

## Supporting small business providing community recreation

The Council recognises the needs of some small businesses who provide local community recreation opportunities consistent with Queenstown Lakes District Council's participation objectives. Examples of these are small businesses with a focus on recreation and sport activities.

## **Annual inflation adjustment**

Every year there will be a minimum inflation adjustment. Pricing will be at the discretion of the General Manager of Community Services.

DRAFT

# Sports grounds, indoor and outdoor courts - local club season rate

Ref	Code		Fee per field court per season
1	Rugby/Soccer Field		\$1500
2	Rugby/Soccer – Under Lights*		\$2100
3	Cricket – Grass Wicket		\$2100
4	Cricket – Artificial Wicket		\$900
5	Frankton – Artificial Turf		\$750
6	Wanaka Recreation Centre – Artificial Turf (3 courts)		\$2300
7	Netball Indoor Court (includes use of outdoor courts at Queenstown Events Centre only)		\$3450
8	Basketball Indoor Court		\$3450
9	Badminton Courts (4 courts)		\$3000
10	Volleyball Courts (3 courts)		\$3450
11	Athletics Track		\$750
12	Touch Field		\$600

\*Where lighting is provided by Council  
**Charges including GST at 1 January 2019**

## Seasonal rate discounts

Clubs comprising of junior only members will pay 50% of the season rate.

Clubs may receive a discount on the seasonal rate based on hours of usage.

- Less than 200 hours usage - 50% off the full seasonal rate
- 201 – 499 hours usage - 25% off the full seasonal rate
- 500 hours plus usage – full seasonal rate.

## **Sporting Codes**

Summer codes - Labour weekend to mid-March

Winter codes - 1 April to the end of September

## **Field usage**

Fields made available to clubs under the local club season rate are on a preferential but non-exclusive basis for dates between the agreed club season. This means that where a club is not using a field for a scheduled game or training session, the field will be available for general public use and casual hire. Club use outside the agreed season dates will be at casual rates subject to availability of grounds.



# Sports Grounds – Casual Rates

Sports Field	Community		Standard		Commercial	
	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Game hourly	\$28	\$23	\$56	\$45	\$113	\$90
Game hourly – lights	\$34	\$28	\$69	\$55	\$138	\$110
John Davies Oval hourly	\$70	\$57	\$118	\$95	POA	POA
Cricket Field	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Game hourly - turf	\$34	\$28	\$69	\$55	\$138	\$110
Game hourly - artificial	\$28	\$23	\$56	\$45	\$113	\$90

# Parks & Reserves

	Community		Standard		Commercial	
<b>PREMIUM</b>	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Pembroke Park	\$26	\$21	\$88	\$70	\$131	\$105
Lake Hayes Showgrounds	\$26	\$21	\$88	\$70	\$131	\$105
Earnslaw Park	\$26	\$21	\$88	\$70	\$131	\$105
Queenstown Gardens	\$26	\$21	\$88	\$70	\$131	\$105
Marine Parade	\$26	\$21	\$88	\$70	\$131	\$105
Village Green	\$26	\$21	\$88	\$70	\$131	\$105
Queenstown Recreation Ground	\$26	\$21	\$88	\$70	\$131	\$105
Wanaka Lakefront	\$26	\$21	\$88	\$70	\$131	\$105
Wanaka Station Park	\$26	\$21	\$88	\$70	\$131	\$105
Half day (6 hours)	\$116		\$385		\$578	
Full day (12 hours)	\$189		\$630		\$945	
<b>GOLD</b>	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Buckingham Green	\$19	\$15	\$63	\$50	\$94	\$75
Jack Reid Park	\$19	\$15	\$63	\$50	\$94	\$75
Millbrook Corner	\$19	\$15	\$63	\$50	\$94	\$75
Dinosaur Park	\$19	\$15	\$63	\$50	\$94	\$75
Lake Hayes Reserve	\$19	\$15	\$63	\$50	\$94	\$75
Arrowtown Library Green	\$19	\$15	\$63	\$50	\$94	\$75
Wanaka Recreation Reserve	\$19	\$15	\$63	\$50	\$94	\$75
Half day (6 hours)	\$83		\$275		\$413	
Full day (12 hours)	\$135		\$450		\$675	
<b>SILVER</b>	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Butlers Green	\$16	\$13	\$40	\$32	\$60	\$48
Wilcox Green	\$16	\$13	\$40	\$32	\$60	\$48
Allenby Park	\$16	\$13	\$40	\$32	\$60	\$48
St Omer Park	\$16	\$13	\$40	\$32	\$60	\$49
Half day (6 hours)	\$70		\$176		\$264	
Full day (12 hours)	\$115		\$288		\$432	

# Queenstown Events Centre

COURTS PER HOUR FOR SPORT	Community		Standard		Commercial	
	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Full indoor court	\$34	\$27	\$67.50	\$54	\$101.25	\$81
Outdoor court	\$10	\$8	\$20	\$16	\$30	\$24
Badminton court*	\$10	\$7.50	\$18.75	\$15	\$28.50	\$22.50
Volleyball	\$34	\$27	\$67.50	\$54	\$101.25	\$81
Basketball - casual	\$6	\$4	\$7.50	\$6	\$25	\$20
Table tennis*	\$10	\$7.50	\$18.75	\$15	\$28.50	\$22.50
Equipment hire - adult	\$5	\$5	\$5	\$5	\$5	\$5
Equipment hire - child	\$2	\$2	\$2	\$2	\$2	\$2
Freeplay – youth U16			\$0	\$0		

\*includes equipment

CHANGING ROOMS	Community		Standard		Commercial	
	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Per use	\$38	\$30	\$94	\$75	\$141	\$113

GROUP FITNESS ROOM	Community		Standard		Commercial	
	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$33	\$26	\$81	\$65	\$114	\$91
Half day (1/2 day)	\$143		\$358		\$501	
Full day (12 hours)	\$234		\$585		\$819	

	Community		Standard		Commercial	
<b>INDOOR STADIUM FOR EVENTS</b>	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$125	\$100	\$313	\$250	\$563	\$450
Event day (1/2 day)	\$550		\$1,375		POA	
Event day (12 hours)	\$900		\$2,250		POA	
Carpet tiles	\$1,500		\$1,900		POA	
Drapes	\$700		\$1,500		POA	

	Community		Standard		Commercial	
<b>FUNCTION ROOM</b>	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$33	\$26	\$81	\$65	\$114	\$91
Half day (1/2 day)	\$143		\$358		\$501	
Full day (12 hours)	\$234		\$585		\$819	

	Community		Standard		Commercial	
<b>MEETING ROOM</b>	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$20	\$16	\$50	\$40	\$68	\$54
Half day (1/2 day)	\$88		\$220		\$297	
Full day (12 hours)	\$144		\$360		\$486	

# Queenstown Memorial Centre

	Community		Standard		Commercial	
WHOLE VENUE	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$74	\$59	\$185	\$148	\$463	\$370
Half day (6 hours)	\$326		\$814		\$2,035	
Full day (12 hours)	\$533		\$1,322		\$3,330	
MAIN AUDITORIUM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$59	\$47	\$148	\$118	\$369	\$295
Half day (6 hours)	\$260		\$649		\$1,623	
Full day (12 hours)	\$425		\$1,062		\$2,655	
LOUNGE ROOM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$27	\$22	\$68	\$54	\$169	\$135
Half day (6 hours)	\$119		\$297		\$743	
Full day (12 hours)	\$194		\$486		\$1,215	
KITCHEN	\$34		\$85		\$128	

\* Gallipoli Room is not included in the hire of Memorial Centre

# Arrowtown Athenaeum Hall (Buckingham St)

	Community		Standard		Commercial	
WHOLE VENUE	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$40	\$32	\$100	\$80	\$150	\$120
Half day (6 hours)	\$176		\$440		\$660	
Full day (12 hours)	\$288		\$720		\$1,080	
MAIN AUDITORIUM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$28	\$22	\$69	\$55	\$103	\$83
Half day (6 hours)	\$121		\$303		\$454	
Full day (12 hours)	\$198		\$495		\$743	
SUPPER ROOM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$20	\$16	\$50	\$40	\$75	\$60
Half day (6 hours)	\$88		\$220		\$330	
Full day (12 hours)	\$144		\$360		\$540	
MEETING ROOM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$14	\$11	\$34	\$27	\$51	\$41
Half day (6 hours)	\$59		\$149		\$223	
Full day (12 hours)	\$97		\$243		\$365	
KITCHEN	\$34		\$85		\$128	

# Arrowtown Community Centre

(Jack Reid Park)

	Community		Standard		Commercial	
WHOLE VENUE	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$40	\$32	\$100	\$80	\$150	\$120
Half day (6 hours)	\$176		\$440		\$660	
Full day (12 hours)	\$288		\$720		\$1,080	
MAIN AUDITORIUM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$28	\$22	\$69	\$55	\$103	\$83
Half day (6 hours)	\$121		\$303		\$454	
Full day (12 hours)	\$198		\$495		\$743	
MEETING ROOM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$14	\$11	\$34	\$27	\$51	\$41
Half day (6 hours)	\$59		\$149		\$223	
Full day (12 hours)	\$97		\$243		\$365	
KITCHEN	\$34		\$85		\$128	

# Arrowtown Tennis Club Room

(Centennial Avenue)

MEETING ROOM	Community		Standard		Commercial	
	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$15	\$12	\$38	\$40	\$56	\$45
Half day (1/2 day)	\$66		\$165		\$248	
Full day (12 hours)	\$108		\$270		\$405	

# Lake Hayes Pavilion

WHOLE VENUE	Community		Standard		Commercial	
	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$41	\$33	\$138	\$110	\$234	\$187
Half day (6 hours)	\$182		\$605		\$1,029	
Full day (12 hours)	\$297		\$990		\$1,683	
Wedding rate – non QLDC ratepayers			\$2408			
MEETING ROOM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$14	\$11	\$34	\$27	\$51	\$41
Half day (6 hours)	\$59		\$149		\$223	
Full day (12 hours)	\$97		\$243		\$365	
KITCHEN	\$59	\$47	\$148	\$118	\$369	\$295



# Wanaka Recreation Centre

	Community		Standard		Commercial	
COURTS PER HOUR FOR SPORT	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Full indoor court	\$34	\$27	\$67.50	\$54	\$101.25	\$81
Artificial turf per court	\$20	\$16	\$30	\$26	\$40	\$37
Artificial turf full court	\$60					
Badminton court*	\$10	\$7.50	\$18.75	\$15	\$28.50	\$22.50
Volleyball	\$34	\$27	\$67.50	\$54	\$101.25	\$81
Basketball - casual	\$6	\$4	\$7.50	\$6	\$25	\$20
Table tennis*	\$10	\$7.50	\$18.75	\$15	\$28.50	\$22.50
Equipment hire - adult	\$5	\$5	\$5	\$5	\$5	\$5
Equipment hire - child	\$2	\$2	\$2	\$2	\$2	\$2
Freeplay – youth U16			\$0	\$0		

\*includes equipment

	Community		Standard		Commercial	
CHANGING ROOMS	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Per use	\$38	\$30	\$94	\$75	\$141	\$113

	Community		Standard		Commercial	
MEETING ROOM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$20	\$16	\$50	\$40	\$68	\$54
Half day (1/2 day)	\$88		\$220		\$297	
Full day (12 hours)	\$144		\$360		\$486	

# Wanaka Recreation Centre – cont'd

INDOOR STADIUM FOR EVENTS	Community		Standard		Commercial	
	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$125	\$100	\$313	\$250	\$563	\$450
Event day (1/2 day)	\$550		\$1,375		POA	
Event day (12 hours)	\$900		\$2,250		POA	
Carpet tiles	\$1,500		\$1,900		POA	

# Lake Wanaka Centre

	Community		Standard		Commercial	
WHOLE VENUE	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$71	\$57	\$178	\$142	\$284	\$227
Half day (6 hours)	\$312		\$781		\$1,172	
Full day (12 hours)	\$511		\$1,278		\$2,045	
MAIN AUDITORIUM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$59	\$47	\$146	\$117	\$234	\$187
Half day (6 hours)	\$257		\$644		\$965	
Full day (12 hours)	\$421		\$1,053		\$1,685	
ARMSTRONG ROOM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$27	\$21	\$66	\$53	\$106	\$85
Half day (6 hours)	\$117		\$292		\$437	
Full day (12 hours)	\$191		\$477		\$763	
FAULKS ROOM	Peak	Off Peak	Peak	Off Peak	Peak	Off Peak
Hourly	\$20	\$16	\$50	\$40	\$80	\$64
Half day (6 hours)	\$88		\$220		\$330	
Full day (12 hours)	\$144		\$360		\$576	
KITCHEN	\$34		\$85		\$128	

# General notes for facility hire

## Definitions:

**Community** – a local incorporated society, schools, not-for-profit sports, small community business providers, art or cultural group hiring the facility for a charitable purpose. Proof of charitable status may be required.

**Standard** – a private hire for private use where tickets are not sold and no other trading is undertaken e.g. wedding, casual volley ball game.

**Commercial** - any other hire.

**Freeplay Youth** – Casual play on sports fields and at the Wanaka Recreation Centre and Queenstown Events Centre stadiums for sport is available for school aged children on a space available basis for free.

A full day rate is charged at 4 hours peak rate and 4 hours off peak rate.

A half day rate is charged at 2 hours peak rate and 3 hours off peak rate.

Pack in and out times are charged at 50% discount off full rate.

Any damage to a facility or ground is on charged to the hirer at cost + 25% (to cover staff time)

A day "finishes" at 12am and "starts" at 8am.

All hire charges include GST.

# Alpine Aqualand Aquatic Prices

FUNCTION	CATEGORY	PRICE
<b>CASUAL</b>	Adult	\$8.50
	Senior / Beneficiary	\$5
	Child	\$4
	Toddler time	\$7
<b>HYDROSLIDE</b>	Adult	\$8
	Senior / Beneficiary	\$5
	Child	\$5
<b>10 CONCESSION PASS</b>	Adult	\$75
	Senior / Beneficiary	\$45
	Child	\$35
	Toddler time	\$65
<b>12 MONTH PRE PAY</b>	Adult	\$425
	Senior / Beneficiary	\$209
	Child	\$179
	Family	\$709
<b>6 MONTH PRE PAY</b>	Adult	\$280
	Senior / Beneficiary	\$129
	Child	\$109
	Family	\$429
<b>3 MONTH PRE PAY</b>	Adult	\$189
	Senior / Beneficiary	\$79
	Child	\$59
<b>12 MONTH DIRECT DEBIT</b>	Adult	\$10
	Senior / Beneficiary	\$5
	Child	\$4
	Family	\$17
<b>6 MONTH DIRECT DEBIT</b>	Adult	\$12
	Senior / Beneficiary	\$6
	Child	\$5
	Family	\$20
<b>ARROWTOWN POOL</b>	Adult	\$3
	Senior / Beneficiary	\$2
	Child	\$1.50
	3 Month Pass – Adult	\$45
	3 Month Pass - Senior / Beneficiary	\$35
	3 Month Pass - Child	\$30
<b>SWIM SCHOOL</b>	3 Month Pass – Family	\$80
	Swim Education – Child Group Lesson	\$11.50
	Swim Education – Adult Group Lesson (Casual)	\$90
	Swim Education – Adult Group Lesson (Member)	\$55
	Swim Education – Adult Private Lesson	\$50
<b>SWIM SCHOOL</b>	Swim Education – Holiday Swim Weeks	\$57.50/5 lessons \$115/10 lessons

# Cemetery Prices

<b>BURIAL PLOTS</b> (Exclusive right of burial per Cemetery)	<b>ADULT</b>	<b>CHILD</b> (18 months – 12 years)	<b>INFANT</b> (< 18 months)
<b>LOWER SHOTOVER</b>	\$1340	\$150	\$90
<b>QUEENSTOWN, FRANKTON AND ARROWTOWN</b>	\$1500	\$150	\$90
<b>WANAKA AND CARDRONA</b>	\$1400	\$150	\$90
<b>GLENORCHY, KINGSTON</b>	\$1835	\$150	\$90
<b>SKIPPER, MAKARORA</b>	\$2100	\$150	\$90

<b>ASH PLOTS</b> (Exclusive right of burial per Cemetery)	<b>ADULT</b>	<b>CHILD</b> (18 months – 12 years)	<b>INFANT</b> (< 18 months)
<b>LOWER SHOTOVER</b>	\$300	\$120	\$90
<b>QUEENSTOWN, FRANKTON AND ARROWTOWN</b>	\$330	\$120	\$90
<b>WANAKA AND CARDRONA</b>	\$320	\$120	\$90
<b>GLENORCHY, KINGSTON</b>	\$795	\$120	\$90
<b>SKIPPER, MAKARORA</b>	\$900	\$120	\$90
<b>SERVICEMANS SECTION (RSA)</b>	No charge	N/A	N/A

<b>INTERMENT FEES</b> (Includes maintenance fee)	<b>ADULT</b>	<b>CHILD</b> (18 months – 12 years)	<b>INFANT</b> (< 18 months)
<b>SINGLE DEPTH INTERMENT</b>	\$1,380	\$150	\$90
<b>DOUBLE DEPTH INTERMENT</b>	\$1,500	\$180	\$90
<b>ASHES INTERMENT</b>	\$490	\$120	\$90

<b>OTHER SERVICES AND FEES</b>	<b>ADULT</b>	<b>CHILD</b> (18 months – 12 years)	<b>INFANT</b> (< 18 months)
<b>SATURDAY BURIALS (ADDITIONAL FEE)</b>	\$360	No charge	No charge
<b>LATE START FEE AFTER 3.30PM (ADDITIONAL FEE)</b>	\$300	No charge	No charge
<b>OUT OF DISTRICT FEE</b>	\$600	\$600	\$600
<b>OUT OF DISTRICT ASHES FEE</b>	\$200	\$200	\$200
<b>BREAK CONCRETE</b>	\$200	\$105	\$105
<b>LARGER CASKET</b>	\$200	N/A	N/A
<b>DISINTERMENT</b>	\$1,800	\$220	\$150
<b>RE-INTERMENT</b>	\$1,100	\$130	\$90
<b>DISINTERMENT OF ASHES</b>	\$350	\$50	\$30
<b>RE-INTERMENT OF ASHES</b>	\$340	\$120	\$100

**Queenstown Lakes District Council  
Community Facilities Pricing Policy 2018  
Hearing of Submissions**

Minutes of the hearing of submissions to the Community Facilities Pricing Policy 2018 held on Friday 23 November 2018 in the Supper Room, Memorial Centre, Queenstown commencing at 1.45pm.

**Present**

Councillors Clark, Miller, Smith and Stevens

**In Attendance**

Dr Thunes Cloete (General Manager Community Services), Mr Simon Battrick (Manager Sport & Recreation), Ms Deborah Husheer (Community Venues Team Leader), Shelley Dawson (Senior Governance Advisor), 1 member of the media and 2 members of the public

**On the motion of Councillors Clark and Miller it was resolved that  
Councillor Stevens chair the hearing**

The Chair welcomed everyone to the hearing.

The Chair gave an explanation around the Policy and what parts of it were being reviewed noting that the leases and licences were not being reviewed at this time. He reiterated that any recommendation to Council out of the hearing would not include a recommendation to amend leases and licences. As such the Chair noted that Councillor Smith did not have a conflict in regards to the Wanaka Yacht Club submission on their lease.

There were no other declarations of conflict of interest

**Mr Damien O'Connell – Wakatipu Rugby Club**

Mr O'Connell commented that going forward if prices were to increase then there would also have to be a lift in the standard of the grounds and facilities. He commented that they used to have the best fields in the area however the quality had been going backwards. Mr O'Connell noted that costs could be kept under control by turning the lights of after training had finished at night for example. The Chair commented that they had heard about the quality of the grounds through the consultation and added that if groups were charged a fair fee to use the grounds then they should be in a fair condition.

After questioning Mr O'Connell commented that there was a lot of out of season use of the ground affecting the quality of the surface for rugby and the ground was not recovering in winter and summer. He questioned what events coming to town were charged for using the grounds versus what clubs were charged. Mr Battrick explained that the goal was for costs to be kept as low as possible for locals and those coming

in externally be charged more. He noted that there were also local community orientated events being held so there had to be a balance.

#### Ms Emma Campbell and Mr Damien O'Connell – Queenstown Cricket

Ms Campbell noted that she supported Mr O'Connell's comments. She commented that the club understood that a lot more money and time was required to maintain cricket pitches and that prices did need to increase to pay for that. Ms Campbell suggested that there should be levels of service in place with the increased fees so both parties understood what was being provided. She commented that there was an issue with season dates and the availability of fields noting that they as a club could not change the Otago season schedule. Ms Campbell commented that a level of service agreement would allow the club to do its job, grow the game and provide a good service to its members.

Mr O'Connell commented that there had been issues with the grounds since the work had been moved to contractors. He gave the example of the covers being taken off the pitch early in the morning even if it was raining so that if it kept raining before the game started then they had to cancel the game. Mr O'Connell suggested that if there was an issue with the contract that was Council's problem not the club's problem. Ms Campbell commented that they were one of the bigger users of the grounds and they were not consulted before the grounds contract was granted. She reiterated the need for a set agreement to be in place adding that if the club needed to change things such as add a game through the season they should be able to.

The Chair thanked them for their insight. He noted their understanding that the fee amendments proposed were substantial but fair if they were balanced with the levels of service. Ms Campbell added that she had been involved with the club for 5 years and had noticed the standard of the grounds had dropped. She noted that there had been increased use but also an element of lack of maintenance as well. The Chair commented that there had been good submissions but it was always good to hear comments directly and he appreciated them both taking the time to speak.

*The Chair thanked the submitters for their contribution and the Panel moved into deliberations at 2.02pm.*

The Chair commented that there was a similar theme through the submissions referring to levels of service in return for an increased fee. He noted that the policy had not been reviewed for seven years so the increases appeared to be a huge jump.

There was discussion around whether the grounds were overused or if maintenance was not adequate. Dr Cloete acknowledged that there were some issues but overall things were ok. He noted that many of the clubs were growing, fields were getting used more and the time between seasons was shrinking. Dr Cloete commented that there was less time to fit maintenance in between seasons but the Parks team was aware of the issue and were discussing options. Councillor Smith commented that people in Wanaka were realising that there had been a massive increase in facilities and service compared to previous years.

Mr Battrick explained that officers had worked with the sporting codes to understand their needs before the contract was drawn up and he was confident they had the



specifications as best they could. He noted that the Parks team were trying to get as much information to the contractors as possible but they also relied on getting the information from the clubs.

There was discussion on the cost of maintaining grounds and reserves versus the fees charged to the community. There was discussion on the need to balance the quality of services and levels of funding spent to the use of the grounds themselves. Mr Battrick commented that there had been no renovations budget last year so the Parks team was working hard to get conditions of the grounds and fields up to a suitable level. He noted that they had completed a sports field demand analysis that could provide data for the masterplans and strategies currently being worked on.

There was discussion on the difference between level of service for a sports ground and a reserve. It was questioned whether the policy had the flexibility to cope with a pricing issue that did not fit the model proposed. It was explained that staff had worked to create a policy that could deal with most possibilities and it was noted that the policy would be reviewed again in 3 years' time.

After questioning Mr Battrick noted the pricing was related to hours of usage not a cost per user. He explained that a game of cricket for example had few users but required the field for a long period of time. Ms Husheer clarified for Councillor Smith that Wanaka netball was being charged more than Wanaka Basketball as Netball used the outdoor courts as well. She noted that she would make it clearer in the policy the difference between the Wanaka and Queenstown court pricing.

Councillor Smith asked for a tracked changes copy of the policy be included in the report to Council to clearly show the amendments being made. He commented that it was not made clear during the consultation that leases and licences were not being reviewed. It was also suggested that the fee structure be scheduled so it was clearer what was being amended or not.

There was a discussion on the in-kind activity and that the Community Services team currently only recouped 50% of the actual cost from the Events team for in-kind support. An example was that the Marathon was granted free use of the recreation ground but the Parks team had incurred costs around that use. It was explained that going forward community groups would be charged the community rate and if they received in-kind support then the Events team would need to pay 100% of the cost to the Parks team. It was noted that this would affect budgets in the coming Annual Plan. Dr Cloete noted he would clarify this with Finance and note it in the Council report if significant.

## **Recommendations to Council**

**The hearing panel recommend to Council that the Queenstown Lakes District Council Community Facilities Funding Policy be adopted**

The Chair thanked Ms Husheer, Mr Battrick and Dr Cloete for their work on the policy.

*The panel finished deliberations and closed the meeting at 2.44pm.*

## Proposed Aquatic Pricing 2018

FUNCTION	CATEGORY	CURRENT PRICE \$	PROPOSED PRICE	Price difference	PROPOSED % INCREASE
Casual	Adult	8.00	\$ 8.50	\$ 0.50	6.25
	Senior/ Beneficiary	4.50	\$ 5.00	\$ 0.50	11.11
	Child	4.00	\$ 4.00	\$ -	0.00
	Toddler time	6.00	\$ 8.00	\$ 2.00	33.33
Hydroslide	Adult	5.00	\$ 8.00	\$ 3.00	60.00
	Senior/ Beneficiary	5.00	\$ 5.00	\$ -	0.00
	Child	5.00	\$ 5.00	\$ -	0.00
10 concession pass	Adult	65.00	\$ 75.00	\$ 10.00	15.38
	Senior/ Beneficiary	40.00	\$ 45.00	\$ 5.00	12.50
	Child	25.00	\$ 35.00	\$ 10.00	40.00
	Toddler time	60.00	\$ 65.00	\$ 5.00	8.33
12 month pre pay	Adult	399.00	\$ 425.00	\$ 26.00	6.52
	Senior/ Beneficiary	209.00	\$ 209.00	\$ -	0.00
	Child	179.00	\$ 179.00	\$ -	0.00
	Family	709.00	\$ 709.00	\$ -	0.00
6 month pre pay	Adult	270.00	\$ 280.00	\$ 10.00	3.70
	Senior/ Beneficiary	129.00	\$ 129.00	\$ -	0.00
	Child	109.00	\$ 109.00	\$ -	0.00
	Family	429.00	\$ 429.00	\$ -	0.00
3 month pre Pay	Adult	169.00	\$ 189.00	\$ 20.00	11.83
	Senior/ Beneficiary	79.00	\$ 79.00	\$ -	0.00
	Child	59.00	\$ 59.00	\$ -	0.00
12 month direct debt	Adult	9.00	\$ 10.00	\$ 1.00	11.11
	Senior/ Beneficiary	4.50	\$ 5.00	\$ 0.50	11.11
	Child	4.00	\$ 4.00	\$ -	0.00
	Family	16.00	\$ 17.00	\$ 1.00	6.25
6 month direct debt	Adult	11.00	\$ 12.00	\$ 1.00	9.09
	Senior/ Beneficiary	6.00	\$ 6.00	\$ -	0.00
	Child	5.00	\$ 5.00	\$ -	0.00
	Family	19.00	\$ 20.00	\$ 1.00	5.26
Swim School	Swim Education - Child Group Lesson	10.50	\$ 11.50	\$ 1.00	9.52
Swim School	Swim Education - Adult Group Lesson (Casual)	85.00	\$ 90.00	\$ 5.00	5.88
Swim School	Swim Education - Adult Group Lesson (Member)	52.50	\$ 55.00	\$ 2.50	4.76
Swim School	Swim Education - Adult Private Lesson	45.00	\$ 50.00	\$ 5.00	11.11
Swim School	Swim Education - Holiday Swim Weeks	\$57.50/5 lessons, \$80/10 lessons	\$57.50/5 lessons, \$115/10 lessons		0, 43.75
Dedicated Facility Space	Charitable Lane Hire - Simple lane per hour	9.00	\$ 11.00	\$ 2.00	22.22
Dedicated Facility Space	Standard Lane Hire - Simple lane per hour	11.50	\$ 13.00	\$ 1.50	13.04
Dedicated Facility Space	Commerical Lane Hire - Simple lane per hour	11.50	\$ 15.00	\$ 3.50	30.43
Dedicated Facility Space	Club lane Hire (if kept to show further support to LTS pathways and local Clubs x 3 - Qt, Arrow an	6.75	\$ 9.00	\$ 2.25	33.33
Dedicated Facility Space	Arrowtown Pool After Hours per night/hour, Arrowtown Swim Club incl Staff	58.75	\$ 65.00	\$ 6.25	10.64
Staff Hire	Pool Crew Hire	25.00	\$ 30.00	\$ 5.00	20.00
Dedicated Facility Space	Alpine Aqualand Learner Pool Private w Staff member (Birthdays only during birthday set times)	55.00	\$ 65.00	\$ 10.00	18.18
Dedicated Facility Space	Alpine Aqualand Learners Pool QT Charitable	23.00	\$ 25.00	\$ 2.00	8.70
Dedicated Facility Space	Alpine Aqualand Learners Pool QT Standard (Non Bday Party)	34.50	\$ 35.00	\$ 0.50	1.45
Dedicated Facility Space	Alpine Aqualand Learners Pool QT Commerical +staff cost	34.50	\$ 65.00	\$ 30.50	88.41
Dedicated Facility Space	Hydroslide out off hours service fee		\$ 60.00	\$ 60.00	0.00
Dedicated Facility Space	Wanaka LTS Pool Spaces per Lane*		\$ 15.00	\$ 15.00	0.00
Dedicated Facility Space	Wanaka LTS Pool Spaces per Third* 1/9		\$ 5.00	\$ 5.00	0.00
Dedicated Facility Space	Wanaka LTS Pool Spaces per Half* 1/6		\$ 7.50	\$ 7.50	0.00
Dedicated Facility Hire	Whole facility Hire, Any QLDC Pool		POA	POA	POA

# CURRENT STATE — SUMMARY OF PROPOSED PRICING CHANGES

	Adults	Children (18 mths – 12 years) <sup>2</sup>	Infants (<18mths) <sup>1</sup>
<b>Exclusive Burial Right (Single plot)<sup>4</sup></b>			
Lower Shotover Cemetery	\$ 1,200	\$ 1,200	\$ 85
Queenstown, Frankton, Arrowtown Cemeteries	\$ 1,200	\$ 1,200	\$ 85
Wanaka, Cardrona Cemeteries	\$ 1,200	\$ 1,200	\$ 85
Glenorchy, Kingston Cemeteries (incl call out fee)	\$ 1,695	\$ 1,695	\$ 580
Skippers, Makarora Cemeteries (incl call out fee)	\$ 1,695	\$ 1,695	\$ 580
<b>Exclusive Ash Burial Right</b>			
Lower Shotover Cemetery	\$ 250	\$ 250	\$ 250
Queenstown, Frankton, Arrowtown Cemeteries	\$ 250	\$ 250	\$ 250
Wanaka, Cardrona Cemeteries	\$ 250	\$ 250	\$ 250
Glenorchy, Kingston Cemeteries (incl call out fee)	\$ 745	\$ 745	\$ 745
Skippers, Makarora Cemeteries (incl call out fee)	\$ 745	\$ 745	\$ 745
Serviceman's section	no charge	n/a	n/a
<b>Interment Fees (including perpetual maintenance of grounds)</b>			
Single depth interment	\$ 1,176	\$ 85	\$ 85
Double depth interment	\$ 1,279	\$ 1,279	\$ 1,279
Ashes interment	\$ 440	\$ 290	\$ 290
<b>Other Services and Fees</b>			
Saturday burials (additional fee)	\$ 330	no charge	no charge
Late start after 3.30pm (additional fee)	n/a	no charge	no charge
Out of district burial fee <sup>3</sup>	\$ 500	\$ 500	\$ 500
Out of district ashes fee <sup>3</sup>	\$ 150	\$ 150	\$ 150
Break concrete	\$ 105	\$ 105	\$ 105
Larger casket	\$ 100	n/a	n/a
Disinterment	\$ 1,600	\$ 1,600	\$ 1,600
Re-interment	\$ 876	\$ 876	\$ 876
Disterment of ashes	\$ 200	\$ 200	\$ 200
Re-interment of ashes	\$ 290	\$ 290	\$ 290

	Adults	Children (18 mths – 12 years) <sup>2</sup>	Infants (<18mths) <sup>1</sup>
<b>Exclusive Burial Right (Single plot)<sup>4</sup></b>			
Lower Shotover Cemetery	\$ 1,340	\$ 150	\$ 90
Queenstown, Frankton, Arrowtown Cemeteries	\$ 1,500	\$ 150	\$ 90
Wanaka, Cardrona Cemeteries	\$ 1,400	\$ 150	\$ 90
Glenorchy, Kingston Cemeteries (incl call out fee)	\$ 1,835	\$ 150	\$ 90
Skippers, Makarora Cemeteries (incl call out fee)	\$ 2,100	\$ 150	\$ 90
<b>Exclusive Ash Burial Right</b>			
Lower Shotover Cemetery	\$ 300	\$ 120	\$ 90
Queenstown, Frankton, Arrowtown Cemeteries	\$ 330	\$ 120	\$ 90
Wanaka, Cardrona Cemeteries	\$ 320	\$ 120	\$ 90
Glenorchy, Kingston Cemeteries (incl call out fee)	\$ 795	\$ 120	\$ 90
Skippers, Makarora Cemeteries (incl call out fee)	\$ 900	\$ 120	\$ 90
Serviceman's section	no charge	n/a	n/a
<b>Interment Fees (including perpetual maintenance of grounds)</b>			
Single depth interment	\$ 1,380	\$ 150	\$ 90
Double depth interment	\$ 1,500	\$ 180	\$ 90
Ashes interment	\$ 490	\$ 120	\$ 90
<b>Other Services and Fees</b>			
Saturday burials (additional fee)	\$ 360	No charge	No charge
Late start after 3.30pm (additional fee)	\$ 300	No charge	No charge
Out of district burial fee <sup>3</sup>	\$ 600	\$ 600	\$ 600
Out of district ashes fee <sup>3</sup>	\$ 200	\$ 200	\$ 200
Break concrete	\$ 200	\$ 105	\$ 105
Larger casket	\$ 200	n/a	n/a
Disinterment	\$ 1,800	\$ 220	\$ 150
Re-interment	\$ 1,100	\$ 130	\$ 90
Disterment of ashes	\$ 350	\$ 50	\$ 30
Re-interment of ashes	\$ 340	\$ 120	\$ 100

	Adults	Children (18 mths – 12 years) <sup>2</sup>	Infants (<18mths) <sup>1</sup>	% change Adults
<b>Exclusive Burial Right (Single plot)<sup>4</sup></b>				
Lower Shotover Cemetery	\$140	-\$1,050	\$5	11.7%
Queenstown, Frankton, Arrowtown Cemeteries	\$300	-\$1,050	\$5	25.0%
Wanaka, Cardrona Cemeteries	\$200	-\$1,050	\$5	16.7%
Glenorchy, Kingston Cemeteries (incl call out fee)	\$140	-\$1,545	-\$490	8.3%
Skippers, Makarora Cemeteries (incl call out fee)	\$405	-\$1,545	-\$490	23.9%
<b>Exclusive Ash Burial Right</b>				
Lower Shotover Cemetery	\$50	-\$130	-\$160	20.0%
Queenstown, Frankton, Arrowtown Cemeteries	\$80	-\$130	-\$160	32.0%
Wanaka, Cardrona Cemeteries	\$70	-\$130	-\$160	28.0%
Glenorchy, Kingston Cemeteries (incl call out fee)	\$50	-\$625	-\$655	6.7%
Skippers, Makarora Cemeteries (incl call out fee)	\$155	-\$625	-\$655	20.8%
Serviceman's section				
<b>Interment Fees (including perpetual maintenance of grounds)</b>				
Single depth interment	\$204	\$65	\$5	17.3%
Double depth interment	\$221	-\$1,099	-\$1,189	17.3%
Ashes interment	\$50	-\$170	-\$200	11.4%
<b>Other Services and Fees</b>				
Saturday burials (additional fee)	\$30	\$0	\$0	9.1%
Late start after 3.30pm (additional fee)	new	\$0	\$0	new
Out of district burial fee <sup>3</sup>	\$100	\$0	\$0	20.0%
Out of district ashes fee <sup>3</sup>	\$50	\$0	\$0	33.3%
Break concrete	\$95	\$0	\$0	90.5%
Larger casket	\$100	n/a	n/a	100.0%
Disinterment	\$200	-\$1,380	-\$1,450	12.5%
Re-interment	\$224	-\$746	-\$786	25.6%
Disterment of ashes	\$150	-\$150	-\$170	75.0%
Re-interment of ashes	\$50	-\$170	-\$190	17.2%

Attachment E: Submissions

Your name:	Your club, organisation or business name (if relevant to your feedback):	FOR SPORTS GROUNDS, INDOOR/OUTDOOR COURTS, VENUES, PARKS & RESERVES: Do you agree with the proposed new pricing?	Please provide further comment:	CEMETERIES: Do you agree with the proposed new pricing?	Please provide further comment:	FOR ALPINE AQUALAND POOL FACILITIES: Do you agree with the proposed new pricing?	Please provide further comment:
		Yes		Yes		No	
		Yes	As a regular user of the indoor courts I think the proposed hire fees are fair enough. We understand the cost of maintenance and power usage. The good thing about the draft is it provided a off-peak and peak-hours rate which is for me is fair and the seasonal charges. Hopefully the community funding and support you give the locals will continue on as the health and well-being of the community thrives on the availability and affordability of such venues. Thank you QLDC team.	No		Yes	
		Yes		Yes	Burial is Inefficient land use - encourage cremation and smaller burial grounds should be encouraged.	Yes	
Sue Patterson		No	Please bring the Queentown Events Fitness Centre seniors rate starting age down to 60. This would encourage a new level of involvement for over 60s leading into the retirement bracket.	Yes	Has consideration been made to allow family plots? Presently my sister's ashes are buried at Frankton Cemetery but we aren't able to ensure that other family members be buried with her as we can't pre-pay a family plot.	No	Please bring the seniors rate starting age down to 60. This would encourage a new level of involvement for over 60s leading into the retirement bracket.
		Yes		Yes		Yes	We choose not to comment on this facility as we are only commenting on facilities relevant to Arrowtown as that is the area we advocate for.
Kelvin Middleton		No		Yes		No	Why can't we have a reduced rates for the pool facilities to Rate Payers? We already subsidise the pool. Why sting us more? Those that are not rate payers should pay more.
Duncan Good	Wanaka Basketball	No	The Wanaka Basketball Club do not require the outdoor courts at all and hence ask for a different rate structure to Netball who do use them, as currently this proposal has us lumped together, but we have different requirements. The fact the proposal outlines a charge for those outdoor courts at \$2300 on their own for a season would indicate that the rate for Basketball for just the use of the indoor courts alone should be significantly less than the current proposal.	No		No	
		No	way over priced	No	overpriced	No	the most expensive pool in Nz... At splash palace in Invercargill i pay fr 4 family members for half the price i pay at queenstown .. and the pools soooo small and shallow so myself and teenagers try to go in the lane pools as more deeper and more of a challenge when they arent full. the hydrosides seem to always hve problems and close alot!!!!and i mean alot!!!!!! not value for money AT ALL!!!
		No		Yes		No	It's getting too expensive and limits families being able to swim on a regular basis.
		Yes	I like that you have separated out for schools, not for profits and youth activities. It is important for sports clubs and school groups to have equal access to the indoor courts.	Yes		No	Entry fee reduction for swim club members given we also pay lane hire. Please ensure public lanes are not removed especially in the morning. Tri-squad and swim club should have a maximum of 3 lanes each on days they are both training.
		No	People are struggling with current costs before a further increase. This increase will target families the most who have more children and family members attending multiple sporting activities at the rec centre. I am aware of beneficiaries payment not increasing but we have very few avenues to access in QLDC for people who simply cannot afford to pay these rates to access safe exercise options such as the pool to assist with weight loss or if they have an injury and cannot run or walk and this is their only way to exercise. Main centres such as Dunedin have community groups who can assist with reducing individual fees on an as needed basis. I am unsure of any group here that can do this and it is needed. The indoor courts have poor and limited seating, difficulty booking space after work time already and with many individuals, groups and media questioning the appropriate flooring and potential injury risk of this flooring. Any increase in costs need to have improved facilities and a plan to improve facilities which are already sub standard within the first two years of operation. I am uncertain if these issues have been addressed or a plan is in place to protect our community?	Yes		No	We have just started at our new facility and then to increase the prices within the first year does not support the original costing plan or perceived cost to our population. Please see reasons for this disagreement in the first column outlying discrimination based on socio economical basis with limited support groups or alternative funding options available in our community.

David Grieve	Excel Exhibitions Limited	Yes	It is vital that the various facilities run by QLDC are as self sufficient as possible. I have run an annual community event in the Queenstown Events Centre for 11x years now. I have recently had my rental reviewed and increased and am happy to pay.	Yes		Yes	
		Yes		Yes		Yes	
Diego Moyano	Queenstown Climbing Club	No	I consider an immense rise if the plan is also to increase the access fee to the climbing wall by 66%, this sort of rise without substantial improvements in the climbing wall facilities could have a serious negative impact. A fair increase will be \$14 for non-members and \$7 for QCC members, this is more acceptable and still represents a 17% increase. It will be phenomenal to have different training facilities within the designate area: pull up bar, grip training board/balls. These are little improvements which do not cost much and it will provide an extra training feature for our climbers and will enhance the fee increase. We understand the space limitation at the moment and appreciate all the changes that has been done lately to support our sport. Diego Moyano President Queenstown Climbing Club	No		No	
		No	The price for half day commercial for events centers in wanaka and queenstown dont seem right or perhaps I'm reading it wrong	No		No	
		No	We have read and understand the draft policy documents and generally agree with the direction which the Council needs to take on the issue of finding an equitable way to recover costs and allocate these to various organisations. We agree with the core Principles as set out in the document. However, we understand that with the Queenstown Memorial Centre, for example, the daily rate would increase from \$440 to \$533 - an increase of around 21%. Given the current rate of inflation, that seems to be a very large increase indeed and would certainly put a huge burden on our ability to fund show production costs. We estimate the costs for our normal show season would increase by around \$3,000 with this additional charge and therefore for this reason we do not support it.	No		No	
		No	In my view non profit community groups, schools, and non profit sporting clubs should not be charged for the use of most facilities. The council has an obligation to help ensure the health and well being of its local community, and the proposed pricing seems unnecessary and a barrier to entry for those who most need it. This seems like it would also be a barrier to even some for profit (but low level) services such as dance clubs offering the community opportunities to socialise and get fit - important for both the physical and mental health of the community. There should also be 'locals' pricing for community facilities such as the pools (including slides). These are being priced at a prohibitive level for some locals and some of the children in our communities will miss out. I for one expect this to be a service that is funded through part of my rather high annual rates payment to the council. The pools are heavily used by visitors to our region, and it makes no sense that locals and rate payers are paying the same price given that we are the ones funding this infrastructure. More vulnerable members of our community should not be priced out of what should be a public service. Queenstown is one of the most expensive places to live in New Zealand with some of the lowest wages for some of our community. The cohesion and well being of our community should be a top priority.	No	As above	No	As above

Your club, organisation or business name (if relevant to your feedback):  
Wanaka Yacht Club

**FOR SPORTS GROUNDS, INDOOR/OUTDOOR COURTS, VENUES, PARKS & RESERVES:**

Do you agree with the proposed new pricing?

No

Please provide further comment:

**Submission on the QLDC Community Facility  
Funding Policy 2018**

On behalf of the Wanaka Yacht Club

Wanaka Yacht Club

Wanaka Yacht Club is an Incorporated Society with Charitable status what holds a current lease for 33 years for the current clubhouse within recreation reserve on Lake Wanaka. The WYC occupy the land for a community use for a nominal rent for which we are very grateful. WYC do not receive any funding from QLDC and have funded the construction of the current clubhouse and fund the club operations through membership fees, learn to sail fees and community funding. The operation of the Club is 100% not for profit and for community use with all revenue cycled back into the operations of the club.

The WYC supports in principal the community facility funding policy but we oppose the following provisions as they relate to the fees relating to catering, cafe and bar facilities in non-council owned facilities on council land.

a.	All above with retail sales, catering, bar or gaming facilities exceeding \$300,000 gross turnover p.a. excl GST	5% of Gross Turnover after \$300,000 excluding GST
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The WYC believe that the above policy fails to acknowledge the difference between commercial activities that are purely commercial in nature and those that support and empower a not for profit charitable purpose or community group.

As is the case with many Yacht Clubs, Surf Lifesaving Clubs and Golf Clubs an ancillary cafe, bar or restaurant is often used to support the social aspects of the club and to provide revenue that supports the core community activities of the club.

WYC are considering such a model to assist with the funding and sustainability of the proposed WYC redevelopment.

Hypothetically the 5% of gross turnover would be prohibitive in this model providing any financial benefit to the operation of the club as a community charitable purpose. Without a commercial component, it wouldn't be financially viable to redevelop our clubrooms which are nearing the end of their practical life.

We believe that there are alternative structures that would differentiate a commercial activity based on who the beneficiaries of such a commercial operation/sublease of a community facility are.

WYC propose a 2 tiered system (below) to differentiate the commercial uses and empower community organisations to be self-sufficient and sustainable. This would allow those groups to be more successful in delivering their core services, providing community benefits and reduce their ongoing demand on community funding sources.

a.	that commercial activities exceeding \$300,000 gross turnover p.a. excl GST	5% of Gross Turnover after \$300,000 excluding GST
b.	that commercial activity or sublease where the underlying community use is the beneficiary (where the community use is not for profit or charitable purpose)	0.5% of Gross Turnover after \$300,000 excluding GST

WYC look forward to your favourable consideration of this proposal in the policy to assist in empowering community groups to delivery ongoing community benefit.

We do wish to be heard in support of our submission.

## QLDC Proposed Fees for community facilities

### Feedback from Wanaka Junior Football Club.

#### - Increase amount

The increase in fees for the Wanaka Junior football club is going to result in us paying double what we paid last year. This is a huge increase for the club to digest and a 100% increase seems excessive.

#### - Result of increase.

The only way for the club to digest this increase is by raising the registration cost for junior footballers. The increase will likely be about \$7 per child.

I can see that this increase will upset some families and when they learn the reason for the increases, it will not reflect well on QLDC. I can hear the argument from parents already. "We pay rates to QLDC to maintain the fields so why do we have to pay again"

#### - The value of some of the sports fields in Wanaka.

Most of the sports fields in Wanaka are actually only recreation reserves, not sports fields.

I see you will be charging us a sports field rate to use Pembroke Park and Kellys Flat for example.

But I see that the hourly rate to use Pembroke Park is less than that of a sports field. (See page 18 and 19 of the proposed fees document).

Add to this the poor state of the Pembroke Park surface when we start our season. Particularly the condition it is in after the A&P show where large patches of grass die off due to animal effluent over the show period.

I believe the season rate of \$1500 to use Pembroke park is too expensive for what QLDC is actually providing.

#### - Condition of the Fields in Wanaka compared to Queenstown Event Centre.

We are always very jealous when we see how good the surface condition is at QEC. By comparison Pembroke Park and Kellys Flat are poor. It seems like they get minimal attention to maintenance here on our fields compared to over the hill in Queenstown. But we have to pay the same fees. This does not seem fair.

#### - Concern about the condition of Kellys Flat after rain.

It has been observed that Kellys Flat reserve is getting more water logged after rain events than it used to. I am sure this is likely a result of the development around and uphill of this reserve, which will only increase over the short period. Is anyone monitoring this, and what is the solution if it continues to get worse.

See Pic below of Kellys Flat taken from Totara Tce after a recent rain storm.





Thanks for the opportunity to give feedback.

Richard Vorstermans  
Wanaka Associated Football Club



[REDACTED]

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**Subject:** Fees and pitches allocation

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**From:** Yohann [REDACTED]  
**Sent:** Monday, 8 October 2018 7:00 PM  
**To:** Jason Lawless <[REDACTED]>  
**Cc:** Christine Schafer <[REDACTED]>; Deborah Husheer <[REDACTED]>; Britt Race <[REDACTED]>  
**Subject:** RE: Fees and pitches allocation

Hi Jason, Hi Britt,

Thanks for the introduction email Jason.

Britt, I represent the Wanaka Football Club and I don't know whether you're aware but we have an issue with the proposed rates you are offering. At today in Wanaka, we have 2 football clubs: The Junior and the adults. We are looking at merging the 2 entities to simplify all processes and operate as one and only club. It will be easier for everyone, club members, council, sponsors etc... and will create a united brand for everyone in the community.

However, according to the last few emails I had from Christine, the way you've setup the hiring rates won't work for our merging. If the Junior Club wants to hire the pitch, they will get a 50% discount because it's aimed for kids. If the WFC wants to hire the pitch, we get a 50% discount because we would use the facilities less than 200 hours. However if we merge, because there will be more hours and not only dedicated to kids, we would be paying full price. And it is obviously not working for us.

By having one club, your team would be dealing with 1 person only, which will make your life easier. Therefore we're hoping that, if we merge, we could keep getting this 50% discount across all hiring.

Let me know your thoughts. I'm happy to discuss a fair solution for all of us.

Regards

Yohann Bourdin



[REDACTED]

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**From:** Jean Britton [REDACTED]  
**Sent:** Monday, 5 November 2018 8:44 AM  
**To:** Bailey Henderson <[REDACTED]>  
**Subject:** Re: Feedback requested

Hi Bailey

With regard to the recent email you sent around, it appears that the cost of hiring QLDC venues is increasing by about 50 %.

As the groups I am involved with are non profit organizations, this increase would definitely be a struggle to afford if we didn't receive QLDC Community Support.

If we can still apply for Community Support then it won't make too much difference. However, if not, the Arrowsdown Entertainers who hire the Community Club Rooms would probably not be able to continue.

The Arrowsdown Horticultural Society give all the profits from the Flower Show back to the community including the local Cancer Society. We would still be able to hire the Athenaeum Hall but it would mean there would be considerably less to donate. We also purchased planter boxes to beautify the streets of Arrowsdown and fill them with flowers throughout the year.

Hope this is some help to you.

Kind regards

Jean

[REDACTED]

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**From:** Laura Williamson [REDACTED]

**Sent:** Thursday, 25 October 2018 2:08 PM

**To:** Christine Schafer <[REDACTED]>

**Subject:** RE: QLDC Media Advisory - QLDC seeking feedback on proposed fees and charges for community facilities

Hi Christine –

Thank you for sending me this again. The cost increase at LWC will affect us, hopefully we will be able to recoup this through grant funding (particularly the QLDC Events fund).

We feel it's important that council charges continue to be avenue for funding the upgrading/increasing of venue space in our region as many organisations like ourselves are currently struggling with capacity.

Great to see new tiered seating at LWC!

Thank you,

Laura

QLDC Council  
13 December 2018

Report for Agenda Item: 7

Department: Community Services

Amendments to Queenstown Lakes District Council Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan 1991

**Purpose**

The purpose of this report is to consider a minor amendment to the Queenstown Lakes District Council Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan 1991 for adoption.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Amend** the Queenstown Lakes District Council Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan 1991 to update policy S67 to enable a public jetty within the Frankton Domain, below Boyes Crescent, as part of foreshore reserve improvements and facilitating active transport:

Commercial Activities

*Policy S64: that commercial activities along this shore be predominantly restricted to the hire of small sailing boats, sailing craft and water skiing, and public/commercial water transport options*

*Foreshore Structures*

*Policy S67: that no further foreshore structures be permitted, with the exception of a public jetty within the Frankton Foreshore East End.*

3. **Note** that all submissions and feedback received through this consultation will be fed into the wider Frankton Domain foreshore reserve improvement work and wider transport and parking projects that are currently underway.
4. **Agree** to exercise the Conservation Minister's consent (under delegation from the Minister).

Prepared by:

Reviewed and Authorised by:



Jeannie Galavazi  
Parks and Reserves Planning  
Manager (Acting)  
29/11/2018



Thunes Cloete  
Community Services General  
Manager  
29/11/2018

### Background

- 1 A range of reserve improvements are planned for the Frankton foreshore to encourage active travel and support future alternative transport solutions. The proposed public jetty is part of wider improvements to enable safer access for walkers and cyclists using the Frankton Track, while still catering for short term carparking nearby.
- 2 The proposed jetty could be used for a future ferry service however, this will require a designation within the lake and a resource consent for ferry operations. At this stage the jetty will only be available for public use.
- 3 Additional proposed improvements to the area include:
  - Removal of vehicle access to the reserve south of the public toilets;
  - A new car park formed near the public toilets;
  - Realignment of the Queenstown Trail to separate it safely from the carpark;
  - New pedestrian and cycle connections from Boyes Crescent;
  - New bike stands near the jetty;
  - General reserve improvements including new native planting.
- 4 The car park will have a 4 hour restriction to align with nearby areas within Frankton and other reserves. The car park is intended for reserve users (visitors and locals) and has not been designed for commuter parking.
- 5 The current Queenstown Lakes District Council Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan 1991 (**RMP**) provides objectives and policies for the Lake Wakatipu foreshore adjacent to urban areas. The Queenstown Bay section of the RMP was amended in 2016. The RMP seeks to balance the reserve to conserve the resource with the need to support appropriate development and commercial activity, and sets out the terms within which future options and proposals will be considered.
- 6 The RMP currently restricts commercial activities to the hire of small watercraft through the following policy:

### *Commercial Activities*

*Policy S64: that commercial activities along this shore be restricted to the hire of small sailing boats, sailing craft and water skiing.*

- 7 The RMP also prevents any additional foreshore structures within the Frankton Foreshore East End through the following policy:

### *Foreshore Structures*

*Policy S67: that no further foreshore structures be permitted.*

- 8 To enable the jetty to be constructed and to provide for future public ferry services the following minor amendments to the RMP is proposed:

### *Commercial Activities*

*Policy S64: that commercial activities along this shore be predominantly restricted to the hire of small sailing boats, sailing craft and water skiing, and public/commercial water transport operations.*

### *Foreshore Structures*

*Policy S67: that no further foreshore structures be permitted, with the exception of a public jetty within the Frankton Foreshore East End.*

- 9 Under s41(9) of the Reserves Act 1977 Council can amend parts of an existing reserve management plan, without using the extensive consultation process for preparing a plan, provided it determines that the review prompting the amendment is not “comprehensive”. A “comprehensive” review is likely to involve a situation where the Council is open to reconsidering much or all of the plan, or where the nature and extent of the proposed amendments are so considerable that there is change to a large part of the content or scope of the reserve management plan. Council has received legal advice that the amendment to Policy s67 is not a comprehensive review.
- 10 Council staff have had earlier discussions with the Frankton Community Association, Remarkables Primary School, Wakatipu Reforestation Trust and The Queenstown Trails Trust.
- 11 Community feedback on the proposal was sought. An online form was opened on 2 November 2018 and closed on 23 November 2018.

### **Comment**

- 12 37 submissions were received within the advertised feedback period. 4 submissions were in opposition to the proposal, 4 were neutral, and 20 submissions were in support. 9 submissions were incomplete.
- 13 A summary of the feedback is attached as **Attachment B**.
- 14 In response to feedback, the following changes to the reserve improvements are proposed:

- A raised pedestrian crossing will be formed on Allen Crescent near the intersection with Boyes Crescent;
  - A bollard near the car park will be removed to retain vehicle access towards the KJet jetty (in the short term);
  - There will be additional revegetation and improvement of picnicking areas.
- 15 Several submitters have queried the 4-hour parking limit. The car park is intended for reserve users (locals and visitors) and is not intended to be a commuter car park. At this stage, casual short or longer-term parking will remain available along road reserves on Boyes Crescent and Allen Crescent; however, submitter concerns about these streets becoming informal park and ride areas are noted. The time limit would ensure that it is potentially available for school users. The Remarkables Primary School has been consulted and is supportive of the car park and proposed one-way vehicle use of Allen Crescent.
- 16 One submitter raised a lake safety concern in regard to marking the channel if more public boats will be using the area. This will be followed up with the Harbourmaster.
- 17 Submitters have voiced both support and opposition to a future commercial ferry service, The RMP amendment and reserve improvements enable, but do not permit, a commercial ferry service, as this will be subject to a separate resource consent process.
- 18 The proposal does not address some of the wider parking and transport matters raised by submitters, for example, park and ride or commuter parking for a ferry service, e-bike charging facilities, bike lock-up facilities, sealing Frankton Track or removing all parking from the reserve. These matters will be addressed by ongoing transport planning currently being undertaken by Council staff, and may be addressed by a future resource consent application for a commercial ferry service.
- 19 The development plans (**Attachment C**) are conceptual with indicative linkages. The development plans will be refined during the detailed design process and in conjunction with Council's transport staff.
- 20 In the short term it is proposed to leave the informal boat ramp near the public toilets available for public use, and to retain vehicle access to the KJet jetty. The informal boat ramp is not addressed by the RMP. It is proposed to close both the vehicle access and informal boat ramp within two years. Both of these features conflict with the underlying purpose of the reserve and compromise the safety and enjoyment of the Queenstown Trail. KJet has provided feedback seeking that their vehicle access be retained, and the Frankton Community Association has requested that vehicle access for Wakatipu Reforestation Trust be retained. Council staff will continue discussions with KJet and other parties on these details.
- 21 The amendment to the RMP has been prepared in accordance with the Reserves Act 1977. The next step is for Council to adopt the amendment under delegation from the Minister of Conservation.



## Options

22 Option 1 Adopt the change to the RMP.

### *Advantages:*

- 23 Adopting the amended RMP will facilitate and enable reserve improvements and encourage active travel.
- 24 It will support a future ferry service as an alternative transport solution.
- 25 Public access to the foreshore and public enjoyment of the reserve will be enhanced.
- 26 Safety along the Queenstown Trail will be improved.

### *Disadvantages:*

- 27 Some submitters do not support the jetty or proposed changes to this area.
- 28 There will be less casual car parking available and the proposed parking area will have a time restriction.

29 Option 2 Do not adopt the change to the RMP.

### *Advantages:*

- 30 The foreshore will remain free from additional structures.

### *Disadvantages:*

- 31 The reserve improvements may be more limited and less enabling of active travel.
- 32 A future ferry service will not be able to use this location.
- 33 This report recommends **Option 1** for addressing these matters.

## Significance and Engagement

34 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because of the potentially high level of community interest against the 'low' assessments against the other factors.

## Risk

35 This matter relates to the operational risk OR11 decision making as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because the options highlighted require the Council to follow an approval process that amends current activities on land and reserves.

## **Financial Implications**

36 There is some operational expenditure related to reserve improvements which can be covered by existing operational budgets. Capital expenditure is required to construct the jetty, this is provided for in the Long Term Plan 2018-2028.

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

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

- Queenstown Lakes District Council Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan 1991

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

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

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

40 The recommended option:

- Will help meet the current and future needs of communities for reserve improvements and access, encouraging active travel, and supporting future alternative transport solutions.
- 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**

41 The persons who are affected by or interested in this matter are the residents, ratepayers and visitors to the Queenstown Lakes District.

42 The Council has publicly notified the change to the RMP and considered the feedback received. No hearing is required for a minor amendment to the RMP.

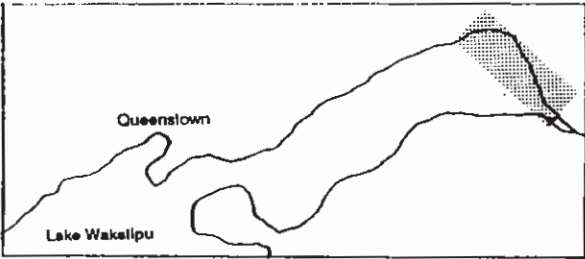
## **Legal Considerations and Statutory Responsibilities**

43 The amendment to the RMP is in accordance with the Reserves Act 1977.

44 The Conservation Minister has delegated decision making powers for reserve management plans to local administering bodies.

## **Attachments**

- A Amended Queenstown Lakes District Council Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan 1991
- B Summary of public feedback
- C Conceptual Development Plans



FMA No. 7. Frankton Foreshore East End

**Reserve Development**

- Policy S58:** that detailed development plans to be prepared by suitably qualified professionals that separate vehicle and pedestrian traffic areas and provide for car parking and additional picnic areas. The plan to be made available for public input and its implementation to be under the guidance of suitably qualified professionals.
- Policy S59:** that a development plan clearly identifies the extent of permitted beach front to be occupied by commercial operations.
- Policy S60:** that the development plan recognise and protects the less developed and natural character of the southern end of this foreshore management area.

**Note:** Indicative proposal plans for Frankton Domain are illustrated in Chapter 5 Figures 5.5 and 5.6.

**Walkways**

- Policy S61:** that a walkway route be defined from Frankton Marina through to the Kawarau Falls Bridge and that bicycles shall be permitted to use this section of walkway.

**Recreation**

- Policy S62:** that this section of foreshore is managed to include a range of active and passive recreation activities.

**Policy S63:** that this section of foreshore is zoned to locate a range of recreational uses including swimming, picnicking, small boats, windsurfing and water skiing.

**Explanation:** an indicative zoning plan for various recreational uses is included in Appendix 5.

**Commercial Activities**

- Policy S64:** that commercial activities along this shore be restricted to the hire of small boats and sailing craft and water skiing, and public/commercial water transport operations **predominately**
- Policy S65:** that existing charter and jet boat operators shall be permitted to operate until facilities at Frankton Marina are upgraded to accommodate them.
- Policy S66:** that commercial activities will be restricted to the appropriate zoned sections of the foreshore and limited to a number determined for safe operation.

**Explanation:** as indicative zoning plan for various commercial activities is included in Appendix 5.

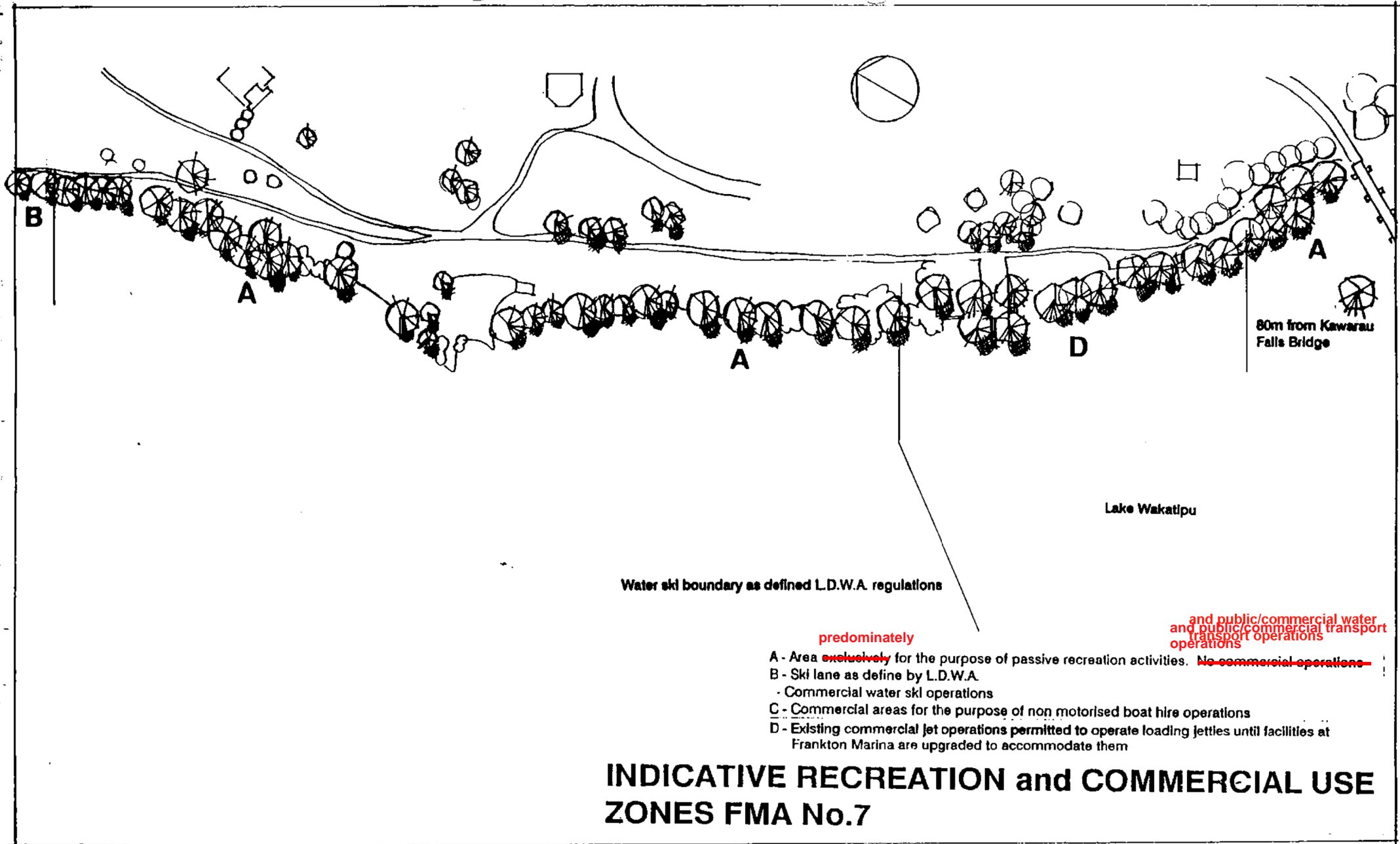
**Foreshore Structures**

**Policy S67:** that no further foreshore structures be permitted, with the exception of a public jetty within the Frankton Foreshore East End.

**Vegetation Management**

**Policy S68:** that the crack willows be progressively replaced with other appropriate exotic and native species in a manner that preserves and enhances the treed character of the foreshore and provides for unrestricted access to the foreshore.

**Explanation:** while the existing line of crack willows is an important visual feature of the lake shore the species is invasive to the point of closing public access to the foreshore.



## Attachment B: Summary of public feedback

I am giving feedback as:	Name of organisation	Full name	Email address	Support?	Please provide any further feedback here:
An organisation	Frankton Community Association	Glyn Lewers	glyn@franktoncommunity.nz	Neutral	We acknowledge and are generally positive of QLDC efforts to encourage non private vehicle use. However with the proposal to formalize car parking even with time restrictions. The concern is that the local streets and open spaces will become informal park and ride areas. We ask that QLDC is agile enough that local parking permits and restrictions can be put in place quickly if this scenario does occur. We would like to see some formal pedestrian link between the proposed slope trails and the primary school. Especially around the area of Boyes/Allan crescent intersection. We would also like the retention of access to the informal boat/jet ski launch area at least until the current Marina work is complete. Any barriers that are established (bollards and chains) still have sufficient breaks within them to still allow ease of public access to the lake front. Vehicle access is still maintained for the Wakatipu reforestation trust to allow for their excellent work to continue within this area. We also wish to express our view that the facility should be designed to with active mode travel being at the top of the hierarchy in terms of facility access.
An organisation	Kawarau Jet Services Holdings	Cathy Wallace	Cathy@brownandcompany.co.nz	Neutral	To maintain vehicular access to, and not impede the operation of, the existing and operational Kjet Jetties situated to the south of the proposed jetty.
An individual		Amanda Robinson	ajrenglish@gmail.com	Support	Fully support ferry pick up and drop off point here. Please reconsider the parking option. We do not want to turn this area into a car park. Perhaps some mobility spaces for those who can't walk far but the creation of a graded path from road level is a better idea. Parking should be up on the street (create metered spaces up there as diagonal parks) rather than spoiling the waterfront for bikers, walkers etc.
An individual		Jane Hughes	janehughes27@gmail.com	Oppose	Potentially I feel this would be a good solution for getting people into town, however I am concerned at what the car parking will become. We do not wish to see Frankton Beach become a carpark and I don't feel that 15 carparks alone will be sufficient to accommodate this operation. For this reason I am opposed to this proposal. It should also be noted that the RPS families utilise this area in the mornings and for after school pick up as there are insufficient parking areas at the school so having these parks taken by passengers on the ferry would add further congestion and safety issues for families with young children accessing the primary school. During Terms 2 & 3, the ski programme at the school requires the lower section of the gravel road behind the school to be closed to allow unloading of the students with their ski gear. At this time there would be upwards of 50 vehicles waiting for the buses to arrive to gather up students and skis/boards. What is council's solution to this situation for 10 weeks in Term 3 and 3 weeks in Term 2? Would council consider creating angle parking along the road side of Boyes Crescent to remove vehicle overload from the beach front and keep parking orderly? Alternatively, if council were to look at upgrading the field area above RPS to level fields for recreational purposes a carpark here would provide both parking for sports field users and for ferry passengers and for RPS families during drop off and pick up. If the car park issue were addressed more fully, in consultation with the school, with a view of the wider picture which includes parking off the beach for families using the school or sports fields or ferry terminal, then I would support this proposal.
An individual		Reuben Bogue	reubenbogue@me.com	Support	While the jetty is a good idea I strongly oppose the notion that 4 hr parking limit should be applied. The local rate payers will pay for some of this development yet those working in the CBD will be unable to benefit from this additional form of transport which has the potential to reduce congestion. There are not enough houses within walking distance to not expect people to want to drive there. Is this for tourists or for the locals?
An individual		Hannah Rutherford	hle.rutherford@gmail.com	Support	If you are going to encourage more public boat use of this area I think it would be important to clearly mark the channel as it can be very shallow around Frankton beach area. This will help boaties as well as protect the lake bed from damage. I also think it should definitely be south of the school and keep the current park below Lake Avenue clear as it is a great large area to relax in peace with little interruption :)
An individual		Rebecca Viale	rebeccaviale8474@gmail.com	Support	I support this proposal, however I am wondering if a 4 hour parking limit is practical? Presumably many of the users of this ferry service will be commuting to Queenstown for a full days work - and there will be a peak around 8-9am and 5-6pm. So they will need to park for at least 8-9 hours. I think there will need to be provision for a longer term / day parking facility to provide realistic service for these people, which I would imagine would form the majority of the users.
An individual		Sarah Thomson	sarah.thomson78@hotmail.com	Neutral	As long as the whole area and jetty is open to the public at all times.
An individual		Megan Happel	megan.happel@gmail.com	Support	Great alternative
An individual		Catherine Monaghan	Catherine.monaghan@xtra.co.nz	Support	Excited to hear about jetty but not the terms of use. Only beneficial if parking up to 10 hours. I live outside public transport this could be somewhere to park and ferry as no where to park and ride from Frankton or very very little spaces. Also a boat owner so if going out boating for the day where do we park if only drop off and pick up, not practicable unless supplying car park close. Most boaties are out more than 4 hours. Doesn't seem like encouraging people to not drive into Qtown for work when no parking option.
An individual		Jayne Macdonald	jayne.rod@xtra.co.nz	Support	Great start to encourage water based transport.

An individual		Chris Ben	chris.ben@supple.co.nz	Support	With the increased population in the Frankton area, the airport and the potential gondola to the Remarkables, an alternate form of transport to Queenstown is a great idea and this jetty will provide a number of options. Great forward thinking!
An individual		Rebecca Roycroft	Rebeccabotterill21@hotmail.com	Support	I think this will be great. I intend to use the new ferry service with my kids. Only one thing i think could help would be somewhere for all day parking for jacks point/Kelvin heights people to park to use it for getting to work or allowing bikes onboard? Will there be somewhere to lock bikes?
An individual		Danny Martin Maguire	Dannymaguire76@gmail.com	Support	This is sensible future proofing.
An individual		Lindsay J Williams	lindsay@savannagroup.co.nz	Support	It is not clear from the information provided if the intention is for the facility to primarily serve the local community as part of an active transport network, or if it is intended to serve both locals and visitors equally well. Determining this intention will better inform the initial site design because the needs of the two groups differ. The current site plan does not appear to serve either group particularly well. Providing open access 4-hour parking will not serve local commuters into the CBD well at all for the obvious reason. Open access parking may be occupied by visitors and deny local commuters parking opportunity. The amount of car parking spaces appears too limited to encourage a large take up of the service. In adverse weather if locals cannot park at the jetty location, they will likely continue driving into the CBD via Frankton Rd. The facility must be convenient across four seasons and all weather conditions. Best overseas practice is barrier arm access to car parking and an annual concession available to local commuters. I support that approach. I support bicycle parking facilities and urge for inclusion of e-bike charging capability incorporating secure covered parking. Best overseas practice is for controlled access to secure enclosed bicycle parking, with controlled access provided to registered users on a concession basis. I am a cyclist and I would not leave my bicycle unattended in this location. There may also be related insurance issues.
An organisation	Queenstown Trails Trust	Mark Williams	mark.williams@queenstowntrail.org.nz	Support	The proposed improvement of this council reserve, and realignment of the Queenstown Trail as a result will be welcomed by trail users. The positive encouragement of Active Transport will be reinforced, and the uptake of mode-sharing options as a way to commute welcomed by the community. The connection between the trail and jetty will provide seamless integration and the safety of the trail will be enhanced by the removal of any potential vehicle conflict as exists currently. This is a positive step in the right direction as Queenstown seeks solutions to our existing transport infrastructure problems.
An individual		Tom McPhail	t.hmcphail@xtra.co.nz	Oppose	One thing that residents value is access to the lake and this slowly being lost in various places around the lake. This place has a large grass area where informal access to the lake is still available. It is widely used by all sorts of people. Boaties of all sorts, families picnicking or BBQ'ing, people fishing in the morning and evening, locals in the lunch hour, tourists cooking a meal and even this year there is an occasional swimmer. Of course last years hot weather meant the place was packed as people dropped in for a swim after work. The proposed 15 carpark design looks to be completely inadequate. There is usually a school bus parked there and present there are 2 buses parked. If there is a school event on, parents cars fill the area. When there are bus pick ups for sports eg. winter skiing the proposed area for vehicles would be totally overwhelmed. The idea of one way traffic is impractical, between 2.30 and 3.30 the road below the school is for buses only, and they travel the other way to what is proposed and anyway I dont see any problem with two way access via Boyes Crescent. I have a personal interest in the area as I maintain the native plantings for the Wakatipu Reforestation Trust and look forward to a park like area with open grass space surrounded with native plants and less willows. I do not want any reduction in the grass area or further restriction of vehicle access.
An individual		Matthew Parker	mrparker00@hotmail.com	Support	I suggest making the car park a park&ride park, maybe all day stay with ferry ticket? That way you would encourage workers to take the ferry to town and take the pressure off roads and parking. A four hour time limit is going to restrict workers from using the ferry to commute to the CBD for work.
An individual		Jeremy Payze	jeremypayze@gmail.com	Support	Should make parking no less than 10 hour restrictions so people can park then bike or ferry to town or other places for the day
An individual		Juanita Jones	juanita277@hotmail.com	Support	The proposed parking limit restriction of 4 hours at the Ferry Terminal still doesn't suit the purpose for the use of the Ferry service for workers wishing to 'Park n Ride' to CBD from Frankton hub. Although the ferry service during peak times will help provide an alternative if the buses are full from Frankton hub, adding more car park facilities for those wishing to catch the bus & ferry into town will help encourage locals to use public transport and avoid driving into town. Locals of the Frankton area will oppose the ferry if no free / reasonably priced long term parking is available as it can mean commuters end up parking along the residential side streets. Apart from this concern I think this is a great idea :)
An individual		Julie Scott	juliemscott21@gmail.com	Support	Excellent proposal to mitigate the current traffic issues we have.
An individual		Carey Vivian	carey@vivianespie.co.nz	Oppose	I'm not opposed to a jetty somewhere at Frankton Beach. However, I consider the proposed location is in the wrong place - as it is too close to the Kawarau Falls jetty (already a water taxi pick up point). I also think a public jetty in this location will cause further car parking issues in the area, particularly when considered alongside the school. I personally think the Council would be better off putting this funding into sealing the Frankton Track for people to commute to town.

					This is a great idea and long overdue. However, there needs to be more thought given to expanding park and ride or bike and ride facilities - given the increasing congestion and extreme delays experienced at shotover country/lake hayes recently, it would be more efficient for people to drive or bike to this ferry, then ride the ferry into town. There is not enough parking provided on this plan, people cannot fully convert from their cars in this district due to the spread out nature of residential areas, schools, childcare etc so multi mode travel must be provided for. Secondly, I question the location of the jetty. The new ferry service appears to operate from the marina - this location would seem more convenient for those wishing to do multi mode travel, as one coming from Shotover/Lake Hayes would need to 'back track' to come to the proposed location. Whereas the marina is already on the bike path and route into town from all areas. The proposed location is less appealing to anyone other than frankton, jacks point, kelvin heights. Finally, request greater consideration to roading access into the site, given my comment about about needing park and ride facilities - this could potentially become a very important transport link, yet no information about the transport implications is provided in this proposal. Park and ride facilities should be integrated with appropriate road access into the site.
An individual		Kim Banks	kimbanks90@gmail.com	Support	
An individual		DEBORAH KELLY	debbieqt@me.com	Support	A Great Idea! Shame it has taken so long to get under way.
An individual		D Egerton	dan@egerton.co.nz	Neutral	In principle the concept is an excellent one - however parking around the area is already a major issue year round - without decent planning this will simply push parking more into the residential streets, causing more and more an issue
An individual		Brett Clews	brett.clews@windowslive.com	Oppose	I believe the definitions of "Ferry service" and "Jetboat tourist attraction" need to be addressed and clarified. Frankton Beach is one of the few safe shallow water spots in the Wakatipu where local residents are able to engage in watersports such as swimming, wind/kite surfing and kayaking. The location also offers great walking and riding - and sports some of the best picnic spots around. Allowing commercial use of the area would restrict and spoil these traditional recreations - and pose safety issues for the general public. Access to areas of Lake Wakatipu and the local rivers that support these activities is slowly but surely being eroded. An example is the extension of jet boat operations over the last two decades in the Kawarau, Shotover and Dart rivers. This has virtually prevented spontaneous recreational use of these rivers. Surely the requirement of a ferry service is questionable when there are perfectly good land based options with buses, shuttles and taxis. The proposed wharf location offers little in terms of public convenience, as it will not directly service a substantial population or commercial centre. For example, a shuttle would still be required to get from the Airport to the wharf - so why wouldn't one take a bus or taxi all the way to their destination instead of splitting it into two trips? It would be a sad day indeed if Frankton Beach was not available for locals to take a dip on a scorching summer day. It really is one of the most beautiful spots in the district and deserves better than being turned into a transport terminal. A wharf could be a great idea as part of a larger recreation focused development, but certainly not commercial jet boat use. Save our Beach! Regards, Brett Clews 46 Ferry Hill Dr Quail Rise
An individual		Tim Francis	Tjf.qtown@gmail.com	Support	Excellent concept and initiative thanks QLDC. Do the same at the amphibian base (where the toilets are) also. We need this infrastructure urgently to realise the value of the lake for our residents and tourists needs. If surface of the lake transport became the focus and priority, we would need the Melbourne st bypass etc and all the other expensive land transport alternatives to fix our traffic woes! Surface of the lake transport from Frankton to Queenstown, jack point, kelvin heights, sunshine bay etc is the obvious future transport link required. Queenstown could be a mini Sydney harbour transport system. The most important infrastructure we already have and has cost you nothin is the LAKE and the most scenic travel pathway in the world if QIDC provides the infrastructure to all our settlement areas to facilitate this transport option.



21 November 2018

Queenstown Lakes District Council  
Private Bag 50072  
**QUEENSTOWN 9348**

To whom it may concern

**RE: Proposed Public Jetty at Frankton**

Queenstown Airport Corporation (QAC) would like to thank the Queenstown Lakes District Council (the Council) for the opportunity to comment on the proposed new public jetty at Frankton.

QAC supports the Council's plans to increase the capacity of the District's public transport infrastructure and commends the Council's proposal to pursue a new water-based transportation initiative on Lake Wakatipu.

**Overview of Queenstown Airport**

Queenstown Airport is the main airport in the Queenstown Lakes District and is the primary take-off and landing point for much of the aircraft activity in the District. The Airport acts as an essential gateway to the Queenstown Lakes District and facilitates access to, and economic activity in, the local and regional economies.

As a facilitator of people and goods to and from the Queenstown Lakes District and beyond, it is important for QAC to work alongside Council when planning for the future growth and development of the District and region. As a member of the Regional Transport Governance Group, QAC also understands the importance of key agencies working collaboratively to develop short, medium and long-term transportation solutions for the District and wider Otago region.

It is within this context that QAC provides the following feedback on the proposal for a new public jetty at Frankton.

**Proposed public jetty at Frankton**

QAC is supportive of the Council's proposal for a new public Jetty, associated infrastructure and pedestrian linkages in Frankton. The jetty, once in place, will enable a future ferry service to be established and will provide an alternative transportation mode between Frankton and the Queenstown waterfront. The proposal also supports increased multi-modal opportunities, with improvements to the reserve and walking and cycling routes proposed to and from the new jetty.

QAC is also supportive of Council's approach in engaging early with the community on the public jetty proposal and encourages the Council to:

- Take on board any feedback and concerns raised by Frankton residents and other interested parties and stakeholders;

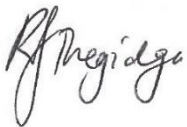


- Review the existing 48-hour car parking limit in this area to ensure that jetty users do not inadvertently create a car parking issue for residents in the surrounding lower Frankton area;
- Investigate potential pedestrian linkages and connectivity between the jetty and Queenstown Airport; and,
- Consider other transport safety and efficient improvements in the vicinity of the jetty.

QAC would welcome the opportunity to discuss the proposal and the above suggestions further with the Council.

Thank you for the opportunity to provide feedback on the public jetty proposal.

Yours sincerely,



**Rachel Tregidga**  
**General Manager Property & Planning**  
**Queenstown Airport Corporation**

cc

Kirsty O'Sullivan / Lisa Miers

Mitchell Daysh Limited

# Attachment C: Conceptual Development Plans



No.	Date	Issue Notes
10	13/10/18	Update path width
9	23/10/18	Client revisions
8	03/08/18	Add vehicle access
7	02/08/18	Reduce car park
6	20/07/18	Realign Frankton Track/cycle link
<b>Client:</b> QLDC		
<b>Project Title:</b> Proposed Ferry Pontoon Frankton Beach		
<b>Project Manager:</b> SR		
<b>Drawn By:</b> SR		
<b>Checked By:</b> L04		
<b>Scale:</b> 1:1000@A3		
<b>Sheet No.:</b> 4 of 4		
<b>Company:</b> BLAKELY WALLACE ASSOCIATES Landscape Architecture and Planning PO Box 121, Arrowtown Tel: 03 442 0303 Fax: 03 442 0307 Email: office@blakelywallace.co.nz		



**One way traffic**

**Dedicated 4hr reserve parking**

**Bollards restricting vehicle access**

**Permanent closure of informal boat ramp**

**Proposed jetty location and waiting shed**

**Raised pedestrian crossing**

**New pedestr. access trails**

**Reserve improvements**



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10	13/10/18	Update path width
9	23/10/18	Client revisions
8	03/08/18	Add vehicle access
7	02/08/18	Reduce car park
6	20/07/18	Realign Frantons Track/cycle link
Project Name: QLDC Proposed Ferry Pontoon: Frantons Beach Project Manager: Preliminary Concept Access and Parking Drawn By: SR Checked By: SR Reviewed By: L04 Date: 09/09/18 Scale: 1:1000@A3 Sheet No: L04 of 4 File Name: 256-1E.dwg		
<p><b>BLAKELY WALLACE ASSOCIATES</b>          Landscape Architecture and Planning          PO Box 121, Arrowtown          Tel: 03 442 0303 Fax: 03 442 0307          Email: office@blakelywallace.co.nz</p>		



Public Carpark 1  
(See Traffic Report)

Public Carpark 2  
(See Traffic Report)

One-way system  
(See traffic report)

Formed Carpark for RP School, reserve and jetty use. Add gravel, adjust levels for drainage, define perimeter with timber barrier and parking bays with timber insets.

New pedestrian access for school

Close vehicle access (See traffic report)

Proposed concessionaire vehicle access with removable bollard

Additional provision may be made in future to provide a direct route between Boyes Crescent and Allan Crescent for northbound cyclists

Signposted cycle link to Frankton Track

New Frankton Track alignment to Lake side of car park (close and re-grass existing track)

Existing gravel track (for pedestrian, cycle, service, emergency and K-Jet access only)

Pedestrian link to Boyes Cres

Bike stand next to bank

Proposed Fence, Bollard and Ferry timetable board

Existing Fence

Existing Fence

Allan Crescent

Boyes Crescent

Lake Wakatipu

Pontoon

Fence

Gravel track

Bridge Street



No.	Date	Issue Notes
10	31/10/18	Update path width
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8	03/08/18	Add vehicle access
7	02/08/18	Reduce car park
6	20/07/18	Realign Frankton Track/cycle link

Client: QLDC

Project Title: Proposed Ferry Pontoon Frankton Beach

Sheet Title: Preliminary Concept Access and Parking

Project Manager	Project ID
Drawn By: SR	Scale: 1:1000@A3
Reviewed By:	Sheet No.:
Date: 00/00/00	L01 of 4
CAD File Name: 296-1E.vwx	

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Existing Willow  
(To Remain)

Proposed willow removal and revegetation with low native wetland /riparian species.  
Connect with existing Reforestation Trust Plantings

Reforestation Trust  
Planting on bank

Low Lake level 309

High Lake level 310.8m

312

Pedestrian access to Boyes Crescent

Gravel track

Wetland/Riparian  
Planting

Low <1.5m high Planting to  
Maintain openness and views  
out to the lake from the reserve.

Proposed  
Sign/Timetable

△ 311.35m

2m wide accessible timber  
boardwalk with metal  
balustrade. FL 311.35

2m long x 1.2m wide concrete  
platform

10m Gangway

Proposed shelter on piles  
including electronic ferry  
timetable  
(3m x 4m) FFL 311.35

Pontoon

Low Lake level 309

High Lake level 310.8m



Proposed Corten Steel  
Bike Stands on Conc  
Plinths

Mixed Native /Exotic  
Planting

Pump station

Fence

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7	02/08/18	Reduce car park
6	20/07/18	Realign Frankton Track/cycle link

Client: QLDC

Project Title: Proposed Ferry Pontoon Frankton Beach

Sheet Title: Preliminary Concept Pontoon and Surrounds

Project Manager	Project ID
Drawn By: SR	Scale: 1:100@A3
Reviewed By:	Sheet No.:
Date: 00/00/00	L02 of 4
CAD File Name: 296-1E.vwx	

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6	20/07/18	Realign Frankton Track/cycle link
Consultant		
Client		
QLDC		
Project Title		
Proposed Ferry Pontoon Frankton Beach		
Sheet Title		
Preliminary Concept Carpark		
Project Manager		Project ID
Drawn By		Scale
SR		1:200@A3
Reviewed By		Sheet No.
Date		L03
CAD File Name		of
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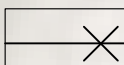

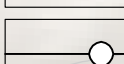
Proposed 1.5m Pedestrian access for Remarkables Primary

Proposed 3m wide concessionaire vehicle access with removable bollard

Proposed Electronic Ferry timetable board

Reinstate topsoil and grass to Gravel area

**Legend**

-  Gravel
-  Topsoil and Grass
-  Existing Barrier
-  Rail Iron & Sleeper Barrier
-  Cable & Sleeper Barrier





Lake Wakatipu

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Client: QLDC

Project Title: Proposed Ferry Pontoon Frankton Beach

Sheet Title: Preliminary Concept Access and Parking

Project Manager: [Blank] Project ID: [Blank]

Drawn By: SR Scale: 1:1000@A3

Reviewed By: [Blank] Sheet No. L04 of 4

Date: 00/00/00

CAD File Name: 296-1E.vwx

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1	31/10/18	Client revisions
No.	Date	Issue Notes
Consultant		
Client		
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Project		
Proposed Ferry Pontoon Frankton Beach		
Sheet Title		
Perspectives A & B		
Project Manager	Project ID	
Drawn By	Scale	Not to Scale
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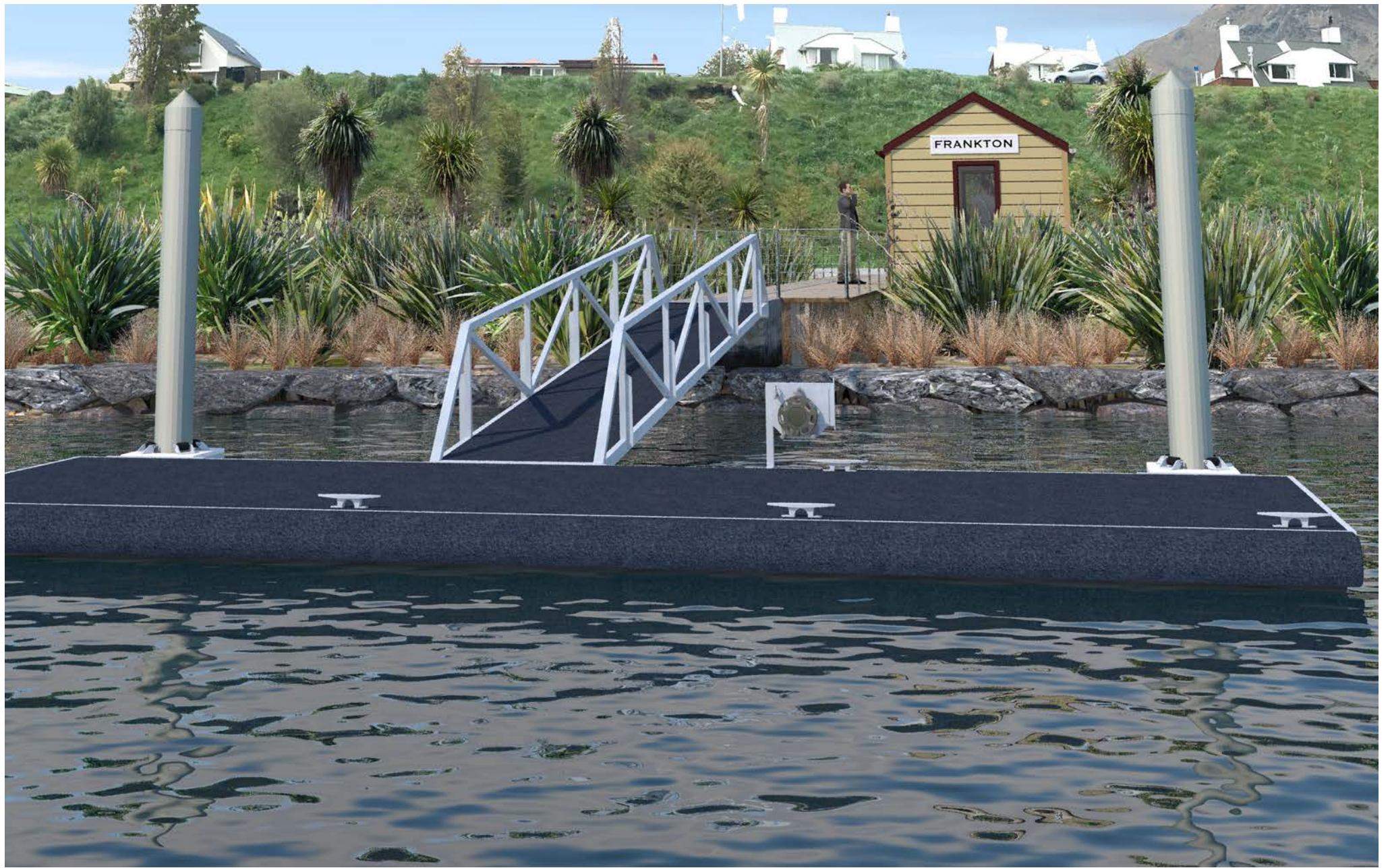




1	31/10/18	Client revisions
No.	Date	Issue Notes
Consultant		
Client		
QLDC		
Project Name		
Proposed Ferry Pontoon Frankton Beach		
Sheet Title		
Perspectives B & C		
Project Manager	Project ID	
Drawn By	Scale	Not to Scale
Reviewed By	Reviewed By	Sheet No.
Date	09/09/00	L02
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Consultant		
Client		
QLDC		
Project Title		
Proposed Ferry Pontoon		
Frankton Beach		
Sheet Title		
Perspectives D & E		
Drawn By	SR	Scale
Reviewed By	SR	Not to Scale
Date	01/06/00	Sheet No.
Drawn By	SR	L03
Date	01/06/00	of
Drawn By	SR	4

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Consultant		
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Project		
Proposed Ferry Pontoon		
Frankton Beach		
Sheet Title		
Perspectives F & G		
Drawn By	SR	Scale
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Checked By		Sheet No.
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1		31/10/18	Client revisions
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Consultant			
Client			
QLDC			
Project Title			
Proposed Ferry Pontoon			
Frankton Beach			
Sheet Title			
Perspectives A & B			
Project Manager	Project ID		
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Reviewed By	Sheet No.		
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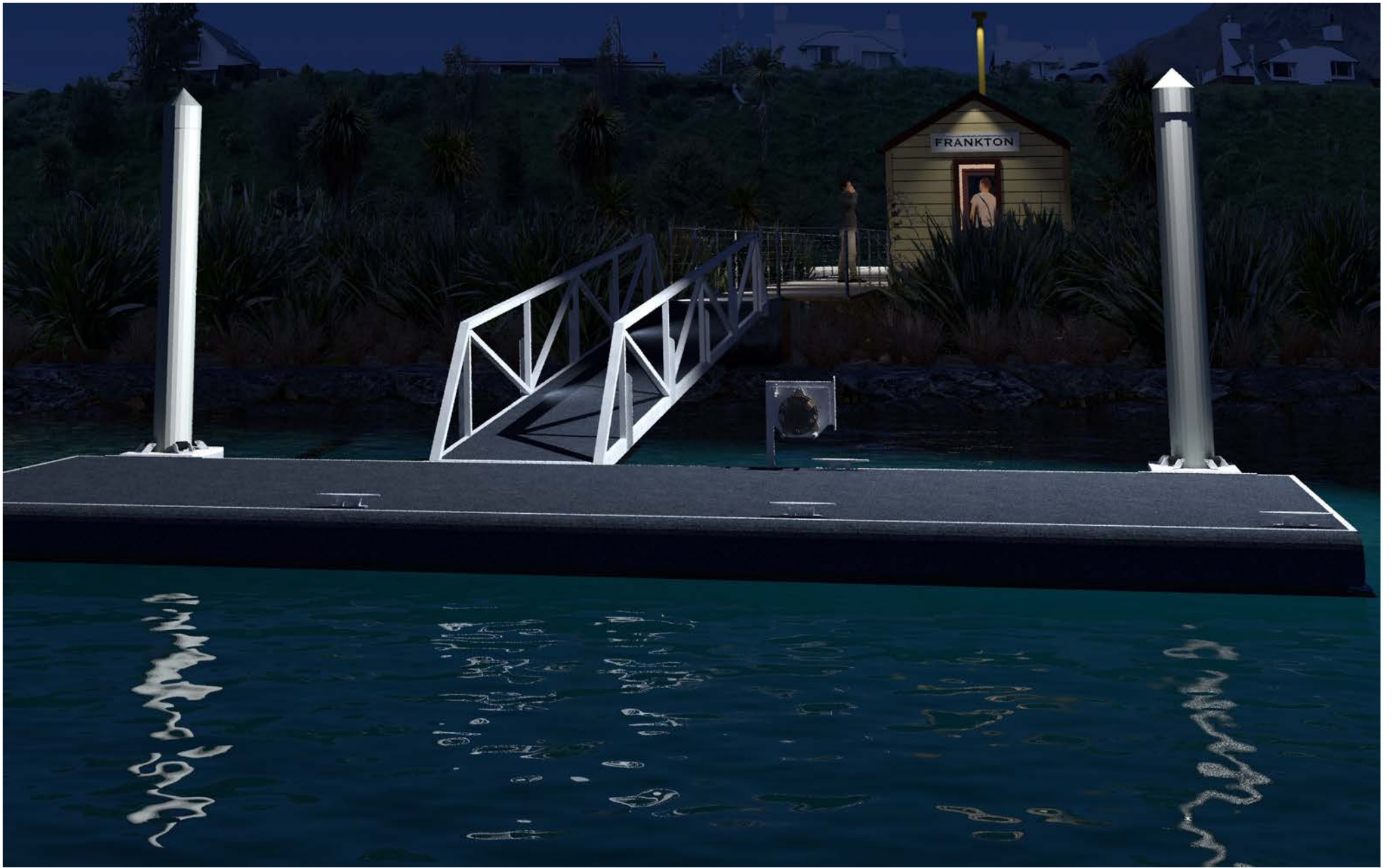
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95-2B 2019 v2018.vpx		



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1	31/10/18	Client revisions
No.	Date	Issue Notes
Client		
QLDC		
Project Title		
Proposed Ferry Pontoon Frankton Beach		
Sheet Title		
Perspectives D & E		
Project Manager	Project ID	
Drawn By	Scale	Not to Scale
Reviewed By	Sheet No.	
Date	00/00/00	L03
CS3 File Name	95-2B 2019 v2018.vrx	4

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1	31/10/18	Client revisions
No.	Date	Issue Notes
Consultant		
Client		
QLDC		
Project Title		
Proposed Ferry Pontoon Frankton Beach		
Sheet Title		
Perspectives F & G		
Project Manager	Project ID	
Drawn By	Scale	Not to Scale
Reviewed By	Sheet No.	
00/00/00	L04	
00/00/00	of	4
CAD File Name		
96-2B 2019 v2018.vrx		



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QLDC Council  
13 December 2018

Report for Agenda Item: 8

Department: Community Services

Underground Service Easement for Aurora Energy Ltd, over Pembroke Park,  
Roys Bay Recreation Reserve, Wanaka Recreation Reserve, Wanaka

**Purpose**

To grant an underground service easement to Aurora Energy Ltd, for the purpose of conveying/maintaining electricity over Council recreation reserves. The reserves include Pembroke Park, Roys Bay Recreation Reserve, and Wanaka Recreation Reserve. The reserves are legally described as Section 1 Block L TN of Wanaka, Section 11 Block XV TN of Wanaka, and Section 12 Block XV TN of Wanaka, respectively.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** an underground services easement, subject to section 48(1)(d) of the Reserves Act 1977, to Aurora Energy Ltd, to convey electricity over recreation reserves legally described as Section 1 Block L TN of Wanaka, Section 11 Block XV TN of Wanaka and Section 12 Block XV TN of Wanaka.
3. **Agree** that notification of the intent to grant the easement is not required, as the statutory test in section 48(3) of the Reserves Act 1977 is met;
4. **Delegate** authority for the approval final terms and conditions of the easement, including location, confirming the fee, and execution authority, to the General Manager Community Services.
5. **Agree** to exercise the Minister's consent (under delegation from the Minister of Conservation) to grant an easement to Aurora Energy Limited, over Section 1 Block L TN of Wanaka, Section 11 Block XV TN of Wanaka and Section 12 Block XV TN of Wanaka.



Prepared by:

Reviewed and Authorised by:



Dan Cruickshank  
Property Advisor - APL

27/11/2018



Aaron Burt  
Senior Planner: Parks  
& Reserves

28/11/2018



Thunes Cloete  
Community Services General  
Manager

29/11/2018

## Background

- 1 Council administers the recreation reserves known as Pembroke Park, Roys Bay Recreation Reserve, and the Wanaka Recreation Reserve (A&P showgrounds). These reserves are respectively described (legally) as Section 1 Block L TN of Wanaka, Section 11 Block XV TN of Wanaka and Section 12 Block XV TN of Wanaka (herein referred to as 'the land' or 'reserves').
- 2 The Queenstown Lakes District Council (QLDC) is upgrading the carpark and toilet on the Roys Bay Recreation Reserve. The upgraded toilet requires electricity to operate.
- 3 To supply this electricity, Peak Power Services were contracted by QLDC to install a 15kVA electrical cable from the toilet block, to a connection point on the existing electricity distribution network.
- 4 The nearest connection point was on the northern corner of Brownston Street and McDougall Street, requiring the cable to traverse approximately 205 metres through the reserves to the toilet block. The cable is to be assigned to Aurora Energy Ltd.

## Comment

- 5 The in-ground infrastructure has already been established, and the suggested easement will enable Aurora Energy Ltd to hereafter operate, access and maintain that infrastructure.
- 6 The cable location utilises the shortest route possible, and least possible disturbance to established trees. It traverses Pembroke Park, adjacent to the McDougall Street boundary. The cable then crosses the McDougall Street road reserve, the Wanaka Recreation Reserve, Ardmore Street road reserve, and enters Roys Bay Recreation Reserve, to connect to the toilet block. The route was previously discussed and agreed by the QLDC Parks and Reserves team and the contractor.
- 7 Minor earthworks involve excavating a 205m long trench within the reserves, with the trench being approximately 600mm deep and wide. When registered, the easement corridor will be 1.5 m wide where directly adjacent to the reserve

boundary, and 3m wide for the remainder of the distance. The final confirmed location and width will be subject to survey.

- 8 The land will be reinstated following the installation, along with replacement of any vegetation or fencing. As the installation has been commissioned by QLDC, this will be closely monitored.
- 9 As per the Easement Policy 2008, both an application fee along with a one-off underground services easement fee are applicable. The easement fee is currently calculated at \$7,473.06 plus GST:

**Section 1 Block L TN of Wanaka**

Land value of property	\$5,000,000
Size of Property (sqm)	105,067m <sup>2</sup>
Easement Area	480m <sup>2</sup>
Calculation:	
\$5M/105,067m <sup>2</sup>	\$47.59 / m <sup>2</sup>
30% of \$47.59	\$14.28 / m <sup>2</sup>
\$14.28 x 480m <sup>2</sup>	\$6,852.96

**Section 11 Block XV TN of Wanaka**

Land value of property	2,890,000
Size of Property (sqm)	41,947m <sup>2</sup>
Easement Area	30m <sup>2</sup>
Calculation:	
\$2.89M/41,947m <sup>2</sup>	\$68.89 / m <sup>2</sup>
30% of \$68.89	\$20.67 / m <sup>2</sup>
\$20.67 x 30	\$620.10

- 10 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is delegated to Council, and must be granted prior to the easement being lodged with LINZ.
- 11 Granting an easement is permitted by the Reserves Act 1977, provided that any such easement must first be publicly notified in accordance with Section 48(2), unless it can be shown that people's ability to enjoy the reserve is not affected and the reserve is not materially altered or permanently damaged. These matters are considered below.

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

12 Aside from some temporary and minor disruption during the installation of the underground electricity cable, there will be no detrimental effect on the ability of the public to use and enjoy the reserve. Once the area is fully reinstated, users of the reserves would be unaware that any changes had been made to the reserve.

Does the easement materially alter or permanently damage the reserve?

13 The easement will not affect the ability of the reserve to provide for its current purpose. As the infrastructure will be underground, and is necessary to provide toilet facilities upon the reserve, it is considered the creation of the easement will not materially alter or permanently damage the reserve areas.

14 Taking into account the above, it is recommended that public notification is not deemed necessary.

**Options**

15 Option 1 Grant the easement

*Advantages:*

16 The electricity supply to the QLDC toilet block will be enabled, and the toilet block can fulfil an accepted need.

*Disadvantages:*

17 The reserve will contain utility infrastructure, and future repairs might result in temporary disruption.

18 Option 2 Decline the easement

*Advantages:*

19 The reserves will not contain utility infrastructure, and maintenance or repairs of such will be necessary.

*Disadvantages:*

20 An alternative electricity supply will need to be investigated, delaying the opening of the toilet block, and requiring additional expenditure.

21 This report recommends **Option 1** for addressing the matter because it will allow the toilet block to be opened as scheduled, and will only result in minor and temporary effect on people's ability to enjoy the reserves.

***Significance and Engagement***

22 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. While all reserves are considered strategic assets, an easement with minor, temporary disruption to the public is unlikely to be

of interest to the general community, is consistent with policy and strategy and does not impact on Council's capability and capacity.

### ***Risk***

23 This matter related to the operational risk OR011A, 'Decision Making', as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because a perpetual property right contained in the recreation reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving the easement.

### **Financial Implications**

24 The costs associated with the installation of the cable form part of the project for upgrade of the carpark.

25 An easement fee to compensate Council for the land covered by the easement will be charged in accordance with the Easement Policy 2008.

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

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

- Significance & Engagement Policy 2014 – the proposal is a matter with low significance in terms of this policy.
- Easement Policy 2008 – the application is consistent with the policy for underground service easements.
- Pembroke Park Reserve Management Plan – the Reserve Management Plan permits underground service easements.
- Roys Bay Reserve Management Plan – the Reserve Management Plan makes no mention of easements

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

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

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

29 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 allowing the activity with little disruption to the community;
- 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**

30 No consultation is envisaged or required by Council as it has low significance with regard to the Significance & Engagement Policy 2014, is consistent with s10 of the Local Government Act, is not included in the 10-Year Plan/Annual Plan, and in accordance with the Reserves Act, people's ability to enjoy the reserve is not affected and there is no long-term effect on the land.

### **Attachments**

A Scheme Plan – Proposed Easements



Note:  
Legal boundaries are from LINZ xml data  
and are subject to cadastral calculation

**DRAFT**

<b>PATERSONPITTS</b> GROUP Your Land Professionals www.ppgroup.co.nz 0800 PPGROUP	WANAKA BRANCH 19 Reece Crescent or P.O. Box 283 Wanaka 9343 T 03 443 0110 E wanaka@ppgroup.co.nz	Client & Location: Queenstown Lakes District Council Pembroke Park & Roys Bay Reserve	Purpose & Drawing Title: Proposed Power Easements over Sec 1 Blk L, Sec 11, Sec 12, Blk XV Town of Wanaka	© COPYRIGHT. This drawing, content and design remains the property of Paterson Pitts Limited Partnership and may not be reproduced in part or full or altered without the written permission of Paterson Pitts Limited Partnership. This drawing and its content shall only be used for the purpose for which it is intended. No liability shall be accepted by Paterson Pitts Limited Partnership for its unauthorized use.	Surveyed by: IH Designed by: xxx Drawn by: KMB Checked by: xxx Approved by: xxx	Original Size: A3 Scale: 1:1000 @ A3 DO NOT SCALE
					Job No: W5786	Sheet No: 1 Revision No: A Date Created: 31/10/2018

**QLDC Council  
13 December 2018**

**Report for Agenda Item: 9**

**Department: Community Services**

**Title: Wanaka Tennis Club Incorporated – New Lease**

**Purpose**

To consider granting a new lease to the Wanaka Tennis Club Incorporated, for the site they occupy on Upton Street.

**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 Wanaka Tennis Club Incorporated, located upon land legally described as Sections 1, 2, 5, 6 and 7 Block XXXV Town of Wanaka, and Section 1 SO 24567, subject to the following conditions:

Commencement	1 February 2019
Term	3 Years
Renewal	Two further terms of 3 years by agreement of both parties
Rent	Pursuant to Community Facility Funding Policy (\$1 per annum at commencement)
Reviews	5 yearly or when the Funding Policy is reviewed
Use	Tennis and activities directly related to tennis club activity
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 one-year cancellation notice, if the land is required for the 'provision of core infrastructure services'

Maintenance                      All maintenance of the building and property including gardening to be paid for by lessee

3. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a new lease to Wanaka Tennis Club Incorporated, identified upon land legally described as Sections 1, 2, 5, 6 and 7 Block XXXV Town of Wanaka, and Section 1 SO 24567.
4. **Delegate** final licence terms and conditions and signing authority to the General Manager Community Services.

Prepared by:

Reviewed and Authorised by:



Dan Cruickshank  
Property Advisor - APL

23/11/2018



Aaron Burt  
Senior Planner:  
Parks & Reserves  
27/11/2018



Thunes Cloete  
Community Services  
General Manager  
29/11/2018

## Background

- 1 The Wanaka Tennis Club Incorporated (the Tennis Club) have a lease from Council for the land they occupy between Upton and Warren Streets. That lease is for a term of 19 years, from 1 February 2000, and will therefore expire on 31 January 2019. The new lease now proposed is to allow the Tennis Club to continue their occupation and use of the land.
- 2 The land is recreation reserve legally described as Sections 1, 2, 5, 6 and 7 Block XXXV, Town of Wanaka, and Section 1 SO 24567. The Wanaka Croquet Club also occupies the majority Sections 2 and 5 Block XXXV TN of Wanaka, and the Tennis Club is seeking a continued occupation by lease over a comparatively small area of those sections. In 2016 the Tennis Club agreed to surrender a part of their lease area so that the Croquet Club could construct a new garage building upon it. The Tennis Club lease area is approximately 6,850 square metres.
- 3 The facility includes clubrooms, tennis courts, car parks and other improvements on the site that belong to the Club.



## Comment

- 4 The Tennis Club provides a convenient and low-cost public facility that can be enjoyed by residents and visitors of all ages. They currently have 148 adult members, 75 holiday members and 72 Junior members. They also host around 500 non-member visits each year. They have approximately one million dollars of assets on the site, including seven tennis courts.
- 5 The Tennis Club is recognised to be a valued community asset. The Council is not aware of any reason to decline notifying the intention to grant a new lease on the reserve to the club.
- 6 The process of granting a new lease is pursuant to section 54(1)(b) and (c) of the Reserves Act 1977, which requires that an intention to grant a lease be publicly notified calling for submissions. This occurred in October 2018, with no submissions being received.
- 7 An initial term of three years is proposed, with two renewals by agreement of both parties, being consistent with Council's community lease terms guidance.

## Options

- 8 Option 1 To approve a new lease to the Wanaka Tennis Club.

### *Advantages:*

- 9 Enables a popular and well used recreational activity to continue on the Council reserve land.
- 10 Will provide certainty of tenure to the Wanaka Tennis Club and its users.
- 11 Reduces Council's operational maintenance costs, which will be paid for by the lessee.

### *Disadvantages:*

- 12 The reserve would not be available for other types of recreation without the approval of the club.

- 13 Option 2 Decline the new lease.

### *Advantages:*

- 14 The reserve would be available for other types of recreation.

### *Disadvantages:*

- 18 Would not enable a popular and well used recreational activity to continue on the Council reserve land.
- 19 Would not provide certainty of tenure to the Wanaka Tennis Club and its users.

- 20 Will not reduce Council's operational maintenance costs, which would otherwise be paid for by the lessee.
- 21 This report recommends **Option 1** for addressing the matter, as it will enable the Tennis Club to continue to operate, benefiting members and non-member players.

### ***Significance and Engagement***

- 22 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to a reserve but is not a strategic Council asset.

### ***Risk***

- 23 This matter relates to the operational risk OR011A Decision Making, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because the Board is required to make a considered decision in a timely way. The risk was mitigated by publicly notifying the lease.

### **Financial Implications**

- 24 Council will not receive any income from the proposed lease under the current Community Facility Funding Policy, however the Tennis Club will pay the costs associated with drafting a new lease document and cover ongoing operational and maintenance costs for the site.

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

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

- Significance and Engagement Policy
- Community Facility Funding Policy

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

- 27 This matter is not included in the 10-Year Plan/Annual Plan but has no impact upon it.

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

- 28 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 granting a lease to enable a popular recreational activity to continue;
- 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**

29 The persons who are affected by or interested in this matter are predominantly the users of the reserve and the residents and ratepayers of the Queenstown Lakes District community.

30 The Council provided a mechanism for community consultation through the public notification of the intention to grant a lease required by the Reserves Act 1977. No submissions were received.

### **Attachments**

A Plan of lease area

# Attachment A: Plan of lease area



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

**QLDC Council  
13 December 2018**

**Report for Agenda Item: 10**

**Department: Corporate Services**

**Adopt Amendment to Policy on Development Contributions**

**Purpose**

To adopt the amended Policy on Development Contributions in order to rectify incorrect differential values within the current Policy.

**Recommendation**

That Council:

1. **Note** the contents of this report; and
2. **Adopt** the amended Policy on Development Contributions in accordance with section 102 (4) (b) of the Local Government Act 2002 as detailed in Part A of the Statement of Proposal [attached].

Prepared by:



Stewart Burns  
GM Finance, Legal &  
Regulatory  
29/11/2018

Reviewed by:



Mike Theelen  
Chief Executive

29/11/2018

**Background**

- 1 The Policy on Development Contributions was consulted on, and included within the 2018 – 2028 Long Term Plan (LTP).
- 2 Recently, we have been informed by our lead consultant for Development Contributions that certain differential values provided by them and used in the Policy are incorrect. In order to rectify the matter, an amendment to the Policy on Development Contributions is required.
- 3 At the 25<sup>th</sup> October meeting, Council agreed to consult on the proposed amendments to the Policy. The consultation period ended on 11 November 2018 and there were no submissions received.
- 4 The Local Government Act 2002 (LGA) allows Council to amend the Policy on Development Contributions at any time in accordance with section 102 (4) (b) of

the Local Government Act 2002. To complete the amendment process, it is necessary for Council to adopt the proposed amendments as detailed in Part A of the Statement of Proposal (attached).

- 5 The proposed amendments to the Policy on Development Contributions are to correct four differential values identified within the 'Dwelling Equivalent Calculation Table', the amendments are as follows:
  - a. Revision of the Commercial and Industrial water and wastewater differential values
  - b. Revision of the Wanaka Commercial and Industrial transportation differential values
  - c. Revision of the Wakatipu Accommodation transportation differential values
  - d. Revision of the Restaurant/Bar transportation differential values
- 6 It is proposed that these changes will apply to any application for resource consent, building consent or application for service connection lodged on or after 14 December 2018.

## Options

- 7 Option 1 – Agree to adopt the amendments the Development Contribution Policy

### *Advantages:*

- 8 Agreement to the proposal will allow Development Contributions to be assessed correctly.

### *Disadvantages:*

- 9 None

- Option 2 – Do not agree to adopt the amendments the Development Contribution Policy

### *Advantages:*

- 10 Saving of costs associated with amending the Policy.

### *Disadvantages:*

- 11 Incorrect assessment of Development Contributions.
- 12 Potential for overcharging of Development Contributions for some consents.
- 13 The report recommends that the Council adopt **Option 1** and agree to the proposal to adopt the amendments to the Development Contribution Policy.

### ***Significance and Engagement***

14 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because of its importance to the Queenstown Lakes District and community.

### ***Risk***

15 This matter relates to the operational risk SR1 Current and future development needs of the community, as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because it impacts the ability of the QLDC to fairly recover the growth related capital costs.

16 The recommended option considered above mitigates the risk by treating the risk through the amendment of the Policy to fairly assess development contribution income.

### **Financial Implications**

17 The proposed amendment to the Development Contribution Policy provides the necessary mechanism to fairly and correctly recover the growth related capital costs of the LTP. The costs associated with the Policy amendment will be recovered from the consultant.

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

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

- 2018-28 Long Term Plan
- 2018/19 Policy on Development Contributions

### **Consultation**

19 The LGA allows Council to amend the Policy on Development Contributions at any time in accordance with section 102 (4) (b) of the Local Government Act 2002. The consultation undertaken must be in accordance with Sec 82 Principles of Consultation.

20 There is no requirement to use the Special Consultative Procedure (SCP), and the consultation process was as follows:

- 25 October – (Council meeting) Approval to commence consultation
- 29 October – Commence consultation
- 11 November – Consultation ends
- Mid November – Hearing of submissions
- 13 December 2018 (Council meeting) Final decision on proposal

No submissions were received in relation to the proposed amendments.

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

21 The recommended option:

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

## **Attachments**

A Statement of Proposal to Amend the Development Contribution Policy



# STATEMENT OF PROPOSAL

## Proposed Amendments to the Policy on Development Contributions

### Proposal

In accordance with section 102 (4) (b) of the Local Government Act 2002 (LGA), the Queenstown Lakes District Council (QLDC or Council) has begun consultation on amendments to the Policy on Development Contributions. The reason for the amendment is to rectify incorrect differential values that were included in the original 2018 Policy:

The proposed amendments to the Policy on Development Contributions are to correct four differential values identified within the 'Dwelling Equivalent Calculation Table', the amendments are as follows:

- 1) Revision of the Commercial and Industrial water and wastewater differential values
- 2) Revision of the Wanaka Commercial and Industrial transportation differential values
- 3) Revision of the Wakatipu Accommodation transportation differential values
- 4) Revision of the Restaurant/Bar transportation differential values

As the proposed changes will generally be of net benefit to applicants, it is proposed that these changes will apply to any application for resource consent, building consent or application for service connection lodged on or after 14 December 2018

### Consultation Timeline

The LGA allows Council to amend the Policy on Development Contributions at any time in accordance with section 102 (4) (b) of the Local Government Act 2002. The consultation undertaken must be in accordance with section 82 (Principles of Consultation). There is no requirement to use the Special Consultative Procedure (SCP), and given that the proposed amendments will generally result in lower assessments for DC's, we intend to keep the consultation process as efficient as possible:

25 October 2018	(Council meeting) Approval to commence consultation
29 October 2018	Commence consultation
11 November 2018	Consultation ends
Mid November 2018	Hearing of submissions
13 December 2018	(Council meeting) Final decision on proposal

Submissions close on **11 November 2018**. Submissions can be emailed to [liz.simpson@qldc.govt.nz](mailto:liz.simpson@qldc.govt.nz) or posted to DC Policy Submission, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.

## PART A - PROPOSED CHANGES TO THE POLICY

### SUMMARY OF PROPOSED AMENDMENTS TO DEVELOPMENT CONTRIBUTIONS

The following changes are proposed to the Policy on Development Contributions in order to rectify incorrect differential values in the original 2018 policy.

It is proposed that these changes will apply to any application for resource consent, building consent or application for service connection lodged on or after 14 December 2018.

Table one below, highlights the four incorrect differential values (dwelling equivalents) and Table two highlights the proposed changes

Table One: Current in Policy											Table Two: Proposed Changes											
Category	Water Supply	Wastewater	Stormwater	Community Facilities		Reserve Improvements & Reserve Land		Transportation		Transportation - Eastern Access Road	Category	Water Supply	Wastewater	Stormwater	Community Facilities		Reserve Improvements & Reserve Land		Transportation		Transportation - Eastern Access Road	
	Dwelling Equivalents per 100m <sup>2</sup> GFA	Dwelling Equivalents per 100m <sup>2</sup> GFA	Dwelling Equivalents per 100m <sup>2</sup> Impervious Surface Area	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalents per 100m <sup>2</sup> GFA		Dwelling Equivalents per 100m <sup>2</sup> GFA	Dwelling Equivalents per 100m <sup>2</sup> GFA	Dwelling Equivalents per 100m <sup>2</sup> Impervious Surface Area	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wanaka	Dwelling Equivalents per 100m <sup>2</sup> GFA	
Residential	1 Dwelling Equivalent (DE) per unit										Residential	1 Dwelling Equivalent (DE) per unit										
Residential Flat	0.71	0.71	0.38	0.71	0.71	0.71	0.71	0.71	0.71	0.71	Residential Flat	0.71	0.71	0.38	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71
Multi Unit Residential	0.71	0.71	0.38	0.71	0.71	0.71	0.71	0.71	0.71	0.71	Multi-Unit Residential	0.71	0.71	0.38	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71
Country Dwelling	Treated as residential if connected to council supply					0.66 DE's per Dwelling		1.0 DE's per Dwelling			Country Dwelling	Treated as residential if connected to council supply					0.66 DE's per Dwelling		1.0 DE's per Dwelling			
Retirement units	0.68 per unit	0.60 per unit	0.38	0.65 per unit		0.41 per unit		0.35 per unit			Retirement units	0.68 per unit	0.60 per unit	0.38	0.65 per unit		0.41 per unit		0.35 per unit			
Accommodation	0.90	0.49	0.38	0.89	1.71	0.89	1.71	2.13	2.25	1.36	Accommodation	0.90	0.49	0.38	0.89	1.71	0.89	1.71	1.88	2.25	1.36	
Commercial	0.74	0.57	0.38	0.04	0.06	n/a	n/a	2.83	2.62	2.99	Commercial	0.60	0.41	0.38	0.04	0.06	n/a	n/a	2.83	2.71	2.99	
Industrial	0.74	0.57	0.38	0.04	0.06	n/a	n/a	0.94	0.87	0.88	Industrial	0.60	0.41	0.38	0.04	0.06	n/a	n/a	0.94	1.15	0.88	
Other	To be individually assessed at the time of application										Other	To be individually assessed at the time of application										
Childcare Centre	0.63	0.77	0.38	0.04	0.06	n/a	n/a	4.29	4.29	4.29	Childcare Centre	0.63	0.77	0.38	0.04	0.06	n/a	n/a	4.29	4.29	4.29	
CBD Accommodation	0.90	0.49	0.38	0.89	1.71	0.89	1.71	2.13	2.25	-	CBD Accommodation	0.90	0.49	0.38	0.89	1.71	0.89	1.71	1.88	2.25	-	
CBD Commercial	0.74	0.57	0.38	0.04	0.06	n/a	n/a	2.83	2.62	-	CBD Commercial	0.60	0.41	0.38	0.04	0.06	n/a	n/a	2.83	2.71	-	
Mixed Use Accommod.	1 DE per Dwelling		0.38	0.97	1.18	0.97	1.18	0.89	0.93	1.09	Mixed Use Accommod.	1 DE per Dwelling		0.38	0.97	1.18	0.97	1.18	0.89	0.93	1.09	
Mixed Use Comm.	1 DE per Dwelling		0.38	0.76	0.76	1 DE per Dwelling		1.32	1.46	1.50	Mixed Use Comm.	1 DE per Dwelling		0.38	0.76	0.76	1 DE per Dwelling		1.32	1.46	1.50	
Primary Industry	As per residential					0.66 DE's per Dwelling		1.0 DE's per 27Ha	1.0 DE's per 41Ha	-	Primary Industry	As per residential					0.66 DE's per Dwelling		1.0 DE's per 27Ha	1.0 DE's per 41Ha	-	
Restaurant/Bar	1.42	1.34	0.38	0.04	0.06	n/a	n/a	2.13	1.98	2.99	Restaurant/Bar	1.42	1.34	0.38	0.04	0.06	n/a	n/a	2.83	2.71	2.99	
Unusual Developments	To be individually assessed at the time of application										Unusual Developments	To be individually assessed at the time of application										

Table One: Current Policy

Table Two: Proposed Changes

### ***Amendment 1 – Amend the Commercial and Industrial water and wastewater dwelling equivalents***

The Policy includes incorrect water and wastewater differential values (dwelling equivalents) for Commercial, Industrial & CBD Commercial and accordingly the following text is amended as follows:

(Page 207 – deleted text struck out, (new text underlined))

Category	Dwelling Equivalents per 100m <sup>2</sup> GFA	Dwelling Equivalents per 100m <sup>2</sup> GFA
Commercial	<del>0.74</del> <u>0.60</u>	<del>0.57</del> <u>0.41</u>
Industrial	<del>0.74</del> <u>0.60</u>	<del>0.57</del> <u>0.41</u>
CBD Commercial	<del>0.74</del> <u>0.60</u>	<del>0.57</del> <u>0.41</u>

### ***Amendment 2 – Revision of the Wanaka Commercial and Industrial transportation dwelling equivalents***

The Policy includes incorrect transport differential values (dwelling equivalents) for Wanaka Commercial, Industrial & CBD Commercial and accordingly the following text is amended as follows:

(Page 207 – deleted text struck out, (new text underlined))

Category	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wanaka
Commercial	<del>2.62</del> <u>2.71</u>
Industrial	<del>0.87</del> <u>1.15</u>
CBD Commercial	<del>2.62</del> <u>2.71</u>

### **Amendment 3 – Revision of the Wakatipu Accommodation transportation dwelling equivalents**

The Policy includes incorrect transport differential values (dwelling equivalent), for Wakatipu Accommodation & CBD Accommodation and accordingly the following text is amended as follows:

(Page 207 – deleted text struck out, (new text underlined))

Category	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wakatipu
Accommodation	<del>2.43</del> <u>1.88</u>
CBD Accommodation	<del>2.43</del> <u>1.88</u>

### **Amendment 4 – Revision of the Restaurant/Bar transportation dwelling equivalents**

The Policy includes incorrect transport differential values (dwelling equivalent) for Wakatipu & Wanaka Restaurant & Bar and accordingly the following text is amended as follows:

(Page 207 – deleted text struck out, (new text underlined))

Category	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wakatipu	Dwelling Equivalents per 100m <sup>2</sup> GFA for Wanaka
Restaurant/Bar	<del>2.43</del> <u>2.83</u>	<del>4.98</del> <u>2.71</u>

13 December 2018

**Report for Agenda Item: 11**

**Department: CEO Office**

**Chief Executive's Report**

**Purpose**

The purpose of this report is to present a summary of items considered at recent Standing Committee and Wanaka Community Board meetings, and to present other updates on various matters.

**Recommendation**

That Council:

- 1 **Note** the contents of this report;
- 2 **Note** the items considered during the past meeting round by the Wanaka Community Board, Community and Services Committee, Planning and Strategy Committee and Appeals Subcommittee;
- 3 Councillor appointment to Startup Queenstown Lakes  
**Agree** to appoint Councillor Forbes as the Council representative on the Startup Queenstown Lakes Trust.

Prepared by:



Name: Mike Theelen  
Title Chief Executive  
30/11/2018

**Appointment of Council Representative to Startup Queenstown Trust**

- 1 Startup Queenstown Lakes is a collective of Queenstown and Wanaka entrepreneurs, business supporters and change makers seeking to build an entrepreneurial ecosystem and startup network for the Queenstown Lakes District. A key aspiration is to develop a higher value and more diverse economy in order to boost incomes and mitigate the risks of relying solely on the tourism industry.
- 2 QLDC has been approached to appoint a council representative to this group, in a similar way that it has representatives who attend meetings of other community groups.
- 3 Councillor Forbes has been invited to be the council representative. She would like to accept this invitation and asked for Council to ratify her appointment.

## **Committee Meetings of Previous Round**

### Wanaka Community Board – Councillor Smith (15 November 2018)

#### Information:

- 1 Request to Notify New Lease to the Coastguard Wanaka Lakes over Eely Point Recreation Reserve
- 2 Temporary Road Closure Application – Wanaka New Year’s Eve Celebrations
- 3 Temporary Road Closure Application – Challenge Wanaka 2019
- 4 Chair’s report

### Community and Services Committee - Councillor Stevens (22 November 2018)

#### Information:

- 1 Heritage Incentive Grant Application – The Barn situated at 1771 Paradise Road, Glenorchy
- 2 Proposal to build the new Luggate Hall to certified Passive House standard

### Planning and Strategy Committee (Extraordinary meeting) – Councillor Hill (22 November 2018)

#### Information:

- 1 Proposed District Plan Review Timeline

### Appeals Subcommittee - Councillor Hill (22 November 2018)

#### Information:

- 1 Update on Appeals relating to Council’s Decisions on the Proposed District Plan Stage 1

Note that this meeting was held with the public excluded.

## Recommendation to Exclude the Public

It is recommended that the Council resolve that the public be excluded from the following parts of the proceedings of the meeting:

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

### Confirmation of minutes

**Item 14a: TechnologyOne: Software as a Service**

**Item 15: New Solid Waste Services Contract**

**Item 16: MOU with Ngāi Tahu Property**

**Item 17: Lakeview Hot Pools (Ngāi Tahu Tourism) Reserves Lease**

**Item 18: Resolution in relation to Housing Infrastructure Fund (“HIF”) funding and related arrangements in connection with the projects at Kingston, Ladies Mile and Quail Rise**

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
14a. TechnologyOne: Software as a Service	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)
15. New Solid Waste Services Contract	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
16. MOU with Ngāi Tahu Property	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
17. Lakeview Hot Pools (Ngāi Tahu Tourism) Reserves Lease	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)
18. Resolution in relation to Housing Infrastructure Fund (“HIF”) funding and related arrangements in connection with the projects at Kingston, Ladies Mile and Quail Rise	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, commercial activities	Section 7(2)(h)

### **Agenda items**

- Item 1:** *Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area (Attachment B)*
- Item 11a:** *North East Frankton Storm Water Project, Stage 1*
- Item 12:** *Lakeview Sale and Development Plan*



General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
1. Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area (Attachment B)	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; i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(h)  Section 7(2)(i)
11a. North East Frankton Storm Water Project, Stage 1	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)
12. Lakeview Sale and Development Plan	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

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